

WORLD
INTELLECTUAL
PROPERTY
ORGANIZATION



Records of
the Vienna
Diplomatic
Conference on
the International
Classification
of the Figurative
Elements of Marks
1973

marks
element
conference
marks

RECORDS
OF THE VIENNA DIPLOMATIC CONFERENCE
ON THE INTERNATIONAL CLASSIFICATION OF
THE FIGURATIVE ELEMENTS OF MARKS
1973

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**WORLD INTELLECTUAL PROPERTY ORGANIZATION
(WIPO)**

**RECORDS
OF THE VIENNA DIPLOMATIC CONFERENCE
ON THE INTERNATIONAL CLASSIFICATION OF
THE FIGURATIVE ELEMENTS OF MARKS
1973**



GENEVA

1980

EDITOR'S NOTE

The Records of the Vienna Diplomatic Conference on the International Classification of the Figurative Elements of Marks, 1973, contain the most important documents relating to that Conference which were issued before, during and after it.

The Diplomatic Conference on the International Classification of the Figurative Elements of Marks was one of three Diplomatic Conferences which took place within the framework of the Vienna Diplomatic Conference on Industrial Property from May 17 to June 12, 1973, in the Hofburg in Vienna, Austria.*

The final text--that is the text as adopted and signed--of the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks appears on the right-hand (odd-numbered) pages of the first part of this volume (up to page 39). On the opposite, left-hand (even-numbered) pages (up to page 38) appears the text of the draft of the said Agreement as presented to the Diplomatic Conference on the International Classification of the Figurative Elements of Marks. In order to facilitate the comparison of the draft with the final text, these pages do not contain the full text of the draft but merely indicate where the texts are identical or specify the slight differences existing between the draft and the final text.

Pages 43 to 121 contain the text of the International Classification of the Figurative Elements of Marks as adopted by the Diplomatic Conference on June 12, 1973.

Page 125 contains the text of the Resolution as adopted by the Diplomatic Conference on the International Classification of the Figurative Elements of Marks on June 8, 1973.

The part entitled "Conference Documents" (pages 129 to 187) contains the documents issued before or during the Diplomatic Conference on the International Classification of the Figurative Elements of Marks. The said documents include, in particular, all the written proposals for amendments submitted by delegations of States. Such proposals are frequently referred to in the summary minutes (see below) and are indispensable for the understanding of the latter.

The part entitled "Verbatim and Summary Minutes" (pages 191 to 284) contains the verbatim minutes of the Vienna Diplomatic Conference on Industrial Property (pages 191 to 204), the verbatim minutes of the Plenary of the Diplomatic Conference on the International Classification of the Figurative Elements of Marks (pages 205 to 236) and the summary minutes of the Main Committee of the latter (pages 237 to 284). These minutes were written in their provisional form by the International Bureau on the basis of transcripts of the tape recordings which were made of all interventions. The transcripts are preserved in the archives of the International Bureau. The provisional minutes were then made available to all speakers with the invitation to make suggestions for changes where desired. The final minutes published in this volume take such suggestions into account.

The Rules of Procedure of the Vienna Diplomatic Conference, which, it is recalled, included the Diplomatic Conference on the International Classification of the Figurative Elements of Marks, appear on pages 194 to 198.

* The other two Diplomatic Conferences were the Diplomatic Conference on the Trademark Registration Treaty and the Diplomatic Conference on the Protection of Type Faces. The Records of those two Conferences are published separately.

The part entitled "Participants" (pages 287 to 312) lists the individuals who represented governments (pages 287 to 304), intergovernmental organizations other than the World Intellectual Property Organization (pages 304 and 305), international non-governmental organizations (pages 305 to 309) and the World Intellectual Property Organization (page 310). (The report of the Credentials Committee appears on pages 198 and 199.) This part also lists the officers and the members of subsidiary bodies of the Vienna Diplomatic Conference on Industrial Property and the Diplomatic Conference on the International Classification (pages 311 and 312).

The part entitled "Post-Conference Documents" (page 315) makes reference to the two documents published after the Diplomatic Conference which contain the provisional minutes referred to above.

Finally, these Records contain five different indexes.

The first two (pages 321 to 342) are indexes relating to the subject matter of the Agreement and of the Resolution. The first of these two indexes (Index A) lists by number each Article of the Agreement and the Resolution, and indicates, under each of them, the number which the Article had in the draft presented to the Conference, the pages where the text of the draft and the final text of the Article appear, the pages where the written proposals for amendments to the Article are reproduced and, finally, the serial numbers of those paragraphs of the minutes which reflect the discussion on and adoption of the Article or the Resolution. The second index (Index B), is a catchword index, which lists alphabetically the main subjects dealt with in the Agreement and the Resolution. After each catchword, the number of the Article or paragraph of the Resolution in which the particular subject is dealt with is indicated. By consulting Index A under the Article or under the Resolution, the reader will find the references to the pages or--in the case of the minutes--the paragraph numbers where the particular subject is treated.

The third index (pages 343 to 350) is an alphabetical list of States showing, under the name of each State, where to find the names of the members of its delegation, as well as the written proposals for amendments submitted and the interventions made on behalf of that State and, finally, the signatories of the Agreement.

The fourth index (pages 351 to 353) is an alphabetical list of organizations showing, under the name of each organization, where to find the names of the observers representing it, as well as the interventions made on its behalf.

The fifth index (pages 355 to 371) is an alphabetical list of participants indicating, under the name of each participant, the State or organization which he represented as well as the place in these Records where his name appears together with that of his delegation, as an officer of the Conference or of a Committee, as a speaker in the Plenaries or Main Committee, or as a plenipotentiary signing the Agreement.

Geneva, 1980

TABLE OF CONTENTS

	Page
THE VIENNA AGREEMENT ESTABLISHING AN INTERNATIONAL CLASSIFICATION OF THE FIGURATIVE ELEMENTS OF MARKS	
Text of the draft Agreement as Presented to the Diplomatic Conference	(even numbered pages from 10 to 38)
Text of the Agreement as Adopted by the Diplomatic Conference	(odd-numbered pages from 11 to 39)
Signatories	39
THE INTERNATIONAL CLASSIFICATION OF THE FIGURATIVE ELEMENTS OF MARKS	
Text of the Classification as Adopted by the Diplomatic Conference	43
RESOLUTION	
Text of the Resolution as Adopted by the Diplomatic Conference	125
CONFERENCE DOCUMENTS	
List of the Conference Documents CMF/DC/1 to 20	129
Text of the Conference Documents CMF/DC/1 to 20	131
VERBATIM AND SUMMARY MINUTES	
Verbatim Minutes of the Meetings of the Plenary of the Vienna Diplomatic Conference on Industrial Property	191
Verbatim Minutes of the Meetings of the Plenary of the Vienna Diplomatic Conference on the International Classification of the Figurative Elements of Marks	205
Summary Minutes of the Meetings of the Main Committee of the Vienna Diplomatic Conference on the International Classification of the Figurative Elements of Marks	237

	Page
PARTICIPANTS	
List of Participants	287
Officers and Committees	311
POST-CONFERENCE DOCUMENTS	
List of the Post-Conference Documents CMF/PCD/1 and 2	315
Text of the Post-Conference Documents CMF/PCD/1 and 2	315
INDEXES	
Note Concerning the Use of the Indexes	320
Indexes to the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks	
A. Index to the Articles and to the Resolu- tion	321
B. Catchword Index	325
Index of States	343
Index of Organizations	351
Index of Participants	355

**VIENNA AGREEMENT
ESTABLISHING AN INTERNATIONAL CLASSIFICATION
OF THE FIGURATIVE ELEMENTS OF MARKS**

**TEXT OF THE DRAFT AGREEMENT
AS PRESENTED TO THE DIPLOMATIC CONFERENCE**

**TEXT OF THE AGREEMENT
AS ADOPTED BY THE DIPLOMATIC CONFERENCE**

SIGNATORIES

DRAFT
VIENNA AGREEMENT ESTABLISHING AN INTERNATIONAL
CLASSIFICATION OF THE FIGURATIVE ELEMENTS OF MARKS

List of Articles

- Article 1: Establishment of a Special Union; Adoption of an International Classification
- Article 2: Definition and Deposit of the Classification of Figurative Elements
- Article 3: Languages of the Classification of Figurative Elements
- Article 4: Use of the Classification of Figurative Elements
- Article 5: Committee of Experts
- Article 6: Notification, Entry Into Force and Publication of Amendments and Additions and of Other Decisions
- Article 7: Assembly of the Special Union
- Article 8: International Bureau
- Article 9: Finances
- Article 10: Revision of the Agreement
- Article 11: Amendment of Certain Provisions of the Agreement
- Article 12: Becoming Party to the Agreement
- Article 13: Entry Into Force of the Agreement
- Article 14: Duration of the Agreement
- Article 15: Denunciation
-
- Article 16: Signature, Languages, Depositary Functions, Notifications

VIENNA AGREEMENT ESTABLISHING AN INTERNATIONAL
CLASSIFICATION OF THE FIGURATIVE ELEMENTS OF MARKS

List of Articles*

- Article 1: Establishment of a Special Union; Adoption of an International Classification
- Article 2: Definition and Deposit of the Classification of Figurative Elements
- Article 3: Languages of the Classification of Figurative Elements
- Article 4: Use of the Classification of Figurative Elements
- Article 5: Committee of Experts
- Article 6: Notification, Entry Into Force and Publication of Amendments and Additions and of Other Decisions
- Article 7: Assembly of the Special Union
- Article 8: International Bureau
- Article 9: Finances
- Article 10: Revision of the Agreement
- Article 11: Amendment of Certain Provisions of the Agreement
- Article 12: Becoming Party to the Agreement
- Article 13: Entry Into Force of the Agreement
- Article 14: Duration of the Agreement
- Article 15: Denunciation
- Article 16: Disputes
- Article 17: Signature, Languages, Depositary Functions, Notifications

* This List of Articles does not appear in the original text. It was added in order to facilitate consultation of the text.

[Same as in the Final Text, except that, in the Draft, the word corresponding to "Have agreed" reads "Agree."]

Article 1

Establishment of a Special Union;
Adoption of an International Classification

[Same as in the Final Text.]

Article 2

Definition and Deposit of the Classification
of Figurative Elements

(1) [Same as in the Final Text, except that, in the Draft, the words "together with, as the case may be" are missing and that, in the Draft, the words "a list" and "explanatory notes" are, respectively, preceded by "(a)" and "(b)."]

The Contracting Parties,

Having regard to Article 19 of the Paris Convention for the Protection of Industrial Property, of March 20, 1883, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 31, 1958, and at Stockholm on July 14, 1967,

Have agreed as follows:

Article 1

Establishment of a Special Union;
Adoption of an International Classification

The countries to which this Agreement applies constitute a Special Union and adopt a common classification for the figurative elements of marks (hereinafter designated as "the Classification of Figurative Elements").

Article 2

Definition and Deposit of the Classification
of Figurative Elements

(1) The Classification of Figurative Elements comprises a list of categories, divisions and sections in which the figurative elements of marks are classified, together with, as the case may be, explanatory notes.

[Article 2, continued]

(2) [Same as in the Final Text.]

(3) [Same as in the Final Text.]

Article 3

Languages of the Classification of
Figurative Elements

(1) [Same as in the Final Text.]

(2) [Same as in the Final Text except that, in the Draft, the words corresponding to "in the languages which the Assembly referred to in Article 7 may designate in accordance with paragraph (2)(a)(vi) of that Article" read as follows: "in such other languages which the Assembly referred to in Article 7 may designate."]

Article 4

Use of the Classification of Figurative Elements

(1) [Same as in the Final Text.]

(2) [Same as in the Final Text.]

(3) [Same as in the Final Text.]

[Article 2, continued]

(2) The Classification of Figurative Elements is contained in one authentic copy, in the English and French languages, signed by the Director General of the World Intellectual Property Organization (hereinafter designated respectively as "the Director General" and "the Organization") and deposited with him at the time that this Agreement is opened for signature.

(3) The amendments and additions referred to in Article 5(3)(i) shall also be contained in one authentic copy, in the English and French languages, signed by the Director General and deposited with him.

Article 3

Languages of the Classification of
Figurative Elements

(1) The Classification of Figurative Elements shall be established in the English and French languages, both texts being equally authentic.

(2) The International Bureau of the Organization (hereinafter designated as "the International Bureau") shall establish, in consultation with the interested Governments, official texts of the Classification of Figurative Elements in the languages which the Assembly referred to in Article 7 may designate in accordance with paragraph (2)(a)(vi) of that Article.

Article 4

Use of the Classification of Figurative Elements

(1) Subject to the requirements prescribed by this Agreement, the scope of the Classification of Figurative Elements shall be that attributed to it by each country of the Special Union. In particular, the Classification of Figurative Elements shall not bind the countries of the Special Union in respect of the extent of the protection afforded to the mark.

(2) The competent Offices of the countries of the Special Union shall have the right to use the Classification of Figurative Elements either as a principal or as a subsidiary system.

(3) The competent Offices of the countries of the Special Union shall include in the official documents and publications relating to registrations and renewals of marks the numbers of the categories, divisions and sections in which the figurative elements of those marks are to be placed.

[Article 4, continued]

(4) [Same as in the Final Text.]

(5) [Same as in the Final Text.]

(6) [Same as in the Final Text.]

Article 5

Committee of Experts

(1) [Same as in the Final Text.]

(2) [There is no provision in the Draft corresponding to subparagraph (a) of the Final Text.]

(a) [Same as subparagraph (b) in the Final Text.]

(b) [Same as subparagraph (c) in the Final Text.]

(3) [Same as in the Final Text.]

[Article 4, continued]

(4) The said numbers shall be preceded by the words "Classification of Figurative Elements" or an abbreviation thereof to be determined by the Committee of Experts referred to in Article 5.

(5) Any country may, at the time of its signature or of the deposit of its instrument of ratification or accession, declare that it does not undertake to include the numbers of all or some of the sections in official documents and publications relating to registrations and renewals of marks.

(6) If any country of the Special Union entrusts the registration of marks to an intergovernmental authority, it shall take all possible measures to ensure that that authority uses the Classification of Figurative Elements in accordance with this Article.

Article 5

Committee of Experts

(1) A Committee of Experts shall be set up in which each country of the Special Union shall be represented.

(2)(a) The Director General may, and, if requested by the Committee of Experts, shall, invite countries not members of the Special Union which are members of the Organization or party to the Paris Convention for the Protection of Industrial Property to be represented by observers at meetings of the Committee of Experts.

(b) The Director General shall invite intergovernmental organizations specialized in the field of marks, of which at least one of the member countries is party to this Agreement, to be represented by observers at meetings of the Committee of Experts.

(c) The Director General may, and, if requested by the Committee of Experts, shall, invite representatives of other intergovernmental and international non-governmental organizations to participate in discussions of interest to them.

(3) The Committee of Experts shall:

(i) make amendments and additions to the Classification of Figurative Elements;

(ii) address recommendations to the countries of the Special Union for the purpose of facilitating the use of the Classification of Figurative Elements and promoting its uniform application;

[Article 5, continued]

(4) [Same as in the Final Text, except that, in the Draft, the reference is to "paragraph (2) (a)" rather than to "paragraph (2) (b)."]

(5) [Same as in the Final Text, except that, in the Draft, the reference is to "paragraph (2) (a)" rather than to "paragraph (2) (b)" and that, in the Draft, the word corresponding to "country or" reads "other."]

(6) [Same as in the Draft.]

Article 6

Notification, Entry Into Force and Publication of
Amendments and Additions and of Other Decisions

(1) [Same as in the Final Text.]

[Article 5, continued]

(iii) take all the other measures which, without entailing financial implications for the budget of the Special Union or for the Organization, contribute towards facilitating the application of the Classification of Figurative Elements by developing countries;

(iv) have the right to establish subcommittees and working groups.

(4) The Committee of Experts shall adopt its own rules of procedure. The latter shall provide for the possibility of participation in meetings of the subcommittees and working groups of the Committee of Experts by those intergovernmental organizations referred to in paragraph (2)(b) which can make a substantial contribution to the development of the Classification of Figurative Elements.

(5) Proposals for amendments or additions to the Classification of Figurative Elements may be made by the competent Office of any country of the Special Union, the International Bureau, any intergovernmental organization represented in the Committee of Experts pursuant to paragraph (2)(b) and any country or organization specially invited by the Committee of Experts to submit such proposals. The proposals shall be communicated to the International Bureau, which shall submit them to the members of the Committee of Experts and to the observers not later than two months before the session of the Committee of Experts at which the said proposals are to be considered.

(6) (a) Each country member of the Committee of Experts shall have one vote.

(b) The decisions of the Committee of Experts shall require a simple majority of the countries represented and voting.

(c) Any decision which is regarded by one-fifth of the countries represented and voting as giving rise to a modification of the basic structure of the Classification of Figurative Elements or as entailing a substantial amount of reclassification shall require a majority of three-fourths of the countries represented and voting.

(d) Abstentions shall not be considered as votes.

Article 6Notification, Entry Into Force and Publication of
Amendments and Additions and of Other Decisions

(1) Every decision of the Committee of Experts concerning the adoption of amendments and additions to the Classification of Figurative Elements, and the recommendations of the Committee of Experts, shall be notified by the

[Article 6, continued]

(2) [Same as in the Final Text.]

Article 7Assembly of the Special Union

(1) (a) [Same as in the Final Text.]

(b) [Same as in the Final Text.]

(c) [Same as in the Final Text, except that, in the Draft, the reference is to "Article 5(2) (a)" rather than to "Article 5(2) (b)."]

(d) [Same as in the Final Text.]

(2) (a) [Same as in the Final Text, except that, in item (ii) of the Draft, the words corresponding to "revision conferences" read as follows: "conferences of revision."]

[Article 6, continued]

International Bureau to the competent Offices of the countries of the Special Union. The amendments and additions shall enter into force six months after the date of dispatch of the notifications.

(2) The International Bureau shall incorporate in the Classification of Figurative Elements amendments and additions which have entered into force. Announcements of the amendments and additions shall be published in such periodicals as may be designated by the Assembly referred to in Article 7.

Article 7Assembly of the Special Union

(1) (a) The Special Union shall have an Assembly consisting of the countries of the Special Union.

(b) The Government of each country of the Special Union shall be represented by one delegate, who may be assisted by alternate delegates, advisors and experts.

(c) Any intergovernmental organization referred to in Article 5(2)(b) may be represented by an observer in the meetings of the Assembly, and, if the Assembly so decides, in those of such committees or working groups as may have been established by the Assembly.

(d) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) (a) Subject to the provisions of Article 5, the Assembly shall:

(i) deal with all matters concerning the maintenance and development of the Special Union and the implementation of this Agreement;

(ii) give directions to the International Bureau concerning the preparation for revision conferences;

(iii) review and approve the reports and activities of the Director General concerning the Special Union, and give him all necessary instructions concerning matters within the competence of the Special Union;

(iv) determine the program and adopt the triennial budget of the Special Union, and approve its final accounts;

(v) adopt the financial regulations of the Special Union;

(vi) decide on the establishment of official texts of the Classification of Figurative Elements in languages other than English and French;

(vii) establish such committees and working groups as it deems appropriate to achieve the objectives of the Special Union;

[Article 7, continued]

(b) [Same as in the Final Text.]

(3) [Same as in the Final Text.]

(4) [Same as in the Final Text.]

(5) [Same as in the Final Text.]

[Article 7, continued]

(viii) determine, subject to paragraph (1)(c), which countries not members of the Special Union and which intergovernmental and international non-governmental organizations shall be admitted as observers to its meetings, and to those of any committee or working group established by it;

(ix) take any other appropriate action designed to further the objectives of the Special Union;

(x) perform such other functions as are appropriate under this Agreement.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decision after having heard the advice of the Coordination Committee of the Organization.

(3)(a) Each country member of the Assembly shall have one vote.

(b) One-half of the countries members of the Assembly shall constitute a quorum.

(c) In the absence of the quorum, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 11(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

(f) A delegate may represent, and vote in the name of, one country only.

(4)(a) The Assembly shall meet once in every third calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of one-fourth of the countries members of the Assembly.

(c) The agenda of each session shall be prepared by the Director General.

(5) The Assembly shall adopt its own rules of procedure.

Article 8International Bureau

(1) [Same as in the Final Text.]

(2) [Same as in the Final Text.]

(3) [Same as in the Final Text.]

(4) [Same as in the Final Text.]

Article 9Finances

(1) (a) [Same as in the Final Text.]

(b) [Same as in the Final Text, except that, in the Draft, the words "administered by the Organization" do not appear.]

Article 8International Bureau

(1) (a) Administrative tasks concerning the Special Union shall be performed by the International Bureau.

(b) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly, the Committee of Experts and such other committees or working groups as may have been established by the Assembly or the Committee of Experts.

(c) The Director General shall be the chief executive of the Special Union and shall represent the Special Union.

(2) The Director General and any staff member designated by him shall participate, without the right of vote, in all meetings of the Assembly, the Committee of Experts and such other committees or working groups as may have been established by the Assembly or the Committee of Experts. The Director General or a staff member designated by him shall be ex officio secretary of those bodies.

(3) (a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for revision conferences.

(b) The International Bureau may consult with intergovernmental and international non-governmental organizations concerning preparations for revision conferences.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at revision conferences.

(4) The International Bureau shall carry out any other tasks assigned to it.

Article 9Finances

(1) (a) The Special Union shall have a budget.

(b) The budget of the Special Union shall include the income and expenses proper to the Special Union, its contribution to the budget of expenses common to the Unions administered by the Organization and, where applicable, the sum made available to the budget of the Conference of the Organization.

[Article 9, continued]

(c) [Same as in the Final Text.]

(2) [Same as in the Final Text.]

(3) [Same as in the Final Text.]

(4) [Same as in the Final Text.]

[Article 9, continued]

(c) Expenses not attributable exclusively to the Special Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Special Union in such common expenses shall be in proportion to the interest the Special Union has in them.

(2) The budget of the Special Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) The budget of the Special Union shall be financed from the following sources:

- (i) contributions of the countries of the Special Union;
- (ii) fees and charges due for services rendered by the International Bureau in relation to the Special Union;
- (iii) sale of, or royalties on, the publications of the International Bureau concerning the Special Union;
- (iv) gifts, bequests and subventions;
- (v) rents, interests and other miscellaneous income.

(4)(a) For the purpose of establishing its contribution referred to in paragraph (3)(1), each country of the Special Union shall belong to the same class as it belongs to in the Paris Union for the Protection of Industrial Property, and shall pay its annual contribution on the basis of the same number of units as is fixed for that class in that Union.

(b) The annual contribution of each country of the Special Union shall be an amount in the same proportion to the total sum to be contributed to the budget of the Special Union by all countries as the number of its units is to the total of the units of all contributing countries.

(c) Contributions shall become due on the first of January of each year.

(d) A country which is in arrears in the payment of its contribution may not exercise its right to vote in any organ of the Special Union if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any organ of the Special Union may allow such a country to continue to exercise its right to vote in that organ if, and as long as, it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(e) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

[Article 9, continued]

(5) [Same as in the Final Text.]

(6) [Same as in the Final Text.]

(7) [Same as in the Final Text.]

(8) [Same as in the Final Text.]

Article 10Revision of the Agreement

(1) [Same as in the Final Text.]

(2) [Same as in the Final Text.]

(3) [Same as in the Final Text.]

[Article 9, continued]

(5) The amount of the fees and charges due for services rendered by the International Bureau in relation to the Special Union shall be established, and shall be reported to the Assembly, by the Director General.

(6) (a) The Special Union shall have a working capital fund which shall be constituted by a single payment made by each country of the Special Union. If the fund becomes insufficient, the Assembly shall decide to increase it.

(b) The amount of the initial payment of each country to the said fund or of its participation in the increase thereof shall be a proportion of the contribution of that country for the year in which the fund is established or the decision to increase it is made.

(c) The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(7) (a) In the headquarters agreement concluded with the country on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such country shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such country and the Organization.

(b) The country referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it was notified.

(8) The auditing of the accounts shall be effected by one or more of the countries of the Special Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

Article 10Revision of the Agreement

(1) This Agreement may be revised from time to time by a special conference of the countries of the Special Union.

(2) The convocation of any revision conference shall be decided by the Assembly.

(3) Articles 7, 8, 9 and 11 may be amended either by a revision conference or according to the provisions of Article 11.

Article 11

Amendment of Certain Provisions of the Agreement

(1) [Same as in the Final Text.]

(2) [Same as in the Final Text.]

(3) [Same as in the Final Text.]

Article 12

Becoming Party to the Agreement

(1) [Same as in the Final Text.]

(2) [Same as in the Final Text.]

Article 11Amendment of Certain Provisions of the Agreement

(1) Proposals for the amendment of Articles 7, 8, 9 and of the present Article may be initiated by any country of the Special Union or by the Director General. Such proposals shall be communicated by the Director General to the countries of the Special Union at least six months in advance of their consideration by the Assembly.

(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 7 and to the present paragraph shall require four-fifths of the votes cast.

(3)(a) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the countries members of the Special Union at the time the amendment was adopted.

(b) Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Special Union at the time the amendment enters into force, provided that any amendment increasing the financial obligations of countries of the Special Union shall bind only those countries which have notified their acceptance of such amendment.

(c) Any amendment accepted in accordance with the provisions of subparagraph (a) shall bind all countries which become members of the Special Union after the date on which the amendment entered into force in accordance with the provisions of subparagraph (a).

Article 12Becoming Party to the Agreement

(1) Any country party to the Paris Convention for the Protection of Industrial Property may become party to this Agreement by:

(i) signature followed by the deposit of an instrument of ratification, or

(ii) deposit of an instrument of accession.

(2) Instruments of ratification or accession shall be deposited with the Director General.

[Article 12, continued]

- (3) [Same as in the Final Text.]
- (4) [Same as in the Final Text.]

Article 13Entry Into Force of the Agreement

- (1) [Same as in the Final Text.]
- (2) [Same as in the Final Text, except that the words corresponding to "in accordance with" read, in the Draft, as follows: "pursuant to."]
- (3) [Same as in the Final Text.]

Article 14Duration of the Agreement

[Same as in the Final Text.]

[Article 12, continued]

(3) The provisions of Article 24 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property shall apply to this Agreement.

(4) Paragraph (3) shall in no way be understood as implying the recognition or tacit acceptance by a country of the Special Union of the factual situation concerning a territory to which this Agreement is made applicable by another country by virtue of the said paragraph.

Article 13Entry Into Force of the Agreement

(1) With respect to the first five countries which have deposited their instruments of ratification or accession, this Agreement shall enter into force three months after the fifth instrument of ratification or accession has been deposited.

(2) With respect to any country other than those for which this Agreement has entered into force in accordance with paragraph (1), it shall enter into force three months after the date on which its ratification or accession was notified by the Director General, unless a subsequent date has been indicated in the instrument of ratification or accession. In the latter case, this Agreement shall enter into force with respect to that country on the date thus indicated.

(3) Ratification or accession shall automatically entail acceptance of all the clauses and admission to all the advantages of this Agreement.

Article 14Duration of the Agreement

This Agreement shall have the same duration as the Paris Convention for the Protection of Industrial Property.

Article 15Denunciation

(1) [Same as in the Final Text.]

(2) [Same as in the Final Text.]

(3) [Same as in the Final Text.]

[In the Draft, there are no provisions corresponding to those of Article 16 of the Final Text.]

Article 15Denunciation

- (1) Any country of the Special Union may denounce this Agreement by notification addressed to the Director General.
- (2) Denunciation shall take effect one year after the day on which the Director General has received the notification.
- (3) The right of denunciation provided by this Article shall not be exercised by any country before the expiration of five years from the date upon which it becomes a member of the Special Union.

Article 16Disputes

- (1) Any dispute between two or more countries of the Special Union concerning the interpretation or application of this Agreement, not settled by negotiation, may, by any one of the countries concerned, be brought before the International Court of Justice by application in conformity with the Statute of the Court, unless the countries concerned agree on some other method of settlement. The country bringing the dispute before the Court shall inform the International Bureau; the International Bureau shall bring the matter to the attention of the other countries of the Special Union.
- (2) Each country may, at the time it signs this Agreement or deposits its instrument of ratification or accession, declare that it does not consider itself bound by the provisions of paragraph (1). With regard to any dispute between any country having made such a declaration and any other country of the Special Union, the provisions of paragraph (1) shall not apply.
- (3) Any country having made a declaration in accordance with the provisions of paragraph (2) may, at any time, withdraw its declaration by notification addressed to the Director General.

Article 16Signature, Languages, Depositary Functions, Notifications

(1) [Same as Article 17(1) of the Final Text.]

(2) [Same as Article 17(2) of the Final Text.]

(3) [Same as Article 17(3) of the Final Text, except that, in subparagraph (c) of the Draft, the words corresponding to "two copies" read as follows: "a copy."]

(4) [Same as Article 17(4) of the Final Text.]

(5) The Director General shall notify the Governments of all countries party to the Paris Convention for the Protection of Industrial Property of:

- (i) signatures;
- (ii) deposits of instruments of ratification or accession;
- (iii) the date of entry into force of this Agreement;
- (iv) reservations on the use of the Classification of Figurative Elements;
- (v) acceptances of amendments to this Agreement;
- (vi) the dates on which such amendments enter into force;
- (vii) denunciations received.

Article 17Signature, Languages, Depositary Functions, Notifications

(1) (a) This Agreement shall be signed in a single original in the English and French languages, both texts being equally authentic.

(b) This Agreement shall remain open for signature at Vienna until December 31, 1973.

(c) The original of this Agreement, when no longer open for signature, shall be deposited with the Director General.

(2) Official texts shall be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly may designate.

(3) (a) The Director General shall transmit two copies, certified by him, of the signed text of this Agreement to the Governments of the countries that have signed it and, on request, to the Government of any other country.

(b) The Director General shall transmit two copies, certified by him, of any amendment to this Agreement to the Governments of all countries of the Special Union and, on request, to the Government of any other country.

(c) The Director General shall, on request, furnish the Government of any country that has signed this Agreement, or that accedes to it, with two copies of the Classification of Figurative Elements, certified by him, in the English or French language.

(4) The Director General shall register this Agreement with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries party to the Paris Convention for the Protection of Industrial Property of:

- (i) signatures under paragraph (1);
- (ii) deposits of instruments of ratification or accession under Article 12(2);
- (iii) the date of entry into force of this Agreement under Article 13(1);
- (iv) declarations made under Article 4(5);
- (v) declarations and notifications made in accordance with Article 12(3);
- (vi) declarations made under Article 16(2);
- (vii) withdrawals of any declarations, notified under Article 16(3);
- (viii) acceptances of amendments to this Agreement under Article 11(3);
- (ix) the dates on which such amendments enter into force;
- (x) denunciations received under Article 15.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

DONE at Vienna, on June ..., 1973.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Agreement.

DONE at Vienna, this twelfth day of June, one thousand nine hundred and seventy-three.*

AUSTRIA, December 27, 1973 (Dr. Alois Marquet); BELGIUM, December 10, 1973 (R. Huybrecht); BRAZIL, December 11, 1973 (Aluysio Guedes Regis Bittencourt); DENMARK (Erik Tuxen); FRANCE (J.-P. Palewski); GERMAN DEMOCRATIC REPUBLIC (Prof. Dr. Hemmerling)**; GERMANY (FEDERAL REPUBLIC OF) (Schirmer, Albrecht Krieger); HUNGARY (E. Tasnádi)***; ITALY (Pio Archi, Dino Marchetti); LUXEMBOURG (J.P. Hoffmann); MONACO, December 10, 1973 (Hugo Hild); NETHERLANDS (Enno van Weel); NORWAY (Leif Nordstrand); PORTUGAL (Esteves da Fonseca, Ruy Alvaro Costa da Moraes Serrão, Jorge Van-Zeller Garin); ROMANIA, December 31, 1973 (D. Aninoiu); SAN MARINO (J.C. Munger); SWEDEN, December 19, 1973 (Lennart Petri); SWITZERLAND (P. Braendli); YUGOSLAVIA (N. Janković).

* Editor's Note: All signatures were affixed on June 12, 1973, unless otherwise indicated.

** Editor's Note: This signature was affixed on November 29, 1973, without any specific mention of the date on the original. When signing this Agreement, the Government of the German Democratic Republic made a declaration concerning paragraphs (3) and (4) of Article 12.

*** Editor's Note: When signing this Agreement, the Government of the Hungarian People's Republic declared that it does not consider itself bound by paragraph (1) of Article 16.

**INTERNATIONAL CLASSIFICATION
OF THE FIGURATIVE ELEMENTS OF MARKS**

TABLE OF CATEGORIES

=====

General Note: In principle, figurative elements should be placed in the different categories, divisions and sections on the basis of their shape, regardless of their material composition or the purpose of the object in which they are incorporated. Consequently, toys in the forms of dolls, animals and vehicles will be placed in the categories for human beings, animals and vehicles, respectively. Similarly, persons, animals or objects of any kind represented in pictures or sculptures, for instance, will be placed in the categories for human beings, animals, or the objects concerned. If the pictures or sculptures are widely known and famous, they should also be placed in the division provided for that purpose (division 22.5).

1. Celestial bodies, natural phenomena, topographical maps
2. Human beings
3. Animals
4. Supernatural beings, fabulous beings, fantastic beings or unidentifiable beings
5. Plants
6. Landscapes
7. Dwellings, buildings, works of architecture, structural works, building materials
8. Foodstuffs
9. Textile articles, clothing, needles, sewing accessories
10. Smokers' requisites, matches, tobacco products, travel goods, toilet articles
11. Plates and dishes, kitchen and household utensils
12. Furniture, sanitary installations
13. Lighting apparatus, heating, cooking and refrigerating equipment, washing machines, drying equipment
14. Ironmongery, tools, ladders
15. Machinery
16. Telecommunications, sound reproduction, photography, cinematography, optics
17. Horological instruments, jewelry, weights and measures
18. Transport
19. Containers and packing, diverse representations of products
20. Writing, drawing or painting materials, office requisites, stationery and booksellers' goods
21. Games, toys, sporting articles, roundabouts
22. Music, pictures, sculpture
23. Arms, munitions, armour
24. Heraldry, emblems, symbols
25. Ornamental motifs, surfaces, backgrounds
26. Geometrical figures
27. Forms of writing, numerals
28. Inscriptions in various characters
29. Colours

 TABLE OF DIVISIONS AND SECTIONS

Remarks

1. The divisions are given in the order of the categories and each is followed by the sections relating to it.
2. The notes on a division are placed at the beginning of that division.
3. The letter (N) following the text of a section indicates that the section is the subject of a note at the foot of the page.
4. Sections preceded by the letter A are regarded as auxiliary sections.

 1. CELESTIAL BODIES, NATURAL PHENOMENA, TOPOGRAPHICAL MAPS

- 1.1 Stars and comets
- 1.3 Sun
- 1.5 Earth, terrestrial globes, planets
- 1.7 Moon
- 1.9 Artificial satellites having the shape of natural celestial bodies
- 1.11 Constellations, starry sky, celestial globes and maps
- 1.13 Armillary spheres, planetaria, astronomic or atomic orbits
- 1.15 Natural phenomena
- 1.17 Geographical maps, planispheres

 1.1 Stars and comets

Note: (a) Including stars which indicate military rank and asterisks.
 (b) Not including crescent or half-moon with star(s) (1.7.18).

- 1.1.1 A star constituting the sole or essential figurative element
- 1.1.2 A star constituting a secondary figurative element
- 1.1.3 Two stars
- 1.1.4 Three stars
- 1.1.5 More than three stars (N)
- . . .
- A 1.1.8 Stars with three points
- A 1.1.9 - - four points
- A 1.1.10 - - more than four points
- . . .

ad 1.1.5: Not including constellations (1.11.1, 2, 3 and 10) and the starry sky (1.11.12).

- A 1.1.12 Stars with uneven points (N)
 A 1.1.13 Stars with rays or radiating lines
 . . .
 1.1.15 Comets or stars with tail
 . . .
 1.1.17 Compass cards (N)
 . . .
 A 1.1.19 One or more stars included in an inscription
 A 1.1.20 Asterisks or stars representing asterisks
 . . .
 1.1.25 Other representations of stars included in division 1.1

1.3 Sun

Note: Not including representations of the sun consisting solely of a disk without rays, which are in principle placed in the appropriate sections of division 26.1.

- 1.3.1 Sun rising or setting
 1.3.2 Other representations of the sun constituting the sole figurative element of the mark
 . . .
 1.3.6 Sun with landscapes
 1.3.7 - - human beings
 1.3.8 - - animals
 1.3.9 - - plants
 1.3.10 - - clouds, rain, drops of water and other representations of meteorological phenomena
 1.3.11 - - manufactured articles or industrial products
 1.3.12 - - other figurative elements
 1.3.13 - - inscriptions
 . . .
 A 1.3.15 - - rays constituted by rectilinear lines, sheaves of lines or bands
 A 1.3.16 - - - - wavy flames, lines, sheaves of lines or bands
 A 1.3.17 - - - - triangles
 A 1.3.18 - - irregular rays (corona)
 1.3.19 Several suns (N)
 A 1.3.20 Sun representing a human face
 . . .

-
- ad 1.1.12: Not including sparks (1.15.7), unless they are uneven-pointed stars.
 ad 1.1.17: Not including compasses, mariners' compasses (17.5.21). However, a compass embodying a compass card will be placed in 1.1.17 if the compass card predominates; it will be placed in 17.5.21 if its material embodiment (the compass itself) predominates; in case of doubt, it should be classified in 1.1.17 and 17.5.21.
 ad 1.3.19: Not including several suns forming a constellation (1.11).

- 1.5 Earth, terrestrial globes, planets
- 1.5.1 Terrestrial globes with representation of continents (N)
- 1.5.2 - - - solely of meridians and parallels
- 1.5.3 - - in flattened form
- A 1.5.4 Two terrestrial globes and maps of the world in two hemispheres
- . . .
- A 1.5.6 Terrestrial globes encircled or banded by a banderole or an inscription
- A 1.5.7 - - with human beings
- A 1.5.8 - - - animals
- A 1.5.9 - - - plants
- A 1.5.10 - - - clouds or other representations of meteorological phenomena
- A 1.5.11 - - - manufactured articles or industrial products
- A 1.5.12 - - - other figurative elements
- . . .
- 1.5.15 Terrestrial calottes
- . . .
- 1.5.20 Saturn
- . . .
- 1.5.23 Other representations of the earth or of the terrestrial globe
- . . .
- 1.5.25 Other planets
- 1.7 Moon
- 1.7.1 Full moon constituting the sole or essential figurative element
- 1.7.2 - - - a secondary figurative element
- A 1.7.3 - - representing a human face
- . . .
- 1.7.6 Crescent or half-moon constituting the sole or essential figurative element
- 1.7.7 - - - with human beings
- 1.7.8 - - - animals
- . . .
- 1.7.10 - - - clouds or other representations of meteorological phenomena
- 1.7.11 - - - manufactured articles or industrial products
- 1.7.12 - - - other figurative elements apart from one or several stars
- . . .
- 1.7.18 - - - star(s)
- 1.7.19 Several crescents or half-moons
- A 1.7.20 Crescent or half-moon representing a human face
- . . .
- 1.7.22 Lunar globe
- . . .

ad 1.5.1: Includes terrestrial globes with representation of continents, with or without meridians and parallels.

1.9 Artificial satellites having the shape of natural celestial bodies

1.11 Constellations, starry sky, celestial globes and maps

1.11.1 Great Bear and Little Bear

1.11.2 Orion

1.11.3 Southern Cross

. . .

1.11.10 Other constellations, groups of stars (N)

. . .

1.11.12 Starry sky

. . .

1.11.15 Celestial globes and maps

. . .

1.13 Armillary spheres, planetaria, astronomic or atomic orbits

1.13.1 Armillary spheres, planetaria

. . .

1.13.5 Astronomic orbits

. . .

1.13.10 Atomic orbits

. . .

1.15 Natural phenomena

1.15.1 Rainbows

. . .

1.15.3 Lightning

. . .

1.15.5 Flames

. . .

1.15.7 Sparks, explosives, fireworks (N)

. . .

1.15.9 Other luminous sources, rays, shafts of light

. . .

1.15.11 Clouds, fog, vapor, smoke

. . .

1.15.13 Rain and hail

. . .

1.15.15 Drops

. . .

ad 1.11.10: Not including crescent or half-moon with star(s) (1.7.18).

ad 1.15.7: Not including sparks represented by uneven-pointed stars (1.1.12).

- 1.15.17 Snow (flakes and crystals)
- . . .
- 1.15.19 Icicles, stalactites, stalagmites
- . . .
- 1.15.21 Bubbles and frothy masses (N)
- . . .
- 1.15.23 Vortices, rotary movements (N)
- 1.15.24 Waves (N)
- 1.15.25 Other natural phenomena not classified in other sections, divisions or categories

1.17 Geographical maps, planispheres

Note: Not including maps of the world in two hemispheres, in the strict sense (1.5.4).

- 1.17.1 Planispheres and maps of the world
- 1.17.2 Polar maps
- 1.17.3 Continent: Europe or Eurasia
- 1.17.4 Continent: Americas
- 1.17.5 Other continents
- . . .
- 1.17.7 Groups of countries
- . . .
- 1.17.11 Isolated countries
- . . .
- 1.17.13 Regions
- 1.17.14 Urban plans
- . . .
- A 1.17.16 Physical maps
- A 1.17.17 Political maps
- A 1.17.18 Economic maps
- A 1.17.19 Tourist maps
- . . .
- 1.17.25 Other geographical maps

-
- ad 1.15.21: Not including, in principle, bubbles composed of flat circles (26.1).
 - ad 1.15.23: Not including astronomic orbits (1.13.5), atomic orbits (1.13.10) or concentric circles and spirals (26.1.5).
 - ad 1.15.24: Not including waves represented by wavy lines (26.11.13).

2. HUMAN BEINGS

- Note: (a) Human beings of indeterminate age or sex will be placed in all the appropriate divisions. If, for example, the representation of a human being suggests both a young man and a child, it will be placed in the two divisions 2.1 and 2.5.
- (b) Inscriptions representing a human being will be placed in 4.5.4 and may be placed in 27.3.1.
- (c) Heads will be placed in the appropriate sections of divisions 2.1, 2.3, 2.5 or 2.7, and not in 2.9.25.

- 2.1 Men
- 2.3 Women
- 2.5 Children
- 2.7 Mixed groups, scenes
- 2.9 Parts of the human body, skeletons, skulls

2.1 Men

- 2.1.1 Heads and busts
- 2.1.2 Armed men, or men wearing armor or a uniform
- 2.1.3 Religious figures; men wearing a robe or a toga
- 2.1.4 Men wearing folk or historical costume
- 2.1.5 - - a dinner jacket or similar dress
- . . .
- 2.1.7 Harlequins, clowns, pierrots; carnival characters, grotesque or freakish figures; dwarfs
- 2.1.8 Acrobats, athletes, dancers, jugglers, nude figures; men practising sports not included in any other section of division 2.1
- 2.1.9 Musicians, men with musical instruments
- . . .
- 2.1.11 Butchers, chefs, waiters, pastrycooks
- 2.1.12 Sailors, seamen, fishermen
- . . .
- 2.1.14 Divers, frogmen
- 2.1.15 Other professional persons at work, or with their tools or attributes
- A 2.1.16 Men in profile
 - A 2.1.17 - seated
 - A 2.1.18 - drinking or eating
 - A 2.1.19 - smoking
 - 2.1.20 - mounted on a horse, a mule, a donkey, or accompanied thereby
 - 2.1.21 - mounted on or accompanied by animals not included in 2.1.20
 - 2.1.22 Allegorical or mythological masculine personages
 - A 2.1.23 Men stylized
 - A 2.1.24 Several men
 - 2.1.25 Other men

2.3 Women

- 2.3.1 Heads in general and busts
- A 2.3.2 Heads in silhouette, without facial detail
- 2.3.3 Nuns, nurses
- 2.3.4 Women wearing folk or historical costume
- 2.3.5 Nude women or women wearing underclothes, a bathing costume, or other light at
- A 2.3.6 Women at their toilet
 - 2.3.7 - wearing a long dress (with or without train, evening dress)
- A 2.3.8 - engaging in sport; dancers
- 2.3.9 - wearing oriental dress
- 2.3.10 - - trousers
- 2.3.11 Cooks, housewives, waitresses
- 2.3.12 Country women, dairy maids, peasant women
- 2.3.13 Needlewomen, spinstresses, knitters
- 2.3.14 Typists
- 2.3.15 Other professions
- A 2.3.16 Women in profile
 - A 2.3.17 - seated
 - A 2.3.18 - drinking or eating
 - A 2.3.19 - smoking
 - 2.3.20 - mounted on or accompanied by a horse, mule or donkey
 - 2.3.21 - mounted on or accompanied by animals not included in 2.3.20
- 2.3.22 Allegorical or mythological female personages
- A 2.3.23 Women stylized
- A 2.3.24 Several women
- 2.3.25 Other women

2.5 Children

Note: Not including adolescents (2.1, 2.3 or 2.7)

- 2.5.1 Heads and busts
- 2.5.2 Boys
- 2.5.3 Girls
- A 2.5.4 Children wearing folk or historical costume
- . . .
- 2.5.6 Babies
- . . .
- 2.5.8 Children engaging in sport or playing
- . . .
- A 2.5.17 Children seated, kneeling or on all fours
 - A 2.5.18 - drinking or eating
 - A 2.5.19 - crying
- . . .
- A 2.5.21 Children with animals

- A 2.5.22 Pairs of children of different sexes
 A 2.5.23 Children stylized
 A 2.5.24 Several children
 2.5.25 Other children

2.7 Mixed groups, scenes

Note: (a) A mixed group means a group composed of different types of human beings normally classified in 2.1 to 5. A group composed solely of men, of women or of children will be placed in 2.1.24, 2.3.24 or 2.5.24.

(b) However, any group, whatever its composition, which gives the impression of a scene will be placed in the corresponding section of division 2.7.

- 2.7.1 Heads and busts of man and woman (couple)
 2.7.2 Man and woman (couple)
 . . .
 A 2.7.4 - - - - wearing a characteristic folk, historical or oriental costume
 A 2.7.5 - - - - , nude or wearing underclothes or other light attire
 . . .
 2.7.8 Group sporting scenes
 A 2.7.9 Woman (women) and baby (babies)
 2.7.10 - - - child (children)
 2.7.11 Man (men) and child (children)
 2.7.12 A man and a woman with child (children) (family)
 . . .
 2.7.14 Groups of workers in fields or forests (N)
 2.7.15 Other groups at work
 2.7.16 Theatre scenes, variety shows, concerts, dancers
 2.7.17 Travelling shows, fairs and fairgrounds, street scenes
 2.7.18 Groups eating or drinking
 2.7.19 Indoor scenes; all groups gathered around a table (N)
 2.7.20 Battle scenes, troops
 2.7.21 Groups with animals not included in other sections
 . . .
 2.7.23 Groups stylized
 . . .
 2.7.25 Other groups or scenes

ad 2.7.14: Includes all groups of workers in the open air, engaged in agriculture, horticulture or forestry.

ad 2.7.19: Groups gathered around a table generally represent indoor scenes. However, they will be placed in this section in all cases, even if the group is out of doors.

- A 2.5.22 Pairs of children of different sexes
- A 2.5.23 Children stylized
- A 2.5.24 Several children
- 2.5.25 Other children

2.7 Mixed groups, scenes

Note: (a) A mixed group means a group composed of different types of human beings normally classified in 2.1 to 5. A group composed solely of men, of women or of children will be placed in 2.1.24, 2.3.24 or 2.5.24.

(b) However, any group, whatever its composition, which gives the impression of a scene will be placed in the corresponding section of division 2.7.

- 2.7.1 Heads and busts of man and woman (couple)
- 2.7.2 Man and woman (couple)
- . . .
- A 2.7.4 - - - - wearing a characteristic folk, historical or oriental costume
- A 2.7.5 - - - - , nude or wearing underclothes or other light attire
- . . .
- 2.7.8 Group sporting scenes
- A 2.7.9 Woman (women) and baby (babies)
- 2.7.10 - - - child (children)
- 2.7.11 Man (men) and child (children)
- 2.7.12 A man and a woman with child (children) (family)
- . . .
- 2.7.14 Groups of workers in fields or forests (N)
- 2.7.15 Other groups at work
- 2.7.16 Theatre scenes, variety shows, concerts, dancers
- 2.7.17 Travelling shows, fairs and fairgrounds, street scenes
- 2.7.18 Groups eating or drinking
- 2.7.19 Indoor scenes; all groups gathered around a table (N)
- 2.7.20 Battle scenes, troops
- 2.7.21 Groups with animals not included in other sections
- . . .
- 2.7.23 Groups stylized
- . . .
- 2.7.25 Other groups or scenes

ad 2.7.14: Includes all groups of workers in the open air, engaged in agriculture, horticulture or forestry.

ad 2.7.19: Groups gathered around a table generally represent indoor scenes. However, they will be placed in this section in all cases, even if the group is out of doors.

- 3.5 Quadrupeds (Series V) and quadrumana
- 3.6 Parts of quadrupeds and of quadrumana, skeletons, skulls
- 3.7 Birds and bats
- 3.9 Aquatic animals
- 3.11 Reptiles, amphibia, snails, seals and sea lions
- 3.13 Insects, spiders, micro-organisms
- 3.15 Large pre-historic sauria
- 3.17 Groups formed of animals classified in various divisions

3.1 Quadrupeds (Series I)

- 3.1.1 Lions
- A 3.1.2 Lions typically heraldic
- . . .
- 3.1.4 Tigers and other large felines
- . . .
- 3.1.6 Cats and other small felines
- . . .
- 3.1.8 Dogs, wolves, foxes
- A 3.1.9 Boxers, bulldogs
- A 3.1.10 St. Bernards
- A 3.1.11 Poodles
- 3.1.12 Badgers, martens, mink
- . . .
- 3.1.14 Bears
- . . .
- 3.1.16 Heads of animals of Series I
- A 3.1.17 Animals of Series I standing
- A 3.1.18 - - - - lying down
- A 3.1.19 - - - - sitting down
- A 3.1.20 - - - - rearing
- A 3.1.21 - - - - bounding
- A 3.1.22 - - - - with forepaw(s) resting on an escutcheon or other object
- A 3.1.23 - - - - facing each other
- A 3.1.24 - - - - stylized
- A 3.1.25 - - - - in costume

3.2 Quadrupeds (Series II)

- 3.2.1 Elephants, mammoths
- . . .
- A 3.2.3 Elephants or mammoths facing front
- A 3.2.4 Two elephants facing each other
- . . .

-
- 3.2.7 Hippopotamus, rhinoceros
 - . . .
 - 3.2.9 Giraffes
 - . . .
 - 3.2.11 Okapis
 - . . .
 - 3.2.13 Camels, dromedaries
 - . . .
 - 3.2.15 Heads of animals of Series II
 - . . .
 - A 3.2.24 Animals of Series II stylized
 - A 3.2.25 - - - - in costume
-
- 3.3 Quadrupeds (Series III)
-
- 3.3.1 Horses, mules
 - 3.3.2 Donkeys
 - 3.3.3 Zebras
 - . . .
 - 3.3.7 Similar animals
 - . . .
 - 3.3.15 Heads of animals of Series III
 - . . .
 - A 3.3.17 Animals of Series III rearing, bounding
 - . . .
 - A 3.3.24 - - - - stylized
 - A 3.3.25 - - - - in costume
-
- 3.4 Quadrupeds (Series IV)
-
- 3.4.1 Bison, bulls
 - 3.4.2 Cows, calves
 - A 3.4.3 Cows with person milking them
 - . . .
 - 3.4.5 Other bovines
 - . . .
 - 3.4.7 Stags, elk, similar animals
 - . . .
 - 3.4.9 Fawns
 - . . .
 - 3.4.11 Antelopes, goats, llamas, sheep and similar animals
 - 3.4.12 Heads without horns or with twisted horns
 - 3.4.13 Heads with horns erect
 - A 3.4.14 Heads of stags

- A 3.4.15 Heads of stags with cross between antlers
 A 3.4.16 Heads of elk
 . . .
 3.4.18 Pigs and boars
 . . .
 3.4.20 Heads of pigs or of boars
 . . .
 A 3.4.22 Animals of Series IV bounding, galloping
 A 3.4.23 - - - - charging (attacking)
 A 3.4.24 - - - - stylized
 A 3.4.25 - - - - in costume

3.5 Quadrupeds (Series V) and quadrumana

- 3.5.1 Rabbits, hares
 . . .
 3.5.3 Squirrels
 . . .
 3.5.5 Beavers, marmots
 . . .
 3.5.7 Rats, mice, moles
 . . .
 3.5.9 Hedgehogs, porcupines
 . . .
 3.5.15 Kangaroos
 . . .
 3.5.17 Other quadrupeds not included in Series I to V
 . . .
 3.5.19 Quadrumana
 . . .
 A 3.5.24 Animals of division 3.5 stylized
 A 3.5.25 - - - - in costume

3.6 Parts of quadrupeds and of quadrumana, skeletons, skulls

- 3.6.1 Paws
 . . .
 3.6.3 Paw prints
 . . .
 3.6.5 Skeletons, skulls
 . . .
 3.6.11 Hides and skins
 . . .
 3.6.25 Other parts of quadrupeds and of quadrumana (N)

ad 3.6.25: Not including heads, which are placed in the appropriate sections of divisions 3.1 to 3.5.

3.7 Birds and bats

- 3.7.1 Eagles and other diurnal birds of prey
- 3.7.2 Owls and other nocturnal birds of prey
- 3.7.3 Cocks, hens, chickens
- 3.7.4 Turkeys, pheasants, peacocks
- 3.7.5 Ducks, geese
- 3.7.6 Swans
- 3.7.7 Storks, herons, other waders
- 3.7.8 Penguins
- 3.7.9 Albatross, cormorants, gulls
- 3.7.10 Swallows
- 3.7.11 Doves, pigeons, turtle-doves
- 3.7.12 Jackdaws, crows, rooks, magpies
- 3.7.13 Sparrows, songbirds, other passerine birds
- 3.7.14 Ostriches
- 3.7.15 Parrots and similar birds
- A 3.7.16 Birds in flight or with outspread wings
- 3.7.17 Wings not stylized (N)
- 3.7.18 Wings stylized (N)
- 3.7.19 Parts of birds, feathers, footprints (N)
- 3.7.20 Nests and bird cages
- 3.7.21 Other birds
- . . .
- 3.7.23 Bats
- A 3.7.24 Birds stylized
- A 3.7.25 - in costume

3.9 Aquatic animals

Note: Not including aquatic animals classified in other divisions.

- 3.9.1 Cetaceans (sperm whales, whales)
- 3.9.2 Squali (sharks)
- . . .
- 3.9.4 Dolphins
- 3.9.5 Swordfish, narwhal, sawfish
- . . .
- 3.9.7 Flat fish (sunfish, rays, dabs)
- 3.9.8 Snake-like fish (eels and others)
- . . .
- 3.9.10 Other fish

ad 3.7.17 and 3.7.18: Including wings constituting a symbol or an emblem.

ad.3.7.19: It might be useful to place heads of birds in this section as well as in the section for the kind of bird concerned.

- A 3.9.11 Fish in their element or represented as such
- 3.9.12 Groups of various fish
- 3.9.13 Fish with heads removed (food products), fish fillets
- 3.9.14 Sea horses
- . . .
- 3.9.16 Crustaceans (crabs, shrimps, crayfish, lobsters), scorpions
- 3.9.17 Starfish
- 3.9.18 Shellfish (oysters, mussels, and other shellfish) (N)
- 3.9.19 Coral, coral reef
- . . .
- 3.9.21 Groups of subjects included in division 3.9 (except 3.9.12)
- 3.9.22 Aquariums, terrariums and vivariums containing animals of division 3.9
- 3.9.23 Other animals included in division 3.9
- A 3.9.24 Animals of division 3.9 stylized
- A 3.9.25 - - - - in costume

3.11 Reptiles, amphibia, snails, seals and sea lions

- 3.11.1 Serpents
- A 3.11.2 Serpent and cup (symbol of medicine)
- A 3.11.3 Serpent(s) and staff
- . . .
- 3.11.6 Worms (earthworms, small worms)
- 3.11.7 Snails, slugs
- . . .
- 3.11.9 Alligators, caymans, crocodiles
- 3.11.10 Chameleons, lizards, salamanders, and other similar animals
- 3.11.11 Tortoises
- 3.11.12 Toads, frogs
- . . .
- 3.11.17 Sea lions, seals, and similar animals
- . . .
- 3.11.21 Groups of animals included in division 3.11
- 3.11.22 Terrariums and vivariums containing animals of division 3.11
- 3.11.23 Other animals included in division 3.11
- A 3.11.24 Animals of division 3.11 stylized
- A 3.11.25 - - - - in costume

3.13 Insects, spiders, micro-organisms

- 3.13.1 Butterflies
- . . .
- 3.13.4 Bees, wasps, and similar insects

ad 3.9.18: Not including snails (3.11.7)

- 3.13.5 Beehives
- 3.13.6 Dragonflies
- 3.13.7 Flies, mosquitoes
- 3.13.8 Spiders and spider webs
- 3.13.9 Ladybirds
- 3.13.10 Beetles
- . . .
- 3.13.12 Cicadas, crickets
- . . .
- 3.13.14 Locusts, grasshoppers
- . . .
- 3.13.16 Ants
- 3.13.17 Lice and aphides
- 3.13.18 Caterpillars
- 3.13.19 Cocoons of silkworms
- 3.13.20 Micro-organisms
- 3.13.21 Groups of subjects included in division 3.13
- . . .
- 3.13.23 Other subjects included in division 3.13
- A 3.13.24 Subjects of division 3.13 stylized
- A 3.13.25 - - - 3.13 in costume

3.15 Large pre-historic sauria

Note: In case of searches, see also 4.3.

3.17 Groups formed of animals classified in various divisions

4. SUPERNATURAL BEINGS, FABULOUS BEINGS, FANTASTIC BEINGS OR UNIDENTIFIABLE BEINGS

Note: If the distinction between heads of fabulous animals (4.3.19), masks (4.6.1) and indefinable human-like heads (4.6.2) is difficult to make, the figurative elements in question will be placed in whichever of the above-mentioned sections seems appropriate.

- 4.1 Winged personages; horned personages
- 4.2 Beings partly human and partly animal
- 4.3 Fabulous animals
- 4.5 Combinations of plants, objects, geometrical figures, letters or numerals representing a personage or an animal
- 4.6 Masks and indefinable heads of human aspect
- 4.7 Groups of beings included in various divisions of category 4

4.1 Winged personages; horned personages

- 4.1.1 Winged human heads
- 4.1.2 Winged children (cherubs, cupids)
- 4.1.3 Other winged personages of human aspect
- 4.1.4 Devils or horned personages, with or without wings
- 4.1.5 Heads of devils or horned personages
- . . .
- 4.1.25 Groups of beings classified in various sections of division 4.1

4.2 Beings partly human and partly animal

- 4.2.1 Centaurs
- A 4.2.2 - with bow and arrow or lance
- . . .
- 4.2.5 Sphinx
- . . .
- 4.2.8 Tritons
- . . .
- 4.2.11 Sirens, naiads
- . . .
- 4.2.20 Other beings partly human and partly animal
- . . .
- 4.2.25 Groups of beings classified in various sections of division 4.2

4.3 Fabulous animals

- 4.3.1 Winged lions, griffons
- . . .
- 4.3.3. Dragons
- . . .
- 4.3.5 Winged horses (Pegasus)
- . . .
- 4.3.7 Other winged quadrupeds
- . . .
- 4.3.9 Unicorns
- 4.3.10 Monsters with several heads
- . . .
- 4.3.19 Heads of fabulous animals
- 4.3.20 Other fabulous animals
- . . .
- 4.3.25 Groups of fabulous animals classified in various sections of division 4.3

4.5 Combinations of plants, objects, geometrical figures, letters or numerals representing a personage or an animal

4.5.1 Combinations of plants representing a personage

4.5.2 - - objects representing a personage

4.5.3 - - geometrical figures representing a personage

4.5.4 - - letters or numerals representing a personage (N)

4.5.5 Other combinations representing a personage

. . .

4.5.11 Combinations of plants representing an animal

4.5.12 - - objects representing an animal

4.5.13 - - geometrical figures representing an animal

4.5.14 - - letters or numerals representing an animal (N)

4.5.15 Other combinations representing an animal

. . .

4.6 Masks and indefinable heads of human aspect

4.6.1 Masks

4.6.2 Indefinable heads of human aspect

. . .

4.7 Groups of beings included in various divisions of category 4

5. PLANTS

5.1 Trees and bushes

5.3 Leaves and branches with leaves

5.5 Flowers

5.7 Grain, seeds and fruits

5.9 Vegetables

5.11 Other plants

5.13 Decorations composed of plants

5.1 Trees and bushes

5.1.1 Trees and bushes of triangular structure, conical shape (pointed at top), or "candle-flame" shape (firs, cypresses, etc.)

5.1.2 Trees and bushes of oblong structure (poplars)

5.1.3 - - - - a structure presenting some other shape

ad 4.5.4 and 4.5.14: May also be placed in 27.3.1 or 27.3.3.

- 5.1.4 Trees and bushes without leaves
- A 5.1.5 One tree or bush as the sole or essential figurative element
- A 5.1.6 Two trees or bushes as the sole or essential figurative element
- A 5.1.7 Three trees or bushes as the sole or essential figurative element
- A 5.1.8 More than three trees or bushes; thickets, copses (N)
- 5.1.9 Trees or bushes of mixed varieties
- A 5.1.10 Conifers
- A 5.1.11 Deciduous trees
- 5.1.12 Palm trees
- 5.1.13 Bamboos
- 5.1.14 Climbing bushes or plants, espaliers
- 5.1.15 Bushes (N)
- A 5.1.16 Trees or bushes in stylized form
- . . .
- 5.1.19 Vine stocks, stumps
- 5.1.20 Trunks of trees without branches
- 5.1.21 Large branches; branches without leaves
- . . .

5.3 Leaves and branches with leaves

- 5.3.1 Tobacco leaves
- 5.3.2 Oak leaves
- 5.3.3 Holly leaves
- 5.3.4 Vine leaves (except 5.3.19), plane leaves and similar leaves
- 5.3.5 Leaves of chestnut trees and similar leaves
- 5.3.6 Trefoils
- 5.3.7 Ferns, palms
- 5.3.8 Wistaria leaves, acacia leaves, and similar leaves
- . . .
- 5.3.11 Other leaves, without or with only slightly lobed or incised edges (N)
- 5.3.12 - - with very lobed or incised edges
- A 5.3.13 Stylized leaves
- A 5.3.14 One leaf as the sole or essential figurative element
- A 5.3.15 Two to four leaves as the sole or essential figurative element
- 5.3.16 More than four leaves, scattered leaves, bunches of leaves (N)

ad 5.1.8: When the group of trees represented becomes a forest, it will be placed in 6.19.5.

ad 5.1.15: Not including bushes classified in 5.1.1 to 4, 5.1.9, 5.1.14 or 5.1.16.

ad 5.3.11: Including leaves of which the edges are not visible, for instance curled leaves.

ad 5.3.16: (a) Including in particular irregular scatterings of leaves.

(b) Not including surfaces or backgrounds covered with repeated leaf motif (25.7.12).

- 5.3.17 Olive branches
- 5.3.18 Mistletoe sprigs
- 5.3.19 Vine shoots (N)
- 5.3.20 Other branches with leaves
- . . .

5.5 Flowers

Note: Including stylized or heraldic flowers.

- 5.5.1 Roses
- 5.5.2 Lilies
- 5.5.3 Tulips
- 5.5.4 Marguerites and similar composites
- 5.5.5 Carnations
- 5.5.6 Pansies
- 5.5.7 Lilac and flowers growing in vertical clusters
- 5.5.8 Wistaria and flowers growing in drooping clusters
- . . .
- 5.5.10 Edelweiss
- 5.5.11 Gentians
- 5.5.12 Thistles
- 5.5.13 Poppies
- . . .
- 5.5.15 Orchids
- 5.5.16 Lotus flowers
- . . .
- 5.5.18 Umbellate flowers
- 5.5.19 Other flowers
- A 5.5.20 Stylized flowers
- A 5.5.21 One flower constituting the sole or essential figurative element
- A 5.5.22 Several flowers of the same species (except 5.5.7 and 8 and 5.5.18)
- 5.5.23 Mixed flowers; bunches, sheaves, baskets, seedlings, flower beds
- . . .

5.7 Grain, seeds and fruits

- 5.7.1 Grain, seeds, including coffee beans
- 5.7.2 Ears of corn, barley or similar ears (close growing)
- 5.7.3 - - oats, or similar ears (spaced growth)
- 5.7.4 - - maize
- 5.7.5 Sheaves of cereals
- 5.7.6 Almonds, peanuts, cocoa beans, acorns, hazelnuts, nuts and similar fruits
- 5.7.7 Sweet chestnuts, edible chestnuts

ad 5.3.19: Not including vine branches as a decorative motif (5.13.6).

- 5.7.8 Strawberries, raspberries
- 5.7.9 Other berries
- 5.7.10 Grapes (single specimens and bunches)
- 5.7.11 Oranges, grapefruit
- 5.7.12 Lemons
- 5.7.13 Apples
- 5.7.14 Apricots, peaches, plums
- 5.7.15 Pears
- 5.7.16 Cherries
- 5.7.17 Pineapples
- 5.7.18 Bananas
- 5.7.19 Olives
- . . .
- 5.7.21 Other fruits
- A 5.7.22 Open fruits, slices or quarters of fruit
- A 5.7.23 One fruit as the sole or essential figurative element
- 5.7.24 Various mixed fruits
- 5.7.25 Bowls, baskets of fruit

5.9 Vegetables

- 5.9.1 Potatoes
- . . .
- 5.9.3 Other tubers of elongated shape
- 5.9.4 - - - round shape
- . . .
- 5.9.6 Onions (bulbs)
- . . .
- 5.9.8 Leeks
- . . .
- 5.9.10 Asparagus
- . . .
- 5.9.12 Cabbages, salad heads
- . . .
- 5.9.14 Gourds and vegetables of the same shape (including melons)
- 5.9.15 Aubergines, cucumbers, gherkins and vegetables of the same shape
- . . .
- 5.9.17 Tomatoes
- . . .
- 5.9.19 Beans and peas in pods
- . . .
- 5.9.21 Other vegetables
- . . .
- A 5.9.23 One vegetable as the sole or essential figurative element
- 5.9.24 Mixed vegetables
- . . .

 5.11 Other plants

- 5.11.1 Roots and radicles
- . . .
- 5.11.3 Mosses and lichens
- . . .
- 5.11.5 Mushrooms
- . . .
- 5.11.11 Grasses
- . . .
- 5.11.13 Sugar canes, maize canes
- . . .
- 5.11.15 Cones, fir cones and the like
- . . .
- 5.11.17 Agaves
- 5.11.18 Prickly pears, nopals
- 5.11.19 Cactus of cylindrical shape
- 5.11.20 - - spherical shape
- 5.11.21 Other cactus
- . . .
- 5.11.25 Other plants

 5.13 Decorations composed of plants

- 5.13.1 Crowns of leaves or of flowers
 - . . .
 - 5.13.3 Crossed palms
 - 5.13.4 Crossed branches
 - . . .
 - 5.13.6 Vine branches as a decorative motif
 - 5.13.7 Garlands of flowers or of leaves (N)
 - A 5.13.8 Bands, borders and frames made of leaves
 - A 5.13.9 - - - - - flowers
 - A 5.13.10 - - - - - fruits
 - 5.13.11 - - - - - various plants
 - . . .
 - 5.13.25 Other decorations composed of plants (N)
-

ad 5.13.7: Not including vine shoots (5.3.19).

ad 5.13.25: Not including surfaces and backgrounds covered with plant motifs (25.7.12).

6. LANDSCAPES

Note: If the distinction between, on the one hand, mountains or typical mountain landscapes (6.1.2) and, on the other, lakes, seas with mountains around or in the background (6.19.1), or pasture lands with mountains around or in the background (6.19.13), is difficult to make, the figurative elements in question will be placed in whichever of the above-mentioned sections seems appropriate.

- 6.1 Mountains, rocks, grottoes
- 6.2 Dutch-type landscapes
- 6.3 Lacustrine or maritime scenes (except 6.2)
- 6.4 Landscapes with running water (rivers, streams, etc.) (except 6.2)
- 6.5 Polar landscapes
- 6.6 Desert or tropical-type landscapes
- 6.7 Urban landscapes
- 6.19 Other landscapes

6.1 Mountains, rocks, grottoes

- 6.1.1 Crags, rocks, walls of rocks (N)
- 6.1.2 Mountains, typical mountain landscapes
- 6.1.3 Volcanoes
- A 6.1.4 Mountains and volcanoes, considerably stylized
- . . .
- 6.1.7 Grottoes
- . . .

6.2 Dutch-type landscapes

6.3 Lacustrine or maritime scenes

Note: Not including Dutch-type landscapes (6.2)

- 6.3.1 Typical harbours
- 6.3.2 Beaches, coasts, bays
- 6.3.3 Islands, reefs
- 6.3.4 Open sea, stretches of water without shores
- . . .
- 6.3.25 Other lacustrine or maritime scenes

6.4 Landscapes with running water (rivers, streams, etc.)

Note: Not including Dutch-type landscapes (6.2)

- 6.4.1 Springs, landscapes with spring(s)
- 6.4.2 Waterfalls, landscapes with waterfall(s)
- 6.4.3 Rapids, landscapes with rapid(s)
- 6.4.4 Torrents
- 6.4.5 Rivers and streams
- . . .
- 6.4.25 Other landscapes with running water

6.5 Polar landscapes

Note: This division includes essentially representations of ice-floes, icebergs, etc., which cannot be assimilated to other landscapes and therefore placed in the divisions reserved for them (for instance, 6.1 or 6.3).

6.6 Desert or tropical-type landscapes

- 6.6.1 Desert landscapes or landscapes with very sparse vegetation
- 6.6.2 Typical oases
- A 6.6.3 Other landscapes with palm trees
- . . .
- 6.6.25 Other tropical-type landscapes

6.7 Urban landscapes

- 6.7.1 Streets
- 6.7.2 Squares
- 6.7.3 Partial view of a built-up area
- 6.7.4 General view of a built-up area
- A 6.7.5 Built-up areas composed of skyscrapers
- A 6.7.6 - - - - - Moroccan-type houses
- A 6.7.7 - - - - - huts
- . . .
- 6.7.11 Urban landscapes with rivers, streams, canals, lakes, seas
- . . .
- 6.7.25 Other urban landscapes

6.19 Other landscapes

- 6.19.1 Lakes, seas, with mountains around or in the background
 . . .
 6.19.5 Forests, undergrowth (N)
 . . .
 6.19.7 Vineyards
 . . .
 6.19.9 Other cultivated areas
 . . .
 6.19.11 Grasslands, pastures
 . . .
 6.19.13 Pasturelands, with mountains around or in the background
 . . .
 6.19.17 Landscapes with factory(ies) or industrial establishment(s)
 . . .
 6.19.25 Other landscapes not classified in category 6

7. DWELLINGS, BUILDINGS, WORKS OF ARCHITECTURE, STRUCTURAL WORKS, BUILDING MATERIALS

- 7.1 Dwellings, buildings
 7.3 Parts of dwellings or of buildings, interiors
 7.5 Monuments, fountains
 7.11 Other structural works
 7.15 Building materials

7.1 Dwellings, buildings

- 7.1.1 Fortified castles and fortresses
 7.1.2 Other castles, palaces, similar edifices
 7.1.3 Churches, cathedrals (N)

ad 6.19.5: A group of three or more trees will be placed in 5.1.7 or 5.1.8, if it does not represent a forest in the proper sense.

ad 7.1.3 and 7.1.7: Bell-towers will be placed according to the importance of their representation in relation to the church of which they are generally a part; for example, they will be placed in 7.1.3 in the case of small belfries only slightly higher than the church, or in 7.1.7 in the case of a large, isolated bell-tower. If the bell-tower plays an important part in the representation of a church, the figurative elements in question will be placed in 7.1.3 and 7.1.7.

- 7.1.4 Mosques, minarets
- 7.1.5 Pagodas
- 7.1.6 Eiffel Tower
- 7.1.7 Transmitting masts, derricks and other towers (N)
- 7.1.8 Typical urban houses, skyscrapers
- 7.1.9 - rural houses, farms
- 7.1.10 Moroccan-type houses
- 7.1.11 Chalets
- 7.1.12 Other dwelling houses
- 7.1.13 Windmills or water mills
- 7.1.14 Industrial establishments without factory chimney
- 7.1.15 Factory chimneys with or without industrial establishments
- 7.1.16 Lighthouses
- 7.1.17 Kiosks, booths, pavillons, advertisement hoardings
- . . .
- 7.1.19 Huts, cabins
- 7.1.20 Tents
- 7.1.21 Igloos
- 7.1.22 Animals' cages and kennels (except 3.7.20 and 3.13.5)
- A 7.1.23 Dwellings and buildings in ruins
- A 7.1.24 Stylized dwellings or buildings
- 7.1.25 Other dwellings or buildings

7.3 Parts of dwellings or of buildings, interiors

- 7.3.1 Doors, entrances
- 7.3.2 Windows
- . . .
- 7.3.5 Interiors: kitchens
- 7.3.6 - bathrooms and sauna-rooms
- 7.3.7 - bedrooms
- 7.3.8 - cellars
- 7.3.9 Other interiors
- . . .
- 7.3.11 Roofs
- 7.3.12 Chimneys
- . . .
- 7.3.15 Staircases
- . . .
- 7.3.20 Blinds, shutters, awnings
- . . .
- 7.3.25 Other parts of dwellings or of buildings

-
- 7.5 Monuments, fountains
 - 7.5.1 Pyramids
 - 7.5.2 Sphinx (N)
 -
 - 7.5.5 Other typical Egyptian monuments (except 7.5.8)
 - 7.5.6 Ancient Greek and Roman temples and their ruins
 - A 7.5.7 Frontons of ancient temples
 - 7.5.8 Columns, obelisks
 - 7.5.9 Ancient theatres, amphitheatres
 - 7.5.10 Triumphal arches, similar porticos, town gates
 -
 - 7.5.15 Fountains, basins, sprays and jets of water
 -
 - 7.5.25 Other monuments

 - 7.11 Other structural works
 - 7.11.1 Bridges
 -
 - 7.11.5 Tunnels
 -
 - 7.11.25 Dams and other structural works included in division 7.11

 - 7.15 Building materials
 - 7.15.1 Stones for building, bricks, walls
 - 7.15.2 Parts of ventilation channels
 - 7.15.3 Chimney pots
 -
 - 7.15.5 Planks, plates, panels, flagstones
 - 7.15.6 Corrugated iron
 - 7.15.7 Floors, parquet flooring, parquet floor boards
 - 7.15.8 Representations of wood (N)
 -
 - 7.15.20 Other building materials
 -
 - 7.15.25 Scaffolding
-

ad 7.5.2: Includes sphinxes, represented as monuments. All other representations of sphinxes should be placed in 4.2.5.

ad 7.15.8: Includes both the representation of natural wood surfaces, bark for instance, and that of wood cut with or against the grain. The representation of wood as an ornamental background will be placed in the appropriate sections of category 25.

