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UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL
ORGANIZATION

CONVENTION CONCERNING THE PROTECTION OF THE WORLD
CULTURAL AND NATURAL HERITAGE

WORLD HERITAGE COMMITTEE

Twenty-eighth session

Suzhou, China
28 June – 7 July 2004

**Item 22 of the Provisional Agenda: Report on the use of the World Heritage
Emblem**

SUMMARY

The following document includes:

- I. Background information summarizing the history of the proposal made by the World Heritage Centre to propose a World Heritage Visual Identity and Legal Protection of the Emblem.
- II. A report on the status of the action taken by the Director-General of UNESCO to protect the World Heritage Emblem.
- III. A table of requests for authorisation to use the World Heritage Emblem and status of said requests as foreseen by the Operational Guidelines, Annex 3.

Draft decision 28 COM 22 : see page 2

Annex 1: Copy of letter from UNESCO to WIPO

Annex 2: General information on Article 6ter of the Paris Convention

Annex 3: Response from the Deputy Director-General of WIPO to UNESCO

I. Background information

In 2001, the World Heritage Centre recommended that a new World Heritage Visual Identity be developed in an attempt to respond to a wide range of questions raised by users of the World Heritage Emblem, at the site level, and national and international levels. As a result, a draft User's Manual was proposed and discussed during the 25th session of the World Heritage Committee (Helsinki, December 2001), the 26th session of the Bureau of the World Heritage Committee (Paris, April 2002) and subsequently circulated to the Members of the Committee and other interested States Parties to allow for further consultations on this issue before a User's Manual could be finalised.

In 2002, the proposed World Heritage Visual Identity was re-examined by the Committee, which reached the following decision:

26 COM 15: The World Heritage Committee:

1. *Invites the Director-General to take the necessary actions to ensure the legal protection of the World Heritage Emblem and "World Heritage" name and its derivatives;*
2. *Decides to postpone the discussion on the manual and its visual identity to its 27th session in June/July 2003.*

The 27th session of the World Heritage Committee did not resume discussions on the manual but reiterated the need to report on requests made to the Centre for authorisations to use the World Heritage Emblem as well as the status - granted or denied - of these requests, in accordance with the *Guidelines and Principles for the Use of the World Heritage Emblem*, included in Annex 3 of the *Operational Guidelines for the Implementation of the World Heritage Convention*.

II. Report on actions taken by the Director-General of UNESCO to protect the World Heritage Emblem

On 9 April 2003, following the invitation of the World Heritage Committee at its 26th session, the Director of the World Heritage Centre, on behalf of the Director-General of UNESCO addressed a letter to Mr Shozo Uemura, Deputy Director-General of the World Intellectual Property Organization (WIPO) to request the communication of the World Heritage Emblem, in pursuance of Article 6ter (1)(b) and (3)(b) of the Paris Convention for the Protection of Industrial Property (see Annex 2), for its protection to be made possible (see copy of letter in Annex 1).

A response was received by the Deputy Director-General of WIPO on 21 May 2003, confirming that UNESCO's request had been honoured and, as a result, countries party to the Paris Convention as well as Members of the World Trade Organization (WTO), which are not bound by the said Convention, received circular letters from WIPO to present the name and emblem of the World Heritage Convention and request their protection under the Paris Convention (see Annex 3).

III. Table of requests for authorisation to use the World Heritage Emblem and status of said requests as foreseen by the *Operational Guidelines for the Implementation of the World Heritage Convention*, Annex 3.

A table summarizing the requests made to the World Heritage Centre between 6 July 2003 and end March 2004, for the right to use the World Heritage Emblem has been developed (pages 4-11 of this document) in accordance with the Guidelines and Principles for the Use of the World Heritage Emblem (Annex 3 of the *Operational Guidelines for the Implementation of the World Heritage Convention*). The attached table will also include information pertaining to the date of request, the person or entity having made the request, whether the permission to use the World Heritage Emblem was granted or not, and any other relevant comments to each request. For ease of reference the requests have been classified in chronological order. In addition, the requests denied by the World Heritage Centre have been highlighted in grey.

