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Announcement on the Protection of Industrial Property in Tajikistan Text 1-002

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

Patent Cooperation Treaty (PCT)

New Member of the PCT Union

LITHUANIA

The Government of Lithuania deposited, on April 5, 1994, its instrument of accession to the Patent Cooperation Treaty (PCT), done at Washington on June 19, 1970.

The said Treaty will enter into force, with respect to Lithuania, on July 5, 1994.

PCT Notification No. 91, of April 5, 1994.

Budapest Treaty

Extension of the List of Kinds of Microorganisms and Related Fees

NATIONAL COLLECTION OF FOOD BACTERIA (NCFB)

(United Kingdom)

The following notification from the Government of the United Kingdom dated March 29, 1994, was received on April 8, 1994, by the Director General of WIPO under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure:

In accordance with Rule 3.3 of the Regulations under the Budapest Treaty, the Government of the United Kingdom of Great Britain and Northern Ireland hereby notify you that the National

Collection of Dairy Organisms (NCDO) has been incorporated into the National Collection of Food Bacteria (NCFB), Earley Gate, Whiteknights Road, Reading, Berkshire RG6 2EF, who will carry out the functions of the former organisation. As a consequence, the kinds of microorganisms accepted for deposit by the NCFB are the following: bacteria (including actinomycetes), plasmids (including recombinants), bacteriophages, and bacteria of milk and milk products.

In accordance with Rule 12.2 of the Regulations under the Treaty, the Government of the United Kingdom of Great Britain and Northern Ireland hereby notify you that the fees to be charged by the NCFB with regard to the items indicated will be as follows:

	GBP
(a) Storage in accordance with the Treaty	350
(b) Issuance of a viability statement . . .	50
(c) Furnishing of a sample (plus cost of carriage)	30

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

The said list of kinds of microorganisms will supplement the list of kinds of microorganisms accepted for deposit by NCFB, published in the February 1990 issue of *Industrial Property*,¹ and the list as amended and the related fees will take affect as from May 31, 1994, the date of publication of the said notification in the present issue of *Industrial Property*.

Budapest Notification No. 90 (this notification is the subject of Budapest Notification No. 128, of May 13, 1994).

¹ *Industrial Property*, 1990, p. 55.

Normative Activities of WIPO in the Field of Industrial Property

Committee of Experts on the Settlement of Intellectual Property Disputes Between States

Sixth Session
(Geneva, February 21 to 25, 1994)

The Committee of Experts on the Settlement of Intellectual Property Disputes Between States held its sixth session in Geneva from February 21 to 25, 1994.¹

The following 68 States and one intergovernmental organization participated as members in the session: Argentina, Armenia, Australia, Austria, Belarus, Belgium, Brazil, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Côte d'Ivoire, Croatia, Democratic People's Republic of Korea, Denmark, Ecuador, Egypt, Finland, France, Germany, Greece, Guinea, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Italy, Japan, Kenya, Latvia, Libya, Lithuania, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovakia, Slovenia, Spain, Swaziland, Sweden, Switzerland, Syria, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, United Kingdom, United States of America, Uruguay, Viet Nam, Zambia, European Community.

Representatives of three intergovernmental organizations (African Intellectual Property Organization (OAPI), European Patent Organisation (EPO), General Agreement on Tariffs and Trade (GATT)) and two non-governmental organizations (International Association for the Protection of Industrial Property (AIPPI), International Literary and Artistic Association (ALAI)) participated in the session in an observer capacity.²

¹ For a note on the fifth session, see *Industrial Property*, 1993, p. 216.

² A full list of participants may be obtained on request from the International Bureau.

The Committee examined the provisions set forth in the draft Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property (document SD/CE/VI/2) and in the draft Regulations under the Treaty (document SD/CE/VI/3).³ The draft Treaty provides for a dispute settlement system which comprises recourse to consultations and submission of disputes to a panel procedure. Good offices, conciliation and mediation as well as arbitration are also provided for on an optional basis. The Committee also discussed a proposal submitted by the Delegation of the European Communities concerning the status of regional economic integration organizations and intergovernmental organizations under the Treaty as well as a proposal submitted by the Government of the Netherlands concerning the compulsory submission of disputes either to arbitration or to the International Court of Justice.

In view of the fact that a number of issues in the draft Treaty and in the draft Regulations under the Treaty required further consideration, in particular the question of the relationship between the dispute settlement system to be established by the proposed Treaty and other dispute settlement systems, including the dispute settlement system to be established as a result of the Uruguay Round of GATT, the Committee was of the view that a further session of the Committee of Experts should be convened.

³ For the texts of the draft Treaty and the draft Regulations thereunder, see *Industrial Property*, 1994, pp. 122 and 168, respectively.

Preparatory Meeting for the Diplomatic Conference for the Conclusion of a Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property

Second Part
(Geneva, February 23 to 25, 1994)

The second part of the Preparatory Meeting for the Diplomatic Conference for the Conclusion of a Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property was held in Geneva from February 23 to 25, 1994.⁴ The same States which were represented in the Committee of Experts were represented at the session, with the exception of Armenia, Belarus and Poland.⁵

⁴For a note on the first part of the Preparatory Meeting, see *Industrial Property*, 1993, p. 235.

⁵ See footnote 2.

Representatives of OAPI, the European Community and the EPO participated in the session in an observer capacity.

The Preparatory Meeting considered and approved the provisions of the suggested text of the proposed Rules of Procedure for the Diplomatic Conference (document SD/PM/4) that had not been adopted by the first part of the Preparatory Meeting and approved the text of the proposed Rules of Procedure as a whole.

Registration Systems Administered by WIPO

Patent Cooperation Treaty (PCT)

Application of Rule 32 of the PCT Regulations (Successor States) in Slovakia and Uzbekistan

In January 1994, in accordance with the above Rule, the International Bureau sent a notification to the applicant of one international application under the PCT—having an international filing date after January 1, 1993, and before March 6, 1993—informing him of the possibility of requesting, within three months from the date of mailing of the notification, the extension of the effects of that application to Slovakia.

In February 1994, in accordance with the said Rule, the International Bureau sent notifications to the applicants (or agents of applicants) of 37,800 international applications under the PCT—having international filing dates after December 25, 1991,

and before October 18, 1993—informing them of the possibility of requesting, within three months from the date of mailing of the notifications, the extension of the effects of such applications to Uzbekistan.

Training and Promotion Meetings With PCT Users

China. In February 1994, two government officials were given two weeks' training in the administrative procedures under the PCT, including its computerized operations, at the headquarters of WIPO. The two officials later proceeded on a study visit to the Austrian Patent Office in Vienna.

Also in February 1994, WIPO organized a study visit for four government officials to observe the PCT operations of the Australian Industrial Property Organisation (AIPO) in Canberra.

United States of America. In late January and early February 1994, two WIPO officials and a WIPO consultant from the United States of America conducted a basic seminar on the PCT for some 60 government officials of the PCT International Division of the United States Patent and Trademark Office (USPTO) in Washington, D.C. Training in the administrative procedures under the PCT was also provided by the WIPO mission.

In February 1994, a WIPO consultant from the United States of America spoke on the PCT at the third annual conference on international patent protection of International Business Communications (IBC), an enterprise in the United States of America, which was held in Washington, D.C. Some 75 participants, most of whom were PCT users, attended the conference.

European Patent Office (EPO). In February 1994, two EPO officials had discussions with WIPO officials in Geneva on questions relating to the statistics of international applications under the PCT.

Japanese Institute of Invention and Innovation (JII). In February 1994, two WIPO officials conducted seminars on the PCT organized by WIPO in cooperation with JII in Tokyo and Osaka. The Tokyo seminar was attended by some 60 participants and that in Osaka by some 90 participants, in both cases from enterprises and patent attorney firms. The

same WIPO officials also had discussions on the PCT in Tokyo with officials of the Japanese Patent Office (JPO) and members of the patent departments of two companies.

Computerization Activities

France. In February 1994, a WIPO official visited Paris to make a presentation of the International Bureau's operations as an alternative receiving Office under the PCT and of the EASY (*Electronic Application SYstem*) software for the electronic filing of applications to the staff of the National Institute of Industrial Property (INPI).

Japan. In February 1994, four WIPO officials discussed certain computerized PCT procedures with government officials in Tokyo.

European Patent Office (EPO). In February 1994, a WIPO official attended a session of the EPO's EASY Steering Committee in The Hague.

European Patent Office/United States Patent and Trademark Office/Japanese Patent Office (EPO/USPTO/JPO). In February 1994, four WIPO officials attended the first session of the Trilateral EPO/USPTO/JPO Technical Expert Meeting held in Tokyo.

Madrid Union

Working Group on the Application of the Madrid Protocol of 1989

Sixth Session
(Geneva, May 2 to 6, 1994)

Introduction

The present document contains a revised version of the draft of the proposed Regulations under the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks. This revised version has been established, in particular, on the basis of the conclusions of the fifth session of the Working Group (October 12 to 16, 1992)¹ and the observations and suggestions received in reply to the invitation for observations and suggestions contained in WIPO

circular C.M 968 of February 5, 1993. Such observations and suggestions were received from France, Italy, Romania, Spain, Switzerland, the United States of America, the European Association of Industries of Branded Products (AIM), the Federation of German Industry (BDI), the International Federation of Industrial Property Attorneys (FICPI) and the Japan Trademark Association (JTA).

Another document (GT/PM/VI/3) contains comments on some of the draft Rules contained in the present document.

DRAFT REGULATIONS UNDER THE MADRID AGREEMENT AND THE MADRID PROTOCOL

LIST OF RULES

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- Rule 1: Abbreviated Expressions
- Rule 2: Communications With the International Bureau; Signature

¹ For the note on the fifth session, see *Industrial Property*, 1992, p. 40.

- Rule 3: Representation Before the International Bureau
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- Rule 24: Designation Subsequent to the International Registration
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- Rule 39: Continuation of Effects of International Registrations in Certain Successor States
- Rule 40: Transitional Provisions in Respect of International Registrations Effected Before the Entry Into Force of the Protocol
- Rule 41: Entry Into Force

SCHEDULE OF FEES

CHAPTER I GENERAL PROVISIONS

Rule 1 Abbreviated Expressions

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, 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;

(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 3ter(1) or (2) of the Agreement or under Article 3ter(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 3ter(1) or (2) of the Agreement or under Article 3ter(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) “Contracting Party designated under the Agreement” means a designated Contracting Party

for which the extension of protection (“territorial extension”) requested under Article 3ter(1) or (2) of the Agreement has been recorded in the International Register;

(xviii) “Contracting Party designated under the Protocol” means a designated Contracting Party for which the extension of protection (“territorial extension”) requested under Article 3ter(1) or (2) of the Protocol has been recorded in the International Register;

(xix) “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;

(xx) “Gazette” means the periodical gazette referred to in Rule 32;

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

(xxii) “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;

(xxiii) “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;

(xxiv) “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;

(xxv) “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;

(xxvi) “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;

(xxvii) “official form” means a form established by the International Bureau or any form having the same contents and format;

(xxviii) “prescribed fee” means the applicable fee set out in the Schedule of Fees;

(xxix) “Director General” means the Director General of the World Intellectual Property Organization;

(xxx) “International Bureau” means the International Bureau of the World Intellectual Property Organization.

Rule 2 Communications With the International Bureau; Signature

(1) [*Communication in Writing; Use of Official Form; Several Documents in One Envelope*]

(a) Subject to paragraphs (3), (4) and (6), communications addressed to the International Bureau shall be effected in writing by a typewriter or other machine and, except where the communication is by telex or telegram, shall be signed.

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

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

(3) [*Communications by Telefacsimile*] (a) Any communication may be addressed to the International Bureau by telefacsimile. Where the use of an official form is prescribed, the original of the communication shall be on the official form.

(b) Where the communication referred to in subparagraph (a) consists of the international application or a subsequent designation, the original must reach the International Bureau within a period of one month from the day on which the communication by telefacsimile was received.

(4) [*Communications by Telex or Telegram*] Communications other than the international application or a subsequent designation may be addressed to the International Bureau by telex or telegram, provided that, where the use of an official form is prescribed, the official form, duly signed and 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 was made.

(5) [*Acknowledgment and Date of Receipt of Telefacsimile by the International Bureau*] (a) The International Bureau shall promptly and by telefacsimile inform the sender of a telefacsimile communication of the receipt of such a communication, and, where the telefacsimile communication received is incomplete or illegible, of that fact also, provided that the sender can be identified and can be reached by telefacsimile.

(b) Where a communication is transmitted by telefacsimile and, because of the time difference between the place from where the communication is transmitted and Geneva, the date on which the transmission started is different from the date of receipt by the International Bureau of the complete communication, the earlier of the two dates shall be considered as the date of receipt by the International Bureau.

(6) [*Electronic Communications; Acknowledgment and Date of Receipt of Electronic Transmission*

by the International Bureau] (a) Where an Office so desires, communications between that Office and the International Bureau, including the presentation of the international application, shall be by electronic means in a way agreed upon between the International Bureau and the Office concerned.

(b) The International Bureau shall promptly and by electronic transmission inform the originator of an electronic transmission of the receipt of such a transmission, and, where the electronic transmission received is incomplete or otherwise unusable, also of that fact, provided that the originator can be identified and can be reached.

