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World Intellectual Property Organization

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Editor's Note

MULTILATERAL TREATIES

World Intellectual Property Organization

Regulations Under the Patent Cooperation Treaty (as adopted on June 19, 1970, and amended on April 14 and October 3, 1978, May 1, 1979, June 16 and September 26, 1980, July 3, 1981, September 10, 1982, October 4, 1983, February 3 and September 28, 1984, October 1, 1985, July 12 and October 2, 1991) (Rules 1 to 31) *(This text replaces the one previously published under the same code number)* ..... Text 2-007

Editor's Note

The publication of the present issue marks a partial change in the nature of the contents of WIPO's monthly reviews *Industrial Property/La Propriété industrielle.*

Henceforth, articles or "letters" written by individual authors on various aspects of intellectual property or on news covering intellectual property in given countries or organizations will no longer be published in the review, because there are now in the world many specialized periodicals that publish articles on doctrine and reports on developments in the legislation (proposed or enacted), court decisions or practice of the various countries.

Hereinafter, the review will mainly contain information on events occurring in WIPO: studies carried out by WIPO, meetings held or to be held under the auspices of WIPO, technical and legal assistance furnished by WIPO to developing countries and contacts of the International Bureau of WIPO with governments and international organizations. The said contents will generally be arranged under the following headings:

– notifications concerning treaties administered by WIPO in the field of industrial property (ratifications, accessions, etc.);

– normative activities of WIPO in the field of industrial property (meetings, documents, etc.);

– registration systems administered by WIPO (meetings, documents, statistics, etc.);

– activities of WIPO in the field of industrial property specially designed for developing countries (meetings, documents, etc.);

– activities of WIPO in the field of industrial property specially designed for European countries in transition to market economy (meetings, documents, etc.);

– contacts of the International Bureau of WIPO with governments and international organizations in the field of industrial property (meetings, documents, etc.);

– miscellaneous news;

– selected WIPO publications;

– calendar of meetings.

The publication of the (translations of) legislative texts of States members of WIPO and of intergovernmental organizations, as well as of multilateral and bilateral treaties in the field of intellectual property, will be continued as before (that is, as a special supplement to each issue of the review).

Two major considerations lie behind the decision to change the coverage of the contents of the review.

In the first place, it is to be recalled that *Industrial Property* was first published, in the French language (as *La Propriété industrielle*), in 1885, and has been published each year since. Throughout many years of its existence, the review was the only or one of the very few specialized publications in the field of intellectual property. That situation has, as already stated, radically changed. There are now available a multitude of reviews in the field of intellectual property, and the specialized and non-affiliated nature of those reviews is better suited to the expression of the manifold views to be found among the various sectors of the international intellectual property community than an official publication of an international organization that is involved in policy-making.

In the second place, it is recalled that, over the same period of the existence of the review, the nature and range of the activities of the International Bureau have also changed radically. The International Bureau has become the initiator and the drafter of new treaties and the initiator, organizer and administrator of worldwide cooperation among States and interested private circles in the field of intellectual property. A predominant position in its program is occupied by assistance for developing countries and, very recently, for European countries in transition to market economy. Such expansion of the activities of WIPO has brought with it the need for more extensive and more prompt reporting on those activities, a need which it is hoped will be met by the new editorial policy introduced with this issue.

Notifications Concerning Treaties Administered by WIPO in the Field of Industrial Property

Convention Establishing the World Intellectual Property Organization and Certain Other Treaties Administered by WIPO

Communication by the Russian Federation

The Director General of the World Intellectual Property Organization (WIPO) has been requested by the Permanent Representative of the Russian Federation to the United Nations Office and Other International Organizations in Geneva, in a letter dated December 26, 1991, and received on January 6, 1992, to communicate the following note of the Ministry for Foreign Affairs of the Russian Federation:

"The Ministry for Foreign Affairs of the Russian Federation presents its compliments to the Director General of the World Intellectual Property Organization and has the honour to inform him that the membership of the Union of Soviet Socialist Republics in the World Intellectual Property Organization and all its bodies as well as participation in all the conventions, agreements and other international legal instruments signed in the framework of the World Intellectual Property Organization or under its auspices is continued by the Russian Federation (RF), and that in this connection the name 'The Russian Federation' in place of the name 'The Union of Soviet Socialist Republics' is to be used in the World Intellectual Property Organization.

The Russian Federation remains responsible in full for all rights and obligations of the USSR in the World Intellectual Property Organization, including the financial obligations.

This note certifies the credentials to represent the Russian Federation in the bodies of the World Intellectual Property Organization for all those currently possessing the credentials to represent the USSR in the World Intellectual Property Organization.

The Ministry for Foreign Affairs of the Russian Federation avails itself of this opportunity to present to the Director General of the World Intellectual Property Organization the assurances of its highest consideration."

The Director General believes that the reference (made in the above quoted communication) to "all the conventions, agreements and other international legal instruments signed in the framework of the World Intellectual Property Organization or under its auspices" is to be understood as a reference to the following treaties:

- the Paris Convention for the Protection of Industrial Property
- the Madrid Agreement Concerning the International Registration of Marks
- the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks
- the Locarno Agreement Establishing an International Classification for Industrial Designs
- the Patent Cooperation Treaty
- the Strasbourg Agreement Concerning the International Patent Classification
- the Trademark Registration Treaty
- the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite
- the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure
- the Nairobi Treaty on the Protection of the Olympic Symbol.

It is recalled that the Director General of WIPO is the depositary of each of the said treaties with the exception of the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite, the depositary of which is the Secretary-General of the United Nations, who issues notifications concerning the status of parties to that Convention.

WIPO Notification No. 154, Paris Notification No. 129, Madrid (Marks) Notification No. 48, Nice Notification No. 71, Locarno Notification No. 26, PCT Notification No. 66, Strasbourg Notification No. 36, TRT Notification No. 9, Budapest Notification No. 101, Nairobi Notification No. 37, of January 20, 1992.

Patent Cooperation Treaty (PCT)

I. Amendments to the Regulations

The Assembly of the International Patent Cooperation Union (PCT Union) adopted, on July 12, 1991, amendments to the Regulations under the Patent Cooperation Treaty.

The said amendments will enter into force on July 1, 1992. Those amendments are incorporated in the text of the Regulations under the Patent Cooperation Treaty, published in *Industrial Property*.[1]

PCT Notification No. 64, of December 13, 1991.

II. Amendments to the Schedule of Fees Annexed to the Regulations

The Assembly of the International Patent Cooperation Union (PCT Union) adopted, on October 2, 1991, amendments to the Schedule of Fees Annexed to the Regulations under the Patent Cooperation Treaty.

The said amendments, which increased the PCT fees, entered into force on January 1, 1992. The new amounts of those fees are incorporated in the Schedule of Fees in the Regulations under the Patent Cooperation Treaty, published in *Industrial Property*.[2]

PCT Notification No. 65, of December 13, 1991.

[1] See *Industrial Property Laws and Treaties*, MULTILATERAL TREATIES – Text 2-007, February and March 1992.

[2] *Ibid.*, March 1992.

Budapest Treaty

I. Acquisition of the Status of International Depositary Authority

BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS (BCCM)

(Belgium)

The following written communication, addressed to the Director General of WIPO by the Government of Belgium under Article 7 of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, was received on January 21, 1992, and is published by the International Bureau of WIPO pursuant to Article 7(2)*(a)* of the said Treaty:

1. *Declaration*

As provided for by Article 7 of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, the Belgian Government nominates the Belgian Coordinated Collections of Microorganisms (hereinafter referred to as "BCCM") as an international depositary authority.

BCCM complies and will continue to comply with all the requirements specified in Article 6(2) of the Treaty.

This declaration is made for the purpose of acquisition by BCCM of the status of international depositary authority.

2. *Name and Address of the Depositary Institution*

BCCM is a consortium of complementary service collections. The headquarters and the various component collections (in alphabetical order) are as follows:

Headquarters

Belgian Coordinated Collections of Microorganisms
Prime Minister's Services
Science Policy Office
Rue de la Science 8
B-1040 Brussels
Belgium

Telephone: +32-2-23 83 411
Fax: +32-2-23 05 912

Important Note: All applications and/or deposits under the Budapest Treaty are to be addressed to the BCCM collection concerned.

Collections

Institut d'Hygiène et d'Epidémiologie-Mycologie
(Collection referred to hereinafter as "IHEM")
Rue J. Wytsman 14
B-1050 Brussels
Belgium

Telephone: +32-2-64 25 630
Fax: +32-2-64 25 519

Universiteit Gent
Laboratorium voor Moleculaire Biologie-Plasmidencollectie
(Collection referred to hereinafter as "LMBP")
K.L. Ledeganckstraat 35
B-9000 Ghent
Belgium

Telephone: +32-91-64 51 45
Fax: +32-91-64 53 48

Universiteit Gent
Laboratorium voor Microbiologie-Bacteriënverzameling
(Collection referred to hereinafter as "LMG")
K.L. Ledeganckstraat 35
B-9000 Ghent
Belgium
Telephone: +32-91-64 51 08
Fax: +32-91-64 53 46

Mycothèque de l'Université Catholique de Louvain
(Collection referred to hereinafter as "MUCL")
Place Croix du Sud 3
B-1348 Louvain-la-Neuve
Belgium
Telephone: +32-10-47 37 42
Fax: +32-10-45 15 01

3. *Detailed Information on the Capability of BCCM to Comply with the Requirements Specified in Article 6(2) of the Treaty*

BCCM was established in 1983 by the Prime Minister's Services–Scientific Policy Programming (SPPS). The aim was to transform the complementary research collections, of a rather scientific interest, into a consortium of coordinated collections more open to the needs of the professionals, in science and industry, dealing with R&D problems and matters related to microbiology, in fields as varied as health, agriculture, education, food, chemistry, energy and the environment.

The funding of the consortium is largely provided by the Belgian Government and is supplemented by logistic support from the host institutions housing the BCCM collections and by revenue from a whole range of services such as, for example, distribution, deposit, isolation, identification, screening and characterization of strains, description of strains with a view to patenting; bio-audits of work and production locations; training; tests of biodeterioration, resistance and biological activity, and other types of tailored contract research.

The BCCM collections are all members of WFCC (World Federation of Culture Collections), ECCO (European Culture Collections' Organization) and MINE (Microbial Information Network Europe).

The following information concerns the BCCM collections in alphabetical order:

– The IHEM collection is a collection of filamentous fungi and yeasts officially established in 1980 at the Institut d'Hygiène et d'Epidémiologie (IHE) when the Mycology Laboratory was set up. It specializes in biomedical and environmental mycology. The origins of the collection go back to 1946 when Professor R. Vanbreuseghem created one of the first culture collections of fungi pathogenic for man and animals. IHEM is registered with the World Data Center under number 642.

IHE is a Belgian State scientific establishment acting as central laboratory for the Ministry of Health and the Environment and whose origins go back to 1897. It has a staff of approximately 400 persons. Until 1988, the Institute was financed by the national authorities. Since 1989, it has been jointly financed by the national, local and regional authorities.

The Mycology Section of the Institut d'Hygiène et d'Epidémiologie to which the IHEM collection is attached, currently employs one Head of the Mycology Section, four established graduate staff, one of whom is in charge of the collection, one graduate under contract in relation to the collection, plus four graduate members recruited within the framework of the Mycology Section's research activities, one technician attached part time to the collection and one typist.

The premises of the IHEM collection have a total surface area of 500 m^2. They comprise locked premises for freeze-drying, programmed cryogenic conservation and culture conservation (agar slant tubes, mineral oil conservation, freeze-dried ampoules and cryogenically conserved ampoules). The laboratory possesses the conventional infrastructure required for carrying out mycology work, particularly the handling of all classes of pathogenic organisms (layered flow), for the large-scale production of fungi raw material (biofermenters) and for carrying out immunology and molecular taxonomy research programs: protein electrophoresis, immuno-electrophoresis, PCR identification, DNA/RNA sequencing and computer-assisted analysis of the results. Where necessary, the collection can make use of further advanced scientific equipment available at IHE (electron microscope, chromatograph, etc.).

The current holdings of microorganisms comprise some 7,000 strains (5,500 fungi, 1,500 yeasts) which are growing at an annual rate of 1,000 strains (700 fungi, 300 yeasts).

– The LMBP collection of the Universiteit Gent (UG), University of the Flemish Community of Belgium, was established in 1977 as a collection of plasmids capable of replication in *Escherichia coli*, at the Laboratorium voor Moleculaire Biologie under Professor W. Fiers. LMBP is registered with the World Data Center under number 643.

LMBP presently comprises a director (academic) and one graduate staff member

responsible full time for the collection. Additionally, one post of secretary is shared between the LMBP and LMG collections. LMBP can call on the services of the scientific staff (71 persons, including 53 graduate staff) and also the infrastructure of the host laboratory (1,900 m^2 surface, including 200 m^2 for the collection).

The laboratory is specialized in molecular and cellular biology and genetic engineering, employing techniques such as fermentation (bacteria and yeasts), tissue culture, column chromatography, electrophoresis (PAGE) and agarose), DNA/RNA sequencing, PCR, directed mutagenesis, heterologous expression of proteins in bacteria, yeasts, fungi and animal cells, purification of those proteins, gene cloning, RIA, ELISA, vector construction for transformation of bacteria, fungi, yeasts and animal cells.

The collection can also make use of the computer infrastructure of the host laboratory and of the LMG collection where needed to manage the plasmid data bank.

The plasmids and host/plasmid combinations belonging to the public collection are preserved in separate freezers (-80° C) and may be accessed only by the person in charge. The LMBP collection presently contains some 800 plasmids and 2,500 host/plasmid combinations.

– The LMG collection has existed continuously since the creation in 1946 of the Laboratorium voor Microbiologie under Professor J. De Ley at the Universiteit Gent (UG), University of the Flemish Community in Belgium. LMG is registered with the World Data Center under number 296.

LMG has a present staff of six persons, one director (academic), three graduates, two laboratory technicians. LMG also shares a secretary post with the LMBP collection. Additionally, the collection can use the services of the scientific staff of the host laboratory (40 persons, including 23 graduates), specialized in advanced microbiological taxonomy.

LMG uses the infrastructure of the host laboratory (1,200 m^2) in which all facilities are available for carrying out general and specialized techniques for microbiological research, particularly: controlled fermentation, advanced phenotypical analysis, cellular protein electrophoresis, gas chromatography analysis of fatty acids of cell membranes, determination of polyamines, determination of quinones, determination of G + C percentage, DNA/DNA hybridization, DNA/rRNA hybridization and several software programs for interpreting the experimental results.

LMG has exclusive use of two general and specialized microbiology laboratories, a computer room, a lecture room, an office, a locked room with air conditioning for conserving freeze-dried strains, a locked room with air conditioning for depositing the cryogenically conserved strains (total of 200 m^2.)

The LMG collection currently contains some 11,000 strains of bacteria, a figure that grows by approximately 500 pure cultures a year.

As part of the European MINE (Microbial Information Network Europe) project, co-funded by the Commission of European Communities, LMG acts as a data integrating node for the data on the bacteria of the various collections affiliated to MINE and is in charge of the committee for harmonization of the data on bacterial strains.

– MUCL was established in 1892 by Professor Ph. Biourge at the Université Catholique de Louvain, University of the French Community in Belgium, and was officially inaugurated on July 8, 1894. MUCL has been maintained without interruption since its creation as the collection of the Zymotechnical Laboratory of the School of Brewing of UCL and subsequently as the collection of the Microbiology Laboratory, after 1941 under the name of Mycothèque Ph. Biourge and, since 1970, under its present name. MUCL has specialized in taxonomy, including biomolecular taxonomy, and in floristic, agricultural, foodstuffs, industrial, ecological and materials mycology. MUCL is registered with WDC under number 308.

MUCL is currently staffed by eight persons: one director (academic), four graduates, two laboratory technicians and one secretary. The collection functions are supported by teaching and research, currently undertaken by the same academic, one graduate and one qualified technician.

The premises of the MUCL collection have a total of some 600 m^2. They comprise locked premises for storing cultures in mineral oil, in sterile water, for storage of strains in cryogenically conserved ampoules (programmable freezer and low-temperature freezer at -140° C) and for storing strains in freeze-dried ampoules (cold room at 4° C). The collection has available the infrastructure of the host laboratory needed for mycological research, particularly research in morphological taxonomy (optical and electronic microscopes), in chemotaxonomy, ecology, physiology and biochemistry of filamentous fungi and yeasts. The collection is equipped to advanced standards to work effectively in fields such as controlled biomass production, analysis of fermentational potential, biodegradability, conservation techniques (freeze-drying and programmed freezing), strain characterization by means of cellular protein electrophoresis (SDS–PAGE and IEF), determination of the spectrum of membrane

fatty acids (gas chromatography), determination of coenzymes Q (high-pressure liquid chromatography), analysis of secondary metabolites (thin-layer chromatography), protoplast hybridization, determination of caryotype.

The MUCL collection currently contains over 19,000 strains of filamentous fungi (approximately 17,000) and yeasts (approximately 2,000), corresponding to a mycological herborium of 31,000 specimens of which half constitutes the origin for living strains. Up to the end of 1990, 110 strains, mostly yeast strains for the brewing industry, were deposited with MUCL for maintaining. The annual growth of the collection varies between 500 and 1,000 strains.

MUCL is in charge of the committees for harmonization of data on strains of filamentous fungi and of yeasts in MINE (Microbial Information Network Europe). MUCL participates in publication of the international periodical *Mycotaxon.*

These presentations show that the various BCCM collections possess all the necessary features to ensure an adequate, professional response to the requirements set by the Budapest Treaty with respect to scientific, technical and administrative capacity.

All the deposits related to a patent made with a BCCM collection will undergo suitable treatment to ensure their viability and purity. Thus, all strains deposited under the Budapest Treaty will be conserved, where possible, both by cryogenic conservation (over liquid nitrogen or in a freezer at -140° C) and by freeze-drying. The plasmids in isolated DNA preparation form submitted for deposit with the LMBP collection will be conserved in alcohol in a freezer at -80° C.

To avoid any loss or destruction, maximum security measures are provided:

1. conservation of strains in locked containers, freezers and drawers, themselves in locked premises;
2. storage of duplicates of the deposited material in a different place;
3. archiving of the data related to deposited strains both on standard forms stored under key and on adequately protected computer files (with backup).

In addition, whatever the method used to prepare sample lots for distribution, the BCCM collection concerned will conserve a part of the original material submitted by the depositor.

BCCM will necessarily assume these functions under the Budapest Treaty in an impartial and objective manner and will be available to all depositors on the same conditions.

BCCM will not supply subcultures and/or information on deposited strains to third parties, except for depositors and parties referred to in Rule 11 of the Treaty. BCCM will issue to depositors a receipt and a viability statement for each strain accepted under the Treaty.

4. *Types of Microorganisms Accepted for Deposit by the BCCM Collections*

IHEM: filamentous fungi and yeasts, including pathogenic fungi and yeasts that cause mycosis in man and animals, and actinomycetes;

LMBP: plasmids as an isolated DNA preparation or plasmids in an *Escherichia coli* (host)/plasmid combination;

LMG: all bacterial strains, including actinomycetes, but excepting pathogens belonging to a hazard group higher than Group 2 of the UK Advisory Committee on Dangerous Pathogens;

MUCL: filamentous fungi and yeasts, including phytopathogens, but excepting pathogenic fungi causing mycosis in man and animals belonging to a hazard group higher than Group 2 of the UK Advisory Committee on Dangerous Pathogens.

By priority, depending on the nature of the strains, they will be cryogenically preserved and/or freeze-dried, and the plasmids will be conserved in alcohol at -80° C.

As a general rule, the BCCM collections will accept only strains that can be placed in a culture under conditions technically feasible for the collection concerned and conserved, other than in continuous vegetative activity, without inducing significant changes in their characteristics.

Exceptionally, the various BCCM collections may accept deposits that cannot be conserved other than by active culture, but acceptance of such a deposit will have to be decided, and the relevant fee determined, on a case-by-case basis after prior negotiation with the potential depositor. They may also exceptionally accept, following the same case-by-case negotiation procedure, a deposit of mixtures of microorganisms, whereby non-defined or non-identifiable mixtures will be automatically excluded.

The BCCM collections also reserve their right to refuse a deposit of biological material whose conservation involves hazards deemed to be excessive.

5. *Requirements Communicated under Rule 6.3 of the Regulations under the Budapest Treaty*

As a general rule, the BCCM collections require in respect of the deposit of a microorganism (whether or not the host for a plasmid

which is to be patented) under the Budapest Treaty:

(a) that a written statement by the depositor covering the information required by Rules 6.1 or 6.2 be made on a form established by the relevant BCCM collection;

(b) that the fees laid down for storage be paid (Rule 12.1(a)(i));

(c) that the depositor supply:

3 active or freeze-dried cultures, one of which will be subjected to a viability test and subsequently serve to prepare a minimum stock of 20 samples of cryogenically conserved cells and/or 20 ampoules of freeze-dried cells;

or:

23 ampoules of freeze-dried cells of the same preparation, one of which will be subjected to a viability test and subsequently serve for the preparation of a minimum stock of 20 cryogenically conserved samples. (Rule 6.3(a)).

Plasmids in the form of an isolated DNA preparation must be furnished in freeze-dried form or precipitated in alcohol. A minimum of 2 x 20 µg must be furnished with a degree of purity such that ready transformation is ensured (the recommended host must be stated and furnished, without the plasmid concerned).

6. *Schedule of Fees*

(a) Storage (Rule 9.1)	FB 20,000
(b) Issue of a viability statement (Rule 10.2):	
–if the viability test is to be carried out	2,000
–based on the last viability test	800
(c) Furnishing of a sample (Rule 11.2 and 11.3)	2,000
(d) Communication of information under Rule 7.6	800
(e) Issue of an attestation of amendment of the scientific description and/or taxonomic designation of the microorganism in accordance with Rule 8.2	800

These prices do not include the cost of communication.

7. *Official Languages*

The official language of BCCM is English. However, communications are also accepted in German, French and Dutch.

8. *Date of Entry into Force*

Date on which the status of international depositary authority will enter into force (date to which Article 7(2)(b) of the Treaty refers): March 1, 1992.

(Translation)

[End of the text of the communication of the Government of Belgium]

Pursuant to Article 7(2)*(b)* of the Budapest Treaty, the Belgian Coordinated Collections of Microorganisms (BCCM) acquire the status of international depositary authority as from March 1, 1992.

