

# WIPO



SCT/18/5

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DATE: September 12, 2007

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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

## **STANDING COMMITTEE ON THE LAW OF TRADEMARKS, INDUSTRIAL DESIGNS AND GEOGRAPHICAL INDICATIONS**

**Eighteenth Session**  
**Geneva, November 12 to 16, 2007**

ARTICLE 6<sup>TER</sup> OF THE PARIS CONVENTION:  
PROCEDURAL ASPECTS

*prepared by the Secretariat*

## INTRODUCTION

1. At the seventeenth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), held in Geneva from May 7 to 11, 2007, the SCT requested the Secretariat to prepare a document for the eighteenth session of the SCT containing a status report on the implementation of the recommendations concerning Article 6*ter* of the Paris Convention for the Protection of Industrial Property (Paris Convention) agreed at that session, including, where necessary, a proposal for decision by the Paris Union Assembly.
2. Those recommendations relate to issues dealing with certain procedural aspects of communications under Article 6*ter*, namely, contact details of the requesting party, information concerning the constituting charter or agreement of International Intergovernmental Organizations (“IGOs”), information on the nature of the goods and services on which official signs and hallmarks are used, electronic communication, and review of existing communications.
3. The purpose of the present document is to briefly recall the relevant recommendations and to describe the follow up actions which have been taken by the Secretariat in relation to those recommendations.

## RELEVANT CONTACT DETAILS CONCERNING THE REQUESTING PARTY

4. The SCT recommended that contact details of the party communicating a sign under Article 6*ter*(3)(a) or (b) be provided as part of the communication in order to enable offices and third parties to contact the beneficiary of protection. In addition, with regard to communications which have already been made, the SCT requested the Secretariat to invite States and International Intergovernmental Organizations (“IGOs”) to provide contact details for the sake of completeness.
5. Accordingly, the draft models for requests for communication under Article 6*ter*(3)(a) and (b), which are reproduced in Annexes I, II and III, have been amended so as to include an item which calls for the inclusion of the relevant contact details of the party concerned. Subject to the approval of the model requests by the SCT, parties wishing to make a communication under Article 6*ter*(3)(a) or (b) will be in future invited to use such requests for communication. The templates for the presentation of the sign or signs for which protection is sought, reproduced in Annexes I, II and III, are bilingual, since communications under Article 6*ter* are made in English and French, but only one set of reproductions is used.
6. With regard to communications which have already been made, the International Bureau of WIPO has invited the States and International Intergovernmental Organizations (“IGOs”) concerned, through circular letters, to provide contact details for the sake of completeness of the existing files.
7. The relevant contact details concerning requesting parties will be made available as part of new communications under Article 6*ter*(3). All contact details, namely those concerning new communications and those being received in response to the circular letters mentioned in the preceding paragraph will be included in the Article 6*ter* database.

## INFORMATION CONCERNING THE CONSTITUTING CHARTER OR AGREEMENT OF INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS (“IGOs”)

8. The SCT recommended that the communications from IGOs should contain a reference to a website where the constituting agreement or charter of a given IGO could be accessed.

9. Accordingly, the draft models for a request for communication under Article 6*ter*(3)(b), which are reproduced in Annexes II and III, have been amended so as to include an item which calls for the inclusion of a reference to the website of the IGO concerned from which the relevant information can be retrieved.

## INFORMATION ON THE NATURE OF THE GOODS AND SERVICES ON WHICH OFFICIAL SIGNS AND HALLMARKS ARE USED

10. The SCT recommended that an indication of the goods and services should be a standard requirement for communications in relation to official signs and hallmarks indicating control and warranty.

11. Accordingly, the draft model for a request for communication under Article 6*ter*(3)(a), which is reproduced in Annex I, has been amended so as to include an item which calls for the indication of the goods and/or services to which the official signs and hallmarks indicating control and warranty apply.

## ELECTRONIC COMMUNICATION

12. As regards electronic transmittal of Article 6*ter* communications, the SCT asked the Secretariat to implement the option consisting in uploading the relevant data on a WIPO FTP server, followed by the individual download of such data from the server by any interested administration. It should be noted, however, that the aforementioned means of electronic communication does not replace the existing paper-based communication procedure.

13. The WIPO FTP server is already in place for access by any interested administration at the following address: <ftp://ftpird.wipo.int/wipo/6ter>. The data on the server will be updated on the first Tuesday of each month, as from November 6, 2007. Interested administrations will thus be able to check regularly whether updates are available and, where applicable, download the data.

14. The respective industrial property offices of Member States of the Paris Union and Members of the WTO not party to the Paris Convention will be informed by the International Bureau of WIPO, through a circular letter, of the fact that the data concerning Article 6*ter* communications are available on a WIPO FTP server.