(c) Where a communication is by electronic means and, because of the time difference between the place from where the communication is sent and Geneva, the date on which the sending started is different from the date of receipt by the International Bureau of the complete communication, the earlier of the two dates shall be considered as the date of receipt by the International Bureau.

(7) [*Exception Concerning Telefacsimile and Electronic Transmission*] (a) Notwithstanding the provisions of paragraphs (3) and (6)(a), where an international application or a subsequent designation contains as an annex a declaration of intention to use the mark in accordance with Rules 9(6)(d)(i) or 24(3)(b)(i), such declaration shall be on paper and any communication of it by telefacsimile or electronic transmission shall be deemed not to have been received.

(b) The declaration referred to in subparagraph (a) shall be kept by the International Bureau. A copy certified by the International Bureau shall, upon request, be sent by the International Bureau to interested Offices and to any other interested party.

Rule 3 Representation Before the International Bureau

(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,

(i) in respect of an international application governed exclusively by the Agreement, in the territory of a Contracting Party bound by the Agreement;

(ii) in respect of an international application governed exclusively by the Protocol, in the territory of a Contracting Party bound by the Protocol;

(iii) in respect of an international application governed by both the Agreement and the Protocol, in the territory of a Contracting Party;

(iv) in respect of an international registration, in the territory of a 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 of the Representative*] (a) The appointment of the representative shall be made in a separate communication (hereinafter referred to as the "power of attorney") signed by the applicant or the holder. The appointment of a representative may relate to one or more international applications or international registrations, or to all existing and future international applications and international registrations, of the same applicant or holder.

(b) Any international application, any subsequent designation, or any request referred to in Rule 25, which refers to a representative shall either have attached to it the power of attorney appointing the representative or, where applicable, indicate that the power of attorney appointing the representative is already in the possession of the International Bureau.

(3) [*Other Cases of Appointment*] Where the appointment of a representative is not made at the same time as the presentation to the International Bureau of an international application, a subsequent designation or a request under Rule 25, the power of attorney shall

(i) be sent by the applicant or the holder direct to the International Bureau, or

(ii) be transmitted to the International Bureau through an Office, if the applicant or the holder asks for, and the Office admits, such transmittal.

(4) [*Recordal of Appointment of a Representative*] (a) The International Bureau shall, where the appointment complies with the applicable requirements of paragraphs (1)(b), (2) and (3), record the fact that the applicant or holder has a representative, as well as the name and address of the representative, in the International Register.

(b) The International Bureau shall notify the recordal referred to in subparagraph (a) to both the applicant or the holder and the representative; it shall publish the recordal in the Gazette. Where the appointment was transmitted to the International Bureau through an Office, the International Bureau shall also notify the recordal to that Office.

(5) [*Irregular Appointment*] (a) Where the address of the purported representative is not in the territory relevant under paragraph (1)(b), the International Bureau shall treat the appointment as if it had not been made and shall inform accordingly the sender or transmitter, as the case may be, and the purported representative.

(b) Where the appointment of a representative does not comply with the requirements of paragraph (2)(a), the International Bureau shall notify the applicant or holder accordingly and, where the requirements referred to in paragraph (2)(b) are not complied with, the International Bureau shall notify accordingly the applicant or holder and, where applicable, the purported representative.

(c) As long as the International Bureau has not received a power of attorney or where the relevant requirements under paragraphs (1)(b), (2) and (3) are not complied with, the International Bureau shall send all relevant communications to the applicant or holder himself.

(6) [*Effect of Appointment of a Representative*] (a) Except where these Regulations expressly provide otherwise, the signature of a representative recorded under paragraph (4)(a) shall replace the signature of the applicant or holder.

(b) 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 (4)(a) 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.

(c) Any communication addressed to the International Bureau by the representative recorded under paragraph (4)(a) shall have the same effect as if it had been addressed to the said Bureau by the applicant or holder.

(7) [*Cancellation of Recordal*] (a) Any recordal under paragraph (4) shall be cancelled where cancellation is requested in a written communication signed by the applicant, holder or representative. The recordal shall be cancelled *ex officio* by the International Bureau where a new representative is appointed or, in case a change in ownership has been recorded, where no representative is appointed by the new holder of the international registration.

(b) Where the cancellation of recordal is requested by the representative, it shall be effective from the earlier of the following:

(i) the date on which the International Bureau receives a communication appointing a new representative;

(ii) the date of the expiry of a period of two months counted from the receipt of the request of the representative that the recordal be cancelled.

Until the effective date of the cancellation, all communications referred to in paragraph (6)(b) 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 and publish that cancellation in the Gazette. 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 sent to the representative, or received by the International Bureau from the representative, during the six months preceding the date of the notification of the cancellation.

(8) [*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 (7)(b), the cancellation under paragraph (7)(a) of any recordal under paragraph (4) shall be effective from the date on which the International Bureau receives the corresponding communication.

Rule 4

Calculation of Time Limits

(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, except that, where the event occurred on February 29 and in the relevant subsequent year February ends on the 28th, 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, except that, where 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) [*Expiry 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.

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

expiry, according to paragraphs (1) to (3), of the said time limit.

Rule 5

Irregularities in Postal and Delivery Services

(1) [*Communications Sent Through a Postal Service*] Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and mailed through a postal service shall be excused if the interested party submits evidence showing to the satisfaction of the International Bureau

(i) that the communication was mailed at least five days prior to the expiry of the time limit, or, where the postal service was, on any of the 10 days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, that the communication was mailed not later than five days after postal service was resumed,

(ii) that the mailing of the communication was registered, or details of the mailing were recorded, by the postal service at the time of mailing, and

(iii) in cases where all classes of mail do not normally reach the International Bureau within two days of mailing, that the communication was mailed by airmail.

(2) [*Communications Sent Through a Delivery Service*] Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and sent through a delivery service shall be excused if the interested party submits evidence showing to the satisfaction of the International Bureau

(i) that the communication was sent at least five days prior to the expiry of the time limit, or, where the delivery service was, on any of the 10 days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder or natural calamity, that the communication was sent not later than five days after the delivery service was resumed, and

(ii) that details of the sending of the communication were recorded by the delivery service at the time of sending.

(3) [*Limitation on Excuse*] Failure to meet a time limit shall be excused under this Rule only if the evidence referred to in paragraph (1) or (2) and the communication or a duplicate thereof are received by the International Bureau not later than six months after the expiry of the time limit.

(4) [*International Application and Subsequent Designation*] Where the International Bureau receives an international application or a subsequent designation beyond the two-month period referred to

in Article 3(4) of the Agreement, in Article 3(4) of the Protocol and in Rule 24(6)(b), and the Office concerned indicates that the late receipt resulted from circumstances referred to in paragraph (1) or (2), paragraph (1) or (2) and paragraph (3) shall apply.

Rule 6 Languages

(1) [*International Applications Governed Exclusively by the Agreement*] Any international application governed exclusively by the Agreement, and all communications concerning such an application or the international registration resulting therefrom shall be in French.

(2) [*International Applications Governed Exclusively by the Protocol or Governed by Both the Agreement and the Protocol*] Where an 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, it being understood that the Office of origin may allow applicants to choose between English or French; however, any declaration of intention to use the mark that is annexed to the international application under Rule 9(6)(d)(i) shall be in the language applicable under Rule 7(2);

(ii) any communication concerning the international application or the international registration resulting therefrom which is addressed to the International Bureau by the applicant or holder shall be, at the option of the applicant or holder, in English or French;

(iii) any communication concerning the international application or the international registration resulting therefrom which is addressed to the International Bureau by an Office shall be, at the option of that Office, in English or in French;

(iv) any notification concerning the international application or the international registration resulting therefrom which is addressed by the International Bureau to an Office shall be in the language of the international application, unless that Office has notified the International Bureau that all such notifications are to be in English or that all such notifications are to be in French;

(v) any notification concerning the international application or the international registration resulting therefrom by the International Bureau to the applicant or holder shall be in the language of the international application, unless the applicant or holder expresses the wish to receive such notifications in English although the language of the international application is French, or in French although the language of the international application is English.

(3) [*Recordal, Notification and Publication of International Registrations*] (a) Recordal in the International Register, notification by the International Bureau to the Offices of the designated Contracting Parties, and publication in the Gazette, of any international registration resulting from an international application governed exclusively by the Agreement shall be in French. However, if a subsequent designation is made under Rule 24(1)(b) and that subsequent designation is the first subsequent designation made under that Rule in respect of that international registration, the International Bureau shall, together with the publication of such designation in the Gazette, publish the international registration in English and republish the international registration in French.

(b) Recordal in the International Register, notification by the International Bureau to the Offices of the designated Contracting Parties, and publication in the Gazette, of any international registration resulting from an international application 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 recordal, notification or publication shall indicate the language in which the international application was received by the International Bureau.

(c) The translations from English into French or from French into English needed for the recordal in the International Register, notification by the International Bureau to the Offices of the designated Contracting Parties and publication in the Gazette shall be prepared by the International Bureau. The applicant may annex to the international application a proposed translation of any text matter contained in the international application. If the proposed translation is not considered by the International Bureau to be correct, it shall be corrected by the International Bureau, after inviting the applicant to make, within one month from the invitation, observations on the proposed corrections.

(d) Notwithstanding subparagraphs (a) to (c), the mark which is the subject of the international application shall not be the subject of any translation by the International Bureau. Where, in accordance with Rule 9(4)(b)(iii), the applicant gives a translation or translations of the mark, the International Bureau shall not check the correctness of any such translations.

(4) [*Refusals*] (a) Refusals shall be notified to the International Bureau in French where the international registration has been published in French according to paragraph (3)(a), first sentence. The recordal, notification and publication of the refusal shall be made in French.

(b) Refusals shall be notified to the International Bureau in English or French where the international registration has been published in English and

French according to paragraph (3)(b) or where paragraph (3)(a), second sentence, applies. A translation from English into French or from French into English shall be prepared by the International Bureau for the purposes of the recordal, notification and publication of the refusal, which shall be made in English and French.

(5) [*Subsequent Designations and Changes*]

(a) Requests for the recordal of subsequent designations or of changes shall be communicated to the International Bureau

(i) in French where the international registration has been published in French according to paragraph (3)(a), first sentence, except that the request for the recordal of the first subsequent designation made under Rule 24(1)(b) may be communicated in English or French;

(ii) in English or French where the international registration has been published in English and French according to paragraph (3)(b) or where paragraph (3)(a), second sentence, applies; however, any declaration of intention to use the mark that is annexed to the subsequent designation under Rule 24(3)(b)(i) shall be in the language applicable under Rule 7(2).

(b) The recordal and notification referred to in Rule 24(7) and the corresponding publication shall be made

(i) in French where the international registration has been published in French according to paragraph (3)(a), first sentence;

(ii) in English and French where the international registration has been published in English and French according to paragraph (3)(b) or where paragraph (3)(a), second sentence, applies.

(c) The translations from English into French or from French into English needed for the recordal, notification and publication of the subsequent designation or of the change shall be prepared by the International Bureau. The holder may annex to the request for recordal of the subsequent designation or of the change a proposed translation of any text matter contained in the said request. If the proposed translation is not considered by the International Bureau to be correct, it shall be corrected by the International Bureau, after inviting the holder to make, within one month from the invitation, observations on the proposed corrections.

(d) Paragraph (3)(d) shall apply, *mutatis mutandis*, in respect of a subsequent designation, where the holder gives a translation or translations of the mark under Rule 24(3)(c).

(6) [*Renewal*] (a) Where the international registration has been published in French according to paragraph (3)(a), first sentence, the recordal, notifi-

cation and publication of the renewal of that international registration shall be made in French.

(b) Where the international registration has been published in English and French according to paragraph (3)(b), or where paragraph (3)(a), second sentence, applies, the recordal, notification and publication of the renewal of that international registration shall be made in English and French.

Rule 7

Notification of Certain Special Requirements

(1) [*Presentation of Subsequent Designations by 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) [*Intention to Use the Mark*] Where a Contracting Party requires, as a Contracting Party designated under the Protocol, a declaration of intention to use the mark, it shall notify that requirement to the Director General, and shall specify the exact wording of the required declaration. Where that Contracting Party requires the declaration to be signed by the applicant himself and to be made on a separate official form annexed to the international application, the notification shall contain a statement to that effect and, where the Contracting Party further requires the declaration to be in English even if the international application is in French, or to be in French even if the international application is in English, the notification shall specify the required language.

(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) Any notification made under paragraph (1) or (2) may be withdrawn at any time. The notice of withdrawal shall be addressed to the Director General. The withdrawal shall have effect upon receipt of the notice of withdrawal by the Director General or at any later date indicated in the notice.

CHAPTER 2
INTERNATIONAL APPLICATIONS

Rule 8
Several Applicants

(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, in relation to the Contracting Party whose Office is the Office of origin, 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, in relation to the Contracting Party whose Office is the Office of origin, for filing an international application under Article 2(1) of the Protocol.

Rule 9
Requirements Concerning the International Application

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

(2) [*Form and Signature*] (a) The international application shall be presented on the official form in one copy.

(b) The international application shall be signed by the Office of origin and, where the Office of origin so requires, also by the applicant. Where the Office of origin does not require the applicant to sign the international application but allows that the applicant also sign it, the applicant may do so.

(3) [*Fees*] The prescribed fees applicable to the international application shall be paid as provided for in Rules 10, 34 and 35.

