

47. Vienna Agreement for the Protection of Type Faces and their International Deposit. Done at Vienna on June 12, 1973 [=Trattato di Vienna per la protezione dei caratteri di stampa e sul loro deposito internazionale. Fatto a Vienna il 12 giugno 1973]. Testo inglese.

Storia: questo trattato è stato firmato a Vienna il 12 giugno 1973 e non è entrato in vigore a livello internazionale poiché il numero di ratifiche richiesto non è stato ancora raggiunto.

Paesi aderenti: paesi che hanno ratificato la convenzione: Germania, Gran Bretagna, Jugoslavia. *Paesi firmatari senza ratifica:* Francia, Italia, Jugoslavia, Liechtenstein, Paesi Bassi, San Marino, Svizzera, Ungheria.

Riserve, dichiarazioni, comunicazioni, obiezioni: nessuna.

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Vienna Agreement for the Protection of Type Faces and their International Deposit (Done at Vienna on June 12, 1973).

The Contracting States,

Desiring, in order to encourage the creation of type faces, to provide an effective protection thereof,

Conscious of the role which type faces play in the dissemination of culture and of the special requirements which their protection must fulfil,

Have agreed as follows:

Introductory Provisions

1. Establishment of a UnionG. - The States party to this Agreement constitute a Union for the protection of type faces.

2. Definitions. - For the purposes of this Agreement and the Regulations,

(i) "type faces" means sets of designs of:

(a) letters and alphabets as such with their accessories such as accents and punctuation marks,

(b) numerals and other figurative signs such as conventional signs, symbols and scientific signs,

(c) ornaments such as borders, fleurons and vignettes, which are intended to provide means for composing texts by any graphic technique. the term "type faces" does not include type faces of a form dictated by purely technical requirements;

(ii) "International Register" means the International Register of Type Faces;

(iii) "international deposit" means the deposit effected for the purposes of recording in the International Register;

(iv) "applicant" means the natural person who, or the legal entity which, effects an international deposit;

(v) "owner of the international deposit" means the natural person or the legal entity in whose name the international deposit is recorded in the International Register;

(vi) "Contracting States" means the States party to this Agreement;

(vii) "Union" means the Union established by this Agreement;

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

(ix) "Paris Convention" means the Convention for the Protection of Industrial Property signed on March 20, 1883, including any of its revisions;

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

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

(xii) "Director General" means the Director General of the Organization;

(xiii) "Regulations" means the Regulations under this Agreement.

CHAPTER I

NATIONAL PROTECTION

3. Principle and Kinds of Protection. The Contracting States undertake, in accordance with the provisions of this Agreement, to ensure the protection of type faces, by establishing a special national deposit, or by adapting the deposit provided for in their national industrial design laws, or by their national copyright provisions. These kinds of protection may be cumulative.

4. Natural Persons and Legal Entities Protected. - (1) In Contracting States which declare under Article 34 that they intend to ensure protection by establishing a special national deposit or by adapting their national industrial design laws, the protection of this Agreement shall apply to natural persons who, or legal entities which, are residents or nationals of a Contracting State.

(2) (a) In Contracting States which declare under Article 34 that they intend to ensure protection by their national copyright provisions, the protection of this Agreement shall apply to:

(i) creators of type faces who are nationals of one of the Contracting States;

(ii) creators of type faces who are not nationals of one of the Contracting States but whose type faces are published for the first time in one of such States.

(b) Any Contracting State referred to in subparagraph (a) may assimilate creators of type faces who have their habitual residence or domicile in a Contracting State to creators of type faces who are nationals of that State.

(3) For the purposes of the Agreement, any association of natural persons or legal entities which, under the national law of the State according to which it is constituted, may acquire rights and assume obligations notwithstanding the fact that it is not a legal entity, shall be assimilated to a legal entity. However, any Contracting State may protect, in lieu of the said association, the natural persons or legal entities constituting it.

