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**DRAFT TEXTS OF PROPOSED AMENDMENTS TO THE PARIS CONVENTION AND
OTHER WIPO - ADMINISTERED TREATIES**

Document prepared by the Secretariat

1. In its final recommendations to the Assemblies of the Member States of WIPO, the Working Group on Constitutional Reform (the Working Group) identified three items on which agreement had been reached and in respect of which treaty amendment was recommended (document A/37/5). The three items identified by the Working Group for treaty amendment are: (i) abolition of the WIPO Conference, (ii) formalization of the unitary contributions system and changes in contribution classes, and (iii) a change in periodicity of ordinary sessions of the Assemblies (document A/37/5, paragraphs 7 to 10).

2. In order to implement the three recommendations of the Working Group mentioned in the preceding paragraph, several of the treaties administered by WIPO would need to be amended (document A/37/5, paragraph 17).¹
3. Document A/37/11 (“Draft Texts of Proposed Amendments to the Convention Establishing the World Intellectual Property Organization”) sets out draft texts of the amendments to the WIPO Convention that would be necessary to implement the recommendations of the Working Group. The present document provides draft texts for the implementation of the recommendations of the Working Group in the context of the Paris Convention for the Protection of Industrial Property and other WIPO-administered treaties. The draft texts will form the basis of the proposals for amendment to be communicated in February 2003, should the Member States decide to proceed with the adoption of the amendments.
4. In the ensuing document, the text of any modifications proposed to the treaty concerned is presented in *bold italics*, where words in the original have been changed or new words inserted, and by “(---)”, where words have been deleted without replacement. To facilitate ease of reference and comparison, the Notes relating to each Article that is proposed to be amended reproduce the existing provision of the relevant treaty in a clearly distinguishable box.

¹ The WIPO-administered treaties that will need to be amended in order to implement the recommendations of the Working Group are: Convention Establishing the World Intellectual Property Organization (the WIPO Convention), Paris Convention for the Protection of Industrial Property (the Paris Convention), Berne Convention for the Protection of Literary and Artistic Works (the Berne Convention), Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to the Agreement Concerning the Registration of Marks (the Madrid Agreement and the Madrid Protocol), Hague Agreement Concerning the International Deposit of Industrial Designs (the Hague Agreement), Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of Registration of Marks (the Nice Agreement), Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (the Lisbon Agreement), Locarno Agreement Establishing an International Classification for Industrial Designs (the Locarno Agreement), Patent Cooperation Treaty (PCT), Strasbourg Agreement Concerning the International Patent Classification (the Strasbourg Agreement), Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks (the Vienna Agreement) and Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (the Budapest Treaty).

**Paris Convention for the Protection of Industrial Property:
Draft Texts of Proposed Amendments**

Contents

Article 13	Assembly
Article 16	Finances

Notes on Article 13

13.01 *Article 13(7)(a)* implements the proposal that the periodicity of ordinary sessions of the Assemblies of WIPO and the Unions administered by WIPO be changed from once every two years to annually (see, also, Article 6(4) of the WIPO Convention in document A/37/11).

**Article 13 of the Paris Convention
Assembly of the Union**

(...)

(7) (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, at the request of the Executive Committee or at the request of one-fourth of the countries members of the Assembly.

(...)

Article 13
Assembly of the Union

[Proposed Amendment to Article 13]

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

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

[End of Proposed Amendment to Article 13]

Notes on Article 16

16.01 *Article 16* contains the financial provisions of the Paris Convention. The existing provisions no longer reflect the practice of the Paris Union and WIPO as a consequence of the reforms adopted by the competent Assemblies of WIPO and the Unions administered by WIPO in 1989 and 1991 (for certain changes in classes of contribution) and in 1993 (for the unitary contributions system and for further changes to classes of contribution). A full description of those changes in practice is set out in document WO/GA/WG -CR/2, paragraphs 16 to 50.

16.02 The proposals set out in Article 16 seek to align the provisions of Article 16 with the new practice of the Paris Union and WIPO with respect to classes of contribution and the unitary contributions system. As such, they need to be read in conjunction with the proposals set out for Article 11 of the WIPO Convention in document A/37/11.

16.03 It is proposed that *Article 16(1)(a)* of the existing text of the Paris Convention be deleted. Since the introduction of the unitary contributions system, the budget of the Paris Union is part of the budget of the contribution-financed Unions in the Program and Budget of the Organization and the Unions administered by WIPO.

16.04 The wording of *Article 16(1)(b)* has been modified so as to require transparency and fairness in the presentation of the income and expenses of the Paris Union in the budget of the Organization. The provision is intended to assist the Member States in their review and supervision of the finances of the Paris Union and the Organization.

16.05 It is suggested that *Article 16(1)(c)* be deleted, since it would no longer seem to be necessary in view of the requirement of fairness and transparency in the reflection of the income and expenses of the Union which is established by the new proposed text of Article 16(1).

Article 16 of the Paris Convention

Finances

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

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

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

[continues]

Article 16
Finances

[Proposed Amendment to Article 16]

(1) (a) (----)

(b) The (----) income and expenses *of the Union* (----) *shall be reflected in the budget of the Organization in a fair and transparent manner* .

(c) (----)

[Proposed Amendment to Article 16 continues]

[Notes on Article 16, continued]

16.06 It is suggested that *Article 16(2)* be deleted as no longer necessary.

16.07 Several amendments are suggested to *Article 16(3)*, but these are largely of a formal nature. Thus, "budget of the Union" is replaced by "income of the Union" to reflect the fact that the budgets of the various Unions administered by WIPO and of the Organization are presented in a single document of an inter-connected nature.

Article 16 of the Paris Convention

[continued]

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

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

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

[continues]

[Proposed Amendment to Article 16, continued]

(2) (----)

(3) The *income* of the Union shall be *derived* from the following sources:

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

[Proposed Amendment to Article 16 continues]

[Notes on Article 16, continued]

16.08 Several amendments are proposed in relation to **Article 16(4)(a) and (b)** to reflect the unitary contributions system and the changes in contribution classes that have been introduced in the practice of the Organization and the Unions administered by WIPO. These suggested amendments correspond to similar amendments suggested to Article 11(4) in the WIPO Convention in document A/37/11.

