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Republike Slovenije



Mednarodne pogodbe

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Leto XI

20. Zakon o ratifikaciji Konvencije o prepovedi najhujših oblik dela otrok in takojšnjem ukrepanju za njihovo odpravo (Konvencija ILO št. 182) (MKPDO)

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

U K A Z

O RAZGLASITVI ZAKONA O RATIFIKACIJI KONVENCIJE O PREPOVEDI NAJHUJŠIH OBLIK DELA OTROK IN TAKOJŠNJEM UKREPANJU ZA NJIHOVO ODPRAVO (KONVENCIJA ILO ŠT. 182) (MKPDO)

Razglašam Zakon o ratifikaciji Konvencije o prepovedi najhujših oblik dela otrok in takojšnjem ukrepanju za njihovo odpravo (Konvencija ILO št. 182) (MKPDO), ki ga je sprejel Državni zbor Republike Slovenije na seji 2. marca 2001.

Št. 001-22-24/01
Ljubljana, dne 12. marca 2001

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N

O RATIFIKACIJI KONVENCIJE O PREPOVEDI NAJHUJŠIH OBLIK DELA OTROK IN TAKOJŠNJEM UKREPANJU ZA NJIHOVO ODPRAVO (KONVENCIJA ILO ŠT. 182) (MKPDO)

1. člen

Ratificira se Konvencija Mednarodne organizacije dela št. 182 o prepovedi najhujših oblik dela otrok in takojšnjem ukrepanju za njihovo odpravo (Konvencija ILO št. 182), sprejeta v Ženevi 17. junija 1999.

2. člen

Konvencija se v izvorniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

Convention 182

CONVENTION CONCERNING THE PROHIBITION AND IMMEDIATE ACTION FOR THE ELIMINATION OF THE WORST FORMS OF CHILD LABOUR

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 87th Session on 1 June 1999, and

Considering the need to adopt new instruments for the prohibition and elimination of the worst forms of child labour, as the main priority for national and international action, including international cooperation and assistance, to complement the Convention and the Recommendation concerning Minimum Age for Admission to Employment, 1973, which remain fundamental instruments on child labour, and

Konvencija št. 182

KONVENCIJA O PREPOVEDI NAJHUJŠIH OBLIK DELA OTROK IN TAKOJŠNJEM UKREPANJU ZA NJIHOVO ODPRAVO

Generalna konferenca Mednarodne organizacije dela,

ki jo je v Ženevi sklical Administrativni svet Mednarodnega urada za delo in se je 1. junija 1999 sestala na svojem 87. zasedanju in

je upoštevala potrebo po uvedbi novih mehanizmov za prepoved in odpravo najhujših oblik dela otrok kot glavni prednostni nalogi v državnem in mednarodnem delovanju, vključno z mednarodnim sodelovanjem in pomočjo, po dopolnitvi Konvencije in Priporočila o minimalni starosti za sklenitev delovnega razmerja, 1973, ki ostajata temeljna dokumenta o delu otrok, in

Considering that the effective elimination of the worst forms of child labour requires immediate and comprehensive action, taking into account the importance of free basic education and the need to remove the children concerned from all such work and to provide for their rehabilitation and social integration while addressing the needs of their families, and

Recalling the resolution concerning the elimination of child labour adopted by the International Labour Conference at its 83rd Session in 1996, and

Recognizing that child labour is to a great extent caused by poverty and that the long-term solution lies in sustained economic growth leading to social progress, in particular poverty alleviation and universal education, and

Recalling the Convention on the Rights of the Child adopted by the United Nations General Assembly on 20 November 1989, and

Recalling the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, adopted by the International Labour Conference at its 86th Session in 1998, and

Recalling that some of the worst forms of child labour are covered by other international instruments, in particular the Forced Labour Convention, 1930, and the United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery, 1956, and

Having decided upon the adoption of certain proposals with regard to child labour, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention;

adopts this seventeenth day of June of the year one thousand nine hundred and ninety-nine the following Convention, which may be cited as the Worst Forms of Child Labour Convention, 1999.

Article 1

Each Member which ratifies this Convention shall take immediate and effective measures to secure the prohibition and elimination of the worst forms of child labour as a matter of urgency.

Article 2

For the purposes of this Convention, the term *child* shall apply to all persons under the age of 18.

Article 3

For the purposes of this Convention, the term *the worst forms of child labour* comprises:

(a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

upoštevala, da učinkovita odprava najhujših oblik dela otrok zahteva takojšnje in najširše ukrepanje, pri čemer je treba upoštevati pomen brezplačnega osnovnega izobraževanja in potrebo po reševanju otrok iz vseh takšnih del ter zagotavljanje njihove rehabilitacije in vključevanja v družbo ob upoštevanju potreb njihovih družin, in

se sklicevala na resolucijo o odpravi dela otrok, ki jo je Mednarodna konferenca dela sprejela 1996 na svojem 83. zasedanju, in

se zavedala, da delo otrok v veliki meri povzroča revščina in da je dolgoročno rešitev trajnostna gospodarska rast, ki vodi v družbeni napredek, še zlasti v omilitev revščine in k vsesplošni izobrazbi, in

se sklicevala na Konvencijo o otrokovih pravicah, ki jo je Generalna skupščina Združenih narodov sprejela 20. novembra 1989, in

se sklicevala na Deklaracijo Mednarodne organizacije dela o temeljnih načelih in pravicah iz dela in dopolnilni dokument, ki ju je sprejela Mednarodna konferenca dela leta 1998 na svojem 86. zasedanju, in

se zavedala, da nekatere najhujše oblike dela otrok obravnavajo tudi drugi mednarodni dokumenti, še zlasti Konvencija o prisilnem ali obveznem delu, 1930, in Dopolnilna konvencija Združenih narodov o odpravi suženjstva, trgovine s sužnji, ustanov in prakse, podobne suženjstvu, 1956, in

se je odločila za sprejem določenih predlogov glede dela otrok, kar je četrta točka dnevnega reda zasedanja, in

določila, da so ti predlogi v obliki mednarodne konvencije,

sprejema sedemnajstega junija tisoč devetsto devetindeset to konvencijo, ki se imenuje Konvencija o najhujših oblikah dela otrok, 1999.

1. člen

Vsaka članica, ki ratificira to konvencijo, mora nujno sprejeti takojšnje in učinkovite ukrepe, s katerimi zagotovi prepoved in odpravo najhujših oblik dela otrok.

2. člen

V tej konvenciji se izraz »otrok« nanaša na vse osebe, mlajše od 18 let.

3. člen

V tej konvenciji izraz »najhujše oblike dela otrok« zajema:

(a) vse oblike suženjstva ali suženjstvu podobnega ravnanja, kot so prodajanje otrok in trgovanje z njimi, obveznost odplačevanja dolgov staršev in tlačanstvo ter prisilno ali obvezno delo, vključno s prisilno ali obvezno mobilizacijo otrok za namene oboroženega spopada;

(b) izkoriščanje, zvodništvo ali ponujanje otrok za prostitucijo, za izdelavo pornografije ali pornografske nastope;

(c) izkoriščanje, zvodništvo ali ponujanje otrok za nezakonite dejavnosti, še zlasti za izdelavo drog in trgovanje z njimi, kot je določeno v ustreznih mednarodnih pogodbah;

(d) delo, ki zaradi svoje narave ali okoliščin, v katerih se opravlja, lahko ogrozi zdravje, varnost ali moralno otrok.

Article 4

1. The types of work referred to under Article 3(d) shall be determined by national laws or regulations or by the competent authority, after consultation with the organizations of employers and workers concerned, taking into consideration relevant international standards, in particular Paragraphs 3 and 4 of the Worst Forms of Child Labour Recommendation, 1999.

2. The competent authority, after consultation with the organizations of employers and workers concerned, shall identify where the types of work so determined exist.

3. The list of the types of work determined under paragraph 1 of this Article shall be periodically examined and revised as necessary, in consultation with the organizations of employers and workers concerned.

Article 5

Each Member shall, after consultation with employers' and workers' organizations, establish or designate appropriate mechanisms to monitor the implementation of the provisions giving effect to this Convention.

Article 6

1. Each Member shall design and implement programmes of action to eliminate as a priority the worst forms of child labour.

2. Such programmes of action shall be designed and implemented in consultation with relevant government institutions and employers' and workers' organizations, taking into consideration the views of other concerned groups as appropriate.

Article 7

1. Each Member shall take all necessary measures to ensure the effective implementation and enforcement of the provisions giving effect to this Convention including the provision and application of penal sanctions or, as appropriate, other sanctions.

2. Each Member shall, taking into account the importance of education in eliminating child labour, take effective and time-bound measures to:

(a) prevent the engagement of children in the worst forms of child labour;

(b) provide the necessary and appropriate direct assistance for the removal of children from the worst forms of child labour and for their rehabilitation and social integration;

(c) ensure access to free basic education, and, wherever possible and appropriate, vocational training, for all children removed from the worst forms of child labour;

(d) identify and reach out to children at special risk; and

(e) take account of the special situation of girls.

3. Each Member shall designate the competent authority responsible for the implementation of the provisions giving effect to this Convention.

Article 8

Members shall take appropriate steps to assist one another in giving effect to the provisions of this Convention through enhanced international cooperation and/or assistance including support for social and economic development, poverty eradication programmes and universal education.

4. člen

1. Vrste dela, navedene v točki d) 3. člena, določijo notranji zakoni ali predpisi ali pristojni organi po posvetovanju z ustreznimi organizacijami delodajalcev in delavcev ob upoštevanju ustreznih mednarodnih standardov, še zlasti tretjega in četrtega odstavka Priporočila o najhujših oblikah dela otrok, 1999.

2. Pristojni organ po posvetovanju z ustreznimi organizacijami delodajalcev in delavcev ugotovi, kje obstajajo tako določene vrste dela.

3. Seznam vrst dela, določenih po prvem odstavku tega člena, se redno pregleduje in dopolnjuje po posvetovanju z ustreznimi organizacijami delodajalcev in delavcev.

5. člen

Vsaka članica po posvetovanju z organizacijami delodajalcev in delavcev vzpostavi ali določi ustrezne mehanizme za spremljanje izvajanja določb za uveljavitev te konvencije.

6. člen

1. Vsaka članica oblikuje in izvaja akcijske programe za prednostno odpravo najhujših oblik dela otrok.

2. Takšni akcijski programi se oblikujejo in izvajajo po posvetovanju z ustreznimi vladnimi institucijami in organizacijami delodajalcev in delavcev, pri čemer se upoštevajo mnenja drugih ustreznih skupin, če je to potrebno.

7. člen

1. Vsaka članica sprejme vse potrebne ukrepe, da zagotovi učinkovito izvajanje in uveljavitev določb za uveljavitev te konvencije, vključno z zagotavljanjem in izvajanjem kazenskih, ali če je primerno, drugih sankcij.

2. Vsaka članica ob upoštevanju pomena izobraževanja pri odpravi dela otrok sprejme učinkovite in časovno opredeljene ukrepe za:

(a) preprečevanje zaposlovanja otrok pri najhujših oblikah dela otrok;

(b) zagotovitev potrebne in ustrezne neposredne pomoči pri reševanju otrok iz najhujših oblik dela otrok ter pri njihovi rehabilitaciji in vključevanju v družbo;

(c) zagotovitev dostopa do brezplačnega osnovnega izobraževanja, in če je le mogoče in primerno, poklicnega usposabljanja za vse otroke, rešene iz najhujših oblik dela otrok;

(d) določitev posebej ogroženih otrok in pomoč tem otrokom in

(e) upoštevanje posebnega položaja deklic.

3. Vsaka članica določi pristojni organ, odgovoren za izvajanje določb za uveljavitev te konvencije.

8. člen

Članice si ustrezno pomagajo med seboj pri uveljavljanju določb te konvencije s pomočjo večjega mednarodnega sodelovanja in/ali pomoči, vključno s podpiranjem družbenega in gospodarskega razvoja, programov za odpravo revščine in vsesplošnega izobraževanja.

Article 9

The formal ratifications of this Convention shall be communicated to the Director-General of the International Labour Office for registration.

Article 10

1. This Convention shall be binding only upon those Members of the International Labour Organization whose ratifications have been registered with the Director-General of the International Labour Office.

2. It shall come into force 12 months after the date on which the ratifications of two Members have been registered with the Director-General.

3. Thereafter, this Convention shall come into force for any Member 12 months after the date on which its ratification has been registered.

Article 11

1. A Member which has ratified this Convention may denounce it after the expiration of ten years from the date on which the Convention first comes into force, by an act communicated to the Director-General of the International Labour Office for registration. Such denunciation shall not take effect until one year after the date on which it is registered.

2. Each Member which has ratified this Convention and which does not, within the year following the expiration of the period of ten years mentioned in the preceding paragraph, exercise the right of denunciation provided for in this Article, will be bound for another period of ten years and, thereafter, may denounce this Convention at the expiration of each period of ten years under the terms provided for in this Article.

Article 12

1. The Director-General of the International Labour Office shall notify all Members of the International Labour Organization of the registration of all ratifications and acts of denunciation communicated by the Members of the Organization.

