

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

**Twenty-Eight Session**  
**Geneva, December 10 to 14, 2012**

### **OVERVIEW OF PROVISIONS REGARDING TECHNICAL ASSISTANCE AND CAPACITY BUILDING IN TREATIES ADMINISTERED BY THE WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)**

*Document prepared by the Secretariat*

#### **INTRODUCTION**

1. At the forty-first (21<sup>st</sup> Extraordinary) session of the World Intellectual Property Organization (WIPO) General Assembly, held in Geneva from October 1 to 9, 2012, the General Assembly adopted the following text:

“The WIPO General Assembly notes the Summary by the Chair of the 27<sup>th</sup> session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), and the progress made by the SCT on industrial design law and practice - draft Articles and Regulations.

“Recognizing the importance for all member States of a Design Law Treaty, the General Assembly urges the SCT to expedite in a committed manner work with a view to advance substantially the basic proposals for a Design Law Treaty (draft Articles and Regulations contained in revised Annexes of documents SCT/27/2 and SCT/27/3).

“In its work, consideration will be given to include appropriate provisions regarding technical assistance and capacity building for developing countries and LDCs in the implementation of the future Design Law Treaty.

“The General Assembly in 2013 will take stock of and consider the text, progress made, and decide on convening a diplomatic conference” (document WO/GA/41/18 Prov., paragraph 229).

2. For the twenty-eighth session of the SCT, the Secretariat prepared document SCT/28/4 to assist the SCT in considering appropriate provisions regarding technical assistance and capacity building for developing countries and least developed countries (LDCs) in the implementation of the future Design Law Treaty.

3. At its twenty-eighth session, held in Geneva from December 10 to 14, 2012, the SCT requested the Secretariat to revise document SCT/28/4, to include the text of the provisions on financial assistance in the treaties referred to in Section I of the document and to complement the document with detailed information concerning the current practice, in WIPO, of financing the participation of delegations in meetings of the Assemblies of treaties administered by WIPO.

4. Pursuant to that request, the Secretariat has prepared the present revision of document SCT/28/4.

5. The document provides an overview of provisions regarding technical assistance and capacity building for developing countries and/or LDCs contained in WIPO-administered treaties. The provisions identified can be classified in two different categories, namely assistance to facilitate the participation in meetings of the respective Assembly (I), and assistance with a view to facilitating the implementation of a given treaty (II). Section I of the document has been complemented so as to include the text of the provisions on financial assistance in the treaties referred to in that Section, as well as information related to the current practice, in WIPO, of financing the participation of delegations in meetings of the Assemblies of treaties administered by WIPO.

## **I. FINANCIAL ASSISTANCE TO FACILITATE PARTICIPATION IN RELEVANT ASSEMBLIES**

6. A number of WIPO-administered treaties contain a provision whereby the relevant Assembly of the treaty may ask WIPO to grant financial assistance to facilitate the participation of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations or that are countries in transition to a market economy.

7. The treaties that contain such provision are the following:

(a) Beijing Treaty on Audiovisual Performances (BTAP)

Article 21(1)(c) of the Beijing Treaty on Audiovisual Performances states the following:

“The expenses of each delegation shall be borne by the Contracting Party that has appointed the delegation. The Assembly may ask WIPO to grant financial assistance to facilitate the participation of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations or that are countries in transition to a market economy”.

(b) Washington Treaty on Intellectual Property in Respect of Integrated Circuits

Article 9(1)(d) of the Washington Treaty on Intellectual Property in Respect of Integrated Circuits states the following:

“The Assembly may ask the World Intellectual Property Organization to grant financial assistance to facilitate the participation of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations”.

(c) WIPO Copyright Treaty (WCT)

Article 15(1)(c) of WIPO Copyright Treaty states the following:

“The expenses of each delegation shall be borne by the Contracting Party that has appointed the delegation. The Assembly may ask the World Intellectual Property Organization (hereinafter referred to as “WIPO”) to grant financial assistance to facilitate the participation of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations or that are countries in transition to a market economy”.

