



URADNI LIST

REPUBLIKE SLOVENIJE

MEDNARODNE POGODBE

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Leto III

87.

AKT O NASLEDSTVU KONVENCIJ KOMISIJE ZDRUŽENIH NARODOV ZA MEDNARODNO TRGOVINSKO PRAVO IN MEDNARODNIH POGODB MEDNARODNE TELEKOMUNIKACIJSKE ZVEZE

Na podlagi 3. člena Ustavnega zakona za izvedbo Temeljne ustavne listine o samostojnosti in neodvisnosti Republike Slovenije v zvezi z določbami 1. člena Ustavnega zakona za izvedbo Ustave Republike Slovenije, Državni zbor Republike Slovenije odreja notifikacijo nasledstva naslednjih mednarodnih pogodb Komisije Združenih narodov za mednarodno trgovinsko pravo in Mednarodne telekomunikacijske zveze, katerih članica je bila nekdanja SFRJ Jugoslavija:

A: KONVENCIJI KOMISIJE ZDRUŽENIH NARODOV ZA MEDNARODNO TRGOVINSKO PRAVO:

1. Konvencija Združenih narodov o pogodbah o mednarodni prodaji blaga;
podpisana na Dunaju 11. aprila 1980; objavljena v Uradnem listu SFRJ – Mednarodne pogodbe št. 10/84;

2. Konvencija o zastaranju terjatev na področju mednarodnega nakupa in prodaje blaga;
podpisana v New Yorku 13. junija 1974; objavljena v Uradnem listu SFRJ – Mednarodne pogodbe št. 5/78.

B: MEDNARODNE POGODBE MEDNARODNE TELEKOMUNIKACIJSKE ZVEZE:

3. Regionalni sporazum o radiodifuziji v evropski regiji za uporabo frekvenc v obsegu metrskih in decimetrskih valov;

podpisan v Stockholmu 23. junija 1961; objavljen v Uradnem listu SFRJ – Mednarodne pogodbe št. 10/62;

4. Regionalni sporazum, ki se nanaša na uporabo frekvenc v radiodifuzni službi v območjih hektometrskih valov v regijah 1 in 3 v območjih kilometrskih valov v regiji 1;

podpisan v Ženevi 22. novembra 1975; objavljen v Uradnem listu SFRJ – Mednarodne pogodbe št. 8/80;

5. Protokol za spremembe in dopolnitve regionalnega sporazuma za evropsko radiodifuzno območje (Stockholm 1961);

podpisan v Ženevi 13. avgusta 1985; objavljen v Uradnem listu SFRJ – Mednarodne pogodbe št. 2/88.

Republika Slovenija sprejema mednarodne pogodbe, navedene v tem aktu, brez pridržkov.

Ministrstvo, pristojno za zunanje zadeve, notificira pravno nasledstvo navedenih mednarodnih pogodb depozitarjem.

Akt o nasledstvu in informacija o potrditvi nasledstva s strani depozitarja se objavita v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 700-01/93-26/1

Ljubljana, dne 22. novembra 1993.

Predsednik
Državnega zbora
Republike Slovenije
mag. Herman Rigelnik l. r.

88.

Na podlagi druge alineje prvega odstavka 107. in 91. člena Ustave Republike Slovenije izdajam

U K A Z O RAZGLASITVI ZAKONA O RATIFIKACIJI POGODBE O SODELOVANJU NA PODROČJU PATENTOV

Razlašam Zakon o ratifikaciji Pogodbe o sodelovanju na področju patentov, ki ga je sprejel Državni zbor Republike Slovenije na seji dne 22. novembra 1993.

Št. 0100-124/93

Ljubljana, dne 25. novembra 1993.

Predsednik
Republike Slovenije
Milan Kučan l. r.

ZAKON O RATIFIKACIJI POGODBE O SODELOVANJU NA PODROČJU PATENTOV

1. člen

Ratificira se Pogodba o sodelovanju na področju patentov, ki je bila sestavljena 19. junija 1970 v Washingtonu, dopolnjena 2. oktobra 1979 in spremenjena 3. februarja 1984, v francoskem in angleškem izvirniku.

2. člen

Besedilo pogodbe v angleškem izvirniku in slovenskem prevodu se glasi*:

PATENT COOPERATION TREATY

The Contracting States,

Desiring to make a contribution to the progress of science and technology,

Desiring to perfect the legal protection of inventions,

Desiring to simplify and render more economical the obtaining of protection for inventions where protection is sought in several countries,

Desiring to facilitate and accelerate access by the public to the technical information contained in documents describing new inventions,

Desiring to foster and accelerate the economic development of developing countries through the adoption of measures designed to increase the efficiency of their legal systems, whether national or regional, instituted for the protection of inventions by providing easily accessible information on the availability of technological solutions applicable to their special needs and by facilitating access to the ever expanding volume of modern technology,

Convinced that cooperation among nations will greatly facilitate the attainment of these aims,

Have concluded the present Treaty.

INTRODUCTORY PROVISIONS

Article 1

Establishment of a Union

(1) The States party to this Treaty (hereinafter called "the Contracting States") constitute a Union for cooperation in the filing, searching, and examination, of applications for the protection of inventions, and for rendering special technical services. The Union shall be known as the International Patent Cooperation Union.

(2) No provision of this Treaty shall be interpreted as diminishing the rights under the Paris Convention for the Protection of Industrial Property of any national or resident of any country party to that Convention.

Article 2

Definitions

For the purposes of this Treaty and the Regulations and unless expressly stated otherwise:

(i) "application" means an application for the protection of an invention; references to an "application" shall be construed as references to applications for patents for inventions, inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, and utility certificates of addition;

POGODBA O SODELOVANJU NA PODROČJU PATENTOV

Države pogodbenice so
v želji, da prispevajo k razvoju znanosti in tehnologije,

v želji, da izpopolnijo pravno varstvo izumov,

v želji, da poenostavijo in omogočijo ekonomičnejše varstvo izumov, kadar se tako varstvo zahteva v več državah,

v želji, da vsem omogočijo lažji in hitrejši dostop javnosti do tehničnih informacij, ki jih vsebujejo listine, v katerih so opisani novi izumi,

v želji, da spodbudijo in pospešijo gospodarski napredek držav v razvoju s sprejetjem ukrepov, s katerimi se povečuje učinkovitost njihovih državnih ali regionalnih pravnih sistemov za varstvo izumov, da jim omogočajo lahek dostop do informacij, ki se nanašajo na razpoložljivost tehničnih rešitev, prilagojenih njihovim specifičnim potrebam, in da jim olajšajo dostop do vse bolj obsežne moderne tehnologije,

v prepričanju, da bo mednarodno sodelovanje precej olajšalo uresničitev teh ciljev,

sklenile to pogodbo.

UVODNE DOLOČBE

1. člen

Ustanovitev unije

(1) Države, pogodbenice te pogodbe (v nadaljnjem besedilu: države pogodbenice), sestavljajo Unijo za sodelovanje na področju vlaganja prijav, poizvedbe in preizkušanje prijav za varstvo izumov ter za opravljanje posebnih tehničnih storitev. Ta Unija se imenuje Mednarodna unija za sodelovanje na področju patentov.

(2) Nobena določba te pogodbe se ne sme razlagati tako, da se z njo zmanjšujejo pravice, ki so s Pariško konvencijo o varstvu industrijske lastnine priznane pripadnikom držav, ki so pogodbenice, ali osebam, ki imajo stalno prebivališče v teh državah.

2. člen

Definicije

Za namene te pogodbe in pravilnika in če ni izrecno drugače navedeno:

(I) »prijava« pomeni prijavo za varstvo izuma; vsako sklicevanje na »prijavo« se šteje za sklicevanje na prijave patentov za izume, izumiteljska spričevala, spričevala o koristnosti, uporabne modele, dopolnilne patente ali spričevala, dopolnilna izumiteljska spričevala in dopolnilna spričevala o koristnosti;

* Pravilnik iz 58. člena pogodbe je na vpogled v Službi za mednarodnopravne zadeve Ministrstva za zunanje zadeve ter v Ministrstvu za znanost in tehnologijo – Uradu Republike Slovenije za varstvo industrijske lastnine.

(ii) references to a "patent" shall be construed as references to patents for inventions, inventors' certificates, utility certificates, utility models, patents or certificates of addition, inventors' certificates of addition, and utility certificates of addition;

(iii) "national patent" means a patent granted by a national authority;

(iv) "regional patent" means a patent granted by a national or an intergovernmental authority having the power to grant patents effective in more than one State;

(v) "regional application" means an application for a regional patent;

(vi) references to a "national application" shall be construed as references to applications for national patents and regional patents, other than applications filed under this Treaty;

(vii) "international application" means an application filed under this Treaty;

(viii) references to an "application" shall be construed as references to international applications and national applications;

(ix) references to a "patent" shall be construed as references to national patents and regional patents;

(x) references to "national law" shall be construed as references to the national law of a Contracting State or, where a regional application or a regional patent is involved, to the treaty providing for the filing of regional applications or the granting of regional patents;

(xi) "priority date," for the purposes of computing time limits, means:

(a) where the international application contains a priority claim under Article 8, the filing date of the application whose priority is so claimed;

(b) where the international application contains several priority claims under Article 8, the filing date of the earliest application whose priority is so claimed;

(c) where the international application does not contain any priority claim under Article 8, the international filing date of such application;

(xii) "national Office" means the government authority of a Contracting State entrusted with the granting of patents; references to a "national Office" shall be construed as referring also to any intergovernmental authority which several States have entrusted with the task of granting regional patents, provided that at least one of those States is a Contracting State, and provided that the said States have authorized that authority to assume the obligations and exercise the powers which this Treaty and the Regulations provide for in respect of national Offices;

(xiii) "designated Office" means the national Office of or acting for the State designated by the applicant under Chapter I of this Treaty;

(xiv) "elected Office" means the national Office of or acting for the State elected by the applicant under Chapter II of this Treaty;

(xv) "receiving Office" means the national Office or the intergovernmental organization with which the international application has been filed;

(xvi) "Union" means the International Patent Cooperation Union;

(xvii) "Assembly" means the Assembly of the Union;

(xviii) "Organization" means the World Intellectual Property Organization;

(II) se vsako sklicevanje na »patent« šteje za sklicevanje na patent za izume, izumiteljska spričevala, spričevala o koristnosti, uporabne modele, dopolnilne patente ali spričevala, dopolnilna izumiteljska spričevala in dopolnilna spričevala o koristnosti;

(III) »državni patent« pomeni patent, ki ga je izdal državni orga;

(IV) »regionalni patent« pomeni patent, ki ga je izdal državni organ ali medvladni organ, pooblaščen za izdajo patentov, ki veljajo v več kot eni državi;

(V) »regionalna prijava« pomeni prijavo za izdajo regionalnega patenta;

(VI) se vsako sklicevanje na »državno prijavo« šteje za sklicevanje na prijave za izdajo državnih patentov in regionalnih patentov, ki niso bile vložene v skladu s to pogodbo;

(VII) »mednarodna prijava« pomeni prijavo, vloženo v skladu s to pogodbo;

(VIII) se vsako sklicevanje na »prijavo« šteje za sklicevanje na mednarodne in državne prijave;

(IX) se vsako sklicevanje na »patent« šteje za sklicevanje na državne in regionalne patente;

(X) se vsako sklicevanje na »notranjo zakonodajo« šteje za sklicevanje na notranjo zakonodajo posamezne države pogodbenice ali, kadar gre za regionalno prijavo ali regionalni patent, na pogodbo, ki določa vlaganje regionalnih prijav ali izdajanje regionalnih patentov;

(XI) »prednostni datum« pomeni zaradi štetja rokov:

(a) kadar vsebuje mednarodna prijava eno zahtevo za priznanje prednosti po 8. členu - datum vložitve prijave, katere prednost se zahteva na ta način;

(b) kadar vsebuje mednarodna prijava več zahtev za priznanje prednosti po 8. členu - datum vložitve prijave, ki je bila najprej vložena in katere prednost se zahteva na ta način;

(c) kadar mednarodna prijava ne vsebuje nobene zahteve za priznanje prednosti po 8. členu - datum mednarodne vložitve te prijave;

(XII) »državni urad« pomeni državni organ posamezne države pogodbenice, ki je pristojen za izdajo patentov; z vsakim sklicevanjem na »državni urad« je mišljeno tudi sklicevanje na vsak medvladni organ, ki ga je več držav pooblastilo za izdajo regionalnih patentov, če je vsaj ena izmed teh držav država pogodbenica in če so zadevne države pooblastile imenovani organ, da izpolnjuje obveznosti in izvršuje pravice, ki so s to pogodbo in pravilnikom dane državnim uradom;

(XIII) »imenovani urad« pomeni državni urad države, ki jo je navedel prijavitelj v skladu s I. poglavjem te pogodbe, ali vsak urad, ki dela za to državo;

(XIV) »izbrani urad« pomeni državni urad države, ki ga je izbral prijavitelj v skladu z II. poglavjem te pogodbe, ali vsak urad, ki dela za to državo;

(XV) »prejemni urad« pomeni državni urad ali medvladno organizacijo, pri kateri je bila vložena mednarodna prijava;

(XVI) »Unija« pomeni Mednarodno unijo za sodelovanje na področju patentov;

(XVII) »skupščina« pomeni skupščino Unije;

(XVIII) »organizacija« pomeni Svetovno organizacijo za intelektualno lastnino;

(xix) "International Bureau" means the International Bureau of the Organization and, as long as it subsists, the United International Bureaux for the Protection of Intellectual Property (BIRPI);

(xx) "Director General" means the Director General of the Organization and, as long as BIRPI subsists, the Director of BIRPI.

Chapter I

INTERNATIONAL APPLICATION AND INTERNATIONAL SEARCH

Article 3

The International Application

(1) Applications for the protection of inventions in any of the Contracting States may be filed as international applications under this Treaty.

(2) An international application shall contain, as specified in this Treaty and the Regulations, a request, a description, one or more claims, one or more drawings (where required), and an abstract.

(3) The abstract merely serves the purpose of technical information and cannot be taken into account for any other purpose, particularly not for the purpose of interpreting the scope of the protection sought.

(4) The international application shall:

(i) be in a prescribed language;

(ii) comply with the prescribed physical requirements;

(iii) comply with the prescribed requirement of unity of invention;

(iv) be subject to the payment of the prescribed fees.

Article 4

The Request

(1) The request shall contain:

(i) a petition to the effect that the international application be processed according to this Treaty;

(ii) the designation of the Contracting State or States in which protection for the invention is desired on the basis of the international application ("designated States"); if for any designated State a regional patent is available and the applicant wishes to obtain a regional patent rather than a national patent, the request shall so indicate; if, under a treaty concerning a regional patent, the applicant cannot limit his application to certain of the States party to that treaty, designation of one of those States and the indication of the wish to obtain the regional patent shall be treated as designation of all the States party to that treaty; if, under the national law of the designated State, the designation of that State has the effect of an application for a regional patent, the designation of the said State shall be treated as an indication of the wish to obtain the regional patent;

(iii) the name of and other prescribed data concerning the applicant and the agent (if any);

(iv) the title of the invention;

(v) the name of and other prescribed data concerning the inventor where the national law of at least one of the designated States requires that these indications be furnished at the time of filing a national application. Otherwise, the said indications may be furnished either in the request or in separate notices addressed to each designated Office whose national law requires the furnishing of the said indications but allows that they be furnished at a time later than that of the filing of a national application.

(XIX) »Mednarodni urad« pomeni Mednarodni urad organizacije in – dokler bodo obstajali – Združene mednarodne urade za varstvo intelektualne lastnine (BIRPI);

(XX) »generalni direktor« pomeni generalnega direktorja organizacije in – dokler bodo obstajali BIRPI – direktorja BIRPI.

I. poglavje

MEDNARODNA PRIJAVA IN MEDNARODNA POIZVEDBA

3. člen

Mednarodna prijava

(1) Prijave za varstvo izumov se lahko v vsaki državi pogodbenici vložijo kot mednarodne prijave po tej pogodbi.

(2) Mednarodna prijava mora v skladu s to pogodbo in pravilnikom vsebovati: zahtevo za priznanje pravic, opis, enega ali več patentnih zahtevkov, eno ali več skic (če so potrebne) in izvleček.

(3) Izvleček je namenjen samo za tehnično informiranje; ne sme se ga upoštevati za noben drug namen, predvsem pa ne za presojo obsega zahtevanega varstva.

(4) mednarodna prijava:

(I) mora biti sestavljena v enem imed predpisanih jezikov;

(II) mora izpolnjevati predpisane pogoje glede oblike;

(III) mora ustrezati predpisani zahtevi o enotnosti izuma;

(IV) je zavezana plačilu predpisanih taks.

4. člen

Zahteva

(1) Zahteva za priznanje pravic mora vsebovati:

(I) zahtevkov, s katerim se zahteva, da se mednarodna prijava obdela po tej pogodbi;

(II) navedbo države ali držav pogodbenic, v katerih se zahteva varstvo izuma na podlagi mednarodne prijave (»imenovane države«); če se lahko za posamezno imenovano državo dobi regionalni patent in če želi prijavitelj namesto državnega patenta regionalni patent, mora biti to navedeno v zahtevi; če prijavitelj v skladu s posamezno pogodbo o regionalnem patentu ne more omejiti svoje prijave na nekatere od držav, ki so članice takšne pogodbe, se navedba ene izmed teh držav in izražena želja za pridobitev regionalnega patenta štejeta, kot da so navedene vse te države; če ima po notranji zakonodaji posamezne navedene države navedba zadevne države učinek regionalne prijave, se ta navedba šteje kot izraz želje za pridobitev regionalnega patenta;

(III) ime in druge predpisane podatke, ki se nanašajo na prijavitelja in zastopnika (če je);

(IV) naziv izuma;

(V) ime izumitelja in druge predpisane podatke, ki se nanj nanašajo, kadar notranja zakonodaja vsaj ene izmed imenovanih držav zahteva, da morajo biti ti podatki navedeni že v času, ko se vlaga državna prijava; v drugih primerih se lahko ti podatki navedejo bodisi v zahtevi bodisi v posebnih obvestilih, poslanih vsakemu imenovanemu uradu, po katerega notranji zakonodaji se zahtevajo ti podatki, dovoljeno pa je, da se pošljejo po vložitvi državne prijave.

(2) Every designation shall be subject to the payment of the prescribed fee within the prescribed time limit.

(3) Unless the applicant asks for any of the other kinds of protection referred to in Article 43, designation shall mean that the desired protection consists of the grant of a patent by or for the designated State. For the purposes of this paragraph, Article 2 (ii) shall not apply.

(4) Failure to indicate in the request the name and other prescribed data concerning the inventor shall have no consequence in any designated State whose national law requires the furnishing of the said indications but allows that they be furnished at a time later than that of the filing of a national application. Failure to furnish the said indications in a separate notice shall have no consequence in any designated State whose national law does not require the furnishing of the said indications.

Article 5

The Description

The description shall disclose the invention in a manner sufficiently clear and complete for the invention to be carried out by a person skilled in the art.

Article 6

The Claims

The claim or claims shall define the matter for which protection is sought. Claims shall be clear and concise. They shall be fully supported by the description.

Article 7

The Drawings

(1) Subject to the provisions of paragraph (2)(ii), drawings shall be required when they are necessary for the understanding of the invention.

(2) Where, without being necessary for the understanding of the invention, the nature of the invention admits of illustration by drawings:

(i) the applicant may include such drawings in the international application when filed,

(ii) any designated Office may require that the applicant file such drawings with it within the prescribed time limit.

Article 8

Claiming Priority

(1) The international application may contain a declaration, as prescribed in the Regulations, claiming the priority of one or more earlier applications filed in or for any country party to the Paris Convention for the Protection of Industrial Property.

(2)(a) Subject to the provisions of subparagraph (b), the conditions for, and the effect of, any priority claim declared under paragraph (1) shall be as provided in Article 4 of the Stockholm Act of the Paris Convention for the Protection of Industrial Property.

(b) The international application for which the priority of one or more earlier applications filed in or for a Contracting State is claimed may contain the designation of that State. Where, in the international application, the priority of one or more national applications filed in or for a designated State is claimed, or where the priority of an international application having designated only one

(2) Za vsako navedbo se morajo predpisane takse plačati v predpisanem roku.

(3) Če prijavitelj ne zahteva drugih oblik varstva iz 43. člena, navedba pomeni, da je zahtevano varstvo v tem, da patent izda imenovana država ali da se izda za to državo. Določba 2. člena pod (II) se ne uporablja za ta odstavek.

(4) Opustitev navedbe imena izumitelja in drugih podatkov o izumitelju v zahtevi za priznanje pravic nima nobenih posledic v imenovanih državah, po katerih notranji zakonodaji se ti podatki zahtevajo, vendar je dovoljeno, da se dajo po vložitvi državne prijave. Opustitev navedbe teh podatkov v posebnem obvestilu nima nobene posledice v imenovanih državah, kjer notranja zakonodaja ne zahteva teh podatkov.

5. člen

Opis

V opisu se mora izum dovolj jasno in popolnoma razložiti, da bi ga lahko strokovnjak uporabljal.

6. člen

Patentni zahtevki

V patentnem zahtevku ali zahtevkih mora biti naveden predmet zahtevanega varstva. Patentni zahtevki morajo biti jasni in zgoščeni. V celoti morajo temeljiti na opisu.

7. člen

Skice

(1) Skice se morajo poslati, kadar so nujne za razumevanje izuma, pri čemer se mora upoštevati drugi odstavek pod (II).

(2) Če je izum po naravni tak, da ga ni mogoče ponazoriti s skicami, čeprav te niso nujne za njegovo razumevanje:

(I) lahko prijavitelj priloži take skice k mednarodni prijavi ob njeni vložitvi;

(II) lahko vsak imenovani urad zahteva, da mu prijavitelj predloži take skice v predpisanem roku.

8. člen

Zahteva za priznanje prednosti

(1) Mednarodna prijava lahko vsebuje izjavo v skladu s pravilnikom, s katero se zahteva priznanje prednosti na podlagi ene ali več prejšnjih prijav, vloženih v katerikoli državi članice Pariške konvencije o varstvu industrijske lastnine ali za tako državo.

(2)(a) Pogoji in učinki vsake zahteve za priznanje prednosti, vlozene v skladu s prvim odstavkom, so taki, kot so navedeni v 4. členu stockholmske listine Pariške konvencije o varstvu industrijske lastnine, pri čemer je upoštevana tudi določba pod (b).

(b) Mednarodna prijava, s katero se zahteva priznanje prednosti na podlagi ene ali več prejšnjih prijav, vloženih v posamezni državi pogodbenici ali za to državo, lahko vsebuje navedbo te države. Če se v mednarodni prijavi zahteva priznanje prednosti na podlagi ene ali več državnih prijav, vloženih v posamezni imenovani državi ali za to državo, ali prednosti na podlagi ene mednarodne

State is claimed, the conditions for, and the effect of, the priority claim in that State shall be governed by the national law of that State.

Article 9 The Applicant

(1) Any resident or national of a Contracting State may file an international application.

(2) The Assembly may decide to allow the residents and the nationals of any country party to the Paris Convention for the protection of Industrial Property which is not party to this Treaty to file international applications.

(3) The concepts of residence and nationality, and the application of those concepts in cases where there are several applicants or where the applicants are not the same for all the designated States, are defined in the Regulations.

Article 10 The Receiving Office

The international application shall be filed with the prescribed receiving Office, which will check and process it as provided in this Treaty and the Regulations.

Article 11 Filing Date and Effects of the International Application

(1) The receiving Office shall accord as the international filing date the date of receipt of the international application, provided that that Office has found that, at the time of receipt:

(i) the applicant does not obviously lack, for reasons of residence or nationality, the right to file an international application with the receiving Office,

(ii) the international application is in the prescribed language,

(iii) the international application contains at least the following elements:

(a) an indication that it is intended as an international application,

(b) the designation of at least one Contracting State,

(c) the name of the applicant, as prescribed,

(d) a part which on the face of it appears to be a description,

(e) a part which on the face of it appears to be a claim or claims.

(2)(a) If the receiving Office finds that the international application did not, at the time of receipt, fulfill the requirements listed in paragraph (1), it shall, as provided in the Regulations, invite the applicant to file the required correction.

(b) If the applicant complies with the invitation, as provided in the Regulations, the receiving Office shall accord as the international filing date the date of receipt of the required correction.

(3) Subject to Article 64(4), any international application fulfilling the requirements listed in items (i) to (iii) of paragraph (1) and accorded an international filing date shall have the effect of a regular national application in each designated State as of the international filing date, which date shall be considered to be the actual filing date in each designated State.

prijave, v kateri je imenovana samo ena država, so pogoji in učinki, nastali z vložitvijo zahteve za priznanje prednosti v zadevni državi, taki, kot so določeni z notranjo zakonodajo zadevne države.

9. člen Prijavitelj

(1) Vsaka oseba, ki ima stalno prebivališče v posamezni državi pogodbenici, in vsak državljan te države lahko vložita mednarodno prijavo.

(2) Skupščina lahko odloči, da se osebam, ki imajo stalno prebivališče v katerikoli državi članici Pariške konvencije o varstvu industrijske lastnine, ki ni stranka v tej pogodbi, in državljanom te države dovoli, da vložijo mednarodne prijave.

