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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

ARTICLES 23, 25 AND 28

Proposal by the Delegation of Iran (Islamic Republic of)

The Delegation of Iran (Islamic Republic of) proposes the following amendments:

Article 23(5)(a), “two-thirds” should be replaced by “three-fourths”.

Comment: to encourage as many Member States as possible to engage in the process.

Article 23(3)(a), the quorum should be “three-fourths” of Members States.

Comment: According to Article 28(2), if the Treaty and its Regulations are to enter into force with five States, then the decisions of the Assembly will be implemented with the decision of three countries for all Member States.

Article 23(5)(a), “two thirds” should be replaced by “four-fifths”.

Comment: for the same reason above.

Article 25(1)(b) should be changed as follows:

“(b) Adoption on any amendment to the articles referred to in subparagraph (a) shall require consensus of Member States. If it is not possible to attain consensus, it shall require four-fifths of the votes cast.”

Comment: subparagraph (a) of Article 25(2) referring to the function of Article 25(1), namely the Revision of the Treaty by the Assembly. So, for such an important subject the consensus is necessary.

Article 28(2), “five States” should be replaced by “15 States”.

Comment: with the current situation if the quorum in the Assembly is one-half of the members of the Assembly, the decisions of the Assembly will go into force (keeping in mind Article 28(2)) with the two and a half of Member States.

Article 25(2)(c), the “three-fourths” should be replaced by “four-fifths” and the three last lines, beginning with “any” should be deleted.

Comments: amendments to subparagraph (a) of 25(2) refers to the amendments of Articles 23 and 24 that indirectly is relevant to Article 25(1) namely, the revision of the Treaty.

Regarding the deletion of the last paragraph: in many countries the revision of treaties should pass the respective constitutional processes. Moreover, according to the Vienna Convention on contractual law, if an international treaty violates or be in contradiction with the constitutional process of any Member States, that obligation could be ignored.

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