8. FOODSTUFFS

Note: (a) In some cases, in view of the shape given to certain foodstuffs, it will perhaps be useful or necessary to place these foodstuffs in the category, division and section provided for that shape, for instance, in category 26 (geometrical figures).

(b) Certain foodstuffs such as soups or beverages in plates, cups, bowls, soup tureens (8.7.1), or food in dishes and plates (8.7.5), will also be placed in the appropriate sections of division 11.3 (plates and dishes, pots and pans).

8.1 Bakers' products, pastry, confectionery, chocolate

8.3 Milk, dairy produce, cheeses

8.5 Butchers' meat, pork products

8.7 Other foodstuffs

8.1 Bakers' products, pastry, confectionery, chocolate

8.1.1 Bread

A 8.1.2 Tinned loaves (sharp-edged)

A 8.1.3 Long loaves, French bread (bread sticks)

A 8.1.4 Cylindrical loaves (for toast)

. . .

8.1.6 Rusks, slices of bread, slices of bread spread with butter, jam or other edible substance of similar consistency

8.1.7 Bread rolls, brioches

8.1.8 Croissants

8.1.9 Small biscuits

A 8.1.10 - - of round shape

A 8.1.11 - - of square or rectangular shape (except A 8.1.12)

A 8.1.12 "Petits-beurre" (biscuits with lobed edges)

A 8.1.13 Small biscuits of triangular shape

A 8.1.14 Mixture of small biscuits of various shapes

8.1.15 Pastry

A 8.1.16 Tarts, flans, pies

A 8.1.17 Cakes

8.1.18 Ices

8.1.19 Chocolate and confectionery

A 8.1.20 Slabs of chocolate

A 8.1.21 Sticks of chocolate

A 8.1.22 Squares of chocolate, pralines, fondants, sweets (except A 8.1.23)

A 8.1.23 Pralines, fondants, wrapped sweets

A 8.1.24 Lollipops (sweets fixed on the end of a stick)

8.1.25 Other bakers' products, pastry, confectionery, chocolate

8.3 Milk, dairy produce, cheeses

- 8.3.1 Milk, cream (except 8.3.2)
- 8.3.2 Whipped cream
- 8.3.3 Butter and like products
- A 8.3.4 - - - - in pats
- A 8.3.5 - - - - in slabs
- A 8.3.6 - - - - in shell shape
- A 8.3.7 - - - - in some other shape
- 8.3.8 Cheeses
- A 8.3.9 - of round shape
- A 8.3.10 - - square or rectangular shape
- A 8.3.11 - - some other shape (uncut)
- A 8.3.12 Parts of cheeses (sectors or quarters)
- A 8.3.13 Slices of cheese
- . . .
- 8.3.25 Other dairy produce (except 8.7.15)

8.5 Butchers' meat, pork products

- 8.5.1 Ham, legs of mutton
- 8.5.2 Other joints of meat
- 8.5.3 Sausages ("fresh"), sausages ("dry"), salami
- 8.5.4 Butchers' meat or pork products in slices
- . . .
- 8.5.10 Poultry cooked or prepared for cooking
- . . .
- 8.5.25 Other butchers' meat, pork products

8.7 Other foodstuffs

Note: Not including fish fillets (3.9.13)

- 8.7.1 Soups and beverages (in plates, cups, bowls, soup tureens, etc.)
- . . .
- 8.7.3 Macaroni and other similar products
- . . .
- 8.7.5 Dishes and plates, filled
- . . .
- 8.7.7 Vegetable salads
- . . .
- 8.7.11 Eggs of all kinds
- . . .
- 8.7.14 Fruit salads or compotes

- 8.7.15 Other desserts or sweets (N)
 . . .
 8.7.17 Mixture of foodstuffs included in several divisions
 . . .
 8.7.21 Loaf sugar
 . . .
 8.7.25 Other foodstuffs not included in any of the preceding sections of category 8

9. TEXTILE ARTICLES, CLOTHING, NEEDLES, SEWING ACCESSORIES

- 9.1 Textile articles (except 9.3)
 9.3 Clothing (except 9.7 and 9.9)
 9.5 Needles, sewing accessories
 9.7 Headgear
 9.9 Footwear

9.1 Textile articles

Note: Not including clothing (9.3)

- 9.1.1 Thread wound into a ball
 9.1.2 - - - - skein
 9.1.3 - - on a bobbin (including "stars")
 9.1.4 - - - - shuttle, shuttles with or without thread
 . . .
 9.1.6 Other presentations of thread
 9.1.7 Braids, tapes, cords (N)
 9.1.8 Stitches (representations of stitches)
 9.1.9 Embroidery, tea cloths, tray cloths, trimmings
 9.1.10 Ribbons
 9.1.11 Bows
 9.1.12 Tartans; cloth in Prince of Wales, houndstooth and other checks (N)
 9.1.13 Herringbone patterned cloth (N)
 9.1.14 Cloth displaying another pattern
 9.1.15 Network, loose weaving, chain stitches (N)

ad 8.7.15: Not including ices (8.1.18).

ad 9.1.7: In case of search, see also 14.1.6.

ad 9.1.12 and 9.1.13: Backgrounds covered with the figurative elements in question will be placed solely in these sections, to the exclusion of 25.7.11 and 25.7.12.

ad 9.1.15: In case of search, see also 21.3.16.

- 9.1.16 Cloth edged with a thread or one or more distinctive bands
- 9.1.17 Flat linen, including handkerchiefs
- 9.1.18 Cloth in pieces or in rolls
- 9.1.19 - - piles
- 9.1.20 Draped cloth, curtains
- 9.1.21 Carpets (including textiles with fringes)
- 9.1.22 Cloth labels, with scalloped edges or not, samples of cloth
- 9.1.23 Bed coverings, cushions, eiderdowns
- . . .
- 9.1.25 Other textile articles

9.3 Clothing

Note: Not including headwear (9.7) and footwear (9.9).

- 9.3.1 Suits of clothes (jacket and trousers or breeches)
- 9.3.2 Jackets, waistcoats, coats, and similar articles
- 9.3.3 Trousers, breeches
- . . .
- 9.3.5 Dresses, aprons
- . . .
- 9.3.8 Pullovers and similar articles
- 9.3.9 Shirts
- 9.3.10 Shirt collars
- . . .
- 9.3.13 Ties, silk scarves
- 9.3.14 Underwear, bathing slips and costumes
- 9.3.15 Stockings, socks, bootees
- 9.3.16 Gloves
- 9.3.17 Belts, buckles for belts
- 9.3.18 Bibs
- . . .
- 9.3.25 Other clothing

9.5 Needles, sewing accessories

Note: In case of search concerning needles (9.5.1 to 3), crochet hooks (9.5.6 and 7) or pins (9.5.8 and 9) which are not distinctly identifiable as such, it is advisable to consult also, for instance, 14.3.1, 14.3.3, 14.3.7 or 14.3.11, as appropriate.

- 9.5.1 Knitting needles
- 9.5.2 Sewing needles (straight)
- 9.5.3 - - (curved)
- . . .
- 9.5.5 Thimbles
- 9.5.6 Crochet hooks

- 9.5.7 Fastening hooks
- 9.5.8 Ordinary pins
- 9.5.9 Safety pins
- . . .
- 9.5.11 Cuff buttons
- 9.5.12 Other buttons
- 9.5.13 Press studs
- . . .
- 9.5.15 Mechanical slide fasteners
- 9.5.16 Patterns for clothing (N)
- 9.5.17 Corset whalebones
- . . .
- 9.5.25 Other sewing accessories (N)

9.7 Headwear

- 9.7.1 Top hats
- . . .
- 9.7.5 Caps and berets
- . . .
- 9.7.9 Cocked hats
- . . .
- 9.7.11 Kepis
- . . .
- 9.7.13 Phrygian caps
- . . .
- 9.7.15 Fez
- . . .
- 9.7.17 Mexican hats
- . . .
- 9.7.19 Cooks' caps
- . . .
- 9.7.25 Other headwear

9.9 Footwear

- 9.9.1 Clogs
- . . .
- 9.9.3 Flat-heeled shoes
- . . .
- 9.9.5 High-heeled shoes
- . . .

ad 9.5.16: Patterns resembling clothing will be placed in 9.3.

ad 9.5.25: Not including scissors (14.7.20) or tape measures (17.5.1).

-
- 9.9.7 Top boots
 - . . .
 - 9.9.9 Boots
 - . . .
 - 9.9.11 Sports footwear (except 9.9.7)
 - . . .
 - 9.9.13 Babies' footwear
 - . . .
 - 9.9.15 Soles of all kinds
 - . . .
 - 9.9.17 Other parts of footwear (N)
 - . . .
 - 9.9.25 Other footwear

10. SMOKERS' REQUISITES, MATCHES, TOBACCO PRODUCTS, TRAVEL GOODS, TOILET ARTICLES

- 10.1 Smokers' requisites, matches, tobacco products
- 10.17 Travel goods, fans
- 10.19 Toilet articles, mirrors

10.1 Smokers' requisites, matches, tobacco products

- 10.1.1 Cut tobacco
- . . .
- 10.1.3 Cigars
- . . .
- 10.1.5 Cigarettes
- . . .
- 10.1.11 Pipes
- 10.1.12 Hookahs
- 10.1.13 Cigarette holders and cigar holders
- 10.1.14 Pipe cleaners
- 10.1.15 Cigar cutters
- 10.1.16 Tobacco jars
- 10.1.17 Tobacco pouches
- 10.1.18 Lighters

ad 9.9.17: (a) Not including nails, eyelets and hooks (14.3).

(b) In case of search, see also, in certain cases, 9.5.7, 9.5.12, 9.5.13 and 9.5.15.

10.1.19 Ash trays
10.1.20 Matches
. . . .
10.1.25 Other tobacco products or smokers' requisites

10.17 Travel goods, fans

10.17.1 Sticks, closed umbrellas and parasols
. . . .
10.17.4 Open umbrellas and parasols
. . . .
10.17.7 Fans
. . . .
10.17.11 Shopping bags and similar articles
. . . .
10.17.13 Handbags
10.17.14 Handbag fasteners (N)
10.17.15 Rucksacks
10.17.16 Suitcases
10.17.17 Trunks
. . . .

10.19 Toilet articles, mirrors

10.19.1 Toothbrushes
. . . .
10.19.5 Open razors
10.19.6 Safety razors
10.19.7 Blades for safety razors
10.19.8 Electric or mechanical razors
10.19.9 Shaving brushes
. . . .
10.19.11 Hair clippers
. . . .
10.19.13 Combs
. . . .
10.19.15 Lipsticks
. . . .
10.19.17 Mirrors (N)
. . . .

ad 10.17.14: Not including mechanical slide fasteners (9.5.15).

ad 10.19.17: Includes all kinds of mirrors, whatever their shape or dimensions, except mirrors used in surgery and medicine (14.7.25).

- 10.19.19 Sprays for toilet purposes
 . . .
 10.19.25 Other toilet articles (N)

11. PLATES AND DISHES, KITCHEN AND HOUSEHOLD UTENSILS

Note: Not including kitchen or household containers, such as pails and baskets, classified in category 19.

- 11.1 Knives, forks and spoons, kitchen utensils and machines
 11.3 Plates and dishes, pots and pans
 11.7 Household utensils

11.1 Knives, forks and spoons, kitchen utensils and machines

- 11.1.1 Single forks
 11.1.2 - spoons
 11.1.3 - knives (including butchers' knives)
 11.1.4 Knives, forks and spoons arranged crosswise
 11.1.5 Forks, spoons and knives mixed
 . . .
 11.1.8 Skewers and spits
 11.1.9 Other knives, forks and spoons, spatulas
 . . .
 11.1.11 Funnels
 . . .
 11.1.13 Strainers, colanders
 . . .
 11.1.15 Vegetable grinders, meat mincers
 . . .
 11.1.17 Chopping and carving boards
 . . .
 11.1.19 Coffee mills
 11.1.20 Pepper mills
 11.1.21 Mixers
 . . .
 11.1.25 Other kitchen utensils and machines (N)

ad 10.19.25: Not including sponges (11.7.5).

ad 11.1.25: Not including figurative elements classified in category 13.

- 10.19.19 Sprays for toilet purposes
 . . .
 10.19.25 Other toilet articles (N)

11. PLATES AND DISHES, KITCHEN AND HOUSEHOLD UTENSILS

Note: Not including kitchen or household containers, such as pails and baskets, classified in category 19.

- 11.1 Knives, forks and spoons, kitchen utensils and machines
 11.3 Plates and dishes, pots and pans
 11.7 Household utensils

11.1 Knives, forks and spoons, kitchen utensils and machines

- 11.1.1 Single forks
 11.1.2 - spoons
 11.1.3 - knives (including butchers' knives)
 11.1.4 Knives, forks and spoons arranged crosswise
 11.1.5 Forks, spoons and knives mixed
 . . .
 11.1.8 Skewers and spits
 11.1.9 Other knives, forks and spoons, spatulas
 . . .
 11.1.11 Funnels
 . . .
 11.1.13 Strainers, colanders
 . . .
 11.1.15 Vegetable grinders, meat mincers
 . . .
 11.1.17 Chopping and carving boards
 . . .
 11.1.19 Coffee mills
 11.1.20 Pepper mills
 11.1.21 Mixers
 . . .
 11.1.25 Other kitchen utensils and machines (N)

ad 10.19.25: Not including sponges (11.7.5).

ad 11.1.25: Not including figurative elements classified in category 13.

12. FURNITURE, SANITARY INSTALLATIONS

12.1 Furniture

12.3 Sanitary installations

12.1 Furniture

Note: Including office furniture.

12.1.1 Cradles

12.1.2 Cots

12.1.3 Beds

12.1.4 Mattresses, wedges

. . .

12.1.9 Chairs, armchairs, stools

12.1.10 Benches, forms, seats, sofas

. . .

12.1.15 Tables, work benches, butchers' blocks, shop counters

. . .

12.1.17 Chests of drawers, trunks

. . .

12.1.19 Cupboards (including wardrobes with mirrors)

. . .

12.1.21 Dressers, shelves

. . .

12.1.25 Other pieces of furniture (N)

12.3 Sanitary installations

12.3.1 Washbasins

. . .

12.3.3 Baths

. . .

12.3.7 Water closets and bidets, flushing cisterns

. . .

12.3.11 Taps (N)

. . .

12.3.25 Other sanitary installations

ad 12.1.25: Not including mirrors (10.19.17).

ad 12.3.11: Including taps which are not part of a sanitary installation.

13. LIGHTING APPARATUS, HEATING, COOKING AND REFRIGERATING EQUIPMENT, WASHING MACHINES, DRYING EQUIPMENT

13.1 Lighting apparatus

13.3 Heating, cooking and refrigerating equipment, washing machines, drying equipment

13.1 Lighting apparatus

13.1.1 Candles

13.1.2 Flat candlesticks, with or without candle, tall candlesticks for a single candle

13.1.3 Candlesticks with several branches for several candles

. . .

13.1.5 Olympic torches and the like

. . .

13.1.7 Oil lamps and lamps emitting a faint light

13.1.8 Fairy lights, Chinese lanterns

13.1.9 Hurricane lamps and the like

13.1.10 Street lamps, standard lamps

13.1.11 Table lamps, including Argand lamps, shades

13.1.12 Hanging lamps

. . .

13.1.14 Electric torches, pocket lamps

. . .

13.1.16 Bracket lamps, lanterns, beacons

13.1.17 Electric light bulbs

13.1.18 Wireless valves

13.1.19 Gas mantles

13.1.20 Other parts of lamps

. . .

13.1.25 Other lighting apparatus

13.3 Heating, cooking or refrigerating equipment, washing machines, drying equipment

13.3.1 Hearths, braziers and other heating apparatus with open fire

. . .

13.3.3 Boilers for heating, stoves for rooms

. . .

13.3.5 Radiators and other heating apparatus

. . .

13.3.7 Kitchen stoves, plate warmers and dish heaters

. . .

- 13.3.9 Other cooking equipment
- . . .
- 13.3.11 Sauna heating equipment
- . . .
- 13.3.15 Parts of heating apparatus
- . . .
- 13.3.21 Refrigerators and similar articles
- . . .
- 13.3.23 Washing machines
- 13.3.24 Drying equipment
- . . .

14. IRONMONGERY, TOOLS, LADDERS

- 14.1 Tubes, bars, cables, chains, girders
- 14.3 Nails, screws, small ironmongery articles
- 14.5 Keys for locks, locks, padlocks
- 14.7 Tools (except 14.9)
- 14.9 Agricultural implements and similar tools, ploughs
- 14.11 Ladders

14.1 Tubes, bars, cables, chains, girders

- 14.1.1 Tubes or pipes, straight or almost straight
- 14.1.2 - - - bent, coiled or twisted
- 14.1.3 Joints of pipes, tubes, sluices
- . . .
- 14.1.5 Bars and cables, smooth or polished
- 14.1.6 Bars and cables, braided or twisted (including non-metallic cables) (N)
- 14.1.7 Ends of cables (showing their composition)
- 14.1.8 Distinctive cable wires (identification guides)
- 14.1.9 Jackets and casings for cables, cable grips
- 14.1.10 Cable or cord with electric plugs
- . . .
- 14.1.13 Chains (except 14.1.14)
- 14.1.14 Bicycle chains and similar chains
- A 14.1.15 One, two or three links of chain
- A 14.1.16 Chains forming a ring
- . . .

ad 14.1.6: In case of search, see also 9.1.7.

- 14.1.19 Girders, spars, rods, rails
 A 14.1.20 Profiles of girders, spars, rods, rails
 . . .
 14.1.22 Iron rods for reinforcing concrete and structural frameworks of such iron
 14.1.23 Barbed wire
 14.1.24 Wire netting
 14.1.25 Other heavy ironmongery articles

14.3 Nails, screws, small ironmongery articles

Note: In the case of searches concerning nails or screws (14.3.1, 14.3.3 and 14.3.7) or hooks (14.3.11) which do not appear clearly as such, see also, for example, 9.5.1 to 3, 9.5.8 and 9, and 9.5.6 and 7, as the case may be.

- 14.3.1 Nails
 . . .
 14.3.3 Screws, bolts, rivets, dowel pins
 . . .
 A 14.3.7 Nails or screws crossed
 . . .
 14.3.9 Screw nuts
 . . .
 14.3.11 Hooks
 . . .
 14.3.13 Collars, clamps, rings and washers, segments, joints
 . . .
 14.3.15 Door handles, hinges, butt-hinges
 . . .
 14.3.21 Springs (N)
 . . .
 14.3.25 Other small ironmongery articles

14.5 Keys for locks, locks, padlocks

- 14.5.1 One key
 . . .
 14.5.3 Two keys crossed
 14.5.4 - - other than crossed
 . . .
 14.5.6 Three keys
 14.5.7 More than three keys
 . . .

-
- 14.9 Agricultural implements and similar tools, ploughs
-
- 14.9.1 Spades, rectangular or square
14.9.2 - , round or pointed
14.9.3 Other spades
. . .
14.9.5 Pickaxes, similar tools (including ice axes)
. . .
14.9.7 Scythes
. . .
14.9.9 Sickles
. . .
14.9.11 Rakes
. . .
14.9.13 Ploughs, ploughshares
. . .
A 14.9.19 Agricultural implements and similar tools, crossed
. . .
14.9.25 Other agricultural implements and similar tools

14.11 Ladders

- 14.11.1 Single ladders
. . .
14.11.3 Double ladders
. . .
14.11.25 Other ladders

15. MACHINERY

- 15.1 Machines for industry, industrial installations, various mechanical appli-
 ances (except 15.3 and 15.5)
15.3 Machines for household use, spinning wheels
15.5 Office machines
15.7 Wheels
15.9 Electric apparatus not included in other categories

15.1 Machines for industry, industrial installations, various mechanical appliances

Note: Not including machines for household use, spinning wheels (15.3) and office machines (15.5).

- 15.1.1 Machines and installations for pressing, grinding, mixing, distilling, excavating

 15.1.5 Other industrial machines and installations

 15.1.7 Machine cylinders, conveyor belts (N)

 15.1.11 Motors, engines

 15.1.13 Propellers, ventilators, blowers, turbines, burners (N)

 15.1.15 Flat springs, shock absorbers, door closers (N)

 15.1.17 Parts and pieces of machines, of industrial installations, of motors and engines (N)

 15.1.19 Cranes, pulley blocks

 15.1.21 Sprayers, fire extinguishers

 15.1.23 Petrol pumps

 15.1.25 Various other mechanical appliances

15.3 Machines for household use, spinning wheels

- 15.3.1 Sewing machines

 15.3.5 Vacuum cleaners, polishers

 15.3.9 Other household machines not included in other categories

 15.3.11 Spinning wheels

-
- ad 15.1.7: Machine cylinders should be distinguished from cylinders in general (geometrical solids 26.6.3).
 ad 15.1.13: Includes all kinds of propellers, as well as those for aircraft or ships.
 ad 15.1.15: Includes only flat springs; spiral springs: 17.1.12, other springs: 14.3.21.
 ad 15.1.17: Including also cylinders being engine parts.

 15.5 Office machines

15.5.1 Typewriters

. . .

15.5.25 Other office machines

 15.7 Wheels

15.7.1 Cog wheels

A 15.7.2 Sawtoothed wheels, disks of circular saws

15.7.3 Segments of cog wheels, cogs

A 15.7.4 Cog wheels or segments of cog wheels with spokes

. . .

15.7.7 Ships' wheels, capstans

. . .

15.7.9 Wheels (without cogs), with or without spokes

. . .

15.7.11 Ball bearings and other bearings

. . .

15.7.13 Wheels in perspective, wheels on an axle, rollers, rolls, millstones, bobbins, spools, drums (in perspective) (N)

. . .

15.7.15 Gearing, several wheels in juxtaposition, transmission wheels

. . .

A 15.7.17 Wheels or segments with wings

A 15.7.18 - - - without any inscription or figure inside

A 15.7.19 - - - with inscription inside

A 15.7.20 - - - - human beings, animals or plants inside

A 15.7.21 - - - - other figurative elements inside

A 15.7.22 - - - - inscriptions or figures projecting outside

. . .

 15.9 Electrical apparatus not included in other categories

Note: Not including horseshoe magnets (18.2.3).

15.9.1 Batteries, piles

. . .

15.9.3 Sparking plugs

. . .

15.9.9 Electrical accessories for vehicles

15.9.10 Electric plugs (N)

 ad 15.7.13: Wheels mounted on axles are also classified in 18.1.20.

ad 15.9.10: Not including electric plugs with cables or cords (14.1.10).

- 15.9.11 Switches
 . . .
 15.9.15 Insulators
 . . .
 15.9.25 Other electrical apparatus not included in other categories

16. TELECOMMUNICATIONS, SOUND REPRODUCTION, PHOTOGRAPHY, CINEMATOGRAPHY, OPTICS

- 16.1 Telecommunications, sound reproduction
 16.3 Photography, cinematography, optics

16.1 Telecommunications, sound reproduction

- 16.1.1 Pylons, aerials, electrical and telephone posts and lines
 . . .
 16.1.5 Radio or television apparatus (N)
 . . .
 16.1.11 Telephone receivers and parts thereof
 . . .
 16.1.15 Record players
 16.1.16 Phonograph records (N)
 16.1.17 Cassettes and recording tapes
 . . .
 16.1.25 Other apparatus for the recording or reproduction of sound

16.3 Photography, cinematography, optics

- 16.3.1 Photographic and cinematographic apparatus, projection apparatus and lanterns (including lenses)
 . . .
 16.3.3 Iris diaphragms
 . . .
 16.3.5 Films, containers for films
 . . .
 16.3.11 Other articles for photography or the cinema not included in other categories
 . . .

ad 16.1.5: Not including wireless valves (13.1.18), which are classified with electric light bulbs (13.1.17), which they are similar to in shape.
 ad 16.1.16: In case of search, see also 26.1.

-
- 16.3.13 Spectacles, spectacle frames
 - . . .
 - 16.3.15 Binoculars, telescopes, field glasses, microscopes
 - . . .
 - 16.3.17 Magnifying glasses with handle
 - . . .
 - 16.3.19 Optical lenses, spectacle lenses (N)
 - . . .
 - 16.3.25 Other optical articles not included in other categories

17. HOROLOGICAL INSTRUMENTS, JEWELRY, WEIGHTS AND MEASURES

Note: Certain figurative elements placed in this category may be analogous to elements included in other categories, divisions or sections, which should also be consulted in the case of searches; for example, certain weights (17.3.11) may be analogous to truncated pyramids (26.6.7), and certain set squares (17.5.9) to triangles or angles (26.3).

- 17.1 Horological instruments
- 17.2 Jewelry
- 17.3 Weights
- 17.5 Measures

17.1 Horological instruments

- 17.1.1 Circular dials with hands
- 17.1.2 - - without hands
- 17.1.3 Sectors of circular dials with two hands
- . . .
- 17.1.5 Other dials
- . . .
- 17.1.7 Circular watches
- . . .
- 17.1.9 Other watches, clocks
- . . .
- 17.1.11 Hands of horological instruments
- 17.1.12 Spiral springs
- 17.1.13 Watch bracelets
- . . .

ad 16.3.19: Only optical lenses which are clearly identifiable will be placed in this section. Figurative elements which call to mind lenses or schematized sets of lenses will be placed in 25.3 or in 27.1.8 to 11.

-
- 17.1.15 Typical parts of watches not included in other sections or categories
 -
 - 17.1.17 Sundials
 -
 - 17.1.19 Sandglasses
 -
 - 17.1.25 Other horological articles

17.2 Jewelry

- 17.2.1 Stones cut in facets, diamonds, brilliants and the like, seen in profile (N)
- 17.2.2 Stones cut in facets, diamonds, brilliants and the like, seen from another angle (N)
-
- 17.2.5 Pearls
- 17.2.6 - or other stones in an oyster
-
- 17.2.11 Other stones
-
- 17.2.13 Necklaces
-
- 17.2.15 Bracelets
-
- 17.2.17 Rings and wedding rings
-
- 17.2.25 Other jewels

17.3 Weights

- 17.3.1 Balances with two trays
-
- 17.3.3 Other balances
-
- 17.3.5 Parts of balances
-
- 17.3.11 Typical weights
-

 17.5 Measures

- 17.5.1 Linear measures, yardsticks, graduated rulers, tape measures, surveyors' tapes and chains

- 17.5.3 Slide rules, calculating disks and cylinders

- 17.5.5 Gauges, calipers

- 17.5.7 Compasses for draftsmen and masons

- 17.5.9 Squares, French curves, T-squares

- 17.5.13 Plumb lines, lead weights for plumb lines

- 17.5.15 Levels

- 17.5.17 Dials of measuring instruments (N)

- 17.5.19 Thermometers

- 17.5.21 Compasses, mariners' compasses (N)

- 17.5.25 Other measuring instruments, markers

 18. TRANSPORT

Note: (a) Toys in the shape of vehicles will be placed in the same divisions and sections as the corresponding vehicles (see general note).

(b) Vehicles represented by letters will also be placed in 27.3.15 (inscriptions representing an object).

- 18.1 Land vehicles
- 18.2 Horseshoes, harness, whips and hunting crops
- 18.3 Vehicles for use on water and amphibious vehicles
- 18.4 Anchors, buoys and lifebelts
- 18.5 Aerial vehicles
- 18.7 Roads, and road, water or air traffic signs

ad 17.5.17: Not including dials of horological instruments (17.1).

ad 17.5.21: Not including compass cards (1.1.17).

-
- 18.1 Land vehicles
- 18.1.1 Vehicles with one wheel and vehicles with two wheels for transporting persons and merchandise
- A 18.1.2 Carriages for racing or combat, with two wheels
- 18.1.3 Bicycles, motor cycles, motor scooters, tricycles, children's scooters, and parts thereof
- 18.1.4 Perambulators, caddies (wheeled)
- 18.1.5 Horse-drawn carriages with four or more wheels (with or without horses)
- . . .
- 18.1.7 Motor vehicles (including their coachwork) (except 18.1.8)
- 18.1.8 Lorries and coaches, trolleybuses (including coachwork)
- A 18.1.9 Motor vehicles viewed from in front or behind
- . . .
- 18.1.11 Steam locomotives with or without tender
- 18.1.12 Other locomotives or motorized vehicles, wagons, tramcars
- 18.1.13 Trains
- . . .
- 18.1.15 Road rollers, tractors, road **construction or building site** vehicles
- . . .
- 18.1.17 Toboggans, sledges
- . . .
- 18.1.20 Tyres, tyre treads, inner tubes, snow chains, vehicle axles (with or without wheels) (N)
- 18.1.21 Other pieces or parts of land vehicles (N)
- . . .
- A 18.1.23 Vehicles formed of letters or objects
- . . .
- 18.1.25 Other land vehicles

18.2 Horseshoes, harness, whips and hunting crops

- 18.2.1 Horseshoes
- . . .
- 18.2.3 Figurative elements in the form of a horseshoe (including magnets)
- . . .
- 18.2.7 Stirrups, spurs
- . . .
- 18.2.11 Harness
- . . .
- 18.2.13 Saddles
- . . .
- 18.2.15 Whips and hunting crops
- . . .

ad 18.1.20: Not including wheels (15.7). Axles with wheels will also be placed in 15.7.13.

ad 18.1.21: Not including entire coachwork (18.1.7 or 8).

-
- 18.3 Vehicles for use on water or amphibious vehicles
- 18.3.1 Rowing boats, canoes, gondolas
- 18.3.2 Viking boats, galleys, boats with a single square sail (set on a yard slung horizontally from the mast)
-
- 18.3.5 Ancient sailing boats, with a pronounced sheer, and towering super-structures fore and aft
-
- 18.3.7 Large sailing boats on long slender lines, clippers
-
- 18.3.9 Other sailing boats
-
- A 18.3.11 Sailing boats with clear view of prow or stern
-
- 18.3.13 Mixed ships (sail and steam)
-
- 18.3.15 Liners
-
- 18.3.17 Other motor vessels, trawlers, tugs (including barges with or without motors)
-
- 18.3.19 Other motor boats
-
- 18.3.21 Sails, and other parts of boats not included in other divisions or categories
-
- A 18.3.23 Boats formed of letters or objects, other fanciful or highly stylized boats
-
- 18.3.25 Other means of transport on water (N)
-
- 18.4 Anchors, buoys and lifebelts
- 18.4.1 Anchors
-
- A 18.4.3 Crossed anchors
-
- 18.4.11 Buoys and lifebelts
-
- 18.5 Aerial vehicles
- 18.5.1 Balloons, captive balloons, dirigible balloons
-
- 18.5.3 Kites and similar figurative elements
-
-

ad 18.3.25: Including floating docks, amphibious vehicles and air-cushion vehicles.

-
- 18.5.5 Parachutes
 - . . .
 - 18.5.11 Aeroplanes
 - . . .
 - A 18.5.15 Stylized aeroplanes
 - . . .
 - 18.5.21 Parts of aerial vehicles not included in other divisions or categories
 - . . .
 - 18.5.23 Space rockets and capsules (N)
 - . . .
 - 18.5.25 Other aerial vehicles
-
- 18.7 Roads and road, water or air traffic signs
-
- 18.7.1 Representations of roads or intersections
 - 18.7.2 Road traffic signs
 - A 18.7.3 Road traffic signs of circular shape (real)
 - A 18.7.4 - - - - triangular shape (real)
 - A 18.7.5 - - - - circular shape (fanciful)
 - A 18.7.6 - - - - triangular shape (fanciful)
 - A 18.7.7 - - - on standards
 - A 18.7.8 Other road traffic signs
 - 18.7.9 Direction signs
 - . . .
 - 18.7.11 Road or railway traffic lights
 - . . .
 - 18.7.13 Milestones
 - . . .
 - 18.7.17 Representations of railway lines
 - . . .
 - 18.7.19 Semaphores
 - . . .
 - 18.7.23 Signal buoys
 - . . .
 - 18.7.25 Other traffic signs

 19. CONTAINERS AND PACKING, DIVERSE REPRESENTATIONS OF PRODUCTS

- 19.1 Packing cases, barrels, baskets and other large containers
- 19.3 Boxes, cases, tubes and other small containers
- 19.5 Containers opened out, unfolded
- 19.7 Bottles, flasks and flacons
- 19.8 Parts and accessories of bottles
- 19.9 Pitchers, vases, pots
- 19.11 Receptacles for laboratory use and for pharmacy
- 19.19 Representations of products which cannot be placed in other divisions or categories

 19.1 Packing cases, barrels, baskets and other large containers

- 19.1.1 Packing cases, crates, large cubical containers (N)
- 19.1.2 Tanks, gas bottles, gas cylinders
- 19.1.3 Milk cans, tins and cans (for holding liquids) of all kinds, pails (except 19.1.8)
-
- 19.1.5 Barrels lying horizontally
- 19.1.6 - standing upright
- 19.1.7 - viewed from the front
- 19.1.8 Vats, wooden buckets, milking pails
-
- 19.1.11 Jute sacks, sacks for transporting merchandise
- 19.1.12 Baskets, including baskets carried on the back (dossers)
-
- 19.1.25 Other large containers

 19.3 Boxes, cases, tubes and other small containers

- 19.3.1 Cylindrical containers, tubes for pills or for lipsticks
 -
 - 19.3.3 Small cubical containers (N)
 - A 19.3.4 Letter boxes
 - 19.3.5 Containers of other shape (including sachets)
 -
 - A 19.3.9 Open containers
 -
 - 19.3.15 Containers accompanied by bottles
 -
 - A 19.3.21 Tubes pinched at one end
 -
 - 19.3.25 Other small containers
-

ad 19.1.1: In case of search, see also 19.3.3.

ad 19.3.3: In case of search, see also 19.1.1.

 19.5 Containers opened out, unfolded

 19.7 Bottles and flasks

- 19.7.1 Bottles and flasks in horizontal cross section other than circular or elliptical
- 19.7.2 - - - representing a human being, an animal, an inanimate object, or parts thereof (N)
- 19.7.3 - - - , slender
- 19.7.4 - - - , squat
- 19.7.5 - - - , flat
- 19.7.6 Bottles, cut glass
- A 19.7.7 Bottles and flasks without neck, or with a very short neck
- A 19.7.8 - - - with a long neck (more than one-third of the total height of the bottle)
- A 19.7.9 - - - - sloping neck
- A 19.7.10 - - - - a bulbous or similarly enlarged neck
- A 19.7.11 - - - - a narrow neck in relation to the body of the bottle
- A 19.7.12 - - - without shoulders, or with scarcely defined or slanting (drooping) shoulders (N)
- . . .
- A 19.7.14 - - - with well-defined shoulders (standing out) (N)
- A 19.7.15 - - - - straight sides
- A 19.7.16 - - - - inward-curving sides
- A 19.7.17 - - - - bulging, protruding or rounded sides
- . . .
- A 19.7.20 - - - - sides closing in at the neck or mouth
- A 19.7.21 - - - - - - - - base
- A 19.7.22 - - - - protruding base
- A 19.7.23 - - - - vertical ribs
- A 19.7.24 - - - - ribs other than vertical
- 19.7.25 Other bottles and flasks

 19.8 Parts and accessories of bottles

19.8.1 Necks of bottles

. . .

19.8.5 Stoppers

. . .

ad 19.7.2: Bottles and flasks representing a human being, an animal, an inanimate object, or parts thereof will also be placed in the corresponding categories, divisions and sections with human beings, animals or objects (see general note).

ad 19.7.12 and 14: The term "shoulder" used in describing bottles or flasks means the transition zone between neck and body.

19.8.7 Sealing capsules

. . .

19.8.25 Other parts and accessories of bottles

19.9 Pitchers, vases, pots

19.9.1 Flagons, jars, vases or similar vessels, with or without handles

. . .

19.9.3 Flower vases, decorative vases and pots

. . .

19.9.5 Jam jars, preserving jars

. . .

19.9.7 Garden pots, flower pots

. . .

19.9.9 Flower stands, window boxes

. . .

19.11 Receptacles for laboratory use and for pharmacy

19.11.1 Mortars

. . .

19.11.5 Retorts, spherical or ovoid

. . .

19.11.7 Triangular retorts

. . .

19.11.9 Receptacles of spherical shape (balloon flasks)

. . .

19.11.11 Receptacles of triangular shape

. . .

19.11.13 Test tubes

. . .

19.11.15 Phials

. . .

19.11.17 Capsules for medicines (including suppositories)

. . .

19.11.25 Other receptacles for laboratory use and for pharmacy

19.19 Representations of products which cannot be placed in other divisions
or categories

20. WRITING, DRAWING AND PAINTING MATERIALS, OFFICE REQUISITES, STATIONERY
AND BOOKSELLERS' GOODS

- 20.1 Writing, drawing or painting materials
 20.3 Office requisites (not included in other divisions)
 20.5 Papers and documents
 20.7 Books, bookbindings, newspapers

20.1 Writing, drawing and painting materials

- 20.1.1 Pencils
 . . .
 20.1.3 Pens
 . . .
 20.1.5 Pen nibs
 . . .
 20.1.7 Rubbers
 . . .
 20.1.9 Rubber stamps
 . . .
 20.1.11 Paint brushes
 . . .
 20.1.13 Painters' palettes
 . . .
 20.1.15 Artists' easels
 . . .
 20.1.17 Painters' rollers
 . . .
 20.1.19 Printer's inking pads
 . . .
 20.1.25 Other writing, drawing and painting materials (N)

20.3 Office requisites

Note: Not including office requisites classified in other divisions of this category, or office furniture (12.1).

20.5 Papers and documents

- 20.5.1 Parchments and similar documents with furled or fringed edges
 . . .

ad 20.1.25: Not including typewriters (15.5.1), graduated rulers (17.5.1), compasses (17.5.7) or squares (17.5.9).

- 20.5.5 Other documents bearing handwritten or printed texts, tables or characteristic layouts
 . . .
 20.5.7 Plans, diagrams
 . . .
 20.5.11 Sheets of writing paper
 . . .
 20.5.13 Envelopes
 20.5.14 Labels
 A 20.5.15 Tie-on labels, visiting cards
 A 20.5.16 Labels in the form of bands, such as cigar bands
 . . .
 20.5.21 Postage stamps and similar stamps
 . . .
 20.5.23 Bank notes
 . . .
 20.5.25 Other papers and documents

20.7 Books, bookbindings, newspapers

- 20.7.1 Books, newspapers and similar documents (open)
 20.7.2 Other books
 . . .
 20.7.5 Bookbindings, filing jackets
 . . .
 20.7.7 Magazines
 . . .

21. GAMES, TOYS, SPORTING ARTICLES, ROUNDABOUTS

- 21.1 Games and toys
 21.3 Sporting articles, roundabouts

21.1 Games and toys

- 21.1.1 Figures on playing cards: King, Queen, Jack (N)
 21.1.2 - - - - : Spade
 21.1.3 - - - - : Diamond

ad 21.1.1: Representations of the heart as a figure on playing cards are classified with parts of the human body in 2.9.1.

- 21.1.4 Figures on playing cards: Club
- 21.1.5 Mixed figures (except Kings, Queens, Jacks and the four aces)
- 21.1.6 The four figures (Spade, Heart, Diamond, Club) together
- 21.1.7 Playing cards
- . . .
- 21.1.9 Playing dice, dominoes
- . . .
- 21.1.11 Draughtboards, chessboards
- . . .
- 21.1.13 Chessmen
- . . .
- 21.1.15 Building blocks, similar construction kits
- . . .
- 21.1.25 Other games or toys (N)

21.3 Sporting articles, roundabouts

- 21.3.1 Footballs and other balls (sporting articles)
- . . .
- 21.3.3 Skittles
- . . .
- 21.3.5 Racquets
- . . .
- 21.3.7 Golf clubs, hockey sticks
- . . .
- 21.3.9 Skis, points of skis, ski-sticks
- . . .
- 21.3.11 Skates
- . . .
- 21.3.13 Dumb-bells
- . . .
- 21.3.15 Tackle for fishing and hunting (N)
- 21.3.16 Nets for fishing and hunting
- . . .
- 21.3.19 Roundabouts, chutes
- . . .
- 21.3.21 Targets, with or without arrows
- . . .
- 21.3.25 Other sporting and gymnastic articles

ad 21.1.25: Not including dolls or other toys in the shape of a particular being, animal or object which is already classified in another section (see general note).

ad 21.3.15: Not including arms (23.1 and 3).

22. MUSIC, PICTURES, SCULPTURE

Note: Not including musical scores (24.17).

22.1 Musical instruments

22.3 Bells

22.5 Pictures, statues and sculptures

22.1 Musical instruments

22.1.1 Tuning forks

. . .

22.1.3 Percussion instruments, gongs, drums, bass drums, kettledrums,
chimes (N)

. . .

22.1.5 Cymbals

. . .

22.1.7 Drumsticks and similar figurative elements

. . .

22.1.11 Wind instruments (brass)

. . .

A 22.1.13 Hunting horns

22.1.14 Wind instruments (wood)

22.1.15 Keyboard instruments (except 22.1.16 and accordions: 22.1.25)

22.1.16 Pipe organs

22.1.17 Violins, mandolines, guitars

. . .

22.1.19 Lyres, harps

. . .

22.1.21 Parts and accessories of musical instruments

. . .

22.1.25 Other musical instruments

22.3 Bells

22.3.1 Bells (except 22.3.2)

22.3.2 Typical cattle bells and small bells

. . .

A 22.3.5 One bell

A 22.3.6 Two bells

A 22.3.7 Three bells

A 22.3.8 More than three bells

. . .

22.3.21 Small globular bells

. . .

ad 22.1.3: The French text contains a note which does not concern the English text.

22.5 Pictures, statues and sculptures

Note: Gobelin tapestries will be placed in the same manner as pictures (see general note).

- 22.5.1 Pictures, with or without frame
- . . .
- A 22.5.3 Famous pictures
- . . .
- 22.5.7 Egyptian statues and sculptures
- . . .
- 22.5.9 Oriental and Hindu statues and sculptures
- . . .
- 22.5.11 Statues and sculptures of nude women
- 22.5.12 - - - - clothed women
- 22.5.13 - - - - nude men
- 22.5.14 - - - - clothed men
- 22.5.15 - - - - groups
- . . .
- 22.5.17 Equestrian statues and sculptures
- . . .
- 22.5.19 Statues and sculptures of animals
- . . .
- 22.5.21 Other statues and sculptures
- . . .

23. ARMS, MUNITIONS, ARMOUR

Note: Not including military tanks, war-planes, war-ships (18).

- 23.1 Side arms
- 23.3 Firearms, munitions
- 23.5 Armour

- 23.1 Side arms
- 23.1.1 Sabres, swords, daggers
- A 23.1.2 - - - , crossed
- . . .
- 23.1.5 Bows
- . . .
- 23.1.7 Crossbows
- . . .

23.1.11 Lances
 . . .
 23.1.25 Other side arms (N)

23.3 Firearms, munitions

23.3.1 Cannons (N)
 . . .
 23.3.3 Rifles
 . . .
 23.3.5 Pistols
 . . .
 A 23.3.7 Crossed arms
 . . .
 23.3.11 Sporting cartridges
 . . .
 23.3.13 Ball cartridges
 . . .
 23.3.15 Shells and rockets
 . . .
 23.3.17 Grenades, with flames
 . . .
 23.3.25 Other munitions

23.5 Armour

Note: Sometimes it will be necessary to place in this division certain figurative elements already classified elsewhere; thus, a helmeted head (2.1.1) will also be placed in section 23.5.5.; similarly, a man in armour (2.1.2) will also be placed in 23.5.1.

23.5.1 Complete armour
 . . .
 23.5.5 Helmets
 . . .
 23.5.11 Other parts of armour
 . . .

ad 23.1.25: Including, for example, clubs, catapults, battle-axes and arrows used alone.

ad 23.3.1: Including self-propelled artillery cannons, rocket launches and similar arms.

24. HERALDRY, EMBLEMS, SYMBOLS

- 24.1 Shields, coats of arms
- 24.3 Seals, stamps
- 24.5 Medals, coins
- 24.6 Decorations, orders
- 24.7 Flags and similar emblems
- 24.9 Crowns
- 24.11 Emblems, insignia
- 24.13 Crosses
- 24.15 Arrows
- 24.17 Signs, notations, various symbols

24.1 Shields, coats of arms

Note: It is not necessary to place separately, in the corresponding sections, figurative elements constituting charges on coats of arms unless they are of particular interest because of their originality or dimensions.

- 24.1.1 Blank shields (without partition, honorable ordinary or charges)
- . . .
- 24.1.3 Shields with one or more partitions
- . . .
- 24.1.7 Shields containing one or more figurative elements
- A 24.1.8 Shields charged with representations of human beings or parts of the human body
- A 24.1.9 - - - - - animals or parts of animals' bodies
- A 24.1.10 - - - - - plants, landscapes or buildings
- A 24.1.11 - - - - - boats or anchors
- A 24.1.12 - - - letters or inscriptions
- A 24.1.13 - - - other figurative elements
- . . .
- 24.1.15 Shields surmounted by ornaments
- . . .
- 24.1.19 Shields with exterior ornaments (excluding 24.1.15)
- . . .
- 24.1.23 Several shields or coats of arms
- . . .
- 24.1.25 Shields of unusual shape

24.3 Seals, stamps

Note: (a) Not including figurative elements composed of two concentric circles or ovals having an inscription within the crown thus formed (26.1.22 or 23).

(b) It is not necessary to place separately, in the corresponding sections, figurative elements embodied in seals or stamps, unless they are of particular interest because of their originality or dimensions.

- 24.3.1 Seals or stamps only
- 24.3.2 - - - attached or applied to a document or an object
- . . .
- A 24.3.5 - - - with regular border
- . . .
- A 24.3.7 - - - , circular
- A 24.3.8 - - - , oval
- A 24.3.9 - - - having some other form
- . . .
- A 24.3.11 - - - consisting of a monogram or one or more letters as the sole or essential element
- A 24.3.12 - - - - - a word as the sole or essential element
- A 24.3.13 - - - - - a figurative element as the sole or essential element
- . . .
- A 24.3.15 - - - - - both a monogram and/or a word and a figurative element, where none of these elements is predominant.
- . . .

24.5 Medals, coins

Note: It is not necessary to place separately, in the corresponding sections, figurative elements inscribed on medals or coins unless they are of particular interest because of their originality or dimensions.

- 24.5.1 One medal or coin bearing the representation of a human head
- 24.5.2 - - - - - being
- 24.5.3 - - - - - some other figurative element
- . . .
- 24.5.5 Two medals or coins, or one medal or coin presenting both obverse and reverse
- . . .
- A 24.5.7 Three medals or coins
- . . .
- A 24.5.9 Four medals or coins
- . . .
- A 24.5.11 More than four medals or coins forming a straight, broken or slightly incurved line
- . . .

- A 24.5.13 More than four medals or coins forming a curved line
. . . .
- A 24.5.15 Several medals or coins forming a circle, an oval, a rectangular figure,
a frame
. . . .
- 24.5.17 Other groups of medals or coins
. . . .

24.6 Decorations, orders

Note: It is not necessary to place separately, in the corresponding sections, figurative elements embodied in decorations unless they are of particular interest because of their originality or dimensions.

- 24.6.1 Golden fleece
. . . .
- 24.6.25 Other decorations or orders

24.7 Flags and similar emblems

Note: It is not necessary to place separately, in the corresponding sections, figurative elements embodied in flags and similar emblems, unless they are of particular interest because of their originality or dimensions.

- 24.7.1 One flag
. . . .
- 24.7.3 Two flags crossed
. . . .
- 24.7.5 Flags held in arms
. . . .
- 24.7.7 Other groups of flags
. . . .
- A 24.7.11 Flags in the form of a banderole
. . . .
- A 24.7.13 - - which the part farthest from the staff is rounded or tapers
to a point or swallow tail
. . . .
- A 24.7.15 - - the form of a triangle
. . . .
- A 24.7.21 Several flags on the same flagstaff, on the same cable
. . . .
- 24.7.25 Other similar emblems

 24.9 Crowns

Note: The terms used to define the different types of crowns are to be understood in the sense given to them in French by the "Nouveau Larousse illustré" in two volumes, and in English by Webster's "New International Dictionary."

- 24.9.1 One crown alone, with or without any other verbal or figurative elements
- 24.9.2 Two or more crowns, with or without any other verbal or figurative elements
-
- A 24.9.5 Crowns with cap of estate or chapeau (of emperors, kings), tiaras
- A 24.9.6 Coronets with foliage dominant (of princes, dukes, marquises)
- A 24.9.7 - - spheres on the tips of the points (of counts, viscounts, barons)
- A 24.9.8 Crowns having the upper rim indented to resemble towers or battlements (Roman mural crowns)
- A 24.9.9 Crowns having three triangular points
- A 24.9.10 - - more than three triangular points
- A 24.9.11 - with points in the form of arrows (lanceolate)
- A 24.9.12 Crowns composed of letters or other figurative elements (N)
-
- A 24.9.14 - surmounting a letter or one or more numbers
- A 24.9.15 - - a monogram
- A 24.9.16 - - the centre part of another inscription
- A 24.9.17 - - - commencement of another inscription
- A 24.9.18 - - - termination of another inscription
- A 24.9.19 - including an inscription or incorporated in a letter
- A 24.9.20 - barred by an inscription or dividing such inscription
- A 24.9.21 - surmounting an animal
- A 24.9.22 - - a plant
- A 24.9.23 - - an anchor, a weapon, a tool, or a mechanical item
- A 24.9.24 - - another figurative element (N)
- A 24.9.25 Crowns presenting other characteristics

 24.11 Emblems, insignia

- 24.11.1 Roman ensigns, imperial eagles, lictors' fasces, sceptres
-
- 24.11.3 Staves with wings (Mercury's staff)
-
- 24.11.5 Crooked sticks, shepherds' crooks, pastoral staffs
-
- 24.11.7 Neptune's tridents
-

ad 24.9.12: These figurative elements may also be placed in 27.3.15.

ad 24.9.24: Not including crowns surmounted by a shield (24.1.15), a scroll or a border or similar decorative elements (24.9.1 and 2)

- 24.11.11 Globes surmounted by a cross
 . . .
 24.11.13 Mitres
 24.11.14 Winged helmets (Mercury's helmet)
 . . .
 24.11.16 Horns of plenty
 . . .
 24.11.21 Braid (as decoration of honor or rank)
 . . .
 24.11.25 Other emblems or insignia (N)

24.13 Crosses

Note: (a) The term "cross" should be understood in the sense given to it in French by the "Nouveau Larousse illustré" in two volumes, and in English by Webster's "New International Dictionary."

(b) If the distinction between a cross and the mathematical "plus" sign (+) is difficult to make, the figurative element in question will be placed in the appropriate sections of divisions 24.13 and 24.17.

- 24.13.1 Greek crosses, St. Andrew's crosses
 24.13.2 Latin crosses, tau crosses
 24.13.3 Crosses of Lorraine, Papal crosses
 24.13.4 Maltese crosses
 . . .
 A 24.13.9 Crosses formed by intersecting lines
 . . .
 A 24.13.11 - - by word elements (N)
 A 24.13.12 - enframing a cross formed by word elements
 A 24.13.13 - containing a word element
 A 24.13.14 - - a figurative element
 . . .
 A 24.13.17 - following or preceding an inscription or uniting two word elements
 . . .
 A 24.13.21 - with rays or radiating lines
 A 24.13.22 - within a circle or a polygon
 A 24.13.23 - - a square or rectangle
 A 24.13.24 - - any other figurative element
 24.13.25 - in some other form

ad 24.11.25: In view of their frequent occurrence, it is recommended that representations of the snake and cup be placed only in 3.11.2 or in 3.11.3, respectively.

ad 24.13.11: Since crosses composed of word elements are numerous, they will be placed in this section only, and not in 27.3.15.

-
- 24.15 Arrows
- 24.15.1 One arrow
- 24.15.2 Two arrows
- 24.15.3 More than two arrows
- . . .
- A 24.15.5 Arrows with barbs
- . . .
- A 24.15.7 - barring a letter or a monogram
- A 24.15.8 - underlining, piercing, barring or overlining a word
- A 24.15.9 - prolonging a letter
- . . .
- A 24.15.11 - underlining, piercing, barring or overlining a figurative element, or combining with it
- . . .
- A 24.15.13 - forming a circle, an arc of a circle, a ring
- . . .
- A 24.15.17 - composed of letters (N)
- . . .
- 24.15.21 Arrowheads
- . . .
- 24.17 Signs, notations, various symbols
- 24.17.1 Punctuation marks
- . . .
- 24.17.5 Mathematical sign + alone
- 24.17.6 - signs + and - together
- 24.17.7 - sign x alone
- 24.17.8 Symbol of infinity
- 24.17.9 Other mathematical signs
- 24.17.10 Musical symbols
- A 24.17.11 Treble clefs alone
- A 24.17.12 Notes alone
- A 24.17.13 Treble clefs, notes with stave, and staves alone
- . . .
- 24.17.15 Astronomical or astrological signs, conventional representations of the zodiac, signs for masculine or feminine
- . . .
- 24.17.21 Chinese symbol of eternity (yin-yang) and similar figures
- . . .
- 24.17.25 Other signs, notations and miscellaneous symbols
-

25. ORNAMENTAL MOTIFS, SURFACES, BACKGROUNDS

- 25.1 Ornamental motifs (except 5.13 and 25.3)
- 25.3 Geometrical cartouches
- 25.5 Surfaces and backgrounds divided into two, into four, or with crossed bands
- 25.6 Surfaces and backgrounds with vertical, horizontal or oblique bands or hatching
- 25.7 Surfaces and backgrounds covered with repeated figurative elements or inscriptions
- 25.8 Surfaces and backgrounds with rays or radiating lines
- 25.12 Other surfaces and backgrounds

25.1 Ornamental motifs

Note: Not including ornamental motifs composed of plants (5.13) or geometrical cartouches (25.3). However, some ornamental motifs composed of very stylized plants may also be placed in the corresponding sections of division 25.1.

- 25.1.1 Frontispieces (title pages and ornamental motifs for labels)
- . . .
- 25.1.5 Ornamental bands and borders (except 25.1.9)
- 25.1.6 Banderoles
- . . .
- 25.1.9 Complete or partial framework and frames
- A 25.1.10 - framework and frames of geometrical form or not
- A 25.1.11 - - - - - any form, outlined
- . . .
- A 25.1.13 Partial frames or similar motifs, embellishments
- A 25.1.14 - - - - - , in outline
- . . .
- 25.1.17 Bottle collarettes (neck labels)
- . . .
- 25.1.19 Labels for bottles not included in foregoing sections
- . . .
- 25.1.25 Other ornamental motifs

25.3 Geometrical cartouches

- 25.3.1 Geometrical cartouches
- A 25.3.2 Ordinary cartouches with both extremities rounded
- A 25.3.3 Quadrangular cartouches with corners cut off, indented or projecting (crossettes)
- . . .
- A 25.3.5 Cartouches with one extremity in the form of a circle or an oval
- . . .
- A 25.3.7 Elongated cartouches with entasis in the middle
- . . .

- 25.6.4 Surfaces or backgrounds with mixed bands (vertical, horizontal or oblique, the bands not being crossed)
- . . .
- 25.6.7 Surfaces or backgrounds with wavy band(s)
- 25.6.8 - - - - band(s) in zigzag or chevron pattern
- . . .
- 25.6.11 - - - - hatching
- . . .
- 25.6.25 Other surfaces or backgrounds with vertical, horizontal or oblique bands or hatching

25.7 Surfaces or backgrounds covered with repeated figurative elements or inscriptions

- 25.7.1 Surfaces or backgrounds in check pattern
- 25.7.2 - - - covered with lozenge shapes
- 25.7.3 - - - - - rectangles
- . . .
- 25.7.5 - - - - - polygons
- 25.7.6 - - - - - circles or ovals
- 25.7.7 - - - - - dots
- . . .
- 25.7.11 - - - - - other repeated geometrical motifs (N)
- 25.7.12 - - - - - some other repeated figurative element (N)
- . . .
- 25.7.15 - - - - - filigree work
- . . .
- 25.7.17 - - - - - a repeated inscription
- . . .
- 25.7.25 Other surfaces or backgrounds covered with repeated figurative elements or inscriptions

25.8 Surfaces or backgrounds with rays or radiating lines

25.12 Other surfaces or backgrounds

- 25.12.1 Surfaces or backgrounds divided irregularly by straight lines
- 25.12.2 - - - - - curved lines
- . . .
- 25.12.25 Other surfaces or backgrounds (moiré, etc.)

ad 25.7.11: Not including backgrounds covered with geometrical motifs often used in the decoration of textiles: tartans, Prince of Wales and hounds-tooth checks, herringbone patterns (9.1.12 or 9.1.13).

ad 25.7.12: Not including irregular scatterings of leaves (5.3.16).

26. GEOMETRICAL FIGURES

Note: (a) Not including inscriptions forming geometrical figures (27.1).

(b) Geometrical figures inscribed within another geometrical figure will, in principle, be placed in the division corresponding to the latter. Other combinations of geometrical figures will be placed in 26.7.

- 26.1 Circles and ovals (including ellipses)
- 26.2 Segments or sectors of circles or ovals
- 26.3 Triangles
- 26.4 Quadrilaterals
- 26.5 Other polygons
- 26.6 Geometrical solids
- 26.7 Combinations of geometrical figures not included in the preceding divisions of category 26
- 26.8 Other geometrical figures, indefinable designs
- 26.11 Lines

26.1 Circles and ovals

Note: Including ellipses.

- 26.1.1 Circles (N)
- 26.1.2 Ovals (including ellipses) (N)
- A 26.1.3 One circle or oval, without inscription or drawing
- 26.1.4 Two circles or ovals, one inside the other, forming a crown (ring), without inscription or drawing
- 26.1.5 More than two circles or ovals, one inside the other (concentric or otherwise), or spirals
- 26.1.6 Several circles or ovals juxtaposed, tangential, or intersecting
- 26.1.7 Circles containing one or more inscribed ovals
- 26.1.8 - - - - - polygons
- 26.1.9 Ovals containing one or more inscribed circles or polygons
- 26.1.10 Circles or ovals containing one or more inscribed triangles or angles
- 26.1.11 - - - - - quadrilaterals
- 26.1.12 - - - - - other inscribed geometrical figures
- A 26.1.13 - - - - - human beings, animals or plants
- A 26.1.14 - - - - - heavenly bodies or natural phenomena
- A 26.1.15 - - - - - one or more other figurative elements
- A 26.1.16 - - - - - one or more numerals
- A 26.1.17 - - - - - a single letter
- A 26.1.18 - - - - - several letters or one or more monograms

ad 26.1.1 and 2: If it is difficult to ascertain whether a given figure is a circle or an oval or ellipse, the figurative element in question should be placed in 26.1.1 and 26.1.2.

- A 26.1.19 Circles or ovals containing one or more inscriptions arranged in relation to the radius
- A 26.1.20 - - - - one or more inscriptions arranged in relation to the diameter
- A 26.1.21 - - - having one or more inscriptions projecting beyond the circumference
- A 26.1.22 - - - containing one or more inscriptions arranged in circular or oval form
- A 26.1.23 - - - - one or more inscriptions arranged in some other form
- A 26.1.24 - - - with a dark ground
- . . .
- 26.2 Segments or sectors of circles or ovals
-
- 26.2.1 One segment
- . . .
- 26.2.3 One sector
- . . .
- 26.2.5 Two or more juxtaposed or intersecting segments or sectors
- . . .
- 26.3 Triangles
-
- 26.3.1 One triangle
- 26.3.2 Two triangles having parallel sides or not, one being inside the other or not
- 26.3.3 More than two triangles, some inside others, the sides being parallel or not
- 26.3.4 Triangles juxtaposed, joined, or intersecting (except 26.3.2 and 26.3.3)
- A 26.3.5 - pointing downwards
- A 26.3.6 Triangular figures with convex sides
- A 26.3.7 - - - concave sides
- 26.3.8 Triangles containing one or more inscribed circles, ovals or polygons
- 26.3.9 - - - - - quadrilaterals
- 26.3.10 - - - - other inscribed geometrical figures
- A 26.3.11 - - - - human beings
- A 26.3.12 - - - - animals
- A 26.3.13 - - - - plants
- A 26.3.14 - - - - heavenly bodies, natural phenomena
- A 26.3.15 - - - - other figurative elements
- A 26.3.16 - barred by one or more inscriptions projecting beyond the limits thereof
- A 26.3.17 - containing one or more numerals
- A 26.3.18 - - a single letter
- A 26.3.19 - - several letters or one or more monograms

- A 26.3.20 Triangles containing one or more words
 . . .
 26.3.23 Angles
 A 26.3.24 Triangles with a dark ground
 . . .
- 26.4 Quadrilaterals
- 26.4.1 Squares (N)
 26.4.2 Rectangles (N)
 26.4.3 Rhombs or squares standing on one of the corners thereof (N)
 26.4.4 Trapezia, other irregular parallelograms and quadrilaterals (N)
 A 26.4.5 One quadrilateral without inscription or drawing
 26.4.6 Several quadrilaterals, some inside others, forming a frame
 26.4.7 - - - - - , not forming a frame
 26.4.8 - - - juxtaposed, joined, or intersecting
 A 26.4.9 Quadrilaterals with convex sides (N)
 A 26.4.10 - - concave sides (N)
 26.4.11 - containing one or more inscribed circles, ovals or polygons
 26.4.12 - - - - - triangles
 26.4.13 - - - - - other inscribed geometrical figures
 A 26.4.14 - - - - - human beings
 A 26.4.15 - - - - - animals
 A 26.4.16 - - - - - plants
 A 26.4.17 - - - - - heavenly bodies, natural phenomena
 A 26.4.18 - - - - - other figurative elements
 A 26.4.19 - barred by one or more inscriptions projecting beyond the limits thereof
 A 26.4.20 - containing one or more numerals
 A 26.4.21 - - a single letter
 A 26.4.22 - several letters, one or more monograms, or one or more words
- 26.4.23 Parallel planes
 A 26.4.24 Quadrilaterals with a dark ground
 26.4.25 Other quadrilaterals

ad 26.4.1 to 4: If it is difficult to ascertain whether a given figure is a square, a rectangle, a rhomb or a trapezium, the figurative element should be placed in each of the appropriate sections (26.4.1 to 4).

ad 26.4.9 and 10: Include only quadrilaterals with four convex or concave sides; quadrilaterals with two convex or concave sides are classified in 25.3.11 and 25.3.13.

26.5 Other polygons

Note: (a) Concave polygons constituting figurative elements which cannot be placed elsewhere will be placed in 26.8.

(b) Flattened polygons with five sides or more will be placed in 25.3.9.

- 26.5.1 One polygon
- 26.5.2 Several polygons, some inside others, forming a frame
- 26.5.3 - - - - - , not forming a frame
- 26.5.4 - - juxtaposed, joined, or intersecting
- A 26.5.5 Polygons with convex sides
- A 26.5.6 - - concave sides
- 26.5.7 - containing one or more inscribed circles or ovals
- 26.5.8 - - - - - triangles
- 26.5.9 - - - - - quadrilaterals
- 26.5.10 - - - - - other inscribed geometrical figures
- A 26.5.11 - - - - - human beings
- A 26.5.12 - - - - - animals
- A 26.5.13 - - - - - plants
- A 26.5.14 - - - - - heavenly bodies, natural phenomena
- A 26.5.15 - - - - - other figurative elements
- A 26.5.16 - banded by one or more inscriptions projecting beyond the limits thereof
- A 26.5.17 - containing one or more numerals
- A 26.5.18 - - a single letter
- A 26.5.19 - - several letters or one or more monograms
- A 26.5.20 - - one or more inscriptions arranged in relation to the radius
- A 26.5.21 - - - - - inscriptions arranged in relation to the diameter
- A 26.5.22 - - - - - inscriptions arranged in some other form
- . . .
- A 26.5.24 - with a dark ground
- . . .

26.6 Geometrical solids

26.6.1 Spheres

. . .

26.6.3 Cylinders

. . .

26.6.5 Cones

. . .

26.6.7 Pyramids

. . .

26.6.9 Cubes

. . .

-
- 26.6.11 Parallelepipeds
 . . .
- 26.6.13 Prisms
 . . .
- 26.6.15 Other polyhedrons
 . . .
- 26.6.25 - geometrical solids
-
- 26.7 Combinations of geometrical figures not included in the preceding divisions of category 26
-
- 26.7.1 Circle(s) with segment(s) and/or sector(s) of circle or oval
 . . .
- 26.7.3 - - triangle(s) or angle(s)
 . . .
- 26.7.5 - - quadrilateral(s)
 . . .
- 26.7.7 - - polygon(s)
 . . .
- 26.7.9 Segment(s) or sector(s) of circle or of oval with triangle(s) or angle(s)
 . . .
- 26.7.11 - - - - - quadrilateral(s)
 . . .
- 26.7.13 - - - - - polygon(s)
 . . .
- 26.7.15 Triangle(s) or angle(s) with quadrilateral(s)
 . . .
- 26.7.17 - - - - polygon(s)
 . . .
- 26.7.19 Quadrilateral(s) with polygon(s)
 . . .
- 26.7.25 Other combinations of geometrical figures
-
- 26.8 Other geometrical figures, indefinable designs
-
- 26.8.1 Stains, spots, blots
 . . .
- 26.8.25 Other geometrical figures, indefinable designs

 26.11 Lines

- 26.11.1 One line constituting the sole or essential figurative element
- 26.11.2 Figures formed by two lines
- 26.11.3 More than two lines not constituting a band
-
- A 26.11.5 Thin lines
- A 26.11.6 Thick lines
- A 26.11.7 Vertical lines
- A 26.11.8 Horizontal lines
- A 26.11.9 Oblique lines
- A 26.11.10 Straight lines
- A 26.11.11 Broken lines
- A 26.11.12 Curved lines
- A 26.11.13 Wavy lines, zigzag lines
- A 26.11.14 Dotted lines
-
- A 26.11.21 Bands of lines evoking speed or propulsion
-
- 26.11.25 Other lines

 27. FORMS OF WRITING, NUMERALS

- 27.1 Written or typographical matter forming geometrical figures
- 27.3 Written or typographical matter forming a being, a plant or an object
- 27.5 Other written or typographical matter presenting a characteristic form of writing
- 27.17 Numerals

 27.1 Written or typographical matter forming geometrical figures

Note: In view of their great number and particular character, cases of written or typographical matter representing geometrical figures will be placed in this division only, and not in category 26.

- 27.1.1 Written or typographical matter forming a triangle (surface or periphery)
- 27.1.2 - - - - - a square or a rectangle (surface or periphery)
- 27.1.3 - - - - - a rhomb (surface or periphery)
- 27.1.4 - - - - - a polygon (surface or periphery)
- 27.1.5 - - - - - a disk (covering the surface of the circle, taking its exact shape)

27.1.6	Written or typographical matter forming a circle (forming the circumference) (N)
27.1.7	- - - - - an oval (surface or periphery)
27.1.8	- - - - - a plano-convex lens, a semi-circle, or a semi-oval
27.1.9	- - - - - a plano-concave lens
27.1.10	- - - - - a biconvex lens (N)
27.1.11	- - - - - a biconcave lens
27.1.12	- - - - - an arc of an annulus (an arc of concentric circles)
27.1.13	- - - - - a wavy or zigzag band
. . .	
27.1.25	- - - - - some other geometrical figure
<hr/>	
27.3	Written or typographical matter forming a being, a plant or an object
<hr/>	
A 27.3.1	Written or typographical matter representing a human being (N)
. . .	
A 27.3.3	- - - - - an animal (N)
. . .	
A 27.3.11	- - - - - a plant (N)
. . .	
A 27.3.15	- - - - - an object (N)
. . .	
<hr/>	
27.5	Other written or typographical matter presenting a characteristic form of writing
<hr/>	
27.5.1	Written or typographical matter in handwritten characters or in characters imitating linked handwriting
27.5.2	- - - - - in characters sketched in outline, with the inner portion in white or black
27.5.3	- - - - - in characters in three dimensions or shaded
27.5.4	- - - - - in characters embellished or decorated with drawings
27.5.5	- - - - - in characters containing other written or typographical matter

ad 27.1.6 : Not including written or typographical matter forming a circle within another circle (26.1.22).

ad 27.1.10: In case of search, see also 27.1.7.

ad 27.3.1 and 27.3.3: Written or typographical matter representing human beings or animals is to be placed in any case in 4.5.4 or 4.5.14.

ad 27.3.11 and 27.3.15: Written or typographical matter representing a plant or an object is to be placed in any case with the plants or objects which it represents. However, written or typographical matter forming a cross will be placed in 24.13.11 and written or typographical matter

- 27.5.6 Written or typographical matter in characters composed of a collection of drawings
- 27.5.7 - - - - with one or several characters surmounted by a sign of disproportionate size (a dot, star or flower on a letter "i", etc.)
- 27.5.8 - - - - linked to a figurative element
- 27.5.9 - - - - composed of series of different characters (upright characters, then sloping, or vice versa, etc.)
- 27.5.10 - - - - , vertical or diagonal
- 27.5.11 - - - - underlined, overlined or barred by one or more lines
- 27.5.12 - - - - crossed or barred by other written or typographical matter
- 27.5.13 - - - - in perspective (decreasing towards one of the extremities)
- 27.5.14 - - - - repeated symmetrically (mirror effect)
- 27.5.15 - - - - in characters separated from one another by frameworks, varying levels, different colours, or in any other manner
- A 27.5.16 - - - - in light-coloured characters on a dark background
- 27.5.17 - - - - in typical heavy characters
- 27.5.18 One or several words forming a step or a staircase
- 27.5.19 Words in overlapping characters
- 27.5.20 - with letters standing out boldly from the text
- 27.5.21 - presenting some other characteristic form of writing
- A 27.5.22 Monograms (letters intertwined, overlapping)
- A 27.5.23 Several letters, without overlapping
- A 27.5.24 One letter
- . . .
- 27.17 Numerals
- 27.17.1 Numerals in handwritten characters or imitating these characters (in writing, linked or otherwise)
- 27.17.2 - sketched in outline, with the inner portion in white or black
- 27.17.3 - in three dimensions or shaded
- 27.17.4 - embellished, containing inscriptions, or constituting a figurative element (a being or an object)
- . . .
- 27.17.7 - in typical heavy characters
- . . .
- 27.17.9 - in light-coloured characters on a dark background
- . . .
- 27.17.11 - joined to a letter or a figurative element
- . . .
- 27.17.15 - overlapping, or numbers composed of irregular characters, or arranged irregularly
- . . .

- 27.17.17 Numerals barred by an inscription or a figurative element
. . .
27.17.19 Roman numerals
. . .
27.17.23 Characters constituted solely by one or more numerals (without any
figurative or verbal element)
. . .
27.17.25 Other characteristic numerals

28. INSCRIPTIONS IN VARIOUS CHARACTERS

Note: Naturally, no account should be taken, in a given country, of the division relating to inscriptions in characters normally used in that country. In such cases, the inscriptions constitute word marks.

28.1 Inscriptions in Arabic characters

28.3 Inscriptions in Chinese and Japanese characters

28.5 Inscriptions in Cyrillic characters

28.7 Inscriptions in Greek characters

28.9 Inscriptions in Hebrew characters

28.11 Inscriptions in Latin characters

28.17 Inscriptions in historical characters

28.19 Inscriptions in other characters

29. COLOURS

29.1.1 Red, pink, orange

29.1.2 Yellow, gold

29.1.3 Green

29.1.4 Blue

29.1.5 Violet

29.1.6 White, grey, silver

29.1.7 Brown

29.1.8 Black

. . .

A 29.1.11 One colour

29.1.12 Two colours

29.1.13 Three colours

29.1.14 Four colours

29.1.15 Five colours and over

. . .

