

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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ASSEMBLIES OF THE MEMBER STATES OF WIPO

Thirty-Second Series of Meetings Geneva, March 25 to 27, 1998

RESOLUTION CONCERNING PARTICIPATION AND STATUS OF SUCCESSOR STATES TO THE FORMER SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA IN WIPO

Proposal from the Republic of Slovenia, and also on behalf of Bosnia and Herzegovina, the Republic of Croatia and the former Yugoslav Republic of Macedonia

1. A letter, dated February 23, 1998, and its enclosed Resolution, received by the Director General from the Republic of Slovenia, are annexed to this document.

2. *The Assemblies of the Member States of WIPO are invited, each in so far as it is concerned, to consider and take a decision on the proposed Resolution.*

[Annex follows]



PERMANENT MISSION OF THE REPUBLIC OF SLOVENIA TO THE UN OFFICE - GENEVA

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Dr. Kamil Idris, Director General
World Intellectual Property Organization
34 chemin des Colombettes
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Date: February 23, 1998
Our ref.: 79/98

Re.: Resolution Concerning Participation and Status of Successor States to the former Socialist Federal Republic of Yugoslavia in WIPO - supplementary agenda Item of the 1998 extraordinary sessions of the Assemblies of the Member States of WIPO, Geneva, March 25 to 27, 1998

Dear Mr. Director General,

In accordance with the rule 5.4. of WIPO General Rules of Procedure, the Republic of Slovenia, and also on behalf of Bosnia and Herzegovina, The Republic of Croatia and The Republic of Macedonia hereby requests, in due time, the inclusion of a supplementary item on the draft agenda of the 1998 extraordinary sessions of the Assemblies of the Member States of WIPO, to be held from March 25 to 27 in Geneva.

The title of the supplementary item, which relates to all Governing Bodies of WIPO and Unions administered by WIPO, is:

Resolution Concerning Participation and Status of Successor States to the former Socialist Federal Republic of Yugoslavia in WIPO.

Although we consider the Resolution, the draft of which is enclosed to this letter, as self-explanatory, we nevertheless wish to emphasise that the objective of this Resolution is twofold:

1. To ensure, in accordance with the relevant U. N. resolutions, the same and equal legal status of all successor States to the former Socialist Federal Republic of Yugoslavia, in the relevant Assemblies and/or Unions within WIPO.
2. To enable the Federal Republic of Yugoslavia to resume its participation in the meetings of Assemblies and/or Unions within WIPO, this being important for international trade and commerce.

It is our firm belief that the decisions as proposed in the Resolution are important and to the benefit not only of all successor States to the former Socialist Federal Republic of Yugoslavia, but indeed of the whole WIPO membership.

We invite the relevant Governing Bodies of WIPO to approve and adopt the proposed Resolution.

Therefore, we kindly ask you, Mr. Director General, to meet our request and to proceed according to the WIPO General Rules of Procedure.

Please, accept the assurance of my highest consideration.

Sincerely yours,



Dr. Bojan Pretnar
Permanent Representative of
the Republic of Slovenia to WIPO

Encl.: Resolution (draft)

RESOLUTION
CONCERNING PARTICIPATION AND STATUS OF SUCCESSOR STATES
TO THE FORMER SOCIALIST FEDERAL REPUBLIC OF YUGOSLAVIA
IN THE WORLD INTELLECTUAL PROPERTY ORGANIZATION

The Assemblies and other bodies of the World Intellectual Property Organization ("WIPO") and of the Unions administered by WIPO

RECOGNISING

That the international treaties administered by WIPO establish rights and obligations that are of vital importance to international trade and commerce

That it is highly desirable for the efficient functioning of international trade and commerce to ensure the continuity of such rights and obligations in the context of the dissolution of a State that has been party to such treaties

That the former Socialist Federal Republic of Yugoslavia was party to the Convention Establishing the World Intellectual Property Organization (the WIPO Convention), the Paris Convention for the Protection of Industrial Property ("the Paris Convention"), the Berne Convention for the Protection of Literary and Artistic Works ("the Berne Convention"), the Madrid Agreement Concerning the International Registration of Marks ("the Madrid Agreement"), the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks ("the Nice Agreement"), the Locarno Agreement Establishing an International Classification for Industrial Designs ("the Locarno Convention") and the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite ("the Brussels Convention") (hereinafter collectively referred to as "the Treaties")

That the former Socialist Federal Republic of Yugoslavia had signed the Hague Agreement concerning the International Deposit of Industrial Designs ("the Hague Agreement"), the Patent Cooperation Treaty ("the PCT") and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks ("the Madrid Protocol") (hereinafter collectively referred to as "the Treaty Actions")

That, according to Resolution 777 (1992) of the U. N. Security Council and Resolution 47/1 (1992) of the U. N. General Assembly, the Socialist Federal Republic of Yugoslavia has ceased to exist and has been succeeded by Bosnia and Herzegovina, the Republic of Croatia, the Republic of Macedonia, the Republic of Slovenia and the Federal Republic of Yugoslavia (Serbia and Montenegro), all being equal successor States, whereby these resolutions further stipulate that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations, but, in order to become a member of the United Nations, the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership

NOTING

That, in view of the Treaties, Bosnia and Herzegovina, the Republic of Croatia, the Republic of Macedonia and the Republic of Slovenia have deposited with the Director General of WIPO notifications of succession, based on their respective declarations of the continuation of the obligations of the former Socialist Federal Republic of Yugoslavia, each in relation to its respective territory and each with effect from the date on which it assumed responsibility for its international relations

That, after the deposit of the said notifications of succession, based on their declarations of continuation of the obligations, Bosnia and Herzegovina deposited with the Director General of WIPO an instrument of accession to the PCT on September 7, 1996, that Slovenia deposited with the Director General of WIPO instruments of accession to the PCT on March 1, 1994, to the Hague Agreement on January 13, 1995, and to the Madrid Protocol on December 12, 1997, and that the Republic of Macedonia deposited with the Director General of WIPO instruments of accession to the PCT on August 10, 1995, and to the Hague Agreement on March 18, 1997

That the Federal Republic of Yugoslavia (Serbia and Montenegro) transmitted to the President of the U. N. Security Council and to the Secretary-General of the U. N. its declaration dated April 27, 1992, in which it stated that it continues international legal and political personality of the former Socialist Federal Republic of Yugoslavia

That the Federal Republic of Yugoslavia (Serbia and Montenegro) deposited with the Director General of WIPO instruments of ratification to the Hague Agreement on November 30, 1993, to the PCT on November 1, 1996, and to the Madrid Protocol on November 17, 1997

That, during the meetings of the Assemblies and other bodies of WIPO and of the Unions administered by WIPO in September 1992 and September 1993, those Assemblies and other bodies decided to exclude the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in any meetings of the said Assemblies and other bodies

DECIDE

That, in view of the Treaties, the declaration of the Federal Republic of Yugoslavia (Serbia and Montenegro), dated April 27, 1992, be considered as notification of succession, in relation to its respective territory, as of the said date

That, in view of the Treaty Actions, the instruments of ratification deposited by the Federal Republic of Yugoslavia (Serbia and Montenegro) with the Director General of WIPO be considered as instruments of the same legal nature and having the same effect as instruments of accession deposited in respect of those treaties by any other successor State to the former Socialist Federal Republic of Yugoslavia

AND

That, on this basis, the resolutions of the Assemblies and other bodies of WIPO and of the Unions administered by WIPO to exclude the participation of the Federal Republic of Yugoslavia in the meetings of those Assemblies and other bodies, be revoked.

[End of Annex and of document]