16.09 **Article 16(4)(a)** maintains the existing class system for the establishment of contributions. Unlike the corresponding provision in the existing text of Article 16(4)(a) of the Paris Convention, however, the provision does not set out the various classes and the units assigned to them. Rather, it is proposed that the number of classes and the number of units assigned to each class be established by the competent Assembly pursuant to the provisions of Article 16(4)(b). In this way, some flexibility for dealing with potential future changes in the classes and the units assigned to classes will exist.

Article 16 of the Paris Convention

[continued]

(4) (a) For the purpose of establishing its contribution towards the budget, each country of the Union shall belong to a class, and shall pay its annual contributions on the basis of a number of units fixed as follows:

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

[continues]

[Proposed Amendment to Article 16, continued]

(4) (a) For the purpose of establishing its contribution (----), each country of the Union shall belong to a class, and shall pay its annual contribution on the basis of *the* number of units *assigned to that class* (----).

[Proposed Amendment to Article 16 continues]

[Notes on Article 16, continued]

16.10 At present, the classes that exist for contributions in respect of membership in any of the contribution -financed Unions (it being recalled that a single contribution is now paid) are as follows:

–	Class I	25	
–	Class II	20	
–	Class III	15	
–	Class IV	10	
–	Class IV <i>bis</i>	7.5	
–	Class V	5	
–	Class VI	3	
–	Class VI <i>bis</i>	2	
–	Class VII	1	
–	Class VIII	1/2	
–	Class IX	1/4	
–	Class S	1/8	Applicable to developing countries having contributions under the United Nations scale of assessment between 0.02% and 0.10%.
–	Class S <i>bis</i>	1/16	Applicable to developing countries, other than least developed countries, having contributions under the United Nations scale of assessment of 0.01%.
–	Class S <i>ter</i>	1/32	Applicable to least developed countries having contributions under the United Nations scale of assessment of 0.01%.

16.11 *Article 16(4)(b)* provides that the number of classes and the units applicable to those classes would be decided by the Assembly of the Paris Union meeting in joint session with the WIPO General Assembly and the Assemblies of the other contribution -financed Unions (it being recalled that a unitary or single contribution is payable).

Article 16(4) of the Paris Convention

[continued]

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

[continues]

[Proposed Amendment to Article 16, continued]

(b) *The number of classes applicable to the countries of the Union, and the units assigned to each such class, shall be established by the Assembly meeting in joint session with the WIPO General Assembly and the Assemblies of the other Unions whose constituent treaties provide for the payment of a contribution.*

[Proposed Amendment to Article 16 continues]

[Notes on Article 16, continued]

16.12 **Article 16(4)(c)** (formerly Article 16(4)(b)) contains only one suggested modification. That modification would make the choice of any country to change classes conditional on satisfying any conditions of eligibility attached to any particular class (such conditions apply in the practice of the present system in the lowest classes).

16.13 **Article 16(4)(d)** (formerly Article 16(4)(c)) contains only a formal amendment consisting of the replacement of the words “budget of the Union” by the words “budget of the Organization.”

16.14 **Article 16(4)(e)** (formerly Article 16(4)(d)) remains unchanged.

16.15 No change is proposed to **Article 16(4)(f)** (formerly Article 16(4)(e)).

16.16 Amendments have been introduced to **Article 16(4)(g)** (formerly Article 16(4)(f)) to reflect the fact that the income and expenses of the Paris Union are represented in the same document as the Program and Budget of the Organization and the Unions administered by WIPO.

Article 16(4) of the Paris Convention

[continued]

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

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

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

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

(...)

[Proposed Amendment to Article 16, continued]

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

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

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

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

(g) If the budget *of the Organization* is not adopted before the beginning of a new financial period, ~~(---) the income and expenses of the Union~~ shall be at the same level as ~~(---) they were in~~ the previous year, as provided in the financial regulations.

[End of Proposed Amendment to Article 16 and of
Proposed Amendment to the Paris Convention]

[BerneConventionstartsonpage17]

**Berne Convention for the Protection of Literary and Artistic Works:
Draft Texts of Proposed Amendments**

Contents

Article 22 Assembly

Article 25 Finances

Notes on Article 22

22.01 *Article 22(4)(a)* implements the proposal that the periodicity of ordinary sessions of the Assemblies of WIPO and the Unions administered by WIPO be changed from once every two years to annually (see, also, Article 6(4) of the WIPO Convention in document A/37/11).

**Article 22 of the Berne Convention
Assembly**

(...)

(4) (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, at the request of the Executive Committee or at the request of one-fourth of the countries members of the Assembly.

(...)

Article 22
Assembly

[Proposed Amendment to Article 22]

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

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

[End of Proposed Amendment to Article 22]

Notes on Article 25

25.01 *Article 25* contains the financial provisions of the Berne Convention. The existing provisions no longer reflect the practice of the Berne Union and WIPO as a consequence of the reforms adopted by the competent Assemblies of WIPO and the Unions administered by WIPO in 1989 and 1991 (for certain changes in classes of contribution) and in 1993 (for the unitary contributions system and for further changes to classes of contribution). A full description of those changes in practice is set out in document WO/GA/WG -CR/2, paragraphs 16 to 50.

25.02 The proposals set out in Article 25 seek to align the provisions of Article 25 with a new practice of the Berne Union and WIPO with respect to classes of contribution and the unitary contributions system. As such, they need to be read in conjunction with the proposals set out for Article 11 of the WIPO Convention in document A/37/11.

25.03 It is proposed that *Article 25(1)(a)* of the existing text of the Berne Convention be deleted. Since the introduction of the unitary contributions system, the budget of the Berne Union is part of the budget of the contribution-financed Unions in the Program and Budget of the Organization and the Unions administered by WIPO.

