

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

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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

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DRAFT

CONVENTION OF THE WORLD INTELLECTUAL PROPERTY
ORGANIZATION (W. I. P. O.) AND DRAFT RESOLUTION

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ARTICLE 1: DEFINITIONS

For the purposes of this Convention:

"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;

"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;

"Madrid Agreement" shall mean the Agreement on the International Registration of Trademarks signed on April 14, 1891, and any of its past or future revisions;

"Paris Union" shall mean the International Union established by the Paris Convention;

"Berne Union" shall mean the International Union established by the Berne Convention;

"Madrid Union" shall mean the International Union established by the Madrid Agreement;

"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)(iii).

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, particularly in the field of science, industry and agriculture,
- (iii) performing artists,
- (iv) industries and services which utilize or disseminate literary and artistic works, inventions, designs, trademarks and other commercial designations,

and thus enhancing the dissemination of intellectual creations among the various Nations without discrimination as to their economic or social structures and the degree of their industrialization, and fostering the production and distribution of goods throughout the world.

(2) To this end, the Organization:

- (i) shall, in the field of intellectual property, encourage the maintenance, implementation and development of the existing international conventions, agreements and treaties, and the conclusion of new conventions, agreements or treaties where appropriate, and perform such duties as may be assigned thereby to the Organization and are consistent with its objectives;
- (ii) is entrusted with the administrative tasks of the Paris Union, the Special Agreements established in relation with that Union, and the Berne Union;

(Article 2 contd.)

(iii) may assume the administration of other intellectual property conventions, agreements and treaties, 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;

(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 assistance in the field of intellectual property;

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

ARTICLE 3: MEMBERSHIP

Membership in the Organization 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 Conference to become a member of the Organization.

* The Experts of some of the Governments asked that items (i) and (ii) be omitted as superfluous.

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 Conference.

ARTICLE 5: GENERAL CONFERENCE

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

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

(2) Subject to the powers reserved to the General Assemblies and Executive Committees of the various Unions, the General Conference shall:

- (i) determine the program of the Organization as such;
- (ii) adopt the triennial budget of the Organization as such;
- (iii) approve the final accounts;
- (iv) elect the members of the Executive Board;
- (v) appoint the Director General;
- (vi) review and approve reports and activities of the Executive Board and the Director General and instruct them in regard to matters concerning which action, study, investigation or report is desired;
- (vii) establish such committees as may be considered necessary for the work of the Organization;
- (viii) determine the languages which, in addition to English and French, shall be the working languages of the various organs of the Organization;
- (ix) confirm the arrangements made by the Director General for the administration of the conventions, agreements and treaties referred to in Article 2(2)(iii);
- (x) approve any agreement concluded with the United Nations under Articles 57 and 63 of the Charter of the United Nations;
- (xi) exercise such other functions as are provided for in this Convention;
- (xii) take any other appropriate action designed to further the objective of the Organization.

(Article 5 contd.)

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

(4) The General Conference 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 Executive Board or at the request of one-fourth of the Member States. Meetings shall be held at the headquarters of the Organization.

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

(6) The General Conference shall, at each ordinary session, elect a chairman and other officers as provided for by its rules of procedure. It shall, at each session, appoint the necessary working committees.

(7) The General 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 6: GENERAL ASSEMBLIES OF THE UNIONS

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

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

(2) The General Assembly of each Union shall:

(i) determine the program, and adopt the triennial budget, of the Union in all matters exclusively concerning the operations and the administration of the Union;

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

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

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

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

(vi) take any other appropriate action designed to further the objectives of the Union.

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

(Article 6 contd.)

(4) The General 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 Conference of the Organization. The General 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) Each General Assembly shall adopt its own rules of procedure.

(6) Each General Assembly shall, at each ordinary session, elect a Chairman and other officers as provided for by its rules of procedure. It shall, at each session, appoint the necessary working groups.

(7) Each General Assembly may admit, as observers, representatives of States not members of the Union, and representatives of international organizations, to such of its meetings or meetings of its working groups as it sees fit.