Budapest Communication No. 73 (this communication is the subject of Budapest Notification No. 104, of February 12, 1992).

II. Change in Name; Extension and Clarification of the List of Kinds of Microorganisms

INTERNATIONAL MYCOLOGICAL INSTITUTE (IMI)

(United Kingdom)

(formerly known as the "CAB International Mycological Institute (IMI)")

The following notifications, dated January 27, 1992, and November 20, 1991, addressed to the Director General of WIPO by the Government of the United Kingdom under the Budapest Treaty were received on January 29, 1992, and November 28, 1991, respectively:

Notification of January 27, 1992

The Government of the United Kingdom of Great Britain and Northern Ireland hereby notifies you that the assurances furnished in its communication of 21 January 1983 concerning the Culture Collection of the Commonwealth Mycological Institute, which was the subject of Budapest Notification No. 30, will continue to apply to this international depositary authority (formerly the CAB International Mycological Institute) under its new title, the International Mycological Institute.

At present the address of the International Mycological Institute is:

Ferry Lane
Kew, Surrey TW9 3AF
United Kingdom

but from October 1992, it will be:

Bakeham Lane
Englefield Green
Egham, Surrey TW20 9TY
United Kingdom.

Notification of November 20, 1991

In accordance with Rule 3.3 of the Regulations under the Treaty, the Government of the United Kingdom of Great Britain and Northern Ireland hereby notify you of the following extensions to and clarification of the list of organisms that the IMI will accept for deposit under the Budapest Treaty.

Fungal isolates (including yeasts) and bacteria (including actinomycetes), other than known human and animal pathogens that can be preserved without significant change to their properties by methods of preservation in use.

Organisms up to and including ACDP Category 2* deposits are accepted by the Collection.

Notwithstanding the foregoing, the IMI reserves the right to refuse to accept any material for deposit which in the opinion of the Curator presents an unacceptable risk or is technically unsuitable to handle. The IMI will accept organisms which do not significantly change after long-term nitrogen freezing or freeze-drying. A statement regarding potential pathogenicity and storage conditions is required when a deposit is made.

The fees for a deposit remain unchanged.

* Advisory Committee on Dangerous Pathogens Catgegorisation of pathogens according to hazard and categories of containment, HMSO, London, 1990.

[End of text of the notifications of the Government of the United Kingdom]

The extension and clarification of the list of kinds of microorganisms accepted for deposit by the International Mycological Institute (IMI) will take effect as from the date (February 29, 1992) of the publication of the said extension and clarification in the present issue of *Industrial Property*.

Budapest Notification No. 74 (these notifications are the subject of Budapest Notification No. 103, of February 10, 1992).

III. New Schedule of Fees; Kinds of Microorganisms and Material Accepted

AMERICAN TYPE CULTURE COLLECTION (ATCC)

(United States of America)

The Director General of WIPO was informed by a notification received on December 24, 1991, dated December 17, 1991, from the Government of the United States of America, of a new schedule of fees and of the kinds of microorganisms and material accepted by the American Type Culture Collection (ATCC), an international depositary authority under the Budapest Treaty, as follows:

We have received a notification from the American Type Culture Collection regarding a new schedule of fees and the kinds of microorganisms and material accepted by that organization. In accordance with Rule 12.2(a) of the Regulations under the Budapest Treaty, I am pleased to notify you of the following changes in the fees:

Fees to Distribute Cultures

	Per Item
ATCC Cultures	
Algae, bacteria, bacteriophages, fungi, plant tissues, plasmids, protozoa, vectors and yeasts	
U.S. Non-Profit Institutions	$ 62
Non-Profit Institutions	62[1]
Other U.S. and Foreign Institutions	96
ATCC Cell Lines, Embryos and Oncogenes	
U.S. Non-Profit Institutions	75
Foreign Non-Profit Institutions	75[2]
Other U.S. and Foreign Institutions	115
ATCC Animal and plant Viruses, Rickettsiae and Chlamydia	
U.S. Non-Profit Institutions	66
Foreign Non-Profit Institutions	66[3]
Other U.S. and Foreign Institutions	100

[1] There is an additional $34 handling and processing charge per culture.

[2] There is an additional $40 handling and processing charge per culture.

[3] There is an additional $34 handling and processing charge per culture.

[End of text of the notification of the Government of the United States of America]

The fees set forth in the said notification of the Government of the United States of America will apply as from the thirtieth day following the date (February 29, 1992) of the publication of the said fees in the present issue of the *Industrial Property*, that is, as from March 30, 1992 (see Rule 12.2*(c)* of the Regulations under the Budapest Treaty), and will replace the fees published in the February 1991 issue of *Industrial Property*.

Budapest Notification No. 75 (this notification is the subject of Budapest Notification No. 102, of January 22, 1992).

Normative Activities of WIPO in the Field of Industrial Property

Informal Working Group on Mechanisms for the Resolution of Intellectual Property Disputes Between Private Parties

(Zurich, October 10 and 11, 1991)

NOTE

The program of the World Intellectual Property Organization (WIPO) for the 1990-91 biennium provides, in the section devoted to the exploration of intellectual property questions in possible need of norm-setting, for the study by the International Bureau of the possibilities for establishing a mechanism to provide services for the resolution of disputes between private parties concerning intellectual property rights. This activity will continue in the present biennium (1992-93).

On October 10 and 11, 1991, the International Bureau convened an informal working group in Zurich to consider and to provide advice on the question of the possible provision by WIPO of services for the extrajudicial resolution of disputes between private parties in the field of intellectual property.

The informal working group comprised nine experts from Australia, Brazil, Germany, Hungary, India, Japan, Sweden, Switzerland and the United States of America. In addition, representatives of three international non-governmental organizations attended in an observer capacity. The list of participants is set out hereafter.

The meeting was presided over by the Director General, Dr. Arpad Bogsch.

The meeting considered two documents. The first was a study commissioned by the International Bureau from Mr. Tom Arnold, attorney (Arnold, White & Durkee, Houston, Texas), describing developments in extrajudicial dispute resolution in the United States of America. The study prepared by Mr. Arnold and his colleagues, entitled "Alternative Dispute Resolution–Patent Disputes–A Summary of Practices and Development in the United States of America," is available as document WIPO/ADR/91/1. The second document, entitled "Observations on a Possible Role for WIPO" (document WIPO/ADR/91/2), was prepared by the International Bureau.

The deliberations of the informal working group addressed three main questions:

(i) Is there a need for the institutional provision of specialized, extrajudicial services for the resolution of disputes in the field of intellectual property?

(ii) If such a need exists, is WIPO an appropriate organization to fulfill that need?

(iii) If WIPO were to provide extrajudicial dispute-resolution services, what is the nature of the services that should be established and what particular issues require attention in the establishment and provision of those services?

The next activity in this area will be a meeting of non-governmental organizations on the question of extrajudicial resolution of disputes between private parties in the field of intellectual property, which will be convened in Geneva, at the headquarters of WIPO, from May 25 to 27, 1992.

LIST OF PARTICIPANTS*

I. Experts

P. Anand, India; T. Arnold, United States of America; J.A. Faria Correa, Brazil; K. Horeczky, Hungary; Z. Kitagawa, Japan; F. Kretschmer, Germany; D.C. Maday, Switzerland; U.K. Nordenson, Sweden; L. Street, Australia.

II. Observers

International Association for the Protection of Industrial Property (AIPPI): J. Pagenberg. **International Federation of Industrial Property Attorneys (FICPI):** A. Briner. **Licensing Executives Society (International) (LES):** D.H. O'Connor.

III. International Bureau of WIPO

A. Bogsch *(Director General)*; F. Gurry *(Director-Counsellor, Office of the Director General)*; R. Sateler *(Assistant Legal Counsel)*.

* A list containing the titles and functions of the participants may be obtained from the International Bureau.

Registration Systems Administered by WIPO

The Patent Cooperation Treaty (PCT) in 1991

Since 1978, the PCT system has offered inventors and industry an advantageous route for filing international applications for obtaining patent protection abroad.

The steep growth in recent years of international applications filed under the PCT continued during 1991. WIPO received 22,247 international applications filed worldwide, which represents an increase over 1990 of 16.12%. These 22,247 international applications had, in the PCT Contracting States, the effect of about 500,000 national applications.

During 1991, Côte d'Ivoire, Czechoslovakia, Guinea and Mongolia became PCT Contracting States, bringing the number of Contracting States of the PCT to 49.

With effect from December 1, 1991, Monaco, which was already a PCT Contracting State, became bound by the European Patent Convention. Any designation of Monaco in an international application is considered as a designation of Monaco for the purposes of obtaining a European patent.

The 49 States party to the PCT on January 1, 1992, are the following:

In Africa: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Madagascar, Malawi, Mali, Mauritania, Senegal, Sudan, Togo.

In the Americas: Barbados, Brazil, Canada, United States of America.

In Asia and the Pacific: Australia, Democratic People's Republic of Korea, Japan, Mongolia, Republic of Korea, Sri Lanka.

In Europe: Austria, Belgium, Bulgaria, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Liechtenstein, Luxembourg, Monaco, Netherlands, Norway, Poland, Romania, Russian Federation,[1] Spain, Sweden, Switzerland, United Kingdom.

The system of patent cooperation under the PCT means that, with the filing of only one application, and, initially, without translations of the application or payment of national fees, the PCT applicant can obtain the effect of regular national filings in all the States listed in the preceding paragraph.

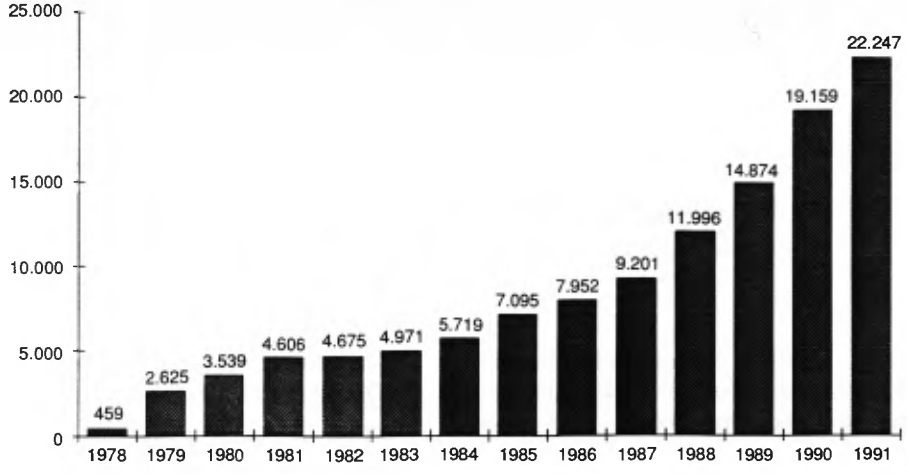
Each international application is subjected to an international search which is carried out by one of the major patent offices of the world and which establishes the relevant prior art. If the applicant so wishes, he may request that the international application be subjected to an international preliminary examination carried out by one of those offices and obtain an opinion whether the claimed invention fulfills the main patentability criteria. With the international search report, and, where requested, the international preliminary examination report, the applicant is in a much better position to decide whether to initiate the national patent granting procedure before the various patent offices. It is only if the applicant is convinced, in the light of such reports, that it is worthwhile seeking patent protection in the various countries, that he will have to pay the national fees, the cost of translations and honoraria for patent agents abroad. This needs to be done only one and a half years later than under the traditional system (when the PCT is not used).

Statistics

The number of international applications received by the International Bureau of WIPO in 1991 amounted to 22,247 (1990: 19,159). The corresponding numbers in each calendar year since the beginning of PCT operations are as follows:

[1] It is not yet known which other States of the former Soviet Union are or will be bound by the PCT.

Number of International Applications Received since 1978



The following table shows the country of origin of international applications received by the International Bureau in 1991 and the corresponding percentages:

Country of Origin[1]	*Applications Received* 1991	(1990)	*Percentage* 1991	(1990)
Australia	599	(610)	2.69	(3.18)
Austria	171	(159)	0.77	(0.83)
Belgium	135	(106)	0.61	(0.55)
Brazil	29	(25)	0.13	(0.13)
Bulgaria	3	(0)	0.01	(0.00)
Canada	472	(439)	2.12	(2.29)
Czechoslovakia	2	(0)	0.01	(0.00)
Democratic People's Republic of Korea	2	(1)	0.01	(0.01)
Denmark	414	(344)	1.86	(1.80)
Finland	400	(309)	1.80	(1.61)
France	1,094	(944)	4.92	(4.93)
Germany	2,867	(2,695)	12.89	(14.07)
Greece	18	(9)	0.08	(0.05)
Hungary	54	(83)	0.24	(0.43)
Italy	284	(237)	1.28	(1.24)
Japan	1,815	(1,716)	8.16	(8.96)
Luxembourg	12	(14)	0.05	(0.07)
Netherlands	321	(257)	1.44	(1.34)
Norway	170	(184)	0.76	(0.96)
Poland	15	(0)	0.07	(0.00)
Republic of Korea	34	(23)	0.15	(0.12)
Romania	2	(2)	0.01	(0.01)
Soviet Union[2]	366	(264)	1.65	(1.38)
Spain	85	(56)	0.38	(0.29)
Sweden	949	(850)	4.27	(4.44)
Switzerland[3]	412	(396)	1.85	(2.07)
United Kingdom[4]	2,486	(2,126)	11.17	(11.10)
United States of America	9,036	(7,310)	40.62	(38.15)
Total	22,247	(19,159)	100.00	(100.00)

[1] 2,589 (= 11.64%) of the international applications received were filed with the European Patent Office (EPO); they are included in the figures concerning the Member State of the EPO of which the applicant is a national or resident.

[2] Refers to international applications filed by nationals and residents of the former Soviet Union before December 25, 1991.

[3] Includes figures for Liechtenstein, since the national Office of Switzerland also acts for nationals and residents of Liechtenstein.

[4] Includes figures for Hong Kong and the Isle of Man, since the national Office of the United Kingdom also acts for residents of Hong Kong and the Isle of Man.

In 1991, the average number of Contracting States designated per international application was 22.84 (1990: 20.01). The average number of designation fees payable per international application was 9.29 (1990: 8.27). This difference is due to the fact that in the case of the designation of several countries for a regional (European or OAPI) patent, only one designation fee is due and to the fact that each designation beyond the first 10 for which designation fees are due is free of charge. The difference also reflects the fact that applicants eliminate a certain number of designations–made at no cost at the time of filing–by the time they pay the designation fees, a natural result of the PCT procedure. In 1991, a European patent was sought in 21,241 international applications, which represents 95.47% (1990: 17,328 = 93.57%) of the total. The number of applications containing more than 10 designations was 5,199 (23.37%); the applicants concerned thus benefited from the advantage according to which (as already stated) any designation in excess of 10 is free of charge.

A copy of every international application is sent to the competent International Searching Authority (ISA). The number of such international applications sent to each ISA in 1991 was as follows:

ISA	*Number of Applications* 1991	(1990)	*Percentage* 1991	(1990)
Australia	597	(610)	2.68	(3.18)
Austria	99	(119)	0.45	(0.62)
Japan	1,754	(1,668)	7.88	(8.72)
Soviet Union[1]	371	(265)	1.67	(1.38)
Sweden	1,862	(1,631)	8.37	(8.51)
United States of America	6,004	(5,118)	26.99	(26.71)
European Patent Office	11,560	(9,748)	51.96	(50.88)
Total	22,247	(19,159)	100.00	(100.00)

[1] Refers to the Patent Office of the former Soviet Union.

The languages of filing of the international applications received in 1991 by the International Bureau were as follows:

Language of Filing	*Number of Applications* 1991	(1990)	*Percentage of Total* 1991	(1990)
Danish	142	(130)	0.64	(0.68)
Dutch	104	(83)	0.47	(0.43)
English	14,562	(12,097)	65.45	(63.14)
Finnish	176	(110)	0.79	(0.57)
French	1,185	(1,071)	5.33	(5.59)
German	3,272	(3,098)	14.71	(16.17)
Japanese	1,753	(1,667)	7.88	(8.70)
Norwegian	102	(104)	0.46	(0.55)
Russian	366	(265)	1.64	(1.38)
Spanish	82	(51)	0.37	(0.27)
Swedish	503	(483)	2.26	(2.52)
Total	22,247	(19,159)	100.00	(100.00)

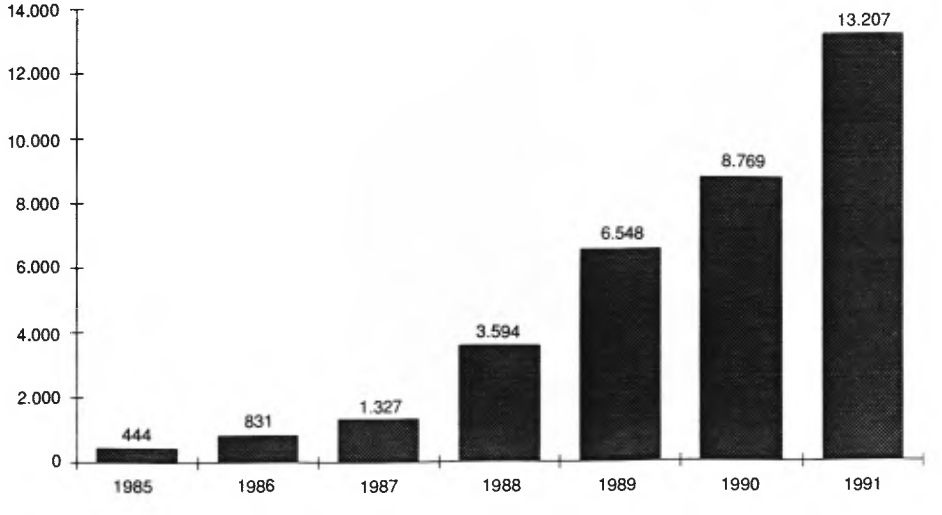
The number of demands for international preliminary examination under Chapter II of the PCT in 1991 amounted to 13,207, which represents an increase over 1990 of 50.61%. The corresponding numbers of demands in each calendar year since 1985 are as follows:

IPEA	*Number of Demands* 1991	(1990)	*Percentage* 1991	(1990)
Australia	460	(405)	3.48	(4.62)
Austria	35	(18)	0.26	(0.21)
Japan	268	(155)	2.03	(1.77)
Soviet Union[1]	21	(10)	0.16	(0.11)
Sweden	969	(888)	7.34	(10.13)
United Kingdom[4]	1,722	(1,193)	13.04	(13.60)
United States of America	4,954	(2,808)	37.51	(32.02)
European Patent Office	4,778	(3,292)	36.18	(37.54)
Total	13,207	(8,769)	100.00	(100.00)

[1] Refers to the Patent Office of the former Soviet Union.

The growth of 50.61% in the number of demands for international preliminary examination in 1991 compared to 1990 can be attributed to the fact that most of the Contracting States can now be elected for international preliminary examination and that applicants are more and more aware of the advantages of the procedure under Chapter II of the PCT.

Number of Demands Filed Worldwide



These 13,207 demands were filed with the Offices indicated below, which act as International Preliminary Examining Authorities (IPEA):

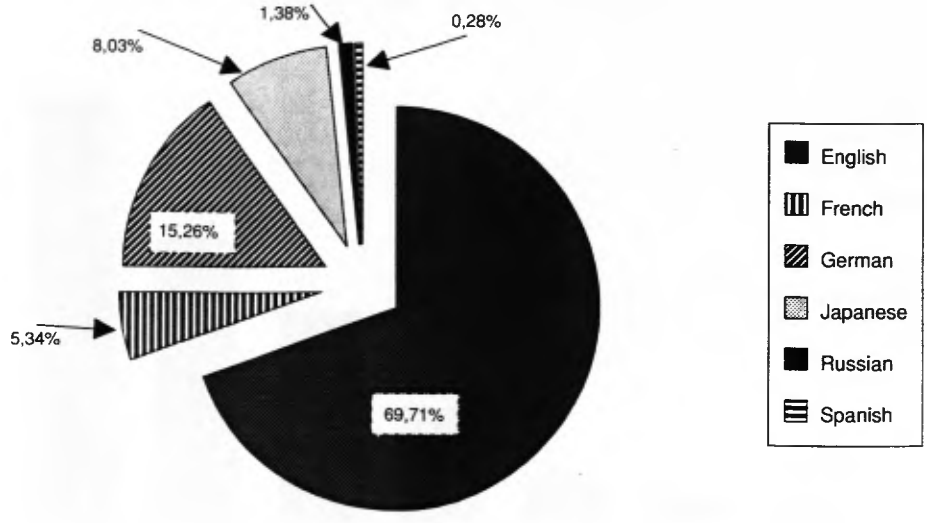
Publications Under the PCT

The fortnightly publication of the *PCT Gazette*, in separate English and French editions, was continued throughout 1991. In addition to a substantial volume of information of a general character, the *PCT Gazette* included entries relating to the 20,178

(1990: 16,103) international applications which were published in the form of PCT pamphlets (in English, French, German, Japanese, Russian or Spanish, depending on the language of filing) on the same day as the relevant issues of the *PCT Gazette*. Three special issues of the *PCT Gazette* were published, two with consolidated information of a general character and one with the text of the amendments to the PCT Regulations which were adopted by the Assembly of the PCT Union on July 12, 1991. The numbers of international applications published in 1991 as pamphlets in each of the above-mentioned languages are as follows:

Language of Publication	*Number of Applications*	*Percentage*
English	14,066	69.71
French	1,077	5.34
German	3,079	15.26
Japanese	1,620	8.03
Russian	278	1.38
Spanish	58	0.28
Total	20,178	(100.00)

Languages of Publication of International Applications in 1991



The International Bureau continued, in cooperation with the European Patent Office, the production of CD-ROMs, each containing the full text and drawings of about 500 published international applications as well as the corresponding bibliographic data in coded, searchable form. All international applications published in 1990 and 1991 are available in CD-ROM format (a total of 72 CD-ROMs).

Meetings

The PCT Committee for Administrative and Legal Matters (CAL) held the second part of its fourth session from March 11 to 15, 1991, and continued considering amendments to the PCT Regulations proposed by the International Bureau.

The Assembly of the PCT Union held its eighteenth (11th extraordinary) session from July 8 to 12, 1991, and adopted a large number of the amendments to the PCT Regulations which had been considered by the PCT CAL meetings in 1990 and 1991. The amendments will enter into force on July 1, 1992.

