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WIPO 1994

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Editor's Note

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Patent Law (Law No. 121 of April 13, 1959, as last amended by Law No. 30 of 1990) *(This text replaces the one previously published under the same code number)* . . . . . Text 2-001

Law Concerning International Applications, etc., Pursuant to the Patent Cooperation Treaty (Law No. 30 of April 26, 1978, as last amended by Law No. 41 of 1985) *(This text replaces the one previously published under the same code number)* . . . . . Text 2-002

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## Notifications Concerning Treaties Administered by WIPO in the Field of Industrial Property

### Paris Convention, Madrid Agreement (Marks), Patent Cooperation Treaty (PCT)

#### Declaration

#### ARMENIA

The Government of Armenia deposited, on May 17, 1994, the following declaration:

“The Government of the Republic of Armenia hereby declares that

- the Paris Convention for the Protection of Industrial Property, of March 20, 1883, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979;
- the Madrid Agreement Concerning the International Registration of Marks, of April 14, 1891, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979;
- the Patent Cooperation Treaty (PCT), of June 19, 1970, as amended on September 28, 1979, and modified on February 3, 1984,

continue to be applicable in respect of the Republic of Armenia.

The Government of the Republic of Armenia declares that, for the purpose of establishing its contribution towards the budget of the Paris Union, the Republic of Armenia wishes to belong to Class IX.”

*Paris Notification No. 153, Madrid (Marks) Notification No. 63, PCT Notification No. 93, of May 18, 1994.*

### Paris Convention

#### I. New Member of the Paris Union

#### ESTONIA

The Government of Estonia deposited, on May 24, 1994, its instrument of accession to the Paris Convention for the Protection of Industrial Property of

March 20, 1883, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979.

The Paris Convention as revised will enter into force, with respect to Estonia, on August 24, 1994. On that date, Estonia will become a member of the Paris Union.

Estonia belongs to Class IX for the purpose of establishing its contribution to the World Intellectual Property Organization (WIPO).

*Paris Notification No. 154 Rev., of May 24, 1994.*

### II. Withdrawal of Declaration Concerning Article 28(1) of the Stockholm Act (1967)

#### BULGARIA

The Government of Bulgaria has notified, in its notification received on May 3, 1994, the withdrawal of the declaration which it made under Article 28(2) of the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Stockholm on July 14, 1967, concerning the International Court of Justice (see Paris Notification No. 15, of February 27, 1970<sup>1</sup>).

*Paris Notification No. 152, of May 9, 1994.*

### Nice Agreement

#### New Member of the Nice Union

#### CHINA

The Government of China deposited, on May 5, 1994, its instrument of accession to the Nice Agree-

<sup>1</sup> See *Industrial Property*, 1970, p. 77.

ment Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977, and as amended on September 28, 1979.

China has not heretofore been a member of the Special Union for the International Classification of Goods and Services for the Purposes of the Registration of Marks ("Nice Union"), founded by the Nice Agreement.

The Nice Agreement as revised and amended, will enter into force, with respect to China, on August 9, 1994. On that date, China will become a member of the Nice Union.

*Nice Notification No. 80, of May 9, 1994.*

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## Patent Cooperation Treaty (PCT)

### I. New Member of the PCT Union

#### ESTONIA

The Government of Estonia deposited, on May 24, 1994, its instrument of accession to the Patent

Cooperation Treaty (PCT), done at Washington on June 19, 1970.

The said Treaty will enter into force, with respect to Estonia, on August 24, 1994.

*PCT Notification No. 94, of May 24, 1994.*

### II. Withdrawal of Declaration Under Article 64(5)

#### BULGARIA

The Government of Bulgaria has notified, in its notification received on May 3, 1994, the withdrawal of the declaration which it made under Article 64(5) of the Patent Cooperation Treaty (PCT), done at Washington on June 19, 1970, to the effect that Bulgaria is not bound by Article 59 of the said Treaty concerning the International Court of Justice (see PCT Notification No. 42, of February 23, 1984<sup>2</sup>).

The withdrawal of the said declaration will take effect on August 3, 1994.

*PCT Notification No. 92, of May 9, 1994.*

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<sup>2</sup> *Ibid.*, 1984, p. 114.

## Normative Activities of WIPO in the Field of Industrial Property

### Paris Union

#### Diplomatic Conference for the Conclusion of the Trademark Law Treaty

(Geneva, October 10 to 28, 1994)

#### DRAFT TRADEMARK LAW TREATY

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#### Article 1 Abbreviated Expressions

For the purposes of this Treaty, unless expressly stated otherwise:

(i) "Office" means the agency entrusted by a Contracting Party with the registration of marks;

(ii) "registration" means the registration of a mark by an Office;

(iii) "application" means an application for registration;

(iv) references to a "person" shall be construed as references to both a natural person and a legal entity;

(v) "holder" means the person whom the register of marks shows as the holder of the registration;

(vi) "register of marks" means the collection of data maintained by an Office, which includes the contents of all registrations and all data recorded in respect of all registrations, irrespective of the medium in which such data are stored;

(vii) "Paris Convention" means the Paris Convention for the Protection of Industrial Property, signed at Paris on March 20, 1883, as revised and amended;

(viii) "Nice Classification" means the classification established by the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, signed at Nice on June 15, 1957, as revised and amended;

(ix) "Contracting Party" means any State or regional intergovernmental organization party to this Treaty;

(x) references to an "instrument of ratification" shall be construed as including references to instruments of acceptance and approval;

(xi) "Assembly" means the Assembly of the Contracting Parties that is referred to in Article 17;

(xii) "Union" means the Union referred to in Article 16;

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

(xiv) "Director General" means the Director General of the Organization;

(xv) "Regulations" means the Regulations under this Treaty that are referred to in Article 19.

## Article 2

### Marks to Which the Treaty Applies

(1) [*Nature of Marks*] (a) This Treaty shall apply to marks consisting of visible signs, provided that only those Contracting Parties which accept for registration three-dimensional marks shall be obliged to apply this Treaty to such marks.

(b) This Treaty shall not apply to hologram marks and to marks not consisting of visible signs, in particular, sound marks and olfactory marks.

(2) [*Kinds of Marks*] (a) This Treaty shall apply to marks relating to goods (trademarks) or services (service marks) or both goods and services.

(b) This Treaty shall not apply to collective marks, certification marks and guarantee marks.

## Article 3

### Application

(1) [*Indications or Elements Contained in or Accompanying an Application; Fee*] (a) Any Contracting Party may require that an application contain some or all of the following indications or elements:

- (i) a request for registration;
- (ii) the name and address of the applicant;
- (iii) the name of a State of which the applicant is a national if he is the national of any State, the name of a State in which the applicant has his domicile, if any, and the name of a State in which the applicant has a real and effective industrial or commercial establishment, if any;
- (iv) where the applicant is a legal entity, the legal nature of that legal entity and the State, and, where applicable, the territorial unit within that State, under the law of which the said legal entity has been organized;
- (v) where the applicant has a representative, the name and address of that representative;
- (vi) where an address for service is required under Article 4(2)(b), such address;
- (vii) where the applicant wishes to take advantage of the priority of an earlier application, a declaration claiming the priority of that earlier application, together with an indication

- of the name of the country with whose national Office the earlier application was filed, or, where the earlier application was filed with an Office other than a national Office, the name of that Office,

- of the date on which the earlier application was filed and,
- where available, of the application number of the earlier application;

(viii) where the applicant wishes to take advantage of any protection resulting from the presentation of goods and/or services in an exhibition, a declaration to that effect, together with indications in support of that declaration, as required by the law of the Contracting Party;

(ix) where the Office of the Contracting Party uses characters (letters and numbers) that it considers as being standard and where the applicant wishes that the mark be registered and published in standard characters, a statement to that effect;

(x) where the applicant wishes to claim color as a distinctive feature of the mark, a statement to that effect as well as the name or names of the color or colors claimed and an indication, in respect of each color, of the principal parts of the mark which are in that color;

(xi) where the mark is a three-dimensional mark, a statement to that effect;

(xii) one or more reproductions of the mark;

(xiii) a transliteration of the mark or of certain parts of the mark;

(xiv) a translation of the mark or of certain parts of the mark;

(xv) the names of the goods and/or services for which the registration is sought, grouped according to the classes of the Nice Classification, each group preceded by the number of the class of the said Classification to which that group of goods or services belongs;

(xvi) a signature by, or other self-identification of, the person specified in paragraph (4);

(xvii) a declaration of intention to use the mark, as required by the law of the Contracting Party.

(b) The applicant may file, instead of or in addition to the declaration of intention to use the mark referred to in subparagraph (a)(xvii), a declaration of actual use of the mark and evidence to that effect, as required by the law of the Contracting Party.

(c) Any Contracting Party may require that, in respect of the application, fees be paid to the Office.

(2) [*Presentation*] As regards the requirements concerning the presentation of the application, no Contracting Party shall refuse the application,

(i) where the application is presented in writing on paper, if it is presented, subject to paragraph (3), on a form corresponding to the application Form provided for in the Regulations,

(ii) where the Contracting Party allows the transmittal of communications to its Office by telefacsimile and the application is so transmitted, if the paper copy resulting from such transmittal corresponds, subject to paragraph (3), to the application Form referred to in item (i),

(iii) where the Contracting Party allows the transmittal of communications to its Office by electronic means and the application is so transmitted, if such transmittal is effected in the manner prescribed in the Regulations.

(3) [*Language*] Any Contracting Party may require that the application be in the language, or in one of the languages, admitted by its Office.

(4) [*Signature*] (a) Any Contracting Party may require that the application be signed by the applicant or, at the option of the applicant, by his representative.

(b) Notwithstanding subparagraph (a), any Contracting Party may require that the declarations referred to in paragraph (1)(a)(xvii) and (b) be signed by the applicant himself even if he has a representative.

(5) [*Single Application for Goods and/or Services in Several Classes*] One and the same application may relate to several goods and/or services, irrespective of whether they belong to one class or to several classes of the Nice Classification.