25.04 The wording of *Article 25(1)(b)* has been modified so as to require transparency and fairness in the presentation of the income and expenses of the Berne Union in the budget of the Organization. The provision is intended to assist the Member States in their review and supervision of the finances of the Berne Union and the Organization.

25.05 It is suggested that *Article 25(1)(c)* be deleted, since it would no longer seem to be necessary in view of the requirement of fairness and transparency in the reflection of the income and expenses of the Union which is established by the new proposed text of Article 25(1).

Article 25 of the Berne Convention

Finances

- (1) (a) The Unions shall have a budget.
- (b) The budget of the Unions shall include the income and expenses proper to the Union, its contribution to the budget of expenses common to the Unions, and, where applicable, the sum made available to the budget of the Conference of the Organization.
- (c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

[continues]

Article 25
Finances

[Proposed Amendment to Article 25]

(1) (a) (----)

(b) The (----) income and expenses *of the Union* (----) *shall be reflected in the budget of the Organization in a fair and transparent manner.*

(c) (----)

[Proposed Amendment to Article 25 continues]

[Notes on Article 25, continued]

25.06 It is suggested that *Article 25(2)* be deleted as no longer necessary.

25.07 Several amendments are suggested to *Article 25(3)*, but these are largely of a formal nature. Thus, "budget of the Union" is replaced by "income of the Union" to reflect the fact that the budgets of the various Unions administered by WIPO and of the Organization are presented in a single document of an inter-connected nature.

Article 25 of the Berne Convention

[continued]

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

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

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

[continues]

[Proposed Amendment to Article 25, continued]

(2) (----)

(3) The *income* of the Union shall be *derived* from the following sources:

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

[Proposed Amendment to Article 25 continues]

Notes on Article 25

25.08 Several amendments are proposed in relation to *Article 25(4)(a) and (b)* to reflect the unitary contributions system and the changes in contribution classes that have been introduced in the practice of the Organization and the Unions administered by WIPO. These suggested amendments correspond to similar amendments suggested to Article 11(4) in the WIPO Convention in document A/37/11. See also corresponding provisions in the Paris Convention, above.

Article 25 of the Berne Convention

[continued]

(4) (a) For the purpose of establishing its contribution towards the budget, each country of the Unions shall belong to a class, and shall pay its annual contributions on the basis of a number of units fixed as follows:

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

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

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

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

[continues]

[Proposed Amendment to Article 25, continued]

(4) (a) For the purpose of establishing its contribution (----), each country of the Union shall belong to a class, and shall pay its annual contribution on the basis of **the number** of units **assigned to that class** (----).

(b) The number of classes applicable to the countries of the Union, and the units assigned to each such class, shall be established by the Assembly meeting in joint session with the WIPO General Assembly and the Assemblies of the other Unions whose constituent treaties provide for the payment of a contribution.

(c) Unless it has already done so, each country shall, **subject to any conditions governing eligibility for membership of any classes**, indicate, concurrently with depositing its instrument of ratification or accession, the class to which it wishes to belong. Any country may, **subject to any conditions governing eligibility for membership of any classes**, change class. If it chooses a lower class, the country must announce it to the Assembly at one of its ordinary sessions. Any such changes shall take effect at the beginning of the calendar year following the session.

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

[Proposed Amendment to Article 25 continues]

[Notes on Article 25, continued]

25.09 *Article 25(4)(e)* (formerly Article 25(4)(d)) remains unchanged.

25.10 No change is proposed to *Article 25(4)(f)* (formerly Article 25(4)(e)).

25.11 Amendments have been introduced to *Article 25(4)(g)* (formerly Article 25(4)(f)) to reflect the fact that the income and expenses of the eBerne Union are represented in the same document as the Program and Budget of the Organization and the Unions administered by WIPO.

Article 25(4) of the Berne Convention

[continued]

(e) A country which is in arrears in the payment of its contributions shall have no vote in any of the organs of the Union of which it is a member if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any organ of the Union may allow such a country to continue to exercise its vote in that organ if, and as long as, it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

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

(...)

[Proposed Amendment to Article 25, continued]

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

(f) A country which is in arrears in the payment of its contributions shall have no vote in any of the organs of the Union of which it is a member if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any organ of the Union may allow such a country to continue to exercise its vote in that organ if, and as long as, it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(g) If the budget *of the Organization* is not adopted before the beginning of a new financial period, (----) *the income and expenses of the Union* shall be at the same level as (----) *they were in* the previous year, in accordance with the financial regulations.

[End of Proposed Amendment to Article 25 and of
Proposed Amendment to the Berne Convention]

[Proposed Amendment to the Madrid Agreement starts on page 29]

**Madrid Agreement Concerning the International Registration of Marks:
Draft Texts of Proposed Amendments**

Contents

Article 10 Assembly of the Special Union

Article 12 Finances

Notes on Article 10

10.01 *Article 10(4)(a)* implements the proposal that the periodicity of ordinary sessions of the Assemblies of WIPO and the Unions administered by WIPO be changed from once every two years to annually (see, also, Article 6(4) of the WIPO Convention in document A/37/11).

Article 10 of the Madrid Agreement Assembly of the Special Union

(...)

(4) (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, at the request of one-fourth of the countries members of the Assembly.

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

(...)

Article 10
Assembly

[Proposed Amendment to Article 10]

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

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

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

[End of Proposed Amendment to Article 10]

Notes on Article 12

12.01 The suggested amendments to *Article 12(1)* correspond to those proposed for Article 16(1) of the Paris Convention and Article 25(1) of the Berne Convention in respect of the requirement that the income and expenses of the Unions shall be reflected in the budget of the Organization in a fair and transparent manner (see also corresponding Notes on Article of the Paris Convention and Article 25 of the Berne Convention). 16

12.02 The suggested amendments in respect of *Article 12(2)* and (3) also correspond to those proposed for Article 16(2) and (3) of the Paris Convention and Article 25(2) and (3) of the Berne Convention (see also corresponding Notes on Article 16(2) and (3) of the Paris Convention and Article 25(2) and (3) of the Berne Convention).