(4) [*Content of All International Applications*] (a) 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; where the name of the applicant is in characters other than Latin characters, the indication of that name shall consist of a transliteration into Latin characters which shall follow the phonetics of the language of the international application; where the applicant is a legal entity, and its name is in characters other than Latin characters, the said transliteration may be replaced by a translation into the language of the international application,

(ii) the address of the applicant; such address shall be given in such way as to satisfy the customary requirements for prompt postal delivery and shall consist, at least, of all the relevant administrative units up to, and including, the house number, if any; in addition, telephone and telefacsimile numbers as well as 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; where the name of the representative is in characters other than Latin characters, the indication of that name shall consist of a transliteration into Latin characters which shall follow the phonetics of the language of the international application; where the representative is a legal entity, and its name is in characters other than Latin characters, the said transliteration may be replaced by a translation into the language of the international application,

(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 of the date and, where available, the number of that filing, and, where the priority claim relates to less than all the goods and services listed in the international application, the indication of those goods and services to which the priority claim relates,

(v) where the applicant requests that the mark be registered by the International Bureau as a mark in standard characters, an indication to that effect, and a reproduction of the mark typed in black in the space provided in the official form for marks to be registered as marks in standard characters,

(vi) where no indication is given under item (v), a reproduction of the mark pasted in the box provided in the official form for marks not to be registered as marks in standard characters; the reproduction shall be clear and shall be, depending on whether the reproduction in the basic application or the basic registration is in black and white or in color, in black and white or in color,

(vii) 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, an indication by words of the color or combination of colors claimed and, where the reproduction furnished under item (vi) is in black and white, one reproduction of the mark in color,

(viii) where the basic application or the basic registration is in respect of a three-dimensional mark, the indication "three-dimensional mark,"

(ix) where the basic application or the basic registration is in respect of a sound mark, the indication "sound mark,"

(x) 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,

(xi) where the basic application or the basic registration contains a description of the mark by words, the same description; where the said description is in a language other than the language of the international application, it shall be given in the language of the international application,

(xii) where the mark consists of or contains matter in characters other than Latin characters or numbers expressed in numerals other than Arabic or Roman numerals, a transliteration of such matter in Latin characters and Arabic numerals; the transliteration into Latin characters shall follow the phonetics of the language of the international application,

(xiii) 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, each group preceded by the number of the class, 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 limitations of the list of goods and services in respect of one or more designated Contracting Parties; the limitation in respect of each Contracting Party may be different, and

(xiv) 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) The international application may also contain,

(i) where the applicant is a natural person, an indication of the State of which the applicant is a national;

(ii) where the applicant is a legal entity, indications concerning the legal nature of that legal entity and the State, and, where applicable, the territorial unit within that State, under the law of which the said legal entity has been organized;

(iii) where the mark consists of or contains a word or words that may be translated, a translation of that word or those words into French if the international application is governed exclusively by the Agreement, or into English or French or both if the international application is governed exclusively by the Protocol or is governed by both the Agreement and the Protocol;

(iv) where color is claimed as a distinctive feature of the mark, an indication by words, in respect of each color, of the principal parts of the mark which are in that color.

(5) [*Additional Content of an International Application Governed Exclusively by the Agreement*]

(a) 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)(a),

(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 States that are designated under the Agreement,

(iii) the date and the number of the basic registration, and

(iv) the declaration by the Office of origin as specified in subparagraph (b).

(b) The declaration referred to in subparagraph (a)(iv) shall certify

(i) the date on which the Office of origin received or, as provided in Rule 11(1), is deemed to have received, the request of the applicant to present the international application to the International Bureau,

(ii) that the applicant named in the international application is the same as the holder of the basic registration,

(iii) where the applicant has given the indication referred to in paragraph (4)(a)(v), that the registration and publication of the mark that is the subject of the basic registration were made in the standard characters used by the Office of origin,

(iv) that any indication referred to in paragraph (4)(a)(viii) to (xi) and appearing in the interna-

tional application appears also in the basic registration,

(v) that the mark that is the subject matter of the international application is the same as in the basic registration,

(vi) that, if colors are claimed in the international application, they are the same as in the basic registration, and

(vii) that the goods and services indicated in the international application are covered by the list of goods and services appearing in the basic registration.

(c) Where the international application is based on two or more basic registrations of the same mark in the Office of origin, the declaration referred to in subparagraph (a)(iv) shall be deemed to apply to all those basic registrations.

(6) [Additional Content of an International Application Governed Exclusively by the Protocol] (a) 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)(a),

(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 in the territory in which the constituting treaty of the said organization applies, or a statement that the applicant has a real and effective industrial or commercial establishment in that territory,

(iii) the Contracting Parties that are designated under the Protocol,

(iv) the date and the number of the basic application, or the date and the number of the basic registration, as the case may be, and

(v) the declaration by the Office of origin as specified in subparagraph (b).

(b) The declaration referred to in subparagraph (a)(v) shall certify

(i) the date on which the Office of origin received the request of the applicant to present the international application to the International Bureau,

(ii) 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,

(iii) where the applicant has given the indication referred to in paragraph (4)(a)(v), that the registration and publication of the mark that is the subject of

the basic registration or basic application were made or are intended to be made, as the case may be, in the standard characters used by the Office of origin,

(iv) that any indication referred to in paragraph (4)(a)(viii) to (xi) and appearing in the international application appears also in the basic application or the basic registration, as the case may be,

(v) that the mark that is the subject matter of the international application is the same as in the basic application,

(vi) 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

(vii) that the goods and services indicated in the international application are covered by the list of goods and services appearing in the basic application or basic registration, as the case may be.

(c) 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 referred to in subparagraph (a)(v) shall be deemed to apply to all those basic applications and basic registrations.

(d) The international application shall also contain, where a designation concerns a Contracting Party that has made a notification under Rule 7(2), a declaration of intention to use the mark in the territory of that Contracting Party; the declaration shall be considered part of the designation of the Contracting Party requiring it and shall, as required by that Contracting Party,

(i) be signed by the applicant himself and be made on a separate official form annexed to the international application,* or

(ii) be included in the international application.**

* Where the United States of America is designated, the annex will read as follows: "The undersigned—being the applicant or a member of the firm or an officer of the corporation or association applying, and being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the extension of protection—declares the following with respect to the mark referred to in the subject international application or request for subsequent extension to which this declaration is annexed: that the applicant has a bona fide intention to use the mark in commerce which may lawfully be regulated by the U.S. Congress on the goods, or in connection with the services, referred to in the said application or request for subsequent extension, that the undersigned believes that the applicant is entitled to use the mark in such commerce and that no other person, firm, corporation or association has the right to use the mark in such commerce, either in the identical form of the mark or in such near resemblance to the mark as to be likely, when used on or in connection with the goods or services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of the undersigned's own knowledge are true and all statements made on information and belief are believed to be true."

** Where Canada is designated, the text in the international application will read as follows: "The applicant has the intention to use the mark in Canada and is satisfied that he is entitled to use the mark in Canada in association with the goods and services described in the present international application." The wording will be adapted in respect of a request for a subsequent designation under Rule 24(3)(b)(ii).

(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)(a), 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)(a)(iv), and that that basic registration is the same basic registration as the one referred to in paragraph (5)(a)(iii).

Rule 10

Fees Concerning the International Application

(1) [*International Applications Governed Exclusively by the Agreement*] An international application governed exclusively by the Agreement shall be subject to the payment of the basic fee, the complementary fee and, where applicable, the supplementary fee, specified in item 1 of the Schedule of Fees. Those fees shall be paid in two installments of 10 years. In connection with the payment of the second installment, Rule 30 shall apply.

(2) [*International Applications Governed Exclusively by the Protocol*] An international application governed exclusively by the Protocol shall be subject to the payment of the basic fee, the complementary fee and/or the individual fee and, where applicable, the supplementary fee, specified or referred to in item 2 of the Schedule of Fees. Those fees shall be paid for 10 years.

(3) [*International Applications Governed by Both the Agreement and the Protocol*] An international application governed by both the Agreement and the Protocol shall be subject to the payment of the basic fee, the complementary fee and, where applicable, the individual fee and the supplementary fee, specified or referred to in item 3 of the Schedule of Fees. As far as the Contracting Parties designated under the Agreement are concerned, paragraph (1) shall apply. As far as the Contracting Parties designated under the Protocol are concerned, paragraph (2) shall apply.

Rule 11

Irregularities Other Than Those Concerning the Classification of Goods and Services or Their Indication

(1) [*Premature Request to the Office of Origin*]
 (a) Where the Office of origin received a request to present to the International Bureau an international application governed exclusively by the Agreement before the mark which is referred to in that request is registered in the register of the said Office, the

said request shall be deemed to have been received by the Office of origin, for the purposes of Article 3(4) of the Agreement, on the date of the registration of the mark in the register of the said Office.

(b) Subject to subparagraph (c), where the Office of origin received a request to present to the International Bureau an international application governed by both the Agreement and the Protocol before the mark which is referred to in that request is registered in the register of the said Office, the international application shall be treated as an international application governed exclusively by the Protocol, and the Office of origin shall delete the designation of any Contracting Party bound by the Agreement.

(c) Where the request referred to in subparagraph (b) is accompanied by an explicit request that the international application be treated as an international application governed by both the Agreement and the Protocol once the mark is registered in the register of the Office of origin, the said Office shall not delete the designation of any Contracting Party bound by the Agreement and the request to present an international application shall be deemed to have been received by the said Office, for the purposes of Article 3(4) of the Agreement and Article 3(4) of the Protocol, on the date of the registration of the mark in the register of the said Office.

(2) [*Irregularities to Be Remedied by the Applicant*] (a) If the International Bureau considers that the international application contains irregularities other than those referred to in paragraphs (4) and (6) and in Rules 12 and 13, it shall notify the applicant of the irregularity and at the same time inform the Office of origin.

(b) Such irregularities may be remedied by the applicant within three months from the date of the notification of the irregularity by the International Bureau. If an irregularity is not remedied within three months from the date of the notification of that irregularity by the International Bureau, the international application shall be considered abandoned and the International Bureau shall notify accordingly and at the same time the applicant and the Office of origin.

(3) [*Irregularity to Be Remedied by the Applicant or by the Office of Origin*] (a) Notwithstanding paragraph (2), where the fees payable under Rule 10 have been paid to the International Bureau by the Office of origin and the International Bureau considers that the amount of the fees received is less than the amount required, it shall notify at the same time the Office of origin and the applicant. The notification shall specify the missing amount.

(b) The missing amount may be paid by the Office of origin or by the applicant within three months from the date of the notification by the International Bureau. If the missing amount is not paid within three months from the date of the notification

of the irregularity by the International Bureau, the international application shall be considered abandoned and the International Bureau shall notify accordingly and at the same time the Office of origin and the applicant.

(4) [*Irregularities to Be Remedied by the Office of Origin*] (a) If the International Bureau considers that the international application contains irregularities relating to the entitlement of the applicant to file an international application or relating to the declaration of the Office of origin referred to in Rule 9(5)(a)(iv) or (6)(a)(v) or (7), it shall notify the Office of origin and at the same time inform the applicant.

(b) Such irregularities may be remedied by the Office of origin within three months from the date of notification of the irregularity by the International Bureau. If an irregularity is not remedied within three months from the date of the notification of that irregularity by the International Bureau, the international application shall be considered abandoned and the International Bureau shall notify accordingly and at the same time the Office of origin and the applicant.

(5) [*Reimbursement of Fees*] Where, in accordance with paragraphs (2)(b), (3) or (4)(b), the international application is considered abandoned, the International Bureau shall refund any fees paid in respect of that application, after deduction of an amount corresponding to one half of the basic fee referred to in items 1.1.1, 2.1.1 or 3.1.1 of the Schedule of Fees, to the party having paid those fees.

(6) [*Other Irregularity With Respect to the Designation of a Contracting Party Under the Protocol*] (a) Where, in accordance with Article 3(4) of the Protocol, an international application is received by the International Bureau within a period of two months from the date of receipt of that international application by the Office of origin and the International Bureau considers that a declaration of intention to use the mark is required according to Rule 9(6)(d) or (7) but is missing or does not comply with the applicable requirements, the International Bureau shall promptly notify accordingly and at the same time the applicant and the Office of origin.

(b) The declaration of intention to use the mark shall be deemed to have been received by the International Bureau together with the international application if the missing or corrected declaration is received by the International Bureau within the period of two months referred to in subparagraph (a).

(c) The international application shall be deemed not to contain the designation of the Contracting Party for which a declaration of intention to use the mark is required if the missing or corrected declara-

tion is received after the period of two months referred to in subparagraph (b). The International Bureau shall notify accordingly and at the same time the applicant and the Office of origin, reimburse any designation fee already paid in respect of that Contracting Party and indicate that the designation of the said Contracting Party may be effected as a subsequent designation under Rule 24, provided that such designation is accompanied by or includes, as the case may be, the required declaration.

Rule 12 Irregularities With Respect to the Classification of Goods And Services

(1) [*Proposal for Classification*] (a) If the International Bureau considers that the requirements of Rule 9(4)(a)(xiii) 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 to the Office of origin and at the same time inform the applicant.

(b) The notification of the proposal shall also state the amount, if any, of the fees due as a consequence of the proposed classification and grouping.