Draft Decision 28COM 22

The World Heritage Committee,

1. *Notes with appreciation that the World Heritage Emblem has successfully been registered under Article 6ter of the Paris Convention for the Protection of Industrial Property;*
2. *Recalls the segment entitled “Responsibilities of States Parties” of the Guidelines and Principles for the Use of the World Heritage Emblem as follows:*

States Parties to the Convention should take all possible measures to prevent the use of the Emblem in their respective countries by any group or for any purpose not explicitly recognized by the Committee. States Parties are encouraged to make full use of national legislation including Trade Mark Laws;

3. *Takes note of the Annual Report on the use of the World Heritage Emblem.*

Date of request	Requesting party	Project description and proposed use of World Heritage Emblem	Response	Comments
23-Jul-03	Portuguese National Commission for UNESCO	To be featured in a set of films, to be produced by a private communications company for a group of hotels (films to be exhibited on the private internal hotel TV channel). The films will focus on the sites of interest for tourists, including the Portuguese sites inscribed on the WH List.	Under Evaluation	WHC recommended that a written proposal be requested from private company to evaluate the benefit to WH sites in Portugal before granting permission.
23-Jul-03	Ville Giardini, Florence, Italy (President of Tuscany section of CIGV - International World Traveler's Club).	To feature WH Emblem in a series of documentary films being planned for Italian broadcasts as part of study trips organized by CIGV.	Under Evaluation	Referred to Italian National Commission for UNESCO.
19-Aug-03	Belgian National Commission for UNESCO	To publish in a brochure about UNESCO WH produced by club "UNESCO Platform" in Belgium.	Yes	WHC requested to see a layout of brochure before printing to approve placement of Emblem as well as content about WORLD HERITAGE.
28-Aug-03	Bioviva	To use the UNESCO WH emblem for commercial product. French National Commission for UNESCO informed WHC of refusal of this request.	No	Both French National Commission for UNESCO and WHC denied requests.
29-Aug-03	Independent marketing company (Mr. Ticho, e-mail: chticho@aol.com)	To use on plaques designating The Jewish Quarter and St Procopius' Basilica in Třebíč WH site in Czech Republic.	Under Evaluation	WHC corrected text to be printed on plaques, suggested reprinting "Brief Description" of site, and provided Emblem guidelines and contact at Czech Republic National Commission for UNESCO.
1-Sep-03	Greater St Lucia Wetland Park Authority, South Africa	To use at a side event of the World Parks Congress	Yes	WHC provided WH Emblem & guidelines for its use.

9-Sep-03	Phoenix Marketing Services, USA	To publish in brochure on cruise liners.	No	Informed of guidelines, requested detailed proposal and sample of brochure text. WHC encouraged the development of appropriate information tools about WH values to sensitise the public sailing the cruises. Cruise liner company has been sensitised and will resubmit a new approach.
11-Sep-03	Portuguese National Commission for UNESCO	To include in a catalogue for an exhibition of photos of Portuguese sites inscribed on the WH List.	Under Evaluation	
11-Sep-03	Portuguese National Commission for UNESCO	Request for "Patrimonito" emblem (created by children in the context of the WH in Young Hands Project)	Yes	WHC provided "Patrimonito" emblem
16-Sep-03	Macmillan Education Publishing, Australia	To print the WH Emblem in a primary school textbook series currently being prepared for publication by Macmillan Education Australia, to be titled "National Parks and Marine Parks of Australia".	Under Evaluation	Referred to Australian National Commission for UNESCO
17-Sep-03	Tourist Office Brugge, Belgium	Received approval from Belgian National Commission for UNESCO to use WH Emblem in brochure on City of Brugges WH site.	Yes	WHC provided WH & UNESCO emblems and guidelines for their use.
22-Sep-03	Portuguese National Commission for UNESCO	For publication in a specialized review edited by the Association of the Entreprises of Conservation and Restoration with an article about the 20th anniversary of the WH List in Portugal, written by a Portuguese architect and member of ICOMOS Portuguese Committee.	Yes	Portuguese National Commission for UNESCO supported request.
23-Sep-03	Ministry of Cultural Heritage, Hungary	Signposting of WH sites in Hungary	Yes	WHC provided extract from Operational Guidelines on the "general appearance of signposts marking WH sites."
24-Sep-03	Tourisme de Terroir en Méditerranée, France	Request to publish the WH Emblem in brochure.	Under Evaluation	Referred to French National Commission for UNESCO

