# **建立商标图形要素国际分类维也纳协定**

**1973年6月12日订于维也纳，
1985年10月1日修正**

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缔约各方，

注意到1883年3月20日签订、1900年12月14日在布鲁塞尔、1911年6月2日在华盛顿、1925年11月6日在海牙、1934年6月2日在伦敦、1958年10月31日在里斯本、1967年7月14日在斯德哥尔摩先后修订的《保护工业产权巴黎公约》第十九条，

达成协议如下：

**第一条
建立特别联盟；采用国际分类**

本协定所适用的国家组成特别联盟，采用共同的商标图形要素分类（以下简称“图形要素分类”）。

**第二条
图形要素分类的说明和保存**

一、图形要素分类由将商标图形要素分为类、组、项的一览表组成，并根据情况附加注释。

二、图形要素分类载列于以英文和法文写就的一份正本，由世界知识产权组织总干事（以下分别简称“产权组织”和“总干事”）签字，并于本协定开放供签署时交其保存。

三、第五条第三款第（一）项所述的修改和增补，亦应载列于以英文和法文写就的一份正本，由总干事签字并交其保存。

**第三条
图形要素分类的语言**

一、图形要素分类应使用英文和法文写就，两种文本同等作准。

二、产权组织国际局（以下简称“国际局”）应与有关政府协商，以第七条所述大会可能依该条第二款第（一）项第6目指定的各种语言，制定图形要素分类的正式文本。

**第四条
图形要素分类的使用**

一、除本协定规定的要求以外，图形要素分类的效力取决于特别联盟每一国家对其所赋予的效力。图形要素分类尤其不应在商标保护范围方面约束特别联盟各国。

二、特别联盟各国的主管局有权将图形要素分类用作主要体系或者辅助体系。

三、特别联盟各国的主管局应在有关商标注册和续展的正式文件和公告中，写明这些商标的图形要素应属于的类、组、项的编码。

四、上述编码之前应标明“图形要素分类”字样，或者标明由第五条所述的专家委员会确定的简称。

五、任何国家在签署时，或在交存批准书或加入书时，均可声明，其保留在有关商标注册和续展的正式文件和公告中不写明所有项或部分项编码的权利。

六、特别联盟任何国家委托一个政府间机构办理商标注册的，应采取一切可能措施，使该机构依照本条使用图形要素分类。

**第五条
专家委员会**

一、成立专家委员会，由特别联盟每一国家派代表组成。

二、

（一）总干事可以邀请不属于特别联盟成员而系产权组织成员或参加《保护工业产权巴黎公约》的国家派观察员出席专家委员会的会议，如果专家委员会提出要求，总干事应予邀请。

（二）总干事应邀请商标领域的专业政府间组织派观察员出席专家委员会的会议，此种组织至少应有一个成员国参加了本协定。

（三）总干事可以邀请其他政府间组织和国际非政府组织的代表参加与之有关的讨论，如果专家委员会提出要求，总干事应予邀请。

三、专家委员会应：

（一）对图形要素分类进行修改和增补；

（二）向特别联盟各国发出建议，以便为图形要素分类的使用提供便利并促进其统一应用；

（三）在不对特别联盟的预算或产权组织产生财务影响的前提下，采取其他一切措施，为便利发展中国家应用图形要素分类提供便利；

（四）有权设立小组委员会和工作组。

四、专家委员会应通过自己的议事规则。议事规则应规定，本条第二款第（二）项所述的政府间组织，能够为图形要素分类的发展作出实质贡献的，可以参加专家委员会的小组委员会和工作组的会议。

五、特别联盟任何国家的主管局、国际局、依据本条第二款第（二）项出席专家委员会的任何政府间组织，以及专家委员会特邀提出提案的任何国家或组织，可以提出图形要素分类的修改或增补提案。提案应向国际局提交，并由国际局在审议该提案的专家委员会会议之前至少两个月，转交专家委员会的成员和观察员。

