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Summary of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (1957)

商標註冊用商品與服務國際分類尼斯協定 (1957 年) 概要

The Nice Agreement, concluded at Nice in 1957, revised at Stockholm in 1967 and at Geneva in 1977, and amended in 1979, establishes a classification of goods and services for the purposes of registering trademarks and service marks (the Nice Classification).

《尼斯協定》於 1957 年在尼斯締結，1967 年、1977 年分別在斯德哥爾摩與日內瓦修訂，並在 1979 年修正。該協定建立了一種供商標與服務標章註冊用的商品與服務分類 (尼斯分類)。

The competent offices of the Contracting States must indicate in official documents and in any publication they issue in respect of the registration of marks the numbers of the classes of the Classification to which the goods or services for which the mark is registered belong.

締約國的主管機關必須在其發布的商標註冊相關官方文件及出版物中，載明商標註冊的商品或服務其所屬分類類別號。

The Nice Agreement created a Union, which has an Assembly. Every State that is a member of the Union and has adhered to the Stockholm Act or the Geneva Act of the Nice Agreement is a member of the Assembly. Among the most important tasks of the Assembly is the adoption of the biennial program and budget of the Union.

《尼斯協定》建立了一個聯盟，聯盟設有大會。凡身為聯盟成員且遵守《尼斯協定》斯德哥爾摩法案或日內瓦法案的國家均為大會成員。大會最重要的任務之一是通過聯盟的兩年期計畫和預算。

The Agreement also set up a Committee of Experts in which all members of the Union are represented. The main task of the Committee is the periodical revision of the Classification.

《尼斯協定》亦設立了一個由聯盟各成員派代表組成的專家委員會。委員會的主要任務是對分類定期進行修訂。

The Agreement is open to States party to the Paris Convention for the Protection of Industrial Property (1883). Instruments of ratification or accession must be deposited with the Director General of WIPO.

《尼斯協定》對《保護工業產權巴黎公約》(1883 年) 的締約國開放。批准書或加入書須交由世界智慧財產權組織理事長保存。

Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks

商標註冊用商品與服務國際分類尼斯協定

of June 15, 1957,
as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977,
and amended on September 28, 1979
1957 年 6 月 15 日簽訂，
1967 年 7 月 14 日修訂於斯德哥爾摩，1977 年 5 月 13 日修訂於日內瓦，
1979 年 9 月 28 日修正於日內瓦

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¹ Added by the International Bureau of WIPO.

由世界智慧財產權組織國際局增加。

Article 1
Establishment of a Special Union;
Adoption of an International Classification;
Definition and Languages of the Classification

第一條

特別聯盟之建立；
國際分類之採用；
分類之定義與語言。

- (1) The countries to which this Agreement applies constitute a Special Union and adopt a common classification of goods and services for the purposes of the registration of marks (hereinafter designated as "the Classification").

本協定所適用之國家組成一特別聯盟，採用一種供商標註冊用之商品與服務共同分類（以下稱為「該分類」）。

- (2) The Classification consists of:

該分類包括：

- (i) a list of classes, together with, as the case may be, explanatory notes;

類別表，酌情附加注釋；

- (ii) an alphabetical list of goods and services (hereinafter designated as "the alphabetical list") with an indication of the class into which each of the goods or services falls.

按字母順序排列之商品與服務表（以下稱為「字母序列表」），附有各商品或服務所屬分類。

- (3) The Classification comprises:

該分類組成如下：

- (i) the classification published in 1971 by the International Bureau of Intellectual Property (hereinafter designated as "the International Bureau") referred to in the Convention Establishing the World Intellectual Property Organization, it being understood, however, that the explanatory notes to the list of classes included in that publication shall be regarded as provisional and as recommendations until such time as explanatory notes to the list of classes are established by the Committee of Experts referred to in Article 3;

《建立世界智慧財產權組織公約》中所述由智慧財產國際局（以下稱為「國際局」）於一九七一年所公布之分類。惟請理解，於第三條規定之專家委員會確立類別表之注釋前，國際局公布之類別表所附注釋應僅視為臨時性建議；

- (ii) the amendments and additions which have entered into force, pursuant to Article 4(1) of the Nice Agreement of June 15, 1957, and of the Stockholm Act of July 14, 1967, of that Agreement, prior to the entry into force of the present Act;

於本法案生效前，根據一九五七年六月十五日之尼斯協定及該協定一九六七年七月十四日之斯德哥爾摩法案二者第四條第一項規定已生效之修正與增訂內容；

- (iii) any changes to be made in accordance with Article 3 of this Act and which enter into force pursuant to Article 4(1) of this Act.