The amendments further streamline the procedures for filing and prosecuting an international patent application under the PCT, and they make the use of PCT procedures simpler, safer and more accessible to applicants. The amendments take into account 13 years of experience in the use and administration of the PCT.

Some of the more important amendments are the following:

- the nationality and residence requirements for access to PCT procedures are liberalized;
- filings of computer-generated requests and demands, filings by facsimile machines and mailing by delivery services are accommodated to a greater extent than before;
- formality and language requirements, and the rectification of defects in relation to them, are simplified in relation to fee payments, signature of documents, and the language used in the request, drawings and abstract;

- the unity of invention requirement is modified as a step towards greater international harmonization of patent laws;
- improved means for searching certain biotechnology inventions are introduced, whereby applicants are required to furnish nucleotide and/or amino acid sequence listings complying with prescribed standards and/or in machine-readable form;
- the international preliminary examination procedures are clarified so as to make it possible for the International Preliminary Examining Authority to commence examination earlier than at present;
- where a demand for international preliminary examination is filed prior to the expiration of the nineteenth month from the priority date, a notice of that fact is published in the *PCT Gazette* and the notice identifies those designated States bound by Chapter II of the Treaty which have not been elected; and
- it is possible for an applicant to have an agent or sub-agent specifically for the procedure before an International Searching Authority or International Preliminary Examining Authority.

By the time the above-mentioned amendments come into force (July 1, 1992), the pre-printed forms, the *PCT Applicant's Guide*, the Administrative Instructions and, to the extent possible, the various guidelines for receiving Offices and International Searching and Preliminary Examining Authorities under the Treaty will have been updated to take the amendments into account. Booklets, in several languages, containing the text of the Treaty and the Regulations as amended will be published in the coming months.

The Assembly of the PCT Union held its nineteenth session in September and October 1991. It dealt, among others, with a second progress report on the status and further development of a document-imaging and computer-assisted publication system for the processing of international applications under the PCT. It also adopted an 8% increase in the PCT fees effective as of January 1, 1992.

In 1991, officials of the International Bureau participated in meetings exclusively devoted to the use and advantages of the PCT in Belgium, Canada, Chile, China, Czechoslovakia, France, Germany, Hungary, Israel, Japan, Mexico, the Netherlands, New Zealand, the Philippines, Sweden, Switzerland, the United Kingdom and the United States of America.

Ordering of PCT Publications

The following publications may be purchased from WIPO, Publications Sales and Distribution Unit, P.O. Box 18, 1211 Geneva 20, Switzerland (Fax: (41-22) 733 5428):

- *PCT Applicants Guide*, a loose-leaf publication of more than 600 pages (available in English and French);
- *PCT pamphlets* containing the published international applications (in various languages, but containing the title and the abstract (also) in English);
- *PCT Gazette* (available in English and French);
- a *brochure* containing the *texts of the PCT and the PCT Regulations* (in Arabic, English, French, German, Italian, Portuguese, Russian or Spanish); and
- a *brochure* containing the *texts of the PCT Administrative Instructions* (in English or French).

The *CD-ROMs* containing published international applications may be ordered from the European Patent Office in Munich, Germany.

A leaflet entitled *Basic Facts about the Patent Cooperation Treaty (PCT)*, in English, French, German and Spanish, is available free of charge from the International Bureau of WIPO.

Madrid Union

I. Working Group on the Application of the Madrid Protocol of 1989

Fourth Session
(Geneva, November 11 to 18, 1991)

NOTE

Introduction

The Working Group on the Application of the Madrid Protocol of 1989 hereinafter referred to as "the Working Group") held its fourth session in Geneva from November 11 to 18, 1991.[1]

The following States members of the Working Group were represented: Algeria, Austria, Belgium, Bulgaria, China, Cuba, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Egypt, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Monaco, Mongolia, Morocco, Netherlands, Poland, Portugal, Romania, Senegal, Soviet Union, Spain, Sudan, Sweden, Switzerland, United Kingdom, Viet Nam, Yugoslavia (34). In addition, the European Communities (EC), also a member of the Working Group, were also represented.

The following States, with observer status, were represented: Burundi, Chile, Mexico, Norway, Republic of Korea, United States of America (6). A representative of one intergovernmental organization and representatives of 18 non-governmental organizations also participated in an observer capacity. The list of participants follows this Note.

In the present Note, all references to the Agreement are to the Madrid Agreement Concerning the International Registration of Marks (1967), and all references to the Protocol are to the Madrid Protocol (1989) relating to that Agreement, whereas all references to the draft Regulations or Rules are to the draft Regulations or Rules contained in document GT/PM/IV/2 (and the corrigendum contained in document GT/PM/IV/2 Corr. in respect of the French version), and all references to the present Regulations are to the Regulations under the Agreement (as in force since April 1, 1990).

[1] For Notes on the second and third sessions, see *Industrial Property*, 1991, pp. 193 and 280.

General Declarations

The following general declarations were made:

"The Delegation of Norway stated that its country, together with other EFTA countries, would join the future European Economic Area (EEA) and that this would have the consequence that Norway would adhere to the Protocol at the latest in 1996.

The Delegation of Sweden recalled that its country had signed the Protocol and thus manifested its intent to ratify it. Under the EEA agreement, which still required parliamentary approval, Sweden had accepted to adhere to the Protocol before the end of 1994.

The Delegation of Finland stated that its country would ratify the Protocol pursuant to the EEA agreement at the latest before the end of 1995."

Discussions on the Provisions of the Draft Regulations

Draft Rule 1: Abbreviated Expressions

Draft Rule 1 of the draft Regulations as submitted by the International Bureau read as follows:

"For the purposes of these Regulations,

(i) 'Agreement' means the Madrid Agreement Concerning the International Registration of Marks of April 14, 1891, as revised at Stockholm on July 14, 1967, and amended on October 2, 1979;

(ii) 'Protocol' means the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid on June 27, 1989;

(iii) 'Contracting Party' means any country party to the Agreement or any State or intergovernmental organization party to the Protocol;

(iv) 'Contracting State' means a Contracting Party that is a State;

(v) 'Contracting Organization' means a Contracting Party that is an intergovernmental organization;

(vi) 'international registration' means the registration of a mark effected under the Agreement or the Protocol or both, as the case may be;

(vii) 'international application' means an application for international registration filed under the Agreement or the Protocol or both, as the case may be;

(viii) 'international application governed exclusively by the Agreement' means an international application whose Office of origin is the Office

- *of a State bound by the Agreement but not by the Protocol, or*
- *of a State bound by both the Agreement and the Protocol where all the States designated in the international application are bound by the Agreement (whether or not those States are also bound by the Protocol);*

(ix) 'international application governed exclusively by the Protocol' means an international application whose Office of origin is the Office

- *of a State bound by the Protocol but not by the Agreement, or*
- *of a Contracting Organization, or*
- *of a State bound by both the Agreement and the Protocol where the international application does not contain the designation of any State bound by the Agreement;*

(x) 'international application governed by both the Agreement and the Protocol' means an international application whose Office of origin is the Office of a State bound by both the Agreement and the Protocol and which is based on a registration and contains the designations

- *of at least one State bound by the Agreement (whether or not that State is also bound by the Protocol), and*
- *of at least one State bound by the Protocol but not by the Agreement or of at least one Contracting Organization;*

(xi) 'applicant' means the natural person or legal entity in whose name the international application is filed;

(xii) 'legal entity' means a corporation or an association; it also means any other group of natural persons or legal entities which, under the law applicable to it, is capable of acquiring rights, assuming obligations and suing or being sued in a court of law, even if such group does not possess legal personality;

(xiii) 'basic application' means the application for the registration of a mark that has been filed with the Office of a Contracting Party and that constitutes the basis for the international application for the registration of that mark;

(xiv) 'basic registration' means the registration of a mark that has been effected by the Office of a Contracting Party and that constitutes the basis for the international application for the registration of that mark;

*(xv) 'designation' means the request for extension of protection ('territorial extension') under Article 3*ter*(1) or (2) of the Agreement or under Article 3*ter*(1) or (2) of the Protocol, as the case may be; it also means such extension as recorded in the International Register;*

*(xvi) 'designated Contracting Party' means a Contracting Party for which the extension of protection ('territorial extension') has been requested under Article 3*ter*(1) or (2) of the Agreement or under Article 3*ter*(1) or (2) of the Protocol, as the case may be, or in respect of which such extension has been recorded in the International Register;*

(xvii) 'refusal' means a notification by the Office of a designated Contracting Party according to Article 5(1) of the Agreement or Article 5(1) of the Protocol that protection cannot be granted in the said Contracting Party;

(xviii) 'Gazette' means the periodical gazette referred to in Rule 30(1);

(xix) 'holder' means the natural person or legal entity in whose name the international registration is recorded in the International Register;

(xx) 'International Classification of Figurative Elements' means the Classification established by the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks of June 12, 1973;

(xxi) 'International Classification of Goods and Services' means the Classification established by the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977;

(xxii) 'International Register' means the official collection of data concerning international registrations maintained by the International Bureau, which data the Agreement, the Protocol or the Regulations require or permit to be recorded, regardless of the medium which contains such data;

(xxiii) 'Office' means the Office of a Contracting Party in charge of the registration of marks, or the common Office referred to in Article 9quater *of the Agreement or Article* 9quater *of the Protocol, or both, as the case may be;*

(xxiv) 'Office of origin' means the Office of the country of origin defined in Article 1(3) of the

Agreement or the Office of origin defined in Article 2(2) of the Protocol or both, as the case may be;

(xxv) 'official form' means a form established by the International Bureau or any form having the same contents and format;

(xxvi) 'prescribed fee' means the applicable fee set out in the Schedule of Fees;

(xxvii) 'Director General' means the Director General of the World Intellectual Property Organization;

(xxviii) 'International Bureau' means the International Bureau of the World Intellectual Property Organization."

The portion of the report of the Working Group concerning the discussion of Rule 1 reads as follows:

"*Items (i) to (xi).* These items were approved as proposed.

Item (xii). It was agreed that this item should read: 'legal entity' means a corporation, association or other group or organization which, under the law applicable to it, is capable of acquiring rights, assuming obligations and suing or being sued in a court of law.

Items (xiii) to (xxviii). These items were approved as proposed."

Draft Rule 2: Communications with the International Bureau; Signature

Draft Rule 2 of the draft Regulations as submitted by the International Bureau read as follows:

"*(1)* [Communication in Writing; Use of Official Form; Several Documents in One Envelope] *(a) Subject to paragraphs (3) and (4), communications addressed to the International Bureau shall be effected in writing and shall be signed, except where the communication is by telex or telegram.*

(b) Where the use of an official form is prescribed, the communication shall be effected by completing and signing that form.

(c) If several documents are mailed in one envelope, they shall be accompanied by a list identifying each of them.

(2) [Signature] *Where a signature is required, it may consist of a handwritten, printed or stamped signature, or it may be replaced by the affixing of a seal.*

(3) [Filing of an International Application by Facsimile] *The international application may be filed with the International Bureau through communication by facsimile machine of the completed official form, provided that the original of such form reaches the International Bureau within a period of one month from the day on which the communication by facsimile machine has been received. The international application may not be filed by telex or telegram.*

(4) [Communications by Facsimile, Telex or Telegram] *Subject to paragraph (3), communications may be addressed to the International Bureau by facsimile machine, telex or telegram, provided that, where the use of an official form is prescribed,*

(i) in the case of a communication by facsimile machine, the official form is used;

(ii) in the case of a communication by telex or telegram, the official form, corresponding in its contents to the contents of the telex or telegram, reaches the International Bureau within a period of one month from the day on which the communication by telex or telegram has been made.

(5) [Acknowledgment of Receipt of Facsimile by the International Bureau] *The International Bureau shall promptly and by facsimile machine inform the sender of a facsimile communication of the receipt of the facsimile communication, and, where the facsimile communication received is incomplete or unreadable, of that fact also, provided that the sender can be identified and can be reached by facsimile machine."*

The portion of the report of the Working Group concerning the discussion of Rule 2 reads as follows:

"*Paragraphs (1) to (3).* These paragraphs were approved as proposed.

In connection with the discussion of paragraph (3), it was understood that the Regulations should contain a provision permitting the excusing of delays in complying with a time limit under very exceptional *vis major* type of circumstances (for example, postal strike). In this connection, reference was made to the corresponding provisions of the Regulations under the Patent Cooperation Treaty.

Paragraphs (4) and (5). These paragraphs were approved as proposed."

Draft Rule 3: Representation before the International Bureau

Draft Rule 3 of the draft Regulations as submitted by the International Bureau read as follows:

"*(1)* [Representative; Address of Representative; Number of Representatives] *(a) The applicant or the holder may have a representative before the International Bureau.*

(b) The address of the representative shall be in the territory of a Contracting Party. [Where the appointment referred to in paragraph (2)(a) is

addressed to the International Bureau through an Office of a Contracting Party, such Office may require that the said address be within the territory of the said Contracting Party.]

(c) The applicant or the holder may have one representative only. Where the appointment indicates several representatives, only the one indicated first shall be considered to be a representative and be recorded as such.

(d) Where a partnership or firm composed of attorneys or patent or trademark agents has been indicated as representative to the International Bureau, it shall be regarded as one representative.

(2) [Appointment and Recordal of the Representative] *(a) The appointment of the representative may be made in the official form used for the international application, or it may be made in the official form used for the request for recordal of a change in the ownership of the international registration.*

(b) The appointment of the representative may also be made in a separate official form designed only for appointments and signed by the applicant or the holder. If so made, the official form may be addressed by the applicant or the holder direct to the International Bureau.

(c) The International Bureau shall record the representative's name and address in the International Register on the basis of the appointment made in accordance with subparagraph (a) or subparagraph (b).

(d) The International Bureau shall notify the recordal of the appointment to both the applicant or the holder and the representative and shall publish the recordal in the Gazette.

(3) [Communications to and by the Representative] *(a) Except where these Regulations expressly require that an invitation, notification or other communication must be addressed to both the applicant or holder and the representative, the International Bureau shall address to the representative recorded under paragraph (2)(c) any invitation, notification or other communication which, in the absence of a representative, would have to be sent to the applicant or holder; any invitation, notification or other communication so addressed to the said representative shall have the same effect as if it had been addressed to the applicant or holder.*

(b) Any communication addressed to the International Bureau by the representative recorded under paragraph (2)(c) shall have the same effect as if it had been addressed to the said Bureau by the applicant or holder.

(4) [Cancellation of Recordal] *(a) The recordal of the representative shall be cancelled if cancellation is requested in a written communication signed by the applicant, holder or representative. The recordal of the representative shall also be cancelled where a new representative is appointed.*

(b) If the cancellation of recordal is requested by the representative, it shall be effective from the date on which the International Bureau receives the communication appointing a new representative but not later than two months after the receipt of the request by the International Bureau; during the period until the appointment of a new representative or the expiration of the said two months all communications referred to in paragraph (3)(a) shall be addressed by the International Bureau to both the applicant or holder and the representative.

(c) The International Bureau shall notify the cancellation and its effective date to the representative whose recordal has been cancelled and to the applicant or holder. Where the cancellation has been requested by the representative, the International Bureau shall add, to the notification to the applicant or holder, copies of all communications that it has sent to the representative during the six months preceding the date of the notification of the cancellation. [Where the appointment which is cancelled had been made in the international application, or where the communication of the appointment which is cancelled had been made through an Office, the International Bureau shall notify the cancellation also to that Office.]

(5) [Effective Date of Appointment and Cancellation] *(a) The appointment of a representative shall be effective from the date on which the International Bureau receives the corresponding communication.*

(b) Subject to paragraph (4)(b), the cancellation of the recordal of the representative shall be effective from the date on which the International Bureau receives the corresponding communication."

The portion of the report of the Working Group concerning the discussion of Rule 3 reads as follows:

"*Paragraph (1)(a).* This paragraph was approved as proposed.

Paragraph (1)(b). This paragraph was approved as proposed with the deletion of the square brackets around the second sentence. It was pointed out by two observer delegations that, in their opinion, the limitation of choice contained in that sentence could not apply where it was prohibited by provisions of a common market system.

Paragraph (1)(c) and (d). These provisions were approved as proposed.

Paragraphs (2) and (3). These paragraphs were approved as proposed.

Paragraph (4)(a). This paragraph was approved as proposed, subject to the replacement, in the second sentence, of the word 'also' by 'automatically.'

Paragraph (4)(b). This paragraph was approved as proposed.

Paragraph (4)(c). This paragraph was approved as proposed, with the deletion of the square brackets around the last sentence.

Paragraph (5). This paragraph was approved as proposed."

Draft Rule 4: Calculation of Time Limits

Draft Rule 4 of the draft Regulations as submitted by the International Bureau read as follows:

(1) [Periods Expressed in Years] *Any period expressed in years shall expire, in the relevant subsequent year, in the month having the same name and on the day having the same number as the month and the day of the event from which the period starts to run, provided that, if the event occurred on February 29 and in the relevant subsequent year February ends with 28, the period shall expire on February 28.*

(2) [Periods Expressed in Months] *Any period expressed in months shall expire, in the relevant subsequent month, on the day which has the same number as the day of the event from which the period starts to run, provided that, if the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month.*

(3) [Periods Expressed in Days] *The calculation of any period expressed in days shall start with the day following the day on which the relevant event occurred and shall expire accordingly.*

(4) [Expiration on a Day on which the International Bureau or an Office is Not Open to the Public] *If a period expires on a day on which the International Bureau or the Office concerned is not open to the public, the period shall, notwithstanding paragraphs (1) to (3), expire on the first subsequent day on which the International Bureau or the Office concerned is open to the public, provided that, in the case of an Office, the Office communicates at the end of each calendar year to the International Bureau the days on which it was not open to the public during that year and the days on which it is scheduled not to be open to the public during the following year.*

(5) [Indication of the Date of Expiration] *The International Bureau shall, in all cases in which it communicates a time limit, indicate the date of the expiration of the said time limit.*"

The portion of the report of the Working Group concerning the discussion of Rule 4 reads as follows:

"*Paragraphs (1), (2) and (3).* These paragraphs were approved as proposed.

Paragraph (4). This paragraph was approved subject to the deletion of the proviso starting after the words 'open to the public.' It was understood that the International Bureau would each year ask the national offices to provide a list of the days on which they would not be open to the public during the following year and that the International Bureau would publish such lists; such publication, or the absence of such publication, would, however, have no legal consequences.

Paragraph (5). This paragraph was approved as proposed, subject to the addition, before the words 'of the said time limit,' of the words 'according to paragraphs (1) to (3)'."

Draft Rule 5: Languages

Draft Rule 5 of the draft Regulations as submitted by the International Bureau read as follows:

"*(1)* [International Applications and International Registrations Governed Exclusively by the Agreement] *International applications governed exclusively by the Agreement and the international registrations effected pursuant to such applications, as well as all communications concerning such applications and registrations, shall be in French and only in French.*

(2) [International Applications and International Registrations Governed Exclusively by the Protocol or Governed by Both the Agreement and the Protocol] *Where the international application is governed exclusively by the Protocol or is governed by both the Agreement and the Protocol,*

(i) the international application shall be in English or French according to what is prescribed by the Office of origin;

(ii) the international registration shall be in the language of the international application;

(iii) any communication addressed to the International Bureau by the applicant or the holder shall be, at the option of the applicant or the holder, in English or French;

(iv) any communication addressed to the International Bureau by an Office shall be, at the option of that Office, in English or in French;

(v) any communication by the International Bureau to an Office shall be, at the option of that Office, in English or French;

(vi) any communication by the International Bureau to the applicant or the holder shall be in the language of the international application, unless the applicant or the holder expresses the wish to receive such communications in English although the language of the international application is French, or in French although the language of the international application is English.

(3) [Publications] *(a) All publications in the Gazette concerning international registrations made pursuant to international applications governed exclusively by the Agreement shall be in French and only in French.*

(b) All publications in the Gazette concerning international registrations made pursuant to international applications governed exclusively by the Protocol or governed by both the Agreement and the Protocol shall be both in English and in French; in each case, the publication shall indicate the language in which the international application, or other communication on which the publication is based, was received by the International Bureau.

(c) The translations from English into French or from French into English needed for publications in the Gazette shall be prepared by the International Bureau. The applicant may submit a proposed translation of the indication of the goods or services. Such translation shall be annexed to the international application. If it is not considered by the International Bureau to be correct, it shall be corrected by the International Bureau, after giving the applicant an opportunity to make, within one month, observations on the proposed corrections."

The portion of the report of the Working Group concerning the discussion of Rule 5 reads as follows:

"*Paragraph (1).* This paragraph was approved as proposed. The Director General said that, when the date of entry into force of the Protocol is close, it would be worthwhile considering whether English should not also be allowed as a language of filing for international applications governed exclusively by the Agreement.

Paragraph (2)(i). This paragraph was approved as proposed, subject to a clarification that the Office of origin could allow applicants to choose between English or French.

Paragraph (2)(i) to (vi). The Delegation of France underlined that the introduction of a second language should depend on the entry into force of the Protocol.

The Delegation of Spain recalled the reservation it had expressed during the second session of the Working Group concerning the solutions proposed in Rule 5. It pointed out that, as the Protocol was a text of universal vocation and therefore destined to apply to the countries of Latin America, a multilingual system including Spanish would have to be envisaged.

The Delegation of Portugal recalled that it could accept the introduction of English as a second working language in the cases provided for in paragraph (2). It added, however, that, if countries were to request the introduction of a third working language, its country would also request the introduction of Portuguese.

The Delegation of Germany considered that the system proposed in paragraph (2) was a reasonable solution as far as the working languages were concerned, since English and French would be on an equal footing. It expressed the view that a multilingual system could only be considered in the future, when technological developments made it possible to do so at reasonable cost.

Paragraph (3). This paragraph was approved as proposed, provided that, as regards subparagraph (c), it was decided to add to the words 'within one month' the words 'from the invitation by the International Bureau to make observations'."

Draft Rule 6: Notifications of Special Requirements for Certain Designations

Draft Rule 6 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Presentation of Subsequent Designations Through the Office of Origin] *Where a Contracting Party requires that, where its Office is the Office of origin and the holder's address is in the territory of that Contracting Party, designations made subsequently to the international registration must be presented to the International Bureau by the said Office, it shall notify that requirement to the Director General.*

(2) [Intent to Use the Mark] *Where a Contracting Party requires, as a designated Contracting Party under the Protocol, a declaration of* bona fide *intent to use the mark, it shall notify that requirement to the Director General.*

(3) [Notification] *(a) Any notification referred to in paragraphs (1) or (2) may be made at the time of the deposit by the Contracting Party of its instrument of ratification, acceptance or approval of, or accession to, the Protocol, and the effective date of the notification shall be the same as the date of entry into force of the Protocol with respect to the Contracting Party having made the notification. The notification may also be made*

later, in which case the notification shall have effect three months after its receipt by the Director General, or at any later date indicated in the notification, in respect of any international registration whose date is the same as or is later than the effective date of the notification.

