


Uradni list

Republike Slovenije



Mednarodne pogodbe

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Št. 4 (Uradni list RS, št. 19)

Ljubljana, petek 1. 3. 2002

ISSN 1318-0932

Leto XII

11. Zakon o ratifikaciji Pogodbe o patentnem pravu (MPPP)

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 POGODBE O PATENTNEM PRAVU (MPPP)

Razglaszam Zakon o ratifikaciji Pogodbe o patentnem pravu (MPPP), ki ga je sprejel Državni zbor Republike Slovenije na seji 15. februarja 2002.

Št. 001-22-8/02

Ljubljana, 25. februarja 2002

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N

O RATIFIKACIJI POGODBE O PATENTNEM PRAVU (MPPP)

1. člen

Ratificira se Pogodba o patentnem pravu, sprejeta 1. junija 2000 v Ženevi.

2. člen

Pogodba se v izvirniku v angleškem jeziku in v prevodu v slovenski jezik glasi:

**PATENT LAW TREATY
REGULATIONS
UNDER THE PATENT LAW TREATY**
*adopted by the Diplomatic Conference
on June 1, 2000*

PATENT LAW TREATY

Article 1

Abbreviated Expressions

For the purposes of this Treaty, unless expressly stated otherwise:

(i) "Office" means the authority of a Contracting Party entrusted with the granting of patents or with other matters covered by this Treaty;

(ii) "application" means an application for the grant of a patent, as referred to in Article 3;

(iii) "patent" means a patent as referred to in Article 3;

(iv) references to a "person" shall be construed as including, in particular, a natural person and a legal entity;

(v) "communication" means any application, or any request, declaration, document, correspondence or other information relating to an application or patent, whether relating to a procedure under this Treaty or not, which is filed with the Office;

**POGODBA O PATENTNEM PRAVU
in
PRAVILNIK**
*sprejeta na diplomatski konferenci
1. junija 2000*

POGODBA O PATENTNEM PRAVU

1. člen

Skrajšani izrazi

Za namene te pogodbe, če ni izrecno drugače navedeno:

(i) "urad" pomeni organ pogodbenice, ki je pristojen za podeljevanje patentov ali druge zadeve iz te pogodbe;

(ii) "prijava" pomeni prijavo za podelitev patenta po 3. členu;

(iii) "patent" pomeni patent po 3. členu;

(iv) se sklicevanje na "osebo" šteje za sklicevanje, ki vključuje zlasti fizično in pravno osebo;

(v) "sporočilo" pomeni vsako prijavo ali vsako zahtevo, izjavo, dokument, dopis ali drugo informacijo, ki se nanaša na prijavo ali patent in je vložena pri uradu, ne glede na to, ali se nanaša na postopek po tej pogodbi ali ne;

(vi) "records of the Office" means the collection of information maintained by the Office, relating to and including the applications filed with, and the patents granted by, that Office or another authority with effect for the Contracting Party concerned, irrespective of the medium in which such information is maintained;

(vii) "recordation" means any act of including information in the records of the Office;

(viii) "applicant" means the person whom the records of the Office show, pursuant to the applicable law, as the person who is applying for the patent, or as another person who is filing or prosecuting the application;

(ix) "owner" means the person whom the records of the Office show as the owner of the patent;

(x) "representative" means a representative under the applicable law;

(xi) "signature" means any means of self-identification;

(xii) "a language accepted by the Office" means any one language accepted by the Office for the relevant procedure before the Office;

(xiii) "translation" means a translation into a language or, where appropriate, a transliteration into an alphabet or character set, accepted by the Office;

(xiv) "procedure before the Office" means any procedure in proceedings before the Office with respect to an application or patent;

(xv) except where the context indicates otherwise, words in the singular include the plural, and *vice versa*, and masculine personal pronouns include the feminine;

(xvi) "Paris Convention" means the Paris Convention for the Protection of Industrial Property, signed on March 20, 1883, as revised and amended;

(xvii) "Patent Cooperation Treaty" means the Patent Cooperation Treaty, signed on June 19, 1970, together with the Regulations and the Administrative Instructions under that Treaty, as revised, amended and modified;

(xviii) "Contracting Party" means any State or intergovernmental organization that is party to this Treaty;

(xix) "applicable law" means, where the Contracting Party is a State, the law of that State and, where the Contracting Party is an intergovernmental organization, the legal enactments under which that intergovernmental organization operates;

(xx) "instrument of ratification" shall be construed as including instruments of acceptance or approval;

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

(xxii) "International Bureau" means the International Bureau of the Organization;

(xxiii) "Director General" means the Director General of the Organization.

Article 2

General Principles

(1) [*More Favorable Requirements*] A Contracting Party shall be free to provide for requirements which, from the viewpoint of applicants and owners, are more favorable than the requirements referred to in this Treaty and the Regulations, other than Article 5.

(2) [*No Regulation of Substantive Patent Law*] Nothing in this Treaty or the Regulations is intended to be construed as prescribing anything that would limit the freedom of a Contracting Party to prescribe such requirements of the applicable substantive law relating to patents as it desires.

(vi) "dokumentacija urada" pomeni zbirko informacij, ki jo vzdržuje urad in zadeva ter vključuje prijave, vložene pri tem uradu ali drugem organu, in patente, ki jih je podelil ta urad ali drug organ in veljajo za zadevno pogodbenico, ne glede na nosilec, na katerem so take informacije shranjene;

(vii) "vpis" pomeni vsak vnos informacij v dokumentacijo urada;

(viii) "prijavitelj" pomeni osebo, ki je v dokumentaciji urada po veljavnem pravu navedena kot oseba, ki je prijavila patent, ali kot druga oseba, ki je vložila prijavo ali ki izvaja postopek za pridobitev patenta;

(ix) "lastnik" pomeni osebo, ki je v dokumentaciji urada navedena kot lastnik patenta;

(x) "zastopnik" pomeni zastopnika po veljavnem pravu;

(xi) "podpis" pomeni vsako sredstvo osebne identifikacije;

(xii) "jezik, ki ga urad sprejema" pomeni vsak jezik, ki ga urad sprejme za posamezni postopek pri njem;

(xiii) "prevod" pomeni prevod v jezik, ki ga urad sprejema, ali kadar je to primerno, prečrkovanje v abecedo, ki jo, ali v niz črk, ki ga urad sprejema;

(xiv) "postopek pri uradu" pomeni vsak postopek pri uradu, ki se nanaša na prijavo ali patent;

(xv) besede v ednini vključujejo množino in obratno in osebni zaimki moškega spola vključujejo ženski spol, razen če je v sobesedilu navedeno drugače;

(xvi) "Pariška konvencija" pomeni Pariško konvencijo za varstvo industrijske lastnine, podpisano 20. marca 1883, kot je bila revidirana in spremenjena;

(xvii) "Pogodba o sodelovanju na področju patentov" pomeni Pogodbo o sodelovanju na področju patentov, podpisano 19. junija 1970, pravilnik in upravna navodila po tej pogodbi, kot so bili revidirani, spremenjeni in dopolnjeni;

(xviii) "pogodbenica" pomeni vsako državo ali medvladno organizacijo, ki je pogodbenica te pogodbe;

(xix) "veljavno pravo" pomeni, kadar je pogodbenica medvladna organizacija, pravne akte, po katerih ta medvladna organizacija deluje;

(xx) "listina o ratifikaciji" pomeni tudi listino o sprejetju ali odobritvi;

(xxi) "Organizacija" pomeni Svetovno organizacijo za intelektualno lastnino;

(xxii) "Mednarodni urad" pomeni Mednarodni urad Organizacije;

(xxiii) "generalni direktor" pomeni generalnega direktorja Organizacije.

2. člen

Splošna načela

(1) [*Ugodnejši pogoji*] Pogodbenica lahko svobodno določi pogoje, ki so s stališča prijaviteljev in lastnikov ugodnejši od pogojev iz te pogodbe in pravilnika, razen tistih iz 5. člena.

(2) [*Odsotnost ureditve materialnega patentnega prava*] Nič v tej pogodbi ali v pravilniku ni namenjeno predpisovanju nečesa, kar bi omejevalo svobodo pogodbenice, da po svoji želji predpisuje pogoje veljavnega materialnega patentnega prava.

Article 3

Applications and Patents to Which the Treaty Applies

(1) [*Applications*] (a) The provisions of this Treaty and the Regulations shall apply to national and regional applications for patents for invention and for patents of addition, which are filed with or for the Office of a Contracting Party, and which are:

(i) types of applications permitted to be filed as international applications under the Patent Cooperation Treaty;

(ii) divisional applications of the types of applications referred to in item (i), for patents for invention or for patents of addition, as referred to in Article 4G(1) or (2) of the Paris Convention.

(b) Subject to the provisions of the Patent Cooperation Treaty, the provisions of this Treaty and the Regulations shall apply to international applications, for patents for invention and for patents of addition, under the Patent Cooperation Treaty:

(i) in respect of the time limits applicable under Articles 22 and 39(1) of the Patent Cooperation Treaty in the Office of a Contracting Party;

(ii) in respect of any procedure commenced on or after the date on which processing or examination of the international application may start under Article 23 or 40 of that Treaty.

(2) [*Patents*] The provisions of this Treaty and the Regulations shall apply to national and regional patents for invention, and to national and regional patents of addition, which have been granted with effect for a Contracting Party.

Article 4

Security Exception

Nothing in this Treaty and the Regulations shall limit the freedom of a Contracting Party to take any action it deems necessary for the preservation of essential security interests.

Article 5

Filing Date

(1) [*Elements of Application*] (a) Except as otherwise prescribed in the Regulations, and subject to paragraphs (2) to (8), a Contracting Party shall provide that the filing date of an application shall be the date on which its Office has received all of the following elements, filed, at the option of the applicant, on paper or as otherwise permitted by the Office for the purposes of the filing date:

(i) an express or implicit indication to the effect that the elements are intended to be an application;

(ii) indications allowing the identity of the applicant to be established or allowing the applicant to be contacted by the Office;

(iii) a part which on the face of it appears to be a description.

(b) A Contracting Party may, for the purposes of the filing date, accept a drawing as the element referred to in subparagraph (a)(iii).

(c) For the purposes of the filing date, a Contracting Party may require both information allowing the identity of the applicant to be established and information allowing the applicant to be contacted by the Office, or it may accept evidence allowing the identity of the applicant to be established or allowing the applicant to be contacted by the Office, as the element referred to in subparagraph (a)(ii).

(2) [*Language*] (a) A Contracting Party may require that the indications referred to in paragraph (1)(a)(i) and (ii) be in a language accepted by the Office.

3. člen

Prijave in patenti, na katere se nanaša ta pogodba

(1) [*Prijave*] (a) Določbe te pogodbe in pravilnika se nanašajo na nacionalne in regionalne prijave za patente za izume in za dopolnilne patente, ki jih prijavitelji vložijo pri uradu pogodbenice ali zanj in ki so:

(i) prijave take vrste, da jih je po Pogodbi o sodelovanju na področju patentov mogoče vložiti kot mednarodne prijave;

(ii) izločene prijave za patente za izume ali dopolnilne patente, ki pripadajo vrsti prijav iz točke (i) tega odstavka in prvega ali drugega pododstavka odstavka G 4. člena Pariške konvencije.

(b) Ob upoštevanju določb Pogodbe o sodelovanju na področju patentov veljajo določbe te pogodbe in pravilnika za mednarodne prijave za patente za izume in dopolnilne patente po Pogodbi o sodelovanju na področju patentov:

(i) glede na roke, ki veljajo v uradu pogodbenice po 22. členu in prvem odstavku 39. člena Pogodbe o sodelovanju na področju patentov;

(ii) glede na vsak postopek, ki se je začel na datum ali po datumu, ko se lahko začne obdelava ali preizkus mednarodne prijave po 23. ali 40. členu omenjene pogodbe.

(2) [*Patenti*] Določbe te pogodbe in pravilnika se uporabljajo za nacionalne in regionalne patente za izume ter za nacionalne in regionalne dopolnilne patente, ki so bili podeljeni z veljavnostjo za pogodbenico.

4. člen

Izjema glede varnosti

Nič v tej pogodbi in pravilniku ne omejuje svobode pogodbenice, da sprejme kakršen koli ukrep, ki ga šteje za potrebnega za ohranitev bistvenih varnostnih interesov.

5. člen

Datum vložitve

(1) [*Sestavine prijave*] (a) Če ni drugače predpisano v pravilniku in ob upoštevanju drugega do osmega odstavka, pogodbenica zagotovi, da je datum vložitve prijave tisti datum, na katerega je njen urad prejel vse naslednje sestavine, vložene po izbiri prijavitelja na papirju ali na drug način, ki ga urad dopušča za namene datuma vložitve:

(i) izrecno ali implicitno navedbo, da so sestavine namenjene prijavi;

(ii) navedbe, ki omogočajo ugotavljanje identitete prijavitelja ali ki omogočajo uradu, da vzpostavi stik s prijaviteljem;

(iii) del, ki je na prvi pogled videti kot opis.

(b) Pogodbenica lahko za namene datuma vložitve kot sestavino iz točke (iii) pododstavka (a) sprejme skico.

(c) Pogodbenica lahko za namene datuma vložitve kot sestavino iz točke (ii) pododstavka (a) zahteva tako podatke, ki omogočajo ugotavljanje identitete prijavitelja, kot tudi podatke, ki omogočajo uradu, da vzpostavi stik s prijaviteljem, ali sprejme dokazila, ki omogočajo ugotavljanje identitete prijavitelja ali ki omogočajo uradu, da vzpostavi stik s prijaviteljem.

(2) [*Jezik*] (a) Pogodbenica lahko zahteva, da so navedbe iz točk (i) in (ii) pododstavka (a) prvega odstavka v jeziku, ki ga urad sprejema.

(b) The part referred to in paragraph (1)(a)(iii) may, for the purposes of the filing date, be filed in any language.

(3) [Notification] Where the application does not comply with one or more of the requirements applied by the Contracting Party under paragraphs (1) and (2), the Office shall, as soon as practicable, notify the applicant, giving the opportunity to comply with any such requirement, and to make observations, within the time limit prescribed in the Regulations.

(4) [Subsequent Compliance with Requirements] (a) Where one or more of the requirements applied by the Contracting Party under paragraphs (1) and (2) are not complied with in the application as initially filed, the filing date shall, subject to subparagraph (b) and paragraph (6), be the date on which all of the requirements applied by the Contracting Party under paragraphs (1) and (2) are subsequently complied with.

(b) A Contracting Party may provide that, where one or more of the requirements referred to in subparagraph (a) are not complied with within the time limit prescribed in the Regulations, the application shall be deemed not to have been filed. Where the application is deemed not to have been filed, the Office shall notify the applicant accordingly, indicating the reasons therefor.

(5) [Notification Concerning Missing Part of Description or Drawing] Where, in establishing the filing date, the Office finds that a part of the description appears to be missing from the application, or that the application refers to a drawing which appears to be missing from the application, the Office shall promptly notify the applicant accordingly.

(6) [Filing Date Where Missing Part of Description or Drawing Is Filed] (a) Where a missing part of the description or a missing drawing is filed with the Office within the time limit prescribed in the Regulations, that part of the description or drawing shall be included in the application, and, subject to subparagraphs (b) and (c), the filing date shall be the date on which the Office has received that part of the description or that drawing, or the date on which all of the requirements applied by the Contracting Party under paragraphs (1) and (2) are complied with, whichever is later.

(b) Where the missing part of the description or the missing drawing is filed under subparagraph (a) to rectify its omission from an application which, at the date on which one or more elements referred to in paragraph (1)(a) were first received by the Office, claims the priority of an earlier application, the filing date shall, upon the request of the applicant filed within a time limit prescribed in the Regulations, and subject to the requirements prescribed in the Regulations, be the date on which all the requirements applied by the Contracting Party under paragraphs (1) and (2) are complied with.

(c) Where the missing part of the description or the missing drawing filed under subparagraph (a) is withdrawn within a time limit fixed by the Contracting Party, the filing date shall be the date on which the requirements applied by the Contracting Party under paragraphs (1) and (2) are complied with.

(7) [Replacing Description and Drawings by Reference to a Previously Filed Application] (a) Subject to the requirements prescribed in the Regulations, a reference, made upon the filing of the application, in a language accepted by the Office, to a previously filed application shall, for the purposes of the filing date of the application, replace the description and any drawings.

(b) Del iz točke (iii) pododstavka (a) prvega odstavka je lahko za namene datuma vložitve vložen v katerem koli jeziku.

(3) [Uradno obvestilo] Če prijava ni v skladu z enim ali več pogoji, ki jih pogodbenica predvideva na podlagi prvega in drugega odstavka, urad o tem takoj, ko je mogoče, uradno obvesti prijavitelja in mu da priložnost, da v roku, predpisanem v pravilniku, prijavo uskladi z vsakim takim pogojem in da pripombe.

(4) [Naknadna izpolnitev pogojev] (a) Če v prijavi, kot je bila prvotno vložena, en ali več pogojev, ki jih pogodbenica predvideva na podlagi prvega in drugega odstavka, ni izpolnjenih, je datum vložitve ob upoštevanju pododstavka (b) in šestega odstavka datum, na katerega so naknadno izpolnjeni vsi pogoji, ki jih pogodbenica predvideva na podlagi prvega in drugega odstavka.

(b) Če en ali več pogojev iz pododstavka (a) ni izpolnjenih v roku, predpisanem v pravilniku, lahko pogodbenica določi, da se šteje, da prijava ni bila vložena. Če se šteje, da prijava ni bila vložena, urad prijavitelja o tem uradno obvesti in navede razloge.

(5) [Uradno obvestilo o manjkajočem delu opisa ali manjkajoči skici] Če urad pri določanju datuma vložitve ugotovi, da del opisa v prijavi očitno manjka ali da se prijava sklicuje na skico, ki je v prijavi očitno ni, mora urad o tem takoj uradno obvestiti prijavitelja.

(6) [Datum vložitve, če je vložen manjkajoči del opisa ali manjkajoča skica] (a) Če je pri uradu v roku, predpisanem v pravilniku, vložen manjkajoči del opisa ali manjkajoča skica, se ta del opisa ali skica vključi v prijavo in je ob upoštevanju pododstavkov (b) in (c) datum vložitve datum, na katerega je urad prejel ta del opisa ali to skico, ali datum, na katerega so izpolnjeni vsi pogoji, ki jih pogodbenica predvideva na podlagi prvega in drugega odstavka, in sicer tisti datum, ki je poznejši.

(b) Če je manjkajoči del opisa ali manjkajoča skica vložena na podlagi pododstavka (a) zato, da bi se odpravila izpustitev iz prijave, ki na datum, na katerega je urad prvič prejel eno ali več sestavin iz pododstavka (a) prvega odstavka, zahteva prednostno pravico prejšnje prijave, je datum vložitve na zahtevo prijavitelja, ki je vložena v roku, predpisanem v pravilniku, in ob upoštevanju pogojev, predpisanih v pravilniku, datum, na katerega so izpolnjeni vsi pogoji, ki jih pogodbenica predvideva na podlagi prvega in drugega odstavka.

(c) Če je manjkajoči del opisa ali manjkajoča skica, ki je bila vložena na podlagi pododstavka (a), umaknjena v roku, ki ga določi pogodbenica, je datum vložitve datum, na katerega so izpolnjeni vsi pogoji, ki jih pogodbenica predvideva na podlagi prvega in drugega odstavka.

(7) [Nadomestitev opisa in skic s sklicevanjem na predhodno vloženo prijavo] (a) Ob upoštevanju pogojev, predpisanih v pravilniku, sklicevanje ob vložitvi prijave na predhodno vloženo prijavo v jeziku, ki ga sprejema urad, nadomesti za namene datuma vložitve prijave opis in vse skice.

(b) Where the requirements referred to in subparagraph (a) are not complied with, the application may be deemed not to have been filed. Where the application is deemed not to have been filed, the Office shall notify the applicant accordingly, indicating the reasons therefor.

(8) [Exceptions] Nothing in this Article shall limit:

(i) the right of an applicant under Article 4G(1) or (2) of the Paris Convention to preserve, as the date of a divisional application referred to in that Article, the date of the initial application referred to in that Article and the benefit of the right of priority, if any;

(ii) the freedom of a Contracting Party to apply any requirements necessary to accord the benefit of the filing date of an earlier application to an application of any type prescribed in the Regulations.

Article 6 Application

(1) [Form or Contents of Application] Except where otherwise provided for by this Treaty, no Contracting Party shall require compliance with any requirement relating to the form or contents of an application different from or additional to:

(i) the requirements relating to form or contents which are provided for in respect of international applications under the Patent Cooperation Treaty;

(ii) the requirements relating to form or contents compliance with which, under the Patent Cooperation Treaty, may be required by the Office of, or acting for, any State party to that Treaty once the processing or examination of an international application, as referred to in Article 23 or 40 of the said Treaty, has started;

(iii) any further requirements prescribed in the Regulations.

(2) [Request Form] (a) A Contracting Party may require that the contents of an application which correspond to the contents of the request of an international application under the Patent Cooperation Treaty be presented on a request Form prescribed by that Contracting Party. A Contracting Party may also require that any further contents allowed under paragraph (1)(ii) or prescribed in the Regulations pursuant to paragraph (1)(iii) be contained in that request Form.

(b) Notwithstanding subparagraph (a), and subject to Article 8(1), a Contracting Party shall accept the presentation of the contents referred to in subparagraph (a) on a request Form provided for in the Regulations.

(3) [Translation] A Contracting Party may require a translation of any part of the application that is not in a language accepted by its Office. A Contracting Party may also require a translation of the parts of the application, as prescribed in the Regulations, that are in a language accepted by the Office, into any other languages accepted by that Office.

(4) [Fees] A Contracting Party may require that fees be paid in respect of the application. A Contracting Party may apply the provisions of the Patent Cooperation Treaty relating to payment of application fees.

(5) [Priority Document] Where the priority of an earlier application is claimed, a Contracting Party may require that a copy of the earlier application, and a translation where the earlier application is not in a language accepted by the Office, be filed in accordance with the requirements prescribed in the Regulations.

(b) Če pogoji iz pododstavka (a) niso izpolnjeni, se lahko šteje, da prijava ni bila vložena. Če se šteje, da prijava ni bila vložena, urad prijavitelja o tem uradno obvesti in navede razloge.

(8) [Izjeme] Nič v tem členu ne omejuje:

(i) pravice ki pripada prijavitelju po prvem in drugem pododstavku odstavka G 4. člena Pariške konvencije, da kot datum izločene prijave, na katero se sklicuje omenjeni člen, obdrži datum prve prijave, na katero se sklicuje isti člen, in ugodnost prednostne pravice, če obstaja;

(ii) svobode pogodbenice, da uporabi vsak pogoj, potreben za dodelitev ugodnosti datuma vložitve prejšnje prijave vsaki vrsti prijave, predpisani v pravilniku.

6. člen Prijava

(1) [Oblika ali vsebina prijave] Če ni drugače določeno v tej pogodbi, ne more nobena pogodbenica zahtevati, da prijava po obliki ali vsebini izpolnjuje pogoje, ki so drugačni od:

(i) pogojev glede oblike ali vsebine, predvidenih za mednarodne prijave po Pogodbi o sodelovanju na področju patentov;

(ii) pogojev glede oblike ali vsebine, katerih izpolnitev lahko po Pogodbi o sodelovanju na področju patentov zahteva urad države, ki je pogodbenica te pogodbe, ali urad, ki tako državo zastopa, potem ko se je začela obdelava ali preizkus mednarodne prijave na podlagi 23. ali 40. člena omenjene pogodbe;

(iii) nadaljnjih pogojev, predpisanih v pravilniku, ali ki bi se tem pogojem dodali.

(2) [Obrazec za zahtevo] (a) Pogodbenica lahko zahteva, da je vsebina prijave, ki ustreza vsebini zahteve mednarodne prijave po Pogodbi o sodelovanju na področju patentov, predložena na obrazcu za zahtevo, ki ga pogodbenica predpisuje. Pogodbenica lahko tudi zahteva, da je na takem obrazcu vsaka nadaljnja vsebina, ki je v skladu s točko (ii) prvega odstavka ali je predpisana v pravilniku na podlagi točke (iii) prvega odstavka.

(b) Ne glede na pododstavek (a) in ob upoštevanju prvega odstavka 8. člena pogodbenica sprejme predstavitev vsebine iz pododstavka (a) na obrazcu za zahtevo, določenem v pravilniku.

(3) [Prevod] Pogodbenica lahko zahteva prevod katerega koli dela prijave, ki ni v jeziku, ki ga sprejema urad. Pogodbenica lahko tudi zahteva, da se deli prijave, ki so predpisani v pravilniku in so v jeziku, ki ga sprejema urad, prevedejo v vsak drug jezik, ki ga ta sprejema.

(4) [Pristojbine] Pogodbenica lahko zahteva, da se v zvezi s prijavo plačajo pristojbine. Pogodbenica lahko uporabi določbe Pogodbe o sodelovanju na področju patentov, ki se nanašajo na plačilo prijavnih pristojbin.

(5) [Dokument o prednosti] Če se zahteva prednost prejšnje prijave, lahko pogodbenica zahteva, da se v skladu s pogoji, predpisanimi v pravilniku, vložita kopija prejšnje prijave in prevod, če prejšnja prijava ni v jeziku, ki ga sprejema urad.

(6) [Evidence] A Contracting Party may require that evidence in respect of any matter referred to in paragraph (1) or (2) or in a declaration of priority, or any translation referred to in paragraph (3) or (5), be filed with its Office in the course of the processing of the application only where that Office may reasonably doubt the veracity of that matter or the accuracy of that translation.

(7) [Notification] Where one or more of the requirements applied by the Contracting Party under paragraphs (1) to (6) are not complied with, the Office shall notify the applicant, giving the opportunity to comply with any such requirement, and to make observations, within the time limit prescribed in the Regulations.

(8) [Non-Compliance with Requirements] (a) Where one or more of the requirements applied by the Contracting Party under paragraphs (1) to (6) are not complied with within the time limit prescribed in the Regulations, the Contracting Party may, subject to subparagraph (b) and Articles 5 and 10, apply such sanction as is provided for in its law.

(b) Where any requirement applied by the Contracting Party under paragraph (1), (5) or (6) in respect of a priority claim is not complied with within the time limit prescribed in the Regulations, the priority claim may, subject to Article 13, be deemed non-existent. Subject to Article 5(7)(b), no other sanctions may be applied.

Article 7 Representation

(1) [Representatives] (a) A Contracting Party may require that a representative appointed for the purposes of any procedure before the Office:

(i) have the right, under the applicable law, to practice before the Office in respect of applications and patents;

(ii) provide, as his address, an address on a territory prescribed by the Contracting Party.

(b) Subject to subparagraph (c), an act, with respect to any procedure before the Office, by or in relation to a representative who complies with the requirements applied by the Contracting Party under subparagraph (a), shall have the effect of an act by or in relation to the applicant, owner or other interested person who appointed that representative.

(c) A Contracting Party may provide that, in the case of an oath or declaration or the revocation of a power of attorney, the signature of a representative shall not have the effect of the signature of the applicant, owner or other interested person who appointed that representative.

(2) [Mandatory Representation] (a) A Contracting Party may require that an applicant, owner or other interested person appoint a representative for the purposes of any procedure before the Office, except that an assignee of an application, an applicant, owner or other interested person may act himself before the Office for the following procedures:

(i) the filing of an application for the purposes of the filing date;

(ii) the mere payment of a fee;

(iii) any other procedure as prescribed in the Regulations;

(iv) the issue of a receipt or notification by the Office in respect of any procedure referred to in items (i) to (iii).

(b) A maintenance fee may be paid by any person.

(3) [Appointment of Representative] A Contracting Party shall accept that the appointment of the representative be filed with the Office in a manner prescribed in the Regulations.

(6) [Dokazila] Glede zadev iz prvega ali drugega odstavka ali vsake zadeve v izjavi o prednostni pravici ali glede vsakega prevoda iz tretjega ali petega odstavka lahko pogodbenica zahteva, da se pri njenem uradu med obdelavo prijave vložijo dokazila samo, če ta urad upravičeno dvomi o resničnosti katere od zadev ali o točnosti prevoda.

(7) [Uradno obvestilo] Če en ali več pogojev, ki jih pogodbenica predvideva na podlagi prvega do šestega odstavka, ni izpolnjenih, urad uradno obvesti prijavitelja in mu da priložnost, da v roku, predpisanem v pravilniku, vsak tak pogoj izpolni in da pripombe.

(8) [Neizpolnjevanje pogojev] (a) Če en ali več pogojev, ki jih pogodbenica predvideva na podlagi prvega do šestega odstavka, ni izpolnjenih v roku, predpisanem v pravilniku, lahko pogodbenica ob upoštevanju pododstavka (b) ter 5. in 10. člena uporabi tak ukrep, kot ga določa njeno pravo.

(b) Če kateri od pogojev, ki jih pogodbenica predvideva na podlagi prvega, petega ali šestega odstavka v zvezi z zahtevo za prednostno pravico, ni izpolnjen v roku, predpisanem v pravilniku, se lahko ob upoštevanju 13. člena šteje, da zahteva za prednostno pravico ne obstaja. Ob upoštevanju pododstavka (b) sedmega odstavka 5. člena se ne sme uporabiti noben drug ukrep.

7. člen Zastopanje

(1) [Zastopniki] (a) Pogodbenica lahko zahteva, da zastopnik, ki je imenovan za kateri koli postopek pri uradu:

(i) ima po veljavnem pravu pravico, da pri uradu opravlja svojo dejavnost v zvezi s prijavi in patenti;

(ii) navede kot svoj naslov naslov na ozemlju, ki ga predpisuje pogodbenica.

(b) Ob upoštevanju pododstavka (c) ima dejanje v zvezi s katerim koli postopkom pri uradu, ki ga je opravil zastopnik ali je v zvezi z zastopnikom, ki izpolnjuje pogoje, ki jih predvideva pogodbenica na podlagi pododstavka (a), učinek dejanja, ki ga je opravil prijavitelj, lastnik ali druga zainteresirana oseba, ki je tega zastopnika imenovala, oziroma dejanja, ki je v zvezi s tem prijaviteljem, lastnikom ali drugo zainteresirano osebo.

(c) Pogodbenica lahko določi, da pri prisegi ali izjavi ali preklicu pooblastila podpis zastopnika nima učinka podpisa prijavitelja, lastnika ali druge zainteresirane osebe, ki je tega zastopnika imenovala.

(2) [Obvezno zastopanje] Pogodbenica lahko zahteva, da prijavitelj, lastnik ali druga zainteresirana oseba imenuje zastopnika za kateri koli postopek pri uradu, s tem da prejemnik_prenesene prijave, prijavitelj, lastnik ali druga zainteresirana oseba lahko tudi sama opravlja dejanja pri uradu za naslednje postopke:

(i) vložitev prijave zaradi dodelitve datuma vložitve;

(ii) plačilo pristojbine;

(iii) vsak drug postopek, predpisan v pravilniku;

(iv) izdajo potrdila ali uradnega obvestila urada v zvezi s katerim koli postopkom iz točk (i) do (iii).

(b) Pristojbino za vzdrževanje lahko plača kdor koli.

(3) [Imenovanje zastopnika] Pogodbenica pristaja na to, da je imenovanje zastopnika vloženo pri uradu na način, predpisan v pravilniku.

(4) [*Prohibition of Other Requirements*] No Contracting Party may require that formal requirements other than those referred to in paragraphs (1) to (3) be complied with in respect of the matters dealt with in those paragraphs, except where otherwise provided for by this Treaty or prescribed in the Regulations.

(5) [*Notification*] Where one or more of the requirements applied by the Contracting Party under paragraphs (1) to (3) are not complied with, the Office shall notify the assignee of the application, applicant, owner or other interested person, giving the opportunity to comply with any such requirement, and to make observations, within the time limit prescribed in the Regulations.

(6) [*Non-Compliance with Requirements*] Where one or more of the requirements applied by the Contracting Party under paragraphs (1) to (3) are not complied with within the time limit prescribed in the Regulations, the Contracting Party may apply such sanction as is provided for in its law.

Article 8 Communications; Addresses

(1) [*Form and Means of Transmittal of Communications*] (a) Except for the establishment of a filing date under Article 5(1), and subject to Article 6(1), the Regulations shall, subject to subparagraphs (b) to (d), set out the requirements which a Contracting Party shall be permitted to apply as regards the form and means of transmittal of communications.

(b) No Contracting Party shall be obliged to accept the filing of communications other than on paper.

(c) No Contracting Party shall be obliged to exclude the filing of communications on paper.

(d) A Contracting Party shall accept the filing of communications on paper for the purpose of complying with a time limit.

(2) [*Language of Communications*] A Contracting Party may, except where otherwise provided for by this Treaty or the Regulations, require that a communication be in a language accepted by the Office.

(3) [*Model International Forms*] Notwithstanding paragraph (1)(a), and subject to paragraph (1)(b) and Article 6(2)(b), a Contracting Party shall accept the presentation of the contents of a communication on a Form which corresponds to a Model International Form in respect of such a communication provided for in the Regulations, if any.

(4) [*Signature of Communications*] (a) Where a Contracting Party requires a signature for the purposes of any communication, that Contracting Party shall accept any signature that complies with the requirements prescribed in the Regulations.

(b) No Contracting Party may require the attestation, notarization, authentication, legalization or other certification of any signature which is communicated to its Office, except in respect of any quasi-judicial proceedings or as prescribed in the Regulations.

(c) Subject to subparagraph (b), a Contracting Party may require that evidence be filed with the Office only where the Office may reasonably doubt the authenticity of any signature.

(5) [*Indications in Communications*] A Contracting Party may require that any communication contain one or more indications prescribed in the Regulations.

(6) [*Address for Correspondence, Address for Legal Service and Other Address*] A Contracting Party may, subject to any provisions prescribed in the Regulations, require that an applicant, owner or other interested person indicate in any communication:

(4) [*Preposed drugih pogojev*] Nobena pogodbenica ne more zahtevati, da morajo biti v zvezi z zadevami iz prvega do tretjega odstavka izpolnjeni formalni pogoji, ki niso navedeni v teh odstavkih, razen če je v tej pogodbi ali v pravilniku drugače določeno.

(5) [*Uradno obvestilo*] Če en ali več pogojev, ki jih pogodbenica predvideva na podlagi prvega do tretjega odstavka, ni izpolnjenih, urad uradno obvesti prejemnika prenesene prijave, prijavitelja, lastnika ali drugo zainteresirano osebo in ji da priložnost, da v roku, predpisanem v pravilniku, vsak tak pogoj izpolni in da pripombe.

(6) [*Neizpolnjevanje pogojev*] Če en ali več pogojev, ki jih pogodbenica predvideva na podlagi prvega do tretjega odstavka, ni izpolnjenih v roku, predpisanem v pravilniku, lahko pogodbenica uporabi tak ukrep, kot ga določa njeno pravo.

8. člen Sporočila; naslovi

(1) [*Oblika in načini prenosa sporočil*] (a) Razen za določanje datuma vložitve po prvem odstavku 5. člena in ob upoštevanju prvega odstavka 6. člena so v pravilniku ob upoštevanju pododstavkov (b) do (d) določeni pogoji, ki jih pogodbenica sme predpisati glede oblike in načinov prenosa sporočil.

(b) Nobena pogodbenica ni dolžna sprejemati sporočil, ki niso vložena na papirju.

(c) Nobena pogodbenica ni dolžna izključiti vlaganja sporočil na papirju.

(d) Pogodbenica sprejema sporočila, ki so vložena na papirju zaradi izpolnjevanja roka.

(2) [*Jezik sporočil*] Pogodbenica lahko zahteva, da je sporočanje v jeziku, ki ga sprejema urad, razen če je v tej pogodbi ali pravilniku drugače določeno.

(3) [*Vzorčni mednarodni obrazci*] Ne glede na pododstavek (a) prvega odstavka in ob upoštevanju pododstavka (b) prvega odstavka tega člena in pododstavka (b) drugega odstavka 6. člena pogodbenica pristaja na predložitev vsebine sporočila na obrazcu, ki ustreza vzorčnemu mednarodnemu obrazcu za tako sporočilo, ki ga določa pravilnik, če tak obrazec obstaja.

(4) [*Podpis sporočil*] (a) Če pogodbenica zahteva podpis katerega koli sporočila, sprejme vsak podpis, ki izpolnjuje pogoje, predpisane v pravilniku.

(b) Nobena pogodbenica ne more zahtevati overitve, notarske overitve, potrjevanja verodostojnosti, legalizacije ali drugega potrjevanja podpisa, ki je predložen njenemu uradu, razen v zvezi s kvazisodnimi postopki ali če je drugače predpisano v pravilniku.

(c) Ob upoštevanju pododstavka (b) lahko pogodbenica zahteva, da se pri uradu vložijo dokazila le, če urad upravičeno dvomi o verodostojnosti nekega podpisa.

(5) [*Navedbe v sporočilih*] Pogodbenica lahko zahteva, da sporočilo vsebuje eno ali več navedb, predpisanih v pravilniku.

(6) [*Naslov za dopisovanje, naslov za vročitev in drug naslov*] Pogodbenica lahko ob upoštevanju določb, predpisanih v pravilniku, zahteva, da prijavitelj, lastnik ali druga zainteresirana oseba v sporočilu navede:

- (i) an address for correspondence;
- (ii) an address for legal service;
- (iii) any other address provided for in the Regulations.

(7) [Notification] Where one or more of the requirements applied by the Contracting Party under paragraphs (1) to (6) are not complied with in respect of communications, the Office shall notify the applicant, owner or other interested person, giving the opportunity to comply with any such requirement, and to make observations, within the time limit prescribed in the Regulations.

(8) [Non-Compliance with Requirements] Where one or more of the requirements applied by the Contracting Party under paragraphs (1) to (6) are not complied with within the time limit prescribed in the Regulations, the Contracting Party may, subject to Articles 5 and 10 and to any exceptions prescribed in the Regulations, apply such sanction as is provided for in its law.

Article 9 Notifications

(1) [Sufficient Notification] Any notification under this Treaty or the Regulations which is sent by the Office to an address for correspondence or address for legal service indicated under Article 8(6), or any other address provided for in the Regulations for the purpose of this provision, and which complies with the provisions with respect to that notification, shall constitute a sufficient notification for the purposes of this Treaty and the Regulations.

(2) [If Indications Allowing Contact Were Not Filed] Nothing in this Treaty and in the Regulations shall oblige a Contracting Party to send a notification to an applicant, owner or other interested person, if indications allowing that applicant, owner or other interested person to be contacted have not been filed with the Office.

(3) [Failure to Notify] Subject to Article 10(1), where an Office does not notify an applicant, owner or other interested person of a failure to comply with any requirement under this Treaty or the Regulations, that absence of notification does not relieve that applicant, owner or other interested person of the obligation to comply with that requirement.

Article 10 Validity of Patent; Revocation

(1) [Validity of Patent Not Affected by Non-Compliance with Certain Formal Requirements] Non-compliance with one or more of the formal requirements referred to in Articles 6(1), (2), (4) and (5) and 8(1) to (4) with respect to an application may not be a ground for revocation or invalidation of a patent, either totally or in part, except where the non-compliance with the formal requirement occurred as a result of a fraudulent intention.

(2) [Opportunity to Make Observations, Amendments or Corrections in Case of Intended Revocation or Invalidation] A patent may not be revoked or invalidated, either totally or in part, without the owner being given the opportunity to make observations on the intended revocation or invalidation, and to make amendments and corrections where permitted under the applicable law, within a reasonable time limit.

(3) [No Obligation for Special Procedures] Paragraphs (1) and (2) do not create any obligation to put in place judicial procedures for the enforcement of patent rights distinct from those for the enforcement of law in general.

- (i) naslov za dopisovanje;
- (ii) naslov za vročitev;
- (iii) vsak drug naslov, ki je določen v pravilniku.

(7) [Uradno obvestilo] Če en ali več pogojev, ki jih pogodbenica predvideva na podlagi prvega do šestega odstavka, ni izpolnjenih, kar zadeva sporočila, uradno obvesti prijavitelja, lastnika ali drugo zainteresirano osebo in ji da priložnost, da v roku, predpisanem v pravilniku, vsak tak pogoj izpolni in da pripombe.

(8) [Neizpolnjevanje pogojev] Če en ali več pogojev, ki jih pogodbenica predvideva na podlagi prvega do šestega odstavka, ni izpolnjenih v roku, predpisanem v pravilniku, lahko pogodbenica ob upoštevanju 5. in 10. člena in vseh izjem, predpisanih v pravilniku, uporabi tak ukrep, kot ga določa njeno pravo.

9. člen Uradna obvestila

(1) [Zadostno uradno obvestilo] Vsako uradno obvestilo po tej pogodbi ali pravilniku, ki ga urad pošlje na naslov za dopisovanje ali na naslov za vročitev, omenjen v šestem odstavku 8. člena, ali vsak drug naslov, predviden v pravilniku za namene te določbe, in ki je v skladu z določbami glede tega obvestila, je za namene te pogodbe in pravilnika zadostno uradno obvestilo.

(2) [Če navedbe, ki omogočajo stik, niso bile vložene] Nič v tej pogodbi in v pravilniku ne obvezuje pogodbenice, da pošlje uradno obvestilo prijavitelju, lastniku ali drugi zainteresirani osebi, če pri uradu niso bile vložene navedbe, ki omogočajo vzpostavitev stika s tem prijaviteljem, lastnikom ali drugo zainteresirano osebo.

(3) [Odsotnost uradnega obvestila] Če urad ob upoštevanju prvega odstavka 10. člena uradno ne obvesti prijavitelja, lastnika ali druge zainteresirane osebe o neizpolnjevanju katerega koli pogoja po tej pogodbi ali pravilniku, taka odsotnost uradnega obvestila ne odvezuje prijavitelja, lastnika ali druge zainteresirane osebe od obveznosti, da ta pogoj izpolni.

10. člen Veljavnost patenta; preklic

(1) [Veljavnost patenta, na katero ne vpliva neizpolnjevanje nekaterih formalnih pogojev] Neizpolnjevanje enega ali več formalnih pogojev v zvezi s prijavo, omenjenih v prvem, drugem, četrtem in petem odstavku 6. člena ter prvem do četrtem odstavku 8. člena, ne more biti podlaga za preklic ali razveljavitev v celoti ali delno, razen če je neizpolnjevanje formalnega pogoja posledica sleparske namere.

(2) [Priložnost za dajanje pripomb, sprememb ali popravkov ob nameravanem preklicu ali razveljavitvi] Patent ne more biti preklican ali razveljavljen v celoti ali delno, ne da bi bila lastniku dana priložnost, da v razumnem roku da pripombe k nameravanemu preklicu ali razveljavitvi ter vloži spremembe in popravke, če jih veljavno pravo dopušča.

(3) [Odsotnost obveznosti glede posebnih postopkov] Prvi in drugi odstavek ne ustvarjata nobene obveznosti, da bi se za uveljavljanje pravic iz patenta morali uvesti sodni postopki, ki bi se razlikovali od tistih, ki se nanašajo na splošno uveljavljanje prava.

Article 11**Relief in Respect of Time Limits**

(1) [*Extension of Time Limits*] A Contracting Party may provide for the extension, for the period prescribed in the Regulations, of a time limit fixed by the Office for an action in a procedure before the Office in respect of an application or a patent, if a request to that effect is made to the Office in accordance with the requirements prescribed in the Regulations, and the request is filed, at the option of the Contracting Party:

(i) prior to the expiration of the time limit; or
(ii) after the expiration of the time limit, and within the time limit prescribed in the Regulations.

(2) [*Continued Processing*] Where an applicant or owner has failed to comply with a time limit fixed by the Office of a Contracting Party for an action in a procedure before the Office in respect of an application or a patent, and that Contracting Party does not provide for extension of a time limit under paragraph (1)(ii), the Contracting Party shall provide for continued processing with respect to the application or patent and, if necessary, reinstatement of the rights of the applicant or owner with respect to that application or patent, if:

(i) a request to that effect is made to the Office in accordance with the requirements prescribed in the Regulations;

(ii) the request is filed, and all of the requirements in respect of which the time limit for the action concerned applied are complied with, within the time limit prescribed in the Regulations.

(3) [*Exceptions*] No Contracting Party shall be required to provide for the relief referred to in paragraph (1) or (2) with respect to the exceptions prescribed in the Regulations.

(4) [*Fees*] A Contracting Party may require that a fee be paid in respect of a request under paragraph (1) or (2).

(5) [*Prohibition of Other Requirements*] No Contracting Party may require that requirements other than those referred to in paragraphs (1) to (4) be complied with in respect of the relief provided for under paragraph (1) or (2), except where otherwise provided for by this Treaty or prescribed in the Regulations.

(6) [*Opportunity to Make Observations in Case of Intended Refusal*] A request under paragraph (1) or (2) may not be refused without the applicant or owner being given the opportunity to make observations on the intended refusal within a reasonable time limit.

Article 12**Reinstatement of Rights After a Finding of Due Care or Unintentionality by the Office**

(1) [*Request*] A Contracting Party shall provide that, where an applicant or owner has failed to comply with a time limit for an action in a procedure before the Office, and that failure has the direct consequence of causing a loss of rights with respect to an application or patent, the Office shall reinstate the rights of the applicant or owner with respect to the application or patent concerned, if:

(i) a request to that effect is made to the Office in accordance with the requirements prescribed in the Regulations;

(ii) the request is filed, and all of the requirements in respect of which the time limit for the said action applied are complied with, within the time limit prescribed in the Regulations;

11. člen**Olajšave v zvezi z roki**

(1) [*Podaljšanje rokov*] Pogodbenica lahko za obdobje, ki je predpisano v pravilniku, predvidi podaljšanje roka, ki ga je urad določil za dejanje v postopku pri uradu v zvezi s prijavo ali patentom, če je uradu v skladu s pogoji, predpisanimi v pravilniku, predložena ustrezna zahteva, ki je po izbiri pogodbenice vložena:

(i) pred potekom roka ali
(ii) po poteku roka in v roku, predpisanem v pravilniku.

(2) [*Nadaljevanje postopka*] Če prijavitelj ali lastnik ni upošteval roka, ki ga je urad pogodbenice določil za dejanje v postopku pri uradu v zvezi s prijavo ali patentom, in če ta pogodbenica ne predvidi podaljšanja roka po točki (ii) prvega odstavka, pogodbenica predvidi nadaljevanje postopka v zvezi s prijavo ali patentom in po potrebi ponovno vzpostavitve pravic prijavitelja ali lastnika v zvezi s prijavo ali patentom:

(i) če se v skladu s pogoji, predpisanimi v pravilniku, uradu predloži ustrezna zahteva;

(ii) če je zahteva vložena v roku, predpisanem v pravilniku, in so v tem roku izpolnjeni vsi pogoji, glede katerih velja rok, ki je bil določen za zadevno dejanje.