(3) Pojma stalnega prebivališča in državljanstva ter njuna uporaba v primeru, ko je več prijaviteljev in ko ne gre za iste prijavitelje za vse imenovane države, so opredeljeni v pravilniku.

10. člen Prejemni urad

Mednarodna prijava se vložijo pri predpisanem prejemnem uradu, ki prijavo preveri in obdela v skladu s to pogodbo in pravilnikom.

11. člen Datum vložitve prijave in učinki mednarodne prijave

(1) Prejemni urad prizna kot datum vložitve mednarodne prijave datum prejema mednarodne izjave, če pri tem prejemu ugotovi naslednje:

(I) da prijavitelj zaradi svojega stalnega prebivališča ali svojega državljanstva očitno ni bil prkrajšan za pravico, da vložijo mednarodno prijavo pri prejemnem uradu;

(II) da je mednarodna prijava sestavljena v predpisanem jeziku;

(III) da ima mednarodna prijava vsaj naslednje sestavine:

(a) opombo, da gre za mednarodno prijavo;

(b) navedbo najmanj ene države pogodbenice;

(c) ime prijavitelja, navedeno na predpisan način;

(d) del, ki je na prvi pogled opis izuma;

(e) del, ki je na prvi pogled patentni zahtevek ali več patentnih zahtevkov.

(2)(a) Če prejemni urad ugotovi, da mednarodna prijava ob prejemu ne izpolnjuje pogojev iz prvega odstavka, v skladu s pravilnikom pozove prijavitelja, da vložijo potrebne popravke.

(b) Če prijavitelj ravna po tem pozivu, prejemni urad v skladu s pravilnikom prizna kot datum vložitve mednarodne prijave datum prejema zahtevanega popravka.

(3) S pridržkom četrtega odstavka 64. člena ima vsaka mednarodna prijava, ki izpolnjuje pogoje, navedene v prvem odstavku pod (I) do (III), in ki ji je priznan datum mednarodne prijave, od datuma vložitve mednarodne prijave učinek redne državne prijave v vsaki imenovani državi; ta datum se šteje za datum dejanske vložitve prijave v vsaki imenovani državi.

(4) Any international application fulfilling the requirements listed in items (i) to (iii) of paragraph (1) shall be equivalent to a regular national filing within the meaning of the Paris Convention for the Protection of Industrial Property.

Article 12

Transmittal of the International Application to the International Bureau and the International Searching Authority

(1) One copy of the international application shall be kept by the receiving Office ("home copy"), one copy ("record copy") shall be transmitted to the International Bureau, and another copy ("search copy") shall be transmitted to the competent International Searching Authority referred to in Article 16, as provided in the Regulations.

(2) The record copy shall be considered the true copy of the international application.

(3) The international application shall be considered withdrawn if the record copy has not been received by the International Bureau within the prescribed time limit.

Article 13

Availability of Copy of the International Application to Designated Offices

(1) Any designated Office may ask the International Bureau to transmit to it a copy of the international application prior to the communication provided for in Article 20, and the International Bureau shall transmit such copy to the designated Office as soon as possible after the expiration of one year from the priority date.

(2)(a) The applicant may, at any time, transmit a copy of his international application to any designated Office.

(b) The applicant may, at any time, ask the International Bureau to transmit a copy of his international application to any designated Office, and the International Bureau shall transmit such copy to the designated Office as soon as possible.

(c) Any national Office may notify the International Bureau that it does not wish to receive copies as provided for in subparagraph (b), in which case that subparagraph shall not be applicable in respect of that Office.

Article 14

Certain Defects in the International Application

(1)(a) The receiving Office shall check whether the international application contains any of the following defects, that is to say:

- (i) it is not signed as provided in the Regulations;
- (ii) it does not contain the prescribed indications concerning the applicant;
- (iii) it does not contain a title;
- (iv) it does not contain an abstract;
- (v) it does not comply to the extent provided in the Regulations with the prescribed physical requirements.

(b) If the receiving Office finds any of the said defects, it shall invite the applicant to correct the international application within the prescribed time limit, failing which that application shall be considered withdrawn and the receiving Office shall so declare.

(4) Vsaka mednarodna prijava, ki izpolnjuje pogoje, navedene v prvem odstavku pod (I) do (III), se šteje za redno državno prijavo po Pariški konvenciji o varstvu industrijske lastnine.

12. člen

Dostava mednarodne prijave Mednarodnemu uradu in ustanovi za mednarodno poizvedbo

(1) En izvod mednarodne prijave ostane prejemnemu uradu (»izvod za prejemni urad«), en izvod (»arhivski izvod«) se pošlje Mednarodnemu uradu, en izvod (»poizvedbeni izvod«) pa se pošlje pristojni ustanovi za mednarodno poizvedbo iz 16. člena v skladu s pravilnikom.

(2) Arhivski izvod se šteje za verodostojni izvod mednarodne prijave.

(3) Mednarodna prijava se šteje za umaknjeno, če Mednarodni urad ne prejme arhivskega izvoda v predpisanem roku.

13. člen

Možnost, da imenovani uradi prejmejo izvod mednarodne prijave

(1) Vsak imenovani urad lahko pri Mednarodnem uradu zahteva en izvod mednarodne prijave, preden se ta pošlje tako, kot je določeno v 20. členu; Mednarodni urad mu pošlje ta izvod takoj, ko je to mogoče po poteku enega leta, šteto do prednostnega datuma.

(2)(a) Prijavitelj lahko kadarkoli pošlje vsakemu imenovanemu uradu po en izvod mednarodne prijave.

(b) Prijavitelj lahko kadarkoli zahteva od Mednarodnega urada, da vsakemu imenovanemu uradu pošlje po en izvod njegove mednarodne prijave; Mednarodni urad pošlje ta izvod imenovanemu uradu takoj, ko je to mogoče.

(c) Vsak državni urad lahko sporoči Mednarodnemu uradu, da ne želi prejeti izvodov, navedenih v pododstavku (b); v tem primeru se ta pododstavek ne uporablja za zadevni urad.

14. člen

Pomanjkljivosti v mednarodni prijavi

(1)(a) Prejemni urad preveri, ali ima mednarodna prijava kakšno od naslednjih pomanjkljivosti:

- (I) ni podpisana v skladu s pravilnikom;
- (II) ne vsebuje predpisanih podatkov o prijavitelju;
- (III) ne vsebuje imena;
- (IV) ne vsebuje izvlečka;
- (V) ne izpolnjuje predpisanih pogojev glede oblike v obsegu, ki je določen s pravilnikom;

(b) Če prejemni urad ugotovi katero izmed teh pomanjkljivosti, pozove prijavitelja, da mednarodno prijavo uredi v predpisanem roku; v nasprotnem se taka prijava šteje za umaknjeno, prejemni urad pa da o tem izjavo.

(2) If the international application refers to drawings which, in fact, are not included in that application, the receiving Office shall notify the applicant accordingly and he may furnish them within the prescribed time limit and, if he does, the international filing date shall be the date on which the drawings are received by the receiving Office. Otherwise, any reference to the said drawings shall be considered non-existent.

(3)(a) If the receiving Office finds that, within the prescribed time limits, the fees prescribed under Article 3(4)(iv) have not been paid, or no fee prescribed under Article 4(2) has been paid in respect of any of the designated States, the international application shall be considered withdrawn and the receiving Office shall so declare.

(b) If the receiving Office finds that the fee prescribed under Article 4(2) has been paid in respect of one or more (but less than all) designated States within the prescribed time limit, the designation of those States in respect of which it has not been paid within the prescribed time limit shall be considered withdrawn and the receiving Office shall so declare.

(4) If, after having accorded an international filing date to the international application, the receiving Office finds, within the prescribed time limit, that any of the requirements listed in items (i) to (iii) of Article 11(1) was not complied with at that date, the said application shall be considered withdrawn and the receiving Office shall so declare.

Article 15

The International Search

(1) Each international application shall be the subject of international search.

(2) The objective of the international search is to discover relevant prior art.

(3) International search shall be made on the basis of the claims, with due regard to the description and the drawings (if any).

(4) The International Searching Authority referred to in Article 16 shall endeavor to discover as much of the relevant prior art as its facilities permit, and shall, in any case, consult the documentation specified in the Regulations.

(5)(a) If the national law of the Contracting State so permits, the applicant who files a national application with the national Office of or acting for such State may, subject to the conditions provided for in such law, request that a search similar to an international search ("international-type search") be carried out on such application.

(b) If the national law of the Contracting State so permits, the national Office of or acting for such State may subject any national application filed with it to an international-type search.

(c) The international-type search shall be carried out by the International Searching Authority referred to in Article 16 which would be competent for an international search if the national application were an international application and were filed with the Office referred to in subparagraphs (a) and (b). If the national application is in a language which the International Searching Authority considers it is not equipped to handle, the international-type search shall be carried out on a translation prepared by the applicant in a language prescribed for international

(2) Če se mednarodna prijava sklicuje na skice, čeprav ji te niso priložene, prejemni urad o tem obvesti prijavitelja, ki lahko te skice pošlje v predpisanem roku; v tem primeru se za datum mednarodne prijave šteje datum, ko prejemni urad prejme te skice. V nasprotnem se vsako sklicovanje na take skice šteje kot neobstoječe.

(3)(a) Če prejemni urad ugotovi, da takse, predpisane v četrtem odstavku 3. člena pod (IV), niso bile plačane v predpisanem roku ali da taksa, predpisana v drugem odstavku 4. člena, ni bila plačana za nobeno izmed imenovanih držav, se šteje, da je mednarodna prijava umaknjena, prejemni urad pa da o tem izjavo.

(b) Če prejemni urad ugotovi, da je bila taksa, predpisana v drugem odstavku 4. člena, plačana v predpisanem roku za eno ali več imenovanih držav (vendar ne za vse te države), se navedba teh držav, za katere taksa ni bila plačana v predpisanem roku, šteje za umaknjeno, prejemni urad pa da o tem izjavo.

(4) Če prejemni urad potem, ko mednarodni prijavi prizna datum vložitve mednarodne prijave, v predpisanem roku ugotovi, da omenjenega dne ni bil izpolnjen kak pogoj, naveden v prvem odstavku 11. člena pod (I) do (III), se taka prijava šteje za umaknjeno, prejemni urad pa da o tem izjavo.

15. člen

Mednarodna poizvedba

(1) Za vsako mednarodno prijavo je obvezna mednarodna poizvedba.

(2) Namen mednarodne poizvedbe je ugotoviti relevantno stanje tehnike.

(3) Mednarodna poizvedba se opravi na podlagi patentnih zahtevkov, pri čemer se upoštevajo opis in skice (če so).

(4) Ustanova za mednarodno poizvedbo iz 16. člena si prizadeva, da ugotovi relevantno stanje tehnike, kolikor to njena sredstva dopuščajo, in mora v vsakem primeru preučiti dokumentacijo, ki je določena v pravilniku.

(5)(a) Prijavitelj, ki je vložil državno prijavo pri državnem uradu posamezne države pogodbenice ali pri uradu, ki dela za to državo, lahko, če to dovoljuje notranja zakonodaja zadevne države, in pod pogoji, določenimi z omenjeno zakonodajo, zahteva, da se v zvezi s to prijavo opravi poizvedba, podobna mednarodni poizvedbi ("poizvedba mednarodnega tipa").

(b) Državni urad posamezne države pogodbenice ali urad, ki dela za tako državo, lahko, če notranja zakonodaja zadevne države to dovoljuje, opravi poizvedbo mednarodnega tipa za vsako državno prijavo, vloženo pri njem.

(c) Poizvedbo mednarodnega tipa opravi ustanova za mednarodno poizvedbo, navedena v 16. členu, ki bi bila pristojna za mednarodno poizvedbo, če bi državna prijava pomenila mednarodno prijavo, vloženo pri uradu iz pododstavkov (a) in (b). Če je državna prijava sestavljena v jeziku, ki ga ustanova za mednarodno poizvedbo po njegovem mnenju ne more uporabljati pri obdelavi prijave, se poizvedba mednarodnega tipa opravi na podlagi prevoda, ki ga je prijavitelj predložil v enem izmed jezikov, predpisanih za vlaganje mednarodnih prijav, ki

applications and which the International Searching Authority has undertaken to accept for international applications. The national application and the translation, when required, shall be presented in the form prescribed for international applications.

Article 16

The International Searching Authority

(1) International search shall be carried out by an International Searching Authority, which may be either a national Office or an intergovernmental organization, such as the International Patent Institute, whose tasks include the establishing of documentary search reports on prior art with respect to inventions which are the subject of applications.

(2) If, pending the establishment of a single International Searching Authority, there are several International Searching Authorities, each receiving Office shall, in accordance with the provisions of the applicable agreement referred to in paragraph (3)(b), specify the International Searching Authority or Authorities competent for the searching of international applications filed with such Office.

(3)(a) International Searching Authorities shall be appointed by the Assembly. Any national Office and any intergovernmental organization satisfying the requirements referred to in subparagraph (c) may be appointed as International Searching Authority.

(b) Appointment shall be conditional on the consent of the national Office or intergovernmental organization to be appointed and the conclusion of an agreement, subject to approval by the Assembly, between such Office or organization and the International Bureau. The agreement shall specify the rights and obligations of the parties, in particular, the formal undertaking by the said Office or organization to apply and observe all the common rules of international search.

(c) The Regulations prescribe the minimum requirements, particularly as to manpower and documentation, which any Office or organization must satisfy before it can be appointed and must continue to satisfy while it remains appointed.

(d) Appointment shall be for a fixed period of time and may be extended for further periods.

(e) Before the Assembly makes a decision on the appointment of any national Office or intergovernmental organization, or on the extension of its appointment, or before it allows any such appointment to lapse, the Assembly shall hear the interested Office or organization and seek the advice of the Committee for Technical Cooperation referred to in Article 56 once that Committee has been established.

Article 17

Procedure before the International Searching Authority

(1) Procedure before the International Searching Authority shall be governed by the provisions of this Treaty, the Regulations, and the agreement which the International Bureau shall conclude, subject to this Treaty and the Regulations, with the said Authority.

(2)(a) If the International Searching Authority considers

(i) that the international application relates to a subject matter which the International Searching Authority is not required, under the Regulations, to search, and in the particular case decides not to search, or

jih je imenovana ustanova sprejela za vlaganje mednarodnih prijav. Državna prijava in prevod, kadar se zahteva, morata biti vložena v obliki, ki je predpisana za mednarodne prijave.

16. člen

Ustanova za mednarodno poizvedbo

(1) Mednarodno poizvedbo opravlja ustanova za mednarodno poizvedbo; to je lahko državni urad ali medvladna organizacija, kot na primer Mednarodni inštitut za patente, katerega naloga je tudi dajanje poročil o dokumentirani poizvedbi o stanju tehnike v zvezi z izumi, ki so predmet mednarodnih prijav.

(2) Če je, dokler se ne ustanovi enotna ustanova za mednarodno poizvedbo, več ustanov za mednarodno poizvedbo, določi vsak prejemni urad v skladu s sporazumom, ki se uporablja in ki je naveden v tretjem odstavku pod (b), eno ali več teh ustanov, ki bodo pristojne za poizvedbo v zvezi z mednarodnimi prijavi, vloženimi pri omenjenem uradu.

(3)(a) Skupščina imenuje ustanove za mednarodno poizvedbo. Vsak državni urad in vsaka medvladna organizacija, ki izpolnjujeta pogoje iz pododstavka (c), sta lahko imenovana kot ustanova za mednarodno poizvedbo.

(b) Imenovanje je odvisno od soglasja zadevnega državnega urada ali medvladne organizacije in od sklenitve sporazuma med tem uradom oziroma to organizacijo in Mednarodnim uradom, ki ga mora potrditi skupščina. Ta sporazum podrobno ureja pravice in obveznosti strani in vsebuje zlasti formalno obveznost tega urada oziroma te organizacije, da uporablja in spoštuje vsa običajna pravila mednarodne poizvedbe.

(c) Pravilnik predpisuje najmanjše zahteve, zlasti glede kadrov in dokumentacije, ki jih mora vsak urad oziroma vsaka organizacija izpolniti pred imenovanjem in ki jih mora izpolnjevati ves čas, za katerega je imenovan.

(d) Imenovanje je za določen čas in se lahko podaljša.

(e) Preden odloči o imenovanju državnega urada oziroma medvladne organizacije ali o podaljšanju takega imenovanja in preden odloči o prenehanju takega imenovanja, skupščina obravnava mnenje zadevnega urada oziroma organizacije in si preskrbi mnenje odbora za tehnično sodelovanje iz 56. člena, ko je ta odbor ustanovljen.

17. člen

Postopek pri ustanovi za mednarodno poizvedbo

(1) Postopek pri ustanovi za mednarodno poizvedbo je določen s to pogodbo, pravilnikom in sporazumom, ki ga Mednarodni urad v skladu s to pogodbo in pravilnikom sklene z omenjeno ustanovo.

(2)(a) Če ustanova za mednarodno poizvedbo meni:

(I) da se mednarodna prijava nanaša na zadevo, za katero po pravilniku ni obvezna poizvedba, in odloči, da v tem primeru ne opravi poizvedbe, ali

(ii) that the description, the claims, or the drawings, fail to comply with the prescribed requirements to such an extent that a meaningful search could not be carried out,

the said Authority shall so declare and shall notify the applicant and the International Bureau that no international search report will be established.

(b) If any of the situations referred to in subparagraph (a) is found to exist in connection with certain claims only, the international search report shall so indicate in respect of such claims, whereas, for the other claims, the said report shall be established as provided in Article 18.

(3)(a) If the International Searching Authority considers that the international application does not comply with the requirement of unity of invention as set forth in the Regulations, it shall invite the applicant to pay additional fees. The International Searching Authority shall establish the international search report on those parts of the international application which relate to the invention first mentioned in the claims ("main invention") and, provided the required additional fees have been paid within the prescribed time limit, on those parts of the international application which relate to inventions in respect of which the said fees were paid.

(b) The national law of any designated State may provide that, where the national Office of that State finds the invitation, referred to in subparagraph (a), of the International Searching Authority justified and where the applicant has not paid all additional fees, those parts of the international application which consequently have not been searched shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to the national Office of that State.

Article 18

The International Search Report

(1) The international search report shall be established within the prescribed time limit and in the prescribed form.

(2) The international search report shall, as soon as it has been established, be transmitted by the International Searching Authority to the applicant and the International Bureau.

(3) The international search report or the declaration referred to in Article 17(2)(a) shall be translated as provided in the Regulations. The translations shall be prepared by or under the responsibility of the international Bureau.

Article 19

Amendment of the Claims before the International Bureau

(1) The applicant shall, after having received the international search report, be entitled to one opportunity to amend the claims of the international application by filing amendments with the International Bureau within the prescribed time limit. He may, at the same time, file a brief statement, as provided in the Regulations, explaining the amendments and indicating any impact that such amendments might have on the description and the drawings.

(2) The amendments shall not go beyond the disclosure in the international application as filed.

(II) da opis, patentni zahtevki ali skice ne izpolnjujejo predpisanih pogojev, tako da ni mogoča ustrezna poizvedba,

se izreče o tem in obvesti prijavitelja in Mednarodni urad, da ne bo sestavljeno poročilo o mednarodni poizvedbi.

(b) Če se eden izmed primerov, navedenih v pododstavku (a), nanaša samo na nekatere patente zahtevke, vsebuje poročilo o mednarodni poizvedbi opombo glede teh patentnih zahtevkov, za druge patentne zahtevke pa se poročilo sestavi v skladu z 18. členom.

(3)(a) Če ustanova za mednarodno poizvedbo meni, da mednarodna prijava ne izpolnjuje pogoja glede enotnosti izuma, kot je ta določen v pravilniku, pozove prijavitelja, da plača dodatne takse. Ustanova za mednarodno poizvedbo sestavi poročilo o mednarodni poizvedbi o delih mednarodne prijave, ki se nanašajo na izum, ki je prvi naveden v patentnih zahtevkih (»glavni izum«) in, če so bile ustrezne takse plačane v predpisanem roku, o delih mednarodne prijave, ki se nanašajo na izume, za katere so bile navedene takse plačane.

(b) Notranja zakonodaja vsake imenovane države lahko določa, da se, kadar državni urad zadevne države meni, da je poziv ustanove za mednarodno poizvedbo, naveden v določbi pod (a), upravičen, in kadar prijavitelj ne plača vseh dodatnih taks, deli mednarodne prijave, ki zaradi tega niso bili predmet poizvedbe, štejejo za umaknjene glede učinka v zadevni državi, razen če prijavitelj plača državnemu uradu te države posebno takso.

18. člen

Poročilo o mednarodni poizvedbi

(1) Poročilo o mednarodni poizvedbi se sestavi v predpisanem roku in v predpisani obliki.

(2) Ustanova za mednarodno poizvedbo pošlje poročilo o mednarodni poizvedbi, takoj ko ga sestavi, prijavitelju in Mednarodnemu uradu.

(3) Poročilo o mednarodni poizvedbi ali obvestilo iz drugega odstavka 17. člena pod (a) se prevede v skladu s pravilnikom. Prevode pripravi Mednarodni urad ali je zanje odgovoren.

19. člen

Sprememba patentnih zahtevkov pri Mednarodnem uradu

(1) Po prejemu poročila o mednarodni poizvedbi ima prijavitelj pravico, da enkrat spremeni patentne zahtevke v mednarodni prijavi, pri čemer mora spremembe v predpisanem roku predložiti Mednarodnemu uradu. K temu lahko priloži kratko izjavo v skladu s pravilnikom, v kateri pojasni spremembe in natančno opredeli njihov morebitni učinek na opis in skice.

(2) Spremembe ne smejo presegati okvirov, v katerih je izum razložen v mednarodni prijavi, kakršna je bila vložena.

(3) If the national law of any designated State permits amendments to go beyond the said disclosure, failure to comply with paragraph (2) shall have no consequence in that State.

Article 20

Communication to Designated Offices

(1)(a) The international application, together with the international search report (including any indication referred to in Article 17(2)(b)) or the declaration referred to in Article 17(2)(a), shall be communicated to each designated Office, as provided in the Regulations, unless the designated Office waives such requirement in its entirety or in part.

(b) The communication shall include the translation (as prescribed) of the said report or declaration.

(2) If the claims have been amended by virtue of Article 19(1), the communication shall either contain the full text of the claims both as filed and as amended or shall contain the full text of the claims as filed and specify the amendments, and shall include the statement, if any, referred to in Article 19(1).

(3) At the request of the designated Office or the applicant, the International Searching Authority shall send to the said Office or the applicant, respectively, copies of the documents cited in the international search report, as provided in the Regulations.

Article 21

International Publication

(1) The International Bureau shall publish international applications.

(2)(a) Subject to the exceptions provided for in subparagraph (b) and in Article 64(3), the international publication of the international application shall be effected promptly after the expiration of 18 months from the priority date of that application.

(b) The applicant may ask the International Bureau to publish his international application any time before the expiration of the time limit referred to in subparagraph (a). The International Bureau shall proceed accordingly, as provided in the Regulations.

(3) The international search report or the declaration referred to in Article 17(2)(a) shall be published as prescribed in the Regulations.

(4) The language and form of the international publication and other details are governed by the Regulations.

(5) There shall be no international publication if the international application is withdrawn or is considered withdrawn before the technical preparations for publication have been completed.

(6) If the international application contains expressions or drawings which, in the opinion of the International Bureau, are contrary to morality or public order, or if, in its opinion, the international application contains disparaging statements as defined in the Regulations, it may omit such expressions, drawings, and statements, from its publications, indicating the place and number of words or drawings omitted, and furnishing, upon request, individual copies of the passages omitted.

(3) Nespoštovanje drugega odstavka nima posledic v imenovanih državah, katerih notranja zakonodaja dovoljuje spremembe, ki presegajo omenjene meje razlage izuma.

20. člen

Dostava imenovanim uradom

(1)(a) Mednarodna prijava s poročilom o mednarodni poizvedbi (vštevši vsako opombo iz drugega odstavka 17. člena pod (b) ali obvestilo iz drugega odstavka 17. člena pod (a) se v skladu s pravilnikom dostavi vsakemu imenovanemu uradu, ki se ni v celoti ali delno odrekel tej dostavi.

(b) Dostava obsega tudi prevod (kakršen je predpisan) navedenega poročila ali navedenega obvestila.

(2) Če so patentni zahtevki spremenjeni v skladu s prvim odstavkom 19. člena, se pošlje celotno besedilo patentnih zahtevkov, kot so bili vloženi in kot so bili spremenjeni, ali celotno besedilo patentnih zahtevkov, kot so bili vloženi, pri tem pa se natančno navede, kaj je bilo spremenjeno; poleg tega se, kadar je tak primer, pošlje izjava iz prvega odstavka 19. člena.

(3) Na zahtevo imenovanega urada ali prijavitelja mu ustanova za mednarodno poizvedbo v skladu s pravilnikom pošlje izvode listin, navedenih v poročilu o mednarodni poizvedbi.

21. člen

Mednarodna objava

(1) Mednarodni urad objavlja mednarodne prijave.

