

ZAKON

O POTVRĐIVANJU STRAZBURŠKOG SPORAZUMA O MEĐUNARODNOJ KLASIFIKACIJI PATENATA OD 24. MARTA 1971. GODINE, SA IZMENAMA OD 28. SEPTEMBRA 1979. GODINE

Član 1.

Potvrđuje se Strazburški sporazum o međunarodnoj klasifikaciji патената од 24. марта 1971. године, са изменама од 28. септембра 1979. године, саињен у оригиналу на енглеском и француском језику.

Član 2.

Tekst Strazburškog sporazuma o međunarodnoj klasifikaciji патената од 24. марта 1971. године, са изменама од 28. септембра 1979. године, у оригиналу на енглеском језику и у преводу на српски језик гласи:

Strasbourg Agreement Concerning the International Patent Classification

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

The Contracting Parties,

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

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

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

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

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

Agree as follows:

Article 1
Establishment of a Special Union;
Adoption of an International Classification

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

Article 2
Definition of the Classification

(1)(a) The Classification comprises:

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

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

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

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

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

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

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

Article 3
Languages of the Classification

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

(2) Official texts of the Classification, in German, Japanese, Portuguese, Russian, Spanish and in such other languages as the Assembly referred to in Article 7 may designate, shall be established by the International Bureau of the Organization (hereinafter designated as the "International Bureau"), in consultation with the interested Governments and either on the basis of a translation submitted by those Governments or by any other means which do not entail financial implications for the budget of the Special Union or for the Organization.

Article 4 Use of the Classification

- (1) The Classification shall be solely of an administrative character.
- (2) Each country of the Special Union shall have the right to use the Classification either as a principal or as a subsidiary system.
- (3) The competent authorities of the countries of the Special Union shall include in
 - (i) patents, inventors' certificates, utility models and utility certificates issued by them, and in applications relating thereto, whether published or only laid open for public inspection by them, and
 - (ii) notices, appearing in official periodicals, of the publication or laying open of the documents referred to in subparagraph (i)the complete symbols of the Classification applied to the invention to which the document referred to in subparagraph (i) relates.
- (4) When signing this Agreement or when depositing its instrument of ratification or accession:
 - (i) any country may declare that it does not undertake to include the symbols relating to groups or subgroups of the Classification in applications as referred to in paragraph (3) which are only laid open for public inspection and in notices relating thereto, and
 - (ii) any country which does not proceed to an examination as to novelty, whether immediate or deferred, and in which the procedure for the grant of patents or other kinds of protection does not provide for a search into the state of the art, may declare that it does not undertake to include the symbols relating to the groups and subgroups of the Classification in the documents and notices referred to in paragraph (3). If these conditions exist only in relation to certain kinds of protection or certain fields of technology, the country in question may only make this reservation to the extent that the conditions apply.
- (5) The symbols of the Classification, preceded by the words "International Patent Classification" or an abbreviation thereof to be determined by the Committee of Experts referred to in Article 5, shall be printed in heavy type, or in such a manner that they are clearly visible, in the heading of each document referred to in paragraph (3)(i) in which they are to be included.
- (6) If any country of the Special Union entrusts the grant of patents to an intergovernmental authority, it shall take all possible measures to ensure that this authority uses the Classification in accordance with this Article.

Article 5 Committee of Experts

- (1) A Committee of Experts shall be set up in which each country of the Special Union shall be represented.
- (2) (a) The Director General shall invite intergovernmental organizations specialized in the patent field, and of which at least one of the member countries is party to this Agreement, to be represented by observers at meetings of the Committee of Experts.
(b) The Director General may, and, if requested by the Committee of Experts, shall, invite representatives of other intergovernmental and international non-governmental organizations to participate in discussions of interest to them.
- (3) The Committee of Experts shall:

- (i) amend the Classification;
 - (ii) address recommendations to the countries of the Special Union for the purpose of facilitating the use of the Classification and promoting its uniform application;
 - (iii) assist in the promotion of international cooperation in the reclassification of documentation used for the examination of inventions, taking in particular the needs of developing countries into account;
 - (iv) take all other measures which, without entailing financial implications for the budget of the Special Union or for the Organization, contribute towards facilitating the application of the Classification by developing countries;
 - (v) have the right to establish subcommittees and working groups.
- (4) The Committee of Experts shall adopt its own Rules of Procedure. These shall allow for the possibility of participation of intergovernmental organizations, referred to in paragraph (2)(a), which can perform substantial work in the development of the Classification, in meetings of its subcommittees and working groups.
- (5) Proposals for amendments to the Classification may be made by the competent authority of any country of the Special Union, the International Bureau, any intergovernmental organization represented in the Committee of Experts pursuant to paragraph (2)(a) and any other organization specially invited by the Committee of Experts to submit such proposals. The proposals shall be communicated to the International Bureau which shall submit them to the members of the Committee of Experts and to the observers not later than two months before the session of the Committee of Experts at which the said proposals are to be considered.
- (6) (a) Each country member of the Committee of Experts shall have one vote.
- (b) The decisions of the Committee of Experts shall require a simple majority of the countries represented and voting.
- (c) Any decision which is regarded by one-fifth of the countries represented and voting as giving rise to a modification in the basic structure of the Classification or as entailing a substantial work of reclassification shall require a majority of three-fourths of the countries represented and voting.
- (d) Abstentions shall not be considered as votes.