24-Sep-03	New Lanark WH site Co-ordinator, United Kingdom	For promotion of New Lanark WH site, in accordance with Operational Guidelines.	Yes	WHC provided electronic copies of UNESCO & WH emblems.
25-Sep-03	Urlaub & Natur Tour Operator, Germany	To print WH emblem in tour brochures for trips visiting WH sites.	Under Evaluation	WHC provided guidelines for use of WH Emblem and referred to German National Commission for UNESCO
4-Oct-03	Hungarian National Commission for UNESCO	Request for WH Emblem to use on information materials about WH sites.	Yes	WHC provided WH Emblem
4-Oct-03	Cultural Awareness Group, Canada	Request to display WH Emblem at Trinity College School in Ontario to show their support of UNESCO and to promote awareness of WH.	Under Evaluation	Referred to Canadian National Commission for UNESCO
6-Oct-03	Underground River, Philippines	For use on a marker for the Puerto Princesa River National Park	Under Evaluation	Referred to Philippines National Commission for UNESCO
16-Oct-03	Cellule Patrimoine Historique, Ville de Bruxelles, Belgium	To place on the scaffolding of a restoration project in the Grande Place WH site, to inform public of UNESCO WH site status during renovation work.	Yes	WHC referred request to Belgian National Commission for UNESCO who on 17 October informed WHC that the request was approved.
17-Oct-03	Finnish National Commission for UNESCO	To use the WH emblem on the stamps that Finland Post Corporation is planning to publish about Sammallahdenmaki WH site in Finland.	Yes	WHC asked the Finnish National Commission for UNESCO for more information on the number of stamps planned to be issued and sold as well as the face value of the stamps, and recalled the option to contribute, via such projects, to the WH Fund. After receiving a response from the Finnish National Commission for UNESCO together with confirmation of their support for the project, WHC granted permission to Finland Post to use the WH Emblem on the stamps without any special compensation.
4-Nov-03	Royal Mail Stamps and Collectibles, United Kingdom	For a set of stamps featuring WH sites	Under Evaluation	Referred to United Kingdom Department for Culture, Media and Sport

11-Nov-03	UNESCO Office in NY for Woodward Communications, USA	For the cover of a publication about how Yellowstone National Park officials and the Federal Highway Administration worked together in the roadway maintenance of the park.	Yes	Referred to US National Park Service (NPS) and sent guidelines for the use of the WH Emblem to requesting party. On 26 Nov, NPS requested WH Emblem and informed WHC that permission was granted by NPS for use on back cover of publication with paragraph about WH Convention. Emblems and guidelines were sent to NPS.
11-Nov-03	UNESCO Office in NY, USA	To have a copy of WH and UNESCO emblems for media requests.	Yes	WHC provided WH & UNESCO emblems and guidelines for their use.
13-Nov-03	Identités & Territoires de France (Association)	To publish on their web site with a feature about WH sites in France.	Under Evaluation	Referred to French National Commission for UNESCO
16-Nov-03	Portuguese National Commission for UNESCO	Mayor of Alijó asking authorization to use WH Emblem on the footer of the letters of the municipality town council (not a WH site but situated within part of Alto Douro wine region).	Yes	Since Portuguese National Commission for UNESCO supported request, WHC proposed granting permission solely for the use of those letters dealing with the Alto Douro Wine Region WH site.
26-Nov-03	Jackson Lowe Marketing, United Kingdom	For use in promotional materials for "Enjoy England" campaign, approved by United Kingdom National Commission for UNESCO.	Yes	WHC provided WH & UNESCO emblems and guidelines for their use.
26-Nov-03	Isla Consulting Communication Consulting Agency, France	For a tour guide on the Val de Loire WH site in France.	Under Evaluation	WHC referred to the Mission Val de Loire, and provided guidelines for requesting use of Emblem.
27-Nov-03	Universidad para la Cooperacion Internacional (UCI), Costa Rica	For publication (along with MAB emblem) on calendar presenting the Ecosystem Approach in Latin America and the Caribbean.	Yes	WHC provided UNESCO & WH emblems and guidelines for use, as well as recommendation of placement for emblems.
1-Dec-03	World Heritage Web, Inc (California non-profit), USA	For use on Internet site about WH, and proposal for "Programme of Partnership".	No	As WH and UNESCO emblems were already being used on site, WHC requested that they be removed and explained guidelines for their use.