ARTICLE 7: VOTING IN THE GENERAL CONFERENCE AND THE GENERAL ASSEMBLIES

(1) Subject to the provisions of paragraphs (2) to (4) of this Article and paragraph (2) of Article 19, the General Conference and the General Assemblies 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 (Article 3 (iv));
- (ii) decisions concerning the transfer of the headquarters of the Organization (Article 4);
- (iii) adoption of the budgets to the extent that they change the financial obligations of Member States (Articles 5(2)(ii) and 6(2)(i));

(3) The confirmation of arrangements concerning the administration of conventions, agreements and treaties referred to in Article 2(2)(iii) shall require at least three-fourths of the votes cast (Article 5(2)(ix)).

(4) The approval of an agreement with the United Nations under Articles 57 and 63 of the Charter of the United Nations shall require at least nine-tenths of the votes cast (Article 5(2)(x)).

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

ARTICLE 8: EXECUTIVE BOARD

(1)(a) The Executive Board shall consist of members elected by the General Conference from among the Member States.

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

(2)(a) In order to secure proper participation in the Executive Board by all the different categories of States Members of the Organization, the number of the seats available on the Executive Board shall be determined, and the election for filling these seats shall be effected, on the basis of a system of rosters and as provided in paragraphs (3) and (4).

(b) Before each election, the following rosters shall be established:

(i) a roster of the States Members of the Paris, Berne and Madrid Unions,

(ii) a roster for the States Members of the Paris and Berne Unions,

(iii) a roster for the States Members of the Paris Union,

(iv) a roster for the States Members of the Berne Union,

(v) in the order of their establishment, a roster for each group of States Members of any of the other Unions adherence to which is not limited to States Members of any Union referred to in another roster,

(vi) a roster for the States not Members of any of the Unions.

(c) Each State shall be inscribed only in the roster for which it qualifies first in the rosters as listed above.

(3) For each roster, there shall be a number of seats corresponding to one fourth of the number of States inscribed in such roster. Remainders after division by four shall be disregarded; however, if the total number of States inscribed in a roster is less than four, there shall be one seat allotted for such roster.

(4)(a) The election of the States to fill the seats allotted to each roster shall take place in the order in which the rosters are listed above. In filling the seats allotted to each roster, the following States shall qualify for election:

- (i) any State inscribed into the roster under consideration,
- (ii) any State inscribed into any preceding roster, provided that such a State is a Member of the Union or Unions referred to in the roster under consideration.

(b) No State may fill more than one seat.

(c) In electing the members of the Executive Board, the General Conference shall have regard to a balanced geographical distribution.

(5) Each member of the Executive Board shall serve from the close of the session of the General Conference which elected it to the close of the next ordinary session. 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 Board shall be called in alphabetical order, and the General Conference 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 Board shall:

- (i) prepare the agenda of the General Conference;
- (ii) submit proposals to the General Conference respecting the draft program and triennial budget of the Organization prepared by the Director General;
- (iii) approve, within the limits of the program and triennial budget, the specific yearly programs and budgets of the Organization prepared by the Director General;
- (iv) submit, with appropriate comments, to the General Conference the periodical reports of the Director General and the yearly audit report on the accounts;
- (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 Conference;

(Article 8 contd.)

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

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

(viii) perform such other functions as are provided for in this Convention.

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

(8) Each member of the Executive Board shall have one vote. Decisions shall be made by simple majority. More than half of the votes cast by the members present and voting shall constitute a simple majority. Abstentions shall not be considered as votes.

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

(10) The Executive Board shall elect a chairman and other officers, and appoint the necessary working groups, as provided for in its rules of procedure.

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

(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 elected by the General Assembly from among the States Members of the Union.

(b) The Government of each Member State 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 General Assembly shall have regard to a balanced geographical distribution.

(5) Each member of the Executive Committee shall serve from the close of the session of the General Assembly which elected it to the close of the next ordinary session of the General 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 General 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.

(Article 9 contd.)

(6) The Executive Committee shall:

- (i) prepare the agenda of the General Assembly;
- (ii) submit proposals to the General Assembly respecting the draft program and triennial budget of the Union prepared by the Director General;
- (iii) approve, 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 General Assembly the periodical reports of the Director General and the yearly audit reports on the accounts;
- (v) in accordance with the decisions of the General 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 provided for in this Convention.

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

(8) Each 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 and voting shall constitute a simple majority. Abstentions shall not be considered as votes.

(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.

(10) The Executive Committee shall elect a chairman and other officers, and appoint the necessary working groups as provided in its rules of procedure.

