

INTERNATIONAL UNIONS

Trademark Registration Treaty

Done at Vienna on June 12, 1973

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Introductory Provisions

Article I

Establishment of a Union

The States party to this Treaty (hereinafter called "the Contracting States") constitute a Union for the international registration of marks.

Article 2

Abbreviated Expressions

For the purposes of this Treaty and the Regulations and unless expressly stated otherwise:

(i) "international registration" means a registration effected under this Treaty by the International Bureau in the International Register of Marks;

(ii) "international application" means an application filed for international registration;

(iii) "applicant" means the natural person who or legal entity which files the international application;

(iv) "owner of the international registration" means the natural person or the legal entity in whose name the international registration stands in respect of all or fewer than all the designated States and in respect of all or some only of the goods and/or services listed in that registration;

(v) "mark" means both a trademark and a service mark; it also includes a collective mark within the meaning of Article 7^{bis} of the Stockholm (1967) Act of the Paris Convention for the Protection of Industrial Property and a certification

mark whether or not such certification mark is a collective mark within the said meaning;

(vi) "national mark" means a mark registered by a government authority of a Contracting State having the power to grant registrations with effect in that State; references to a *national mark* shall not be construed as references also to regional marks;

(vii) "regional mark" means a mark registered by an intergovernmental authority other than the International Bureau having the power to grant registrations with effect in more than one State;

(viii) references to any *final* decision or *final* refusal shall be construed as references to a decision or refusal against which there is no remedy, or against which all remedies have been exhausted, or where the time limit for asking for a remedy against the refusal or decision has expired;

(ix) references to any *publication by the International Bureau* shall be construed as references to publications effected in the official Gazette of that Bureau;

(x) references to the *date of the publication* of the international registration or to the *date of the publication* of the recording of the later designation shall be construed as references to the date of that issue of the official Gazette of the International Bureau in which the international registration or the recording of the later designation, as the case may be, has been published;

(xi) references to any *recording by the International Bureau* shall be construed as references to recordings made in the International Register of Marks;

(xii) "designated State" means any Contracting State in which the applicant or the owner of the international registration desires that such registration produce the effects provided for in this Treaty and which has been identified for that purpose in the international application or any request for the recording of later designations;

(xiii) "national Office" means the government authority of a Contracting State entrusted with the registration of marks; references to a *national Office* shall be construed as referring also to any intergovernmental authority which several States have entrusted with the task of registering regional marks, provided that at least one of those States is a Contracting State, and provided that such authority has been empowered to assume the obligations and exercise the powers which this Treaty and the Regulations provide for in respect of national Offices;

(xiv) "national register of marks" means the register of marks kept by a national Office in which national and/or regional marks are registered;

(xv) "designated Office" means the national Office of the designated State;

(xvi) references to *national law* shall be construed as references to the national law of a Contracting State and, where a regional mark is involved, to the regional treaty providing for the registration of regional marks;

(xvii) "Madrid Agreement" means the Madrid Agreement Concerning the International Registration of Marks;

(xviii) "Union" means the Union referred to in Article 1;

- (xix) "Assembly" means the Assembly of the Union;
- (xx) "Organization" means the World Intellectual Property Organization;
- (xxi) "International Bureau" means the International Bureau of the Organization and, as long as it subsists, the United International Bureaux for the Protection of Intellectual Property (BIRPI); and where any provision refers to the receiving of documents, or of payments, by the International Bureau, it also includes any agency of that Bureau established under Article 32(2)(a)(ix);
- (xxii) "Director General" means the Director General of the Organization;
- (xxiii) "International Classification" means the classification established under the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks;
- (xxiv) "Regulations" means the Regulations referred to in Article 35.

CHAPTER I

Substantive Provisions

Article 3

International Register of Marks

- (1) [*International Registrations*] The International Bureau shall register marks in the International Register of Marks according to the provisions of this Treaty and the Regulations.
- (2) [*International Applications*] International registrations shall be effected on the basis of international applications.

Article 4

Right To File International Applications and To Own International Registrations

- (1) [*Entitlement*] (a) Any resident or national of a Contracting State may file international applications and may own international registrations.
- (b) If there are several applicants, they shall have the right to file an international application only if all of them are residents or nationals of Contracting States.
- (c) If there are several owners of an international registration, they shall have the right to own such a registration only if all of them are residents or nationals of Contracting States.
- (2) [*Natural Persons*] (a) Any natural person shall be regarded as a resident of a Contracting State if:
- (i) according to the national law of that State, he is a resident of that State, or
 - (ii) he has a real and effective industrial or commercial establishment in that State.
- (b) Any natural person shall be regarded as a national of a Contracting State if, according to the national law of that State, he has the nationality of that State.

- (3) [*Legal Entities*] (a) Any legal entity shall be regarded as a resident of a Contracting State if it has a real and effective industrial or commercial establishment in that State.

- (b) Any legal entity shall be regarded as a national of a Contracting State if it is constituted according to the national law of that State.

- (4) [*Different Residence and Nationality*] If the State of the residence and the State of the nationality of the applicant or owner of the international registration are different, and only one of those States is a Contracting State, the Contracting State alone shall be considered for the purposes of this Treaty and the Regulations.

- (5) [*Certain Associations*] Where under the national law of any Contracting State an association of natural persons or legal entities may own marks notwithstanding the fact that it is not a legal entity, it shall be entitled to file international applications and to own international registrations, provided it is a resident or national of that State within the meaning of paragraph (3).

- (6) [*Domestic Filing*] (a) The national law of any Contracting State may provide that, where the applicant is both a resident and a national of that State, an international application may be filed only if the mark that is the subject of the international application is, at the time of the filing of that application, the subject of an application for registration, in the name of the said applicant, in the national register of marks of that State in respect of at least those goods and/or services listed in the international application.

- (b) Subparagraph (a) shall not apply where, at the time of the filing of the international application, the mark that is the subject of the international application is already registered in the name of the applicant in the national register of marks of the said State in respect of the said goods and/or services.

Article 5

The International Application

- (1) (a) [*Mandatory Contents*] The international application shall contain, as specified in this Treaty and the Regulations:
- (i) an indication that it is filed under this Treaty,
 - (ii) indications concerning the applicant's identity, residence, nationality, and address,
 - (iii) a reproduction of the mark,
 - (iv) a list of goods and/or services in which the terms are grouped under the applicable classes of the International Classification and in which each term is comprehensible, permits classification in one class only of that Classification, and, as far as possible, is one that appears in the alphabetical list of goods and/or services of the said Classification,
 - (v) the identification of the designated State or States,
 - (vi) in respect of any designated State in which the effects provided for in this Treaty are available either as if the mark had been applied for and registered as a national mark or as if the mark had been applied for and registered as a regional mark, an indication of the choice between the two,
 - (vii) in respect of any designated State in which the effects provided for in this Treaty are desired as for a collective mark or a certification mark, an indication to that effect.

(b) [Optional Contents] The international application may contain a declaration, as provided in the Regulations, claiming the priority of one or more earlier applications filed in or for any country party to the Paris Convention for the Protection of Industrial Property. Furthermore, the international application may contain such additional indications as are provided for in other provisions of this Treaty and in the Regulations.

(c) [Language, Form, Signature, Fees] The international application shall be in a prescribed language and in the prescribed form, shall be signed as provided in the Regulations, and shall be subject to the payment of the prescribed fees.

(2) [Filing With International Bureau] International applications shall be filed direct with the International Bureau.

(3) [Filing Through National Office] (a) Notwithstanding paragraph (2) but subject to subparagraph (c), the national law of any Contracting State may provide that international applications of residents of that State may be filed through the intermediary of the national Office of the said State.

(b) Where the international application is filed through the intermediary of a national Office competent under subparagraph (a), that Office shall indicate on the international application the date on which it received that application and shall promptly transmit the same to the International Bureau, as provided in the Regulations.

(c) Any Contracting State on whose territory an agency of the International Bureau, established under Article 32(2)(a)(ix), is functioning shall, at least for the time such agency functions, suspend the application of any provision of its national law referred to in subparagraph (a) and Article 6(3)(a).

Article 6

Later Designation

(1) [Possibility of Later Designation] Any Contracting State not designated in the international application or whose designation has ceased to have the effects provided for in Article 11 may be designated by the applicant or, once the international registration has been effected, by the owner of the international registration, as provided in the Regulations ("later designation").

(2) (a) [Mandatory Contents; Filing With International Bureau] Any later designation shall be the subject of a request for the recording of later designations. Several States may be designated in the same request. The request shall be filed direct with the International Bureau and shall contain, as specified in the Regulations:

(i) an indication that it is for the recording of later designations under this Treaty,

(ii) indications concerning the identity, residence, nationality and address of the applicant or, where the international registration has already been effected, of the owner of the international registration,

(iii) the identification of the international application or, where the international registration has already been effected, of such registration,

(iv) the identification of the later designated State or States,

(v) in respect of any later designated State in which the effects provided for in this Treaty are available either as if the mark had been applied for and registered as a national mark or as if the mark had been applied for and registered as a regional mark, an indication of the choice between the two,

(vi) in respect of any later designated State in which the effects provided for in this Treaty are desired as for a collective mark or a certification mark, an indication to that effect.