15. In addition, the SCT is hereby informed that the new version of the Article 6*ter* data base is available at <http://www.wipo.int/ipdl/en/search/6ter/search-struct.jsp>.

16. The new data base currently includes a total of 2,119 individual records, corresponding to an overall number of 260 communications, 122 requested by States party to the Paris Convention, and 138 requested by international intergovernmental organizations. Each of the 2,119 individual records corresponds to one single protected sign, of which 939 were communicated upon requests by States and 1,180 were communicated upon requests by IGOs.

17. The signs communicated by States are divided as follows:

- 131 armorial bearings
- 116 flags
- 341 State emblems
- 351 hallmarks or official signs indicating control and warranty.

18. The signs communicated by IGOs are divided as follows:

- 24 flags
- 290 emblems
- 288 abbreviations
- 578 names.

#### REVIEW OF EXISTING COMMUNICATIONS

19. The SCT recommended that each Member of the Paris Union undertake, when resources permit, a review of the signs communicated on behalf of that Member, in order to determine whether protection is still required or whether any details need to be updated.

20. Accordingly, the International Bureau has invited Member States of the Paris Union, through a circular letter, to undertake such review.

#### DECISION BY THE PARIS UNION ASSEMBLY

21. The recommendations made by the SCT at the 17<sup>th</sup> session concern the administrative practice of Article 6<sup>ter</sup> communications as well as the flow of information from the requesting parties (States or International Intergovernmental Organizations) to the receiving parties (States party to the Paris Convention as well as Members of the World Trade Organization). As such, those recommendations do not touch on the extent of rights and obligations emanating directly from Article 6<sup>ter</sup> of the Paris Convention. Thus, a specific decision of the Paris Union Assembly concerning the application of those recommendations does not appear to be required.

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

[Annexes follow]

ANNEX I

*Draft Request for Communication Under Article 6ter(3)(a) of the Paris Convention for the Protection of Industrial Property by a State*

*[date]*

*On behalf of the Government of [official name of the country], I would like to request the communication, under Article 6ter(3)(a) of the Paris Convention for the Protection of Industrial Property (Paris Convention), to the States party to the Paris Convention and to the Members of the World Trade Organization (WTO) not party to the said Convention, of the [armorial bearings], [flag], [State emblem] and/or [official sign or hallmark indicating control and warranty] adopted by [official name of the country].*

*[This communication is without prejudice to the protection of the signs of [official name of the country] circulated in Note No. [circular number] on [date of the circular]].*

*Sincerely yours,*

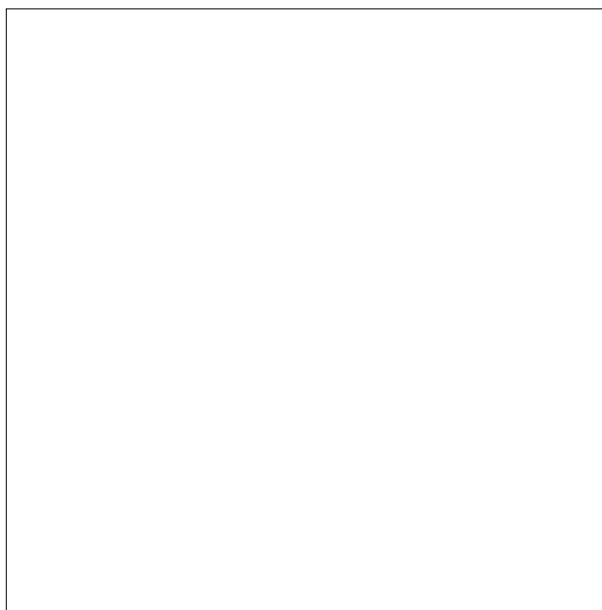
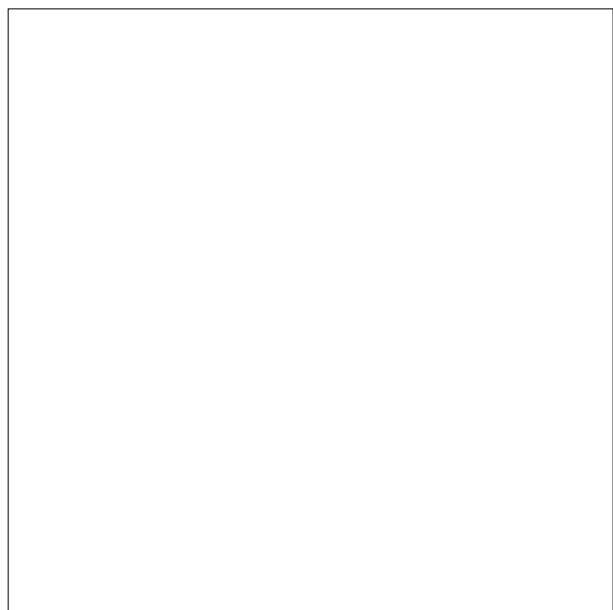
*Name and signature of the Minister of [name of the ministry] or any other person duly authorized by him or her.*

