

Geneva Treaty on the International Recording of Scientific Discoveries*

Adopted at Geneva on March 3, 1978

TABLE OF CONTENTS**

Article	1: Definitions
Article	2: Scope of the International Recording
Article	3: The Application
Article	4: Appointed Institutions and Authorities
Article	5: International Recording
Article	6: The Certificate
Article	7: Gazette
Article	8: Observations
Article	9: Access to Information Contained in the International Register
Article	10: Withdrawal of the Application; Cancellation of the International Recording; Withdrawal of the Declaration
Article	11: Classification
Article	12: Assembly
Article	13: Finances
Article	14: Regulations
Article	15: Revision and Amendment of the Treaty
Article	16: Becoming Party to the Treaty
Article	17: Entry Into Force of the Treaty
Article	18: Reservations to the Treaty
Article	19: Denunciation of the Treaty
Article	20: Signature and Languages of the Treaty
Article	21: Depositary Functions
Article	22: Notifications

The Contracting States,

Considering the reference to scientific discoveries in Article 2(viii) of the Convention Establishing the World Intellectual Property Organization,

Desiring to promote the progress of science through the stimulation of discoverers without discrimination by instituting a system which publicly associates their names with their scientific discoveries,

Desiring to promote information on new scientific discoveries, for the benefit of the scientific community and the world at large, by instituting a system which makes the descriptions of such scientific discoveries accessible to them,

Considering that a system for the international recording of scientific discoveries, by facilitating access to scientific information, is of interest to States and in particular developing countries,

Resolve to conclude a treaty instituting, within the framework of the World Intellectual Property Organ-

ization, a system for the international recording of scientific discoveries, and

Agree as follows:

Article 1

Definitions

- (1) (*Definitions*) For the purposes of this Treaty:
 - (i) "scientific discovery" means the recognition of phenomena, properties or laws of the material universe not hitherto recognized and capable of verification;
 - (ii) "discoverer" means the natural person who has made a scientific discovery himself, through observation, study, experimentation or reasoning, and in a manner decisive for arriving at the recognition thereof; where, in the making of a scientific discovery, several natural persons have jointly fulfilled the said requirements, any reference to a discoverer shall be construed as a reference to all of them;
 - (iii) "international recording" means the act and the result of the entering, by the Interna-

* Official English title.

Entry into force: See Article 17.

Source: International Bureau of WIPO.

Note: This Treaty was signed on March 3, 1978, at Geneva, by the following States: Bulgaria, Czechoslovakia; it will remain open for signature at Geneva until December 31, 1978.

** This Table of Contents is added for the convenience of the reader (*Editor's Note*).

- tional Bureau, of the description and other prescribed details of a scientific discovery in the International Register of Scientific Discoveries kept by the International Bureau;
- (iv) "application" means an application for international recording;
 - (v) "applicant" means the natural person or persons or the legal entity or entities filing the application;
 - (vi) "date of discovery" means the date on which the scientific discovery was, for the first time, published or communicated to the public;
 - (vii) "Contracting State" means a State party to this Treaty;
 - (viii) "Assembly" means the Assembly referred to in Article 12;
 - (ix) "Organization" means the World Intellectual Property Organization;
 - (x) "International Bureau" means the International Bureau of the Organization;
 - (xi) "Director General" means the Director General of the Organization;
 - (xii) "Regulations" means the Regulations referred to in Article 14;
 - (xiii) "Gazette" means the Gazette referred to in Article 7(1).

(2) *(Possible Exceptions)* Notwithstanding paragraph (1)(i), any Contracting State is free not to apply this Treaty to geographical, archeological and paleontological discoveries, discoveries of useful mineral deposits and discoveries in the field of social sciences.

Article 2

Scope of the International Recording

The system for the international recording of scientific discoveries instituted by this Treaty:

- (i) provides for the widest possible access to the recorded scientific discoveries,
- (ii) does not affect the free use of the ideas contained in recorded scientific discoveries,
- (iii) does not affect the freedom of the Contracting States to grant or not to grant rights to discoverers of recorded scientific discoveries and, where any Contracting State grants such rights, the freedom of such State to fix the conditions for and the contents of such rights.

Article 3

The Application

(1) *(Possibility of Filing an Application; Where To File)* (a) Any discoverer who is a national or a resident of a Contracting State may request international recording by filing an application with the International Bureau as prescribed by the Regulations.

