

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

BIRPI

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

**UNION INTERNATIONALE
POUR LA PROTECTION DE LA PROPRIÉTÉ INDUSTRIELLE**
Conférence des Représentants, Comité Exécutif, Première Session

**INTERNATIONAL UNION
FOR THE PROTECTION OF INDUSTRIAL PROPERTY**
Conference of Representatives, Executive Committee, First Session

(Genève, 29 septembre au 1er octobre 1965)

(Geneva September 29 to October 1, 1965)

INFORMATION ON THE FIRST SESSION
OF THE EXECUTIVE COMMITTEE

Composition of the Committee

1. On October 1, 1964, the following sixteen States were elected, for a period of three years, by the Conference of Representatives of the International Union for the Protection of Industrial Property (Paris Union) as members of the Executive Committee:

1. Ceylon
2. Czechoslovakia
3. France
4. Federal Republic of Germany
5. Hungary
6. Italy
7. Japan
8. Morocco
9. Netherlands
10. Nigeria
11. Portugal
12. Spain
13. Sweden
14. United Kingdom
15. United States of America
16. Yugoslavia.

2. Switzerland, as Supervisory Authority, is a member ex officio of the Executive Committee.

3. Member States of the Paris Union which are not members of the Executive Committee may attend the sessions of the Executive Committee as observers (Rules of Procedure of the Conference of Representatives, Article 9(4)).

4. Article 10(1) of the Rules of Procedure of the Conference of Representatives states that BIRPI shall provide the secretariat of the Committee and that the Secretary shall be appointed by the Director of BIRPI. The Director has appointed Dr. Arpad Bogsch, Deputy Director of BIRPI, as Secretary of the Committee.

Terms of Reference of the Committee

5. Apart from its tasks in connection with the preparation of the sessions of the Conference of Representatives, the Executive Committee shall:

"Approve (*), within the limits of this program and budget (i.e., the program and triennial budget of the Paris Union), the specific yearly budgets and programs prepared by the Director" (Rules of Procedure of the Conference of Representatives, Article 7(5)(ii));

"Consider all necessary measures to ensure the execution of the program of the Paris Union by the Director, in accordance with the decisions of the Conference of Representatives and having regard to circumstances arising between two ordinary sessions of that Conference" (Rules of Procedure of the Conference of Representatives, Article 7(5)(iv))."

(*) Note by the Director of BIRPI: The term is not very appropriate as the approval of the program and budget is a function reserved to the Government of the Swiss Confederation as Supervisory Authority of BIRPI, and even the Conference of Representatives (the body to which the Executive Committee is subordinate) has only the power to "draw up a report" on the foreseeable expenditure for three-year periods (see the Paris Convention (Lisbon), Article 13(10) and Article 14(5)(a), and also the Rules of Procedure of the Conference of Representatives, Article 3(a)). The term "express its views" would be more appropriate.

First Ordinary Session of the Committee

6. The First Ordinary Session of the Committee will be held in Geneva (Switzerland), from September 29 to October 1, 1965, i.e., at the same time and the same place as the Third Ordinary Session of the Interunion Coordination Committee of BIRPI (whose meetings start one day earlier, i.e., September 28). In view of the fact that the States which are members of the Executive Committee are also members of the Interunion Coordination Committee, this is a practical arrangement dictated primarily in the interests of economy.

7. The opening meeting of the Committee will take place on September 29, at 3 p.m., in the Conference Hall of the headquarters building of the World Meteorological Organization (WMO), at 41, avenue Giuseppe Motta (next to the headquarters of BIRPI).

Officers and Rules of Procedure

8. As the September/October 1965 session will be the first of the Committee's sessions to be held, it has neither Officers nor Rules of Procedure.

9. It is therefore proposed in the provisional Agenda (CEP/I/1) that, after the election of a provisional Chairman, and under his direction, the Committee should first adopt its Rules of Procedure (see Document CEP/I/3). The Officers may then be elected according to the terms of the Rules once they have been adopted.

Annex: Rules of Procedure of the
Conference of Representatives.