ARTICLE 10: EXECUTIVE COMMITTEES OF OTHER UNIONS

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

ARTICLE 11: COORDINATION COMMITTEE*

(1)(a) There shall be a Coordination Committee comprising the States Members of the Executive Board of the Organization, 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.

(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 nature of the functions of the Coordination Committee is purely advisory. In particular, it shall give advice to the other organs of the Organization and the Unions on administrative, financial and other matters of common interest to the Organization and the Unions or certain of them.

(4) The Coordination Committee shall meet at least once every year upon invitation by the Director General.

(5) Each State Member of the Coordination Committee shall have one vote.

* The Experts of some of the Governments doubted the necessity of establishing a Coordination Committee. They expressed the view that the functions referred to in paragraph (3) could be better carried out by the Executive Board.

(Article 11 contd.)

(6)(a) The Coordination Committee shall express its opinions by simple majority. More than half of the votes cast by the members present and voting 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:

- three separate lists shall be drawn up indicating, respectively, the names of the States members of the Executive Board, 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 these lists, the proposal for an expression of opinion 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 under such conditions as the General Conference may approve and shall be eligible for re-appointment.
- (3) The Director General shall be the chief administrative officer of the Organization and shall represent the Organization in all cases.
- (4) The Director General shall prepare and communicate to Member States, the Executive Board, the Executive Committees, and the Coordination Committee, the draft budgets and programs which concern them, and periodical reports on the activities and finances of the Organization and the various Unions.
- (5) The Director General, or a staff member designated by him, shall participate, without the right to vote, in all meetings of the General Conference, the General Assemblies, the Executive Board, 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 Organization. He shall appoint the Deputy Directors General with the approval of the Executive Board. The conditions of employment shall be fixed by the staff regulations to be approved by the Executive Board 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.

(Article 12 contd.)

(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 a budget of the Organization, and separate budgets of the Unions.

(b) In the budget of the Organization, there shall appear the proper expenses of the Organization itself and its share in the common expenses.

(c) In the budget of each Union there shall appear the proper expenses of the Union itself and its share in the common expenses.

(d) Expenses not attributable exclusively to the Organization or to any given Union alone shall be considered as common expenses. Common expenses shall be assessed among the Organization and the various Unions in proportion to the interest each of them has in such expenses.

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

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

- (i) contributions of the Member States towards the budgets of the Organization, 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.

(Article 13 contd.)

(4)(a) For the purpose of establishing its contributions towards the budgets referred to in paragraph (3)(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) Each State shall, concurrently with taking action as provided in Article 20, paragraph (1), indicate the class to which it wishes to belong with due regard to the size of its national economy. The class indicated shall apply to all the contributions of the State. If a State fails to indicate a class, the Executive Board shall assign one to it. 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 Conference. Any change shall take effect at the beginning of the calendar year following the session.

(c) The amount of the yearly contribution of any given State shall be calculated separately for each budget referred to in paragraph (3)(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 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.

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

* As to the question of adding Class VII, see the Explanatory Statement (document AA/II/2, par. 55)

(Article 13 contd.)

(c) A Member State which is in arrears in the payment of any of its financial contributions shall have no vote in any organs of the Organization and of the Unions if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Conference may, nevertheless, permit such a State to vote if it is satisfied that the failure to pay is due to conditions beyond the control of such State.

(5)(a) The amount of the fees charged for international registration shall be fixed by the Director General with the consent of the General Assembly of the Union establishing the registration service. The fees of each registration service shall be fixed at a level at least sufficient to cover the expenses of the Secretariat caused by the maintenance of such service.

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

(6) The Organization, with the approval of the Executive Board, may receive gifts, bequests and subventions, directly from governments, public or private institutions, associations or private persons.

(7) The Organization shall have a working capital fund as provided in the Financial Regulations.

(8) Reserved. (See Introductory Report, document AA/II/2, par.59).

(9) Reserved. (See Introductory Report, document AA/II/2, par.59).

ARTICLE 14: LEGAL STATUS, PRIVILEGES AND IMMUNITIES

(1) The Organization shall enjoy in the territory of each Member State such legal capacity as may be necessary for the fulfilment of its purposes and for the exercise of its functions.

