

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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**PREPARATORY MEETING
FOR THE DIPLOMATIC CONFERENCE FOR THE
ADOPTION OF A REVISED TRADEMARK LAW TREATY**

Geneva, April 25 and 26, 2005

PREPARATIONS FOR THE DIPLOMATIC CONFERENCE

Document prepared by the Director General

Introduction

1. In accordance with the Program and Budget of the World Intellectual Property Organization for the 2002-2003 and 2004-2005 biennia, the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT) has undertaken work on the revision of the Trademark Law Treaty (TLT), including establishing a TLT Assembly and introducing features concerning electronic filing and other procedures (see document WO/PBC/4/2, page 53, for the 2002-2003 biennium, and document WO/PBC/7/2, page 57, for the 2004-2005 biennium).
2. From its eighth session (May 27 to 31, 2002) to its twelfth session (April 26 to 30, 2004), the SCT worked on draft articles and rules for a revised TLT. At the twelfth session of the SCT, the Committee requested the Secretariat to convey the following recommendation to the WIPO General Assembly meeting at the fortieth series of the Assemblies of the Member States of WIPO from September 27 to October 5, 2004 (see document SCT/12/6, paragraph 7):

“At its 12th session, which took place in Geneva from April 26 to 30, 2004, the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), with due regard given to the progress which the SCT has made on the work of a revised Trademark Law Treaty (TLT), decided to recommend to the WIPO General Assembly to approve the convening of a Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty in the first half of 2006, with the exact dates and venue for such a diplomatic conference to be decided by the preparatory meeting, and to hold two more sessions of the SCT prior to the holding of the diplomatic conference.”

3. At the occasion of its thirty-first session (September 27 to October 5, 2004), the WIPO General Assembly decided to approve the convening of a Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty (TLT), in Geneva, from March 13 to 31, 2006, and to hold two additional sessions of the SCT and a preparatory meeting in order to conclude the preparatory work for that Diplomatic Conference (see document WO/GA/31/15, paragraph 73).

Agenda of the Diplomatic Conference

4. It is proposed that the draft agenda of the Diplomatic Conference be as set out in Annex I. The draft agenda is based on the draft Rules of Procedure of the Diplomatic Conference, contained in Annex II, and the agendas of earlier diplomatic conferences held under the auspices of WIPO.

Rules of Procedure of the Diplomatic Conference

5. It is proposed that the draft Rules of Procedure of the Diplomatic Conference be as set out in Annex II.
6. The draft closely follows the Rules of Procedure of the Diplomatic Conference for the Adoption of the Patent Law Treaty which took place on May and June 2000, and the Diplomatic Conference for the Adoption of a New Act of the Hague Agreement Concerning the International Deposit of Industrial Designs which took place on June and July 1999. It also follows the Rules of Procedure of the Diplomatic Conference for the Conclusion of the Trademark Law Treaty (“TLT”) which took place in October 1994. These are the most recent diplomatic conferences convened and organized by the World Intellectual Property Organization in the field of industrial property.
7. Attention is drawn in particular to draft Rule 2(1)(i) and (ii), which provides for the delegations of States members of WIPO to be referred to as “Ordinary Member Delegations” and for the delegations of the African Intellectual Property Organization (OAPI), the African Regional Intellectual Property Organization (ARIPO) and the European Community (EC) to be referred to as “Special Member Delegations”. A Special Member Delegation would have the same status in the Diplomatic Conference as an Ordinary Member Delegation, except that the former could not be a member of the Credentials Committee and would not have the right to vote (see draft Rules 11(2) and 33, respectively).
8. Draft Rule 12 provides for two main committees: one on the substantive provisions of the planned treaty and the other on the administrative and final clauses of the same. In doing so, it follows the precedent of the Rules of Procedure of the Diplomatic Conference for the Adoption of a New Act of the Hague Agreement Concerning the International Deposit of Industrial Designs and the Diplomatic Conference for the Adoption of the Patent Law Treaty.
9. It is proposed in draft Rule 29 that the basis of the discussions in the Diplomatic Conference be the texts of the draft Revised Trademark Law Treaty and Regulations (document TLT/R/DC/3). This text will constitute the “Basic Proposal”.
10. It is suggested that the Basic Proposal, the Agenda of the Conference and the draft Rules of Procedure be prepared in English, Arabic, Chinese, French, Russian and Spanish. It is proposed in draft Rule 41 that simultaneous interpretation be provided from and into English, Arabic, Chinese, French, Russian and Spanish and from Portuguese into the other six languages. It is further proposed, in draft Rule 43, that any proposals or reports be distributed in these six languages, but that information documents by the Secretariat (such as the list of participants) be made available in English and French only.
11. The draft Rules of Procedure (as approved by the Preparatory Meeting) will be applied by the Diplomatic Conference until that Conference adopts its Rules and Procedure (which might be different from the draft Rules of Procedure).

States and Organizations to Be Invited; Draft Invitations

12. It is proposed that the Member States of WIPO be invited to the Diplomatic Conference as “Ordinary Member Delegations” (see paragraph 9, above). The draft of the invitation to be addressed to them is included in Annex IIIA.

13. It is proposed that the African Intellectual Property Organization, the African Regional Intellectual Property Organization and the European Community be invited to the Diplomatic Conference as “Special Member Delegations” (see paragraph 9, above). The draft of the invitation to be addressed to these organizations is included in Annex IIIB.

14. It is proposed that the States Members of the United Nations which are not members of WIPO be invited to the Diplomatic Conference as “Observer Delegations”, that is, *inter alia*, without the right to vote (see Rule 2(1)(iii) of the draft Rules of Procedure). The draft of the invitation to be addressed to them is included in Annex IIIC.

15. It is proposed that the intergovernmental organizations and the non-governmental organizations listed in Annex IIID be invited to the Diplomatic Conference as “Observer Organizations” (see Rule 2(1)(iv) of the draft Rules of Procedure). The draft of the invitation to be addressed to those organizations is also included in Annex IIID. As far as the non-governmental organizations are concerned, the list comprises those organizations which have participated in the Standing Committee on the Law of Trademarks, Industrial Designs and Geographical Indications, as well as organizations which have observer status in WIPO and appear to have an interest in the law of trademarks. The Preparatory Meeting may suggest other non-governmental organizations to be invited to the Diplomatic Conference.