(3) [*Izjeme*] Od nobene pogodbenice se ne more zahtevati, da v zvezi z izjemami, predpisanimi v pravilniku, predvidi olajšavo iz prvega ali drugega odstavka.

(4) [*Pristojbine*] Pogodbenica lahko zahteva, da se v zvezi z zahtevo po prvem ali drugem odstavku plača pristojbina.

(5) [*Prepoved drugih pogojev*] Nobena pogodbenica ne more zahtevati, da morajo biti v zvezi z olajšavo iz prvega ali drugega odstavka izpolnjeni pogoji, ki niso navedeni v prvem do četrtem odstavku, razen če je v tej pogodbi ali pravilniku drugače določeno.

(6) [*Priložnost za dajanje pripomb ob nameravani zavrnitvi*] Zahteva po prvem ali drugem odstavku ne more biti zavrnjena, ne da bi bila prijavitelju ali lastniku dana priložnost, da v razumnem roku da pripombe k nameravani zavrnitvi.

12. člen**Ponovna vzpostavitev pravic, potem ko je urad ugotovil ustrezno skrbnost oziroma nenamernost**

(1) [*Zahteva*] Če prijavitelj ali lastnik ni upošteval roka za dejanje v postopku pri uradu in je neposredna posledica tega izguba pravic v zvezi s prijavo ali patentom, urad ponovno vzpostavi pravice prijavitelja ali lastnika v zvezi z zadevno prijavo ali patentom:

(i) če se v skladu s pogoji, predpisanimi v pravilniku, uradu predloži ustrezna zahteva;

(ii) če je zahteva vložena v roku, predpisanem v pravilniku, in so v tem roku izpolnjeni vsi pogoji, glede katerih velja rok, ki je bil določen za zadevno dejanje;

(iii) the request states the reasons for the failure to comply with the time limit; and

(iv) the Office finds that the failure to comply with the time limit occurred in spite of due care required by the circumstances having been taken or, at the option of the Contracting Party, that any delay was unintentional.

(2) [Exceptions] No Contracting Party shall be required to provide for the reinstatement of rights under paragraph (1) with respect to the exceptions prescribed in the Regulations.

(3) [Fees] A Contracting Party may require that a fee be paid in respect of a request under paragraph (1).

(4) [Evidence] A Contracting Party may require that a declaration or other evidence in support of the reasons referred to in paragraph (1)(iii) be filed with the Office within a time limit fixed by the Office.

(5) [Opportunity to Make Observations in Case of Intended Refusal] A request under paragraph (1) may not be refused, totally or in part, without the requesting party being given the opportunity to make observations on the intended refusal within a reasonable time limit.

Article 13

Correction or Addition of Priority Claim; Restoration of Priority Right

(1) [Correction or Addition of Priority Claim] Except where otherwise prescribed in the Regulations, a Contracting Party shall provide for the correction or addition of a priority claim with respect to an application ("the subsequent application"), if:

(i) a request to that effect is made to the Office in accordance with the requirements prescribed in the Regulations;

(ii) the request is filed within the time limit prescribed in the Regulations; and

(iii) the filing date of the subsequent application is not later than the date of the expiration of the priority period calculated from the filing date of the earliest application whose priority is claimed.

(2) [Delayed Filing of the Subsequent Application] Taking into consideration Article 15, a Contracting Party shall provide that, where an application ("the subsequent application") which claims or could have claimed the priority of an earlier application has a filing date which is later than the date on which the priority period expired, but within the time limit prescribed in the Regulations, the Office shall restore the right of priority, if:

(i) a request to that effect is made to the Office in accordance with the requirements prescribed in the Regulations;

(ii) the request is filed within the time limit prescribed in the Regulations;

(iii) the request states the reasons for the failure to comply with the priority period; and

(iv) the Office finds that the failure to file the subsequent application within the priority period occurred in spite of due care required by the circumstances having been taken or, at the option of the Contracting Party, was unintentional.

(3) [Failure to File a Copy of Earlier Application] A Contracting Party shall provide that, where a copy of an earlier application required under Article 6(5) is not filed with the Office within the time limit prescribed in the Regulations pursuant to Article 6, the Office shall restore the right of priority, if:

(i) a request to that effect is made to the Office in accordance with the requirements prescribed in the Regulations;

(ii) the request is filed within the time limit for filing the copy of the earlier application prescribed in the Regulations pursuant to Article 6(5);

(iii) če so v zahtevi navedeni razlogi za neupoštevanje roka in

(iv) če urad ugotovi, da je do neupoštevanja roka prišlo kljub ustrezni skrbnosti, ki so jo zahtevale okoliščine, ali po izbiri pogodbenice, da je bila zamuda nenamerna.

(2) [Izjeme] Od nobene pogodbenice se ne more zahtevati, da glede izjem, predpisanih v pravilniku, predvidi ponovno vzpostavitev pravic po prvem odstavku.

(3) [Pristojbine] Pogodbenica lahko zahteva, da se v zvezi z zahtevo po prvem odstavku plača pristojbina.

(4) [Dokazila] Pogodbenica lahko zahteva, da se v roku, ki ga določi urad, pri uradu vloži izjava ali drugo dokazilo v podporo razlogom iz točke (iii) prvega odstavka.

(5) [Priložnost za dajanje pripomb ob nameravani zavrnitvi] Zahteva po prvem odstavku ne more biti zavrnjena v celoti ali delno, ne da bi bila vložniku zahteve dana priložnost, da v razumnem roku da pripombe k nameravani zavrnitvi.

13. člen

Popravek ali dodatek zahteve za prednost; obnovitev prednostne pravice

(1) [Popravek ali dodatek zahteve za prednost] Če ni drugače predpisano v pravilniku, pogodbenica predvidi popravek ali dodatek zahteve za prednost pri prijavi ("poznejši prijavi"):

(i) če se v skladu s pogoji, predpisanimi v pravilniku, uradu predloži ustrezna zahteva;

(ii) če je zahteva vložena v roku, predpisanem v pravilniku, in

(iii) če datum vložitve poznejše prijave ni poznejši od datuma poteka prednostnega obdobja, šteto od datuma vložitve najzgodnejše prijave, katere prednost se zahteva.

(2) [Zamuda pri vložitvi poznejše prijave] Če ima prijava ("poznejša prijava"), s katero se zahteva ali bi se lahko zahtevala prednost prejšnje prijave, datum vložitve, ki je poznejši od datuma, na katerega je poteklo prednostno obdobje, vendar je še v roku, predpisanem v pravilniku, pogodbenica ob upoštevanju 15. člena predvidi, da urad obnovi prednostno pravico:

(i) če se v skladu s pogoji, predpisanimi v pravilniku, uradu predloži ustrezna zahteva;

(ii) če je zahteva vložena v roku, predpisanem v pravilniku;

(iii) če so v zahtevi navedeni razlogi za neupoštevanje prednostnega obdobja in

(iv) če urad ugotovi, da je do neupoštevanja prednostnega obdobja za vložitev poznejše prijave prišlo kljub ustrezni skrbnosti, ki so jo zahtevale okoliščine, ali po izbiri pogodbenice, da je bila zamuda nenamerna.

(3) [Nevložitev kopije prejšnje prijave] Če kopija prejšnje prijave, ki se zahteva po petem odstavku 6. člena, ni vložena pri uradu v roku, predpisanem v pravilniku na podlagi 6. člena, pogodbenica predvidi, da urad obnovi prednostno pravico:

(i) če se v skladu s pogoji, predpisanimi v pravilniku, uradu predloži ustrezna zahteva;

(ii) če je zahteva vložena v roku za vložitev kopije prejšnje prijave, predpisanem v pravilniku na podlagi petega odstavka 6. člena;

(iii) the Office finds that the request for the copy to be provided had been filed with the Office with which the earlier application was filed, within the time limit prescribed in the Regulations; and

(iv) a copy of the earlier application is filed within the time limit prescribed in the Regulations.

(4) [*Fees*] A Contracting Party may require that a fee be paid in respect of a request under paragraphs (1) to (3).

(5) [*Evidence*] A Contracting Party may require that a declaration or other evidence in support of the reasons referred to in paragraph (2)(iii) be filed with the Office within a time limit fixed by the Office.

(6) [*Opportunity to Make Observations in Case of Intended Refusal*] A request under paragraphs (1) to (3) may not be refused, totally or in part, without the requesting party being given the opportunity to make observations on the intended refusal within a reasonable time limit.

Article 14 Regulations

(1) [*Content*] (a) The Regulations annexed to this Treaty provide rules concerning:

(i) matters which this Treaty expressly provides are to be "prescribed in the Regulations";

(ii) details useful in the implementation of the provisions of this Treaty;

(iii) administrative requirements, matters or procedures.

(b) The Regulations also provide rules concerning the formal requirements which a Contracting Party shall be permitted to apply in respect of requests for:

(i) recordation of change in name or address;

(ii) recordation of change in applicant or owner;

(iii) recordation of a license or a security interest;

(iv) correction of a mistake.

(c) The Regulations also provide for the establishment of Model International Forms, and for the establishment of a request Form for the purposes of Article 6(2)(b), by the Assembly, with the assistance of the International Bureau.

(2) [*Amending the Regulations*] Subject to paragraph (3), any amendment of the Regulations shall require three-fourths of the votes cast.

(3) [*Requirement of Unanimity*] (a) The Regulations may specify provisions of the Regulations which may be amended only by unanimity.

(b) Any amendment of the Regulations resulting in the addition of provisions to, or the deletion of provisions from, the provisions specified in the Regulations pursuant to subparagraph (a) shall require unanimity.

(c) In determining whether unanimity is attained, only votes actually cast shall be taken into consideration. Abstentions shall not be considered as votes.

(4) [*Conflict Between the Treaty and the Regulations*] In the case of conflict between the provisions of this Treaty and those of the Regulations, the former shall prevail.

Article 15 Relation to the Paris Convention

(1) [*Obligation to Comply with the Paris Convention*] Each Contracting Party shall comply with the provisions of the Paris Convention which concern patents.

(2) [*Obligations and Rights Under the Paris Convention*] (a) Nothing in this Treaty shall derogate from obligations that Contracting Parties have to each other under the Paris Convention.

(b) Nothing in this Treaty shall derogate from rights that applicants and owners enjoy under the Paris Convention.

(iii) če urad ugotovi, da je bila zahteva za predložitev kopije vložena pri uradu, pri katerem je bila vložena prejšnja prijava, v roku, predpisanem v pravilniku, in

(iv) če je kopija prejšnje prijave vložena v roku, predpisanem v pravilniku.

(4) [*Pristojbine*] Pogodbenica lahko zahteva, da se v zvezi z zahtevo po prvem do tretjem odstavku plača pristojbina.

(5) [*Dokazila*] Pogodbenica lahko zahteva, da se v roku, ki ga določi urad, pri uradu vloži izjava ali drugo dokazilo v podporo razlogom iz točke (iii) drugega odstavka.

(6) [*Priložnost za dajanje pripomb ob nameravani zavrnitvi*] Zahteva po prvem do tretjem odstavku ne more biti zavrnjena v celoti ali delno, ne da bi bila vložniku zahteve dana priložnost, da v razumnem roku da pripombe k nameravani zavrnitvi.

14. člen Pravilnik

(1) [*Vsebina*] (a) Pravilnik, ki je dodan k tej pogodbi, vsebuje pravila glede:

(i) zadev, za katere ta pogodba izrecno določa, da morajo biti "predpisane v pravilniku";

(ii) podrobnosti, ki so uporabne pri izvajanju določb te pogodbe;

(iii) upravnih pogojev, zadev ali postopkov.

(b) Pravilnik vsebuje tudi pravila glede formalnih pogojev, ki jih sme pogodbenica uporabljati pri zahtevah:

(i) za vpis spremembe imena ali naslova;

(ii) za vpis spremembe prijavitelja ali lastnika;

(iii) za vpis licence ali zavarovanja terjatev;

(iv) za popravek napake.

(c) Pravilnik tudi predvideva, da skupščina ob pomoči Mednarodnega urada določi vzorčne mednarodne obrazce in obrazec za zahtevo za namene pododstavka (b) drugega odstavka 6. člena.

(2) [*Spremembe pravilnika*] Ob upoštevanju tretjega odstavka so za vsako spremembo pravilnika potrebne tri četrtine oddanih glasov.

(3) [*Zahteva za soglasnost*] (a) V pravilniku so lahko navedene določbe pravilnika, ki jih je mogoče spremeniti le s soglasjem.

(b) Za vsako spremembo pravilnika, s katero se dodajajo ali črtajo določbe iz pravilnika, omenjene v pododstavku (a), je potrebno soglasje.

(c) Pri ugotavljanju, ali je soglasje doseženo, se upoštevajo samo dejansko oddani glasovi. Vzdržani glasovi se ne štejejo za glasove.

(4) [*Navzkrižje med pogodbo in pravilnikom*] Če pride do navzkrižja med določbami te pogodbe in pravilnika, prevladajo prve.

15. člen Razmerje do Pariške konvencije

(1) [*Obveznost upoštevanja Pariške konvencije*] Vsaka pogodbenica upošteva določbe Pariške konvencije v zvezi s patenti.

(2) [*Obveznosti in pravice po Pariški konvenciji*] (a) Nič v tej pogodbi ne ukinja obveznosti, ki jih imajo pogodbenice druga do druge po Pariški konvenciji.

(b) Nič v tej pogodbi ne ukinja pravic, ki jih imajo prijavitelji in lastniki po Pariški konvenciji.

Article 16**Effect of Revisions, Amendments and Modifications of the Patent Cooperation Treaty**

(1) [*Applicability of Revisions, Amendments and Modifications of the Patent Cooperation Treaty*] Subject to paragraph (2), any revision, amendment or modification of the Patent Cooperation Treaty made after June 2, 2000, which is consistent with the Articles of this Treaty, shall apply for the purposes of this Treaty and the Regulations if the Assembly so decides, in the particular case, by three-fourths of the votes cast.

(2) [*Non-Applicability of Transitional Provisions of the Patent Cooperation Treaty*] Any provision of the Patent Cooperation Treaty, by virtue of which a revised, amended or modified provision of that Treaty does not apply to a State party to it, or to the Office of or acting for such a State, for as long as the latter provision is incompatible with the law applied by that State or Office, shall not apply for the purposes of this Treaty and the Regulations.

**Article 17
Assembly**

(1) [*Composition*] (a) The Contracting Parties shall have an Assembly.

(b) Each Contracting Party shall be represented in the Assembly by one delegate, who may be assisted by alternate delegates, advisors and experts. Each delegate may represent only one Contracting Party.

(2) [*Tasks*] The Assembly shall:

(i) deal with matters concerning the maintenance and development of this Treaty and the application and operation of this Treaty;

(ii) establish Model International Forms, and the request Form, referred to in Article 14(1)(c), with the assistance of the International Bureau;

(iii) amend the Regulations;

(iv) determine the conditions for the date of application of each Model International Form, and the request Form, referred to in item (ii), and each amendment referred to in item (iii);

(v) decide, pursuant to Article 16(1), whether any revision, amendment or modification of the Patent Cooperation Treaty shall apply for the purposes of this Treaty and the Regulations;

(vi) perform such other functions as are appropriate under this Treaty.

(3) [*Quorum*] (a) One-half of the members of the Assembly which are States shall constitute a quorum.

(b) Notwithstanding subparagraph (a), if, in any session, the number of the members of the Assembly which are States and are represented is less than one-half but equal to or more than one-third of the members of the Assembly which are States, 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 members of the Assembly which are States and 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 such members having thus expressed their vote or abstention attains the number of the members 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.

16. člen**Učinek revizij, sprememb in dopolnitev Pogodbe o sodelovanju na področju patentov**

(1) [*Uporaba revizij, sprememb in dopolnitev Pogodbe o sodelovanju na področju patentov*] Ob upoštevanju drugega odstavka se vsaka revizija, sprememba ali dopolnitev Pogodbe o sodelovanju na področju patentov, opravljena po 2. juniju 2000, ki je v skladu s členi te pogodbe, uporablja za namene te pogodbe in pravilnika, če skupščina v posameznem primeru tako odloči s tremi četrtinami oddanih glasov.

(2) [*Neuporaba prehodnih določb Pogodbe o sodelovanju na področju patentov*] Določba Pogodbe o sodelovanju na področju patentov, po kateri se revidirana, spremenjena ali dopolnjena določba omenjene pogodbe ne uporablja za državo, ki je njena pogodbenica, ali za urad take države ali za urad, ki tako državo zastopa, dokler je ta določba neskladna s pravom, ki velja za to državo ali urad, se ne uporablja za namene te pogodbe in pravilnika.

**17. člen
Skupščina**

(1) [*Sestava*] (a) Pogodbenice imajo skupščino.

(b) Vsako pogodbenico zastopa v skupščini en delegat, ki mu lahko pomagajo namestniki, svetovalci in izvedenci. Posamezen delegat lahko zastopa samo eno pogodbenico.

(2) [*Naloge*] Skupščina:

(i) obravnava zadeve v zvezi z ohranjanjem in razvojem te pogodbe ter z njeno uporabo in delovanjem;

(ii) določa vzorčne mednarodne obrazce in obrazec za zahtevo iz pododstavka (c) prvega odstavka 14. člena ob pomoči Mednarodnega urada;

(iii) spreminja pravilnik;

(iv) določa pogoje glede datuma, od katerega se lahko uporabljata posamezen vzorčni mednarodni obrazec in obrazec za zahtevo, ki sta omenjena v točki (ii), ter glede datuma začetka veljavnosti posamezne spremembe iz točke (iii);

(v) odloča na podlagi prvega odstavka 16. člena o tem, ali se neka revizija, sprememba ali dopolnitev Pogodbe o sodelovanju na področju patentov uporablja za namene te pogodbe in pravilnika;

(vi) opravlja druge ustrezne naloge po tej pogodbi.

(3) [*Sklepčnost*] (a) Za sklepčnost skupščine je potrebna polovica držav članic.

(b) Ne glede na pododstavek (a) lahko skupščina, če je na kakšni seji zastopanih manj kot polovica, vendar tretjina ali več kot tretjina držav članic skupščine, sprejema odločitve, ki so, razen tistih, ki se nanašajo na njen postopek, veljavne le, če so izpolnjeni v nadaljevanju naštetih pogoji. Mednarodni urad sporoči omenjene odločitve državam članicam skupščine, ki niso bile zastopane, in jih pozove, da v treh mesecih od datuma sporočila pisno izrazijo svoj glas oziroma vzdržanje. Če ob poteku tega obdobja število članic, ki so tako izrazile svoj glas oziroma vzdržanje, doseže število članic, ki je manjkalo za dosego sklepčnosti na sami seji, postanejo take odločitve veljavne pod pogojem, da je hkrati še vedno dosežena potrebna večina.

(4) [*Taking Decisions in the Assembly*] (a) The Assembly shall endeavor to take its decisions by consensus.

(b) Where a decision cannot be arrived at by consensus, the matter at issue shall be decided by voting. In such a case:

(i) each Contracting Party that is a State shall have one vote and shall vote only in its own name; and

(ii) any Contracting Party that is an intergovernmental organization may participate in the vote, in place of its Member States, with a number of votes equal to the number of its Member States which are party to this Treaty. No such intergovernmental organization shall participate in the vote if any one of its Member States exercises its right to vote and *vice versa*. In addition, no such intergovernmental organization shall participate in the vote if any one of its Member States party to this Treaty is a Member State of another such intergovernmental organization and that other intergovernmental organization participates in that vote.

(5) [*Majorities*] (a) Subject to Articles 14(2) and (3), 16(1) and 19(3), the decisions of the Assembly shall require two-thirds of the votes cast.

(b) In determining whether the required majority is attained, only votes actually cast shall be taken into consideration. Abstentions shall not be considered as votes.

(6) [*Sessions*] The Assembly shall meet in ordinary session once every two years upon convocation by the Director General.

(7) [*Rules of Procedure*] The Assembly shall establish its own rules of procedure, including rules for the convocation of extraordinary sessions.

Article 18 International Bureau

(1) [*Administrative Tasks*] (a) The International Bureau shall perform the administrative tasks concerning this Treaty.

(b) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly and of such committees of experts and working groups as may be established by the Assembly.

(2) [*Meetings Other than Sessions of the Assembly*] The Director General shall convene any committee and working group established by the Assembly.

(3) [*Role of the International Bureau in the Assembly and Other Meetings*] (a) The Director General and persons designated by the Director General shall participate, without the right to vote, in all meetings of the Assembly, the committees and working groups established by the Assembly.

(b) The Director General or a staff member designated by the Director General shall be *ex officio* secretary of the Assembly, and of the committees and working groups referred to in subparagraph (a).

(4) [*Conferences*] (a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for any revision conferences.

(b) The International Bureau may consult with member States of the Organization, intergovernmental organizations and international and national non-governmental organizations concerning the said preparations.

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

(5) [*Other Tasks*] The International Bureau shall carry out any other tasks assigned to it in relation to this Treaty.

(4) [*Sprejemanje odločitev v skupščini*] (a) Skupščina si prizadeva, da bi svoje odločitve sprejemala s soglasjem.

(b) Če odločitve ni mogoče doseči s soglasjem, se o zadevi odloča z glasovanjem. V takem primeru:

(i) ima vsaka pogodbenica, ki je država, en glas in lahko glasuje le v svojem imenu in

(ii) se lahko vsaka pogodbenica, ki je medvladna organizacija, udeleži glasovanja namesto svojih držav članic, s tem da je število glasov enako številu njenih držav članic, ki so pogodbenice te pogodbe. Če katera od njenih držav članic izkoristi svojo pravico do glasovanja, se taka medvladna organizacija ne udeleži glasovanja in obratno. Taka medvladna organizacija se ne udeleži glasovanja tudi, če je katera od njenih držav članic, ki so pogodbenice te pogodbe, država članica druge take medvladne organizacije in se ta druga medvladna organizacija udeleži tega glasovanja.

(5) [*Večina*] (a) Ob upoštevanju drugega in tretjega odstavka 14. člena, prvega odstavka 16. člena in tretjega odstavka 19. člena sta za sprejetje odločitev skupščine potrebni dve tretjini oddanih glasov.

(b) Pri ugotavljanju, ali je dosežena potrebna večina glasov, se upoštevajo samo dejansko oddani glasovi. Vzdržani glasovi se ne štejejo za glasove.

(6) [*Zasedanja*] Skupščina se na sklic generalnega direktorja sestaja vsaki dve leti na rednem zasedanju.

(7) [*Poslovnik*] Skupščina sestavi svoj poslovnik, ki vključuje pravila za sklic izrednih zasedanj.

18. člen Mednarodni urad

(1) [*Administrativne naloge*] (a) Mednarodni urad opravlja administrativne naloge v zvezi s to pogodbo.

(b) Mednarodni urad zlasti pripravlja sestanke in zagotavlja sekretariat skupščini ter takim odborom izvedencev in delovnim skupinam, ki jih skupščina lahko ustanovi.

(2) [*Sestanki, ki niso zasedanja skupščine*] Generalni direktor sklicuje vse odbore in delovne skupine, ki jih ustanovi skupščina.

(3) [*Vloga Mednarodnega urada na sestankih skupščine in drugih sestankih*] (a) Generalni direktor in osebe, ki jih ta določi, se brez glasovalne pravice udeležujejo vseh sestankov skupščine, odborov in delovnih skupin, ki jih ustanovi skupščina.

(b) Generalni direktor ali član osebja, ki ga ta določi, je po službeni dolžnosti sekretar skupščine in odborov ter delovnih skupin iz pododstavka (a).

(4) [*Konference*] (a) Mednarodni urad po navodilih skupščine pripravlja revizijske konference.

(b) V zvezi z omenjenimi pripravami se lahko Mednarodni urad posvetuje z državami članicami Organizacije, medvladnimi organizacijami in mednarodnimi ter nevladnimi organizacijami iz posameznih držav.

(c) Generalni direktor in osebe, ki jih ta določi, se brez glasovalne pravice udeležujejo razprav na revizijskih konferencah.

(5) [*Druge naloge*] Mednarodni urad opravlja vse druge naloge, ki so mu dodeljene v zvezi s to pogodbo.

Article 19 Revisions

(1) [*Revision of the Treaty*] Subject to paragraph (2), this Treaty may be revised by a conference of the Contracting Parties. The convocation of any revision conference shall be decided by the Assembly.

(2) [*Revision or Amendment of Certain Provisions of the Treaty*] Article 17(2) and (6) may be amended either by a revision conference, or by the Assembly according to the provisions of paragraph (3).

(3) [*Amendment by the Assembly of Certain Provisions of the Treaty*] (a) Proposals for the amendment by the Assembly of Article 17(2) and (6) may be initiated by any Contracting Party or by the Director General. Such proposals shall be communicated by the Director General to the Contracting Parties at least six months in advance of their consideration by the Assembly.

(b) Adoption of any amendment to the provisions referred to in subparagraph (a) shall require three-fourths of the votes cast.

(c) Any amendment to the provisions referred to in subparagraph (a) 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 Contracting Parties which were members of the Assembly at the time the Assembly adopted the amendment. Any amendment to the said provisions thus accepted shall bind all the Contracting Parties at the time the amendment enters into force, and States and intergovernmental organizations which become Contracting Parties at a subsequent date.

Article 20 Becoming Party to the Treaty

(1) [*States*] Any State which is party to the Paris Convention or which is a member of the Organization, and in respect of which patents may be granted, either through the State's own Office or through the Office of another State or intergovernmental organization, may become party to this Treaty.

(2) [*Intergovernmental Organizations*] Any intergovernmental organization may become party to this Treaty if at least one member State of that intergovernmental organization is party to the Paris Convention or a member of the Organization, and the intergovernmental organization declares that it has been duly authorized, in accordance with its internal procedures, to become party to this Treaty, and declares that:

(i) it is competent to grant patents with effect for its member States; or

(ii) it is competent in respect of, and has its own legislation binding on all its member States concerning, matters covered by this Treaty, and it has, or has charged, a regional Office for the purpose of granting patents with effect in its territory in accordance with that legislation.

Subject to paragraph (3), any such declaration shall be made at the time of the deposit of the instrument of ratification or accession.

(3) [*Regional Patent Organizations*] The European Patent Organisation, the Eurasian Patent Organization and the African Regional Industrial Property Organization, having made the declaration referred to in paragraph (2)(i) or (ii) in the Diplomatic Conference that has adopted this Treaty, may become party to this Treaty as an intergovernmental organization, if it declares, at the time of the deposit of the instrument of ratification or accession that it has been duly authorized, in accordance with its internal procedures, to become party to this Treaty.

19. člen Revizije

(1) [*Revizija pogodbe*] Ob upoštevanju drugega odstavka se lahko ta pogodba revidira na konferenci pogodbenic. O sklicu revizijske konference odloča skupščina.

(2) [*Revizija ali sprememba nekaterih določb te pogodbe*] Drugi in šesti odstavek 17. člena se lahko v skladu z določbami tretjega odstavka spremenita bodisi na revizijski konferenci bodisi na skupščini.

(3) [*Sprememba nekaterih določb te pogodbe na skupščini*] (a) Predloge za spremembo drugega in šestega odstavka 17. člena na skupščini lahko da katera koli pogodbenica ali generalni direktor. Take predloge generalni direktor sporoči pogodbenicam najmanj šest mesecev pred njihovim obravnavanjem na skupščini.

(b) Za sprejem posamezne spremembe določb iz pododstavka (a) so potrebne tri četrtine oddanih glasov.

(c) Vsaka sprememba določb iz pododstavka (a) začne veljati en mesec po tem, ko je generalni direktor od treh četrtin pogodbenic, ki so bile v času, ko je skupščina sprejela spremembo, članice skupščine, prejel pisna uradna obvestila o sprejetju, opravljenem v skladu z njihovimi ustreznimi ustavnimi postopki. Vsaka tako sprejeta sprememba določb je zavezujoča za vse pogodbenice, ko začne veljati, in tudi za države in medvladne organizacije, ki postanejo pogodbenice pozneje.

20. člen

Kako postati pogodbenica pogodbe

(1) [*Države*] Vsaka država, ki je pogodbenica Pariške konvencije ali članica Organizacije in za katero je mogoče podeliti patente bodisi prek lastnega urada te države ali prek urada druge države ali medvladne organizacije, lahko postane pogodbenica te pogodbe.

(2) [*Medvladne organizacije*] Vsaka medvladna organizacija lahko postane pogodbenica te pogodbe, če je vsaj ena država članica te medvladne organizacije pogodbenica Pariške konvencije ali članica Organizacije in če medvladna organizacija izjavi, da je bila skladno s svojimi notranjimi postopki ustrezno pooblaščen, da postane pogodbenica te pogodbe, ter izjavi:

(i) da je pristojna za podeljevanje patentov z veljavnostjo v njenih državah članicah ali

(ii) da je pristojna za zadeve, ki jih vključuje ta pogodba, in da njena lastna zakonodaja zavezuje vse njene države članice glede teh zadev ter da ima regionalni urad, ki podeljuje patente z veljavnostjo na njenem ozemlju skladno z njeno zakonodajo, ali je regionalni urad za tako nalogo pooblastila.

(3) [*Regionalne patentne organizacije*] Evropska patentna organizacija, Evrazijska patentna organizacija in Afriška regionalna organizacija za industrijsko lastnino, ki so na diplomatski konferenci, na kateri je bila sprejeta ta pogodba, dale izjavo iz točke (i) ali (ii) drugega odstavka, lahko postanejo pogodbenice te pogodbe kot medvladne organizacije, če ob deponiranju listine o ratifikaciji ali pristopu izjavijo, da so bile skladno s svojimi notranjimi postopki ustrezno pooblaščen, da postanejo pogodbenice te pogodbe.

(4) [*Ratification or Accession*] Any State or intergovernmental organization satisfying the requirements in paragraph (1), (2) or (3) may deposit:

- (i) an instrument of ratification if it has signed this Treaty; or
- (ii) an instrument of accession if it has not signed this Treaty.

Article 21

Entry into Force; Effective Dates of Ratifications and Accessions

(1) [*Entry into Force of this Treaty*] This Treaty shall enter into force three months after ten instruments of ratification or accession by States have been deposited with the Director General.

(2) [*Effective Dates of Ratifications and Accessions*] This Treaty shall bind:

- (i) the ten States referred to in paragraph (1), from the date on which this Treaty has entered into force;
- (ii) each other State, from the expiration of three months after the date on which the State has deposited its instrument of ratification or accession with the Director General, or from any later date indicated in that instrument, but no later than six months after the date of such deposit;
- (iii) each of the European Patent Organisation, the Eurasian Patent Organization and the African Regional Industrial Property Organization, from the expiration of three months after the deposit of its instrument of ratification or accession, or from any later date indicated in that instrument, but no later than six months after the date of such deposit, if such instrument has been deposited after the entry into force of this Treaty according to paragraph (1), or three months after the entry into force of this Treaty if such instrument has been deposited before the entry into force of this Treaty;
- (iv) any other intergovernmental organization that is eligible to become party to this Treaty, from the expiration of three months after the deposit of its instrument of ratification or accession, or from any later date indicated in that instrument, but no later than six months after the date of such deposit.

Article 22

Application of the Treaty to Existing Applications and Patents

(1) [*Principle*] Subject to paragraph (2), a Contracting Party shall apply the provisions of this Treaty and the Regulations, other than Articles 5 and 6(1) and (2) and related Regulations, to applications which are pending, and to patents which are in force, on the date on which this Treaty binds that Contracting Party under Article 21.

(2) [*Procedures*] No Contracting Party shall be obliged to apply the provisions of this Treaty and the Regulations to any procedure in proceedings with respect to applications and patents referred to in paragraph (1), if such procedure commenced before the date on which this Treaty binds that Contracting Party under Article 21.

Article 23 Reservations

(1) [*Reservation*] Any State or intergovernmental organization may declare through a reservation that the provisions of Article 6(1) shall not apply to any requirement relating to unity of invention applicable under the Patent Cooperation Treaty to an international application.

(4) [*Ratifikacija ali pristop*] Vsaka država ali medvladna organizacija, ki izpolnjuje pogoje iz prvega, drugega ali tretjega odstavka, lahko deponira:

- (i) listino o ratifikaciji, če je to pogodbo podpisala, ali
- (ii) listino o pristopu, če te pogodbe ni podpisala.

21. člen

Začetek veljavnosti; datumi začetka veljavnosti ratifikacij in pristopov

(1) [*Začetek veljavnosti te pogodbe*] Ta pogodba začne veljati tri mesece po tem, ko je deset držav pri generalnem direktorju deponiralo listino o ratifikaciji ali pristopu.

(2) [*Datumi začetka veljavnosti ratifikacij in pristopov*] Ta pogodba zavezuje:

- (i) deset držav iz prvega odstavka od datuma, ko je začela veljati;
- (ii) vsako drugo državo po preteku treh mesecev od datuma, ko je država pri generalnem direktorju deponirala listino o ratifikaciji ali pristopu, ali od vsakega poznejšega datuma, ki je naveden v tej listini, toda ne pozneje kot šest mesecev po datumu takega deponiranja;
- (iii) Evropsko patentno organizacijo, Evrazijsko patentno organizacijo in Afriško regionalno organizacijo za industrijsko lastnino po preteku treh mesecev od deponiranja listine o ratifikaciji ali pristopu ali od vsakega poznejšega datuma, ki je naveden v tej listini, toda ne pozneje kot šest mesecev po datumu takega deponiranja, če je bila taka lista deponirana po začetku veljavnosti te pogodbe v skladu s prvim odstavkom, ali tri mesece po začetku veljavnosti te pogodbe, če je bila taka lista deponirana pred začetkom veljavnosti te pogodbe;

(iv) vsako drugo medvladno organizacijo, ki izpolnjuje pogoje, da lahko postane pogodbenica te pogodbe, po poteku treh mesecev od deponiranja listine o ratifikaciji ali pristopu ali od poznejšega datuma, navedenega v tej listini, toda ne pozneje kot šest mesecev po datumu takega deponiranja.

22. člen

Uporaba pogodbe za obstoječe prijave in patente

(1) [*Načelo*] Ob upoštevanju drugega odstavka uporablja pogodbenica določbe te pogodbe in pravilnika, razen 5. člena ter prvega in drugega odstavka 6. člena in z njimi povezanih pravil, za prijave, ki so v postopku, in patente, ki so veljavni na datum, na katerega je ta pogodba po 21. členu postala zavezujoča za to pogodbenico.

(2) [*Postopki*] Nobena pogodbenica ni dolžna uporabljati določb te pogodbe in pravilnika za postopek, ki se nanaša na prijave in patente iz prvega odstavka, če se je tak postopek začel pred datumom, na katerega je ta pogodba po 21. členu postala zavezujoča za to pogodbenico.

23. člen Pridržki

(1) [*Pridržek*] Vsaka država ali medvladna organizacija lahko v obliki pridržka izjavi, da se določbe prvega odstavka 6. člena ne uporabljajo za noben pogoj v zvezi z enotnostjo izuma, ki se po Pogodbi o sodelovanju na področju patentov nanaša na mednarodno prijavo.

(2) [*Modalities*] Any reservation under paragraph (1) shall be made in a declaration accompanying the instrument of ratification of, or accession to, this Treaty of the State or intergovernmental organization making the reservation.

(3) [*Withdrawal*] Any reservation under paragraph (1) may be withdrawn at any time.

(4) [*Prohibition of Other Reservations*] No reservation to this Treaty other than the reservation allowed under paragraph (1) shall be permitted.

Article 24

Denunciation of the Treaty

(1) [*Notification*] Any Contracting Party may denounce this Treaty by notification addressed to the Director General.

(2) [*Effective Date*] Any denunciation shall take effect one year from the date on which the Director General has received the notification or at any later date indicated in the notification. It shall not affect the application of this Treaty to any application pending or any patent in force in respect of the denouncing Contracting Party at the time of the coming into effect of the denunciation.

Article 25

Languages of the Treaty

(1) [*Authentic Texts*] This Treaty is signed in a single original in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally and exclusively authentic.

(2) [*Official Texts*] An official text in any language other than those referred to in paragraph (1) shall be established by the Director General, after consultation with the interested parties. For the purposes of this paragraph, interested party means any State which is party to the Treaty, or is eligible to become party to the Treaty under Article 20(1), whose official language, or one of whose official languages, is involved, and the European Patent Organisation, the Eurasian Patent Organization and the African Regional Industrial Property Organization and any other intergovernmental organization that is party to the Treaty, or may become party to the Treaty, if one of its official languages is involved.

(3) [*Authentic Texts to Prevail*] In case of differences of opinion on interpretation between authentic and official texts, the authentic texts shall prevail.

Article 26

Signature of the Treaty

The Treaty shall remain open for signature by any State that is eligible for becoming party to the Treaty under Article 20(1) and by the European Patent Organisation, the Eurasian Patent Organization and the African Regional Industrial Property Organization at the headquarters of the Organization for one year after its adoption.

Article 27

Depositary; Registration

(1) [*Depositary*] The Director General is the depositary of this Treaty.

(2) [*Registration*] The Director General shall register this Treaty with the Secretariat of the United Nations.

(2) [*Načini*] Vsak pridržek po prvem odstavku se da v izjavi, ki spremlja listino o ratifikaciji te pogodbe ali o pristopu k njej, ki jo je deponirala država ali medvladna organizacija, ki je pridržek dala.

(3) [*Umik*] Vsak pridržek iz prvega odstavka je mogoče kadar koli umakniti.

(4) [*Prepoved drugih pridržkov*] Razen pridržka, dopustnega po prvem odstavku, se ne dovoli noben drug pridržek v zvezi s to pogodbo.

24. člen

Odpoved pogodbe

(1) [*Uradno obvestilo*] Vsaka pogodbenica lahko odpove to pogodbo z uradnim obvestilom generalnemu direktorju.

(2) [*Datum začetka veljavnosti*] Odpoved začne veljati eno leto po datumu, na katerega je generalni direktor prejel uradno obvestilo, ali na poznejši datum, ki je naveden v njem. Odpoved ne vpliva na uporabo te pogodbe za prijave, ki so v postopku, ali patente, ki veljajo za pogodbenico, ki je dala odpoved, v trenutku, ko je ta odpoved začela veljati.

25. člen

Jeziki pogodbe

(1) [*Verodostojna besedila*] Ta pogodba se podpiše v enem samem izvorniku v angleškem, arabskem, kitajskem, francoskem, ruskem in španskem jeziku, pri čemer so vsa besedila enako in edino verodostojna.

(2) [*Uradna besedila*] Uradno besedilo v jeziku, ki ni naveden v prvem odstavku, določi generalni direktor po posvetu z zainteresiranimi strankami. Za namene tega odstavka se za zainteresirano stranko štejejo vsaka država, ki je pogodbenica te pogodbe ali ki po prvem odstavku 20. člena izpolnjuje pogoje, da postane pogodbenica te pogodbe, za katere uradni jezik ali enega od uradnih jezikov gre, in Evropska patentna organizacija, Evrazijska patentna organizacija in Afriška regionalna organizacija za industrijsko lastnino ter vsaka druga medvladna organizacija, ki je pogodbenica te pogodbe ali to lahko postane, če gre za enega od njenih uradnih jezikov.

(3) [*Prevlada verodostojnih besedil*] Ob različnih mnenjih pri razlagi verodostojnih in uradnih besedil prevladajo verodostojna besedila.

26. člen

Podpis pogodbe

Pogodba je na voljo za podpis na sedežu Organizacije eno leto po tem, ko je bila sprejeta, vsaki državi, ki po prvem odstavku 20. člena izpolnjuje pogoje, da postane pogodbenica te pogodbe, ter Evropski patentni organizaciji, Evrazijski patentni organizaciji in Afriški regionalni organizaciji za industrijsko lastnino.

27. člen

Depozitar; registracija

(1) [*Depozitar*] Depozitar te pogodbe je generalni direktor.

(2) [*Registracija*] To pogodbo registrira generalni direktor pri Sekretariatu Združenih narodov.

REGULATIONS UNDER THE PATENT LAW TREATY

Rule 1

Abbreviated Expressions

(1) [*“Treaty”; “Article”*] (a) In these Regulations, the word “Treaty” means the Patent Law Treaty.

(b) In these Regulations, the word “Article” refers to the specified Article of the Treaty.

(2) [*Abbreviated Expressions Defined in the Treaty*] The abbreviated expressions defined in Article 1 for the purposes of the Treaty shall have the same meaning for the purposes of the Regulations.

Rule 2

Details Concerning Filing Date Under Article 5

(1) [*Time Limits Under Article 5(3) and (4)(b)*] Subject to paragraph (2), the time limits referred to in Article 5(3) and (4)(b) shall be not less than two months from the date of the notification referred to in Article 5(3).

(2) [*Exception to Time Limit Under Article 5(4)(b)*] Where a notification under Article 5(3) has not been made because indications allowing the applicant to be contacted by the Office have not been filed, the time limit referred to in Article 5(4)(b) shall be not less than two months from the date on which one or more elements referred to in Article 5(1)(a) were first received by the Office.

(3) [*Time Limits Under Article 5(6)(a) and (b)*] The time limits referred to in Article 5(6)(a) and (b) shall be:

(i) where a notification has been made under Article 5(5), not less than two months from the date of the notification;

(ii) where a notification has not been made, not less than two months from the date on which one or more elements referred to in Article 5(1)(a) were first received by the Office.

(4) [*Requirements Under Article 5(6)(b)*] Any Contracting Party may, subject to Rule 4(3), require that, for the filing date to be determined under Article 5(6)(b):

(i) a copy of the earlier application be filed within the time limit applicable under paragraph (3);

(ii) a copy of the earlier application, and the date of filing of the earlier application, certified as correct by the Office with which the earlier application was filed, be filed upon invitation by the Office, within a time limit which shall be not less than four months from the date of that invitation, or the time limit applicable under Rule 4(1), whichever expires earlier;

(iii) where the earlier application is not in a language accepted by the Office, a translation of the earlier application be filed within the time limit applicable under paragraph (3);

(iv) the missing part of the description or missing drawing be completely contained in the earlier application;

(v) the application, at the date on which one or more elements referred to in Article 5(1)(a) were first received by the Office, contained an indication that the contents of the earlier application were incorporated by reference in the application;

(vi) an indication be filed within the time limit applicable under paragraph (3) as to where, in the earlier application or in the translation referred to in item (iii), the missing part of the description or the missing drawing is contained.

PRAVILNIK POGODBE O PATENTNEM PRAVU

1. pravilo

Skrajšani izrazi

(1) [*“Pogodba”; “člen”*] (a) V tem pravilniku beseda “pogodba” pomeni Pogodbo o patentnem pravu.

(b) V tem pravilniku se beseda “člen” nanaša na določen člen pogodbe.

(2) [*Skrajšani zrazi, opredeljeni v pogodbi*] Skrajšani izrazi, opredeljeni v 1. členu za namene pogodbe, imajo isti pomen za namene pravilnika.

2. pravilo

Podrobnosti v zvezi z datumom vložitve po 5. členu

(1) [*Roka po tretjem odstavku 5. člena in pododstavku (b) četrtega odstavka 5. člena*] Ob upoštevanju drugega odstavka roka iz tretjega odstavka 5. člena in pododstavka (b) četrtega odstavka 5. člena ne smeta biti krajša od dveh mesecev, šteto od datuma uradnega obvestila iz tretjega odstavka 5. člena.

(2) [*Izjema glede roka po pododstavku (b) četrtega odstavka 5. člena*] Če uradnega obvestila po tretjem odstavku 5. člena ni bilo, ker niso bile predložene navedbe, ki bi omogočale uradu, da vzpostavi stik s prijaviteljem, rok iz pododstavka (b) četrtega odstavka 5. člena ne sme biti krajši od dveh mesecev, šteto od datuma, ko je urad prvič prejel eno ali več sestavin iz pododstavka (a) prvega odstavka 5. člena.

(3) [*Roka po pododstavkih (a) in (b) šestega odstavka 5. člena*] Roka iz pododstavkov (a) in (b) šestega odstavka 5. člena ne smeta biti:

(a) krajša od dveh mesecev, šteto od datuma uradnega obvestila, če je bilo poslano uradno obvestilo po petem odstavku 5. člena;

(b) krajša od dveh mesecev, šteto od datuma, ko je urad prvič prejel eno ali več sestavin iz pododstavka (a) prvega odstavka 5. člena, če uradnega obvestila ni bilo.

(4) [*Pogoji po pododstavku (b) šestega odstavka 5. člena*] Vsaka pogodbenica lahko zaradi določitve datuma vložitve po pododstavku (b) šestega odstavka 5. člena ob upoštevanju tretjega odstavka 4. pravila zahteva:

(i) da se kopija prejšnje prijave vложи v roku, veljavnem na podlagi tretjega odstavka;

(ii) da se kopija prejšnje prijave in datum vložitve prejšnje prijave, ki ju je urad, pri katerem je bila prejšnja prijava vložena, overil kot pravilna, na poziv urada predložita v roku, ki ni krajši od štirih mesecev, šteto od datuma poziva, ali v roku, veljavnem na podlagi prvega odstavka 4. pravila, in sicer v tistem, ki prej poteče;

(iii) da se prevod prejšnje prijave, če ta ni v jeziku, ki ga urad sprejema, preloži v roku, veljavnem na podlagi tretjega odstavka;

(iv) da je manjkajoči del opisa ali manjkajoča skica v celoti vsebovana v prejšnji prijavi;

(v) da je prijava na datum, ko je urad prvič prejel eno ali več sestavin iz pododstavka (a) prvega odstavka 5. člena, vsebovala navedbo, da je vsebina prejšnje prijave s sklicevanjem vključena v prijavo;

(vi) da se v roku, veljavnem na podlagi tretjega odstavka, predloži navedba mesta v prejšnji prijavi ali v prevodu iz točke (iii), kjer je manjkajoči del opisa ali manjkajoča skica.

(5) [*Requirements Under Article 5(7)(a)*] (a) The reference to the previously filed application referred to in Article 5(7)(a) shall indicate that, for the purposes of the filing date, the description and any drawings are replaced by the reference to the previously filed application; the reference shall also indicate the number of that application, and the Office with which that application was filed. A Contracting Party may require that the reference also indicate the filing date of the previously filed application.

(b) A Contracting Party may, subject to Rule 4(3), require that:

(i) a copy of the previously filed application and, where the previously filed application is not in a language accepted by the Office, a translation of that previously filed application, be filed with the Office within a time limit which shall be not less than two months from the date on which the application containing the reference referred to in Article 5(7)(a) was received by the Office;

(ii) a certified copy of the previously filed application be filed with the Office within a time limit which shall be not less than four months from the date of the receipt of the application containing the reference referred to in Article 5(7)(a).

(c) A Contracting Party may require that the reference referred to in Article 5(7)(a) be to a previously filed application that had been filed by the applicant or his predecessor or successor in title.

(6) [*Exceptions Under Article 5(8)(iii)*] The types of applications referred to in Article 5(8)(ii) shall be:

(i) divisional applications;

(ii) applications for continuation or continuation-in-part;

(iii) applications by new applicants determined to be entitled to an invention contained in an earlier application.

