

# WIPO



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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

## **DIPLOMATIC CONFERENCE FOR THE ADOPTION OF A REVISED TRADEMARK LAW TREATY**

**Singapore, March 13 to 31, 2006**

FIRST REPORT OF THE CREDENTIALS COMMITTEE

*prepared by the Secretariat*

1. The Credentials Committee (hereinafter referred to as “the Committee”), established on March 14, 2006, by the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty, met on March 16, 2006.
2. The Delegations of the following States, elected members of the Committee by the Diplomatic Conference, attended the meeting: Australia, China, Ghana, Honduras, Iran (Islamic Republic of), Kyrgyzstan and South Africa (7).
3. The President of the Committee, elected by the Diplomatic Conference, was Mr. Hekmatollah Ghorbani (Iran (Islamic Republic of)). The Vice-Presidents, elected by the Diplomatic Conference, were Mrs. Grace Issahaque (Ghana), and Mr. Francisco Javier Mejía (Honduras).
4. In accordance with Rule 9(1) of the Rules of Procedure adopted by the Conference on March 14, 2006 (document TLT/R/DC/2; hereinafter referred to as “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 States members of the World Intellectual Property Organization (hereinafter referred to as “WIPO”),

participating in the Conference in accordance with Rule 2(1)(i) of the Rules of Procedure (hereinafter referred to as “Ordinary Member Delegations”), by the delegations of the African Intellectual Property Organization, the African Regional Intellectual Property Organization and the European Community, participating in the Conference in accordance with Rule 2(1)(ii) of the Rules of Procedure (hereinafter referred to as the “Special Member 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 (hereinafter referred to as “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, its Permanent Mission in Geneva or Embassy in Singapore and should not otherwise be accepted; in particular, a communication emanating from a Minister other than the Minister for Foreign Affairs, 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, electronic communications or hard copies of originals 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 as well as *full powers* to sign the treaty to be adopted by the Diplomatic Conference) of the delegations of the following 37 States:

Austria	Italy
Belgium	Kenya
Benin	Kyrgyzstan
Bosnia and Herzegovina	Lithuania
Burkina Faso	Luxembourg
Congo	Madagascar
Croatia	Mali
Czech Republic	Mozambique
Democratic People's Republic of Korea	Portugal
Democratic Republic of the Congo	Republic of Moldova
Denmark	Romania
Dominican Republic	Senegal
Estonia	Serbia and Montenegro
Ghana	Slovenia
Guinea	Suriname
Haiti	Tajikistan
Hungary	The former Yugoslav Republic of Macedonia
Israel	United Kingdom
	Zambia

(ii) the *credentials* without *full powers* (that is, *credentials* for participating in the Conference and signing the final act only) of the delegations of the following 47 States:

Algeria	Latvia
Argentina	Lesotho
Armenia	Mauritania
Australia	Mauritius
Azerbaijan	Mexico
Bangladesh	Monaco
Belarus	Morocco
Bulgaria	Myanmar
Cameroon	Netherlands
China	Nigeria
Colombia	Pakistan
Ecuador	Republic of Korea
El Salvador	Russian Federation
Finland	Seychelles
Georgia	Singapore
Greece	Slovakia
Grenada	South Africa
Honduras	Switzerland
India	Syrian Arab Republic
Indonesia	Tunisia
Iran (Islamic Republic of)	Uruguay
Iraq	Uzbekistan
Ireland	Zimbabwe
Japan	

(b) as far as the *Special Member Delegations* are concerned, the *credentials* of the Delegations of: African Intellectual Property Organization (OAPI), African Regional Intellectual Property Organization (ARIPO), European Community (3).

(c) as far as the *Observer Organizations* are concerned, the *letters or documents of appointment* of representatives of the following Observer Organizations:

(i) *intergovernmental organizations*: Benelux Designs Office (BBDM), Benelux Trademark Office (BBM) (2).

(ii) *non-governmental organizations*: American Intellectual Property Law Association (AIPLA), Asian Patent Attorneys Association (APAA), Association of European Trademark Owners (MARQUES), China Trademark Association (CTA), Committee of National Institutes of Intellectual Property Attorneys (CNIPA), European Communities Trade Mark Association (ECTA), International Association for the Protection of Intellectual Property (AIPPI), International Chamber of Commerce (ICC), Innovation Business Club (Intelcom), International Federation of Industrial Property Attorneys (FICPI), International Trademark Association (INTA), Japan Patent Attorneys Association (JPAA), Japan Trademark Association (JTA) (13).

8. The Committee noted that, in accordance with established practice, a designation of representation implied, in principle, in the absence of any express reservation, the right of signature, and that it should be left to each delegation to interpret the scope of its credentials.

9. 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) 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.

10. The Committee expressed the wish that the Secretariat should bring Rule 6 (“Credentials and Full Powers”), 7 (“Letters of Appointment”) 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.

11. 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.

12. 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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