六、

（一）专家委员会的每个成员国有一票表决权。

（二）专家委员会的决定应由出席会议并参加表决的国家以简单多数作出。

（三）任何决定，如出席会议并参加表决的国家有五分之一认为会引起图形要素分类基本结构的改变，或认为需要进行大量再分类工作的，应由出席会议并参加表决的国家以四分之三多数作出。

（四）弃权不视为表决。

**第六条
修改、增补及其他决定的通知、生效和**公布

一、专家委员会有关图形要素分类修改和增补的每项决定，以及专家委员会的建议，由国际局通知特别联盟各国的主管局。修改和增补于通知发出之日六个月后生效。

二、国际局应将已生效的修改和增补编入图形要素分类。修改和增补应在第七条所指的大会指定的期刊上发布公告。

**第七条
特别联盟大会**

一、

（一）特别联盟设大会，由特别联盟各国组成。

（二）特别联盟每一国家的政府派一名代表出席，该代表可以由副代表、顾问和专家协助。

（三）第五条第二款第（二）项所述的任何政府间组织可以派一名观察员出席大会的会议，如经大会决定，也可以出席大会设立的委员会或工作组的会议。

（四）每一代表团的费用由指派它的政府承担。

二、

（一）除第五条另有规定外，大会应：

1．处理有关维护和发展特别联盟及有关实施本协定的一切事项；

2．就修订会议的筹备工作向国际局作出指示；

3．审查和批准总干事有关特别联盟的报告和活动，并就特别联盟权限内的事项向总干事作出一切必要的指示；

4．决定特别联盟的工作计划，通过特别联盟的两年期预算，并批准决算；

5．通过特别联盟的财务条例；

6．就制定英文和法文以外语言的图形要素分类正式文本作出决定；

7．为实现特别联盟的目标，设立大会认为适当的委员会和工作组；

8．除本条第一款第（三）项另有规定外，决定接纳哪些非特别联盟成员的国家以及哪些政府间组织和国际非政府组织作为观察员参加大会的会议和大会所设立的委员会或工作组的会议；

9．采取旨在实现特别联盟的目标的任何其他适当活动；

10．开展与本协定有关的其他工作。

（二）对于与产权组织所辖其他联盟同样相关的问题，大会应在听取产权组织协调委员会的意见后作出决定。

三、

（一）大会的每一成员国有一票表决权。

（二）大会成员国的半数构成法定人数。

（三）在不足法定人数时，大会可以作出决定，但除关于大会自身程序的决定以外，所有决定只有符合下列条件才能生效。国际局应将所述决定通知未出席会议的大会成员国，请其于函告之日起三个月期限内以书面形式进行表决或表示弃权。该期限届满时，以这种方式进行表决或表示弃权的国家的数目达到构成会议本身法定人数所缺的国家数目，只要同时仍然达到所需的多数，此种决定即应生效。

（四）除第十一条第二款另有规定外，大会作出决定需要表决票数的三分之二。

（五）弃权不视为表决。

（六）一名代表只能代表一个国家，并只能以该国的名义表决。

四、

（一）大会每两年由总干事召集举行一次例会，如无例外情况，应与产权组织大会同期同地举行。

（二）经四分之一的大会成员国要求，大会由总干事召集举行特别会议。

（三）每次会议的议程由总干事制定。

五、大会应通过自己的议事规则。

**第八条
国际局**

一、

（一）特别联盟的行政工作由国际局承担。

（二）国际局尤其应为大会、专家委员会以及大会或专家委员会可能设立的其他委员会或工作组筹备会议，并提供秘书处。

（三）总干事是特别联盟的最高行政官员，并代表特别联盟。

二、总干事及其指定的任何工作人员应参加大会、专家委员会以及大会或专家委员会可能设立的其他委员会或工作组的所有会议，但没有表决权。总干事或其指定的一名工作人员是这些机构的当然秘书。

