

ANNEX III
(see paragraph 25 of this report)

RULES OF PROCEDURE
OF THE COMMITTEE OF EXPERTS OF THE NICE UNION

(Article 3(4) of the Nice Agreement (Geneva Act))

*adopted by the Committee of Experts on September 10, 1973,
and amended on May 28, 1982, November 10, 1995, and on October 11, 2000*

Rule 1: Application of the General Rules of Procedure

The Rules of Procedure of the Committee of Experts of the Nice Union (hereinafter referred to as the “Committee of Experts”) and of the subcommittees and working groups established by it shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions of Articles 3 and 4 of the Nice Agreement (Geneva Act) and by the provisions set forth hereinafter.

Rule 2: Representation and Expenses of Delegations and Representatives

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

Rule 3: Sessions

- (1) The Committee of Experts shall meet at least once every five years on convocation by the Director General.
- (2) The Committee of Experts shall meet in extraordinary session on convocation by the Director General at the request of one-fourth of the States members of the Committee of Experts.
- (3) Subcommittees and working groups established by the Committee of Experts shall meet at such times and at such places as may be determined by the Committee of Experts or by the Director General in consultation with the Chairman of the subcommittee or working group concerned.

Rule 4: Subcommittees and Working Groups

(1) When establishing any subcommittee or working group, the Committee of Experts shall determine its terms of reference and the frequency of its sessions.

(2) The members of a subcommittee or working group established by the Committee of Experts shall be any member States of the Nice Union that have informed the Director General in writing of their wish to become members of such subcommittee or working group.

(3) Observer status in a subcommittee or working group established by the Committee of Experts shall be afforded to

(i) any State party to the Paris Convention for the Protection of Industrial Property that has informed the Director General in writing of its wish to acquire such status in such subcommittee or working group,

(ii) the African Intellectual Property Organization and the Benelux Trademark Office, and

(iii) any intergovernmental organization which has a regional office for the purposes of registering marks or is specialized in the field of marks, of which at least one of the member States is a country of the Nice Union, and has informed the Director General in writing of its wish to acquire such status in such subcommittee or working group.

Rule 5: Status of Certain Intergovernmental Organizations in the Committee of Experts

Article 3(2)(b) of the Nice Agreement (Geneva Act) shall apply to the following intergovernmental organizations:

African Intellectual Property Organization
Benelux Trademark Office.

Rule 6: Officers

(1) The Committee of Experts shall elect a Chairman and two Vice-Chairmen.

(2) Any subcommittee or working group established by the Committee of Experts shall elect a Chairman and one Vice-Chairman.

(3) Any outgoing Chairman or Acting Chairman may be immediately re-elected to the office which he has held.

(4) Where the Chairman or Acting Chairman is the only member of the delegation of a member State, he may vote in his capacity of delegate.

(5) Representatives of the intergovernmental organizations referred to in Rule 5 may be elected as officers of the Committee of Experts or of any subcommittee or working group established by the Committee of Experts.

Rule 7: Adoption of Amendments to the Nice Classification

Except in special cases, amendments to the Nice Classification shall be adopted at the end of specified revision periods; the length of each period shall be determined by the Committee of Experts.

Rule 8: Publication of the Report

The report on the work of each session of the Committee of Experts, or a summary drawn up by the International Bureau, shall be published in the review *WIPO Magazine*.

[Annex IV follows]