根據本法案第三條規定所為之變更，其依本法案第四條第一項規定生效者。

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

該分類應以英文及法文呈現，兩者具同等效力。

(5)

- (a) The classification referred to in paragraph (3)(i), together with those amendments and additions referred to in paragraph (3)(ii) which have entered into force prior to the date this Act is opened for signature, is contained in one authentic copy, in the French language, deposited with the Director General of the World Intellectual Property Organization (hereinafter designated respectively "the Director General" and "the Organization"). Those amendments and additions referred to in paragraph (3)(ii) which enter into force after the date this Act is opened for signature shall also be deposited in one authentic copy, in the French language, with the Director General.

第三項 (i) 款所述之分類，以及於本法案開放供各國簽署前已生效之第三項 (ii) 款所述修正與增訂事項，載於一份以法文完成之正本中，存放在世界智慧財產權組織理事長處（以下分別稱為「理事長」及「該組織」）。於本法案開放供各國簽署後生效之第三項 (ii) 款所述修正與增訂事項，亦應載於一份以法文完成之正本中，存放於理事長處。

- (b) The English version of the texts referred to in subparagraph (a) shall be established by the Committee of Experts referred to in Article 3 promptly after the entry into force of this Act. Its authentic copy shall be deposited with the Director General.

(a) 款所述文本之英譯本應由第三條規定之專家委員會於本法案生效後立即制定。其正本應存放於理事長處。

- (c) The changes referred to in paragraph (3)(iii) shall be deposited in one authentic copy, in the English and French languages, with the Director General.

第三項 (iii) 款之變更事項，應以一份以英文及法文完成之正本存放於理事長處。

- (6) Official texts of the Classification, in Arabic, German, Italian, Portuguese, Russian, Spanish and in such other languages as the Assembly referred to in Article 5 may designate, shall be established by the Director General, after 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.

該分類之阿拉伯文、德文、義大利文、葡萄牙文、俄文、西班牙文及其他由第五條之大會指定之語言正式文本，應由理事長與相關政府諮詢後，於各該政府所提供之譯文基礎上，或以其他不對特別聯盟之預算或該組織造成財務影響之方式制定。

- (7) The alphabetical list shall mention, opposite each indication of goods or services, a serial number that is specific to the language in which the said list is established, together with:

字母序列表應於各項商品或服務名稱旁載明一個特定於制定該列表所用語言之對應編號，同時：

- (i) in the case of the alphabetical list established in English, the serial number mentioned in respect of the same indication in the alphabetical list established in French, and vice versa;

英文制定之字母序列表中，應載明以法文制定之字母序列表就同一項目之編號，反之亦然。

- (ii) in the case of any alphabetical list established pursuant to paragraph (6), the serial number mentioned in respect of the same indication in the alphabetical list established in English or in the alphabetical list established in French.

其他根據第六項規定制定之字母序列表，應載明英文或法文序列表就同一項目之編號。

Article 2

Legal Effect and Use of the Classification

第二條

分類之法律效力與使用

- (1) Subject to the requirements prescribed by this Agreement, the effect of the Classification shall be that attributed to it by each country of the Special Union. In particular, the Classification shall not bind the countries of the Special Union in respect of either the evaluation of the extent of the protection afforded to any given mark or the recognition of service marks.

於遵守本協定規定之前提下，該分類之效力應取決於特別聯盟各成員國。特別是關於各該成員國衡量其應予特定商標之保護範圍或對服務標章之認可方面，該分類並無拘束力。

- (2) Each of the countries of the Special Union reserves the right to use the Classification either as a principal or as a subsidiary system.

