

Documents tabled on 11 September 2007:

National Interest Analysis [2007] ATNIA 30

with attachment on consultation

**Constitutional amendments to the *Convention Establishing the World Intellectual Property Organization* and other WIPO administered treaties adopted by the WIPO General Assemblies in September 1999 and October 2003:
[2007] ATNIF 20 and [2007] ATNIF 21**

Convention Establishing the World Intellectual Property Organization

Paris Convention for the Protection of Industrial Property

Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of Registration of Marks

Patent Cooperation Treaty

Strasbourg Agreement concerning the International Patent Classification

Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure

Berne Convention for the Protection of Literary and Artistic Works, 1971

**Contribution Classes of States Members of WIPO
and/or the Paris and/or Berne Unions¹**

Background information:

Current status lists of Parties

List of other treaties with the World Intellectual Property Organization

NATIONAL INTEREST ANALYSIS: CATEGORY 2 TREATY

SUMMARY PAGE

Constitutional amendments to the *Convention Establishing the World Intellectual Property Organization* and other WIPO administered treaties adopted by the WIPO General Assemblies in September 1999 and October 2003:

Convention Establishing the World Intellectual Property Organization
Paris Convention for the Protection of Industrial Property
Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of Registration of Marks
Patent Cooperation Treaty
Strasbourg Agreement concerning the International Patent Classification
Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure
Berne Convention for the Protection of Literary and Artistic Works, 1971

Nature and timing of proposed treaty action

1. The proposed treaty actions are the formal acceptance by Australia of various constitutional amendments to each of the above treaties.
2. The amendment to Article 9(3) of the WIPO Convention was adopted by the General Assemblies of the World Intellectual Property Organization (WIPO) in 1999. All of the other amendments were adopted by the WIPO General Assemblies in 2003. The amendments to each instrument will come into force one month after written acceptance by three-fourths of its Member States (pursuant to Article 17(3) of the WIPO Convention, 17(3) of Paris, 8(3) of Nice, 61(3) of the PCT, 11(3) of Strasbourg, 14(3) of Budapest and 26(3) of Berne). Once in force, the amendments to each instrument will bind all States that are a Party to that instrument, including those Parties that have not notified formal acceptance.
3. Notification of Australia's formal acceptance of the amendments is proposed to be undertaken as soon as practicable after the completion of domestic processes.

Overview and national interest summary

4. The WIPO General Assemblies adopted a recommendation in 1999 regarding the tenure of the Director General of WIPO, and several recommendations in 2003 regarding the abolition of the WIPO Conference, changes to the contribution system and the frequency of sessions of the WIPO General Assemblies. In implementing these recommendations, the WIPO General Assemblies have now adopted several amendments to the WIPO Convention and 11 other WIPO-administered treaties. Australia is supportive of constitutional reform which simplifies the WIPO system.
5. These amendments introduce no substantive changes to Australia's current obligations under these treaties, but are rather constitutional reforms aimed at simplifying the WIPO system. Such reforms will benefit Australia's pursuit of its substantive aims in the WIPO system.

Reasons for Australia to take the proposed treaty action

2003 amendments

6. As a result of a process of constitutional reform, the WIPO General Assemblies in 2003 agreed to administrative amendments to a number of treaties. These amendments relate to three matters:

- the abolition of the WIPO Conference;
- the formalisation of the unitary contribution system and changes in contribution classes that have been operative in practice since 1994; and
- the establishment of annual ordinary sessions of the WIPO General Assembly and the Assemblies of the Unions administered by WIPO.

7. Although the amendments affect 12 treaties administered by WIPO, Australia is only party to the following seven treaties that are to be amended:

- Convention Establishing the World Intellectual Property Organization [1972] ATS 15 (the WIPO Convention).
- Paris Convention for the Protection of Industrial Property [1972] ATS 12 (the Paris Convention).
- Berne Convention for the Protection of Literary and Artistic Works [1978] ATS 5 (the Berne Convention).
- Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of Registration of Marks [1979] ATS 2 (the Nice Agreement),
- Patent Cooperation Treaty [1980] ATS 6 (PCT).
- Strasbourg Agreement Concerning the International Patent Classification [1975] ATS 42 (the Strasbourg Agreement).
- Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure [1987] ATS 9 (the Budapest Treaty).

8. Australia strongly supports constitutional reforms that simplify the international intellectual property system and has previously indicated its support for these amendments. These reforms will benefit Australia's pursuit of its substantive aims in the WIPO system.

9. The amendments make no substantive changes to Australia's current obligations under these instruments. They do not impact on Intellectual Property rights or laws, and will merely formalise practices which have been in place for some years.

Abolition of the WIPO Conference

10. The WIPO Conference currently comprises all States party to the WIPO Convention, whether or not they are also a member of one of the Unions administered by WIPO. In contrast, the WIPO General Assembly currently comprises only those States party to the WIPO Convention that are also members of one of the Unions

administered by WIPO. The WIPO Conference does not meet separately from the General Assembly, and has considered very few items separately from the Assembly. With a view to improving the efficiency of the WIPO system, it has been decided to abolish the WIPO Conference, with its functions to be taken over by the General Assembly.

11. Consequently, it is proposed for the WIPO Convention to be amended as follows:

- Article 6(1) is to be amended to accord membership in the WIPO General Assembly to all States party to the WIPO Convention.
- Article 6(2) is to be amended to give the General Assembly the two independent functions currently exercised by the WIPO Conference. These correspond to those which are found at present in Article 7(2)(i) and (iv).
- Article 6(3) is to be amended to implement the principle that a State should have the right to vote only in respect of treaties by which it is bound.
- Article 6(5), which provides that States Parties that are not members of any of the Unions can attend meetings of the General Assembly as observers, is to be deleted; the amendments to Article 6(1) make this provision redundant.
- Articles 7, 8(1)(c) and 8(3)(iii) are to be deleted due to the abolition of the WIPO Conference.
- Article 8(3)(i) and Article 21 are to be amended to remove the reference to the WIPO Conference.
- In Articles 11(8)(c), 17 and 20 the reference to the Conference is to be replaced by a reference to the General Assembly.

