

**COMMITTEE OF EXPERTS ON THE ADMINISTRATIVE STRUCTURE
OF INTERNATIONAL COOPERATION
IN THE FIELD OF INTELLECTUAL PROPERTY**

**COMITÉ D'EXPERTS CONCERNANT LA STRUCTURE ADMINISTRATIVE
DE LA COOPÉRATION INTERNATIONALE DANS LE DOMAINE DE LA
PROPRIÉTÉ INTELLECTUELLE**

Geneva, March 22 - April 2, 1965

Genève, 22 mars - 2 avril 1965

NOTE OF THE SECRETARIAT

(1) The Annex to the present paper is a new version of Articles 2 to 13 trying to reflect the provisional decisions of the Committee arrived at in the course of its discussions up to and including the meetings of March 27, 1965.

(2) It should be noted that the order of some of the Articles has been changed to better express the relative importance of the various organs of the Organization. The Assemblies of the Unions are now in the first place (Article 5, formerly Article 6), the General Assembly is now in the second place (Article 6, formerly Article 5), and the Conference is now in the third place (Article 7, formerly Article 5bis).

(3) Furthermore it should be noted that although Article 2 was only generally discussed, an attempt has been made to reflect what seemed to be the general trend of the views. In consequence, the following changes were effected in Article 2 in respect to the functions of the Organization:

- (a) The first portion of paragraph (2)(i) dealing with the maintenance, implementation and development of the Unions has been transferred into the Article dealing with the Assemblies (new Article 5(2)(i)). Thus it has been made crystal clear that these are matters in the exclusive jurisdiction of each Union.
- (b) The administrative tasks connected with the existing Unions are now referred to in point (i) of Article 2(2), thus underlining their exceptional importance.
- (c) Points (ii) and (iii) of Article 2(2) deal with the administration of future Unions or the assumption of

the administration of such Unions -- as the Plant Union--which have already been formed. The words in brackets in point (iii) are intended to take care of the United Kingdom's suggestion concerning the Plant Convention.

- (d) It is to be noted that the first three points of Article 2(2) deal now mainly with administration and thereby place the heaviest emphasis on the administrative functions of the Organization.
- (e) Paragraph (3) states in no uncertain terms that the power of decision and giving instructions to the Secretariat vests in the several Assemblies-- each as far as its Union is concerned--and that the General Assembly has merely some tasks where common administrative questions are concerned, and that the Conference merely has a role in matters of technical legal assistance.

ARTICLE 2: ESTABLISHMENT, OBJECTIVE
AND FUNCTIONS

(1) The World Intellectual Property Organization (hereinafter called the Organization) is hereby established with the objective of promoting international cooperation in the field of protection for:

- (i) authors of literary and artistic works,
- (ii) inventors and creators in the field of industry, agriculture and applied arts,
- (iii) performing artists,
- (iv) enterprises which utilize or disseminate literary and artistic works, inventions, designs, trademarks and other commercial designations.

(2) To this end, the Organization:

- (i) is entrusted with the administrative tasks of the Paris Union, the Special Agreements established in relation with that Union, and the Berne Union;
- (ii) shall encourage the conclusion of new conventions, agreements or treaties where appropriate in the field of intellectual property and may assume their administration;
- (iii) may assume [or participate in] the administration of other intellectual property conventions, agreements and treaties, on the request of and in agreement with the competent organs of such conventions, agreements or treaties;
- (iv) shall assemble information concerning intellectual property, promote and carry out studies in this field, and disseminate the information assembled and the results of the studies;
- (v) shall maintain services facilitating the international protection of intellectual property and, where appropriate, provide for registration in the field of intellectual property and the publication of the data concerning the registrations;

(Article 2, contd.)

(vi) shall promote the adoption of measures calculated to simplify the protection of intellectual property throughout the world and to harmonize national legislations;

(vii) shall advise countries requesting technical-legal assistance in the field of intellectual property;

(viii) generally, shall take all necessary action to attain the objective of the Organization.

(3) Subject to the role of the Conference in the matter of technical-legal assistance, and subject to the tasks of the General Assembly relating to administrative questions interesting more than one Union, the power of decision and of giving instructions to the Secretariat shall belong to the separate Assemblies of the various Unions.