Article 12 of the Madrid Agreement

Finances

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

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

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

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

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

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

[continues]

Article 12
Finances

[Proposed Amendment to Article 12]

(1) (a) (----)

(b) The (----) income and expenses *of the Special Union* (----) ***shall be reflected in the budget of the Organization in a fair and transparent manner*** .

(c) (----)

(2) (----)

(3) The *income* of the Special Union shall be ***derived*** from the following sources:

(i) international registration fees and other fees and charges due for other services rendered by the International Bureau (----);

(ii) sale of, or royalties on, the publications of the International Bureau (----);

(iii) gifts, bequests, and subventions;

(iv) rents, interests, and other miscellaneous income.

[Proposed Amendment to Article 12 continues]

[Notes on Article 12, continued]

12.03 *Article 12(4)(a)* and *(b)* remain unchanged.

12.04 *Article 12(4)(c)* contains a proposed modification which corresponds to that proposed for Article 16(4)(f) of the Paris Convention. The proposed amendment reflects the fact that the income and expenses of the Madrid Union are presented in the same document as the Program and Budget of the Organization and the Unions administered by WIPO.

Article 12 of Madrid Agreement

[continued]

(4) (a) The amount of the fees referred to in Article 8(2) and other fees relating to international registrations shall be fixed by the Assembly on the proposal of the Director General.

(b) The amount of such fees shall be fixed so that the revenues of the Special Union from fees, other than the supplementary and complementary fees referred to in Article 8(2)(b) and (c), and other sources shall be at least sufficient to cover the expenses of the International Bureau concerning the Special Union.

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

(...)

[Proposed Amendment to Article 12, continued]

(4) (a) The amount of the fees referred to in Article 8(2) and other fees relating to international registrations shall be fixed by the Assembly on the proposal of the Director General.

(b) The amount of such fees shall be so fixed that the revenues of the Special Union from fees, other than the supplementary and complementary fees referred to in Article 8(2)(b) and (c), and other sources shall be at least sufficient to cover the expenses of the International Bureau concerning the Special Union.

(c) If the budget *of the Organization* is not adopted before the beginning of a new financial period, (----) *the income and expenses of the Special Union* shall be at the same level as (----) *they were in* the previous year, as provided in the financial regulations.

[End of Proposed Amendment to Article 12 and of
Proposed Amendment to the Madrid Agreement]

[HagueAgreementstartsonpage37]

**The Hague Agreement Concerning the International Deposit of Industrial Designs -
Complementary Act of Stockholm of July 14, 1967:
Draft Texts of Proposed Amendments**

Contents

Article 2 Assembly

Article 4 Finances

Notes on Article 2

2.01 *Article 2(4)(a)* implements the proposal that the periodicity of ordinary sessions of the Assemblies of WIPO and the Unions administered by WIPO be changed from once every two years to annually (see, also, Article 6(4) of the WIPO Convention in document A/37/11).

Article 2 of the Hague Agreement Assembly

(...)

(4) (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, at the request of one-fourth of the countries members of the Assembly.

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

(...)

Article 2

Assembly

[Proposed Amendment to Article 2]

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

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

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

[End of Proposed Amendment to Article 2]

Notes on Article 4

4.01 The suggested amendments to *Article 4(1)* correspond to those proposed for Article 16(1) of the Paris Convention and Article 25(1) of the Berne Convention in respect of the requirement that the income and expenses of the Unions shall be reflected in the budget of the Organization in a fair and transparent manner (see also corresponding Notes on Article 16 of the Paris Convention and Article 25 of the Berne Convention).

4.02 The suggested amendments in respect of *Article 4(2)* and (3) also correspond to those proposed for Article 16(2) and (3) of the Paris Convention and Article 25(2) and (3) of the Berne Convention (see also corresponding Notes on Article 16(2) and (3) of the Paris Convention and Article 25(2) and (3) of the Berne Convention).

Article 4 of the Hague Agreement

Finances

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

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

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

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

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

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

[continues]

Article 4

Finances

[Proposed Amendment to Article 4]

(1) (a) (----)

(b) The (----) income and expenses *of the Special Union (----) shall be reflected in the budget of the Organization in a fair and transparent manner* .

(c) (----)

(2) (----)

(3) The *income* of the Special Unions shall be *derived* from the following sources:

(i) international deposit fees and other fees and charges due for other services rendered by the International Bureau (----);

(ii) sale of, or royalties on, the publications of the International Bureau (----);

(iii) gifts, bequests, and subventions;

(iv) rents, interests, and other miscellaneous income.

[Proposed Amendment to Article 4 continues]

4.03 *Article 4(4)(a)* and *(b)* remain unchanged.

4.04 *Article 4(4)(c)* contains a proposed modification which corresponds to that proposed for Article 16(4)(f) of the Paris Convention. The proposed amendment reflects the fact that the income and expenses of the Hague Union are represented in the same document as the Program and Budget of the Organization and the Unions administered by WIPO.

Article 4 of the Hague Agreement

[continued]

(4) (a) The amounts of the fees referred to in paragraph (3)(i) shall be fixed by the Assembly on the proposal of the Director General.

(b) The amounts of such fees shall be so fixed that the revenues of the Special Union from fees and other sources shall be at least sufficient to cover the expenses of the International Bureau concerning the Special Union.

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

(...)

[Proposed Amendment to Article 4, continued]

(4) (a) The amount of the fees referred to in paragraph (3)(i) shall be fixed by the Assembly on the proposal of the Director General.

(b) The amount of such fees shall be so fixed that the revenues of the Special Union from fees and other sources shall be at least sufficient to cover the expenses of the International Bureau concerning the Special Union.

(c) If the budget *of the Organization* is not adopted before the beginning of a new financial period, (----) *the income and expenses of the Special Union* shall be at the same level as (----) *they were in* the previous year, as provided in the financial regulations.

