

GUIDELINES FOR THE INTERPRETATION OF
ARTICLE 6^{ter}(1)(b) AND (3)(b) OF THE CONVENTION
FOR THE PROTECTION OF INDUSTRIAL PROPERTY
ADOPTED, IN 1992, BY THE ASSEMBLY OF THE PARIS UNION

In order to clarify certain aspects of Article 6^{ter}(1)(b) and (3)(b), the Assembly of the Paris Union adopted the Guidelines for the Interpretation of Article (1)(b) and (3)(b) in 1992. In application of these Guidelines, any program or institution established by an international intergovernmental organization, and any convention constituting an international treaty may, under certain conditions, benefit from the protection granted by Article 6^{ter}(1)(b) of the Paris Convention. The Guidelines provide the following:

“A. For the purposes of the implementation of Article 6^{ter}(1)(b) and (3)(b) of the Paris Convention for the Protection of Industrial Property, the International Bureau shall also communicate armorial bearings, flags, other emblems, abbreviations and names of

(i) any program established by an international intergovernmental organization, provided that the said program constitutes, or is intended to constitute, within the said organization, a permanent entity having specified aims and its own rights and obligations;

(ii) any institution established by an international intergovernmental organization, provided that the said institution constitutes, or is intended to constitute, within the said organization, a permanent entity having specified aims and its own rights and obligations;

(iii) any convention constituting an international treaty to which one or more States members of the Paris Union are Party, provided that the said convention establishes, or is intended to establish, a permanent entity having specified aims and its own rights and obligations.

B. For the purposes of the present guidelines,

- “permanent entity” means an entity which is established for an indefinite period of time; thus entities established to promote a particular issue or to celebrate a special event within a limited period of time (for example, programs such as “year of ...”) are excluded;

- “specified aims” means that the permanent entity is competent for certain subject matters which are clearly defined in its enabling statutes or charter, or in the resolutions or other decisions establishing such entity;

- “own rights and obligations” means that the permanent entity has rights and obligations which are clearly defined in its enabling statutes or charter or in the resolutions or other decisions by which it has been established. Such rights and obligations may concern the management of the permanent entity, election or appointment of its chief executive, finances, reporting of activities, etc.”