

WIPO



AB/XXIII/INF/2

ORIGINAL : English

DATE : September 18, 1992

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

GOVERNING BODIES OF WIPO AND THE UNIONS ADMINISTERED BY WIPO

Twenty-Third Series of Meetings
Geneva, September 21 to 29, 1992

SPECIAL RULES OF PROCEDURE
OF THE GOVERNING BODIES

Compilation prepared by the International Bureau

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The rules governing the procedure of the Governing Bodies of WIPO and the Unions administered by WIPO consist of provisions in the treaties establishing WIPO and the Unions, the WIPO General Rules of Procedure (contained in a separate publication--399 Rev.3.) and, for each Governing Body, a distinct set of rules, called "Special Rules of Procedure."

The present document is a collection of the Special Rules of Procedure of the nine Governing Bodies which will meet from September 21 to 29, 1992. It also contains, as far as the Conferences of Representatives of the Paris and Berne Unions are concerned, the provisions of the treaty or the resolution which established those Governing Bodies.

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1. WIPO COORDINATION COMMITTEE

RULES OF PROCEDURE
adopted on September 28, 1970

Rule 1: Application of the General Rules of Procedure

The Rules of Procedure of the Coordination Committee shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Composition

(1) The Coordination Committee shall be composed of ordinary members, associate members, and ad hoc members.

(2) Ordinary members shall be States which are ordinary members of the Executive Committee of the Paris Union, or of the Executive Committee of the Berne Union, or of both of the said Committees.

(3) Associate members shall be States which are associate members of the Executive Committee of the Paris Union, or of the Executive Committee of the Berne Union, or of both of the said Committees.

(4) Ad hoc members shall be States elected by the Conference in accordance with Article 8(1)(c) of the WIPO Convention.

Rule 3: Officers

(1) At the first meeting of each ordinary session, the Coordination Committee shall elect a Chairman and two Vice-Chairmen.

(2)(a) At each ordinary session of odd number [1st, 3rd, 5th, etc.], the Chairman and the second Vice-Chairman shall be elected from among the delegates of the ordinary members of the Executive Committee of the Paris Union and the first Vice-Chairman shall be elected from among the delegates of the ordinary members of the Executive Committee of the Berne Union, provided that as long as the number of associate members of the Executive Committee of the Paris Union is four or more, the second Vice-Chairman shall be elected from among the delegates of the said associate members.

(b) At each ordinary session of even number [2nd, 4th, 6th, etc.], the Chairman and the second Vice-Chairman shall be elected from among the delegates of the ordinary members of the Executive Committee of the Berne Union and the first Vice-Chairman shall be elected from among the delegates of the ordinary members of the Executive Committee of the Paris Union, provided that as long as the number of associate members of the Executive Committee of the Berne Union is four or more, the second Vice-Chairman shall be elected from among the delegates of the said associate members.

Rule 4: Separate Voting

(1) When a vote is not unanimous and it is necessary to know the respective decisions or opinions of ordinary members, associate members, and ad hoc members, the vote shall be taken again separately within each of the groups.

(2) When any question is clearly not within the competence of all the groups of members, the vote shall be taken only within the competent group or groups.

Rule 5: Publication of the Report

The report on the work of each session, or a summary drawn up by the International Bureau, shall be published in the reviews La Propriété industrielle, Industrial Property, Le Droit d'Auteur, and Copyright.

2. PARIS UNION ASSEMBLY

RULES OF PROCEDURE
adopted on September 28, 1970

Rule 1: Application of the General Rules of Procedure

The Rules of Procedure of the Assembly of the Paris Union shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Draft Agenda

For the ordinary sessions of the Assembly of the Paris Union, the Director General shall prepare the draft agenda according to the instructions of the Executive Committee of the Paris Union.

Rule 3: Election of Ordinary Members of the Executive Committee of the Paris Union

(1) The members of the Executive Committee elected by the Assembly of the Paris Union shall be called ordinary members of that Committee.

(2) Ordinary members of the Executive Committee may be re-elected, but only up to a maximum of two-thirds of such members.