*Enclosure: 600 copies of the reproduction of the [armorial bearings], [flag], [State emblem] and/or [official sign or hallmark indicating control and warranty, with an indication of the goods and/or services to which such sign applies,] adopted by [official name of the country].*

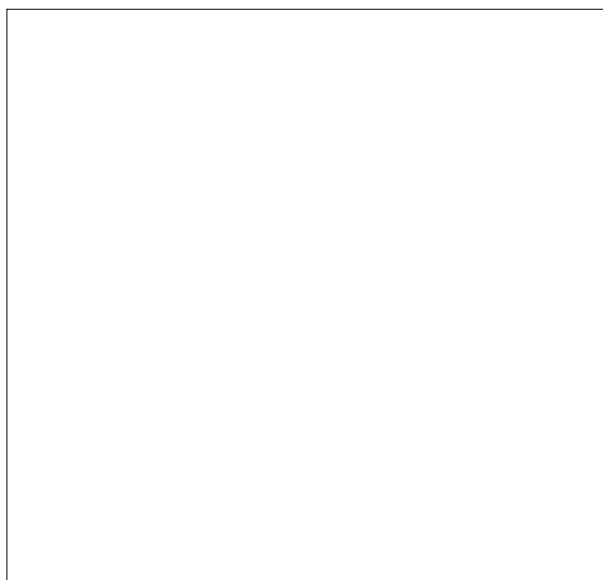
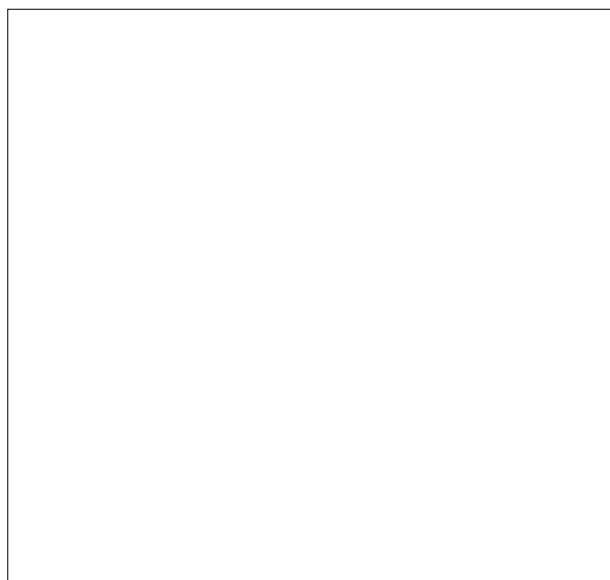
Letter to be addressed to the Director General of the World Intellectual Property Organization (WIPO), 34, chemin des Colombettes, 1211 Geneva 20, Switzerland.

ARMORIAL BEARINGS / FLAG(S) / STATE EMBLEM(S) / OFFICIAL SIGN(S)  
INDICATING CONTROL AND WARRANTY / HALLMARK(S) INDICATING  
CONTROL AND WARRANTY ADOPTED BY ..... /  
ARMOIRIES / DRAPEAU(X) / EMBLÈME(S) D'ÉTAT / SIGNE(S) OFFICIEL(S) DE  
CONTRÔLE ET GARANTIE / POINÇON(S) OFFICIEL(S) DE CONTRÔLE ET  
GARANTIE ADOPTÉ(S) PAR .....

