

# Industrial Property

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# INTERNATIONAL UNIONS

## Vienna Agreement for the Protection of Type Faces and their International Deposit

Done at Vienna on June 12, 1973

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The Contracting States,

Desiring, in order to encourage the creation of type faces, to provide an effective protection thereof,

Conscious of the role which type faces play in the dissemination of culture and of the special requirements which their protection must fulfil,

Have agreed as follows:

### Introductory Provisions

#### Article 1

##### Establishment of a Union

The States party to this Agreement constitute a Union for the protection of type faces.

#### Article 2

##### Definitions

For the purposes of this Agreement and the Regulations,

(i) "type faces" means sets of designs of:

- (a) letters and alphabets as such with their accessories such as accents and punctuation marks,
- (b) numerals and other figurative signs such as conventional signs, symbols and scientific signs,
- (c) ornaments such as borders, fleurons and vignettes,

which are intended to provide means for composing texts by any graphic technique. The term "type faces" does not include type faces of a form dictated by purely technical requirements;

(ii) "International Register" means the International Register of Type Faces;

(iii) "international deposit" means the deposit effected for the purposes of recording in the International Register;

(iv) "applicant" means the natural person who, or the legal entity which, effects an international deposit;

(v) "owner of the international deposit" means the natural person or the legal entity in whose name the international deposit is recorded in the International Register;

(vi) "Contracting States" means the States party to this Agreement;

(vii) "Union" means the Union established by this Agreement;

(viii) "Assembly" means the Assembly of the Union;

(ix) "Paris Convention" means the Convention for the Protection of Industrial Property signed on March 20, 1883, including any of its revisions;

(x) "Organization" means the World Intellectual Property Organization;

\* This Table of Contents is added for the convenience of the reader. It does not appear in the signed text of the Agreement.

- (xi) "International Bureau" means the International Bureau of the Organization and, as long as it subsists, the United International Bureaux for the Protection of Intellectual Property (BIRPI);
- (xii) "Director General" means the Director General of the Organization;
- (xiii) "Regulations" means the Regulations under this Agreement.

## CHAPTER I

### National Protection

#### Article 3

##### Principle and Kinds of Protection

The Contracting States undertake, in accordance with the provisions of this Agreement, to ensure the protection of type faces, by establishing a special national deposit, or by adapting the deposit provided for in their national industrial design laws, or by their national copyright provisions. These kinds of protection may be cumulative.

#### Article 4

##### Natural Persons and Legal Entities Protected

(1) In Contracting States which declare under Article 34 that they intend to ensure protection by establishing a special national deposit or by adapting their national industrial design laws, the protection of this Agreement shall apply to natural persons who, or legal entities which, are residents or nationals of a Contracting State.

(2) (a) In Contracting States which declare under Article 34 that they intend to ensure protection by their national copyright provisions, the protection of this Agreement shall apply to:

- (i) creators of type faces who are nationals of one of the Contracting States;
- (ii) creators of type faces who are not nationals of one of the Contracting States but whose type faces are published for the first time in one of such States.

(b) Any Contracting State referred to in subparagraph (a) may assimilate creators of type faces who have their habitual residence or domicile in a Contracting State to creators of type faces who are nationals of that State.

(3) For the purposes of the Agreement, any association of natural persons or legal entities which, under the national law of the State according to which it is constituted, may acquire rights and assume obligations, notwithstanding the fact that it is not a legal entity, shall be assimilated to a legal entity. However, any Contracting State may protect, in lieu of the said association, the natural persons or legal entities constituting it.

#### Article 5

##### National Treatment

(1) Each Contracting State shall be obliged to grant to all natural persons and legal entities entitled to claim the benefits of this Agreement the protection afforded to its nationals

according to the kind of protection which such Contracting State declares under Article 34.

(2) If a Contracting State referred to in Article 4(2) requires, under its domestic law, compliance with formalities as a condition of protecting type faces, these should be considered as fulfilled, with respect to type faces whose creators are referred to in Article 4(2), if all the copies of the type faces published with the authority of the creator or other owner entitled to protection are accompanied by or, as the case may be, bear a notice consisting of the symbol © accompanied by the name of the owner entitled to protection and the year date of the first such publication placed in such a manner as to give reasonable notice of claim of protection.

#### Article 6

##### Concepts of Residence and Nationality

(1) (a) Any natural person shall be regarded as a resident of a Contracting State for the purposes of Articles 4(1) and 13 if:

- (i) according to the national law of that State he is a resident of that State, or
- (ii) he has a real and effective industrial or commercial establishment in that State.

(b) Any natural person shall be regarded as a national of a Contracting State for the purposes of Articles 4(1) and 13 if, according to the national law of that State, he is a national of that State.

(2) (a) Any legal entity shall be regarded as a resident of a Contracting State for the purposes of Articles 4(1) and 13 if it has a real and effective industrial or commercial establishment in that State.

(b) Any legal entity shall be regarded as a national of a Contracting State for the purposes of Articles 4(1) and 13 if it is constituted according to the national law of that State.

(3) Where any natural person or legal entity invoking the benefits of this Agreement is a resident of one State and a national of another State, and where only one of those States is a Contracting State, the Contracting State alone shall be considered for the purposes of this Agreement and the Regulations.

#### Article 7

##### Conditions of Protection

(1) The protection of type faces shall be subject to the condition that they be novel, or to the condition that they be original, or to both conditions.

(2) The novelty and the originality of type faces shall be determined in relation to their style or overall appearance, having regard, if necessary, to the criteria recognized by the competent professional circles.

#### Article 8

##### Content of Protection

(1) Protection of type faces shall confer upon the owner thereof the right to prohibit:

(i) the making, without his consent, of any reproduction, whether identical or slightly modified, intended to provide means for composing texts by any graphic technique, irrespective of the technical means or material used;

(ii) the commercial distribution or importation of such reproductions without his consent.

(2) (a) Subject to subparagraph (b), the right defined in paragraph (1) applies irrespective of whether or not the protected type faces have been known to the maker of the reproduction.

(b) Contracting States in which originality is a condition of protection are not required to apply subparagraph (a).

(3) The right provided for in paragraph (1) shall also cover any reproduction of type faces obtained by the distortion, by any purely technical means, of the protected type faces, where the essential features thereof remain recognizable.

(4) The making of elements of type faces, by a person acquiring type faces, during the ordinary course of the composition of texts, shall not be considered a reproduction within the meaning of paragraph (1)(i).

(5) Contracting States may take legislative measures to avoid abuses which might result from the exercise of the exclusive right provided under this Agreement in cases where, apart from the protected type faces in question, no other type faces are available in order to achieve a particular purpose in the public interest. The legislative measures shall not, however, prejudice the right of the owner to just remuneration for the use of his type faces. Nor shall the protection of type faces under any circumstances be subject to any forfeiture either by reason of failure to work or by reason of the importation of reproductions of the protected type faces.

## Article 9

### Term of Protection

(1) The term of protection may not be less than fifteen years.

(2) The term of protection may be divided into several periods, each extension being granted only at the request of the owner of the protected type faces.

## Article 10

### Cumulative Protection

The provisions of this Agreement shall not preclude the making of a claim to the benefit of any more extensive protection granted by national laws and shall in no way affect the protection granted by other international conventions.

## Article 11

### Right of Priority

For the purposes of the right of priority, if applicable, national deposits of type faces shall be considered deposits of industrial designs.

## CHAPTER II

### International Deposit

#### Article 12

##### International Deposit and Recording

(1) Subject to the provisions of paragraph (2), the international deposit shall be effected direct with the International Bureau, which shall record it in the International Register in accordance with this Agreement and the Regulations.

(2) (a) The national law of any Contracting State may provide that international deposits by natural persons or legal entities residing in the respective State may be effected through the intermediary of the competent Office of that State.

(b) Where an international deposit is effected, as provided for in subparagraph (a), through the intermediary of a competent Office of a Contracting State, that Office shall indicate the date on which it received the international deposit and shall transmit the said deposit in good time to the International Bureau in the manner provided for in the Regulations.

#### Article 13

##### Right to Effect International Deposits and to Own Such Deposits

(1) Any natural person who, or legal entity which, is a resident or a national of a Contracting State may effect and be the owner of international deposits.

(2) (a) Any association of natural persons or legal entities which, under the national law of the State according to which it is constituted, may acquire rights and assume obligations, notwithstanding the fact that it is not a legal entity, shall have the right to effect international deposits and to own such deposits if it is a resident or national of a Contracting State.

(b) Subparagraph (a) shall be without prejudice to the application of the national law of any Contracting State. However, no such State shall refuse or cancel the effects provided for in Article 18 with respect to an association of the kind referred to in subparagraph (a) on the ground that it is not a legal entity if, within two months from the date of an invitation addressed to it by the competent Office of that State, the said association files with that Office a list of the names and addresses of all the natural persons or legal entities constituting it, together with a declaration that its members are engaged in a joint enterprise. In such a case, the said State may consider the natural persons or legal entities constituting the said association to be the owners of the international deposit, in lieu of the association itself, provided that the said persons or entities fulfil the conditions set forth in paragraph (1).

#### Article 14

##### Contents and Form of the International Deposit

(1) The international deposit shall contain:

(i) a signed instrument of international deposit declaring that the deposit is effected under this Agreement, and indicating the identity, residence, nationality and address of the applicant as well as the name of the creator of the

type faces for which protection is sought or that the creator has renounced being mentioned as such;

- (ii) a representation of the type faces;
  - (iii) payment of the prescribed fees.
- (2) The instrument of international deposit may contain:
- (i) a declaration claiming the priority of one or more earlier deposits effected in or for one or more States party to the Paris Convention;
  - (ii) an indication of the denomination given to the type faces by the applicant;
  - (iii) the appointment of a representative;
  - (iv) such additional indications as are provided for in the Regulations.

(3) The instrument of international deposit shall be in one of the languages prescribed by the Regulations.

### Article 15

#### Recording or Declining of the International Deposit

(1) Subject to paragraph (2), the International Bureau shall promptly record the international deposit in the International Register. The date of the international deposit shall be the date on which it was received by the International Bureau or, if the international deposit has been effected, as provided for in Article 12(2), through the intermediary of the competent Office of a Contracting State, the date on which that Office received the deposit, provided that the deposit reaches the International Bureau before the expiration of a period of one month following that date.

(2) (a) Where the International Bureau finds any of the following defects, it shall invite the applicant, unless it is clearly impossible to reach him, to correct the defect within three months from the date on which it sent the invitation:

- (i) the instrument of international deposit does not contain an indication that it is effected under this Agreement;
- (ii) the instrument of international deposit does not contain such indications concerning the residence and nationality of the applicant as to permit the conclusion that he has the right to effect international deposits;
- (iii) the instrument of international deposit does not contain such indications concerning the applicant as are necessary to permit him to be identified and reached by mail;
- (iv) the instrument of international deposit does not contain an indication of the name of the creator of the type faces or of the fact that the creator has renounced being mentioned as such;
- (v) the instrument of international deposit is not signed;
- (vi) the instrument of international deposit is not in one of the languages prescribed by the Regulations;
- (vii) the international deposit does not contain a representation of the type faces;
- (viii) the prescribed fees have not been paid.

(b) If the defect or defects are corrected in due time, the International Bureau shall record the international deposit in the International Register, and the date of the international deposit shall be the date on which the International Bureau receives the correction of the said defect or defects.

