

# WIPO



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## ASSEMBLIES OF THE MEMBER STATES OF WIPO

### Thirty-Seventh Series of Meetings Geneva, September 23 to October 1, 2002

#### FINAL RECOMMENDATIONS OF THE WIPO GENERAL ASSEMBLY WORKING GROUP ON CONSTITUTIONAL REFORM

*prepared by the Secretariat*

1. At its meeting in September 1999, the WIPO General Assembly recommended that the Director General establish a working group to consider and study proposals concerning constitutional reform and to report on its progress to the Assemblies of Member States (document A/34/16, paragraph 159).
2. The Working Group on Constitutional Reform (the Working Group) was duly convened by the Director General and held six sessions, the first from March 22 to 24, 2000, the second from July 4 to 6, 2000, the third from March 6 to 9, 2001, the fourth from September 11 to 14, 2001, the fifth from February 18 to 21, 2002 and the sixth from June 24 to 26, 2002. The Working Group unanimously elected Mr. Marino Porzio (Chile) as Chair, and Ms. Michèle Weil-Guthman (France) and Mr. Vladimír Banský (Slovakia) as Vice-Chairs for the first four sessions. For the fifth and sixth sessions, the Working Group unanimously elected Mr. Marino Porzio (Chile) as Chair, and Ms. Michèle Weil-Guthman and Mr. Jānis Kārklīņš (Latvia) as Vice-Chairs.
3. The reports of the six sessions of the Working Group are available as documents WO/GA/WG-CR/3, WO/GA/WG-CR/2/8, WO/GA/WG-CR/3/6, WO/GA/WG-CR/4/4, WO/GA/WG-CR/5/4 and WO/GA/WG-CR/6/3.

4. The Secretariat presented a report to the Assemblies of Member States at their Thirty-Fifth Series of Meetings, in September 2000 (document A/35/3), which summarized the progress of the discussions of the Working Group, as recorded in the reports of its first and second sessions. A further report was presented to the Assemblies of Member States at their Thirty-Sixth Series of Meetings, in September 2001 (document A/36/10), which summarized the progress of the discussions of the Working Group, as recorded in the reports of its first four sessions. Following their consideration of this latter progress report, the WIPO General Assembly renewed the mandate of the Working Group and requested the Working Group to report to the meetings of the Assemblies of Member States in September 2002 (document A/36/15, paragraph 165).

5. The present report constitutes the final report of the Working Group.

A. ITEMS ON WHICH AGREEMENT HAS BEEN REACHED AND ON WHICH RECOMMENDATIONS HAVE ALREADY BEEN IMPLEMENTED

6. Discontinuation of the Conferences of Representatives. At its third session, the Working Group unanimously agreed to recommend the discontinuation of the Paris Union Conference of Representatives, the Berne Union Conference of Representatives, the Hague Union Conference of Representatives, the Nice Union Conference of Representatives and the Lisbon Union Council (document WO/GA/WG-CR/3, paragraph 39). That recommendation was implemented by the concerned bodies in September 2000 (document A/35/15, paragraphs 134 to 136).

B. ITEMS ON WHICH AGREEMENT HAS BEEN REACHED AND IN RESPECT OF WHICH TREATY AMENDMENT IS RECOMMENDED

7. Abolition of the WIPO Conference. The Working Group observed that the WIPO Conference had been conceived at a time when there were relatively few members of the Paris and the Berne Unions and when, consequently, it had been considered necessary to establish a body which would receive into its membership States outside the Paris and Berne Unions that wished to join the international intellectual property community. Those historical circumstances had changed, and the membership of the Paris and Berne Unions had greatly expanded, leading to the desuetude of the WIPO Conference. The Working Group therefore supported the abolition of the WIPO Conference as a body that no longer, in practice, served any useful purpose. At its second and third sessions, the Working Group unanimously agreed to recommend the abolition of the WIPO Conference (documents WO/GA/WG-CR/2/8, paragraph 49 and WO/GA/WG-CR/3/6, paragraph 12). It also examined draft texts for implementing the abolition of the WIPO Conference. The main consequence of such abolition would be the inclusion of States party to the WIPO Convention, but not members of one or more of the Unions administered by the WIPO General Assembly, without the right to vote on any matter relating to a treaty to which the State was not party (document WO/GA/WG-CR/4/2).

