

Assemblies of the Member States of WIPO

Sixty-Second Series of Meetings Geneva, October 4 to 8, 2021

STATUS OF MEMBERSHIP OF CERTAIN TREATIES ADMINISTERED BY WIPO, AND CONSTITUTIONAL REFORM MATTERS

Information document prepared by the Secretariat

1. The present document sets out the membership of treaties administered by the World Intellectual Property Organization (WIPO) that have been updated, either through the adoption of a new act or instrument¹ (which requires accession), or through an amendment² (which requires acceptance), as described in Parts I and II of this document, respectively.

2. The Contracting Parties concerned are respectfully invited to consider updating their membership, as applicable.

I. MEMBERSHIP OF CERTAIN TREATIES ADMINISTERED BY WIPO

A. *Paris Convention for the Protection of Industrial Property (1883)*

3. The Paris Convention for the Protection of Industrial Property (the Paris Convention) was revised several times since its conclusion in 1883. It was revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934), Lisbon (1958) and Stockholm (1967), and amended in 1979.

¹ The relevant treaties are the Paris Convention for the Protection of Industrial Property, the Berne Convention for the Protection of Literary and Artistic Works, the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, and the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration as concerns its Stockholm Act of 1967.

² See Part II on constitutional reform.

4. For historical reasons, the Stockholm revision gave Contracting Parties the opportunity either to accept only one part of the revision (Articles 1 to 12, which constitute the substantive provisions, or Articles 13 to 30, which constitute the final and administrative provisions), or to accept one part earlier than the other.

5. Some Member States that have excluded the substantive provisions from their acceptance of the Stockholm Act, are still, to date, bound by the substantive provisions of an earlier Act, which do not reflect the most up-to-date thinking on matters covered by the Convention. The Member States concerned are Argentina, Bahamas, Lebanon, Malta, Philippines, Sri Lanka, the United Republic of Tanzania and Zambia.

6. Some other Member States, namely the Dominican Republic and Nigeria, have never acceded to the Stockholm Act, but remain parties to an earlier Act. They are not members of the Assembly of the Paris Union, and thus are not able to participate in the decision-making organ of the Union. The Secretariat has on previous occasions, including by *note verbale* addressed to the concerned Member States, confirmed its availability to provide information and assistance in relation thereto.

7. The Member States concerned are respectfully invited to consider accession to the latest Act of the Paris Convention or to accept all provisions thereof, as applicable.

B. Berne Convention for the Protection of Literary and Artistic Works (1886)

8. The Berne Convention for the Protection of Literary and Artistic Works (the Berne Convention) was revised several times since its conclusion in 1886. It was completed at Paris (1896), revised at Berlin (1908), completed at Berne (1914), revised at Rome (1928), at Brussels (1948), at Stockholm (1967) and at Paris (1971), and amended in 1979.

9. For historical reasons, the Stockholm and Paris revisions of the Convention also gave Contracting Parties the opportunity to accept only one part of the revision, namely to accept only the final and administrative provisions (Articles 22 to 38). There are still, to date, some States bound by the administrative provisions of the Paris Act only (and in some cases of the Stockholm Act) and not the substantive provisions thereof. The States concerned are Bahamas, Chad, Fiji, Malta, Pakistan, South Africa and Zimbabwe.

10. Some Member States on the other hand, not being members of either the Stockholm or Paris Acts, are not members of the Assembly of the Berne Union and therefore are not able to participate in the decision-making organ of the Union. Lebanon and Madagascar fall under this category. The same offer for information and assistance, as mentioned above, has been provided to the concerned Member States.

11. The countries concerned are respectfully invited to accede to, or ratify the latest Act of the Berne Convention or to accept all provisions thereof, as applicable.

C. Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (1957)

12. The Nice Agreement was revised twice after its adoption in 1957, namely at Stockholm (1967) and at Geneva (1977). Some Member States remain bound by the Stockholm Act, namely Algeria and Morocco, and two States by the original Nice Agreement, namely Lebanon and Tunisia (which are therefore not members of the Assembly). These States are respectfully invited to consider acceding to, or ratifying the Geneva Act of the Nice Agreement, and the Secretariat is available for any assistance that may be necessary.

D. Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (1958)

13. The Lisbon Agreement, adopted in 1958, was revised in Stockholm in 1967, and amended in 1979. The same invitation as applies to the other treaties is extended to Haiti, which is not bound by the Stockholm Act of the Lisbon Agreement and, therefore, is not a member of the Lisbon Assembly.

II. CONSTITUTIONAL REFORM

14. At the request of the Program and Budget Committee (PBC) in the framework of the discussion on governance issues, the Secretariat made a presentation on the constitutional reform process at the twenty-sixth session of the PBC, held from July 10 to 14, 2017 (see document WO/PBC/26/8).

15. Following that presentation and at the request of the PBC, the Secretariat reported back to the twenty-eighth and thirtieth sessions of the PBC on the status of the implementation of the 1999 and 2003 amendments (see documents WO/PBC/28/12 and WO/PBC/30/13 Rev., respectively).

16. It is recalled that the 1999 amendment to the WIPO Convention would limit the number of mandates of the Director General to two fixed terms of six-years each. The 2003 amendments to the WIPO Convention and to other WIPO-administered treaties would: (i) abolish the WIPO Conference; (ii) formalize the unitary contribution system and the changes in contribution classes that have been practiced since 1994; and (iii) establish annual (rather than biennial) ordinary sessions of the WIPO General Assembly and of the other Assemblies of the Unions administered by WIPO.