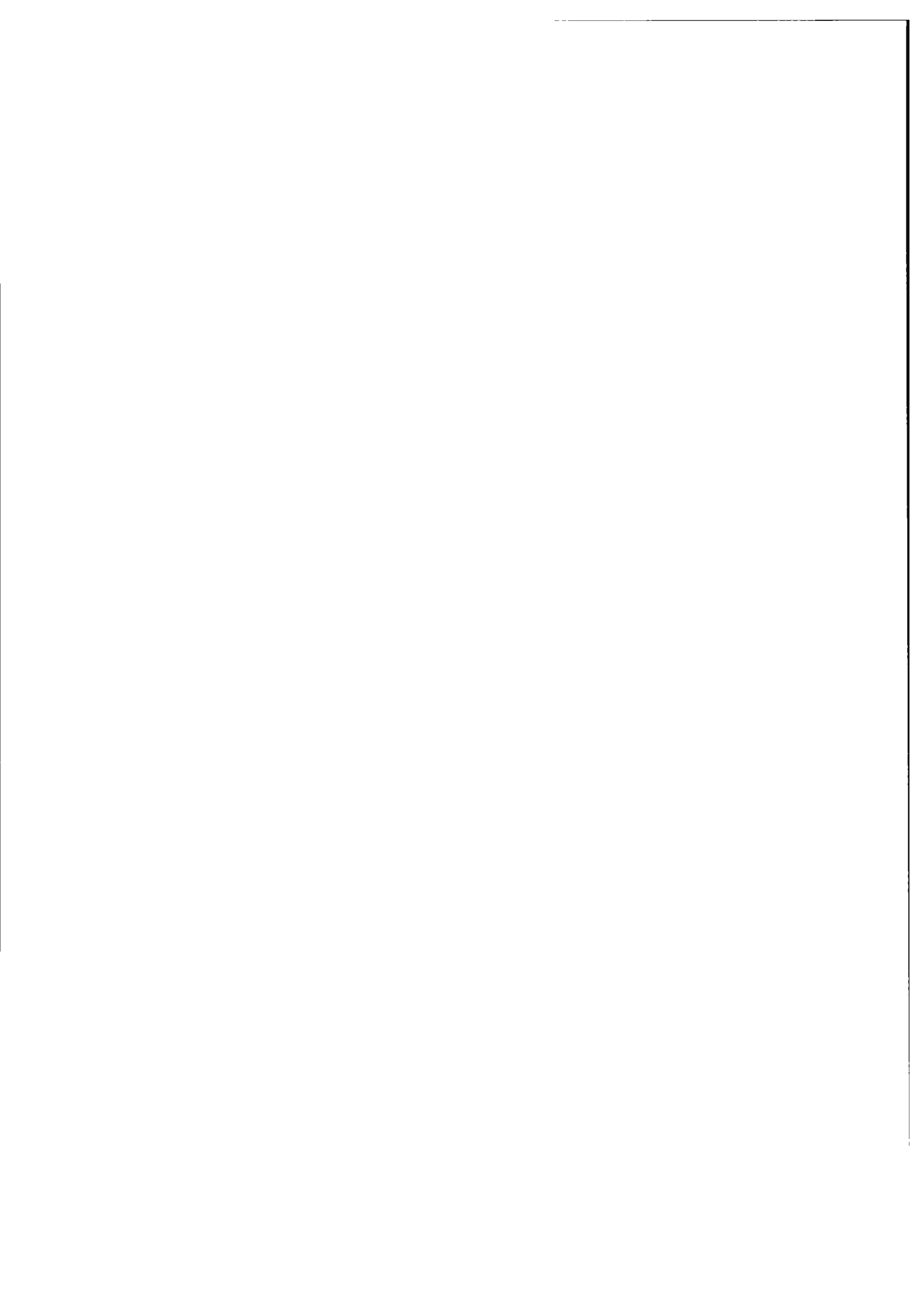
RESOLUTION

RESOLUTION

ADOPTED BY THE DIPLOMATIC CONFERENCE ON THE
INTERNATIONAL CLASSIFICATION OF THE FIGURATIVE ELEMENTS OF MARKS
ON JUNE 8, 1973

1. Pending the entry into force of the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks, a provisional Committee of Experts is hereby set up at the International Bureau of the World Intellectual Property Organization (WIPO).
2. The provisional Committee shall include a representative of each country having signed or acceded to the said Agreement. Intergovernmental organizations specialized in the field of marks, of which at least one of the member countries has signed or acceded to the Agreement, may be represented by observers. Any country member of WIPO or party to the Paris Convention for the Protection of Industrial Property which has neither signed nor acceded to the Agreement may, and, if requested by the provisional Committee, shall, be invited by the Director General of WIPO to be represented by observers.
3. The provisional Committee shall reexamine the International Classification of the Figurative Elements of Marks and shall prepare, if necessary, draft amendments or additions to be made to the said Classification.
4. The International Bureau is invited to prepare the work of the provisional Committee.
5. The International Bureau is invited to convene the provisional Committee, after consultation of the countries which have signed or acceded to the Agreement, if amendments or additions are proposed by any such country or by an organization referred to in paragraph 2 above, or if the International Bureau itself intends to propose amendments or additions.
6. The International Bureau is invited to transmit, as soon as the Agreement enters into force, any draft amendments or additions prepared by the provisional Committee to the Committee of Experts set up under Article 5 of the Agreement.
7. The travel and subsistence expenses of members of the provisional Committee and of observers shall be borne by the countries or organizations which they represent.

CONFERENCE DOCUMENTS



LIST OF THE CONFERENCE DOCUMENTS

(CMF/DC/1 to 20)

<u>Document Number</u>	<u>Submitted by</u>	<u>Subject</u>
1	The International Bureau of WIPO	Introductory memorandum to the two alternative Drafts (Additional Act of Vienna Establishing an International Classification of the Figurative Elements of Marks and Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks)
2	The International Bureau of WIPO	Draft Additional Act of Vienna Establishing an International Classification of the Figurative Elements of Marks
3	The International Bureau of WIPO	Draft Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks
4	The International Bureau of WIPO	Draft International Classification of the Figurative Elements of Marks
5	The Director General of WIPO	Draft agenda of the Diplomatic Conference on the International Classification of the Figurative Elements of Marks
6	United States of America	Proposal for amendments concerning the expression "figurative elements" and Article 4(1)
7	Netherlands	Proposal for amendment concerning a new article entitled "Disputes"
8	Austria	Proposal for amendment concerning Article 7(2) (a)
9	United Kingdom	Proposals for amendments concerning Articles: 2(3); 3(2); 4(3), (4); 5(2) (b), (4), (5); 6(2); 7; 8(4); 9(1) (b), (1) (c), (1) (a), (7) (a); 10(3); 11(2), (3) (a); 12(3), (4); 13(2)
10	The Secretariat of the Conference	Corrigendum concerning the document bearing the citation CMF/DC/5

<u>Document Number</u>	<u>Submitted by</u>	<u>Subject</u>
11	The Drafting Committee	Draft Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks (text submitted to the Main Committee)
12	The Main Committee	Draft Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks (text submitted to the Plenary)
13	The Secretariat of the Conference	Communication concerning document CMF/DC/12
14	The Secretariat of the Conference	Proposal concerning Article 17(5) (text submitted to the Main Committee)
15	The Secretariat of the Conference	Draft Resolution (text submitted to the Main Committee)
16	The Secretariat of the Conference	Convocation of the Main Committee
17	The Main Committee of the Conference	Draft Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks (text submitted to the Plenary)
18	The Main Committee	Draft Resolution (text submitted to the Plenary)
19	The Plenary of the Diplomatic Conference	Text of the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks (presented for signature)
20	The Plenary of the Diplomatic Conference	Text of the Resolution (adopted by the Plenary of the Diplomatic Conference)

TEXT OF THE CONFERENCE DOCUMENTS

(CMF/DC/1 to 20)

CMF/DC/1

January 20, 1973 (Original: French)

INTERNATIONAL BUREAU OF WIPO

Introductory Memorandum to the two Alternative Drafts (Additional Act of Vienna Establishing an International Classification of the Figurative Elements of Marks and Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks)

Editor's Note: The text of the introductory memorandum is reproduced hereafter as it appears in the document. Documents bearing codes other than "CMF/DC" and which are referred to in this text are not reproduced in this volume.

I. PRELIMINARY REMARKS

1. The number of international classifications in the field of industrial property is constantly increasing. Cooperation of this kind offers many advantages. First and foremost, it provides national Offices with a working tool for the classification and search of documents which each of them would otherwise have to devise separately and constantly modernize on its own. In addition, it spares them a considerable amount of reclassification work in connection with the exchange of documents. These advantages are of particular importance to developing countries, which do not always have the necessary staff at their disposal to carry out such tasks.

2. As far as marks are concerned, there already exists the International Classification of Goods and Services for the Purposes of the Registration of Marks, which was drafted and adopted under the Nice Agreement of June 15, 1957, revised at Stockholm on July 14, 1967 (hereinafter referred to as "the Nice Agreement"). The Nice Special Union created by the Nice Agreement at present comprises the following 29 member countries: Algeria, Australia, Austria, Belgium, Czechoslovakia, Denmark, France, German Democratic Republic, Germany (Federal Republic of), Hungary, Ireland, Israel, Italy, Lebanon, Liechtenstein, Monaco, Morocco, Netherlands, Norway, Poland, Portugal, Soviet Union, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America, Yugoslavia.

3. Many other countries, although not members of the Nice Special Union, also use the Classification established by the Nice Agreement or intend to use it in the more or less distant future.

4. The International Classification of Goods and Services is very useful when carrying out trademark anticipation searches. To effect such searches, however, it is necessary also to classify the figurative elements of the marks. A classification of the figurative elements of marks has therefore been prepared; it has been a long and difficult task and the main stages of the work are outlined below.

II. HISTORY

5. Some 15 years ago, the International Bureau of WIPO¹ had already drawn up a classification of the figurative elements of marks for its own purposes. In 1967, the Offices of the Netherlands and Switzerland asked it to investigate the possibility of establishing an international classification in this field. At its session in December 1967, the WIPO Coordination Committee approved a suggestion by the Director General of WIPO that a Committee of Experts be convened to examine the question of the international classification of the figurative elements of marks (document CCIU/V/16, paragraph 15).

¹ In the interests of simplicity, this document speaks of the World Intellectual Property Organization (WIPO) even when referring to the time when only the United International Bureaux for the Protection of Intellectual Property (BIRPI) was in existence.

6. Before convening a Committee of Experts, the Director General submitted to a working group, in May 1970, a draft classification prepared by the International Bureau in collaboration with the Swiss Office. This working group amended and supplemented the draft on several points. Document CMF/I/10 contains the results of its work. The International Bureau later supplemented this document with document CMF/II/6, which contains examples of figurative elements relating to certain divisions or sections. These two documents were submitted to the Committee of Experts for the International Classification of Marks, which met in Geneva from November 22 to 26, 1971 (hereinafter referred to as "the 1971 Committee of Experts").

7. The 1971 Committee of Experts amended the draft Classification of Figurative Elements which had been submitted to it, on several points, and it was understood that the International Bureau could still make amendments of a purely formal nature and correct any obvious errors it might discover (see document CMF/II/13, paragraph 38, as well as Annex I of the same document). The new draft Classification of Figurative Elements prepared by the International Bureau appears in document CMF/DC/4.

III. LEGAL FRAMEWORK OF THE INTERNATIONAL CLASSIFICATION OF THE FIGURATIVE ELEMENTS OF MARKS

8. The legal frameworks provided for the various International Classifications administered by WIPO are Special Agreements, concluded under Article 19 of the Paris Convention for the Protection of Industrial Property, creating Special Unions. The same solution could therefore also be contemplated in the case of the International Classification of the Figurative Elements of Marks.

9. Since, however, the Nice Agreement has already established an International Classification in the field of marks, another solution which might be contemplated would be to give the Classification of Figurative Elements a legal framework simply in the form of an Additional Act to the Nice Agreement. It would be open only to member countries of the Nice Special Union and would confer on the bodies of that Union powers in respect of the Classification of Figurative Elements equivalent to those which they already have in connection with the International Classification of Goods and Services.

10. An Additional Act would not, it is true, be open to non-member countries of the Nice Special Union. Furthermore, it would entail the obligation for all member countries of the Nice Special Union to pay a share--through their contributions to that Union--of the cost of the administration of the Classification of Figurative Elements. These disadvantages do not, however, seem important. In the first place, it is probable that it will be practically the same countries that will be interested in both Classifications. Secondly, the cost of administering the Classification of Figurative Elements will obviously be small.

11. The Additional Act would, however, have the advantage of simplicity. On the one hand, the risk would be avoided of complicating even further the administrative tasks of the International Bureau of WIPO by creating a new Special Union with a separate budget which would, among other things, have to bear a part of the common expenses of the International Bureau. On the other hand, the need to set up new bodies would be avoided because those already in existence within the Nice Special Union would be available.

12. The 1971 Committee of Experts discussed the question of the diplomatic instrument that might serve as a legal framework for the Classification of Figurative Elements. Opinions were divided and the Committee of Experts finally reached the conclusion that it would be preferable to submit two alternative drafts to the Vienna Diplomatic Conference: a draft Protocol to be annexed to the Nice Agreement, and the draft of an independent Agreement. These two drafts are now being submitted to the Diplomatic Conference, with the appropriate commentaries (document CMF/DC/2 and CMF/DC/3). It seems preferable, however, to call the first instrument an Additional Act rather than a Protocol in view of the fact that the latter term is used rather to indicate an instrument intended to interpret a main instrument or to supplement it on certain points.

IV. CLASSIFICATION OF FIGURATIVE ELEMENTS

13. The Classification of Figurative Elements itself forms an Annex to the Additional Act or the new Agreement and is submitted to the Diplomatic Conference for adoption (document CMF/DC/4). As, however, in the case of the other International Classifications, it will obviously not be possible for the Diplomatic Conference to study the actual Classification of Figurative Elements and, for example, to amend it. That is a task which must be left to the Committee of Experts provided by both the Additional Act and the new Agreement. Pending entry into force of the instrument to be adopted, it would be desirable if the work of the said Committee of Experts could be prepared by a provisional committee of experts, which could be set up by a resolution adopted by the Diplomatic Conference.

CMF/DC/2

January 20, 1973 (Original: French)

INTERNATIONAL BUREAU OF WIPO

Draft Additional Act of Vienna Establishing an International Classification of the Figurative Elements of Marks

Editor's Note: The text of the draft Additional Act is reproduced hereafter as well as the comments thereupon. Documents bearing codes other than "CMF/DC/" and which are referred to in the comments are not reproduced in this volume.

ADDITIONAL ACT OF VIENNA
ESTABLISHING AN INTERNATIONAL CLASSIFICATION
OF THE FIGURATIVE ELEMENTS OF MARKS
of June , 1973

The Contracting Parties,

Having regard to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, of June 15, 1957, as revised at Stockholm on July 14, 1967,

Considering that it is necessary to supplement that Classification by an International Classification of the Figurative Elements of Marks,

Agree as follows:

Article 1

Adoption of an International Classification

The countries of the Nice Special Union Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (hereinafter designated as "the Nice Union") party to this Additional Act adopt a common classification for the figurative elements of marks (hereinafter designated as "the Classification of Figurative Elements").

Article 2

Definition and Deposit of the Classification
of Figurative Elements

(1) The Classification of Figurative Elements comprises:

(a) a list of categories, divisions and sections in which the figurative elements of marks are classified;

(b) explanatory notes.

(2) The Classification of Figurative Elements is contained in one authentic copy, in the English and French languages, signed by the Director General of the World Intellectual Property Organization (hereinafter designated respectively as "the Director General" and "the Organization") and deposited with him at the time that this Additional Act is opened for signature.

(3) The amendments and additions referred to in Article 5 shall also be contained in one authentic copy, in the English and French languages, signed by the Director General and deposited with him.

Article 3

Languages of the Classification of
Figurative Elements

(1) The Classification of Figurative Elements shall be established in the English and French languages, both texts being equally authentic.

(2) The International Bureau of the Organization (hereinafter designated as "the International Bureau") shall establish, in consultation with the interested Governments, official texts of the Classification of Figurative Elements in such other languages as the Assembly of the Nice Union may designate.

Article 4

Use of the Classification of Figurative Elements

(1) Subject to the requirements prescribed by this Additional Act, the scope of the Classification of Figurative Elements shall be that attributed to it by each country party to the said Act. In particular, the Classification of Figurative Elements shall not bind the countries party to this Additional Act in respect of the extent of the protection afforded to the mark.

(2) The competent Offices of the countries party to this Additional Act shall have the right to use the Classification of Figurative Elements either as a principal or as a subsidiary system.

[Article 4, continued]

(3) The competent Offices of the countries party to this Additional Act shall include in the official documents and publications relating to registrations and renewals of marks the numbers of the categories, divisions and sections in which the figurative elements of those marks are to be placed.

(4) The said numbers shall be preceded by the words "Classification of Figurative Elements" or an abbreviation thereof to be determined by the Committee of Experts set up under Article 3 of the Stockholm Act of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (hereinafter designated as "the Nice Agreement").

(5) Any country may, at the time of its signature or of the deposit of its instrument of ratification or accession, declare that it does not undertake to include the numbers of all or some of the sections in official documents and publications relating to registrations and renewals of marks.

(6) If any country party to this Additional Act entrusts the registration of marks to an intergovernmental authority, it shall take all possible measures to ensure that that authority uses the Classification of Figurative Elements in accordance with this Article.

Article 5Amendments and Additions to the Classification
of Figurative Elements

(1) The Committee of Experts set up under Article 3 of the Nice Agreement shall decide on all amendments and additions to be made to the Classification of Figurative Elements.

(2) The Committee of Experts shall take its decisions as provided in Article 3 of the Nice Agreement. However:

(a) only experts from countries party to this Additional Act shall have the right to vote; other experts shall take part in the meetings of the Committee of Experts in an observer capacity;

(b) the Committee of Experts shall take its decisions by a simple majority of the countries represented and voting;

(c) any decision which is regarded by one-fifth of the countries represented and voting as giving rise to a modification of the basic structure of the Classification of Figurative Elements or as entailing a substantial amount of reclassification shall require a majority of three-fourths of the countries represented and voting;

(d) abstentions shall not be considered as votes.

[Article 5, continued]

(3) All amendments and additions decided by the Committee of Experts shall be notified and published according to the provisions of Article 4(1) of the Nice Agreement and shall enter into force six months after the date of dispatch of the notification.

(4) The International Bureau shall incorporate in the Classification of Figurative Elements amendments and additions which have entered into force. Announcements of such amendments and additions shall be published in the two periodicals, Industrial Property and Les Marques internationales.

Article 6Assembly and International Bureau

As far as this Additional Act and the Classification of Figurative Elements are concerned, the Assembly of the Nice Union and the International Bureau shall have the powers and be subject to the rules provided in Articles 5 and 6 of the Nice Agreement.

Article 7Expenses

The expenses incurred by the International Bureau in administering the Classification of Figurative Elements shall be borne by the budget of the Nice Union.

Article 8Becoming Party to the Additional Act

(1) Any country member of the Nice Union may become party to this Additional Act by:

(a) signature followed by the deposit of an instrument of ratification,
or

(b) deposit of an instrument of accession.

(2) Instruments of ratification or accession shall be deposited with the Director General.

(3) The provisions of Article 24 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property shall apply to this Additional Act.

[Article 8, continued]

(4) Paragraph (3) shall in no way be understood as implying the recognition or tacit acceptance by a country party to this Additional Act of the factual situation concerning a territory to which this Additional Act is made applicable by another country by virtue of the said paragraph.

Article 9Entry Into Force of the Additional Act

(1) With respect to the first five countries which have deposited their instruments of ratification or accession, this Additional Act shall enter into force three months after the fifth instrument of ratification or accession has been deposited.

(2) With respect to any country other than those for which this Additional Act has entered into force pursuant to paragraph (1), it shall enter into force three months after the date on which its ratification or accession was notified by the Director General, unless a subsequent date has been indicated in the instrument of ratification or accession. In the latter case, this Additional Act shall enter into force with respect to that country on the date thus indicated.

(3) Ratification or accession shall automatically entail acceptance of all the clauses and admission to all the advantages of this Additional Act.

Article 10Duration of the Additional Act

This Additional Act shall remain in force as long as the Stockholm Act or any subsequent Act of the Nice Agreement remains in force.

Article 11Revision of the Additional Act

(1) This Additional Act may be revised from time to time by a special conference of the countries party to the Additional Act.

(2) The convocation of any revision conference shall be decided by the Assembly of the Nice Union.

Article 12Denunciation of the Additional Act

(1) Any country may denounce this Additional Act by notification addressed to the Director General. Such denunciation shall affect only the country making it, the Additional Act remaining in full force and effect as regards the other countries party to it.

[Article 12, continued]

(2) Denunciation shall take effect one year after the day on which the Director General has received the notification.

(3) The right of denunciation provided by this Article shall not be exercised by any country before the expiration of five years from the date upon which it becomes party to this Additional Act.

Article 13Signature, Languages, Depositary Functions,
Notifications

(1) (a) This Additional Act shall be signed in a single original in the English and French languages, both texts being equally authentic.

(b) This Additional Act shall remain open for signature at Vienna until December 31, 1973.

(c) The original of this Additional Act, when no longer open for signature, shall be deposited with the Director General.

(2) Official texts of this Additional Act shall be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly of the Nice Union may designate.

(3) (a) The Director General shall transmit two copies, certified by him, of the signed text of this Additional Act to the Governments of the countries that have signed it and, on request, to the Government of any other country.

(b) The Director General shall, on request, furnish the Government of any country that has signed this Additional Act, or that accedes to it, with a copy of the Classification of Figurative Elements, certified by him, in the English or French language.

(4) The Director General shall register this Additional Act with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all member countries of the Nice Union of:

- (i) signatures;
- (ii) deposits of instruments of ratification or accession;
- (iii) the date of entry into force of this Additional Act;
- (iv) reservations on the use of the Classification of Figurative Elements;
- (v) denunciations received.

Note

1. This draft Additional Act has been established on the basis of the preliminary draft Protocol which was submitted to the Committee of Experts for the International Classification of the Figurative Elements of Marks which met in Geneva from November 22 to 26, 1971 (document CMF/II/3, pages 9 to 39). It reflects the observations made by that Committee (document CMF/II/13, paragraphs 18 to 31).
2. The draft Additional Act closely follows the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, of June 15, 1957, as revised at Stockholm on July 14, 1967 (hereinafter referred to as "the Nice Agreement"). On some points, however, it has adopted the more modern provisions of the Strasbourg Agreement Concerning the International Patent Classification, of March 24, 1971 (hereinafter referred to as "the Strasbourg Agreement").
3. Mention is also made, in the commentary, of the corresponding provisions of the Locarno Agreement Establishing an International Classification for Industrial Designs, of October 8, 1968 (hereinafter referred to as "the Locarno Agreement").

Comments on Article 1

4. This Article corresponds to Article 1(2) of the Nice and Locarno Agreements and Article 1 of the Strasbourg Agreement. It differs from them in that:
 - (a) it reserves accession, at the outset, to member countries of the Nice Union;
 - (b) it does not establish a Special Union for the Classification of Figurative Elements.
5. The expression "a common classification," which is taken from the corresponding provision of the Strasbourg Agreement, makes it clearer, especially in the English text, that countries party to the Additional Act are not obliged to apply solely the International Classification of the Figurative Elements of Marks, but that they may also use it in conjunction with one or more other classification systems; besides, this is expressly stated in Article 4(2)¹.
6. It seems preferable to use the explicit terms "Classification of Figurative Elements" to designate the Classification, thereby making it more readily distinguishable from the other international classifications. For official documents and publications in which classification of the figurative elements of a given mark is to be included, the use of an abbreviation to be determined by the Committee of Experts will be permissible (see Article 4(4)).

Comments on Article 2

7. This provision defines the International Classification which is the subject of the Additional Act, and lays down the procedure for the deposit of the authentic copy of the Classification of Figurative Elements.

¹ Unless otherwise indicated, the Articles referred to are those of this draft Additional Act.

8. The Classification consists primarily of a list which, proceeding from the general to the particular, divides all figurative elements into categories, divisions and sections. It also includes explanatory notes which relate either to the whole Classification or to a specific category, division or section. To avoid all confusion in practice with the Classification of Goods and Services established by the Nice Agreement, the Committee of Experts which met in Geneva from November 22 to 26, 1971 (hereinafter referred to as "the 1971 Committee of Experts"), considered it preferable to replace the word "classes" used in the preliminary draft Protocol (document CMF/II/3, page 13) by the word "categories." It also was of the opinion that in the English text the word "subdivision" should be replaced by "division" (document CMF/II/13, paragraph 19).

9. One might contemplate annexing the Classification to the Additional Act, as was done--at least in part--with the International Classification for Industrial Designs established by the Locarno Agreement (see Article 1(4) of that Agreement). However, by so doing certain countries might be obliged to publish the Classification of Figurative Elements in their collections of laws and treaties at the time of ratifying or acceding to the Additional Act. Such an obligation could give rise to serious difficulties in view of the volume of the Classification. It seems preferable, therefore, to adopt the system of the Strasbourg Agreement: an authentic copy of the Classification of Figurative Elements adopted by the Diplomatic Conference would be deposited with the Director General at the time of opening the Additional Act for signature; this authentic copy could then serve for the establishment of certified copies for countries requiring them (see Article 13(3)(b)).

10. In order that the authentic copy of the Classification of Figurative Elements might be clearly identified, the 1971 Committee of Experts considered that it would be advisable to state, in paragraph (2), that that copy would be signed by the Director General of WIPO (document CMF/II/13, paragraph 20).

11. Amendments and additions subsequently decided by the Committee of Experts referred to in Article 5 would also be deposited with the Director General in the same conditions, that is, each time in one authentic copy, in the English and French languages, which would have been signed by him.

12. The 1971 Committee of Experts considered that the term "amendments" should be followed by the words "and additions" in order to bring the text of Article 2(3) into line with that of Article 5 (document CMF/II/13, paragraph 21).

Comments on Article 3

13. This Article is based on the corresponding provisions of the Locarno and Strasbourg Agreements (Articles 1(7) and 3, respectively).

14. Unlike the Nice Agreement, which provides for an authentic text in French only (Article 1(6)), the draft Additional Act provides for two authentic texts, in English and in French, as do the Locarno and Strasbourg Agreements (Articles 1(7)(a) and 3(1), respectively).

15. In addition, Article 3(2) provides that official texts may be established, in cooperation with the interested Governments, in other languages designated by the Assembly of the Nice Union. This provision, which is in accordance with the corresponding rule of the Locarno Agreement (Article 1(7)(b)), differs from the Strasbourg Agreement (Article 3(2)) in that it does not specify any other languages in which official texts of the Classification are to be prepared, but leaves this decision entirely to the Assembly of the Nice Union. Indeed, it seems preferable to have as flexible a provision as possible in this respect, in view of the difficulty of determining in advance which countries will be interested in the Classification of Figurative Elements.

Comments on Article 4

16. This very important Article deals with the scope of the Classification of Figurative Elements and the obligation accepted by countries party to the Additional Act to use it.
17. Article 4(1) corresponds to Article 2(1) of the Nice Agreement. The requirements referred to are those of a purely administrative character provided for in Article 4(3) to (6). Under the Additional Act itself, classification of the figurative elements of marks has therefore no influence on the scope of the protection afforded to the marks. Any country party to the Additional Act may, however, attribute to the Classification of Figurative Elements a legal scope which goes beyond the scope conferred upon it by the Additional Act itself.
18. According to Article 4(2), countries party to the Additional Act may use the Classification of Figurative Elements either as a principal or as a subsidiary system. This provision, which is based on the corresponding rules of the Nice, Locarno and Strasbourg Agreements (Articles 2(2), 2(2) and 4(2), respectively), allows any country party to the Additional Act to continue to use its national classification, if it so desires, either as a transitional or as a permanent measure.
19. Article 4(3), which reproduces, *mutatis mutandis*, the terms of Article 2(3) of the Nice Agreement, requires countries party to the Additional Act to include, in official documents and publications relating to registrations and renewals of marks, the numbers of the categories, divisions and sections in which the figurative elements of those marks are to be placed. In this connection, the purely subsidiary elements of the mark are to be disregarded (see document CMF/II/13, paragraph 26). "Documents and publications" means, in particular, entries in the register of marks, registration and renewal certificates and publications of registrations and renewals in Office journals or gazettes.
20. It should be noted that the obligation laid down in Article 4(3) does not have a retroactive effect. It is therefore binding on each country only from the date on which it becomes bound by the Additional Act and does not affect documents and publications prior to that date. However, in accordance with the view expressed by the 1971 Committee of Experts (document CMF/II/13, paragraph 24), the obligation to use the Classification of Figurative Elements and to publish the number assigned to each figurative mark applies also to renewals, even in cases where the documents and publications relating to renewals do not reproduce all the indications appearing in the register of marks. Thus, all figurative marks in force in countries party to the Additional Act will eventually be classified according to the Classification of Figurative Elements, which will greatly facilitate the organizing of anticipation searches at the international level.
21. In order to show what is meant by the figures which, according to this Article, must be included in the official documents and publications relating to registrations and renewals of marks, they must be preceded by a clear indication, which could be either the full title "Classification of Figurative Elements" or an abbreviation determined by the Committee of Experts referred to in Article 5.
22. The Classification of Figurative Elements is sufficiently detailed for the sections to contain only a relatively small number of figurative elements, even in larger Offices, thereby facilitating searches. It may, however, be too detailed for Offices which register only a limited number of marks. Consequently, it is provided that countries may reserve the right not to use the Classification (or to use it only partially) in so far as the use involves those numbers relating to the finest subdivisions, namely, the sections.
23. The Classification of Figurative Elements contains not only all the sections necessary to accommodate all figurative elements; it also contains additional sections, intended for figurative elements which are already included in other (principal) sections but which it appears useful to classify again according to a particular criterion in order to facilitate searching. These sections, known as auxiliary sections, are marked with an A in the Classification of Figurative Elements and are in no circumstances mandatory; national Offices are free to use them if they consider it useful for facilitating searches.

24. For the rest, countries party to the Additional Act must use the Classification of Figurative Elements as it stands. They may not, for instance, alter the contents or numbers of the categories, divisions or sections, combine different sections into one single section or create new sections, whether principal or auxiliary.

25. Finally, the obligations of regional Offices must be specified. As it is not possible to impose obligations directly on intergovernmental organizations which are not party to the Additional Act, Article 4(6) provides that, if a country party to the Additional Act entrusts the registration of marks to an intergovernmental authority, it must take all possible measures to ensure that the authority in question uses the Classification of Figurative Elements in accordance with the Additional Act. Once this is done, that authority will have the same status as a national Office for the purposes of the use of the Classification of Figurative Elements and may, in particular, avail itself of the reservation provided for in Article 4(5). In this respect, the draft Additional Act draws its inspiration from Article 4(6) of the Strasbourg Agreement.

Comments on Article 5

26. The Classification of Figurative Elements is subject to the amendments and improvements required by the development of technology and commerce or dictated by experience. This is provided for in Article 5 of the draft Additional Act.

27. Although additions are included in amendments in the broad sense of the term, it seems preferable, in order to avoid all doubt as to interpretation, to retain both terms, which also appear in Article 4 of the Nice Agreement.

28. It does not seem necessary to set up a special body for the adoption of amendments and additions. It would be simpler to make use of the Committee of Experts of the Nice Union, which is generally composed of specialists in the field of trademark classification. However, decisions must not rest with countries which, not being party to the Additional Act, have no immediate interest in the Classification of Figurative Elements. It is proposed, therefore, that only experts from countries party to the Additional Act should have the right to vote, the other experts taking part in the meetings in an observer capacity. Moreover, no decision seems important enough to require, as does Article 3(3) of the Nice Agreement, the unanimous consent of countries party to the Additional Act. The 1971 Committee of Experts considered, however, that the question of majorities should be dealt with in a manner similar to that adopted for the Strasbourg Agreement: in principle, decisions would be taken by a majority of the countries represented and voting, abstentions not being counted as votes; however, any decision regarded by one-fifth of the countries represented and voting as giving rise to a modification of the basic structure of the Classification of Figurative Elements should be taken by a majority of three-fourths of the countries represented and voting (document CMF/II/13, paragraph 28). This is the solution which is adopted in Article 5(2)(b) and (c) of the draft Additional Act.

29. For the rest, the Committee of Experts is governed by Article 3 of the Nice Agreement and by its rules of procedure.

30. By the same token, it is also in conformity with Article 4(1) of the Nice Agreement that amendments and additions decided by the Committee of Experts must be notified and published. Article 5(4), like Article 4(2) of the Nice Agreement, provides further that they must be incorporated in the Classification of Figurative Elements by the International Bureau. As far as their entry into force is concerned, it seems preferable, however, to fix a uniform time limit of six months after the date of dispatch of the notification. There is in fact no need to make the distinction here that is made in Article 4(1) of the Nice Agreement between amendments and additions, especially since no such distinction is made at the time of the decision either.

31. Clearly, amendments and additions decided by the Committee of Experts will have no retroactive effect. Countries party to the Additional Act will therefore be required to comply with such decisions only with respect to documents and publications appearing after the entry into force of the amendments and additions.

Comments on Article 6

32. As the Additional Act comes within the framework of the Nice Union, it seems normal that the Assembly of that Union should have the same rights and obligations in respect of the Additional Act and the Classification of Figurative Elements as it has in respect of the Nice Agreement and the Classification of Goods and Services established by that Agreement. In particular, it should deal with all matters concerning the implementation of the Additional Act, review and approve the reports and activities of the Director General in this connection and give him all necessary instructions, and give directions to the International Bureau concerning the preparation for conferences of revision (see Article 5(2)(a) of the Nice Agreement).

33. Under Article 5(2)(a)(viii) of the Nice Agreement, the Assembly adopts amendments to Articles 5 to 8 of that Agreement. These provisions have no equivalent in the draft Additional Act, and the Assembly will therefore not be competent to amend the Additional Act directly: it can be revised only by means of diplomatic conferences. The Assembly may, on the other hand, amend the Additional Act indirectly, to the extent that it refers to Articles 5 and 6 of the Nice Agreement.

34. It is provided, with respect to the Additional Act and the Classification of Figurative Elements, that the Assembly of the Nice Union will be subject to the rules provided in Article 5 of the Nice Agreement. In particular, it does not seem possible, within this provision, to reserve voting rights to countries party to the Additional Act. The budget of the Nice Union, for instance, which covers expenses incurred in administering the Classification of Figurative Elements, must be adopted as a whole by the Assembly of that Union.

35. Similarly, with regard to the status and tasks of the International Bureau, it is sufficient to refer directly to Article 6 of the Nice Agreement.

Comments on Article 7

36. Under the system chosen, there would be no special budget for administering the Classification of Figurative Elements. Expenses incurred by the International Bureau in administering this Classification would be charged to the budget of the Nice Union as governed by Article 7 of the Nice Agreement and financed according to paragraph (3) of the same Article.

Comments on Article 8

37. Article 8 lays down the procedure according to which countries may become party to the Additional Act. It stipulates that the Additional Act is open only to member countries of the Nice Union. For the rest, the Article is identical in content with Article 12 of the Strasbourg Agreement.

Comments on Article 9

38. Article 9, which deals with the entry into force of the Additional Act, is based on the corresponding provisions of the Nice Agreement (Article 9(4) and (5)) and the Locarno Agreement (Article 9(3) and (4)). Paragraph (3), which has the same content as Articles 9(5), 9(4) and 13(2) of the Nice, Locarno and Strasbourg Agreements, respectively, has been incorporated in the draft Additional Act on a proposal by the 1971 Committee of Experts (document CMF/II/13, paragraph 29).

Comments on Article 10

39. The Additional Act is dependent on the Nice Agreement, to which it refers on several points, and therefore cannot exist without it.

Comments on Article 11

40. The preliminary draft Protocol (document CMF/II/3, pages 36 and 37) confined itself to stating that Article 11 of the Nice Agreement applied by analogy. The 1971 Committee of Experts thought it preferable to insert in the Additional Act complete provisions governing revision of the Act and reproducing, mutatis mutandis, the provisions of Article 10(1) and (2) of the Strasbourg Agreement (document CMF/II/13, paragraph 30). The revision conferences referred to in paragraph (2) are the special conferences provided for in paragraph (1).

Comments on Article 12

41. The preliminary draft Protocol (document CMF/II/3, pages 36 and 37) confined itself to stating that Article 13 of the Nice Agreement applied by analogy. The 1971 Committee of Experts thought it preferable to insert in the Additional Act complete provisions governing denunciation of the Act and reproducing, mutatis mutandis, the provisions of Article 13 of the Nice Agreement (document CMF/II/13, paragraph 30).

Comments on Article 13

42. In the preliminary draft Protocol (document CMF/II/3, pages 38 and 39) this Article was largely based on Article 15 of the Nice Agreement, to which it referred in part, and on Article 16(3)(c) of the Strasbourg Agreement. The 1971 Committee of Experts considered it preferable to insert in the Additional Act complete provisions, based on Article 16 of the Strasbourg Agreement, to govern the questions of signature, languages, depositary functions and notifications (document CMF/II/13, paragraph 31).

CMF/DC/3

January 20, 1973 (Original: French)

INTERNATIONAL BUREAU OF WIPO

Draft Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks

Editor's Note: The text of the draft Vienna Agreement as appearing in document CMF/DC/3 is reproduced on the even-numbered pages from pages 10 to 38 of these Records. The "Note" and the "Comments" which accompanied the text of the draft Agreement are reproduced hereafter. Documents bearing codes other than "CMF/DC/" are not reproduced in this volume.

Note

1. This draft Agreement has been established on the basis of the preliminary draft Agreement which was submitted to the Committee of Experts for the International Classification of the Figurative Elements of Marks which met in Geneva from November 22 to 26, 1971 (document CMF/II/9). It reflects the observations made by that Committee (document CMF/II/13, paragraphs 18 to 35).

2. The draft Agreement closely follows the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, of June 15, 1957, as revised at Stockholm on July 14, 1967 (hereinafter referred to as "the Nice Agreement"). On some points, however, it has adopted the more modern provisions of the Strasbourg Agreement Concerning the International Patent Classification, of March 24, 1971 (hereinafter referred to as "the Strasbourg Agreement").

3. Mention is also made, in the commentary, of the corresponding provisions of the Locarno Agreement Establishing an International Classification for Industrial Designs, of October 8, 1968 (hereinafter referred to as "the Locarno Agreement").

Comments on Article 1

4. This Article corresponds to Article 1(1) and (2) of the Nice and Locarno Agreements and Article 1 of the Strasbourg Agreement. It provides first for the establishment, by the contracting countries, of a Special Union, within the framework of the Paris Convention for the Protection of Industrial Property, under Article 19 of the Stockholm Act of that Convention, as referred to in the preamble.

5. The expression "a common classification," which is taken from the corresponding provision of the Strasbourg Agreement, makes it clearer, especially in the English text, that countries of the Special Union are not obliged to apply solely the International Classification of the Figurative Elements of Marks, but that they may also use it in conjunction with one or more other classification systems; besides, this is expressly stated in Article 4(2)¹.

6. It seems preferable to use the explicit terms "Classification of Figurative Elements" to designate the Classification, thereby making it more readily distinguishable from the other international classifications. For official documents and publications in which classification of the figurative elements of a given mark is to be included, the use of an abbreviation to be determined by the Committee of Experts will be permissible (see Article 4(4)).

Comments on Article 2

7. This provision defines the International Classification which is the subject of the Agreement, and lays down the procedure for the deposit of the authentic copy of the Classification of Figurative Elements.

8. The Classification consists primarily of a list which, proceeding from the general to the particular, divides all figurative elements into categories, divisions and sections. It also includes explanatory notes which relate either to the whole Classification or to a specific category, division or section. To avoid all confusion in practice with the Classification of Goods and Services established by the Nice Agreement, the Committee of Experts which met in Geneva from November 22 to 26, 1971 (hereinafter referred to as the "1971 Committee of Experts"), considered it preferable to replace the word "classes" used in the preliminary draft Protocol (document CMF/II/3, page 13) by the word "categories." It also was of the opinion that in the English text the word "subdivision" should be replaced by "division" (document CMF/II/13, paragraph 19).

9. One might contemplate annexing the Classification to the Agreement, as was done--at least in part--with the International Classification for Industrial Designs established by the Locarno Agreement (see Article 1(4) of that Agreement). However, by so doing certain countries might be obliged to publish the Classification of Figurative Elements in their collections of laws and treaties at the time of ratifying or acceding to the Agreement. Such an obligation could give rise to serious difficulties in view of the volume of the Classification. It seems preferable, therefore, to adopt the system of the Strasbourg Agreement: an authentic copy of the Classification of Figurative Elements adopted by the Diplomatic Conference would be deposited with the Director General at the time of opening the Agreement for signature; this authentic copy could then serve for the establishment of certified copies for countries requiring them (see Article 16(3)(c)).

10. In order that the authentic copy of the Classification of Figurative Elements might be clearly identified, the 1971 Committee of Experts considered that it would be advisable to state, in paragraph (2), that that copy would be signed by the Director General of WIPO (document CMF/II/13, paragraph 20).

¹ Unless otherwise indicated, the Articles referred to are those of this draft Agreement.

11. Amendments and additions subsequently decided by the Committee of Experts referred to in Article 5 would also be deposited with the Director General in the same conditions, that is, each time in one authentic copy, in the English and French languages, which would have been signed by him.

12. The 1971 Committee of Experts considered that the term "amendments" should be followed by the words "and additions" in order to bring the text of Article 2(3) into line with that of Article 5 (document CMF/II/13, paragraph 21).

Comments on Article 3

13. This Article is based on the corresponding provisions of the Locarno and Strasbourg Agreements (Articles 1(7) and 3, respectively).

14. Unlike the Nice Agreement, which provides for an authentic text in French only (Article 1(6)), the draft Agreement provides for two authentic texts, in English and in French, as do the Locarno and Strasbourg Agreements (Articles 1(7)(a) and 3(1), respectively).

15. In addition, Article 3(2) provides that official texts may be established, in cooperation with the interested Governments, in other languages designated by the Assembly of the Special Union. This provision, which is in accordance with the corresponding rule of the Locarno Agreement (Article 1(7)(b)), differs from the Strasbourg Agreement (Article 3(2)) in that it does not specify any other languages in which official texts of the Classification are to be prepared, but leaves this decision entirely to the Assembly of the Special Union. Indeed, it seems preferable to have as flexible a provision as possible in this respect, in view of the difficulty of determining in advance which countries will be interested in the Classification of Figurative Elements.

Comments on Article 4

16. This very important Article deals with the scope of the Classification of Figurative Elements and the obligation accepted by countries of the Special Union to use it.

17. Article 4(1) corresponds to Article 2(1) of the Nice Agreement. The requirements referred to are those of a purely administrative character provided for in Article 4(3) to (6). Under the Agreement itself, classification of the figurative elements of marks has therefore no influence on the scope of the protection afforded to the marks. Any country of the Special Union may, however, attribute to the Classification of Figurative Elements a legal scope which goes beyond the scope conferred upon it by the Agreement itself.

18. According to Article 4(2), countries of the Special Union may use the Classification of Figurative Elements either as a principal or as a subsidiary system. This provision, which is based on the corresponding rules of the Nice, Locarno and Strasbourg Agreements (Articles 2(2), 2(2) and 4(2), respectively), allows any country of the Special Union to continue to use its national classification, if it so desires, either as a transitional or as a permanent measure.

19. Article 4(3), which reproduces, mutatis mutandis, the terms of Article 2(3) of the Nice Agreement, requires countries of the Special Union to include, in official documents and publications relating to registrations and renewals of marks, the numbers of the categories, divisions and sections in which the figurative elements of those marks are to be placed. In this connection, the purely subsidiary elements of the marks are to be disregarded (see document CMF/II/13, paragraph 26). "Documents and publications" means, in particular, entries in the register of marks, registration and renewal certificates and publications of registrations and renewals in Office journals or gazettes.
20. It should be noted that the obligation laid down in Article 4(3) does not have a retroactive effect. It is therefore binding on each country only from the date on which it becomes bound by the Agreement and does not affect documents and publications prior to that date. However, in accordance with the view expressed by the 1971 Committee of Experts (document CMF/II/13, paragraph 24), the obligation to use the Classification of Figurative Elements and to publish the number assigned to each figurative mark applies also to renewals, even in cases where the documents and publications relating to renewals do not reproduce all the indications appearing in the register of marks. Thus, all figurative marks in force in countries of the Special Union will eventually be classified according to the Classification of Figurative Elements, which will greatly facilitate the organizing of anticipation searches at the international level.
21. In order to show what is meant by the figures which, according to this Article, must be included in the official documents and publications relating to registrations and renewals of marks, they must be preceded by a clear indication, which could be either the full title "Classification of Figurative Elements" or an abbreviation determined by the Committee of Experts referred to in Article 5.
22. The Classification of Figurative Elements is sufficiently detailed for the sections to contain only a relatively small number of figurative elements, even in larger Offices, thereby facilitating searches. It may, however, be too detailed for Offices which register only a limited number of marks. Consequently, it is provided that countries of the Special Union may reserve the right not to use the Classification (or to use it only partially) in so far as the use involves those numbers relating to the finest subdivisions, namely, the sections.
23. The Classification of Figurative Elements contains not only all the sections necessary to accommodate all figurative elements; it also contains additional sections, intended for figurative elements which are already included in other (principal) sections but which it appears useful to classify again according to a particular criterion in order to facilitate searching. These sections, known as auxiliary sections, are marked with an A in the Classification of Figurative Elements and are in no circumstances mandatory; national Offices are free to use them if they consider it useful for facilitating searches.
24. For the rest, countries of the Special Union must use the Classification of Figurative Elements as it stands. They may not, for instance, alter the contents or numbers of the categories, divisions or sections, combine different sections into one single section or create new sections, whether principal or auxiliary.
25. Finally, the obligations of regional Offices must be specified. As it is not possible to impose obligations directly on intergovernmental organizations which are not party to the Agreement, Article 4(6) provides that, if a country of the Special Union entrusts the registration of marks to an intergovernmental authority, it must take all possible measures to ensure that the authority in question uses the Classification of Figurative Elements in accordance with the Agreement. Once this is done, that authority will have the same status as a national Office for the purposes of the use of the Classification of Figurative Elements and may, in particular, avail itself of the reservation provided for in Article 4(5). In this respect, the draft Agreement draws its inspiration from Article 4(6) of the Strasbourg Agreement.

Comments on Article 5

26. This Article, which draws its inspiration from Article 3 of the Nice and Locarno Agreements, and more especially from Article 5 of the Strasbourg Agreement, sets up a Committee of Experts and provides for the composition of the Committee, its tasks and its procedure.

27. Paragraph (1) stipulates that each of the countries of the Special Union shall be represented in the Committee of Experts.

28. Paragraph (2) deals with the question of observers. In the first place, intergovernmental organizations specialized in the field of marks must, under the Agreement, be invited to be represented by observers at the sessions of the Committee of Experts, provided that at least one of their member countries is a member of the Special Union. This provision could apply in particular to bodies such as the Benelux Trademark Office and the African and Malagasy Industrial Property Office (OAMPI). Intergovernmental organizations not specializing in the field of marks and non-governmental organizations may be invited to be represented by observers if the Committee of Experts or the Director General so decides.

29. Paragraph (3) defines the tasks of the Committee of Experts. The latter must prepare and adopt revisions of the Classification of Figurative Elements, facilitate its use--particularly by developing countries--and promote its uniform application.

30. According to paragraph (4), the Committee will adopt its own rules of procedure, which will include more detailed provisions on its organization and may, in particular, determine the extent to which observers referred to in Article 5(2)(a) and (b) will be admitted to meetings of its subcommittees and working groups. It must, however, in any case offer those organizations referred to in Article 5(2)(a) which are capable of making a substantial contribution to the development of the Classification of Figurative Elements the possibility of participating in meetings of the subcommittees and working groups of the Committee of Experts.

31. Paragraph (5) deals with proposals for amendments or additions to the Classification of Figurative Elements. Not only the competent Offices of the countries of the Special Union, but also the International Bureau and intergovernmental organizations referred to in Article 5(2)(a) have the right to make proposals for amendments or additions to the Classification of Figurative Elements without having first been invited to do so by the Committee of Experts. The latter may, in addition, invite any other organization to make such proposals.

32. Paragraph (6), which is analogous with Article 5(6) of the Strasbourg Agreement, fixes the majorities required for adoption of proposals for amendments or additions to the Classification of Figurative Elements.

33. The 1971 Committee of Experts thought it preferable not to introduce voting by correspondence, which would, among other things, have the disadvantage of delaying the decisions of the Committee of Experts (document CMF/II/13, paragraph 34).

Comments on Article 6

34. This Article corresponds to Article 4 of the Nice and Locarno Agreements and especially to Article 6 of the Strasbourg Agreement.

35. As far as the entry into force of amendments and additions adopted by the Committee of Experts is concerned, it seems preferable to fix a uniform time limit of six months after the date of dispatch of the notification. There is in fact no need to make the distinction here which is made in Article 4(1) of the Nice Agreement between amendments and additions, especially since no such distinction is made at the time of the decision either.

36. Clearly, amendments and additions decided by the Committee of Experts will have no retroactive effect. The countries of the Special Union will therefore be required to comply with them only with respect to documents and publications appearing after the entry into force of the amendments and additions.

37. After each session of the Committee of Experts, adopted amendments and additions must, according to Article 2(3), be collected in one authentic copy signed by the Director General and kept by him. Furthermore, according to Article 6(2), the International Bureau must keep the Classification of Figurative Elements up to date by incorporating in it all amendments and additions that have entered into force. The latter must also be announced in periodicals designated by the Assembly of the Special Union.

Comments on Article 7

38. In the form proposed, Article 7 is practically the same as Article 5 of the Nice and Locarno Agreements and Article 7 of the Strasbourg Agreement.

Comments on Article 8

39. Article 8, which deals with the International Bureau, corresponds to the provisions governing the same question in the Paris Convention (Article 15) and the Special Agreements and Treaties. It is identical in particular with Article 8 of the Strasbourg Agreement.

Comments on Article 9

40. Article 9, which deals with finances, corresponds to the provisions governing the same question in the Paris Convention (Article 16) and the Special Agreements and Treaties. It is identical in particular with Article 7 of the Nice and Locarno Agreements and Article 9 of the Strasbourg Agreement.

41. The expenses of the Special Union will consist mainly of the costs of holding meetings of its organs (Assembly, Committee of Experts, etc.), the publication of the Classification of Figurative Elements and its amendments and additions, and the Special Union's contribution to the common expenses of the Unions.

42. The Special Union's income will be derived mainly from the contributions of the countries of that Union.

Comments on Article 10

43. In the form proposed, this Article is identical with Article 10 of the Strasbourg Agreement.

Comments on Article 11

44. In the form proposed, this Article is identical with Article 11 of the Strasbourg Agreement.

Comments on Article 12

45. In the form proposed, this Article is identical with Article 12 of the Strasbourg Agreement.

Comments on Article 13

46. Article 13, which deals with the entry into force of the Agreement, is based on the corresponding provisions of the Nice Agreement (Article 9(4) and (5)) and the Locarno Agreement (Article 9(3) and (4)). Paragraph (3), which has the same content as Articles 9(5), 9(4) and 13(2) of the Nice, Locarno and Strasbourg Agreements, respectively, has been incorporated in the draft Agreement on a proposal by the 1971 Committee of Experts (document CMF/II/13, paragraph 29).

Comments on Article 14

47. In the form proposed, this Article is identical with Article 14 of the Strasbourg Agreement.

Comments on Article 15

48. Article 15, which deals with denunciation of the Agreement, corresponds to the provisions governing the same question in the Paris Convention (Article 26(2) to (4)) and the Special Agreements and Treaties. It is identical in particular with Article 15 of the Strasbourg Agreement.

Comments on Article 16

49. This Article reproduces, mutatis mutandis, the corresponding provisions of the Paris Convention (Article 29) and of the Treaties and Special Agreements. It resembles in particular Article 16 of the Strasbourg Agreement.

50. With regard to paragraph (2), the 1971 Committee of Experts thought it would be premature to specify in the Agreement itself other languages in which official texts should be established. It took the view that it was preferable to leave this question to be decided by the Assembly of the Special Union, which would be better informed as to the countries interested in the Classification of Figurative Elements.

CMF/DC/4

January 20, 1973 (Original: French)

INTERNATIONAL BUREAU OF WIPO

Draft International Classification of the Figurative Elements of Marks

Editor's Note: This document contains, in addition to the International Classification (which is reproduced from page 43 to page 121 of these Records), an explanatory note, a draft preface and an annex which are reproduced hereafter. Documents bearing codes other than "CMF/DC/" and which are referred to in the following texts are not reproduced in this volume.

CONTENTS OF THIS DOCUMENT

1. This document contains the draft International Classification of the Figurative Elements of Marks (hereinafter referred to as "the Classification of Figurative Elements"). The draft was prepared by the Committee of Experts which met from November 22 to 26, 1971; a number of amendments of a formal nature were subsequently made to it by the International Bureau of WIPO (see document CMF/II/13, paragraph 38, as well as Annex I of that document). The draft Classification of Figurative Elements is preceded by a draft preface and followed by an Annex containing examples of elements relating to certain divisions and sections of that Classification. All three parts could be incorporated in the volume in which the Classification of Figurative Elements is to be published after the Vienna Conference.

2. The Classification of Figurative Elements, as defined in Article 2(1) of the draft Additional Act and the draft Agreement Establishing an International Classification of the Figurative Elements of Marks (documents CMF/DC/2 and 3), consists only of the Table of Categories and the Table of Divisions and Sections, including the explanatory notes relating thereto. This is therefore the only part which is submitted for adoption to the Diplomatic Conference and which thereafter will be within the competence of the Committee of Experts referred to in Article 5 of the draft instruments mentioned above. The preface and the examples of figurative elements (Annex to this document) will not be mandatory and will be published by the International Bureau merely to facilitate the use of the Classification of Figurative Elements. They are included in this document for information, to advise the Diplomatic Conference of the International Bureau's plans in this connection.

PREFACE

I. Introduction

The number of international classifications in the field of industrial property is constantly increasing. Cooperation of this kind offers many advantages. First and foremost, it provides national Offices with a working tool for the classification and search of documents which each of them would otherwise have to devise separately and constantly modernize on its own. In addition, it spares them a considerable amount of reclassification work in connection with the exchange of documents. These advantages are of particular importance to developing countries, which do not always have the necessary staff at their disposal to carry out such tasks.

As far as marks are concerned, there exists already the International Classification of Goods and Services for the Purposes of the Registration of Marks, which was drafted and adopted under the Nice Agreement of June 15, 1957, revised at Stockholm on July 14, 1967 (hereinafter referred to as "the Nice Agreement").

The Nice Special Union created by the Nice Agreement within the framework of the Paris Union for the Protection of Industrial Property at present comprises 29 member countries, namely: Algeria, Australia, Austria, Belgium, Czechoslovakia, Denmark, France, German Democratic Republic, Germany (Federal Republic of), Hungary, Ireland, Israel, Italy, Lebanon, Liechtenstein, Monaco, Morocco, Netherlands, Norway, Poland, Portugal, Soviet Union, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America, Yugoslavia. Many other countries, although not members of the Nice Special Union, also use the Classification established by the Nice Agreement or intend to use it in the more or less distant future.

The International Classification of Goods and Services is very useful when carrying out trademark anticipation searches. To effect such searches, it is necessary however also to classify the figurative elements of the marks. Consequently, at the request of several industrial property Offices of Paris Union member countries, WIPO⁽¹⁾ has prepared, in collaboration with a Committee of Experts set up in 1967 by the WIPO Coordination Committee, an international classification of the figurative elements of marks (hereinafter referred to as "the Classification of Figurative Elements"). The Classification of Figurative Elements has been made official by an Additional Act to the Nice Agreement, namely, the Additional Act of Vienna, of June 12, 1973, Establishing an International Classification of the Figurative Elements of Marks (hereinafter referred to as "the Additional Act"). [The Classification of Figurative Elements has been made official by the Vienna Agreement, of June 12, 1973, Establishing an International Classification of the Figurative Elements of Marks (hereinafter referred to as "the Agreement"), which has created a new Special Union--the Vienna Union--within the framework of the Paris Union]⁽²⁾.

The Classification of Figurative Elements is established in English and in French, both texts being equally authentic. Official texts will be established in other languages as provided in the Additional Act [the Agreement].

II. Contents of the Classification of Figurative Elements

The Classification of Figurative Elements comprises primarily a list which, proceeding from the general to the particular, divides all figurative elements into categories, divisions and sections. It also contains explanatory notes concerning either the Classification as a whole or any given category, division or section of the Classification.

Each category, division and section has a number, according to a given code. Each figurative element in a section is represented by three numbers: the first, which may be any number from 1 to 29, indicates the category; the second, which may be any number from 1 to 19, indicates the division; and the third, which may be any number from 1 to 25, indicates the section.

(1) In the interests of simplicity, this document speaks of WIPO (World Intellectual Property Organization) even when referring to the time when only BIRPI (United International Bureaux for the Protection of Intellectual Property) was in existence.

(2) The passages between square brackets will replace the passages immediately preceding if the Diplomatic Conference adopts a separate Agreement instead of an Additional Act (see document CMF/DC/1, paragraphs 8 et seq., and document CMF/DC/3).

The number of divisions and sections varies according to the categories and divisions to which they respectively belong. Some of the numbers in the divisions and sections have been left vacant and may, if necessary, be assigned later to such new divisions or sections as the Committee of Experts referred to in Article 5 of the Additional Act [of the Agreement] may consider it necessary to create.

III. Committee of Experts

The Additional Act provides that the Committee of Experts set up under Article 3 of the Nice Agreement shall be [The Agreement provides for the setting up of a Committee of Experts] entrusted with making such amendments and additions to the Classification of Figurative Elements as may be required by the development of technology and commerce or dictated by experience.

The amendments and additions adopted by the Committee of Experts, which meets as required, are notified each time by the International Bureau of WIPO to the Offices of countries party to the Additional Act [to the Agreement] and published as provided by the Assembly of the Nice Union [the Vienna Union]. They enter into force six months after the date of dispatch of the notifications to the Offices referred to above.

IV. Scope of the Classification of Figurative Elements

Article 4 of the Additional Act [of the Agreement] provides that the Classification of Figurative Elements shall be solely of an administrative character. The main purpose of the Classification is to facilitate trademark anticipation searches, particularly at the international level. It has therefore no effect, in itself, on the nature and scope of the protection afforded to the mark. Nevertheless, each of the countries party to the Additional Act [to the Agreement] may attribute to the Classification of Figurative Elements the legal scope which it considers appropriate, over and above the purely administrative scope which it already has under the Additional Act [the Agreement] itself.

V. Use of the Classification of Figurative Elements

Countries party to the Additional Act [to the Agreement] may use the Classification of Figurative Elements either as a principal or as a subsidiary system. They thus have the possibility of continuing, if they see fit, to use their national classification at the same time as the International Classification, either as a transitional or as a permanent measure.

The competent Offices of countries party to the Additional Act [to the Agreement] must include in the official documents and publications relating to registrations and renewals of marks the numbers of the categories, divisions and sections of the Classification of Figurative Elements in which the figurative elements of those marks have been placed. "Documents and publications" means, in particular, entries in the trademark register, registration and renewal certificates and publications of registrations and renewals in Office journals or gazettes.

It should be noted that this obligation does not have a retroactive effect in the sense that the competent Offices of countries party to the Additional Act [to the Agreement] are not required immediately to classify in this way all figurative marks registered on their territory before the entry into force of the Additional Act [of the Agreement]. However, such classification must be made progressively as the registration of those marks is renewed. The numbers of the categories, divisions and sections in which the figurative elements of the marks in question are to be placed must therefore appear also in the documents and publications relating to renewals, even if those documents and publications do not reproduce the mark itself. Thus, all figurative marks in force in countries party to the Additional Act [to the Agreement] will eventually be classified according to the Classification of Figurative Elements, which will make the organization of anticipation searches at the international level much easier.

The numbers of the categories, divisions and sections appearing in official documents and publications relating to registrations are preceded, for ease of comprehension, by the full indication "Classification of Figurative Elements" or by the abbreviation "....." as determined by the Committee of Experts in accordance with Article 4(4) of the Additional Act [of the Agreement].

The Classification of Figurative Elements is sufficiently detailed for the sections to contain only a relatively small number of figurative elements, even in large industrial property Offices, thereby facilitating anticipation searches. It is perhaps too detailed, however, for Offices which register only a limited number of marks. Countries party to the Additional Act [to the Agreement] may therefore avail themselves of the possibility of not applying the Classification (or of applying it only in part) in the case of numbers relating to the finest subdivisions, namely, the sections.

The Classification of Figurative Elements not only contains all the sections necessary to accommodate all figurative elements; it also contains additional sections, intended for figurative elements which are already included in other (principal) sections but which it appears useful to classify again according to a particular criterion in order to facilitate anticipation searches. These sections, known as auxiliary sections, are marked with an A in the Classification of Figurative Elements and are not mandatory; national Offices are free to make use of them if they consider it useful for facilitating searches.

For the rest, countries party to the Additional Act [to the Agreement] must use the Classification of Figurative Elements as it stands. They may not, for instance, change the contents or references of the categories, divisions or sections, combine different sections into one single section or create new sections, whether principal or auxiliary.

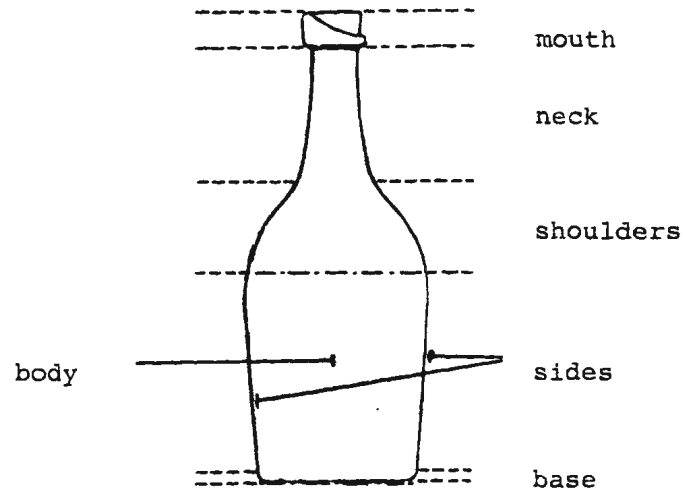
ANNEX TO THE
INTERNATIONAL CLASSIFICATION OF THE
FIGURATIVE ELEMENTS OF MARKS

Examples of figurative elements relating to
the following divisions or sections:

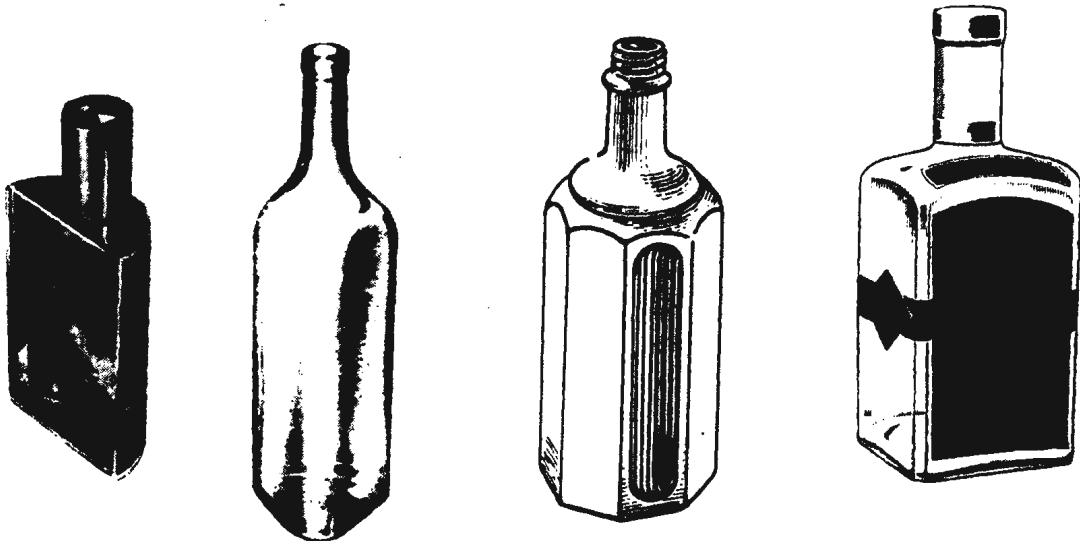
	pages
Division 19.7: Bottles and flasks	156
Division 24.1: Shields, coats of arms	168
Sections A 24.9.5 to A 24.9.12: Crowns	172
Division 24.13: Crosses	174

Division 19.7: Bottles and flasks

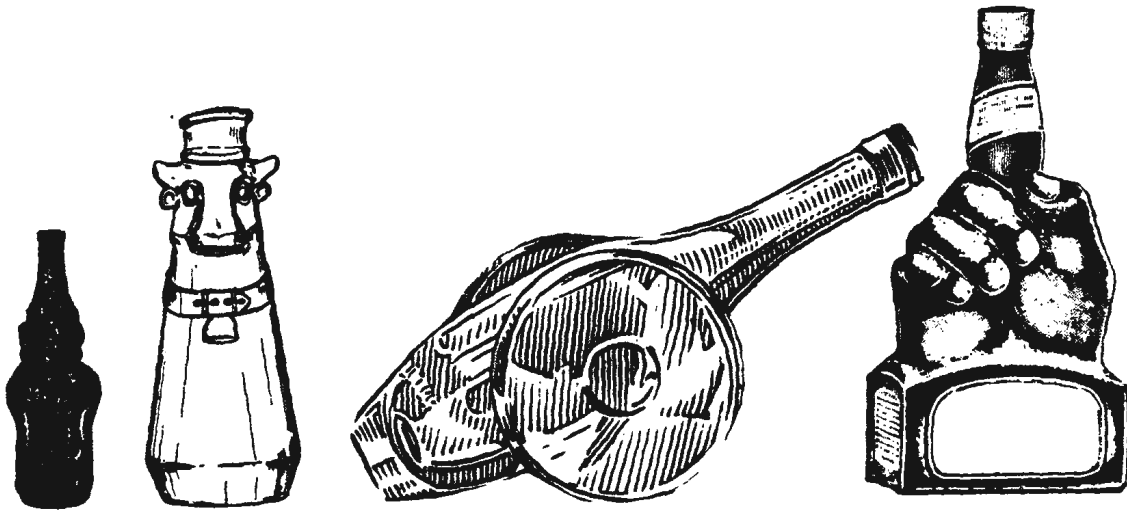
The following sketch illustrates the terms used in the descriptions below:



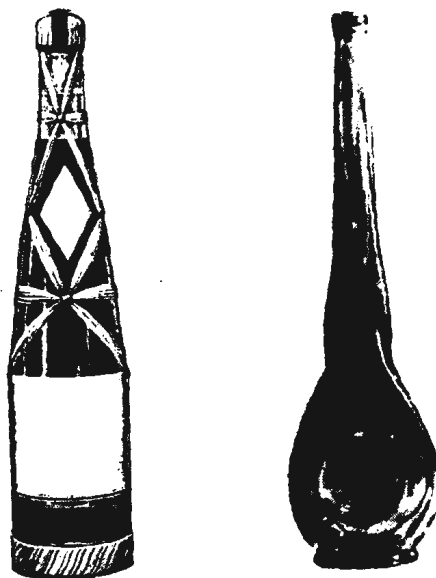
19.7.1 Bottles and flasks in horizontal cross section other than circular or elliptical



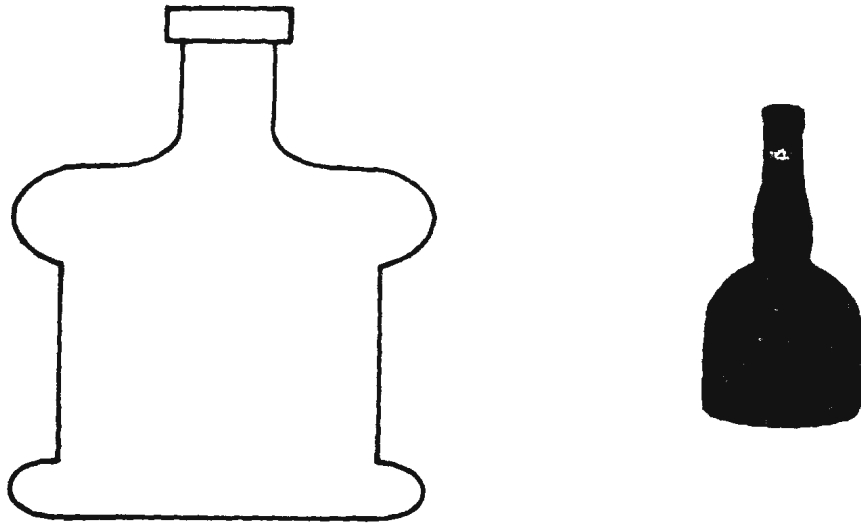
19.7.2 Bottles and flasks representing a human being, an animal, an inanimate object, or parts thereof



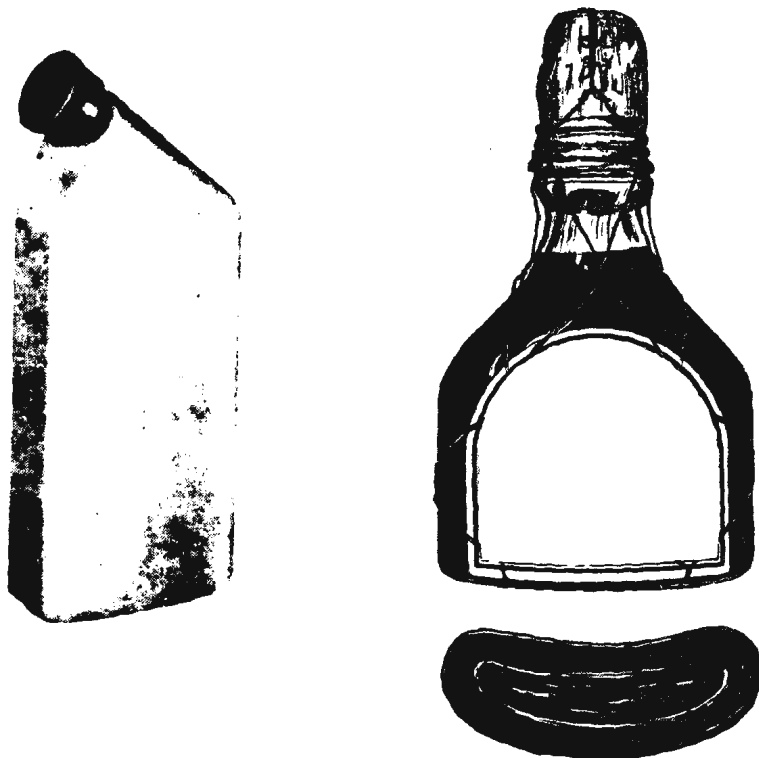
19.7.3 Bottles and flasks, slender



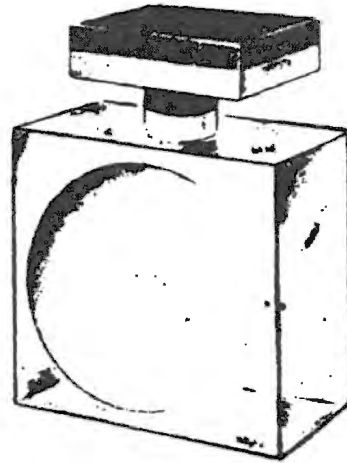
19.7.4 Bottles and flasks, squat



19.7.5 Bottles and flasks, flat



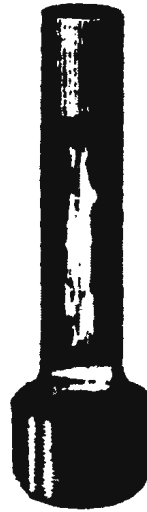
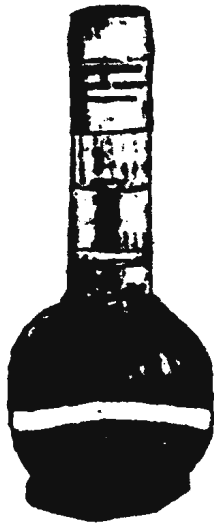
19.7.6 Bottles, cut glass



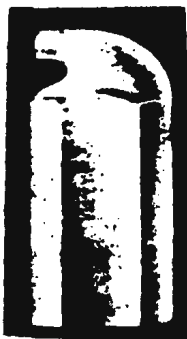
A 19.7.7 Bottles and flasks without neck, or with a very short neck



A 19.7.8 Bottles and flasks with a long neck (more than one-third of the total height of the bottle)



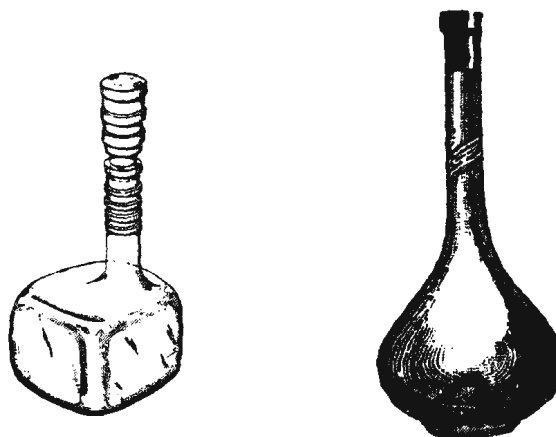
A 19.7.9 Bottles and flasks with sloping neck



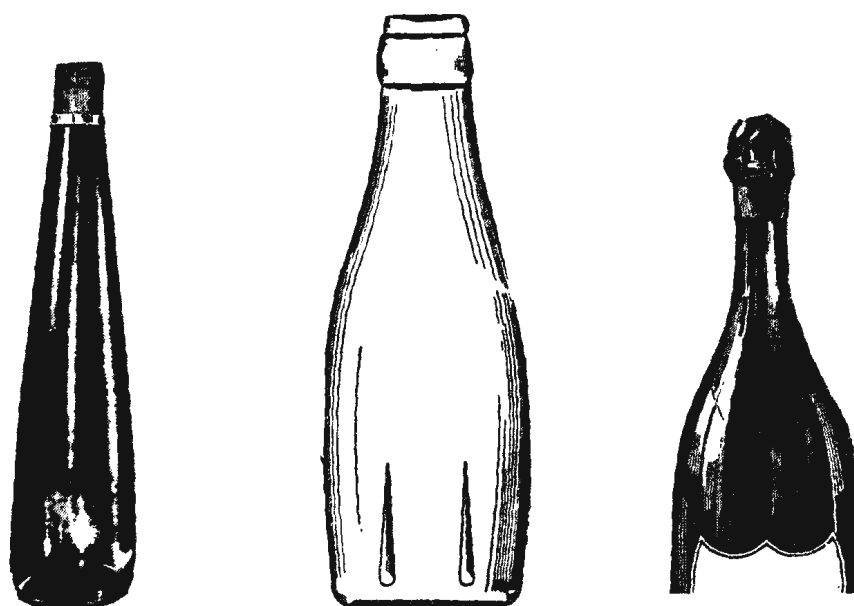
A 19.7.10 Bottles and flasks with a bulbous or similarly enlarged neck



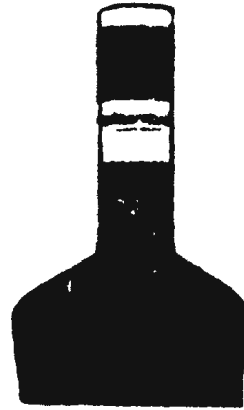
A 19.7.11 Bottles and flasks with a narrow neck in relation to the body of the bottle



