

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY

GENEVA

**ADMINISTRATIVE BODIES
OF WIPO AND OF THE UNIONS ADMINISTERED BY WIPO AND BIRPI**

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DRAFT

RULES OF PROCEDURE

for

the Assembly of the Madrid Union,
the Committee of Directors of the
National Industrial Property
Offices of Member States of the
Madrid Union,
the Assembly of the Locarno Union.

Document prepared by the Director General of WIPO

SUMMARY

This document contains draft rules of procedure for the Assemblies of the Madrid and Locarno Unions and for the Committee of Directors of the National Industrial Property Offices of Member States of the Madrid Union.

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INTRODUCTION

1. In the course of the administrative meetings of September 1970 rules of procedure were adopted for the eleven administrative bodies of WIPO and the Unions affected by the entry into force of certain of the instruments adopted by the Stockholm Conference in 1967 (document AB/I/34). The bodies in question adopted General Rules of Procedure to which the special rules of procedure refer and which they supplement or depart from where necessary.
2. Since September 1970 the Stockholm Act of the Madrid Agreement Concerning the International Registration of Marks and the Locarno Agreement Establishing an International Classification for Industrial Designs have entered into force. The Assemblies of these two Unions will meet for the first time in September-October 1971 and will have to adopt their rules of procedure.
3. In addition, member States of the Madrid Union which are not members of the Assembly of that Union constitute the Committee of Directors of the National Industrial Property Offices of Member States of the Madrid Union, established by Article 10(2) of The Nice Act of the Madrid Agreement. This Committee has rules of procedure which it adopted on December 16, 1966. It seems preferable, however, in order to ensure the uniformity of the various rules of procedure and to facilitate their application, to adapt the Committee's rules to those of the other administrative bodies of WIPO and the Unions. This in fact is what was done in September 1970 in connection with the Rules of Procedure of the Conference of Representatives of the Paris Union.
4. The draft rules of procedure contained in this document are in conformity with the system adopted in 1970 : they refer to the General Rules of Procedure of WIPO, which they supplement or depart from where necessary.
5. Rule 2 of the General Rules of Procedure should be supplemented with new definitions corresponding to the new rules of procedure of which the three drafts are contained in this document. However, such an addition can only be officially adopted by the bodies to which the General Rules apply. These bodies will not all meet until 1973. In the meantime, this addition could be adopted simply for the purposes of the Assembly of the Madrid

Union, the Committee of Directors of the National Industrial Property Offices of Member States of the Madrid Union and the Assembly of the Locarno Union.

ADDITION
TO THE GENERAL RULES OF PROCEDURE
OF THE WORLD INTELLECTUAL PROPERTY ORGANIZATION

Rule 2

Definitions

[Insert each of the following additional definitions in its appropriate alphabetical place in the list of definitions:]

"Assembly of the Locarno Union" shall mean the assembly established by Article 5(1) of the Locarno Agreement;

"Assembly of the Madrid Union" shall mean the assembly established by Article 10(1) of the Madrid Agreement (Marks);

"Committee of Directors" shall mean the Committee of Directors of the National Industrial Property Offices established by Article 10(2) of the Madrid Agreement, as revised at Nice on June 15, 1957;

"Locarno Agreement" shall mean the Locarno Agreement Establishing an International Classification for Industrial Designs, of October 8, 1968;

"Madrid Agreement (Marks)" shall mean the Madrid Agreement Concerning the International Registration of Marks, as revised at Stockholm on July 14, 1967;

"Locarno Union" shall mean the International Union concerning the International Classification for Industrial Designs;

"Madrid Union" shall mean the International Union concerning the International Registration of Marks.

RULES OF PROCEDURE
OF THE ASSEMBLY OF THE MADRID UNION
(Article 10(5) of the Madrid Agreement (Marks))

Rule 1: Application of the General Rules of Procedure

The Rules of Procedure of the Assembly of the Madrid Union shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Decisions when a Quorum is not Reached

(1) In the case referred to in Article 10(3)(c) of the Madrid Agreement (Marks), the Director General shall immediately communicate those decisions which have not yet taken effect to the States members of the Assembly of the Madrid Union which were not represented at the session, together with the report of the session and whatever additional explanations may be necessary.