(6) [*Actual Use*] Any Contracting Party may require that, where a declaration of intention to use has been filed under paragraph (1)(a)(xvii), the applicant furnish to its Office within a time limit fixed in its law, subject to the minimum time limit prescribed in the Regulations, evidence of the actual use of the mark, as required by the said law.

(7) [*Prohibition of Other Requirements*] No Contracting Party may demand that requirements other than those referred to in paragraphs (1) to (4) and (6) be complied with in respect of the application. In particular, the following may not be required in respect of the application throughout its pendency:

(i) the furnishing of any certificate of, or extract from, a register of commerce;

(ii) an indication of the applicant's carrying on of an industrial or commercial activity, as well as the furnishing of evidence to that effect;

(iii) an indication of the applicant's carrying on of an activity corresponding to the goods and/or services listed in the application, as well as the furnishing of evidence to that effect;

(iv) the furnishing of evidence to the effect that the mark has been registered in the register of marks of another Contracting Party or of a State party to the Paris Convention which is not a Contracting Party, except where the applicant claims the application of Article 6quinquies of the Paris Convention.

(8) [*Evidence*] Any Contracting Party may require that evidence be furnished to its Office in the course of the examination of the application where that Office may reasonably doubt the veracity of any indication or element contained in the application.

#### **Article 4** **Representation;** **Address for Service**

(1) [*Representatives Admitted to Practice*] Any Contracting Party may require that any person appointed as representative for the purposes of any procedure before its Office be a representative admitted to practice before its Office.

(2) [*Mandatory Representation; Address for Service*] (a) Any Contracting Party may require that, for the purposes of any procedure before its Office, any person who has neither a domicile nor a real and effective industrial or commercial establishment on its territory be represented by a representative.

(b) Any Contracting Party may, to the extent that it does not require representation in accordance with subparagraph (a), require that, for the purposes of any procedure before its Office, any person who has neither a domicile nor a real and effective industrial or commercial establishment on its territory have an address for service on that territory.

(3) [*Power of Attorney*] (a) Whenever a Contracting Party allows or requires an applicant, a holder or any other interested person to be represented by a representative before its Office, it may require that the representative be appointed in a separate communication (hereinafter referred to as "power of attorney") indicating the name of, and signed by, the applicant, the holder or the other person, as the case may be.

(b) The power of attorney may relate to one or more applications and/or registrations identified in the power of attorney or, subject to any exception indicated by the appointing person, to all existing and future applications and/or registrations of that person.

(c) The power of attorney may limit the powers of the representative to certain acts. Any Contracting Party may require that any power of attorney under which the representative has the right to withdraw an application or to surrender a registration contain an express indication to that effect.

(d) Where a communication is submitted to the Office by a person who refers to himself in the communication as a representative but where the Office is, at the time of the receipt of the communication, not in possession of the required power of attorney, the Contracting Party may require that the power of attorney be submitted to its Office within the time limit fixed by the Contracting Party, subject to the minimum time limit prescribed in the Regulations.

(e) As regards the requirements concerning the presentation and contents of the power of attorney, no Contracting Party shall refuse the effects of the power of attorney,

(i) where the power of attorney is presented in writing on paper, if it is presented, subject to paragraph (4), on a form corresponding to the power of attorney Form provided for in the Regulations,

(ii) where the Contracting Party allows the transmittal of communications to its Office by telefacsimile and the power of attorney is so transmitted, if the paper copy resulting from such transmittal corresponds, subject to paragraph (4), to the power of attorney Form referred to in item (i),

(iii) where the Contracting Party allows the transmittal of communications to its Office by electronic means and the power of attorney is so transmitted, if such transmittal is effected in the manner prescribed in the Regulations.

(4) [*Language*] Any Contracting Party may require that the power of attorney be in the language, or in one of the languages, admitted by its Office.

(5) [*Reference to Power of Attorney*] Any Contracting Party may require that any communication made to its Office by a representative for the purposes of a procedure before that Office contain a reference to the power of attorney on the basis of which the representative acts.

(6) [*Prohibition of Other Requirements*] No Contracting Party may demand that requirements other than those referred to in paragraphs (3) to (5) be complied with in respect of the matters dealt with in those paragraphs.

(7) [*Evidence*] Any Contracting Party may require that evidence be furnished to its Office where that Office may reasonably doubt the veracity of any indication contained in any communication referred to in paragraphs (2) to (5).

#### **Article 5 Filing Date**

(1) [*Permitted Requirements*] (a) Subject to subparagraph (b) and paragraph (2), a Contracting Party shall accord as the filing date of an application the date on which the Office received the following indications and elements in the language required under Article 3(3):

(i) an express or implicit indication that the registration of a mark is sought;

(ii) indications allowing the identity of the applicant to be established;

(iii) indications sufficient to contact the applicant or his representative, if any, by mail;

(iv) a sufficiently clear reproduction of the mark whose registration is sought;

(v) the list of the goods and/or services for which the registration is sought;

(vi) where Article 3(1)(a)(xvii) or (b) applies, the declaration referred to in Article 3(1)(a)(xvii) or

the declaration and evidence referred to in Article 3(1)(b), respectively, as required by the law of the Contracting Party, those declarations being, if so required by the said law, signed by the applicant himself even if he has a representative.

(b) Any Contracting Party may accord as the filing date of the application the date on which the Office received only some, rather than all, of the indications and elements referred to in subparagraph (a) or received them in a language other than the language required under Article 3(3).

(2) [*Permitted Additional Requirement*] (a) A Contracting Party may provide that no filing date shall be accorded until the required fees are paid.

(b) A Contracting Party may apply the requirement referred to in subparagraph (a) only if it applied such requirement at the time of becoming party to this Treaty.

(3) [*Corrections and Time Limits*] The modalities of, and time limits for, corrections under paragraphs (1) and (2) shall be fixed in the Regulations.

(4) [*Prohibition of Other Requirements*] No Contracting Party may demand that requirements other than those referred to in paragraphs (1) and (2) be complied with in respect of the filing date.

#### **Article 6 Single Registration for Goods and/or Services in Several Classes**

Where goods and/or services belonging to several classes of the Nice Classification have been included in one and the same application, such an application shall result in one and the same registration.

#### **Article 7 Division of Application and Registration**

(1) [*Division of Application*] (a) Any application listing several goods and/or services (hereinafter referred to as "initial application") may,

(i) at least until the decision by the Office on the registration of the mark,

(ii) during any opposition proceedings against the decision of the Office to register the mark,

(iii) during any appeal proceedings against the decision on the registration of the mark,

be divided by the applicant or at his request into two or more applications (hereinafter referred to as "divisional applications") by distributing among the latter the goods and/or services listed in the initial application. The divisional applications shall preserve the filing date of the initial application and the benefit of the right of priority, if any.

(b) Any Contracting Party shall, subject to subparagraph (a), be free to establish requirements for the division of an application, including the payment of fees.

(2) [Division of Registration] Paragraph (1) shall apply, *mutatis mutandis*, with respect to a division of a registration. Such a division shall be permitted

- (i) during any proceedings in which the validity of the registration is challenged before the Office by a third party,
- (ii) during any appeal proceedings against a decision taken by the Office during the former proceedings,

provided that a Contracting Party may exclude the possibility of the division of registrations if its law allows third parties to oppose the registration of a mark before the mark is registered.

### **Article 8** **Signature and Other Means** **of Self-Identification**

(1) [Communication on Paper] Where a communication to the Office of a Contracting Party is on paper and a signature is required, that Contracting Party

- (i) shall, subject to item (iii), accept a handwritten signature,
- (ii) shall be free to allow, instead of a handwritten signature, the use of other forms of signature, such as a printed or stamped signature, or the use of a seal,
- (iii) may, where the natural person who signs the communication is its national and such person's address is in its territory, require that a seal be used instead of a handwritten signature,
- (iv) may, where a seal is used, require that the seal be accompanied by an indication in letters of the name of the natural person whose seal is used.

(2) [Communication by Telefacsimile] (a) Where a Contracting Party allows the transmittal of communications to its Office by telefacsimile, it shall consider the communication signed if, on the printout produced by the telefacsimile, the reproduction of the signature, or the reproduction of the seal together with, where required under paragraph (1)(iv), the indication in letters of the name of the natural person whose seal is used, appears.

(b) The Contracting Party referred to in subparagraph (a) may require that the paper whose reproduction was transmitted by telefacsimile be filed with its Office within a certain period, subject to the minimum period prescribed in the Regulations.

(3) [Communication by Electronic Means] Where a Contracting Party allows the transmittal of commu-

nications to its Office by electronic means, it shall consider the communication signed if the latter identifies the sender of the communication by electronic means as prescribed by it.

(4) [Prohibition of Requirement of Certification] No Contracting Party may require the attestation, notarization, authentication, legalization or other certification of any signature or other means of self-identification referred to in the preceding paragraphs, except, if the law of the Contracting Party so provides, where the signature concerns the surrender of a registration.

### **Article 9** **Classification of Goods** **and/or Services**

(1) [Indications of Goods and/or Services] Each registration and any publication effected by an Office which concerns an application or registration and which indicates goods and/or services shall indicate the goods and/or services by their names, grouped according to the classes of the Nice Classification, and each group shall be preceded by the number of the class of the said Classification to which that group of goods or services belongs.

(2) [Goods or Services in the Same Class or in Different Classes] (a) Goods or services may not be considered as being similar to each other on the ground that, in any registration or publication by the Office, they appear in the same class of the Nice Classification.

(b) Goods or services may not be considered as being dissimilar from each other on the ground that, in any registration or publication by the Office, they appear in different classes of the Nice Classification.