(3) Except where the procedure provided for in Article 34(1) of the General Rules of Procedure is observed, election shall take place in the following manner: the member States shall be called in the alphabetical order of their names in French, after the letter of the alphabet at which the roll-call is to start shall have been drawn by lot; on the calling of the name of each State, the Assembly shall decide whether or not it is re-elected; if necessary, the States last called shall be excluded from re-election if such exclusion is required to ensure that the proportion of two-thirds shall not be exceeded; the Assembly shall then elect the number of new members required to attain the total number to be elected.

Rule 4: Decisions when a Quorum is not Reached

(1) In the case referred to in Article 13(4)(c) of the Paris Convention, the Director General shall immediately communicate those decisions which have not yet taken effect to the States members of the Assembly of the Paris Union which were not represented at the session, together with the report of the session and whatever additional explanations may be necessary.

(2) The period of three months allowed to them to express their vote or abstention shall run from the date on which the communication was sent. Replies shall be taken into consideration only if they reach the Director General within the period allowed.

(3) Replies must come either from the Ministry of Foreign Affairs or from the competent authority of the State in question.

Rule 5: Publication of the Report

The report on the work of each session, or a summary drawn up by the International Bureau, shall be published in the reviews La Propriété industrielle and Industrial Property.

3. PARIS UNION CONFERENCE OF REPRESENTATIVES

I.

EXCERPT FROM THE LISBON ACT (1958) OF THE PARIS CONVENTION

"ARTICLE 14

"(5)(a) During the interval between the Diplomatic Conferences of revision, Conferences of representatives of all the countries of the Union shall meet every three years* in order to draw up a report on the foreseeable expenditure of the International Bureau for each three-year period* to come and to consider questions relating to the protection and development of the Union.

"(b) Furthermore, they may modify, by unanimous decision, the maximum annual amount of the expenditure of the International Bureau, provided they meet as Conferences of Plenipotentiaries of all the countries of the Union, convened by the Government of the Swiss Confederation.

"(c) Moreover, the Conferences provided for in paragraph (a) above may be convened between their triennial meetings by either the Director of the International Bureau or the Government of the Swiss Confederation."

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* The Conference of Representatives of the Paris Union decided, on September 28, 1979, that, pending the ratification of or accession to Acts of the Paris Convention subsequent to the Lisbon Act by the members of the said Conference of Representatives, the said Conference of Representatives shall meet every two years rather than every three years and that the report on the foreseeable expenditure of the International Bureau shall be drawn up by it for each two-year period rather than each three-year period.

II.

RULES OF PROCEDURE
adopted on September 28, 1970

Rule 1: Application of the General Rules of Procedure

The Rules of Procedure of the Conference of Representatives of the Paris Union shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Representatives of Member States

- (1) Each delegate may represent one State only.
- (2) The expenses of each delegation shall be borne by the Government which has appointed it.

Rule 3: Sessions

- (1) The Conference of Representatives of the Paris Union shall meet during the same period and at the same place as the Assembly of the Paris Union.
- (2) It shall meet in extraordinary session at the request of one-fourth of its members, the associate members of the Executive Committee of the Paris Union, or the Government of the Swiss Confederation, or on the initiative of the Director General.

Rule 4: Matters of General Interest

With respect to matters which are of interest also to other Unions, the Conference of Representatives of the Paris Union shall make its decisions after having heard the advice of the Coordination Committee.

Rule 5: Election of Associate Members of the Executive Committee of the Paris Union

(1)(a) At each ordinary session, the Conference of Representatives of the Paris Union shall elect, from among its members, to the Executive Committee of the Paris Union in the capacity of associate members the number of States equal to one-fourth of the number of its members represented at the session.

(b) However, if the number of States represented at the session is less than twenty, the Conference of Representatives of the Paris Union shall elect, from among its members, to the Executive Committee of the Paris Union in the capacity of associate members the number of States equal to one-fourth of all its members, whether represented at the session or not, provided that the number of States so elected shall not exceed five.

(c) In establishing the number of seats to be filled, remainders after division by four shall be disregarded.