1-Dec-03	UN Chronicle, a quarterly magazine of the United Nations	To illustrate a story on "Safeguarding the Future of Cultural Heritage" featuring the WH Convention.	Yes	WHC provided WH & UNESCO emblems and guidelines for their use.
11-Dec-03	Ines Ribeiro, resident of Guimarães, Portugal	Request for guidelines on use of WH Emblem in a publication about Guimarães or on the cover of a CD that includes songs about this town and pictures of the Historic Centre.	Under Evaluation	Referred to the Portuguese National Commission for UNESCO
11-Dec-03	Bath & North East Somerset Council, United Kingdom	For use on Council Internet site where reference is made to WH site status.	Yes	WHC provided WH & UNESCO emblems and guidelines for their use.
16-Dec-03	Africa First LLC, USA	To place on promotional materials for a workshop about history, slavery, religion, culture & music in Ghana on 5 March 2005.	Yes	UNESCO is co-hosting this workshop.
17-Dec-03	Carnet de Route de France	For use on Internet site (http://carnets.de.route.free.fr/) featuring WH sites.	No	WHC requested that the WH emblem be removed from Internet site and provided guidelines for its use.
17-Dec-03	South Australian Tourism Commission	To use in advertising of the Australian Fossil Mammal Sites (Riversleigh/Naracoorte)	Under Evaluation	Referred to Australian National Commission for UNESCO
17-Dec-03	Adventure Associates	To add the WH Emblem with a link to the WH Internet site to www.adventureassociates.com which display information on WH.	No	Use of the WH Emblem was not authorized as it was foreseen under inappropriate commercial pretense.
22-Dec-03	Netherlands National Commission for UNESCO	To use UNESCO and WH emblems in a game about WH.	Under Evaluation	Netherlands National Commission for UNESCO supports this request. WHC informed of validation process to ensure that game meets UNESCO standards and recalled necessity to develop a contractual agreement with UNESCO for the project.
8-Jan-04	Trinity and All Saints College of the University of Leeds, United Kingdom	For use in an academic book with a segment on WH.	No	WHC provided WH Emblem guidelines and referred to United Kingdom National Commission for UNESCO for approval. On 9 January, United Kingdom Dept of Culture, Media and Sports informed Trinity College that they are not in favour of using the emblem for commercial purposes.

9-Jan-04	Japanese Buddhist Federation (assisting Lumbini Development Trust) via UNESCO Khatmandu Office	To include on signage for the Lumbini WH site in Nepal.	Yes	WHC provided WH & UNESCO emblems and guidelines for their use.
11-Jan-04	Club Philatélique Briochin, France	For use on information sheets about UNESCO stamp programme, on a stamp illustrating the Mont St Michel WH site in France and information on the WH Convention.	Under Evaluation	WHC provided guidelines for use of WH Emblem and referred to French National Commission for UNESCO
14-Jan-04	Greek Delegation via ERC	To use WH Emblem in a presentation of a project for the cultural olympiads about WH sites.	Yes	Provided WH & UNESCO emblems and guidelines for their use.
22-Jan-04	Arbeitskreis Wachau - Regionalentwicklung, Austria	For use on visitor information signs for Wachau WH site as well as for street signs at the entrance of the Wachau, on public buildings and next to important monuments.	Yes	WHC asked for written authorization from the Austrian National Commission for UNESCO. Sent guidelines for their use. On 10 February, received authorization from Austrian National Commission for UNESCO, and subsequently provided WH & UNESCO emblems.
27-Jan-04	UNDP	For inclusion in information brochure about Biological Diversity meeting in Kuala Lumpur in February 2004.	Yes	WHC provided WH & UNESCO emblems and guidelines for their use.
29-Jan-04	EDITUR, Ediciones Turísticas, Barcelona, Spain	To publish in EDITUR nº 2.291 (a professional publication about tourism) a report about the Spanish sites inscribed on the WH List (February 2004).	Under Evaluation	WHC provided guidelines for use of WH Emblem and referred to Spanish National Commission for UNESCO
10-Feb-04	National Commission for UNESCO of the Russian Federation	To use for promotion of 50th anniversary since joining UNESCO.	Yes	WHC provided WH & UNESCO emblems and guidelines for their use.
16-Feb-04	Portuguese National Commission for UNESCO	Request from Imprensa Nacional - Casa da Moeda (INCM) to use the WH Emblem with "WH" written only in Portuguese (due to size restrictions) for a set of Portuguese coins dedicated to the Portuguese sites inscribed on the WH List.	Yes	WHC granted permission to use the WH Emblem with only Portuguese "on an exceptional basis."