### **Article 10** **Changes in Names or Addresses**

(1) [Changes in the Name or Address of the Holder] (a) Where there is no change in the person of the holder but there is a change in his name and/or address, each Contracting Party shall accept that a request for the recordal of the change by the Office in its register of marks be made in a communication signed by the holder or his representative and indicating the registration number of the registration concerned and the change to be recorded. As regards the requirements concerning the presentation of the request, no Contracting Party shall refuse the request,

(i) where the request is presented in writing on paper, if it is presented, subject to subparagraph (c),

on a form corresponding to the request Form provided for in the Regulations,

(ii) where the Contracting Party allows the transmittal of communications to its Office by telefacsimile and the request is so transmitted, if the paper copy resulting from such transmittal corresponds, subject to subparagraph (c), to the request Form referred to in item (i),

(iii) where the Contracting Party allows the transmittal of communications to its Office by electronic means and the request is so transmitted, if such transmittal is effected in the manner prescribed in the Regulations.

(b) Any Contracting Party may require that the request indicate

(i) the name and address of the holder;

(ii) where the holder has a representative, the name and address of that representative;

(iii) where the holder has an address for service, such address.

(c) Any Contracting Party may require that the request be in the language, or in one of the languages, admitted by its Office.

(d) Any Contracting Party may require that, in respect of the request, a fee be paid to the Office.

(e) A single request shall be sufficient even where the change relates to more than one registration, provided that the registration numbers of all registrations concerned are indicated in the request.

(2) [*Change in the Name or Address of the Applicant*] Paragraph (1) shall apply, *mutatis mutandis*, where the change concerns an application or applications, or both an application or applications and a registration or registrations, provided that, where the application number of any application concerned has not yet been issued or is not known to the applicant or his representative, the request otherwise identifies that application as prescribed in the Regulations.

(3) [*Change in the Name or Address of the Representative or in the Address for Service*] Paragraph (1) shall apply, *mutatis mutandis*, to any change in the name or address of the representative, if any, and to any change relating to the address for service, if any.

(4) [*Prohibition of Other Requirements*] No Contracting Party may demand that requirements other than those referred to in paragraphs (1) to (3) be complied with in respect of the request referred to in this Article. In particular, the furnishing of any certificate concerning the change may not be required.

(5) [*Evidence*] Any Contracting Party may require that evidence be furnished to its Office where that Office may reasonably doubt the veracity of any indication contained in the request.

## Article 11 Change in Ownership

(1) [*Change in the Ownership of a Registration*]  
(a) Where there is a change in the person of the holder, each Contracting Party shall accept that a request for the recordal of the change by the Office in its register of marks be made in a communication signed by the holder or his representative, or by the person who acquired the ownership (hereinafter referred to as “new owner”) or his representative, and indicating the registration number of the registration concerned and the change to be recorded. As regards the requirements concerning the presentation of the request, no Contracting Party shall refuse the request,

(i) where the request is presented in writing on paper, if it is presented, subject to paragraph (2)(a), on a form corresponding to the request Form provided for in the Regulations,

(ii) where the Contracting Party allows the transmittal of communications to its Office by telefacsimile and the request is so transmitted, if the paper copy resulting from such transmittal corresponds, subject to paragraph (2)(a), to the request Form referred to in item (i),

(iii) where the Contracting Party allows the transmittal of communications to its Office by electronic means and the request is so transmitted, if such transmittal is effected in the manner prescribed in the Regulations.

(b) Where the change in ownership results from a contract, any Contracting Party may require that the request indicate that fact and be accompanied, at the option of the requesting party, by one of the following:

(i) a copy of the contract, which copy may be required to be certified, by a notary public or any other competent public authority, as being in conformity with the original contract;

(ii) an extract of the contract showing the change in ownership, which extract may be required to be certified, by a notary public or any other competent public authority, as being a true extract of the contract;

(iii) an uncertified certificate of transfer drawn up in the form and with the content as prescribed in the Regulations and signed by both the holder and the new owner;

(iv) an uncertified transfer document drawn up in the form and with the content as prescribed in the Regulations and signed by both the holder and the new owner.

(c) Where the change in ownership results from a merger, any Contracting Party may require that the request indicate that fact and be accompanied by a copy of a document, which document originates from the competent authority and evidences the

merger, such as a copy of an extract from a register of commerce, and that that copy be certified by the authority which issued the document or by a notary public or any other competent public authority, as being in conformity with the original document.

(d) Where there is a change in the person of one or more but not all of several co-holders and such change in ownership results from a contract or a merger, any Contracting Party may require that any co-holder in respect of which there is no change in ownership give his express consent to the change in ownership in a document signed by him.

(e) Where the change in ownership does not result from a contract or a merger but from another ground, for example, from operation of law or a court decision, any Contracting Party may require that the request indicate that fact and be accompanied by a copy of a document evidencing the change and that that copy be certified as being in conformity with the original document by the authority which issued the document or by a notary public or any other competent public authority.

(f) Any Contracting Party may require that the request indicate

- (i) the name and address of the holder;
- (ii) the name and address of the new owner;
- (iii) the name of a State of which the new owner is a national if he is the national of any State, the name of a State in which the new owner has his domicile, if any, and the name of a State in which the new owner has a real and effective industrial or commercial establishment, if any;
- (iv) where the new owner is a legal entity, the legal nature of that legal entity and the State, and, where applicable, the territorial unit within that State, under the law of which the said legal entity has been organized;
- (v) where the holder has a representative, the name and address of that representative;
- (vi) where the holder has an address for service, such address;
- (vii) where the new owner has a representative, the name and address of that representative;
- (viii) where the new owner is required to have an address for service under Article 4(2)(b), such address.

(g) Any Contracting Party may require that, in respect of the request, a fee be paid to the Office.

(h) A single request shall be sufficient even where the change relates to more than one registration, provided that the holder and the new owner are the same for each registration and that the registration numbers of all registrations concerned are indicated in the request.

(i) Where the change of ownership does not affect all the goods and/or services listed in the holder's registration, and the applicable law allows the recording of such change, the Office shall create a separate registration referring to the goods and/or

services in respect of which the ownership has changed.

(2) [*Language; Translation*] (a) Any Contracting Party may require that the request, the certificate of transfer or the transfer document referred to in paragraph (1) be in the language, or in one of the languages, admitted by its Office.

(b) Any Contracting Party may require that, if the documents referred to in paragraph (1)(b)(i) and (ii), (c) and (e) are not in the language, or in one of the languages, admitted by its Office, the request be accompanied by a translation or a certified translation of the required document in the language, or in one of the languages, admitted by its Office.

(3) [*Change in the Ownership of an Application*] Paragraphs (1) and (2) shall apply, *mutatis mutandis*, where the change in ownership concerns an application or applications, or both an application or applications and a registration or registrations, provided that, where the application number of any application concerned has not yet been issued or is not known to the applicant or his representative, the request otherwise identifies that application as prescribed in the Regulations.

(4) [*Prohibition of Other Requirements*] No Contracting Party may demand that requirements other than those referred to in paragraphs (1) to (3) be complied with in respect of the request referred to in this Article. In particular, the following may not be required:

- (i) subject to paragraph (1)(c), the furnishing of any certificate of, or extract from, a register of commerce;
- (ii) an indication of the new owner's carrying on of an industrial or commercial activity, as well as the furnishing of evidence to that effect;
- (iii) an indication of the new owner's carrying on of an activity corresponding to the goods and/or services affected by the change in ownership, as well as the furnishing of evidence to either effect;
- (iv) an indication that the holder transferred, entirely or in part, his business or the relevant goodwill to the new owner, as well as the furnishing of evidence to either effect.

(5) [*Evidence*] Any Contracting Party may require that evidence, or further evidence where paragraph (1)(c) or (e) applies, be furnished to its Office where that Office may reasonably doubt the veracity of any indication contained in the request or in any document referred to in the present Article.

## Article 12 Correction of a Mistake

(1) [*Correction of a Mistake in Respect of a Registration*] (a) Each Contracting Party shall accept

that the request for the correction of a mistake which was made in the application or other request communicated to its Office and which mistake is reflected in its register of marks and/or any publication by its Office be made in a communication signed by the holder or his representative and indicating the registration number of the registration concerned, the mistake to be corrected and the correction to be entered. As regards the requirements concerning the presentation of the request, no Contracting Party shall refuse the request,

(i) where the request is presented in writing on paper, if it is presented, subject to subparagraph (c), on a form corresponding to the request Form provided for in the Regulations,

(ii) where the Contracting Party allows the transmittal of communications to its Office by telefacsimile and the request is so transmitted, if the paper copy resulting from such transmittal corresponds, subject to subparagraph (c), to the request Form referred to in item (i),

(iii) where the Contracting Party allows the transmittal of communications to its Office by electronic means and the request is so transmitted, if such transmittal is effected in the manner prescribed in the Regulations.

(b) Any Contracting Party may require that the request indicate

(i) the name and address of the holder;

(ii) where the holder has a representative, the name and address of that representative;

(iii) where the holder has an address for service, such address.

(c) Any Contracting Party may require that the request be in the language, or in one of the languages, admitted by its Office.

(d) Any Contracting Party may require that, in respect of the request, a fee be paid to the Office.

(e) A single request shall be sufficient even where the correction relates to more than one registration of the same person, provided that the mistake and the requested correction are the same for each registration and that the registration numbers of all registrations concerned are indicated in the request.

(2) [*Correction of a Mistake in Respect of an Application*] Paragraph (1) shall apply, *mutatis mutandis*, where the mistake concerns an application or applications, or both an application or applications and a registration or registrations, provided that, where the application number of any application concerned has not yet been issued or is not known to the applicant or his representative, the request otherwise identifies that application as prescribed in the Regulations.

(3) [*Prohibition of Other Requirements*] No Contracting Party may demand that requirements other than those referred to in paragraphs (1) and (2) be

complied with in respect of the request referred to in this Article.

(4) [*Evidence*] Any Contracting Party may require that evidence be furnished to its Office where that Office may reasonably doubt that the alleged mistake is in fact a mistake.