(2) In electing associate members of the Executive Committee of the Paris Union, the Conference of Representatives of the Paris Union shall seek to achieve an equitable geographical distribution, and shall have due regard to the need for all States party to the Special Agreements established in relation with the Paris Union to be among the States constituting the Executive Committee of that Union.

(3) Associate members of the Executive Committee of the Paris Union shall serve from the close of the session of the Conference of Representatives which elected them until the close of the next ordinary session of the Conference of Representatives. Any associate member of the Executive Committee subsequently becoming a member of the Assembly of the Paris Union shall automatically become an ordinary member of the Executive Committee.

(4) Associate members of the Executive Committee of the Paris Union may be re-elected, but only up to a maximum of two-thirds of such members.

(5) Except where the procedure provided for in Article 34(1) of the General Rules of Procedure is observed, election shall take place in the following manner: the member States shall be called in the alphabetical order of their names in French, after the letter of the alphabet at which the roll-call is to start shall have been drawn by lot; on the calling of the name of each State, the Conference of Representatives of the Paris Union shall decide whether or not it is re-elected; if necessary, the States last called shall be excluded from re-election if such exclusion is required to ensure that the proportion of two-thirds shall not be exceeded; the Conference of Representatives of the Paris Union shall then elect the number of new members required to attain the total number to be elected.

Rule 6: Executive Committee of the Paris Union and Coordination Committee of WIPO

(1) Associate members of the Executive Committee of the Paris Union shall take part in the debates of that body in an advisory capacity, and shall express opinions on matters within its competence.

(2) Associate members of the Executive Committee of the Paris Union shall be members of the Coordination Committee in the same capacity. They shall take part in the debates of that body in an advisory capacity, and shall express opinions on matters within its competence. In particular, they shall advise the Swiss Government, acting as supervisory authority, on administrative and financial questions and other matters of common interest, particularly in the cases provided for in the Staff Regulations and Financial Regulations.

Rule 7: Majority

Subject to the provisions of Article 14(5)(b) of the Lisbon Act of the Paris Convention, the Conference of Representatives of the Paris Union shall make its decisions by a majority of two-thirds of the votes cast. This rule shall not apply to decisions on procedure.

Rule 8: Publication of the Report

The report on the work of each session, or a summary drawn up by the International Bureau, shall be published in the reviews La Propriété industrielle and Industrial Property.

4. PARIS UNION EXECUTIVE COMMITTEE

RULES OF PROCEDURE
adopted on September 28, 1970

Rule 1: Application of the General Rules of Procedure

The Rules of Procedure of the Executive Committee of the Paris Union shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Composition

(1) The Executive Committee of the Paris Union shall be composed of ordinary members, associate members, and Switzerland in the capacity of ex officio ordinary members.

(2) Ordinary members shall be the States elected by the Assembly of the Paris Union.

(3) Associate members shall be the States elected by the Conference of Representatives of the Paris Union.

Rule 3: Officers

The Chairman and the two Vice-Chairmen of the Executive Committee of the Paris Union shall be elected from among the delegates of the ordinary members. However, as long as the number of associate members is four or more, the second Vice-Chairman shall be elected from among the delegates of associate members.

Rule 4: Associate Members

(1) Associate members of the Executive Committee of the Paris Union shall take part in the debates of that body in an advisory capacity, and shall express opinions on matters within its competence.

(2) Associate members of the Executive Committee of the Paris Union shall be members of the Coordination Committee in the same capacity. They shall take part in the debates of that body in an advisory capacity, and shall express opinions on matters within its competence. In particular, they shall advise the Swiss Government, acting as supervisory authority, on administrative and financial questions and other matters of common interest, particularly in the cases provided for in the Staff Regulations and Financial Regulations.

Rule 5: Separate Voting

(1) When the vote is not unanimous and it is necessary to know the respective decisions or opinions of the ordinary members and the associate members of the Executive Committee of the Paris Union, the vote shall be taken again separately within these two groups of members.

(2) When any question is clearly not within the competence of both groups of members, the vote shall be taken only within the competent group.

Rule 6: Publication of the Report

The report on the work of each session, or a summary drawn up by the International Bureau, shall be published in the reviews La Propriété industrielle and Industrial Property.