16. The Preparatory Meeting is invited to approve the above proposals.

[Annexes follow]

ANNEX I

DRAFT AGENDA OF THE DIPLOMATIC CONFERENCE

1. Opening of the Conference by the Director General of WIPO
2. Consideration and adoption of the Rules of Procedure
3. Election of the President of the Conference
4. Consideration and adoption of the agenda
5. Election of the Vice-Presidents of the Conference
6. Election of the members of the Credentials Committee
7. Election of the members of the Drafting Committee
8. Election of the officers of the Credentials Committee, the Main Committees and the Drafting Committee
9. Consideration of the first report of the Credentials Committee
10. Opening declarations by Delegations and by representatives of Observer Organizations
11. Consideration of the texts proposed by the Main Committees
12. Consideration of the second report of the Credentials Committee
13. Adoption of the Revised Trademark Law Treaty and the Regulations
14. Adoption of any recommendation, resolution, agreed statement or final act
15. Closing declarations by Delegations and by representatives of Observer Organizations
16. Closing of the Conference by the President^{*}

[Annex II follows]

^{*} Immediately after the closing of the Conference, the Revised Trademark Law Treaty will be open for signature.

ANNEX II

DRAFT RULES OF PROCEDURE

Contents

CHAPTER I: OBJECTIVE, COMPETENCE, COMPOSITION AND SECRETARIAT OF THE CONFERENCE

- Rule 1: Objective and Competence of the Conference
- Rule 2: Composition of the Conference
- Rule 3: Secretariat of the Conference

CHAPTER II: REPRESENTATION

- Rule 4: Delegations
- Rule 5: 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 and Their Working Groups
- Rule 13: Drafting Committee
- Rule 14: Steering Committee

CHAPTER IV: OFFICERS

- Rule 15: Officers and Their Election; Precedence Among Vice-Presidents
- Rule 16: Acting President
- Rule 17: Replacement of the President
- Rule 18: Vote by the Presiding Officer

CHAPTER V: CONDUCT OF BUSINESS

- Rule 19: Quorum
- Rule 20: General Powers of the Presiding Officer
- Rule 21: Speeches
- Rule 22: Precedence in Receiving the Floor
- Rule 23: Points of Order
- Rule 24: Limit on Speeches

- Rule 25: Closing of List of Speakers
- Rule 26: Adjournment or Closure of Debate
- Rule 27: Suspension or Adjournment of the Meeting
- Rule 28: Order of Procedural Motions; Content of Interventions on Such Motions
- Rule 29: Basic Proposal; Proposals for Amendment
- Rule 30: Decisions on the Competence of the Conference
- Rule 31: Withdrawal of Procedural Motions and Proposals for Amendment
- Rule 32: Reconsideration of Matters Decided

CHAPTER VI: VOTING

- Rule 33: Right to Vote
- Rule 34: Required Majorities
- Rule 35: Requirement of Seconding; Method of Voting
- Rule 36: Conduct During Voting
- Rule 37: Division of Proposals
- Rule 38: Voting on Proposals for Amendment
- Rule 39: Voting on Proposals for Amendment on the Same Question
- Rule 40: Equally Divided Votes

CHAPTER VII: LANGUAGES AND MINUTES

- Rule 41: Languages of Oral Interventions
- Rule 42: Summary Minutes
- Rule 43: Languages of Documents and Summary Minutes

CHAPTER VIII: OPEN AND CLOSED MEETINGS

- Rule 44: Meetings of the Conference and the Main Committees
- Rule 45: Meetings of Other Committees and of Working Groups

CHAPTER IX: OBSERVER DELEGATIONS AND OBSERVER ORGANIZATIONS

- Rule 46: Status of Observers

CHAPTER X: AMENDMENTS TO THE RULES OF PROCEDURE

- Rule 47: Possibility of Amending the Rules of Procedure

CHAPTER I: OBJECTIVE, COMPETENCE, COMPOSITION AND
SECRETARIAT OF THE CONFERENCE

Rule 1: Objective and Competence of the Conference

(1) The objective of the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty (hereinafter referred to as “the Conference”) is to negotiate and adopt such a Treaty and Regulations under that Treaty (hereinafter referred to, respectively, as “the Treaty” and as “the Regulations”).

(2) The Conference, meeting in Plenary, shall be competent to:

(i) adopt the Rules of Procedure of the Conference (hereinafter referred to as “these Rules”) and to make any amendments thereto;

(ii) adopt the agenda of the Conference;

(iii) decide on credentials, full powers, letters or other documents presented in accordance with Rules 6, 7 and 8 of these Rules;

(iv) adopt the Treaty and the Regulations;

(v) adopt any recommendation or resolution whose subject matter is germane to the Treaty and the Regulations;

(vi) adopt any agreed statements to be included in the Records of the Conference;

(vii) adopt any final act of the Conference;

(viii) deal with all other matters referred to it by these Rules or appearing on its agenda.

Rule 2: Composition of the Conference

(1) The Conference shall consist of:

(i) delegations of the States members of the World Intellectual Property Organization (hereinafter referred to as “the Ordinary Member Delegations”),

(ii) the delegations of the African Intellectual Property Organization, the African Regional Intellectual Property Organization and the European Community (hereinafter referred to as “the Special Member Delegations”),

(iii) the delegations of States members of the United Nations other than the States members of the World Intellectual Property Organization invited to the Conference as observers (hereinafter referred to as “the Observer Delegations”),

(iv) representatives of intergovernmental and non-governmental organizations invited to the Conference as observers (hereinafter referred to as “the Observer Organizations”).

(2) References in these Rules of Procedure to “Member Delegations” shall be considered as references to the Ordinary Member Delegations and the Special Member Delegations.

(3) References in these Rules of Procedure to “Delegations” shall be considered as references to the three kinds of Delegations (Ordinary Member, Special Member and Observer) but not to Observer Organizations.

Rule 3: Secretariat of the Conference

(1) The Conference shall have a Secretariat provided by the International Bureau of the World Intellectual Property Organization (hereinafter referred to as “the International Bureau” and “WIPO,” respectively).

(2) The Director General of WIPO and any official of the International Bureau designated by the Director General of WIPO may participate in the discussions of the Conference, meeting in Plenary, as well as in any committee or working group thereof and may, at any time, make oral or written statements, observations or suggestions to the Conference, meeting in Plenary, and any committee or working group thereof concerning any question under consideration.

