

WIPO



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ABOLITION OF THE WIPO CONFERENCE

Document prepared by the Secretariat

1. At the second session of the Working Group on Constitutional Reform (the Working Group), it was generally agreed that the WIPO Conference had not functioned, in practice, as originally intended and that it seemed, in consequence, to be redundant. The Working Group agreed, in principle, to recommend the abolition of the WIPO Conference in the interests of simplifying the governance structure of WIPO and of making that structure more efficient (see documents WO/GA/WG-CR/2/5, WO/GA/WG-CR/2/8, paragraph 49, and A/35/3, paragraph 9).
2. The present document examines the issues that need to be addressed in order to effect the abolition of the WIPO Conference and suggests draft texts of the modifications that would need to be adopted to the Convention Establishing the World Intellectual Property Organization (the WIPO Convention) to achieve this result.

Membership and Voting Rights in the WIPO General Assembly

3. It is recalled that the WIPO Conference is constituted by all States party to the WIPO Convention (Article 7(1)(a), WIPO Convention), whereas the WIPO General Assembly is, at present, constituted by those States that are party to the WIPO Convention and also member of one of the Unions administered by WIPO (Article 6(1)(a), WIPO Convention). If the WIPO Conference were to be abolished, those States that are party to the WIPO Convention,

but not party to any of the Unions administered by WIPO, would no longer be members of any of the governing bodies within the governance structure of WIPO. It is necessary, therefore, to consider whether such States should or could be represented within one of the continuing governing bodies of WIPO and, if so, what voting rights such States would have within any such body.

4. Logically, the governing body within which such States could be represented is the WIPO General Assembly. This was the preference expressed by the Working Group at its second session (see document WO/GA/WG-CR/2/8, paragraphs 44 to 49). The WIPO General Assembly is, however, responsible not only for matters relating to the administration of the WIPO Convention (see, generally, Article 6(2) of the WIPO Convention), but also for matters that are common to the Unions administered by WIPO (see, for example, Article 6(2)(iv): “The General Assembly shall ... adopt the biennial budget of expenses common to the Unions”). If States that were party only to the WIPO Convention were to be admitted as members of the WIPO General Assembly, therefore, it would follow that they would participate in a body which exercised powers with respect to treaties to which they were not party (namely, the treaties establishing the Unions administered by WIPO, such as the Paris and Berne Unions).

5. Two solutions appear to be possible to this problem. First, States party only to the WIPO Convention could be given observer status in the WIPO General Assembly. In fact, such States already enjoy observer status in the WIPO General Assembly (see Article 6(5) of the WIPO Convention), so that this solution provides no incentive for such States to agree to the abolition of the WIPO Conference in which they can exercise full participatory (that is, voting) rights. A second and seemingly preferable solution, therefore, would be to admit such States as members of the WIPO General Assembly, but with voting rights limited to those matters concerning the WIPO Convention alone and an explicit restriction on the right to exercise any vote with respect to matters concerning treaties to which the States are not party (that is, the treaties establishing the Unions administered by WIPO).

6. The possibility of a governing body containing two classes of membership was explicitly countenanced in the recent Diplomatic Conference on the Protection of Audiovisual Works. The Basic Proposal for the Administrative and Final Clauses of the draft new instrument envisaged two options for the Assembly of States party to the new instrument (should such a new instrument have been adopted and come into force): (i) the creation of a separate Assembly of States party only to the new instrument, and (ii) the attribution of competence for the new instrument to the Assembly competent for the WIPO Performances and Phonograms Treaty. The second option, which was provisionally preferred at the Diplomatic Conference, would have created an Assembly competent for two treaties in which members may have been party to only one of the treaties in question.¹ In recognition of this possibility, the Basic Proposal provided for a restriction on the voting rights of States that would be party to one only of the two treaties for which such a joint Assembly would have been competent.²

¹ In fact, the Diplomatic Conference closed without a final decision on this or any of the matters within its purview.

² See Basic Proposal for Administrative and Final Provisions of the International Instrument on the Protection of Audiovisual Performances to be considered by the Diplomatic Conference (document IAVP/DC/4), Article 100 and accompanying Notes.