2. When notifying the Members of the Organization of the registration of the second ratification, the Director-General shall draw the attention of the Members of the Organization to the date upon which the Convention shall come into force.

Article 13

The Director-General of the International Labour Office shall communicate to the Secretary-General of the United Nations, for registration in accordance with article 102 of the Charter of the United Nations, full particulars of all ratifications and acts of denunciation registered by the Director-General in accordance with the provisions of the preceding Articles.

Article 14

At such times as it may consider necessary, the Governing Body of the International Labour Office shall present to the General Conference a report on the working of this Convention and shall examine the desirability of placing on the agenda of the Conference the question of its revision in whole or in part.

Article 15

1. Should the Conference adopt a new Convention revising this Convention in whole or in part, then, unless the new Convention otherwise provides –

9. člen

Listine o ratifikaciji te konvencije se pošljejo generalnemu direktorju Mednarodnega urada za delo v registracijo.

10. člen

1. Ta konvencija zavezuje samo tiste članice Mednarodne organizacije dela, katerih registracije so registrirane pri generalnem direktorju Mednarodnega urada za delo.

2. Veljati začne dvanajst mesecev po dnevu, ko sta bili pri generalnem direktorju registrirani ratifikaciji dveh članic.

3. Nato začne konvencija veljati za vsako članico dvanajst mesecev po dnevu, ko je bila ratifikacija registrirana.

11. člen

1. Članica, ki je ratificirala to konvencijo, jo lahko odpove po preteku desetih let po dnevu, ko je prvič začela veljati, z aktom, ki ga pošlje v registracijo generalnemu direktorju Mednarodnega urada za delo. Taka odpoved začne učinkovati šele eno leto po dnevu, ko je bila registrirana.

2. Vsaka članica, ki je ratificirala to konvencijo in v enem letu po izteku desetletnega obdobja iz prejšnjega odstavka ne uveljavi pravice do odpovedi po tem členu, ostane zavezana za naslednje desetletno obdobje, potem pa jo lahko pod pogoji iz tega člena odpove po izteku vsakega desetletnega obdobja.

12. člen

1. Generalni direktor Mednarodnega urada za delo uradno obvesti vse članice Mednarodne organizacije dela o registraciji vseh ratifikacij in odpovedi, ki so mu jih poslale članice organizacije.

2. Ko generalni direktor uradno obvesti članice organizacije o registraciji druge ratifikacije, ki mu je bila poslana, jih opozori na datum začetka veljavnosti te konvencije.

13. člen

Generalni direktor Mednarodnega urada za delo sporoči generalnemu sekretarju Združenih narodov vse podatke o vseh ratifikacijah in odpovedih, ki jih je registriral v skladu z določbami prejšnjih členov, zaradi registracije v skladu s 102. členom Ustanovne listine Združenih narodov.

14. člen

Administrativni svet Mednarodnega urada za delo predloži Generalni konferenci poročilo o uporabi te konvencije, kadar koli meni, da je to potrebno, in prouči, ali je primerno na dnevni red konference uvrstiti vprašanje njene celotne ali delne spremembe.

15. člen

1. Če konferenca sprejme novo konvencijo, ki to konvencijo v celoti ali delno spreminja, in če z novo konvencijo ni drugače določeno,

(a) the ratification by a Member of the new revising Convention shall ipso jure involve the immediate denunciation of this Convention, notwithstanding the provisions of Article 11 above, if and when the new revising Convention shall have come into force;

(b) as from the date when the new revising Convention comes into force, this Convention shall cease to be open to ratification by the Members.

2. This Convention shall in any case remain in force in its actual form and content for those Members which have ratified it but have not ratified the revising Convention.

Article 16

The English and French versions of the text of this Convention are equally authoritative.

(a) nova spremenjena konvencija, ki jo ratificirajo posamezne članice, povzroči *ipso iure* takojšnjo odpoved te konvencije ne glede na določbe 11. člena zgoraj, če in ko nova spremenjena konvencija začne veljati;

(b) od dneva, ko začne veljati nova spremenjena konvencija, ta konvencija članicam ni več na voljo za ratifikacijo.

2. Ta konvencija vsekakor še naprej velja v svoji sedanjni obliki in vsebini za tiste članice, ki so jo ratificirale, niso pa ratificirale spremenjene konvencije.

16. člen

Angleška in francoska različica besedila te konvencije sta enako verodostojni.

3. člen

Za izvajanje konvencije skrbi Ministrstvo za delo, družino in socialne zadeve.

4. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 542-01/01-5/1

Ljubljana, dne 2. marca 2001

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

21. Zakon o ratifikaciji Strasbourškega sporazuma o mednarodni klasifikaciji patentov (MSSMKP)

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI STRASBOURŠKEGA SPORAZUMA
O MEDNARODNI KLASIFIKACIJI PATENTOV (MSSMKP)

Razlašam Zakon o ratifikaciji Strasbourškega sporazuma o mednarodni klasifikaciji patentov (MSSMKP), ki ga je sprejel Državni zbor Republike Slovenije na seji 2. marca 2001.

Št. 001-22-27/01
Ljubljana, dne 12. marca 2001

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N
O RATIFIKACIJI STRASBOURŠKEGA SPORAZUMA O MEDNARODNI KLASIFIKACIJI
PATENTOV (MSSMKP)

1. člen

Ratificira se Strasbourški sporazum o mednarodni klasifikaciji patentov, sprejet v Strasbourgu 24. marca 1971 in spremenjen 28. septembra 1979.

2. člen

Sporazum se v izvorniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

STRASBOURG AGREEMENT
CONCERNING THE INTERNATIONAL PATENT
CLASSIFICATION

of March 24, 1971,
as amended on September 28, 1979

The Contracting Parties,

Considering that the universal adoption of a uniform system of classification of patents, inventors' certificates, utility models and utility certificates is in the general interest and is likely to establish closer international cooperation in the industrial property field, and to contribute to the harmonization of national legislation in that field,

Recognizing the importance of the European Convention on the International Classification of Patents for Invention, of December 19, 1954, under which the Council of Europe created the International Classification of Patents for Invention,

Having regard to the universal value of this Classification, and to its importance to all countries party to the Paris Convention for the Protection of Industrial Property,

Having regard to the importance to developing countries of this Classification, which gives them easier access to the ever-expanding volume of modern technology,

STRASBOURŠKI SPORAZUM
O MEDNARODNI KLASIFIKACIJI PATENTOV

z dne 24. marca 1971,
spremenjen 28. septembra 1979

Pogodbenice se

glede na to, da je sprejetje enotnega sistema klasifikacije patentov, izumiteljskih spričeval, uporabnih modelov in spričeval o koristnosti na svetovni ravni v splošnem interesu, da se bo z njim verjetno vzpostavilo tesnejše mednarodno sodelovanje na področju industrijske lastnine in bo prispeval k usklajenosti državnih zakonodaj na tem področju,

ob priznavanju pomembnosti Evropske konvencije o mednarodni klasifikaciji patentov za izume z dne 19. decembra 1954, na podlagi katere je Svet Evrope izdelal mednarodno klasifikacijo patentov za izume,

ob upoštevanju splošne koristnosti te klasifikacije in njenega pomena za vse države pogodbenice Pariške konvencije za varstvo industrijske lastnine,

ob upoštevanju pomena te klasifikacije za države v razvoju, ki jim omogoča lažji dostop do vse obsežnejše sodobne tehnologije,

Having regard to Article 19 of the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 31, 1958, and at Stockholm on July 14, 1967,

Agree as follows:

Article 1

Establishment of a Special Union; Adoption of an International Classification

The countries to which this Agreement applies constitute a Special Union and adopt a common classification for patents for invention, inventors' certificates, utility models and utility certificates, to be known as the "International Patent Classification" (hereinafter designated as the "Classification").

Article 2

Definition of the Classification

(1) (a) The Classification comprises:

(i) the text which was established pursuant to the provisions of the European Convention on the International Classification of Patents for Invention of December 19, 1954 (hereinafter designated as the "European Convention"), and which came into force and was published by the Secretary General of the Council of Europe on September 1, 1968;

(ii) the amendments which have entered into force pursuant to Article 2(2) of the European Convention prior to the entry into force of this Agreement;

(iii) the amendments made thereafter in accordance with Article 5 which enter into force pursuant to the provisions of Article 6.

(b) The Guide and the notes included in the text of the Classification are an integral part thereof.

(2) (a) The text referred to in paragraph (1)(a)(i) is contained in two authentic copies, each in the English and French languages, deposited, at the time that this Agreement is opened for signature, one with the Secretary General of the Council of Europe and the other with the Director General of the World Intellectual Property Organization (hereinafter respectively designated "Director General" and "Organization") established by the Convention of July 14, 1967.

(b) The amendments referred to in paragraph (1)(a)(ii) shall be deposited in two authentic copies, each in the English and French languages, one with the Secretary General of the Council of Europe and the other with the Director General.

(c) The amendments referred to in paragraph (1)(a)(iii) shall be deposited in one authentic copy only, in the English and French languages, with the Director General.

Article 3

Languages of the Classification

(1) The Classification shall be established in the English and French languages, both texts being equally authentic.

(2) Official texts of the Classification, in German, Japanese, Portuguese, Russian, Spanish and in such other languages as the Assembly referred to in Article 7 may designate, shall be established by the International Bureau of the Organization (hereinafter designated as the "International Bureau"), in consultation with the interested Governments

ob upoštevanju 19. člena Pariške konvencije za varstvo industrijske lastnine z dne 20. marca 1883, revidirane 14. decembra 1900 v Bruslju, 2. junija 1911 v Washingtonu, 6. novembra 1925 v Haagu, 2. junija 1934 v Londonu, 31. oktobra 1958 v Lizboni in 14. julija 1967 v Stockholmu,

dogovorijo, kot sledi:

1. člen

Ustanovitev Posebne unije; sprejetje mednarodne klasifikacije

Države, za katere se uporablja ta sporazum, ustanovijo Posebno unijo in sprejmejo skupno klasifikacijo za patente za izume, izumiteljska spričevala, uporabne modele in spričevala o koristnosti, imenovano mednarodna klasifikacija patentov (v nadaljnjem besedilu: klasifikacija).

2. člen

Opredelitev klasifikacije

(1) (a) Klasifikacija obsega:

(i) besedilo, določeno v skladu z določbami Evropske konvencije o mednarodni klasifikaciji patentov za izume z dne 19. decembra 1954 (v nadaljnjem besedilu: Evropska konvencija), ki je začelo veljati 1. septembra 1968, ko ga je generalni sekretar Sveta Evrope tudi objavil;

(ii) spremembe, ki so začele veljati na podlagi drugega odstavka 2. člena Evropske konvencije, preden je začel veljati ta sporazum;

(iii) kasnejše spremembe v skladu s 5. členom, ki začnejo veljati na podlagi določb 6. člena.

(b) Navodila za uporabo in opombe, ki so vključene v besedilo klasifikacije, so njen sestavni del.

(2) (a) Besedilo, na katero se nanaša točka (i) pododstavka (a) prvega odstavka, je v dveh verodostojnih izvodih, od katerih je vsak v angleškem in francoskem jeziku, deponiranih v času, ko je ta sporazum na voljo za podpis, in sicer en izvod pri generalnem sekretarju Sveta Evrope in drugi pri generalnem direktorju Svetovne organizacije za intelektualno lastnino (v nadaljnjem besedilu: generalni direktor in Organizacija), ustanovljene s konvencijo z dne 14. julija 1967.

(b) Spremembe, na katere se nanaša točka (ii) pododstavka (a) prvega odstavka, se deponirajo v dveh verodostojnih izvodih, od katerih je vsak v angleškem in francoskem jeziku, in sicer en izvod pri generalnem sekretarju Sveta Evrope, drugi pa pri generalnem direktorju.

(c) Spremembe, na katere se nanaša točka (iii) pododstavka (a) prvega odstavka, se deponirajo le v enem verodostojnem izvodu v angleškem in francoskem jeziku pri generalnem direktorju.

3. člen

Jeziki klasifikacije

(1) Klasifikacija je v angleškem in francoskem jeziku, pri čemer sta besedili enako verodostojni.

(2) Uradna besedila klasifikacije v japonskem, nemškem, portugalskem, ruskem in španskem jeziku ter v drugih jezikih, ki jih morda določi skupščina iz 7. člena, določi Mednarodni urad Organizacije (v nadaljnjem besedilu: Mednarodni urad) po posvetovanju z zainteresiranimi vladami bodisi na podlagi prevodov, ki mu jih izročijo te vlade, ali na

and either on the basis of a translation submitted by those Governments or by any other means which do not entail financial implications for the budget of the Special Union or for the Organization.

Article 4

Use of the Classification

(1) The Classification shall be solely of an administrative character.

(2) Each country of the Special Union shall have the right to use the Classification either as a principal or as a subsidiary system.

(3) The competent authorities of the countries of the Special Union shall include in

(i) patents, inventors' certificates, utility models and utility certificates issued by them, and in applications relating thereto, whether published or only laid open for public inspection by them, and

(ii) notices, appearing in official periodicals, of the publication or laying open of the documents referred to in subparagraph (i)

the complete symbols of the Classification applied to the invention to which the document referred to in subparagraph (i) relates.

