

WORLD TRADE ORGANIZATION

RESTRICTED

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Council for Trade-Related Aspects of Intellectual Property Rights

IMPLEMENTATION OF THE OBLIGATIONS UNDER THE TRIPS AGREEMENT STEMMING FROM THE INCORPORATION OF THE PROVISIONS OF ARTICLE 6TER OF THE PARIS CONVENTION (1967)

Decision of the Council for TRIPS of 11 December 1995

For the purposes of the implementation of obligations between WTO Members under the TRIPS Agreement stemming from the incorporation into the TRIPS Agreement of the provisions of Article 6ter of the Paris Convention (1967), the following arrangements shall apply:

- (i) the communication of emblems and the transmittal of objections between WTO Members by the International Bureau of the World Intellectual Property Organization in accordance with the Agreement between the World Intellectual Property Organization and the World Trade Organization of 22 December 1995 shall constitute the communication of emblems and the transmittal of objections under the TRIPS Agreement;
- (ii) on the date that Article 2 of the TRIPS Agreement applies to a WTO Member that is also a State party to the Paris Convention, that WTO Member shall have the same obligations under the TRIPS Agreement vis-à-vis other WTO Members also States party to the Paris Convention that it has under the Paris Convention, without prejudice to the additional obligations under the TRIPS Agreement on WTO Members not bound under the Paris Convention to protect the emblems of international intergovernmental organizations;
- (iii) where an emblem is communicated to a WTO Member from another WTO Member and at least one of the WTO Members in question is not a party to the Paris Convention, the period of 12 months available under the TRIPS Agreement for the transmittal of objections pursuant to the provisions of Article 6ter(4) of the Paris Convention shall not begin earlier than the date of application of Article 2 of the TRIPS Agreement by the WTO Member receiving the communication. The same shall apply in respect of any communication of an emblem of an international intergovernmental organization to a WTO Member not party to the Paris Convention or not bound under the Paris Convention to protect such emblems.

For the purposes of the above, "emblem" means any armorial bearing, flag and other State emblem of a WTO Member, or any official sign or hallmark indicating control and warranty adopted by it, and, in the case of an international intergovernmental organization, any armorial bearing, flag, other emblem, abbreviation or name of that organization.