特別聯盟各成員國均保有將該分類作為主要或輔助制度之權利。

- (3) The competent Offices of the countries of the Special Union shall include in the official documents and publications relating to registrations of marks the numbers of the classes of the Classification to which the goods or services for which the mark is registered belong.

特別聯盟各成員國之主管機關應於商標註冊之相關正式文件及出版物中，載明商標註冊之商品或服務其所屬分類類別號。

- (4) The fact that a term is included in the alphabetical list in no way affects any rights which might subsist in such a term.

一名詞登載於字母序列表中之事實，不影響可能存在於該名詞之任何權利。

Article 3 Committee of Experts

第三條 專家委員會

- (1) A Committee of Experts shall be set up in which each country of the Special Union shall be represented.

設立一個專家委員會，由特別聯盟各成員國派代表組成。

(2)

- (a) The Director General may, and, if requested by the Committee of Experts, shall, invite countries outside 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.

理事長得自行或於專家委員會要求下，邀請特別聯盟外該組織之成員或《保護工業財產權巴黎公約》之締約國，派觀察員代表參加專家委員會之會議。

- (b) The Director General shall invite intergovernmental organizations specialized in the field of marks, of which at least one of the member countries is a country of

the Special Union, to be represented by observers at meetings of the Committee of Experts.

理事長應邀請於商標領域具備專業之政府間組織派觀察員代表參加專家委員會之會議。該組織中應至少有一會員國為特別聯盟之成員國。

- (c) The Director General may, and, if requested by the Committee of Experts, shall, invite representatives of other intergovernmental organizations and international non-governmental organizations to participate in discussions of interest to them.

理事長得自行或於專家委員會要求下，邀請其他政府間組織及非政府間國際組織之代表參加與其相關之討論。

(3) The Committee of Experts shall:

專家委員會應：

- (i) decide on changes in the Classification;

決定該分類之變更事項；

- (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;

對特別聯盟成員國提出建議，以利該分類之使用，並促進其一致之適用；

- (iii) 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;

在不對特別聯盟之預算或該組織造成財務影響下，採取有助於開發中國家適用該分類之所有其他措施；

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

有權設立小組委員會及工作小組。

- (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.

專家委員會應通過其自身之議事規則。該規則應提供第二項 (b) 款中得就分類之發展為實質貢獻之政府間組織，參加專家委員會之小組委員會及工作小組會議之可能性。

- (5) Proposals for changes in the Classification 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.

該分類之變更建議案得由特別聯盟任一成員國之主管機關、國際局、依第二項 (b) 款規定派代表參加專家委員會之政府間組織，以及受專家委員會特別邀請提供變更建議之國家或組織提出。該等建議案應向國際局提交，國際局應於專家委員會審議該建議案至少兩個月前，將其送交專家委員會成員及觀察員。

(6) Each country of the Special Union shall have one vote.

特別聯盟各成員國均有一表決權。

(7)

(a) Subject to subparagraph (b), the decisions of the Committee of Experts shall require a simple majority of the countries of the Special Union represented and voting.

除本項 (b) 款規定者外，專家委員會之決議應由出席並行使表決權之特別聯盟成員國以簡單多數決作出。

(b) Decisions concerning the adoption of amendments to the Classification shall require a majority of four-fifths of the countries of the Special Union represented and voting. "Amendment" shall mean any transfer of goods or services from one class to another or the creation of any new class.

通過分類修正案之決議，應由五分之四以上之特別聯盟成員國出席並行使表決權以多數決作出。「修正」係指將商品或服務自一類移至他類，或創建任何新類別。

(c) The rules of procedure referred to in paragraph (4) shall provide that, except in special cases, amendments to the Classification shall be adopted at the end of specified periods; the length of each period shall be determined by the Committee of Experts.

第四項所述之議事規則應規定，除特殊情形外，該分類之修正事項應於指定期間屆滿時採行。各期間之長短應由專家委員會決定。

(8) Abstentions shall not be considered as votes.