(b) [Optional Contents] The request may contain a declaration, as provided in the Regulations, claiming the priority of one or more earlier applications filed in or for any country party to the Paris Convention for the Protection of Industrial Property. Furthermore, the request may contain in respect of any State designated therein a list of goods and/or services, provided that, if that list is different from the list of goods and/or services included in the international registration as published or, if the international registration has not yet been published, from the list of goods and/or services included in the international application after any limitation under Article 7(4), it shall conform with the formal concept of limitation as defined in the Regulations. Finally, the request may contain such additional indications as are provided for in other provisions of this Treaty and in the Regulations.

(c) [Language, Form, Signature, Fees] The request shall be in a prescribed language and in the prescribed form, shall be signed as provided in the Regulations, and shall be subject to the payment of the prescribed fees.

(3) [Filing Through National Office] (a) Notwithstanding paragraph (2)(a) but subject to Article 5(3)(c), the national law of any Contracting State may provide that requests for the recording of later designations by residents of that State may be filed through the intermediary of the national Office of the said State.

(b) Where the request for the recording of later designations is filed through the intermediary of a national Office competent under subparagraph (a), that Office shall indicate on the request the date on which it received that request and shall promptly transmit the same to the International Bureau, as provided in the Regulations.

Article 7

International Registration or Declining of the International Application

(1) [No Defects] Subject to paragraphs (2) to (5), the International Bureau shall promptly effect the international registration as applied for, and the date under which such registration shall be effected ("international registration date") shall be the date on which the international application was received by the International Bureau or, in the case of an international application filed through the intermediary of a

national Office under Article 5(3), the date on which it was received by that Office provided that the said application is received by the International Bureau before the expiration of 45 days from that date. The International Bureau shall issue to the owner of the international registration a certificate of international registration.

(2) [*Defects Which Necessarily Entail a Later Registration Date*] (a) Where the International Bureau finds any of the following defects, that is to say, where:

- (i) the international application does not contain an indication that it is filed under this Treaty,
- (ii) the international application is in a language other than one of the prescribed languages,
- (iii) the international application contains no indications concerning the residence or nationality of the applicant or only such indications as do not permit the conclusion that he has the right to file international applications,
- (iv) the international application contains no indications concerning the applicant's identity and address or only such indications as do not permit him to be identified and reached by mail,
- (v) the international application does not include the reproduction of the mark,
- (vi) the international application does not contain a list of goods and/or services,
- (vii) the international application does not designate any Contracting State,
- (viii) no fees have been received by the International Bureau on or before the date on which the international application is received by that Bureau or, where the international application is filed through the intermediary of a national Office under Article 5(3), no fees have been received by the International Bureau within 45 days from the date on which that Office received the international application,
- (ix) the amount of the fees received by the International Bureau by the date referred to in item (viii) does not attain the amount ("minimum amount") fixed in the Regulations,

it shall invite the applicant to correct the defect; however, where the defect referred to in item (iv) makes it unlikely for the invitation to reach the applicant, the International Bureau is not required to send such invitation.

(b) If the defect is not corrected within three months from the date on which the International Bureau received the international application, the International Bureau shall decline that application.

(c) If the defect is corrected within the time limit referred to in subparagraph (b) and unless the international application is declined under paragraph (3)(b), the International Bureau shall effect the international registration, and the international registration date shall be the date on which that Bureau received the required correction or the prescribed amount of the fees, unless a later date is applicable under paragraph (3)(d).

(3) [*Defects Which Do Not Necessarily Entail a Later Registration Date*] (a) Where the International Bureau finds any of the following defects, that is to say, where:

- (i) the amount of the fees received by the International Bureau by the date referred to in paragraph (2)(a)(viii) is less than the amount prescribed but attains the minimum amount,
 - (ii) the international application does not contain, in respect of any designated State to which Article 5(1)(a)(vi) applies, the indication of the choice referred to in the said provision,
 - (iii) the international application is not signed,
- it shall invite the applicant to correct the defect.

(b) If the defect is not corrected within three months from the date on which the International Bureau received the international application, the International Bureau shall decline that application or, if the only defect which is not corrected within the said time limit is the defect referred to in subparagraph (a)(ii), the International Bureau shall decline to record the State concerned as a designated State.

(c) If the defect is corrected before the expiration of one month from the date of the invitation referred to in subparagraph (a) and unless the international application is declined under subparagraph (b) or paragraph (2)(b), the International Bureau shall effect the international registration, and the international registration date shall be the date referred to in paragraph (1), unless a later date is applicable under paragraph (2)(c).

(d) If the defect is corrected later than at the expiration of one month from the date of the invitation referred to in subparagraph (a) but earlier than at the expiration of three months from the date on which the International Bureau received the international application, and unless the international application is declined under paragraph (2)(b), the International Bureau shall effect the international registration, and the international registration date shall be the date on which that Bureau received the required correction or payment, unless a later date is applicable under paragraph (2)(c).

(4) [*Classification Causing Increase in Fees*] (a) Where the International Bureau finds that, by classifying any of the terms appearing in the list of goods and/or services in or also in a class or classes of the International Classification in which such term was not classified in the international application as filed, the amount of the fees required is higher than if that term had not been so classified, the invitation referred to in paragraph (2)(a) or (3)(a) shall contain appropriate explanations and shall indicate that the applicant may limit the list of goods and/or services.

(b) If, within three months from the date on which the International Bureau received the international application, it receives from the applicant a statement which limits the list of goods and/or services in conformity with the formal concept of limitation as defined in the Regulations, the International Bureau shall modify the list of goods and/or services accordingly and, if such modification entails a change in the prescribed amount of the fees, such change shall be taken into account by the International Bureau in determining that

amount and in applying paragraph (2)(b), (2)(c), (3)(b), (3)(c), or (3)(d), as the case may be.

(5) [Details] (a) The Regulations shall provide for the details of the procedure under paragraphs (1) to (4).

(b) Failure to send or receive any invitation referred to in paragraphs (2) to (4), or any delay in dispatching or receiving it, or any error therein, shall not extend the time limits fixed in those paragraphs and shall not affect any obligation to decline the international application.

(c) Where the international application is declined, the International Bureau shall reimburse to the applicant such amounts as are specified in the Regulations.

(6) [Defects Peculiar to Filings Through National Offices] Where the international application filed through the intermediary of a national Office under Article 5(3):

- (i) does not indicate that the applicant is a resident of the State through the intermediary of whose national Office the international application was filed, or
- (ii) does not contain a statement by the said national Office indicating the date on which that Office received the international application, or
- (iii) contains the said statement indicating a date which precedes by more than 45 days the date on which the International Bureau received the international application,

that application shall be treated as if it had been filed direct with the International Bureau on the date it reached that Bureau.

Article 8

Recording or Declining of Later Designations

(1) [No Defects] Subject to paragraph (2), the International Bureau shall promptly effect the recording of any later designation as requested, and the date under which such recording shall be effected ("recording date of the later designation") shall be the date on which the request for the recording of the later designation was received by the International Bureau or, in the case of a request filed through the intermediary of a national Office under Article 6(3), the date on which it was received by that Office, provided that the said request is received by the International Bureau before the expiration of 45 days from that date. The International Bureau shall issue to the owner of the international registration a certificate of the recording of the later designation.

(2) [Defects] (a) The provisions of Article 7(2) to (6) shall apply, *mutatis mutandis*, to the recording of later designations and declining of requests for the recording of later designations, provided that, once the international registration has been effected, any reference to the applicant shall be considered a reference to the owner of the international registration.

(b) Notwithstanding subparagraph (a), items (v) and (vi) of Article 7(2)(a) shall be considered to have been replaced by the following:

"(v) the request does not identify the international application or, once the international registration has been effected, such registration."

(c) Notwithstanding subparagraph (a), Article 7(3)(a) shall be considered to have been completed by the following:

"(iv) any list of goods and/or services contained in the request does not conform with the requirements of Article 6(2)(b), second sentence."

Article 9

Avoiding the Effects of Declining

(1) [Requesting Redress Through Designated Office] Where the International Bureau has declined the international application or a request for the recording of later designation, the applicant or the owner of the international registration may, within two months from the date of the notification of the declining, file with the national Office of any State designated in the declined international application or declined request:

(i) a petition for the purpose of requesting the International Bureau to proceed, in respect of that State, where the international application was declined, with the international registration and the recording of the designation of the said State or, where the request for the recording of the later designation was declined, with the recording of the designation of that State, or

(ii) an application for the registration, in the national register of marks ("national application"), of the mark that is the subject of the declined international application or declined request, in respect of all or some of the goods and/or services indicated in the said international application or the said request, such application complying with all the requirements of the national law of the said State for the filing of applications for the registration of marks in the national register of marks.

(2) [Decision on the Request] If the national Office or any other competent authority of the said State finds that the declining, by the International Bureau, of the international application or of the request for the recording of the later designation of that State was unjustified under this Treaty or the Regulations, or that the declining was based on the fact that there was a delay in meeting a time limit which must be excused by virtue of Article 29(1), then:

(i) where a petition has been filed under paragraph (1)(i), the said national Office shall request the International Bureau to proceed as provided in that paragraph, and the International Bureau shall proceed as requested, and the international registration date or the recording date of the later designation shall be the same as if the declining had not taken place,

(ii) where a national application has been filed under paragraph (1)(ii), that application shall, provided it complies with all the requirements of the national law of the said State for the filing of applications for the registration of marks in the national register of marks, be treated as if it had been filed on the date which would have been the international registration date or the recording date of the later designation had the declining not taken place.