Rule 3

Details Concerning the Application Under Article 6(1), (2) and (3)

(1) [*Further Requirements Under Article 6(1)(iii)*] (a) A Contracting Party may require that an applicant who wishes an application to be treated as a divisional application under Rule 2(6)(i) indicate:

(i) that he wishes the application to be so treated;

(ii) the number and filing date of the application from which the application is divided.

(b) A Contracting Party may require that an applicant who wishes an application to be treated as an application under Rule 2(6)(iii) indicate:

(i) that he wishes the application to be so treated;

(ii) the number and filing date of the earlier application.

(2) [*Request Form Under Article 6(2)(b)*] A Contracting Party shall accept the presentation of the contents referred to in Article 6(2)(a):

(i) on a request Form, if that request Form corresponds to the Patent Cooperation Treaty request Form with any modifications under Rule 20(2);

(ii) on a Patent Cooperation Treaty request Form, if that request Form is accompanied by an indication to the effect that the applicant wishes the application to be treated as a national or regional application, in which case the request Form shall be deemed to incorporate the modifications referred to in item (i);

(iii) on a Patent Cooperation Treaty request Form which contains an indication to the effect that the applicant wishes the application to be treated as a national or regional application, if such a request Form is available under the Patent Cooperation Treaty.

(5) [*Pogoji po pododstavku (a) sedmega odstavka 5. člena*] (a) V sklicevanju na predhodno vloženo prijavo iz pododstavka (a) sedmega odstavka 5. člena mora biti navedeno, da za namene datuma vložitve tako sklicevanje nadomesti opis in vse skice; navedena morata biti tudi številka te prijave in urad, pri katerem je bila vložena. Pogodbenica lahko zahteva, da je v sklicevanju naveden tudi datum vložitve predhodno vložene prijave.

(b) Pogodbenica lahko ob upoštevanju tretjega odstavka 4. pravila zahteva:

(i) da se kopija predhodno vložene prijave in njen prevod, če ni bila v jeziku, ki ga sprejema urad, predložita uradu v roku, ki ni krajši od dveh mesecev, šteto od datuma, ko je urad prejel prijavo, ki vsebuje sklicevanje iz pododstavka (a) sedmega odstavka 5. člena;

(ii) da se overjena kopija predhodno vložene prijave predloži uradu v roku, ki ni krajši od štirih mesecev, šteto od datuma prejema prijave, ki vsebuje sklicevanje iz pododstavka (a) sedmega odstavka 5. člena.

(c) Pogodbenica lahko zahteva, da se sklicevanje iz pododstavka (a) sedmega odstavka 5. člena nanaša na predhodno vloženo prijavo, ki jo je vložil prijavitelj ali njegov pravni prednik ali naslednik.

(6) [*Izjeme po točki (ii) osmega odstavka 5. člena*] Vrste prijav iz točke (ii) osmega odstavka 5. člena so:

(i) izločene prijave;

(ii) prijave za nadaljevanje ali delno nadaljevanje;

(iii) prijave novih prijaviteljev, ki jim je bila priznana pravica do izuma, ki je predmet prejšnje prijave.

3. pravilo

Podrobnosti v zvezi s prijavo po prvem, drugem in tretjem odstavku 6. člena

(1) [*Dodatni pogoji po točki (iii) prvega odstavka 6. člena*] (a) Pogodbenica lahko zahteva, da prijavitelj, ki želi, da se prijava obravnava kot izločena prijava po točki (i) šestega odstavka 2. pravila, navede:

(i) da želi, da se prijava tako obravnava;

(ii) številko in datum vložitve prijave, iz katere je prijava izločena.

(b) Pogodbenica lahko zahteva, da prijavitelj, ki želi, da se prijava obravnava kot prijava po točki (iii) šestega odstavka 2. pravila, navede:

(i) da želi, da se prijava tako obravnava;

(ii) številko in datum vložitve prejšnje prijave.

(2) [*Obrazec za zahtevo po pododstavku (b) drugega odstavka 6. člena*] Pogodbenica sprejme predstavitev vsebine iz pododstavka (a) drugega odstavka 6. člena:

(i) na obrazcu za zahtevo, če ta obrazec ustreza obrazcu za zahtevo po Pogodbi o sodelovanju na področju patentov, z vsemi spremembami po drugem odstavku 20. pravila;

(ii) na obrazcu za zahtevo po Pogodbi o sodelovanju na področju patentov, če ta obrazec spremlja navedba, da prijavitelj želi, da se prijava obravnava kot nacionalna ali regionalna prijava; v tem primeru se šteje, da obrazec za zahtevo vključuje spremembe, omenjene v točki (i);

(iii) na obrazcu za zahtevo po Pogodbi o sodelovanju na področju patentov, ki vsebuje navedbo, da prijavitelj želi, da se prijava obravnava kot nacionalna ali regionalna prijava, če je tak obrazec na voljo po Pogodbi o sodelovanju na področju patentov.

(3) [*Requirement Under Article 6(3)*] A Contracting Party may require, under Article 6(3), a translation of the title, claims and abstract of an application that is in a language accepted by the Office, into any other languages accepted by that Office.

Rule 4

Availability of Earlier Application Under Article 6(5) and Rule 2(4) or of Previously Filed Application Under Rule 2(5)(b)

(1) [*Copy of Earlier Application Under Article 6(5)*] Subject to paragraph (3), a Contracting Party may require that a copy of the earlier application referred to in Article 6(5) be filed with the Office within a time limit which shall be not less than 16 months from the filing date of that earlier application or, where there is more than one such earlier application, from the earliest filing date of those earlier applications.

(2) [*Certification*] Subject to paragraph (3), a Contracting Party may require that the copy referred to in paragraph (1) and the date of filing of the earlier application be certified as correct by the Office with which the earlier application was filed.

(3) [*Availability of Earlier Application or of Previously Filed Application*] No Contracting Party shall require the filing of a copy or a certified copy of the earlier application or a certification of the filing date, as referred to in paragraphs (1) and (2), and Rule 2(4), or a copy or a certified copy of the previously filed application as referred to in Rule 2(5)(b), where the earlier application or the previously filed application was filed with its Office, or is available to that Office from a digital library which is accepted by the Office for that purpose.

(4) [*Translation*] Where the earlier application is not in a language accepted by the Office and the validity of the priority claim is relevant to the determination of whether the invention concerned is patentable, the Contracting Party may require that a translation of the earlier application referred to in paragraph (1) be filed by the applicant, upon invitation by the Office or other competent authority, within a time limit which shall be not less than two months from the date of that invitation, and not less than the time limit, if any, applied under that paragraph.

Rule 5

Evidence Under Articles 6(6) and 8(4)(c) and Rules 7(4), 15(4), 16(6), 17(6) and 18(4)

Where the Office notifies the applicant, owner or other person that evidence is required under Article 6(6) or 8(4)(c), or Rule 7(4), 15(4), 16(6), 17(6) or 18(4), the notification shall state the reason of the Office for doubting the veracity of the matter, indication or signature, or the accuracy of the translation, as the case may be.

Rule 6

Time Limits Concerning the Application Under Article 6(7) and (8)

(1) [*Time Limits Under Article 6(7) and (8)*] Subject to paragraphs (2) and (3), the time limits referred to in Article 6(7) and (8) shall be not less than two months from the date of the notification referred to in Article 6(7).

(3) [*Pogoji po tretjem odstavku 6. člena*] Pogodbenica lahko po tretjem odstavku 6. člena zahteva prevod naziva, patentnih zahtevkov in povzetka prijave, ki je jeziku, ki ga sprejema urad, v kateri koli drug jezik, ki ga ta urad sprejema.

4. pravilo

Možnost dostopa do prejšnje prijave po petem odstavku 6. člena in četrtem odstavku 2. pravila ali predhodno vložene prijave po pododstavku (b) petega odstavka 2. pravila

(1) [*Kopija prejšnje prijave po petem odstavku 6. člena*] Ob upoštevanju tretjega odstavka lahko pogodbenica zahteva, da se uradu predloži kopija prejšnje prijave iz petega odstavka 6. člena v roku, ki ni krajši od 16 mesecev, šteto od datuma vložitve te prejšnje prijave, ali če je več takih prijav, šteto od najzgodnejšega datuma vložitve teh prejšnjih prijav.

(2) [*Potrditev*] Ob upoštevanju tretjega odstavka lahko pogodbenica zahteva, da urad, pri katerem je bila prejšnja prijava vložena, overi kopijo iz prvega odstavka in datum vložitve prejšnje prijave kot pravilna.

(3) [*Možnost dostopa do prejšnje prijave ali predhodno vložene prijave*] Nobena pogodbenica ne more zahtevati predložitve kopije ali overjene kopije prejšnje prijave ali overitve datuma vložitve, kot je omenjeno v prvem in drugem odstavku tega pravila in v četrtem odstavku 2. pravila, ali predložitve kopije ali overjene kopije predhodno vložene prijave, kot je omenjeno v pododstavku (b) petega odstavka 2. pravila, če je bila prejšnja prijava ali predhodno vložena prijava vložena pri njenem uradu ali ima ta urad dostop do nje prek digitalne knjižnice, ki jo urad sprejema za ta namen.

(4) [*Prevod*] Če prejšnja prijava ni v jeziku, ki ga urad sprejema, in je veljavnost zahteve za prednost bistvena za odločitev o tem, ali je zadevni izum mogoče patentirati, lahko pogodbenica zahteva, da prijavitelj na poziv urada ali drugega pristojnega organa predloži prevod prejšnje prijave iz prvega odstavka v roku, ki ni krajši od dveh mesecev, šteto od datuma poziva, in ne krajši od roka, veljavnega na podlagi prvega odstavka, če ta obstaja.

5. pravilo

Dokazila po šestem odstavku 6. člena in pododstavku (c) četrtega odstavka 8. člena ter četrtem odstavku 7. pravila, četrtem odstavku 15. pravila, šestem odstavku 16. pravila, šestem odstavku 17. pravila in četrtem odstavku 18. pravila

Kadar urad uradno obvesti prijavitelja, lastnika ali drugo osebo, da se zahtevajo dokazila po šestem odstavku 6. člena ali pododstavku (c) četrtega odstavka 8. člena ali četrtem odstavku 7. pravila, četrtem odstavku 15. pravila, šestem odstavku 16. pravila, šestem odstavku 17. pravila ali četrtem odstavku 18. pravila, mora biti v uradnem obvestilu naveden njegov razlog za dvom o resničnosti zadeve, navedbe ali podpisa ali o točnosti prevoda, odvisno od primera.

6. pravilo

Roki v zvezi s prijavo po sedmem in osmem odstavku 6. člena

(1) [*Roka po sedmem in osmem odstavku 6. člena*] Ob upoštevanju drugega in tretjega odstavka tega člena roka iz sedmega in osmega odstavka 6. člena ne smeta biti krajša od dveh mesecev, šteto od datuma uradnega obvestila iz sedmega odstavka 6. člena.

(2) [Exception to Time Limit Under Article 6(8)] Subject to paragraph (3), where a notification under Article 6(7) has not been made because indications allowing the applicant to be contacted by the Office have not been filed, the time limit referred to in Article 6(8) shall be not less than three months from the date on which one or more of the elements referred to in Article 5(1)(a) were first received by the Office.

(3) [Time Limits Under Article 6(7) and (8) Relating to Payment of Application Fee in Accordance with the Patent Cooperation Treaty] Where any fees required to be paid under Article 6(4) in respect of the filing of the application are not paid, a Contracting Party may, under Article 6(7) and (8), apply time limits for payment, including late payment, which are the same as those applicable under the Patent Cooperation Treaty in relation to the basic fee component of the international fee.

Rule 7

Details Concerning Representation Under Article 7

(1) [Other Procedures Under Article 7(2)(a)(iii)] The other procedures referred to in Article 7(2)(a)(iii) for which a Contracting Party may not require appointment of a representative are:

- (i) the filing of a copy of an earlier application under Rule 2(4);
- (ii) the filing of a copy of a previously filed application under Rule 2(5)(b).

(2) [Appointment of Representative Under Article 7(3)] (a) A Contracting Party shall accept that the appointment of a representative be filed with the Office in:

- (i) a separate communication (hereinafter referred to as a "power of attorney") signed by the applicant, owner or other interested person and indicating the name and address of the representative; or, at the applicant's option,
- (ii) the request Form referred to in Article 6(2), signed by the applicant.]

(b) A single power of attorney shall be sufficient even where it relates to more than one application or patent of the same person, or to one or more applications and one or more patents of the same person, provided that all applications and patents concerned are identified in the single power of attorney. A single power of attorney shall also be sufficient even where it relates, subject to any exception indicated by the appointing person, to all existing and future applications or patents of that person. The Office may require that, where that single power of attorney is filed on paper or as otherwise permitted by the Office, a separate copy thereof be filed for each application and patent to which it relates.

(3) [Translation of Power of Attorney] A Contracting Party may require that, if a power of attorney is not in a language accepted by the Office, it be accompanied by a translation.

(4) [Evidence] A Contracting Party may require that evidence be filed with the Office only where the Office may reasonably doubt the veracity of any indication contained in any communication referred to in paragraph (2)(a).

(5) [Time Limits Under Article 7(5) and (6)] Subject to paragraph (6), the time limits referred to in Article 7(5) and (6) shall be not less than two months from the date of the notification referred to in Article 7(5).

(6) [Exception to Time Limit Under Article 7(6)] Where a notification referred to in Article 7(5) has not been made because indications allowing the applicant, owner or other interested person to be contacted by the Office have not been filed, the time limit referred to in Article 7(6) shall be not less than three months from the date on which the procedure referred to in Article 7(5) was commenced.

(2) [Izjema glede roka po osmem odstavku 6. člena] Kadar ob upoštevanju tretjega odstavka uradnega obvestila po sedmem odstavku 6. člena ni bilo, ker niso bile predložene navedbe, ki bi omogočale uradu, da vzpostavi stik s prijaviteljem, rok iz osmega odstavka 6. člena ne sme biti krajši od treh mesecev, šteto od datuma, ko je urad prvič prejel eno ali več sestavin iz pododstavka (a) prvega odstavka 5. člena.

(3) [Roka po sedmem in osmem odstavku 6. člena glede plačila prijavnje pristojbine v skladu s Pogodbo o sodelovanju na področju patentov] Kadar niso plačane pristojbine, katerih plačilo se zahteva po četrtem odstavku 6. člena za vložitev prijave, lahko pogodbenica po sedmem in osmem odstavku 6. člena določi kot roka za plačilo, vključno z zamujenim plačilom, roka, ki sta enaka rokom, ki veljata po Pogodbi o sodelovanju na področju patentov glede zneska osnovne pristojbine v mednarodni pristojbini.

7. pravilo

Podrobnosti in zvezi z zastopanjem po 7. členu

(1) [Drugi postopki po točki (iii) pododstavka (a) drugega odstavka 7. člena] Drugi postopki iz točke (iii) pododstavka (a) drugega odstavka 7. člena, za katere pogodbenica ne more zahtevati imenovanja zastopnika, so:

- (i) predložitev kopije prejšnje prijave po četrtem odstavku 2. pravila;
- (ii) predložitev kopije predhodno vložene prijave po pododstavku (b) petega odstavka 2. pravila.

(2) [Imenovanje zastopnika po tretjem odstavku 7. člena] (a) Pogodbenica pristaja na to, da je imenovanje zastopnika predloženo uradu:

- (i) v ločenem sporočilu, v nadaljevanju imenovanem "pooblastilo", ki ga je podpisal prijavitelj, lastnik ali druga zainteresirana oseba in v katerem sta navedena ime in naslov zastopnika, ali po izbiri prijavitelja,
- (ii) v obrazcu za zahtevo iz drugega odstavka 6. člena, ki ga je podpisal prijavitelj.

(b) Eno samo pooblastilo zadošča tudi, če se nanaša na več prijav ali patentov iste osebe ali na eno ali več prijav in enega ali več patentov iste osebe, pod pogojem, da so vse zadevne prijave in patenti navedeni v tem pooblastilu. Eno samo pooblastilo zadošča tudi, če se ob upoštevanju vseh izjem, ki jih navede oseba, ki je imenovala zastopnika, nanaša na vse obstoječe in prihodnje prijave ali patente te osebe. Kadar je tako pooblastilo predloženo na papirju ali na drug način, ki ga urad dovoljuje, lahko ta zahteva, da se za vsako prijavo in patent, na katerega se nanaša, predloži ločena kopija.

(3) [Prevod pooblastila] Če pooblastilo ni v jeziku, ki ga urad sprejema, lahko pogodbenica zahteva, da ga spremlja prevod.

(4) [Dokazila] Pogodbenica lahko zahteva, da se uradu predložijo dokazila le, če urad upravičeno dvomi o verodostojnosti neke navedbe v enem od sporočil iz pododstavka (a) drugega odstavka.

(5) [Roka po petem in šestem odstavku 7. člena] Ob upoštevanju šestega odstavka tega člena roka iz petega in šestega odstavka 7. člena ne smeta biti krajša od dveh mesecev, šteto od datuma uradnega obvestila iz petega odstavka 7. člena.

(6) [Izjema glede roka po šestem odstavku 7. člena] Kadar uradnega obvestila iz petega odstavka 7. člena ni bilo, ker niso bile predložene navedbe, ki bi omogočale uradu, da vzpostavi stik s prijaviteljem, lastnikom ali drugo zainteresirano osebo, rok iz šestega odstavka 7. člena ne sme biti krajši od treh mesecev, šteto od datuma, ko se je začel postopek iz petega odstavka 7. člena.

Rule 8**Filing of Communications Under Article 8(1)**

(1) [*Communications Filed on Paper*] (a) After June 2, 2005, any Contracting Party may, subject to Articles 5(1) and 8(1)(d), exclude the filing of communications on paper or may continue to permit the filing of communications on paper. Until that date, all Contracting Parties shall permit the filing of communications on paper.

(b) Subject to Article 8(3) and subparagraph (c), a Contracting Party may prescribe the requirements relating to the form of communications on paper.

(c) Where a Contracting Party permits the filing of communications on paper, the Office shall permit the filing of communications on paper in accordance with the requirements under the Patent Cooperation Treaty relating to the form of communications on paper.

(d) Notwithstanding subparagraph (a), where the receiving or processing of a communication on paper, due to its character or its size, is deemed not practicable, a Contracting Party may require the filing of that communication in another form or by other means of transmittal.

(2) [*Communications Filed in Electronic Form or by Electronic Means of Transmittal*] (a) Where a Contracting Party permits the filing of communications in electronic form or by electronic means of transmittal with its Office in a particular language, including the filing of communications by telegraph, teleprinter, telefacsimile or other like means of transmittal, and there are requirements applicable to that Contracting Party under the Patent Cooperation Treaty in relation to communications filed in electronic form or by electronic means of transmittal in that language, the Office shall permit the filing of communications in electronic form or by electronic means of transmittal in the said language in accordance with those requirements.

(b) A Contracting Party which permits the filing of communications in electronic form or by electronic means of transmittal with its Office shall notify the International Bureau of the requirements under its applicable law relating to such filing. Any such notification shall be published by the International Bureau in the language in which it is notified and in the languages in which authentic and official texts of the Treaty are established under Article 25.

(c) Where, under subparagraph (a), a Contracting Party permits the filing of communications by telegraph, teleprinter, telefacsimile or other like means of transmittal, it may require that the original of any document which was transmitted by such means of transmittal, accompanied by a letter identifying that earlier transmission, be filed on paper with the Office within a time limit which shall be not less than one month from the date of the transmission.

(3) [*Copies, Filed in Electronic Form or by Electronic Means of Transmittal, of Communications Filed on Paper*] (a) Where a Contracting Party permits the filing of a copy, in electronic form or by electronic means of transmittal, of a communication filed on paper in a language accepted by the Office, and there are requirements applicable to that Contracting Party under the Patent Cooperation Treaty in relation to the filing of such copies of communications, the Office shall permit the filing of copies of communications in electronic form or by electronic means of transmittal, in accordance with those requirements.

(b) Paragraph (2)(b) shall apply, *mutatis mutandis*, to copies, in electronic form or by electronic means of transmittal, of communications filed on paper.

8. pravilo**Predložitev sporočil po prvem odstavku 8. člena**

(1) [*Sporočila, predložena na papirju*] (a) Po 2. juniju 2005 lahko vsaka pogodbenica ob upoštevanju prvega odstavka 5. člena in pododstavka (d) prvega odstavka 8. člena izključi ali še naprej dovoljuje predložitev sporočil na papirju. Do tega datuma morajo vse pogodbenice dovoljevati predložitev sporočil na papirju.

(b) Ob upoštevanju tretjega odstavka 8. člena in pododstavka (c) pogodbenica lahko predpiše pogoje glede oblike sporočil na papirju.

(c) Če pogodbenica dovoljuje predložitev sporočil na papirju, urad dovoli predložitev sporočil na papirju v skladu s pogoji po Pogodbi o sodelovanju na področju patentov, ki se nanašajo na obliko sporočil na papirju.

(d) Kadar se ne glede na pododstavek (a) prejem ali obravnava sporočila na papirju zaradi njegove narave ali velikosti šteje za neizvedljivo, lahko pogodbenica zahteva predložitev tega sporočila v drugi obliki ali prek drugačnega sredstva za prenos sporočil.

(2) [*Sporočila, predložena v elektronski obliki ali po elektronskih sredstvih*] (a) Če pogodbenica dovoljuje predložitev sporočil njenemu uradu v elektronski obliki ali po elektronskih sredstvih za prenos sporočil v določenem jeziku, vključno s predložitvijo sporočil po telegrafu, teleprinterju, telefaksu ali drugih podobnih sredstvih za prenos sporočil, in obstajajo pogoji, ki veljajo za to pogodbenico po Pogodbi o sodelovanju na področju patentov v zvezi s sporočili, predloženimi v elektronski obliki ali po elektronskih sredstvih za prenos sporočil v tem jeziku, urad dovoli predložitev sporočil v elektronski obliki ali po elektronskih sredstvih za prenos sporočil v omenjenem jeziku v skladu s temi pogoji.

(b) Pogodbenica, ki dovoljuje predložitev sporočil njenemu uradu v elektronski obliki ali po elektronskih sredstvih za prenos sporočil, uradno obvesti Mednarodni urad o pogojih, ki veljajo za tako preložitvev po veljavnem pravu. Mednarodni urad vsako tako uradno obvestilo objavi v jeziku, v katerem je bilo napisano, in v jezikih, v katerih so na podlagi 25. člena sestavljena verodostojna in uradna besedila pogodbe.

(c) Če pogodbenica na podlagi pododstavka (a) dovoljuje predložitev sporočil po telegrafu, teleprinterju, telefaksu ali drugih podobnih sredstvih za prenos sporočil, lahko zahteva, da se uradu predloži na papirju izvirnik vsakega dokumenta, prenesenega po takih sredstvih za prenos sporočil, skupaj s pismom, ki omogoča identifikacijo opravljenega prenosa, v roku, ki ni krajši od enega meseca, šteto od datuma prenosa.

(3) [*Kopije sporočil, predloženih na papirju, predložene v elektronski obliki ali po elektronskih sredstvih za prenos sporočil*] (a) Če pogodbenica dovoljuje predložitev kopije sporočila, predloženega na papirju, v jeziku, ki ga urad sprejema, v elektronski obliki ali po elektronskih sredstvih za prenos sporočil in obstajajo pogoji, ki veljajo za to pogodbenico po Pogodbi o sodelovanju na področju patentov v zvezi s predložitvijo takih kopij sporočil, urad dovoli predložitev kopij sporočil v elektronski obliki ali po elektronskih sredstvih za prenos sporočil v skladu s temi pogoji.

(b) Pododstavek (b) drugega odstavka se smiselno uporablja za kopije sporočil, predloženih na papirju, predložene v elektronski obliki ali po elektronskih sredstvih za prenos sporočil.

Rule 9**Details Concerning the Signature Under Article 8(4)**

(1) [*Indications Accompanying Signature*] A Contracting Party may require that the signature of the natural person who signs be accompanied by:

(i) an indication in letters of the family or principal name and the given or secondary name or names of that person or, at the option of that person, of the name or names customarily used by the said person;

(ii) an indication of the capacity in which that person signed, where such capacity is not obvious from reading the communication.

(2) [*Date of Signing*] A Contracting Party may require that a signature be accompanied by an indication of the date on which the signing was effected. Where that indication is required but is not supplied, the date on which the signing is deemed to have been effected shall be the date on which the communication bearing the signature was received by the Office or, if the Contracting Party so permits, a date earlier than the latter date.

(3) [*Signature of Communication on Paper*] Where a communication to the Office of a Contracting Party is on paper and a signature is required, that Contracting Party:

(i) shall, subject to item (iii), accept a handwritten signature;

(ii) may permit, instead of a handwritten signature, the use of other forms of signature, such as a printed or stamped signature, or the use of a seal or of a bar-coded label;

(iii) may, where the natural person who signs the communication is a national of the Contracting Party and such person's address is on its territory, or where the legal entity on behalf of which the communication is signed is organized under its law and has either a domicile or a real and effective industrial or commercial establishment on its territory, require that a seal be used instead of a handwritten signature.

(4) [*Signature of Communications Filed in Electronic Form or by Electronic Means of Transmittal Resulting in Graphic Representation*] Where a Contracting Party permits the filing of communications in electronic form or by electronic means of transmittal, it shall consider such a communication signed if a graphic representation of a signature accepted by that Contracting Party under paragraph (3) appears on that communication as received by the Office of that Contracting Party.

(5) [*Signature of Communications Filed in Electronic Form Not Resulting in Graphic Representation of Signature*] (a) Where a Contracting Party permits the filing of communications in electronic form, and a graphic representation of a signature accepted by that Contracting Party under paragraph (3) does not appear on such a communication as received by the Office of that Contracting Party, the Contracting Party may require that the communication be signed using a signature in electronic form as prescribed by that Contracting Party.

(b) Notwithstanding subparagraph (a), where a Contracting Party permits the filing of communications in electronic form in a particular language, and there are requirements applicable to that Contracting Party under the Patent Cooperation Treaty in relation to signatures in electronic form of communications filed in electronic form in that language which do not result in a graphic representation of the signature, the Office of that Contracting Party shall accept a signature in electronic form in accordance with those requirements.

(c) Rule 8(2)(b) shall apply *mutatis mutandis*.

9. pravilo**Podrobnosti v zvezi s podpisom po četrtem odstavku 8. člena**

(1) [*Navedbe, ki spremljajo podpis*] (a) Pogodbenica lahko zahteva, da podpis fizične osebe, ki podpisuje, spremljata:

(i) črkovna navedba priimka ali glavnega imena in rojstnega ali dodatnega imena ali imen ali po izbiri te osebe imena ali imen, ki jih ta oseba običajno uporablja;

(ii) navedba funkcije, v kateri ta oseba podpisuje, kadar taka funkcija ni razvidna iz sporočila.

(2) [*Datum podpisa*] Pogodbenica lahko zahteva, da podpis spremlja navedba datuma, ko je bil podpis dan. Kadar se taka navedba zahteva, vendar ni dana, je datum, na katerega se šteje, da je bil podpis dan, datum, na katerega je urad prejel sporočilo s podpisom, ali če pogodbenica to dovoljuje, datum, ki je pred tem zadnjim datumom.

(3) [*Podpis sporočila na papirju*] Kadar je sporočilo uradu pogodbenice na papirju in se zahteva podpis, ta pogodbenica:

(i) ob upoštevanju točke (iii) sprejme podpis, napisan z roko;

(ii) lahko dovoli namesto podpisa, napisanega z roko, uporabo drugih oblik podpisa, kot je tiskani podpis ali podpis, odtisnjen s štampiljko, ali uporabo žiga ali etikete s črtno kodo;

(iii) lahko zahteva, da se namesto podpisa, napisanega z roko, uporabi žig, kadar je fizična oseba, ki podpisuje sporočilo, državljan te pogodbenice in je njegov naslov na njenem ozemlju ali kadar je pravna oseba, v imenu katere je sporočilo podpisano, organizirana po njenem pravu in ima na njenem ozemlju sedež ali dejansko in resno industrijsko ali trgovsko podjetje.

(4) [*Podpis sporočil, predloženih v elektronski obliki ali po elektronskih sredstvih za prenos sporočil, ki je grafično predstavljen*] Če pogodbenica dovoljuje predložitev sporočil v elektronski obliki ali po elektronskih sredstvih za prenos sporočil, šteje tako sporočilo za podpisano, če je na sporočilu, kot ga je prejel urad te pogodbenice, grafična predstavitev podpisa, ki ga pogodbenica sprejema po tretjem odstavku.

(5) [*Podpis sporočil, predloženih v elektronski obliki, ki ni grafično predstavljen*] (a) Če pogodbenica dovoljuje predložitev sporočil v elektronski obliki in na sporočilu, kot ga je prejel urad te pogodbenice, ni grafične predstavitve podpisa, ki ga pogodbenica sprejema po tretjem odstavku, lahko pogodbenica zahteva, da se sporočilo podpiše z elektronskim podpisom, kot ga ta pogodbenica predpisuje.

(b) Če pogodbenica dovoljuje predložitev sporočil v elektronski obliki v določenem jeziku in obstajajo pogoji, ki veljajo za to pogodbenico po Pogodbi o sodelovanju na področju patentov v zvezi z elektronskimi podpisi sporočil v elektronski obliki v tem jeziku, ki niso grafično predstavljeni, urad te pogodbenice ne glede na pododstavek (a) sprejme podpis v elektronski obliki v skladu s temi pogoji.

(c) Pododstavek (b) drugega odstavka 8. pravila se uporablja smiselno.

(6) [Exception to Certification of Signature Under Article 8(4)(b)] A Contracting Party may require that any signature referred to in paragraph (5) be confirmed by a process for certifying signatures in electronic form specified by that Contracting Party.

Rule 10

Details Concerning Indications Under Article 8(5), (6) and (8)

(1) [Indications Under Article 8(5)] (a) A Contracting Party may require that any communication:

(i) indicate the name and address of the applicant, owner or other interested person;

(ii) indicate the number of the application or patent to which it relates;

(iii) contain, where the applicant, owner or other interested person is registered with the Office, the number or other indication under which he is so registered.

(b) A Contracting Party may require that any communication by a representative for the purposes of a procedure before the Office contain:

(i) the name and address of the representative;

(ii) a reference to the power of attorney, or other communication in which the appointment of that representative is or was effected, on the basis of which the said representative acts;

(iii) where the representative is registered with the Office, the number or other indication under which he is registered.

(2) [Address for Correspondence and Address for Legal Service] A Contracting Party may require that the address for correspondence referred to in Article 8(6)(i) and the address for legal service referred to in Article 8(6)(ii) be on a territory prescribed by that Contracting Party.

(3) [Address Where No Representative Is Appointed] Where no representative is appointed and an applicant, owner or other interested person has provided, as his address, an address on a territory prescribed by the Contracting Party under paragraph (2), that Contracting Party shall consider that address to be the address for correspondence referred to in Article 8(6)(i) or the address for legal service referred to in Article 8(6)(ii), as required by the Contracting Party, unless that applicant, owner or other interested person expressly indicates another such address under Article 8(6).

(4) [Address Where Representative Is Appointed] Where a representative is appointed, a Contracting Party shall consider the address of that representative to be the address for correspondence referred to in Article 8(6)(i) or the address for legal service referred to in Article 8(6)(ii), as required by the Contracting Party, unless that applicant, owner or other interested person expressly indicates another such address under Article 8(6).

(5) [Sanctions for Non-Compliance with Requirements Under Article 8(8)] No Contracting Party may provide for the refusal of an application for failure to comply with any requirement to file a registration number or other indication under paragraph (1)(a)(iii) and (b)(iii).

Rule 11

Time Limits Concerning Communications Under Article 8(7) and (8)

(1) [Time Limits Under Article 8(7) and (8)] Subject to paragraph (2), the time limits referred to in Article 8(7) and (8) shall be not less than two months from the date of the notification referred to in Article 8(7).

(6) [Izjema glede potrditve podpisa po pododstavku (b) četrtega odstavka 8. člena] Pogodbenica lahko zahteva, da je vsak podpis iz petega odstavka potrjen s postopkom za potrjevanje elektronskih podpisov, ki ga podrobno določi pogodbenica.

10. pravilo

Podrobnosti v zvezi z navedbami po petem, šestem in osmem odstavku 8. člena

(1) [Navedbe po petem odstavku 8. člena] (a) Pogodbenica lahko zahteva, da so v vsakem sporočilu navedeni:

(i) ime in naslov prijavitelja, lastnika ali druge zainteresirane osebe;

(ii) številka prijave ali patenta, na katerega se ta nanaša;

(iii) če je prijavitelj, lastnik ali druga zainteresirana oseba registrirana pri uradu, številka ali druga navedba, pod katero je registriran.

(b) Pogodbenica lahko zahteva, da vsako sporočilo zastopnika za namene postopka pri uradu vsebuje:

(i) ime in naslov zastopnika;

(ii) omembo pooblastila ali drugega sporočila, s katerim je bilo opravljeno imenovanje tega zastopnika, na podlagi katerega ta deluje;

(iii) če je zastopnik registriran pri uradu, številko ali drugo navedbo, pod katero je registriran.

(2) [Naslov za dopisovanje in naslov za vročitev] Pogodbenica lahko zahteva, da sta naslov za dopisovanje iz točke (i) šestega odstavka 8. člena in naslov za vročitev iz točke (ii) šestega odstavka 8. člena na ozemlju, ki ga predpiše ta pogodbenica.

(3) [Naslov ob neimenovanju zastopnika] Kadar zastopnik ni imenovan in prijavitelj, lastnik ali druga zainteresirana oseba navede kot svoj naslov naslov na ozemlju, ki ga je predpisala pogodbenica na podlagi drugega odstavka, ta pogodbenica obravnava ta naslov kot naslov za dopisovanje iz točke (i) šestega odstavka 8. člena ali naslov za vročitev iz točke (ii) šestega odstavka 8. člena, kot zahteva pogodbenica, razen če ta prijavitelj, lastnik ali druga zainteresirana oseba izrecno navede drug tak naslov po šestem odstavku 8. člena.

(4) [Naslov ob imenovanju zastopnika] Kadar je zastopnik imenovan, pogodbenica obravnava naslov tega zastopnika kot naslov za dopisovanje iz točke (i) šestega odstavka 8. člena ali naslov za vročitev iz točke (ii) šestega odstavka 8. člena, kot zahteva pogodbenica, razen če ta prijavitelj, lastnik ali druga zainteresirana oseba izrecno navede drug tak naslov po šestem odstavku 8. člena.

(5) [Ukrepi zaradi neizpolnjevanja pogojev po osmem odstavku 8. člena] Nobena pogodbenica ne more predpisati zavrnitve prijave zaradi neizpolnitve pogoja predložitve registrske številke ali druge navedbe po točkah (iii) pododstavka (a) in (iii) pododstavka (b) prvega odstavka.

11. pravilo

Roki v zvezi s sporočili po sedmem in osmem odstavku 8. člena

(1) [Roki po sedmem in osmem odstavku 8. člena] Ob upoštevanju drugega odstavka roki iz sedmega in osmega odstavka 8. člena ne smejo biti krajši od dveh mesecev, šteto od datuma uradnega obvestila iz sedmega odstavka 8. člena.

(2) [Exception to Time Limit Under Article 8(8)] Where a notification under Article 8(7) has not been made because indications allowing the applicant, owner or other interested person to be contacted by the Office have not been filed, the time limit referred to in Article 8(8) shall be not less than three months from the date on which the communication referred to in Article 8(7) was received by the Office.

Rule 12

Details Concerning Relief in Respect of Time Limits Under Article 11

(1) [Requirements Under Article 11(1)] (a) A Contracting Party may require that a request referred to in Article 11(1):

- (i) be signed by the applicant or owner;
- (ii) contain an indication to the effect that extension of a time limit is requested, and an identification of the time limit in question.

(b) Where a request for extension of a time limit is filed after the expiration of the time limit, a Contracting Party may require that all of the requirements in respect of which the time limit for the action concerned applied be complied with at the same time as the request is filed.

(2) [Period and Time Limit Under Article 11(1)] (a) The period of extension of a time limit referred to in Article 11(1) shall be not less than two months from the date of the expiration of the unextended time limit.

(b) The time limit referred to in Article 11(1)(ii) shall expire not earlier than two months from the date of the expiration of the unextended time limit.

(3) [Requirements Under Article 11(2)(i)] A Contracting Party may require that a request referred to in Article 11(2):

- (i) be signed by the applicant or owner;
- (ii) contain an indication to the effect that relief in respect of non-compliance with a time limit is requested, and an identification of the time limit in question.

(4) [Time Limit for Filing a Request Under Article 11(2)(ii)] The time limit referred to in Article 11(2)(ii) shall expire not earlier than two months after a notification by the Office that the applicant or owner did not comply with the time limit fixed by the Office.

(5) [Exceptions Under Article 11(3)] (a) No Contracting Party shall be required under Article 11(1) or (2) to grant:

(i) a second, or any subsequent, relief in respect of a time limit for which relief has already been granted under Article 11(1) or (2);

(ii) relief for filing a request for relief under Article 11(1) or (2) or a request for reinstatement under Article 12(1);

(iii) relief in respect of a time limit for the payment of maintenance fees;

(iv) relief in respect of a time limit referred to in Article 13(1), (2) or (3);

(v) relief in respect of a time limit for an action before a board of appeal or other review body constituted in the framework of the Office;

(vi) relief in respect of a time limit for an action in *inter partes* proceedings.

(b) No Contracting Party which provides a maximum time limit for compliance with all of the requirements of a procedure before the Office shall be required under Article 11(1) or (2) to grant relief in respect of a time limit for an action in that procedure in respect of any of those requirements beyond that maximum time limit.

(2) [Izjeme glede rokov po osmem odstavku 8. člena] Kadar uradnega obvestila po sedmem odstavku 8. člena ni bilo, ker niso bile predložene navedbe, ki bi omogočale uradu, da vzpostavi stik s prijaviteljem, lastnikom ali drugo zainteresirano osebo, rok iz osmega odstavka 8. člena ne sme biti krajši od treh mesecev, šteto od datuma, ko je urad prejel sporočilo iz sedmega odstavka 8. člena.

12. pravilo

Olajšave v zvezi z roki po 11. členu

(1) [Pogoji po prvem odstavku 11. člena] (a) Pogodbenica lahko zahteva, da zahteva iz prvega odstavka 11. člena:

- (i) vsebuje podpis prijavitelja ali lastnika;
- (ii) vsebuje navedbo, da se zahteva podaljšanje roka, in določitev zadevnega roka.

(b) Kadar je zahteva za podaljšanje roka vložena po poteku tega roka, lahko pogodbenica zahteva, da so na datum vložitve zahteve izpolnjeni vsi pogoji, glede katerih je veljal rok za zadevno dejanje.

(2) [Obdobje in rok po prvem odstavku 11. člena] (a) Obdobje podaljšanja roka iz prvega odstavka 11. člena ne sme biti krajše od dveh mesecev, šteto od datuma poteka nepodaljšane roka.

(b) Rok iz točke (ii) prvega odstavka 11. člena ne sme biti krajši od dveh mesecev, šteto od datuma poteka nepodaljšane roka.

(3) [Pogoji po točki (i) drugega odstavka 11. člena] Pogodbenica lahko zahteva, da zahteva iz drugega odstavka 11. člena:

- (i) vsebuje podpis prijavitelja ali lastnika;
- (ii) vsebuje navedbo, da se zahteva olajšava glede neupoštevanja roka, in določitev zadevnega roka.

(4) [Rok za vložitev zahteve po točki (ii) drugega odstavka 11. člena] Rok iz točke (ii) drugega odstavka 11. člena ne sme biti krajši od dveh mesecev, šteto od datuma uradnega obvestila, s katerim je urad obvestil prijavitelja ali lastnika, da ni upošteval roka, ki ga je urad določil.

(5) [Izjeme po tretjem odstavku 11. člena] (a) Od nobene pogodbenice ni mogoče po prvem ali drugem odstavku 11. člena zahtevati, da dodeli:

(i) drugo ali katero koli naknadno olajšavo glede roka, za katerega je bila že dodeljena olajšava po prvem ali drugem odstavku 11. člena;

(ii) olajšavo glede vložitve zahteve za olajšavo po prvem ali drugem odstavku 11. člena ali zahteve za vzpostavitev pravic po prvem odstavku 12. člena;

(iii) olajšavo glede roka za plačilo pristojbin za vzdrževanje;

(iv) olajšavo glede roka iz prvega, drugega ali tretjega odstavka 13. člena;

(v) olajšavo glede roka za dejanje pred pritožbenim svetom ali drugim telesom za preverjanje odločitev, ustanovljenim pri uradu;

(vi) olajšavo glede roka za dejanje v postopku *inter partes*.

(b) Od nobene pogodbenice, ki predvidi najdaljši možni rok za izpolnitev vseh pogojev postopka pri uradu, ni mogoče po prvem ali drugem odstavku 11. člena zahtevati, da dodeli olajšavo v zvezi z rokom za dejanje v tem postopku glede katerega koli od teh pogojev prek tega najdaljšega možnega roka.

Rule 13**Details Concerning Reinstatement of Rights After a Finding of Due Care or Unintentionality by the Office Under Article 12**

(1) [*Requirements Under Article 12(1)(i)*] A Contracting Party may require that a request referred to in Article 12(1)(i) be signed by the applicant or owner.

(2) [*Time Limit Under Article 12(1)(iii)*] The time limit for making a request, and for complying with the requirements, under Article 12(1)(ii), shall be the earlier to expire of the following:

(i) not less than two months from the date of the removal of the cause of failure to comply with the time limit for the action in question;

(ii) not less than 12 months from the date of expiration of the time limit for the action in question, or, where a request relates to non-payment of a maintenance fee, not less than 12 months from the date of expiration of the period of grace provided under Article 5*bis* of the Paris Convention.

(3) [*Exceptions Under Article 12(2)*] The exceptions referred to in Article 12(2) are failure to comply with a time limit:

(i) for an action before a board of appeal or other review body constituted in the framework of the Office;

(ii) for making a request for relief under Article 11(1) or (2) or a request for reinstatement under Article 12(1);

(iii) referred to in Article 13(1), (2) or (3);

(iv) for an action in *inter partes* proceedings.

Rule 14**Details Concerning Correction or Addition of Priority Claim and Restoration of Priority Right Under Article 13**

(1) [*Exception Under Article 13(1)*] No Contracting Party shall be obliged to provide for the correction or addition of a priority claim under Article 13(1), where the request referred to in Article 13(1)(i) is received after the applicant has made a request for early publication or for expedited or accelerated processing, unless that request for early publication or for expedited or accelerated processing is withdrawn before the technical preparations for publication of the application have been completed.

(2) [*Requirements Under Article 13(1)(i)*] A Contracting Party may require that a request referred to in Article 13(1)(i) be signed by the applicant.

(3) [*Time Limit Under Article 13(1)(iii)*] The time limit referred to in Article 13(1)(ii) shall be not less than the time limit applicable under the Patent Cooperation Treaty to an international application for the submission of a priority claim after the filing of an international application.

(4) [*Time Limits Under Article 13(2)*] (a) The time limit referred to in Article 13(2), introductory part, shall expire not less than two months from the date on which the priority period expired.

(b) The time limit referred to in Article 13(2)(ii) shall be the time limit applied under subparagraph (a), or the time that any technical preparations for publication of the subsequent application have been completed, whichever expires earlier.

(5) [*Requirements Under Article 13(2)(i)*] A Contracting Party may require that a request referred to in Article 13(2)(i):

(i) be signed by the applicant; and

(ii) be accompanied, where the application did not claim the priority of the earlier application, by the priority claim.

13. pravilo**Podrobnosti glede ponovne vzpostavitve pravic po 12. členu, potem ko je urad ugotovil ustrezno skrbnost oziroma nenamernost**

(1) [*Pogoji po točki (i) prvega odstavka 12. člena*] Pogodbenica lahko zahteva, da zahtevo iz točke (i) prvega odstavka 12. člena podpiše prijavitelj ali lastnik.

(2) [*Rok po točki (ii) prvega odstavka 12. člena*] Rok za predložitev zahteve in za izpolnitev pogojev po točki (ii) prvega odstavka 12. člena je tisti od naslednjih dveh, ki prej poteče:

(i) vsaj dva meseca, šteto od datuma, ko je bil odstranjen vzrok za neupoštevanje roka za zadevno dejanje;

(ii) vsaj 12 mesecev, šteto od datuma, ko je potekel rok za zadevno dejanje, ali kadar se zahteva nanaša na neplačilo pristojbin za vzdrževanje, vsaj 12 mesecev, šteto od datuma, ko je potekel naknadni rok, določen po 5.^{bis} členu Pariške konvencije.

(3) [*Izjeme po drugem odstavku 12. člena*] (a) Izjeme iz drugega odstavka 12. člena so neupoštevanje roka:

(i) za dejanje pred pritožbenim svetom ali drugim telesom za preverjanje odločitev, ustanovljenim pri uradu;

(ii) za predložitev zahteve za olajšavo po prvem ali drugem odstavku 11. člena ali zahteve za vzpostavitev pravic po prvem odstavku 12. člena;

(iii) iz prvega, drugega ali tretjega odstavka 13. člena;

(iv) za dejanje v postopku *inter partes*.

14. pravilo**Podrobnosti glede popravka ali dodatka zahteve za prednost in obnovitve prednostne pravice po 13. členu**

(1) [*Izjema po prvem odstavku 13. člena*] Nobena pogodbenica ni obvezana, da predvidi popravek ali dodatek zahteve za prednost po prvem odstavku 13. člena, če je zahteva iz točke (i) prvega odstavka 13. člena prejeta po tem, ko je prijavitelj predložil zahtevo za predčasno objavo ali hitrejšo ali pospešeno obravnavo, razen če je bila zahteva za predčasno objavo ali hitrejšo ali pospešeno obravnavo umaknjena, preden so se končale tehnične priprave na objavo prijave.

(2) [*Pogoji po točki (i) prvega odstavka 13. člena*] Pogodbenica lahko zahteva, da zahtevo iz točke (i) prvega odstavka 13. člena podpiše prijavitelj.

(3) [*Rok po točki (ii) prvega odstavka 13. člena*] Rok iz točke (ii) prvega odstavka 13. člena ne sme biti krajši od roka, ki velja po Pogodbi o sodelovanju na področju patentov za mednarodno prijavo glede predložitve zahteve za prednost po vložitvi mednarodne prijave.

(4) [*Roka po drugem odstavku 13. člena*] (a) Rok iz uvodnega dela drugega odstavka 13. člena ne sme biti krajši od dveh mesecev, šteto od datuma, na katerega je poteklo obdobje prednosti.

(b) Rok iz točke (ii) drugega odstavka 13. člena je rok, ki se uporablja po pododstavku (a), ali čas, ki je potreben za dokončanje tehničnih priprav za objavo poznejše prijave, in sicer tisti, ki prej poteče.