(2) [*Opinion Differing From the Proposal*] The Office of origin 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) [*Reminder of the Proposal*] If, within two months from the date of the notification referred to in paragraph (1)(a), the Office of origin has not communicated an opinion on the proposed classification and grouping, the International Bureau shall send to the Office of origin and to the applicant a communication reiterating the proposal. The sending of such a communication shall not affect the three-month period referred to in paragraph (2).

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

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

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

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

(b) If an opinion has been communicated to the International Bureau under paragraph (2), the amount referred to in paragraph (1)(b) or, where applicable, paragraph (5) 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 (4), (5) or (6), as the case may be, failing which the international application shall be considered abandoned and the International Bureau shall notify accordingly the Office of origin and at the same time inform the applicant.

(8) [*Reimbursement of Fees*] Where, in accordance with paragraph (7), the international application is considered abandoned, the International Bureau shall refund any fees paid in respect of that application, after deduction of an amount corresponding to one half of the basic fee referred to in items 1.1.1, 2.1.1 or 3.1.1 of the Schedule of Fees, to the party having paid those fees.

(9) [*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.

Rule 13

Irregularities With Respect to the Indication of Goods and Services

(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 the Office of origin and inform at the same time 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 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 Interna-

tional Bureau shall include in the international registration the term as appearing in the international application, provided that the Office of origin 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, the International Bureau shall delete the said term *ex officio* and shall notify accordingly the Office of origin and inform at the same time the applicant.

CHAPTER 3

INTERNATIONAL REGISTRATIONS

Rule 14

Registration of the Mark in the International Register

(1) [*Registration of the Mark in the International Register*] Where the International Bureau finds that the international application conforms to the applicable requirements, it shall register the mark in the International Register, notify the Offices of the designated Contracting Parties, inform the Office of origin 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) 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,

(v) an indication, with respect to each designated Contracting Party, as to whether it is a Contracting Party designated under the Agreement or a Contracting Party designated under the Protocol.

Rule 15

Date of the International Registration in Special Cases

(1) [*Irregular International Application*]

(a) Where the international application received by the International Bureau does not contain all of the following elements:

(i) indications allowing the identity or the address of the applicant to be established,

- (ii) the indications referred to in Rule 9(5)(a)(i) or Rule 9(6)(a)(i) or (ii),
- (iii) the indications referred to in Rule 9(5)(a)(ii) or Rule 9(6)(a)(iii),
- (iv) the indications referred to in Rule 9(5)(a)(iii) or Rule 9(6)(a)(iv),
- (v) the declaration referred to in Rule 9(5)(a)(iv) and (b) or Rule 9(6)(a)(v) and (b),
- (vi) a reproduction of the mark,
- (vii) the specification of the goods and services for which registration of the mark is sought,

the international registration shall bear the date on which the last of the missing elements has reached the International Bureau, provided that, where the last of the missing elements reaches the International Bureau within the two-month time limit referred to in Article 3(4) of the Agreement and Article 3(4) of the Protocol, the international registration shall bear the date on which the defective international application has been received by the Office of origin.

(b) Where the international application received by the International Bureau does not comply with requirements of Rule 9(4)(a), (5), (6)(a) or (7), other than those referred to in subparagraph (a), or where the requirements of Rule 10 are not complied with, but where all such irregularities have been remedied within three months following the date of the notification referred to in Rule 11(2)(a) or (3), as the case may be, the international registration shall, subject to subparagraph (a), bear the date on which the defective international application has been received by the Office of origin.

(2) [*Irregular Classification*] The date of the international registration shall not be affected by an irregularity in respect of the classification of goods and services if the amount referred to in Rule 12(1)(b) is paid to the International Bureau within the applicable period referred to in Rule 12(7).

CHAPTER 4 FACTS IN CONTRACTING PARTIES AFFECTING INTERNATIONAL REGISTRATIONS

Rule 16 **Time Limit for Refusal in Case** **of Oppositions**

(1) [*Information Relating to Possible Oppositions*] (a) 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, inform 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.

(b) Where, at the time of the communication of the information referred to in subparagraph (a), the dates on which the opposition period begins and ends are known, such dates shall be indicated in the communication. If such dates are, at that time, not yet known, they shall be communicated to the International Bureau once they become known.

(c) Where subparagraph (a) applies and the Office referred to in the said subparagraph has, before the expiry of the 18-month time limit referred to in the same subparagraph, informed the International Bureau of the fact that the time limit for filing oppositions will expire within the month preceding the expiry of the 18-month time limit and of the possibility that oppositions may be filed during that month, a refusal based on an opposition filed during the said month may be notified to the International Bureau within one month from the date of filing of the opposition.

(2) [*Transmittal of the Information*] The International Bureau shall transmit the information received under paragraph (1) to the Office of origin, if that Office has informed the International Bureau that it wishes to receive such information, and, at the same time, to the holder.

Rule 17 **Notification of Refusal**

(1) [*Notification of Refusals*] The notification of any refusal of protection under Article 5 of the Agreement and Article 5 of the Protocol shall relate to one international registration, shall be dated and shall be signed by the Office making the notification.

(2) [*Refusals Not Based on an Opposition*] Where the refusal of protection is not based on an opposition, the notification referred to in paragraph (1) shall contain or indicate

- (i) the Office making the notification,
- (ii) the number of the international registration,
- (iii) the name of the holder,
- (iv) all the grounds on which the refusal is based together with a reference to the corresponding essential provisions of the law,
- (v) where the grounds on which the refusal is based refer to a 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 the former mark, together with the list of goods and services in the application or registration of the former 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 or those which are not affected by the refusal,

(vii) whether the refusal may be subject to review or appeal and, if so, the time limit, reasonable under the circumstances, 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, and

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

(3) [*Refusals Based on an Opposition*] Where the refusal of protection is based on an opposition or on an opposition and other grounds, the notification referred to in paragraph (1) shall, in addition to complying with the applicable requirements referred to in paragraph (2), contain an indication of that fact and of the name and address of the opponent.

(4) [*Recordal; Review or Appeal*] (a) The International Bureau shall record the refusal in the International Register together with the data contained in the notification, 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.

(b) Where the notification of refusal under paragraphs (2) or (3) indicates that the refusal may be subject to review or appeal, the Office that communicated the refusal

(i) shall, where a request for review or an appeal has been lodged, or where the applicable time limit has expired without a request for review or an appeal having been lodged, and the said Office is aware thereof, inform the International Bureau of that fact;

(ii) shall, where it has informed the International Bureau that a request for review or an appeal has been lodged, notify the International Bureau as soon as possible of the final decision taken on the review or appeal or, where the request for review or the appeal has been withdrawn, inform as soon as possible the International Bureau of that withdrawal;

(iii) shall, where a request for review or an appeal has been lodged without the International Bureau having been informed accordingly, notify the International Bureau as soon as possible of the final decision taken on the review or appeal.

(c) The International Bureau shall record in the International Register the relevant facts and data referred to in subparagraph (b) of which it has been informed.

(5) [*Transmittal of Copies of Notifications*] The International Bureau shall transmit copies of notifica-

tions received under paragraphs (2) to (4) to the Office of origin, if that Office has informed the International Bureau that it wishes to receive such copies, and, at the same time, to the holder.

Rule 18 **Irregular Refusals**

(1) [*Contracting Party Designated Under the Agreement*] (a) In the case of a refusal concerning the effect of the international registration in a Contracting Party designated under the Agreement, the notification of refusal shall not be regarded as such by the International Bureau

(i) if it does not indicate the number of the international registration concerned, unless other indications contained in the notification permit the said registration to be identified,

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

(iii) if it is sent too late to the International Bureau, that is, if it is sent after the expiry 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 a notification of refusal sent through a postal service, 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 was sent 20 days before the date of its receipt by the International Bureau. 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. In the case of a notification of refusal sent through a delivery service, the date of dispatch shall be determined by the indication given by such delivery service on the basis of the details of the mailing as recorded by it.

(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

(i) is not signed on behalf of the Office which communicated the refusal,

(ii) does not contain, where applicable, the details of the mark with which the mark that is the subject of the international application appears to be in conflict (Rule 17(2)(v)),

- (iii) does not contain, where applicable, the name and address of the opponent (Rule 17(3)),
- (iv) does not contain, 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 or the indication of those goods and services that are not affected by the refusal (Rule 17(2)(vi)),
- (v) does not contain, where applicable, the indication of the authority to which a request for review or an appeal lies and the applicable time limit, reasonable under the circumstances, for lodging such a request or appeal (Rule 17(2)(vii)), or
- (vi) does not contain the indication of the date on which the refusal was pronounced (Rule 17(2)(viii)),

the International Bureau shall invite the Office which communicated the refusal to rectify its notification within one month 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. The International Bureau shall transmit copies of the rectified notification to the Office of origin, if that Office has informed the International Bureau that it wishes 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. In the latter case, 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.

(2) [*Contracting Party Designated Under the Protocol*] (a) Paragraph (1) shall also apply in the case of a refusal concerning the effect of the international registration in a Contracting Party designated under the Protocol, it being understood that the time limit referred to in paragraph (1)(a)(iii) shall be the time limit applicable under Article 5(2)(a), (b) or (c)(ii) of the Protocol.

(b) Paragraph (1)(a) shall apply to determine whether the time limit before the expiry of which the Office of the Contracting Party concerned must give the International Bureau the information referred to in Article 5(2)(c)(i) of the Protocol has been complied with. If such information is given after the expiry of that time limit, it shall be regarded as not having been given and the International Bureau shall inform the Office concerned accordingly.

(c) Where the notification of refusal is made under Article 5(2)(c)(ii) of the Protocol without the requirements of Article 5(2)(c)(i) of the Protocol

having been complied with, it shall not be regarded as a notification of refusal. In such a case, 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.

Rule 19 **Invalidations in Designated** **Contracting Parties**

(1) [*Content of the Notification of Invalidation*] Where the effects of an international registration are invalidated in a designated Contracting Party under Article 5(6) of the Agreement or Article 5(6) of the Protocol 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 contain or indicate

- (i) the authority which pronounced the invalidation,
- (ii) the fact that the invalidation is no longer subject to appeal,
- (iii) the number of the international registration,
- (iv) the name of the holder,
- (v) if the invalidation does not concern all the goods and services, those in respect of which the invalidation has been pronounced or those in respect of which the invalidation has not been pronounced, and
- (vi) the date on which the invalidation was pronounced.

(2) [*Recordal of the Invalidation and Information of the Holder*] Where 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.

Rule 20 **Restriction of the Holder's Right of Disposal**

(1) [*Communication of Information*] The Office of any designated Contracting Party may inform the International Bureau that the holder's right of disposal has been restricted in respect of the international registration in the territory of that Contracting Party. Such information, if given, shall refer to the main facts concerning such a restriction and shall be given in the language of the international application which resulted in the international registration.

(2) [*Partial or Total Removal of Restriction*] Where the International Bureau has been informed of a restriction of the holder's right of disposal in accordance with paragraph (1), the Office of the

Contracting Party which communicated that information shall also inform the International Bureau of any partial or total removal of that restriction.

(3) [*Recordal*] The International Bureau shall record the information communicated under paragraphs (1) and (2) in the International Register and shall inform the holder accordingly.

(4) [*Licenses*] The present Rule shall not apply to licenses.

Rule 21
Replacement of a National
or Regional Registration
by an International Registration

(1) [*Notification*] Where, in accordance with Article 4bis(2) of the Agreement or Article 4bis(2) of the Protocol, the Office of a designated Contracting Party has taken note in its Register, following a request made direct by the holder with that Office, that a national or a regional registration has been replaced by an international registration, that Office shall notify the International Bureau accordingly. Such notification shall indicate

(i) the number of the international registration concerned,

(ii) where the replacement concerns only one or some of the goods and services listed in the international registration, those goods and services, and

(iii) the filing date and registration date and, if any, the priority date of the national or regional registration which has been replaced by the international registration.

(2) [*Recordal*] The International Bureau shall record the indications notified under paragraph (1) in the International Register and shall inform the holder accordingly.

Rule 22
Ceasing of Effect of the Basic Application,
of the Registration Resulting Therefrom,
or of the Basic Registration

(1) [*Notification Relating to Ceasing of Effect of the Basic Application, of the Registration Resulting Therefrom, or of the Basic Registration*] (a) Where Article 6(3) and (4) of the Agreement or Article 6(3) and (4) of the Protocol, or both, apply, the Office of origin shall notify the International Bureau accordingly and shall indicate

(i) the number of the international registration,

(ii) the name of the holder,

(iii) the facts and decisions affecting the basic registration, or, where the international registration concerned is based on a basic application which has not resulted in a registration, the facts and decisions

affecting the basic application, or, where the international registration is based on a basic application which has resulted in a registration, the facts and decisions affecting that registration, and the effective date of those facts and decisions, and

(iv) where the said facts and decisions affect the international registration only with respect to some of the goods and services, those goods and services which are affected by the facts and decisions or those which are not affected by the facts and decisions.

(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.

(c) Once the judicial action or proceeding referred to in subparagraph (b) has resulted in the final decision referred to in Article 6(4) of the Agreement, 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 promptly notify the International Bureau accordingly and shall give the indications referred to in subparagraph (a)(i) to (iv).

(2) [*Rectification of the Notification*] If the notification referred to in paragraph (1) does not comply with the requirements of that paragraph, the International Bureau shall invite the Office of origin to rectify the notification within one month from the date of the invitation.

