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Leto XVII

14. Zakon o ratifikaciji sprememb Konvencije o ustanovitvi Svetovne organizacije za intelektualno lastnino (MSKSIL)

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

U K A Z

o razglasitvi Zakona o ratifikaciji sprememb Konvencije o ustanovitvi Svetovne organizacije za intelektualno lastnino (MSKSIL)

Razglašam Zakon o ratifikaciji sprememb Konvencije o ustanovitvi Svetovne organizacije za intelektualno lastnino (MSKSIL), ki ga je sprejel Državni zbor Republike Slovenije na seji 1. februarja 2007.

Št. 001-22-15/07

Ljubljana, dne 9. februarja 2007

dr. Janez Drnovšek l.r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI SPREMEMB KONVENCIJE O USTANOVITVI SVETOVNE ORGANIZACIJE ZA INTELEKTUALNO LASTNINO (MSKSIL)

1. člen

Ratificirajo se spremembe Konvencije o ustanovitvi Svetovne organizacije za intelektualno lastnino, sprejete 1. oktobra 2003 v Ženevi.

2. člen

Besedilo sprememb konvencije se v izvirniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

Convention Establishing the World Intellectual Property Organization

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- Article 20: Final Provisions
- Article 21: Transitional Provisions

Article 6

General Assembly

(1)(a) There shall be a General Assembly consisting of the States party to this Convention.

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

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

(2) The General Assembly shall:

(i) discuss matters of general interest in the field of intellectual property and may adopt recommendations relating to such matters, having regard for the competence and autonomy of the Unions;

Konvencija o ustanovitvi svetovne organizacije za intelektualno lastnino

Vsebina

- 6. člen: Generalna skupščina
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6. člen

Generalna skupščina

(1) (a) Ustanovi se generalna skupščina, ki jo sestavljajo države članice te konvencije.

(b) Vlado vsake države članice zastopa delegat, ki mu pomagajo namestniki, svetovalci in strokovnjaki.

(c) Stroške vsake delegacije krije vlada, ki jo je določila.

(2) Generalna skupščina:

(i) obravnava splošne zadeve s področja intelektualne lastnine in lahko sprejema priporočila glede njih, pri čemer upošteva pristojnost in samostojnost unij;

(ii) appoint the Director General upon nomination by the Coordination Committee;

(iii) review and approve reports of the Director General concerning the Organization and give him all necessary instructions;

(iv) review and approve the reports and activities of the Coordination Committee and give instructions to such Committee;

(v) adopt the biennial budget of expenses common to the Unions;

(vi) approve the measures proposed by the Director General concerning the administration of the international agreements referred to in Article 4(iii);

(vii) adopt amendments to this Convention as provided in Article 17;

(viii) adopt the financial regulations of the Organization;

(ix) determine the working languages of the Secretariat, taking into consideration the practice of the United Nations;

(x) invite States referred to under Article 5(2)(ii) to become party to this Convention;

(xi) determine which States not Members of the Organization and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(xii) exercise such other functions as are appropriate under this Convention.

(3)(a) Subject to paragraph (b), each State shall have one vote in the General Assembly.

(b) No State may vote in the General Assembly on any question relating to a treaty for which the General Assembly is competent and to which the State is not a party.

(c) One-half of the States members of the General Assembly shall constitute a quorum.

(d) Notwithstanding the provisions of subparagraph (c), if, in any session, the number of States represented is less than one-half but equal to or more than one-third of the States members of the General Assembly, the General Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the following conditions are fulfilled. The International Bureau shall communicate the said decisions to the States members of the General Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of States having thus expressed their vote or abstention attains the number of States which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(e) Subject to the provisions of subparagraphs (f) and (g), the General Assembly shall make its decisions by a majority of two-thirds of the votes cast.

(f) The approval of measures concerning the administration of international agreements referred to in Article 4(iii) shall require a majority of three-fourths of the votes cast.

(g) The approval of an agreement with the United Nations under Articles 57 and 63 of the Charter of the United Nations shall require a majority of nine-tenths of the votes cast.

(h) For the appointment of the Director General (paragraph (2)(ii), the approval of measures proposed by the Director General concerning the administration of international agreements (paragraph (2)(vi)), and the transfer of headquarters (Article 10), the required majority must be attained not only in the General Assembly but also in the Assembly of the Paris Union and the Assembly of the Berne Union.

(i) Abstentions shall not be considered as votes.

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

(4)(a) The General Assembly shall meet once in every calendar year in ordinary session, upon convocation by the Director General.

(ii) imenuje generalnega direktorja na predlog koordinacijskega odbora;

(iii) pregleduje in potrjuje poročila generalnega direktorja, ki se nanašajo na organizacijo, in mu daje vsa potrebna navodila;

(iv) pregleduje in potrjuje poročila in delo koordinacijskega odbora ter mu daje navodila;

(v) sprejema dveletni proračun skupnih stroškov za une;

(vi) potrjuje ukrepe, ki jih predlaga generalni direktor v zvezi z mednarodnimi sporazumi iz točke (iii) 4. člena;

(vii) sprejema spremembe te konvencije v skladu s 17. členom;

(viii) sprejema finančni pravilnik organizacije;

(ix) določa delovne jezike tajništva po zgledu prakse Združenih narodov;

(x) vabi države, omenjene v točki (ii) drugega odstavka 5. člena, naj postanejo članice te konvencije;

(xi) odloča, katere države, ki niso članice organizacije, in katere medvladne in mednarodne nevladne organizacije smejo biti navzoče na njenih zasedanjih kot opazovalke;

(xii) opravlja vse druge koristne naloge po tej konvenciji.

(3) (a) Ob upoštevanju odstavka (b) ima vsaka država v generalni skupščini en glas.

(b) Nobena država ne more v generalni skupščini glasovati o zadevah v zvezi s pogodbo, za katero je pristojna generalna skupščina, če ni pogodbenica te pogodbe.

(c) Sklepčnost zagotavlja polovica predstavnikov držav članic generalne skupščin.

(d) Ne glede na pododstavek (c) lahko generalna skupščina, če je na njenem zasedanju manj kot polovica, vendar tretjina ali več držav članic generalne skupščine, sprejema sklepe, razen tistih, ki se nanašajo na njen postopek, ki postanejo veljavni šele, ko so izpolnjeni navedeni pogoji. Mednarodni urad jih sporoči državam članicam generalne skupščine, ki niso bile navzoče, in jih povabi, naj v treh mesecih od dneva sporočila pisno glasujejo ali se glasovanja vzdržijo. Če po poteku tega roka število držav, ki so tako glasovale ali so se glasovanja vzdržale, doseže število, ki je manjšalo, da bi bilo zasedanje sklepčno, začnejo sklepi veljati, če v tem času še obstaja potrebna večina.

(e) Ob upoštevanju pododstavkov (e) in (f) generalna skupščina sprejema sklepe z dvotretjinsko večino oddanih glasov.

(f) Za sprejetje določb v zvezi z mednarodnimi sporazumi iz točke (iii) 4. člena je potrebna tričetrtinska večina oddanih glasov.

(g) Za potrditev kakšnega sporazuma z Organizacijo združenih narodov na podlagi 57. in 63. člena ustanovne listine Združenih narodov je potrebna devetdesetinska večina oddanih glasov.

(h) Za imenovanje generalnega direktorja (točka (ii) drugega odstavka), za sprejetje ukrepov, ki jih generalni direktor predlaga v zvezi z mednarodnimi sporazumi (točka (v) drugega odstavka), in za prenos sedeža (10. člen) ni predvidena večina, potrebna le v Generalni skupščini, temveč tudi v skupščini pariške unije in v skupščini bernske unije.

(i) Vzdržani glasovi se ne upoštevajo.

(j) Posamezen delegat lahko zastopa le eno državo in glasuje le v njenem imenu.

(4) (a) Generalna skupščina se zbira enkrat letno na rednem zasedanju, ki ga skliče generalni direktor.

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

(c) Meetings shall be held at the headquarters of the Organization.

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

[Article 7
Conference]
[deleted]

Article 8
Coordination Committee

(1)(a) There shall be a Coordination Committee consisting of the States party to this Convention which are members of the Executive Committee of the Paris Union, or the Executive Committee of the Berne Union, or both. However, if either of these Executive Committees is composed of more than one-fourth of the number of the countries members of the Assembly which elected it, then such Executive Committee shall designate from among its members the States which will be members of the Coordination Committee, in such a way that their number shall not exceed the one-fourth referred to above, it being understood that the country on the territory of which the Organization has its headquarters shall not be included in the computation of the said one-fourth.

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

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

(2) If the other Unions administered by the Organization wish to be represented as such in the Coordination Committee, their representatives must be appointed from among the States members of the Coordination Committee.

(3) The Coordination Committee shall:

(i) give advice to the organs of the Unions, the General Assembly and the Director General, on all administrative, financial and other matters of common interest either to two or more of the Unions, or to one or more of the Unions and the Organization, and in particular on the budget of expenses common to the Unions;

(ii) prepare the draft agenda of the General Assembly;

(iii) [deleted]
(iv) [deleted]

(v) when the term of office of the Director General is about to expire, or when there is a vacancy in the post of the Director General, nominate a candidate for appointment to such position by the General Assembly; if the General Assembly does not appoint its nominee, the Coordination Committee shall nominate another candidate; this procedure shall be repeated until the latest nominee is appointed by the General Assembly;

(vi) if the post of the Director General becomes vacant between two sessions of the General Assembly, appoint an Acting Director General for the term preceding the assuming of office by the new Director General;

(vii) perform such other functions as are allocated to it under this Convention.

(4)(a) The Coordination Committee shall meet once every year in ordinary session, upon convocation by the Director General. It shall normally meet at the headquarters of the Organization.

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

(5)(a) Each State, whether a member of one or both of the Executive Committees referred to in paragraph (1)(a), shall have one vote in the Coordination Committee.

(b) Generalna skupščina se zbere na izrednem zasedanju, ki ga skliče generalni direktor, če to zahteva koordinacijski odbor ali četrtina držav članic generalne skupščine.

(c) Zasedanje je na sedežu organizacije.

(5) Generalna skupščina sprejme poslovnik.

[7. člen
Konferenca]
[črtano]

8. člen
Koordinacijski odbor

(1) (a) Ustanovi se koordinacijski odbor, v katerem so države članice te konvencije, ki so članice izvršilnega odbora pariške unije, izvršilnega odbora beranske unije ali obeh. Če eden od teh izvršilnih odborov zajema več kot četrtino držav članic skupščine, ki ga je izvolila, določi omenjeni odbor med svojimi članicami tiste države, ki bodo članice koordinacijskega odbora, in sicer tako, da njihovo število ne presega omenjene četrtine, pri čemer je mišljeno, da se država, na ozemlju katere je sedež organizacije, ne upošteva pri izračunu te četrtine.

(b) Vlado vsake države koordinacijskega odbora zastopa delegat, ki mu lahko pomagajo namestniki, svetovalci in strokovnjaki.

(c) Stroške vsake delegacije krije vlada, ki jo je določila.

(2) Če druge unije pod upravo organizacije želijo, da bi bile kot take zastopane v koordinacijskem odboru, morajo biti njihovi predstavniki določeni med državami članicami koordinacijskega odbora.

(3) Koordinacijski odbor:

(i) daje mnenja organom unij, generalni skupščini in generalnemu direktorju o vseh administrativnih in finančnih vprašanjih ter o drugih vprašanjih, ki so skupnega pomena za dve ali več unij ali za eno ali več unij in organizacijo, zlasti pa o proračunu skupnih stroškov unij;

(ii) pripravlja osnutek dnevnega reda generalne skupščine;

(iii) [črtano]
(iv) [črtano]

(v) predlaže po prenehanju funkcije generalnemu direktorju ali če je to mesto izpraznjeno, generalni skupščini ime kandidata, da ga imenuje; če generalna skupščina ne imenuje predlaganega kandidata, predlaže koordinacijski odbor drugega kandidata; enak postopek se ponavlja, dokler generalna skupščina ne imenuje zadnjega predlaganega kandidata;

(vi) imenuje na mesto generalnega direktorja, ki se izprazni med dvema zasedanjema generalne skupščine, vršilca dolžnosti generalnega direktorja za čas, dokler mesta ne zasede nov generalni direktor;

(vii) izpolnjuje vse druge obveznosti, ki jih ima po tej konvenciji.

(4) (a) Koordinacijski odbor se zbере enkrat letno na rednem zasedanju, ki ga skliče generalni direktor. To zasedanje je načeloma na sedežu organizacije.

(b) Koordinacijski odbor se zbere na izrednem zasedanju, ki ga skliče generalni direktor na lastno pobudo ali na zahtevo svojega predsednika oziroma četrtine svojih članov.

(5) (a) Vsaka država ima v koordinacijskem odboru le en glas, ne glede na to, ali je članica le enega ali pa obeh izvršilnih odborov, omenjenih v pododstavku (a) prvega odstavka.

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

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

(6)(a) The Coordination Committee shall express its opinions and make its decisions by a simple majority of the votes cast. Abstentions shall not be considered as votes.

(b) Even if a simple majority is obtained, any member of the Coordination Committee may, immediately after the vote, request that the votes be the subject of a special recount in the following manner: two separate lists shall be prepared, one containing the names of the States members of the Executive Committee of the Paris Union and the other the names of the States members of the Executive Committee of the Berne Union; the vote of each State shall be inscribed opposite its name in each list in which it appears. Should this special recount indicate that a simple majority has not been obtained in each of those lists, the proposal shall not be considered as carried.

(7) Any State Member of the Organization which is not a member of the Coordination Committee may be represented at the meetings of the Committee by observers having the right to take part in the debates but without the right to vote.

(8) The Coordination Committee shall establish its own rules of procedure.

Article 9

International Bureau

(1) The International Bureau shall be the Secretariat of the Organization.

(2) The International Bureau shall be directed by the Director General, assisted by two or more Deputy Directors General.

(3) The Director General shall be appointed for a fixed term of six years. He shall be eligible for reappointment only for one further fixed term of six years. All other conditions of the appointment shall be fixed by the General Assembly.*

(4)(a) The Director General shall be the chief executive of the Organization.

(b) He shall represent the Organization.

(c) He shall report to, and conform to the instructions of, the General Assembly as to the internal and external affairs of the Organization.

(5) The Director General shall prepare the draft programs and budgets and periodical reports on activities. He shall transmit them to the Governments of the interested States and to the competent organs of the Unions and the Organization.

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

(7) The Director General shall appoint the staff necessary for the efficient performance of the tasks of the International Bureau. He shall appoint the Deputy Directors General after approval by the Coordination Committee. The conditions of employment shall be fixed by the staff regulations to be approved by the Coordination Committee on the proposal of the Director General. The paramount consideration in the employment of the staff in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

(8) The nature of the responsibilities of the Director General and of the staff shall be exclusively international. In the discharge of their duties they shall not seek or receive instructions from any Government or from any authority external to the Organization. They shall refrain from any action which might prejudice their position as international officials. Each Member State undertakes to respect the exclusively international

(b) Za sklepčnost je potrebna polovica članov koordinacijskega odbora.

(c) Posamezen delegat lahko zastopa le eno državo in glasuje le v njenem imenu.

(6) (a) Koordinacijski odbor izraža svoja mnenja in sprejema skelepe z navadno večino glasov. Vzdržani glasovi se ne upoštevajo.