(c) If the defect or defects are not corrected in due time, the International Bureau shall decline the international deposit, inform the applicant accordingly, and reimburse to him part of the fees paid, as provided in the Regulations. If the international deposit is effected through the intermediary of the competent Office of a Contracting State, as provided for in Article 12(2), the International Bureau shall also inform that Office of the declining.

### Article 16

#### Avoiding Certain Effects of Declining

(1) Where the International Bureau has declined the international deposit, the applicant may, within two months from the date of the notification of the declining, effect, in respect of the type faces that were the subject of the international deposit, a national deposit with the competent Office of any Contracting State which ensures the protection of type faces by establishing a special national deposit or by adapting the deposit provided for in its national industrial design law.

(2) If the competent Office or any other competent authority of that Contracting State finds that the International Bureau has declined the international deposit in error, and provided the national deposit complies with all the requirements of the national law of the said State, the said national deposit shall be treated as if it had been effected on the date which would have been the date of the international deposit had that international deposit not been declined.

### Article 17

#### Publication and Notification of the International Deposit

International deposits recorded in the International Register shall be published by the International Bureau and notified by the latter to the competent Offices of the Contracting States.

### Article 18

#### Effect of the International Deposit

(1) In Contracting States which declare in accordance with Article 34 that they intend to ensure the protection of type faces by establishing a special national deposit or by adapting the deposit provided for in their national industrial design laws, the international deposit recorded in the International Register shall have the same effect as a national deposit effected on the same date.

(2) The Contracting States referred to in paragraph (1) may not require that the applicant comply with any additional formality, with the exception of such formalities as may be prescribed by their national laws for the exercise of the rights. However, Contracting States which undertake an ex officio novelty examination or make provision for opposition proceedings may prescribe the formalities required by such examination or such proceedings and charge the fees, with the exception of the publication fee, provided for in their national laws for such examination, the grant of protection and the renewal thereof.

## Article 19

### Right of Priority

(1) For the purposes of the right of priority, if applicable, the international deposit of type faces shall be considered an industrial design deposit within the meaning of Article 4 A of the Paris Convention.

(2) The international deposit shall be a regular filing within the meaning of Article 4 A of the Paris Convention if it is not declined pursuant to Article 15(2)(c) of this Agreement, and shall be considered to have been effected on the date accorded to it under Article 15(1) or (2)(b) of this Agreement.

## Article 20

### Change in the Ownership of the International Deposit

(1) Any change in the ownership of the international deposit shall, on request, be recorded in the International Register by the International Bureau.

(2) The change in the ownership of the international deposit shall not be recorded in the International Register if, according to the indications furnished by the person requesting the recording of the change, the new owner of the international deposit does not have the right to effect international deposits.

(3) The change in the ownership of the international deposit may relate to one or more of the Contracting States referred to in Article 18(1). In such a case, renewal of the international deposit must subsequently be applied for separately by each of the owners of the international deposit as far as he is concerned.

(4) The request for the recording of a change in the ownership of the international deposit shall be presented in the form, and accompanied by the fee, prescribed in the Regulations.

(5) The International Bureau shall record the change in the ownership of the international deposit in the International Register, shall publish it, and shall notify it to the competent Offices of the Contracting States.

(6) The recording of the change in the ownership of the international deposit in the International Register shall have the same effect as if the request for such recording had been filed direct with the competent Office of each of the Contracting States referred to in Article 18(1) which are concerned by the said change in ownership.

## Article 21

### Withdrawal and Renunciation of the International Deposit

(1) The applicant may withdraw his international deposit by a declaration addressed to the International Bureau.

(2) The owner of the international deposit may at any time renounce his international deposit by a declaration addressed to the International Bureau.

(3) Withdrawal and renunciation may relate to a part or the whole of the type faces which are the subject of the international deposit, or to their denomination, and to one or more of the Contracting States referred to in Article 18(1).

(4) The International Bureau shall record the renunciation in the International Register, shall publish it, and shall notify it to the competent Offices of the Contracting States.

(5) Renunciation recorded in the International Register shall have the same effect as if it had been communicated direct to the competent Office of each of the Contracting States referred to in Article 18(1).

## Article 22

### Other Amendments to the International Deposit

(1) The owner of the international deposit may at any time amend the indications appearing in the instrument of international deposit.

(2) Type faces which are the subject of an international deposit may not be amended.

(3) Amendments shall be subject to the payment of the fees prescribed in the Regulations.

(4) The International Bureau shall record amendments in the International Register, shall publish them, and shall notify them to the competent Offices of the Contracting States.

(5) Amendments recorded in the International Register shall have the same effect as if they had been communicated direct to the competent Office of each of the Contracting States referred to in Article 18(1).

## Article 23

### Term and Renewal of the International Deposit

(1) The international deposit shall have effect for an initial term of ten years from the date of such deposit.

(2) The effect of the international deposit may be extended for terms of five years on the basis of demands for renewal submitted by the owner of the international deposit.

(3) Each new term shall commence on the day following that on which the previous term expires.

(4) The demand for renewal shall be presented in the form, and accompanied by the fees, prescribed by the Regulations.

(5) The International Bureau shall record the renewal in the International Register, shall publish it, and shall notify it to the competent Offices of the Contracting States.

(6) Renewal of the international deposit shall replace such renewals as may be provided for in the national laws. However, the international deposit may not, in any Contracting State referred to in Article 18(1), have effect after the maximum term of protection provided for in the national law of that State has expired.

## Article 24

### Regional Treaties

(1) Two or more Contracting States may notify the Director General that a common Office shall be substituted for the national Office of each of them, and that their territories, as a whole, shall be deemed a single State for the purposes of international deposit.

(2) Such notification shall take effect three months after the date on which the Director General receives it.

## Article 25

## Representation Before the International Bureau

(1) Applicants and owners of international deposits may be represented before the International Bureau by any person empowered by them to that effect (hereinafter referred to as "the duly appointed representative").

(2) Any invitation, notification or other communication addressed by the International Bureau to the duly appointed representative shall have the same effect as if it had been addressed to the applicant or the owner of the international deposit. Any deposit, request, demand, declaration or other document whose signature by the applicant or the owner of the international deposit is required in proceedings before the International Bureau, except the document appointing the representative or revoking his appointment, may be signed by his duly appointed representative, and any communication from the duly appointed representative to the International Bureau shall have the same effect as if it had been effected by the applicant or the owner of the international deposit.

(3) (a) Where there are several applicants, they shall appoint a common representative. In the absence of such appointment, the applicant first named in the instrument of international deposit shall be considered the duly appointed representative of all the applicants.

(b) Where there are several owners of an international deposit, they shall appoint a common representative. In the absence of such appointment, the natural person or legal entity first named among the said owners in the International Register shall be considered the duly appointed common representative of all the owners of the international deposit.

(c) Subparagraph (b) shall not apply to the extent that the owners own the international deposit in respect of different Contracting States.

## CHAPTER III

## Administrative Provisions

## Article 26

## Assembly

(1) (a) The Assembly shall consist of the Contracting States.

(b) The Government of each Contracting State shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(2) (a) The Assembly shall:

- (i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Agreement;
- (ii) exercise such rights and perform such tasks as are specially conferred upon it or assigned to it under this Agreement;
- (iii) give directions to the Director General concerning the preparation for revision conferences;
- (iv) review and approve the reports and activities of the Director General concerning the Union, and give him

all necessary instructions concerning matters within the competence of the Union;

- (v) determine the program, adopt the triennial budget of the Union, and approve its final accounts;
- (vi) adopt the financial regulations of the Union;
- (vii) establish such committees and working groups as it deems appropriate to facilitate the work of the Union and of its organs;
- (viii) determine which States other than Contracting States and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;
- (ix) take any other appropriate action designed to further the objectives of the Union and perform such other functions as are appropriate under this Agreement.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) A delegate may represent, and vote in the name of, one Contracting State only.

(4) Each Contracting State shall have one vote.

(5) (a) One-half of the Contracting States shall constitute a quorum.

(b) In the absence of the quorum, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the quorum and the required majority are attained through voting by correspondence as provided in the Regulations.

(6) (a) Subject to the provisions of Articles 29(3) and 32(2)(b), the decisions of the Assembly shall require a majority of the votes cast.

(b) Abstentions shall not be considered as votes.

(7) (a) The Assembly shall meet once in every third calendar year in ordinary session upon convocation by the Director General, preferably during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, either on his own initiative or at the request of one-fourth of the Contracting States.

(8) The Assembly shall adopt its own rules of procedure.

## Article 27

## International Bureau

(1) The International Bureau shall:

- (i) perform the administrative tasks concerning the Union; in particular, it shall perform such tasks as are specifically assigned to it under this Agreement or by the Assembly;
- (ii) provide the secretariat of revision conferences, of the Assembly, of committees and working groups established by the Assembly, and of any other meeting convened by the Director General and dealing with matters of concern to the Union.



(2) The Director General shall be the chief executive of the Union and shall represent the Union.

(3) The Director General shall convene any committee and working group established by the Assembly and all other meetings dealing with matters of concern to the Union.

(4) (a) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the committees and working groups established by the Assembly, and any other meeting convened by the Director General and dealing with matters of concern to the Union.

(b) The Director General, or a staff member designated by him, shall be ex officio secretary of the Assembly, and of the committees, working groups and other meetings referred to in subparagraph (a).

(5) (a) The Director General shall, in accordance with the directions of the Assembly, make the preparations for revision conferences.

(b) The Director General may consult with intergovernmental and international non-governmental organizations concerning the preparations for revision conferences.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at revision conferences.

(d) The Director General, or a staff member designated by him, shall be ex officio secretary of any revision conference.

## Article 28

### Finances

(1) (a) The Union shall have a budget.

(b) The budget of the Union shall include the income and expenses proper to the Union, its contribution to the budget of expenses common to the Unions administered by the Organization and any sum made available to the budget of the Conference of the Organization.

(c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be regarded as expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

(2) The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) (a) The budget of the Union shall be financed from the following sources:

- (i) fees and other charges due for services rendered by the International Bureau in relation to the Union;
- (ii) sale of, or royalties on, the publications of the International Bureau concerning the Union;
- (iii) gifts, bequests, and subventions;
- (iv) rents, interests, and other miscellaneous income;
- (v) the contributions of Contracting States, in so far as income deriving from the sources mentioned under (i) to (iv) is not sufficient to cover the expenses of the Union.

(b) The amounts of fees and charges due to the International Bureau under subparagraph (a)(i) and the prices of its publications shall be so fixed that they should, under normal circumstances, be sufficient to cover the expenses of the International Bureau connected with the administration of this Agreement.

(c) If the income exceeds the expenses, the difference shall be credited to a reserve fund.

(d) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(4) (a) For the purpose of establishing its contribution as provided in paragraph (3)(a)(v), each Contracting State shall belong to a class, and shall pay its contribution on the basis of a number of units fixed as follows:

Class I . . . . .	25
Class II . . . . .	20
Class III . . . . .	15
Class IV . . . . .	10
Class V . . . . .	5
Class VI . . . . .	3
Class VII . . . . .	1

(b) Unless it has already done so, each Contracting State shall indicate, concurrently with depositing its instrument of ratification or accession, the class to which it wishes to belong. Any country may change class. If it chooses a lower class, it must announce such change to the Assembly at one of its ordinary sessions. Any such change shall take effect at the beginning of the calendar year following the said session.

(c) The contribution of each Contracting State shall be an amount in the same proportion to the total sum to be contributed as the number of its units is to the total of the units of all the Contracting States.

(d) Contributions shall be payable on the first of January of the year for which they are due.

