

Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications

Twenty-Sixth Session
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INFORMATION ON ELECTRONIC COMMUNICATIONS IN THE ARTICLE 6TER EXPRESS DATABASE

Document prepared by the Secretariat

1. At its fortieth session, held in Geneva from September 22 to September 30, 2008, the Paris Union Assembly adopted a decision concerning the replacement of reciprocal communications under Article 6ter(3)(a) and (b) of the Paris Convention for the Protection of Industrial Property (Paris Convention) by a periodical electronic publication (documents P/A/40/1 and P/A/40/2). In accordance with the revised communication procedure, individual communications of signs for which protection is requested by States and International Governmental Organizations under Article 6ter are replaced by a semi-annual electronic publication in the Article 6ter Express Database. The dates of this periodical publication are the last working days of the months of March and September, according to the WIPO calendar.
2. It is recalled that, for the purposes of Article 6ter(4) and (6) of the Paris Convention, the date of the electronic publication shall be considered to constitute the date of receipt of a communication by any State party to the Paris Convention or any other party bound to apply Article 6ter of the Paris Convention. In order to remind parties of the semi-annual electronic publication, the International Bureau has established an e-mail alert service for notification of every new publication. This service is available for subscription on the WIPO website at: <http://www.wipo.int/article6ter/en/>.

3. The Secretariat has noted that, to date, a relatively small number of States party to the Paris Convention (only 30 out of 173) and two parties bound to apply Article 6ter have made use of this facility. Therefore, representatives of States party to the Paris Convention, of any other party bound to apply Article 6ter of the Paris Convention, as well as any interested party, are reminded of the existence of this e-mail alert service and are invited to make use of it, by subscribing directly at the Web interface, which is reproduced hereunder.

The screenshot displays a Mozilla Firefox browser window with the title "E-Alerts - Mozilla Firefox". The address bar shows the URL "http://www.wipo.int/article6ter/en/subscribe.html". The browser's bookmark bar includes "Most Visited", "Google", "Yahoo", "6ter", "SCT", "Paris Convention", "TLT", "Singapore Treaty", and "TLT/R/DC". The page content features the WIPO logo and "IP SERVICES" header. A navigation menu includes "ABOUT WIPO", "IP SERVICES", "PROGRAM ACTIVITIES", "RESOURCES", and "NEWS & EVENTS". The main content area is titled "ARTICLE 6TER OF THE PARIS CONVENTION" and includes a sub-section "E-Alerts". The "E-Alerts" section contains the following text: "Following the decision of the Paris Union Assembly at its 40th session (Geneva, September 22 to October 1, 2008), communications under Article 6ter(3)(a) and (b) of the Paris Convention were replaced by a semi-annual electronic communication on the Article 6ter Express database. Reference is made to circular letter No. C.7680, dated February 9, 2009, by which the International Bureau (IB) of WIPO informed Paris Union members and Members of the World Trade Organization (WTO) of that amendment in the procedure. Under this procedure, the publication of signs by the IB of WIPO (on the last working day of the months of March and September respectively), constitutes the starting point of the twelve-month period to transmit objections, if any, under Article 6ter(4). Subscribe to receive automated e-mail notices about Article6ter publications:" Below this text is a form with an "E-mail Address" input field and "Subscribe" and "Unsubscribe" buttons. The Windows taskbar at the bottom shows the "start" button and several open applications: "WIPO Applicatio...", "Inbox - Microsof...", "RE: Article 6ter ...", "N:\ORGTIDGIL...", "S_e.doc - Micros...", and "E-Alerts - Mozilla...".

4. *The SCT is invited to take note of the contents of the present document.*

[Annex follows]

Decision by the Assembly of the Paris Union¹

1. The reciprocal communication through the intermediary of the International Bureau, under Article 6^{ter}(3)(a) and (b) of the Paris Convention for the Protection of Industrial Property ("Paris Convention"), of signs for which protection under Article 6^{ter}(1)(a) and (b) is requested will be made through a semi-annual publication, in an electronic database on the website of the World Intellectual Property Organization ("WIPO").
2. This periodical publication will be made on the last working day² of the months of March and September, respectively, starting in March 2009.
3. The published signs will be transmitted simultaneously in electronic format stored on a hard carrier to the trademark registration administrations of the States party to the Paris Convention and of the Members of the World Trade Organization (WTO) that are not party to the Paris Convention, which have made an express request to that effect.
4. For the purposes of Article 6^{ter}(4) and (6) of the Paris Convention, the date of the electronic publication shall be considered to constitute the date of receipt of a communication by any State party to the Paris Convention or any other party bound to apply Article 6^{ter} of the Paris Convention.
5. This decision is without prejudice to the application of Article 6^{ter}(3)(a) *in fine*.

[End of Annex and of document]

¹ Document P/A/40/1, Annex 1. For adoption, see document P/A/40/2, paragraph 8.
² According to the WIPO calendar.