(b) Celo če je bila dosežena navadna večina, lahko vsak član koordinacijskega odbora neposredno po glasovanju zahaja, naj se glasovi posebej izračunajo takole: sestavita se dve ločeni listi, tako da so na eni imena držav članic izvršilnega odbora pariške unije, na drugi pa imena držav članic izvršilnega odbora bernske unije; glas vsake države se vpisuje poleg njene imena na vseh listah, v katerih je uvrščena. Če poseben izračun pokaže, da na nobeni omenjeni listi ni dobljena navadna večina, se šteje, da predlog ni sprejet.

(7) Državo članico organizacije, ki ni članica kooperacijskega odbora, lahko zastopajo opozovalci, ki imajo pravico sodelovati v razpravi, nimajo pa pravice glasovati.

(8) Koordinacijski odbor sestavi svoj poslovnik.

9. člen

Mednarodni urad

(1) Mednarodni urad je tajništvo organizacije.

(2) Mednarodni urad vodi generalni direktor, ki mu pomaga dva ali več generalnih namestnikov.

(3) Generalni direktor se imenuje za šest let. Ponovno se lahko imenuje za nadaljnji šest let. Vse druge pogoje v zvezi z imenovanjem določi generalna skupščina.

(4) (a) Generalni direktor je najvišji funkcionar organizacije.

(b) Generalni direktor predstavlja organizacijo.

(c) Generalni direktor daje generalni skupščini poročila in sprejema njene smernice glede notranjih in zunanjih zadev organizacije.

(5) Generalni direktor pripravlja osnutke proračunov in programov ter redna poročila o delu. Pošilja jih vladam prizadetih držav ter pristojnim organom unij in organizacije.

(6) Generalni direktor in vsi člani osebja, ki jih določi, se udeležujejo brez glasovalne pravice vseh zasedanj generalne skupščine, koordinacijskega odbora ter vsakega drugega odbora ali vsake druge delovne skupine. Generalni direktor ali član osebja, ki ga določi, je po uradni dolžnosti tajnik omenjenih organov.

(7) Generalni direktor imenuje osebje, ki je potrebno za dobro delovanje mednarodnega urada. Imenuje svoje namestnike, ko dobi soglasje koordinacijskega odbora. Zaposlitveni pogoji so določeni v statutu osebja, ki ga mora na predlog generalnega direktorja potrditi koordinacijski odbor. Nujnost, da si v službah zagotovi visoke strokovnjake na podlagi njihove učinkovitosti, usposobljenosti in moralnih vrednost, mora biti glavno merilo pri zaposlovanju osebja in določanju pogojev zanj. Na ustrezni način je treba paziti, da se osebje izbere s čim širšega zemljepisnega območja.

(8) Naloge generalnega direktorja in članov osebja so strogo mednarodne. Pri opravljanju svojih nalog ne smejo zahajevati, niti prejemati navodil vlad ali organov zunaj organizacije. Vzdržati se morajo vsakega dejanja, zaradi katerega bi lahko postal vprašljiv njihov položaj mednarodnega uslužbenca. Vsaka država članica se zavezuje, da bo spoštovala izključno mednarodno naravo nalog generalnega direktorja in članov

* Text adopted in September 1999, but not yet in force.

character of the responsibilities of the Director General and the staff, and not to seek to influence them in the discharge of their duties.

Article 11

Finances

(1) The Budget of the Organization shall present the income and expenses of the Organization and the Unions administered by the Organization in a fair and transparent manner.

(2) The budget shall be financed from the following sources:

(i) contributions of Member States;

(ii) fees and charges due for services performed by the International Bureau;

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

(iv) gifts, bequests, and subventions, given to the Organization;

(v) rents, interests, and other miscellaneous income, of the Organization.

(3)(a) For the purpose of establishing its contribution towards the budget, each State party to this Convention shall belong to a class, and shall pay its annual contribution on the basis of the number of units assigned to that class.

(b) The number of classes and the units assigned to each class shall be established by the General Assembly meeting in joint session with the Assemblies of the Unions whose constituent treaties provide for the payment of a contribution.

(c) Subject to any conditions governing eligibility for membership of any classes, each State shall, (i) at the time of becoming party to this Convention, or (ii) at the time of becoming a member of a Union which provides for a contribution, whichever occurs earlier, indicate the class to which it wishes to belong. Any such State may, subject to any conditions governing eligibility for membership of any class, change class. If it chooses a lower class, the State must announce it to the General Assembly at one of its ordinary sessions. Any such change shall take effect at the beginning of the calendar year following the session.

(d) The annual contribution of each State shall be an amount in the same proportion to the total sum to be contributed to the budget by all States as the number of its units is to the total of the units of all the States.

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

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

(4) Any State party to this Convention which is in arrears in the payment of its financial contributions shall not exercise its vote in any of the bodies of the Organization of which it is a member, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any of these bodies may allow such a State to continue to exercise its vote in that body if, and as long as, it is satisfied that the delay in payment arises from exceptional and unavoidable circumstances.

(5) The Organization, with the approval of the Coordination Committee, may receive gifts, bequests, and subventions, directly from Governments, public or private institutions, associations or private persons.

(6)(a) The Organization shall have a working capital fund which shall be constituted by a single payment made by the Unions and by each State party to this Convention not member of any Union. If the fund becomes insufficient, it shall be increased.

(b) The amount of the single payment of each Union and its possible participation in any increase shall be decided by its Assembly.

osebja in si ne bo prizadevala vplivati nanje pri opravljanju njihovih nalog.

11. člen

Finance

(1) V proračunu organizacije morajo biti prihodki in odhodki organizacije in unij, ki jih upravlja, prikazani pošteno in pregledno.

(2) Proračun se financira:

(i) s prispevkvi držav članic;

(ii) s pristojbinami in plačili za storitve, ki jih opravi Mednarodni urad;

(iii) s prodajo publikacij Mednarodnega urada in drugih pravic v zvezi z njimi;

(iv) z darili, volili in subvencijami, ki jih dobiva organizacija;

(v) z najemninami, obrestmi in raznimi drugimi dohodki organizacije.

(3) (a) Da bi se odmeril prispevek za proračun, je vsaka država članica te konvencije razvrščena v določen razred in plačuje letni prispevek na podlagi števila enot, dodeljenih temu razredu.

(b) Število razredov, ki se uporablja za države unije, in enot za vsak razred določi generalna skupščina na skupnem zasedanju s skupščinami drugih unij, katerih ustanovne pogodbe predvidevajo plačilo prispevka.

(c) Ob upoštevanju vseh pogojev v zvezi z razvrstitevijo v razrede vsake države, (i) ko postane pogodbenica te konvencije ali (ii) ko postane članica unije, v kateri je predvideno plačilo prispevka, odvisno od tega, kaj je prej, navede razred, v katerega želi biti razvrščena. Razred lahko spremeni ob upoštevanju vseh pogojev v zvezi z razvrstitevijo v razrede. Če izbere nižje, mora o tem obvestiti generalno skupščino na kakšnem njenem rednem zasedanju. Sprememba začne veljati z začetkom koledarskega leta, ki sledi omenjenemu zasedanju.

(d) Letni prispevek vsake države sestavlja znesek, ki je v takem razmerju do vsote prispevkov vseh držav v proračun, kot je število njenih enot do skupnega števila enot vseh držav, ki plačujejo prispevek.

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

(f) Če proračun ni sprejet pred začetkom novega finančnega leta, se veljavnost proračuna za preteklo leto podaljša, kot to določa finančni pravilnik.

(4) Država članica te konvencije, ki je v zamudi s plačilom svojega prispevka, ne more uveljaviti glasovalne pravice v nobenem organu organizacije, katerega članica je, če je njen zaostanek enak znesku prispevka, ki jih dolguje za dve pretekli leti, ali večji od njega. Zadevni državi pa se sme dovoliti, da dalje uveljavlja svojo glasovalno pravico v omenjenem organu, če meni, da so zamudo povzročile izjemne in neizbežne okoliščine.

(5) Organizacija sme z dovoljenjem koordinacijskega odbora sprejemati darila, volila in subvencije, ki jih dajejo neposredno vlade, javne ali zasebne ustanove, društva ali posamezniki.

(6) (a) Organizacija razpolaga z obratnim skladom, ki se oblikuje z enkratnim vplačilom unij in vsake države članice te konvencije, ki ni članica neke unije. Če postane sklad nezadosten, se odloči o njegovem povečanju.

(b) O znesku enkratnega vplačila unije in njenem morebitnem deležu pri vsakem povečanju odloči njena skupščina.

(c) The amount of the single payment of each State party to this Convention not member of any Union and its part in any increase shall be a proportion of the contribution of that State for the year in which the fund is established or the increase decided. The proportion and the terms of payment shall be fixed by the General Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee.

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

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

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

Article 17 Amendments

(1) Proposals for the amendment of this Convention may be initiated by any Member State, by the Coordination Committee, or by the Director General. Such proposals shall be communicated by the Director General to the Member States at least six months in advance of their consideration by the General Assembly.

(2) Amendments shall be adopted by the General Assembly. Amendments shall be adopted by a simple majority of the votes cast, provided that the General Assembly shall vote only on such proposals for amendments as have previously been adopted by the Assembly of the Paris Union and the Assembly of the Berne Union according to the rules applicable in each of them regarding the adoption of amendments to the administrative provisions of their respective Conventions.

(3) Any amendment shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the States Members of the Organization, entitled to vote on the proposal for amendment pursuant to paragraph (2), at the time the General Assembly adopted the amendment. Any amendments thus accepted shall bind all the States which are Members of the Organization at the time the amendment enters into force or which become Members at a subsequent date, provided that any amendment increasing the financial obligations of Member States shall bind only those States which have notified their acceptance of such amendment.

Article 20 Final Provisions

(1)(a) This Convention shall be signed in a single copy in English, French, Russian and Spanish, all texts being equally authentic, and shall be deposited with the Government of Sweden.

(b) This Convention shall remain open for signature at Stockholm until January 13, 1968.

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

(c) Znesek enkratnega vplačila vsake države članice te konvencije, ki ni članica neke unije, ter njen delež pri vsakem povečanju sta sorazmerna njenemu prispevku za leto, v katerem je bil sklad konstituiran ali je bilo odločeno o povečanju. O sorazmerju in načinu vplačila določi generalna skupščina na predlog generalnega direktorja in po zaslišanju koordinacijskega odbora.

(7) (a) Sporazum o sedežu, sklenjen z državo, na ozemlju katere ima organizacija sedež, mora določati, da ta država daje posojila, kadar ni dovolj obratnih sredstev. Znesek tega posojila in pogoj, pod katerimi se dajejo, določajo posebni sporazumi med takoj državo in organizacijo. Dokler je taka država dolžna dajati posojila, ima po uradni dolžnosti eno mesto v koordinacijskem odboru.

(b) Država iz pododstavka (a) in organizacija imata pravico, da s pisnim uradnim obvestilom odpovesta obveznost dajanja posojil. Odgovor začne veljati tri leta po koncu leta, v katerem je bilo dano uradno obvestilo.

(8) Račune pregleda ena ali več držav članic ali zunanjih revizorjev, kot predpisuje finančni pravilnik. Z njihovim soglasjem jih določi generalna skupščina.

17. člen Spremembe

(1) Spremembo te konvencije lahko predlaga vsaka država članica ali koordinacijski odbor ali generalni direktor. Generalni direktor mora sporočiti tak predlog državam članicam vsaj šest mesecev pred njegovo predložitvijo generalni skupščini v obravnavo.

(2) Vse spremembe sprejema generalna skupščina. Spremembe se sprejemajo z navadno večino glasov, pri čemer generalna skupščina glasuje samo za predloge, ki jih je prej sprejela skupščina pariške unije ali skupščina bermske unije po pravilih, ki jih uporabljava pri spremembah administrativnih določb ustreznih konvencij.

(3) Vsaka sprememba začne veljati po enim mesecu, ko generalni direktor prejme pisna uradna obvestila, da so jo v skladu s svojimi ustreznimi ustanovimi predpisi sprejete tri četrtnine držav, ki so bile članice organizacije in so imele v trenutku, ko je generalna skupščina sprejela spremembo, predlagano na podlagi drugega odstavka, pravico glasovati. Vsaka tako sprejeta sprememba je obvezna za vse države, ki so v trenutku uveljavljivale spremembe članice organizacije ali pozneje postanejo njene članice, vsaka sprememba, ki povečuje finančne obveznosti držav članic, pa zavezuje samo tiste, ki so sporočile, da so jo sprejele.

20. člen Protokolarne določbe

(1) (a) Ta konvencija je podpisana v enem izvodu v angleškem, španskem, francoskem in ruskem jeziku, pri čemer so vsa besedila enako verodostojna; deponirana je pri švedski vladi.

(b) Ta konvencija ostane na voljo za podpis v Stockholmu vse do 13. januarja 1968.

(2) Uradna besedila izda generalni direktor po posvetovanju s posameznimi vladami v nemškem, italijanskem, portugalskem ter v drugih jezikih, ki jih generalna skupščina zahteva.

(3) The Director General shall transmit two duly certified copies of this Convention and of each amendment adopted by the General Assembly to the Governments of the States members of the Paris or Berne Unions, to the Government of any other State when it accedes to this Convention, and, on request, to the Government of any other State. The copies of the signed text of the Convention transmitted to the Governments shall be certified by the Government of Sweden.

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

Article 21 Transitional Provisions

(1) Until the first Director General assumes office, references in this Convention to the International Bureau or to the Director General shall be deemed to be references to the United International Bureaux for the Protection of Industrial, Literary and Artistic Property (also called the United International Bureaux for the Protection of Intellectual Property (BIRPI)), or its Director, respectively.

(2)(a) States which are members of any of the Unions but which have not become party to this Convention may, for five years from the date of entry into force of this Convention, exercise, if they so desire, the same rights as if they had become party to this Convention. Any State desiring to exercise such rights shall give written notification to this effect to the Director General; this notification shall be effective on the date of its receipt. Such States shall be deemed to be members of the General Assembly until the expiration of the said period.

(b) Upon expiration of this five-year period, such States shall have no right to vote in the General Assembly, and the Coordination Committee.

(c) Upon becoming party to this Convention, such States shall regain such right to vote.

(3)(a) As long as there are States members of the Paris or Berne Unions which have not become party to this Convention, the International Bureau and the Director General shall also function as the United International Bureaux for the Protection of Industrial, Literary and Artistic Property, and its Director, respectively.

(b) The staff in the employment of the said Bureaux on the date of entry into force of this Convention shall, during the transitional period referred to in subparagraph (a), be considered as also employed by the International Bureau.

(4)(a) Once all the States members of the Paris Union have become Members of the Organization, the rights, obligations, and property, of the Bureau of that Union shall devolve on the International Bureau of the Organization.

(b) Once all the States members of the Berne Union have become Members of the Organization, the rights, obligations, and property, of the Bureau of that Union shall devolve on the International Bureau of the Organization.

(3) Generalni direktor pošlje dva overjena izvoda te konvencije in vseh sprememb, ki jih generalna skupščina sprejme, vladam držav članic pariške ali bernske unije, vladu vsake druge države, če pristopi k tej konvenciji, in vladu vsake države, ki vloži zahtevo za pristop. Izvode podpisane besedila konvencije, ki se pošiljajo vladam, potrdi švedska vlada.

(4) Generalni direktor registrira to konvencijo pri tajništvu organizacije Združenih narodov.

