

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

REPORT

adopted by the Preparatory Meeting

I. INTRODUCTION

1. The Preparatory Meeting for the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty (hereinafter referred to as “the Preparatory Meeting”) was held in Geneva on April 25 and 26, 2005.
2. The following States members of WIPO were represented: Algeria, Australia, Austria, Bangladesh, Belarus, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Côte d’Ivoire, Czech Republic, Democratic People’s Republic of Korea, Denmark, Dominican Republic, Egypt, Estonia, Finland, France, Gabon, Georgia, Germany, Haiti, Hungary, Indonesia, Iran (Islamic Republic of), Jamaica, Japan, Jordan, Kenya, Kyrgyzstan, Latvia, Lebanon, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Madagascar, Malawi, Malta, Mexico, Monaco, Mongolia, Morocco, Norway, Panama, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Senegal, Singapore, Slovakia, South Africa, Spain, Sudan, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States of America, Uzbekistan, Yemen, Zambia (68).
3. Representatives of the African Regional Intellectual Property Organization (ARIPO) and the European Community (EC) took part in the meeting in an observer capacity (2).

4. The list of Participants is given in Annex I to this report.
5. On behalf of the Director General of WIPO, Mr. Ernesto Rubio, Assistant Director General, opened the meeting and welcomed the participants.
6. The Preparatory Meeting unanimously elected Mr. Li-Feng Schrock (Germany) as Chair and Mr. James Otieno-Odek (Kenya) and Ms. Luz Celeste Ríos de Davis (Panama) as Vice-Chairs. Mr. Marcus Höpperger (WIPO) acted as Secretary to the meeting.
7. Discussions were based on document TLT/R/PM/2 (“Preparations for the Diplomatic Conference”).

II. PREPARATIONS FOR THE DIPLOMATIC CONFERENCE

Dates and Venue of the Diplomatic Conference

8. The President recalled the decision taken by the General Assembly of WIPO at the occasion of its thirty-first session (September 27 to October 5, 2004) to convene a Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty, in Geneva, from March 13 to 31, 2006 (document WO/GA/31/15, paragraph 73).
9. The Delegation of Singapore declared that Singapore sought the privilege of hosting the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty scheduled to take place from March 13 to 31, 2006. The Delegation indicated that, parallel to the fast economic growth in the Asia-Pacific region, intellectual property matters had grown in significance. It explained that the number of Contracting Parties to the TLT was relatively few, with only five out of the 38 countries belonging to the Asia and Pacific region. It considered it timely to bring activities such as those involving the TLT closer to new users of the system and particularly developing countries in order to encourage greater participation and involvement in the development of the international framework. The Delegation stated that Singapore would work to ensure that there were no additional cost implications in moving the venue from Geneva. It pointed out that this would include providing conference facilities, air fare and travel expenses of interpreters and WIPO staff, audiovisual and information technology equipment as well as event management, logistics and security. The Delegation expressed its willingness to look into the costs of participation of certain Member States coming from the capitals, in consultation with WIPO. It underlined that Singapore had been following closely developments concerning the TLT, and that its laws had been revised to be in line with the TLT 1994. The proposal to host the Diplomatic Conference was a signal of the strong commitment and support of Singapore for the overall aims of the TLT, particularly the simplification and harmonization of procedures and the removal of ambiguities in the best interests of the users. The Delegation stressed that Singapore provided a central location with an airport served by more than 70 airlines. Referring to the fact that the 1996 WTO Ministerial Conference was held in Singapore, and that the country would be hosting the 2006 World Bank Governing Board Meeting, it pointed out that Singapore would be prepared to provide the infrastructure and expertise necessary for hosting the Diplomatic Conference. The Delegation reiterated that there would be no additional cost implication for WIPO.