5. National Treatment. - (1) Each Contracting State shall be obliged to grant to all natural persons and legal entities entitled to claim the benefits of this Agreement the protection afforded to its nationals according to the kind of protection which such Contracting State declares under Article 34.

(2) If a Contracting State referred to in Article 4(2) requires, under its domestic law, compliance with formalities as a condition of protecting type faces, these should be considered as fulfilled, with respect to type faces whose creators are referred to in Article 4(2), if all the copies of the type faces published with the authority of the creator or other owner entitled to protection are accompanied by or, as the case may be, bear a notice consisting of the symbol (C) accompanied by the name of the owner entitled to protection and the year date of the first such publication placed in such a manner as to give reasonable notice of claim of protection.

6. Concepts of Residence and Nationality. (1) (a) Any natural person shall be regarded as a resident of a Contracting State for the purposes of Articles 4(1) and 13 if:

(i) according to the national law of that State he is a resident of that State, or

(ii) he has a real and effective industrial or commercial establishment in that State.

(b) Any natural person shall be regarded as a national of a Contracting State for the purposes of Articles 4(1) and 13 if, according to the national law of that State, he is a national of that State.

(2) (a) Any legal entity shall be regarded as a resident of a Contracting State for the purposes of Articles 4(1) and 13 if it has a real and effective industrial or commercial establishment in that State.

(b) Any legal entity shall be regarded as a national of a Contracting State for the purposes of Articles 4(1) and 13 if it is constituted according to the national law of that State.

(3) Where any natural person or legal entity invoking the benefits of this Agreement is a resident of one State and a national of another State, and where only one of those States is a Contracting State, the Contracting State alone shall be considered for the purposes of this Agreement and the Regulations.

7. Conditions of Protection. - (1) The protection of type faces shall be subject to the condition that they be novel, or to the condition that they be original, or to both conditions.

(2) The novelty and the originality of type faces shall be determined in relation to their style or overall appearance, having regard, if necessary, to the criteria recognized by the competent professional circles.

8. Content of Protection.- (1) Protection of type faces shall confer upon the owner thereof the right to prohibit:

(i) the making, without his consent, of any reproduction, whether identical or slightly modified, intended to provide means for composing texts by any graphic technique, irrespective of the technical means or material used;

(ii) the commercial distribution or importation of such reproductions without his consent.

(2) (a) Subject to subparagraph (b), the right defined in paragraph (1) applies irrespective of whether or not the protected type faces have been known to the maker of the reproduction.

(b) Contracting States in which originality is a condition of protection are not required to apply subparagraph (a).

(3) The right provided for in paragraph (1) shall also cover any reproduction of type faces obtained by the distortion, by any purely technical means, of the protected type faces, where the essential features thereof remain recognizable.

(4) The making of elements of type faces, by a person acquiring type faces, during the ordinary course of the composition of texts, shall not be considered a reproduction within the meaning of paragraph (1)(i).

(5) Contracting States may take legislative measures to avoid abuses which might result from the exercise of the exclusive right provided under this Agreement in cases where, apart from the protected type faces in question, no other type faces are available in order to achieve a particular purpose in the public interest. The legislative measures shall not, however, prejudice the right of the owner to just remuneration for the use of his type faces. Nor shall the protection of type faces under any circumstances be subject to any forfeiture either by reason of failure to work or by reason of the importation of reproductions of the protected type faces.

9. Term of Protection. - (1) The term of protection may not be less than fifteen years.

(2) The term of protection may be divided into several periods, each extension being granted only at the request of the owner of the protected type faces.

10. Cumulative Protection. - The provisions of this Agreement shall not preclude the making of a claim to the benefit of any more extensive protection granted by national laws and shall in no way affect the protection granted by other international conventions.

11. Right of Priority. - For the purposes of the right of priority, if applicable, national deposits of type faces shall be considered deposits of industrial designs.

CHAPTER II INTERNATIONAL DEPOSIT

12. International Deposit and Recording. - (1) Subject to the provisions of paragraph (2), the international deposit shall be effected direct with the International Bureau, which shall record it in the International Register in accordance with this Agreement and the Regulations.