21. člen Prehodne določbe

(1) Dokler prvi generalni direktor ne zasede svojega položaja, se šteje, da se sklicevanje na Mednarodni urad ali generalnega direktorja v tej konvenciji nanaša na združene mednarodne urade za varstvo industrijske, književne in umetniške lastnine (imenovane tudi združeni mednarodni uradi za varstvo intelektualne lastnine – BIRPI) ali na njihovega direktorja.

(2) (a) Države, ki so članice posamezne unije, pa še niso pogodbenice te konvencije, lahko, če to želijo, pet let od začetka veljavnosti konvencije uveljavljajo enake pravice, kot da bille njene pogodbenice. Vsaka država, ki želi uveljavljati te pravice, mora o tem pisno uradno obvestiti generalnega direktorja: uradno obvestilo začne veljati z dnem, ko je bilo prejeto. Take države se štejejo za članice generalne skupščine do poteka omenjenega obdobja.

(b) Po poteku petih let te države nimajo več glasovalne pravice v generalni skupščini in ne v koordinacijskem odboru.

(c) Ko postanejo omenjene države pogodbenice te konvencije, smejo spet uveljavljati svojo glasovalno pravico.

(3) (a) Dokler vse države članice pariške ali bernske unije ne postanejo pogodbenice te konvencije, opravlja Mednarodni urad in generalni direktor tudi naloge združenih mednarodnih uradov za varstvo industrijske, književne in umetniške lastnine in njihovih direktorjev.

(b) Za osebje, ki je zaposleno v omenjenih uradih na dan, ko začne veljati ta konvencija, se v prehodnem obdobju iz pododstavka (a) šteje, kot da je zaposleno pri mednarodnem uradu.

(4) (a) Ko vse države članice pariške unije postanejo članice organizacije, preidejo pravice, obveznosti in dobrine urada te unije na Mednarodni urad organizacije.

(b) Ko vse države članice berne unije postanejo članice organizacije, preidejo pravice, obveznosti in lastnina urada te unije na Mednarodni urad organizacije.

3. člen

Za izvajanje sprememb konvencije skrbi Ministrstvo za gospodarstvo – Urad Republike Slovenije za intelektualno lastnino.

4. člen

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

Št. 318-01/06-18/1
Ljubljana, dne 1. februarja 2007
EPA 1215-IV

Predsednik
Državnega zбора
Republike Slovenije
France Cukjati, dr. med., l.r.

15. Zakon o ratifikaciji sprememb Bernske konvencije za varstvo književnih in umetniških del (MSBKVK)

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

U K A Z**o razglasitvi Zakona o ratifikaciji sprememb Bernske konvencije za varstvo književnih
in umetniških del (MSBKVK)**

Razglašam Zakon o ratifikaciji sprememb Bernske konvencije za varstvo književnih in umetniških del (MSBKVK), ki ga je sprejel Državni zbor Republike Slovenije na seji 1. februarja 2007.

Št. 001-22-17/07
Ljubljana, dne 9. februarja 2007

dr. Janez Drnovšek l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPREMEMB BERNSKE KONVENCIJE ZA VARSTVO KNJIŽEVNIH
IN UMETNIŠKIH DEL (MSBKVK)****1. člen**

Ratificirajo se spremembe Bernske konvencije za varstvo književnih in umetniških del, sprejete 1. oktobra 2003 v Ženevi.

2. člen

Besedilo sprememb konvencije se v izvirniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

**Berne Convention
for the Protection of Literary and Artistic Works****Article 22
Assembly**

(1)(a) The Union shall have an Assembly consisting of those countries of the Union which are bound by Articles 22 to 26.

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

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

(2)(a) The Assembly shall:

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

(ii) give directions concerning the preparation for conferences of revision to the International Bureau of Intellectual Property (hereinafter designated as "the International Bureau" referred to in the Convention Establishing the World Intellectual Property Organization (hereinafter designated as "the Organization"), due account being taken of any comments made by those countries of the Union which are not bound by Articles 22 to 26.

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

(iv) elect the members of the Executive Committee of the Assembly;

(v) review and approve the reports and activities of its Executive Committee, and give instructions to such Committee;

**Berńska konvencja
za varstvo književnih in umetniških del****22. člen
Skupščina**

(1) (a) Unija ima skupščino; sestavlja jo države članice unije, ki jih zavezujejo 22. do 26. člen te konvencije.

(b) Vsake države predstavlja en delegat, ki mu lahko pomagajo namestniki, svetovalci in strokovnjaki.

(c) Izdatke vsake delegacije krije vlada, ki jo je imenovala.

(2) (a) Skupščina:

(i) razpravlja o vseh vprašanjih, ki se nanašajo na unijo in njen razvoj ter uporabo te konvencije;

(ii) daje Mednarodnemu uradu za intelektualno lastnino (v nadaljnjem besedilu: mednarodni urad), ki je predviden v konvenciji o ustanovitvi Svetovne organizacije za intelektualno lastnino (v nadaljnjem besedilu: organizacija), navodila, ki se nanašajo na pripravo revizijskih konferenc, pri čemer upošteva pripombe držav unije, ki jih ne zavezujejo 22. do 26. člen te konvencije;

(iii) obravnava in potrjuje delo generalnega direktorja organizacije v zvezi z unijo in mu daje vsa potrebna navodila, ki se nanašajo na vprašanja iz pristojnosti unije;

(iv) voli člane izvršilnega odbora skupščine;

(v) obravnava in potrjuje poročila in delo izvršilnega odbora in mu daje navodila;

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

(vii) adopt the financial regulations of the Union;

(viii) establish such committees of experts and working groups as may be necessary for the work of the Union;

(ix) determine which countries not members of the Union and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(x) adopt amendments to Articles 22 to 26;

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

(xii) exercise such other functions as are appropriate under this Convention;

(xiii) subject to its acceptance, exercise such rights as are given to it in the Convention establishing the Organization.

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

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

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

(c) Notwithstanding the provisions of subparagraph (b), if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the following conditions are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 26(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

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

(g) Countries of the Union not members of the Assembly shall be admitted to its meetings as observers.

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

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

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

(vi) določa program, sprejema dveletni proračun unije in potrjuje zaključne račune;

(vii) sprejema finančni pravilnik unije;

(viii) imenuje odbore strokovnjakov in delovne skupine, ki so po njenem mnenju potrebne za uresničevanje ciljev unije;

(ix) odloča, katerim državam, ki niso v uniji, in katerim vladnim in mednarodnim nevladnim organizacijam je lahko dovoljeno, da se udeležijo njenih zasedanj kot opazovalke;

(x) sprejema spremembe 22. do 26. člena te konvencije;

(xi) izvaja vsako drugo ustrezno aktivnost, ki prispeva k temu, da se dosežejo cilji unije;

(xii) opravlja vse druge naloge, ki izhajajo iz te konvencije;

(xiii) uveljavlja pravice, ki so ji priznane s konvencijo o ustanovitvi organizacije, če jih je sprejela.

(b) O vprašanjih, ki enako zanimajo tudi druge unije, ki jih upravlja organizacija, odloča skupščina šele, ko dobije mnenje koordinacijskega odbora organizacije.

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

(b) Skupščina je sklepna, če je navzoča polovica držav članic skupščine.

(c) Ne glede na prejšnji pododstavek lahko skupščina, če je na zasedanju manj kot polovica, vendar tretjina ali več držav njenih članic, sprejema sklepe, razen tistih, ki se nanašajo na njen postopek, ki postanejo veljavni šele, ko so izpolnjeni spodaj navedeni pogoji. Mednarodni urad jih sporoči državam članicam skupščine, ki niso bile navzoče, in jih povabi, naj v treh mesecih od dneva sporočila pisno glasujejo oziroma sporočijo, da se glasovanja vzdržijo. Če po poteku tega roka število držav, ki so tako glasovale ali so se glasovanja vzdržale, doseže število, ki je manjšalo, da bi bilo zasedanje sklepno, začnejo ti sklepi veljati, če v tem času še obstaja večina.

(d) Razen v primeru iz drugega odstavka 26. člena te konvencije sprejema skupščina svoje sklepe z dvotretjinsko večino oddanih glasov.

(e) Vzdrževanje se ne šteje za glasovanje.

(f) Posamezen delegat more predstavljati eno samo državo in sme glasovati le v njenem imenu.

(g) Države unije, ki niso članice skupščine, so lahko navzoče na njenih zasedanjih kot opazovalke.

(4) (a) Skupščina se sestane vsako leto na rednem zasedanju ob istem času in na istem kraju kot generalna skupščina organizacije, razen v izrednih primerih; skliče jo generalni direktor.

(b) Izredno zasedanje skupščine skliče generalni direktor na predlog izvršilnega odbora ali četrtnine držav članic skupščine.

(5) Skupščina sprejme svoj poslovnik.

Article 25

Finances

(1) The income and expenses of the Union shall be reflected in the budget of the Organization in a fair and transparent manner.

(2) The income of the Union shall be derived from the following sources:

- (i) contributions of the countries of the Union;
- (ii) fees and charges due for services rendered by the International Bureau;
- (iii) sale of, or royalties on, the publications of the International Bureau;
- (iv) gifts, bequests, and subventions;
- (v) rents, interests, and other miscellaneous income.

(3)(a) For the purpose of establishing its contribution, each country of the Union shall belong to a class, and shall pay its annual contribution on the basis of the number of units assigned to that class.

(b) The number of classes applicable to the countries of the Union, and the units assigned to each such class, shall be established by the Assembly meeting in joint session with the WIPO General Assembly and the Assemblies of the other Unions whose constituent treaties provide for the payment of a contribution.

(c) Unless it has already done so, each country shall, subject to any conditions governing eligibility for membership of any classes, indicate, concurrently with depositing its instrument of ratification or accession, the class to which it wishes to belong. Any country may, subject to any conditions governing eligibility for membership of any classes, change class. If it chooses a lower class, the country must announce it to the Assembly at one of its ordinary sessions. Any such change shall take effect at the beginning of the calendar year following the session.

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

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

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

(g) If the budget of the Organization is not adopted before the beginning of a new financial period, the budgeted income and expenses of the Union shall be at the same level as they were in the previous year, in accordance with the financial regulations.

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

(5)(a) The Union shall have a working capital fund which shall be constituted by a single payment made by each country of the Union. If the fund becomes insufficient, an increase shall be decided by the Assembly.

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

25. člen

Finance

(1) Dohodki in izdatki unije morajo biti v proračunu organizacije prikazani pošteno in pregledno.

(2) Viri dohodkov unije so:

- (i) prispevki držav unije;
- (ii) takse in zneski, dobljeni za storitve, ki jih opravlja mednarodni urad;
- (iii) dohodki, dobljeni s prodajo publikacij mednarodnega urada in s pravicami, ki pripadajo tem publikacijam;
- (iv) darila, volila in subvencije;
- (v) zakupnine, obresti in razni drugi dohodki.

(3) (a) Da bi določila svoj del prispevka, je vsaka država unije uvrščena v posamezen razred in plačuje svoje letne prispevke na podlagi števila enot, dodeljenih temu razredu.

(b) Število razredov, ki se uporablja za države unije, in enot za vsak razred določi skupščina na skupnem zasedanju z generalno skupščino Svetovne organizacije za intelektualno lastnino in skupščinami drugih unij, katerih ustanovitvene pogodbe predvidevajo plačilo prispevkva.

(c) Če tega ni storila že prej, navede vsaka država pri deponiraju svoje ratifikacijske listine ali listine o pristopu, v kateri razred želi biti uvrščena, ob upoštevanju vseh pogojev v zvezi z razvrstitevijo v razrede. Razred lahko spremeni ob upoštevanju vseh pogojev v zvezi z razvrstitevijo v razrede. Če izbere kakšen nižji razred, mora o tem obvestiti skupščino na enem njenih rednih zasedanj. Sprememba začne veljati z začetkom koledarskega leta po omenjenem zasedanju.

(d) Letni prispevek vsake države je znesek, katerega razmerje do skupne vsote letnih prispevkov vseh držav v proračun organizacije je enako razmerju med številom enot razreda, v katerega je uvrščena, in skupnim številom enot vseh držav skupaj.

(e) Prispevki se vplačujejo vsako leto 1. januarja.

(f) Država, ki zamudi s plačilom svojih prispevkov, ne more uveljavljati svoje glasovalne pravice v nobenem organu unije, katerega član je, če je zaostanek njenega neplačanega dolga enak prispevku, ki ga dolguje za celi dve pretekli leti, ali večji od njega. Tej državi pa je lahko dopuščeno, da obdrži svojo glasovalno pravico v tem organu vse dотlej, dokler ta organ meni, da je zamuda nastala zaradi izrednih in neizogibnih okoliščin.

(g) Če proračun organizacije ni sprejet pred začetkom novega računskega leta, ostanejo načrtovani dohodki in izdatki unije na ravnini iz prejšnjega leta, kot je določeno v finančnem pravilniku.

(4) Takse in vsote, ki se dolgujejo za storitve, ki jih je za unijo opravil mednarodni urad, določi generalni direktor in o tem poroča skupščini in izvršilnemu odboru.

(5) (a) Unija ima sklad za tekoče izdatke, v katerega se stekajo enkratna vplačila vseh držav unije. Če postane sklad nezadosten, odloči skupščina o njegovem povečanju.

(b) Začetno vplačilo vsake posamezne države v zgoraj navedeni sklad ali njen delež v njegovem povečanju je sorazmeren z njenim prispevkom za leto, v katerem je bil sklad ustanovljen ali je bilo odločeno, da se poveča.

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

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

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

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

(c) O sorazmerju in načinu vplačila odloči skupščina na predlog generalnega direktorja in po poprejnjem mnenju koordinacijskega odbora organizacije.

(6) (a) Sporazum o sedežu, sklenjenem z državo, na ozemlju katere je sedež organizacije, določa, da ta država daje posojila, kadar ni dovolj obratnih sredstev. Višina teh posojil in pogoji, pod katerimi se dajejo, se v vsakem posameznem primeru določijo v posebnih sporazumih med to državo in organizacijo. Dokler mora država dajati posojilo, ima po uradni dolžnosti na razpolago eno mesto v izvršilnem odboru.

(b) Država iz prejšnjega pododstavka in organizacija sta vsaka posebej upravičeni, da s pisnim sporočilom odpovesta obveznost o dajanju posojil. Odpoved začne veljati po poteku treh let od konca leta, v katerem je bila sporočena.

(7) Pregled računov se zagotovi tako, kot je predvideno v finančnem pravilniku ene ali več držav unije, ali z zunanjimi revizorji, ki jih z njihovim soglasjem imenuje skupščina.

3. člen

Za izvajanje sprememb konvencije skrbi Ministrstvo za gospodarstvo – Urad Republike Slovenije za intelektualno lastnino.

4. člen

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

Št. 318-01/06-19/1
Ljubljana, dne 1. februarja 2007
EPA 1217-IV

Predsednik
Državnega zbora
Republike Slovenije
France Cukjati, dr. med., l.r.

16. Zakon o ratifikaciji sprememb Pariške konvencije za varstvo industrijske lastnine (MSPKIL)

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

U K A Z**o razglasitvi Zakona o ratifikaciji sprememb Pariške konvencije za varstvo industrijske lastnine (MSPKIL)**

Razglašam Zakon o ratifikaciji sprememb Pariške konvencije za varstvo industrijske lastnine (MSPKIL), ki ga je sprejel Državni zbor Republike Slovenije na seji 1. februarja 2007.