(5) (a) The Union shall have a working capital fund which shall be constituted by a single payment made by each Contracting State. If the fund becomes insufficient, the Assembly shall arrange to increase it. If part of the fund is no longer needed, it shall be reimbursed.

(b) The amount of the initial payment of each Contracting State to the said fund or of its participation in the increase thereof shall be a proportion of the contribution which that State may be required to pay under paragraph (3)(a)(v) for the year in which the fund is established or the decision to increase it is made.

(c) The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(d) Any reimbursement under subparagraph (a) shall be proportionate to the amounts paid by each Contracting State, taking into account the dates at which they were paid.

(e) If a working capital fund of sufficient amount can be constituted by borrowing from the reserve fund, the

Assembly may suspend the application of subparagraphs (a) to (d).

(6) (a) In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such State shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such State and the Organization. As long as it remains under the obligation to grant advances, such State shall have an ex officio seat in the Assembly if it is not a Contracting State.

(b) The State referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(7) The auditing of the accounts shall be effected by one or more of the Contracting States or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

#### Article 29 Regulations

(1) The Regulations provide rules:

- (i) concerning matters in respect of which this Agreement expressly refers to the Regulations or expressly provides that they are or shall be prescribed;
- (ii) concerning any administrative requirements, matters or procedures;
- (iii) concerning any details useful in the implementation of this Agreement.

(2) The Regulations adopted at the same time as this Agreement are annexed to this Agreement.

(3) The Assembly may amend the Regulations, and such amendments shall require two-thirds of the votes cast.

(4) In the case of conflict between the provisions of this Agreement and those of the Regulations, the provisions of this Agreement shall prevail.

### CHAPTER IV Disputes

#### Article 30 Disputes

(1) Any dispute between two or more Contracting States concerning the interpretation or application of this Agreement or the Regulations, not settled by negotiation, may, by any of the Contracting States concerned, be brought before the International Court of Justice by application in conformity with the Statute of the Court, unless the Contracting States concerned agree on some other method of settlement. The Contracting State bringing the dispute before the Court shall inform the International Bureau; the International Bureau shall bring the matter to the attention of the other Contracting States.

(2) Each Contracting State may, at the time it signs this Agreement or deposits its instrument of ratification or accession, declare that it does not consider itself bound by the provisions of paragraph (1). With regard to any dispute between any Contracting State having made such a declaration and any other Contracting State, the provisions of paragraph (1) shall not apply.

(3) Any Contracting State having made a declaration in accordance with the provisions of paragraph (2) may, at any time, withdraw its declaration by notification addressed to the Director General.

### CHAPTER V Revision and Amendment

#### Article 31 Revision of the Agreement

(1) This Agreement may be revised from time to time by a conference of the Contracting States.

(2) The convocation of any revision conference shall be decided by the Assembly.

(3) Articles 26, 27, 28 and 32 may be amended either by a revision conference or according to the provisions of Article 32.

#### Article 32 Amendment of Certain Provisions of the Agreement

(1) (a) Proposals for the amendment of Articles 26, 27, 28 and the present Article, may be initiated by any Contracting State or by the Director General.

(b) Such proposals shall be communicated by the Director General to the Contracting States at least six months in advance of their consideration by the Assembly.

(2) (a) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly.

(b) Adoption shall require three-fourths of the votes cast, provided that adoption of any amendment to Article 26 and to the present subparagraph shall require four-fifths of the votes cast.

(3) (a) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the Contracting States members of the Assembly at the time the Assembly adopted the amendment.

(b) Any amendment to the said Articles thus accepted shall bind all the Contracting States which were Contracting States at the time the amendment was adopted by the Assembly, provided that any amendment increasing the financial obligations of the said Contracting States shall bind only those States which have notified their acceptance of such amendment.

(c) Any amendment which has been accepted and which has entered into force in accordance with the provisions of subparagraph (a) shall bind all States which become

Contracting States after the date on which the amendment was adopted by the Assembly.

## CHAPTER VI

### Final Provisions

#### Article 33

##### Becoming Party to the Agreement

(1) (a) Subject to subparagraph (b), any State member of either the International Union for the Protection of Industrial Property or the International Union for the Protection of Literary and Artistic Works, or party to the Universal Copyright Convention or to the latter Convention as revised, may become party to this Agreement by:

- (i) signature followed by the deposit of an instrument of ratification, or
- (ii) deposit of an instrument of accession.

(b) States which intend to ensure the protection of type faces by establishing a special national deposit or by adapting the deposit provided for in their national industrial design laws may only become party to this Agreement if they are members of the International Union for the Protection of Industrial Property. States which intend to ensure the protection of type faces by their national copyright provisions may only become party to this Agreement if they are either members of the International Union for the Protection of Literary and Artistic Works or party to the Universal Copyright Convention or to the latter Convention as revised.

(2) Instruments of ratification or accession shall be deposited with the Director General.

(3) The provisions of Article 24 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property shall apply to this Agreement.

(4) Paragraph (3) shall in no way be understood as implying the recognition or tacit acceptance by a Contracting State of the factual situation concerning a territory to which this Agreement is made applicable by another Contracting State by virtue of the said paragraph.

#### Article 34

##### Declarations Concerning National Protection

(1) At the time of depositing its instrument of ratification or accession, each State shall, by a notification addressed to the Director General, declare whether it intends to ensure the protection of type faces by establishing a special national deposit, or by adapting the deposit provided for in its national industrial design laws, or by its national copyright provisions or by more than one of these kinds of protection. Any such State which intends to ensure protection by its national copyright provisions shall declare at the same time whether it intends to assimilate creators of type faces who have their habitual residence or domicile in a Contracting State to creators of type faces who are nationals of that State.

(2) Any subsequent modification of the declarations made in accordance with paragraph (1) shall be indicated by a further notification addressed to the Director General.

#### Article 35

##### Entry Into Force of the Agreement

(1) This Agreement shall enter into force three months after five States have deposited their instruments of ratification or accession.

(2) Any State which is not among those referred to in paragraph (1) shall become bound by this Agreement three months after the date on which it has deposited its instrument of ratification or accession, unless a later date has been indicated in the instrument of ratification or accession. In the latter case, this Agreement shall enter into force with respect to that State on the date thus indicated.

(3) The provisions of Chapter II of this Agreement shall become applicable, however, only on the date on which at least three of the States for which this Agreement has entered into force under paragraph (1) afford protection to type faces by establishing a special national deposit or by adapting the deposit provided for in their national industrial design laws. For the purpose of this paragraph, the States party to the same regional treaty which gave notification under Article 24 shall count as one State only.

#### Article 36

##### Reservations

No reservations to this Agreement other than the reservation under Article 30(2) are permitted.

#### Article 37

##### Loss of Status of Party to the Agreement

Any Contracting State shall cease to be party to this Agreement when it no longer meets the conditions set forth in Article 33(1)(b).

#### Article 38

##### Denunciation of the Agreement

(1) Any Contracting State may denounce this Agreement by notification addressed to the Director General.

(2) Denunciation shall take effect one year after the day on which the Director General has received the notification.

(3) The right of denunciation provided for in paragraph (1) shall not be exercised by any Contracting State before the expiration of five years from the date on which it becomes party to this Agreement.

(4) (a) The effects of this Agreement on type faces enjoying the benefits of Articles 12 to 25 on the day preceding the day on which the denunciation by any Contracting State takes effect shall subsist in that State until the expiration of the term of protection which, subject to Article 23(6), was running on that date according to Article 23.

(b) The same shall apply in Contracting States other than the denouncing State in respect of international deposits owned by a resident or national of the denouncing State.

### Article 39

#### Signature and Languages of the Agreement

(1) (a) This Agreement shall be signed in a single original in the English and French languages, both texts being equally authentic.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in the German, Italian, Japanese, Portuguese, Russian and Spanish languages, and such other languages as the Assembly may designate.

(2) This Agreement shall remain open for signature at Vienna until December 31, 1973.

### Article 40

#### Depositary Functions

(1) The original of this Agreement, when no longer open for signature, shall be deposited with the Director General.

(2) The Director General shall transmit two copies, certified by him, of this Agreement and the Regulations annexed thereto to the Governments of all the States referred to in Article 33(1)(a) and, on request, to the Government of any other State.

(3) The Director General shall register this Agreement with the Secretariat of the United Nations.

(4) The Director General shall transmit two copies, certified by him, of any amendment to this Agreement and to the

Regulations to the Governments of the Contracting States and, on request, to the Government of any other State.

### Article 41

#### Notifications

The Director General shall notify the Governments of States referred to in Article 33(1)(a) of:

- (i) signatures under Article 39;
- (ii) deposits of instruments of ratification or accession under Article 33(2);
- (iii) the date of entry into force of this Agreement under Article 35(1) and the date from which Chapter II is applicable in accordance with Article 35(3);
- (iv) declarations concerning national protection notified under Article 34;
- (v) notifications concerning regional treaties under Article 24;
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**Rule Concerning These Regulations**

**Rule 1**

**Abbreviated Expressions**

1.1 "Agreement"

In these Regulations, the word "Agreement" means the Vienna Agreement for the Protection of Type Faces and their International Deposit.

1.2 "Article"

In these Regulations, the word "Article" refers to the specified Article of the Agreement.

1.3 "Bulletin"

In these Regulations, the word "Bulletin" means the *International Bulletin of Type Faces* / *Bulletin international des caractères typographiques*.

1.4 "Table of Fees"

In these Regulations, the words "Table of Fees" mean the Table of Fees annexed hereto.

**Rules Concerning Chapter II of the Agreement**

**Rule 2**

**Representation Before the International Bureau**

2.1 *Number of Duly Appointed Representatives*

(a) The applicant and the owner of the international deposit may appoint only one representative.

(b) Where several natural persons or legal entities have been indicated as representatives by the applicant or the owner of the international deposit, the natural person or legal entity first mentioned in the document in which they are indicated shall be regarded as the only duly appointed representative.

(c) Where the representative is a partnership or firm composed of attorneys or patent or trademark agents, it shall be regarded as one representative.

2.2 *Form of Appointment*

(a) A representative shall be regarded as a "duly appointed representative" if his appointment complies with the prescriptions of paragraphs (b) to (e).

(b) The appointment of any representative shall require:

(i) that his name appear as that of a representative in the instrument of international deposit and that such document bear the signature of the applicant, or

(ii) that a separate power of attorney (i.e., a document appointing the representative), signed by the applicant or the owner of the international deposit, be filed with the International Bureau.

(c) Where there are several applicants or owners of the international deposit, the document containing or constituting the appointment of their common representative shall be signed by all of them.

(d) Any document containing or constituting the appointment of a representative shall indicate his name and his address. Where the representative is a natural person, his name shall be indicated by his family name and given name(s), the family name being indicated before the given name(s). Where the representative is a legal entity or a partnership or firm of attorneys or patent or trademark agents, "name" shall mean the complete name of the legal entity or partnership or firm. The address of the representative shall be indicated in the same manner as that provided for in respect of the applicant in Rule 5.2(c).

(e) The document containing or constituting the appointment shall contain no words which, contrary to Article 25(2), would limit the powers of the representative to certain matters or exclude certain matters from the powers of the representative or limit such powers in time.

(f) Where the appointment does not comply with the requirements referred to in paragraphs (b) to (e), it shall be treated by the International Bureau as if it had not been made, and the applicant or the owner of the international deposit as well as the natural person, the legal entity, the partnership or firm which was indicated as the representative in the purported appointment shall be informed of this fact by the International Bureau.