棄權不計入表決數。

Article 4

Notification, Entry Into Force and Publication of Changes

第四條

變更事項之通知、生效與公布

- (1) Changes decided upon by the Committee of Experts and recommendations of the Committee of Experts shall be notified to the competent Offices of the countries of the Special Union by the International Bureau. Amendments shall enter into force six months after the date of dispatch of the notification. Any other change shall enter into force on a date to be specified by the Committee of Experts at the time the change is adopted.

專家委員會決定之變更事項及其建議，應由國際局通知特別聯盟各成員國之主管機關。修正應於通知發出之日起六個月後生效。其他變更事項於專家委員會通過該變更時所指定之日期生效。

- (2) The International Bureau shall incorporate in the Classification the changes which have entered into force. Announcements of those changes shall be published in such periodicals as may be designated by the Assembly referred to in Article 5.

國際局應將已生效之變更事項納入該分類中。該等變更之公告應於第五條規定之大會其指定之期刊發布。

Article 5

Assembly of the Special Union

第五條

特別聯盟之大會

(1)

- (a) The Special Union shall have an Assembly consisting of those countries which have ratified or acceded to this Act.

特別聯盟應設大會，由批准或加入本法案之各國組成。

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

各國政府應各派一人代表，該代表得由數位副代表、顧問及專家協助。

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

各代表團所需費用應由指派之政府負擔。

(2)

- (a) Subject to the provisions of Articles 3 and 4, the Assembly shall:

除第三條及第四條另有規定外，大會應：

- (i) deal with all matters concerning the maintenance and development of the Special Union and the implementation of this Agreement;
處理一切與特別聯盟之維護與發展以及本協定實施相關之事務；
- (ii) give directions to the International Bureau concerning the preparation for conferences of revision, due account being taken of any comments made by those countries of the Special Union which have not ratified or acceded to this Act;
就修訂會議之籌備給予國際局指示，惟應適當考慮尚未批准或加入本法案之特別聯盟成員國所提意見；
- (iii) review and approve the reports and activities of the Director General of the Organization (hereinafter designated as "the Director General") concerning the Special Union, and give him all necessary instructions concerning matters within the competence of the Special Union;
審查並批准該組織理事長（以下簡稱為「理事長」）關於特別聯盟之報告與活動，並就特別聯盟權限範圍內之相關事務給予其一切必要指示；
- (iv) determine the program and adopt the biennial budget of the Special Union, and approve its final accounts;
決定特別聯盟之計畫，通過該聯盟兩年一度之預算，並批准其決算；
- (v) adopt the financial regulations of the Special Union;
通過特別聯盟之財務規則；
- (vi) establish, in addition to the Committee of Experts referred to in Article 3, such other committees of experts and working groups as it may deem necessary to achieve the objectives of the Special Union;
設立除第三條規定之專家委員會外，其他為達成特別聯盟目標所必要之專家委員會及工作小組；
- (vii) determine which countries not members of the Special Union and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;
決定非特別聯盟成員之國家、政府間組織以及國際非政府間組織中何者可獲准以觀察員身分參加大會會議；
- (viii) adopt amendments to Articles 5 to 8;
通過第五條至第八條之修正案
- (ix) take any other appropriate action designed to further the objectives of the Special Union;

採取其他旨在促成特別聯盟目標之適當措施；

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

執行本協定範圍內之其他適當職權。

(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.

凡與該組織轄下其他聯盟相關之事務，大會應於聽取該組織協調委員會之意見後方可作成決定。

(3)

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

大會各會員國均享有一票表決權。

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

大會會員國之半數應構成法定人數。

(c) Notwithstanding the provisions of subparagraph (b), if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, 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.

縱有前述 (b) 款規定，倘會議中出席國家雖不足一半，惟已達或超過大會會員國總數三分之一時，大會仍得作成決議；但除與大會本身程序相關者外，所有決議應於下述條件完備後始得生效。國際局應將該等決議通知未派代表出席之大會會員國，請其於通知日起三個月內以書面行使表決權或為棄權之表示。倘上述期限屆滿時，依此方式表決或棄權之國家數達會議本身法定人數所不足之數，且同時決議獲得所需多數同意，該決議應生效。

(d) Subject to the provisions of Article 8(2), the decisions of the Assembly shall require two-thirds of the votes cast.

