

BUREAUX INTERNATIONAUX  
RÉUNIS POUR LA PROTECTION  
DE LA PROPRIÉTÉ INTELLECTUELLE  
GENÈVE, SUISSE

# BIRPI

UNITED INTERNATIONAL  
BUREAUX FOR THE PROTECTION  
OF INTELLECTUAL PROPERTY  
GENEVA, SWITZERLAND

**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 BY THE SECRETARIAT

(1) This document has been prepared pursuant to the Committee's decision of March 31, 1965.

(2) It contains:

(a) as to the IPO Convention:  
Preamble and Articles 1, 2,  
10, 12, 14 to 19;

(b) as to the Protocols:  
Preamble, Articles A, and  
G to J.

PREAMBLE

The Contracting Parties,

Desiring to modernize and render more efficient the administration of the Intellectual Property Unions through the establishment of administrative organs which although in part common fully respect the autonomy of each of the several Unions, and promote the protection of intellectual property throughout the world, particularly through a Conference and by offering legal-technical assistance to developing countries,

Have agreed upon the present Convention instituting the International Intellectual Property Organization (I.P.O.) comprising a General Assembly of the States Members of the various Unions, a Coordination Committee, a Conference, and a Secretariat.

ARTICLE 1: DEFINITIONS

For the purposes of this Convention:

(a) "Organization" shall mean the International Intellectual Property Organization (I.P.O.);

(b) "Paris Convention" shall mean the Convention on the Protection of Industrial Property signed on March 20, 1883, and any of its past or future revisions;

(c) "Berne Convention" shall mean the Convention on the Protection of Literary and Artistic Works signed on September 9, 1886, and any of its past or future revisions;

(d) "Paris Union" shall mean the International Union established by the Paris Convention;

(e) "Berne Union" shall mean the International Union established by the Berne Convention;

(f) "Unions" shall mean the Paris Union, the Special Agreements established in relation with that Union, the Berne Union and any other convention, agreement or treaty whose administration is assumed by the Organization according to Article 2(2)(ii) or (iii).

ARTICLE 2: OBJECTIVE AND FUNCTIONS

(1) The objective of the Organization is to promote cooperation among States in the field of protection for

(i) authors or 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,

through administrative cooperation among the various Intellectual Property Unions and through other appropriate means set out in the present Convention.

(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

(Article 2, contd.)

intellectual property and, where appropriate, provide for registration in the field of intellectual property and the publication of the data concerning the registrations;

(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.

ARTICLE 10: LEGAL STATUS, PRIVILEGES AND IMMUNITIES

(1) Each Member State shall take the necessary measures to ensure that the Organization shall enjoy in its territory such legal capacity as may be necessary for the fulfilment of the Organization's purposes and for the exercise of its functions.

(2) The Director-General shall, in the name of the Organization and with the approval of the Coordination Committee, conclude a Headquarters Agreement with the Swiss Confederation, and may conclude, as necessary, bilateral or multilateral agreements with the other Member States with a view to the enjoyment by the Organization, its officials, and representatives of Member States, of such privileges and immunities as may be necessary for the fulfilment of its purposes and for the execution of its functions.

(3) Such measures and agreements shall be taken and concluded in conformity with the Constitutions and national laws of the Member States concerned.

ARTICLE 12: SETTLEMENT OF DISPUTESALTERNATIVE A

Any dispute between two or more Member States concerning the interpretation or application of this Convention which is not settled by negotiation or by the General Assembly shall, upon the request of one or more of the interested Member States, be referred to the International Court of Justice for adjudication, unless the parties concerned agree on another mode of settlement.

ALTERNATIVE B

/Same provision as above, but inserted in a Protocol, the acceptance of which is left to the discretion of each Member State./

ALTERNATIVE C

(1) Any dispute between two or more Member States of this Convention concerning the interpretation or application of the present Convention which is not settled by negotiation shall be submitted, at the request of one of the States concerned, to the Coordination Committee which shall endeavour to bring about agreement between the Member States concerned.