三、

（一）国际局应按照大会的指示筹备修订会议。

（二）国际局可以就修订会议的筹备工作与政府间组织和国际非政府组织进行协商。

（三）总干事及其指定的人员应参加修订会议的讨论，但没有表决权。

四、国际局应执行向其分派的任何其他工作。

**第九条
财　务**

一、

（一）特别联盟设预算。

（二）特别联盟的预算包括特别联盟本身的收入和支出、其在产权组织所辖各联盟共同支出预算中的摊款，以及适用时拨给产权组织成员国会议预算的款项。

（三）不属专门拨给特别联盟，同时也拨给产权组织所辖一个或多个其他联盟的支出，视为各联盟的共同支出。特别联盟在这些共同支出中的份额，应与这些支出给特别联盟带来的利益成比例。

二、特别联盟预算的制定，应适当考虑与产权组织所辖其他各联盟预算相协调的需要。

三、特别联盟预算的资金来源如下：

（一）特别联盟各国的会费；

（二）国际局提供与特别联盟有关的服务应收的费用和款项；

（三）国际局有关特别联盟的出版物的售款和版税；

（四）捐款、遗赠和补助金；

（五）租金、利息和其他杂项收入。

四、

（一）为确定本条第三款第（一）项所指的会费，特别联盟每一国家应属于与其在保护工业产权巴黎联盟中所属等级相同的等级，并以该联盟为该等级所定的相同单位数缴纳年度会费。

（二）特别联盟每一国家年度会费的数额，在所有国家向特别联盟预算缴纳的总额中所占的比例，应与该国的单位数在所有缴纳会费国家的总单位数中所占的比例相同。

（三）会费应在每年的一月一日缴纳。

（四）拖欠会费的国家，其拖欠额如果等于或超过前两个整年该国应缴的会费数额，不得在特别联盟的任何机构中行使其表决权。但是，特别联盟的任何机构如果认为拖欠是不可避免的特殊情况造成的，在其持这一意见的期间内，可以允许该国在该机构内继续行使其表决权。