(3) The Director General of WIPO shall, from among the staff of the International Bureau, designate the Secretary of the Conference and a Secretary for each committee and for each working group.

(4) The Secretary of the Conference shall direct the staff required by the Conference.

(5) The Secretariat shall provide for the receiving, translation, reproduction and distribution of the required documents, for the interpretation of oral interventions and for the performance of all other secretarial work required for the Conference.

(6) The Director General of WIPO shall be responsible for the custody and preservation in the archives of WIPO of all documents of the Conference. The International Bureau shall distribute the final documents of the Conference after the closing of the Conference.

CHAPTER II: REPRESENTATION

Rule 4: Delegations

- (1) Each Delegation shall consist of one or more delegates and may include advisors.
- (2) Each Delegation shall have a Head of Delegation and may have a Deputy Head of Delegation.

Rule 5: Observer Organizations

An Observer Organization may be represented by one or more representatives.

Rule 6: Credentials and Full Powers

- (1) Each Delegation shall present credentials. If a final act of the Conference (see Rule 1(2)(vii)) is adopted, it shall be open for signature by any Delegation whose credentials have been found in order under Rule 9(2).
- (2) Full powers shall be required for signing the Treaty.

Rule 7: Letters of Appointment

The representatives of Observer Organizations shall present a letter or other document appointing them.

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 shall be presented to the Secretary of the Conference, preferably not later than 24 hours after the opening of the Conference.

Rule 9: Examination of Credentials, etc.

- (1) The Credentials Committee referred to in Rule 11 shall examine the credentials, full powers, letters or other documents referred to in Rules 6 and 7, respectively, and shall report to the Conference, meeting in Plenary.
- (2) The decision on whether a credential, full powers, letter or other document is in order shall be made by the Conference, meeting in Plenary. Such decision shall be made as soon as possible and in any case before the adoption of the Treaty.

Rule 10: Provisional Participation

Pending a decision upon their credentials, letters or other documents of appointment, Delegations and Observer Organizations shall be entitled to participate provisionally in the deliberations of the Conference as provided in these Rules.

CHAPTER III: COMMITTEES AND WORKING GROUPS

Rule 11: Credentials Committee

- (1) The Conference shall have a Credentials Committee.
- (2) The Credentials Committee shall consist of seven Ordinary Member Delegations elected by the Conference, meeting in Plenary.

Rule 12: Main Committees and Their Working Groups

- (1) The Conference shall have two Main Committees. Main Committee I shall be responsible for proposing for adoption by the Conference, meeting in Plenary, the substantive provisions of the Treaty, the Regulations and any recommendation, resolution or agreed statement referred to in Rule 1(2)(v) and (vi). Main Committee II shall be responsible for proposing for adoption by the Conference, meeting in Plenary, the other provisions of the Treaty.
- (2) Each Main Committee shall consist of all the Member Delegations.
- (3) Each Main Committee may create working groups. In creating a working group, the Main Committee creating it shall specify the tasks of the Working Group, decide on the number of the members of the Working Group and elect such members from among the Member Delegations.

Rule 13: Drafting Committee

- (1) The Conference shall have a Drafting Committee.
- (2) The Drafting Committee shall consist of 11 elected members and two *ex officio* members. The elected members shall be elected by the Conference, meeting in Plenary, from among the Member Delegations. The Presidents of the two Main Committees shall be the *ex officio* members.
- (3) The Drafting Committee shall prepare drafts and give advice on drafting as requested by either Main Committee. The Drafting Committee shall not alter the substance of

the texts submitted to it. It shall coordinate and review the drafting of all texts submitted to it by the Main Committees, and it shall submit the texts so reviewed for final approval to the competent Main Committee.

Rule 14: Steering Committee

- (1) The Conference shall have a Steering Committee.
- (2) The Steering Committee shall consist of the President and Vice-Presidents of the Conference, the President of the Credentials Committee, the Presidents of the Main Committees and the President of the Drafting Committee. The meetings of the Steering Committee shall be presided over by the President of the Conference.
- (3) The Steering Committee shall meet from time to time to review the progress of the Conference and to make decisions for furthering such progress, including, in particular, decisions on the coordinating of the meetings of the Plenary, the committees and the working groups.
- (4) The Steering Committee shall propose the text of any final act of the Conference (see Rule 1(2)(vii)), for adoption by the Conference, meeting in Plenary.

CHAPTER IV: OFFICERS

Rule 15: Officers and Their Election; Precedence Among Vice-Presidents

- (1) The Conference shall have a President and 10 Vice-Presidents.
- (2) The Credentials Committee, each of the two Main Committees and the Drafting Committee shall have a President and two Vice-Presidents.
- (3) Any Working Group shall have a President and two Vice-Presidents.
- (4) The Conference, meeting in Plenary, and presided over by the Director General of WIPO, shall elect its President and then, presided over by its President, shall elect its Vice-Presidents and the officers of the Credentials Committee, the Main Committees and the Drafting Committee.
- (5) The officers of a Working Group shall be elected by the Main Committee that establishes that Working Group.
- (6) Precedence among the Vice-Presidents of a given body (the Conference, the Credentials Committee, the two Main Committees, any Working Group, the Drafting Committee) shall be determined by the place occupied by the name of the State of each of them in the list of Member Delegations established in the alphabetical order of the names of

the States in French, beginning with the Member Delegation whose name shall have been drawn by lot by the President of the Conference. The Vice-President of a given body who has precedence over all the other Vice-Presidents of that body shall be called “the ranking” Vice-President of that body.

Rule 16: Acting President

(1) If the President is absent from a meeting, the meeting shall be presided over, as Acting President, by the ranking Vice-President of that body.

(2) If all the officers of a body are absent from any meeting of the body concerned, that body shall elect an Acting President.

Rule 17: Replacement of the President

If a President becomes unable to perform his or her functions for the remainder of the duration of the Conference, a new President shall be elected.

Rule 18: Vote by the Presiding Officer

(1) No President, whether elected as such or acting (hereinafter referred to as “the Presiding Officer”), shall take part in voting. Another member of his or her Delegation may vote for that Delegation.

(2) Where the Presiding Officer is the only member of his or her Delegation, he or she may vote, but only in the last place.

CHAPTER V: CONDUCT OF BUSINESS

Rule 19: Quorum

(1) A quorum shall be required in the Conference, meeting in Plenary; it shall, subject to paragraph (3), be constituted by one-half of the Member Delegations represented at the Conference.