(3) [*Recording of the Petition for Redress*] The applicant or the owner of the international registration who files a petition under paragraph (1)(i) shall, at the time of filing the petition, transmit a copy of that petition to the International Bureau. If the petition relates to a mark which is already registered in the International Register of Marks, the International Bureau shall, as provided in the Regulations, record and publish the fact that it has received a copy of such petition; otherwise it shall keep the said copy in its files.

Article 10

Publication and Notification

(1) [*Publication*] International registrations and recordings of later designations shall be promptly published by the International Bureau, as provided in the Regulations.

(2) [*Notification*] International registrations and recordings of later designations shall be promptly notified by the International Bureau to the national Offices of each designated State, as provided in the Regulations.

Article 11

Effects of International Registration and of Recording of Later Designation

(1) [*National Application Effect*] The international registration of a mark and the recording of any later designation, published and notified as provided in Article 10, shall have the same effect in each designated State as if an application for the registration of the mark in the national register of marks had been filed with the national Office of that State on the international registration date or on the recording date of the later designation, as the case may be.

(2) [*National Registration Effect*] Furthermore, the said international registration and recording shall, subject to Articles 12 and 13, have the same effect in each designated State as if the mark had been registered in the national register of marks of that State; such effect shall come into existence in any designated State:

- (i) where no refusal or notice that a refusal may eventually be pronounced ("notice of possible refusal") has been notified by the national Office of that State within the time limit fixed in Article 12(2)(a)(i), at the expiration of the said time limit or on such earlier date as may be prescribed by the national law of that State,
- (ii) where a refusal or a notice of possible refusal has been notified by the national Office of that State within the time limit fixed in Article 12(2)(a)(i), if and when, and to the extent to which, the refusal is reversed by a final decision or the final decision taken in the proceedings referred to in the notice of possible refusal results in acceptance of the effect provided for in this paragraph, and shall be deemed to have started as of the international registration date or the recording date of the later designation, as the case may be.

(3) [*Several National Registers*] Where, in any designated State, there is more than one national register of marks or the national register of marks has several parts, the reference in paragraphs (1) and (2) to the national register of marks shall be construed as a reference to that national register or that part of the national register which affords the highest degree of protection, unless another register or part of the register is indicated in the international application or the request for the recording of the later designation. In the case of such indication, the reference in paragraphs (1) and (2) to the national register of marks shall be construed as a reference to the register or part of the register so indicated.

Article 12

Refusal of the Effects Provided For in Article 11

(1) [*Grounds of Refusal*] Subject to paragraph (2) and Articles 19, 21(3) and 22(3), the effects provided for in Article 11 may, in respect of any designated State, be refused by the competent authorities of that State:

(i) on the same grounds and to the same extent as those in respect of which applications for the registration of marks in the national register of marks may be refused under the national law of the said State, provided that such grounds are not incompatible with this Treaty and the Regulations or the most recent provisions of the Paris Convention for the Protection of Industrial Property by which that State is bound, and provided that Article 6^{quinquies} of the Stockholm (1967) Act of the said Convention shall apply also to marks registered under this Treaty, the international registration taking the place, for the purposes of the said Article 6^{quinquies}, of registration in the country of origin,

(ii) on the ground that the owner of the international registration is not entitled to own international registrations or that the applicant was not entitled to file international applications.

(2) [*Time Limit and Other Conditions*] (a) Any refusal under paragraph (1) shall be effective only:

(i) if the refusal or notice of possible refusal is notified, as provided in the Regulations, by the national Office of the designated State to the International Bureau so that the latter receives it within 15 months or, in the case of a certification mark, 18 months from the date of the publication of the international registration, or, in the case of a later designation, of the publication of the recording of the later designation of such State, and

(ii) in the case of a refusal, if the grounds for the refusal are specified, and provided, where such refusal is not final, that the grounds given in the final decision of refusal include at least one of the grounds specified in the said refusal and the final decision is or is also based on at least one of the grounds specified in the said refusal,

(iii) in the case of a notice of possible refusal followed by a refusal, if the notice specifies, as provided in the Regulations, the grounds on which a refusal may eventually be pronounced, and provided that the grounds given in the final decision of refusal include at least one of the grounds specified

in the said notice and the final decision is or is also based on at least one of the grounds specified in the said notice.

(b) The proviso of subparagraph (a)(ii) and the proviso of subparagraph (a)(iii) shall not apply where the final decision is that of a court or other independent review authority.

(c) Subparagraph (a) shall not apply where the refusal is based on lack of compliance with the requirements of the national law of the designated State permitted by Article 19(3).

(3) [Remedies] The owner of the international registration shall, with reasonable time limits, have in any designated State the same remedies against any decision of refusal and the same procedural and substantive rights in connection with any intended refusal, whether ex officio or based on the opposition of a third party, as have applicants who apply for the registration of marks in the national register of marks of the State in question.

(4) [Procedural Details] (a) The International Bureau shall record any notification received under paragraph (2)(a) and publish a corresponding notice.

(b) Where the decision of refusal is final, the national Office of the designated State shall notify the International Bureau accordingly, and that Bureau shall record the final decision, cancel the designation of that State, or, in a case where the final decision relates to some only of the goods and/or services listed, cancel in respect of the said State those goods and/or services to which the said decision relates, and publish such cancellation.

(c) Where a refusal which is not final or a notice of possible refusal has been notified under paragraph (2)(a) and the final decision results in acceptance of the effect referred to in Article 11(2), the national Office of the designated State shall notify the International Bureau accordingly, and the International Bureau shall record the notification received and publish a corresponding notice.

(d) The details of the procedures referred to in subparagraphs (a) to (c) are provided in the Regulations.

Article 13

Cancellation of the Effect Acquired Under Article 11(2)

(1) [Grounds of Cancellation] Subject to Article 19, the effect acquired under Article 11(2) may, in respect of any designated State, be cancelled by the competent authorities of that State:

(i) on the same grounds, to the same extent and subject to the same procedure as those in respect of which registrations of marks in the national register of marks may be cancelled under the national law of the said State, provided that such grounds and such procedure are not incompatible with this Treaty and the Regulations or the most recent provisions of the Paris Convention for the Protection of Industrial Property by which that State is bound, and provided that Article 6^{quinquies} of the Stockholm (1967) Act of the Paris Convention for the Protection of Industrial Property shall apply also to marks registered under this Treaty, the international registration taking the place, for the purposes of the said Article 6^{quinquies}, of registration in the country of origin,

(ii) on the ground that the owner of the international registration is not entitled to own international registrations or that the applicant was not entitled to file international applications.

(2) [Defense and Remedies] The competent authorities of the designated State shall give, with reasonable advance notice, an opportunity to the owner of the international registration to defend his rights in any cancellation proceeding and such owner shall have the same remedies against any decision of cancellation as have owners of marks registered in the national register of marks of the said State.

(3) [Procedural Details] If the decision of cancellation is final, the national Office of the designated State shall notify the International Bureau accordingly, and that Bureau shall record that decision, cancel the designation of the said State or, in a case where the cancellation relates to some only of the goods and/or services listed, cancel — in respect of that State — those goods and/or services to which the said decision relates, and publish such cancellation.

Article 14

Change in the Ownership of the International Registration

(1) (a) [Total or Partial Change; Request; Recording] Where the ownership of any international registration changes so that the new owner has become the owner in respect of all or fewer than all of the designated States and in respect of all or some only of the goods and/or services, the change in ownership shall, on request, subject to paragraph (2), be recorded by the International Bureau.

(b) [Details of the Request] The request shall contain, as provided in the Regulations:

(i) an indication to the effect that the recording by the International Bureau of a change in ownership is requested,

(ii) the international registration number of the international registration,

(iii) indications concerning the name, residence, nationality and address of the new owner,

(iv) the identification of those of the designated States in respect of which the new owner has acquired ownership and the identification, in respect of each of those States, of those of the goods and/or services for which the new owner has acquired ownership.

(c) [Signature] The request shall be signed by the person who, pursuant to the change in ownership, ceases to own the international registration in respect of all or fewer than all of the designated States and in respect of all or some only of the goods and/or services ("earlier owner") or, where the earlier owner is unable to sign, by the new owner, provided that if it is signed by the new owner the request shall also contain an appropriate attestation, as provided in the Regulations, by the national Office of the Contracting State of which the earlier owner was, at the time of the change of ownership, a national or, if at that time the earlier owner was not a national of a Contracting State, by the national Office of the Contracting State of which, at the said time, the earlier owner was a resident.

(d) [Fee; Publication; Notification] The request shall be subject to the payment of a fee to the International Bureau, and the recording shall be published by that Bureau and notified by it to the earlier owner and the new owner and to the interested designated Offices, as provided in the Regulations.

(2) [Declining of Request] (a) In any of the following cases, the International Bureau shall decline the request and shall notify accordingly the person who has signed it:

(i) where the request does not contain the indication referred to in paragraph (1)(b)(i),

(ii) where the request does not contain the number referred to in paragraph (1)(b)(ii),

(iii) where the request contains no indications concerning the residence or nationality of the new owner, or only such indications as do not permit the conclusion that he is entitled to own international registrations,

(iv) where the request contains no indications concerning the identity and address of the person who has signed it or only such indications as do not permit him to be identified and reached by mail,

(v) where the request does not identify any designated State in respect of which the new owner has acquired ownership,

(vi) where the request does not identify, as provided in the Regulations, any goods and/or services in respect of each of the designated States for which the new owner has acquired ownership,

(vii) where the request is not signed and, if it is signed by the new owner, where it does not contain the attestation, as provided in the Regulations, referred to in paragraph (1)(c),

(viii) where the prescribed fee has not been received.