Formalisation of the unitary contribution system and changes in contribution classes

12. The unitary contribution system has involved changes in the classes of financial contribution by Member States. These changes, which have been operative in practice since 1994, are more equitable and in line with the economic capacity of the developing countries to pay. A review of the operation of the unitary contribution system shows the number and rate of adherence to the contribution provisions have increased considerably, and the system has proven to be simpler to administer for the secretariat and for Member States. It has now been decided to formalise this practice.

13. Consequently, the WIPO Convention is to be amended as follows:

- Article 11(1) will be a new enabling provision for the budget consequent upon the adoption of the unitary contribution system. It will require that the budget of the organisation be presented so that the income and expenses of the organisation and of the various unions be indicated “in a fair and transparent manner.”
- Article 11(2) is to be modernised to reflect, first, the unitary contribution system and, secondly, the fact that the other sources of income referred to in the provision do not always relate to the specific items referred to in the present text of article 11(2)(b) of the WIPO Convention.

- Article 11(3), relating to the budget of the Conference, is to be deleted due to the abolition of the Conference and the fact that there has never been a budget of the Conference.
- Article 11(4) is to be amended so to implement the current practice for classes of contributions and the unitary contribution system. It retains three essential features (i) that contributions are based on a system of classes with assigned numbers of units, (ii) that the number of units assigned to each class is determined by the corresponding constituent organ for the treaty or treaties to which the class relates, and (iii) that each State of its own accord chooses its own contribution class.
- Article 11(5) contains minor modifications to reflect the unitary contribution system.
- Article 11(6) is to be deleted as fees and charges have not been imposed by the International Bureau “in the field of legal-technical assistance.”

14. Amendments similar to those being made to Article 11(1) and (2) of the WIPO Convention are also to be made to Article 16 of the Paris Convention, Article 25 of the Berne Convention, Article 7 of the Nice Agreement, Article 57 of the PCT and Article 9 of the Strasbourg Agreement.

15. Amendments similar to those being made to Article 11(4) of the WIPO Convention are also to be made to Article 16 of the Paris Convention and Article 25 of the Berne Convention.

Establishment of annual ordinary sessions of the WIPO General Assembly and the Assemblies of the Unions administered by WIPO.

16. It was considered by Member States that a two year interval between General Assemblies was too long, as illustrated by the practice of frequent extraordinary sessions. The WIPO General Assembly now currently meets annually, as do all Unions which have business to discuss. This practice is now to be codified into the Convention.

17. Consequently, Article 6(4)(a) of the WIPO Convention is to be amended to provide that the General Assembly will meet once in every calendar year.

18. Similar amendments are also to be made to Article 13(7)(a) of the Paris Convention, Article 22(4)(a) of the Berne Convention, Article 5(4)(a) of the Nice Agreement, Article 53(11)(a) of the PCT, Article 10(7)(a) of the Budapest Treaty, and Article 7(4)(a) of the Strasbourg Agreement.

Entry into force

19. In accordance with Article 17(3) of the WIPO Convention, Article 17(3) of the Paris Convention, Article 8(3) of the Nice Agreement, Article 61(3) of the PCT, Article 11(3) of the Strasbourg Agreement, Article 14(3) of the Budapest Treaty and Article 26(3) of the Berne Convention, the amendments to each instrument will enter into force one month after written notifications of acceptance have been received from three-fourths of the States that were party to the relevant instrument in 2003 (when the amendment was adopted). Once in force, the amendments will bind all States that are party to the instrument, including those States that have not formally accepted it.

1999 Amendments

The term of the Director General of WIPO.

20. At its 23rd session (7 to 15 September 1998), the WIPO General Assembly, acting upon the recommendation of the WIPO Coordination Committee, adopted a policy to limit the length of time a person may serve as the Directors General to a maximum of two fixed terms of six years each, and decided that the WIPO Convention should be amended accordingly.

21. Subsequently on 24 September 1999, the Paris Union and the Berne Union Assemblies and the WIPO Conference unanimously adopted an amendment to Article 9(3) of the WIPO Convention to this end.

Entry into force

22. In accordance with Article 17(3) of the WIPO Convention, the amendment will enter into force one month after written notifications of acceptance have been received from three-fourths of the States that were members of WIPO at the time the Conference adopted the amendment. Once in force, the amendments will bind all States that are party to the instrument, including those States that have not formally accepted it.

23. To date 47 of the required 129 notifications of acceptance have been received.

24. The current Director General is in his second term which is due to expire in 2009. When he was unanimously appointed by the General Assembly in 1997, the Director General stated, in the context of the Assemblies' discussions on the policies and practices for the nomination and appointment of a Director General, that he was "totally committed to the principle of limitation of mandates" (document WO/GA/XXI/13, paragraph 240).

Obligations

25. These amendments introduce no substantive changes to Australia's current obligations under these treaties.

Implementation

26. No Commonwealth or State and Territory action is required to implement the amendments to the WIPO treaties. Implementation will not affect the existing roles of the Commonwealth and States and Territories.

Costs

27. Formal acceptance of these administrative amendments is not expected to result in additional costs to the Commonwealth or State or Territory Governments.