(5) [*Uncorrectable Mistakes*] No Contracting Party shall be obliged to apply paragraphs (1) and (2) to any mistake which cannot be corrected under its law.

### Article 13

#### Duration and Renewal of Registration

(1) [*Indications or Elements Contained in or Accompanying a Request for Renewal; Fee*] (a) Any Contracting Party may require that the renewal of a registration be subject to the filing of a request and that such request contain some or all of the following indications:

(i) an indication that renewal is sought;

(ii) the name and address of the holder;

(iii) the registration number of the registration concerned;

(iv) at the option of the Contracting Party, the filing date of the application which resulted in the registration concerned or the registration date of the registration concerned;

(v) where the holder has a representative, the name and address of that representative;

(vi) where the holder has an address for service, such address;

(vii) where the Contracting Party allows the renewal of a registration to be made for some only of the goods and/or services which are recorded in the register of marks and such a renewal is requested, the names of the recorded goods and/or services for which the renewal is requested or the names of the recorded goods and/or services for which the renewal is not requested, grouped according to the classes of the Nice Classification, each group preceded by the number of the class of the said Classification to which that group of goods or services belongs;

(viii) a signature by, or other self-identification of, the holder or, at the option of the holder, his representative.

(b) Any Contracting Party may require that, in respect of the request for renewal, a fee be paid to the Office. Once the fee has been paid in respect of the initial period of the registration or of any renewal period, no further payment may be required for the maintenance of the registration in respect of that period.

(c) Any Contracting Party may require that the request for renewal be presented, and the fee referred

to in subparagraph (b) be paid, to the Office within the period fixed by the law of the Contracting Party, subject to the minimum periods prescribed in the Regulations.

(2) [*Presentation*] As regards the requirements concerning the presentation of the request for renewal, no Contracting Party shall refuse the request,

(i) where the request is presented in writing on paper, if it is presented, subject to paragraph (3), on a form corresponding to the request Form provided for in the Regulations,

(ii) where the Contracting Party allows the transmittal of communications to its Office by telefacsimile and the request is so transmitted, if the paper copy resulting from such transmittal corresponds, subject to paragraph (3), to the request Form referred to in item (i),

(iii) where the Contracting Party allows the transmittal of communications to its Office by electronic means and the request is so transmitted, if such transmittal is effected in the manner prescribed in the Regulations.

(3) [*Language*] Any Contracting Party may require that the request for renewal be in the language, or in one of the languages, admitted by its Office.

(4) [*Prohibition of Other Requirements*] No Contracting Party may demand that requirements other than those referred to in paragraphs (1) to (3) be complied with in respect of the request for renewal. In particular, the following may not be required:

(i) any reproduction or other identification of the mark;

(ii) the furnishing of evidence to the effect that the mark has been registered, or that its registration has been renewed, in the register of marks of any other Contracting Party;

(iii) the furnishing of a declaration and/or evidence concerning use of the mark.

(5) [*Evidence*] Any Contracting Party may require that evidence be furnished to its Office in the course of the examination of the request for renewal where that Office may reasonably doubt the veracity of any indication or element contained in the request for renewal.

(6) [*Prohibition of Substantive Examination*] No Office of a Contracting Party may, for the purposes of effecting the renewal, examine the registration as to substance.

(7) [*Duration*] The duration of the initial period of the registration, and the duration of each renewal period, shall be 10 years.

#### **Article 14** **Observations in Case of** **Intended Refusal**

An application or a request under Articles 10 to 13 may not be refused totally or in part by an Office without giving the applicant or the requesting party, as the case may be, an opportunity to make observations on the intended refusal within a reasonable time limit.

#### **Article 15** **Service Marks**

The Contracting Parties shall apply the provisions of the Paris Convention which concern trademarks to service marks.

#### **Article 16** **Establishment of a Union**

The Contracting Parties of this Treaty constitute a Union for the purposes of this Treaty.

#### **Article 17** **Assembly**

(1) [*Composition*] (a) The Union shall have an Assembly consisting of the Contracting Parties.

(b) Each Contracting Party shall be represented by one delegate, who may be assisted by alternate delegates, advisors and experts.

(c) The Union shall not bear the expenses of the participation of any delegation in any session of the Assembly.

(2) [*Tasks*] (a) The Assembly shall

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

(ii) decide the modification of certain provisions of this Treaty in accordance with Article 20(2) and decide on the date of entry into force of any such modification;

(iii) exercise such rights and perform such tasks as are specifically conferred upon it or assigned to it under this Treaty;

(iv) give directions to the Director General concerning the preparations for any conference referred to in Article 20(1) or Article 21 and decide the convocation of any such conference;

(v) 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;

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

(vii) determine which States and intergovernmental organizations, other than Contracting Parties, and which non-governmental organizations shall be admitted to its meetings as observers;

(viii) take any other appropriate action designed to further the objectives of the Union and perform such other functions as are appropriate under this Treaty.

(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) [*Representation*] A delegate may represent one Contracting Party only.

#### *Alternative A*

(4) [*Voting*] (a) Each Contracting Party that is a State shall have one vote and shall vote only in its own name.

(b) Any regional intergovernmental organization referred to in Article 22(1)(ii) that is a Contracting Party may exercise the right to vote of its member States that are Contracting Parties and are present at the time of voting. The regional intergovernmental organization may not, in a given vote, exercise the said right to vote if any of its member States participates in the vote or expressly abstains.

#### *Alternative B*

(4) [*Voting*] (a) Each Contracting Party that is a State and any regional intergovernmental organization referred to in Article 22(1)(ii) that is a Contracting Party, provided that the member States of that organization also maintain Offices in which marks may be registered with effect in their territory, shall have one vote and shall vote only in its own name.

(b) Any regional intergovernmental organization referred to in Article 22(1)(ii), other than those referred to in subparagraph (a), that is a Contracting Party may exercise the right to vote of its member States that are Contracting Parties and are present at the time of voting. The regional intergovernmental organization may not, in a given vote, exercise the said right to vote if any of its member States participates in the vote or expressly abstains.

(5) [*Quorum*] (a) One-half of the Contracting Parties that have the right to vote 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.

(c) In the case provided for in subparagraph (b), the International Bureau shall communicate the decisions of the Assembly (other than those concerning the Assembly's own procedure) to the Contracting Parties having the right to vote 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 that period, the number of Contracting Parties having thus expressed their vote or abstention attains the number of Contracting Parties 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.

(6) [*Majorities*] (a) Subject to Articles 19(2)(b) and (3) and 20(2), the decisions of the Assembly shall require a majority of the votes cast.

(b) Abstentions shall not be considered as votes.

(7) [*Sessions*] (a) The Assembly shall meet once in every second 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, either at the request of one-fourth of the Contracting Parties or on the Director General's own initiative.

(8) [*Rules of Procedure*] The Assembly shall adopt its own rules of procedure.

## **Article 18 International Bureau**

(1) [*Tasks*] The International Bureau of the Organization shall

(i) perform the administrative tasks concerning the Union, as well as any tasks specifically assigned to it by the Assembly;

(ii) provide the secretariat of the conferences referred to in Articles 20(1) and 21, of the Assembly, of the committees and working groups established by the Assembly, and of any other meeting convened by the Director General under the aegis of the Union.

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

(3) [*Meetings Other Than Sessions of the Assembly*] 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) [*Role of the International Bureau in the Assembly and Other Meetings*] (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 meetings convened by the Director General under the aegis of 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) [*Conferences*] (a) The Director General shall, in accordance with the directions of the Assembly, make the preparations for any conference referred to in Article 20(1) or Article 21.

(b) The Director General may consult with inter-governmental and international and national non-governmental organizations concerning the said preparations.

(c) The Director General and staff members designated by him shall take part, without the right to vote, in the discussions at any conference referred to in subparagraph (a).

(d) The Director General or a staff member designated by him shall be *ex officio* secretary of any conference referred to in subparagraph (a).

## Article 19 Regulations

(1) [*Content*] (a) The Regulations annexed to this Treaty provide rules concerning

(i) matters which this Treaty expressly provides to be "prescribed in the Regulations";

(ii) any details useful in the implementation of the provisions of this Treaty;

(iii) any administrative requirements, matters or procedures.

(b) The Regulations also contain Model International Forms.

(2) [*Amending the Regulations*] (a) The Assembly may amend the Regulations.

(b) Subject to paragraph (3), any amendment of the Regulations shall require three-fourths of the votes cast.

(3) [*Requirement of Unanimity*] (a) The Regulations may specify rules which may be amended only by unanimous consent.

(b) Exclusion, for the future, of any rule designated as requiring unanimous consent for amendment from such requirement shall require unanimous consent.

(c) Inclusion, for the future, of the requirement of unanimous consent for the amendment of any rule shall require unanimous consent.

(4) [*Conflict Between the Treaty and the Regulations*] In the case of conflict between the provisions of this Treaty and those of the Regulations, the former shall prevail.

## Article 20 Revision and Modification

(1) [*Revision*] This Treaty may be revised by a conference of the Contracting Parties.

(2) [*Modification*] With the exception of Articles 2, 15, 16 and 19 to 27, the provisions of this Treaty may be modified by a decision of the Assembly, provided that no Contracting Party votes against the modification.

## Article 21 Protocols

(1) [*Adoption of Protocols*] For the purposes of further developing the harmonization of laws on marks, protocols may be adopted by a conference of the Contracting Parties.

(2) [*Becoming Party to a Protocol*] Only Contracting Parties may become party to any protocol adopted under paragraph (1).

## Article 22 Becoming Party to the Treaty

(1) [*Eligibility*] The following entities may sign and, subject to paragraphs (2) and (3) and Article 23, become party to this Treaty:

(i) any State party to the Paris Convention in respect of which marks may be registered with its own Office;

(ii) any regional intergovernmental organization which maintains a regional Office in which marks may be registered with effect in all its member States, provided that all those States are party to the Paris Convention;

(iii) any State party to the Paris Convention in respect of which marks may be registered only through the Office of another specified State that is a party to the Paris Convention;

(iv) any State party to the Paris Convention in respect of which marks may be registered only through the regional Office maintained by a regional intergovernmental organization of which that State is a member;

(v) any State party to the Paris Convention in respect of which marks may be registered only through an Office common to a group of States party to the Paris Convention.