19-Feb-04	Permanent Delegation of Argentina to UNESCO	To use WH Emblem on a stamp by the "Correro Central" featuring Quebrada de Humahuaca WH site in Argentina.	Yes	WHC approved request, with support of Argentinean National Commission for UNESCO and UNESCO Director-General, and suggested receiving voluntary contribution to WH Fund from Correro Central.
24-Feb-04	Conservation International, USA	To use on a news release about a Partnership being established between CI and UNESCO for WH.	Yes	WHC provided WH & UNESCO emblems and guidelines for their use.
25-Feb-04	The City of Saint Jean d'Angély & Office of Tourism, France	To use on signage for the "Abbey Royale" which is part of the Routes of Santiago de Compostela WH site in France.	Yes	WHC provided WH & UNESCO emblems and guidelines for their use.
1-Mar-04	Algerian Tourism Internet site	For promotion of WH in the context ITB Berlin 2004.	No	WHC requested that the WH Emblem be removed from Internet site and provided guidelines for its use.
2-Mar-04	Newcastle Web site, United Kingdom	To promote the Youth Forum and the International Seminar of Forum UNESCO - University and Heritage in 2005 on their Internet site.	Under Evaluation	Referred to United Kingdom Department for Culture, Media and Sport for permission to use emblems.
8-Mar-04	Bonneville Productions, Canada	To use WH Emblem in a "demo" version of a video series project on WH planned to be shown on airlines. The demo version was proposed to help identify funding for the project. WHC recommended not to use the WH Emblem until the concept of the project had been finalised and funding/partners identified.	No	Referred to Canadian National Commission for UNESCO for further examination. Meanwhile, WHC denied authorization and provided guidelines for the use of the emblems.
10-Mar-04	UMR 5607 CNRS, Maison de l'Archéologie, Université Michèle de Montaigne, Bordeaux3, France	To use in the promotion of the 50th anniversary of the "Mission archéologique française de Xanthos et du Létôôn", which is affiliated with the Bordeaux WH site in France.	Under Evaluation	Referred to French National Commission for UNESCO
12-Mar-04	UNDP Azerbaijan	To help promote national cultural heritage through designing special plaques about WH sites in Azerbaijan.	Under Evaluation	WHC provided guidelines for use of emblems.

25-Mar-04	Larousse, France	To print the WH Emblem in an Atlas on France, which would include references to WH sites in France.	Under Evaluation	WHC provided guidelines for use of emblems and referred to French National Commission for UNESCO
30-Mar-04	Harcourt Education, Melbourne, Australia	To reproduce the UNESCO emblem in a school geography textbook (aimed at students aged between 14-16 years) about WH and why it is important that various sites are protected.	Under evaluation	WHC provided guidelines for the use of the emblems and referred to Australian National Commission for UNESCO
31-Mar-04	Finnish National Commission for UNESCO	To authorize Finnish publishing house, Edita Publishing, to use the WH Emblem in a manual called "The Law of War". Project supported by National Commission for UNESCO.	Under Evaluation	After studying proposal, WHC suggested that the manual feature the UNESCO and Hague Convention emblems instead of the WH emblem, and provided contacts within UNESCO to request these emblems.
31-Mar-04	Permanent Delegation of Oman to UNESCO	To use the WH Emblem on the Bulletin Board and in publications concerning the Frankincense Trail WH site.	Yes	WHC provided WH & UNESCO emblems and guidelines for their use.



United Nations Educational, Scientific and Cultural Organization
Organisation des Nations Unies pour l'éducation, la science et la culture

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The Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director of the UNESCO's World Heritage Centre present their compliments to the Deputy Director-General of the World Intellectual Property Organization and have the honour to request the communication, in pursuance of Article 6ter (1)(b) and (3)(b) of the Paris Convention for the Protection of Industrial Property of the emblem of the World Heritage Convention attached here to, in order for it to be protected accordingly.