(2) (a) The national law of any Contracting State may provide that international deposits by natural persons or legal entities residing in the respective State may be effected through the intermediary of the competent Office of that State.

(b) Where an international deposit is effected, as provided for in subparagraph (a), through the intermediary of a competent Office of a Contracting State, that Office shall indicate the date on which it received the international deposit and shall transmit the said deposit in good time to the International Bureau in the manner provided for in the Regulations.

13. Right to Effect International Deposits and to Own Such Deposits. - (1) Any natural person who, or legal entity which, is a resident or a national of a Contracting State may effect and be the owner of international deposits.

(2) (a) Any association of natural persons or legal entities which, under the national law of the State according to which it is constituted, may acquire rights and assume obligations, notwithstanding the fact that it is not a legal entity, shall have deposits if it is a resident or national of a Contracting State.

(b) Subparagraph (a) shall be without prejudice to the application of the national law of any Contracting State. However, no such State shall refuse or cancel the effects provided for in Article 18 with respect to an association of the kind referred to in subparagraph (a) on the ground that it is not a legal entity if, within two months from the date of an invitation addressed to it by the competent office of that State, the said

association files with that Office a list of the names and addresses of all the natural persons or legal entities constituting it, together with a declaration that its members are engaged in a joint enterprise. In such a case, the said State may consider the natural persons or legal entities constituting the said association to be the owners of the international deposit, in lieu of the association itself, provided that the said persons or entities fulfil the conditions set forth in paragraph (1).

14. Contents and Form of the International Deposit. - (1) The international deposit shall contain:

(i) a signed instrument of international deposit declaring that the deposit is effected under this Agreement, and indicating the identity, residence, nationality and address of the applicant as well as the name of the creator of the type faces for which protection is sought or that the creator has renounced being mentioned as such;

(ii) a representation of the type faces;

(iii) payment of the prescribed fees.

(2) The instrument of international deposit may contain:

(i) a declaration claiming the priority of one or more earlier deposits effected in or for one or more States party to the Paris Convention;

(ii) an indication of the denomination given to the type faces by the applicant;

(iii) the appointment of a representative;

(iv) such additional indications as are provided for in the Regulations.

(3) The instrument of international deposit shall be in one of the languages prescribed by the Regulations.

15. Recording or Declining of the International Deposit. - (1) Subject to paragraph (2), the International Bureau shall promptly record the international deposit in the International Register. The date of the international deposit shall be the date on which it was received by the International Bureau or, if the international deposit has been effected, as provided for in Article 12(2), through the intermediary of the competent Office of a Contracting State, the date on which that Office received the deposit, provided that the deposit reaches the International Bureau before the expiration of a period of one month following that date.

(2) (a) Where the International Bureau finds any of the following defects, it shall invite the applicant, unless it is clearly impossible to reach him, to correct the defect within three months from the date on which it sent the invitation:

(i) the instrument of international deposit does not contain an indication that it is effected under this Agreement;

(ii) the instrument of international deposit does not contain such indications concerning the residence and nationality of the applicant as to permit the conclusion that he has the right to effect international deposits;

(iii) the instrument of international deposit does not contain such indications concerning the applicant as are necessary to permit him to be identified and reached by mail;

(iv) the instrument of international deposit does not contain an indication of the name of the creator of the type faces or of the fact that the creator has renounced being mentioned as such;

(v) the instrument of international deposit is not signed;

(vi) the instrument of international deposit is not in one of the languages prescribed by the Regulations;

(vii) the international deposit does not contain a representation of the type faces;

(viii) the prescribed fees have not been paid.

(b) If the defect or defects are corrected in due time, the International Bureau shall record the international deposit in the International Register, and the date of the international deposit shall be the date on which the International Bureau receives the correction of the said defect or defects.