（五）如果预算在新的财政期间开始前未获通过，应按财务条例的规定，再次执行上一年度的预算。

五、国际局提供与特别联盟有关的服务应收的费用和款项的数额，由总干事确定并报告大会。

六、

（一）特别联盟设周转基金，由特别联盟每一国家一次缴款组成。资金不足时，由大会决定予以增加。

（二）每一国家向该基金初次缴款的数额或在基金增加时分摊的数额，应与建立基金或决定增加基金当年该国缴纳的会费成比例。

（三）缴款的比例和方式由大会根据总干事的提议并在听取产权组织协调委员会的意见后决定。

七、

（一）在与产权组织总部所在地国家达成的总部协议中应规定，周转基金不足时，该国应提供垫款。此种垫款的数额与提供垫款的条件由该国和产权组织每次分别签署协议。

（二）本款第（一）项所述的国家及产权组织均有权以书面通知废止提供垫款的义务。废止应于通知当年年底起三年后生效。

八、账目的审计应按财务条例规定的方式，由特别联盟一个或多个国家执行，或者由外部审计人员执行。此种国家或审计人员由大会在征得该国或该人同意后指定。

**第十条
本协定的修订**

一、本协定可以不定期由特别联盟各国的特别会议修订。

二、修订会议的召开由大会决定。

三、第七条、第八条、第九条和第十一条可以由修订会议修正，也可以依据第十一条的规定进行修正。

**第十一条
本协定某些条款的修正**

一、修正第七条、第八条、第九条和本条的提案，可以由特别联盟的任何国家提出，也可以由总干事提出。此类提案应于提交大会审议前至少六个月由总干事函告特别联盟各国。

二、本条第一款所述各条的修正应由大会通过。通过修正需要达到表决票数的四分之三，但第七条和本款的修正需要达到表决票数的五分之四。

三、

（一）本条第一款所述各条的修正，应在总干事收到修正通过时特别联盟四分之三成员国依各自宪法程序作出的书面接受通知起一个月后生效。

（二）上述各条的修正以这种方式获得接受后，对修正生效时为特别联盟成员的所有国家有约束力，但任何增加特别联盟各国债务的修正，仅对已通知接受该修正的国家有约束力。

（三）依本款第（一）项的规定获得接受的修正，对修正依本款第（一）项的规定生效之日后成为特别联盟成员的所有国家有约束力。

**第十二条
成为本协定的成员**

一、《保护工业产权巴黎公约》的任何成员国均可通过下列手续成为本协定的成员：

（一）签字之后交存批准书；或

（二）交存加入书。

二、批准书或加入书应交由总干事保存。

三、《保护工业产权巴黎公约》斯德哥尔摩文本第二十四条的规定适用于本协定。

四、本条第三款在任何情况下均不得理解为，特别联盟一国依照该款使本协定适用于任何领地的，即意味着另一国承认或默认该领地的事实状况。

**第十三条
本协定的生效**

一、对于最先交存批准书或加入书的五个国家，本协定自交存第五份批准书或加入书后三个月生效。

二、除本协定已依本条第一款对其生效的国家外，对于其他任何国家，本协定自总干事就该国的批准或加入发出通知之日起三个月后生效，除非批准书或加入书中指定了更晚的日期。在指定更晚日期的情况下，本协定在指定的日期对该国生效。

三、批准或加入即当然接受本协定的所有条款并享受本协定的所有利益。

**第十四条
本协定的有效期**

本协定的有效期与《保护工业产权巴黎公约》相同。

**第十五条
　退　约**

一、特别联盟的任何国家均可通知总干事退出本协定。

二、退约自总干事收到通知之日起一年后生效。

三、任何国家自成为特别联盟成员之日起不足五年的，不得行使本条规定的退约权。

**第十六条
争　议**

一、特别联盟两个或两个以上国家之间对本协定的解释或适用有争议，通过谈判未解决的，有关国家中的任何一个均可依国际法院规约将争议提交该法院，但有关国家商定其他解决办法的除外。将争议提交国际法院的国家应通知国际局；国际局应提请特别联盟的其他国家注意。

二、任何国家在签署本协定时，或在交存批准书或加入书时，均可声明其认为本国不受本条第一款规定的约束。对于任何作出此种声明的国家与特别联盟任何其他国家之间的争议，本条第一款的规定不适用。

三、任何依本条第二款的规定作出声明的国家，可以随时向总干事发出通知，撤回其声明。

**第十七条
签字、语言、保存人职责、通知**

一、

（一）本协定的签字正本为一份，以英文和法文写就，两种文本同等作准。

（二）本协定在1973年12月31日之前在维也纳开放供签署。

（三）本协定不再开放供签署时，正本应交总干事保存。

二、大会可能指定的其他语文的正式文本，由总干事在与有关政府协商后制定。

三、

（一）总干事应将本协定签字文本经其核证无误的两份副本分送已签署本协定的各国的政府，并应请求送交任何其他国家的政府。

（二）总干事应将本协定任何修正案经其核证无误的两份副本分送特别联盟所有国家的政府，并应请求送交任何其他国家的政府。

（三）应请求，总干事应将用英文或法文写就的图形要素分类经其核证无误的两份副本送交已签署本协定或已加入本协定的任何国家的政府。

四、总干事应将本协定在联合国秘书处登记。

五、总干事应向《保护工业产权巴黎公约》所有成员国的政府通知下列事项：

（一）本条第一款所述的签字；

（二）第十二条第二款所述的交存批准书或加入书；

（三）第十三条第一款规定的本协定生效日期；

（四）依据第四条第五款作出的声明；

（五）依据第十二条第三款作出的声明和通知；

（六）依据第十六条第二款作出的声明；

（七）依据第十六条第三款通知撤回任何声明；

（八）第十一条第三款所述的接受本协定的修正案；

（九）此种修正案的生效日期；

（十）第十五条所述的收到退约通知。

# **Vienna Agreement Establishing an International Classificationof the Figurative Elements of Marks**

****Done at Vienna on June 12, 1973
as amended on October 1, 1985****

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The Contracting Parties,

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,

Have agreed 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 the figurative elements of marks (hereinafter designated as “the Classification of Figurative Elements”).