(2)(a) The Organization shall enjoy in the territory of each Member State such privileges and immunities as may be necessary for the fulfilment of its purposes and for the exercise of its functions.

(b) Representatives of Member States and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

(3) The Director General shall conclude, in the name of the Organization and with the approval of the Executive Board, a Headquarters Agreement with the Swiss Confederation, and may conclude, as necessary, bilateral or multilateral agreements with the other Member States concerning the application of the provisions of the foregoing paragraphs, in conformity with international custom and the constitutions of the interested States.

ARTICLE 15: INDEPENDENCE OF THE INTELLECTUAL
PROPERTY CONVENTIONS, AGREEMENTS AND TREATIES

(1) Subject to paragraph (2), the provisions of the Paris Convention, the special agreements established in relation with that Convention, the Berne Convention, and any other convention, agreement or treaty the administration of which is entrusted to the Organization, are not affected by the provisions of this Convention.

(2) Among the States parties to this Convention, the provisions of this Convention shall replace those provisions of the instruments referred to in the preceding paragraph which are set forth in the Annex.

ARTICLE 16: REVISION OF THE INTELLECTUAL PROPERTY
CONVENTIONS AGREEMENTS AND TREATIES

(1) Revision, not inconsistent with the provisions of the present Convention, of any of the conventions, agreements or treaties referred to in Article 15 shall be a matter within the sole jurisdiction of the States parties to the convention, agreement or treaty to be revised, and shall be effected as provided in those instruments.

(2) States parties to any of such conventions, agreements or treaties shall establish committees for the preparation -- where appropriate, in cooperation with the Government of the country in which the revision conference is scheduled to take place -- of revision conferences

(3) The secretariat of revision conferences as well as of the committees referred to in paragraph (2) shall be provided by the Secretariat of the Organization.

ARTICLE 17: RELATIONS WITH OTHER INTERNATIONAL ORGANIZATIONS

(1) The Organization shall, where appropriate, establish effective relations and cooperate closely with other intergovernmental organizations. Subject to Article 5, paragraph (2)(x), any general agreement entered into with such organizations shall be made with the approval of the Executive Board.

(2) The Organization may on matters within its competence make suitable arrangements for consultation and cooperation with nongovernmental international organizations and, with the consent of the governments concerned, with national organizations, governmental or nongovernmental.

(3) The Organization may take over from any other international organization or agency such functions, resources and obligations as may be transferred to the Organization by international agreement or by arrangements entered into with the competent authorities of such other organization or agency.

ARTICLE 18: SETTLEMENT OF DISPUTES

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 Conference 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.*

* Some of the Experts declared that their Governments had objections in principle with respect to the compulsory jurisdiction of the International Court of Justice and have proposed that a Protocol to this Convention be formulated containing the substance of this Article and that the acceptance of this Protocol be left to the discretion of each Member State.

ARTICLE 19: AMENDMENTS

(1) Proposals for the amendment of this Convention shall be communicated by the Director General to Member States at least six months in advance of their consideration by the General Conference.

(2) Amendments shall be adopted by the General Conference. Adoption shall require at least three-fourths of the votes cast, provided that any amendment dealing with matters affecting exclusively any particular Union, including provisions concerning that Union's own budget, shall also require the unanimity of all the votes expressed by the Member States of that Union. Abstentions shall not be considered as votes.

(3) Amendments shall enter into force when accepted by three-fourths of the Member States. Amendments thus accepted shall bind all the Member States, except that any amendment increasing the obligation of Member States shall bind a State only upon acceptance by it.

(4) Acceptance shall be communicated in writing to the Director General and shall become effective on the day the Director General receives it.

ARTICLE 20: 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 or of the Berne 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.

(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 subparagraph (a) of the present paragraph, this Convention shall enter into force on the date referred to in subparagraph (a) of the present paragraph.

(Article 20 contd.)

(3) States which, on the day when this Convention enters into force according to paragraph (2), subparagraph (a), above, 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 at the same date have not yet become party to this Convention shall, for five years from such date have the same rights as if they had become party to this Convention, except that they shall not be elected as members of the Executive Board. Upon expiration of this five-year period, States still not having become party to this Convention shall have no right to vote in the General Conference. Upon becoming party to this Convention such States shall regain their votes in the General Conference and may be elected as members of the Executive Board.

