

2. Sklep o objavi Skupnega pravilnika po Madridskem Aranžmaju o mednarodnem registriranju znamk in Protokolu k Madridskemu sporazumu o mednarodnem registriranju znamk

Na podlagi tretjega odstavka 77. člena Zakona o zunanjih zadevah – ZZZ (Uradni list RS, št. 113/03 - uradno prečiščeno besedilo) je Vlada Republike Slovenije na svoji 53. redni seji dne 14. 12. 2005 sprejela

S K L E P

o objavi Skupnega pravilnika po Madridskem Aranžmaju o mednarodnem registriranju znamk in Protokolu k Madridskemu sporazumu o mednarodnem registriranju znamk

1. Objavi se besedilo Skupnega pravilnika po Madridskem Aranžmaju o mednarodnem registriranju znamk (Uradni list SFRJ-MP, št. 2/74) in Protokolu k Madridskemu sporazumu o mednarodnem registriranju znamk (Uradni list RS-MP, št. 21/97), ki ga je sprejela Skupščina Madridske unije dne 1. oktobra v 2003 v Ženevi, v izvirniku v angleškem jeziku in prevod v slovenski jezik.

2. Ta sklep in izvirnik ter prevod iz prejšnjega odstavka se objavijo v Uradnem listu Republike Slovenije.

Št. 00713-51/2005/4
Ljubljana, dne 14. decembra 2005
EVA 2005-2111-0115

Vlada Republike Slovenije

Janez Janša l.r.
Predsednik

**COMMON REGULATIONS
UNDER THE MADRID AGREEMENT
CONCERNING THE INTERNATIONAL
REGISTRATION OF MARKS AND THE
PROTOCOL RELATING TO THAT AGREEMENT**
(as in force on April 1, 2004)

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**SKUPNI PRAVILNIK
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MEDNARODNEM REGISTRIRANJU ZNAMK IN
PROTOKOLU K TEMU SPORAZUMU**
(kot velja od 1. aprila 2004)

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Chapter 1 General Provisions

Rule 1 Abbreviated Expressions

For the purposes of these Regulations,

(i) "Agreement" means the Madrid Agreement Concerning the International Registration of Marks of April 14, 1891, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979;

(ii) "Protocol" means the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid on June 27, 1989;

(iii) "Contracting Party" means any country party to the Agreement or any State or intergovernmental organization party to the Protocol;

(iv) "Contracting State" means a Contracting Party that is a State;

(v) "Contracting Organization" means a Contracting Party that is an intergovernmental organization;

(vi) "international registration" means the registration of a mark effected under the Agreement or the Protocol or both, as the case may be;

(vii) "international application" means an application for international registration filed under the Agreement or the Protocol or both, as the case may be;

(viii) "international application governed exclusively by the Agreement" means an international application whose Office of origin is the Office

– of a State bound by the Agreement but not by the Protocol, or

– of a State bound by both the Agreement and the Protocol where all the States designated in the international application are bound by the Agreement (whether or not those States are also bound by the Protocol);

(ix) "international application governed exclusively by the Protocol" means an international application whose Office of origin is the Office

– of a State bound by the Protocol but not by the Agreement, or

– of a Contracting Organization, or

– of a State bound by both the Agreement and the Protocol where the international application does not contain the designation of any State bound by the Agreement;

1. poglavje Splošne določbe

1. pravilo Skrajšani izrazi

V tem pravilniku izraz

(i) "sporazum" pomeni Madridski Aranžman o mednarodnem registriranju znamk z dne 14. aprila 1891, kot je bil spremenjen v Stockholmu 14. julija 1967 in dopolnjen 28. septembra 1979;

(ii) "protokol" pomeni Protokol k Madridskemu sporazumu o mednarodnem registriranju znamk, sprejet v Madridu 27. junija 1989;

(iii) "pogodbenica" pomeni državo, ki je pogodbenica sporazuma, ali državo ali medvladno organizacijo, ki je pogodbenica protokola;

(iv) "država pogodbenica" pomeni pogodbenico, ki je država;

(v) "organizacija pogodbenica" pomeni pogodbenico, ki je medvladna organizacija;

(vi) "mednarodna registracija" pomeni registracijo znamke po sporazumu ali protokolu ali po obeh;

(vii) "mednarodna prijava" pomeni prijavo za mednarodno registracijo, vloženo po sporazumu ali protokolu ali po obeh;

(viii) "mednarodna prijava, ki jo ureja izključno sporazum" pomeni mednarodno prijavo, katere urad izvora je urad

– države, ki jo zavezuje sporazum, ne pa tudi protokol, ali

– države, ki jo zavezuje sporazum in protokol, kadar vse države, imenovane v mednarodni prijavi, zavezuje sporazum (ne glede na to, ali jih zavezuje tudi protokol ali ne);

(ix) "mednarodna prijava, ki jo ureja izključno protokol" pomeni mednarodno prijavo, katere urad izvora je urad

– države, ki jo zavezuje protokol, ne pa tudi sporazum, ali

– organizacije pogodbenice ali

– države, ki jo zavezuje sporazum in protokol, kadar mednarodna prijava ne vsebuje imenovanja nobene države, ki jo zavezuje sporazum;

(x) "international application governed by both the Agreement and the Protocol" means an international application whose Office of origin is the Office of a State bound by both the Agreement and the Protocol and which is based on a registration and contains the designations

– of at least one State bound by the Agreement (whether or not that State is also bound by the Protocol), and

– of at least one State bound by the Protocol but not by the Agreement or of at least one Contracting Organization;

(xi) "applicant" means the natural person or legal entity in whose name the international application is filed;

(xii) "legal entity" means a corporation, association or other group or organization which, under the law applicable to it, is capable of acquiring rights, assuming obligations and suing or being sued in a court of law;

(xiii) "basic application" means the application for the registration of a mark that has been filed with the Office of a Contracting Party and that constitutes the basis for the international application for the registration of that mark;

(xiv) "basic registration" means the registration of a mark that has been effected by the Office of a Contracting Party and that constitutes the basis for the international application for the registration of that mark;

(xv) "designation" means the request for extension of protection ("territorial extension") under Article 3*ter*(1) or (2) of the Agreement or under Article 3*ter*(1) or (2) of the Protocol, as the case may be; it also means such extension as recorded in the International Register;

(xvi) "designated Contracting Party" means a Contracting Party for which the extension of protection ("territorial extension") has been requested under Article 3*ter*(1) or (2) of the Agreement or under Article 3*ter*(1) or (2) of the Protocol, as the case may be, or in respect of which such extension has been recorded in the International Register;

(xvii) "Contracting Party designated under the Agreement" means a designated Contracting Party for which the extension of protection ("territorial extension") requested under Article 3*ter*(1) or (2) of the Agreement has been recorded in the International Register;

(xviii) "Contracting Party whose designation is governed by the Agreement" means a Contracting Party designated under the Agreement or, where a change of ownership has been recorded and the Contracting Party of the holder is bound by the Agreement, a designated Contracting Party which is bound by the Agreement;

(xix) "Contracting Party designated under the Protocol" means a designated Contracting Party for which the extension of protection ("territorial extension") requested under Article 3*ter*(1) or (2) of the Protocol has been recorded in the International Register;

(xx) "notification of provisional refusal" means a declaration by the Office of a designated Contracting Party, in accordance with Article 5(1) of the Agreement or Article 5(1) of the Protocol;

(xxi) "invalidation" means a decision by the competent authority (whether administrative or judicial) of a designated Contracting Party revoking or cancelling the effects, in the territory of that Contracting Party, of an international registration with regard to all or some of the goods or services covered by the designation of the said Contracting Party;

(xxii) "Gazette" means the periodical gazette referred to in Rule 32;

(xxiii) "holder" means the natural person or legal entity in whose name the international registration is recorded in the International Register;

(xxiv) "International Classification of Figurative Elements" means the Classification established by the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks of June 12, 1973;

(x) "mednarodna prijava, ki jo urejata sporazum in protokol" pomeni mednarodno prijavo, katere urad izvora je urad države, ki jo zavezuje sporazum in protokol, in ki temelji na registraciji ter vsebuje imenovanje

– vsaj ene države, ki jo zavezuje sporazum (ne glede na to, ali jo zavezuje tudi protokol ali ne), in

– vsaj ene države, ki jo zavezuje protokol, ne pa tudi sporazum, ali vsaj ene organizacije pogodbenice;

(xi) "prijavitelj" pomeni fizično ali pravno osebo, v imenu katere je vložena mednarodna prijava;

(xii) "pravna oseba" pomeni podjetje, združenje ali drugo skupino ali organizacijo, ki po zanjo veljavnem pravu lahko pridobi pravice, prevzame obveznosti in toži ali je tožena pred sodiščem;

(xiii) "osnovna prijava" pomeni prijavo za registracijo znamke, ki je bila vložena pri uradu pogodbenice in je podlaga za mednarodno prijavo za registracijo te znamke;

(xiv) "osnovna registracija" pomeni registracijo znamke, ki jo je opravil urad pogodbenice in je podlaga za mednarodno prijavo za registracijo te znamke;

(xv) "imenovanje" pomeni zahtevo za razširitev varstva ("ozemeljska razširitev") po prvem ali drugem odstavku 3.*ter* člena sporazuma ali prvem ali drugem odstavku 3.*ter* člena protokola; pomeni tudi tako razširitev, ki je vpisana v mednarodni register;

(xvi) "imenovana pogodbenica" pomeni pogodbenico, za katero je bila zahtevana razširitev varstva ("ozemeljska razširitev") po prvem ali drugem odstavku 3.*ter* člena sporazuma ali prvem ali drugem odstavku 3.*ter* člena protokola ali za katero je bila taka razširitev vpisana v mednarodni register;

(xvii) "pogodbenica, imenovana po sporazumu" pomeni imenovano pogodbenico, za katero je bila razširitev varstva ("ozemeljska razširitev"), zahtevana po prvem ali drugem odstavku 3.*ter* člena sporazuma, vpisana v mednarodni register;

(xviii) "pogodbenica, katere imenovanje ureja sporazum" pomeni pogodbenico, imenovano po sporazumu, ali, če je bila vpisana sprememba lastništva in pogodbenico nosilca zavezuje sporazum, imenovano pogodbenico, ki jo zavezuje sporazum;

(xix) "pogodbenica, imenovana po protokolu" pomeni imenovano pogodbenico, za katero je bila razširitev varstva ("ozemeljska razširitev"), zahtevana po prvem ali drugem odstavku 3.*ter* člena protokola, vpisana v mednarodni register;

(xx) "uradno obvestilo o začasni zavrnitvi" pomeni izjavo urada imenovane pogodbenice v skladu s prvim odstavkom 5. člena sporazuma ali prvim odstavkom 5. člena protokola;

(xxi) "razveljavitev" pomeni odločitev pristojnega (upravnega ali sodnega) organa imenovane pogodbenice, s katero se na ozemlju te pogodbenice razveljavijo ali izničijo učinki mednarodne registracije za vse ali nekatere proizvode ali storitve, zajete v imenovanju te pogodbenice;

(xxii) "glasilo" pomeni periodično glasilo iz 32. pravila;

(xxiii) "nosilec" pomeni fizično ali pravno osebo, v imenu katere je mednarodna registracija vpisana v mednarodni register;

(xxiv) "mednarodna klasifikacija figurativnih elementov" pomeni klasifikacijo po Dunajskem sporazumu o mednarodni klasifikaciji figurativnih elementov znamk z dne 12. junija 1973;

(xxiii) "International Classification of Goods and Services" means the Classification established by the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977;

(xxiv) "International Register" means the official collection of data concerning international registrations maintained by the International Bureau, which data the Agreement, the Protocol or the Regulations require or permit to be recorded, irrespective of the medium in which such data are stored;

(xxv) "Office" means the Office of a Contracting Party in charge of the registration of marks, or the common Office referred to in Article 9*quater* of the Agreement or Article 9*quater* of the Protocol, or both, as the case may be;

(xxvi) "Office of origin" means the Office of the country of origin defined in Article 1(3) of the Agreement or the Office of origin defined in Article 2(2) of the Protocol, or both, as the case may be;

(xxvibis) "Contracting Party of the holder" means

– the Contracting Party whose Office is the Office of origin, or

– where a change of ownership has been recorded, the Contracting Party, or one of the Contracting Parties, in respect of which the holder fulfills the conditions, under Articles 1(2) and 2 of the Agreement or under Article 2 of the Protocol, to be the holder of an international registration;

(xxvii) "official form" means a form established by the International Bureau or any form having the same contents and format;

(xxviii) "prescribed fee" means the applicable fee set out in the Schedule of Fees;

(xxix) "Director General" means the Director General of the World Intellectual Property Organization;

(xxx) "International Bureau" means the International Bureau of the World Intellectual Property Organization.

(xxxi) "Administrative Instructions" means the Administrative Instructions referred to in Rule 41.

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; Address of Representative; Number of Representatives] (a) The applicant or the holder may have a representative before the International Bureau.

(b) The address of the representative shall be,

(i) in respect of an international application governed exclusively by the Agreement, in the territory of a Contracting Party bound by the Agreement;

(ii) in respect of an international application governed exclusively by the Protocol, in the territory of a Contracting Party bound by the Protocol;

(iii) in respect of an international application governed by both the Agreement and the Protocol, in the territory of a Contracting Party;

(iv) in respect of an international registration, in the territory of a Contracting Party.

(c) The applicant or the holder may have one representative only. Where the appointment indicates several representatives, only the one indicated first shall be considered to be a representative and be recorded as such.

(d) 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.

(xxiii) "mednarodna klasifikacija proizvodov in storitev" pomeni klasifikacijo po Nicejskem sporazumu o mednarodni klasifikaciji proizvodov in storitev za registracijo znamk z dne 15. junija 1957, kot je bila spremenjena v Stockholmu 14. julija 1967 in v Ženevi 13. maja 1977;

(xxiv) "mednarodni register" pomeni uradno zbirko podatkov o mednarodnih registracijah, ki jo vzdržuje Mednarodni urad in v kateri so podatki, ki jih je po sporazumu, protokolu ali pravilniku treba ali dovoljeno vpisati, ne glede na medij, na katerem so taki podatki shranjeni;

(xxv) "urad" pomeni urad pogodbenice, ki je pristojen za registracijo znamk, ali skupni urad iz 9. *quater* člena sporazuma ali 9. *quater* člena protokola oziroma iz obeh;

(xxvi) "urad izvora" pomeni urad države izvora, opredeljen v tretjem odstavku 1. člena sporazuma, ali urad izvora, opredeljen v drugem odstavku 2. člena protokola oziroma v obeh;

(xxvibis) "pogodbenica nosilca" pomeni

– pogodbenico, katere urad je urad izvora, ali

– če je bila vpisana sprememba lastništva, pogodbenico ali eno od pogodbenic, za katero nosilec izpolnjuje pogoje po drugem odstavku 1. člena sporazuma in 2. členu sporazuma ali po 2. členu protokola, da je lahko nosilec mednarodne registracije;

(xxvii) "uradni obrazec" pomeni obrazec, ki ga določi Mednarodni urad, ali kateri koli obrazec enake vsebine ali oblike;

(xxviii) "predpisana pristojbina" pomeni veljavno pristojbino, določeno v seznamu pristojbin;

(xxix) "generalni direktor" pomeni generalnega direktorja Svetovne organizacije za intelektualno lastnino;

(xxx) "Mednarodni urad" pomeni Mednarodni urad Svetovne organizacije za intelektualno lastnino;

(xxxi) "upravna navodila" pomeni upravna navodila iz 41. pravila.

2. pravilo

Komuniciranje z Mednarodnim uradom

Sporočila, naslovljena na Mednarodni urad, se pošiljajo tako, kot je določeno v upravnih navodilih.

3. pravilo

Zastopanje pri Mednarodnem uradu

(1) [Zastopnik; naslov zastopnika; število zastopnikov] (a) Prijavitelj ali nosilec ima lahko pri Mednarodnem uradu zastopnika.

(b) Naslov zastopnika mora biti

(i) za mednarodno prijavo, ki jo ureja izključno sporazum, na ozemlju pogodbenice, ki jo zavezuje sporazum;

(ii) za mednarodno prijavo, ki jo ureja izključno protokol, na ozemlju pogodbenice, ki jo zavezuje protokol;

(iii) za mednarodno prijavo, ki jo urejata sporazum in protokol, na ozemlju pogodbenice;

(iv) za mednarodno registracijo na ozemlju pogodbenice.

(c) Prijavitelj oziroma nosilec ima lahko samo enega zastopnika. Če je v imenovanju navedenih več zastopnikov, se šteje za zastopnika le prvi navedeni in samo ta se vpiše kot zastopnik.

(d) Če je kot zastopnik pri Mednarodnem uradu navedena družba ali pravna pisarna z več odvetniki ali zastopniki za patente ali znamke, se ta šteje za enega zastopnika.

(2) *[Appointment of the Representative]* (a) The appointment of a representative may be made in the international application, or in a subsequent designation or a request under Rule 25.

(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 presented to the International Bureau

(i) by the applicant, the holder or the appointed representative, or

(ii) by the Office of the Contracting Party of the holder.

The communication shall be signed by the applicant or the holder, or by the Office through which it was presented.

(3) *[Irregular Appointment]* (a) Where the address of the purported representative is not in the territory relevant under paragraph (1)(b), the International Bureau shall treat the appointment as if it had not been made and shall inform accordingly the applicant or holder, the purported representative and, if the sender or transmitter is an Office, that Office.

(b) Where the International Bureau considers that the appointment of a representative under paragraph (2) is irregular, it shall notify accordingly the applicant or holder, the purported representative and, if the sender or transmitter is an Office, that Office.

(c) As long as the relevant requirements under paragraphs (1)(b) and (2) are not complied with, the International Bureau shall send all relevant communications to the applicant or holder himself.

(4) *[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, subsequent designation, request 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. Where the appointment was made in a separate communication presented through an Office, the International Bureau shall also notify the recording to that Office.

(5) *[Effect of Appointment of a Representative]* (a) Except where these Regulations expressly provide otherwise, the signature of a representative recorded under paragraph (4)(a) shall replace the signature of the applicant or holder.

(b) Except where these Regulations expressly require that an invitation, notification or other communication be addressed to both the applicant or holder and the representative, the International Bureau shall address to the representative recorded under paragraph (4)(a) any invitation, notification or other communication which, in the absence of a representative, would have to be sent to the applicant or holder; any invitation, notification or other 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 (4)(a) shall have the same effect as if it had been addressed to the said Bureau by the applicant or holder.

(6) *[Cancellation of Recording; Effective Date of Cancellation]* (a) Any recording under paragraph (4)(a) shall be cancelled where cancellation is requested in a communication signed by the applicant, holder or representative. The recording shall be cancelled *ex officio* by the International Bureau where a new representative is appointed or, in case a change in ownership has been recorded, where no representative is appointed by the new holder of the international registration.

(2) *[Imenovanje zastopnika]* (a) Zastopnik se lahko imenuje v mednarodni prijavi ali pa s poznejšim imenovanjem ali zahtevo po 25. pravilu.

(b) Zastopnik se lahko imenuje tudi z ločenim sporočilom, ki se lahko nanaša na eno ali več določenih mednarodnih prijav ali mednarodnih registracij istega prijavitelja oziroma nosilca. Tako sporočilo predloži Mednarodnemu uradu

(i) prijavitelj, nosilec ali imenovani zastopnik ali

(ii) urad pogodbenice nosilca.

Sporočilo podpiše prijavitelj oziroma nosilec ali urad, prek katerega je bilo sporočilo dostavljeno.

(3) *[Nepravilno imenovanje]* (a) Kadar naslov domnevnega zastopnika ni na ustreznem ozemlju iz pododstavka (b) prvega odstavka, Mednarodni urad tako imenovanje obravnava, kot da ga ni bilo, in o tem obvesti prijavitelja oziroma nosilca, domnevnega zastopnika in, če je imenovanje poslal ali posredoval neki urad, tudi ta urad.

(b) Če Mednarodni urad meni, da je imenovanje zastopnika po drugem odstavku nepravilno, o tem uradno obvesti prijavitelja oziroma nosilca, domnevnega zastopnika in, če je imenovanje poslal ali posredoval neki urad, tudi ta urad.

(c) Dokler niso izpolnjeni ustrezni pogoji iz pododstavka (b) prvega odstavka in iz drugega odstavka, Mednarodni urad pošilja vsa potrebna sporočila prijavitelju oziroma nosilcu osebno.

(4) *[Vpis imenovanja zastopnika in uradno obvestilo o tem; datum začetka veljavnosti imenovanja]* (a) Če Mednarodni urad ugotovi, da imenovanje zastopnika izpolnjuje veljavne pogoje, vpiše dejstvo, da ima prijavitelj oziroma nosilec zastopnika, ter ime in naslov zastopnika v mednarodni register. V takem primeru je datum začetka veljavnosti imenovanja datum, ko je Mednarodni urad prejel mednarodno prijavo, naknadno imenovanje, zahtevo ali ločeno sporočilo, v katerem je zastopnik imenovan.

(b) Mednarodni urad uradno obvesti o vpisu iz pododstavka (a) prijavitelja oziroma nosilca in zastopnika. Če je bilo imenovanje opravljeno z ločenim sporočilom s posredovanjem nekega urada, Mednarodni urad o vpisu uradno obvesti tudi ta urad.

(5) *[Učinek imenovanja zastopnika]* (a) Podpis zastopnika, vpisanega po pododstavku (a) četrtega odstavka, nadomesti podpis prijavitelja oziroma nosilca, razen če je v tem pravilniku izrecno drugače določeno.

(b) Če v tem pravilniku ni izrecno zahtevano, da se neki poziv, uradno obvestilo ali drugo sporočilo naslovi na prijavitelja oziroma nosilca in na zastopnika, Mednarodni urad naslovi na zastopnika, vpisanega po pododstavku (a) četrtega odstavka, vsak poziv, uradno obvestilo ali drugo sporočilo, ki bi moralo biti sicer, če zastopnika ne bi bilo, poslano prijavitelju oziroma nosilcu; poziv, uradno obvestilo ali drugo sporočilo, tako naslovljeno na zastopnika, ima enak učinek, kot če bi bilo naslovljeno na prijavitelja oziroma nosilca.

(c) Vsako sporočilo, ki ga na Mednarodni urad naslovi zastopnik, vpisan po pododstavku (a) četrtega odstavka, ima enak učinek, kot če bi ga na omenjeni urad naslovil prijavitelj oziroma nosilec.

(6) *[Izbris vpisa; datum začetka veljavnosti izbrisa]* (a) Vsak vpis po pododstavku (a) četrtega odstavka se lahko izbriše, če se izbris zahteva s sporočilom, ki ga podpiše prijavitelj, nosilec ali zastopnik. Mednarodni urad izbriše vpis po uradni dolžnosti, če je bil imenovan nov zastopnik ali če je bila vpisana sprememba lastništva in novi nosilec mednarodne registracije ni imenoval nobenega zastopnika.

(b) Subject to subparagraph (c), the cancellation shall be effective from the date on which the International Bureau receives the corresponding communication.

(c) Where the cancellation is requested by the representative, it shall be effective from the earlier of the following:

(i) the date on which the International Bureau receives a communication appointing a new representative;

(ii) the date of the expiry of a period of two months counted from the receipt of the request of the representative that the recording be cancelled.

Until the effective date of the cancellation, all communications referred to in paragraph (5)(b) shall be addressed by the International Bureau to both the applicant or holder and the representative.

(d) The International Bureau shall, upon receipt of a request for cancellation made by the representative, notify accordingly the applicant or holder, and add to the notification copies of all communications sent to the representative, or received by the International Bureau from the representative, during the six months preceding the date of the notification.

(e) The International Bureau shall, once the effective date of the cancellation is known, notify the cancellation and its effective date to the representative whose recording has been cancelled, to the applicant or holder and, where the appointment of the representative had been presented through an Office, to that Office.

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.

(5) [*Indication of the Date of Expiry*] The International Bureau shall, in all cases in which it communicates a time limit, indicate the date of the expiry, according to paragraphs (1) to (3), of the said time limit.

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,

(b) Ob upoštevanju pododstavka (c) začne izbris veljati z dnem, ko Mednarodni urad prejme ustrezno sporočilo.

(c) Če izbris zahteva zastopnik, začne ta veljati z zgodnejšim od naslednjih datumov:

(i) z datumom, ko Mednarodni urad prejme sporočilo z imenovanjem novega zastopnika;

(ii) z datumom poteka dvomesečnega obdobja od prejema zastopnikove zahteve za izbris.

Do začetka veljavnosti izbrisa naslavlja Mednarodni urad vsa sporočila iz pododstavka (b) petega odstavka na prijavitelja oziroma nosilca in na zastopnika.

(d) Mednarodni urad po prejemu zastopnikove zahteve za izbris o tem uradno obvesti prijavitelja oziroma nosilca in uradnemu obvestilu priloži kopije vseh sporočil, ki jih je v zadnjih šestih mesecih pred datumom uradnega obvestila poslal zastopniku ali jih je od njega prejel.

(e) Ko je znan datum začetka veljavnosti izbrisa, Mednarodni urad uradno obvesti o izbrisu in njegovem začetku veljavnosti zastopnika, čigar vpis je bil izbrisan, prijavitelja oziroma nosilca in, če je bilo imenovanje zastopnika predloženo s posredovanjem nekega urada, tudi ta urad.

4. pravilo Računanje rokov

(1) [*Obdobja, izražena v letih*] Vsako obdobje, izraženo v letih, poteče v ustreznem naslednjem letu v mesecu z istim imenom in na dan z isto številko, kot sta ju imela mesec in dan, ko se je zgodil dogodek, od katerega je obdobje začelo teči; če se je dogodek zgodil 29. februarja in se v naslednjem letu februar konča 28., poteče rok 28. februarja.

(2) [*Obdobja, izražena v mesecih*] Vsako obdobje, izraženo v mesecih, poteče v ustreznem naslednjem mesecu na dan z isto številko, kot jo je imel dan, ko se je zgodil dogodek, od katerega je obdobje začelo teči; če v ustreznem naslednjem mesecu ni dneva z isto številko, poteče rok zadnjega dne tega meseca.

(3) [*Obdobja, izražena v dnevih*] Računanje vsakega obdobja, izraženega v dnevih, se začne z dnem, ki sledi dnevu, ko se je omenjeni dogodek zgodil, in poteče po navedenem številu dni.

(4) [*Potek roka na dan, ko Mednarodni urad ali neki drug urad ni odprt za javnost*] Če rok poteče na dan, ko Mednarodni urad ali neki zadevni urad ni odprt za javnost, poteče rok ne glede na prvi do tretji odstavek prvega naslednjega dne, ko je Mednarodni urad ali zadevni urad spet odprt za javnost.

(5) [*Navedba datuma poteka roka*] Kadar Mednarodni urad sporoča rok, mora vedno v skladu s prvim do tretjim odstavkom navesti datum, ko ta poteče.

5. pravilo Nepravilnosti pri poštnih storitvah in dostavi

(1) [*Sporočila, poslana po pošti*] Če zainteresirana stranka pri pošiljanju nekega sporočila Mednarodnemu uradu po pošti zamudi rok, se ji zamuda oprostí, če Mednarodnemu uradu predloži zadovoljiv dokaz,

(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 all classes of mail do not 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.

(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, strike, 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.

(4) [*International Application and Subsequent Designation*] Where the International Bureau receives an international application or a subsequent designation beyond the two-month period referred to in Article 3(4) of the Agreement, in Article 3(4) of the Protocol and in Rule 24(6)(b), and the Office concerned indicates that the late receipt resulted from circumstances referred to in paragraph (1) or (2), paragraph (1) or (2) and paragraph (3) shall apply.

Rule 6 Languages

(1) [*International Application*] (a) An international application governed exclusively by the Agreement shall be in French.

(b) An international application governed exclusively by the Protocol or governed by both the Agreement and the Protocol shall be in English, French or Spanish according to what is prescribed by the Office of origin, it being understood that the Office of origin may allow applicants to choose between English, French and Spanish.

(2) [*Communications Other Than the International Application*] (a) Any communication concerning an international application governed exclusively by the Agreement or the international registration resulting therefrom shall, subject to Rule 17(2)(v) and (3), be in French, except that, where the international registration resulting from an international application governed exclusively by the Agreement is or has been the subject of a subsequent designation under the Protocol, the provisions of subparagraph (b) shall apply.

(b) Any communication concerning an international application governed exclusively by the Protocol or governed by both the Agreement and the Protocol, or the international registration resulting therefrom, shall, subject to Rule 17(2)(v) and (3), be

(i) da je bilo sporočilo oddano na pošti vsaj pet dni pred potekom roka ali, če so bile na katerega koli od desetih dni pred potekom roka poštne storitve prekinjene zaradi vojne, revolucije, državljanskih nemirov, stavke, naravne nesreče ali drugega podobnega razloga, najpozneje v petih dneh po tistem, ko je bila poštna služba spet vzpostavljena,

(ii) da je bilo sporočilo oddano kot priporočena pošiljka ali da je poštna služba ob prevzemu podrobno popisala odpremo pošiljke in

(iii) da je bilo v primerih, ko poštne pošiljke običajno ne pridejo do Mednarodnega urada v dveh dneh po odpremi, sporočilo oddano kot poštna pošiljka, ki običajno pride do njega v dveh dneh po odpremi, ali kot letalska poštna pošiljka.

(2) [*Sporočila, poslana z dostavno službo*] Če zainteresirana stranka pri pošiljanju nekega sporočila Mednarodnemu uradu z dostavno službo zamudi rok, se ji zamuda oprosti, če Mednarodnemu uradu predloži zadovoljiv dokaz,

(i) da je bilo sporočilo poslano vsaj pet dni pred potekom roka ali, če je bila na katerega koli od desetih dni pred potekom roka dostavna služba prekinjena zaradi vojne, revolucije, državljanskih nemirov, stavke, naravne nesreče ali drugega podobnega razloga, najpozneje v petih dneh po tistem, ko je bila dostavna služba spet vzpostavljena, in

(ii) da je dostavna služba ob prevzemu sporočila podrobno popisala odpremo pošiljke.

(3) [*Ormežitev opravičila*] Zamuda roka po tem pravilu se oprosti le, če Mednarodni urad prejme dokaze iz prvega in drugega odstavka in sporočilo ali njegovo kopijo najkasneje v šestih mesecih po poteku roka.

(4) [*Mednarodna prijava in naknadno imenovanje*] Če Mednarodni urad prejme mednarodno prijavo ali naknadno imenovanje po poteku dvomesečnega roka iz četrtega odstavka 3. člena sporazuma, četrtega odstavka 3. člena protokola in pododstavka (b) šestega odstavka 24. pravila in zadevni urad navede, da je zamujeni prejem posledica okoliščin iz prvega in drugega odstavka, se uporabljajo prvi, drugi in tretji odstavek tega pravila.

6. pravilo Jeziki

(1) [*Mednarodna prijava*] (a) Mednarodna prijava, ki jo ureja izključno sporazum, mora biti v francoščini.

(b) Mednarodna prijava, ki jo ureja izključno protokol ali sporazum in protokol, mora biti v angleščini, francoščini ali španščini, odvisno od tega, kaj predpisuje urad izvora, pri čemer se razume, da ta lahko prijaviteljem dovoli, da izbirajo med angleščino, francoščino in španščino.

(2) [*Sporočila, ki niso mednarodna prijava*] (a) Sporočila v zvezi z mednarodno prijavo, ki jo ureja izključno sporazum, ali mednarodno registracijo, ki iz nje izhaja, morajo biti ob upoštevanju točke (v) drugega odstavka 17. pravila in tretjega odstavka 17. pravila v francoščini, če pa je mednarodna registracija, ki izhaja iz mednarodne prijave, ki jo ureja izključno sporazum, predmet ali je bila predmet naknadnega imenovanja po protokolu, se uporabljajo določbe pododstavka (b).