(c) If the defect or defects are not corrected in due time, the International Bureau shall decline the international deposit, inform the applicant accordingly, and reimburse to him part of the fees paid, as provided in the Regulations. If the international deposit is effected through the intermediary of the competent Office of a Contracting State, as provided for in Article 12(2), the International Bureau shall also inform that Office of the declining.

16. Avoiding Certain Effects of Declining. - (1) Where the International Bureau has declined the international deposit, the applicant may, within two months from the date of the notification of the declining, effect, in respect of the type faces that were the

subject of the international deposit, a national deposit with the competent Office of any Contracting State which ensures the protection of type faces by establishing a special national deposit or by adapting the deposit provided for in its national industrial design law.

(2) If the competent Office or any other competent authority of that Contracting State finds that the international Bureau has declined the international deposit in error, and provided the national deposit complies with all the requirements of the national law of the said State, the said national deposit shall be treated as if it had been effected on the date which would have been the date of the international deposit had that international deposit not been declined.

17. *Publication and Notification of the International Deposit.* - International deposits recorded in the International Register shall be published by the International Bureau and notified by the latter to the competent offices of the Contracting States.

18. *Effect of the International Deposit.* - (1) In Contracting States which declare in accordance with Article 34 that they intend to ensure the protection of type faces by establishing a special national deposit or by adapting the deposit provided for in their national industrial design laws, the international deposit recorded in the International Register shall have the same effect as a national deposit effected on the same date.

(2) The Contracting States referred to in paragraph (1) may not require that the applicant comply with any additional formality, with the exception of such formalities as may be prescribed by their national laws for the exercise of the rights. However, Contracting States which undertake an ex officio novelty examination or make provision for opposition proceedings may prescribe the formalities required by such examination or such proceedings and charge the fees, with the exception of the publication fee, provided for in their national laws for such examination, the grant of protection and the renewal thereof.

19. *Right of Priority.* (1) For the purposes of the right of priority, if applicable, the international deposit of type faces shall be considered an industrial design deposit within the meaning of Article 4A of the Paris Convention.

(2) The international deposit shall be a regular filing within the meaning of Article 4A of the Paris Convention if it is not declined pursuant to Article 15(2)(c) of this Agreement, and shall be considered to have been effected on the date accorded to it under Article 15(1) or (2)(b) of this Agreement.

20. *Change in the Ownership of the International Deposit.* - (1) Any change in the ownership of the international deposit shall, on request, be recorded in the International Register by the International Bureau.

(2) The change in the ownership of the international deposit shall not be recorded in the International Register if, according to the indications furnished by the person requesting the recording of the change, the new owner of the international deposit does not have the right to effect international deposits.

(3) The change in the ownership of the international deposit may relate to one or more of the Contracting States referred to in Article 18(1). In such a case, renewal of the international deposit must subsequently be applied for separately by each of the owners of the international deposit as far as he is concerned.

(4) The request for the recording of a change in the ownership of the international deposit shall be presented in the form, and accompanied by the fee, prescribed in the Regulations.

(5) The International Bureau shall record the change in the ownership of the international deposit in the International Register, shall publish it, and shall notify it to the competent Offices of the Contracting States.

(6) The recording of the change in the ownership of the international deposit in the International Register shall have the same effect as if the request for such recording had been filed direct with the competent Office of each of the Contracting States referred to in Article 18(1) which are concerned by the said change in ownership.

21. *Withdrawal and Renunciation of the International Deposit.* - (1) The applicant may withdraw his international deposit by a declaration addressed to the International Bureau.

(2) The owner of the international deposit may at any time renounce his international deposit by a declaration addressed to the International Bureau.

(3) Withdrawal and renunciation may relate to a part or the whole of the type faces which are the subject of the international deposit, or to their denomination, and to

one or more of the Contracting States referred to in Article 18(1).

(4) The International Bureau shall record the renunciation in the International Register, shall publish it, and shall notify it to the competent Offices of the Contracting States.

(5) Renunciation recorded in the International Register shall have the same effect as if it had been communicated direct to the competent Office of each of the Contracting States referred to in Article 18(1).