(2) [*Ratification or Accession*] Any entity referred to in paragraph (1) may deposit

- (i) an instrument of ratification, if it has signed this Treaty,
- (ii) an instrument of accession, if it has not signed this Treaty.

(3) [*Effective Date of Deposit*] (a) Subject to subparagraph (b), the effective date of the deposit of an instrument of ratification or accession shall be,

(i) in the case of a State referred to in paragraph (1)(i), the date on which the instrument of that State is deposited;

(ii) in the case of a regional intergovernmental organization, the date on which the following condition is fulfilled: the instrument of the regional intergovernmental organization has been deposited and the instruments of all the regional intergovernmental organization's member States have been deposited;

(iii) in the case of a State referred to in paragraph (1)(iii), the date on which the following condition is fulfilled: the instrument of that State has been deposited and the instrument of the other, specified State has been deposited;

(iv) in the case of a State referred to in paragraph (1)(iv), the date applicable under (ii), above;

(v) in the case of a State member of a group of States referred to in paragraph (1)(v), the date on which the instruments of all the States members of the group have been deposited.

(b) Any instrument of ratification or accession (hereinafter referred to as "instrument") of a State may be accompanied by a declaration making it a condition to its being considered as deposited that the instrument of one other State or one regional intergovernmental organization, or the instruments of two other States, or the instruments of one other State and one regional intergovernmental organization, specified by name and eligible to become party to this Treaty, is or are also deposited. The instrument containing such a declaration shall be considered to have been deposited on the day on which the condition indicated in the declaration is fulfilled. However, when the deposit of any instrument specified in the declaration is, itself, accompanied by a declaration of the said kind, that instrument shall be considered as deposited on the day on which the condition specified in the latter declaration is fulfilled.

(c) Any declaration made under paragraph (b) may be withdrawn, in its entirety or in part, at any time. Any such withdrawal shall become effective on the date on which the notification of withdrawal is received by the Director General.

### **Article 23** **Effective Date of Ratifications** **and Accessions**

(1) [*Instruments to Be Taken Into Consideration*] For the purposes of this Article, only instruments of ratification or accession that are deposited by entities referred to in Article 22(1) and that have an effective date according to Article 22(3) shall be taken into consideration.

(2) [*Entry Into Force of the Treaty*] This Treaty shall enter into force three months after five entities have deposited their instruments of ratification or accession.

(3) [*Entry Into Force of Ratifications and Accessions Subsequent to the Entry Into Force of the Treaty*] Any entity not covered by paragraph (2) shall become bound by this Treaty three months after the date on which it has deposited its instrument of ratification or accession.

### **Article 24** **Reservations**

(1) [*Special Kinds of Marks*] Any State or regional intergovernmental organization may declare through a reservation that, notwithstanding Article 2(1)(a) and (2)(a), any of the provisions of Articles 3(1) and (2), 5, 7, 11 and 13 shall not apply to associated marks, defensive marks or derivative marks. Such a reservation shall specify those of the aforementioned provisions to which the reservation relates.

(2) [*Single Application for Goods and Services in Several Classes*] Any State or regional intergovernmental organization may declare through a reservation that, notwithstanding Article 3(5), an application may be filed with its Office only in respect of goods or services which belong to one class of the Nice Classification.

(3) [*Single Power of Attorney for More Than One Application and/or Registration*] Any State or regional intergovernmental organization may declare through a reservation that, notwithstanding Article 4(3)(b), a power of attorney may only relate to one application or one registration.

(4) [*Prohibition of Requirement of Certification of Signature of Power of Attorney and of Signature of Application*] Any State or regional intergovernmental organization may declare through a reservation that, notwithstanding Article 8(4), the signature of any power of attorney or the signature by the applicant of any application may be required to be the subject of an attestation, notarization, authentication, legalization or other certification.

(5) [*Single Request for More Than One Application and/or Registration in Respect of a Change in Name and/or Address, a Change in Ownership or a Correction of a Mistake*] Any State or regional intergovernmental organization may declare through a reservation that, notwithstanding Article 10(1)(e) and (2), Article 11(1)(h) and (3) and Article 12(1)(e) and (2), a request for the recordal of a change in name and/or address, a request for the recordal of a change in ownership and a request for the correction of a mistake may only relate to one application or one registration.

(6) [*Furnishing, on the Occasion of Renewal, of Declaration and/or Evidence Concerning Use*] Any State or regional intergovernmental organization may declare through a reservation that, notwithstanding Article 13(4)(iii), it will require, on the occasion of renewal, the furnishing of a declaration and/or of evidence concerning use of the mark.

(7) [*Substantive Examination on the Occasion of Renewal*] Any State or regional intergovernmental organization may declare through a reservation that, notwithstanding Article 13(6), its Office may, on the occasion of the first renewal of a registration covering services, examine such registration as to substance, provided that such examination shall be limited to the elimination of multiple registrations based on applications filed during a period of six months following the entry into force of the law of such State or organization that introduced, before the entry into force of this Treaty, the possibility of registering service marks.

(8) [*Common Provisions*] (a) Any reservation under paragraphs (1) to (7) shall be made in a declaration accompanying the instrument of ratification of, or accession to, this Treaty of the State or regional intergovernmental organization concerned.

(b) A State or a regional intergovernmental organization may make a reservation under paragraphs (2) to (5) and (7) only if, at the time of becoming party to this Treaty, the continued application of its law would, without such a reservation, be contrary to the relevant provisions of this Treaty and if the instrument referred to in subparagraph (a) is deposited, or is considered as deposited under Article 22(3)(b), not later than the end of the fourth calendar year after the year in which this Treaty was adopted.

(c) A State or a regional intergovernmental organization may make a reservation under paragraph (6) only if, at the time of becoming party to this Treaty, the continued application of its law would, without

such a reservation, be contrary to the relevant provisions of this Treaty.

(9) [*Loss of Effect of Reservation*] Any reservation under paragraphs (2) to (6) shall lose its effect at the end of the fourth calendar year following the date on which the Contracting Party concerned becomes bound by this Treaty.

(10) [*Prohibition of Other Reservations*] No reservations to this Treaty other than the reservations allowed under paragraphs (1) to (7) are permitted.

## **Article 25** **Denunciation of the Treaty**

(1) [*Notification*] Any Contracting Party may denounce this Treaty by notification addressed to the Director General.

(2) [*Effective Date*] Denunciation shall take effect one year from the date on which the Director General has received the notification. It shall not affect the application of this Treaty to any application pending or any mark registered in respect of the denouncing Contracting Party at the time of the expiration of the said one-year period, provided that the denouncing Contracting Party may, after the expiration of the said one-year period, discontinue applying this Treaty to any registration as from the date on which that registration is due for renewal.

## **Article 26** **Languages of the Treaty; Signature**

(1) [*Original Texts; Official Texts*] (a) This Treaty shall be signed in a single original in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally authentic.

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

(2) [*Time Limit for Signature*] This Treaty shall remain open for signature at the headquarters of the Organization for one year after its adoption.

## **Article 27** **Depositary**

The Director General shall be the depositary of this Treaty.

## Worldwide Forum on the Arbitration of Intellectual Property Disputes

(Geneva, March 3 and 4, 1994)

On March 3 and 4, 1994, the World Intellectual Property Organization (WIPO) and the American Arbitration Association (AAA) jointly organized, at the headquarters of WIPO in Geneva, a Worldwide Forum on the Arbitration of Intellectual Property Disputes.

The Forum was attended by 250 persons, representing 33 countries (Algeria, Angola, Argentina, Austria, Bulgaria, Chile, China, Croatia, Czech Republic, Democratic People's Republic of Korea, Egypt, Estonia, Finland, France, Germany, Guatemala, Hungary, Israel, Italy, Japan, Kenya, Lithuania, Mexico, Morocco, Republic of Korea, Senegal, Slovakia, Slovenia, Spain, Switzerland, Tunisia, Turkey, United Kingdom), seven intergovernmental organizations (United Nations (UN), Commission of the European Communities (CEC), European Patent Organisation (EPO), European Space Agency (ESA), General Agreement on Tariffs and Trade (GATT), League of Arab States (LAS), World Meteorological Organization (WMO)), and 32 non-governmental organizations (Agency for the Protection of Programs (APP), Asian-African Legal Consultative Committee (AALCC), Association for the International Collective Management of Audiovisual Works (AGICOA), Centre for International Industrial Property Studies (CEIPI), Committee of National Institutes of Patent Agents (CNIPA), European Association of Industries of Branded Products (AIM), European Communities Trade Mark Association (ECTA), European Council of American Chambers of Commerce (ECACC), Federal Chamber of Patent Attorneys (FCPA), French Association of Practitioners in Trademark and Design Law (APRAM), Institute of Professional Representatives Before the European Patent Office (EPI), Inter-American Association of Industrial Property (ASIPI), International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), International Association for the Protection of Industrial Property (AIPPI), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM), International Confederation of Societies of Authors and Composers (CISAC), International Federation of Computer Law Associations (IFCLA), International Federation of Film Producers Associations (FIAPF), International Federation of Industrial Property Attorneys (FICPI), International Federation of Inventors' Associations (IFIA), International Federation of the

Phonographic Industry (IFPI), International Federation of the Seed Trade (FIS), International League of Competition Law (LIDC), International Organization for Standardization (ISO), International Publishers Association (IPA), International Theatre Institute (ITI), International Union of Architects (IUA), Licensing Executives Society International (LESI), Licensing, Innovation and Technology Consultants' Association (LITCA), Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (MPI), The Chartered Institute of Arbitrators (CIArb)). Furthermore, 133 persons from the following countries and territory participated in a private capacity: Australia, Austria, Belgium, Brazil, Czech Republic, Finland, France, Germany, Greece, Hungary, Israel, Italy, Japan, Latvia, Nigeria, Netherlands, Portugal, Romania, Senegal, Spain, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, United Kingdom, United States of America, Yugoslavia, Hong Kong.<sup>1</sup>

Opening addresses were given by the Director General of WIPO, Dr. Arpad Bogsch, and the President of the AAA, Mr. Robert Coulson. Dr. Bogsch introduced the new venture of WIPO in establishing the WIPO Arbitration Center and said that WIPO was particularly well placed to provide services for the resolution of international intellectual property disputes. Mr. Coulson expressed the support of the AAA for the establishment of the Center. Mr. Coulson also said that, of the new cases commenced before the AAA in 1993, 139 involved intellectual property disputes, representing a total amount of US\$240 million of claims.