(b) The notification may be withdrawn at any time."

The portion of the report of the Working Group concerning the discussion of Rule 6 reads as follows:

"*Paragraph (1).* This paragraph was approved as proposed, it being understood that the paragraph allowed countries wishing to continue the practice under the present Regulations to do so, subject to a notification to the Director General.

Paragraph (2). This paragraph was approved as proposed. The Delegation of France stated that the paragraph should be adopted only if and when the United States of America adhered to the Protocol.

Paragraph (3). This paragraph was approved as proposed."

Draft Rule 7: Several Applicants

Draft Rule 7 of the draft Regulations as submitted by the International Bureau read as follows:

"*(1)* [Two or More Applicants Applying Exclusively Under the Agreement] *Two or more applicants may jointly file an international application governed exclusively by the Agreement if the basic registration is jointly owned by them and if the country of origin, as defined in Article 1(3) of the Agreement, is the same for each of them.*

(2) [Two or More Applicants Applying Exclusively Under the Protocol] *Two or more applicants may jointly file an international application governed exclusively by the Protocol if the basic application was jointly filed by them or the basic registration is jointly owned by them, and if each of them qualifies for filing an international application under Article 2(1) of the Protocol.*

(3) [Two or More Applicants Applying Under Both the Agreement and the Protocol] *Two or more applicants may jointly file an international application governed by both the Agreement and the Protocol if*

(i) the basic registration is jointly owned by them

(ii) the country of origin, as defined in Article 1(3) of the Agreement, is the same for them, and

(iii) each of them qualifies for filing an international application under Article 2(1) of the Protocol."

The portion of the report of the Working Group concerning the discussion of Rule 7 reads as follows:

"This Rule was approved as proposed."

Draft Rule 8: Requirements Concerning the International Application

Draft Rule 8 of the draft Regulations as submitted by the International Bureau read as follows:

"*(1)* [Presentation] *The international application shall be presented to the International Bureau by the Office of origin.*

(2) [Form and Signature] *The international application shall be presented on the official form in one copy. The official form shall be completed legibly, preferably with the use of a typewriter or other machine; the international application shall be signed by the Office of origin or the applicant or both the Office of origin and the applicant. The Office of origin may require that the international application be signed by it; in that case, the Office of origin may allow the applicant to sign the international application, in addition to the signature by the Office.*

(3) [Fees] *The prescribed fees applicable to the international application shall be paid as provided for in Rules 32 and 33. In the case of an international application governed by both the Agreement and the Protocol, the international fee referred to in Article 8(2) of the Agreement and Article 8(2) of the Protocol shall be paid for 10 years, as specified in item 3 of the Schedule of Fees.*

(4) [Content of All International Applications] *Subject to paragraphs (5), (6) and (7), the international application shall contain or indicate*

(i) the name of the applicant; where the applicant is a natural person, the name to be indicated is the family or principal name and the given or secondary name(s) of the natural person; where the applicant is a legal entity, the name to be indicated is the full official designation of the legal entity;

(ii) the address of the applicant in such way as to satisfy the customary requirements for postal delivery; in addition, a different address for correspondence may be indicated; where there are two or more applicants with different addresses, one address for correspondence shall be indicated; where no such address is indicated, the address for correspondence shall be the

address of the applicant first named in the international application;

(iii) the name and address of the representative, if any;

(iv) where the applicant wishes, under the Paris Convention for the Protection of Industrial Property, to take advantage of the priority of an earlier filing, a declaration claiming the priority of that earlier filing, together with an indication of the name of the Office where such filing was made and the date and, where available, the number of that filing;

(v) a graphic reproduction of the mark; that reproduction shall appear in the square of 8 x 8 centimeters contained in the official form; the distance between the two points of the mark farthest from each other may not be less than 15 millimeters; the reproduction shall be, depending on whether the reproduction in the basic application or the basic registration is in black and white or color, in black and white or color;

(vi) where, according to Article 3(3) of the Agreement or Article 3(3) of the Protocol, the applicant claims color as a distinctive feature of the mark, a statement to that effect and an indication by words of the color or combination of colors claimed and, where the reproduction furnished under item (v) is in black and white, one reproduction of the mark in color;

(vii) where the basic application or the basic registration is in respect of a three-dimensional mark, the indication 'three-dimensional mark';

(viii) where the basic application or the basic registration is in respect of a sound mark, the indication 'sound mark';

(ix) where the basic application or the basic registration is in respect of a collective, certification or guarantee mark, the indication 'collective mark,' 'certification mark' or 'guarantee mark,' as the case may be;

(x) where the applicant has submitted to the Office of origin evidence of his right to use certain elements in the mark, such as those referred to in Article 5bis of the Agreement or Article 5bis of the Protocol, this fact;

(xi) where the basic application or the basic registration contains a description of the mark by words, the same description and, where the said description is in a language other than the language of the international application, the translation of those words into the language of the international application;

(xii) where the mark consists of or contains matter in script other than Roman script or numbers expressed in numerals other than Arabic or Roman numerals, a transliteration of such matter in Roman script and Arabic numerals; the transliteration shall follow English phonetics if the international application is in English, or French phonetics if the international application is in French;

(xiii) where the mark consists of or contains a word that may be translated into English or French and the applicant wishes to give a translation of that word into the language of the international application, such a translation;

(xiv) the names of the goods and services for which the international registration of the mark is sought, grouped in the appropriate classes of the International Classification of Goods and Services and presented in the order of the classes of that Classification; the goods and services shall be indicated in precise terms, preferably using the words appearing in the Alphabetical List of the said Classification; the international application may contain a limitation of the list of goods and services in respect of one or more designated Contracting Parties;

(xv) the amount of the fees being paid, the method by which payment is being made and the identification of the party effecting the payment.

(5) [Additional Content of an International Application Governed Exclusively by the Agreement] *In the case of an international application governed exclusively by the Agreement, the international application shall contain or indicate, in addition to the indications referred to in paragraph (4),*

(i) the Contracting State party to the Agreement in which the applicant has a real and effective industrial or commercial establishment; if there is no such Contracting State, the Contracting State party to the Agreement in which the applicant is domiciled; if there is no such Contracting State, the Contracting State party to the Agreement of which the applicant is a national;

(ii) the date and the number of the basic registration and the date and the number of the filing for the said registration, together with a declaration by the Office of origin signed, where the application is not signed by the Office of origin, by that Office and certifying the date on which it received the request of the applicant to present the international application to the International Bureau, as well as the following:

- *that the applicant named in the international application is the same as the holder of the basic registration,*
- *that any indication referred to in paragraph (4)(vi) to (xi) and appearing in the international application appears also in the basic registration,*
- *that the mark that is the subject matter of the international application is the same as in the basic registration,*
- *that, if colors are claimed in the international*

application, they are the same as in the basic registration and
- *that the goods and services indicated in the international application are included in the list of goods and services appearing in the basic registration.*

Where the international application is based on two or more basic registrations of the same mark in the Office of origin, the declaration shall be interpreted as applying to all those basic registrations;

(iii) the States party to the Agreement that are designated.

(6) [Additional Content of an International Application Governed Exclusively by the Protocol] *In the case of an international application governed exclusively by the Protocol, the international application shall contain or indicate, in addition to the indications referred to in paragraph (4),*

(i) where the basic application has been filed with, or where the basic registration has been made by, the Office of a Contracting State of which the applicant is a national or in which the applicant is domiciled or has a real and effective industrial or commercial establishment, that Contracting State;

(ii) where the basic application has been filed with the Office of a Contracting Organization or where the basic registration has been made by such an Office, that organization and the State member of that organization of which the applicant is a national or a statement that the applicant is domiciled or has a real and effective industrial or commercial establishment in the territory in which the constituting treaty of the said organization applies;

(iii) the date and the number of the basic application, or the date and the number of the basic registration together with the date and the number of the filing from which that basic registration resulted, as the case may be, and a declaration by the Office of origin signed, where the application is not signed by the Office of origin, by that Office and certifying the date on which it received the request of the applicant to present the international application to the International Bureau, as well as the following:
- *that the applicant named in the international application is the same as the applicant named in the basic application or the holder named in the basic registration, as the case may be,*
- *that any indication referred to in paragraph (4)(vi) to (xi) and appearing in the international application appears also in the basic application or the basic registration, as the case may be,*
- *that the mark that is the subject matter of the international application is the same as in the basic application or the basic registration, as the case may be,*
- *that, if colors are claimed in the international application, they are the same as in the basic application or the basic registration, as the case may be and*
- *that the goods and services indicated in the international application are included in the list of goods and services appearing in the basic application or basic registration, as the case may be.*

Where the international application is based on two or more basic applications for or basic registrations of the same mark in the Office of origin, the declaration shall be interpreted as applying to all those basic applications and basic registrations;

(iv) the Contracting Parties party to the Protocol that are designated, it being understood that, if the Office of origin is the Office of a State party to both the Agreement and the Protocol, no State party to both the Agreement and the Protocol may be designated under the Protocol;

(v) where a designation concerns a Contracting Party that has made a notification under Rule 6(2), a declaration of bona fide *intent to use the mark in the territory of that Contracting Party, signed by the applicant and not by a representative; such declaration shall be made on a separate official form annexed to the international application and shall be considered part of the designation of the Contracting Party requiring the said declaration.*

(7) [Content of an International Application Governed by Both the Agreement and the Protocol] *In the case of an international application governed by both the Agreement and the Protocol, the international application shall contain or indicate, in addition to the indications referred to in paragraph (4), the indications referred to in paragraphs (5) and (6), it being understood that only a basic registration, and not a basic application, may be indicated under paragraph (6)(iii), and that that basic registration is the same as the basic registration referred to in paragraph (5)(ii).*"

The portion of the report of the Working Group concerning the discussion of Rule 8 reads as follows:

"*Paragraphs (1) and (2).* These paragraphs were approved as proposed.

Paragraph (3). This paragraph was approved, subject to an amendment providing that, in case of an international application governed exclusively by the Agreement or governed by both the

Agreement and the Protocol, the prescribed fees, as far as the period of protection under the Agreement is concerned, will have to be paid in two installments, each applying to a period of 10 years.

Paragraph (4), items (i) to (iv). These items were approved as proposed.

Paragraph (4), item (v). This item was approved as proposed, subject to an amendment providing that the graphic representation must be on paper. In reply to a question raised by the representative of a non-governmental organization, the International Bureau explained that the reproduction of the mark in the international application had to be the same as in the basic application or basic registration; thus, it was not possible to require that the applicant or the Office of origin furnish a reproduction in black and white where the reproduction in the basic application or the basic registration is in color; however, in such a case, the International Bureau would, upon request, furnish to any interested Office or individual a reproduction in black and white prepared by the International Bureau.

Paragraph (4), item (vi). This item was approved as proposed, subject to an amendment providing that the applicant not only has to indicate by words the color or combination of colors claimed but also has to indicate, in respect of each color, the principal parts of the mark which are that color.

Paragraph (4), item (vii). This item was approved as proposed, subject to including hologram marks.

Paragraph (4), items (viii) to (x). These items were approved as proposed.

Paragraph (4), item (xi). This item was approved as proposed, it being understood that the Office of origin had the same responsibility with respect to the translation of the description of the mark as with respect to the list of goods and services.

Paragraph (4), item (xii). This item was approved as proposed, subject to the following redrafting of the second sentence: 'the transliteration shall follow the phonetics of the language of the international application.'

Paragraph (4), item (xiii). This item was approved as proposed, subject to the replacement of the words 'English or French' by 'the language of the international application' and of the words 'into the language of the international application' by the words 'into the said language.'

Paragraph (5). This paragraph was approved as proposed.

Paragraph (6). This paragraph was approved as proposed, it being understood that the declaration of *bona fide* intent to use referred to in item (v) would be available both in English and in French.

Paragraph (7). This paragraph was approved as proposed."

Draft Rule 9: Transformation of an International Registration Governed Exclusively by the Protocol into an International Registration Governed by Both the Agreement and the Protocol

Draft Rule 9 of the draft Regulations as submitted by the International Bureau read as follows:

"Where an international registration governed exclusively by the Protocol is based on a basic application for which the Office of origin is the Office of a State bound by both the Agreement and the Protocol and the said application results in a registration by that Office, the said Office shall, at the request of the holder of the international registration, send to the International Bureau a declaration certifying that fact, indicating the date of the registration and the list of goods and services comprised in that registration. The International Bureau shall record the contents of that declaration in the International Register, and the holder may, under Rule 22, designate Contracting States bound by the Agreement."

The portion of the report of the Working Group concerning the discussion of Rule 9 reads as follows:

"It was decided that this Rule should be expanded in order to cover also the case of the transformation of an international registration governed exclusively by the Agreement into an international registration governed by both the Agreement and the Protocol. The Regulations, when necessary, should indicate any consequences of transformation in the field of fees, languages and publication in the Gazette."

Draft Rule 10: Fees Accompanying the International Application

Draft Rule 10 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [International Applications Governed Exclusively by the Agreement] *An international application governed exclusively by the Agreement shall be accompanied by the basic fee, the complementary fee and, where applicable, the supplementary fee, specified in item 1 of the Schedule of Fees.*

(2) [International Applications Governed Exclusively by the Protocol] *An international application governed exclusively by the Protocol shall be accompanied by the basic fee, the complementary fee and/or the individual fee and, where applicable, the supplementary fee, specified in item 2 of the Schedule of Fees.*

(3) [International Applications Governed by Both the Agreement and the Protocol] *An international application governed by both the Agreement and the Protocol shall be accompanied by the basic fee, the complementary fee and/or the individual fee and, where applicable, the supplementary fee, specified in item 3 of the Schedule of Fees."*

The portion of the report of the Working Group concerning the discussion of Rule 10 reads as follows:

"This Rule was approved as proposed."

Draft Rule 11: Irregularities Other Than Those Concerning the List of Goods and Services

Draft Rule 11 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Procedure Following Identification of Irregularity] *Subject to paragraph (3) and Rules 12 and 13, if the International Bureau considers that an international application does not comply with the applicable requirements, it shall notify accordingly and at the same time the Office of origin and the applicant.*

(2) [Rectification of Irregularity] *(a) Subject to subparagraph (b), the irregularity may be remedied by the Office of origin or by the applicant within three months from the date of the notification of the irregularity by the International Bureau.*

(b) Where the irregularity concerns the entitlement of the applicant to file the international application, or relates to a matter covered by the declaration of the Office of origin referred to in Rule 8(5)(ii) or (6)(iii), the irregularity may be remedied only by the Office of origin, within three months from the date of the notification of the irregularity by the International Bureau.

(c) If the irregularity is not remedied within three months from the date of the notification of the irregularity by the International Bureau, the international application shall be considered abandoned, any fees already paid shall be reimbursed, and the International Bureau shall notify accordingly and at the same time the Office of origin and the applicant.

(3) [Missing or Irregular Declaration of *Bona Fide* Intent to Use the Mark] *If the International Bureau considers that a declaration of* bona fide *intent to use the mark is required according to Rule 8(6)(v) or (7) but is missing or does not comply with the applicable requirements, the international application shall be deemed not to contain the designation of the Contracting Party for which such declaration is required. The International Bureau shall inform the applicant accordingly and shall at the same time indicate that the designation of such a Contracting Party may be effected as a subsequent designation under Rule 22, provided that such designation is accompanied by the required declaration."*

The portion of the report of the Working Group concerning the discussion of Rule 11 reads as follows:

"*Paragraphs (1) and (2).* It was decided that these paragraphs should be redrafted so as to differentiate between two situations: in the first situation, which would concern all irregularities other than those concerning the entitlement of the applicant to file the international application and those concerning the declaration of the Office of origin referred to in Rule 8(5)(ii) or (6)(iii), the applicant would be notified of the irregularity and would have the right to ask for rectification, whereas the Office of origin would be informed of the irregularity without having that right; in the second situation, which would concern irregularities concerning the said entitlement or the said declaration, the Office of origin would be notified of the irregularity and would have the right to ask for rectification, whereas the applicant would be informed of the irregularity without having that right.

Paragraph (3). This paragraph was approved as proposed. A suggestion according to which, where the declaration of *bona fide* intent to use the mark is missing or is defective, the applicant should be able to remedy such irregularity within a certain time limit was not retained since the said declaration constituted a filing date requirement under the relevant national law."

Draft Rule 12: Irregularities with Respect to the Classification of Goods and Services

Draft Rule 12 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Proposal for Classification] *(a) If the International Bureau considers that the requirements of Rule 8(4)(xiv) are not complied with, it*

shall make a proposal of its own for the classification and grouping and shall send a notification of its proposal at the same time to the Office of origin and the applicant.

(b) The notification of the proposal shall also contain an invitation to pay the classification fee and any difference in the amount of the fees already paid and the amount of the fees due as a consequence of the proposed classification and grouping. The notification shall indicate the applicable amount or amounts.

(2) [Opinion Differing from the Proposal] *The Office of origin or the applicant may communicate to the International Bureau an opinion on the proposed classification and grouping within three months from the date of the notification of the proposal.*

(3) [Withdrawal of Proposal] *If, in the light of the opinion communicated under paragraph (2), the International Bureau withdraws its proposal, it shall inform accordingly and at the same time the Office of origin and the applicant.*

(4) [Modification of Proposal] *If, in the light of the opinion communicated under paragraph (2), the International Bureau modifies its proposal, it shall inform the Office of origin and the applicant at the same time of such modification and of any consequent changes in the amount or amounts indicated under paragraph (1)(b).*

(5) [Confirmation of Proposal] *If, notwithstanding the opinion referred to in paragraph (2), the International Bureau confirms its proposal, it shall inform accordingly and at the same time the Office of origin and the applicant.*

(6) [Fees] *(a) If no opinion has been communicated to the International Bureau under paragraph (2), the amount or amounts referred to in paragraph (1)(b) shall be payable within four months from the date of the notification, failing which the application shall be considered abandoned and the International Bureau shall notify accordingly and at the same time the Office of origin and the applicant.*

(b) If an opinion has been communicated to the International Bureau under paragraph (2), the amount or amounts referred to in paragraphs (1)(b) and, where applicable, paragraph (4) shall be payable within three months from the date of the communication by the International Bureau of the withdrawal, modification or confirmation of its proposal under paragraph (3), (4) or (5), as the case may be, failing which the application shall be considered abandoned and the International Bureau shall notify accordingly and at the same time the Office of origin and the applicant.

(7) [Classification in the Registration] *Subject to the conformity of the international application with the other applicable requirements, the mark shall be registered with the classification and grouping that the International Bureau considers to be correct."*

The portion of the report of the Working Group concerning the discussion of Rule 12 reads as follows:

"*Paragraph (1)(a).* It was decided to amend this paragraph in the same way as Rule 11(1) and (2) was amended.

Paragraph (1)(b). This paragraph was approved as proposed.

Paragraph (2). It was decided to amend this paragraph in the same way as Rule 11(1) and (2) was amended.

Paragraphs (3) to (7). These paragraphs were approved as proposed."

Draft Rule 13: Irregularities with Respect to the Indication of Goods and Services

Draft Rule 13 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Communication of Irregularity by the International Bureau to the Office of Origin] *If the International Bureau considers that any of the goods and services is indicated in the international application by a term that is too vague for the purposes of classification or is incomprehensible or is linguistically incorrect, it shall notify accordingly and at the same time the Office of origin and the applicant. In the same notification, the International Bureau may suggest a substitute term, or the deletion of the term.*

(2) [Time Allowed to Remedy Irregularity] *(a) The Office of origin or the applicant may make a proposal for remedying the irregularity within three months from the date of the notification referred to in paragraph (1).*

(b) If no proposal acceptable to the International Bureau for remedying the irregularity is made within the period indicated in subparagraph (a), the International Bureau shall include in the international registration the term as appearing in the international application, provided that the Office of origin or the applicant has specified the class in which such term should be classified; the international registration shall contain an indication to the effect that, in the opinion of the International Bureau, the specified term is too vague for the purposes of classification or is incomprehensible or is linguistically incorrect, as the case

may be. Where no class has been specified by the Office of origin or the applicant, the International Bureau shall delete the said term ex officio *and inform accordingly and at the same time the Office of origin and the applicant."*

The portion of the report of the Working Group concerning the discussion of Rule 13 reads as follows:

"*Paragraph (1) and (2).* It was decided to amend these paragraphs in the same way as Rule 11(1) and (2) was amended."

Draft Rule 14: Registration of the Mark in the International Register

Draft Rule 14 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Registration of the Mark in the International Register] *Where the International Bureau finds that the international application conforms with the applicable requirements, it shall register the mark in the International Register and send a certificate to the holder.*

(2) [Content of the Registration] *The international registration shall contain*

(i) all the data contained in the international application,

(ii) the date of the international registration,

(iii) the number of the international registration,

(iv) the term of the international registration,

(v) where the mark can be classified according to the International Classification of Figurative Elements, the relevant classification symbols of the said Classification as determined by the International Bureau,

(vi) an indication in respect of each designated Contracting Party as to whether, as far as it is concerned, the international registration is governed by the Agreement or is governed by the Protocol."

The portion of the report of the Working Group concerning the discussion of Rule 14 reads as follows:

"*Paragraph (1).* This paragraph was approved as proposed.

Paragraph (2). This paragraph was approved as proposed, it being understood that, in accordance with Article 3(4) of the Agreement and Article 3(4) of the Protocol, the International Bureau will have to notify the international registration to the Office of origin and to the designated Offices."

*Draft Rule 15: Date of the International Registration in Special Cases**

Draft Rule 15 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Premature Request] *Where the Office of origin received a request to present to the International Bureau an international application governed exclusively by the Agreement or governed by both the Agreement and the Protocol before the mark which is the subject of that application is recorded in its own register, the date of the receipt of the said request, for the purposes of Article 3(4) of the Agreement and Article 3(4) of the Protocol, shall be considered to be the date of the registration of the mark in the register of the said Office.*

(2) [Irregular International Application] *(a) Where the international application received by the International Bureau does not comply with all of the following requirements:*

(i) sufficient indications concerning the identity or address of the applicant,

(ii) the indications required under Rule 8(5)(i) or Rule 8(6)(i) or (ii),

(iii) the indications and the declaration required under Rule 8(5)(ii) or Rule 8(6)(iii),

(iv) a reproduction of the mark,

(v) the specification of the goods and services for which registration of the mark is sought,

(vi) the identification of the designated Contracting Parties under Rule 8(5)(iii) or Rule 8(6)(iv),

(vii) the payment of the prescribed fees to the International Bureau,

the date of the international registration shall be the date on which the international application is put in order.

