

# WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION

GENEVA

## DIPLOMATIC CONFERENCE FOR THE ADOPTION OF THE PATENT LAW TREATY

Geneva, May 11 to June 2, 2000

### ARTICLE 16

*Proposal by the Delegation of Sudan*

The Delegation of Sudan proposes to amend Article 16(4)(b)(ii) as follows:

“(ii) any Contracting Party that is an intergovernmental organization may participate in the vote, in place of its Member States, with a number of votes equal to the number of its Member States which are party to this Treaty and which have not expressly expressed their position directly or through another such intergovernmental organization of which they are Member States. ~~No such intergovernmental organization shall participate in the vote if any one of its Member States exercises its right to vote and vice versa. In addition, no such intergovernmental organization shall participate in the vote if any one of its Member States party to this Treaty is a Member State of another such intergovernmental organization and that other intergovernmental organization participate in that vote.~~”

The present version could lead to a conflict between intergovernmental organizations which are party to this Treaty as to which would be entitled to vote first at the expense of the other. The same conflict would arise between an intergovernmental organization which is party to this Treaty and a State which is a Member State of that organization, wishing to express a position different from that of the Organization.

The proposed version, however, allows

(i) opportunity for an intergovernmental organization to vote on behalf of its full membership or of any determined number having mandated it to vote on their behalf;

(ii) opportunity for Member States of intergovernmental organizations to express their various interests where no consensus is reached, thereby other Member States of the same organization, having mandated that organization to vote on their behalf, would not be affected.

(iii) avoidance of conflict between intergovernmental organizations of which one or more States are Members, where no consensus is reached as to which organization would be entitled to vote on behalf of its Member States, thereby preventing the other organization from voting, without having to request from each State to express its position separately.

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