ARMORIAL BEARINGS/ARMOIRIES



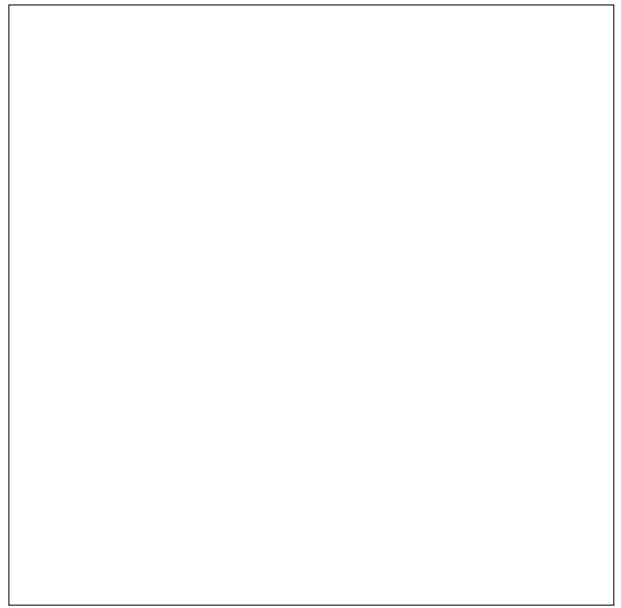
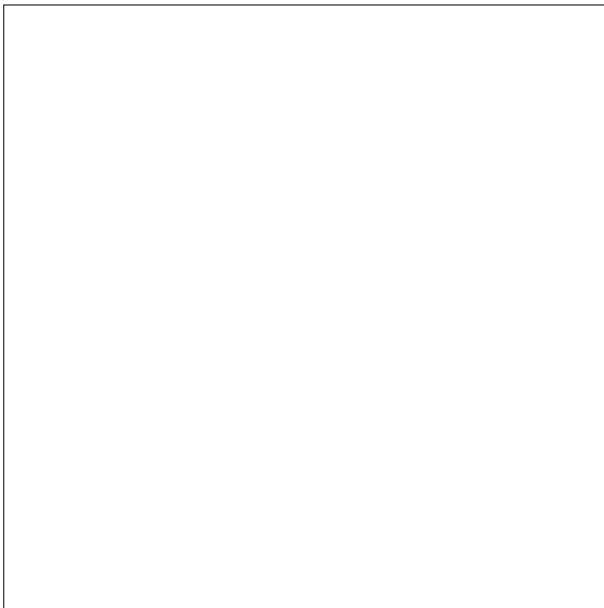
FLAG(S)/DRAPEAU(X)



STATE EMBLEM(S)/EMBLÈME(S) D'ÉTAT



OFFICIAL SIGN(S) AND/OR HALLMARKS INDICATING CONTROL AND  
WARRANTY/  
SIGNE(S) OFFICIEL(S) ET/OU POINÇONS OFFICIELS DE CONTRÔLE ET GARANTIE



GOODS AND/OR SERVICES TO WHICH THE SIGN(S) APPLY/PRODUITS ET/OU  
SERVICES AUXQUELS S'APPLIQUENT LES SIGNES

CONTACT DETAILS/COORDONNÉES DE LA PARTIE REQUÉRANTE

Name of the State Administration/Nom de l'Administration au sein de l'État:

Address/Adresse:

e-mail/courriel:

[Annex II follows]

ANNEX II

*Draft Request for Communication Under Article 6ter(3)(b) of the Paris Convention for the Protection of Industrial Property by an International Intergovernmental Organization*

[date]

*The [name of the international intergovernmental organization] has the honor to request the communication, under Article 6ter(3)(b) of the Paris Convention for the Protection of Industrial Property (Paris Convention), of the [armorial bearings], [flag], [other emblem], [abbreviation], and [name] of the [name of the international intergovernmental organization] to States party to the Paris Convention and to the Members of the World Trade Organization (WTO not party to the said convention).*

*For the purpose of the above communication, the statutes and the list of the Member States of the [name of the international intergovernmental organization] are attached. Furthermore, the statutes are available on the Internet at [...].*

*Sincerely yours,*

*Name and signature of the [Director General][Head] of the [name of the international intergovernmental organization] or any other person duly authorized by him or her.*

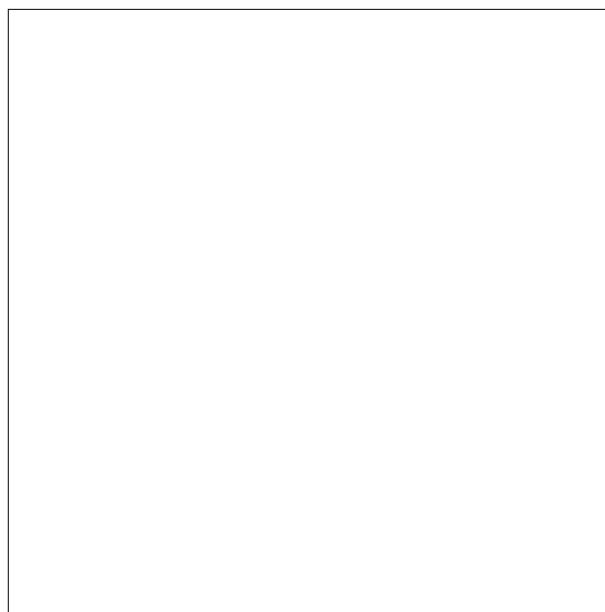
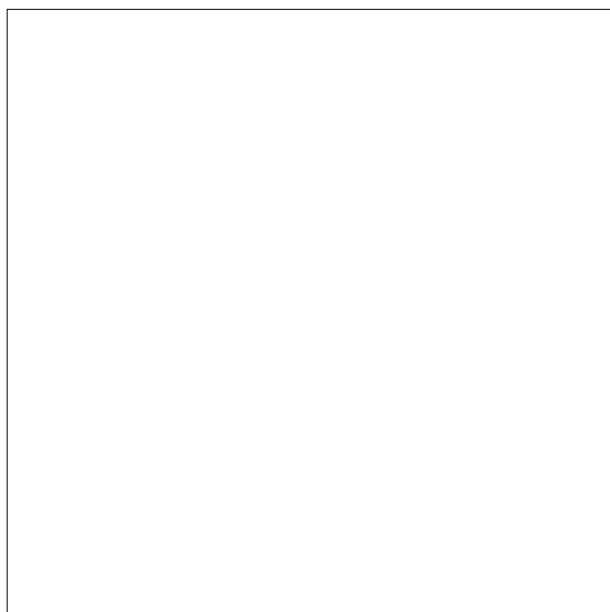
*Enclosures: 600 copies of the reproduction of the [armorial bearings], [flag], [other emblem], [abbreviation], and/or [name] of the [name of the international intergovernmental organization]; the statutes and the list of the Member States of the [name of the international intergovernmental organization].*