(b) Where the international application received by the International Bureau does not comply with requirements of Rule 8(4), (5), (6)(i) to (iv) and (7) other than those referred to in subparagraph (a), the date of the international registration shall not be affected by the irregularity if the application is put in order within three months from its receipt by the International Bureau.

(c) The date of the international registration shall not be affected by an irregularity in respect of the classification of goods and services if the sum corresponding to the classification fee and, where applicable, the sum corresponding to the

* The date of the international registration in the case of international applications which, *ab initio*, have no irregularities is determined by Article 3(4) of the Agreement or Article 3(4) of the Protocol.

supplementary fee or the supplement to the individual fee have been paid within the applicable period referred to in Rule 12(6)."

The portion of the report of the Working Group concerning the discussion of Rule 15 reads as follows:

"*Paragraph (1).* This paragraph was approved as proposed.

Paragraph (2)(a). This paragraph was approved as proposed, subject to the replacement in items (ii) and (iii) of the words 'required under' by 'referred to in.'

Paragraphs (2)(b) and (2)(c). These paragraphs were approved as proposed."

Draft Rule 16: Time Limit for Refusal in Case of Oppositions After 18 Months

Draft Rule 16 of the draft Regulations as submitted by the International Bureau read as follows:

"*(1)* [Notification] *Where a declaration has been made by a Contracting Party pursuant to Article 5(2)(b) and (c), first sentence, of the Protocol, the Office of such Contracting Party shall, where applicable, notify the International Bureau of the number, and the name of the holder, of the international registration in respect of which oppositions may be filed after the expiry of the 18-month time limit referred to in Article 5(2)(b) of the Protocol and, once known, of the date on which the opposition period ends.*

(2) [Transmittal of Copies of Notifications] *The International Bureau shall transmit a copy of the notification received under paragraph (1) to the Office of origin, unless that Office has informed the International Bureau that it does not wish to receive such copies, and, at the same time, to the holder of the international registration concerned.*"

The portion of the report of the Working Group concerning the discussion of Rule 16 reads as follows:

"This Rule was approved as proposed."

Draft Rule 17: Notification of Refusal

Draft Rule 17 of the draft Regulations as submitted by the International Bureau read as follows:

"*(1)* [Refusals Not Based on an Opposition] *(a) Where the decision of refusal is not based on an opposition, the notification of refusal under Article 5(1) of the Agreement, under Article 5(1) of the Protocol or under both shall be signed and shall contain or indicate*

(i) the Office communicating the refusal,

(ii) the number of the international registration,

(iii) the name and address of the holder of the international registration,

*(iv) the grounds on which the refusal is based and the corresponding essential provisions of the law,**

(v) where the grounds on which the refusal is based refer to a prior mark with which the mark that is the subject of the international registration appears to be in conflict, the filing date, the priority date (if any), the registration date (if available), the name and address of the owner, and a reproduction, of that prior mark, together with the list of goods and services in the application or registration of the prior mark, it being understood that the said list may be in the language of the said application or registration,

(vi) if the refusal does not affect all the goods and services, those which are affected by the refusal,

(vii) whether or not the refusal may be subject to review or appeal and, if so, the time limit for any request for review of, or appeal against, the refusal and the authority to which such request for review or appeal shall lie, with the indication, where applicable, that the request for review or the appeal has to be filed through the intermediary of a representative whose address is within the territory of the Contracting Party whose Office has pronounced the refusal,

(viii) the date on which the refusal was pronounced.

(b) The International Bureau shall record the refusal in the International Register, with an indication of the date on which the notification of refusal was sent or is regarded under Rule 18(1)(c) as having been sent to the International Bureau.

(c) Where the notification of refusal under subparagraph (a) indicates that the refusal may be subject to review or appeal, the Office that communicated the refusal shall as soon as possible notify the International Bureau,

* In practice, refusals are communicated by the Office concerned on a special form on which are printed all the provisions in the law applicable to that Office which could constitute a ground of refusal (the pertinent provisions being translated, where necessary, into the applicable working language). The ground or grounds applicable in a particular case are designated on the notification with a reference to the corresponding provision of the law that is reproduced on the form.

(i) where the applicable time limit has expired without a request for review or an appeal having been lodged, of that fact,

(ii) where a request for review or an appeal has been lodged, of that fact and, once a final decision is made in respect of the review or appeal, of the decision made.

(d) The International Bureau shall record the relevant facts and data referred to in subparagraph (c) in the International Register.

(2) [Refusals Based on an Opposition] *(a) Where the decision of refusal is based on an opposition or on an opposition and other grounds, the notification of refusal under Article 5(1) of the Agreement, under Article 5(1) of the Protocol or under both shall, in addition to complying with the applicable requirements referred to in paragraph (1)(a), contain an indication of that fact and of the name and address of the opponent, as well as an indication of whether or not a decision entirely or partially rejecting the opposition may be subject to review or appeal.*

(b) The International Bureau shall record the refusal in the International Register, with an indication of the date on which the notification of refusal was sent or is regarded under Rule 18(1)(c) as having been sent to the International Bureau.

(c) Where the notification of refusal under subparagraph (a) indicates that the refusal may be subject to review or appeal, either in respect of the refusal or in respect of a rejection of an opposition, the Office that communicated the refusal shall as soon as possible notify the International Bureau,

(i) where the applicable time limit has expired without a request for review or an appeal having been lodged, of that fact,

(ii) where a request for review or an appeal has been lodged, of that fact and, once a final decision is made in respect of the review or appeal, of the decision made.

(d) The International Bureau shall record the relevant facts and data referred to in subparagraph (c) in the International Register.

(3) [Transmittal of Copies of Notifications] *The International Bureau shall transmit copies of notifications received under paragraph (1) or (2) to the Office of origin, unless that Office has informed the International Bureau that it does not wish to receive such copies, and, at the same time, to the holder of the international registration concerned."*

The portion of the report of the Working Group concerning the discussion of Rule 17 reads as follows:

"*Paragraph (1)(a)(first four lines).* These lines were approved as proposed, it being understood that the notification of refusal was to be sent to the International Bureau in a single copy.

Items (i) to (vi). These items were approved as proposed.

Item (vii). It was decided to insert in the second line, after the words 'the time limit,' the words 'reasonable under the circumstances.'

Item (viii). This item was approved as proposed.

Paragraph (1)(b). This paragraph was approved as proposed.

Paragraph (1)(c). It was decided that this paragraph should be amended to provide that, whereas a final decision in respect of a review or an appeal should always be communicated to the International Bureau, the fact that a request for review or an appeal has been or has not been lodged could be communicated at the option of the Office concerned.

Paragraph (1)(d). This paragraph was approved as proposed.

Paragraphs (2)(a) and (2)(b). These paragraphs were approved as proposed.

Paragraph (2)(c). It was decided to amend this paragraph in the same manner in which paragraph (1)(c) was amended.

Paragraphs (2)(d) and (3). These paragraphs were approved as proposed."

Draft Rule 18: Irregular Refusals

Draft Rule 18 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [International Registration Governed Exclusively by the Agreement] *(a) In the case of an international registration governed exclusively by the Agreement, the notification of refusal shall not be regarded as such by the International Bureau*

(i) if it does not identify the Office which pronounced the refusal,

(ii) if it is not signed on behalf of the said Office,

(iii) if it does not indicate the number of the international registration,

(iv) if it does not indicate any grounds for refusal,

(v) if it is sent too late to the International Bureau, that is, if it is sent after the expiration of one year from the date on which the recordal of the international registration or the recordal of the designation made subsequently to the international registration has been effected, it being

understood that the said date is the same as the date of sending the notification of the international registration or of the designation made subsequently. In the case of notifications of refusal sent by post, the date of dispatch shall be determined by the postmark. If the postmark is illegible or missing, the International Bureau shall treat such notification as if it had been sent 20 days before the date of its receipt by the International Bureau.

(b) Where subparagraph (a) applies, the International Bureau shall nevertheless transmit a copy of the notification to the holder, shall inform, at the same time, the holder and the Office that sent the notification that the notification of refusal is not regarded as such by the International Bureau, and shall indicate the reasons therefor.

(c) If the notification of refusal does not contain

(i) where applicable, the details of the prior mark with which the mark that is the subject of the international application appears to be in conflict (Rule 17(1)(a)(v)),

(ii) where applicable, the name and address of the opponent (Rule 17(2)(a)),

(iii) where the refusal indicates that not all the goods and services are affected, the indication of those goods and services that are affected by the refusal (Rule 17(1)(a)(vi)),

(iv) where applicable, the indication of the authority to which a request for review or an appeal lies and the applicable time limit for lodging such a request or appeal (Rule 17(1)(a)(vii),

(v) the indication of the date on which the refusal was pronounced (Rule 17(1)(a)(viii)),

the International Bureau shall invite the Office which pronounced the refusal to rectify its notification within three months from the invitation. If the notification is so rectified, the rectified notification shall be regarded as having been sent to the International Bureau on the date on which the defective notification had been sent to it, provided that the time limit referred to in item (iv) shall be reasonable under the circumstances. The International Bureau shall transmit copies of the rectified notification to the Office of origin, unless that Office has informed the International Bureau that it does not wish to receive such copies, and to the holder. If the notification is not so rectified, it shall not be regarded as a notification of refusal.

(2) [International Registration Governed Exclusively by the Protocol] *Paragraph (1) shall also apply in the case of an international registration governed exclusively by the Protocol, it being understood that the time limit referred to in paragraph (1)(a)(v) shall be the time limit applicable under Article 5(2)(a), (b) or (c) of the Protocol.*

(3) [International Registration Governed by Both the Agreement and the Protocol] *Paragraph (1) shall equally apply in the case of an international registration governed by both the Agreement and the Protocol, it being understood that, in respect of a designated Contracting Party bound by the Protocol but not by the Agreement, the time limit referred to in paragraph (1)(a)(v) shall be the time limit applicable under Article 5(2)(a), (b) or (c) of the Protocol."*

The portion of the report of the Working Group concerning the discussion of Rule 18 reads as follows:

"*Paragraph (1)(a)(first three lines).* These lines were approved as proposed.

Item (i). This item was approved as proposed, subject to replacing the word 'pronounced' by 'communicated.'

Items (ii), (iii) and (iv). These items were approved as proposed.

Item (v). It was decided to add at the end of this item the following sentence, which is contained in Rule 17(1) of the present Regulations: 'however, if the date of dispatch thus determined is earlier than the date on which the refusal was pronounced, the International Bureau shall treat such notification as if it had been sent on the latter date.'

Paragraph (1)(b). This paragraph was approved as proposed.

Paragraph (1)(c). This paragraph was approved as proposed, subject to replacing at the end of the first sentence the words 'the Office which pronounced the refusal' by the words 'the Office which communicated the refusal.'

Paragraphs (2) and (3). These paragraphs were approved as proposed."

Draft Rule 19: Invalidations in Designated Contracting Parties

Draft Rule 19 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Content of the Notification of Invalidation] *Where Article 5(6) of the Agreement or Article 5(6) of the Protocol applies and the invalidation is no longer subject to appeal, the Office of the Contracting Party whose competent authority has pronounced the invalidation shall notify the International Bureau accordingly. The notification shall state that the invalidation is no*

longer subject to appeal and shall contain or indicate

(i) the authority which pronounced the invalidation,

(ii) the number of the international registration which is the subject of the invalidation,

(iii) the name and address of the holder of the international registration which is the subject of the invalidation,

(iv) if the invalidation does not affect all the goods and services, those in respect of which the invalidation has been pronounced,

(v) the date on which the invalidation was pronounced.

(2) [Recordal of the Invalidation and Information of the Holder] *The International Bureau shall record the invalidation in the International Register, together with the data contained in the notification of invalidation, and shall inform the holder accordingly."*

The portion of the report of the Working Group concerning the discussion of Rule 19 reads as follows:

"This Rule was approved as proposed."

Draft Rule 20: Recordal of Decisions Restricting the Rights of the Holder

Draft Rule 20 of the draft Regulations as submitted by the International Bureau read as follows:

"Where the Office of a Contracting Party informs the International Bureau that a judicial or administrative decision that is no longer subject to appeal has the effect of restricting the rights of the holder in respect of the international registration in the territory of that Contracting Party, the International Bureau shall record that information in the International Register and shall inform the holder accordingly."

The portion of the report of the Working Group concerning the discussion of Rule 20 reads as follows:

"This Rule was approved as proposed."

Draft Rule 21: Ceasing of Effect of Basic Application or Basic Registration

Draft Rule 21 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [International Registration Governed Exclusively by the Agreement or by Both the Agreement and the Protocol] *(a) Where, in respect of an international registration governed exclusively by the Agreement, Article 6(3) and (4) of the Agreement applies or where, in respect of an international registration governed by both the Agreement and the Protocol, Article 6(3) and (4) of the Agreement and Article 6(3) and (4) of the Protocol apply, the Office of origin shall notify the International Bureau accordingly and shall indicate*

(i) the number of the international registration,

(ii) the name and address of the holder of the international registration,

(iii) the facts affecting the basic registration and the effective date of those facts,

(iv) where the said facts affect the international registration only in part, the said part.

(b) Where a judicial action referred to in Article 6(4) of the Agreement, or a proceeding referred to in item (i), (ii) or (iii) of Article 6(3) of the Protocol, began before the expiry of the five-year period but has not, before the expiry of that period, resulted in the final decision referred to in Article 6(4) of the Agreement, or in the final decision referred to in the second sentence of Article 6(3) of the Protocol or in the withdrawal or renunciation referred to in the third sentence of Article 6(3) of the Protocol, the Office of origin shall, as soon as possible after the expiry of the said period, notify the International Bureau accordingly and shall give the indications referred to in subparagraph (a)(i) to (iv).

(2) [International Registration Governed Exclusively by the Protocol] *Paragraph (1) shall also apply where, in the case of an international registration governed exclusively by the Protocol, Article 6(3) and (4) of the Protocol applies, except that, if the international registration concerned is based on a basic application which has not become the subject of a registration in the country of origin, the facts referred to in paragraph (1)(a)(iii) that must be notified shall be those affecting the basic application.*

(3) [Rectification of the Notification] *If the notification referred to in paragraph (1) or paragraph (2) does not comply with the requirements of whichever of those paragraphs applies, the International Bureau shall invite the Office of origin to rectify the notification within three months.*

(4) [Cancellation of the International Registration; Recordal and Transmittal of the Notification] *(a) Where the notification referred to in paragraph (1)(a) or paragraph (2) requests cancellation of the international registration and complies*

with the requirements of whichever of those paragraphs applies, the International Bureau shall cancel, to the extent applicable, the international registration in the International Register and shall transmit a copy of the notification to the Offices of the designated Contracting Parties and the holder.

(b) The International Bureau shall record the notification referred to in paragraph (1)(b) in the International Register and shall transmit a copy of the notification to the Offices of the designated Contracting Parties and to the holder."

The portion of the report of the Working Group concerning the discussion of Rule 21 reads as follows:

"*Paragraphs (1) and (2).* These paragraphs were approved as proposed, subject to adding, in paragraph (1)(a)(iii)–twice–and (iv) and in paragraph (2), the words 'and decisions' after the word 'facts.'

Paragraph (3). This paragraph was approved as proposed, subject to the addition, at the end of the last line, of the words 'from the date of the invitation.'

Paragraph (4). This paragraph was approved as proposed."

Draft Rule 22: Designation Subsequent to the International Registration

Draft Rule 22 of the draft Regulations as submitted by the International Bureau read as follows:

"*(1)* [Presentation; Form and Signature] *(a) A designation made subsequently to the international registration shall be presented to the International Bureau by the holder or by the Office of origin, provided that, where Rule 6(1) applies, it must be presented by the Office of origin.*

(b) The designation referred to in subparagraph (a) shall be presented on the official form in one copy. The official form shall be completed legibly, preferably with the use of a typewriter or other machine; the designation shall be signed by the holder where the designation is presented by the holder. Where the designation is presented by the Office of origin, it shall be signed by the holder or both the Office of origin and the holder. The Office of origin may require that the official form be signed by it; in the latter case, the Office of origin may allow the holder to sign the official form, in addition to the signature by the Office.

(2) [Content] *(a) The designation referred to in paragraph (1)(a) shall indicate*

(i) the number of the international registration concerned,

(ii) the name and address of the holder of the international registration,

(iii) the Contracting Party that is designated, with an indication of the goods and services listed in the international registration that are covered by the designation,

(iv) the amount of the fees being paid, the method by which payment is being made and the identification of the party effecting the payment.

(b) Where the designation concerns a Contracting Party that has made a notification under Rule 6(2), a declaration of bona fide *intent to use the mark in the territory of that Contracting Party, signed by the holder and not by a representative, shall be made on a separate official form annexed to the designation; such declaration shall be considered part of the designation of the Contracting Party requiring the said declaration.*

(3) [Fees] *The designation referred to in paragraph (1)(a) shall be accompanied by the fees specified in item 9 of the Schedule of Fees.*

(4) [Applicable Provisions] *Rules 11, 14, 15(2) and 16 to 18 shall apply* mutatis mutandis."

The portion of the report of the Working Group concerning the discussion of Rule 22 reads as follows:

"*Paragraph (1)(a).* This paragraph was approved as proposed.

Paragraph (1)(b). It was decided to replace the third sentence by the following text: 'Where the designation is presented by the Office of origin, it shall be signed by the Office of origin or the holder or both the Office of origin and the holder.'

Paragraph (2)(a). This paragraph was approved as proposed.

Paragraph (2)(b). This paragraph was approved as proposed, it being understood that the declaration of *bona fide* intent to use would be available both in English and in French.

Paragraphs (3) and (4). These paragraphs were approved as proposed."

Draft Rule 23: Request for Recordal of a Change

Draft Rule 23 of the draft Regulations as submitted by the International Bureau read as follows:

"*(1)* [Presentation of the Request] *(a) A request for the recordal of a change concerning an international registration, such as a change in*

the ownership of the international registration in respect of all or some of the goods and services or all or some of the Contracting Parties, cancellation of the international registration in respect of all or some of the goods and services or all or some of the Contracting Parties, or changes in the name or address of the holder or of the representative, shall be presented on an official form to the International Bureau.

(b) The request shall be presented by an interested Office or by the holder, provided that the request must be presented by an interested Office

(i) where the international registration is governed exclusively by the Agreement or

(ii) where the international registration is governed by both the Agreement and the Protocol, except where the change affects exclusively designated Contracting Parties bound only by the Protocol.

(2) [Content of the Request] *The request for the recordal of a change shall, in addition to the requested change, indicate*

(i) the number of the international registration concerned,

(ii) the name and address of the holder of the international registration,

(iii) the amount of the fees being paid, the method by which payment is being made and the identification of the party effecting the payment."

The portion of the report of the Working Group concerning the discussion of Rule 23 reads as follows:

"*Paragraph (1)(a).* This paragraph was approved as proposed.

Paragraph (1)(b). This paragraph was approved as proposed, subject to the insertion after the words 'provided that the request' of the words 'for recordal of a change other than a change in the name or address of the holder or of the representative.'

Paragraph (2). This paragraph was approved as proposed."

Draft Rule 24: Irregularities in Requests for Recordal of Changes

Draft Rule 24 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Irregular Request] *If the request for the recordal of a change does not comply with the applicable requirements, the International Bureau shall notify that fact to the party (holder or Office) that presented the request.*

(2) [Time Allowed to Remedy Irregularity] *If the irregularity is not remedied within three months from the date of the notification of the irregularity by the International Bureau, the request shall be considered abandoned and any fees already paid shall be reimbursed."*

The portion of the report of the Working Group concerning the discussion of Rule 24 reads as follows:

"This Rule was approved as proposed."

Draft Rule 25: Recordal and Notification of Changes

Draft Rule 25 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Recordal and Notification of a Change] *The International Bureau shall, provided that the request for the recordal of a change is in order, promptly record the change in the International Register and shall notify accordingly and at the same time the holder and the Offices of the Contracting Parties in which the change has effect. The change shall be recorded with the date of receipt by the International Bureau of the request complying with the applicable requirements.*

(2) [Recordal of Partial Change in Ownership] *Assignment or other transfer of the international registration in respect of some only of the goods and services or some only of the Contracting Parties shall be recorded in the International Register under the number of the international registration of which a part has been assigned or otherwise transferred; any assigned or otherwise transferred part shall be recorded as a separate international registration and shall bear the number of the registration of which a part has been assigned or otherwise transferred, together with a capital letter.*

(3) [Recordal of Merger of International Registrations] *Where the same natural person or legal entity becomes the holder of two or more international registrations referred to in paragraph (2), the registrations shall be merged on the request of the said person or entity, and paragraph (1) and Rules 23 and 24 shall apply* mutatis mutandis."

The portion of the report of the Working Group concerning the discussion of Rule 25 reads as follows:

"This Rule was approved as proposed."

Draft Rule 26: Corrections in the International Register

Draft Rule 26 of the draft Regulations as submitted by the International Bureau read as follows:

"*(1)* [Correction] *Where the International Bureau, acting* ex officio *or at the request of the holder or of an Office, considers that there is an error concerning an international registration in the International Register, it shall modify the Register accordingly.*

(2) [Notification] *The International Bureau shall notify accordingly the holder and, at the same time, the Offices of the designated Contracting Parties in which the correction has effect.*

(3) [Refusal of Effects of Correction] *Any Office referred to in paragraph (2) shall have the right to declare in a notification to the International Bureau that it refuses to recognize the effects of the correction. Article 5 of the Agreement or Article 5 of the Protocol and Rules 16 to 18 shall apply* mutatis mutandis, *it being understood that the date of sending the notification of the correction shall be the date from which the time limit for pronouncing a refusal is counted."*

The portion of the report of the Working Group concerning the discussion of Rule 26 reads as follows:

"This Rule was approved as proposed. The International Bureau indicated that corrections under that Rule will be possible in respect of international registrations recorded before the entry into force of the Protocol and that the word 'considers,' in paragraph (1), meant that the International Bureau had the right to determine whether there was an error. Moreover, it was understood that no fee could be required by a designated Office notified under paragraph (2)."

