

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)

RULES OF PROCEDURE
OF THE EXECUTIVE COMMITTEE

1. The Executive Committee has no Rules of Procedure as yet.

2. Several questions in connection with the procedure to be followed by the Executive Committee have, however, already been settled in the Rules of Procedure of the Conference of Representatives of the Paris Union, adopted by that Conference at its First Ordinary Session on October 1, 1964. The text of the Rules of Procedure of the Conference of Representatives is annexed to Document CEP/I/2.

3. Draft Rules of Procedure for the Executive Committee are annexed to this document. The provisions relating to the Committee already appearing in the Rules of Procedure of the Conference are reproduced in this Draft to facilitate reference. The other provisions in the Draft are similar to the corresponding provisions of the Rules of Procedure of the Conference of Representatives. To enable comparison, the corresponding provisions of the Rules of Procedure of the Conference of Representatives ("C.R.") are shown in brackets after each provision of the Draft in which such analogies exist.

4. Among the provisions of the Rules of Procedure of the Conference of Representatives taken over into the Draft is included the provision which states that the Executive Committee shall "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" (Article 3(ii) of the Draft, Article 7(5)(ii) of the Rules of Procedure of the Conference of Representatives). As indicated elsewhere (Document CEP/I/2, paragraph 5), the term "approve" is not very appropriate, as approval of the budget and the program is a function reserved to the Government of the Swiss Confederation as Supervisory Authority, and even the Conference of Representatives (the body to which the Executive Committee is subordinate) has not the power to approve but merely the task "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), and also the Rules of Procedure of the Conference of Representatives, Article 3(a)). Consequently, the Executive Committee might possibly prefer to use, in its own Rules of Procedure, the words "express its views" instead of "approve".

5. The Executive Committee is invited to adopt Rules of Procedure.

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RULES OF PROCEDURE
OF THE EXECUTIVE COMMITTEE 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 of the Executive Committee

(1) The members of the Executive Committee shall be elected by the Conference of Representatives (see Rules of Procedure of the Conference of Representatives, Article 7(1) to (4)).

(2) If, between two ordinary sessions of the Conference of Representatives, one of the States members of the Executive Committee ceases to be a member of that Committee, the next session of the Executive Committee shall co-opt from among the States Members of the Paris Union a member who shall serve until the close of the following ordinary session of the Conference of Representatives.

(3) If, between two ordinary sessions of the Conference of Representatives, the number of States Members of the Paris Union increases to such an extent that the number of members of the Executive Committee becomes less than one-fourth of the States Members of the Paris Union, the next session of the Executive Committee shall co-opt from among the Members of the Paris Union the number of members necessary to reach the required proportion. In establishing the number of seats to be filled, remainders after division by four shall be disregarded. Any member thus co-opted shall serve until the close of the next ordinary session of the Conference of Representatives.

(4) Each State member of the Executive Committee shall be represented by a delegate who may be accompanied by advisers.

[C.R., Article 2(2)]

(5) The Director and his representatives shall participate in the meetings of the Executive Committee and take part in the debates. They shall not have the right to vote.

[C.R., Article 2(3)]

(6) A majority of the members of the Executive Committee in attendance at the session shall constitute a quorum.

[C.R., Article 2(4)]

Article 3: Functions of the Executive Committee

The Executive Committee shall:

(i) give directives 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.

[C.R., Article 7(5)]

Article 4: Sessions of the Executive Committee

(1) The Executive Committee shall meet once a year in ordinary session generally at the Headquarters of BIRPI upon convocation by the Director.

[C.R., Articles 4(1) and 7(6)]

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

[C.R., Article 4(2)]

(3) The meetings are not open to the public unless otherwise decided by the Executive Committee itself.

[C.R., Article 4(3)]

Article 5: Agenda of the Sessions
of the Executive Committee

(1) The Director shall draw up the draft agenda for each ordinary session of the Executive Committee.

(2) In the case of an extraordinary session, the draft agenda shall be prepared by the Director or the Government of the Swiss Confederation, 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 opening of the session.

(4) The Executive Committee shall adopt the final agenda of the session during the first meeting.

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

[C.R., Article 5]

Article 6: Officers of the Executive Committee

(1) The Officers of the Executive Committee shall be the Chairman and two Vice-Chairmen.

(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 Executive Committee or 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 Executive Committee, 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 10(2).

[C.R., Articles 6 and 7(7)]

Article 7: Working Groups and Rapporteurs

(1) The Executive Committee may create such working groups and nominate such rapporteurs as it deems necessary for the study and report on any question which appears on its agenda.

(2) These working groups and rapporteurs shall submit their reports to the Executive Committee.

[C.R., Article 8]

Article 8: Observers

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

(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 Executive Committee.

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

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

[C.R., Article 9]

Article 9: Secretariat

(1) BIRPI shall provide the Secretariat of the Executive Committee and of its working groups. 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 summary records and the general reports of each session of the Executive Committee.

[C.R., Article 10]

Article 10: 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.

[C.R., Article 11]

Article 11: Languages

(1) The documents of the Executive Committee shall be established in French and English.

(2) (a) The interpretation of the debates during the meetings of the Executive Committee shall be provided by the Secretariat in French and English.

(b) Any member of the Executive Committee 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 working languages of the Committee.

/C.R., Article 12/

Article 12: Summary Records and Other Documents

(1) The summary records of each session 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 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 summary records 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.

/C.R., Article 13/

Article 13: Amendments to the Rules of Procedure

Within the limits permitted by the Paris-Lisbon Convention and the Rules of Procedure of the Conference of Representatives, the Executive Committee may amend these Rules of Procedure.

/C.R., Article 14/

Article 14: Expenses of Representatives

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

/C.R., Article 15/