[End of Proposed Amendment to Article 4 and of
Proposed Amendment to the Hague Agreement]

[NiceAgreementstartsonpage45]

**Nice Agreement Concerning the International Classification of Goods and
Services for the Purposes of the Registration of Marks:
Draft Texts of Proposed Amendments**

Contents

Article 5 Assembly of the Special Union

Article 7 Finances

Notes on Article 5

5.01 *Article 5(4)(a)* implements the proposal that the periodicity of ordinary sessions of the Assemblies of WIPO and the Unions administered by WIPO be changed from once every two years to annually (see, also, Article 6(4) of the WIPO Convention in document A/37/11).

Article 5 of the Nice Agreement
Assembly of the Special Union

(...)

(4) (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, at the request of one-fourth of the countries members of the Assembly.

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

(...)

Article 5

Assembly

[Proposed Amendment to Article 5]

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

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

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

[End of Proposed Amendment to Article 5]

Notes on Article 7

7.01 The revisions proposed for *Article 7(1)* mirror those for the corresponding text in the Paris Convention and the Berne Convention in respect of the requirement that the income and expenses of the Unions shall be reflected in the budget of the Organization in a fair and transparent manner (see also corresponding Notes on Article 16 of the Paris Convention and Article 25 of the Berne Convention).

7.02 The suggested amendments in respect of *Article 7(2)* and (3) also correspond to those proposed for Article 16(2) and (3) of the Paris Convention and Article 25(2) and (3) of the Berne Convention (see also corresponding Notes on Article 16 (2) and (3) of the Paris Convention and Article 25(2) and (3) of the Berne Convention).

Article 7 of the Nice Agreement

Finances

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

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

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

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

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

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

[continues]

Article 7 of the Nice Agreement
Finances

[Proposed Amendment to Article 7]

(1) (a) (----)

(b) The (----) income and expenses *of* the Special Union (----) ***shall be reflected in the budget of the Organization in a fair and transparent manner.***

(c) (----)

(2) (----)

(3) The *income* of the Special Union shall be ***derived*** from the following sources:

(i) contributions of the countries of the Special Union;

(ii) fees and charges due for services rendered by the International Bureau (----);

(iii) sale of, or royalties on, the publications of the International Bureau (----);

(iv) gifts, bequests, and subventions;

(v) rents, interests, and other miscellaneous income.

[Proposed Amendment to Article 7 continues]

[Notes on Article 7, continued]

7.03 The proposed revisions mirror those for corresponding text in the Paris and the Berne Convention in respect of the unitary contributions system and changes in contribution classes.

7.04 *Article 7(4)(e)* contains a proposed modification which corresponds to that proposed for Article 16(4)(f) of the Paris Convention. The proposed amendment reflects the fact that the income and expense of the Nice Union are presented in the same document as the Program and Budget of the Organization and the Unions administered by WIPO.

Article 7 of the Nice Agreement

[continued]

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

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

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

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

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

(...)

[Proposed Amendment to Article 7, continued]

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

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

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

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

(e) If the budget *of the Organization* is not adopted before the beginning of a new financial period, (----) *the income and expenses of the Special Union* shall be at the same level as (----) *they were in* the previous year, as provided in the financial regulations.

[End of Proposed Amendment to Article 7 and of
Proposed Amendment to the Nice Agreement]

[LisbonAgreementstartsonpage53]

**Lisbon Agreement for the Protection of Appellations of Origin and their
International Registration:
Draft Texts of Proposed Amendments**

Contents

Article 9 Assembly of the Special Union

Article 11 Finances

Notes on Article 9

9.01 *Article 9(4)(a)* implements the proposal that the periodicity of ordinary sessions of the Assemblies of WIPO and the Unions administered by WIPO be changed from once every two years to annually (see, also, Article 6(4) of the WIPO Convention in document A/37/11).

**Article 9 of the Lisbon Agreement
Assembly of the Special Union**

(...)

(4) (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, at the request of one-fourth of the countries members of the Assembly.

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

(...)

Article 9

Assembly of the Special Union

[Proposed Amendment to Article 9]

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

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

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

[End of Proposed Amendment to Article 9]

Notes on Article 11

11.01 The suggested amendments correspond to similar amendments suggested to Article 16(1) of the Paris Convention and Article 25(1) of the Berne Convention in respect of the requirement that the income and expenses of the Unions shall be reflected in the budget of the Organization in a fair and transparent manner. As the Lisbon Union is not a contribution-financed Union, no changes are required in respect of the unitary contribution system.

Article 11 of the Lisbon Agreement

Finances

- (1) (a) The Special Unions shall have a budget.
- (b) The budget of the Special Unions shall include the income and expenses proper to the Special Union, its contribution to the budget of expenses common to the Unions, and, where applicable, the sum made available to the budget of the Conference of the Organization.
- (c) Expenses not attributable exclusively to the Special Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Special Union in such common expenses shall be in proportion to the interest the Special Union has in them.

[continues]

Article 11

Finances

[Proposed Amendment to Article 11]

1 (a) (----)

(b) The (----) income and expenses *of the Special Union* (----) *shall be reflected in the budget of the Organization in a fair and transparent manner* .

(c) (----)

[Proposed Amendment to Article 11 continues]

[Notes on Article 11, continued]

11.02 The suggested amendments correspond to those proposed for Article 16(2) and (3) of the Paris Convention and Article 25(2) and (3) of the Berne Convention (see also corresponding Notes on Article 16(2) and (3) of the Paris Convention and Article 25(2) and (3) of the Berne Convention).

Article 11 of the Lisbon Agreement

[continued]

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

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

- (i) international registration fees collected under Article 7(2) and other fees and charges due for other services rendered by the International Bureau in relation to the Special Union;
- (ii) sale of, or royalties on, the publications of the International Bureau concerning the Special Union;
- (iii) gifts, bequests, and subventions;
- (iv) rents, interests, and other miscellaneous income;
- (v) contributions of the countries of the Special Union, if and to the extent to which receipts from the sources indicated in items (i) to (iv) do not suffice to cover the expenses of the Special Union.