Letter to be addressed to the Director General of the World Intellectual Property Organization (WIPO), 34, chemin des Colombettes, 1211 Geneva 20, Switzerland.

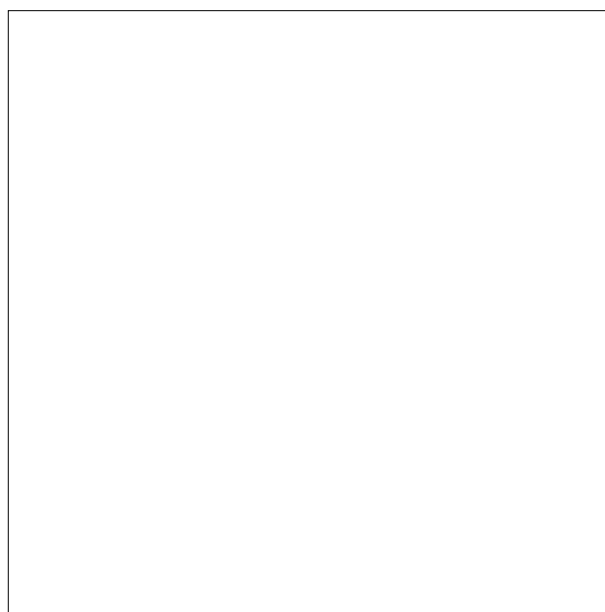
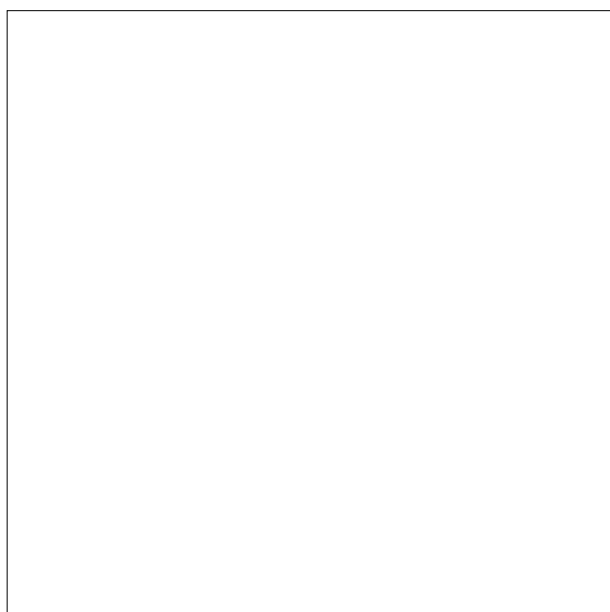


ARMORIAL BEARINGS / FLAG(S) / EMBLEM(S) / NAME / ABBREVIATION  
ADOPTED BY ..... /  
ARMOIRIES / DRAPEAU(X) / EMBLÈME(S) / DÉNOMINATION / SIGLE  
ADOPTÉ(S) PAR.....