(2) A quorum shall be required for the meetings of each Committee (the Credentials Committee, the two Main Committees, the Drafting Committee and the Steering Committee) and any working group; it shall be constituted by one-half of the members of the Committee or working group.

(3) The quorum at the time of the adoption of the Treaty and the Regulations by the Conference, meeting in Plenary, shall be constituted by one half of the Ordinary Member Delegations whose credentials were found in order by the Conference meeting in Plenary.

Rule 20: General Powers of the Presiding Officer

(1) In addition to exercising the powers conferred upon Presiding Officers 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. The Presiding Officer shall rule on points of order and, subject to these Rules, shall have complete control of the proceedings at any meeting and over the maintenance of order thereat.

(2) The Presiding Officer may propose to the body over which he or she presides the limitation of time to be allowed to each speaker, the limitation of the number of times each Delegation may speak on any question, the closure of the list of speakers or the closure of the debate. The Presiding Officer may also propose the suspension or the adjournment of the meeting, or the adjournment of the debate on the question under discussion. Such proposals of the Presiding Officer shall be considered as adopted unless immediately rejected.

Rule 21: Speeches

(1) No person may speak without having previously obtained the permission of the Presiding Officer. Subject to Rules 22 and 23, the Presiding Officer shall call upon persons in the order in which they ask for the floor.

(2) The Presiding Officer may call a speaker to order if the remarks of the speaker are not relevant to the subject under discussion.

Rule 22: Precedence in Receiving the Floor

(1) Member Delegations asking for the floor are generally given precedence over Observer Delegations asking for the floor, and Member Delegations and Observer Delegations are generally given precedence over Observer Organizations.

(2) The President of a committee or working group may be given precedence during discussions relating to the work of the committee or working group concerned.

(3) The Director General of WIPO or his representative may be given precedence for making statements, observations or suggestions.

Rule 23: Points of Order

(1) 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 the appeal is approved.

(2) The Member Delegation that has risen to a point of order under paragraph (1) may not speak on the substance of the matter under discussion.

Rule 24: Limit on Speeches

In any meeting, the Presiding Officer may decide to limit the time allowed to each speaker and the number of times each Delegation and 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 25: Closing of List of Speakers

(1) During the discussion of any given question, the Presiding Officer may announce the list of participants who have asked for the floor and decide to close the list as to that question. The Presiding Officer may nevertheless accord the right of reply to any speaker if a speech, delivered after the list of speakers has been closed, makes it desirable.

(2) Any decision made by the Presiding Officer under paragraph (1) may be the subject of an appeal under Rule 23.

Rule 26: Adjournment or Closure of Debate

Any Member Delegation may at any time move the adjournment or closure of the debate on the question under discussion, whether or not any other participant has asked for the floor. In addition to the proposer of the motion to adjourn or close the debate, permission to speak on that motion shall be given only to one Member Delegation seconding and two Member Delegations opposing it, after which the motion shall immediately be put to the vote. The Presiding Officer may limit the time allowed to speakers under this Rule.

Rule 27: 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.

Rule 28: Order of Procedural Motions; Content of Interventions on Such Motions

(1) Subject to Rule 23, the following motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (i) to suspend the meeting,
- (ii) to adjourn the meeting,
- (iii) to adjourn the debate on the question under discussion,
- (iv) to close the debate on the question under discussion.

(2) Any Member Delegation that has been given the floor on a procedural motion may speak on that motion only, and may not speak on the substance of the matter under discussion.

Rule 29: Basic Proposal; Proposals for Amendment

(1)(a) Document TLT/R/DC/3 shall constitute the basis of the discussions in the Conference, and the text of the draft Treaty and of the draft Regulations contained in this document shall constitute the “Basic Proposal”.

(b) Where, for any given article or rule, there are two or three alternatives in the basic proposal, consisting of either two or three texts, or one or two texts and an alternative that there should be no such provision, the alternatives shall be designated with the letters A, B and, where applicable, C, and shall have equal status. Discussions shall take place simultaneously on the alternatives and, if voting is necessary and there is no consensus on which alternative should be put to the vote first, each Ordinary Member Delegation shall be invited to indicate its preference among the two or three alternatives. The alternative supported by more Ordinary Member Delegations than the other one or two alternatives shall be put to the vote first.

(c) Wherever the Basic Proposal contains words within square brackets, only the text that is not within square brackets shall be regarded as part of the Basic Proposal, whereas words within square brackets shall be treated as a proposal for amendment if presented as provided in paragraph (2).

(2) Any Member Delegation may propose amendments to the Basic Proposal.

(3) Proposals for amendment shall, as a rule, be submitted in writing and handed to the Secretary of the body concerned. The Secretariat shall distribute copies to the Delegations and the Observer Organizations. As a general rule, a proposal for amendment cannot be taken into consideration and discussed or put to the vote at a meeting unless copies of it have been distributed not later than three hours before it is taken into consideration. The Presiding Officer may, however, permit the taking into consideration and discussion of a proposal for amendment even though copies of it have not been distributed or have been distributed less than three hours before it is taken into consideration.

Rule 30: Decisions on the Competence of the Conference

(1) If a Member Delegation moves that a duly seconded proposal should not be taken into consideration by the Conference because it is outside the latter's competence, that motion shall be decided upon by the Conference, meeting in Plenary, before the proposal is taken into consideration.

(2) If the motion referred to in paragraph (1), above, is made in a body other than the Conference, meeting in Plenary, it shall be referred to the Conference, meeting in Plenary, for a ruling.

Rule 31: Withdrawal of Procedural Motions and Proposals for Amendment

Any procedural motion and any proposal for amendment may be withdrawn by the Member Delegation that has made it, at any time before voting on it has commenced, provided that no amendment to it has been proposed by another Member Delegation. Any motion or proposal thus withdrawn may be reintroduced by any other Member Delegation.

Rule 32: 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 the majority applicable under Rule 34(2)(ii). In addition to the proposer of the motion to reconsider, permission to speak on that motion shall be given only to one Member Delegation seconding and two Member Delegations opposing the motion, after which the motion shall immediately be put to the vote.

CHAPTER VI: VOTING

Rule 33: Right to Vote

Each Ordinary Member Delegation shall have the right to vote. An Ordinary Member Delegation shall have one vote, may represent itself only and may vote in its name only.