****Article 2
Definition and Deposit of the Classification of Figurative Elements****

(1) The Classification of Figurative Elements comprises a list of categories, divisions and sections in which the figurative elements of marks are classified, together with, as the case may be, explanatory notes.

(2) The Classification of Figurative Elements is contained in one authentic copy, in the English and French languages, signed by the Director General of the World Intellectual Property Organization (hereinafter designated respectively as “the Director General” and “the Organization”) and deposited with him at the time that this Agreement is opened for signature.

(3) The amendments and additions referred to in Article 5(3)(i) shall also be contained in one authentic copy, in the English and French languages, signed by the Director General and deposited with him.

****Article 3
Languages of the Classification of Figurative Elements****

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

(2) The International Bureau of the Organization (hereinafter designated as “the International Bureau”) shall establish, in consultation with the interested Governments, official texts of the Classification of Figurative Elements in the languages which the Assembly referred to in Article 7 may designate in accordance with paragraph (2)(a)(vi) of that Article.

****Article 4
Use of the Classification of Figurative Elements****

(1) Subject to the requirements prescribed by this Agreement, the scope of the Classification of Figurative Elements shall be that attributed to it by each country of the Special Union. In particular, the Classification of Figurative Elements shall not bind the countries of the Special Union in respect of the extent of the protection afforded to the mark.

(2) The competent Offices of the countries of the Special Union shall have the right to use the Classification of Figurative Elements either as a principal or as a subsidiary system.

(3) The competent Offices of the countries of the Special Union shall include in the official documents and publications relating to registrations and renewals of marks the numbers of the categories, divisions and sections in which the figurative elements of those marks are to be placed.

(4) The said numbers shall be preceded by the words “Classification of Figurative Elements” or an abbreviation thereof to be determined by the Committee of Experts referred to in Article 5.

(5) Any country may, at the time of its signature or of the deposit of its instrument of ratification or accession, declare that it does not undertake to include the numbers of all or some of the sections in official documents and publications relating to registrations and renewals of marks.

(6) If any country of the Special Union entrusts the registration of marks to an intergovernmental authority, it shall take all possible measures to ensure that that authority uses the Classification of Figurative Elements 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 may, and, if requested by the Committee of Experts, shall, invite countries not members of the Special Union which are members of the Organization or party to the Paris Convention for the Protection of Industrial Property to be represented by observers at meetings of the Committee of Experts.

(b) The Director General shall invite intergovernmental organizations specialized in the field of marks, 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.

(c) 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) make amendments and additions to the Classification of Figurative Elements;

(ii) address recommendations to the countries of the Special Union for the purpose of facilitating the use of the Classification of Figurative Elements and promoting its uniform application;

(iii) take all the 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 of Figurative Elements by developing countries;

(iv) have the right to establish subcommittees and working groups.

(4) The Committee of Experts shall adopt its own rules of procedure. The latter shall provide for the possibility of participation in meetings of the subcommittees and working groups of the Committee of Experts by those intergovernmental organizations referred to in paragraph (2)(b) which can make a substantial contribution to the development of the Classification of Figurative Elements.

(5) Proposals for amendments or additions to the Classification of Figurative Elements may be made by the competent Office of any country of the Special Union, the International Bureau, any intergovernmental organization represented in the Committee of Experts pursuant to paragraph (2)(b) and any country or 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 of the basic structure of the Classification of Figurative Elements or as entailing a substantial amount 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 Additions and of Other Decisions****

(1) Every decision of the Committee of Experts concerning the adoption of amendments and additions to the Classification of Figurative Elements, and the recommendations of the Committee of Experts, shall be notified by the International Bureau to the competent Offices of the countries of the Special Union. The amendments and additions shall enter into force six months after the date of dispatch of the notifications.