(b) Sporočila v zvezi z mednarodno prijavo, ki jo ureja izključno protokol ali sporazum in protokol, ali mednarodno registracijo, ki iz nje izhaja, morajo biti ob upoštevanju točke (v) drugega odstavka 17. pravila in tretjega odstavka 17. pravila

(i) in English, French or Spanish where such communication is addressed to the International Bureau by the applicant or holder, or by an Office;

(ii) in the language applicable under Rule 7(2) where the communication consists of the declaration of intention to use the mark annexed to the international application under Rule 9(5)(f) or to the subsequent designation under Rule 24(3)(b)(i);

(iii) in the language of the international application where the communication is a notification addressed by the International Bureau to an Office, unless that Office has notified the International Bureau that any such notifications are to be in English, in French or in Spanish; where the notification addressed by the International Bureau concerns the recording in the International Register of an international registration, the notification shall indicate the language in which the relevant international application was received by the International Bureau;

(iv) in the language of the international application where the communication is a notification addressed by the International Bureau to the applicant or holder, unless that applicant or holder has expressed the wish that all such notifications are to be in English, or in French or in Spanish.

(3) *[Recording and Publication]* (a) Where the international application is governed exclusively by the Agreement, the recording in the International Register and the publication in the Gazette of the international registration resulting therefrom and of any data to be both recorded and published under these Regulations in respect of that international registration shall be in French.

(b) Where the international application is governed exclusively by the Protocol or is governed by both the Agreement and the Protocol, the recording in the International Register and the publication in the Gazette of the international registration resulting therefrom and of any data to be both recorded and published under these Regulations in respect of that international registration shall be in English, French and Spanish. The recording and publication of the international registration shall indicate the language in which the international application was received by the International Bureau.

(c) Where a first subsequent designation is made under the Protocol in respect of an international registration that has been published only in French, or only in English and French, the International Bureau shall, together with the publication in the Gazette of that subsequent designation, either publish the international registration in English and Spanish and republish the international registration in French, or publish the international registration in Spanish and republish it in English and French, as the case may be. That subsequent designation shall be recorded in the International Register in English, French and Spanish. Thereafter, the recording in the International Register and the publication in the Gazette of any data to be both recorded and published under these Regulations in respect of the international registration concerned shall be in English, French and Spanish.

(4) *[Translation]* (a) The translations needed for the notifications under paragraph (2)(b)(iii) and (iv), and recordings and publications under paragraph (3)(b) and (c), shall be made by the International Bureau. The applicant or the holder, as the case may be, may annex to the international application, or to a request for the recording of a subsequent designation or of a change, a proposed translation of any text matter contained in the international application or the request. 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 or the holder to make, within one month from the invitation, observations on the proposed corrections.

(i) v angleščini, francoščini ali španščini, kadar tako sporočilo naslovi na Mednarodni urad prijavitelj oziroma nosilec ali neki urad;

(ii) v jeziku, ki se uporablja po drugem odstavku 7. pravila, kadar je sporočilo izjava o nameravani uporabi znamke, priložena mednarodni prijavi po pododstavku (f) petega odstavka 9. pravila ali naknadnemu imenovanju po točki (i) pododstavka (b) tretjega odstavka 24. pravila;

(iii) v jeziku mednarodne prijave, kadar je sporočilo uradno obvestilo, ki ga Mednarodni urad naslovi na neki urad, razen če je ta urad uradno obvestil Mednarodni urad, da morajo biti vsa taka uradna obvestila v angleščini, francoščini ali španščini; če se uradno obvestilo Mednarodnega urada nanaša na vpis mednarodne registracije v mednarodni register, mora biti v njem navedeno, v katerem jeziku je Mednarodni urad prejel ustrezno mednarodno prijavo;

(iv) v jeziku mednarodne prijave, kadar je sporočilo uradno obvestilo, ki ga Mednarodni urad naslovi na prijavitelja oziroma nosilca, razen če je prijavitelj oziroma nosilec izrazil željo, da so vsa taka uradna obvestila v angleščini ali francoščini ali španščini.

(3) *[Vpis in objava]* (a) Če mednarodno prijavo ureja izključno sporazum, se mednarodna registracija, ki iz nje izhaja, in vsi podatki, ki jih je po tem pravilniku treba v zvezi s tako registracijo vpisati in objaviti, vpišejo v mednarodni register in objavijo v glasilu v francoščini.

(b) Če mednarodno prijavo ureja izključno protokol ali sporazum in protokol, se mednarodna registracija, ki iz nje izhaja, in vsi podatki, ki jih je po tem pravilniku treba v zvezi s tako registracijo vpisati in objaviti, vpišejo v mednarodni register in objavijo v glasilu v angleščini, francoščini in španščini. V vpisu in objavi mednarodne registracije je treba navesti, v katerem jeziku je Mednarodni urad prejel ustrezno mednarodno prijavo.

(c) Če se prvo naknadno imenovanje po protokolu nanaša na mednarodno registracijo, ki je bila objavljena samo v francoščini ali samo v angleščini in francoščini, Mednarodni urad hkrati z objavo tega naknadnega imenovanja v glasilu objavi mednarodno registracijo bodisi v angleščini in španščini in ponovi objavo v francoščini ali pa jo objavi v španščini in ponovi objavo v angleščini in francoščini. Tako naknadno imenovanje se vpiše v mednarodni register v angleščini, francoščini in španščini. Vpis v mednarodni register in objava v glasilu katerih koli podatkov, ki jih je v zvezi z mednarodno registracijo treba vpisati in objaviti po tem pravilniku, sta v angleščini, francoščini in španščini.

(4) *[Prevod]* (a) Prevode, potrebne za uradna obvestila po točkah (iii) in (iv) pododstavka (b) drugega odstavka ter za vpise in objave po pododstavkih (b) in (c) tretjega odstavka, opravi Mednarodni urad. Prijavitelj oziroma nosilec lahko mednarodni prijavi ali zahtevi za vpis naknadnega imenovanja ali spremembe priloži predlog prevoda vsakega besedila v mednarodni prijavi ali zahtevi. Če Mednarodni urad meni, da predlagani prevod ni pravilen, ga popravi, prijavitelja oziroma nosilca pa pozove, da v enem mesecu od poziva da pripombe na predlagane popravke.

(b) Notwithstanding subparagraph (a), the International Bureau shall not translate the mark. Where, in accordance with Rule 9(4)(b)(iii) or Rule 24(3)(c), the applicant or the holder gives a translation or translations of the mark, the International Bureau shall not check the correctness of any such translations.

Rule 7

Notification of Certain Special Requirements

(1) [Deleted]

(2) [Intention to Use the Mark] Where a Contracting Party requires, as a Contracting Party designated under the Protocol, a declaration of intention to use the mark, it shall notify that requirement to the Director General. Where that Contracting Party requires the declaration to be signed by the applicant himself and to be made on a separate official form annexed to the international application, the notification shall contain a statement to that effect and shall specify the exact wording of the required declaration. Where the Contracting Party further requires the declaration to be in English, French or Spanish, the notification shall specify the required language.

(3) [Notification] (a) Any notification referred to in paragraph (2) may be made at the time of the deposit by the Contracting Party of its instrument of ratification, acceptance or approval of, or accession to, the Protocol, and the effective date of the notification shall be the same as the date of entry into force of the Protocol with respect to the Contracting Party having made the notification. The notification may also be made later, in which case the notification shall have effect three months after its receipt by the Director General, or at any later date indicated in the notification, in respect of any international registration whose date is the same as or is later than the effective date of the notification.

(b) Any notification made under paragraph (1), as in force before October 4, 2001, or paragraph (2) may be withdrawn at any time. The notice of withdrawal shall be addressed to the Director General. The withdrawal shall have effect upon receipt of the notice of withdrawal by the Director General or at any later date indicated in the notice.

Chapter 2 International Applications

Rule 8

Several Applicants

(1) [Two or More Applicants Applying Exclusively Under the Agreement or Applying Under Both the Agreement and the Protocol] Two or more applicants may jointly file an international application governed exclusively by the Agreement or governed by both the Agreement and the Protocol if the basic registration is jointly owned by them and if the country of origin, as defined in Article 1(3) of the Agreement, is the same for each of them.

(2) [Two or More Applicants Applying Exclusively Under the Protocol] Two or more applicants may jointly file an international application governed exclusively by the Protocol if the basic application was jointly filed by them or the basic registration is jointly owned by them, and if each of them qualifies, in relation to the Contracting Party whose Office is the Office of origin, for filing an international application under Article 2(1) of the Protocol.

Rule 9

Requirements Concerning the International Application

(1) [Presentation] The international application shall be presented to the International Bureau by the Office of origin.

(b) Ne glede na pododstavek (a) Mednarodni urad ne prevaja znamke. Kadar prijavitelj oziroma nosilec v skladu s točko (iii) pododstavka (b) četrtega odstavka 9. pravila ali pododstavkom (c) tretjega odstavka 24. pravila predloži enega ali več prevodov znamke, Mednarodni urad pravilnosti teh prevodov ne preverja.

7. pravilo

Uradno obveščanje o nekaterih posebnih pogojih

(1) [Črtano]

(2) [Nameravana uporaba znamke] Če pogodbenica kot pogodbenica, imenovana po protokolu, zahteva izjavo o nameravani uporabi znamke, mora o tej zahtevi uradno obvestiti generalnega direktorja. Če pogodbenica zahteva, da izjavo podpiše prijavitelj sam in da jo predloži na posebnem uradnem obrazcu, priloženem mednarodni prijavi, mora biti ta zahteva omenjena v uradnem obvestilu skupaj s točnim besedilom zahtevane izjave. Če pogodbenica poleg tega še zahteva, da je izjava v angleščini, francoščini ali španščini, mora biti v uradnem obvestilu določen zahtevani jezik izjave.

(3) [Uradno obvestilo] (a) Uradno obvestilo iz drugega odstavka pogodbenica lahko preda ob deponiranju listine o ratifikaciji, sprejetju ali odobritvi protokola ali o pristopu k protokolu, veljati pa začne istega dne, kot začne za pogodbenico, ki je dala uradno obvestilo, veljati protokol. Uradno obvestilo se lahko da tudi pozneje, veljati pa začne tri mesece po tem, ko ga prejme generalni direktor, ali na kateri koli poznejši datum, naveden v uradnem obvestilu, za vsako mednarodno registracijo, katere datum je enak ali poznejši od datuma začetka veljavnosti tega uradnega obvestila.

(b) Uradno obvestilo iz prvega odstavka, kot je bil v veljavi pred 4. oktobrom 2001, ali iz drugega odstavka je mogoče kadar koli umakniti. Obvestilo o umiku se naslovi na generalnega direktorja. Umik začne veljati takoj po tem, ko generalni direktor prejme obvestilo o umiku, ali na kateri koli poznejši datum, naveden v obvestilu.

2. poglavje Mednarodna prijava

8. pravilo

Več prijaviteljev

(1) [Dva ali več prijaviteljev, ki vlagajo prijavo izključno po sporazumu ali po sporazumu in protokolu] Dva ali več prijaviteljev lahko skupno vložijo mednarodno prijavo, ki jo ureja izključno sporazum ali sporazum in protokol, če je osnovna registracija njihova skupna last in če je država izvora, kot je opredeljena v tretjem odstavku 1. člena, za vsakega med njimi ista.

(2) [Dva ali več prijaviteljev, ki vlagajo prijavo izključno po protokolu] Dva ali več prijaviteljev lahko skupno vložijo mednarodno prijavo, ki jo ureja izključno protokol, če so skupaj vložili osnovno prijavo ali če je osnovna registracija njihova skupna last in če glede na pogodbenico, katere urad je urad izvora, vsak od njih izpolnjuje pogoje za vložitev mednarodne prijave po prvem odstavku 2. člena protokola.

9. pravilo

Pogoji glede mednarodne prijave

(1) [Predložitev] Mednarodno prijavo predloži Mednarodnemu uradu urad izvora.

(2) *[Form and Signature]* (a) The international application shall be presented on the official form in one copy.

(b) The international application shall be signed by the Office of origin and, where the Office of origin so requires, also by the applicant. Where the Office of origin does not require the applicant to sign the international application but allows that the applicant also sign it, the applicant may do so.

(3) *[Fees]* The prescribed fees applicable to the international application shall be paid as provided for in Rules 10, 34 and 35.

(4) *[Contents of the International Application]* (a) 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 name and address of the representative, if any, given in accordance with the Administrative Instructions,

(iv) where the applicant wishes, under the Paris Convention for the Protection of Industrial Property, to take advantage of the priority of an earlier filing, 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 earlier filing relates to less than all the goods and services listed in the international application, the indication of those goods and services to which the earlier filing relates,

(v) a reproduction of the mark that shall fit in the box provided on the official form; that reproduction shall be clear and shall, depending on whether the reproduction in the basic application or the basic registration is in black and white or in color, be in black and white or in color,

(vi) where the applicant wishes that the mark be considered as a mark in standard characters, a declaration to that effect,

(vii) where color is claimed as a distinctive feature of the mark in the basic application or basic registration, or where the applicant wishes to claim color as a distinctive feature of the mark and the mark contained in the basic application or basic registration is in color, an indication that color is claimed and an indication by words of the color or combination of colors claimed and, where the reproduction furnished under item (v) is in black and white, one reproduction of the mark in color,

(viii) where the mark that is the subject of the basic application or the basic registration consists of a color or a combination of colors as such, an indication to that effect,

(ix) where the basic application or the basic registration relates to a three-dimensional mark, the indication "three-dimensional mark,"

(x) where the basic application or the basic registration relates to a sound mark, the indication "sound mark,"

(xi) where the basic application or the basic registration relates to a collective mark or a certification mark or a guarantee mark, an indication to that effect,

(xii) where the basic application or the basic registration contains a description of the mark by words and the applicant wishes to include the description or the Office of origin requires the inclusion of the description, that same description; where the said description is in a language other than the language of the international application, it shall be given in the language of the international application,

(xiii) where the mark consists of or contains matter in characters other than Latin characters or numbers expressed in numerals other than Arabic or Roman numerals, a transliteration of that matter in Latin characters and Arabic numerals; the transliteration into Latin characters shall follow the phonetics of the language of the international application,

(2) *[Oblika in podpis]* (a) Mednarodna prijava se predloži na uradnem obrazcu v enem izvodu.

(b) Mednarodno prijavo podpiše urad izvora in tudi prijavitelj, če urad izvora tako zahteva. Če urad izvora ne zahteva, da prijavitelj podpiše mednarodno prijavo, dovoli pa, da jo sopodpiše, lahko prijavitelj to stori.

(3) *[Pristojbine]* Predpisane pristojbine, ki veljajo za mednarodno prijavo, se plačajo, kot je določeno v 10., 34. in 35. pravilu.

(4) *[Vsebina mednarodne prijave]* (a) Mednarodna prijava mora vsebovati ali imeti navedeno

(i) ime prijavitelja v skladu z upravnimi navodili,

(ii) naslov prijavitelja v skladu z upravnimi navodili,

(iii) ime in naslov morebitnega zastopnika v skladu z upravnimi navodili,

(iv) če želi prijavitelj po Pariški konvenciji za varstvo industrijske lastnine izkoristiti prednost zgodnejše prijave, izjavo, s katero zahteva prednost te prijave, z navedbo imena urada, pri katerem je bila vložena, ter datumom in številko, če je na voljo, in če se zgodnejša prijava ne nanaša na vse proizvode in storitve, naštet v mednarodni prijavi, še navedbo tistih proizvodov in storitev, na katere se nanaša,

(v) prikaz znamke, ki gre v okence, ki je v ta namen predvideno na uradnem obrazcu; prikaz mora biti jasen in črno-bel ali v barvah, odvisno od tega, ali je bil prikaz v osnovni prijavi ali osnovni registraciji črno-bel ali v barvah,

(vi) ustrezno izjavo, če prijavitelj želi, da se znamka obravnava kot znamka v standardnih znakih,

(vii) če je bila v osnovni prijavi ali osnovni registraciji barva zahtevana kot razločevalni element znamke ali če želi prijavitelj zahtevati barvo kot razločevalni element znamke in je znamka v osnovni prijavi ali osnovni registraciji barvna, izjavo o tem, da se zahteva barva, z navedbo zahtevane barve ali kombinacije barv, in če je prikaz znamke, predložen po točki (v), črno-bel, še en prikaz v barvi,

(viii) če je znamka, ki je predmet osnovne prijave ali osnovne registracije, že sama po sebi barva ali kombinacija barv, navedbo tega dejstva,

(ix) oznako "tridimenzionalna znamka", če se osnovna prijava ali osnovna registracija nanaša na tridimenzionalno znamko,

(x) oznako "zvočna znamka", če se osnovna prijava ali osnovna registracija nanaša na zvočno znamko,

(xi) ustrezno navedbo, če se osnovna prijava ali osnovna registracija nanaša na kolektivno znamko ali na certifikacijsko znamko ali na garancijsko znamko,

(xii) opis znamke, če osnovna prijava ali osnovna registracija vsebuje besedni opis znamke in želi prijavitelj vključiti opis ali pa njegovo vključitev zahteva urad izvora; če je tak opis v jeziku, ki ni jezik mednarodne prijave, mora biti naveden v jeziku mednarodne prijave,

(xiii) zapis v latiničnih črkah in arabskih številkah, če je znamka sestavljena iz nelatiničnih znakov ali števil, izraženih v drugih in ne arabskih ali rimskih številkah; prečrkovanje v latinične črke sledi fonetiki jezika mednarodne prijave,

(xiii) the names of the goods and services for which the international registration of the mark is sought, grouped in the appropriate classes of the International Classification of Goods and Services, each group preceded by the number of the class and presented in the order of the classes of that Classification; the goods and services shall be indicated in precise terms, preferably using the words appearing in the Alphabetical List of the said Classification; the international application may contain limitations of the list of goods and services in respect of one or more designated Contracting Parties; the limitation in respect of each Contracting Party may be different,

(xiv) 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, and

(xv) the designated Contracting Parties.

(b) The international application may also contain,

(i) where the applicant is a natural person, an indication of the State of which the applicant is a national;

(ii) where the applicant is a legal entity, indications concerning the legal nature of that legal entity and the State, and, where applicable, the territorial unit within that State, under the law of which the said legal entity has been organized;

(iii) where the mark consists of or contains a word or words that can be translated, a translation of that word or those words into French if the international application is governed exclusively by the Agreement, or into English, French and/or Spanish if the international application is governed exclusively by the Protocol or is governed by both the Agreement and the Protocol;

(iv) where the applicant claims color as a distinctive feature of the mark, an indication by words, in respect of each color, of the principal parts of the mark which are in that color;

(v) where the applicant wishes to disclaim protection for any element of the mark, an indication of that fact and of the element or elements for which protection is disclaimed.

(5) *[Additional Contents of an International Application]*

(a) An international application governed exclusively by the Agreement or by both the Agreement and the Protocol shall contain the number and date of the basic registration and shall indicate one of the following:

(i) that the applicant has a real and effective industrial or commercial establishment in the territory of the Contracting State whose Office is the Office of origin, or

(ii) where the applicant has no such establishment in any Contracting State of the Agreement, that he has a domicile in the territory of the State whose Office is the Office of origin, or

(iii) where the applicant has no such establishment or domicile in the territory of any Contracting State of the Agreement, that he is a national of the State whose Office is the Office of origin.

(b) An international application governed exclusively by the Protocol shall contain the number and date of the basic application or basic registration and shall indicate one or more of the following:

(i) where the Contracting Party whose Office is the Office of origin is a State, that the applicant is a national of that State;

(ii) where the Contracting Party whose Office is the Office of origin is an organization, the name of the Member State of that organization of which the applicant is a national;

(iii) that the applicant has a domicile in the territory of the Contracting Party whose Office is the Office of origin;

(iv) that the applicant has a real and effective industrial or commercial establishment in the territory of the Contracting Party whose Office is the Office of origin.

(xiii) nazive proizvodov in storitev, za katere se zahteva mednarodna registracija, razvrščene po skupinah v ustrezne razrede mednarodne klasifikacije proizvodov in storitev, s tem da je pred vsako skupino številka razreda in da je skupina razvrščena po vrstnem redu razredov v tej klasifikaciji; proizvodi in storitve morajo biti navedeni z natančnimi izrazi, po možnosti s tistimi iz abecednega seznama omenjene klasifikacije; mednarodna prijava lahko vsebuje omejene sezname proizvodov in storitev za eno ali več imenovanih pogodbenic; omejitev je lahko za vsako pogodbenico drugačna,

(xiv) znesek plačanih pristojbin in način plačila ali nalog za knjiženje zahtevanega zneska v breme računa, odprtega pri Mednarodnem uradu, ter podatke o stranki, ki je izvršila plačila ali dala plačilni nalog, in

(xv) imenovane pogodbenice.

(b) Mednarodna prijava lahko vsebuje tudi,

(i) če je prijavitelj fizična oseba, navedbo države, katere državljan je;

(ii) če je prijavitelj pravna oseba, navedbe v zvezi s pravnim stanjem in navedbo države ter, kjer je to ustrezno, ozemeljske enote v državi, po pravu katere je bila ta pravna oseba ustanovljena;

(iii) če je znamka sestavljena iz prevedljive besede ali besed ali vsebuje prevedljivo besedo ali besede, prevod te besede ali besed v francoščino pri mednarodnih prijavih, ki jo ureja izključno sporazum, oziroma v angleščino, francoščino in/ali španščino pri mednarodnih prijavih, ki jo ureja izključno protokol ali sporazum in protokol;

(iv) če prijavitelj zahteva barvo kot razločevalno lastnost znamke, navedbo vsake barve in glavnih delov znamke, ki so v tej barvi;

(v) če se prijavitelj želi odreči varstvu za kateri koli del znamke, navedbo tega dejstva in dela ali delov znamke, za katere ne zahteva varstva.

(5) *[Dodatna vsebina mednarodne prijave]* (a) Mednarodna prijava, ki jo ureja izključno sporazum ali sporazum in protokol, mora vsebovati številko in datum osnovne registracije in eno od naslednjih navedb:

(i) da ima prijavitelj dejansko in resno industrijsko ali trgovsko podjetje na ozemlju države pogodbenice, katere urad je urad izvora, ali

(ii) če prijavitelj nima takega podjetja v nobeni državi pogodbenici sporazuma, da ima stalno prebivališče na ozemlju države pogodbenice, katere urad je urad izvora, ali

(iii) če prijavitelj nima takega podjetja ali stalnega prebivališča na ozemlju države pogodbenice sporazuma, da je državljan države pogodbenice, katere urad je urad izvora.

(b) Mednarodna prijava, ki jo ureja izključno protokol, mora vsebovati številko in datum osnovne prijave ali osnovne registracije in eno ali več od naslednjih navedb:

(i) če je pogodbenica, katere urad je urad izvora, država, da je prijavitelj državljan te države;

(ii) če je pogodbenica, katere urad je urad izvora, organizacija, ime države članice te organizacije, katere državljan je prijavitelj;

(iii) da ima prijavitelj stalno prebivališče na ozemlju pogodbenice, katere urad je urad izvora;

(iv) da ima prijavitelj stvarno in dejavno industrijsko ali trgovsko podjetje na ozemlju države pogodbenice, katere urad je urad izvora.

(c) Where the address of the applicant given in accordance with paragraph (4)(a)(ii) is not in the territory of the Contracting Party whose Office is the Office of origin and it has been indicated under subparagraph (a)(i) or (ii) or subparagraph (b)(iii) or (iv) that the applicant has a domicile or an establishment in the territory of that Contracting Party, that domicile or the address of that establishment shall be given in the international application.

(d) The international application shall contain a declaration by the Office of origin certifying

(i) the date on which the Office of origin received or, as provided for in Rule 11(1), is deemed to have received the request by the applicant to present the international application to the International Bureau,

(ii) that the applicant named in the international application is the same as the applicant named in the basic application or the holder named in the basic registration, as the case may be,

(iii) that any indication referred to in paragraph (4)(a)(vii) to (xi) and appearing in the international application appears also in the basic application or the basic registration, as the case may be,

(iv) that the mark that is the subject matter of the international application is the same as in the basic application or the basic registration, as the case may be,

(v) that, if color is claimed as a distinctive feature of the mark in the basic application or the basic registration, the same claim is included in the international application or that, if color is claimed as a distinctive feature of the mark in the international application without having been claimed in the basic application or basic registration, the mark in the basic application or basic registration is in fact in the color or combination of colors claimed, and

(vi) that the goods and services indicated in the international application are covered by the list of goods and services appearing in the basic application or basic registration, as the case may be.

(e) Where the international application is based on two or more basic applications or basic registrations, the declaration referred to in subparagraph (d) shall be deemed to apply to all those basic applications or basic registrations.

(f) Where the international application contains the designation of a Contracting Party that has made a notification under Rule 7(2), the international application shall also contain a declaration of intention to use the mark in the territory of that Contracting Party; the declaration shall be considered part of the designation of the Contracting Party requiring it and shall, as required by that Contracting Party,

(i) be signed by the applicant himself and be made on a separate official form annexed to the international application, or

(ii) be included in the international application.

(g) Where an international application contains the designation of a Contracting Organization, it may also contain the following indications:

(i) where the applicant wishes to claim, under the law of that Contracting Organization, the seniority of one or more earlier marks registered in, or for, a Member State of that Organization, a declaration to that effect, stating the Member State or Member States in or for which the earlier mark is registered, the date from which the relevant registration was effective, the number of the relevant registration and the goods and services for which the earlier mark is registered. Such indications shall be on an official form to be annexed to the international application;

(ii) where, under the law of that Contracting Organization, the applicant is required to indicate a second working language before the Office of that Contracting Organization, in addition to the language of the international application, an indication of that second language.

(c) Če naslov prijavitelja, naveden v skladu s točko (ii) pododstavka (a) četrtega odstavka, ni na ozemlju države pogodbenice, katere urad je urad izvora, in je bilo v skladu s točko (i) ali (ii) pododstavka (a) ali točko (iii) ali (iv) pododstavka (b) navedeno, da ima na ozemlju te pogodbenice prijavitelj stalno prebivališče ali podjetje, je treba v mednarodni prijavi to stalno prebivališče ali naslov podjetja navesti.

(d) Mednarodna prijava mora vsebovati izjavo urada izvora, s katero ta potrjuje

(i) datum, ko je prejel ali na katerega se po prvem odstavku 11. pravila šteje, da je prejel zahtevo prijavitelja, da predloži mednarodno prijavo Mednarodnemu uradu,

(ii) da je prijavitelj, imenovan v mednarodni prijavi, isti kot prijavitelj, imenovan v osnovni prijavi, oziroma nosilec, imenovan v osnovni registraciji,

(iii) da se vsaka navedba iz točk (vii) do (xi) pododstavka (a) četrtega odstavka in vsebovana v mednarodni prijavi pojavlja tudi v osnovni prijavi oziroma osnovni registraciji,

(iv) da je znamka, ki je predmet mednarodne prijave, enaka kot v osnovni prijavi oziroma osnovni registraciji,

(v) da je, če je bila v osnovni prijavi ali osnovni registraciji barva zahtevana kot razločevalna lastnost znamke, enaka zahteva vključena v mednarodno prijavo ali da je, če je barva zahtevana kot razločevalna lastnost znamke v mednarodni prijavi, ni pa bila zahtevana v osnovni prijavi ali osnovni registraciji, znamka v osnovni prijavi ali osnovni registraciji dejansko v zahtevani barvi ali kombinaciji barv in

(vi) da so proizvodi in storitve, navedeni v mednarodni prijavi, zajeti v seznamu proizvodov in storitev, ki se pojavlja v osnovni prijavi oziroma osnovni registraciji.

(e) Če mednarodna prijava temelji na dveh ali več osnovnih prijavah ali osnovnih registracijah, se šteje, da izjava iz pododstavka (d) velja za vse te osnovne prijave ali osnovne registracije.

(f) Če mednarodna prijava vsebuje imenovanje pogodbenice, ki je dala uradno obvestilo po drugem odstavku 7. pravila, mora tudi mednarodna prijava vsebovati izjavo o nameravani uporabi znamke na ozemlju te pogodbenice; izjava se šteje za del imenovanja pogodbenice, ki jo zahteva, in mora biti, če ta pogodbenica tako zahteva,

(i) podpisana od prijavitelja osebno in napisana na posebnem uradnem obrazcu, ki se priloži mednarodni prijavi, ali

(ii) vključena v mednarodno prijavo.

(g) Če mednarodna prijava vsebuje imenovanje organizacije pogodbenice, lahko vsebuje tudi naslednje:

(i) če želi prijavitelj po pravu te organizacije pogodbenice zahtevati prednost ene ali več starejših znamk, registriranih v državi članici te organizacije ali za tako državo, ustrezno izjavo, v kateri navede državo ali države članice, v katerih ali za katere je starejša znamka registrirana, datum začetka veljavnosti zadevne registracije, številko registracije ter proizvode in storitve, za katere je starejša znamka registrirana. Te navedbe morajo biti na uradnem obrazcu, ki se priloži mednarodni prijavi;

(ii) če mora prijavitelj po pravu te organizacije pogodbenice poleg jezika mednarodne prijave navesti še drugi delovni jezik pri uradu te organizacije pogodbenice, navedbo tega jezika.

Rule 10

Fees Concerning the International Application

(1) *[International Applications Governed Exclusively by the Agreement]* An international application governed exclusively by the Agreement shall be subject to the payment of the basic fee, the complementary fee and, where applicable, the supplementary fee, specified in item 1 of the Schedule of Fees. Those fees shall be paid in two instalments of ten years each. For the payment of the second instalment, Rule 30 shall apply.

(2) *[International Applications Governed Exclusively by the Protocol]* An international application governed exclusively by the Protocol shall be subject to the payment of the basic fee, the complementary fee and/or the individual fee and, where applicable, the supplementary fee, specified or referred to in item 2 of the Schedule of Fees. Those fees shall be paid for ten years.

(3) *[International Applications Governed by Both the Agreement and the Protocol]* An international application governed by both the Agreement and the Protocol shall be subject to the payment of the basic fee, the complementary fee and, where applicable, the individual fee and the supplementary fee, specified or referred to in item 3 of the Schedule of Fees. As far as the Contracting Parties designated under the Agreement are concerned, paragraph (1) shall apply. As far as the Contracting Parties designated under the Protocol are concerned, paragraph (2) shall apply.

Rule 11

Irregularities Other Than Those Concerning the Classification of Goods and Services or Their Indication

(1) *[Premature Request to the Office of Origin]* (a) Where the Office of origin received a request to present to the International Bureau an international application governed exclusively by the Agreement before the mark which is referred to in that request is registered in the register of the said Office, the said request shall be deemed to have been received by the Office of origin, for the purposes of Article 3(4) of the Agreement, on the date of the registration of the mark in the register of the said Office.

(b) Subject to subparagraph (c), where the Office of origin receives a request to present to the International Bureau an international application governed by both the Agreement and the Protocol before the mark which is referred to in that request is registered in the register of the said Office, the international application shall be treated as an international application governed exclusively by the Protocol, and the Office of origin shall delete the designation of any Contracting Party bound by the Agreement.

(c) Where the request referred to in subparagraph (b) is accompanied by an express request that the international application be treated as an international application governed by both the Agreement and the Protocol once the mark is registered in the register of the Office of origin, the said Office shall not delete the designation of any Contracting Party bound by the Agreement and the request to present the international application shall be deemed to have been received by the said Office, for the purposes of Article 3(4) of the Agreement and Article 3(4) of the Protocol, on the date of the registration of the mark in the register of the said Office.

(2) *[Irregularities to Be Remedied by the Applicant]* (a) If the International Bureau considers that the international application contains irregularities other than those referred to in paragraphs (3), (4) and (6) and in Rules 12 and 13, it shall notify the applicant of the irregularity and at the same time inform the Office of origin.

10. pravilo

Pristojbine za mednarodno prijavo

(1) *[Mednarodna prijava, ki jo ureja izključno sporazum]* Za mednarodno prijavo, ki jo ureja izključno sporazum, se plačajo osnovna pristojbina, dodatna pristojbina in, kjer je to potrebno, še dopolnilna pristojbina, določene v 1. točki seznama pristojbin. Pristojbine se plačajo v dveh obrokih, vsakokrat za deset let. Za plačilo drugega obroka se uporablja 30. pravilo.