Article 6

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

- (1) Every decision of the Committee of Experts concerning the adoption of amendments to the Classification and recommendations of the Committee of Experts shall be notified by the International Bureau to the competent authorities of the countries of the Special Union. The amendments shall enter into force six months from the date of dispatch of the notification.
- (2) The International Bureau shall incorporate in the Classification the amendments which have entered into force. Announcements of the amendments shall be published in such periodicals as are designated by the Assembly referred to in Article 7.

Article 7

Assembly of the Special Union

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (e) Abstentions shall not be considered as votes.
 - (f) A delegate may represent, and vote in the name of, one country only.
- (4) (a) The Assembly shall meet once in every second calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.
- (b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of one-fourth of the countries members of the Assembly.
- (c) The agenda of each session shall be prepared by the Director General.
- (5) The Assembly shall adopt its own Rules of Procedure.

Article 8 International Bureau

- (1) (a) Administrative tasks concerning the Special Union shall be performed by the International Bureau.
- (b) In particular, the International Bureau shall prepare the meetings and provide the secretariat of the Assembly, the Committee of Experts and such other committees or working groups as may have been established by the Assembly or the Committee of Experts.
- (c) The Director General shall be the chief executive of the Special Union and shall represent the Special Union.
- (2) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Committee of Experts and such other committees or working groups as may have been established by the Assembly or the Committee of Experts. The Director General, or a staff member designated by him, shall be ex officio secretary of those bodies.
- (3) (a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for revision conferences.
- (b) The International Bureau may consult with intergovernmental and international non-governmental organizations concerning preparations for revision conferences.
- (c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at revision conferences.
- (4) The International Bureau shall carry out any other tasks assigned to it.

Article 9 Finances

- (1) (a) The Special Union shall have a budget.
- (b) The budget of the Special Union shall include the income and expenses proper to the Special Union, its contribution to the budget of expenses common to the Unions and, where applicable, the sum made available to the budget of the Conference of the Organization.
- (c) Expenses not attributable exclusively to the Special Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Special Union in such common expenses shall be in proportion to the interest the Special Union has in them.

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

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

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

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

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

(iv) gifts, bequests and subventions;

(v) rents, interests and other miscellaneous income.

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

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

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

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

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

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

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

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

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

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

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

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

Article 10 Revision of the Agreement

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

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

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

Article 11 Amendment of Certain Provisions of the Agreement

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

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

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

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

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

Article 12 Becoming Party to the Agreement

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

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

(ii) deposit of an instrument of accession.

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

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

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

Article 13 **Entry into Force of the Agreement**

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

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

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

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

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

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

Article 14 **Duration of the Agreement**

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

Article 15 **Denunciation**

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

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

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

Article 16 **Signature, Languages, Notification, Depositary Functions**

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

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

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

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

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

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

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

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

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

(i) signatures;

(ii) deposits of instruments of ratification or accession;

(iii) the date of entry into force of this Agreement;

(iv) reservations on the use of the Classification;

(v) acceptances of amendments to this Agreement;

(vi) the dates on which such amendments enter into force;

(vii) denunciations received.

Article 17 **Transitional Provisions**

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

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

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

Strazburški sporazum o međunarodnoj klasifikaciji patenata

**od 24. marta 1971. godine,
sa izmenama od 28. septembra 1979. godine**

Ugovorne strane,

Smatrajući da usvajanje, na svetskom nivou, jednoobraznog sistema za klasifikaciju patenata, pronalazačkih svedočanstava, korisnih modela i sertifikata o korisnosti, odgovara opštem interesu i da će verovatno uspostaviti bližu međunarodnu saradnju u oblasti industrijske svojine i doprineti usklađivanju nacionalnih zakonodavstava u toj oblasti;

Priznajući važnost Evropske konvencije o međunarodnoj klasifikaciji patenata za pronalaskes od 19. decembra 1954. godine, kojom je Evropski savet ustanovio Međunarodnu klasifikaciju patenata za pronalaskes;