The Director-General of the United Nations Educational, Scientific and Cultural Organization and the Director of the UNESCO's World Heritage Centre avail themselves of this opportunity to renew to the Deputy Director-General of the World Intellectual Property Organization the assurances of their highest consideration.

Paris, 9th April 2003

Mr Shozo Uemura
Deputy Director-General
World Intellectual Property Organization (WIPO)
34, chemin des Colombettes
1211 Geneva 20
Switzerland

Enclosures:

- 600 copies of the emblem of the World Heritage Convention
- A copy of the Convention Concerning the Protection of the World Cultural and Natural Heritage (the World Heritage Convention)
- A copy of the Operational Guidelines for the Implementation of the World Heritage Convention (Annex 3: Guidelines and Principles for the Use of the World Heritage Emblem)

NAMES, ABBREVIATIONS AND EMBLEM OF THE
CONVENTION CONCERNING THE PROTECTION OF THE
WORLD CULTURAL AND NATURAL HERITAGE

**DENOMINATIONS, SIGLES ET EMBLEME DE LA
CONVENTION CONCERNANT LA PROTECTION DU
PATRIMOINE MONDIAL, CULTUREL ET NATUREL**

**1. Names in English, French and Spanish:
Dénominations en anglais, français, et espagnol:**

Convention concerning the Protection of the World Cultural and
Natural Heritage

Convention concernant la protection du patrimoine mondial,
culturel et naturel

Convención sobre la protección del patrimonio mundial, cultural y
natural

**2. Abbreviations in English, French and Spanish:
Sigles en anglais, français et espagnol:**

N/A

**3. Emblem:
Emblème:**



**GENERAL INFORMATION ON ARTICLE 6^{ter}
OF THE PARIS CONVENTION**

1. Article 6^{ter} of the Paris Convention for the Protection of Industrial Property of 1883 (1967 Stockholm Act) was introduced into the Paris Convention by the Revision Conference of the Hague in 1925. It underwent some minor modifications, as to form, at the Revision Conference of London in 1934, and was more thoroughly revised by the Revision Conference of Lisbon in 1958.
2. The purpose of Article 6^{ter} is to protect armorial bearings, flags and other State emblems of the States party to the Paris Convention as well as official signs and hallmarks indicating control and warranty adopted by them.
3. This protection was extended to armorial bearings, flags, other emblems, abbreviations and names of international intergovernmental organizations by the Revision Conference of Lisbon in 1958.
4. Any emblem or other official sign mentioned in paragraphs 2 and 3 above for which a State party to the Paris Convention wishes to obtain protection has to be communicated to the International Bureau of WIPO, which will then transmit the communication to the other States party to the Paris Convention. Nevertheless, such a communication is not obligatory in respect of flags of States.
5. Any States receiving the communication of an emblem or other official sign may, within a period of twelve months from the receipt of that communication, transmit its objections, if any, through the intermediary of the International Bureau, to the State or international intergovernmental organization at the request of which the communication was made.
6. The protection offered by Article 6^{ter} to any emblem or other official signs mentioned in paragraphs 2 and 3 above, communicated as indicated in paragraph 4, and which has not been the subject of an objection as indicated in paragraph 5, is not of a general nature. The purpose of Article 6^{ter} is only to prohibit the registration and use of trademarks which are identical to, or present a certain similarity with the above-mentioned emblems or official signs.
7. Article 6^{ter} is only applicable to *trademarks* and does not oblige States party to the Paris Convention to refuse or to invalidate the registration, and to prohibit use of State emblems or other official signs as a *service mark* or as an element of a service mark. States are nevertheless free to do so, and under Article 16 of the Trademark Law Treaty (TLT), member States of that Treaty are obliged to extend protection to service marks.
8. The list of the items which can be the subject of a communication under Article 6^{ter} of the Paris Convention, *at the request of a State* party to that Convention comprises: armorial bearings, flags and other State emblems, as

well as official signs and hallmarks indicating control and warranty adopted by the State itself. The expression “other State emblems” is rather vague. It is generally understood as referring to any emblems constituting the symbol of the sovereignty of a State. A State emblem frequently contains heraldic elements, such as a lion, an eagle, the sun.