(2) *[Mednarodna prijava, ki jo ureja izključno protokol]* Za mednarodno prijavo, ki jo ureja izključno protokol, se plačajo osnovna pristojbina, dodatna pristojbina in/ali samostojna pristojbina in, kjer je to potrebno, še dopolnilna pristojbina, določene ali navedene v 2. točki seznama pristojbin. Te pristojbine se plačujejo za deset let.

(3) *[Mednarodna prijava, ki jo urejata sporazum in protokol]* Za mednarodno prijavo, ki jo urejata sporazum in protokol, se plačajo osnovna pristojbina, dodatna pristojbina in, kjer je to potrebno, še samostojna pristojbina in dopolnilna pristojbina, določene ali navedene v 3. točki seznama pristojbin. Za pogodbenice, imenovane po sporazumu, se uporablja prvi odstavek. Za pogodbenice, imenovane po protokolu, se uporablja drugi odstavek.

11. pravilo

Nepravilnosti, razen tistih, ki se nanašajo na klasifikacijo proizvodov in storitev ali njihovo navajanje

(1) *[Prezgodnja zahteva uradu izvora]* (a) Če je urad izvora prejel zahtevo, da predloži Mednarodnemu uradu mednarodno prijavo, ki jo ureja izključno sporazum, preden je znamka, na katero se zahteva nanaša, vpisana v register tega urada, se za namene četrtega odstavka 3. člena sporazuma šteje, da je urad izvora tako zahtevo prejel na dan vpisa znamke v register tega urada.

(b) Če je urad izvora prejel zahtevo, da predloži Mednarodnemu uradu mednarodno prijavo, ki jo urejata sporazum in protokol, preden je znamka, na katero se zahteva nanaša, vpisana v register tega urada, se ob upoštevanju pododstavka (c) taka prijava obravnava kot mednarodna prijava, ki jo ureja izključno protokol, in urad izvora izbriše imenovanje vsake pogodbenice, ki jo zavezuje sporazum.

(c) Če je zahtevi iz pododstavka (b) dodana izrecna zahteva, da se po vpisu znamke v register urada izvora mednarodna prijava obravnava kot mednarodna prijava, ki jo urejata sporazum in protokol, ta urad ne izbriše imenovanja nobene pogodbenice, ki jo zavezuje sporazum; za namene četrtega odstavka 3. člena sporazuma in četrtega odstavka 3. člena protokola pa se šteje, da je urad prejel zahtevo za predložitev mednarodne prijave na dan vpisa znamke v register tega urada.

(2) *[Nepravilnosti, ki jih mora odpraviti prijavitelj]* (a) Če Mednarodni urad meni, da so v mednarodni prijavi nepravilnosti, ki niso omenjene v tretjem, četrtem in šestem odstavku in v 12. in 13. pravilu, o njih uradno obvesti prijavitelja in hkrati obvesti tudi urad izvora.

(b) Such irregularities may be remedied by the applicant within three months from the date of the notification of the irregularity by the International Bureau. If an irregularity is not remedied within three months from the date of the notification of that irregularity by the International Bureau, the international application shall be considered abandoned and the International Bureau shall notify accordingly and at the same time the applicant and the Office of origin.

(3) *[Irregularity to Be Remedied by the Applicant or by the Office of Origin]* (a) Notwithstanding paragraph (2), where the fees payable under Rule 10 have been paid to the International Bureau by the Office of origin and the International Bureau considers that the amount of the fees received is less than the amount required, it shall notify at the same time the Office of origin and the applicant. The notification shall specify the missing amount.

(b) The missing amount may be paid by the Office of origin or by the applicant within three months from the date of the notification by the International Bureau. If the missing amount is not paid within three months from the date of the notification of the irregularity by the International Bureau, the international application shall be considered abandoned and the International Bureau shall notify accordingly and at the same time the Office of origin and the applicant.

(4) *[Irregularities to Be Remedied by the Office of Origin]* (a) If the International Bureau

(i) finds that the international application does not fulfill the requirements of Rule 2 or was not presented on the official form prescribed under Rule 9(2)(a),

(ii) finds that the international application contains any of the irregularities referred to in Rule 15(1),

(iii) considers that the international application contains irregularities relating to the entitlement of the applicant to file an international application,

(iv) considers that the international application contains irregularities relating to the declaration by the Office of origin referred to in Rule 9(5)(d),

(v) *[Deleted]*

(vi) finds that the international application is not signed by the Office of origin, or

(vii) finds that the international application does not contain the date and number of the basic application or basic registration, as the case may be,

it shall notify the Office of origin and at the same time inform the applicant.

(b) Such irregularities may be remedied by the Office of origin within three months from the date of notification of the irregularity by the International Bureau. If an irregularity is not remedied within three months from the date of the notification of that irregularity by the International Bureau, the international application shall be considered abandoned and the International Bureau shall notify accordingly and at the same time the Office of origin and the applicant.

(5) *[Reimbursement of Fees]* Where, in accordance with paragraphs (2)(b), (3) or (4)(b), 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 one-half of the basic fee referred to in items 1.1.1, 2.1.1 or 3.1.1 of the Schedule of Fees, to the party having paid those fees.

(6) *[Other Irregularity With Respect to the Designation of a Contracting Party Under the Protocol]* (a) Where, in accordance with Article 3(4) of the Protocol, an international application is received by the International Bureau within a period of two months from the date of receipt of that international application by the Office of origin and the International Bureau considers that a declaration of intention to use the mark is required according to Rule 9(5)(f) but is missing or does not comply with the applicable requirements, the International Bureau shall promptly notify accordingly and at the same time the applicant and the Office of origin.

(b) Take nepravilnosti lahko prijavitelj odpravi v treh mesecih od dneva, ko od Mednarodnega urada prejme uradno obvestilo o nepravilnosti. Če nepravilnost v treh mesecih od prejema uradnega obvestila Mednarodnega urada o nepravilnosti ni odpravljena, se mednarodna prijava šteje za umaknjeno, Mednarodni urad pa o tem uradno obvesti prijavitelja in hkrati tudi urad izvora.

(3) *[Nepravilnosti, ki jih mora odpraviti prijavitelj ali urad izvora]* (a) Če je urad izvora ne glede na drugi odstavek Mednarodnemu uradu plačal pristojbine, ki jih je treba plačati po 10. pravilu, in Mednarodni urad meni, da je prejeti znesek manjši od zahtevanega, o tem uradno obvesti urad izvora in hkrati tudi prijavitelja. V uradnem obvestilu mora biti naveden manjkajoči znesek.

(b) Manjkajoči znesek lahko plača urad izvora ali prijavitelj v treh mesecih od prejema uradnega obvestila Mednarodnega urada. Če manjkajoči znesek ni plačan v treh mesecih od prejema uradnega obvestila Mednarodnega urada o nepravilnosti, se mednarodna prijava šteje za umaknjeno, Mednarodni urad pa o tem uradno obvesti prijavitelja in hkrati tudi urad izvora.

(4) *[Nepravilnosti, ki jih mora odpraviti urad izvora]* (a) Če Mednarodni urad

(i) ugotovi, da mednarodna prijava ne izpolnjuje pogojev iz 2. pravila ali da ni bila predložena na uradnem obrazcu, predpisanem po pododstavku (a) drugega odstavka 9. pravila,

(ii) ugotovi, da je v mednarodni prijavi kakšna nepravilnost iz prvega odstavka 15. pravila,

(iii) meni, da so v mednarodni prijavi nepravilnosti glede upravičenosti prijavitelja do vložitve mednarodne prijave,

(iv) meni, da so v mednarodni prijavi nepravilnosti glede izjave urada izvora, omenjene v pododstavku (d) petega odstavka 9. pravila,

(v) *[Črtano]*

(vi) ugotovi, da mednarodne prijave ni podpisal urad izvora, ali

(vii) ugotovi, da v mednarodni prijavi ni datuma in številke osnovne prijave oziroma osnovne registracije,

o tem uradno obvesti urad izvora in hkrati obvesti tudi prijavitelja.

(b) Take nepravilnosti lahko urad izvora odpravi v treh mesecih od prejema uradnega obvestila Mednarodnega urada o nepravilnosti. Če nepravilnost v treh mesecih od prejema uradnega obvestila Mednarodnega urada o nepravilnosti ni odpravljena, se mednarodna prijava šteje za umaknjeno, Mednarodni urad pa o tem uradno obvesti urad izvora in hkrati tudi prijavitelja.

(5) *[Vračilo pristojbin]* Če se mednarodna prijava šteje za umaknjeno v skladu s pododstavkom (b) drugega odstavka, tretjim odstavkom ali pododstavkom (b) četrtega odstavka, Mednarodni urad vrne vse plačane pristojbine za to prijavo njihovemu plačniku, potem ko od njih odbije znesek, ki je enak polovici osnovne pristojbine, omenjene v točkah 1.1.1, 2.1.1 ali 3.1.1 seznama pristojbin.

(6) *[Druga nepravilnost glede imenovanja pogodbenice po protokolu]* (a) Če Mednarodni urad v skladu s četrtnim odstavkom 3. člena protokola prejme mednarodno prijavo v dveh mesecih po tistem, ko jo je prejel urad izvora, in meni, da se v skladu s pododstavkom (f) petega odstavka 9. pravila zahteva izjava o nameravani uporabi znamke, ki pa manjka ali ne izpolnjuje veljavnih pogojev, o tem takoj uradno obvesti prijavitelja in hkrati tudi urad izvora.

(b) The declaration of intention to use the mark shall be deemed to have been received by the International Bureau together with the international application if the missing or corrected declaration is received by the International Bureau within the period of two months referred to in subparagraph (a).

(c) The international application shall be deemed not to contain the designation of the Contracting Party for which a declaration of intention to use the mark is required if the missing or corrected declaration is received after the period of two months referred to in subparagraph (b). The International Bureau shall notify accordingly and at the same time the applicant and the Office of origin, reimburse any designation fee already paid in respect of that Contracting Party and indicate that the designation of the said Contracting Party may be effected as a subsequent designation under Rule 24, provided that such designation is accompanied by the required declaration.

(7) *[International Application Not Considered as Such]* If the international application is presented direct to the International Bureau by the applicant or does not comply with the requirement applicable under Rule 6(1), the international application shall not be considered as such and shall be returned to the sender.

*Rule 12
Irregularities With Respect to the
Classification of Goods and Services*

(1) *[Proposal for Classification]* (a) If the International Bureau considers that the requirements of Rule 9(4)(a)(xiii) are not complied with, it shall make a proposal of its own for the classification and grouping and shall send a notification of its proposal to the Office of origin and at the same time inform the applicant.

(b) The notification of the proposal shall also state the amount, if any, of the fees due as a consequence of the proposed classification and grouping.

(2) *[Opinion Differing From the Proposal]* The Office of origin may communicate to the International Bureau an opinion on the proposed classification and grouping within three months from the date of the notification of the proposal.

(3) *[Reminder of the Proposal]* If, within two months from the date of the notification referred to in paragraph (1)(a), the Office of origin has not communicated an opinion on the proposed classification and grouping, the International Bureau shall send to the Office of origin and to the applicant a communication reiterating the proposal. The sending of such a communication shall not affect the three-month period referred to in paragraph (2).

(4) *[Withdrawal of Proposal]* If, in the light of the opinion communicated under paragraph (2), the International Bureau withdraws its proposal, it shall notify the Office of origin accordingly and at the same time inform the applicant.

(5) *[Modification of Proposal]* If, in the light of the opinion communicated under paragraph (2), the International Bureau modifies its proposal, it shall notify the Office of origin and at the same time inform the applicant of such modification and of any consequent changes in the amount indicated under paragraph (1)(b).

(6) *[Confirmation of Proposal]* If, notwithstanding the opinion referred to in paragraph (2), the International Bureau confirms its proposal, it shall notify the Office of origin accordingly and at the same time inform the applicant.

(b) Šteje se, da je Mednarodni urad izjavo o nameravani uporabi znamke prejel skupaj z mednarodno prijavo, če manjkajoča ali popravljena izjavo prejme v dvomesečnem roku iz pododstavka (a).

(c) Šteje se, da mednarodna prijava ne vsebuje imenovanja pogodbenice, za katero se zahteva izjava o name-ravani uporabi znamke, če je manjkajoča ali popravljena izjava prejeta po dvomesečnem roku iz pododstavka (b). Mednarodni urad o tem uradno obvesti prijavitelja in hkrati tudi urad izvora, vrne pristojbino za imenovanje, ki je bila za to pogodbenico že plačana, in opozori, da se imenovanje te pogodbenice lahko izvede kot naknadno imenovanje po 24. pravilu, če je temu priložena zahtevana izjava.

(7) *[Mednarodna prijava, ki se ne upošteva kot taka]* Če prijavitelj predloži mednarodno prijavo Mednarodnemu uradu neposredno ali če mednarodna prijava ne izpolnjuje pogojev iz prvega odstavka 6. pravila, se ne upošteva kot taka in se vrne pošiljatelju.

*12. pravilo
Nepravilnosti v zvezi
s klasifikacijo proizvodov in storitev*

(1) *[Predlog za klasifikacijo]* (a) Če Mednarodni urad meni, da pogoji iz točke (xiii) pododstavka (a) četrtega odstavka 9. pravila niso izpolnjeni, sam predlaga klasifikacijo in razvrstitev v skupine ter pošlje uradno obvestilo o svojem predlogu uradu izvora in hkrati obvesti prijavitelja.

(b) V uradnem obvestilu o predlogu je naveden tudi morebitni znesek pristojbine, ki je posledica predlagane klasifikacije in razvrstitve.

(2) *[Mnenje, ki se razlikuje od predloga]* Urad izvora lahko v treh mesecih po datumu uradnega obvestila o predlogu sporoči Mednarodnemu uradu mnenje o predlagani klasifikaciji in razvrstitvi.

(3) *[Ponovitev predloga]* Če urad izvora ne sporoči mnenja o predlagani klasifikaciji in razvrstitvi v dveh mesecih po datumu uradnega obvestila iz pododstavka (a) prvega odstavka, Mednarodni urad pošlje uradu izvora in prijavitelju sporočilo s ponovljenim predlogom. To sporočilo ne vpliva na trimesečni rok iz drugega odstavka.

(4) *[Umik predloga]* Če Mednarodni urad svoj predlog umakne zaradi mnenja, sporočenega po drugem odstavku, o tem uradno obvesti urad izvora in hkrati obvesti tudi prijavitelja.

(5) *[Sprememba predloga]* Če Mednarodni urad zaradi mnenja, sporočenega po drugem odstavku, svoj predlog spremeni, o tem uradno obvesti urad izvora in hkrati prijavitelju sporoči to spremembo in vse morebitne posledične spremembe zneska, omenjenega v pododstavku (b) prvega odstavka.

(6) *[Potrditev predloga]* Če Mednarodni urad ne glede na mnenje iz drugega odstavka svoj predlog potrdi, o tem uradno obvesti urad izvora in hkrati obvesti tudi prijavitelja.

(7) *[Fees]* (a) If no opinion has been communicated to the International Bureau under paragraph (2), the amount referred to in paragraph (1)(b) shall be payable within four months from the date of the notification referred to in paragraph (1)(a), failing which the international application shall be considered abandoned and the International Bureau shall notify the Office of origin accordingly and at the same time inform the applicant.

(b) If an opinion has been communicated to the International Bureau under paragraph (2), the amount referred to in paragraph (1)(b) or, where applicable, paragraph (5) shall be payable within three months from the date of the communication by the International Bureau of the modification or confirmation of its proposal under paragraph (5) or (6), as the case may be, failing which the international application shall be considered abandoned and the International Bureau shall notify the Office of origin accordingly and at the same time inform the applicant.

(c) If an opinion has been communicated to the International Bureau under paragraph (2) and if, in the light of that opinion, the International Bureau withdraws its proposal in accordance with paragraph (4), the amount referred to in paragraph (1)(b) shall not be due.

(8) *[Reimbursement of Fees]* Where, in accordance with paragraph (7), 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 one-half of the basic fee referred to in items 1.1.1, 2.1.1 or 3.1.1 of the Schedule of Fees, to the party having paid those fees.

(9) *[Classification in the Registration]* Subject to the conformity of the international application with the other applicable requirements, the mark shall be registered with the classification and grouping that the International Bureau considers to be correct.

Rule 13
*Irregularities With Respect to the
Indication of Goods and Services*

(1) *[Communication of Irregularity by the International Bureau to the Office of Origin]* If the International Bureau considers that any of the goods and services is indicated in the international application by a term that is too vague for the purposes of classification or is incomprehensible or is linguistically incorrect, it shall notify the Office of origin accordingly and at the same time inform the applicant. In the same notification, the International Bureau may suggest a substitute term, or the deletion of the term.

(2) *[Time Allowed to Remedy Irregularity]* (a) The Office of origin may make a proposal for remedying the irregularity within three months from the date of the notification referred to in paragraph (1).

(b) If no proposal acceptable to the International Bureau for remedying the irregularity is made within the period indicated in subparagraph (a), the International Bureau shall include in the international registration the term as appearing in the international application, provided that the Office of origin has specified the class in which such term should be classified; the international registration shall contain an indication to the effect that, in the opinion of the International Bureau, the specified term is too vague for the purposes of classification or is incomprehensible or is linguistically incorrect, as the case may be. Where no class has been specified by the Office of origin, the International Bureau shall delete the said term *ex officio* and shall notify the Office of origin accordingly and at the same time inform the applicant.

(7) *[Pristojbine]* (a) Če Mednarodnemu uradu ni bilo sporočeno nobeno mnenje po drugem odstavku, se znesek iz pododstavka (b) prvega odstavka plača v štirih mesecih po datumu uradnega obvestila iz pododstavka (a) prvega odstavka; če se to ne zgodi, se mednarodna prijava šteje za umaknjeno, Mednarodni urad pa o tem uradno obvesti urad izvora in hkrati obvesti tudi prijavitelja.

(b) Če je bilo mnenje po drugem odstavku Mednarodnemu uradu sporočeno, se znesek iz pododstavka (b) prvega odstavka ali, kjer je to ustrezno, iz petega odstavka plača v treh mesecih po datumu sporočila Mednarodnega urada o spremembi ali potrditvi njegovega predloga po petem oziroma šestem odstavku; če se to ne zgodi, se mednarodna prijava šteje za umaknjeno, Mednarodni urad pa o tem uradno obvesti urad izvora in hkrati obvesti tudi prijavitelja.

(c) Če je bilo mnenje po drugem odstavku Mednarodnemu uradu sporočeno in je ta zaradi tega mnenja umaknil svoj predlog v skladu s četrnim odstavkom, zneska iz pododstavka (b) prvega odstavka ni treba plačati.

(8) *[Vračilo pristojbin]* Če se mednarodna prijava šteje za umaknjeno v skladu s sedmim odstavkom, Mednarodni urad vrne vse plačane pristojbine za to prijavo njihovem plačniku, potem ko od njih odbije znesek, ki je enak polovici osnovne pristojbine, omenjene v točkah 1.1.1, 2.1.1 ali 3.1.1 seznama pristojbin.

(9) *[Klasifikacija v registraciji]* Ob upoštevanju izpolnjevanja mednarodne prijave drugih veljavnih pogojev se znamka registrira s tako klasifikacijo in razvrstitvijo, kakršni sta po mnenju Mednarodnega urada pravilni.

13. pravilo
*Nepravilnosti v zvezi
z navajanjem proizvodov in storitev*

(1) *[Sporočanje Mednarodnega urada nepravilnosti uradu izvora]* Če Mednarodni urad meni, da je neki proizvod ali storitev v mednarodni prijavi navedena s premalo opredeljenim izrazom za klasifikacijo ali da je ta nerazumljiv ali jezikovno nepravilen, o tem uradno obvesti urad izvora in hkrati obvesti tudi prijavitelja. V istem uradnem obvestilu lahko Mednarodni urad predlaga nadomestni izraz ali brisanje takega izraza.

(2) *[Rok za odpravo nepravilnosti]* (a) Urad izvora lahko predlaga popravek nepravilnosti v treh mesecih po datumu uradnega obvestila iz prvega odstavka.

(b) Če v roku iz pododstavka (a) ni bil dan predlog za odpravo nepravilnosti, ki bi bil za Mednarodni urad sprejemljiv, ta vključi v mednarodno registracijo izraz, ki se pojavlja v mednarodni prijavi, če je urad izvora določil razred, v katerega naj se tak izraz uvrsti; mednarodna registracija pa vsebuje navedbo, da je po mnenju Mednarodnega urada tak izraz za klasifikacijo premalo opredeljen ali nerazumljiv oziroma jezikovno nepravilen. Če urad izvora ni določil razreda, Mednarodni urad tak izraz izbriše po uradni dolžnosti in o tem uradno obvesti urad izvora in hkrati tudi prijavitelja.

Chapter 3 International Registrations

Rule 14

Registration of the Mark in the International Register

(1) [*Registration of the Mark in the International Register*] Where the International Bureau finds that the international application conforms to the applicable requirements, it shall register the mark in the International Register, notify the Offices of the designated Contracting Parties of the international registration and inform the Office of origin accordingly, and send a certificate to the holder. Where the Office of origin so wishes and has informed the International Bureau accordingly, the certificate shall be sent to the holder through the Office of origin.

(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 9(4)(a)(iv) where the date of the earlier filing is more than six months before the date of the international registration,

(ii) the date of the international registration,

(iii) the number of the international registration,

(iv) where the mark can be classified according to the International Classification of Figurative Elements, and unless the international application contains a declaration to the effect that the applicant wishes that the mark be considered as a mark in standard characters, the relevant classification symbols of the said Classification as determined by the International Bureau,

(v) an indication, with respect to each designated Contracting Party, as to whether it is a Contracting Party designated under the Agreement or a Contracting Party designated under the Protocol,

(vi) indications annexed to the international application in accordance with Rule 9(5)(g)(i) concerning the Member State or Member States in or for which an earlier mark, for which seniority is claimed, is registered, the date from which the registration of that earlier mark was effective and the number of the relevant registration.

Rule 15

Date of the International Registration

(1) [*Irregularities Affecting the Date of the International Registration*] Where the international application received by the International Bureau does not contain all of the following elements:

(i) indications allowing the identity of the applicant to be established and sufficient to contact the applicant or his representative, if any,

(ii) the Contracting Parties which are designated,

(iii) a reproduction of the mark,

(iv) the indication of the goods and services for which registration of the mark is sought,

the international registration shall bear the date on which the last of the missing elements reached the International Bureau, provided that, where the last of the missing elements reaches the International Bureau within the two-month time limit referred to in Article 3(4) of the Agreement and Article 3(4) of the Protocol, the international registration shall bear the date on which the defective international application was received or, as provided in Rule 11(1), is deemed to have been received by the Office of origin.

(2) [*Date of the International Registration in Other Cases*] In any other case, the international registration shall bear the date determined in accordance with Article 3(4) of the Agreement and Article 3(4) of the Protocol.

3. poglavje Mednarodna registracija

14. pravilo

Vpis znamke v mednarodni register

(1) [*Vpis znamke v mednarodni register*] Če Mednarodni urad ugotovi, da mednarodna prijava izpolnjuje veljavne pogoje, vpiše znamko v mednarodni register, o mednarodni registraciji uradno obvesti urade imenovanih pogodbenic in o tem obvesti tudi urad izvora, nosilcu pa pošlje potrdilo. Potrdilo se pošlje nosilcu prek urada izvora, če slednji tako želi in je o tem obvestil Mednarodni urad.

(2) [*Vsebina registracije*] Mednarodna registracija vsebuje

(i) vse podatke iz mednarodne prijave, razen zahteve za prednost po točki (iv) pododstavka (a) četrtega odstavka 9. pravila, če je datum zgodnejše vložitve več kot šest mesecev pred datumom mednarodne registracije,

(ii) datum mednarodne registracije,

(iii) številko mednarodne registracije,

(iv) če je znamko mogoče razvrstiti po mednarodni klasifikaciji figurativnih elementov in če mednarodna prijava ne vsebuje izjave o prijaviteljevi želji, da se znamka obravnava kot znamka v standardnih znakih, ustrezne razvrstitvene simbole omenjene klasifikacije, kot jih določi Mednarodni urad,

(v) navedbo za vsako imenovano pogodbenico, ali je to pogodbenica, imenovana po sporazumu, ali pogodbenica, imenovana po protokolu,

(vi) navedbe, priložene mednarodni prijavi v skladu s točko (i) pododstavka (g) petega odstavka 9. pravila, glede države članice ali držav članic, v katerih ali za katere je starejša znamka, za katero se zahteva prednost, registrirana, datum začetka veljavnosti registracije te starejše znamke in številko zadevne registracije.

15. pravilo

Datum mednarodne registracije

(1) [*Nepravilnosti, ki vplivajo na datum mednarodne registracije*] Če mednarodna prijava, ki jo prejme Mednarodni urad, ne vsebuje vseh elementov, in sicer:

(i) navedb, ki omogočajo prepoznavanje prijavitelja in ki zadoščajo za vzpostavitev stika s prijaviteljem ali njegovim zastopnikom, če ga ima,

(ii) imenovanj pogodbenic,

(iii) prikaza znamke,

(iv) navedbe proizvodov in storitev, za katere se zahteva registracija znamke,

ima mednarodna registracija datum, ko je prispel na Mednarodni urad zadnji manjkajoči element; toda če prispe zadnji manjkajoči element na Mednarodni urad v dvomesečnem roku iz četrtega odstavka 3. člena sporazuma in četrtega odstavka 3. člena protokola, ima mednarodna registracija datum, ko je pomanjkljivo mednarodno prijavo prejel urad izvora ali ko se po prvem odstavku 11. pravila šteje, da jo je ta prejel.

(2) [*Datum mednarodne registracije v drugih primerih*] V vsakem drugem primeru ima mednarodna registracija datum, določen v skladu s četrtrim odstavkom 3. člena sporazuma in četrtrim odstavkom 3. člena protokola.

Chapter 4
Facts in Contracting Parties
Affecting International Registrations

Rule 16
Time Limit for Notifying Provisional Refusal
Based on an Opposition

(1) [Information Relating to Possible Oppositions] (a) Where a declaration has been made by a Contracting Party pursuant to Article 5(2)(b) and (c), first sentence, of the Protocol, the Office of that Contracting Party shall, where it has become apparent with regard to a given international registration designating that Contracting Party that the opposition period will expire too late for any provisional refusal based on an opposition to be notified to the International Bureau within the 18-month time limit referred to in Article 5(2)(b), inform the International Bureau of the number, and the name of the holder, of that international registration.

(b) Where, at the time of the communication of the information referred to in subparagraph (a), the dates on which the opposition period begins and ends are known, those dates shall be indicated in the communication. If such dates are not yet known at that time, they shall be communicated to the International Bureau at the latest at the same time as any notification of a provisional refusal based on an opposition.

(c) Where subparagraph (a) applies and the Office referred to in the said subparagraph has, before the expiry of the 18-month time limit referred to in the same subparagraph, informed the International Bureau of the fact that the time limit for filing oppositions will expire within the 30 days preceding the expiry of the 18-month time limit and of the possibility that oppositions may be filed during those 30 days, a provisional refusal based on an opposition filed during the said 30 days may be notified to the International Bureau within one month from the date of filing of the opposition.

(2) [Recording and Transmittal of the Information] The International Bureau shall record in the International Register the information received under paragraph (1) and shall transmit that information to the holder.

Rule 17
Provisional Refusal and Statement of Grant of Protection

(1) [Notification of Provisional Refusal] (a) A notification of provisional refusal may comprise a declaration stating the grounds on which the Office making the notification considers that protection cannot be granted in the Contracting Party concerned ("ex officio provisional refusal") or a declaration that protection cannot be granted in the Contracting Party concerned because an opposition has been filed ("provisional refusal based on an opposition") or both.

(b) A notification of provisional refusal shall relate to one international registration, shall be dated and shall be signed by the Office making it.

(2) [Content of the Notification] A notification of provisional refusal shall contain or indicate

(i) the Office making the notification,

(ii) the number of the international registration, preferably accompanied by other indications enabling the identity of the international registration to be confirmed, such as the verbal elements of the mark or the basic application or basic registration number,

(iii) [Deleted]

(iv) all the grounds on which the provisional refusal is based, together with a reference to the corresponding essential provisions of the law,

4. poglavje
Dejstva v pogodbenicah, ki vplivajo na mednarodno registracijo

16. pravilo
Rok za uradno obvestilo
o začasni zavrnitvi zaradi ugovora

(1) [Sporočila v zvezi z možnimi ugovori] (a) Če je pogodbenica dala izjavo po pododstavku (b) in prvem stavku pododstavka (c) drugega odstavka 5. člena protokola in če je glede neke mednarodne registracije, v kateri je ta pogodbenica imenovana, postalo jasno, da bo rok za ugovor potekel, preden bi bil Mednarodni urad lahko v osemnajstmesečnem roku iz pododstavka (b) drugega odstavka 5. člena uradno obveščen o začasni zavrnitvi zaradi ugovora, mora urad te pogodbenice sporočiti Mednarodnemu uradu številko te registracije in ime njenega nosilca.

(b) Če sta v času sporočila iz pododstavka (a) znana datuma začetka in konca roka za ugovor, se v sporočilu navedeta. Če datuma takrat še nista znana, ju je treba sporočiti Mednarodnemu uradu najpozneje hkrati s kakršnim koli uradnim obvestilom o začasni zavrnitvi zaradi ugovora.

(c) Če se uporabi pododstavek (a) in je urad iz tega pododstavka pred potekom osemnajstmesečnega roka iz istega pododstavka obvestil Mednarodni urad o dejstvu, da bo rok za vložitev ugovorov potekel v 30 dneh pred potekom osemnajstmesečnega roka, in o možnosti, da se v teh 30 dneh lahko vložijo ugovori, se lahko uradno obvesti Mednarodni urad o začasni zavrnitvi zaradi ugovora, vloženega v teh 30 dneh, v enem mesecu od datuma njegove vložitve.

(2) [Vpis in prenos sporočil] Mednarodni urad vpiše v mednarodni register sporočila, prejeta po prvem odstavku, in jih prenese nosilcu.

17. pravilo
Začasna zavrnitev in izjava o podelitvi varstva

(1) [Uradno obvestilo o začasni zavrnitvi] (a) Uradno obvestilo o začasni zavrnitvi lahko vsebuje izjavo z navedbo razlogov, zaradi katerih urad, ki daje uradno obvestilo, meni, da varstva v zadevni pogodbenici ni mogoče podeliti ("začasna zavrnitev po uradni dolžnosti"), ali izjavo, da varstva v zadevni pogodbenici ni mogoče podeliti zaradi vloženega ugovora ("začasna zavrnitev zaradi ugovora"), ali obe izjavi.

(b) Uradno obvestilo o začasni zavrnitvi se lahko nanaša samo na eno mednarodno registracijo, imeti mora datum in podpis urada, ki ga daje.

(2) [Vsebina uradnega obvestila] V uradnem obvestilu o začasni zavrnitvi mora biti navedeno naslednje:

(i) urad, ki daje uradno obvestilo,

(ii) številka mednarodne registracije, po možnosti skupaj z drugimi navedbami, po katerih je mogoče potrditi njeno istovetnost, kot so besedni elementi znamke ali številka osnovne prijave ali osnovne registracije,

(iii) [Črtano]

(iv) vsi razlogi, na katerih temelji začasna zavrnitev, skupaj s sklicem na ustrezne bistvene določbe zakona,

(v) where the grounds on which the provisional refusal is based relate to a mark which has been the subject of an application or registration and with which the mark that is the subject of the international registration appears to be in conflict, the filing date and number, the priority date (if any), the registration date and number (if available), the name and address of the owner, and a reproduction, of the former mark, together with the list of all or the relevant goods and services in the application or registration of the former mark, it being understood that the said list may be in the language of the said application or registration,

(vi) either that the grounds on which the provisional refusal is based affect all the goods and services or an indication of the goods and services which are affected, or are not affected, by the provisional refusal,

(vii) the time limit, reasonable under the circumstances, for filing a request for review of, or appeal against, the *ex officio* provisional refusal or the provisional refusal based on an opposition and, as the case may be, for filing a response to the opposition, preferably with an indication of the date on which the said time limit expires, and the authority with which such request for review, appeal or response should be filed, with the indication, where applicable, that the request for review, the appeal or the response 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.