8. Formalization of the Unitary Contribution System and Changes in Contribution Classes. The Working Group unanimously agreed that the experience of the unitary contribution system and the new contribution classes had been positive. In practice, these modifications had proven to be simple, efficient and manageable. They had resulted in relatively lower membership contributions by new Member States acceding to the WIPO-administered

treaties, and increases in the number and rate of adherences to those WIPO-administered treaties that provided for the payment of contributions by Contracting States. In light of the foregoing, the Working Group agreed to recommend the formalization of the unitary contribution system and the changes in contribution classes that had been operative in practice since 1994 (documents WO/GA/WG-CR/3, paragraphs 36 to 38 and WO/GA/WG-CR/4/4, paragraph 25).

9. The formalization of the unitary contribution system and the changes in contribution classes would require amendments to the WIPO Convention and to the six WIPO-administered treaties that provide for the payment of contributions by Contracting States, namely 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 Strasbourg Agreement Concerning the International Patent Classification (the Strasbourg 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 Agreement) and the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks (the Vienna Agreement). The Working Group also examined the expression of the unitary contribution system and the new contribution classes in draft Article 11 (Finances) of the WIPO Convention, contained in documents WO/GA/WG-CR/4/2 and WO/GA/WG-CR/5/2, and draft Article 16 (Finances) of the Paris Convention for the Protection of Industrial Property (the Paris Convention), contained in documents WO/GA/WG-CR/4/3 and WO/GA/WG-CR/5/3.

10. Periodicity of Ordinary Sessions of the Assemblies. The Working Group noted that the standard rule in WIPO treaties was for ordinary sessions of the Assemblies and other bodies to take place biennially, rather than annually. The Coordination Committee and the Executive Committees of the Paris and Berne Unions constitute exceptions to the general rule. Noting that two years was too long an interval for ordinary sessions, and that in practice the Assemblies had met on an annual basis in alternate ordinary and extraordinary sessions, the Working Group agreed to recommend that amendments be introduced to the WIPO-administered treaties to provide for the ordinary sessions of the WIPO General Assembly and Assemblies of the Unions administered by WIPO to take place annually rather than biennially (documents WO/GAWG-CR/3, paragraphs 47 to 51 and WO/GA/WG-CR/2/8, paragraph 22). In so doing, the Working Group agreed that the budgetary period of two years should be maintained.

11. Abolition of the Executive Committee of the PCT Union. Article 53(9) of the Patent Cooperation Treaty (PCT) provides for the Executive Committee of the PCT Union to be established by the Assembly of the PCT Union when the number of Contracting States to the PCT exceeds 40. Although there are, at present, 116 Contracting States to the PCT, the Assembly has never established the Executive Committee. In 1985, when the number of Contracting States to the PCT was 39, the PCT Assembly considered whether it should establish the Executive Committee. The Assembly decided at that time “to postpone any decision concerning the establishment of the Executive Committee until any State member of the PCT Union or the Director General proposed that the matter be reconsidered” (document PCT/A/XIII/3, paragraph 11(v); see also document PCT/A/XIII/1, paragraphs 17 to 21).

12. The Working Group considered that the Executive Committee of the PCT Union served no useful function (documents WO/GA/WG-CR/2/8, paragraphs 35 to 43 and A/35/3, paragraph 10). However, it was noted that an exercise was already underway amongst the States members of the PCT Union for the reform of the PCT system in the context of which the possible amendment of the PCT was under consideration. In view of this exercise and the possibility that the PCT might eventually be amended, it was considered preferable not to recommend the immediate abolition of the Executive Committee of the PCT Union, involving the necessity of an amendment of the PCT for this purpose alone, but to recommend to the Assembly of the PCT Union that it consider abolishing the Executive Committee of the PCT Union in the context of any proposal to amend the PCT that might result from the current exercise on the reform of the PCT system (see document WO/GA/WG-CR/6/3, paragraph 12).