The proceedings of the Forum were divided into four parts. The first part consisted of a presentation by Mr. Coulson, in which he gave a general overview of arbitration, mediation, MEDALOA (*MEDIation And Last Offer Arbitration*), the mini-trial and other procedures, as well as of the AAA and other arbitration institutions operating throughout the world.

The second part consisted of a number of presentations concerning the various aspects of the arbitration process. Questions concerning arbitrability were covered by Mr. Robert Briner (Lenz & Staehelin, Geneva), who dealt with the significance of the question of arbitrability, the stages at which the question arose in arbitrations, and the treatment of

<sup>1</sup> A full list of participants may be obtained on request from the International Bureau.

the arbitrability of intellectual property disputes in Switzerland in particular, where a legal climate favorable to the arbitrability of all aspects of such disputes prevails; Mr. David Plant (Fish & Neave, New York), who explained in detail the approach to the arbitrability of intellectual property disputes in the United States of America, as well as analyzing the arbitrability of antitrust issues; and Mr. Jochen Pagenberg (Bardehle, Pagenberg, Dost, Altenburg, Frohwitter, Geissler & Partner, Munich), who covered the treatment of the arbitrability of intellectual property disputes in Germany.

An extensive analysis of the central question of the drafting of dispute-resolution clauses was given by Mr. Marc Blessing (Bär & Karrer, Zurich, and President, Swiss Arbitration Association (ASA)), which dealt with the choice between institutional and *ad hoc* arbitration, pre-drafting checks for arbitration clauses, drafting checks for arbitration clauses and model arbitration clauses.

The selection of arbitrators was treated by Mr. James Carter (Sullivan & Cromwell, New York), in a presentation which emphasized the pivotal importance of the arbitrators and analyzed questions concerning the number of arbitrators, selection techniques and the desired qualifications and attributes of arbitrators.

The particular characteristics of intellectual property disputes and the application of arbitration and other dispute-resolution procedures to such disputes were dealt with by Mr. Julian Lew (Coudert Brothers, London) and Professor Bryan Niblett (Chairman, Intellectual Property Specialist Group, The Chartered Institute of Arbitrators, London). Mr. Lew also gave statistics concerning intellectual property disputes administered by the International Chamber of Commerce (ICC) Court of International Arbitration. Over the three years from 1990 to 1992, 108 of the 787 new cases set in motion by the ICC Court contained an intellectual property element.

The management of arbitration proceedings was treated by Mr. Michael Hoellering (General Counsel, AAA), who dealt with the various ways in which an arbitral institution can assist in the initiation and administration of arbitration proceedings; and Professor Hans Smit (Director, Parker School of Foreign and Comparative Law, Columbia University,

New York), who, from the perspective of the arbitrator, dealt with a wide range of problems and issues that arise in the course of an arbitration.

Finally, in this second segment, Mr. Otto de Witt Wijnen (Nauta Dutilh, Rotterdam, Netherlands) analyzed arbitral awards and their enforcement, covering the New York Convention, remedies in intellectual property cases and interim measures.

The third component of the Forum was devoted to mediation, in which three presentations were made. Sir Laurence Street (Dispute Resolution Consultant and Retired Chief Justice of the Supreme Court of New South Wales, Australia) introduced the procedure of mediation and analyzed the roles of the mediator, legal advisors, party representatives and the envisaged structure of mediations under the WIPO Arbitration Center's proposed rules. Professor Toshio Sawada (Sophia (Jôchi) University, Tokyo) presented the experience of Japan in conciliation and the prospects for the success of mediation as a procedure in international transactions. Mr. Tom Arnold (Arnold, White and Durkee, Houston, Texas, United States of America) explained the use of mediation in the United States of America and gave advice concerning the desirability of mediation and the use of advocacy in mediation.

The WIPO Arbitration Center and its services were presented in the final segment of the Forum by Mr. Francis Gurry (Director-Advisor, WIPO), who explained the specificity of intellectual property disputes and the appropriateness of arbitration and other dispute-resolution alternatives for the specific characteristics of such disputes, the procedures and services that would be offered by the WIPO Arbitration Center and the lists of mediators and arbitrators being assembled by the Center.

The proceedings of the Forum will be available as a printed publication. Information concerning the publication and the services of the WIPO Arbitration Center may be obtained from:

WIPO Arbitration Center  
34, chemin des Colombettes  
1211 Geneva 20  
Switzerland

Tel: (41-22) 730 9428

Fax: (41-22) 733 5428.

## Registration Systems Administered by WIPO

### Patent Cooperation Treaty (PCT)

#### PCT Newsletter

In March 1994, the first issue of the *PCT Newsletter* was published in English in some 8,000 copies and distributed to all industrial property offices of the States party to the Paris Convention for the Protection of Industrial Property, all subscribers to the *PCT Applicant's Guide* and all applicants or agents of applicants having filed international applications under the PCT since 1991.

#### Training and Promotion Meetings With PCT Users

*Georgia.* In late February and early March 1994, two government officials received training in the administrative procedures under the PCT at the headquarters of WIPO.

*Germany.* In March 1994, a WIPO official gave a presentation on the PCT at a seminar organized in Frankfurt/Main by the Industrial Property Group of the German Association of Chemists for some 45 participants from the chemical industry and patent attorney firms.

Also in March 1994, a WIPO official conducted a seminar on the PCT organized in Munich by Forum Institut für Management, a private enterprise in Germany, for some 35 patent administrators from law firms and industry.

*Slovenia.* In March 1994, two government officials received training in the administrative procedures under the PCT at the headquarters of WIPO.

*United States of America.* In March 1994, two WIPO officials conducted a seminar on the PCT organized in Los Angeles (California) by the Los Angeles Chapter of the American Intellectual Property Law Association (AIPLA) for some 30 participants from law firms and industry.

Also in March 1994, the same WIPO officials conducted a seminar on the PCT organized in San Francisco (California) by Intellectual Property International (IPI) for some 30 participants from law firms and industry.

Later in March 1994, the same WIPO officials conducted a seminar on the PCT organized in Chicago (Illinois) by the Center for Intellectual Property of the John Marshall Law School for some 35 participants from law firms and industry.

In the same month, one of the above-mentioned WIPO officials and a WIPO consultant from the United States of America gave a presentation on the PCT at a seminar organized by a private corporation in Newark (New Jersey) for some 30 participants from government agencies, law firms and industry.

Also in the same month, another WIPO consultant from the United States of America lectured on the PCT to some 15 participants in a Patent Agent Examination Preparation Course for the American Patent Academy in Washington, D.C.

*Centre for International Industrial Property Studies (CEIPI).* In March 1994, a WIPO official made a presentation on recent developments in respect of the PCT at the CEIPI Tutors' Meeting held in Strasbourg (France).

*Centre Paul Roubier.* In March 1994, a WIPO official gave a presentation on the PCT during the annual industrial property course for patent practitioners organized by the Center in Ecully (France). Some 30 participants from government agencies, industry and law firms attended the course.

#### Computerization Activities

*European Patent Office (EPO).* In March 1994, a WIPO official had discussions with EPO officials in Munich on the possible development of a common standard for PCT and other patent procedures for nucleotide and/or amino acid sequence listings described in patent applications.

Also in March 1994, a presentation of WIPO's Document Imaging and Computer-Assisted Publication System (DICAPS) for publications under the PCT was given by WIPO officials in Geneva to two EPO officials for the purpose of investigating possible cooperation in the electronic transmission of PCT documents.

## Madrid Union

### Training and Promotion Meetings With Users of the Madrid System

*Slovenia.* In March 1994, two government officials received training in the administrative procedures under the Madrid Agreement at the headquarters of WIPO.

*The former Yugoslav Republic of Macedonia.* In March 1994, two government officials received training in the administrative procedures under the Madrid Agreement at the headquarters of WIPO.

### Computerization Activities

*Austria.* In March 1994, a WIPO official had discussions with officials of the Austrian Patent Office in Vienna on the possible development by WIPO of a CD-ROM for Austrian marks.

*Germany.* In March 1994, a WIPO official had discussions with government officials and a software supplier in Munich on the development by WIPO of a prototype CD-ROM for German marks.

## Activities of WIPO in the Field of Industrial Property — Specially Designed for Developing Countries

### Africa

#### Assistance With Training, Legislation and Modernization of Administration

*Ethiopia.* In March 1994, two WIPO officials visited Addis Ababa for discussions with government officials of the Ethiopian Science and Technology Commission on the draft proclamation on the protection of inventions, utility models and industrial designs and on possible cooperation with WIPO. The mission also had discussions with government and United Nations Development Programme (UNDP) officials to explore the possibility of UNDP financing an industrial property project in Ethiopia.

Also in March 1994, the International Bureau prepared and sent to the government authorities, at their request, comments on a revised text of the same draft proclamation.