(3) *[Additional Requirements Concerning a Notification of Provisional Refusal Based on an Opposition]* Where the provisional refusal of protection is based on an opposition, or on an opposition and other grounds, the notification shall, in addition to complying with the requirements referred to in paragraph (2), contain an indication of that fact and the name and address of the opponent; however, notwithstanding paragraph (2)(v), the Office making the notification must, where the opposition is based on a mark which has been the subject of an application or registration, communicate the list of the goods and services on which the opposition is based and may, in addition, communicate the complete list of goods and services of that earlier application or registration, it being understood that the said lists may be in the language of the earlier application or registration.

(4) *[Recording; Transmittal of Copies of Notifications]* The International Bureau shall record the provisional refusal in the International Register together with the data contained in the notification, with an indication of the date on which the notification was sent or is regarded under Rule 18(1)(d) as having been sent to the International Bureau and shall transmit a copy thereof to the Office of origin, if that Office has informed the International Bureau that it wishes to receive such copies, and, at the same time, to the holder.

(5) *[Confirmation or Withdrawal of Provisional Refusal]* (a) An Office which has sent to the International Bureau a notification of provisional refusal shall, once all procedures before the said Office relating to the protection of the mark have been completed, send to the International Bureau a statement indicating either

(i) that protection of the mark is refused in the Contracting Party concerned for all goods and services,

(ii) that the mark is protected in the Contracting Party concerned for all goods and services requested, or

(iii) the goods and services for which the mark is protected in the Contracting Party concerned.

(b) Where, following the sending of a statement in accordance with subparagraph (a), a further decision affects the protection of the mark, the Office shall, to the extent that it is aware of that decision, send to the International Bureau a further statement indicating the goods and services for which the mark is protected in the Contracting Party concerned.

(v) če se razlogi, na katerih temelji začasna zavrnitev, nanašajo na znamko, ki je že bila prijavljena ali registrirana in s katero je znamka, ki je predmet te mednarodne registracije, očitno v navskrižju, datum in številka vložitve, morebitni prednostni datum, datum in številka registracije (če je na voljo), ime in naslov nosilca in prikaz prejšnje znamke skupaj s seznamom vseh zadevnih proizvodov in storitev v prijavi ali registraciji prejšnje znamke, pri čemer se razume, da je ta seznam lahko v jeziku omenjene prijave ali registracije,

(vi) da razlogi, na katerih temelji začasna zavrnitev, veljajo za vse proizvode in storitve, ali pa proizvodi in storitve, na katere se ali se ne nanaša začasna zavrnitev,

(vii) glede na okoliščine razumni rok za vložitev zahteve za preveritev začasne zavrnitve po uradni dolžnosti ali zaradi ugovora ali za pritožbo zoper tako zavrnitev oziroma za vložitev odgovora na ugovor, po možnosti z navedbo datuma, ko ta rok poteče, in organa, pri katerem se vloži zahteva za preveritev, pritožbo ali odgovor, z navedbo, kjer je to ustrezno, da mora biti zahteva za preveritev, pritožbo ali odgovor vložena prek zastopnika, ki ima naslov na ozemlju pogodbenice, katere urad je razglasil zavrnitev.

(3) *[Dodatni pogoji v zvezi z uradnim obvestilom o začasni zavrnitvi zaradi ugovora]* Če začasna zavrnitev varstva temelji na ugovoru ali na ugovoru in drugih razlogih, mora uradno obvestilo poleg izpolnjevanja pogojev iz drugega odstavka vsebovati tudi navedbo tega dejstva ter ime in naslov vložnika ugovora; če ugovor temelji na znamki, ki je že bila prijavljena ali registrirana, mora urad, ki daje uradno obvestilo, ne glede na točko (v) drugega odstavka sporočiti seznam proizvodov in storitev, na katerih temelji ugovor, poleg tega pa lahko tudi sporoči celotni seznam proizvodov in storitev take prejšnje prijave ali registracije, pri čemer se razume, da je ta seznam lahko v jeziku omenjene prijave ali registracije.

(4) *[Vpis; pošiljanje kopij uradnih obvestil]* Mednarodni urad vpiše začasno zavrnitev v mednarodni register skupaj s podatki iz uradnega obvestila in z navedbo datuma, ko je bilo uradno obvestilo poslano ali se po pododstavku (d) prvega odstavka 18. pravila šteje, da je bilo poslano Mednarodnemu uradu, ter pošlje kopijo tega vpisa uradu izvora, če je ta obvestil Mednarodni urad, da želi prejemati te kopije, hkrati pa pošlje kopijo tudi nosilcu.

(5) *[Potrditev ali umik začasne zavrnitve]* (a) Urad, ki je Mednarodnemu uradu poslal uradno obvestilo o začasni zavrnitvi, mora potem, ko so pri njem kočani postopki v zvezi z varstvom znamke, poslati Mednarodnemu uradu izjavo, v kateri navede,

(i) da je varstvo znamke v zadevni pogodbenici zavrnjeno za vse proizvode in storitve ali

(ii) da je znamka v zadevni pogodbenici zavarovana za vse zahtevane proizvode in storitve ali

(iii) proizvode in storitve, za katere je znamka v zadevni pogodbenici zavarovana.

(b) Če potem, ko je izjava poslana v skladu s pododstavkom (a), kaka nadaljnja odločitev vpliva na varstvo znamke, mora urad, če za tako odločitev ve, poslati Mednarodnemu uradu še eno izjavo z navedbo proizvodov in storitev, za katere je znamka v zadevni pogodbenici varovana.

(c) The International Bureau shall record any statement received under subparagraph (a) or (b) in the International Register and shall transmit a copy thereof to the holder.

(d) The Office of a Contracting Party may, in a declaration, notify the Director General that, in accordance with the law of the said Contracting Party,

(i) any provisional refusal that has been notified to the International Bureau is subject to review by the said Office, whether or not such review has been requested by the holder, and

(ii) the decision taken on the said review may be the subject of a further review or appeal before the Office.

Where this declaration applies and the Office is not in a position to communicate the said decision directly to the holder of the international registration concerned, the Office shall, notwithstanding the fact that all procedures before the said Office relating to the protection of the mark may not have been completed, send the statement referred to in subparagraph (a) to the International Bureau immediately following the said decision. Any further decision affecting the protection of the mark shall be sent to the International Bureau in accordance with subparagraph (b).

(e) The Office of a Contracting Party may, in a declaration, notify the Director General that, in accordance with the law of the said Contracting Party, any *ex officio* provisional refusal that has been notified to the International Bureau is not open to review before the said Office. Where this declaration applies, any *ex officio* notification of a provisional refusal by the said Office shall be deemed to include a statement in accordance with subparagraph (a)(i) or (iii).

(6) [Statement of Grant of Protection] (a) An Office which has not communicated a notification of provisional refusal may, within the period applicable under Article 5(2) of the Agreement or Article 5(2)(a) or (b) of the Protocol, send to the International Bureau any of the following:

(i) a statement to the effect that all procedures before the Office have been completed and that the Office has decided to grant protection to the mark that is the subject of the international registration;

(ii) a statement to the effect that the *ex officio* examination has been completed and that the Office has found no grounds for refusal but that the protection of the mark is still subject to opposition or observations by third parties, with an indication of the date by which such oppositions may be filed;

(iii) where a statement in accordance with item (ii) has been sent, a further statement to the effect that the opposition period has expired without any opposition or observations being filed and that the Office has therefore decided to grant protection to the mark that is the subject of the international registration.

(b) The International Bureau shall record any statement received under subparagraph (a) in the International Register and shall transmit a copy to the holder.

Rule 18

Irregular Notifications of Provisional Refusal

(1) [Contracting Party Designated Under the Agreement] (a) A notification of provisional refusal communicated by the Office of a Contracting Party designated under the Agreement shall not be regarded as such by the International Bureau

(i) if it does not contain any international registration number, unless other indications contained in the notification permit the international registration to which the provisional refusal relates to be identified,

(ii) if it does not indicate any grounds for refusal, or

(c) Mednarodni urad vpiše vsako prejeto izjavo iz pododstavka (a) ali (b) v mednarodni register in pošlje kopijo vpisa nosilcu.

(d) Urad pogodbenice lahko s posebno izjavo uradno obvesti generalnega direktorja, da bo v skladu s pravom te pogodbenice

(i) preveril vsako začasno zavrnitev, o kateri je bil Mednarodni urad uradno obveščen, ne glede na to, ali je tako preveritev nosilec zahteval ali ne, in

(ii) da se bo odločitev, sprejeta ob taki preveritvi, na uradu lahko ponovno preverila ali da se bo zoper njo pri uradu lahko vložila pritožba.

Če se taka izjava uporabi in urad omenjene odločitve ne more neposredno sporočiti nosilcu zadevne mednarodne registracije, mora ne glede na dejstvo, da vsi postopki v zvezi z varstvom znamke pri tem uradu morda še niso končani, takoj po sprejetju odločitve Mednarodnemu uradu poslati izjavo iz pododstavka (a). Vsaka nadaljnja odločitev, ki vpliva na varstvo znamke, se pošlje Mednarodnemu uradu v skladu s pododstavkom (b).

(e) Urad pogodbenice lahko z izjavo uradno obvesti generalnega direktorja, da po pravu te pogodbenice začasne zavrnitve po uradni dolžnosti, ki je bila uradno sporočena Mednarodnemu uradu, pri uradu pogodbenice ni mogoče ponovno preveriti. Če se uporabi taka izjava, se šteje, da vsako uradno obvestilo tega urada po uradni dolžnosti o začasni zavrnitvi vsebuje izjavo v skladu s točko (i) ali (iii) pododstavka (a).

(6) [Izjava o podelitvi varstva] (a) Urad, ki ne pošlje uradnega obvestila o začasni zavrnitvi, lahko v roku, ki velja po drugem odstavku 5. člena sporazuma ali pododstavku (a) ali (b) drugega odstavka 5. člena protokola, pošlje Mednarodnemu uradu katero koli od naslednjih izjav:

(i) izjavo o tem, da so končani vsi postopki pri uradu in da je sklenil podeliti varstvo za znamko, ki je predmet mednarodne registracije;

(ii) izjavo o tem, da je preizkus po uradni dolžnosti končan in da ni ugotovil nobenih razlogov za zavrnitev, da pa so glede varstva znamke še možni ugovori ali pripombe tretjih, z navedbo datuma, do katerega je take ugovore mogoče vložiti;

(iii) če je bila poslana izjava po točki (ii), še dodatno izjavo o tem, da v roku za ugovor ni bil vložen noben ugovor ali pripomba in da je zato sklenil podeliti varstvo za znamko, ki je predmet mednarodne registracije.

(b) Mednarodni urad vpiše vsako izjavo iz pododstavka (a) v mednarodni register in pošlje kopijo vpisa nosilcu.

18. pravilo

Nepravilna uradna obvestila o začasni zavrnitvi

(1) [Pogodbenica, imenovana po sporazumu] (a) Uradnega obvestila o začasni zavrnitvi, ki ga pošlje urad pogodbenice, imenovane po sporazumu, Mednarodni urad ne upošteva,

(i) če ne vsebuje nobene številke mednarodne registracije, razen če je iz drugih navedb iz uradnega obvestila mogoče ugotoviti mednarodno registracijo, na katero se začasna zavrnitev nanaša,

(ii) če ne navaja razlogov za zavrnitev ali

(iii) if it is sent too late to the International Bureau, that is, if it is sent after the expiry of one year from the date on which the recording of the international registration or the recording of the designation made subsequently to the international registration has been effected, it being understood that the said date is the same as the date of sending the notification of the international registration or of the designation made subsequently.

(b) Where subparagraph (a) applies, the International Bureau shall nevertheless 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 provisional refusal is not regarded as such by the International Bureau, and shall indicate the reasons therefor.

(c) If the notification

(i) is not signed on behalf of the Office which communicated it, or does not otherwise comply with the requirements of Rule 2 or with the requirement applicable under Rule 6(2),

(ii) does not contain, where applicable, the details of the mark with which the mark that is the subject of the international registration appears to be in conflict (Rule 17(2)(v) and (3)),

(iii) does not comply with the requirements of Rule 17(2)(vi),

(iv) does not comply with the requirements of Rule 17(2)(vii), or

(v) [Deleted]

(vi) does not contain, where applicable, the name and address of the opponent and the indication of the goods and services on which the opposition is based (Rule 17(3)),

the International Bureau shall, except where subparagraph (d) applies, nonetheless record the provisional refusal in the International Register. The International Bureau shall invite the Office that communicated the provisional refusal to send a rectified notification within two months from the invitation and shall transmit to the holder copies of the irregular notification and of the invitation sent to the Office concerned.

(d) Where the notification does not comply with the requirements of Rule 17(2)(vii), the provisional refusal shall not be recorded in the International Register. If however a rectified notification is sent within the time limit referred to in subparagraph (c), it shall be regarded, for the purposes of Article 5 of the Agreement, as having been sent to the International Bureau on the date on which the defective notification had been sent to it. If the notification is not so rectified, it shall not be regarded as a notification of provisional refusal. In the latter case, the International Bureau shall inform, at the same time, the holder and the Office that sent the notification that the notification of provisional refusal is not regarded as such by the International Bureau, and shall indicate the reasons therefor.

(e) Any rectified notification shall, where the applicable law so permits, indicate a new time limit, reasonable under the circumstances, for filing a request for review of, or appeal against, the *ex officio* provisional refusal or the provisional refusal based on an opposition and, as the case may be, for filing a response to the opposition, preferably with an indication of the date on which the said time limit expires.

(f) The International Bureau shall transmit a copy of any rectified notification to the holder.

(2) [Contracting Party Designated Under the Protocol]

(a) Paragraph (1) shall also apply in the case of a notification of provisional refusal communicated by the Office of a Contracting Party designated under the Protocol, it being understood that the time limit referred to in paragraph (1)(a)(iii) shall be the time limit applicable under Article 5(2)(a), (b) or (c)(ii) of the Protocol.

(iii) če je bilo Mednarodnemu uradu poslano prepozno, se pravi po poteku enega leta od datuma, ko je bila vpisana mednarodna registracija ali naknadno imenovanje, pri čemer se razume, da je ta datum enak datumu, ko je bilo poslano uradno obvestilo o mednarodni registraciji ali naknadnem imenovanju.

(b) Tudi če velja pododstavek (a), pošlje Mednarodni urad kopijo uradnega obvestila nosilcu ter hkrati obvesti nosilca in urad, ki je poslal uradno obvestilo o začasni zavrnitvi, da tega obvestila ni upošteval, in navede razloge.

(c) Če uradno obvestilo:

(i) ni podpisano v imenu urada, ki ga je poslal, ali drugače ne izpolnjuje pogojev iz 2. pravila ali pogojev, ki veljajo po drugem odstavku 6. pravila,

(ii) ne vsebuje, kjer je to potrebno, podrobnosti znamke, zaradi katerih je znamka, ki je predmet mednarodne registracije, očitno v navzkrižju s točko (v) drugega odstavka 17. pravila in tretjim odstavkom 17. pravila,

(iii) ne izpolnjuje pogojev iz točke (vi) drugega odstavka 17. pravila,

(iv) ne izpolnjuje pogojev iz točke (vii) drugega odstavka 17. pravila ali

(v) [Črtano]

(vi) ne vsebuje, kjer je to potrebno, imena in naslova vložnika ugovora in navedbe proizvodov in storitev, na katerih temelji ugovor (tretji odstavek 17. pravila),

Mednarodni urad kljub temu, razen kadar velja pododstavek (d), vpiše začasno zavrnitev v mednarodni register. Mednarodni urad pozove urad, ki je sporočil začasno zavrnitev, da v dveh mesecih po pozivu pošlje popravljeno uradno obvestilo, nosilcu pa pošlje kopijo nepravilnega uradnega obvestila in poziva, ki ga je poslal zadevnemu uradu.

(d) Če uradno obvestilo ne izpolnjuje pogojev iz točke (vii) drugega odstavka 17. pravila, se začasna zavrnitev ne vpiše v mednarodni register. Če pa je popravljeno uradno obvestilo poslano v roku iz pododstavka (c), se za namene 5. člena sporazuma šteje, kot da je bilo poslano Mednarodnemu uradu na dan, ko mu je bilo poslano popravljeno uradno obvestilo. Če uradno obvestilo ni popravljeno v roku, se ne šteje za uradno obvestilo o začasni zavrnitvi. V tem primeru Mednarodni urad obvesti nosilca in hkrati tudi urad, ki je uradno obvestilo o začasni zavrnitvi poslal, da tega ni upošteval, ter navede razloge.

(e) V vsakem popravljenem uradnem obvestilu mora biti, če veljavno pravo to dopušča, naveden okoliščinam primeren nov rok za vložitev zahteve za preveritev začasne zavrnitve po uradni dolžnosti ali zaradi ugovora ali pritožbe zoper tako zavrnitev oziroma za vložitev odgovora na ugovor, po možnosti z navedbo datuma, ko ta rok poteče.

(f) Mednarodni urad pošlje nosilcu kopijo vsakega popravljenega uradnega obvestila.

(2) [Pogodbenica, imenovana po protokolu] (a) Prvi odstavek velja tudi za uradna obvestila o začasni zavrnitvi, ki jih pošlje urad pogodbenice, imenovane po protokolu, pri čemer se razume, da mora biti rok iz točke (iii) pododstavka (a) prvega odstavka tak, kot velja po pododstavkih (a) in (b) drugega odstavka 5. člena protokola in točki (ii) pododstavka (c) drugega odstavka 5. člena protokola.

(b) Paragraph (1)(a) shall apply to determine whether the time limit before the expiry of which the Office of the Contracting Party concerned must give the International Bureau the information referred to in Article 5(2)(c)(i) of the Protocol has been complied with. If such information is given after the expiry of that time limit, it shall be regarded as not having been given and the International Bureau shall inform the Office concerned accordingly.

(c) Where the notification of provisional refusal based on an opposition is made under Article 5(2)(c)(ii) of the Protocol without the requirements of Article 5(2)(c)(i) of the Protocol having been complied with, it shall not be regarded as a notification of provisional refusal. In such a case, the International Bureau shall nevertheless 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 provisional refusal is not regarded as such by the International Bureau, and shall indicate the reasons therefor.

Rule 19

Invalidations in Designated Contracting Parties

(1) [Contents of the Notification of Invalidity] Where the effects of an international registration are invalidated in a designated Contracting Party under Article 5(6) of the Agreement or Article 5(6) of the Protocol and the invalidation is no longer subject to appeal, the Office of the Contracting Party whose competent authority has pronounced the invalidation shall notify the International Bureau accordingly. The notification shall contain or 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) the name of the holder,
- (v) if the invalidation does not concern all the goods and services, those in respect of which the invalidation has been pronounced or those in respect of which the invalidation has not been pronounced, and
- (vi) the date on which the invalidation was pronounced and, where possible, its effective date.

(2) [Recording of the Invalidity and Information to the Holder and the Office Concerned] The International Bureau shall record the invalidation in the International Register, together with the data contained in the notification of invalidation, and shall inform accordingly the holder. The International Bureau shall also inform the Office that communicated the notification of invalidation of the date on which the invalidation was recorded in the International Register if that Office has requested to receive such information.

Rule 20

Restriction of the Holder's Right of Disposal

(1) [Communication of Information] (a) The holder of an international registration or the Office of the Contracting Party of the holder may inform the International Bureau that the holder's right to dispose of the international registration has been restricted and, if appropriate, indicate the Contracting Parties concerned.

(b) The Office of any designated Contracting Party may inform the International Bureau that the holder's right of disposal has been restricted in respect of the international registration in the territory of that Contracting Party.

(c) Information given in accordance with subparagraph (a) or (b) shall consist of a summary statement of the main facts concerning the restriction.

(b) Pododstavek (a) prvega odstavka se uporablja pri odločanju, ali je bil upoštevan rok, do katerega bi moral urad zadevne pogodbenice Mednarodnemu uradu predložiti obvestilo iz točke (i) pododstavka (c) drugega odstavka 5. člena protokola. Če je obvestilo predloženo po poteku tega roka, se šteje, kot da ni bilo predloženo, Mednarodni urad pa o tem obvesti zadevni urad.

(c) Če je uradno obvestilo o začasni zavrnitvi zaradi ugovora predloženo po točki (ii) pododstavka (c) drugega odstavka 5. člena protokola, ne da bi bili izpolnjeni pogoji iz točke (i) pododstavka (c) drugega odstavka 5. člena protokola, se ne šteje za uradno obvestilo o začasni zavrnitvi. V tem primeru pošlje Mednarodni urad nosilcu kopijo uradnega obvestila ter obvesti nosilca in hkrati tudi urad, ki je uradno obvestilo o začasni zavrnitvi poslal, da tega ni upošteval, ter navede razloge.

19. pravilo

Razveljavitve v imenovanih pogodbenicah

(1) [Vsebina uradnega obvestila o razveljavitvi] Če so učinki mednarodne registracije v imenovani pogodbenici razveljavljeni na podlagi šestega odstavka 5. člena sporazuma ali šestega odstavka 5. člena protokola in na razveljavitev ni več pritožbe, urad pogodbenice, katere pristojni organ je sprejel sklep o razveljavitvi, o tem uradno obvesti Mednarodni urad. Uradno obvestilo mora vsebovati ali imeti navedeno:

- (i) organ, ki je sprejel sklep o razveljavitvi,
- (ii) dejstvo, da na razveljavitev ni več pritožbe,
- (iii) številko mednarodne registracije,
- (iv) ime nosilca,
- (v) če se razveljavitev ne nanaša na vse proizvode in storitve, nazive tistih, za katere je bila razveljavitev sprejeta, ali tistih, za katere ni bila, in
- (vi) datum, ko je bil sprejet sklep o razveljavitvi in, če je mogoče, datum začetka njene veljavnosti.

(2) [Vpis razveljavitve in sporočilo nosilcu in zadevnemu uradu] Mednarodni urad vpiše razveljavitev v mednarodni register skupaj s podatki iz uradnega obvestila o razveljavitvi in o tem obvesti nosilca. Mednarodni urad obvesti tudi urad, ki je poslal uradno obvestilo o razveljavitvi, o datumu vpisa razveljavitve v mednarodni register, če je ta zaprosil, da prejema taka sporočila.

20. pravilo

Omejitev nosilčeve razpolagalne pravice

(1) [Obveščanje] (a) Nosilec mednarodne registracije ali urad pogodbenice nosilca lahko obvesti Mednarodni urad, da je bila nosilčeva pravica razpolaganja z mednarodno registracijo omejena in, kjer je to ustrezno, navede pogodbenice, ki jih to zadeva.

(b) Urad imenovane pogodbenice lahko obvesti Mednarodni urad, da je bila nosilčeva pravica razpolaganja z mednarodno registracijo omejena na ozemlju te pogodbenice.

(c) Obvestilo po pododstavku (a) ali (b) mora vsebovati povzetek glavnih dejstev v zvezi z omejitvijo.

(2) *[Partial or Total Removal of Restriction]* Where the International Bureau has been informed of a restriction of the holder's right of disposal in accordance with paragraph (1), the party that communicated the information shall also inform the International Bureau of any partial or total removal of that restriction.

(3) *[Recording]* The International Bureau shall record the information communicated under paragraphs (1) and (2) in the International Register and shall inform accordingly the holder, the designated Contracting Parties concerned and, where the information has been given by an Office, that Office.

*Rule 20bis
Licenses*

(1) *[Request for the Recording of a License]* (a) A request for the recording of a license shall be presented to the International Bureau on the relevant official form by the holder or, if the Office admits such presentation, by the Office of the Contracting Party of the holder or the Office of a Contracting Party with respect to which the license is granted.

(b) The request shall indicate

(i) the number of the international registration concerned,

(ii) the name of the holder,

(iii) the name and address of the licensee, given in accordance with the Administrative Instructions,

(iv) the designated Contracting Parties with respect to which the license is granted,

(v) that the license is granted for all the goods and services covered by the international registration, or the goods and services for which the license is granted, grouped in the appropriate classes of the International Classification of Goods and Services.

(c) The request may also indicate

(i) where the licensee is a natural person, the State of which the licensee is a national,

(ii) where the licensee is a legal entity, the legal nature of that entity and the State and, where applicable, the territorial unit within that State, under the law of which the said legal entity has been organized,

(iii) that the license concerns only a part of the territory of a specified designated Contracting Party,

(iv) where the licensee has a representative, the name and address of the representative, given in accordance with the Administrative Instructions,

(v) where the license is an exclusive license or a sole license, that fact,

(vi) where applicable, the duration of the license.

(d) The request shall be signed by the holder or by the Office through which it is presented.

(2) *[Irregular Request]* (a) If the request for the recording of a license does not comply with the requirements of paragraph (1)(a), (b) and (d), the International Bureau shall notify that fact to the holder and, if the request was presented by an Office, to that Office.

(b) If the irregularity is not remedied within three months from the date of the notification of the irregularity by the International Bureau, 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 an Office, that Office, and refund any fees paid, after deduction of an amount corresponding to one-half of the relevant fees referred to in item 7 of the Schedule of Fees, to the party having paid those fees.

(2) *[Delna ali popolna odprava omejitev]* Če je bil Mednarodni urad obveščen o omejitvi nosilčeve razpolagalne pravice v skladu s prvim odstavkom, mora pogodbenica, ki je dala obvestilo, Mednarodni urad obvestiti tudi o vsaki delni ali popolni odpravi omejitev.

(3) *[Vpis]* Mednarodni urad vpiše obvestilo po prvem in drugem odstavku v mednarodni register in o tem obvesti nosilca ter zadevne imenovane pogodbenice, če je obvestilo poslal neki urad, pa tudi ta urad.

*20.bis pravilo
Licence*

(1) *[Zahteva za vpis licence]* (a) Zahtevo za vpis licence predloži Mednarodnemu uradu na ustreznem uradnem obrazcu nosilec ali, če urad to dovoljuje, urad pogodbenice nosilca ali urad pogodbenice, za katero je licenca podeljena.

(b) V zahtevi mora biti navedeno:

(i) številka zadevne mednarodne registracije,

(ii) ime nosilca,

(iii) ime in naslov prejemnika licence, navedena v skladu z upravnimi navodili,

(iv) imenovane pogodbenice, za katere je licenca podeljena,

(v) da je licenca podeljena za vse proizvode in storitve, zajete v mednarodni registraciji, ali proizvode in storitve, razvrščene po skupinah v ustrezne razrede mednarodne klasifikacije proizvodov in storitev.

(c) Zahteva lahko vsebuje tudi:

(i) če je prejemnik licence fizična oseba, navedbo države, katere državljan je prejemnik licence,

(ii) če je prejemnik licence pravna oseba, navedbe v zvezi s pravnim stanjem te osebe in državo in, kjer je to ustrezno, tudi ozemeljsko enoto v državi, po pravu katere je bila pravna oseba ustanovljena;

(iii) navedbo, da se licenca nanaša samo na del ozemlja določene imenovane pogodbenice,

(iv) če ima prejemnik licence zastopnika, ime in naslov zastopnika v skladu z upravnimi navodili,

(v) če je licenca izključna ali edina, navedbo tega dejstva,

(vi) kjer je to ustrezno, trajanje licence.

(d) Zahtevo podpiše nosilec ali urad, s posredovanjem katerega je predložena.

(2) *[Nepravilna zahteva]* (a) Če zahteva za vpis licence ne izpolnjuje pogojev iz pododstavkov (a), (b) in (d) prvega odstavka, Mednarodni urad o tem dejstvu uradno obvesti nosilca in, če je zahtevo predložil neki urad, tudi ta urad.

(b) Če nepravilnost ni odpravljena v treh mesecih od prejema uradnega obvestila Mednarodnega urada o nepravilnosti, se zahteva šteje za umaknjeno, Mednarodni urad pa o tem uradno obvesti nosilca in, če je zahtevo predložil neki urad, hkrati tudi ta urad ter vrne vse plačane pristojbine njihovemu plačniku, potem ko od njih odbije znesek, ki ustreza polovici zadevnih pristojbin iz 7. točke seznama pristojbin.

(3) *[Recording and Notification]* Where the request complies with the requirements of paragraph (1)(a), (b) and (d), the International Bureau shall record the license in the International Register, together with the information contained in the request, shall notify accordingly the Offices of the designated Contracting Parties in respect of which the license is granted and shall inform at the same time the holder and, if the request was presented by an Office, that Office.

(4) *[Amendment or Cancellation of the Recording of a License]* Paragraphs (1) to (3) shall apply *mutatis mutandis* to a request for the amendment or cancellation of the recording of a license.

(5) *[Declaration That the Recording of a Given License Has No Effect]* (a) The Office of a designated Contracting Party which is notified by the International Bureau of the recording of a license in respect of that Contracting Party may declare that such recording has no effect in the said Contracting Party.

(b) The declaration referred to in subparagraph (a) shall indicate

(i) the reasons for which the recording of the license has no effect,

(ii) where the declaration does not affect all the goods and services to which the license relates, those which are affected by the declaration or those which are not affected by the declaration,

(iii) the corresponding essential provisions of the law, and

(iv) whether such declaration may be subject to review or appeal.

(c) The declaration referred to in subparagraph (a) shall be sent to the International Bureau before the expiry of 18 months from the date on which the notification referred to in paragraph (3) was sent to the Office concerned.

(d) The International Bureau shall record in the International Register any declaration made in accordance with subparagraph (c) and shall notify accordingly the party (holder or Office) that presented the request to record the license.

(e) Any final decision relating to a declaration made in accordance with subparagraph (c) shall be notified to the International Bureau which shall record it in the International Register and notify accordingly the party (holder or Office) that presented the request to record the license.

(6) *[Declaration That the Recording of Licenses in the International Register Has No Effect in a Contracting Party]* (a) The Office of a Contracting Party the law of which does not provide for the recording of trademark licenses may notify the Director General that the recording of licenses in the International Register has no effect in that Contracting Party.

(b) The Office of a Contracting Party the law of which provides for the recording of trademark licenses may, before the date on which this Rule comes into force or the date on which the said Contracting Party becomes bound by the Agreement or the Protocol, notify the Director General that the recording of licenses in the International Register has no effect in that Contracting Party. Such notification may be withdrawn at any time.

Rule 21

Replacement of a National or Regional Registration by an International Registration

(1) *[Notification]* Where, in accordance with Article 4bis(2) of the Agreement or Article 4bis(2) of the Protocol, the Office of a designated Contracting Party has taken note in its Register, following a request made direct by the holder with that Office, that a national or a regional registration has been replaced by an international registration, that Office shall notify the International Bureau accordingly. Such notification shall indicate

(3) *[Vpis in uradno obvestilo]* Če zahteva izpolnjuje pogoje iz pododstavkov (a), (b) in (d) prvega odstavka, Mednarodni urad vpiše licenco v mednarodni register skupaj s podatki iz zahteve, o tem uradno obvesti urade imenovanih pogodbenic, za katere je licenca podeljena, ter obvesti nosilca in, če je zahtevo predložil neki urad, hkrati tudi ta urad.

(4) *[Sprememba ali izbris vpisa licence]* Prvi, drugi in tretji odstavek se smiselno uporabljajo tudi za zahtevo za spremembo ali izbris vpisa licence.

(5) *[Izjava, da vpis določene licence ne velja]* (a) Urad imenovane pogodbenice, ki jo Mednarodni urad uradno obvesti o vpisu licence zanj, lahko izjavi, da ta vpis v imenovani pogodbenici ne velja.