Regulation Impact Statement

28. IP Australia has assessed the implementation of the amendments against criteria in The Best Practice Regulation Handbook. This regulatory option has no

impact on business and individuals or on the economy and a Regulation Impact Statement or Business Cost Calculator report is not required.

Future treaty action

29. Amendments to Article 17 of the WIPO Convention shift certain responsibilities in the amendment process from the WIPO Conference to the General Assembly, without changing the substance of that process. The amendments do not alter any other future treaty actions specified in each treaty.

30. An amendment to the WIPO Convention is to be adopted by a simple majority in the General Assembly. Any such amendment will enter into force for all Parties to the Convention once three-fourths of Parties have notified their acceptance of it (Article 17).

31. Specified provisions in each of the other instruments relating to certain administrative matters may be amended by a similar means—the amendment is to be adopted by a three-fourths vote in the Assembly of the relevant instrument (four-fifths for provisions relating to the Assembly). It will then enter into force for all Parties to the instrument once three-fourths of Parties have notified their acceptance of it. (Article 17 of the Paris Convention, Article 8 of the Nice Agreement, Article 61 of the PCT, Article 11 of the Strasbourg Agreement, Article 14 of the Budapest Treaty and Article 26 of the Berne Convention).

32. All other provisions of the other instruments can only be amended at a review conference convened for that purpose, the convocation of which being decided upon by the Assembly of the relevant instrument (Article 18 of the Paris Convention, Article 11 of the Nice Agreement, Article 60 of the PCT, Article 10 of the Strasbourg Agreement, Article 13 of the Budapest Treaty and Article 27 of the Berne Convention).

Withdrawal or Denunciation

33. The amendments do not alter the withdrawal or denunciation provisions specified in each treaty.

34. Any Party may denounce either the WIPO Convention or the PCT upon six months notice (Article 18 of the WIPO Convention and Article 66 of the PCT). Any Party may denounce the Budapest Treaty upon two years notice, provided the State had been party to the treaty for at least five years when giving the notice (Article 17). Any Party may denounce any of the other instruments upon one year notice, provided that the State had been party to the instrument for at least five years when giving the notice (Article 26 of the Paris Convention, Article 12 of the Nice Agreement, Article 15 of the Strasbourg Agreement and Article 35 of the Berne Convention).

Contact Details

International Policy
Business Development and Strategy
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- Berne Convention for the Protection of Literary and Artistic Works, 1971**

Consultation

1. IP Australia consults regularly with industry and professional organisations. Consultation includes meetings with groups such as the Inventors Associations, the Australian Manufacturers' Patents, Industrial Designs, Copyright and Trade Mark Association (AMPICTA), the Institute of Patent and Trade Mark Attorneys of Australia (IPTA), the Advisory Council on Intellectual Property (ACIP) and the Law Council of Australia. Such meetings include opportunities for exchanging information on IP Australia's activities. In particular the treaty actions regarding the Singapore Treaty on the Law of Trademarks, Patent Law Treaty and formal acceptance of the administrative amendments to several WIPO treaties were items on the agenda for meetings with AMPICTA, IPTA, ACIP and the trade marks Combined Interest Group (CIG). CIG includes representatives from IPTA, AMPICTA and the Law Council. Favourable and supportive comments were received from these meetings.
2. IP Australia placed on its website, in May 2007, a Public Consultation Notice regarding Australia's consideration of the Singapore Treaty, Patent Law Treaty and formal acceptance of the administrative amendments to several WIPO treaties. The Public Consultation Notice provided a general overview of these actions, advised the dates of free Information Sessions to be held in each mainland capital city and called for comments on the proposed treaty actions. A Public Consultation Paper with more detailed information on the formal acceptance of the administrative amendments to several WIPO treaties was also provided with the Public Consultation Notice.
3. In May 2007 approximately 1200 people were notified by email of the potential treaty action and their attention was directed to the Public Consultation Notice and the Consultation papers. They included intellectual property professionals, academics, intellectual property owners and potential applicants for intellectual property rights as well as staff of State and federal government departments and agencies.

4. These consultations were also listed on the www.business.gov.au website in May 2007. This Business Consultation website allows the Australian Government to easily consult with business owners, associations and people interested in business.

5. Public Information Seminars were held around Australia in June. IP Australia officials presented on each of the treaty actions.

6. There has been little interest from stakeholders as there is no impact on intellectual property rights or intellectual property laws. Attendees at the Public Information Seminars considered that as the amendments will formalise the current administrative practices in WIPO it was appropriate for Australia to accept them.

7. The constitutional amendments to several WIPO treaties have also been included on the twice yearly schedules of the Commonwealth-State/Territory Standing Committee on Treaties since 2004. The schedules allow the States and Territories to seek further information at the twice yearly meetings; however no State or Territory has sought further information from this committee.

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CURRENT STATUS LIST OF PARTIES

Note:

The date in each column is the date that treaty entered into force in that country. Where the country has to date only signed the treaty that is indicated. Where the column is blank the country has not signed or joined the treaty.