Rule 34: Required Majorities

- (1) All decisions of all bodies shall be made as far as possible by consensus.
- (2) If it is not possible to attain consensus, the following decisions shall require a majority of two-thirds of the Ordinary Member Delegations present and voting:
 - (i) adoption by the Conference, meeting in Plenary, of these Rules, and, once adopted, any amendment to them,
 - (ii) decision by any of the bodies to reconsider, under Rule 32, a matter decided,
 - (iii) adoption by the Conference, meeting in Plenary, of the Treaty and the Regulations,

whereas all other decisions of all bodies shall require a simple majority of the Ordinary Member Delegations present and voting.

- (3) “Voting” means casting an affirmative or negative vote; express abstention or non-voting shall not be counted.

Rule 35: Requirement of Seconding; Method of Voting

- (1) Any proposal for amendment made by a Member Delegation shall be put to a vote only if seconded by at least one other Member Delegation.
- (2) Voting on any question shall be by show of hands unless an Ordinary Member Delegation, seconded by at least one other Ordinary Member Delegation, requests a roll-call, in which case it shall be by roll-call. The roll shall be called in the alphabetical order of the names in French of the States, beginning with the Ordinary Member Delegation whose name shall have been drawn by lot by the Presiding Officer.

Rule 36: 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 a Member Delegation to explain its vote or its abstention, either before or after the voting.

Rule 37: Division of Proposals

Any Member Delegation may move that parts of the Basic Proposal or of any proposal for amendment be voted upon separately. If the request for division is objected to, the motion for division shall be put to a vote. In addition to the proposer of the motion for division, permission to speak on that motion shall be given only to one Member Delegation seconding and two Member Delegations opposing it. If the motion for division is carried, all parts of the Basic Proposal or of the proposal for amendment that have been separately approved shall again be put to the vote, together, as a whole. If all operative parts of the Basic Proposal or of the proposal for amendment have been rejected, the Basic Proposal or the proposal for amendment shall be considered rejected as a whole.

Rule 38: Voting on Proposals for Amendment

(1) Any proposal for amendment shall be voted upon before the text to which it relates is voted upon.

(2) Proposals for amendment relating to the same text shall be put to the vote in the order of their substantive remoteness from the said text, the most remote being put to the vote first and the least remote being put to the 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 other proposal or text shall not be put to the vote.

(3) If one or more proposals for amendment relating to the same text are adopted, the text as amended shall be put to the vote.

(4) Any proposal the purpose of which is to add to or delete from a text shall be considered a proposal for amendment.

Rule 39: Voting on Proposals for Amendment on the Same Question

Subject to Rule 38, where two or more proposals relate to the same question, they shall be put to the vote in the order in which they have been submitted, unless the body concerned decides on a different order.

Rule 40: Equally Divided Votes

(1) Subject to paragraph (2), if a vote is equally divided on a matter that calls only for a simple majority, the proposal shall be considered rejected.

(2) If a vote is equally divided on a proposal for electing a given person to a given position as officer and the nomination is maintained, the vote shall be repeated, until either that nomination is adopted or rejected or another person is elected for the position in question.

CHAPTER VII: LANGUAGES AND MINUTES

Rule 41: Languages of Oral Interventions

(1) Subject to paragraph (2), oral interventions made in the meetings of any of the bodies shall be in Arabic, Chinese, English, French, Portuguese, Russian or Spanish, and interpretation shall be provided by the Secretariat into Arabic, Chinese, English, French, Russian or Spanish.

(2) Any of the Committees and any working group may, if none of its members objects, decide to dispense with interpretation or to limit interpretation to some only of the languages that are referred to in paragraph (1).

Rule 42: Summary Minutes

(1) Provisional summary minutes of the meetings of the Conference, meeting in Plenary, and of the Main Committees shall be drawn up by the International Bureau and shall be made available as soon as possible after the closing of the Conference to all speakers, who shall, within two months after the minutes have been made available, inform the International Bureau of any suggestions for changes in the minutes of their own interventions.

(2) The final summary minutes shall be published in due course by the International Bureau.

Rule 43: Languages of Documents and Summary Minutes

(1) Any written proposal shall be presented to the Secretariat in Arabic, Chinese, English, French, Russian or Spanish. Such proposal shall be distributed by the Secretariat in Arabic, Chinese, English, French, Russian and Spanish.

(2) Reports of the Committees and any working group shall be distributed in Arabic, Chinese, English, French, Russian and Spanish. Information documents of the Secretariat shall be distributed in English and French.

(3)(a) Provisional summary minutes shall be drawn up in the language used by the speaker if the speaker has used English, French or Spanish; if the speaker has used another language, the intervention shall be rendered in English or French at the choice of the International Bureau.

(b) The final summary minutes shall be made available in English and French.

CHAPTER VIII: OPEN AND CLOSED MEETINGS

Rule 44: Meetings of the Conference and of the Main Committees

The meetings of the Conference, meeting in Plenary, and of the Main Committees shall be open to the public unless the Conference, meeting in Plenary, or the interested Main Committee, decides otherwise.

Rule 45: Meetings of Other Committees and of Working Groups

The meetings of the Credentials Committee, the Drafting Committee, the Steering Committee and any working group shall be open only to the members of the committee or the working group concerned and to the Secretariat.

CHAPTER IX: OBSERVER DELEGATIONS AND OBSERVER ORGANIZATIONS

Rule 46: Status of Observers

(1) Observer Delegations may attend, and make oral statements in, the Plenary meetings of the Conference and the meetings of the Main Committees.

(2) Observer Organizations may attend the Plenary meetings of the Conference and the meetings of the Main Committees. Upon the invitation of the Presiding Officer, they may make oral statements in those meetings on questions within the scope of their activities.

(3) Written statements submitted by Observer Delegations or by Observer Organizations on subjects for which they have a special competence and which are related to the work of the Conference shall be distributed by the Secretariat to the participants in the quantities and in the languages in which the written statements were made available to it.

CHAPTER X: AMENDMENTS TO THE RULES OF PROCEDURE

Rule 47: Possibility of Amending the Rules of Procedure

With the exception of the present rule, these Rules may be amended by the Conference, meeting in Plenary.

CHAPTER XI: FINAL ACT

Rule 48: Signing of the Final Act

If a final act is adopted, it shall be open for signature by any Delegation.