Imajući u vidu sveopštu vrednost te klasifikacije i važnost koju ona ima za sve zemlje članice Pariske konvencije o zaštiti industrijske svojine;

Svesne važnosti koju ta klasifikacija predstavlja za zemlje u razvoju, olakšavajući im pristup sve većem obimu moderne tehnologije;

Imajući u vidu član 19. Pariske konvencije o zaštiti industrijske svojine od 20. marta 1883. godine, kao što je revidirana u Briselu 14. decembra 1900 godine, u Vašingtonu 2. juna 1911. godine, u Hagu 6. novembra 1925. godine, u Londonu 2. juna 1934. godine, u Lisabonu 31. oktobra 1958. godine, i u Stokholmu 14. jula 1967. godine,

Sporazumele su se o sledećem:

Član 1.

Osnivanje posebne Unije; Usvajanje međunarodne klasifikacije

Zemlje na koje se odnosi ovaj sporazum čine posebnu Uniju i usvajaju zajedničku klasifikaciju, pod nazivom „Međunarodna klasifikacija patenata“ (u daljem tekstu: „klasifikacija“), za patente za pronalaskes, pronalazačka svedočanstva, korisne modele i sertifikate o korisnosti.

Član 2.

Definicija klasifikacije

(1)(a) Klasifikaciju čini:

(i) tekst koji je utvrđen u skladu s odredbama Evropske konvencije o međunarodnoj klasifikaciji patenata za pronalaskе od 19. decembra 1954. godine (u daljem tekstu: Evropska konvencija), koji je stupio na snagu i kojeg je objavio generalni sekretar Saveta Evrope 1. septembra 1968. godine;

(ii) izmene koje su stupile na snagu prema članu 2(2) Evropske konvencije pre nego što je stupio na snagu ovaj sporazum;

(iii) izmene koje su izvršene na osnovu člana 5. i koje stupaju na snagu u skladu sa članom 6.

(b) Vodič za korišćenje i beleške koje sadrži tekst klasifikacije su sastavni deo klasifikacije.

(2)(a) Tekst naveden u stavu (1)(a)(i) sadržan je u dva autentična primerka, svaki na engleskom i francuskom jeziku, koji su, u času kad je ovaj sporazum otvoren za potpis, deponovani jedan kod generalnog sekretara Saveta Evrope, a drugi kod generalnog direktora Svetske organizacije za intelektualnu svojinu (u daljem tekstu: „generalni direktor“ i „Organizacija“), koja je osnovana Konvencijom od 14. jula 1967.

(b) Promene navedene u stavu (1)(a)(ii) biće deponovane u dva autentična primerka, svaki na engleskom i francuskom jeziku, jedan kod generalnog sekretara Saveta Evrope, a drugi kod generalnog direktora.

(c) Izmene navedene u stavu (1)(a)(iii) biće deponovane u jednom jedinom primerku, na engleskom i francuskom jeziku, kod generalnog direktora.

Član 3.

Jezici klasifikacije

(1) Klasifikacija je ustanovljena na engleskom i francuskom jeziku, s tim da su oba teksta jednako verodostojna.

(2) Zvanični tekstovi klasifikacije, na nemačkom, japanskom, portugalskom, ruskom, španskom ili nekom drugom jeziku koji skupština pomenuta u članu 7 može da odredi, biće ustanovljeni od strane Međunarodnog biroa Organizacije (u daljem tekstu: „Međunarodni biro“), uz konsultovanje zainteresovanih vlada, bilo na osnovu prevoda koje su dostavile te vlade ili na osnovu bilo kog drugog sredstva koje nema finansijskog uticaja na budžet posebne Unije ili Organizacije.

Član 4.

Korišćenje klasifikacije

(1) Klasifikacija ima samo administrativni karakter.

(2) Svaka od zemalja posebne Unije može primenjivati klasifikaciju kao glavni ili pomoćni sistem.

(3) Nadležni zavodi zemalja posebne Unije navešće

(i) u patentima, pronalazačkim svedočanstvima, korisnim modelima i sertifikatima o korisnosti koje izdaju, kao i u prijavama za izdavanje takvih isprava, koje one objavljuju ili ih samo stavljaju na raspolaganje javnosti radi pregleda, i

(ii) u saopštenjima u kojima službeni bilteni objavljuju ili stavljaju na raspolaganje javnosti dokumente spomenute u tački (i)

potpune simbole klasifikacije koja je data pronalasku koji je predmet dokumenta spomenutog u tački (i).