*United Republic of Tanzania.* In March 1994, Mr. Vincent Mrisho, Principal Secretary, Ministry of Industries and Trade, and Mr. Richard Benjamin

Mngulwi, Registrar, Division of Companies Registrations, Commercial Laws and Industrial Licensing of the same Ministry, undertook a study visit to WIPO at the invitation of the Director General. In Geneva, they were received by the Director General and other WIPO officials and reviewed cooperation between the United Republic of Tanzania and WIPO and, in particular, the country's possible accession to the Patent Cooperation Treaty (PCT) and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol), as well as the status of the Tanzanian Trademark Act and its Implementing Regulations. Questions relating to two proposed UNDP-financed projects, one for the United Republic of Tanzania and the other for Zanzibar, were also examined. Subsequently, WIPO also organized for them a visit to the Swiss Federal Intellectual Property Office in Berne and the Swiss Society for Authors' Rights in Musical Works (SUISA) in Zurich.

## Arab Countries

### Assistance With Training, Legislation and Modernization of Administration

*Syria.* In March 1994, two WIPO officials undertook a mission to Damascus to discuss with government officials the revision of the Syrian Industrial Property Law and Syria's possible accession to the Convention Establishing the World Intellectual Property Organization and the Stockholm Act of the Paris Convention for the Protection of Industrial Property. They also discussed cooperation between Syria and WIPO.

*Arab Society for the Protection of Industrial Property (ASPIP).* In March 1994, the President of ASPIP had discussions with a WIPO official on possible cooperation between WIPO and ASPIP.

*Gulf Cooperation Council (GCC).* In March 1994, the International Bureau prepared and sent to the GCC Secretariat General, at its request, comments on the draft implementing regulations of the GCC Patent Law.

## Asia and the Pacific

### Training Courses, Seminars and Meetings

*WIPO Asian Regional Seminar on Industrial Designs (China).* From March 1 to 3, 1994, WIPO organized that Seminar in Beijing, in cooperation with the Chinese Patent Office (CPO) and with the assistance of the Japanese Patent Office (JPO). The Seminar was attended by 16 government officials or representatives from the private sector from Bangladesh, India, Indonesia, Malaysia, the Philippines, the Republic of Korea, Sri Lanka and Thailand, and some 70 Chinese participants from various government authorities, research institutions and industrial sectors of China. Papers were presented by five WIPO consultants from Japan, the United Kingdom, the United States of America and the Commission of the European Communities (CEC), a WIPO official and two Chinese experts. Country reports were also presented by the participants from the countries mentioned, except Bangladesh.

*WIPO Asian Regional Seminar on the Use of Patent Information by Industry (India).* From March 16 to 18, 1994, WIPO organized that Seminar in New Delhi, in cooperation with the Government of India and the Confederation of Indian Industries (CII) and with the assistance of UNDP. The Seminar was attended by 27 participants from government circles and the private sector from Bangladesh, Bhutan, China, the Democratic People's Republic of Korea, Fiji, Indonesia, Iran (Islamic Republic of), Malaysia, Mongolia, the Philippines, the Republic of Korea, Sri Lanka, Thailand and Viet Nam and by some 35 Indian participants from government ministries and departments of the central and state governments as well as industry and research and

development institutions. The Seminar was inaugurated by the Minister of Commerce of the Government of India, and the Director General of WIPO delivered a statement at the opening ceremony. In all, 10 papers on different aspects of patent information were presented by five WIPO consultants from Australia, Japan, the United Kingdom, the United States of America and the European Patent Office (EPO), four participant speakers from China, India and Malaysia and a WIPO official. There were presentations and demonstrations of on-line searches and CD-ROM products by government and private-sector organizations. A panel discussion on developing patent information services in support of industrial and technological development was organized on the occasion of the Seminar.

*India.* In March 1994, the Director General delivered a lecture on the "Role of Intellectual Property in the Development Process" at the Rajiv Gandhi Institute of Contemporary Studies, under the Rajiv Gandhi Foundation in New Delhi. The audience was composed of some 45 people who were Members of Parliament, government and industry leaders as well as academics and legal experts.

### Assistance With Training, Legislation and Modernization of Administration

*Bangladesh.* In March 1994, a WIPO official participated in Dhaka in a Government/UNDP/WIPO Tripartite Review Meeting of the UNDP-financed country project for modernizing and strengthening the industrial property system of Bangladesh. The WIPO official also had discussions with government

and UNDP officials and representatives of the private sector on possible future activities to promote the protection of industrial property rights in Bangladesh.

*China.* In March 1994, the Director General visited Beijing and was received by the Vice President of the country. He also had talks with the President of the Supreme People's Court and with government officials on the latest international developments in the field of intellectual property and on future cooperation between China and WIPO in the fields of industrial property and copyright. The Director General was accompanied by another WIPO official.

*Democratic People's Republic of Korea.* In late March and early April 1994, a WIPO consultant from Australia undertook a mission on computerization to the Invention Office in Pyongyang. The mission was the first activity under the UNDP-financed country project for the modernization of the industrial property system.

*India.* In March 1994, the Director General paid an official visit to India. In New Delhi, he was received by the President of India. He also met with the Finance Minister, the Minister of Commerce and the Minister of Human Resource Development, senior government officials and representatives from industry, research and development institutions, agencies dealing with copyright matters and representatives of the Trade Marks, Patents, Designs and Copyright Owners Association of India. In Bombay, he had discussions with government and UNDP offi-

cial, an EPO official and three other WIPO officials on the progress of the two UNDP-financed country projects in India relating to trademark administration and patent information services.

*Japan.* In March 1994, two WIPO officials had discussions in Tokyo with officials of the Japanese Patent Office (JPO) to evaluate the activities undertaken under the Japanese funds-in-trust arrangement in favor of developing countries in the field of industrial property during the Japanese fiscal year 1993-94 and to discuss the forthcoming activities for the next fiscal year.

*Laos.* In March 1994, a WIPO official visited Vientiane to discuss with government and UNDP officials the introduction of industrial property legislation in Laos, the setting up of the necessary administrative infrastructure, training and the possible holding of an awareness-building seminar on industrial property in Vientiane. The WIPO official also drew the attention of the government authorities concerned to the advantages of Laos' membership in WIPO. The mission was undertaken under the UNDP-financed interregional project.

*Malaysia.* In March 1994, a WIPO consultant from Germany started a four-week mission to the Intellectual Property Division of the Ministry of Domestic Trade and Consumer Affairs in Kuala Lumpur to advise and train its officials in the use of the International Classification of the Figurative Elements of Marks established under the Vienna Agreement. The mission was undertaken under the UNDP-financed country project.

## Latin America and the Caribbean

### Training Courses, Seminars and Meetings

*WIPO/MERCOSUR (Common Market of the Southern Cone) Government Experts Meeting on Intellectual Property in MERCOSUR Countries (Uruguay).* On March 14 and 15, 1994, WIPO organized that Meeting in cooperation with the Common Market Group of MERCOSUR and with the financial assistance of UNDP, at the headquarters of the MERCOSUR Administrative Secretariat in Montevideo. The meeting was attended by 17 government officials of the four MERCOSUR countries, namely, Argentina, Brazil, Paraguay and Uruguay, two WIPO officials and a WIPO consultant on computerization from Chile. WIPO presented five studies which had been requested by the four countries during a

previous meeting held at WIPO in Geneva in October 1993. They were entitled: Aspects of Industrial Property Legislation Relevant to the Integration of the MERCOSUR Countries; Aspects of Copyright Legislation Relevant to the Integration of the MERCOSUR Countries; Reflections on the Settlement of Disputes Between States and Between Individuals on Matters of Intellectual Property; Proposal for Legal Provisions on Trademarks; Status of the Industrial Property Offices of the MERCOSUR Countries. Discussions concentrated on those studies and the MERCOSUR countries' plans of action in the field of intellectual property, in particular, in respect of the harmonization of legislation among those countries. WIPO was requested to prepare further studies to be presented at the next

WIPO/MERCOSUR Meeting on Intellectual Property, to be held in June 1994. This activity was undertaken in the context of the UNDP-financed regional project.

### **Assistance With Training, Legislation and Modernization of Administration**

*Argentina.* In March 1994, a WIPO official undertook a mission to the Directorate of Technology, Quality and Industrial Property in Buenos Aires to discuss future cooperation between Argentina and WIPO in the field of industrial property.

*Brazil.* In March 1994, a WIPO official accompanied two government officials on a study visit organized by WIPO to the American Type Culture Collection (ATCC) in Rockville (Maryland, United States of America), an international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. This visit was organized in connection with the revision of the Brazilian patent legislation and the country's possible accession to the Budapest Treaty.

*Costa Rica.* In late February and early March 1994, two WIPO consultants on computerization from Chile and Venezuela undertook a mission to San José to advise the Intellectual Property Registry and evaluate the functioning of the automated systems for trademark applications and registrations already installed. The mission was funded from the UNDP-financed country project.

*El Salvador.* In March 1994, a WIPO official visited San Salvador to discuss with government officials measures to be taken for the modernization and strengthening of the industrial property system in the country and the possible execution by WIPO of a country project for the modernization of the indus-

trial property system which would be funded by a loan to the country from the Inter-American Development Bank (IDB).

*Honduras.* In March 1994, Mr. Delmer Urbizo Panting, Minister for Economy, and Mr. Oscar A. Nuñez Sandoval, Vice-Minister for Economy, held discussions with WIPO officials in Geneva on the strengthening of cooperation between Honduras and WIPO.

*Mexico.* In March 1994, a WIPO official visited Mexico City to discuss with government officials a possible WIPO country project for the newly established Mexican Institute of Industrial Property (IMPI).

*Paraguay.* In March 1994, at the request of the Government, a WIPO official visited Asunción and had discussions with government leaders and officials on future cooperation between Paraguay and WIPO, including a possible country project to be financed by a loan to the country from the IDB.

*Trinidad and Tobago.* In March 1994, the International Bureau prepared and sent to the government authorities, at their request, comments and suggestions on the revised draft Trade Marks (Amendment) Bill, 1994.