(b) The application may, with the consent of the discoverer, be filed by a legal entity established in a Contracting State.

(c) Where a scientific discovery has been made jointly by several discoverers, it shall suffice if one of the discoverers fulfills the requirement referred to in subparagraph (a) as to nationality or residence.

(2) *(Date; Signature; Declaration)* The application shall contain a request for international recording. It shall be dated and signed by the discoverer or, where it is filed by a legal entity, by the authorized representative of that entity and the discoverer. It shall contain a declaration by a scientific institution or government authority appointed to that effect under Article 4. The declaration shall consist of a statement to the effect that the subject matter of the application is a scientific discovery within the meaning of Article 1 and that the application is presented by the said institution or authority. The declaration may also include an opinion on the merits of the scientific discovery or may certify its authenticity.

(3) *(Unity; Language; Mandatory Contents)* The application shall relate to only one scientific discovery, shall be in one of the languages specified in the Regulations and shall contain:

- (i) the surname, given name and full address of the discoverer;
- (ii) the date and place of birth of the discoverer;
- (iii) the nationality and residence of the discoverer;
- (iv) an indication of the branch of science to which the scientific discovery pertains;
- (v) the title of the scientific discovery;
- (vi) the date of discovery;
- (vii) a full description of the scientific discovery, including a description of the phenomena, and/or indicating the reasoning and data, proving the reality of the scientific discovery and, where the scientific discovery contains an experimental part, a description of that part adequate to enable its repetition and verification;

- (viii) an abstract, not exceeding 200 words, of the said description;
- (ix) a statement by the discoverer to the effect that, to his knowledge, the content of the scientific discovery, when made by him, was not known to anyone else;
- (x) where applicable, the name of the institution, laboratory or other establishment in which the scientific discovery was made;
- (xi) where the application is filed by a legal entity, the name and address of that entity.

(4) (*Optional Contents*) The application may contain:

- (i) the curriculum vitae of the discoverer;
- (ii) an indication of the place where the scientific discovery was made;
- (iii) where applicable, a statement that the scientific discovery was made in the course of duties performed for an institution or employer and the name and address of that institution or employer;
- (iv) such other elements as may be specified by the Regulations.

(5) (*Time Limit*) Any application filed after the expiration of ten years from the date of discovery as indicated in the application shall not be receivable.

(6) (*Recognition at National Level*) Where a government authority or scientific institution has officially or publicly recognized the scientific discovery which is the subject of the application by complying with the request of the discoverer to record his scientific discovery or by awarding him a prize or a diploma, or in any other manner, it is desirable that that fact be indicated in the application or, where such recognition occurs after the filing of the application, in a communication addressed to the International Bureau by the scientific institution or government authority which made the declaration referred to in paragraph (2). Such indication or communication shall be accompanied by supporting documents.

(7) (*Fee*) The application shall be subject to the payment of a fee to the International Bureau. The amount of the fee shall be fixed in the Regulations.

(8) (*Forms*) The application shall be made on a form established, and furnished free of charge on request, by the International Bureau.

Article 4

Appointed Institutions and Authorities

(1) (*Appointment*) Each Contracting State shall appoint one or more scientific institutions and/or one or more of its government authorities for the purposes referred to in Article 3(2). Additional appointments may be made at any time.

(2) (*Notification of Appointment*) Any appointment referred to in paragraph (1) shall be notified to the Director General by the Government of the Contracting State concerned.

(3) (*Revocation of Appointment*) Any appointment may be revoked at any time by the Contracting State which made it. The revocation shall be notified to the Director General. It shall take effect after the expiration of three months from the date of its receipt by the Director General.

(4) (*Competence To Make the Declaration*) The declaration referred to in Article 3(2) shall be made by a scientific institution or government authority appointed by the Contracting State

- (i) of which the applicant is a national or a resident where the applicant is a natural person;
- (ii) in which the legal entity is established where the applicant is a legal entity.

Article 5

International Recording

(1) (*Defects*) Where the application does not comply with the requirements of Article 3, the International Bureau shall notify the applicant accordingly and shall allow him three months to correct any defect in the application.