(b) Izjava iz pododstavka (a) mora vsebovati

(i) razloge, zaradi katerih vpis licence ne velja,

(ii) če izjava ne zadeva vseh proizvodov in storitev, na katere se licenca nanaša, navedbo tistih, ki jih izjava zadeva, in tistih, ki jih ne zadeva,

(iii) ustrezne bistvene določbe zakona in

(iv) navedbo, ali je taka izjava lahko predmet preveritve oziroma pritožbe.

(c) Izjava iz pododstavka (a) se pošlje Mednarodnemu uradu pred potekom 18 mesecev od datuma, ko je bilo uradno obvestilo iz tretjega odstavka poslano zadevnemu uradu.

(d) Mednarodni urad vpiše v mednarodni register vsako izjavo, dano v skladu s pododstavkom (c), in o tem uradno obvesti stranko (nosilca ali urad), ki je predložila zahtevo za vpis licence.

(e) Vsaka dokončna odločitev v zvezi z izjavo, dana v skladu s pododstavkom (c), se uradno sporoči Mednarodnemu uradu, ki jo vpiše v mednarodni register in o tem uradno obvesti stranko (nosilca ali urad), ki je predložila zahtevo za vpis licence.

(6) *[Izjava, da vpis licenc v mednarodni register v pogodbenici ne velja]* (a) Urad pogodbenice, katere pravo ne predvideva vpisa licenc za znamke, lahko uradno obvesti generalnega direktorja, da vpis licenc v mednarodni register v tej pogodbenici ne velja.

(b) Urad pogodbenice, katere pravo predvideva vpis licenc za znamke, lahko pred datumom, ko začne to pravilo veljati, ali datumom, ko to pogodbenico začne zavezovati sporazum ali protokol, uradno obvesti generalnega direktorja, da vpis licenc v mednarodni register v tej pogodbenici ne velja. Tako uradno obvestilo se lahko kadar koli umakne.

21. pravilo

Nadomestitev nacionalne ali regionalne registracije z mednarodno

(1) *[Uradno obvestilo]* Če je v skladu z drugim odstavkom 4.bis člena sporazuma ali drugim odstavkom 4.bis člena protokola urad imenovane pogodbenice na podlagi zahteve, ki jo je pri njem neposredno vložil nosilec, v svoj register vpisal zaznamek, da je bila nacionalna ali regionalna registracija nadomeščena z mednarodno, o tem uradno obvesti Mednarodni urad. V uradnem obvestilu morajo biti navedeni:

(i) the number of the international registration concerned,

(ii) where the replacement concerns only one or some of the goods and services listed in the international registration, those goods and services, and

(iii) the filing date and number, the registration date and number, and, if any, the priority date of the national or regional registration which has been replaced by the international registration.

(2) *[Recording]* The International Bureau shall record the indications notified under paragraph (1) in the International Register and shall inform the holder accordingly.

*Rule 21bis
Other Facts Concerning Seniority Claim*

(1) *[Final Refusal of Seniority Claim]* Where a claim of seniority has been recorded in the International Register in respect of the designation of a Contracting Organization, the Office of that Organization shall notify the International Bureau of any final decision refusing, in whole or in part, the validity of such claim.

(2) *[Seniority Claimed Subsequent to the International Registration]* Where the holder of an international registration designating a Contracting Organization has, under the law of such Contracting Organization, claimed directly with the Office of that Organization the seniority of one or more earlier marks registered in, or for, a Member State of that Organization, and where such claim has been accepted by the Office concerned, that Office shall notify that fact to the International Bureau. Such notification shall indicate:

(i) the number of the international registration concerned, and

(ii) the Member State or Member States in or for which the earlier mark is registered, together with the date from which the registration of that earlier mark was effective and the number of the relevant registration.

(3) *[Other Decisions Affecting Seniority Claim]* The Office of a Contracting Organization shall notify the International Bureau of any further final decision, including withdrawal and cancellation, affecting a claim to seniority which has been recorded in the International Register.

(4) *[Recording in the International Register]* The International Bureau shall record in the International Register the information notified under paragraphs (1) to (3).

*Rule 22
Ceasing of Effect of the Basic Application, of the
Registration Resulting Therefrom, or of the Basic
Registration*

(1) *[Notification Relating to Ceasing of Effect of the Basic Application, of the Registration Resulting Therefrom, or of the Basic Registration]* (a) Where Article 6(3) and (4) of the Agreement or Article 6(3) and (4) of the Protocol, or both, apply, the Office of origin shall notify the International Bureau accordingly and shall indicate

(i) the number of the international registration,

(ii) the name of the holder,

(iii) the facts and decisions affecting the basic registration, or, where the international registration concerned is based on a basic application which has not resulted in a registration, the facts and decisions affecting the basic application, or, where the international registration is based on a basic application which has resulted in a registration, the facts and decisions affecting that registration, and the effective date of those facts and decisions, and

(i) številka zadevne mednarodne registracije,

(ii) če se nadomestitev nanaša samo na enega ali nekatere proizvode in storitve, naštetje v mednarodni registraciji, ti proizvodi in storitve, ter

(iii) datum in številka prijave, datum in številka registracije in morebitni prednostni datum nacionalne ali regionalne registracije, ki jo je nadomestila mednarodna.

(2) *[Vpis]* Mednarodni urad vpiše navedbe, o katerih je bil uradno obveščen po prvem odstavku, v mednarodni register in o tem obvesti nosilca.

*21.bis pravilo
Druga dejstva v zvezi z zahtevo za priznanje prednosti
starejše znamke*

(1) *[Dokončna zavrnitev zahteve za priznanje prednosti starejše znamke]* Če je bila zahteva za priznanje prednosti starejše znamke vpisana v mednarodni register v zvezi z imenovanjem organizacije pogodbenice, mora urad te organizacije uradno obvestiti Mednarodni urad o vsaki dokončni odločitvi o popolni ali delni zavrnitvi veljavnosti take zahteve.

(2) *[Prednost starejše znamke, zahtevana po opravljeni mednarodni registraciji]* Če je nosilec mednarodne registracije, v kateri je imenovana organizacija pogodbenica, na podlagi prava te organizacije zahteval neposredno pri uradu organizacije priznanje prednosti za eno ali več starejših znamk, registriranih v državi članici te organizacije ali za tako državo, in če je tako zahtevo zadevni urad sprejel, slednji o tem uradno obvesti Mednarodni urad. V uradnem obvestilu mora biti navedeno naslednje:

(i) številka zadevne mednarodne registracije in

(ii) država članica ali države članice, v katerih ali za katere je starejša znamka registrirana, skupaj z datumom začetka veljavnosti njene registracije in številko ustrezne registracije.

(3) *[Druge odločitve, ki vplivajo na zahtevo za priznanje prednosti starejše znamke]* Urad organizacije pogodbenice obvesti Mednarodni urad o vsaki nadaljnji dokončni odločitvi, vključno z umikom in izbrisom, ki vpliva na zahtevo za priznanje prednosti starejše znamke, vpisano v mednarodni register.

(4) *[Vpis v mednarodni register]* Mednarodni urad vpiše v mednarodni register uradna obvestila po prvem do tretjem odstavku.

*22. pravilo
Prenehanje veljavnosti osnovne prijave,
registracije, ki iz nje izhaja,
ali osnovne registracije*

(1) *[Uradno obvestilo v zvezi s prenehanjem veljavnosti osnovne prijave, registracije, ki iz nje izhaja, ali osnovne registracije]* (a) Kadar veljata tretji in četrti odstavek 6. člena sporazuma ali tretji in četrti odstavek 6. člena protokola ali vsi omenjeni odstavki, urad izvora o tem uradno obvesti Mednarodni urad in navede

(i) številko mednarodne registracije,

(ii) ime nosilca,

(iii) dejstva in odločitve, ki vplivajo na osnovno registracijo, oziroma, če mednarodna registracija temelji na osnovni prijavi, na podlagi katere ni prišlo do registracije, dejstva in odločitve, ki vplivajo na osnovno prijavo, oziroma, če mednarodna registracija temelji na osnovni prijavi, na podlagi katere je prišlo do registracije, dejstva in odločitve, ki vplivajo na to registracijo, ter datum, ko so ta dejstva in odločitve začeli veljati, in

(iv) where the said facts and decisions affect the international registration only with respect to some of the goods and services, those goods and services which are affected by the facts and decisions or those which are not affected by the facts and decisions.

(b) Where a judicial action referred to in Article 6(4) of the Agreement, or a proceeding referred to in item (i), (ii) or (iii) of Article 6(3) of the Protocol, began before the expiry of the five-year period but has not, before the expiry of that period, resulted in the final decision referred to in Article 6(4) of the Agreement, or in the final decision referred to in the second sentence of Article 6(3) of the Protocol or in the withdrawal or renunciation referred to in the third sentence of Article 6(3) of the Protocol, the Office of origin shall, where it is aware thereof and as soon as possible after the expiry of the said period, notify the International Bureau accordingly.

(c) Once the judicial action or proceeding referred to in subparagraph (b) has resulted in the final decision referred to in Article 6(4) of the Agreement, in the final decision referred to in the second sentence of Article 6(3) of the Protocol or in the withdrawal or renunciation referred to in the third sentence of Article 6(3) of the Protocol, the Office of origin shall, where it is aware thereof, promptly notify the International Bureau accordingly and shall give the indications referred to in subparagraph (a)(i) to (iv).

(2) [Recording and Transmittal of the Notification; Cancellation of the International Registration] (a) The International Bureau shall record any notification referred to in paragraph (1) in the International Register and shall transmit a copy of the notification to the Offices of the designated Contracting Parties and to the holder.

(b) Where any notification referred to in paragraph (1)(a) or (c) requests cancellation of the international registration and complies with the requirements of that paragraph, the International Bureau shall cancel, to the extent applicable, the international registration in the International Register.

(c) Where the international registration has been cancelled in the International Register in accordance with subparagraph (b), the International Bureau shall notify the Offices of the designated Contracting Parties and the holder of the following:

(i) the date on which the international registration was cancelled in the International Register;

(ii) where the cancellation concerns all goods and services, that fact;

(iii) where the cancellation concerns only some of the goods and services, the goods and services indicated under paragraph (1)(a)(iv).

Rule 23

Division or Merger of the Basic Applications, of the Registrations Resulting Therefrom, or of the Basic Registrations

(1) [Notification of the Division of the Basic Application or Merger of the Basic Applications] Where, during the five-year period referred to in Article 6(3) of the Protocol, the basic application is divided into two or more applications, or several basic applications are merged into a single application, the Office of origin shall notify the International Bureau accordingly and shall indicate

(i) the number of the international registration or, if the international registration has not yet been effected, the number of the basic application,

(ii) the name of the holder or applicant,

(iii) the number of each application resulting from the division or the number of the application resulting from the merger.

(2) [Recording and Notification by the International Bureau] The International Bureau shall record the notification referred to in paragraph (1) in the International Register and shall notify the Offices of the designated Contracting Parties and, at the same time, the holder.

(iv) če omenjena dejstva in odločitve vplivajo na mednarodno registracijo samo za nekatere proizvode in storitve, tiste proizvode in storitve, na katere ta dejstva in odločitve vplivajo, ali tiste, na katere ne vplivajo.

(b) Če se je sodni postopek iz četrtega odstavka 6. člena sporazuma ali postopek iz točke (i), (ii) ali (iii) tretjega odstavka 6. člena protokola začel pred potekom petletnega obdobja, vendar pred potekom tega obdobja še ni bila sprejeta dokončna odločitev iz četrtega odstavka 6. člena sporazuma ali drugega stavka tretjega odstavka 6. člena protokola ali ni prišlo do umika ali odpovedi iz tretjega stavka tretjega odstavka 6. člena protokola, mora urad izvora, če je s tem seznanjen, čim prej po poteku omenjenega roka o tem uradno obvestiti Mednarodni urad.

(c) Ko je na podlagi sodnega postopka ali postopka iz pododstavka (b) prišlo do dokončne odločitve iz četrtega odstavka 6. člena sporazuma ali drugega stavka tretjega odstavka 6. člena protokola ali do umika ali odpovedi iz tretjega stavka tretjega odstavka 6. člena protokola, mora urad izvora, če je s tem seznanjen, takoj uradno obvestiti Mednarodni urad in navesti podatke po točkah (i) do (iv) pododstavka (a).

(2) [Vpis in pošiljanje uradnega obvestila; izbris mednarodne registracije] (a) Mednarodni urad vpiše vsako uradno obvestilo iz prvega odstavka v mednarodni register in pošlje kopijo uradnega obvestila uradom imenovanih pogodbenic in nosilcu.

(b) Če uradno obvestilo iz pododstavka (a) ali (c) prvega odstavka zahteva izbris mednarodne registracije in izpolnjuje pogoje omenjenega odstavka, Mednarodni urad v ustreznem obsegu izbrši mednarodno registracijo iz mednarodnega registra.

(c) Če je bila mednarodna registracija izbrisana iz mednarodnega registra v skladu s pododstavkom (b), Mednarodni urad uradno obvesti urade imenovanih pogodbenic in nosilca:

(i) o datumu, ko je bila mednarodna registracija izbrisana iz mednarodnega registra;

(ii) če se izbris nanaša na vse proizvode in storitve, o tem dejstvu;

(iii) če se izbris nanaša samo na nekatere proizvode in storitve, o proizvodih in storitvah, navedenih na podlagi točke (iv) pododstavka (a) prvega odstavka.

23. pravilo

Delitev ali združitev osnovnih prijav, registracij, ki iz njih izhajajo, ali osnovnih registracij

(1) [Uradno obvestilo o delitvi osnovne prijave ali združitvi osnovnih prijav] Če je v petletnem obdobju iz tretjega odstavka 6. člena protokola osnovna prijava razdeljena na dve ali več prijav ali če je več osnovnih prijav združenih v eno samo prijavo, urad izvora o tem uradno obvesti Mednarodni urad in navede:

(i) številko mednarodne registracije oziroma, če mednarodne registracije še ni, številko osnovne prijave,

(ii) ime nosilca ali prijavitelja,

(iii) številko vsake prijave, ki izhaja iz delitve, ali številko prijave, ki izhaja iz združitve.

(2) [Vpis in uradno obvestilo Mednarodnega urada] Mednarodni urad vpiše uradno obvestilo iz prvega odstavka v mednarodni register in o tem uradno obvesti urade imenovanih pogodbenic in nosilca.

(3) [Division or Merger of Registrations Resulting from Basic Applications or of Basic Registrations] Paragraphs (1) and (2) shall apply, mutatis mutandis, to the division of any registration or merger of any registrations which resulted from the basic application or applications during the five-year period referred to in Article 6(3) of the Protocol and to the division of the basic registration or merger of the basic registrations during the five-year period referred to in Article 6(3) of the Agreement and in Article 6(3) of the Protocol.

Chapter 5 Subsequent Designations; Changes

Rule 24

Designation Subsequent to the International Registration

(1) [Entitlement] (a) A Contracting Party may be the subject of a designation made subsequent to the international registration (hereinafter referred to as "subsequent designation" where, at the time of that designation, the holder fulfills the conditions, under Article 1(2) and 2 of the Agreement or under Article 2 of the Protocol, to be the holder of an international registration.

(b) Where the Contracting Party of the holder is bound by the Agreement, the holder may designate, under the Agreement, any Contracting Party that is bound by the Agreement.

(c) Where the Contracting Party of the holder is bound by the Protocol, the holder may designate, under the Protocol, any Contracting Party that is bound by the Protocol, provided that the said Contracting Parties are not both bound by the Agreement.

(2) [Presentation; Form and Signature] (a) A subsequent designation shall be presented to the International Bureau by the holder or by the Office of the Contracting Party of the holder; however,

(i) where Rule 7(1), as in force before October 4, 2001, applies, it must be presented by the Office of origin;

(ii) where any of the Contracting Parties are designated under the Agreement, the subsequent designation must be presented by the Office of the Contracting Party of the holder;

(iii) where paragraph (7) applies, the subsequent designation resulting from conversion must be presented by the Office of the Contracting Organization.

(b) The subsequent designation shall be presented on the official form in one copy. Where it is presented by the holder, it shall be signed by the holder. Where it is presented by an Office, it shall be signed by that Office and, where the Office so requires, also by the holder. Where it is presented by an Office and that Office, without requiring that the holder also sign it, allows that the holder also sign it, the holder may do so.

(3) [Contents] (a) Subject to paragraph (7)(b), the subsequent designation shall contain or indicate

(i) the number of the international registration concerned,

(ii) the name and address of the holder,

(iii) the Contracting Party that is designated,

(iv) where the subsequent designation is for all the goods and services listed in the international registration concerned, that fact, or, where the subsequent designation is for only part of the goods and services listed in the international registration concerned, those goods and services,

(v) 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, and,

(3) [Delitev ali združitvev registracij, ki izhajajo iz osnovnih prijav ali osnovnih registracij] Prvi in drugi odstavek se smiselno uporabljata za delitev vsake registracije ali združitvev katerih koli registracij, do katerih je prišlo na podlagi osnovne prijave ali prijav v petletnem obdobju iz tretjega odstavka 6. člena protokola, in na delitev osnovne registracije ali združitvev osnovnih registracij v petletnem obdobju iz tretjega odstavka 6. člena sporazuma in tretjega odstavka 6. člena protokola.

5. poglavje Naknadna imenovanja; spremembe

24. pravilo

Imenovanje po opravljeni mednarodni registraciji

(1) [Upravičenost] (a) Pogodbenica je lahko imenovana po opravljeni mednarodni registraciji (v nadaljevanju "naknadno imenovanje"), če ob takem imenovanju nosilec izpolnjuje pogoje po drugem odstavku 1. člena sporazuma in 2. členu sporazuma ali po 2. členu protokola, da je lahko nosilec mednarodne registracije.

(b) Če pogodbenico nosilca zavezuje sporazum, lahko nosilec po sporazumu imenuje katero koli pogodbenico, ki jo zavezuje sporazum.

(c) Če pogodbenico nosilca zavezuje protokol, lahko nosilec po protokolu imenuje katero koli pogodbenico, ki jo zavezuje protokol, pod pogojem, da obeh omenjenih pogodbenic ne zavezuje sporazum.

(2) [Predložitev; oblika in podpis] (a) Naknadno imenovanje predloži Mednarodnemu uradu nosilec ali urad pogodbenice nosilca; toda,

(i) če se uporablja prvi odstavek 7. pravila, kot je bil v veljavi pred 4. oktobrom 2001, ga mora predložiti urad izvora;

(ii) če je katera od pogodbenic imenovana po sporazumu, mora naknadno imenovanje predložiti urad pogodbenice nosilca;

(iii) če se uporablja sedmi odstavek, mora naknadno imenovanje, ki izhaja iz spremembe, predložiti urad organizacije pogodbenice.

(b) Naknadno imenovanje se predloži na uradnem obrazcu v enem izvodu. Če ga predloži nosilec, ga ta tudi podpiše. Če ga predloži urad, ga podpiše ta urad, in če urad tako zahteva, tudi nosilec. Če ga predloži urad in ta urad sicer ne zahteva, da ga podpiše tudi nosilec, vendar pa nosilcu dovoli, da ga tudi on podpiše, lahko nosilec to stori.

(3) [Vsebina] (a) Ob upoštevanju pododstavka (b) sedmega odstavka morajo biti v naknadnem imenovanju navedeni

(i) številka zadevne mednarodne registracije,

(ii) ime in naslov nosilca,

(iii) imenovana pogodbenica,

(iv) če se naknadno imenovanje nanaša na vse proizvode in storitve, našete v zadevni mednarodni registraciji, to dejstvo, če pa se nanaša samo na del proizvodov in storitev, naštetih v mednarodni registraciji, ti proizvodi in storitve,

(v) znesek plačanih pristojbin in način plačila ali nalog za knjiženje zahtevanega zneska pristojbin v breme računa, odprtega pri Mednarodnem uradu, ter podatki o stranki, ki je izvršila plačilo ali dala plačilni nalog, in

(vi) where the subsequent designation is presented by an Office, the date on which it was received by that Office.

(b) Where the subsequent designation concerns a Contracting Party that has made a notification under Rule 7(2), that subsequent designation shall also contain a declaration of intention to use the mark in the territory of that Contracting Party; the declaration shall, as required by the said Contracting Party,

(i) be signed by the holder himself and be made on a separate official form annexed to the subsequent designation, or
(ii) be included in the subsequent designation.

(c) The subsequent designation may also contain

(i) the indications and translation or translations, as the case may be, referred to in Rule 9(4)(b),

(ii) a request that the subsequent designation take effect after the recording of a change or a cancellation in respect of the international registration concerned or after the renewal of the international registration,

(iii) where the subsequent designation concerns a Contracting Organization, the indications referred to in Rule 9(5)(g)(i), which shall be on a separate official form to be annexed to the subsequent designation, and in Rule 9(5)(g)(ii).

(d) Where the international registration is based on a basic application, a subsequent designation under the Agreement shall be accompanied by a declaration, signed by the Office of origin, certifying that the said application has resulted in a registration and indicating the date and number of that registration, unless such a declaration has already been received by the International Bureau.

(4) [*Fees*] The subsequent designation shall be subject to the payment of the fees specified or referred to in item 5 of the Schedule of Fees.

(5) [*Irregularities*] (a) If the subsequent designation does not comply with the applicable requirements, and subject to paragraph (10), the International Bureau shall notify that fact to the holder and, if the subsequent designation was presented by an Office, that Office.

(b) If the irregularity is not remedied within three months from the date of the notification of the irregularity by the International Bureau, the subsequent designation shall be considered abandoned, and the International Bureau shall notify accordingly and at the same time the holder and, if the subsequent designation was presented by an Office, that Office, and refund any fees paid, after deduction of an amount corresponding to one-half of the basic fee referred to in item 5.1 of the Schedule of Fees, to the party having paid those fees.

(c) Notwithstanding subparagraphs (a) and (b), where the requirements of paragraph (1)(b) or (c) are not complied with in respect of one or more of the designated Contracting Parties, the subsequent designation shall be deemed not to contain the designation of those Contracting Parties, and any complementary or individual fees already paid in respect of those Contracting Parties shall be reimbursed. Where the requirements of paragraph (1)(b) or (c) are complied with in respect of none of the designated Contracting Parties, subparagraph (b) shall apply.

(6) [*Date of Subsequent Designation*] (a) A subsequent designation presented by the holder direct to the International Bureau shall, subject to subparagraph (c)(i), bear the date of its receipt by the International Bureau.

(b) A subsequent designation presented to the International Bureau by an Office shall, subject to subparagraph (c)(i), (d) and (e), bear the date on which it was received by that Office, provided that the said designation has been received by the International Bureau within a period of two months from that date. If the subsequent designation has not been received by the International Bureau within that period, it shall, subject to subparagraph (c)(i), (d) and (e), bear the date of its receipt by the International Bureau.

(vi) če naknadno imenovanje predloži urad, datum, ko je imenovanje ta urad prejel.

(b) Če se naknadno imenovanje nanaša na pogodbenico, ki je dala uradno obvestilo po drugem odstavku 7. pravila, mora naknadno imenovanje vsebovati tudi izjavo o nameravani uporabi znamke na ozemlju te pogodbenice; izjava je glede na zahtevo te pogodbenice

(i) podpisana s strani nosilca in dana na posebnem uradnem obrazcu, ki je priložen naknadnemu imenovanju, ali
(ii) vključena v naknadno imenovanje.

(c) Naknadno imenovanje lahko vsebuje tudi

(i) navedbe in prevod oziroma prevode, omenjene v pododstavku (b) četrtega odstavka 9. pravila,

(ii) zahtevo, da začne naknadno imenovanje veljati po vpisu spremembe ali izbrisa zadevne mednarodne registracije ali po podaljšanju mednarodne registracije,

(iii) če se naknadno imenovanje nanaša na organizacijo pogodbenico, navedbe, omenjene v točki (i) pododstavka (g) petega odstavka 9. pravila, predložene na posebnem uradnem obrazcu, ki je priložen naknadnemu imenovanju, in navedbe, omenjene v točki (ii) pododstavka (g) petega odstavka 9. pravila.

(d) Če je podlaga mednarodne registracije osnovna prijava, mora biti naknadnemu imenovanju po sporazumu priložena izjava, ki jo podpiše urad izvora in ki potrjuje, da je prijavi sledila registracija, in sta v njej navedena datum in številka te registracije, razen če je tako izjavo Mednarodni urad prejel že prej.

(4) [*Pristojbine*] Za naknadno imenovanje se plačajo pristojbine, določene ali navedene v 5. točki seznama pristojbin.

(5) [*Nepravilnosti*] (a) Če naknadno imenovanje ne izpolnjuje veljavnih pogojev, Mednarodni urad ob upoštevanju devetega odstavka o tem uradno obvesti nosilca in, če je naknadno imenovanje predložil neki urad, tudi ta urad.

(b) Če nepravilnost ni odpravljena v treh mesecih od prejema uradnega obvestila Mednarodnega urada o nepravilnosti, se naknadno imenovanje šteje za umaknjeno, Mednarodni urad pa o tem uradno obvesti nosilca in, če je naknadno imenovanje predložil neki urad, hkrati tudi ta urad ter vrne vse plačane pristojbine njihovemu plačniku, potem ko od njih odbije znesek, ki je enak polovici osnovne pristojbine iz točke 5.1 seznama pristojbin.

(c) Če glede ene ali več imenovanih pogodbenic pogoji iz pododstavka (b) ali (c) prvega odstavka niso izpolnjeni, se ne glede na pododstavka (a) in (b) šteje, da naknadno imenovanje ne vključuje imenovanja teh pogodbenic, in se vrnejo vse dopolnilne ali samostojne pristojbine, ki so bile za te pogodbenice že plačane. Če pogoji iz pododstavka (b) ali (c) prvega odstavka niso izpolnjeni glede nobene imenovane pogodbenice, se uporablja pododstavek (b).

(6) [*Datum naknadnega imenovanja*] (a) Naknadno imenovanje, ki ga je nosilec predložil neposredno Mednarodnemu uradu, ima ob upoštevanju točke (i) pododstavka (c) datum, ko ga je Mednarodni urad prejel.

(b) Naknadno imenovanje ki ga je Mednarodnemu uradu predložil neki urad, ima ob upoštevanju točke (i) pododstavka (c) ter pododstavkov (d) in (e) datum, ko ga je slednji prejel, pod pogojem, da ga Mednarodni urad prejme v dveh mesecih po tem datumu. Če v tem roku Mednarodni urad naknadnega imenovanja ne prejme, ima ob upoštevanju točke (i) pododstavka (c) ter pododstavkov (d) in (e) datum, ko ga prejme Mednarodni urad.

(c) Where the subsequent designation does not comply with the applicable requirements and the irregularity is remedied within three months from the date of the notification referred to in paragraph (5)(a),

(i) the subsequent designation shall, where the irregularity concerns any of the requirements referred to in paragraph (3)(a)(i), (iii) and (iv) and (b)(i), bear the date on which that designation is put in order, unless the said designation was presented to the International Bureau by an Office and the irregularity is remedied within the period of two months referred to in subparagraph (b); in the latter case, the subsequent designation shall bear the date on which it was received by the said Office;

(ii) the date applicable under subparagraph (a) or (b), as the case may be, shall not be affected by an irregularity concerning requirements other than those which are referred to in paragraph (3)(a)(i), (iii) and (iv) and (b)(i).

(d) Notwithstanding subparagraphs (a), (b) and (c), where the subsequent designation contains a request made in accordance with paragraph (3)(c)(ii), it may bear a date which is later than that resulting from subparagraph (a), (b) or (c).

(e) Where a subsequent designation results from conversion in accordance with paragraph (7), that subsequent designation shall bear the date on which the designation of the Contracting Organization was recorded in the International Register.

(7) *[Subsequent Designation Resulting From Conversion]* (a) Where the designation of a Contracting Organization has been recorded in the International Register and to the extent that such designation has been withdrawn, refused or has ceased to have effect under the law of that Organization, the holder of the international registration concerned may request the conversion of the designation of the said Contracting Organization into the designation of any Member State of that Organization which is party to the Agreement and/or the Protocol.

(b) A request for conversion under subparagraph (a) shall indicate the elements referred to in paragraph (3)(a)(i) to (iii) and (v), together with:

(i) the Contracting Organization whose designation is to be converted, and

(ii) where the subsequent designation of a Contracting State resulting from conversion is for all the goods and services listed in respect of the designation of the Contracting Organization, that fact, or, where the designation of that Contracting State is for only part of the goods and services listed in the designation of that Contracting Organization, those goods and services.

(8) *[Recording and Notification]* Where the International Bureau finds that the subsequent designation conforms to the applicable requirements, it shall record it in the International Register and shall notify accordingly the Office of the Contracting Party that has been designated in the subsequent designation and at the same time inform the holder and, if the subsequent designation was presented by an Office, that Office.

(9) *[Refusal]* Rules 16 to 18 shall apply *mutatis mutandis*.

(10) *[Subsequent Designation Not Considered as Such]* If the requirements of paragraph (2)(a) are not complied with, the subsequent designation shall not be considered as such and the International Bureau shall inform the sender accordingly.

Rule 25

*Request for Recording of a Change;
Request for Recording of a Cancellation*

(1) *[Presentation of the Request]* (a) A request for recording shall be presented to the International Bureau on the relevant official form, in one copy, where the request relates to any of the following:

(c) Če naknadno imenovanje ne izpolnjuje veljavnih pogojev, vendar je nepravilnost odpravljena v treh mesecih od datuma uradnega obvestila iz pododstavka (a) petega odstavka,

(i) ima naknadno imenovanje, če se nepravilnost nanaša na pogoj iz točk (i), (iii) in (iv) pododstavka (a) tretjega odstavka in točke (i) pododstavka (b) tretjega odstavka, datum, ko je imenovanje urejeno, razen če je imenovanje predložil Mednarodnemu uradu neki urad in je bila nepravilnost odpravljena v dveh mesecih, kot je navedeno v pododstavku (b); v tem primeru ima naknadno imenovanje datum, ko ga je prejel omenjeni urad;

(ii) na datum, ki velja po pododstavku (a) oziroma (b), ne vpliva nobena nepravilnost glede pogojev, ki niso tisti iz točk (i), (iii) in (iv) pododstavka (a) tretjega odstavka in točke (i) pododstavka (b) tretjega odstavka.

(d) Če naknadno imenovanje vsebuje zahtevo, dano v skladu s točko (ii) pododstavka (c) tretjega odstavka, ima ne glede na pododstavke (a), (b) in (c) lahko poznejši datum, kot je tisti, ki izhaja iz uporabe pododstavka (a), (b) ali (c).

(e) Če je naknadno imenovanje posledica spremembe po sedmem odstavku, ima datum, ko je bilo imenovanje organizacije pogodbenice vpisano v mednarodni register.

(7) *[Naknadno imenovanje, ki je posledica spremembe]* (a) Če je bilo imenovanje organizacije pogodbenice vpisano v mednarodni register in če je bilo po pravu te organizacije umaknjeno, zavrnjeno ali je prenehalo veljati, lahko nosilec zadevne mednarodne registracije zahteva spremembo imenovanja te organizacije pogodbenice v imenovanje katere koli države članice te organizacije, ki je pogodbenica sporazuma in/ali protokola.

(b) V zahtevi za spremembo po pododstavku (a) morajo biti navedeni elementi iz točk (i) do (iii) in (v) pododstavka (a) tretjega odstavka ter:

(i) organizacija pogodbenica, katere imenovanje se spreminja, in,

(ii) če se naknadno imenovanje države pogodbenice, ki je posledica spremembe, nanaša na vse proizvode in storitve, našteje v zvezi z imenovanjem organizacije pogodbenice, to dejstvo ali, če se nanaša le na del proizvodov in storitev, ti proizvodi in storitve.

(8) *[Vpis in uradno obvestilo]* Če Mednarodni urad ugotovi, da naknadno imenovanje izpolnjuje veljavne pogoje, ga vpiše v mednarodni register in o tem uradno obvesti urad pogodbenice, ki je bila naknadno imenovana, ter hkrati o tem obvesti nosilca in, če je naknadno imenovanje predložil neki urad, ta urad.

(9) *[Zavrnitev]* Smiselno se uporabljajo 16. do 18. pravilo.