(g) The Administrative Instructions shall provide recommended wording for the appointment.

2.3 *Revocation or Renunciation of Appointment*

(a) The appointment of any representative may be revoked at any time by the natural person who, or legal entity which, has appointed that representative. The revocation shall be effective even if only one of the natural persons who, or legal entities which, have appointed the representative revokes the appointment.

(b) Revocation shall require a written document signed by the natural person or the legal entity referred to in paragraph (a).

(c) The appointment of a representative as provided in Rule 2.2 shall be regarded as the revocation of any earlier appointment of any other representative. The appointment shall preferably indicate the name of the other earlier appointed representative.

(d) Any representative may renounce his appointment by means of a notification signed by him and addressed to the International Bureau.

2.4 *General Powers of Attorney*

The appointment of a representative in a separate power of attorney (i.e., a document appointing the representative) may be general in the sense that it relates to more than one instrument of international deposit and more than one international deposit in respect of the same natural person or legal entity. The identification of such instruments of international deposit and such international deposits, as well as other details in respect of such general power of attorney and of its revocation or renunciation, shall be provided in the Administrative Instructions. The Administrative Instructions may provide for a fee payable in connection with the filing of general powers of attorney.

2.5 *Substitute Representative*

(a) The appointment of the representative referred to in Rule 2.2(b) may indicate also one or more natural persons as substitute representatives.

(b) For the purposes of the second sentence of Article 25(2), substitute representatives shall be considered as representatives.

(c) The appointment of any substitute representative may be revoked at any time by the natural person who, or legal entity which, has appointed the representative or by the representative. Revocation shall require a written document signed by the said natural person, legal entity or representative. It shall be effective, as far as the International Bureau is concerned, as from the date of receipt of the said document by that Bureau.

#### 2.6 Recording, Notification and Publication

Each appointment of a representative or of a substitute representative, its revocation and its renunciation, shall be recorded, notified to the applicant or owner of the international deposit, published and notified to the competent Offices of the Contracting States.

### Rule 3

#### The International Register

##### 3.1 Contents of the International Register; Keeping of the International Register

(a) The International Register shall contain, in respect of each international deposit recorded therein:

- (i) all the indications that must or may be furnished under the Agreement or these Regulations, and that have in fact been furnished, to the International Bureau, and, where relevant, the date on which such indications were received by that Bureau;
- (ii) the representation of the deposited type faces;
- (iii) the number and the date of the international deposit and the numbers, if any, and the dates of all recordings relating to that deposit;
- (iv) the amount of all fees received and the date or dates on which they were received by the International Bureau;
- (v) any other indication whose recording is provided for by the Agreement or these Regulations.

(b) The Administrative Instructions shall regulate the establishment of the International Register, and, subject to the Agreement and these Regulations, shall specify the form in which it shall be kept and the procedure which the International Bureau shall follow for making recordings therein and for preserving it from loss or other damage.

### Rule 4

#### Applicants; Owners of International Deposits

##### 4.1 Several Applicants; Several Owners of the International Deposit

(a) If there are several applicants, they shall have the right to effect an international deposit only if all of them are residents or nationals of Contracting States.

(b) If there are several owners of an international deposit, they shall have the right to own such a deposit only if all of them are residents or nationals of Contracting States.

### Rule 5

#### Mandatory Contents of the Instrument of International Deposit

##### 5.1 Declaration that the International Deposit is Effected Under the Agreement

(a) The declaration referred to in Article 14(1)(i) shall be worded as follows:

"The undersigned requests that the deposit of the type faces of which a representation is enclosed herewith be recorded in the International Register established under the Vienna Agreement for the Protection of Type Faces and their International Deposit."

(b) The declaration may, however, be worded differently if it has the same effect.

##### 5.2 Indications Concerning the Applicant

(a) The applicant's identity shall be indicated by his name. If the applicant is a natural person, his name shall be indicated by his family name and given name(s), the family name being indicated before the

given name(s). If the applicant is a legal entity, its name shall be indicated by the full, official designation of the said entity.

(b) The applicant's residence and nationality shall be indicated by the name(s) of the State(s) of which he is a resident and of which he is a national.

(c) The applicant's address shall be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and shall, in any case, consist of all the relevant administrative units up to, and including, the house number, if any. Any telegraphic and teletype address and telephone number that the applicant may have should preferably be indicated. For each applicant, only one address shall be indicated; if several addresses are indicated, only the one first mentioned in the instrument of international deposit shall be considered.

(d) Where the applicant bases his right to effect international deposits on the fact that he has a real and effective industrial or commercial establishment in a Contracting State, he shall mention that fact and specify the State in question.

##### 5.3 Name of the Creator of the Type Faces

The creator of the type faces should be indicated by name. His name shall comprise the family name and given name(s), the family name being indicated before the given name(s).

##### 5.4 Indications Concerning the Type Faces

The instrument of international deposit shall indicate the number of sheets bearing representations of the type faces which are the subject of the deposit.

##### 5.5 Indications Concerning Fees

The instrument of international deposit shall indicate the amount paid and contain the other indications prescribed by Rule 22.5.

##### 5.6 International Deposit Effected Through the Intermediary of the Competent Office of a Contracting State

The indication referred to in Article 12(2)(b) shall be worded as follows:

"The ... (1) certifies that the present international deposit was received by it on ... (2)."

(1) Indicate the name of the competent Office. (2) Indicate the date.

### Rule 6

#### Optional Contents of the Instrument of International Deposit

##### 6.1 Naming of a Representative

The instrument of international deposit may indicate a representative.

##### 6.2 Claiming of Priority

(a) The declaration referred to in Article 14(2)(i) shall consist of a statement to the effect that the priority of an earlier deposit is claimed and shall indicate:

- (i) where the earlier deposit is not an international deposit, the State in which such earlier deposit was effected;
- (ii) where the earlier deposit is not an international deposit, the nature of that deposit (type face deposit or industrial design deposit);
- (iii) the date of the earlier deposit;
- (iv) the number of the earlier deposit.

(b) If the declaration does not contain the indications referred to in paragraph (a)(i) to (iii), the International Bureau shall treat the declaration as if it had not been made.

(c) If the earlier deposit number referred to in paragraph (a)(iv) is not indicated in the declaration but is furnished by the applicant or the owner of the international deposit to the International Bureau prior to the expiration of the tenth month from the date of the earlier deposit, it shall be considered to have been included in the declaration and shall be published by the International Bureau.

(d) If the date of the earlier deposit as indicated in the declaration precedes the date of the international deposit by more than six months,



the International Bureau shall treat the declaration as if it had not been made.

(e) If the declaration referred to in Article 14(2)(i) claims the priority of more than one earlier deposit, the provisions of paragraphs (a) to (d) shall apply to each of them.

### 6.3 Denomination of the Type Faces

Where a denomination relates only to a part of the type faces, the instrument of international deposit shall clearly indicate those to which it does relate. The same shall apply where more than one denomination is indicated.

## Rule 7

### Language of the Instrument of International Deposit, Recordings, Notifications and Correspondence

#### 7.1 Language of the Instrument of International Deposit

(a) The instrument of international deposit shall be in the English or in the French language.

(b) The Administrative Instructions may provide that the headings of the model form referred to in Rule 8.1 shall also be in languages other than English and French.

#### 7.2 Language of Recordings, Notifications and Correspondence

(a) Recordings and notifications by the International Bureau shall be in the same language as that of the instrument of international deposit.

(b) Correspondence between the International Bureau and the applicant or the owner of the international deposit shall be in the same language as that of the instrument of international deposit.

(c) Letters or other written communications from the competent Offices of Contracting States to the International Bureau shall be in the English or in the French language.

(d) Letters from the International Bureau to any competent Office of a Contracting State shall be in English or French according to the wish of that Office; any matter in such letters quoted from the International Register shall be in the language in which such matter appears in that Register.

(e) Where the International Bureau is under the obligation to forward to the applicant or the owner of the international deposit any of the communications referred to in paragraph (c), it shall forward them in the language in which it received them.

## Rule 8

### Form of the Instrument of International Deposit

#### 8.1 Model Form

(a) The instrument of international deposit shall be established in accordance with the model form issued by the International Bureau. Printed copies of the model form shall be furnished free of charge, on request, by the International Bureau.

(b) The form shall be filled in preferably by typewriter and shall be easily legible.

#### 8.2 Copies; Signature

(a) The instrument of international deposit shall be filed in one copy.

(b) The instrument of international deposit shall be signed by the applicant.

#### 8.3 No Additional Matter

(a) The instrument of international deposit shall not contain any matter and shall not be accompanied by any document other than those prescribed or permitted by the Agreement and these Regulations.

(b) If the instrument of international deposit contains matter other than matter so prescribed or permitted, the International Bureau shall delete it ex officio; and if it is accompanied by any document other than those prescribed or permitted, the International Bureau shall treat it as if it had not been transmitted to it and shall return the said document to the applicant.

## Rule 9

### Representation of Type Faces

#### 9.1 Form of Representation

(a) Type faces which are the subject of an international deposit shall be represented on one side only of one or more sheets of paper of A4 size (29.7 cm × 21 cm.), separate from the instrument of international deposit. A margin shall be left of at least 1.5 cm. from all four edges of each sheet.

(b) Letters and signs shall be presented in such a way that the tallest letter or sign within a set shall be not less than 10 mm., and they shall be separated from one another by their normal inter-letter spacing.

(c) The representation of the type faces shall also include a text of not less than three lines composed with the characters which are the subject of the international deposit. The text need not necessarily be in English or French or in the minimum dimensions required under paragraph (b).

(d) The representation of the type faces shall be of a quality admitting of direct reproduction by photography and printing processes.

#### 9.2 Other Indications

The sheet bearing the representation of the type faces shall also bear the name of the applicant and his signature. If there are several sheets, each shall contain the same indications and each shall be numbered.

## Rule 10

### Fees Payable with the International Deposit

#### 10.1 Kinds and Amounts of Fees

(a) The fees payable with the international deposit shall be:

- (i) a deposit fee;
- (ii) a publication fee.

(b) The amount of each of those fees is indicated in the Table of Fees.

## Rule 11

### Defects in the International Deposit

#### 11.1 Notification of Declining of International Deposit and Reimbursement of Publication Fee

Where, under Article 15(2)(c), the International Bureau declines the international deposit, it shall notify the applicant, stating the grounds for declining, and shall reimburse to him the publication fee which has been paid.

#### 11.2 Defects Peculiar to an International Deposit Effected Through the Intermediary of the Competent Office of a Contracting State

Where the instrument of international deposit presented through the intermediary of the competent Office of a Contracting State under Article 12(2):

- (i) does not indicate that the applicant is a resident of the State through the intermediary of whose Office the international deposit was effected, or
- (ii) does not contain a statement by the said Office indicating the date on which that Office received the said deposit, or
- (iii) contains the said statement indicating a date which precedes by more than one month the date on which the International Bureau received the international deposit,

the international deposit shall be treated as if it had been effected direct with the International Bureau on the date it reached the Bureau. The International Bureau shall inform accordingly the Office through the intermediary of which the international deposit was effected.

## Rule 12

### Procedure Where Avoiding Certain Effects of Declining Is Sought

#### 12.1 Information Available to Competent Offices of Contracting States

At the request of the applicant or of the interested competent Office, the International Bureau shall send to that Office a copy of the file of the



declined international deposit, together with a memorandum setting out the grounds for and the various steps leading to the declining of the said application.