(5) [*Pogoji po točki (i) drugega odstavka 13. člena*] Pogodbenica lahko zahteva, da zahtevo iz točke (i) drugega odstavka 13. člena:

(i) podpiše prijavitelj in

(ii) da ji je priložena zahteva za prednost, kadar v prijavi ni zahtevana prednost prejšnje prijave.

(6) [Requirements Under Article 13(3)] (a) A Contracting Party may require that a request referred to in Article 13(3)(i):

(i) be signed by the applicant; and
(ii) indicate the Office to which the request for a copy of the earlier application had been made and the date of that request.

(b) A Contracting Party may require that:

(i) a declaration or other evidence in support of the request referred to in Article 13(3) be filed with the Office within a time limit fixed by the Office;

(ii) the copy of the earlier application referred to in Article 13(3)(iv) be filed with the Office within a time limit which shall be not less than one month from the date on which the applicant is provided with that copy by the Office with which the earlier application was filed.

(7) [Time Limit Under Article 13(3)(iii)] The time limit referred to in Article 13(3)(iii) shall expire two months before the expiration of the time limit prescribed in Rule 4(1).

Rule 15

Request for Recordation of Change in Name or Address

(1) [Request] Where there is no change in the person of the applicant or owner but there is a change in his name or address, a Contracting Party shall accept that a request for recordation of the change be made in a communication signed by the applicant or owner and containing the following indications:

(i) an indication to the effect that recordation of a change in name or address is requested;
(ii) the number of the application or patent concerned;
(iii) the change to be recorded;
(iv) the name and address of the applicant or the owner prior to the change.

(2) [Fees] A Contracting Party may require that a fee be paid in respect of a request referred to in paragraph (1).

(3) [Single Request] (a) A single request shall be sufficient even where the change relates to both the name and address of the applicant or the owner.

(b) A single request shall be sufficient even where the change relates to more than one application or patent of the same person, or to one or more applications and one or more patents of the same person, provided that the numbers of all applications and patents concerned are indicated in the request. A Contracting Party may require that, where that single request is filed on paper or as otherwise permitted by the Office, a separate copy thereof be filed for each application and patent to which it relates.

(4) [Evidence] A Contracting Party may require that evidence be filed with the Office only where the Office may reasonably doubt the veracity of any indication contained in the request.

(5) [Prohibition of Other Requirements] No Contracting Party may require that formal requirements other than those referred to in paragraphs (1) to (4) be complied with in respect of the request referred to in paragraph (1), except where otherwise provided for by the Treaty or prescribed in these Regulations. In particular, the filing of any certificate concerning the change may not be required.

(6) [Notification] Where one or more of the requirements applied by the Contracting Party under paragraphs (1) to (4) are not complied with, the Office shall notify the applicant or owner, giving the opportunity to comply with any such requirement, and to make observations, within not less than two months from the date of the notification.

(6) [Pogoji po tretjem odstavku 13. člena] (a) Pogodbenica lahko zahteva, da zahteva iz točke (i) tretjega odstavka 13. člena vsebuje:

(i) podpis prijavitelja in
(ii) navedbo urada, ki mu je bila predložena zahteva za kopijo prejšnje prijave, ter datum te zahteve.

(b) Pogodbenica lahko zahteva:

(i) da se izjava ali drugo dokazilo v podporo zahteve iz tretjega odstavka 13. člena vložijo pri uradu v roku, ki ga določi urad;

(ii) da se kopija prejšnje prijave iz točke (iv) tretjega odstavka 13. člena vložijo pri uradu v roku, ki ni krajši od enega meseca, šteto od datuma, na katerega je prijavitelj prejel to kopijo od urada, pri katerem je bila prejšnja prijava vložena.

(7) [Rok po točki (iii) tretjega odstavka 13. člena] Rok iz točke (iii) tretjega odstavka 13. člena ne sme biti krajši od dveh mesecev, šteto od poteka roka, predpisane v prvem odstavku 4. pravila.

15. pravilo

Zahteva za vpis spremembe imena ali naslova

(1) [Zahteva] Kadar ni spremembe glede osebe prijavitelja ali lastnika, je pa spremenjeno njegovo ime ali naslov, se pogodbenica strinja, da se predloži zahteva za vpis spremembe v obliki sporočila, ki ga podpiše prijavitelj ali lastnik in ki vsebuje naslednje navedbe:

(i) navedbo, da se zahteva vpis spremembe imena ali naslova;
(ii) številko zadevne prijave ali patenta;
(iii) spremembo, ki naj se vpiše;
(iv) ime in naslov prijavitelja ali lastnika pred spremembo.

(2) [Pristojbine] Pogodbenica lahko zahteva, da se v zvezi z zahtevo iz prvega odstavka plača pristojbina.

(3) [Ena sama zahteva] (a) Ena sama zahteva zadošča, tudi če se sprememba nanaša tako na ime kot naslov prijavitelja ali lastnika.

(b) Ena sama zahteva zadošča tudi, če se sprememba nanaša na več prijav ali patentov iste osebe ali na eno ali več prijav in enega ali več patentov iste osebe, pod pogojem, da so v zahtevi navedene številke vseh zadevnih prijav in patentov. Kadar je taka zahteva predložena na papirju ali na drug način, ki ga urad dovoljuje, lahko pogodbenica zahteva, da se za vsako prijavo in patent, na katerega se nanaša, predloži ločena kopija.

(4) [Dokazila] Pogodbenica lahko zahteva, da se pri uradu vložijo dokazila le, če urad upravičeno dvomi o verodostojnosti neke navedbe v zahtevi.

(5) [Prepoved drugih pogojev] Nobena pogodbenica ne more zahtevati, da morajo biti v zvezi z zahtevo iz prvega odstavka izpolnjeni formalni pogoji, ki niso navedeni v prvem do četrtem odstavku, razen če je v tej pogodbi ali pravilniku drugače določeno. Zlasti ne more zahtevati predložitve katerega koli potrdila v zvezi s spremembo.

(6) [Uradno obvestilo] Če en ali več pogojev, ki jih pogodbenica predvideva na podlagi prvega do četrtega odstavka, ni izpolnjenih, urad uradno obvesti prijavitelja ali lastnika in mu da priložnost, da v roku, ki ni krajši od dveh mesecev, šteto od datuma uradnega obvestila, vsak tak pogoj izpolni in da pripombe.

(7) [*Non-Compliance with Requirements*] (a) Where one or more of the requirements applied by the Contracting Party under paragraphs (1) to (4) are not complied with within the time limit under subparagraph (b), the Contracting Party may provide that the request shall be refused, but no more severe sanction may be applied.

(b) The time limit referred to in subparagraph (a) shall be:

(i) subject to item (ii), not less than two months from the date of the notification;

(ii) where indications allowing the Office to contact the person who made the request referred to in paragraph (1) have not been filed, not less than three months from the date on which that request was received by the Office.

(8) [*Change in the Name or Address of the Representative, or in the Address for Correspondence or Address for Legal Service*] Paragraphs (1) to (7) shall apply, *mutatis mutandis*, to any change in the name or address of the representative, and to any change relating to the address for correspondence or address for legal service.

Rule 16

Request for Recordation of Change in Applicant or Owner

(1) [*Request for Recordation of a Change in Applicant or Owner*] (a) Where there is a change in the person of the applicant or owner, a Contracting Party shall accept that a request for recordation of the change be made in a communication signed by the applicant or owner, or by the new applicant or new owner, and containing the following indications:

(i) an indication to the effect that a recordation of change in applicant or owner is requested;

(ii) the number of the application or patent concerned;

(iii) the name and address of the applicant or owner;

(iv) the name and address of the new applicant or new owner;

(v) the date of the change in the person of the applicant or owner;

(vi) the name of a State of which the new applicant or new owner is a national if he is the national of any State, the name of a State in which the new applicant or new owner has his domicile, if any, and the name of a State in which the new applicant or new owner has a real and effective industrial or commercial establishment, if any;

(vii) the basis for the change requested.

(b) A Contracting Party may require that the request contain:

(i) a statement that the information contained in the request is true and correct;

(ii) information relating to any government interest by that Contracting Party.

(2) [*Documentation of the Basis of the Change in Applicant or Owner*] (a) Where the change in applicant or owner results from a contract, a Contracting Party may require that the request include information relating to the registration of the contract, where registration is compulsory under the applicable law, and that it be accompanied, at the option of the requesting party, by one of the following:

(i) a copy of the contract, which copy may be required to be certified, at the option of the requesting party, by a notary public or any other competent public authority or, where permitted under the applicable law, by a representative having the right to practice before the Office, as being in conformity with the original contract;

(7) [*Neizpolnjevanje pogojev*] (a) Če en ali več pogojev, ki jih pogodbenica predvideva na podlagi prvega do četrtega odstavka, ni izpolnjenih v roku po pododstavku (b), lahko pogodbenica predvidi, da se zahteva zavrne, ne more pa uporabiti strožjih ukrepov.

(b) Rok iz pododstavka (a) ne sme biti:

(i) ob upoštevanju točke (ii) krajši od dveh mesecev, šteto od datuma uradnega obvestila;

(ii) krajši od treh mesecev, šteto od datuma, ko je urad prejel zahtevo iz prvega odstavka, če niso bile predložene navedbe, ki bi omogočale uradu, da vzpostavi stik z vložnikom zahteve.

(8) [*Sprememba imena ali naslova zastopnika ali naslova za dopisovanje ali naslova za vročitev*] Prvi do sedmi odstavek se smiselno uporabljajo za vsako spremembo imena ali naslova zastopnika in za vsako spremembo naslova za dopisovanje ali naslova za vročitev.

16. pravilo

Zahteva za vpis spremembe prijavitelja ali lastnika

(1) [*Zahteva za vpis spremembe prijavitelja ali lastnika*] (a) Kadar pride do spremembe glede osebe prijavitelja ali lastnika, se pogodbenica strinja, da se predloži zahteva za vpis spremembe v obliki sporočila, ki ga podpiše prijavitelj ali lastnik ali novi prijavitelj ali novi lastnik in ki vsebuje naslednje navedbe:

(i) navedbo, da se zahteva vpis spremembe prijavitelja ali lastnika;

(ii) številko zadevne prijave ali patenta;

(iii) ime in naslov prijavitelja ali lastnika;

(iv) ime in naslov novega prijavitelja ali novega lastnika;

(v) datum spremembe glede osebe prijavitelja ali lastnika;

(vi) ime države, katere državljan je novi prijavitelj ali novi lastnik, če je državljan katere države, ime države, v kateri ima novi prijavitelj ali novi lastnik stalno prebivališče, če ga ima, in ime države, v kateri ima novi prijavitelj ali novi lastnik dejansko in resno industrijsko ali trgovsko podjetje, če ga ima;

(vii) podlago za zahtevano spremembo.

(b) Pogodbenica lahko zahteva, da zahteva vsebuje:

(i) izjavo, da je podatek v zahtevi resničen in pravilen;

(ii) podatek glede morebitnih vladnih interesov te pogodbenice.

(2) [*Dokumentacija podlage za spremembo prijavitelja ali lastnika*] (a) Kadar je podlaga za spremembo prijavitelja ali lastnika neka pogodba, lahko pogodbenica zahteva, da zahteva vključuje podatek v zvezi z registracijo te pogodbe, če je registracija po veljavnem pravu obvezna, in da ji je po izbiri vložnika zahteve priložen eden od naslednjih dokumentov:

(i) kopija pogodbe, za katero se lahko zahteva, da jo po izbiri vložnika zahteve kot skladno z izvirnikom pogodbe overi notar ali drug pristojni javni organ, ali kadar to dovoljuje veljavno pravo, zastopnik, ki ima pravico nastopati pred uradom;

(ii) an extract of the contract showing the change, which extract may be required to be certified, at the option of the requesting party, by a notary public or any other competent public authority or, where permitted under the applicable law, by a representative having the right to practice before the Office, as being a true extract of the contract;

(iii) an uncertified certificate of transfer of ownership by contract drawn up with the content as prescribed in the Model International Form in respect of a certificate of transfer and signed by both the applicant and the new applicant, or by both the owner and the new owner.

(b) Where the change in applicant or owner results from a merger, or from the reorganization or division of a legal entity, a Contracting Party may require that the request be accompanied by a copy of a document, which document originates from a competent authority and evidences the merger, or the reorganization or division of the legal entity, and any attribution of rights involved, such as a copy of an extract from a register of commerce. A Contracting Party may also require that the copy be certified, at the option of the requesting party, by the authority which issued the document or by a notary public or any other competent public authority or, where permitted under the applicable law, by a representative having the right to practice before the Office, as being in conformity with the original document.

(c) Where the change in applicant or owner does not result from a contract, a merger, or the reorganization or division of a legal entity, but results from another ground, for example, by operation of law or a court decision, a Contracting Party may require that the request be accompanied by a copy of a document evidencing the change. A Contracting Party may also require that the copy be certified as being in conformity with the original document, at the option of the requesting party, by the authority which issued the document or by a notary public or any other competent public authority or, where permitted under the applicable law, by a representative having the right to practice before the Office.

(d) Where the change is in the person of one or more but not all of several co-applicants or co-owners, a Contracting Party may require that evidence of the consent to the change of any co-applicant or co-owner in respect of whom there is no change be provided to the Office.

(3) [*Translation*] A Contracting Party may require a translation of any document filed under paragraph (2) that is not in a language accepted by the Office.

(4) [*Fees*] A Contracting Party may require that a fee be paid in respect of a request referred to in paragraph (1).

(5) [*Single Request*] A single request shall be sufficient even where the change relates to more than one application or patent of the same person, or to one or more applications and one or more patents of the same person, provided that the change in applicant or owner is the same for all applications and patents concerned, and the numbers of all applications and patents concerned are indicated in the request. A Contracting Party may require that, where that single request is filed on paper or as otherwise permitted by the Office, a separate copy thereof be filed for each application and patent to which it relates.

(6) [*Evidence*] A Contracting Party may require that evidence, or further evidence in the case of paragraph (2), be filed with the Office only where that Office may reasonably doubt the veracity of any indication contained in the request or in any document referred to in the present Rule, or the accuracy of any translation referred to in paragraph (3).

(ii) izvleček iz pogodbe, ki utemeljuje spremembo in za katerega se lahko zahteva, da ga po izbiri vložnika zahteve kot resnični izvleček iz pogodbe overi notar ali drug pristojni javni organ, ali kadar to dovoljuje veljavno pravo, zastopnik, ki ima pravico nastopati pred uradom;

(iii) neoverjeno potrdilo o pogodbenem prenosu lastništva, ki je glede vsebine sestavljeno, kot predpisuje vzorčni mednarodni obrazec za potrdilo o prenosu, in ki ga podpišeta prijavitelj in novi prijavitelj ali lastnik in novi lastnik.

(b) Kadar je podlaga za spremembo prijavitelja ali lastnika združitve ali reorganizacija ali delitev pravne osebe, lahko pogodbenica zahteva, da se zahtevi priloži kopija dokumenta, ki ga je izdala pristojna ustanova in dokazuje združitve ali reorganizacijo ali delitev pravne osebe in vsako dodelitev s tem povezanih pravic, kot je na primer kopija izvlečka iz trgovskega registra. Pogodbenica lahko tudi zahteva, da kopijo po izbiri vložnika zahteve kot skladno z izvirnim dokumentom overi organ, ki je izdal dokument, ali notar ali drug pristojni javni organ, ali kadar to dovoljuje veljavno pravo, zastopnik, ki ima pravico nastopati pred uradom.

(c) Kadar podlaga za spremembo prijavitelja ali lastnika ni pogodba, združitve ali reorganizacija ali delitev pravne osebe, ampak nekaj drugega, na primer učinek zakona ali odločitev sodišča, lahko pogodbenica zahteva, da se zahtevi priloži kopija dokumenta, ki dokazuje spremembo. Pogodbenica lahko tudi zahteva, da kopijo po izbiri vložnika zahteve kot skladno z izvirnim dokumentom overi organ, ki je izdal dokument, ali notar ali drug pristojni javni organ, ali kadar to dovoljuje veljavno pravo, zastopnik, ki ima pravico nastopati pred uradom.

(d) Kadar gre za spremembo glede osebe enega ali več, vendar ne vseh od več soprijaviteljev ali solastnikov, lahko pogodbenica zahteva, da se uradu predloži dokazilo, da s spremembo soglaša vsak soprijavitelj ali solastnik, v zvezi s katerim ni prišlo do nobene spremembe.

(3) [*Prevod*] Pogodbenica lahko zahteva prevod katerega koli dokumenta, predloženega po drugem odstavku, ki ni v jeziku, ki ga urad sprejema.

(4) [*Pristojbine*] Pogodbenica lahko zahteva, da se v zvezi z zahtevo iz prvega odstavka plača pristojbina.

(5) [*Ena sama zahteva*] Ena sama zahteva zadošča tudi, če se sprememba nanaša na več prijav ali patentov iste osebe ali na eno ali več prijav in enega ali več patentov iste osebe, pod pogojem, da je sprememba prijavitelja ali lastnika ista za vse zadevne prijave in patente in so v zahtevi navedene številke vseh zadevnih prijav in patentov. Kadar je taka zahteva predložena na papirju ali na drug način, ki ga urad dovoljuje, lahko pogodbenica zahteva, da se za vsako prijavo in patent, na katerega se nanaša, predloži ločena kopija.

(6) [*Dokazila*] Pogodbenica lahko zahteva, da se uradu predložijo dokazila, ali kadar se uporablja drugi odstavek, dodatna dokazila le, če urad upravičeno dvomi o verodostojnosti neke navedbe v zahtevi ali v katerem koli dokumentu iz tega pravila ali o točnosti katerega koli prevoda iz tretjega odstavka.

(7) [Prohibition of Other Requirements] No Contracting Party may require that formal requirements other than those referred to in paragraphs (1) to (6) be complied with in respect of the request referred to in this Rule, except where otherwise provided for by the Treaty or prescribed in these Regulations.

(8) [Notification; Non-Compliance with Requirements] Rule 15(6) and (7) shall apply, *mutatis mutandis*, where one or more of the requirements applied under paragraphs (1) to (5) are not complied with, or where evidence, or further evidence, is required under paragraph (6).

(9) [Exclusion with Respect to Inventorship] A Contracting Party may exclude the application of this Rule in respect of changes in inventorship. What constitutes inventorship shall be determined under the applicable law.

Rule 17

Request for Recordation of a License or a Security Interest

(1) [Request for Recordation of a License] (a) Where a license in respect of an application or patent may be recorded under the applicable law, the Contracting Party shall accept that a request for recordation of that license be made in a communication signed by the licensor or the licensee and containing the following indications:

(i) an indication to the effect that a recordation of a license is requested;

(ii) the number of the application or patent concerned;

(iii) the name and address of the licensor;

(iv) the name and address of the licensee;

(v) an indication of whether the license is an exclusive license or a non-exclusive license;

(vi) the name of a State of which the licensee is a national if he is the national of any State, the name of a State in which the licensee has his domicile, if any, and the name of a State in which the licensee has a real and effective industrial or commercial establishment, if any.

(b) A Contracting Party may require that the request contain:

(i) a statement that the information contained in the request is true and correct;

(ii) information relating to any government interest by that Contracting Party;

(iii) information relating to the registration of the license, where registration is compulsory under the applicable law;

(iv) the date of the license and its duration.

(2) [Documentation of the Basis of the License] (a) Where the license is a freely concluded agreement, a Contracting Party may require that the request be accompanied, at the option of the requesting party, by one of the following:

(i) a copy of the agreement, which copy may be required to be certified, at the option of the requesting party, by a notary public or any other competent public authority or, where permitted under the applicable law, by a representative having the right to practice before the Office, as being in conformity with the original agreement;

(ii) an extract of the agreement consisting of those portions of that agreement which show the rights licensed and their extent, which extract may be required to be certified, at the option of the requesting party, by a notary public or any other competent public authority or, where permitted under the applicable law, by a representative having the right to practice before the Office, as being a true extract of the agreement.

(7) [Prepared drugish pogojev] Nobena pogodbenica ne more zahtevati, da morajo biti v zvezi z zahtevo iz tega pravila izpolnjeni formalni pogoji, ki niso navedeni v prvem do šestem odstavku, razen če je v tej pogodbi ali pravilniku drugače določeno.

(8) [Uradno obvestilo; neizpolnjevanje pogojev] Šesti in sedmi odstavek 15. pravila se smiselno uporabljata, če en ali več pogojev, ki se uporabljajo na podlagi prvega do petega odstavka, ni izpolnjenih ali če se na podlagi šestega odstavka zahtevajo dokazila ali dodatna dokazila.

(9) [Izključitev glede izumiteljstva] Pogodbenica lahko izključi uporabo tega pravila glede sprememb v zvezi z izumiteljstvom. Veljavno pravo določa, kaj je izumiteljstvo.

17. pravilo

Zahteva za vpis licence ali zavarovanja terjatev

(1) [Zahteva za vpis licence] (a) Kadar veljavno pravo dovoljuje vpis licence v zvezi s prijavo ali patentom, se pogodbenica strinja, da se predloži zahteva za vpis te licence v obliki sporočila, ki ga podpiše dajalec ali pridobitelj licence in ki vsebuje naslednje navedbe:

(i) navedbo, da se zahteva vpis licence;

(ii) številko zadevne prijave ali patenta;

(iii) ime in naslov dajalca licence;

(iv) ime in naslov pridobitelja licence;

(v) navedbo, ali je licenca izključna ali neizključna;

(vi) ime države, katere državljan je pridobitelj licence, če je državljan katere države, ime države, v kateri ima pridobitelj licence stalno prebivališče, če ga ima, in ime države, v kateri ima pridobitelj licence dejansko in resno industrijsko ali trgovsko podjetje, če ga ima.

(b) Pogodbenica lahko zahteva, da zahteva vsebuje:

(i) izjavo, da je podatek v zahtevi resničen in pravilen;

(ii) podatek glede morebitnih vladnih interesov te pogodbenice;

(iii) podatek glede registracije licence, kadar je po veljavnem pravu registracija obvezna;

(iv) datum licence in njeno trajanje.

(2) [Dokumentacija podlage za licenco] (a) Kadar je licenca prosto sklenjen sporazum, lahko pogodbenica zahteva, da ji je po izbiri vložnika zahteve priložen eden od naslednjih dokumentov:

(i) kopija sporazuma, za katero se lahko zahteva, da jo po izbiri vložnika zahteve kot skladno z izvirnikom sporazuma overi notar ali drug pristojni javni organ, ali kadar to dovoljuje veljavno pravo, zastopnik, ki ima pravico nastopati pred uradom;

(ii) izvleček iz sporazuma, ki vsebuje tiste dele sporazuma, ki dokazujejo odstopljene pravice in njihov obseg, in za katerega se lahko zahteva, da ga po izbiri vložnika zahteve kot resnični izvleček iz sporazuma overi notar ali drug pristojni javni organ, ali kadar to dovoljuje veljavno pravo, zastopnik, ki ima pravico nastopati pred uradom.

(b) A Contracting Party may require, where the license is a freely concluded agreement, that any applicant, owner, exclusive licensee, co-applicant, co-owner or co-exclusive licensee who is not party to that agreement give his consent to the recordation of the agreement in a communication to the Office.

(c) Where the license is not a freely concluded agreement, for example, it results from operation of law or a court decision, a Contracting Party may require that the request be accompanied by a copy of a document evidencing the license. A Contracting Party may also require that the copy be certified as being in conformity with the original document, at the option of the requesting party, by the authority which issued the document or by a notary public or any other competent public authority or, where permitted under the applicable law, by a representative having the right to practice before the Office.

(3) [*Translation*] A Contracting Party may require a translation of any document filed under paragraph (2) that is not in a language accepted by the Office.

(4) [*Fees*] A Contracting Party may require that a fee be paid in respect of a request referred to in paragraph (1).

(5) [*Single Request*] Rule 16(5) shall apply, *mutatis mutandis*, to requests for recordation of a license.

(6) [*Evidence*] Rule 16(6) shall apply, *mutatis mutandis*, to requests for recordation of a license.

(7) [*Prohibition of Other Requirements*] No Contracting Party may require that formal requirements other than those referred to in paragraphs (1) to (6) be complied with in respect of the request referred to in paragraph (1), except where otherwise provided for by the Treaty or prescribed in these Regulations.

(8) [*Notification; Non-Compliance with Requirements*] Rule 15(6) and (7) shall apply, *mutatis mutandis*, where one or more of the requirements applied under paragraphs (1) to (5) are not complied with, or where evidence, or further evidence, is required under paragraph (6).

(9) [*Request for Recordation of a Security Interest or Cancellation of the Recordation of a License or a Security Interest*] Paragraphs (1) to (8) shall apply, *mutatis mutandis*, to requests for:

(i) recordation of a security interest in respect of an application or patent;

(ii) cancellation of the recordation of a license or a security interest in respect of an application or patent.

Rule 18

Request for Correction of a Mistake

(1) [*Request*] (a) Where an application, a patent or any request communicated to the Office in respect of an application or a patent contains a mistake, not related to search or substantive examination, which is correctable by the Office under the applicable law, the Office shall accept that a request for correction of that mistake in the records and publications of the Office be made in a communication to the Office signed by the applicant or owner and containing the following indications:

(i) an indication to the effect that a correction of mistake is requested;

(ii) the number of the application or patent concerned;

(iii) the mistake to be corrected;

(iv) the correction to be made;

(v) the name and address of the requesting party.

(b) A Contracting Party may require that the request be accompanied by a replacement part or part incorporating the correction or, where paragraph (3) applies, by such a replacement part or part incorporating the correction for each application and patent to which the request relates.

(b) Kadar je licenca prosto sklenjen sporazum, lahko pogodbenica zahteva, da vsak prijavitelj, lastnik, izključni pridobitelj licence, soprijavitelj, solastnik ali izključni sopridobitelj licence, ki ni podpisnik tega sporazuma, da soglasje k vpisu sporazuma v sporočilu uradu.

(c) Kadar licenca ni prosto sklenjen sporazum, ampak je na primer posledica zakona ali sodne odločitve, lahko pogodbenica zahteva, da se zahtevi priloži kopija dokumenta, ki dokazuje licenco. Pogodbenica lahko zahteva, da kopijo po izbiri vložnika zahteva kot skladno z izvirnim dokumentom overi organ, ki je izdal dokument, ali notar ali drug pristojni javni organ, ali kadar to dovoljuje veljavno pravo, zastopnik, ki ima pravico nastopati pred uradom.

(3) [*Prevod*] Pogodbenica lahko zahteva prevod katerega koli dokumenta, predloženega po drugem odstavku, ki ni v jeziku, ki ga urad sprejema.

(4) [*Pristojbine*] Pogodbenica lahko zahteva, da se v zvezi z zahtevo iz prvega odstavka plača pristojbina.

(5) [*Ena sama zahteva*] Peti odstavek 16. pravila se smiselno uporablja za zahteve za vpis licence.

(6) [*Dokazila*] Šesti odstavek 16. pravila se smiselno uporablja za zahteve za vpis licence.

(7) [*Prepoved drugih pogojev*] Nobena pogodbenica ne more zahtevati, da morajo biti v zvezi z zahtevo iz prvega odstavka izpolnjeni formalni pogoji, ki niso navedeni v prvem do šestem odstavku, razen če je v tej pogodbi ali pravilniku drugače določeno.

(8) [*Uradno obvestilo; neizpolnjevanje pogojev*] Šesti in sedmi odstavek 15. pravila se smiselno uporabljata, če en ali več pogojev, ki se uporabljajo na podlagi prvega do petega odstavka, ni izpolnjenih ali če se na podlagi šestega odstavka zahtevajo dokazila ali dodatna dokazila.

(9) [*Zahteva za vpis zavarovanja terjatev ali za preklic vpisa licence ali zavarovanja terjatev*] Prvi do osmi odstavek se smiselno uporabljajo za zahteve za:

(i) vpis zavarovanja terjatev v zvezi s prijavo ali patentom;

(ii) preklic vpisa licence ali zavarovanja terjatev v zvezi s prijavo ali patentom.

18. pravilo

Zahteva za popravek napake

(1) [*Zahteva*] (a) Kadar je v prijavi, patentu ali kateri koli zahtevi, predloženi uradu v zvezi s prijavo ali patentom, napaka, ki se ne nanaša na poizvedbo ali popolni preizkus in ki jo urad po veljavnem pravu lahko popravi, se urad strinja, da se predloži zahteva za popravek napake v vpisih in objavah urada v obliki sporočila, ki ga podpiše prijavitelj ali lastnik in ki vsebuje naslednje navedbe:

(i) navedbo, da se zahteva popravek napake;

(ii) številko zadevne prijave ali patenta;

(iii) napako, ki naj se popravi;

(iv) popravek, ki naj se naredi;

(v) ime in naslov vložnika zahteve.

(b) Pogodbenica lahko zahteva, da je zahtevi priložen zamenjani del ali del, ki vsebuje popravek, ali kadar se uporablja tretji odstavek, zamenjani del ali del, ki vsebuje popravek, za vsako prijavo ali patent, na katerega se zahteva nanaša.

(c) A Contracting Party may require that the request be subject to a declaration by the requesting party stating that the mistake was made in good faith.

(d) A Contracting Party may require that the request be subject to a declaration by the requesting party stating that the said request was made without undue delay or, at the option of the Contracting Party, that it was made without intentional delay, following the discovery of the mistake.

(2) [Fees] (a) Subject to subparagraph (b), a Contracting Party may require that a fee be paid in respect of a request under paragraph (1).

(b) The Office shall correct its own mistakes, *ex officio* or upon request, for no fee.

(3) [Single Request] Rule 16(5) shall apply, *mutatis mutandis*, to requests for correction of a mistake, provided that the mistake and the requested correction are the same for all applications and patents concerned.

(4) [Evidence] A Contracting Party may only require that evidence in support of the request be filed with the Office where the Office may reasonably doubt that the alleged mistake is in fact a mistake, or where it may reasonably doubt the veracity of any matter contained in, or of any document filed in connection with, the request for correction of a mistake.

(5) [Prohibition of Other Requirements] No Contracting Party may require that formal requirements other than those referred to in paragraphs (1) to (4) be complied with in respect of the request referred to in paragraph (1), except where otherwise provided for by the Treaty or prescribed in these Regulations.

(6) [Notification; Non-Compliance with Requirements] Rule 15(6) and (7) shall apply, *mutatis mutandis*, where one or more of the requirements applied under paragraphs (1) to (3) are not complied with, or where evidence is required under paragraph (4).

(7) [Exclusions] (a) A Contracting Party may exclude the application of this Rule in respect of changes in inventorship. What constitutes inventorship shall be determined under the applicable law.

(b) A Contracting Party may exclude the application of this Rule in respect of any mistake which must be corrected in that Contracting Party under a procedure for reissue of the patent.

Rule 19

Manner of Identification of an Application Without Its Application Number

(1) [Manner of Identification] Where it is required that an application be identified by its application number, but such a number has not yet been issued or is not known to the person concerned or his representative, the application shall be considered identified if one of the following is supplied, at that person's option:

(i) a provisional number for the application, if any, given by the Office;

(ii) a copy of the request part of the application along with the date on which the application was sent to the Office;

(iii) a reference number given to the application by the applicant or his representative and indicated in the application, along with the name and address of the applicant, the title of the invention and the date on which the application was sent to the Office.

(2) [Prohibition of Other Requirements] No Contracting Party may require that identification means other than those referred to in paragraph (1) be supplied in order for an application to be identified where its application number has not yet been issued or is not known to the person concerned or his representative.

(c) Pogodbenica lahko zahteva, da je za zahtevo potrebna izjava vložnika zahteve, da je bila napaka storjena v dobri veri.

(d) Pogodbenica lahko zahteva, da je za zahtevo potrebna izjava vložnika zahteve, da je bila omenjena zahteva predložena brez nepotrebnega zavlačevanja, ali po izbiri pogodbenice, brez namernega zavlačevanja po odkritju napake.

(2) [Pristojbine] (a) Ob upoštevanju pododstavka (b) lahko pogodbenica zahteva, da se v zvezi z zahtevo iz prvega odstavka plača pristojbina.

(b) Urad popravi svoje napake po uradni dolžnosti ali na zahtevo brezplačno.

(3) [Ena sama zahteva] Peti odstavek 16. pravila se smiselno uporablja za zahteve za popravek napake pod pogojem, da sta napaka in zahtevani popravek enaka za vse zadevne prijave in patente.

(4) [Dokazila] Pogodbenica lahko zahteva, da se pri uradu vložijo dokazila le, če urad upravičeno dvomi, da je domnevna napaka dejansko napaka, ali če urad upravičeno dvomi o verodostojnosti nekega elementa, ki ga vsebuje zahteva za popravek napake, ali nekega dokumenta, predloženega v zvezi s to zahtevo.

(5) [Prepoved drugih pogojev] Nobena pogodbenica ne more zahtevati, da morajo biti v zvezi z zahtevo iz prvega odstavka izpolnjeni formalni pogoji, ki niso navedeni v prvem do četrtem odstavku, razen če je v tej pogodbi ali pravilniku drugače določeno.

(6) [Uradno obvestilo; neizpolnjevanje pogojev] Šesti in sedmi odstavek 15. pravila se smiselno uporabljata, če en ali več pogojev, ki se uporabljajo na podlagi prvega do tretjega odstavka, ni izpolnjenih ali če se na podlagi četrtega odstavka zahtevajo dokazila.

(7) [Izključitve] (a) Pogodbenica lahko izključi uporabo tega pravila glede sprememb v zvezi z izumiteljstvom. Veljavno pravo določa, kaj je izumiteljstvo.

(b) Pogodbenica lahko izključi uporabo tega pravila v zvezi z vsako napako, ki jo je treba v tej pogodbenici popraviti na podlagi postopka za ponovno izdajo patenta.

19. pravilo

Način identifikacije prijave, če ta nima številke

(1) [Način identifikacije] Kadar se zahteva, da se prijava identificira s številko, vendar te še nima ali ni znana zadevni osebi ali njenemu zastopniku, se šteje, da je prijava identificirana, če se po izbiri te osebe predloži:

(i) začasna številka prijave, ki jo je dal urad, če obstaja, ali

(ii) kopija zahteve, ki jo vsebuje prijava, skupaj z datumom, na katerega je bila prijava poslana uradu, ali

(iii) sklicna številka, ki jo je dal prijavi prijavitelj ali njegov zastopnik in je navedena v prijavi, skupaj z imenom in naslovom prijavitelja, nazivom izuma in datumom, na katerega je bila prijava poslana uradu.

(2) [Prepoved drugih pogojev] Nobena pogodbenica ne more zahtevati, da se za identifikacijo prijave, ki še nima številke ali ta ni znana zadevni osebi ali njenemu zastopniku, predložijo drugačna sredstva identifikacije od tistih iz prvega odstavka.

Rule 20**Establishment of Model International Forms**

(1) [*Model International Forms*] The Assembly shall, under Article 14(1)(c), establish Model International Forms, in each of the languages referred to in Article 25(1), in respect of:

- (i) a power of attorney;
- (ii) a request for recordation of change in name or address;
- (iii) a request for recordation of change in applicant or owner;
- (iv) a certificate of transfer;
- (v) a request for recordation, or cancellation of recordation, of a license;
- (vi) a request for recordation, or cancellation of recordation, of a security interest;
- (vii) a request for correction of a mistake.

(2) [*Modifications Referred to in Rule 3(2)(i)*] The Assembly shall establish the modifications of the Patent Cooperation Treaty request Form referred to in Rule 3(2)(i).

(3) [*Proposals by the International Bureau*] The International Bureau shall present proposals to the Assembly concerning:

- (i) the establishment of Model International Forms referred to in paragraph (1);
- (ii) the modifications of the Patent Cooperation Treaty request Form referred to in paragraph (2).

Rule 21**Requirement of Unanimity Under Article 14(3)**

Establishment or amendment of the following Rules shall require unanimity:

- (i) any Rules under Article 5(1)(a);
- (ii) any Rules under Article 6(1)(iii);
- (iii) any Rules under Article 6(3);
- (iv) any Rules under Article 7(2)(a)(iii);
- (v) Rule 8(1)(a);
- (vi) the present Rule.

20. pravilo**Določitev vzorčnih mednarodnih obrazcev**

(1) [*Vzorčni mednarodni obrazci*] Na podlagi pododstavka (c) prvega odstavka 14. člena skupščina določi vzorčne mednarodne obrazce v vsakem od jezikov iz prvega odstavka 25. člena za:

- (i) pooblastilo;
- (ii) zahtevo za vpis spremembe imena ali naslova;
- (iii) zahtevo za vpis spremembe prijavitelja ali lastnika;
- (iv) potrdilo o prenosu;
- (v) zahtevo za vpis ali preklic vpisa licence;
- (vi) zahtevo za vpis ali preklic vpisa zavarovanja terjatev;
- (vii) zahtevo za popravek napake.

(2) [*Spremembe iz točke (i) drugega odstavka 3. pravila*] Skupščina določi spremembe obrazca za zahtevo iz točke (i) drugega odstavka 3. pravila, predvidenega po Pogodbi o sodelovanju na področju patentov.

(3) [*Predlogi Mednarodnega urada*] Mednarodni urad predloži skupščini predloge glede:

- (i) določitve vzorčnih mednarodnih obrazcev iz prvega odstavka;
- (ii) sprememb obrazca za zahtevo iz drugega odstavka, predvidenega po Pogodbi o sodelovanju na področju patentov.

21. pravilo**Zahteva za soglasnost po tretjem odstavku 14. člena**

Soglasnost se zahteva za določitev ali spremembo naslednjih pravil:

- (i) vseh pravil po pododstavku (a) prvega odstavka 5. člena;
- (ii) vseh pravil po točki (iii) prvega odstavka 6. člena;
- (iii) vseh pravil po tretjem odstavku 6. člena;
- (iv) vseh pravil po točki (iii) pododstavka (a) drugega odstavka 7. člena;
- (v) pododstavka (a) prvega odstavka 8. pravila;
- (vi) tega pravila.

3. člen

Za izvajanje pogodbe skrbi Ministrstvo za gospodarstvo – Urad RS za intelektualno lastnino.

4. člen

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

Št. 318-01/01-13/1

Ljubljana, dne 15. februarja 2002

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

12. Zakon o ratifikaciji Ženevskega akta Haaškega sporazuma o mednarodni registraciji modelov (MŽAHSRM)

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

U K A Z**O RATIFIKACIJI ŽENEVSKEGA AKTA HAAŠKEGA SPORAZUMA O MEDNARODNI REGISTRACIJI MODELOV (MŽAHSRM)**

Razglašam Zakon o ratifikaciji Ženevskega akta Haaškega sporazuma o mednarodni registraciji modelov (MŽAHSRM), ki ga je sprejel Državni zbor Republike Slovenije na seji 15. februarja 2002.

Št. 001-22-12/02
Ljubljana, 25. februarja 2002

Predsednik
Republike Slovenije
Milan Kučan l. r.

Z A K O N**O RATIFIKACIJI ŽENEVSKEGA AKTA HAAŠKEGA SPORAZUMA O MEDNARODNI REGISTRACIJI MODELOV (MŽAHSRM)**

1. člen

Ratificira se Ženevski akt Haaškega sporazuma o mednarodni registraciji modelov, sprejet 2. julija 1999 na diplomatski konferenci v Ženevi.

2. člen

Pogodba se v izvorniku v angleškem jeziku in v prevodu v slovenski jezik glasi:

**GENEVA ACT OF THE HAGUE AGREEMENT
CONCERNING THE INTERNATIONAL
REGISTRATION OF INDUSTRIAL DESIGNS**
*adopted by the Diplomatic Conference
on July 2, 1999*

INTRODUCTORY PROVISIONS**Article 1****Abbreviated Expressions**

For the purposes of this Act:

(i) "the Hague Agreement" means the Hague Agreement Concerning the International Deposit of Industrial Designs, henceforth renamed the Hague Agreement Concerning the International Registration of Industrial Designs;

(ii) "this Act" means the Hague Agreement as established by the present Act;

(iii) "Regulations" means the Regulations under this Act;

(iv) "prescribed" means prescribed in the Regulations;

(v) "Paris Convention" means the Paris Convention for the Protection of Industrial Property, signed at Paris on March 20, 1883, as revised and amended;

(vi) "international registration" means the international registration of an industrial design effected according to this Act;

(vii) "international application" means an application for international registration;

(viii) "International Register" means the official collection of data concerning international registrations maintained by the International Bureau, which data this Act or the Regulations require or permit to be recorded, regardless of the medium in which such data are stored;

(ix) "person" means a natural person or a legal entity;

**ŽENEVSKI AKT HAAŠKEGA SPORAZUMA
O MEDNARODNI REGISTRACIJI
MODELOV**

*sprejet na diplomatski konferenci
2. julija 1999*

UVODNE DOLOČBE**1. člen****Skrajšani izrazi**

V tem aktu:

(i) "Haaški sporazum" pomeni Haaški sporazum o mednarodnem depozitu modelov, ki se s tem preimenuje v Haaški sporazum o mednarodni registraciji modelov;

(ii) "ta akt" pomeni Haaški sporazum, kakor ga opredeljuje ta akt;

(iii) "pravilnik" pomeni pravilnik k temu aktu;

(iv) "predpisan" pomeni predpisan v pravilniku;

(v) "Pariška konvencija" pomeni Pariško konvencijo za varstvo industrijske lastnine, podpisano 20. marca 1883 v Parizu, kot je bila spremenjena in dopolnjena;

(vi) "mednarodna registracija" pomeni mednarodno registracijo modela v skladu s tem aktom;

(vii) "mednarodna prijava" pomeni prijavo za pridobitev mednarodne registracije;

(viii) "mednarodni register" pomeni uradno zbirko podatkov v zvezi z mednarodnimi registracijami, ki jo vodi Mednarodni urad, in sicer podatkov, za katere je v tem aktu ali v pravilniku zahtevano ali dovoljeno, da so vpisani v register ne glede na medij, na katerem so taki podatki shranjeni;

(ix) "oseba" pomeni fizično ali pravno osebo;

(x) "applicant" means the person in whose name an international application is filed;

(xi) "holder" means the person in whose name an international registration is recorded in the International Register;

(xii) "intergovernmental organization" means an intergovernmental organization eligible to become party to this Act in accordance with Article 27(1)(ii);

(xiii) "Contracting Party" means any State or intergovernmental organization party to this Act;

(xiv) "applicant's Contracting Party" means the Contracting Party or one of the Contracting Parties from which the applicant derives its entitlement to file an international application by virtue of satisfying, in relation to that Contracting Party, at least one of the conditions specified in Article 3; where there are two or more Contracting Parties from which the applicant may, under Article 3, derive its entitlement to file an international application, "applicant's Contracting Party" means the one which, among those Contracting Parties, is indicated as such in the international application;

(xv) "territory of a Contracting Party" means, where the Contracting Party is a State, the territory of that State and, where the Contracting Party is an intergovernmental organization, the territory in which the constituent treaty of that intergovernmental organization applies;

(xvi) "Office" means the agency entrusted by a Contracting Party with the grant of protection for industrial designs with effect in the territory of that Contracting Party;

(xvii) "Examining Office" means an Office which *ex officio* examines applications filed with it for the protection of industrial designs at least to determine whether the industrial designs satisfy the condition of novelty;

(xviii) "designation" means a request that an international registration have effect in a Contracting Party; it also means the recording, in the International Register, of that request;

(xix) "designated Contracting Party" and "designated Office" means the Contracting Party and the Office of the Contracting Party, respectively, to which a designation applies;

(xx) "1934 Act" means the Act signed at London on June 2, 1934, of the Hague Agreement;

(xxi) "1960 Act" means the Act signed at The Hague on November 28, 1960, of the Hague Agreement;

(xxii) "1961 Additional Act" means the Act signed at Monaco on November 18, 1961, additional to the 1934 Act;

(xxiii) "Complementary Act of 1967" means the Complementary Act signed at Stockholm on July 14, 1967, as amended, of the Hague Agreement;

(xxiv) "Union" means the Hague Union established by the Hague Agreement of November 6, 1925, and maintained by the 1934 and 1960 Acts, the 1961 Additional Act, the Complementary Act of 1967 and this Act;

(xxv) "Assembly" means the Assembly referred to in Article 21(1)(a) or any body replacing that Assembly;

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

(xxvii) "Director General" means the Director General of the Organization;

(xxviii) "International Bureau" means the International Bureau of the Organization;

(xxix) "instrument of ratification" shall be construed as including instruments of acceptance or approval.

(x) "prijavitelj" pomeni osebo, v imenu katere je vložena mednarodna prijava;

(xi) "imetnik" pomeni osebo, v imenu katere je mednarodna registracija vpisana v mednarodni register;

(xii) "medvladna organizacija" pomeni medvladno organizacijo, ki ima v skladu s točko (ii) prvega odstavka 27. člena pravico postati pogodbenica tega akta;

(xiii) "pogodbenica" pomeni vsako državo ali medvladno organizacijo, ki je pogodbenica tega akta;

(xiv) "pogodbenica prijavitelja" pomeni pogodbenico ali eno od pogodbenic, v kateri prijavitelj na podlagi izpolnjevanja najmanj enega od pogojev, navedenih v 3. členu, pridobi pravico do vložitve mednarodne prijave; če lahko prijavitelj skladno s 3. členom pridobi pravico do vložitve mednarodne prijave v dveh ali več pogodbenicah, je "pogodbenica prijavitelja" tista izmed pogodbenic, ki je kot taka označena v mednarodni prijavi;

(xv) "ozemlje pogodbenice" pomeni ozemlje države, če je pogodbenica država, če pa je pogodbenica medvladna organizacija, ozemlje, na katerem velja ustanovitvena pogodba te medvladne organizacije;

(xvi) "urad" pomeni agencijo, ki ji pogodbenica poveri podeljevanje varstva za modele z veljavnostjo na svojem ozemlju;

(xvii) "urad za preizkušanje" pomeni urad, ki po uradni dolžnosti preizkuša pri njem vložene prijave za varstvo modelov, da ugotovi najmanj to, ali modeli izpolnjujejo pogoj novosti;

(xviii) "imenovanje" pomeni zahtevo, da mednarodna registracija velja na ozemlju pogodbenice; pomeni tudi vpis te zahteve v mednarodni register;

(xix) "imenovana pogodbenica" in "imenovani urad" pomenita pogodbenico oziroma urad pogodbenice, na katerega se nanaša imenovanje;

(xx) "akt iz leta 1934" pomeni akt Haaškega sporazuma, podpisan v Londonu 2. junija 1934;

(xxi) "akt iz leta 1960" pomeni akt Haaškega sporazuma, podpisan v Haagu 28. novembra 1960;

(xxii) "dodatni akt iz leta 1961" pomeni akt, podpisan v Monaku 18. novembra 1961 kot dodatek k aktu iz leta 1934;

(xxiii) "dopolnilni akt iz leta 1967" pomeni spremenjen dopolnilni akt Haaškega sporazuma, podpisan v Stockholmu 14. julija 1967;

(xxiv) "Unija" pomeni Haaško unijo, ustanovljeno s Haaškim sporazumom s 6. novembra 1925 in ohranjeno v aktih iz leta 1934 in 1960, v dodatnem in dopolnilnem aktu in v tem aktu;

(xxv) "skupščina" pomeni skupščino Unije, omenjeno v pododstavku (a) prvega odstavka 21. člena, ali kateri koli organ, ki to skupščino nadomešča;

(xxvi) "Organizacija" pomeni Svetovno organizacijo za intelektualno lastnino;

(xxvii) "generalni direktor" je generalni direktor Organizacije;

(xxviii) "Mednarodni urad" je mednarodni urad Organizacije;

(xxix) "listina o ratifikaciji" se razlaga tako, da vključuje tudi listine o sprejetju ali odobritvi.