(d) WIPO Performances and Phonograms Treaty (WPPT)

Article 24(1)(c) of WIPO Performances and Phonograms Treaty states the following:

“The expenses of each delegation shall be borne by the Contracting Party that has appointed the delegation. The Assembly may ask WIPO to grant financial assistance to facilitate the participation of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations or that are countries in transition to a market economy”.

8. To date, neither the Assembly of the WCT nor the Assembly of the WPPT has asked WIPO to grant financial assistance to facilitate the participation in the relevant assembly of delegations of Contracting Parties that are regarded as developing countries.

9. The following paragraphs describe the current practice of financing the participation of delegations in meeting of the Assemblies of treaties administered by WIPO.

10. The participation in the Patent Cooperation Treaty (PCT) Union Assembly of one delegate from each Contracting State of the PCT is financed from the funds of the PCT Union, at the express request of any Contracting State (the list of PCT Contracting States is contained in Annex I). This financial assistance is based on a decision taken by the PCT Union Assembly in 1993, at its twenty-first session (9<sup>th</sup> Ordinary), agreeing to suspend the application of Rule 84.1 of the Regulations under the PCT. This Rule provides that “[t]he expenses of each Delegation participating in any organ established by or under the Treaty shall be borne by the Government which has appointed it” (see Document PCT/A/XXI/5, par. 35)<sup>1</sup>.

11. Moreover, the participation in the Madrid Union Assembly of one delegate from each member country of the Madrid Agreement Concerning the International Registration of Marks (“Madrid Agreement”) and from each Contracting Party to the Protocol Relating to that Agreement (“Madrid Protocol”) that is not also a member of the Madrid Agreement is paid from the funds of the Madrid Union (the list of Contracting Parties to the Madrid Agreement and/or

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<sup>1</sup> Paragraph 35 of Document PCT/A/XXI/5 reads as follows: “The Assembly agreed to suspend the application of Rule 84.1 in relation to its own sessions and the sessions of the PCT Committee for Administrative and Legal Matters, to the extent that the travel and subsistence expenses of one delegate of each PCT Contracting State for the sessions of those bodies be paid from the budget of the PCT Union. The Assembly also agreed that, if such suspension could not be continued at any time beyond 1995 because of lack of sufficient funds, the Director General would make proposals to end the suspension”.

Protocol is contained in Annex II). This financial assistance is based on Article 10(1)(c) of the Madrid Agreement and Article 10(1)(c) of the Madrid Protocol<sup>2</sup>.

12. According to the current practice, the financial assistance offered to each member of the PCT and of the Madrid Agreement and Protocol to participate in their respective Union assemblies covers the entire duration of the yearly meeting of all WIPO Assemblies. This allows delegates to attend the sessions of all other WIPO Assemblies.

## II. TECHNICAL ASSISTANCE FOR THE IMPLEMENTATION OF A TREATY

13. The following provisions regarding technical assistance with a view to facilitating the implementation of the treaty or a given provision of the treaty could be identified.

(a) Patent Law Treaty (PLT)

14. Section 4 of the Agreed Statements by the Diplomatic Conference regarding the Patent Law Treaty and the Regulations under the Patent Law Treaty states the following:

“4. With a view to facilitating the implementation of Rule 8(1)(a) of this Treaty, the Diplomatic Conference requests the General Assembly of the World Intellectual Property Organization (WIPO) and the Contracting Parties to provide the developing and least developed countries and countries in transition with additional technical assistance to meet their obligations under this Treaty, even before the entry into force of the Treaty.

“The Diplomatic Conference further urges industrialized market economy countries to provide, on request and on mutually agreed terms and conditions, technical and financial cooperation in favour of developing and least developed countries and countries in transition.

“The Diplomatic Conference requests the WIPO General Assembly, once the Treaty has entered into force, to monitor and evaluate the progress of that cooperation every ordinary session.”