(...)

[Proposed Amendments to Article 11, continued]

(2) (----)

(3) The *income* of the Special Union shall be *derived* from the following sources:

- (i) international registration fees collected under Article 7(2) and other fees and charges due for other services rendered by the International Bureau (----);
- (ii) sale of, or royalties on, the publications of the International Bureau (----);
- (iii) gifts, bequests, and subventions;
- (iv) rents, interests, and other miscellaneous income;
- (v) contributions of the countries of the Special Union, if and to the extent to which receipts from the sources indicated in items (i) to (iv) do not suffice to cover the expenses of the Special Union.

[End of Proposed Amendment to Article 11 and of
Proposed Amendment to the Lisbon Agreement]

[LocarnoAgreementstartsonpage61]

**Locarno Agreement Establishing an International Classification for Industrial Designs:
Draft Texts of Proposed Amendments**

Contents

Article 5 Assembly of the Special Union

Article 7 Finances

Notes on Article 5

Article 5(4)(a) implements the proposal that the periodicity of ordinary sessions of the Assemblies of WIPO and the Unions administered by WIPO be changed from once every two years to annually (see, also, Article 6(4) of the WIPO Convention and document A/37/11).

Article 5 of the Locarno Agreement Assembly of the Special Union

(...)

(4) (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, at the request of one-fourth of the countries members of the Assembly.

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

(...)

Article 5

Assembly

[Proposed Amendment to Article 5]

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

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

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

[End of Proposed Amendment to Article 5]

Notes on Article 7

7.01 The revisions proposed for *Article 7(1)* correspond to those proposed for Article 16(1) of the Paris Convention and Article 25(1) of the Berne Convention in respect of the requirement that the income and expenses of the Unions shall be reflected in the budget of the Organization in a fair and transparent manner (see also corresponding Notes on Article 16 of the Paris Convention and Article 25 of the Berne Convention).

7.02 The suggested amendments in respect of *Article 7(2)* and (3) also correspond to those proposed for Article 16(2) and (3) of the Paris Convention and Article 25(2) and (3) of the Berne Convention (see also corresponding Notes on Article 16(2) and (3) of the Paris Convention and Article 25(2) and (3) of the Berne Convention).

Article 7 of the Locarno Agreement

Finances

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

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

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

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

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

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

[continues]

Article 7
Finances

[Proposed Amendment to Article 7]

(1) (a) (----)

(b) The (----) income and expenses of the Special Union (----) *shall be reflected in the budget of the Organization in a fair and transparent manner* .

(c) (----)

(2) (----)

(3) The *income* of the Special Unions shall be *derived* from the following sources:

(i) contributions of the countries of the Special Union;

(ii) fees and charges due for services rendered by the International Bureau (----);

(iii) sale of, or royalties on, the publications of the International Bureau (----);

(iv) gifts, bequests, and subventions;

(v) rents, interests, and other miscellaneous income.

[Proposed Amendments to Article 7 continues]

[Notes on Article 7, continued]

7.03 The proposed revisions mirror those for corresponding text in the Paris Convention and the Berne Convention in respect of the unitary contributions system and changes in contribution classes.

Article 7 of the Locarno Agreement

[continued]

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

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

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

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

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

(...)

[Proposed Amendment to Article 7, continued]

(4) (a) For the purpose of establishing its contribution (----), each country of the Special Union shall belong to the same class as it belongs to in the Paris Union for the Protection of Industrial Property, and shall pay its annual contributions on the basis of *the* number of units *assigned to that class* (----).

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

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

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

(e) If the budget *of the Organization* is not adopted before the beginning of a new financial period, (----) *the income and expenses of the Special Union* shall be at the same level as (----) *they were* in the previous year, as provided in the financial regulations.

[End of Proposed Amendment to Article 7 and of
Proposed Amendment to the Locarno Agreement]

[PCTstartsonpage69]

**PatentCooperationTreaty:
DraftTextsofPro posedAmendments**

Contents

Article53 Assembly

Article57 Finances

Notes on Article 11

11.01 The proposed revisions mirror those for the corresponding text in the Paris Convention and the Berne Convention. They seek to implement the recommendation of a nonannual periodicity for the ordinary sessions of the Assemblies.

Article 53 of the PCT

Assembly

(...)

(11) (a) The Assembly shall meet 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, at the request of the Executive Committee, or at the request of one-fourth of the Contracting States.

(...)

Article 53

Assembly

[Proposed Amendment to Article 53]

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

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of the Executive Committee, or at the request of one -fourth of the Contracting States.

[End of Proposed Amendment to Article 53]

Notes on Article 57

57.01 The suggested amendments to *Article 57(1)* correspond to those proposed for Article 16(1) of the Paris Convention and Article 25(1) of the Berne Convention in respect of the requirement that the income and expenses of the Unions shall be reflected in the budget of the Organization in a fair and transparent manner (see also corresponding Notes on Article 16 of the Paris Convention and Article 25 of the Berne Convention).

57.02 The suggested amendments in respect of *Article 57(2)* and *(3)* also correspond to those proposed for Article 16(2) and (3) of the Paris Convention and Article 25 (2) and (3) of the Berne Convention (see also corresponding Notes on Article 16(2) and (3) of the Paris Convention and Article 25(2) and (3) of the Berne Convention).

Article 57 of the PCT

Finances

- (1) (a) The Unions shall have a budget.
- (b) The budget of the Unions shall include the income and expenses proper to the Union and its contribution to the budget of expenses common to the Unions administered by the Organization.
- (c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.
- (2) The budget of the Unions shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.
- (3) Subject to the provisions of paragraph (5), the budget of the Unions shall be financed from the following sources:
 - (i) fees and charges due for services rendered by the International Bureau in relation to the Union;
 - (ii) sale of, or royalties on, the publications of the International Bureau concerning the Union;
 - (iii) gifts, bequests, and subventions;
 - (iv) rents, interests, and other miscellaneous income.
- (4) The amounts of fees and charges due to the International Bureau and the prices of its publications shall be so fixed that they should, under normal circumstances, be sufficient to cover all the expenses of the International Bureau connected with the administration of this Treaty.