10. All delegations that took the floor subsequently to the statement by the Delegation of Singapore expressed their gratitude for the generous offer made by the Government of Singapore.
11. The Delegation of Australia held the view that the capacity of Singapore to hold the Diplomatic Conference had already been demonstrated clearly and suggested that the Preparatory Meeting convey to the General Assembly of WIPO a recommendation to hold the Diplomatic Conference in Singapore.
12. The Delegation of Cambodia pointed out that travel costs for its Delegation would be lower in case the Diplomatic Conference would be held in Singapore. It suggested that a recommendation to hold the Diplomatic Conference in Singapore be conveyed to the General Assembly of WIPO.
13. The Delegation of Kyrgyzstan indicated that, from its point of view, expenses for the participation in a diplomatic conference would be lower in Singapore. It held the view that the General Assembly should take the final decision on the venue of the Diplomatic Conference.
14. The Delegation of Panama said that the issue of the venue of the Diplomatic Conference had to be considered by the General Assembly of WIPO. The Delegation suggested that consultations be held in the regional groups and the Preparatory Meeting take a decision on whether or not a recommendation should be made to the General Assembly.
15. The Delegation of Kenya indicated that clear instructions from the capital would be needed in this question and suggested that the Delegation of Singapore submit its proposal in writing to all Member States.
16. The Delegation of Algeria stated that Singapore, as the venue of the Diplomatic Conference, would entail high travel costs, especially for representatives of poor countries. Pointing towards the need to consult with capitals, it expressed support for the suggestion by the Delegation of Kenya.
17. The Delegation of the Russian Federation expressed doubts as to the powers of the Preparatory Meeting to change the venue of the Diplomatic Conference and stressed the need to consult with capitals.
18. The Delegation of Italy stressed the need to hold consultations in the regional groups prior to making a decision on this matter.
19. The Delegation of France held the view that it could be premature to convey a recommendation to the General Assembly without further consultations.
20. The Delegation of Germany recalled that there would be no additional cost implications for WIPO if the venue for the Diplomatic Conference were Singapore. It indicated that its position was close to the view expressed by the Delegation of Australia. However, it also saw a need for consultations in the regional groups, as pointed out by the Delegation of Italy.

21. The Delegation of Austria stated that its position was similar to the views expressed by the Delegation of Australia. It took account of the need for further coordination and expressed its willingness to look into the issue favorably.

22. The Delegation of Sudan stated that governments would first have to be informed and consulted before a final decision on the venue could be taken.

23. The Chair adjourned the discussion on the proposal of the Delegation of Singapore, to hold consultations with the coordinators of the regional groups.

24. The Chair announced that he had held informal consultations with the coordinators of all regional groups concerning the venue of the Diplomatic Conference and the offer by the Government of Singapore to host that Conference. In that respect, he had proposed two possible courses of action. Option A would be that the Preparatory Meeting recommended to the WIPO General Assembly to accept the offer by the Government of Singapore to host the Diplomatic Conference. Option B would be that the Preparatory Meeting recommended to the Director General of WIPO to include an additional item in the Agenda for the forthcoming session of the WIPO General Assembly concerning the venue of the Diplomatic Conference. Following consultations with the group coordinators, it had become evident that consensus on option B could be achieved.

25. The Delegation of Morocco, speaking on behalf of the Group of African countries, said that it had taken note of the proposal by the Delegation of Singapore to host the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty, in March 2006 and expressed its thanks to the Delegation of Singapore for this offer. However, taking into account the time constraints, which did not allow countries of the African region to consult this matter with their capitals, and in view of the need for a more precise evaluation and a definition of the financial implications which could result from a change of venue of the Conference to Singapore, the Group of African countries held the view that this question should be included in the Agenda of the next General Assembly. That way, a decision may be taken by that Assembly, particularly since it was the latter which decided to hold the Diplomatic Conference in Geneva, in 2006. The African Group expected that a written document be made available to Member States, for consideration at the next General Assembly, containing a list of specifications and other conditions that the host country would propose. In any event, the African Group wished to call the attention of the meeting to the fact that there was a pressing need to cover the participation of delegations from all African countries, so as to allow them to effectively participate in the work of this Diplomatic Conference, to which they attach great importance.

26. The Delegation of Jamaica, speaking on behalf of the Group of countries of Latin America and the Caribbean, expressed thanks to the Government of Singapore for its offer to host the Diplomatic Conference. The Group noted the interesting proposal from the Government of Singapore, including the statement that there would be no additional cost implications for the Organization in moving the venue of the Conference away from Geneva. However, the Group was concerned about the cost implications for the participation of representatives from Latin America and the Caribbean if the Conference was held outside of Geneva. The Group could not support a course of action for the Preparatory Meeting to make

a recommendation to the General Assembly to change the venue. The Group could, however, support the second option, outlined by the Chairman, that the Preparatory Meeting recommend to the Director General to include an additional item on the agenda of the WIPO General Assembly concerning the offer of Singapore to host the Diplomatic Conference. Whatever decision taken by the WIPO General Assembly regarding the venue for the Diplomatic Conference, it was important that funding be made available to facilitate the full and effective participation of representatives from the Latin American and Caribbean region.