C. OTHER ITEMS DISCUSSED BUT ON WHICH THERE WAS NO AGREEMENT FOR ACTION

13. Executive Committees of the Paris and Berne Unions and the Coordination Committee. While most of the Members of the Working Group agreed that the Executive Committees of the Paris and Berne Unions served no useful function and should be abolished, they also recognized that the abolition of the Executive Committees would have profound implications insofar as the Executive Committees provided the primary means by which the Coordination Committee was constituted. In the absence of any consensus on the Executive Committees of the Paris and Berne Unions or on the functions, and means of determining the composition of, the Coordination Committee, the Working Group agreed to maintain the *status quo* in respect of these three bodies.

14. Unitary Assembly. The Working Group had extensive discussions on the possibility of establishing the WIPO General Assembly as a unitary Assembly that would be the competent body for all WIPO-administered treaties. A majority of delegations were of the view that the creation of a unitary Assembly would result in a simplified and a more efficient and effective governance and constitutional structure of the Organization. While there was considerable support for the creation of a unitary Assembly, however, a number of delegations doubted the efficacy of such a proposal and there was not a consensus to recommend the creation of such an Assembly at this time.

D. PROCEDURE FOR IMPLEMENTATION OF THE RECOMMENDATIONS OF THE WORKING GROUP

(a) Amendment by the Assembly or Other Competent Treaty Organs

15. The process of examining the possibility of constitutional reform has, from the outset, been based on the assumption that any proposed reforms could be adopted through the special procedure for amendment of the administrative and financial provisions of the pertinent treaties by the Assemblies constituted under those treaties, rather than through a diplomatic conference.

16. The provisions governing special procedure for amendment of a treaty by the Assembly of Contracting States are similar, although not identical, in WIPO-administered treaties. In general, those provisions envisage four stages in the procedure:

(i) initiation of the proposal for amendment by the communication by the Director General to the Contracting Parties of the treaty in question at least six months in advance of the consideration of the proposal by the Assembly or other organ competent to adopt the amendment;

(ii) consideration and adoption of the amendment by a special majority of the Assembly or other competent organ;

(iii) communication to the Director General of written notifications of acceptance, effected in accordance with their respective constitutional processes, by three-fourths of the States that are members of the Assembly or other competent organ at the time the amendment is adopted;

(iv) entry into force of the amendment (following receipt of the requisite number of written notifications), with binding effect on all States that are members of the Assembly or other competent organ at the time that the amendment enters into force or that subsequently become members.

(b) Treaties Requiring Amendment to Implement the Recommendations of the Working Group

17. In order to implement the three recommendations of the Working Group mentioned in paragraphs 7 to 10, above, the following treaties would need to be amended:

(i) Abolition of the WIPO Conference

- WIPO Convention
- Paris Convention
- Berne Convention
- Madrid Agreement
- Hague Agreement
- Nice Agreement
- Lisbon Agreement
- Locarno Agreement
- Strasbourg Agreement
- Vienna Agreement

(ii) Formalization of the Unitary Contribution System and Changes in Contribution Classes

- WIPO Convention
- Paris Convention
- Berne Convention
- Strasbourg Agreement
- Nice Agreement
- Locarno Agreement
- Vienna Agreement

(that is, every treaty administered by WIPO that provides for a contribution to be paid by its Contracting States)

(iii) Annual Periodicity of Ordinary Sessions of Assemblies

- WIPO Convention

- Paris Convention
- Berne Convention
- Madrid Agreement Concerning the International Registration of Marks (Madrid Agreement)
- Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol)
- Hague Agreement Concerning the International Deposit of Industrial Designs (Hague Agreement)
- Nice Agreement
- Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (Lisbon Agreement)
- Patent Cooperation Treaty (PCT)
- Strasbourg Agreement
- Vienna Agreement
- Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (Budapest Treaty)