(2) (*Sanction in Case of Defects; Grace Period*) If, on expiration of the period referred to in paragraph (1):

- (i) the applicant has furnished valid reasons for his failure to correct the defects in his application, he shall be given a grace period of a further three months, as from the receipt of the communication furnishing the said reasons, to correct those defects; if on the

expiration of the grace period the defects have not been corrected, the recording shall be refused;

- (ii) the applicant has not corrected the defects in his application, the recording shall be refused; the applicant may, however, on request submitted within two months after the expiration of the period referred to in paragraph (1) and on prior payment of an additional fee whose amount shall be fixed in the Regulations, enjoy a grace period of a further three months to correct the defects in his application; if on the expiration of the grace period the defects have not been corrected, the recording shall be refused.

(3) (*International Recording*) Where the application complies with the requirements of Article 3, the International Bureau shall effect the international recording of the scientific discovery. Such recording shall consist of:

- (i) the recording of the name of the discoverer, of the statement referred to in Article 3(2) concerning the conformity of the subject matter of the application with the definition of scientific discovery in Article 1, of the date of discovery as indicated in the application, of the name of the scientific institution or government authority which made the declaration referred to in Article 3(2) and any other indication prescribed by the Regulations;
- (ii) an indication, on the first page of the application, of the number of pages that the application contains, of the fact of international recording, of the date of such recording and of the international recording number, accompanied by the stamp of the International Bureau and the signature of an official designated to that effect by the Director General;
- (iii) an indication, on all other pages of the application, of the same international recording number, accompanied by the same stamp and signature.

(4) (*International Recording Date*) The date of the international recording shall be the date on which the application and the fee were received by the International Bureau. Where the application has been corrected, the date of receipt of the correction shall be considered the date of receipt of the application. If

the application and the fee were not received on the same date, the later date shall be the international recording date.

(5) (*Records*) The International Bureau shall keep in a safe place, and without limitation in time, all internationally recorded applications. Applications whose international recording is refused shall be kept for five years from the date of their receipt.

Article 6

The Certificate

(1) (*Establishment; Contents*) The International Bureau shall establish a certificate for each international recording. Such certificate shall, under the seal of the International Bureau and the signature of the Director General, certify the fact of such recording, its date and number, and indicate the elements referred to in Article 3(3)(i) to (vi), (x) and (xi) and the name of the scientific institution or government authority which made the declaration referred to in Article 3(2).

(2) (*Recipients*) The certificate shall be sent by the International Bureau to the discoverer or, where the applicant is a legal entity, to both the discoverer and that entity. A copy of the certificate shall be sent by the International Bureau to the scientific institution or government authority referred to in paragraph (1).

Article 7

Gazette

(1) (*Publication*) The International Bureau shall, at intervals and in languages to be determined in the Regulations, issue a publication entitled "Gazette of Internationally Recorded Scientific Discoveries."

(2) (*Entries*) The Gazette shall contain, in respect of each scientific discovery internationally recorded by the International Bureau, an entry including the elements referred to in Article 3(3)(i) to (vi), (viii), (x) and (xi), any information referred to in Article 3(6), the name of the scientific institution or government authority having made the declaration referred to in Article 3(2) and the date and number of the international recording. The Gazette shall

contain a notice in respect of each filing of observations, counter-observations or amendments referred to in Article 8(1) or (2) and a notice in respect of each cancellation under Article 10(2) and each withdrawal of a declaration under Article 10(3).

(3) (*Further Information*) The Gazette shall contain an updated list of the Contracting States and of the scientific institutions and government authorities appointed under Article 4 and information alerting the public to the right to file observations and counter-observations under Article 8(1) and (2).

Article 8

Observations

(1) (*Observations*) Any natural person or legal entity may at any time file with the International Bureau written observations concerning any internationally recorded scientific discovery.

(2) (*Counter-Observations*) The interested discoverer and, where the application was filed by a legal entity, that entity, as well as the interested scientific institution or government authority, may file with the International Bureau written observations ("counter-observations") concerning any observation made under paragraph (1). Any counter-observation may be accompanied by amendments to the description of the scientific discovery or the abstract; the requirements of Article 3(2) relating to applications shall apply to counter-observations accompanied by an amendment.

(3) (*Identity of Filer; Signature*) Any observation, counter-observation or amendment filed under paragraph (1) or (2) shall show the name and address of, and shall be signed by, the filer.

(4) (*Fee*) The filing of any observation, counter-observation or amendment under paragraph (1) or (2) shall be subject to the payment of a fee to the International Bureau. The amount of the fee shall be fixed in the Regulations.