(4) When signing this Agreement or when depositing its instrument of ratification or accession:

(i) any country may declare that it does not undertake to include the symbols relating to groups or subgroups of the Classification in applications as referred to in paragraph (3) which are only laid open for public inspection and in notices relating thereto, and

(ii) any country which does not proceed to an examination as to novelty, whether immediate or deferred, and in which the procedure for the grant of patents or other kinds of protection does not provide for a search into the state of the art, may declare that it does not undertake to include the symbols relating to the groups and subgroups of the Classification in the documents and notices referred to in paragraph (3). If these conditions exist only in relation to certain kinds of protection or certain fields of technology, the country in question may only make this reservation to the extent that the conditions apply.

(5) The symbols of the Classification, preceded by the words "International Patent Classification" or an abbreviation thereof to be determined by the Committee of Experts referred to in Article 5, shall be printed in heavy type, or in such a manner that they are clearly visible, in the heading of each document referred to in paragraph (3)(i) in which they are to be included.

(6) If any country of the Special Union entrusts the grant of patents to an intergovernmental authority, it shall take all possible measures to ensure that this authority uses the Classification in accordance with this Article.

Article 5

Committee of Experts

(1) A Committee of Experts shall be set up in which each country of the Special Union shall be represented.

(2) (a) The Director General shall invite intergovernmental organizations specialized in the patent field, and of which at least one of the member countries is party to this Agreement, to be represented by observers at meetings of the Committee of Experts.

(b) The Director General may, and, if requested by the Committee of Experts, shall, invite representatives of other intergovernmental and international non-governmental organizations to participate in discussions of interest to them.

drug način, ki ne bo imel finančnih posledic za proračun Posebne unije ali za Organizacijo.

4. člen

Uporaba klasifikacije

(1) Klasifikacija je zgolj administrativne narave.

(2) Vsaka država Posebne unije ima pravico uporabljati klasifikacijo kot glavni oziroma pomožni sistem.

(3) Pristojni organi držav Posebne unije vključijo v:

(i) patente, izumiteljska spričevala, uporabne modele in spričevala o koristnosti, ki so jih izdali, ter v prijave zanje, ki so bodisi objavljeni ali dani javnosti le na vpogled, in

(ii) obvestila, objavljena v uradnih glasilih, da so bili dokumenti iz točke (i) objavljeni ali dani na voljo javnosti,

vse simbole klasifikacije, ki zadevajo izum, na katerega se nanaša dokument iz točke (i).

(4) Ob podpisu tega sporazuma ali deponiranju listine o ratifikaciji ali pristopu:

(i) lahko vsaka država izjavi, da se ne zavezuje, da bo vključevala simbole, ki se nanašajo na skupine ali podskupine klasifikacije, v prijave iz tretjega odstavka, ki so dane javnosti le na vpogled, in v obvestila, ki se nanašajo nanje, in

(ii) lahko vsaka država, ki ne opravlja takojšnjega ali odloženega preizkusa glede novosti in v kateri postopek za podelitev patentov ali drugih vrst varstva ne predvideva poizvedbe o stanju tehnike, izjavi, da se ne zavezuje, da bo vključevala simbole, ki se nanašajo na skupine ali podskupine klasifikacije, v dokumente in obvestila iz tretjega odstavka. Če ti pogoji obstajajo samo v zvezi z določenimi vrstami varstva ali določenimi področji tehnologije, lahko zadevna država da ta pridržek le v okviru teh pogojev.

(5) Simboli klasifikacije, pred katerimi piše "mednarodna patentna klasifikacija" ali je okrajšava zanj, ki jo določi odbor izvedencev iz 5. člena, se natisnejo poudarjeno ali tako, da so jasno vidni, v glavi vsakega dokumenta iz točke (i) tretjega odstavka, v katerega morajo biti vključeni.

(6) Če katera od držav Posebne unije zaupa podeljevanje patentov kakemu medvladnemu organu, ukrene vse potrebno, da ta organ uporablja klasifikacijo v skladu s tem členom.

5. člen

Odbor izvedencev

(1) Ustanovi se odbor izvedencev, v katerem so zastopane vse države Posebne unije.

(2) (a) Generalni direktor povabi medvladne organizacije, ki so specializirane na področju patentov in od katerih je vsaj ena država članica pogodbenica tega sporazuma, da jih na sestankih odbora izvedencev zastopajo opazovalci.

(b) Generalni direktor lahko povabi, in če tako zahteva odbor izvedencev, mora povabiti predstavnike drugih medvladnih in mednarodnih nevladnih organizacij, da sodelujejo v razpravah, ki jih zanimajo.

(3) The Committee of Experts shall:

- (i) amend the Classification;
- (ii) address recommendations to the countries of the Special Union for the purpose of facilitating the use of the Classification and promoting its uniform application;
- (iii) assist in the promotion of international cooperation in the reclassification of documentation used for the examination of inventions, taking in particular the needs of developing countries into account;
- (iv) take all other measures which, without entailing financial implications for the budget of the Special Union or for the Organization, contribute towards facilitating the application of the Classification by developing countries;
- (v) have the right to establish subcommittees and working groups.

(4) The Committee of Experts shall adopt its own Rules of Procedure. These shall allow for the possibility of participation of intergovernmental organizations, referred to in paragraph (2)(a), which can perform substantial work in the development of the Classification, in meetings of its subcommittees and working groups.

(5) Proposals for amendments to the Classification may be made by the competent authority of any country of the Special Union, the International Bureau, any intergovernmental organization represented in the Committee of Experts pursuant to paragraph (2)(a) and any other organization specially invited by the Committee of Experts to submit such proposals. The proposals shall be communicated to the International Bureau which shall submit them to the members of the Committee of Experts and to the observers not later than two months before the session of the Committee of Experts at which the said proposals are to be considered.

(6) (a) Each country member of the Committee of Experts shall have one vote.

(b) The decisions of the Committee of Experts shall require a simple majority of the countries represented and voting.

(c) Any decision which is regarded by one-fifth of the countries represented and voting as giving rise to a modification in the basic structure of the Classification or as entailing a substantial work of reclassification shall require a majority of three-fourths of the countries represented and voting.

(d) Abstentions shall not be considered as votes.

Article 6

Notification, Entry into Force and Publication of Amendments and Other Decisions

(1) Every decision of the Committee of Experts concerning the adoption of amendments to the Classification and recommendations of the Committee of Experts shall be notified by the International Bureau to the competent authorities of the countries of the Special Union. The amendments shall enter into force six months from the date of dispatch of the notification.

(2) The International Bureau shall incorporate in the Classification the amendments which have entered into force. Announcements of the amendments shall be published in such periodicals as are designated by the Assembly referred to in Article 7.

Article 7

Assembly of the Special Union

(1) (a) The Special Union shall have an Assembly consisting of the countries of the Special Union.

(b) The Government of each country of the Special Union shall be represented by one delegate, who may be assisted by alternate delegates, advisors and experts.

(3) Odbor izvedencev:

- (i) spreminja klasifikacijo;
- (ii) pošilja priporočila državam Posebne unije, da bi olajšal uporabo klasifikacije in pospešil njeno enotno uporabo;
- (iii) pomaga pri spodbujanju mednarodnega sodelovanja pri ponovni klasifikaciji dokumentacije, ki se uporablja za preizkus izumov, pri čemer še posebej upošteva potrebe držav v razvoju;

(iv) sprejema vse druge ukrepe, ki prispevajo k lažji uporabi klasifikacije v državah v razvoju, vendar nimajo finančnih posledic za proračun Posebne unije ali za Organizacijo;

(v) ima pravico ustanavljati pododbore in delovne skupine.

(4) Odbor izvedencev sprejme svoj poslovnik. Ta omogoča medvladnim organizacijam iz pododstavka (a) drugega odstavka, da sodelujejo na sestankih pododborov in delovnih skupin in s tem bistveno pripomorejo k izpopolnjevanju klasifikacije.

(5) Predloge za spremembe klasifikacije lahko dajejo pristojni organ katere koli države Posebne unije, Mednarodni urad, vsaka medvladna organizacija, zastopana v odboru izvedencev v skladu s pododstavkom (a) drugega odstavka, in vsaka druga organizacija, ki jo odbor izvedencev posebej povabi, da predloži take predloge. Predlogi se sporočijo Mednarodnemu uradu, ta pa jih predloži članom odbora izvedencev in opazovalcem najpozneje dva meseca pred sejo odbora izvedencev, na kateri bodo ti predlogi obravnavani.

(6) (a) Vsaka država članica odbora izvedencev ima en glas.

(b) Za sprejemanje odločitev odbora izvedencev je potrebna navadna večina držav, ki so zastopane in glasujejo.

(c) Za vsako odločitev, za katero petina držav, ki so zastopane in glasujejo, meni, da ima za posledico spremembo osnovne strukture klasifikacije ali obsežno delo ponovne klasifikacije, je potrebna tričetrtinska večina držav, ki so zastopane in glasujejo.

(d) Vzdržani glasovi se ne upoštevajo.

6. člen

Uradna obvestila, začetek veljavnosti in objava sprememb ter drugih odločitev

(1) Mednarodni urad uradno obvesti pristojne organe držav Posebne unije o vsaki odločitvi odbora izvedencev v zvezi s sprejetjem sprememb klasifikacije in priporočili odbora izvedencev. Spremembe začnejo veljati šest mesecev po dnevu, ko je bilo uradno obvestilo poslano.

(2) Mednarodni urad vključi v klasifikacijo spremembe, ki so začele veljati. Obvestila o spremembah se objavijo v glasilih, ki jih določi skupščina iz 7. člena.

7. člen

Skupščina Posebne unije

(1) (a) Posebna unija ima skupščino, ki jo sestavljajo države Posebne unije.

(b) Vlado vsake države Posebne unije zastopa po en delegat, ki mu lahko pomagajo namestniki, svetovalci in izvedenci.

(c) Any intergovernmental organization referred to in Article 5(2)(a) may be represented by an observer in the meetings of the Assembly, and, if the Assembly so decides, in those of such committees or working groups as may have been established by the Assembly.

(d) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) (a) Subject to the provisions of Article 5, the Assembly shall:

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

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

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

(iv) determine the program and adopt the biennial budget of the Special Union, and approve its final accounts;

(v) adopt the financial regulations of the Special Union;

(vi) decide on the establishment of official texts of the Classification in languages other than English, French and those listed in Article 3(2);

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

(viii) determine, subject to paragraph (1)(c), which countries not members of the Special Union and which intergovernmental and international non-governmental organizations shall be admitted as observers to its meetings, and to those of any committee or working group established by it;

(ix) take any other appropriate action designed to further the objectives of the Special Union;

(x) perform such other functions as are appropriate under this Agreement.

(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) Each country member of the Assembly shall have one vote.

(b) One-half of the countries members of the Assembly shall constitute a quorum.

(c) 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 conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 11(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

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

(c) Vsako medvladno organizacijo iz pododstavka (a) drugega odstavka 5. člena lahko zastopa opazovalec na zasedanjih skupščine, in če skupščina tako odloči, v tistih odborih in delovnih skupinah, ki jih je skupščina morda ustanovila.

(d) Stroške posamezne delegacije krije vlada, ki jo je imenovala.

(2) (a) Ob upoštevanju določb 5. člena skupščina:

(i) obravnava vse zadeve v zvezi z vzdrževanjem in razvojem Posebne unije in izvajanjem tega sporazuma;

(ii) daje Mednarodnemu uradu navodila v zvezi s pravo revizijskih konferenc;

(iii) pregleduje in potrjuje poročila in dejavnosti generalnega direktorja v zvezi s Posebno unijo in mu daje vsa potrebna navodila glede zadev, ki so v pristojnosti Posebne unije;

(iv) določa program Posebne unije, sprejema njen dvoletni finančni proračun in potrjuje njene zaključne račune;

(v) sprejema finančni pravilnik Posebne unije;

(vi) odloča o določitvi uradnih besedil klasifikacije v jezikih, ki niso angleški, francoski in drugi, naštetih v drugem odstavku 3. člena;

(vii) ustanavlja odbore in delovne skupine, ki so po njenem mnenju ustrezni za doseganje ciljev Posebne unije;

(viii) ob upoštevanju pododstavka (c) prvega odstavka določa, katere države nečlanice Posebne unije in medvladne ter mednarodne nevladne organizacije se lahko kot opazovalke udeležijo njenih sej in sej vsakega odbora ali delovne skupine, ki jo je ustanovila;

(ix) sprejema vse druge ustrezne ukrepe za uresničitev ciljev Posebne unije;

(x) opravlja vse druge ustrezne naloge po tem sporazumu.

(b) V zvezi z zadevami, ki zanimajo tudi druge unije, ki jih Organizacija upravlja, skupščina odloča po poprejšnjem mnenju koordinacijskega odbora Organizacije.

(3) (a) Vsaka država članica skupščine ima en glas.

(b) Za sklepčnost je potrebna polovica držav članic skupščine.