(that is, every treaty administered by WIPO that provides for an Assembly of Contracting Parties<sup>1</sup>)

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The list covers all WIPO-administered treaties, with three sets of exceptions:

(a) The Trademark Registration Treaty (TRT) and the Treaty on the International Registration of Audiovisual Works (“Film Register Treaty” (FRT)) are not included. The TRT entered into force on August 7, 1980, as the result of the deposit of the instruments of accession of Burkina Faso, Congo, Gabon, the [former] Soviet Union and Togo. Only those five States have joined the TRT Union. The Assembly of the TRT Union decided on October 2, 1991, with effect on the same date to “freeze” the TRT (document TRT/A/VII/1).

The FRT entered into force on February 27, 1991. On May 13, 1993, the FRT Assembly decided that the application of the FRT be suspended (document FRT/A/III/3). There are 13 States party to the FRT (Argentina, Austria, Brazil, Burkina Faso, Chile, Colombia, Czech Republic, France, Hungary, Mexico, Peru, Senegal, Slovakia).

(b) The Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods does not provide for a treaty organ. The International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (the Rome Convention) is administered jointly by WIPO, the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) and provides for an Intergovernmental Committee to be convened “whenever a majority of its members deems it necessary” (Article 32(6)). The Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms (the Geneva Convention) is administered by WIPO in cooperation with UNESCO and ILO (see Article 8(3)), but does not provide for any administrative organ of the Contracting States. The Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (the Brussels Convention) provides for the depositary to be the Secretary General of the United Nations (Article 9) and also contains no provision for an administrative organ of the Contracting States. The Trademark Law Treaty (TLT) does not provide for an Assembly of Contracting Parties.

(c) The WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonograms Treaty (WPPT) provide for Assemblies of Contracting Parties which are to meet in ordinary session every two years (see Articles 15(4) and 24(4), respectively), but the treaties do not contain any procedure for their amendment by the Assemblies.

18. Annex I contains a table listing the treaties mentioned in the preceding paragraphs and the various provisions in those treaties which would require amendment to implement the recommendations of the Working Group.

(c) Enabling Provisions

19. The table in Annex I also lists the provisions in the treaties requiring amendment that enable the relevant amendments to be adopted by the Assemblies or other competent treaty organs. Annex II sets out, for convenience of reference, the texts of those provisions.

(d) Timetable Proposed for Implementation

20. If the competent organs decide to proceed to adopt the recommendations of the Working Group, the following timetable is proposed for the implementation of the recommendations:

(i) February 2003

Communication by the Director General to the Contracting Parties of the concerned treaties of the proposals for amendment.

(ii) September 2003

Consideration and adoption by the WIPO Conference and the concerned Assemblies of the amendments proposed.

E. DRAFT TEXTS OF PROPOSED AMENDMENTS

21. Draft texts of the amendments to the treaties that would be necessary to implement the recommendations of the Working Group are set out, for information, in two separate documents: document A/37/12 (Draft Texts of Proposed Amendments to the WIPO Convention”) and document A/37/13 (“Draft Texts of Proposed Amendments to the Paris Convention and other WIPO-administered Treaties”).

22. The draft texts mentioned in the preceding paragraph will form the basis of the proposals for amendment to be communicated in February 2003, should the Member States decide to proceed with the adoption of the amendments.

F. DECISIONS INVITED

*23. The WIPO Conference is invited to decide if it wishes to adopt the recommendation of the Working Group to abolish itself.*

*24. The WIPO Conference and the Assemblies of the Paris Union, the Berne Union, the Nice Union, the Locarno Union, the IPC Union, and the Vienna Union are invited to decide if they wish to adopt the recommendation of the Working Group to*

*formalize the unitary contribution system and changes in contribution classes.*

*25. The WIPO Conference and the Assemblies of the Paris Union, the Berne Union, the Madrid Union, the Hague Union, the Nice Union, the Lisbon Union, the PCT Union, the IPC Union, the Vienna Union and the Budapest Union are invited to decide whether they wish to adopt the recommendation of the Working Group to establish annual periodicity for ordinary sessions of the WIPO General Assembly and the Assemblies of the other Unions mentioned.*