(2)(a) Razen ob izjemah, predvidenih v pododstavku (b) in tretjem odstavku 64. člena, se mednarodna prijava mednarodno objavi takoj po poteku 18 mesecev od prednostnega datuma prijave.

(b) Prijavitelj lahko zahteva od Mednarodnega urada, da njegovo mednarodno prijavo objavi kadarkoli pred potekom roka iz pododstavka (a). Mednarodni urad ravna glede take zahteve v skladu s pravilnikom.

(3) Poročilo o mednarodni poizvedbi ali obvestilo iz drugega odstavka 17. člena pod (a) se objavi v skladu s pravilnikom.

(4) Jezik in oblika mednarodne objave ter druge podrobnosti so določeni s pravilnikom.

(5) Mednarodna prijava se mednarodno ne objavi, če je umaknjena ali če se šteje za umaknjeno, preden se končajo tehnične priprave za objavo.

(6) Če Mednarodni urad meni, da vsebuje mednarodna prijava izraze ali skice, ki so v nasprotju z dobrimi običaji ali javnim redom, ali nesprejemljive izjave po pravilniku, jih v objavi lahko izpusti, vendar mora navesti, kje in koliko besed ali skic je bilo izpuščenih. Posebne izvode teh izpuščenih mest pošlje na zahtevo.

Article 22

Copy, Translation, and Fee, to Designated Offices

(1) The applicant shall furnish a copy of the international application (unless the communication provided for in Article 20 has already taken place) and a translation thereof (as prescribed), and pay the national fee (if any), to each designated Office not later than at the expiration of 20 months from the priority date. Where the national law of the designated State requires the indication of the name of and other prescribed data concerning the inventor but allows that these indications be furnished at a time later than that of the filing of a national application, the applicant shall, unless they were contained in the request, furnish the said indications to the national Office of or acting for the State not later than at the expiration of 20 months from the priority date.

(2) Where the International Searching Authority makes a declaration, under Article 17(2)(a), that no international search report will be established, the time limit for performing the acts referred to in paragraph (1) of this Article shall be the same as that provided for in paragraph (1).

(3) Any national law may, for performing the acts referred to in paragraphs (1) or (2), fix time limits which expire later than the time limit provided for in those paragraphs.

Article 23

Delaying of National Procedure

(1) No designated Office shall process or examine the international application prior to the expiration of the applicable time limit under Article 22.

(2) Notwithstanding the provisions of paragraph (1), any designated Office may, on the express request of the applicant, process or examine the international application at any time.

Article 24

Possible Loss of Effect in Designated States

(1) Subject, in case (ii) below, to the provisions of Article 25, the effect of the international application provided for in Article 11(3) shall cease in any designated State with the same consequences as the withdrawal of any national application in that State:

(i) if the applicant withdraws his international application or the designation of that State;

(ii) if the international application is considered withdrawn by virtue of Articles 12(3), 14(1)(b), 14(3)(a), or 14(4), or if the designation of that State is considered withdrawn by virtue of Article 14(3)(b);

(iii) if the applicant fails to perform the acts referred to in Article 22 within the applicable time limit.

(2) Notwithstanding the provisions of paragraph (1), any designated Office may maintain the effect provided for in Article 11(3) even where such effect is not required to be maintained by virtue of Article 25(2).

Article 25

Review by Designated Offices

(1)(a) Where the receiving Office has refused to accord an international filing date or has declared that the international application is considered withdrawn, or where the International Bureau has made a finding under

22. člen

Izvod, prevod in taksa za imenovane urade

(1) Prijavitelj pošlje vsakemu imenovanemu uradu po en izvod mednarodne prijave (razen če je bila ta že poslana po 20. členu) in po en izvod njenega prevoda (kakršen je predpisan) ter mu vplača državno takso (če je predpisana) najpozneje do poteka 20 mesecev od prednostnega datuma. Če se ob vložitvi državne prijave ne zahteva navedba imena izumitelja in drugih podatkov, ki se nanj nanašajo in so predpisani z notranjo zakonodajo imenovane države, jih prijavitelj, če jih ni v zahtevi za priznanje pravic, sporoči državnemu uradu zadevne države ali uradu, ki dela zanj, najpozneje do poteka 20 mesecev od prednostnega datuma.

(2) Kadar ustanova za mednarodno poizvedbo v skladu z drugim odstavkom 17. člena pod (a) izjavi, da ne bo sestavila poročila o mednarodni poizvedbi, je rok za dejanja, navedena v prvem odstavku tega člena, enak roku, določenemu v prvem odstavku.

(3) Notranja zakonodaja vsake države pogodbenice lahko za dejanja iz prvega in drugega odstavka določi rok, ki potečejo po rokih, določenih v navedenih odstavkih.

23. člen

Mirovanje državnega postopka

(1) Noben imenovani urad ne vodi postopka in ne obravnava mednarodne prijave pred potekom roka, ki se uporablja po 22. členu.

(2) Ne glede na prvi odstavek lahko vsak imenovani urad na izrecno zahtevo prijavitelja kadarkoli vodi postopek ali obravnava mednarodno prijavo.

24. člen

Možno prenehanje učinka v imenovanih državah

(1) S pridržkom 25. člena prenehajo učinki mednarodne prijave, predvideni v tretjem odstavku 11. člena, v primeru iz določbe pod (II) v vsaki imenovani državi; to prenehanje ima enake posledice kot umik državne prijave v zadevni državi:

(I) če prijavitelj umakne svojo mednarodno prijavo ali navedbo zadevne države;

(II) če se mednarodna prijava šteje za umaknjeno po tretjem odstavku 12. člena, prvem odstavku 14. člena pod (b), tretjem odstavku 14. člena pod (a) ali četrtem odstavku 14. člena ali če se navedba zadevne države šteje za umaknjeno po tretjem odstavku 14. člena pod (b);

(III) če prijavitelj v ustreznem roku ne opravi dejanj iz 22. člena.

(2) Ne glede na prvi odstavek lahko vsak imenovani urad ohrani učinke iz tretjega odstavka 11. člena, čeprav se ne zahteva, da se ti učinki ohranijo v skladu z drugim odstavkom 25. člena.

25. člen

Revizija s strani imenovanih uradov

(1)(a) Če prejemni urad zavrne potrditev datuma mednarodne vložitve ali izjavi, da se mednarodna prijava šteje za umaknjeno, ali če Mednarodni urad pride do ugotovitve v skladu s tretjim odstavkom 12. člena, ta urad

Article 12(3), the International Bureau shall promptly send, at the request of the applicant, copies of any document in the file to any of the designated Offices named by the applicant.

(b) Where the receiving Office has declared that the designation of any given State is considered withdrawn, the International Bureau shall promptly send, at the request of the applicant, copies of any document in the file to the national Office of such State.

(c) The request under subparagraphs (a) or (b) shall be presented within the prescribed time limit.

(2)(a) Subject to the provisions of subparagraph (b), each designated Office shall, provided that the national fee (if any) has been paid and the appropriate translation (as prescribed) has been furnished within the prescribed time limit, decide whether the refusal, declaration, or finding, referred to in paragraph (1) was justified under the provisions of this Treaty and the Regulations, and, if it finds that the refusal or declaration was the result of an error or omission on the part of the receiving Office or that the finding was the result of an error or omission on the part of the International Bureau, it shall, as far as effects in the State of the designated Office are concerned, treat the international application as if such error or omission had not occurred.

(b) Where the record copy has reached the International Bureau after the expiration of the time limit prescribed under Article 12(3) on account of any error or omission on the part of the applicant, the provisions of subparagraph (a) shall apply only under the circumstances referred to in Article 48(2).

Article 26

Opportunity to Correct before Designated Offices

No designated Office shall reject an international application on the grounds of non-compliance with the requirements of this Treaty and the Regulations without first giving the applicant the opportunity to correct the said application to the extent and according to the procedure provided by the national law for the same or comparable situations in respect of national applications.

Article 27

National Requirements

(1) No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in this Treaty and the Regulations.

(2) The provisions of paragraph (1) neither affect the application of the provisions of Article 7(2) nor preclude any national law from requiring, once the processing of the international application has started in the designated Office, the furnishing:

(i) when the applicant is a legal entity, of the name of an officer entitled to represent such legal entity,

(ii) of documents not part of the international application but which constitute proof of allegations or statements made in that application, including the confirmation of the international application by the signature of the applicant when that application, as filed, was signed by his representative or agent.

na zahtevo prijavitelja čimprej pošlje vsakemu imenovanemu uradu, ki ga je ta navedel, izvod katerekoli listine, ki jo vsebuje zadeva.

(b) Če prejemni urad izjavi, da se navedba posamezne države šteje za umaknjeno, Mednarodni urad na zahtevo tistega, ki to zahteva, čimprej pošlje državnemu uradu zadevne države izvod katerekoli listine, ki jo vsebuje zadeva.

(c) Zahteve, ki temeljijo na pododstavkih (a) ali (b), se morajo vložiti v predpisanem roku.

(2)(a) S pridržkom določb pododstavka (b), vsak imenovani urad odloči, ali so zavrnitev, izjava ali ugotovitev, navedene v prvem odstavku, upravičene po tej pogodbi in pravilniku, če je bila državna taksa (če je predpisana) plačana in če je bil ustrezen prevod (kakršen je predpisan) poslan v predpisanem roku; če ugotovi, da je zavrnitev ali izjava posledica napake ali opustitve prejemnega urada ali da je ugotovitev posledica napake ali opustitve Mednarodnega urada, ravna glede učinka mednarodne prijave v državi imenovanega urada, kot da take napake ali opustitve ni.

(b) Če arhivski izvod zaradi napake ali opustitve prijavitelja prispe v Mednarodni urad po poteku roka, predpisanega v tretjem odstavku 12. člena, se določbe pododstavka (a) uporabljajo samo pod pogoji, navedenimi v drugem odstavku 48. člena.

26. člen

Možnost popravkov pri imenovanih uradih

Noben imenovani urad ne sme zavrniti mednarodne prijave zato, ker ne izpolnjuje pogojev iz te pogodbe in pravilnika, ne da bi prijavitelju poprej omogočil, da to prijavo uredi v obsegu in po postopku, kot je določeno z notranjo zakonodajo za enake ali podobne primere pri državnih prijavah.

27. člen

Zahteve državnega prava

(1) Notranja zakonodaja posamezne države ne sme zahtevati, da mednarodna prijava glede svoje oblike ali vsebine izpolnjuje drugačne pogoje, kot so določeni v tej pogodbi in pravilniku, ali dodatne pogoje.

(2) Določbe prvega odstavka ne vplivajo na uporabo drugega odstavka 7. člena in notranji zakonodaji katerekoli države ne preprečujejo, da – kadar postopek v zvezi z mednarodno prijavo že teče – zahteva od imenovanega urada:

(I) podatek o imenu njegovega uslužbenca, ki je pooblaščen, da ga predstavlja, kadar je prijavitelj pravna oseba;

(II) da predloži listine, ki ne spadajo k mednarodni prijavi, vendar pomenijo dokaz o navedbah ali izjavah v tej prijavi, vstevši potrdilo mednarodne prijave s podpisom prijavitelja, kadar je to prijavo, kakršna je bila vložena, podpisal njegov predstavnik ali zastopnik.

(3) Where the applicant, for the purposes of any designated State, is not qualified according to the national law of that State to file a national application because he is not the inventor, the international application may be rejected by the designated Office.

(4) Where the national law provides, in respect of the form or contents of national applications, for requirements which, from the viewpoint of applicants, are more favorable than the requirements provided for by this Treaty and the Regulations in respect of international applications, the national Office, the courts and any other competent organs of or acting for the designated State may apply the former requirements, instead of the latter requirements, to international applications, except where the applicant insists that the requirements provided for by this Treaty and the Regulations be applied to his international application.

(5) Nothing in this Treaty and the Regulations is intended to be construed as prescribing anything that would limit the freedom of each Contracting State to prescribe such substantive conditions of patentability as it desires. In particular, any provision in this Treaty and the Regulations concerning the definition of prior art is exclusively for the purposes of the international procedure and, consequently, any Contracting State is free to apply, when determining the patentability of an invention claimed in an international application, the criteria of its national law in respect of prior art and other conditions of patentability not constituting requirements as to the form and contents of applications.

(6) The national law may require that the applicant furnish evidence in respect of any substantive condition of patentability prescribed by such law.

(7) Any receiving Office or, once the processing of the international application has started in the designated Office, that Office may apply the national law as far as it relates to any requirement that the applicant be represented by an agent having the right to represent applicants before the said Office and/or that the applicant have an address in the designated State for the purpose of receiving notifications.

(8) Nothing in this Treaty and the Regulations is intended to be construed as limiting the freedom of any Contracting State to apply measures deemed necessary for the preservation of its national security or to limit, for the protection of the general economic interests of that State, the right of its own residents or nationals to file international applications.

Article 28

Amendment of the Claims, the Description, and the Drawings, before Designated Offices

(1) The applicant shall be given the opportunity to amend the claims, the description, and the drawings, before each designated Office within the prescribed time limit. No designated Office shall grant a patent, or refuse the grant of a patent, before such time limit has expired except with the express consent of the applicant.

(2) The amendments shall not go beyond the disclosure in the international application as filed unless the national law of the designated State permits them to go beyond the said disclosure.

(3) The amendments shall be in accordance with the national law of the designated State in all respects not provided for in this Treaty and the Regulations.

(4) Where the designate Office requires a translation of the international application, the amendments shall be in the language of the translation.

(3) Če prijavitelj glede na katerokoli imenovano državo po notranji zakonodaji zadevne države ne more vložiti državne prijave, ker ni izumitelj, imenovani urad lahko zavrže mednarodno prijavo.

(4) Kadar notranja zakonodaja glede oblike ali vsebine državnih prijav določa pogoje, ki so s stališča prijavitelja ugodnejši od pogojev, predvidenih s to pogodbo in pravilnikom za mednarodne prijave, lahko državni urad, sodišča in vsi drugi pristojni organi imenovane države ali tisti, ki delajo zanjo, uporabijo za mednarodne prijave prve pogoje namesto zadnjih, razen če prijavitelj zahteva, da se pogoji, predvideni s to pogodbo in pravilnikom, uporabijo za njegovo mednarodno prijavo.

(5) Nič v tej pogodbi in pravilniku se ne sme razumeti tako, da omejuje svobodo katerekoli države pogodbenice, da predpiše vse materialne pogoje glede patentibilnosti, tako, kot to želi. Vsaka določba te pogodbe in pravilnika, ki se nanaša na ugotavljanje stanja tehnike, je predpisana samo zaradi urejanja mednarodnega postopka; vsaka država pogodbenica lahko torej pri ugotavljanju patentibilnosti posameznega izuma, ki je predmet mednarodne prijave, uporablja merila iz svoje notranje zakonodaje o stanju tehnike in drugih pogojih za patentibilnost, ki niso pogoji glede oblike in vsebine prijave.

(6) Notranja zakonodaja lahko zahteva od prijavitelja, da predloži dokaze o vsakem predpisanem materialno-pravnem pogoju za patentibilnost.

(7) Vsak prejemni urad in vsak imenovani urad, pri katerem se je začel postopek v zvezi z mednarodno prijavo, lahko uporabi vsako določbo svoje notranje zakonodaje o tem, da mora prijavitelja pri tem uradu zastopati pooblaščen zastopnik, in o tem, da se mora navesti naslov v imenovani državi, prek katerega bo prejemal obvestila.

(8) Nič v tej pogodbi in pravilniku se ne sme razlagati tako, da omejuje svobodo katerekoli države pogodbenice, da izvede ukrepe, ki so po njenem mnenju potrebni za ohranitev državne varnosti, ali da zaradi varstva svojih splošnih ekonomskih interesov omeji pravico svojih državljanov ali oseb, ki imajo stalno prebivališče na njenem ozemlju, da vlagajo mednarodne prijave.

28. člen

Sprememba patentnih zahtevkov, opisa in skic pri imenovanih uradih

(1) Prijavitelj ima možnost, da pri vsakem imenovanem uradu v predpisanem roku spremeni patentne zahtevke, opis in skice. Noben imenovani urad ne sme izdati patenta in ne zavrniti njegove izdaje pred potekom omejenega roka, razen z izrecnim soglasjem prijavitelja.

(2) Spremembe ne smejo preseči meja, v katerih je izum razložen v mednarodni prijavi, kakršna je bila vložena, razen če notranja zakonodaja imenovane države to izrecno dovoljuje.

(3) Spremembe morajo biti v skladu z notranjo zakonodajo imenovane države glede vsega, kar ni urejeno s to pogodbo ali pravilnikom.

(4) Če imenovani urad zahteva prevod mednarodne prijave, morajo biti spremembe podane v jeziku prevoda.

Article 29

Effects of the International Publication

(1) As far as the protection of any rights of the applicant in a designated State is concerned, the effects, in that State, of the international publication of an international application shall, subject to the provisions of paragraphs (2) to (4), be the same as those which the national law of the designated State provides for the compulsory national publication of unexamined national applications as such.

(2) If the language in which the international publication has been effected is different from the language in which publications under the national law are effected in the designated State, the said national law may provide that the effects provided for in paragraph (1) shall be applicable only from such time as:

(i) a translation into the latter language has been published as provided by the national law, or

(ii) a translation into the latter language has been made available to the public, by laying open for public inspection as provided by the national law, or

(iii) a translation into the latter language has been transmitted by the applicant to the actual or prospective unauthorized user of the invention claimed in the international application, or

(iv) both the acts described in (i) and (iii), or both the acts described in (ii) and (iii), have taken place.

(3) The national law of any designated State may provide that, where the international publication has been effected, on the request of the applicant, before the expiration of 18 months from the priority date, the effects provided for in paragraph (1) shall be applicable only from the expiration of 18 months from the priority date.

(4) The national law of any designated State may provide that the effects provided for in paragraph (1) shall be applicable only from the date on which a copy of the international application as published under Article 21 has been received in the national Office of or acting for such State. The said Office shall publish the date of receipt in its gazette as soon as possible.

Article 30

Confidential Nature of the International Application

(1)(a) Subject to the provisions of subparagraph (b), the International Bureau and the International Searching Authorities shall not allow access by any person or authority to the international application before the international publication of that application, unless requested or authorized by the applicant.

(b) The provisions of subparagraph (a) shall not apply to any transmittal to the competent International Searching Authority, to transmittals provided for under Article 13, and to communications provided for under Article 20.

(2)(a) No national Office shall allow access to the international application by third parties, unless requested or authorized by the applicant, before the earliest of the following dates:

(i) date of the international publication of the international application.

(ii) date of the receipt of the communication of the international application under Article 20.

(iii) date of the receipt of a copy of the international application under Article 22.

(b) The provisions of subparagraph (a) shall not prevent any national Office from informing third parties

29. člen

Učinki mednarodne objave

(1) Kar zadeva varstvo katerekoli pravice prijavitelja v posamezni imenovani državi, ima mednarodna objava mednarodne prijave v zadevni državi, s pridržkom določb drugega do četrtega odstavka, enake učinke, kot jih notranja zakonodaja predvideva za obvezne državne objave nepreizkušenih državnih prijav kot takih.

(2) Če jezik, v katerem je mednarodna prijava mednarodno objavljena, ni jezik, v katerem se objavljajo mednarodne prijave po notranji zakonodaji imenovane države, lahko omenjena zakonodaja določi, da učinki iz prvega odstavka nastanejo šele od tistega dne:

(I) ko je prevod v ta drug jezik objavljen v skladu z notranjo zakonodajo;

(II) ko je prevod v ta drug jezik dostopen javnosti zaradi vpogleda, v skladu z notranjo zakonodajo;

(III) ko prijavitelj pošlje prevod v ta drug jezik nepooblaščenemu, dejanskemu ali možnemu uporabniku izuma, ki je predmet mednarodne prijave; ali

(IV) ko sta opravljeni obe dejanji iz določb pod (I) in (III) ali obe dejanji iz določb pod (II) in (III).

(3) Notranja zakonodaja vsake imenovane države lahko določi, da učinki iz prvega odstavka, kadar se mednarodna objava opravi na zahtevo prijavitelja pred potekom 18 mesecev od prednostnega datuma, nastanejo šele po poteku 18 mesecev od prednostnega datuma.

(4) Notranja zakonodaja vsake imenovane države lahko določi, da učinki iz prvega odstavka nastanejo šele od dneva, ko državni urad zadevne države ali urad, ki dela za to državo, prejme en izvod objave mednarodne prijave v skladu z 21. členom. Ta urad takoj, ko je to mogoče, objavi v svojem glasniku datum prejema.

30. člen

Zaupni značaj mednarodne prijave

(1)(a) S pridržkom določb pododstavka (b) Mednarodni urad in ustanove za mednarodno poizvedbo ne smejo nobeni osebi ali organu dovoliti dostopa do mednarodne prijave pred njeno mednarodno objavo, razen na zahtevo ali s pooblastilom prijavitelja.

(b) Določbe pododstavka (a) se ne uporabljajo za dostave ustanovi za mednarodno poizvedbo, dostave iz 13. člena in dostave iz 20. člena.

(2)(a) Noben državni urad ne sme komu drugemu dovoliti dostopa do mednarodne prijave, razen na zahtevo ali s pooblastilom prijavitelja, pred enim izmed naslednjih datumov, ki je prvi:

(I) datumom mednarodne objave mednarodne prijave;

(II) datumom prejema dostave mednarodne prijave po 20. členu;

(III) datumom prejema enega izvoda mednarodne prijave po 22. členu.

(b) Določbe pododstavka (a) ne smejo državnemu uradu preprečiti, da druge obvesti, da je imenovan, in da

that it has been designated, or from publishing that fact. Such information or publication may, however, contain only the following data: identification of the receiving Office, name of the applicant, international filing date, international application number, and title of the invention.

(c) The provisions of subparagraph (a) shall not prevent any designated Office from allowing access to the international application for the purposes of the judicial authorities.

(3) The provisions of paragraph (2)(a) shall apply to any receiving Office except as far as transmittals provided for under Article 12(1) are concerned.

(4) For the purposes of this Article, the term "access" covers any means by which third parties may acquire cognizance, including individual communication and general publication, provided, however, that no national Office shall generally publish an international application or its translation before the international publication or, if international publication has not taken place by the expiration of 20 months from the priority date, before the expiration of 20 months from the said priority date.

Chapter II

INTERNATIONAL PRELIMINARY EXAMINATION

Article 31

Demand for International Preliminary Examination

(1) On the demand of the applicant, his international application shall be the subject of an international preliminary examination as provided in the following provisions and the Regulations.

(2)(a) Any applicant who is a resident or national, as defined in the Regulations, of a Contracting State bound by Chapter II, and whose international application has been filed with the receiving Office of or acting for such State, may make a demand for international preliminary examination.

(b) The Assembly may decide to allow persons entitled to file international applications to make a demand for international preliminary examination even if they are residents or nationals of a State not party to this Treaty or not bound by Chapter II.

(3) The demand for international preliminary examination shall be made separately from the international application. The demand shall contain the prescribed particulars and shall be in the prescribed language and form.

(4)(a) The demand shall indicate the Contracting State or States in which the applicant intends to use the results of the international preliminary examination ("elected States"). Additional Contracting States may be elected later. Election may relate only to Contracting States already designated under Article 4.

(b) Applicants referred to in paragraph (2)(a) may elect any Contracting State bound by Chapter II. Applicants referred to in paragraph (2)(b) may elect only such Contracting States bound by Chapter II as have declared that they are prepared to be elected by such applicants.

(5) The demand shall be subject to the payment of the prescribed fees within the prescribed time limit.

to objavi. Tako obvestilo ali objava lahko vsebuje samo naslednje podatke: navedbo prejemnega urada, ime prijavitelja, datum vložitve mednarodne prijave, številko mednarodne prijave in naziv izuma.

(c) Določbe pododstavka (a) ne morejo imenovati uradu preprečiti, da sodnemu organu dovoli dostop do mednarodne prijave.

(3) Določbe pod (a) drugega odstavka se uporabljajo za vsak prejemni urad, razen za dostave iz prvega odstavka 12. člena.

(4) Po tem členu je z izrazom »imeti dostop« mišljeno vsako sredstvo, na podlagi katerega kdo drug pride do spoznanja, všteti individualno sporočanje in splošno objavo; vendar noben državni urad ne sme objaviti mednarodne prijave ali njenega prevoda pred mednarodno objavo ali pred potekom 20 mesecev od prednostnega datuma, če do mednarodne objave ni prišlo po poteku omenjenega roka.

II. poglavje

MEDNARODNI PREDHODNI PREIZKUS

31. člen

Zahteva za mednarodni predhodni preizkus

(1) Na zahtevo prijavitelja se opravi mednarodni predhodni preizkus njegove mednarodne prijave v skladu z navedenimi določbami in pravilnikom.

(2)(a) Vsak prijavitelj, ki ima po pravilniku stalno prebivališče v kaki državi pogodbenici, za katero velja II. poglavje, ali je pripadnik te države in katerega mednarodna prijava je bila vložena pri prejemnem uradu zadevne države ali uradu, ki dela za to državo, lahko vloži zahtevo za mednarodni predhodni preizkus.

