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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

DIPLOMATIC CONFERENCE FOR THE ADOPTION OF THE PATENT LAW TREATY

Geneva, May 11 to June 2, 2000

FIRST REPORT OF THE CREDENTIALS COMMITTEE

prepared by the Secretariat

1. The Credentials Committee (“the Committee”), established on May 11, 2000, by the Diplomatic Conference for the Adoption of the Patent Law Treaty, met on May 16, 2000.
2. The delegations of the following States, elected members of the Committee by the Diplomatic Conference, attended the meeting: France, Madagascar, Peru, Portugal, Slovakia, Uganda and United Kingdom.
3. The President of the Committee, elected by the Diplomatic Conference, was Ms. Joyce C. Banya (Uganda). The Vice-Presidents, elected by the Diplomatic Conference, were Ms. Michèle Weil-Guthmann (France) and Ms. Betty Berendson (Peru).
4. In accordance with Rule 9(1) of the Rules of Procedure adopted by the Conference on May 11, 2000 (document PT/DC/13; “the Rules of Procedure”), the Committee examined the credentials, full powers, letters or other documents of appointment presented for the purposes of Rules 6 and 7 by delegations of the States which are party to the Paris Convention for the Protection of Industrial Property (“Paris Convention”) or States members of the World Intellectual Property Organization (“WIPO”), participating in the Conference in accordance with Rule 2(1)(i) of the Rules of Procedure (“Ordinary Member Delegations”), by the delegations of the African Intellectual Property Organization, the African Regional Industrial Property Organization, the European Patent Organisation and the Eurasian Patent Organization, participating in the Conference in accordance with Rule 2(1)(ii) of the Rules of

Procedure (“Special Member Delegations”), and by delegations of States members of the United Nations other than the States which are party to the Paris Convention or States members of WIPO, participating in the Conference in accordance with Rule 2(1)(iii) of the Rules of Procedure (“Observer Delegations”), as well as by the representatives of intergovernmental and non-governmental organizations, participating in the Conference in accordance with Rule 2(1)(iv) of the Rules of Procedure (“Observer Organizations”).

5. On the basis of the information provided by the Secretariat as to the practice prevailing in other diplomatic conferences, and in particular in diplomatic conferences convened by WIPO, the Committee decided to recommend to the Conference, meeting in Plenary, that the following criteria should be applied by the Committee in its examination of, and should govern the decision of the Conference on, the credentials, full powers, letters or other documents presented for the purposes of Rules 6 and 7 of the Rules of Procedure:

(i) as far as any State is concerned, its delegation’s credentials and full powers should be accepted if they were signed by that State’s Head of State, Head of Government or Minister for Foreign Affairs; credentials, but not full powers, should be accepted if they were contained in a *note verbale* or letter of that State’s Permanent Representative in Geneva or in a *note verbale* of that State’s Ministry of Foreign Affairs or its Permanent Mission in Geneva and should not otherwise be accepted; in particular, a communication emanating from a Minister other than the Minister for Foreign Affairs, or from an official other than the Permanent Representative or Chargé d’affaires a.i. in Geneva, should not be treated as credentials;

(ii) as far as any Organization is concerned, its representative’s letter or other document of appointment should be accepted if it was signed by the Head (Director General, Secretary General or President) or Deputy Head or official responsible for external affairs of the Organization;

(iii) facsimile and telex communications should be accepted if, as to their source, the requirements stated in points (i) and (ii) were fulfilled.

6. Pending a final decision by the Conference, meeting in Plenary, on the said criteria, the Committee decided to apply those criteria to the documents received by it.

7. Accordingly, the Committee found in order

(a) as far as *Ordinary Member Delegations* are concerned,

(i) the *credentials* and *full powers* (that is, credentials for participating in the Conference and signing the Final Act of the Conference, and full powers to sign the Patent Law Treaty to be adopted by the Diplomatic Conference) of the delegations of the following 40 States:

Austria	Cuba
Benin	Czech Republic
Bhutan	Democratic People’s
Burkina Faso	Republic of Korea
Burundi	Estonia
Central African Republic	Finland
Chad	France

Greece	Poland
Guinea	Republic of Moldova
India	Romania
Israel	San Marino
Italy	Sao Tome and Principe
Kenya	Slovenia
Kyrgyzstan	Sudan
Latvia	The former Yugoslav
Madagascar	Republic of Macedonia
Mali	Togo
Malta	Tunisia
Monaco	Uganda
Morocco	United Kingdom
Niger	Zambia