Country	WIPO Convention	Notified acceptance of 1999 WIPO amendment	Paris Convention	Nice Agreement	PCT	Strasbourg Agreement	Budapest Treaty	Berne Convention
Afghanistan	December 13, 2005							
Albania	June 30, 1992		October 4, 1995	September 19, 2003	October 4, 1995	July 24, 2007	September 19, 2003	March 6, 1994
Algeria	April 16, 1975		March 1, 1966	July 5, 1972	March 8, 2000			April 19, 1998
Andorra	October 28, 1994	12 January 2001	June 2, 2004					June 2, 2004
Angola	April 15, 1985							
Antigua and Barbuda	March 17, 2000		March 17, 2000		March 17, 2000			March 17, 2000
Argentina	October 8, 1980	August 23, 2004	February 10, 1967		Signature			June 10, 1967
Armenia	April 22, 1993		December 25, 1991	March 6, 2005	December 25, 1991	December 6, 2005	March 6, 2005	October 19, 2000

Country	WIPO Convention	Notified acceptance of 1999 WIPO amendment	Paris Convention	Nice Agreement	PCT	Strasbourg Agreement	Budapest Treaty	Berne Convention
Australia	August 10, 1972		October 10, 1925	April 8, 1961	March 31, 1980	November 12, 1975	July 7, 1987	April 14, 1928
Austria	August 11, 1973		January 1, 1909	November 30, 1969	April 23, 1979	October 7, 1975	April 26, 1984	October 1, 1920
Azerbaijan	December 25, 1995		December 25, 1995	October 14, 2003	December 25, 1995	July 14, 2004	October 14, 2003	June 4, 1999
Bahamas	January 4, 1977		July 10, 1973					July 10, 1973
Bahrain	June 22, 1995		October 29, 1997	December 15, 2005	March 18, 2007			March 2, 1997
Bangladesh	May 11, 1985		March 3, 1991					May 4, 1999
Barbados	October 5, 1979		March 12, 1985	March 12, 1985	March 12, 1985			July 30, 1983
Belarus	April 26, 1970		December 25, 1991	June 12, 1998	December 25, 1991	March 12, 1999	October 19, 2001	December 12, 1997
Belgium	January 31, 1975		July 7, 1884	June 6, 1962	December 14, 1981	July 4, 1976	December 15, 1983	December 5, 1887
Belize	June 17, 2000		June 17, 2000		June 17, 2000			June 17, 2000
Benin	March 9, 1975	January 19, 2000	January 10, 1967	February 6, 1979	February 26, 1987			January 3, 1961
Bhutan	March 16, 1994		August 4, 2000					November 25, 2004
Bolivia	July 6, 1993		November 4, 1993					November 4, 1993
Bosnia and Herzegovina	March 1, 1992		March 1, 1992	March 1, 1992	September 7, 1996			March 1, 1992

Country	WIPO Convention	Notified acceptance of 1999 WIPO amendment	Paris Convention	Nice Agreement	PCT	Strasbourg Agreement	Budapest Treaty	Berne Convention
Botswana	April 15, 1998		April 15, 1998		October 30, 2003			April 15, 1998
Brazil	March 20, 1975	January 3, 2000	July 7, 1884		April 9, 1978	October 7, 1975		February 9, 1922
Brunei Darussalam	April 21, 1994							August 30, 2006
Bulgaria	May 19, 1970		June 13, 1921	February 27, 2001	May 21, 1984	November 27, 2001	August 19, 1980	December 5, 1921
Burkina Faso	August 23, 1975	February 28, 2000	November 19, 1963		March 21, 1989			August 19, 1963
Burundi	March 30, 1977		September 3, 1977					
Cambodia	July 25, 1995		September 22, 1998					
Cameroon	November 3, 1973		May 10, 1964		January 24, 1978			September 21, 1964
Canada	June 26, 1970	August 11, 2000	June 12, 1925		January 2, 1990	January 11, 1996	September 21, 1996	April 10, 1928
Cape Verde	July 7, 1997							July 7, 1997
Central African Republic	August 23, 1978		November 19, 1963		January 24, 1978			September 3, 1977
Chad	September 26, 1970		November 19, 1963		January 24, 1978			November 25, 1971
Chile	June 25, 1975		June 14, 1991					June 5, 1970
China	June 3, 1980	May 1, 2000	March 19, 1985	August 9, 1994	January 1, 1994	June 19, 1997	July 1, 1995	October 15, 1992
Colombia	May 4, 1980		September 3, 1996		February 28, 2001			March 7, 1988

Country	WIPO Convention	Notified acceptance of 1999 WIPO amendment	Paris Convention	Nice Agreement	PCT	Strasbourg Agreement	Budapest Treaty	Berne Convention
Comoros	April 3, 2005		April 3, 2005		April 3, 2005			April 17, 2005
Congo	December 2, 1975		September 2, 1963		January 24, 1978			May 8, 1962
Costa Rica	June 10, 1981		October 31, 1995		August 3, 1999			June 10, 1978
Côte d'Ivoire	May 1, 1974		October 23, 1963		April 30, 1991			January 1, 1962
Croatia	October 8, 1991		October 8, 1991	October 8, 1991	July 1, 1998	November 25, 2000	February 25, 2000	October 8, 1991
Cuba	March 27, 1975	July 12, 2002	November 17, 1904	December 26, 1995	July 16, 1996	November 9, 1996	February 19, 1994	February 20, 1997
Cyprus	October 26, 1984		January 17, 1966		April 1, 1998			February 24, 1964
Czech Republic	January 1, 1993		January 1, 1993	January 1, 1993	January 1, 1993	January 1, 1993	January 1, 1993	January 1, 1993
Democratic People's Republic of Korea	August 17, 1974	March 24, 2000	June 10, 1980	June 6, 1997	July 8, 1980	November 21, 2002	February 21, 2002	April 28, 2003
Democratic Republic of the Congo	January 28, 1975		January 31, 1975					October 8, 1963
Denmark	April 26, 1970	January 7, 2000	October 1, 1894	November 30, 1961	December 1, 1978	October 7, 1975	July 1, 1985	July 1, 1903
Djibouti	May 13, 2002		May 13, 2002					May 13, 2002