7. It is suggested that the following text could be adopted to reflect the preferred option on voting rights of members of the WIPO General Assembly which are not party to one of the Unions administered by WIPO:

“No State may vote in the General Assembly on any question relating to a treaty for which the General Assembly is competent and by which the State is not bound.”

The full draft text of the proposed revised Article in the WIPO Convention dealing with the WIPO General Assembly following the abolition of the WIPO Conference is set out in the Annex to this document.

Attribution of the Functions of the WIPO Conference

8. Article 7(2) of the WIPO Convention establishes the functions of the WIPO Conference in the following terms:

- “(2) The Conference shall:
 - “(i) discuss matters of general interest in the field of intellectual property and may adopt recommendations relating to such matters, having regard for the competence and autonomy of the Unions;
 - “(ii) adopt the biennial budget of the Conference;
 - “(iii) within the limits of the budget of the Conference, establish the biennial program of legal-technical assistance;
 - “(iv) adopt amendments to this Convention as provided in Article 17;
 - “(v) determine which States not Members of the Organization and which intergovernmental and international non-governmental organizations shall be admitted to its meeting as observers;
 - “(vi) exercise such other functions as are appropriate under this Convention.”

9. The foregoing functions may be divided into three groups for the purposes of considering the possible attribution of the functions to the WIPO General Assembly in the event of the abolition of the WIPO Conference:

(i) The first group comprises the functions specified in Article 7(2)(i) and (iv). These functions represent autonomous powers of the WIPO Conference within the governance structure of WIPO which need to be re-attributed. Since it is proposed that the membership of the WIPO General Assembly be the same, after the abolition of the WIPO Conference, as the existing membership of the WIPO Conference, it would seem entirely appropriate to attribute these functions to the WIPO General Assembly.³

³ In practice, the power to adopt recommendations in Article 7(2)(i) has been exercised by the WIPO General Assembly (in conjunction with the pertinent competent Union): see the Joint Recommendation Concerning Trademark Licenses, in Annex to A/35/10, adopted by the General Assembly and the Assembly of the Paris Union (document A/35/15, paragraph 180). See also Joint Recommendation Concerning Provisions on the Protection of Well-Known Marks (document A/34/16, paragraph 171).

(ii) The second group comprises the financial functions specified in Article 7(2)(ii) and (iii). Since the adoption in practice of the unitary contribution system,⁴ a separate budget has not been maintained for the WIPO Conference. These provisions may be subsumed into the new draft provisions which are intended to replace the financial provisions in the WIPO Convention and other WIPO treaties in order to reflect the practice of the unitary contribution system.

(iii) The third group comprises the procedural and general functions specified in Article 7(2)(v) and (vi). Neither of these functions need be re-attributed, since corresponding powers already exist for the WIPO General Assembly (see Article 6(2)(ix) and (x)).

10. As noted above, the Annex to this document sets out a draft text of the proposed revised Article in the WIPO Convention dealing with the WIPO General Assembly, which also reflects the modifications discussed in the preceding paragraph.

11. In addition to its functions under Article 7(2), the WIPO Conference also has the task, under Article 8(1)(c) of the WIPO Convention, of designating one-fourth of the States party to the WIPO Convention which are not members of any of the Unions to be ad hoc members of the Coordination Committee. Since the membership of the WIPO General Assembly would, in the event of the abolition of the WIPO Conference, be enlarged to correspond to the existing membership of the WIPO Conference, it would also appear to be entirely appropriate to attribute the task of designating the ad hoc members of the Coordination Committee under Article 8(1)(c) to the WIPO General Assembly. The Annex contains a proposed re-draft of Article 8(1)(c) to this effect.

Consequential Amendments

12. The abolition of the WIPO Conference would entail the necessity to introduce four sets of consequential amendments to the provisions of the WIPO Convention:

(i) Article 8(3)(iii), which requires the WIPO Coordination Committee to prepare the draft agenda and the draft program and budget of the Conference, would become superfluous and should be deleted.

(ii) Articles 9(6) and 21(2)(a) and (b), which contain references to the WIPO Conference, would need to be amended by deleting those references.

(iii) Article 11, on Finances, envisages a system of separate budgets for (i) the expenses common to the Unions administered by WIPO, and (ii) the budget of the Conference (see Article 11(1)). As mentioned above, a consequence of the practical adoption of the unitary contribution system has been the elimination of a separate budget of the Conference. The proposed new financial provisions of the WIPO Convention and other WIPO treaties will be dealt with in document WO/GA/WG-CR/3/2.