ARTICLE 3: MEMBERSHIP

ALTERNATIVE A

Membership in the Organisation shall be open to any State which is:

- (i) a party to the Paris Convention or the Berne Convention, or
- (ii) a party to any other convention, agreement or treaty the administration of which is entrusted to the Organization, or
- (iii) a Member of the United Nations or any of its Specialized Agencies, or
- (iv) a State invited by the General Assembly to become a Member of the Organization.

ALTERNATIVE B

Membership in the Organization shall be open to any State which is:

- (i) a Member of the United Nations or any of its Specialized Agencies, or
- (ii) a State invited by the General Assembly to become a Member of the Organization.

ALTERNATIVE C

Any State accepting the provisions of this Convention may, on its request, become a Member of the Organization.

ARTICLE 4: HEADQUARTERS

The Headquarters of the Organization shall be at Geneva. It may be transferred to another location pursuant to a decision of the General Assembly.

ARTICLE 5: ASSEMBLIES OF THE UNIONS

(1)(a) Each Union shall have an Assembly consisting of the States Members of the Union.

(b) The Government of each Member State shall be represented by one or more delegates who may be assisted by alternate delegates and by advisors.

(2) The Assembly of each Union shall:

(i) deal with all matters concerning the maintenance and development of the Union and the implementation of its convention or agreement;

(ii) determine the program and adopt the triennial budget of the Union, and approve its final accounts;

(iii) elect the members of the Executive Committee of the Union where the Union has such a Committee;

(iv) review and approve reports and activities of its Executive Committee, if any, and give instructions to such Committee;

(v) review and approve reports and activities of the Director-General concerning the Union and give instructions to him in such matters;

(vi) establish such committees as may be considered necessary for the work of the Union;

(vii) determine which States not Members of the Union and which international organizations shall be admitted to its meetings as observers;

(viii) take any other appropriate action designed to further the objectives of the Union;

(ix) exercise such other functions as are allocated to it in this Convention.

(3) Each Member State of the Union shall have one vote in the Assembly of the Union.

(Article 5, contd.)

(4) The Assemblies of the Unions shall meet in ordinary session upon convocation by the Director-General during the same period and at the same place as the General Assembly. The Assembly of each Union shall meet in extraordinary session, upon convocation of the Director-General, at the request of its Executive Committee, or at the request of one fourth of the Member States of the Union.

(5) The Assembly of each Union shall adopt its own rules of procedure.

ARTICLE 6: GENERAL ASSEMBLY

(1)(a) The General Assembly shall consist of the States Members of any of the Unions.

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

(2) The General Assembly shall:

(i) review and approve the reports and activities of the Coordination Committee;

(ii) appoint the Director-General after having heard the advice of the Conference;

(iii) shall pronounce itself on the arrangements proposed by the Director-General concerning the administration of the conventions, agreements and treaties referred to in Article 2(2)(ii) and (iii), and concerning the matters referred to in Article 17(3);

(iv) determine the languages which, in addition to English and French, shall be the working languages of the Secretariat;

(v) determine which States not Members of the Organization and which international organizations shall be admitted to its meetings as observers;

(vi) exercise such other functions as are allocated to it in this Convention.

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

(4) The General Assembly shall meet once in every third calendar year in ordinary session upon convocation by the Director-General. It shall meet in extraordinary session, upon convocation of the Director-General, at the request of the Coordination Committee, or at the request of one-fourth of the States constituting the General Assembly. Meetings shall be held at the headquarters of the Organization.

(Article 6, contd.)

(5) The General Assembly shall adopt its own rules of procedure.

(6) States Members of the Organization but not Members of any of the Unions shall be invited to the General Assembly as observers.

ARTICLE 7: CONFERENCE

(1)(a) The Conference shall consist of the States Members of the Organization.

(b) The Government of each Member State shall be represented by one or more delegates who may be assisted by alternate delegates and advisors.

(2) The Conference shall:

(i) discuss matters of general interest in the field of intellectual property and may adopt resolutions and recommendations relating to such matters;

(ii) adopt a triennial budget, consisting of contributions of the various Unions and the contributions of States Members of the Organization without being Members of any of the Unions, providing for funds to cover the expenses of the Conference and the program of technical-legal assistance (hereinafter referred to as "Conference budget");

(iii) within the limits of the Conference budget, establish the triennial program of legal-technical assistance;

(iv) give advice to the General Assembly as to the question of who should be elected Director-General. The General Assembly is not bound to follow this advice.