(b) Singapore Treaty on the Law of Trademarks (STLT)

15. Sections 4 to 8 of the Resolution by the Diplomatic Conference Supplementary to the Singapore Treaty on the Law of Trademarks state the following:

“4. With a view to facilitating the implementation of the Treaty in Developing and Least Developed Countries (LDCs), the Diplomatic Conference requested the World Intellectual Property Organization (WIPO) and the Contracting Parties to provide additional and adequate technical assistance comprising technological, legal and other forms of support to strengthen the institutional capacity of those countries to implement the Treaty and enable those countries to take full advantage of the provisions of the Treaty.

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<sup>2</sup> Article 10(1)(c) of the Madrid Agreement Concerning the International Registration of Marks states that « [t]he expenses of each delegation shall be borne by the Government which has appointed it, except for the travel expenses and the subsistence allowance of one delegate for each member country, which shall be paid from the funds of the Special Union ». Article 10(1)(c) of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks states that “[t]he expenses of each delegation shall be borne by the Contracting Party which has appointed it, except for the travel expenses and the subsistence allowance of one delegate for each Contracting Party, which shall be paid from the funds of the Union”.

“5. Such assistance should take into account the level of technological and economic development of beneficiary countries. Technological support would help improve the information and communication technology infrastructure of those countries, thus contributing to narrowing the technological gap between Contracting Parties. The Diplomatic Conference noted that some countries underlined the importance of the Digital Solidarity Fund (DSF) as being relevant to narrowing the digital divide.

“6. Furthermore, upon entry into force of the Treaty, Contracting Parties will undertake to exchange and share, on a multilateral basis, information and experience on legal, technical and institutional aspects regarding the implementation of the Treaty and how to take full advantage of opportunities and benefits resulting therefrom.

“7. The Diplomatic Conference, acknowledging the special situation and needs of LDCs, agreed that LDCs shall be accorded special and differential treatment for the implementation of the Treaty, as follows:

(a) LDCs shall be the primary and main beneficiaries of technical assistance by the Contracting Parties and the World Intellectual Property Organization (WIPO);

(b) such technical assistance includes the following:

(i) assistance in establishing the legal framework for the implementation of the Treaty,

(ii) information, education and awareness raising as regards the impact of acceding to the Treaty,

(iii) assistance in revising administrative practices and procedures of national trademark registration authorities,

(iv) assistance in building up the necessary trained manpower and facilities of the IP Offices, including information and communication technology capacity to effectively implement the Treaty and its Regulations.

“8. The Diplomatic Conference requested the Assembly to monitor and evaluate, at every ordinary session, the progress of the assistance related to implementation efforts and the benefits resulting from such implementation.”

(c) Washington Treaty on Intellectual Property in Respect of Integrated Circuits

16. Article 10(1)(a)(ii) of the Washington Treaty on Intellectual Property in Respect of Integrated Circuits states the following:

“The International Bureau of the World Intellectual Property Organization shall: subject to the availability of funds, provide technical assistance, on request, to the Governments of Contracting Parties that are States and are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations.”

(d) Patent Cooperation Treaty (PCT)

17. Article 51 of the Patent Cooperation Treaty, entitled “Technical Assistance”, states:

“(1) The Assembly shall establish a Committee for Technical Assistance (referred to in this Article as “the Committee”).

“(2)(a) The members of the Committee shall be elected among the Contracting States, with due regard to the representation of developing countries.

“(b) The Director General shall, on his own initiative or at the request of the Committee, invite representatives of intergovernmental organizations concerned with technical assistance to developing countries to participate in the work of the Committee.

“(3)(a) The task of the Committee shall be to organize and supervise technical assistance for Contracting States which are developing countries in developing their patent systems individually or on a regional basis.

“(b) The technical assistance shall comprise, among other things, the training of specialists, the loaning of experts, and the supply of equipment both for demonstration and for operational purposes.