⁴ See document A/33/3.

(iv) Article 17, which sets out the procedure to be followed for amending the WIPO Convention in the exercise of the power conferred upon the WIPO Conference by Article 7(2)(iv), would need to be modified to reflect the re-attribution of that power to the WIPO General Assembly. Similarly, the reference to the WIPO Conference in Article 20(3) would need to be amended to a reference to the WIPO General Assembly.

13. Drafts of the provisions containing these consequential amendments are contained in the Annex.

14. The Working Group is invited to consider the proposals set out above and the draft provisions contained in the Annex.

[Annex follows]

ANNEX

Abolition of the WIPO Conference:
Proposed Amendments to the WIPO Convention

The following pages contain, in the left hand column, the existing provisions of the WIPO Convention relating to or mentioning the WIPO Conference and, in the right hand column, the proposed re-draft of those provisions required to effect the abolition of the WIPO Conference. The modifications introduced in the right hand column are represented in ***bold italics***, where words have been changed or inserted, or by a (—), where words have been deleted without replacement.

Article 6
General Assembly

(1) (a) There shall be a General Assembly consisting of the States party to this Convention which are members of any of the Unions.

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

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

(2) The General Assembly shall:

(i) appoint the Director General upon nomination by the Coordination Committee;

(ii) review and approve reports of the Director General concerning the Organization and give him all necessary instructions;

(iii) review and approve the reports and activities of the Coordination Committee and give instructions to such Committee;

(iv) adopt the biennial budget of expenses common to the Unions;

(v) approve the measures proposed by the Director General concerning the administration of the international agreements referred to in Article 4(iii);

(vi) adopt the financial regulations of the Organization;

(vii) determine the working languages of the Secretariat, taking into consideration the practice of the United Nations;

Article 6
General Assembly

(1) (a) There shall be a General Assembly consisting of the States party to this Convention (—).

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

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

(2) The General Assembly shall:

(ia) discuss matters of general interest in the field of intellectual property and may adopt recommendations relating to such matters, having regard for the competence and autonomy of the Unions;

(i) appoint the Director General upon nomination by the Coordination Committee;

(ii) review and approve reports of the Director General concerning the Organization and give him all necessary instructions;

(iii) review and approve the reports and activities of the Coordination Committee and give instructions to such Committee;

(iv) adopt the biennial budget of expenses common to the Unions;

(v) approve the measures proposed by the Director General concerning the administration of the international agreements referred to in Article 4(iii);

(viii) invite States referred to under Article 5(2)(ii) to become party to this Convention;

(ix) determine which States not Members of the Organization and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(x) exercise such other functions as are appropriate under this Convention.

(3) (a) Each State, whether member of one or more Unions, shall have one vote in the General Assembly.

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

(c) Notwithstanding the provisions of subparagraph (b), if, in any session, the number of States represented is less than one-half but equal to or more than one-third of the States members of the General Assembly, the General Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the following conditions are fulfilled. The International Bureau shall communicate the said decisions to the States members of the General Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of States having thus expressed their vote or abstention attains the number of States which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of subparagraphs (e) and (f), the General Assembly shall make its decisions by a majority of two-thirds of the votes cast.

(va) adopt amendments to this Convention as provided in Article 17;

(vi) adopt the financial regulations of the Organization;

(vii) determine the working languages of the Secretariat, taking into consideration the practice of the United Nations;

(viii) invite States referred to under Article 5(2)(ii) to become party to this Convention;

(ix) determine which States not Members of the Organization and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(x) exercise such other functions as are appropriate under this Convention.

(3) (a) Each State, whether member of one or more Unions, shall have one vote in the General Assembly.

(aa) No State may vote in the General Assembly on any question relating to a treaty for which the General Assembly is competent and by which the State is not bound.