Št. 001-22-18/07
Ljubljana, dne 9. februarja 2007

dr. Janez Drnovšek l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPREMEMB PARIŠKE KONVENCIJE ZA VARSTVO INDUSTRIJSKE LASTNINE (MSPKIL)**

1. člen

Ratificirajo se spremembe Pariške konvencije za varstvo industrijske lastnine, sprejete 1. oktobra 2003 v Ženevi.

2. člen

Besedilo sprememb konvencije se v izvirniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

**Paris Convention
for the Protection of Industrial Property**

Article 13

Assembly of the Union

(1)(a) The Union shall have an Assembly consisting of those countries of the Union which are bound by Articles 13 to 17.

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

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

(2)(a) The Assembly shall:

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

(ii) give directions concerning the preparation for conferences of revision to the International Bureau of Intellectual Property (hereinafter designated as "the International Bureau") referred to in the Convention establishing the World Intellectual Property Organization (hereinafter designated as "the Organization"), due account being taken of any comments made by those countries of the Union which are not bound by Article 13 to 17;

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

(iv) elect the members of the Executive Committee of the Assembly;

(v) review and approve the reports and activities of its Executive Committee, and give instructions to such Committee;

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

**Pariška konvencija
za varstvo industrijske lastnine**

13. člen

(1) (a) Unija ima skupščino, ki jo sestavljajo države članice unije, ki jih zavezujejo 13. do 17. člen.

(b) Vlado posamezne države zastopa delegat, ki mu lahko pomagajo namestniki, svetovalci in strokovnjaki.

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

(2) (a) Skupščina:

(i) obravnava vsa vprašanja, ki se nanašajo na vzdrževanje in razvoj posebne unije in izvajanje tega sporazuma;

(ii) daje Mednarodnemu uradu za intelektualno lastnino (v nadaljnjem besedilu: Mednarodni urad), ki je določen v konvenciji o ustanovitvi Svetovne organizacije za intelektualno lastnino (v nadaljnjem besedilu: organizacija), navodila za pravilo revizijskih konferenc ob ustreznom upoštevanju pripomb držav unije, ki jih ne zavezujejo 13. do 17. člen;

(iii) obravnava in potrjuje poročila ter dejavnosti generalnega direktorja organizacije, ki se nanašajo na unijo, in mu daje vsa koristna navodila o vprašanjih iz pristojnosti unije;

(iv) voli člane izvršilnega odbora skupščine;

(v) obravnava in potrjuje poročila in dejavnosti svojega izvršilnega odbora ter mu daje navodila;

(vi) določa program unije, sprejema njen dveletni proračun ter potrjuje njene zaključne račune;

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

(ix) determine which countries not members of the Union and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(x) adopt amendments to Article 13 to 17;

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

(xii) perform such other functions as are appropriate under this Convention;

(xiii) subject to its acceptance, exercise such rights as are given to it in the Convention establishing the Organization.

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

(3)(a) Subject to the provisions of subparagraph (b) a delegate may represent one country only.

(b) Countries of the Union grouped under the terms of a special agreement in a common office possessing for each of them the character of a special national service of industrial property as referred to in Article 12 may be jointly represented during discussions by one of their number.

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

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

(c) Notwithstanding the provisions of subparagraph (b) if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 17(2) the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

(5)(a) Subject to the provisions of subparagraph (b), a delegate may vote in the name of one country only.

(b) The countries of the Union referred to in paragraph 3(b) shall, as a general rule, endeavor to send their own delegations to the sessions of the Assembly. If, however, for exceptional reasons, any such country cannot send its own delegation, it may give to the delegation of another such country the power to vote in its name, provided that each delegation may vote by proxy for one country only. Such power to vote shall be granted in a document signed by the Head of State or the competent Minister.

(6) Countries of the Union not members of the Assembly shall be admitted to the meetings of the latter as observers.

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

(vii) sprejema finančni pravilnik unije;

(viii) imenuje odbore strokovnjakov in delovne skupine, ki so po njenem mnenju ustrezeni za uresničitev ciljev unije;

(ix) odloča, katere države, ki niso članice unije, ter katere medvladne in mednarodne nevladne organizacije so lahko kot opazovalke udeležijo njenih sej;

(x) sprejema spremembe 13. do 17. člena;

(xi) sprejema vse druge ustrezne ukrepe za uresničevanje ciljev unije;

(xii) opravlja vse druge naloge po tej konvenciji;

(xiii) uveljavlja pravice, ki so ji zaupane s konvencijo o ustanovitvi organizacije, če jih je sprejela.

(b) O vprašanjih, ki zanimajo tudi druge unije, ki jih upravlja organizacija, odloča skupščina po poprejšnjem mnenju koordinacijskega odbora organizacije.

(3) (a) Ob upoštevanju pododstavka (b) lahko posamezen delegat zastopa samo eno državo.

(b) Države unije, ki so s posebnim sporazumom ustanovile skupno upravo, ki ima za vsako od njih naravo posebne nacionalne službe za industrijsko lastnino iz 12. člena, lahko na razpravah skupno zastopa samo ena od njih.

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

(b) Sklepčnost zagotavlja polovica držav članic skupščine.

(c) Ne glede na prejšnji pododstavek je skupščina sklepčna, če je na njenem zasedanju navzoča manj kot polovica, vendar najmanj tretjina članic skupščine, njeni sklepi, razen tistih o postopku, pa postanejo veljavni, ko so izpolnjeni navedeni pogoji. Mednarodni urad sporoči te sklepe članicam skupščine, ki niso imele svojih predstavnikov na zasedanju, z vabilom, naj v treh mesecih od dneva tega sporočila pisno glasujejo ali se glasovanja vzdržijo. Če je po poteku tega roka število držav, ki so glasovale na ta način ali so se vzdržale glasovanja, vsaj enako številu držav, ki je bilo potrebno, da bi bila na zasedanju dosežena sklepčnost, postanejo ti sklepi veljavni, če še obstaja potrebna večina.

(d) Ob upoštevanju drugega odstavka 17. člena skupščina sprejema sklep z dvotretjinsko večino oddanih glasov.

(e) Vzdržani glasovi se ne upoštevajo.

(5) (a) Ob upoštevanju pododstavka (b) lahko posamezen delegat glasuje le v imenu ene države.

(b) Države unije iz pododstavka (b) tretjega odstavka si praviloma prizadevajo na zasedanje skupščine poslati svoje delegacije. Če zaradi izjemnih razlogov katera od teh držav ne more poslati svoje delegacije, lahko pooblasti delegacijo katere druge države, da glasuje v njenem imenu, pri čemer lahko posamezna delegacija glasuje po pooblastilu samo za eno državo. Pooblastilo za glasovanje se podeli z listino, ki jo podpiše predsednik države ali pristojni minister.

(6) Države unije, ki niso članice skupščine, so navzoče na njenih sestankih kot opazovalke.

(7)(a) Skupščina se na sklic generalnega direktorja stane enkrat letno na rednem zasedanju in razen v izjemnih primerih ob istem času in na istem kraju kot generalna skupščina organizacije.

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

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

Article 16

Finances

(1) The income and expenses of the Union shall be reflected in the budget of the Organization in a fair and transparent manner.

(2) The income of the Union shall be derived from the following sources:

- (i) contributions of the countries of the Union;
- (ii) fees and charges due for services rendered by the International Bureau;
- (iii) sale of, or royalties on, the publications of the International Bureau;
- (iv) gifts, bequests, and subventions;
- (v) rents, interests, and other miscellaneous income.

(3)(a) For the purpose of establishing its contribution, each country of the Union shall belong to a class, and shall pay its annual contribution on the basis of the number of units assigned to that class.

(b) The number of classes applicable to the countries of the Union, and the units assigned to each such class, shall be established by the Assembly meeting in joint session with the WIPO General Assembly and the Assemblies of the other Unions whose constituent treaties provide for the payment of a contribution.

(c) Unless it has already done so, each country shall, subject to any conditions governing eligibility for membership of any classes, indicate, concurrently with depositing its instrument of ratification or accession, the class to which it wishes to belong. Any country may, subject to any conditions governing eligibility for membership of any classes, change class. If it chooses a lower class, the country must announce such change to the Assembly at one of its ordinary sessions. Any such change shall take effect at the beginning of the calendar year following the said session.

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

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

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

(g) If the budget of the Organization is not adopted before the beginning of a new financial period, the budgeted income and expenses of the Union shall be at the same level as they were in the previous year, as provided in the financial regulations.

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

(b) Skupščina se na sklic generalnega direktorja sestane na izrednem zasedanju na zahtevo izvršilnega odbora ali četrte držav članic skupščine.

(8) Skupščina sprejme poslovnik.

16. člen

(1) Dohodki in izdatki unije morajo biti v proračunu organizacije prikazani pošteno in pregledno.

(2) Dohodki unije izvirajo iz:

- (i) prispevkov držav unije;
- (ii) pristojbin in plačil za storitve, ki jih opravi Mednarodni urad;
- (iii) prodaje publikacij Mednarodnega urada in pravic v zvezi z njimi;
- (iv) daril, volil in subvencij;
- (v) najemnin, obresti in raznih drugih dohodkov.

(3) (a) Za določitev prispevka je vsaka država unije razvrščena v razred in plačuje letni prispevek na podlagi števila enot, določenih za ta razred.

(b) Število razredov, ki se uporablja za države unije, in enot za vsak razred določi skupščina na skupnem zasedanju z generalno skupščino Svetovne organizacije za intelektualno lastnino in skupščinami drugih unij, katerih ustanovne pogodbe predvidevajo plačilo prispevka.

(c) Ob upoštevanju vseh pogojev v zvezi z razvrstitevijo v razrede vsaka država ob deponiraju svoje ratifikacijske ali pristopne listine navede razred, v katerega želi biti razvrščena, razen če tega že ni storila. Vsaka država ga lahko ob upoštevanju vseh pogojev v zvezi z razvrstitevijo v razrede spremeni. Če izbere nižji razred, mora o tem obvestiti skupščino na enem njenih rednih zasedanj. Sprememba začne veljati z začetkom leta, ki sledi temu zasedanju.

(d) Letni prispevek vsake države je znesek, ki je v takem razmerju do skupne vsote, ki jo v proračun organizacije prispevajo vse države, kot je število njenih enot do skupnega števila enot vseh držav, ki plačujejo prispevek.

(e) Prispevki se poravnava vsako leto 1. januarja.

(f) Država, ki je s plačilom svojih prispevkov v zamudi, ne more uveljaviti svoje glasovalne pravice v nobenem organu unije, katerega članica je, če je zapadli znesek enak vsoti prispevkov, ki jih dolguje za pretekli dve leti, ali jo presega. Vsak organ unije lahko državi dovoli, da še naprej uveljavlja svojo glasovalno pravico v tem organu, dokler meni, da so zamudo pri plačilu povzročile izjemne in neizogibne okoliščine.

(g) Če proračun organizacije ni sprejet pred začetkom novega proračunskega leta, ostanejo načrtovani dohodki in izdatki unije na ravni iz prejšnjega leta, tako kot je predvideno v finančnem pravilniku.

(4) Višino pristojbin in plačil za storitve, ki jih Mednarodni urad opravlja v zvezi z unijo, določa generalni direktor in jo sporoči skupščini in izvršilnemu odboru.

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

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

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

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

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

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

(5) (a) Unija ima sklad za obratna sredstva, ki ga se stavlja enkratna plačila vseh držav unije. Če ta sredstva ne zadoščajo več, skupščina določi o njihovem povečanju.

(b) Začetni znesek plačila posamezne države v ta sklad ali njenega prispevka ob povečanju sklada je sorazmeren z njenim prispevkom za leto, v katerem je bil sklad oblikovan ali je bila sprejeta odločitev o njegovem povečanju.

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

(6) (a) V sporazumu o sedežu, ki se sklene z državo, v kateri ima organizacija svoj sedež, se določi, da daje ta država posojila, kadar ni dovolj obratnih sredstev. Višina teh posojil in pogoji, pod katerimi se dajejo, so v vsakem posameznem primeru določeni v posebnih sporazumih med državo in organizacijo.

(b) Država iz pododstavka (a) in organizacija imata pravico, da s pisnim uradnim obvestilom odpovesta obveznost dajanja posojil. Odpoved začne veljati tri leta po poteku leta, v katerem je bila sporočena.

(7) Račune potrjuje na načine, kot to določa finančni pravnik, ena ali več držav posebne unije ali pa zunanjí revizorji. Z njihovim soglasjem jih imenuje skupščina.

3. člen

Za izvajanje sprememb konvencije skrbi Ministrstvo za gospodarstvo – Urad Republike Slovenije za intelektualno lastnino.

4. člen

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

Št. 318-01/06-20/1
Ljubljana, dne 1. februarja 2007
EPA 1218-IV

Predsednik
Državnega zбора
Republike Slovenije
France Cukjati, dr. med., l.r.

17. Zakon o ratifikaciji sprememb Strasbourškega sporazuma o mednarodni patentni klasifikaciji (MSSSPK)

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

U K A Z**o razglasitvi Zakona o ratifikaciji sprememb Strasbourškega sporazuma o mednarodni patentni klasifikaciji (MSSSPK)**

Razglašam Zakon o ratifikaciji sprememb Strasbourškega sporazuma o mednarodni patentni klasifikaciji (MSSSPK), ki ga je sprejel Državni zbor Republike Slovenije na seji 1. februarja 2007.

Št. 001-22-16/07
Ljubljana, dne 9. februarja 2007

dr. Janez Drnovšek l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPREMEMB STRASBOURŠKEGA SPORAZUMA O MEDNARODNI PATENTNI KLASIFIKACIJI (MSSSPK)****1. člen**

Ratificirajo se spremembe Strasbourškega sporazuma o mednarodni patentni klasifikaciji, sprejete 1. oktobra 2003 v Ženevi.

2. člen

Besedilo sprememb sporazuma se v izvirniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

**Strasbourg Agreement
Concerning the International Patent
Classification**

Article 7

Assembly of the Special Union

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

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

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

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

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

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

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

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

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

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

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

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

**Strasbourški sporazum
o mednarodni klasifikaciji patentov**

7. člen

Skupščina posebne unije

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

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

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

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

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

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

(ii) daje Mednarodnemu uradu navodila za pripravo revizjskih konferenc;

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

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

(v) sprejema finančni pravilnik posebne unije;

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

(vii) ustanavlja odbore in delovne skupine, ki so po njem mnenju ustrezni za uresničevanje ciljev posebne unije;

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

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

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

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

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

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

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

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

(e) Abstentions shall not be considered as votes.

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

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

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of one-fourth of the countries members of the Assembly.

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

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

Article 9

Finances

(1) The income and expenses of the Special Union shall be reflected in the budget of the Organization in a fair and transparent manner.

(2) The income of the Special Union shall be derived from the following sources:

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

(ii) fees and charges due for services rendered by the International Bureau;

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

(iv) gifts, bequests, and subventions;

(v) rents, interests, and other miscellaneous income.

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

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

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

(x) opravlja vse druge ustrezne naloge po tem sporazu-mu.

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

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

(b) Za sklepčnost je potrebna polovica držav članic skup-ščine.