17. None of these amendments has entered into force because the Director General has not yet received the requisite number of notifications of acceptance of the amendments from WIPO Member States. As a result, there is a gap between WIPO's operations and its constitutional framework.

18. To date, the Director General has received 56 notifications of acceptance out of the 129 needed for the 1999 amendment, and 23 out of the 135 required notifications for the 2003 amendments. See WIPO Publication 423, attached as an Annex to this document.

19. Member States are respectfully invited to transmit their instruments of acceptance of the amendments to the relevant WIPO-administered treaties. By doing so, Member States would close the gap and complete a process of rationalizing the Organization's governance structure.

[Annex follows]

ACTIONS IN RESPECT OF TREATIES ADMINISTERED BY WIPO OR AMENDMENTS THERETO, NOT YET IN FORCE
(continued)Amendments to WIPO-administered Treaties adopted by the
Assemblies of WIPO Member States on October 1, 2003¹

Status on September 15, 2021

State	Date on which State deposited its Notification of Acceptance
Australia	December 16, 2008
Democratic People's Republic of Korea.....	May 22, 2018
Denmark	October 13, 2004
Ecuador.....	April 9, 2018
Finland.....	November 10, 2004
Gambia	June 26, 2019
Mauritius	December 3, 2004
Mexico.....	August 3, 2007
Monaco.....	April 8, 2004
Morocco.....	May 31, 2011
Netherlands.....	October 16, 2008
Republic of Korea.....	April 21, 2004
Republic of Moldova.....	June 19, 2019
Saint Lucia.....	June 4, 2004
Saint Vincent and the Grenadines.....	October 4, 2017
Saudi Arabia	March 9, 2004
Singapore.....	June 14, 2018
Slovenia.....	August 1, 2007
Spain.....	February 10, 2012
Sweden	February 28, 2008
Switzerland.....	September 3, 2020
Tonga.....	September 16, 2004
Uruguay.....	October 9, 2020

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¹ The said amendments are: (i) the abolition of the WIPO Conference, (ii) the formalization of the unitary contribution system and changes in contribution classes, and (iii) a change in the periodicity of the ordinary sessions of the WIPO General Assembly and the other Assemblies of the Unions administered by WIPO. The said amendments shall enter into force one month after written notifications of acceptance have been received by the Director General from three-fourths of the Member States of WIPO in accordance with the relevant provisions of the WIPO-administered treaties.

² The equivalent in figures of the three-fourths required for the entry into force of the amendments to each treaty are as follows: 135 (WIPO Convention), 123 (Paris Convention), 114 (Berne Convention), 41 (Madrid Agreement), 27 (Hague Agreement), 54 (Nice Agreement), 15 (Lisbon Agreement), 33 (Locarno Agreement), 93 (PCT), 41 (Strasbourg Agreement), 15 (Vienna (Classification) Agreement), and 44 (Budapest Treaty).

ACTIONS IN RESPECT OF TREATIES ADMINISTERED BY WIPO OR AMENDMENTS THERETO, NOT YET IN FORCE
(continued)Amendment to Article 9(3) of the WIPO Convention, as adopted by the
Assemblies of WIPO Member States in September 1999*

Status on September 15, 2021

State	Date on which State deposited its Notification of Acceptance	State	Date on which State deposited its Notification of Acceptance
Andorra.....	January 12, 2001	Madagascar	January 24, 2000
Argentina	August 23, 2004	Mauritius	January 12, 2000
Australia	December 16, 2008	Netherlands	April 10, 2003
Belarus.....	July 7, 2011	Niger	January 29, 2001
Benin	January 19, 2000	Nigeria.....	May 31, 2000
Brazil	January 3, 2000	North Macedonia.....	April 26, 2000
Burkina Faso.....	February 28, 2000	Panama	February 23, 2000
Canada	August 11, 2000	Peru	February 26, 2019
China	May 1, 2000	Poland	November 13, 2000
Cuba	July 12, 2002	Republic of Korea	April 20, 2000
Democratic People's Republic of Korea	March 24, 2000	Republic of Moldova.....	September 27, 2001
Denmark	January 7, 2000	Saint Lucia	January 10, 2000
Dominica	April 6, 2000	Saudi Arabia.....	March 30, 2000
Ecuador.....	December 21, 1999	Senegal	February 23, 2000
El Salvador	November 10, 2003	Singapore	June 14, 2018
Finland.....	March 28, 2000	Slovenia.....	May 21, 2001
France	March 21, 2007	Spain	November 10, 2000
Gambia	June 26, 2019	Sri Lanka.....	March 14, 2000
Germany	April 11, 2003	Sweden	February 28, 2008
Guatemala.....	November 14, 2001	Switzerland.....	June 28, 2001
Holy See	December 16, 1999	Thailand	August 21, 2000
India.....	September 22, 2000	Turkey	May 19, 2000
Ireland.....	March 16, 2001	Uganda	February 1, 1999
Italy.....	September 19, 2008	United Kingdom.....	October 14, 2002
Japan.....	July 9, 2002	United Republic of Tanzania.....	March 16, 2000
Jordan	February 1, 2000	United States of America.....	December 14, 2007
Kyrgyzstan.....	February 26, 2002	Uruguay.....	October 9, 2020
Luxembourg.....	January 24, 2003	Viet Nam.....	January 20, 2000

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* The said amendment shall enter into force one month after written notifications of acceptance have been received by the Director General from three-fourths of the Member States of WIPO in accordance with Article 17(3) of the WIPO Convention. The total number of Member States of WIPO when this amendment was adopted stood at 171. The total number of notifications of acceptance required from Member States for its entry into force is 129.

[End of Annex and of document]