(2) If such agreement is not reached within six months from the date when the Coordination Committee was seized of the dispute, the dispute shall be submitted to an arbitral tribunal at the request of one of the parties concerned.

(3) The tribunal shall consist of three arbitrators.

When two Member States are parties to a dispute, each State shall appoint an arbitrator.

Where more than two Member States are parties to a dispute, two of the arbitrators shall be appointed by agreement among the States concerned. If the States concerned have not appointed the arbitrator within a period of two months from the date on which the request for convening the tribunal was notified to them by the Secretariat, any of the Member States concerned may ask the President of the International Court of Justice to make the necessary appointments.

In all cases, the third arbitrator shall be appointed by the President of the International Court of Justice.

If the President is a national of one of the Member States parties to the dispute, the Vice-President shall make the appointments referred to above, unless he is himself also a national of one of the Member States parties to the disputes. In this last case, the appointments shall be made by the member of the Court who is not a national of one of the Member States parties to the dispute and who is selected by the President to make the necessary appointments.

(4) The arbitral decision shall be final and binding on the Member States concerned.

(5) The tribunal shall determine its own procedure, unless the Member States concerned agree otherwise.

#### ALTERNATIVE D

Any dispute between two or more Member States concerning the interpretation or application of this Convention which is not settled by negotiation or by the General Assembly, shall be referred to the International Court of Justice for adjudication, upon the request of all the parties to the dispute, unless the parties concerned have agreed on another mode of settlement.



ARTICLE 14: ENTRY INTO FORCE

(1)(a) States may become party in accordance with paragraph (2), below, to this Convention by:

(i) signature without reservation as to ratification, or

(ii) signature subject to ratification followed by the deposit of an instrument of ratification;

(iii) deposit of an instrument of accession.

(b) Instruments of ratification or accession shall be deposited with the Director-General.

(2)(a) This Convention shall enter into force one month after the date on which twenty States, Members of the Paris Union and twenty States, Members of the Berne Union, have taken action as provided in paragraph (1) above, it being understood that a State Member of both Unions will be included in each of these groups for purposes of this provision.

(b) It shall enter into force with respect to a State which takes action subsequently, one month after the date on which it takes such action.

(c) As regards a State which is not a Member of either the Paris Union or the Berne Union and which takes action as provided in paragraph (1) above before the date referred to in sub-paragraph (a) of the present paragraph, this Convention shall enter into force on the date referred to in sub-paragraph (a) of the present paragraph.

(3)\* States which are party to any of the conventions, agreements or treaties the administrative tasks or the administration of which is entrusted to the Organization but which have not become party to this Convention shall, for five years from the date of entry into force of this Convention, have the same rights as if they had become party to this Convention. Upon expiration of this five-year period, such States shall have no right to vote in the General Assembly, the Coordination Committee and the Conference. Upon becoming party to

---

\* Discussion on these paragraphs was deferred on March 29, 1965.

(Article 14, contd.)

this Convention, such States shall regain their votes in the General Assembly, the Coordination Committee and the Conference.

(4)\* States which, on the day when this Convention enters into force according to paragraph (2), sub-paragraph (a) above, are not party to any of the conventions, agreements or treaties the administrative tasks or the administration of which is entrusted to this Organization shall be required to become party to this Convention concurrently with becoming party to any of the said conventions, agreements or treaties.

---

\* Discussion on these paragraphs was deferred on March 29, 1965.

ARTICLE 15: DENUNCIATION

(1) Any State party to the present Convention may denounce it.

(2) Denunciation shall be effected by notification addressed to the Director-General and shall take effect one year after receipt by him of the notification.

ARTICLE 16: NOTIFICATIONS

The Director-General shall notify to the Governments of all States which sign or accede to this Convention:

(i) the date the Convention enters into force,

(ii) each signature and deposit of instrument of ratification or accession, and the date thereof,

(iii) each acceptance of an amendment to this Convention, the date of the receipt of any document signifying acceptance, and the date upon which the amendment enters into force,

(iv) any denunciation of this Convention and the date of the receipt thereof.