(5) (*Recording*) Any observation, counter-observation and amendment filed under paragraphs (1) and (2) shall be recorded and kept by the International Bureau. Article 5 shall apply *mutatis mutandis*.

(6) (*Communications*) A copy of any observation filed under paragraph (1) and recorded shall be sent by the International Bureau to the interested discoverer and, where the application was filed by a legal entity, to that entity, as well as to the interested scientific institution or government authority. A copy of any counter-observation or amendment filed under paragraph (2) and recorded shall be sent by the International Bureau to the interested natural person or legal entity referred to in paragraph (1).

(7) (*Publication*) Where any amendment to the abstract is filed, the International Bureau shall publish the amendment with a reference to the original publication of the abstract.

Article 9

Access to Information Contained in the International Register

(1) (*Consultation of the Register*) The International Bureau shall, on request and against payment of a fee whose amount shall be fixed in the Regulations, allow any person to consult, at the headquarters of the International Bureau, any recorded application and any recorded observation, counter-observation and amendment.

(2) (*Copies*) The International Bureau shall, on request and against payment of a fee whose amount shall be fixed in the Regulations, furnish to any person copies of any recorded application and any recorded observation, counter-observation and amendment, and of any part thereof.

Article 10

Withdrawal of the Application; Cancellation of the International Recording; Withdrawal of the Declaration

(1) (*Withdrawal of the Application*) The applicant may withdraw the application before the international recording of the scientific discovery. Where the applicant is a legal entity, the withdrawal of the application shall require the consent of the discoverer.

(2) (*Cancellation of the International Recording*) After the international recording of the scientific dis-

covery, the applicant may request that the international recording be cancelled. Where the applicant is a legal entity, the request for cancellation shall require the consent of the discoverer. The International Bureau shall thereupon cancel the international recording and shall publish a corresponding notice in the Gazette.

(3) (*Withdrawal of the Declaration*) The declaration referred to in Article 3(2) may be withdrawn by the scientific institution or government authority which made it. Where the declaration is withdrawn before the international recording, the application shall be considered withdrawn. Where the declaration is withdrawn after the international recording, the International Bureau shall record the withdrawal of the declaration and shall publish a corresponding notice in the Gazette.

Article 11

Classification

On the proposal of the Director General, the Assembly shall adopt, for the purposes of this Treaty, a classification system which may be revised periodically by the Assembly and the details in respect of the application of which shall be fixed in the Regulations.

Article 12

Assembly

(1) (*Composition*) (a) The Assembly shall consist of the Contracting States.

(b) Each Contracting State shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(2) (*Functions*) The Assembly shall:

- (i) exercise such rights and perform such tasks as are specifically conferred upon it or assigned to it under this Treaty;
- (ii) review and approve the reports and activities of the Director General concerning the administration of this Treaty;
- (iii) give directions to the Director General concerning the preparation of revision conferences;

(iv) approve the accounts referred to in Article 13(2);

(v) take any other appropriate action designed to further the objectives of this Treaty.

(3) (*Representation*) A delegate may represent, and vote in the name of, one State only.

(4) (*Voting*) Each Contracting State shall have one vote.

(5) (*Quorum*) (a) One-half of the Contracting States shall constitute a quorum.

(b) In the absence of the quorum, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the quorum and the required majority are attained through voting by correspondence as provided in the Regulations.

(6) (*Majority*) Subject to Articles 14(1) and (2) and 15(2)(c), the decisions of the Assembly shall require a majority of the votes cast.

(7) (*Sessions*) (a) The Assembly shall meet once in every year in ordinary session upon convocation by the Director General, preferably during the same period and at the same place as the Coordination Committee of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, either on his own initiative or at the request of one-fourth of the Contracting States.

(8) (*Rules of Procedure*) The Assembly shall adopt its own rules of procedure.

Article 13

Finances

(1) (*Self-supporting Financing*) The fees to be paid to the International Bureau and the selling price of the Gazette shall be fixed at a level which allows the total revenue of the International Bureau derived from the said fees and the sale of the Gazette to cover all the costs of the International Bureau arising from the administration of this Treaty. Should any financial year close with a deficit, the Contracting States shall pay contributions to cover such deficit.

(2) (*Accounts*) The Director General shall report to each ordinary session of the Assembly on the revenue and expenditure connected with the administration of this Treaty and shall submit the corresponding accounts to the Assembly for approval.