(b) Where the request has the defect referred to in subparagraph (a)(iv) to the extent that it makes it unlikely for the notification referred to in subparagraph (a) to reach the person who signed the request, the International Bureau is not required to send such a notification.

(3) [Effect] Subject to paragraph (4), any recording effected under paragraph (1) shall, from the date of such recording, have the same effect as if it had been effected in the national register of marks, or any other related register, of each of the designated States to which the request relates.

(4) (a) [Denial of Effect: Grounds] The competent authorities of any designated State may, as far as that State is concerned, deny the effect referred to in paragraph (3) on grounds which, according to its national law, do not allow of changes in ownership or on the ground that the new owner is not entitled to own international registrations.

(b) [Denial of Effect: Evidence] The national law of any Contracting State may provide that the effect referred to in paragraph (3) may, as far as such State is concerned, be denied if, within three months from the date of the publication referred to in paragraph (1)(d) or, where that national law provides for a longer period, within that period, evidence

is not adduced before its national Office which satisfies the conditions of the national law as regards changes in ownership. Any national Office may collect the fee prescribed by its national law in connection with the examination of the said evidence adduced before it.

(c) [Denial of Effect: Notification by Designated State; Recording, Notification, Publication] Where the competent authorities of any designated State deny the effect referred to in paragraph (3), the national Office of that State shall promptly notify the International Bureau accordingly, and that Bureau shall record the denial and effect the corresponding notifications and publication. The details of the procedure are provided in the Regulations.

(5) [Switchover to National Register Where an Owner Cannot Own International Registrations] Where there is a change in ownership other than by contract between the earlier owner and the new owner, and where the new owner is a person who is not entitled to file international applications but is entitled under the national law of any designated State to file applications for the registration of marks in the national register of marks of that State, the new owner may file an application for the registration, in the said national register, of the mark which is registered, and in respect of all or some of the goods and/or services which are listed, in the International Register of Marks in respect of that State. If, within two years from the change in ownership and prior to six months after the expiration of the initial term of the international registration or the then running term of renewal, as the case may be, the new owner files such an application, that application shall be treated in the said State as if it had been filed at the time when the designation of that State took effect.

Article 15

Change in the Name of the Owner of the International Registration

(1) [Recording] Where the owner of the international registration changes his name, such change in the name of the owner shall, on his request, be recorded by the International Bureau.

(2) [Request] (a) Any request may relate to several international registrations of the same owner.

(b) The request shall contain, as provided in the Regulations:

(i) an indication to the effect that the recording by the International Bureau of a change in the name of the owner of the international registration is requested,

(ii) a declaration to the effect that the change in name does not amount to a change in the ownership of the international registration,

(iii) the international registration number of the international registration,

(iv) an indication of the former name and of the new name of the owner of the international registration.

(c) The request shall be signed with the new name of the owner of the international registration.

(d) The request shall be subject to the payment of a fee to the International Bureau.

(3) *[Publication, Notification]* The recording shall be published by the International Bureau and shall be notified to the designated Offices, as provided in the Regulations.

(4) *[Declining of Request]* In any of the following cases, the International Bureau shall decline the request and shall notify accordingly the owner:

(i) where the request does not contain the indications referred to in paragraph (2)(b),

(ii) where the request is not signed as provided in paragraph (2)(c),

(iii) where the prescribed fee has not been received.

(5) *[Effect]* Subject to paragraph (6), any recording effected under paragraph (1) shall, from the date of such recording, have the same effect as if it had been effected in the national register of marks, or any other related register, of each of the designated States.

(6) (a) *[Denial of Effect: Evidence]* The national law of any Contracting State may provide that the effect referred to in paragraph (5) may, as far as such State is concerned, be denied if, within three months from the date of the publication referred to in paragraph (3) or, where that national law provides for a longer period, within that period, evidence is not adduced before its national Office which proves that the natural person or legal entity designated by the former name and the new name is the same.

(b) *[Denial of Effect: Notification by Designated State; Recording, Notification, Publication]* Where the competent authorities of any designated State deny the effect referred to in paragraph (5), the national Office of that State shall promptly notify the International Bureau accordingly, and that Bureau shall record the denial and effect the corresponding notifications and publication. The details of the procedure are provided in the Regulations.

Article 16

Limitation of the List of Goods and/or Services

(1) *[Request; Recording]* On the request of the owner of the international registration, the International Bureau shall record, in respect of any designated State, any limitation of the list of goods and/or services which conforms with the formal concept of limitation as defined in the Regulations.

(2) *[Fees; Publication and Notification]* The request for recording shall be subject to the payment of a fee to the International Bureau, and the recording shall be published by that Bureau and notified to all the interested designated States, as provided in the Regulations.

(3) *[Declining of the Request]* The International Bureau shall decline the recording of any change in the list of goods and/or services which does not conform with the said formal concept of limitation or other requirements of the request, and shall notify the owner of the international registration accordingly, as provided in the Regulations.

(4) *[Effect]* Subject to paragraph (5), any recording effected under paragraph (1) shall, from the date of such recording, have the same effect as if it had been effected in the national register of marks of each of the designated States to which the request relates.

(5) (a) *[Limitation on the Invitation of the Designated Office]* If the national Office or other competent authority of a designated State finds that the limitation requested by the owner of the international registration in respect of that State but declined by the International Bureau is, in fact, a limitation in the sense that the terms proposed in the request relate only to goods and/or services which are covered by the terms appearing in the international registration, the national Office of that State, upon petition by the owner, shall, as provided in the Regulations, invite the International Bureau to record the limitation in respect of that State.

(b) *[Reinstatement of the List of Goods and/or Services on the Invitation of the Designated Office]* If the national Office or other competent authority of a designated State finds that the limitation requested by the owner of the international registration and recorded by the International Bureau is, in fact, not a limitation in the sense indicated in subparagraph (a), the national Office of that State may, as provided in the Regulations and after having heard the owner, invite the International Bureau to reinstate, in respect of that State, wholly or in part, the list of goods and/or services as it was prior to the limitation in question.

(c) *[Procedural Details]* The International Bureau shall proceed as invited and effect, as provided in the Regulations, the corresponding recording, publication and notifications.

Article 17

Term and Renewal of the International Registration

(1) *[Initial Term]* The initial term of any international registration shall be ten years from the international registration date.

(2) *[Renewal]* (a) Any international registration may be renewed in respect of any designated State by its owner for terms of ten years.

(b) Renewal shall prolong the effects provided for in Article 11 in each designated State for the term of the renewal.

(c) Each term of renewal shall start on the day following the day on which the initial term of the international registration or the term of the last renewal expires.

(3) (a) *[Demand]* Renewal shall be the subject of a demand presented to the International Bureau as provided in the Regulations, and shall be subject to the payment of fees, as provided in the Regulations. The demand shall not be presented and the fees shall not be paid earlier than six months before, or later than six months after, the starting date of the term of renewal. If the demand is presented or the fees are received after the starting date of the term of renewal, renewal shall be subject to the payment of an additional fee ("renewal surcharge"), as provided in the Regulations, which shall be paid before the expiration of six months after the starting date of the term of renewal.

(b) [Publication] The International Bureau shall record and publish the renewal and shall notify each designated Office accordingly, as provided in the Regulations.

Article 18

Fees

(1) [Fees Belonging to the International Bureau] (a) The International Bureau shall be entitled to fees in connection with the filing of each international application, request for recording of later designations, demand for renewal, and such other operations and services as are subject, according to this Treaty or the Regulations, to the payment of fees.

(b) The Regulations fix the amounts of the fees referred to in subparagraph (a).

(2) [Fees Belonging to the Contracting States] Each Contracting State shall be entitled to fees ("State fees") in connection with each designation and each renewal concerning it. The State fees shall be either "individual" or "standard," according to the choice of the Contracting State. The choice shall be exercised and applied as provided in the Regulations and shall apply to all designations and renewals concerning the Contracting State.

(3) [Individual State Fees] (a) Subject to subparagraphs (b) to (f), the amounts of individual State fees applicable to any State shall be determined by such State.

(b) The amounts of the individual State fees shall be communicated by the national Office of the Contracting State to the International Bureau in the currency and within the time limits specified in the Regulations. They shall remain applicable for the periods specified in the Regulations.

(c) The amounts of the individual State fees may vary only according to the number of classes to which the goods and/or services listed in respect of that State belong under the International Classification and according to whether the mark is or is not a collective mark or a certification mark.

(d) Any individual State fee shall belong to the designated State in respect of which it was paid and shall be transferred to its national Office as provided in the Regulations.

(e) The amount of the individual State fee to which the Contracting State is entitled in connection with each designation concerning it ("individual State designation fee") shall not exceed the total amount of any filing, class, examination, registration and publication fees which that State prescribes in connection with an application for registration in the national register of marks.

