

Working Group on the Legal Development of the Madrid System for the International Registration of Marks

Twenty-First Session
Geneva, November 13 to 17, 2023

FUTURE ELECTIONS OF CHAIRS AND VICE-CHAIRS

Document prepared by the International Bureau

1. At their Sixty-Third Series of Meetings, held from July 14 to 22, 2022, the Assemblies of the Member States of WIPO adopted amendments to the General Rules of Procedure of WIPO¹ (hereinafter referred to as “the General Rules”).² The main aim of the amendments was to align the electoral cycle of officers for all WIPO Assemblies and for other bodies of WIPO Member States.
2. Rule 9 of the General Rules governs the election of officers and their terms of office. In the absence of any special rules of procedure, Rule 9 of the General Rules applies to all WIPO bodies. This means that it also applies to the Working Group on the Legal Development of the Madrid System for the International Registration of Marks (hereinafter referred to as “the Working Group”) because the Working Group does not have any special rules of procedure in place. However, the current practice of the Working Group regarding the officers’ terms of office is not aligned with Rule 9 of the General Rules.

¹ See document [A/63/5 Rev.](#) “New Electoral Cycle of Officers of WIPO Assemblies and Other Bodies of the Member States of WIPO” and paragraph 127 of document [A/63/10](#) “General Report”. A further revision was adopted during the Sixty-Fourth Series of Meetings, held from July 6 to 14, 2023; see document [A/64/5](#) “Revision of the General Rules of Procedure of WIPO and the Special Rules of Procedure of the Governing Bodies of WIPO and the Unions Administered by WIPO” and paragraph 68 of document [A/64/14](#) “Summary Report”.

² See the [General Rules of Procedure of WIPO](#).

3. This document describes the electoral cycle as set out in Rule 9 of the General Rules, the Special Rules of Procedure of WIPO Standing Committees and the current practice of the Working Group for electing its officers. The document proposes the adoption of a transitional measure to align the election of officers for the Working Group with the WIPO General Rules. In addition, it proposes the adoption of special rules of procedure as a housekeeping measure and to introduce in these special rules a flexibility regarding the election of officers by providing for their immediate re-election.

WIPO GENERAL RULES OF PROCEDURE GOVERNING OFFICERS

4. Under Rule 9 of the General Rules³, officers of all WIPO bodies, including those of the Working Group, are elected at the opening of each session. The terms of the elected officers begin at the end of the session in which they are elected, continuing until the end of the following session, when the terms of newly elected officers begin. The outgoing officers cannot be immediately re-elected.

SPECIAL RULES OF PROCEDURE OF WIPO STANDING COMMITTEES

5. WIPO Standing Committees have adopted special rules of procedure dealing, among others, with membership and observers.⁴ These committees have adopted or will debate transitional measures to align their election cycle with Rule 9 of the General Rules but have special rules in place regarding the election of officers such as, for example, rules providing for their immediate re-election.

THE PRACTICE OF THE WORKING GROUP REGARDING OFFICERS

6. The practice of the Working Group has been to elect its officers at the opening of each session. Officers preside over the session in which they are elected and remain in office until the opening of the following session, when new officers are elected. Furthermore, there has been no restriction on the possible re-election of the outgoing officers.

ALIGNMENT WITH RULE 9 OF THE GENERAL RULES

7. In light of the fact that all WIPO bodies are aligning the election cycle of their officers with Rule 9 of the General Rules, it is proposed that the Working Group does the same by adopting a transitional measure. Under such measure, the terms of office of the officers elected at the start of the current session would be extended through the closing of the twenty-second session of the Working Group, which would take place in 2024.

8. At the opening of its twenty-second session, the Working Group would elect new officers under Rule 9 of the General Rules. In accordance with this Rule, their terms of office would start following the closing of the twenty-second session and it would end at the closing of the twenty-third session, when the terms of newly elected officers would begin.

³ Rule 9 of the General Rules reads as follows:

“Rule 9: Officers

“(1) In the first meeting of each ordinary session, each body shall elect a Chair and two Vice-Chairs.

“(2) Officers’ terms of office shall begin following the final meeting of the session during which they were elected. Officers shall remain in office until terms of office of newly elected officers begin.

“(3) The outgoing Chair and Vice-Chairs shall not be immediately eligible for re-election to the office which they have held.”

⁴ See the [Special Rules of Procedure of WIPO Standing Committees](#).

ADOPTION OF SPECIAL RULES OF PROCEDURE FOR THE WORKING GROUP

9. Under Rule 45 of the General Rules, each WIPO body, including the Working Group, may adopt and amend its own special rules of procedure, which complement or supersede the application of the General Rules.
10. As a housekeeping measure, the adoption of Special Rules of Procedure for the Working Group on the Legal Development of the Madrid System for the International Registration of Marks (hereinafter referred to as “the draft Special Rules”), as set out in the Annex to this document, is proposed.
11. The objective of the draft Special Rules is to codify, for the sake of legal certainty, what has been the practice of the Working Group since its inception regarding the application of the General Rules and concerning its members and observers.
12. Rule 1 of the draft Special Rules indicates that, while the General Rules continue to apply to the Working Group, these are supplemented or amended by the provisions in the draft Special Rules.
13. Rule 2 of the draft Special Rules confirms what has been the practice of the Working Group regarding its members and observers. This Rule would confirm that all members of the Madrid Union are Members of the Working Group. It would also confirm that all observers to the Assembly of the Madrid Union must be invited as observers to the Working Group. The Rule would also acknowledge that the Working Group could invite other States and organizations as observers.
14. Rule 3 of the draft Special Rules would provide the Working Group with flexibility regarding the election of its officers by allowing for their immediate re-election.
15. If these draft Special Rules are adopted by the Working Group, it is proposed that they enter into force upon their adoption.

16. *The Working Group is invited to:*

(i) consider the proposals made in the present document; and,

(ii) adopt the proposed:

– transitional measure, as described in paragraphs 7 and 8 of this document; and,

– Special Rules of Procedure, as presented in the Annex to this document or in amended form, for their entry into force upon their adoption.

[Annex follows]

**WORKING GROUP ON THE LEGAL DEVELOPMENT OF THE MADRID SYSTEM FOR
THE INTERNATIONAL REGISTRATION OF MARKS**

SPECIAL RULES OF PROCEDURE

[adopted on November 13, 2023]

Rule 1: Application of the General Rules of Procedure of WIPO

The Special Rules of Procedure of the Working Group on the Legal Development of the Madrid System for the International Registration of Marks (hereinafter referred to as “the Working Group”) shall consist of the General Rules of Procedure of WIPO, supplemented and amended by the provisions set forth hereinafter.

Rule 2: Members and observers

- (1) Membership in the Working Group is extended to members of the Madrid Union.
- (2) All States and organizations invited as observers to the Assembly of the Madrid Union shall be invited to all sessions of the Working Group as observers.
- (3) The Working Group shall decide which other States and organizations not referred to in paragraph (2) shall be invited as observers, whether to the Working Group or to any particular session or meeting thereof.

Rule 3: Officers

The outgoing Chair and Vice-Chairs shall be eligible for re-election.

[End of Annex and of document]