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

(c) Notwithstanding the provisions of subparagraph (b), if, in any session, the number of States represented is less than one-half but equal to or more than one-third of the States members of the General Assembly, the General Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the following conditions are fulfilled. The International Bureau shall communicate the said decisions to the States members of the General Assembly which were not represented and

<p>(e) The approval of measures concerning the administration of international agreements referred to in Article 4(iii) shall require a majority of three-fourths of the votes cast.</p> <p>(f) The approval of an agreement with the United Nations under Articles 57 and 63 of the Charter of the United Nations shall require a majority of nine-tenths of the votes cast.</p> <p>(g) For the appointment of the Director General (paragraph (2)(i)), the approval of measures proposed by the Director General concerning the administration of international agreements (paragraph (2)(v)), and the transfer of headquarters (Article 10), the required majority must be attained not only in the General Assembly but also in the Assembly of the Paris Union and the Assembly of the Berne Union.</p> <p>(h) Abstentions shall not be considered as votes.</p> <p>(i) A delegate may represent, and vote in the name of, one State only.</p> <p>(4) (a) The General Assembly shall meet once in every second calendar year in ordinary session, upon convocation by the Director General.</p> <p>(b) The General Assembly shall meet in extraordinary session upon convocation by the Director General either at the request of the Coordination Committee or at the request of one-fourth of the States members of the General Assembly.</p> <p>(c) Meetings shall be held at the headquarters of the Organization.</p>	<p>shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of States having thus expressed their vote or abstention attains the number of States which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.</p> <p>(d) Subject to the provisions of subparagraphs (e) and (f), the General Assembly shall make its decisions by a majority of two-thirds of the votes cast.</p> <p>(e) The approval of measures concerning the administration of international agreements referred to in Article 4(iii) shall require a majority of three-fourths of the votes cast.</p> <p>(f) The approval of an agreement with the United Nations under Articles 57 and 63 of the Charter of the United Nations shall require a majority of nine-tenths of the votes cast.</p> <p>(g) For the appointment of the Director General (paragraph (2)(i)), the approval of measures proposed by the Director General concerning the administration of international agreements (paragraph (2)(v)), and the transfer of headquarters (Article 10), the required majority must be attained not only in the General Assembly but also in the Assembly of the Paris Union and the Assembly of the Berne Union.</p> <p>(h) Abstentions shall not be considered as votes.</p> <p>(i) A delegate may represent, and vote in the name of, one State only.</p> <p>(4) (a) The General Assembly shall meet once in every second calendar year in ordinary session, upon convocation by the Director General.</p>
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<p>(5) States party to this Convention which are not members of any of the Unions shall be admitted to the meetings of the General Assembly as observers.</p> <p>(6) The General Assembly shall adopt its own rules of procedure.</p>	<p>(b) The General Assembly shall meet in extraordinary session upon convocation by the Director General either at the request of the Coordination Committee or at the request of one-fourth of the States members of the General Assembly.</p> <p>(c) Meetings shall be held at the headquarters of the Organization.</p> <p>(5) States party to this Convention which are not members of any of the Unions shall be admitted to the meetings of the General Assembly as observers.</p> <p>(6) The General Assembly shall adopt its own rules of procedure.</p>
<p style="text-align: center;">Article 7 Conference</p> <p>(1) (a) There shall be a Conference consisting of the States party to this Convention whether or not they are members of any of the Unions.</p> <p style="padding-left: 40px;">(b) The Government of each State shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.</p> <p style="padding-left: 40px;">(c) The expenses of each delegation shall be borne by the Government which has appointed it.</p> <p>(2) The Conference shall:</p> <p style="padding-left: 40px;">(i) discuss matters of general interest in the field of intellectual property and may adopt recommendations relating to such matters, having regard for the competence and autonomy of the Unions;</p>	<p style="text-align: center;">Article 7 Conference</p> <p style="text-align: center;"><i>[deleted]</i></p>