(10) *[Naknadno imenovanje, ki se ne upošteva kot tako]* Če niso izpolnjeni pogoji iz pododstavka (a) drugega odstavka, se naknadno imenovanje ne upošteva kot tako in Mednarodni urad o tem obvesti pošiljatelja.

25. pravilo

*Zahteva za vpis spremembe;
zahteva za vpis izbrisa*

(1) *[Predložitev zahteve]* (a) Zahteva za vpis se predloži Mednarodnemu uradu na ustreznem uradnem obrazcu v enem izvodu, če se zahteva nanaša na:

(i) a change in the ownership of the international registration in respect of all or some of the goods and services and all or some of the designated Contracting Parties;

(ii) a limitation of the list of goods and services in respect of all or some of the designated Contracting Parties;

(iii) a renunciation in respect of some of the designated Contracting Parties for all the goods and services;

(iv) a change in the name or address of the holder;

(v) cancellation of the international registration in respect of all the designated Contracting Parties for all or some of the goods and services.

(b) Subject to subparagraph (c), the request shall be presented by the holder or by the Office of the Contracting Party of the holder; however, the request for the recording of a change in ownership may be presented through the Office of the Contracting Party, or of one of the Contracting Parties, indicated in the said request in accordance with paragraph (2)(a)(iv).

(c) The request for the recording of a renunciation or a cancellation may not be presented directly by the holder where the renunciation or cancellation affects any Contracting Party whose designation is governed by the Agreement.

(d) Where the request is presented by the holder, it shall be signed by the holder. Where it is presented by an Office, it shall be signed by that Office and, where the Office so requires, also by the holder. Where it is presented by an Office and that Office, without requiring that the holder also sign it, allows that the holder also sign it, the holder may do so.

(2) *[Contents of the Request]* (a) The request for the recording of a change or the request for the recording of a cancellation shall, in addition to the requested change or cancellation, 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,

(iii) in the case of a change in the ownership of the international registration, the name and address, given in accordance with the Administrative Instructions, of the natural person or legal entity mentioned in the request as the new holder of the international registration (hereinafter referred to as "the transferee"),

(iv) in the case of a change in the ownership of the international registration, the Contracting Party or Parties in respect of which the transferee fulfills the conditions, under Articles 1(2) and 2 of the Agreement or under Article 2 of the Protocol, to be the holder of an international registration,

(v) in the case of a change in the ownership of the international registration, where the address of the transferee given in accordance with item (iii) is not in the territory of the Contracting Party, or of one of the Contracting Parties, given in accordance with item (iv), and unless the transferee has indicated that he is a national of a Contracting State or of a State member of a Contracting Organization, the address of the establishment, or the domicile, of the transferee in the Contracting Party, or in one of the Contracting Parties, in respect of which the transferee fulfills the conditions to be the holder of an international registration,

(vi) in the case of a change in the ownership of the international registration that does not relate to all the goods and services and to all the designated Contracting Parties, the goods and services and the designated Contracting Parties to which the change in ownership relates, and

(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.

(b) The request for the recording of a change in the ownership of the international registration may also contain,

(i) spremembo lastništva mednarodne registracije za vse ali nekatere proizvode in storitve in za vse ali nekatere imenovane pogodbenice;

(ii) omejitev seznama proizvodov in storitev za vse ali nekatere imenovane pogodbenice;

(iii) odpoved za nekatere imenovane pogodbenice za vse proizvode in storitve;

(iv) spremembo v imenu ali naslovu nosilca;

(v) izbris mednarodne registracije za vse imenovane pogodbenice za vse ali nekatere proizvode in storitve.

(b) Ob upoštevanju pododstavka (c) zahtevo predloži nosilec ali urad pogodbenice nosilca; zahteva za vpis spremembe lastništva pa se lahko predloži s posredovanjem urada pogodbenice ali ene od pogodbenic, navedenih v tej zahtevi v skladu s točko (iv) pododstavka (a) drugega odstavka.

(c) Zahteve za vpis odpovedi ali izbrisa ne sme predložiti neposredno nosilec, če se odpoved ali izbris nanaša na pogodbenico, katere imenovanje ureja sporazum.

(d) Če zahtevo predloži nosilec, jo nosilec tudi podpiše. Če jo predloži urad, jo podpiše ta urad in, če urad tako zahteva, tudi nosilec. Če jo predloži urad in ta urad sicer ne zahteva, da jo podpiše tudi nosilec, vendar pa mu to dovoli, lahko nosilec to stori.

(2) *[Vsebina zahteve]* (a) V zahtevi za vpis spremembe ali izbrisa morajo biti poleg zahtevane spremembe ali izbrisa navedeni:

(i) številka zadevne mednarodne registracije,

(ii) ime nosilca, razen če se sprememba nanaša na ime ali naslov zastopnika,

(iii) pri spremembi lastništva mednarodne registracije v skladu z upravnimi navodili ime in naslov fizične ali pravne osebe, ki je v zahtevi navedena kot novi nosilec mednarodne registracije (v nadaljevanju "novi nosilec"),

(iv) pri spremembi lastništva mednarodne registracije pogodbenica ali pogodbenice, za katere novi nosilec izpolnjuje pogoje po drugem odstavku 1. člena sporazuma in 2. členu sporazuma ali po 2. členu protokola, da je lahko nosilec mednarodne registracije,

(v) pri spremembi lastništva mednarodne registracije, če naslov novega nosilca, naveden v skladu s točko (iii), ni na ozemlju pogodbenice ali ene od pogodbenic, navedenih v skladu s točko (iv), in če novi nosilec ni navedel, da je državljan države pogodbenice ali države članice organizacije pogodbenice, naslov podjetja ali stalnega prebivališča novega nosilca v pogodbenici ali v eni od pogodbenic, za katere novi nosilec izpolnjuje pogoje, da je lahko nosilec mednarodne registracije,

(vi) pri spremembi lastništva mednarodne registracije, ki se ne nanaša na vse proizvode in storitve in na vse imenovane pogodbenice, tisti proizvodi in storitve ter imenovane pogodbenice, na katere se sprememba lastništva nanaša, in

(vii) znesek plačanih pristojbin in način plačila ali nalog za knjiženje zahtevanega zneska pristojbin v breme računa, odprtega pri Mednarodnem uradu, ter podatki o stranki, ki je izvršila plačilo ali dala plačilni nalog.

(b) Zahteva za vpis spremembe lastništva mednarodne registracije lahko vsebuje tudi,

(i) where the transferee is a natural person, an indication of the State of which the transferee is a national;

(ii) where the transferee is a legal entity, indications concerning the legal nature of that legal entity and the State, and, where applicable, the territorial unit within that State, under the law of which the said legal entity has been organized.

(c) The request for recording of a change or a cancellation may also contain a request that it be recorded before, or after, the recording of another change or cancellation or a subsequent designation in respect of the international registration concerned or after the renewal of the international registration.

(3) [*Request Not Admissible*] A change in the ownership of an international registration may not be recorded in respect of a given designated Contracting Party if that Contracting Party

(i) is bound by the Agreement but not by the Protocol, and the Contracting Party indicated under paragraph (2)(a)(iv) is not bound by the Agreement, or none of the Contracting Parties indicated under that paragraph is bound by the Agreement;

(ii) is bound by the Protocol but not by the Agreement, and the Contracting Party indicated under paragraph (2)(a)(iv) is not bound by the Protocol, or none of the Contracting Parties indicated under that paragraph is bound by the Protocol.

(4) [*Several Transferees*] Where the request for the recording of a change in the ownership of the international registration mentions several transferees, that change may not be recorded in respect of a given designated Contracting Party if any of the transferees does not fulfill the conditions to be holder of the international registration in respect of that Contracting Party.

Rule 26

Irregularities in Requests for Recording of a Change and for Recording of a Cancellation

(1) [*Irregular Request*] If the request for the recording of a change, or the request for the recording of a cancellation, referred to in Rule 25(1)(a) does not comply with the applicable requirements, and subject to paragraph (3), the International Bureau shall notify that fact to the holder and, if the request was made by an Office, to that Office.

(2) [*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 three months from the date of the notification of the irregularity by the International Bureau, the request shall be considered abandoned, and the International Bureau shall notify accordingly and at the same time the holder and, if the request for the recording of a change or the request for the recording of a cancellation was presented by an Office, that Office, and refund any fees paid, after deduction of an amount corresponding to onehalf of the relevant fees referred to in item 7 of the Schedule of Fees, to the party having paid those fees.

(3) [*Requests Not Considered as Such*] If the requirements of Rule 25(1)(b) or (c) are not complied with, the request shall not be considered as such and the International Bureau shall inform the sender accordingly.

(i) če je novi nosilec fizična oseba, navedbo države, katere državljan je novi nosilec,

(ii) če je novi nosilec pravna oseba, navedbe v zvezi s pravnim stanjem te pravne osebe ter državo in, kjer je to ustrezno, tudi ozemeljsko enoto v državi, po pravu katere je bila pravna oseba ustanovljena.

(c) Zahteva za vpis spremembe ali izbrisa lahko vsebuje tudi zahtevo, da mora biti vpis opravljen pred vpisom ali po vpisu druge spremembe oziroma izbrisa ali naknadnega imenovanja za zadevno mednarodno registracijo ali po podaljšanju mednarodne registracije.

(3) [*Zahteva ni dopustna*] Sprememba lastništva mednarodne registracije ne more biti vpisana za imenovano pogodbenico, če to pogodbenico

(i) zavezuje sporazum, ne pa protokol, in če pogodbenice, navedene po točki (iv) pododstavka (a) drugega odstavka, ne zavezuje sporazum ali če nobene od pogodbenic, navedenih po omenjeni točki, ne zavezuje sporazum;

(ii) zavezuje protokol, ne pa sporazum, in če pogodbenice, navedene po točki (iv) pododstavka (a) drugega odstavka, ne zavezuje protokol ali če nobene od pogodbenic, navedenih po omenjeni točki, ne zavezuje protokol.

(4) [*Več novih nosilcev*] Če je v zahtevi za vpis spremembe lastništva mednarodne registracije omenjenih več novih nosilcev, sprememba ne more biti vpisana za neko imenovano pogodbenico, če nobeden od novih nosilcev ne izpolnjuje pogojev, da je lahko nosilec mednarodne registracije za to pogodbenico.

26. pravilo

Nepravilnosti pri zahtevah za vpis spremembe ali izbrisa

(1) [*Nepravilna zahteva*] Če zahteva za vpis spremembe ali izbrisa iz pododstavka (a) prvega odstavka 25. pravila ne izpolnjuje veljavnih pogojev in če se upošteva tretji odstavek, Mednarodni urad o tem uradno obvesti nosilca in, če je zahtevo dal neki urad, tudi ta urad.

(2) [*Čas za odpravo nepravilnosti*] Nepravilnost se lahko odpravi v treh mesecih od datuma uradnega obvestila Mednarodnega urada o nepravilnosti. Če nepravilnost v treh mesecih od prejema uradnega obvestila Mednarodnega urada o nepravilnosti ni odpravljena, se zahteva šteje za umaknjeno, Mednarodni urad pa o tem uradno obvesti nosilca in, če je zahtevo za vpis spremembe ali izbrisa predložil neki urad, hkrati tudi ta urad ter vrne vse plačane pristojbine njihovemu plačniku, potem ko od njih odbije znesek, ki je enak polovici ustreznih pristojbin iz 7. točke seznama pristojbin.

(3) [*Zahteve, ki se ne upoštevajo kot take*] Če niso izpolnjeni pogoji iz pododstavka (b) ali (c) prvega odstavka 25. pravila, se zahteva ne upošteva kot taka in Mednarodni urad o tem obvesti pošiljatelja.

Rule 27

Recording and Notification of a Change or of a Cancellation; Merger of International Registrations; Declaration That a Change in Ownership or a Limitation Has No Effect

(1) [Recording and Notification of a Change or of a Cancellation] (a) The International Bureau shall, provided that the request referred to in Rule 25(1)(a) is in order, promptly record the change or the cancellation in the International Register, shall notify accordingly the Offices of the designated Contracting Parties in which the change has effect or, in the case of a cancellation, the Offices of all the designated Contracting Parties, and shall inform at the same time the holder and, if the request was presented by an Office, that Office. Where the recording relates to a change in ownership, the International Bureau shall also inform the former holder in the case of a total change in ownership and the holder of the part of the international registration which has been assigned or otherwise transferred in the case of a partial change in ownership. Where the request for the recording of a cancellation was presented by the holder or by an Office other than the Office of origin during the five-year period referred to in Article 6(3) of the Agreement and Article 6(3) of the Protocol, the International Bureau shall also inform the Office of origin.

(b) The change or the cancellation shall be recorded as of the date of receipt by the International Bureau of a request complying with the applicable requirements, except that, where a request has been made in accordance with Rule 25(2)(c), it may be recorded as of a later date.

(2) [Deleted]

(3) [Recording of Merger of International Registrations] Where the same natural person or legal entity has been recorded as 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 or entity, made either direct or through the Office of the Contracting Party of the holder. The International Bureau shall notify accordingly the Offices of the designated Contracting Parties affected by the change and shall inform at the same time the holder and, if the request was presented by an Office, that Office.

(4) [Declaration That a Change in Ownership Has No Effect] (a) The Office of a designated Contracting Party which is notified, by the International Bureau, of a change in ownership affecting that Contracting Party may declare that the change in ownership has no effect in the said Contracting Party. The effect of such a declaration shall be that, with respect to the said Contracting Party, the international registration concerned shall remain in the name of the transferor.

(b) The declaration referred to in subparagraph (a) shall indicate

(i) the reasons for which the change in ownership has no effect,

(ii) the corresponding essential provisions of the law, and

(iii) whether such declaration may be subject to review or appeal.

(c) The declaration referred to in subparagraph (a) shall be sent to the International Bureau before the expiry of 18 months from the date on which the notification referred to in subparagraph (a) was sent to the Office concerned.

(d) The International Bureau shall record in the International Register any declaration made in accordance with subparagraph (c) and, as the case may be, record as a separate international registration that part of the international registration which has been the subject of the said declaration, and shall notify accordingly the party (holder or Office) that presented the request for the recording of a change in ownership and the new holder.

27. pravilo

Vpis spremembe ali izbrisa in uradno obvestilo o tem; združitev mednarodnih registracij; izjava, da sprememba lastništva ali omejitev ne velja

(1) [Vpis spremembe ali izbrisa in uradno obvestilo o tem] (a) Če je zahteva iz pododstavka (a) prvega odstavka 25. pravila pravilna, Mednarodni urad takoj vpiše spremembo ali izbris v mednarodni register, o tem uradno obvesti urade imenovanih pogodbenic, v katerih sprememba velja, oziroma pri izbrisu urade vseh imenovanih pogodbenic ter o tem obvesti nosilca in, če je zahtevo predložil neki urad, hkrati tudi ta urad. Če se vpis nanaša na spremembo lastništva, Mednarodni urad obvesti tudi prejšnjega nosilca, če gre za prenos pravic v celoti, pri delnem prenosu pravic pa nosilca tistega dela mednarodne registracije, ki je bil odstopljen ali drugače prenesen. Če je zahtevo za vpis izbrisa v petletnem obdobju iz tretjega odstavka 6. člena sporazuma in tretjega odstavka 6. člena protokola predložil nosilec ali urad, ki ni urad izvora, mora Mednarodni urad obvestiti tudi urad izvora.

(b) Sprememba ali izbris se vpiše z datumom, na katerega je Mednarodni urad prejel zahtevo, ki izpolnjuje veljavne pogoje, s poznejšim datumom pa se lahko vpiše le, če je bila zahteva predložena v skladu s pododstavkom (c) drugega odstavka 25. pravila.

(2) [Črtano]

(3) [Vpis združitve mednarodnih registracij] Če je ista fizična ali pravna oseba vpisana kot nosilec dveh ali več mednarodnih registracij, ki so posledica delnega prenosa pravic, se registracije združijo na zahtevo, ki jo ta fizična ali pravna oseba predloži sama ali s posredovanjem urada pogodbenice nosilca. Mednarodni urad o tem uradno obvesti urade imenovanih pogodbenic, na katere se ta sprememba nanaša, in hkrati obvesti tudi nosilca in, če je zahtevo predložil neki urad, ta urad.

(4) [Izjava, da sprememba lastništva ne velja] (a) Urad imenovane pogodbenice, ki ga je Mednarodni urad uradno obvestil o spremembi lastništva, ki se nanaša na to pogodbenico, lahko izjavi, da sprememba lastništva v tej pogodbenici ne velja. Učinek take izjave je, da za to pogodbenico ta mednarodna registracija ostane na ime starega nosilca.

(b) Izjava iz pododstavka (a) mora vsebovati

(i) razloge, zaradi katerih sprememba lastništva ne velja,

(ii) ustrezne bistvene določbe zakona in

(iii) navedbo, ali je taka izjava lahko predmet preveritve ali pritožbe.

(c) Izjava iz pododstavka (a) se pošlje Mednarodnemu uradu pred potekom 18 mesecev od datuma, ko je bilo uradno obvestilo iz pododstavka (a) poslano zadevnemu uradu.

(d) Mednarodni urad vpiše v mednarodni register vsako izjavo po pododstavku (c) in v danem primeru vpiše kot ločeno mednarodno registracijo tisti del mednarodne registracije, za katerega je bila taka izjava dana, ter o tem uradno obvesti stranko (nosilca ali urad), ki je predložila zahtevo za vpis spremembe lastništva, in novega nosilca.

(e) Any final decision relating to a declaration made in accordance with subparagraph (c) shall be notified to the International Bureau which shall record it in the International Register and, as the case may be, modify the International Register accordingly, and shall notify accordingly the party (holder or Office) that presented the request for the recording of a change in ownership and the new holder.

(5) *[Declaration That a Limitation Has No Effect]* (a) The Office of a designated Contracting Party which is notified by the International Bureau of a limitation of the list of goods and services affecting that Contracting Party may declare that the limitation has no effect in the said Contracting Party. The effect of such a declaration shall be that, with respect to the said Contracting Party, the limitation shall not apply to the goods and services affected by the declaration.

(b) The declaration referred to in subparagraph (a) shall indicate

(i) the reasons for which the limitation has no effect,
(ii) where the declaration does not affect all the goods and services to which the limitation relates, those which are affected by the declaration or those which are not affected by the declaration,

(iii) the corresponding essential provisions of the law, and

(iv) whether such declaration may be subject to review or appeal.

(c) The declaration referred to in subparagraph (a) shall be sent to the International Bureau before the expiry of 18 months from the date on which the notification referred to in subparagraph (a) was sent to the Office concerned.

(d) The International Bureau shall record in the International Register any declaration made in accordance with subparagraph (c) and shall notify accordingly the party (holder or Office) that presented the request to record the limitation.

(e) Any final decision relating to a declaration made in accordance with subparagraph (c) shall be notified to the International Bureau which shall record it in the International Register and notify accordingly the party (holder or Office) that presented the request to record the limitation.

Rule 28 Corrections in the International Register

(1) *[Correction]* Where the International Bureau, acting *ex officio* or at the request of the holder or of an Office, considers that there is an error concerning an international registration in the International Register, it shall modify the Register accordingly.

(2) *[Notification]* The International Bureau shall notify accordingly the holder and, at the same time, the Offices of the designated Contracting Parties in which the correction has effect.

(3) *[Refusal Following a Correction]* Any Office referred to in paragraph (2) shall have the right to declare in a notification of provisional refusal addressed to the International Bureau that it considers that protection cannot, or can no longer, be granted to the international registration as corrected. Article 5 of the Agreement or Article 5 of the Protocol and Rules 16 to 18 shall apply *mutatis mutandis*, it being understood that the period allowed for sending the said notification shall be counted from the date of sending the notification of the correction to the Office concerned.

(4) *[Time Limit for Correction]* Notwithstanding paragraph (1), an error which is attributable to an Office and the correction of which would affect the rights deriving from the international registration may be corrected only if a request for correction is received by the International Bureau within nine months from the date of publication of the entry in the International Register which is the subject of the correction.

(e) O vsaki dokončni odločitvi v zvezi z izjavo po pododstavku (c) je treba uradno obvestiti Mednarodni urad, ki odločitev vpiše v mednarodni register in v danem primeru podatke v njem ustrezno popravi ter o tem uradno obvesti stranko (nosilca ali urad), ki je predložila zahtevo za vpis spremembe lastništva, in novega nosilca.

(5) *[Izjava, da omejitev ne velja]* (a) Urad imenovane pogodbenice, ki ga je Mednarodni urad uradno obvestil o omejitvi seznama proizvodov in storitev, ki se nanaša na to pogodbenico, lahko izjavi, da omejitev v tej pogodbenici ne velja. Učinek take izjave je, da za to pogodbenico ne velja omejitev za proizvode in storitve, na katere se izjava nanaša.

(b) Izjava iz pododstavka (a) mora vsebovati

(i) razloge, zaradi katerih omejitev ne velja,
(ii) če izjava ne zadeva vseh proizvodov in storitev, na katere se nanaša omejitev, navedbo, katere proizvode in storitve zadeva ali katerih ne zadeva,

(iii) ustrezne bistvene določbe zakona in

(iv) navedbo, ali je taka izjava lahko predmet preveritve ali pritožbe.

(c) Izjava iz pododstavka (a) se pošlje Mednarodnemu uradu pred potekom 18 mesecev od datuma, ko je bilo uradno obvestilo iz pododstavka (a) poslano zadevnemu uradu.

(d) Mednarodni urad vpiše vsako izjavo po pododstavku (c) v mednarodni register ter o tem uradno obvesti stranko (nosilca ali urad), ki je predložila zahtevo za vpis omejitve.

(e) O vsaki dokončni odločitvi v zvezi z izjavo po pododstavku (c) je treba uradno obvestiti Mednarodni urad, ki odločitev vpiše v mednarodni register ter o tem uradno obvesti stranko (nosilca ali urad), ki je predložila zahtevo za vpis omejitve.

28. pravilo Popravki v mednarodnem registru

(1) *[Popravek]* Če Mednarodni urad, ki ravna po uradni dolžnosti ali na zahtevo nosilca ali nekega urada, meni, da je pri mednarodni registraciji prišlo do napake v mednarodnem registru, podatke v registru ustrezno popravi.

(2) *[Uradno obvestilo]* Mednarodni urad o tem uradno obvesti nosilca in hkrati tudi urade imenovanih pogodbenic, v katerih tak popravek velja.

(3) *[Zavrnitev po popravku]* Vsak urad iz drugega odstavka ima pravico, da v uradnem obvestilu o začasni zavrnitvi, naslovljenem na Mednarodni urad, izjavi, da po njegovem mnenju popravljeni mednarodni registraciji varstva ne more ali ne more več podeliti. Smiselno se uporabljajo 5. člen sporazuma ali 5. člen protokola in 16. do 18. pravilo, pri čemer se razume, da se rok za predložitev omenjenega uradnega obvestila šteje od datuma, ko je bilo zadevnemu uradu poslano uradno obvestilo o popravku.

(4) *[Rok za popravek]* Ne glede na prvi odstavek se lahko napaka, ki jo je mogoče pripisati nekemu uradu in bi njen popravek vplival na pravice, ki izhajajo iz mednarodne registracije, popravi le, če Mednarodni urad prejme zahtevo za popravek v devetih mesecih po datumu objave vpisa, ki bi ga bilo treba popraviti, v mednarodni register.

**Chapter 6
Renewals****Rule 29
*Unofficial Notice of Expiry***

The fact that the unofficial notice referred to in Article 7(4) of the Agreement and Article 7(3) of the Protocol is not received shall not constitute an excuse for failure to comply with any time limit under Rule 30.

**Rule 30
*Details Concerning Renewal***

(1) *[Fees]* (a) The international registration shall be renewed upon payment, at the latest on the date on which the renewal of the international registration is due, of

- (i) the basic fee,
- (ii) where applicable, the supplementary fee, and,
- (iii) the complementary fee or individual fee, as the case may be, for each designated Contracting Party for which no refusal or invalidation is recorded in the International Register in respect of all the goods and services concerned,

as specified or referred to in item 6 of the Schedule of Fees. However, such payment may be made within six months from the date on which the renewal of the international registration is due, provided that the surcharge specified in item 6.5 of the Schedule of Fees is paid at the same time.

(b) 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 the date on which renewal is due.

(2) *[Further Details]* (a) Where the holder does not wish to renew the international registration in respect of a designated Contracting Party for which no refusal is recorded in the International Register in respect of all the goods and services concerned, payment of the required fees shall be accompanied by a statement that the renewal of the international registration is not to be recorded in the International Register in respect of that Contracting Party.

(b) 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 goods and services concerned, payment of the required fees, including the complementary fee or individual 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) 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 goods and services under Rule 19(2) or in respect of which a renunciation has been recorded under Rule 27(1)(a). The international registration may not be renewed in respect of any designated Contracting Party for those goods and services in respect of which an invalidation of the effects of the international registration in that Contracting Party has been recorded under Rule 19(2) or in respect of which a limitation has been recorded under Rule 27(1)(a).

(d) The fact that the international registration is not renewed in respect of all of the designated Contracting Parties shall not be considered to constitute a change for the purposes of Article 7(2) of the Agreement or Article 7(2) of the Protocol.

(3) *[Insufficient Fees]* (a) If the amount of the fees received is less than the amount of the fees 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.

**6. poglavje
Podaljšanje registracije****29. pravilo
*Neuradno obvestilo o poteku veljavnosti***

Dejstvo, da neuradno obvestilo iz četrtega odstavka 7. člena sporazuma in tretjega odstavka 7. člena protokola ni bilo prejeto, ni izgovor za neupoštevanje rokov iz 30. pravila.

**30. pravilo
*Podrobnosti o podaljšanju***

(1) *[Pristojbine]* (a) Veljavnost mednarodne registracije se podaljša, ko so najpozneje na datum, ko poteče rok za podaljšanje, plačane

- (i) osnovna pristojbina,
- (ii) dopolnilna pristojbina, kjer je to potrebno, in
- (iii) dodatna pristojbina oziroma samostojna pristojbina za vsako imenovano pogodbenico, za katero v mednarodni register ni vpisana zavrnitev ali razveljavitev za vse zadevne proizvode in storitve,

kot so določene ali navedene v točki 6 seznama pristojbin. Plačilo pa se lahko opravi še v šestih mesecih od datuma, ko poteče rok za podaljšanje mednarodne registracije, če se hkrati plača dodatna pristojbina, določena v točki 6.5 seznama pristojbin.

(b) Če Mednarodni urad prejme plačilo za podaljšanje mednarodne registracije več kot tri mesece pred datumom, ko poteče rok za podaljšanje, se šteje, kot da je bilo prejeto tri mesece pred datumom, ko poteče ta rok.

(2) *[Druge podrobnosti]* (a) Če nosilec ne želi podaljšati mednarodne registracije za imenovano pogodbenico, za katero v mednarodni register ni vpisana zavrnitev za vse zadevne proizvode in storitve, je treba ob plačilu zahtevanih pristojbin predložiti izjavo, da se podaljšanje mednarodne registracije za to pogodbenico ne vpiše v mednarodni register.

(b) Če nosilec želi podaljšati mednarodno registracijo za imenovano pogodbenico ne glede na dejstvo, da je za to pogodbenico v mednarodni register vpisana zavrnitev za vse zadevne proizvode in storitve, je treba ob plačilu zahtevanih pristojbin za to pogodbenico, vključno z dodatno pristojbino oziroma samostojno pristojbino, predložiti izjavo, da se podaljšanje mednarodne registracije za to pogodbenico vpiše v mednarodni register.

(c) Mednarodna registracija se ne more podaljšati za nobeno imenovano pogodbenico, za katero je bila po drugem odstavku 19. pravila vpisana razveljavitev za vse proizvode in storitve ali odpoved po pododstavku (a) prvega odstavka 27. pravila. Mednarodna registracija se ne more za nobeno imenovano pogodbenico podaljšati za tiste proizvode in storitve, za katere je bila po drugem odstavku 19. pravila vpisana razveljavitev učinkov mednarodne registracije v tej pogodbenici ali omejitev po pododstavku (a) prvega odstavka 27. pravila.

(d) Dejstvo, da mednarodna registracija ni podaljšana za vse imenovane pogodbenice, se ne šteje kot sprememba za namene drugega odstavka 7. člena sporazuma ali drugega odstavka 7. člena protokola.

(3) *[Nezadostne pristojbine]* (a) Če je prejeti znesek pristojbin manjši od tistega, ki se zahteva za podaljšanje, Mednarodni urad o tem takoj uradno obvesti nosilca in hkrati tudi njegovega zastopnika, če ga ima. V uradnem obvestilu mora biti točno naveden manjkajoči znesek.

(b) If the amount of the fees received is, on the expiry of the period of six months referred to in paragraph (1)(a), less than the amount required under paragraph (1), the International Bureau shall not, subject to subparagraph (c), record the renewal, and shall reimburse the amount received to the party having paid it and notify accordingly the holder and the representative, if any.

(c) If the notification referred to in subparagraph (a) was sent during the three months preceding the expiry of the period of six months referred to in paragraph (1)(a) and if the amount of the fees received is, on the expiry of that period, less than the amount required under paragraph (1) but is at least 70% of that amount, the International Bureau shall proceed as provided in Rule 31(1) and (3). If the amount required is not fully paid within three months from the said notification, the International Bureau shall cancel the renewal, notify accordingly the holder, the representative, if any, and the Offices which had been notified of the renewal, and reimburse the amount received to the party having paid it.

(4) *[Period for Which Renewal Fees Are Paid]* The fees required for each renewal shall be paid for ten years, irrespective of the fact that the international registration contains, in the list of designated Contracting Parties, only Contracting Parties designated under the Agreement, only Contracting Parties designated under the Protocol, or both Contracting Parties designated under the Agreement and Contracting Parties designated under the Protocol. As regards payments under the Agreement, the payment for ten years shall be considered to be a payment for an instalment of ten years.

Rule 31

Recording of the Renewal; Notification and 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 Article 7(5) of the Agreement and in Article 7(4) of the Protocol.

(2) *[Renewal Date in the Case of Subsequent Designations]* The effective date of the renewal shall be the same for all designations contained in the international registration, irrespective of the date on which such designations were recorded in the International Register.

(3) *[Notification and Certificate]* The International Bureau shall notify the Offices of the designated Contracting Parties concerned of the renewal and shall send a certificate to the holder.

(4) *[Notification in Case of Non-Renewal]* (a) Where an international registration is not renewed, the International Bureau shall notify accordingly the Offices of all of the Contracting Parties designated in that international registration.

(b) Where an international registration is not renewed in respect of a designated Contracting Party, the International Bureau shall notify the Office of that Contracting Party accordingly.

Chapter 7 Gazette and Data Base

Rule 32 Gazette

(1) *[Information Concerning International Registrations]* (a) The International Bureau shall publish in the Gazette relevant data concerning

- (i) international registrations effected under Rule 14;
- (ii) information communicated under Rule 16(1);

(iii) provisional refusals recorded under Rule 17(4), with an indication as to whether the refusal relates to all the goods and services or only some of them but without an indication of the goods and services concerned and without the grounds for refusal, and statements and information recorded under Rule 17(5)(c) and (6)(b);

(b) Če je prejeti znesek pristojbin ob preteku šestmesečnega roka iz pododstavka (a) prvega odstavka manjši od zahtevanega zneska iz prvega odstavka, Mednarodni urad ob upoštevanju pododstavka (c) ne vpiše podaljšanja in vrne prejeti znesek njegovemu plačniku ter o tem uradno obvesti nosilca in njegovega zastopnika, če ga ima.

(c) Če je bilo uradno obvestilo iz pododstavka (a) poslano v treh mesecih pred potekom šestmesečnega obdobja iz pododstavka (a) prvega odstavka in če je znesek prejetih pristojbin ob preteku tega obdobja manjši od zahtevanega po prvem odstavku, vendar znaša najmanj 70% tega zneska, Mednarodni urad nadaljuje postopek, kot je predvideno v prvem in tretjem odstavku 31. pravila. Če zahtevani znesek ni v celoti plačan v treh mesecih po omenjenem uradnem obvestilu, Mednarodni urad ne podaljša registracije, o tem uradno obvesti nosilca, njegovega zastopnika, če ga ima, in urade, ki so bili uradno obveščeni o podaljšanju, ter vrne prejeti znesek njegovemu plačniku.