### Rule 13

#### International Deposit Certificate

##### 13.1 *International Deposit Certificate*

Once the International Bureau has recorded the international deposit, it shall issue to the owner thereof an international deposit certificate, the contents of which are provided for in the Administrative Instructions.

### Rule 14

#### Publication of International Deposits

##### 14.1 *Contents of Publication of the International Deposit*

The publication of any international deposit shall contain:

- (i) the name and address of the applicant and, if he bases his right to effect international deposits on the fact that he is a resident or national of, or has a real and effective industrial or commercial establishment in, a State other than that in which he has his address, the name of the State of which he is a resident or national or in which he has a real and effective industrial or commercial establishment;
- (ii) the name of the creator of the type faces or an indication that the creator has renounced being mentioned as such;
- (iii) the representation of the type faces, including the text referred to in Rule 9.1(c), in the same presentation and dimensions as those in which they were deposited;
- (iv) the date of the international deposit;
- (v) the number of the international deposit;
- (vi) where priority is claimed, the indications listed in Rule 6.2(a);
- (vii) where a representative is appointed, the name and address of that representative;
- (viii) where a denomination is indicated for the type faces, that denomination.

### Rule 15

#### Notification of International Deposits

##### 15.1 *Form of Notification*

The notification referred to in Article 17 shall be effected separately for each competent Office and shall consist of separate reprints of the publication by the International Bureau of each international deposit.

##### 15.2 *Time of Notification*

The notification shall be effected on the same date as that of the issue of the Bulletin in which the international deposit is published.

### Rule 16

#### Changes in Ownership

##### 16.1 *Request for Recording of Change in Ownership*

(a) The request for recording referred to in Article 20(1) shall indicate its purpose and contain:

- (i) the name of the owner of the international deposit (hereinafter referred to as "the earlier owner") who appears as such in the International Register;
- (ii) the name, residence, nationality and address of the new owner of the international deposit (hereinafter referred to as "the new owner"), in the manner provided for indications to be furnished in respect of the applicant under Rule 5.2;
- (iii) the number of the international deposit;
- (iv) where the change in ownership relates to fewer than all the Contracting States referred to in Article 18(1), identification of those States to which it relates.

(b) The request shall be signed by the earlier owner or, if his signature cannot be obtained, by the new owner, provided that if it is signed by the new owner the request shall be accompanied by an attestation by the

competent Office of the Contracting State of which the earlier owner, at the time of the change of ownership, was a national or, if at that time the earlier owner was not a national of a Contracting State, by the competent Office of the Contracting State of which, at the said time, the earlier owner was a resident. The competent Office shall attest that, according to evidence produced before it, the new owner appears to be the successor in title of the earlier owner to the extent described in the request and the conditions prescribed in the preceding sentence are fulfilled. The attestation shall be dated and shall bear the stamp or seal of the competent Office and the signature of an official thereof. The attestation shall be given for the sole purpose of allowing the change of ownership to be recorded in the International Register.

(c) The amount of the fee referred to in Article 20(4) is indicated in the Table of Fees.

##### 16.2 *Recording, Notification and Publication; Declining of Request for Recording*

(a) Where, according to the indications furnished in the request for recording of the change in ownership, the new owner is a person entitled to own international deposits and the request complies with the other prescribed requirements, the International Bureau shall record the change in ownership in respect of all the Contracting States or those specified in the request, as the case may be. Such recording shall contain the indications referred to in Rule 16.1(a)(ii) and (iv) and shall mention the date on which it was effected.

(b) The International Bureau shall notify the recording of the change in ownership to the earlier and to the new owners.

(c) The publication and the notification referred to in Article 20(5) shall contain the indications referred to in Rule 16.1(a) and the date of the recording.

(d) Where, according to the indications furnished in the request for recording of the change in ownership, the new owner is a person not entitled to own international deposits, or where the request does not comply with the other prescribed requirements, the International Bureau shall decline it and notify the person who has signed the request, stating the grounds for declining.

### Rule 17

#### Withdrawal and Renunciation of International Deposits

##### 17.1 *Withdrawal of the International Deposit*

Any withdrawal of an international deposit shall be treated as such by the International Bureau if the declaration of withdrawal reaches it before preparations for publication have been completed. If the said declaration reaches the International Bureau later, it shall be treated as a renunciation of the international deposit.

##### 17.2 *Procedure*

(a) Withdrawals and renunciations shall be effected by means of a written declaration addressed to the International Bureau and signed by the applicant or the owner of the international deposit, as the case may be.

(b) If withdrawal or renunciation is only partial, the States or type faces to which it relates shall be clearly indicated, failing which it shall not be taken into consideration.

(c) The International Bureau shall acknowledge receipt of the declaration of withdrawal. If withdrawal is total, the International Bureau shall reimburse to the applicant the publication fee which has been paid.

(d) The International Bureau shall record the renunciation, notify the said recording to the owner of the international deposit, publish such renunciation and notify it to the competent Offices of the Contracting States.

### Rule 18

#### Other Amendments to International Deposits

##### 18.1 *Permissible Amendments*

The owner of the international deposit may amend the mandatory and optional indications appearing in the instrument of international deposit in accordance with Rules 5.2, 5.3, 6.1 and 6.3.

### 18.2 Procedure

(a) Any amendment referred to in Rule 18.1 shall be effected by means of a written communication addressed to the International Bureau and signed by the owner of the international deposit.

(b) The fees referred to in Article 22(3) are indicated in the Table of Fees.

(c) The International Bureau shall record the amendment, notify the said recording to the owner of the international deposit, publish such amendment and notify it to the competent Offices of the Contracting States.

## Rule 19

### Renewal of International Deposits

#### 19.1 Reminder by the International Bureau

The International Bureau shall send a letter to the owner of the international deposit before the expiration of the term, initial or renewal, which is in effect, reminding him that such term is about to expire. Further details concerning the contents of the reminder shall be provided in the Administrative Instructions. The reminder shall be sent at least six months prior to the expiration date. Failure to send or receive the reminder, or the fact of sending or receiving it outside the said period, or any error in the reminder, shall not affect the expiration date.

#### 19.2 Demand for Renewal

The demand for renewal referred to in Article 23(4) shall preferably be made on a printed form furnished free of charge by the International Bureau together with the reminder referred to in Rule 19.1. The demand shall, in any case, indicate its purpose and contain:

- (i) the name and address of the owner of the international deposit;
- (ii) the number of the international deposit.

#### 19.3 Time Limits; Fees

(a) Subject to paragraph (b), the demand for renewal and the fees referred to in Article 23(4) must reach the International Bureau not later than six months after the expiration of the term of protection.

(b) If the demand for renewal or the fees due reach the International Bureau after the expiration of the term of protection, renewal shall be subject to the payment of a surcharge, which must be paid within the time limit fixed in paragraph (a).

(c) Where, within the time limit fixed in paragraph (a), the International Bureau receives:

- (i) a demand for renewal which does not conform to the requirements of Rule 19.2, or
- (ii) a demand for renewal but no payment or insufficient payment to cover the fees due, or
- (iii) money which appears to be intended to cover fees connected with renewal but no demand for renewal,

it shall promptly invite the owner of the international deposit to present a correct demand, to pay or complete the fees due, or to present a demand, as the case may be. The invitation shall indicate the applicable time limits.

(d) Failure to send or receive the invitation referred to in paragraph (c), or any delay in dispatching or receiving such invitation, or any errors in the invitation, shall not prolong the time limits fixed in paragraphs (a) and (b).

(e) The amounts of the fees prescribed under this Rule are indicated in the Table of Fees.

#### 19.4 Recording, Notification and Publication of the Renewal

Where the demand is presented and the fees are paid as prescribed, the International Bureau shall record the renewal, notify the said recording to the owner of the international deposit, publish the indications referred to in Rule 19.2 together with an indication of the date on which the renewal expires, and notify the competent Offices of the Contracting States of the said indications and the said date.

#### 19.5 Declining the Demand

(a) Where the time limit fixed in Rule 19.3(a) is not respected or where the demand does not conform to the requirements of Rule 19.2 or

the fees due are not paid as prescribed, the International Bureau shall decline the demand and shall notify the owner of the international deposit, stating the grounds for declining the demand.

(b) The International Bureau shall not decline any demand before the expiration of six months after the starting date of the term of renewal.

#### 19.6 Recording, Notification and Publication of Lack of Demand

Where, by the expiration of six months after the starting date of the term of renewal, no demand for renewal is presented to the International Bureau, the International Bureau shall record such fact, notify it to the owner of the international deposit, publish it and notify it to the competent Offices of the Contracting States.

## Rule 20

### Transmittal of Documents to the International Bureau

#### 20.1 Place and Mode of Transmittal

Instruments of international deposit and their annexes, demands, notifications and any other documents intended for filing, notification or other communication to the International Bureau shall be deposited with the competent service of that Bureau during the office hours fixed in the Administrative Instructions, or mailed to that Bureau.

#### 20.2 Date of Receipt of Documents

Any document received by the International Bureau through deposit or mail shall be considered to have been received on the day on which it is actually received by that Bureau, provided that, when it is actually received after office hours, or on a day when the Bureau is closed for business, it shall be considered to have been received on the next subsequent day on which the Bureau is open for business.

#### 20.3 Legal Entity; Partnerships and Firms

(a) Where any document submitted to the International Bureau is required to be signed by a legal entity, the name of the legal entity shall be indicated in the place reserved for signature and shall be accompanied by the signature of the natural person or persons entitled to sign for such legal entity according to the national law of the country under whose law the legal entity was established.

(b) The provisions of paragraph (a) shall apply, *mutatis mutandis*, to partnerships or firms composed of attorneys or patent or trademark agents but which are not legal entities.

#### 20.4 Exemption from Certification

No authentication, legalization or other certification of the signature shall be required for documents submitted to the International Bureau under the Agreement or these Regulations.

## Rule 21

### Calendar; Computation of Time Limits

#### 21.1 Calendar

The International Bureau, competent Offices of Contracting States, applicants and owners of international deposits shall, for the purposes of the Agreement and these Regulations, express any date in terms of the Christian era and the Gregorian calendar.

#### 21.2 Periods Expressed in Years, Months or Days

(a) When a period is expressed as one year or a certain number of years, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent year in the month having the same name and on the day having the same number as the month and the day on which the said event occurred, provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month.

(b) When a period is expressed as one month or a certain number of months, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent month on the day which has the same number as the day on which

the said event occurred, provided that if the relevant subsequent month has no day with the same number the period shall expire on the last day of that month.

(c) When a period is expressed as a certain number of days, computation shall start on the day following the day on which the relevant event occurred, and the period shall expire on the day on which the last day of the count has been reached.

### 21.3 Local Dates

(a) The date which is taken into consideration as the starting date of the computation of any period shall be the date which prevails in the locality at the time when the relevant event occurred.

(b) The date on which any period expires shall be the date which prevails in the locality in which the required document is filed or the required fee is paid.

### 21.4 Expiration on a Non-Working Day

If the expiration of any period during which any document or fee must reach the International Bureau falls on a day on which that Bureau is not open for business, or on which ordinary mail is not delivered in Geneva, the period shall expire on the next subsequent day on which neither of the said two circumstances exists.

## Rule 22

### Fees

#### 22.1 Fees Due

(a) Fees due under the Agreement and these Regulations are fixed in the Table of Fees and in the Administrative Instructions.

