

UNIT – 5

International Conventions and Treaties

Paris Convention • PCT • Madrid System • WIPO – Background, Features and Organisation

Intellectual Property Law – Expanded Edition

Unit Overview

This unit covers the major international instruments in intellectual property – the Paris Convention for the Protection of Industrial Property, the Patent Cooperation Treaty (PCT), the Madrid System for the international registration of marks, and the World Intellectual Property Organization (WIPO). Background, objectives, salient features and institutional structure are explained in detail for exam and practical understanding.

LEARNING OBJECTIVES

What You Will Learn

01 Paris

Explain background and salient features of Paris Convention

02 PCT

State objectives and key features of the Patent Cooperation Treaty

03 Madrid

Describe the Madrid System for international registration of marks

04 WIPO

Understand the background, features and organisation of WIPO

05 Interplay

Appreciate how these treaties interact with national law

06 Practical

Know the practical advantages for applicants and countries

PARIS 1

Paris Convention – Background

Year	1883 – one of the earliest international IP treaties
Need	Growing international trade required protection of industrial property across borders
Revisions	Revised several times (Brussels, Washington, The Hague, London, Lisbon, Stockholm)
India	India acceded to the Paris Convention

Salient Features of the Paris Convention

National Treatment	Each member country must grant the same protection to nationals of other member countries as it grants to its own nationals
Right of Priority	Filing in one member country gives a right of priority (12 months for patents/designs, 6 months for trademarks) in other member countries
Independence of Patents	Patents granted in different countries are independent of each other
Common Rules	Rules on compulsory licences, working of patents, protection of trade names, etc.

PARIS 3

Governing Rules and Importance of Paris Convention

Union	Creates a Union for the protection of industrial property
Assembly & Executive	Institutional framework for administration
Importance	Foundation of the modern international industrial property system
Link to TRIPS	TRIPS incorporates the substantive provisions of Paris

PCT 1

Patent Cooperation Treaty – Background and Objectives

Year	1970 (Washington); administered by WIPO
Objective	Simplify and reduce the cost of obtaining patent protection in multiple countries
Single Application	One international application has effect in all designated PCT Contracting States
India	India is a member of the PCT

Salient Features of the PCT

International Filing	File one application in one language at one office
International Search	International Searching Authority issues a search report and written opinion
International Publication	Application is published internationally
International Preliminary Examination	Optional examination on patentability
National Phase	Applicant enters the national phase in chosen countries within prescribed time

Advantages of the PCT System

Time	Delays the major costs of national processing
Information	Applicant gets an international search report before deciding where to proceed
Cost-effective	Single application instead of multiple parallel filings at the outset
Flexibility	Can amend claims based on search/examination results before national phase

Madrid System – Background and Salient Features

System	Madrid Agreement (1891) and Madrid Protocol (1989) – together form the Madrid System
Objective	Allow international registration of trademarks through a single application
Centralised	One application, one language, one set of fees, one office (International Bureau of WIPO)
India	India is a member of the Madrid Protocol

International Registration of Marks – How it Works

Basic Application/Registration

Must have a basic mark in the Office of origin

International Application

Filed through the Office of origin to WIPO

Examination by WIPO

Formal examination; then recorded in the International Register

Designation

Applicant designates the member countries where protection is sought

National Examination

Each designated country examines according to its own law

Advantages and Important Points of Madrid System

Simplicity

One application instead of multiple national filings

Cost

Lower cost for multi-country protection

Management

Subsequent changes (assignment, renewal) can be recorded centrally

Dependency

For the first five years, the international registration depends on the basic mark (central attack)

World Intellectual Property Organization – Background

Establishment	1967 (Stockholm Convention); became a UN specialised agency in 1974
Predecessor	United International Bureaux for the Protection of Intellectual Property (BIRPI)
Headquarters	Geneva, Switzerland
Mission	To promote the protection of intellectual property throughout the world

Salient Features and Functions of WIPO

Norm Setting	Administers numerous IP treaties (Paris, Berne, PCT, Madrid, etc.)
Services	Provides global IP services (PCT, Madrid, Hague, Lisbon)
Cooperation	Technical assistance and capacity building for developing countries
Information	Provides IP information, statistics and databases
Dispute Resolution	WIPO Arbitration and Mediation Center

Organisation of WIPO

General Assembly	Highest decision-making body
Conference	Discusses general matters of IP policy
Coordination Committee	Executive body
International Bureau	Secretariat headed by the Director General
Unions	Various Unions created by the treaties administered by WIPO

INTERPLAY

Interplay between Treaties and National Law

Paris & TRIPS

TRIPS requires compliance with Paris substantive provisions

PCT & National Law

PCT is a filing and search system; patentability is decided under national law

Madrid & National Law

Protection in each country depends on that country's examination

WIPO's Role

Provides the institutional framework and services

ADDITIONAL

Additional Student-Useful Topics

Berne Convention

For copyright (not in this unit but often compared)

TRIPS Agreement

Most comprehensive multilateral IP agreement; incorporates Paris and Berne

Hague System

International registration of industrial designs

Lisbon System

International protection of appellations of origin and GIs

National Treatment vs Most-Favoured-Nation

Key principles in international IP

Practical Advantages for Applicants & Countries

Applicants

Cost and time savings, better information before investing in national phases

Developing Countries

Access to technical assistance and capacity building from WIPO

Harmonisation

Treaties promote a degree of harmonisation of IP standards

Exam Tip

Focus on national treatment, right of priority, independence of patents, and the single-application advantage of PCT and Madrid

SUMMARY POINTS

Must-Remember Points

- Paris Convention (1883) established national treatment and the right of priority – the foundation of international industrial property protection.
- PCT enables a single international patent application with search and optional examination before national phase entry.
- Madrid System allows centralised international registration of trademarks through one application.
- WIPO is the UN specialised agency that administers these treaties and provides global IP services.
- All these systems ultimately depend on national law for the grant and enforcement of rights.
- Understanding these treaties is essential for advising on international IP strategy.