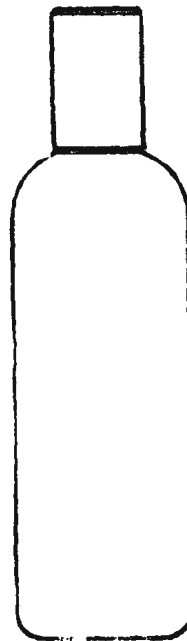
A 19.7.12 Bottles and flasks without shoulders, or with scarcely defined or slanting (drooping) shoulders



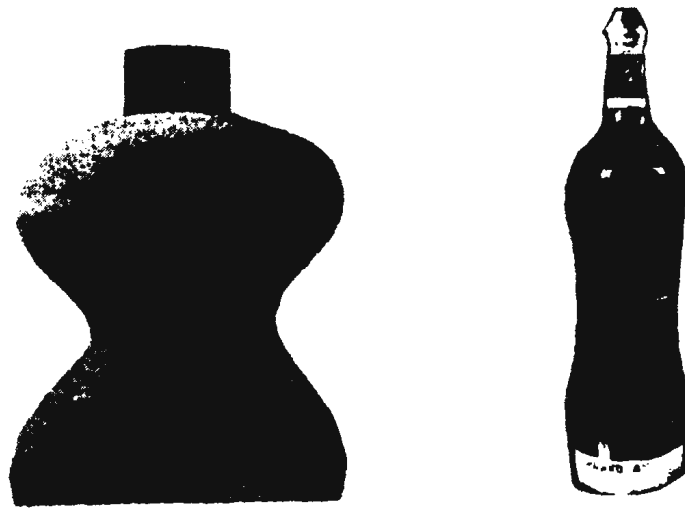
A 19.7.14 Bottles and flasks with well-defined shoulders
(standing out)



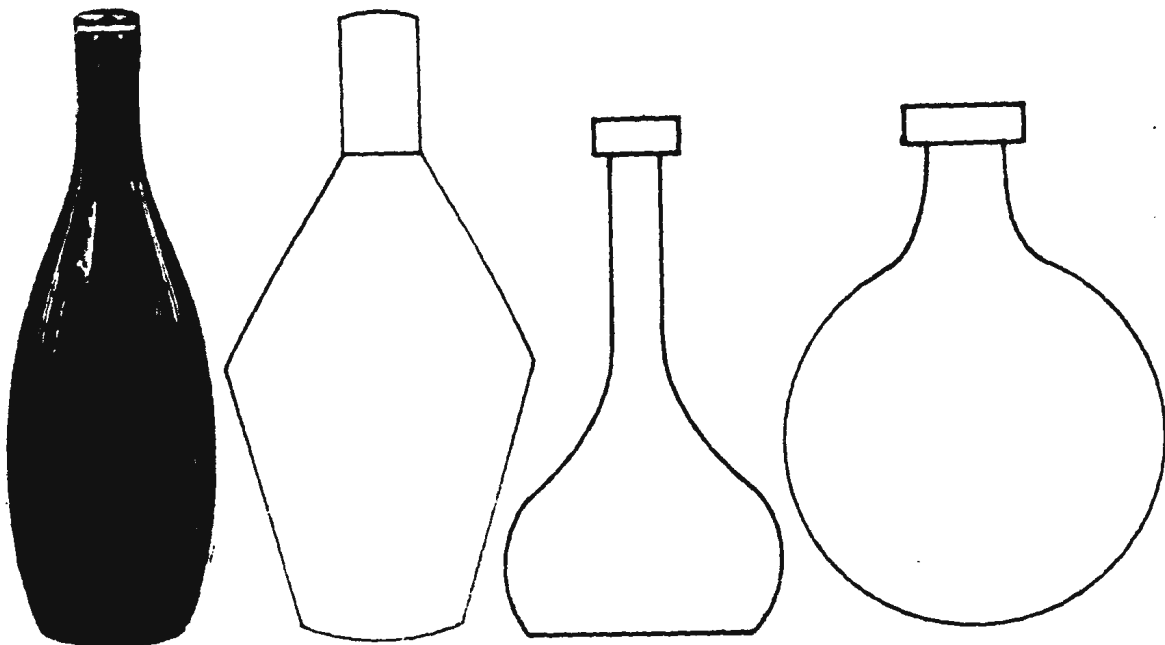
A 19.7.15 Bottles and flasks with straight sides



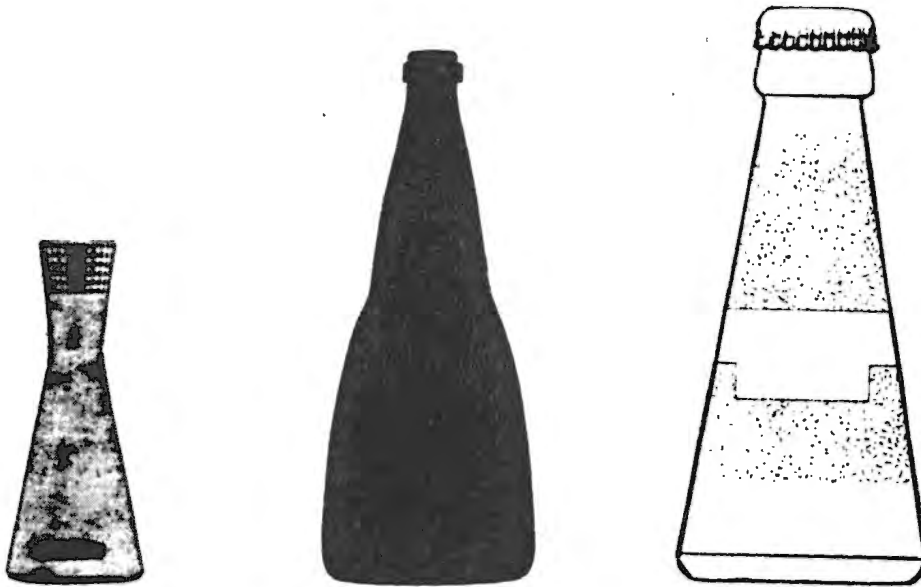
A 19.7.16 Bottles and flasks with inward-curving sides



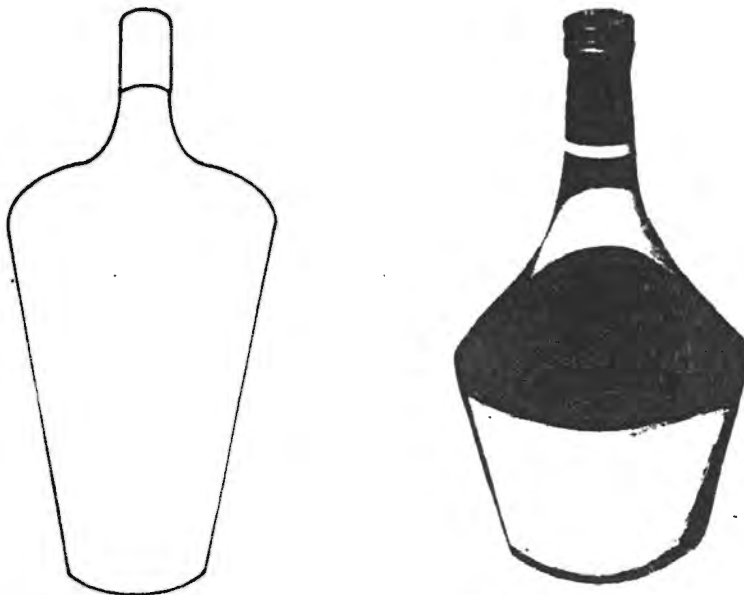
A 19.7.17 Bottles and flasks with bulging, protruding or rounded sides



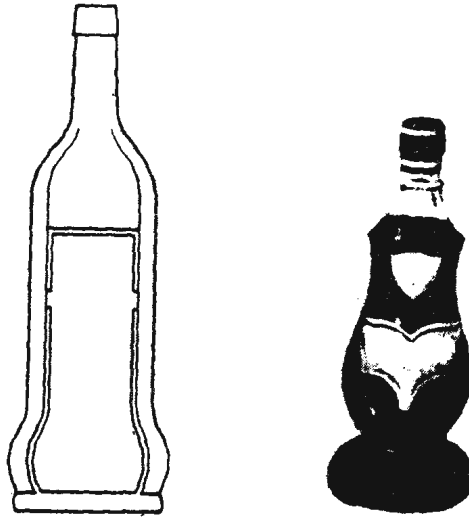
A 19.7.20 Bottles and flasks with sides closing in at the neck or mouth



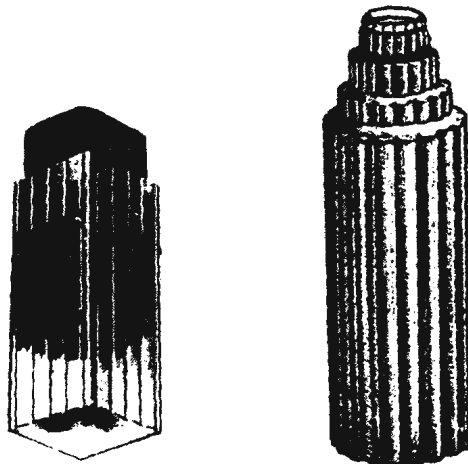
A 19.7.21 Bottles and flasks with sides closing in at the base



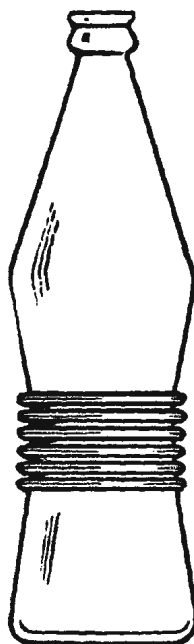
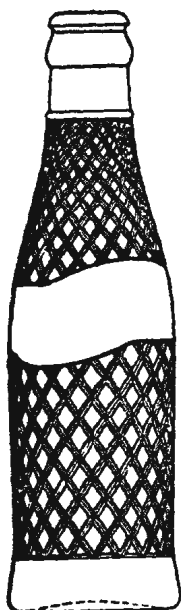
A 19.22 Bottles and flasks with protruding base



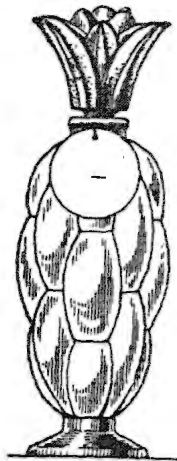
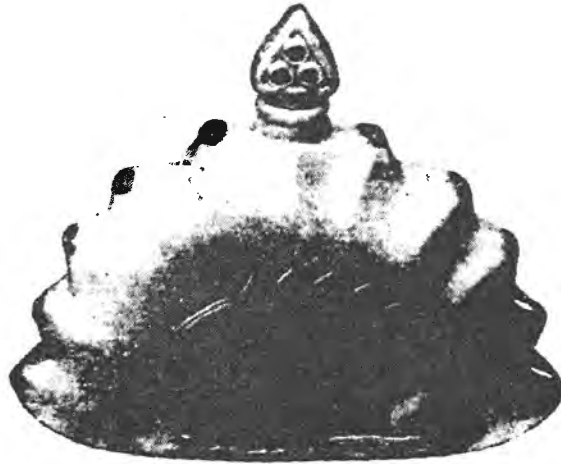
A 19.7.23 Bottles and flasks with vertical ribs



A 19.7.24 Bottles and flasks with ribs other than vertical



19.7.25 Other bottles and flasks



Division 24.1: Shields, coats of arms

24.1.1 Blank shields (without partition, honorable ordinary or charges)



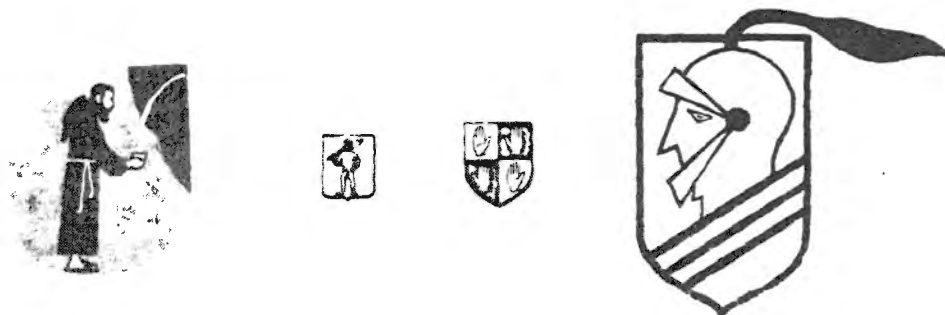
24.1.3 Shields with one or more partitions



24.1.7 Shields containing one or more figurative elements

See auxiliary sections A 24.1.8 to A 24.1.13

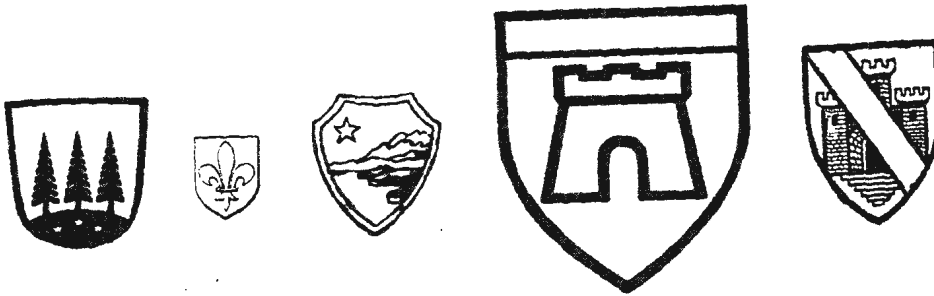
A 24.1.8 Shield charged with representations of human beings or parts of the human body



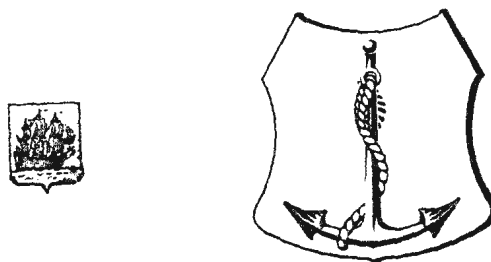
A 24.1.9 Shields charged with representations of animals or parts of animals' bodies



A 24.1.10 Shields charged with representations of plants, landscapes or buildings



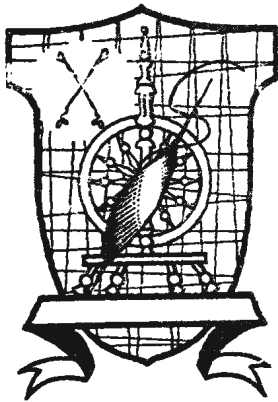
A 24.1.11 Shields charged with representations of boats or anchors



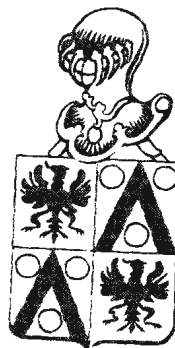
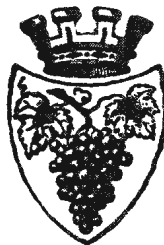
A 24.1.12 Shields charged with letters or inscriptions



A 24.1.13 Shields charged with other figurative elements



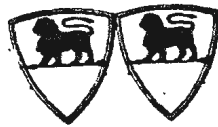
24.1.15 Shields surmounted by ornaments



24.1.19 Shields with exterior ornaments (excluding 24.1.15)



24.1.23 Several shields or coats of arms



24.1.25 Shields of unusual shape



Sections A 24.9.5 to 12: Crowns

A 24.9.5 Crowns with cap of estate or chapeau (of emperors, kings),
tiaras



A 24.9.6 Coronets with foliage dominant (of princes, dukes, marquises)



A 24.9.7 Crowns with spheres on the tips of the points (of counts,
viscounts, barons)



A 24.9.8 Crowns having the upper rim indented to resemble towers
or battlements (Roman mural crowns)



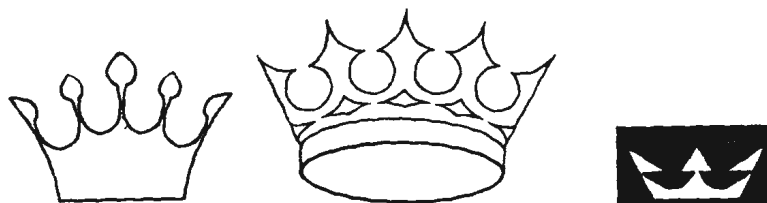
A 24.9.9 Crowns having three triangular points



A 24.9.10 Crowns having more than three triangular points



A 24.9.11 Crowns with points in the form of arrows (lanceolate)

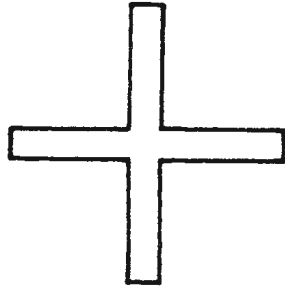


A 24.9.12 Crowns composed of letters or other figurative elements

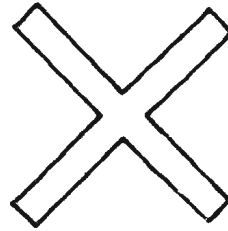


Division 24.13: Crosses

24.13.1 Greek crosses, St. Andrew's crosses

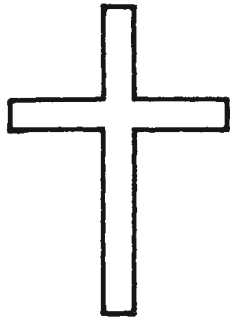


(Greek cross)

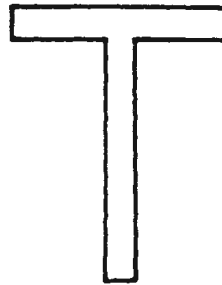


(St. Andrew's cross)

24.13.2 Latin crosses, tau crosses

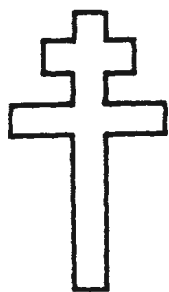


(Latin cross)

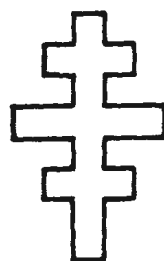


(Tau cross)

24.13.3 Crosses of Lorraine, Papal crosses

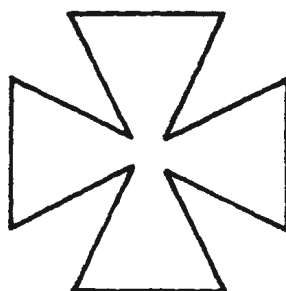


(Cross of Lorraine)

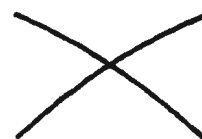
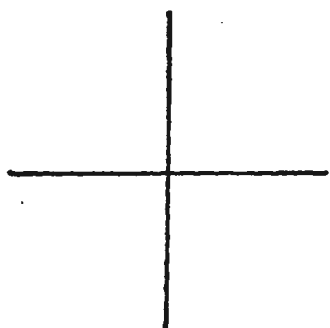


(Papal cross)

24.13.4 Maltese crosses



A 24.13.9 Crosses formed by intersecting lines



A 24.13.11 Crosses formed by word elements

INS
CRIPTION
P
TION

A 24.13.12 Crosses enfaming a cross formed by word elements

A
B
C
A B C D E F G
E
F
G

A 24.13.13 Crosses containing a word element

A B C D

A 24.13.14 Crosses containing a figurative element

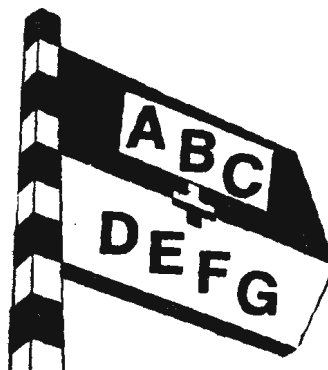


A 24.13.17 Crosses following or preceding an inscription or uniting two word elements

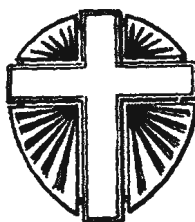
INSCRIPTION +



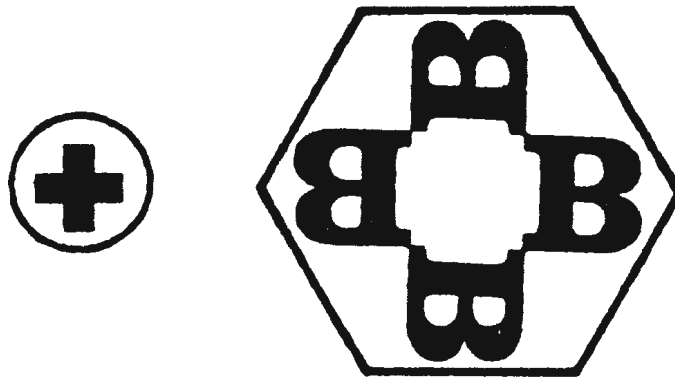
ABCD + EFGH



A 24.13.21 Crosses with rays or radiating lines



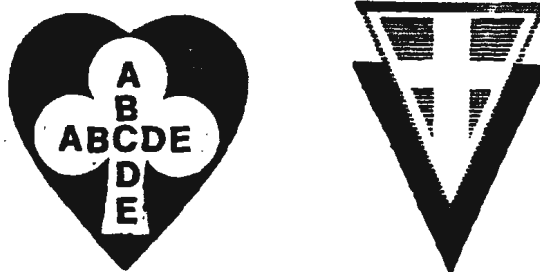
A 24.13.22 Crosses within a circle or a polygon



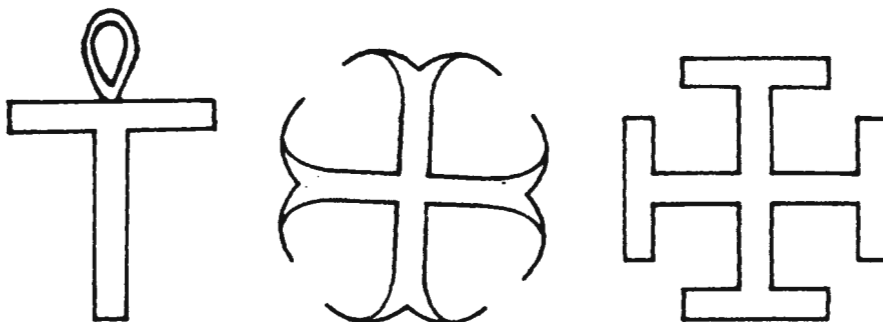
A 24.13.23 Crosses within a square or rectangle



A 24.13.24 Crosses within any other figurative element



24.13.25 Crosses in some other form



CMF/DC/5

February 16, 1973 (Original: English)

THE DIRECTOR GENERAL OF WIPO

Draft Agenda

1. Opening of the Conference by the Director General of WIPO
2. Election of the President of the Conference
3. Adoption of the agenda (see the present document)
4. Election of the following officers:
 - (i) the Vice-Presidents of the Conference,
 - (ii) the Chairman of the Main Committee,
 - (iii) the Vice-Chairmen of the Main Committee.
5. Election of the members of the Drafting Committee
6. General debate on the proposed instrument on the International Classification of the Figurative Elements of Marks

7. Consideration of the question whether the proposed instrument should be an Additional Act to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks or a special agreement (independent from the Nice Agreement) under the Paris Convention for the Protection of Industrial Property (see document CMF/DC/1)
8. Consideration of the proposed instrument on the basis of documents CMF/DC/2 to 4, and any proposed amendments*
9. Consideration and adoption of the said instrument on the basis of the proposals of the Main Committee
10. Closing of the Conference by its President

* This item will be dealt with by the Main Committee of the Conference.

CMF/DC/6

May 18, 1973 (Original: English)

UNITED STATES OF AMERICA

Proposals for amendments concerning the expression "figurative elements" and Article 4(1)

1. In General

In the title and other parts of the Agreement where the expression "figurative elements" appears, substitute the expression "design elements".

Comment:

The term "design elements" is much more appropriate because the Classification here does not include graphic features of letters but "figurative" would seem to include such features and hence the designation of the Classification by that term would appear to be misleading.

2. Article 4(1)

Substitute the language of Article 4(1) of the Strasbourg Agreement for the present text such that the new text would read as follows:

"(1) The Classification shall be solely of an administrative character."

Comment:

This proposal would in our opinion make the draft clearer and would follow the improved text of the Strasbourg Agreement. At the Strasbourg Conference, the language of Article 2(1) of the Nice Agreement was found to be unclear and the above proposed text was agreed to for clarification.

CMF/DC/7
NETHERLANDS

May 18, 1973 (Original: English/French)

Proposition for amendment concerning a new article entitled "Disputes"

New Article

(to be inserted between Articles 15 and 16)

Disputes

(1) Any dispute between two or more countries of the Special Union concerning the interpretation or application of this Agreement, not settled by negotiation, may, by any one of the countries concerned, be brought before the International Court of Justice by application in conformity with the Statute of the Court, unless the countries concerned agree on some other method of settlement. The country bringing the dispute before the Court shall inform the International Bureau; the International Bureau shall bring the matter to the attention of the other countries of the Special Union.

(2) Each country may, at the time it signs this Agreement or deposits its instrument of ratification or accession, declare that it does not consider itself bound by the provisions of paragraph (1). With regard to any dispute between any country having made such a declaration and any other country of the Special Union, the provisions of paragraph (1) shall not apply.

(3) Any country having made a declaration in accordance with the provisions of paragraph (2) may, at any time, withdraw its declaration by notification addressed to the Director General.

Remark: Paragraphs (2) and (3) may be the subject of a special article on "Reservations".

CMF/DC/8
AUSTRIA

May 18, 1973 (Original: English)

Proposal for amendment concerning Article 7(2)(a)

Add in Article 7(2)(a) a new subparagraph:

"(x) adopt amendments to Articles 7, 8, 9 and 11;"

The existing subparagraph (x) as such would become subparagraph (xi).

Comment:

See Article 24(2)(a)(ix) of the proposed Agreement for the Protection of Type Faces and their International Deposit (document CT/DC/1).

CMF/DC/9

May 18, 1973 (Original: English)

UNITED KINGDOM

Proposals for amendments concerning Articles: 2(3); 3(2); 4(3), (4); 5(2)(b), (5); 6(2); 7; 8(4); 9(1)(b), (1)(c), (4)(a), (7)(b); 10(3); 11(2), (3)(a), (3)(c); 12(3), (4); 13(2)

Editor's Note: This document was published erroneously as document DMF/DC/5. A corrigendum was issued in document CMF/DC/10.

1. References to Articles should be understood to be references to Articles of this Agreement unless expressly stated otherwise; similarly with references to paragraphs and subparagraphs. This can be achieved by a "blanket" opening statement or (as there is no "definitions" Article as such) by individual amendments of the references. A list of these is annexed (see reverse side of this page).
2. Article 4(3), line 2
Amend "official documents" to "register".
3. Article 4(3), line 3
After "registrations" delete "and renewals of marks" and insert instead "of marks and the first renewal after ratification or accession".
4. Article 5(2)(b), line 2
After "representatives of" insert "any Paris Union country that is not a contracting party to this Agreement,".
5. Article 6(2)
Delete "such periodicals" and substitute "the periodicals Industrial Property, Les Marques Internationales and such others".
6. Article 8(4)
Add at end "by the Assembly of the Special Union".
7. Article 9(1)(b) and (c), line 3
After "Unions" insert "administered by the Organization", in both cases.
8. Article 12(3)
After "Property" insert "of 20 March, 1883".
9. Article 13(2)
Delete "pursuant to" and substitute "in accordance with".

ANNEX

- | | |
|-----------------------------|--|
| <u>Article 2(3)</u> | - After "Article 5(3)(i)" insert "of this Agreement". |
| <u>Article 3(2)</u> | - After "Article 7" insert "of this Agreement". |
| <u>Article 4(4)</u> | - After "Article 5" insert "of this Agreement". |
| <u>Article 5(4) and (5)</u> | - After "paragraph (2)(a)" insert "of this Article". |
| <u>Article 6(2)</u> | - After "Article 7" insert "of this Agreement". |
| <u>Article 7</u> | - In paragraph (1)(c) after "Article 5(2)(a)", and in paragraph (2)(a) after "Article 5", and in paragraph 3(d) after "Article 11(2)" insert "of this Agreement". In paragraph 2(a)(viii) after "paragraph (1)(c)" insert "of this Article". |

- Article 9(4)(a) - After "paragraph (3)(i)" insert "of this Article".
- Article 9(7)(b) - After "subparagraph (a)" insert "of this paragraph".
- Article 10(3) - After "Articles 7, 8, 9 and 11" insert "of this Agreement".
- Article 11(2), line 1 - After "paragraph (1)" insert "of this Article".
- Article 11(2), line 3 - After "Article 7" insert "of this Agreement".
- Article 11(3)(a) - After "paragraph (1)" insert "of this Article".
- Article 11(3)(c) - After "subparagraph (a)" insert "of this paragraph".
- Article 12(4) - After "Paragraph (3)" insert "of this Article".
- Article 13(2) - After "paragraph (1)" insert "of this Article".

CMF/DC/10

May 19, 1973 (Original: French)

THE SECRETARIAT OF THE CONFERENCE

Corrigendum

The document bearing the citation CMF/DC/5 (Proposals for Amendments submitted by the Delegation of the United Kingdom) should bear the citation CMF/DC/9.

CMF/DC/11

May 21, 1973 (Original: English/French)

THE DRAFTING COMMITTEE

Draft Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks

Editor's Note: This document contains the text of the draft Vienna Agreement as submitted by the Drafting Committee to the Main Committee. It is not reproduced in this volume. Only the differences between the text of this Draft and that of the Agreement as signed by the Diplomatic Conference (see the odd-numbered pages from pages 11 to 39 of these Records) are indicated hereafter.

1. The text of this draft Agreement contains a "List of Articles" which does not appear in the Final Text.
2. In the preamble to this draft Agreement, the word "Agree" appears instead of the words "have agreed."
3. Article 5(b) of this draft Agreement contains, before the words "of which", the word "and."
4. In Article 17(3)(c) of this draft Agreement, the words "with a copy" instead of the words "with two copies."
5. In this draft Agreement, Article 17(5) reads as follows:

"(5) The Director General shall notify the Governments of all countries party to the Paris Convention for the Protection of Industrial Property of:

- (i) signatures;
- (ii) deposits of instruments of ratification or accession;
- (iii) the date of entry into force of this Agreement;
- (iv) reservations on the use of the Classification of Figurative Elements;
- (v) acceptances of amendments to this Agreement;
- (vi) the dates on which such amendments enter into force;
- (vii) denunciations received."

CMF/DC/12

May 23, 1973 (Original: English/French)

THE MAIN COMMITTEE

Draft Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks

Editor's Note: This document contains the text of the draft Agreement as submitted to the Plenary by the Main Committee. It is not reproduced in this volume. Only the differences between the text of this Draft and that of the Agreement as signed by the Diplomatic Conference (see the odd-numbered pages from pages 11 to 39 of these Records) are indicated hereafter.

1. The document contains an introductory note which reads as follows:

"The Main Committee draws attention to the fact that Articles 7 to 17 were approved provisionally by the Main Committee in as much as these Articles should be harmonized with the corresponding Articles appearing in the texts of those international instruments prepared by the other two Diplomatic Conferences. The Main Committee decided to propose to the Steering Committee that such harmonization be undertaken and requested the Secretary of the Conference to so inform the Steering Committee to enable it to take the necessary measures."

2. The text of this draft Agreement contains a "List of Articles" which does not appear in the Final Text.

3. In this draft Agreement, Article 17(5) reads as follows:

"(5) The Director General shall notify the Governments of all countries party to the Paris Convention for the Protection of Industrial Property of:

- (i) signatures;
- (ii) deposits of instruments of ratification or accession;
- (iii) the date of entry into force of this Agreement;
- (iv) reservations on the use of the Classification of Figurative Elements;

- (v) acceptances of amendments to this Agreement;
- (vi) the dates on which such amendments enter into force;
- (vii) denunciations received."

CMF/DC/13

May 30, 1973 (Original: French)

THE SECRETARIAT OF THE CONFERENCE

Communications concerning document CMF/DC/12

At its meeting on May 30, 1973, the Main Committee approved without reservation Articles 7 to 17, which it had approved provisionally according to the note appearing on the first page of document CMF/DC/12.

CMF/DC/14

June 4, 1973 (Original: English/French)

THE SECRETARIAT OF THE CONFERENCE

Proposal concerning Article 17(5) (submitted to the Main Committee)

In order to harmonize Article 17(5), which was approved by the Main Committee at its meeting on May 30, 1973, with the corresponding provisions of the international instruments elaborated by the other two Diplomatic Conferences, the Secretariat proposes that Article 17(5) be worded as follows:

"(5) The Director general shall notify the Governments of all countries party to the Paris Convention for the Protection of Industrial Property of:

- (i) signatures under paragraph (1);
- (ii) deposits of instruments of ratification or accession under Article 12(2);
- (iii) the date of entry into force of this Agreement under Article 13(1);
- (iv) declarations made under Article 4(5);
- (v) declarations and notifications made in accordance with Article 12(3);
- (vi) declarations made under Article 16(2);
- (vii) withdrawals of any declarations, notified under Article 16(3);
- (viii) acceptances of amendments to this Agreement under Article 11(3);
- (ix) the dates on which such amendments enter into force;
- (x) denunciations received under Article 15."

CMF/DC/15

June 4, 1973 (Original: English/French)

THE SECRETARIAT OF THE CONFERENCE

Draft Resolution (presented to the Main Committee)

Editor's Note: This document contains the text of the draft Resolution presented to the Main Committee by the Secretariat. It is not reproduced in this volume. Only the differences between the text of this draft Resolution and that of the Resolution as adopted by the Diplomatic Conference (see page 125 of these Records) are reproduced hereafter.

1. Paragraph (1) of the Draft reads as follows:

"(1) Pending the entry into force of the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks, a provisional Committee of Experts is hereby set up at the International Bureau."

2. Paragraph (2) of the Draft does not contain the third sentence which appears in the text of the Resolution as adopted by the Diplomatic Conference.

3. Paragraph (5) of the Draft reads as follows:

"(5) The International Bureau is invited to convene the provisional Committee if amendments or additions are proposed by a country having signed the Agreement, by a country having acceded to the Agreement, or by an organization referred to in paragraph (2) above, or if the International Bureau itself intends to propose amendments or additions."

CMF/DC/16

June 4, 1973 (Original: English/French)

THE SECRETARIAT OF THE CONFERENCE

Convocation of the Main Committee

The Main Committee is hereby convened to meet in the Neuer Saal on June 7, 1973, at 2.30 p.m. The following agenda is proposed:

1. Reexamination of Article 17(5) (see document CMF/DC/14)

2. Consideration of a draft Resolution concerning the establishment of a provisional Committee of Experts (see document CMF/DC/15)

CMF/DC/17

June 7, 1973 (Original: English/French)

THE MAIN COMMITTEE

Draft Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks

Editor's Note: This document contains the text of the draft Agreement as submitted by the Main Committee to the Plenary. The text of this Draft is identical with the Final Text as adopted by the Diplomatic Conference (see the odd-numbered pages from pages 11 to 39 of these Records). Only the introductory note which appears on the first page of the document is reproduced hereafter.

"This document contains the same text as document CMF/DC/12, with the exception of Article 17(5), which was amended by the Main Committee at its meeting on June 7, 1973."

CMF/DC/18

June 7, 1973 (Original: English/French)

THE MAIN COMMITTEE

Draft Resolution

Editor's Note: This document contains the text of the draft Resolution as submitted by the Main Committee to the Plenary. The text of this Draft is identical with that of the Resolution as adopted by the Diplomatic Conference (see page 125 of these Records).

CMF/DC/19

June 12, 1973 (Original: English/French)

THE PLENARY OF THE DIPLOMATIC CONFERENCE

Text of the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks as adopted by the Plenary of the Diplomatic Conference on June 8, 1973, and as presented for signature on June 12, 1973

Editor's Note: This document contains the final text of the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks. It is reproduced on the odd-numbered pages from pages 11 to 39 of these Records.

CMF/DC/20

June 12, 1973 (Original: English/French)

THE PLENARY OF THE DIPLOMATIC CONFERENCE

Text of the Resolution adopted by the Plenary of the Diplomatic Conference on June 8, 1973

Editor's Note: The text of the Resolution is reproduced on page 125 of these Records.

**VERBATIM AND SUMMARY
MINUTES**

PLENARY OF THE VIENNA DIPLOMATIC CONFERENCE ON INDUSTRIAL PROPERTY

President: Mr. F. SCHÖNHERR (Austria)

Vice-Presidents: Mr. M. A. OZÓRIO DE ALMEIDA (Brazil)

Mr. F. W. SIMONS (Canada)

Mr. E. TUXEN (Denmark)

Mr. Y. RIZK (Egypt)

Mr. D. M. SEARBY (United States of America)

Mr. E. TASNÁDI (Hungary)

Mr. P. ARCHI (Italy)

Mr. S. SASAKI (Japan)

Mr. G. E. LARREA RICHERAND (Mexico)

Mr. J. CRESPIN (Senegal)

Mr. P. BRAENDLI (Switzerland)

Mr. Y. MROZOV (Soviet Union)

Secretary General: Mr. A. BOGSCH (WIPO)

Assistant Secretary General: Mr. J. VOYAME (WIPO)

First Meeting

*Thursday, May 17, 1973,
morning*

Mr. BODENHAUSEN (Director General of WIPO):

1.1 Mr. Federal President, Your Excellencies, Honorable Delegates, Ladies and Gentlemen, I have the honor to declare the Vienna Diplomatic Conference on Industrial Property open. The Conference is honored by the presence of His Excellency the Federal President of the Republic of Austria and, at his request, I will now ask him to address the meeting.

1.2 Mr. Federal President, may I call upon you to take the floor.

Mr. JONAS (Federal President, Austria):

2.1 Mr. Director General, Ladies and Gentlemen, it was almost exactly one hundred years ago, on May 1, 1873, that the 5th World Exhibition was opened, an Exhibition which was to strengthen at the international level the links between States in the economic, industrial and technical fields. It was also the occasion for re-thinking the question of the expediency of internationalizing industrial property rights. Austrian circles were therefore inspired with the idea of holding an international congress to discuss the whole question of patents within the framework of the World Exhibition. This proposal found general favor and was translated into reality. Thus, in August 1973, the congress was held in the Jury Pavillon of the grounds of the World Exhibition.

2.2 Without undue presumption, I think we may say in the circumstances that Austria was the first to take the initiative in the supranational establishment of the protection of industrial property. This marked the start of brisk activity in the negotiating field, which was later to lead to the creation of a considerable number of agreements. In the forefront of this development came the Paris Union Convention of 1883, within the framework of which other special Unions have been created, including a special Union for the inter-

national registration of marks established under the Madrid Agreement of 1891. A number of revision conferences have from time to time adapted the various treaties to changing circumstances. New treaties were also concluded, such as the Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, in Nice in 1957. Developments in the field reached a culminating point in 1967 with the conclusion of the Convention Establishing the World Intellectual Property Organization.

2.3 Ladies and Gentlemen, rapid economic expansion linked with an ever closer involvement of States on a world-wide scale is creating the need for the further development of those treaties. Although the Madrid Marks Agreement has undoubtedly proved a success, certain shortcomings cannot be overlooked. The proposed draft Agreement for the international registration of marks is intended to correct existing deficiencies and make working procedures more uniform, thereby enhancing its attraction for as many States as possible.

2.4 Another task devolving upon the Conference opening today is the proposed creation of an Agreement for the Protection of Type Faces. There is as yet no adequate protection for these, and so it would seem desirable to provide a special industrial property right also in their case. The need for such protection has become greater, particularly in the light of the new techniques that are making it considerably easier to copy printed characters. The new treaty will therefore fill a gap in the industrial property rights system.

2.5 In conclusion, Ladies and Gentlemen, I should like to express my pleasure that the World Intellectual Property Organization has accepted the invitation of the Austrian Federal Government to hold its Conference in Vienna. This invitation stresses the interest which Austria has always traditionally shown in industrial property matters. May I, in the name of the Austrian people, greet all our guests from far and near. It is our hope that, apart from your work at the Conference, you will also be able to take the opportunity to see some of the many natural beauties of our country and to participate in some of the cultural and artistic events that Vienna in particular, and Austria in

Editor's Note: These verbatim minutes have been published in the Records of the Vienna Diplomatic Conference on the Trademark Registration Treaty, 1973 (pages 317 to 330), and are reproduced here as they stand.

general, have to offer. I trust, Ladies and Gentlemen, that the deliberations of the Conference will be so fruitful and so profitable that the great expectations of all participants will be fulfilled. My best wishes for the success of the Conference.

Mr. BODENHAUSEN (Director General of WIPO):

3. I now call upon His Excellency the Federal Minister of Trade and Industry, Mr. Staribacher.

Mr. STARIBACHER (Minister for Trade and Industry, Austria):

4.1 Mr. Federal President, Mr. Director General, Ladies and Gentlemen, the protection of industrial property is a two-way protection operating, on the one hand, for the entrepreneur and, on the other, for the consumer. For the entrepreneur it offers protection against unfair competition; for the consumer it affords protection against misleading and dishonest practices—a sound basis on the whole, I believe, for mutual confidence in business relations. In the light of the vast supply of goods on the market today, trademark protection is a guide to the consumer, facilitating his choice, or even—I might almost say—making it possible for him to choose in the first place. The most remarkable example in this respect is the "declaration of goods" which we now operate in Austria on a voluntary basis. So far, regulations concerning television sets, radios, tape cassettes, sound recorders and dishwashers have been issued, and others are in preparation.

4.2 The protection of industrial property is however closely connected with technical and economic development and, as a result, the corresponding agreements often have to be amended or replaced. The scope of activity of our industrial property department is considerable for a small country like Austria—a fact which I should particularly like to emphasize. We have about 3,000 national and approximately 10,000 international trademark applications, not all of which, admittedly, are accepted for registration but which all are subjected to examination.

4.3 However, it is not only the protection of trademarks that plays an important part in our country, but also the question of the granting of patents and patent procedure, and it is our hope that the European patent granting procedure (the forthcoming conference on the subject will take place this autumn in Munich) will provide a positive solution for Austrian problems as well. As a participant in the Munich negotiations, Austria will submit appropriate proposals as to how the facilities of the Austrian Patent Office can contribute to this important work. I am hopeful and indeed convinced that the response in Munich will be positive and that a positive decision will be taken.

4.4 At the same time, the Republic of Austria is supporting international cooperation in the field of patents in yet another way, by setting up the International Patent Documentation Center. A year ago, on May 2, 1972, I had the great honor of signing, together with the Director General of WIPO, Professor Bodenhausen, the agreement concerning the establishment of the International Patent Documentation Center here in Vienna. In the meantime, the Center has started operating and has signed cooperation agreements with a number of countries. By the end of the year, at the latest, it will have registered and processed the data of 25 countries.

4.5 We should also like to make the information and experience of our Patent Office accessible to industry as well, and thus make it possible, with the introduction of an amendment to the Patent Law, to obtain in future information on prior art with the help of patent documents. We believe that this service and the documentation center already mentioned are of great importance to industry.

4.6 Last, but not least, we are particularly concerned that Austria's intellectual potential should be more to the benefit of economic progress and that it should be increasingly used. It is therefore our intention to create an advisory service for both patent applicants and inventors which, in

common with the Federal Chamber of Commerce, will be designed to help the promotion and exploitation of inventions.

4.7 As you see, Ladies and Gentlemen, we attach great importance to the protection of industrial property, and in particular to that of patents, trademarks, etc., and that is why we are particularly happy that this important Conference of WIPO is taking place in Austria, and here in Vienna. It is a great honor for the Austrian Patent Office, and for industrial property protection in Austria, that you have accepted the invitation of our Federal Government. I wish this Conference every success, and hope (since my duties as Minister for Trade and Industry make me responsible for tourism as well) that you will be able to enjoy the many tourist attractions of this city and take part in the cultural and social events, and thus make a small contribution yourselves to the promotion of tourism in Austria. I wish this Conference every success and I wish you all a pleasant stay in Austria.

Mr. BODENHAUSEN (Director General of WIPO):

5.1 Your Excellencies, Ladies and Gentlemen, it is a great honor for us that the President of the Republic of Austria should have shown his interest in our work and in industrial property in general by his presence here today and by the words he has addressed to us on this occasion. I should like to express our deep gratitude to him and to the Minister for Trade and Industry, Mr. Staribacher. We particularly value such encouragement in the performance of the frequently difficult tasks we have to carry out.

5.2 We are particularly happy—and I believe I may say so for all of us here—to find ourselves in industrial property circles in this city of Vienna, which, like Austria itself, has always known how to combine tradition and progressiveness with rare felicity. It is this progressiveness that has allowed Vienna, as the Federal President has reminded us, to become the place where for the first time the idea of international cooperation in the field of patents was discussed, discussions which led 10 years later to the adoption of the Paris Convention for the Protection of Industrial Property. It is this same spirit of progressiveness which has brought us all here today to discuss the three new international instruments which will add the illustrious name of Vienna to the list of cities that have been the birthplaces of our conventions, treaties and agreements. All of which proves how indebted we are to the Government of the Republic of Austria for its generous invitation and how grateful to the Austrian authorities for the care they have taken and the attention they have devoted to the preparation of our Diplomatic Conference and for their hospitality, which is, as ever, on the grand, imperial scale.

5.3 The three Diplomatic Conferences that will meet here in the forthcoming weeks, each dealing with its own particular subject, have only this in common: the fact that they were all prepared meticulously by many committees of governmental experts assisted by numerous representatives of intergovernmental and non-governmental organizations. It is a pleasure to find a great number of these experts here in this room, but, whether they be here or not, I should like to thank them most sincerely on behalf of the Organization I represent for their assistance to the Secretariat, for without such assistance it would not be possible to envisage with any optimism the outcome of the last round of discussions that will take place during this Conference. I am also very glad to note the presence of the numerous delegations sent to Vienna by the interested States and that of the representatives of many intergovernmental and non-governmental organizations. Their competence, their experience and their willingness to cooperate at the international level will, I am convinced, enable the Conference to achieve results that will represent a new step forward in the development of industrial property. May I extend my warmest wishes for the success of the Vienna Diplomatic Conference on Industrial Property. Thank you.

5.4 The session will be suspended for five minutes to allow the Austrian authorities to leave. I would ask the

delegates, however, to remain seated since the meeting will continue immediately afterwards. Thank you. The meeting is suspended for five minutes.

[Suspension]

Mr. BODENHAUSEN (Director General of WIPO):

5.5 Ladies and Gentlemen, the session will now continue. Please have before you document W/DC/2 *, which is the draft agenda of this meeting. You will see that item 3 of the agenda is the election of the President of the Vienna Conference. Are there any proposals? The Delegation of France has the floor.

Mr. PALEWSKI (France):

6. Mr. Chairman, the Delegation of France has the honor to propose Professor Schönherr as President of the Conference.

Mr. BODENHAUSEN (Director General of WIPO):

7. Are there any other proposals? The Delegation of the Soviet Union has the floor.

Mr. MOROZOV (Soviet Union):

8. The Delegation of the Soviet Union seconds with pleasure the proposal of the Delegation of France. Thank you.

Mr. BODENHAUSEN (Director General of WIPO):

9. The Delegation of the United States of America has the floor.

Mr. GOTTSCHALK (United States of America):

10. The Delegation of the United States is proud to second the distinguished recommendation of our wise colleague, France.

Mr. BODENHAUSEN (Director General of WIPO):

11. Thank you. The Delegation of Iran has the floor.

Mr. HEDAYATI (Iran):

12. Thank you, Mr. Chairman, for allowing me to take the floor. On behalf of the Delegation of Iran, I should like to second the proposal already made by my French colleague. Thank you, Mr. Chairman.

Mr. BODENHAUSEN (Director General of WIPO):

13. Thank you. The Delegation of the Federal Republic of Germany has the floor.

Mr. KRIEGER (Federal Republic of Germany):

14. The Delegation of the Federal Republic of Germany welcomes the proposal submitted by the honorable Delegate of France and supports the proposal for the chair of this Conference. Thank you, Mr. Chairman.

Mr. BODENHAUSEN (Director General of WIPO):

15. Thank you, Are there any other proposals? The Delegation of Italy wishes to speak.

* Document W/DC/2

*Draft Agenda
presented by the Director General of WIPO*

1. Opening of the Vienna Conference by the Director General of WIPO
2. Address by the Representative of the Republic of Austria
3. Election of the President of the Vienna Conference
4. Adoption of the Agenda (see the present document)
5. Adoption of the Rules of Procedure (see document W/DC/3)
6. Election of the Vice-Presidents of the Vienna Conference
7. Election of the members of the Credentials Committee
8. Consideration of the report of the Credentials Committee
9. Consideration and adoption of the Final Act of the Vienna Conference
10. Closing of the Vienna Conference by its President

Promptly after the closing of the Vienna Diplomatic Conference on Industrial Property, 1973, all participants will assemble and the Delegations having the right to sign will have an opportunity to sign the Final Act and the instruments adopted by each of the three Diplomatic Conferences.

Mr. ARCHI (Italy):

16. The Delegation of Italy has the honor to support the proposal made by the Delegation of France and seconded by the other delegations. Thank you, Mr. Chairman.

Mr. BODENHAUSEN (Director General of WIPO):

17. The Delegation of Senegal has the floor.

Mr. CRESPIN (Senegal):

18. Thank you, Mr. Chairman. The Delegation of Senegal would like to associate itself with the proposal of the distinguished Delegate of France and would ask that Professor Schönherr be elected by acclamation. Thank you, Mr. Chairman.

Mr. BODENHAUSEN (Director General of WIPO):

19. Thank you. Before proceeding with the election by acclamation, I should like to ask whether there are any other proposals. Are there any objections to the proposal of the Delegation of France, seconded by a number of other delegations? I see there are no objections. I therefore note that Professor Schönherr, Head of the Austrian Delegation, has been elected President of the Conference, and I invite him to take the Chair.

Mr. SCHÖNHERR (President of the Conference):

20.1 Ladies and Gentlemen, I am deeply moved by the decision that has just been taken by this assembly. For someone who has devoted a great deal of his work to the subject of industrial property and has put his heart and soul into the task, it is a great moment to be called upon to chair a conference as important as ours. It is an honor, a great honor, and at the same time a heavy charge, and I have reason—we all have reason—to be pleased that we will have the assistance of the wise and experienced team composed of the Director General of WIPO, Professor Bodenhausen, the Deputy Directors General, Dr. Bogsch and Professor Voyame, and all their collaborators who have prepared the documents for this Conference so well. It is comforting to see in the list of participants, and partly in this room, so many distinguished figures in the intellectual property field, many of whom—I am proud to say—are my friends.

20.2 I would therefore ask you, Ladies and Gentlemen, to devote all your efforts, all your experience and all your enthusiasm to the work that awaits us. Certainly, each of us will have to try to forget some of the peculiarities of his own national law because, after all, we are here to create an international instrument—or, rather, three international instruments. If the spirit of international co-operation prevails throughout our discussions, we can be sure that by the Tuesday after Whitsun we shall have taken a giant step forward toward achieving the aim that is so dear to all of us: improving the protection of intellectual property throughout the world. Thank you.

20.3 Gentlemen, we now come to the next item on the agenda, that is, item 4: "Adoption of the Agenda," which is still document W/DC/2. I would like to ask whether anybody in this meeting has any objections to the agenda as it is before you? As I see no objection, I think the agenda, document W/DC/2, is unanimously adopted by this assembly.

20.4 The next item on the agenda is the adoption of the Rules of Procedure, that is, document W/DC/3. ** There is one written

** The draft of the Rules of Procedure is, with the exception of Rule 36, the same as the text as adopted.

The text of Rule 36 in the Draft is as follows:

Rule 36: Required Majorities

"(1) Adoption of any treaty and of any regulations thereunder or of any other international instrument shall require a majority of two-thirds of the Member Delegations present and voting in the final vote in a Plenary.

"(2) Any other decisions in a Plenary and, subject to Rule 34, all decisions in any other body shall require a simple majority of the Member Delegations present and voting."

proposal by the Netherlands for an amendment to Rule 36.* I don't know if all the delegates have this amendment, so it would be wise to read it aloud. Rule 36 deals with the required majorities and the Delegation of the Netherlands proposes the following new version of paragraph (1): "Adoption of any instrument in the nature of an addition or other amendment to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks shall require that no State party to the Agreement vote against the adoption of the new instrument in the final vote in the Plenary." In the case of the adoption of that paragraph, the existing paragraphs (1) and (2) would become paragraphs (2) and (3). I think we should restrict the discussion to the first paragraph. Is there anybody in this meeting to support the proposal of the Netherlands? The Delegate of the Netherlands, of course, but I want to know if another delegation would second the proposal of the Netherlands. Maybe the Delegate of the Netherlands would be kind enough to explain the purpose of his amendment.

Mr. VAN WEEL (Netherlands):

21.1 Thank you, Mr. President. We have some difficulties with Rule 36 in its present wording. Rule 36 deals with the required majorities and states at present that the Treaty, the Regulations and any other international instrument shall be adopted by a two-thirds majority. Our difficulty is the following: we are going to be faced with the problem of the diplomatic instrument concerning the International Classification of the Figurative Elements of Marks. As you know, there are two possible instruments: a new Agreement or an Additional Act to the Nice Agreement. Should the latter solution be adopted, we wonder whether it is acceptable that this Protocol should be adopted by a two-thirds majority whereas revision of the Nice Agreement itself would require unanimity. In this context, I should like to recall the Rules of Procedure of the Stockholm Conference, where a similar situation arose and we accepted a text for Rule 36 [37] of the Stockholm Rules of Procedure that took account of that situation. I should like to read that Rule, which states, *inter alia*: "Adoption of any revision or new instrument (Protocol or Additional Act) concerning the Berne, Paris, Madrid TM..., Conventions and Agreements, respectively, shall require that no State party to the Convention or Agreement vote against the adoption of the revision or of the new instrument in the final vote of the competent plenary meeting."

21.2 In our view, the situation is the same as it was in Stockholm and that is why we want to keep the unanimity rule which is required also for the Additional Protocol of existing Agreements. That is the reason for which we made the proposal you have just read. Thank you, Mr. President.

Mr. SCHÖNHERR (President of the Conference):

22.1 Thank you. Any comments? Ladies and Gentlemen, it seems that this proposal is a bit too complicated to be decided on the spot.

22.2 We have the next item on the agenda. The next item is the election of the Vice-Presidents of the Vienna Conference and the election of the members of the Credentials Committee. As you know, it is one of the tasks of the President to

* Document W/DC/8

Rules of Procedure
Amendments proposed by the Netherlands

Rule 36: Required Majorities

Insert a new paragraph (1):

"(1) Adoption of any instrument in the nature of an addition or other amendment to the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks shall require that no State party to the Agreement vote against the adoption of the new instrument in the final vote in the Plenary."

The existing paragraphs (1) and (2) become paragraphs (2) and (3), the new paragraph (2) being amended as follows:

"(2) Adoption of any treaty and of any regulations thereunder or of any international instrument *other than that mentioned in paragraph (1)* shall require..."

propose a list of candidates for those positions. Such a list has been prepared on the suggestion of Professor Bodenhausen and Dr. Bogsch and has been circulated to some of the Heads of Delegations. So I would propose that we suspend the meeting for, let's say, quarter of an hour, half an hour, and I would like to ask the Heads of Delegations to go over to the *Neuer Saal* to discuss the proposals made for the officers of this Conference.

22.3 The meeting is therefore suspended for a quarter of an hour and the Heads of Delegations are kindly requested to go over to the *Neuer Saal* to discuss items 5 and 6 of the agenda. Thank you.

[Suspension]

22.4 Ladies and Gentlemen, we are going back to item 5 of the agenda: "Adoption of the Rules of Procedure." I hope you had occasion to think over the amendment made by the Delegation of the Netherlands, and I would ask if—let's make it the other way round—I would like to ask if anybody is against the amendment proposed by the Netherlands. I repeat, is any delegation opposed to the adoption of the amendment presented by the Delegation of the Netherlands? As I see no objection, I declare that the Rules of Procedure, with the amendment proposed by the Netherlands, are accepted. **

** Document W/DC/9.

Rules of Procedure
Adopted by the Vienna Diplomatic Conference
on Industrial Property, 1973,
meeting in plenary, on May 17, 1973

Contents

Chapter I: Objective, Composition and Bodies	
Rule 1: Objective	
Rule 2: Composition	
Rule 3: Competence and Bodies	
Chapter II: Representation	
Rule 4: Representation of Governments	
Rule 5: Representation of Observer Organizations	
Rule 6: Credentials and Full Powers	
Rule 7: Letters of Appointment	
Rule 8: Presentation of Credentials, etc.	
Rule 9: Examination of Credentials, etc.	
Rule 10: Provisional Participation	
Chapter III: Committees and Working Groups	
Rule 11: Credentials Committee	
Rule 12: Main Committees	
Rule 13: Drafting Committees	
Rule 14: Working Groups	
Rule 15: Steering Committee and Joint Meetings	
Chapter IV: Officers	
Rule 16: Officers	
Rule 17: Acting President or Acting Chairman	
Rule 18: Replacement of President or Chairman	
Rule 19: Presiding Officer Not Entitled to Vote	
Chapter V: Secretariat	
Rule 20: Secretariat	
Chapter VI: Conduct of Business	
Rule 21: Quorum	
Rule 22: General Powers of the Presiding Officer	
Rule 23: Speeches	
Rule 24: Precedence	
Rule 25: Points of Order	
Rule 26: Time Limit on Speeches	
Rule 27: Closing of List of Speakers	
Rule 28: Adjournment of Debate	
Rule 29: Closure of Debate	
Rule 30: Suspension or Adjournment of the Meeting	
Rule 31: Order of Procedural Motions	
Rule 32: Basic Proposals and Proposals for Amendments	
Rule 33: Withdrawal of Procedural Motions and Proposals for Amendments	
Rule 34: Reconsideration of Matters Decided	
Chapter VII: Voting	
Rule 35: Voting Rights	
Rule 36: Required Majorities	
Rule 37: Meaning of the Expression "Member Delegations Present and Voting"	
Rule 38: Method of Voting	
Rule 39: Conduct During Voting	
Rule 40: Division of Proposals	

22.5 So let's now go on to item 6 of the agenda: "Election of the Vice-Presidents of the Vienna Conference." After consultation with the Heads of Delegations, the following list is presented to this assembly. I shall not read the names

of the Vice-Presidents, but only the names of the countries in the alphabetical order according to the French language. So, I beg to propose as Vice-Presidents members of the following Delegations: Argentina, Canada, Denmark, Egypt,

[Footnote continued]

- Rule 41: Voting on Proposals for Amendments
- Rule 42: Voting on Proposals on the same Question
- Rule 43: Elections on the Basis of Proposals Made by the President of the Vienna Conference
- Rule 44: Equally Divided Votes
- Chapter VIII: Languages and Minutes
 - Rule 45: Languages of Oral Interventions
 - Rule 46: Verbatim and Summary Minutes
 - Rule 47: Languages of Documents and Minutes
- Chapter IX: Open and Closed Meetings
 - Rule 48: Meetings of a Plenary and of the Main Committees
 - Rule 49: Meeting of Other Committees and of Working Groups
- Chapter X: Observers
 - Rule 50: Observers
- Chapter XI: Amendments to the Rules of Procedure
 - Rule 51: Amendments to the Rules of Procedure
- Chapter XII: Signature of the Final Act
 - Rule 52: Signature of the Final Act

Chapter I: Objective, Composition and Bodies

Rule 1: Objective

(1) The objective of the Vienna Diplomatic Conference on Industrial Property, 1973 (hereinafter referred to as "the Vienna Conference"), is to provide the framework within which the following three Diplomatic Conferences (hereinafter referred to as "Diplomatic Conference(s)") will meet:

- (i) the Diplomatic Conference on the Trademark Registration Treaty,
- (ii) the Diplomatic Conference on the Protection of Type Faces,
- (iii) the Diplomatic Conference on the International Classification of the Figurative Elements of Marks.

(2) The term "Conference(s)," as hereinafter used, shall, unless otherwise expressly indicated, include both the Vienna Conference and the Diplomatic Conferences.

Rule 2: Composition

(1) Each Conference shall consist of Delegations (see Rule 4) of the States members of the World Intellectual Property Organization (WIPO) or of the International Union for the Protection of Industrial Property ("Paris Union") or of the International Union for the Protection of Literary and Artistic Works ("Berne Union"). Subject to Rule 35(2) and (3), only the said Delegations shall have the right to vote. They are referred to hereinafter as "the Member Delegations."

(2) Delegations of other States (hereinafter referred to as "Observer Delegations") and representatives of intergovernmental and non-governmental organizations (hereinafter referred to as "Observer Organizations") may, as specified in these Rules, participate in the Vienna Conference and that or those Diplomatic Conferences to which they were invited by the Director General of WIPO.

(3) The Delegation of any State member of WIPO or of the Paris or the Berne Union may, for the purposes of any of the Conferences, register as an observer and if it so registers it shall be treated as an Observer Delegation.

(4) The term "Delegation(s)," as hereinafter used, shall, unless otherwise expressly indicated, include both Member Delegations and Observer Delegations. It does not include the representatives of Observer Organizations.

(5) The Director General of WIPO and any other official of WIPO designated by him may participate in the discussions of each Conference as well as in any body thereof and may submit in writing statements, suggestions and observations to such Conference and any body thereof.

Rule 3: Competence and Bodies

- (1) The Vienna Conference, meeting in Plenary, shall be competent for:
 - (i) adopting and amending these Rules,
 - (ii) adopting any final act of the Vienna Conference,
 - (iii) dealing with all other matters referred to it by these Rules or appearing on its agenda.
- (2) Each Diplomatic Conference, meeting in Plenary, shall be competent for:
 - (i) adopting the treaty, agreement or other instrument referred to in its agenda, and any regulations under such treaty, agreement or other instrument,
 - (ii) adopting any recommendation or resolution whose subject matter is germane to the treaty, agreement or other instrument on its agenda,
 - (iii) dealing with all other matters referred to it by these Rules or appearing on its agenda.
- (3) Each Conference shall have such Committees and Working Groups as shall be established in accordance with these Rules.
- (4) Each Conference shall have a Secretariat provided by WIPO in cooperation with the host Government.

Chapter II: Representation

Rule 4: Representation of Governments

(1) Each Delegation shall consist of one or more delegates and may include alternates and advisors. Each Delegation shall have a Head of Delegation.

(2) The term "delegate" or "delegates," as hereinafter used, shall, unless otherwise expressly indicated, include both member delegates and observer delegates. It does not include representatives of Observer Organizations.

(3) Each alternate or advisor may act as delegate upon designation by the Head of his Delegation.

Rule 5: Representation of Observer Organizations

Each Observer Organization may be represented by one or more representatives.

Rule 6: Credentials and Full Powers

(1) Each Member Delegation shall present credentials. Each Member Delegation duly accredited to the Vienna Conference shall be considered to be accredited also to each Diplomatic Conference, provided that if any Member Delegation expresses the wish that it should not be considered as a Member Delegation in any of the Diplomatic Conferences, it shall not be treated as a Member Delegation of that Diplomatic Conference.

(2) Full powers shall be required for signing the international instrument adopted by a Diplomatic Conference. Such powers may be included in the credentials.

(3) Credentials and full powers shall be signed by the Head of State or the Head of Government or the Minister responsible for external affairs.

Rule 7: Letters of Appointment

(1) Each Observer Delegation shall present a letter or other document appointing the delegate or delegates as well as any alternate and any advisor. Such letter or document shall be signed as provided in Rule 6(3) or by the Ambassador accredited to the Government of the Republic of Austria or the Head of Mission accredited to the United Nations or to the United Nations Agencies in Vienna or Geneva.

(2) The representatives of Observer Organizations shall present a letter or other document appointing them. It shall be signed by the Head (Director General, Secretary General, President) of the Organization.

Rule 8: Presentation of Credentials, etc.

The credentials and full powers referred to in Rule 6 and the letters or other documents referred to in Rule 7 should be presented to the Secretary General of the Vienna Conference not later than at the time of the opening of that Conference.

Rule 9: Examination of Credentials, etc.

(1) The Credentials Committee shall examine the credentials, full powers, letters or other documents referred to in Rules 6 and 7 and shall report to the Vienna Conference, meeting in Plenary.

(2) The final decision on the said credentials, full powers, letters or other documents shall be within the competence of the Vienna Conference, meeting in Plenary. Such decision shall be made as soon as possible and in any case before the vote on the adoption of the treaties, agreements or other instruments by the various Diplomatic Conferences.

Rule 10: Provisional Participation

Pending a decision upon their credentials, letters or other documents of appointment, Delegations and representatives shall be entitled to participate provisionally.

Chapter III: Committees and Working Groups

Rule 11: Credentials Committee

- (1) The Vienna Conference shall have a Credentials Committee.
- (2) The Credentials Committee shall consist of 11 members elected by, and from among, the Member Delegations of the Vienna Conference, meeting in Plenary.
- (3) The officers of the Credentials Committee shall be elected by, and from among, its members.

Rule 12: Main Committees

- (1) Each Diplomatic Conference shall have a Main Committee.
- (2) Each Member Delegation of a Diplomatic Conference shall be a member of its Main Committee.
- (3) The Officers of a Main Committee shall be elected from among its members by the Plenary of its Diplomatic Conference.
- (4) Each Main Committee shall establish draft texts which it shall submit to the Plenary of its Diplomatic Conference.

Rule 13: Drafting Committees

- (1) Each Diplomatic Conference shall have its own Drafting Committee.
- (2) Each Diplomatic Conference, meeting in Plenary, shall elect, from among its Member Delegations, the members of its Drafting Committee.

United States of America, Hungary, Italy, Japan, Philippines, Senegal, Switzerland and Soviet Union. Is anybody in this meeting against this proposal? So it seems that the proposed twelve Vice-Presidents are unanimously elected by this

assembly and the Delegations concerned are kindly requested to give to the Secretary General, Dr. Bogsch, the names of the persons who will act as Vice-Presidents of this Conference.

[Footnote continued]

- (3) Each Drafting Committee shall have 9 members.
- (4) The officers of each Drafting Committee shall be elected by, and from among, its members.
- (5) Each Drafting Committee shall prepare drafts and give advice on drafting as requested by the Main Committee or Plenary of its Diplomatic Conference. It shall coordinate and review the drafting of all texts adopted, and shall report as appropriate either to the Main Committee or to the Plenary of its Diplomatic Conference.

Rule 14: Working Groups

- (1) Each Main Committee may establish such Working Groups as it deems useful.
- (2) The members of each Working Group shall be elected by, and from among, the members of the Main Committee which has established it.
- (3) The officers of each Working Group shall be elected by, and from among, its members.

Rule 15: Steering Committee and Joint Meetings

- (1) The Steering Committee of the Vienna Conference shall consist of the President of the Vienna Conference, the Presidents of the three Diplomatic Conferences, the Chairman of the Credentials Committee, and the Chairmen of the three Main Committees and of the three Drafting Committees.
- (2) The Steering Committee shall meet from time to time to review the progress of the Conferences and to make decisions for furthering such progress, including in particular decisions on the coordination of the meetings of all Plenaries, Committees and Working Groups.
- (3) The Steering Committee shall propose for adoption by the Vienna Conference, meeting in Plenary, the text of any final act of such Conference.
- (4) Committees or Working Groups of different Diplomatic Conferences may decide to meet in joint meetings. Any joint meeting shall elect a chairman from among the members of the Committees or Working Groups.

Chapter IV: Officers

Rule 16: Officers

- (1) The Vienna Conference shall, in a Plenary meeting presided over by the Director General of WIPO, elect the President of that Conference, and, in a Plenary meeting presided over by its President, elect 12 Vice-Presidents of the Vienna Conference.
- (2) Each Diplomatic Conference shall, in a Plenary meeting presided over by the Director General of WIPO, elect the President of that Conference, and, in a Plenary meeting presided over by its President, elect three Vice-Presidents as well as a Chairman and three Vice-Chairmen of the Main Committee of that Conference.
- (3) The President of the Vienna Conference shall act as Chairman of the Steering Committee. The Presidents of the three Diplomatic Conferences shall act as Vice-Chairmen of the Steering Committee.
- (4) The Credentials Committee and the three Drafting Committees shall each elect a Chairman and two Vice-Chairmen.
- (5) Precedence among the Vice-Presidents and among the Vice-Chairmen shall depend on the place occupied by the name of the State of each of them in the list of Member Delegations established in the French alphabetical order.

Rule 17: Acting President or Acting Chairman

- (1) If any President or Chairman is absent from any meeting of a body, such meeting shall be presided over, as Acting President or Acting Chairman, by that Vice-President or Vice-Chairman of that body who, among all the Vice-Presidents or Vice-Chairmen present, has precedence over all the others.
- (2) If both the President and the Vice-Presidents or both the Chairman and the Vice-Chairmen are absent from any meeting of a body, an Acting President or Chairman, as the case may be, shall be elected by that body.

Rule 18: Replacement of President or Chairman

If any President or any Chairman of a body is, for the rest of the duration of the Vienna Conference, unable to perform his functions, a new President or Chairman shall be elected by that body.

Rule 19: Presiding Officer Not Entitled to Vote

No Presiding Officer (President or Chairman) shall vote. Another member of his Delegation may vote for his State.

Chapter V: Secretariat

Rule 20: Secretariat

(1) The Director General of WIPO shall, from among the staff of WIPO designate the Secretary General of the Vienna Conference, the Assistant Secretary General of that Conference, the Secretary of the Credentials Committee, and a Secretary for each Diplomatic Conference who shall act

as the Secretary of its Plenary, Main Committee, Drafting Committee and Working Groups. The Secretary General shall serve as the Secretary of the Steering Committee.

(2) The Secretary General shall direct the staff required by each Conference.

(3) The Secretariat shall provide for the receiving, translation, reproduction, and distribution of the required documents; the interpretation of oral interventions; the preparation and circulation of the verbatim and summary minutes (see Rule 46); and the general performance of all other work required for each Conference.

(4) The Director General of WIPO shall be responsible for the custody and preservation in the archives of WIPO of all documents of each Conference; the publication of the verbatim and summary minutes of each Conference after the Vienna Conference; and the distribution of the final documents of each Conference to the participating Governments.

Chapter VI: Conduct of Business

Rule 21: Quorum

- (1) A quorum shall be required in any Plenary meeting of a Conference and shall be constituted by a majority of the Member Delegations of that Conference.
- (2) A quorum shall not be required in the meetings of Committees and Working Groups.

Rule 22: General Powers of the Presiding Officer

In addition to exercising the powers conferred upon him elsewhere by these Rules, the Presiding Officer shall declare the opening and closing of the meetings, direct the discussions, accord the right to speak, put questions to the vote, and announce decisions. He shall rule on points of order and, subject to these Rules, shall have complete control of the proceedings and over the maintenance of order thereat. The Presiding Officer may propose the limiting of time to be allowed to speakers, the limiting of the number of times each delegation may speak on any question, the closing of the list of speakers, or the closing of the debate. He may also propose the suspension or the adjournment of the meeting, or the adjournment of the debate on the question under discussion.

Rule 23: Speeches

- (1) No person may speak without having previously obtained the permission of the Presiding Officer. Subject to Rules 24 and 25, the Presiding Officer shall call upon speakers in the order in which they signify their desire to speak.
- (2) The Presiding Officer may call a speaker to order if his remarks are not relevant to the subject under discussion.

Rule 24: Precedence

- (1) Member Delegations may be accorded precedence over Observer Delegations, and either may be accorded precedence over representatives of Observer Organizations.
- (2) The Chairman of a Committee or Working Group may be accorded precedence for the purpose of explaining the conclusions arrived at by his Committee or Working Group.
- (3) The Director General of WIPO or his representative may be accorded precedence for making observations or proposals relevant to the subject under discussion.

Rule 25: Points of Order

During the discussion of any matter, any Member Delegation may rise to a point of order, and the point of order shall be immediately decided by the Presiding Officer in accordance with these Rules. Any Member Delegation may appeal against the ruling of the Presiding Officer. The appeal shall be immediately put to the vote, and the Presiding Officer's ruling shall stand unless overruled by a majority of the Member Delegations present and voting. A Member Delegation rising to a point of order may not speak on the substance of the matter under discussion.

Rule 26: Time Limit on Speeches

Any meeting may limit the time to be allowed to each speaker and the number of times each Delegation or representative of an Observer Organization may speak on any question. When the debate is limited and a Delegation or Observer Organization has used up its allotted time, the Presiding Officer shall call it to order without delay.

Rule 27: Closing of List of Speakers

During the discussion of any matter, the Presiding Officer may announce the list of speakers and, with the consent of the meeting, declare the list closed. He may, however, accord the right of reply to any Delegation if a speech delivered after he has declared the list closed makes it desirable.

Rule 28: Adjournment of Debate

During the discussion of any matter, any Member Delegation may move the adjournment of the debate on the question under discussion. In

22.6 We now go to item 7 of the agenda: "Election of the Members of the Credentials Committee." For the Credentials Committee there have been proposed: Austria, Bulgaria, Belgium, Ireland, Ivory Coast, Finland, Iran, Mauritania,

Monaco, Syria and the United Republic of Tanzania. Is there any objection to those proposals? No. It seems that I can therefore declare that the members of the Credentials Committee have also been elected unanimously.

[Footnote continued]

addition to the proposer of the motion, one Member Delegation may speak in favor of the motion, and two against, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to speakers under this Rule.

Rule 29: Closure of Debate

Any Member Delegation may at any time move the closure of the debate on the question under discussion, whether or not any other Delegation has signified its wish to speak. Permission to speak on the motion for closure of the debate shall be accorded to one Member Delegation seconding and two Member Delegations opposing the motion, after which the motion shall immediately be put to the vote. If the meeting is in favor of closure, the Presiding Officer shall declare the debate closed. The Presiding Officer may limit the time to be allowed to Member Delegations under this Rule.

Rule 30: Suspension or Adjournment of the Meeting

During the discussion of any matter, any Member Delegation may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall immediately be put to the vote. The Presiding Officer may limit the time to be allowed to the speaker moving the suspension or adjournment.