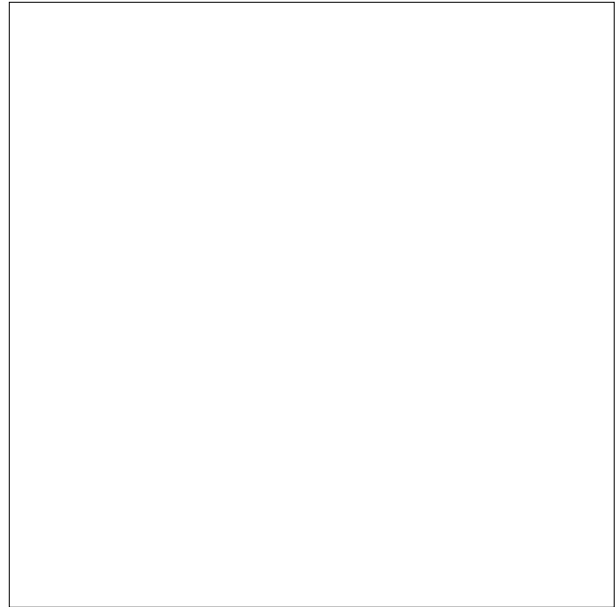
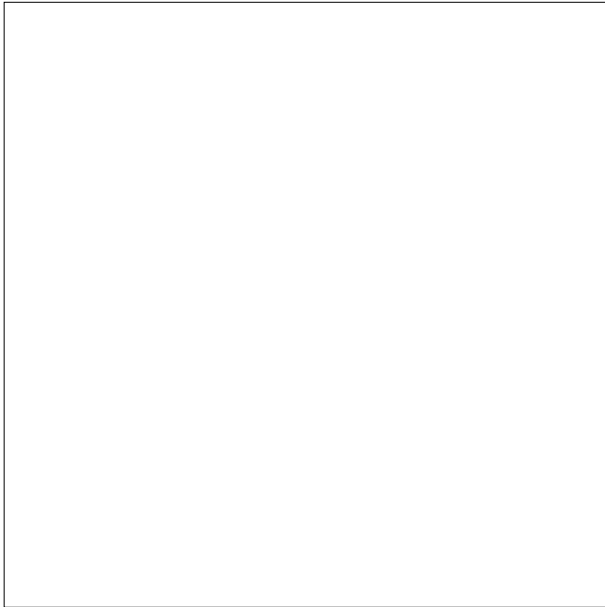
ARMORIAL BEARINGS/ARMOIRIES



FLAG(S)/DRAPEAU(X)



EMBLEM(S)/EMBLÈME(S)



NAME/DÉNOMINATION	LANGUAGE/LANGUE

ABBREVIATION/SIGLE	LANGUAGE/LANGUE

**CONTACT DETAILS/COORDONNÉES DE LA PARTIE REQUÉRANTE**

Name of the entity within the Organization/Nom de l'entité au sein de l'Organisation:

Address/Adresse:

e-mail/courriel:

**WEBSITE WHERE THE CONSTITUTING CHARTER OR AGREEMENT  
ESTABLISHING THE INTERNATIONAL INTERGOVERNMENTAL ORGANIZATION  
CAN BE FOUND/ SITE WEB OÙ FIGURE LA CHARTE OU L'ACCORD CONSTITUTIF  
DE L'ORGANISATION INTERNATIONALE INTERGOUVERNEMENTALE:**

[Annex III follows]

ANNEX III

*Draft Request for Communication Under Article 6ter(3)(b) of the Paris Convention for the Protection of Industrial Property by a Program, or an Institution Established by an International Intergovernmental Organization, or by a Convention Constituting an International Treaty*

[date]

*The [name of the program/institution/convention] has the honor to request the communication under Article 6ter(3)(b) of the Paris Convention of the [armorial bearings], [flag], [other emblem], [abbreviation], and/or [name] of the [name of the program/institution/convention] to States party to the Paris Convention and to the Members of the World Trade Organization (WTO) not party to the said convention. The [name of the program/institution/convention] [is a program/institution established by the {name of the international intergovernmental organization} constituting, within the said organization,] [is a convention constituting an international treaty to which one or more State members of the Paris Union are Party, and which establishes] a permanent entity having specified aims and its own rights and obligations in line with the Guidelines for the Interpretation of Article 6ter(1)(b) and (3)(b) of the Paris Convention adopted, in 1992, by the Assembly of the Paris Union.*

*For the purpose of the above communication, the statutes and the list of the Member States of the [name of the program/institution and name of the international intergovernmental organization] [name of the convention] are attached. Furthermore, the statutes are available on the Internet at [...].*

*Sincerely yours,*

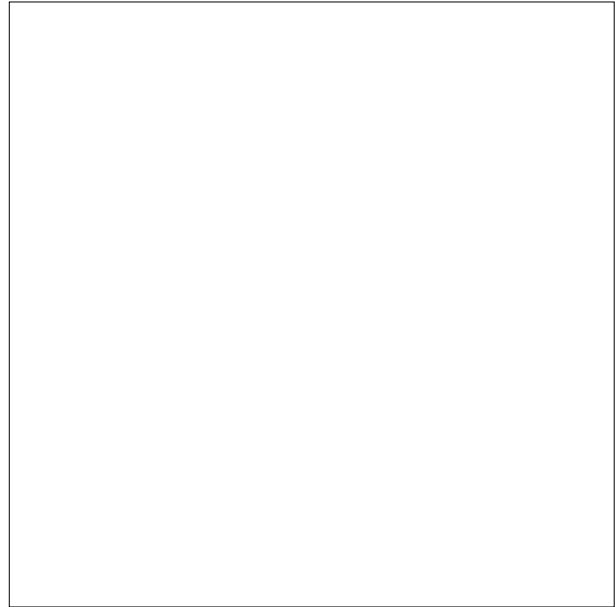
*Name and signature of the Administrative Head of the [name of the program/institution/convention], or any other person duly authorized by him or her.*