Article 2**Applicability of Other Protection Accorded by Laws of Contracting Parties and by Certain International Treaties**

(1) [*Laws of Contracting Parties and Certain International Treaties*] The provisions of this Act shall not affect the application of any greater protection which may be accorded by the law of a Contracting Party, nor shall they affect in any way the protection accorded to works of art and works of applied art by international copyright treaties and conventions, or the protection accorded to industrial designs under the Agreement on Trade-Related Aspects of Intellectual Property Rights annexed to the Agreement Establishing the World Trade Organization.

(2) [*Obligation to Comply with the Paris Convention*] Each Contracting Party shall comply with the provisions of the Paris Convention which concern industrial designs.

CHAPTER I

INTERNATIONAL APPLICATION AND INTERNATIONAL REGISTRATION

Article 3**Entitlement to File an International Application**

Any person that is a national of a State that is a Contracting Party or of a State member of an intergovernmental organization that is a Contracting Party, or that has a domicile, a habitual residence or a real and effective industrial or commercial establishment in the territory of a Contracting Party, shall be entitled to file an international application.

Article 4**Procedure for Filing the International Application**

(1) [*Direct or Indirect Filing*] (a) The international application may be filed, at the option of the applicant, either directly with the International Bureau or through the Office of the applicant's Contracting Party.

(b) Notwithstanding subparagraph (a), any Contracting Party may, in a declaration, notify the Director General that international applications may not be filed through its Office.

(2) [*Transmittal Fee in Case of Indirect Filing*] The Office of any Contracting Party may require that the applicant pay a transmittal fee to it, for its own benefit, in respect of any international application filed through it.

Article 5**Contents of the International Application**

(1) [*Mandatory Contents of the International Application*] The international application shall be in the prescribed language or one of the prescribed languages and shall contain or be accompanied by

- (i) a request for international registration under this Act;
- (ii) the prescribed data concerning the applicant;

(iii) the prescribed number of copies of a reproduction or, at the choice of the applicant, of several different reproductions of the industrial design that is the subject of the international application, presented in the prescribed manner; however, where the industrial design is two-dimensional and a request for deferment of publication is made in accordance with paragraph (5), the international application may, instead of containing reproductions, be accompanied by the prescribed number of specimens of the industrial design;

2. člen**Veljavnost drugačnega varstva, določenega z zakoni pogodbenic in nekaterimi mednarodnimi pogodbami**

(1) [*Zakoni pogodbenic in nekatere mednarodne pogodbe*] Določbe tega akta ne vplivajo na veljavnost kakršnega koli večjega varstva, ki je lahko določeno z zakonom pogodbenice, in nikakor ne vplivajo na varstvo, ki ga umetniškim delom in delom uporabne umetnosti določajo mednarodne pogodbe ali konvencije o avtorskih pravicah, ali na varstvo, ki je modelom določeno po Sporazumu o trgovinskih vidikih pravic intelektualne lastnine, priloženemu k Sporazumu o ustanovitvi Svetovne trgovinske organizacije.

(2) [*Obvezna skladnost s Pariško konvencijo*] Vsaka pogodbenica ravna v skladu z določbami Pariške konvencije, ki se nanašajo na modele.

I. POGLAVJE

MEDNARODNA PRIJAVA IN MEDNARODNA REGISTRACIJA

3. člen**Upravičenost do vložitve mednarodne prijave**

Vsaka oseba, ki je državljan države pogodbenice ali države članice medvladne organizacije, ki je pogodbenica, ali ima stalno ali običajno prebivališče ali resnično in dejavno industrijsko ali trgovsko podjetje na ozemlju pogodbenice, je upravičena do vložitve mednarodne prijave.

4. člen**Postopek za vložitev mednarodne prijave**

(1) [*Neposredna ali posredna vložitev*] (a) Prijavitelj lahko vloži mednarodno prijavo po svoji izbiri neposredno pri Mednarodnem uradu ali s posredovanjem urada pogodbenice prijavitelja.

(b) Ne glede na pododstavek (a) lahko vsaka pogodbenica s pisno izjavo uradno obvesti generalnega direktorja, da mednarodna prijava ne sme biti vložena s posredovanjem njenega urada.

(2) [*Posredniška pristojbina pri posredni vložitvi*] Urad katere koli pogodbenice lahko zahteva, da mu prijavitelj plača posredniško pristojbino za vsako mednarodno prijavo, vloženo z njegovim posredovanjem.

5. člen**Vsebina mednarodne prijave**

(1) [*Obvezna vsebina mednarodne prijave*] Mednarodna prijava mora biti napisana v predpisanem jeziku ali v enem od predpisanih jezikov in vsebovati ali imeti priloženo:

- (i) zahtevo za mednarodno registracijo po tem aktu;
- (ii) predpisane podatke o prijavitelju;
- (iii) predpisano število izvodov prikaza ali po prijaviteljevi izbiri več različnih prikazov modela, ki se prijavlja, predstavljenih na predpisan način; če pa je model dvodimenzionalen in če je v skladu s petim odstavkom dana zahteva za odlog objave, je lahko mednarodni prijavi namesto prikazov priloženo predpisano število primerkov modela;

(iv) an indication of the product or products which constitute the industrial design or in relation to which the industrial design is to be used, as prescribed;

(v) an indication of the designated Contracting Parties;

(vi) the prescribed fees;

(vii) any other prescribed particulars.

(2) [Additional Mandatory Contents of the International Application] (a) Any Contracting Party whose Office is an Examining Office and whose law, at the time it becomes party to this Act, requires that an application for the grant of protection to an industrial design contain any of the elements specified in subparagraph (b) in order for that application to be accorded a filing date under that law may, in a declaration, notify the Director General of those elements.

(b) The elements that may be notified pursuant to subparagraph (a) are the following:

(i) indications concerning the identity of the creator of the industrial design that is the subject of that application;

(ii) a brief description of the reproduction or of the characteristic features of the industrial design that is the subject of that application;

(iii) a claim.

(c) Where the international application contains the designation of a Contracting Party that has made a notification under subparagraph (a), it shall also contain, in the prescribed manner, any element that was the subject of that notification.

(3) [Other Possible Contents of the International Application] The international application may contain or be accompanied by such other elements as are specified in the Regulations.

(4) [Several Industrial Designs in the Same International Application] Subject to such conditions as may be prescribed, an international application may include two or more industrial designs.

(5) [Request for Deferred Publication] The international application may contain a request for deferment of publication.

Article 6 Priority

(1) [Claiming of Priority] (a) The international application may contain a declaration claiming, under Article 4 of the Paris Convention, the priority of one or more earlier applications filed in or for any country party to that Convention or any Member of the World Trade Organization.

(b) The Regulations may provide that the declaration referred to in subparagraph (a) may be made after the filing of the international application. In such case, the Regulations shall prescribe the latest time by which such declaration may be made.

(2) [International Application Serving as a Basis for Claiming Priority] The international application shall, as from its filing date and whatever may be its subsequent fate, be equivalent to a regular filing within the meaning of Article 4 of the Paris Convention.

Article 7 Designation Fees

(1) [Prescribed Designation Fee] The prescribed fees shall include, subject to paragraph (2), a designation fee for each designated Contracting Party.

(iv) navedbo izdelka ali izdelkov, ki sestavljajo model, ali v zvezi s katerimi je treba model uporabljati, kot je predpisano;

(v) navedbo imenovanih pogodbenic;

(vi) predpisane pristojbine;

(vii) morebitne druge predpisane podatke.

(2) [Dodatna obvezna vsebina mednarodne prijave] (a) Vsaka pogodbenica, katere urad je urad za preizkušanje in ki po zakonu, ki je veljal, ko je postala pogodbenica tega akta, zahteva, da prijava za podelitev varstva modela vsebuje sestavine iz pododstavka (b), da bi se ji po omenjenem zakonu lahko dodelil datum vložitve, lahko o teh sestavinah z izjavo uradno obvesti generalnega direktorja.

(b) Sestavine, ki se na podlagi pododstavka (a) lahko uradno sporočijo, so:

(i) navedba o istovetnosti oblikovalca modela, ki se prijavlja;

(ii) kratek opis prikaza ali značilnosti modela, ki se prijavlja;

(iii) zahtevke.

(c) Kadar mednarodna prijava vsebuje imenovanje pogodbenice, ki je poslala uradno obvestilo iz pododstavka (a), mora v predpisani obliki vsebovati tudi vsako sestavino, ki je bila v uradnem obvestilu navedena.

(3) [Druga možna vsebina mednarodne prijave] Mednarodna prijava lahko vsebuje ali pa so ji priložene tudi druge sestavine, ki so določene s pravilnikom.

(4) [Več modelov v isti prijavi] Pod pogoji, kakršni so lahko predpisani, se mednarodna prijava lahko nanaša na dva ali več modelov.

(5) [Zahteva za odloženo objavo] Mednarodna prijava lahko vsebuje tudi zahtevo za odlog objave.

6. člen Prednost

(1) [Zahteva za prednost] (a) Mednarodna prijava lahko vsebuje izjavo, s katero prijavitelj v skladu s 4. členom Pariške konvencije zahteva prednost za eno ali več predhodnih prijav, vloženi v kateri koli državi pogodbenici te konvencije ali zanjo oziroma v kateri koli članici Svetovne trgovinske organizacije ali zanjo.

(b) V pravilniku je lahko določeno, da je izjavo iz pododstavka (a) mogoče dati po vložitvi mednarodne prijave. V takem primeru je s pravilnikom predpisano, do kdaj najpozneje se taka izjava lahko da.

(2) [Mednarodna prijava, ki je lahko podlaga za zahtevo za prednost] Od dneva vložitve dalje je mednarodna prijava ne glede na njeno poznejšo usodo enakovredna redni vložitvi v smislu 4. člena Pariške konvencije.

7. člen Pristojbine za imenovanje

(1) [Predpisana pristojbina za imenovanje] Med predpisanimi pristojbinami je tudi pristojbina za imenovanje za vsako imenovano pogodbenico ne glede na določila v drugem odstavku tega člena.

(2) [*Individual Designation Fee*] Any Contracting Party whose Office is an Examining Office and any Contracting Party that is an intergovernmental organization may, in a declaration, notify the Director General that, in connection with any international application in which it is designated, and in connection with the renewal of any international registration resulting from such an international application, the prescribed designation fee referred to in paragraph (1) shall be replaced by an individual designation fee, whose amount shall be indicated in the declaration and can be changed in further declarations. The said amount may be fixed by the said Contracting Party for the initial term of protection and for each term of renewal or for the maximum period of protection allowed by the Contracting Party concerned. However, it may not be higher than the equivalent of the amount which the Office of that Contracting Party would be entitled to receive from an applicant for a grant of protection for an equivalent period to the same number of industrial designs, that amount being diminished by the savings resulting from the international procedure.

(3) [*Transfer of Designation Fees*] The designation fees referred to in paragraphs (1) and (2) shall be transferred by the International Bureau to the Contracting Parties in respect of which those fees were paid.

Article 8

Correction of Irregularities

(1) [*Examination of the International Application*] If the International Bureau finds that the international application does not, at the time of its receipt by the International Bureau, fulfill the requirements of this Act and the Regulations, it shall invite the applicant to make the required corrections within the prescribed time limit.

(2) [*Irregularities Not Corrected*] (a) If the applicant does not comply with the invitation within the prescribed time limit, the international application shall, subject to subparagraph (b), be considered abandoned.

(b) In the case of an irregularity which relates to Article 5(2) or to a special requirement notified to the Director General by a Contracting Party in accordance with the Regulations, if the applicant does not comply with the invitation within the prescribed time limit, the international application shall be deemed not to contain the designation of that Contracting Party.

Article 9

Filing Date of the International Application

(1) [*International Application Filed Directly*] Where the international application is filed directly with the International Bureau, the filing date shall, subject to paragraph (3), be the date on which the International Bureau receives the international application.

(2) [*International Application Filed Indirectly*] Where the international application is filed through the Office of the applicant's Contracting Party, the filing date shall be determined as prescribed.

(3) [*International Application with Certain Irregularities*] Where the international application has, on the date on which it is received by the International Bureau, an irregularity which is prescribed as an irregularity entailing a postponement of the filing date of the international application, the filing date shall be the date on which the correction of such irregularity is received by the International Bureau.

(2) [*Pristojbina za posamično imenovanje*] Pogodbenica, katere urad je urad za preizkušanje, ali pogodbenica, ki je mednarodna organizacija, lahko s pisno izjavo uradno obvesti generalnega direktorja, da se v zvezi s katero koli mednarodno prijavo, v kateri je imenovana, in v zvezi z obnovitvijo katere koli mednarodne registracije, ki je posledica take mednarodne prijave, predpisana pristojbina za imenovanje iz prvega odstavka zamenja s pristojbino za posamično imenovanje, katere znesek se navede v izjavi in se lahko s poznejšimi izjavami spremeni. Ta znesek lahko pogodbenica določi za začetno trajanje varstva in za vsako obnovljeno trajanje oziroma za najdaljši možni čas varstva, ki ga ta pogodbenica dovoljuje. Ta znesek pa ne sme biti višji od zneska, ki bi ga imel urad te pogodbenice pravico prejeti od prijavitelja za odobritev varstva za enako obdobje za enako število modelov, zmanjšanega za prihranek zaradi mednarodnega postopka.

(3) [*Prenos pristojbin za imenovanje*] Pristojbine za imenovanje iz prvega in drugega odstavka prenese Mednarodni urad pogodbenicam, za katere so bile te pristojbine plačane.

8. člen

Odprava nepravilnosti

(1) [*Preizkus mednarodne prijave*] Če Mednarodni urad ugotovi, da mednarodna prijava v času, ko jo prejme, ne izpolnjuje zahtev tega akta in pravilnika, pozove prijavitelja, da v predpisanem roku izvede zahtevane popravke.

(2) [*Nepravilnosti, ki niso odpravljene*] (a) Če prijavitelj v predpisanem roku zahtev iz poziva ne izpolni, se razen v primeru iz pododstavka (b) šteje, da je mednarodna prijava opuščena.

(b) Če prijavitelj ob nepravilnosti v zvezi z drugim odstavkom 5. člena ali posebno zahtevo, ki jo je pogodbenica v skladu s pravilnikom uradno sporočila generalnemu direktorju, zahtev iz poziva ne izpolni v predpisanem roku, se šteje, da mednarodna prijava ne vsebuje imenovanja te pogodbenice.

9. člen

Datum vložitve mednarodne prijave

(1) [*Neposredno vložena mednarodna prijava*] Kadar je mednarodna prijava vložena neposredno pri Mednarodnem uradu, se ob upoštevanju tretjega odstavka tega člena za datum vložitve šteje dan, ko je Mednarodni urad prejel mednarodno prijavo.

(2) [*Posredno vložena mednarodna prijava*] Kadar je mednarodna prijava vložena s posredovanjem urada pogodbenice prijavitelja, se datum vložitve določi, kot je predpisano.

(3) [*Mednarodna prijava z nepravilnostmi*] Kadar je v mednarodni prijavi na dan, ko jo je prejel Mednarodni urad, kakšna nepravilnost, ki je opredeljena kot nepravilnost, katere posledica je preložitev datuma vložitve mednarodne prijave, se za datum vložitve šteje dan, ko je Mednarodni urad prejel popravek nepravilnosti.

Article 10**International Registration, Date of the International Registration, Publication and Confidential Copies of the International Registration**

(1) [*International Registration*] The International Bureau shall register each industrial design that is the subject of an international application immediately upon receipt by it of the international application or, where corrections are invited under Article 8, immediately upon receipt of the required corrections. The registration shall be effected whether or not publication is deferred under Article 11.

(2) [*Date of the International Registration*] (a) Subject to subparagraph (b), the date of the international registration shall be the filing date of the international application.

(b) Where the international application has, on the date on which it is received by the International Bureau, an irregularity which relates to Article 5(2), the date of the international registration shall be the date on which the correction of such irregularity is received by the International Bureau or the filing date of the international application, whichever is the later.

(3) [*Publication*] (a) The international registration shall be published by the International Bureau. Such publication shall be deemed in all Contracting Parties to be sufficient publicity, and no other publicity may be required of the holder.

(b) The International Bureau shall send a copy of the publication of the international registration to each designated Office.

(4) [*Maintenance of Confidentiality Before Publication*] Subject to paragraph (5) and Article 11(4)(b), the International Bureau shall keep in confidence each international application and each international registration until publication.

(5) [*Confidential Copies*] (a) The International Bureau shall, immediately after registration has been effected, send a copy of the international registration, along with any relevant statement, document or specimen accompanying the international application, to each Office that has notified the International Bureau that it wishes to receive such a copy and has been designated in the international application.

(b) The Office shall, until publication of the international registration by the International Bureau, keep in confidence each international registration of which a copy has been sent to it by the International Bureau and may use the said copy only for the purpose of the examination of the international registration and of applications for the protection of industrial designs filed in or for the Contracting Party for which the Office is competent. In particular, it may not divulge the contents of any such international registration to any person outside the Office other than the holder of that international registration, except for the purposes of an administrative or legal proceeding involving a conflict over entitlement to file the international application on which the international registration is based. In the case of such an administrative or legal proceeding, the contents of the international registration may only be disclosed in confidence to the parties involved in the proceeding who shall be bound to respect the confidentiality of the disclosure.

Article 11**Deferment of Publication**

(1) [*Provisions of Laws of Contracting Parties Concerning Deferment of Publication*] (a) Where the law of a Contracting Party provides for the deferment of the publication of an industrial design for a period which is less than the prescribed period, that Contracting Party shall, in a declaration, notify the Director General of the allowable period of deferment.

10. člen**Mednarodna registracija, datum mednarodne registracije, objava in zaupni izvodi mednarodne registracije**

(1) [*Mednarodna registracija*] Mednarodni urad registrira vsak model, ki je mednarodno prijavljen, takoj ko prejme mednarodno prijavo ali takoj po prejemu zahtevanih popravkov, če so v skladu z 8. členom zahtevani popravki. Registracija se izvede ne glede na to, ali je v skladu z 11. členom objava odložena ali ne.

(2) [*Datum mednarodne registracije*] (a) Ob upoštevanju pododstavka (b) je datum mednarodne registracije datum vložitve mednarodne prijave.

(b) Če je v mednarodni prijavi na dan, ko jo je Mednarodni urad prejel, nepravilnost po drugem odstavku 5. člena, je datum mednarodne registracije tisti dan, ko Mednarodni urad prejme popravek take nepravilnosti, ali pa datum vložitve mednarodne prijave, ki je poznejši.

(3) [*Objava*] (a) Mednarodno registracijo objavi Mednarodni urad. Taka objava se v vseh pogodbenicah šteje za zadostno obveščanje javnosti in imetnik registracije ne sme zahtevati nikakršnega drugega obveščanja javnosti.

(b) Mednarodni urad pošlje izvod objave mednarodne registracije vsakemu imenovanemu uradu.

(4) [*Ohranjanje zaupnosti pred objavo*] Ob upoštevanju petega odstavka tega člena in pododstavka (b) četrtega odstavka 11. člena varuje Mednarodni urad vsako mednarodno prijavo in vsako mednarodno registracijo do objave kot zaupno.

(5) [*Zaupni izvodi*] (a) Mednarodni urad pošlje takoj po registraciji en izvod mednarodne registracije skupaj s pripadajočo izjavo, dokumentom ali primerkom, ki je bil mednarodni prijavi priložen, vsakemu uradu, ki je Mednarodni urad uradno obvestil, da želi prejeti tak izvod, in ki je bil v mednarodni prijavi imenovan.

(b) Dokler Mednarodni urad ne objavi mednarodne registracije, varuje urad kot zaupno vsako mednarodno registracijo, katere izvod je prejel od Mednarodnega urada, ta izvod pa lahko uporablja le za preizkušanje mednarodne registracije in prijav za varstvo modela, vloženi v pogodbenici ali za pogodbenico, za katero je ta urad pristojen. Vsebine take mednarodne registracije, razen njenemu imetniku, zlasti ne sme razkriti nikomur zunaj urada; izjema je le razkritje za namene upravnih ali sodnih postopkov, povezanih s sporom o upravičenosti vlaganja mednarodne prijave, na kateri temelji mednarodna registracija. Pri takem upravnem ali sodnem postopku se sme vsebina mednarodne registracije razkriti kot zaupna samo strankam, ki so vpletene v postopek in so obvezane spoštovati zaupnost takega razkritja.

11. člen**Odlog objave**

(1) [*Določbe pogodbenice v zvezi z odlogom objave*] (a) Če je v zakonu pogodbenice predviden odlog objave modela za čas, ki je krajši od predpisanega, lahko ta pogodbenica z izjavo uradno obvesti generalnega direktorja o dopustnem roku odloga.

(b) Where the law of a Contracting Party does not provide for the deferment of the publication of an industrial design, the Contracting Party shall, in a declaration, notify the Director General of that fact.

(2) [*Deferment of Publication*] Where the international application contains a request for deferment of publication, the publication shall take place,

(i) where none of the Contracting Parties designated in the international application has made a declaration under paragraph (1), at the expiry of the prescribed period or,

(ii) where any of the Contracting Parties designated in the international application has made a declaration under paragraph (1)(a), at the expiry of the period notified in such declaration or, where there is more than one such designated Contracting Party, at the expiry of the shortest period notified in their declarations.

(3) [*Treatment of Requests for Deferment Where Deferment Is Not Possible Under Applicable Law*] Where deferment of publication has been requested and any of the Contracting Parties designated in the international application has made a declaration under paragraph (1)(b) that deferment of publication is not possible under its law,

(i) subject to item (ii), the International Bureau shall notify the applicant accordingly; if, within the prescribed period, the applicant does not, by notice in writing to the International Bureau, withdraw the designation of the said Contracting Party, the International Bureau shall disregard the request for deferment of publication;

(ii) where, instead of containing reproductions of the industrial design, the international application was accompanied by specimens of the industrial design, the International Bureau shall disregard the designation of the said Contracting Party and shall notify the applicant accordingly.

(4) [*Request for Earlier Publication or for Special Access to the International Registration*] (a) At any time during the period of deferment applicable under paragraph (2), the holder may request publication of any or all of the industrial designs that are the subject of the international registration, in which case the period of deferment in respect of such industrial design or designs shall be considered to have expired on the date of receipt of such request by the International Bureau.

(b) The holder may also, at any time during the period of deferment applicable under paragraph (2), request the International Bureau to provide a third party specified by the holder with an extract from, or to allow such a party access to, any or all of the industrial designs that are the subject of the international registration.

(5) [*Renunciation and Limitation*] (a) If, at any time during the period of deferment applicable under paragraph (2), the holder renounces the international registration in respect of all the designated Contracting Parties, the industrial design or designs that are the subject of the international registration shall not be published.

(b) If, at any time during the period of deferment applicable under paragraph (2), the holder limits the international registration, in respect of all of the designated Contracting Parties, to one or some of the industrial designs that are the subject of the international registration, the other industrial design or designs that are the subject of the international registration shall not be published.

(6) [*Publication and Furnishing of Reproductions*] (a) At the expiration of any period of deferment applicable under the provisions of this Article, the International Bureau shall, subject to the payment of the prescribed fees, publish the international registration. If such fees are not paid as prescribed, the international registration shall be canceled and publication shall not take place.

(b) Če v zakonu pogodbenice odlog objave modela ni predviden, pogodbenica o tem z izjavo uradno obvesti generalnega direktorja.

(2) [*Odlog objave*] Če mednarodna prijava vsebuje zahtevo za odlog objave, se objava opravi

(i) ob poteku predpisanega roka, če nobena pogodbenica, imenovana v mednarodni prijavi, ni dala izjave iz prvega odstavka tega člena;

(ii) ob poteku roka, navedenega v izjavi, če je katera od pogodbenic, imenovanih v mednarodni prijavi, dala izjavo iz pododstavka (a) prvega odstavka tega člena, oziroma ob poteku najkrajšega roka, navedenega v izjavah, če je dala izjavo več imenovanih pogodbenic.

(3) [*Obravnavanje zahtev za odlog, če po veljavni zakonodaji ni možen*] Če je bil zahtevan odlog objave in je katera od pogodbenic, imenovanih v mednarodni prijavi, dala izjavo iz pododstavka (b) prvega odstavka tega člena, da po njeni zakonodaji odlog objave ni možen,

(i) Mednarodni urad ob upoštevanju točke (ii) tega odstavka o tem obvesti prijavitelja; če prijavitelj v predpisanem roku s pisnim obvestilom Mednarodnemu uradu ne umakne imenovanja omenjene pogodbenice, Mednarodni urad ne upošteva zahteve za odlog objave;

(ii) če so bili mednarodni prijavi namesto prikazov priloženi primerki modela, Mednarodni urad imenovanja omenjene pogodbenice ne upošteva in o tem obvesti prijavitelja.

(4) [*Zahteva za predčasno objavo ali za posebej dovoljeni dostop do mednarodne registracije*] (a) V obdobju odloga po drugem odstavku lahko imetnik kadar koli zahteva objavo katerega koli modela ali vseh modelov iz mednarodne registracije, pri čemer se šteje, da je rok odloga za take modele potekel na dan, ko je Mednarodni urad prejel zahtevo.

(b) Prav tako lahko imetnik kadar koli med odlogom po drugem odstavku tega člena zahteva od Mednarodnega urada, da tretji osebi, ki jo določi imetnik, posreduje izveček ali ji dovoli dostop do katerega koli mednarodno registriranega ali vseh mednarodno registriranih modelov.

(5) [*Odpoved in omejevanje*] (a) Če imetnik med odlogom po drugem odstavku tega člena odpove mednarodno registracijo za vse imenovane pogodbenice, se model ali modeli, ki so bili mednarodno registrirani, ne objavijo.

(b) Če imetnik med odlogom po drugem odstavku tega člena za vse imenovane pogodbenice omeji mednarodno registracijo za enega ali nekaj modelov, ki so bili mednarodno registrirani, se preostali modeli iz mednarodne registracije ne objavijo.

(6) [*Objava in predložitev prikazov*] (a) Ob poteku katerega koli odloga po določbah tega člena Mednarodni urad objavi mednarodno registracijo, če so plačane predpisane pristojbine. Če pristojbine niso plačane, kot je predpisano, se mednarodna registracija izbriše in se ne objavi.

(b) Where the international application was accompanied by one or more specimens of the industrial design in accordance with Article 5(1)(iii), the holder shall submit the prescribed number of copies of a reproduction of each industrial design that is the subject of that application to the International Bureau within the prescribed time limit. To the extent that the holder does not do so, the international registration shall be canceled and publication shall not take place.

Article 12

Refusal

(1) [*Right to Refuse*] The Office of any designated Contracting Party may, where the conditions for the grant of protection under the law of that Contracting Party are not met in respect of any or all of the industrial designs that are the subject of an international registration, refuse the effects, in part or in whole, of the international registration in the territory of the said Contracting Party, provided that no Office may refuse the effects, in part or in whole, of any international registration on the ground that requirements relating to the form or contents of the international application that are provided for in this Act or the Regulations or are additional to, or different from, those requirements have not been satisfied under the law of the Contracting Party concerned.

(2) [*Notification of Refusal*] (a) The refusal of the effects of an international registration shall be communicated by the Office to the International Bureau in a notification of refusal within the prescribed period.

(b) Any notification of refusal shall state all the grounds on which the refusal is based.

(3) [*Transmission of Notification of Refusal; Remedies*] (a) The International Bureau shall, without delay, transmit a copy of the notification of refusal to the holder.

(b) The holder shall enjoy the same remedies as if any industrial design that is the subject of the international registration had been the subject of an application for the grant of protection under the law applicable to the Office that communicated the refusal. Such remedies shall at least consist of the possibility of a re-examination or a review of the refusal or an appeal against the refusal.

(4) [*Withdrawal of Refusal*] Any refusal may be withdrawn, in part or in whole, at any time by the Office that communicated it.

Article 13

Special Requirements Concerning Unity of Design

(1) [*Notification of Special Requirements*] Any Contracting Party whose law, at the time it becomes party to this Act, requires that designs that are the subject of the same application conform to a requirement of unity of design, unity of production or unity of use, or belong to the same set or composition of items, or that only one independent and distinct design may be claimed in a single application, may, in a declaration, notify the Director General accordingly. However, no such declaration shall affect the right of an applicant to include two or more industrial designs in an international application in accordance with Article 5(4), even if the application designates the Contracting Party that has made the declaration.

(2) [*Effect of Declaration*] Any such declaration shall enable the Office of the Contracting Party that has made it to refuse the effects of the international registration pursuant to Article 12(1) pending compliance with the requirement notified by that Contracting Party.

(3) [*Further Fees Payable on Division of Registration*] Where, following a notification of refusal in accordance with paragraph (2), an international registration is divided before the Office concerned in order to overcome a ground of

(b) Če je bil mednarodni prijavi skladno s točko (iii) prvega odstavka 5. člena priložen en ali več primerkov modela, imetnik v predpisanem roku predloži Mednarodnemu uradu predpisano število izvodov prikaza vsakega modela, ki je bil prijavljen. Če imetnik tega ne stori, se mednarodna registracija izbriše in se ne objavi.

12. člen

Zavrnitev

(1) [*Pravica do zavrnitve*] Urad katere koli imenovane pogodbenice lahko, če za kateri koli model ali za vse modele, ki so vključeni v mednarodno registracijo, niso izpolnjeni pogoji za podelitev varstva po pravu te pogodbenice, delno ali v celoti zavrne veljavnost mednarodne registracije na svojem ozemlju, vendar pa noben urad ne sme delno ali v celoti zavrniti veljavnosti katere koli mednarodne registracije zato, ker po pravu zadevne pogodbenice niso bile izpolnjene tiste zahteve v zvezi z obliko ali vsebino mednarodne prijave, ki so dodatne ali različne od zahtev, določenih v tem aktu in v pravilniku.

(2) [*Uradno obvestilo o zavrnitvi*] (a) Urad z obvestilom o zavrnitvi v predpisanem roku obvesti Mednarodni urad, da zavrača veljavnost mednarodne registracije.

(b) V vsakem uradnem obvestilu o zavrnitvi morajo biti navedeni razlogi, s katerimi je zavrnitev utemeljena.

(3) [*Pošiljanje uradnega obvestila o zavrnitvi; pravna sredstva*] (a) Mednarodni urad nemudoma pošlje imetniku kopijo uradnega obvestila o zavrnitvi.

(b) Imetnik lahko uporabi enaka pravna sredstva, kot če bi model, za katerega je zahteval mednarodno registracijo, prijavil z zahtevo za podelitev varstva po pravu, veljavnem za urad, ki je sporočil zavrnitev. Med pravnimi sredstvi mora biti najmanj možnost, da se zavrnitev ponovno pregleda ali preizkusi, ali možnost pritožbe zoper zavrnitev.

(4) [*Umik zavrnitve*] Urad, ki je zavrnitev sporočil, jo lahko kadar koli delno ali v celoti umakne.

13. člen

Posebne zahteve o enotnosti modela

(1) [*Uradno obvestilo o posebnih zahtevah*] Vsaka pogodbenica, v kateri velja v času, ko je postala pogodbenica tega akta, zakon, po katerem morajo modeli iz iste prijave izpolnjevati zahtevo enotnosti modela, enotnosti proizvodnje ali enotnosti uporabe ali pripadati kompletu ali sestavu izdelkov ali pa je treba vsak samostojen ali različen model prijaviti posebej, lahko o tem z izjavo uradno obvesti generalnega direktorja. Vendar nobena taka izjava ne vpliva na pravico prijavitelja, da v skladu s četrtem odstavkom 5. člena njegova mednarodna prijava vsebuje dva ali več modelov, četudi je v prijavi imenovana pogodbenica, ki je dala tako izjavo.

(2) [*Učinek izjave*] Na podlagi vsake take izjave lahko urad pogodbenice, ki je izjavo dala, zavrne veljavnost mednarodne registracije po prvem odstavku 12. člena, dokler ni izpolnjena zahteva, ki jo je ta pogodbenica uradno sporočila.

(3) [*Dodatne pristojbine, ki jih je treba plačati ob delitvi registracije*] Če se mednarodna registracija po uradnem obvestilu o zavrnitvi v skladu z drugim odstavkom tega člena pri zadevnem uradu razdeli na dve ali več, da se tako

refusal stated in the notification, that Office shall be entitled to charge a fee in respect of each additional international application that would have been necessary in order to avoid that ground of refusal.

Article 14

Effects of the International Registration

(1) [Effect as Application Under Applicable Law] The international registration shall, from the date of the international registration, have at least the same effect in each designated Contracting Party as a regularly-filed application for the grant of protection of the industrial design under the law of that Contracting Party.

(2) [Effect as Grant of Protection Under Applicable Law] (a) In each designated Contracting Party the Office of which has not communicated a refusal in accordance with Article 12, the international registration shall have the same effect as a grant of protection for the industrial design under the law of that Contracting Party at the latest from the date of expiration of the period allowed for it to communicate a refusal or, where a Contracting Party has made a corresponding declaration under the Regulations, at the latest at the time specified in that declaration.

(b) Where the Office of a designated Contracting Party has communicated a refusal and has subsequently withdrawn, in part or in whole, that refusal, the international registration shall, to the extent that the refusal is withdrawn, have the same effect in that Contracting Party as a grant of protection for the industrial design under the law of the said Contracting Party at the latest from the date on which the refusal was withdrawn.

(c) The effect given to the international registration under this paragraph shall apply to the industrial design or designs that are the subject of that registration as received from the International Bureau by the designated Office or, where applicable, as amended in the procedure before that Office.

(3) [Declaration Concerning Effect of Designation of Applicant's Contracting Party] (a) Any Contracting Party whose Office is an Examining Office may, in a declaration, notify the Director General that, where it is the applicant's Contracting Party, the designation of that Contracting Party in an international registration shall have no effect.

(b) Where a Contracting Party having made the declaration referred to in subparagraph (a) is indicated in an international application both as the applicant's Contracting Party and as a designated Contracting Party, the International Bureau shall disregard the designation of that Contracting Party.

Article 15

Invalidation

(1) [Requirement of Opportunity of Defense] Invalidation, by the competent authorities of a designated Contracting Party, of the effects, in part or in whole, in the territory of that Contracting Party, of the international registration may not be pronounced without the holder having, in good time, been afforded the opportunity of defending his rights.

(2) [Notification of Invalidation] The Office of the Contracting Party in whose territory the effects of the international registration have been invalidated shall, where it is aware of the invalidation, notify it to the International Bureau.

Article 16

Recording of Changes and Other Matters Concerning International Registrations

(1) [Recording of Changes and Other Matters] The International Bureau shall, as prescribed, record in the International Register

izogne razlogu za zavrnitev, navedenemu v uradnem obvestilu, ima ta urad pravico zaračunati pristojbino za vsako dodatno mednarodno prijavo, ki bi bila potrebna, da se izogne razlogu za zavrnitev.

14. člen

Učinki mednarodne registracije

(1) [Učinek prijave po veljavnem pravu] Mednarodna registracija ima od dneva mednarodne registracije v vsaki imenovani pogodbenici najmanj enak učinek kot redno vložena prijava za podelitev varstva modela po pravu te pogodbenice.

(2) [Učinek podelitve varstva po veljavnem pravu] (a) V vsaki imenovani pogodbenici, katere urad ni poslal sporočila o zavrnitvi v skladu z 12. členom, ima mednarodna registracija enak učinek kot podelitev varstva za model po pravu te pogodbenice najkasneje od dne, ko je potekel rok, v katerem lahko sporoči zavrnitev oziroma najkasneje v roku, navedenem v izjavi, če je pogodbenica v skladu s pravilnikom dala ustrezno izjavo.

(b) Če je urad imenovane pogodbenice poslal sporočilo o zavrnitvi in je tako zavrnitev pozneje delno ali v celoti umaknil, ima mednarodna registracija v obsegu, v kakršnem je bila zavrnitev umaknjena, v tej pogodbenici enak učinek kot podelitev varstva za model po pravu omenjene pogodbenice najkasneje od datuma, ko je bila zavrnitev umaknjena.

(c) Učinek, ki ga ima mednarodna registracija po tem odstavku, se nanaša na model ali modele iz registracije, kot jo je imenovani urad prejel od Mednarodnega urada oziroma kot je bila s postopkom pri tem uradu spremenjena.

(3) [Izjava o učinku imenovanja pogodbenice prijavitelja] (a) Vsaka pogodbenica, katere urad je urad za preizkušanje, lahko z izjavo uradno obvesti generalnega direktorja, da njeno imenovanje v mednarodni registraciji nima nobene učinka, kadar je sama pogodbenica prijavitelja.

(b) Kadar je pogodbenica, ki je dala izjavo iz pododstavka (a), v mednarodni prijavi navedena kot pogodbenica prijavitelja in imenovana pogodbenica, Mednarodni urad imenovanja te pogodbenice ne upošteva.

15. člen

Razveljavitev

(1) [Zahteva za možnost obrambe] Pristojni organi imenovane pogodbenice na njenem ozemlju ne morejo delno ali popolnoma razveljaviti učinkov mednarodne registracije, ne da bi bila imetniku pravočasno dana možnost, da brani svoje pravice.

(2) [Uradno obvestilo o razveljavitvi] Urad pogodbenice, na ozemlju katere so bili učinki mednarodne registracije razveljavljeni, o razveljavitvi, če zanjo ve, uradno obvesti Mednarodni urad.

16. člen

Vpis sprememb in drugih zadev v zvezi z mednarodnimi registracijami

(1) [Vpis sprememb in drugih zadev] Kot je predpisano, vpiše Mednarodni urad v mednarodni register

(i) any change in ownership of the international registration, in respect of any or all of the designated Contracting Parties and in respect of any or all of the industrial designs that are the subject of the international registration, provided that the new owner is entitled to file an international application under Article 3,

(ii) any change in the name or address of the holder,

(iii) the appointment of a representative of the applicant or holder and any other relevant fact concerning such representative,

(iv) any renunciation, by the holder, of the international registration, in respect of any or all of the designated Contracting Parties,

(v) any limitation, by the holder, of the international registration, in respect of any or all of the designated Contracting Parties, to one or some of the industrial designs that are the subject of the international registration,

(vi) any invalidation, by the competent authorities of a designated Contracting Party, of the effects, in the territory of that Contracting Party, of the international registration in respect of any or all of the industrial designs that are the subject of the international registration,

(vii) any other relevant fact, identified in the Regulations, concerning the rights in any or all of the industrial designs that are the subject of the international registration.

(2) [Effect of Recording in International Register] Any recording referred to in items (i), (ii), (iv), (v), (vi) and (vii) of paragraph (1) shall have the same effect as if it had been made in the Register of the Office of each of the Contracting Parties concerned, except that a Contracting Party may, in a declaration, notify the Director General that a recording referred to in item (i) of paragraph (1) shall not have that effect in that Contracting Party until the Office of that Contracting Party has received the statements or documents specified in that declaration.

(3) [Fees] Any recording made under paragraph (1) may be subject to the payment of a fee.

(4) [Publication] The International Bureau shall publish a notice concerning any recording made under paragraph (1). It shall send a copy of the publication of the notice to the Office of each of the Contracting Parties concerned.

Article 17

Initial Term and Renewal of the International Registration and Duration of Protection

(1) [Initial Term of the International Registration] The international registration shall be effected for an initial term of five years counted from the date of the international registration.

(2) [Renewal of the International Registration] The international registration may be renewed for additional terms of five years, in accordance with the prescribed procedure and subject to the payment of the prescribed fees.

(3) [Duration of Protection in Designated Contracting Parties] (a) Provided that the international registration is renewed, and subject to subparagraph (b), the duration of protection shall, in each of the designated Contracting Parties, be 15 years counted from the date of the international registration.

(b) Where the law of a designated Contracting Party provides for a duration of protection of more than 15 years for an industrial design for which protection has been granted under that law, the duration of protection shall, provided that the international registration is renewed, be the same as that provided for by the law of that Contracting Party.

(i) vsako spremembo lastništva mednarodne registracije za katero koli ali za vse imenovane pogodbenice in za kateri koli ali vse modele, ki so mednarodno registrirani, če ima novi lastnik v skladu s 3. členom pravico vložiti mednarodno prijavo,

(ii) vsako spremembo imena in priimka ali naslova imetnika,

(iii) imenovanje predstavnika prijavitelja ali imetnika in katero koli drugo pomembno dejstvo v zvezi s takim predstavnikom,

(iv) vsako imetnikovo odpoved mednarodne registracije za katero koli ali vse imenovane pogodbenice,

(v) vsako imetnikovo omejevanje mednarodne registracije za katero koli ali vse imenovane pogodbenice na en model ali na nekatere modele, ki so mednarodno registrirani,

(vi) vsako razveljavitev veljavnosti mednarodne registracije s strani pristojnih organov imenovane pogodbenice za kateri koli ali vse modele iz mednarodne registracije na ozemlju te pogodbenice,

(vii) vsako drugo pomembno dejstvo, ki ga določa pravilnik, v zvezi s pravicami za kateri koli ali vse modele, ki so mednarodno registrirani.

(2) [Učinek vpisa v mednarodni register] Vsak vpis, omenjen v točkah (i), (ii), (iv), (v), (vi) in (vii), prvega odstavka ima enak učinek, kot če bi bil vpisan v register urada vsake od zadevnih pogodbenic, razen da lahko pogodbenica z izjavo uradno obvesti generalnega direktorja, da vpis iz točke (i) prvega odstavka v tej pogodbenici ne bo učinkoval, dokler urad te pogodbenice ne sprejme poročil ali dokumentov, ki so navedeni v omenjeni izjavi pogodbenice.

(3) [Pristojbine] Za vsak vpis iz prvega odstavka je lahko zahtevano plačilo pristojbine.

(4) [Objava] Mednarodni urad objavi vsak vpis iz prvega odstavka. Kopijo objave pošlje uradu vsake pogodbenice, ki jo to zadeva.

17. člen

Veljavnost in obnovitev mednarodne registracije ter trajanje varstva

(1) [Veljavnost mednarodne registracije] Mednarodna registracija velja najprej pet let, računano od dneva mednarodne registracije.

(2) [Obnovitev mednarodne registracije] Mednarodno registracijo je mogoče obnavljati vsakokrat za nadaljnjih pet let v skladu s predpisanim postopkom in ob plačilu predpisanih pristojbin.

(3) [Trajanje varstva v imenovanih pogodbenicah] (a) Če se mednarodna registracija obnavlja, traja varstvo ob upoštevanju pododstavka (b) v posamezni pogodbenici 15 let, računano od dneva mednarodne registracije.

(b) Če zakon imenovane pogodbenice za model, ki mu je bilo po tem zakonu podeljeno varstvo, določa trajanje varstva, daljše od 15 let, traja varstvo, če se mednarodna registracija obnavlja, enako dolgo, kot določa zakon te pogodbenice.

(c) Each Contracting Party shall, in a declaration, notify the Director General of the maximum duration of protection provided for by its law.

(4) [*Possibility of Limited Renewal*] The renewal of the international registration may be effected for any or all of the designated Contracting Parties and for any or all of the industrial designs that are the subject of the international registration.

(5) [*Recording and Publication of Renewal*] The International Bureau shall record renewals in the International Register and publish a notice to that effect. It shall send a copy of the publication of the notice to the Office of each of the Contracting Parties concerned.

Article 18

Information Concerning Published International Registrations

(1) [*Access to Information*] The International Bureau shall supply to any person applying therefor, upon the payment of the prescribed fee, extracts from the International Register, or information concerning the contents of the International Register, in respect of any published international registration.

(2) [*Exemption from Legalization*] Extracts from the International Register supplied by the International Bureau shall be exempt from any requirement of legalization in each Contracting Party.

CHAPTER II

ADMINISTRATIVE PROVISIONS

Article 19

Common Office of Several States

(1) [*Notification of Common Office*] If several States intending to become party to this Act have effected, or if several States party to this Act agree to effect, the unification of their domestic legislation on industrial designs, they may notify the Director General

(i) that a common Office shall be substituted for the national Office of each of them, and

(ii) that the whole of their respective territories to which the unified legislation applies shall be deemed to be a single Contracting Party for the purposes of the application of Articles 1, 3 to 18 and 31 of this Act.

(2) [*Time at Which Notification Is to Be Made*] The notification referred to in paragraph (1) shall be made,

(i) in the case of States intending to become party to this Act, at the time of the deposit of the instruments referred to in Article 27(2);

(ii) in the case of States party to this Act, at any time after the unification of their domestic legislation has been effected.

(3) [*Date of Entry into Effect of the Notification*] The notification referred to in paragraphs (1) and (2) shall take effect,

(i) in the case of States intending to become party to this Act, at the time such States become bound by this Act;

(ii) in the case of States party to this Act, three months after the date of the communication thereof by the Director General to the other Contracting Parties or at any later date indicated in the notification.

Article 20

Membership of the Hague Union

The Contracting Parties shall be members of the same Union as the States party to the 1934 Act or the 1960 Act.

(c) Vsaka pogodbenica z izjavo uradno obvesti generalnega direktorja o najdaljšem trajanju varstva, ki ga določa njen zakon.

(4) [*Možnost omejene obnovitve*] Mednarodna registracija se lahko obnovi za katero koli ali za vse imenovane pogodbenice ter za kateri koli ali za vse modele, ki so mednarodno registrirani.

(5) [*Vpis in objava obnovitve*] Mednarodni urad vpiše obnovitve v mednarodni register in jih objavi. Kopijo objave pošlje uradu vsake pogodbenice, ki jo to zadeva.

18. člen

Informacije o objavljenih mednarodnih registracijah

(1) [*Dostop do informacij*] Mednarodni urad vsakomur, ki za to zaprosi, za vsako objavljeno mednarodno registracijo po plačilu predpisane pristojbine pošlje izpiske iz mednarodnega registra ali informacije o vsebini mednarodnega registra.

(2) [*Oprostitev overitve*] Izpiski iz mednarodnega registra, ki jih pošilja Mednarodni urad, so v vsaki pogodbenici oproščeni vsakršne obvezne overitve.