5. BERNE UNION ASSEMBLYRULES OF PROCEDURE
adopted on September 28, 1970Rule 1: Application of the General Rules of Procedure

The Rules of Procedure of the Assembly of the Berne Union shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Draft Agenda

For the ordinary sessions of the Assembly of the Berne Union, the Director General shall prepare the draft agenda according to the instructions of the Executive Committee of the Berne Union.

Rule 3: Election of Ordinary Members of the Executive Committee of the Berne Union

(1) Members of the Executive Committee elected by the Assembly of the Berne Union shall be called ordinary members of that Committee.

(2) Ordinary members of the Executive Committee thus elected may be re-elected, but only up to a maximum of two-thirds of such members.

(3) Except where the procedure provided for in Article 34(1) of the General Rules of Procedure is observed, election shall take place in the following manner: the member States shall be called in the alphabetical order of their names in French, after the letter of the alphabet at which the roll-call is to start shall have been drawn by lot; on the calling of the name of each State, the Assembly shall decide whether or not it is re-elected; if necessary, the States last called shall be excluded from re-election if such exclusion is required to ensure that the proportion of two-thirds shall not be exceeded; the Assembly shall then elect the number of new members required to attain the total number to be elected.

Rule 4: Decisions when a Quorum is not Reached

(1) In the case referred to in Article 22(3)(c) of the Berne Convention, the Director General shall immediately communicate those decisions which have not yet taken effect to the States members of the Assembly of the Berne Union which were not represented at the session, together with the report of the session and whatever additional explanations may be necessary.

(2) The period of three months allowed to them to express their vote or abstention shall run from the date on which the communication was sent. Replies shall be taken into consideration only if they reach the Director General within the period allowed.

(3) Replies shall come either from the Ministry of Foreign Affairs or from the competent authority of the State in question.

Rule 5: Publication of the Report

The report on the work of each session, or a summary drawn up by the International Bureau, shall be published in the reviews Le Droit d'Auteur and Copyright.

6. BERNE UNION CONFERENCE OF REPRESENTATIVES

I.

RESOLUTION
ESTABLISHING THE CONFERENCE OF REPRESENTATIVES
adopted on September 28, 1970,
and amended on September 28, 1979

The countries members of the International Union for the Protection of Literary and Artistic Works (Berne Union) which are not members of the Assembly of the said Union,

Meeting in Geneva from September 21 to 28, 1970,

1. Resolve to establish a Conference of Representatives of the Berne Union;
2. Decide that the members of this Conference shall be those member countries of the Berne Union which are not members of the Assembly of the Berne Union, and that any member country of the Berne Union which, in the future, shall become a member of the Assembly of the Berne Union shall automatically cease to be a member of the Conference of Representatives;
3. Decide that the Conference of Representatives shall meet every two years in ordinary session in order to draw up, for each two-year period to come, a report on the foreseeable expenditure of the International Bureau as far as the Berne Union is concerned, and to consider questions relating to the protection and the development of the said Union;
4. Resolve that the Conference of Representatives may modify, by unanimous decision, the maximum annual amount of the expenditure of the International Bureau as far as the countries members of the Conference of Representatives are concerned, provided that it meets as a Conference of Plenipotentiaries upon convocation by the Government of the Swiss Confederation;
5. Resolve that the Conference of Representatives shall establish its own rules of procedure.

II.

RULES OF PROCEDURE
adopted on September 28, 1970

Rule 1: Application of the General Rules of Procedure

The Rules of Procedure of the Conference of Representatives of the Berne Union shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Representatives of Member States

(1) Each delegate may represent one State only.

(2) The expenses of each delegation shall be borne by the Government which has appointed it.

Rule 3: Sessions

(1) The Conference of Representatives of the Berne Union shall meet during the same period and at the same place as the Assembly of the Berne Union.

(2) It shall meet in extraordinary session at the request of one-fourth of its members, the associate members of the Executive Committee of the Berne Union, or the Government of the Swiss Confederation, or on the initiative of the Director General.