Rule 31: Order of Procedural Motions

Subject to Rule 25, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) to suspend the meeting,
- (b) to adjourn the meeting,
- (c) to adjourn the debate on the question under discussion,
- (d) to close the debate on the question under discussion.

Rule 32: Basic Proposals and Proposals for Amendments

(1) Document TRT/DC/1, 1.Add., and 2.Rev., CI/DC/1 and 2, and CMF/DC/2, 3 and 4, respectively, shall constitute the basis of the discussions in the three Diplomatic Conferences ("basic proposals").

(2) Any Member Delegation may propose amendments, provided that if they relate to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, they may be made only by a Member Delegation of a State party to the said Nice Agreement.

(3) Proposals for amendments shall, as a rule, be submitted in writing and handed to the Secretary of the competent body. The Secretariat shall distribute copies to the participants represented on the body concerned. As a general rule, no proposal for amendment shall be discussed or put to the vote in any meeting unless copies of it have been made available not later than 5 p.m. on the day before that meeting. The Presiding Officer may, however, permit the discussion and consideration of a proposal for amendment even though copies have not been distributed or have been made available only on the day it is considered.

Rule 33: Withdrawal of Procedural Motions and Proposals for Amendments

Any procedural motion and proposal for amendment may be withdrawn by the Member Delegation which has made it, at any time before discussion on it has commenced, provided that the motion or proposal has not been amended. Any motion or proposal which has thus been withdrawn may be reintroduced by any other Member Delegation.

Rule 34: Reconsideration of Matters Decided

When any matter has been decided by a body it may not be reconsidered by that body, unless so decided by a two-thirds majority of the Member Delegations present and voting. Permission to speak on the motion to reconsider shall be accorded only to one Member Delegation seconding and two Member Delegations opposing the motion, after which the question of reconsideration shall immediately be put to the vote.

Chapter VII: Voting

Rule 35: Voting Rights

(1) Subject to paragraphs (2) and (3), each Member Delegation shall have one vote in each body of which it is a member. A Member Delegation may represent and vote for its own Government only.

(2) In the Plenary or in the Main Committee of a Diplomatic Conference, the right to vote on the adoption of any instrument in the nature of a special agreement under the Paris Convention for the Protection of Industrial Property shall be limited to States members of the Paris Union.

(3) In the Plenary or in the Main Committee of the Diplomatic Conference on the International Classification of the Figurative Elements of Marks, the right to vote on the adoption of any instrument in the nature of an addition or other amendment to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks shall be limited to States members of the Union created by the said Nice Agreement.

Rule 36: Required Majorities

(1) Adoption of any instrument in the nature of an addition or other amendment to the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks shall require that no State party to the Agreement vote against the adoption of the new instrument in the final vote in the Plenary.

(2) Adoption of any treaty and of any regulations thereunder or of any international instrument other than that mentioned in paragraph (1) shall require a majority of two-thirds of the Member Delegations present and voting in the final vote in a Plenary.

(3) Any other decisions in a Plenary and, subject to Rule 34, all decisions in any other body shall require a simple majority of the Member Delegations present and voting.

Rule 37: Meaning of the Expression "Member Delegations Present and Voting"

For the purpose of these Rules, the expression "Member Delegations present and voting" means Member Delegations present and casting an affirmative or negative vote. Member Delegations which abstain from voting shall be considered as not voting.

Rule 38: Method of Voting

(1) Any procedural motion and any proposal for amendment by a Member Delegation shall be put to a vote only if it is seconded by at least one other Member Delegation.

(2) Voting shall be by show of hands unless any Member Delegation, seconded by another Member Delegation, requests a roll-call, in which case it shall be by roll-call. The roll shall be called in the French alphabetical order of the names of the States, beginning with the Member Delegation whose name is drawn by lot by the Presiding Officer.

Rule 39: Conduct During Voting

(1) After the Presiding Officer has announced the beginning of voting, the voting shall not be interrupted except on a point of order concerning the actual conduct of the voting.

(2) The Presiding Officer may permit Member Delegations to explain their votes, either before or after the voting. The Presiding Officer may limit the time to be allowed for such explanations.

Rule 40: Division of Proposals

Any Member Delegation, seconded by another Member Delegation, may move that parts of the basic proposals or of proposals for amendments be voted upon separately. If objection is made to the request for division, the motion for division shall be put to a vote. Permission to speak on the motion for division shall be given only to one Member Delegation in favor and two Member Delegations against. If the motion for division is carried, all parts separately approved shall again be put to the vote, together, as a whole.

Rule 41: Voting on Proposals for Amendments

Any proposal for amendment shall be voted upon before voting upon the text to which it relates. Proposals for amendments relating to the same text shall be put to a vote in the order in which their substance is removed from the said text, the furthest removed being put to a vote first and the least removed put to a vote last. If, however, the adoption of any proposal for amendment necessarily implies the rejection of any other proposal for amendment or of the original text, such proposal or text shall not be put to the vote. If one or more proposals for amendments relating to the same text are adopted, the text as amended shall be put to a vote. Any proposal to add to or delete from a text shall be considered a proposal for amendment.

Rule 42: Voting on Proposals on the Same Question

Subject to Rule 41, where two or more proposals relate to the same question, the body concerned shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted.

Rule 43: Elections on the Basis of Proposals Made by the President of the Vienna Conference

The President of the Vienna Conference may propose a list of candidates for all positions which are to be filled through election by that Conference or the Plenary of any of the three Diplomatic Conferences.

Rule 44: Equally Divided Votes

(1) If a vote is equally divided on matters other than elections of officers, the proposal shall be regarded as rejected.

(2) If a vote is equally divided on a proposal for election of officers, the vote shall be repeated until one of the candidates receives more votes than any of the others.

Chapter VIII: Languages and Minutes

Rule 45: Languages of Oral Interventions

(1) Subject to paragraphs (2) and (3), oral interventions shall be in English, French, Russian or Spanish, and interpretation shall be provided for by the Secretariat in the other three languages.

22.7 Now, as the items of the agenda that could be dealt with this morning have been disposed of, the Plenary of the Vienna Conference is suspended until further notice. Thank you, Ladies and Gentlemen.

*Second Meeting
Friday, June 8, 1973,
afternoon*

Mr. SCHÖNHERR (President of the Conference):

23. Ladies and Gentlemen, I'd be honored to open the second Plenary meeting and I would suggest that we take first item 8 of the agenda: "Consideration and Adoption of the Report of the Credentials Committee." Would the Chair-

[Footnote continued and end]

(2) Oral interventions in the Drafting Committees and any Working Group may be required to be made either in English or in French, and interpretation into the other language shall be provided by the Secretariat.

(3) Any Member Delegation may make oral interventions in another language, provided its own interpreter simultaneously interprets the intervention into English or French. In such a case, the Secretariat shall provide for interpretation from English or French into the other three languages referred to in paragraph (1), or the other language referred to in paragraph (2), as the case may be.

Rule 46: Verbatim and Summary Minutes

(1) Provisional verbatim minutes of the meetings of the Plenaries and provisional summary minutes of the meetings of the Main Committees shall be drawn up by the International Bureau of WIPO and shall be made available as soon as possible after the closing of the Vienna Conference to all participants, who shall, within two months from the making available of such minutes, inform that Bureau of any suggestions for changes in the minutes of their own interventions.

(2) The final minutes shall be published in due course by the said Bureau.

Rule 47: Languages of Documents and Minutes

(1) Any proposal shall be filed in English or French with the Secretary of the body concerned.

(2) All documents shall be distributed in English and French.

(3) (a) Provisional verbatim and summary minutes shall be drawn up in the language used by the speaker if the speaker has used English or French; if the speaker has used another language, his intervention shall be rendered in English or French as may be decided by the International Bureau of WIPO.

(b) The final minutes shall be made available in English and French.

Chapter IX: Open and Closed Meetings

Rule 48: Meetings of Plenaries and of the Main Committees

The meetings of the Plenary of the Vienna Conference and of all Plenaries and Main Committees of the Diplomatic Conferences shall be open to the public unless the body concerned decides otherwise.

Rule 49: Meetings of Other Committees and of Working Groups

The meetings of all Committees other than the Main Committees and of Working Groups shall be open only to the members of the body and the Secretariat.

Rule 50: Observers

(1) Any Observer Delegation and any representative of any intergovernmental organization may, upon the invitation of the Presiding Officer, participate without the right to vote in the deliberations of the Plenary and the Main Committee of any Diplomatic Conference to which it has been invited.

(2) The representative of any non-governmental organization may, upon the invitation of the Presiding Officer, make oral statements in the Main Committee of any Diplomatic Conference to which it has been invited.

Chapter XI: Amendments to the Rules of Procedure

Rule 51: Amendments to the Rules of Procedure

The Vienna Conference, meeting in Plenary, may amend these Rules by a decision of a majority of the Member Delegations present and voting.

Chapter XII: Signature of the Final Act

Rule 52: Signature of the Final Act

The Final Act of the Vienna Conference shall be open for signature by any Member Delegation.

man of the Credentials Committee, His Excellency Mr. Huybrecht, Ambassador of Belgium in Vienna, kindly present his report. The Delegate of Belgium has the floor.

Mr. HUYBRECHT (Belgium):

24. Thank you, Mr. President. I wanted to inform the Conference that the Credentials Committee met twice to examine the credentials, full powers and letters of appointment presented by Member Delegations, Observer Delegations and representatives of Observer Organizations. It published an interim report after its first meeting and authorized during its second meeting, held this morning, that its final report to this Plenary meeting (contained in document W/DC/26. *

* Document W/DC/26

Credentials Committee

Report

1. The Credentials Committee, hereinafter referred to as "the Committee," established by the Vienna Diplomatic Conference on Industrial Property, hereinafter referred to as "the Vienna Conference," on May 17, 1973, held two meetings on May 22 and on June 8, 1973.

Composition

2. The Delegations of the following States members of the Committee participated in the work of the Committee: Austria, Belgium, Bulgaria, Cameroon, Finland, Iran, Ireland, Ivory Coast, Monaco, Syrian Arab Republic, United Republic of Tanzania.

Opening of the meetings

3. The President of the Vienna Conference, Mr. F. Schönherr (Austria), opened the first meeting.

Officers

4. On the proposal of the Delegation of Ireland, seconded by the Delegation of Iran, the Committee unanimously elected H.E. Mr. R. Huybrecht (Belgium) as Chairman and H.E. Mr. I. Popov (Bulgaria) and Mr. F. Sangaret (Ivory Coast) as Vice-Chairman.

Examination of credentials, etc.

5. In accordance with Rule 9(1) of the Rules of Procedure adopted by the Vienna Conference on May 17, 1973, hereinafter referred to as "the Rules of Procedure," the Committee examined the credentials, full powers, letters and other documents presented for the purposes of Rules 6 and 7 by the Member Delegations, the Observer Delegations and the representatives of the Observer Organizations.

Member Delegations

6. The Committee found in due form, in accordance with Rule 6 of the Rules of Procedure, the credentials and, as appropriate, the full powers presented by the Member Delegations of the following States members of the World Intellectual Property Organization (WIPO) or of the International Union for the Protection of Industrial Property (Paris Union) or of the International Union for the Protection of Literary and Artistic Works (Berne Union): Algeria, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Cuba, Czechoslovakia, Denmark, Dominican Republic, Egypt, Finland, France, Gabon, German Democratic Republic, Germany (Federal Republic of), Holy See, Hungary, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Luxembourg, Mexico, Monaco, Netherlands, Norway, Poland, Portugal, Romania, San Marino, Senegal, South Africa, Soviet Union, Spain, Sweden, Switzerland, Syrian Arab Republic, United Kingdom, United Republic of Tanzania, United States of America, Yugoslavia.

7. The Committee noted that, in accordance with established practice, powers of representation in principle implied, in the absence of any express reservation, the right of signature, and that it should be left to each Member Delegation to interpret the scope of its credentials.

8. The Committee, taking into account the wishes expressed by the Member Delegations of Belgium, Denmark and the United Republic of Tanzania in accordance with Rule 6(1) of the Rules of Procedure, noted that the said Delegations were not to be treated as Member Delegations in the Diplomatic Conference on the Protection of Type Faces, and that the Delegation of the United Republic of Tanzania was not to be treated as a Member Delegation in the Diplomatic Conference on the International Classification of the Figurative Elements of Marks.

Observer Delegations

9. The Committee found in due form, in accordance with Rule 7(1) of the Rules of Procedure, the letters or other documents of appointment presented by the Observer Delegations of the following States:

(a) members of WIPO or of the Paris Union or of the Berne Union, having registered as observers as provided for in Rule 2(3) of the Rules of Procedure: Lebanon, Turkey;

(b) invited to participate in the Vienna Conference as observers: Ecuador, Republic of Korea, Venezuela.

should be prepared in accordance with the Rules of procedure. The final decision on these credentials and other documents falls within the competence of the Vienna Conference, meeting in Plenary. The Credentials Committee expresses the hope that the Conference will be able to take its final decision by adopting the report hereby submitted to it. Thank you, Mr. President.

Mr. SCHÖNHERR (President of the Conference):

25.1 Do all the Delegates have the paper W/DC/26? Yes.

25.2 Are there any observations on the report of the Credentials Committee? No observations so far. So I would propose the following resolution of this meeting as suggested by the Chairman of the Credentials Committee: the Conference may wish to record its final decision under Rule 9, paragraph (2), of the Rules of Procedure on the credentials, full powers, letters or documents presented by deciding to adopt the report of the Credentials Committee. Are there any observations on the proposed decision? So it seems that this suggestion by the Chairman is adopted unanimously. Any contrary votes? No.

25.3 Now, let us go back to item 6 of the agenda: "Election of the Vice-Presidents of the Vienna Conference." Contrary to expectations, two Delegations, namely, those of Argentina and the Philippines, have unfortunately been unable to participate in the Conference after having been elected on the opening day to fill posts as Vice-Presidents of the Conference. The Conference may wish to complete its list of officers by holding new elections for these two posts. After consultation with the Bureau and some delegations, I beg to suggest that the Heads of the Delegations of Brazil and Mexico be elected as if they had been included in the original list presented to the Conference under Rule 43 of the Rules of Procedure. I now repeat the suggestion to elect the Heads of the Delegations of Brazil and Mexico as Vice-Presidents of the Conference. Are there any comments on this proposal? Any objections? No. Then it seems that the election of the two Vice-Presidents is unanimously adopted.

[Footnote continued]

Observer Organizations

10. The Committee found in due form, in accordance with Rule 7(2) of the Rules of Procedure, the letters or other documents of appointment presented by the representatives of the following intergovernmental and non-governmental organizations invited to participate in the Vienna Conference: United Nations Industrial Development Organization (UNIDO), African and Malagasy Industrial Property Office (OAMPI), Benelux Trademark Office (BENELUX), International Institute for the Unification of Private Law (UNIDROIT), Council of Europe (CE), Commission of the European Communities (CEC), Council of Ministers of the European Communities (CMEC), Council for Mutual Economic Assistance (CMEA), American Bar Association (ABA), International Association for the Protection of Industrial Property (AIPPI), International Literary and Artistic Association (ALAI), Asian Patent Attorneys Association (APAA), American Patent Law Association (APLA), International Typographic Association (ATYPI), Bundesverband der Deutschen Industrie e.V. (BDI), Council of European Industrial Federations (CEIF), The Chartered Institute of Patent Agents (CIPA), Deutsche Vereinigung für gewerblichen Rechtsschutz und Urheberrecht e.V. (DVGR), European Computer Manufacturers Association (ECMA), European Federation of Agents of Industrial Property (FEMIP), International Federation of Patent Agents (FICPI), International Chamber of Commerce (ICC), The Institute of Trademark Agents (ITMA), International League Against Unfair Competition (LICCD), The New York Patent Law Association (NYPLA), Pacific Industrial Property Association (PIPA), Patent and Trademark Institute of Canada (PTIC), Trademarks, Patents and Designs Federation (TPDFed), Union of European Patent Agents (UNEPA), Union of Industries of the European Community (UNICE), Union des Fabricants (UNIFAB), The United States Trademark Association (USTA).

Report

11. The Committee authorized the Secretariat to prepare the report of the Committee for submission to the Vienna Conference, and authorized the Chairman to examine and to report to the Vienna Conference upon any further credentials which might be presented by delegations after the closing of its second meeting.

25.4 Now, let us return to item 7 of the agenda, that is, the election of the members of the Credentials Committee. The Delegation of Mauritania, whose participation in the Conference was announced in advance, has unfortunately been unable to be present. Mauritania was elected a member of the Credentials Committee on the opening day of the Conference. May I suggest that the Delegation of Cameroon be elected to fill this position. I informed the Chairman of the Credentials Committee of this suggestion for this morning's meeting of the Committee, and I understand that the Committee provisionally coopted the Delegation of Cameroon, which therefore took part in its work this morning. So decided.

25.5 For vacancies similarly occurring among the officers and members of committees to be elected by the Plenaries of the Diplomatic Conference, I'd like to make the following suggestions: President of the Plenary of the Diplomatic Conference of the Trademark Registration Treaty—Senegal; member of the Drafting Committee of the Diplomatic Conference for the Trademark Registration Treaty—Iran; Vice-President of the Plenary of the Diplomatic Conference on the International Classification of the Figurative Elements of Marks—Syria; Syria should also be a member of the Drafting Committee of the Diplomatic Conference on the International Classification of the Figurative Elements of Marks. Are there any comments on these proposals? None, as I see. Any objections? None. Then I declare that the proposals for the elections of other officers of this Conference are unanimously adopted. Thank you very much. Thus, Senegal will replace the Congo in the TRT; then Syria will replace the Lebanon in the International Classification of the Figurative Elements of Marks; and in the Drafting Committee, Syria will replace Egypt.

25.6 Are there any other suggestions? If not, then I declare the Plenary meeting closed. Thank you, Ladies and Gentlemen.

*Third Meeting
Friday, June 8, 1973,
evening*

Mr. SCHÖNHERR (President of the Conference):

26.1 Ladies and Gentlemen, I open the Plenary session of the Vienna Diplomatic Conference.

26.2 We have to deal with the Final Act of the Vienna Conference. I hope you have before you document W/DC/21* with a note by the Secretariat pertaining to the Final Act of the Vienna Conference. I hope all of the delegates have had the opportunity to study this document. I would ask the delegates if they have any comments on it. I see no comments are forthcoming. Can I then take it that the

* Document W/DC/21

Final Act

In accordance with the decisions of the Executive Committee of the International (Paris) Union for the Protection of Industrial Property and of the Coordination Committee of the World Intellectual Property Organization in September 1972, following preparations by member States of the Paris Union and by the International Bureau of the World Intellectual Property Organization, and on the invitation of the Federal Government of Austria, the Vienna Diplomatic Conference on Industrial Property was held from May 17 to June 12, 1973.

The Diplomatic Conference on the Trademark Registration Treaty, the Diplomatic Conference on the Protection of Type Faces and the Diplomatic Conference on the International Classification of the Figurative Elements of Marks were held within the framework of the Vienna Conference and adopted respectively the Trademark Registration Treaty, the Vienna Agreement for the Protection of Type Faces and their International Deposit and the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks.

The said international instruments were opened for signature at Vienna on June 12, 1973.

draft Final Act is accepted by this assembly? Are there any objections? No. The Final Act as contained in document W/DC/21 is therefore unanimously adopted.

26.3 May I recall that we shall meet for the closing session in this hall, in the *Festsaal*, next Tuesday at 4 p.m., and before closing I would like to wish you a very good restful weekend and hope to see most of you next Tuesday.

26.4 Thank you. This session is closed.

*Fourth meeting [Last]
Tuesday, June 12, 1973,
afternoon*

Mr. SCHÖNHERR (President of the Conference):

27.1 I have the honor to open the last meeting of the Plenary of the Vienna Diplomatic Conference.

27.2 Do any of the delegates wish to speak? The Delegate of Switzerland has the floor.

Mr. BRAENDLI (Switzerland):

28.1 Thank you, Mr. President. As I said at the Friday meeting, the Delegation of Switzerland has been holding in reserve the thanks which it now proposes to convey to the Austrian Government. I should like first to thank the Austrian Government for having organized the Conference so well, enabling it to take place under very favorable conditions in a building full of historic significance. On behalf of the Swiss Government, I wish to convey to it the expression of our profound gratitude. Vienna, city of monuments, music and light, was the ideal place to receive us, and it did so in style. Its name will from now on be associated with progress in the field of industrial property.

28.2 I should also like, Mr. President, to subscribe to the kind words addressed on Friday to you and to the various elected Presidents and Chairmen. Your task, Ladies and Gentlemen, was a delicate one, but you carried it out with great competence and verve and thus facilitated the accomplishment of our work. We are pleased to report that the Swiss Delegation has appreciated the high quality of the Conference, and for this we are indebted to you all, Ladies and Gentlemen. We congratulate you and are very grateful to you. I wish also to convey our congratulations and thanks to Director General Bodenhausen and his assistants in the Secretariat and the staff of WIPO. The quality of the work accomplished by WIPO at Vienna shows us once again how valuable it is to be able to rely on highly qualified people on occasions like this.

28.3 In conclusion, Mr. President, I particularly wish to express thanks in the name of all the Swiss Delegation to the members of the Austrian Delegation, who have helped us, with a courtesy and kindness characteristic of the Viennese, to discover the beauties of their capital and the charm of the surrounding area. Thanks to your touchingly warm welcome, we shall take back to Switzerland a happy memory of our stay in this wonderful Danubian capital. Thank you, Mr. President.

Mr. SCHÖNHERR (President of the Conference):

29. Thank you very much, Mr. Braendli. The next speaker is the Delegate of Norway.

Mr. NORDSTRAND (Norway):

30. Mr. President, on behalf of the Delegations of the Nordic countries, I would like to thank the Austrian Government and the Austrian Delegation for their hospitality and for having made our stay in Vienna the most charming experience. Our thanks also go to the Director General of WIPO and his staff for having prepared and administered the Conference so well that the timetable could be kept precisely and for their well-known excellent service offered to the parti-

cipants of the Conference. The proceedings deserve our gratitude for the proficient leadership from which they have benefited; and to all who have taken part in this Conference we extend our warmest thanks for their goodwill and their readiness to compromise, which has contributed so much to the good results and the success of this Conference. Thank you.

Mr. SCHÖNHERR (President of the Conference):

31. Thank you, Mr. Nordstrand. The Delegate of the United Kingdom has the floor.

Mr. ARMITAGE (United Kingdom):

32. Thank you, Mr. President. I think a great deal can be said at this Conference but the one thing we haven't said and we deliberately left unsaid until this afternoon was a word of thanks to our hosts, and I would like to underline what has been said so eloquently by Mr. Braendli. We have enjoyed at this Conference enormous benefits from the Austrian Government, the city of Vienna, the Patent Office and, if I may say so, Sir, with all respect, from yourself as a most efficient and amiable Chairman. With those things in combination, how could we have failed? And indeed we didn't fail—but of course it is easier for some Conferences than for others. I remember on Friday Mr. Haddrick from the Australian Delegation saying that the Conference on the Figurative Elements of Marks had been greatly assisted by the excellent weather which they had enjoyed in the first week or so of the Conference. It will not of course escape notice that by the time we got our teeth into the TRT the weather had become decidedly more changeable. However, we have emerged with what I hope is a trio of very acceptable arrangements and agreements and we for our part in this Delegation hope that these agreements will be widely accepted and that they will place the name of Vienna firmly on the industrial property map. We are most grateful to our hosts and we do wish them all the very best wishes. Thank you.

Mr. SCHÖNHERR (President of the Conference):

33. Thank you, Mr. Armitage. The Delegate of the Soviet Union has the floor.

Mr. MOROZOV (Soviet Union):

34.1 Mr. President, Ladies and Gentlemen, we would like to join in the thanks which have already been expressed by previous speakers concerning the kind hospitality of the Austrian Government, our colleagues in our neighbor Delegation—the Austrian Delegation—and the Secretariat, which, it seems, has spent a very pleasant weekend trying to find our mistakes, and everyone else who worked to ensure the successful progress of this Conference. By everyone, I mean all staff of the International Bureau, all staff who worked on the instruction of the Austrian Government, the interpreters and, indeed, everyone who has in some degree contributed to the success of this Conference.

34.2 Mr. President, it seems to us that Austria, again in this particular case, has remained faithful to its tradition of being a leader in the field of industrial property, and it has given us great pleasure to see this Conference taking place in Vienna, the capital of Austria.

Mr. SCHÖNHERR (President of the Conference):

35. Thank you, Mr. Morozov. The Delegate of Italy has the floor.

Mr. ARCHI (Italy):

36. Although I arrived in Vienna only a few days ago, I wish nevertheless to thank the Austrian Government for the hospitality it has extended to this Conference, which has lasted for 28 days and achieved results that are noteworthy in every respect. The Italian Government, which I have the honor to represent here, is very grateful to you, Mr. President, as the representative of Austria, for the welcome you have extended to us at this Industrial Property Conference. The Italian Delegation is appreciative of what you have done to contribute to the success of the Conference, and I wish to thank also the International Bureau of WIPO,

its Director General and Deputy Directors General for what they too have contributed to the success of this meeting. We shall have excellent memories of this Conference, which will rightly take the name of Vienna Conference. Thank you, Mr. President.

Mr. SCHÖNHERR (President of the Conference):

37. Thank you, Ambassador Archi. The Delegate of the Federal Republic of Germany.

Mr. SCHIRMER (Federal Republic of Germany):

38. Mr. President, we are now at the end of this very important Vienna Conference on Industrial Property. We appreciate very much the intensive and excellent work of all the parties to the Conference. We welcome without any reservations the Agreements on the Classification of the Figurative Elements of Marks and for the Protection of Type Faces. As far as the TRT is concerned, you know, Mr. Chairman, that not all the wishes of my Delegation have been fulfilled, but we are of the opinion that the TRT is now a reasonable compromise for all interested countries. We see in this instrument the first step towards a further development and we are convinced that we are on the right road. I would like to add my thanks to those of the previous speakers, extending them especially to you, Mr. President, to the Director General, and to the Secretariat, who have helped to such a large extent to make this meeting a success, and last, but not least, to the Austrian Government and the city of Vienna for making our stay here so very pleasant. Thank you.

Mr. SCHÖNHERR (President of the Conference):

39. Thank you very much, Mr. Ambassador. The Delegate of Australia has the floor.

Mr. PETERSSON (Australia):

40. Thank you, Mr. President. With some presumption we speak not only for ourselves but for the right-hand corner of down-under, many of whom are unfortunately not with us. We want to join the other delegations in praise of this Conference, this city and our wonderful Austrian hosts. None of this Delegation has had a previous opportunity to really know your city: we mainly know of it through reading about it as a city of beauty, history and the stuff of which dreams are made. It is not often that expectations are completely fulfilled as they have been on this occasion. It is sad that within a few hours we will be leaving this city we have enjoyed so much. We have learnt that much of the charm of this city derives from the charm of its people, their great hospitality and friendliness. Our gratitude to our Austrian host is unbounded. You have made this an unforgettable experience. Finally, I want to congratulate you, Mr. President, the Presidents of the Plenaries, the Chairmen of the Committees and of the Working Parties, the Secretariat and the translators. Your efforts have made these treaties a tribute to international cooperation. We wish them well. Thank you, Mr. President.

Mr. SCHÖNHERR (President of the Conference):

41. Thank you very much, Mr. Petersson. The Delegate of the United States has the floor.

Mr. GOTTSCHALK (United States of America):

42.1 Mr. President, it is difficult, having heard these tributes, to do more than acknowledge as best we can on behalf of the Delegation of the United States that we join most heartily in these heartfelt expressions of appreciation and gratification. We for our part are more than pleased with the results of this very successful Diplomatic Conference. We are convinced, as never before, that the spirit of cooperation which has been manifest throughout this Conference has great implications for now and for the future. We are more firmly convinced than ever that in the work we have performed here we have laid new foundations on which to build in the future. Vienna is a city of history. It is good to know that in our own way we are, I believe, contributing to its history and to its world fame as the centre of intellectual and cultural advancement. The international efforts which have been under way in the field of intellectual property

must certainly be one of the mainstays of civilization, as we know, and certainly it is increasingly our purpose on behalf of the United States to join increasingly in these many and varied efforts.

42.2 It is very difficult indeed to overstate the important role which has been played in all of these activities by the people participating in this Conference, by their Governments, and most particularly by those people who have carried special responsibilities for advancing the fortunes of intellectual property. It is difficult to overstate in terms of praise what has been accomplished by the Secretariat of WIPO. To Professor Bodenhausen, Dr. Bogsch, their colleagues and all of the staff of WIPO we owe a great deal not only in connection with the specific matter which has been the subject of consideration at this Conference but for the very existence of an ongoing mechanism to bring about consideration of many matters of importance in conferences such as this and in meetings that are in progress consistently around the year to advance the cause and the interest of intellectual property protection throughout the world. It is with great pleasure that we support these activities and shall continue to do so to the best of our ability, but obviously these efforts must be supplemented as they have been ideally supplemented at this Conference by the dedication and the hospitality, cordial warmth and support of the Austrian Government and you, Mr. President, and all of the city of Vienna, which has contributed so much.

42.3 All of us who have had a part in this Diplomatic Conference will take away from Vienna far more than just satisfaction at the accomplishments that have resulted from our efforts here together. We will all, I know, carry away from Vienna memories which will remain with us always and new inspiration for the future. We are truly grateful, truly appreciative and more than ever dedicated to cooperation and to the causes in which we share so fully. Thank you, Mr. President.

Mr. SCHÖNHERR (President of the Conference):

43. Thank you, Mr. Gottschalk. The Delegate of South Africa has the floor.

Mr. WELMAN (South Africa):

44. Mr. President, the South African Delegation is grateful for this opportunity to underline the sentiments expressed by previous speakers and to express its own appreciation to the Austrian Government for the magnificence and friendly way in which the delegates to this Vienna Diplomatic Conference have been received and entertained during their stay in the beautiful city of Vienna. Also we'd avail ourselves of this opportunity to thank all those assistants who arranged receptions for the delegates to make their stay more pleasurable here. To the Director General, his aids and staff our congratulations on the excellent way in which all arrangements for the speedy and successful completion of this important Conference were carried out. Your contribution, Mr. President, and that of the Chairmen of the Main Committees, Working Groups and other Committees can't sufficiently be praised in a short address such as this. Lastly, my personal thanks to the Austrian Delegation for what they have done to make our stay here pleasurable and for giving me an opportunity to visit their Trademarks Office. In years to come, when my staff speak of the Vienna Diplomatic Conference, I shall be proud to be able to say I was there.

Mr. SCHÖNHERR (President of the Conference):

45. Thank you, Mr. Welman. The Delegate of the Netherlands has the floor.

Mr. VAN WEEL (Netherlands):

46. Thank you, Mr. President. The Netherlands Delegation joins earlier speakers in extending its compliments to the Austrian Government. It too has admired the perfect organization of the Conference and enjoyed its stay in Vienna, one of the most interesting cities in the world. It thanks the Austrian Government for its warm welcome, and yourself, Mr. President, for the way in which you presided over the

Conference. Finally, it hopes that the agreements which came into being in the course of the Conference will contribute to the international development of industrial property. Thank you, Mr. President.

Mr. SCHÖNHERR (President of the Conference):

47. Thank you, Mr. van Weel. The Spanish Delegation has the floor.

Mr. FERNÁNDEZ-MAZARAMBROZ (Spain):

48. Mr. President, the Spanish Delegation also wishes to join the other delegations in expressing its gratitude to the Austrian Government and its various authorities, which have taken pains to create a suitable moral climate for the holding of this Conference. We wish to convey our appreciation of the many attentions which we have enjoyed and opportunities which have been given us of visiting its palaces, its reception rooms and other places of leisure. This Conference has created a moral climate which will remain indelibly in our memories, but in addition a physical climate has developed which is also very congenial and which to us, a tourist country, is explained by the striking attractiveness of the tourist-oriented streets of this city. We feel that the name of Vienna has taken its place among the names of the great treaties, especially those concerning intellectual property, and it will be remembered in the same way as those other great treaties which are present in every mind. Finally, we wish to thank the senior officers of WIPO, all its staff and all those whose efforts contributed to the successful running of the Conference and who satisfied in full measure whatever needs we felt. Neither must we forget to mention the hard task which fell to the lot of the interpreters, and for which I convey my own personal thanks. That is all, Mr. President. Thank you.

Mr. SCHÖNHERR (President of the Conference):

49. Thank you, Mr. Fernández-Mazarambroz. The Delegate of Egypt has the floor.

Mr. SHAHED (Egypt):

50. Thank you, Mr. President. On behalf of my country, Egypt, I find myself unable to find more suitable words than those spoken by the previous honorable delegations. So I have simply to say that I associate myself with all of them in thanking and expressing my gratitude to the Austrian Government and to Professor Bodenhausen and all the members of WIPO and all delegations who took part in this great Conference. Thanks to their collaboration and good work, the Conference has been able to achieve very considerable results. Thanks again to you, Mr. President, and to you all.

Mr. SCHÖNHERR (President of the Conference):

51. Thank you, Mr. Shahed. The Delegate of Luxembourg has the floor.

Mr. HOFFMANN (Luxembourg):

52. At the end of this Conference and on behalf of Luxembourg, I wish to subscribe to the kind words expressed by the other delegations and convey once again my warmest thanks. These thanks are addressed first and foremost to the Austrian authorities, who made every possible effort to enable us to carry out our task under optimum conditions and to make our lengthy stay in Vienna particularly enjoyable. They are also addressed to all those who, in whatever capacity, took an active part in the fulfillment of our task. A great deal of intellectual and physical effort, together with considerable willpower and a spirit of compromise, were needed to achieve the aims assigned to the Conference within the framework of the scheduled program. We have taken an important step, and it is now up to each of us to maintain the effort in order that the work we have started may be completed within a reasonable time by the ratification of the various instruments. After this formal closing ceremony, I shall leave Vienna with a feeling of sadness, but it is my hope that I shall have the opportunity to return from time to time. Thank you, Mr. President.

Mr. SCHÖNHERR (President of the Conference):

53. Thank you very much, Mr. Hoffmann. The Delegate of France has the floor.

Mr. PALEWSKI (France):

54. At this stage of the meeting, Mr. President, there is a need for brevity in our expressions of thanks. Yet I should not like to give the impression that my words are in any way lacking in warmth and sincerity. I shall say quite simply that our hosts have positively indulged us during our stay and that our work, greatly facilitated by those who assisted us, should be considered an important step forward in the protection of intellectual property. Of course, the problems with which we are constantly faced in a situation of perpetual international change, and which arise not only in technical research and its application but also in business methods, are there to show us that we shall still have to make considerable efforts in a great many fields. May future conferences have the same success as the one which has just ended here in Vienna, and may the cities which will do us the honor of receiving us be able to say that they have done at least as well as Vienna did. Thank you, Mr. President.

Mr. SCHÖNHERR (President of the Conference):

55. Thank you very much, Mr. Palewski. The Delegate of Bulgaria has the floor.

Mr. SOURGOV (Bulgaria):

56.1 Thank you, Mr. President. In addition to what I have already said during the last Plenary meeting, I would like once again to express the gratitude of the Bulgarian Delegation to the Government of Austria for creating such a good atmosphere for the work undertaken at the Vienna Diplomatic Conference.

56.2 Mr. President, on behalf of the Bulgarian Delegation, I would like to thank you and your collaborators, who have organized our work so well throughout the month. Thanks to your efforts, our work has been crowned with success. I would like to emphasize once more that the establishment of these three instruments during the Vienna Conference is an important contribution to subsequent cooperation among the peoples of the world. Whilst expressing our gratitude to the Austrian Government, I would like especially to thank the Mayor of Vienna, who created good working conditions for the Vienna Conference. Thank you, Mr. President.

Mr. SCHÖNHERR (President of the Conference):

57. Thank you, Mr. Sourgov. The Delegate of Japan has the floor.

Mr. SASAKI (Japan):

58. Thank you, Mr. President. This important Diplomatic Conference on Industrial Property is now closing and our Delegation would like to extend its most heartfelt gratitude to the Government of Austria, which has invited us to this Conference in Vienna. Our Delegation would also like to express its gratitude to the Chairmen, who have guided the Conference so successfully to a conclusion. The Japanese Delegation has also had several opportunities to join in the discussions, and in the Working Groups we have had very many opportunities to exchange views with other delegations. We are now going back to Japan with a feeling of satisfaction and the hope that this conclusion will be the foundation for future developments in this field. Thank you, Mr. President.

Mr. SCHÖNHERR (President of the Conference):

59. Thank you very much. The Delegate of Czechoslovakia has the floor.

Mr. PROŠEK (Czechoslovakia):

60.1 Mr. President, the Czechoslovak Delegation associates itself with those delegations which have already expressed their thanks to the Austrian Government and to the representatives of Vienna for their excellent hospitality and the creation of pleasant conditions to enable us to achieve positive results. At the same time, the Delegation of Czechoslovakia would like to express its gratitude to all officials of the

Conference, all members of the Secretariat and all other people who have taken part during the past few years in the preparation of this Conference. In appraising the results reached at this Conference, we feel sure that they represent a considerable contribution in the field of the protection of industrial property, although not all the results achieved suit us entirely. The Conference, however, which is now about to be closed, has laid the foundations for the subsequent development of international trade relations and this, in our opinion, has been its most positive feature.

60.2 In conclusion, allow me to thank all delegations which are represented here for their active participation and for the good mutual understanding achieved. Thank you, Mr. President.

Mr. SCHÖNHERR (President of the Conference):

61. Thank you, Mr. Prošek. The Delegate of Yugoslavia has the floor.

Mr. JANKOVIĆ (Yugoslavia):

62. Mr. President, I can only repeat the words which we have already heard here, expressing the thanks of all the delegations represented at the Vienna Diplomatic Conference to the Austrian Government and to you, Mr. President, as well as all those who have contributed to the success of the Conference. The Yugoslav Delegation considers that in the course of these last days we have taken a step forward, or rather three steps forward, towards the more effective protection of industrial property and a closer collaboration between member countries of the Paris Union. Thank you, Mr. President.

Mr. SCHÖNHERR (President of the Conference):

63. Thank you, Mr. Janković. The Delegate of Portugal has the floor.

Mr. SERRÃO (Portugal):

64. Thank you, Mr. President. The Portuguese Delegation endorses the words of the distinguished delegates who have just expressed their gratitude and appreciation, before the Conference as a whole, to the Austrian authorities and to our Austrian colleagues. We too are sensitive to all the kindnesses we have enjoyed and therefore, Mr. President, we likewise wish to express our thanks. Thank you, Mr. President.

Mr. SCHÖNHERR (President of the Conference):

65. Thank you, Mr. Serrão. Mr. Bogsch has the floor.

Mr. BOGSCH (Secretary General of the Conference):

66.1 Mr. President, as Secretary General of this Conference, I would like to go on record with special thanks from the Secretariat of the Conference and from the three Conferences which worked within its framework, first and foremost to you, Professor Schönherr, as President of this Conference and as Chairman of the Steering Committee. Your great knowledge of industrial property, your diplomacy, experience and tact made the work of the Secretariat easy and its contacts with the authorities of the Austrian Government smooth.

66.2 Secondly, the very warm thanks of the Secretariat go to the Ministry of Foreign Affairs, and in particular to Ambassador Zanetti and Dr. Ortner, as well as to Mr. Herold, the Austrian liaison officer.

66.3 Thirdly, the heartfelt thanks of the Secretariat go to all the staff placed at this Conference's disposal by the Government of Austria: the interpreters, the secretaries, the people in the document reproduction and distribution services, the attendants in the conference rooms and the switchboard operators.

66.4 Lastly, Mr. President, I would like to name here those officers of WIPO who, under the leadership of Professor Bodenhausen, have been here and have constituted the Secretariat. They are: Mr. Voyame, my deputy as Secretary General of the Conferences and Secretary of the Type Faces Conference; Mr. Pfanner, Secretary of the TRT Conference; Mr. Egger, Secretary of the Classification Conference;

Mr. Harben, Secretary of the Credentials Committee. Furthermore, we have had here Mr. Ledakis, Mr. Baeumer, Mrs. Grandchamp, Mr. Thiam, Mr. Mangué, Mr. Takeda, Mr. Curchod, Mr. Qayoom, Mr. Rossier, Miss Daval, Mr. Andrews, Mr. Kellerson, Mrs. Damond, Mrs. Bernillon, Mrs. Bourgeois, Miss Fankhauser, Mrs. Monfrinoli, Miss Oken, Miss Reix, Mrs. Schneiter, Miss Wachs and Mr. Schneuwly. Their devotion and competence, may I say, were as usual entire, and we are proud of them and thankful for their cooperation. Thank you, Mr. President.

Mr. SCHÖNHERR (President of the Conference):

67.1 Thank you very much, Mr. Bogsch.

67.2 And now I think the time has come for me to take the floor myself.

67.3 Ladies and Gentlemen, Colleagues, it is I who have the honor to say a few words before declaring the Conference closed. This is by no means an easy task, since so many distinguished and brilliant speakers have preceded me. Neither is it easy to give a reply, or to give anything like suitable thanks for the avalanche of tributes with which Austria has been honored, last Friday and today, and which have really been very touching. Be this as it may, we are delighted that, within the modest capabilities of our country, we have apparently succeeded in making your stay in Vienna a pleasant one. Indeed, some delegations have even gone as far as to credit us with the fine weather which we enjoyed during the first weeks of the Conference, in spite of some rather high temperatures recorded in this hall and other rooms in the *Hofburg*. It is a pity that Emperor Francis Joseph did not think of providing air conditioning, but perhaps the climate and the atmosphere of the city contributed something to the success of the Conference.

67.4 Vienna, as has already been said, was once the capital of a vast empire of more than 50 million inhabitants belonging to the most widely differing nations. It was thus accustomed to soothe antagonism, and to look for and find common ground; it could be, therefore, that this tradition helped the delegates to arrive more easily at compromises, and acceptable compromises, in the form of the three diplomatic instruments which are now going to be presented for signature.

67.5 However, this conciliatory spirit which has pervaded our deliberations should not be confined to the three instruments. I remember a remark which was made in the course of the discussions: "Oh, but that's not provided for in our national laws," said a delegate. As an observation or explanation it is indeed very interesting, but I do not think it should become a maxim. Meetings between experts from all over the world, like this Conference, are an excellent opportunity for looking beyond the frontiers, beyond the frontiers of one's own country and its national laws. If, by looking further afield, it can be seen that the same matters may, without adverse effects, be dealt with differently in different countries, it should give pause for thought and make each of us wonder whether his system really is the only one possible, or at least the best.

67.6 We Austrians are pleased and very honored that so many delegates and observers should have accepted the Austrian Government's invitation to come to Vienna. We are proud that the name of Vienna should be associated with the Trademark Registration Treaty, and that it should actually appear in the official titles of the Agreements for the Protection of Type Faces and on the International Classification of the Figurative Elements of Marks. The success of our work is at the same time a gift, in a way, to celebrate the centenary of the first international industrial property congress in 1873, which has already been evoked by other speakers and which paved the way for the 1883 Paris Convention.

67.7 I do not wish to end without thanking, on my own behalf and by name, some of the many people who were the artisans of these three instruments. First, the directorate of WIPO, that excellent organization: its Director General,

Professor Bodenhausen, and Deputy Directors General, Dr. Bogisch, the indefatigable Secretary General of this Conference, and Professor Voyame, his Assistant Secretary General, as well as their collaborators, in particular, Dr. Pfanner and Mr. Egger. Before the Conference, it was they who prepared the Conference documents with competence and precision and, during it, literally spent day and night, discreetly and efficiently and with an exemplary team spirit, stage-managing these important meetings.

67.8 I cannot but subscribe to the thanks expressed by many delegates to the Chairmen of the three Main Committees: Mr. Armitage, who combined his rich experience with a typically British sense of humor; Professor Ulmer, whose authority and competence, known and admired by us all, made it possible to find solutions to the most delicate of the questions arising during the discussions on type faces; my compatriot, Dr. Lorenz, who, thanks to his thorough knowledge of the subject, was able to complete the work of his Committee well ahead of the time fixed in the program.

67.9 Then, while the other delegates at last had the opportunity to take advantage of the fine weather, the Drafting Committees had to revise, item by item and word by word, the texts of the Drafts adopted. In this connection I should like first to mention Mrs. Steup, although she is no longer here, who presided with charm and firmness not only over

the TRT Drafting Committee, but also over a working group entrusted with the delicate question of the TRT article on developing countries. I also thank the Chairmen of the other Drafting Committees, Mr. van Weel and Mr. Haddrick, and finally the Presidents of the Plenaries, Mr. Crespin, Mr. Palewski and Mr. Hemmerling, as well as the Ambassador of Belgium, His Excellency Mr. Huybrecht, Chairman of the Credentials Committee.

67.10 My heartfelt thanks go also to the interpreters and translators: their art, and sometimes their indulgence, ensured mutual understanding in the fullest sense of the word between the various nations. And then, what would have become of our Conference without the assistance of our secretaries, housed either on this or on the second floor? A charming team indeed. They had to share the lot of their chiefs, working tirelessly with them to bring out on time the many draft proposals and eventually the final texts of the TRT and the two Agreements. Our sincere thanks to them too.

67.11 Finally, Ladies and Gentlemen, on behalf of the Austrian Government and in my own name, I wish you a pleasant return to your respective countries, hoping that the in-trays awaiting you will not be too full.

67.12 I now close this last Plenary and declare the Vienna Conference on Industrial Property closed. Thank you.

PLENARY OF THE DIPLOMATIC CONFERENCE
ON THE INTERNATIONAL CLASSIFICATION
OF THE FIGURATIVE ELEMENTS OF MARKS

President: Mr. J. HEMMERLING (German Democratic Republic)

Vice-Presidents: Mr. F.W. SIMONS (Canada)

Mr. F. CIL SERANTES (Spain)

Mr. I. EL-ALI (Syrian Arab Republic)

Secretary: Mr. L. EGGER (WIPO)

First Meeting

Thursday, May 17, 1973,

morning

Mr. BODENHAUSEN (Director General of WIPO):

68. Ladies and Gentlemen, I have now the honor to open the Diplomatic Conference on the International Conference on the Figurative Elements of Marks, and I request you to look at document CMF/DC/5 which is before you and contains the agenda of this Conference. As you can see, point 2 of the agenda concerns the election of the President of this Conference, that is, the Diplomatic Conference on the International Classification of the Figurative Elements of Marks, and among the various proposals made by the President of the Conference, President Schönherr, appears the proposal to elect the Delegate of the German Democratic Republic as President of this Conference. Is there any opposition to this proposal? If this is not the case, then the Delegate of the German Democratic Republic is unanimously elected as President of the Plenary Session of the Diplomatic Conference on the International Classification of the Figurative Elements of Marks, and I invite the Delegate of the German Democratic Republic to take the Presidential chair.

Mr. HEMMERLING (President):

69.1 Ladies and Gentlemen, it is a great pleasure for me to have been elected President of the Conference on the Classification of the Figurative Elements of Marks.

69.2 I suppose that you all have got the draft agenda. Are there any comments on it? There are none. It is adopted.

69.3 The next point of the agenda is the election of the Vice-Presidents of this Conference. Spain, Canada and Lebanon are proposed. Are there any comments? There are none. They are elected.

69.4 Austria is proposed for filling the Chairmanship of the Main Committee. Are there any comments? There are none. Elected. As Vice-Chairmen of the Main Committee, Australia, Poland and Portugal are proposed. Are there any remarks? There are none. Elected.

69.5 The following are proposed as members of the Drafting Committee: Algeria, Australia, France, the German Democratic Republic, the Netherlands, Poland, Switzerland, Tunisia and the United Kingdom. Are there any remarks? There are none. Elected.

69.6 Thank you very much. We shall continue our plenary debate this afternoon, at 3 p.m., in the Neuer Saal.

<p><u>Second Meeting</u> <u>Thursday, May 17, 1973,</u> <u>afternoon</u></p>
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Mr. HEMMERLING (President):

70.1 I open the second meeting of the Plenary of the Diplomatic Conference on the Classification of the Figurative Elements of Marks.

70.2 The classification of figurative elements of trademarks is an important step towards the rationalization of the examination and search of trademarks.

70.3 I am of the opinion that the documents prepared by the International Bureau are a good basis for our work. The main question consists in determining whether the classification of figurative elements of marks should be an additional act to the Nice Agreement Concerning the International Classification of Goods and Services or a special agreement, independent of the Nice Agreement.

70.4 The discussion is open. Which delegation wishes to have the floor? I give the floor to the Delegation of the Federal Republic of Germany.

Mr. HAERTEL (Federal Republic of Germany):

71.1 Thank you, Mr. President. Permit me, Mr. President, first of all to extend to you my congratulations on behalf of the Federal Republic of Germany, on your election as President of this Conference. We are convinced that you will guide the debates in such a manner that the Conference will end achieving good results within the time envisaged.

71.2 The Delegation of the Federal Republic of Germany has also the pleasure to thank the Austrian Government for its generous invitation to this beautiful historic city of Vienna, which gives a dignified setting to the Conference. We should not fail to thank the Austrian Government for making such excellent preparations for this Conference and for manifesting its hospitality to us from the very first hours of our arrival here. The historic setting and in particular

the memories of the great Vienna Conferences of former times will inspire our work. I refer above all, as already mentioned by the Federal President, to the spirit of the World Exposition of Vienna in 1873, the occasion on which the idea of international cooperation in the field of patents was concretely established for the first time and which led to cooperation crowned with success.

71.3 We are equally and particularly happy today to take the opportunity of thanking the International Bureau of the World Intellectual Property Organization and its principal officers, who with their unflagging energy, have carefully prepared this Conference as far as its substance is concerned.

71.4 The Delegation of the Federal Republic of Germany endorses the goal of working together to achieve an international classification of the figurative elements of marks and considers that such cooperation will allow to eliminate the duplication of work in the national and regional trademark offices, and that this will be a new step towards the amelioration of the international protection of marks.

71.5 The draft classification, which is expected to be an annex to the proposed instrument, appears to the Government of the Federal Republic of Germany as an instrument capable of practical application. We are convinced that a uniform international application, in the greatest possible number of States, would mean a great advantage not only to the authorities in charge of registering marks, but also to the depositors and owners of marks, who are the real beneficiaries of the protection of marks. This is why we wish this classification to be adopted by the greatest possible number of States.

71.6 Like many other governments, the Federal Government also asks itself the question whether the classification arrived at by common consent should take the legal form of an international treaty and if so, whether such treaty should be completed already now. After initial hesitation, we now think it is best to conclude such a treaty, considering it the best and simplest means of assuring that a classification agreed to in common would be applied and jointly developed by a large number of States. The question whether such an instrument should take the form of an additional act of the Nice Agreement or an independent agreement establishing a Special Union in the framework of the Paris Union, is a question on which the Delegation of the Federal Republic of Germany will take a stand during the course of this Conference. I thank you, Mr. President.

Mr. HEMMERLING (President):

72. Thank you very much. I now call on the Delegate of Canada.

Mr. SIMONS (Canada):

73.1 Mr. Chairman, my Delegation takes great pleasure in joining the other delegations to thank the Austrian Government for their hospitality in inviting us to this Conference. Certainly these sumptuous surroundings and this beautiful city can lead to nothing but cooperation between all those concerned.

73.2 With regard to the Agreement on the Figurative Elements of Marks, I only have a very few brief statements to make. Canada at the present time is reviewing its trademark legislation, and we are also at the same time reviewing our searching methods and other procedures in the operation of our trademark office. We are therefore interested in any new proposals, such as the present instrument. Canada has an independent classification system for its figurative elements of marks, which we have used for some time for purposes of examination and, to a lesser extent, for research purposes. Because of the ever-changing development and nature of figurative elements, we have looked to other classification systems to assist us in facing the problems posed by modern trends. We have examined some systems that appear to us to offer a satisfactory solution, at least for most of the figurative elements of marks. Our studies, however, have still not progressed to the point where we can say that the classification system proposed by the present instrument will be compatible with our own trademark operation and will offer the best solution to our classification needs. If an international classification system for figurative elements of marks, as proposed in the present draft Agreement is found to be universally desirable by this Conference, then we would like to see the best possible system created, and we would like to see it in a form that would be useful to most countries concerned. Thank you, Mr. President.

Mr. HEMMERLING (President):

74. Thank you. I give the floor to the Delegate of Sweden.

Mr. LUNDBERG (Sweden):

75.1 Mr. Chairman, on behalf of the Swedish Delegation I would like to express our great appreciation to the Austrian Government for their generous invitation to this Conference. We are also pleased to acknowledge, as always, the extremely good preparatory work undertaken by the WIPO Secretariat.

75.2 We are convinced that the generous atmosphere and efficient work already done by the Committee of Experts will give this Conference on figurative elements in trademarks a flying start. Sweden has taken an active part in the preparatory work of establishing a classification of figurative elements of marks from the very beginning of this work under the the auspices of WIPO. We think that such a classification will be useful for the purpose of searching for anticipations. In Sweden such a search is obligatory, i.e. it is part of the official processing of trademark applications. Also for people who want to carry out a preparatory search and want to use a search service before applying for the registration of a trademark, we believe that the classification will be useful. We also favor an idea that the classification of figurative elements should be useful within the TRT.

75.3 From a practical point of view, it is to be noted that our search files at the Swedish Patent Office relating to figurative elements, which are so far arranged according to the system used by WIPO, are becoming crowded. We therefore intend to reclassify our figurative elements according to the new international classification as soon as it has been finally adopted.

75.4 Mr. Chairman, I will come back to the question of the choice between a new agreement and an additional act, later on. Thank you, Mr. Chairman.

Mr. HEMMERLING (President):

76. Thank you. I give the floor to the Delegate of Australia.

Mr. HADDRICK (Australia):

77.1 Mr. President, the Australian Delegation joins the other delegations that have spoken in offering its congratulations to you on your election as President of this Conference. Also, it offers its congratulations to the other distinguished delegates appointed as officers of this Conference.

77.2 We are confident that, under the guidance of yourself and the distinguished Chairman of the Main Committee, this Conference will successfully conclude its task. We also join with other delegations in thanking the Austrian Government for its generosity in making it possible for this Conference to take place in this beautiful and historic city of Vienna.

77.3 We wish to acknowledge, also, our appreciation of the role played by the International Bureau of WIPO in the preparation of this Conference. From past experience we have come to know the thoroughness and efficiency that WIPO gives to its preparatory work, and it gives me, personally, pleasure to record on this occasion my country's appreciation of the work done by the International Bureau in the interests of international cooperation in the field of industrial property. The classification of the figurative elements of marks is of course a field well suited to international cooperation. The advantages of the establishment of a new framework for this purpose have been well set out in document CMF/DC/1 and by other delegations, and I do not repeat them on this occasion, except to say that not the least advantage in our view is that the benefits may be shared by countries in all stages of economic development.

77.4 The success of the Nice Agreement, to which my country is pleased to be a party, leads naturally to the establishment of a suitable legal framework for the maintenance and revision of an international classification of the figurative elements of marks. For ourselves, we are of the opinion that the establishment of this framework by way of an additional act to the Nice Agreement has distinct advantages, particularly as regards simplicity of administration and cost. Nevertheless, whatever decision this Conference makes, the general principle of the proposed talk has our support.

77.5 In conclusion, Mr. President, may I say again how happy we are to be present at this Conference and in this place to discuss the questions we have before us. Thank you.

Mr. HEMMERLING (President):

78. Thank you. I give the floor to the Delegation of the United States of America.

Mr. SHEEHAN (United States of America):

79.1 Thank you, Mr. Chairman. The United States would like to express its appreciation to the Austrian Government for this meeting in the wonderful city of Vienna, and to WIPO for its well laid groundwork in carrying this Conference to a success.

79.2 Our Delegation is indeed pleased to be represented here at the Diplomatic Conference on the International Classification of Figurative Elements, which is a very important part of the Vienna Diplomatic Conference on Industrial Property. This Conference represents a culmination of work to establish an international agreement on figurative elements which was begun in 1958. Over that term of years the Swiss Patent Office has worked with WIPO to produce significant work in the field of classification. We are attending this Conference because of our general interest in the protection of intellectual property, and especially because of our interest in any new form or system adaptable to the field of information retrieval. Our participation in this Conference will be necessarily affected by the present thinking in our Patent Office, particularly in the trademark examining operations, with regard to the figurative element classification.

79.3 It is our present view that the system would appear to provide a significant saving of time and effort in the ability of examiners to conduct registrability searches of figurative or designed elements of marks. However, the actual system is yet to be analyzed in order to determine its use in our Office.

79.4 Once again, Mr. Chairman, we thank you and we thank the Government of Austria for these pleasant surroundings.

Mr. HEMMERLING (President):

80. Thank you very much. I call on the Delegation of the United Kingdom.

Mr. MOORBY (United Kingdom):

81.1 Thank you, Mr. Chairman. I should like to endorse all that has been said by the previous speakers about the very favorable facilities which the Austrian Government has given us for the term of this Conference.

81.2 I should like to pay tribute particularly to the work of the compilation of this classification, which has taken place over a number of years through a committee of experts and now provides a logical system of indexing figurative elements into categories, divisions and sections. I use the work "indexing" purposely because we feel that "indexing" is a better description than "classification" and we think that "classification" if used can be confused with the classification of goods and services under the Nice Agreement. We think the index provides, and I am using the word "index" rather than "classification" now, a good model for a country considering a certain procedure for trademarks, or for a country which has an incomplete or unsatisfactory system at present.

81.3 However, we do question whether such a model system requires to have the legal effect of an international treaty, since we find it difficult to see that with national registration systems there is anything to be gained from one country knowing where another has indexed its figurative elements, since there appears to be no requirement, as far as we can see at present, for countries to search one another's registers for anticipation as there is for patents, or for communicating with one another about searching for trademarks.

81.4 The United Kingdom search material of figurative elements is already arranged in a satisfactory workable system to enable the examiners to find conflicting marks and, in view of the very large number of marks so indexed, it will be a task of considerable magnitude to undertake their re-indexing, even if done at renewals. We should have to be convinced that the advantages of the system justifies the amount of extra work which would fall on the United Kingdom Trade Marks Registry. Nevertheless, Mr. Chairman, we are very pleased to participate on this question, and to continue to maintain an interest in future developments, in case at some time in the future it would be desirable, perhaps by reason of the need for mechanization of search material, to change over to the international system. Thank you, Mr. Chairman.

Mr. HEMMERLING (President):

82. Thank you. The Delegate of Yugoslavia has the floor.

Mr. ĆEMALOVIĆ (Yugoslavia):

83.1 Thank you, Mr. President. The Yugoslav Delegation joins in thanking the Austrian Government for having convened this Conference.

83.2 The competent Yugoslav Federal organs in the field of Industrial Property have taken cognizance of the plan for an international classification of the figurative elements of marks. These authorities are of the opinion that it will be very useful to have a uniform international classification for the figurative elements of marks, and that such a classification should be the subject of a diplomatic instrument. From the point of view of the Yugoslav Delegation, an additional act, as the one proposed, is the most simple and most practical solution. Adopting such a solution will avoid complicating too much the administrative tasks of the International Bureau of WIPO, which would be the case if a Special Union with a separate budget were created. Furthermore, such a solution will avoid the creation of new organs, as those already existing under the Special Union of Nice would be used.

83.3 Nevertheless, the Yugoslav Delegation is ready to envisage the possibility of adopting a new and independent agreement if the majority of the interested countries desire such an instrument. Once again, thank you, Mr. President.

Mr. HEMMERLING (President):

84. Thank you very much. I give the floor to the Delegation of the Netherlands.

Mr. van WEEL (Netherlands):

85.1 Thank you, Mr. President. In the name of my Government, I thank the Austrian Government for having convened us here. We are happy to continue to work on this project which is of great interest to us. We are very content with the preparatory work done by the Austrian Government and WIPO, and I am personally convinced of the usefulness of an international classification which will certainly facilitate the work of national authorities and also of WIPO in its tasks under the Madrid Agreement. We equally hope that the classification will in the future contribute to an international examination of the figurative elements of marks, probably in the framework of European marks.

85.2 On the question of a special agreement or an additional protocol, I reserve my opinion until another day. Thank you, Mr. President.

Mr. HEMMERLING (President):

86. Thank you very much. I give the floor to the Delegation of Belgium.

Mr. PEETERMANS (Belgium):

87.1 Mr. President, first of all let me congratulate you on your election. My Delegation also expresses its gratitude to the Austrian Government for its amiable invitation to participate in this Conference. I also thank the Secretariat of WIPO for the important preparatory work that has been accomplished.

87.2 As far as the draft convention presented to us is concerned, Belgium is of the opinion that this text will be of great usefulness not only to national Offices and WIPO, but equally to the owners of marks.

87.3 On the question of whether this new instrument should be an independent treaty or an additional act, the Belgian Delegation reserves its opinion until later. Mr. President, thank you.

Mr. HEMMERLING (President):

88. Thank you. The Delegation of Brazil has the floor.

Mr. SMILGAT (Brazil):

89.1 Mr. President, permit me to congratulate you on your election.

89.2 We think that the classification of figurative elements will be one of great importance for all industrial property offices, particularly in search for anti-cipations.

89.3 The Delegation of Brazil is of the opinion that the adoption of the classification by a Special Union would render it possible that it be applied by all countries, even those which do not belong to the Nice Union. Thank you.

Mr. HEMMERLING (President):

90. Thank you very much. Which delegation wants the floor? The Delegation of Finland.

Mr. SIPONEN (Finland):

91.1 Thank you, Mr. Chairman. The Finnish Delegation presents its compliments to the Conference.

91.2 The international classification of the figurative elements of marks in the opinion of our Delegation is both necessary and useful. The figurative classification first of all will be an administrative means for the national offices in the searching for anticipations of marks. But one cannot forget that its use is of great importance for trademark applicants and other interested parties. We take pleasure in noticing that this subject has been included in the Vienna Conference. We hope that we shall achieve results which will be acceptable to most countries.

91.3 The Delegation of Finland feels that it is not necessary to establish a new Union for the international classification of figurative elements of marks. It would be more practical to adopt the proposed act as an addition to the Nice Agreement, because the organization of the Nice Union may be modified to take care of the questions belonging to both systems. Its Government having recently ratified the Nice Agreement of the International Classification of Goods and Services, which ratification is not however formally in force yet, the Delegation of Finland wishes to point out that if the alternative of the additional act will be adopted, it may act only as an observer delegation in this Conference. Thank you, Mr. Chairman.

Mr. HEMMERLING (President):

92. Thank you. I give the floor to the Delegate of Switzerland.

Mr. BALLEYS (Switzerland):

93.1 Thank you, Mr. President. We also join in the thanks and the congratulations given by the various delegations, to you, and to the Austrian Government and to the Secretariat of WIPO.

93.2 As to the choice of the legal instrument, the Swiss Delegation feels that it should be an additional act, rather than a special agreement, for several reasons. It is well understood that the plan for the international classification of the figurative elements of marks does not deal with a subject that corresponds perfectly to that of the Nice Agreement concerning the International Classification of Goods and Services. It concerns, all the same, questions relating to the classification of marks. Consequently, it is not manifestly outside the framework of the Nice Agreement. A classification for the figurative elements of marks is not a subject of such importance as to require the constitution of a new Union. The creation of a new Special Union may appear to be more

logical, but it would necessitate the creation of new organs and a separate budget, which will not fail to increase the burdens of member countries, complicate the administration of WIPO, and render the accessions and ratifications more difficult. On the other hand, under an additional act, there would be no separate budget, and the administrative cost of the classification would be borne by the budget of the Nice Union. Furthermore, the competent organs in the domain of the classification for the figurative elements of marks would be the same as those instituted by the Nice Agreement. Thus, the principal advantage that militates in favor of an additional act is that it would constitute a simple instrument consistent with the importance of the subject concerned. Thank you, Mr. President.

Mr. HEMMERLING (President):

94. Thank you. I give the floor to the Observer of the International Chamber of Commerce.

Mr. SAINT-GAL (International Chamber of Commerce (CCI) and Union des Fabricants (UNIFAB)):

95.1 Mr. President, as a representative of users within the International Chamber of Commerce and the Union des fabricants, I should like to draw your attention to the considerable importance, for users, of this project for an international classification for the figurative elements of marks. No such classification exists at the present time.

95.2 On the second point, that which concerns the choice of an appropriate instrument, the two associations, ICC and UNIFAB, favor the adoption of an additional act to the text of Nice and not a separate act. Both simplicity and economy motivate such a choice. The sole factor which perhaps goes against it, is that those States which wish to apply, as it has been the case up to now, the international classification of goods and services without being obliged to apply the international classification of figurative elements and vice versa, might wish to continue to do so. But one can answer to this objection that any mark is a whole, consisting of both words and figurative elements, and therefore it is reasonable to deal with them in the same instrument. Secondly, it is to be noted that, according to its Article 2(1), the scope of the Nice Agreement shall be that attributed to it by each contracting country and that, according to Article 2(2) of the same Agreement, each of the contracting countries may use the international classification as a subsidiary system and any other classification as a principal system.

95.3 These are the reasons, Mr. President, which appear to us to militate in favor of a single instrument and not of an additional act to the Nice Agreement. Thank you, Mr. President.

Mr. HEMMERLING (President):

96. I give the floor to the Delegation of Denmark.

Miss SANDER (Denmark):

97.1 Mr. President, Denmark also wants to thank the Austrian Government for the invitation.

97.2 Denmark is interested in the classification of the figurative elements of marks and we find it useful. I may add that we are in favor of an additional act. Thank you.

Mr. HEMMERLING (President):

98. I call upon the Delegation of Bulgaria.

Mr. ANGELOV (Bulgaria):

99.1 Thank you, Mr. Chairman. On behalf of the Bulgarian Delegation, I congratulate you on your election to the chairmanship of this Conference. Our thanks go also to the Austrian Government for inviting us to take part in this Conference and to the organizers for the excellent working conditions.

99.2 The establishment of a single international classification of the figurative elements of marks is dependent first on settling the question of the legal instrument upon which the classification would be based.

99.3 The documents presented for discussion suggest two different solutions to this problem, i.e., that the classification should either form the subject of an independent international agreement or else be an additional act to the Nice Agreement concerning the International Classification of Goods and Services.

99.4 In our opinion, it would be more rational to adopt the first alternative, i.e., the conclusion of an independent international agreement. In that way all countries wishing to adopt the international classification would be given an opportunity of adopting it without having first to become signatories of the Nice Agreement, i.e., members of the Nice Union.

99.5 In addition, the question of the international classification of the figurative elements of marks has an importance of its own in regard to the registration of trademarks. In our opinion, it would be more correct if this importance were recognized by the conclusion of a special international agreement and the establishment of a Special Union on that basis. It cannot be denied that from the legal point of view this is the more correct decision. Thank you.

Mr. HEMMERLING (President):

100. I give the floor to the Delegation of Spain.

Mr. GIL SERANTES (Spain):

101.1 Thank you, Mr. President. First of all, I wish to join the statements of the other delegations expressing our thanks to the Government of this great country for having invited us and for all the facilities it is giving to us.

Our thanks also go to WIPO for the work which it has accomplished, for several years now, in order to bring about the approval of these important legal instruments.

101.2 If denominations are important for the identification of goods--and it is, in view of the great publicity with which marks are advertized at the present time--so are also figurative signs, the more so as many products are better known for their graphic or other distinctive signs than for their names.

101.3 This Delegation is, in principle, of the opinion that rather than creating a new and separate legal instrument, the matter in question should be dealt with in an additional act to the Nice Agreement. This is all, for the moment, Mr. President.

Mr. HEMMERLING (President):

102. I call on the Delegation of Algeria.

Mrs. AIT DJEBARA (Algeria):

103. Thank you, Mr. President. The Delegation of Algeria also congratulates WIPO for having established an international classification for the figurative elements of marks and supports the other delegations which are in favor of the adoption of an additional act to the Nice Agreement for evident reasons of economy. I thank you.

Mr. HEMMERLING (President):

104. I thank you very much. Which delegation wants to have the floor? The Delegation of Austria.

Mr. LORENZ (Austria):

105.1 Mr. President, allow me first of all, on behalf of my Delegation and myself personally, to congratulate you on the confidence that has been expressed in placing you at the commanding post and the rudder of this Conference. Secondly, I want to thank you very warmly for the avalanche of congratulations, in a moment almost premature, addressed to my Government.

105.2 As regards the subject of this Conference, it is, of course, a very technical subject. I do not want to make a distinction between conferences which are politically important and other conferences, but I wish to say that finding solutions to technical problems may be just as important as finding solutions to other problems.

105.3 We have already participated for many years in the development of several diplomatic instruments which have treated purely administrative questions. There were the agreements on the classification for patents, for marks, and for industrial designs. They have a great importance, not only for the industrial property administrations but also for industry. They also help in the harmonization of substantive industrial property laws.

105.4 I consider that only point 6 of the agenda is under discussion. Consequently, I reserve my position as regards the legal form to be given to this instrument. But I would like to say one thing more, namely, that the classification of the figurative elements of marks is, for our trademark administration, of double importance: because we not only carry out a search for similar or identical marks, but also because we are among the first countries which made all the efforts necessary, and have already achieved a certain degree of success, in mechanizing search. For us, the change that the application of an international classification means will cause additional work, as it would mean applying an additional classification or modifying and replacing a system that is already in existence. But, I repeat, we are ready to make the sacrifice, for the sake of achieving harmonization in this field of great practical importance.

105.5 Finally, Mr. President, I shall request you to allow me to make a second intervention with regard to the question as to what legal form the draft instrument under discussion should take. Thank you, Mr. President.

Mr. HEMMERLING (President):

106. Thank you very much. I call on the Delegation of Portugal.

Mr. VAN-ZELLER GARIN (Portugal):

107.1 We thank the Austrian Government for its invitation and the way it received us. We also congratulate the Austrian Government and the Secretariat of WIPO on the excellent preparation of this Conference.

107.2 With regard to the choice of a new instrument or an additional act, we prefer the latter, but this position remains subject to possible change. Thank you, Mr. President.

Mr. HEMMERLING (President):

108. Thank you very much. I give the floor to the Delegation of France.

Mr. MAY (France):

109.1 Mr. President, my country also associates itself with the other declarations which have already been addressed to you, to congratulate you on your election to the post of President of this Conference and to thank the Austrian national authorities and WIPO for the great care shown in the preparation for this Conference.

109.2 The work done to establish an international classification for the figurative elements of marks has been followed with great interest by my country, which is inclined to think at the present moment to have an additional act rather than a special agreement. Thank you, Mr. President.

Mr. HEMMERLING (President):

110. Thank you very much. I give the floor to the Delegation of Poland.

Mr. MATUSZEWSKI (Poland):

111.1 Mr. President, Ladies and Gentlemen, in the name of the Polish Delegation, I have the honor to congratulate you on your election and express my good wishes to all delegates and observers gathered here in this Conference.

111.2 I have pleasure in expressing my hope that our debates will take place in an atmosphere of complete and mutual understanding of the problems of industrial property. I have the feeling that the draft agreement which would establish an international classification for the figurative elements of marks constitutes a good basis for our discussions.

111.3 Taking into consideration that the agreement which we are preparing is tied to the Nice Agreement concerning the Classification of Goods and Services for the Purposes of the Registration of Marks, the Delegation of Poland is in favor of the new instrument being an additional act to the Nice Agreement. This solution would permit the coordination of the activities in the field of those two classifications and avoid a certain increase in costs for member countries. I thank you, Mr. President.

Mr. HEMMERLING (President):

112. Thank you very much. Which delegation wants the floor? The Delegation of Czechoslovakia.

Mr. VACHATA (Czechoslovakia):

113.1 Thank you, Mr. President. I should first like to congratulate you heartily on behalf of the Delegation of Czechoslovakia on your election to the chairmanship of our Conference. The Delegation of Czechoslovakia is convinced that under your guidance our Conference will reach a successful conclusion.

113.2 Mr. President, our Conference has been given two main alternatives for consideration. The first of these envisages the addition of the agreement on figurative elements to the Nice Agreement concerning the International Classification of Goods and Services, while the second calls for the establishment of a separate Union for this purpose. The Delegation of Czechoslovakia supports the first alternative, i.e., the addition of a supplementary agreement to the existing Nice Agreement concerning the International Classification of Goods and Services. We base this preference on the fact that such a solution is simple and at the same time economical. Thank you, Mr. Chairman.

Mr. HEMMERLING (President):

114. Which delegation wants to comment? I would like to remind you that the question under discussion is whether the classification of figurative elements of marks should be an additional act or a special agreement. Some delegations want to give this opinion only later but we have to resolve this problem today. The Delegation of United Kingdom has the floor.

Mr. MOORBY (United Kingdom):

115. Thank you, Mr. Chairman. I understood that we were dealing with item 6 on the agenda. Have we actually got to item 7, when we are considering the question of which instrument should be considered? Thank you, Mr. Chairman.

Mr. HEMMERLING (President):

116. We have begun the discussion on point 7. The Delegation of United Kingdom, please.

Mr. MOORBY (United Kingdom):

117. Thank you, Mr. Chairman. A number of delegates, I think, have already expressed their preference in their comments on item 6, but I should like to say one or two words about which instrument should be considered, because we do not think that an amendment or an addition to the Agreement of Nice is the right one. The Nice Agreement deals with the width of claims for registration of marks and has legal effect in the countries which use it. The classification or indexing of figurative elements is simply an administrative tool for use by offices operating a search for conflicting marks. The disadvantage of tying it to Nice is that only countries party to Nice will be able to join, and that countries which want to use the figurative element system only, will not be able to join. This we think is the disadvantage of having the additional act to the Nice Agreement. So, we would prefer, Mr. Chairman, that, if there is to be a legal framework, there should be a separate independent act but not a protocol or an additional act to the Nice Agreement. Thank you, Mr. Chairman.

Mr. HEMMERLING (President):

118. Thank you very much. The Federal Republic of Germany has the floor.

Mr. SINGER (Federal Republic of Germany):

119.1 Mr. President, as we have already said in our opening declaration, the Government of the Federal Republic of Germany considers at present, after initial hesitation, as a good and necessary solution to institute an international instrument concerning the classification of the figurative elements of marks. In this context, we are of the opinion that the institution of a special and independent Union, within the Paris Union for the Protection of Industrial Property, should be preferable to the establishment of an additional act to the Nice Agreement.