(4) U trenutku potpisivanja ovog sporazuma ili deponovanja instrumenta ratifikacije ili pristupanja:

(i) svaka zemlja može izjaviti da zadržava pravo da neće preduzeti uključivanje simbola koji se odnose na grupe ili podgrupe klasifikacije u prijavama

navedenim u stavu (3) koji se samo stavljaju javnosti na raspolaganje radi pregleda i s time povezanim obaveštenjima, i

(ii) svaka zemlja koja ne ispituje novost pronalaska, bilo odmah ili odloženo, i u kojoj postupak za priznanje patenata ili drugih vrsta zaštite ne predviđa istraživanje stanja tehnike, može izjaviti da zadržava pravo da ne navede simbole koji se odnose na grupe i podgrupe klasifikacije u dokumentima i obaveštenjima navedenim u stavu (3). Ako ti uslovi postoje samo za određene vrste zaštite ili za određene oblasti tehnike, zemlja o kojoj je reč može izraziti ovu rezervu samo u meri u kojoj se ti uslovi primenjuju.

(5) Simboli klasifikacije kojima prethodi napomena "Međunarodna klasifikacija pronalazaka" ili skraćenica određena od Komiteta eksperata pomenutog u članu 5, biće štampani masnim slovima ili na drugi jasno vidljiv način, u zaglavlju svakog dokumenta navedenog u stavu (3)(i) u kojem moraju biti uključeni.

(6) Ako neka zemlja posebne Unije poveri priznavanje patenata nekom međuvladinom Zavodu, ona će preduzeti sve moguće mere da osigura da taj Zavod koristi klasifikaciju u skladu s ovim članom.

Član 5.

Komitet eksperata

(1) Osniva se Komitet eksperata u kome su zastupljene sve zemlje posebne Unije.

(2)(a) Generalni direktor će pozvati međuvladine organizacije specijalizovane u oblasti patenata, i u kojima je barem jedna od zemalja članica ugovorna strana ovog sporazuma, da na sastancima Komiteta eksperata budu zastupljene putem posmatrača.

(b) Generalni direktor može, a na zahtev Komiteta eksperata mora, da pozove predstavnike drugih međuvladinih organizacija i međunarodnih nevladinih organizacija da uzmu učešće u diskusijama koje ih zanimaju.

(3) Komitet eksperata:

(i) menja klasifikaciju;

(ii) upućuje zemljama posebne Unije preporuke kojima je cilj da olakšaju korišćenje klasifikacije i unapređivanje njezine jednoobrazne primene;

(iii) pomaže unapređivanje međunarodne saradnje u reklasifikaciji dokumentacije koja služi ispitivanju pronalazaka, uzimajući naročito u obzir potrebe zemalja u razvoju;

(iv) preuzima sve druge mere koje, pod uslovom da nemaju finansijskog uticaja na budžet posebne Unije ili Organizacije, mogu olakšati primenu klasifikacije od strane zemalja u razvoju;

(v) ovlašćen je da osniva podkomitete i radne grupe.

(4) Komitet eksperata usvaja svoj poslovnik o radu. Poslovnik će dozvoliti međuvladinim organizacijama spomenutim u stavu (2)(a), koje mogu bitno doprineti razvoju klasifikacije, da uzmu učešće na sastancima podkomiteta i radnih grupa Komiteta eksperata.

(5) Predloge izmena klasifikacije mogu učiniti nadležni Zavodi svih zemalja posebne Unije, Međunarodni biro, međuvladine organizacije koje su prema stavu (2)(a) zastupljene u Komitetu eksperata, kao i sve druge organizacije koje Komitet eksperata posebno pozove da podnesu takve predloge. Predlozi se saopštavaju Međunarodnom birou koji ih podnosi članovima Komiteta eksperata i posmatračima najkasnije dva meseca pre sednice Komiteta eksperata u toku koje će biti razmotreni.

(6)(a) Svaka zemlja članica Komiteta eksperata ima jedan glas.

(b) Komitet eksperata donosi odluke prostom većinom glasova zemalja koje su zastupljene i koje glasaju.

(c) Svaka odluka, za koju jedna petina zastupljenih zemalja koje glasaju smatra da sadrži preobražaj osnovne strukture klasifikacije ili da povlači za sobom

veliki posao reklasifikacije, mora se doneti većinom od tri četvrtine zastupljenih zemalja koje glasaju.

(d) Uzdržavanje se ne smatra glasom.

Član 6.

Saopštavanje, stupanje na snagu i objavljivanje izmena i drugih odluka

(1) Svaku odluku Komiteta eksperata koja se odnosi na usvajanje izmena u klasifikaciji, kao i preporuke Komiteta eksperata, Međunarodni biro će saopštiti nadležnim zavodima zemalja posebne Unije. Izmene stupaju na snagu šest meseci nakon dana odašiljanja obaveštenja.