*26. The WIPO Conference and the Assemblies of the Paris Union, the Berne Union, the Madrid Union, the Hague Union, the Nice Union, the Lisbon Union, the PCT Union, the IPC Union, the Vienna Union and the Budapest Union are invited to consider requesting the Director General to initiate the process for treaty amendment to implement any recommendations adopted under paragraphs 23 to 25, above, in accordance with the timetable set out in paragraph 20, above.*

[Annexes follow]



## ANNEX I

## Treaties that Would Require Amendment to Implement the Recommendations of the Working Group

Treaty	Provisions that Would Require Amendment	Provision Enabling Assembly or other Competent Organ to Adopt Amendment
Convention Establishing the World Intellectual Property Organization	<p>(i) Abolition of the WIPO Conference</p> <p>Articles 6(1)(a), 6(2), 6(3)(a), 6(5), 7, 8(1)(c), 8(3)(i) and (iii), 9(6), 11(1) to (6), 11(8)(c), 17, 20(2) and (3), 21(1) and (2)(a) to (c).</p> <p>(ii) Formalization of Unitary Contribution System and Changes in Contribution Classes</p> <p>Article 11(4)</p> <p>(iii) Annual Periodicity of Assembly</p> <p>Article 6(4)(a)</p>	Article 17 (Amendment)
Paris Convention for the Protection of Industrial Property	<p>(i) Abolition of the WIPO Conference</p> <p>Article 16(1)(b)</p> <p>(ii) Formalization of Unitary Contribution System and Changes in Contribution Classes</p> <p>Article 16(4)</p> <p>(iii) Annual Periodicity of Assembly</p> <p>Article 13(7)(a)</p>	Article 17 (Amendment of Articles 13 to 17)

Treaty	Provisions that Would Require Amendment	Provision Enabling Assembly or other Competent Organ to Adopt Amendment
<p>Berne Convention for the Protection of Literary and Artistic Works</p>	<p>(i) Abolition of the WIPO Conference Article 25(1)(b)</p> <p>(ii) Formalization of Unitary Contribution System and Changes in Contribution Classes Article 25(4)</p> <p>(iii) Annual Periodicity of Assembly Article 22(4)(a)</p>	<p>Article 26 (Amendment of Articles 22 to 26)</p>
<p>Madrid Agreement Concerning the International Registration of Marks and Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks</p> <p>(a) Madrid Agreement</p> <p>(b) Madrid Protocol</p>	<p>(i) Abolition of the WIPO Conference Article 12(1)(b)</p> <p>(ii) Annual Periodicity of Assembly Article 10(4)(a)</p> <p>(i) Annual Periodicity of Assembly [None]</p>	<p>Article 13 (Amendment of Articles 10 to 13)</p> <p>Article 13 (Amendment of Certain Articles of the Protocol)</p>
<p>Hague Agreement Concerning the International Deposit of Industrial Designs</p> <p>Complementary Act of Stockholm of July 14, 1967</p>	<p>(i) Abolition of the WIPO Conference Article 4(1)(b)</p> <p>(ii) Annual Periodicity of Assembly Article 2(4)(a)</p>	<p>Article 5 (Amendment of Articles 2 to 5)</p>