除第八條第二項另有規定外，大會之決議應以表決數三分之二同意為之。

(e) Abstentions shall not be considered as votes.

棄權不計入表決數。

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

一位代表僅得以一國之名義代表出席與投票。

(g) Countries of the Special Union not members of the Assembly shall be admitted to the meetings of the latter as observers.

特別聯盟中非屬大會會員國之國家，應容許其以觀察員身分參加大會會議。

(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.

大會每兩年由理事長召開一次常會，除特殊情形外，應與該組織之大會於同時同地舉行。

(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.

理事長應於大會四分之一會員國之要求下，召開特別會議。

(c) The agenda of each session shall be prepared by the Director General.

每次會議之議程由理事長擬定。

(5) The Assembly shall adopt its own rules of procedure.

大會應通過其自身之議事規則。

Article 6

International Bureau

第六條

國際局

(1)

(a) Administrative tasks concerning the Special Union shall be performed by the International Bureau.

有關特別聯盟之行政工作應由國際局執行。

(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 of experts and working groups as may have been established by the Assembly or the Committee of Experts.

尤其是，國際局應籌備會議，並為大會、專家委員會及其他由大會或專家委員會成立之專家委員會與工作小組提供秘書處。

- (c) The Director General shall be the chief executive of the Special Union and shall represent the Special Union.

理事長為特別聯盟之行政首長，對外代表特別聯盟。

- (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 of experts 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.

理事長及其指定之工作人員應參加所有大會、專家委員會以及其他由大會或專家委員會成立之專家委員會或工作小組之會議，惟其均無表決權。理事長或其指定之工作人員為該等團體之當然秘書。

- (3)

- (a) The International Bureau shall, in accordance with the directions of the Assembly, make the preparations for the conferences of revision of the provisions of the Agreement other than Articles 5 to 8.

國際局應依據大會指示籌備本協定除第五條至第八條外其他規定之修訂會議。

- (b) The International Bureau may consult with intergovernmental and international non-governmental organizations concerning preparations for conferences of revision.

國際局得就修訂會議之籌備諮詢相關之政府間及國際非政府組織。

- (c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at those conferences.

理事長及其指定人員應參加該等會議之討論，惟其均無表決權。

- (4) The International Bureau shall carry out any other tasks assigned to it.

國際局應執行其受分派之其他工作。

Article 7

Finances

第七條

財務

- (1)

(a) The Special Union shall have a budget.

特別聯盟應設預算。

(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.

特別聯盟之預算應包括特別聯盟本身之收入與支出、各聯盟共同支出之預算分擔額，以及於適當情況下撥給該組織會議預算之款項。

(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.

非專屬特別聯盟而同時為該組織轄下一個或多個聯盟之支出，應視為各聯盟之共同支出。特別聯盟就共同支出所分擔之金額，應與其在當中所享有之利益成比例。

(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.

特別聯盟預算之制定，應適當考慮該組織轄下其他聯盟預算之協調需求。

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

特別聯盟預算之資金來源如下：

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

特別聯盟成員國之會費；

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

國際局就其提供之特別聯盟相關服務所收取之費用；

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

國際局就特別聯盟相關出版物之銷售額或版稅；

(iv) gifts, bequests, and subventions;

贈與、遺贈及補助金；

(v) rents, interests, and other miscellaneous income.

租金、利息及其他雜項收入。

(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 contributions on the basis of the same number of units as is fixed for that class in that Union².

為確定第三項 (i) 款所述之會費，特別聯盟各會員國之等級應與其在《保護工業財產巴黎聯盟》中所屬等級一致，而以巴黎聯盟對該等級訂定之相同單位數為基礎繳納年度會費。

- (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.

特別聯盟各成員國每年繳納之會費於所有國家繳納予特別聯盟預算之總額所占比例，應與該國之單位數於所有繳納會費之國家總單位數占比相同。

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

會費應於每年一月一日繳納。

- (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.

