

Working Group on the Development of the Lisbon System (Appellations of Origin)

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Study on the Relationship Between Regional Systems for the Protection of Geographical Indications and the Lisbon System; and on the Conditions for Accession to the Lisbon Agreement by Intergovernmental Organizations

prepared by the Secretariat

CORRIGENDUM

Please, replace Appendix I of the Annex of document LI/WG/DEV/2/3 by the enclosed Appendix.

[Annex follows]

**Provisions in WIPO-Administered Treaties and the UPOV Convention Addressing Accession
by Intergovernmental Organizations**

GLOBAL PROTECTION SYSTEM TREATIES

**Geneva Act of the Hague Agreement
Concerning the International Registration of Industrial Designs**

ARTICLE 27(1) – ELIGIBILITY FOR BECOMING PARTY

“(ii) any intergovernmental organization which maintains an Office in which protection of industrial designs may be obtained with effect in the territory in which the constituting treaty of the intergovernmental organization applies may sign and become party to this Act, provided that at least one of the member States of the intergovernmental organization is a member of the Organization and provided that such Office is not the subject of a notification under Article 19*.”

ARTICLE 27(3)(b) – DEPOSIT INSTRUMENT OF RATIFICATION OR ACCESSION

“The effective date of the deposit of the instrument of ratification or accession of any State in respect of which protection of industrial designs may be obtained only through the Office maintained by an intergovernmental organization of which that State is a member shall be the date on which the instrument of that intergovernmental organization is deposited if that date is later than the date on which the instrument of the said State has been deposited.”

ARTICLE 21(4)(b) – TAKING DECISIONS IN THE ASSEMBLY

“Where a decision cannot be arrived at by consensus, the matter at issue shall be decided by voting. In such case,
“(i) each Contracting Party that is a State shall have one vote and shall vote only in its own name, and
“(ii) any Contracting Party that is an intergovernmental organization may vote, in place of its Member States, with a number of votes equal to the number of its Member States which are party to this Act, and no such intergovernmental organization shall participate in the vote if any of its Member States exercises its right to vote, and *vice versa*.”

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

ARTICLE 14(1)(b)– ELIGIBILITY FOR BECOMING PARTY

“[...] any intergovernmental organization may also become party to this Protocol where the following conditions are fulfilled:
“(i) at least one of the member States of that organization is a party to the Paris Convention for the Protection of Industrial Property;
“(ii) that organization has a regional Office for the purposes of registering marks with effect in the territory of the organization, provided that such Office is not the subject of a notification under Article 9^{quater}*.”

* Article 19 of the Geneva Act and Article 9^{quater} of the Madrid Protocol allow Contracting States to participate in, respectively, the Hague system or the Madrid system with a common Office, replacing national Offices, provided they have unified their domestic legislation on, respectively, industrial designs or trademarks and the whole of their respective territories shall be deemed to be a single State for the purposes of the application of the procedures under, respectively, the Hague system or the Madrid system.

**Provisions in WIPO-Administered Treaties and the UPOV Convention Addressing Issues
Specific to Intergovernmental Organizations**

INTELLECTUAL PROPERTY PROTECTION TREATIES

Trademark Law Treaty (TLT)

Singapore Treaty on the Law of Trademarks

ARTICLE 19(1) TLT – ELIGIBILITY FOR BECOMING PARTY
ARTICLE 26(1) SINGAPORE – ELIGIBILITY FOR BECOMING PARTY

“(ii) any intergovernmental organization which maintains an Office in which marks may be registered with effect in the territory in which the constituting treaty of the intergovernmental organization applies, in all its member States or in those of its member States which are designated for such purpose in the relevant application, provided that all the member States of the intergovernmental organization are members of the Organization;

[...]

“(iv) any State member of the Organization in respect of which marks may be registered only through the Office maintained by an intergovernmental organization of which that State is a member;

“(v) any State member of the Organization in respect of which marks may be registered only through an Office common to a group of States members of the Organization “

ARTICLE 19(3) TLT – DEPOSIT INSTRUMENT OF RATIFICATION OR ACCESSION
ARTICLE 26(3) SINGAPORE – DEPOSIT INSTRUMENT OF RATIFICATION OR ACCESSION

“[...] the effective date of the deposit of an instrument of ratification or accession shall be,

[...]