II. POGLAVJE

UPRAVNE DOLOČBE

19. člen

Skupni urad več držav

(1) [*Uradno obvestilo o skupnem uradu*] Če se nekatere države, ki nameravajo postati pogodbenice tega akta ali so že pogodbenice tega akta, dogovorijo za poenotenje svoje notranje zakonodaje o modelih, lahko uradno obvestijo generalnega direktorja,

(i) da bo državni urad vsake od njih nadomeščen s skupnim uradom in

(ii) da se za uporabo 1., 3. do 18. in 31. člena tega akta šteje celota njihovih ozemelj, na katerih se uporablja enotna zakonodaja, kot ena pogodbenica.

(2) [*Kdaj je čas za uradno obvestilo*] V prvem odstavku omenjeno uradno obvestilo se preda

(i) za države, ki nameravajo postati pogodbenice tega akta, ob deponiranju listin iz drugega odstavka 27. člena;

(ii) za države, ki so že pogodbenice tega akta, kadar koli po izvedenem poenotenju njihove notranje zakonodaje.

(3) [*Začetek veljavnosti uradnega obvestila*] Uradno obvestilo iz prvega in drugega odstavka tega člena začne veljati

(i) za države, ki nameravajo postati pogodbenice tega akta, takoj ko postane ta akt za te države zavezujoč;

(ii) za države pogodbenice tega akta tri mesece po dnevu, ko je generalni direktor o tem obvestil druge pogodbenice, ali na kateri koli poznejši datum, ki je naveden v obvestilu.

20. člen

Članstvo v Haaški uniji

Pogodbenice so članice iste Unije kot pogodbenice akta iz leta 1934 ali akta iz leta 1960.

Article 21 Assembly

(1) [*Composition*] (a) The Contracting Parties shall be members of the same Assembly as the States bound by Article 2 of the Complementary Act of 1967.

(b) Each member of the Assembly shall be represented in the Assembly by one delegate, who may be assisted by alternate delegates, advisors and experts, and each delegate may represent only one Contracting Party.

(c) Members of the Union that are not members of the Assembly shall be admitted to the meetings of the Assembly as observers.

(2) [*Tasks*] (a) The Assembly shall

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

(ii) exercise such rights and perform such tasks as are specifically conferred upon it or assigned to it under this Act or the Complementary Act of 1967;

(iii) give directions to the Director General concerning the preparations for conferences of revision and decide the convocation of any such conference;

(iv) amend the Regulations;

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

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

(vii) adopt the financial regulations of the Union;

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

(ix) subject to paragraph (1)(c), determine which States, intergovernmental organizations and non-governmental organizations shall be admitted to its meetings as observers;

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

(b) With respect to matters which are also of interest 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) [*Quorum*] (a) One-half of the members of the Assembly which are States and have the right to vote on a given matter shall constitute a quorum for the purposes of the vote on that matter.

(b) Notwithstanding the provisions of subparagraph (a), if, in any session, the number of the members of the Assembly which are States, have the right to vote on a given matter and are represented is less than one-half but equal to or more than one-third of the members of the Assembly which are States and have the right to vote on that matter, 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 members of the Assembly which are States, have the right to vote on the said matter and 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 such members having thus expressed their vote or abstention attains the number of the members 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.

21. člen Skupščina

(1) [*Sestava*] (a) Pogodbenice so članice iste skupščine kot države, ki jih zavezuje 2. člen dopolnilnega akta iz leta 1967.

(b) Vsako članico skupščine zastopa v skupščini en delegat, ki mu lahko pomagajo namestniki, svetovalci in izvedenci, vsak delegat pa lahko zastopa samo eno pogodbenico.

(c) Članice Unije, ki niso članice skupščine, so kot opazovalke lahko navzoče na zasedanjih skupščine.

(2) [*Naloge*] (a) Skupščina

(i) obravnava vse zadeve, ki se nanašajo na ohranjanje in razvoj Unije ter na izvajanje tega akta;

(ii) uresničuje pravice in opravlja naloge, ki so ji posebej naložene ali pa so ji dodeljene po tem aktu ali po dopolnilnem aktu iz leta 1967;

(iii) daje navodila generalnemu direktorju v zvezi s pravico revizijskih konferenc in odloča o sklicu vsake take konference;

(iv) spreminja pravilnik;

(v) pregleduje in potrjuje poročila in dejavnosti generalnega direktorja v zvezi z Unijo in daje generalnemu direktorju vsa potrebna navodila glede zadev, ki so v pristojnosti Unije;

(vi) določa program in sprejema dveletni proračun Unije ter potrjuje njen zaključni račun;

(vii) sprejema finančne predpise Unije;

(viii) ustanavlja odbore in delovne skupine, ki se ji zdijo primerni za doseganje ciljev Unije;

(ix) glede na pododstavek (c) prvega odstavka tega člena določa, katere države, medvladne organizacije in nevladne organizacije so lahko na njenih zasedanjih kot opazovalke;

(x) sprejema vse druge ustrezne ukrepe za uveljavljanje ciljev Unije in opravlja vse druge naloge, ki so po tem aktu primerne.

(b) Glede zadev, ki so v interesu tudi drugih unij, ki jih vodi Organizacija, skupščina sklepa šele po posvetu s koordinacijskim odborom Organizacije.

(3) [*Sklepčnost*] (a) Polovica članic skupščine, ki so države in imajo pravico glasovati, zagotavlja sklepčnost pri glasovanju o zadevi.

(b) Ne glede na določbe pododstavka (a) tega odstavka pa lahko skupščina sprejema sklepe, razen sklepov o svojem poslovniku, če je na kakem zasedanju navzočih manj od polovice, vendar najmanj ena tretjina članic, ki so države in imajo pravico glasovati o zadevi, vendar tako sprejeti sklepi začnejo veljati le, če so izpolnjeni pogoji, navedeni v nadaljevanju. Mednarodni urad take sklepe sporoči članicam skupščine, ki so države in imajo pravico glasovati o zadevi in niso bile zastopane na zasedanju, ter jih pozove, da v treh mesecih po datumu sporočila pisno izjavijo, ali glasujejo za ali proti ali se glasovanja vzdržijo. Če po preteku tega roka število članic, ki so tako glasovale ali so se glasovanja vzdržale, doseže število članic, ki je manjkalo za sklepčnost na samem zasedanju, začne sklep veljati, pod pogojem da takrat še vedno obstaja potrebna večina.

(4) [*Taking Decisions in the Assembly*] (a) The Assembly shall endeavor to take its decisions by consensus.

(b) Where a decision cannot be arrived at by consensus, the matter at issue shall be decided by voting. In such a case,

(i) each Contracting Party that is a State shall have one vote and shall vote only in its own name, and

(ii) any Contracting Party that is an intergovernmental organization may vote, in place of its Member States, with a number of votes equal to the number of its Member States which are party to this Act, and no such intergovernmental organization shall participate in the vote if any one of its Member States exercises its right to vote, and *vice versa*.

(c) On matters concerning only States that are bound by Article 2 of the Complementary Act of 1967, Contracting Parties that are not bound by the said Article shall not have the right to vote, whereas, on matters concerning only Contracting Parties, only the latter shall have the right to vote.

(5) [*Majorities*] (a) Subject to Articles 24(2) and 26(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(b) Abstentions shall not be considered as votes.

(6) [*Sessions*] (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, either at the request of one-fourth of the members of the Assembly or on the Director General's own initiative.

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

(7) [*Rules of Procedure*] The Assembly shall adopt its own rules of procedure.

Article 22

International Bureau

(1) [*Administrative Tasks*] (a) International registration and related duties, as well as all other administrative tasks concerning the 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 and of such committees of experts and working groups as may be established by the Assembly.

(2) [*Director General*] The Director General shall be the chief executive of the Union and shall represent the Union.

(3) [*Meetings Other than Sessions of the Assembly*] The Director General shall convene any committee and working group established by the Assembly and all other meetings dealing with matters of concern to the Union.

(4) [*Role of the International Bureau in the Assembly and Other Meetings*] (a) The Director General and persons designated by the Director General shall participate, without the right to vote, in all meetings of the Assembly, the committees and working groups established by the Assembly, and any other meetings convened by the Director General under the aegis of the Union.

(b) The Director General or a staff member designated by the Director General shall be *ex officio* secretary of the Assembly, and of the committees, working groups and other meetings referred to in subparagraph (a).

(5) [*Conferences*] (a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for any revision conferences.

(4) [*Odločanje v skupščini*] (a) Skupščina si prizadeva za sprejemanje sklepov s soglasjem.

(b) Kadar sklepa ni mogoče doseči s soglasjem, se o zadevi odloča z glasovanjem. V takem primeru

(i) ima vsaka pogodbenica, ki je država, en glas in glasuje samo v svojem imenu in

(ii) vsaka pogodbenica, ki je medvladna organizacija, lahko glasuje namesto svojih držav članic s številom glasov, ki je enako številu njenih članic, ki so pogodbenice tega akta, nobena taka medvladna organizacija pa ne sme sodelovati pri glasovanju, če to pravico uresničuje katera koli njena država članica in obratno.

(c) O zadevah, ki se nanašajo samo na države, ki jih zavezuje 2. člen dopolnilnega akta iz leta 1967, pogodbenice, ki jih omenjeni člen ne zavezuje, nimajo pravice glasovati, o zadevah, ki se nanašajo samo na države pogodbenice, pa imajo samo te pravico glasovati.

(5) [*Večine*] (a) Za sklepe na podlagi drugega odstavka 24. člena in drugega odstavka 26. člena je pri odločanju v skupščini potrebna dvotretjinska večina oddanih glasov.

(b) Vzdržani glasovi se ne štejejo za oddane glasove.

(6) [*Zasedanja*] (a) Skupščina se vsako drugo leto sestane na rednem zasedanju, ki ga skliče generalni direktor, in če ni izrednih okoliščin, je zasedanje v istem obdobju in na istem kraju kot zasedanje generalne skupščine Organizacije.

(b) Skupščina se sestane na izrednem zasedanju, ki ga skliče generalni direktor na zahtevo ene četrtine članic skupščine ali pa na svojo pobudo.

(c) Dnevni red takega zasedanja pripravi generalni direktor.

(7) [*Poslovnik*] Skupščina sprejme svoj poslovnik.

22. člen

Mednarodni urad

(1) [*Upravne naloge*] (a) Mednarodno registracijo in s tem povezane naloge kakor tudi vse druge upravne naloge v zvezi z Unijo opravlja Mednarodni urad.

(b) Mednarodni urad zlasti pripravlja sestanke in zagotavlja storitve sekretariata skupščine in strokovnih odborov ter delovnih skupin, ki jih skupščina lahko ustanovi.

(2) [*Generalni direktor*] Generalni direktor je izvršilni direktor Unije in zastopa Unijo.

(3) [*Drugi sestanki poleg zasedanj skupščine*] Generalni direktor sklicuje vse odbore in delovne skupine, ki jih ustanovi skupščina, in vse druge sestanke, ki obravnavajo zadeve, pomembne za Unijo.

(4) [*Vloga Mednarodnega urada na skupščini in drugih sestankih*] (a) Generalni direktor in osebe, ki jih generalni direktor določi, sodelujejo brez glasovalne pravice na vseh zasedanjih skupščine in sestankih odborov in delovnih skupin, ki jih je skupščina ustanovila, ter na vseh drugih sestankih, ki jih skliče generalni direktor pod pokroviteljstvom Unije.

(b) Generalni direktor ali član njegovega osebja, ki ga generalni direktor določi, je po uradni dolžnosti sekretar skupščine ter odborov, delovnih skupin in drugih sestankov, omenjenih v pododstavku (a).

(5) [*Konference*] (a) Mednarodni urad v skladu z navodili skupščine pripravi vse potrebno za vse revizijske konference.

(b) The International Bureau may consult with intergovernmental organizations and international and national non-governmental organizations concerning the said preparations.

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

(6) [*Other Tasks*] The International Bureau shall carry out any other tasks assigned to it in relation to this Act.

Article 23 Finances

(1) [*Budget*] (a) The Union shall have a budget.

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

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

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

(3) [*Sources of Financing of the Budget*] The budget of the Union shall be financed from the following sources:

(i) fees relating to international registrations;

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

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

(iv) gifts, bequests and subventions;

(v) rents, interests and other miscellaneous income.

(4) [*Fixing of Fees and Charges; Level of the Budget*]

(a) The amounts of the fees referred to in paragraph (3)(i) shall be fixed by the Assembly on the proposal of the Director General. Charges referred to in paragraph 3(ii) shall be established by the Director General and shall be provisionally applied subject to approval by the Assembly at its next session.

(b) The amounts of the fees referred to in paragraph (3)(i) shall be so fixed that the revenues of the Union from fees and other sources shall be at least sufficient to cover all the expenses of the International Bureau concerning the Union.

(c) 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) [*Working Capital Fund*] The Union shall have a working capital fund which shall be constituted by the excess receipts and, if such excess does not suffice, by a single payment made by each member of the Union. If the fund becomes insufficient, the Assembly shall decide to increase it. The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General.

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

(b) Mednarodni urad se o teh pripravah lahko posvetuje z medvladnimi organizacijami ter z mednarodnimi in nacionalnimi nevladnimi organizacijami.

(c) Generalni direktor in osebe, ki jih imenuje, sodelujejo v razpravah na revizijskih konferencah, nimajo pa pravice glasovati.

(6) [*Druge naloge*] Mednarodni urad opravlja tudi vse druge naloge, ki so mu v zvezi s tem aktom dodeljene.

23. člen Finance

(1) [*Proračun*] (a) Unija ima proračun.

(b) Proračun Unije vključuje lastne dohodke in izdatke Unije in njene prispevke v proračun skupnih izdatkov unij, ki jih Organizacija upravlja.

(c) Izdatki, ki jih ni mogoče pripisati samo Uniji, ampak tudi še eni ali več drugim unijam, ki jih upravlja Organizacija, se štejejo za skupne izdatke unij. Delež Unije v takih skupnih izdatkih je sorazmeren s koristmi, ki jih ima od njih.

(2) [*Usklajevanje s proračuni drugih unij*] Proračun Unije je treba sestaviti ob upoštevanju potrebnega usklajevanja s proračuni drugih unij, ki jih Organizacija upravlja.

(3) [*Viri financiranja proračuna*] Viri, iz katerih se financira proračun Unije, so:

(i) pristojbine za mednarodne registracije;

(ii) terjatve za druge storitve, ki jih Mednarodni urad opravlja v zvezi z Unijo;

(iii) prodaja publikacij Mednarodnega urada v zvezi z Unijo ali avtorski honorarji zanje;

(iv) darila, volila in subvencije;

(v) najemnine, obresti in drugi dohodki.

(4) [*Določitev pristojbin in cen za storitve; višina proračuna*] (a) Zneske pristojbin iz točke (i) tretjega odstavka tega člena določi skupščina na predlog generalnega direktorja. Cene za storitve iz točke (ii) tretjega odstavka tega člena določi generalni direktor in se začasno uporabljajo, vendar jih mora skupščina na svoji naslednji seji potrditi.

(b) Zneski pristojbin iz točke (i) tretjega odstavka tega člena se določijo tako, da prihodki Unije od pristojbin in iz drugih virov zadostujejo vsaj za pokrivanje vseh odhodkov Mednarodnega urada v zvezi z Unijo.

(c) Če proračun ni sprejet pred začetkom novega finančnega obdobja, ostane na isti ravni kot proračun za prejšnje leto, kot je predvideno v finančnih predpisih.

(5) [*Skład kratkoročnih sredstev*] Unija mora imeti sklad kratkoročnih sredstev, ki se oblikuje iz presežnih prejemkov, če pa ta presežek ne zadošča, iz enkratnega vplačila vsake članice Unije. Če postane sklad premajhen, sprejme skupščina sklep, da se poveča. Razmerje in vplačilne pogoje določi skupščina na predlog generalnega direktorja.

(6) [*Predplačila države gostiteljice*] (a) V sporazumu o sedežu Organizacije, sklenjenem z državo, na ozemlju katere ima Organizacija svoj sedež, je treba predvideti, da ta država odobri predplačila, kadar koli v skladu kratkoročnih sredstev ni dovolj denarja. O znesku takih predplačil in pogojih za njihovo dodelitev se je treba dogovoriti v ločenih sporazumih med to državo in Organizacijo.

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

(7) [*Auditing of Accounts*] The auditing of the accounts shall be effected by one or more of the States members of the Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

Article 24 Regulations

(1) [*Subject Matter*] The Regulations shall govern the details of the implementation of this Act. They shall, in particular, include provisions concerning

(i) matters which this Act expressly provides are to be prescribed;

(ii) further details concerning, or any details useful in the implementation of, the provisions of this Act;

(iii) any administrative requirements, matters or procedures.

(2) [*Amendment of Certain Provisions of the Regulations*] (a) The Regulations may specify that certain provisions of the Regulations may be amended only by unanimity or only by a four-fifths majority.

(b) In order for the requirement of unanimity or a four-fifths majority no longer to apply in the future to the amendment of a provision of the Regulations, unanimity shall be required.

(c) In order for the requirement of unanimity or a four-fifths majority to apply in the future to the amendment of a provision of the Regulations, a four-fifths majority shall be required.

(3) [*Conflict Between This Act and the Regulations*] In the case of conflict between the provisions of this Act and those of the Regulations, the former shall prevail.

CHAPTER III REVISION AND AMENDMENT

Article 25 Revision of This Act

(1) [*Revision Conferences*] This Act may be revised by a conference of the Contracting Parties.

(2) [*Revision or Amendment of Certain Articles*] Articles 21, 22, 23 and 26 may be amended either by a revision conference or by the Assembly according to the provisions of Article 26.

Article 26 Amendment of Certain Articles by the Assembly

(1) [*Proposals for Amendment*] (a) Proposals for the amendment by the Assembly of Articles 21, 22, 23 and this Article may be initiated by any Contracting Party or by the Director General.

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

(2) [*Majorities*] Adoption of any amendment to the Articles referred to in paragraph (1) shall require a three-fourths majority, except that adoption of any amendment to Article 21 or to the present paragraph shall require a four-fifths majority.

(b) Država iz pododstavka (a) in Organizacija imata vsaka pravico, da s pisnim uradnim obvestilom odpoveša obveznost dodeljevanja predplačil. Odpoved začne veljati tri leta po koncu leta, v katerem je bila uradno sporočena.

(7) [*Finančna revizija*] Finančno revizijo opravi ena ali več držav članic Unije ali pa jo izvedejo zunanji revizorji, kot je določeno v finančnih predpisih. Revizorje z njihovim soglasjem imenuje skupščina.

24. člen Pravilnik

(1) [*Vsebina*] Pravilnik ureja podrobnosti izvajanja tega akta. V njem so zlasti določbe o:

(i) zadevah, za katere ta akt izrecno določa, da so predpisane;

(ii) nadaljnjih podrobnostih v zvezi s tem aktom ali kakršnih koli podrobnostih, ki so koristne pri izvajanju tega akta;

(iii) upravnih zahtevah, vprašanj ali postopkih.

(2) [*Sprememba nekaterih določb pravilnika*] (a) Pravilnik lahko določa, da je nekatere določbe pravilnika mogoče spremeniti le soglasno ali le s štiripetinsko večino.

(b) Sklep, da soglasna ali štiripetinska večina v prihodnje ne bo več zahtevana za spreminjanje določb pravilnika, je treba sprejeti soglasno.

(c) Sklep, da bo soglasnost ali štiripetinska večina v prihodnje zahtevana za spreminjanje določb pravilnika, je treba sprejeti s štiripetinsko večino.

(3) [*Nasprotje med tem aktom in pravilnikom*] V primeru nasprotja med določbami tega akta in določbami pravilnika, prevlada prvi.

III. POGLAVJE REVIZIJA IN SPREMEMBE

25. člen Revizija tega akta

(1) [*Revizijska konferenca*] Ta akt lahko spremeni konferenca pogodbenic.

(2) [*Revizija ali sprememba nekaterih členov*] Revizijska konferenca ali skupščina lahko spremeni 21., 22., 23. in 26. člen tega akta po določbah iz 26. člena.

26. člen Sprememba nekaterih členov s strani skupščine

(1) [*Predlogi za spremembo*] (a) Predloge za to, da skupščina spremeni 21., 22., 23. in ta člen, lahko da pogodbenica ali generalni direktor.

(b) Take predloge generalni direktor sporoči pogodbenicam najmanj šest mesecev prej, preden jih obravnava skupščina.

(2) [*Večine*] Za sprejetje spremembe členov iz prvega odstavka tega člena je potrebna tričetrtinska večina, razen za sprejetje kakršne koli spremembe 21. člena ali tega odstavka, za kar je potrebna štiripetinska večina.

(3) [*Entry into Force*] (a) Except where subparagraph (b) applies, 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 those Contracting Parties which, at the time the amendment was adopted, were members of the Assembly and had the right to vote on that amendment.

(b) Any amendment to Article 21(3) or (4) or to this subparagraph shall not enter into force if, within six months of its adoption by the Assembly, any Contracting Party notifies the Director General that it does not accept such amendment.

(c) Any amendment which enters into force in accordance with the provisions of this paragraph shall bind all the States and intergovernmental organizations which are Contracting Parties at the time the amendment enters into force, or which become Contracting Parties at a subsequent date.

CHAPTER IV FINAL PROVISIONS

Article 27 Becoming Party to This Act

(1) [*Eligibility*] Subject to paragraphs (2) and (3) and Article 28,

(i) any State member of the Organization may sign and become party to this Act;

(ii) any intergovernmental organization which maintains an Office in which protection of industrial designs may be obtained with effect in the territory in which the constituting treaty of the intergovernmental organization applies may sign and become party to this Act, provided that at least one of the member States of the intergovernmental organization is a member of the Organization and provided that such Office is not the subject of a notification under Article 19.

(2) [*Ratification or Accession*] Any State or intergovernmental organization referred to in paragraph (1) may deposit

(i) an instrument of ratification if it has signed this Act,

or
(ii) an instrument of accession if it has not signed this Act.

(3) [*Effective Date of Deposit*] (a) Subject to subparagraphs (b) to (d), the effective date of the deposit of an instrument of ratification or accession shall be the date on which that instrument is deposited.

(b) The effective date of the deposit of the instrument of ratification or accession of any State in respect of which protection of industrial designs may be obtained only through the Office maintained by an intergovernmental organization of which that State is a member shall be the date on which the instrument of that intergovernmental organization is deposited if that date is later than the date on which the instrument of the said State has been deposited.

(c) The effective date of the deposit of any instrument of ratification or accession containing or accompanied by the notification referred to in Article 19 shall be the date on which the last of the instruments of the States members of the group of States having made the said notification is deposited.

(3) [*Začetek veljavnosti*] (a) Razen v primerih, za katere se uporablja pododstavek (b) tega odstavka, začne vsaka sprememba členov iz prvega odstavka tega člena veljati en mesec po tem, ko je generalni direktor prejel pisna obvestila treh četrtin pogodbenic, ki so bile v času sprejemanja spremembe članice skupščine in so imele pravico glasovati o tej spremembi, da so spremembo sprejele skladno s svojimi ustavnimi postopki.

(b) Nobena sprememba tretjega ali četrtega odstavka 21. člena ali tega pododstavka ne začne veljati, če v šestih mesecih po tem, ko jo je skupščina potrdila, katera koli pogodbenica uradno obvesti generalnega direktorja, da te spremembe ne sprejema.

(c) Vsaka sprememba, ki začne veljati v skladu z določbami tega člena, zavezuje vse države in medvladne organizacije, ki so ob začetku veljavnosti spremembe pogodbenice ali ki bodo pozneje postale pogodbenice.

IV. POGLAVJE KONČNE DOLOČBE

27. člen Pristop k temu aktu

(1) [*Upravičenost*] Ob upoštevanju drugega in tretjega odstavka 28. člena

(i) lahko vsaka država članica organizacije podpiše ta akt in postane njegova pogodbenica;

(ii) vsaka medvladna organizacija, ki ima urad, pri katerem je mogoče pridobiti varstvo modelov z veljavnostjo na ozemlju, na katerem velja ustanovna pogodba medvladne organizacije, lahko podpiše ta akt in postane njegova pogodbenica, če je najmanj ena od držav članic medvladne organizacije članica organizacije in če za ta urad ni zahtevano uradno obvestilo iz 19. člena.

(2) [*Ratifikacija ali pristop*] Vsaka država ali medvladna organizacija iz prvega odstavka lahko deponira

(i) listino o ratifikaciji, če je ta akt podpisala, ali

(ii) listino o pristopu, če tega akta ni podpisala.

(3) [*Začetek veljavnosti deponirane listine*] (a) Ob upoštevanju določb iz pododstavkov (b) do (d) začne deponirana listina o ratifikaciji ali pristopu veljati na dan deponiranja listine.

(b) Deponirana listina o ratifikaciji ali pristopu katere koli države, ki lahko pridobi varstvo modelov samo s posredovanjem urada, ki ga vzdržuje medvladna organizacija, katere članica je ta država, začne veljati na dan, ko je ta medvladna organizacija deponirala svojo listino.

(c) Deponirana listina o ratifikaciji ali pristopu, ki vsebuje ali ima kot prilogo obvestilo iz 21. člena, začne veljati na dan, ko je bila deponirana zadnja listina držav članic skupine, ki je poslala omenjeno obvestilo.

(d) Any instrument of ratification or accession of a State may contain or be accompanied by a declaration making it a condition to its being considered as deposited that the instrument of one other State or one intergovernmental organization, or the instruments of two other States, or the instruments of one other State and one intergovernmental organization, specified by name and eligible to become party to this Act, is or are also deposited. The instrument containing or accompanied by such a declaration shall be considered to have been deposited on the day on which the condition indicated in the declaration is fulfilled. However, when an instrument specified in the declaration itself contains, or is itself accompanied by, a declaration of the said kind, that instrument shall be considered as deposited on the day on which the condition specified in the latter declaration is fulfilled.

(e) Any declaration made under paragraph (d) may be withdrawn, in its entirety or in part, at any time. Any such withdrawal shall become effective on the date on which the notification of withdrawal is received by the Director General.

Article 28

Effective Date of Ratifications and Accessions

(1) [*Instruments to Be Taken into Consideration*] For the purposes of this Article, only instruments of ratification or accession that are deposited by States or intergovernmental organizations referred to in Article 27(1) and that have an effective date according to Article 27(3) shall be taken into consideration.

(2) [*Entry into Force of This Act*] This Act shall enter into force three months after six States have deposited their instruments of ratification or accession, provided that, according to the most recent annual statistics collected by the International Bureau, at least three of those States fulfill at least one of the following conditions:

(i) at least 3,000 applications for the protection of industrial designs have been filed in or for the State concerned, or

(ii) at least 1,000 applications for the protection of industrial designs have been filed in or for the State concerned by residents of States other than that State.

(3) [*Entry into Force of Ratifications and Accessions*]

(a) Any State or intergovernmental organization that has deposited its instrument of ratification or accession three months or more before the date of entry into force of this Act shall become bound by this Act on the date of entry into force of this Act.

(b) Any other State or intergovernmental organization shall become bound by this Act three months after the date on which it has deposited its instrument of ratification or accession or at any later date indicated in that instrument.

Article 29

Prohibition of Reservations

No reservations to this Act are permitted.

Article 30

Declarations Made by Contracting Parties

(1) [*Time at Which Declarations May Be Made*] Any declaration under Articles 4(1)(b), 5(2)(a), 7(2), 11(1), 13(1), 14(3), 16(2) or 17(3)(c) may be made

(i) at the time of the deposit of an instrument referred to in Article 27(2), in which case it shall become effective on the date on which the State or intergovernmental organization having made the declaration becomes bound by this Act, or

(d) Vsaka listina o ratifikaciji ali pristopu države lahko vsebuje ali ima priloženo izjavo, ki kot pogoj, da se listina šteje za predloženo, postavlja, da je deponirana tudi listina še ene druge države ali ene medvladne organizacije ali da sta deponirani listini dveh drugih držav ali listina ene druge države in ene medvladne organizacije, ki je navedena z imenom in ima pravico postati pogodbenica tega akta. Listina, ki vsebuje ali ima priloženo tako izjavo, se šteje za deponirano na dan, ko je bil izpolnjen pogoj, naveden v izjavi. Če pa katera izmed listin, navedenih v izjavi, tudi sama vsebuje ali ima priloženo omenjeno izjavo, se listina šteje za deponirano na dan, ko je izpolnjen pogoj, naveden v drugi izjavi.

(e) Vsako izjavo iz pododstavka (d) tega odstavka je mogoče kadar koli v celoti ali delno umakniti. Tak umik postane veljaven na dan, ko generalni direktor prejme uradno obvestilo o umiku.

28. člen

Začetek veljavnosti ratifikacij in pristopov

(1) [*Listine, ki jih je treba upoštevati*] V tem členu se upoštevajo samo tiste listine o ratifikaciji ali pristopu, ki so jih deponirale države ali medvladne organizacije, navedene v prvem odstavku 27. člena, in ki začnejo veljati v skladu s tretjim odstavkom 27. člena.

(2) [*Začetek veljavnosti tega akta*] Ta akt začne veljati tri mesece po tem, ko je šest držav deponiralo svoje listine o ratifikaciji ali pristopu, če v skladu z najnovejšo letno statistiko Mednarodnega urada najmanj tri od teh držav izpolnjujejo najmanj enega od naslednjih pogojev:

(i) da je bilo v tej državi ali zanjo vloženih najmanj 3000 prijav za varstvo modelov ali

(ii) da so tuji državljani v tej državi ali zanjo vložili najmanj 1000 prijav za varstvo modelov.

(3) [*Začetek veljavnosti ratifikacij in pristopov*] (a) Vsako državo ali medvladno organizacijo, ki je svojo listino o ratifikaciji ali pristopu deponirala tri mesece ali več pred dnevom začetka veljavnosti tega akta, začne ta akt zavezovati na dan njegove uveljavitve.

(b) Vsako drugo državo ali medvladno organizacijo začne ta akt zavezovati tri mesece po tem, ko je deponirala svojo listino o ratifikaciji ali pristopu, ali na kateri koli poznejši datum, naveden v njeni listini.

29. člen

Prepoved pridržkov

K temu aktu niso dovoljeni nobeni pridržki.

30. člen

Izjave pogodbenic

(1) [*Kdaj se lahko dajo izjave*] Katera koli izjava iz pododstavka (b) prvega odstavka 4. člena, pododstavka (a) drugega odstavka 5. člena, drugega odstavka 7. člena, prvega odstavka 11. člena, prvega odstavka 13. člena, tretjega odstavka 14. člena, drugega odstavka 16. člena ali pododstavka (c) tretjega odstavka 17. člena se lahko da

(i) ob deponiranju listine iz drugega odstavka 27. člena; v tem primeru začne veljati na dan, ko je država ali medvladna organizacija, ki je dala izjavo, postala zavezana s tem aktom, ali

(ii) after the deposit of an instrument referred to in Article 27(2), in which case it shall become effective three months after the date of its receipt by the Director General or at any later date indicated in the declaration but shall apply only in respect of any international registration whose date of international registration is the same as, or is later than, the effective date of the declaration.

(2) [*Declarations by States Having a Common Office*] Notwithstanding paragraph (1), any declaration referred to in that paragraph that has been made by a State which has, with another State or other States, notified the Director General under Article 19(1) of the substitution of a common Office for their national Offices shall become effective only if that other State or those other States makes or make a corresponding declaration or corresponding declarations.

(3) [*Withdrawal of Declarations*] Any declaration referred to in paragraph (1) may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect three months after the date on which the Director General has received the notification or at any later date indicated in the notification. In the case of a declaration made under Article 7(2), the withdrawal shall not affect international applications filed prior to the coming into effect of the said withdrawal.

Article 31

Applicability of the 1934 and 1960 Acts

(1) [*Relations Between States Party to Both This Act and the 1934 or 1960 Acts*] This Act alone shall be applicable as regards the mutual relations of States party to both this Act and the 1934 Act or the 1960 Act. However, such States shall, in their mutual relations, apply the 1934 Act or the 1960 Act, as the case may be, to industrial designs deposited at the International Bureau prior to the date on which this Act becomes applicable as regards their mutual relations.

(2) [*Relations Between States Party to Both This Act and the 1934 or 1960 Acts and States Party to the 1934 or 1960 Acts Without Being Party to This Act*] (a) Any State that is party to both this Act and the 1934 Act shall continue to apply the 1934 Act in its relations with States that are party to the 1934 Act without being party to the 1960 Act or this Act.

(b) Any State that is party to both this Act and the 1960 Act shall continue to apply the 1960 Act in its relations with States that are party to the 1960 Act without being party to this Act.

Article 32

Denunciation of This Act

(1) [*Notification*] Any Contracting Party may denounce this Act by notification addressed to the Director General.

(2) [*Effective Date*] Denunciation shall take effect one year after the date on which the Director General has received the notification or at any later date indicated in the notification. It shall not affect the application of this Act to any international application pending and any international registration in force in respect of the denouncing Contracting Party at the time of the coming into effect of the denunciation.

(ii) po deponiranju listine iz drugega odstavka 27. člena; v tem primeru začne veljati tri mesece po tem, ko jo je prejel generalni direktor, ali kadar koli pozneje, če je tako navedeno v izjavi, velja pa samo za mednarodno registracijo, katere datum je isti ali poznejši od začetka veljavnosti izjave.

(2) [*Izjave držav, ki imajo skupni urad*] Ne glede na prvi odstavek tega člena postane katera koli izjava iz tega odstavka, ki jo je dala država, ki je z drugo državo ali državami v skladu s prvim odstavkom 19. člena obvestila generalnega direktorja o nadomestnem, skupnem uradu za njihove državne urade, veljavna le, če tudi ta druga država oziroma države dajo ustrezno izjavo oziroma izjave.

(3) [*Umik izjave*] Katero koli izjavo iz prvega odstavka tega člena je mogoče z uradnim obvestilom, naslovljenim na generalnega direktorja, kadar koli umakniti. Tak umik začne veljati tri mesece po tem, ko je generalni direktor prejel uradno obvestilo, ali kadar koli pozneje, če je tako označeno v uradnem obvestilu. Če je bila dana izjava iz drugega odstavka 7. člena, umik ne vpliva na mednarodno prijavo, ki so bile vložene pred začetkom veljavnosti umika.

31. člen

Veljavnost aktov iz let 1934 in 1960

(1) [*Odnosi med državami pogodbenicami tega akta in aktov iz leta 1934 oziroma 1960*] Za medsebojne odnose med državami pogodbenicami tega akta in aktov iz leta 1934 oziroma 1960 se uporabljajo samo določbe tega akta. Vendar pa morajo take države v medsebojnih odnosih za modele, ki so bili deponirani pri Mednarodnem uradu pred dnevom, ko je ta akt začel veljati, uporabljati akt iz leta 1934 oziroma akt iz leta 1960, odvisno od primera.

(2) [*Odnosi med državami pogodbenicami tega akta in aktov iz leta 1934 oziroma 1960 ter državami pogodbenicami aktov iz leta 1934 oziroma 1960, ki niso pogodbenice tega akta*] (a) Vsaka država, ki je pogodbenica tega akta in akta iz leta 1934, v medsebojnih odnosih z državami, ki so pogodbenice akta iz leta 1934, ne pa tudi akta iz leta 1960 ali tega akta, še naprej uporablja akt iz leta 1934.

(b) Vsaka država, ki je pogodbenica tega akta kakor tudi akta iz leta 1960, v medsebojnih odnosih z državami, ki so pogodbenice akta iz leta 1960, ne pa tudi tega akta, še naprej uporablja akt iz leta 1960.

32. člen

Odpoved tega akta

(1) [*Uradno obvestilo*] Vsaka pogodbenica lahko ta akt odpove z uradnim obvestilom, naslovljenim na generalnega direktorja.

(2) [*Začetek veljavnosti*] Odpoved začne veljati eno leto po dnevu, ko je generalni direktor prejel uradno obvestilo, ali na kateri koli poznejši datum, ki je naveden v uradnem obvestilu. Odpoved ne vpliva na uporabo tega akta za katero koli mednarodno prijavo v postopku ali katero koli mednarodno registracijo, ki za pogodbenico, ki odpoveduje ta akt, velja v času, ko začne veljati njena odpoved.

Article 33**Languages of This Act; Signature**

(1) [*Original Texts; Official Texts*] (a) This Act shall be signed in a single original in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally authentic.

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

(2) [*Time Limit for Signature*] This Act shall remain open for signature at the headquarters of the Organization for one year after its adoption.

Article 34**Depositary**

The Director General shall be the depositary of this Act.

33. člen**Jezik tega akta; podpis**

(1) [*Izvirna besedila; uradna besedila*] (a) Ta akt je podpisan v enem izvorniku v angleškem, arabskem, francoskem, kitajskem, ruskem in španskem jeziku, pri čemer so vsa besedila enako verodostojna.

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

(2) [*Rok za podpis*] Ta akt ostane odprt za podpis na sedežu organizacije eno leto od sprejetja.

34. člen**Depozitar**

Depozitar tega akta je generalni direktor.

**REGULATIONS
UNDER THE GENEVA ACT OF
THE HAGUE AGREEMENT CONCERNING
THE INTERNATIONAL REGISTRATION OF
INDUSTRIAL DESIGNS**

CHAPTER 1
GENERAL PROVISIONS

**Rule 1
Definitions**

(1) [*References to the Act*] (a) For the purposes of these Regulations, "the Act" means the Act of the Hague Agreement Concerning the International Registration of Industrial Designs adopted at Geneva on July 2, 1999.

(b) In these Regulations, the word "Article" refers to the specified Article of the Act.

(2) [*Abbreviated Expressions*] For the purposes of these Regulations,

(i) an expression which is referred to in Article 1 has the same meaning as in the Act;

(ii) "Administrative Instructions" means the Administrative Instructions referred to in Rule 31;

(iii) "communication" means any international application or any request, declaration, invitation, notification or information relating to or accompanying an international registration that is addressed to the Office of a Contracting Party, the International Bureau, the applicant or the holder by means permitted by these Regulations or the Administrative Instructions;

(iv) "official form" means a form established by the International Bureau or any form having the same contents and format;

(v) "International Classification" means the Classification established under the Locarno Agreement Establishing an International Classification for Industrial Designs;

(vi) "prescribed fee" means the applicable fee set out in the Schedule of Fees;

(vii) "Bulletin" means the periodical bulletin in which the International Bureau effects the publications provided for in the Act or these Regulations, whatever the medium used.

**PRAVILNIK
K ŽENEVSKEMU AKTU
HAAŠKEGA SPORAZUMA
O MEDNARODNI REGISTRACIJI
MODELOV**

1. POGLAVJE
SPLOŠNE DOLOČBE

**1. pravilo
Uporabljeni izrazi**

(1) [*Sklicevanje na akt*] (a) V tem pravilniku akt pomeni akt Haaškega sporazuma o mednarodni registraciji modelov, sprejet 2. julija 1999 v Ženevi.

(b) V tem pravilniku se beseda "člen" nanaša na določeni člen akta.

(2) [*Skrajšani izrazi*] V tem pravilniku

(i) ima izraz iz 1. člena enak pomen kot v aktu;

(ii) "upravna navodila" pomenijo upravna navodila, navedena v 31. pravilu;

(iii) "sporočilo" pomeni vsako mednarodno prijavo ali vsako zahtevo, izjavo, povabilo, uradno obvestilo ali informacijo, ki se nanaša na mednarodno prijavo ali mednarodno registracijo, naslovljeno na urad pogodbenice, Mednarodni urad, prijavitelja oziroma imetnika na način, ki ga dopušča ta pravilnik ali upravna navodila, ali je dana skupaj z njo.

(iv) "uradni obrazec" pomeni obrazec, ki ga določi Mednarodni urad, ali kakršen koli obrazec enake vsebine in oblike;

(v) "mednarodna klasifikacija" pomeni mednarodno klasifikacijo, vzpostavljeno po Locarnskem aranžmaju o ustanovitvi mednarodne klasifikacije za industrijske vzorce in modele;

(vi) "predpisana pristojbina" pomeni veljavno pristojbino, določeno v seznamu pristojbin;

(vii) "bilten" pomeni redno glasilo, v katerem Mednarodni urad objavlja vse objave, predvidene v aktu ali tem pravilniku, ne glede na uporabljeni medij.

Rule 2**Communication with the International Bureau**

Communications addressed to the International Bureau shall be effected as specified in the Administrative Instructions.

Rule 3**Representation Before the International Bureau**

(1) [*Representative; Number of Representatives*] (a) The applicant or the holder may have a representative before the International Bureau.

(b) Only one representative may be appointed in respect of a given international application or international registration. Where the appointment indicates several representatives, only the one indicated first shall be considered to be a representative and be recorded as such.

(c) Where a partnership or firm composed of attorneys or patent or trademark agents has been indicated as representative to the International Bureau, it shall be regarded as one representative.

(2) [*Appointment of the Representative*] (a) The appointment of a representative may be made in the international application, provided that the application is signed by the applicant.

(b) The appointment of a representative may also be made in a separate communication which may relate to one or more specified international applications or international registrations of the same applicant or holder. The said communication shall be signed by the applicant or the holder.

(c) Where the International Bureau considers that the appointment of a representative is irregular, it shall notify accordingly the applicant or holder and the purported representative.

(3) [*Recording and Notification of Appointment of a Representative; Effective Date of Appointment*] (a) Where the International Bureau finds that the appointment of a representative complies with the applicable requirements, it shall record the fact that the applicant or holder has a representative, as well as the name and address of the representative, in the International Register. In such a case, the effective date of the appointment shall be the date on which the International Bureau received the international application or separate communication in which the representative is appointed.

(b) The International Bureau shall notify the recording referred to in subparagraph (a) to both the applicant or holder and the representative.

(4) [*Effect of Appointment of a Representative*] (a) Except where these Regulations expressly provide otherwise, the signature of a representative recorded under paragraph (3)(a) shall replace the signature of the applicant or holder.

(b) Except where these Regulations expressly require that a communication be addressed to both the applicant or holder and the representative, the International Bureau shall address to the representative recorded under paragraph (3)(a) any communication which, in the absence of a representative, would have to be sent to the applicant or holder; any communication so addressed to the said representative shall have the same effect as if it had been addressed to the applicant or holder.

(c) Any communication addressed to the International Bureau by the representative recorded under paragraph (3)(a) shall have the same effect as if it had been addressed to the said Bureau by the applicant or holder.

2. pravilo**Komuniciranje z Mednarodnim uradom**

Sporočila, naslovljena na Mednarodni urad, se pošiljajo tako, kot je določeno v upravnih navodilih.

3. pravilo**Zastopanje pred Mednarodnim uradom**

(1) [*Zastopnik; število zastopnikov*] (a) Prijavitelj oziroma imetnik ima lahko svojega zastopnika pred Mednarodnim uradom.

(b) Za posamezno mednarodno prijavo ali mednarodno registracijo je lahko imenovan samo en zastopnik. Če je v imenovanju navedenih več zastopnikov, bo le prvi navedeni veljal za zastopnika in bo kot tak vpisan v register.

(c) Če je kot zastopnik pred Mednarodnim uradom navedena pisarna ali družba, v kateri so odvetniki, patentni zastopniki ali zastopniki za znamke, se ta upošteva kot en sam zastopnik.

(2) [*Imenovanje zastopnika*] (a) Zastopnika je mogoče imenovati v mednarodni prijavi, če tako prijavo podpiše prijavitelj.

(b) Zastopnika je mogoče imenovati tudi v posebnem sporočilu, ki se lahko nanaša na eno ali več določenih mednarodnih prijav ali mednarodnih registracij istega prijavitelja oziroma imetnika.

(c) Kadar Mednarodni urad meni, da je imenovanje zastopnika nepravilno, o tem uradno obvesti prijavitelja oziroma imetnika, ki naj bi ga dozdevni zastopnik zastopal.

(3) [*Uradno obvestilo in vpis imenovanja zastopnika; dan veljavnosti imenovanja*] (a) Kadar Mednarodni urad meni, da je imenovanje zastopnika opravljeno skladno z veljavnimi zahtevami, vpiše dejstvo, da ima prijavitelj oziroma imetnik svojega zastopnika, ter ime, priimek in naslov zastopnika v mednarodni register. V takem primeru je dan veljavnosti imenovanja tisti dan, ko je Mednarodni urad prejel mednarodno prijavo ali ločeno sporočilo z imenovanjem zastopnika.

(b) Mednarodni urad o vpisu iz pododstavka (a) uradno obvesti prijavitelja oziroma imetnika in zastopnika.

(4) [*Učinek imenovanja zastopnika*] (a) Podpis zastopnika, vpisanega v register, omenjen v pododstavku (a) tretjega odstavka, nadomesti podpis prijavitelja oziroma imetnika, razen kadar v tem pravilniku ni izrecno drugače določeno.

(b) Razen kadar ta pravilnik izrecno ne zahteva, da mora biti sporočilo naslovljeno na prijavitelja oziroma imetnika in na zastopnika, naslavlja Mednarodni urad na zastopnika, vpisanega v register iz pododstavka (a) tretjega odstavka, vsa sporočila, ki bi jih sicer, če zastopnika ne bi bilo, pošiljal prijavitelju oziroma imetniku; vsako tako naslovljeno sporočilo na zastopnika ima enak učinek, kot če bi bilo naslovljeno na prijavitelja oziroma imetnika.

(c) Vsako sporočilo, ki ga na Mednarodni urad naslovi zastopnik, vpisan v register iz pododstavka (a) tretjega odstavka, ima enak učinek, kot če bi ga na ta urad naslovil prijavitelj oziroma imetnik.

(5) [Cancellation of Recording; Effective Date of Cancellation] (a) Any recording under paragraph (3)(a) shall be canceled where cancellation is requested in a communication signed by the applicant, holder or representative. The recording shall be canceled *ex officio* by the International Bureau where a new representative is appointed or where a change in ownership is recorded and no representative is appointed by the new holder of the international registration.

(b) The cancellation shall be effective from the date on which the International Bureau receives the corresponding communication.

(c) The International Bureau shall notify the cancellation and its effective date to the representative whose recording has been canceled and to the applicant or holder.

Rule 4

Calculation of Time Limits

(1) [Periods Expressed in Years] Any period expressed in years shall expire, in the relevant subsequent year, in the month having the same name and on the day having the same number as the month and the day of the event from which the period starts to run, except that, where the event occurred on February 29 and in the relevant subsequent year February ends on the 28th, the period shall expire on February 28.

(2) [Periods Expressed in Months] Any period expressed in months shall expire, in the relevant subsequent month, on the day which has the same number as the day of the event from which the period starts to run, except that, where the relevant subsequent month has no day with the same number, the period shall expire on the last day of that month.

(3) [Periods Expressed in Days] The calculation of any period expressed in days shall start with the day following the day on which the relevant event occurred and shall expire accordingly.

(4) [Expiry on a Day on Which the International Bureau or an Office Is Not Open to the Public] If a period expires on a day on which the International Bureau or the Office concerned is not open to the public, the period shall, notwithstanding paragraphs (1) to (3), expire on the first subsequent day on which the International Bureau or the Office concerned is open to the public.