27. The Delegation of Italy, speaking on behalf of Group B expressed its warm thanks to the Delegation of Singapore for its offer and supported the proposal by the Chair to submit that offer for decision by the General Assembly. The Delegation supported the suggestion to present a document containing details on the proposal and its cost implications.

28. The Delegation of the Czech Republic, speaking on behalf of the Group of Countries of Central Europe and the Baltic States, said that the group had taken due note of the offer made by the Delegation of Singapore and that it supported the proposal to include an agenda item on this matter for consideration at the forthcoming General Assembly.

29. The Delegation of the Republic of Moldova, speaking on behalf of the Group of countries of the Caucasus, Central Asia and Eastern Europe, expressed its appreciation for the proposal put forward by the Delegation of Singapore. The Delegation expressed its support for the second option outlined by the Chair and believed that it would be more expedient to discuss this subject at the next WIPO General Assembly, thus also allowing sufficient time for consultations with the capitals.

30. The Chair concluded that there was a consensus by the Preparatory Meeting to

(i) thank the Government of Singapore for its generous offer to host the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty, and

(ii) request the Director General to add an item to the draft Agenda for the next session of the General Assembly, to take place in September 2005, concerning the venue for the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty.

31. The Delegation of Singapore thanked all participants in the meeting for having accepted to consider the offer by the Government of Singapore. The Delegation said that it would continue to work with the Member States and with WIPO in order to take this matter further. The Delegation expressed the hope of being able to welcome all in Singapore.

Agenda

32. The draft agenda of the Diplomatic Conference was approved as proposed. The draft agenda as approved appears in Annex II of the present document.

Rules of Procedure of the Diplomatic Conference

Chapter I: Objective, Competence, Composition and Secretariat of the Conference

33. The Delegation of Iran (Islamic Republic of), with regard to Rule 1(2)(v) and (vi), requested clarification as to recommendations or resolutions or any agreed statements. The Delegation emphasized that all these probable documents should be reflected in the framework of the Treaty, Regulations or notes, and should not be regarded as any separate documents or any new issues. With regard to Rule 3(2), the Delegation observed that there were some words in this paragraph like “observations” or “suggestions” that, in other rules, were combined with specific procedures. For the sake of clarity of the work of the delegations and the Secretariat, and to avoid any complexity, the Delegation suggested to replace the words “may participate in the discussions of the Conference” in the second line of the paragraph with the words “may attend the Conference” as well as the words “make oral or written statements, observations or suggestions to the Conference” in the fourth line with the words “make oral and written statements to the Conference”. The Delegation further proposed to add the words “and perform all other work that the Conference may require” at the end of the paragraph.

34. In reply to the first query of the Delegation of Iran (Islamic Republic of), the Secretariat noted that, apart from the Agenda and the Rules of Procedure of the Diplomatic Conference, the Basic Proposal, consisting of the draft Treaty and the draft Regulations in two separate documents, would be submitted to the Conference. The Notes would also be presented as a separate document. With regard to the second query, the Secretariat noted that it might be advisable to keep the wording of Rule 3(2) unchanged, as this provision had been used in previous Diplomatic Conferences, organized under the auspices of WIPO, where it did not seem to have raised any problems of interpretation.

35. The Delegation of Romania, referring to the proposed title of the Treaty in the French language, wondered whether it could be amended, in consultation with the French speaking delegations, in order to better reflect the content and purpose of the new instrument.

36. The Chair, in response to the intervention by the Delegation of Romania, noted that the Preparatory Meeting did not have the mandate to decide on the final title of the Treaty. The title used in the documents of the Preparatory Meeting and the title to be used in the Basic Proposal for the Diplomatic Conference may be considered as a working title only, and it would be the prerogative of the Diplomatic Conference to decide on the definitive title of the Treaty.

37. Chapter I was approved as proposed.

Chapter II: Representation

38. Chapter II was approved as proposed.

Chapter III: Committees and Working Groups

39. The Delegation of Iran (Islamic Republic of), with regard to Rule 12(1), asked for clarification as to any recommendation, resolution or agreed statement referred to in Rule 1(2)(v) and (vi). The Delegation indicated that all these documents should be in the framework of the Basic Proposal. They should not be part of a separate document. With regard to Rule 14(3), the Delegation emphasized that the Steering Committee should only deal with and make decisions on procedural matters like the facilitation of the work of the Main Committees and working groups etc. It stressed that the Steering Committee should avoid working on substantive matters. The Delegation held the view that the substance of the Treaty and the Regulations should be discussed and decided by the Member States meeting in Plenary.