Draft Rule 27: Unofficial Notice of Expiration

Draft Rule 27 of the draft Regulations as submitted by the International Bureau read as follows:

"The unofficial notice of expiration which is sent, according to Article 7(4) of the Agreement and Article 7(3) of the Protocol, six months before the expiration of the term of protection to the holder and his representative, if any, as a reminder of the exact date of expiration of the international registration, shall include an indication of the designated Contracting Parties at the date of the notice. Where, at the said date, the international registration shows that a refusal or an invalidation relating to all or some of the goods and services is recorded in respect of a designated Contracting Party, this fact shall be indicated in the said notice."

The portion of the report of the Working Group concerning the discussion of Rule 27 reads as follows:

"This Rule was approved as proposed, it being understood that, if a representative is recorded with respect to a given international registration, not only the holder but also the said representative will receive an unofficial notice of expiration."

Draft Rule 28: Fees Concerning Renewal

Draft Rule 28 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [International Registration Governed Exclusively by the Agreement] *In the case of an international registration governed exclusively by the Agreement, the fees required for renewal are the basic fee, the complementary fee and, where applicable, the supplementary fee and the surcharge, specified in item 5 of the Schedule of Fees.*

(2) [International Registration Governed Exclusively by the Protocol] *In the case of an international registration governed exclusively by the Protocol, the fees required for renewal are the basic fee, the complementary fee and/or the individual fee and, where applicable, the supplementary fee and the surcharge, specified in item 6 of the Schedule of Fees.*

(3) [International Registration Governed by Both the Agreement and the Protocol] *In the case of an international registration governed by both the Agreement and the Protocol, the fees required for renewal shall be paid for 10 years; those fees are the basic fee, the complementary fee and/or the individual fee and, where applicable, the supplementary fee and the surcharge, specified in item 7 of the Schedule of Fees.*

(4) [Surcharge] *Where the period of grace of six months provided for in Article 7(5) of the Agreement or in Article 7(4) of the Protocol is made use of, the surcharge specified in items 5.4, 6.5 or 7.5, as the case may be, of the Schedule of Fees shall be payable.*

(5) [Time Limit for Payment] *The fees referred to in paragraphs (1) to (3) may not be paid earlier than six months before the date on*

which the renewal of the international registration is due. They shall be paid, at the latest, on the date on which the renewal of the international registration is due, except where the surcharge referred to in paragraph (4) is payable, in which case both the surcharge and the required fees shall be paid within six months from the date on which the renewal of the international registration was due.

(6) [Insufficient Fee] *(a) If the amount of the fee received is less than the amount required, the International Bureau shall promptly notify at the same time both the holder and the representative, if any, accordingly.*

(b) If the amount of the fee received is, at the expiration of the time limit under paragraph (5), less than the amount required, the International Bureau shall not record the renewal and shall reimburse the amount received to the party having paid it.

(7) [Renewal for Less Than All the Designated Contracting Parties] *The fact that the fees required for renewal are not paid in respect of all the designated Contracting Parties shall not be considered to constitute a change for the purposes of Article 7(2) of the Agreement or Article 7(2) of the Protocol."*

The portion of the report of the Working Group concerning the discussion of Rule 28 reads as follows:

"*Paragraph (1).* This paragraph was approved, subject to an amendment providing that the fees required for the renewal shall be paid for 10 years.

Paragraphs (2) and (3). These paragraphs were approved on the understanding that the drafting should be clarified with respect to the reference to the possibility that, for some countries, a complementary fee had to be paid, whereas, for other countries, an individual fee had to be paid.

Paragraph (4). This paragraph was approved as proposed.

Paragraph (5). It was decided to replace this paragraph by the following text: 'If the fees referred to in paragraphs (1) to (3) are paid earlier than three months before the date on which the renewal of the international registration is due, they shall be considered as having been paid three months before that date. The fees shall be paid, at the latest, on the date on which the renewal of the international registration is due, except where the surcharge referred to in paragraph (4) is payable, in which case both the surcharge and the required fees shall be paid within six months from the date on which the renewal of the international registration was due.'

Paragraphs (6) and (7). These paragraphs were approved as proposed."

Draft Rule 29: Recordal of the Renewal; Notification and Certificate

Draft Rule 29 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Effective Date of the Renewal] *Renewal shall be recorded in the International Register with the date on which renewal was due, even if the fees required for renewal are paid within the period of grace referred to in Article 7(5) of the Agreement and in Article 7(4) of the Protocol.*

(2) [Contracting Parties Not Covered by the Renewal] *Where the fees required for renewal are not paid in respect of any designated Contracting Party, the designation of that Contracting Party shall be cancelled in the International Register and the International Bureau shall notify the Office of such Contracting Party accordingly.*

(3) [Notification and Certificate] *The International Bureau shall notify the Offices of the designated Contracting Parties concerned of the renewal and shall send a certificate to the holder."*

The portion of the report of the Working Group concerning the discussion of Rule 29 reads as follows:

"This Rule was approved as proposed."

Draft Rule 30: Gazette

Draft Rule 30 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Information Concerning International Registrations] *The International Bureau shall publish in the Gazette relevant data recorded since the last preceding issue of the Gazette in the International Register concerning international registrations, notifications under Rule 16(1), refusals (without the grounds for refusal, however), renewals (together with information on the status of any refusal or invalidation), designations subsequent to the international registration, changes (with an indication of the class or classes of the International Classification covered by the international registration), cancellations, corrections, invalidations as well as information recorded under Rules 20 and 21(1)(b). Where*

color is claimed and the reproduction of the mark contained in the international application according to Rule 8(4)(v) is in black and white, the Gazette shall contain both the reproduction of the mark in black and white and the reproduction in color furnished by the applicant according to Rule 8(4)(vi). The Gazette shall also publish the numbers of international registrations which have not been renewed.

(2) [Information Concerning Particular Requirements and Certain Declarations of Contracting Parties, and Other General Information] *The International Bureau shall publish in each issue of the Gazette*

(i) any notifications made under Rule 6,

(ii) any declarations made under Article 5(2)(b) and (c), first sentence, of the Protocol,

(iii) a list of the days on which the International Bureau is not scheduled to be open to the public during the current and the following calendar year and such a list for each Office from which a communication under Rule 4(4) has been received.

(3) [Yearly Index] *In respect of every year, the International Bureau shall publish an index indicating, in alphabetical order, the names of the holders of the international registrations concerning which one or more entries were published in that year in the Gazette. The name of the holder shall be accompanied by the number of the international registration, the page number of the Gazette issue in which the entry affecting the international registration was published and the indication of the nature of the entry, such as registration, renewal, refusal, invalidation, cancellation or change.*

(4) [Number of Copies for Offices of Contracting Parties] *The International Bureau shall send each Office copies of the Gazette in its paper, microfiche or CD-ROM (Compact Disc Read Only Memory) or other form. Each Office shall be entitled, free of charge, to two copies and, where during a given calendar year the number of designations recorded with respect to that Contracting Party exceeded 2,000, in the following year one additional copy and further additional copies for each 1,000 designations in addition to 2,000 designations. Each Contracting Party may purchase each year the same number of copies as the number to which it is entitled free of charge, at half of the subscription price."*

The portion of the report of the Working Group concerning the discussion of Rule 30 reads as follows:

"*Paragraphs (1) to (3).* These paragraphs were approved as proposed.

Paragraph (4). It was noted that the last sentence of the French text should read: *'Chaque partie contractante peut acheter chaque année, pour la moitié du prix d'abonnement, un nombre d'exemplaires égal au nombre d'exemplaires auquel elle a droit gratuitement.'"*

Draft Rule 31: Electronic Data Base

Draft Rule 31 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Maintenance of Electronic Data Base] *The International Bureau shall maintain an electronic data base.*

(2) [Data Recorded in the International Register] *All the data recorded in the International Register shall be entered in the electronic data base.*

(3) [Data Concerning Pending International Applications and Subsequent Designations] *If an international application or a designation under Rule 22 is not recorded in the International Register within three working days following the receipt by the International Bureau of the international application or designation, the International Bureau shall enter, under a provisional number, in the electronic data base, notwithstanding any irregularities that may exist in the international application or designation as received, all the data contained in the international application or designation.*

(4) [Public Access to Electronic Data Base] *The electronic data base shall be made accessible to the Offices of the Contracting Parties and, against payment of the prescribed fee, to the public, by on-line access and through other appropriate means determined by the International Bureau. The cost of accessing shall be borne by the user. Data entered under paragraph (3) shall be accompanied by a warning to the effect that the International Bureau has not yet made a decision on the international application or designation under Rule 22."*

The portion of the report of the Working Group concerning the discussion of Rule 31 reads as follows:

"This Rule was approved as proposed."

Draft Rule 32: Payment of Fees

Draft Rule 32 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Modalities of Payment] *The fees indicated in the Schedule of Fees may be paid*

(i) by debit to a current account with the International Bureau,

(ii) by payment into the Swiss postal cheque account or to any of the specified bank accounts of the International Bureau,

(iii) by a banker's cheque,

(iv) by payment in cash at the International Bureau.

(2) [Indications Accompanying the Payment] *At the time of the payment of any fee, an indication must be given,*

(i) before international registration, of the name of the applicant, the mark concerned and the purpose of the payment,

(ii) after international registration, of the name of the holder, the number of the international registration concerned and the purpose of the payment,

(iii) where the amount of the fees paid for renewal is less than what would be required for renewal in respect of all the designated Contracting Parties, of the Contracting Parties to which the renewal extends or does not extend.

(3) [Date of Payment] *(a) Subject to subparagraph (b), any fee shall be considered to have been paid on the day on which the International Bureau receives the required amount.*

(b) Where the required amount is available in an account opened with the International Bureau, the fee shall be considered to have been paid on the day on which the International Bureau receives the holder's instruction to debit the account by the amount of the fee required for the action requested.

(4) [Change in the Amount of the Fees] *(a) Where the amount of the fees payable in respect of the filing of an international application is changed between, on the one hand, the date of the receipt, by the Office of origin, of the request to present the international application to the International Bureau and, on the other hand, the date of the receipt of the international application by the International Bureau, the fee that was valid at the first date shall be applicable.*

(b) Where a designation under Article 22 is presented by the Office of origin and the amount of the fees payable in respect of that designation is changed between, on the one hand, the date of receipt, by the Office of origin, of the request by the holder to present the said designation and, on the other hand, the date on which the designation is recorded by the International Bureau, the fee that was valid at the first date shall be applicable.

(c) Where the amount of the fees payable in respect of the renewal of an international registration is changed between the date of payment and the due date of the renewal, the fee that was valid at the date of payment shall be applicable, provided that that date is not earlier by more than one month than the due date.

(d) Where the amount of any fee other than the fees referred to in paragraphs (a), (b) and (c) is changed, the amount valid at the date on which the fee was received by the International Bureau shall be applicable."

The portion of the report of the Working Group concerning the discussion of Rule 32 reads as follows:

"*Paragraphs (1) to (3).* These paragraphs were approved as proposed.

Paragraph (4)(a). This paragraph was approved as proposed.

Paragraph (4)(b). This paragraph was approved as proposed, it being understood that the reference to 'Article 22' should be replaced by a reference to 'Rule 22.'

Paragraph (4)(c). It was agreed to amend this paragraph as follows: 'Where the amount of the fees payable in respect of the renewal of an international registration is changed between the date of payment and the due date of the renewal, the fee that was valid at the date of payment, or at the date considered to be the date of payment under Rule 28(5), shall be applicable. Where the payment is made after the due date, the fee that was valid at the due date shall be applicable.'

Paragraph (4)(d). This paragraph was approved as proposed."

Draft Rule 33: Currency of Payments

Draft Rule 33 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Obligation to Use Swiss Currency] *All payments due under these Regulations shall be made in Swiss currency.*

(2) [Establishment of the Amount of Individual Fees in Swiss Currency] *(a) Where a Contracting Party makes a declaration under Article 8(7)(a) of the Protocol that it wants to receive an individual fee, the amount of the individual fee indicated to the International Bureau shall be expressed in the currency used by its Office.*

(b) Where the fee is indicated in the declaration in a currency other than Swiss currency, the Director General shall, after consultation with the

Office of the Contracting Party concerned, establish the amount of the individual fee in Swiss currency on the basis of the official exchange rate of the United Nations.

(c) Subject to subparagraph (d), where, for more than 30 consecutive days, the official exchange rate of the United Nations between Swiss currency and the other currency in which the amount of an individual fee has been indicated by a Contracting Party is higher or lower by at least 5% than the last exchange rate applied to establish the amount of the individual fee in Swiss currency, the Office of that Contracting Party may ask the Director General to establish a new amount of the individual fee in Swiss currency according to the official exchange rate of the United Nations prevailing on the day preceding the day on which the request is made. The Director General shall proceed accordingly. The new amount shall become applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Gazette.

(d) Where, for more than 30 consecutive days, the official exchange rate of the United Nations between Swiss currency and the other currency in which the amount of an individual fee has been indicated by a Contracting Party is higher or lower by at least 10% than the last exchange rate applied to establish the amount of the individual fee in Swiss currency, the Director General shall, after consultation with the Office of that Contracting Party, establish a new amount of the individual fee in Swiss currency according to the official exchange rate of the United Nations prevailing on the day preceding the day on which the consultation is initiated by the Director General. The new amount shall become applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Gazette."

The portion of the report of the Working Group concerning the discussion of Rule 33 reads as follows:

"This Rule was approved as proposed."

Draft Rule 34: Exemption from Fees

Draft Rule 34 of the draft Regulations as submitted by the International Bureau read as follows:

"Recordal of the following shall be exempt from fees:

(i) the recordal of an appointment of a representative and the cancellation of such a recordal;

(ii) the total cancellation of the international registration,

(iii) the renunciation of protection in respect of a Contracting Party,

(iv) the limitation of the list of goods and services in respect of a Contracting Party if effected in the international application itself,

(v) the limitation of the list of goods and services requested by an Office in accordance with Article 6(4), first sentence, of the Agreement or Article 6(4), first sentence, of the Protocol,

(vi) the existence of a judicial proceeding or of a final judgment affecting the basic application or the basic registration,

(vii) a refusal under Rule 17, Rule 21(4) or Rule 26(3) or a notification under Rule 17(2)(c),

(viii) the invalidation of an international registration,

(ix) a decision, notified under Rule 20, restricting the holder's rights in respect of an international registration,

(x) a correction in the International Register."

The portion of the report of the Working Group concerning the discussion of Rule 34 reads as follows:

"This Rule was approved as proposed."

Draft Rule 35: Distribution of Supplementary Fees and Complementary Fees

Draft Rule 35 of the draft Regulations as submitted by the International Bureau read as follows:

*"The coefficient referred to in Article 8(5) of the Agreement and Article 8(5) of the Protocol shall be two for any Contracting Party whose Office carries out a substantive examination at least on the absolute grounds of refusal."**

* *Note.* Article 8(5) and (6) of the Agreement and Article 8(5) and (6) of the Protocol provide that the amounts derived from the supplementary fees and from the complementary fees shall be divided at the expiration of each year among the countries party to the Agreement (under the Protocol: Contracting Parties of the Protocol) in proportion to the number of marks for which protection has been applied for in each of them during that year, this number being multiplied, in the case of countries which make a preliminary examination (under the Protocol: Contracting Parties of the Protocol which make an examination) by a coefficient which shall be determined by the Regulations.

This coefficient is determined by Rule 35 of the present Regulations, which reads as follows:

"(1) The coefficient mentioned in Article 8(5) of the Agreement from which countries with a system of prior examination benefit in respect of the distribution of

supplementary and complementary fees shall be as follows:

for countries which examine only the absolute causes of nullity . . . . . two

for countries which also examine anticipations:
(a) following opposition by third parties . . three
(b) *ex officio* . . . . . four

(2) Coefficient four shall also be applied to countries which carry out anticipation searches *ex officio* with an indication of the most significant anticipations."

In 1990, the coefficients applicable to each of the countries which in 1990 were party to the Madrid Agreement were the following:

no coefficient:	Liechtenstein, Morocco, San Marino (3)
two:	Algeria, Austria, France, Italy, Monaco, Switzerland (6)
three:	Germany (1)
four:	Benelux (counting as one country according to Article 9*quater* of the Madrid Agreement), Bulgaria, China, Cuba, Czechoslovakia, Democratic People's Republic of Korea, Egypt, Hungary, Mongolia, Portugal, Romania, Soviet Union, Spain, Sudan, Viet Nam, Yugoslavia (16).

According to the Agreement and the Protocol, the Regulations have to determine *a* coefficient applicable to countries (under the Protocol: Contracting Parties) which make a preliminary examination (under the Protocol: an examination). Thus, there is no legal requirement to have several coefficients. Moreover, the practice is that the choice of the coefficient is left to the interested country and the other countries do not examine whether the choice corresponds to the criteria laid down in Rule 35. Therefore, a simplification is proposed, namely, that one should distinguish only between two kinds of countries: those which have a system of prior examination (whatever that system may be) and those which have no system of prior examination. This would put the overwhelming majority of the countries in the same category, namely, the category of countries having a system of prior examination. It is proposed that the coefficient for that category be two.

In 1990, for a complementary fee[+] of 80 francs per designated country, the sum due to a designated country for each designation according to the coefficient applicable to it was:

for countries with no coefficient: . . . . . 26 francs
for countries with coefficient two: . . . . . 52 francs
for countries with coefficient three: . . . . . 78 francs
for countries with coefficient four: . . . . . 104 francs

If, in 1990, the proposed system would have applied, the countries with coefficients two, three and four would have been included under countries with coefficient two, and the sum due to a designated country for each designation would have been:

for the three countries with no coefficient: . . . . . 42 francs
for the 23 countries with coefficient two: . . . . . 84 francs

It is to be noted that for most of the countries that are not party to the Agreement but will be party to the Protocol the question of coefficient will be of no interest since they are expected to make use of the 'individual' fee system provided for under Article 8(7) of the Protocol.

[+] For the sake of simplicity, only complementary fees (and not supplementary fees) are taken into consideration. Indeed, in 1990, complementary fees represented about 97% of the total amount of the complementary fees plus supplementary fees collected by the International Bureau that were subject to distribution among the member countries of the Madrid Union."

The portion of the report of the Working Group concerning the discussion of Rule 35 reads as follows:

"Among the delegations which expressed their views, some were in favor of the adoption of this Rule, while a majority was in favor of maintaining the text as it appears in Rule 35 of the present Regulations."

Draft Rule 36: Transfer of Individual Fees to the Contracting Parties Concerned

Draft Rule 36 of the draft Regulations as submitted by the International Bureau read as follows:

"Any individual fee paid to the International Bureau in respect of a Contracting Party having made a declaration under Article 8(7)(a) of the Protocol shall be credited to the account of that Contracting Party with the International Bureau within the month following the month in the course of which the recordal of the international registration, designation subsequent to the international registration or renewal for which that fee has been paid was effected."

The portion of the report of the Working Group concerning the discussion of Rule 36 reads as follows:

"This Rule was approved as proposed."

Draft Rule 37: Entry Into Force

Draft Rule 37 of the draft Regulations as submitted by the International Bureau read as follows:

"These Regulations shall enter into force on... and shall, as of that date, replace all earlier Regulations under the Agreement."

The portion of the report of the Working Group concerning the discussion of Rule 37 reads as follows:

"This Rule was approved as proposed."

Draft Rule 38: Payment of Second Installments of Fees for Certain International Registrations

Draft Rule 38 of the draft Regulations as submitted by the International Bureau read as follows:

"In case of any international registration effected under the Agreement during the 10 years

preceding the entry into force of these Regulations, for which the basic fee had been paid for the first 10-year period, the following provisions shall apply:

(i) six months before the expiration of that period of 10 years, the International Bureau shall remind the holder and his representative, if any, of the date of such expiration, by sending an unofficial notice;

(ii) the International Bureau shall publish each month, in the Gazette,

- *where the fee due for the second 10-year period has been paid, the number of the international registration and the fact that payment has been made, or*
- *where the fee due for the second 10-year period has not been paid and the grace period of six months has expired, the number of the international registration and the fact that that registration has been cancelled."*

The portion of the report of the Working Group concerning the discussion of Rule 38 reads as follows:

"This Rule was approved as proposed, on the understanding that the International Bureau would examine whether it could be merged with the Rule dealing with the payment in two installments of the fees applicable to an international application governed exclusively by the Agreement."

Schedule of Fees

The part of the draft Regulations entitled "Schedule of Fees," as submitted by the International Bureau, read as follows:

"Swiss francs

			Swiss francs
1.	*International applications governed exclusively by the Agreement*		
	The following fees shall be payable and shall cover 20 years:[1]		
1.1	Basic fee (Article 8(2)(a) of the Agreement)		
1.1.1	where the reproduction of the mark is in black and white and color is not claimed		720
1.1.2	where the reproduction of the mark is in color, or is in black and white and color is claimed (Rule 8(4)(vi))	[720 + 250]	970
1.2	Supplementary fee for each class of goods and services beyond three classes (Article 8(2)(b) of the Agreement)		80
1.3	Complementary fee for the designation each designated Contracting State (Article 8(2)(c) of the Agreement)		80
2.	*International applications governed exclusively by the Protocol*		
	The following fees shall be payable and shall cover 10 years:		
2.1	Basic fee (Article 8(2)(i) of the Protocol)		
2.1.1	where the reproduction of the mark is in black and white and color is not claimed	[720 : 2 =]	360
2.1.2	where the reproduction of the mark is in color, or is in black and white and color is claimed (Rule 8(4)(vi))	[360 + 250]	610
2.2	Supplementary fee for each class of goods and services beyond three classes (Article 8(2)(ii) of the Protocol), except if only Contracting Parties in respect of which individual fees (see 2.4, below) are payable are designated (see Article 8(7)(a)(i) of the Protocol)	[80 : 2 =]	40
2.3	Complementary fee for the designation of each designated Contracting Party (Article 8(2)(iii) of the Protocol), except if the designated Contracting Party is a Contracting Party in respect of which an individual fee is payable (see 2.4 below) (see Article 8(7)(a)(ii) of the Protocol)	[80 : 2 =]	40
2.4	Individual fee for the designation of each designated Contracting Party in respect of which an individual fee (rather than a complementary fee) is payable (see Article 8(7)(a) of the Protocol), except where the designated State is a State bound (also) by the Agreement and the Office of origin is the Office of a State bound (also) by the Agreement (in respect of such a State, a complementary fee is payable)		
	Contracting Party A		....
	Contracting Party B		....