(2) Međunarodni biro će uključiti u klasifikaciju izmene koje su stupile na snagu. Obaveštenja o izmenama biće objavljena u glasilima koja odredi Skupština navedena u članu 7.

Član 7.

Skupština posebne Unije

(1)(a) Posebna Unija ima Skupštinu sastavljenu od zemalja posebne Unije.

(b) Vladu svake zemlje posebne Unije predstavlja jedan delegat kome mogu pomagati zamenici, savetnici i stručnjaci.

(c) Svaku međuvladinu organizaciju navedenu u članu 5(2)(a) može na sastancima Skupštine zastupati jedan posmatrač a, ako Skupština tako odluči, i na sastancima odbora i radnih grupa koje Skupština osnuje.

(d) Rashode svake delegacije snosi vlada koja ju je imenovala.

(2)(a) Pod uslovima odredaba člana 5, Skupština:

(i) se bavi svim pitanjima koja se odnose na održavanje i razvoj posebne Unije i primenom ovog sporazuma;

(ii) daje Međunarodnom birou smernice koje se odnose na pripremu konferencija za reviziju;

(iii) razmatra i odobrava izveštaje o delatnosti generalnog direktora koji se odnose na posebnu Uniju i daje mu sva potrebna uputstva koja se odnose na stvari u okviru nadležnosti posebne Unije;

(iv) određuje program, usvaja dvogodišnji budžet posebne Unije i odobrava njene završne račune;

(v) usvaja finansijski pravilnik posebne Unije;

(vi) odlučuje o ustanovljenju službenih tekstova klasifikacije na drugim jezicima osim engleskog i francuskog i onih nabrojanih u članu 3(2);

(vii) formira takve komitete i radne grupe koje smatra korisnim za ostvarivanje ciljeva posebne Unije;

(viii) odlučuje, pod uslovima stava (1)(c), koje zemlje nečlanice posebne Unije i koje međuvladine organizacije i međunarodne nevladine organizacije mogu biti prihvaćene kao posmatrači na njenim sastancima i na sastancima komiteta i radnih grupa koje je ona formirala;

(ix) preuzima sve druge prikladne akcije kako bi se postigli ciljevi posebne Unije;

(x) izvršava sve druge zadatke koji su odgovarajući na osnovu ovog sporazuma.

(b) U odnosu na stvari koje su od interesa i za druge unije kojima administrira Organizacija, Skupština odlučuje nakon što se upozнала s mišljenjem Koordinacionog komiteta Organizacije.

(3) (a) Svaka zemlja članica Skupštine raspolaže jednim glasom.

(b) Kvorum čini polovina zemalja članica Skupštine.

(c) Ako se kvorum ne postigne, Skupština može donositi odluke; međutim, odluke Skupštine, osim onih koje se odnose na njen postupak, postaju izvršne tek kada su ispunjeni uslovi ovde kasnije nabrojani. Međunarodni biro saopštava navedene odluke zemljama članicama Skupštine koje nisu bile zastupljene, pozivajući ih da se u roku od tri meseca računajući od dana tog saopštenja, pismeno izjasne o svom glasu ili uzdržavanju. Ako je, nakon isteka tog roka, broj zemalja koje su na taj način izrazile svoj glas ili uzdržavanje, bar ravan broju zemalja koje su nedostajale da se tokom zasedanja ostvari kvorum, navedene odluke postaju izvršne, ukoliko je na taj način stečena potrebna većina.

(d) Pod uslovima odredbi člana 11(2), odluke Skupštine se donose većinom od dve trećine izraženih glasova.

(e) Uzdržavanje se ne smatra glasom.

(f) Delegat može predstavljati samo jednu zemlju i može glasati samo u njeno ime.

(4)(a) Na poziv generalnog direktora Skupština se sastaje na redovno zasedanje jedanput svake druge kalendarske godine i to, osim u izuzetnim slučajevima, tokom istog razdoblja i na istom mestu kao i Generalna skupština Organizacije.

(b) Na poziv Generalnog direktora, a na zahtev jedne četvrtine zemalja članica Skupštine, Skupština se sastaje na vanredno zasedanje.

(c) Dnevni red svakog zasedanja priprema Generalni direktor.

(5) Skupština usvaja svoj poslovnik o radu.

Član 8.

Međunarodni biro

(1)(a) Administrativne poslove koji se odnose na posebnu Uniju izvršava Međunarodni biro.