RULES OF PROCEDURE
OF THE CONFERENCE OF REPRESENTATIVES OF THE PARIS UNION

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Article 1

DEFINITIONS

- (1) "Conference of Representatives" means the assembly of all the States of the Paris Union.
- (2) "Paris Union" means the International Union established by the Paris Convention for the Protection of Industrial Property of 1883.
- (3) "Paris-Lisbon Convention" means the text of the Paris Convention for the Protection of Industrial Property as revised by the Diplomatic Conference held at Lisbon in 1958.
- (4) "BIRPI" means the United International Bureaux for the Protection of Intellectual Property with Headquarters at Geneva, Switzerland.
- (5) "Director" means the Director of BIRPI.

Article 2

COMPOSITION

- (1) The Conference of Representatives established by virtue of Article 14 (5) (a) of the Paris-Lisbon Convention is composed of States Members of the Paris Union.
- (2) Each Member State shall be represented in the Conference of Representatives by a delegate who may be accompanied by advisers.
- (3) The Director and his representatives participate in the meetings of the Conference of Representatives and take part in the debates. They shall not have the right to vote.
- (4) A majority of the members in attendance at the session shall constitute a quorum.

Article 3

FUNCTIONS

The tasks of the Conference of Representatives shall be :

- (a) to draw up a report on the foreseeable expenditure of BIRPI on behalf of the Paris Union for the three-year period that follows each of its triennial meetings;
- (b) to consider questions relating to the protection and development of the Paris Union.

Article 4

SESSIONS

(1) The Conference of Representatives shall meet every three years in ordinary session generally at the Headquarters of BIRPI upon convocation by the Director and the Chairman of the Conference.

(2) The Conference of Representatives shall meet in extraordinary session upon convocation by the Director, the Government of the Swiss Confederation, or the Executive Committee. The agenda for each extraordinary session shall be limited to the questions which gave rise to the convening of such session.

(3) The meetings are not open to the public unless otherwise decided by the Conference of Representatives itself.

Article 5

AGENDA

(1) The Director shall draw up the draft agenda for each ordinary session of the Conference of Representatives on the basis of the directives given to him by the Executive Committee.

(2) In the case of an extraordinary session, the draft agenda shall be prepared by the Director, the Government of the Swiss Confederation or by the Executive Committee and shall be communicated to Member States by the Director at the same time as the convening notice.

(3) The relevant documents shall be distributed with the draft agenda or as soon as possible thereafter, preferably no later than 60 days before the meeting of the Conference of Representatives.

(4) The Conference of Representatives shall adopt the final agenda of the session during the first meeting.

(5) The Conference of Representatives may, during a session, change the order in which the items appear on its agenda.

Article 6

OFFICERS

(1) The Officers of the Conference of Representatives shall be the Chairman and two Vice-Chairman.

(2) They shall be in office from their election until the election of their successors.

(3) If the Chairman dies, or is incapacitated, or if the State of which he is a national ceases to be a Member of the Paris Union, his functions shall be assumed, for the remainder of the period still to run, by the older of the two Vice-Chairmen.

(4) There shall be an election of Officers at each ordinary session of the Conference of Representatives, during the first meeting of the session.

(5) (a) Apart from the exercise of the powers conferred upon him by virtue of other provisions in these Rules of Procedure, the Chairman opens and closes the meetings, conducts the proceedings, calls upon the speakers, puts questions to the vote, pronounces the decisions, and ensures the observance of the Rules of Procedure.

(b) The Chairman shall call upon the speakers in the order in which they ask to speak.

(c) He may call to order any speaker whose observations do not deal with the subject under discussion.

(d) He shall decide points of order. Any member may appeal against the ruling of the Chairman. The appeal shall be immediately put to the vote and the Chairman's ruling shall stand unless over-ruled by a majority as provided for in Article 11 (2).

Article 7

EXECUTIVE COMMITTEE

(1) At each ordinary session, the Conference of Representatives shall elect an Executive Committee from among its members.

(2) In addition to the seat of Switzerland occupied by it ex officio as Supervisory Authority, the number of members of the Executive Committee shall correspond to one-fourth of the States Members of the Paris Union. In establishing the number of seats to be filled, remainders after division by four shall be disregarded.

(3) In electing the members of the Executive Committee, the Conference of Representatives shall have regard to a balanced geographical distribution.

(4) Each member of the Executive Committee shall serve from the close of the session of the Conference of Representatives which elected it to the close of the next ordinary session of that Conference. Not more than two-thirds of them may be re-elected. At each election, and until the limit of two-thirds is attained, the names of the States members of the Executive Committee shall be called in alphabetical order and the Conference of Representatives 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; furthermore, the letter of the alphabet with which the call for possible re-election will start shall be drawn by lot.