(c) Če ni sklepčnosti, lahko odločitve sprejema skupščina; toda razen tistih, ki se nanašajo na njen postopek, začnejo take odločitve veljati samo, če so izpolnjeni spodaj navedeni pogoji. Mednarodni urad sporoči te odločitve državam članicam skupščine, ki niso bile zastopane, in jih pozove, da v treh mesecih od dneva sporočila pisno izrazijo svoj glas ali vzdržanost. Če po poteku tega obdobja število držav, ki so tako izrazile svoj glas ali vzdržanost, doseže število držav, ki je manjkalo za sklepčnost na zasedanju samem, začnejo te odločitve veljati pod pogojem, da v tem času še obstaja potrebna večina.

(d) Ob upoštevanju določb drugega odstavka 11. člena se odločitve skupščine sprejemajo z dvotretjinsko večino oddanih glasov.

(e) Vzdržani glasovi se ne upoštevajo.

(f) Delegat lahko zastopa samo eno državo in lahko glasuje samo v njenem imenu.

(4) (a) The Assembly shall meet once 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 one-fourth of the countries members of the Assembly.

(c) The agenda of each session shall be prepared by the Director General.

(5) The Assembly shall adopt its own Rules of Procedure.

Article 8

International Bureau

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

(b) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly, the Committee of Experts and such other committees or working groups as may have been established by the Assembly or the Committee of Experts.

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

(2) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Committee of Experts and such other committees or working groups as may have been established by the Assembly or the Committee of Experts. The Director General, or a staff member designated by him, shall be *ex officio* secretary of those bodies.

(3) (a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for 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.

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

Article 9

Finances

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

(b) The budget of the Special Union shall include the income and expenses proper to the Special Union, its contribution to the budget of expenses common to the Unions and, where applicable, the sum made available to the budget of the Conference of the Organization.

(c) Expenses not attributable exclusively to the Special Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Special Union in such common expenses shall be in proportion to the interest the Special Union has in them.

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

(3) The budget of the Special Union shall be financed from the following sources:

(i) contributions of the countries of the Special Union;

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

(4) (a) Skupščina se na sklic generalnega direktorja sestane vsako drugo koledarsko leto na rednem zasedanju in razen izjemoma ob istem času in na istem kraju kot generalna skupščina Organizacije.

(b) Skupščina se na sklic generalnega direktorja sestane na izrednem zasedanju na zahtevo četrine držav članic skupščine.

(c) Dnevni red vsakega zasedanja pripravi generalni direktor.

(5) Skupščina sprejme svoj poslovnik.

8. člen

Mednarodni urad

(1) (a) Upravne naloge v zvezi s Posebno unijo opravlja Mednarodni urad.

(b) Mednarodni urad predvsem pripravlja sestanke in zagotavlja sekretariat skupščini, odboru izvedencev in drugim takim odborom ali delovnim skupinam, ki jih je morda ustanovila skupščina ali odbor izvedencev.

(c) Generalni direktor je najvišji funkcionar Posebne unije in jo tudi zastopa.

(2) Generalni direktor in vsak uslužbenec, ki ga on določi, sodelujeta brez glasovalne pravice na vseh sestankih skupščine, odbora izvedencev in drugih takih odborov ali delovnih skupin, ki jih je morda ustanovila skupščina ali odbor izvedencev. Generalni direktor ali uslužbenec, ki ga on določi, je po uradni dolžnosti sekretar teh teles.

(3) (a) Mednarodni urad po navodilih skupščine pripravlja revizijske konference.

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

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

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

9. člen

Finančna vprašanja

(1) (a) Posebna unija ima svoj proračun.

(b) Proračun Posebne unije vključuje lastne prihodke in odhodke Posebne unije, njen prispevek k proračunu skupnih odhodkov unij, in kadar je ustrezno, vsoto, ki je na voljo za proračun konference Organizacije.

(c) Odhodki, ki jih ni mogoče pripisati samo Posebni uniji, temveč tudi eni ali več drugim unijam, ki jih Organizacija upravlja, se štejejo za skupne odhodke unij. Delež Posebne unije pri takih skupnih odhodkih je sorazmeren z interesom, ki ga ima v njih.

(2) Pri določitvi proračuna Posebne unije je treba upoštevati, da mora biti usklajen s proračuni drugih unij, ki jih Organizacija upravlja.

(3) Proračun Posebne unije se financira:

(i) s prispevki držav Posebne unije;

(ii) s pristojbinami in plačili za storitve, ki jih Mednarodni urad opravlja v zvezi s Posebno unijo;

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

- (iv) gifts, bequests and subventions;
- (v) rents, interests and other miscellaneous income.

(4) (a) For the purpose of establishing its contribution referred to in paragraph (3)(i), each country of the Special Union shall belong to the same class as it belongs to in the Paris Union for the Protection of Industrial Property, and shall pay its annual contribution on the basis of the same number of units as is fixed for that class in that Union.

(b) The annual contribution of each country of the Special Union shall be an amount in the same proportion to the total sum to be contributed to the budget of the Special Union by all countries as the number of its units is to the total of the units of all contributing countries.

(c) Contributions shall become due on the first of January of each year.

(d) A country which is in arrears in the payment of its contributions may not exercise its right to vote in any organ of the Special Union if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any organ of the Special Union may allow such a country to continue to exercise its right to vote in that organ if, and as long as, it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(e) 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.

(5) The amount of the fees and charges due for services rendered by the International Bureau in relation to the Special Union shall be established, and shall be reported to the Assembly, by the Director General.

(6) (a) The Special Union shall have a working capital fund which shall be constituted by a single payment made by each country of the Special Union. If the fund becomes insufficient, the Assembly shall decide to increase it.

(b) The amount of the initial payment of each country to the said fund or of its participation in the increase thereof shall be a proportion of the contribution of that country for the year in which the fund is established or the decision to increase it is made.

(c) The proportion and 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.

(7) (a) In the headquarters agreement concluded with the country on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such country shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such country and the Organization.

(b) The country 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 was notified.

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

(iii) s prodajo publikacij Mednarodnega urada, ki se nanašajo na Posebno unijo, in s plačili za pravice, ki se nanašajo nanje;

- (iv) z darili, volili in subvencijami;
- (v) z najemninami, obrestmi in raznimi drugimi prihodki.

(4) (a) Za določitev prispevka iz točke (i) tretjega odstavka spada vsaka država Posebne unije v isti razred, v katerega je uvrščena v Pariški uniji za varstvo industrijske lastnine, in plačuje letni prispevek na podlagi enakega števila enot, kot je določeno za njen razred v tej uniji.

(b) Letni prispevek vsake države Posebne unije je enak znesku, ki je s skupnim zneskom letnih prispevkov vseh držav v proračun Posebne unije v enakem razmerju, kot sta število enot razreda, v katerega je država uvrščena, in seštevku enot vseh držav.

(c) Prispevki zapadejo v plačilo 1. januarja vsako leto.

(d) Država, ki zaostaja s plačilom prispevkov, ne more uveljavljati svoje glasovalne pravice v nobenem organu Posebne unije, če je zaostali znesek enak znesku prispevkov, ki ga dolguje za dve polni leti, ali ga presega. Vsak organ Posebne unije pa lahko taki državi dovoli, da še naprej uveljavlja svojo glasovalno pravico v tem organu, če in dokler meni, da so zamudo pri plačilu povzročile izjemne in neizogibne okoliščine.

(e) Če proračun ni sprejet pred začetkom novega poslovnega leta, ostane na ravni proračuna iz prejšnjega leta, kot predpisuje finančni pravilnik.

(5) Višino pristojbin in plačil za storitve, ki jih Mednarodni urad opravlja v zvezi s Posebno unijo, določi generalni direktor in jo sporoči skupščini.

(6) (a) Posebna unija ima sklad za obratna sredstva, ki ga sestavljajo enkratna plačila vseh držav Posebne unije. Če ta sredstva ne zadoščajo več, se skupščina odloči, da jih bo povečala.

(b) Znesek začetnega vplačila vsake države članice v ta sklad ali njene udeležbe pri njegovem povečanju je sorazmeren s prispevkom te države za leto, v katerem je sklad oblikovan ali je sprejeta odločitev o njegovem povečanju.

(c) Delež in plačilne pogoje določi skupščina na predlog generalnega direktorja in po poprejšnjem mnenju koordinacijskega odbora Organizacije.

(7) (a) Sporazum o sedežu, sklenjen z državo, na ozemlju katere ima Organizacija sedež, določa, da ta država daje posojila, če sklad za obratna sredstva ni zadosten. Znesek teh posojil in pogoji, pod katerimi se dajejo, so v vsakem primeru predmet ločenih sporazumov med tako državo in Organizacijo.

(b) Država iz pododstavka (a) in Organizacija imata vsaka zase pravico, da s pisnim uradnim obvestilom odpovesta obveznost dajanja posojil. Odpoved začne veljati tri leta po izteku leta, v katerem je bilo izdano uradno obvestilo.

(8) Revizijo računov opravi ena ali več držav Posebne unije ali zunanji revizorji, kot predpisuje finančni pravilnik. Te z njihovim soglasjem določi skupščina.

Article 10

Revision of the Agreement

(1) This Agreement may be revised from time to time by a special conference of the countries of the Special Union.

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

(3) Articles 7, 8, 9 and 11 may be amended either by a revision conference or according to the provisions of Article 11.

Article 11

Amendment of Certain Provisions of the Agreement

(1) Proposals for the amendment of Articles 7, 8, 9 and of the present Article may be initiated by any country of the Special Union or by the Director General. Such proposals shall be communicated by the Director General to the countries of the Special Union at least six months in advance of their consideration by the Assembly.

(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 7 and to the present paragraph shall require four-fifths 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 countries members of the Special Union at the time the amendment was adopted.

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

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

Article 12

Becoming Party to the Agreement

(1) Any country party to the Paris Convention for the Protection of Industrial Property may become party to this Agreement 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 Agreement.

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

Article 13

Entry into Force of the Agreement

(1) (a) This Agreement shall enter into force one year after instruments of ratification or accession have been deposited by:

10. člen

Revizija sporazuma

(1) Ta sporazum se lahko občasno revidira na posebnih konferencah držav Posebne unije.

(2) O sklicu revizijske konference odloča skupščina.

(3) 7., 8., 9. in 11. člen se lahko spremenijo na revizijski konferenci ali v skladu z določbami 11. člena.

11. člen

Spremembe posameznih določb sporazuma

(1) Predloge za spremembo 7., 8., 9. in tega člena lahko da vsaka država Posebne unije ali generalni direktor. Predloge sporoči generalni direktor državam Posebne unije vsaj šest mesecev pred njihovo obravnavo v skupščini.

(2) Spremembe členov iz prvega odstavka sprejema skupščina. Za sprejetje je potrebna tričetrtinska večina oddanih glasov, za spremembo 7. člena in tega odstavka pa štiri petine oddanih glasov.

(3) (a) Vsaka sprememba členov iz prvega odstavka začne veljati mesec dni od dneva, ko generalni direktor od treh četrtin držav, ki so bile članice Posebne unije, ko je bila sprememba sprejeta, prejme pisna uradna obvestila o sprejetju v skladu z njihovimi ustavnimi postopki.

(b) Vsaka sprememba tako sprejetih omenjenih členov zavezuje vse države, ki so članice Posebne unije, ko začne sprememba veljati, s tem da vsaka sprememba, ki povečuje finančne obveznosti držav Posebne unije, zavezuje le tiste države, ki so poslale uradno obvestilo o sprejetju take spremembe.

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

12. člen

Kako država postane pogodbenica sporazuma

(1) Vsaka država pogodbenica Pariške konvencije za varstvo industrijske lastnine lahko postane pogodbenica tega sporazuma:

(i) s podpisom, ki mu sledi deponiranje listine o ratifikaciji, ali

(ii) z deponiranjem listine o pristopu.

(2) Listine o ratifikaciji ali pristopu se deponirajo pri generalnem direktorju.

(3) Za ta sporazum se uporabljajo določbe 24. člena Stockholmskega akta Pariške konvencije za varstvo industrijske lastnine.

(4) Tretjega odstavka nikakor ni mogoče razumeti, kot da neka država Posebne unije priznava ali molče sprejema dejansko stanje glede ozemlja, za katero kaka druga država uporablja ta sporazum na podlagi omenjenega odstavka.

13. člen

Začetek veljavnosti sporazuma

(1) (a) Ta sporazum začne veljati eno leto po deponiranju listin o ratifikaciji ali pristopu:

(i) two-thirds of the countries party to the European Convention on the date on which this Agreement is opened for signature, and

(ii) three countries party to the Paris Convention for the Protection of Industrial Property, which were not previously party to the European Convention and of which at least one is a country where, according to the most recent annual statistics published by the International Bureau on the date of deposit of its instrument of ratification or accession, more than 40,000 applications for patents or inventors' certificates have been filed.

(b) With respect to any country other than those for which this Agreement has entered into force pursuant to subparagraph (a), it shall enter into force one year after the date on which the ratification or accession of that country was notified by the Director General, unless a subsequent date has been indicated in the instrument of ratification or accession. In the latter case, this Agreement shall enter into force with respect to that country on the date thus indicated.

(c) Countries party to the European Convention which ratify this Agreement or accede to it shall be obliged to denounce the said Convention, at the latest, with effect from the day on which this Agreement enters into force with respect to those countries.