(f) The amount of the individual State fee to which the Contracting State is entitled in connection with each renewal concerning it ("individual State renewal fee") shall not exceed the amount of the renewal fee which that State prescribes for the renewal of a registration in the national register of marks, provided that, if the latter amount relates to a period which is longer or shorter than ten years, the said limit shall be proportionately reduced or proportionately increased, as the case may be.

(4) [Standard State Fees] (a) The amounts of the standard State designation fee and of the standard State renewal fee shall be fixed in the Regulations.

(b) The standard State fees shall belong to the States which have chosen standard State fees. The total amount of such fees collected by the International Bureau for any given calendar year shall be distributed and transferred in the course of the following year to the national Offices of the Contracting States to which the standard State fees apply in proportion to the number of designations and renewals concerning each of them, provided that the number resulting for each Office shall be first multiplied by a coefficient, as fixed in the Regulations, based on the extent of the examination which the national law provides.

(5) [Other Details Concerning Fees] The Regulations give further details concerning fees and provide for the total or partial reimbursement of certain fees in certain circumstances.

Article 19

Certain National Requirements

(1) [Fees] Subject to Article 14(4)(b), no national Office of any designated State shall, unless acting as an independent review authority, require the payment of any fee by the applicant or the owner of the international registration in connection with the obtaining and renewing of the effects, in the said State, of international applications, international registrations, and recordings concerning such applications and registrations.

(2) [Number of Classes and of Goods and/or Services] No designated State may refuse or cancel the effects provided for in Article 11 merely on the grounds that its national law allows the registration of marks only in respect of a limited number of classes or a limited number of goods and/or services.

(3) (a) [Actual Use] The national law of any Contracting State may impose the same conditions as are applicable to marks whose registration is applied for or which are registered in the national register of marks in that State in respect of any requirement that the owner of an international registration use the mark in that State or in any other place, provided that such State shall not refuse under Article 12, cancel under Article 13, or otherwise fail to accord the effects of the international registration as defined in Article 11, on the ground that the mark has not been used at any time prior to the expiration of three years counted from the international registration date or the recording date of the later designation, as the case may be. However, the national law of any Contracting State may provide that any action for infringement based upon an international registration may be started only after the owner of such international registration has commenced the continuing use of the mark in the said State and that any remedy resulting from such action shall relate only to the period after such use has commenced.

(b) [Actual Use: Continued] Where, at the expiration of the three-year time limit referred to in subparagraph (a), the final decision referred to in Article 11(2)(ii) has not been made, the said time limit shall be extended until the expiration of one year counted from the date on which the effect provided for in Article 11(2) does, in fact, come into existence, provided that in no case shall any Contracting State

be required to extend the said three-year time limit by more than two years. This subparagraph shall not apply to any Contracting State whose national law does not permit of such extension. Any such State shall notify the International Bureau of the provisions of its national law in this regard at the time it deposits its instrument of ratification or accession. Each Contracting State shall notify the International Bureau whenever its national law changes in regard to this subparagraph.

(c) [*Actual Use: Continued*] Where prior to the international registration date or the recording date of the later designation, as the case may be, the mark has been registered, in the name of the person who is the owner of the international registration, in the national register of marks of any designated State, or has been the subject on the part of the said person of an application for registration in that register, the proviso of subparagraph (a) and the first sentence of subparagraph (b) shall not apply to the extent that the said registration or application relates to the same goods and/or services as are listed in respect of such State in the international registration. However, where the application for registration in the national register was filed less than three years before the international registration date or the recording date of the later designation, as the case may be, the proviso of subparagraph (a) shall apply, but only during the period between such date and the expiration of the third year counted from the date on which the said application was filed. Where the three-year time limit is extended under subparagraph (b), the preceding sentence shall be applied accordingly. The present subparagraph shall also apply where the earlier registration is one effected in the international register under the Madrid Agreement or the present Treaty.

(d) [*Declaration of Actual Use*] Where one of the conditions of the national law of the designated State referred to in subparagraph (a) consists of a requirement, general in the sense that it is applicable to all marks registered in the national register of marks of that State, that a declaration stating that the mark is or is still in use in that State must be filed with its national Office at certain points in time or in connection with each renewal or other specific event ("routine declaration"), such declaration may, in the form prescribed by the national law of that State or in the form prescribed in the Regulations, be filed with the International Bureau and shall have the same effect as if it had been filed with the national Office of that State on the date on which it was received by the International Bureau. Such declaration shall be promptly forwarded by the International Bureau to the said national Office. The said effect shall not be denied on the ground that the declaration was not accompanied by any required supporting evidence, or that the evidence accompanying it was insufficient, without the said national Office's giving the owner of the international registration an opportunity to adduce or complete before it any required evidence within not less than three months after having notified the said owner or his duly appointed representative that evidence or additional evidence is required. The present subparagraph shall not apply in inter partes and other proceedings in which

the requirement is not a general one in the sense indicated above ("ad hoc requirement").

(e) [*Declaration of Actual Use: Continued*] No requirement referred to in subparagraph (d) shall be applicable prior to the expiration of the time limit under the proviso of subparagraph (a), subject, where applicable, to subparagraph (b), or subparagraph (c).

(4) [*Declaration of Intent To Use the Mark*] (a) Any Contracting State may apply its national law requiring that applicants file a declaration with its national Office to the effect that they intend to use the mark, provided that such requirement shall be considered to have been complied with if a declaration in the form specified in the Regulations to the effect that the applicant or the owner of an international registration intends to use the mark in that State is contained in the international application or request for the recording of the later designation, as the case may be.

(b) The International Bureau shall, as provided in the Regulations, notify the national Office of any designated State in respect of which a declaration under subparagraph (a) was filed with that Bureau of such declaration.

(5) [*Provisions Common to Paragraphs (3) and (4)*] Whenever paragraphs (3) and (4) refer to use of the mark by the applicant or the owner of the international registration, use by a person whose use, under the applicable national law, inures to the benefit of the applicant or the owner shall be sufficient for invoking the benefits provided for in the said paragraphs.

(6) [*Collective Marks and Certification Marks*] Any Contracting State may apply its national law requiring that where the mark is a collective mark or a certification mark the owner thereof must adduce before its national Office certain supporting documents and other evidence, including in particular the bylaws of the association or other entity owning such mark and the rules concerning the control exercised over the use of such mark.

(7) [*Representation*] No designated State shall require that the applicant or the owner of the international registration be represented by any natural person or legal entity located in that State or that, for the purpose of serving notices on such applicant or owner, an address in that State be indicated, except where, in respect of or based on the mark which is the subject of the international application or the international registration, the applicant or owner institutes or defends a proceeding before the national authorities of the said State.

(8) [*Service of Certain Notifications*] (a) The national law of any Contracting State may provide that proceedings before a national authority, including a court, in that State may, for the cancellation in that State pursuant to Article 13 of the effect provided for in Article 11(2), and for no other matter, validly be commenced against the owner of the international registration by means of service of a notification addressed to him at the International Bureau.

(b) The International Bureau shall promptly forward the said notification to the owner of the international regis-

tration by registered airmail accompanied by a postal receipt form (*avis de réception, Rückschein*).

(c) Promptly upon return to the International Bureau of the receipt form, that Bureau shall send to the party instituting the proceeding a copy, certified by that Bureau, of the said receipt form.

(d) If the receipt form showing receipt by the said owner is not received by the International Bureau within one month from the date of its having mailed the notification, the International Bureau shall promptly publish the notification.

(e) Any national law referred to in subparagraph (a) shall provide for a reasonable time limit for the owner of the international registration to respond to the notification and defend his rights in the proceedings. This time limit shall not be less than three months from the date of the notification.

(9) [*Certain Associations*] Article 4(5) shall be without prejudice to the application of the national law in any designated State. However, no such State shall refuse or cancel the effects provided for in Article 11 on the ground that the applicant or the owner of the international registration is an association of the kind referred to in Article 4(5) if, within two months from the date of an invitation addressed to it by the designated Office, the said association files with that Office a list of the names and addresses of all the natural persons or legal entities who or which comprise it, together with a declaration that its members are engaged in a joint enterprise. The said State may, in such a case, consider the said persons or entities as the owners of the international registration standing in the name of the said association.

(10) [*Certification of Documents Issued by the International Bureau*] Where any document issued by the International Bureau bears the seal of that Bureau and the signature of the Director General or a person acting on his behalf, no authority of any Contracting State shall require authentication, legalization or any other certification of such document, seal or signature, by any other person or authority.

Article 20

Recordings Effected by National Offices

(1) [*Notification of the International Bureau*] The national Office of any Contracting State which effects any recording in its own register of marks or in any other related register in respect of matters that may be recorded in the International Register of Marks with regard to any mark which is registered in the International Register of Marks and for which that State is a designated State shall, at the time of effecting such recording and as provided in the Regulations, notify the International Bureau of the said recording unless the recording has been effected pursuant to a notification by the International Bureau to that national Office.

(2) [*Annotation and Publication by the International Bureau*] The International Bureau shall, as provided in the Regulations, make the appropriate annotation in the International Register of Marks and publish a notice concerning such annotation.

(3) [*Lack of Annotation and Publication*] (a) Until the said annotation and publication are effected, any recording referred to in paragraph (1) shall not be effective in respect of any third party unless such third party was actually aware of the subject matter of the said recording.