(b) The fees payable shall be:

- (i) where they concern an international deposit, the fees in force on the date on which the international deposit is received by the International Bureau or, where the deposit has been filed through the intermediary of a competent Office of a Contracting State, the fees in force on the date on which it was received by that Office;
- (ii) where they concern a demand for renewal, the fees in force on the date which precedes by six months the starting date of the term of renewal.

#### 22.2 Payment to the International Bureau

All fees due shall be payable to the International Bureau.

#### 22.3 Currency

All fees due shall be payable in Swiss currency.

#### 22.4 Deposit Accounts

(a) Any natural person or legal entity may open a deposit account with the International Bureau.

(b) The details concerning deposit accounts shall be provided in the Administrative Instructions.

#### 22.5 Indication of the Mode of Payment

(a) Unless the payment is made in cash to the cashier of the International Bureau, the international deposit, the demand, and any other request or other document filed with the International Bureau in connection with any international deposit, subject to the payment of any fee, shall indicate:

- (i) the name and address, as provided in Rule 5.2(a) and (c), of the natural person or legal entity making the payment, unless the payment is made by a cheque attached to the document;
- (ii) the mode of payment, which may be by an authorization to debit the amount of the fee to the deposit account of such person, or by transfer to a bank account or to the postal cheque account of the International Bureau, or by cheque. The Administrative Instructions shall provide the details, in particular those governing the kind of cheques that shall be accepted in payment.

(b) Where the payment is made pursuant to an authorization to debit the amount of the fee to a deposit account, the authorization shall

specify the transaction to which it relates, unless there is a general authorization to debit to a specified deposit account any fee concerning a certain applicant, owner of an international deposit, or only appointed representative.

(c) Where the payment is made by transfer to a bank account or to the postal cheque account of the International Bureau, or by a cheque not attached to the instrument of international deposit, the demand for renewal or any other request or other document, the notification of the transfer or cheque (or paper accompanying it) shall identify the transaction to which the payment relates, in the manner to be provided for in the Administrative Instructions.

#### 22.6 Effective Date of Payment

Any payment shall be considered to have been received by the International Bureau on the date indicated hereinbelow:

- (i) if the payment is made in cash to the cashier of the International Bureau, on the date on which such payment is made;
- (ii) if the payment is made by debiting a deposit account with the International Bureau pursuant to a general authorization to debit, on the date on which the instrument of international deposit, the demand for renewal, or any other request or other document entailing the obligation to pay fees is received by the International Bureau, or, in the case of a specific authorization to debit, on the date on which the specific authorization is received by the International Bureau;
- (iii) if the payment is made by transfer to a bank account or to the postal cheque account of the International Bureau, on the date on which such account is credited;
- (iv) if the payment is made by cheque, on the date on which the cheque is received by the International Bureau, provided that it is honored upon presentation to the bank on which the cheque is drawn.

## Rule 23

### The Bulletin

#### 23.1 Contents

(a) All matters which, according to the Agreement or these Regulations, the International Bureau is obliged to publish shall be published in the Bulletin.

(b) The Administrative Instructions may provide for the inclusion of other matters in the Bulletin.

#### 23.2 Frequency

The Bulletin shall be issued according to requirements, so that any deposit or communication requiring to be published shall be published within three months.

#### 23.3 Languages

(a) The Bulletin shall be issued in a bilingual (English and French) edition.

(b) The Administrative Instructions shall identify those portions which require translation and those portions which do not require translation.

(c) Where matters are published in both languages, the Bulletin shall indicate which is the original language. Translations shall be prepared by the International Bureau. In case of any divergence between the original and the translation, all legal effects shall be governed by the original.

#### 23.4 Sale

The sale prices of the Bulletin shall be fixed in the Administrative Instructions.

#### 23.5 Copies of the Bulletin for Competent Offices of Contracting States

(a) Before July 1 of each year, the competent Office of each Contracting State shall notify the International Bureau of the number of copies of the Bulletin which it wishes to receive in the next subsequent year.

(b) The International Bureau shall make the requested number of copies available to each competent Office:

- (i) free of charge, up to the same number as the number of units corresponding to the class chosen under Article 28(4) by the Contracting State of which it is the competent Office;
- (ii) at half the sale price for copies in excess of the said number.

(c) Copies given free of charge or sold under paragraph (b) shall be for the internal use of the competent Office which has requested them.

#### Rule 24

##### Copies, Extracts and Information; Certification of Documents Issued by the International Bureau

###### 24.1 Copies, Extracts and Information Concerning International Deposits

(a) Any person may obtain from the International Bureau, against payment of a fee whose amount shall be fixed in the Administrative Instructions, certified or uncertified copies or extracts of recordings in the International Register or of any document in the file of any international deposit. Each copy or extract shall reflect the situation of the international deposit on a specified date; such date shall be indicated in the said copy or extract.

(b) On request and against payment of a fee whose amount shall be fixed in the Administrative Instructions, any person may obtain from the International Bureau oral or written information, or information by telecopier devices, on any fact appearing in the International Register or in any document in the file of any international deposit.

(c) Notwithstanding paragraphs (a) and (b), the Administrative Instructions may waive the obligation to pay any fee where the work or the expense connected with the furnishing of a copy, extract, or information is minimal.

###### 24.2 Certification of Documents Issued by the International Bureau

Where any document issued by the International Bureau bears the seal of that Bureau and the signature of the Director General or a person acting on his behalf, no authority of any Contracting State shall require authentication, legalization or any other certification of such document, seal or signature, by any other person or authority.

### Rules Concerning Chapter III of the Agreement

#### Rule 25

##### Expenses of Delegations

###### 25.1 Expenses Borne by Governments

The expenses of each delegation participating in any session of the Assembly and of any committee, working group or other body dealing with matters of concern to the Union shall be borne by the Government which has appointed it.

#### Rule 26

##### Absence of Quorum in the Assembly

###### 26.1 Voting by Correspondence

(a) In the case provided for in Article 26(5)(b), the International Bureau shall communicate any decision of the Assembly, other than decisions relating to the Assembly's own procedure, to the Contracting States which were not represented when the decision was made and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication.

(b) If, at the expiration of the said period, the number of Contracting States having thus expressed their vote or abstention attains the number of Contracting States which was lacking for attaining the quorum when the decision was made, that decision shall take effect provided that at the same time the required majority still obtains.

#### Rule 27

##### Administrative Instructions

###### 27.1 Establishment of Administrative Instructions; Matters Governed by Them

(a) The Director General shall establish Administrative Instructions. He may modify them. He shall consult the competent Offices of the Contracting States which have a direct interest in the proposed Administrative Instructions or their proposed modification.

(b) The Administrative Instructions shall deal with matters in respect of which these Regulations expressly refer to such Instructions and with details in respect of the application of these Regulations.

(c) All forms of interest to applicants and owners of international deposits shall be included in the Administrative Instructions.

###### 27.2 Control by the Assembly

The Assembly may invite the Director General to modify any provision of the Administrative Instructions, and the Director General shall proceed accordingly.

###### 27.3 Publication and Effective Date

(a) The Administrative Instructions and any modification thereof shall be published in the Bulletin.

(b) Each publication shall specify the date on which the published provisions become effective. The date need not be the same for all the provisions, provided that no provision may be declared effective prior to the expiration of a period of one month after the publication date of that issue of the Bulletin in which it has been published.

###### 27.4 Conflict with the Agreement and the Regulations

In the case of conflict between any provision of the Administrative Instructions and any provision of the Agreement or of these Regulations, the latter shall prevail.

#### Final Clause

#### Rule 28

##### Entry Into Force

###### 28.1 Entry Into Force of the Regulations

These Regulations shall enter into force at the same time as Chapter II of the Agreement, with the exception of Rules 25 and 26, which shall enter into force at the same time as the Agreement itself.

### Annex to the Regulations

#### Table of Fees

The International Bureau shall collect the following fees:

	Swiss francs
<b>I. Deposit</b>	
1. (a) Deposit fee, up to 75 letters or signs . . . . .	500
(b) Complementary fee for each additional block or part of a block of 10 letters or signs . . . . .	100
2. Publication fee for each standard space unit used (26.7 × 18 cm.), being the minimum publication fee . . . . .	200
<b>II. Renewal</b>	
1. Renewal fee . . . . .	600
2. Surcharge (Rule 19.3(b)) . . . . .	300
<b>III. Other Fees</b>	
1. Fee for recording a total or partial change in ownership . . . . .	100
2. Fee for recording a change in the name or address of the owner of the international deposit or in other indications concerning the owner: per deposit . . . . .	100
3. Fee for recording the appointment of a representative, a change of representative, or a change in his name or address: per deposit . . . . .	50
4. Fee for recording any other amendment: per deposit . . . . .	50

## Protocol

### to the Vienna Agreement for the Protection of Type Faces and Their International Deposit Concerning the Term of Protection

The States party to the Vienna Agreement for the Protection of Type Faces and Their International Deposit (hereinafter referred to as "the Agreement"), and party to this Protocol

Have agreed to the following provisions:

1. The term of protection shall be a minimum of twenty-five years instead of the minimum of fifteen years referred to in Article 9(1) of the Agreement.

2.(a) This Protocol shall be open for signature by the States which have signed the Agreement.

(b) This Protocol may be ratified by the States which have signed the Protocol and ratified the Agreement.

(c) This Protocol shall be open to accession by States which have not signed the Protocol but have ratified or acceded to the Agreement.

(d) This Protocol shall enter into force three months after three States have deposited their instruments of ratification or accession to this Protocol, but not before the Agreement itself enters into force.

(e) This Protocol may be revised by conferences of the States party to the Protocol which shall be convened by the Director General at the request of at least one-half of those States. The expenses attributable to any conference for the revision of this Protocol which is not held during the same period and at the same place as a conference for the revision of the Agreement shall be borne by the States party to this Protocol.

(f) The provisions of Articles 30, 33, 35(2), 36, 37, 38, 39, 40 and 41 (i), (ii), (iii), (vi), (vii), (viii) and (xi) of the Agreement shall apply *mutatis mutandis*.

## Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks

Done at Vienna on June 12, 1973

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The Contracting Parties,

Having regard to Article 19 of the Paris Convention for the Protection of Industrial Property, of March 20, 1883, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 31, 1958, and at Stockholm on July 14, 1967,

Have agreed as follows:

### Article 1

#### Establishment of a Special Union; Adoption of an International Classification

The countries to which this Agreement applies constitute a Special Union and adopt a common classification for the figurative elements of marks (hereinafter designated as "the Classification of Figurative Elements").

### Article 2

#### Definition and Deposit of the Classification of Figurative Elements

(1) The Classification of Figurative Elements comprises a list of categories, divisions and sections in which the figurative elements of marks are classified, together with, as the case may be, explanatory notes.

(2) The Classification of Figurative Elements is contained in one authentic copy, in the English and French languages, signed by the Director General of the World Intellectual Property Organization (hereinafter designated respectively as "the Director General" and "the Organization") and deposited with him at the time that this Agreement is opened for signature.

\* This Table of Contents is added for the convenience of the reader. It does not appear in the signed text of the Agreement.

(3) The amendments and additions referred to in Article 5(3)(i) shall also be contained in one authentic copy, in the English and French languages, signed by the Director General and deposited with him.

### Article 3

#### Languages of the Classification of Figurative Elements

(1) The Classification of Figurative Elements shall be established in the English and French languages, both texts being equally authentic.

(2) The International Bureau of the Organization (hereinafter designated as "the International Bureau") shall establish, in consultation with the interested Governments, official texts of the Classification of Figurative Elements in the languages which the Assembly referred to in Article 7 may designate in accordance with paragraph (2)(a)(vi) of that Article.