(2) Ratification or accession shall automatically entail acceptance of all the clauses and admission to all the advantages of this Agreement.

Article 14

Duration of the Agreement

This Agreement shall have the same duration as the Paris Convention for the Protection of Industrial Property.

Article 15

Denunciation

(1) Any country of the Special Union may denounce this Agreement by notification addressed to the Director General.

(2) Denunciation shall take effect one year after the day on which the Director General has received the notification.

(3) The right of denunciation provided by this Article shall not be exercised by any country before the expiration of five years from the date upon which it becomes a member of the Special Union.

Article 16

Signature, Languages, Notification, Depositary Functions

(1) (a) This Agreement shall be signed in a single original in the English and French languages, both texts being equally authentic.

(b) This Agreement shall remain open for signature at Strasbourg until September 30, 1971.

(c) The original of this Agreement, when no longer open for signature, shall be deposited with the Director General.

(2) Official texts shall be established by the Director General, after consultation with the interested Governments, in German, Japanese, Portuguese, Russian, Spanish and such other languages as the Assembly may designate.

(3) (a) The Director General shall transmit two copies, certified by him, of the signed text of this Agreement to the Governments of the countries that have signed it and, on request, to the Government of any other country. He shall also transmit a copy, certified by him, to the Secretary General of the Council of Europe.

(i) dveh tretjin držav pogodbenic Evropske konvencije na dan, ko je bil dan na voljo za podpis, in

(ii) treh držav pogodbenic Pariške konvencije za varstvo industrijske lastnine, ki prej niso bile pogodbenice Evropske konvencije in od katerih je bilo vsaj v eni po zadnji letni statistiki, ki jo objavi Mednarodni urad, na dan deponiranja njene listine o ratifikaciji ali pristopu vloženih več kot 40.000 prijav za patente ali izumiteljska spričevala.

(b) Za državo, za katero ta sporazum ni začel veljati v skladu s pododstavkom (a), začne sporazum veljati eno leto po dnevu uradnega obvestila generalnega direktorja o ratifikaciji ali pristopu te države, razen če je bil na listini o ratifikaciji ali pristopu naveden poznejši datum. V tem primeru začne ta sporazum za to državo veljati na ta datum.

(c) Države pogodbenice Evropske konvencije, ki ratificirajo ta sporazum ali k njemu pristopijo, so dolžne odpovedati omenjeno konvencijo najpozneje z dnem, ko ta sporazum začne veljati zanje.

(2) Ratifikacija ali pristop ima samodejno za posledico sprejetje vseh določb in priznanje vseh prednosti tega sporazuma.

14. člen

Trajanje sporazuma

Ta sporazum traja tako dolgo kot Pariška konvencija za varstvo industrijske lastnine.

15. člen

Odpoved

(1) Vsaka država Posebne unije lahko odpove ta sporazum z uradnim obvestilom generalnemu direktorju.

(2) Odpoved začne veljati eno leto po dnevu, ko je generalni direktor prejel uradno obvestilo.

(3) Pravice do odpovedi po tem členu ne uveljavlja nobena država pred potekom petih let od dneva, ko postane članica Posebne unije.

16. člen

Podpisovanje, jeziki, uradna obvestila, naloge depozitarja

(1) (a) Ta sporazum se podpiše v enem izvorniku v angleškem in francoskem jeziku, pri čemer sta besedili enako verodostojni.

(b) Ta sporazum je na voljo za podpis v Strasbourgu do 30. septembra 1971.

(c) Ko izvornik tega sporazuma ni več na voljo za podpis, se deponira pri generalnem direktorju.

(2) 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 vladami.

(3) (a) Generalni direktor overi in pošlje po dva izvoda podpisanega besedila tega sporazuma vladam držav, ki so ga podpisale, in na zahtevo vladi vsake druge države. Overjen izvod pošlje tudi generalnemu sekretarju Sveta Evrope.

(b) The Director General shall transmit two copies, certified by him, of any amendment to this Agreement to the Governments of all countries of the Special Union and, on request, to the Government of any other country. He shall also transmit a copy, certified by him, to the Secretary General of the Council of Europe.

(c) The Director General shall, on request, furnish the Government of any country that has signed this Agreement, or that accedes to it, with a copy of the Classification, certified by him, in the English or French language.

(4) The Director General shall register this Agreement with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries party to the Paris Convention for the Protection of Industrial Property and the Secretariat General of the Council of Europe of:

- (i) signatures;
- (ii) deposits of instruments of ratification or accession;
- (iii) the date of entry into force of this Agreement;
- (iv) reservations on the use of the Classification;
- (v) acceptances of amendments to this Agreement;
- (vi) the dates on which such amendments enter into force;
- (vii) denunciations received.

Article 17

Transitional Provisions

(1) During the two years following the entry into force of this Agreement, the countries party to the European Convention which are not yet members of the Special Union may enjoy, if they so wish, the same rights in the Committee of Experts as if they were members of the Special Union.

(2) During the three years following the expiration of the period referred to in paragraph (1), the countries referred to in the said paragraph may be represented by observers in the meetings of the Committee of Experts and, if the said Committee so decides, in any subcommittee or working group established by it. During the same period they may submit proposals for amendments to the Classification in accordance with Article 5 (5), and shall be notified of the decisions and recommendations of the Committee of Experts, in accordance with Article 6 (1).

(3) During the five years following the entry into force of this Agreement, the countries party to the European Convention which are not yet members of the Special Union may be represented by observers in the meetings of the Assembly and, if the Assembly so decides, in any committee or working group established by it.

(b) Generalni direktor overi in pošlje po dva izvoda vsake spremembe tega sporazuma vladam vseh držav Posebne unije in na zahtevo vladi vsake druge države. Overjen izvod pošlje tudi generalnemu sekretarju Sveta Evrope.

(c) Generalni direktor pošlje na zahtevo vladi vsake države, ki je podpisala ta sporazum ali k njemu pristopila, overjen izvod klasifikacije v angleškem ali francoskem jeziku.

(4) Generalni direktor registrira ta sporazum pri sekretariatu Združenih narodov.

(5) Generalni direktor uradno obvesti vlade vseh držav pogodbenic Pariške konvencije za varstvo industrijske lastnine in generalni sekretariat Sveta Evrope o:

- (i) podpisih;
- (ii) deponiranju listin o ratifikaciji ali pristopu;
- (iii) datumu začetka veljavnosti tega sporazuma;
- (iv) pridržkih glede uporabe klasifikacije;
- (v) sprejetih sprememb tega sporazuma;
- (vi) datumu začetka veljavnosti takih sprememb;
- (vii) prejetih odpovedih.

17. člen

Prehodne določbe

(1) Dve leti po začetku veljavnosti tega sporazuma lahko države pogodbenice Evropske konvencije, ki še niso članice Posebne unije, uživajo enake pravice v odboru izvedencev, kot če bi bile članice Posebne unije, če to želijo.

(2) Tri leta po poteku obdobja iz prvega odstavka lahko države iz omenjenega odstavka zastopajo opazovalci na sestankih odbora izvedencev, in če odbor tako odloči, v vsakem pododboru ali delovni skupini, ki jo ustanovi. V tem obdobju lahko v skladu s petim odstavkom 5. člena tudi dajejo predloge za spremembe klasifikacije in so v skladu s prvim odstavkom 6. člena uradno obveščene o odločitvah in priporočilih odbora izvedencev.

(3) Pet let po začetku veljavnosti tega sporazuma lahko države pogodbenice Evropske konvencije, ki še niso članice Posebne unije, zastopajo opazovalci na sestankih skupščine, in če skupščina tako odloči, v vsakem odboru ali delovni skupini, ki jo ustanovi.

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za gospodarstvo, Urad za intelektualno lastnino.

4. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 120-01/01-7/1

Ljubljana, dne 2. marca 2001

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

22. Zakon o ratifikaciji Dunajskega sporazuma o mednarodni klasifikaciji figurativnih elementov znamk (MDSMKZ)

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

U K A Z
O RAZGLASITVI ZAKONA O RATIFIKACIJI DUNAJSKEGA SPORAZUMA O MEDNARODNI
KLASIFIKACIJI FIGURATIVNIH ELEMENTOV ZNAMK (MDSMKZ)

Razgllašam Zakon o ratifikaciji Dunajskega sporazuma o mednarodni klasifikaciji figurativnih elementov znamk (MDSMKZ), ki ga je sprejel Državni zbor Republike Slovenije na seji 2. marca 2001.

Št. 001-22-28/01
Ljubljana, dne 12. marca 2001

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N
O RATIFIKACIJI DUNAJSKEGA SPORAZUMA O MEDNARODNI KLASIFIKACIJI FIGURATIVNIH
ELEMENTOV ZNAMK (MDSMKZ)

1. člen

Ratificira se Dunajski sporazum o mednarodni klasifikaciji figurativnih elementov znamk, sprejet na Dunaju 12. junija 1973 in spremenjen 1. oktobra 1985.

2. člen

Sporazum se v izvirniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

VIENNA AGREEMENT
ESTABLISHING AN INTERNATIONAL CLASSIFICATION
OF THE FIGURATIVE ELEMENTS OF MARKS

done at Vienna on June 12, 1973
as amended on October 1, 1985

The Contracting Parties,

Having regard to Article 19 of the Paris Convention for the Protection of Industrial Property, of March 20, 1883, as revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, at Lisbon on October 31, 1958, and at Stockholm on July 14, 1967,

Have agreed as follows:

Article 1

Establishment of a Special Union;
Adoption of an International Classification

The countries to which this Agreement applies constitute a Special Union and adopt a common classification for the figurative elements of marks (hereinafter designated as "the Classification of Figurative Elements").

Article 2

Definition and Deposit of the Classification
of Figurative Elements

(1) The Classification of Figurative Elements comprises a list of categories, divisions and sections in which the figurative elements of marks are classified, together with, as the case may be, explanatory notes.

DUNAJSKI SPORAZUM
O MEDNARODNI KLASIFIKACIJI FIGURATIVNIH
ELEMENTOV ZNAMK

sestavljen na Dunaju 12. junija 1973
in spremenjen 1. oktobra 1985

Pogodbenice se

ob upoštevanju 19. člena Pariške konvencije za varstvo industrijske lastnine z dne 20. marca 1883, revidirane 14. decembra 1900 v Bruslju, 2. junija 1911 v Washingtonu, 6. novembra 1925 v Haagu, 2. junija 1934 v Londonu, 31. oktobra 1958 v Lizboni in 14. julija 1967 v Stockholmu,

dogovorijo, kot sledi:

1. člen

Ustanovitev Posebne unije;
sprejetje mednarodne klasifikacije

Države, za katere se uporablja ta sporazum, ustanovijo Posebno unijo in sprejmejo enotno klasifikacijo za figurativne elemente znamk (v nadaljnjem besedilu: klasifikacija figurativnih elementov).

2. člen

Opredelitev in deponiranje klasifikacije figurativnih
elementov

(1) Klasifikacija figurativnih elementov vsebuje seznam razredov, podrazredov in sekcij, po katerih so klasificirani figurativni elementi znamk, in razlage, kadar so te potrebne.

(2) The Classification of Figurative Elements is contained in one authentic copy, in the English and French languages, signed by the Director General of the World Intellectual Property Organization (hereinafter designated respectively as "the Director General" and "the Organization") and deposited with him at the time that this Agreement is opened for signature.

(3) The amendments and additions referred to in Article 5(3)(i) shall also be contained in one authentic copy, in the English and French languages, signed by the Director General and deposited with him.

Article 3

Languages of the Classification of Figurative Elements

(1) The Classification of Figurative Elements shall be established in the English and French languages, both texts being equally authentic.

(2) The International Bureau of the Organization (hereinafter designated as "the International Bureau") shall establish, in consultation with the interested Governments, official texts of the Classification of Figurative Elements in the languages which the Assembly referred to in Article 7 may designate in accordance with paragraph (2)(a)(vi) of that Article.

Article 4

Use of the Classification of Figurative Elements

(1) Subject to the requirements prescribed by this Agreement, the scope of the Classification of Figurative Elements shall be that attributed to it by each country of the Special Union. In particular, the Classification of Figurative Elements shall not bind the countries of the Special Union in respect of the extent of the protection afforded to the mark.

(2) The competent Offices of the countries of the Special Union shall have the right to use the Classification of Figurative Elements either as a principal or as a subsidiary system.

(3) The competent Offices of the countries of the Special Union shall include in the official documents and publications relating to registrations and renewals of marks the numbers of the categories, divisions and sections in which the figurative elements of those marks are to be placed.

(4) The said numbers shall be preceded by the words "Classification of Figurative Elements" or an abbreviation thereof to be determined by the Committee of Experts referred to in Article 5.

(5) Any country may, at the time of its signature or of the deposit of its instrument of ratification or accession, declare that it does not undertake to include the numbers of all or some of the sections in official documents and publications relating to registrations and renewals of marks.

(6) If any country of the Special Union entrusts the registration of marks to an intergovernmental authority, it shall take all possible measures to ensure that that authority uses the Classification of Figurative Elements in accordance with this Article.

Article 5

Committee of Experts

(1) A Committee of Experts shall be set up in which each country of the Special Union shall be represented.