“(4) The International Bureau shall seek to enter into agreements, on the one hand, with international financing organizations and intergovernmental organizations, particularly the United Nations, the agencies of the United Nations, and the Specialized Agencies connected with the United Nations concerned with technical assistance, and, on the other hand, with the Governments of the States receiving the technical assistance, for the financing of projects pursuant to this Article.

“(5) The details concerning the implementation of the provisions of this Article shall be governed by decisions of the Assembly and, within the limits to be fixed by the Assembly, such working groups as the Assembly may set up for that purpose.”

*18. The SCT is invited to take note of the contents of this document and to consider appropriate provisions regarding technical assistance and capacity building for developing countries and LDCs in the implementation of the future Design Law Treaty.*

[Annexes follow]

## Patent Cooperation Treaty

PCT (Washington, 1970), amended in 1979 and modified in 1984 and 2001  
(PCT Union)

## Status on January 15, 2013

State	Date on which State became party to the Treaty	State	Date on which State became party to the Treaty
Albania .....	October 4, 1995	Iceland .....	March 23, 1995
Algeria <sup>1</sup> .....	March 8, 2000	India <sup>1</sup> .....	December 7, 1998
Angola .....	December 27, 2007	Indonesia <sup>1</sup> .....	September 5, 1997
Antigua and Barbuda .....	March 17, 2000	Ireland .....	August 1, 1992
Armenia <sup>1</sup> .....	December 25, 1991	Israel .....	June 1, 1996
Australia .....	March 31, 1980	Italy .....	March 28, 1985
Austria .....	April 23, 1979	Japan .....	October 1, 1978
Azerbaijan .....	December 25, 1995	Kazakhstan <sup>1</sup> .....	December 25, 1991
Bahrain <sup>1</sup> .....	March 18, 2007	Kenya .....	June 8, 1994
Barbados .....	March 12, 1985	Kyrgyzstan <sup>1</sup> .....	December 25, 1991
Belarus <sup>1</sup> .....	December 25, 1991	Lao People's Democratic Republic <sup>1</sup>	June 14, 2006
Belgium .....	December 14, 1981	Latvia .....	September 7, 1993
Belize .....	June 17, 2000	Lesotho .....	October 21, 1995
Benin .....	February 26, 1987	Liberia .....	August 27, 1994
Bosnia and Herzegovina .....	September 7, 1996	Libya .....	September 15, 2005
Botswana .....	October 30, 2003	Liechtenstein .....	March 19, 1980
Brazil .....	April 9, 1978	Lithuania .....	July 5, 1994
Brunei Darussalam .....	July 24, 2012	Luxembourg .....	April 30, 1978
Bulgaria .....	May 21, 1984	Madagascar .....	January 24, 1978
Burkina Faso .....	March 21, 1989	Malawi .....	January 24, 1978
Cameroon .....	January 24, 1978	Malaysia <sup>1</sup> .....	August 16, 2006
Canada .....	January 2, 1990	Mali .....	October 19, 1984
Central African Republic .....	January 24, 1978	Malta <sup>1</sup> .....	March 1, 2007
Chad .....	January 24, 1978	Mauritania .....	April 13, 1983
Chile <sup>1</sup> .....	June 2, 2009	Mexico .....	January 1, 1995
China <sup>2,3</sup> .....	January 1, 1994	Monaco .....	June 22, 1979
Colombia .....	February 28, 2001	Mongolia .....	May 27, 1991
Comoros .....	April 3, 2005	Montenegro .....	June 3, 2006
Congo .....	January 24, 1978	Morocco .....	October 8, 1999
Costa Rica .....	August 3, 1999	Mozambique <sup>1</sup> .....	May 18, 2000
Côte d'Ivoire .....	April 30, 1991	Namibia .....	January 1, 2004
Croatia .....	July 1, 1998	Netherlands <sup>6</sup> .....	July 10, 1979
Cuba <sup>1</sup> .....	July 16, 1996	New Zealand .....	December 1, 1992
Cyprus .....	April 1, 1998	Nicaragua .....	March 6, 2003
Czech Republic .....	January 1, 1993	Niger .....	March 21, 1993
Democratic People's Republic of Korea .....	July 8, 1980	Nigeria .....	May 8, 2005
Denmark .....	December 1, 1978	Norway <sup>4</sup> .....	January 1, 1980
Dominica .....	August 7, 1999	Oman <sup>1</sup> .....	October 26, 2001
Dominican Republic .....	May 28, 2007	Panama .....	September 7, 2012
Ecuador .....	May 7, 2001	Papua New Guinea .....	June 14, 2003
Egypt .....	September 6, 2003	Peru .....	June 6, 2009
El Salvador .....	August 17, 2006	Philippines .....	August 17, 2001
Equatorial Guinea .....	July 17, 2001	Poland <sup>4</sup> .....	December 25, 1990
Estonia .....	August 24, 1994	Portugal .....	November 24, 1992
Finland <sup>4</sup> .....	October 1, 1980	Qatar <sup>1</sup> .....	August 3, 2011
France <sup>1,5</sup> .....	February 25, 1978	Republic of Korea .....	August 10, 1984
Gabon .....	January 24, 1978	Republic of Moldova <sup>1</sup> .....	December 25, 1991
Gambia .....	December 9, 1997	Romania <sup>1</sup> .....	July 23, 1979
Georgia <sup>1</sup> .....	December 25, 1991	Russian Federation <sup>1</sup> .....	March 29, 1978 <sup>7</sup>
Germany .....	January 24, 1978	Rwanda .....	August 31, 2011
Ghana .....	February 26, 1997	Saint Kitts and Nevis .....	October 27, 2005
Greece .....	October 9, 1990	Saint Lucia <sup>1</sup> .....	August 30, 1996
Grenada .....	September 22, 1998	Saint Vincent and the Grenadines <sup>1</sup>	August 6, 2002
Guatemala .....	October 14, 2006	San Marino .....	December 14, 2004
Guinea .....	May 27, 1991	Sao Tome and Principe .....	July 3, 2008
Guinea-Bissau .....	December 12, 1997	Senegal .....	January 24, 1978
Honduras .....	June 20, 2006	Serbia <sup>8</sup> .....	February 1, 1997
Hungary <sup>1</sup> .....	June 27, 1980	Seychelles .....	November 7, 2002