119.2 The Delegation of the Federal Republic of Germany does not ignore the fact that the institution of a Special Union will necessitate extra organizational work, causing additional--but insignificant--expenses. We neither ignore that the goals pursued by the new Union on the one hand, and the Special Union of Nice on the other, pursue similar goals, as the application of any classification of the figurative elements of marks must be based on an already existing classification for goods and services. In our opinion, the following major reasons may be cited in favor of a special agreement in preference to an additional act, reasons

which will prevail over the inconveniences mentioned above: firstly, an additional act would, by definition, be open only to members of the Nice Union; however, there are a great number of third States, equally interested in a common classification of the figurative elements of marks and desirous of contributing to such a classification. It should also be added that the States interested in the classification of the figurative elements of marks certainly wish that these third States indicate the classes in their publications and collaborate actively in the development of the system. Secondly, it appears probable that not all the States members of the Special Union of Nice will adhere to an additional act; such a fact would have the following inconvenience: the Assembly of the Nice Union fixes the program of activity of the Union and creates committees of experts and working groups; the decisions of the Assembly are taken by a two-third majority of the member States represented, and the members of the additional act will find themselves in a minority within the Union; the Assembly could prevent by a decision taken by a majority of the votes expressed, all work concerning the development of the classification. According to another provision of the Nice Agreement, the Assembly adopts the triennial budget of the Union; as for the program of activities, a majority of two-thirds of the votes cast in the Assembly could prevent that budgetary credits be utilized for the purposes of the classification of the figurative elements of marks. Finally, it would be unjust that member States of the Paris Union not interested in the classification of figurative elements be required to bear any financial burden connected with the said classification since that classification does not give those States, either directly or indirectly, any benefit or countervalue; thus, it appears unjustified to impose on them a part of the financial burden.

119.3 For the reasons indicated above, the Delegation of the Federal Republic of Germany thinks that it is preferable to conclude a special agreement within the framework of the Paris Convention for the Protection of Industrial Property. I thank you, Mr. President.

Mr. HEMMERLING (President):

120. Thank you very much. I give the floor to the Delegation of the United States of America.

Miss NILSEN (United States of America):

121.1 Thank you. The Delegation of the United States of America favors a separate agreement rather than an additional act. We are in complete sympathy with the reasoning behind the formulation of an additional act. We, too, would like to see finances cut; we, too, would like to have organizations reduced in number rather than proliferated. However, we have a problem, in connection with an additional act. As a matter of fact we feel that there are rather serious legal implications that arise if an additional act is formulated as presently drafted, because the present draft proposal would, in effect, permit a relatively small number of countries--five--to cause the entry into force of that act. This would permit those five countries, in effect, to amend an agreement which has

a relatively large number--29--of member countries, and it would amend the agreement so as to permit an increase in the financial obligation of all the member countries; it would also assign traditional duties to the Assembly of this larger group of countries and of the Committee of Experts. It would, in effect, be an amendment of the Nice Agreement.

121.2 Now, the procedure for amending the Nice Agreement is set out quite clearly in the Nice Agreement. It requires three fourths or four fifths of the votes of the countries members of the Assembly, and amendments enter into force one month after such acceptance, and are binding on all countries members of the Assembly, with the proviso that any amendment increasing the financial obligations of countries of the Special Union shall bind only those countries which have notified their acceptance of such an amendment.

121.3 Now, Article 11 of the Nice Agreement provides for revision conferences. Perhaps we can refer to Article 41 of the Vienna Convention on the Law of Treaties which relates to agreements to modify multilateral treaties between certain parties only. In it, it provides that two or more of the parties to a multilateral treaty may conclude an agreement to modify a treaty as between themselves if, firstly, the possibility of such modification is provided for in the treaty and, secondly, if the modification in question is not prohibited by the treaty and does not affect the enjoyment by the other parties of their rights under the treaty or the performance of their obligations. These are the legal problems which concern us. It is for this reason and for reasons that have been mentioned by other speakers who have opposed or have at least favored a special agreement that we strongly prefer a separate agreement rather than an additional act. Thank you, Mr. Chairman.

Mr. HEMMERLING (President):

122. Thank you very much. The Delegate of Sweden, please.

Mr. LUNDBERG (Sweden):

123. Mr. Chairman, I would like to state the view of the Swedish Delegation on the question whether we should have an addition to the Nice Agreement or a new agreement. You will recall that the Swedish representatives at the meeting of experts in Geneva in December 1971 spoke strongly in favor of the first proposal by WIPO, i.e., an addition to the Nice Agreement. Now, after consultations with our Foreign Office we maintain this standpoint. We think it is a practical and cheap solution and while we can understand the points of view expressed by others, we think it is a very good and practical solution and we cannot see the necessity of establishing a new Union for this rather marginal item within the field of intellectual property. If, however, there is not unanimity for such a solution --and I am afraid there is not--our Delegation will certainly not vote against a solution implying a separate Union.

Mr. HEMMERLING (President):

124. Thank you. I call on the Delegation of Austria.

Mr. LORENZ (Austria):

125.1 Mr. President, our Delegation is in favor of the conclusion which would give this instrument the form of a new special agreement. I do not wish to repeat the arguments already put forward by other speakers who preceded me and who spoke in favor of the same conclusion. I share their views. However, I wish to give some additional arguments.

125.2 The main reason for which there is a tendency to make a protocol to the Nice Agreement is, I think, that both instruments deal with marks. In reality, however, they treat quite different subjects because the Nice Agreement, in fact, is not a classification of marks but a classification for goods and services, while the classification under discussion deals with another problem and, I say it in all frankness, deals with it only partially; it regulates the problem of classifying marks according to their form and in order to create a tool for the searching of "anticipations", or, in other terms, to group, in the same class, marks having the same form. This is a completely different matter than classifying goods and services.

125.3 The new instrument under discussion regulates the question only in part because it deals only with figurative marks and the figurative elements in composite marks and not with word marks. This is merely an observation and the reasons for which I make it are that one day the classification may be extended to the totality of marks, that is, also to word marks, since the problem is finally the same.

125.4 As far as the remarks concerning the economic aspects of the two solutions are concerned, I think that the fear that the new agreement would cause higher cost than a protocol to an already existing agreement is unjustified because, even if the new Union has an assembly, experience shows that, except in rare cases, the meetings of all administrative organs of the various Unions are held at the same time and in the same place and that consequently the same persons who are sent by member States to represent that State will represent it in all the different assemblies and executive committees where such committees exist.

125.5 What this Union needs in particular is a committee of experts entrusted with amendment of the classification whenever the need for an amendment arises. One would have to provide for such a committee in any case where the instrument is a protocol of a special agreement, but what appears to be decisive is that a protocol raises difficulties of a legal nature.

125.6 Finally, I should like to recall some of the history of how international classifications were established. As you know, there was, before the Second World War, already a classification for goods and services and there were great doubts as to the advisability of giving a legal base for such a classification.

After the war, there was a tendency to incorporate such a classification in an already existing instrument, namely, the Madrid Agreement Concerning the International Registration of Marks. However, it was very soon realized that this would not be a good solution. The same questions were debated when the establishment of an international classification for industrial designs was discussed; in that case, too, it was said by some people that the matter was of a minor importance and that it was not necessary to create a new instrument with all that goes with it in the way of organization, budget, costs, etc. In the end, it was nevertheless realized that the best solution would be to have an independent agreement as a legal basis for the classification of industrial designs. I am of the opinion that the same reasoning applies in the case of the classification before us, and this is why we favor a special agreement. Thank you, Mr. President.

Mr. HEMMERLING (President):

126. Thank you very much. The Delegate of the Netherlands, please.

Mr. van WEEL (Netherlands):

127.1 Thank you, Mr. President. My Government has already expressed in the preparatory discussions in Geneva the idea that the legal form of this classification should be that of a new agreement. My Government approves of the arguments appearing in the notes that we have received, notes which state the same opinion. These are the very arguments that have been presented so well by the Delegate of the Federal Republic of Germany. It is the argument of the task of the Assembly, it is the argument of the budget, it is the argument--already mentioned by the Honorable Delegate of Brazil--that the agreement should be open to all countries, also to countries which are not members of the Nice Union.

127.2 I wish only to add another argument, that is the argument of Rule 36 of the Rules of Procedure of the Conference according to which the instrument in the form of a protocol to the Nice Agreement, shall not be possible if one country of the Nice Union opposes it. I must say that it is not with this idea in mind that we have made the proposal this morning, but it is certainly the effect of our proposal.

127.3 Finally, I wish to say that there is going to be no great difference in the financial consequences. The work remains the same, if it is done within the framework of the Nice Agreement or of a new agreement. The cost will remain the same. Thank you, Mr. President.

Mr. HEMMERLING (President):

128. I call on the Delegation of Belgium.

Mr. PEETERMANS (Belgium):

129. Mr. President, my Delegation has certain hesitations, balancing between the solution of an additional act or that of an independent treaty, but after having listened to the arguments which have been presented today, we are leaning towards the solution of an independent treaty. In the beginning it appeared to us to be only natural that this new instrument should be purely an additional act; it deals with marks and it appeared to us that for reasons of economy, and for practical reasons, one could be content if it were a simple addition. However, the question of savings does not weigh too heavily in the balance and also--as was so well expressed by the Delegate of Austria--there are the examples already cited, Locarno and Nice, which are also independent treaties. My Delegation therefore proposes that the new instrument should be an independent treaty.

Mr. HEMMERLING (President):

130. The Delegation of the Soviet Union has the floor.

Mr. KULAKOV (Soviet Union):

131. Thank you, Mr. Chairman. I do not wish to be too wordy in discussing this question. The international classification of figurative elements is a necessary and important feature of trademark searching. In spite of the arguments put forward in favor of an independent agreement, the Delegation of the Soviet Union would consider it more rational to conclude an additional act to the Nice Agreement. Thank you.

Mr. HEMMERLING (President):

132. Are there any further remarks? No. Then I propose to finish the discussion and count the votes. Which delegations vote in favor of an additional act to the Nice Agreement concerning the International Classification of Goods and Services? I should like them to raise their hands. Fifteen. And, which delegations vote in favor of a special agreement? Eight. And, abstentions? One. I call on the Delegate of the Federal Republic of Germany.

Mr. HAERTEL (Federal Republic of Germany):

133.1 Mr. President, if you permit me, let me draw the attention of the Conference to a difficulty it has put itself into after this vote. I remind you that this morning the Conference on Industrial Property at its Plenary Session has adopted a modification to Rule 36 of Rules of Procedure. This is the document W/DC/8. By this modification which was decided this morning by the Conference, the additional act to the Nice Agreement may only be adopted by the Conference if no State party to the Nice Agreement votes against the adoption of the additional act. This is the result of the vote this morning.

133.2 I wish to express the opinion of the Delegation of the Federal Republic of Germany that we reserve in any case the right to vote in the final Plenary Session against any additional act. I thank you, Mr. President.

Mr. VOYAME (WIPO):

134.1 Mr. President, what has just been said by the Delegation of the Federal Republic of Germany is, of course, correct. If in the course of our work you agree on an additional act, as decided just now by the Plenary Session of the Paris Union now meeting, the result will be that the opposition of one country only, that is a member of the Nice Union, can prevent the adoption of an additional act by virtue of the new Rule proposed this morning by the Delegation of the Netherlands.

134.2 Under these conditions, I wonder whether it would not be useful, at this stage already, to know if any delegation is so strongly in favor of a separate agreement that at the end of our work, it will oppose the adoption of an additional act, because if we run this risk, it will not be worthwhile continuing the work to establish an additional act. Thank you, Mr. President. I submit this question for your consideration.

Mr. HAERTEL (Federal Republic of Germany):

135.1 Mr. President, because I initiated this rather painful discussion, I shall try to find a way out from this embarrassing situation. There are two possibilities. I have only said that I reserve the right of my Delegation to vote against. Naturally, I have to discuss the matter with my whole Delegation.

135.2 We have two possibilities with which to proceed. Some articles of the two Drafts, the Draft for the additional act and that of a separate agreement, are identical. We can discuss these identical articles without difficulty; this will not change the final decision. Another possibility is that we can prepare two instruments; we can prepare the additional act and the separate agreement, and wait and see what can be done at the end of the Conference.

135.3 In any case, I wish to propose that we should be given time until tomorrow morning to reply to the question asked by Mr. Voyame. I thank you, Mr. President.

Mr. HEMMERLING (President):

136. I think we can accept this proposal. We continue our work tomorrow morning, in the Plenary Session at 10 o'clock. Thank you for your opinions and for your work. The meeting is closed.

Third Meeting
Friday, May 18, 1973,
morning

Mr. HEMMERLING (President):

137.1 I open the third meeting of the Diplomatic Conference on the Classification of Figurative Elements of Marks which was adjourned yesterday.

137.2 First of all, I would like to thank you for all the congratulations extended to me on my election as President of this esteemed body. I would also like to thank the Austrian Government for the excellent working conditions which have facilitated our work, and for the warm reception offered to us last night.

137.3 I would imagine that this reception was a fine opportunity to continue the discussions on the question raised yesterday at the Plenary Session. I would be glad for the sake of the continuation of our work if the delegations succeeded to go a step forward and to achieve a unanimous opinion on this question.

137.4 Taking into consideration the amendment to Rule 36, adopted yesterday in the Plenary Session of the Conference on Industrial Property, a situation has been created that requires a unanimous opinion on this question. Yesterday, the majority of the delegations spoke in favor of an additional act, but there were also delegations who strongly advocated a separate agreement. In order to reach a successful outcome of our work, it is necessary to make certain compromises. Taking this aspect into consideration, I invite the delegations to put forward again their points of view.

137.5 Which delegation would like to have the floor? The Delegation of the Soviet Union, please.

Mr. KULAKOV (Soviet Union):

138. Thank you, Mr. Chairman. Yesterday's discussion unfortunately failed to produce the desired results. The Delegation of the Soviet Union would like to suggest the establishment of a working group on the question; such a working group should prepare constructive proposals. Inspired as we are by yesterday evening's extremely cordial reception, I believe that such a working group could produce constructive proposals. Thank you.

Mr. HEMMERLING (President):

139.1 Thank you very much. The Delegation of the Soviet Union proposes that we create a working group to discuss the choice between an additional act and a separate agreement in order to reach a common opinion. Are there objections? There are none.

139.2 I would like to propose the following as members for this Working Group: Austria, Czechoslovakia, Federal Republic of Germany, France, German Democratic Republic, Netherlands, Portugal, Soviet Union, Sweden, the United Kingdom and the United States of America. Are there objections? There are none. It is so decided. Thank you very much.

Mr. VOYAME (WIPO):

140.1 Mr. President, we are in the process of looking for a room where we can meet, if you so wish, immediately with the Working Group. It would be more convenient if we can meet in a small room with simultaneous interpretation in three languages. This will be necessary, because of the composition of the Group.

140.2 Meanwhile, I would like to make two announcements. One concerns the invitation of the Director General of WIPO to all participants for a cocktail party next Thursday at 6.30 p.m. which will be held in a room called the Zeremoniensaal. You should receive written invitations, but if anyone has been forgotten, please consider yourself as invited. That was the first point.

140.3 The second point concerns the question we have debated here, that is the question of the choice between an additional act or a separate agreement. On this point, I should like to say this, as you have already seen from our working papers, we have preferred--and I use the past tense--an additional act, because it appeared to us that it will help to simplify a little our administration. Actually, as you know, our organization is very complicated because we have some dozen separate Unions and, for each one of these Unions, one must count separately each piece of incoming mail and one must keep track of the work done by each official for each of the Unions. Quite frankly, the less Unions we have, the more simple becomes the administrative work for us. But this argument should not, I hasten to say, put in danger the work we hope to achieve here, because, after all, if we have 12 or 13 Unions, this does not change our work a great deal, and we are here in Vienna, in any case, to create new Unions, and whether we create two or three, will not prove too decisive. I request you to take this argument into consideration and, as the President has said, now one must take into account that the situation has changed since the adoption of a new Rule of Procedure, which requires unanimity of the States members of the Nice Union for the adoption of an additional act.

140.4 We have also thought, when we expressed a certain preference for an additional act, that it will simplify a little the procedures of ratification in certain countries; and also perhaps the administrative procedures for obtaining the credits necessary for contributions. But we also see that certain countries have legal or other arguments which make them oppose strongly to an additional act. Thank you, Mr. President.

Mr. HEMMERLING (President):

141. The Delegate of Austria has the floor.

Mr. LORENZ (Austria):

142. Mr. President, Ladies and Gentlemen, permit me to reply to one of the arguments that Deputy Director General Voyame has mentioned, that is, the simplification the Secretariat expects from the solution which would consist of the adoption of an additional protocol. I do not think that this simplification can be achieved unless all members of the Nice Union also become party of the additional protocol. Otherwise, I see a certain parallelism to the situation which exists in respect of the relationship between ICIREPAT and the Paris Union or of the preparation of PCT within the Paris Union. In other words, there would be an activity which is of interest only to certain number of countries, in our case to certain members of the Nice Union and not to others, namely those which, although members of the Nice Union, would not become members of the protocol. As what would be involved is a special activity, it would necessitate a certain separation of expenses, namely those incurred for the management of the additional act from those incurred within the general framework of the Nice Agreement. You have more or less the same situation, as I have already said, within the Paris Union, where it is necessary to have separate accounts and to find special financing procedures for activities which are not of interest to all members but are to some of the members, namely those which have interest in the special activities of ICIREPAT or the PCT. I wish that this consideration of a general character be noted.

Mr. HEMMERLING (President):

143. Thank you very much. I think the Working Group will discuss all these problems. If there are no objections, I would propose to close the Plenary Session and invite the Main Committee and the Working Group to start their work. The Delegation of Brazil has the floor.

Mr. THEDIM LOBO (Brazil):

144. Thank you, Mr. President. Having heard the list of countries that you have announced, I believe I heard that only a few of the developing countries will participate in this Group. My Delegation might be interested in participating in the Working Group also. That is all, thank you, Mr. President.

Mr. HEMMERLING (President):

145. I conclude the Plenary Session and invite the Working Group and the Main Committee to start their work. Mr. Voyame has the floor.

Mr. VOYAME (WIPO):

146. Mr. President, I request all members of the Working Group to remain here for a few minutes until we have found a meeting room. Perhaps we will have to meet here because of the problem of interpretation. I think we could start to work in a few minutes. As for the Plenary Session, I think it could resume this afternoon. At what time would you like to meet? Three o'clock perhaps?

Mr. HEMMERLING (President):

147. Thank you very much. The Delegation of Australia has the floor.

Mr. HADDRICK (Australia):

148. We will not be participating in the Working Group, but I thought that I would like to make one point in relation to the intervention from the Delegate of Austria concerning finances within the Paris Union. What I would like to point out is that, although that may have been the case in the Paris Union, in the Berne Union a rather different situation arises. We have under the budget of the Berne Union a provision made for its own Convention and for the Phonograms Convention. Now, if WIPO wants to bring uniformity and find some means whereby the countries that are interested in the Phonograms Convention are going to be paying separately, perhaps that will be equitable all round. I do not think we should take narrow examples as the basis for the discussions of the Working Group. Thank you, Mr. Chairman.

Mr. HEMMERLING (President):

149. Thank you. The Plenary is closed. The Delegation of Austria has the floor.

Mr. LORENZ (Austria):

150. Mr. President, you have made a reference to the organization of the work, but I have not understood this very well. I have grasped one thing, that is, the Working Group which will decide on the basic question of principle will meet here now. As regards the second point, I am not sure whether I understood it correctly that you have made a reference to the meeting of the Main Committee. Before continuing, I wish to know whether that Committee will meet before the Working Group accomplishes its tasks.

Mr. VOYAME (WIPO):

151. Mr. President, in reply to the Delegate of Austria, what I proposed is that the Working Group should meet immediately and submit its proposals this afternoon at the Plenary, because it is the Plenary which has to decide, and it is after the decision of the Plenary that the Main Committee can start its work.

Mr. HEMMERLING (President):

152. Thank you very much. The Plenary Session is closed.

<p>Fourth Meeting Friday, May 18, 1973 afternoon</p>
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Mr. HEMMERLING (President):

153. I open the fourth meeting of the Plenary. First of all, we shall hear the report of our Working Group. The Chairman of that Working Group, Mr. Lorenz, has the floor.

Mr. LORENZ (Austria):

154.1 Mr. President, Ladies and Gentlemen, you had entrusted this morning to a Working Group to examine the question of what legal form be given to the classification envisaged for the figurative elements of marks. I shall be brief. All the arguments for and against one or the other solution have been studied afresh and more closely in the Working Group.

154.2 The first fundamental thing which was noted was that, contrary to what could have been the impression until now, the choice was not one simply motivated by utility or economy between the two possible forms for the creation of this classification. I shall enumerate the three main reasons which have led the Working Group to propose a special agreement as the desirable legal form. I shall simply communicate here these reasons. They had been developed in detail in the Working Group by Deputy Director General Voyame and, if the interest still exists, I do not want to deprive him from the honor to develop them again in this body.

154.3 Firstly, the form of an additional act to the Nice Agreement would lead to an undesirable situation because it would exclude the participation of certain countries, namely those which are not now members of the Nice Agreement and would put them in the role of simple observers in this Conference.

154.4 The second decisive element is that the solution of an additional act leads to great legal difficulties.

154.5 The third argument is a procedural argument resulting from the Rules of Procedure as modified pursuant to the proposal of the Delegation of the Netherlands, that is, that the opposition of a single country member of the Nice Agreement could lead to the impossibility of adopting an additional act.

154.6 These reasons have led the majority of those Delegations which first favored an additional act to change their views and support the form of a special agreement in order not to prevent the adoption of such an agreement. They are the Delegation of Portugal, the Delegation of Sweden; the latter communicated to us at the same time that all the Nordic countries, that is, Sweden, Denmark, Finland and Norway, were ready to accept the legal form of a special agreement. Two Delegations were not in a position to favor the form of a special agreement but they

made a great sacrifice by declaring that they reserved their right to vote in the final vote according to what their instructions will allow or require them to do.

154.7 Consequently, and subject to these two reservations, I can report the following as the unanimous result of the Working Group. The Working Group that was formed to make proposals with respect to the choice of the legal instrument for the classification of the figurative elements for marks proposes to give the mandate to the Main Committee to continue the work on the basis of document CMF/DC/3 which is a draft of the Special Agreement for the Classification of the Figurative Elements of Marks. Such is the result and proposition of the Working Group. Thank you, Mr. President.

Mr. HEMMERLING (President):

155.1 We have heard the report of the President of our Working Group. Thank you very much. I think we can accept the report. Are there any objections? There are none.

155.2 In accordance with the agenda adopted, I ask the Main Committee to start its work on the basis of document CMF/DC/3.

155.3 Finally, I would like to thank all Delegations for their cooperation, and I am convinced that our joint efforts will result in fruitful and successful work. The Plenary discussion is closed.

<p><u>Fifth Meeting</u> <u>Friday, June 8, 1973,</u> <u>afternoon</u></p>

Mr. HEMMERLING (President):

156.1 Ladies and Gentlemen, I open the Plenary Session of our Diplomatic Conference.

156.2 The Main Committee has finished its work and the draft Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks lies before us.

156.3 Furthermore, there is a draft Resolution about the setting up of a provisional Committee of Experts at the International Bureau pending entry into force of the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks.

156.4 Now we are going to adopt the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks in its entirety. It is in document CMF/DC/17. Is there any delegation against it? There is none. So we have unanimously adopted the Vienna Agreement.

156.5 Now we are going to adopt the Resolution about setting up a provisional Committee of Experts. This is document CMF/DC/18. Is there any delegation against this? There is none. Then the Resolution is adopted.

156.6 I would like to ask if any delegation still wants the floor in order to make a statement. I give the floor to the Delegation of Australia.

Mr. HADDRICK (Australia):

157.1 Thank you, Mr. Chairman. May I first of all congratulate you on your distinguished conduct throughout the proceedings. I would also express our appreciation of the excellent chairmanship of our Chairman of the Main Committee, Mr. Thomas Lorenz of Austria. Mr. Lorenz has been a neighbor of Australia at many international conferences, and it is from them that we know his charm and his command over the subject matter under discussion. In this respect we find him a most excellent representative of his country and we applaud both Mr. Lorenz and the Austrian Government on their contribution to the success of this meeting. At this meeting, Mr. Lorenz displayed a new aspect of his talents.

157.2 Our position on signing this Agreement has already been outlined and I will not take up the time of the Conference but merely to reiterate that the Australian Delegation, in accordance with the usual practice, does not have powers to sign; it will, however, study the Agreement carefully and report on it to our Government. Thank you, Mr. President.

Mr. HEMMERLING (President):

158. Thank you very much. Which delegation wants the floor? The Delegation of the Soviet Union.

Mr. MOROZOV (Soviet Union):

159. Thank you, Mr. President. I would like to associate myself with the congratulations that the Delegate of Australia has addressed to you and the President of the Main Committee, Mr. Lorenz. I need not to repeat our thanks to the Austrian Government, they have already been expressed at the Conference on the Trademark Registration Treaty. We hope that we will have the opportunity to thank all the organizers of the Conference on Tuesday, June 12. Thank you, Mr. President.

Mr. HEMMERLING (President):

160. Thank you. I give the floor to the Delegation of the Netherlands.

Mr. van WEEL (Netherlands):

161.1 Thank you, Mr. President. Once again, I thank the Austrian Government for its hospitality, and also all those who have contributed to the conclusion of a new agreement for the classification of the figurative elements of marks.

161.2 My country has always been aware of the usefulness and the necessity of an international classification in this field. For this reason, we are happy today that the Conference has succeeded in achieving an agreement, which is altogether acceptable to my country. Therefore my country has the intention of signing the Agreement next Tuesday. Thank you, Mr. President.

Mr. HEMMERLING (President):

162. Thank you very much. Which delegation still wants the floor? The Delegation of Norway.

Mr. RØED (Norway):

163.1 Thank you, Mr. Chairman. The Norwegian Delegation also associates itself in extending its thanks to Dr. Lorenz for the very good results submitted to us.

163.2 At the conclusion of our work, the Norwegian Delegation wishes to thank all who were engaged in concluding, in the form of a Special Agreement, the classification of the figurative elements of marks. We feel it is a very practical instrument and will be useful for both national offices and owners of marks wishing to undertake their own searches. We are happy to be able to say that we have been authorized to sign on Tuesday, the 12th June, the Agreement on the Classification of the Figurative Elements of Marks and the Resolution. Thank you, Mr. Chairman.

Mr. HEMMERLING (President):

164. Thank you very much. The Spanish Delegation has the floor.

Mr. FERNÁNDEZ-MAZARAMBAROZ (Spain):

165.1 Mr. President. The Spanish Delegation wishes to thank you, as Chairman, and Mr. Lorenz for the efforts which have led to the conclusion of this Agreement. We also wish to thank once more the Austrian Government for the special hospitality which it extended to us.

165.2 My country is particularly interested in this Agreement because of its importance for our Office. It will constitute a very necessary working tool. For these reasons, we intend to sign the Agreement, although not next Tuesday, but later in the year. This is all. Thank you very much, Mr. President.

Mr. HEMMERLING (President):

166. Thank you very much. The Delegation of Luxembourg has the floor.

Mr. HOFFMANN (Luxembourg):

167. Thank you, Mr. President. With our thanks to the Austrian Government and to all those who contributed to the conclusion of the new Agreement, I am in a position to inform you that Luxembourg will sign the new Agreement on the International Classification of the Figurative Elements of Marks. Thank you, Mr. President.

Mr. HEMMERLING (President):

168. Thank you very much. The Delegation of Brazil has the floor.

Mr. THEDIM LOBO (Brazil):

169. Thank you, Mr. President. In the name of the Government of Brazil, I wish to declare that Brazil will sign, within a brief delay, the Agreement of Vienna Establishing an International Classification for the Figurative Elements of Marks. Once again, we wish to thank the Austrian Government and particularly Mr. Lorenz, and you, Mr. President.

Mr. HEMMERLING (President):

170. Thank you very much. The Delegation of the Federal Republic of Germany has the floor.

Mr. KRIEGER (Federal Republic of Germany):

171.1 Thank you, Mr. Chairman. Ladies and Gentlemen, I would like to associate myself on behalf of the Delegation of the Federal Republic of Germany, to the thanks expressed to the excellent Chairman of the Main Committee of this Conference, Dr. Lorenz, from the Austrian Delegation.

171.2 We think, Mr. Chairman, that the new Agreement will be a very useful step in facilitating the protection of trademarks in international cooperation. We especially welcome that the instrument adopted by this Assembly is an independent treaty within the framework of the Paris Convention. This, Mr. Chairman, will enable all interested member States of the Paris Union to participate in this special classification. Now, Mr. Chairman, I would like to add the thanks of the Delegation of the Federal Republic of Germany to you, Mr. Chairman, for your excellent chairmanship in this Conference.

171.3 The Delegation of the Federal Republic of Germany will sign the Agreement on Tuesday. Thank you.

Mr. HEMMERLING (President):

172. Thank you very much, Mr. Krieger. I give the floor to the Delegation of Switzerland.

Mr. BRAENDLI (Switzerland):

173.1 Mr. President, in the discussions that took place in the Plenary with respect to the legal instrument to be adopted for the international classification of the figurative elements of marks, the Swiss Delegation had clearly pronounced itself in favor of an additional act. In the present state of things, Mr. President, we cannot but regret that the form of a special agreement has been chosen. As far as we are concerned, we are still of the opinion that the international classification for the figurative elements of marks should be

linked to the international classification of goods and services. Linked to one another these two classifications should have constituted a whole under the same roof. All the same, it is not excluded that Switzerland, which already has its own classification on this subject, will adopt the international classification, if it is going to be applied by a substantial number of countries. It is for these reasons that we agree to support the instrument proposed which we envisage to sign next Tuesday.

173.2 I take this opportunity, Mr. President, to extend our warmest thanks to Mr. Lorenz, who with his customary competence, conducted the debates of the Main Committee. As to the thanks due to the Austrian Government, we shall pronounce them next Tuesday when the signing will take place. Thank you, Mr. President.

Mr. HEMMERLING (President):

174. Thank you very much. I give the floor to the Delegation of Portugal.

Mr. VAN-ZELLER GARIN (Portugal):

175. The Portuguese Delegation renews its thanks to the Austrian Government. Our Delegation considers the object of this Agreement very useful, because a common classification, internationally applicable, enhances the legal security of both applicants and owners. Therefore, we envisage signing the Agreement. Thank you, Mr. President.

Mr. HEMMERLING (President):

176. Thank you very much. I give the floor to the Delegation of Denmark.

Mr. TUXEN (Denmark):

177. Thank you, Mr. Chairman. We also would like to thank the Austrian Government and yourself, Mr. Chairman, for your chairmanship, and Dr. Lorenz for his chairmanship in the Main Committee, and we just would like to state that we are satisfied with the result of the negotiations and we would sign the convention on Tuesday. Thank you, Mr. Chairman.

Mr. HEMMERLING (President):

178. Thank you very much. Which delegation still wants the floor? The Delegation of Austria.

Mr. LORENZ (Austria):

179. Mr. President, Ladies and Gentlemen, we have succeeded in establishing a Special Union, indeed, a very Special Union if one considers the manner in which we have established it. First of all, I am very happy, as you are, Mr. President, in being submitted to this rain of compliments. And since I speak of the weather, I note that not only has the sun appeared in the sky but, as a price of our efforts, we feel here the presence of another sun, that of the friendship that exists amongst professional people who meet frequently. Thank you, Mr. President.

Mr. HEMMERLING (President):

180.1 Thank you very much, Mr. Lorenz. Mr. President of the Vienna Diplomatic Conference, Mr. Director General, Ladies and Gentlemen, the Diplomatic Conference on the International Classification of Figurative Elements of Marks has just adopted the Agreement Establishing an International Classification of the Figurative Elements of Marks. We have also adopted a Resolution which provides for setting up of a provisional committee of experts at the International Bureau, pending the entry into force of the Agreement. Thus an important result of the 1973 Vienna Diplomatic Conference on Industrial Property lies before us. It is for me a great honor and obligation to congratulate you on this success. The creation of the Agreement and the elaboration of the international classification of figurative elements of marks covered a period of several years. Our Diplomatic Conference is a culmination and at the same time the termination of the work on the Agreement which, in the course of the Conference, received the wording now lying before us.

180.2 The complicated problem of how to settle best of all the position of the Agreement Establishing an International Classification of Figurative Elements of Marks within the framework of the World Intellectual Property Organization was also solved during the Conference. With the Agreement Establishing an International Classification of the Figurative Elements of Marks, the development, initiated in the World Intellectual Property Organization and in the Paris Union, continues in the direction of creating new multilateral agreements.

180.3 In this connection, I would like to refer, for example, to the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks created as a result of the 1957 Nice Diplomatic Conference as well as the 1968 Locarno Agreement Establishing an International Classification of Industrial Designs. With the creation of an international classification of the figurative elements of marks, a further step has been made on the way towards the improvement of the international protection of marks. The practical application of international classification facilitates such work in the field of marks, and will have positive effects on the applicants and users of marks as well as on the national authorities of the Contracting States of the new Agreement.

180.4 In appreciating the results of the Diplomatic Conference on the International Classification of Figurative Elements of Marks, I would like to thank wholeheartedly all those who have contributed to the successful course of this Conference. Our thanks go to the Austrian Government who as hosts have created excellent conditions for the carrying out of the Conference. We extend our gratitude to the Director General of WIPO, Professor Bodenhausen, to the Deputy Directors General, Dr. Bogsch and Professor Voyame, who have contributed to a high degree to the success of the Conference. I would like to thank also the Chairman of the Main Committee of our Conference, Dr. Lorenz, and last but not least, the interpreters and all those who have cooperated with us in an excellent manner in the carrying out of work of the Diplomatic Conference.

180.5 Ladies and Gentlemen, thank you very much for your attention, and I declare the Plenary Session closed.

MAIN COMMITTEE
OF THE DIPLOMATIC CONFERENCE
ON THE INTERNATIONAL CLASSIFICATION
OF THE FIGURATIVE ELEMENTS OF MARKS

Chairman: Mr. T. LORENZ (Austria)

Vice-Chairmen: Mr. K.B. PETERSON (Australia)

Mr. P. MATUSZEWSKI (Poland)

Mr. R. SERRÃO (Portugal)

Secretary: Mr. L. EGGER (WIPO)

First Meeting

Friday, May 18, 1973,

afternoon

General remarks

181. The CHAIRMAN opened the first meeting of the Main Committee of the Diplomatic Conference on the International Classification of the Figurative Elements of Marks. He recalled that the Draft Vienna Agreement establishing the International Classification was contained in document CMF/DC/3. After having noted that no amendment proposals had as yet been submitted in writing, the Chairman asked whether any Delegations intended to make such proposals and, if so, whether they were in a position to say which provisions of the Draft would be affected by any such amendment proposals.

182. Mr. HADDRICK (Australia) admitted that he had not altogether understood the Chairman's intention.

183. The CHAIRMAN explained that he simply wished to know whether any Delegations were able, at that juncture, to state their intention to propose amendments in writing.

184. Mr. SHEEHAN (United States of America) asked whether an amendment proposal of a minor nature, such as his Delegation wished to submit, should be presented in writing or whether the oral form would suffice.

185. The CHAIRMAN felt that in the interest of the progress of work amendments of a minor type or of an editorial nature should be submitted in writing. This way of proceeding would assist the work of the Drafting Committee.

186. Mr. VOYAME (WIPO) shared the view expressed by the Chairman and added that written presentation of proposals for amendments concerning either the substance or the drafting enabled translation into the other languages to be prepared and thus also assisted the Main Committee in its task.

187. The CHAIRMAN noted that the Delegation of the United States of America was the first to submit proposals in writing and gave the floor to the Delegate of that country.

188. Mr. SHEEHAN (United States of America) stated that the comments his Delegation would make in writing were to concern Articles 1 and 4 of the draft Agreement.

Preamble

189. The CHAIRMAN opened the discussion on the preamble.

190. The preamble was adopted without discussion, subject to a possible editorial change.

Article 1: Establishment of a Special Union; Adoption of an International Classification

191. The CHAIRMAN opened the discussion on Article 1.

192. Referring to the English version, Mr. SHEEHAN (United States of America) felt that the term "figurative elements" was misleading and suggested the expression "design elements" as being more appropriate in view of the fact that the classification did not concern the various graphic particularities of letters but the figurative elements which appeared to contain such graphic particularities. The Delegate of the United States of America observed that the same comments also applied to the preamble.

193. The CHAIRMAN asked the Secretariat what the implications of the proposal by the Delegate of the United States of America would be for the French version.

194. Mr. VOYAME (WIPO) stated that it would be difficult to find an adjective corresponding exactly to the English term "design" and suggested that this question be held over until a little later.

195. The CHAIRMAN felt that this change, although of an editorial nature, was of particular importance since it concerned the very designation of the Classification. He feared that it might lead to confusion with industrial designs.

196. Mr. SIMONS (Canada) stated that his Delegation shared the idea behind the proposal made by the Delegation of the United States of America. It also seemed to him that the English term "figurative elements" had a rather restricted meaning. However, if a change were to lead to difficulties for translation into the other languages, the Delegation of Canada would not press the point.

197. The CHAIRMAN proposed that the various Delegations be given time to think over the proposed change submitted by the Delegation of the United States of America, and that the discussion on Article 1 should be postponed.

198. It was so decided.

Article 2: Definition and Deposit of the Classification of Figurative Elements

199. The CHAIRMAN opened the discussion on Article 2.

200. Mr. DUDESCHER (Austria) wished to make a number of oral comments on Article 2, intended for the Drafting Committee alone. Firstly, he questioned the real necessity of making a distinction, in paragraph 1, between the list of categories, divisions and sections, and the explanatory notes since all these elements were mixed in document CMF/DC/4. Anyone consulting the Agreement for the first time and reading Article 2, would be sure to look for annexes to the Classification, one annex to the list and another to the explanatory note, but would find only one. Moreover, the Delegate of Austria observed that paragraph 9 of the comments on Article 2 explained that the Classification was adopted by the Diplomatic Conference but that this fact was not stated in Article 2.

201. The CHAIRMAN noted that, if he had correctly understood the comments of the Delegate of Austria, the mandatory form of the provision in Article 2(1)(a) of the draft Agreement made it obligatory to give explanatory notes in all cases. The Delegate of Austria had however suggested that the provision should have an optional form. The Classification of Figurative Elements would therefore also contain notes but only in those cases where it proved of use and of necessity.

202. Mr. VOYAME (WIPO) explained that the wording of Article 2 of the Draft was based on that of Article 1 of the Locarno Agreement and expressed the opinion that, generally, it was better not to change too many things in relation to previous agreements. He preferred to keep to the wording of the Draft in order to avoid an a contrario conclusion in respect of other agreements, which could mean, for example, that in the case of the classification set up by the Locarno Agreement, the explanatory notes were obligatory. This did not however prevent the text of the Draft being interpreted in the manner wished by the Delegate of Austria.

203. Mr. HADDRICK (Australia) proposed a compromise between these two points of view in that the suggestion made by the Delegation of Austria be accepted and the words "including the explanatory notes" be added.

204. Mr. SINGER (Federal Republic of Germany) shared the point of view of the Delegation of Austria but also very well understood the explanation given by the Secretariat since the system proposed was exactly the same as that adopted for the Locarno Agreement. The adoption of a differing text would cause future generations to reflect on the reasons behind that difference. For that reason therefore, the Delegate of the Federal Republic of Germany was finally in favor of the wording proposed in the Draft.

205. The CHAIRMAN proposed that the matter be referred to the Drafting Committee.

206. The first part of the proposal by the Delegation of Austria was referred to the Drafting Committee for decision.

207. The CHAIRMAN recalled that the second part of the proposal by the Delegation of Austria concerned the Classification itself.

208. Mr. SIMONS (Canada) apologized for returning to an item which had just been discussed but did not think that his comments would alter the decision that had been taken. He wished, nevertheless, to point out that, in many cases, similar situations arose in which it was felt that the text of the treaty could be improved but when returning to the previous text it was discovered that changing its wording created the possibility of a differing legal interpretation. On the other hand, however, if this idea were to be strictly followed, no amendment would ever be made to treaties or agreements. In the opinion of the Delegate of Canada, it was possible to deal with this item in the minutes of the Conference by mentioning that the changes were purely of an editorial nature. The Delegate of Canada requested the Drafting Committee to consider the matter.

209. Mr. VOYAME (WIPO) stated that a constant fear of comparison with the other texts and of the danger of conclusions being drawn from the fact that the wordings were different, would lead to it being impossible to improve the text of conventions. He therefore felt that this rule should probably be put aside each time it was really necessary. Mr. Voyame added that the report which was to be drawn up during the present Diplomatic Conference would not permit future generations to discover the views of the actual drafters of the text. The Records of the Conference would nevertheless contain summary minutes which would be available for all to consult.

210. The CHAIRMAN wondered which solution should be chosen: in case of doubt, to draw up a text which would be the same as that adopted in similar situations, or to prefer to choose, each time, solutions appropriate to the specific problem. Since this matter could well arise more than once during the Conference, the Chairman preferred to leave some degree of liberty to the Drafting Committee. He therefore proposed that Article 1(1) be considered adopted in principle and that it be left to the Drafting Committee to formulate the final wording in line with the decisions taken in similar cases.

211. Mr. VOYAME (WIPO) recalled that, according to the Delegate of Austria, it was not clear from Article 2 that the Classification which was to be contained in an authentic text had been adopted by the Conference. However, Mr. Voyame himself felt that this was clear from Article 1, in conjunction with Article 2, and added that the system was exactly the same as that followed by the Nice Agreement, the Locarno Agreement and, recently, the Strasbourg Agreement.

212. Mr. DUDESCHEK (Austria) thanked Mr. Voyame for his explanations but was not able, unfortunately, to share his views. Article 1 of the draft Agreement contained the obligation for the countries adopting the Classification to become party to the Agreement and the duty to proceed with classification in the manner proposed in the Draft. The Delegate of Austria also felt, however, that the text should clearly indicate by whom the classification had first been adopted.

213. Mr. VOYAME (WIPO) recalled that the obligation for States to adopt and apply the Classification was contained in Article 4. He therefore felt that Article 1 clearly showed that an initial adoption of the Classification by the Diplomatic Conference was involved.

214. The CHAIRMAN wondered what conclusion he should draw as regards the fate of the Classification whose draft had been submitted in document CMF/DC/4.

215. Mr. VOYAME (WIPO) explained that the comments spoke of a solution which had been invented for the International Patent Classification. That Classification had been annexed neither to the Convention nor to the Agreement since that would have obliged certain States to republish it in their collections of laws and treaties. That was why the system of an authentic official instrument deposited with the Director General of WIPO had been chosen. The Classification was therefore already adopted at the present time and would become the official classification. It would not, however, have any effect as yet nor would become obligatory for anyone until the time the Agreement entered into force in certain specific countries. Until such time, the Secretary suggested that a Provisional Committee of Experts be set up and meet prior to the entry into force of the Classification or of the Agreement itself to examine the necessity of amending the Classification.

216. Article 2 was adopted as appearing in the Draft, subject to a reservation concerning paragraph 1.

Article 3: Languages of the Classification of Figurative Elements

217. The CHAIRMAN opened the discussion on Article 3.

218. Mr. GIL SERANTES (Spain) proposed on behalf on his Delegation that they should proceed in the same way as for the Classification of Goods and Services for the Purposes of the Registration of Marks and that, consequently, a Spanish version of the Classification should be drawn up.

219. The CHAIRMAN asked whether he was to interpret the proposal by the Delegation of Spain as a formal request for an amendment to paragraph 1.

220. Mr. GIL SERANTES (Spain) replied that such was not the case.

221. Mr. VOYAME (WIPO) emphasized that, if he had correctly understood the Delegate of Spain, the latter was not proposing an amendment to the text but simply wished to draw the Main Committee's attention to the fact that a Spanish translation of the Classification would become necessary in the future. He shared that opinion and was convinced that the Assembly of the future Vienna Union would also decide in that way. Mr. Voyame assured the Delegate of Spain that his intervention would be recorded in the minutes.

222. The CHAIRMAN noted that the Delegate of Spain was satisfied by Mr. Voyame's explanations.

223. Article 3 was adopted as appearing in the Draft.

Article 4: Use of the Classification of Figurative Elements

224. The CHAIRMAN opened the discussion on Article 4.

225. Mr. DUDESCHER (Austria) referred to the provision in Article 4(4) which laid down that the numbers of the categories would be "preceded by the words 'Classification of Figurative Elements' or an abbreviation thereof to be determined by the Committee of Experts referred to in Article 5." When studying the Conference documents on this new Classification, the Delegate of Austria had wondered why it was not possible to find such an abbreviation on the spot, in the Main Committee where experts were also meeting, particularly since an abbreviation already existed in the title of the relevant document: "CMF." He considered that this task should not form part of the work of the Committee of Experts, which was to concern itself with the problems connected with the use of the Classification itself, experience gained in practice in the industrial field, etc., all of which were elements which could make it necessary to amend the Classification itself.

226. Mr. VOYAME (WIPO) recalled that the matters raised by the Delegate of Austria had already been thought of by other Diplomatic Conferences, particularly the Strasbourg Conference on the International Patent Classification, which, after having studied the question, had finally arrived at precisely that wording, which, subsequently, had been adopted in the Draft drawn up for the Vienna Diplomatic Conference. The reasons for that decision were the following: a diplomatic conference could of course decide on an abbreviation but if that abbreviation were contained in a contractual text (convention or agreement) it would be necessary to convene a further diplomatic conference to change the abbreviation. However, the abbreviation would have to be amended from time to time, if only to enable its adaptation to the needs of the computer. It had been for that very reason that both at Strasbourg and in the draft Agreement submitted for discussion in Vienna

227. Mr. HADDRICK (Australia) declared that he was a little worried by one point made in the intervention of the Delegate of Austria. He feared that the long title would remain a nuisance until such time as the Committee of Experts could adopt a different formulation, and that the Committee of Experts was not due to meet until after the entry into force of the Agreement. Whether that longer title were to be maintained or not, he suggested therefore that an abbreviation such as "CMF" be introduced and that the final decision be left to a body such as the Committee of Experts which could, if necessary, make a change at a later date.

228. Mr. SHEEHAN (United States of America) felt that if the abbreviation were to be added to the wording of Article 4(4), the text of the Draft would have to be amended at the same time to read: "or such other titles as the the Committee of Experts may come up with in its future meetings," since the Committee of Experts was not able to amend either the title or the agreement.

229. Mr. MYALL (United Kingdom) wished to submit to the Main Committee several suggestions concerning Article 4(3), which were not of a purely editorial nature. He suggested the replacement, in the English text, of the words "official documents" by the word "register." Paragraph 19 of the comments explained that "documents" meant, in particular, entries in the register of marks and registration and renewal certificates. The Delegation of the United Kingdom requested the Main Committee to consider whether there was in fact a good reason to require numbers for the certificates, particularly renewal certificates. Although there were perhaps good reasons for requiring the numbers for the purposes of entry in the register of marks, the Delegate of the United Kingdom wondered whether it was necessary to generalize this for all official documents. He suggested that the number of cases in which such numbers had to be entered should be reduced as far as possible.

230. Mr. SHEEHAN (United States of America) recalled that the wording of Article 4(1) of the Nice Agreement had been judged unsatisfactory at the Strasbourg Conference. He preferred the wording of Article 4(1) of the Strasbourg Agreement and therefore proposed that the formulation "The Classification shall be solely of an administrative character" should be adopted.

231. The CHAIRMAN recalled that two proposals had been submitted to the Main Committee. The first proposal, by the Delegation of the United Kingdom, concerned Article 4(3); the second, by the Delegation of the United States of America, concerned Article 4(1). The Chairman requested both Delegations to submit their proposals in writing and suggested that the Main Committee should adopt Article 4, subject to a subsequent examination of paragraphs 1 and 3.

232. Mr. SINGER (Federal Republic of Germany) made a general remark concerning Article 4. He commented that Article 4 spoke of the obligations of national offices but made no mention of WIPO which, although not a State, would nevertheless want to use the international classification symbols. He wished to know whether anything had been provided for in that respect.

233. Mr. VOYAME (WIPO) replied to the Delegate of the Federal Republic of Germany that such was the case. WIPO needed to apply a classification for the purposes of its search services and this could be none other than the international classification. It was already doing so to a large extent through the Classification of Goods and Services and the International Classification of Industrial Designs. As regards the latter classification, WIPO could very well operate without applying it since it did not undertake anticipation searching, however, it was voluntarily using the international classification to assist the member countries of the Hague Agreement. Consequently, there was all the more reason for WIPO to apply the International Classification of the Figurative Elements of Marks.

234. Article 4 was adopted, subject to a subsequent examination of paragraphs 1 and 3.

Article 5: Committee of Experts

235. The CHAIRMAN opened the discussion on Article 5.

236. Mr. MYALL (United Kingdom) wished simply to mention to the Main Committee that his Delegation intended to submit a proposal in writing for amendment of Article 5(2)(b).

237. Mr. van WEEL (Netherlands) pointed out that, in accordance with Article 5(3), the Committee of Experts' task was to make amendments and additions to the Classification of Figurative Elements. He wondered whether the Committee should not also make additions to the explanatory notes and, if such were the case, whether it should not be mentioned in the text.

238. Mr. VOYAME (WIPO) explained that the Committee of Experts had also to make additions to the explanatory notes or to amend them but that this was already covered in the text since the term "Classification of Figurative Elements" included the explanatory notes.

239. The CHAIRMAN noted that the explanations given by Mr. Voyame had satisfied the Delegation of the Netherlands and gave the floor to the Representative of the Union des Fabricants and, at the same time, of the International Chamber of Commerce.

240. Mr. SAINT-GAL (Union des Fabricants (UNIFAB) and International Chamber of Commerce (ICC)) presented the point of view of the non-governmental organizations he represented as regards Article 5 and, in particular, the improvement of the Classification. He observed that differences and anomalies, even of structure, were inevitable in a new classification which was, moreover, more theoretical than practical. It was therefore necessary that Article 5 should contain the means to remedying the situation; that task would fall to the Committee of Experts set up by the Draft. Difficulties could arise, however, from the fact that Article 5(6)(c) of the Draft provided--on the pattern of the 1971 Strasbourg Agreement Concerning the International Patent Classification--that important decisions should be taken on a

on a three-fourths majority. Such a solution seemed perfect in the case of classifications tried and tested over a long period but in the case of the International Classification of the Figurative Elements of Marks, its effect would in fact be to prohibit or, at least, delay any improvement. The Representative of the Union des Fabricants and of the International Chamber of Commerce shared Mr. Voyame's views that the Drafts being elaborated should be amended as little as possible where these were close to other texts already elaborated but, nevertheless, where particularly large problems arose, the possibility of finding somewhat different solutions should be available. The classifications provided for by the Nice and Strasbourg Agreements were classifications which had been tried in practice, at least at national level. In the case of the figurative elements of marks, the problem was a much more difficult one. In this area files did not exist or were, at best, of relatively recent date. Figurative marks were mainly geometrical marks or marks containing special graphic elements which were most difficult to classify. In view of the above, it would be preferable, at least to begin with, that a simple majority be required and that application of the three-fourths majority be foreseen for the future after a number of years' experience. Returning to the idea put forward by WIPO, the Representative of the two non-governmental organizations therefore suggested that a transitional measure be adopted and mentioned two possible solutions. Under the first, the Conference would propose the setting up of a provisional Committee of Experts to improve the Classification during the time between signature of the Vienna Agreement and its entry into force. That solution would in fact involve two successive Committees of Experts and give to the first one a difficult task to accomplish in a period of time which could be very short, and which could be contested by the second Committee. The other possible solution for consideration would be the setting up, from the very beginning, of a single Committee of Experts having at its disposal a period of time--e.g. two or three years at most--for finalizing the Classification and during which decisions would be taken on a simple majority. The main problem under both solutions was that of the majority which, from the onset, should above all be a simple majority.

241. The CHAIRMAN pointed out that two problems had been raised, that of the majority in the Committee of Experts and that of a transitional Committee.

242. Mr. van WEEL (Netherlands) drew the Chairman's attention to the fact that the International Classification of the Figurative Elements of Marks was not at present a purely theoretical question since, in the three Benelux countries, the Classification was already being applied and once one had started applying it it would be difficult to accept any change whatsoever. It was particularly important to the Delegate of the Netherlands that the three-fourths majority be maintained since every change in the Classification resulted in a large amount of work for those countries which already applied it.

243. Mr. DUDESCHEK (Austria) remarked that under Article 5(2)(a), the Director General of WIPO was to invite the intergovernmental organizations concerned to be represented by observers at meetings of the Committee of Experts and the comments on Article 5 explained that "this provision could apply in particular to bodies such as the Benelux Trademark Office." The Delegate of Austria wished to know whether the Benelux Trademark Office was an intergovernmental organization or in fact an Office. He thought it would be better to reword the provision concerned in the Draft as follows: "The Director General shall invite intergovernmental organizations or offices specialized in the field of marks, etc."

244. The CHAIRMAN asked the Delegates of the Benelux countries for their views on the suggestion made by the Delegate of Austria.

245. Mr. PEETERMANS (Belgium) drew the Chairman's attention to the fact that the Benelux Convention referred to the Benelux Trademark Office as a joint Office of the three countries. Consequently the most suitable term would be: Joint Office of the Benelux Countries.

246. Mr. VOYAME (WIPO) considered that the notion of "international office" was based on that of "international organization." As a further argument, he pointed to the provision in Article 5(2) of the Strasbourg Agreement Concerning the International Patent Classification, which used exactly the same wording. He was of the opinion that the distinction suggested by the Delegate of Austria could not be made.

247. Article 5 was adopted as appearing in the Draft.

[Suspension]

Article 6: Notification, Entry into Force and Publication of Amendments and Additions and of Other Decisions

248. The CHAIRMAN resumed the meeting and opened the discussion on Article 6.

249. Mr. MYALL (United Kingdom) notified that his Delegation would submit a written proposal for amendment of Article 6.

250. Mr. DUDESCHEK (Austria) drew the attention of the Main Committee to certain differences in the wording of the corresponding provisions of Article 6(2) in document CMF/DC/3 and Article 5(4) in document CMF/DC/2. He asked whether it was right to indicate in one case the two periodicals in which the amendments were to be announced and in the other case to state only that they were "such periodicals as may be designated by the Assembly."

251. Mr. MYALL (United Kingdom) observed that the proposal for amendment which his Delegation was to submit concerned precisely the problem which had just been raised.

252. Mr. VOYAME (WIPO) admitted that there was a difference between the two texts and explained that this was not an error but that the difference had been intentional. The Committee of Experts had felt that in the case of a separate agreement, the text of the Nice Agreement could be departed from a little to bring it more into line with more recent agreements such as Locarno or Strasbourg. To designate periodicals in a new agreement could pose a number of problems if subsequently, for example, the publication were to be discontinued or to be given a different name. On the other hand, in the case of an additional act, it was more difficult to depart from the Nice Agreement itself and that was the reason the wording of the Nice Agreement had been reproduced in that case.

253. Article 6 was set aside since the Delegation of the United Kingdom maintained its intention to submit a proposal for amendment in writing.

Article 7: Assembly of the Special Union

254. The CHAIRMAN opened the discussion on Article 7.

255. Acting out of concern for a degree of standardization of the texts of the various draft international instruments to be adopted at Vienna and basing himself on a comparison of the equivalent provisions of those Drafts as regards the powers of the Assembly of the Special Union to amend certain provisions of the Treaty or of the Agreements, Mr. DUDESCHER (Austria) proposed that a new provision be introduced between items ix) and x) of Article 7 of the Draft Agreement, worded as follows: "adopt amendments to Articles 7, 8, 9 and 11 in order to harmonize this text with the text of the Agreement for the Protection of Type Faces and the Trade-mark Registration Treaty."

256. Mr. VOYAME (WIPO) proposed that the question be set aside. He had not had the time to make the comparisons of which the Delegate of Austria had spoken. Mr. Voyame recalled that Article 7(2)(a)(x) of the Draft laid down that the Assembly would "perform such other functions as are appropriate under this Agreement," but that did not, in his opinion, prevent acceptance of the suggestion made by the Delegate of Austria to achieve a degree of standardization of the documents submitted to the Delegates in the course of the Vienna Conference.

257. The CHAIRMAN invited the Delegate of Austria to present a written proposal.

258. Mr. RØED (Norway) turned to the Secretariat with a wish for clarification as to the meaning of the provision in Article 3(2) which referred to Article 7(2)(a)(vi).

259. Mr. VOYAME (WIPO) explained that those were two provisions which basically said the same thing. It would perhaps have been possible to avoid the repetition in Article 3(2) by using the general clause in Article 7(2)(a)(vi) as a basis, but the Committee of Experts had felt it worthwhile repeating since it considered the matter to be relatively important. Similar provisions were, moreover, to be found in the other previous Agreements. According to Mr. Voyame it emerged clearly in

both cases that it was the Assembly which would designate the languages in which the other texts would be drawn up.

260. Mr. RØED (Norway) said that he still had a few doubts as to the clearness of the wording of Article 3(2), but that he would not press the point further.

261. Mr. VOYAME (WIPO) felt that the text of the Draft was in any event clear and saw no necessity to recast or supplement the wording of Article 3(2).

262. The CHAIRMAN explained that such provision had generally been included in similar agreements as a result of two considerations: firstly to give to the Assembly the power to say in which language an official translation would be made and, secondly--and that was what constituted the content of Article 3(2) of the Draft in the case in point--to give the power to the International Bureau to make that official translation.

263. Mr. HADDRICK (Australia) referred to the English text of Article 3(2) proposed that the words "as the Assembly referred to in Article 7 may designate" replaced by "as the Assembly may designate in accordance with Article 7."

264. Mr. VOYAME (WIPO) remarked that the proposal of the Delegate of Australia could raise objections since the Draft did not contain an Article giving definitions and it could not therefore be deduced from the suggested wording which Assembly was referred to. That was why it had been necessary to add the phrase "referred to in Article 7" to the word "Assembly."

265. The CHAIRMAN proposed the same procedure as had been adopted for Article 2 where it had been simply a matter of concordance with other agreements.

266. Mr. SIMONS (Canada) observed that Article 3(2) read: "...such other languages as the Assembly referred to in Article 7 may designate." He felt that the wording of Article 7(2)(a)(vi) should use the word "designate" in order to clearly identify the powers given to the Assembly in Article 3(2). He proposed that the Drafting Committee should review the wording of Article 7(2)(a)(vi) with this in mind.

267. The CHAIRMAN proposed that the matters discussed be referred to the Drafting Committee.

268. Mr. MYALL (United Kingdom) suggested that the end of Article 3(2) be worded as follows: "in such other languages as the Assembly referred to in Article 7 may designate in conformity with paragraph 2(a)(vi) of that Article."

269. Article 7 was adopted subject to the wording of its paragraph 2(a)(vi) and its harmonization with Article 3(2), to be decided by the Drafting Committee.

Article 8: International Bureau

270. The CHAIRMAN opened the discussion on Article 8.

271. Article 8 was adopted as appearing in the Draft.

Article 9: Finances

272. The CHAIRMAN opened the discussion on Article 9.

273. Mr. MYALL (United Kingdom) asked the Secretariat to explain the meaning of the second sentence of Article 9(1)(c).

274. Mr. VOYAME (WIPO) replied that it was a provision of a general nature to be found in all the conventions and agreements. The relationship between the International Bureau and the Unions was highly complex and it frequently occurred that various services or various officials worked for a number of Unions. The expenditure incurred by those services and officials had of course to be distributed among the various Unions. In order to achieve as accurate a distribution as possible, it was endeavored to determine the time spent by each of those officials for the various Unions, the office surface allocated to each of the Unions, etc., and all those elements were incorporated in the general formula "in proportion to the interest the special Union had in them."

275. Article 9 was adopted as appearing in the Draft.

Article 10: Revision of the Agreement

276. The CHAIRMAN opened the discussion on Article 10.

277. Mr. DUDESCHEK (Austria) asked whether it was necessary to incorporate in Article 10 the provision of paragraph 3 according to which "Articles 7, 8, and 11 may be amended either by a revision conference or according to the provisions of Article 11," if the possibility of Articles 7 to 11 being revised by the Assembly was already provided for in Articles 7 and 11 and, in addition, if those Articles could be amended--under Article 10--by a revision conference. He requested the Secretariat to provide explanations in the matter.

278. The CHAIRMAN believed that there were precedents for the wording concerned.

279. Mr. VOYAME (WIPO) agreed that there were in fact precedents and quoted Article 10 of the Strasbourg Agreement which was drafted in the same way. He thought that, even though it was in part repetitive, there was some reason for having grouped together in one article the provisions on the revision of the Agreement.

280. Article 10 was adopted as appearing in the Draft.

Article 9: Finances

281. Mr. MYALL (United Kingdom) apologized for returning to Article 9(8), which laid down that the auditing of the accounts was to be effected by one or more of the countries of the Special Union or by external auditors, as provided in the financial regulations. The Delegate of the United Kingdom asked which financial regulations were being referred to there. It seemed to him that no financial regulations existed within the Special Union, which foresaw the case of external auditors, or if there did exist financial regulations--as, for example, in the Paris Union--the Delegate of the United Kingdom wondered whether it would not be better to make reference to them.

282. The CHAIRMAN thought that the reference was to the financial rules of the International Bureau and requested the Secretariat to give its opinion on the matter.

283. Mr. VOYAME (WIPO) shared the opinion expressed by the Chairman. The International Bureau of WIPO possessed financial regulations and it was precisely to those financial regulations that the reference had been made. A similar text was to be found moreover in numerous other agreements, particularly in the Strasbourg Agreement.

284. Mr. MYALL (United Kingdom) felt that it would be better if it could be laid down in that way.

285. The CHAIRMAN asked the Delegate of the United Kingdom whether he wanted an explanation to be given in the Conference documents.

286. Mr. MYALL (United Kingdom) explained that the comment he had made was not of so great an importance. It was merely an endeavor to make the text clearer. He thanked Mr. Voyame for his explanations. If the Main Committee felt that it was not necessary to state that the reference was to the financial regulations of the International Bureau, the Delegation of the United Kingdom was satisfied with Article 9(8) as appearing in the Draft.

287. Mr. HAERTEL (Federal Republic of German) remarked that the explanations given by the Secretariat were not altogether clear. His impression was that the financial regulations quoted in Article 9 were in relation to Article 7 and that in Article 7(2)(a)(v) it was laid down that "the Assembly shall ... adopt the financial regulations of the Special Union." That would mean that Article 9 was quoting the special financial regulations for the Special Union to be set up by the Conference and was not referring to the general financial regulations of the International Bureau.

288. Mr. VOYAME (WIPO) congratulated the Delegate of the Federal Republic of Germany on his excellent knowledge of the Draft under discussion. Reference was, indeed, being made to the financial regulations of the Special Union.

289. The CHAIRMAN noted that the text of Article 9 raised no further objections and was adopted as appearing in the Draft.

Article 11: Amendment of Certain Provisions of the Agreement

290. The CHAIRMAN opened the discussion on Article 11.

291. Article 11 was adopted without discussion, as appearing in the Draft.

Article 12: Becoming Party to the Agreement

292. The CHAIRMAN opened the discussion on Article 12.

293. Mr. MYALL (United Kingdom) announced his Delegation's intention of presenting a proposal in writing for amendment of paragraph 3.

294. Article 12 was adopted, subject to paragraph 3.

Article 13: Entry into Force of the Agreement

295. The CHAIRMAN opened the discussion on Article 13.

296. Article 13 was adopted without discussion, as appearing in the Draft.

Article 14: Duration of the Agreement

297. The CHAIRMAN opened the discussion on Article 14.

298. Article 14 was adopted without discussion, as appearing in the Draft.

Article 15: Denunciation

299. The CHAIRMAN opened the discussion on Article 15.

300. Article 15 was adopted without discussion, as appearing in the Draft.

Article 16: Signature, Languages, Depository Functions, Notifications

301. The CHAIRMAN opened the discussion on Article 16.

302. Mr. van WEEL (Netherlands) explained that his intervention did not refer to Article 16 of the Draft but to the Article which out to precede Article 16. The Delegation of the Netherlands wished to insert at that place in the Draft a new provision similar to that existing in the Paris Convention and in the PCT, dealing with the question of disputes and the jurisdiction of the International Court of Justice of The Hague. The relevant proposal had already been submitted in writing.

303. Article 16 was adopted without discussion, as appearing in the Draft.

<p><u>Second Meeting</u> <u>Saturday, May 19, 1973,</u> <u>morning</u></p>
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General Observations

304. The CHAIRMAN opened the meeting and announced that four Delegations (the United States of America, the Netherlands, Austria and the United Kingdom) had submitted proposals, which were set out in documents CMF/DC/6, 7, 8 and 9, respectively. In order to improve the clarity of the discussions, the Chairman intended to proceed article by article so that note could be taken of those articles which had been adopted without amendment, as appearing in the Draft, and those articles which had been referred to the Drafting Committee. After having noted that there were no objections to the proposed procedure, the Chairman opened the discussion on the title of the Agreement.

Title of the Agreement

305. The SECRETARY explained that the proposal by the Delegation of the United States of America (document CMF/DC/6, item 1) concerned both the title and the body of the Agreement.

306. Mr. MAY (France) stated that the proposal by the Delegation of the United States of America to replace in the text of the Agreement the expression "figurative elements" by "design elements" would be justified by the fact that the Classification did not include the graphic features of letters if the Draft Classification (document CMF/DC/4) did not contain a Category 27 headed "Forms of writing, numerals" and a Category 28 headed "Inscriptions in various characters." Assuming that those categories of the Classification were to remain unchanged, the Delegate of France felt the term "design elements" to be inappropriate. If the expression "elements" were considered insufficiently accurate in view of the fact that an element was merely a part of a whole, the Delegation of France would have preferred the term "sign," which was sufficient unto itself, to be used in the title which would then read: "Classification of the Figurative Signs of Marks."

307. Mr. SHEEHAN (United States of America) announced that his Delegation wished to withdraw its proposal contained in item 1 of document CMF/DC/6, particularly with a view to avoiding any confusion in translation.

308. The CHAIRMAN thanked the Delegation of the United States of America for its comprehension and noted that both the title and the preamble were adopted.

Article 1: Establishment of a Special Union; Adoption of an International Classification

309. Mr. MYALL (United Kingdom) pointed out that his Delegation's proposal was more of an editorial nature. For the sake of improved clarity, a blanket opening statement should be included at the beginning of the Agreement with the following wording: "References to Articles should be understood to be references to Articles of this Agreement unless expressly stated otherwise; similarly with reference to paragraphs and subparagraphs." It would also be possible to individually amend each paragraph in which such references appeared. A list of such amendments was given on the reverse side of document CMF/DC/9. The Delegation of the United Kingdom had no particular preference for one or the other solution. The choice was a matter to be decided by the Drafting Committee.

310. Mr. SINGER (Federal Republic of Germany) agreed that this was a matter of an editorial nature and proposed that the Drafting Committee should consider the question, basing itself on the other agreements which had already been adopted.

311. The CHAIRMAN asked the Main Committee whether he could note that Article 1 had been accepted in essence and that the final wording would be decided by the Drafting Committee, taking into account the proposals made by the Delegation of the United Kingdom and supported by the Delegation of the Federal Republic of Germany.

312. Mr. HADDRICK (Australia) remarked that this point seemed to raise a more general question of whether all references to the Assembly in the Draft Agreement would be understood as references to the Assembly of the Union. The Delegate of Australia proposed that the Drafting Committee consider the problem he had raised at the same time as the references to articles.

313. It was decided to pass on the remarks of the Delegate of Australia concerning Article 1 to the Drafting Committee.

Article 2: Definition and Deposit of the Classification of Figurative Elements

314. The CHAIRMAN recalled that Article 2 had been adopted subject to the Drafting Committee examining the content of the proposal by the Delegation of Austria in respect of a possible change in the wording of paragraph (1). He asked whether there were any objections in this respect.

315. The decision remained unchanged

Article 3: Languages of the Classification of Figurative Elements

316. The CHAIRMAN recalled that Article 3 had been adopted without change on the previous day.

317. The decision remained unchanged.

Article 4: Use of the Classification of Figurative Elements

318. The CHAIRMAN noted that proposals had been made for amendments to Article 4(1) and (3).

319. Mr. SHEEHAN (United States of America) recalled that the wording of Article 2(1) of the Nice Agreement had been judged to lack clarity at the Strasbourg Conference. He felt that the proposal made by his Delegation, based on the text of the Strasbourg Agreement and stipulating that "The Classification shall be solely of an administrative character," would make the Draft more clear.

320. The CHAIRMAN noted that a choice was to be made between two solutions which differed in essence, and asked whether any Delegation wished to take the floor in support of the Delegation of the United States of America.

321. No delegation having supported the proposal by the Delegation of the United States of America, Article 4(1) was adopted as appearing in the Draft.

322. Mr. MYALL (United Kingdom) suggested that the two proposals submitted by his Delegation in document CMF/DC/9, in paragraphs 2 and 3 respectively, should be discussed separately if the Chairman were agreeable.

323. The CHAIRMAN gave his agreement and opened the discussion on the first proposal, which was to replace the words "official documents" by "register."

324. Mr. MYALL (United Kingdom) pointed out the amendment was not a purely editorial one. Although the United Kingdom did not, at that time, have the intention to sign the Agreement, it was not impossible that it would do so in the future. For that reason, his country wished to reduce the amount of work falling to national Offices. Acceptance of the proposal in paragraph 2 of document CMF/DC/9 would reduce the number of cases in which Offices would have to mention the registration of a mark. The words "documents and publications" were defined in paragraph 19 of the comments on Article 4 and the word "publications" meant, in particular, the entries in the register of marks and the renewal certificates. Although there was an advantage in mentioning the numbers in the register, there seemed less advantage in mentioning them on the registration and renewal certificates when an office, such as the United Kingdom

Office, had to deal with a very large number of registered marks and a large number of filings each year. If that system were to be employed, the inclusion of all those numbers would constitute an enormous amount of work. The opinion of the Delegate of the United Kingdom was that it would suffice to include the numbers solely in the register of marks.

325. Mr. GIL SERANTES (Spain) considered that, since the Classification of Goods and Services was included in the official documents, the fact that the Classification of Figurative Elements was not inserted would seem to detract from the latter's importance.

326. The CHAIRMAN was not sure whether the Delegation of Spain wished to support the proposal made by the Delegation of the United Kingdom and asked for clarification.

327. Mr. GIL SERANTES (Spain) stated that his Delegation's intention was to support the idea that the corresponding classification of the figurative elements should be shown in the documents in the same way as in the title.

328. Mr. HADDRICK (Australia) was not in favor of the amendment proposed by the Delegation of the United Kingdom, which seemed to him too restrictive in view of the aims of the Agreement.

329. Mr. BOUZIDI (Algeria) was also not in favor of the amendment proposed by the Delegation of the United Kingdom. The main argument put forward by the Delegation was the workload which would be involved in reproducing the classification numbers on the official documents. That did not, however, exclude the work of classifying all the figurative elements already existing in the register of the United Kingdom or of other countries. If the bigger part of the work had therefore already been done, the operation consisting of entering the classification numbers in the official documents would not involve an enormous additional workload.

330. The CHAIRMAN asked the Delegation of the United Kingdom whether it wished to maintain its proposals made in paragraphs 2 and 3 of document CMF/DC/9.

331. Mr. MYALL (United Kingdom) replied that his Delegation was prepared to withdraw its proposals made in paragraphs 2 and 3 of document CMF/DC/9.

332. Article 4(3) was adopted as appearing in the Draft.

333. Article 4(2) having been adopted on the previous day, the whole of Article 4 was therefore adopted as appearing in the Draft.

Article 5: Committee of Experts

334. The CHAIRMAN opened the discussion on the proposal of the Delegation of the United Kingdom to insert, in Article 5(2)(b), after the words "representatives of" the words "any Paris Union country that is not a contracting party to this Agreement." He asked the Secretariat to state whether it was an amendment of substance, mentioning that the precedent was to invite the member countries of the Paris Union as observers to meetings of bodies set up under special agreements.

335. Mr. VOYAME (WIPO) pointed out that, if the provision were to remain as proposed in document CMF/DC/3, it was quite probable that the Committee of Experts, in its rules of procedure, would lay down that representatives of all the countries of the Paris Union which were not members of the Special Union should be invited to attend meetings of the Committee of Experts as observers. If the Main Committee wished it to be laid down in the Agreement itself, the amendment which would have to be made to the text of the Draft would, of course, constitute a substantive amendment. No such addition existed, for example, in the Strasbourg Agreement, but that did not mean that it could not be inserted in the text under discussion.

336. Mr. MYALL (United Kingdom) explained that the idea behind the proposed amendment to Article 5(2)(b) submitted by his Delegation was to give the Director General or the Committee of Experts the possibility of inviting non-member countries to participate in the deliberations. That could be very desirable, particularly in a case of a country which was on the point of adopting the classification system, or of another country having special experience of the problems of searching.

337. Speaking on behalf of his Delegation, Mr. DEIJENBERG (Sweden) supported the proposal made by the Delegation of the United Kingdom.

338. Mr. DUDESCHEK (Austria) stated that his Delegation was also in support of the proposal by the Delegation of the United Kingdom.

339. Mr. DE OURO-PRETO (Brazil) stated that the Delegation of Brazil wished to support the proposal submitted by the Delegation of the United Kingdom.

340. Mr. BOUZIDI (Algeria) agreed with those who had spoken in favor of the amendment proposed by the Delegation of the United Kingdom. He nevertheless felt the same aim could be more easily achieved if it were provided that the Director General of WIPO or the Committee of Experts could invite a representative of any member country of WIPO and not limit a possible invitation to the members of the Paris Union alone.

341. The CHAIRMAN noted that the proposal by the Delegation of Algeria constituted a modification to the proposal by the Delegation of the United Kingdom.

342. Mr. SINGER (Federal Republic of Germany) was in favor, in principle, of the possibility of inviting non-member countries to take part in meetings as observers. He added that, in his opinion, the aim of the provisions in Article 5(2)(a) and (b) was to permit the participation of intergovernmental organizations and international non-governmental organizations and not of States. If it were decided to insert a provision as proposed by the Delegation of the United Kingdom, it ought therefore to be done either at a different place or as a separate provision. The Delegation of the Federal Republic of Germany was not in favor of inserting such a provision in the text of the Agreement but was not against it either.