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| <p>(ii) adopt the biennial budget of the Conference;</p> <p>(iii) within the limits of the budget of the Conference, establish the biennial program of legal-technical assistance;</p> <p>(iv) adopt amendments to this Convention as provided in Article 17;</p> <p>(v) determine which States not Members of the Organization and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;</p> <p>(vi) exercise such other functions as are appropriate under this Convention.</p> <p>(3) (a) Each Member State shall have one vote in the Conference.</p> <p>(b) One-third of the Member States shall constitute a quorum.</p> <p>(c) Subject to the provisions of Article 17, the Conference shall make its decisions by a majority of two-thirds of the votes cast.</p> <p>(d) The amounts of the contributions of States party to this Convention not members of any of the Unions shall be fixed by a vote in which only the delegates of such States shall have the right to vote.</p> <p>(e) Abstentions shall not be considered as votes.</p> <p>(f) A delegate may represent, and vote in the name of, one State only.</p> <p>(4) (a) The Conference shall meet in ordinary session, upon convocation by the Director General, during the same period and at the same place as the General Assembly.</p> | |
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<p>(b) The Conference shall meet in extraordinary session, upon convocation by the Director General, at the request of the majority of the Member States.</p> <p>(5) The Conference shall adopt its own rules of procedure.</p>	
<p style="text-align: center;">Article 8 Coordination Committee</p> <p>(1) ...</p> <p>(c) Whenever the Coordination Committee considers either matters of direct interest to the program or budget of the Conference and its agenda, or proposals for the amendment of this Convention which would affect the rights or obligations of States party to this Convention not members of any of the Unions, one-fourth of such States shall participate in the meetings of the Coordination Committee with the same rights as members of that Committee. The Conference shall, at each of its ordinary sessions, designate these States.</p> <p>...</p> <p>(3) The Coordination Committee shall:</p> <p style="padding-left: 40px;">(i) give advice to the organs of the Unions, the General Assembly, the Conference, and the Director General, on all administrative, financial and other matters of common interest either to two or more of the Unions, or to one or more of the Unions and the Organization, and in particular on the budget of expenses common to the Unions;</p> <p style="padding-left: 40px;">(ii) prepare the draft agenda of the General Assembly;</p> <p style="padding-left: 40px;">(iii) prepare the draft agenda and the draft program and budget of the Conference;</p>	<p style="text-align: center;">Article 8 Coordination Committee</p> <p>(1) ...</p> <p>(c) Whenever the Coordination Committee considers either matters of direct interest to <i>States party to this Convention not members of any of the Unions</i> (—), or proposals for the amendment of this Convention which would affect the rights or obligations of <i>such</i> States (—), one-fourth of <i>these</i> States shall participate in the meetings of the Coordination Committee with the same rights as members of that Committee. The <i>General Assembly</i> shall, at each of its ordinary sessions, designate these States.</p> <p>...</p> <p>(3) The Coordination Committee shall:</p> <p style="padding-left: 40px;">(i) give advice to the organs of the Unions, the General Assembly (—) and the Director General, on all administrative, financial and other matters of common interest either to two or more of the Unions, or to one or more of the Unions and the Organization, and in particular on the budget of expenses common to the Unions;</p> <p style="padding-left: 40px;">(ii) prepare the draft agenda of the General Assembly;</p> <p style="padding-left: 40px;">(iii) <i>[deleted]</i></p> <p style="padding-left: 40px;">(iv) <i>[deleted]</i></p>

<p>(iv) [deleted]</p> <p>(v) when the term of office of the Director General is about to expire, or when there is a vacancy in the post of the Director General, nominate a candidate for appointment to such position by the General Assembly; if the General Assembly does not appoint its nominee, the Coordination Committee shall nominate another candidate; this procedure shall be repeated until the latest nominee is appointed by the General Assembly;</p> <p>(vi) if the post of the Director General becomes vacant between two sessions of the General Assembly, appoint an Acting Director General for the term preceding the assuming of office by the new Director General;</p> <p>(vii) perform such other functions as are allocated to it under this Convention.</p> <p>...</p>	<p>(v) when the term of office of the Director General is about to expire, or when there is a vacancy in the post of the Director General, nominate a candidate for appointment to such position by the General Assembly; if the General Assembly does not appoint its nominee, the Coordination Committee shall nominate another candidate; this procedure shall be repeated until the latest nominee is appointed by the General Assembly;</p> <p>(vi) if the post of the Director General becomes vacant between two sessions of the General Assembly, appoint an Acting Director General for the term preceding the assuming of office by the new Director General;</p> <p>(vii) perform such other functions as are allocated to it under this Convention.</p> <p>...</p>
<p style="text-align: center;">Article 9 International Bureau</p> <p>...</p> <p>(6) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the General Assembly, the Conference, the Coordination Committee, and any other committee or working group. The Director General or a staff member designated by him shall be ex officio secretary of these bodies.</p> <p>...</p>	<p style="text-align: center;">Article 9 International Bureau</p> <p>...</p> <p>(6) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the General Assembly (—), the Coordination Committee, and any other committee or working group. The Director General or a staff member designated by him shall be ex officio secretary of these bodies.</p> <p>...</p>