[1] *Note.* The Nice Act (which is no longer applicable between the countries party to the Madrid Agreement) provided for the possibility of paying the basic fee in two installments (10 years plus 10 years). The Stockholm Act, which is currently in force, does not provide for such a possibility. In case the countries party to the Madrid Agreement wish to provide, in the Regulations, for the possibility of paying in two installments, a corresponding draft will be prepared by the International Bureau. That draft would provide that not only the basic fee (as under the Nice Act), but also the complementary fees paid for the designation of a country (the amount of those complementary fees being yearly distributed to the countries party to the Madrid Agreement) would be payable in two installments (10 years plus 10 years).

		Swiss francs
Contracting Party C		....
Contracting Party D[2]		....
3. *International applications governed by both the Agreement and the Protocol*		
The following fees shall be payable and shall cover 10 years:		
3.1 Basic fee		
3.1.1 where the reproduction of the mark is in black and white and color is not claimed	[720 : 2 =]	360
3.1.2 where the reproduction of the mark is in color, or is in black and white and color is claimed (Rule 8(4)(vi))	[360 + 250]	610
3.2 Supplementary fee for each class of goods and services beyond three classes	[80 : 2 =]	40
3.3 Complementary fee for the designation of each designated Contracting Party in respect of which no individual fee is payable	[80 : 2 =]	40
3.4 Individual fee for the designation of each designated Contracting Party in respect of which an individual fee is payable (see Article 8(7)(a) of the Protocol), except where the designated State is a State bound (also) by the Agreement and the Office of origin is the Office of a State bound (also) by the Agreement (in respect of such a State, a complementary fee is payable)		
Contracting Party A		....
Contracting Party B		....
Contracting Party C		....
Contracting Party D[3]		....
4. *Irregularities with respect to the classification of goods and services*		
The following fees shall be payable for the classification of the list of goods and services or for the correction of the classification as appearing in the application (Rule 12(1)(b)):		
4.1 where the list comprises 20 terms or less		60
4.2 where the list comprises more than 20 terms		60 *plus* 4 per term

[2] *Note.* The International Bureau will attach to the Schedule of Fees a table (which will be updated and immediately published in a new edition of the Schedule of Fees and in the Gazette as soon as there is a change) listing the States bound by the Agreement only, by the Protocol only or by both the Agreement and the Protocol, as well as the intergovernmental organizations bound by the Protocol, and shall indicate for each whether an individual fee is applicable to it

(i) every time it is designated

(ii) only when it is designated in connection with an international registration based on a basic application or registration effected in a State bound by the Protocol only.

[3] *Ibid.*

	Swiss francs
5. *Renewal of international registrations governed exclusively by the Agreement*	
The following fees shall be payable and shall cover 20 years:	
5.1 Basic fee	
5.1.1 where the reproduction of the mark, as originally published in the Gazette, was in black and white only	Same as in item 1.1.1
5.1.2 where the reproduction of the mark, as originally published in the Gazette, was in color or was both in color and in black and white (Rule 30(1))	Same as in item 1.1.2
5.2 Supplementary fee	Same as in item 1.2
5.3 Complementary fee	Same as in item 1.3
5.4 Surcharge for the use of the period of grace	50% of the amount of the fees payable under 5.1, 5.2 and 5.3
6. *Renewal of international registrations governed exclusively by the Protocol*	
The following fees shall be payable and shall cover 10 years:	
6.1 Basic fee	
6.1.1 where the reproduction of the mark, as originally published in the Gazette, was in black and white only	Same as in item 2.1.1
6.1.2 where the reproduction of the mark, as originally published in the Gazette, was in color, or was both in color and in black and white (Rule 30(1))	Same as in item 2.1.2
6.2 Supplementary fee	Same as in item 2.2
6.3 Complementary fee	Same as in item 2.3
6.4 Individual fees (see item 2.4)	
Contracting Party A	....
Contracting Party B	....
Contracting Party C	....
Contracting Party D[4]	....
6.5 Surcharge for the use of the period of grace	50% of the amount of the fees payable under items 6.1, 6.2, 6.3 and 6.4

[4] *Ibid.*

	Swiss francs
7. *Renewal of international registrations governed by both the Agreement and the Protocol*	
The following fees shall be payable and shall cover 10 years:	
7.1 Basic fee	
7.1.1 where the reproduction of the mark, as originally published in the Gazette, was in black and white	Same as in item 2.1.1
7.1.2 where the reproduction of the mark, as originally published in the Gazette, was in color or was both in color and in black and white (Rule 30(1))	Same as in item 2.1.2
7.2 Supplementary fee	Same as in item 2.2
7.3 Complementary fee	Same as in item 2.3
7.4 Individual fees (see item 2.4)	
Contracting Party A	....
Contracting Party B	....
Contracting Party C	....
Contracting Party D[5]	....
7.5 Surcharge for the use of the period of grace	50% of the amount of the fees payable under items 7.1, 7.2, 7.3 and 7.4
8. *Fee under Rule 38*	
Basic fee for the second 10-year period in respect of an international registration for which the basic fee was paid only for the first 10-year period	600
9. *Designation subsequent to international registration*	
The following fees shall be payable and shall cover the period between the effective date of the designation and the expiration of the then current term of the international registration:	
9.1 Fee for the request	300
9.2 Complementary fee for each designated Contracting Party indicated in the same request where such designated Contracting Party has no right to an individual fee and	
9.2.1 where the international registration is governed exclusively by the Agreement (the fee covers the remainder of 20 years)	80
9.2.2 where the international registration is governed exclusively by the Protocol or by both the Agreement and the Protocol (the fee covers the remainder of 10 years)	40
9.3 Individual fee for the designation of each designated Contracting Party which has the right to an individual fee:	(amount for 10 years)
Contracting Party A	....
Contracting Party B	....
Contracting Party C	....
Contracting Party D[6]	....
10. *Change*	
10.1 Total transfer of an international registration	145
10.2 Partial transfer (for some of the goods and services or for some of the Contracting Parties) of an international registration	145
10.3 Limitation of the list of goods and services requested subsequent to international registration, provided that, if the limitation affects more than one Contracting Party, it is the same for all	145
10.4 Change of name and address of the holder	
– for a single or the first of several international registrations	80
– for each international registration after the first, provided that the same change is requested in the same official form	10
11. *Information concerning international registrations*	
11.1 Extract from the International Register up to three pages	80
for each page after the third	10
11.2 Attestation or information in writing	
– for a single or for the first of several international registrations owned by the same holder	60
– for each international registration after the first, owned by the same holder where requested at the same time	10
11.3 Information given orally	25 plus 5 per minute in excess of 5 minutes
11.4 Photocopy	25 plus 1 per page in excess of 5 pages

[5] *Ibid.*

[6] *Ibid.*

	Swiss francs
12. *On-line access to electronic data base*	
– Offices of Contracting Parties	no fee (but access cost to be borne by user)
– Others	25 plus 5 per minute in excess of 5 minutes (and access cost to be borne by user)
13. *Special services*	
The International Bureau is authorized to collect a fee, whose amount it shall itself fix, for operations to be performed urgently and for services not covered by this Schedule of Fees."	

The portion of the report of the Working Group concerning the discussion on the schedule of fees reads as follows:

"The following corrections were noted:

Paragraph 1: '20 years' should be replaced by '10 years,' and the amounts of the fees indicated should be the same as in paragraph 2.

Paragraph 2.4: the part of the sentence starting with 'except where' and ending 'is payable)' should be deleted.

Paragraph 5: '20 years' should be replaced by '10 years.'

Paragraph 9.1: the words 'Fee for the request' should be replaced by 'Basic Fee.'

Item 9.2.1: '20 years' should be replaced by '10 years.'

The International Bureau stated that the schedule of fees should be examined as regards its structure and that the amounts of each fee would be subject to further study. It also indicated that the question of whether certain fees should be maintained would be reexamined.

Some delegations considered that the amount of the fee to be paid in respect of a publication in color appeared to be too high. The Director General indicated that the technical developments to be expected in the coming years would certainly allow one to substantially reduce the said amount at the time of the adoption of the Regulations and that the schedule of fees would be accordingly amended in each case where such fee is mentioned.

In reply to an observation according to which it was difficult to understand why the fees to be paid for an international application governed exclusively by the Protocol or by both the Agreement and the Protocol were at the same level as the fees to be paid for the simpler procedures in respect of an international application governed exclusively by the Agreement, the International Bureau stated that its main objective was to keep all those fees at the same level in order to simplify the work of both the users and the International Bureau.

As regards the fees to be paid for a subsequent designation, two questions were raised, the first relating to the amount of the basic fee, considered as too high by some delegations, the second relating to the fact that the payment of the total amount of the individual fee did not seem to be always justified, in particular, where the subsequent designation is recorded shortly before the expiration of the international registration. The International Bureau replied that the level of the basic fee for the recordal of a subsequent designation was justified because all the data relating to the international registration had to be republished together with the publication of the subsequent designation. As far as the question relating to the individual fee to be paid in respect of a subsequent designation is concerned, the International Bureau stated that the countries which will choose the individual fee system should study the possibility of providing prorata amounts of such fee according to the length of the period for which the designation is recorded. Those countries could at least provide that only 50% of the individual fee is due if the subsequent designation is made during the last five years of the 10-year period.

It was also suggested that a request for the recordal of a change of the name and/or address of the holder could be free of charge and that the amount of the fees to be paid for the recordal of a transfer and in case of irregularities with respect to the classification of goods and services seemed to be too low. The International Bureau indicated that, only once a general study on the revenues of each type of fee in comparison with the work involved had been completed, a decision could be taken on those questions.

One delegation wondered whether the fact that the holder could request directly the recordal of a change would imply additional work for the International Bureau and would necessitate an increase in the fees to be paid for such recordals. The International Bureau responded that this would not be the case.

It was agreed that the amount of the fee referred to item 13 of the Schedule of Fees should be reasonable and that the said item would be amended correspondingly.

It was suggested that the terms 'complementary fee' and 'supplementary fee' should be replaced by more descriptive terms, such as 'designation fee' and 'class fee,' for example by adding, in the first Rule where the terms 'complementary fee' (or 'supplementary fee') appear, the

words 'hereinafter referred to as 'designation fee' (respectively, 'class fee').' It was also suggested that, in view of the relatively small sums received as class fee, it should be examined whether that fee could be abolished or merged with the designation fee."

Future Work

The portion of the report of the Working Group concerning the discussion on future work reads as follows:

"The Director General indicated that the Working Group will be convened for a fifth session in 1992, mainly in order to examine drafts of the official forms to be used under the Regulations and that a revised draft of the Regulations, accompanied by comments, will be prepared for that session, during which the Working Group would examine at least those Rules which were not approved or concerning which it was requested to make further studies. Later an Applicant's Guide will be prepared, as well as Guidelines for the Offices of the Contracting Parties."

LIST OF PARTICIPANTS*

I. Members

Algeria: A. Semichi; F Bouzid; H. Yahia-Cherif. **Austria:** H. Preglau. **Belgium:** W.J.S. Peeters. **Bulgaria:** T. Petkova. **China:** Li Jizhong; Wan Jiaqing; Wu Zhenxiang. **Cuba:** M. Azcuy Quesada. **Czechoslovakia:** V. Zamrzla; J. Maresová. **Democratic People's Republic of Korea:** Hyon Chun Hwa; Choi Baik Hwa. **Denmark:** J.E. Carstad; B. Kromann. **Egypt:** A. Zaghloul. **Finland:** S.-L. Lahtinen. **France:** B. Vidaud; C. Girard. **Germany:** A. von Mühlendahl; E. Miehle. **Greece:** P. Geroulakos. **Hungary:** I. Iványi; L. Tattay. **Ireland:** H.A. Hayden. **Italy:** M.G. Fortini; P. Iannantuono; I. Nicotra; S. Paparo. **Luxembourg:** F. Schlesser. **Monaco:** J. L'Herbon de Lussats. **Mongolia:** D. Zolboot; T. Gongor. **Morocco:** M.S. Abderrazik; F. Baroudi. **Netherlands:** H.R. Furstner; R. Meijer. **Poland:** B. Rokicki. **Portugal:** J. Mota Maia; R. Serrão; A. Queiros Ferreira. **Romania:** E.-R. Udrea; L. Bulgâr; D. Pitzu. **Senegal:** D. Sagna. **Soviet Union:** I. Korzoun. **Spain:** A. Casado Cerviño; B. Cerro. **Sudan:** A.E. Ali. **Sweden:** T. Norström; K. Sundström. **Switzerland:** J.-D. Pasche. **Sudan:** A.E. Ali. **United Kingdom:** M. Todd; M. Knight: E.A. Scarff. **Viet Nam:** Tran Viet Hung; Nguyen Thanh Long. **Yugoslavia:** T. Lisavać. **European Communities (EC):** H.R. Furstner; O. Montalto.

* A list containing the titles and functions of the participants may be obtained from the International Bureau.

II. Observer States

Burundi: A. Negamiye. **Chile:** P. Romero. **Mexico:** A. Fuchs; M.A. Lucero. **Norway:** E.S. Helgesen. **Republic of Korea:** M.-H. Kim; J.-K. Kim. **United States of America:** J.M. Samuels; L. Beresford.

III. Intergovernmental Organization

Benelux Trademark Office (BBM): E.L. Simon.

IV. Non-Governmental Organizations

Chamber of Trademark and Design Specialists (CSMM): E. Glorian. **Chartered Institute of Patent Agents (CIPA):** A.C. Serjeant. **Committee of National Institutes of Patent Agents (CNIPA):** A. Hansmann. **European Association of Industries of Branded Products (AIM):** G. Kunze. **European Communities Trade Mark Practitioners' Association (ECTA):** F. Gevers. **Federation of German Industry (BDI):** D. Füllkrug. **French Association of Practitioners in Trademark and Design Law, France (APRAM):** R. Baudin. **Institute of Trade Mark Agents (ITMA):** D. Turner. **Instituto nazionale per la difesa, identificazione e certificazione dei marchi autentici (INDICAM):** P. Azzola. **International Association for the Protection of Industrial Property (AIPPI):** R. Harlé. **Internation Chamber of Commerce (ICC):** A.L. de Sampaio. **International Federation of Industrial Property Attorneys (FICPI):** A. Hansmann; A.L. de Sampaio. **The New York Patent, Trademark and Copyright Law Association, Inc. (NYPTC):** V.R. Richard; J.R. Olsen. **The United States Trademark Association (USTA):** Y. Chicoine. **Trade Marks, Patents and Designs Federation (TMPDF):** D.H. Tatham. **Union of European Practitioners in Industrial Property (UEPIP):** R. Wiclander. **Union of Industrial and Employers' Confederations of Europe (UNICE):** D.H. Tatham; G. Kunze; C. Sautory. **Union of Manufacturers for the International Protection of Industrial and Artistic Property, France (UNIFAB):** M. Deroulers.

V. Officers

Chairman: M. Todd (United Kingdom). *Vice-Chairmen:* J.-D. Pasche (Switzerland); F. Bouzid (Algeria). *Secretary:* P. Maugué (WIPO).

VI. International Bureau of WIPO

A. Bogsch *(Director General)*; L. Baeumer *(Director, Industrial Property Division)*; F. Curchod *(Director of the Office of the Director General)*; P. Maugué *(Head, Trademarks and Industrial Designs Section, Industrial Property Division)*; S. Di Palma *(Head, International Trademark and Industrial Design Registries)*; B. Ibos *(Senior Legal Officer, Trademarks and Industrial Designs Section).*

II. Computerization Activities

ROMARIN Project. During the period under review, the implementation of the ROMARIN (Read-Only Memory of Madrid Archives Information) project, which is intended to lead to the creation of two CD-ROMs containing data from the International Register on the textual and figurative elements of each international registration, together with the accompanying search indexes, was pursued in order to enable all member States of the Madrid Union to have equal and easy access to the data on the Register via those CD-ROMs by means of a CD-ROM workstation, which each of them will receive in the near future.

Activities of WIPO in the Field of Industrial Property Specially Designed for Developing Countries

Africa

Regional Meetings

Joint Consultative Committee of the WIPO/ARCT/ARIPO/OAPI Cooperation Agreement (Geneva). On November 11 and 12, the sixth session of the Joint Consultative Committee established under the quadripartite agreement between WIPO, the African Regional Industrial Property Organization (ARIPO), the African Intellectual Property Organization (OAPI) and the African Regional Centre for Technology (ARCT) was held in Geneva. The meeting was opened by the Director General of WIPO, who renewed WIPO's commitment to help ARIPO and OAPI enhance their activities in the field of patents and trademarks with their respective member countries and bring in new members. He mentioned that WIPO was also willing to afford appropriate assistance to ARCT, whose activities complemented those of ARIPO and OAPI.

ARIPO and OAPI were represented by their Directors General and ARCT by its Deputy Executive Director. Various types of cooperation and joint activities for 1992 were discussed and a tentative program of such activities was established.

Joint Meeting of African Ministers of Planning, UNDP Resident Representatives and Representatives of the Agencies of the United Nations Common System in Africa (Namibia). The aim of this continent-wide ministerial meeting, which took place in Windhoek from November 25 to 28 and was attended by two WIPO officials, was essentially to review the allocation of financial resources worked out by the United Nations Development Programme (UNDP) in favor of Africa. The meeting reviewed the orientation of action envisaged in the UNDP fifth (1992-96) cycle of country and intercountry projects.

ARIPO: Fifteenth Session of the Administrative Council (Botswana). Two WIPO officials attended this session, which was held in Gaborone from November 18 to 22. Among other subjects, cooperation between WIPO and ARIPO was reviewed and appreciation was expressed for the assistance received from WIPO.

Seminars

Seminar on Intellectual Property for Magistrates of French-Speaking African Countries. A Seminar on Intellectual Property, organized by WIPO in cooperation with the National Institute of Industrial Property (INPI) of France and with the assistance of UNDP was held in Geneva from November 13 to 15, and in Paris from November 18 to 22, for magistrates from some French-speaking African countries. The aim of the Seminar was to increase awareness among magistrates with judiciary responsibilities notably in intellectual property. Seven participants, one from each of the following member countries of OAPI, attended: Burkina Faso, Central African Republic, Guinea, Chad, Mali, Mauritania, Niger. Papers were presented by six WIPO consultants from France and OAPI and by three WIPO officials.

Seminar on Licensing and Patent Information Storage and Search (Botswana). On November 19 and 21, in cooperation with ARIPO and with the assistance of the German Patent Office and UNDP, WIPO organized a seminar in Gaborone on "Licensing and Patent Information Storage and Search," to run concurrently with the ARIPO Council session, with the aim of increasing the participant's awareness of industrial property licensing and patent information storage and search. Thirty-two participants from the following 17 English-speaking countries of Africa attended: Botswana, Ethiopia, Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Namibia, Nigeria, Sierra Leone, Sudan, Swaziland, Uganda, United Republic of Tanzania, Zambia, Zimbabwe. Papers were presented by two WIPO consultants from Germany and by a representative of the European Patent Office (EPO).

Study Visit Organized by WIPO

The President of the Association for the Promotion of Invention, Innovation and Creation of *Togo* undertook a study tour, organized by WIPO, which

covered the WIPO headquarters, INPI (France) and the EPO in The Hague and Munich in turn.

Assistance With Legislation and Modernization of Administration

Botswana. Parallel to the seminar on "Licensing and Patent Information Storage and Search" held by WIPO in Gaborone on November 19 and 21, the two WIPO officials who were present at the seminar held discussions with senior Botswana government officials and the UNDP Resident Representative concerning cooperation between WIPO and Botswana.

Congo. A WIPO official visited Brazzaville to meet government authorities and discuss cooperation with WIPO, including assistance in the practical implementation in the Congo of the law concerning support for inventive activity and technological inventions and innovations, the holding of an exhibition of technological innovations and a related seminar in 1992 and on-the-spot and on-the-job training and assistance for the staff of the National Industrial Property Unit.

A WIPO consultant from France undertook a mission to examine ways and means of computerizing the administrative tasks of the National Industrial Property Unit. A plan of action was agreed upon in consultation with the authorities concerned.

Côte d'Ivoire. A WIPO consultant from France undertook a mission to Côte d'Ivoire to review the ways and means of computerizing the administrative tasks of the Directorate of Technology and Infrastructures relating to industrial property. A plan of action was agreed upon in consultation with the authorities concerned.

Kenya. A revised draft of the Industrial Property Act 1989 (dealing with patents, utility models and industrial designs), with amendments and corrections made in cooperation with the Kenyan authorities, was sent by WIPO to the authorities of that country for review.

Morocco. A WIPO consultant from the EPO undertook a mission to Casablanca and Rabat to review the patent information and documentation services of the Industrial Property Office in the context of the UNDP-financed country project.

Namibia. Two WIPO officials visited Windhoek and held discussions with government officials on the subject of WIPO assistance to Namibia in the field of legislation, training and equipment for the Registry of Companies, Trade Marks, Patents, Designs and Copyright.

United Republic of Tanzania. A WIPO official visited Dar-es-Salaam and had discussions with government officials on WIPO cooperation with the United Republic of Tanzania, with special emphasis on patent law questions, the holding of a national seminar or workshop on intellectual property, the teaching of industrial property at university, intellectual property licensing and the promotion of inventive and innovative activities through the industrial property system.

OAPI. A WIPO official had discussions in Vienna with officials of the Austrian Patent Office on a WIPO-OAPI plan to issue OAPI patents on CD-ROMs. The discussions related to the use of the Austrian Patent Office's collection of OAPI patents.

Asia and the Pacific

Seminars, Training Courses and Workshops

WIPO Asian Regional Seminar on Intellectual Property and Licensing for Industry (Singapore). A seminar on the above subject was organized in Singapore from November 11 to 13, in cooperation with the Singapore Institute of Standards and Industrial Research (SISIR) and with the assistance of UNDP. The aim of the seminar was to increase awareness, on the part of government authorities and private enterprise, of the use of intellectual property and licensing for industry. The seminar was attended by 14 government officials and representatives of the private sector from seven countries of Asia and the Pacific, namely, the Democratic People's Republic of Korea, India, Indonesia, Malaysia, the Philippines, the Republic of Korea and Sri Lanka, and 40 local participants from government departments and private enterprise. Papers were presented by seven WIPO consultants from Australia, Japan, the Republic of Korea, Singapore and the United States of America, by an expert from Singapore and by a WIPO official.