Country	WIPO Convention	Notified acceptance of 1999 WIPO amendment	Paris Convention	Nice Agreement	PCT	Strasbourg Agreement	Budapest Treaty	Berne Convention
Dominica	September 26, 1998	April 6, 2000	August 7, 1999	September 8, 2000	August 7, 1999			August 7, 1999
Dominican Republic	June 27, 2000		July 11, 1890		May 28, 2007		July 3, 2007	December 24, 1997
Ecuador	May 22, 1988	December 21, 1999	June 22, 1999		May 7, 2001			October 9, 1991
Egypt	April 21, 1975		July 1, 1951	June 18, 2005	September 6, 2003	October 17, 1975		June 7, 1977
El Salvador	September 18, 1979	November 10, 2003	February 19, 1994		August 17, 2006		August 17, 2006	February 19, 1994
Equatorial Guinea	June 26, 1997		June 26, 1997		July 17, 2001			June 26, 1997
Eritrea	February 20, 1997							
Estonia	February 5, 1994		August 24, 1994	May 27, 1996	August 24, 1994	February 27, 1997	September 14, 1996	October 26, 1994
Ethiopia	February 19, 1998							
Fiji	March 11, 1972							December 1, 1971
Finland	September 8, 1970	March 28, 2000	September 20, 1921	August 18, 1973	October 1, 1980	May 16, 1976	September 1, 1985	April 1, 1928
France	October 18, 1974	March 21, 2007	July 7, 1884	April 8, 1961	February 25, 1978	October 7, 1975	August 19, 1980	December 5, 1887
Gabon	June 6, 1975		February 29, 1964		January 24, 1978			March 26, 1962
Gambia	December 10, 1980		January 21, 1992		December 9, 1997			March 7, 1993

Country	WIPO Convention	Notified acceptance of 1999 WIPO amendment	Paris Convention	Nice Agreement	PCT	Strasbourg Agreement	Budapest Treaty	Berne Convention
Georgia	December 25, 1991		December 25, 1991	February 28, 2003	December 25, 1991		September 30, 2005	May 16, 1995
Germany	September 19, 1970	April 11, 2003	May 1, 1903	January 29, 1962	January 24, 1978	October 7, 1975	January 20, 1981	December 5, 1887
Ghana	June 12, 1976		September 28, 1976		February 26, 1997			October 11, 1991
Greece	March 4, 1976		October 2, 1924	November 7, 1998	October 9, 1990	October 21, 1997	October 30, 1993	November 9, 1920
Grenada	September 22, 1998		September 22, 1998		September 22, 1998			September 22, 1998
Guatemala	April 30, 1983	November 14, 2001	August 18, 1998		October 14, 2006		October 14, 2006	July 28, 1997
Guinea	November 13, 1980		February 5, 1982	November 5, 1996	May 27, 1991	August 5, 1997		November 20, 1980
Guinea-Bissau	June 28, 1988		June 28, 1988		December 12, 1997			July 22, 1991
Guyana	October 25, 1994		October 25, 1994					October 25, 1994
Haiti	November 2, 1983		July 1, 1958					January 11, 1996
Holy See	April 20, 1975	December 16, 1999	September 29, 1960		Signature	Signature		September 12, 1935
Honduras	November 15, 1983		February 4, 1994		June 20, 2006		June 20, 2006	January 25, 1990
Hungary	April 26, 1970		January 1, 1909	March 23, 1967	June 27, 1980		August 19, 1980	February 14, 1922
Iceland	September 13, 1986		May 5, 1962	April 9, 1995	March 23, 1995		March 23, 1995	September 7, 1947

Country	WIPO Convention	Notified acceptance of 1999 WIPO amendment	Paris Convention	Nice Agreement	PCT	Strasbourg Agreement	Budapest Treaty	Berne Convention
India	May 1, 1975	September 22, 2000	December 7, 1998		December 7, 1998		December 17, 2001	April 1, 1928
Indonesia	December 18, 1979		December 24, 1950		September 5, 1997			September 5, 1997
Iran (Islamic Republic of)	March 14, 2002		December 16, 1959		Signature	Signature		
Iraq	January 21, 1976		January 24, 1976					
Ireland	April 26, 1970	March 16, 2001	December 4, 1925	December 12, 1966	August 1, 1992	October 7, 1975	December 15, 1999	October 5, 1927
Israel	April 26, 1970		March 24, 1950	April 8, 1961	June 1, 1996	October 7, 1975	April 26, 1996	March 24, 1950
Italy	April 20, 1977		July 7, 1884	April 8, 1961	March 28, 1985	March 30, 1980	March 23, 1986	December 5, 1887
Jamaica	December 25, 1978		December 24, 1999	February 7, 2006				January 1, 1994
Japan	April 20, 1975	July 9, 2002	July 15, 1899	February 20, 1990	October 1, 1978	August 18, 1977	August 19, 1980	July 15, 1899
Jordan	July 12, 1972	February 1, 2000	July 17, 1972					July 28, 1999
Kazakhstan	December 25, 1991		December 25, 1991	April 24, 2002	December 25, 1991	January 24, 2003	April 24, 2002	April 12, 1999
Kenya	October 5, 1971		June 14, 1965		June 8, 1994			June 11, 1993
Kuwait	July 14, 1998							
Kyrgyzstan	December 25, 1991	February 26, 2002	December 25, 1991	December 10, 1998	December 25, 1991	September 10, 1999	May 17, 2003	July 8, 1999