State	Date on which State became party to the Treaty
Sierra Leone.....	June 17, 1997
Singapore.....	February 23, 1995
Slovakia.....	January 1, 1993
Slovenia.....	March 1, 1994
South Africa <sup>1</sup> .....	March 16, 1999
Spain.....	November 16, 1989
Sri Lanka.....	February 26, 1982
Sudan.....	April 16, 1984
Swaziland.....	September 20, 1994
Sweden <sup>4</sup> .....	May 17, 1978
Switzerland.....	January 24, 1978
Syrian Arab Republic.....	June 26, 2003
Tajikistan <sup>1</sup> .....	December 25, 1991
Thailand <sup>1</sup> .....	December 24, 2009
The former Yugoslav Republic of Macedonia.....	August 10, 1995
Togo.....	January 24, 1978
Trinidad and Tobago.....	March 10, 1994
Tunisia <sup>1</sup> .....	December 10, 2001
Turkey.....	January 1, 1996
Turkmenistan <sup>1</sup> .....	December 25, 1991
Uganda.....	February 9, 1995
Ukraine <sup>1</sup> .....	December 25, 1991
United Arab Emirates.....	March 10, 1999
United Kingdom <sup>9</sup> .....	January 24, 1978
United Republic of Tanzania.....	September 14, 1999
United States of America <sup>10,11</sup> .....	January 24, 1978
Uzbekistan <sup>1</sup> .....	December 25, 1991
Viet Nam.....	March 10, 1993
Zambia.....	November 15, 2001
Zimbabwe.....	June 11, 1997

(Total: 146 States)

[Annex II follows]

<sup>1</sup> With the declaration provided for in Article 64(5).