(2) The International Bureau shall incorporate in the Classification of Figurative Elements amendments and additions which have entered into force. Announcements of the amendments and additions shall be published in such periodicals as may be 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)(b) may be represented by an observer in the meetings of the Assembly, and, if the Assembly so decides, in those of such committees or working groups as may have been established by the Assembly.

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

(2)

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

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

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

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

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

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

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

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

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

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

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

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

(3)

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

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

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

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

(e) Abstentions shall not be considered as votes.

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

(4)

(a) The Assembly shall meet once in every 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 of 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 administered by the Organization 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 of 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-fourth of the votes cast, provided that any amendment to Article 7 and to the present paragraph shall require four-fifth 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 process, have been received by the Director General from three-fourth 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) Instrument 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) With respect to the first five countries which have deposited their instruments of ratification or accession, this Agreement shall enter into force three months after the fifth instrument of ratification or accession has been deposited.

(2) With respect to any country other than those for which this Agreement has entered into force in accordance with paragraph (1), it shall enter into force three months after the date on which its ratification or accession 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.

(3) 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
Disputes****

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

(2) Each country 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 country having made such a declaration and any other country of the Special Union, the provisions of paragraph (1) shall not apply.

(3) Any country 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.

****Article 17
Signature, Languages, Depositary Functions, Notifications****

(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 Vienna until December 31, 1973.

(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 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.

(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.

(c) The Director General shall, on request, furnish the Government of any country that has signed this Agreement, or that accedes to it, with two copies of the Classification of Figurative Elements, 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 of:

(i) signatures under paragraph (1);

(ii) deposits of instruments of ratification or accession under Article 12(2);

(iii) the date of entry into force of this Agreement under Article 13(1);

(iv) declarations made under Article 4(5);

(v) declarations and notifications made in accordance with Article 12(3);

(vi) declarations made under Article 16(2);

(vii) withdrawals of any declarations, notified under Article 16(3);

(viii) acceptances of amendments to this Agreement under Article 11(3);

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

(x) denunciations received under Article 15.

****Resolution
Adopted by the Diplomatic Conference
on the International Classification
of the Figurative Elements of Marks on June 8, 1973****

1. Pending the entry into force of the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks, a provisional Committee of Experts is hereby set up at the International Bureau of the World Intellectual Property Organization (WIPO).

2. The provisional Committee shall include a representative of each country having signed or acceded to the said Agreement. Intergovernmental organizations specialized in the field of marks, of which at least one of the member countries has signed or acceded to the Agreement, may be represented by observers. Any country member of WIPO or party to the Paris Convention for the Protection of Industrial Property which has neither signed nor acceded to the Agreement may, and, if requested by the provisional Committee, shall, be invited by the Director General of WIPO to be represented by observers.

3. The provisional Committee shall reexamine the International Classification of the Figurative Elements of Marks and shall prepare, if necessary, draft amendments or additions to be made to the said Classification.

4. The International Bureau is invited to prepare the work of the provisional Committee.

5. The International Bureau is invited to convene the provisional Committee, after consultation of the countries which have signed or acceded to the Agreement, if amendments or additions are proposed by any such country or by an organization referred to in paragraph 2 above, or if the International Bureau itself intends to propose amendments or additions.

6. The International Bureau is invited to transmit, as soon as the Agreement enters into force, any draft amendments or additions prepared by the provisional Committee to the Committee of Experts set up under Article 5 of the Agreement.

7. The travel and subsistence expenses of members of the provisional Committee and of observers shall be borne by the countries or organizations which they represent.

[1](https://wipolex.wipo.int/%22%20%5Cl%20%22P21_256) This Table of Contents is added for the convenience of the reader. It does not appear in the signed text of the Agreement.