Treaty	Provisions that Would Require Amendment	Provision Enabling Assembly or other Competent Organ to Adopt Amendment
Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks	(i) Abolition of the WIPO Conference Article 7(1)(b) (ii) Formalization of Unitary Contribution System and Changes in Contribution Classes Article 7(4) (iii) Annual Periodicity of Assembly Article 5(4)(a)	Article 8 (Amendment of Articles 5 to 8)
Lisbon Agreement for the Protection of Appellations of Origin and their International Registration	(i) Abolition of the WIPO Conference Article 11(1)(b) (ii) Annual Periodicity of Assembly Article 9(4)(a)	Article 12 (Amendment of Articles 9 to 12)
Locarno Agreement Establishing an International Classification for Industrial Designs	(i) Abolition of the WIPO Conference Article 7(1)(b) (ii) Formalization of Unitary Contribution System and Changes in Contribution Classes Article 7(4)(a) and (b) (iii) Annual Periodicity of Assembly Article 5(4)(a)	Article 8 (Amendment of Articles 5 to 8)
Patent Cooperation Treaty	(i) Annual Periodicity of Assembly Article 53(11)(a)	Article 61 (Amendment of Certain Provisions of the Treaty)

Treaty	Provisions that Would Require Amendment	Provision Enabling Assembly or other Competent Organ to Adopt Amendment
Strasbourg Agreement Concerning the International Patent Classification	(i) Abolition of the WIPO Conference Article 9(1)(b)  (ii) Formalization of Unitary Contribution System and Changes in Contribution Classes Article 9(4)(a) and (b)  (iii) Annual Periodicity of Assembly Article 7(4)(a)	Article 11 (Amendment of Certain Provisions of the Agreement)
Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks	(i) Abolition of the WIPO Conference Article 9(1)(b)  (ii) Formalization of Unitary Contribution System and Changes in Contribution Classes Article 9(4)(a) and (b)  (iii) Annual Periodicity of Assembly Article 7(4)(a)	Article 11 (Amendment of Certain Provisions of the Agreement)
Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure	(i) Annual Periodicity of Assembly Article 10(7)(a)	Article 14 (Amendment of Certain Provisions of the Treaty)

[Annex II follows]

ANNEX II

Texts of Provisions in Treaties Enabling the Assembly or Other Competent Organ to Adopt Amendments

WIPO Convention

Article 17  
Amendments

“(1) Proposals for the amendment of this Convention may be initiated by any Member State, by the Coordination Committee, or by the Director General. Such proposals shall be communicated by the Director General to the Member States at least six months in advance of their consideration by the Conference.

“(2) Amendments shall be adopted by the Conference. Whenever amendments would affect the rights and obligations of States party to this Convention not members of any of the Unions, such States shall also vote. On all other amendments proposed, only States party to this Convention members of any Union shall vote. Amendments shall be adopted by a simple majority of the votes cast, provided that the Conference shall vote only on such proposals for amendments as have previously been adopted by the Assembly of the Paris Union and the Assembly of the Berne Union according to the rules applicable in each of them regarding the adoption of amendments to the administrative provisions of their respective Conventions.

“(3) Any amendment 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 States Members of the Organization, entitled to vote on the proposal for amendment pursuant to paragraph (2), at the time the Conference adopted the amendment. Any amendment thus accepted shall bind all the States which are Members of the Organization at the time the amendment enters into force or which become Members at a subsequent date, provided that any amendment increasing the financial obligations of Member States shall bind only those States which have notified their acceptance of such amendment.”

Paris Convention

Article 17  
[Amendment of Articles 13 to 17]

“(1) Proposals for the amendment of Articles 13, 14, 15, 16, and the present Article, may be initiated by any country member of the Assembly, by the Executive Committee, or by the Director General. Such proposals shall be communicated by the Director General to the member countries of the Assembly at least six months in advance of their consideration by the Assembly.

“(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 13, and to the present paragraph, shall require four-fifths of the votes cast.

“(3) Any amendment to the Articles 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 countries members of the Assembly at the time it adopted the amendment. Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Assembly at the time the amendment enters into force, or which become members thereof at a subsequent date, provided that any amendment increasing the financial obligations of countries of the Union shall bind only those countries which have notified their acceptance of such amendment.”

### Berne Convention

#### Article 26

[Amendments: 1. Provisions susceptible of amendment by the Assembly; proposals;  
2. Adoption; 3. Entry into force]

“(1) Proposals for the amendment of Articles 22, 23, 24, 25, and the present Article, may be initiated by any country member of the Assembly, by the Executive Committee, or by the Director General. Such proposals shall be communicated by the Director General to the member countries of the Assembly at least six months in advance of their consideration by the Assembly.