22. Other Amendments to the International Deposit. - (1) The owner of the international deposit may at any time amend the indications appearing in the instrument of the international deposit.

(2) Type faces which are the subject of an international deposit may not be amended.

(3) Amendments shall be subject to the payment of the fees prescribed in the Regulations.

(4) The International Bureau shall record amendments in the International Register, shall publish them, and shall notify them to the competent Offices of the Contracting States.

(5) Amendments recorded in the International Register shall have the same effect as if they had been communicated direct to the competent Office of each of the Contracting States referred to in Article 18(1).

23. Term and Renewal of the International Deposit. - (1) The international deposit shall have effect for an initial term of ten years from the date of such deposit.

(2) The effect of the international deposit may be extended for terms of five years on the basis of demands for renewal submitted by the owner of the international deposit.

(3) Each new term shall commence on the day following that on which the previous term expires.

(4) The demand for renewal shall be presented in the form, and accompanied by the fees, prescribed by the Regulations.

(5) The International Bureau shall record the renewal in the International Register, shall publish it, and shall notify it to the competent Offices of the Contracting States.

(6) Renewal of the international deposit shall replace such renewals as may be provided for in the national laws. However, the international deposit may not, in any Contracting State referred to in Article 18(1), have effect after the maximum term of protection provided for in the national law of that State has expired.

24. Regional Treaties. - (1) Two or more Contracting States may notify the Director General that a common office shall be substituted for the national Office of each of them, and that their territories, as a whole, shall be deemed a single State for the purposes of international deposit.

(2) Such notification shall take effect three months after the date on which the Director General receives it.

25. Representation Before the International Bureau. - (1) Applicants and owners of international deposits may be represented before the International Bureau by any person empowered by them to that effect (hereinafter referred to as "the duly appointed representative").

(2) Any invitation, notification or other communication addressed by the International Bureau to the duly appointed representative shall have the same effect as if it had been addressed to the applicant or the owner of the international deposit. Any deposit, request, demand, declaration or other document whose signature by the applicant or the owner of the international deposit is required in proceedings before the International Bureau, except the document appointing the representative or revoking his appointment, may be signed by his duly appointed representative, and any communication from the duly appointed representative to the International Bureau shall have the same effect as if it had been effected by the applicant or the owner of the international deposit.

(3) (a) Where there are several applicants, they shall appoint a common representative. In the absence of such appointment, the applicant first named in the instrument of international deposit shall be considered the duly appointed representative of all the applicants.

(b) Where there are several owners of an international deposit, they shall appoint a common representative. In the absence of such appointment, the natural person or legal entity first named among the said owners in the International Register shall be

considered the duly appointed common representative of all the owners of the international deposit.

(c) Subparagraph (b) shall not apply to the extent that the owners own the international deposit in respect of different Contracting States.

CHAPTER III

ADMINISTRATIVE PROVISIONS

26. Assembly. - (1) (a) The Assembly shall 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, and 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 Agreement;

(ii) exercise such rights and perform such tasks as are specially conferred upon it or assigned to it under this Agreement;

(iii) give directions to the Director General 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) determine the program, adopt the triennial budget of the Union, and approve its final accounts;

(vi) adopt the financial regulations of the Union;

(vii) establish such committees and working groups as it deems appropriate to facilitate the work of the Union and its organs;

(viii) determine which States other than Contracting States and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;

(ix) take any other appropriate action designed to further the objectives of the Union and 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 delegate may represent, and vote in the name of, one Contracting 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 29(3) and 32(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 third 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.

27. International Bureau. - (1) The International Bureau shall:

(i) perform the administrative tasks concerning the Union; in particular, it shall perform such tasks as are specifically assigned to it under this Agreement or by the Assembly;

(ii) provide the secretariat of revision conferences, of the Assembly, of committees and working groups established by the Assembly, and of any other meeting convened by the Director General and dealing with matters of concern to the Union.

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

(3) The Director General shall convene any committee and working group established by the Assembly and all other meetings dealing with matters of concern to the Union.