9. It is to be noted that the intention of the Revision Conference of the Hague, in 1925, was to include in the protection of State emblems the escutcheons of reigning Houses, as well as emblems of States included in a Federative State which is party to the Paris Convention. However, it was not intended to include emblems of lower public bodies.
10. The purpose of official signs and hallmarks indicating control and warranty is to certify that a State or an organization duly appointed by a State to that effect has checked that certain goods meet specific standards or have a given level of quality. Official signs and hallmarks indicating control and warranty exist in several States with respect to precious metals or products such as butter, cheese, meat, electrical equipment, etc. In principle, official signs and hallmarks indicating control and warranty may also apply to services, for instance those relating to education, tourism, etc.
11. The protection as an official sign indicating control and warranty is more limited than a protection as a State emblem. Article 6^{ter}(2) provides that such protection “shall apply solely in cases where the marks in which they are incorporated are intended to be used on goods of the same or similar kind.” Under Article 16 of the TLT, this provision extends to services.
12. The protection afforded by Article 6^{ter} was extended by the Revision Conference of Lisbon in 1958, not only to armorial bearings, flags and other emblems, but also to names, and abbreviations of such names of *intergovernmental organizations* of which one or more States party to the Paris Convention are members. However, the protection under Article 6^{ter} did not extend to armorial bearings, flags, other emblems, but also to names, and abbreviations of such names of intergovernmental organizations which are already the subject of international agreements in force, intended to ensure their protection, such as the Geneva Convention for the amelioration of the condition of the wounded and sick in armed forces, of August 12, 1946, Article 44 of which protects the emblems of the Red Cross on a white ground, the words “Red Cross” or Geneva Cross, and analogous emblems.”
13. States party to the Paris Convention are free not to grant protection to armorial bearings, flags, other emblems, abbreviations and names of international intergovernmental organizations to the prejudice of the owners of rights acquired in good faith before the entry into force, in that State, of the Paris Convention.
14. States party to the Paris Convention are also free not to grant protection where the use or registration of a trademark against which the protection is invoked does not suggest a connection with the intergovernmental organization concerned, or where such use or registration is probably not of such a nature

to mislead the public as to the existence of a connection between the user and the organization.

15. A distinction has to be made between, on the one hand, flags of States and, on the other hand, State emblems other than flags, official signs and hallmarks, and emblems, including flags, names and abbreviations of intergovernmental organizations. In the case of the first category, the protection under this provision will apply only to marks registered after November 6, 1925, that is, the date of the signature of the text of the Convention as revised at The Hague. In the case of the second category, the protection will apply only to marks registered more than two months after receipt of the communication made by the International Bureau of WIPO.
16. A general exception is made in cases of bad faith, where the member States even have the right to annul marks incorporating State emblems, signs and hallmarks, which were registered before November 6, 1925. Bad faith will probably be held to exist if the trademark has been registered in the knowledge that it incorporated the emblem, sign or hallmark concerned.

WORLD INTELLECTUAL PROPERTY
ORGANIZATION

世界知识产权组织

ORGANIZACIÓN MUNDIAL
DE LA PROPIEDAD INTELECTUAL

-55.1 WHC

Dear Mr. Matsuura,
Dear Mr. Bandarin,

I refer to your letter of April 9, 2003, concerning the name and emblem of the "Convention Concerning the Protection of the World Cultural and Natural Heritage," for which protection is requested under Article 6ter of the Paris Convention for the Protection of Industrial Property.

Following your request, the said name and emblem have been communicated on May 21, 2003, to the countries party to the Paris Convention as well as to the Members of the World Trade Organization (WTO) which are not bound by the said Convention, but which are bound or will be bound to apply it by virtue of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) of April 15, 1994.

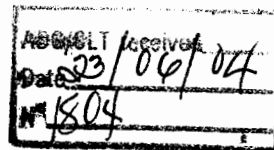
For your information, copies of circular letters C. 6898 and C. 6900 are
~~attached.~~

Sincerely yours,



Shozo Uemura
Deputy Director General

Mr. Koïchiro Matsuura
Director-General of the United Nations Educational,
Scientific and Cultural Organization (UNESCO)
Mr. Francesco Bandarin
Director of the World Heritage Centre
7, place de Fontenoy
75352 Paris 07 SP
France