<sup>2</sup> Applies also to Hong Kong, China with effect from July 1, 1997.

<sup>3</sup> Not applicable to Macao, China.

<sup>4</sup> With the declaration provided for in Article 64(2)(a)(ii).

<sup>5</sup> Including all Overseas Departments and Territories.

<sup>6</sup> Ratification for the Kingdom in Europe, the Netherlands Antilles and Aruba. The Netherlands Antilles ceased to exist on October 10, 2010. As from that date, the PCT continues to apply to Curaçao and Sint Maarten. The PCT also continues to apply to the islands of Bonaire, Sint Eustatius and Saba which, with effect from October 10, 2010, have become part of the territory of the Kingdom of the Netherlands in Europe.

<sup>7</sup> Date of ratification of the Soviet Union, continued by the Russian Federation as from December 25, 1991.

<sup>8</sup> Serbia is the continuing State from Serbia and Montenegro as from June 3, 2006.

<sup>9</sup> The United Kingdom extended the application of the PCT to the Isle of Man with effect from October 29, 1983.

<sup>10</sup> With the declarations provided for in Articles 64(3)(a) and 64(4)(a).

<sup>11</sup> Extends to all areas for which the United States of America has international responsibility.



**Madrid Agreement Concerning the International Registration of Marks**

Madrid Agreement (Marks) (1891), revised at Brussels (1900), at Washington (1911), at The Hague (1925), at London (1934), Nice (1957) and at Stockholm (1967), and amended in 1979

and

**Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks**

Madrid Protocol (1989), amended in 2006 and in 2007

(Madrid Union)<sup>1</sup>

**Status on January 15, 2013**

State/IGO	Date on which State became party to the Madrid Agreement <sup>2</sup>	Date on which State/IGO became party to the Madrid Protocol (1989)
Albania.....	October 4, 1995	July 30, 2003
Algeria.....	July 5, 1972	—
Antigua and Barbuda.....	—	March 17, 2000
Armenia.....	December 25, 1991	October 19, 2000 <sup>6,10</sup>
Australia.....	—	July 11, 2001 <sup>5,6</sup>
Austria.....	January 1, 1909	April 13, 1999
Azerbaijan.....	December 25, 1995	April 15, 2007
Bahrain.....	—	December 15, 2005 <sup>10</sup>
Belarus.....	December 25, 1991	January 18, 2002 <sup>6,10</sup>
Belgium.....	July 15, 1892 <sup>3</sup>	April 1, 1998 <sup>3,6</sup>
Bhutan.....	August 4, 2000	August 4, 2000
Bosnia and Herzegovina.....	March 1, 1992	January 27, 2009
Botswana.....	—	December 5, 2006
Bulgaria.....	August 1, 1985	October 2, 2001 <sup>6,10</sup>
China.....	October 4, 1989 <sup>4</sup>	December 1, 1995 <sup>4,5,6</sup>
Colombia.....	—	August 29, 2012 <sup>5,6</sup>
Croatia.....	October 8, 1991	January 23, 2004
Cuba.....	December 6, 1989	December 26, 1995
Cyprus.....	November 4, 2003	November 4, 2003 <sup>5</sup>
Czech Republic.....	January 1, 1993	September 25, 1996
Democratic People's Republic of Korea.....	June 10, 1980	October 3, 1996
Denmark.....	—	February 13, 1996 <sup>5,6,7</sup>
Egypt.....	July 1, 1952	September 3, 2009
Estonia.....	—	November 18, 1998 <sup>5,6,8</sup>
European Union.....	—	October 1, 2004 <sup>6,10</sup>
Finland.....	—	April 1, 1996 <sup>5,6</sup>
France.....	July 15, 1892 <sup>9</sup>	November 7, 1997 <sup>9</sup>
Georgia.....	—	August 20, 1998 <sup>6,10</sup>
Germany.....	December 1, 1922	March 20, 1996
Ghana.....	—	September 16, 2008 <sup>5,6</sup>
Greece.....	—	August 10, 2000 <sup>5,6</sup>
Hungary.....	January 1, 1909	October 3, 1997
Iceland.....	—	April 15, 1997 <sup>6,10</sup>
Iran (Islamic Republic of).....	December 25, 2003	December 25, 2003 <sup>5</sup>
Ireland.....	—	October 19, 2001 <sup>5,6</sup>
Israel.....	—	September 1, 2010 <sup>5,6</sup>
Italy.....	October 15, 1894	April 17, 2000 <sup>5,6</sup>
Japan.....	—	March 14, 2000 <sup>6,10</sup>
Kazakhstan.....	December 25, 1991	December 8, 2010
Kenya.....	June 26, 1998	June 26, 1998 <sup>5</sup>
Kyrgyzstan.....	December 25, 1991	June 17, 2004 <sup>6</sup>
Latvia.....	January 1, 1995	January 5, 2000
Lesotho.....	February 12, 1999	February 12, 1999
Liberia.....	December 25, 1995	December 11, 2009
Liechtenstein.....	July 14, 1933	March 17, 1998
Lithuania.....	—	November 15, 1997 <sup>5</sup>
Luxembourg.....	September 1, 1924 <sup>3</sup>	April 1, 1998 <sup>3,6</sup>
Madagascar.....	—	April 28, 2008 <sup>10</sup>
Mexico.....	—	February 19, 2013 <sup>6,10</sup>
Monaco.....	April 29, 1956	September 27, 1996