(3) Each Member State shall have one vote in the Conference.

(4) The Conference shall meet in ordinary session upon the convocation by the Director-General during the same period and at the same place as the General Assembly. The Conference shall meet in extraordinary session upon convocation by the Director-General at the request of the majority of the States Members of the Organization.

(5) The Conference shall adopt its own rules of procedure.

(6) The Conference may admit, as observers, representatives of States not Members of the Organization, and representatives of international organizations, to such of its meetings or meetings of its working committees as it sees fit.

ARTICLE 8: VOTING IN THE ASSEMBLIES, GENERAL ASSEMBLY AND
CONFERENCE

(1) Subject to the provisions of paragraphs (2) to (5) of this Article and paragraph (2) of Article 19, the Assemblies, the General Assembly, and the Conference shall make their decisions by a simple majority of the votes cast.

(2) The following shall require at least two-thirds of the votes cast:

(i) invitations addressed to a State to become a Member of the Organization (see Alternatives B and C of Article 3);

(ii) decisions concerning the transfer of the headquarters of the Organization (Article 4);

(iii) adoption of the budgets to the extent that they increase the financial obligations of Member States (Article 5(2)(ii)).

(3) The confirmation of arrangements concerning the administration of conventions, agreements and treaties referred to in Article 2(2)(ii) and (iii) shall require at least three-fourths of the votes cast (Article 6(2)(ii)).

(4) The approval of an agreement with the United Nations under Articles 57 and 63 of the Charter of the United Nations shall require the unanimous decision of the General Assembly.

(5) For the possible transfer of headquarters (Article 4) and the appointment of the Director-General (Article 6(2)(ii))* be attained not only in the General Assembly but also in the Assembly of the Paris Union and the Assembly of the Berne Union.

(6) In counting the votes, abstentions shall not be considered as votes.

(7) Each State shall be allowed to cast only its own vote.

* the required majority must

ARTICLE 9: EXECUTIVE COMMITTEES OF THE PARIS AND THE BERNE UNIONS

(1) The Paris Union and the Berne Union shall each have an Executive Committee. Each of these Committees shall be governed by the following provisions.

(2)(a) The Executive Committee shall consist of Members of the Union elected by the Assembly from among the States Members of the Union. Furthermore, the Member State on whose territory the Organization has its headquarters shall, subject to the provisions of Article 13(9), have an ex officio seat.

(b) The Government of each State Member of the Executive Committee shall be represented by one delegate who may be assisted by alternate delegates and by advisors.

(3) The number of the States Members of the Executive Committee shall correspond to one-fourth of the number of the States Members of the Union. In establishing the number of seats to be filled, remainders after division by four shall be disregarded.

(4) In electing the Members of the Executive Committee, the Assembly shall have regard to a balanced geographical distribution and the diversity of systems of protection of intellectual property.

(5) Each Member of the Executive Committee shall serve from the close of the session of the Assembly which elected it to the close of the next ordinary session of the Assembly. However, Members may be re-elected, but not more than two thirds of them. At each election, and until the limit of two thirds may have been attained, the names of the States Members of the Executive Committee shall be called in alphabetical order and the Assembly shall vote on each separately whether to re-elect it or not. It shall be decided by lot drawn before each election whether the names of the States shall be called on the basis of the English or the French alphabetical list of their names; furthermore, the letter of the alphabet with which the calling for possible re-election will start shall be drawn by lot.

(6) The Executive Committee shall:

(i) prepare the draft agenda of the Assembly;

(ii) submit proposals to the Assembly respecting the draft program and triennial budget of the Union prepared by the Director-General;

(Article 9, contd.)

(iii) establish, within the limits of the program and the triennial budget, the specific yearly budgets and programs prepared by the Director-General;

(iv) submit, with appropriate comments, to the Assembly the periodical reports of the Director-General and the yearly audit reports on the accounts;

(v) in accordance with the decisions of the Assembly and having regard to circumstances arising between two ordinary sessions of that Assembly, take all necessary measures to ensure the execution of the program of the Union by the Director-General;

(vi) perform such other functions as are allocated to it in this Convention.

(7) The Executive Committee shall meet at least once every year upon convocation by the Director-General.

(8) Each State Member of the Executive Committee shall have one vote. Decisions shall be made by simple majority. More than half of the votes cast by the Members present shall constitute a simple majority. Abstentions shall not be considered as votes. Each State shall be allowed to cast only its own vote.