(b) Notwithstanding subparagraph (a), the national law of any Contracting State may provide that recordings in its own register referred to in paragraph (1) shall be effective in respect of the residents of that State even before the annotation and publication referred to in subparagraph (a) are effected.

Article 21

Preservation of Rights Acquired Through National Registration

(1) [*Rights Preserved*] If, at the international registration date or the recording date of the later designation, as the case may be, the owner of the international registration of a mark owns, in any designated State, a registration of the same mark in the national register of marks ("national registration"), his rights under this Treaty shall be deemed to include in respect of that State all rights, particularly any priority right, existing under the national registration, and, subject to paragraph (4), shall be deemed to continue to include them even where the national registration subsequently expires. The foregoing provision shall apply to the extent that the goods and/or services referred to in respect of the said State in the international registration are, in fact, covered by the list of goods and/or services referred to in the said national registration.

(2) [*Procedural Details*] The applicant or the owner of the international registration of a mark may, as provided in the Regulations, make a declaration stating that he owns national registrations of the same mark in certain designated States and identifying such registrations. The declaration may be included in the international application or the request for the recording of later designations or it may be filed separately. It shall, as provided in the Regulations, be accompanied by a certified copy of each national registration referred to in the declaration. The International Bureau shall record and publish the declaration and shall notify the interested designated Offices accordingly, as provided in the Regulations. Those Offices shall refer to the declaration in their respective national registers of marks in connection with the said national registrations.

(3) [*Immunity Against Refusal*] (a) Where a declaration under paragraph (2) has been notified to the designated Office and the conditions referred to in paragraph (1) are complied with, and to the extent that they are complied with, the effects provided for in Article 11 may not, subject to subparagraph (b), be refused under Article 12.

(b) Where, in any designated State, there is more than one national register of marks or the national register of marks has several parts and the national registration referred to in paragraph (1) exists in a national register or a part of that register which affords less than the highest degree of protection, subparagraph (a) shall apply only if the declaration

under paragraph (2) relates to a registration in the same national register or in the same part of that register.

(4) [*Expiration of the National Registration*] Where the national registration referred to in paragraph (1) expires, the rights under this Treaty shall be deemed to continue to include the rights which existed under the said national registration only where a declaration referred to in paragraph (2) has been filed not later than within one year from the expiration of the said national registration.

Article 22

Preservation of Rights Acquired Through International Registration Under the Madrid Agreement

(1) [*Rights Preserved*] If, at the international registration date or the recording date of the later designation, as the case may be, the owner of the international registration of a mark effected under this Treaty owns, in respect of any designated State, an international registration of the same mark effected under the Madrid Agreement ("Madrid registration"), his rights under this Treaty shall be deemed to include in respect of that State all rights, particularly any priority right, existing under that Madrid registration and, subject to paragraph (4), shall be deemed to continue to include them even where the Madrid registration subsequently expires. The foregoing provision shall apply to the extent that the goods and/or services referred to in respect of the said State in the international registration under this Treaty are, in fact, covered by the list of goods and/or services referred to in respect of the said State in the Madrid registration.

(2) [*Procedural Details*] The applicant seeking the international registration of a mark under this Treaty, or the owner of the international registration of a mark under this Treaty, may, as provided in the Regulations, make a declaration stating that he owns a Madrid registration of the same mark in respect of certain designated States and identifying such registration. The declaration may be included in the international application or the request for the recording of later designations or it may be filed separately. The International Bureau shall record and publish the declaration, as provided in the Regulations.

(3) [*Immunity Against Refusal*] Where a declaration under paragraph (2) has been notified to the designated Office and the conditions referred to in paragraph (1) are complied with, and to the extent that they are complied with, the effects provided for in Article 11 may not be refused under Article 12, unless protection under the Madrid Agreement has been refused or as long as refusal under that Agreement is still possible.

(4) [*Expiration of the Madrid Registration*] Where the Madrid registration referred to in paragraph (1) expires, the rights under this Treaty shall be deemed to continue to include the rights which existed under the Madrid Agreement only where a declaration referred to in paragraph (2) has been filed not later than within one year from the expiration of the said Madrid registration.

Article 23

Preservation of the Right To Use the Madrid Agreement

Where any natural person or legal entity has the right to seek international registration under the Madrid Agreement or to renew his or its international registration under that Agreement, such right shall not be affected by this Treaty in any Contracting State party also to the Madrid Agreement.

Article 24

National Registrations Based on International Registrations

(1) [*Preservation of Rights Acquired Through International Registration*] The owner of the international registration of a mark having the effect provided for in Article 11(2) in any Contracting State may, at any time and with reference to such international registration, apply for the registration of the same mark in the national register of marks of that State, and such national registration shall, provided the requirements of the national law are complied with, be granted in that State, and the rights of the said owner under such national registration shall be deemed to include all rights, particularly any priority right, existing under the said international registration in the said State, even where the international registration subsequently expires in respect of that State. The foregoing provision shall apply to the extent that the goods and/or services listed in the said application are in fact covered by the list of goods and/or services referred to in the said international registration in respect of the said State.

(2) [*Procedural Details*] Until the expiration of the effect referred to in paragraph (1), Article 20(1) and (2) shall apply also in connection with any national registration effected under that paragraph.

Article 25

Regional Marks

(1) [*Designation Having the Effect of an Application for a Regional Mark*] (a) Where the residents or nationals of all Contracting States are given the right under a treaty providing for the registration of regional marks ("regional treaty") to file applications and obtain registrations under such regional treaty by way of this Treaty, any Contracting State party to such regional treaty may declare, as provided in the Regulations, that its designation under this Treaty shall have the same effect as if the mark had been applied for as a regional mark effective in that State.

(b) Where the international application is for a regional mark and, under the regional treaty, the applicant cannot limit his application to some only of the States party to that treaty, designation of one or more of those States shall be treated as designation of all the States party to that treaty, and withdrawal of the designation, or renunciation of the recording of the designation, or cancellation of the designation for any other reason, of any such State shall have the effect of withdrawal, renunciation or cancellation with respect to the designation of all such States.

(2) [Fees] Where the use of this Treaty results in effects under a regional treaty, Article 18(2) to (5) shall apply *mutatis mutandis* and subject to the following provisions:

(i) The beneficiary of the fees referred to in Article 18(2) shall be the intergovernmental authority administering the regional treaty.

(ii) The choice referred to in Article 18(2) shall be exercised by the intergovernmental authority administering the regional treaty.

(iii) Where, under a regional treaty, fees vary according to the number of the States to which the effect of the regional registration extends, the amounts of individual fees may vary not only according to Article 18(3)(c) but also according to the number of the designated States party to the said regional treaty, provided that the total amount referred to in Article 18(3)(e) and the amount of the renewal fee referred to in Article 18(3)(f) shall be that of the fees prescribed in the regional treaty with respect to as many States as are designated States.

Article 26

Representation Before the International Bureau

(1) [Possibility of Representation] Applicants and owners of international registrations may, as provided in the Regulations, be represented before the International Bureau by any natural person or legal entity empowered by them to that effect (hereinafter referred to as "the duly appointed representative").

(2) [Effect of Appointment] Any invitation, notification or other communication addressed by the International Bureau to the duly appointed representative shall have the same effect as if it had been addressed to the applicant or the owner of the international registration. Any application, request, demand, declaration or other document whose signature by the applicant or the owner of the international registration is required in proceedings before the International Bureau, except the document appointing the representative or revoking his appointment, may be signed by his duly appointed representative, and any communication from the duly appointed representative to the International Bureau shall have the same effect as if it had been effected by the applicant or the owner of the international registration.

(3) [Several Applicants or Owners] (a) Where there are several applicants, they shall appoint a common representative. In the absence of such appointment, the applicant first named in the international application shall be considered the duly appointed representative of all the applicants.

(b) Where there are several owners of the international registration, they shall appoint a common representative. In the absence of such appointment, the natural person or legal entity first named among the said owners in the International Register of Marks shall be considered the duly appointed representative of all the owners of the international registration.

(c) Subparagraph (b) shall not apply to the extent that the owners own the international registration in respect of

different designated States, or in respect of different goods and/or services, or in respect of different States and different goods and/or services.

Article 27

Conditions for and Effect of Priority Claim Contained in the International Application or in the Request for the Recording of Later Designations

The conditions for and the effect of any priority claimed in the international application or in the request for the recording of later designations shall be as provided for in respect of marks in Article 4 of the Stockholm (1967) Act of the Paris Convention for the Protection of Industrial Property.

Article 28

International Application as Possible Basis of Priority Claim

(1) [Basis of Claim] Any international application which is regular shall be equivalent to a regular national filing within the meaning of Article 4 of the Stockholm (1967) Act of the Paris Convention for the Protection of Industrial Property and shall be recognized as the basis of a priority claim as provided for in that Act.

(2) [Criterion of "Regular" International Application] For the purposes of paragraph (1), an international application shall be regarded as regular if it is adequate to establish the date on which it was filed with the International Bureau or, where it was filed through the intermediary of a national Office, with that Office.

Article 29

Delay in Meeting Time Limits

(1) [Delays That Must Be Excused by Contracting States] Subject to paragraph (3), any Contracting State shall, as far as that State is concerned, excuse, for reasons admitted under its national law, any delay in meeting any time limit fixed in this Treaty or the Regulations.