343. The CHAIRMAN commented that the decision on a separate article or merely a separate provision within a paragraph was a question of an editorial nature. As regards the substance, he asked the Main Committee whether any delegation was opposed to the principle of including in the text of the Agreement the possibility of inviting member States of the Paris Union as observers.

344. Mr. VACHATA (Czechoslovakia) was in favor of the proposal submitted by the Delegation of the United Kingdom, as amended by the proposal of the Delegation of Algeria, and therefore suggested that the words "of any country not party to this Agreement" be inserted after the word "representatives" in Article 5(2)(b). He considered that such a solution best corresponded to the idea that the Agreement under discussion was intended to facilitate cooperation on a worldwide scale.

345. The CHAIRMAN summed up the situation: the Delegation of the United Kingdom had proposed that the provision under Article 5(2)(b) should be extended to any country of the Paris Union not a party to the Agreement, the Delegation of Algeria had proposed that it be extended to all members of WIPO, and the Delegation of Czechoslovakia had gone further still by suggesting that all restrictions be removed. The Chairman questioned whether, in the case of a Union with such a restricted subject matter, the composition of the Committee of Experts deserved such detailed discussion, particularly since there had never been any difficulty when a non-member country had wished to participate as an observer in the work of a committee of experts.

346. Mr. DUDESCHEK (Austria) recalled that, some years ago, he had been a member of the Nice Union Committee of Experts. A number of delegations which were not members of the Nice Union had in fact participated in the meetings of that Committee as observers. Those delegations had submitted most interesting proposals for discussion. Furthermore, a number of those same delegations had in the meantime become members of the Nice Union. The Delegate of Austria felt that it could well be the case with the new Agreement and that it would be most useful to discuss the problems of different countries and to learn of their experience in that field. Such discussions covering a wide field, which should not be restricted, could serve as a basis for further countries to decide to become members of the new special Union. Every country interested should therefore be invited to participate in the work of the Committee of Experts and there should be no restriction to certain countries.

347. Mr. HADDRICK (Australia) observed that the Convention Establishing WIPO provided that countries interested in industrial property questions but unable to become members of one of the Unions could become members of WIPO. It was for that reason that the Delegate of Australia supported the proposal by the Delegation of Algeria.

348. Mr. RØED (Norway) felt that the possibility of inviting countries which were not yet members of the Special Union should be limited to the Paris Union since the new Union was to be set up in accordance with Article 19 of the Paris Convention.

349. Mr. MYALL (United Kingdom) approved of the reasons behind the proposal by the Delegations of Czechoslovakia and of Algeria but, for the reasons explained by the Delegate of Norway, he felt the possibility should be limited to the members of the Paris Union.

350. Mr. DE OURO-PRETO (Brazil) supported the proposal by the Delegation of Algeria.

351. The CHAIRMAN recalled that three proposals had been put to the Main Committee: that of the Delegation of the United Kingdom, that of the Delegation of Czechoslovakia, supported by the Delegation of Austria, and finally that of the Delegation of Algeria, supported by the Delegation of Brazil.

352. Referring to the form of the proposal by the Delegation of the United Kingdom, Mr. HADDRICK (Australia) was in some doubt as to the nature of such a provision. The word "shall" was used, meaning that the Director General was obliged to invite any country of the Paris Union if the Committee of Experts so requested, whereas during the discussions it had only been a question of the possibility.

353. Mr. VACHATA (Czechoslovakia) stated that, in order to avoid complicating the work of the Main Committee, he was willing to accept the proposal by the Delegation of Algeria with one correction, viz. that it should be a country which was already a member of the Special Union or which was considering becoming a member. The Delegation of Czechoslovakia spoke in favor of the worldwide nature of the Agreement, without any restriction, withdrew its proposal and gave its support to that submitted by the Delegation of Algeria.

354. Mr. GIL SERANTES (Spain) considered that since it had been decided to leave the framework of the Nice Union and to create another Special Union, there was no reason to impose restrictions.

355. The CHAIRMAN thanked the Delegation of Czechoslovakia for having simplified the debate by withdrawing its proposal. He observed that the proposal by the Delegation of the United Kingdom, as amended by the proposal of the Delegation of Algeria, had found the necessary support and since no delegation had expressed opposition, the proposal was referred to the Drafting Committee.

356. Mr. VOYAME (WIPO) pointed out that, if the proposed amendments were in fact adopted, Article 5(2)(b) would stipulate that the Director General could, and, if the Committee of Experts so decided, would be required to invite all WIPO member countries to participate as observers in the work of the Committee of Experts. He pointed out that all member countries of the Paris Union were not as yet members of WIPO and that it would not be possible therefore to deduce, a contrario, that the Paris Union countries which were not members of WIPO could not be invited as observers to the debates of the Committee of Experts.

357. Mr. HADDRICK (Australia) felt that the question raised by Mr. Voyame could not be neglected and that it would have to be solved as far as possible. He expressed surprise that the members of the Paris Union appeared to be excluded whereas, in fact, they ought to be present at the meetings of the Committee of Experts. Theoretically they were automatically admitted to meetings. The Delegate of Australia therefore suggested that action should be taken to enable all members of the Paris Union to participate in the work of the Committee of Experts.

358. Mr. SINGER (Federal Republic of Germany) shared the views expressed by the Delegate of Australia and felt that the provision in question should be drawn up in a clear manner by the Drafting Committee.

359. The CHAIRMAN summed up the discussions and stated that the Drafting Committee would be asked to formulate a text which ensured that in no event would the member countries of the Paris Union be excluded.

360. Article 5 was thus adopted, subject to the wording of paragraph (2) which was referred to the Drafting Committee.

Article 6: Notification; Entry into Force and Publication of Amendments and Additions and of Other Decisions

361. The CHAIRMAN opened the discussions on Article 6, announced a proposal for amendment of Article 6(2) submitted by the Delegation of the United Kingdom in paragraph 5 of document CMF/DC/9, and asked whether it could be considered as an amendment of a purely editorial nature.

362. Mr. VOYAME (WIPO) was of the opinion that the amendment could not be considered as of a purely editorial nature. If it were to be adopted, it would mean that as long as the Agreement was not amended, the notifications referred to in Article 6 would have to be published in the periodicals entitled "Industrial Property" and "Les marques internationales."

363. The CHAIRMAN requested the Delegation of the United Kingdom to explain its position.

364. Mr. MYALL (United Kingdom) agreed that it was not an editorial amendment. The Delegate of the United Kingdom was mindful of the statement made the previous day by Mr. VOYAME that the titles of the periodicals could be changed or that one of them could be discontinued. The idea behind the proposal was that a given country could wish to know the amendments and additions made to the Classification of the Figurative Elements or the numbers of the categories even if it did not use that Classification. The Delegate of the United Kingdom therefore felt it desirable that such amendments should be published in some at least of the periodicals to ensure that not only the members of the Special Union would be informed.

365. The CHAIRMAN asked whether the Secretariat had objections to the existing periodicals being quoted as examples.

366. Mr. VOYAME had no objections but remarked however that such a solution could be made for cumbersome wording.

367. Mr. SINGER (Federal Republic of Germany) did not feel that it was really necessary to include the titles of the periodicals in the text of the Agreement and added that it would be altogether in the interests of the Organization to publish all amendments and make sure that they were widely known.

368. The CHAIRMAN turned again to the Delegation of the United Kingdom to ask whether it intended to stand firm as regards its proposal.

369. Mr. MYALL (United Kingdom) asked whether assurances could be given that a means existed of being informed of all amendments made to the Classification.

370. The CHAIRMAN asked the Secretariat whether such an assurance could be given.

371. Mr. VOYAME replied that it could.

372. The CHAIRMAN noted the assurances given by the Secretariat and the fact that the Delegation of the United Kingdom had withdrawn its proposal and concluded that the Drafting Committee would not have to amend the wording of Article 6(2) of the Draft.

373. Article 6 was adopted as appearing in the Draft.

Article 7: Assembly of the Special Union

374. The SECRETARY observed that the Delegation of Austria had submitted a proposal for amendment of Article 7(2)(a), contained in document CMF/DC/8.

375. Mr. VOYAME (WIPO) recalled that the Delegate of Austria had discovered a difference between the texts laying down the powers of the Assembly, as proposed for the Agreement for the Protection of Type Faces and for the Agreement Establishing

an International Classification of the Figurative Elements of Marks. Mr. Voyame explained that the difference was of a basically editorial nature. Contrary to the case of the TRT and the Agreement for the Protection of Type Faces, for the draft Agreement Establishing an International Classification of the Figurative Elements of Marks, it was deemed preferable to maintain the earlier form, that which appeared in all the other agreements on classifications, and to incorporate in the Draft a provision which would be the same for all the assemblies provided for by the Agreements on classifications. It was for that reason that there was a difference of form which did not, however, in any way affect the substance.

376. Article 7 was adopted, subject to final wording by the Drafting Committee

Article 8: International Bureau

377. The CHAIRMAN remarked that Article 8 had already been accepted in principle as appearing in the Draft but in view of a proposal by the Delegation of the United Kingdom in respect of Paragraph (4), contained in paragraph 6 of document CMF/DC/9, he was reopening the discussion on that Article.

378. Mr. VOYAME (WIPO) feared that the amendment, which at first view appeared to be a change of form, was in reality a change of substance. In mentioning the tasks allotted to the International Bureau by the Assembly, neither the tasks allotted by the Agreement itself nor those which may be allotted by the Committee of Experts were being referred to. For that reason, Mr. Voyame felt it preferable to maintain the draft text which suggested that they were tasks that could be allotted by the International Bureau by any instrument or competent body.

379. Mr. MYALL (United Kingdom) stated that, in order to avoid difficulties for the Secretariat, his Delegation withdrew its proposal in respect of Article 8(4).

380. Article 8 was once more adopted as appearing in the Draft.

Article 9: Finances

381. The CHAIRMAN noted that no proposal concerning the substance of Article 9 had been submitted. The Drafting Committee could therefore draw up its final text, taking into account the proposal by the Delegation of the United Kingdom contained in paragraph 7 of document CMF/DC/9.

382. It was so decided.

Article 10: Revision of the Agreement

383. Since no proposal concerning the substance had been submitted, Article 10 was once more adopted as appearing in the Draft.

Article 11: Amendment of Certain Provisions of the Agreement

384. The CHAIRMAN noted that no proposal affecting the substance had been submitted since the preceding meeting of the Main Committee, apart from a number of purely editorial proposals.

385. Article 11 was once more adopted as regards its substance, subject to final wording by the Drafting Committee.

Article 12 onwards

386. The CHAIRMAN recalled that the Delegation of the United Kingdom had submitted on Article 12(3) a proposal of an editorial nature which had not met with any objection.

387. Mr. VACHATA (Czechoslovakia) proposed that the articles containing the final provisions should not be discussed at the meeting of the Main Committee and suggested to the Steering Committee of the Vienna Conference that a special group of experts with suitable experience in legislation and conventions should be set up to elaborate the wording of the final provisions of the three Acts--i.e. the Treaty and Agreements--to be adopted at the Vienna Diplomatic Conference.

388. The CHAIRMAN noted that it was wished to establish a degree of concordance between the texts of the various agreements being elaborated at the Diplomatic Conference. He presumed that the task of formulating a suitable text, which had been given to the Main Committee, would be transferred to the Drafting Committee and that the text drawn up by the latter would then be again submitted to the Plenary. As regards the proposal by the Delegation of Czechoslovakia, the Chairman was not at that time able to give more detail of his position. He nevertheless remained convinced that all would be done to ensure that the final texts would be concordant in those provisions which were similar. The Chairman observed that the Delegation of the Netherlands had submitted a proposal for a new article to be inserted between Articles 15 and 16 of the Draft and which was contained in document CMF/DC/7.

389. Mr. VACHATA (Czechoslovakia) considered that the proposal by the Delegation of the Netherlands was well justified and ought to be examined by the special group set up to examine the articles containing the final provisions.

390. Mr. van WEEL (Netherlands) told the Main Committee that he had received instructions from his Government to introduce the same provisions into all the three draft international acts to be adopted by the Vienna Diplomatic Conference. He was therefore prepared to accept the suggestion by the Delegation of Czechoslovakia that the proposal be discussed by a working group able to take a single decision valid for the three international acts in question.

391. The CHAIRMAN stated that, in view of the positions taken by the delegations during the discussions, the proposal by the Delegation of the Netherlands would be referred to the Plenary of the Diplomatic Conference on the International Classification of the Figurative Elements of Marks when the text of the Draft Agreement prepared by the Drafting Committee, following the discussions in the Main Committee, was submitted to the Plenary. The question of concordance between the texts would then be decided in the general framework of the Vienna Diplomatic Conference. It was not yet possible to say whether that decision would include the setting up of a working group.

392. Mr. VACHATA (Czechoslovakia) explained that, in his view, the final provisions should be discussed not at a meeting of the Main Committee but within a special group, and that the Main Committee should adopt a recommendation on the setting up of such a working group. If the Conference decided to create such a group, the latter's task should be to discuss the problems and submit its conclusions for discussion within the Plenary. If the Conference took no such decision, however, then the Main Committee should discuss the articles concerned and subsequently submit them to the Plenary. The proposal by the Delegation of the Netherlands was thought to be fully justified by the Delegate of Czechoslovakia. He shared the opinion that the introduction of such a provision into the three international acts proposed to the Conference was absolutely necessary.

393. The CHAIRMAN felt that the question of setting up a working group, raised by the Delegate of Czechoslovakia, exceeded not only the framework of the Main Committee, but even that of the Plenary of the Diplomatic Conference dealing exclusively with the figurative elements of marks. It was therefore for the Steering Committee, which seemed to be the only competent body, to decide the manner in which it would ensure the concordance of the texts. The Chairman suggested that the proposal of the Delegation of the Netherlands should already be submitted to the Plenary of the Conference as a proposal accepted in principle by the Main Committee.

394. Mr. VACHATA (Czechoslovakia) noted that his proposal that the articles containing the final provisions should not be discussed in the Main Committee had not been accepted. He was therefore obliged to submit two important comments on Article 12.

395. The CHAIRMAN felt that it would be useful if the Main Committee would express its wishes as regards Article 12 onwards, while bearing in mind the need for concordance with the similar provisions of the other drafts being examined at Vienna, issue instructions to the Drafting Committee and subsequently submit a text, considered provisional, to the Plenary of the Conference dealing with the figurative elements of marks. It would be for the latter body to take the final decision on the concordance between the corresponding provisions of the three texts drawn up.

396. Mr. VACHATA (Czechoslovakia) requested that the observations he intended to submit on Article 12 should be submitted for discussion by the Main Committee at the current meeting. The first observation concerned Article 12(3). The Delegation of Czechoslovakia proposed that the so-called colonial clause be deleted. The problem had been discussed a number of times by the United Nations which had adopted a resolution guaranteeing independence to the colonial countries. To leave the provisions of Article 12(3) in the text of the Agreement would be, according to the Delegate of Czechoslovakia, to fail to comply with that resolution.

397. Mr. van WEEL (Netherlands) recalled that the so-called colonial clause had been the subject of discussion at meetings concerning other international acts, in which the Delegates of the Netherlands had advocated the maintenance of a similar provision to that of Article 12(3) of the Draft in respect of the international classification of the figurative elements of marks. The Kingdom of the Netherlands was composed of three parts, of which the part situated in Europe looked after a certain aspect of the external relations of its former colonies which, with time, had become part of the Kingdom. That was why the Delegation of the Netherlands wished to keep the provisions concerned.

398. Mr. HADDRICK (Australia) gave some additional explanations on the two differing aspects of the question that had been raised. The first aspect was historical. The Delegate of Australia recalled that the matter had been raised by the Delegation of Algeria at the PCT Conference in Washington in 1970. A working group had been set up at that time and a great deal of attention had been devoted to arriving at a provision which would enable the enjoyment of international instruments such as treaties, conventions and agreements to be extended to dependent territories. The relevant positions of a number of countries had been reflected in Article 62(4) of the PCT, which seemed to have been adopted in all the subsequent international instruments. The second aspect was the fact that Australia possessed territories such as Papua, legally part of Australia, and the territory of New Guinea, which was under its administration. The Government of Australia wished to give them independence and setting the time at which those territories would themselves feel ready to accept such independence was a matter for discussion between the Government of Australia and the native governments.

399. The CHAIRMAN explained that, for his part, he had no intention whatsoever of expressing any views on the substance of the matter. He pointed out that the Draft Agreement Establishing an International Classification of the Figurative Elements of Marks contained two types of provisions, namely, basic provisions con-

cerning the procedure for developing the classification, amendments to it, etc., and administrative provisions which also covered entry into force and the like. The latter type of provision was also to be found in other agreements on international classifications already adopted and in other drafts submitted for discussion within the general framework of the Vienna Diplomatic Conference. As far as the basic provisions--i.e. concerning the classification itself--were concerned, the Main Committee had completed its task. Those provisions could be considered accepted unless a procedure were to once more re-open discussions on one point or another. As regards the administrative provisions, the Chairman suggested that the Main Committee should recommend to the Plenary of the Conference and to its President that the provisions presented by the Main Committee as provisions of a provisional nature should be harmonized with the other similar provisions of the instruments in the process of elaboration. The final decision would therefore belong to the Plenary.

400. Mr. DE OURO-PRETO (Brazil) supported the Chairman's proposal that a clear distinction be made between the substantive problem and its administrative aspect, which should be discussed in the wider context of the Vienna Conference.

401. Mr. KÄMPF (Switzerland) stated that his Delegation was in principle in favor of the proposal put forward by the Delegation of the Netherlands and which had already been adopted in the Paris Convention for the Protection of Industrial Property and in the Patent Cooperation Treaty (PCT) and would probably also be adopted in the Trademark Registration Treaty (TRT) and the Agreement for the Protection of Type Faces. The Delegate of Switzerland nevertheless wished to know already whether an article concerning the settlement of disputes was in fact appropriate in an agreement such as that under discussion in the Main Committee.

402. The CHAIRMAN proposed that the Drafting Committee, which was to begin its work immediately after the meeting of the Main Committee had closed, should make the purely editorial amendments. The text thus elaborated would then be submitted, together with the proposal by the Delegation of the Netherlands and the remarks of the Delegation of Czechoslovakia, to the Plenary of the Diplomatic Conference on the International Classification of the Figurative Elements of Marks, together with the precision that the text was a provisional one and with a recommendation that the text should be harmonized with the administrative provisions of the other instruments to be adopted at the Vienna Diplomatic Conferences and that, to that end, it should set up a Steering Committee or give to any other competent authority the task of harmonizing the provisions.

403. Mr. SINGER (Federal Republic of Germany) was in agreement with the proposal made by the Chairman. He wished merely to obtain further details as regards the timetable.

404. The CHAIRMAN explained that, once the Drafting Committee had completed its work, he intended to hold a short meeting of the Main Committee which would be followed by a meeting of the Plenary. He was not yet able to give the dates of those meetings since they depended on the progress made by the other Diplomatic Conferences and on the decisions taken by the Steering Committee.

405. Mr. VOYAME (WIPO) provided information on the times and places of the forthcoming meetings of the Drafting Committee and the Main Committee.

<p><u>Third Meeting</u> <u>Tuesday, May 22, 1973,</u> <u>morning</u></p>
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General Observations

406. The CHAIRMAN opened the meeting of the Main Committee and presented the text of the Draft Agreement elaborated by the Drafting Committee (document CMF/DC/11). The Chairman suggested that the following procedure should be adopted. The Main Committee would first pronounce on whether the Drafting Committee had satisfactorily performed the task entrusted to it, in a general manner without re-examining the substantive provisions article by article. Examination of the administrative provisions would be postponed. The Main Committee would submit a relevant recommendation to the Steering Committee of the Vienna Diplomatic Conference. Some steps had already been taken towards achieving concordance and harmony of the administrative provisions as was shown by document TRT/DC/17 containing a proposal for the Trademark Registration Treaty similar to that submitted by the Delegation of the Netherlands in respect of the draft Agreement Establishing an International Classification of the Figurative Elements of Marks (CMF/DC/7). To enable Delegates to familiarize themselves with document CMF/DC/11, the Chairman proposed that the meeting be suspended for thirty minutes and to listen to the comments of the Chairman of the Drafting Committee.

[Suspension]

407. The CHAIRMAN reopened the meeting and gave the floor to the Chairman of the Drafting Committee.

408.1 Speaking as Chairman of the Drafting Committee, Mr. HADDRICK (Australia) stressed that the work of the Drafting Committee, which had met the previous day, had been greatly assisted by the document drawn up by the Secretariat. He wished firstly to give explanations concerning the two proposals which had not been adopted by the Committee.

408.2 The first proposal was that of the Delegation of the United Kingdom contained in document CMF/DC/9. The Drafting Committee had felt that the text of the Agreement would be sufficiently clear without that provision and therefore decided not to accept the proposed amendment.

408.3 The second proposal not accepted was that presented by the Delegation of Austria in document CMF/DC/8, concerning Article 7 of the Draft. The Drafting Committee noted that some of the provisions of the Article were complementary but that none of them were repetitive. Since the powers of the Assembly of the Special Union to adopt amendments were laid down in Article 11, it was not necessary to include a provision for that purpose in Article 7.

408.4 The Chairman of the Drafting Committee then explained that an amendment of substance adopted by the Drafting Committee had been incorporated in Article 5(2)(a). The provision in question made reference to the Committee of Experts and laid down the competence of the Director General to invite countries which were not members of the Special Union but which were party to the Convention Establishing WIPO or the Paris Convention.

408.5 He added that a new Article 16, as proposed by the Delegation of the Netherlands in document CMF/DC/7, had been incorporated in the draft text.

409.1 Speaking on behalf of the Main Committee, the CHAIRMAN expressed his thanks to the Drafting Committee and its Chairman for their excellent work.

409.2 He summarised the discussions on Articles 1 to 25 and asked whether the Main Committee wished to make further comments on them before the text was submitted to the Plenary of the Conference.

409.3 As regards the administrative provisions contained in Articles 6 et seq, the Chairman asked for the opinion of the Main Committee as to the need to deal with the concordance of the provisions with the administrative provisions in the other two instruments tabled at the Vienna Diplomatic Conference. If the Main Committee were to pronounce in favor of so doing, the Plenary of the Diplomatic Conference on the International Classification of the Figurative Element of Marks would be invited to approach either of the Secretariat of the Vienna Conference or the Steering Committee of the Conference in order to set up the facilities for ensuring the desired harmonization of the various administrative clauses.

409.4 The Chairman further pointed out that the Delegation of Czechoslovakia wished for certain of the administrative provisions to be deleted.

410. Mr. TEODORESCU (Romania) observed that his Delegation, which had arrived in Vienna only that day, would have a number of amendments to propose of which two, in his opinion, were of some importance. He therefore requested the Chairman to open the discussion on the two problems which his Delegation wished to raise in respect of Article 17 (Article 16 of the Draft - document CMF/DC/3).

411. The CHAIRMAN requested the Delegate of Romania to submit his comments in writing so that the Plenary, when deciding the question of the administrative clauses, could take into account the position of the Delegation of Romania.

412. Mr. VOYAME (WIPO) explained that, according to the information he had received from the Delegate of Romania, one of the problems concerned all three Vienna Conferences and would therefore have to be subject to the same reservations as the other proposals relating to the administrative provisions. The second problem, on the other hand, concerned the number of copies to be furnished to each Government and was therefore much more simple and capable of being resolved in a short time.

413. Mr. TEODORESCU (Romania) presented two sets of comments. The Delegation of Romania proposed that in Article 17(2) (Article 16(2) of the Draft - document CMF/DC/3) the words "in such other languages as the Assembly may designate" be replaced by the phrase "in other languages at the request of the Contracting States" since it felt that every Contracting State had the right to obtain official texts in its own language. The second comment concerned subparagraph (3)(c) of the same article. The countries which acceded to the Agreement had the right to receive only one copy of the Agreement and of the Classification. The Delegate of Romania felt that it would be fairer if they received two copies as was foreseen for the countries that signed and ratified the Classification, since, in all cases, one copy was held by the Ministry of Foreign Affairs and another by the national office.

414. The CHAIRMAN observed that the first proposal was one of those which could be decided in a uniform way in the three texts tabled at the Vienna Diplomatic Conference. The second proposal, on the other hand, could be decided either in the Main Committee, subject to the procedure for reopening discussions on an item already decided, or by the Plenary. He asked the Delegate of Romania to state which of the two solutions he would prefer.

415. Mr. TEODORESCU (Romania) preferred a discussion within the Main Committee.

416. Mr. GIL SERANTES (Spain) remarked that the first proposal by the Delegate of Romania, concerning languages, had already been discussed by the Main Committee when examining Article 3. At that juncture, the Chairman had stated that the question would be referred to the Plenary for its decision on the languages which could be used in addition to English and French in order to meet the wishes of certain countries. The Delegation of Romania could therefore consider the question to have been settled.

417. The CHAIRMAN expressed his opinion that the question raised during the discussions by the Delegate of Spain concerned the translation of the Classification, whereas the proposal by the Delegation of Romania in fact dealt with the translation of the actual text of the Arrangement itself and not that of the Classification.

418. Mr. GIL SERANTES (Spain) explained that he had wished to make reference to the text of the Treaty as well as to the text of the Classification.

419. The CHAIRMAN enquired of the Main Committee whether it felt that the question of reopening discussions also existed in respect of the second point raised by the Delegate of Romania.

420. Mr. VOYAME (WIPO) felt that the preliminary problem of reopening the discussions on both points should be solved first and the Main Committee would be able to judge whether it wished to decide immediately on any of the points.

421. The CHAIRMAN asked whether any further delegation supported the proposal by the Delegation of Romania to reopen the discussions on Article 17.

422. Mr. VACHATA (Czechoslovakia) supported the proposal by the Delegation of Romania. He asked whether the Main Committee had completed its discussions on the articles containing the administrative provisions. Neither Article 16 (new) of the Draft nor the relevant proposal by the Delegation of the Netherlands (document CMF/DC/7) had as yet been discussed at the meeting. The Delegate of Czechoslovakia considered that such a provision was very useful but was opposed to the view that it could be accepted by the Main Committee in the form in which it had been submitted.

423. In reply to the Delegate of Czechoslovakia, the CHAIRMAN stated his intention to submit those provisions to the Plenary as being provisional and to leave open the possibility of settling such matters in a joint meeting if so decided by the Steering Committee. That was why the final provisions had not been examined article by article. The question of which the Main Committee was in fact required to pronounce was that of reopening the discussions as requested by the Delegation of Romania, supported by the Delegations of Spain and of Czechoslovakia. The Chairman asked whether any further delegations wished to make observations.

424. Mr. VACHATA (Czechoslovakia) thanked the Chairman for his explanations. As regards the question of reopening discussions, the Delegation of Czechoslovakia felt that it was not necessary since the second part of the Draft had only been accepted provisionally. In view of the fact that the final provisions had not been adopted, it was possible to resume discussions at the appropriate time. The Delegate of Czechoslovakia wished to discuss the specific proposal put by the Delegate of Romania. In his view, there was no point in wishing to save time if the work was to be done properly.

425. The CHAIRMAN questioned whether it would be worthwhile to go through with the procedure of reopening discussions in view of the fact that the text adopted by the Main Committee would still remain of a provisional nature whether or not the proposal by the Delegation of Romania were accepted.

426. Mr. BOUZIDI (Algeria) agreed in principle with the Chairman. He nevertheless felt that it would be desirable for the proposal made by the Delegation of Romania to be discussed since that would possibly provide a useful indication for the decisions which would have to be taken subsequently. Therefore his Delegation supported the proposal presented by the Delegation of Romania.

427. The CHAIRMAN asked whether any Delegation was opposed to reopening discussions and noted that the Main Committee was in agreement that the discussions should be resumed.

428. Mr. SINGER (Federal Republic of Germany) recalled that at the Stockholm Diplomatic Conference a long discussion had been devoted to the powers of the General Assembly of each Union and to the drafting of texts in various languages. The outcome had been, after long reflection, the adoption of the provisions which were to be found exactly reproduced in Article 17(2) under discussion (Article 16(2) of the Draft - document CMF/DC/3). The Delegate of the Federal Republic of Germany pointed out that the proposal by the Delegation of Romania did not take into account the financial burden and the practical arrangements required by a provision which would make it obligatory to draw up, at the request of any State, the text in the language of that State. For that reason, the Delegation of the Federal Republic of Germany was not in favor of the proposal submitted.

429. Mr. van WEEL (Netherlands) was in favor, for the same reasons, of the text of the Draft and added that the Assembly alone would be in a better position to judge the financial burden which would result for WIPO and for all the countries.

430. Mr. SHEEHAN (United States of America) felt that the text as formulated in the Draft should be maintained for the reasons set out by the Delegations of the Federal Republic of Germany and of the Netherlands.

431. After hearing the comments of the last three Delegations, Mr. HADDRICK (Australia) preferred, without disagreeing with the opinion of the Delegation of Romania, that the text of the Draft should remain unchanged.

432. In view of the comments made by various Delegations, Mr. TEODORESCU (Romania) wished to make an addition to the wording of the proposal presented by his Delegation.

433. Mr. PEETERMANS (Belgium) stated that his Delegation shared the opinion expressed by the Delegate of the Federal Republic of Germany.

434. Mr. KÄMPF (Switzerland) was also in favor of the text of the Draft.

435. Mr. DEIJENBERG (Sweden) felt that the Delegation of Romania had not completely understood the meaning of subparagraph (3)(c) since the French wording did not read in exactly the same way as the English text. It concerned the certification of a copy, which did not prevent anyone receiving as many copies as he wished. It was not necessary for all copies to be certified.

436. The CHAIRMAN observed that, in accordance with the rules of procedure, it would be necessary to call a vote if the proposal by Romania were to be maintained. That would however need the text of the proposal by the Delegation of Romania to be submitted in writing. He therefore presumed that a further meeting of the Main Committee would be necessary in the afternoon.

437. Mr. HADDRICK (Australia) observed that the discussions within the Diplomatic Conference on the International Classification of the Figurative Elements of Marks had progressed much further than those of the Diplomatic Conference on the Registration of Trademarks. The problems under discussion were of general interest and the Delegate of Australia thought it preferable that they be dealt with within the framework of the Conference devoted to the registration of trademarks. The Delegate of Australia therefore wondered whether it would not be better to interrupt the discussions. Such a solution could be particularly useful for some of the smaller Delegations who were trying to participate in the work of both Conferences and were experiencing some difficulty in view of the procedure adopted by the Main Committee. He therefore asked the Delegate of Romania to consider all those aspects.

438. Mr. PEETERMANS (Belgium) supported the proposal made by the Delegate of Australia and pointed out in addition that the Credentials Committee was to meet that afternoon.

439. The CHAIRMAN requested the Delegate of Romania to state his position in view of the various comments made.

440. Mr. TEODORESCU (Romania) greatly regretted that he was not able to withdraw his proposal since he was bound by directives from his Government.

441. Mr. van WEEL (Netherlands) asked whether it would not be possible for the Main Committee to meet the next day in order to satisfy the Delegation of Romania.

442. The CHAIRMAN transmitted a suggestion by the Secretariat that the Main Committee should meet the same day at 4.30 p.m.

443. Mr. MYALL (United Kingdom) wondered whether the Main Committee was discussing the right problem. As he saw it, the aim of the discussions was to arrive at an opinion which could be communicated to a central committee set up by the Steering Committee for the purpose of studying the administrative provisions. For the time being, the Main Committee ought rather to endeavor to reach a consensus wherever possible. The procedural difficulties seemed to stem from a misunderstanding on the part of the Delegate of Romania. If it were decided in respect of Article 17(2) that the official texts would be drawn up in the languages of the countries of the Special Union, that would impair the future freedom of action of the Assembly of the Union. The Delegate of the United Kingdom preferred to leave the text of Article 17(2) (old Article 16(2)) as submitted in the Draft, which did not exclude the possibility of official texts being drawn up in various other languages if so decided by the Assembly. In order to speed up the procedure, however, he asked the Delegation of Romania to decide whether it was satisfied with the suggestion that its proposal be put to a vote.

444. Mr. SINGER (Federal Republic of Germany) wondered whether the Rules of Procedure explicitly stipulated that all proposals put to a vote had to be submitted in writing.

He recalled that such a rule had not been strictly complied with at the Washington Conference, for example during the discussions on Article 45 of the draft PCT, and suggested that the Secretariat should draw up the text in question to enable it to be put to a vote.

445. The CHAIRMAN read out Rule 32(3) of the Rules of Procedure. That Rule showed that it was possible to discuss a proposal presented orally but that a vote could not be taken. As proposed by the Delegate of the Federal Republic of Germany, he requested the Delegate of Romania to reach an agreement with the Secretariat on the final wording of his proposal, which he felt had undergone some modifications in the meantime.

446. Mr. TEODORESCU (Romania) explained that it was, in fact, more of an addition to the proposal to take into account the comments made by other Delegations. He transmitted to the Chairman and Delegates the text of his proposal.

447. The CHAIRMAN suspended the meeting in order to give the Delegate of Romania time to reach agreement with the Secretariat on the translation of his proposal into the other official language of the Conference.

[Suspension]

448. The CHAIRMAN resumed the meeting, read out the proposal by the Delegation of Romania in its definitive version and put to the vote its first part concerning the question of languages.

449. The first part of the proposal by the Delegation of Romania was rejected by 15 votes to 6 with 5 abstentions.

450. The CHAIRMAN put to the vote the second part of the proposal concerning the number of copies, pointing out that it had been supported by the Delegations of Algeria, Brazil and Yugoslavia.

451. The second part of the proposal, concerning the number of copies, was adopted without opposition.

452. The CHAIRMAN observed that the Main Committee had completed its work earlier than scheduled and asked Mr. Voyame, Deputy Director General of WIPO, for his opinion on the future timetable of the Conference.

453. Mr. VOYAME (WIPO) replied that it was difficult to specify dates for the moment since they depended on the timetables of the other Conferences. The program would be more or less as follows: (1) the Main Committee would transmit to the Plenary the draft Agreement as accepted by it, together with any reservations or recommendations; (2) the Steering Committee would take a decision on the most suitable way of harmonizing the various texts. That could either be a joint meeting of the three Main Committees or the meeting of a working group set up for that

purpose. The final texts would, in any event, depend on the decision of the Plenary of the Conference, taking into account any decisions taken by the other Conferences meeting at the same time.

454. The CHAIRMAN thanked the delegations, whose hard work and understanding had enabled the work of the Main Committee to be completed earlier than had been scheduled in the Conference timetable.

455. Mr. SINGER (Federal Republic of Germany) observed that it had been a great honor and exceptionally fortunate for the Main Committee to have had as its Chairman a man whose competence and knowledge of the subject under discussion, whose experience and personal charm were known by everyone and had done so much to facilitate the Main Committee's task and to permit it to reach its successful conclusion.

456-504. Fourth and fifth meetings of the Main Committee - Joint meetings of the Main Committees of the three Diplomatic Conferences which took place within the framework of the Vienna Diplomatic Conference on Industrial Property, i.e., in addition to the Diplomatic Conference on the International Classification of the Figurative Elements of Marks which forms the subject of these Records, the Diplomatic Conference on the Trademark Registration Treaty and the Diplomatic Conference on the Protection of Type Faces. The summary minutes of the joint meetings have been published in the Records of the Vienna Diplomatic Conference on the Trademark Registration Treaty, 1973 (pages 401 to 406), and are reproduced here as published therein. Article 37 referred to in these minutes is Article 37 of the TRT Draft; it corresponds to Article 12 of the Draft Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks (Article 12 of the Final Text). Article 42bis referred to in these minutes corresponds to Article 16 of the Final Text of the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks.

*Sixteenth Meeting **
Wednesday, May 30, 1973,
morning

Opening of the Joint Meeting

1517. Mr. BODENHAUSEN (Director General, World Intellectual Property Organization (WIPO)) opened the meeting and said that, pursuant to a decision by the Steering Committee of the Vienna Conference, a joint meeting was being held of the Main Committees of the three Diplomatic Conferences in order to consider two questions of common interest to the three Main Committees. He invited the joint meeting to elect a Chairman.

1518. Mr. ARMITAGE (United Kingdom) proposed that the joint meeting be chaired by Mr. Schönherr, Head of the Delegation of Austria.

1519. Mr. ULMER (Federal Republic of Germany) seconded the proposal of the Delegation of the United Kingdom.

1520. Mr. Schönherr (Austria) was elected Chairman of the joint meeting by acclamation.

Article 37: Becoming Party to the Treaty (Continued from 1072)

1521. The CHAIRMAN ** opened the discussion on Article 37(4) of the TRT Draft and on the corresponding provisions of the Drafts of the other two Agreements submitted to the Vienna Conference. Subparagraph(a) of Article 37(4) provided that the provisions of Article 24 of the Stockholm Act of the Paris Convention—allowing for the extension of the effects of the Convention to certain territories by means of a declaration by the State responsible for the external relations of such territories would apply to the TRT, whereas sub-

* This is the first joint meeting of the Main Committees of the three Diplomatic Conferences comprising the Vienna Conference.

** In this meeting, "The Chairman" refers to Mr. Schönherr (Austria).

paragraph (b) provided—as did the corresponding provision in the Patent Cooperation Treaty—that subparagraph (a) was not to be understood "as implying the recognition or tacit acceptance by a Contracting State of the factual situation concerning a territory to which this Treaty is made applicable by another Contracting State by virtue of the said subparagraph [(a)]."

1522. Mr. ARMITAGE (United Kingdom) said that the need for Article 37(4) was a practical one. If it were not adopted, then, for example, the United Kingdom could not extend the application of the TRT to such territories under its control as Hong Kong, which would mean that residents of Hong Kong could not file international applications and international applications filed by others could not have effect in Hong Kong.

1523. Mr. VAN WEEL (Netherlands) said that the Kingdom of the Netherlands, too, needed Article 37(4), consisting as it did of three parts, one being in Europe, the other two being the Netherlands Antilles and Surinam. Without that provision, no independent decision in respect of the various parts of the Kingdom could be made on the basis of what was in their best interest.

1524. Mr. EKANI (Congo) said that the best way to respect the interests of territories was to allow them to decide for themselves. The resolutions of the United Nations concerning territories made the proposed provision anachronistic. However, the compromise arrived at in Washington in 1970 for Article 62(3) and (4) of the Patent Cooperation Treaty—of which the proposed Article 37(4) was an exact copy—was an acceptable compromise since it expressly negated the recognition of the factual international situation of those territories.

1525. Mr. VACHATA (Czechoslovakia) said that his Delegation proposed that Article 37(4) of the TRT Draft, and the corresponding provisions of the other two draft instruments, be omitted. It was true that similar provisions appeared in other treaties sponsored by WIPO. However, those were older texts. In the meantime, the practice had changed and, in conformity with the resolutions of the United Nations, more recent treaties no longer contained any so-called "colonial" clauses. The WIPO policy should follow the more recent practice of the United Nations. It would be desirable to establish a Working Group consisting of experts in international public law to discuss all the final clauses of all three instruments.

1526. Mr. LABRY (France) said that, in substance, his Delegation agreed with the views expressed by the Delegations of the United Kingdom and the Netherlands. It saw no reason why residents of French territories "d'outre-mer" ("overseas") should not be able to benefit from the TRT. The compromise arrived at in Washington in 1970 should also hold today. Circumstances had not fundamentally changed since then. The issue was a simple one and did not require the establishment of a Working Group.

1527. Mr. HEMMERLING (German Democratic Republic) said that his Delegation was in entire agreement with the views expressed by the Delegation of Czechoslovakia. The provision in question did not correspond to the international situation. Its deletion would promote cooperation between the Member States of WIPO.

1528. Mr. TASNÁDI (Hungary) said that his Delegation fully shared the views expressed by the Delegation of Czechoslovakia.

1529. Mr. MOROZOV (Soviet Union) said any "colonial" or "territorial" clause would be in contradiction to Resolution No. 1514/XV of December 14, 1960, of the General Assembly of the United Nations. Not all texts adopted under the aegis of WIPO contained such a clause. The WIPO Convention itself did not contain one. The compromises arrived at in 1970 and on other occasions were unsatisfactory. They were applicable also to real colonies. Colonies should be excluded *expressis verbis* from the provision under discussion. It might be desirable to establish a Working Group to deal with the matter and to propose a more satisfactory compromise.

1530. Mr. VRABIE (Romania) expressed his Delegation's agreement with the statements made by the Delegations of Czechoslovakia and the Soviet Union.

1531. Miss NILSEN (United States of America) said that her Delegation agreed with the views expressed by the Delegations of the United Kingdom and France.

1532. Mr. BENCHERCHALI (Algeria) said that his Delegation would be greatly in favor of omitting Article 37(4).

1533. Mr. RIZK (Egypt) said that his Delegation did not favor the maintenance of Article 37(4) and did not object to the creation of a Working Group.

1534. Mr. BODENHAUSEN (Director General, World Intellectual Property Organization (WIPO)) said that the constitution of a Working Group to deal with all the final clauses of all three treaties would cause practical difficulties both for the Conference (because it did not have much time at its disposal) and also, if the treaties were to be changed substantially, for their uniform administration (since the proposed final clauses were practically the same as in all treaties administered by WIPO). The creation of a Working Group on Article 37(4) was another matter; it would not cause any practical difficulties.

1535. Mr. VACHATA (Czechoslovakia) said that the Working Group which he proposed should deal with three provisions: the colonial clause, the clause on disputes, and the clause on reservations. In any case, as far as Article 37(4) was concerned, he thought that subparagraph (a) contradicted subparagraph (b): how could the first refer, in fact, to colonies and the second negate the recognition of the same colonies?

1536. The CHAIRMAN asked whether the Delegation of Czechoslovakia would agree to the proposal of the Delegation of the Soviet Union, that is, that any Working Group to be set up would deal only with Article 37(4).

1537. Mr. VACHATA (Czechoslovakia) said that as long as no Delegation supported his proposal he could agree to the proposal of the Delegation of the Soviet Union.

1538. Mr. HEDAYATI (Iran) said that he shared the views expressed by the Delegations of Algeria and Egypt.

1539. Mr. ARMITAGE (United Kingdom) said that there was no reason to set up a Working Group. The issue connected with Article 37(4) was straightforward and well known.

1540. *The proposal to set up a Working Group to deal with Article 37(4) was rejected by 13 votes against to 9 in favor, with 14 abstentions.*

1541. The CHAIRMAN said that a vote should next be taken on the proposal to delete Article 37(4).

1542. Mr. VACHATA (Czechoslovakia) proposed that such a vote should be by roll-call since the question was an important political one.

1543. Mr. HEMMERLING (German Democratic Republic) seconded the motion of the Delegation of Czechoslovakia.

1544. Mr. BRAENDLI (Switzerland) said that the question was not a political one but a practical one and, in voting, his Delegation would be led by practical and not by political considerations.

1545. *As a result of drawing by lot, the Netherlands was the first country to vote on the proposal of the Delegation of Czechoslovakia to delete Article 37(4) of the TRT Draft and the corresponding provisions of the other two Drafts. (Countries were called in the French alphabetical order of their names.)*

(a) *The following Delegations voted in favor of the proposal of the Delegation of Czechoslovakia: Poland, German Democratic Republic, Romania, Czechoslovakia, Soviet Union, Algeria, Bulgaria, Egypt, Hungary, Iran, Nigeria;*

(b) *the following Delegations voted against the said proposal: Netherlands, United Republic of Tanzania, United Kingdom, Sweden, Switzerland, South Africa, Germany (Federal Republic of), Austria, Belgium, Canada, Denmark, United States of America, France, Italy, Japan, Luxembourg, Norway;*

(c) *the following Delegations declared their abstention: Portugal, Syrian Arab Republic*, Senegal, Yugoslavia, Australia, Brazil, Cameroon, Congo, Spain, Finland.*

1546. *The Chairman said that the proposal to delete Article 37(4) was rejected by 17 votes against to 11 in favor, with 10 abstentions.*

1547. Mr. SOURGOV (Bulgaria) asked whether any Delegations whose credentials were not yet recognized had participated in the vote.

* The Delegation of the Syrian Arab Republic later declared that it had abstained owing to a misunderstanding. It had meant to vote for the proposal.

1548. Mr. BOGSCH (World Intellectual Property Organization (WIPO)) said that, under the Rules of Procedure, even Delegations whose credentials were not yet approved could provisionally participate. In any case, the final and sole decisive vote would be taken in the Plenaries of each of the three Diplomatic Conferences.

1549. Mr. MOROZOV (Soviet Union) asked which were the Delegations that had voted but whose credentials were not yet approved by the Credentials Committee.

1550. Mr. BOGSCH (World Intellectual Property Organization (WIPO)) replied that those Delegations were the Delegations of Cameroon, Congo and Spain, all of which had abstained in the roll-call vote.

1551. *Article 37(4) was adopted as appearing in the TRT Draft.*

Article 42bis (new): Settlement of Disputes

1552. The CHAIRMAN opened the discussion on the proposal of the Delegations of Australia, France, Japan, the Netherlands and Switzerland contained in document TRT/DC/17, requesting the insertion of a new article in the TRT Draft and the Drafts of the other two instruments to deal with the settlement of disputes.

1553. Mr. VAN WEEL (Netherlands) introduced the proposal contained in document TRT/DC/17. He said that it followed the recent trend in intellectual property treaties: paragraph (1) provided for the compulsory jurisdiction of the International Court of Justice; paragraph (2) allowed each Contracting State to make a reservation which would negate, for that State, such jurisdiction; paragraph (3) permitted the withdrawal of the reservation.

1554. Mr. TSUCHIYA (Japan) said that although his Delegation hoped that there would be no disputes between Contracting States it might be safer to provide for such a case.

1555. Mrs. GORODETZKAJA (Soviet Union) proposed that the Article on disputes should provide for the jurisdiction of the International Court of Justice only where all the parties to any particular dispute accepted such jurisdiction.

1556. Mr. VACHATA (Czechoslovakia) said that he fully supported the proposal of the Delegation of the Soviet Union.

1557. The CHAIRMAN invited the Delegation of the Soviet Union to file the text of its proposal in writing and said that the discussion would continue in the next meeting.

*Seventeenth Meeting **
Wednesday, May 30, 1973,
afternoon

1558. The CHAIRMAN ** invited the Committee to continue the discussion on the proposed new Article on the settlement of disputes.

1559. Mr. MOROZOV (Soviet Union) said that his Delegation no longer intended to submit a proposal for the amendment of the proposal contained in document TRT/DC/17. It would rather simply oppose the proposal to insert any new Article in the Draft dealing with the settlement of disputes. Such an Article was superfluous. If some States wished to submit their disputes to the International Court of Justice, they could always agree to do so without any provision in the TRT or the other two instruments.

1560. Mr. PIETERS (Netherlands) said that the first aim of the proposal contained in document TRT/DC/17 was that no special agreement should be necessary among States party to a dispute for submitting it to the International Court of Justice.

1561. Mr. FRAYNE (United States of America) said that the proposal contained in document TRT/DC/17 took into account the situation of those countries which could not accept, in advance and generally, the jurisdiction of the International Court of Justice. Such countries could make use of the possibility of reservation provided for in the proposal in question.

1562. Mr. HADDRICK (Australia) said that his Delegation continued to support the proposal contained in document TRT/DC/17.

1563. Mrs. WASILEWSKA (Poland) said that her Delegation agreed with the views expressed by the Delegation of the Soviet Union: the proposal contained in document TRT/DC/17 should not be adopted.

1564. Mr. VACHATA (Czechoslovakia) said that, unless the proposed modification of his Delegation—namely, that the International Court of Justice would have jurisdiction only if the parties to a given dispute agreed to submit such dispute to it—was accepted, it would support the position of the Delegation of the Soviet Union, that is, that the proposal contained in document TRT/DC/17 should be rejected.

1565. *By a vote of 19 in favor to 8 against, with 7 abstentions, it was decided to adopt the Article proposed in document TRT/DC/17.*

* This is the second and last joint meeting of the Main Committees of the three Diplomatic Conferences comprising the Vienna Conference.

** In this meeting, "The Chairman" refers to Mr. Schön-herr (Austria).

Sixth MeetingWednesday, May 30, 1973,afternoonArticles 7 to 17: Administrative Provisions and Final Clauses

505. The CHAIRMAN opened the sixth meeting of the Main Committee of the Conference on the International Classification of the Figurative Elements of Marks. He recalled that the previous meeting of the Main Committee had accepted the administrative provisions and final clauses of the draft Agreement (Article 7 to 17) provisionally and had decided to transmit them to the Steering Committee for the latter's decision as to their harmonization with the provisions in the Drafts of the other two instruments being submitted to the Vienna Diplomatic Conference. The harmonization of those provisions had been discussed in a joint meeting of the three Main Committees, where it had been decided to make a certain number of editorial changes. The question now was whether, in view of the results of the joint meeting, the text of Articles 7 to 17 of the draft Agreement could be finally accepted and submitted to the Plenary of the Conference on the International Classification of the Figurative Elements of Marks. The Chairman noted that no one wished to take the floor and that there was no opposition to the final acceptance of Articles 7 to 17.

506. The Main Committee gave its final acceptance to Articles 7 to 17, subject to certain editorial changes, and decided to submit the complete text of the Draft to the Plenary of the Conference.

Seventh MeetingThursday, June 7, 1973,afternoonArticles 7 to 17: Administrative Provisions and Final Clauses

507. The CHAIRMAN opened the meeting and the discussion on documents CMF/DC/13, CMF/DC/14 and CMF/DC/15. He explained that document CMF/DC/13 confirmed the approval without reservation given by the Main Committee at its meeting on May 30, 1973, to Articles 7 to 17 which had previously been adopted provisionally, and added that the Secretariat intended to make a certain number of purely editorial changes to either the French or the English texts.

508. The Main Committee adopted that procedure.

509. The CHAIRMAN opened the discussion on document CMF/DC/14 which contained a proposal concerning Article 17(5) and noted that no objections or comments were forthcoming.

510. The proposal concerning Article 17(5), contained in document CMF/DC/14, was adopted.

Resolution of the Diplomatic Conference on the International Classification of the Figurative Elements of Marks

511. The CHAIRMAN opened the discussion on document CMF/DC/15 containing the draft Resolution of the Diplomatic Conference on the International Classification of the Figurative Elements of Marks and requested Mr. Voyame, Deputy Director General of WIPO, to comment upon it.

512. Mr. VOYAME (WIPO) began by presenting the apologies of the Secretariat for not having prepared the draft of the Resolution at an earlier juncture. The purpose of the Resolution was to set up a provisional Committee of Experts which would be able, pending the entry into force of the Vienna Agreement on the International Classification of the Figurative Elements of Marks, to already begin preparing, where deemed necessary, the adaptation of the Classification, as had already been done for the Nice and Locarno Classifications. Such a procedure had proved most useful in practice. Before an agreement of that type came into force, a number of years generally went by. In the meantime, it was possible to acquire a certain amount of experience, to discover certain shortcomings and to prepare, with a view to the entry into force of the Agreement itself, various amendments and supplements as needed. Any such amendments or supplements could not, in any event, be put into force other than by the Committee of Experts provided for in the Agreement itself, acting on the majority stipulated for that Committee of Experts. If the amendments or supplements affected the basic structure of the Classification, it would suffice for one-fifth of the States to consider them to be of such a nature for them to require adoption by a three-fourths majority.

513. The CHAIRMAN asked whether there were any objections to the principle of adopting such a resolution or whether anyone had comments to make on the wording of the Resolution as proposed.

514. Mr. MOROZOV (Soviet Union) wished merely to know what the method of financing the work of that interim Committee would be.

515. The CHAIRMAN asked the Secretariat to explain what the financing procedure was in such cases.

516. Mr. VOYAME (WIPO) replied that two traditional financing procedures existed. The one, which was that used under the PCT for example, was to have recourse to special or voluntary contributions by the States. The second possibility was adopted in cases where the costs were not too high; it had been adopted for the provisional Committee of Experts under the Locarno Agreement. The costs of publication, which had amounted to between 60,000 and 80,000 francs, had been advanced by the Swiss Government and periodically reimbursed by the Locarno Union. Mr. Voyame felt that that procedure would also be adopted in the present case. The costs of publishing the Classification would be advanced by the Paris Union, to which repayments would be made by means of annual contributions.

517. The CHAIRMAN noted that the Secretariat was proposing the second method of financing if he had understood properly. He asked the Delegate of the Soviet Union whether he was satisfied with that proposal.

518. Mr. MOROZOV (Soviet Union) recalled that his Delegation had reserved its position on the choice of instrument. In view of the valid arguments put forward during discussions in the Main Committee and the wish of his Delegation to cooperate, he was willing to withdraw the reservation as regards the choice of instrument and to accept the special Agreement as proposed.

519. The CHAIRMAN thanked the Delegate of the Soviet Union for his statement and gave the floor to the Delegate of the Federal Republic of Germany.

520. Mrs. VON SCHLEUSSNER (Federal Republic of Germany) observed that a difference could be detected on comparing paragraph 2 of the draft Resolution with Article 5 of the draft Agreement. According to the draft Resolution, only the representatives of those countries which had signed the Agreement or had acceded thereto could participate in the work of the provisional Committee. Under Article 5 of the draft Agreement, on the other hand, the representatives of other countries, members of the Paris Union, could also be admitted to the meetings of the Committee of Experts as observers. The Delegate of the Federal Republic of Germany enquired of the Secretariat why such a difference existed. That situation did not seem warranted since there could well be States who would experience difficulty, on account of their national laws, in signing or acceding to the Agreement within such a short lapse of time. Such States could nevertheless be interested in the work of the provisional Committee and should therefore be permitted to participate therein.

521. Mr. VOYAME (WIPO) put forward two arguments in reply. The first was that the Draft in question had been based on the Resolution adopted in Locarno. In fact, it went a little further since the Locarno Resolution invited the signatory States only. Subsequent experience had shown, however, that it was necessary to also invite the acceding States. The second argument was that it had seemed to the drafters that the States interested by the Classification could manifest their interest by signing either in Vienna or within the period during which the Agreement was open to signature, up to the end of the year. Mr. Voyame observed, however, that if the Main Committee felt it preferable that the member countries of WIPO or the countries

party to the Paris Convention should also be invited to participate as observers at the meetings of the provisional Committee, it would be very easy to add a third sentence at the end of paragraph 2 of the Resolution reading as follows: "Any country member of WIPO or party to the Paris Convention for the Protection of Industrial Property which has neither signed nor acceded to the Agreement may, and, if requested by the provisional Committee, shall, be invited by the Director General of WIPO to be represented by observers."

522. Mrs. von SCHLEUSSNER (Federal Republic of Germany) fully supported the proposal by the Secretariat.

523. Mr. DUDESCHEK (Austria) felt that all the States currently working on the elaboration of the new Agreement had shown a degree of interest in this area of protection and, if some States did not immediately sign the Agreement, that did not mean that they had no interest in following the work connected with putting the Classification into application. Consequently, the Delegate of Austria was convinced that the matter raised by the Delegation of the Federal Republic of Germany was well worth discussing and he supported the proposal by the Secretariat.

524. The CHAIRMAN asked whether there was any opposition to the proposed amendment to paragraph 2 of the Resolution and noted that there was none.

525. The proposal for amendment of paragraph 2 of the Resolution was adopted as presented by the Secretariat.

526. The CHAIRMAN asked whether there were any further comments on the draft Resolution.

527. Mrs. von SCHLEUSSNER (Federal Republic of Germany) apologised for returning to a previous point. She wished to put a second question in respect of paragraph 5 of the draft Resolution, concerning the type of amendment or addition which would cause the International Bureau to decide to convene the provisional Committee. The Delegate of the Federal Republic of Germany thought that at the beginning there would probably be a small number of States only that would apply the new Classification and that one matter which seemed to have remained unresolved to date was the question of who was to pay the contributions for the work of that Committee. Perhaps it would be advisable to stipulate in paragraph 5 that the amendments and additions proposed by a signatory country would have to be numerous or significant and that, in addition, the proposal to convene the provisional Committee would have to be backed up by a second country or by two other countries or be supported by at least one organization before the International Bureau could take a decision of that kind. The Delegate of the Federal Republic of Germany asked the International Bureau how it intended to act on paragraph 5 of the Resolution.

528. Mr. VOYAME (WIPO) recalled the experience gained by the International Bureau in implementing the Nice and the Locarno Classifications. It was true that, in those two cases, the situation was different and it had been necessary to create something new, i.e. the list of goods, which had meant, in that case, that it had

become necessary to have a provisional committee. In the case of the Classification of the Figurative Elements of Marks, it was indeed possible that a provisional committee would not even have to meet if no one made proposals for amendments or additions. Under the procedure provided for in paragraph 5 of the Resolution, there was a risk of having to convene a meeting of the provisional Committee even where only one State was making only one proposal for a single amendment to an item of little importance. Mr. Voyame envisaged another possible procedure which seemed less complicated and more economical. After two or three years, the International Bureau could circularize all the signatory and acceding States and the organizations referred to in paragraph 2 of the Resolution to ask them whether they had proposals to submit for amendments and to inform them of the possible proposals the International Bureau may wish to submit, to avoid their duplication. On the basis of the replies received, it would be possible to convene the provisional Committee in the event of proposals being made. The suggestions made by the Delegation of the Federal Republic of Germany raised the rather delicate question of who was to judge whether the proposed amendments were sufficiently important for the provisional Committee to be convened. The procedure under which a proposal would have to be supported by a country or an organization was, in reality, also a little complicated. Mr. Voyame therefore recommended that a more pragmatic procedure be adopted, while already expressing his confidence that the future administration to be entrusted with these matters would act wisely and with a mind for economy.

529. Mrs. von SCHLEUSSNER (Federal Republic of Germany) recognized that the problem of deciding whether the amendments and additions were sufficiently necessary to warrant convening the provisional Committee was a truly difficult matter. The work of that Committee would engender considerable expenditure. It had been said earlier that such costs would be covered by special contributions paid for the Paris Union. The Delegate of the Federal Republic of Germany therefore felt that the Executive Committee of the Paris Union would be best placed to decide whether the provisional Committee was to be convened. She therefore proposed that paragraph 5 of the Draft Resolution be changed to read as follows: "The International Bureau shall convene the provisional Committee, on a decision by the Executive Committee of the Paris Union, if amendments or additions are proposed by a country ..."

530. Mr. MOROZOV (Soviet Union) understood the concern of the Delegation of the Federal Republic of Germany. He felt that a solution could be achieved by inserting in paragraph 5, after the words "The International Bureau is invited," the phrase "after consultation of the countries concerned." Should a simple majority of the countries thus consulted not be in favor of convening the provisional Committee, the International Bureau would normally have no other choice but to forego convening the Committee. As regards the proposal by the Delegate of the Federal Republic of Germany that the Executive Committee of the Paris Union should decide whether or not to convene, the Delegate of the Soviet Union was not convinced of its validity since the Executive Committee of the Paris Union would take a decision after having put it to a vote of experts. Thus, if the wording "after consultation of the countries concerned," were adopted, the International Bureau would already have obtained the views of the experts.

531. The CHAIRMAN noted that the two Delegations shared the same concern although it had been expressed in differing proposals. He gave the floor to the Delegate of Spain.

532. Mr. FERNÁNDEZ-MAZARAMBROZ (Spain) did not think that paragraph 5 should be maintained in the form in which it was worded in the draft Resolution since it could lead to convening meetings giving rise to expenditure not only for WIPO and the countries directly concerned but also for the countries who were to send representatives. The Delegate of Spain felt that the remarks made by the Delegate of the Soviet Union were the most appropriate; he quoted a recent precedent where the States had been consulted in connection with a meeting for the revision of the Regulations of the Madrid Agreement. He felt that such a restriction on the convening of the provisional Committee should be incorporated in the text of the Resolution in order to avoid needless expenditure. It was necessary that the Committee should not be able to be convened if only an insufficient number of the States were in favor of it being convened, e.g. a simple majority of the signatory States being entitled to attend meetings of the provisional Committee. Amendments to be made to the Classification would not be so urgent that they could not wait until they had generated more interest or until they could be examined together with a batch of further amendments.

533. Mr. van WEEL (Netherlands) felt that the Delegation of the Soviet Union had suggested a most practical solution which deserved the attention of the Main Committee.

534. Mrs. von SCHLEUSSNER (Federal Republic of Germany) supported the proposal by the Delegate of the Soviet Union.

535. The CHAIRMAN asked whether there were any objections to the proposal by the Delegation of the Soviet Union and noted that none were forthcoming.

536. Mr. VOYAME (WIPO) observed that paragraph 5 of the draft Resolution would then be worded as follows: "The International Bureau is invited to convene the provisional Committee, after consultation of the countries referred to in the first sentence of paragraph 2 (or the countries which have signed or acceded to the Agreement)..."

537. Mr. TEODORESCU (Romania) felt that the wording of paragraph 5 of the Resolution should be amended yet a little further in order to reflect better the notion which had been very well expressed by the Delegate of the Federal Republic of Germany, viz. to emphasize that a certain number of proposals would be required before the provisional Committee could be convened. He therefore proposed that paragraph 5 be given the following wording: "The International Bureau is invited to convene the provisional Committee if amendments or additions are proposed by countries which have signed or acceded to the Agreement or by organizations referred to in..."

538. The CHAIRMAN observed that the Delegate of Romania wished to extend the right to propose amendments to adhering countries and to the organizations referred to in paragraph 2.

539. Mr. TEODORESCU (Romania) emphasized that the idea he wished to express was that it would be necessary to have a sufficient number of proposals for discussion and not just one or two proposals from one country.

540. Mr. VOYAME (WIPO) drew the attention of the Delegate of Romania to the fact that, at the onset, there would probably be few States or organizations having any experience in applying the Classification. At the present time, the Classification was applied by the Benelux Trademark Office alone. Assuming, for example, that after three years of applying the Classification, the Benelux Trademark Office considered that it had shortcomings in respect of two or three important points which needed amending, that ought to be enough to make it possible to hold an amendment meeting subject to prior consultation of the States concerned. Mr. Voyame observed that it would possibly be a little formalizing to require that proposals should come from a number of countries since such proposals could sometimes be of less importance than other proposals coming from a single country. The consultation procedure suggested in the proposal by the Delegation of the Soviet Union would make it possible to avoid meetings being held without true necessity.

541. Mr. TEODORESCU (Romania) thanked Mr. Voyame for his explanations with which he was in agreement.

542. Mr. VOYAME (WIPO) further wished to draw the Main Committee's attention to two points of a basically editorial nature. The first concerned paragraph 1 of the draft Resolution which referred to the International Bureau. It should be specified that mention was made here of the International Bureau of the World Intellectual Property Organization, together with the abbreviation WIPO, and thus enable the abbreviation to be used in the remainder of the text. The second paragraph concerned paragraph 7 which spoke of travel and subsistence expenses of members of the provisional Committee or of observers. Mr. Voyame felt that "and of observers" would be better since it otherwise suggested that the travel and subsistence expenses would be paid by WIPO in one case but not in the other, which was obviously not correct.

543. The CHAIRMAN asked the Main Committee whether there were any objections to these changes to the text and noted that there were none.

544. The text of the Resolution was accepted, as amended in accordance with the proposals submitted.

General Observations. Editorial Amendments to the Draft Agreement

545. The CHAIRMAN observed that one more question remained to be settled. The Secretariat, which had attended the meetings of the other Main Committees, had drawn the conclusion that a certain number of purely editorial amendments would have to be made. He asked whether anyone wished the Secretariat to read out the editorial amendments or whether it would suffice for the disclosed text to be available the following day.

546. In order not to alarm the Main Committee, Mr. VOYAME (WIPO) explained that it in fact concerned editorial changes of very slight importance.

547. The CHAIRMAN noted that the Main Committee agreed to take cognizance of those amendments inserted in the final version of the Draft the following day. He repeated his thanks to all members of the Delegations, to the Secretariat and to all those people whose work had enabled the Main Committee to complete its work with a positive result and to submit the final text of the Draft to the Plenary.

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Mr. William E. SCHUYLER, Jr., Attorney, Washington (from May 29, 1973)

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POST - CONFERENCE DOCUMENTS

LIST OF THE POST-CONFERENCE DOCUMENTS "CMF/PCD"
(CMF/PCD/1 and CMF/PCD/2)

Document Number	Submitted by	Subject
1	The International Bureau of WIPO	Provisional Verbatim Minutes of the Meetings of the Plenary of the Vienna Diplomatic Conference on the International Classification of the Figurative Elements of Marks
2	The International Bureau of WIPO	Provisional Summary Minutes of the Meetings of the Main Committee of the Vienna Diplomatic Conference on the International Classification of the Figurative Elements of Marks

TEXT OF THE POST-CONFERENCE DOCUMENTS "CMF/PCD"
(CMF/PCD/1 and CMF/PCD/2)

CMF/PCD/1

August 31, 1978 (Original: English/French)

INTERNATIONAL BUREAU OF WIPO

Provisional Verbatim Minutes of the Meetings of the Plenary of the Vienna Diplomatic Conference on the International Classification of the Figurative Elements of Marks

Editor's Note: This document has not been reproduced here since it contains the provisional minutes of the Plenary of the Diplomatic Conference on the International Classification of the Figurative Elements of Marks which are reproduced, with a few amendments proposed by the participants, on pages 205 to 236.

CMF/PCD/2

August 31, 1978 (Original: English/French)

INTERNATIONAL BUREAU OF WIPO

Provisional Summary Minutes of the Meetings of the Main Committee of the Vienna Diplomatic Conference on the International Classification of the Figurative Elements of Marks

Editor's Note: This document has not been reproduced here since it contains the provisional minutes of the meetings of the Main Committee of the Vienna Diplomatic Conference on the International Classification of the Figurative Elements of Marks which are reproduced, with a few amendments proposed by the participants, on pages 237 to 284.

INDEXES

LIST OF INDEXES

	Page
Indexes to the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks	
A. Index to the Articles of the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks and to the Resolution Adopted by the Diplomatic Conference on the International Classification of the Figurative Elements of Marks on June 8, 1973	321
B. Catchword Index to the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks and to the Resolution Adopted by the Diplomatic Conference on the International Classification of the Figurative Elements of Marks on June 8, 1973	325
Index of States	343
Index of Organizations	351
Index of Participants	355

NOTE CONCERNING THE USE OF THE INDEXES

These Records contain five indexes: two indexes to the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks and to the Resolution Adopted by the Diplomatic Conference on June 8, 1973; one index to the States which were represented at the Conference and/or were signatories of the Agreement; one index to the Organizations represented at the Conference; and one index to the participants.

The first of the two indexes to the Agreement and the Resolution lists all the provisions; the second is a catchword (subject matter) index. These two indexes refer to the provisions by their numbers as found in the final text. The numbers of the provisions in the draft submitted to the Conference are also indicated. Anyone using these two indexes may refer either directly to a particular provision as found in the first index or may consult the second index with a catchword or subject matter indication to determine the relevant provisions citations to be used in consulting the first index.

Throughout the indexes with the exception of the Catchword Index, which cites the provisions, all the underlined numbers refer to the pages of these Records and the numbers which are not underlined refer to the paragraphs of the verbatim or summary minutes.

INDEXES TO THE VIENNA AGREEMENT
ESTABLISHING AN INTERNATIONAL CLASSIFICATION OF THE
FIGURATIVE ELEMENTS OF MARKS

- A. INDEX TO THE ARTICLES OF THE VIENNA AGREEMENT ESTABLISHING AN INTERNATIONAL CLASSIFICATION OF THE FIGURATIVE ELEMENTS OF MARKS AND TO THE RESOLUTION ADOPTED BY THE DIPLOMATIC CONFERENCE ON THE INTERNATIONAL CLASSIFICATION OF THE FIGURATIVE ELEMENTS OF MARKS, ON JUNE 8, 1973*

Index of Articles

Title of the Agreement

Text of the title in the Draft: 10
Written proposals for amendments:
- United States of America (CMF/DC/6): 180
Discussion in the Main Committee: 189-190, 305-308
Adoption in the Plenary: 156.4
Final text of the title: 11

Preamble

Text of the Preamble in the Draft: 12
Written proposals for amendments: —
Discussion in the Main Committee: 189-190, 305-308
Adoption in the Plenary: 156.4
Final text of the Preamble: 13

Article 1: Establishment of a Special Union; Adoption of an International Classification

Corresponding Article in the Draft: Article 1
Text of the Article in the Draft: 12
Written proposals for amendments:
- United States of America (CMF/DC/6): 180
Discussion in the Main Committee: 191-198, 309-313, 409.2
Adoption in the Plenary: 156.4
Final text of the Article: 13

Article 2: Definition and Deposit of the Classification of Figurative Elements

Corresponding Article in the Draft: Article 2
Text of the Article in the Draft: 12
Written proposals for amendments:
- United States of America (CMF/DC/6): 180
- United Kingdom (CMF/DC/9): 182
- Drafting Committee (CMF/DC/11): 183
Discussion in the Main Committee: 199-216, 314-315, 408.2, 409.2
Adoption in the Plenary: 156.4
Final text of the Article: 13

* Numbers underlined denote pages of this volume. Numbers not underlined denote paragraph numbers of the minutes appearing on pages 191 to 284 above.