Rule 4: Matters of General Interest

With respect to matters which are of interest also to other Unions, the Conference of Representatives of the Berne Union shall make its decisions only after having heard the advice of the Coordination Committee.

Rule 5: Election of Associate Members of the Executive Committee of the Berne Union

(1)(a) At each ordinary session, the Conference of Representatives of the Berne Union shall elect, from among its members, to the Executive Committee of the Berne Union in the capacity of associate members the number of States equal to one-fourth of the number of its members represented at the session.

(b) However, if the number of States represented at the session is less than twenty, the Conference of Representatives of the Berne Union shall elect, from among its members, to the Executive Committee of the Berne Union in the capacity of associate members the number of States equal to one-fourth of all its members, whether represented at the session or not, provided that the number of States so elected shall not exceed five.

(c) In establishing the number of seats to be filled, remainders after division by four shall be disregarded.

(2) In electing associate members of the Executive Committee of the Berne Union, the Conference of Representatives of the Berne Union shall seek to achieve an equitable geographical distribution.

(3) Associate members of the Executive Committee of the Berne Union shall serve from the close of the session of the Conference of Representatives which elected them until the close of the next ordinary session of the Conference of Representatives. Any associate member of the Executive Committee subsequently becoming a member of the Assembly of the Berne Union shall automatically become an ordinary member of the Executive Committee.

(4) Associate members of the Executive Committee of the Berne Union may be re-elected, but only up to a maximum of two-thirds of such members.

(5) Except where the procedure provided for in Article 34(1) of the General Rules of Procedure is observed, election shall take place in the following manner: the member States shall be called in the alphabetical order of their names in French, after the letter of the alphabet at which the roll-call is to start shall have been drawn by lot; on the calling of the name of each State, the Conference of Representatives of the Berne Union shall decide whether or not it is re-elected; if necessary, the States last called shall be excluded from re-election if such exclusion is required to ensure that the proportion of two-thirds shall not be exceeded; the Conference of Representatives of the Berne Union shall then elect the number of new members required to attain the total number to be elected.

Rule 6: Executive Committee of the Berne Union and Coordination Committee of WIPO

(1) Associate members of the Executive Committee of the Berne Union shall take part in the debates of that body in an advisory capacity, and shall express opinions on matters within its competence.

(2) Associate members of the Executive Committee of the Berne Union shall be members of the Coordination Committee in the same capacity. They shall take part in the debates of that body in an advisory capacity, and shall express opinions on matters within its competence. In particular, they shall advise the Swiss Government, acting as supervisory authority, on administrative and financial questions and other matters of common interest, particularly in the cases provided for in the Staff Regulations and Financial Regulations.

Rule 7: Majority

Subject to the provisions of paragraph 4 of the Resolution of September 28, 1970, the Conference of Representatives of the Berne Union shall make its decisions by a majority of two-thirds of the votes cast. This rule shall not apply to decisions on procedure.

Rule 8: Publication of the Report

The report on the work of each session, or a summary drawn up by the International Bureau, shall be published in the reviews Le Droit d'Auteur and Copyright.

7. BERNE UNION EXECUTIVE COMMITTEE

RULES OF PROCEDURE
adopted on September 28, 1970,
and amended on October 24, 1979

Rule 1: Application of the General Rules of Procedure

The Rules of Procedure of the Executive Committee of the Berne Union shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Composition

(1) The Executive Committee of the Berne Union shall be composed of ordinary members, associate members, and Switzerland in the capacity of ex officio ordinary member.

(2) Ordinary members shall be the States elected by the Assembly of the Berne Union.

(3) Associate members shall be the States elected by the Conference of Representatives of the Berne Union.

Rule 3: Officers

(1) At the first meeting of each session, the Executive Committee of the Berne Union shall elect a Chairman and two Vice-Chairmen.

(2) The officers thus elected shall remain in office until the election of new officers.

(3) The outgoing Chairman and Vice-Chairmen shall not be immediately eligible for re-election to the office that they have held, except where the election takes place at an extraordinary session.

(4) The Chairman and the two Vice-Chairmen of the Executive Committee of the Berne Union shall be elected from among the delegates of the ordinary members. However, as long as the number of associate members is four or more, the second Vice-Chairman shall be elected from among the delegates of associate members.