任一國家拖欠之會費等於或超過其過去兩年應繳納之會費金額時，即不得於特別聯盟之任何機構行使表決權。但任何特別聯盟之機構確信其遲延繳納係因異常而無法避免之情形時，得允許該國繼續於該機構行使表決權。

- (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.

若預算於新財務年度開始前尚未通過，依財務規則規定，應與前一年之預算維持相同水平。

² The Governing Bodies of WIPO and the Unions administered by WIPO adopted with effect from January 1, 1994, a new contribution system that replaces the corresponding provisions of this Agreement. Details concerning that system may be obtained from the International Bureau of WIPO (Editor's note)

WIPO 之管理機構及轄下各聯盟於 1994 年 1 月 1 日通過生效新會費制，取代本協定相對應之規定。關於該制度之細節可從 WIPO 國際局獲取（編按）

- (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.

國際局所提供之特別聯盟相關服務，其收費金額應由理事長確定並向大會報告。

(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.

特別聯盟應設週轉基金，由特別聯盟各國一次性繳款組成。基金不足時，大會應決定予以增加。

- (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.

各國初次繳納予前述基金之數額或於基金增加時分擔之數額，應與其於基金設立或基金決定增加當年所繳納之會費成比例。

- (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.

繳納之比例與方式應由大會依據理事長之建議，並於聽取該組織協調委員會之意見後予以訂定。

(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.

與該組織總部所在國家締結之總部協議中應規定，週轉基金不足時，由該國墊付。墊付金額及條件應由該國與該組織依個別情形以單獨協議訂定。

- (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 has been notified.

(a) 款所述之國家與該組織均有權以書面通知終止該項墊款義務。終止應於通知當年結束後三年生效。

- (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.

帳務之審計應依財務規則之規定，由特別聯盟之一國或多國，或外部審計人員執行。大會應於徵得該等人同意下指派之。

Article 8 **Amendment of Articles 5 to 8**

第八條 **第五條至第八條之修正**

- (1) Proposals for the amendment of Articles 5, 6, 7, and the present Article, may be initiated by any country member of the Assembly, or by the Director General. Such proposals shall be communicated by the Director General to the member countries of the Assembly at least six months in advance of their consideration by the Assembly.

第五、六、七條及本條規定之修正建議案得由任一大會會員國或理事長提出。該等建議案應由理事長於大會審議前至少六個月送交大會各會員國。

- (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 5, and to the present paragraph, shall require four-fifths of the votes cast.

第一項所述之各條規定修正案應由大會以四分之三表決數同意通過。但第五條及本項規定之修正案，須達表決數五分之四同意。

- (3) 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 Assembly at the time it adopted the amendment. Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Assembly at the time the amendment enters into force, or which become members thereof at a subsequent date, 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.

第一項所述之各條規定修正案，應於理事長收到該修正案通過時之四分之三大會會員國依其憲法程序所作之書面認可通知一個月後生效。經過該程序認可之上述規定

修正案，對於生效時為大會會員之國家或之後加入之國家均具拘束力。但有關增加特別聯盟國家財務負擔之修正案，僅對通知認可該修正案之國家具拘束力。

Article 9
Ratification and Accession; Entry Into Force

第九條
批准與加入；生效

- (1) Any country of the Special Union which has signed this Act may ratify it, and, if it has not signed it, may accede to it.

特別聯盟中簽署本法案之國家可批准本法案，未簽署者可加入本法案。

- (2) Any country outside the Special Union which is party to the Paris Convention for the Protection of Industrial Property may accede to this Act and thereby become a country of the Special Union.

特別聯盟外之《保護工業財產巴黎公約》締約國，得加入本法案成為特別聯盟國。

- (3) Instruments of ratification and accession shall be deposited with the Director General.

批准及加入之文書，應交由理事長保管。

(4)

- (a) This Act shall enter into force three months after both of the following conditions are fulfilled:

本法案於下列兩項條件滿足後三個月生效：

- (i) six or more countries have deposited their instruments of ratification or accession;

六個或超過六個國家已交存批准或加入之文書；

- (ii) at least three of the said countries are countries which, on the date this Act is opened for signature, are countries of the Special Union.