(4) After the date of entry into force of this Convention according to paragraph (2), subparagraph (a), above no State shall, without being a party to this Convention, become party to a convention, agreement or treaty the administrative tasks or the administration of which is entrusted to the Organization.

ARTICLE 21: DENUNCIATION

(1) Any State party to the present Convention may denounce it, but in order for such denunciation to be effective the State shall also denounce all conventions, agreements and treaties the administrative tasks or the administration of which are entrusted to the Organization and to which it is a party.

(2) Any State party to conventions, agreements or treaties the administrative tasks or the administration of which are entrusted to the Organization may denounce any or all of them without denouncing the present Convention.

(3) Denunciation shall be effected by notification addressed to the Director General and, subject to paragraph (1) above, shall take effect one year after receipt by him of the notification.

ARTICLE 22: 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 23: FINAL PROVISION

(1) The present Convention, of which the English and French 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 and Spanish languages.

(3) The Director General shall transmit two duly certified copies of this Convention and of each amendment adopted by the General Conference 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.

ARTICLE 24: 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).

ANNEX TO ARTICLE 15(2): PROVISIONS SUBSTITUTED
BY THE PROVISIONS OF THE CONVENTION

Paris Convention

Lisbon Text: Article 13
Article 14, paragraphs (3), (4) and (5).
Earlier Texts of the Paris Convention: Provisions corresponding to
those listed above.

Berne Convention

Brussels Text: Articles 21, 22 and 23.
Articles 24, 2nd and 3rd sentences of paragraph (2)
Earlier Texts of the Berne Convention: Provisions corresponding to
those listed above.

Madrid Agreement

Nice Text: Article 7(1) as far as it concerns the renewal fee.
Article 8, paragraphs (2) to (9) inclusive.
Article 10, paragraphs (2) and (3).
Regulations: in their entirety.
Earlier Versions: Provisions corresponding to those listed above.

The Hague Agreement on the International Deposit of Industrial Designs

London Text: Articles 15, 16 and 20.
Monaco Text: in its entirety.
Regulations: in their entirety.

Nice Agreement on Classification of Goods and Services to which
Trademarks Apply

Article 5 and Article 8, paragraphs (3) and (4).

Lisbon Agreement on the Protection of Appellations of Origin
and their International Registration

Article 7(2) and Article 10(2).

DRAFT RESOLUTION

The Diplomatic Conference of Stockholm resolves:

(1)(a) Subject to subparagraph (c) concerning the financial obligations of Member States, the provisions of the Convention of the World Intellectual Property Organization (W. I. P. O.) signed today shall be applied on an interim basis as of January 1st of next year and until the Convention enters into force as provided in Article 20(2)(a) of the Convention, unless, prior to such entry into force, the present Resolution is rescinded or amended by not less than nine-tenths of the States signatories of the Convention. Such interim application shall give rise to obligations on any Member State only to the extent compatible with its Constitution and laws.

(b) During the interim period, all States party to any convention, agreement or treaty the administrative tasks or the administration of which is now entrusted to the United International Bureaux for the Protection of Industrial, Literary and Artistic Property (BIRPI), or will be entrusted to the interim Organization, and all States which, without being party to such conventions, agreements or treaties, sign the Convention without reservation as to ratification, or ratify or accede to it, shall have the same rights as if the Convention were in force and they were parties thereto.

(c) All States are invited to contribute on the basis of the budgets to be established by the General Conference and the General Assemblies functioning on an interim basis and according to the system provided for in the Convention.

(Draft Resolution contd.)

(2) Subject to the applicable provisions of the Convention, references in the conventions, agreements or treaties the administrative tasks or the administration of which have been entrusted to the United International Bureaux for the Protection of Industrial, Literary and Artistic Property (BIRPI) shall be considered:

(i) as references to the General Conference or the General Assemblies whenever the reference is to the Swiss Government as Supervisory Authority or whenever the reference is to assemblies of Member States other than revision conferences,

(ii) as references to the Director General whenever the reference is to the Director of the United International Bureaux for the Protection of Industrial, Literary and Artistic Property (BIRPI).

(3) The Government of Switzerland, the Interunion Coordination Committee, and the Director of the United International Bureaux for the Protection of Industrial, Literary and Artistic Property (BIRPI) are invited to take the necessary measures for the implementation of the present Resolution.