(3) [*Recordal and Transmittal of the Notification; Cancellation of the International Registration*] (a) The International Bureau shall record any notification referred to in paragraph (1) in the International Register and shall transmit a copy of the notification to the Offices of the designated Contracting Parties and to the holder.

(b) Where any notification referred to in paragraph (1)(a) or (c) requests cancellation of the international registration and complies with the requirements of that paragraph, the International Bureau shall cancel, to the extent applicable, the international registration in the International Register.

(c) Where the international registration has been cancelled in the International Register in accordance with subparagraph (b), the International Bureau shall notify the Offices of the designated Contracting Parties and the holder of the following:

- (i) the date on which the international registration was cancelled in the International Register;
- (ii) where the cancellation concerns all goods and services, that fact;
- (iii) where the cancellation concerns only some of the goods and services, the goods and services concerned.

Rule 23

Division of the Basic Application, of the Registration Resulting Therefrom, or of the Basic Registration

(1) [*Notification of the Division of the Basic Application*] Where, during the five-year period referred to in Article 6(3) of the Protocol, the basic application is divided into two or more applications, the Office of origin shall notify the International Bureau accordingly and shall indicate

- (i) the number of the international registration or, if the international registration has not yet been effected, the number of the basic application,
- (ii) the name of the holder or applicant,
- (iii) the number of each application, and
- (iv) the goods and services covered by each application.

(2) [*Recordal and Transmittal of the Notification*] The International Bureau shall record the notification referred to in paragraph (1) in the International Register and shall transmit a copy of the notification to the Offices of the designated Contracting Parties and, at the same time, to the holder.

(3) [*Division of the Registration Resulting From the Basic Application or of the Basic Registration*] Paragraphs (1) and (2) shall apply, *mutatis mutandis*, to the division of any registration which resulted from the basic application referred to in Article 6(3) of the Protocol and to the division of the basic registration referred to in Article 6(3) of the Agreement and in Article 6(3) of the Protocol.

CHAPTER 5

SUBSEQUENT DESIGNATIONS; CHANGES

Rule 24

Designation Subsequent to the International Registration

(1) [*Entitlement*] (a) A Contracting Party may be the subject of a designation made subsequent to the international registration (herein referred to as "subsequent designation") where, at the time of that designation, the holder is entitled, under Articles 1(2) and 2 of the Agreement or Article 2 of the Protocol and subject to Article 9*sexies* of the Protocol, to designate such a Contracting Party.

(b) The holder of an international registration resulting from an international application governed exclusively by the Agreement may designate Contracting Parties bound by the Protocol but not by the Agreement, provided that, at the time of that designation, the Contracting Party whose Office is the Office of origin is bound by the Protocol, or, where a change in ownership has been recorded, the Contracting Party, or at least one of the Contracting Parties, in respect of which the new holder fulfills the conditions to be the holder of an international registration is bound by the Protocol.

(c) The holder of an international registration resulting from an international application governed exclusively by the Protocol may designate Contracting Parties bound by the Agreement but not by the Protocol, provided that, at the time of that designation, the Contracting Party whose Office is the Office of origin is bound by the Agreement, or, where a change in ownership has been recorded, the Contracting Party, or at least one of the Contracting Parties, in respect of which the new holder fulfills the conditions to be the holder of an international registration, is bound by the Agreement, and provided that either the international registration is based on a basic registration, or, if it is based on a basic application and the said application resulted in a registration, the Office of origin has sent, at the request of the holder of the international registration, a declaration to the International Bureau certifying that fact and indicating the date of the registration and the list of goods and services included in that registration, and the International Bureau has recorded the contents of that declaration.

(2) [*Presentation; Form and Signature*] (a) A subsequent designation shall be presented to the International Bureau by the holder, by the Office of origin, or by another interested Office if the holder asks for, and that Office admits, such presentation; however, where Rule 7(1) applies, it must be presented by the Office of origin.

(b) The subsequent designation shall be presented on the official form in one copy. Where it is presented by the holder, it shall be signed by the holder. Where it is presented by an Office, it shall be signed by that Office and, where the Office so requires, also by the holder. Where it is presented by an Office and that Office, without requiring that the holder also sign it, allows that the holder also sign it, the holder may do so.

(3) [*Content*] (a) The subsequent designation shall indicate

- (i) the number of the international registration concerned,
- (ii) the name and address of the holder,
- (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 subsequent designation, and

(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 subsequent designation concerns a Contracting Party that has made a notification under Rule 7(2), that subsequent designation shall also contain a declaration of intention to use the mark in the territory of that Contracting Party; the declaration shall, as required by the said Contracting Party,

(i) be signed by the holder himself and be made on a separate official form annexed to the subsequent designation, or

(ii) be included in the subsequent designation.

(c) The subsequent designation may also contain the indications and translation or translations, as the case may be, referred to in Rule 9(4)(b).

(4) [*Fees*] The subsequent designation shall be subject to the payment of the fees specified in item 5 of the Schedule of Fees.

(5) [*Irregularities*] (a) Subject to subparagraph (c), if the subsequent designation does not comply with the applicable requirements, the International Bureau shall notify that fact to the holder and, if the subsequent designation was presented by an Office, that Office.

(b) If the irregularity is not remedied within three months from the date of the notification of the irregularity by the International Bureau, the subsequent designation shall be considered abandoned and the International Bureau shall refund any fees paid, after deduction of an amount corresponding to one half of the basic fee referred to in item 5.1 of the Schedule of Fees, to the party having paid those fees.

(c) Notwithstanding subparagraphs (a) and (b), if a subsequent designation is presented under paragraph (1)(b) or (c) and the requirements of paragraph (1)(b) or (c), as the case may be, are not complied with in respect of one or more of the designated Contracting Parties, the subsequent designation shall be deemed not to contain the designation of those Contracting Parties, and any complementary or individual fees already paid in respect of those Contracting Parties shall be reimbursed.

(6) [*Date of Subsequent Designation*] (a) A subsequent designation presented by the holder direct to the International Bureau shall, subject to subparagraph (c)(i), bear the date of its receipt by the International Bureau.

(b) A subsequent designation presented to the International Bureau by an Office shall, subject to subparagraph (c)(i), bear the date on which it was received by that Office, provided that the said designation has been received by the International Bureau within a period of two months from that date. If the subsequent designation has not been received by the

International Bureau within that period, it shall, subject to subparagraph (c)(i), bear the date of its receipt by the International Bureau.

(c) Where the subsequent designation does not comply with the applicable requirements and the irregularity is remedied within three months from the date of the notification referred to in paragraph (5)(a),

(i) the subsequent designation shall, where the irregularity concerns any of the requirements referred to in paragraphs (3)(a)(i) and (iii) and (b), bear the date on which that designation is put in order, unless the said designation was presented to the International Bureau by an Office and the irregularity is remedied within the period of two months referred to in subparagraph (b); in the latter case, the subsequent designation shall bear the date on which it was received by the said Office;

(ii) the date applicable under subparagraph (a) or (b), as the case may be, shall not be affected by an irregularity concerning requirements other than those which are referred to in paragraphs (3)(a)(i) and (iii) and (b).

(7) [*Recordal and Notification*] Where the International Bureau finds that the subsequent designation conforms to the applicable requirements, it shall record it in the International Register and shall notify accordingly the Office of the Contracting Party that has been designated in the subsequent designation and inform at the same time the holder and, if the subsequent designation was presented by an Office, that Office.

(8) [*Refusal*] Rules 16 to 18 shall apply *mutatis mutandis*.

Rule 25

Request for Recordal of a Change; Request for Recordal of a Cancellation

(1) [*Presentation of the Request*] (a) A request for recordal shall be presented to the International Bureau on the relevant official form in one copy where such a request relates to any of the following:

(i) a change in the ownership of the international registration in respect of all or some of the goods and services and one or more of the designated Contracting Parties;

(ii) a limitation of the list of goods and services in respect of one or more of the designated Contracting Parties;

(iii) a renunciation in respect of one or more of the designated Contracting Parties for all the goods and services;

(iv) a change in the name or address of the holder or of the representative;

(v) cancellation of the international registration.

(b) The request shall be presented by the holder or by the Office of origin or another interested Office, except that

(i) the request for recordal of a change other than a change in the name or address of the holder or of the representative must be presented by the Office of origin or another interested Office where the change affects any Contracting Party designated under the Agreement, and

(ii) the request for the recordal of a cancellation must be presented by the Office of origin or another interested Office where any of the designated Contracting Parties in the international registration to be cancelled had been designated under the Agreement.

(c) Where the request is presented by the holder, it shall be signed by the holder. Where it is presented by an Office, it shall be signed by that Office and, where the Office so requires, also by the holder. Where it is presented by an Office and that Office, without requiring that the holder also sign it, allows that the holder also sign it, the holder may do so.

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

(i) the number of the international registration concerned,

(ii) the name of the holder,

(iii) in case of a change in the ownership of the international registration, the name and address, indicated in accordance with Rule 9(4)(a)(i) and (ii), of the natural person or legal entity mentioned in the request as the new holder of the international registration (hereafter referred to as "the transferee"),

(iv) in case of a change in the ownership of the international registration, the Contracting Party or Parties in respect of which the transferee fulfills the conditions, under Articles 1(2) and 2 of the Agreement or under Article 2(1) of the Protocol, to be the holder of an international registration, and

(v) 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) The request for the recordal of a change in the ownership of the international registration may also contain,

(i) where the transferee is a natural person, an indication of the State of which the transferee is a national;

(ii) where the transferee is a legal entity, indications concerning the legal nature of that legal entity and the State, and, where applicable, the territorial unit within that State, under the law of which the said legal entity has been organized.

(3) [*Request Not Admissible*] A change in the ownership of an international registration may not be recorded in respect of a given designated Contracting Party if that Contracting Party

(i) has been designated under the Agreement and the Contracting Party indicated under paragraph (2)(a)(iv) is not bound by the Agreement, or none of the Contracting Parties indicated under that paragraph is bound by the Agreement;

(ii) has been designated under the Protocol and the Contracting Party indicated under paragraph (2)(a)(iv) is not bound by the Protocol, or none of the Contracting Parties indicated under that paragraph is bound by the Protocol.

Rule 26 **Irregularities in Requests for Recordal** **of a Change and for Recordal** **of a Cancellation**

(1) [*Irregular Request*] If the request for the recordal of a change, or the request for the recordal of a cancellation, referred to in Rule 25(1)(a) does not comply with the applicable requirements, the International Bureau shall notify that fact to the holder and, if the request was made by an Office, to that Office.

(2) [*Time Allowed to Remedy Irregularity*] The irregularity may be remedied within three months from the date of the notification of the irregularity by the International Bureau. 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 paid shall be reimbursed, after deduction of an amount corresponding to one half of the relevant fees referred to in item 7 of the Schedule of Fees, to the party having paid those fees.

Rule 27 **Recordal and Notification of a Change** **or of a Cancellation; Refusal of the Effect** **of a Change in Ownership**

(1) [*Recordal and Notification of a Change or of a Cancellation*] (a) The International Bureau shall, provided that the request referred to in Rule 25(1)(a) is in order, promptly record the change or the cancellation in the International Register, shall notify accordingly the Offices of the designated Contracting Parties in which the change has effect or, in the case of a cancellation, the Offices of all the designated Contracting Parties, and shall inform at the same time the holder and, if the request was presented by

an Office, that Office. Where the request for the recordal of a cancellation was presented by the holder or an interested Office during the five-year period referred to in Article 6(3) of the Agreement and Article 6(3) of the Protocol, the International Bureau shall also inform the Office of origin.

(b) The recordal of the change shall, subject to Rule 26(2), show the date of receipt by the International Bureau of the request complying with the applicable requirements. Where the change consists of a renunciation, the designation of the Contracting Party concerned shall be cancelled in the International Register.

(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 designated 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 cancelled under the number of the said international registration and recorded as a separate international registration. The separate international registration 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 resulting from a partial change in ownership under paragraph (2), the registrations shall be merged on the request of the said person or entity, and paragraph (1) and Rules 25 and 26 shall apply *mutatis mutandis*.

(4) [*Refusal of the Effect of a Change in Ownership*] (a) The Office of a designated Contracting Party which is notified, by the International Bureau, of a change in ownership affecting that Contracting Party may declare that the effect of the change in ownership in the said Contracting Party is refused. Such declaration shall indicate the grounds on which the refusal is based and the corresponding essential provisions of the law. It shall be notified to the International Bureau which shall notify accordingly the party (holder or Office) that presented the request for the recordal of a change in ownership and the new holder.

(b) Any final decision relating to the refusal referred to in subparagraph (a) above shall be notified to the International Bureau which shall record the final decision, notify accordingly the party (holder or Office) that presented the request for the recordal of a change in ownership and the new holder. If the final decision confirms the refusal, the publication of the change in ownership shall be modified accordingly.

Rule 28 Corrections in the International Register

(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.

CHAPTER 6 RENEWALS

Rule 29 Unofficial Notice of Expiry

The fact that the unofficial notice referred to in Article 7(4) of the Agreement and Article 7(3) of the Protocol is not received shall not constitute an excuse for failure to comply with any time limit under Rule 30.