(c) Če ni sklepčnosti, skupščina lahko sprejema sklepe, razen tistih, ki se nanašajo na njen postopek, ki začnejo veljati samo, če so izpolnjeni navedeni pogoji. Mednarodni urad jih sporoči državam članicam skupščine, ki niso bile zastopane, in jih povabi, da v treh mesecih od dneva sporočila pisno gla-sujo ali se vzdržijo. Če po poteku tega obdobja število držav, ki so pisno glasovale ali se vzdržale, doseže število držav, ki je manjkalo za sklepčnost na zasedanju samem, začnejo sklepi veljati, če še obstaja potrebna večina.

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

(e) Vzdržani glasovi se ne upoštevajo.

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

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

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

(c) Dnevni red vsakega zasedanja pripravi generalni direktor.

(5) Skupščina sprejme svoj poslovnik.

9. člen

Finančna vprašanja

(1) Prihodki in odhodki posebne unije morajo biti v proračunu organizacije prikazani pošteno in pregledno.

(2) Prihodki posebne unije se ustvarjajo:

(i) s prispevkij držav posebne unije;

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

(iii) s prodajo publikacij Mednarodnega urada in pravic v zvezi z njimi;

(iv) z darili, volili in subvencijami;

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

(3) (a) Za določitev prispevka spada vsaka država posebne unije v isti razred, v katerega je uvrščena v Pariški uniji za varstvo industrijske lastnine, in plačuje letni prispevek na podlagi števila enot, dodeljenih temu razredu.

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

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

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

(e) If the budget of the Organization is not adopted before the beginning of a new financial period, the budgeted income and expenses of the Special Union shall be at the same level as they were in the previous year, as provided in the financial regulations.

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

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

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

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

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

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

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

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

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

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

(e) Če proračun organizacije ni sprejet pred začetkom novega poslovnega leta, ostanejo načrtovani prihodki in odhodki posebne unije na ravni iz prejšnjega leta, kot predpisuje finančni pravilnik.

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

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

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

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

(6) (a) Sporazum o sedežu, sklenjen z državo, na ozemlju katere ima organizacija sedež, določa, da ta država daje posojila, če sklad za obratna sredstva ni zadosten. Znesek teh posojil in pogoji, pod katerimi se dajejo, se v vsakem primeru določijo v posebnih sporazumih med tako državo in organizacijo.

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

(7) Račune pregleduje ena ali več držav posebne unije ali zunanjí revizorji, kot predpisuje finančni pravilnik. Z njihovim soglasjem jih določi skupščina.

3. člen

Za izvajanje sprememb sporazuma skrbi Ministrstvo za gospodarstvo – Urad Republike Slovenije za intelektualno lastnino.

4. člen

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

Št. 317-01/06-3/1
Ljubljana, dne 1. februarja 2007
EPA 1216-IV

Predsednik
Državnega zbora
Republike Slovenije
France Cukjati, dr. med., l.r.

18. Zakon o ratifikaciji sprememb Niškega aranžmaja o mednarodni klasifikaciji proizvodov in storitev zaradi registracije znamk (MSNAKP)

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

U K A Z**o razglasitvi Zakona o ratifikaciji sprememb Niškega aranžmaja o mednarodni klasifikaciji proizvodov in storitev zaradi registracije znamk (MSNAKP)**

Razglašam Zakon o ratifikaciji sprememb Niškega aranžmaja o mednarodni klasifikaciji proizvodov in storitev zaradi registracije znamk (MSNAKP), ki ga je sprejel Državni zbor Republike Slovenije na seji 1. februarja 2007.

Št. 001-22-12/07
Ljubljana, dne 9. februarja 2007

dr. Janez Drnovšek l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPREMEMB NIŠKEGA ARANŽMAJA O MEDNARODNI KLASIFIKACIJI PROIZVODOV IN STORITEV ZARADI REGISTRACIJE ZNAMK (MSNAKP)****1. člen**

Ratificirajo se spremembe Niškega aranžmaja o mednarodni klasifikaciji proizvodov in storitev zaradi registracije znamk, sprejete 1. oktobra 2003 v Ženevi.

2. člen

Besedilo sprememb aranžmaja se v izvirniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

Nice Agreement**Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks****Article 5****Assembly of the Special Union**

(1)(a) The Special Union shall have an Assembly consisting of those countries which have ratified or acceded to this Act.

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

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

(2)(a) Subject to the provisions of Articles 3 and 4, the Assembly shall:

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

(ii) give directions to the International Bureau concerning the preparation for conferences of revision, due account being taken of any comments made by those countries of the Special Union which have not ratified or acceded to this Act;

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

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

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

(vi) establish, in addition to the Committee of Experts referred to in Article 3, such other committees of experts and working groups as it may deem necessary to achieve the objectives of the Special Union;

Niški aranžma**o mednarodni klasifikaciji proizvodov in storitev zaradi registracije znamk****5. člen****Skupščina posebne unije**

(1) (a) Posebna unija ima skupščino, ki jo sestavljajo države, ki so ta akt ratificirale ali pristopile k njemu.

(b) Vlado vsake države zastopa delegat, ki mu lahko pomagajo namestniki, svetovalci in strokovnjaki.

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

(2) (a) Po 3. in 4. členu skupščina:

(i) obravnava vsa vprašanja v zvezi z vzdrževanjem in razvojem posebne unije in izvajanjem tega sporazuma;

(ii) daje Mednarodnemu uradu navodila za pripravljanje revizijskih konferenc ob upoštevanju pripomb držav posebne unije, ki niso ratificirale tega akta ali pristopile k njemu;

(iii) obravnava in potrjuje poročila ter dejavnosti generalnega direktorja organizacije (v nadaljnjem besedilu: generalni direktor), ki se tičejo posebne unije, in mu daje vsa potrebna navodila o vprašanjih iz pristojnosti posebne unije;

(iv) določa program posebne unije, sprejema njen dveletni proračun in potrjuje njene zaključne račune;

(v) sprejema finančni pravilnik posebne unije;

(vi) poleg odbora strokovnjakov iz 3. člena ustanavlja druge odbore strokovnjakov in delovne skupine, ki so po njenem mnenju potrebeni za uresničitev ciljev posebne unije;

(vii) determine which countries not members of the Special Union and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(viii) adopt amendments to Articles 5 to 8;

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

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

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

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

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

(c) Notwithstanding the provisions of subparagraph (b), if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 8(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

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

(g) Countries of the Special Union not members of the Assembly shall be admitted to the meetings of the latter as observers.

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

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of one-fourth of the countries members of the Assembly.

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

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

Article 7

Finances

(1) The income and expenses of the Special Union shall be reflected in the budget of the Organization in a fair and transparent manner.

(2) The income of the Special Union shall be derived from the following sources:

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

(ii) fees and charges due for services rendered by the International Bureau;

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

(iv) gifts, bequests, and subventions;

(v) rents, interests, and other miscellaneous income.

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

(vii) odloča, katere države, ki niso članice posebne unije, ter katere medvladne in mednarodne nevladne organizacije se smejo kot opazovalke udeleževati njenih sej;

(viii) sprejema spremembe 5. do 8. člena;

(ix) sprejema vse druge ustreerne ukrepe za uresničitev ciljev posebne unije;

(x) opravlja vse druge ustreerne naloge po tem sporazu-mu.

(b) O vprašanjih, ki zanimajo tudi druge unije, ki jih upravlja organizacija, odloča skupščina, ko se seznavi z mnenjem koordinacijskega odbora organizacije.

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

(b) Sklepčnost zagotavlja polovica držav članic skupšči-ne.

(c) Ne glede na prejšnji pododstavek je skupščina sklepčna, če je na njenem zasedanju navzoča manj kot polovica, vendar najmanj tretjina članic skupščine, njeni sklepi, razen o postopku, pa postanejo veljavni, ko so izpolnjeni navedeni pogoji. Mednarodni urad sporoči te sklepe članicam skupščine, ki niso imele svojih predstavnikov na zasedanju, z vabilom, naj v treh mesecih od dneva tega sporočila pisno glasujejo ali se glasovanja vzdržijo. Če je po poteku tega roka število držav, ki so glasovale na ta način ali so se vzdržale glasovanja, vsaj enako številu držav, ki je bilo potrebno, da bi bila na zasedanju dosežena sklepčnost, postanejo ti sklepi veljavni, če še obstaja potrebna večina.

(d) Ob upoštevanju drugega odstavka 8. člena skupščina sprejema sklep z dvotretjinsko večino oddanih glasov.

(e) Vzdržani glasovi se ne upoštevajo.

(f) Posamezen delegat lahko zastopa le eno državo in glasuje le v njenem imenu.

(g) Države posebne unije, ki niso članice skupščine, se udeležujejo njenih sej kot opazovalke.

(4) (a) Skupščina se na sklic generalnega direktorja stane na rednem zasedanju vsako leto in razen v izjemnih pri-merih ob istem času in na istem kraju kot generalna skupščina organizacije.

(b) Izredno zasedanje skupščine skliče generalni direktor, če to zahteva četrtnina držav članic skupščine.

(c) Generalni direktor pripravi dnevni red zasedanja.

(5) Skupščina sprejme svoj poslovnik.

7. člen

Finance

(1) Dohodki in izdatki posebne unije morajo biti v proračunu organizacije prikazani pošteno in pregledno.

(2) Viri dohodkov posebne unije so:

(i) prispevki držav posebne unije;

(ii) pristojbine in plačila za storitve, ki jih opravlja Mednarodni urad;

(iii) dohodki od prodaje publikacij Mednarodnega urada in pravic v zvezi z njimi;

(iv) darila, volila in subvencije;

(v) najemnine, obresti in razni drugi dohodki.

(3) (a) Da bi se določil prispevek, je vsaka država posebne unije uvrščena v razred, v katerega je uvrščena v Pariški uniji za varstvo industrijske lastnine, in plačuje svoje letne prispevke na podlagi števila enot, določenih za ta razred.

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

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

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

(e) If the budget of the Organization is not adopted before the beginning of a new financial period, the budgeted income and expenses of the Special Union shall be at the same level as they were in the previous year, as provided in the financial regulations.

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

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

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

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

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

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

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

3. člen

Za izvajanje sprememb aranžmaja skrbi Ministrstvo za gospodarstvo – Urad Republike Slovenije za intelektualno lastnino.

4. člen

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

Št. 318-01/06-17/1
Ljubljana, dne 1. februarja 2007
EPA 1212-IV

Predsednik
Državnega zбора
Republike Slovenije
France Cukjati, dr. med., l.r.

19. Zakon o ratifikaciji sprememb Locarnskega aranžmaja o ustanovitvi mednarodne klasifikacije za industrijske vzorce in modele (MSLAMK)

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

U K A Z

o razglasitvi Zakona o ratifikaciji sprememb Locarnskega aranžmaja o ustanovitvi mednarodne klasifikacije za industrijske vzorce in modele (MSLAMK)

Razglašam Zakon o ratifikaciji sprememb Locarnskega aranžmaja o ustanovitvi mednarodne klasifikacije za industrijske vzorce in modele (MSLAMK), ki ga je sprejel Državni zbor Republike Slovenije na seji 1. februarja 2007.

Št. 001-22-11/07
Ljubljana, dne 9. februarja 2007

dr. Janez Drnovšek l.r.
Predsednik
Republike Slovenije

Z A K O N

O RATIFIKACIJI SPREMEMB LOCARNSKEGA ARANŽMAJA O USTANOVITVI MEDNARODNE KLASIFIKACIJE ZA INDUSTRIJSKE VZORCE IN MODELE (MSLAMK)

1. člen

Ratificirajo se spremembe Locarnskega aranžmaja o ustanovitvi mednarodne klasifikacije za industrijske vzorce in modele, sprejete 1. oktobra 2003 v Ženevi.

2. člen

Besedilo sprememb aranžmaja se v izvirniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

Locarno Agreement
Establishing an International Classification
for Industrial Designs

Article 5

Assembly of the Special Union

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

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

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

(2)(a) Subject to the provisions of Article 3, the Assembly shall:

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

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

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

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

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

(vi) decide on the establishment of official texts of the international classification in languages other than English and French;

(vii) establish, in addition to the Committee of Experts set up under Article 3, such other committees of experts and working groups as it deems appropriate to achieve the objectives of the Special Union;

Locarnski aranžma
o ustanovitvi mednarodne klasifikacije
za industrijske vzorce in modele

5. člen

Skupščina unije

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

(b) Vlado vsake države zastopa delegat, ki mu lahko pomagajo namestniki, svetovalci in strokovnjaki.

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

(2) (a) Po 3. členu skupščina:

(i) obravnava vsa vprašanja v zvezi z vzdrževanjem in razvojem posebne unije in izvajanjem tega sporazuma;

(ii) daje Mednarodnemu uradu navodila za pripravo reviziskih konferenc;

(iii) preizkuša in potrjuje poročila in dejavnosti generalnega direktorja organizacije (v nadaljnjem besedilu: generalni direktor) v zvezi s posebno unijo in mu daje vsa potrebna navodila glede vprašanj, za katera je pristojna posebna unija;

(iv) sprejema program in triletni proračun posebne unije ter potrjuje njene zaključne račune;

(v) sprejme finančni pravilnik posebne unije;

(vi) odloča o sestavi uradnih besedil mednarodne klasifikacije v drugih jezikih, ki nista angleški in francoski;

(vii) neodvisno od odbora strokovnjakov iz 3. člena ustanavlja druge odbore strokovnjakov in delovne skupine, ki so po njenem mnenju koristni za uresničevanje ciljev posebne unije;

(viii) determine which countries not members of the Special Union and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(ix) adopt amendments to Articles 5 to 8;

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

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

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

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

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

(c) Notwithstanding the provisions of subparagraph (b), if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 8(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

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

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

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of one-fourth of the countries members of the Assembly.

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

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

Article 7

Finances

(1) The income and expenses of the Special Union shall be reflected in the budget of the Organization in a fair and transparent manner.

(2) The income of the Special Union shall be derived from the following sources:

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

(ii) fees and charges due for services rendered by the International Bureau;

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

(iv) gifts, bequests, and subventions;

(v) rents, interests, and other miscellaneous income.

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

(viii) odloča, katere države, ki niso članice posebne unije, in katere medvladne in mednarodne nevladne organizacije se smejo kot opazovalke udeleževati njenih sej;

(ix) sprejema spremembe 5. do 8. člena;

(x) sprejema vse druge ustrezne ukrepe za uresničitev ciljev posebne unije;

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

(b) O vprašanjih, ki zanimajo tudi druge unije, ki jih vodi organizacija, odloča skupščina, ko se seznaní z mnenjem koordinacijskega odbora organizacije.

(3) (a) Vsaka članica ima v skupščini en glas.

(b) Sklepčnost zagotavlja polovica članic skupščine.

(c) Ne glede na prejšnji pododstavek je skupščina sklepčna, če je na njenem zasedanju navzoča manj kot polovica, vendar najmanj tretjina članic skupščine, njeni sklepi, razen tisti o postopku, pa začnejo veljati, ko so izpolnjeni navedeni pogoji. Mednarodni urad sporoči te sklepe članicam skupščine, ki niso imele svojih predstavnikov na zasedanju, z vabilom, naj v treh mesecih od dneva tega sporočila pisno glasujejo ali se glasovanja vzdržijo. Če je po poteku tega roka število držav, ki so glasovale na ta način ali so se vzdržale glasovanja, vsaj enako številu držav, ki je bilo potrebno, da bi bila na zasedanju dosežena sklepčnost, postanejo ti sklepi veljavni, če še obstaja potrebna večina.

(d) Ob upoštevanju drugega odstavka 8. člena skupščina sprejema sklep z dvotretjinsko večino oddanih glasov.