Country	WIPO Convention	Notified acceptance of 1999 WIPO amendment	Paris Convention	Nice Agreement	PCT	Strasbourg Agreement	Budapest Treaty	Berne Convention
Lao People's Democratic Republic	January 17, 1995		October 8, 1998		June 14, 2006			
Latvia	January 21, 1993		September 7, 1993	January 1, 1995	September 7, 1993		December 29, 1994	August 11, 1995
Lebanon	December 30, 1986		September 1, 1924	April 8, 1961				September 30, 1947
Lesotho	November 18, 1986		September 28, 1989		October 21, 1995			September 28, 1989
Liberia	March 8, 1989		August 27, 1994		August 27, 1994			March 8, 1989
Libyan Arab Jamahiriya	September 28, 1976		September 28, 1976		September 15, 2005			September 28, 1976
Liechtenstein	May 21, 1972		July 14, 1933	May 29, 1967	March 19, 1980	Signature	August 19, 1981	July 30, 1931
Lithuania	April 30, 1992		May 22, 1994	February 22, 1997	July 5, 1994		May 9, 1998	December 14, 1994
Luxembourg	March 19, 1975	January 24, 2003	June 30, 1922	March 24, 1975	April 30, 1978	April 9, 1977	Signature	June 20, 1888
Madagascar	December 22, 1989	January 24, 2000	December 21, 1963		January 24, 1978			January 1, 1966
Malawi	June 11, 1970		July 6, 1964	October 24, 1995	January 24, 1978	July 24, 1996		October 12, 1991
Malaysia	January 1, 1989		January 1, 1989		August 16, 2006			October 1, 1990
Maldives	May 12, 2004							
Mali	August 14, 1982		March 1, 1983		October 19, 1984			March 19, 1962

Country	WIPO Convention	Notified acceptance of 1999 WIPO amendment	Paris Convention	Nice Agreement	PCT	Strasbourg Agreement	Budapest Treaty	Berne Convention
Malta	December 7, 1977		October 20, 1967		March 1, 2007			September 21, 1964
Mauritania	September 17, 1976		April 11, 1965		April 13, 1983			February 6, 1973
Mauritius	September 21, 1976	January 12, 2000	September 24, 1976					May 10, 1989
Mexico	June 14, 1975		September 7, 1903	March 21, 2001	January 1, 1995	October 26, 2001	March 21, 2001	June 11, 1967
Micronesia (Federated States of)								October 7, 2003
Moldova	December 25, 1991	September 27, 2001	December 25, 1991	December 1, 1997	December 25, 1991	September 1, 1998	December 25, 1991	November 2, 1995
Monaco	March 3, 1975		April 29, 1956	April 8, 1961	June 22, 1979	June 13, 1976	January 23, 1999	May 30, 1889
Mongolia	February 28, 1979		April 21, 1985	June 16, 2001	May 27, 1991	March 16, 2002		March 12, 1998
Montenegro	June 3, 2006		June 3, 2006	June 3, 2006	June 3, 2006		June 3, 2006	June 3, 2006
Morocco	July 27, 1971		July 30, 1917	October 1, 1966	October 8, 1999			June 16, 1917
Mozambique	December 23, 1996		July 9, 1998	January 18, 2002	May 18, 2000			
Myanmar	May 15, 2001							
Namibia	December 23, 1991		January 1, 2004		January 1, 2004			March 21, 1990
Nepal	February 4, 1997		June 22, 2001					January 11, 2006

Country	WIPO Convention	Notified acceptance of 1999 WIPO amendment	Paris Convention	Nice Agreement	PCT	Strasbourg Agreement	Budapest Treaty	Berne Convention
Netherlands	January 9, 1975	April 10, 2003	July 7, 1884	August 20, 1962	July 10, 1979	October 7, 1975	July 2, 1987	November 1, 1912
New Zealand	June 20, 1984		July 29, 1931		December 1, 1992			April 24, 1928
Nicaragua	May 5, 1985		July 3, 1996		March 6, 2003		August 10, 2006	August 23, 2000
Niger	May 18, 1975	January 29, 2001	July 5, 1964		March 21, 1993			May 2, 1962
Nigeria	April 9, 1995	May 31, 2000	September 2, 1963		May 8, 2005			September 14, 1993
Norway	June 8, 1974		July 1, 1885	July 28, 1961	January 1, 1980	October 7, 1975	January 1, 1986	April 13, 1896
Oman	February 19, 1997		July 14, 1999		October 26, 2001		October 16, 2007	July 14, 1999
Pakistan	January 6, 1977		July 22, 2004					July 5, 1948
Panama	September 17, 1983	February 23, 2000	October 19, 1996					June 8, 1996
Papua New Guinea	July 10, 1997		June 15, 1999		June 14, 2003			
Paraguay	June 20, 1987		May 28, 1994					January 2, 1992
Peru	September 4, 1980		April 11, 1995					August 20, 1988
Philippines	July 14, 1980		September 27, 1965		August 17, 2001		October 21, 1981	August 1, 1951
Poland	March 23, 1975	November 13, 2000	November 10, 1919	March 4, 1997	December 25, 1990	December 4, 1997	September 22, 1993	January 28, 1920