Rule 5

Irregularities in Postal and Delivery Services

(1) [Communications Sent Through a Postal Service] Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and mailed through a postal service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

(i) that the communication was mailed at least five days prior to the expiry of the time limit, or, where the postal service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason, that the communication was mailed not later than five days after postal service was resumed,

(ii) that the mailing of the communication was registered, or details of the mailing were recorded, by the postal service at the time of mailing, and

(iii) in cases where not all classes of mail normally reach the International Bureau within two days of mailing, that the communication was mailed by a class of mail which normally reaches the International Bureau within two days of mailing or by airmail.

(5) [Razveljavitev vpisa; dan veljavnosti razveljavitve] (a) Vsak vpis v register iz pododstavka (a) tretjega odstavka se razveljavi, če je razveljavitev zahtevana v sporočilu, ki ga je podpisal prijavitelj, imetnik ali zastopnik. Mednarodni urad pa vpis razveljavi tudi po uradni dolžnosti, če je imenovan nov zastopnik oziroma če se vpiše v register sprememba lastništva in novi imetnik mednarodne registracije ni imenoval nobenega zastopnika.

(b) Razveljavitev velja od dneva, ko je Mednarodni urad prejel ustrezno sporočilo.

(c) Mednarodni urad o razveljavitvi in datumu njene veljavnosti uradno obvesti zastopnika, čigar vpis v register je bil razveljavljen, in prijavitelja oziroma imetnika.

4. pravilo

Izračun rokov

(1) [Obdobja, izražena v letih] Vsako obdobje, izraženo v letih, poteče v ustreznem naslednjem letu v mesecu z enakim imenom in na dan z enako številko, kot ju imata mesec in dan dogodka, od katerega začne obdobje teči, z edino izjemo, da za dogodek, ki se je zgodil 29. februarja, v naslednjem letu pa ima februar le 28 dni, obdobje poteče 28. februarja.

(2) [Obdobja, izražena v mesecih] Vsako obdobje, izraženo v mesecih, poteče v ustreznem naslednjem mesecu na dan z enako številko, kot jo ima dan dogodka, od katerega začne obdobje teči, z edino izjemo, da obdobje poteče na zadnji dan v naslednjem mesecu, kadar ta mesec nima dneva z enako številko.

(3) [Obdobja, izražena v dnevih] Izračun obdobja, izraženega v dnevih, začne teči z dnem, ki sledi dnevu, v katerem se je dogodek zgodil in temu ustrezno poteče.

(4) [Potek obdobja na dan, ko Mednarodni urad ali drug urad ni odprt za javnost] Če obdobje poteče na dan, ko Mednarodni urad ali drug zadevni urad ni odprt za javnost, poteče obdobje ne glede na določbe iz prvega do tretjega odstavka prvi naslednji dan, ko je Mednarodni urad ali drug zadevni urad odprt za javnost.

5. pravilo

Nepravilnosti pri poštnih in dostavnih storitvah

(1) [Sporočilo, poslano po pošti] Če je zainteresirana stranka zamudila rok za sporočilo, naslovljeno na Mednarodni urad in poslano po pošti, se ji zamuda oprosti, če Mednarodnemu uradu predloži zadovoljiv dokaz,

(i) da je bilo sporočilo poslano po pošti najmanj pet dni pred potekom roka ali da je bilo, če je bilo poštno poslovanje na kateri koli dan v desetih dneh pred potekom roka prekinjeno zaradi vojne, revolucije, notranjih nemirov, stavke, naravne nesreče ali drugega podobnega razloga, sporočilo poslano po pošti najmanj pet dni po tem, ko je pošta spet delovala,

(ii) da je bilo sporočilo poslano priporočeno ali da je poštna služba ob prevzemu pošiljke evidentirala podrobne podatke o pošiljki in

(iii) da je bilo sporočilo poslano kot taka vrsta poštna pošiljke, ki običajno pride do Mednarodnega urada v dveh dneh od oddaje, če Mednarodni urad praviloma ne prejme vseh vrst poštnih pošilk v dveh dneh, ali da je bilo poslano z letalsko pošto.

(2) [*Communications Sent Through a Delivery Service*] Failure by an interested party to meet a time limit for a communication addressed to the International Bureau and sent through a delivery service shall be excused if the interested party submits evidence showing, to the satisfaction of the International Bureau,

(i) that the communication was sent at least five days prior to the expiry of the time limit, or, where the delivery service was, on any of the ten days preceding the day of expiry of the time limit, interrupted on account of war, revolution, civil disorder, natural calamity, or other like reason, that the communication was sent not later than five days after the delivery service was resumed, and

(ii) that details of the sending of the communication were recorded by the delivery service at the time of sending.

(3) [*Limitation on Excuse*] Failure to meet a time limit shall be excused under this Rule only if the evidence referred to in paragraph (1) or (2) and the communication or a duplicate thereof are received by the International Bureau not later than six months after the expiry of the time limit.

Rule 6 Languages

(1) [*International Application*] The international application shall be in English or French.

(2) [*Recording and Publication*] The recording in the International Register and the publication in the Bulletin of the international registration and of any data to be both recorded and published under these Regulations in respect of that international registration shall be in English and French. The recording and publication of the international registration shall indicate the language in which the international application was received by the International Bureau.

(3) [*Communications*] Any communication concerning an international application or the international registration resulting therefrom shall be

(i) in English or French where such communication is addressed to the International Bureau by the applicant or holder or by an Office;

(ii) in the language of the international application where the communication is addressed by the International Bureau to an Office, unless that Office has notified the International Bureau that all such communications are to be in English or that all such communications are to be in French;

(iii) in the language of the international application where the communication is addressed by the International Bureau to the applicant or holder unless the applicant or holder expresses the wish to receive all such communications in English although the international application was in French, or *vice versa*.

(4) [*Translation*] The translations needed for the recordings and publications under paragraph (2) shall be made by the International Bureau. The applicant may annex to the international application a proposed translation of any text matter contained in the international application. If the proposed translation is not considered by the International Bureau to be correct, it shall be corrected by the International Bureau after having invited the applicant to make, within one month from the invitation, observations on the proposed corrections.

(2) [*Sporočilo, poslano po dostavni službi*] Če je zainteresirana stranka zamudila rok za sporočilo, naslovljeno na Mednarodni urad in poslano po dostavni službi, se ji zamuda oprosti, če Mednarodnemu uradu predloži zadovoljiv dokaz,

(i) da je bilo sporočilo poslano najmanj pet dni pred potekom roka ali da je bilo, če so bile dostavne storitve na kateri koli dan v desetih dneh pred potekom roka prekinjene zaradi vojne, revolucije, notranjih nemirov, stavke, naravne nesreče ali drugega podobnega razloga, sporočilo poslano najmanj pet dni po tem, ko je dostavna služba spet delovala, in

(ii) da je dostavna služba ob prevzemu pošiljke evidentirala podrobne podatke o pošiljanju sporočila.

(3) [*Omejitev oprostitve*] Zamuda roka se po tem pravilu oprosti le, če Mednarodni urad prejme dokazila iz prvega ali drugega odstavka in poslano sporočilo ali njegov dvojniki najkasneje šest mesecev po izteku roka.

6. pravilo Jeziki

(1) [*Mednarodna prijava*] Mednarodna prijava mora biti v angleščini ali francoščini.

(2) [*Vpis in objava*] Mednarodna registracija in vsi podatki, ki jih je za mednarodno registracijo po tem pravilniku treba vpisati in objaviti, se vpišejo v mednarodni register in objavijo v angleščini in francoščini. Pri vpisu in objavi mednarodne registracije je treba navesti, v katerem jeziku je Mednarodni urad prejel mednarodno prijavo.

(3) [*Sporočila*] Vsako sporočilo v zvezi z mednarodno prijavo ali mednarodno registracijo mora biti

(i) v angleščini ali francoščini, kadar je tako sporočilo na Mednarodni urad naslovil prijavitelj, imetnik ali eden od uradov,

(ii) v jeziku mednarodne prijave, kadar Mednarodni urad naslovi sporočilo na enega od uradov, razen če je ta urad uradno obvestil Mednarodni urad, da morajo biti vsa taka sporočila v angleščini ali da morajo biti vsa taka sporočila v francoščini,

(iii) v jeziku mednarodne prijave, kadar Mednarodni urad naslovi sporočilo na prijavitelja ali imetnika, razen če je prijavitelj ali imetnik izrazil željo, da vsa taka sporočila prejema v angleščini, čeprav je bila mednarodna prijava v francoščini, ali obratno.

(4) [*Prevod*] Prevode, potrebne za vpis in objavo po drugem odstavku, opravi Mednarodni urad. Prijavitelj lahko mednarodni prijavi priloži predlagan prevod katerega koli dela besedila v mednarodni prijavi. Če Mednarodni urad meni, da predlagani prevod ni pravilen, povabi prijavitelja, da v enem mesecu sporoči pripombe na predlagane popravke, nato pa ga Mednarodni urad popravi.

CHAPTER 2
INTERNATIONAL APPLICATIONS AND INTERNATIONAL
REGISTRATIONS

Rule 7
**Requirements Concerning the International
Application**

(1) [*Form and Signature*] The international application shall be presented on the official form. The international application shall be signed by the applicant.

(2) [*Fees*] The prescribed fees applicable to the international application shall be paid as provided for in Rules 27 and 28.

(3) [*Mandatory Contents of the International Application*] The international application shall contain or indicate

(i) the name of the applicant, given in accordance with the Administrative Instructions;

(ii) the address of the applicant, given in accordance with the Administrative Instructions;

(iii) the applicant's Contracting Party;

(iv) the product or products which constitute the industrial design or in relation to which the industrial design is to be used, with an indication whether the product or products constitute the industrial design or are products in relation to which the industrial design is to be used; the product or products shall preferably be identified by using terms appearing in the list of goods of the International Classification;

(v) the number of reproductions or specimens of the industrial design accompanying the international application in accordance with Rule 9 or 10;

(vi) the designated Contracting Parties;

(vii) the amount of the fees being paid and the method of payment, or instructions to debit the required amount of fees to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions.

(4) [*Additional Contents of an International Application*] (a) Where the international application contains the designation of a Contracting Party that has notified the Director General, in accordance with Article 5(2)(a), that its law requires one or more of the elements referred to in Article 5(2)(b), the international application shall contain such element or elements, as prescribed in Rule 11.

(b) An element referred to in item (i) or (ii) of Article 5(2)(b) may, at the option of the applicant, be included in the international application even where that element is not required in consequence of a notification in accordance with Article 5(2)(a).

(c) Where Rule 8 applies, the international application shall contain the indications referred to in Rule 8(2) and, where applicable, be accompanied by the statement or document referred to in that Rule.

(d) Where the applicant has a representative, the international application shall state the name and address of the representative, given in accordance with the Administrative Instructions.

(e) Where the applicant wishes, under Article 4 of the Paris Convention, to take advantage of the priority of an earlier filing, the international application shall contain a declaration claiming the priority of that earlier filing, together with an indication of the name of the Office where such filing was made and of the date and, where available, the number of that filing and, where the priority claim relates to less than all the industrial designs contained in the international application, the indication of those industrial designs to which the priority claim relates or does not relate.

2. POGLAVJE
MEDNARODNE PRIJAVE IN MEDNARODNE
REGISTRACIJE

7. pravilo
Zahteve v zvezi z mednarodno prijavo

(1) [*Oblika in podpis*] Mednarodna prijava mora biti predložena na uradnem obrazcu. Prijavitelj mora mednarodno prijavo podpisati.

(2) [*Pristojbine*] Predpisane pristojbine za mednarodno prijavo je treba plačati, kot je določeno v 27. in 28. pravilu.

(3) [*Obvezna vsebina mednarodne prijave*] Mednarodna prijava mora vsebovati ali imeti navedeno:

(i) ime in priimek prijavitelja, navedenega v skladu z upravnimi navodili;

(ii) naslov prijavitelja, navedenega v skladu z upravnimi navodili;

(iii) pogodbenico prijavitelja;

(iv) izdelek ali izdelke, ki so model ali v zvezi s katerimi naj bi se model uporabljal, skupaj z navedbo, ali je izdelek oziroma so izdelki model ali pa so to izdelki, v zvezi s katerimi se bo model uporabljal; izdelek ali izdelki naj bi bili po možnosti opredeljeni z izrazi, ki se pojavljajo na seznamu izdelkov v mednarodni klasifikaciji;

(v) število prikazov ali primerkov modela, ki so priloženi mednarodni prijavi v skladu z 9. ali 10. pravilom;

(vi) imenovane države pogodbenice;

(vii) znesek pristojbin, ki se plačajo, način plačila ali navodila za knjiženje zahtevanega zneska pristojbin v breme računa, odprtega pri Mednarodnem uradu, in osebne podatke o stranki, ki izvrši plačilo ali da nalog zanj.

(4) [*Dodatna vsebina mednarodne prijave*] (a) Kadar je v mednarodni prijavi imenovana pogodbenica, ki je v skladu s pododstavkom (a) drugega odstavka 5. člena uradno obvestila generalnega direktorja, da njen zakon zahteva eno ali več sestavin iz pododstavka (b) drugega odstavka 5. člena, mora mednarodna prijava tako sestavino ali sestavine vsebovati, kot je predpisano v 11. pravilu.

(b) Sestavina iz točke (i) ali (ii) pododstavka (b) drugega odstavka 5. člena je po izbiri prijavitelja lahko vsebovana v mednarodni prijavi, tudi če ni zahtevana zaradi uradnega obvestila v skladu s pododstavkom (a) drugega odstavka 5. člena.

(c) Kadar se uporablja 8. pravilo, mora mednarodna prijava vsebovati navedbe iz drugega odstavka 8. pravila, če pa je zahtevano, ji mora biti dodana izjava ali listina, omenjena v 8. pravilu.

(d) Kadar ima prijavitelj zastopnika, je treba v mednarodni prijavi v skladu z upravnimi navodili navesti ime, priimek in naslov zastopnika.

(e) Kadar želi prijavitelj v skladu s 4. členom Pariške konvencije izkoristiti prednost zgodnejše vložitve, mora mednarodna prijava vsebovati izjavo, s katero se zahteva prednost zgodnejše vložitve, skupaj z navedbo imena urada, pri katerem je bila prijava vložena, ter datuma in, če je na voljo, številke vložitve; kadar pa se zahteva za prednost ne nanaša na vse modele, vsebovane v mednarodni prijavi, mora biti navedeno, na katere modele se zahteva za prednost nanaša in na katere ne.

(f) Where the applicant wishes to take advantage of Article 11 of the Paris Convention, the international application shall contain a declaration that the product or products which constitute the industrial design or in which the industrial design is incorporated have been shown at an official or officially recognized international exhibition, together with the place where the exhibition was held and the date on which the product or products were first exhibited there and, where less than all the industrial designs contained in the international application are concerned, the indication of those industrial designs to which the declaration relates or does not relate.

(g) Where the applicant wishes that publication of the industrial design be deferred in accordance with Article 11, the international application shall contain a request for deferment of publication.

(h) The international application may also contain any declaration, statement or other relevant indication as may be specified in the Administrative Instructions.

(i) The international application may be accompanied by a statement that identifies information known by the applicant to be material to the eligibility for protection of the industrial design concerned.

(5) [No Additional Matter] If the international application contains any matter other than that required or permitted by the Act, these Regulations or the Administrative Instructions, the International Bureau shall delete it *ex officio*. If the international application is accompanied by any document other than those required or permitted, the International Bureau may dispose of the said document.

(6) [All Products to Be in Same Class] All the products which constitute the industrial designs to which an international application relates, or in relation to which the industrial designs are to be used, shall belong to the same class of the International Classification.

Rule 8

Special Requirements Concerning the Applicant

(1) [Notification of Special Requirements] (a) Where the law of a Contracting Party requires that an application for the protection of an industrial design be filed in the name of the creator of the industrial design, that Contracting Party may, in a declaration, notify the Director General of that fact.

(b) The declaration referred to in subparagraph (a) shall specify the form and mandatory contents of any statement or document required for the purposes of paragraph 2).

(2) [Identity of the Creator and Assignment of International Application] Where an international application contains the designation of a Contracting Party that has made the declaration referred to in paragraph (1),

(i) it shall also contain indications concerning the identity of the creator of the industrial design, together with a statement, complying with the requirements specified in accordance with paragraph (1)(b), that the latter believes himself to be the creator of the industrial design; the person so identified as the creator shall be deemed to be the applicant for the purposes of the designation of that Contracting Party, irrespective of the person named as the applicant in accordance with Rule 7(3)(i);

(ii) where the person identified as the creator is a person other than the person named as the applicant in accordance with Rule 7(3)(i), the international application shall be accompanied by a statement or document, complying with the requirements specified in accordance with paragraph (1)(b), to the effect that it has been assigned by the person identified as the creator to the person named as the applicant. The latter person shall be recorded as the holder of the international registration.

(f) Kadar želi prijavitelj izkoristiti 11. člen Pariške konvencije, mora mednarodna prijava vsebovati izjavo, da je bil izdelek oziroma so bili izdelki, ki so model ali v katerih je model vključen, prikazani na uradni ali uradno priznani mednarodni razstavi; navedena morata biti tudi kraj razstave in datum, ko je bil izdelek oziroma so bili izdelki tam prvič razstavljeni, kadar pa se to nanaša samo na nekatere modele, vsebovane v mednarodni prijavi, še navedbo, na katere modele se izjava nanaša in na katere ne.

(g) Kadar prijavitelj želi, da se objava modela odloži v skladu z 11. členom, mora mednarodna prijava vsebovati zahtevo za odlog objave.

(h) Mednarodna prijava lahko vsebuje tudi kakršne koli izjave, sporočila ali druge za zadevo pomembne navedbe, kot so lahko določeni v upravnih navodilih.

(i) Mednarodni prijavi je lahko priloženo tudi sporočilo o informacijah, za katere prijavitelj ve, da so pomembne za upravičenost do varstva zadevnega modela.

(5) [Nobenih dodatnih zadev] Če mednarodna prijava vsebuje še kar koli drugega, kar ni zahtevano ali dovoljeno po aktu, pravilniku ali upravnih navodilih, to Mednarodni urad po uradni dolžnosti črta iz prijave. Če je mednarodni prijavi poleg zahtevanih ali dovoljenih priložena še kaka druga listina, jo Mednarodni urad lahko odstrani.

(6) [Vsi izdelki morajo biti v istem razredu] Vsi izdelki, ki so modeli, na katere se mednarodna prijava nanaša, ali v zvezi s katerimi naj bi se modeli uporabljali, morajo biti iz istega razreda po mednarodni klasifikaciji.

8. pravilo

Posebne zahteve v zvezi s prijaviteljem

(1) [Uradno obvestilo o posebnih zahtevah] (a) Kadar zakon pogodbenice zahteva, da se prijava za varstvo modela vložijo v imenu oblikovalca modela, lahko pogodbenica o tem z izjavo uradno obvesti generalnega direktorja.

(b) V izjavi iz pododstavka (a) tega odstavka se določi oblika in obvezna vsebina izjave ali listine, zahtevane za namene drugega odstavka tega pravila.

(2) [Osebni podatki oblikovalca in prenos mednarodne prijave] Kadar mednarodna prijava vsebuje imenovanje pogodbenice, ki je dala izjavo iz prvega odstavka,

(i) mora vsebovati tudi navedbe za ugotavljanje istovetnosti oblikovalca modela skupaj z izjavo, ki je skladna z zahtevami, določenimi po pododstavku (b) prvega odstavka, da je oblikovalec zase prepričan, da je oblikovalec modela; za namen imenovanja pogodbenice se šteje, da je oseba, ki je tako opredeljena kot oblikovalec, vlagatelj prijave ne glede na to, kdo je imenovan kot vlagatelj v skladu s točko (i) tretjega odstavka 7. pravila.

(ii) če je oseba, ki je opredeljena kot oblikovalec, druga kot oseba, ki je imenovana kot vlagatelj v skladu s točko (i) tretjega odstavka 7. pravila, je mednarodni prijavi priložena izjava ali listina, skladna z zahtevami, določenimi v skladu s pododstavkom (b) prvega odstavka tega pravila, s katero se prijava z osebo, ki je bila opredeljena kot oblikovalec, prenese na osebo, ki je imenovana kot prijavitelj. Ta se vpiše kot imetnik mednarodne registracije.

Rule 9**Reproductions of the Industrial Design**

(1) [*Form and Number of Reproductions of the Industrial Design*] (a) Reproductions of the industrial design shall, at the option of the applicant, be in the form of photographs or other graphic representations of the industrial design itself or of the product or products which constitute the industrial design. The same product may be shown from different angles; views from different angles may be included in the same photograph or other graphic representation or in different photographs or other graphic representations.

(b) Any reproduction shall be submitted in the number of copies specified in the Administrative Instructions.

(2) [*Requirements Concerning Reproductions*] (a) Reproductions shall be of a quality permitting all the details of the industrial design to be clearly distinguished and permitting publication.

(b) Matter which is shown in a reproduction but for which protection is not sought may be indicated as provided for in the Administrative Instructions.

(3) [*Views Required*] (a) Subject to subparagraph (b), any Contracting Party which requires certain specified views of the product or products which constitute the industrial design or in relation to which the industrial design is to be used shall, in a declaration, so notify the Director General, specifying the views that are required and the circumstances in which they are required.

(b) No Contracting Party may require more than one view where the industrial design or product is two-dimensional, or more than six views where the product is three-dimensional.

(4) [*Refusal on Grounds Relating to the Reproductions of the Industrial Design*] A Contracting Party may not refuse the effects of the international registration on the ground that requirements relating to the reproductions of the industrial design that are additional to, or different from, those notified by that Contracting Party in accordance with paragraph (3)(a) have not been satisfied under its law. A Contracting Party may however refuse the effects of the international registration on the ground that the reproductions contained in the international registration are not sufficient to disclose fully the industrial design.

Rule 10**Specimens of the Industrial Design Where Deferment of Publication Is Requested**

(1) [*Number of Specimens*] Where the international application contains a request for deferment of publication in respect of a two-dimensional industrial design and, instead of being accompanied by the reproductions referred to in Rule 9, is accompanied by specimens of the industrial design, the following number of specimens shall accompany the international application:

(i) one specimen for the International Bureau, and

(ii) one specimen for each designated Office that has notified the International Bureau under Article 10(5) that it wishes to receive copies of international registrations.

(2) [*Specimens*] All the specimens shall be contained in a single package. The specimens may be folded. The maximum dimensions and weight of the package shall be specified in the Administrative Instructions.

9. pravilo**Prikazi modela**

(1) [*Oblika in število prikazov modela*] (a) Prikazi modela so po izbiri prijavitelja lahko v obliki fotografij ali drugih grafičnih prikazov samega modela oziroma izdelka ali izdelkov, ki so model. Isti izdelek je lahko prikazan z različnih kotov; pogledi z različnih kotov so lahko vključeni v isto fotografijo ali drugo grafično predstavitev ali pa so na različnih fotografijah ali drugih grafičnih prikazih.

(b) Vsak prikaz mora biti predložen v takem številu izvodov, kot je določeno v upravnih navodilih.

(2) [*Zahteve v zvezi s prikazi*] (a) Prikazi morajo biti tako kakovostni, da omogočajo jasno razlikovanje vseh podrobnosti modela in so primerni za objavo.

(b) Zadeva, ki je na prikazu vidna, pa zanjo ni zahtevano varstvo, je lahko označena, kot je določeno v upravnih navodilih.

(3) [*Zahtevani pogledi*] (a) Ob upoštevanju pododstavka (b) mora vsaka pogodbenica, ki zahteva določene posebne poglede na izdelek ali izdelke, ki so model ali v zvezi s katerimi naj bi se model uporabljal, o tem uradno obvestiti generalnega direktorja z izjavo, v kateri točno določi poglede, ki jih zahteva, in okoliščine, v katerih so zahtevani.

(b) Nobena pogodbenica ne sme zahtevati več kot en pogled, če je model dvodimenzionalen, ali več kot šest pogledov, če je model trodimenzionalen.

(4) [*Zavrnitev iz razlogov, povezanih s prikazi modelov*] Pogodbenica ne sme zavrniti veljavnosti mednarodne registracije, če po njenem zakonu niso bile izpolnjene zahteve glede oblike prikazov modela, ki so dodatne ali različne od zahtev, ki jih je pogodbenica uradno javila v skladu s pododstavkom (a) tretjega odstavka. Pogodbenica pa veljavnost mednarodne registracije lahko zavrne, če prikazi, vsebovani v mednarodni registraciji, niso zadostni, da bi popolnoma razkrili model.

10. pravilo**Primerki modela ob zahtevanem odlogu objave**

(1) [*Število primerkov*] Kadar mednarodna prijava vsebuje zahtevo za odlog objave za dvodimenzionalni model in so ji namesto prikazov, navedenih v 9. pravilu, priloženi primerki modela, morajo biti mednarodni prijavi priloženi primerki v naslednjem številu:

(i) en primerek za Mednarodni urad in

(ii) en primerek za vsak imenovani urad, ki je po petem odstavku 10. člena uradno obvestil Mednarodni urad, da želi prejeti kopije mednarodnih registracij.

(2) [*Primerki*] Vsi primerki morajo biti pakirani vsak posebej. Primerki so lahko zloženi. Največja dovoljena velikost in teža posameznega zavitka sta določeni v upravnih navodilih.

Rule 11**Identity of Creator; Description; Claim**

(1) [*Identity of Creator*] Where the international application contains indications concerning the identity of the creator of the industrial design, his name and address shall be given in accordance with the Administrative Instructions.

(2) [*Description*] Where the international application contains a description, the latter shall concern those features that appear in the reproductions of the industrial design. If the description exceeds 100 words, an additional fee, as set out in the Schedule of Fees, shall be payable.

(3) [*Claim*] A declaration under Article 5(2)(a) that the law of a Contracting Party requires a claim in order for an application for the grant of protection to an industrial design to be accorded a filing date under that law shall specify the exact wording of the required claim. Where the international application contains a claim, the wording of that claim shall be as specified in the said declaration.

Rule 12**Fees Concerning the International Application**

(1) [*Prescribed Fees*] (a) The international application shall be subject to the payment of the following fees:

(i) a basic fee;

(ii) a standard designation fee in respect of each designated Contracting Party that has not made a declaration under Article 7(2);

(iii) an individual designation fee in respect of each designated Contracting Party that has made a declaration under Article 7(2);

(iv) a publication fee.

(b) The amounts of the fees referred to in items (i), (ii) and (iv) are set out in the Schedule of Fees.

(2) [*When Fees to Be Paid*] The fees referred to in paragraph (1) are, subject to paragraph (3), payable at the time of filing the international application, except that, where the international application contains a request for deferment of publication, the publication fee may be paid later, in accordance with Rule 16(3).

(3) [*Individual Designation Fee Payable in Two Parts*] (a) A declaration under Article 7(2) may also specify that the individual designation fee to be paid in respect of the Contracting Party concerned comprises two parts, the first part to be paid at the time of filing the international application and the second part to be paid at a later date which is determined in accordance with the law of the Contracting Party concerned.

(b) Where subparagraph (a) applies, the reference in paragraph (1)(iii) to an individual designation fee shall be construed as a reference to the first part of the individual designation fee.

(c) The second part of the individual designation fee may be paid either directly to the Office concerned or through the International Bureau, at the option of the holder. Where it is paid directly to the Office concerned, the Office shall notify the International Bureau accordingly and the International Bureau shall record any such notification in the International Register. Where it is paid through the International Bureau, the International Bureau shall record the payment in the International Register and notify the Office concerned accordingly.

(d) Where the second part of the individual designation fee is not paid within the applicable period, the Office concerned shall notify the International Bureau and request the International Bureau to cancel the international registration in the International Register with respect to the Contracting Party concerned. The International Bureau shall proceed accordingly and so notify the holder.

11. pravilo**Istovetnost oblikovalca; opis; zahtevek**

(1) [*Istovetnost oblikovalca*] Kadar so v mednarodni prijavi navedbe v zvezi z istovetnostjo oblikovalca modela, se v skladu z upravnimi navodili navedejo njegovo ime, priimek in naslov.

(2) [*Opis*] Kadar mednarodna prijava vsebuje opis, se mora ta nanašati na lastnosti, ki se vidijo na prikazu modela. Če je opis daljši od 100 besed, je treba plačati dodatno pristojbino, kot je določena v seznamu pristojbin.

(3) [*Zahtevek*] V izjavi iz pododstavka (a) drugega odstavka 5. člena, da zakon pogodbenice predpisuje zahtevek, da bo prijavi za podelitev varstva modelu po njenem zakonu lahko določen datum vložitve, je treba navesti točno besedilo predpisanega zahtevka. Če mednarodna prijava zahtevek vsebuje, mora biti njegovo besedilo tako, kot je določeno v omenjeni izjavi.

12. pravilo**Pristojbine za mednarodno prijavo**

(1) [*Predpisane pristojbine*] (a) Za mednarodno prijavo je treba plačati naslednje pristojbine:

(i) osnovno pristojbino;

(ii) pristojbino za standardno imenovanje za vsako imenovano pogodbenico, ki ni dala izjave po drugem odstavku 7. člena;

(iii) pristojbino za posamično imenovanje za vsako imenovano pogodbenico, ki je dala izjavo po drugem odstavku 7. člena;

(iv) pristojbino za objavo.

(b) Zneski pristojbin iz točk (i), (ii) in (iv) so določeni v seznamu pristojbin.

(2) [*Kdaj se plačajo pristojbine*] Pristojbine iz prvega odstavka se ob upoštevanju tretjega odstavka plačajo ob vložitvi mednarodne prijave; izjema je le pristojbina za objavo, ki se v skladu s tretjim odstavkom 16. pravila lahko plača pozneje, če mednarodna prijava vsebuje zahtevo za odlog objave.

(3) [*Pristojbina za posamično imenovanje, plačljiva v dveh delih*] (a) Izjava na podlagi drugega odstavka 7. člena lahko tudi določa, da je pristojbina, ki jo je treba plačati za posamično pogodbenico, sestavljena iz dveh delov, od katerih je prvega treba plačati ob vložitvi mednarodne prijave, drugi del pa se plača pozneje na dan, ki je določen v skladu s pravom zadevne pogodbenice.

(b) Kadar se uporablja pododstavek (a), je treba sklicevanje na točko (iii) prvega odstavka razumeti kot sklicevanje na prvi del pristojbine za posamično imenovanje.

(c) Drugi del pristojbine za posamično imenovanje lahko imetnik po svoji izbiri plača zadevnemu uradu neposredno ali s posredovanjem Mednarodnega urada. Če plača pristojbino neposredno zadevnemu uradu, mora urad o tem uradno obvestiti Mednarodni urad, ta pa vsako tako uradno obvestilo vpiše v mednarodni register. Če pa plačilo poteka preko Mednarodnega urada, ta plačilo vpiše v mednarodni register in o tem uradno obvesti zadevni urad.

(d) Če drugi del posamične pristojbine za imenovanje ni plačan v veljavnem roku, zadevni urad o tem obvesti Mednarodni urad in ga zaprosi, da mednarodno registracijo za to pogodbenico izbrše iz mednarodnega registra. Mednarodni urad tako stori in o tem uradno obvesti imetnika.

Rule 13**International Application Filed Through an Office**

(1) [*Date of Receipt by Office and Transmittal to the International Bureau*] Where the international application is filed through the Office of the applicant's Contracting Party, that Office shall notify the applicant of the date on which it received the application. At the same time as it transmits the international application to the International Bureau, the Office shall notify the International Bureau of the date on which it received the application. The Office shall notify the applicant of the fact that it has transmitted the international application to the International Bureau.

(2) [*Transmittal Fee*] An Office that requires a transmittal fee, as provided for in Article 4(2), shall notify the International Bureau of the amount of such fee, which should not exceed the administrative costs of receiving and transmitting the international application, and its due date.

(3) [*Filing Date of International Application Filed Indirectly*] Subject to Article 9(3), the filing date of an international application filed through an Office shall be

(i) the date on which the international application was received by that Office, provided that it is received by the International Bureau within one month of that date;

(ii) in any other case, the date on which the International Bureau receives the international application.

(4) [*Filing Date Where Applicant's Contracting Party Requires a Security Clearance*] Notwithstanding paragraph (3), a Contracting Party whose law, at the time that it becomes party to the Act, requires security clearance may, in a declaration, notify the Director General that the period of one month referred to in that paragraph shall be replaced by a period of six months.

Rule 14**Examination by the International Bureau**

(1) [*Time Limit for Correcting Irregularities*] The prescribed time limit for correcting irregularities in accordance with Article 8 shall be three months from the date of the invitation sent by the International Bureau.

(2) [*Irregularities Entailing a Postponement of the Filing Date of the International Application*] The irregularities which, in accordance with Article 9(3), are prescribed as entailing a postponement of the filing date of the international application are the following:

(a) the international application is not in the prescribed language or one of the prescribed languages;

(b) any of the following elements is missing from the international application:

(i) an express or implicit indication that international registration under the Act is sought;

(ii) indications allowing the identity of the applicant to be established;

(iii) indications sufficient to enable the applicant or its representative, if any, to be contacted;

(iv) a reproduction, or, in accordance with Article 5(1)(iii), a specimen, of each industrial design that is the subject of the international application;

(v) the designation of at least one Contracting Party.

(3) [*Reimbursement of Fees*] Where, in accordance with Article 8(2)(a), the international application is considered abandoned, the International Bureau shall refund any fees paid in respect of that application, after deduction of an amount corresponding to the basic fee.

13. pravilo**Mednarodna prijava, vložena s posredovanjem urada**

(1) [*Datum prejema v uradu in prenos na Mednarodni urad*] Kadar je mednarodna prijava vložena s posredovanjem urada pogodbenice prijavitelja, mora ta urad uradno obvestiti prijavitelja o datumu prejema prijave. Ko urad mednarodno prijavo pošlje Mednarodnemu uradu, ga istočasno uradno obvesti o datumu prejema prijave. Urad uradno obvesti prijavitelja, da je mednarodno prijavo poslal Mednarodnemu uradu.

(2) [*Posredniška pristojbina*] Urad, ki zahteva posredniško pristojbino, kot je predvideno v drugem odstavku 4. člena, uradno obvesti Mednarodni urad o višini te pristojbine, ki naj ne bi presegala upravnih stroškov za sprejem in posredovanje mednarodne prijave, in o datumu njene zapadlosti.

(3) [*Datum vložitve posredno vložene mednarodne prijave*] Ob upoštevanju tretjega odstavka 9. člena je datum vložitve mednarodne prijave, ki je vložena s posredovanjem urada:

(i) datum, ko je ta urad prejel mednarodno prijavo, če jo je Mednarodni urad prejel v enem mesecu po tem datumu;

(ii) v vsakem drugem primeru pa datum, ko Mednarodni urad prejme mednarodno prijavo.

(4) [*Datum vložitve, kadar pogodbenica prijavitelja zahteva preverjanje verodostojnosti*] Ne glede na tretji odstavek lahko pogodbenica, katere zakon, veljaven, ko postane pogodbenica, zahteva preverjanje verodostojnosti, z izjavo uradno obvesti generalnega direktorja, da se enomesečni rok v tretjem odstavku zamenja s šestmesečnim rokom.

14. pravilo**Preizkus s strani Mednarodnega urada**

(1) [*Rok za odpravo nepravilnosti*] Predpisani rok za odpravo nepravilnosti v skladu z 8. členom je tri mesece od dneva, ko je Mednarodni urad prijavitelja pozval, da odpravi nepravilnosti.

(2) [*Nepravilnosti, katerih posledica je preložitev datuma vložitve mednarodne prijave*] Nepravilnosti, ki so v skladu s tretjim odstavkom 9. člena določene kot nepravilnosti, katerih posledica je preložitev datuma vložitve mednarodne prijave, so:

(a) mednarodna prijava ni v predpisanem jeziku ali v enem od predpisanih jezikov;

(b) v mednarodni prijavi manjka ena od tu naštetih sestavin:

(i) izrecna ali iz sobesedila jasna zahteva za mednarodno registracijo po aktu;

(ii) navedbe, iz katerih je mogoče ugotoviti, kdo je vlagatelj;

(iii) zadostne navedbe, da je mogoče vzpostaviti stik z vlagateljem ali njegovim zastopnikom, če ga ima;

(iv) prikaz ali primerek v skladu s točko (iii) prvega odstavka 5. člena za vsak model, ki je vsebovan v mednarodni prijavi;

(v) imenovanje vsaj ene pogodbenice.

(3) [*Povračilo pristojbin*] Če se v skladu s pododstavkom (a) drugega odstavka 8. člena šteje, da je mednarodna prijava opuščena, povrne Mednarodni urad po odbitku zneska, ki je enak osnovni pristojbini, vse pristojbine, plačane za to prijavo.

Rule 15**Registration of the Industrial Design in the International Register**

(1) [*Registration of the Industrial Design in the International Register*] Where the International Bureau finds that the international application conforms to the applicable requirements, it shall register the industrial design in the International Register and send a certificate to the holder.

(2) [*Contents of the Registration*] The international registration shall contain

(i) all the data contained in the international application, except any priority claim under Rule 7(4)(e) where the date of the earlier filing is more than six months before the filing date of the international application;

(ii) any reproduction of the industrial design;

(iii) the date of the international registration;

(iv) the number of the international registration;

(v) the relevant class of the International Classification, as determined by the International Bureau.

Rule 16**Deferment of Publication**

(1) [*Maximum Period of Deferment*] The prescribed period for the purposes of Article 11(1)(a) and (2)(i) shall be 30 months from the filing date or, where priority is claimed, from the priority date of the application concerned.

(2) [*Period for Withdrawal of Designation Where Deferment Is Not Possible Under Applicable Law*] The period referred to in Article 11(3)(i) for the applicant to withdraw the designation of a Contracting Party whose law does not allow the deferment of publication shall be one month from the date of the notification sent by the International Bureau.

(3) [*Period for Paying Publication Fee and Submitting Reproductions*] The publication fee referred to in Rule 12(1)(a)(iv) shall be paid, and the reproductions referred to in Article 11(6)(b) shall be submitted, before the period of deferment applicable under Article 11(2) expires, or before the period of deferment is considered to have expired in accordance with Article 11(4)(a).

(4) [*Registration of Reproductions*] The International Bureau shall record in the International Register any reproduction submitted under Article 11(6)(b).

(5) [*Requirements Not Complied With*] If the requirements of paragraph (3) are not complied with, the international registration shall be canceled and shall not be published.

Rule 17**Publication of the International Registration**

(1) [*Timing of Publication*] The international registration shall be published

(i) where the applicant so requests, immediately after the registration,

(ii) where deferment of publication has been requested and the request has not been disregarded, immediately after the date on which the period of deferment expired or is considered to have expired,

(iii) in any other case, six months after the date of the international registration or as soon as possible thereafter.

(2) [*Contents of Publication*] The publication of the international registration in the Bulletin, in accordance with Article 10(3), shall contain

(i) the data recorded in the International Register;

(ii) the reproduction or reproductions of the industrial design;

(iii) where publication has been deferred, an indication of the date on which the period of deferment expired or is considered to have expired.

15. pravilo**Vpis modela v mednarodni register**

(1) [*Vpis modela v mednarodni register*] Če Mednarodni urad ugotovi, da je mednarodna prijava skladna z veljavnimi zahtevami, vpiše model v mednarodni register in pošlje imetniku potrdilo.

(2) [*Vsebina registracije*] Mednarodna registracija vsebuje:

(i) vse podatke, vsebovane v mednarodni prijavi, razen zahteve za prednost po pododstavku (e) četrtega odstavka 7. pravila, kadar je datum zgodnejše vložitve več kot šest mesecev pred vložitvijo mednarodne prijave;

(ii) prikaz modela;

(iii) datum mednarodne registracije;

(iv) številko mednarodne registracije;

(v) ustrezní razred po mednarodni klasifikaciji, kot ga določi Mednarodni urad.

16. pravilo**Odlog objave**

(1) [*Najdaljši rok odloga objave*] Predpisani rok za namene pododstavka (a) prvega odstavka in točke (i) drugega odstavka 11. člena je 30 mesecev od datuma vložitve oziroma, če je zahtevana prednost, od prednostnega datuma zadevne prijave.

(2) [*Rok za umik imenovanja, kadar odlog po veljavnem zakonu ni možen*] Obdobje iz točke (i) tretjega odstavka 11. člena, v katerem prijavitelj lahko umakne imenovanje za pogodbenico, katere zakon ne dovoljuje odloga objave, je en mesec od datuma uradnega obvestila Mednarodnega urada.

(3) [*Rok za plačilo pristojbine za objavo in za predložitev prikaza*] Pristojbino za objavo, omenjeno v točki (iv) pododstavka (a) prvega odstavka 12. pravila, je treba plačati in prikaz, naveden v pododstavku (b) šestega odstavka 11. člena, predložiti, preden poteče rok odloga iz drugega odstavka 11. člena ali preden se šteje, da je rok potekel v skladu s pododstavkom (a) četrtega odstavka 11. člena.

(4) [*Registracija prikazov*] Mednarodni urad vpiše v mednarodni register vse prikaze, predložene po pododstavku (b) šestega odstavka 11. člena.

(5) [*Neizpolnjene zahteve*] Če zahteve iz tretjega odstavka niso izpolnjene, se mednarodna registracija razveljavi in se ne objavi.

17. pravilo**Objava mednarodne registracije**

(1) [*Čas objave*] Mednarodna registracija se objavi,

(i) če prijavitelj tako zahteva, takoj po registraciji,

(ii) če je bil zahtevan odlog objave in je bila zahteva upoštevana, takoj po dnevu, ko je odložni rok potekel ali ko se šteje, da je potekel,

(iii) v vseh drugih primerih pa šest mesecev po dnevu mednarodne registracije ali čim prej po tem.

(2) [*Vsebina objave*] Objava mednarodne registracije v biltnu v skladu s tretjim odstavkom 10. člena vsebuje:

(i) podatke, vpisane v mednarodni register;

(ii) prikaz ali prikaze modela;

(iii) kadar je bila objava odložena, navedbo datuma, ko je rok odloga potekel ali se šteje, da je potekel.

CHAPTER 3
REFUSALS AND INVALIDATIONS

Rule 18
Notification of Refusal

(1) [*Period for Notification of Refusal*] (a) The prescribed period for the notification of refusal of the effects of an international registration in accordance with Article 12(2) shall be six months from the date on which the International Bureau sends to the Office concerned a copy of the publication of the international registration.

(b) Notwithstanding subparagraph (a), any Contracting Party whose Office is an Examining Office, or whose law provides for the possibility of opposition to the grant of protection, may, in a declaration, notify the Director General that the period of six months referred to in that subparagraph shall be replaced by a period of 12 months.

(c) The declaration referred to in subparagraph (b) may also state that the international registration shall produce the effect referred to in Article 14(2)(a) at the latest

(i) at a time specified in the declaration which may be later than the date referred to in that Article but which shall not be more than six months after the said date or

(ii) at a time at which protection is granted according to the law of the Contracting Party where a decision regarding the grant of protection was unintentionally not communicated within the period applicable under subparagraph (a) or (b); in such a case, the Office of the Contracting Party concerned shall notify the International Bureau accordingly and endeavor to communicate such decision to the holder of the international registration concerned promptly thereafter.

(2) [*Notification of Refusal*] (a) The notification of any refusal shall relate to one international registration, shall be dated and shall be signed by the Office making the notification.

(b) The notification shall contain or indicate

(i) the Office making the notification,

(ii) the number of the international registration,

(iii) all the grounds on which the refusal is based together with a reference to the corresponding essential provisions of the law,

(iv) where the grounds on which the refusal is based refer to similarity with an industrial design which has been the subject of an earlier national, regional or international application or registration, the filing date and number, the priority date (if any), the registration date and number (if available), a copy of a reproduction of the earlier industrial design (if that reproduction is accessible to the public) and the name and address of the owner of the said industrial design,

(v) where the refusal does not relate to all the industrial designs that are the subject of the international registration, those to which it relates or does not relate,

(vi) whether the refusal may be subject to review or appeal and, if so, the time limit, reasonable under the circumstances, for any request for review of, or appeal against, the refusal and the authority to which such request for review or appeal shall lie, with the indication, where applicable, that the request for review or the appeal has to be filed through the intermediary of a representative whose address is within the territory of the Contracting Party whose Office has pronounced the refusal, and

(vii) the date on which the refusal was pronounced.

3. POGLAVJE
ZAVRNITVE IN NEVELJAVNOSTI

18. pravilo
Uradno obvestilo o zavrnitvi

(1) [*Rok za uradno obvestilo o zavrnitvi*] (a) Predpisani rok za uradno obvestilo o zavrnitvi veljavnosti mednarodne registracije je v skladu z drugim odstavkom 12. člena šest mesecev od dneva, ko Mednarodni urad pošlje zadevnemu uradu kopijo objave mednarodne registracije.

(b) Ne glede na pododstavek (a) lahko vsaka pogodbenica, katere urad je urad za preizkušanje ali katere zakon predvideva možnost, da se podeljevanju varstva nasprotuje, z izjavo uradno obvesti generalnega direktorja, da se šestmesečni rok zamenja z dvanajstmesečnim.

(c) V izjavi iz pododstavka (b) je lahko tudi navedeno, da bo mednarodna registracija učinkovala, kot je navedeno v pododstavku (a) drugega odstavka 14. člena, najkasneje

(i) v roku, navedenem v izjavi, ki je lahko poznejši dan, kot je naveden v omenjenem členu, vendar ne več kot šest mesecev pozneje, ali

(ii) v roku, ko bo varstvo podeljeno po zakonu pogodbenice, kadar izjava o podelitvi varstva nenamerno ni bila sporočena v veljavnem roku po pododstavku (a) ali (b); v takem primeru urad zadevne pogodbenice o tem uradno obvesti Mednarodni urad in si prizadeva takoj zatem sporočiti tako odločitev tudi zadevnemu imetniku mednarodne registracije.

(2) [*Uradno obvestilo o zavrnitvi*] (a) Uradno obvestilo o kakršni koli zavrnitvi se nanaša samo na eno mednarodno registracijo, opremljeno pa mora biti z datumom in podpisom urada, ki uradno obvestilo pošilja.