Training Course for the Registry of Trade Marks and Patents of Singapore. A WIPO consultant from

the United Kingdom Patent Office conducted a training course on trademark administration for some 20 trademark examiners of the Singapore Registry with the assistance of UNDP. Also present were some 10 legal officers of the Singapore legal service.

Workshops on Small Inventions (Indonesia). On November 25 and 26 and November 28 and 29, two workshops on small inventions were organized by WIPO, in cooperation with the Government of Indonesia and with the assistance of UNDP, in Padang (West Sumatra) and Denpasar (Bali), respectively. The aim of the workshops was to increase awareness of small inventions among local judicial, police, customs and administrative authorities, including the regional offices of the Departments of Industry, Commerce and Justice, local industries, universities and education institutes, and private law firms. Thirty participants attended in Padang and 25 in Denpasar. Papers were presented by two WIPO consultants from Germany and Japan and by five Indonesian officials and experts.

Study Visits Organized by WIPO

China. A Deputy Director General of the Chinese Patent Office, accompanied by four other government officials, undertook a study visit to the headquarters of WIPO, the Swiss Federal Intellectual Property Office and a company in Switzerland. During their visit to Geneva, they had discussions with the Director General and officials of WIPO on matters of cooperation between WIPO and China in the patent field.

The Head of the China Trademark Service (CTS), a trademark agency, accompanied by three officials, undertook a study visit to the Japanese Patent Office, the United States Patent and Trademark Office and the headquarters of WIPO. During their visit to Geneva, the study team had discussions with the Director General and WIPO officials.

Philippines. A government official of the Department of Science and Technology of the Philippines made a visit to WIPO to study various aspects of intellectual property law and the promotion of innovation, and also a one-day visit to the Swiss Federal Intellectual Property Office in Berne, to review its patent information service.

Republic of Korea. Two officials of the Korean Industrial Property Office made a special study, at the headquarters of WIPO and at the Benelux Trademark Office in The Hague, of procedures under the Madrid Agreement Concerning the International Registration of Marks.

Assistance With Legislation and Modernization of Administration

China. The Director General and three WIPO officials visited Beijing from November 27 to 30. The Director General was received by Chinese leaders and also held discussions with senior officials of the Chinese Patent Office and of the State Administration for Industry and Commerce, which, among other things covered legislative issues, training and the organization of regional seminars on various industrial property subjects.

On November 29, the title of Honorary Professor of Peking University was conferred by the University on the Director General. After the conferment, the Director General delivered an address on the intellectual property system in China.

A Deputy Director General of the Chinese Patent Office, accompanied by two officials of that Office, had discussions in Geneva with the Director General and officials of WIPO on cooperation between WIPO and China in the patent field, particularly on China's possible accession to the Patent Cooperation Treaty (PCT). In the same month, the Director of the Trademark Office of China, accompanied by another official, had discussions in Geneva with various WIPO officials on cooperation between China and WIPO in the trademark field.

Intellectual Property Situation in Hong Kong. Following his visit to China, the Director General paid a visit to Hong Kong on November 30, 1991, and had discussions with government officials there. The Director General also visited the Intellectual Property Department of Hong Kong.

Indonesia. On the occasion of the two workshops on small inventions organized by WIPO in cooperation with the Government of Indonesia on November 25 and 26 and November 28 and 29, discussions were also held in Jakarta between a WIPO official, the Indonesian government and UNDP officials. In the same month, two Indonesian government officials visited WIPO headquarters in Geneva, where they had discussions on the second phase of the UNDP-financed country project and on the planning of WIPO expert missions in Indonesia in the near future.

Mongolia. WIPO officials had discussions, in Geneva, with a government official of the Patent and Trademark Office of Mongolia on the draft document of a UNDP-financed country project prepared by WIPO for Mongolia.

Republic of Korea. Two WIPO consultants from Germany and the United States of America participated as speakers in a National Seminar on Trademark Management and Corporate Strategy, which

was organized by the Korean Industrial Property Office in Seoul.

Singapore. Three of the WIPO consultants and two WIPO officials who attended the WIPO Asian Regional Seminar on Intellectual Property and Licensing for Industry held in Singapore from November 11 to 13 had a round-table discussion with Singapore government officials and members of the private sector on the development of a patent infrastructure in Singapore. The two WIPO officials also visited various government institutions and held discussions concerning WIPO development cooperation activities in Singapore.

Yemen. Two WIPO consultants from Germany undertook a mission to Aden in order to advise the Civil Registration and Notarization Department in the field of patent information and documentation.

Latin America

Seminars

Seminars on Geographical Indications (Chile and Peru). Two national seminars on geographical indications were organized in Santiago and Lima with the assistance of INPI (France) and UNDP on November 13 and 14 and 17 and 18, respectively. The aims of the seminars were to increase awareness, on the part of government authorities and private enterprise, of geographical indications (Chile and Peru notably have products which could usefully be protected by means of geographical indications). Seventy Chilean participants attended in Santiago and 130 Peruvian participants in Lima. Presentations on various questions relating to geographical indications were made at the two seminars by three WIPO consultants from France and Spain and by one WIPO official. In addition, three Chilean experts and a representative of the European Communities in Chile made presentations in Santiago and four Peruvian experts made presentations in Lima.

Training Seminar on Patents, Unique Source of Technological Information. A training seminar in Spanish on "patents, a unique source of technological information" was organized by WIPO, in cooperation with the EPO and the Registry of Industrial Property of Spain, in Madrid, The Hague and Munich. Fifteen government officials from the following 13 Latin American countries attended: Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, El Salvador, Mexico, Nicaragua, Panama, Paraguay, Peru, Venezuela. This seminar was followed by a visit to WIPO in Geneva.

Study Visits Organized by WIPO

Chile. Two government officials from Chile visited the headquarters of WIPO and the industrial property offices of France and Spain. The purpose of the mission was to study the advantages of Chile's accession to the Madrid Agreement (Marks) and to the PCT, and also to have discussions on the Chilean Government's plans for the establishment of an autonomous National Institute of Industrial Property. At WIPO, the two officials had discussions with the Director General and WIPO officials.

Colombia. Two officials of the Directorate General of Industry and Commerce of Colombia studied the international registration of marks under the Madrid Agreement for one week at the headquarters of WIPO, and subsequently visited the Registry of Industrial Property of Spain.

Cuba. Two officials from the National Office of Inventions, Technical Information and Marks of Cuba visited the headquarters of WIPO, the Swiss Federal Intellectual Property Office and the National Institute of Industrial Property of Brazil, in order to acquaint themselves with patent office operations in connection with the PCT.

Assistance with Legislation and Modernization of Administration

Joint Project of WIPO, the Registry of Industrial Property of Spain and the EPO on the Issue of a Test CD-ROM Product Containing the First Pages (carátulas) *of Latin American Patents and Patent Applications.* On November 5, a meeting to review the progress of this project was organized at the headquarters of the EPO in Munich and attended by two WIPO officials and officials from the Registry of Industrial Property of Spain and the EPO. The test product is expected to be issued in the first quarter of 1992.

Barbados. A follow-up mission was undertaken by a WIPO consultant from Chile to assist the Corporate Affairs and Intellectual Property Office of Barbados with the installation of an automated system for trademark operations.

Costa Rica. At the request of the Government, WIPO prepared and sent to the authorities of that country and the UNDP office in San José a draft project document for the modernization of the Intellectual Property Registry of Costa Rica.

El Salvador. A WIPO consultant from Mexico undertook a mission to give advice to the Registry of Industrial, Artistic and Literary Property on the establishment of new technological information services for industry.

Panama. A WIPO consultant from Germany undertook a mission to give advice to the Industrial Property Registry on the establishment of an organized patent search file and on the substantive examination of patent applications.

Development Cooperation (in General)

Meeting of the Smaller Agencies of the United Nations Common System. On November 8, WIPO hosted a meeting of the smaller agencies of the United Nations common system, which reviewed recent developments in UNDP, the national execution of UNDP-financed development cooperation projects and the UNDP financial mechanism for the reimbursement of support costs to smaller agencies acting as executing agencies of UNDP-financed projects.

WIPO Medals. A WIPO medal was awarded to a team of inventors at the National Excellent Inventions Exhibition held in Seoul.

On the occasion of the international exhibition "Brussels Eureka 1991," held in Brussels, two WIPO medals were awarded, one for an invention most appropriate to the conditions and needs of developing countries and useful to their development and the other for an outstanding invention in the field of energy and environment protection.

Activities of WIPO in the Field of Industrial Property Specially Designed for European Countries in Transition to Market Economy

Symposia, Seminars and Other Meetings

Symposium on Patent Protection in a Market Economy: Czechoslovakia, Hungary and Poland (Budapest, November 18 to 20). The Director General and two WIPO officials attended the Symposium organized by WIPO and the European Patent Office (EPO) in cooperation with the industrial property offices of Czechoslovakia, Hungary and Poland, to which the National Office of Inventions of Hungary acted as host.

Opening addresses were delivered by Dr Ernö Pungor, Minister without portfolio and member of the Hungarian Academy for Science, Dr. Arpad Bogsch, Director General of WIPO, and Dr. Paul Braendli, President of the EPO. A WIPO official gave a lecture entitled "International Trends in Industrial Property Law; the PCT: How to Use it Advantageously." In addition, lectures were given on the European patent system, the industrial property aspects of the Association Agreements between the European Communities and Czechoslovakia, Hungary and Poland, the role and tasks of patent agents, and Europe and patents.

The Symposium was attended by 140 participants from Bulgaria, Czechoslovakia, Hungary, Poland and EPO Member States and representatives of other organizations and private industry.

Seminar on European Patent Law and Practice (Munich, November 8). A WIPO official gave a lecture on the PCT at the seminar organized by the EPO at Munich for heads of legal departments and lawyers from the industrial property offices of Bulgaria, Czechoslovakia, Hungary, Poland and Portugal.

Hungarian Association of Inventors. Assembly (Budapest, November 19). The Director General was invited to attend the Assembly of the above Association, at which he gave a speech.

Assistance with Legislation and Modernization of Administration

Albania. From November 22 to 25, a WIPO official and a WIPO consultant from Switzerland had discussions with the President of the Committee on Science and Technology of Albania on cooperation in the preparation of a new patent law and the establishment of an industrial property office in that country.

Czechoslovakia. The President of the Federal Office for Inventions of Czechoslovakia and another official from that Office visited WIPO for discussion of various PCT matters.

Poland. Two trademark examiners from the Patent Office of Poland underwent one week's training, at WIPO, on the international registration system under the Madrid Agreement Concerning the International Registration of Marks.

Contacts of the International Bureau of WIPO with Governments and International Organizations in the Field of Industrial Property

United Nations

United Nations. Administrative Committee on Coordination (ACC) (New York, October 24 and 25). The Director General and a WIPO official participated in the work of the ACC, composed of the executive heads of all the organizations and programs of the United Nations system, under the chairmanship of the Secretary-General of the United Nations.

Meeting Between the United Nations and the Organization of the Islamic Conference (Geneva). From November 19 to 22, a meeting was held on cooperation between the United Nations system and the Organization of the Islamic Conference, which was attended by a WIPO official.

United Nations Conference on Trade and Development (UNCTAD). From November 16 to 23, a WIPO official attended the seventh UNCTAD Ministerial Meeting of the Group of 77 hosted by the Government of the Islamic Republic of Iran, in Teheran.

Intergovernmental

General Agreement on Tariffs and Trade (GATT). Two WIPO officials attended, as observers, a number of meetings held in Geneva from November 25 to 29 by the Negotiating Group on the Trade-Related Aspects of Intellectual Property Rights (TRIPS).

Regional

European Patent Organisation (EPO). On November 4, a WIPO official participated as an observer in the 25th Meeting of the EPO's Working Party on Statistics, held at the EPO headquarters in Munich.

On November 14, two WIPO officials participated in the meeting of heads of patent libraries, PATLIB '91, organized by the EPO in Vienna.

Other Organizations

Industrial Property Cooperation Center (IPCC) (Tokyo). A delegation from the IPCC visited WIPO and had discussions with WIPO officials on future cooperation in assisting patent examiners of developing countries with the preparation of search reports.

International Association for the Protection of Industrial Property (AIPPI) (Stockholm, November 8). A WIPO official attended a conference, organized by the Swedish Group of AIPPI jointly with the Danish, Finnish and Norwegian Groups of AIPPI and the Federation of Swedish Industries, on Industrial Design Law from the Perspective of the European Communities, and made a presentation on the existing system for the international deposit of industrial designs under the Hague Agreement Concerning the International Deposit of Industrial Designs, and on work currently being undertaken by WIPO to improve that system.

International Chamber of Commerce (ICC). Commission on Intellectual and Industrial Property (Paris, November 5). A WIPO official attended the meeting of the Commission in an observer capacity.

Japanese Institute of Inventions and Innovations (JIII). On November 7, a delegation from JIII visited WIPO and had discussions on questions of mutual interest with WIPO officials.

Zurich Institute for Industrial Property (INGRES). On November 29, two WIPO officials participated in a meeting of INGRES held at the headquarters of WIPO in Geneva on the possibilities for harmonizing laws for protection against unfair competition.

National

United Kingdom. The judge of the Patents County Court visited WIPO to discuss a number of PCT questions with WIPO officials.

Miscellaneous News

National News

Bahrain. Legislative Decree No. 10 of June 25, 1991, Concerning Trade Marks, which entered into force on September 1, 1991, provides among other things for an extension of the term of trademark and service mark registrations (from five years) to 10 years with renewals for like periods.

Czechoslovakia. The new Law on the Protection of Topographies of Semiconductor Products (No. 529 of December 3, 1991), entered into force on January 1, 1992.

It provides for the protection of semiconductor products by registration and largely follows the European Communities Council Directive of December 16, 1986, on the Legal Protection of Topographies of Semiconductor Products (87/54/EEC), see *Industrial Property Laws and Treaties* (hereinafter *IPLT*), MULTILATERAL TREATIES–Text 2-011.

Denmark. The new Trademark Act and the new Collective Marks Act of June 6, 1991, entered into force on January 1, 1992. They were adopted mainly in order to harmonize national legislation with the European Communities First Council Directive of December 21, 1988, to Approximate the Laws of the Member States Relating to Trade Marks (89/104/EEC), see *IPLT*, MULTILATERAL TREATIES–Text 3-006.

Romania. The new Law Concerning Patents for Inventions (No. 64/1991), of October 11, 1991, entered into force on January 21, 1992. It was adopted following consultation with WIPO as part of the legislation to bring about the transition to a market economy. Laws are also being drafted in the following fields of intellectual property: industrial designs, layout-designs of integrated circuits, copyright and patent agents.

Selected WIPO Publications

The following new publications* were issued by WIPO between July 1 and September 30, 1991:

Directory of Associations of Inventors, 1991 edition, No. 622(EF), free.

Guide on Associations of Inventors, 1991 edition, No. 632(AE), 10 Swiss francs.

Guidelines for the Definition of Plans to Automate Trademark and Patent Operations in Industrial Property Offices of Africa, No. 692(EF), 15 Swiss francs.

Guidelines for the Definition of Plans to Automate Trademark and Patent Operations in Industrial Property Offices of Latin America and the Caribbean, No. 683(E), 15 Swiss francs.

Madrid Union Centenary 1891-1991, No. 880(EF), 50 Swiss francs.

Symposium on Industrial Designs, Amboise (France), 1990, No. 694(EF), 25 Swiss francs.

WIPO Asian Regional Seminar on the Use of Industrial Property and Technology Transfer Arrangements in the Agrochemical Industry, Sydney, 1990, No. 691(E), 25 Swiss francs.

WIPO Worldwide Symposium on the Intellectual Property Aspects of Artificial Intelligence, Stanford, 1991, No. 698(E), 30 Swiss francs.

* WIPO publications may be obtained from the Publications Sales and Distribution Unit, WIPO, 34, chemin des Colombettes, CH-1211 Geneva 20, Switzerland (telex: 412 912 OMPI CH; fax: (41-22) 733 5428; telephone: (41-22) 730 9111).

Orders should indicate: (a) the number or letter code of the publication desired, the language (A for Arabic, E for English, F for French, S for Spanish), the number of copies; (b) the full address for mailing; (c) the mail mode (surface or air). Prices cover surface mail.

Bank transfers should be made to WIPO account No. 487080-81, at the Swiss Credit Bank, 1211 Geneva 20, Switzerland.

Calendar of Meetings

WIPO Meetings

(Not all WIPO meetings are listed. Dates are subject to possible change.)

1992

March 30 to April 3 (Geneva)

WIPO-IFIA Symposium on "Support to Inventors"

This Symposium, which is the fifth symposium organized jointly by WIPO and the International Federation of Inventors' Associations (IFIA) since 1984 on questions of topical interest to inventors, will examine the assistance and services offered to inventors (both individual and corporate) by industrial property offices, innovation centers and universities.
Invitations: States members of WIPO, inventors' associations and certain organizations (R&D institutions, innovation centers). The Symposium will be open to the public.

April 27 to 30 (Geneva)

Committee of Experts on the Development of the Hague Agreement (Second Session)

The Committee will continue to consider possibilities for revising the Hague Agreement Concerning the International Deposit of Industrial Designs, or adding to it a protocol, in order to introduce in the Hague system provisions intended to encourage States not yet party to the Hague Agreement to adhere to it and to make it easier for applicants to use the system.
Invitations: States members of the Hague Union and, as observers, States members of the Paris Union not members of the Hague Union and certain organizations.

May 25 to 27 (Geneva)

Meeting of Non-Governmental Organizations on Arbitration and Other Mechanisms for the Resolution of Intellectual Property Disputes Between Private Parties

The Meeting will consider the desirability of establishing within WIPO a mechanism to provide services for the resolution of disputes between private parties concerning intellectual property rights, as well as the type of services that might be provided under such a mechanism.
Invitations: International non-governmental organizations having observer status with WIPO.

June 1 to 5 (Geneva)

Committee of Experts on the Harmonization of Laws for the Protection of Marks (Third Session)

The Committee will continue to examine a draft trademark law treaty with particular emphasis on the harmonization of formalities with respect to trademark registration procedures.
Invitations: States members of the Paris Union, the European Communities and, as observers, States members of WIPO not members of the Paris Union and certain organizations.

June 15 to 19 (Geneva)

Committee of Experts on a Model Law on the Protection of the Intellectual Property Rights of Producers of Sound Recordings

The Committee will consider a draft Model Law dealing with the protection of the rights of producers of sound recordings, which could be used by legislators at the national or regional levels.
Invitations: States members of the Berne Union or WIPO, or party to the Rome Convention or the Phonograms Convention, and, as observers, certain organizations.

September 21 to 29 (Geneva)

Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Third Series of Meetings)

Some of the Governing Bodies will meet in ordinary session, others in extraordinary session.
Invitations: As members or observers (depending on the body), States members of WIPO or the Unions and, as observers, other States and certain organizations.

October 12 to 16 (Geneva)

Working Group on the Application of the Madrid Protocol of 1989 (Fifth Session)

The Working Group will continue to review joint Regulations for the implementation of the Madrid Agreement Concerning the International Registration of Marks and of the Madrid Protocol, as well as draft forms to be established under those Regulations.

Invitations: States members of the Madrid Union, States having signed or acceded to the Protocol, the European Communities and, as observers, other States members of the Paris Union expressing their interest in participating in the Working Group in such capacity and certain non-governmental organizations.

November 2 to 6 (Geneva)

WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights (Tenth Session)

The Committee will review and evaluate the activities carried out under the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights since the Committee's last session (April 1991) and make recommendations on the future orientation of the said Program.
Invitations: States members of the Committee and, as observers, States members of the United Nations not members of the Committee and certain organizations.

November 9 to 13 (Geneva)

WIPO Permanent Committee for Development Cooperation Related to Industrial Property (Fifteenth Session)

The Committee will review and evaluate the activities carried out under the WIPO Permanent Program for Development Cooperation Related to Industrial Property since the Committee's last session (July 1991) and make recommendations on the future orientation of the said Program.
Invitations: States members of the Committee and, as observers, States members of the United Nations not members of the Committee and certain organizations.

November 30 to December 4 (Geneva)
N.B. New Dates

Committee of Experts on a Possible Protocol to the Berne Convention (Third Session)

The Committee will continue to examine the question of the preparation of a possible protocol to the Berne Convention for the Protection of Literary and Artistic Works.
Invitations: States members of the Berne Union, the Commission of the European Communities and, as observers, States members of WIPO not members of the Berne Union and certain organizations.

UPOV Meetings

(Not all UPOV meetings are listed. Dates are subject to possible change.)

1992

April 8 and 9 (Geneva)

Administrative and Legal Committee

Invitations: Member States of UPOV and, as observers, certain non-member States and intergovernmental organizations.

October 26 and 27 (Geneva)

Administrative and Legal Committee

Invitations: Member States of UPOV and, as observers, certain non-member States and intergovernmental organizations.

October 28 (Geneva)

Consultative Committee (Forty-Fifth Session)

Invitations: Member States of UPOV.

October 29 (Geneva)

Council (Twenty-Sixth Ordinary Session)

Invitations: Member States of UPOV and, as observers, certain non-member States and intergovernmental and non-governmental organizations.

October 30 (Geneva)

Meeting with International Organizations

Invitations: International non-governmental organizations, member States of UPOV and, as observers, certain non-member States and intergovernmental organizations.

Other Meetings

1992

March 16 to 20 (Innsbruck-Igls)	International Federation of Industrial Property Attorneys (FICPI): Executive Committee
April 8 to 11 (St. Helena, California)	International Wine Lawyers Association (IWLA): 1992 Conference
May 11 to 15 (Marrakesh)	International Chamber of Commerce (ICC): Conference on "Development Dimensions in the '90s"
October 7 to 10 (Amsterdam)	International League of Competition Law (LIDC): Congress
October 18 to 24 (Maastricht/Liège)	International Confederation of Societies of Authors and Composers (CISAC): Congress
November 15 to 21 (Buenos Aires)	International Federation of Industrial Property Attorneys (FICPI): Executive Committee

1993

June 26 to July 1 (Berlin)	Licensing Executives Society (International) (LES): Annual Meeting

1994

June 10 to 17 (Vienna)	International Federation of Industrial Property Attorneys (FICPI): Congress
June 12 to 18 (Copenhagen)	International Association for the Protection of Industrial Property (AIPPI): Executive Committee