### Article 4

#### Use of the Classification of Figurative Elements

(1) Subject to the requirements prescribed by this Agreement, the scope of the Classification of Figurative Elements shall be that attributed to it by each country of the Special Union. In particular, the Classification of Figurative Elements shall not bind the countries of the Special Union in respect of the extent of the protection afforded to the mark.

(2) The competent Offices of the countries of the Special Union shall have the right to use the Classification of Figurative Elements either as a principal or as a subsidiary system.

(3) The competent Offices of the countries of the Special Union shall include in the official documents and publications relating to registrations and renewals of marks the numbers of the categories, divisions and sections in which the figurative elements of those marks are to be placed.

(4) The said numbers shall be preceded by the words "Classification of Figurative Elements" or an abbreviation thereof to be determined by the Committee of Experts referred to in Article 5.

(5) Any country may, at the time of its signature or of the deposit of its instrument of ratification or accession, declare that it does not undertake to include the numbers of all or some of the sections in official documents and publications relating to registrations and renewals of marks.

(6) If any country of the Special Union entrusts the registration of marks to an intergovernmental authority, it shall take all possible measures to ensure that that authority uses the Classification of Figurative Elements in accordance with this Article.

### Article 5

#### Committee of Experts

(1) A Committee of Experts shall be set up in which each country of the Special Union shall be represented.

(2) (a) The Director General may, and, if requested by the Committee of Experts, shall, invite countries not members of the Special Union which are members of the Organization or party to the Paris Convention for the Protection of Industrial

Property to be represented by observers at meetings of the Committee of Experts.

(b) The Director General shall invite intergovernmental organizations specialized in the field of marks, of which at least one of the member countries is party to this Agreement, to be represented by observers at meetings of the Committee of Experts.

(c) The Director General may, and, if requested by the Committee of Experts, shall, invite representatives of other intergovernmental and international non-governmental organizations to participate in discussions of interest to them.

(3) The Committee of Experts shall:

(i) make amendments and additions to the Classification of Figurative Elements;

(ii) address recommendations to the countries of the Special Union for the purpose of facilitating the use of the Classification of Figurative Elements and promoting its uniform application;

(iii) take all the other measures which, without entailing financial implications for the budget of the Special Union or for the Organization, contribute towards facilitating the application of the Classification of Figurative Elements by developing countries;

(iv) have the right to establish subcommittees and working groups.

(4) The Committee of Experts shall adopt its own rules of procedure. The latter shall provide for the possibility of participation in meetings of the subcommittees and working groups of the Committee of Experts by those intergovernmental organizations referred to in paragraph (2)(b) which can make a substantial contribution to the development of the Classification of Figurative Elements.

(5) Proposals for amendments or additions to the Classification of Figurative Elements may be made by the competent Office of any country of the Special Union, the International Bureau, any intergovernmental organization represented in the Committee of Experts pursuant to paragraph (2)(b) and any country or organization specially invited by the Committee of Experts to submit such proposals. The proposals shall be communicated to the International Bureau, which shall submit them to the members of the Committee of Experts and to the observers not later than two months before the session of the Committee of Experts at which the said proposals are to be considered.

(6)(a) Each country member of the Committee of Experts shall have one vote.

(b) The decisions of the Committee of Experts shall require a simple majority of the countries represented and voting.

(c) Any decision which is regarded by one-fifth of the countries represented and voting as giving rise to a modification of the basic structure of the Classification of Figurative Elements or as entailing a substantial amount of reclassification shall require a majority of three-fourths of the countries represented and voting.

(d) Abstentions shall not be considered as votes.



## Article 6

### Notification, Entry Into Force and Publication of Amendments and Additions and of Other Decisions

(1) Every decision of the Committee of Experts concerning the adoption of amendments and additions to the Classification of Figurative Elements, and the recommendations of the Committee of Experts, shall be notified by the International Bureau to the competent Offices of the countries of the Special Union. The amendments and additions shall enter into force six months after the date of dispatch of the notifications.

(2) The International Bureau shall incorporate in the Classification of Figurative Elements amendments and additions which have entered into force. Announcements of the amendments and additions shall be published in such periodicals as may be designated by the Assembly referred to in Article 7.

## Article 7

### Assembly of the Special Union

(1) (a) The Special Union shall have an Assembly consisting of the countries of the Special Union.

(b) The Government of each country of the Special Union shall be represented by one delegate, who may be assisted by alternate delegates, advisors and experts.

(c) Any intergovernmental organization referred to in Article 5(2)(b) may be represented by an observer in the meetings of the Assembly, and, if the Assembly so decides, in those of such committees or working groups as may have been established by the Assembly.

(d) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) (a) Subject to the provisions of Article 5, the Assembly shall:

(i) deal with all matters concerning the maintenance and development of the Special Union and the implementation of this Agreement;

(ii) give directions to the International Bureau concerning the preparation for revision conferences;

(iii) review and approve the reports and activities of the Director General concerning the Special Union, and give him all necessary instructions concerning matters within the competence of the Special Union;

(iv) determine the program and adopt the triennial budget of the Special Union, and approve its final accounts;

(v) adopt the financial regulations of the Special Union;

(vi) decide on the establishment of official texts of the Classification of Figurative Elements in languages other than English and French;

(vii) establish such committees and working groups as it deems appropriate to achieve the objectives of the Special Union;

(viii) determine, subject to paragraph (1)(c), which countries not members of the Special Union and which intergovernmental and international non-governmental organizations shall be admitted as observers to its meetings, and to those of any committee or working group established by it;

(ix) take any other appropriate action designed to further the objectives of the Special Union;

(x) perform such other functions as are appropriate under this Agreement.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decision after having heard the advice of the Coordination Committee of the Organization.

(3) (a) Each country member of the Assembly shall have one vote.

(b) One-half of the countries members of the Assembly shall constitute a quorum.

(c) In the absence of the quorum, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 11(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

(f) A delegate may represent, and vote in the name of, one country only.

(4) (a) The Assembly shall meet once in every third calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of one-fourth of the countries members of the Assembly.

(c) The agenda of each session shall be prepared by the Director General.

(5) The Assembly shall adopt its own rules of procedure.

## Article 8

### International Bureau

(1) (a) Administrative tasks concerning the Special Union shall be performed by the International Bureau.

(b) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly, the Committee of Experts and such other committees or working groups as may have been established by the Assembly or the Committee of Experts.

(c) The Director General shall be the chief executive of the Special Union and shall represent the Special Union.

(2) The Director General and any staff member designated by him shall participate, without the right of vote, in all

meetings of the Assembly, the Committee of Experts and such other committees or working groups as may have been established by the Assembly or the Committee of Experts. The Director General or a staff member designated by him shall be ex officio secretary of those bodies.

(3) (a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for revision conferences.

(b) The International Bureau may consult with intergovernmental and international non-governmental organizations concerning preparations for revision conferences.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at revision conferences.

(4) The International Bureau shall carry out any other tasks assigned to it.

## Article 9 Finances

(1) (a) The Special Union shall have a budget.

(b) The budget of the Special Union shall include the income and expenses proper to the Special Union, its contribution to the budget of expenses common to the Unions administered by the Organization and, where applicable, the sum made available to the budget of the Conference of the Organization.

(c) Expenses not attributable exclusively to the Special Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Special Union in such common expenses shall be in proportion to the interest the Special Union has in them.

(2) The budget of the Special Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) The budget of the Special Union shall be financed from the following sources:

- (i) contributions of the countries of the Special Union;
- (ii) fees and charges due for services rendered by the International Bureau in relation to the Special Union;
- (iii) sale of, or royalties on, the publications of the International Bureau concerning the Special Union;
- (iv) gifts, bequests and subventions;
- (v) rents, interests and other miscellaneous income.

(4) (a) For the purpose of establishing its contribution referred to in paragraph (3)(i), each country of the Special Union shall belong to the same class as it belongs to in the Paris Union for the Protection of Industrial Property, and shall pay its annual contribution on the basis of the same number of units as is fixed for that class in that Union.

(b) The annual contribution of each country of the Special Union shall be an amount in the same proportion to the total sum to be contributed to the budget of the Special Union by all countries as the number of its units is to the total of the units of all contributing countries.

(c) Contributions shall become due on the first of January of each year.

(d) A country which is in arrears in the payment of its contributions may not exercise its right to vote in any organ of the Special Union if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any organ of the Special Union may allow such a country to continue to exercise its right to vote in that organ if, and as long as, it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(e) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(5) The amount of the fees and charges due for services rendered by the International Bureau in relation to the Special Union shall be established, and shall be reported to the Assembly, by the Director General.

(6) (a) The Special Union shall have a working capital fund which shall be constituted by a single payment made by each country of the Special Union. If the fund becomes insufficient, the Assembly shall decide to increase it.

(b) The amount of the initial payment of each country to the said fund or of its participation in the increase thereof shall be a proportion of the contribution of that country for the year in which the fund is established or the decision to increase it is made.

(c) The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(7) (a) In the headquarters agreement concluded with the country on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such country shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such country and the Organization.

(b) The country referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it was notified.

(8) The auditing of the accounts shall be effected by one or more of the countries of the Special Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

## Article 10 Revision of the Agreement

(1) This Agreement may be revised from time to time by a special conference of the countries of the Special Union.

(2) The convocation of any revision conference shall be decided by the Assembly.

(3) Articles 7, 8, 9 and 11 may be amended either by a revision conference or according to the provisions of Article 11.



## Article 11

### Amendment of Certain Provisions of the Agreement

(1) Proposals for the amendment of Articles 7, 8, 9 and of the present Article may be initiated by any country of the Special Union or by the Director General. Such proposals shall be communicated by the Director General to the countries of the Special Union at least six months in advance of their consideration by the Assembly.

(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 7 and to the present paragraph shall require four-fifths of the votes cast.

(3) (a) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the countries members of the Special Union at the time the amendment was adopted.

(b) Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Special Union at the time the amendment enters into force, provided that any amendment increasing the financial obligations of countries of the Special Union shall bind only those countries which have notified their acceptance of such amendment.

(c) Any amendment accepted in accordance with the provisions of subparagraph (a) shall bind all countries which become members of the Special Union after the date on which the amendment entered into force in accordance with the provisions of subparagraph (a).

## Article 12

### Becoming Party to the Agreement

(1) Any country party to the Paris Convention for the Protection of Industrial Property may become party to this Agreement by:

- (i) signature followed by the deposit of an instrument of ratification, or
- (ii) deposit of an instrument of accession.

(2) Instruments of ratification or accession shall be deposited with the Director General.

(3) The provisions of Article 24 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property shall apply to this Agreement.

(4) Paragraph (3) shall in no way be understood as implying the recognition or tacit acceptance by a country of the Special Union of the factual situation concerning a territory to which this Agreement is made applicable by another country by virtue of the said paragraph.

## Article 13

### Entry Into Force of the Agreement

(1) With respect to the first five countries which have deposited their instruments of ratification or accession, this Agreement shall enter into force three months after the fifth instrument of ratification or accession has been deposited.

(2) With respect to any country other than those for which this Agreement has entered into force in accordance with paragraph (1), it shall enter into force three months after the date on which its ratification or accession was notified by the Director General, unless a subsequent date has been indicated in the instrument of ratification or accession. In the latter case, this Agreement shall enter into force with respect to that country on the date thus indicated.

(3) Ratification or accession shall automatically entail acceptance of all the clauses and admission to all the advantages of this Agreement.