(4) *[Obdobje, za katerega so plačane pristojbine za podaljšanje]* Pristojbine, zahtevane za vsako podaljšanje, se plačajo za deset let, ne glede na to, ali mednarodna registracija v seznamu imenovanih pogodbenic vsebuje samo pogodbenice, imenovane po sporazumu, samo pogodbenice, imenovane po protokolu, ali hkrati pogodbenice, imenovane po sporazumu, in pogodbenice, imenovane po protokolu. Glede plačil po sporazumu se plačilo za deset let šteje kot plačilo za desetletni obrok.

31. pravilo

Vpis podaljšanja; uradno obvestilo in potrdilo

(1) *[Vpis in datum začetka podaljšanja]* Podaljšanje se vpiše v Mednarodni register z datumom, ko zapade rok za podaljšanje, četudi so zahtevane pristojbine za podaljšanje plačane v dovoljenem dodatnem roku iz petega odstavka 7. člena sporazuma in četrtega odstavka 7. člena protokola.

(2) *[Datum podaljšanja pri naknadnih imenovanjih]* Datum začetka podaljšanja je enak za vsa imenovanja v mednarodni registraciji, ne glede na datum, ko so bila taka imenovanja vpisana v mednarodni register.

(3) *[Uradno obvestilo in potrdilo]* Mednarodni urad uradno obvesti urade imenovanih pogodbenic o podaljšanju in pošlje nosilcu potrdilo.

(4) *[Uradno obvestilo, če do podaljšanja ne pride]* (a) Če mednarodna registracija ni podaljšana, Mednarodni urad o tem uradno obvesti urade vseh pogodbenic, imenovanih v taki mednarodni registraciji.

(b) Če mednarodna registracija ni podaljšana za neko imenovano pogodbenico, Mednarodni urad o tem uradno obvesti urad te pogodbenice.

7. poglavje Glasilo in baza podatkov

32. pravilo Glasilo

(1) *[Podatki o mednarodnih registracijah]* (a) Mednarodni urad objavi v glasilu ustrezne podatke o:

- (i) mednarodnih registracijah po 14. pravilu;
- (ii) sporočilih po prvem odstavku 16. pravila;
- (iii) začasnih zavrnitvah, vpisanih po četrtem odstavku

17. pravila, z navedbo, ali se zavrnitev nanaša na vse proizvode in storitve ali samo na nekatere, vendar brez navajanja teh proizvodov in storitev in brez razlogov za zavrnitev, ter izjave in podatke, vpisane po pododstavku (c) petega odstavka 17. pravila in pododstavka (b) šestega odstavka 17. pravila;

- (iv) renewals recorded under Rule 31(1);
- (v) subsequent designations recorded under Rule 24(8);
- (vi) continuation of effects of international registrations under Rule 39;
- (vii) changes in ownership, limitations, renunciations and changes of name or address of the holder recorded under Rule 27;
- (viii) cancellations effected under Rule 22(2) or recorded under Rule 27(1) or Rule 34(3)(d);

- (ix) corrections effected under Rule 28;
- (x) invalidations recorded under Rule 19(2);

(xi) information recorded under Rules 20, 20*bis*, 21, 21*bis*, 22(2)(a), 23, 27(3) and (4) and 40(3);

(xii) international registrations which have not been renewed.

(b) The reproduction of the mark shall be published as it appears in the international application. Where the applicant has made the declaration referred to in Rule 9(4)(a)(vi), the publication shall indicate that fact.

(c) Where a color reproduction of the mark is furnished under Rule 9(4)(a)(v) or (vii), the Gazette shall contain both a reproduction of the mark in black and white and the reproduction in color.

(2) [*Information Concerning Particular Requirements and Certain Declarations of Contracting Parties*] The International Bureau shall publish in the Gazette

(i) any notification made under Rule 7 or Rule 20*bis*(6) and any declaration made under Rule 17(5)(d) or (e);

(ii) any declarations made under Article 5(2)(b) or Article 5(2)(b) and (c), first sentence, of the Protocol;

(iii) any declarations made under Article 8(7) of the Protocol;

(iv) any notification made under Rule 34(2)(b) or (3)(a);

(v) a list of the days on which the International Bureau is not scheduled to be open to the public during the current and the following calendar year.

(3) [*Yearly Index*] In respect of every year, the International Bureau shall publish an index indicating, in alphabetical order, the names of the holders of the international registrations concerning which one or more entries were published in the Gazette during that year. The name of the holder shall be accompanied by the number of the international registration, the page number of the Gazette issue in which the entry affecting the international registration was published and the indication of the nature of the entry, such as registration, renewal, refusal, invalidation, cancellation or change.

(4) [*Number of Copies for Offices of Contracting Parties*]

(a) The International Bureau shall send to the Office of each Contracting Party copies of the Gazette. 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 2,000, in the following year one additional copy and further additional copies for every 1,000 designations in excess of 2,000. 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 Gazette 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.

(iv) podaljšanjih po prvem odstavku 31. pravila;

(v) naknadnih imenovanjih, vpisanih po osmem odstavku 24. pravila;

(vi) nadaljevanju mednarodnih registracij po 39. pravilu;

(vii) spremembah lastništva, omejitvah, odpovedih in spremembah imena ali naslova nosilca, vpisanih po 27. pravilu;

(viii) izbrisih po drugem odstavku 22. pravila ali vpisanih po prvem odstavku 27. pravila ali pododstavku (d) tretjega odstavka 34. pravila;

(ix) popravkih po 28. pravilu;

(x) razveljavitvah, vpisanih po drugem odstavku 19. pravila;

(xi) podatkih, vpisanih po 20., 20*bis*, 21. in 21*bis* pravilu, pododstavku (a) drugega odstavka 22. pravila, 23. pravilu, tretjem in četrtem odstavku 27. pravila in tretjem odstavku 40. pravila;

(xii) mednarodnih registracijah, ki niso bile podaljšane.

(b) Znamka se objavi taka, kot je prikazana v mednarodni prijavi. Če je dal prijavitelj izjavo po točki (vi) pododstavka (a) četrtega odstavka 9. pravila, mora biti to v objavi navedeno.

(c) Če je bil predložen barvni prikaz znamke po točki (v) ali (vii) pododstavka (a) četrtega člena 9. pravila, morata biti v glasilu objavljena črno-beli in barvni prikaz znamke.

(2) [*Podatki o posebnih pogojih in določenih izjavah pogodbenic*] Mednarodni urad objavi v glasilu:

(i) vsako uradno obvestilo po 7. pravilu ali šestem odstavku 20*bis* pravila in vsako izjavo po pododstavku (d) ali (e) petega odstavka 17. pravila;

(ii) vsako izjavo po pododstavku (b) drugega odstavka 5. člena protokola ali pododstavku (b) in prvem stavku pododstavka (c) drugega odstavka 5. člena protokola;

(iii) vsako izjavo po sedmem odstavku 8. člena protokola;

(iv) vsako uradno obvestilo po pododstavku (b) drugega odstavka 34. pravila ali po pododstavku (a) tretjega odstavka 34. pravila;

(v) seznam dni, na katere Mednarodni urad predvidoma ni odprt za javnost v tekočem in naslednjem koledarskem letu.

(3) [*Letno abecedno kazalo*] Mednarodni urad za vsako leto objavi abecedno kazalo imen nosilcev mednarodnih registracij, v zvezi s katerimi je bil v tistem letu v glasilu objavljen eden ali več vpisov. Poleg imena nosilca je navedena številka mednarodne registracije, številka strani v izdaji glasila, v kateri je bil objavljen vpis v zvezi z mednarodno registracijo, in vrsta vpisa, kot je registracija, podaljšanje, zavrnitev, razveljavitev, izbris ali sprememba.

(4) [*Število izvodov za urade pogodbenic*] (a) Mednarodni urad pošlje uradu vsake pogodbenice izvode glasila. Vsak urad ima pravico brezplačno prejeti dva izvoda, če je bilo v enem koledarskem letu za to pogodbenico vpisanih več kot 2000 imenovanj, pa v naslednjem letu še dodatni izvod in nadaljnje dodatne izvode za vsakih 1000 imenovanj nad 2000. Vsaka pogodbenica lahko vsako leto po polovični naročniški ceni dokupi še enako število izvodov, kot jih ji pripada brezplačno.

(b) Če je glasilo na voljo v več kot eni obliki, si vsak urad lahko izbere obliko, v kateri želi prejemati izvode, do katerih je upravičen.

*Rule 33
Electronic Data Base*

(1) [*Contents of Data Base*] The data which are both recorded in the International Register and published in the Gazette under Rule 32 shall be entered in an electronic data base.

(2) [*Data Concerning Pending International Applications and Subsequent Designations*] If an international application or a designation under Rule 24 is not recorded in the International Register within three working days following the receipt by the International Bureau of the international application or designation, the International Bureau shall enter in the electronic data base, notwithstanding any irregularities that may exist in the international application or designation as received, all the data contained in the international application or designation.

(3) [*Access to Electronic Data Base*] The electronic data base shall be made accessible to the Offices of the Contracting Parties and, against payment of the prescribed fee, if any, to the public, by on-line access and through other appropriate means determined by the International Bureau. The cost of accessing shall be borne by the user. Data entered under paragraph (2) shall be accompanied by a warning to the effect that the International Bureau has not yet made a decision on the international application or on the designation under Rule 24.

**Chapter 8
Fees**

*Rule 34
Amounts and Payment of Fees*

(1) [*Amounts of Fees*] The amounts of fees due under the Agreement, the Protocol or these Regulations, other than individual fees, are specified in the Schedule of Fees that is annexed to these Regulations and forms an integral part thereof.

(2) [*Payments*] (a) The fees indicated in the Schedule of Fees may be paid to the International Bureau by the applicant or the holder, or, where the Office of the Contracting Party of the holder accepts to collect and forward such fees, and the applicant or the holder so wishes, by that Office.

(b) Any Contracting Party whose Office accepts to collect and forward fees shall notify that fact to the Director General.

(3) [*Individual Fee Payable in Two Parts*] (a) A Contracting Party that makes or has made a declaration under Article 8(7) of the Protocol may notify the Director General that the individual fee to be paid in respect of a designation of that Contracting Party comprises two parts, the first part to be paid at the time of filing the international application or the subsequent designation of that Contracting Party and the second part to be paid at a later date which is determined in accordance with the law of that Contracting Party.

(b) Where subparagraph (a) applies, the references in items 2, 3 and 5 of the Schedule of Fees to an individual fee shall be construed as references to the first part of the individual fee.

(c) Where subparagraph (a) applies, the Office of the designated Contracting Party concerned shall notify the International Bureau when the payment of the second part of the individual fee becomes due. The notification shall indicate

- (i) the number of the international registration concerned,
- (ii) the name of the holder,

(iii) the date by which the second part of the individual fee must be paid,

(iv) where the amount of the second part of the individual fee is dependent on the number of classes of goods and services for which the mark is protected in the designated Contracting Party concerned, the number of such classes.

*33. pravilo
Elektronska baza podatkov*

(1) [*Vsebina baze podatkov*] Podatki, ki so vpisani v mednarodni register in objavljeni v glasilu po 32. pravilu, se vnesejo v elektronsko bazo podatkov.

(2) [*Podatki o neresenih mednarodnih prijavih in naknadnih imenovanjih*] Če mednarodna prijava ali imenovanje po 24. pravilu ni vpisano v mednarodni register v treh delovnih dneh po tem, ko Mednarodni urad prejme mednarodno prijavo ali imenovanje, mora Mednarodni urad vpisati v elektronsko bazo podatkov vse podatke iz mednarodne prijave ali imenovanja, ne glede na nepravilnosti, ki bi lahko bile v prejeti mednarodni prijavi ali imenovanju.

(3) [*Dostop do elektronske baze podatkov*] Elektronska baza podatkov mora biti za urade pogodbenic in ob plačilu morebitne predpisane pristojbine tudi za javnost neposredno stalno dostopna z računalnika (on-line) ali na druge primerne načine, ki jih določi Mednarodni urad. Stroške dostopa plača uporabnik. Ob podatkih, vnesenih po drugem odstavku, mora biti opozorilo, da Mednarodni urad še ni odločal o mednarodni prijavi ali imenovanju po 24. pravilu.

**8. poglavje
Pristojbine**

*34. pravilo
Zneski in plačilo pristojbin*

(1) [*Zneski pristojbin*] Zneski pristojbin, ki jih je treba plačati po sporazumu, protokolu ali tem pravilniku, so z izjemo samostojnih pristojbin določeni v seznamu pristojbin, ki je priložen temu pravilniku in je njegov sestavni del.

(2) [*Plačila*] (a) Pristojbine, navedene v seznamu pristojbin, lahko plača Mednarodnemu uradu prijavitelj ali nosilec ali urad pogodbenice nosilca, če sprejme nalogo, da take pristojbine zbira in jih pošilja naprej, in če prijavitelj ali nosilec tako želi.

(b) Vsaka pogodbenica, katere urad sprejme nalogo, da zbira in pošilja naprej pristojbine, o tem uradno obvesti generalnega direktorja.

(3) [*Samostojna pristojbina, plačljiva v dveh delih*] (a) Pogodbenica, ki da ali je dala izjavo po sedmem odstavku 8. člena protokola, lahko uradno obvesti generalnega direktorja, da je samostojna pristojbina, ki jo je treba plačati za imenovanje te pogodbenice, sestavljena iz dveh delov, od katerih se prvi plača ob vložitvi mednarodne prijave ali naknadnega imenovanja te pogodbenice, drugi pa na poznejši datum, ki se določi v skladu s pravom te pogodbenice.

(b) Če velja pododstavek (a), se sklicevanja na samostojno pristojbino v točkah 2, 3 in 5 seznama pristojbin razumejo kot sklicevanja na prvi del te samostojne pristojbine.

(c) Če velja pododstavek (a), mora urad zadevne imenovane pogodbenice uradno obvestiti Mednarodni urad, kdaj zapade v plačilo drugi del samostojne pristojbine. V tem uradnem obvestilu se navede:

- (i) številka mednarodne registracije, na katero se nanaša,
- (ii) ime nosilca,
- (iii) datum, do katerega je treba plačati drugi del samostojne pristojbine,

(iv) če je znesek drugega dela samostojne pristojbine odvisen od števila razredov proizvodov in storitev, za katere je znamka v zadevni imenovani pogodbenici zavarovana, število takih razredov.

(d) The International Bureau shall transmit the notification to the holder. Where the second part of the individual fee is paid within the applicable period, the International Bureau shall record the payment in the International Register and notify the Office of the Contracting Party concerned accordingly. Where the second part of the individual fee is not paid within the applicable period, the International Bureau shall notify the Office of the Contracting Party concerned, cancel the international registration in the International Register with respect to the Contracting Party concerned and notify the holder accordingly.

(4) [*Modes of Payment of Fees to the International Bureau*] Fees shall be paid to the International Bureau as specified in the Administrative Instructions.

(5) [*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 mark 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.

(6) [*Date of Payment*] (a) Subject to Rule 30(1)(b) and to 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 subsequent designation, an instruction to debit the second part of an individual fee, a request for the recording of a change or an instruction to renew an international registration.

(7) [*Change in the Amount of the Fees*] (a) Where the amount of the fees payable in respect of the filing of an international application is changed between, on the one hand, the date on which the request to present the international application to the International Bureau is received, or is deemed to have been received under Rule 11(1)(a) or (c), by the Office of origin 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 a designation under Rule 24 is presented by the Office of the Contracting Party of the holder and the amount of the fees payable in respect of that designation is changed between, on the one hand, the date of receipt, by the Office, of the request by the holder to present the said designation and, on the other hand, the date on which the designation is received by the International Bureau, the fee that was valid on the first date shall be applicable.

(c) Where paragraph (3)(a) applies, the amount of the second part of the individual fee which is valid on the later date referred to in that paragraph shall be applicable.

(d) 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 30(1)(b), shall be applicable. Where the payment is made after the due date, the fee that was valid on the due date shall be applicable.

(e) Where the amount of any fee other than the fees referred to in subparagraphs (a), (b), (c) and (d) is changed, the amount valid on the date on which the fee was received by the International Bureau shall be applicable.

(d) Mednarodni urad pošlje to uradno obvestilo nosilcu. Če je drugi del samostojne pristojbine plačan v veljavnem roku, vpiše Mednarodni urad to plačilo v mednarodni register in o tem uradno obvesti urad zadevne pogodbenice. Če drugi del samostojne pristojbine ni plačan v veljavnem roku, Mednarodni urad uradno obvesti urad zadevne pogodbenice, izbriše mednarodno registracijo za to pogodbenico iz mednarodnega registra in o tem uradno obvesti nosilca.

(4) [*Načini plačila pristojbin Mednarodnemu uradu*] Pristojbine se plačajo Mednarodnemu uradu, kot je določeno v upravnih navodilih.

(5) [*Navedbe ob plačilu*] Pri plačilu katere koli pristojbine Mednarodnemu uradu se navede:

(i) pred opravljeno mednarodno registracijo ime prijavitelja, zadevna znamka in namen plačila;

(ii) po opravljeni mednarodni registraciji ime nosilca, številka zadevne mednarodne registracije in namen plačila.

(6) [*Datum plačila*] (a) Ob upoštevanju pododstavka (b) prvega odstavka 30. pravila in pododstavka (b) tega odstavka se za vsako pristojbino šteje, da je bila plačana Mednarodnemu uradu na dan, ko ta prejme zahtevani znesek.

(b) Če je zahtevani znesek na voljo na računu, odprtem pri Mednarodnemu uradu, in je ta urad od imetnika računa prejel naročilo, da za ta znesek obremeni njegov račun, se pristojbina šteje za plačano Mednarodnemu uradu na dan, ko ta prejme mednarodno prijavo, naknadno imenovanje, navodilo za knjiženje v breme računa drugega dela plačila samostojne pristojbine, zahtevo za vpis spremembe ali naročilo za podaljšanje mednarodne registracije.

(7) [*Sprememba zneska pristojbin*] (a) Če se znesek pristojbin, ki jih je treba plačati za vložitev mednarodne prijave, spremeni v času med datumom, ko urad izvora prejme ali ko se po pododstavku (a) ali (c) prvega odstavka 11. pravila šteje, da je prejel zahtevo za predložitev mednarodne prijave Mednarodnemu uradu, in datumom, ko to prijavo Mednarodni urad prejme, se uporablja pristojbina, ki je bila veljavna na prvi datum.

(b) Če imenovanje po 24. pravilu predloži urad pogodbenice nosilca in se znesek pristojbine, ki jo je treba plačati za tako imenovanje spremeni v času med datumom, ko je urad od nosilca prejel zahtevo za predložitev imenovanja, in datumom, ko imenovanje Mednarodni urad prejme, se uporablja pristojbina, ki je bila veljavna na prvi datum.

(c) Če se uporablja pododstavek (a) tretjega odstavka, se za drugi del samostojne pristojbine uporablja znesek, ki velja na poznejši datum, naveden v omenjenem odstavku.

(d) Če se znesek pristojbine, ki jo je treba plačati za podaljšanje mednarodne registracije, spremeni v času med datumom plačila in datumom, ko zapade rok za podaljšanje, se uporablja pristojbina, ki je veljala na dan plačila ali na dan, ki se šteje za dan plačila po pododstavku (b) prvega odstavka 30. pravila. Če je pristojbina plačana po datumu zapadlosti, se uporablja pristojbina, ki je veljala na dan zapadlosti plačila.

(e) Če se spremeni znesek katere od pristojbin, ki niso omenjene v pododstavkih (a), (b), (c) in (d), se uporablja znesek, ki je veljal na dan, ko je Mednarodni urad prejel plačilo te pristojbine.

*Rule 35
Currency of Payments*

(1) *[Obligation to Use Swiss Currency]* All payments due under these Regulations shall be made to the International Bureau in Swiss currency irrespective of the fact that, where the fees are paid by an Office, that Office may have collected those fees in another currency.

(2) *[Establishment of the Amount of Individual Fees in Swiss Currency]* (a) Where a Contracting Party makes a declaration under Article 8(7)(a) of the Protocol that it wants to receive an individual fee, the amount of the individual 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 individual fee in Swiss currency on the basis of the official exchange rate of the United Nations.

(c) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the other currency in which the amount of an individual 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 individual fee in Swiss currency, the Office of that Contracting Party may ask the Director General to establish a new amount of the individual 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 Gazette.

(d) Where, for more than three consecutive months, the official exchange rate of the United Nations between the Swiss currency and the other currency in which the amount of an individual 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 individual fee in Swiss currency, the Director General shall establish a new amount of the individual 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 Gazette.

*Rule 36
Exemption From Fees*

Recording of the following shall be exempt from fees:

(i) the appointment of a representative, any change concerning a representative and the cancellation of the recording of a representative,

(ii) any change concerning the telephone and telefacsimile numbers of the holder,

(iii) the cancellation of the international registration,

(iv) any renunciation under Rule 25(1)(a)(iii),

(v) any limitation effected in the international application itself under Rule 9(4)(a)(xiii) or in a subsequent designation under Rule 24(3)(a)(iv),

(vi) any request by an Office under Article 6(4), first sentence, of the Agreement or Article 6(4), first sentence, of the Protocol,

(vii) the existence of a judicial proceeding or of a final decision affecting the basic application, or the registration resulting therefrom, or the basic registration,

(viii) any refusal under Rule 17, Rule 24(9) or Rule 28(3), any statement under Rule 17(5) or (6) or any declaration under Rule 20*bis*(5) or Rule 27(4) or (5),

*35. pravilo
Valuta plačil*

(1) *[Obvezna uporaba švicarske valute]* Vsa plačila Mednarodnemu uradu, izvršena po tem pravilniku, morajo biti v švicarski valuti, tudi če jih je morda neki urad, če jih ta izvrši, pobral v drugi valuti.

(2) *[Določitev zneska samostojne pristojbine v švicarski valuti]* (a) Če da pogodbenica izjavo po pododstavku (a) sedmega odstavka 8. člena protokola, da želi prejeti samostojno pristojbino, navede Mednarodnemu uradu znesek samostojne pristojbine v valuti, ki jo uporablja njen urad.

(b) Če je v izjavi iz pododstavka (a) pristojbina navedena v valuti, ki ni švicarska, določi znesek samostojne pristojbine v švicarski valuti generalni direktor po posvetovanju z uradom zadevne pogodbenice in na podlagi uradnega menjalnega tečaja Združenih narodov.

(c) Če je več kot tri zaporedne mesece uradni menjalni tečaj Združenih narodov med švicarsko valuto in drugo valuto, v kateri je pogodbenica navedla znesek samostojne pristojbine, za najmanj 5% višji ali nižji od zadnjega menjalnega tečaja, upoštevanega za določitev zneska samostojne pristojbine v švicarski valuti, lahko urad te pogodbenice zaprosi generalnega direktorja, da določi nov znesek samostojne pristojbine v švicarski valuti v skladu z uradnim menjalnim tečajem Združenih narodov, ki je veljal na dan pred dnevom dane zahteve. Generalni direktor temu ustrezno ravna. Novi znesek potem velja od dneva, ki ga določi generalni direktor, pod pogojem, da je ta dan vsaj mesec ali dva po datumu objave navedenega zneska v glasilu.

(d) Če je več kot tri zaporedne mesece uradni menjalni tečaj Združenih narodov med švicarsko valuto in drugo valuto, v kateri je pogodbenica navedla znesek samostojne pristojbine, za najmanj 10% nižji od zadnjega menjalnega tečaja, uporabljenega za določitev zneska samostojne pristojbine v švicarski valuti, generalni direktor določi nov znesek samostojne 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 je ta dan vsaj mesec ali dva po datumu objave navedenega zneska v glasilu.

*36. pravilo
Oprostitev plačila pristojbin*

Pristojbine se ne plačajo za:

(i) imenovanje zastopnika, spremembe v zvezi z zastopnikom in izbris zastopnika,

(ii) spremembe številke telefona ali telefaksa nosilca,

(iii) izbris mednarodne registracije,

(iv) odpovedi po točki (iii) pododstavka (a) prvega odstavka 25. pravila,

(v) omejitve v mednarodni prijavi po točki (xiii) pododstavka (a) četrtega odstavka 9. pravila ali v naknadnem imenovanju po točki (iv) pododstavka (a) tretjega odstavka 24. pravila,

(vi) zahteve urada po prvem stavku četrtega odstavka 6. člena sporazuma ali po prvem stavku četrtega odstavka 6. člena protokola,

(vii) obstoj sodnega postopka ali dokončne odločitve, ki vpliva na osnovno prijavo ali registracijo, ki iz nje izhaja, ali na osnovno registracijo,

(viii) zavrnitve po 17. pravilu, devetem odstavku 24. pravila ali tretjem odstavku 28. pravila, izjave po petem ali šestem odstavku 17. pravila ali izjave po petem odstavku 20*bis* pravila ali četrtem ali petem odstavku 27. pravila,

- (ix) the invalidation of the international registration,
- (x) information communicated under Rule 20,
- (xi) any notification under Rule 21 or Rule 23,
- (xii) any correction in the International Register.

*Rule 37
Distribution of Supplementary Fees
and Complementary Fees*

(1) The coefficient referred to in Article 8(5) and (6) of the Agreement and Article 8(5) and (6) of the Protocol shall be as follows:

for Contracting Parties which examine only for absolute grounds of refusal	two
for Contracting Parties which also examine for prior rights:	
(a) following opposition by third parties	three
(b) <i>ex officio</i>	four

(2) Coefficient four shall also be applied to Contracting Parties which carry out *ex officio* searches for prior rights with an indication of the most significant prior rights.

*Rule 38
Crediting of Individual Fees to the Accounts
of the Contracting Parties Concerned*

Any individual fee paid to the International Bureau in respect of a Contracting Party having made a declaration under Article 8(7)(a) of the Protocol 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, subsequent designation or renewal for which that fee has been paid was effected or the payment of the second part of the individual fee was recorded.

Chapter 9 Miscellaneous

*Rule 39
Continuation of Effects of International Registrations
in Certain Successor States*

(1) Where any State ("the successor State") whose territory was, before the independence of that State, part of the territory of a Contracting State ("the predecessor country") has deposited with the Director General a declaration of continuation the effect of which is that the Agreement is applied by the successor State, the effects in the successor State of any international registration with a territorial extension to the predecessor country which is effective from a date prior to the date fixed under paragraph (2) shall be subject to

(i) the filing with the International Bureau, within six months from the date of a notice addressed for that purpose by the International Bureau to the holder of the international registration concerned, of a request that such international registration continue its effects in the successor State, and

(ii) the payment to the International Bureau, within the same time limit, of a fee of 23 Swiss francs, which shall be transferred by the International Bureau to the Office of the successor State, and of a fee of 41 Swiss francs for the benefit of the International Bureau.

(2) The date referred to in paragraph (1) shall be the date notified by the successor State to the International Bureau for the purposes of this Rule, provided that such date may not be earlier than the date of independence of the successor State.

(3) The International Bureau shall, upon receipt of the request and the fees referred to in paragraph (1), notify the Office of the successor State and make the corresponding recording in the International Register.

- (ix) razveljavitev mednarodne registracije,
- (x) obvestila po 20. pravilu,
- (xi) uradna obvestila po 21. ali 23. pravilu,
- (xii) popravke v mednarodnem registru.

*37. pravilo
Razdelitev dodatnih
in dopolnilnih pristojbin*

(1) Količnik iz petega in šestega odstavka 8. člena sporazuma ter petega in šestega odstavka 8. člena protokola je:

za pogodbenice, ki opravljajo preizkus zgolj absolutnih razlogov za zavrnitev	dva
za pogodbenice, ki opravljajo tudi preizkus prejšnjih pravic:	
(a) po ugovoru tretjih	tri
(b) po uradni dolžnosti	štiri

(2) Količnik štiri se uporablja tudi za pogodbenice, ki po uradni dolžnosti opravljajo poizvedbe o prejšnjih pravicah z navedbo najpomembnejših prejšnjih pravic.

*38. pravilo
Knjiženje samostojnih pristojbin v dobro računov zadevnih
pogodbenic*

Vsaka samostojna pristojbina, plačana Mednarodnemu uradu za pogodbenico, ki je dala izjavo po pododstavku (a) sedmega odstavka 8. člena protokola, se knjiži v dobro računa te pogodbenice pri Mednarodnemu uradu v mesecu, ki sledi mesecu, v katerem je bil opravljen vpis mednarodne registracije, naknadnega imenovanja ali podaljšanja, za katerega je bila plačana pristojbina, ali pa je bilo vpisano plačilo drugega dela samostojne pristojbine.

9. poglavje Razno

*39. pravilo
Nadaljevanje učinkov mednarodnih registracij v nekaterih
državah naslednicah*

(1) Če je država (v nadaljevanju "država naslednica"), katere ozemlje je bilo pred njeno neodvisnostjo del ozemlja države pogodbenice (v nadaljevanju "država predhodnica"), pri generalnem direktorju deponirala izjavo o nadaljevanju, ki ima učinek, da država naslednica uporablja sporazum, velja v državi naslednici vsaka mednarodna registracija z ozemeljsko razširitvijo na državo predhodnico, ki je veljala na datum, določen po drugem odstavku, pod pogojem,

(i) da je bila pri Mednarodnemu uradu v šestih mesecih po datumu obvestila, ki ga je v ta namen Mednarodni urad naslovil na nosilca zadevne mednarodne registracije, vložena zahteva, da ta mednarodna registracija ostane v veljavi v državi naslednici, in

(ii) da je bila v istem roku Mednarodnemu uradu plačana pristojbina v višini 23 švicarskih frankov, ki jih Mednarodni urad prenakaže uradu države naslednice, in pristojbina v višini 41 švicarskih frankov za Mednarodni urad.

(2) Datum iz prvega odstavka je datum, ki ga država naslednica uradno sporoči Mednarodnemu uradu za namene tega pravila, pri čemer ta ne more biti zgodnejši od datuma neodvisnosti države naslednice.

(3) Po prejemu zahteve in pristojbin iz prvega odstavka Mednarodni urad uradno obvesti urad države naslednice in opravi ustrezni vpis v mednarodni register.

(4) With respect to any international registration concerning which the Office of the successor State has received a notification under paragraph (3), that Office may only refuse protection if the time limit referred to in Article 5(2) of the Agreement has not expired with respect to the territorial extension to the predecessor country and if the notification of refusal is received by the International Bureau within that time limit.

(5) This Rule shall not apply to the Russian Federation.

Rule 40
Entry into Force; Transitional Provisions

(1) [*Entry into Force*] These Regulations shall enter into force on April 1, 2004, and shall, as of that date, replace the Regulations under the Agreement as in force on March 31, 1996 (hereinafter referred to as "the Regulations under the Agreement").

(2) [*General Transitional Provisions*] (a) Notwithstanding paragraph (1),

(i) an international application the request for presentation to the International Bureau of which was received, or is deemed to have been received under Rule 11(1)(a) or (c), by the Office of origin before April 1, 1996, shall, to the extent that it conforms to the requirements of the Regulations under the Agreement, be deemed to conform to the applicable requirements for the purposes of Rule 14;

(ii) a request for the recording of a change under Rule 20 of the Regulations under the Agreement sent by the Office of origin or by another interested Office to the International Bureau before April 1, 1996, or, where such date can be identified, whose date of receipt by the Office of origin or by another interested Office for presentation to the International Bureau is earlier than April 1, 1996, shall, to the extent that it conforms to the requirements of the Regulations under the Agreement, be deemed to conform to the applicable requirements for the purposes of Rule 24(7) or to be in order for the purposes of Rule 27;

(iii) an international application, or a request for the recording of a change under Rule 20 of the Regulations under the Agreement, that, before April 1, 1996, has been the subject of any action by the International Bureau under Rules 11, 12, 13 or 21 of the Regulations under the Agreement, shall continue to be processed by the International Bureau under the said Rules; the date of the resulting international registration or recording in the International Register shall be governed by Rule 15 or 22 of the Regulations under the Agreement;

(iv) a notification of refusal or a notification of invalidation sent by the Office of a designated Contracting Party before April 1, 1996, shall, to the extent that it conforms to the requirements of the Regulations under the Agreement, be deemed to conform to the applicable requirements for the purposes of Rule 17(4) and (5) or of Rule 19(2).