(b) Međunarodni biro naročito priprema sastanke i obezbeđuje sekretarijat za Skupštinu, Komitet eksperata i svaki drugi komitet ili radnu grupu koje Skupština ili Komitet eksperata mogu osnovati.

(c) Generalni direktor je najviši funkcioner posebne Unije i on je predstavlja.

(2) Generalni direktor i svaki član osoblja kojeg on odredi učestvuju, bez prava glasa, na svim sastancima Skupštine, Komiteta eksperata i svakog drugog komiteta ili radne grupe koje osnuje Skupština ili Komitet eksperata. Generalni direktor ili član osoblja kojeg on odredi, su po službenoj dužnosti sekretari tih organa.

(3)(a) Međunarodni biro priprema konferencije za reviziju prema smernicama Skupštine.

(b) Međunarodni biro se može konsultovati sa međuvladinim organizacijama i međunarodnim nevladinim organizacijama o pripremama konferencija za reviziju.

(c) Generalni direktor i osobe koje on odredi, učestvuju, bez prava glasa, u diskusijama tokom konferencija za reviziju.

(4) Međunarodni biro izvršava i sve druge zadatke koji su mu dodeljeni.

Član 9.

Finansije

(1)(a) Posebna Unija ima budžet.

(b) Budžet posebne Unije obuhvata sopstvene prihode i rashode posebne Unije, njen doprinos budžetima zajedničkih rashoda unija, kao i, u slučaju potrebe, svotu stavljenu na raspolaganje budžetu Konferencije Organizacije.

(c) Smatraju se zajedničkim rashodima unija rashodi koji nisu pripisani isključivo posebnoj Uniji već i jednoj ili više drugih unija kojima upravlja Organizacija. Udeo posebne Unije u zajedničkim rashodima je srazmeran interesu koji ti rashodi za nju predstavljaju.

(2) Budžet posebne Unije utvrđuje se vodeći računa o potrebama usklađivanja s budžetima drugih unija kojima upravlja Organizacija.

(3) Budžet posebne Unije finansira se iz sledećih izvora:

(i) od doprinosa zemalja posebne Unije;

(ii) od taksa i naknada koje se plaćaju za usluge koje u ime posebne Unije izvršava Međunarodni biro;

(iii) od prihoda od prodaje publikacija Međunarodnog biroa koje se odnose na posebnu Uniju i prava koja se odnose na te publikacije;

(iv) od darova, ostavština i subvencija;

(v) od zakupnina, kamata i drugih raznih prihoda.

(4)(a) Da bi se odredio njen deo doprinosa u smislu stava (3)(i), svaka zemlja posebne Unije pripada klasi u koju je rangirana u pogledu Pariske unije o zaštiti industrijske svojine i plaća svoj godišnji doprinos na osnovu broja jedinica koji je određen za tu klasu u toj Uniji.

(b) Godišnji doprinos svake zemlje posebne Unije sastoji se od iznosa čiji je odnos prema ukupnoj svoti godišnjih doprinosa svih zemalja budžeta posebne Unije isti kao odnos između broja jedinica klase u koju je rangirana i ukupnog broja jedinica svih zemalja.

(c) Doprinosi se plaćaju prvog januara svake godine.

(d) Zemlja koja je u zakašnjenju s plaćanjem svojih doprinosa ne može izvršavati svoje pravo glasa ni u kojem organu posebne Unije ako je iznos tog zaostatka jednak ili viši od iznosa doprinosa koje duguje za dve potpune protekle godine. Međutim, ta zemlja može sačuvati korišćenje svog prava glasa u navedenom organu toliko dugo dok taj organ smatra da je zakašnjenje posledica izvanrednih i neizbežnih okolnosti.

e) U slučaju kada budžet nije usvojen pre početka nove budžetske godine, produžava se budžet prethodne godine na način predviđen finansijskim pravilnikom.

(5) Iznos taksa i naknada koje se plaćaju za usluge koje je u ime posebne Unije izvršio Međunarodni biro određuje generalni direktor, koji o tome izveštava Skupštinu.

(6)(a) Posebna Unija ima fond obrtnih sredstava koji će se osnovati jednokratnom uplatom svake zemlje posebne Unije. Ako ta sredstva postanu nedovoljna, Skupština odlučuje o njihovom povećanju.

(b) Iznos početne uplate svake zemlje za napred navedena sredstva ili njeno učešće u njihovom povećanju srazmeran je doprinosu te zemlje za godinu u toku koje su sredstva obrazovana ili odlučeno njihovo povećanje.

(c) Razmer i načine uplate određuje Skupština na predlog generalnog direktora i prema mišljenju Koordinacionog komiteta Organizacije.