Country	WIPO Convention	Notified acceptance of 1999 WIPO amendment	Paris Convention	Nice Agreement	PCT	Strasbourg Agreement	Budapest Treaty	Berne Convention
Portugal	April 27, 1975		July 7, 1884	April 8, 1961	November 24, 1992	May 1, 1979	October 16, 1997	March 29, 1911
Qatar	September 3, 1976		July 5, 2000					July 5, 2000
Republic of Korea	March 1, 1979	April 20, 2000	May 4, 1980	January 8, 1999	August 10, 1984	October 8, 1999	March 28, 1988	August 21, 1996
Romania	April 26, 1970		October 6, 1920	June 30, 1998	July 23, 1979	March 31, 1999	September 25, 1999	January 1, 1927
Russian Federation	April 26, 1970		July 1, 1965	July 26, 1971	March 29, 1978	October 3, 1976	April 22, 1981	March 13, 1995
Rwanda	February 3, 1984		March 1, 1984					March 1, 1984
Saint Kitts and Nevis	November 16, 1995		April 9, 1995	October 27, 2005	October 27, 2005			April 9, 1995
Saint Lucia	August 21, 1993	January 10, 2000	June 9, 1995	March 18, 2001	August 30, 1996			August 24, 1993
Saint Vincent and the Grenadines	August 29, 1995		August 29, 1995		August 6, 2002			August 29, 1995
Samoa	October 11, 1997							July 21, 2006
San Marino	June 26, 1991		March 4, 1960		December 14, 2004			
Sao Tome and Principe	May 12, 1998		May 12, 1998					
Saudi Arabia	May 22, 1982	March 30, 2000	March 11, 2004					March 11, 2004

Country	WIPO Convention	Notified acceptance of 1999 WIPO amendment	Paris Convention	Nice Agreement	PCT	Strasbourg Agreement	Budapest Treaty	Berne Convention
Senegal	April 26, 1970	February 23, 2000	December 21, 1963		January 24, 1978		Signature	August 25, 1962
Serbia	April 27, 1992		April 27, 1992	April 27, 1992	February 1, 1997	Signature	February 25, 1994	April 27, 1992
Seychelles	March 16, 2000		November 7, 2002		November 7, 2002			
Sierra Leone	May 18, 1986		June 17, 1997		June 17, 1997			
Singapore	December 10, 1990		February 23, 1995	March 18, 1999	February 23, 1995		February 23, 1995	December 21, 1998
Slovakia	January 1, 1993		January 1, 1993	January 1, 1993	January 1, 1993	January 1, 1993	January 1, 1993	January 1, 1993
Slovenia	June 25, 1991	May 21, 2001	June 25, 1991	June 25, 1991	March 1, 1994	May 10, 2002	March 12, 1998	June 25, 1991
Somalia	November 18, 1982							
South Africa	March 23, 1975		December 1, 1947		March 16, 1999		July 14, 1997	October 3, 1928
Spain	April 26, 1970	November 10, 2000	July 7, 1884	April 8, 1961	November 16, 1989	November 29, 1975	March 19, 1981	December 5, 1887
Sri Lanka	September 20, 1978	March 14, 2000	December 29, 1952		February 26, 1982			July 20, 1959
Sudan	February 15, 1974		April 16, 1984		April 16, 1984			December 28, 2000
Suriname	November 25, 1975		November 25, 1975	December 16, 1981		November 25, 1975		February 23, 1977
Swaziland	August 18, 1988		May 12, 1991		September 20, 1994			December 14, 1998

Country	WIPO Convention	Notified acceptance of 1999 WIPO amendment	Paris Convention	Nice Agreement	PCT	Strasbourg Agreement	Budapest Treaty	Berne Convention
Sweden	April 26, 1970		July 1, 1885	July 28, 1961	May 17, 1978	October 7, 1975	October 1, 1983	August 1, 1904
Switzerland	April 26, 1970	June 28, 2001	July 7, 1884	August 20, 1962	January 24, 1978	October 7, 1975	August 19, 1981	December 5, 1887
Syrian Arab Republic	November 18, 2004		September 1, 1924	March 28, 2005	June 26, 2003			June 11, 2004
Tajikistan	December 25, 1991		December 25, 1991	December 25, 1991	December 25, 1991	December 25, 1991	December 25, 1991	March 9, 2000
Thailand	December 25, 1989	August 21, 2000						July 17, 1931
The former Yugoslav Republic of Macedonia	September 8, 1991	April 26, 2000	September 8, 1991	September 8, 1991	August 10, 1995	May 30, 2003	August 30, 2002	September 8, 1991
Togo	April 28, 1975		September 10, 1967		January 24, 1978			April 30, 1975
Tonga	June 14, 2001		June 14, 2001					June 14, 2001
Trinidad and Tobago	August 16, 1988		August 1, 1964	March 20, 1996	March 10, 1994	December 20, 1996	March 10, 1994	August 16, 1988
Tunisia	November 28, 1975		July 7, 1884	May 29, 1967	December 10, 2001		May 23, 2004	December 5, 1887
Turkey	May 12, 1976	May 19, 2000	October 10, 1925	January 1, 1996	January 1, 1996	October 1, 1996	November 30, 1998	January 1, 1952
Turkmenistan	December 25, 1991		December 25, 1991	June 7, 2006	December 25, 1991	March 7, 2007		
Uganda	October 18, 1973	February 1, 1999	June 14, 1965		February 9, 1995			

Country	WIPO Convention	Notified acceptance of 1999 WIPO amendment	Paris Convention	Nice Agreement	PCT	Strasbourg Agreement	Budapest Treaty	Berne Convention
Ukraine	April 26, 1970		December 25, 1991	December 29, 2000	December 25, 1991		July 2, 1997	October 25, 1995
United Arab Emirates	September 24, 1974		September 19, 1996		March 10, 1999			July 14, 2004
United Kingdom	April 26, 1970	October 14, 2002	July 7, 1884	April 15, 1963	January 24, 1978	October 7, 1975	December 29, 1980	December 5, 1887
United Republic of Tanzania	December 30, 1983	March 16, 2000	June 16, 1963	September 14, 1999	September 14, 1999			July 25, 1994
United States of America	August 25, 1970		May 30, 1887	May 25, 1972	January 24, 1978	October 7, 1975	August 19, 1980	March 1, 1989
Uruguay	December 21, 1979		March 18, 1967	January 19, 2000		October 19, 2000		July 10, 1967
Uzbekistan	December 25, 1991		December 25, 1991	January 12, 2002	December 25, 1991	October 12, 2002	January 12, 2002	April 19, 2005
Venezuela	November 23, 1984		September 12, 1995					December 30, 1982
Viet Nam	July 2, 1976	January 20, 2000	March 8, 1949		March 10, 1993			October 26, 2004
Yemen	March 29, 1979		February 15, 2007					
Zambia	May 14, 1977		April 6, 1965		November 15, 2001			January 2, 1992
Zimbabwe	December 29, 1981		April 18, 1980		June 11, 1997			April 18, 1980