40. The Secretariat indicated that Rule 1(2)(v) provided that the Conference, meeting in Plenary, was competent to adopt any recommendation or resolution whose subject matter was germane to the Treaty and the Regulations. According to Rule 12(1), Main Committee I was responsible for proposing, among others, any recommendation, resolution or agreed statement to be submitted for adoption by the Conference, meeting in Plenary. The Secretariat further noted that Main Committees I and II and any Working Groups established under those Committees would be bound by the Rules of Procedure adopted by the Conference. The Steering Committee, as stated in Rule 14(3) was equally bound by the Rules of Procedure as the other Committees.

41. Chapter III was approved as proposed.

Chapter IV: Officers

42. Chapter IV was approved as proposed.

Chapter V: Conduct of Business

43. The Delegation of Iran (Islamic Republic of), with regard to Rule 19(2), asked how the quorum would be determined, in a case where the members of a Committee would constitute an odd number.

44. The Secretariat explained that in such a situation, it would appear that the number of delegations necessary to constitute the quorum might have to be rounded up to the first higher number.

45. The Delegation of Zambia sought clarification with regard to the difference in the wording “Member Delegations” in Rule 19(1) and “Ordinary Member Delegations” in Rule 19(3).

46. The Secretariat noted that Rule 2(1)(i) and (ii) defined “Ordinary” and “Special” Member Delegations, and Rule 2(2) provided that, where the Rules of Procedure referred to

“Member Delegations”, this reference was to include both types of delegations, whereas otherwise, each type of delegation would be specifically referred to.

47. The Secretariat noted that there was a clerical error in Rule 29(1)(a), where the text should read “Documents TLT/R/DC/3 and 4”. Because the draft Treaty and the draft Regulations were presented as separate documents throughout the preparatory work of the Standing Committee for the Law of Trademarks, Industrial Designs and Geographical Indications (SCT), it proposed to continue this approach and to present the draft Treaty and the draft Regulations as separate documents.

48. The Delegation of Australia sought clarification on the status of the Notes, which had accompanied the discussion of the draft Treaty and Regulations. Specifically, the Delegation wondered if the Notes would be identified as part of the Basic Proposal, to be submitted to the Conference, under Rule 29.

49. The Secretariat noted, in reply to the question by the Delegation of Australia, that the Notes would be part of the meeting documents, although they would not be part of the Basic Proposal.

50. The Delegation of Germany, with regard to Rule 29(1)(b) and (c), expressed the view that these subparagraphs were perhaps not needed, since the text of the draft Revised Treaty and Regulations adopted by the SCT, at its fourteenth session, did not contain alternative texts or language in between brackets.

51. The Secretariat confirmed that, in light of the comments made by the Delegation of Germany, these subparagraphs could be deleted from the draft Rules of Procedure.

52. The Delegations of Australia and Mexico supported the proposal by the Delegation of Germany.

53. Chapter V was approved as proposed, subject to the deletion of subparagraphs (b) and (c) of Article 29(1).

Chapter VI: Voting

54. Chapter VI was approved as proposed.

Chapter VII: Languages and Minutes

55. Chapter VII was approved as proposed.

Chapter VIII: Open and Closed Meetings

56. Chapter VIII was approved as proposed.

Chapter IX: Observer Delegations and Observer Organizations

57. Chapter IX was approved as proposed.

Chapter X: Amendments to the Rules of Procedure

58. Chapter X was approved as proposed.

Chapter XI: Final Act

59. The Secretariat noted that reference to this Chapter would be included in the Table of Contents of the draft Rules of Procedure.

60. Chapter XI was approved as proposed.

61. The text of the draft Rules of Procedure, as approved, appears in Annex III of the present document.

Draft Invitations: States and Organizations to be Invited

62. With regard to the draft invitations proposed to be addressed to each Ordinary Member Delegation, to the African Intellectual Property Organization, the African Regional Intellectual Property Organization and the European Community, to each Observer Delegation and to each Observer Organization, the Secretariat proposed to put, in the second paragraph, the word “Geneva” between brackets, until a decision on the proposal by the Government of Singapore to host the Diplomatic Conference for the Adoption of a Revised Trademark Law Treaty was taken.