(e) Vzdržani glasovi se ne upoštevajo.

(f) Vsak odpoljanec lahko predstavlja samo eno državo in lahko glasuje samo v njenem imenu.

(4) (a) Generalni direktor skliče redno zasedanje vsako leto, in sicer, razen v izjemnih primerih, ob istem času in na istem kraju, kot je sklicana generalna skupščina organizacije.

(b) Generalni direktor skliče redno zasedanje, če to zahteva četrtnina držav, ki so članice skupščine.

(c) Generalni direktor pripravi dnevni red za vsako zasedanje.

(5) Skupščina sprejme svoj poslovnik.

7. člen

Finance

(1) Dohodki in izdatki posebne unije morajo biti v proračunu organizacije prikazani pošteno in pregledno.

(2) Dohodki posebne unije izvirajo iz:

(i) prispevkov držav posebne unije;

(ii) pristojbin in plačil za storitve, ki jih opravlja Mednarodni urad;

(iii) dohodkov od prodaje publikacij Mednarodnega urada in pravic v zvezi z njimi;

(iv) daril, volil in subvencij;

(v) najemnin, obresti in raznih drugih dohodkov.

(3) (a) Zaradi določitve prispevka spada vsaka država posebne unije v razred, v katerega je uvrščena v Pariški uniji za zaščito industrijske lastnine, in plačuje svoje letne prispevke na podlagi števila enot, dodeljenih temu razredu.

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

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

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

(e) If the budget of the Organization is not adopted before the beginning of a new financial period, the budgeted income and expenses of the Special Union shall be at the same level as they were in the previous year, as provided in the financial regulations.

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

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

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

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

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

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

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

(b) Letni prispevek vsake države posebne unije je znesek, ki je v primerjavi s celotno vsoto, ki jo prispevajo vse države proračunu organizacije, v enakem razmerju kot število enot tistega razreda, v katerega je uvrščena država, v primerjavi s skupnim številom enot vseh držav.

(c) Prispevki zapadejo v plačilo 1. januarja vsakega leta.

(d) Država, ki zaostaja s plačilom svojih prispevkov, nima pravice glasovati v nobenem organu posebne unije, če je njen zaostanek enak ali presega vsoto prispevkov, ki jo dolguje za celi dve pretekli leti. Organ lahko pooblaсти to državo, da obdrži še naprej glasovalno pravico tako dolgo, dokler so po njegovi oceni vzrok za zamudo izjemne in neizogibne okoliščine.

(e) Če proračun organizacije ni sprejet do začetka novega proračunskega leta, ostanejo načrtovani dohodki in izdatki posebne unije na ravni iz prejšnjega leta, kot določa finančni pravilnik.

(4) Višino taks in plačila za storitve, ki jih opravlja Mednarodni urad v imenu posebne unije, določa generalni direktor, ki poroča o tem skupščini.

(5) (a) Posebna unija ima sklad za obratna sredstva, v katerega se stekajo enotna vplačila vseh držav posebne unije. Če postane sklad nezadosten, odloča skupščina o njegovem povečanju.

(b) Začetno vplačilo vsake države v ta sklad in njena udeležba pri povečanju sklada sta sorazmerna prispevku vsake države za tisto leto, v katerem se sklad ustanovi ali pa se odloči o njegovem povečanju.

(c) Sorazmerje in način vplačila predpiše skupščina na predlog generalnega direktorja, ko prejme mnenje koordinacijskega odbora organizacije.

(6) (a) V sporazumu o sedežu, ki se sklene z državo, na katere ozemlju ima organizacija svoj sedež, se določi, da ta država daje posojila, kadar ni dovolj obratnih sredstev. Višina teh posojil in pogoji, pod katerimi se dajejo, se v vsakem posameznem primeru določijo v posebnih sporazumih med državo in organizacijo.

(b) Država iz prejšnjega pododstavka in organizacija ima vsaka zase pravico pisno odpovedati dovolitev predujmov. Odpoved začne veljati tri leta po poteku leta, v katerem je bila sporočena.

(7) Račune potrjuje, kot to določa finančni pravilnik, ena ali več držav posebne unije ali pa zunanjí revizorji. Z njihovim soglasjem jih imenuje skupščina.

3. člen

Za izvajanje sprememb aranžmaja skrbi Ministrstvo za gospodarstvo – Urad Republike Slovenije za intelektualno lastnino.

4. člen

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

Št. 318-01/06-16/1

Ljubljana, dne 1. februarja 2007

EPA 1211-IV

Predsednik
Državnega zбора
Republike Slovenije
France Cukjati, dr. med., l.r.

20. Zakon o ratifikaciji sprememb Dunajskega sporazuma o mednarodni klasifikaciji figurativnih elementov znamk (MSDSMK)

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

U K A Z**o razglasitvi Zakona o ratifikaciji sprememb Dunajskega sporazuma o mednarodni klasifikaciji figurativnih elementov znamk (MSDSMK)**

Razglašam Zakon o ratifikaciji sprememb Dunajskega sporazuma o mednarodni klasifikaciji figurativnih elementov znamk (MSDSMK), ki ga je sprejel Državni zbor Republike Slovenije na seji 1. februarja 2007.

Št. 001-22-13/07
Ljubljana, dne 9. februarja 2007

dr. Janez Drnovšek l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPREMEMB DUNAJSKEGA SPORAZUMA O MEDNARODNI KLASIFIKACIJI FIGURATIVNIH ELEMENTOV ZNAMK (MSDSMK)**

1. člen

Ratificirajo se spremembe Dunajskega sporazuma o mednarodni klasifikaciji figurativnih elementov znamk, sprejete 1. oktobra 2003 v Ženevi.

2. člen

Besedilo sprememb sporazuma se v izvirniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

Vienna Agreement**Establishing an International Classification of the Figurative Elements of Marks**

Article 7

Assembly of the Special Union

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

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

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

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

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

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

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

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

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

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

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

Dunajski sporazum**o mednarodni klasifikaciji figurativnih elementov znamk**

7. člen

Skupščina posebne unije

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

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

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

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

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

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

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

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

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

(v) sprejema finančni pravilnik posebne unije;

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

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

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

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

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

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

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

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

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

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

(e) Abstentions shall not be considered as votes.

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

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

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of one-fourth of the countries members of the Assembly.

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

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

Article 9

Finances

(1) The income and expenses of the Special Union shall be reflected in the budget of the Organization in a fair and transparent manner.

(2) The income of the Special Union shall be derived from the following sources:

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

(ii) fees and charges due for services rendered by the International Bureau;

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

(iv) gifts, bequests, and subventions;

(v) rents, interests, and other miscellaneous income.

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

(vii) ustanavlja odbore in delovne skupine, ki so po njem mnenju ustrezni za uresničevanje ciljev posebne unije;

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

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

(x) opravlja vse druge ustrezne naloge po tem sporazu-mu.

(b) V zvezi z zadevami, ki zanimajo tudi druge unije, ki jih organizacija upravlja, skupščina odloča po poprejnjem mnenju koordinacijskega odbora organizacije.

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

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

(c) Če ni sklepčnosti, skupščina lahko sprejema sklepe, razen tistih, ki se nanašajo na njen postopek, in začnejo veljati, če so izpolnjeni navedeni pogoji. Mednarodni urad jih sporoči državam članicam skupščine, ki niso bile zastopane, in jih povabi, da v treh mesecih od dneva sporočila pisno glasujejo ali se glasovanja vzdržijo. Če po poteku tega obdobja število držav, ki so tako glasovale ali se vzdržale, doseže število držav, ki je manjko za sklepčnost na zasedanju samem, začnejo ti sklepi veljati, če v tem času še obstaja potrebna večina.

(d) Ob upoštevanju drugega odstavka 11. člena se sklepi skupščine sprejemajo z dvetretjinsko večino oddanih glasov.

(e) Vzdržani glasovi se ne upoštevajo.

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

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

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

(c) Dnevni red vsakega zasedanja pripravi generalni direktor.

(5) Skupščina sprejme svoj poslovnik.

9. člen

Finančna vprašanja

(1) Prihodki in odhodki posebne unije morajo biti v proračunu organizacije prikazani pošteno in pregledno.

(2) Prihodki posebne unije se ustvarjajo:

(i) s prispevkvi držav posebne unije;

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

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

(iv) z darili, volili in subvencijami;

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

(3) (a) Za določitev prispevka spada vsaka država posebne unije v isti razred, v katerega je uvrščena v pariški uniji za varstvo industrijske lastnine, in plačuje letni prispevek na podlagi števila enot, dodeljenih temu razredu.

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

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

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

(e) If the budget of the Organization is not adopted before the beginning of a new financial period, the budgeted income and expenses of the Special Union shall be at the same level as they were in the previous year, as provided in the financial regulations.

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

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

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

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

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

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

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

3. člen

Za izvajanje sprememb sporazuma skrbi Ministrstvo za gospodarstvo – Urad Republike Slovenije za intelektualno lastnino.

4. člen

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

Št. 317-01/06-2/1
Ljubljana, dne 1. februarja 2007
EPA 1213-IV

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

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

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

(e) Če proračun organizacije ni sprejet pred začetkom novega poslovnega leta, ostanejo načrtovani prihodki in odhodki posebne unije na ravni iz prejšnjega leta, kot predpisuje finančni pravilnik.

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

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

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

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

(6) (a) Sporazum o sedežu, sklenjen z državo, na ozemlju katere ima organizacija sedež, določa, da ta država daje posojila, če sklad za obratna sredstva ni zadosten. Znesek teh posojil in pogoji, pod katerimi se dajejo, so v vsakem primeru določeni v posebnih sporazumih med tako državo in organizacijo.

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

(7) Račune pregleda ena ali več držav posebne unije ali zunanjí revizorji, kot predpisuje finančni pravilnik. Z njihovim soglasjem jih določi skupščina.

Predsednik
Državnega zбора
Republike Slovenije
France Cukjati, dr. med., l.r.

21. Zakon o ratifikaciji sprememb Madridskega aranžmaja o mednarodnem registriranju znamk (MSMAMR)

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

U K A Z**o razglasitvi Zakona o ratifikaciji sprememb Madridskega aranžmaja o mednarodnem registriranju znamk (MSMAMR)**

Razglašam Zakon o ratifikaciji sprememb Madridskega aranžmaja o mednarodnem registriranju znamk (MSMAMR), ki ga je sprejel Državni zbor Republike Slovenije na seji 1. februarja 2007.

Št. 001-22-9/07
Ljubljana, dne 9. februarja 2007

dr. Janez Drnovšek l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPREMEMB MADRIDSKEGA ARANŽMAJA O MEDNARODNEM REGISTRIRANJU ZNAMK (MSMAMR)**

1. člen

Ratificirajo se spremembe Madridskega aranžmaja o mednarodnem registriranju znamk, sprejete 1. oktobra 2003 v Ženevi.

2. člen

Besedilo sprememb aranžmaja se v izvirniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

**Madrid Agreement
Concerning the International Registration
of Marks**

Article 10

Assembly of the Special Union

(1)(a) The Special Union shall have an Assembly consisting of those countries which have ratified or acceded to this Act.

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

(c) The expenses of each delegation shall be borne by the Government which has appointed it, except for the travel expenses and the subsistence allowance of one delegate for each member country, which shall be paid from the funds of the Special Union.

(2)(a) The Assembly shall:

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

(ii) give directions to the International Bureau concerning the preparation for conferences of revision, due account being taken of any comments made by those countries of the Special Union which have not ratified or acceded to this Act;

(iii) modify the Regulations, including the fixation of the amounts of the fees referred to in Article 8(2) and other fees relating to international registration;

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

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

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

(vii) establish such committees of experts and working groups as it may deem necessary to achieve the objectives of the Special Union;

**Madridski aranžma
o mednarodnem registriranju znamk**

10. člen

Skupščina posebne unije

(1) (a) Posebna unija ima skupščino, sestavljeno iz držav, ki so ta akt ratificirale ali pristopile k njemu.

(b) Vlado vsake države zastopa delegat, ki mu lahko pomagajo namestniki, svetovalci in strokovnjaki.

(c) Stroške delegacije krije vlada, ki jo je imenovala, razen potnih stroškov in dnevnic za enega delegata vsake države članice, ki se plačujejo iz sredstev posebne unije.

(2) (a) Skupščina:

(i) obravnava vsa vprašanja, ki se nanašajo na vzdrževanje in razvoj posebne unije in izvajanje tega sporazuma;

(ii) daje Mednarodnemu uradu navodila za pripravo revizijskih konferenc, pri čemer skrbno paži na pripombe držav posebne unije, ki niso ratificirale tega akta ali niso pristopile k njemu;

(iii) spreminja pravilnik in višino pristojbin iz drugega odstavka 8. člena ter drugih pristojbin v zvezi z mednarodno registracijo;

(iv) obravnava in potrjuje poročila ter dejavnosti generalnega direktorja, ki se nanašajo na posebno unijo in mu daje vsa koristna navodila glede vprašanj iz pristojnosti posebne unije;

(v) sprejema program, triletni proračun posebne unije in potrjuje njene zaključne račune;

(vi) sprejema finančni pravilnik posebne unije;

(vii) ustanavlja odbore strokovnjakov in delovne skupine, ki so po njenem mnenju potrebni za uresničevanje ciljev posebne unije;

(viii) determine which countries not members of the Special Union and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(ix) adopt amendments to Articles 10 to 13;

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

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

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

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

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

(c) Notwithstanding the provisions of subparagraph (b), if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 13(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

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

(g) Countries of the Special Union not members of the Assembly shall be admitted to the meetings of the latter as observers.

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

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of one-fourth of the countries members of the Assembly.

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

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

Article 12

Finances

(1) The income and expenses of the Special Union shall be reflected in the budget of the Organization in a fair and transparent manner.

(2) The income of the Special Union shall be derived from the following sources:

(i) international registration fees and other fees and charges due for other services rendered by the International Bureau;

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

(iii) gifts, bequests, and subventions;

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

(3)(a) The amounts of the fees referred to in Article 8(2) and other fees relating to international registration shall be fixed by the Assembly on the proposal of the Director General.

(viii) odloča, katere države, ki niso članice posebne unije, in katere medvladne in mednarodne nevladne organizacije lahko prisostvujejo njenim sestankom kot opazovalke;

(ix) sprejema spremembe 10. do 13. člena;

(x) sprejema vse druge ustrezne ukrepe za uresničitev ciljev posebne unije;

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

(2) (b) O vprašanjih, ki zanimajo tudi druge unije, ki jih vodi organizacija, odloča skupščina po poprejšnjem mnenju koordinacijskega odbora organizacije.

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

(b) Sklepčnost zagotavlja polovica držav članic skupščine.

(c) Ne glede na prejšnji pododstavek lahko skupščina sprejema sklepe, tudi če je na zasedanju navzoča manj kot polovica, vendar tretjina ali več držav članic, toda sklepi, razen tistih o postopku, veljajo šele, ko so izpolnjeni navedeni pogoji. Mednarodni urad jih sporoči državam članicam skupščine, ki niso bile navzoče, in jih povabi, naj v treh mesecih od dneva tega sporočila pisno glasujejo ali se vzdržijo glasovanja. Če je po poteku tega roka število držav, ki so na ta način glasovale ali so se vzdržale, vsaj enako številu držav, ki so manjkale, da bi bila dosežena sklepčnost na zasedanju, začnejo sklepi veljati, če v tem času še obstaja potrebna večina.