上述國家中有至少三個國家於本法案公開簽署日即為特別聯盟國。

- (b) The entry into force referred to in subparagraph (a) shall apply to those countries which, at least three months before the said entry into force, have deposited instruments of ratification or accession.

(a) 款所述之生效適用於生效前至少三個月即提交批准或加入文書之國家。

- (c) With respect to any country not covered by subparagraph (b), this Act 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 Act shall enter into force with respect to that country on the date thus indicated.

至於 (b) 款所未涵蓋之國家，本法案應於理事長通知其批准或加入之日起三個月後生效。但批准或加入文書中已指定較晚日期者，不在此限。在後者之情形，本法案於指定日期對該國生效。

- (5) Ratification or accession shall automatically entail acceptance of all the clauses and admission to all the advantages of this Act.

批准或加入即當然接受所有條款，並享有本法案之所有利益。

- (6) After the entry into force of this Act, no country may ratify or accede to an earlier Act of this Agreement.

本法案生效後，各國即不得批准或加入本協定先前之法案。

Article 10

Duration

第十條

有效期

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

本協定之有效期與《保護工業財產巴黎公約》相同。

Article 11

Revision

第十一條

修訂

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

本協定可隨時由特別聯盟國之會議修訂。

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

修訂會議之召開應由大會決定。

- (3) Articles 5 to 8 may be amended either by a revision conference or according to Article 8.

第五條至第八條之修正得由修訂會議或依據第八條規定為之。

Article 12 Denunciation

第十二條 退出

- (1) Any country may denounce this Act by notification addressed to the Director General. Such denunciation shall constitute also denunciation of the earlier Act or Acts of this Agreement which the country denouncing this Act may have ratified or acceded to, and shall affect only the country making it, the Agreement remaining in full force and effect as regards the other countries of the Special Union.

任何國家均可透過向理事長發送通知來退出本法案。其退出同時對該國先前曾批准或加入之本協定各項法案發生效力，並僅及於該通知國本身，本協定對特別聯盟之其他國家仍具完全效力。

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

退出應於理事長收到通知之日起一年後生效。

- (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 country of the Special Union.

任一國家於成為特別聯盟國之日起，五年內不得行使本條規定所賦予之退出權。

Article 13 Reference to Article 24 of the Paris Convention

第十三條 巴黎公約第二十四條之適用依據

The provisions of Article 24 of the Stockholm Act of 1967 of the Paris Convention for the Protection of Industrial Property shall apply to this Agreement, provided that, if those provisions are amended in the future, the latest amendment shall apply to this Agreement with respect to those countries of the Special Union which are bound by such amendment.

《保護工業財產巴黎公約》之一九六七年斯德哥爾摩法案第二十四條規定應適用於本協定。倘該等規定於將來修正，則本協定中受該項修正約束之特別聯盟國應適用最新之修正。

Article 14
Signature; Languages;
Depositary Functions; Notifications

第十四條

簽署；語言；保管人職責；通知

(1)

- (a) This Act shall be signed in a single original in the English and French languages, both texts being equally authentic, and shall be deposited with the Director General.

本法案應以英文及法文簽署一份原本，兩種文本具同等效力，由理事長保管。

- (b) Official texts of this Act shall be established by the Director General, after consultation with the interested Governments and within two months from the date of signature of this Act, in the two other languages, Russian and Spanish, in which, together with the languages referred to in subparagraph (a), authentic texts of the Convention Establishing the World Intellectual Property Organization were signed.

理事長在與有關政府磋商後，應於本法案簽署日起兩個月內，以另兩種語言，俄文及西班牙文制定本法案之正式文本。該兩種語言與 (a) 款所述語言為簽訂《建立世界智慧財產權組織公約》正本所使用者。

- (c) Official texts of this Act shall be established by the Director General, after consultation with the interested Governments, in the Arabic, German, Italian and Portuguese languages, and such other languages as the Assembly may designate.