<p>Article 11 Finances</p>	<p>Article 11 Finances</p>
<p>(1) The Organization shall have two separate budgets: the budget of expenses common to the Unions, and the budget of the Conference.</p> <p>(2) (a) The budget of expenses common to the Unions shall include provision for expenses of interest to several Unions.</p> <p>(b) This budget shall be financed from the following sources:</p> <p>(i) contributions of the Unions, provided that the amount of the contribution of each Union shall be fixed by the Assembly of that Union, having regard to the interest the Union has in the common expenses;</p> <p>(ii) charges due for services performed by the International Bureau not in direct relation with any of the Unions or not received for services rendered by the International Bureau in the field of legal-technical assistance;</p> <p>(iii) sale of, or royalties on, the publications of the International Bureau not directly concerning any of the Unions;</p> <p>(iv) gifts, bequests, and subventions, given to the Organization, except those referred to in paragraph (3)(b)(iv);</p> <p>(v) rents, interests, and other miscellaneous income, of the Organization.</p> <p>(3) (a) The budget of the Conference shall include provision for the expenses of holding sessions of the Conference and for the cost of the legal-technical assistance program.</p>	<p>[To be provided in document WO/GA/WG-CR/3/2]</p>

(b) This budget shall be financed from the following sources:

- (i) contributions of States party to this Convention not members of any of the Unions;
- (ii) any sums made available to this budget by the Unions, provided that the amount of the sum made available by each Union shall be fixed by the Assembly of that Union and that each Union shall be free to abstain from contributing to the said budget;
- (iii) sums received for services rendered by the International Bureau in the field of legal-technical assistance;
- (iv) gifts, bequests, and subventions, given to the Organization for the purposes referred to in subparagraph (a).

(4) (a) For the purpose of establishing its contribution towards the budget of the Conference, each State party to this Convention not member of any 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 A	10
Class B	3
Class C	1

(b) Each such State shall, concurrently with taking action as provided in Article 14(1), indicate the class to which it wishes to belong. Any such State may change class. If it chooses a lower class, the State must announce it to the Conference 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 such State shall be an amount in the same proportion to the total sum to be contributed to the budget of the Conference by all such States as the number of its units is to the total of the units of all the said States.

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

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

(5) Any State party to this Convention not member of any of the Unions which is in arrears in the payment of its financial contributions under the present Article, and any State party to this Convention member of any of the Unions which is in arrears in the payment of its contributions to any of the Unions, shall have no vote in any of the bodies of the Organization 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 of these bodies may allow such a State to continue to exercise its vote in that body if, and as long as, it is satisfied that the delay in payment arises from exceptional and unavoidable circumstances.

(6) The amount of the fees and charges due for services rendered by the International Bureau in the field of legal-technical assistance shall be established, and shall be reported to the Coordination Committee, by the Director General.

(7) The Organization, with the approval of the Coordination Committee, may receive gifts, bequests, and subventions, directly from Governments, public or private institutions, associations or private persons.

(8) (a) The Organization shall have a working capital fund which shall be constituted by a single payment made by the Unions and by

each State party to this Convention not member of any Union. If the fund becomes insufficient, it shall be increased.

(b) The amount of the single payment of each Union and its possible participation in any increase shall be decided by its Assembly.

(c) The amount of the single payment of each State party to this Convention not member of any Union and its part in any increase shall be a proportion of the contribution of that State for the year in which the fund is established or the increase decided. The proportion and the terms of payment shall be fixed by the Conference on the proposal of the Director General and after it has heard the advice of the Coordination Committee.

(9) (a) In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such State shall grant advances. The amount of these advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such State and the Organization. As long as it remains under the obligation to grant advances, such State shall have an ex officio seat on the Coordination Committee.

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

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

Article 17
Amendments

(1) Proposals for the amendment of this Convention may be initiated by any Member State, by the Coordination Committee, or by the Director General. Such proposals shall be communicated by the Director General to the Member States at least six months in advance of their consideration by the Conference.