“(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment of Article 22, and of the present paragraph, shall require four-fifths of the votes cast.

“(3) Any amendment to the Articles 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 countries members of the Assembly at the time it adopted the amendment. Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Assembly at the time the amendment enters into force, or which become members thereof at a subsequent date, provided that any amendment increasing the financial obligations of countries of the Union shall bind only those countries which have notified their acceptance of such amendment.”

### Madrid Agreement

#### Article 13

[Amendment of Articles 10 to 13]

“(1) Proposals for the amendment of Articles 10, 11, 12, and the present Article, may be initiated by any country member of the Assembly, or by the Director General. Such proposals shall be communicated by the Director General to the member countries of the Assembly at least six months in advance of their consideration by the Assembly.

“(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any

amendment to Article 10, and to the present paragraph, shall require four-fifths of the votes cast.

“(3) Any amendment to the Articles 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 countries members of the Assembly at the time it adopted the amendment. Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Assembly at the time the amendment enters into force, or which become members thereof at a subsequent date.”

### Madrid Protocol

#### Article 13 Amendment of Certain Articles of the Protocol

“(1) Proposals for the amendment of Articles 10, 11, 12, and the present Article, may be initiated by any Contracting Party, or by the Director General. Such proposals shall be communicated by the Director General to the Contracting Parties at least six months in advance of their consideration by the Assembly.

“(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 10, and to the present paragraph, shall require four-fifths of the votes cast.

“(3) Any amendment to the Articles 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 those States and intergovernmental organizations which, at the time the amendment was adopted, were members of the Assembly and had the right to vote on the amendment. Any amendment to the said Articles thus accepted shall bind all the States and intergovernmental organizations which are Contracting Parties at the time the amendment enters into force, or which become Contracting Parties at a subsequent date.”

### Hague Agreement (Stockholm Act)

#### Article 5 [Amendment of Articles 2 to 5]

“(1) Proposals for the amendment of this Complementary Act may be initiated by any country member of the Assembly, or by the Director General. Such proposals shall be communicated by the Director General to the member countries of the Assembly at least six months in advance of their consideration by the Assembly.

“(2) Amendments referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 2 and to the present paragraph, shall require four-fifths of the votes cast.

“(3) Any amendment 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 countries members of the Assembly at the time it adopted the amendment. Any amendment thus accepted shall bind all the countries which are members of the Assembly at the time the amendment enters into force, or which become members thereof at a subsequent date.”

### Nice Agreement

#### Article 8 Amendment of Articles 5 to 8

“(1) Proposals for the amendment of Articles 5, 6, 7, and the present Article, may be initiated by any country member of the Assembly, or by the Director General. Such proposals shall be communicated by the Director General to the member countries of the Assembly at least six months in advance of their consideration by the Assembly.

“(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 5, and to the present paragraph, shall require four-fifths of the votes cast.

“(3) Any amendment to the Articles 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 countries members of the Assembly at the time it adopted the amendment. Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Assembly at the time the amendment enters into force, or which become members thereof at a subsequent date, provided that any amendment increasing the financial obligations of countries of the Special Union shall bind only those countries which have notified their acceptance of such amendment.”

### Lisbon Agreement

#### Article 12 [Amendment of Articles 9 to 12]

“(1) Proposals for the amendment of Articles 9, 10, 11, and the present Article, may be initiated by any country member of the Assembly, or by the Director General. Such proposals shall be communicated by the Director General to the member countries of the Assembly at least six months in advance of their consideration by the Assembly.

“(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 9, and to the present paragraph, shall require four-fifths of the votes cast.

“(3) Any amendment to the Articles 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 countries members of the Assembly at the time it adopted the amendment. Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Assembly at the time the amendment enters into force, or which become members thereof at a subsequent date, provided that any amendment increasing the financial obligations of countries of the Special Union shall bind only those countries which have notified their acceptance of such amendment.”