(9) The Executive Committee shall establish its own rules of procedure subject to the provisions of this Convention and the decisions of the General Assembly.

ARTICLE 10: EXECUTIVE COMMITTEES OF
OTHER UNIONS

(1) The Assembly of any Union other than the Paris and Berne Unions may also establish an Executive Committee of its own.

(2) Where such an Executive Committee is established, its functions shall be fixed by the Assembly.

(3) Where such an Executive Committee is not established:

(i) the draft agenda of the Assembly shall be prepared by the Director-General;

(ii) the draft program and budget of the Union shall be submitted by the Director-General directly to the Assembly;

(iii) the Assembly shall establish the specific yearly budgets as well as the triennial budget of the Union.

ARTICLE 11: COORDINATION COMMITTEE

(1)(a) There shall be a Coordination Committee comprising the States Members of the Executive Committee of the Paris Union, and of the Executive Committee of the Berne Union.

(b) The Government of each State Member of the Coordination Committee shall be represented by one or two delegates who may be assisted by alternate delegates and by advisors.

(c) Whenever the Coordination Committee considers the Conference budget, one fourth of the States which are Members of the Organization without being Members of any of the Unions shall participate in the Coordination Committee with the same rights as Members of that Committee. This one-fourth shall be elected by and at each ordinary session of the Conference.

(2) If the other Unions administered by the Organization wish to be represented as such in the Coordination Committee, their representatives must be appointed from among the representatives of States Members of the Coordination Committee.

(3) The Coordination Committee shall:

(i) give advice to the organs of the various Unions, the General Assembly, and the Conference, on administrative, financial and other matters of common interest to two or more of the Unions;

(ii) prepare the draft agenda of the General Assembly;

(iii) prepare the draft agenda and the draft program and budget of the Conference;

(iv) 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;

(v) if the post of the Director-General becomes vacant between two sessions of the General Assembly, appoint an Acting Director-General whose term of office shall last until the new Director-General assumes office;

(Article 11, contd.)

(vi) perform such other functions as are allocated to it in this Convention.

(4) The Coordination Committee shall meet at least once every year upon convocation by the Director-General. It shall normally meet at the headquarters of the Organization.

(5) Each State whether a Member of one or both of the Executive Committee referred to in paragraph (1)(a) shall have one vote in the Coordination Committee. Each State shall be allowed to cast only its own vote.

(6)(a) The Coordination Committee shall express its opinions and make its decisions by simple majority. More than half of the votes cast by the Members present shall constitute a simple majority. Abstentions shall not be considered as votes.

(b) Even if a simple majority is obtained, any Member of the Coordination Committee may, immediately after the vote, request that the votes already expressed be the object of a special recount in the following manner:

- two separate lists shall be drawn up indicating, respectively, the names of the States Members of the Executive Committee of the Paris Union and of the Executive Committee of the Berne Union,
- the vote of each State shall be inscribed opposite its name in each list in which it appears.

Should this special recount indicate that simple majority has not been obtained in each of those lists, the proposal shall not be considered as carried.

(7) Subject to the provisions of this Convention, the Coordination Committee shall establish its own rules of procedure.

(8) Any State Member of the Organization, which is not a Member of the Coordination Committee, may be represented at the meetings of the Committee by observers, having the right to take part in the debates but without the right to vote.

ARTICLE 12: SECRETARIAT

- (1) The Secretariat shall comprise a Director-General, two or more Deputy Directors-General, and other staff members as required.
- (2) The Director-General shall be appointed for a fixed term which shall be not less than six years. He shall be eligible for reappointment for fixed terms. The periods of the initial appointment and possible subsequent appointments as well as all other conditions of the appointment shall be fixed by the General Assembly.
- (3) The Director-General shall be the chief administrative officer of the Organization and the Unions and shall represent the Organization and the Unions.
- (4) The Director-General shall prepare the draft programs and budgets and shall establish periodical reports on activities. He shall communicate them to the Governments of the interested States and to the competent organs of the various Unions and the Organization.
- (5) The Director-General, or a staff member designated by him, shall normally participate, without the right to vote, in all meetings of the Assemblies, the General Assembly, the Conference, the Executive Committees, the Coordination Committee, and any other committee or working group. He, or a staff member designated by him, shall be ex officio Secretary of all these bodies.
- (6) The Director-General shall appoint the staff necessary for the efficient performance of the tasks of the Secretariat. He shall appoint the Deputy Directors-General with the approval of the Coordination Committee. The conditions of employment shall be fixed by the staff regulations to be approved by the Coordination Committee on the proposal of the Director-General. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.
- (7) The nature of the responsibilities of the Director-General and of the staff shall be exclusively international. In the discharge of their duties they shall not seek or receive instructions from any government or from any authority external to the Organization. They shall refrain from any action which might prejudice their position as international officials. Each Member State undertakes to respect the exclusively international character of the responsibilities of the Director-General and the staff, and not to seek to influence them in the discharge of their duties.