Rule 30 Details Concerning Renewal

(1) [*Fees*] (a) The international registration shall be renewed upon payment, at the latest on the date on which the renewal of the international registration is due, of

- (i) the basic fee,
- (ii) where applicable, the supplementary fee, and,
- (iii) the complementary fee or individual fee, as the case may be, for each designated Contracting Party for which no refusal or invalidation is recorded in the International Register in respect of all the goods and services concerned,

as specified in item 6 of the Schedule of Fees. However, such payment may be made within six months from the date on which the renewal of the international registration is due, provided that the

surcharge specified in item 6.5 of the Schedule of Fees is paid at the same time.

(b) If any payment made for the purposes of renewal is received by the International Bureau earlier than three months before the date on which the renewal of the international registration is due, it shall be considered as having been received three months before the date on which renewal is due.

(2) [*Further Details*] (a) Where the holder does not wish to renew the international registration in respect of a designated Contracting Party for which no refusal or invalidation is recorded in the International Register in respect of all the goods and services concerned, payment of the required fees shall be accompanied by a statement that the renewal of the international registration is not to be recorded in the International Register in respect of that Contracting Party.

(b) Where the holder wishes to renew the international registration in respect of a designated Contracting Party notwithstanding the fact that a refusal or invalidation is recorded in the International Register for that Contracting Party in respect of all the goods and services concerned, payment of the required fees shall be accompanied by a statement that the renewal of the international registration is to be recorded in the International Register in respect of that Contracting Party.

(c) The international registration may not be renewed in respect of any Contracting Party the designation of which has been cancelled for all goods and services.

(d) The fact that the international registration is not renewed in respect of all of 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.

(3) [*Insufficient Fees*] (a) If the amount of the fees received is less than the amount of the fees required for renewal, the International Bureau shall promptly notify at the same time both the holder and the representative, if any, accordingly. The notification shall specify the missing amount.

(b) If the amount of the fees received is, on the expiry of the period of six months referred to in paragraph (1)(a), less than the amount required under paragraph (1), the International Bureau shall not, subject to subparagraph (c), record the renewal, and shall reimburse the amount received to the party having paid it and notify the holder and the representative, if any, accordingly.

(c) If the notification referred to in subparagraph (a) was sent during the three months preceding the expiry of the period of six months referred to in paragraph (1)(a) and if the amount of the fees

received is, on the expiry of that period, less than the amount required under paragraph (1) but is at least 70% of that amount, the International Bureau shall proceed as provided in Rule 31(1) and (4), provided that the amount required is fully paid within three months from the said notification. If the amount required is not paid by that time, the International Bureau shall cancel the renewal, notify accordingly the holder, the representative, if any, and the Offices which had been notified of the renewal, and reimburse the amount received to the party having paid it.

(4) [*Period for Which Renewal Fees Are Paid*] The fees required for each renewal shall be paid for 10 years, irrespective of the fact that the international registration contains, in the list of designated Contracting Parties, only Contracting Parties designated under the Agreement, only Contracting Parties designated under the Protocol, or both Contracting Parties designated under the Agreement and Contracting Parties designated under the Protocol. As regards payments under the Agreement, the payment for 10 years shall be considered to be a payment for an installment of 10 years.

Rule 31

Recordal of the Renewal; Notification and Certificate

(1) [*Recordal and 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) [*Renewal Date in the Case of Subsequent Designations*] The effective date of the renewal shall be the same for all designations contained in the international registration, irrespective of the date on which such designations were recorded in the International Register.

(3) [*Notification in Case of Non-Renewal*] (a) Where an international registration is not renewed, the International Bureau shall notify the Offices of all of the Contracting Parties designated in that international registration accordingly.

(b) Where an international registration is not renewed in respect of a designated Contracting Party, the International Bureau shall notify the Office of such Contracting Party accordingly.

(4) [*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.

CHAPTER 7
GAZETTE AND DATA BASE

Rule 32
Gazette

(1) [*Information Concerning International Registrations*] (a) The International Bureau shall publish in the Gazette relevant data concerning

(i) international registrations effected under Rule 14;

(ii) information communicated under Rule 16(1);

(iii) refusals recorded under Rule 17(4), with an indication as to whether there is a possibility of review or appeal, but without the grounds for refusal;

(iv) renewals recorded under Rule 31(1), with a reproduction of the mark in black and white and an indication of the designated Contracting Parties in respect of which the renewal has been recorded;

(v) subsequent designations recorded under Rule 24(7);

(vi) changes in ownership, limitations, renunciations and changes in name or address recorded under Rule 27, with an indication of the class or classes of the International Classification covered by the international registration;

(vii) cancellations effected under Rule 22(3) or recorded under Rule 27(1);

(viii) corrections effected under Rule 28;

(ix) invalidations recorded under Rule 19(2);

(x) appointments of representatives recorded under Rule 3(4) and cancellations of such appointments effected under Rule 3(7);

(xi) information recorded under Rules 20, 21, 22(1)(b), 23 and 40;

(xii) international registrations which have not been renewed.

(b) Where the applicant has given the indication referred to in Rule 9(4)(a)(v), the International Bureau shall publish that fact; where the International Bureau considers that the mark, whether typed with characters in lower case, with characters in upper case, or with one or more characters in lower case and one or more characters in upper case, consists entirely of characters which have corresponding characters in a list of upper case characters established by the International Bureau, publication of the mark shall be in the characters of that list; otherwise, the publication of the mark shall consist of a reproduction of the mark as it appears in the international application.

(c) Where the applicant has not given the indication referred to in Rule 9(4)(a)(v), the publication of the mark shall consist of a reproduction of the mark as it appears in the international application.

(d) Where color is claimed and the reproduction of the mark contained in the international application

according to Rule 9(4)(a)(vi) 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 9(4)(a)(vii).

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

(i) any notification made under Rule 7;

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

(iii) any declarations made under Article 8(7) of the Protocol;

(iv) 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 which has communicated it to the International Bureau.

(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*] (a) The International Bureau shall send each Office copies of the Gazette. 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, at half of the subscription price, each year the same number of copies as the number to which it is entitled free of charge.

(b) If the Gazette is available in more than one form, each Office may choose the form in which it wishes to receive any copy to which it is entitled.

Rule 33
Electronic Data Base

(1) [*Content of Data Base*] The data which are both recorded in the International Register and published in the Gazette under Rule 32 shall be entered in an electronic data base.

(2) [*Data Concerning Pending International Applications and Subsequent Designations*] If an international application or a designation under Rule 24 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 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.

(3) [*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 (2) 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 24.

CHAPTER 8 FEES

Rule 34 Payment of Fees

(1) [*Payments*] The fees indicated in the Schedule of Fees may be paid to the International Bureau by the applicant or the holder, or, where the Office of origin or another interested Office accepts to collect and forward such fees, and the applicant or the holder so wishes, by that Office.

(2) [*Modes of Payment*] The fees indicated in the Schedule of Fees may be paid to the International Bureau

(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.

(3) [*Indications Accompanying the Payment*] At the time of the payment of any fee to the International Bureau, 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.

(4) [*Date of Payment*] (a) Subject to Rule 30(1)(b) and to subparagraph (b), any fee shall be considered to have been paid to the International Bureau 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 and that Bureau has received instructions from the holder of the account to debit it, the fee shall be considered to have been paid to the International Bureau on the day on which the International Bureau receives an international application, a subsequent designation, a request for the recordal of a change or correction, or an instruction to renew an international registration, which is in conformity with these Regulations.

(5) [*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 on the first date shall be applicable.

(b) Where a designation under Rule 24 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 on 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, or on the date considered to be the date of payment under Rule 30(1)(b), shall be applicable. Where the payment is made after the due date, the fee that was valid on the due date shall be applicable.

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

Rule 35 Currency of Payments

(1) [*Obligation to Use Swiss Currency*] All payments due under these Regulations shall be made to the International Bureau in Swiss currency irrespective of the fact that, where the fees are paid by the Office of origin or by another interested Office,

such Office may have collected such fees in another 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 referred to in subparagraph (a) 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) Where, for more than 30 consecutive days, the official exchange rate of the United Nations between the 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 the 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.

**Rule 36
Exemption From Fees**

Recordal of the following shall be exempt from fees:

- (i) the appointment of a representative, any change concerning a representative and the cancellation of the recordal of a representative,
- (ii) any change concerning the telephone and telefacsimile numbers of the holder,
- (iii) the cancellation of the international registration,
- (iv) any renunciation under Rule 25(1)(a)(iii),
- (v) any limitation effected in the international application itself in accordance with Rule 9(4)(a)(xiii),
- (vi) any request by an Office in accordance with Article 6(4), first sentence, of the Agreement or Article 6(4), first sentence, of the Protocol,
- (vii) the existence of a judicial proceeding or of a final judgment affecting the basic application or the basic registration,
- (viii) any refusal under Rule 17, Rule 24(8), Rule 27(4) or Rule 28(3), or any notification under Rule 17(4)(b),
- (ix) the invalidation of the international registration,
- (x) information communicated under Rule 20,
- (xi) any notification under Rule 21 or Rule 23,
- (xii) any correction in the International Register.

**Rule 37
Distribution of Supplementary Fees
and Complementary Fees**

(1) The coefficient referred to in Article 8(5) and (6) of the Agreement and Article 8(5) and (6) of the Protocol shall be as follows:

for Contracting Parties which examine only for absolute grounds of refusal	two
for Contracting Parties which also examine for prior rights:	
(a) following opposition by third parties	three
(b) <i>ex officio</i>	four

(2) Coefficient four shall also be applied to Contracting Parties which carry out *ex officio* searches for prior rights with an indication of the most significant prior rights.

**Rule 38
Crediting of Individual Fees to the
Accounts of the Contracting
Parties Concerned**

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 registra-

tion, designation subsequent to the international registration or renewal for which that fee has been paid was effected.

CHAPTER 9
MISCELLANEOUS

Rule 39
Continuation of Effects of International Registrations in Certain Successor States

(1) Where any State (“the successor State”) whose territory was, before the independence of that State, part of the territory of a Contracting State (“the predecessor country”) has deposited with the Director General a declaration of continuation the effect of which is that the Agreement is applied by the successor State, the effects in the successor State of any international registration with a territorial extension to the predecessor country which is effective from a date prior to the date fixed under paragraph (2) shall be subject to

(i) the filing with the International Bureau, within six months from the date of a notice addressed for that purpose by the International Bureau to the holder of the international registration concerned, of a request that such international registration continue its effects in the successor State, and

(ii) the payment to the International Bureau, within the same time limit, of a fee of 22 Swiss francs, which shall be transferred by the International Bureau to the Office of the successor State, and of a fee of 40 Swiss francs for the benefit of the International Bureau.

(2) The date referred to in paragraph (1) shall be the date notified by the successor State to the International Bureau for the purposes of this Rule, provided that such date may not be earlier than the date of independence of the successor State.

(3) The International Bureau shall, upon receipt of the request and the fees referred to in paragraph (1), notify the Office of the successor State and make the corresponding recordal in the International Register and the corresponding publication in the Gazette.

(4) With respect to any international registration concerning which the Office of the successor State has received a notification under paragraph (3), that Office may only refuse protection if the time limit referred to in Article 5(2) of the Agreement and Article 5(2) of the Protocol has not expired with respect to the territorial extension to the predecessor country and if the notification of refusal is received by the International Bureau within that time limit.

(5) This Rule shall not apply to the Russian Federation.

Rule 40
Transitional Provisions in Respect of International Registrations Effected Before the Entry Into Force of the Protocol

(1) [*Subsequent Designations*] Where an international registration, effected before the entry into force of the Protocol and for which the required fees had been paid for 20 years, is the subject of a subsequent designation under Rule 24 and where the current term of protection of that international registration expires more than 10 years after the effective date of the subsequent designation as established in accordance with Rule 24(6), the provisions of paragraphs (2) and (3) shall apply.

(2) [*Notice*] Six months before the expiry of the first period of 10 years of the current term of protection of the international registration, the International Bureau shall send to the holder and his representative, if any, a notice indicating the exact date of expiry of the first period of 10 years and the Contracting Parties which were the subject of subsequent designations referred to in paragraph (1). Rule 29 shall apply *mutatis mutandis*.

(3) [*Fees*] Payment of complementary and individual fees corresponding to the fees referred to in Rule 30(1)(iii) shall be required for the second period of 10 years in respect of the subsequent designations referred to in paragraph (1). Rule 30(1) and (3) shall apply *mutatis mutandis*.

(4) [*Recordal*] The International Bureau shall record in the International Register the fact that payment has been made to the International Bureau for the second period of 10 years. The date of recordal shall be the date of expiry of the first period of 10 years, even if the fees required are paid within the period of grace referred to in Article 7(5) of the Agreement and in Article 7(4) of the Protocol.

(5) [*Notification and Information*] The International Bureau shall notify the Offices of the designated Contracting Parties concerned of the fact that payment has or has not been made for the second period of 10 years and shall inform at the same time the holder.