(4) (a) The Director General and any staff member designated by him shall

participate, without the right to vote, in all meetings of the Assembly, the committees and working groups established by the Assembly, and any other meeting convened by the Director General and dealing with matters of concern to the Union.

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

(5) (a) The Director General shall, in accordance with the directions of the Assembly, make the preparations for revision conferences.

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

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

(d) The Director General, or a staff member designated by him, shall be ex officio secretary of any revision conference.

28. Finances. - (1) (a) The Union shall have a budget.

(b) The budget of the Union shall include the income budget of expenses common to the Unions administered by the organization and any sum made available to the budget of the Conference of the Organization.

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

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

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

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

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

(iii) gifts, bequests, and subventions;

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

(v) the contributions of Contracting States, in so far as income deriving from the sources mentioned under (i) to (iv) is not sufficient to cover the expenses of the Union.

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

(c) If the income exceeds the expenses, the difference shall be credited to a reserved fund.

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

(4) (a) For the purpose of establishing its contribution as provided in paragraph (3)(a)(v), each Contracting State shall belong to a class, and shall pay its contribution on the basis of a number of units fixed as follows:

Class I-25

Class II-20

Class III-15

Class IV-10

Class V-5

Class VI-3

Class VII-1

(b) Unless it has already done so, each Contracting State shall indicate, concurrently with depositing its instrument of ratification or accession, the class to which it wishes to belong. Any country may change class. If it chooses a lower class, it 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.

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

(d) Contributions shall be payable on the first of January of the year for which they are due.

(5) (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 a proportion of the contribution which that State may be required to pay under paragraph (3)(a)(v) 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) Any reimbursement under subparagraph (a) shall be proportionate to the amounts paid by each Contracting State, taking into account the dates at which they were paid.

(e) If a working capital fund of sufficient amount can be constituted by borrowing from the reserve fund, the Assembly may suspend the application of subparagraphs (a) to (d).

(6) (a) In the headquarters agreement concluded with the State on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such State shall grant advances. The amount of those advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such State and the Organization. As long as it remains under the obligation to grant advances, such State shall have an ex officio seat in the Assembly if it is not a Contracting State.

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

(7) 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.

29. Regulations. - (1) The Regulations provide rules:

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

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

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

(2) The Regulations adopted at the same time as this Agreement are annexed to this Agreement.

(3) The Assembly may amend the Regulations, and such amendments shall require two-thirds of the votes cast.

(4) In the case of conflict between the provisions of this Agreement and those of the Regulations, the provisions of this Agreement shall prevail.

CHAPTER IV
DISPUTES

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

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

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

CHAPTER V
REVISION AND AMENDMENT

31. Revision of the Agreement. - (1) This Agreement may be revised from the time to time by a conference of the Contracting States.

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

(3) Articles 26, 27, 28 and 32 may be amended either by a revision conference or according to the provisions of Article 32.

32. Amendment of Certain Provisions of the Agreement. - (1) (a) Proposals for the amendment of Articles 26, 27, 28 and the present Article, may be initiated by any Contracting State or by the Director General.

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

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

(b) Adoption shall required three-fourths of the votes cast, provided that adoption of any amendment to Article 26 and to the present subparagraph shall require four-fifths of the votes cast.

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

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

(c) Any amendment which has been accepted and which has entered into force in accordance with the provisions of subparagraph (a) shall bind all States which become Contracting States after the date on which the amendment was adopted by the Assembly.

CHAPTER VI
FINAL PROVISIONS

33. Becoming Party to the Agreement. - (1) (a) Subject to subparagraph (b), any State member of either the International Union for the Protection of Industrial Property or the International Union for the Protection of Literary and Artistic Works, or party to the Universal Copyright Convention or to the latter Convention as revised, may become party to this Agreement by:

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

(ii) deposit of an instrument of accession.