ARTICLE 13: FINANCES

(1)(a) There shall be separate budgets of the Unions and a Conference budget.

(b) In the budget of each Union there shall appear the proper expenses of the Union itself, its contribution to the Conference budget, and its share in the common expenses. In the Conference budget there shall appear the proper expenses of the Conference and of the legal-technical assistance program and their share in the common expenses.

(c) Expenses not attributable exclusively to the budget of any given Union, or, exclusively to the Conference budget, shall be assessed among the budgets of the various Unions and the Conference budget in proportion to the interest each of them has in such expenses.

(2) The budgets of the Unions and the Conference budget shall be established with due regard to the requirements of coordination.

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

(i) contributions of the Member States towards the budgets of the Paris Union, the Berne Union, and such other Unions which are financed by contributions;

(ii) fees charged for services performed by the Secretariat;

(iii) sale of, or royalties on, the publications of the Secretariat;

(iv) gifts, bequests and subventions;

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

(b) The Conference budget shall be financed from sums allocated to that budget in the budgets of the interested Unions and from contributions of States Members of the Organization without being Members of any of the Unions.

(Article 13, contd.)

(4)(a) For the purpose of establishing its contributions towards the budgets referred to in paragraph (3)(a)(i), each Member State shall belong to a class, and shall pay its annual contributions on the basis of a fixed number of units as follows:

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

(b) Subject to the provisions of the following sub-paragraph, each State shall, concurrently with taking action as provided in Article 20, paragraph (1), indicate the class to which it wishes to belong.* Different classes may be indicated for the purposes of the Paris and Berne Unions. Any State may change class. If the change is to a lower class, the State must announce it to an ordinary session of the General Assembly. Any such change shall take effect at the beginning of the calendar year following the session.

(c) States which, at the date of [the Stockholm Conference] are Members of the Paris or Berne Unions shall continue to contribute in the same class as they did on that date. However, they may change class as provided in the preceding sub-paragraph.

(d) The amount of the yearly contribution of any given State shall be calculated separately for each budget referred to in paragraph (3)(a)(i) and in the following manner: the units applicable to each State according to the class to which it belongs shall be added together; the amount of the total yearly contributions inscribed in the budget shall be divided by the sum resulting from the said addition;

* The Article on entry into force will indicate that adhesions take effect only if a class is indicated.

(Article 13, contd.)

the quotient of this division shall be multiplied, for the given State, by the number of the units applicable to it. The product of this multiplication shall be the amount of the yearly contribution of the given State. [Alternative draft proposed by the United Kingdom Delegation: "The contribution of each State shall be an amount which bears that proportion to the total sum to be contributed to that budget by all Member States which the number of units according to which it is assessed bears to the total of the units of all contributing States."]

(e) The contributions of the Member States shall be due on the first of January of each year.

(f) A Member State which is in arrears in the payment of its financial contributions in one of the Unions shall have no vote in any organs of that Union, the General Assembly, the Conference, and the Coordination Committee, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years.

(5) The provisions of the preceding paragraph shall apply also in connection with the contributions of the States Members of the Organization without being Members of any of the Unions towards the Conference budget.

(6)(a) The amount of the fees charged for international registration shall be proposed by the Director-General and shall be fixed by the Assembly of the Union establishing the registration service. The fees of each registration service shall be fixed at a level so that the revenues of the Union from fees and other sources be at least sufficient to cover the expenses of the Secretariat caused by the maintenance of such service.

(b) The amount of fees charged for other services shall be established by the Director-General who shall report on them to the competent organs.

(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.

(Article 13, contd.)

(8) The Organization shall have a working capital fund as provided in the financial regulations established by the Co-ordination Committee on the basis of proposals made by the Director-General.