*Enclosures: 600 copies of the reproduction of the [armorial bearings], [flag], [other emblem], [abbreviation], and/or [name] of the [name of the program/institution/convention]; the statutes and the list of the Member States of the [name of the program/institution and name of the international intergovernmental organization] [name of the convention].*

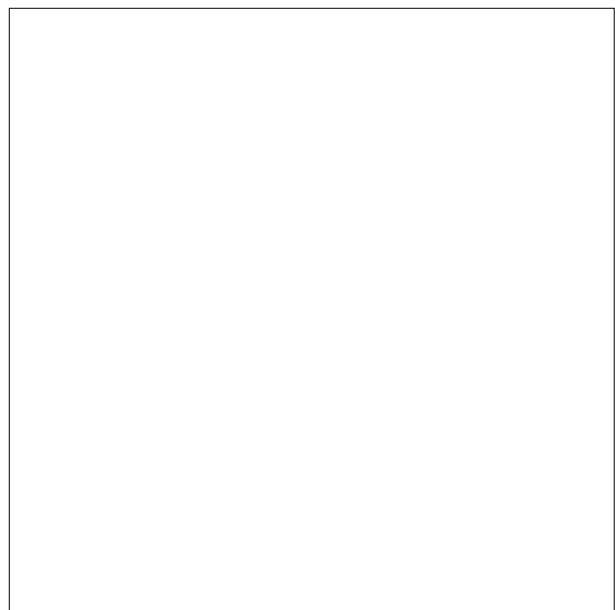
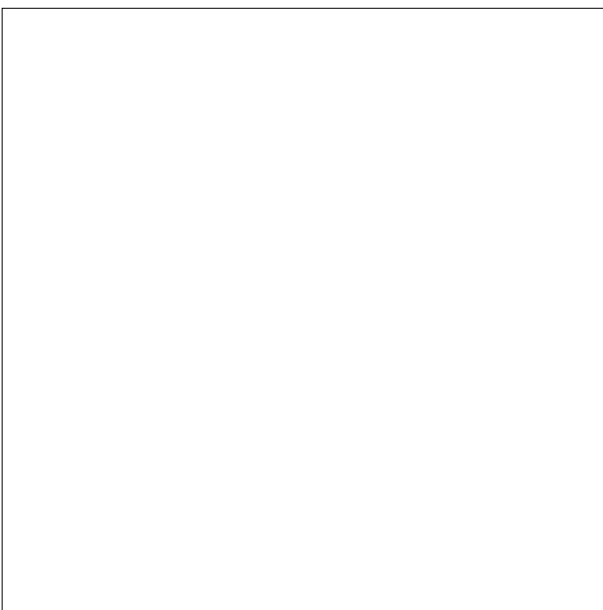
Letter to be addressed to the Director General of the World Intellectual Property Organization (WIPO), 34, chemin des Colombettes, 1211 Geneva 20, Switzerland.

ARMORIAL BEARINGS / FLAG(S) / EMBLEM(S) / NAME / ABBREVIATION  
ADOPTED BY ..... /  
ARMOIRIES / DRAPEAU(X) / EMBLÈME(S) / DÉNOMINATION / SIGLE  
ADOPTÉ(S) PAR.....

ARMORIAL BEARINGS/ARMOIRIES



FLAG(S)/DRAPEAU(X)





CONTACT DETAILS/COORDONNÉES DE LA PARTIE REQUÉRANTE

Name of the entity within the Organization/Nom de l'entité au sein de l'Organisation:

Address/Adresse:

e-mail/courriel:

WEBSITE WHERE THE CONSTITUTING CHARTER OR AGREEMENT  
ESTABLISHING THE PROGRAM, THE INSTITUTION OR THE CONVENTION CAN  
BE FOUND/ SITE WEB OÙ FIGURE LA CHARTE OU L'ACCORD CONSTITUTIF DU  
PROGRAMME, DE L'INSTITUTION OU DE LA CONVENTION:

[Annex IV follows]

ANNEX IV

Text of the circular letter addressed to States concerning contact details and updating of existing communication.