[Annex IIIA follows]

ANNEX IIIA

DRAFT OF THE INVITATION PROPOSED TO BE ADDRESSED
TO EACH ORDINARY MEMBER DELEGATION

The Director General of the World Intellectual Property Organization (WIPO) presents his compliments to the Minister for Foreign Affairs and has the honor to invite His Excellency's Government to be represented as an Ordinary Member Delegation at the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty.

The Diplomatic Conference will take place in Geneva, from Monday, March 13 to Friday, March 31, 2006, and will open at 10:00 a.m. on the first day.

Simultaneous interpretation will be provided from and into English, Arabic, Chinese, French, Russian and Spanish and from Portuguese into the other six languages.

The draft agenda of the Diplomatic Conference, the draft Rules of Procedure of the Diplomatic Conference, the draft Treaty and the draft Regulations are enclosed with this Note.

The draft Treaty and the draft Regulations together constitute the "Basic Proposal" mentioned in Rule 29(1)(a) of the draft Rules of Procedure of the Diplomatic Conference (document TLT/R/DC/2).

His Excellency's attention is drawn to the fact that the representatives of His Excellency's Government will need to be provided with credentials and, for signing the Treaty, with full powers (see Rule 6 of the draft Rules of Procedure of the Diplomatic Conference). The said credentials and full powers must be signed by the Head of State, the Head of Government or the Minister for Foreign Affairs. Credentials without full powers may also be signed by the Permanent Mission in Geneva of His Excellency's Government.

It would be appreciated if the names and titles of the representatives of His Excellency's Government could be communicated to the Director General of WIPO by January 13, 2006.

[date]

Enclosures: documents TLT/R/DC/1, 2 and 3

[Annex IIIB follows]

ANNEX IIIB

DRAFT OF THE INVITATION PROPOSED TO BE ADDRESSED TO THE AFRICAN
INTELLECTUAL PROPERTY ORGANIZATION, THE AFRICAN REGIONAL
INTELLECTUAL PROPERTY ORGANIZATION AND
THE EUROPEAN COMMUNITY

[date]

I have the pleasure to invite [the African Intellectual Property Organization] [the African Regional Intellectual Property Organization] [the European Community] to be represented as a Special Member Delegation at the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty.

The Diplomatic Conference will take place in Geneva, from Monday, March 13 to Friday, March 31, 2006, and will open at 10:00 a.m. on the first day.

Simultaneous interpretation will be provided from and into English, Arabic, Chinese, French, Russian and Spanish and from Portuguese into the other six languages.

The draft agenda of the Diplomatic Conference, the draft Rules of Procedure of the Diplomatic Conference, the draft Treaty and the draft Regulations are enclosed with this Note.

The draft Treaty and the draft Regulations together constitute the “Basic Proposal” mentioned in Rule 29(1)(a) of the draft Rules of Procedure of the Diplomatic Conference (document TLT/R/DC/2).

The status of [the African Intellectual Property Organization] [the African Regional Intellectual Property Organization] [the European Community] in the Diplomatic Conference will depend on the Rules of Procedure of the Diplomatic Conference to be adopted by that Conference at the beginning of the Conference. Accordingly, the Delegation of [the African Intellectual Property Organization] [the African Regional Intellectual Property Organization] [the European Community] will need credentials or a letter of appointment (see Rules 2, 6 and 7 of the draft Rules of Procedure of the Diplomatic Conference). The question of whether [the African Intellectual Property Organization] [the African Regional Intellectual Property Organization] [the European Community] may become party to the Treaty will be answered by the Treaty itself whose adoption is expected to take place towards the end of the Conference: if the answer is in the affirmative and the Delegation of [the African Intellectual Property Organization] [the African Regional Intellectual Property Organization] [the European Community] wishes to sign the said Treaty, it will need full powers. The above-mentioned credentials or letter of appointment and, as appropriate, full powers, must be signed by the Head of your Organization.

/...

It would be appreciated if the names and titles of the persons who will represent [the African Intellectual Property Organization] [the African Regional Intellectual Property Organization] [the European Community] could be communicated to me by January 13, 2006.

Sincerely yours,

Kamil Idris
Director General

Enclosures: documents TLT/R/DC/1, 2 and 3

[Annex IIIC follows]

ANNEX IIIC

DRAFT OF THE INVITATION PROPOSED TO BE ADDRESSED TO
EACH OBSERVER DELEGATION

The Director General of the World Intellectual Property Organization (WIPO) presents his compliments to the Minister for Foreign Affairs and has the honor to invite His Excellency's Government to be represented as an Observer Delegation at the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty.

The Diplomatic Conference will take place in Geneva, from Monday, March 13 to Friday, March 31, 2006, and will open at 10:00 a.m. on the first day.

Simultaneous interpretation will be provided from and into English, Arabic, Chinese, French, Russian and Spanish and from Portuguese into the other six languages.

The draft agenda of the Diplomatic Conference, the draft Rules of Procedure of the Diplomatic Conference, the draft Treaty and the draft Regulations are enclosed with this Note.

The draft Treaty and the draft Regulations together constitute the "Basic Proposal" mentioned in Rule 29(1)(a) of the draft Rules of Procedure of the Diplomatic Conference (document TLT/R/DC/2).

His Excellency's attention is drawn to the fact that the representatives of His Excellency's Government will need to be provided with credentials (see Rule 6(1) of the draft Rules of Procedure of the Diplomatic Conference). The said credentials should be signed by the Head of State, the Head of Government, the Minister for Foreign Affairs or the Permanent Representative in Geneva of His Excellency's Government.

It would be appreciated if the names and titles of the representatives of His Excellency's Government could be communicated to the Director General of WIPO by January 13, 2006.