63. The Secretariat further proposed to delete the reference, in the fifth paragraph, to Rule 29(1)(a) and replace it by a reference to Rule 29(1), since subparagraphs (b) and (c) were deleted from the draft Rules of Procedure.

64. The Chair suggested to amend the number of enclosures to the drafts of the invitations proposed, by adding document TLT/R/DC/4.

65. In reply to a question raised by the Delegation of Iran (Islamic Republic of), concerning the content of the documents TLT/R/DC/1, 2, 3 and 4, the Chair explained that document TLT/R/DC/1 would be the draft Agenda of the Diplomatic Conference, document TLT/R/DC/2 would be the draft Rules of Procedure, documents TLT/R/DC/3 and 4 would be the Basic Proposal, constituted by the Draft Revised Trademark Law Treaty and the Draft Revised Regulations, respectively.

66. With regard to the list of intergovernmental organizations proposed to be invited to the Diplomatic Conference as Observer Organizations, the Delegation of South Africa proposed that the Southern African Customs Union (SACU) and the Common Market for East and Southern African States (COMESA) be invited.
67. The Delegation of Algeria proposed that the South Centre be invited.
68. The Delegation of Jordan proposed that the League of Arab States (LAS) be invited.
69. The Delegation of Portugal proposed that the Community of Portuguese-speaking Countries (CPLP) be invited.
70. The Delegation of Bangladesh proposed that the South Asian Association for Regional Cooperation (SAARC) be invited.
71. The Secretariat proposed to replace the list contained in Annex IIID of document TLT/R/PM/2 by a reference to document BIG/158/17. It explained that the latter document contained all intergovernmental and international non-governmental organizations having observer status with WIPO. The Secretariat suggested that, in addition, all organizations admitted as observers to the SCT be invited, including new organizations potentially obtaining this status at the fifteenth session of the SCT.
72. The Delegation of Canada sought clarification as to whether those organizations that would be granted permanent observer status with WIPO by the General Assembly in September 2005 would be invited to the Diplomatic Conference.
73. In reply to the query of the Delegation of Canada, the Chair confirmed that all the organizations that would be granted permanent observer status with WIPO in the General Assembly in September 2005 would be invited to the Diplomatic Conference as Observer Organizations.
74. The Delegation of Yemen proposed that the Federation of Chambers of Commerce and Industry in Yemen be invited.
75. The Chair drew the attention of the Preparatory Meeting to the fact that, pursuant to Rule 4(1) of the Draft Rules of Procedure (document TLT/R/PM/2), each Delegation might include advisors, such as national representatives of the private sector or the national Chamber of Commerce. He pointed out that the International Chamber of Commerce (ICC) was listed in document BIG/158/17 and, accordingly, would be invited to the Diplomatic Conference. Recalling the great number of national chambers of commerce, he suggested to limit the list of observer organizations to international organizations.
76. The Delegation of Yemen explained that a subregional organization was about to be established, the activities of which would focus on Djibouti, Eritrea, Somalia, Sudan and Yemen. The Delegation proposed that this Organization be invited and clarified that the costs of its participation could be borne by Yemen.

77. The Chair indicated that the invitation of an organization which was not established yet might be premature. He suggested that, once the subregional organization mentioned by the Delegation of Yemen was established, it should seek observer status with the SCT. By proceeding in this way, it could be ensured that the organization be invited.

78. Subject to the modifications mentioned, the invitation letters were approved as proposed. As regards observer organizations to be invited, it was decided that all organizations having permanent observer status with WIPO, organizations that have observer status with the SCT and the organizations mentioned in paragraphs 66 to 70 of this report be invited. The text of the draft invitations as approved, appears in Annex IV of the present document.

[Annexes follow]

ANNEXE I/ANNEX I

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

I. MEMBRES/MEMBERS

(dans l'ordre alphabétique des noms français des États)
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[L'annexe II suit/
Annex II follows]

ANNEX II

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 III follows]

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

ANNEX III

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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) Documents TLT/R/DC/3 and 4 shall constitute the basis of the discussions in the Conference, and the text of the draft Treaty and of the draft Regulations contained in these documents shall constitute the “Basic Proposal”.

(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 IVA follows]

ANNEX IVA

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 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) 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, 3 and 4

[Annex IVB follows]

ANNEX IVB

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 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) 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, 3 and 4

[Annex IVC follows]

ANNEX IVC

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 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) 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, 3 and 4

ANNEX IVD

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 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) 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, 3 and 4

[End of Annex IVD and of document]