Rule 41
Entry Into Force

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

SCHEDULE OF FEES

		<i>Swiss francs</i>	
1.	International applications governed exclusively by the Agreement		
	The following fees shall be payable and shall cover 10 years:		
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	423	
1.1.2	where the reproduction of the mark is in color, or is in black and white and color is claimed (Rule 9(4)(a)(vii))	[423 + 250] 673	
1.2	Supplementary fee for each class of goods and services beyond three classes (Article 8(2)(b) of the Agreement)	47	
1.3	Complementary fee for the designation of each designated Contracting State (Article 8(2)(c) of the Agreement)	47	
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	423	
2.1.2	where the reproduction of the mark is in color, or is in black and white and color is claimed (Rule 9(4)(a)(vii))	[423 + 250] 673	
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)	47	
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)	47	
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): the amount of the individual fee is fixed by each Contracting Party concerned*		
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	423	
3.1.2	where the reproduction of the mark is in color, or is in black and white and color is claimed (Rule 9(4)(a)(vii))	[423 + 250] 673	
3.2	Supplementary fee for each class of goods and services beyond three classes	47	
3.3	Complementary fee for the designation of each designated Contracting Party in respect of which no individual fee is payable	47	
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): the amount of the individual fee is fixed by each Contracting Party concerned*		
4.	Irregularities with respect to the classification of goods and services		
	The following fees shall be payable (Rule 12(1)(b)):		
4.1	Where the goods and services are not grouped in classes	75 plus 4 per term in excess of 20	
4.2	Where the classification, as appearing in the application, of one or more terms is incorrect	20 plus 4 per incorrectly classified term	
	provided that, where the total amount due under this item in respect of an international application is less than 150 Swiss francs, no fees shall be payable		
5.	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 expiry of the then current term of the international registration:		
5.1	Basic fee	300	
5.2	Complementary fee for each designated Contracting Party indicated in the same request where an individual fee is not payable in respect of such designated Contracting Party (the fee covers the remainder of 10 years)	47	
5.3	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): the amount of the individual fee is fixed by each Contracting Party concerned*		

* The International Bureau will publish in each issue of the Gazette and in the future *Madrid Applicant's Guide* a table 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 every time it is designated or 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. The table will contain, in respect of each Contracting Party concerned, the current amount of the individual fee.

(amount for
10 years)

6. Renewal

The following fees shall be payable and shall cover 10 years:

6.1	Basic fee	350
6.2	Supplementary fee, except if the renewal is made only for designated Contracting Parties in respect of which individual fees are payable	47
6.3	Complementary fee for each designated Contracting Party in respect of which an individual fee is not payable	47
6.4	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): the amount of the individual fee is fixed by each Contracting Party concerned*	
6.5	Surcharge for the use of the period of grace the fee payable under item 6.1	50% of the amount of the fee payable under item 6.1

7. Change

7.1	Total transfer of an international registration	172
7.2	Partial transfer (for some of the goods and services or for some of the Contracting Parties) of an international registration	172
7.3	Limitation requested by the holder subsequent to international registration, provided that, if the limitation affects more than one contracting Party, it is the same for all	172
7.4	Change of name and/or address of the holder of one or more international registrations for which recordal of the same change is requested at the same time	150

8. Information concerning international registrations

8.1	Establishing a certified extract from the International Register consisting of an analysis of the situation of an international registration (detailed certified extract), up to three pages for each page after the third	150 10
8.2	Establishing a certified extract from the International Register consisting of a copy of all publications, and of all notifications of refusal, made with respect to an international registration (simple certified extract), up to three pages for each page after the third	75 2
8.3	A single attestation or information in writing for a single international registration for each additional international registration of the same holder if requested at the same time	75 10
8.4	Reprint or photocopy of the publication of an international registration, per page	5

9. 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)

10. 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.

* * *

Training and Promotion Meetings With Users of the Madrid System

Spain. In February 1994, a WIPO official spoke on the links between the Madrid Protocol and the Community trademark at a seminar organized by private circles in Alicante.

Association franc-comtoise de juristes (AFCJ). In February 1994, a WIPO official spoke on the Madrid Agreement at a conference on counterfeiting organized by AFCJ in Besançon (France).

Japan Trademark Association (JTA). In February 1994, two WIPO officials presented papers at a seminar on the Madrid Protocol organized by JTA in Tokyo. Some 250 participants, government officials, industrial property agents and representatives from industry attended the seminar. Papers were also presented by three speakers from Germany, the United Kingdom and the United States of America.

Computerization Activities

Switzerland. In February 1994, a WIPO official had discussions with officials of the Swiss Federal Intellectual Property Office (FIPO) in Berne on possible cooperation between WIPO and FIPO in trademark computerization.

Also in February 1994, a WIPO official discussed with FIPO officials in Berne the possible development by WIPO of a ROMARIN (Read-Only-Memory of Madrid Actualized Registry INformation)-type CD-ROM for Swiss national marks and gave demonstrations of WIPO's CD-ROM products.

Hague Union

Advisory Meeting of Users of the Hague System

(Geneva, February 4, 1994)

The Advisory Meeting was convened by WIPO at its headquarters on February 4, 1994, and was attended by 35 participants from the national industrial property offices of Croatia, the Czech Republic, France, Hungary, Mexico, Morocco, Romania, Slovenia, Spain, Switzerland, one regional office (Benelux Designs Office (BBDM)), eight non-governmental organizations (American Bar Association (ABA), American Intellectual Property Law Association (AIPLA), Committee of National Institutes of Patent Agents (CNIPA), Coordination Committee for the Textile Industries in the European Economic Community (COMITEXTIL), European Association of Industries of Branded Products (AIM), International Liaison Committee for Embroideries, Curtains and Laces (CELIBRIDE), Japan Design Protection Association (JDPA), Swiss Textile Federation (TVS)) and representatives of depositors and industrial property agents.

The International Bureau gave a brief overview of its current activities in respect of the development of the Hague system. The meeting discussed the envisaged changes in the presentation of the *International Designs Bulletin*. The intended fully bilingual publication was received favorably and useful suggestions were made regarding ways of clearly distinguishing

the original language of the deposit from the translation. Suggestions were made to obviate likely problems relating to the possible publication of the *Bulletin* in a two-column format. The need for improvement of the means of searching the International Designs Register was recognized and the possible introduction by the International Bureau of a ROMARIN-type CD-ROM for industrial designs attracted interest. Furthermore, the possibility for the International Bureau of correcting certain irregularities in the presentation of applications (for example, division of the application) at the request and on behalf of the applicant against the payment of a fee was received favorably.

The International Bureau will further study proposals for improving the presentation of the *Bulletin* and the means of searching the Register, as well as the possible production of a CD-ROM for industrial designs.

Training and Promotion Meetings With Users of the Hague System

Japan. In February 1994, three government officials and a university professor were briefed by WIPO officials in Geneva on the administrative procedures for the deposit of industrial designs under the Hague Agreement Concerning the International Deposit of Industrial Designs.

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

Africa

Training Courses, Seminars and Meetings

Organization of African Unity (OAU). In February 1994, a WIPO official attended the 59th ordinary session of the Council of Ministers of OAU held in Addis Ababa. He also discussed questions of mutual cooperation with the Secretary General and other OAU officials.

Assistance With Training, Legislation and Modernization of Administration

Swaziland. In February 1994, Mr. Andrias Mlungisi Mathabela, Registrar General, had discussions with WIPO officials in Geneva on the country's possible accession to the Patent Cooperation Treaty (PCT).

Arab Countries

Assistance With Training, Legislation and Modernization of Administration

Syria. In February 1994, a government official visited Geneva to discuss with WIPO officials Syria's possible accession to the Stockholm Act of the Paris Convention for the Protection of Industrial Property and the Convention Establishing the World

Intellectual Property Organization, as well as cooperation between Syria and WIPO.

Tunisia. In February 1994, the Resident Representative of the United Nations Development Programme (UNDP) in Tunisia visited Geneva to discuss with WIPO officials WIPO's assistance in the strengthening of the industrial property system in that country.

Asia and the Pacific

Training Courses, Seminars and Meetings

WIPO Asian Regional Advanced Training Program on Patent Search and Examination (Japan). From February 14 to 18, 1994, WIPO organized the said Training Program in Tokyo and Osaka, in cooperation with the Japanese Patent Office (JPO). Sixteen government officials from Bangladesh, China, India, Indonesia, Malaysia, the Philippines, Thailand and Viet Nam participated. Papers were presented by two WIPO consultants from the United States of America and the European Patent Office (EPO), two speakers from the JPO and a WIPO official. An overview of plans for computerization in the patent offices of China and Malaysia was also presented by participants from those two countries. Subsequently, hands-on experience in search and examination at the JPO and in using the patent online information service at the Japanese Patent Information Organization (JAPIO) in Tokyo was also provided. The participants visited some industrial enterprises in Osaka.

WIPO National General Introductory Seminar on Industrial Property (Brunei Darussalam). On February 1, 1994, WIPO organized the said Seminar in Bandar Seri Begawan, in cooperation with the Government of Brunei Darussalam, which was attended by some 40 participants from different ministries and government institutions. Papers were presented by a WIPO consultant from Australia, a government official of Brunei Darussalam and two WIPO officials.

WIPO Training Workshop on Trademarks and Patents (Brunei Darussalam). On February 2 and 3, 1994, WIPO organized that Workshop in Bandar Seri Begawan, in cooperation with the Government of Brunei Darussalam. The Workshop was attended by 25 government officials from the Attorney General's Chambers and the Ministry of Law. Papers were

presented by two WIPO consultants from Australia and the United Kingdom.

Viet Nam. In February 1994, two WIPO officials spoke at a seminar on the PCT organized in Hanoi by the National Office of Industrial Property (NOIP) in cooperation with WIPO. Some 50 participants, government officials and representatives from patent agencies and private industry attended the seminar.

Assistance With Training, Legislation and Modernization of Administration

Bhutan. In February 1994, the International Bureau prepared and sent to the government authorities, at their request, draft implementing regulations under the draft industrial property act.

Brunei Darussalam. In February 1994, two WIPO officials had discussions with the Minister for Law and other government officials in Bandar Seri Begawan on further cooperation between Brunei Darussalam and WIPO, in particular, the country's possible accession to various treaties administered by WIPO. One of the WIPO officials and a WIPO consultant from the United Kingdom also had discussions with government officials of the Attorney General's Chambers on the possible revision of the trademark law. The latter activity was undertaken under the joint European Communities-Association of South East Asian Nations (EC-ASEAN) Patents and Trademarks Program.

China. In February 1994, WIPO organized a study visit to Geneva on trademark-related issues for three government officials. During their stay at WIPO, they had discussions with the Director General and other WIPO officials on cooperation between China and WIPO in the trademark field. Subsequently, WIPO also arranged for them a visit

to the Swiss Federal Intellectual Property Office (FIPO) in Berne and the United Kingdom Patent Office in Newport.

India. In February 1994, Dr. Rajendra Anandrao Acharya, Controller-General of Patents, Designs and Trade Marks, held discussions with WIPO officials in Geneva on the progress of the two UNDP-financed and WIPO-executed country projects in the fields of patent information and trademarks.

Also in February 1994, Dr. Manmohan Singh, Finance Minister, visited WIPO and was briefed on its activities.

Malaysia. In February 1994, a WIPO official undertook a mission to Kuala Lumpur to advise and assist in the evaluation and selection of bids received for the acquisition of equipment and services to upgrade the computerized processing of patent and trademark applications. The mission was funded by the UNDP-financed country project.

Also in February 1994, a WIPO consultant from the United Kingdom started a four-week mission to the Intellectual Property Division in Kuala Lumpur to provide guidance on the conduct of opposition hearings in trademark matters and to review and provide advice on the Trade Mark Regulations, forms and fee structure. The mission was carried out in the framework of that country project.

Also in February 1994, five government officials undertook a study visit to the Australian Industrial Property Organisation (AIPO) in Canberra to familiarize themselves with the computerized operations for processing patent and trademark applications.

The travel and subsistence expenses of two of the Malaysian officials were funded by the country project.

Pakistan. In February 1994, a government official had discussions with the Director General and other WIPO officials in Geneva on possible development cooperation activities that WIPO could undertake to modernize and strengthen the national intellectual property system, as well as on Pakistan's possible accession to certain treaties administered by WIPO.

Singapore. In February 1994, a WIPO official undertook a mission to Singapore to discuss with government officials the setting up of a national data base for intellectual property legislation with the assistance of WIPO through the latter's IP-LEX CD-ROM series of laws and treaties in the field of intellectual property.

Viet Nam. In February 1994, a WIPO official had discussions in Hanoi with government officials and representatives of the Union of Scientific and Technical Associations of Viet Nam (VUSTA) on the intellectual property situation in Viet Nam and on further cooperation between Viet Nam and WIPO in the modernization of its patent legislation.

United Kingdom. In February 1994, a government official held discussions with WIPO officials in Geneva on cooperation between the United Kingdom Patent Office and WIPO with respect to WIPO's development cooperation activities in the countries of Asia and the Pacific.

Latin America and the Caribbean

Assistance With Training, Legislation and Modernization of Administration

Argentina. In February 1994, WIPO organized a study visit to Geneva for two government officials on the protection of appellations of origin. As part of the same WIPO-organized study visit, one official subsequently visited the French National Institute of Appellations of Origin (INAO) in Paris and the other the Spanish Institute of Appellations of Origin (INDO) in Madrid.

Bolivia. In February 1994, a WIPO consultant from Chile visited the National Industrial Property

Office in La Paz to advise on the computerization of the Office. This mission was organized and funded in the context of the UNDP-financed regional project.

Panama. In February 1994, on the occasion of her participation in the meeting of the Committee of Experts on the Settlement of Intellectual Property Disputes Between States, Mrs. Luz Celeste R. de Davis, Director General of the Industrial Property Registry, had discussions with WIPO officials on future cooperation between the Registry and WIPO.