(2) (a) The Director General may, and, if requested by the Committee of Experts, shall, invite countries not members of the Special Union which are members of the Organization or party to the Paris Convention for the Protection of Industrial Property to be represented by observers at meetings of the Committee of Experts.

(2) Klasifikacija figurativnih elementov je sestavljena v enem verodostojnem izvodu v angleškem in francoskem jeziku, ki ga podpiše generalni direktor Svetovne organizacije za intelektualno lastnino (v nadaljnjem besedilu: generalni direktor in Organizacija), pri katerem je tudi deponiran, ko je ta sporazum na voljo za podpis.

(3) Spremembe in dopolnitve, na katere se nanaša točka (i) tretjega odstavka 5. člena, so sestavljene v enem verodostojnem izvodu v angleškem in francoskem jeziku, ki ga podpiše generalni direktor in je deponiran pri njem.

3. člen

Jeziki klasifikacije figurativnih elementov

(1) Klasifikacija figurativnih elementov je v angleškem in francoskem jeziku, pri čemer sta besedili enako verodostojni.

(2) Mednarodni urad Organizacije (v nadaljnjem besedilu: Mednarodni urad) po posvetovanju z zainteresiranimi vladami določi uradna besedila klasifikacije figurativnih elementov v jezikih, ki jih lahko po 7. členu določi skupščina v skladu s točko (vi) pododstavka (a) drugega odstavka tega člena.

4. člen

Uporaba klasifikacije figurativnih elementov

(1) Ob upoštevanju zahtev, predpisanih s tem sporazum, je obseg klasifikacije figurativnih elementov tak, kot ji ga pripisuje posamezna država Posebne unije. Predvsem pa klasifikacija figurativnih elementov ne obvezuje držav Posebne unije glede obsega varstva znamk.

(2) Pristojni uradi držav Posebne unije imajo pravico uporabljati klasifikacijo figurativnih elementov kot glavni ali pomožni sistem.

(3) Pristojni uradi držav Posebne unije imajo pravico vključiti v uradne dokumente in objave v zvezi z registracijo in podaljšanjem znamk številke razredov, podrazredov in sekcij, v katere je treba razporediti figurativne elemente znamk.

(4) Pred omenjene številke je treba napisati "klasifikacija figurativnih elementov" ali okrajšavo zanjo, ki jo določi odbor izvedencev iz 5. člena.

(5) Vsaka država lahko ob podpisu ali deponiranju listine o ratifikaciji ali pristopu izjavi, da se ne zavezuje, da bo vključevala številke vseh ali nekaterih sekcij v uradne dokumente in objave v zvezi z registracijo in podaljšanjem znamk.

(6) Če katera od držav Posebne unije zaupa registracijo znamk kakemu medvladnemu organu, ukrene vse potrebno, da ta organ uporablja klasifikacijo figurativnih elementov v skladu s tem členom.

5. člen

Odbor izvedencev

(1) Ustanovi se odbor izvedencev, v katerem so zastopane vse države Posebne unije.

(2) (a) Generalni direktor lahko povabi, in če tako zahteva odbor izvedencev, mora povabiti države, ki niso članice Posebne unije, so pa članice Organizacije ali pogodbenice Pariške konvencije za varstvo industrijske lastnine, da jih na sestankih odbora izvedencev zastopajo opazovalci.

(b) The Director General shall invite intergovernmental organizations specialized in the field of marks, of which at least one of the member countries is party to this Agreement, to be represented by observers at meetings of the Committee of Experts.

(c) The Director General may, and, if requested by the Committee of Experts, shall, invite representatives of other intergovernmental and international non-governmental organizations to participate in discussions of interest to them.

(3) The Committee of Experts shall:

(i) make amendments and additions to the Classification of Figurative Elements;

(ii) address recommendations to the countries of the Special Union for the purpose of facilitating the use of the Classification of Figurative Elements and promoting its uniform application;

(iii) take all the other measures which, without entailing financial implications for the budget of the Special Union or for the Organization, contribute towards facilitating the application of the Classification of Figurative Elements by developing countries;

(iv) have the right to establish subcommittees and working groups.

(4) The Committee of Experts shall adopt its own rules of procedure. The latter shall provide for the possibility of participation in meetings of the subcommittees and working groups of the Committee of Experts by those intergovernmental organizations referred to in paragraph 2(b) which can make a substantial contribution to the development of the Classification of Figurative Elements.

(5) Proposals for amendments or additions to the Classification of Figurative Elements may be made by the competent Office of any country of the Special Union, the International Bureau, any intergovernmental organization represented in the Committee of Experts pursuant to paragraph 2(b) and any country or organization specially invited by the Committee of Experts to submit such proposals. The proposals shall be communicated to the International Bureau, which shall submit them to the members of the Committee of Experts and to the observers not later than two months before the session of the Committee of Experts at which the said proposals are to be considered.

(6) (a) Each country member of the Committee of Experts shall have one vote.

(b) The decisions of the Committee of Experts shall require a simple majority of the countries represented and voting.

(c) Any decision which is regarded by one-fifth of the countries represented and voting as giving rise to a modification of the basic structure of the Classification of Figurative Elements or as entailing a substantial amount of reclassification shall require a majority of three-fourths of the countries represented and voting.

(d) Abstentions shall not be considered as votes.

Article 6

Notification, Entry Into Force and Publication of Amendments and Additions and of Other Decisions

(1) Every decision of the Committee of Experts concerning the adoption of amendments and additions to the Classification of Figurative Elements, and the recommendations of the Committee of Experts, shall be notified by the International Bureau to the competent Offices of the countries of the Special Union. The amendments and additions shall enter into force six months after the date of dispatch of the notifications.

(b) Generalni direktor povabi medvladne organizacije, specializirane na področju znamk, od katerih je vsaj ena država članica pogodbenica tega sporazuma, da jih na sestankih odbora izvedencev zastopajo opazovalci.

(c) Generalni direktor lahko povabi, in če tako zahteva odbor izvedencev, mora povabiti predstavnike drugih medvladnih in mednarodnih nevladnih organizacij, da sodelujejo v razpravah, ki jih zanimajo.

(3) Odbor izvedencev:

(i) spreminja in dopolnjuje klasifikacijo figurativnih elementov;

(ii) pošilja priporočila državam Posebne unije, da bi olajšal uporabo klasifikacije figurativnih elementov in pospešil njeno enotno uporabo;

(iii) sprejema vse druge ukrepe, ki prispevajo k lažji uporabi klasifikacije figurativnih elementov v državah v razvoju, vendar nimajo finančnih posledic za proračun Posebne unije ali za Organizacijo;

(iv) ima pravico ustanavljati pododbore in delovne skupine.

(4) Odbor izvedencev sprejme svoj poslovnik. Ta omogoča medvladnim organizacijam iz pododstavka (b) drugega odstavka, da sodelujejo na sestankih pododborov in delovnih skupin odbora izvedencev in s tem bistveno pripomorejo k izpopolnjevanju klasifikacije figurativnih elementov.

(5) Predloge za spremembe ali dopolnitve klasifikacije figurativnih elementov lahko dajejo pristojni urad katere koli države Posebne unije, Mednarodni urad in vsaka medvladna organizacija, zastopana v odboru izvedencev v skladu s pododstavkom (b) drugega odstavka, in vsaka država ali organizacija, ki jo odbor izvedencev posebej povabi, da predloži take predloge. Predlogi se sporočijo Mednarodnemu uradu, ta pa jih predloži članom odbora izvedencev in opazovalcem najpozneje dva meseca pred sejo odbora izvedencev, na kateri bodo ti predlogi obravnavani.

(6) (a) Vsaka država članica odbora izvedencev ima en glas.

(b) Za sprejemanje odločitev odbora izvedencev je potrebna navadna večina držav, ki so zastopane in glasujejo.

(c) Za vsako odločitev, za katero petina držav, ki so zastopane in glasujejo, meni, da ima za posledico spremembo osnovne strukture klasifikacije figurativnih elementov ali obsežno delo ponovne klasifikacije, je potrebna tričetrtinska večina držav, ki so zastopane in glasujejo.

(d) Vzdržani glasovi se ne upoštevajo.

6. člen

Uradna obvestila, začetek veljavnosti, objava sprememb in dopolnitev ter drugih odločitev

(1) Mednarodni urad uradno obvesti pristojne organe držav Posebne unije o vsaki odločitvi odbora izvedencev v zvezi s sprejetjem sprememb in dopolnitev klasifikacije figurativnih elementov in priporočili odbora izvedencev. Spremembe in dopolnitve začnejo veljati šest mesecev po dnevu, ko je bilo uradno obvestilo poslano.

(2) The International Bureau shall incorporate in the Classification of Figurative Elements amendments and additions which have entered into force. Announcements of the amendments and additions shall be published in such periodicals as may be designated by the Assembly referred to in Article 7.

Article 7

Assembly of the Special Union

(1) (a) The Special Union shall have an Assembly consisting of the countries of the Special Union.

(b) The Government of each country of the Special Union shall be represented by one delegate, who may be assisted by alternate delegates, advisors and experts.

(c) Any intergovernmental organization referred to in Article 5(2)(b) may be represented by an observer in the meetings of the Assembly, and, if the Assembly so decides, in those of such committees or working groups as may have been established by the Assembly.

(d) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) (a) Subject to the provisions of Article 5, the Assembly shall:

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

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

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

(iv) determine the program and adopt the biennial budget of the Special Union, and approve its final accounts;

(v) adopt the financial regulations of the Special Union;

(vi) decide on the establishment of official texts of the Classification of Figurative Elements in languages other than English and French;

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

(viii) determine, subject to paragraph (1)(c), which countries not members of the Special Union and which intergovernmental and international non-governmental organizations shall be admitted as observers to its meetings, and to those of any committee or working group established by it;

(ix) take any other appropriate action designed to further the objectives of the Special Union;

(x) perform such other functions as are appropriate under this Agreement.

(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) Each country member of the Assembly shall have one vote.

(b) One-half of the countries members of the Assembly shall constitute a quorum.

(c) 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 conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were

7. člen

Skupščina Posebne unije

(1) (a) Posebna unija ima skupščino, ki jo sestavljajo države Posebne unije.

(b) Vlado vsake države Posebne unije zastopa po en delegat, ki mu lahko pomagajo namestniki, svetovalci in izvedenci.

(c) Vsako medvladno organizacijo iz pododstavka (a) drugega odstavka 5. člena lahko zastopa opazovalec na zasedanjih skupščine, in če skupščina tako odloči, v tistih odborih in delovnih skupinah, ki jih je skupščina morda ustanovila.

(d) Stroške posamezne delegacije krije vlada, ki jo je imenovala.

(2) (a) Ob upoštevanju določb 5. člena skupščina:

(i) obravnava vse zadeve v zvezi z vzdrževanjem in razvojem Posebne unije in izvajanjem tega sporazuma;

(ii) daje Mednarodnemu uradu navodila v zvezi s pravo revizijskih konferenc;

(iii) pregleduje in potrjuje poročila in dejavnosti generalnega direktorja v zvezi s Posebno unijo in mu daje vsa potrebna navodila glede zadev, ki so v pristojnosti Posebne unije;

(iv) določa program Posebne unije, sprejema njen dvoletni finančni proračun in potrjuje njene zaključne račune;

(v) sprejema finančni pravilnik Posebne unije;

(vi) odloča o določitvi uradnih besedil klasifikacije figurativnih elementov v jezikih, ki nista angleški in francoski;

(vii) ustanavlja odbore in delovne skupine, ki so po njenem mnenju ustrezni za dosego ciljev Posebne unije;

(viii) ob upoštevanju pododstavka (c) prvega odstavka določa, katere države nečlanice Posebne unije in medvladne ter mednarodne nevladne organizacije se lahko kot opazovalke udeležijo njenih sej in sej vsakega odbora ali delovne skupine, ki jo je ustanovila;

(ix) sprejema vse druge ustrezne ukrepe za uresničitev ciljev Posebne unije;

(x) opravlja vse druge ustrezne naloge po tem sporazumu.

(b) V zvezi z zadevami, ki zanimajo tudi druge unije, ki jih Organizacija upravlja, skupščina odloča po poprejšnjem mnenju koordinacijskega odbora Organizacije.

(3) (a) Vsaka država članica skupščine ima en glas.

(b) Za sklepčnost je potrebna polovica držav članic skupščine.

(c) Če ni sklepčnosti, lahko odločitve sprejema skupščina; toda razen tistih, ki se nanašajo na njen postopek, začnejo take odločitve veljati samo, če so izpolnjeni spodaj navedeni pogoji. Mednarodni urad sporoči te odločitve državam članicam skupščine, ki niso bile zastopane, in jih pozove, da v treh mesecih od dneva sporočila pisno izrazijo

not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 11(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

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

(4) (a) The Assembly shall meet once 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 one-fourth of the countries members of the Assembly.

(c) The agenda of each session shall be prepared by the Director General.

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

Article 8

International Bureau

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

(b) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly, the Committee of Experts and such other committees or working groups as may have been established by the Assembly or the Committee of Experts.