(b) States which intend to ensure the protection of type faces by establishing a special national deposit or by adapting the deposit provided for in their national industrial design laws may only become party to this Agreement if they are members of the International Union for the protection of Industrial property. States which intend to ensure the protection of type faces by their national copyright provisions may only become party to this Agreement if they are either members of the International Union for

the Protection of Literary and Artistic Works or party to the Universal Copyright Convention or to the latter Convention as revised.

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

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

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

34. *Declarations Concerning National Protection.*- (1) At the time of depositing its instrument of ratification or accession, each State shall, by a notification addressed to the Director General, declare whether it intends to ensure the protection of type faces by establishing a special national deposit, or by adapting the deposit provided for in its national industrial design laws, or by its national copyright provisions or by more than one of these kinds of protection. Any such State which intends to ensure protection by its national copyright provisions shall declare at the same time whether it intends to assimilate creators of type faces who have their habitual residence or domicile in a Contracting State to creators of type faces who are nationals of that State.

(2) Any subsequent modification of the declarations made in accordance with paragraph (1) shall be indicated by a further notification addressed to the Director General.

35. *Entry Into Force of the Agreement.* - (1) This Agreement shall enter into force three months after five States have deposited their instruments of ratification or accession.

(2) Any State which is not among those referred to in paragraph (1) shall become bound by this Agreement three months after the date on which it has deposited its instrument of ratification or accession, unless a later date has been indicated in the instrument of ratification or accession. In the latter case, this Agreement shall enter into force with respect to that State on the date thus indicated.

(3) The provisions of Chapter II of this Agreement shall become applicable, however, only on the date on which at least three of the States for which this Agreement has entered into force under paragraph (1) afford protection to type faces by establishing a special national deposit or by adapting the deposit provided for in their national industrial design laws. For the purpose of this paragraph, the States party to the same regional treaty which gave notification under Article 24 shall count as one State only.

36. *Reservations.* - No reservations to this Agreement other than the reservation under Article 30(2) are permitted.

37. *Loss of Status of Party to the Agreement.* - Any Contracting State shall cease to be party to this Agreement when it no longer meets the conditions set forth in Article 33(1)(b).

38. *Denunciation of the Agreement.* - (1) Any Contracting State may denounce this Agreement by notification addressed to the Director General.

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

(3) The right of denunciation provided for in paragraph (1) shall not be exercised by any Contracting State before the expiration of five years from the date on which it becomes party to this Agreement.

(4) (a) The effects of this Agreement on type faces enjoying the benefits of Articles 12 to 25 on the day preceding the day on which the denunciation by any Contracting State takes effect shall subsist in that State until the expiration of the term of protection which, subject to Article 23(6), was running on that date according to Article 23.

(b) The same shall apply in Contracting States other than the denouncing State in respect of international deposits owned by a resident or national of the denouncing State.

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

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

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

40. Depositary Functions. - (1) The original of this Agreement, when no longer open for signature, shall be deposited with the Director General.

(2) The Director General shall transmit two copies, certified by him, of this Agreement and the Regulations annexed thereto to the Governments of all the States referred to in Articles 33(1)(a) and, on request, to the Government of any other State.

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

(4) The Director General shall transmit two copies, certified by him, of any amendment to this Agreement and to the Regulations to the Governments of the Contracting States and, on request, to the Government of any other State.

41. Notifications. - The Director General shall notify the Governments of States referred to in Article 33(1)(a) of:

- (i) signatures under Article 39;
- (ii) deposits of instruments of ratification or accession under Article 33(2);
- (iii) the date of entry into force of this Agreement under Article 35(1) and the date from which Chapter II is applicable in accordance with Article 35(3);
- (iv) declarations concerning national protection notified under Article 34;
- (v) notification concerning regional treaties under Article 24;
- (vi) declarations made under Article 30(2);
- (vii) withdrawals of any declarations, notified under Article 30(3);
- (viii) declarations and notifications made in accordance with Article 33(3);
- (ix) acceptances of amendments to this Agreement under Article 32(3);
- (x) the dates on which such amendments enter into force;
- (xi) denunciations received under Article 38.