(b) Uradno obvestilo mora vsebovati ali navajati

(i) urad, ki daje uradno obvestilo,

(ii) številko mednarodne registracije,

(iii) vse razloge, na katerih temelji zavrnitev, skupaj s sklicevanjem na ustrezne bistvene določbe zakona,

(iv) datum in številko vložitve, datum prednosti (če je bila), datum in številko registracije (če je na voljo), kopijo prikaza zgodnejšega modela (če je ta prikaz dostopen za javnost) ter ime, priimek in naslov lastnika navedenega modela, kadar se razlogi, na katerih temelji zavrnitev, nanašajo na podobnost z modeli, ki so bili že prej vsebovani v nacionalnih, regionalnih ali mednarodnih prijavah ali registracijah,

(v) na katere modele iz mednarodne registracije se nanaša in na katere ne, kadar se zavrnitev ne nanaša na vse modele iz mednarodne registracije,

(vi) ali je zavrnitev mogoče ponovno pretehtati ali se zoper njo pritožiti, in če je tako, še okoliščinam primeren rok za vložitev zahteve za ponovni pregled zavrnitve ali pritožbe zoper njo in organ, ki je pristojen za tak ponovni zahtevek za pregled ali pritožbo, z navedbo, če je primerno, da je treba zahtevek za pregled ali pritožbo vložiti s posredovanjem zastopnika, čigar naslov je na ozemlju pogodbenice, katere urad je izdal zavrnitev, in

(vii) datum, ko je bila zavrnitev izdana.

(3) [Notification of Division of International Registration] Where, following a notification of refusal in accordance with Article 13(2), an international registration is divided before the Office of a designated Contracting Party in order to overcome a ground of refusal stated in that notification, that Office shall notify the International Bureau of such data concerning the division as shall be specified in the Administrative Instructions.

(4) [Notification of Withdrawal of Refusal] (a) The notification of any withdrawal of refusal shall relate to one international registration, shall be dated and shall be signed by the Office making the notification.

(b) The notification shall contain or indicate

- (i) the Office making the notification,
- (ii) the number of the international registration,

(iii) where the withdrawal does not relate to all the industrial designs to which the refusal applied, those to which it relates or does not relate, and

(iv) the date on which the refusal was withdrawn.

(5) [Recording] The International Bureau shall record any notification received under paragraph (1)(c)(ii), (2) or (4) in the International Register together with, in the case of a notification of refusal, an indication of the date on which the notification of refusal was sent to the International Bureau.

(6) [Transmittal of Copies of Notifications] The International Bureau shall transmit copies of notifications received under paragraph (1)(c)(ii), (2) or (4) to the holder.

Rule 19 **Irregular Refusals**

(1) [Notification Not Regarded as Such] (a) A notification of refusal shall not be regarded as such by the International Bureau and shall not be recorded in the International Register

(i) if it does not indicate the number of the international registration concerned, unless other indications contained in the notification permit the said registration to be identified,

(ii) if it does not indicate any grounds for refusal, or

(iii) if it is sent to the International Bureau after the expiry of the period applicable under Rule 18(1).

(b) Where subparagraph (a) applies, the International Bureau shall, unless it cannot identify the international registration concerned, transmit a copy of the notification to the holder, shall inform, at the same time, the holder and the Office that sent the notification that the notification of refusal is not regarded as such by the International Bureau and has not been recorded in the International Register, and shall indicate the reasons therefor.

(2) [Irregular Notification] If the notification of refusal

(i) is not signed on behalf of the Office which communicated the refusal, or does not comply with the requirements established under Rule 2,

(ii) does not comply, where applicable, with the requirements of Rule 18(2)(b)(iv),

(iii) does not indicate, where applicable, the authority to which a request for review or an appeal lies and the applicable time limit, reasonable under the circumstances, for lodging such a request or appeal (Rule 18(2)(b)(vi)),

(iv) does not indicate the date on which the refusal was pronounced (Rule 18(2)(b)(vii)),

(3) [Uradno obvestilo o delitvi mednarodne registracije] Če je po obvestilu o zavrnitvi v skladu z drugim odstavkom 13. člena mednarodna registracija pri uradu imenovane pogodbenice razdeljena, da se tako odpravi razlog za zavrnitev, naveden v uradnem obvestilu, ta urad uradno obvesti Mednarodni urad o takih podatkih o delitvi registracije, kot so določeni v upravnih navodilih.

(4) [Uradno obvestilo o umiku zavrnitve] (a) Uradno obvestilo o vsakem umiku zavrnitve se mora nanašati samo na eno mednarodno registracijo, opremljeno pa mora biti z datumom in podpisom urada, ki uradno obvestilo daje.

(b) Uradno obvestilo mora vsebovati ali navajati:

- (i) urad, ki daje uradno obvestilo,
- (ii) številko mednarodne registracije,

(iii) na katere modele se umik zavrnitve nanaša in na katere ne, kadar se ne nanaša na vse modele,

(iv) datum umika zavrnitve.

(5) [Vpis] Mednarodni urad vpiše vsako uradno obvestilo, prejeta na podlagi točke (ii) pododstavka (c) prvega odstavka, drugega odstavka ali četrtega odstavka, v mednarodni register in pri uradnem obvestilu o zavrnitvi navede tudi datum, ko je bilo uradno obvestilo o zavrnitvi poslano Mednarodnemu uradu.

(6) [Pošiljanje kopij uradnih obvestil] Mednarodni urad pošlje imetniku kopije uradnih obvestil, prejetih na podlagi točke (ii) pododstavka (c) prvega odstavka, drugega odstavka ali četrtega odstavka.

19. pravilo

Nepravilne zavrnitve

(1) [Uradno obvestilo ni upoštevano kot tako] (a) Uradnega obvestila o zavrnitve Mednarodni urad kot takega ne upošteva in ga ne vpiše v mednarodni register,

(i) če nima navedene številke mednarodne registracije, na katero se nanaša, razen če je registracijo mogoče prepoznati iz drugih navedb v uradnem obvestilu,

(ii) če v njem niso navedeni razlogi za zavrnitev ali

(iii) če je poslano Mednarodnemu uradu po preteku veljavnega roka po prvem odstavku 18. pravila.

(b) Kadar se uporabi pododstavek (a), mora Mednarodni urad, razen če ne more prepoznati zadevne mednarodne registracije, poslati kopijo uradnega obvestila imetniku, istočasno obvestiti imetnika in urad, ki je uradno obvestilo poslal, da Mednarodni urad uradnega obvestila o zavrnitvi ni upošteval kot takega in ga ni vpisal v mednarodni register, ter navesti razloge za to.

(2) [Nepravilno uradno obvestilo] Če uradno obvestilo o zavrnitvi

(i) ni podpisano v imenu urada, ki je sporočil zavrnitev, ali ne izpolnjuje zahtev, navedenih v 2. pravilu,

(ii) ni skladno z zahtevami točke (iv) pododstavka (b) drugega odstavka 18. pravila, kadar bi bilo to primerno,

(iii) ne navaja, kjer bi bilo to primerno, organa, ki je pristojen za tak zahtevek za pregled ali pritožbo, in okoliščinam primerne roka za vložitev take zahteve ali pritožbe,

(iv) ne navaja datuma, na katerega je bila zavrnitev izdana (točka (vii) pododstavka (b) drugega odstavka 18. pravila),

the International Bureau shall nevertheless record the refusal in the International Register and transmit a copy of the notification to the holder. If so requested by the holder, the International Bureau shall invite the Office which communicated the refusal to rectify its notification without delay.

Rule 20

Invalidation in Designated Contracting Parties

(1) [*Contents of the Notification of Invalidation*] Where the effects of an international registration are invalidated in a designated Contracting Party and the invalidation is no longer subject to any review or appeal, the Office of the Contracting Party whose competent authority has pronounced the invalidation shall, where it is aware of the invalidation, notify the International Bureau accordingly. The notification shall indicate

- (i) the authority which pronounced the invalidation,
- (ii) the fact that the invalidation is no longer subject to appeal,
- (iii) the number of the international registration,
- (iv) where the invalidation does not relate to all the industrial designs that are the subject of the international registration, those to which it relates or does not relate,
- (v) the date on which the invalidation was pronounced and its effective date.

(2) [*Recording of the Invalidation*] The International Bureau shall record the invalidation in the International Register, together with the data contained in the notification of invalidation.

CHAPTER 4

CHANGES AND CORRECTIONS

Rule 21

Recording of a Change

(1) [*Presentation of the Request*] (a) A request for the recording shall be presented to the International Bureau on the relevant official form where the request relates to any of the following:

- (i) a change in the ownership of the international registration in respect of all or some of the industrial designs that are the subject of the international registration;
- (ii) a change in the name or address of the holder;
- (iii) a renunciation of the international registration in respect of any or all of the designated Contracting Parties;
- (iv) a limitation, in respect of any or all of the designated Contracting Parties, to one or some of the industrial designs that are the subject of the international registration.

(b) The request shall be presented by the holder and signed by the holder; however, a request for the recording of a change in ownership may be presented by the new owner, provided that it is

- (i) signed by the holder, or
- (ii) signed by the new owner and accompanied by an attestation from the competent authority of the holder's Contracting Party that the new owner appears to be the successor in title of the holder.

(2) [*Contents of the Request*] The request for the recording of a change shall, in addition to the requested change, contain or indicate

- (i) the number of the international registration concerned,
- (ii) the name of the holder, unless the change relates to the name or address of the representative,

Mednarodni urad ne glede na to vpiše zavrnitev v mednarodni register in pošlje imetniku kopijo uradnega obvestila. Če imetnik zahteva, Mednarodni urad pozove urad, ki je sporočil zavrnitev, da svoje uradno obvestilo nemudoma popravi.

20. pravilo

Razveljavitev v imenovanih pogodbenicah

(1) [*Vsebina uradnega obvestila o razveljavitvi*] Kadar se v imenovani pogodbenici razveljavi mednarodna registracija in razveljavitev ni več mogoče dati v ponovni pregled ali se zoper njo pritožiti, urad pogodbenice, katere pristojni organ je registracijo razveljavil, o tem uradno obvesti Mednarodni urad, če za tako razveljavitev ve. Uradno obvestilo mora navajati

- (i) organ, ki je registracijo razveljavil,
- (ii) dejstvo, da se zoper razveljavitev ni več mogoče pritožiti,
- (iii) številko mednarodne registracije,
- (iv) na katere modele se razveljavitev nanaša in na katere ne, kadar se ne nanaša na vse modele iz mednarodne registracije,
- (v) datum izreka razveljavitve in datum, ko je začela učinkovati.

(2) [*Vpis razveljavitve*] Mednarodni urad vpiše razveljavitev v mednarodni register skupaj z datumom, ki je naveden v uradnem obvestilu o razveljavitvi.

4. POGLAVJE

SPREMEMBE IN POPRAVKI

21. pravilo

Vpis spremembe

(1) [*Predložitev zahtevka*] (a) Zahtevek za vpis je treba predložiti Mednarodnemu uradu na ustreznem uradnem obrazcu, kadar se zahtevek nanaša na:

- (i) spremembo lastništva mednarodne registracije za vse ali nekatere modele, ki so mednarodno registrirani;
- (ii) spremembo imena in priimka ali naslova imetnika;
- (iii) odpoved mednarodne registracije za posamezno ali vse imenovane pogodbenice;
- (iv) omejitev za posamezno ali vse imenovane pogodbenice na en model ali na nekaj modelov, ki so mednarodno registrirani.

(b) Zahtevek mora predložiti in podpisati imetnik; zahtevek za vpis spremembe lastništva pa lahko predloži tudi novi lastnik, če jo je podpisal

- (i) imetnik ali
- (ii) novi lastnik in ji je priložena overovitev pristojnega organa pogodbenice imetnika, da je novi lastnik pravni naslednik imetnika.

(2) [*Vsebina zahtevka*] Zahtevek za vpis spremembe mora poleg zahtevane spremembe vsebovati ali navajati še

- (i) številko zadevne mednarodne registracije,
- (ii) ime in priimek imetnika, razen če se sprememba nanaša na ime in priimek ali naslov zastopnika,

(iii) in case of a change in the ownership of the international registration, the name and address, given in accordance with the Administrative Instructions, of the new owner of the international registration,

(iv) in case of a change in the ownership of the international registration, the Contracting Party or Parties in respect of which the new owner fulfills the conditions, under Article 3, to be the holder of an international registration,

(v) in case of a change in the ownership of the international registration that does not relate to all the industrial designs and to all the Contracting Parties, the numbers of the industrial designs and the designated Contracting Parties to which the change in ownership relates, and

(vi) the amount of the fees being paid and the method of payment, or instruction to debit the required amount of fees to an account opened with the International Bureau, and the identification of the party effecting the payment or giving the instructions.

(3) [*Irregular Request*] If the request does not comply with the applicable requirements, the International Bureau shall notify that fact to the holder and, if the request was made by a person claiming to be the new owner, to that person.

(4) [*Time Allowed to Remedy Irregularity*] The irregularity may be remedied within three months from the date of the notification of the irregularity by the International Bureau. If the irregularity is not remedied within the said three months, the request shall be considered abandoned and the International Bureau shall notify accordingly and at the same time the holder and, if the request was presented by a person claiming to be the new owner, that person, and shall refund any fees paid, after deduction of an amount corresponding to one-half of the relevant fees.

(5) [*Recording and Notification of a Change*] (a) The International Bureau shall, provided that the request is in order, promptly record the change in the International Register and shall inform the holder. In the case of a recording of a change in ownership, the International Bureau will inform both the new holder and the previous holder.

(b) The change shall be recorded as of the date of receipt by the International Bureau of the request complying with the applicable requirements. Where however the request indicates that the change should be recorded after another change, or after renewal of the international registration, the International Bureau shall proceed accordingly.

(6) [*Recording of Partial Change in Ownership*] Assignment or other transfer of the international registration in respect of some only of the industrial designs, or some only of the designated Contracting Parties shall be recorded in the International Register under the number of the international registration of which a part has been assigned or otherwise transferred; any assigned or otherwise transferred part shall be canceled under the number of the said international registration and recorded as a separate international registration. The separate international registration shall bear the number of the international registration of which a part has been assigned or otherwise transferred, together with a capital letter.

(7) [*Recording of Merger of International Registrations*] Where the same person becomes the holder of two or more international registrations resulting from a partial change in ownership, the registrations shall be merged at the request of the said person and paragraphs (1) to (6) shall apply *mutatis mutandis*. The international registration resulting from the merger shall bear the number of the international registration of which a part had been assigned or otherwise transferred, together, where applicable, with a capital letter.

(iii) pri spremembi lastništva mednarodne registracije ime, priimek in naslov novega lastnika mednarodne registracije, navedene v skladu z upravnimi navodili,

(iv) pri spremembi lastništva mednarodne registracije pogodbenico ali pogodbenice, za katere novi lastnik izpolnjuje pogoje po 3. členu, da je lahko imetnik mednarodne registracije,

(v) pri spremembi lastništva mednarodne registracije, ki se ne nanaša na vse modele in na vse pogodbenice, številke modelov in držav pogodbenc, na katere se sprememba lastništva nanaša, in

(vi) znesek pristojbin, ki se plačajo, in način plačila ali navodilo za knjiženje zahtevanega zneska pristojbin v breme računa, odprtega pri Mednarodnem uradu, ter osebne podatke o stranki, ki izvrši plačilo ali da nalog zanj.

(3) [*Nepravilen zahtevek*] Če zahtevek ni v skladu z veljavnimi zahtevami, bo Mednarodni urad o tem uradno obvestil imetnika, če pa je zahtevek vložila oseba, ki trdi, da je novi lastnik, tudi to osebo.

(4) [*Rok za popravek nepravilnosti*] Nepravilnost se lahko popravi v treh mesecih od dneva uradnega obvestila Mednarodnega urada o nepravilnosti. Če nepravilnost v teh treh mesecih ni popravljena, se zahtevek šteje za opuščen in Mednarodni urad uradno obvesti imetnika, če pa je zahtevek vložila oseba, ki trdi, da je novi lastnik, hkrati tudi njo, ter vrne plačane pristojbine po odbitku zneska v višini polovice plačanih pristojbin.

(5) [*Vpis spremembe in uradno obvestilo o njej*] (a) Če je zahtevek popoln, Mednarodni urad takoj vpiše spremembo v mednarodni register in obvesti imetnika. Pri vpisu spremembe lastništva bo Mednarodni urad obvestil oba, novega in prejšnjega imetnika.

(b) Sprememba se vpiše z dnem, ko je Mednarodni urad prejel zahtevek v skladu z veljavnimi zahtevami. Če pa je v zahtevku navedeno, da naj se sprememba vpiše po neki drugi spremembi ali po obnovitvi mednarodne registracije, ravna Mednarodni urad skladno s temi navodili.

(6) [*Vpis delne spremembe lastništva*] Odstop ali drug prenos mednarodne registracije za samo nekatere modele ali samo nekatere pogodbenice se vpiše v mednarodni register pod številko mednarodne registracije, katere del je bil odstopljen ali drugače prenesen; vsak odstopljen ali drugače prenesen del se razveljavi pod številko navedene mednarodne registracije in vpiše kot ločena mednarodna registracija. Ločena mednarodna registracija ima številko mednarodne registracije, katere del je bil odstopljen ali drugače prenesen, in dodano veliko tiskano črko.

(7) [*Vpis združitve mednarodnih registracij*] Kadar postane ista oseba zaradi delnih sprememb lastništva imetnik dveh ali več mednarodnih registracij, se registracije na njegovo zahtevo združijo, pri tem pa se smiselno uporabljajo odstavki (1) do (6). Mednarodna registracija, ki je posledica take združitve, ima številko mednarodne registracije, katere del je bil odstopljen ali drugače prenesen, in če je primerno, še dodano veliko tiskano črko.

Rule 22**Corrections in the International Register**

(1) [*Correction*] Where the International Bureau, acting *ex officio* or at the request of the holder, considers that there is an error concerning an international registration in the International Register, it shall modify the Register and inform the holder accordingly.

(2) [*Refusal of Effects of Correction*] The Office of any designated Contracting Party shall have the right to declare in a notification to the International Bureau that it refuses to recognize the effects of the correction. Article 12 and Rules 18 and 19 shall apply *mutatis mutandis*.

CHAPTER 5
RENEWALS**Rule 23****Unofficial Notice of Expiration**

Six months before the expiration of a five-year term, the International Bureau shall send to the holder and the representative, if any, a notice indicating the date of expiration of the international registration. The fact that the said notice is not received shall not constitute an excuse for failure to comply with any time limit under Rule 24.

Rule 24**Details Concerning Renewal**

(1) [*Fees*] (a) The international registration shall be renewed upon payment of the following fees:

(i) a basic fee;

(ii) a standard designation fee in respect of each designated Contracting Party that has not made a declaration under Article 7(2) and for which the international registration is to be renewed;

(iii) an individual designation fee for each designated Contracting Party that has made a declaration under Article 7(2) and for which the international registration is to be renewed.

(b) The amounts of the fees referred to in items (i) and (ii) of subparagraph (a) are set out in the Schedule of Fees.

(c) The payment of the fees referred to in subparagraph (a) shall be made at the latest on the date on which the renewal of the international registration is due. However, it may still be made within six months from the date on which the renewal of the international registration is due, provided that the surcharge specified in the Schedule of Fees is paid at the same time.

(d) If any payment made for the purposes of renewal is received by the International Bureau earlier than three months before the date on which the renewal of the international registration is due, it shall be considered as having been received three months before that date.

(2) [*Further Details*] (a) Where the holder does not wish to renew the international registration

(i) in respect of a designated Contracting Party, or

(ii) in respect of any of the industrial designs that are the subject of the international registration,

payment of the required fees shall be accompanied by a statement indicating the Contracting Party or the numbers of the industrial designs for which the international registration is not to be renewed.

22. pravilo**Popravki v mednarodnem registru**

(1) [*Popravek*] Kadar Mednarodni urad, ki nastopa po uradni dolžnosti ali na zahtevo imetnika, meni, da je v zvezi z mednarodno registracijo v mednarodnem registru napaka, jo popravi in o tem obvesti imetnika.

(2) [*Zavrnitev veljavnosti popravka*] Urad vsake imenovane pogodbenice ima pravico v uradnem obvestilu Mednarodnemu uradu izjaviti, da ne priznava veljavnosti popravka. Smiselno se uporabijo 12. člen ter 18. in 19. pravilo.

5. POGLAVJE
OBNOVITVE**23. pravilo****Neuradno obvestilo o poteku veljavnosti**

Šest mesecev pred potekom petletnega roka pošlje Mednarodni urad imetniku in njegovemu zastopniku, če ga ima, obvestilo z datumom poteka veljavnosti mednarodne registracije. Če tako obvestilo ni prejeto, to ne velja za izgovor za neupoštevanje rokov iz 24. pravila.

24. pravilo**Podrobne zahteve za obnovitev**

(1) [*Pristojbine*] (a) Mednarodna registracija se obnovi, ko so plačane naslednje pristojbine:

(i) osnovna pristojbina;

(ii) pristojbina za standardno imenovanje za vsako imenovano pogodbenico, ki ni dala izjave po drugem odstavku 7. člena in za katero je treba obnoviti mednarodno registracijo;

(iii) pristojbino za posamično imenovanje za vsako imenovano pogodbenico, ki je dala izjavo po drugem odstavku 7. člena in za katero je treba obnoviti mednarodno registracijo.

(b) Zneski pristojbin iz točk (i) in (ii) pododstavka (a) so določeni v seznamu pristojbin.

(c) Pristojbine iz pododstavka (a) je treba plačati najkasneje na dan, ko je treba obnoviti mednarodno registracijo. Lahko pa se plačajo tudi še v šestih mesecih od dneva, ko je treba obnoviti mednarodno registracijo, če se hkrati plača še zamudna pristojbina, določena v seznamu pristojbin.

(d) Če Mednarodni urad prejme plačilo za obnovitev registracije prej kot tri mesece pred dnevom, ko je treba obnoviti registracijo, se šteje, kot da ga je prejel tri mesece pred tem dnevom.

(2) [*Druge podrobnosti*] (a) Če imetnik ne želi obnoviti mednarodne registracije

(i) za imenovano pogodbenico ali

(ii) za model, ki je mednarodno registriran,

je treba plačilu zahtevanih pristojbin priložiti izjavo z navedbo pogodbenice ali številke modelov, za katere mednarodne registracije ni treba obnoviti.

(b) Where the holder wishes to renew the international registration in respect of a designated Contracting Party notwithstanding the fact that the maximum period of protection for industrial designs in that Contracting Party has expired, payment of the required fees, including the standard designation fee or the individual designation fee, as the case may be, for that Contracting Party, shall be accompanied by a statement that the renewal of the international registration is to be recorded in the International Register in respect of that Contracting Party.

(c) Where the holder wishes to renew the international registration in respect of a designated Contracting Party notwithstanding the fact that a refusal is recorded in the International Register for that Contracting Party in respect of all the industrial designs concerned, payment of the required fees, including the standard designation fee or the individual designation fee, as the case may be, for that Contracting Party, shall be accompanied by a statement specifying that the renewal of the international registration is to be recorded in the International Register in respect of that Contracting Party.

(d) The international registration may not be renewed in respect of any designated Contracting Party in respect of which an invalidation has been recorded for all the industrial designs under Rule 20 or in respect of which a renunciation has been recorded under Rule 21. The international registration may not be renewed in respect of any designated Contracting Party for those industrial designs in respect of which an invalidation in that Contracting Party has been recorded under Rule 20 or in respect of which a limitation has been recorded under Rule 21.

(3) [*Insufficient Fees*] (a) If the amount of the fees received is less than the amount required for renewal, the International Bureau shall promptly notify at the same time both the holder and the representative, if any, accordingly. The notification shall specify the missing amount.

(b) If the amount of the fees received is, on the expiry of the period of six months referred to in paragraph (1)(c), less than the amount required for renewal, the International Bureau shall not record the renewal, shall refund the amount received and shall notify accordingly the holder and the representative, if any.

Rule 25

Recording of the Renewal; Certificate

(1) [*Recording and Effective Date of the Renewal*] Renewal shall be recorded in the International Register with the date on which renewal was due, even if the fees required for renewal are paid within the period of grace referred to in Rule 24(1)(c).

(2) [*Certificate*] The International Bureau shall send a certificate of renewal to the holder.

(b) Če želi imetnik obnoviti mednarodno registracijo za imenovano pogodbenico ne glede na to, da je najdaljši možni rok varstva za modele v tej pogodbenici že potekel, je treba plačilu zahtevanih pristojbin skupaj s pristojbino za standardno oziroma posamično imenovanje za to pogodbenico dodati izjavo, da mora biti obnovev mednarodne registracije zanjo vpisana v mednarodni register.

(c) Če želi imetnik obnoviti mednarodno registracijo za imenovano pogodbenico ne glede na to, da je v mednarodnem registru za to pogodbenico vpisana zavrnitev za vse zadevne modele, je treba plačilu zahtevanih pristojbin skupaj s pristojbino za standardno oziroma posamično imenovanje za to pogodbenico dodati izjavo, da mora biti obnovev mednarodne registracije zanjo vpisana v mednarodni register.

(d) Mednarodna registracija se ne sme obnoviti za nobeno imenovano pogodbenico, za katero je bila za vse modele vpisana odpoved po 21. pravilu. Mednarodna registracija se ne sme obnoviti za nobeno imenovano pogodbenico za tiste modele, za katere je bila za to pogodbenico vpisana razveljavitev po 20. pravilu ali za katere je bila vpisana omejitev po 21. pravilu.

(3) [*Nezadostne pristojbine*] (a) Če je znesek prejetih pristojbin manjši od zneska, ki je zahtevan za obnovev, Mednarodni urad o tem takoj hkrati obvesti imetnika in njegovega zastopnika, če ga ima. V uradnem obvestilu mora biti manjkajoči znesek točno naveden.

(b) Če je znesek prejetih pristojbin na dan, ko poteče šestmesečni rok iz pododstavka (b) prvega odstavka, manjši od zneska, ki je zahtevan za obnovev, Mednarodni urad obnovev registracije ne vpiše, vrne prejeti znesek in o tem obvesti imetnika in njegovega zastopnika, če ga ima.

25. pravilo

Vpis obnovev registracije; potrdilo

(1) [*Vpis in datum začetka veljavnosti obnovev*] Obnovev registracije se vpiše v mednarodni register skupaj z datumom, ko je bilo treba registracijo obnoviti, pa čeprav so bile pristojbine, zahtevane za obnovev, plačane v roku odloga iz pododstavka (c) prvega odstavka 24. pravila.

(2) [*Potrdilo*] Mednarodni urad pošlje imetniku potrdilo o obnovitvi registracije.

CHAPTER 6
BULLETIN**Rule 26**
Bulletin

(1) [*Information Concerning International Registrations*] The International Bureau shall publish in the Bulletin relevant data concerning

(i) international registrations, in accordance with Rule 17;
(ii) refusals recorded under Rule 18(5), with an indication as to whether there is a possibility of review or appeal, but without the grounds for refusal;

(iii) invalidations recorded under Rule 20(2);

(iv) changes in ownership, changes of name or address of the holder, renunciations and limitations recorded under Rule 21;

(v) corrections effected under Rule 22;

(vi) renewals recorded under Rule 25(1);

(vii) international registrations which have not been renewed.

(2) [*Information Concerning Declarations; Other Information*] The International Bureau shall publish in the Bulletin any declaration made by a Contracting Party under the Act or these Regulations, as well as a list of the days on which the International Bureau is not scheduled to open to the public during the current and the following calendar year.

(3) [*Number of Copies for Offices of Contracting Parties*] (a) The International Bureau shall send to the Office of each Contracting Party copies of the Bulletin. Each Office shall be entitled, free of charge, to two copies and, where during a given calendar year the number of designations recorded with respect to the Contracting Party concerned has exceeded 500, in the following year one additional copy and further additional copies for every 500 designations in excess of 500. Each Contracting Party may purchase every year, at half of the subscription price, the same number of copies as that to which it is entitled free of charge.

(b) If the Bulletin is available in more than one form, each Office may choose the form in which it wishes to receive any copy to which it is entitled.

CHAPTER 7
FEES**Rule 27**
Amounts and Payment of Fees

(1) [*Amounts of Fees*] The amounts of fees due under the Act and these Regulations, other than individual designation fees referred to in Rule 12(1)(a)(iii), shall be specified in the Schedule of Fees which is annexed to these Regulations and forms an integral part thereof.

(2) [*Payment*] (a) Subject to subparagraph (b) and Rule 12(3)(c), the fees shall be paid directly to the International Bureau.

(b) Where the international application is filed through the Office of the applicant's Contracting Party, the fees payable in connection with that application may be paid through that Office if it accepts to collect and forward such fees and the applicant or the holder so wishes. Any Office which accepts to collect and forward such fees shall notify that fact to the Director General.

6. POGLAVJE
BILTEN**26. pravilo**
Bilten

(1) [*Informacije o mednarodnih registracijah*] Mednarodni urad objavi v biltenu pomembne podatke o

(i) mednarodni registraciji, v skladu s 17. pravilom;

(ii) zavrnitvah, vpisanih po petem odstavku 18. pravila, skupaj z navedbo možnosti ponovnega pregleda ali pritožbe, vendar brez razlogov za zavrnitev;

(iii) razveljavitvah, vpisanih po drugem odstavku 20. pravila;

(iv) spremembah lastništva, spremembah imena in primka ali naslova imetnika, preklicih in omejitvah, vpisanih po 21. pravilu;

(v) popravkih, vnesenih po 22. pravilu;

(vi) obnovitvah veljavnosti, vpisanih po prvem odstavku 25. pravila;

(vii) mednarodnih registracijah, ki niso bile obnovljene.

(2) [*Informacije o danih izjavah; druge informacije*] Mednarodni urad objavi v biltenu vse izjave, ki jih je dala kaka pogodbenica po aktu ali tem pravilniku, in seznam dni, ko Mednarodni urad ni odprt za javnost v tekočem in naslednjem koledarskem letu.

(3) [*Število izvodov za urade pogodbenic*] (a) Mednarodni urad pošlje uradu vsake pogodbenice izvode biltena. Vsaka pogodbenica ima pravico brezplačno prejeti dva izvoda, če pa je bilo v enem koledarskem letu za to pogodbenico vpisanih več kot 500 imenovanj, v naslednjem letu še dodatni izvod in nadaljnje dodatne izvode za vsakih naslednjih 500 imenovanj. Vsaka pogodbenica lahko vsako leto po polovični naročniški ceni dokupi še enako število izvodov, kot ji jih pripada brezplačno.

(b) Če je bilten na voljo v več kot eni obliki, si vsak urad lahko izbere obliko, v kateri želi prejemati izvode, do katerih je upravičen.

7. POGLAVJE
PRISTOJBINE**27. pravilo**
Zneski in plačilo pristojbin

(1) [*Znesek pristojbin*] Znesek pristojbin, ki jih je treba plačati po aktu in tem pravilniku, je razen pristojbin za posamično imenovanje iz točke (iii) pododstavka (a) prvega odstavka 12. pravila določen v seznamu pristojbin, ki je priložen temu pravilniku in je njegov sestavni del.

(2) [*Plačilo*] (a) Ob upoštevanju pododstavka (b) tega odstavka in pododstavka (c) tretjega odstavka 12. pravila se pristojbine plačujejo neposredno Mednarodnemu uradu.

(b) Kadar je mednarodna prijava vložena s posredovanjem urada pogodbenice prijavitelja, se pristojbine, ki jih je treba plačati v zvezi s to prijavo, lahko plačajo preko tega urada, če je ta pripravljen pristojbine sprejemati in pošiljati naprej in če prijavitelj ali imetnik tako želi. Vsak urad, ki pristane, da bo pristojbine sprejemal in jih pošiljal naprej, mora o tem uradno obvestiti generalnega direktorja.

(3) [*Modes of Payment*] Fees shall be paid to the International Bureau in accordance with the Administrative Instructions.

(4) [*Indications Accompanying the Payment*] At the time of the payment of any fee to the International Bureau, an indication must be given,

(i) before international registration, of the name of the applicant, the industrial design concerned and the purpose of the payment;

(ii) after international registration, of the name of the holder, the number of the international registration concerned and the purpose of the payment.

(5) [*Date of Payment*] (a) Subject to Rule 24(1)(d) and subparagraph (b), any fee shall be considered to have been paid to the International Bureau on the day on which the International Bureau receives the required amount.

(b) Where the required amount is available in an account opened with the International Bureau and that Bureau has received instructions from the holder of the account to debit it, the fee shall be considered to have been paid to the International Bureau on the day on which the International Bureau receives an international application, a request for the recording of a change, or an instruction to renew an international registration.

(6) [*Change in the Amount of the Fees*] (a) Where an international application is filed through the Office of the applicant's Contracting Party and the amount of the fees payable in respect of the filing of the international application is changed between, on the one hand, the date on which the international application was received by that Office and, on the other hand, the date of the receipt of the international application by the International Bureau, the fee that was valid on the first date shall be applicable.

(b) Where the amount of the fees payable in respect of the renewal of an international registration is changed between the date of payment and the due date of the renewal, the fee that was valid on the date of payment, or on the date considered to be the date of payment under Rule 24(1)(d), shall be applicable. Where the payment is made after the due date, the fee that was valid on the due date shall be applicable.

(c) Where the amount of any fee other than the fees referred to in subparagraphs (a) and (b) is changed, the amount valid on the date on which the fee was received by the International Bureau shall be applicable.

Rule 28 Currency of Payments

(1) [*Obligation to Use Swiss Currency*] All payments made under these Regulations to the International Bureau shall be in Swiss currency irrespective of the fact that, where the fees are paid through an Office, such Office may have collected those fees in another currency.

(2) [*Establishment of the Amount of Individual Designation Fees in Swiss Currency*] (a) Where a Contracting Party makes a declaration under Article 7(2) that it wants to receive an individual designation fee, the amount of the fee indicated to the International Bureau shall be expressed in the currency used by its Office.

(b) Where the fee is indicated in the declaration referred to in subparagraph (a) in a currency other than Swiss currency, the Director General shall, after consultation with the Office of the Contracting Party concerned, establish the amount of the fee in Swiss currency on the basis of the official exchange rate of the United Nations.

(3) [*Načini plačila*] Pristojbine se plačujejo Mednarodnemu uradu v skladu z upravnimi navodili.

(4) [*Navedbe ob plačilu*] Ob plačilu katere koli pristojbine Mednarodnemu uradu je treba navesti

(i) pred mednarodno registracijo: ime in priimek prijavitelja, model, za katerega se plačuje, in namen plačila;

(ii) po mednarodni registraciji: ime in priimek imetnika, številko zadevne mednarodne registracije in namen plačila.

(5) [*Datum plačila*] (a) Ob upoštevanju pododstavka (d) prvega odstavka 24. pravila in pododstavka (b) tega odstavka se za vsako plačilo šteje, da je bilo plačano Mednarodnemu uradu na dan, ko je Mednarodni urad prejel zahtevani znesek.

(b) Če je zahtevani znesek na voljo na računu, ki je odprt pri Mednarodnem uradu in je urad od imetnika računa prejel nalog za knjiženje v breme tega računa, se šteje, da je bilo plačano Mednarodnemu uradu na dan, ko je Mednarodni urad prejel mednarodno prijavo, zahtevo za vpis spremembe ali nalog za obnovitev mednarodne registracije.

(6) [*Spremembe zneska pristojbin*] (a) Kadar je mednarodna prijava vložena s posredovanjem urada pogodbenice prijavitelja in se je pristojbina, ki jo je treba plačati za vložitev mednarodne prijave, spremenila v času med dnem, ko je urad prejel mednarodno prijavo, in dnem, ko je to mednarodno prijavo dobil Mednarodni urad, velja pristojbina, ki je veljala pred spremembo.

(b) Kadar se znesek pristojbin, ki jih je treba plačati za obnovitev registracije, spremeni med dnevom plačila in dnevom, ko je treba registracijo obnoviti, velja pristojbina, ki je veljala na dan plačila ali na dan, ki se šteje za dan plačila po pododstavku (d) prvega odstavka 24. pravila.

(c) Kadar se spremeni znesek katere koli pristojbine iz pododstavka (a) in (b) tega odstavka, velja znesek, ki je veljal na dan, ko je Mednarodni urad prejel pristojbino.

28. pravilo Valuta plačil

(1) [*Obvezna uporaba švicarske valute*] Vsa plačila Mednarodnemu uradu po tem pravilniku morajo biti v švicarski valuti ne glede na to, da so bile pristojbine, plačane preko posameznega urada, lahko plačane tudi v drugi valuti.

(2) [*Določitev zneska pristojbin za posamično imenovanje v švicarski valuti*] (a) Če da pogodbenica izjavo po drugem odstavku 7. člena, da želi prejeti pristojbino za posamično imenovanje, mora biti znesek pristojbine, ki se sporoči Mednarodnemu uradu, izražen v valuti, ki jo uporablja njen urad.

(b) Kadar je pristojbina, navedena v izjavi iz pododstavka (a) tega odstavka, v drugi valuti in ne v švicarski, določi znesek pristojbine v švicarski valuti generalni direktor po posvetovanju z uradom zadevne pogodbenice na podlagi uradnega menjalnega tečaja Združenih narodov.

(c) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the currency in which the amount of an individual designation fee has been indicated by a Contracting Party is higher or lower by at least 5% than the last exchange rate applied to establish the amount of the fee in Swiss currency, the Office of that Contracting Party may ask the Director General to establish a new amount of the fee in Swiss currency according to the official exchange rate of the United Nations prevailing on the day preceding the day on which the request is made. The Director General shall proceed accordingly. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Bulletin.

(d) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the currency in which the amount of an individual designation fee has been indicated by a Contracting Party is lower by at least 10% than the last exchange rate applied to establish the amount of the fee in Swiss currency, the Director General shall establish a new amount of the fee in Swiss currency according to the current official exchange rate of the United Nations. The new amount shall be applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Bulletin.

Rule 29

Crediting of Fees to the Accounts of the Contracting Parties Concerned

Any standard designation fee or individual designation fee paid to the International Bureau in respect of a Contracting Party shall be credited to the account of that Contracting Party with the International Bureau within the month following the month in the course of which the recording of the international registration or renewal for which that fee has been paid was effected or, as regards the second part of the individual designation fee, immediately upon its receipt by the International Bureau.

CHAPTER 8 MISCELLANEOUS

Rule 30

Amendment of Certain Rules

(1) [*Requirement of Unanimity*] Amendment of the following provisions of these Regulations shall require unanimity:

- (i) Rule 13(4);
- (ii) Rule 18(1).

(2) [*Requirement of Four-Fifths Majority*] Amendment of the following provisions of the Regulations and of paragraph (3) of the present Rule shall require a four-fifths majority:

- (i) Rule 7(6);
- (ii) Rule 9(3)(b);
- (iii) Rule 16(1);
- (iv) Rule 17(1)(iii).

(3) [*Procedure*] Any proposal for amending a provision referred to in paragraph (1) or (2) shall be sent to all Contracting Parties at least two months prior to the opening of the session of the Assembly which is called upon to make a decision on the proposal.

(c) Kadar je več kot tri zaporedne mesece uradni menjalni tečaj Združenih narodov med švicarsko valuto in valuto, v kateri je pogodbenica navedla pristojbino za posamično imenovanje, za najmanj 5% višji ali nižji od zadnjega menjalnega tečaja, upoštevanega za določitev novega zneska pristojbine v švicarski valuti, lahko urad pogodbenice zaprosi generalnega direktorja, da določi nov znesek pristojbine v švicarski valuti v skladu z uradnim menjalnim tečajem Združenih narodov, ki je veljal na dan pred dnevom zaprosila. Generalni direktor lahko temu ustrezno ravna. Novi znesek potem velja od dneva, ki ga določi generalni direktor, pod pogojem da sta bila ta dan in znesek vsaj mesec ali dva prej objavljena v biltenu.

(d) Kadar je več kot tri zaporedne mesece uradni menjalni tečaj Združenih narodov med švicarsko valuto in valuto, v kateri je pogodbenica navedla pristojbino za posamično imenovanje, za najmanj 10% nižji od zadnjega menjalnega tečaja, uporabljenega za določitev novega zneska pristojbine v švicarski valuti, generalni direktor določi nov znesek pristojbine v švicarski valuti na podlagi takrat veljavnega menjalnega tečaja Združenih narodov. Novi znesek potem velja od dneva, ki ga določi generalni direktor, pod pogojem da sta bila ta dan in znesek vsaj mesec ali dva prej objavljena v biltenu.

29. pravilo

Knjiženje pristojbin v dobro zadevnih pogodbenc

Vsaka pristojbina za standardno ali za posamično imenovanje, plačana Mednarodnemu uradu za določeno pogodbenico, se knjiži v dobro računa te pogodbenice pri Mednarodnem uradu v mesecu, ki sledi mesecu, v katerem je bil opravljen vpis mednarodne registracije ali obnovitve registracije, za katero je bila plačana pristojbina, drugi del plačila pristojbine za posamično imenovanje pa se knjiži v dobro, takoj ko ga Mednarodni urad prejme.

8. POGlavJE RAZNO

30. pravilo

Sprememba nekaterih pravil

(1) [*Zahtevana soglasnost*] Soglasnost je potrebna za spremembe naslednjih določb tega pravilnika:

- (i) četrtega odstavka 13. pravila;
- (ii) prvega odstavka 18. pravila.

(2) [*Zahtevana štiripetinska večina*] Štiripetinska večina je potrebna za spremembe naslednjih določb tega pravilnika in tretjega odstavka tega pravila:

- (i) šestega odstavka 7. pravila;
- (ii) pododstavka (b) tretjega odstavka 9. pravila;
- (iii) prvega odstavka 16. pravila;
- (iv) točke (iii) prvega odstavka 17. pravila.

(3) [*Postopek*] Vsak predlog za spremembo določbe iz prvega ali drugega odstavka tega pravila se pošlje vsem pogodbenicam najmanj dva meseca pred začetkom zasedanja skupščine, na kateri naj bi o predlogu odločali.

Rule 31**Administrative Instructions**

(1) [*Establishment of Administrative Instructions; Matters Governed by Them*] (a) The Director General shall establish Administrative Instructions. The Director General may modify them. The Director General shall consult the Offices which have a direct interest in the proposed Administrative Instructions or their proposed modification.

(b) The Administrative Instructions shall deal with matters in respect of which these Regulations expressly refer to such Instructions and with details in respect of the application of these Regulations.

(2) [*Control by the Assembly*] The Assembly may invite the Director General to modify any provision of the Administrative Instructions, and the Director General shall proceed accordingly.

(3) [*Publication and Effective Date*] (a) The Administrative Instructions and any modification thereof shall be published in the Bulletin.

(b) Each publication shall specify the date on which the published provisions become effective. The dates may be different for different provisions, provided that no provision may be declared effective prior to its publication in the Bulletin.

(4) [*Conflict with the Act or These Regulations*] In the case of conflict between any provision of the Administrative Instructions and any provision of the Act or of these Regulations, the latter shall prevail.

Rule 32**Declarations Made by Contracting Parties**

(1) [*Making and Coming into Effect of Declarations*] Article 30(1) and (2) shall apply *mutatis mutandis* to the making of any declaration under Rules 8(1), 9(3)(a), 13(4) or 18(1)(b) and to its coming into effect.

(2) [*Withdrawal of Declarations*] Any declaration referred to in paragraph (1) may be withdrawn at any time by notification addressed to the Director General. Such withdrawal shall take effect upon receipt by the Director General of the notification of withdrawal or at any later date indicated in the notification. In the case of a declaration made under Rule 18(1)(b), the withdrawal shall not affect an international registration whose date is earlier than the coming into effect of the said withdrawal.

3. člen

(1) Na podlagi prvega (b) odstavka 4. člena sporazuma Vlada Republike Slovenije izjavlja, da se prijave za mednarodno registracijo neposredno vlagajo pri Mednarodnem uradu.

(2) Na podlagi prvega (a) odstavka 11. člena sporazuma Vlada Republike Slovenije izjavlja, da je odlog objave prijave modela 12 mesecev od vložitve prijave modela oziroma od datuma prednosti, če je ta zahtevana.

(3) Na podlagi tretjega (c) odstavka 17. člena sporazuma Vlada Republike Slovenije izjavlja, da model traja največ 25 let.

4. člen

Za izvajanje pogodbe skrbi Ministrstvo za gospodarstvo – Urad RS za intelektualno lastnino.

5. člen

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

Št. 318-01/02-14/1

Ljubljana, dne 15. februarja 2002

31. pravilo**Upravna navodila**

(1) [*Določitev upravnih navodil; zadeve, ki jih urejajo*] (a) Generalni direktor določi upravna navodila. Generalni direktor jih lahko tudi spremeni. Generalni direktor se posvetuje z uradi, ki so neposredno zainteresirani za predlagana upravna navodila ali njihovo predlagano spremembo.

(b) Upravna navodila urejajo zadeve, glede katerih se ta pravilnik izrecno sklicuje na upravna navodila, in druge podrobnosti za uporabo tega pravilnika.

(2) [*Nadzor skupščine*] Skupščina lahko pozove generalnega direktorja, da spremeni posamezne določbe upravnih navodil, in generalni direktor tako tudi ravna.

(3) [*Objava in začetek veljavnosti*] (a) Upravna navodila in vse njihove spremembe se objavijo v biltenu.

(b) V vsaki objavi je določen datum začetka veljavnosti objavljenih določb. Datumi so za različne določbe lahko različni, pogoj pa je, da ne sme biti nobena določba razglašena za veljavno, dokler ni objavljena v biltenu.

(4) [*Neskladnost z aktom ali s tem pravilnikom*] Pri neskladnosti katere koli določbe v upravnih navodilih s katero koli določbo akta ali tega pravilnika prevladata slednja.

32. pravilo**Izjave pogodbenic**

(1) [*Dajanje izjav in začetek njihove veljavnosti*] Prvi in drugi odstavek 30. člena se smiselno uporabljata za vse izjave, dane po prvem odstavku 8. pravila, pododstavku (a) tretjega odstavka 9. pravila, četrtem odstavku 13. pravila ali pododstavku (b) prvega odstavka 18. pravila, kakor tudi za začetek njihove veljavnosti.

(2) [*Umik izjav*] Vsako izjavo iz prvega odstavka tega pravila je mogoče kadar koli umakniti z uradnim obvestilom, naslovljenim na generalnega direktorja. Umik začne veljati po tem, ko je generalni direktor prejel uradno obvestilo o umiku, ali na kateri koli poznejši datum, naveden v uradnem obvestilu. Če je izjava dana po pododstavku (b) prvega odstavka 18. pravila, njen umik ne vpliva na mednarodno registracijo z zgodnejšim datumom, kot je datum začetka veljavnosti takega umika.

Predsednik
Državnega zbora
Republike Slovenije
Borut Pahor l. r.

- Obvestilo o začetku veljavnosti mednarodne pogodbe

O B V E S T I L O
o začetku veljavnosti mednarodne pogodbe

Dne 5. februarja 2002 je začel veljati Sporazum o zračnem prometu med Vlado Republike Slovenije in Vlado Republike Francije, sklenjen v Parizu 20. julija 1998 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 26/01 (Uradni list Republike Slovenije, št. 90/01).

Ministrstvo
za zunanje zadeve
Republike Slovenije

VSEBINA

11. Zakon o ratifikaciji Pogodbe o patentnem pravu (MPPP)	173
12. Zakon o ratifikaciji Ženevskega akta Haaškega sporazuma o mednarodni registraciji modelov (MŽAHSRM)	205
- Obvestilo o začetku veljavnosti mednarodne pogodbe	243