(b) Skupščina lahko odloči, da osebam, ki so pooblašene za vlaganje mednarodnih prijav, dovoli, da vlagajo zahteve za mednarodni predhodni preizkus; čeprav imajo stalno prebivališče v državi, ki ni pogodbenica ali znajo ne velja II. poglavje, ali so pripadniki take države.

(3) Zahteva za mednarodni predhodni preizkus se vloži ločeno od mednarodne prijave. Vsebovati mora predpisane podatke in biti sestavljena v predpisanem jeziku in v predpisani obliki.

(4)(a) V zahtevi za mednarodni predhodni preizkus mora biti imenovana država oziroma država pogodbenica, v katerih namerava prijavitelj uporabljati rezultate mednarodnega predhodnega preizkusa (»izbrane države«). Dodatne države pogodbenice se lahko pozneje izberejo. Izberejo se lahko samo države pogodbenice, ki so že navedene v skladu s 4. členom.

(b) Prijavitelji iz drugega odstavka pod (a) lahko izberejo katerokoli državo pogodbenico, za katero velja II. poglavje. Prijavitelji iz drugega odstavka pod (b) lahko izberejo samo države pogodbenice, za katere velja II. poglavje in ki so izjavile, da se strinjajo, da jih ti prijavitelji izberejo.

(5) Za zahtevo za mednarodni predhodni preizkus se morajo v predpisanem roku plačati predpisane takse.

(6)(a) The demand shall be submitted to the competent International Preliminary Examining Authority referred to in Article 32.

(b) Any later election shall be submitted to the International Bureau.

(7) Each elected Office shall be notified of its election.

Article 32

The International Preliminary Examining Authority

(1) International preliminary examination shall be carried out by the International Preliminary Examining Authority.

(2) In the case of demands referred to in Article 31(2)(a), the receiving Office, and, in the case of demands referred to in Article 31(2)(b), the Assembly, shall, in accordance with the applicable agreement between the interested International Preliminary Examining Authority or Authorities and the International Bureau, specify the International Preliminary Examining Authority or Authorities competent for the preliminary examination.

(3) The provisions of Article 16(3) shall apply, *mutatis mutandis*, in respect of International Preliminary Examining Authorities.

Article 33

The International Preliminary Examination

(1) The objective of the international preliminary examination is to formulate a preliminary and non-binding opinion on the questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), and to be industrially applicable.

(2) For the purposes of the international preliminary examination, a claimed invention shall be considered novel if it is not anticipated by the prior art as defined in the Regulations.

(3) For the purposes of the international preliminary examination, a claimed invention shall be considered to involve an inventive step if, having regard to the prior art as defined in the Regulations, it is not, at the prescribed relevant date, obvious to a person skilled in the art.

(4) For the purposes of the international preliminary examination, a claimed invention shall be considered industrially applicable if, according to its nature, it can be made or used (in the technological sense) in any kind of industry. "Industry" shall be understood in its broadest sense, as in the Paris Convention for the Protection of Industrial Property.

(5) The criteria described above merely serve the purposes of international preliminary examination. Any Contracting State may apply additional or different criteria for the purpose of deciding whether, in that State, the claimed invention is patentable or not.

(6) The international preliminary examination shall take into consideration all the documents cited in the international search report. It may take into consideration any additional documents considered to be relevant in the particular case.

Article 34

Procedure before the International Preliminary Examining Authority

(1) Procedure before the International Preliminary Examining Authority shall be governed by the provisions

(6)(a) Zahteva za mednarodni predhodni preizkus se vloži pri ustanovi za mednarodni predhodni preizkus, navedeni v 32. členu.

(b) Vsaka poznejša izbira se mora opraviti prek Mednarodnega urada.

(7) Vsak izbrani urad dobi obvestilo o tem, da je izbran.

32. člen

Ustanova za mednarodni predhodni preizkus

(1) Mednarodni predhodni preizkus opravi ustanova za mednarodni predhodni preizkus.

(2) Glede zahtev za mednarodni predhodni preizkus, navedenih v drugem odstavku 31. člena pod (a), določi prejemni urad ustanovo ali ustanove, ki bodo pristojne za predhodni preizkus, glede zahtev za mednarodni predhodni preizkus, navedenih v drugem odstavku 31. člena pod (b), pa določi te ustanove skupščina; te ustanove se določijo v skladu z veljavnim sporazumom, sklenjenim med eno ali več zainteresiranih ustanov za mednarodni predhodni preizkus in Mednarodnim uradom.

(3) Določbe tretjega odstavka 16. člena se uporabljajo *mutatis mutandis* za ustanove za mednarodni predhodni preizkus.

33. člen

Mednarodni predhodni preizkus

(1) Namen mednarodnega predhodnega preizkusa je oblikovati predhodno neobvezno mnenje o vprašanih, ali je izum, katerega varstvo se zahteva, nov, ali je rezultat ustvarjalnega dela (da očitno ne izhaja iz znanega stanja tehnike) in ali je industrijsko uporabljiv.

(2) Za mednarodni predhodni preizkus se izum, katerega varstvo se zahteva, šteje za novega, če ni obsežen s stanjem tehnike, kot je opredeljeno v pravilniku.

(3) Za mednarodni predhodni preizkus se izum, katerega varstvo se zahteva, šteje za rezultat ustvarjalnega dela, če glede na stanje tehnike, kot je opredeljeno v pravilniku, na predpisani relevantni dan očitno ne izhaja iz stanja tehnike, ki ga strokovnjak pozna.

(4) Za mednarodni predhodni preizkus se šteje, da je izum, katerega varstvo se zahteva, industrijsko uporabljiv, če se lahko po svoji naravi proizvede ali izkorišča (v tehnološkem smislu) v katerikoli industrijski proizvodnji. Besedo »industrija« je treba razumeti v njenem najširšem pomenu kot v Pariški konvenciji o varstvu industrijske lastnine.

(5) Navedena merila se uporabljajo samo za mednarodni predhodni preizkus. Vsaka država pogodbenica lahko uporabi dodatna ali drugačna merila, ko odloča, ali se lahko izum v njej zavaruje s patentom ali ne.

(6) Pri mednarodnem predhodnem preizkusu se mora upoštevati vsa dokumentacija, navedena v poročilu o mednarodni proizvodbi. Pri njem se lahko upošteva dodatna dokumentacija, ki se šteje za relevantno v konkretnem primeru.

34. člen

Postopek pri ustanovi za mednarodni predhodni preizkus

(1) Postopek pri ustanovi za mednarodni predhodni preizkus je določen s to pogodbo, pravilnikom in spora-

of this Treaty, the Regulations, and the agreement which the International Bureau shall conclude, subject to this Treaty and the Regulations, with the said Authority.

(2)(a) The applicant shall have a right to communicate orally and in writing with the International Preliminary Examining Authority.

(b) The applicant shall have a right to amend the claims, the description, and the drawings, in the prescribed manner and within the prescribed time limit, before the international preliminary examination report is established. The amendment shall not go beyond the disclosure in the international application as filed.

(c) The applicant shall receive at least one written opinion from the International Preliminary Examining Authority unless such Authority considers that all of the following conditions are fulfilled:

(i) the invention satisfies the criteria set forth in Article 33(1),

(ii) the international application complies with the requirements of this Treaty and the Regulations in so far as checked by that Authority,

(iii) no observations are intended to be made under Article 35(2), last sentence.

(d) The applicant may respond to the written opinion.

(3)(a) If the International Preliminary Examining Authority considers that the international application does not comply with the requirement of unity of invention as set forth in the Regulations, it may invite the applicant, at his option, to restrict the claims so as to comply with the requirement or to pay additional fees.

(b) The national law of any elected State may provide that, where the applicant chooses to restrict the claims under subparagraph (a), those parts of the international application which, as a consequence of the restriction, are not to be the subject of international preliminary examination shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to the national Office of that State.

(c) If the applicant does not comply with the invitation referred to in subparagraph (a) within the prescribed time limit, the International Preliminary Examining Authority shall establish an international preliminary examination report on those parts of the international application which relate to what appears to be the main invention and shall indicate the relevant facts in the said report. The national law of any elected State may provide that, where its national Office finds the invitation of the International Preliminary Examining Authority justified, those parts of the international application which do not relate to the main invention shall, as far as effects in that State are concerned, be considered withdrawn unless a special fee is paid by the applicant to that Office.

(4)(a) If the International Preliminary Examining Authority considers

(i) that the international application relates to a subject matter on which the International Preliminary Examining Authority is not required, under the Regulations, to carry out an international preliminary examination, and in the particular case decides not to carry out such examination, or

(ii) that the description, the claims, or the drawings, are so unclear, or the claims are so inadequately supported by the description, that no meaningful opinion can be formed on the novelty, inventive step (non-obviousness), or industrial applicability, of the claimed invention,

the said Authority shall not go into the questions referred to in Article 33(1) and shall inform the applicant of this opinion and the reasons therefor.

zumom, ki ga Mednarodni urad v skladu s to pogodbo in pravilnikom sklene z omenjeno ustanovo.

(2)(a) Prijavitelj ima pravico, da ustno in pisno komunicira z ustanovo za mednarodni predhodni preizkus.

(b) Prijavitelj ima pravico, da patentne zahtevke, opis in skice spreminja na predpisan način in v predpisanem roku, preden sestavi poročilo o mednarodnem predhodnem preizkusu. Spremembe ne smejo presegati meja, v katereh je izum razložen v mednarodni prijavi, kakršna je bila vložena.

(c) Prijavitelj dobi od ustanove za mednarodni predhodni preizkus najmanj eno pisno mnenje, razen če ta ustanova meni, da so izpolnjeni vsi naslednji pogoji:

(I) da izum izpolnjuje pogoje iz prvega odstavka 33. člena;

(II) da mednarodna prijava izpolnjuje pogoje iz te pogodbe in pravilnika v obsegu, v katerem jih je preverila ta ustanova;

(III) da ni namena, da se dajo pripombe po zadnjem stavku drugega odstavka 35. člena.

(d) Prijavitelj lahko odgovori na pisno obvestilo.

(3)(a) Če ustanova za mednarodni predhodni preizkus meni, da mednarodna prijava ne izpolnjuje pogoje glede enotnosti izuma, kot je to določeno v pravilniku, lahko pozove prijavitelja, da po svoji izbiri omeji patentne zahtevke tako, da bo izpolnjen ta pogoj ali da plača dodatne takse.

(b) Notranja zakonodaja vsake izbrane države lahko določi, da se, kadar se prijavitelj odloči za omejitev patentnih zahtevkov po pododstavku (a), deli mednarodne prijave, ki zaradi omejitve niso predmet mednarodnega predhodnega preizkusa, glede učinka v zadevni državi štejejo za umaknjene, razen če prijavitelj plača posebno takso državnemu uradu zadevne države.

(c) Če prijavitelj v predpisanem roku ne odgovori na poziv iz pododstavka (a), pošlje ustanova za mednarodni predhodni preizkus poročilo o mednarodnem predhodnem preizkusu o delih mednarodne prijave, ki se nanašajo na tisto, kar je po vsej verjetnosti glavni izum, in to navede v poročilu. Notranja zakonodaja vsake izbrane države lahko določi, da se – če državni urad zadevne države meni, da je poziv ustanove za mednarodni predhodni preizkus upravičen – deli mednarodne prijave, ki se ne nanašajo na glavni izum, štejejo za umaknjene, kar zadeva učinek v zadevni državi, razen če je prijavitelj plačal temu uradu posebno takso.

(4)(a) Če ustanova za mednarodni predhodni preizkus meni:

(I) da se mednarodna prijava nanaša na predmet, za katerega v skladu s pravilnikom ni obvezen mednarodni predhodni preizkus, odloči, da v tem primeru takega preizkusa ne opravi;

(II) da opis, patentni zahtevki ali skice niso jasni ali da patentni zahtevki ustrezno ne temeljijo na opisu, tako da ni mogoče dati določenega mnenja glede novosti, rezultata ustvarjalnega dela (neočitnosti) ali industrijske uporabljivosti izuma, katerega varstvo se zahteva,

ne obravnava vprašanj, navedenih v prvem odstavku 33. člena, s tem mnenjem in s svojimi razlogi pa seznani prijavitelja.

(b) If any of the situation referred to in subparagraph (a) is found to exist in, or in connection with, certain claims only, the provisions of that subparagraph shall apply only to the said claims.

Article 35

The International Preliminary Examination Report

(1) The international preliminary examination report shall be established within the prescribed time limit and in the prescribed form.

(2) The international preliminary examination report shall not contain any statement on the question whether the claimed invention is or seems to be patentable or unpatentable according to any national law. It shall state, subject to the provisions of paragraph (3), in relation to each claim, whether the claim appears to satisfy the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined for the purposes of the international preliminary examination in Article 33(1) to (4). The statement shall be accompanied by the citation of the documents believed to support the stated conclusion with such explanations as the circumstances of the case may require. The statement shall also be accompanied by such other observations as the Regulations provide for.

(3)(a) If, at the time of establishing the international preliminary examination report, the International Preliminary Examining Authority considers that any of the situations referred to in Article 34(4)(a) exist, that report shall state this opinion and the reasons therefor. It shall not contain any statement as provided in paragraph (2).

(b) If a situation under Article 34(4)(b) is found to exist, the international preliminary examination report shall, in relation to the claims in question, contain the statement as provided in subparagraph (a), whereas, in relation to the other claims, it shall contain the statement as provided in paragraph (2).

Article 36

Transmittal, Translation, and Communication, of the International Preliminary Examination Report

(1) The international preliminary examination report, together with the prescribed annexes, shall be transmitted to the applicant and to the International Bureau.

(2)(a) The international preliminary examination report and its annexes shall be translated into the prescribed languages.

(b) Any translation of the said report shall be prepared by or under the responsibility of the International Bureau, whereas any translation of the said annexes shall be prepared by the applicant.

(3)(a) The international preliminary examination report, together with its translation (as prescribed) and its annexes (in the original language), shall be communicated by the International Bureau to each elected Office.

(b) The prescribed translation of the annexes shall be transmitted within the prescribed time limit by the applicant to the elected Offices.

(4) The provisions of Article 20(3) shall apply, *mutatis mutandis*, to copies of any document which is cited in the international preliminary examination report and which was not cited in the international search report.

(b) Če gre za kakšnega izmed primerov, navedenih v pododstavku (a), samo v nekaterih patentnih zahtevkih ali v zvezi z nekaterimi patentnimi zahtevki, se določbe tega pododstavka uporabljajo samo za te patentne zahtevke.

35. člen

Poročilo o mednarodnem predhodnem preizkusu

(1) Poročilo o mednarodnem predhodnem preizkusu se sestavi v predpisanem roku in v predpisani obliki.

(2) Poročilo o mednarodnem predhodnem preizkusu ne vsebuje nobene izjave o vprašanju, ali je izum, katerega varstvo se zahteva, dejansko ali navidezno primeren za varstvo po kaki notranji zakonodaji. S pridržkom določb tretjega odstavka mora vsebovati poročilo izjavo v zvezi z vsakim patentnim zahtevkom, ali zadevni patentni zahtevki po vsej verjetnosti izpolnjuje pogoje glede novosti, ustvarjalnosti (neočitnosti) in industrijske uporabljivosti, kot so določeni za mednarodni predhodni preizkus v prvem do četrtem odstavku 33. člena. Ob tej izjavi se navedejo listine, na katerih temelji naveden sklep, in vsa pojasnila, ki so v konkretnem primeru potrebna. Ob tej izjavi se navedejo druge opombe, določene v pravilniku.

(3)(a) Če ustanova za mednarodni predhodni preizkus ob sestavljanju poročila o mednarodnem predhodnem preizkusu meni, da gre za enega izmed primerov, navedenih v četrtem odstavku 34. člena pod (a), mora poročilo vsebovati izjavo o tem in razloge za to. Poročilo ne sme vsebovati nobene izjave po drugem odstavku.

(b) Če gre za enega izmed primerov, navedenih v četrtem odstavku 34. člena pod (b), mora vsebovati poročilo o predhodnem mednarodnem preizkusu za konkretne patentne zahtevke opomibo iz pododstavka (a), za druge patentne zahtevke pa izjavo, navedeno v drugem odstavku.

36. člen

Dostava, prevod in pošiljanje poročila o mednarodnem predhodnem preizkusu

(1) Poročilo o mednarodnem predhodnem preizkusu in predpisane priloge se pošljejo prijavitelju in Mednarodnemu uradu.

(2)(a) Poročilo o mednarodnem predhodnem preizkusu in njegove priloge se prevedejo v predpisane jezike.

(b) Vsak prevod prevedenega poročila pripravi Mednarodni urad ali se pripravi na njegovo odgovornost; vsak prevod prilog poročila pripravi prijavitelj.

(3)(a) Mednarodni urad pošlje poročilo o mednarodnem predhodnem preizkusu z njegovim prevodom (kakršen je predpisan) in njegovimi prilogami (v izvorniku) vsakemu izbranemu uradu.

(b) Prijavitelj pošlje v predpisanem roku predpisani prevod prilog izbranim uradom.

(4) Določbe tretjega odstavka 20. člena se uporabljajo *mutatis mutandis* za izvode vsake listine, ki je navedena v poročilu o mednarodnem predhodnem preizkusu in ki ni navedena v poročilu o mednarodni poizvedbi.

Article 37

Withdrawal of Demand or Election

- (1) The applicant may withdraw any or all elections.
- (2) If the election of all elected States is withdrawn, the demand shall be considered withdrawn.
- (3)(a) Any withdrawal shall be notified to the International Bureau.
- (b) The elected Offices concerned and the International Preliminary Examining Authority concerned shall be notified accordingly by the International Bureau.
- (4)(a) Subject to the provisions of subparagraph (b), withdrawal of the demand or of the election of a Contracting State shall, unless the national law of that State provides otherwise, be considered to be withdrawal of the international application as far as that State is concerned.
- (b) Withdrawal of the demand or of the election shall not be considered to be withdrawal of the international application if such withdrawal is effected prior to the expiration of the applicable time limit under Article 22; however, any Contracting State may provide in its national law that the aforesaid shall apply only if its national Office has received, within the said time limit, a copy of the international application, together with a translation (as prescribed), and the national fee.

Article 38

Confidential Nature of the International Preliminary Examination

- (1) Neither the International Bureau nor the International Preliminary Examining Authority shall, unless requested or authorized by the applicant, allow access within the meaning, and with the proviso, of Article 30(4) to the file of the international preliminary examination by any person or authority at any time, except by the elected Offices once the international preliminary examination report has been established.
- (2) Subject to the provisions of paragraph (1) and Articles 36(1) and (3) and 37(3)(b), neither the International Bureau nor the International Preliminary Examining Authority shall, unless requested or authorized by the applicant, give information on the issuance or nonissuance of an international preliminary examination report and on the withdrawal or nonwithdrawal of the demand or of any election.

Article 39

Copy, Translation, and Fee, to Elected Offices

- (1)(a) If the election of any Contracting State has been effected prior to the expiration of the 19th month from the priority date, the provisions of Article 22 shall not apply to such State and the applicant shall furnish a copy of the international application (unless the communication under Article 20 has already taken place) and a translation thereof (as prescribed), and pay the national fee (if any), to each elected Office not later than at the expiration of 30 months from the priority date.
- (b) Any national law may, for performing the acts referred to in subparagraph (a), fix time limits which expire later than the time limit provided for in that subparagraph.

37. člen

Umik zahteve za mednarodni predhodni preizkus ali umik izbire

- (1) Prijavitelj lahko umakne nekatere izbire ali vse izbire.
- (2) Če je umaknjena izbira vseh držav, se šteje, da je zahteva za mednarodni predhodni preizkus umaknjena.
- (3)(a) Vsak umik se mora sporočiti Mednarodnemu uradu.
- (b) Mednarodni urad obvesti o tem izbrane urade in ustanovo za mednarodni predhodni preizkus, na katere se to nanaša.
- (4)(a) S pridržkom določb pododstavka (b) se umik zahteve za mednarodni predhodni preizkus ali izbire kake države pogodbenice, če z notranjo zakonodajo ni drugače določeno, šteje za umik mednarodne prijave za to državo.

(b) Umik zahteve za mednarodni predhodni preizkus ali izbire se ne šteje za umik mednarodne prijave, če je bila zahteva umaknjena pred potekom roka, ki se lahko uporabi po 22. členu; vsaka država pogodbenica lahko vseeno v svoji notranji zakonodaji določi, da bo tako samo, če njen državni urad v omenjenem roku prejme izvod mednarodne prijave s prevodom (kakršen je predpisan) in državno takso.

38. člen

Zaupni značaj mednarodnega predhodnega preizkusa

(1) Razen na zahtevo ali s pooblastilom prijavitelja, Mednarodni urad in ustanova za mednarodni predhodni preizkus ne smeta nikoli nobeni osebi ali organu – razen izbranim uradom po sestavi poročila o mednarodnem predhodnem preizkusu – dovoliti v smislu in pod pogoji iz četrtega odstavka 30. člena dostopa do dosjeja mednarodnega predhodnega preizkusa.

(2) S pridržkom določb prvega odstavka tega člena in prvega ter tretjega odstavka 36. člena in tretjega odstavka 37. člena pod (b) Mednarodni urad in ustanova za mednarodni predhodni preizkus ne smeta dati, razen na zahtevo ali s pooblastilom prijavitelja, nobenega obvestila o izdaji ali zavrnitvi izdaje poročila o mednarodnem predhodnem preizkusu in o umiku zahteve ali vztrajanju pri zahtevi za mednarodni predhodni preizkus ali umiku kake izbire ali vztrajanju pri njej.

39. člen

Izvod, prevod in takse za izbrane urade

(1)(a) Če je kaka država pogodbenica izbrana pred potekom 19. meseca od prednostnega dneva, se 22. člen zanje ne uporablja; prijavitelj pa pošlje vsakemu izbranimu uradu izvod mednarodne prijave (če že ni bila poslana po 20. členu) in prevod (kakršen je predpisan) te prijave in mu plača državno takso (če je predvidena) najpozneje do poteka 30 mesecev od prednostnega dneva.

(b) Vsaka notranja zakonodaja lahko za dejanja iz pododstavka (a) določi roke, ki potečejo po roku iz omenjene določbe.

(2) The effect provided for in Article 11(3) shall cease in that elected State with same consequences as the withdrawal of any national application in that State if the applicant fails to perform the acts referred to in paragraph (1)(a) within the time limit applicable under paragraph (1)(a) or (b).

(3) Any elected Office may maintain the effect provided for in Article 11(3) even where the applicant does not comply with the requirements provided for in paragraph (1)(a) or (b).

Article 40

Delaying of National Examination and Other Processing

(1) If the election of any Contracting State has been effected prior to the expiration of the 19th month from the priority date, the provisions of Article 23 shall not apply to such State and the national Office of or acting for that State shall not proceed, subject to the provisions of paragraph (2), to the examination and other processing of the international application prior to the expiration of the applicable time limit under Article 39.

(2) Notwithstanding the provisions of paragraph (1), any elected Office may, on the express request of the applicant, proceed to the examination and other processing of the international application at any time.

Article 41

Amendment of the Claims, the Description, and the Drawings, before Elected Offices

(1) The applicant shall be given the opportunity to amend the claims, the description, and the drawings, before each elected Office within the prescribed time limit. No elected Office shall grant a patent, or refuse the grant of a patent, before such time limit has expired, except with the express consent of the applicant.

(2) The amendments shall not go beyond the disclosure in the international application as filed, unless the national law of the elected State permits them to go beyond the said disclosure.

(3) The amendments shall be in accordance with the national law of the elected State in all respects not provided for in this Treaty and the Regulations.

(4) Where an elected Office requires a translation of the international application, the amendments shall be in the language of the translation.

Article 42

Results of National Examination in Elected Offices

No elected Office, receiving the international preliminary examination report may require that the applicant furnish copies, or information on the contents, of any papers connected with the examination relating to the same international application in any other elected Office.

Chapter III

COMMON PROVISIONS

Article 43

Seeking Certain Kinds of Protection

In respect of any designated or elected State whose law provides for the grant of inventors' certificates, utility

(2) Učinek, predviden v tretjem odstavku 11. člena, preneha v izbrani državi z enakimi posledicami, kot nastanejo zaradi umika državne prijave v zadevni državi, če prijavitelj ne opravi dejanj iz prvega odstavka pod (a) v roku, ki se uporablja v skladu s prvim odstavkom pod (a) ali (b).

(3) Vsak izbrani urad lahko ohrani učinek iz tretjega odstavka 11. člena, čeprav prijavitelj ne izpolni pogojev iz prvega odstavka pod (a) ali (b).

40. člen

Mirovanje postopka državnega preizkusa in drugih postopkov

(1) Če je bila kaka država pogodbenica izbrana pred potekom 19. meseca, računano od prednostnega dneva, se 23. člen zanjo ne uporablja, njen državni urad ali urad, ki dela zanjo, pa ne glede na drugi odstavek ne opravi preizkusa in ne vodi nobenega drugega postopka v zvezi z mednarodno prijavo pred potekom roka; ki se uporablja po 39. členu.