[continues]

Article 57

Finances

[Proposed Amendment to Article 57]

(1) (a) (----)

(b) The (----) income and expenses *of the Union* (----) *shall be reflected in the budget of the Organization in a fair and transparent manner* .

(c) (----)

(2) (----)

(3) Subject to the provisions of paragraph (5), the *income* of the Union shall be *derived* from the following sources:

(i) fees and charges due for services rendered by the International Bureau (----);

(ii) sale of, or royalties on, the publications of the International Bureau (----);

(iii) gifts, bequests, and subventions;

(iv) rents, interests, and other miscellaneous income.

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

[Proposed Amendment to Article 57 continues]

[Notes on Article 57, continued]

57.03 *Article 57(5)(a)* to *(e)* remain unchanged.

57.04 *Article 57(6)* contains a proposed modification which corresponds to that proposed for Article 16(4)(f) of the Paris Convention. The proposed amendment reflects the fact that the income and expenses of the PCT Union are represented in the same document as the Program and Budget of the Organization and the Unions administered by WIPO.

Article 57 of the PCT

[continued]

(5) (a) Should any financial year close with a deficit, the Contracting States shall, subject to the provisions of subparagraphs (b) and (c), pay contributions to cover such deficit.

(b) The amount of the contribution of each Contracting State shall be decided by the Assembly with due regard to the number of international applications which have emanated from each of them in the relevant year.

(c) If other means of provisionally covering any deficit or any part thereof are secured, the Assembly may decide that such deficit be carried forward and that the Contracting States should not be asked to pay contributions.

(d) If the financial situation of the Unions so permits, the Assembly may decide that any contributions paid under subparagraph (a) be reimbursed to the Contracting States which have paid them.

(e) A Contracting State which has not paid, within two years of the due date as established by the Assembly, its contribution under subparagraph (b) may not exercise its right to vote in any of the organs of the Union. However, any organ of the Union may allow such a State to continue to exercise its right to vote in that organ so long as it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

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

(...)

[Proposed Amendment to Article 57, continued]

(5) (a) Should any financial year close with a deficit, the Contracting States shall, subject to the provisions of subparagraphs (b) and (c), pay contributions to cover such deficit.

(b) The amount of the contribution of each Contracting State shall be decided by the Assembly with due regard to the number of international applications which has emanated from each of them in the relevant year.

(c) If other means of provisionally covering any deficit or any part thereof are secured, the Assembly may decide that such deficit be carried forward and that the Contracting States should not be asked to pay contributions.

(d) If the financial situation of the Union so permits, the Assembly may decide that any contributions paid under subparagraph (a) be reimbursed to the Contracting States which have paid them.

(e) A Contracting State which has not paid, within two years of the due date as established by the Assembly, its contribution under subparagraph (b) may not exercise its right to vote in any of the organs of the Union. However, any organ of the Union may allow such a State to continue to exercise its right to vote in that organ so long as it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(6) If the budget *of the Organization* is not adopted before the beginning of a new financial period, (----) *the income and expenses of the Union* shall be at the same level as (----) *they were in* the previous year, as provided in the financial regulations.

[End of Proposed Amendment to Article 57
and of Proposed Amendment to the PCT]

[Strasbourg Agreement starts on page 77]

**Strasbourg Agreement Concerning the International Patent Classification:
Draft Texts of Proposed Amendments**

Contents

Article 7 Assembly of the Special Union

Article 9 Finances

Notes on Article 7

7.01 The proposed revisions mirror those for the corresponding text in the Paris Convention and the Berne Convention. They seek to implement the recommendation on annual periodicity for the ordinary sessions of the Assemblies.

Article 7 of the Strasbourg Agreement Assembly of the Special Union

(...)

(4) (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, at the request of one-fourth of the countries members of the Assembly.

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

(...)

Article 7

Assembly of the Special Union

[Proposed Amendment to Article 7]

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

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

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

[End of Proposed Amendment to Article 7]

Notes on Article 9

9.01 The suggested amendments to *Article 9(1)* correspond to those proposed for Article 16(1) of the Paris Convention and Article 25(1) of the Berne Convention in respect of the requirement that the income and expenses of the Unions shall be reflected in the budget of the Organization in a fair and transparent manner (see also corresponding Notes on Article 16 of the Paris Convention and Article 25 of the Berne Convention).

9.02 The suggested amendments in respect of *Article 9(2)* and (3) also correspond to those proposed for Article 16(2) and (3) of the Paris Convention and Article 25(2) and (3) of the Berne Convention (see also corresponding Notes on Article 16(2) and (3) of the Paris Convention and Article 25(2) and (3) of the Berne Convention).

Article 9 of the Strasbourg Agreement

Finances

- (1) (a) The Special Unions shall have a budget.
 - (b) The budget of the Special Unions shall include the income and expenses proper to the Special Union, its contribution to the budget of expenses common to the Unions and, where applicable, the sum made available to the budget of the Conference of the Organization.
 - (c) Expenses not attributable exclusively to the Special Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Special Union in such common expenses shall be in proportion to the interest the Special Union has in them.
- (2) The budget of the Special Unions shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.
- (3) The budget of the Special Unions shall be financed from the following sources:
 - (i) contributions of the countries of the Special Union;
 - (ii) fees and charges due for services rendered by the International Bureau in relation to the Special Union;
 - (iii) sale of, or royalties on, the publications of the International Bureau concerning the Special Union;
 - (iv) gifts, bequests and subventions;
 - (v) rents, interests and other miscellaneous income.