State/IGO	Date on which State became party to the Madrid Agreement <sup>2</sup>	Date on which State/IGO became party to the Madrid Protocol (1989)
Mongolia .....	April 21, 1985	June 16, 2001
Montenegro.....	June 3, 2006	June 3, 2006
Morocco.....	July 30, 1917	October 8, 1999
Mozambique.....	October 7, 1998	October 7, 1998
Namibia.....	June 30, 2004	June 30, 2004 <sup>5</sup>
Netherlands.....	March 1, 1893 <sup>3,11</sup>	April 1, 1998 <sup>3,6,11</sup>
New Zealand.....	—	December 10, 2012 <sup>5,6,12</sup>
Norway.....	—	March 29, 1996 <sup>5,6</sup>
Oman.....	—	October 16, 2007 <sup>10</sup>
Philippines.....	—	July 25, 2012 <sup>5,6,8</sup>
Poland.....	March 18, 1991	March 4, 1997 <sup>10</sup>
Portugal.....	October 31, 1893	March 20, 1997
Republic of Korea.....	—	April 10, 2003 <sup>5,6</sup>
Republic of Moldova.....	December 25, 1991	December 1, 1997 <sup>6</sup>
Romania.....	October 6, 1920	July 28, 1998
Russian Federation.....	July 1, 1976 <sup>13</sup>	June 10, 1997
San Marino.....	September 25, 1960	September 12, 2007 <sup>6,10</sup>
Sao Tome and Principe.....	—	December 8, 2008
Serbia <sup>14</sup> .....	April 27, 1992	February 17, 1998
Sierra Leone.....	June 17, 1997	December 28, 1999
Singapore.....	—	October 31, 2000 <sup>5,6</sup>
Slovakia.....	January 1, 1993	September 13, 1997 <sup>10</sup>
Slovenia.....	June 25, 1991	March 12, 1998
Spain.....	July 15, 1892	December 1, 1995
Sudan.....	May 16, 1984	February 16, 2010
Swaziland.....	December 14, 1998	December 14, 1998
Sweden.....	—	December 1, 1995 <sup>5,6</sup>
Switzerland.....	July 15, 1892	May 1, 1997 <sup>6,10</sup>
Syrian Arab Republic.....	August 5, 2004 <sup>15</sup>	August 5, 2004 <sup>5</sup>
Tajikistan.....	December 25, 1991	June 30, 2011 <sup>6,10</sup>
The former Yugoslav Republic of Macedonia.....	September 8, 1991	August 30, 2002
Turkey.....	—	January 1, 1999 <sup>5,6,8</sup>
Turkmenistan.....	—	September 28, 1999 <sup>6,10</sup>
Ukraine.....	December 25, 1991	December 29, 2000 <sup>5,6</sup>
United Kingdom.....	—	December 1, 1995 <sup>5,6,16</sup>
United States of America.....	—	November 2, 2003 <sup>5,6</sup>
Uzbekistan.....	—	December 27, 2006 <sup>6,10</sup>
Viet Nam.....	March 8, 1949	July 11, 2006 <sup>6</sup>
Zambia.....	—	November 15, 2001
Total: (89)	(56)	(88)