(2) Amendments shall be adopted by the Conference. Whenever amendments would affect the rights and obligations of States party to this Convention not members of any of the Unions, such States shall also vote. On all other amendments proposed, only States party to this Convention members of any Union shall vote. Amendments shall be adopted by a simple majority of the votes cast, provided that the Conference shall vote only on such proposals for amendments as have previously been adopted by the Assembly of the Paris Union and the Assembly of the Berne Union according to the rules applicable in each of them regarding the adoption of amendments to the administrative provisions of their respective Conventions.

(3) Any amendment shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the States Members of the Organization, entitled to vote on the proposal for amendment pursuant to paragraph (2), at the time the Conference adopted the amendment. Any amendments thus accepted shall bind all the States which are Members of the

Article 17
Amendments

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(2) Amendments shall be adopted by the **General Assembly**. Whenever amendments would affect the rights and obligations of States party to this Convention not members of any of the Unions, such States shall also vote. On all other amendments proposed, only States party to this Convention members of any Union shall vote. Amendments shall be adopted by a simple majority of the votes cast, provided that the **General Assembly** shall vote only on such proposals for amendments as have previously been adopted by the Assembly of the Paris Union and the Assembly of the Berne Union according to the rules applicable in each of them regarding the adoption of amendments to the administrative provisions of their respective Conventions.

(3) Any amendment shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the States Members of the Organization, entitled to vote on the proposal for amendment pursuant to paragraph (2), at the time the **General Assembly** adopted the amendment. Any amendments thus accepted shall bind all the States which are Members of the

<p>Organization at the time the amendment enters into force or which become Members at a subsequent date, provided that any amendment increasing the financial obligations of Member States shall bind only those States which have notified their acceptance of such amendment.</p>	<p>Organization at the time the amendment enters into force or which become Members at a subsequent date, provided that any amendment increasing the financial obligations of Member States shall bind only those States which have notified their acceptance of such amendment.</p>
<p style="text-align: center;">Article 20 Final Provisions</p> <p>...</p> <p>(3) The Director General shall transmit two duly certified copies of this Convention and of each amendment adopted by the Conference to the Governments of the States members of the Paris or Berne Unions, to the Government of any other State when it accedes to this Convention, and, on request, to the Government of any other State. The copies of the signed text of the Convention transmitted to the Governments shall be certified by the Government of Sweden.</p> <p>...</p>	<p style="text-align: center;">Article 20 Final Provisions</p> <p>...</p> <p>(3) The Director General shall transmit two duly certified copies of this Convention and of each amendment adopted by the General Assembly to the Governments of the States members of the Paris or Berne Unions, to the Government of any other State when it accedes to this Convention, and, on request, to the Government of any other State. The copies of the signed text of the Convention transmitted to the Governments shall be certified by the Government of Sweden.</p> <p>...</p>
<p style="text-align: center;">Article 21 Transitional Provisions</p> <p>...</p> <p>(2) (a) States which are members of any of the Unions but which have not become party to this Convention may, for five years from the date of entry into force of this Convention, exercise, if they so desire, the same rights as if they had become party to this Convention. Any State desiring to exercise such rights shall give written notification to this effect to the Director General; this notification shall be effective on the date of its receipt. Such States shall be deemed to be members of</p>	<p style="text-align: center;">Article 21 Transitional Provisions</p> <p>...</p> <p>(2) (a) States which are members of any of the Unions but which have not become party to this Convention may, for five years from the date of entry into force of this Convention, exercise, if they so desire, the same rights as if they had become party to this Convention. Any State desiring to exercise such rights shall give written notification to this effect to the Director General; this notification shall be effective on the date of its receipt. Such States shall be deemed to be members of</p>

<p>the General Assembly and the Conference until the expiration of the said period.</p> <p>(b) Upon expiration of this five-year period, such States shall have no right to vote in the General Assembly, the Conference, and the Coordination Committee.</p> <p>...</p>	<p>the General Assembly (—) until the expiration of the said period.</p> <p>(b) Upon expiration of this five-year period, such States shall have no right to vote in the General Assembly (—) and the Coordination Committee.</p> <p>...</p>
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