### Locarno Agreement

#### Article 8 Amendment of Articles 5 to 8

“(1) Proposals for the amendment of Articles 5, 6, 7, and the present Article, may be initiated by any country of the Special Union or by the Director General. Such proposals shall be communicated by the Director General to the countries of the Special Union at least six months in advance of their consideration by the Assembly.

“(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 5, and to the present paragraph, shall require four-fifths of the votes cast.

“(3) Any amendment to the Articles 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 countries members of the Special Union at the time the amendment was adopted. Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Special Union at the time the amendment enters into force, or which become members thereof at a subsequent date, provided that any amendment increasing the financial obligations of countries of the Special Union shall bind only those countries which have notified their acceptance of such amendment.”

### PCT

#### Article 61

##### Amendment of Certain Provisions of the Treaty

“(1) (a) Proposals for the amendment of Articles 53(5), (9) and (11), 54, 55(4) to (8), 56, and 57, may be initiated by any State member of the Assembly, by the Executive Committee, 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) (a) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly.

“(b) Adoption shall require three-fourths of the votes cast.

“(3) (a) Any amendment to the Articles 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 States members of the Assembly at the time it adopted the amendment.

“(b) Any amendment to the said Articles thus accepted shall bind all the States which are members of the Assembly at the time the amendment enters into force, provided that any amendment increasing the financial obligations of the Contracting States shall bind only those States which have notified their acceptance of such amendment.

“(c) Any amendment accepted in accordance with the provisions of subparagraph (a) shall bind all States which become members of the Assembly after the date on which the amendment entered into force in accordance with the provisions of subparagraph (a).”

### Strasbourg Convention

#### Article 11

#### Amendment of Certain Provisions of the Agreement

“(1) Proposals for the amendment of Articles 7, 8, 9 and of the present Article may be initiated by any country of the Special Union or by the Director General. Such proposals shall be communicated by the Director General to the countries of the Special Union at least six months in advance of their consideration by the Assembly.

“(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 7 and to the present paragraph shall require four-fifths of the votes cast.

“(3) (a) Any amendment to the Articles 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 countries members of the Special Union at the time the amendment was adopted.

“(b) Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Special Union at the time the amendment enters into force, provided that any amendment increasing the financial obligations of countries of the Special Union shall bind only those countries which have notified their acceptance of such amendment.

“(c) Any amendment accepted in accordance with the provisions of subparagraph (a) shall bind all countries which become members of the Special Union after the date on which the amendment entered into force in accordance with the provisions of subparagraph (a).”

Vienna Agreement

Article 11  
Amendment of Certain Provisions of the Agreement

“(1) Proposals for the amendment of Articles 7, 8, 9 and of the present Article may be initiated by any country of the Special Union or by the Director General. Such proposals shall be communicated by the Director General to the countries of the Special Union at least six months in advance of their consideration by the Assembly.

“(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 7 and to the present paragraph shall require four-fifths of the votes cast.

“(3) (a) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional process, have been received by the Director General from three-fourths of the countries members of the Special Union at the time the amendment was adopted.

“(b) Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Special Union at the time the amendment enters into force, provided that any amendment increasing the financial obligations of countries of the Special Union shall bind only those countries which have notified their acceptance of such amendment.

“(c) Any amendment accepted in accordance with the provisions of subparagraph (a) shall bind all countries which become members of the Special Union after the date on which the amendment entered into force in accordance with the provisions of subparagraph (a).”

Budapest Treaty

Article 14  
Amendment of Certain Provisions of the Treaty

“(1) (a) Proposals under this Article for the amendment of Articles 10 and 11 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) (a) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly.

“(b) Adoption of any amendment to Article 10 shall require four-fifths of the votes cast; adoption of any amendment to Article 11 shall require three-fourths of the votes cast.

“(3) (a) Any amendment to the Articles 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 creating financial obligations for the said Contracting States or increasing such obligations shall bind only those Contracting States 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.”

[End of Annex II and of document]