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

(2) The Director General and any staff member designated by him shall participate, without the right of vote, in all meetings of the Assembly, the Committee of Experts and such other committees or working groups as may have been established by the Assembly or the Committee of Experts. The Director General or a staff member designated by him shall be ex officio secretary of those bodies.

(3) (a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for 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.

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

Article 9

Finances

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

(b) The budget of the Special Union shall include the income and expenses proper to the Special Union, its contribution to the budget of expenses common to the Unions administered by the Organization and, where applicable, the sum made available to the budget of the Conference of the Organization.

svoj glas ali vzdržanost. Če po poteku tega obdobja število držav, ki so tako izrazile svoj glas ali vzdržanost, doseže število držav, ki je manjkalo za sklepčnost na zasedanju samem, začnejo te odločitve veljati pod pogojem, da v tem času še obstaja potrebna večina.

(d) Ob upoštevanju določb drugega odstavka 11. člena se odločitve skupščine sprejemajo z dvotretjinsko večino oddanih glasov.

(e) Vzdržani glasovi se ne upoštevajo.

(f) Delegat lahko zastopa samo eno državo in lahko glasuje samo v njenem imenu.

(4) (a) Skupščina se na sklic generalnega direktorja sestane vsako drugo koledarsko leto na rednem zasedanju in razen izjemoma ob istem času in na istem kraju kot generalna skupščina Organizacije.

(b) Skupščina se na sklic generalnega direktorja sestane na izrednem zasedanju na zahtevo četrine držav članic skupščine.

(c) Dnevni red vsakega zasedanja pripravi generalni direktor.

(5) Skupščina sprejme svoj poslovnik.

8. člen

Mednarodni urad

(1) (a) Upravne naloge v zvezi s Posebno unijo opravlja Mednarodni urad.

(b) Mednarodni urad predvsem pripravlja sestanke in zagotavlja sekretariat skupščini, odboru izvedencev in drugim takim odborom ali delovnim skupinam, ki jih je morda ustanovila skupščina ali odbor izvedencev.

(c) Generalni direktor je najvišji funkcionar Posebne unije in jo tudi zastopa.

(2) Generalni direktor in vsak uslužbenec, ki ga on določi, sodelujeta brez glasovalne pravice na vseh sestankih skupščine, odbora izvedencev in drugih takih odborov ali delovnih skupin, ki jih je morda ustanovila skupščina ali odbor izvedencev. Generalni direktor ali uslužbenec, ki ga on določi, je po uradni dolžnosti sekretar teh teles.

(3) (a) Mednarodni urad po navodilih skupščine pripravlja revizijske konference.

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

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

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

9. člen

Finančna vprašanja

(1) (a) Posebna unija ima svoj proračun.

(b) Proračun Posebne unije vključuje lastne prihodke in odhodke Posebne unije, njen prispevek k proračunu skupnih odhodkov unij, ki jih upravlja Organizacija, in kadar je ustrezno, vsoto, ki je na voljo za proračun konference Organizacije.

(c) Expenses not attributable exclusively to the Special Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Special Union in such common expenses shall be in proportion to the interest the Special Union has in them.

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

(3) The budget of the Special Union shall be financed from the following sources:

(i) contributions of the countries of the Special Union;

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

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

(iv) gifts, bequests and subventions;

(v) rents, interests and other miscellaneous income.

(4) (a) For the purpose of establishing its contribution referred to in paragraph 3(i), each country of the Special Union shall belong to the same class as it belongs to in the Paris Union for the Protection of Industrial Property, and shall pay its annual contribution on the basis of the same number of units as is fixed for that class in that Union.

(b) The annual contribution of each country of the Special Union shall be an amount in the same proportion to the total sum to be contributed to the budget of the Special Union by all countries as the number of its units is to the total of the units of all contributing countries.

(c) Contributions shall become due on the first of January of each year.

(d) A country which is in arrears in the payment of its contributions may not exercise its right to vote in any organ of the Special Union if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any organ of the Special Union may allow such a country to continue to exercise its right to vote in that organ if, and as long as, it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(e) 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.

(5) The amount of the fees and charges due for services rendered by the International Bureau in relation to the Special Union shall be established, and shall be reported to the Assembly, by the Director General.

(6) (a) The Special Union shall have a working capital fund which shall be constituted by a single payment made by each country of the Special Union. If the fund becomes insufficient, the Assembly shall decide to increase it.

(b) The amount of the initial payment of each country to the said fund or of its participation in the increase thereof shall be a proportion of the contribution of that country for the year in which the fund is established or the decision to increase it is made.

(c) The proportion and 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.

(7) (a) In the headquarters agreement concluded with the country on the territory of which the Organization has its

(c) Odhodki, ki jih ni mogoče pripisati samo Posebni uniji, temveč tudi eni ali več drugim unijam, ki jih Organizacija upravlja, se štejejo za skupne odhodke unij. Delež Posebne unije pri takih skupnih odhodkih je sorazmeren z interesom, ki ga ima v njih.

(2) Pri določitvi proračuna Posebne unije je treba upoštevati, da mora biti usklajen s proračuni drugih unij, ki jih Organizacija upravlja.

(3) Proračun Posebne unije se financira:

(i) s prispevki držav Posebne unije;

(ii) s pristojbinami in plačili za storitve, ki jih Mednarodni urad opravlja v zvezi s Posebno unijo;

(iii) s prodajo publikacij Mednarodnega urada, ki se nanašajo na Posebno unijo, in s plačili za pravice, ki se nanašajo nanje;

(iv) z darili, volili in subvencijami;

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

(4) (a) Za določitev prispevka iz točke (i) tretjega odstavka spada vsaka država Posebne unije v isti razred, v katerega je uvrščena v Pariški uniji za varstvo industrijske lastnine, in plačuje letni prispevek na podlagi enakega števila enot, kot je določeno za njen razred v tej uniji.

(b) Letni prispevek vsake države Posebne unije je enak znesku, ki je s skupnim zneskom letnih prispevkov vseh držav v proračun Posebne unije v enakem razmerju, kot sta število enot razreda, v katerega je država uvrščena, in seštevek enot vseh držav.

(c) Prispevki zapadejo v plačilo 1. januarja vsako leto.

(d) Država, ki zaostaja s plačilom prispevkov, ne more uveljavljati svoje glasovalne pravice v nobenem organu Posebne unije, če je zaostali znesek enak znesku prispevkov, ki ga dolguje za dve polni leti, ali ga presega. Vsak organ Posebne unije pa lahko taki državi dovoli, da še naprej uveljavlja svojo glasovalno pravico v tem organu, če in dokler meni, da so zamudo pri plačilu povzročile izjemne in neizogibne okoliščine.

(e) Če proračun ni sprejet pred začetkom novega poslovnega leta, ostane na ravni proračuna iz prejšnjega leta, kot predpisuje finančni pravilnik.

(5) Višino pristojbin in plačil za storitve, ki jih Mednarodni urad opravlja v zvezi s Posebno unijo, določi generalni direktor in jo sporoči skupščini.

(6) (a) Posebna unija ima sklad za obratna sredstva, ki ga sestavljajo enkratna plačila vseh držav Posebne unije. Če ta sredstva ne zadoščajo več, se skupščina odloči, da jih bo povečala.

(b) Znesek začetnega vplačila vsake države članice v ta sklad ali njene udeležbe pri njegovem povečanju je sorazmeren s prispevkom te države za leto, v katerem je sklad oblikovan ali je sprejeta odločitev o njegovem povečanju.

(c) Delež in plačilne pogoje določi skupščina na predlog generalnega direktorja in po poprejšnjem mnenju koordinacijskega odbora Organizacije.

(7) (a) Sporazum o sedežu, sklenjen z državo, na ozemlju katere ima Organizacija sedež, določa, da ta država daje

headquarters, it shall be provided that, whenever the working capital fund is insufficient, such country shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such country and the Organization.

(b) The country 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 was notified.

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

Article 10

Revision of the Agreement

(1) This Agreement may be revised from time to time by a special conference of the countries of the Special Union.

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

(3) Articles 7, 8, 9 and 11 may be amended either by a revision conference or according to the provisions of Article 11.

Article 11

Amendment of Certain Provisions of the Agreement

(1) Proposals for the amendment of Articles 7, 8, 9 and of the present Article may be initiated by any country of the Special Union or by the Director General. Such proposals shall be communicated by the Director General to the countries of the Special Union at least six months in advance of their consideration by the Assembly.

(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 7 and to the present paragraph shall require four-fifths 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 countries members of the Special Union at the time the amendment was adopted.

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

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

Article 12

Becoming Party to the Agreement

(1) Any country party to the Paris Convention for the Protection of Industrial Property may become party to this Agreement by:

(i) signature followed by the deposit of an instrument of ratification, or

posojila, če sklad za obratna sredstva ni zadosten. Znesek teh posojil in pogoji, pod katerimi se dajejo, so v vsakem primeru predmet ločenih sporazumov med tako državo in Organizacijo.

(b) Država iz pododstavka (a) in Organizacija imata vsaka zase pravico, da s pisnim uradnim obvestilom odpove ta obveznost dajanja posojil. Odpoved začne veljati tri leta po izteku leta, v katerem je bilo izdano uradno obvestilo.

(8) Revizijo računov opravi ena ali več držav Posebne unije ali zunanji revizorji, kot predpisuje finančni pravilnik. Te z njihovim soglasjem določi skupščina.

10. člen

Revizija sporazuma

(1) Ta sporazum se lahko občasno revidira na posebnih konferencah držav Posebne unije.

(2) O sklicu revizijske konference odloča skupščina.

(3) 7., 8., 9. in 11. člen se lahko spremenijo na revizijski konferenci ali v skladu z določbami 11. člena.

11. člen

Spremembe posameznih določb sporazuma

(1) Predloge za spremembo 7., 8., 9. in tega člena lahko da vsaka država Posebne unije ali generalni direktor. Predloge sporoči generalni direktor državam Posebne unije vsaj šest mesecev pred njihovo obravnavo v skupščini.

(2) Spremembe členov iz prvega odstavka sprejema skupščina. Za sprejetje je potrebna tričetrtinska večina oddanih glasov, za spremembo 7. člena in tega odstavka pa štiri petine oddanih glasov.

(3) (a) Vsaka sprememba členov iz prvega odstavka začne veljati mesec dni od dneva, ko generalni direktor od treh četrtin držav, ki so bile članice Posebne unije, ko je bila sprememba sprejeta, prejme pisna uradna obvestila o sprejetju v skladu z njihovimi ustavnimi postopki.

(b) Vsaka sprememba tako sprejetih omenjenih členov zavezuje vse države, ki so članice Posebne unije, ko začne sprememba veljati, s tem da vsaka sprememba, ki povečuje finančne obveznosti držav Posebne unije, zavezuje le tiste države, ki so poslale uradno obvestilo o sprejetju take spremembe.

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

12. člen

Kako država postane pogodbenica sporazuma

(1) Vsaka država pogodbenica Pariške konvencije za varstvo industrijske lastnine lahko postane pogodbenica tega sporazuma:

(i) s podpisom, ki mu sledi deponiranje listine o ratifikaciji, ali

(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 Agreement.

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

Article 13

Entry Into Force of the Agreement

(1) With respect to the first five countries which have deposited their instruments of ratification or accession, this Agreement shall enter into force three months after the fifth instrument of ratification or accession has been deposited.

(2) With respect to any country other than those for which this Agreement has entered into force in accordance with paragraph (1), it shall enter into force three months after the date on which its ratification or accession was notified by the Director General, unless a subsequent date has been indicated in the instrument of ratification or accession. In the latter case, this Agreement shall enter into force with respect to that country on the date thus indicated.

(3) Ratification or accession shall automatically entail acceptance of all the clauses and admission to all the advantages of this Agreement.

Article 14

Duration of the Agreement

This Agreement shall have the same duration as the Paris Convention for the Protection of Industrial Property.

Article 15

Denunciation

(1) Any country of the Special Union may denounce this Agreement by notification addressed to the Director General.

(2) Denunciation shall take effect one year after the day on which the Director General has received the notification.

(3) The right of denunciation provided by this Article shall not be exercised by any country before the expiration of five years from the date upon which it becomes a member of the Special Union.

Article 16

Disputes

(1) Any dispute between two or more countries of the Special Union concerning the interpretation or application of this Agreement, not settled by negotiation, may, by any one of the countries concerned, be brought before the International Court of Justice by application in conformity with the Statute of the Court, unless the countries concerned agree on some other method of settlement. The country bringing the dispute before the Court shall inform the International Bureau; the International Bureau shall bring the matter to the attention of the other countries of the Special Union.

(2) Each country may, at the time it signs this Agreement or deposits its instrument of ratification or accession, declare that it does not consider itself bound by the provisions of paragraph (1). With regard to any dispute between any country having made such a declaration and any other country of the Special Union, the provisions of paragraph (1) shall not apply.

(ii) z deponiranjem listine o pristopu.

(2) Listine o ratifikaciji ali pristopu se deponirajo pri generalnem direktorju.

(3) Za ta sporazum se uporabljajo določbe 24. člena Stockholmskega akta Pariške konvencije za varstvo industrijske lastnine.

(4) Tretjega odstavka nikakor ni mogoče razumeti, kot da neka država Posebne unije priznava ali molče sprejema dejansko stanje glede ozemlja, za katero kaka druga država uporablja ta sporazum na podlagi omenjenega odstavka.