Article 14

Regulations

(1) (*Adoption of the Regulations*) Details in respect of the implementation of the provisions of this Treaty shall be provided in the Regulations adopted by the Assembly at its first session. Adoption shall require a majority of two-thirds of the votes cast.

(2) (*Amendment of the Regulations*) The Assembly may amend the Regulations by a decision requiring a majority of two-thirds of the votes cast.

(3) (*Conflict Between the Treaty and the Regulations*) In the case of conflict between the provisions of this Treaty and those of the Regulations, the provisions of this Treaty shall prevail.

Article 15

Revision and Amendment of the Treaty

(1) (*Revision*) This Treaty may be revised in conferences of the Contracting States.

(2) (*Amendment*) (a) Article 3(2) to (8), Articles 4 to 7, Article 8(3) to (7) and Articles 9 to 12 and 14 may be amended by the Assembly.

(b) Proposals for the amendment of the provisions referred to in subparagraph (a) may be initiated by any Contracting State or by the Director General. Such proposals shall be communicated by the Director General to the Contracting States at least six months in advance of their consideration by the Assembly.

(c) Adoption of amendments to the said provisions shall require a majority of two-thirds of the votes of the members of the Assembly.

(d) Any amendment to the said provisions shall enter into force one month after written notifications of acceptance have been received by the Director General from three-fourths of the Contracting States members of the Assembly at the time the Assembly adopted the amendment.

(e) Any amendment to the said provisions which has been accepted and which has entered into force shall bind all the Contracting States which were Contracting States at the time the Assembly adopted the amendment and all the States which become Contracting States after the date on which the amendment was adopted by the Assembly.

Article 16

Becoming Party to the Treaty

(1) (*Ratification; Accession*) Any State Member of the Organization may become party to this Treaty by:

- (i) signature followed by the deposit of an instrument of ratification, or
- (ii) deposit of an instrument of accession.

(2) (*Deposit of Instruments*) Instruments of ratification or accession shall be deposited with the Director General.

Article 17

Entry Into Force of the Treaty

(1) (*Initial Entry Into Force*) This Treaty shall enter into force three months after ten States have deposited their instruments of ratification or accession.

(2) (*States to Which the Initial Entry Into Force Does Not Apply*) Any State which is not among those referred to in paragraph (1) shall become bound by this Treaty one month after the date on which it has deposited its instrument of ratification or accession.

Article 18

Reservations to the Treaty

No reservations to this Treaty are permitted.

Article 19

Denunciation of the Treaty

(1) (*Notification*) Any Contracting State may denounce this Treaty by notification addressed to the Director General.

(2) (*Effective Date*) Denunciation shall take effect one year after the day on which the Director General has received the notification.

Article 20

Signature and Languages of the Treaty

(1) (*Original Texts*) This Treaty shall be signed in a single original in the English, French, Russian and Spanish languages, all texts being equally authentic.

(2) (*Official Texts*) Official texts shall be established by the Director General, after consultation with the interested Governments, in the Arabic, German, Italian and Portuguese languages, and such other languages as the Assembly may designate.

(3) (*Time Limit for Signature*) This Treaty shall remain open for signature at Geneva until December 31, 1978.

Article 21

Depositary Functions

(1) (*Deposit of the Original Texts*) The original of this Treaty shall be deposited with the Director General.

(2) (*Certified Copies*) The Director General shall transmit two copies, certified by him, of this Treaty

to all the States Members of the Organization and, on request, to any other State.

(3) (*Registration of the Treaty*) The Director General shall register this Treaty with the Secretariat of the United Nations.

(4) (*Amendments*) The Director General shall transmit two copies, certified by him, of any amendment to this Treaty to the Contracting States and, on request, to any other State.

Article 22

Notifications

The Director General shall notify the States Members of the Organization of:

- (i) signatures under Article 20;
- (ii) deposits of instruments of ratification or accession under Article 16(2);
- (iii) the date of the entry into force of this Treaty under Article 17(1);
- (iv) the Regulations adopted under Article 14(1);
- (v) acceptance of amendments to this Treaty under Article 15(2);
- (vi) any amendment of the Regulations under Article 14(2);
- (vii) the dates on which amendments to this Treaty or the Regulations enter into force;
- (viii) any appointment under Article 4(1) and any revocation of an appointment under Article 4(3);
- (ix) any denunciation notified under Article 19.