(7)(a) Sporazum o sedištu, zaključen sa zemljom na čijoj teritoriji Organizacija ima svoje sedište, predviđa da ako su obrtna sredstva nedovoljna, ta zemlja odobrava avanse. Iznos tih avansa i uslovi pod kojima su oni odobreni čine, u svakom pojedinom slučaju, predmet odvojenih sporazuma između zemlje o kojoj je reč i Organizacije.

(b) I zemlja navedena u tački (a) i Organizacija imaju pravo da putem pismenog saopštenja otkazu obavezu odobravanja avansa. Otkaz stupa na snagu tri godine nakon kraja godine u toku koje je saopšten.

(8) Pregled računa obavlja, prema načinu predviđenom finansijskim pravilnikom, jedna ili više zemalja posebne Unije, ili spoljni revizori koje, s njihovim pristankom, imenuje Skupština.

Član 10.

Revizija sporazuma

(1) Ovaj sporazum može biti povremeno revidiran od strane posebnih konferencija zemalja posebne Unije.

(2) O sazivanju konferencija za reviziju odlučuje Skupština.

(3) Čl. 7, 8, 9. i 11. može izmeniti konferencija za reviziju ili mogu biti izmenjeni prema odredbama člana 11.

Član 11.

Izmene određenih odredaba Aranžmana

(1) Predloge za izmenu čl. 7, 8, 9. i ovog člana može podneti svaka zemlja posebne Unije ili generalni direktor. Generalni direktor saopštava te predloge zemljama posebne Unije najmanje šest meseci pre nego što su podneseni na razmatranje Skupštini.

(2) Svaku izmenu članova navedenih u stavu (1) usvaja Skupština. Usvajanje zahteva tri četvrtine izraženih glasova; međutim, svaka izmena člana 7. i ovog paragrafa zahteva četiri petine izraženih glasova.

(3)(a) Svaka izmena članova navedenih u stavu (1) stupa na snagu mesec dana nakon što je generalni direktor primio pismena obaveštenja o prihvatanju, od strane tri četvrtine zemalja koje su bile članice posebne Unije u času kad je izmena bila usvojena, izvršena u skladu s njihovim ustavnim pravilima,

(b) Svaka izmena navedenih tako prihvaćenih članova obavezuje sve zemlje koje su članice posebne Unije u času kada izmena stupa na snagu; međutim, svaka izmena koja povećava finansijske obaveze zemalja članica posebne Unije obavezuje samo one koje su saopštile prihvatanje takve izmene.

(c) Svaka izmena prihvaćena u skladu sa tačkom (a) obavezuje sve zemlje koje postanu članice posebne Unije nakon dana na koji je izmena stupila na snagu u skladu sa tačkom (a).

Član 12.

Načini na koje zemlje mogu postati članice sporazuma

(1) Svaka zemlja članica Pariske konvencije o zaštiti industrijske svojine može postati članica ovog sporazuma:

(i) svojim potpisom i deponovanjem instrumenta ratifikacije, ili

(ii) deponovanjem instrumenta pristupanja.

(2) Instrumenti ratifikacije ili pristupanja deponuju se kod Generalnog direktora.

(3) Odredbe člana 24. Stokholmskog akta Pariske konvencije o zaštiti industrijske svojine primenjuju se na ovaj sporazum.

(4) Stav (3) ni u kom slučaju ne sme se tumačiti kao da podrazumeva priznavanje ili prećutno prihvatanje bilo koje od zemalja posebne Unije faktičkog stanja na teritoriji na kojoj je ovaj sporazum postao primenljiv od strane neke druge zemlje na osnovu navedenog stava.

Član 13.

Stupanje sporazuma na snagu

(1)(a) Ovaj sporazum stupa na snagu godinu dana nakon deponovanja instrumenata ratifikacije ili pristupanja:

(i) dve trećine zemalja koje su na dan otvaranja za potpis ovog sporazuma bile članice Evropske konvencije, i

(ii) tri zemlje članice Pariske konvencije o zaštiti industrijske svojine koje nisu članice Evropske konvencije, od kojih najmanje jedna mora biti zemlja u kojoj je, prema najnovijim statističkim podacima koje objavljuje svake godine Međunarodni

biro, u času polaganja njenog instrumenta ratifikacije ili pristupanja, bilo podneto više od 40 000 prijava za dobijanje patenta ili pronalazačkog svedočanstva.

(b) U pogledu svake druge zemlje nego što su one za koje je sporazum stupio na snagu prema tački (a), ovaj sporazum stupa na snagu godinu dana nakon dana na koji je Generalni direktor obavestio o ratifikaciji ili pristupanju, ukoliko u instrumentu ratifikacije ili pristupanja nije bio naveden neki kasniji datum. U ovom poslednjem slučaju, ovaj sporazum stupa na snagu u pogledu te zemlje na tako navedeni datum.