(d) Razen v primerih iz drugega odstavka 13. člena skupščina sprejema sklepe z dvotretjinsko večino oddanih glasov.

(e) Vzdržani glasovi se ne upoštevajo.

(f) Posamezen delegat lahko zastopa le eno državo in lahko glasuje le v njenem imenu.

(g) Države posebne unije, ki niso članice skupščine, se udeležujejo njenih zasedanj kot opazovalke.

(4) (a) Skupščina se sestane na rednem zasedanju enkrat letno na vabilo generalnega direktorja in razen v izjemnih primerih ob istem času in na istem kraju kot generalna skupščina organizacije.

(b) Skupščina se sestane na izrednem zasedanju na vabilo generalnega direktorja, če to zahteva četrtina držav članic skupščine.

(c) Generalni direktor pripravlja dnevni red vsakega zasedanja.

(5) Skupščina sprejme svoj poslovnik.

12. člen

Finance

(1) Dohodki in izdatki posebne unije morajo biti v proračunu organizacije prikazani pošteno in pregledno.

(2) Viri dohodkov posebne unije so:

(i) pristojbine za mednarodno registracijo ter druge pristojbine in plačila za druge storitve, ki jih opravi Mednarodni urad;

(ii) dohodki od prodaje publikacij Mednarodnega urada in pravic v zvezi z njimi;

(iii) darila, volila in subvencije;

(iv) najemnine, obresti in različni drugi dohodki.

(3) (a) Višino pristojbin iz drugega odstavka 8. člena in drugih pristojbin v zvezi z mednarodno registracijo določi skupščina na predlog generalnega direktorja.

(b) The amounts of such fees shall be so fixed that the revenues of the Special Union from fees, other than the supplementary and complementary fees referred to in Article 8(2)(b) and (c), and other sources shall be at least sufficient to cover the expenses of the International Bureau concerning the Special Union.

(c) If the budget of the Organization is not adopted before the beginning of a new financial period, the budgeted income and expenses of the Special Union shall be at the same level as they were in the previous year, as provided in the financial regulations.

(4) Subject to the provisions of paragraph (3)(a), the amount of fees and charges due for other services rendered by the International Bureau in relation to the Special Union shall be established, and shall be reported to the Assembly, by the Director General.

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

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

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

(d) As long as the Assembly authorizes the use of the reserve fund of the Special Union as a working capital fund, the Assembly may suspend the application of the provisions of subparagraphs (a), (b), and (c).

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

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

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

(b) Višina teh pristojbin mora biti taka, da dohodki posebne unije iz pristojbin, razen dopolnilnih in dodatnih iz pododstavkov (b) in (c) drugega odstavka 8. člena, ter iz drugih virov omogočajo, da se krijejo vsaj izdatki Mednarodnega urada za posebno unijo.

(c) Če proračun organizacije ni sprejet pred začetkom novega proračunskega leta, ostanejo načrtovani dohodki in izdatki posebne unije na ravni iz prejšnjega leta, kot določi finančni pravilnik.

(4) Ne glede na pododstavek (a) četrtega odstavka določi višino pristojbin in plačil za storitve, ki jih Mednarodni urad opravlja v zvezi s posebno unijo, določi generalni direktor ki jo sporoči skupščini.

(5) (a) Posebna unija ima sklad za obratna sredstva, ki ga sestavljajo enkratna plačila vseh držav posebne unije. Če ta sredstva ne zadoščajo več, skupščina odloči o njihovem povečanju.

(b) Znesek začetnega vplačila vsake države v navedeni sklad ali njenega prispevka ob povečanju sklada je sorazmeren s prispevkom te države kot članice Pariške unije za varstvo industrijske lastnine v proračun te unije za leto, v katerem je bil sklad oblikovan in je bila sprejeta odločitev o njegovem povečanju.

(c) Skupščina na predlog generalnega direktorja določi sorazmerje in načine vplačila po poprejnjem mnenju koordinacijskega odbora organizacije.

(d) Dokler skupščina dovoljuje, da se rezervni sklad posebne unije uporablja kot sklad za obratna sredstva, lahko odloči o koncu uporabe pododstavkov (a), (b) in (c).

(6) (a) Sporazum o sedežu, sklenjen z državo, na ozemlju katere ima organizacija sedež, mora določati, da daje ta država posojila, kadar ni dovolj obratnih sredstev. Višina teh posojil in pogoji, pod katerimi se dajejo, se v vsakem posebnem primeru določijo v posebnem sporazumu med to državo in organizacijo.

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

(7) Račune potrjuje, kot to določa finančni pravilnik, ena ali več držav posebne unije ali zunanji revizorji. Z njihovim soglasjem jih imenuje skupščina.

3. člen

Za izvajanje sprememb aranžmaja skrbi Ministrstvo za gospodarstvo – Urad Republike Slovenije za intelektualno lastnino.

4. člen

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

Št. 318-01/97-10/2
Ljubljana, dne 1. februarja 2007
EPA 1209-IV

Predsednik
Državnega zбора
Republike Slovenije
France Cukjati, dr. med., l.r.

22. Zakon o ratifikaciji sprememb Haaškega sporazuma o mednarodnem depozitu industrijskih vzorcev in modelov – Dopolnilnega akta iz Stockholma z dne 14. julija 1967 (MSHSMD)

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

U K A Z**o razglasitvi Zakona o ratifikaciji sprememb Haaškega sporazuma o mednarodnem depozitu industrijskih vzorcev in modelov – Dopolnilnega akta iz Stockholma z dne 14. julija 1967 (MSHSMD)**

Razglašam Zakon o ratifikaciji sprememb Haaškega sporazuma o mednarodnem depozitu industrijskih vzorcev in modelov – Dopolnilnega akta iz Stockholma z dne 14. julija 1967 (MSHSMD), ki ga je sprejel Državni zbor Republike Slovenije na seji 1. februarja 2007.

Št. 001-22-10/07
Ljubljana, dne 9. februarja 2007

dr. Janez Drnovšek l.r.
Predsednik
Republike Slovenije

Z A K O N**O RATIFIKACIJI SPREMEMB HAAŠKEGA SPORAZUMA O MEDNARODNEM DEPOZITU INDUSTRIJSKIH VZORCEV IN MODELOV – DOPOLNILNEGA AKTA IZ STOCKHOLMA Z DNE 14. JULIJA 1967 (MSHSMD)****1. člen**

Ratificirajo se spremembe Haaškega sporazuma o mednarodnem depozitu industrijskih vzorcev in modelov – Dopolnilnega akta iz Stockholma z dne 14. julija 1967, sprejete 1. oktobra 2003 v Ženevi.

2. člen

Besedilo sprememb sporazuma se v izvirniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

**The Hague Agreement
Concerning the International Deposit of
Industrial Designs – Complementary Act of
Stockholm of July 14, 1967**

Article 2
Assembly

(1)(a) The Special Union shall have an Assembly consisting of those countries which have ratified or acceded to this Complementary Act.

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

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

(2)(a) The Assembly shall:

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

(ii) give directions to the International Bureau concerning the preparation for conferences of revision, due account being taken of any comments made by those countries of the Special Union which have not ratified or acceded to this Complementary Act;

(iii) modify the Regulations, including the fixation of the amounts of the fees relating to the international deposit of industrial designs;

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

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

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

Haaški sporazum**o mednarodnem depozitu industrijskih vzorcev
in modelov – Dopolnilni akt iz Stockholma z dne
14. julija 1967**

2. člen
Skupščina

(1) (a) Posebna unija ima skupščino, ki sestoji iz držav, ki so ratificirale ta dopolnilni akt ali so pristopile k njemu.

(b) Vlado vsake države zastopa en delegat, ki mu lahko pomagajo namestniki, svetovalci in strokovnjaki.

(c) Stroške za vsako delegacijo plača vlada, ki jo je imenovala.

(2) (a) Skupščina:

(i) rešuje vsa vprašanja v zvezi s posebno unijo in njenim razvojem ter izvajanjem njenega sporazuma;

(ii) daje navodila Mednarodnemu uradu v zvezi s pripravami revizijskih konferenc, upoštevajoč pri tem vse pripombe držav posebne unije, ki niso ratificirale tega dopolnilnega akta ali pristopile k njemu;

(iii) spreminja pravila o izvršitvi in določa znesek pristojbin za mednarodni depozit industrijskih vzorcev in modelov;

(iv) obravnava in potrjuje poročila in aktivnosti generalnega direktorja v zvezi s posebno unijo in mu daje potrebna navodila v zvezi z vprašanjii iz pristojnosti posebne unije;

(v) določa program in sprejema dveletni proračun posebne unije in potrjuje njene zaključne račune;

(vi) sprejema finančne predpise posebne unije;

(vii) establish such committees of experts and working groups as it may deem necessary to achieve the objectives of the Special Union;

(viii) determine which countries not members of the Special Union and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(ix) adopt amendments to Articles 2 to 5;

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

(xi) perform such other functions as are appropriate under this Complementary Act.

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

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

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

(c) Notwithstanding the provisions of subparagraph (b), if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, the Assembly may make decisions but, with the exception of decisions concerning its own procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 5(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

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

(g) Countries of the Special Union not members of the Assembly shall be admitted to the meetings of the latter as observers.

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

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of one-fourth of the countries members of the Assembly.

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

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

Article 4

Finances

(1) The income and expenses of the Special Union shall be reflected in the budget of the Organization in a fair and transparent manner.

(2) The income of the Special Union shall be derived from the following sources:

(i) international deposit fees and other fees and charges due for other services rendered by the International Bureau;

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

(iii) gifts, bequests, and subventions;

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

(vii) ustanavlja odbore strokovnjakov in delovne skupine, za katere meni, da so potrebni za uresničitev ciljev posebne unije;

(viii) določa, katere države, ki niso članice posebne unije, in katere medvladne in mednarodne nevladne organizacije bodo sodelovale na njenih sestankih kot opazovalke;

(ix) sprejema spremembe 2. do 5. člena;

(x) sprejema vse druge primerne ukrepe, katerih namen je pospešitev uresničevanja ciljev unije;

(xi) opravlja druge ustrezne naloge v skladu s tem dopolnilnim aktom.

(b) Glede vprašanj, ki so pomembna tudi za druge unije, ki jih upravlja organizacija, sprejema skupščina svoje sklepe po posvetovanju s koordinacijskim odborom organizacije.

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

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

(c) Če je bilo na kateri koli seji število zastopanih držav manjše od polovice, vendar enako ali večje od tretjine držav članic skupščine, lahko skupščina ne glede na pododstavek b) sprejema sklepe, razen sklepov, ki se nanašajo na njen lastni postopek; vsi taki sklepi začnejo veljati samo, če so izpolnjeni v nadaljnjem besedilu navedeni pogoji. Mednarodni urad pošlje navedene sklepe državam članicam skupščine, ki niso bile predstavljene, in jih povabi, da tri mesece po prejemu dopisa pisno glasujejo ali se vzdržijo glasovanja. Če po poteku tega časa doseže število držav, ki so tako glasovale ali so se vzdržale glasovanja, število držav, ki je primanjkovalo za sklepčnost na samem zasedanju, začnejo taki sklepi veljati, če še vedno obstaja potrebna večina.

(d) Za sklepe skupščine sta potrebni dve tretjini glasov, razen v primerih iz drugega odstavka 5. člena.

(e) Vzdržani glasovi se ne štejejo za glasove.

(f) Delegat lahko predstavlja samo eno državo in glasuje samo v imenu ene države.

(g) Države posebne unije, ki niso članice skupščine, so lahko navzoče na njenih sestankih kot opazovalke.

(4) (a) Skupščina se sestaja enkrat letno na rednem zasedanju, ki ga skliče generalni direktor, in sicer, razen v izjemnih primerih, ob istem času in na istem kraju kot generalna skupščina organizacije.

(b) Skupščina ima izredno zasedanje, ki ga skliče generalni direktor na zahtevo četrtnine držav članic skupščine.

(c) Dnevni red za vsako zasedanje pripravi generalni direktor.

(5) Skupščina sprejme poslovnik o delu.

4. člen

Finance

(1) Prihodki in odhodki posebne unije morajo biti v proračunu organizacije prikazani pošteno in pregledno.

(2) Prihodki posebne unije izvirajo iz:

(i) pristojbin za mednarodni depozit in drugih pristojbin in plačil za storitve, ki jih opravi Mednarodni urad;

(ii) dohodkov od prodaje publikacij Mednarodnega urada ali pravic v zvezi z njimi:

(iii) daril, volil in subvencij;

(iv) najemnin, obresti in drugih različnih prihodkov.

(3)(a) The amounts of the fees referred to in paragraph (2)(i) shall be fixed by the Assembly on the proposal of the Director General.

(b) The amounts of such fees shall be so fixed that the revenues of the Special Union from fees and other sources shall be at least sufficient to cover the expenses of the International Bureau.

(c) If the budget of the Organization is not adopted before the beginning of a new financial period, the budgeted income and expenses of the Special Union shall be at the same level as they were in the previous year, as provided in the financial regulations.

(4) Subject to the provisions of paragraph (3)(a), the amount of the fees and charges due for other services rendered by the International Bureau in relation to the Special Union shall be established, and shall be reported to the Assembly, by the Director General.

(5)(a) The Special Union shall have a working capital fund which shall be constituted by the excess receipts and, if such excess does not suffice, by a single payment made by each country of the Special Union. If the fund becomes insufficient, the Assembly shall decide to increase it.

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

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

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

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

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

(3) (a) Zneske pristojbin iz točke (i) tretjega odstavka dolči skupščina na predlog generalnega direktorja.

(b) Ti zneski se določijo tako, da prihodki posebne unije od pristojbin in drugih virov zadostujejo vsaj za kritje odhodkov Mednarodnega urada v zvezi s posebno unijo.

(c) Če proračun organizacije ni sprejet pred začetkom novega finančnega obdobja, ostanejo načrtovani dohodki in izdatki posebne unije na ravni iz prejšnjega leta, kot je predvideno s finančnimi predpisi.

(4) Generalni direktor določi znesek pristojbin in dajatve za druge storitve, ki jih opravlja Mednarodni urad v zvezi s posebno unijo, razen pristojbin iz pododstavka (a) četrtega odstavka, in o tem obvesti skupščino.

(5) (a) Posebna unija ima sklad obratnega kapitala, ki se oblikuje iz presežka prihodkov, in če tak presežek ne zadostuje, iz enkratnega vplačila vsake države članice posebne unije. Če sklad ne zadostuje več, skupščina odloči o povečanju.

(b) Znesek začetnega vplačila vsake države v navedeni sklad ali njenega deleža v njegovem povečanju je odstotek prispevka države kot članice pariške unije za varstvo industrijske lastnine v proračun navedene unije za leto, v katerem se ustanovi ali odloči o njegovem povečanju.

(c) Odstotek in pogoje za vplačilo določi skupščina na predlog generalnega direktorja in po dobljenem mnjenju koordinacijskega odbora organizacije.

(6) (a) V sporazumu o sedežu, sklenjenem z državo, na katere ozemlju ima organizacija svoj sedež, bo predvideno, da vsakič ko sklad obratnega kapitala ne bo zadostoval, daje država posojila. Višina teh posojil in pogoji, pod katerimi se dajejo, bodo določeni v posebnih sporazumih v vsakem posameznem primeru med tako državo in organizacijo.