[continues]

Article 9

Finances

[Proposed Amendment to Article 9]

(1) (a) (----)

(b) The (----) income and expenses *of* the Special Union (----) ***shall be reflected in the budget of the Organization in a fair and transparent manner.***

(c) (----)

(2) (----)

(3) The *income* of the Special Unions shall be ***derived*** from the following sources:

(i) contributions of the countries of the Special Union;

(ii) fees and charges due for services rendered by the International Bureau (----);

(iii) sale of, or royalties on, the publications of the International Bureau (----);

(iv) gifts, bequests, and subventions;

(v) rents, interests, and other miscellaneous income.

[Proposed Amendment to Article 9 continues]

[Notes on Article 9, continued]

9.03 The proposed revisions mirror those for the corresponding text in the Paris Convention and the Berne Convention in respect of the unitary contributions system and changes in contribution classes.

9.04 *Article 9(4)(e)* contains a proposed modification which corresponds to that proposed for Article 16(4)(f) of the Paris Convention. The proposed amendment reflects the fact that the income and expenses of the Strasbourg Union are presented in the same document as the Program and Budget of the Organization and the Unions administered by WIPO.

Article 9 of the Strasbourg Agreement

[continued]

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

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

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

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

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

(...)

[Proposed Amendment to Article 9, continued]

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

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

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

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

(e) If the budget *of the Organization* is not adopted before the beginning of a new financial period, (----) *the income and expenses of the Special Union* shall be at the same level as (----) *they were in* the previous year, as provided in the financial regulations.

[End of Proposed Amendment to Article 9 and of
Proposed Amendment to the Strasbourg Agreement]

[ViennaAgreementstartsonpage85]

**Vienna Agreement Establishing an International Classification of the Figurative
Elements of Marks:
Draft Texts of Proposed Amendments**

Contents

Article 7 Assembly of the Special Union

Article 9 Finances

Notes on Article 7

7.01 The proposed revisions mirror those for the corresponding text in the Paris Convention and the Berne Convention. They seek to implement the recommendation on annual periodicity for the ordinary sessions of the Assemblies.

**Article 7 of the Vienna Agreement
Assembly of the Special Union**

(...)

(4) (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, at the request of one-fourth of the countries members of the Assembly.

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

(...)

Article 7

Assembly of the Special Union

[Proposed Amendment to Article 7]

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

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

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

[End of Proposed Amendment to Article 7]

Notes on Article 9

9.01 The suggested amendments to *Article 9(1)* correspond to those proposed for Article 16(1) of the Paris Convention and Article 25(1) of the Berne Convention in respect of the requirement that the income and expenses of the Unions shall be reflected in the budget of the Organization in a fair and transparent manner (see also corresponding Notes on Article 16 of the Paris Convention and Article 25 of the Berne Convention).

9.02 The suggested amendments in respect of *Article 9(2)* and (3) also correspond to those proposed for Article 16(2) and (3) of the Paris Convention and Article 25(2) and (3) of the Berne Convention (see also corresponding Notes on Article 16(2) and (3) of the Paris Convention and Article 25(2) and (3) of the Berne Convention).

Article 9 of the Vienna Agreement

Finances

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

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

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

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

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

(i) contributions of the countries of the Special Union;

(ii) fees and charges due for services rendered by the International Bureau in relation to the Special Union;

(iii) sale of, or royalties on, the publications of the International Bureau concerning the Special Union;

(iv) gifts, bequests and subventions;

(v) rents, interests and other miscellaneous income.

[continues]

Article 9
Finances

[Proposed Amendment to Article 9]

(1) (a) (----)

(b) The (----) income and expenses of the Special Union (----) *shall be reflected in the budget of the Organization in a fair and transparent manner.*

(c) (----)

(2) (----)

(3) The *income* of the Special Unions shall be *derived* from the following sources:

(i) contributions of the countries of the Special Union;

(ii) fees and charges due for services rendered by the International Bureau (----);

(iii) sale of, or royalties on, the publications of the International Bureau (----);

(iv) gifts, bequests, and subventions;

(v) rents, interests, and other miscellaneous income.

[Proposed Amendment to Article 9 continues]

[Notes on Article 9, continued]

9.03 The proposed revisions mirror those for the corresponding text in the Paris Convention and the Berne Convention in respect of the unitary contributions system and changes in contribution classes.

9.04 *Article 9(4)(e)* contains a proposed modification which corresponds to that proposed for Article 16(4)(f) of the Paris Convention. The proposed amendment reflects the fact that the income and expenses of the Vienna Union are presented in the same document as the Program and Budget of the Organization and the Unions administered by WIPO.

Article 9 of the Vienna Agreement

[continued]

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

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

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

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

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

(...)

[Proposed Amendment to Article 9, continued]

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

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

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

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

(e) If the budget *of the Organization* is not adopted before the beginning of a new financial period, (----) *the income and expenses of the Special Union* shall be at the same level as (----) *they were in* the previous year, as provided in the financial regulations.

[End of Proposed Amendment to Article 9 and of
Proposed Amendment to the Vienna Agreement]

[BudapestTreatystartsonpage93]

**Budapest Treaty on the International Recognition of the Deposit of
Microorganisms for the Purposes of Patent Procedure:
Draft Texts of Proposed Amendments**

Contents

Article 10 Assembly

Notes on Article 10

10.01 The proposed revisions mirror those for the corresponding text in the Paris Convention and the Berne Convention. They seek to implement the recommendation on annual periodicity for the ordinary sessions of the Assemblies.

10.02 The Budapest Treaty does not contain any provisions on finances.

Article 10 of the Budapest Treaty

Assembly

(...)

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

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

(...)

Article 10
Assembly

[Proposed Amendment to Article 10]

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

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

[End of Proposed Amendment to Article 10 and of
Proposed Amendment to the Budapest Treaty]

*5. The Assemblies of Member States of
WIPO, each insofar as it is concerned, is
invited to note the proposed amendment to
the WIPO-administered treaties.*

[End of document]