(c) Zemlje članice Evropske konvencije koje ratifikuju ovaj sporazum ili mu pristupe dužne su otkazati Konvenciju najkasnije onog dana kada će ovaj sporazum za njih stupiti na snagu.

(2) Ratifikacija ili pristupanje znači automatsko prihvatanje svih odredaba i pristup svim prednostima ovog sporazuma.

Član 14.

Trajanje sporazuma

Ovaj sporazum trajaće jednako dugo kao i Pariska konvencija o zaštiti industrijske svojine.

Član 15.

Otkaz

(1) Svaka zemlja posebne Unije može otkazati ovaj sporazum saopštenjem upućenim Generalnom direktoru.

(2) Otkaz stupa na snagu godinu dana nakon dana kad je Generalni direktor primio saopštenje.

(3) Pravo otkaza predviđeno ovim članom zemlja ne može koristiti pre isteka roka od pet godina računajući od dana na koji je postala članica posebne Unije.

Član 16.

Potpis, jezici, saopštenja, primalac deponovanja

(1)(a) Ovaj sporazum biće potpisan u jednom originalnom primerku, na engleskom i francuskom jeziku, s tim da su oba teksta jednako verodostojni.

(b) Ovaj sporazum ostaje otvoren za potpis u Strazburu do 30. septembra 1971. godine.

(c) Originalni primerak ovog sporazuma, kada više ne bude otvoren za potpisivanje, biće deponovan kod Generalnog direktora.

(2) Generalni direktor, nakon savetovanja sa zainteresovanim vladama, ustanoviće službene tekstove na nemačkom, španskom, japanskom, portugalskom i ruskom jeziku i na drugim jezicima koje Skupština može odrediti.

(3)(a) Generalni direktor će overiti i dostaviti dva primerka potpisanog teksta ovog sporazuma vladama zemalja koje su ga potpisale i, na zahtev, vladi svake druge zemlje. Takođe, dostaviće i jedan overeni primerak generalnom sekretaru Saveta Evrope.

(b) Generalni direktor će overiti i dostaviti dva primerka svake izmene ovog sporazuma vladama svih zemalja posebne Unije i, na zahtev, vladi svake druge zemlje. Takođe, dostaviće i jedan overeni primerak Generalnom sekretaru Saveta Evrope.

(c) Generalni direktor će, na zahtev, predati vladi svake zemlje koja je potpisala ovaj sporazum ili koja mu je pristupila, jedan primerak klasifikacije na engleskom ili francuskom jeziku, koji je overio.

(4) Generalni direktor registrovaće ovaj sporazum kod Sekretarijata Organizacije ujedinjenih nacija.

(5) Generalni direktor će obavestiti vlade svih zemalja članica Pariske konvencije o zaštiti industrijske svojine i Generalnog sekretara Saveta Evrope o:

- (i) potpisima;
- (ii) deponovanju instrumenata ratifikacije ili pristupanja;
- (iii) danu stupanja na snagu ovog sporazuma;
- (iv) izuzecima koji se odnose na primenu klasifikacije;
- (v) prihvatanju promena ovog sporazuma;
- (vi) datumima kada ove promene stupaju na snagu;
- (vii) primljenim otkazima.

Član 17.

Prelazne odredbe

(1) Tokom dve godine nakon stupanja na snagu ovog sporazuma, mogu se zemlje koje su članice Evropske konvencije, ali još nisu članice posebne Unije, ako to žele, koristiti u Komitetu eksperata istim pravima kao da su članice posebne Unije.

(2) Tokom tri godine nakon isteka roka previđenog u stavu (1), zemlje navedene u tom stavu mogu biti na zasedanjima Komiteta eksperata zastupane posmatračima i, ako Komitet eksperata tako odluči, na zasedanjima podkomiteta i radnih grupa koje je on osnovao. Tokom istog vremena te zemlje mogu podnositi predloge izmena klasifikacije prema članu 5(5) i primati saopštenja, odluke i predloge Komiteta eksperata prema članu 6(1).

3) Tokom pet godina nakon stupanja na snagu ovog sporazuma, zemlje koje su članice Evropske konvencije ali još nisu članice posebne Unije mogu biti predstavljene posmatračima na sastancima Skupštine i, ako Skupština tako odluči, na sastancima komiteta ili radne grupe koje je ona osnovala.

Član 3.

Ovaj zakon stupa na snagu osmog dana od dana objavljivanja u „Službenom glasniku Republike Srbije – Međunarodni ugovori”.