The World Intellectual Property Organization presents its compliments and has the honor to refer to the seventeenth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), held in Geneva from May 7 to 11, 2007, at which the SCT made several recommendations regarding the procedures for the communication under Article *6ter* of the Paris Convention for the Protection of Industrial Property (Paris Convention), of State emblems, as well as of names, abbreviations and other emblems of International Intergovernmental Organizations (“IGOs”) (see document SCT/17/8, paragraphs 248 to 314).

One of those recommendations refers to the contact details of the State communicating a sign under Article *6ter*(3)(a). The SCT recommended that such contact details be provided as part of the communication in order to enable offices and third parties to contact the beneficiary of protection. With regard to communications which have already been made, the SCT recommended that the States concerned be invited to provide contact details to the International Bureau of WIPO for the sake of completeness of the existing files. The present circular letter constitutes such invitation.

Contact details may be provided to the International Bureau through a simple letter indicating also the communications concerned, addressed to the Division of Law and International Classifications, Sector of Trademarks, Industrial Designs and Geographical Indications, WIPO. Upon receipt of the contact details, the International Bureau will proceed to supplement the existing files, including the *6ter* data base.

The SCT further recommended that each State Member of the Paris Union undertake, when resources permit, a review of the signs communicated on behalf of that Member, in order to determine whether protection is still required or if any details need to be updated. Accordingly, the International Bureau hereby invites Member States of the Paris Union to undertake such review and to communicate the results thereof.

[Annex V follows]



ANNEX V

Text of the circular letter addressed to international intergovernmental organization concerning contact details.

At the seventeenth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), held in Geneva from May 7 to 11, 2007, the SCT made several recommendations regarding the procedures for the communication under Article 6*ter* of the Paris Convention for the Protection of Industrial Property (Paris Convention), of State emblems, as well as of names, abbreviations and other emblems of International Intergovernmental Organizations (“IGOs”), (see document SCT/17/8, paragraphs 248 to 314).

One of those recommendations refers to the contact details of the “IGOs” communicating a sign under Article 6*ter*(3)(b). The SCT recommended that such contact details be provided as part of the communication in order to enable offices and third parties to contact the beneficiary of protection. With regard to communications which have already been made, the SCT recommended that the “IGOs” concerned be invited to provide contact details to the International Bureau of WIPO for the sake of completeness of the existing files. The present circular letter constitutes such invitation.

Contact details may be provided to the International Bureau through a simple letter indicating also the communications concerned, addressed to the Division of Law and International Classifications, Sector of Trademarks, Industrial Designs and Geographical Indications, WIPO. Upon receipt of the contact details, the International Bureau will proceed to supplement the existing files, including the 6*ter* data base.

[Annex VI follows]

ANNEX VI

Text of the circular letter concerning the availability of Article 6ter data or a WIPO FTP server:

At the seventeenth session of the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), held in Geneva from May 7 to 11, 2007, the SCT asked the Secretariat to implement a process for making available communications under Article 6ter of the Paris Convention for the Protection of Industrial Property (Paris Convention) by electronic means to Member States of the Paris Union and to the WTO Members not party to the Paris Convention (see document SCT/17/8, paragraphs 281 to 298). For background information on this matter, please refer to paragraphs 19 to 25 of SCT document 17/5, entitled “Article 6ter of the Paris Convention: Procedural and Selected Legal Aspects”, which is available at [http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=76454](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=76454).

The afore-mentioned process of electronic communication has now been implemented through the establishment of a directory on a WIPO FTP server, from which relevant data can be downloaded individually by any interested administration.

The purpose of the present circular letter is to inform the competent authorities of Member States of the Paris Union and of WTO Members not party to the Paris Convention of the fact that the WIPO FTP server is now in place for access by any interested administration at the following address: <ftp://ftpird.wipo.int/wipo/6ter>.

The data is made available in XML (“eXtended Markup Language”) format, and will be updated once a month, on the first Tuesday of each month. Interested administrations will thus be able to check regularly whether updates are available and, where applicable, download the data from the server.

It should be noted that the aforementioned means of electronic communication does not replace the existing paper-based communication procedure. The International Bureau will thus continue to send individual communications under Article 6ter of the Paris Convention to all Member States of the Paris Union and to the WTO Members not party to the Paris Convention, as well as to send an information copy of each communication to the competent industrial property administrations.

Further information may be obtained from Marie-Paule Rizo, Senior Legal Officer, Law and International Classification Division, telephone: +41 22 338 9499, facsimile: +41 22 338 8745, e-mail: [mariepaule.rizo@wipo.int](mailto:mariepaule.rizo@wipo.int).

Sincerely yours,

Ernesto Rubio  
Assistant Director General

[End of Annex VI and of document]