[date]

Enclosures: documents TLT/R/DC/1, 2 and 3

[Annex IIID follows]

ANNEX III D

LIST OF INTERGOVERNMENTAL ORGANIZATIONS PROPOSED TO BE INVITED AS
OBSERVER ORGANIZATIONS

UN ONU	United Nations (UN) Organisation des Nations Unies (ONU) Naciones Unidas (ONU)
WHO	World Health Organization (WHO) Organisation mondiale de la santé (OMS) Organización Mundial de la Salud (OMS)
BBM	Benelux Trademark Office (BBM) Bureau Benelux des marques (BBM) Oficina Benelux de Marcas (BBM)
CE	Council of Europe (CE) Conseil de l'Europe (CE) Consejo de Europa (CE)
CIS CEI	Commonwealth of Independent States (CIS) Communauté des Etats indépendants (CEI) Comunidad de Estados Independientes (CEI)
COMUNIDAD ANDINA	General Secretariat of the Andean Community Secrétariat général de la Communauté Andine Secretaría general de la comunidad Andina
ECOWAS CEDEAO	Economic Community of West African States (ECOWAS) Communauté économique des Etats de l'Afrique de l'Ouest (CEDEAO) Comunidad Económica de los Estados de Africa Occidental (CEDEAO)
EPO OEB OEP	European Patent Organisation (EPO) Organisation européenne des brevets (OEB) Organización Europea de Patentes (OEP)
ICPIP CIPPI	Interstate Council for the Protection of Industrial Property (ICPIP) Conseil interétatique pour la protection de la propriété industrielle (CIPPI) Consejo Interstatal sobre la Protección de la Propiedad Industrial (ICPIP)

OIV	International Vine and Wine Office (OIV) Office international de la vigne et du vin (OIV) Oficina Internacional de la Viña y el Vino (OIV)
LAIA ALADI	Latin American Integration Association (LAIA) Association latinoaméricaine d'intégration (ALADI) Asociación Latinoamericana de Integración (ALADI)
AU UA	African Union (AU) Union africaine (UA) Unión Africana (UA)
SADC	Southern African Development Community (SADC) Communauté pour le développement de l'Afrique australe (SADC) Comunidad para el Desarrollo del África Meridional (SADC)
SELA SELA	Latin American Economic System (SELA) Système économique latinoaméricain (SELA) Sistema Económico Latinoamericano (SELA)
SIECA	Permanent Secretariat of the General Treaty of Central American Economic Integration (SIECA) Secrétariat permanent du Traité général d'intégration économique de l'Amérique centrale (SIECA) Secretaría Permanente del Tratado General de Integración Económica Centroamericana (SIECA)
CEMAC	Communauté économique et monétaire de l'Afrique centrale (CEMAC)
UNIDROIT	International Institute for the Unification of Private Law (UNIDROIT) Institut international pour l'unification du droit privé (UNIDROIT) Instituto Internacional para la Unificación del Derecho Privado (UNIDROIT)
WTO OMC	World Trade Organization (WTO) Organisation mondiale du commerce (OMC) Organización Mundial del Comercio (OMC)

LIST OF NON-GOVERNMENTAL ORGANIZATIONS PROPOSED TO BE INVITED
AS OBSERVER ORGANIZATIONS

ABA	American Bar Association (ABA) Association des avocats américains (ABA) Asociación de Abogados Americanos (ABA)
AIDV	International Wine Law Association (AIDV) Association internationale des juristes du droit de la vigne et du vin (AIDV) Asociación Internacional para el Derecho de la Viña y el Vino (AIDV)
AIM	European Brands Association (AIM) Association des industries de marque (AIM) Asociación de Industrias de Marca (AIM)
AIPLA	American Intellectual Property Law Association [USA] (AIPLA) Association américaine du droit de la propriété intellectuelle [E.U.] (AIPLA) Asociación Americana del Derecho de la Propiedad Intelectual [EE.UU] (AIPLA)
AIPPI	International Association for the Protection of Industrial Property (AIPPI) Association internationale pour la protection de la propriété industrielle (AIPPI) Asociación Internacional para la Protección de la Propiedad Industrial (AIPPI)
ALIFAR	Latin American Association of Pharmaceutical Industries (ALIFAR) Association latino-américaine des industries pharmaceutiques (ALIFAR) Asociación Latinoamericana de Industrias Farmacéuticas (ALIFAR)
APAA	Asian Patent Attorneys Association (APAA) Association asiatique d'experts juridiques en brevets (APAA) Asociación Asiática de Expertos Jurídicos en Patentes (APAA)
APPIMAF	Association for the Protection of Industrial Property in the Arab World (APPIMAF) Association pour la protection de la propriété industrielle dans le monde arabe (APPIMAF) Asociación para la Protección de la Propiedad Industrial en el Mundo Arabe (APPIMAF)
ASEAN IPA	ASEAN Intellectual Property Association (ASEAN IPA)
ASIPI ASIPI	Inter-American Association of Industrial Property (ASIPI) Association interaméricaine de propriété industrielle (ASIPI) Asociación Interamericana de la Propiedad Industrial (ASIPI)
ASPIP	Arab Society for the Protection of Industrial Property (ASPIP) Société arabe pour la protection de la propriété industrielle (ASPIP) Sociedad Arabe para la Protección de la Propiedad Industrial (ASPIP)

APRAM	French Association of Practitioners in Trademark and Law Designs (APRAM) Association française des praticiens du droit des marques et des modèles (APRAM) Asociación Francesa de Profesionales del Derecho de Marcas y Modelos (APRAM)
ATRIP	International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP) Association internationale pour la promotion de l'enseignement et de la recherche en propriété intellectuelle (ATRIP) Asociación Internacional para el Progreso de la Enseñanza y la Investigación de la Propiedad Intelectual (ATRIP)
BMM	Benelux Association of Trade Marks and Design Agents (BMM) Association Benelux des conseils en marques et modèles (BMM) Asociación de Agentes de Marcas y Modelos del Benelux (BMM)
CEPS	Confédération européenne des producteurs de spiritueux (CEPS)
CEFIC	European Chemical Industry Council (CEFIC) Conseil européen de l'industrie chimique (CEFIC) Consejo Europeo de la Industria Química (CEFIC)
CEIF CIFE	Council of European Industrial Federations (CEIF) Conseil des fédérations industrielles d'Europe (CIFE) Consejo de las Federaciones Industriales de Europa (CEIF)
CEIPI	Centre for International Industrial Property Studies (CEIPI) Centre d'études internationales de la propriété industrielle (CEIPI) Centro de Estudios Internacionales de la Propiedad Industrial (CEIPI)
CNIPA	Committee of National Institutes of Patent Agents (CNIPA)
COLC International	Committee Against Counterfeiting (COLC International) Comité pour la lutte anti-contrefaçon (COLC International)
ECACC	European Council of American Chambers of Commerce (ECACC) Conseil européen des chambres de commerce américaines (ECACC) Consejo Europeo de Camaras de Comercio Americanas (ECACC)
ECCLA	Exchange and Cooperation Centre for Latin America (ECCLA) Centre d'échange et de coopération pour l'Amérique Latine (CECAL) Centro de Intercambios y Cooperación para América Latina (CICAL)