(2) Ne glede na določbe prvega odstavka lahko vsak izbrani urad na izrecno zahtevo prijavitelja kadarkoli pristopi k preizkusu in začne vsak drug postopek v zvezi z mednarodno prijavo.

41. člen

Sprememba patentnih zahtevkov, opisa in skic pri izbranih uradih

(1) Prijavitelj ima možnost, da v predpisanem roku pri vsakem izbranem uradu spremeni patentne zahtevke, opis in skice. Noben izbrani urad ne sme izdati patenta in ne zavrniti njegove izdaje pred potekom omenjenega roka, če prijavitelj v to ni izrecno privolil.

(2) Spremembe ne smejo preseči mej, v katerih je izum razložen v mednarodni prijavi, kakršna je bila vložena, razen če to ni izrecno dovoljeno z notranjo zakonodajo izbrane države.

(3) Spremembe morajo biti v skladu z notranjo zakonodajo izbrane države glede vseh vprašanj, ki niso urejena s to pogodbo ali pravilnikom.

(4) Če izbrani urad zahteva prevod mednarodne prijave, morajo biti spremembe navedene v jeziku prevoda.

42. člen

Rezultati državnega preizkusa pri izbranih uradih

Izbranim uradom, ki prejmejo poročilo o mednarodnem predhodnem preizkusu, ni treba od prijavitelja zahtevati, da jim pošlje izvode listin v zvezi s preizkusom, ki se nanaša na isto mednarodno prijavo v kateremkoli drugem izbranem uradu, ali da jim pošlje obvestila o vsebini teh listin.

III. poglavje

ŠKUPNE DOLOČBE

43. člen

Zahteva za varstvo več vrst pravic

Glede vsake navedene ali izbrane države, katere zakon določa izdajo izumiteljskih spričeval, spričeval o

certificates, utility models, patents or certificates of addition, inventors' certificates of addition, or utility certificates of addition, the applicant may indicate, as prescribed in the Regulations, that his international application is for the grant; as far as that State is concerned, of an inventor's certificate, a utility certificate, or a utility model, rather than a patent, or that it is for the grant of a patent or certificate of addition, an inventor's certificate of addition, or a utility certificate of addition, and the ensuing effect shall be governed by the applicant's choice. For the purposes of this Article and any Rule thereunder, Article 2(ii) shall not apply.

Article 44

Seeking Two Kinds of Protection

In respect of any designated or elected State whose law permits an application, while being for the grant of a patent or one of the other kinds of protection referred to in Article 43, to be also for the grant of another of the said kinds of protection, the applicant may indicate, as prescribed in the Regulations, the two kinds of protection he is seeking, and the ensuing effect shall be governed by the applicant's indications. For the purposes of this Article, Article 2(ii) shall not apply.

Article 45

Regional Patent Treaties

(1) Any treaty providing for the grant of regional patents ("regional patent treaty"), and giving to all persons who, according to Article 9, are entitled to file international applications the right to file applications for such patents, may provide that international applications designating or electing a State party to both the regional patent treaty and the present Treaty may be filed as applications for such patents.

(2) The national law of the said designated or elected State may provide that any designation or election of such State in the international application shall have the effect of an indication of the wish to obtain a regional patent under the regional patent treaty.

Article 46

Incorrect Translation of the International Application

If, because of an incorrect translation of the international application, the scope of any patent granted on that application exceeds the scope of the international application in its original language, the competent authorities of the Contracting State concerned may accordingly and retroactively limit the scope of the patent, and declare it null and void to the extent that its scope has exceeded the scope of the international application in its original language.

Article 47

Time Limits

(1) The details for computing time limits referred to in this Treaty are governed by the Regulations.

(2)(a) All time limits fixed in Chapters I and II of this Treaty may, outside any revision under Article 60, be modified by a decision of the Contracting States.

(b) Such decisions shall be made in the Assembly or through voting by correspondence and must be unanimous.

koristnosti, uporabnih modelov, dopolnilnih patentov ali dopolnilnih spričeval, dopolnilnih izumiteljskih spričeval ali dopolnilnih spričeval o koristnosti, lahko prijavitelj v skladu s pravilnikom navede, da s svojo mednarodno prijavo zahteva za zadevno državo izdajo izumiteljskega spričevala, spričevala o koristnosti ali uporabnega modela, ne pa patenta, ali izdajo dopolnilnega patenta ali dopolnilnega spričevala, dopolnilnega izumiteljskega spričevala ali dopolnilnega spričevala o koristnosti; učinki, ki izhajajo iz te navedbe, so določeni z izbiro prijavitelja. Za namene tega člena in vsakega pravila, ki se nanj nanaša, se 2. člen pod (II) ne uporablja.

44. člen

Zahteva za varstvo dveh vrst pravic

Za vsako imenovano ali izbrano državo, katere zakonodaja dovoljuje, da se prijava, s katero se zahteva izdaja patenta ali kaka druga vrsta varstva, ki je imenovana v 43. členu, hkrati nanaša tudi na kako drugo izmed omenjenih vrst varstva, lahko prijavitelj v skladu s pravilnikom navede dve vrsti varstva, katerega izdajo zahteva; učinki, ki iz tega izhajajo, so določeni z navedbami prijavitelja. Po tem členu se določba 2. člena pod (II) ne uporablja.

45. člen

Pogodbe o regionalnem patentu

(1) Vsaka pogodba, ki določa izdajo regionalnega patenta (»pogodba o regionalnem patentu«) in ki vsakomur, ki je po 9. členu pooblaščen, da vlaga mednarodne prijave, daje pravico, da vlaga prijave, s katerimi se zahteva izdaja takih patentov, lahko določa, da se lahko mednarodne prijave, v katerih je imenovana ali izbrana kaka država članica omenjene pogodbe o regionalnem patentu in te pogodbe, vložijo zaradi izdaje regionalnih patentov.

(2) Notranja zakonodaja te imenovane ali izbrane države lahko določa, da se vsaka navedba ali izbira te države v mednarodni prijavi šteje kot izjava, da želi prijavitelj dobiti regionalni patent v skladu s pogodbo o regionalnem patentu.

46. člen

Napačen prevod mednarodne prijave

Če zaradi napačnega prevoda mednarodne prijave obseg patenta, izdanega na podlagi te prijave, presega obseg mednarodne prijave v izvirnem jeziku, lahko pristojni organi države pogodbenice zaradi tega omejijo retroaktivno obseg patenta in izjavijo, da je ničen in brez učinka v tistem obsegu, v katerem njegov obseg presega obseg iz mednarodne prijave v izvirnem jeziku.

47. člen

Roki

(1) Štetje rokov, predvidenih v tej pogodbi, je urejeno s pravilnikom.

(2)(a) Vsi roki, določeni v I. in II. poglavju te pogodbe, se lahko poleg revizije po 60. členu spremenijo, če tako sklenejo države pogodbenice.

(b) Sklep se sprejme v skupščini ali s korespondenčnim glasovanjem, sprejeti pa se mora soglasno.

(c) The details of the procedure are governed by the Regulations.

Article 48

Delay in Meeting Certain Time Limits

(1) Where any time limit fixed in this Treaty or the Regulations is not met because of interruption in the mail service or unavoidable loss or delay in the mail, the time limit shall be deemed to be met in the cases and subject to the proof and other conditions prescribed in the Regulations.

(2)(a) Any Contracting State shall, as far as that State is concerned, excuse, for reasons admitted under its national law, any delay in meeting any time limit.

(b) Any Contracting State may, as far as State is concerned, excuse, for reasons other than those referred to in subparagraph (a), any delay in meeting any time limit.

Article 49

Right to Practice before International Authorities

Any attorney, patent agent, or other person, having the right to practice before the national Office with which the international application was filed, shall be entitled to practice before the International Bureau and the competent International Searching Authority and competent international Preliminary Examining Authority in respect of that application.

Chapter IV

TECHNICAL SERVICES

Article 50

Patent Information Services

(1) The International Bureau may furnish services by providing technical and any other pertinent information available to it on the basis of published documents, primarily patents and published applications (referred to in this Article as "the information services").

(2) The International Bureau may provide these information services either directly or through one or more International Searching Authorities or other national or international specialized institutions, with which the International Bureau may reach agreement.

(3) The information services shall be operated in a way particularly facilitating the acquisition by Contracting States which are developing countries of technical knowledge and technology, including available published know-how.

(4) The information services shall be available to Governments of Contracting States and their nationals and residents. The Assembly may decide to make these services available also to others.

(5)(a) Any service to Governments of Contracting States shall be furnished at cost, provided that, when the Government is that of a Contracting State which is a developing country, the service shall be furnished below cost if the difference can be covered from profit made on services furnished to other than Governments of Contracting States or from the sources referred to in Article 51(4).

(c) Podrobnosti postopka so določene s pravilnikom.

48. člen

Zamuda določenih rokov

(1) Če je posamezen rok, določen s to pogodbo ali pravilnikom, zamujen zaradi prekinitve dela pošte, izgube ali nepopravljive zamude pisma, se šteje, da se je v roku ravnalo v primerih, navedenih v pravilniku, in pod pogojem, da so poslani dokazi in izpolnjeni drugi pogoji, predpisani s pravilnikom.

(2)(a) Vsaka država pogodbenica mora, kadar gre zanj, opravičiti zamujene roke iz razlogov, določenih z njeno notranjo zakonodajo.

(b) Vsaka država pogodbenica lahko, kadar gre zanj, opraviči zamujene roke tudi iz razlogov, ki niso navedeni v pododstavku (a).

49. člen

Pravica do udeležbe v postopku pri mednarodnih ustanovah

Vsak odvetnik, patentni zastopnik ali druga oseba, ki ima pravico, da se udeleži postopka pri državnem uradu, pri katerem je bila vložena mednarodna prijava, ima pravico, da se udeleži postopka, kadar gre za to prijavo, pri Mednarodnem uradu, ustanovi za mednarodno poizvedbo in ustanovi za mednarodni predhodni preizkus.

IV. poglavje

TEHNIČNE STORITVE

50. člen

Storitve v zvezi z dajanjem patentnih informacij

(1) Mednarodni urad lahko opravlja storitve v zvezi z dajanjem tehničnih informacij ter vseh drugih ustreznih informacij, s katerimi razpolaga na podlagi objavljenih listin, v glavnem patentov in objavljenih prijav (v nadaljnjem besedilu tega člena: »informacijske storitve«).

(2) Mednarodni urad lahko opravlja informacijske storitve neposredno ali po eni ali več ustanovah za mednarodno poizvedbo ali drugih specializiranih institucijah državnega ali mednarodnega značaja, s katerimi sklene sporazum.

(3) Informacijske storitve se opravljajo tako, da zlasti državam pogodbenicam, ki so države v razvoju, omogočajo pridobivanje tehničnega in tehnološkega znanja, včevši objavljeni in razpoložljivi know-how.

(4) Informacijske storitve lahko uporabljajo vlade držav pogodbenic, njihovi pripadniki in osebe, ki imajo stalno prebivališče na njihovem ozemlju. Skupščina lahko sklene, da lahko te storitve dobijo tudi druge zainteresirane osebe.

(5)(a) Vsaka storitev, opravljena za vlade držav pogodbenic, se zaračuna po lastni ceni; kadar se storitve opravljajo za vlade držav članic, ki so države v razvoju, je cena pod lastno ceno, če se razlika lahko pokrije s prihodki od opravljanja storitev za osebe, ki niso vlade držav pogodbenic, ali na enega izmed načinov, navedenih v četrtem odstavku 51. člena.

(b) The cost referred to in subparagraph (a) is to be understood as cost over and above costs normally incident to the performance of the services of a national Office or the obligations of an International Searching Authority.

(6) The details concerning the implementation of the provisions of this Article shall be governed by decisions of the assembly and, within the limits to be fixed by the Assembly, such working groups as the Assembly may set up for that purpose.

(7) The Assembly shall, when it considers it necessary, recommend methods of providing financig supplementary to those referred to in paragraph (5).

Article 51

Technical Assistance

(1) The Assembly shall establish a Committee for Technical Assistance (referred to in this Article as "the Committee").

(2)(a) The members of the Committee shall be elected among the Contracting States, with due regard to the representation of developing countries.

(b) The Director General shall, on his own initiative or at the request of the Committee, invite representatives of intergovernmental organization concerned with technical assistance to developing countries to participate in the work of the Committee.

(3)(a) The task of the Committee shall be to organize and supervise technical assistance for Contracting States which are developing countries in developing their patent systems individually or on a regional basis.

(b) The technical assistance shall comprise, among other things, the training of specialists; the loaning of experts, and the supply of equipment both for demonstration and for operational purposes.

(4) The International Bureau shall seek to enter into agreements, on the one hand, with international financing organizations and intergovernmental organizations, particularly the United Nations, the agencies of the United Nations, and the Specialized Agencies connected with the United Nations concerned with technical assistance, and, on the other hand, with the Governments of the States receiving the technical assistance, for the financing of projects pursuant to this Article.

(5) The details concerning the implementation of the provisions of this Article shall be governed by decisions of the assembly and, within the limits to be fixed by the Assembly, such working groups as the Assembly may set up for that purpose.

Article 52

Relations with Other Provisions of the Treaty

Nothing in this Chapter shall affect the financial provisions contained in any other Chapter of this Treaty. Such provisions are not applicable to the present Chapter or to its implementation.

Chapter V

ADMINISTRATIVE PROVISIONS

Article 53

Assembly

(1)(a) The Assembly shall, subject to Article 57(8), consist of the Contracting States.

(b) Lastno ceno, za katero gre v pododstavku (a), sestavljajo stroški, ki se prištejejo k stroškom, ki jih ima državni urad ali ustanova za mednarodno poizvedbo redno pri opravljanju svojih nalog.

(6) Podrobnosti v zvezi z uporabo določb iz tega člena so urejene s sklepi skupščine in v mejah, ki jih ta določi, s sklepi delovnih skupin, ki jih ustanovi v ta namen.

(7) Če skupščina meni, da je to potrebno, lahko priporoči druge oblike finančne pomoči kot dopolnitev istih, ki so določene v petem odstavku.

51. člen

Tehnična pomoč

(1) Skupščina ustanovi odbor za tehnično pomoč (v nadaljnjem besedilu tega člena: »odbor«).

(2)(a) Člani odbora se volijo izmed držav pogodbenic na način, ki zagotavlja ustrezno zastopanost držav v razvoju.

(b) Generalni direktor na lastno pobudo ali na zahtevo odbora povabi predstavnike medvladnih organizacij, ki se ukvarjajo s tehnično pomočjo državam v razvoju, da sodelujejo pri delu odbora.

(3)(a) Naloga odbora je, da organizira in nadzoruje tehnično pomoč državam pogodbenicam, ki so države v razvoju, pri razvijanju njihovega patentnega sistema, posamično ali na regionalni podlagi.

(b) Tehnična pomoč med drugimi obsega usposabljanje strokovnjakov, odstopanje izvedencev in oskrbovanje z opremo za usposabljanje in za delo.

(4) Mednarodni urad si prizadeva, da sklene sporazume z mednarodnimi finančnimi organizacijami, zlasti z Združenimi narodi, agencijami Združenih narodov in specializiranimi agencijami za tehnično pomoč, povezanimi z Združenimi narodi, ter vladami držav, ki prejemajo tehnično pomoč, da bi se financirali projekti po tem členu.

(5) Podrobnosti v zvezi z uporabo določb tega člena se določijo s sklepi skupščine in delovnih skupin, ki jih skupščina lahko ustanovi v ta namen v okvirih, ki jih sama določi.

52. člen

Razmerja do drugih določb pogodbe

Določbe tega poglavja ne vplivajo na finančne določbe kateregakoli drugega poglavja te pogodbe. Take določbe niso uporabne za to poglavje in ne za njegovo uporabo.

V. poglavje

ADMINISTRATIVNE DOLOČBE

53. člen

Skupščina

(1)(a) Skupščino v skladu z osmim odstavkom 57. člena sestavljajo države pogodbenice.

(b) The Government of each Contracting State shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(2)(a) The Assembly shall:

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

(ii) perform such tasks as are specifically assigned to it under other provisions of this Treaty;

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

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

(v) review and approve the reports and activities of the Executive Committee established under paragraph (9), and give instructions to such Committee;

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

(vii) adopt the financial regulations of the Union;

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

(ix) determine which States other than Contracting States and, subject to the provisions of paragraph (8), which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(x) take any other appropriate action designed to further the objectives of the Union and perform such other functions as are appropriate under this Treaty.

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

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

(4) Each Contracting State shall have one vote.

(5)(a) One-half of the Contracting States shall constitute a quorum.

(b) In the absence of the quorum, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the quorum and the required majority are attained through voting by correspondence as provided in the Regulations.

(6)(a) Subject to the provisions of Articles 47(2)(b), 58(2)(b), 58(3) and 61(2)(b), the decisions of the Assembly shall require two-thirds of the votes cast.

(b) Abstentions shall not be considered as votes.

(7) In connection with matters of exclusive interest to States bound by Chapter II, any reference to Contracting States in paragraphs (4), (5), and (6), shall be considered as applying only to States bound by Chapter II.

(8) Any intergovernmental organization appointed as International Searching or Preliminary Examining Authority shall be admitted as observer to the Assembly.

(9) When the number of Contracting States exceeds forty, the Assembly shall establish an Executive Committee. Any reference to the Executive Committee in this Treaty and the Regulations shall be construed as references to such Committee once it has been established.

(b) Vlado vsake države pogodbenice predstavlja po en delegat, ki ima lahko namestnika, svetovalce in strokovnjake.

(2)(a) Skupščina:

(I) obravnava vsa vprašanja v zvezi z delom in razvojem Unije in uporabo te pogodbe;

(II) opravlja naloge, ki so ji izrecno naložene z drugimi določbami te pogodbe;

(III) daje Mednarodnemu uradu napotke v zvezi s pripravami revizijskih konferenc;

(IV) obravnava in potrjuje poročila in dejavnosti generalnega direktorja v zvezi z Unijo in mu daje vsa potrebna navodila, ki se nanašajo na pristojnost Unije;

(V) obravnava in potrjuje poročila in dejavnosti izvršilnega odbora, ustanovljenega v skladu z devetim odstavkom, in mu daje navodila;

(VI) določa program, sprejema triletni proračun Unije in potrjuje zaključne račune;

(VII) sprejema finančni pravilnik Unije;

(VIII) ustanavlja odbore in delovne skupine, ki so po njenem mnenju ustrezni za uresničitev ciljev Unije;

(IX) odloča o tem, katere države nečlanice, in glede na določbe osmega odstavka, katere medvladne organizacije in mednarodne nevladne organizacije, so lahko kot opazovalke navzoče na njenih sestankih;

(X) sprejema vse druge ustrezne ukrepe za uresničitev ciljev Unije in opravlja vsa druga koristna dejanja v okviru te pogodbe.

(b) Skupščina odloča o vprašanjih, ki zanimajo tudi druge unije, za katere organizacija opravlja administrativna dela, in sicer po poprejšnjem mnenju koordinacijskega odbora organizacije.

(3) Delegat lahko predstavlja samo eno državo in lahko glasuje samo v njenem imenu.

(4) Vsaka država pogodbenica ima samo en glas.

(5)(a) Za sklepčnost je potrebna polovica držav pogodbenic.

(b) Če skupščina ni sklepčna, lahko sprejema sklepe; ti sklepi, razen tistih, ki se nanašajo na njen postopek, so polnoveljavni samo, če sta bili sklepčnost in potrebna večina doseženi z glasovanjem prek dopisov, predvidenih s pravilnikom.

(6)(a) S pridržkom določb drugega odstavka 47. člena pod (b), drugega odstavka 58. člena pod (b), tretjega odstavka 58. člena in drugega odstavka 61. člena pod (b) se sklepi skupščine sprejemajo z dvotretjinsko večino oddanih glasov.

(b) Vzdržani glasovi se ne štejejo.

(7) Če gre za vprašanja, ki izključno zanimajo države, za katere velja II. poglavje, se vsako sklicevanje na države pogodbenice iz četrtega, petega in šestega odstavka šteje za sklicevanje samo na države, za katere velja II. poglavje.

(8) Vsaka medvladna organizacija, imenovana kot ustanova za mednarodno poizvedbo ali kot ustanova za mednarodni predhodni preizkus, ima pravico, da je kot opazovalka navzoča na sestankih skupščine.

(9) Če je število držav pogodbenic večje od 40, ustanovi skupščina izvršilni odbor. Vsako sklicevanje na izvršilni odbor v tej pogodbi ali v pravilniku se nanaša na obdobje, v katerem je ta odbor ustanovljen.

(10) Until the Executive Committee has been established, the Assembly shall approve, within the limits of the program and triennial budget, the annual programs and budgets prepared by the Director General.

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

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of the Executive Committee, or at the request of one-fourth of the Contracting States.

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

Article 54

Executive Committee

(1) When the Assembly has established an Executive Committee, that Committee shall be subject to the provisions set forth hereinafter.

(2)(a) The Executive Committee shall, subject to Article 57(8), consist of States elected by the Assembly from among States members of Assembly.

(b) The Government of each State member of the Executive Committee shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(3) The number of States members of the Executive Committee shall correspond to one-fourth of the number of States members of the Assembly. In establishing the number of seats to be filled, remainders after division by four shall be disregarded.

(4) In electing the members of the Executive Committee, the Assembly shall have due regard to an equitable geographical distribution.

(5)(a) Each member of the Executive Committee shall serve from the close of the session of the Assembly which elected it to the close of the next ordinary session of the Assembly.

(b) Members of the Executive Committee may be re-elected but only up to a maximum of two-thirds of such members.

(c) The Assembly shall establish the details of the rules governing the election and possible re-election of the members of the Executive Committee:

(6)(a) The Executive Committee shall:

(i) prepare the draft agenda of the Assembly;

(ii) submit proposals to the Assembly in respect of the draft program and biennial budget of the Union prepared by the Director General;

(iii) [deleted]

(iv) submit, with appropriate comments, to the Assembly the periodical reports of the Director General and the yearly audit report on the accounts;

(v) take all necessary measures to ensure the execution of the program of the Union by the Director General, in accordance with the decisions of the Assembly and having regard to circumstances arising between two ordinary sessions of the Assembly;

(vi) perform such other functions as are allocated to it under this Treaty.

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

(10) Do ustanovitve izvršilnega odbora skupščine odloča v mejah programa in triletnega proračuna o letnih programih in proračunih, ki jih pripravlja generalni direktor.

(11)(a) Skupščina se na sklic generalnega direktorja sestane vsako drugo leto na rednem zasedanju in, razen v izjemnih primerih, v istem času in na istem mestu kot generalna skupščina organizacije.

(b) Skupščina se sestane na izrednem zasedanju na sklic generalnega direktorja, na zahtevo izvršilnega odbora ali na zahtevo četrtnine držav pogodbenic.

(12) Skupščina sprejme svoj poslovnik o delu.

54. člen

Izvršilni odbor

(1) Če skupščina ustanovi izvršilni odbor, ravna ta po naslednjih določbah.

(2)(a) S pridržkom osmega odstavka 57. člena sestavljajo izvršilni odbor države, ki jih je skupščina izvolila izmed držav svojih članic.

(b) Vlado vsake države, ki je članica izvršilnega odbora, predstavlja po en delegat, ki ima lahko namestnike, svetovalce in strokovnjake.

(3) Število držav članic izvršilnega odbora znaša četrtno števila držav članic skupščine. Pri določanju števila mest, ki jih je treba zasedeti, se ostanek, dobljen po deljenju s štiri, ne upošteva.

(4) Pri volitvah članov izvršilnega odbora upošteva skupščina enakomerno zemljepisno zastopanost.

(5)(a) Člani izvršilnega odbora opravljajo dolžnost od trenutka, ko se konča zasedanje skupščine, na katerem so bili izvoljeni, do dneva, ko se konča naslednje redno zasedanje skupščine.

(b) Člani izvršilnega odbora so lahko ponovno izvoljeni, vendar največ samo dve tretjini njih.

(c) Skupščina določa pogoje za volitve in možno ponovno izvolitev članov izvršilnega odbora.

(6)(a) Izvršilni odbor:

(I) pripravlja predlog dnevnega reda skupščine;

(II) predloži skupščini osnutek programa in dveletni proračun Unije, ki ga je pripravil generalni direktor;

(III) [črtano]

(IV) predloži skupščini z ustreznimi komentarji periodična poročila generalnega direktorja in revizijska letna poročila o stanju računov;

(V) stori vse potrebno, da lahko generalni direktor v skladu z odločitvami skupščine, ob upoštevanju razmer, ki so nastale med dvema rednima zasedanjema, izvede program Unije;

(VI) opravlja vse druge naloge, ki so mu zaupane po tej pogodbi.

(b) Izvršilni odbor odloča po poprejšnjem mnenju koordinacijskega odbora organizacije o vprašanjih, ki zanimajo tudi druge unije, za katere organizacija opravlja administrativna dela.

(7)(a) The Executive Committee shall meet once a year in ordinary session upon convocation by the Director General, preferably during the same period and at the same place as the Coordination Committee of the Organization.

(b) The Executive Committee shall meet in extraordinary session upon convocation by the Director General, either on his own initiative or at the request of its Chairman or one-fourth of its members.