(2) [Delays That May Be Excused by Contracting States] Subject to paragraph (3), any Contracting State may, as far as that State is concerned, excuse, for reasons other than those admitted under its national law, any delay in meeting any time limit fixed in this Treaty or the Regulations.

(3) [Delays That Cannot Be Excused] Paragraphs (1) and (2) shall not apply to any delay in meeting any time limit provided for in Article 7(1), Article 7(6)(iii), Article 8(1) and Article 12(2)(a)(i).

(4) [International Bureau] The International Bureau shall not excuse delays by applicants, owners of international registrations or national Offices in meeting any time limit fixed in this Treaty and the Regulations.

Article 30

Correction of Errors of the International Bureau

(1) [*Petition for Redress*] Subject to Article 9, where, in the opinion of the applicant or the owner of the international registration, the International Bureau has, in applying the provisions of this Treaty and the Regulations, made an error which may affect the interests of such applicant or owner in respect of any designated State, the said applicant or owner may, within the time limit fixed in the Regulations, file with the national Office of such State a petition for the purpose of requesting the International Bureau to correct the error in respect of the said State.

(2) [*Redress*] If the national Office or any other competent authority of the said State finds that the International Bureau has in fact made the error which is the subject of the petition, the said national Office shall request the International Bureau to correct that error in respect of that State and the International Bureau shall proceed as requested.

(3) [*Procedure*] The applicant or the owner of the international registration who files a petition under paragraph (1) shall, at the time of filing the petition, transmit a copy of that petition to the International Bureau. If the petition relates to a mark which is already registered in the International Register of Marks, the International Bureau shall, as provided in the Regulations, record and publish the fact that it received a copy of such petition; otherwise it shall keep the said copy in its files.

(4) [*Procedure: Continued*] Where the correction requires a corresponding modification of the International Register of Marks, the International Bureau shall modify that Register accordingly. Furthermore, where the correction affects any information which has been the subject of a publication by the International Bureau, that Bureau shall publish the correction.

Article 31

Notification of Owner of International Registration

Any matter recorded by the International Bureau in respect of an international registration shall be the subject of a corresponding notification to the owner of the international registration. Details may be provided in the Regulations.

CHAPTER II

Administrative Provisions

Article 32

Assembly

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

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

(2) [*Tasks*] (a) The Assembly shall:

(i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Treaty;

(ii) exercise such rights and perform such tasks as are specially conferred upon it or assigned to it under this Treaty;

(iii) give directions to the Director General concerning the preparation for revision conferences;

(iv) review and approve the reports and activities of the Director General concerning the Union, and give him all necessary instructions concerning matters within the competence of the Union;

(v) determine the program and adopt the budget of the Union, and approve its final accounts;

(vi) adopt the financial regulations of the Union;

(vii) establish such committees and working groups as it deems appropriate to facilitate the work of the Union and of its organs;

(viii) determine which States other than Contracting States and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(ix) decide upon the establishment of any agency of the International Bureau in any place outside Geneva (Switzerland) for the purposes of receiving documents and payments under this Treaty and the Regulations with the same effect as if they had been received by the International Bureau in Geneva;

(x) take any other appropriate action designed to further the objectives of the Union and perform such other functions as are appropriate under this Treaty.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

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

(4) [*Vote*] 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*] (a) Subject to Article 34(5)(f), Article 35(2)(b) and (c), and Article 38(2)(b), the decisions of the Assembly shall require a majority of the votes cast.

(b) Abstentions shall not be considered as votes.

(7) [*Sessions*] (a) The Assembly shall meet once in every calendar 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 the Director General's 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 33

International Bureau

(1) *[Tasks]* The International Bureau shall:

(i) perform the administrative tasks concerning the Union; in particular, it shall perform such tasks as are specially assigned to it under this Treaty or by the Assembly;

(ii) provide the secretariat of revision conferences, of the Assembly, of the committees and working groups established by the Assembly, and of any other meeting convened by the Director General and dealing with matters of concern to the Union.

(2) *[Director General]* The Director General shall be the chief executive of the Union and shall represent the Union.

(3) *[Meetings Other Than Sessions of the Assembly]* The Director General shall convene any committee and working group established by the Assembly and all other meetings dealing with matters of concern to the Union.

(4) *[Role of International Bureau in the Assembly and Other Meetings]* (a) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the committees and working groups established by the Assembly, and any other meeting convened by the Director General and dealing with matters of concern to the Union.

(b) The Director General or a staff member designated by him shall be ex officio secretary of the Assembly, and of the committees, working groups and other meetings referred to in subparagraph (a).

(5) *[Revision Conferences]* (a) The Director General shall, in accordance with the directions of the Assembly, make the preparations for revision conferences.

(b) The Director General may consult with intergovernmental and international non-governmental organizations concerning the said preparations.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at revision conferences.

(d) The Director General or a staff member designated by him shall be ex officio secretary of any revision conference.

(6) *[Assistance by National Offices]* The Regulations may specify the services that national Offices shall render in order to assist the International Bureau in carrying out its tasks under this Treaty.

Article 34

Finances

(1) *[Budget]* (a) The Union shall have a budget.

(b) The budget of the Union shall include the income and expenses proper to the Union, its contribution to the budget of expenses common to the Unions, and any sum made available to the budget of the Conference of the Organization.

(c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the

Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

(2) *[Coordination with Other Budgets]* The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) *[Sources of Income]* The budget of the Union shall be financed from the following sources:

(i) fees and other charges due for services rendered by the International Bureau in relation to the Union;

(ii) sale of, or royalties on, the publications of the International Bureau concerning the Union;

(iii) gifts, bequests, and subventions;

(iv) rents, interests, and other miscellaneous income.

(4) (a) *[Self-Supporting Financing]* The amounts of fees and charges due to the International Bureau and the prices of its publications shall be so fixed that they should, under normal circumstances, be sufficient to cover the expenses of the International Bureau connected with the administration of this Treaty.

(b) *[Continuation of Budget; Reserve Fund]* If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations. If the income exceeds the expenses, the difference shall be credited to a reserve fund.

(5) *[Working Capital Fund]* (a) The Union shall have a working capital fund which shall be constituted by a single payment made by each Contracting State. If the fund becomes insufficient, the Assembly shall arrange to increase it. If part of the fund is no longer needed, it shall be reimbursed.

(b) The amount of the initial payment of each Contracting State to the said fund or of its participation shall be proportionate to the number of international applications which, among the total number of such applications, it is estimated that its residents will file. The participations of all Contracting States in the fund may be revised from time to time by the Assembly to make them correspond to the number of international applications actually filed by the residents of the various States since the date of the initial payments or the last such revision.

(c) The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(d) If loans from the reserve fund permit the constitution of a working capital fund that is sufficient, the Assembly may suspend the application of subparagraphs (a), (b) and (c).

(e) Any reimbursement under subparagraph (a) shall be proportionate to the amounts paid by each Contracting State, taking into account the dates at which they were paid.

(f) Any decision under subparagraphs (a) to (d) shall require two-thirds of the votes cast.

(6) *[Advances by Host Country]* (a) In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided

that, whenever the working capital fund is insufficient, such State shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such State and the Organization. As long as it remains under the obligation to grant advances, such State shall have an ex officio seat in the Assembly if it is not a Contracting State.

(b) The State referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(7) [Auditing of Accounts] The auditing of the accounts shall be effected by one or more of the Contracting States or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

Article 35 Regulations

(1) [Adoption of Regulations] The Regulations adopted at the same time as this Treaty are annexed to this Treaty.

(2) [Amending the Regulations] (a) The Assembly may amend the Regulations. Amendments may consist also of new provisions added to the Regulations concerning:

(i) matters in respect of which this Treaty expressly refers to the Regulations or expressly provides that they are or shall be prescribed,

(ii) any administrative requirements, matters or procedures,

(iii) any details useful in the implementation of this Treaty.

(b) Subject to subparagraphs (c) and (d), the amendment of the Regulations shall require two-thirds of the votes cast.

(c) The amendment of any provision of the Regulations affecting the amount of the fees referred to in Article 18(2), as well as the distribution among the national Offices and the transfer to them of such fees, shall require three-fourths of the votes cast. Where the amendment relates to fees referred to in Article 18(2) but those fees are fees to which only some of the Contracting States are entitled, only the Contracting States entitled thereto shall, for the purposes of the quorum, be considered Contracting States, and only they shall have the right to vote.

(d) The amendment of any provisions of the Regulations concerning declarations of intent to use the mark and declarations of actual use of the mark shall require that it be accepted by a majority of two-thirds of the votes cast and that no Contracting State whose national law allows or requires the filing of such declarations vote against the proposed amendment.

(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 former shall prevail.

Article 36

Search Service

(1) [Tasks] The International Bureau shall maintain a Service whose task shall be to search for anticipations among marks registered under this Treaty, and, to the extent authorized by the Assembly, other marks as well.

(2) [Fees; Availability] Searches shall be made on request and shall be subject to the payment of fees fixed under the Regulations. The Service shall be at the disposal of any Government, national Office, other legal entity, or natural person.

(3) [Self-Supporting Financing] The amounts of the fees referred to in paragraph (2) shall be so fixed that they should be sufficient to cover the expenses of the International Bureau connected with the Service.

CHAPTER III

Revision and Amendment

Article 37

Revision of the Treaty

(1) [Revision Conferences] This Treaty may be revised from time to time by conferences of the Contracting States.