ECTA	European Communities Trade Mark Association (ECTA) Association communautaire du droit des marques (ECTA) Asociación de Marcas de las Comunidades Europeas (ECTA)
EFPIA	European Federation of Pharmaceutical Industries' Associations (EFPIA) Fédération européenne des associations de l'industrie pharmaceutique (EFPIA) Federación Europea de Asociaciones de la Industria Farmacéutica (EFPIA)
FEMIP	European Federation of Agents of Industry in Industrial Property (FEMIP) Fédération européenne des mandataires de l'industrie en propriété industrielle (FEMIP) Federación Europea de Representantes de la Industria para la Propiedad Industrial (FEMIP)
FICPI	International Federation of Industrial Property Attorneys (FICPI) Fédération internationale des conseils en propriété industrielle (FICPI) Federación Internacional de Abogados de Propiedad Industrial (FICPI)
FIVS	International Federation of Wines and Spirits (FIVS)
IACC	International Anti-Counterfeiting Coalition (IACC)
IATA	International Airline Transport Association (IATA) Association du transport aérien international (IATA) Asociación de Transporte Aéreo Internacional (IATA)
ICC CCI	International Chamber of Commerce (ICC) Chambre de commerce internationale (CCI) Cámara de Comercio Internacional (CCI)
IFA	International Franchise Association (IFA)
IFCAI	International Federation of Commercial Arbitration Institutions (IFCAI) Fédération internationale des institutions d'arbitrage commercial (IFCAI) Federación Internacional de Instituciones de Arbitraje Comercial (IFCAI)
IFPI	International Federation of the Phonographic Industry (IFPI) Fédération internationale de l'industrie phonographique (IFPI) Federación Internacional de la Industria Fonográfica (IFPI)
IIP	Institute of Intellectual Property of Japan (IIP) Institut de propriété intellectuelle du Japon (IIP) Instituto de Propiedad Intelectual de Japón (IIP)
INTA	International Trademark Association (INTA) Association internationale pour les marques (INTA) Asociación Internacional de Marcas (INTA)
INADEV	Institute for African Development (INADEV)

ITMA	Institute of Trade Mark Attorneys (ITMA) Institut des agents de marques (ITMA) Instituto de Agentes de Marcas (ITMA)
IVF	International Video Federation (IVF) Fédération internationale de la vidéo (IVF) Federación Internacional de Videogramas (IVF)
JIPA	Japan Intellectual Property Association (JIPA) Association japonaise pour la propriété intellectuelle (JIPA) Asociación Japonesa de Propiedad Intelectual (JIPA)
JPAA	Japan Patent Attorneys Association (JPAA) Association japonaise des conseils en brevets (JPAA) Asociación Japonesa de Abogados de Patentes (JPAA)
JTA	Japan Trademark Association (JTA) Association japonaise pour les marques (JTA) Asociación Japonesa de Marcas (JTA)
LAWASIA	Law Association for Asia and the Pacific (LAWASIA) Association juridique de l'Asie et du Pacifique (LAWASIA) Asociación de Derecho para Asia y el Pacífico (LAWASIA)
LES	Licensing Executives Society International (LES)
LIDC	International League of Competition Law (LIDC) Ligue internationale du droit de la concurrence (LIDC) Liga Internacional del derecho de la competencia (LIDC)
Marques	Association of European Trade Marks Owners (Marques) Association des propriétaires européens de marques de commerce (Marques)
MPI	Max-Planck-Institute for Intellectual Property, Competition Law and Tax Law (MPI) Institut Max-Planck de propriété intellectuelle, droit de la concurrence et droit fiscal (MPI) Instituto Max Planck de Derecho de Propiedad Intelectual, Derecho de Competencia y Derecho Tributario (MPI)
PIPA	Pacific Intellectual Property Association (PIPA) Association de propriété intellectuelle du Pacifique (PIPA) Asociación de Propiedad Intelectual del Pacífico (PIPA)
UNICE	Union of Industrial and Employers' Confederations of Europe (UNICE) Union des confédérations de l'industrie et des employeurs d'Europe (UNICE) Unión de las Confederaciones de la Industria y de los Empleadores de Europa (UNICE)
UNION	Union of European Practitioners in Industrial Property (UNION) Union des praticiens européens en propriété industrielle (UNION) Unión de Profesionales Europeos en Propiedad Industrial (UNION)

UNIFAB

Union of Manufacturers for the International Protection of Industrial and Artistic Property (UNIFAB)
Union des fabricants pour la protection internationale de la propriété industrielle et artistique (UNIFAB)
Unión de Fabricantes para la Protección Internacional de la Propiedad Industrial y Artística (UNIFAB)

USTA

United States Telephone Association (USTA)

WASME

World Association for Small and Medium Enterprises (WASME)

(52)

DRAFT OF THE INVITATION PROPOSED TO BE ADDRESSED TO
EACH OBSERVER ORGANIZATION

[date]

Madam,
Sir,

I have the pleasure to invite your organization to be represented in an observer capacity at the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty.

The Diplomatic Conference will take place in Geneva, from Monday, March 13 to Friday, March 31, 2006, and will open at 10:00 a.m. on the first day.

Simultaneous interpretation will be provided from and into English, Arabic, Chinese, French, Russian and Spanish and from Portuguese into the other six languages.

./ The draft agenda of the Diplomatic Conference, the draft Rules of Procedure of the Diplomatic Conference, the draft Treaty and the draft Regulations are enclosed with this Note.

The draft Treaty and the draft Regulations together constitute the "Basic Proposal" mentioned in Rule 29(1)(a) of the draft Rules of Procedure of the Diplomatic Conference (document TLT/R/DC/2).

Your attention is drawn to the fact that your representatives will need to be provided with letters of appointment (see Rule 7 of the draft Rules of Procedure of the Diplomatic Conference). The said letters of appointment must be signed by the Executive Head of your organization.

I would appreciate it if the names and titles of the persons who will represent your organization could be communicated to me by January 13, 2006.

Sincerely yours,

Kamil Idris
Director General

Enclosures: documents TLT/R/DC/1, 2 and 3

[End of Annex IIID and of document]