(8)(a) Each State member of the Executive Committee shall have one vote.

(b) One-half of the members of the Executive Committee shall constitute a quorum.

(c) Decisions shall be made by a simple majority of the votes cast.

(d) Abstentions shall not be considered as votes.

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

(9) Contracting States not members of the Executive Committee shall be admitted to its meetings as observers, as well as any intergovernmental organization appointed as International Searching or Preliminary Examining Authority.

(10) The Executive Committee shall adopt its own rules of procedure.

Article 55

International Bureau

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

(2) The International Bureau shall provide the secretariat of the various organs of the Union.

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

(4) The International Bureau shall publish a Gazette and other publications provided for by the Regulations or required by the Assembly.

(5) The Regulations shall specify the services that national Offices shall perform in order to assist the International Bureau and the International Searching and Preliminary Examining Authorities in carrying out their tasks under this Treaty.

(6) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Executive Committee and any other committee or working group established under this Treaty or the regulations. The Director General, or a staff member designated by him, shall be *ex officio* secretary of these bodies.

(7)(a) The International Bureau shall, in accordance with the directions of the Assembly and in cooperation with the Executive Committee, make the preparations for the revision conferences.

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

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

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

Article 56

Committee for Technical Cooperation

(1) The Assembly shall establish a Committee for Technical Cooperation (referred to in this Article as "the Committee").

(7)(a) Izvršilni odbor se sestane enkrat na leto na rednem zasedanju na sklic generalnega direktorja in, če je to mogoče, v istem času in v istem kraju kot koordinacijski odbor organizacije.

(b) Izvršilni odbor se sestane na izrednem zasedanju po sklicu generalnega direktorja bodisi na lastno pobudo ali na zahtevo njegovega predsednika ali četrtine njegovih članov.

(8)(a) Vsaka država članica izvršilnega odbora ima en glas.

(b) Za sklepčnost izvršilnega odbora je potrebna polovica držav članic.

(c) Sklepi se sprejemajo z navadno večino oddanih glasov.

(d) Vzdržani glasovi se ne štejejo.

(e) Delegat lahko predstavlja samo eno državo in lahko glasuje samo v njenem imenu.

(9) Države pogodbenice, ki niso članice izvršilnega odbora, ter vsaka medvladna organizacija, imenovana kot ustanova za mednarodno poizvedbo ali kot ustanova za mednarodni predhodni preizkus, so lahko kot opazovalke navzoče na sestankih izvršilnega odbora.

(10) Izvršilni odbor sprejme svoj pravilnik o delu.

55. člen

Mednarodni urad

(1) Upravne naloge Unije opravlja Mednarodni urad.

(2) Mednarodni urad opravlja dela sekretariatov raznih organov Unije.

(3) Generalni direktor je najvišji funkcionar Unije in predstavlja Unijo.

(4) Mednarodni urad objavlja Glasnik in druge publikacije, navedene v pravilniku, ali tiste, ki jih določi skupščina.

(5) Pravilnik določa storitve, ki jih morajo državni uradi opravljati kot pomoč Mednarodnemu uradu, ustanovi za mednarodno poizvedbo in ustanovi za mednarodni predhodni preizkus pri opravljanju nalog, določenih s to pogodbo.

(6) Generalni direktor in vsak uslužbenec, ki ga on določi, sodelujeta brez glasovalne pravice na vseh sestankih skupščine, izvršilnega odbora in vsakega drugega odbora ali delovne skupine, ki se ustanovi po tej pogodbi oziroma pravilniku. Generalni direktor ali uslužbenec, ki ga on določi, je po uradni dolžnosti (*ex officio*) sekretar teh organov.

(7)(a) Mednarodni urad pripravlja revizijske konference po navodilih skupščine in v sodelovanju z izvršilnim odborom.

(b) Mednarodni urad se lahko med pripravami revizijskih konferenc posvetuje z medvladnimi organizacijami in mednarodnimi nevladnimi organizacijami.

(c) Generalni direktor in osebe, ki jih on določi, sodelujejo brez glasovalne pravice v razpravah na revizijskih konferencah.

(8) Mednarodni urad opravlja vse druge naloge, ki so mu naložene.

56. člen

Odbor za tehnično sodelovanje

(1) Skupščina ustanovi odbor za tehnično sodelovanje (v nadaljnjem besedilu tega člena: »odbor«).

(2)(a) The Assembly shall determine the composition of the Committee and appoint its members, with due regard to an equitable representation of developing countries.

(b) The International Searching and Preliminary Examining Authorities shall be *ex officio* members of the Committee. In the case where such an Authority is the national Office of a contracting State, that State shall not be additionally represented on the Committee.

(c) If the number of Contracting States so allows, the total number of members of the Committee shall be more than double the number of *ex officio* members.

(d) The Director General shall, on his own initiative or at the request of the Committee, invite representatives of interested organizations to participate in discussions of interest to them.

(3) The aim of the Committee shall be to contribute, by advice and recommendations:

(i) to the constant improvement of the services provided for under this Treaty,

(ii) to the securing, so long as there are several International Searching Authorities and several International Preliminary Examining Authorities, of the maximum degree of uniformity in their documentation and working methods and the maximum degree of uniformly high quality in their reports, and

(iii) on the initiative of the Assembly or the Executive Committee, to the solution of the technical problems specifically involved in the establishment of a single International Searching Authority.

(4) Any Contracting State and any interested international organization may approach the Committee in writing on questions which fall within the competence of the Committee.

(5) The Committee may address its advice and recommendations to the Director General or, through him, to the Assembly, the Executive Committee, all or some of the International Searching and Preliminary Examining Authorities, and all or some of the receiving Offices.

(6)(a) In any case, the Director General shall transmit to the Executive Committee the texts of all the advice and recommendations of the Committee. He may comment on such texts.

(b) The Executive Committee may express its views on any advice, recommendation, or other activity of the Committee, and may invite the Committee to study and report on questions falling within its competence. The Executive Committee may submit to the Assembly, with appropriate comments, the advice, recommendations and report of the Committee.

(7) Until the Executive Committee has been established, references in paragraph (6) to the Executive Committee shall be construed as references to the Assembly.

(8) The details of the procedure of the Committee shall be governed by the decisions of the Assembly.

Article 57

Finances

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

(b) The budget of the Union shall include the income and expenses proper to the Union and its contribution to the budget of expenses common to the Unions administered by the Organization.

(c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be considered as expenses

(2)(a) Skupščina določi sestavo odbora in imenuje njegove člane, pri čemer pazi na enakomerno zastopanost držav v razvoju.

(b) Ustanove za mednarodno poizvedbo in za mednarodni predhodni preizkus so *ex officio* člani odbora. Če je ta ustanova državni urad posamezne države pogodbenice, ta država ne more imeti dodatnega predstavnika v odboru.

(c) Če to dovoljuje število držav pogodbenic, je skupno število članov odbora večje od dvojnega števila članov *ex officio*.

(d) Generalni direktor na lastno pobudo ali na zahtevo odbora povabi predstavnike zainteresiranih organizacij, da se udeležijo razprave, ki jih zanima.

(3) Z mnenji in priporočili želi odbor prispevati:

(I) k nenehnemu izboljševanju storitev, določenih s to pogodbo;

(II) k temu, da se, dokler je več ustanov za mednarodno poizvedbo in več ustanov za mednarodni predhodni preizkus, doseže cilj, da so njihova dokumentacija in njihove delovne metode čim bolj enotne in da so njihova poročila izenačena in kar najbolj kakovostna;

(III) k temu, da se na poziv skupščine ali izvršilnega odbora rešujejo tehnični problemi, zlasti v zvezi z ustanovitvijo ene same ustanove za mednarodno poizvedbo.

(4) Vsaka država pogodbenica in vsaka mednarodna zainteresirana organizacija se lahko pisno obrne na odbor zaradi obravnavanja vprašanj iz njegove pristojnosti.

(5) Odbor lahko pošlja svoja mnenja in svoja priporočila generalnemu direktorju ali preko njega skupščini, izvršilnemu odboru, vsem ali nekaterim ustanovam za mednarodno poizvedbo ali ustanovam za mednarodni predhodni preizkus in vsem ali nekaterim izmed njih ter vsem prejemnim uradom ali nekaterim izmed njih.

(6)(a) Generalni direktor pošlje v vseh primerih izvršilnemu odboru besedilo vseh mnenj in priporočil odbora. Skupaj s tem mu lahko pošlje tudi svoje opombe.

(b) Izvršilni odbor lahko izrazi svoje stališče o vseh mnenjih in priporočilih ali o vseh drugih dejavnostih odbora in ga lahko pozove, da preuči vprašanja, ki so v njegovi pristojnosti, in da o tem poroča. Izvršilni odbor lahko pošlje skupščini z ustreznimi komentarji mnenja, priporočila in poročila odbora.

(7) Dokler se ne ustanovi izvršilni odbor, se vsa sklicevanja nanj v šestem odstavku štejejo za sklicevanja na skupščino.

(8) Skupščina sprejme posamezna pravila postopka pri delu odbora.

57. člen

Finančna vprašanja

(1)(a) Unija ima svoj proračun.

(b) Proračun Unije obsega lastne prihodke in odhodke Unije ter njen prispevek k proračunu skupnih odhodkov unij, za katere organizacija opravlja administrativno delo.

(c) Odhodki, ki ne bremenijo samo Unijo, temveč tudi eno ali več drugih unij, za katere organizacija opravlja administrativno delo, se štejejo za skupne odhodke unij.

common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

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

(3) Subject to the provisions of paragraph (5), the budget of the Union shall be financed from the following sources:

(i) fees and charges due for services rendered by the International Bureau in relation to the Union;

(ii) sale of, or royalties on, the publications of the International Bureau concerning the Union;

(iii) gifts, bequests, and subventions;

(iv) rents, interest, and other miscellaneous income.

(4) The amounts of fees and charges due to the International Bureau and the prices of its publications shall be so fixed that they should, under normal circumstances, be sufficient to cover all the expenses of the International Bureau connected with the administration of this Treaty.

(5)(a) Should any financial year close with a deficit, the Contracting States shall, subject to the provisions of subparagraphs (b) and (c), pay contributions to cover such deficit.

(b) The amount of the contribution of each Contracting State shall be decided by the Assembly with due regard to the number of international applications which has emanated from each of them in the relevant year.

(c) If other means of provisionally covering any deficit or any part thereof are secured, the Assembly may decide that such deficit be carried forward and that the Contracting States should not be asked to pay contributions.

(d) If the financial situation of the Union so permits, the Assembly may decide that any contributions paid under subparagraph (a) be reimbursed to the Contracting States which have paid them.

(e) A Contracting State which has not paid, within two years of the due date as established by the Assembly, its contribution under subparagraph (b) may not exercise its right to vote in any of the organs of the Union. However, any organ of the Union may allow such a State to continue to exercise its right to vote in that organ so long as it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

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

(7)(a) The Union shall have a working capital fund which shall be constituted by a single payment made by each Contracting State. If the fund becomes insufficient, the Assembly shall arrange to increase it. If part of the fund is no longer needed, it shall be reimbursed.

(b) The amount of the initial payment of each Contracting State to the said fund or of its participation in the increase thereof shall be decided by the Assembly on the basis of principles similar to those provided for under paragraph (5)(b).

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

(d) Any reimbursement shall be proportionate to the amounts paid by each Contracting State, taking into account the dates at which they were paid.

Del udeležbe Unije pri prevzemanju skupnih odhodkov je sorazmeren z interesom, ki ga ima v teh odhodkih.

(2) Pri določitvi proračuna Unije je treba upoštevati, da mora biti usklajen s proračuni drugih unij, za katere organizacija opravlja administrativno delo.

(3) S pridržkom določb petega odstavka se proračun Unije financira iz naslednjih virov:

(I) s taksami in plačili za storitve, ki jih Mednarodni urad opravlja v zvezi z Unijo;

(II) iz zneska, dobljenega s prodajo publikacij Mednarodnega urada, ki se nanašajo na Unijo, in plačil za pravice, ki se nanašajo na te publikacije;

(III) z darili, volili in subvencijami;

(IV) z najemninami, obrestmi in drugimi raznimi prihodki.

(4) Takse in zneski, ki jih pobira Mednarodni urad, in prodajna cena publikacij se določijo tako, da v rednih okoliščinah krijejo vse stroške, ki jih ima Mednarodni urad pri opravljanju administrativnega dela v zvezi s to pogodbo.

(5)(a) Če je letni finančni rezultat negativen, države članice s pridržkom določb pododstavkov (b) in (c) vplačajo svoje prispevke za kritje te izgube.

(b) Skupščina odloča o višini prispevka vsake države pogodbenice, pri tem pa upošteva število mednarodnih prijav, ki izvirajo iz vsake zadevne države med zadevnim letom.

(c) Če se lahko izguba začasno v celoti ali delno pokrije z drugimi sredstvi, skupščina lahko odloči, da jo v tem obsegu prenese in da od držav pogodbenic ne zahteva, da dajo svoj prispevek.

(d) Če finančno stanje Unije to dopušča, lahko skupščina odloči, da se vsi prispevki, vplačani v skladu s pododstavkom (a), vrnejo državam pogodbenicam, ki so jih vplačale.

(e) Če posamezna država pogodbenica ni vplačala svojega prispevka v skladu s pododstavkom (b) v dveh letih po nastanku te obveznosti po sklepu skupščine, ne more glasovati v nobenem organu Unije. Vsak organ Unije pa lahko dovoli tej državi, da v njem glasuje več čas, dokler meni, da je do zamude pri vplačilu prispevka prišlo zaradi izjemnih okoliščin, ki se jim ni bilo mogoče izogniti.

(6) Če proračun ni sprejet pred začetkom novega proračunskega leta, ostane na ravni proračuna iz prejšnjega leta, kot je določeno s finančnim pravilnikom.

(7)(a) Unija ima poslovni sklad, ki ga sestavljajo enkratna plačila vseh držav pogodbenic. Če sklad ne zadošča, skupščina ukrepa, da se poveča. Če del tega sklada ni več potreben, se vrne državam pogodbenicam.

(b) Začetni znesek vplačila vsake države pogodbenice v navedeni sklad ali njene udeležbe pri njegovem povečanju določi skupščina na podlagi načel, ki so podobna načelom iz petega odstavka pod (b).

(c) Na predlog generalnega direktorja in po poprejšnjem mnenju koordinacijskega odbora organizacije določi skupščina vplačilne pogoje.

(d) Vsako vračilo zneska je sorazmerno z zneski, ki jih je vsaka država pogodbenica vplačala, pri čemer se upoštevajo datumi teh vplačil.

(8)(a) In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such State shall grant advances. The amount of these advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such State and the Organization. As long as it remains under the obligation to grant advances, such State shall have an *ex officio* seat in the Assembly and on the executive Committee.

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

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

Article 58

Regulations

(1) The Regulations annexed to this Treaty provide Rules:

(i) concerning matters in respect of which this Treaty expressly refers to the Regulations or expressly provides that they are or shall be prescribed,

(ii) concerning any administrative requirements, matters, or procedures,

(iii) concerning any details useful in the implementation of the provisions of this Treaty.

(2)(a) The Assembly may amend the Regulations.

(b) Subject to the provisions of paragraph (3), amendments shall require three-fourths of the votes cast.

(3)(a) The Regulations specify the Rules which may be amended

(i) only by unanimous consent, or

(ii) only if none of the Contracting States whose national Office acts as an International Searching or Preliminary Examining Authority dissents, and, where such Authority is an intergovernmental organization, if the Contracting State member of that organization authorized for that purpose by the other member States within the competent body of such organization does not dissent.

(b) Exclusion, for the future, of any such Rules from the applicable requirement shall require the fulfillment of the conditions referred to in subparagraph (a)(i) or (a)(ii), respectively.

(c) Inclusion, for the future, of any Rule in one or the other of the requirements referred to in subparagraph (a) shall require unanimous consent.

(4) The Regulations provide for the establishment, under the control of the Assembly, of Administrative Instructions by the Director General.

(5) In the case of conflict between the provisions of the Treaty and those of the Regulations, the provisions of the Treaty shall prevail.

Chapter VI

DISPUTES

Article 59

Disputes

Subject to Article 64(5), any dispute between two or more Contracting States concerning the interpretation or

(8)(a) Sporazum o sedežu, sklenjen z državo, na ozemlju katere ima organizacija sedež, določa, da ta država odobrava posojila, če poslovni sklad ni zadosten. Znesek teh posojil in pogoji, pod katerimi se odobravajo, so v vsakem primeru predmet posebnih sporazumov med zadevno državo in organizacijo. Ves čas, dokler mora dajati posojila, ima ta država *ex officio* eno mesto v skupščini in v izvršilnem odboru.

(b) Država, za katero gre v pododstavku (a), in organizacija imata vsaka zase pravico, da s pisnim sporočilom odpoveata obveznost, da dajeta posojila. Odpoved prične veljati 3 leta po izteku leta, v katerem je bila sporočena.

(9) Račune potrjuje na način, določen s finančnim pravilnikom, ena ali več držav pogodbenic ali zunanji revizorji. Le-te z njihovim soglasjem določi skupščina.

58. člen

Pravilnik

(1) Pravilnik, ki je v prilogi te pogodbe, vsebuje pravila, ki se nanašajo:

(I) na vprašanja, glede katerih se ta pogodba izrecno sklicuje na pravilnik ali izrecno določa, da so ali da bodo predmet njegovih določb;

(II) na vse upravne zahteve, zadeve ali postopke;

(III) na vse koristne podrobnosti v zvezi z izvajanjem določb te pogodbe.

(2)(a) Skupščina lahko spreminja pravilnik.

(b) S pridržkom določb tretjega odstavka se spremembe opravijo, če so sprejete s tričetrtinsko večino oddanih glasov.

(3)(a) Pravilnik podrobno določa, katera pravila se lahko spremenijo samo:

(I) soglasno ali

(II) če nobena država pogodbenica, katere državni urad deluje kot ustanova za mednarodno poizvedbo ali kot ustanova za mednarodni predhodni preizkus, ne nasprotuje in če temu, kadar je ta ustanova medvladna organizacija, ne nasprotuje država pogodbenica, ki je članica te organizacije z ustreznimi pooblastili, ki jih ji dajo druge države članice, združene v okviru pristojnega organa te organizacije.

(b) Da bi se lahko v naslednjem obdobju katerokoli izmed teh pravil spremenilo mimo navedenih pogojev, morajo biti pogoji, navedeni v pododstavku (a) (I) ali (a) (II), izpolnjeni.

(c) Da bi se lahko v naslednjem obdobju katerokoli pravilo uvrstilo v eno ali drugo kategorijo, navedeno v pododstavku (a), je potrebna soglasna odločitev.

(4) Pravilnik določa, da generalni direktor pod nadzorstvom skupščine sprejme administrativna navodila.

(5) Če se določbe pogodbe in določbe pravilnika ne ujemajo, imajo prednost določbe pogodbe.

VI. poglavje

SPORI

59. člen

Spori

S pridržkom petega odstavka 64. člena lahko katera koli zadevna država vsak spor med dvema ali več državami

application of this Treaty or the Regulations, not settled by negotiation, may, by any one of the States concerned, be brought before the International Court of Justice by application in conformity with the Statute of the Court, unless the States concerned agree on some other method of settlement. The Contracting State bringing the dispute before the Court shall inform the International Bureau; the International Bureau shall bring the matter to the attention of the other Contracting States.

Chapter VII

REVISION AND AMENDMENT

Article 60

Revision of the Treaty

(1) This Treaty may be revised from time to time by a special conference of the Contracting States.

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

(3) Any intergovernmental organization appointed as International Searching or Preliminary Examining Authority shall be admitted as observer to any revision conference.

(4) Article 53(5), (9) and (11), 54, 55(4) to (8), 56, and 57, may be amended either by a revision conference or according to the provisions of Article 61.

Article 61

Amendment of Certain Provisions of the Treaty

(1)(a) Proposals for the amendment of Articles 53(5), (9) and (11), 54, 55(4) to (8), 56, and 57, may be initiated by any State member of the Assembly, by the Executive Committee, or by the Director General.

(b) Such proposals shall be communicated by the Director General to the Contracting States at least six months in advance of their consideration by the Assembly.

(2)(a) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly.

(b) Adoption shall require three-fourths of the votes cast.

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

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

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

pogodbenicami v zvezi z razlago ali uporabo te pogodbe in pravilnika, ki se ne reši sporazumno, predloži Mednarodnemu sodišču z zahtevō, vloženo v skladu s statutom sodišča, razen če se zadevne države sporazumejo, da nastali spor rešijo drugače. Država pogodbenica, ki začne spor pri sodišču, obvesti o tem Mednarodni urad, ki to sporoči drugim državam pogodbenicam.

VII. poglavje

REVIZIJA IN SPREMEMBE

60. člen

Revizija pogodbe

(1) Ta pogodba se lahko občasno revidira na posebnih konferencah držav pogodbenic.

(2) O sklicu revizijske konference odloči skupščina.

(3) Vsaka mednarodna organizacija, ki je imenovana kot ustanova za mednarodno poizvedbo ali kot ustanova za mednarodni predhodni preizkus, ima pravico, da se kot opazovalka udeleži vsake revizijske konference.

(4) Peti, deveti in enajsti odstavek 53. člena, 54. člen, četrti do osmi odstavek 55. člena, 56. in 57. člen se lahko spremenijo na revizijski konferenci ali na podlagi določb 61. člena.

61. člen

Spremembe posameznih določb pogodbe

(1)(a) Predloge za spremembo petega, devetega in enajstega odstavka 53. člena, 54. člena, četrtega do osmega odstavka 55. člena, 56. in 57. člena lahko da vsaka država, ki je članica skupščine, izvršilni odbor ali generalni direktor.

(b) Te predloge sporoči generalni direktor državam članicam najmanj šest mesecev pred njihovo obravnavo v skupščini.

(2)(a) Skupščina odloča o vseh spremembah členov, navedenih v prvem odstavku.

(b) Za sprejetje je potrebna tričetrtinska večina oddanih glasov.

(3)(a) Vsaka sprememba členov, navedenih v prvem odstavku, začne veljati mesec dni od dneva, ko generalni direktor od treh četrtin držav, ki so bile članice skupščine v času, ko je bila sprememba sprejeta, prejme pisna sporočila o sprejetju, sestavljena v skladu z njihovimi veljavnimi ustavnimi določbami.

(b) Vsaka sprememba tako sprejetih omenjenih členov je obvezna za vse države, ki so članice skupščine v času, ko začne sprememba veljati, s tem da je vsaka sprememba, ki povečuje finančne obveznosti držav pogodbenic obvezna samo za tiste izmed njih, ki so sporočile, da jo sprejemajo.

(c) Vsaka sprememba, sprejeta v skladu z določbami pododstavka (a), je obvezna za vse države, ki postanejo članice skupščine po datumu, ko je sprememba začela veljati v skladu z določbami pododstavka (a).

Chapter VIII**FINAL PROVISIONS****Article 62****Becoming Party to the Treaty**

(1) Any State member of the International Union for the Protection of Industrial Property may become party to this Treaty by:

- (i) signature followed by the deposit of an instrument of ratification, or
- (ii) deposit of an instrument of accession.

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

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

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

Article 63**Entry into Force of the Treaty**

(1)(a) Subject to the provisions of paragraph (3), this Treaty shall enter into force three months after eight States have deposited their instruments of ratification or accession, provided that at least four of those States each fulfill any of the following conditions:

(i) the number of applications filed in the State has exceeded 40,000 according to the most recent annual statistics published by the International Bureau.

(ii) the nationals or residents of the State have filed at least 1,000 applications in one foreign country according to the most recent annual statistics published by the International Bureau.

(iii) the national Office of the State has received at least 10,000 applications from nationals or residents of foreign countries according to the most recent annual statistics published by the International Bureau.

(b) For the purposes of this paragraph, the term "applications" does not include applications for utility models.

(2) Subject to the provisions of paragraph (3), any State which does not become party to this Treaty upon entry into force under paragraph (1) shall become bound by this Treaty three months after the date on which such State has deposited its instrument of ratification or accession.

(3) The provisions of Chapter II and the corresponding provisions of the Regulations annexed to this Treaty shall become applicable, however, only on the date on which three States each of which fulfill at least one of the three requirements specified in paragraph (1) have become party to this Treaty without declaring, as provided in Article 64(1), that they do not intend to be bound by the provisions of Chapter II. That date shall not, however, be prior to that of the initial entry into force under paragraph (1).

Article 64**Reservations**

(1)(a) Any State may declare that it shall not be bound by the provisions of Chapter II.

VIII. poglavje**KONČNE DOLOČBE****62. člen****Način, kako lahko države postanejo pogodbenice**

(1) Vsaka država, ki je članica Mednarodne unije za varstvo industrijske lastnine, lahko postane pogodbenica v tej pogodbi:

(I) s podpisom, ki mu sledi deponiranje ratifikacijske listine; ali

(II) z deponiranjem listine o pristopu.

(2) Ratifikacijske listine in listine o pristopu se deponirajo pri generalnem direktorju.

(3) Določbe 24. člena stockholmskega akta Pariške konvencije o varstvu industrijske lastnine se uporabljajo za to pogodbo.