Rule 4: Associate Members

(1) Associate members of the Executive Committee of the Berne Union shall take part in the debates of that body in an advisory capacity, and shall express opinions on matters within its competence.

(2) Associate members of the Executive Committee of the Berne Union shall be members of the Coordination Committee in the same capacity. They shall take part in the debates of that body in an advisory capacity, and shall express opinions on matters within its competence. In particular, they shall advise the Swiss Government, acting as supervisory authority, on administrative and financial questions and other matters of common interest, particularly in the cases provided for in the Staff Regulations and Financial Regulations.

Rule 5: Separate Voting

(1) When the vote is not unanimous and it is necessary to know the respective decisions or opinions of the ordinary members and the associate members of the Executive Committee of the Berne Union, the vote shall be taken again separately within these two groups of members.

(2) When any question is clearly not within the competence of both groups of members, the vote shall be taken only within the competent group.

Rule 6: Publication of the Report

The report on the work of each session, or a summary drawn up by the International Bureau, shall be published in the reviews Le Droit d'Auteur and Copyright.

8. MADRID UNION ASSEMBLY

RULES OF PROCEDURE
adopted on October 2, 1971,
and amended on November 27, 1973,
and on December 15, 1983

Rule 1: Application of the General Rules of Procedure

The Rules of Procedure of the Assembly of the Madrid Union shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Decisions When a Quorum is Not Reached

(1) In the case referred to in Article 10(3)(c) of the Stockholm Act of the Madrid Agreement (Marks), the Director General shall immediately communicate those decisions which have not yet taken effect to the States members of the Assembly of the Madrid Union which were not represented at the session, together with the report of the session and whatever additional explanations may be necessary.

(2) The period of three months allowed to them to express their vote or abstention shall run from the date on which the communication was sent. Replies shall be taken into consideration only if they reach the Director General within the period allowed.

(3) Replies must come either from the Ministry of Foreign Affairs or from the competent authority of the State in question.

Rule 3: Expenses

(1) The travel and subsistence expenses of one delegate of each member State shall be borne by the Madrid Union under the following conditions:

(a) on presentation of the used ticket, the net cost of the rail or air fare (first class) shall be refunded;

(b) daily subsistence allowances shall be those specified in the United Nations schedule; the number of daily subsistence allowances paid shall correspond to the number of days required for the session, plus one day;

(c) the fixed sum paid for terminal expenses shall be that specified by the WIPO Staff Regulations and Staff Rules.

(2) Delegates receiving such allowances must state in writing that their travel or subsistence expenses are not refunded from other sources.

Rule 4: Publication of the Report

The report on the work of each session, or a summary drawn up by the International Bureau, shall be published in the reviews La Propriété industrielle and Industrial Property, and, where appropriate, in the review Les Marques internationales.

9. PCT [PATENT COOPERATION TREATY] UNION ASSEMBLY

RULES OF PROCEDURE
adopted on April 10, 1978,
and amended on February 3, 1984

Rule 1: Application of the General Rules of Procedure

The Rules of Procedure of the Assembly of the International Patent Cooperation (PCT) Union shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Special Observers

Intergovernmental authorities having the power to grant patents effective in one or more States members of the PCT Union shall be invited as "special observers" to all sessions of the Assembly. They shall have the same rights in the sessions of the Assembly as States members of the Assembly, except the right to vote.

Rule 3: Draft Agenda

The draft agenda of each session shall be drawn up by the Director General. In the case of ordinary sessions, such draft shall follow the instructions of the Executive Committee once the Executive Committee is established (see PCT Articles 53(9) and 54(6)(a)). In the case of extraordinary sessions, the said draft shall include the item or items mentioned in the request referred to in Article 53(11)(c) of the Patent Cooperation Treaty.

Rule 4: Publication of the Report

The report on the work of each session, or a summary drawn up by the International Bureau, shall be published in the Gazette of the PCT Union and in the reviews of the World Intellectual Property Organization La Propriété industrielle and Industrial Property.

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