“(ii) In the case of an intergovernmental organization, the date on which the instrument of that intergovernmental organization is deposited;

[...]

“(iv) In the case of a State referred to in paragraph (1)(iv), the date applicable under (ii), above;

“(v) In the case of a State member of a group of States referred to in paragraph (1)(v), the date on which the instruments of all the States members of the group have been deposited.”

Singapore Treaty on the Law of Trademarks

ARTICLE 23(4)(b) – TAKING DECISIONS IN THE ASSEMBLY

“Where a decision cannot be arrived at by consensus, the matter at issue shall be decided by voting. In such case,

“(i) each Contracting Party that is a State shall have one vote and shall vote only in its own name, and

“(ii) any Contracting Party that is an intergovernmental organization may vote, in place of its Member States, with a number of votes equal to the number of its Member States which are party to this Treaty. No such intergovernmental organization shall participate in the vote if any of its Member States exercises its right to vote, and *vice versa*. In addition, no such intergovernmental organization shall participate in the vote if any one of its Member States party to this Treaty is a Member State of another such intergovernmental organization and that other intergovernmental organization participates in that vote.”

**Provisions in WIPO-Administered Treaties and the UPOV Convention Addressing Issues
Specific to Intergovernmental Organizations**

Patent Law Treaty (PLT)

ARTICLE 20 – ELIGIBILITY FOR BECOMING PARTY

“(1) [*States*] Any State which is party to the Paris Convention or which is a member of the Organization, and in respect of which patents may be granted, either through the State’s own Office or through the Office of another State or intergovernmental organization, may become party to this Treaty.

“(2) [*Intergovernmental Organizations*] Any intergovernmental organization may become party to this Treaty if at least one member State of that intergovernmental organization is party to the Paris Convention or a member of the Organization, and the intergovernmental organization declares that it has been duly authorized, in accordance with its internal procedures, to become party to this Treaty, and declares that:

“(i) it is competent to grant patents with effect for its member States; or

“(ii) it is competent in respect of, and has its own legislation binding on all its member States concerning, matters covered by this Treaty, and it has, or has charged, a regional Office for the purpose of granting patents with effect in its territory in accordance with that legislation.

Subject to paragraph (3), any such declaration shall be made at the time of the deposit of the instrument of ratification or accession.

“(3) [*Regional Patent Organizations*] The European Patent Organization, the Eurasian Patent Organization and the African Regional Industrial Property Organization, having made the declaration referred to in paragraph (2)(i) or (ii) in the Diplomatic Conference that has adopted this Treaty, may become party to this Treaty as an intergovernmental organization, if it declares, at the time of the deposit of the instrument of ratification or accession that it has been duly authorized, in accordance with its internal procedures, to become party to this Treaty.”

ARTICLE 17(4)(b) – TAKING DECISIONS IN THE ASSEMBLY

“Where a decision cannot be arrived at by consensus, the matter at issue shall be decided by voting. In such case:

“(i) each Contracting Party that is a State shall have one vote and shall vote only in its own name; and

“(ii) any Contracting Party that is an intergovernmental organization may participate in the vote, in place of its Member States, with a number of votes equal to the number of its Member States which are party to this Treaty. No such intergovernmental organization shall participate in the vote if any one of its Member States exercises its right to vote, and *vice versa*. In addition, no such intergovernmental organization shall participate in the vote if any one of its Member States party to this Treaty is a Member State of another such intergovernmental organization and that other intergovernmental organization participates in that vote.”