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

Regional Activities

Interstate Council for the Protection of Industrial Property. On the occasion of the third session of the Interstate Council in February 1994, the Director General had discussions with Mr. Victor I. Blinikov, Secretary General of the Interstate Council, on technical assistance to the patent offices of the member countries of the future Eurasian Patent Office, in particular training and computerization of patent operations.

National Activities

Albania. In February 1994, the Resident Representative of the United Nations Development Programme (UNDP) in Tirana had discussions with WIPO officials in Geneva on the upgrading of the Albanian Patents and Trademarks Office under the UNDP-financed country project.

Armenia. In February 1994, on the occasion of their participation in the third session of the Interstate Council for the Protection of Industrial Property, Professor Sarkis L. Khantardjian, President of the Armenian Patent Office, and another government official had discussions with the Director General and other WIPO officials in Geneva on the modernization of the Patent Office and staff training, particularly in patent computerization, as well as the possibility of acquiring equipment for the successor States of the former Soviet Union from a common purchase source. The text of an announcement on the protection of industrial property in Armenia was also discussed.

Azerbaijan. In February 1994, on the occasion of their participation in the third session of the Interstate Council for the Protection of Industrial Property, Mr. Nureddin M. Babirly, Head of the Patent Department, and another government official handed over to the Director General in Geneva a draft industrial property protection law for comments by the International Bureau. They also discussed further cooperation between Azerbaijan and WIPO.

Croatia. In February 1994, a WIPO official gave training to the staff of the State Patent Office in Zagreb on the International Classification of Goods

and Services for the Purposes of the Registration of Marks (Nice Classification), the International Classification for Industrial Designs (Locarno Classification) and the International Classification of the Figurative Elements of Marks (Vienna Classification) and also made a presentation of WIPO's activities in general.

Also in February 1994, Mr. Nikola Kopčić, Director of the State Patent Office, had discussions with WIPO officials on Croatia's future patent system, the country's possible accession to further WIPO-administered treaties and cooperation between Croatia and WIPO in patent classification training matters.

Georgia. In February 1994, on the occasion of his participation in the third session of the Interstate Council for the Protection of Industrial Property, Mr. David Gabunia, Chairman of the Georgian Patent Office, discussed the text of an announcement on the protection of industrial property in Georgia with WIPO officials in Geneva.

Kazakhstan. In February 1994, on the occasion of their participation in the third session of the Interstate Council for the Protection of Industrial Property, Mr. Tolesh E. Kaudyrov, Chairman of the National Patent Office, and another government official had discussions with the Director General and other WIPO officials in Geneva on possible cooperation in the organization of a training course for patent attorneys of Central Asian countries in 1994.

Kyrgyzstan. In February 1994, on the occasion of their participation in the third session of the Interstate Council for the Protection of Industrial Property, Mr. Roman O. Omorov, Head of the Patent Department of the State Committee on Science and New Technologies, and another government official handed over to the Director General in Geneva Kyrgyzstan's declaration of the continued application to its territory of the Convention Establishing the World Intellectual Property Organization (WIPO Convention), the Paris Convention for the Protection of Industrial Property, the Madrid Agreement for the International Registration of Marks and the Patent Cooperation Treaty (PCT). The text of an announcement on the protection of industrial property in Kyrgyzstan and further cooperation between Kyrgyzstan and WIPO were also discussed.

Latvia. In February 1994, Mr. Zigrids Aumeisters, Director of the Patent Office, and another government official had discussions with WIPO officials in Geneva on the protection of industrial property in Latvia and preparations for the country's possible accession to the Madrid Agreement.

Lithuania. In February 1994, Mr. Rimvydas Naujokas, Director of the State Patent Bureau, handed over to the Director General in Geneva Lithuania's instrument of accession to the Paris Convention. The country's possible accession to other WIPO-administered treaties and further cooperation between Lithuania and WIPO were also discussed.

Republic of Moldova. In February 1994, on the occasion of his participation in the third session of the Interstate Council for the Protection of Industrial Property, Mr. Eugen M. Stashkov, Director General of the State Agency on Industrial Property Protection, handed over to the Director General in Geneva the Republic of Moldova's declaration of the continued application to its territory of the PCT, the Madrid Agreement, the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure and the Nairobi Treaty on the Olympic Symbol and the country's accession to the Hague Agreement Concerning the International Deposit of Industrial Designs. The text of an announcement on the protection of industrial property in the Republic of Moldova and further cooperation were also discussed.

Romania. In February 1994, a government official had discussions with WIPO officials in Geneva on the protection of industrial property in Romania and on proposed amendments to the trademark law.

Russian Federation. In February 1994, on the occasion of his participation in the third session of the Interstate Council for the Protection of Industrial Property, Mr. Vitaly P. Rassokhin, Chairman of the Committee for Patents and Trademarks of the Russian Federation (ROSPATENT), had discussions with the Director General and other WIPO officials in Geneva on various PCT matters.

Slovenia. In February 1994, two government officials had discussions with WIPO officials in Geneva on Slovenia's possible accession to further WIPO-

administered treaties, possible cooperation in the organization of a seminar on industrial property in Slovenia and on WIPO's advice and assistance in respect of legislation.

Tajikistan. In February 1994, on the occasion of their participation in the third session of the Interstate Council for the Protection of Industrial Property, Mr. Khabibullo F. Fayazov, Director of the National Center for Patents and Information, and another government official handed over to the Director General in Geneva Tajikistan's declaration of the continued application to its territory of the WIPO and Paris Conventions, the Budapest and Nairobi Treaties, the Madrid Agreement, the Strasbourg Agreement Concerning the International Patent Classification, the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks and the Locarno Agreement Establishing an International Classification for Industrial Designs. The text of an announcement on the protection of industrial property in Tajikistan as well as further cooperation were also discussed.

The former Yugoslav Republic of Macedonia. In February 1994, Mr. Gorgi Filipov, Director of the Industrial Property Protection Office, and another government official had discussions with the Director General and other WIPO officials in Geneva on the protection of industrial property in that country.

Ukraine. In February 1994, on the occasion of his participation in the third session of the Interstate Council for the Protection of Industrial Property, Mr. Valery L. Petrov, Chairman of the State Patent Office, had discussions with WIPO officials in Geneva on franchising matters.

Uzbekistan. In February 1994, on the occasion of their participation in the third session of the Interstate Council for the Protection of Industrial Property, Mr. Nadirbek R. Yousoupbekov, Chairman of the State Committee on Science and Technology, and Mr. Akil A. Azimov, Director of the State Patent Office, had discussions with the Director General and other WIPO officials in Geneva on the possibility of acquiring patent and non-patent literature for the successor States of the former Soviet Union from a common purchase source and on further bilateral cooperation.

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

National Contacts

Andorra. In February 1994, Mr. Daniel Bastida Obiols, Minister of the Presidency, and an advisor had discussions with WIPO officials in Geneva on Andorra's possible accession to the Convention Establishing the World Intellectual Property Organization and other WIPO-administered treaties and on possible cooperation between Andorra and WIPO.

Japan. In February 1994, two WIPO officials had discussions with government officials in Tokyo on WIPO's ongoing normative activities in respect of the draft Patent Law Treaty, the draft Trademark Law Treaty, the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) and the development of the Hague Agreement Concerning the International Deposit of Industrial Designs.

Sweden. In February 1994, a government official had discussions with WIPO officials in Geneva on the possible joint organization, by the Government of Sweden and WIPO, of a seminar on the Madrid Protocol in Stockholm in late 1994.

United Nations

United Nations Administrative Committee on Coordination (Organizational Committee) (ACC(OC)). In February 1994, a WIPO official attended a meeting of the ACC(OC), held in New York.

United Nations Administrative Committee on Coordination (Consultative Committee on Programme and Operational Questions) (ACC(CCPOQ)). In February 1994, two WIPO officials attended a meeting of that Consultative Committee, held in Geneva.

Commission on Environmentally Sound Technologies. In February 1994, WIPO was represented at the meeting of the Intersessional Open-Ended Working Group of Experts on Technology Transfer of that Commission, held in New York.

International Computing Centre (ICC). In February 1994, two WIPO officials attended the

ICC's Management Committee meeting, held in Geneva.

World Summit for Social Development (WSSD). In February 1994, two WIPO officials attended, in New York, the first session of the Preparatory Committee for the WSSD which is scheduled to take place in Copenhagen in 1995.

Intergovernmental Organizations

International Criminal Police Organization (Interpol) (ICPO). In February 1994, a WIPO official attended a meeting of the Interpol Working Party on Product Counterfeiting and Piracy, held in Lyons (France).

Other Organizations

Groupe Rhône-Alpes de l'Association internationale pour la protection de la propriété industrielle (GRAPI). In February 1994, a WIPO official presented WIPO's plans in respect of arbitration and the colloquium to be held in March 1994 at a meeting on arbitration and intellectual property convened by GRAPI in Lyons.

Hautes Etudes Commerciales (Liège, Belgium). In February 1994, a WIPO official briefed a group of 65 students from "Hautes Etudes Commerciales," Liège, on WIPO and its activities. The group was in Geneva for one week's briefing on the United Nations system.

International Association for the Protection of Industrial Property (AIPPI). In February 1994, the Director General discussed with a delegation of four representatives of AIPPI, led by the Secretary General, Mr. Martin J. Lutz, a number of intellectual property issues of common interest.

International Association of Young Lawyers. In February 1994, a representative of the Association had discussions with WIPO officials in Geneva at the WIPO Arbitration Center.

Miscellaneous News

National News

Australia. The Patents Regulations (Amendment), Statutory Rules 1993 No. 340; the Designs Regulations (Amendment), Statutory Rules 1993 No. 342; and the Trade Marks Regulations (Amendment), Statutory Rules 1993 No. 343, dated December 2, 1993, entered into force on December 19, 1993.

France. Law No. 94-102 of February 5, 1994, on the Repression of Counterfeiting and Amending Certain Provisions of the Intellectual Property Code, entered into force on February 9, 1994.

Tajikistan. The Law on Trademarks and Service Marks of December 23, 1991, entered into force on January 1, 1992.

The Provisional Regulations on Inventions, Utility Models and Industrial Designs were adopted on February 2, 1994.

The Provisional Regulations on Trademarks and Service Marks entered into force on November 1, 1993.

Turkmenistan. The Patent Law (covering also industrial designs, trademarks and service marks) was adopted and entered into force on October 1, 1993.

Uganda. The Patents Statute, 1991, entered into force on October 15, 1993.

The Patents Regulations were adopted on October 15, 1993.

Calendar of Meetings

WIPO Meetings

(Not all WIPO meetings are listed. Dates are subject to possible change.)

1994

June 1 to 3 (Le Louvre, Paris)

WIPO Worldwide Symposium on the Future of Copyright and Neighboring Rights: "The most sacred property" faced with the challenges of technology and trade

The Symposium will explore in depth the current problems concerning the protection, exercise and enforcement of copyright and neighboring rights, in the light of, *inter alia*, the impact of new technologies, particularly digital technology, and of certain international norms agreed upon in the framework of trade negotiations.

Invitations: Governments, selected intergovernmental and non-governmental organizations and any member of the public (against payment of a registration fee).

- June 20 to 23 (Geneva)** **WIPO Permanent Committee for Development Cooperation Related to Industrial Property (Sixteenth 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 (November 1992) 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.
- September 26 to October 4 (Geneva)** **Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Fifth 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 10 to 28 (Geneva)** **Diplomatic Conference for the Conclusion of the Trademark Law Treaty**
 The Diplomatic Conference is expected to adopt a treaty which will harmonize certain procedural and other aspects of national and regional trademark laws.
Invitations: States members of the Paris Union and, as observers or with a special status, States members of WIPO not members of the Paris Union and certain organizations.
- December 5 to 9 (Geneva)** **Committee of Experts on a Possible Protocol to the Berne Convention (Fourth 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.
- December 12 to 16 (Geneva)** **Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms (Third Session)**
 The Committee will continue to examine the question of the preparation of a possible new instrument (treaty) on the protection of the rights of performers and producers of phonograms.
Invitations: States members of WIPO, the Commission of the European Communities and, as observers, certain organizations.

UPOV Meetings

(Not all UPOV meetings are listed. Dates are subject to possible change.)

1994

- November 2 to 4 (Geneva)** **Technical Committee**
Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental and non-governmental organizations.
- November 7 and 8 (Geneva)** **Administrative and Legal Committee**
Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental organizations.
- November 9 (a.m.) (Geneva)** **Consultative Committee (Forty-Eighth Session)**
Invitations: Member States of UPOV.
- November 9 (p.m.) (Geneva)** **Council (Twenty-Eighth Ordinary Session)**
Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental and non-governmental organizations.

Other Meetings

1994

- | | |
|---------------------------------------|---|
| May 28 to June 5 (Ostend) | International Federation of the Seed Trade (FIS)/International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL): World Congress |
| June 12 to 18 (Copenhagen) | International Association for the Protection of Industrial Property (AIPPI): Executive Committee |
| June 19 to 24 (Vienna) | International Federation of Industrial Property Attorneys (FICPI): Congress |
| June 27 and 28 (Geneva) | International Literary and Artistic Association (ALAI): Study Days |
| July 11 to 13 (Ljubljana) | International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): Annual Meeting |
| September 18 to 22 (Washington, D.C.) | International Confederation of Societies of Authors and Composers (CISAC): Congress |
| September 22 to 24 (Berlin) | International League of Competition Law (LIDC): Congress |