Constitutional amendments to the *Convention Establishing the World Intellectual Property Organization* and other WIPO administered treaties adopted by the WIPO General Assemblies in September 1999 and October 2003

RELATED TREATIES

- WIPO Convention:

Convention establishing the World Intellectual Property Organization (WIPO)
[1972] ATS 15

Amendments to Articles 6, 7 and 8 of the Convention establishing the World Intellectual Property Organization of 14 July 1967
[1984] ATS 37

- Paris Convention:

Paris Convention for the Protection of Industrial Property of 20 March 1883
[1972] ATS 12

Amendments to Articles 13 and 14 of the Stockholm Act of 14 July 1967 of the Paris Convention for the Protection of Industrial Property
[1984] ATS 38

- Nice Agreement:

Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks
[1961] ATS 11

Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957 as revised at Stockholm on 14 July 1967
[1972] ATS 14

Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of 15 June 1957, as revised at Stockholm on 14 July 1967 and at Geneva on 13 May 1977
[1979] ATS 2

Amendments to Article 5 of the Stockholm Act of 14 July 1967 and the Geneva Act of 13 May 1977 of the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks
[1982] ATS 34

- Patent Cooperation Treaty (PCT) under the auspices of WIPO:

Patent Cooperation Treaty done at Washington, 19 June 1970
[1980] ATS 6

Amendments to the Regulations under the Patent Co-operation Treaty (PCT) of
19 June 1970 ([1980] ATS 6)
[1980] ATS 33

Modifications to [Articles 22(2) and 39(1)(a) of] the Patent Cooperation Treaty
(PCT) of 19 June 1970 ([1970] ATS 12)
[1985] ATS 40

Amendments to the Regulations under the Patent Co-operation Treaty (PCT) of
19 June 1970 ([1980] ATS 6)
[1992] ATS 46

Amendments to the Regulations under the Patent Cooperation Treaty (PCT) of
19 June 1970 ([1970] ATS 12)
[1992] ATS 47

Patent Cooperation Treaty done at Washington, 19 June 1970
[1980] ATS 6

- Strasbourg Agreement concerning the International Patent Classification done on
24 March 1971
[1975] ATS 42

- Budapest Treaty on the International Recognition of the Deposit of
Microorganisms for the Purposes of Patent Procedure, as amended on
26 September 1980
[1987] ATS 9

- Berne Convention:

Berne Convention for the Protection of Literary and Artistic Works of
9 September 1886, completed at Paris on 4 May 1896, revised at Berlin on
13 November 1908, completed at Berne on 20 March 1914, revised at Rome on
2 June 1928, revised at Brussels on 26 June 1948, and revised at Stockholm on
14 July 1967
[1972] ATS 13

Amendments to Articles 22 and 23 of the Paris Act of 14 July 1971 of the
Berne Convention for the Protection of Literary and Artistic Works
[1984] ATS 40

**OTHER CURRENT TREATIES ADMINISTERED BY THE WORLD
INTELLECTUAL PROPERTY ORGANIZATION OF WHICH AUSTRALIA IS
A MEMBER**

- Convention for the Protection of Producers of Phonograms against Unauthorised Duplication of their Phonograms done at Geneva on 29 October 1971
[1974] ATS 6
- Universal Copyright Convention of 6 September 1952 as revised at Paris 24 July 1971 and Protocols 1 and 2.
[1978] ATS 2
- Convention relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite done at Brussels on 21 May 1974
[1990] ATS 30
- International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations and Final Act done at Rome on 26 October 1962
[1992] ATS 29
- Trademark Law Treaty and Regulations done at Geneva on 27 October 1994
[1998] ATS 3
- International Convention for the Protection of New Varieties of Plants of 2 December 1961 [UPOV], as revised on 10 November 1972, 23 October 1978 and 19 March 1991
[2000] ATS 6
- Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, 1891
[2001] ATS 7
- Copyright Treaty, adopted at Geneva on 20 December 1996
[2007] ATS 26
- Performances and Phonograms Treaty, adopted at Geneva on 20 December 1996
[2007] ATS 27

BILATERAL

- Agreement between the Government of Australia and the International Bureau of the World Intellectual Property Organization [WIPO] in relation to the Functioning of the Australian Patent Office as an International Searching Authority and International Preliminary Examining Authority under the Patent Cooperation Treaty of 19 June 1970, done at Geneva on 4 December 1997;
DUE TO EXPIRE 31 DECEMBER 2007

Not Yet in Force for Australia:

- Singapore Treaty on the Law of Trademarks and the Regulations done at Singapore on 28 March 2006
[2007] ATNIF 18
- Patent Law Treaty, done at Geneva on 1 June 2001
[2007] ATNIF 19
- Extension of the Agreement of 4 December 1997 between the Government of Australia and the International Bureau of the World Intellectual Property Organization in relation to the functioning of the Australian Patent Office as an International Searching Authority and International Preliminary Examining Authority under the Patent Cooperation Treaty
PROPOSED TO BE SIGNED IN OCTOBER 2007,
AND TO ENTER INTO FORCE UPON SIGNATURE..