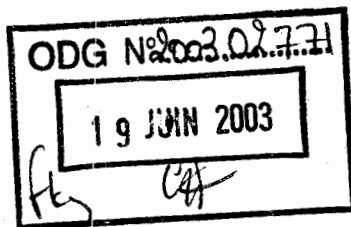


ORGANISATION MONDIALE
DE LA PROPRIÉTÉ INTELLECTUELLE

المنظمة العالمية للملكية الفكرية

ВСЕМИРНАЯ ОРГАНИЗАЦИЯ
ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

May 21, 2003



WORLD INTELLECTUAL PROPERTY
ORGANIZATION

世界知识产权组织

ORGANIZACIÓN MUNDIAL
DE LA PROPIEDAD INTELECTUAL



ORGANISATION MONDIALE
DE LA PROPRIÉTÉ INTELLECTUELLE

المنظمة العالمية للملكية الفكرية

ВСЕМИРНАЯ ОРГАНИЗАЦИЯ
ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

C. 6898
-55.1 WHC

The International Bureau of the World Intellectual Property Organization (WIPO) presents its compliments to the Ministry of Foreign Affairs and has the honor to communicate herewith, pursuant to Article 6^{ter}(3)(b) of the Paris Convention for the Protection of Industrial Property, as revised at Lisbon on October 31, 1958 (Lisbon Act), and at Stockholm on July 14, 1967 (Stockholm Act), a reproduction of the "Convention Concerning the Protection of the World Cultural and Natural Heritage," for which protection is requested under the said Article 6^{ter}.

This communication is being sent to all member countries of the Paris Union for the Protection of Industrial Property, including those which are not yet bound by the Lisbon or Stockholm Acts. It is understood that only the countries bound by the latter two Acts are obliged, under the Paris Convention, to afford protection to armorial bearings, flags and other emblems, abbreviations and names of intergovernmental organizations. However, member countries of the Paris Union not bound by those Acts may be in a position, in this particular case, to afford the same protection, or may be willing to do so, in accordance with their national legislation and independently of any treaty obligation.

As regards the countries party to the Paris Convention that are Members of the World Trade Organization (WTO), the present communication also constitutes the communication under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) referred to in Article 3(1) of the Agreement Between WIPO and the WTO of December 22, 1995. It is recalled that the countries bound, under the TRIPS Agreement, to comply with the provisions of Article 6^{ter} of the Paris Convention (Stockholm Act of 1967) are obliged to afford protection to armorial bearings, flags and other emblems, abbreviations and names of intergovernmental organizations, whether or not they are bound by Articles 1 to 12 of the Stockholm Act of 1967 of the Paris Convention.

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WORLD INTELLECTUAL PROPERTY
ORGANIZATION

世界知识产权组织

ORGANIZACIÓN MUNDIAL
DE LA PROPIEDAD INTELECTUAL



ORGANISATION MONDIALE
DE LA PROPRIÉTÉ INTELLECTUELLE

المنظمة العالمية للملكية الفكرية

ВСЕМИРНАЯ ОРГАНИЗАЦИЯ
ИНТЕЛЛЕКТУАЛЬНОЙ СОБСТВЕННОСТИ

C. 6900.A
-55.1 WHC

The International Bureau of the World Intellectual Property Organization (WIPO) presents its compliments to the Ministry of Foreign Affairs and, referring to Article 3 of the Agreement Between WIPO and the World Trade Organization (WTO) of December 22, 1995, according to which WIPO shall administer the procedures under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) relating to Article 6^{ter} of the Paris Convention for the Protection of Industrial Property for the Members of the WTO, has the honor to communicate herewith a reproduction of the name and emblem of the "Convention Concerning the Protection of the World Cultural and Natural Heritage," for which protection is requested under the said Article 6^{ter}.

The present communication is without prejudice to the date on which the obligation under the TRIPS Agreement to protect the name and emblem which is the subject of the present communication, becomes effective. Naturally, they may be protected before such an obligation becomes effective. It is to be noted that the International Bureau will not re-communicate the said name and emblem even if it is only at a later date that an obligation to protect them becomes effective, either under the TRIPS Agreement or under the Paris Convention itself.

Copies of this circular will be sent, together with the enclosure mentioned above, to the industrial property offices of the Members of the WTO.

May 21, 2003

A handwritten signature in black ink, appearing to be a stylized 'S' or 'M' followed by a horizontal stroke.

Enclosure: a reproduction of the name and emblem of the "Convention
Concerning the Protection of the World Cultural and Natural
Heritage"