(2) [Convocation] The convocation of any revision conference shall be decided by the Assembly.

(3) [Provisions That Can Be Amended Also by the Assembly] The provisions referred to in Article 38(1)(a) may be amended either by a revision conference or according to Article 38.

Article 38

Amendment of Certain Provisions of the Treaty

(1) [Proposals] (a) Proposals for the amendment of the length of any time limit fixed in Chapter I of this Treaty, other than those referred to in Articles 12(2) and 19(3), or for any amendment to Articles 32(5) and (7), 33, 34 and 36, may be initiated by any Contracting State or by the Director General.

(b) 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.

(2) [Adoption] (a) Amendments to the provisions referred to in paragraph (1) shall be adopted by the Assembly.

(b) Adoption shall require three-fourths of the votes cast, provided that adoption of any amendment of the length of the time limit fixed in Articles 7(1), 7(3)(c), 7(6)(iii) and 8(1) shall require that no Contracting State vote against the proposed amendment.

(3) [Entry Into Force] (a) Any amendment to the provisions referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, 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.

(b) Any amendment to the said Articles thus accepted shall bind all the Contracting States which were Contracting States at the time the amendment was adopted by the Assembly, provided that any amendment increasing the financial obligations of the said Contracting States shall bind only those which have notified their acceptance of such amendment.

(c) Any amendment which has been accepted and which has entered into force in accordance with subparagraph (a) shall bind all States which become Contracting States after the date on which the amendment was adopted by the Assembly.

CHAPTER IV

Final Provisions

Article 39

Becoming Party to the Treaty

(1) [Ratification, Accession] Any State member of the International Union for the Protection of Industrial Property 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 Instrument] Instruments of ratification or accession shall be deposited with the Director General.

(3) [Reference to Other States] (a) Any instrument of ratification or accession may be accompanied by a declaration to the effect that it shall be considered to have been deposited only when another State, or either one of two other States, or both of two other States, specified by name, shall have deposited instruments of ratification or accession. The instrument of ratification or accession of any State having made such a declaration shall be considered to have been deposited

(i) on the day on which the specified State, or one of the two specified States, or the second specified State, as the case may be, deposits its instrument of ratification or accession,

(ii) where the instrument of ratification or accession of any specified State itself is accompanied by a declaration concerning other States, on the day on which the instrument of ratification or accession of the said specified State is to be considered to have been deposited.

(b) Any declaration made under subparagraph (a) may be withdrawn at any time or, if it was made in respect of two States, may be limited to one of them. The instrument of ratification or accession of any State withdrawing its declaration shall be considered to have been deposited on the day on which the withdrawal is notified to the Director General, whereas the instrument of ratification or accession of any State limiting its declaration shall be considered to have been deposited on the day on which the remaining State deposits its instrument of ratification or accession. If the instrument of ratification or accession of the remaining State has already been deposited, the instrument of ratification or accession of the State limiting its declaration shall be considered to have

been deposited on the day on which the limitation is notified to the Director General.

(4) [Certain Territories] (a) The provisions of Article 24 of the Stockholm (1967) Act of the Paris Convention for the Protection of Industrial Property shall apply to this Treaty.

(b) Subparagraph (a) shall in no way be understood as implying the recognition or tacit acceptance by a Contracting State of the factual situation concerning a territory to which this Treaty is made applicable by another Contracting State by virtue of the said subparagraph.

Article 40

Transitional Provisions

(1) [Declaration by Certain Developing Countries] Any State party to the Paris Convention for the Protection of Industrial Property but not party to this Treaty which, in conformity with the established practice of the General Assembly of the United Nations, is regarded as a developing country may make a declaration addressed to the Director General stating that it wishes to avail itself of the right provided for in paragraph (2) and that it intends to become party to this Treaty at the latest within two years from the date on which that right, according to the applicable provisions of paragraphs (5) to (8), ceases to be effective in respect of that State.

(2) [Effect of Declaration] Residents and nationals of any State having made a declaration according to paragraph (1) shall, notwithstanding Article 4(1), have the right to file international applications and to own international registrations under this Treaty.

(3) [Time of Filing Declaration] The declaration referred to in paragraph (1) shall be filed with the Director General at any time before June 12, 1978.

(4) [Commencement of Effect] If filed before the entry into force of this Treaty according to Article 41(1), the declaration referred to in paragraph (3) shall become effective on the date of the said entry into force. If filed after such entry into force, the said declaration shall become effective three months after the date of its filing.

(5) [Expiration of Effect] Subject to paragraphs (6) to (8), the right provided for in paragraph (2) shall be effective until the expiration of whichever of the following two periods expires later:

(i) a period of ten years from the date (June 12, 1973) of the signature of this Treaty,

(ii) a period of five years from the entry into force of this Treaty according to Article 41(1).

(6) [Possible Prolongation of Effect] (a) The period referred to in paragraph (5) may be prolonged twice for periods of five years each by decisions of the Special Conference as defined in subparagraph (b) in respect of those States having made the declaration referred to in paragraph (1) whose residents or nationals have filed an average of not more than two hundred international applications per year during the three consecutive years, as defined in subparagraph (d).

(b) The Special Conference shall consist of the States which, at the time it meets, are Contracting States and those States having made a declaration under paragraph (1) which fulfill, in respect of the number of international applications, the conditions set forth in subparagraph (a).

(c) The decision of the Special Conference shall require a simple majority of the votes cast. The said Conference shall meet upon convocation by the Director General during the year preceding the year in which:

(i) the period referred to in paragraph (5) expires, and

(ii) the first five-year period referred to in subparagraph (a) expires if prolongation for that period had been decided.

(d) The three consecutive years referred to in subparagraph (a) shall, in respect of each of the two possible decisions, be the fourth, third and second calendar years before the year in which the decision is made.

(7) [*Possible Further Prolongation of Effect*] The Assembly, in exceptional cases and upon request, may decide to prolong for two further periods of five years each the application of the right under paragraph (2) in respect of any State which, at the time the decision is made, benefits from the said right and which is then regarded as one of the least developed among the developing countries.

(8) [*Termination of Effect for Special Reasons*] Notwithstanding paragraphs (4) to (7), the right provided for in paragraph (2) shall cease to exist on the last day of the calendar year which follows the year in which any State having made a declaration under paragraph (1):

(i) ceases to be regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations, or

(ii) denounces the Paris Convention for the Protection of Industrial Property.

Article 41

Entry Into Force of the Treaty

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

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

Article 42

Reservations to the Treaty

Subject to Article 46(2), no reservations to this Treaty are permitted.

Article 43

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.

(3) [*Moratorium on Denunciation*] The right of denouncing this Treaty provided for in paragraph (1) shall not be exercised by any Contracting State before the expiration of five years from the date on which it becomes bound by this Treaty.

(4) [*Continuation of the Effects of the Treaty*] (a) The effects of this Treaty on any mark enjoying the benefits of this Treaty on the day preceding the day on which the denunciation by any Contracting State takes effect shall continue in that State until the expiration of the initial or renewal term which was running on that date.

(b) Where the right to own the international registration of a mark is based on the owner's being a resident or national of the Contracting State referred to in subparagraph (a), the benefits of this Treaty shall, in all designated States, continue until the day on which the period referred to in subparagraph (a) expires in respect of that mark.

Article 44

Signature and Languages of the Treaty

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

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

(3) [*Time Limit for Signature*] This Treaty shall remain open for signature at Vienna until December 31, 1973.

Article 45

Depositary Functions

(1) [*Deposit of the Original Texts*] The original of this Treaty, when no longer open for signature, shall be deposited with the Director General.

(2) [*Certified Copies*] The Director General shall transmit two copies, certified by him, of this Treaty to the Governments of the States party to the Paris Convention for the Protection of Industrial Property and, on request, to the Government of 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 Governments of the Contracting States and, on request, to the Government of any other State.

Article 46**Settlement of Disputes**

(1) [*International Court of Justice*] Any dispute between two or more Contracting States concerning the interpretation or application of this Treaty or the Regulations, not settled by negotiation, may, by any one of the States concerned, be brought before the International Court of Justice by application in conformity with the Statute of the Court, unless the States concerned agree on some other method of settlement. The Contracting State bringing the dispute before the Court shall inform the International Bureau; the International Bureau shall bring the matter to the attention of the other Contracting States.

(2) [*Reservation*] Each Contracting State may, at the time it signs this Treaty or deposits its instrument of ratification or accession, declare by notification deposited with the Director General that it does not consider itself bound by paragraph (1). With regard to any dispute between any Contracting State having made such a declaration and any other Contracting State, paragraph (1) shall not apply.

(3) [*Withdrawal of Reservation*] Any Contracting State having made a declaration in accordance with paragraph (2) may, at any time, withdraw its declaration by notification addressed to the Director General.

Article 47**Notifications**

The Director General shall notify the Governments of the States party to the Paris Convention for the Protection of Industrial Property of:

- (i) signatures under Article 44;
- (ii) deposits of instruments of ratification or accession under Article 39(2) and of any declaration accompanying them under Article 39(3)(a) and any withdrawal or limitation of such declarations made under Article 39(3)(b);
- (iii) the date of entry into force of this Treaty under Article 41(1) and any amendment under Article 38(3)(a);
- (iv) denunciations received under Article 43;
- (v) declarations received under Articles 40(1) and 46(2) and (3).