Article 3: Language of the Classification of Figurative Elements

Corresponding Article in the Draft: Article 3

Text of the Article in the Draft: 14

Written proposals for amendments:

- United States of America (CMF/DC/6): 180

- United Kingdom (CMF/DC/9): 182

- Drafting Committee (CMF/DC/11): 183

Discussion in the Main Committee: 217-223, 269, 316-317, 408.2, 409.2, 416

Adoption in the Plenary: 156.4

Final text of the Article: 15

Article 4: Use of the Classification of Figurative Elements

Corresponding Article in the Draft: Article 4

Text of the Article in the Draft: 14

Written proposals for amendments:

- United States of America (CMF/DC/6): 180

- United Kingdom (CMF/DC/9): 182

Discussion in the Main Committee: 224-234, 318-333, 408.2, 409.2

Adoption in the Plenary: 156.4

Final text of the Article: 15

Article 5: Committee of Experts

Corresponding Article in the Draft: Article 5

Text of the Article in the Draft: 16

Written proposals for amendments:

- United States of America (CMF/DC/6): 180

- United Kingdom (CMF/DC/9): 182

- Drafting Committee (CMF/DC/11): 183

Discussion in the Main Committee: 235-247, 334-360, 408.2, 408.4, 409.2

Adoption in the Plenary: 156.4

Final text of the Article: 17

Article 6: Notification, Entry Into Force and Publication of Amendments and Additions and of other Decisions

Corresponding Article in the Draft: Article 6

Text of the Article in the Draft: 18

Written proposals for amendments:

- United States of America (CMF/DC/6): 180

- United Kingdom (CMF/DC/9): 182

Discussion in the Main Committee: 248-253, 361-373, 408.2, 409.3

Adoption in the Plenary: 156.4

Final text of the Article: 19

Article 7: Assembly of the Special Union

Corresponding Article in the Draft: Article 7

Text of the Article in the Draft: 20

Written proposals for amendments:

- United States of America (CMF/DC/6): 180

- Austria (CMF/DC/8): 181

- United Kingdom (CMF/DC/9): 182

- Drafting Committee (CMF/DC/11): 183

Discussion in the Main Committee: 254-269, 374-376, 408.2, 408.3, 409.3, 505-508

Adoption in the Plenary: 156.4

Final text of the Article: 21

Article 8: International Bureau

Corresponding Article in the Draft: Article 8
Text of the Article in the Draft: 24
Written proposals for amendments:
- United Kingdom (CMF/DC/9): 182
Discussion in the Main Committee: 270-271, 377-380, 408.2, 409.3, 505-508
Adoption in the Plenary: 156.4
Final text of the Article: 25

Article 9: Finances

Corresponding Article in the Draft: Article 9
Text of the Article in the Draft: 24
Written proposals for amendments:
- United Kingdom (CMF/DC/9): 182
- Drafting Committee (CMF/DC/11): 183
Discussion in the Main Committee: 272-275, 281-289, 381-382, 408.2, 409.3, 505-508
Adoption in the Plenary: 156.4
Final text of the Article: 25

Article 10: Revision of the Agreement

Corresponding Article in the Draft: Article 10
Text of the Article in the Draft: 28
Written proposals for amendments:
- United Kingdom (CMF/DC/9): 182
Discussion in the Main Committee: 276-280, 383, 408.2, 409.3, 505-508
Adoption in the Plenary: 156.4
Final text of the Article: 29

Article 11: Amendment of Certain Provisions of the Agreement

Corresponding Article in the Draft: Article 11
Text of the Article in the Draft: 30
Written proposals for amendments:
- United Kingdom (CMF/DC/9): 182
Discussion in the Main Committee: 290-291, 384-385, 408.2, 409.3, 505-508
Adoption in the Plenary: 156.4
Final text of the Article: 31

Article 12: Becoming Party to the Agreement

Corresponding Article in the Draft: Article 12
Text of the Article in the Draft: 30
Written proposals for amendments:
- United Kingdom (CMF/DC/9): 182
Discussion in the Main Committee: 292-294, 386-404, 408.2, 409.3, 460-490, 505-508
Adoption in the Plenary: 156.4
Final text of the Article: 31

Article 13: Entry Into Force of the Agreement

Corresponding Article in the Draft: Article 13
Text of the Article in the Draft: 32
Written proposals for amendments:
- United Kingdom (CMF/DC/9): 182
Discussion in the Main Committee: 295-296, 386-404, 408.2, 409.3, 505-508
Adoption in the Plenary: 156.4
Final text of the Article: 33

Article 14: Duration of the Agreement

Corresponding Article in the Draft: Article 14
 Text of the Article in the Draft: 32
 Written proposals for amendments: —
 Discussion in the Main Committee: 297-298, 386-404, 409.3, 505-508
 Adoption in the Plenary: 156.4
 Final text of the Article: 33

Article 15: Denunciation

Corresponding Article in the Draft: Article 15
 Text of the Article in the Draft: 34
 Written proposals for amendments: —
 Discussion in the Main Committee: 299-300, 386-404, 409.3, 505-508
 Adoption in the Plenary: 156.4
 Final text of the Article: 35

Article 16: Disputes

Corresponding Article in the Draft: [There is no corresponding provision in the Draft]
 Written proposals for the provision and for the amendments:
 - Netherlands (CMF/DC/7): 181
 - Drafting Committee (CMF/DC/11): 183
 Discussion in the Main Committee: 386-404, 408.5, 409.3, 491-504, 505-508
 Adoption in the Plenary: 156.4
 Final text of the Article: 35

Article 17: Signature, Languages, Depositary Functions, Notifications

Corresponding Article in the Draft: Article 16
 Text of the Article in the Draft: 36
 Written proposals for amendments:
 - United States of America (CMF/DC/6): 180
 - Drafting Committee (CMF/DC/11): 183
 - Main Committee (CMF/DC/12): 184
 - Secretariat of the Conference (CMF/DC/14): 185
 Discussion in the Main Committee: 301-303, 386-404, 409.3, 410-451, 507-508, 509-510
 Adoption in the Plenary: 156.4
 Final Text of the Article: 37

Resolution

Written proposals for the resolution:
 - Secretariat of the Conference (CMF/DC/15): 186
 - Main Committee (CMF/DC/18): 187
 Discussion in the Main Committee: 511-544
 Adoption in the Plenary: 156.3, 156.4
 Final text of the Resolution: 125

B. CATCHWORD INDEX TO THE VIENNA AGREEMENT ESTABLISHING
AN INTERNATIONAL CLASSIFICATION OF THE FIGURATIVE ELEMENTS OF MARKS AND
TO THE RESOLUTION ADOPTED BY THE DIPLOMATIC CONFERENCE ON THE
INTERNATIONAL CLASSIFICATION OF THE FIGURATIVE ELEMENTS OF
MARKS, ON JUNE 8, 1973

List of Catchwords

ABBREVIATION

ACCEPTANCE

ACCESSION

ACCOUNTS

ADDITIONS TO THE CLASSIFICATION OF FIGURATIVE ELEMENTS

ADMINISTRATIVE TASKS

ADOPTION

ADVANCES

ADVISORS

AGREEMENT

ALTERNATE DELEGATES

AMENDMENT(S)

ANNOUNCEMENTS

APPLICATION

ASSEMBLY (OF THE SPECIAL UNION)

BASIC STRUCTURE

BUDGET

CATEGORIES

CHARGES

CLASSIFICATION OF FIGURATIVE ELEMENTS

COMMITTEE OF EXPERTS

COMPOSITION

CONFERENCE(S)

CONTRIBUTION

COORDINATION COMMITTEE OF THE ORGANIZATION

COPY(IES)

DECISIONS

DEFINITION OF THE CLASSIFICATION OF FIGURATIVE ELEMENTS

DELEGATE(S)

DENUNCIATION

DEPOSIT

DEVELOPMENT

DIRECTOR GENERAL

DISPUTES

DIVISIONS

DRAFT AMENDMENTS OR ADDITIONS

DURATION OF THE AGREEMENT

ENTRY INTO FORCE

EXPERTS

EXPLANATORY NOTES

FEES

FIGURATIVE ELEMENTS OF MARKS

FINANCES

FINANCIAL REGULATIONS

GENERAL ASSEMBLY OF THE ORGANIZATION

INSTRUMENT(S)

INTERGOVERNMENTAL AUTHORITY

INTERGOVERNMENTAL ORGANIZATION

INTERNATIONAL BUREAU

INTERNATIONAL CLASSIFICATION OF THE FIGURATIVE ELEMENTS OF MARKS

INTERNATIONAL COURT OF JUSTICE

INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

INTERPRETATION OF THE AGREEMENT

LANGUAGES

LIST

MAJORITY
MARKS
MEASURES
MEETINGS
MODIFICATION

NOTIFICATION(S)
NUMBERS

OBSERVER
OFFICES
ORGANIZATION
ORGANIZATION(S)

PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY
PROVISIONAL COMMITTEE OF EXPERTS
PUBLICATION(S)

QUORUM (IN THE ASSEMBLY)

RATIFICATION
RECLASSIFICATION (OF FIGURATIVE ELEMENTS)
RECOMMENDATIONS OF THE COMMITTEE OF EXPERTS
REVISION CONFERENCES
REVISION OF THE AGREEMENT
RULES OF PROCEDURE

SCOPE (OF THE CLASSIFICATION OF FIGURATIVE ELEMENTS)
SECRETARIAT
SECRETARY
SECTIONS
SESSION(S)
SIGNATURE

SPECIAL UNION
SUBCOMMITTEES
SYSTEM

TEXT(S)

UNIONS

VIENNA AGREEMENT ESTABLISHING AN INTERNATIONAL CLASSIFICATION OF THE
FIGURATIVE ELEMENTS OF MARKS

VOTE(S)

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)
WORDS "CLASSIFICATION OF FIGURATIVE ELEMENTS"
WORKING CAPITAL FUND
WORKING GROUPS

Catchword Index*

ABBREVIATION

- determined by the Committee of Experts (and preceding the numbers of the categories, divisions and sections in which the figurative elements of those marks are to be placed): 4(4)

ACCEPTANCE

- of any amendment to Articles 7, 8, 9 and 11 of the Agreement: 11(3); 17(5) (viii)
- of the clauses of the Agreement, see "Agreement"

ACCESSION

- to the Agreement: 13(3); 17(3) (c)
- instrument of — : 4(5); 12(1) (ii); 13(1); 16(2); 17(5) (ii)
- notification of deposits of instruments of — : 13(2); 17(5) (ii)

ACCOUNTS

- auditing of the — : 9(8)

ADDITIONS TO THE CLASSIFICATION OF FIGURATIVE ELEMENTS

- publication of — : 6(2)
- see "Classification of Figurative Elements"

ADMINISTRATIVE TASKS

- see "Special Union"

ADOPTION

- of the Classification of Figurative Elements, see "Classification of Figurative Elements"

ADVANCES

- granted by the State on the territory of which the Organization has its headquarters: 9(7)

ADVISORS

- : 7(1) (b)
- see also "delegate(s)," "experts"

* Numbers refer to the Articles of the Vienna Agreement except when preceded by "R." In the latter case, they refer to the paragraphs of the Resolution adopted by the Diplomatic Conference on June 8, 1973.

AGREEMENT

- acceptance of the clauses of the — : 13(3)
- advantages of the — : 13(3)
- amendment of certain provisions of the — (Articles 7, 8, 9 and 11):
10(3); 11; 17(5)(viii)
- application of the — : 1; 16(1), (2)
- becoming party to the — : 12
- certified copies of the — : 17(3)
- denunciation(s) of the — : 15; 17(5)(x)
- duration of the — : 14
- entry into force of the — : 13; 17(5)(iii); R.1; R.6
- entry into force of the amendment of certain provisions (Articles 7, 8, 9
and 11) of the — : 11(3)
- implementation of the — : 7(2)(a)(i)
- interpretation of the — : 16(1)
- languages of the — : 17(1)(a), (2)
- official texts of the — : 17(2)
- original of the — : 17(1)(a)(c)
- registration of the — with the Secretariat of the United Nations: 17(4)
- requirements prescribed by the — : 4(1)
- revision of the — : 10
- signature of the — : 2(2); 4(5); 12(1)(i); 16(2); 17(1), (3)(a)(c), (5)(i)

ALTERNATE DELEGATES

see "delegate(s)"

AMENDMENT(S)

- increasing the financial obligations of countries of the Special Union: 11(3)(b)
- of certain provisions of the Agreement (Articles 7, 8, 9 and 11),
see "Agreement"
- to the Classification of Figurative Elements, see "Classification of Figurative Elements"

ANNOUNCEMENTS

- of the amendments and additions to the Classification of Figurative Elements: 6(2)

APPLICATION

- of the Agreement, see "Agreement"
- of the Classification of Figurative Elements, see "Classification of Figurative Elements"
- of the provisions of Article 24 of the Stockholm Act of the Paris Convention to the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks: 12(3)

ASSEMBLY (OF THE SPECIAL UNION)

- generally: 7
- adoption of the amendment to Articles 7, 8, 9 and 11 of the Agreement by the — : 11(2)
- committees established by the — : 7(1)(c), (2)(a)(vii)(viii)
- composition of the — : 7(1)(a)
- consideration by the — of the proposals for the amendment of certain provisions of the Agreement (Articles 7, 8, 9 and 11): 11(1)
- convocation of the extraordinary session of the —: 7(4)(b)
- countries of the — : 7(3)(a)(b)(c), (4)(b)
- decisions of the — : 7(3)(c)(d); 10(2)
- directions of the — to the International Bureau concerning the preparation for revision conferences: 7(2)(a)(ii); 8(3)(a)
- functions of the — : 7(2)(a)
- instruction of the — to the Director General concerning matters within the competence of the Special Union: 7(2)(a)(iii)
- languages of the Agreement designated by the — : 17(2)
- meetings of the — , the Committee of Experts and such other committees or working groups as may have been established by the — or the Committee of Experts: 8(1)(b), (2)
- observer in the meeting of the — , see "observer(s)"
- period during which the — meets: 7(4)(a)
- periodicals designated by the — : 6(2)
- place of the session of the — : 7(4)(a)
- procedure of the — : 7(3)(c)
- rules of procedure of the — : 7(5)
- secretariat of the — , the Committee of Experts and such other committees or working groups as may have been established by the — or the Committee of Experts: 8(1)(b)
- secretary of the — , the Committee of Experts and such other committees or working groups as may have been established by the — or the Committee of experts: 8(2)
- session of the — : 7(3)(c), (4); see also "session"

BASIC STRUCTURE

- of the Classification of Figurative Elements, see "Classification of Figurative Elements"

BUDGET

- adoption of the triennial — of the Special Union by the Assembly: 7(2)(a)(iv)
- of expenses common to the Unions administered by the Organization: 9(1)(b)
- of the Conference of the Organization: 9(1)(b); see also "Organization"
- of the Special Union: 9(1), (2), (3), (4)(b)(e)

CATEGORIES

— , divisions and sections in which the figurative elements of marks are classified: 2(1); 4(3)

CHARGES

— due for services rendered by the International Bureau: 9(3)(ii)

CLASSIFICATION OF FIGURATIVE ELEMENTS

additions to the — : 2(3); 5(3)(i), (5); 6(1), (2); R.3; R.5

adoption of the — : 1

amendments to the — : 2(3); 5(3)(i), (5); 6(1), (2); R.3; R.5

application of the — by developing countries: 5(3)(iii)

authentic copy of the — : 2(2)

basic structure of the — : 5(6)(c)

copies of the — certified by the Director General: 17(3)(c)

definition of the — : 2

development of the — : 5(4)

incorporation in the — of the amendments and additions which have entered into force: 6(2)

languages of the — : 2(2); 3; 7(2)(a)(vi); 17(3)(c)

official texts of the — : 3(2); 7(2)(a)(vi)

preparation of the draft amendments or additions to be made to the — : R.3

reexamination of the — by the provisional Committee of Experts: R.3

scope of the — : 4(1)

signature of the authentic copy of the — : 2(2)

uniform application of the — : 5(3)(ii)

use of the — : 4; 5(3)(ii)(iii)

see also "reclassification (of figurative elements)"

COMMITTEE OF EXPERTS

generally: 5

composition of the — : 5(1), (2)

country member of the — : 5(6)(a)

decisions of the — : 5(6)(b)(c); 6(1)

meetings of the — and of such other committees or working groups as may have been established by the — : 5(2), (4); 8(2)

observers at meetings of the — : 5(2)(a)(b), (5)

recommendations of the — : 5(3)(ii); 6(1)

rules of procedure of the — : 5(4)

Secretariat of the — and of such other committees or working groups as may have been established by the — : 8(1)(b)

secretary of the — and of such other committees or working groups as may have been established by the — : 8(2)

session of the — : 5(5)

subcommittees and working groups of the — : 5(3)(iv), (4)

transmission to the — of any draft amendments or additions prepared by the provisional Committee of Experts: R.6

vote in the — : 5(6)

COMPOSITION

- of the Assembly, see "Assembly of the Special Union"
- of the Committee of Experts, see "Committee of Experts"
- of the provisional Committee of Experts, see "provisional Committee of Experts"

CONFERENCE(S)

- of the Organization: 9(1)(b)
- revision — , see "revision conferences"
- special — of the countries of the Special Union: 10(1)

CONTRIBUTION

- class of — : 9(4)

COORDINATION COMMITTEE OF THE ORGANIZATION

- advice of the — : 7(2)(b); 9(6)(c)

COPY(IES)

- authentic — of the Classification of Figurative Elements, see "Classification of Figurative Elements"
- certified — of any amendment to the Agreement: 17(3)(b)
- certified — of the signed text of the Agreement: 17(3)(a)
- of the Classification of Figurative Elements, see "Classification of Figurative Elements"
- see also "original"

DECISIONS

- of the Assembly, see "Assembly of the Special Union"
- of the Committee of Experts, see "Committee of Experts"

DEFINITION OF THE CLASSIFICATION OF FIGURATIVE ELEMENTS

- : 2(1)

DELEGATE(S)

- alternate — : 7(1)(b)
- of the Government of the country of the Special Union: 7(1)(b), (3)(f)
- see also "advisors," "experts"

DENUNCIATION

- of the Agreement, see "Agreement"
- effect of the — : 15(2)
- right of — : 15(3)

DEPOSIT

- of the Classification of Figurative Elements with the Director General: 2(2)
- of the instrument of ratification or accession: 4(5); 12(1), (2); 13(1); 16(2); 17(5)(ii)
- of the original of the Agreement with the Director General: 17(1)(c)

DEVELOPMENT

- of the Classification of Figurative Elements, see "Classification of Figurative Elements"
- of the Special Union, see "Special Union"

DIRECTOR GENERAL

- convocation of the sessions of the Assembly by the — : 7(4)(a)(b)
- definition of the words — : 2(2)
- deposit of instruments of ratification or accession with the — : 12(2)
- deposit of the Classification of Figurative Elements with the — : 2(2), (3)
- deposit of the original of the Agreement with the — : 17(1)(c)
- , secretary of the Assembly, the Committee of Experts and such other committees or working groups as may have been established by the Assembly or the Committee of Experts: 8(2)
- , the chief executive of the Special Union: 8(1)(c)
- official texts of the Agreement established by the — : 17(2)
- preparation of the agenda of the session of the Assembly by the — : 7(4)(c)
- proposals for the amendment of certain provisions of the Agreement may be initiated by the — : 11(1)
- reports and activities of the — concerning the Special Union: 7(2)(a)(iii)
- signature of the authentic copy of the Classification of Figurative Elements by the — : 2(2), (3)
- written notifications of acceptance of the amendment of Articles 7, 8, 9 and 11 of the Agreement, received by the — : 11(3)(a)

DISPUTES

- settlement of — between two or more countries of the Special Union concerning the interpretation or application of the Agreement: 16
- see also "International Court of Justice"

DIVISIONS

- categories, — and sections in which the figurative elements of marks are classified: 2(1)

DRAFT AMENDMENTS OR ADDITIONS

- to be made to the Classification of the Figurative Elements of Marks: R.3; R.6

DURATION OF THE AGREEMENT

- see "Agreement"

ENTRY INTO FORCE

- of any amendment to Articles 7, 8, 9 and 11 of the Agreement: 11(3)
- of the Agreement, see "Agreement"
- of the amendments and additions to the Classification of Figurative Elements: 6(1)

EXPERTS

- : 7(1)(b)
- see also "advisors," "alternate delegate," "delegates"

EXPLANATORY NOTES

- (accompanying the list of categories, divisions and sections in which the figurative elements of marks are classified): 2(1)

FEES

- and charges due for services rendered by the International Bureau in relation to the Special Union: 9(3)(ii), (5)

FIGURATIVE ELEMENTS OF MARKS

- see "Classification of Figurative Elements"

FINANCES

- generally: 9
- see also "advances," "accounts," "budget," "charges," "fees," "working capital fund"

FINANCIAL REGULATIONS

- of the Special Union: 7(2)(a)(v); 9(4)(e), (8)

GENERAL ASSEMBLY OF THE ORGANIZATION

- see "Organization"

INSTRUMENT(S)

- of ratification or accession, see "accession," "ratification"

INTERGOVERNMENTAL AUTHORITY

- use of the Classification of Figurative Elements by an — to which a country of the Special Union entrusts the registration of marks: 4(6)

INTERGOVERNMENTAL ORGANIZATION

see "organization(s)"

INTERNATIONAL BUREAU

administrative tasks performed by the — : 8(1)

definition of the words — : 3(2)

establishment of official texts of the Classification of Figurative Elements by the — : 3(2)

notification by the — of decisions of the Committee of Experts concerning the adoption of amendments and additions to the Classification of Figurative Elements: 6(1)

proposals for amendments or additions to the Classification of Figurative Elements by the — : 5(5)

INTERNATIONAL CLASSIFICATION OF THE FIGURATIVE ELEMENTS OF MARKS

see "Classification of Figurative Elements"

INTERNATIONAL COURT OF JUSTICE

dispute between two or more countries brought before the — : 16(1)

see also "disputes"

INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

see "organization(s)"

INTERPRETATION OF THE AGREEMENT

— : 16

see also "disputes," "International Court of Justice"

LANGUAGES

— of the Agreement: 17(1), (2)

— of the Classification of Figurative Elements: 2(2), (3); 3; 7(2)(a)(vi); 17(3)(c)

LIST

— of categories, divisions and sections in which the figurative elements of marks are classified: 2(1)

MAJORITY

- of four-fifths of the votes cast: 11(2)
- of three-fourths of the countries members of the Special Union: 11(3)(a)
- of three-fourths of the countries represented and voting: 5(6)(c)
- of three-fourths of the votes cast: 11(2)
- of two-thirds of the votes cast: 7(3)(d)
- simple — of the countries represented and voting: 5(6)(b)

MARKS

- extent of the protection afforded to the — : 4(1)
- registration of — : 4(3), (5), (6)
- renewals of — : 4(3), (5)

MEASURES

- taken by the Committee of Experts which contribute towards facilitating the application of the Classification of Figurative Elements by developing countries: 5(3)(iii)

MEETINGS

- of the Assembly, see "Assembly of the Special Union"
- of the Committee of Experts, subcommittees and working groups of the Committee of Experts, see "Committee of Experts"

MODIFICATION

- of the basic structure of the Classification of Figurative Elements: 5(6)(c)

NOTIFICATION(S)

- by the Director General as to the entry into force of the Agreement: 13(2)
 - of the decisions and recommendations of the Committee of Experts (concerning amendments and additions to the Classification of Figurative Elements) by the International Bureau to the competent Offices of the countries of the Special Union: 6(1)
 - of the denunciation of the Agreement by any country of the Special Union addressed to the Director General: 15(1)
- written — of acceptance of any amendment to Articles 7, 8, 9 and 11 of the Agreement: 11(3)(a)

NUMBERS

- of the categories, divisions and sections in which the figurative elements of marks are to be placed: 4(3), (4)
- declaration made by a country that it does not undertake to include the — of all or some of the sections in official documents and publications relating to registrations and renewals of marks: 4(5)

OBSERVER

- in the meetings of the Assembly: 7(1)(c)
- in the meetings of the committees or working groups established by the Assembly: 7(1)(c)
- in the meetings of the Committee of Experts: 5(2)(a)(b), (5)
- in the meetings of the provisional Committee of Experts: R.2; R.7

OFFICES

- use of the Classification of Figurative Elements by the competent — of the countries of the Special Union: 4(2), (3); 5(5)

ORGANIZATION

- conference of the — : 9(1)(b)
- country member of the — : 5(2)(a); R.2
- definition of the word — : 2(2)
- Director General of the — , see "Director General"
- General Assembly of the — : 7(4)(a)

ORGANIZATION(S)

- intergovernmental and international non-governmental — (invited to participate in the discussions of the Committee of Experts): 5(2)(c); 8(3)(b)
- intergovernmental and international non-governmental — which shall be admitted as observers to the meetings of the Assembly of the Special Union and to those of any committee or working group established by it: 7(2)(a)(viii)
- intergovernmental — specialized in the field of marks: 5(2)(b), (4), (5); 7(1)(c); 8(3)(b); R.2; R.5

PARIS CONVENTION FOR THE PROTECTION OF INDUSTRIAL PROPERTY

- application of the provisions of Article 24 of the Stockholm Act of the — to the Agreement: 12(3)
- , text of March 20, 1883: Preamble
- , text as revised at Brussels on December 14, 1900: Preamble
- , text as revised at Washington on June 2, 1911: Preamble
- , text as revised at The Hague on November 6, 1925: Preamble
- , text as revised at London on June 2, 1934: Preamble
- , text as revised at Lisbon on October 31, 1958: Preamble
- , text as revised at Stockholm on July 14, 1967: Preamble
- countries party to the — : 5(2)(a); 12(1); 17(5); R.2
- duration of the — : 14

PROVISIONAL COMMITTEE OF EXPERTS

- composition of the — : R.2
- draft amendments or additions prepared by the — : R.6
- functions of the — : R.3
- observers at meetings of the — : R.2
- preparation of the work of the — by the International Bureau: R.4

PUBLICATION(S)

- official — relating to registrations and renewals of marks: 4(5)
- of amendments and additions to the Classification of Figurative Elements: 6
- sale of, or royalties on, the — of the International Bureau in relation to the Special Union: 9(3)(iii)

QUORUM (IN THE ASSEMBLY)

- : 7(3)(b)(c)

RATIFICATION

- instrument of — : 4(5); 12(1)(i); 13(1), (2); 16(2); 17(5)
- notification of deposits of instruments of — : 13(2); 17(5)(ii)

RECLASSIFICATION (OF FIGURATIVE ELEMENTS)

- : 5(6)(c)

RECOMMENDATIONS OF THE COMMITTEE OF EXPERTS

- see "Committee of Experts"

REVISION CONFERENCES

- amendment of certain provisions of the Agreement by the — : 10(3)
- convocation of — : 10(2)
- discussions at — : 8(3)(c)
- preparation for — : 7(2)(a)(ii); 8(3)(a)(b)

REVISION OF THE AGREEMENT

- see "Agreement"

RULES OF PROCEDURE

- of the Assembly, see "Assembly of the Special Union"
- of the Committee of Experts, see "Committee of Experts"

SCOPE (OF THE CLASSIFICATION OF FIGURATIVE ELEMENTS)

- see "Classification of Figurative Elements"

SECRETARIAT

- of the Assembly, the Committee of Experts and such other committees or working groups as may have been established by the Assembly or the Committee of Experts, see "Assembly of the Special Union," "Committee of Experts"

SECRETARY

- ex officio of the Assembly, the Committee of Experts and such other Committees or working groups as may have been established by the Assembly or the Committee of Experts, see "Assembly of the Special Union," "Committee of Experts"

SECTIONS

- categories, divisions and — in which the figurative elements of marks are classified: 2(2); 4(3), (5)

SESSION(S)

- extraordinary — of the Assembly: 7(4)(b)
- ordinary — of the Assembly: 7(4)(a)
- of the Assembly: 7(3)(c), (4)(c)
- of the Committee of Experts: 5(5)

SIGNATURE

- of the Agreement, see "Agreement"
- of the authentic copy of the Classification of Figurative Elements, see "Classification of Figurative Elements"

SPECIAL UNION

- activities of the Director General concerning the — : 7(2)(a)(iii)
- administrative tasks concerning the — : 8(1)
- budget of the — , see "budget"
- competence of the — : 7(2)(a)(iii)
- constitution of the — : 1
- countries not members of the — which are members of the Organization or party to the Paris Convention for the Protection of Industrial Property and which are invited to be represented by observers at meetings of the Committee of Experts: 5(2)(a)

development of the — : 7(2)(a)(i)
Director General, the chief executive of the — , see "Director General"
expenses proper to the — : 9(1)(b)
financial regulations of the — : 7(2)(a)(v); 9(4)(e), (8)
maintenance of the — : 7(2)(a)(i)
objectives of the — : 7(2)(a)(vii)(ix)
program of the — : 7(2)(a)(iv)
reports of the Director General concerning the — : 7(2)(a)(iii)

SUBCOMMITTEES

— of the Committee of Experts, see "Committee of Experts"

SYSTEM

use of the Classification of Figurative Elements either as a principal or as a subsidiary — : 4(3)

TEXT(S)

copies of the signed — of the Agreement, see "copy(ies)"
official — of the Agreement, see "Agreement"
official — of the Classification of Figurative Elements, see "Classification of Figurative Elements"

UNIONS

— administered by the Organization, other than the Special Union of the countries which adopt a common classification of the figurative elements of marks: 7(2)(b); 9(1)(b), (2)

VIENNA AGREEMENT ESTABLISHING AN INTERNATIONAL CLASSIFICATION OF THE FIGURATIVE ELEMENTS OF MARKS

see "Agreement"

VOTE(S)

- generally: 5(6)(a)(d); 7(3)(c)(d)(e)
- right of — : 8(2); 9(4)(d)
- cast: 7(3)(d); 11(2)
- of the countries members of the Assembly which were not represented: 7(3)(c)
- of the country member of the Assembly: 7(3)(a)
- of the country member of the Committee of Experts: 5(6)(a)

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

see "Organization"

WORDS "CLASSIFICATION OF FIGURATIVE ELEMENTS"

- (preceding the numbers of the categories, divisions and sections in which the figurative elements of those marks are to be placed): 4(4)

WORKING CAPITAL FUND

- : 9(6)(a)(b), 7(a)

WORKING GROUPS

- established by the Assembly, see "Assembly of the Special Union"
- of the Committee of Experts, see "Committee of Experts"

343

INDEX OF STATES*

ALGERIA

Composition of the Delegation: 287
Interventions in the Plenary of the Conference on the Classification of
Figurative Elements: 103
Intervention in the Main Committee of the Conference on the Classification
of Figurative Elements: 329, 340, 426
Intervention in the Joint Meeting of the Main Committees of the three
Diplomatic Conferences: 471

AUSTRALIA

Composition of the Delegation: 287
Intervention in the Plenary of the Vienna Conference: 40
Interventions in the Plenary of the Conference on the Classification of
Figurative Elements: 77, 148, 157
Interventions in the Main Committee of the Conference on the Classification
of Figurative Elements: 182, 203, 227, 263, 312, 328, 347, 352, 357, 398,
408, 431, 437
Intervention in the Joint Meeting of the Main Committees of the three
Diplomatic Conferences: 501

AUSTRIA

Composition of the Delegation: 287
Written proposals for amendments: 181
Interventions in the Plenary of the Vienna Conference: 2, 4
Interventions in the Main Committee of the Conference on the Classification of
Figurative Elements: 105, 125, 142, 150, 154, 179
Interventions in the Main Committee of the Conference on the Classification
of Figurative Elements: 200, 212, 225, 243, 250, 255, 277, 338, 346
523
Signature of the Agreement: 39

BELGIUM

Composition of the Delegation: 288
Intervention in the Plenary of the Vienna Conference: 24
Interventions in the Plenary of the Conference on the Classification of
Figurative Elements: 87, 129
Interventions in the Main Committee of the Conference on the Classification
of Figurative Elements: 245, 433, 438
Signature of the Agreement: 39

BRAZIL

Composition of the Delegation: 288
Intervention in the Plenary of the Conference on the Classification of
Figurative Elements: 89, 144, 169
Interventions in the Main Committee of the Conference on the Classification
of Figurative Elements: 339, 350, 400
Signature of the Agreement: 39

BULGARIA

Composition of the Delegation: 289
 Intervention in the Plenary of the Vienna Conference: 56
 Intervention in the Main Committee of the Conference on the Classification
 of Figurative Elements: 99
 Intervention in the Joint Meeting of the Main Committees of the three
 Diplomatic Conferences: 486

CAMEROON

Composition of the Delegation: 302

CANADA

Composition of the Delegation: 289
 Intervention in the Plenary of the Conference on the Classification of
 Figurative Elements: 73
 Intervention in the Main Committee of the Conference on the Classification
 of Figurative Elements: 196, 208, 266

CONGO

Composition of the Delegation: 290
 Intervention in the Joint Meeting of the Main Committees of the three
 Diplomatic Conferences: 463

CUBA

Composition of the Delegation: 290

CZECHOSLOVAKIA

Composition of the Delegation: 290
 Intervention in the Plenary of the Vienna Conference: 60
 Intervention in the Plenary of the Conference on the Classification of
 Figurative Elements: 113
 Interventions in the Main Committee of the Conference on the Classification
 of Figurative Elements: 344, 353, 387, 389, 392, 394, 396, 422, 424
 Interventions in the Joint Meeting of the Main Committees of the Diplomatic
 Conferences: 464, 474, 476, 481, 495, 503

DENMARK

Composition of the Delegation: 290
 Intervention in the Plenary of the Conference on the Classification of
 Figurative Elements: 97, 117
 Signature of the Agreement: 39

DOMINICAN REPUBLIC

Composition of the Delegation: 290

ECUADOR

Composition of the Delegation: 303

EGYPT

Composition of the Delegation: 302
 Intervention in the Plenary of the Vienna Conference: 50
 Intervention in the Joint Meeting of the Main Committees of the three
 Diplomatic Conferences: 472

FINLAND

Composition of the Delegation: 291
 Intervention in the Plenary of the Conference on the Classification of
 Figurative Elements: 91

FRANCE

Composition of the Delegation: 291
 Interventions in the Plenary of the Vienna Conference: 6, 54
 Intervention in the Plenary of the Conference on the Classification of
 Figurative Elements: 109
 Intervention in the Main Committee of the Conference on the Classification
 of Figurative Elements: 306
 Intervention in the Joint Meeting of the Main Committees of the three
 Diplomatic Conferences: 465
 Signature of the Agreement: 39

GABON

Composition of the Delegation: 291

GERMAN DEMOCRATIC REPUBLIC

Composition of the Delegation: 291
 Interventions in the Joint Meeting of the Main Committees of the three
 Diplomatic Conferences: 466, 482
 Signature of the Agreement: 39

GERMANY (FEDERAL REPUBLIC OF)

Composition of the Delegation: 292
 Interventions in the Plenary of the Vienna Conference: 14, 38
 Interventions in the Plenary of the Conference on the Classification of
 Figurative Elements: 71, 119, 133, 135, 171
 Interventions in the Main Committee of the Conference on the Classification
 of Figurative Elements: 204, 232, 287, 310, 342, 358, 367, 403, 428, 444, 455
 520, 522, 527, 529, 534
 Intervention in the Joint Meeting of the Main Committees of the three
 Diplomatic Conferences: 458
 Signature of the Agreement: 39

HOLY SEE

Composition of the Delegation: 292

HUNGARY

Composition of the Delegation: 293
Intervention in the Joint Meeting of the Main Committees of the three
Diplomatic Conferences: 467
Signature of the Agreement: 39

IRAN

Composition of the Delegation: 293
Intervention in the Plenary of the Vienna Conference: 12
Intervention in the Joint Meeting of the Main Committees of the three
Diplomatic Conferences: 477

IRELAND

Composition of the Delegation: 293

ISRAEL

Composition of the Delegation: 293

ITALY

Composition of the Delegation: 294
Interventions in the Plenary of the Vienna Conference: 16, 36
Signature of the Agreement: 39

IVORY COAST

Composition of the Delegation: 294

JAPAN

Composition of the Delegation: 295
Intervention in the Plenary of the Vienna Conference: 58
Intervention in the Joint Meeting of the Main Committees of the three
Diplomatic Conferences: 493

LEBANON

Composition of the Delegation: 303

LUXEMBOURG

Composition of the Delegation: 295
Intervention in the Plenary of the Vienna Conference: 52
Intervention in the Plenary of the Conference on the Classification of
Figurative Elements: 167
Signature of the Agreement: 39

MEXICO

MONACO

Composition of the Delegation: 295
Signature of the Agreement: 39

NETHERLANDS

Composition of the Delegation: 296
Written proposals for amendments: 181
Interventions in the Plenary of the Vienna Conference: 21, 46
Interventions in the Plenary of the Conference on the Classification of
Figurative Elements: 85, 127, 161
Interventions in the Main Committee of the Conference on the Classification
of Figurative Elements: 237, 242, 302, 390, 397, 429, 441, 533
Interventions in the Joint Meeting of the Main Committees of the three
Diplomatic Conferences: 462, 492, 499
Signature of the Agreement: 39

NIGERIA

Composition of the Delegation: 296

NORWAY

Composition of the Delegation: 296
Intervention in the Plenary of the Vienna Conference: 30
Intervention in the Plenary of the Conference on the Classification of
Figurative Elements: 163
Interventions in the Main Committee of the Conference on the Classification
of Figurative Elements: 258, 260, 348
Signature of the Agreement: 39

POLAND

Composition of the Delegation: 296
Intervention in the Plenary of the Conference on the Classification of
Figurative Elements: 111
Intervention in the Joint Meeting of the Main Committees of the three
Diplomatic Conferences: 502

PORTUGAL

Composition of the Delegation: 297
Intervention in the Plenary of the Vienna Conference: 64
Interventions in the Plenary of the Conference on the Classification of
Figurative Elements: 107, 175
Signature of the Agreement: 39

REPUBLIC OF KOREA

Composition of the Delegation: 303

ROMANIA

Composition of the Delegation: 297
Intervention in the Joint Meeting of the Main Committees of the three

SAN MARINO

Composition of the Delegation: 297
Signature of the Agreement: 39

SENEGAL

Composition of the Delegation: 297
Intervention in the Plenary of the Vienna Conference: 18

SOUTH AFRICA

Composition of the Delegation: 298
Intervention in the Plenary of the Vienna Conference: 44

SOVIET UNION

Composition of the Delegation: 298
Interventions in the Plenary of the Vienna Conference: 8, 34
Interventions in the Plenary of the Conference on the Classification of
Figurative Elements: 131, 138, 159
Interventions in the Main Committee of the Conference on the Classification
of Figurative Elements: 514, 518, 530
Interventions in the Joint Meeting of the Main Committees of the three
Diplomatic Conferences: 468, 488, 494, 498

SPAIN

Composition of the Delegation: 298
Intervention in the Plenary of the Vienna Conference: 48
Interventions in the Plenary of the Conference on the Classification of
Figurative Elements: 101, 165
Interventions in the Main Committee of the Conference on the Classification
of Figurative Elements: 218, 220, 325, 327, 354, 416, 418, 532

SWEDEN

Composition of the Delegation: 299
Interventions in the Plenary of the Conference on the Classification of
Figurative Elements: 75, 123
Interventions in the Main Committee of the Conference on the Classification
of Figurative Elements: 337, 435
Signature of the Agreement: 39

SWITZERLAND

Composition of the Delegation: 299
Intervention in the Plenary of the Vienna Conference: 28
Interventions in the Plenary of the Conference on the Classification of
Figurative Elements: 93, 173
Interventions in the Main Committee of the Conference on the Classification
of Figurative Elements: 401, 434
Intervention in the Joint Meeting of the Main Committees of the three
Diplomatic Conferences: 483
Signature of the Agreement: 39

SYRIAN ARAB REPUBLIC

Composition of the Delegation: 299

TUNISIA

Composition of the Delegation: 300

TURKEY

Composition of the Delegation: 303

UNITED KINGDOM

Composition of the Delegation: 300
Written proposals for amendments: 182
Intervention in the Plenary of the Vienna Conference: 32
Interventions in the Plenary of the Conference on the Classification of
Figurative Elements: 81, 115, 117
Interventions in the Main Committee of the Conference on the Classification
of Figurative Elements: 229, 236, 249, 251, 268, 273, 281, 284, 286,
293, 309, 322, 324, 331, 336, 349, 364, 369, 379, 443
Interventions in the Joint Meeting of the Main Committees of the three
Diplomatic Conferences: 457, 461, 478

UNITED REPUBLIC OF TANZANIA

Composition of the Delegation: 300

UNITED STATES OF AMERICA

Composition of the Delegation: 300
Written proposals for amendments: 180
Interventions in the Plenary of the Vienna Conference: 10, 42
Interventions in the Plenary of the Conference on the Classification of
Figurative Elements: 79, 121
Interventions in the Main Committee of the Conference on the Classification
of Figurative Elements: 184, 188, 192, 228, 230, 307, 319, 430
Interventions in the Joint Meeting of the Main Committees of the three
Diplomatic Conferences: 470, 500

URUGUAY

Composition of the Delegation: 303

VENEZUELA

Composition of the Delegation: 304

YUGOSLAVIA

Composition of the Delegation: 301
Intervention in the Plenary of the Vienna Conference: 62
Intervention in the Plenary of the Conference on the Classification of
Figurative Elements: 83
Signature of the Agreement: 39

ZAIRE

Composition of the Delegation: 304

INDEX OF ORGANIZATIONS*

AFRICAN AND MALAGASY INDUSTRIAL PROPERTY OFFICE (OAMPI)

Representative: 304

AMERICAN BAR ASSOCIATION (ABA)

Representatives: 305

AMERICAN PATENT LAW ASSOCIATION (APLA)

Representatives: 306

ASIAN PATENT ATTORNEYS ASSOCIATION (APAA)

Representatives: 306

BENELUX TRADEMARK OFFICE

Representatives: 304

BUNDESVERBAND DER DEUTSCHEN INDUSTRIE (BDI)

Representatives: 306

CHARTERED INSTITUTE OF PATENT AGENTS (CIPA)

Representative: 306

COMMISSION OF THE EUROPEAN COMMUNITIES (CCE)

Representatives: 305

COUNCIL OF EUROPE (CE)

Representative: 305

COUNCIL OF EUROPEAN INDUSTRIAL FEDERATIONS (CEIF)

Representatives: 306

* Numbers underlined denote pages of this volume. Numbers not underlined denote paragraph numbers of the minutes on pages 191 to 284 above.

COUNCIL OF MINISTERS OF THE EUROPEAN COMMUNITIES (CMCE)

Representatives: 305

COUNCIL FOR MUTUAL ECONOMIC ASSISTANCE (CMEA)

Representative: 305

DEUTSCHE VEREINIGUNG FÜR GEWERBLICHEN RECHTSSCHUTZ UND URHEBERRECHT (DVGR)

Representative: 306

EUROPEAN FEDERATION OF AGENTS OF INDUSTRY IN INDUSTRIAL PROPERTY (FEMIP)

Representatives: 307

INSTITUTE OF TRADE MARK AGENTS (ITMA)

Representative: 307

INTERNATIONAL ASSOCIATION FOR THE PROTECTION OF INDUSTRIAL PROPERTY (IAPIP)

Representatives: 307

INTERNATIONAL CHAMBER OF COMMERCE (ICC)

Representatives: 307

Intervention in the Plenary of the Conference on the Classification of
Figurative Elements: 95

Intervention in the Main Committee of the Conference on the Classification
of Figurative Elements: 240

INTERNATIONAL FEDERATION OF PATENT AGENTS (FICPI)

Representatives: 308

INTERNATIONAL INSTITUTE FOR THE UNIFICATION OF PRIVATE LAW (UNIDROIT)

Representative: 305

INTERNATIONAL LEAGUE AGAINST UNFAIR COMPETITION (LICCD)

Representatives: 308

NEW YORK PATENT LAW ASSOCIATION (NYPLA)

Representative: 308

PACIFIC INDUSTRIAL PROPERTY ASSOCIATION (PIPA)

Representatives: 308

PATENT AND TRADE MARK INSTITUTE OF CANADA (PTIC)

Representatives: 308

TRADE MARKS, PATENTS AND DESIGNS FEDERATION (TMPDF)

Representatives: 308

UNION DES FABRICANTS (UNIFAB)

Representatives: 309Intervention in the Plenary of the Conference on the Classification of
Figurative Elements: 95Intervention in the Main Committee of the Conference on the Classification
of Figurative Elements: 240

UNION OF EUROPEAN PATENT AGENTS (UNEPA)

Representatives: 309

UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (UNIDO)

Representatives: 304

UNION OF INDUSTRIES OF THE EUROPEAN COMMUNITY (UNICE)

Representatives: 309

UNITED STATES TRADEMARK ASSOCIATION (USTA)

Representative: 309

WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Composition of the Delegation: 310Documents submitted and written proposals for amendments: 131, 133, 145, 152,
179, 183, 185, 186Interventions in the Plenary of the Vienna Conference: 1, 3, 5, 7, 9, 11, 13,
15, 17, 19, 66Interventions in the Plenary of the Conference on the Classification of
Figurative Elements: 68, 134, 140, 146, 151Interventions in the Main Committee of the Conference on the Classification
of Figurative Elements: 186, 194, 202, 209, 211, 213, 215, 221, 226, 233,
238, 246, 252, 256, 259, 261, 264, 274, 279, 283, 288, 305, 335, 356,
362, 366, 371, 374, 375, 378, 405, 412, 420, 453, 512, 516, 521, 528,
536, 540, 542, 546Interventions in the Joint Meeting of the Main Committees of the three
Diplomatic Conferences: 456, 473, 487, 489

INDEX OF PARTICIPANTS*

- ABI SAMRA, Micheline (Miss) (Lebanon)
Observer: 303
- ADAMS, Edgar W., Jr. (Pacific Industrial Property Association (PIPA))
Observer: 308
- ADEOSUN, Johnson Adebisi (Nigeria)
Head of Delegation: 296
- AGUILAR, Enrique (United Nations Industrial Development Organization (UNIDO))
Observer: 304
- AHN, Jong Koo (Republic of Korea)
Observer: 303
- AIT DJEBARA, Farida (Mrs.) (Algeria)
Delegate: 287
Minutes: 103
- ALLEN, David B. (United States of America)
Alternate Delegate: 300
- ANDREWS, Patrick (World Intellectual Property Organization (WIPO))
Translator, Languages Section: 310
- ANGELOV, Todor (Bulgaria)
Alternate Delegate: 289
Minutes: 99
- ANTONIEWICZ, Tomasz (Poland)
Delegate: 296
- ARCHI, Pio (Italy)
Head of Delegation: 294
Vice-President, Plenary, Vienna Conference: 311
Minutes: 16, 36
Signatory of the Agreement: 39
- ARMITAGE, Edward (United Kingdom)
Head of Delegation: 300
Minutes: 32, 457, 461, 478
- ARRIGUCCI, Mario (Italy)
Advisor: 294
- ASPDEN, Harold
Observer for the International Chamber of Commerce (ICC): 307
Observer for the Trade Marks, Patents and Designs Federation (TMPDF): 308
- AUER, Günter (Austria)
Delegate: 288
- BAEUMER, Ludwig (World Intellectual Property Organization (WIPO))
Counsellor, Head, Legislation and Regional Agreements Section,
Industrial Property Division: 310
- BALLEYS, François (Switzerland)
Delegate: 299
Vice-Chairman, Drafting Committee, Conference on the Classification of the
Figurative Elements: 312
Minutes: 93
- BANNER, Donald W. (American Bar Association (ABA))
Observer: 305

BÁNREÉVY, Gabor (Hungary)

Delegate: 293

BARISHNIKOV, Gennady (Soviet Union)

Delegate: 298

BASLY, Sadok (Tunisia)

Head of Delegation: 300

BAUWEL, L.J.M., van (Benelux Trademark Office)

Observer: 304

BEESTON, Alan Wilmot (United Kingdom)

Advisor: 300

BĚLOHLÁVEK, Miroslav (Czechoslovakia)

Head of Delegation: 290

BENCHERCHALI, Hamid (Algeria)

Head of Delegation: 287

Minutes: 471

BENSON, Robert B. (American Bar Association (ABA))

Observer: 305

BIERRY, Maurice (France)

Delegate: 291

BIRBAUM, Günter (Austria)

Delegate: 288

BOBROVSZKY, Jenő (Hungary)

Delegate: 293

BODENHAUSEN, G.H.C. (World Intellectual Property Organization (WIPO))

Director General of WIPO: 310

Minutes: 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 68, 456, 473

BOGNÁR, Márta (Mrs.) (Hungary)

Delegate: 293

BOGSCH, Arpad (World Intellectual Property Organization (WIPO))

First Deputy Director General of WIPO: 310

Secretary General, Plenary, Vienna Conference: 311

Minutes: 66, 487, 489

BÖKEL, Werner

Observer for the Bundesverband der Deutschen Industrie (BDI): 306

Observer for the Council of European Industrial Federations (CEIF): 306

BOLZ, Karl Heinrich (Germany (Federal Republic of))

Delegate: 292

BORGÅRD, Göran (Sweden)

Head of Delegation: 299

BORN, Eduard (Germany (Federal Republic of))

Delegate: 292

BOŠKOVIĆ, Dragutin (Yugoslavia)

Head of Delegation: 301

BOUZIDI, Salah (Algeria)

Delegate: 287

Vice-Chairman, Drafting Committee, Conference on the Classification of

Figurative Elements: 312

Minutes: 329, 340, 426

- BRAENDLI, Paul (Switzerland)
Head of Delegation: 299
Vice-President, Plenary, Vienna Conference: 311
Minutes: 28, 173, 483
Signatory of the Agreement: 39
- BROMSTEIN, Reuben (Canada)
Advisor: 289
- BUSHELL, John Stephen (Chartered Institute of Patent Agents (CIPA))
Observer: 306
- CADMAN, David L.T. (United Kingdom)
Delegate: 300
- CARLSEN, Rigmor (Mrs.) (Denmark)
Delegate: 290
- ĆEMALLOVIĆ, Dragomir (Yugoslavia)
Delegate: 301
Minutes: 83
- CHIKURU (Miss) (Zaire)
Observer: 304
- CLARK, George R. (American Bar Association (ABA))
Observer: 305
- COERPER, Milo (American Bar Association (ABA))
Observer: 305
- COHAUSZ, Werner (Union of European Patent Agents (UNEPA))
Observer: 309
- CORBEIL, Jacques (Canada)
Alternate Head of Delegation: 289
- CORRE, J. (Union of European Patent Agents (UNEPA))
Observer: 309
- CRESPIN, J. Parsine (Senegal)
Head of Delegation: 297
Vice-President, Plenary, Vienna Conference: 311
Minutes: 18
- CRUZ, Jorge (Portugal)
Delegate: 297
- CURCHOD, François (World Intellectual Property Organization (WIPO))
Consultant: 310
- DAMOND, Andrée (Mrs.) (World Intellectual Property Organization (WIPO))
Principal Clerk, Mail and Documents Section, Administrative Division: 310
- DAVAL, Anne (Miss) (World Intellectual Property Organization (WIPO))
Translator, Languages Section: 310
- DAVIS, Patricia M. (Mrs.) (United States of America)
Advisor: 301
- De CLERCK, Jos
Observer for the Council of European Industrial Federations (CEIF): 306
Observer for the European Federation of Agents of Industry in Industrial
Property (FEMIP): 307
Observer for the Union of Industries of the European Community (UNICE): 309
- DEGAVRE, Jacques (Belgium)
Delegate: 288

- DEIJENBERG, Gunnar (Sweden)
Delegate: 299
Minutes: 337, 435
- DE SANCTIS, Valerio (Italy)
Delegate: 294
- DeSIMONE, Anthony R. (United States of America)
Advisor: 301
- DIAMOND, Sidney A. (American Bar Association (ABA))
Observer: 305
- DRAGNE, Jacques (France)
Delegate: 291
- DROSTE, Helmut (Deutsche Vereinigung für gewerblichen Rechtsschutz und
Urheberrecht (DVGR))
Observer: 306
- DUDESCHEK, Erich (Austria)
Delegate: 287
Minutes: 200, 212, 225, 243, 250, 255, 277, 338, 346, 523
- DUSCHANEK, Alfred (International Chamber of Commerce (ICC))
Observer: 307
- DUSOLIER, Raymond
Observer for the International League Against Unfair Competition
(LICCD): 308
Observer for the Union des fabricants (UNIFAB): 309
- EDEN, Yehuda (Israel)
Head of Delegation: 293
- EGGER, Léon (World Intellectual Property Organization (WIPO))
Counsellor, Head, International Registrations Division: 310
Secretary, Plenary and Main Committee, Conference on the Classification
of Figurative Elements: 312
Minutes: 305, 374
- EGUIGUREN PALACIO, Gustavo (Ecuador)
Observer: 303
- EKANI, Denis (Congo)
Head of Delegation: 290
Minutes: 463
- EKEDI-SAMNIK, Joseph (Cameroon)
Head of Delegation: 302
- EL-ALI, Issam (Syrian Arab Republic)
Head of Delegation: 299
Vice-President, Plenary, Conference on the Classification of
Figurative Elements: 312
- EL SHAHED, Abdalla Mohamed (Egypt)
Delegate: 302
Minutes: 50
- ENDEMANN, Karl A.
Observer for the Council of European Industrial Federations (CEIF): 306
Observer for the Union of Industries of the European Community (UNICE): 309
- ESTEVES DA FONSECA, José Luis (Portugal)
Delegate: 297
Signatory of the Agreement: 39

EVRARD, Michel (Union of European Patent Agents (UNEPA))
Observer: 309

FALSAFI, Hossein (Iran)
Delegate: 293

FARFAL, Ryszard (Poland)
Deputy Head of Delegation: 296

FERNÁNDEZ-MAZARAMBROZ Y MARTÍN RABADÁN, Antonio (Spain)
Head of Delegation: 298
Minutes: 48, 165, 532

FERRARI, Arturo Giuseppe (Italy)
Advisor: 294

FIGUEIRA, Luiz (Portugal)
Head of Delegation: 297

FLORES, Jorge (Mexico)
Advisor: 295

FOLDÈS, Georges (Union of European Patent Agents (UNEPA))
Observer: 309

FÖRSTER, Monika (Mrs.) (German Democratic Republic)
Advisor: 292

FRANÇON, André (France)
Delegate: 291

FRAYNE, Gabriel M. (United States of America)
Advisor: 301
Minutes: 500

FRESSONNET, Pierre (France)
Delegate: 291

GAERTE, Felix Otto (Germany (Federal Republic of))
Delegate: 292

GALL, Günter (Austria)
Delegate: 288

GALTIERI, Gino (Italy)
Delegate: 294

GIL SERANTES, Federico (Spain)
Delegate: 298
Vice-President, Conference on the Classification of Figurative
Elements: 312
Minutes: 101, 218, 220, 325, 327, 354, 416, 418

GONZÁLES BOLÍVAR, Tania (Mrs.) (Venezuela)
Observer: 304

GÖRANSSON, Lars (Sweden)
Delegate: 299

GRODETZKAJA, Iziha (Mrs.) (Soviet Union)
Delegate: 298
Minutes: 494

GOTTSCHALK, Robert (United States of America)
Delegate, Alternate Chairman of Delegation: 300
Minutes: 10, 42

- GRAEVE, Hans (Germany (Federal Republic of))
Delegate: 292
- GRANDCHAMP, Isabel (Mrs.) (World Intellectual Property Organization (WIPO))
Counsellor, Head, Languages Section: 310
- GREBEN, Igor (Soviet Union)
Delegate: 298
- GREVENSTEIN, J.A.U.M., van (Council of Ministers of the European Communities (CMCE))
Observer: 305
- GROEN, Jan Cornelis (Benelux Trademark Office)
Observer: 304
- GUGLIELMETTI, Giannantonio (Italy)
Advisor: 294
- HADDRICK, Eric Murray (Australia)
Alternate Head of Delegation: 287
Chairman, Drafting Committee, Conference on the Classification of
Figurative Elements: 312
Minutes: 77, 148, 157, 182, 203, 227, 263, 312, 328, 347, 352, 357,
398, 408, 431, 437, 501
- HAERTEL, Kurt (Germany (Federal Republic of))
Alternate Head of Delegation: 292
Minutes: 71, 133, 135, 387
- HALVORSEN, K.B. (Union of European Patent Agents (UNEPA))
Observer: 309
- HAMBURGER, Walter (International Association for the Protection of Industrial
Property (IAPIP))
Observer: 307
- HAMMOND, Thomas Charles (Canada)
Alternate Head of Delegation: 289
- HARBEN, Roger (World Intellectual Property Organization (WIPO))
Counsellor, Deputy Head, External and Public Relations Division: 310
Secretary, Credentials Committee, Vienna Conference: 311
- HEDAYATI, Mohamad-Ali (Iran)
Head of Delegation: 293
Minutes: 12, 477
- HEMMERLING, Joachim (German Democratic Republic)
Head of Delegation: 291
Chairman, Plenary, Conference on the Classification of Figurative
Elements: 312
Minutes: 69, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96,
98, 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124,
126, 128, 130, 132, 136, 137, 139, 141, 143, 145, 147, 149, 152, 153,
155, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180,
466, 482
Signatory of the Agreement: 39
- HENN, Karl-Heinz (Finland)
Delegate: 291
- HILD, Hugo (Monaco)
Head of Delegation: 295
- HOEPFFNER, Günther (Bundesverband der Deutschen Industrie (BDI))
Observer: 306
- HOFER, Irène (Miss) (Switzerland)
Delegate: 299

- HOFFMANN, Alfred (Switzerland)
Delegate: 299
- HOFFMANN, Jean-Pierre (Luxembourg)
Head of Delegation: 295
Minutes: 52, 167
Signatory of the Agreement: 39
- HOLMQVIST, Lars
Observer for the International Association for the Protection of Industrial
Property (IAPIP): 307
Observer for the International Federation of Patent Agents (FICPI): 308
- HOLSTEIN, Peter, von (Council of Europe (CE))
Observer: 305
- HUYBRECHT, Richard (Belgium)
Head of Delegation: 288
Chairman, Credentials Committee, Vienna Conference: 311
Minutes: 24
- IJSBRANDY, N.H. (Benelux Trademark Office)
Observer: 304
- ISHIKAWA, Yoshio (Japan)
Alternate Delegate: 295
- IVANOV, Ivan (Bulgaria)
Delegate: 289
- JANKOVIĆ, Nenad (Yugoslavia)
Deputy Head of Delegation: 301
Minutes: 62
Signatory of the Agreement: 39
- JANUSZKIEWICZ, Danuta (Mrs.) (Poland)
Delegate: 297
- JONAS, Franz (Federal President, Austria)
Minutes: 2
- JONKISCH, Franz (German Democratic Republic)
Deputy Head of Delegation: 291
- JONSON, Lars (Sweden)
Delegate: 299
- KÄMPF, Roger (Switzerland)
Deputy Head of Delegation: 299
Minutes: 401, 434
- KANG, Sung Ku (Republic of Korea)
Observer: 303
- KARSCH, Gerhard (Austria)
Delegate: 288
- KASTENMEIER, Robert W. (United States of America)
Congressional Advisor: 301
- KELBEL, Günter (Germany (Federal Republic of))
Delegate: 292
- KELLERSON, Robert (World Intellectual Property Organization (WIPO))
Translator, Languages Section: 310
- KEYES, Andrew A. (Canada)
Delegate: 289

- KOBELO, Kajetan Philip (United Republic of Tanzania)
Head of Delegation: 300
- KÖCK, Heribert Franz (Holy See)
Delegate: 292
- KOLSTER, Åke Björn (International Federation of Patent Agents (FICPI))
Observer: 308
- KREISLER, Andreas, von (Union of European Patent Agents (UNEPA))
Observer: 309
- KRETSCHMER, Friedrich (Bundesverband der Deutschen Industrie (BDI))
Observer: 306
- KRIEGER, Albrecht (Germany (Federal Republic of))
Alternate Head of Delegation: 292
Minutes: 14, 171
Signatory of the Agreement: 39
- KULAKOV, Yuri (Soviet Union)
Delegate: 298
Minutes: 131, 138
- KURYSHEV, Vladimir (Soviet Union)
Delegate: 298
- KUYE, Ayoola (Nigeria)
Deputy Head of Delegation: 296
- LABRY, Roger M.N. (France)
Delegate: 291
Minutes: 465
- LAFONE, Alfredo (Uruguay)
Observer: 303
- LARREA RICHERAND, Gabriel E. (Mexico)
Head of Delegation: 295
Vice-President, Plenary, Vienna Conference: 311
- LAUWERS, Jean-Pol (Commission of the European Communities (CCE))
Observer: 305
- LEDAKIS, Gust A. (World Intellectual Property Organization (WIPO))
Counsellor, External and Public Relations Division: 310
- LEWINSKY, Dietrich
Observer for the International Federation of Patent Agents (FICPI): 308
Observer for the Union of European Patent Agents (UNEPA): 309
- LIVINGSTON, Boynton P. (American Patent Law Association (APLA))
Observer: 306
- LO CIGNO, Giovanni (Italy)
Advisor: 294
- LOEWE, Roland (International Institute for the Unification of Private Law (UNIDROIT))
Observer: 305
- LOMBUME MUJWAN, Kallymazi (Zaire)
Observer: 304
- LOMPAR, Mihailo (Yugoslavia)
Delegate: 301
- LONDO, Zalo (Zaire)
Observer: 304

LORENZ, Thomas (Austria)

Delegate: 287

Chairman, Main Committee, Conference on the Classification of
Figurative Elements: 312

Minutes:

as Chairman of the Main Committee: 181, 183, 185, 187, 189, 191, 193, 195,
197, 199, 201, 205, 207, 210, 214, 217, 219, 222, 224, 231, 235, 239, 241,
244, 248, 254, 257, 262, 265, 267, 270, 272, 276, 278, 282, 285, 289, 290,
292, 295, 297, 299, 301, 304, 308, 311, 314, 316, 318, 320, 323, 326, 330,
334, 341, 343, 345, 351, 355, 359, 361, 363, 365, 368, 370, 372, 377, 381,
384, 386, 388, 391, 393, 395, 399, 402, 404, 406, 407, 409, 411, 414, 417,
419, 421, 423, 425, 427, 436, 439, 442, 445, 447, 448, 450, 452, 454, 505,
507, 509, 511, 513, 515, 517, 519, 524, 526, 531, 535, 538, 543, 545, 547
as Delegate: 105, 125, 142, 150, 154, 179

LUNDBERG, Bengt (Sweden)

Delegate: 299

Minutes: 75, 123

MADAY, Denis Charles

Observer for the Council of European Industrial Federations (CEIF): 306

Observer for the International Association for the Protection of Industrial
Property (IAPIP): 307

MAGALHÃES E SILVA, Jorio Dauster (Brazil)

Delegate: 289

MAHDI, Allaoua (Algeria)

Delegate: 287

MAK, Willem (Netherlands)

Delegate: 296

MAMPUYA, Musungayi Nkuembe (Zaire)

Observer: 304

MARCHETTI, Dino (Italy)

Deputy Head of Delegation: 294

Signatory of the Agreement: 39

MAROLA, Pierangelo (Italy)

Advisor: 294

MARTIN-ACHARD, Edmond (International League Against Unfair Competition (LICCD))

Observer: 308

MASON, John Neville (Trade Marks, Patents and Designs Federation (TMPDF))

Observer: 308

MATHÉLY, Paul (International Association for the Protection of Industrial
Property (IAPIP))

Observer: 307

MATUSZEWSKI, Piotr (Poland)

Delegate: 296

Vice-Chairman, Main Committee, Conference on the Classification of
Figurative Elements: 312

Minutes: 111

MAUGUÉ, Pierre (World Intellectual Property Organization (WIPO))

Legal Officer, International Registrations Division: 310

MAY, Claude (France)

Delegate: 291

Minutes: 109, 306

MAYER, Gudrun (Mrs.) (Austria)

Delegate: 288

- MBOUMIGNANOU-MBOUYA, Aloïse (Gabon)
Head of Delegation: 291
- MITTERHAUSER, Josef (Austria)
Delegate: 288
- MOGHADDAM, Ahmad (Iran)
Delegate: 293
- MOLIJN, Hans (Netherlands)
Delegate: 296
- MONTJOYE, Jacques R.M.L., de (Belgium)
Delegate: 288
- MOORBY, Ronald Leonard (United Kingdom)
Delegate: 300
Minutes: 81, 115, 117
- MOORE, Gunnar (Sweden)
Delegate: 299
- MOROZOV, Ivan (Soviet Union)
Deputy Head of Delegation: 298
Vice-President, Plenary, Vienna Conference: 311
Minutes: 8, 34, 159, 468, 488, 498, 514, 518, 530
- MUNGER, Jean-Charles (San Marino)
Head of Delegation: 297
Signatory of the Agreement: 39
- MURAOKA, Kunio (Japan)
Alternate Delegate: 295
- MYALL, Douglas G.A. (United Kingdom)
Delegate: 300
Minutes: 229, 236, 249, 251, 268, 273, 281, 284, 286, 293, 309, 322, 324,
331, 336, 349, 364, 369, 379, 443
- N'GOMA, Pierre (African and Malagasy Industrial Property Office (OAMPI))
Observer: 304
- NIANG, Babacar (Senegal)
Delegate: 297
- NILSEN, Sylvia E. (Miss) (United States of America)
Advisor: 301
Minutes: 121, 470
- NIOUPIN, Benié (Ivory Coast)
Head of Delegation: 294
- NOLAN, Francis Perry (Australia)
Advisor: 287
- NORDSTRAND, Leif (Norway)
Head of Delegation: 296
Minutes: 30
Signatory of the Agreement: 39
- NOTARI, Jean-Marie (Monaco)
Delegate: 295
- OAKLEY, John Lawrence Drury (Institute of Trade Mark Agents (ITMA))
Observer: 307
- OFFNER, Eric D.
Observer for the American Patent Law Association (APLA): 306
Observer for the New York Patent Law Association (NYPLA): 308

- OIE, Shigeo (Japan)
Alternate Delegate: 295
- OPALSKI, Tomasz (Poland)
Delegate: 297
- OSBORNE, John C. (Patent and Trade Mark Institute of Canada (PTIC))
Observer: 308
- OURO-PRETO, Affonso Celso, de (Brazil)
Delegate: 289
Minutes: 339, 350, 400
- OVINK, Gerrit Willem (Netherlands)
Delegate: 296
- OZÓRIO DE ALMEIDA, Miguel Alvaro (Brazil)
Head of Delegation: 288
Vice-President, Plenary, Vienna Conference: 311
- PACE, Pasquale (Italy)
Delegate: 294
- PACHECO SILVA, Luis F. (Cuba)
Alternate Head of Delegation: 290
- PADILLA SANTANDER, Benjamin Miguel (Uruguay)
Observer: 303
- PALEWSKI, Jean-Paul (France)
Head of Delegation: 291
Minutes: 6, 54
Signatory of the Agreement: 39
- PANEL, François (Union of Industries of the European Community (UNICE))
Observer: 309
- PARKER, Douglas Edwin
Observer for the International Association for the Protection of Industrial Property (IAPIP): 307
Observer for the International Chamber of Commerce (ICC): 307
Observer for the Trade Marks, Patents and Designs Federation (TMPDF): 308
- PARKER, Michael R. (United States of America)
Advisor: 301
- PATTISHALL, Beverly W. (United States of America)
Advisor: 301
- PEETERMANS, Paul (Belgium)
Delegate: 288
Minutes: 87, 129, 245, 433, 438
- PERSSON, Eskil (Sweden)
Delegate: 299
- PETERS, Günther
Observer for the Bundesverband der Deutschen Industrie (BDI): 306
Observer for the Council of European Industrial Federations (CEIF): 306
- PETERSSON, Karl Barry (Australia)
Head of Delegation: 287
Vice-Chairman, Main Committee, Conference on the Classification of Figurative Elements: 312
Minutes: 40

- PFANNER, Klaus (World Intellectual Property Organization (WIPO))
Senior Counsellor, Head, Industrial Property Division: 310
- PIENAAR, Jacobus Jourdan (South Africa)
Delegate: 298
- PIETERS, Huib J.G. (Netherlands)
Delegate: 296
Minutes: 499
- PIZZINI ABATE, Girolama (Mrs.) (Italy)
Delegate: 294
- POINTET, Pierre Jean (Switzerland)
Delegate: 299
- POPOV, Ivan (Bulgaria)
Head of Delegation: 289
Vice-Chairman, Credentials Committee, Vienna Conference: 311
- POPOV, Manol (Bulgaria)
Alternate Delegate: 289
- PROŠEK, Jaroslav (Czechoslovakia)
Delegate: 290
Minutes: 60
- PUCHBERGER, Georg (International Federation of Patent Agents (FICPI))
Observer: 308
- QAYOOM, Maqbool (World Intellectual Property Organization (WIPO))
Head, Common Services Section, Administrative Division: 310
- QUILICI, Oriano (Holy See)
Head of Delegation: 292
- QUINN, Michael Joseph (Ireland)
Head of Delegation: 293
- RAUX, René (Belgium)
Deputy Head of Delegation: 288
- REEPINGHEN, Paul-Laurent, van (Belgium)
Delegate: 288
- REPETTI, Gianfranco (Italy)
Advisor: 294
- REYNOLDS, W. Glasgow (United States of America)
Advisor: 301
- RIOSALIDO, Jesús Carlos (Spain)
Deputy Head of Delegation: 298
- RIZK, Youssri (Egypt)
Head of Delegation: 302
Vice-President, Plenary, Vienna Conference: 311
Minutes: 472
- ROBERTS, E. (Canada)
Advisor: 289
- RODRÍGUEZ PADILLA, José M. (Cuba)
Head of Delegation: 290

- RØED, Roald (Norway)
Delegate: 296
Minutes: 163, 258, 260, 348
- ROSENBERGER, Francis Coleman (United States of America)
Advisor: 301
- ROSENFELD, Alfred (European Federation of Agents of Industry in Industrial Property (FEMIPI))
Observer: 307
- ROSSIER, Henri (World Intellectual Property Organization (WIPO))
Head, Mail and Documents Section, Administrative Division: 310
- ROUSSIN, Bernard F. (Canada)
Advisor: 289
- RÚA BENITO, Ernesto José (Spain)
Delegate: 298
- SAID-VAZIRI, Iradj (Iran)
Delegate: 293
- SAINT-GAL, Yves André
Observer for the International Chamber of Commerce (ICC): 307
Observer for the International League Against Unfair Competition (LICCD): 308
Observer for the Union des fabricants (UNIFAB): 309
Minutes: 95, 240
- SAITO, Hiroshi (Japan)
Expert: 295
- SALDÍVAR, Pilar (Miss) (Mexico)
Alternate Head of Delegation: 295
- SANDER, Inge (Miss) (Denmark)
Delegate: 290
Minutes: 97
- SANGARET, François (Ivory Coast)
Deputy Head of Delegation: 294
Vice-Chairman, Credentials Committee, Vienna Conference: 311
- SASAKI, Seiken (Japan)
Head of Delegation: 295
Vice-President, Plenary, Vienna Conference: 311
Minutes: 58
- SAVIGNON, François (France)
Deputy Head of Delegation: 291
- SCHACK, Dieter (German Democratic Republic)
Delegate: 292
- SCHIRMER, Hans (Germany (Federal Republic of))
Head of Delegation: 292
Minutes: 38
Signatory of the Agreement: 39
- SCHLEUSSNER, Rikarda, von (Mrs.) (Germany (Federal Republic of))
Delegate: 292
Minutes: 520, 522, 527, 529, 534
- SCHMIDT, Theodor (Dominican Republic)
Head of Delegation: 290
- SCHÖBER, Else (Miss) (Austria)
Delegate: 288

SCHÖNHERR, Fritz (Austria)

Head of Delegation: 287

President, Plenary, Vienna Conference: 311

Chairman, Joint Meetings of the Main Committees of the three Diplomatic Conferences: 274

Minutes: 20, 22, 23, 25, 26, 27, 29, 31, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, 55, 57, 59, 61, 63, 65, 67, 460, 475, 480, 485, 491, 496, 497

SCHRÖTER, Siegfried (German Democratic Republic)

Delegate: 292

SCHURMANS, Arthur (Belgium)

Delegate: 288

SCHUYLER, William E., Jr. (United States of America)

Advisor: 301

Observer for the American Bar Association (ABA): 305

SCHWARTZ, Ivo E. (Commission of the European Communities (CCE))

Observer: 305

SCIPIONI, Luciano (Italy)

Advisor: 294

SCORDAMAGLIA, V. (Council of Ministers of the European Communities (CMCE))

Observer: 305

SEARBY, Daniel M. (United States of America)

Chairman of Delegation: 300

Vice-President, Plenary, Vienna Conference: 311

SERRÃO, Ruy (Portugal)

Delegate: 297

Vice-Chairman, Main Committee, Conference on the Classification of Figurative Elements: 312

Minutes: 64

Signatory of the Agreement: 39

SHEEHAN, James J., Jr. (United States of America)

Advisor: 301

Minutes: 79, 184, 188, 192, 228, 230, 307, 319, 430

SIMONS, Finlay William (Canada)

Head of Delegation: 289

Vice-President, Plenary, Vienna Conference: 311

Vice-Chairman, Plenary, Conference on the Classification of Figurative Elements: 312

Minutes: 73, 196, 208, 266

SINGER, Romuald (Germany (Federal Republic of))

Delegate: 292

Minutes: 119, 204, 232, 310, 342, 358, 367, 403, 428, 444, 455

SIPONEN, Antero (Finland)

Delegate: 291

Minutes: 91

SMILGAT, Zenith (Brazil)

Delegate: 289

Minutes: 89

SONN, Helmut (International Federation of Patent Agents (FICPI))

Observer: 308

SOÓS, László (Hungary)

Delegate: 293

- SORDELLI, Luigi (Italy)
Advisor: 294
- SOURGOV, Todor (Bulgaria)
Delegate: 289
Minutes: 56, 486
- STADLER, Gerhard (Austria)
Delegate: 288
- STARIBACHER, Joseph (Minister for Trade and Industry, Austria)
Minutes: 4
- STEUP, Elisabeth (Mrs.) (Germany (Federal Republic of))
Delegate: 292
- ST. LANDAU, Norman
Observer for the American Patent Law Association (APLA): 306
Observer for the United States Trademark Association (USTA): 309
- SUNAKAWA, Akio (Japan)
Alternate Delegate: 295
- SZÉNÁSI, György (Hungary)
Delegate: 293
- SZOMÁNSKI, Jacek (Poland)
Head of Delegation: 296
- TAKEDA, Takatoshi (World Intellectual Property Organization (WIPO))
Consultant: 310
- TANSKANEN, Sinikka (Mrs.) (Finland)
Delegate: 291
- TASNÁDI, Emil (Hungary)
Head of Delegation: 293
Vice-President, Plenary, Vienna Conference: 311
Minutes: 467
Signatory of the Agreement: 39
- TCHERVIAKOV, Igor (Council for Mutual Economic Assistance (CMEA))
Observer: 305
- TEGTMEYER, Rene D. (United States of America)
Advisor: 301
- TEODORESCU, Paul Ion (Romania)
Delegate: 297
Minutes: 410, 413, 415, 432, 440, 446, 537, 539, 541
- THALER, Gottfried (Austria)
Deputy Head of Delegation: 287
- THEDIM LOBO, Thomas (Brazil)
Deputy Head of Delegation: 288
Minutes: 144, 169
- THIAM, Ibrahima (World Intellectual Property Organization (WIPO))
Counsellor, External and Public Relations Division: 310
- TILMANN, Winfried (Germany (Federal Republic of))
Delegate: 292
- TOMASZEWSKI, Roman (Poland)
Delegate: 297
- TÖRÖ, Károly (Hungary)
Delegate: 293

TORREALBA P., Zenda (Mrs.) (Venezuela)
Observer: 304

TROTTA, Giuseppe (Italy)
Delegate: 294

TSAREGORODTSEV, Victor Yefremovitch (Soviet Union)
Head of Delegation: 298

TSCHOCHNER, Maria (Miss) (Austria)
Delegate: 288

TSUCHIYA, Naotoshi (Japan)
Delegate: 295
Minutes: 493

TUULI, Erkki V. (Finland)
Head of Delegation: 291

TUXEN, Erik (Denmark)
Head of Delegation: 290
Vice-President, Plenary, Vienna Conference: 311
Minutes: 177
Signatory of the Agreement: 39

UGGLA, Claës (Sweden)
Deputy Head of Delegation: 299

ULMER, Eugen (Germany (Federal Republic of))
Alternate Head of Delegation: 292
Minutes: 458

USHIKI, Riichi (Asian Patent Attorneys Association (APAA))
Observer: 306

USTÜN, Ali (Turkey)
Observer: 303

VACHATA, Bohumil (Czechoslovakia)
Deputy Head of Delegation: 290
Minutes: 113, 344, 353, 387, 389, 392, 394, 396, 422, 424, 464, 474, 476,
481, 495, 503

VALLE, Henrique Rodrigues, Jr. (Brazil)
Delegate: 289

VANIŠ, Václav (Czechoslovakia)
Delegate: 290

VAN-ZELLER GARIN, Jorge (Portugal)
Delegate: 297
Minutes: 107, 175
Signatory of the Agreement: 39

VITALI, Marta (Miss) (Italy)
Delegate: 294

VON DER HUDE, Harry (International Chamber of Commerce (ICC))
Observer: 307

VOYAME, Joseph (World Intellectual Property Organization (WIPO))
Second Deputy Director General of WIPO: 310
Deputy Secretary General, Plenary, Vienna Conference: 311
Minutes: 134, 140, 146, 151, 186, 194, 202, 209, 211, 213, 215, 221, 226,
233, 238, 246, 252, 256, 259, 261, 264, 274, 279, 283, 288, 335, 356,
362, 366, 371, 375, 378, 405, 412, 420, 453, 512, 516, 521, 528, 540,
542, 546

VRABIE, Eugeniu (Romania)
Head of Delegation: 297
Minutes: 469

WALLACE, William (United Kingdom)
Deputy Head of Delegation: 300

WAS, Daniel Anthonie (International Chamber of Commerce (ICC))
Observer: 307

WASILEWSKA, Halina (Mrs.) (Poland)
Delegate: 297
Minutes: 502

WEEL, Enno, van (Netherlands)
Head of Delegation: 296
Minutes: 21, 46, 85, 127, 161, 237, 242, 302, 390, 397, 429, 441, 462, 492,
533
Signatory of the Agreement: 39

WELMAN, Rocco (South Africa)
Head of Delegation: 298
Minutes: 44

WENMAN, Eric Raymond (United Kingdom)
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WICKHAM, Cyril G. (United Kingdom)
Advisor: 300

WILLIAMS, Olin E. (Pacific Industrial Property Association (PIPA))
Observer: 308

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Alternate Delegate: 300

WOLSTENHOLME, Anthony John (Union of European Patent Agents (UNEPA))
Observer: 309

YONCHEV, Vasil (Bulgaria)
Delegate: 289

YUASA, Kyozo (Asian Patent Attorneys Association (APAA))
Observer: 306

ZAD, Akbar (Iran)
Delegate: 293

ZAITSSEV, Anatoli (Soviet Union)
Delegate: 298

ZAWALONKA, Jerzy (Poland)
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