(b) Država iz pododstavka (a) in organizacija imata pravico, da s pisnim obvestilom odpovesta obveznost, da dajeta posojila. Odpoved začne veljati tri leta po končanem letu, v katerem je bilo poslano obvestilo.

(7) Račune pregleduje ena ali več držav posebne unije ali zunanjí revizorji, kot je predvideno v finančnih predpisih. Imenuje jih skupščina z njihovim soglasjem.

3. člen

Za izvajanje sprememb sporazuma skrbi Ministrstvo za gospodarstvo – Urad Republike Slovenije za intelektualno lastnino.

4. člen

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

Št. 318-01/94-9/2
Ljubljana, dne 1. februarja 2007
EPA 1210-IV

Predsednik
Državnega zбора
Republike Slovenije
France Cukjati, dr. med., l.r.

23. Zakon o ratifikaciji sprememb Budimpeštanske pogodbe o mednarodnem priznanju depozita mikroorganizmov za postopek patentiranja (MSBPDM)

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

U K A Z

o razglasitvi Zakona o ratifikaciji sprememb Budimpeštanske pogodbe o mednarodnem priznanju depozita mikroorganizmov za postopek patentiranja (MSBPDM)

Razglašam Zakon o ratifikaciji sprememb Budimpeštanske pogodbe o mednarodnem priznanju depozita mikroorganizmov za postopek patentiranja (MSBPDM), ki ga je sprejel Državni zbor Republike Slovenije na seji 1. februarja 2007.

Št. 001-22-14/07
Ljubljana, dne 9. februarja 2007

dr. Janez Drnovšek I.r.
Predsednik
Republike Slovenije

Z A K O N

**O RATIFIKACIJI SPREMEMB BUDIMPEŠTANSKE POGODBE O MEDNARODNEM PRIZNANJU
DEPOZITA MIKROORGANIZMOV ZA POSTOPEK PATENTIRANJA (MSBPDM)**

1. člen

Ratificirajo se spremembe Budimpeštanske pogodbe o mednarodnem priznanju depozita mikroorganizmov za postopek patentiranja, sprejete 1. oktobra 2003 v Ženevi.

2. člen

Besedilo sprememb pogodbe se v izvirniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

Budapest Treaty

**on the International Recognition of the Deposit
of Microorganisms for the Purposes
of Patent Procedure**

Article 10

Assembly

(1)(a) The Assembly shall consist of the Contracting States.

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

(c) Each intergovernmental industrial property organization shall be represented by special observers in the meetings of the Assembly and any committee and working group established by the Assembly.

(d) Any State not member of the Union which is a member of the Organization or of the International (Paris) Union for the Protection of Industrial Property and any intergovernmental organization specialized in the field of patents other than an intergovernmental industrial property organization as defined in Article 2(v) may be represented by observers in the meetings of the Assembly and, if the Assembly so decides, in the meetings of any committee or working group established by the Assembly.

(2)(a) The Assembly shall:

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

(ii) exercise such rights and perform such tasks as are specially conferred upon it or assigned to it under this Treaty;

(iii) give directions to the Director General concerning the preparations for revision conferences;

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

Budimpeštanska pogodba

**o mednarodnem priznanju depozita
mikroorganizmov za postopek patentiranja**

10. člen

Skupščina

(1) (a) Skupščino sestavljajo države pogodbenice.

(b) Vsako državo pogodbenico zastopa en delegat, ki mu lahko pomagajo namestniki, svetovalci in strokovnjaki.

(c) Vsako medvladno organizacijo za industrijsko lastnino zastopajo na zasedanjih skupščine in v vsakem odboru in delovni skupini, ki jih ustanovi skupščina, posebni opazovalci.

(d) Vsako državo, ki ni članica unije, je pa članica organizacije ali Mednarodne (pariške) unije za varstvo industrijske lastnine, in vsako medvladno organizacijo, specializirano za patente, razen medvladne organizacije za industrijsko lastnino iz točke (v) 2. člena, lahko zastopajo opazovalci na zasedanjih skupščine, in če skupščina tako odloči, tudi na sestankih vsakega odbora ali delovne skupine, ki jo ustanovi skupščina.

(2) (a) Skupščina:

(i) obravnava vsa vprašanja v zvezi z delom in razvojem unije in izvajanjem te pogodbe;

(ii) uresničuje take pravice in opravlja naloge, ki so ji izrecno zaupane ali dodeljene po tej pogodbi;

(iii) daje generalnemu direktorju napotke in zvezni s pripravami revizijskih konferenc;

(iv) pregleduje in potrjuje poročila in dejavnosti generalnega direktorja v zvezi z unijo in mu daje vsa potrebna navodila, ki se nanašajo na pristojnost unije;

(v) establish such committees and working groups as it deems appropriate to facilitate the work of the Union;

(vi) determine, subject to paragraph (1)(d) other than Contracting States, which intergovernmental organizations other than intergovernmental industrial property organizations as defined in Article 2(v) and which international non-governmental organizations shall be admitted to its meetings as observers and to what extent international depositary authorities shall be admitted to its meetings as observers;

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

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

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

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

(4) Each Contracting State shall have one vote.

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

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

(6)(a) Subject to Article 8(1)(c), 12(4) and 14(2)(b), the decisions of the Assembly shall require a majority of the votes cast.

(b) Abstentions shall not be considered as votes.

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

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, either on his own initiative or at the request of one-fourth of the Contracting States.

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

(v) ustanavlja odbore in delovne skupine, ki so po njenem mnenju ustreznji za lažje delo unije;

(vi) ob upoštevanju pododstavka (d) prejšnjega odstavka odloča o tem, katere države, ki niso pogodbenice, katere medvladne organizacije, razen medvladnih organizacij za industrijsko lastnino, navedenih v točki (v) 2. člena, in katere mednarodne nevladne organizacije so lahko kot opazovalke navzoče na njenih sestankih in v kolikšnem obsegu so lahko mednarodni depozitarni organi navzoči na njenih sestankih;

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

(viii) opravlja druge ustrezne naloge po tej pogodbi.

(b) Skupščina odloča o zadevah, ki zanimajo tudi druge unije, ki jih upravlja organizacija, in sicer po poprejnjem mnenju usklajevalnega odbora organizacije.

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

(4) Vsaka država pogodbenica ima en glas.

(5) (a) Za sklepčnost mora biti navzoča polovica držav pogodbenic.

(b) Če skupščina ni sklepčna, lahko sprejema sklepe; ti sklepi, razen tistih, ki se nanašajo na njen postopek, so veljavni samo, če sta bili sklepčnost in potrebna večina doseženi z dopisnim glasovanjem, kot določa pravilnik.

(6) (a) Ob upoštevanju pododstavka (c) prvega odstavka 8. člena, četrtega odstavka 12. člena in pododstavka (b) drugega odstavka 14. člena se sklepi skupščine sprejemajo z večino oddanih glasov.

(b) Vzdržani glasovi se ne štejejo.

(7) (a) Skupščina se na sklic generalnega direktorja se stane na rednem zasedanju vsako koledarsko leto, po možnosti ob istem času in na istem kraju kot generalna skupščina organizacije.

(b) Skupščina ima izredna zasedanja, ki jih skliče generalni direktor na svojo pobudo ali na zahtevo četrtnine držav pogodbenic.

(8) Skupščina sprejme svoj poslovnik.

3. člen

Za izvajanje sprememb pogodbe skrbi Ministrstvo za gospodarstvo – Urad Republike Slovenije za intelektualno lastnino.

4. člen

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

Št. 318-01/97-9/2
Ljubljana, dne 1. februarja 2007
EPA 1214-IV

Predsednik
Državnega zбора
Republike Slovenije
France Cukjati, dr. med., l.r.

24. Zakon o ratifikaciji sprememb Pogodbe o sodelovanju na področju patentov (MSPSPP)

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

U K A Z
**o razglasitvi Zakona o ratifikaciji sprememb Pogodbe o sodelovanju
na področju patentov (MSPSPP)**

Razglašam Zakon o ratifikaciji sprememb Pogodbe o sodelovanju na področju patentov (MSPSPP), ki ga je sprejel Državni zbor Republike Slovenije na seji 1. februarja 2007.

Št. 001-22-19/07
Ljubljana, dne 9. februarja 2007

dr. Janez Drnovšek l.r.
Predsednik
Republike Slovenije

Z A K O N
**O RATIFIKACIJI SPREMEMB POGODEBE O SODELOVANJU
NA PODROČJU PATENTOV (MSPSPP)**

1. člen

Ratificirajo se spremembe Pogodbe o sodelovanju na področju patentov, sprejete 1. oktobra 2003 v Ženevi.

2. člen

Besedilo sprememb pogodbe se v izvirniku v angleškem jeziku in v prevodu v slovenskem jeziku glasi:

Patent Cooperation Treaty

Article 53

Assembly

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

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

(2)(a) The Assembly shall:

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

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

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

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

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

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

(vii) adopt the financial regulations of the Union;

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

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

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

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

**Pogodba o sodelovanju
na področju patentov**

53. člen

Skupščina

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

(b) Vlado vsake države pogodbenice zastopa en delegat, ki mu lahko pomagajo namestniki, svetovalci in strokovnjaki.

(2) (a) Skupščina:

(i) obravnava vsa vprašanja v zvezi z vzdrževanjem in razvojem unije ter izvajanjem te pogodbe;

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

(iii) daje Mednarodnemu uradu navodila za pripravo revizijskih konferenc;

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

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

(vi) določa program, sprejema triletni proračun unije in potrjuje zaključne račune;

(vii) sprejema finančni pravilnik unije;

(viii) ustanavlja odbore in delovne skupine, ki so po njem mnenju ustrezni za uresničevanje ciljev unije;

(ix) odloča o tem, katere države nečlanice, in glede na osmi odstavek, katere medvladne organizacije in mednarodne nevladne organizacije so lahko kot opazovalke navzoče na njenih sejah;

(x) sprejema vse druge ustrezne ukrepe za uresničevanje ciljev unije in opravlja druge ustrezne naloge po tej pogodbi.

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

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

(4) Each Contracting State shall have one vote.

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

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

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

(b) Abstentions shall not be considered as votes.

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

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

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

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

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

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

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

Article 57

Finances

(1) The income and expenses of the Union shall be reflected in the budget of the Organization in a fair and transparent manner.

(2) Subject to the provisions of paragraph (4), the income of the Union shall be derived from the following sources:

(i) fees and charges due for services rendered by the International Bureau;

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

(iii) gifts, bequests, and subventions;

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

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

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

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

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

(4) Vsaka država pogodbenica ima samo en glas.

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

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

(6)(a) Ob upoštevanju pododstavka (b) drugega odstavka 47. člena, pododstavka (b) drugega odstavka 58. člena, tretega odstavka 58. člena in pododstavka (b) drugega odstavka 61. člena se sklepi skupščine sprejemajo z dvetretjinsko večino oddanih glasov.

(b) Vzdržani glasovi se ne upoštevajo.

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

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

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

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

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

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

(12) Skupščina sprejme poslovnik o delu.

57. člen

Finančna vprašanja

(1) Prihodki in odhodki unije morajo biti v proračunu organizacije prikazani pošteno in pregledno.

(2) Ob upoštevanju petega odstavka so prihodki unije pridobljeni:

(i) s pristojbinami in plačili za storitve, ki jih opravlja Mednarodni urad;

(ii) s prodajo publikacij Mednarodnega urada in pravic v zvezi z njimi;

(iii) z darili, volili in subvencijami;

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

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

(4)(a) Če je letni finančni rezultat negativen, države članice ob upoštevanju pododstavkov (b) in (c) vplačajo svoje prispevke za kritje te izgube.

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

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

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

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

(5) If the budget of the Organization is not adopted before the beginning of a new financial period, the budgeted income and expenses of the Union shall be at the same level as they were in the previous year, as provided in the financial regulations.

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

(b) The amount of the initial payment of each Contracting State to the said fund or of its participation in the increase thereof shall be decided by the Assembly on the basis of principles similar to those provided for under paragraph (4)(b).

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

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

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

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

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

3. člen

Za izvajanje sprememb pogodbe skrbi Ministrstvo za gospodarstvo – Urad Republike Slovenije za intelektualno lastnino.

4. člen

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

Št. 318-01/93-7/2
Ljubljana, dne 1. februarja 2007
EPA 1219-IV

Predsednik
Državnega zbora
Republike Slovenije
France Cukjati, dr. med., l.r.

Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb

- 25. Obvestilo o začetku veljavnosti Opcijskega protokola h Konvenciji proti mučenju in drugim oblikam okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja**

Na podlagi drugega odstavka 77. člena Zakona o zunanjih zadevah (Uradni list Republike Slovenije, št. 113/2003 – uradno prečiščeno besedilo in 20/06 – ZNOMCMO) Ministrstvo za zunanje zadeve

s p o r o č a,

da je dne 22. februarja 2007 začel za Republiko Slovenijo veljati Opcijski protokol h Konvenciji proti mučenju in drugim oblikam okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja, sprejet na 57. zasedanju Generalne skupščine Združenih narodov 18. decembra 2002 in objavljen v Uradnem listu Republike Slovenije – Mednarodne pogodbe, št. 20/06 (Uradni list Republike Slovenije, št. 114/06).

Ljubljana, dne 22. februarja 2007

Ministrstvo za zunanje zadeve
Republike Slovenije

VSEBINA

<p>14. Zakon o ratifikaciji sprememb Konvencije o ustanovitvi Svetovne organizacije za intelektualno lastnino (MSKSIL) 725</p> <p>15. Zakon o ratifikaciji sprememb Bernske konvencije za varstvo književnih in umetniških del (MSBKVK) 732</p> <p>16. Zakon o ratifikaciji sprememb Pariške konvencije za varstvo industrijske lastnine (MSPKIL) 736</p> <p>17. Zakon o ratifikaciji sprememb Strasbourškega sporazuma o mednarodni patentni klasifikaciji (MSSSPK) 740</p> <p>18. Zakon o ratifikaciji sprememb Niškega aranžmaja o mednarodni klasifikaciji proizvodov in storitev zaradi registracije znamk (MSNAKP) 743</p> <p>19. Zakon o ratifikaciji sprememb Locarnskega aranžmaja o ustanovitvi mednarodne klasifikacije za industrijske vzorce in modela (MSLAMK) 746</p> <p>20. Zakon o ratifikaciji sprememb Dunajskega sporazuma o mednarodni klasifikaciji figurativnih elementov znamk (MSDSMK) 749</p> <p>21. Zakon o ratifikaciji sprememb Madridskega aranžmaja o mednarodnem registriranju znamk (MSMAMR) 752</p> <p>22. Zakon o ratifikaciji sprememb Haaškega sporazuma o mednarodnem depozitu industrijskih vzorcev in modelov – Dopolnilnega akta iz Stockholma z dne 14. julija 1967 (MSHSMD) 755</p> <p>23. Zakon o ratifikaciji sprememb Budimpeštanske pogodbe o mednarodnem priznanju depozita mikroorganizmov za postopek patentiranja (MSBPDM) 758</p> <p>24. Zakon o ratifikaciji sprememb Pogodbe o sodelovanju na področju patentov (MSPSPP) 760</p>	<p><i>Obvestila o začetku oziroma prenehanju veljavnosti mednarodnih pogodb</i></p> <p>25. Obvestilo o začetku veljavnosti Opcijskega protokola h Konvenciji proti mučenju in drugim oblikam okrutnega, nečloveškega ali poniževalnega ravnanja ali kaznovanja 763</p>
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