(ii) the *credentials* without full powers (that is, credentials for participating in the Conference and signing the Final Act of the Conference) of the delegations of the following 74 States:

Algeria	Iraq
Angola	Ireland
Argentina	Jamaica
Australia	Japan
Azerbaijan	Jordan
Bangladesh	Kazakhstan
Barbados	Lesotho
Belgium	Liberia
Bosnia and Herzegovina	Libyan Arab Jamahiriya
Brazil	Lithuania
Bulgaria	Luxembourg
Canada	Malawi
Cape Verde	Malaysia
China	Mauritania
Colombia	Mexico
Costa Rica	Nepal
Croatia	Netherlands
Denmark	New Zealand
Dominican Republic	Nicaragua
Ecuador	Nigeria
Egypt	Norway
El Salvador	Panama
Equatorial Guinea	Peru
Ethiopia	Philippines
Gabon	Portugal
Georgia	Republic of Korea
Ghana	Russian Federation
Haiti	Samoa
Holy See	Saudi Arabia
Indonesia	Singapore
Iran (Islamic Republic of)	Slovakia

Spain	United Republic of Tanzania
Sri Lanka	United States of America
Swaziland	Uruguay
Sweden	Venezuela
Syrian Arab Republic	Yemen
Thailand	
Ukraine	

(b) as far as *Special Member Delegations* are concerned, the *credentials* and *full powers* of the European Patent Organisation (1), and the *credentials* of the African Intellectual Property Organization, the African Regional Industrial Property Organization and the Eurasian Patent Organization (3).

(c) as far as *Observer Organizations* are concerned, the *letters* or *documents of appointment* of representatives of the following Observer Organizations (listed in the alphabetical order of the name of the organization according to its name in French if it exists or, if it does not exist, according to its name in another language):

(i) *intergovernmental organizations*: European Community (EC), League of Arab States (LAS), Organization of African Unity (OAU), World Trade Organization (WTO) (4);

(ii) *non-governmental organizations*: American Intellectual Property Law Association (AIPLA), *Asociación de Agentes Españoles autorizados ante Organizaciones Internacionales de Propiedad Industrial e Intelectual* (AGESORPI), Asian Patent Attorneys Association (APAA), *Associação Brasileira da Propriedade Intelectual* (ABPI), *Associação Brasileira dos Agentes da Propriedade Industrial* (ABAPI), Korea Patent Attorneys Association (KPAA), Republic of Korea, Inter-American Association of Industrial Property (ASIPI), International Association for the Protection of Industrial Property (AIPPI), Japan Patent Attorneys Association (JPAA), Japan Intellectual Property Association (JIPA), World Association for Small and Medium Enterprises (WASME), *Association sénégalaise pour la promotion des inventions et innovations* (ASPI), Federal Chamber of Patent Agents (FCPA), Germany, Chartered Institute of Patent Agents (CIPA), United Kingdom, Committee of National Institutes of Patent Agents (CNIPA), Federation of German Industry (BDI), International Federation of Inventors' Associations (IFIA), International Federation of Industrial Property Attorneys (FICPI), Trade Marks Patents and Designs Federation (TMPDF), United Kingdom, Intellectual Property Institute of Canada (IPIC), Institute of Professional Representatives before the European Patent Office (EPI), Intellectual Property Owners Association (IPO), United States of America, International League of Competition Law (LIDC), Biotechnology Industry Organization (BIO), Union of European Practitioners in Industrial Property (UEPIP) (25).

8. The Committee recommends to the Conference, meeting in Plenary, to accept the credentials and full powers of the delegations mentioned in paragraph 7(a)(i) and 7(b), above, the credentials of the delegations mentioned in paragraph 7(a)(ii) and 7(b), above, and the letters or documents of appointment of the representatives of the organizations mentioned in paragraph 7(c), above.

9. The Committee expressed the wish that the Secretariat should bring Rules 6 (“Credentials and Full Powers”), 7 (“Letters of Appointment”), 8 (“Presentation of Credentials, etc.”) and 10 (“Provisional Participation”) of the Rules of Procedure to the attention of Member Delegations or Observer Delegations not having presented credentials or

full powers and of the representatives of Observer Organizations not having presented letters or other documents of appointment.

10. The Committee decided that a report on its meeting should be prepared by the Secretariat and issued as its report, to be presented by the President of the Committee to the Conference, meeting in Plenary.

11. The Committee decided that it would re-convene to examine any further communications concerning Ordinary Member Delegations, Special Member Delegations, Observer Delegations, or Observer Organizations which might be received by the Secretariat after the close of its meeting.

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