**Provisions in WIPO-Administered Treaties and the UPOV Convention Addressing Issues
Specific to Intergovernmental Organizations**

WIPO Copyright Treaty (WCT)

ARTICLE 17 – ELIGIBILITY FOR BECOMING PARTY

- “(1) Any Member State of WIPO may become party to this Treaty.
“(2) The Assembly may decide to admit any intergovernmental organization to become party to this Treaty which declares that it is competent in respect of, and has its own legislation binding on all its Member States on, matters covered by this Treaty and that it has been duly authorized, in accordance with its internal procedures, to become party to this Treaty.
“(3) The European Community, having made the declaration referred to in the preceding paragraph in the Diplomatic Conference that has adopted this Treaty, may become party to this Treaty.”

ARTICLE 15(3) – TAKING DECISIONS IN THE ASSEMBLY

- “(a) Each Contracting Party that is a State shall have one vote and shall vote only in its own name.
“(b) Any Contracting Party that is an intergovernmental organization may participate in the vote, in place of its Member States, with a number of votes equal to the number of its Member States which are party to this Treaty. No such intergovernmental organization shall participate in the vote if any one of its Member States exercises its right to vote, and *vice versa*.”

WIPO Performances and Phonograms Treaty (WPPT)

ARTICLE 26 – ELIGIBILITY FOR BECOMING PARTY

- “(1) Any Member State of WIPO may become party to this Treaty.
“(2) The Assembly may decide to admit any intergovernmental organization to become party to this Treaty which declares that it is competent in respect of, and has its own legislation binding on all its Member States on, matters covered by this Treaty and that it has been duly authorized, in accordance with its internal procedures, to become party to this Treaty.
“(3) The European Community, having made the declaration referred to in the preceding paragraph in the Diplomatic Conference that has adopted this Treaty, may become party to this Treaty.”

ARTICLE 24(3) – TAKING DECISIONS IN THE ASSEMBLY

- “(a) Each Contracting Party that is a State shall have one vote and shall vote only in its own name.
“(b) Any Contracting Party that is an intergovernmental organization may participate in the vote, in place of its Member States, with a number of votes equal to the number of its Member States which are party to this Treaty. No such intergovernmental organization shall participate in the vote if any one of its Member States exercises its right to vote, and *vice versa*.”

**Provisions in WIPO-Administered Treaties and the UPOV Convention Addressing Issues
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Washington Treaty on Intellectual Property in Respect of Integrated Circuits

ARTICLE 15(b) – ELIGIBILITY FOR BECOMING PARTY

“Any Intergovernmental Organization which meets the requirements of Article 2(x) may become party to this Treaty. The Organization shall inform the Director General of its competence, and any subsequent changes in its competence, with respect to the matters governed by this Treaty. The Organization and its member States may, without, however, any derogation from the obligations under this Treaty, decide on their respective responsibilities for the performance of their obligations under this Treaty.”

ARTICLE 9(3)(b) – TAKING DECISIONS IN THE ASSEMBLY

“Any Contracting Party that is an Intergovernmental Organization shall exercise its right to vote, in place of its member States, with a number of votes equal to the number of its member States which are party to this Treaty and which are present at the time the vote is taken. No such Intergovernmental Organization shall exercise its right to vote if any of its member States participates in the vote.”

International Convention for the Protection of new Varieties of Plants (1991 Act)

ARTICLE 34(1) – ELIGIBILITY FOR BECOMING PARTY

“(a) Any State may, as provided in this Article, become party to this Convention.
“(b) Any intergovernmental organization may, as provided in this Article, become party to this Convention if it
“(i) has competence in respect of matters governed by this Convention,
“(ii) has its own legislation providing for the grant and protection of breeders' rights binding on all its member States and
“(iii) has been duly authorized, in accordance with its internal procedures, to accede to this Convention.”

ARTICLE 26(6) – TAKING DECISIONS IN THE COUNCIL

“(a) Each member of the Union that is a State shall have one vote in the Council.
“(b) Any Contracting Party that is an intergovernmental organization may, in matters within its competence, exercise the rights to vote of its member States that are members of the Union. Such an intergovernmental organization shall not exercise the rights to vote of its member States if its member States exercise their right to vote, and *vice versa*.”

[End of Annex and of document]