(5) The Executive Committee shall :

(i) give directions to the Director regarding the preparation of the draft agenda of the next ordinary session of the Conference of Representatives;

(ii) submit proposals to the Conference of Representatives regarding the drafts of the program and of the triennial budget of the Paris Union prepared by the Director and approve, within the limits of this program and budget, the specific yearly budgets and programs prepared by the Director;

(iii) submit, with appropriate comments, to the Conference of Representatives the periodical reports of the Director and the yearly audit reports on the accounts ;

(iv) consider all necessary measures to ensure the execution of the program of the Paris Union by the Director, in accordance with the decisions of the Conference of Representatives and having regard to circumstances arising between two ordinary sessions of that Conference.

(6) The Executive Committee shall meet at least once every year, upon convocation by the Chairman of the Conference and the Director.

(7) For each ordinary session, the Executive Committee shall elect a Chairman and other Officers as provided in its rules of procedure.

Article 8

WORKING GROUPS AND RAPPORTEURS

(1) The Conference of Representatives and the Executive Committee may create such working groups and nominate such rapporteurs as they deem necessary for the study and report on any question which appears on the agenda of the organ which has nominated them.

(2) These working groups and rapporteurs shall submit their reports to the organ which has nominated them.

Article 9

OBSERVERS

(1) The Director may invite States Members of the United Nations or of Specialized Agencies, not Members of the Paris Union, to send observers to sessions of the Conference of Representatives.

(2) The Director may invite the United Nations Organization, the Specialized Agencies and the International Atomic Energy Agency to be represented by observers at the sessions of the Conference of Representatives.

(3) The Executive Committee shall determine which other international inter-governmental and non-governmental organizations whose interest and activities are related to the purposes of the Paris Union, should be invited to send observers to sessions of the Conference of Representatives.

(4) State Members of the Paris Union, not members of the Executive Committee, may attend the sessions of the Executive Committee as observers.

Article 10

SECRETARIAT

(1) BIRPI shall provide the secretariat of the Conference of Representatives, of the Executive Committee and of their sub-committees. The Secretary of these organs shall be appointed by the Director; he shall take part in all the meetings of these organs.

(2) The Director or such official of BIRPI as he appoints for the purpose may at any time make statements, either orally or in writing, regarding any questions under study.

(3) The Secretariat shall establish, receive, translate and distribute the working documents, the minutes and the general reports of each session of the Conference of Representatives and of the Executive Committee.

Article 11

VOTING

- (1) Each Member State shall have one vote.
- (2) Decisions shall be made by a two-third majority. Abstentions shall not be considered as votes.
- (3) Normally, voting shall be by a show of hands unless any Member requests a vote by roll-call. Voting shall be by secret ballot if requested by at least three members.
- (4) The provisions of paragraphs (1), (2) and (3), shall apply both to the Conference of Representatives and the Executive Committee.

Article 12

LANGUAGES

- (1) The documents of the Conference of Representatives shall be established in French, English and Spanish, and those of the Executive Committee in French and English.
- (2) (a) The interpretation of the debates during the meetings shall be provided by the Secretariat at the Conference of Representatives into French, English and Spanish; and at the Executive Committee into French and English.

(b) Any Member may speak in a language other than those into which interpretation is provided by the Secretariat. In such cases, the Member concerned is responsible for ensuring interpretation into one of the organ's working languages.

Article 13

SUMMARY RECORDS AND OTHER DOCUMENTS

- (1) The summary records of each session of the Conference of Representatives and of the Executive Committee shall be prepared by the Secretariat and approved by each participant in respect of his own statements.
- (2) At the end of each session of the Conference of Representatives and of the Executive Committee, a general report on the work done, prepared by the Secretariat, shall be submitted for the approval of the participants. Explanations of votes shall be included in the general report.

(3) The working documents, the general report and the minutes shall be sent by the Director to the Swiss Government, in its capacity of Supervisory Authority, and to all the Member States of the Paris Union.

Article 14

AMENDMENTS

The Conference of Representatives may amend these Rules of Procedure.

Article 15

EXPENSES OF DELEGATES

The travelling and subsistence expenses of representatives of States shall be borne by their Governments.