## Article 14

### Duration of the Agreement

This Agreement shall have the same duration as the Paris Convention for the Protection of Industrial Property.

## Article 15

### Denunciation

(1) Any country of the Special Union may denounce this Agreement by notification addressed to the Director General.

(2) Denunciation shall take effect one year after the day on which the Director General has received the notification.

(3) The right of denunciation provided by this Article shall not be exercised by any country before the expiration of five years from the date upon which it becomes a member of the Special Union.

## Article 16

### Disputes

(1) Any dispute between two or more countries of the Special Union concerning the interpretation or application of this Agreement, not settled by negotiation, may, by any one of the countries concerned, be brought before the International Court of Justice by application in conformity with the Statute of the Court, unless the countries concerned agree on some other method of settlement. The country bringing the dispute before the Court shall inform the International Bureau; the International Bureau shall bring the matter to the attention of the other countries of the Special Union.

(2) Each country may, at the time it signs this Agreement or deposits its instrument of ratification or accession, declare that it does not consider itself bound by the provisions of paragraph (1). With regard to any dispute between any country having made such a declaration and any other country of the Special Union, the provisions of paragraph (1) shall not apply.

(3) Any country having made a declaration in accordance with the provisions of paragraph (2) may, at any time, withdraw its declaration by notification addressed to the Director General.

## Article 17

### Signature, Languages, Depositary Functions, Notifications

(1) (a) This Agreement shall be signed in a single original in the English and French languages, both texts being equally authentic.

(b) This Agreement shall remain open for signature at Vienna until December 31, 1973.

(c) The original of this Agreement, when no longer open for signature, shall be deposited with the Director General.

(2) Official texts shall be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly may designate.

(3) (a) The Director General shall transmit two copies, certified by him, of the signed text of this Agreement to the Governments of the countries that have signed it and, on request, to the Government of any other country.

(b) The Director General shall transmit two copies, certified by him, of any amendment to this Agreement to the Governments of all countries of the Special Union and, on request, to the Government of any other country.

(c) The Director General shall, on request, furnish the Government of any country that has signed this Agreement, or that accedes to it, with two copies of the Classification of Figurative Elements, certified by him, in the English or French language.

(4) The Director General shall register this Agreement with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries party to the Paris Convention for the Protection of Industrial Property of:

- (i) signatures under paragraph (1);
- (ii) deposits of instruments of ratification or accession under Article 12(2);
- (iii) the date of entry into force of this Agreement under Article 13(1);
- (iv) declarations made under Article 4(5);
- (v) declarations and notifications made in accordance with Article 12(3);
- (vi) declarations made under Article 16(2);
- (vii) withdrawals of any declarations, notified under Article 16(3);
- (viii) acceptances of amendments to this Agreement under Article 11(3);
- (ix) the dates on which such amendments enter into force;
- (x) denunciations received under Article 15.

## Resolution

### Adopted by the Diplomatic Conference on the International Classification of the Figurative Elements of Marks on June 8, 1973

1. Pending the entry into force of the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks, a provisional Committee of Experts is hereby set up at the International Bureau of the World Intellectual Property Organization (WIPO).

2. The provisional Committee shall include a representative of each country having signed or acceded to the said Agreement. Intergovernmental organizations specialized in the field of marks, of which at least one of the member countries has signed or acceded to the Agreement, may be represented by observers. Any country member of WIPO or party to the Paris Convention for the Protection of Industrial Property which has neither signed nor acceded to the Agreement may, and, if requested by the provisional Committee, shall, be invited by the Director General of WIPO to be represented by observers.

3. The provisional Committee shall reexamine the International Classification of the Figurative Elements of Marks and shall prepare, if necessary, draft amendments or additions to be made to the said Classification.

4. The International Bureau is invited to prepare the work of the provisional Committee.

5. The International Bureau is invited to convene the provisional Committee, after consultation of the countries which have signed or acceded to the Agreement, if amendments or additions are proposed by any such country or by an organization referred to in paragraph 2 above, or if the International Bureau itself intends to propose amendments or additions.

6. The International Bureau is invited to transmit, as soon as the Agreement enters into force, any draft amendments or additions prepared by the provisional Committee to the Committee of Experts set up under Article 5 of the Agreement.

7. The travel and subsistence expenses of members of the provisional Committee and of observers shall be borne by the countries or organizations which they represent.

## NEWS ITEMS

### IRAN

#### *Director of the Registration Office of Companies and Industrial Property*

We have been informed that Mr. Hamid Jamshidi has been appointed Director of the Registration Office of Companies and Industrial Property. He succeeds Mr. Mehdi Naraghi.

We congratulate Mr. Jamshidi on his appointment and express our best wishes to Mr. Naraghi for the future.

### JAPAN

#### *President of the Patent Office*

We have been informed that Mr. Hideo Saito has been appointed President of the Patent Office. He succeeds Mr. Yukio Miyake.

We congratulate Mr. Saito on his appointment and express our best wishes to Mr. Miyake for the future.

## CALENDAR

### WIPO Meetings

**October 8 to 12, 1973 (Abidjan) — Committee of Governmental Experts on a Copyright Model Law for African States**

*Object:* To study a Draft Model Law — *Invitations:* African States — *Observers:* Intergovernmental and international non-governmental organizations concerned — *Note:* Meeting convened by Unesco in cooperation with WIPO

**October 8 to 19, 1973 (Geneva) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee**

**October 22 to 27, 1973 (Tokyo) — Patent Cooperation Treaty (PCT) — Interim Committees for Administrative Questions, for Technical Assistance and for Technical Cooperation**

**October 30 to November 2, 1973 (Bangkok) — WIPO Seminar on Industrial Property**

*Object:* To discuss on the role of industrial property in the development of Asian countries — *Invitations:* Afghanistan, Bangladesh, Burma, India, Indonesia, Iran, Khmer Republic, Laos, Malaysia, Mongolia, Nepal, Pakistan, Philippines, Republic of Korea, Republic of Viet-Nam, Singapore, Sri Lanka, Thailand — *Observers:* Intergovernmental and international non-governmental organizations concerned

**November 5 to 9, 1973 (Geneva) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee**

**November 14 to 16, 1973 (Geneva) — ICIREPAT — Plenary Committee (PLC)**

**November 19 to 27, 1973 (Geneva) — Administrative Bodies of WIPO (General Assembly, Conference, Coordination Committee) and of the Paris, Berne, Madrid, Nice, Lisbon and Locarno Unions (Assemblies, Conferences of Representatives, Executive Committees)**

*Invitations:* States members of WIPO, or of the Paris or Berne Union — *Observers:* Other States members of the United Nations or of a Specialized Agency; intergovernmental and international non-governmental organizations concerned

**November 28 to 30, 1973 (Geneva) — Working Group on Scientific Discoveries**

**December 3, 4 and 11, 1973 (Paris) — International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations — Intergovernmental Committee**

*Object:* Consideration of various questions concerning the Rome Convention — *Invitations:* Brazil, Denmark, Ecuador, Fiji, Germany (Federal Republic of), Mexico, Niger, Sweden, United Kingdom — *Observers:* Austria, Congo, Costa Rica, Czechoslovakia, Paraguay; intergovernmental and international non-governmental organizations concerned — *Note:* Meeting convened jointly with the International Labour Organisation and Unesco

**December 3 to 7, 1973 (Geneva) — ICIREPAT — Technical Committee for Shared Systems (TCSS)**

**December 5 to 11, 1973 (Paris) — Executive Committee of the Berne Union — Extraordinary Session**

*Object:* Consideration of various questions concerning copyright — *Invitations:* States members of the Committee — *Observers:* All other member countries of the Berne Union; intergovernmental and international non-governmental organizations concerned — *Note:* Some meetings will be joint with the Intergovernmental Copyright Committee established by the Universal Copyright Convention

**December 10 to 14, 1973 (Paris) — ICIREPAT — Technical Committee for Standardization (TCST)**

**December 17 to 21, 1973 (Geneva) — Working Group for the Mechanization of Trademark Searches**

*Object:* Report and recommendations to a Committee of Experts on mechanized trademark searches — *Invitations:* Australia, Austria, Belgium, Canada, France, Germany (Federal Republic of), Ireland, Japan, Luxembourg, Netherlands, Soviet Union, Spain, Sweden, United Kingdom, United States of America — *Observers:* Colombia, Benelux Trademark Office

**January 7 to 11, 1974 (Geneva) — International Patent Classification (IPC) — Bureau of the Joint ad hoc Committee**

**January 15 to 18, 1974 (Geneva) — International Patent Classification (IPC) — Joint ad hoc Committee**

February 6 to 8, 1974 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)

February 11 to 15, 1974 (Geneva) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee

March 4 to 8, 1974 (Geneva) — International Patent Classification (IPC) — Working Group I of the Joint ad hoc Committee

March 25 to 29, 1974 (Geneva) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee

April 22 to May 3, 1974 (Geneva) — ICIREPAT — Technical Committee for Shared Systems (TCSS) and Technical Committee for Standardization (TCST)

May 13 to 17, 1974 (Geneva) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee

June 26 to 28, 1974 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)

July 1 to 5, 1974 (Geneva) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee

September 2 to 8, 1974 (Geneva) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee

September 9 to 13, 1974 (Geneva) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee

September 16 to 20, 1974 (Moscow) — Symposium on "The Role of Patent Information in Research and Development"

September 24 to October 2, 1974 (Geneva) — Sessions of the Administrative Bodies of WIPO and the Unions administered by WIPO

September 30 to October 4, 1974 (Geneva) — International Patent Classification (IPC) — Working Group I of the Joint ad hoc Committee

October 21 to 31, 1974 (Geneva) — ICIREPAT — Technical Committee for Shared Systems (TCSS) and Technical Committee for Standardization (TCST)

November 4 to 8, 1974 (Geneva) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee

December 9 to 13, 1974 (Geneva) — International Patent Classification (IPC) — Bureau of the Joint ad hoc Committee

December 16 to 18, 1974 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)

September 23 to 30, 1975 (Geneva) — Sessions of the Administrative Bodies of WIPO and the Unions administered by WIPO

## UPOV Meetings

October 9, 1973 (Geneva) — Consultative Working Committee

October 10 to 12, 1973 (Geneva) — Council

November 6 and 7, 1973 (Geneva) — Technical Steering Committee

## Meetings of Other International Organizations concerned with Intellectual Property

October 27 to November 2, 1973 (Tokyo) — East Asian Seminar on Copyright

October 28 to November 2, 1973 (Tel Aviv) — International Writers Guild — Congress

November 12 to 14, 1973 (Mexico) — Inter-American Association of Industrial Property — Administrative Council

November 12 to 14, 1973 (Vienna) — International Confederation of Societies of Authors and Composers — Legal and Legislative Commission

December 10 to 14, 1973 (Brussels) — European Economic Community — "Community Patent" Working Party

February 24 to March 2, 1974 (Melbourne) — International Association for the Protection of Industrial Property — Executive Committee

May 6 to 30, 1974 (Luxembourg) — Conference of the Member States of the European Communities concerning the Convention on the European Patent for the Common Market

May 3 to 10, 1975 (San Francisco) — International Association for the Protection of Industrial Property — Congress

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## ANNOUNCEMENT OF VACANCY

*Competition No. 218*

*Translator*

(Languages Section)

The details relating to this post were published in *Industrial Property*, August 1973, p. 259 (closing date for applications: October 31, 1973).