(b) For the purposes of Rule 34(7), the fees valid at any date before April 1, 1996, shall be the fees prescribed by Rule 32 of the Regulations under the Agreement.

(c) Notwithstanding Rule 10(1), where, in accordance with Rule 34(7)(a), the fees paid in respect of the filing of an international application are the fees prescribed for 20 years by Rule 32 of the Regulations under the Agreement, no second instalment shall be due.

(d) Where, in accordance with Rule 34(7)(b), the fees paid in respect of a subsequent designation are the fees prescribed by Rule 32 of the Regulations under the Agreement, paragraph (3) shall not apply.

(4) Za vsako mednarodno registracijo, za katero je urad države naslednice prejel uradno obvestilo po tretjem odstavku, lahko ta urad varstvo zavrne le, če rok iz drugega odstavka 5. člena sporazuma za ozemeljsko razširitev na državo predhodnico še ni potekel in če Mednarodni urad prejme uradno obvestilo o zavrnitvi pred potekom tega roka.

(5) To pravilo se ne uporablja za Rusko federacijo.

40. pravilo
Začetek veljavnosti; prehodne določbe

(1) [*Začetek veljavnosti*] Ta pravilnik začne veljati 1. aprila 2004 in od tega dne dalje nadomesti pravilnik po sporazumu, kot je veljal 31. marca 1996 (v nadaljevanju "pravilnik po sporazumu").

(2) [*Splošne prehodne določbe*] (a) Ne glede na prvi odstavek

(i) se za mednarodno prijavo, za katero je urad izvora prejel oziroma se po pododstavku (a) ali (c) prvega odstavka 11. pravila šteje, da je prejel zahtevo za predložitev Mednarodnemu uradu pred 1. aprilom 1996, šteje, da izpolnjuje pogoje, ki veljajo za namene 14. pravila, pod pogojem, da izpolnjuje tudi pogoje pravilnika po sporazumu;

(ii) se za zahtevo za vpis spremembe po 20. pravilu pravilnika po sporazumu, ki jo je urad izvora ali drug zainteresiran urad poslal Mednarodnemu uradu pred 1. aprilom 1996 ali katere datum prejema v uradu izvora ali drugem zainteresiranem uradu za predložitev Mednarodnemu uradu, če je ta datum mogoče ugotoviti, je bil pred 1. aprilom 1996, šteje, da izpolnjuje pogoje, ki veljajo za namene sedmega odstavka 24. pravila, ali da je ustrezna za namene 27. pravila, pod pogojem, da izpolnjuje tudi pogoje pravilnika po sporazumu;

(iii) mednarodno prijavo ali zahtevo za vpis spremembe po 20. pravilu pravilnika po sporazumu, za katero je pred 1. aprilom 1996 potekala kakršna koli dejavnost Mednarodnega urada po 11., 12., 13. ali 21. pravilu pravilnika po Sporazumu, Mednarodni urad še naprej obravnava po navedenih pravilih; datum mednarodne registracije, ki iz nje izhaja, ali vpis v mednarodni register urejata 15. ali 22. pravilo pravilnika po sporazumu;

(iv) se za uradno obvestilo o zavrnitvi ali razveljavitvi, ki ga je poslal urad imenovane pogodbenice pred 1. aprilom 1996, šteje, da izpolnjuje pogoje, ki veljajo za namene četrtega in petega odstavka 17. pravila ali drugega odstavka 19. pravila, pod pogojem, da izpolnjuje tudi pogoje pravilnika po sporazumu.

(b) Za namene sedmega odstavka 34. pravila so pristojbine, ki so veljale na kateri koli datum pred 1. aprilom 1996, pristojbine, predpisane v 32. pravilu pravilnika po sporazumu.

(c) Ne glede na prvi odstavek 10. pravila drugi obrok ne zapade v plačilo, če so v skladu s pododstavkom (a) sedmega odstavka 34. pravila pristojbine, plačane za vložitev mednarodne prijave, pristojbine, ki so po 32. pravilu pravilnika po sporazumu predpisane za 20 let.

(d) Če so v skladu s pododstavkom (b) sedmega odstavka 34. pravila pristojbine, plačane za naknadno imenovanje, pristojbine, predpisane v 32. pravilu pravilnika po sporazumu, se tretji odstavek ne uporablja.

(3) *[Transitional Provisions Applicable to International Registrations for Which Fees Have Been Paid for 20 Years]* (a) Where an international registration for which the required fees had been paid for 20 years is the subject of a subsequent designation under Rule 24 and where the current term of protection of that international registration expires more than ten years after the effective date of the subsequent designation as determined in accordance with Rule 24(6), the provisions of subparagraphs (b) and (c) shall apply.

(b) Six months before the expiry of the first period of ten years of the current term of protection of the international registration, the International Bureau shall send to the holder and his representative, if any, a notice indicating the exact date of expiry of the first period of ten years and the Contracting Parties which were the subject of subsequent designations referred to in subparagraph (a). Rule 29 shall apply *mutatis mutandis*.

(c) Payment of complementary and individual fees corresponding to the fees referred to in Rule 30(1)(iii) shall be required for the second period of ten years in respect of the subsequent designations referred to in subparagraph (a). Rule 30(1) and (3) shall apply *mutatis mutandis*.

(d) The International Bureau shall record in the International Register the fact that payment has been made to the International Bureau for the second period of ten years. The date of recording shall be the date of expiry of the first period of ten years, even if the fees required are paid within the period of grace referred to in Article 7(5) of the Agreement and in Article 7(4) of the Protocol.

(e) The International Bureau shall notify the Offices of the designated Contracting Parties concerned of the fact that payment has or has not been made for the second period of ten years and shall at the same time inform the holder.

(4) *[Transitional Provisions Concerning Languages]* Rule 6 as in force before April 1, 2004 shall continue to apply to any international application which was received, or in accordance with Rule 11(1)(a) or (c) is deemed to have been received, by the Office of origin before that date, to any international registration resulting therefrom and to any communication relating thereto. Rule 6 as in force before April 1, 2004 shall cease to apply where a subsequent designation under the Protocol is filed directly with the International Bureau or is filed with the Office of the Contracting Party of the holder on or after that date, provided that the subsequent designation is recorded in the International Register.

Rule 41 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. Before establishing or modifying the Administrative Instructions, 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 Gazette.

(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 Gazette.

(3) *[Prehodne določbe, ki veljajo za mednarodne registracije, za katere so bile pristojbine plačane za 20 let]* (a) Če je mednarodna registracija, za katero so bile zahtevane pristojbine plačane za 20 let, predmet naknadnega imenovanja po 24. pravilu in če tekoči rok varstva za to mednarodno registracijo poteče pozneje kot deset let po začetku veljavnosti naknadnega imenovanja, kot je določen v skladu s šestim odstavkom 24. pravila, veljajo določbe pododstavkov (b) in (c).

(b) Šest mesecev pred potekom prvega desetletnega obdobja tekočega roka varstva mednarodne registracije pošlje Mednarodni urad nosilcu in njegovemu zastopniku, če ga ima, obvestilo z navedbo točnega datuma poteka prvega desetletnega obdobja in pogodbenic, ki so bile predmet naknadnih imenovanj iz pododstavka (a). Smiselno se uporablja 29. pravilo.

(c) Za drugo desetletno obdobje se za nakladna imenovanja iz pododstavka (a) zahteva plačilo dopolnilnih in samostojnih pristojbin, ki ustrezajo pristojbinam iz točke (iii) prvega odstavka 30. pravila. Smiselno se uporabljata prvi in tretji odstavek 30. pravila.

(d) Mednarodni urad vpiše v mednarodni register zaimek, da je prejel plačilo za drugo desetletno obdobje. Datum vpisa je datum poteka prvega desetletnega obdobja, tudi če so bile zahtevane pristojbine plačane v dodatnem roku iz petega odstavka 7. člena sporazuma in četrtega odstavka 7. člena protokola.

(e) Mednarodni urad uradno obvesti urade zadevnih imenovanih pogodbenic o tem, da je plačilo za drugo desetletno obdobje bilo oziroma ni bilo izvršeno, in hkrati obvesti tudi nosilca.

(4) *[Prehodne določbe v zvezi z jeziki]* 6. pravilo, kot je veljalo pred 1. aprilom 2004, se še naprej uporablja za vse mednarodne prijave, ki jih je prejel ali se po pododstavkih (a) ali (c) prvega odstavka 11. pravila šteje, da jih je prejel urad izvora pred tem datumom, za vse mednarodne registracije, ki iz njih izhajajo, in za vsa sporočila, ki se nanje nanašajo. 6. pravilo, kot je veljalo pred 1. aprilom 2004, se ne uporablja, kadar je nakladno imenovanje po protokolu vloženo neposredno pri Mednarodnemu uradu ali eno pri uradu pogodbenice nosilca na ta dan ali po njem, pod pogojem, da je nakladno imenovanje vpisano v mednarodni register.

41. pravilo Upravna navodila

(1) *[Določitev upravnih navodil in zadeve, ki jih urejajo]* (a) Upravna navodila določi generalni direktor. Generalni direktor jih lahko tudi spremeni. Preden pa jih določi ali spremeni, se posvetuje z uradi, ki so neposredno zainteresirani za predlagana upravna navodila ali njihovo spremembo.

(b) Upravna navodila urejajo zadeve, za katere je v tem pravilniku tako izrecno navedeno, in podrobnosti v zvezi z uporabo tega pravilnika.

(2) *[Nadzor skupščine]* Skupščina lahko pozove generalnega direktorja, da spremeni katero koli določbo upravnih navodil, in generalni direktor temu ustrezno ukrepa.

(3) *[Objava in začetek veljavnosti]* (a) Upravna navodila in vse njihove spremembe se objavijo v glasilu.

(b) V vsaki objavi je naveden datum, ko začnejo objavljene določbe veljati. Datumi so lahko za različne določbe različni, pri čemer nobena določba ne more postati veljavna pred objavo v glasilu.

(4) *[Conflict with the Agreement, the Protocol or These Regulations]* In the case of conflict between, on the one hand, any provision of the Administrative Instructions and, on the other hand any provision of the Agreement, the Protocol or these Regulations, the latter shall prevail.

I. SCHEDULE OF FEES PRESCRIBED BY THE COMMON REGULATIONS UNDER THE MADRID AGREEMENT AND THE MADRID PROTOCOL

1. International applications governed exclusively by the Agreement

Swiss francs

The following fees shall be payable and shall cover 10 years:

- | | | |
|-------|---|-----|
| 1.1. | Basic fee (Article 8(2) (a) of the Agreement) | |
| 1.1.1 | where no reproduction of the mark is in color | 653 |
| 1.1.2 | where any reproduction of the mark is in color | 903 |
| 1.2 | Supplementary fee for each class of goods and services beyond three classes (Article 8(2) (b) of the Agreement) | 73 |
| 1.3 | Complementary fee for the designation of each designated Contracting State (Article (8)(2)(c) of the Agreement) | 73 |

2. International application governed exclusively by the Protocol

The following fees shall be payable and shall cover 10 years:

- | | | |
|-------|--|-----|
| 2.1 | Basic fee (Article 8(2) (i) of the Protocol) | |
| 2.1.1 | where no reproduction of the mark is in color | 653 |
| 2.1.2 | where any reproduction of the mark is in color | 903 |
| 2.2. | Supplementary fee for each class of goods and services beyond three classes (Article 8(2) (ii) of the Protocol), except if only Contracting Parties in respect of which individual fees (see 2.4, below) are payable are designated) see Article 8(7) (a) (i) of the Protocol) | 73 |
| 2.3 | Complementary fee for the designation of each designated Contracting Party (Article 8(2) (iii) of the Protocol), except if the designated Contracting Party is Contracting Party in respect of which an individual fee is payable (see 2.4, below) (see Article 8(7) (a) (ii) of the Protocol) | 73 |
| 2.4. | Individual fee for the designation of each designated Contracting party in respect of which an individual fee (rather than a complementary fee) is payable (see Article 8(7) of the Protocol): the amount of the individual fee is fixed by each Contracting party concerned | |

3. International applications governed by both the Agreement and the Protocol

The following fees shall be payable and shall cover 10 years:

- | | | |
|--------|--|-----|
| 3.1. | Basic fee | |
| 3.1.1. | where no reproduction of the mark is in color | 653 |
| 3.1.2. | where any reproduction of the mark is in color | 903 |
| 3.2 | Supplementary fee for each class of goods and services beyond three classes | 73 |
| 3.3 | Complementary fee for the designation of each designated Contracting Party in respect of which no individual fee is payable | 73 |
| 3.4 | Individual fee for the designation of each designated Contracting party in respect of which an individual fee is payable (see Article 8(7)(a) of the Protocol), except where the designated State is a State bound (also) by the Agreement and the Office of origin is the Office of a State bound (also) by the Agreement (in respect of such a state, a complementary fee is payable): amount of the individual fee is fixed by each Contracting party concerned | |

4. Irregularities with respect to the classification of goods and services

The following fees shall be payable (Rule 12(1)(b)):

- | | | |
|------|--|--|
| 4.1. | Where the goods and services are not grouped in classes | 77 plus 4 per term in excess of 20 |
| 4.2. | Where the classification, as appearing in the application, of one or more terms is incorrect that, where the total amount due under this item in respect of an international application is less than 150 Swiss francs, no fees shall be payable | 20 plus 4 per incorrectly classified term provided |

(4) *[Neskladnost s sporazumom, protokolom ali tem pravilnikom]* Pri neskladju med določbo upravnih navodil na eni strani in določbo sporazuma, protokola ali tega pravilnika na drugi strani prevladajo zadnje.

SEZNAM PRISTOJBIN SKUPNEGA PRAVILNIKA PO MADRIDSKEM SPORAZUMU IN MADRIDSKEM PROTOKOLU

1. Mednarodne prijave, ki jih ureja izključno sporazum

SFR

Plačajo se naslednje pristojbine za dobo 10 let:

- | | | |
|-------|---|-----|
| 1.1 | Osnovna pristojbina (člen 8(2)(a) sporazuma) | |
| 1.1.1 | če ni noben prikaz znamke v barvah | 653 |
| 1.1.2 | če je kateri koli prikaz znake v barvah | 903 |
| 1.2 | Dodatna pristojbina za vsak razred proizvodov in storitev nad tretjim razredom (člen 8(2)(b) sporazuma) | 73 |
| 1.3 | Dopolnilna pristojbina za imenovanje vsake imenovane države pogodbenice (člen 8(2)(c) sporazuma) | 73 |

2. Mednarodne prijave, ki jih ureja izključno protokol

Plačajo se naslednje pristojbine za dobo 10 let:

- | | | |
|-------|---|-----|
| 2.1 | Osnovna pristojbina (člen 8(2)(i) protokola) | |
| 2.1.1 | če ni noben prikaz znamke v barvah | 653 |
| 2.1.2 | če je kateri koli prikaz znake v barvah | 903 |
| 2.2 | Dodatna pristojbina za vsak razred proizvodov in storitev nad tretjim razredom (člen 8(2)(ii) protokola), razen če so imenovane samo pogodbenice, za katere se plačujejo samostojne pristojbine (glej 2.4 spodaj) (člen 8(7)(a)(i) protokola) | 73 |
| 2.3 | Dopolnilna pristojbina za imenovanje vsake imenovane pogodbenice (člen 8(2)(iii) protokola), razen če je imenovana pogodbenica pogodbenica, za katero se plača samostojna pristojbina (glej 2.4 spodaj) (člen 8(7)(a)(ii) protokola) | 73 |
| 2.4 | Samostojna pristojbina za imenovanje vsake imenovane pogodbenice, za katero se plača samostojna pristojbina (in ne dopolnilna pristojbina) (člen 8(7)(a) protokola); višino samostojne pristojbine določi zadevna pogodbenica sama | |

3. Mednarodne prijave, ki jih urejata sporazum in protokol

Plačajo se naslednje pristojbine za dobo 10 let:

- | | | |
|-------|--|-----|
| 3.1 | Osnovna pristojbina | |
| 3.1.1 | če ni noben prikaz znamke v barvah | 653 |
| 3.1.2 | če je kateri koli prikaz znake v barvah | 903 |
| 3.2 | Dodatna pristojbina za vsak razred proizvodov in storitev nad tretjim razredom | 73 |
| 3.3 | Dopolnilna pristojbina za imenovanje vsake imenovane pogodbenice, za katero se ne plača samostojna pristojbina | 73 |
| 3.4 | Samostojna pristojbina za imenovanje vsake imenovane pogodbenice, za katero se plača samostojna pristojbina (člen 8(7)(a) protokola), razen če je imenovana država država, ki jo zavezuje (tudi) sporazum, in je urad izvora urad države, ki jo zavezuje (tudi) sporazum (za tako državo se plača dopolnilna pristojbina); višino samostojne pristojbine določi zadevna pogodbenica sama | |

4. Nepravilnosti glede klasifikacije proizvodov in storitev

Plačajo se naslednje pristojbine (pravilo 12(1)(b)):

- | | | |
|-----|---|---|
| 4.1 | Če proizvodi in storitve niso razvrščeni po skupinah v razrede | 77 plus 4 za vsako navedbo nad 20 |
| 4.2 | Če je klasifikacija v prijavi nepravilna glede ene ali več navedb če pa je skupni znesek, ki ga je treba plačati za mednarodno prijavo po tej točki, nižji od 150 SFR, se ne plača nobena pristojbina | 20 plus 4 za vsako nepravilno klasificirano navedbo |

5. Designation subsequent to international registration

The following fees shall be payable and shall cover the period between the effective date of the designation and the expiry of the then current term of the international registration:

- | | | |
|------|---|-----|
| 5.1. | Basic fee | 300 |
| 5.2. | Complementary fee for each designated Contracting Party indicated in the same request where an individual fee is not payable in respect of such designated Contracting Party (the fee covers the remainder of 10 years) | 73 |
| 5.3. | Individual fee for the designation of each designated Contracting Party in respect of which an individual fee (rather than a complementary fee) is payable (see Article 8(7)(a) of the Protocol): the amount of the individual fee is fixed by each Contracting Party concerned | |

6. Renewal

The following fees shall be payable and shall cover 10 years:

- | | | |
|------|---|---|
| 6.1. | Basic fee | 653 |
| 6.2. | Supplementary fee, except if the renewal is made only for designated Contracting Parties in respect of which individual fees are payable | 73 |
| 6.3. | Complementary fee for each designated Contracting Party in respect of which an individual fee is not payable | 73 |
| 6.4. | Individual fee for the designation of each designated Contracting Party in respect of which an individual fee (rather than a complementary fee) is payable (see Article 8(7)(a) of the Protocol): the amount of the individual fee is fixed by each Contracting Party concerned | |
| 6.5. | Surcharge for the use of the period of grace | 50% of the amount of the fee payable under item 6.1 |

7. Change

- | | | |
|------|--|-----|
| 7.1. | Total transfer of an international registration | 177 |
| 7.2. | Partial transfer (for some of the goods and services or for some of the Contracting Parties) of an international registration | 177 |
| 7.3. | Limitation requested by the holder subsequent to international registrations, provided that, if the limitation affects more than one Contracting Party, it is the same for all | 177 |
| 7.4. | Change of name and/or address of the holder of one or more international registrations for which recordal of the same change is requested in same request | 150 |
| 7.5. | Recording of the license in respect of an international registration or amendment of the recording of a license | 177 |

8. Information concerning international registrations

- | | | |
|------|---|-----|
| 8.1. | Establishing a certified extract from International Register consisting of an analysis of the situation of an international registration (detailed certified extract),
up to three pages | 155 |
| | for each page after third | 10 |
| 8.2. | Establishing a certified extract from the International Register consisting of a copy of all publications, and of all notifications of refusal, made with respect to an international registration (simple certified extract),
up to three pages | 77 |
| | for each page after third | 2 |
| 8.3. | A single attestation or information in writing
for a single international registration | 77 |
| | for each additional international registration if the same information is requested in the same request | 10 |
| 8.4. | Reprint or photocopy of the publication of an international registration, per page | 5 |

9. Special services

The International Bureau is authorized to collect a fee, whose amount it shall itself fix, for operations to be performed urgently and for services not covered by this Schedule of Fees.

5. Imenovanje po opravljeni mednarodni registraciji

Plačajo se naslednje pristojbine za čas med začetkom veljavnosti imenovanja in potekom tedaj veljavnega roka mednarodne registracije:

- | | | |
|-----|--|-----|
| 5.1 | Osnovna pristojbina | 300 |
| 5.2 | Dopolnilna pristojbina za vsako imenovano pogodbenico, navedeno v isti zahtevi, če se za tako pogodbenico ne plača samostojna pristojbina (pristojbina je za preostanek desetletnega obdobja) | 73 |
| 5.3 | Samostojna pristojbina za imenovanje vsake imenovane pogodbenice, za katero se plača samostojna pristojbina (in ne dopolnilna pristojbina) (člen 8(7)(a) protokola); višino samostojne pristojbine določi zadevna pogodbenica sama | |

6. Podaljšanje

Plačajo se naslednje pristojbine za dobo 10 let:

- | | | |
|-----|--|---------------------------------------|
| 6.1 | Osnovna pristojbina | 653 |
| 6.2 | Dodatna pristojbina, razen če podaljšanje zadeva le imenovane pogodbenice, za katere se plačajo samostojne pristojbine | 73 |
| 6.3 | Dopolnilna pristojbina za vsako imenovano pogodbenico, za katero se ne plača samostojna pristojbina | 73 |
| 6.4 | Samostojna pristojbina za imenovanje vsake imenovane pogodbenice, za katero se plača samostojna pristojbina (in ne dopolnilna pristojbina) (člen 8(7)(a) protokola); višino samostojne pristojbine določi zadevna pogodbenica sama | |
| 6.5 | Doplačilo za uporabo dodatnega roka | 50% pristojbine, plačljive po tč. 6.1 |

7. Sprememba

- | | | |
|-----|--|-----|
| 7.1 | Popolni prenos mednarodne registracije | 177 |
| 7.2 | Delni prenos mednarodne registracije (za nekatere proizvode in storitve ali za nekatere imenovane pogodbenice) | 177 |
| 7.3 | Omejitev, ki jo zahteva nosilec po opravljeni mednarodni registraciji, pod pogojem da je omejitev, če zadeva več pogodbenc, za vse enaka | 177 |
| 7.4 | Sprememba imena in/ali naslova nosilca ene ali več mednarodnih registracij, za katere se v isti zahtevi zahteva vpis iste spremembe | 150 |
| 7.5 | Vpis licence za mednarodno registracijo ali sprememba vpisa licence | 177 |

8. Podatki o mednarodnih registracijah

- | | | |
|-----|---|-----|
| 8.1 | Overjen izpis iz mednarodnega registra, ki vsebuje opis stanja mednarodne registracije (podrobni overjen izpis) | |
| | do tri strani | 155 |
| | za vsako stran nad tretjo | 10 |
| 8.2 | Overjen izpis iz mednarodnega registra, ki sestoji iz kopij vseh objav in vseh uradnih obvestil o zavrnitvi v zvezi z mednarodno registracijo (enostavni overjen izpis) | |
| | do tri strani | 77 |
| | za vsako stran nad tretjo | 2 |
| 8.3 | Eno samo pisno potrdilo ali podatek | |
| | za eno samo mednarodno registracijo | 77 |
| | za vsako nadaljnjo mednarodno registracijo, | |
| | če se v isti zahtevi zahteva isti podatek | 10 |
| 8.4 | Ponatis ali fotokopija objave mednarodne registracije, za stran | 5 |

9. Posebne storitve

Mednarodni urad je pooblaščen za pobiranje pristojbine, katere višino sam določi, za dejanja, ki morajo biti nujno opravljena, in za storitve, ki niso zajete v tem seznamu pristojbin.

Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb**3. Obvestilo o začetku veljavnosti Konvencije med Vlado Republike Slovenije in Vlado Kraljevine Nizozemske o izogibanju dvojnega obdavčevanja in preprečevanju davčnih utaj v zvezi z davki od dohodka s protokolom**

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo) Ministrstvo za zunanje zadeve

sporoča,

da je dne 31. decembra 2005 začela veljati Konvencija med Vlado Republike Slovenije in Vlado Kraljevine Nizozemske o izogibanju dvojnega obdavčevanja in preprečevanju davčnih utaj v zvezi z davki od dohodka s protokolom, podpisana v Ljubljani 30. junija 2004 in objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 4/05 (Uradni list Republike Slovenije, št. 27/05).

Ljubljana, dne 3. januarja 2006

Ministrstvo
za zunanje zadeve
Republike Slovenije

4. Obvestilo o prenehanju veljavnosti Sporazuma med Vlado Socialistične federativne republike Jugoslavije in Vlado Socialistične republike Romunije o carinskem sodelovanju

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo) Ministrstvo za zunanje zadeve

sporoča,

da je dne 28. decembra 2005 med Republiko Slovenijo in Romunijo prenehal veljati Sporazum med Vlado Socialistične federativne republike Jugoslavije in Vlado Socialistične republike Romunije o carinskem sodelovanju, podpisan v Bukarešti 24. aprila 1970 (objavljen v Uradnem listu SFRJ – Mednarodne pogodbe, št. 7/71).

Ljubljana, dne 6. januarja 2006

Ministrstvo
za zunanje zadeve
Republike Slovenije

5. Obvestilo o začetku veljavnosti Sporazuma o udeležbi Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike v Evropskem gospodarskem prostoru

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo) Ministrstvo za zunanje zadeve

sporoča,

da je dne 6. decembra 2005 začel veljati Sporazum o udeležbi Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike v Evropskem gospodarskem prostoru, podpisan v Luxembourg 14. oktobra 2003 (Uradni list Republike Slovenije – Mednarodne pogodbe, št. 15/04, v: Uradni list Republike Slovenije, št. 48/04).

Hkrati z njim so začeli veljati hkrati podpisani:

– Sporazum med Kraljevino Norveško in Evropsko skupnostjo o norveškem finančnem mehanizmu za obdobje 2004-2009;

– Dodatni protokol k Sporazumu med Evropsko gospodarsko skupnostjo in Kraljevino Norveško zaradi pristopa Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike k Evropski uniji;

– Sporazum v obliki izmenjave pisem med Evropsko skupnostjo in Kraljevino Norveško v zvezi z nekaterimi kmetijskimi proizvodi;

– Dodatni protokol k Sporazumu med Evropsko gospodarsko skupnostjo in Republiko Islandijo zaradi pristopa Češke republike, Republike Estonije, Republike Ciper, Republike Latvije, Republike Litve, Republike Madžarske, Republike Malte, Republike Poljske, Republike Slovenije in Slovaške republike k Evropski uniji.

Ljubljana, dne 6. januarja 2006

Ministrstvo
za zunanje zadeve
Republike Slovenije

6. Obvestilo o prenehanju veljavnosti Pogodbe med Socialistično federativno republiko Jugoslavijo in Kraljevino Nizozemsko o izogibanju dvojnemu obdavčevanju dohodka in premoženja s protokolom

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo) Ministrstvo za zunanje zadeve

sporoča,

da je dne 31. decembra 2005 med Republiko Slovenijo in Kraljevino Nizozemsko prenehala veljati Pogodba med Socialistično federativno republiko Jugoslavijo in Kraljevino Nizozemsko o izogibanju dvojnemu obdavčevanju dohodka in premoženja s protokolom, podpisana v Beogradu 22. februarja 1982 (objavljena v Uradnem listu SFRJ – Mednarodne pogodbe, št. 12/82).

Ljubljana, dne 6. januarja 2006

Ministrstvo
za zunanje zadeve
Republike Slovenije

7. Obvestilo o začetku veljavnosti Protokola o sodelovanju med Ministrstvom za delo, družino in socialne zadeve Republike Slovenije in Ministrstvom za delo in socialno solidarnost Romunije

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo) Ministrstvo za zunanje zadeve

sporoča,

da je dne 5. januarja 2006 začel veljati Protokol o sodelovanju med Ministrstvom za delo, družino in socialne zadeve Republike Slovenije in Ministrstvom za delo in socialno solidarnost Romunije, podpisan 3. oktobra 2002 v Ljubljani in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 15/05 (Uradni list Republike Slovenije, št. 86/05).

Ljubljana, dne 10. januarja 2006

Ministrstvo
za zunanje zadeve
Republike Slovenije

8. Obvestilo o začetku veljavnosti Dogovora med Republiko Slovenijo in Bosno in Hercegovino o trajnem odstopu kontingenta Republike Slovenije v višini 800 delovnih dovoljenj na podlagi sporazumov med Republiko Slovenijo in Zvezno republiko Nemčijo iz 1988. in 1991. leta v korist Bosne in Hercegovine in o pogojih koriščenja trajno odstopljenega kontingenta

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo) Ministrstvo za zunanje zadeve

sporoča,

da je dne 30. decembra 2005 začel veljati Dogovor med Republiko Slovenijo in Bosno in Hercegovino o trajnem odstopu kontingenta Republike Slovenije v višini 800 delovnih dovoljenj na podlagi sporazumov med Republiko Slovenijo in Zvezno republiko Nemčijo iz 1988. in 1991. leta v korist Bosne in Hercegovine in o pogojih koriščenja trajno odstopljenega kontingenta, sklenjen z izmenjavo not 2. decembra 2004 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 7/05 (Uradni list Republike Slovenije, št. 49/05).

Ljubljana, dne 17. januarja 2006

Ministrstvo
za zunanje zadeve
Republike Slovenije

9. Obvestilo o začetku veljavnosti Konvencije med Republiko Slovenijo in Republiko Madžarsko o izogibanju dvojnega obdavčevanja in preprečevanju davčnih utaj v zvezi z davki od dohodka in premoženja

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo) Ministrstvo za zunanje zadeve

sporoča,

da je dne 23. decembra 2005 začela veljati Konvencija med Republiko Slovenijo in Republiko Madžarsko o izogibanju dvojnega obdavčevanja in preprečevanju davčnih utaj v zvezi z davki od dohodka in premoženja, podpisana 26. avgusta 2004 v Budimpešti in objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 4/05 (Uradni list Republike Slovenije, št. 27/05). Z dnem uveljavitve te konvencije je prenehala veljati Pogodba med SFR Jugoslavijo in LR Madžarsko o izogibanju dvojnemu obdavčevanju dohodka in premoženja s protokolom, podpisana 17. oktobra 1985 v Budimpešti.

Ljubljana, dne 19. januarja 2006

Ministrstvo
za zunanje zadeve
Republike Slovenije

10. Obvestilo o začetku veljavnosti Finančne pogodbe med Republiko Slovenijo in Evropsko investicijsko banko

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/03 – uradno prečiščeno besedilo) Ministrstvo za zunanje zadeve

sporoča,

da je dne 24. maja 2004 začela veljati Finančna pogodba med Republiko Slovenijo in Evropsko investicijsko banko, sklenjena v Luxembourggu 18. novembra 2003 in objavljena v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 11/04 (Uradni list Republike Slovenije, št. 38/04).

Ljubljana, dne 20. januarja 2006

Ministrstvo
za zunanje zadeve
Republike Slovenije

POPRAVKI

**11. Popravek Obvestila o začetku veljavnosti
Sporazuma o sodelovanju za preprečevanje
čezmejnega kriminala in boj proti njemu**

V Obvestilu o začetku veljavnosti Sporazuma o sodelovanju za preprečevanje čezmejnega kriminala in boj proti njemu, objavljenem v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 21/05 (Uradni list RS, št. 115/05), je namesto besede "Budimpešti" pravilno "Bukarešti".

Ljubljana, dne 5. januarja 2006

Ministrstvo
za zunanje zadeve
Republike Slovenije

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