(2) The period of three months allowed to them to express their vote or abstention shall run from the date on which the communication was sent. Replies shall be taken into consideration only if they reach the Director General within the period allowed.

(3) Replies must come either from the Ministry of Foreign Affairs or from the competent authority of the State in question.

Rule 3: Expenses

(1) The travel and subsistence expenses of one delegate of each member State shall be borne by the Madrid Union under the following conditions :

(a) on presentation of the used ticket, the net cost of the rail or air fare (first class) shall be refunded;

(b) daily allowances are fixed at 100 Swiss francs per day; the number of daily allowances paid shall correspond to the number of days required for the session, plus one day;

(c) a fixed sum of 60 Swiss francs shall be paid for incidental expenses.

(2) Delegates receiving such allowances must state in writing that their travel or subsistence expenses are not refunded from other sources.

Rule 4: Publication of the Report

The report on the work of each sessions, or a summary drawn up by the International Bureau, shall be published in the reviews La Propriété Industrielle and Industrial Property, and, where appropriate, in the review Les Marques internationales.

RULES OF PROCEDURE
OF THE COMMITTEE OF DIRECTORS OF THE
NATIONAL INDUSTRIAL PROPERTY OFFICES OF THE
MADRID UNION

(Article 10(2) of the Madrid Agreement (Marks),
as revised at Nice on June 15, 1957)

Rule 1: Application of the General Rules of Procedure

The Rules of Procedure of the Committee of Directors shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions of Article 10 of the Madrid Agreement (Marks), as revised at Nice on June 15, 1957, and by the provisions set forth hereinafter.

Rule 2: Sessions

The Committee of Directors shall meet in ordinary session every three years, during the same period and at the same place as the Assembly of the Madrid Union.

Rule 3: Matters of General Interest

With respect to matters which are of interest also to other Unions, the Committee of Directors shall make its decisions after having heard the advice of the Coordination Committee.

Rule 4: Majority

Subject to the provisions of Article 10(4)(a) and (b) of the Madrid Agreement (Marks) as revised at Nice, the Committee of Directors shall make its decisions by a majority of two-thirds of the votes cast. This rule shall not apply to decisions on procedure

Rule 5: Expenses

(1) The travel and subsistence expenses of one delegate of each member State shall be borne by the International Bureau under the following conditions :

(a) on presentation of the used ticket, the net cost of the rail or air fare (first class) shall be refunded;

(b) daily allowances are fixed at 100 Swiss francs per day; the number of daily allowances paid shall correspond to the number of days required for the session, plus one day;

(c) a fixed sum of 60 Swiss francs shall be paid for incidental expenses.

(2) Delegates receiving such allowances must state in writing that their travel or subsistence expenses are not refunded from other sources.

Rule 6: Publication of the Report

The report on the work of each session, or a summary drawn up by the International Bureau, shall be published in the reviews La Propriété industrielle and Industrial Property, and where appropriate, in the review Les Marques internationales.

RULES OF PROCEDURE
OF THE ASSEMBLY OF THE LOCARNO UNION

(Article 5(5) of the Locarno Agreement)

Rule 1: Application of the General Rules of Procedure

The Rules of Procedure of the Assembly of the Locarno Union shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Decisions when a Quorum is not Reached

(1) In the case referred to in Article 5(3)(c) of the Locarno Agreement, the Director General shall immediately communicate those decisions which have not yet taken effect to the States members of the Assembly of the Locarno Union which were not represented at the session, together with the report of the session and whatever additional explanations may be necessary.

(2) The period of three months allowed to them to express their vote or abstention shall run from the date on which the communication was sent. Replies shall be taken into consideration only if they reach the Director General within the period allowed.

(3) Replies must come either from the Ministry of Foreign Affairs or from the competent authority of the State in question.

Rule 3: Publication of the Report

The report on the work of each session, or a summary drawn up by the International Bureau, shall be published in the reviews La Propriété industrielle and Industrial Property.

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