*Uruguay.* In March 1994, a WIPO official undertook a mission to Montevideo to advise the National Directorate of Industrial Property on the preparation of a new law on trademarks and other distinctive signs. The mission was financed under the IDB-financed country project.

Also in March 1994, a WIPO consultant on computerization from Chile visited the said Directorate in Montevideo to advise on and evaluate the development of the computerized system for the search, storage and retrieval of information on trademarks. This mission was financed under the same country project.

## **WIPO Medals**

In March 1994, a WIPO medal was awarded to a Japanese girls' school at the Exhibition of the 52nd Competition of Schoolchildren's Inventions in Tokyo.

Also in March 1994, a WIPO medal was awarded to the Filipino Inventors Society on the occasion of the celebration of the 50th (golden) anniversary of its founding, in recognition of its work in promoting inventive and innovative activity in the Philippines.

## Activities of WIPO in the Field of Industrial Property Specially Designed for Countries in Transition to Market Economy

### National Activities

*Estonia.* In March 1994, Mr. Matti Päs, Director General of the Estonian Patent Office, had discussions with WIPO officials in Geneva on the patent and utility model bill.

*Romania.* In March 1994, the International Bureau prepared and sent to the government authori-

ties, at their request, comments on the draft law on trademarks and geographical indications.

*Russian Federation.* In March 1994, Mr. Serguei Lavrov, Deputy Minister of Foreign Affairs, and another government official had discussions with the Director General and other WIPO officials in Geneva on questions related to the Eurasian Patent Convention and the Russian Federation's possible accession to the Berne Convention for the Protection of Literary and Artistic Works.

## Other Contacts of the International Bureau of WIPO with Governments and International Organizations in the Field of Industrial Property

### National Contacts

*San Marino.* In March 1994, four government officials had discussions with WIPO officials in Geneva on WIPO's possible assistance in the setting up of an industrial property system for San Marino and the country's possible adhesion to WIPO-administered treaties.

*Spain.* In March 1994, a WIPO official had discussions with officials of the Spanish Patent and Trademark Office (OEPM) in Madrid on the preparation of the Spanish version of the 6th edition of the International Patent Classification (IPC) and the IPC:CLASS CD-ROM.

*Switzerland.* In March 1994, two WIPO officials represented the Organization at the inauguration of the patent information services of the Office for the Promotion of Geneva Industry (OPI), the Swiss Federal Intellectual Property Office's patent information branch office in Geneva.

*United States of America.* In March 1994, the Director General visited the United States Patent and Trademark Office (USPTO) in Washington, D.C., where he held talks with government officials on WIPO's current and planned normative activities.

Also in March 1994, a WIPO official attended the 17th session of the Patent and Trademarks Depository Libraries Conference organized by the USPTO in Washington, D.C., and gave a presentation of WIPO's CD-ROM containing intellectual property legislation (IP-LEX).

### United Nations

*United Nations.* In March 1994, a United Nations official visited WIPO, where he had discussions with WIPO officials on the experience of WIPO in carrying out development cooperation activities in the context of the pertinent resolutions of the United Nations General Assembly.

*United Nations Administrative Committee on Co-ordination (Organizational Committee) (ACC(OC)).* In March 1994, a WIPO official attended a meeting of the ACC(OC), held in Geneva.

### Intergovernmental Organizations

*European Commission.* In March 1994, a WIPO official had discussions with officials of the European Commission in Brussels on matters of common interest in the development of international legal norms in the field of trademarks and industrial designs.

*General Agreement on Tariffs and Trade (GATT).* In March 1994, a group of 24 Spanish-speaking trainees enrolled in GATT's 77th Commercial Policy Course visited WIPO and were briefed by WIPO officials on WIPO's activities and intellectual property in general.

*International Union for the Protection of New Varieties of Plants (UPOV).* In March 1994, a WIPO official accompanied a UPOV official to the Federal Office for Plant Varieties in Hannover (Germany), the Plant Breeders' Rights Office in Wageningen (Netherlands), and the Plant Variety Rights Office and Seeds Division (PVS) in Cambridge (United Kingdom), to observe the data bases used for the operations of those Offices in the framework of a project for the development, by WIPO, of a CD-ROM for plant varieties for the benefit of UPOV.

### Other Organizations

*Agency for Cultural and Technical Cooperation (ACCT) (France).* In March 1994, a WIPO official participated in a round table organized in Geneva by, *inter alia*, ACCT.

*Association of International Librarians and Information Specialists (AILIS).* In March 1994, a WIPO official attended a meeting of the Executive Committee of AILIS which was held in Geneva.

*European Association of Industries of Branded Products (AIM).* In March 1994, a WIPO official

attended a meeting of AIM's Trademark Committee which was held in Brussels.

*European Space Agency (ESA)/European Centre for Space Law (ECSL).* In March 1994, a representative of ESA/ECSL had discussions with WIPO officials in Geneva on the intellectual property aspects of the Agency's activities.

*Hungarian Association of Patent Attorneys.* In March 1994, the General Secretary of the Association had discussions with WIPO officials in Geneva on legislative developments in the field of industrial property in Hungary.

*Institute of Trade Mark Agents (ITMA).* In March 1994, a WIPO official presented the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks at an international conference organized by ITMA in London and another WIPO official presented WIPO's CD-ROMs for marks (ROMARIN (Read-Only Memory of Madrid Actualized Registry Information)) and for intellectual property legislation (IP-LEX).

*International Chamber of Commerce (ICC).* In March 1994, a representative of ICC had discussions with WIPO officials in Geneva on arbitration in the field of geographical indications.

*International Federation of Industrial Property Attorneys (FICPI).* In March 1994, a WIPO official attended a round table on the protection of industrial designs in the European Union organized by FICPI in Brussels.

*International Organization for Standardization (ISO).* In March 1994, a WIPO official attended two technical meetings held by ISO in Geneva.

*Japan Patent Association (JPA).* In March 1994, a JPA delegation, led by its President, visited WIPO where they had discussions with the Director General and other WIPO officials on the latest industrial property questions.

*Patent Documentation Group (PDG).* In March 1994, a WIPO official participated in a meeting of the PDG Working Group "Impact of Patent Laws on Documentation," held in Erlangen (Germany).

## Miscellaneous News

### National News

*Armenia.* The Law on Patents (Inventions, Industrial Designs, Utility Models) was adopted and entered into force on August 21, 1993.

*Ecuador.* The Regulations Applying Decision No. 344 of the Commission of the Cartagena Agreement, of December 21, 1993, entered into force on January 1, 1994.

*Ethiopia.* The Council of Ministers Regulations, No. 121/1993, to Regulate the Transfer of

Technology were adopted and entered into force on July 31, 1993.

*Hungary.* Law No. VII of 1994 Amending the Industrial Property and Copyright Legislation, of February 8, 1994, will enter into force on July 1, 1994.

*United Kingdom.* The Registered Trade Marks Agents (Mixed Partnerships and Bodies Corporate) Rules 1994, Statutory Instruments 1994 No. 363, of February 17, 1994, entered into force on March 24, 1994.

## Calendar of Meetings

### WIPO Meetings

(Not all WIPO meetings are listed. Dates are subject to possible change.)

#### 1994

**September 26 to October 4 (Geneva)** **Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Fifth Series of Meetings)**

Some of the Governing Bodies will meet in ordinary session, others in extraordinary session.  
*Invitations:* As members or observers (depending on the body), States members of WIPO or the Unions and, as observers, other States and certain organizations.

**October 10 to 28 (Geneva)** **Diplomatic Conference for the Conclusion of the Trademark Law Treaty**

The Diplomatic Conference is expected to adopt a treaty which will harmonize certain procedural and other aspects of national and regional trademark laws.

*Invitations:* States members of the Paris Union and, as observers or with a special status, States members of WIPO not members of the Paris Union and certain organizations.

December 5 to 9 (Geneva)

**Committee of Experts on a Possible Protocol to the Berne Convention (Fourth Session)**

The Committee will continue to examine the question of the preparation of a possible protocol to the Berne Convention for the Protection of Literary and Artistic Works.

*Invitations:* States members of the Berne Union, the Commission of the European Communities and, as observers, States members of WIPO not members of the Berne Union and certain organizations.

December 12 to 16 (Geneva)

**Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms (Third Session)**

The Committee will continue to examine the question of the preparation of a possible new instrument (treaty) on the protection of the rights of performers and producers of phonograms.

*Invitations:* States members of WIPO, the Commission of the European Communities and, as observers, certain organizations.

**1995**

April 5 and 6 (Melbourne, Australia)

**Symposium on the International Protection of Geographical Indications** (organized by WIPO in cooperation with the Government of Australia)

The Symposium will deal with the protection of geographical indications (appellations of origin and other geographical indications) both on the national and multilateral level and, in particular, with the coexistence of geographical indications and trademarks.

*Invitations:* Governments, selected intergovernmental and non-governmental organizations and any member of the public (against payment of the registration fee).

**UPOV Meetings**

(Not all UPOV meetings are listed. Dates are subject to possible change.)

**1994**

November 2 to 4 (Geneva)

**Technical Committee**

*Invitations:* Member States of UPOV and, as observers, certain non-member States and intergovernmental and non-governmental organizations.

November 7 and 8 (Geneva)

**Administrative and Legal Committee**

*Invitations:* Member States of UPOV and, as observers, certain non-member States and intergovernmental organizations.

November 9 (a.m.) (Geneva)

**Consultative Committee (Forty-Eighth Session)**

*Invitations:* Member States of UPOV.

November 9 (p.m.) (Geneva)

**Council (Twenty-Eighth Ordinary Session)**

*Invitations:* Member States of UPOV and, as observers, certain non-member States and intergovernmental and non-governmental organizations.

**Other Meetings****1994**

July 11 to 13 (Ljubljana)

International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): Annual Meeting

September 18 to 22 (Washington, D.C.)

International Confederation of Societies of Authors and Composers (CISAC): Congress

September 22 to 24 (Berlin)

International League of Competition Law (LIDC): Congress