[End of Annex II and of document]

<sup>1</sup> The Madrid Union is composed of the States party to the Madrid Agreement and the Contracting Parties to the Madrid Protocol.

<sup>2</sup> All the States party to the Madrid Agreement have declared, under Article 3*bis* of the Nice or Stockholm Act, that the protection arising from international registration shall not extend to them unless the proprietor of the mark so requests.

<sup>3</sup> The territories of Belgium, Luxembourg and the Kingdom of the Netherlands in Europe are to be deemed a single country, for the application of the Madrid Agreement as from January 1, 1971, and for the application of the Protocol as from April 1, 1998.

<sup>4</sup> Not applicable to either Hong Kong, China or Macao, China.

<sup>5</sup> In accordance with Article 5(2)(b) and (c) of the Protocol, this Contracting Party has declared that the time limit to notify a refusal of protection shall be 18 months and that, where a refusal of protection results from an opposition to the granting of protection, such refusal may be notified after the expiry of the 18-month time limit.

- <sup>6</sup> In accordance with Article 8(7)(a) of the Protocol, this Contracting Party has declared that, in connection with each request for territorial extension to it of the protection of an international registration and the renewal of any such international registration, it wants to receive an individual fee, instead of a share in the revenue produced by the supplementary and complementary fee.
- <sup>7</sup> Not applicable to the Faroe Islands but applicable to Greenland as of January 11, 2011.
- <sup>8</sup> In accordance with Article 14(5) of the Protocol, this Contracting Party has declared that the protection resulting from any international registration effected under this Protocol before the date of entry into force of this Protocol with respect to it cannot be extended to it.
- <sup>9</sup> Including all Overseas Departments and Territories.
- <sup>10</sup> In accordance with Article 5(2)(b) of the Protocol, this Contracting Party has declared that the time limit to notify a refusal of protection shall be 18 months.
- <sup>11</sup> The instrument of ratification of the Stockholm Act and the instrument of acceptance of the Protocol were deposited for the Kingdom in Europe. The Netherlands extended the application of the Madrid Protocol to the Netherlands Antilles with effect from April 28, 2003. The Netherlands Antilles ceased to exist on October 10, 2010. As from that date, the Protocol continues to apply to Curaçao and Sint Maarten. The Protocol also continues to apply to the islands of Bonaire, Sint Eustatius and Saba which, with effect from October 10, 2010, have become part of the territory of the Kingdom of the Netherlands in Europe.
- <sup>12</sup> With a declaration that this accession shall not extend to Tokelau unless and until a declaration to this effect is lodged by the Government of New Zealand with the depositary on the basis of appropriate consultation with that territory.
- <sup>13</sup> Date of accession by the Soviet Union, continued by the Russian Federation as from December 25, 1991.
- <sup>14</sup> Serbia is the continuing State from Serbia and Montenegro as from June 3, 2006.
- <sup>15</sup> The Syrian Arab Republic deposited, on June 29, 2012, an instrument of denunciation of the Madrid Agreement. The said denunciation will become effective, with respect to this State, as from June 29, 2013.
- <sup>16</sup> Ratification in respect of the United Kingdom and the Isle of Man.