(4) V nobenem primeru se ne sme razlagati, da je s tretjim odstavkom mišljeno, da katerakoli država pogodbenica priznava ali molče sprejema dejansko stanje na področju, na katerem je to pogodbo uporabila kaka druga država pogodbenica na podlagi omenjenega odstavka.

63. člen**Uveljavitev pogodbe**

(1)(a) S pridržkom določb tretjega odstavka začne ta pogodba veljati tri mesece po predložitvi ratifikacijskih listin ali listin o pristopu osmih držav, če vsaka izmed najmanj štirih teh držav izpolnjuje enega izmed naslednjih pogojev:

(I) da število prijav, vloženih v zadevni državi, po najnovejših letnih statistikah, ki jih objavi Mednarodni urad, presega 40.000;

(II) da so pripadniki zadevne države ali osebe, ki imajo v njej stalno prebivališče, po najnovejših letnih statistikah, ki jih objavi Mednarodni urad, vložili v posamezni tuji državi najmanj 1.000 prijav;

(III) da je državni urad zadevne države prejel od pripadnikov tujih držav ali od oseb, ki imajo stalno prebivališče v teh državah, po najnovejših letnih statistikah, ki jih objavi Mednarodni urad, najmanj 10.000 prijav.

(b) Po tem odstavku z izrazom »prijave« niso zajete prijave uporabnih modelov.

(2) S pridržkom določb tretjega odstavka ta pogodba zavezuje vsako državo, ki ni njena pogodbenica ob njeni uveljavitvi po prvem odstavku, po poteku treh mesecev od dneva, ko je deponirala svojo ratifikacijsko listino ali listino o pristopu.

(3) Določbe II. poglavja in ustrezna pravila iz pravilnika, ki je v prilogi te pogodbe, se lahko uporabljajo samo od dneva, ko so tri države, ki izpolnjujejo najmanj enega izmed pogojev, navedenih v prvem odstavku, postale pogodbenice v tej pogodbi, ne da bi pri tem po prvem odstavku 64. člena izjavile, da po njihovem mnenju zanje ne veljajo določbe II. poglavja. Ta datum nikakor ne more biti pred datumom prve uveljavitve po prvem odstavku.

64. člen**Pridržki**

(1)(a) vsaka država lahko izjavi, da zanje ne veljajo določbe II. poglavja.

(b) States making a declaration under subparagraph (a) shall not be bound by the provisions of Chapter II and the corresponding provisions of the Regulations.

(2)(a) Any State not having made a declaration under paragraph (1)(a) may declare that:

(i) it shall not be bound by the provisions of Article 39(1) with respect to the furnishing of a copy of the international application and a translation thereof (as prescribed),

(ii) the obligation to delay national processing, as provided for under Article 40, shall not prevent publication, by or through its national Office, of the international application or a translation thereof, it being understood, however, that it is not exempted from the limitations provided for in Articles 30 and 38.

(b) States making such a declaration shall be bound accordingly.

(3)(a) Any State may declare that, as far as it is concerned, international publication of international applications is not required.

(b) Where, at the expiration of 18 months from the priority date, the international application contains the designation only of such States as have made declarations under subparagraph (a), the international application shall not be published by virtue of Article 21(2).

(c) Where the provisions of subparagraph (b) apply, the international application shall nevertheless be published by the International Bureau:

(i) at the request of the applicant, as provided in the Regulations,

(ii) when a national application or a patent based on the international application is published by or on behalf of the national Office of any designate State having made a declaration under subparagraph (a), promptly after such publication but not before the expiration of 18 months from the priority date.

(4)(a) Any State whose national law provides for prior art effect of its patents as from a date before publication, but does not equate for prior art purposes the priority date claimed under the Paris Convention for the Protection of Industrial Property to the actual filing date in that State, may declare that the filing outside that State of an international application designating that State is not equated to an actual filing in that State for prior art purposes.

(b) Any State making a declaration under subparagraph (a) shall to that extent not be bound by the provisions of Article 11(3).

(c) Any State making a declaration under subparagraph (a) shall, at the same time, state in writing the date from which, and the conditions under which, the prior art effect of any international application designating that State becomes effective in that State. This statement may be modified at any time by notification addressed to the Director General.

(5) Each State may declare that it does not consider itself bound by Article 59. With regard to any dispute between any Contracting State having made such a declaration and any other Contracting State, the provisions of Article 59 shall not apply.

(6)(a) Any declaration made under this Article shall be made in writing. It may be made at the time of signing this Treaty, at the time of depositing the instrument of ratification or accession, or, except in the case referred to in paragraph (5), at any later time by notification addressed to the Director General. In the case of the said notification, the declaration shall take effect six

(b) Za države, ki dajo izjavo po pododstavku (a), ne veljajo določbe II. poglavja in ustrezne določbe pravilnika.

(2)(a) Vsaka država, ki ni dala izjave po prvem odstavku pod (a), lahko izjavi:

(I) da zanjo ne veljajo določbe prvega odstavka 39. člena v zvezi z dostavo izvoda mednarodne prijave in njenega prevoda (kakršen je predpisan);

(II) da obveznost glede mirovanja državnega postopka, urejena v 40. členu, ne preprečuje, da njen državni urad objavi ali da se po njem objavi mednarodna prijava ali njen prevod, pri tem pa vsekakor upošteva, da ta država ni oproščena obveznosti, določenih v 30. in 38. členu.

(b) Za države, ki dajo tako izjavo, je ta obvezna.

(3)(a) Vsaka država lahko izjavi, da, kar se nje tiče, ne zahteva mednarodne objave mednarodnih prijav.

(b) Če mednarodna prijava po poteku 18 mesecev od prednostnega dneva vsebuje samo navedbo držav, ki so dale izjavo po pododstavku (a), se mednarodna prijava ne objavi v skladu z drugim odstavkom 21. člena.

(c) Če se uporablja pododstavek (b), Mednarodni urad vseeno objavi mednarodno prijavo:

(I) na zahtevo prijavitelja v skladu s pravilnikom;

(II) kadar je državno prijavo ali patent, ki temelji na mednarodni prijavi, objavil državni urad kake imenovane države, ki je dala izjavo po pododstavku (a), ali je bila ta objavljena v njegovem imenu v kratkem roku po tej objavi, vendar najpozneje 18 mesecev po prednostnem dnevu.

(4)(a) Vsaka država, katere notranja zakonodaja priznava svojim patentom učinek na stanje tehnike, šteto od datuma pred objavo, ki pa glede stanja tehnike ne izenačuje prednostnega datuma, zahtevanega po Pariški konvenciji o varstvu industrijske lastnine, z datumom dejanske vložitve prijave v zadevni državi, lahko izjavi, da se vložitev mednarodne prijave, v kateri je imenovana, zunaj njenega ozemlja glede stanja tehnike ne izenačuje z dejansko vložitvijo prijave na njenem ozemlju.

(b) Za nobeno državo, ki da izjavo, navedeno v pododstavku (a), v tem pogledu ne veljajo določbe tretjega odstavka 11. člena.

(c) Vsaka država, ki da izjavo, navedeno v pododstavku (a), mora istočasno dati pisno izjavo, od katerega datuma in pod katerimi pogoji ima vsaka mednarodna prijava, v kateri je imenovana, na njenem ozemlju učinek na stanje tehnike. Ta izjava se lahko kadarkoli spremeni s sporočilom, poslanim generalnemu direktorju.

(5) Vsaka država lahko izjavi, da po njenem mnenju zanjo ne velja 59. člen. Za noben spor med posamezno državo pogodbenico, ki je dala tako izjavo, in vsako drugo državo pogodbenico se ne uporablja 59. člen.

(6)(a) Vsaka izjava, dana po tem členu, mora biti pisna. Lahko se da ob podpisu te pogodbe, ob deponiranju ratifikacijske listine ali listine o pristopu ali, razen v primeru iz petega odstavka, kadarkoli pozneje s sporočilom, poslanim generalnemu direktorju. V primeru takega sporočila ima izjava učinek po poteku šestih mesecev, šteto od dneva, ko generalni direktor prejme sporočilo,

months after the day on which the Director General has received the notification, and shall not affect international applications filed prior to the expiration of the said six-month period.

(b) Any declaration made under this Article may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect three months after the day on which the Director General has received the notification and, in the case of the withdrawal of a declaration made under paragraph (3), shall not affect international applications filed prior to the expiration of the said three-month period.

(7) No reservations to this Treaty other than the reservations under paragraphs (1) to (5) are permitted.

Article 65

Gradual Application

(1) If the agreement with any International Searching or Preliminary Examining Authority provides, transitionally, for limits on the number or kind of international applications that such Authority undertakes to process, the Assembly shall adopt the measures necessary for the gradual application of this Treaty and the Regulations in respect of given categories of international applications. This provision shall also apply to requests for an international-type search under Article 15(5).

(2) The Assembly shall fix the dates from which, subject to the provision of paragraph (1), international applications may be filed and demands for international preliminary examination may be submitted. Such dates shall not be later than six months after this Treaty has entered into force according to the provisions of Article 63(1), or after Chapter II has become applicable under Article 63(3), respectively.

Article 66

Denunciation

(1) Any Contracting State may denounce this Treaty by notification addressed to the Director General.

(2) Denunciation shall take effect six months after receipt of the said notification by the Director General. It shall not affect the effects of the international application in the denouncing State if the international application was filed, and, where the denouncing State has been elected, the election was made, prior to the expiration of the said six-month period.

Article 67

Signature and Languages

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

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in the German, Japanese, Portuguese, Russian and Spanish languages, and such other languages as the Assembly may designate.

(2) This Treaty shall remain open for signature at Washington until December 31, 1970.

in nima učinka na mednarodne prijave, vložene pred potekom omenjenega šestmesečnega obdobja.

(b) Vsaka izjava, dana na podlagi tega člena, se lahko kadarkoli prekliče s sporočilom, poslanim generalnemu direktorju. Tak preklic začne veljati po poteku treh mesecev, šteto od dneva, ko generalni direktor prejme sporočilo, in, ko gre za preklic izjave, dane po tretjem odstavku, nima učinka na mednarodne prijave, vložene pred potekom omenjenega trimesečnega obdobja.

(7) Noben pridržek na to pogodbo, razen tistih, ki so mogoči na podlagi prvega do petega odstavka, ni dovoljen.

65. člen

Postopna uporaba

(1) Če sporazum, sklenjen s posamezno ustanovo za mednarodno poizvedbo ali ustanovo za mednarodni predhodni preizkus, določa kot začasno rešitev omejitev števila ali vrst mednarodnih prijav, ki jih ta ustanova lahko obdela, skupščina potrebno ukrepa za postopno uporabo te pogodbe in pravilnika za določene kategorije mednarodnih prijav. Ta določba se uporablja tudi za zahteve za poizvedbo mednarodnega tipa iz petega odstavka 15. člena.

(2) Skupščina določi datume, od katerih se lahko glede na določbo prvega odstavka vložijo mednarodne prijave oziroma pošljejo zahteve za mednarodni predhodni preizkus. Ti datumi ne smejo biti po poteku šestih mesecev od uveljavitve te pogodbe v skladu z določbami prvega odstavka 63. člena oziroma po poteku šestih mesecev od začetka uporabe II. poglavja v skladu s tretjim odstavkom 63. člena.

66. člen

Odpoved

(1) Vsaka država pogodbenica lahko odpove to pogodbo tako, da generalnemu direktorju pošlje sporočilo.

(2) Odpoved učinkuje po poteku šestih mesecev, šteto od dneva, ko generalni direktor prejme sporočilo. Ta odpoved ne vpliva na mednarodne prijave v državi, ki pogodbo odpove, če je bila prijava vložena pred potekom tega šestmesečnega obdobja in, če gre za izbrano državo, če je bila ta izbrana pred potekom omenjenega obdobja.

67. člen

Podpisovanje in jeziki

(1)(a) Ta pogodba se podpiše v enem izvirniku v francoskem in angleškem jeziku, pri čemer sta obe besedili enako verodostojni.

(b) Uradna besedila v japonskem, nemškem, portugalskem, ruskem in španskem jeziku ter v drugih jezikih, ki jih lahko določi skupščina, določi generalni direktor po posvetovanju z zainteresiranimi vladaми.

(2) Ta pogodba je odprta za podpis v Washingtonu do 31. decembra 1970.

Article 68

Depositary functions

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

(2) The Director General shall transmit two copies, certified by him, of this Treaty and the Regulations annexed hereto to the Governments of all States party to the Paris Convention for the Protection of Industrial Property and, on request, to the Government of any other State.

(3) The Director General shall register this Treaty with the Secretariat of the United Nations.

(4) The Director General shall transmit two copies, certified by him, of any amendment to this Treaty and the Regulations to the Governments of all Contracting States and, on request, to the Government of any other State.

Article 69

Notifications

The Director General shall notify the Governments of all States party to the Paris Convention for the Protection of Industrial Property of:

- (i) signatures under Article 62,
- (ii) deposits of instruments of ratification or accession under Article 62,
- (iii) the date of entry into force of this Treaty and the date from which Chapter II is applicable in accordance with Article 63(3),
- (iv) any declarations made under Article 64(1) to (5),
- (v) withdrawals of any declarations made under Article 64(6)(b),
- (vi) denunciations received under Article 66, and
- (vii) any declarations made under Article 31(4).

68. člen

Obveznosti depozitarja

(1) Izvirnik te pogodbe se po poteku roka, v katerem je odprta za podpis, deponira pri generalnem direktorju.

(2) Generalni direktor overi in pošlje po dva izvoda te pogodbe in pravilnika, ki ji je priložen, vladam vseh držav članic Pariške konvencije o varstvu industrijske lastnine in na zahtevo vladi vsake druge države.

(3) Generalni direktor registrira to pogodbo pri sekretariatu Organizacije Združenih narodov.

(4) Generalni direktor overi in pošlje po dva izvoda vsake spremembe te pogodbe in pravilnika vladam vseh držav pogodbenic in na zahtevo vladi vsake druge države.

69. člen

Sporočila

Generalni direktor sporoči vladam vseh držav, ki so članice Pariške konvencije o varstvu industrijske lastnine:

- (I) katere države so podpisale pogodbo po 62. členu;
- (II) katere države so deponirale ratifikacijske listine ali listine o pristopu po 62. členu;
- (III) datum uveljavitve te pogodbe in datum, od katerega se uporablja II. poglavje po tretjem odstavku 63. člena;
- (IV) izjave, dane na podlagi prvega do petega odstavka 64. člena;
- (V) preklic izjav na podlagi šestega odstavka 64. člena pod (b);
- (VI) odpovedi, prejete v zvezi s 66. členom; in
- (VII) kakršnekoli izjave, dane na podlagi četrtega odstavka 31. člena.

3. člen

V skladu s pogodbo prevzema Urad Republike Slovenije za varstvo industrijske lastnine funkcijo prejemnega urada. Urad Republike Slovenije za varstvo industrijske lastnine sprejema mednarodne prijave, katerih vložniki so državljani Republike Slovenije ali osebe, ki imajo sedež oziroma začasno prebivališče na ozemlju Republike Slovenije. Mednarodne prijave se vlagajo v angleškem jeziku.

4. člen

Evropski patentni urad deluje kot pristojna ustanova za mednarodno poizvedbo oziroma ustanova za mednarodni predhodni preizkus mednarodnih prijav, vloženih pri Uradu Republike Slovenije za varstvo industrijske lastnine kot prejemnem uradu.

5. člen

Za izvajanje pogodbe skrbi Ministrstvo za znanost in tehnologijo – Urad Republike Slovenije za varstvo industrijske lastnine.

6. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 318-01/93-7/1

Ljubljana, dne 22. novembra 1993.

Predsednik
Državnega zbora
Republike Slovenije
mag. Herman Rigelnik l. r.

89.

Na podlagi druge alineje prvega odstavka 107. člena in prvega odstavka 91. člena Utave Republike Slovenije izdajam

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI SPORAZUMA O UKINITVI VIZUMOV MED REPUBLIKO SLOVENIJO IN REPUBLIKO FRANCIJO

Razgllašam Zakon o ratifikaciji Sporazuma o ukinitvi vizumov med Republiko Slovenijo in Republiko Francijo, ki ga je sprejel Državni zbor Republike Slovenije na seji dne 22. novembra 1993.

Št. 0100-125/93

Ljubljana, dne 30. novembra 1993.

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N

O RATIFIKACIJI SPORAZUMA O UKINITVI VIZUMOV MED REPUBLIKO SLOVENIJO IN REPUBLIKO FRANCIJO

1. člen

Ratificira se Sporazum o ukinitvi vizumov med Republiko Slovenijo in Republiko Francijo, sklenjen z izmenjavo not 1. februarja 1993.

2. člen

Sporazum se v izvirniku v francoskem in slovenskem jeziku ter v slovenskem prevodu glasi:

Le 1 février 1993

1. februar 1993

Monsieur le Ministre,

Animé du désir de favoriser le développement des relations bilatérales entre nos deux pays et désireux de faciliter la circulation de leurs ressortissants dans l'esprit du document final de la Conférence sur la Sécurité et la Coopération en Europe, il est apparu souhaitable à mon Gouvernement de proposer au Gouvernement de la République de Slovénie la suppression de l'obligation de visa de court séjour entre nos deux pays selon les dispositions suivantes:

1. Les ressortissants de la République de Slovénie auront accès sans visa aux départements français pour des séjours inférieurs ou égaux à trois mois sur simple présentation d'un passeport national diplomatique, de service ou ordinaire en cours de validité.

2. Ils pourront se rendre sans visa dans les territoires d'outre-mer de la République Française pour des séjours inférieurs ou égaux à un mois. Au-delà de cette durée, ils devront être en possession d'un visa avant leur départ.

3. Les ressortissants de la République Française auront accès sans visa au territoire de la République de Slovénie pour des séjours inférieurs ou égaux à trois mois sur simple présentation d'un passeport national diplomatique, de service ou ordinaire en cours de validité.

4. Les ressortissants de l'un et l'autre pays, qu'ils soient titulaires d'un passeport diplomatique, de service ou ordinaire, continueront à être soumis à l'obligation de visa pour des séjours d'une durée supérieure à celles mentionnées respectivement aux points 1, 2 et 3.

5. Sauf en ce qui concerne les dispositions qui précèdent, les lois et règlements en vigueur dans la République française et dans la République de Slovénie concernant l'entrée, le séjour, le travail et l'éloignement des étrangers restent applicables.

Gospod minister,

V želji, da izboljšamo dvostranske odnose med našima državama in pospešimo pretok državljanov med obema državama v duhu Sklepnega dokumenta Konference o varnosti in sodelovanju v Evropi, mi dovolite, da v imenu svoje vlade predlagam vladi Republike Slovenije odpravo vizumov za krajše bivanje med našima državama po naslednjih določilih:

1. Državljeni Republike Slovenije lahko vstopijo brez vizumov na ozemlje francoskih departmajev s svojim veljavnim diplomatskim, službenim ali navadnim potnim listom in tam bivajo do največ treh mesecev.

2. Državljeni Republike Slovenije lahko brez vizumov bivajo na prekomorskih ozemljih Republike Francije za dobo do največ enega meseca. Za daljše obdobje je potreben vizum, ki ga pridobijo pred odhodom.

3. Državljeni Republike Francije lahko brez vizumov vstopijo in bivajo na ozemlju Republike Slovenije za dobo do največ treh mesecev z veljavnim diplomatskim, službenim ali navadnim potnim listom.

4. Državljeni obeh držav morajo pridobiti vizum za bivanje, daljše od tistega, ki je določeno v točkah 1, 2 in 3, ne glede na to, ali imajo diplomatski, službeni ali navadni potni list.

5. Razen predhodnih določb se uporabljajo tudi zakoni in predpisi, ki veljajo v Republiki Sloveniji in Republiki Franciji in zadevajo vstop, bivanje, zaposlovanje in izgon tujcev.

6. Les Parties Contractantes se transmettent par la voie diplomatique les spécimens de leurs passeports nationaux nouveaux ou modifiés, ainsi que les données concernant l'emploi de ces passeports et ce, dans la mesure du possible, 60 jours avant leur mise en service.

7. Le présent Accord peut être dénoncé à tout moment avec un préavis de 30 jours.

La dénonciation du présent Accord sera notifiée à l'autre Partie Contractante par la voie diplomatique.

8. L'application du présent Accord peut être suspendue en totalité ou en partie par l'une ou l'autre des Parties Contractantes.

La suspension devra être notifiée immédiatement par la voie diplomatique.

Je vous serais obligé de me faire savoir si les dispositions qui précèdent recueillent l'agrément de votre Gouvernement. Dans l'affirmative, la présente lettre ainsi que votre réponse constitueront un accord entre nos deux Gouvernements qui entrera en vigueur 8 jours après la signature de la lettre d'acceptation de votre Gouvernement.

Je vous prie, Monsieur le Ministre, d'agréer l'expression de ma haute considération.

Monsieur
Lojze Peterle
Ministre des Affaires Etrangères
de la République de Slovénie

Georges Kiejman m. p.

Ljubljana, 1. februar 1993

Gospod minister,

Čast mi je potrditi prejem pisma z dne 1. februarja 1993, ki se glasi:

»Gospod minister,

V želji, da izboljšamo dvostranske odnose med našima državama in pospešimo pretok državljanov med obema državama v duhu Sklepnega dokumenta Konference o varnosti in sodelovanju v Evropi, mi dovolite, da v imenu svoje vlade predlagam vladi Republike Slovenije odpravo vizumov za krajše bivanje med našima državama po naslednjih določilih:

1. Državljeni Republike Slovenije lahko vstopijo brez vizumov na ozemlje francoskih departmajev s svojim veljavnim diplomatskim, službenim ali navadnim potnim listom in tam bivajo do največ treh mesecev.

2. Državljeni Republike Slovenije lahko brez vizumov bivajo na prekomorskih ozemljih Republike Francije za dobo do največ enega meseca. Za daljše obdobje je potreben vizum, ki ga pridobijo pred odhodom.

3. Državljeni Republike Francije lahko brez vizumov vstopijo in bivajo na ozemlju Republike Slovenije za dobo do največ treh mesecev z veljavnim diplomatskim, službenim ali navadnim potnim listom.

4. Državljeni obeh držav morajo pridobiti vizum za bivanje, daljše od tistega, ki je določeno v točkah 1, 2 in 3, ne glede na to, ali imajo diplomatski, službeni ali navadni potni list.

5. Razen predhodnih določb se uporabljajo tudi zakoni in predpisi, ki veljajo v Republiki Sloveniji in Republiki Franciji in zadevajo vstop, bivanje, zaposlovanje in izgon tujcev.

6. Državi pogodbenici morata po diplomatski poti izmenjati vzorce svojih novih ali spremenjenih potnih listin, kakor tudi podatke glede uporabe teh potnih listin, po možnosti 60 dni pred njihovo uvedbo.

7. Ta sporazum se lahko vsak čas odpove s 30 dnevni odpovedni rok.

Odpoved tega sporazuma se mora takoj sporočiti drugi državi pogodbenici po diplomatski poti.

8. Uporabo tega sporazuma lahko začasno razveljavi, delno ali v celoti, vsaka od držav pogodbenic.

Začasna razveljavitev se mora takoj sporočiti drugi državi pogodbenici po diplomatski poti.

Prosim, da me obvestite, če vaša vlada soglaša z zgornjimi določili. V primeru pozitivnega odgovora bosta to pismo in vaš odgovor tvorila sporazum med našima vladama, ki bo začel veljati 8 dni po podpisu vašega pisma odgovora.

Izkoriščam tudi to priložnost, gospod minister, da Vam ponovim izraze svojega odličnega spoštovanja.

Gospod
Lojze Peterle
minister za zunanje zadeve
Republike Slovenije

Georges Kiejman l. r.

6. Državni pogodbenici morata po diplomatski poti izmenjati vzorce svojih novih ali spremenjenih potnih listin, kakor tudi podatke glede uporabe teh potnih listin, po možnosti 60 dni pred njihovo uvedbo.

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Začasna razveljavitev se mora takoj sporočiti drugi državi pogodbenici po diplomatski poti.

Prosim, da me obvestite, če vaša vlada soglaša z zgornjimi določili. V primeru pozitivnega odgovora bosta to pismo in vaš odgovor tvorila sporazum med našima vladama, ki bo začel veljati 8 dni po podpisu vašega pisma odgovora.

Izkoriščam tudi to priložnost, gospod minister, da Vam ponovim izraze svojega odličnega spoštovanja.

Čast mi je potrditi, gospod minister, da se Vlada Republike Slovenije strinja z vsebino zgornjega pisma, prav tako se strinja, da navedeno pismo in ta odgovor tvorita sporazum med našima vladama.

Izkoriščam tudi to priložnost, gospod minister, da Vam ponovim izraze svojega odličnega spoštovanja.

Lojze Peterle l. r.

Njegova ekselenca
Georges Kiejman
Delegirani minister za zunanje zadeve
Republike Francije
Pariz

3. člen

Za izvajanje tega sporazuma skrbi ministrstvo, pristojno za notranje zadeve.

4. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 213-03/93-21/1.

Ljubljana, dne 22. novembra 1993.