13. člen

Začetek veljavnosti sporazuma

(1) Za prvih pet držav, ki so deponirale listine o ratifikaciji ali pristopu, začne ta sporazum veljati tri mesece po deponiranju pete listine o ratifikaciji ali pristopu.

(2) Za državo, za katero ta sporazum ni začel veljati v skladu s prvim odstavkom, začne sporazum veljati tri mesece po dnevu uradnega obvestila generalnega direktorja o ratifikaciji ali pristopu, razen če je bil na listini o ratifikaciji ali pristopu naveden poznejši datum. V tem primeru začne ta sporazum za to državo veljati na ta datum.

(3) Ratifikacija ali pristop ima samodejno za posledico sprejetje vseh določb in priznanje vseh prednosti tega sporazuma.

14. člen

Trajanje sporazuma

Ta sporazum traja tako dolgo kot Pariška konvencija za varstvo industrijske lastnine.

15. člen

Odpoved

(1) Vsaka država Posebne unije lahko odpove ta sporazum z uradnim obvestilom generalnemu direktorju.

(2) Odpoved začne veljati eno leto po dnevu, ko je generalni direktor prejel uradno obvestilo.

(3) Pravice do odpovedi po tem členu ne uveljavlja nobena država pred potekom petih let od dneva, ko postane članica Posebne unije.

16. člen

Spori

(1) Vsak spor med dvema ali več državami Posebne unije glede razlage ali uporabe tega sporazuma, ki ni rešen s pogajanjem, lahko vsaka taka država predloži Meddržavnemu sodišču z vlogo v skladu s statutom sodišča, razen če se prizadete države sporazumejo o drugačnem načinu reševanja spora. Država, ki predloži spor sodišču, obvesti o tem Mednarodni urad, ki s tem seznanji druge države Posebne unije.

(2) Vsaka država lahko ob podpisu tega sporazuma ali deponiranju listine o ratifikaciji ali pristopu izjavi, da je ne zavezujejo določbe prvega odstavka. Določbe prvega odstavka se ne uporabljajo za spore med državo, ki je dala tako izjavo, in vsako drugo državo Posebne unije.

(3) Any country having made a declaration in accordance with the provisions of paragraph (2) may, at any time, withdraw its declaration by notification addressed to the Director General.

Article 17

Signature, Languages, Depositary Functions, Notifications

(1) (a) This Agreement shall be signed in a single original in the English and French languages, both texts being equally authentic.

(b) This Agreement shall remain open for signature at Vienna until December 31, 1973.

(c) The original of this Agreement, when no longer open for signature, shall be deposited with the Director General.

(2) Official texts shall be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly may designate.

(3) (a) The Director General shall transmit two copies, certified by him, of the signed text of this Agreement to the Governments of the countries that have signed it and, on request, to the Government of any other country.

(b) The Director General shall transmit two copies, certified by him, of any amendment to this Agreement to the Governments of all countries of the Special Union and, on request, to the Government of any other country.

(c) The Director General shall, on request, furnish the Government of any country that has signed this Agreement, or that accedes to it, with two copies of the Classification of Figurative Elements, certified by him, in the English or French language.

(4) The Director General shall register this Agreement with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries party to the Paris Convention for the Protection of Industrial Property of:

- (i) signatures under paragraph (1);
- (ii) deposits of instruments of ratification or accession under Article 12(2);
- (iii) the date of entry into force of this Agreement under Article 13(1);
- (iv) declarations made under Article 4(5);
- (v) declarations and notifications made in accordance with Article 12(3);
- (vi) declarations made under Article 16(2);
- (vii) withdrawals of any declarations, notified under Article 16(3);
- (viii) acceptances of amendments to this Agreement under Article 11(3);
- (ix) the dates on which such amendments enter into force;
- (x) denunciations received under Article 15.

(3) Država, ki je dala izjavo v skladu z določbami drugega odstavka, lahko svojo izjavo kadar koli umakne z uradnim obvestilom generalnemu direktorju.

17. člen

Podpisovanje, jeziki, naloge depozitarja, uradna obvestila

(1) (a) Ta sporazum se podpiše v enem izvorniku v angleškem in francoskem jeziku, pri čemer sta besedili enako verodostojni.

(b) Ta sporazum je na voljo za podpis na Dunaju do 31. decembra 1973.

(c) Ko izvornik tega sporazuma ni več na voljo za podpis, se deponira pri generalnem direktorju.

(2) Uradna besedila v drugih jezikih, ki jih lahko določi skupščina, določi generalni direktor po posvetovanju z zainteresiranimi vladami.

(3) (a) Generalni direktor overi in pošlje po dva izvoda podpisanega besedila tega sporazuma vladam držav, ki so ga podpisale, in na zahtevo vladi vsake druge države.

(b) Generalni direktor overi in pošlje po dva izvoda vsake spremembe tega sporazuma vladam vseh držav Posebne unije in na zahtevo vladi vsake druge države.

(c) Generalni direktor pošlje na zahtevo vladi vsake države, ki je podpisala ta sporazum ali k njemu pristopila, overjen izvod klasifikacije figurativnih elementov v angleškem ali francoskem jeziku.

(4) Generalni direktor registrira ta sporazum pri sekretariatu Združenih narodov.

(5) Generalni direktor uradno obvesti vlade vseh držav pogodbenic Pariške konvencije za varstvo industrijske lastnine o:

- (i) podpisih po prvem odstavku;
- (ii) deponiranju listin o ratifikaciji ali pristopu po drugem odstavku 12. člena;
- (iii) datumu začetka veljavnosti tega sporazuma po prvem odstavku 13. člena;
- (iv) izjavah po petem odstavku 4. člena;
- (v) izjavah in uradnih obvestilih v skladu s tretjim odstavkom 12. člena;
- (vi) izjavah po drugem odstavku 16. člena;
- (vii) umikih izjav, ki so bili uradno sporočeni po tretjem odstavku 16. člena;
- (viii) sprejetih sprememb tega sporazuma po tretjem odstavku 11. člena;
- (ix) datumu začetka veljavnosti takih sprememb;
- (x) prejetih odpovedih po 15. členu.

RESOLUTION**Adopted by the Diplomatic Conference
on the International Classification
of the Figurative Elements of Marks on June 8, 1973**

1. Pending the entry into force of the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks, a provisional Committee of Experts is hereby set up at the International Bureau of the World Intellectual Property Organization (WIPO).

2. The provisional Committee shall include a representative of each country having signed or acceded to the said Agreement. Intergovernmental organizations specialized in the field of marks, of which at least one of the member countries has signed or acceded to the Agreement, may be represented by observers. Any country member of WIPO or party to the Paris Convention for the Protection of Industrial Property which has neither signed nor acceded to the Agreement may, and, if requested by the provisional Committee, shall, be invited by the Director General of WIPO to be represented by observers.

3. The provisional Committee shall reexamine the International Classification of the Figurative Elements of Marks and shall prepare, if necessary, draft amendments or additions to be made to the said Classification.

4. The International Bureau is invited to prepare the work of the provisional Committee.

5. The International Bureau is invited to convene the provisional Committee, after consultation of the countries which have signed or acceded to the Agreement, if amendments or additions are proposed by any such country or by an organization referred to in paragraph 2 above, or if the International Bureau itself intends to propose amendments or additions.

6. The International Bureau is invited to transmit, as soon as the Agreement enters into force, any draft amendments or additions prepared by the provisional Committee to the Committee of Experts set up under Article 5 of the Agreement.

7. The travel and subsistence expenses of members of the provisional Committee and of observers shall be borne by the countries or organizations which they represent.

RESOLUCIJA**ki jo je 8. junija 1973 sprejela diplomatska
konferenca o mednarodni klasifikaciji figurativnih
elementov znamk**

1. Do začetka veljavnosti Dunajskega sporazuma o mednarodni klasifikaciji figurativnih elementov znamk se pri Mednarodnem uradu Svetovne organizacije za intelektualno lastnino ustanovi začasni odbor izvedencev.

2. Začasni odbor sestavlja po en zastopnik vsake države, ki je ta sporazum podpisala ali k njemu pristopila. Medvladne organizacije, specializirane na področju znamk, od katerih je vsaj ena država članica podpisala ta sporazum ali k njemu pristopila, lahko zastopajo opazovalci. Generalni direktor Svetovne organizacije za intelektualno lastnino lahko povabi, in če tako zahteva začasni odbor, mora povabiti vsako državo članico Svetovne organizacije za intelektualno lastnino ali pogodbenico Pariške konvencije za varstvo industrijske lastnine, ki ni niti podpisala tega sporazuma niti ni k njemu pristopila, da jo zastopajo opazovalci.

3. Začasni odbor ponovno prouči mednarodno klasifikacijo figurativnih elementov znamk in po potrebi pripravi osnutek njenih sprememb in dopolnitev.

4. Urad se pozove, da pripravi vse potrebno za delo začasnega odbora.

5. Mednarodni urad se pozove, da po posvetovanju držav, ki so podpisale ta sporazum ali k njemu pristopile, skliče začasni odbor, če katera od teh držav ali organizacij iz drugega odstavka zgoraj predlaga spremembe ali dopolnitve ali jih želi predlagati Mednarodni urad sam.

6. Mednarodni urad se pozove, da pošlje odboru izvedencev, ustanovljenemu po 5. členu sporazuma, takoj ko ta začne veljati, vsak osnutek sprememb ali dopolnitev, ki ga pripravi začasni odbor.

7. Potne stroške in stroške bivanja za člane začasnega odbora in opazovalce krije država ali organizacija, ki jo zastopajo.

3. člen

Za izvajanje sporazuma skrbi Ministrstvo za gospodarstvo, Urad za intelektualno lastnino.

4. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije – Mednarodne pogodbe.

Št. 120-01/01-8/1

Ljubljana, dne 2. marca 2001

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

- **Obvestilo o začetku veljavnosti mednarodnih pogodb**

O B V E S T I L O
o začetku veljavnosti mednarodnih pogodb

Dne 1. marca 2001 je začela za Republiko Slovenijo veljati Evropska konvencija o zatiranju terorizma, sklenjena v Strasbourgu 27. januarja 1977 in objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 27/00 (Uradni list Republike Slovenije, št. 96/00).

Dne 1. marca 2001 je začel veljati Sporazum med Republiko Slovenijo in Republiko Estonijo o prosti trgovini, podpisan dne 26. novembra 1996 v Tallinu in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 2/01 (Uradni list Republike Slovenije, št. 5/01).

Dne 14. marca 2001 je začel veljati Sporazum med Vlado Republike Slovenije in Vlado Republike Turčije o zračnem prometu, sklenjen dne 3. aprila 1997 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 17/98 (Uradni list Republike Slovenije, št. 70/98).

Dne 19. marca 2001 je začel veljati Sporazum o dolgu med Slovenijo in Združenim kraljestvom št. 1 (1999), sklenjen z izmenjavo not 18. maja 2000 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 6/01 (Uradni list Republike Slovenije, št. 19/01).

Ministrstvo
za zunanje zadeve
Republike Slovenije

EU & Gospodarstvo

Prva knjiga nove zbirke EU & Gospodarstvo

**PREDPISI O DEVIZNEM
POSLOVANJU**

Pred leti je podobna zbirka izhajala v posebnih mapah z mehanizmom, ki je omogočal sprotno vlaganje listov z objavljenimi novimi oziroma dopolnjenimi predpisi. Zbirka je ustrezala potrebam v času njenega izhajanja, čeprav je bilo treba posamezne njene strani zelo pogosto menjavati. Ker je bilo sprememb in dopolnitev vse več, je zbirka postajala tudi vse manj pregledna.

Čeprav bo zbirka poslej izhajala v knjižni obliki, ni spremenjena niti uredniška niti grafična zasnova. Vse spremembe in dopolnitve predpisov so tiskane v ležečem tisku (kurzivi); spremenjeno besedilo, ki več ne velja, je prečrtano, tako da je še vedno čitljivo za prebiranje in uporabno za reševanje zadev po prej veljavnih predpisih. Na koncu vsakega odstavka oziroma člena je objavljena tudi opomba, kdaj je novo besedilo posameznega predpisa pričelo veljati, kar bo gotovo v veliko pomoč vsem uporabnikom zbirke. Avtor zbirke je tudi poslej univ. dipl. iur. Marjan Mir.

V prvi knjigi iz te zbirke so zbrani predpisi o deviznem poslovanju, ki so bili objavljeni v Uradnem listu RS do konca februarja 2000.

Cena 5.400 SIT z DDV

10523

N A R O Č I L N I C AUradni list Republike Slovenije, Slovenska 9, 1000 Ljubljana
<http://www.uradni-list.si>

Naročite po faksu: 01/425 14 18

S tem nepreklicno naročam

PREDPISI O DEVIZNEM POSLOVANJU

Štev. izvodov

Naročeno knjigo mi pošljite na naslov

Davčna številka naročnika

Davčni zavezanec DA NE

Firma – ime naročnika

Sektor – oddelek

Ulica in številka

Kraj

Datum

Podpis pooblaščen osebe

Žig

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