ARTICLE 17: RESERVATIONS

No reservations to this Convention are permitted.

Note: Should the Convention permit reservation on any provision, this Article shall refer specifically to such provision<sup>7</sup>.

ARTICLE 18: FINAL PROVISION

(1) The present Convention, of which the English and French /and Russian/\* texts are equally authentic, shall be deposited with the Director-General.

(2) Official translations of the present Convention shall be established in the German, Italian, /Russian/\* and Spanish languages.

(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 signatory States, of the States acceding to this Convention, of all Member States of the Paris and Berne Unions, and, on request, of any other State.

(4) The Director-General shall register the present Convention with the Secretary-General of the United Nations as soon as possible.

ARTICLE 19: TRANSITIONAL PROVISION

Until the first Director-General assumes office, references to the Director-General shall be deemed to be references to the Director of the United International Bureaux for the Protection of Industrial, Literary and Artistic Property (BIRPI).

---

\* The question of whether the word "Russian" should be inserted in paragraph (1) or paragraph (2) has not been decided.

ARTICLE A: DEFINITIONS

For the purposes of the present Protocol:

(a) "Union" shall mean the International Union established by the /Paris/ Berne/ Madrid/ The Hague/ Nice/ Convention signed on /date/;

(b) "Organization" shall mean the International Intellectual Property Organization (IPO);

(c) "General Assembly" and "Coordination Committee" shall mean the General Assembly and the Coordination Committee referred to in the Convention of Stockholm of /date/ establishing the Organization.

ARTICLE 4: ENTRY INTO FORCE AND DURATION

(1)(a) States may become party to this Protocol in accordance with paragraph (2), below, by:

(i) signature without reservation as to ratification, or

(ii) signature subject to ratification followed by the deposit of an instrument of ratification;

(iii) deposit of an instrument of accession.

(b) Instruments of ratification or accession shall be deposited with the Director-General.

(2)(a) This Protocol shall enter into force one month after the date on which ten\* States Members of the Union have taken action as provided in paragraph (1) above.

(b) It shall enter into force with respect to a State which takes action subsequently, one month after the date on which it takes such action.

(3) States which are Members of the Union without having become party to this Protocol shall, for five years from the date of entry into force of this Protocol, have the same rights as if they had become party to this Protocol. Upon expiration of this five-year period, States still not having become party to this Protocol shall have no right to vote in the Assembly or be elected as members of the Executive Committee. Upon becoming party to this Protocol, such States shall regain their votes in the Assembly and may be elected as members of the Executive Committee.

(4) A State party to this Protocol shall remain a party thereto as long as it remains a party to the Convention to which this Protocol relates.

---

\* Number not yet discussed by the Committee.

ARTICLE H: NOTIFICATIONS

The Director-General shall notify to the Governments of all States which sign or accede to this Protocol:

- (i) the date the Protocol enters into force,
- (ii) each signature and deposit of instrument of ratification or accession, and the date thereof,
- (iii) each acceptance of an amendment to this Protocol, the date of the receipt of any document signifying acceptance, and the date upon which the amendment enters into force,

ARTICLE I: FINAL PROVISION

(1) The present Protocol, of which the English and French /and Russian/\* texts are equally authentic, shall be deposited with the Director-General.

(2) Official translations of the present Protocol shall be established in the German, Italian /Russian/\* and Spanish languages.

(3) The Director-General shall transmit two duly certified copies of this Protocol and of each amendment adopted by the Assembly to the Governments of the signatory States, of the States acceding to this Protocol, of all Member States of the Union, and, on request, of any other State.

(4) The Director-General shall register the present Protocol with the Secretary-General of the United Nations as soon as possible.

---

\* The question of whether the word "Russian" should be inserted in paragraph (1) or paragraph (2) has not been decided.

ARTICLE J: TRANSITIONAL PROVISION

Until the first Director-General assumes office, references to the Director-General shall be deemed to be references to the Director of the United International Bureaux for the Protection of Industrial, Literary and Artistic Property (BIRPI).