Predsednik
Državnega zbora
Republike Slovenije
mag. Herman Rigelnik l. r.

90.

Na podlagi tretjega odstavka 63. člena Zakona o zunanjih zadevah (Uradni list RS, št. 1/91-I) izdaja Vlada Republike Slovenije

U R E D B O
O RATIFIKACIJI SPORAZUMA MED REPUBLIKO SLOVENIJO IN DRŽAVO IZRAEL O UKINITVI
VIZUMOV

1. člen

Ratificira se Sporazum med Republiko Slovenijo in Državo Izrael, sklenjen z izmenjavo not z dne 20. oktobra 1993 in 22. oktobra 1993.

2. člen

Sporazum se v angleškem izvirniku in slovenskem prevodu glasi:

Botschaft des Staates Israel,
Wien

Vienna, 20 October 1993

Your Excellency,

I have the honour to inform you that, in order to facilitate the travel of the nationals of each of the two countries in the territory of the other, the Government of the State of Israel is prepared to conclude with the Government of the Republic of Slovenia an agreement on the following terms:

Article 1

For the purpose of this Agreement passport shall mean a regular national passport.

Article 2

Nationals of Slovenia holders of valid national passports, shall be exempt from the obligation of obtaining tourist visas for a stay in Israel not exceeding three months.

Article 3

Nationals of Israel, holders of valid national passports, shall be exempt from the obligation of obtaining tourist visas for a stay in Slovenia not exceeding three months.

Article 4

Nationals of Slovenia and Israel, who wish to stay in Israel or Slovenia, respectively, for a period exceeding three months, shall obtain the necessary authorisation from the competent authorities of the country concerned.

Veleposlaništvo Države Izrael
Dunaj

Dunaj, 20. oktobra 1993

Vaša ekscelenca,

Čast imam obvestiti Vas, da je z namenom, da bi olajšala potovanja državljanov ene države na ozemlje druge države, Vlada Države Izrael pripravljena skleniti z Vlado Republike Slovenije sporazum pod naslednjimi pogoji:

1. člen

Za namene tega sporazuma pomeni potni list redni potni list države.

2. člen

Državljeni Slovenije, imetniki veljavnih potnih listov te države, ne potrebujejo turističnega vizuma za bivanje v Izraelu, ki ni daljše od treh mesecev.

3. člen

Državljeni Izraela, imetniki veljavnih potnih listov te države, ne potrebujejo turističnega vizuma za bivanje v Sloveniji, ki ni daljše od treh mesecev.

4. člen

Državljeni Slovenije in Izraela, ki želijo ostati v Izraelu oziroma v Sloveniji za čas, daljši od treh mesecev, morajo dobiti potrebno dovoljenje pristojnih organov zadevne države.

Article 5

Subject to the foregoing provision, persons benefiting under this Agreement shall, while in Slovenia or in Israel, comply with the laws and regulations applicable to foreigners in respect of entry and residence, temporary or permanent, and shall not take up any employment, whether paid or unpaid, nor practice for personal profit any professional or commercial activity unless proper authorisation has been given by the respective Government.

Article 6

The Government of Slovenia and Israel reserve the right to refuse admission to persons not possessing a valid national passport or lacking adequate means of subsistence, or otherwise ineligible under the general policy of the respective Governments relating to the entry of aliens.

Article 7

Each Contracting Party undertakes to readmit without formality into its territory, any of its nationals.

Article 8

The Government of Slovenia and Israel reserve the right to temporarily suspend the application of this Agreement, except Article 7, for reasons of public order or national security, by giving the other Government immediate notice through diplomatic channels.

Article 9

If the above proposals are acceptable to the Government of the Republic of Slovenia I have the honour to propose that the present Note and Your Excellency's Note in reply in that respect shall constitute an Agreement between the two Governments in this matter, which shall enter into force thirty days from the date of Your Excellency's note in reply.

Article 10

The present Agreement shall remain in force for an indefinite period. Either of the Contracting Parties may terminate it at any moment in writing, through the diplomatic channel, in which case the Agreement shall cease to be in force sixty (60) days from the date of the Note of notification of termination.

I avail myself of this opportunity to reiterate to Your Excellency the assurances of my highest consideration.

His Excellency
Mr. Lojze Peterle
the Minister of Foreign Affairs
of the Republic of Slovenia

Dr. Yosef Govrin, (s)
Ambassador

Republic of Slovenia
Ministry for Foreign Affairs
Minister

Ljubljana, 22 October 1993

No. 95-502/93

Your Excellency,
I have the honour to confirm the receipt of your Note of 20 October 1993, which reads as follows:

5. člen

V skladu z omenjenimi določbami morajo osebe, ki uživajo ugodnosti po tem sporazumu, v času svojega bivanja v Sloveniji ali v Izraelu spoštovati zakone in predpise, ki veljajo za tujce glede vstopa in bivanja, stalnega ali začasnega, in se ne smejo zaposliti, ne glede na to, ali gre za plačano ali neplačano službo, pa tudi ne opravljati kakršnekoli poklicne ali komercialne dejavnosti v osebno korist, razen če od zadevne vlade dobijo ustrezno dovoljenje.

6. člen

Vladi Slovenije in Izraela si pridržujeta pravico, da zavrneta sprejem oseb, ki nimajo veljavnega potnega lista ali ustreznih sredstev za preživljanje ali so kako drugače nesprejemljive v skladu s splošno politiko zadevnih vlad v zvezi z vstopom tujcev.

7. člen

Vsaka pogodbenica se zavezuje, da bo na svoje ozemlje ponovno sprejela brez formalnosti kateregakoli od svojih državljanov.

8. člen

Vladi Slovenije in Izraela si pridržujeta pravico, da začasno odložita uporabo tega sporazuma, z izjemo njegovega 7. člena, če za to obstajajo razlogi v zvezi z javnim redom ali nacionalno varnostjo, tako da o tem takoj obvestita drugo vlado po diplomatski poti.

9. člen

Če so omenjeni predlogi sprejemljivi za Vlado Republike Slovenije, imam čast predlagati, da ta nota in nota Vaše ekscelence v odgovor na to noto predstavljata sporazum med obema vladama o tej zadevi, ki bo pričel veljati trideset dni od datuma note Vaše ekscelence v odgovor.

10. člen

Ta sporazum se sklene za nedoločen čas. Vsaka od pogodbenic ga lahko kadarkoli pisno odpove po diplomatski poti in v tem primeru sporazum preneha veljati šestdeset (60) dni od datuma note z obvestilom o odpovedi.

Ob tej priložnosti Vaši ekscelenci ponovno izražam svoje globoko spoštovanje.

Njegova ekscelenca
g. Lojze Peterle
minister za zunanje zadeve
Republike Slovenije

dr. Yosef Govrin l. r.
veleposlanik

Republika Slovenija
Ministrstvo za zunanje zadeve
Minister

Ljubljana, 22. oktober 1993

Št. 95-502/93

Vaša ekscelenca,
Čast imam potrditi prejem Vaše note z dne 20. oktobra 1993, ki se glasi:

»Your Excellency,

I have the honour to inform you that, in order to facilitate the travel of the nationals of each of the two countries in the territory of the other, the Government of the State of Israel is prepared to conclude with the Government of the Republic of Slovenia an agreement on the following terms:

Article 1

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Article 4

Nationals of Slovenia and Israel, who wish to stay in Israel or Slovenia, respectively, for a period exceeding three months, shall obtain the necessary authorisation from the competent authorities of the country concerned.

Article 5

Subject to the foregoing provision, persons benefiting under this Agreement shall, while in Slovenia or in Israel, comply with the laws and regulations applicable to foreigners in respect of entry and residence, temporary or permanent, and shall not take up any employment, whether paid or unpaid, nor practice for personal profit any professional or commercial activity unless proper authorisation has been given by the respective Government.

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The Government of Slovenia and Israel reserve the right to refuse admission to persons not possessing a valid national passport or lacking adequate means of subsistence, or otherwise ineligible under the general policy of the respective Governments relating to the entry of aliens.

Article 7

Each Contracting Party undertakes to readmit without formality into its territory, any of its nationals.

Article 8

The Government of Slovenia and Israel reserve the right to temporarily suspend the application of this Agreement, except Article 7, for reasons of public order or national security, by giving the other Government immediate notice through diplomatic channels.

Article 9

If the above proposals are acceptable to the Government of the Republic of Slovenia I have the honour to propose that the present Note and Your Excellency's Note in reply in that respect shall constitute an Agreement between the two Governments in this matter, which shall enter into force thirty days from the date of Your Excellency's note in reply.

»Vaša ekselencija,

Čast imam obvestiti Vas, da je z namenom, da bi olajšala potovanja državljanov ene države na ozemlje druge države, Vlada Države Izrael pripravljena skleniti z Vlado Republike Slovenije sporazum pod naslednjimi pogoji:

1. člen

Za namene tega sporazuma pomeni potni list redni potni list države.

2. člen

Državljeni Slovenije, imetniki veljavnih potnih listov te države, ne potrebujejo turističnega vizuma za bivanje v Izraelu, ki ni daljše od treh mesecev.

3. člen

Državljeni Izraela, imetniki veljavnih potnih listov te države, ne potrebujejo turističnega vizuma za bivanje v Sloveniji, ki ni daljše od treh mesecev.

4. člen

Državljeni Slovenije in Izraela, ki želijo ostati v Izraelu oziroma v Sloveniji za čas, daljši od treh mesecev, morajo dobiti potrebno dovoljenje pristojnih organov zadevne države.

5. člen

V skladu z omenjenimi določbami morajo osebe, ki uživajo ugodnosti po tem sporazumu, v času svojega bivanja v Sloveniji ali v Izraelu spoštovati zakone in predpise, ki veljajo za tujce glede vstopa in bivanja, stalnega ali začasnega, in se ne smejo zaposliti, ne glede na to, ali gre za plačano ali neplačano službo, pa tudi ne opravljati kakršnekoli poklicne ali komercialne dejavnosti v osebno korist, razen če od zadevne vlade dobijo ustrezno dovoljenje.

6. člen

Vladi Slovenije in Izraela si pridržujeta pravico, da zavrnete sprejem oseb, ki nimajo veljavnega potnega lista ali ustreznih sredstev za preživljanje ali so kako drugače nesprejemljive v skladu s splošno politiko zadevnih vlad v zvezi z vstopom tujcev.

7. člen

Vsaka pogodbenica se zavezuje, da bo na svoje ozemlje ponovno sprejela brez formalnosti kateregakoli od svojih državljanov.

8. člen

Vladi Slovenije in Izraela si pridržujeta pravico, da začasno odložita uporabo tega sporazuma, z izjemo njegovega 7. člena, če za to obstajajo razlogi v zvezi z javnim redom ali nacionalno varnostjo, tako da o tem takoj obvestita drugo vlado po diplomatski poti.

9. člen

Če so omenjeni predlogi sprejemljivi za Vlado Republike Slovenije, imam čast predlagati, da ta nota in nota Vaše ekselence v odgovor na to noto predstavljata sporazum med obema vladama o tej zadevi, ki bo pričel veljati trideset dni od datuma note Vaše ekselence v odgovor.

Article 10

The present Agreement shall remain in force for an indefinite period. Either of the Contracting Parties may terminate it at any moment in writing, through the diplomatic channel, in which case the Agreement shall cease to be in force sixty (60) days from the date of the Note of notification of termination.

I avail myself of this opportunity to reiterate to Your Excellency the assurances of my highest consideration.

Dr. Yosef Govrin, (s)
Ambassador«

I have the honour to inform you, on behalf of the Government of the Republic of Slovenia, that the aforementioned provisions are acceptable and that Your Excellency's Note and the present Note in reply shall constitute an Agreement between our two Governments for the abolition of visas for the holders of valid national passports of both countries. This Agreement shall enter into force thirty days following the date of the present Note.

Please accept, Your Excellency, the renewed assurances of my highest consideration.

Lojze Peterle, (s)

His Excellency
Dr. Yosef Govrin
the Ambassador of the State of Israel
Vienna

10. člen

Ta sporazum se sklène za nedoločen čas. Vsaka od pogodbenic ga lahko kadarkoli pisno odpove po diplomatski poti in v tem primeru sporazum preneha veljati šestdeset (60) dni od datuma note z obvestilom o odpovedi.

Ob tej priložnosti Vaši ekscelenci ponovno izražam svoje globoko spoštovanje.

dr. Yosef Govrin, l. r.
veleposlanik«

V imenu Vlade Republike Slovenije Vas imam čast obvestiti, da so omenjene določbe sprejemljive in da predstavlja nota Vaše ekscelence in ta nota v odgovor sporazum med obema vladama o ukinitvi vizumov za imetnike veljavnih potnih listov obeh držav. Ta sporazum prične veljati trideset dni od datuma te note.

Prosim, sprejmite, Vaša ekscelenca, izraze mojega globokega spoštovanja.

Lojze Peterle l. r.

Njegova ekscelenca
dr. Yosef Govrin
Veleposlanik Države Izrael
Dunaj

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za notranje zadeve.

4. člen

Ta uredba začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije - Mednarodne pogodbe.

Št. 900-03/93-13/3-8

Ljubljana, dne 11. novembra 1993.

Vlada Republike Slovenije

dr. Janez Drnovšek l. r.
Predsednik

91.

Na podlagi tretjega odstavka 63. člena Zakona o zunanjih zadevah (Ur. l. RS, št. 1/91-I) izdaja Vlada Republike Slovenije

U R E D B O

O RATIFIKACIJI SPORAZUMA MED VLADO REPUBLIKE SLOVENIJE IN VLADO JUŽNOAFRIŠKE REPUBLIKE O UKINITVI VIZUMOV ZA IMETNIKE DIPLOMATSKIH IN SLUŽBENIH POTNIH LISTOV

1. člen

Ratificira se Sporazum med Vlado Republike Slovenije in Vlado Južnoafriške republike o ukinitvi vizumov za imetnike diplomatskih in službenih potnih listov, sklenjen z izmenjavo not z dne 28. aprila 1993 in 14. septembra ter 17. septembra 1993.

2. člen

Sporazum se v angleškem izvirniku in slovenskem prevodu glasi:

400/029/406

The Minister of Foreign Affairs of the Republic of South Africa presents his compliments to the Minister of Foreign Affairs of the Republic of Slovenia and has the honour to propose that visa requirements for holders of diplomatic and official/service passports be abolished in accordance with the following terms:

1. Slovenian and South African nationals who are holders of valid diplomatic or official/service passports may enter the territory of the other Contracting Party without the necessity of first obtaining a visa on their passports for a stay not exceeding 120 days from the date of entry.

2. The members of the diplomatic or consular mission of one of the Contracting Parties accredited in the territory of the other Contracting Party, who are holders of diplomatic or official/service passports, as well as the members of their families may, during the period of their assignment, stay in the territory of the other Contracting Party without a visa or residence permit. Their designations shall be communicated via Notes Verbales to the other Contracting Party prior to their arrival, where possible.

3. Persons referred to in paragraphs 1 and 2 will be allowed to enter the territory of the other Contracting Party at any frontier open for international traffic provided that they meet the requirements of laws and regulations in force in that country applying to foreigners with regard to entry.

4. The provisions of this Agreement shall not exempt persons referred to in paragraphs 1 and 2 from the obligation to comply with the laws and regulations in force in the territory of the other Contracting Party applying to foreigners with regard to sojourn, settlement, employment and the practice of lucrative business.

5. This Agreement does not affect the rights of competent authorities to refuse permission to enter or stay to persons whose presence in the territory of either Contracting Party is considered undesirable.

6.1. Either Contracting Party may for reasons of public order, security or health, in whole or in part suspend the implementation of this Agreement.

6.2. Such a suspension shall immediately be notified to the other Contracting Party through diplomatic channels.

7. The Contracting Parties shall convey to each other, through diplomatic channels, specimens of new or modified diplomatic or official/service passports, including the date of their applicability, at least 30 days before their introduction.

8. This Agreement has been concluded for an indefinite period.

9. Any amendment of this Agreement agreed upon by the Contracting Parties shall be effected by an Exchange of Notes.

10. This Agreement may be terminated by either of the Contracting Parties on giving thirty days' advance notice in writing through diplomatic channels to the other Party.

If the above proposals are acceptable to the Government of the Republic of Slovenia, I have the honour to suggest that the present Note and a Note in reply shall constitute an Agreement between the two Governments concerning the abolishment of visas for diplomatic and official/service passport holders, which shall thereafter enter into force on 1 July 1993.

400/029/406

Minister za zunanje zadeve Južnoafriške republike izraža svoje spoštovanje ministru za zunanje zadeve Republike Slovenije in ima čast predlagati, da se ukinejo vizumi za imetnike diplomatskih in službenih potnih listov pod naslednjimi pogoji:

1. Slovenski in južnoafriški državljani, imetniki veljavnih diplomatskih ali službenih potnih listov lahko vstopijo na ozemlje druge pogodbenice brez obveznosti predhodne pridobitve vizuma na njihovih potnih listih za bivanje, ki ni daljše od 120 dni od vstopa.

2. Člani diplomatske ali konzularne misije ene od pogodbenic, akreditirani na ozemlju druge pogodbenice, imetniki diplomatskih ali službenih potnih listov, kakor tudi njihovi družinski člani, lahko v času opravljanja svojih dolžnosti bivajo na ozemlju druge pogodbenice brez vizuma ali dovoljenja za bivanje. Njihovo imenovanje bo z diplomatsko noto, če le mogoče, sporočeno drugi pogodbenici še pred njihovim prihodom.

3. Osebe, omenjene v 1. in 2. odstavku, lahko vstopajo na ozemlje pogodbenice na vsakem mejnem prehodu, določenem za mednarodni prehod, pod pogojem, da spoštujejo veljavne zakone in predpise, ki veljajo v zadevni državi za tujce glede vstopa.

4. Določbe tega sporazuma ne oproščajo oseb, omenjenih v 1. in 2. odstavku, obveznosti, da spoštujejo zakone in predpise, ki veljajo na ozemlju druge pogodbenice glede tujcev v zvezi z bivanjem, nastanitvijo, zaposlitvijo in opravljanjem pridobitne dejavnosti.

5. Ta sporazum ne odreja pravice pristojnim organom, da zavrnejo pravico do vstopa ali bivanja osebam, katerih prisotnost na ozemlju ene ali druge pogodbenice je nezaželena.

6.1. Vsaka od pogodbenic lahko iz razlogov javnega reda, varnosti ali iz zdravstvenih razlogov deloma ali v celoti preneha izvajati ta sporazum.

6.2. Tako prenehanje izvajanja mora biti drugi pogodbenici nemudoma sporočeno po diplomatski poti.

7. Pogodbenici si bosta po diplomatski poti poslali vzorce novih ali spremenjenih diplomatskih ali službenih potnih listov, vključno z obvestilom o datumu njihove uporabe, najmanj 30 dni pred njihovo uvedbo.

8. Ta sporazum je sklenjen za nedoločen čas.

9. Vsakršna sprememba tega sporazuma, ki jo dogovorita obe pogodbenici, bo začela veljati z izmenjavo not.

10. Ta sporazum lahko odpove vsaka od pogodbenic s predhodnim tridesetdnevni vnaprejšnjim pisnim obvestilom, sporočenim drugi pogodbenici po diplomatski poti.

Če so zgoraj navedeni pogoji sprejemljivi za Vlado Republike Slovenije, imam čast predlagati, da ta nota in nota-odgovor tvorita sporazum med dvema vladama o ukinitvi vizumov za imetnike diplomatskih in službenih potnih listov, ki bo stopil v veljavo 1. julija 1993.

The Minister of Foreign Affairs of the Republic of South Africa wishes to avail himself of this opportunity to renew to the Minister of Foreign Affairs of the Republic of Slovenia the assurance of his highest consideration.

Cape Town
28 April 1993

S8/5
MWM/now

NOTE VERBALE

The Embassy of the Republic of South Africa presents its compliments to the Ministry for Foreign Affairs of the Republic of Slovenia and refers to Diplomatic Note 400/029/406 regarding the proposed abolition of visa requirements for holders of diplomatic and official/service passports.

The Embassy of the Republic of South Africa has the honour to suggest that this proposed agreement shall enter into force on 1 December 1993.

The Embassy of the Republic of South Africa avails itself of this opportunity to renew to the Ministry for Foreign Affairs of the Republic of Slovenia the assurances of its highest consideration.

Vienna, 14. September 1993

Ministry for Foreign Affairs
of the Republic of Slovenia
Gregorčičeva 25
61000 Ljubljana
SLOVENIA

No: 921-95-88/92

The Ministry for Foreign Affairs of the Republic of Slovenia presents its compliments to the Embassy of the Republic of South Africa at Vienna and has the honour to confirm the receipt of the note of the Ministry of Foreign Affairs of the Republic of South Africa No. 400/029/406 dated 28 April 1993 and of the note of the Embassy of the Republic of South Africa S8/5 MWM/now dated 14 September 1993 regarding the Agreement on the abolition of visa requirements for holders of diplomatic and service passports.

Ministry for Foreign Affairs has the honour to confirm the agreement of the Government of the Republic of Slovenia that the above mentioned notes and this note in reply shall constitute the Agreement between the two Governments concerning the abolishment of visas for holders of diplomatic and service passports, which shall enter into force on 1 December 1993.

The Ministry for Foreign Affairs of the Republic of Slovenia avails itself of this opportunity to renew to the Embassy of the Republic of South Africa at Vienna the assurances of its highest consideration.

Ljubljana, 17 September 1993

To the Embassy of the
Republic of South Africa
Vienna

Minister za zunanje zadeve Južnoafriške republike izkorišča tudi to priložnost da ponovi ministru za zunanje zadeve Republike Slovenije izraze svojega visokega spoštovanja.

Cape Town
28. april 1993

S8/5
MWM/now

VERBALNA NOTA

Veleposlaništvo Južnoafriške republike izraža svoje spoštovanje Ministrstvu za zunanje zadeve Republike Slovenije in se sklicuje na diplomatsko noto št. 400/029/406 glede predlagane ukinitve vizumov za imetnike diplomatskih in službenih potnih listov.

Veleposlaništvo Južnoafriške republike ima čast predlagati, da ta predlagani sporazum prične veljati 1. decembra 1993.

Veleposlaništvo Južnoafriške republike izkorišča to priložnost, da Ministrstvu za zunanje zadeve Republike Slovenije ponovno izrazi zagotovila svojega odličnega spoštovanja.

Dunaj, 14. september 1993

Ministrstvo za zunanje zadeve
Republike Slovenije
Gregorčičeva 25
61000 Ljubljana
SLOVENIJA

Št. 921-95-88/92

Ministrstvo za zunanje zadeve Republike Slovenije izraža svoje spoštovanje Veleposlaništvu Južnoafriške republike na Dunaju in ima čast potrditi prejem note Ministrstva zunanjih zadev Južnoafriške Republike št. 400/029/406 z dne 28. aprila 1993 in note Veleposlaništva Južnoafriške republike S8/5 MWM/now z dne 14. septembra 1993 glede sporazuma o odpravi vizumov za imetnike diplomatskih in službenih potnih listov.

Ministrstvo za zunanje zadeve ima čast potrditi soglasje Vlade Republike Slovenije, da zgoraj omenjeni noti in ta nota-odgovor sestavljajo sporazum med dvema vlada glede ukinitve vizumov za imetnike diplomatskih in službenih potnih listov, ki prične veljati 1. decembra 1993.

Ministrstvo za zunanje zadeve Republike Slovenije izkorišča to priložnost, da Veleposlaništvu Južnoafriške republike na Dunaju ponovno izrazi zagotovila svojega odličnega spoštovanja.

Ljubljana, 17. september 1993

Veleposlaništvu
Južnoafriške republike
Dunaj

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za notranje zadeve.

4. člen

Ta uredba začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 900-03/93-29/1-8

Ljubljana, dne 11. novembra 1993.

Vlada Republike Slovenije

dr. Janez Drnovšek l. r.
Predsednik

**OBVESTILO
O ZAČETKU VELJAVNOSTI NEKATERIH
MEDNARODNIH SPORAZUMOV**

Pričeli so veljati naslednji mednarodni sporazumi Republike Slovenije:

27. julija 1993:

Sporazum med Vlado Republike Slovenije in Vlado Republike Poljske o gospodarskem sodelovanju, podpisan 29. 10. 1992 (Ur. l. RS – Mednarodne pogodbe, št. 9/93, v: Ur. l. RS, št. 28/93);

1. novembra 1993:

Sporazum med Republiko Slovenijo in Republiko Avstrijo o nadaljnji veljavnosti določenih jugoslovansko-avstrijskih pogodb v odnosih med Republiko Slovenijo in Republiko Avstrijo, sklenjen z izmenjavo not z dne 16. 10. 1992 (Ur. l. RS – Mednarodne pogodbe, št. 4/93, v: Ur. l. RS, št. 14/93);

Sporazum med Vlado Republike Slovenije in Vlado Republike Avstrije o nadaljnji veljavnosti določenih jugoslovansko-avstrijskih pogodb v odnosih med Republiko Slovenijo in Republiko Avstrijo, sklenjen z izmenjavo not 16. 10. 1992 (objavljen prav tam).

**Ministrstvo za zunanje zadeve
Republike Slovenije**

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