本法案之阿拉伯文、德文、義大利文、葡萄牙文及其他大會指定語言之正式文本，由理事長與相關政府磋商後制定。

(2) This Act shall remain open for signature until December 31, 1977.

本法案應開放簽署至一九七七年十二月三十一日止。

(3)

(a) The Director General shall transmit two copies, certified by him, of the signed text of this Act to the Governments of all countries of the Special Union and, on request, to the Government of any other country.

理事長應分別將兩份經其認證之本法案簽字副本送交所有特別聯盟國政府及其他要求之國家政府。

(b) The Director General shall transmit two copies, certified by him, of any amendment to this Act to the Governments of all countries of the Special Union and, on request, to the Government of any other country.

理事長應分別將兩份經其認證之本法案修正案副本送交所有特別聯盟國政府及其他要求之國家政府。

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

理事長應向聯合國秘書處登記本法案。

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

理事長應將下列事項通知《保護工業財產巴黎公約》之締約國政府：

(i) signatures under paragraph (1);

第一項規定之簽字；

(ii) deposits of instruments of ratification or accession under Article 9(3);

第九條第三項規定之批准或加入文書保管；

(iii) the date of entry into force of this Act under Article 9(4)(a);

本法案依第九條第四項 (a) 款規定之生效日期；

(iv) acceptances of amendments to this Act under Article 8(3);

第八條第三項規定所述對本法案修正案之認可；

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

該等修正案之生效日期；

(vi) denunciations received under Article 12.

依第十二條規定收到之退出通知。

Contracting Parties to the Nice Agreement

尼斯協定締約國

Albania 阿爾巴尼亞	Algeria 阿爾及利亞	Antigua and Barbuda 安地卡及巴布達	Argentina 阿根廷
Armenia 亞美尼亞	Australia 澳大利亞	Austria 奧地利	Azerbaijan 亞塞拜然
Bahrain 巴林	Barbados 巴貝多	Belarus 白俄羅斯	Belgium 比利時
Benin 貝南	Bosnia and Herzegovina 波士尼亞與赫塞哥維納	Bulgaria 保加利亞	Canada 加拿大
China 中國	Croatia 克羅埃西亞	Cuba 古巴	Czech Republic 捷克
Democratic People's Republic of Korea 北韓	Denmark 丹麥	Dominica 多米尼克	Egypt 埃及
Estonia 愛沙尼亞	Finland 芬蘭	France 法國	Georgia 喬治亞
Germany 德國	Greece 希臘	Guinea 幾內亞	Hungary 匈牙利
Iceland 冰島	India 印度	Iran (Islamic Republic of) 伊朗 (伊斯蘭共和國)	Ireland 愛爾蘭
Israel 以色列	Italy 義大利	Jamaica 牙買加	Japan 日本
Jordan 約旦	Kazakhstan 哈薩克	Kyrgyzstan 吉爾吉斯	Latvia 拉脫維亞
Lebanon 黎巴嫩	Liechtenstein 列支敦斯登	Lithuania 立陶宛	Luxembourg 盧森堡
Malawi 馬拉威	Malaysia 馬來西亞	Mexico 墨西哥	Monaco 摩納哥
Mongolia 蒙古	Montenegro 蒙特內哥羅	Morocco 摩洛哥	Mozambique 莫三比克
Netherlands 荷蘭	New Zealand 紐西蘭	North Macedonia 北馬其頓	Norway 挪威
Paraguay 巴拉圭	Peru 秘魯	Poland 波蘭	Portugal 葡萄牙
Republic of Korea 韓國	Republic of Moldova 摩爾多瓦	Romania 羅馬尼亞	Russian Federation 俄羅斯
Saint Kitts and Nevis 聖 克里斯多福及尼維斯	Saint Lucia 聖露西亞	Saudi Arabia 沙烏地阿拉伯	Serbia 塞爾維亞
Singapore 新加坡	Slovakia 斯洛伐克	Slovenia 斯洛維尼亞	Spain 西班牙
Suriname 蘇利南	Sweden 瑞典	Switzerland 瑞士	Syrian Arab Republic 敘利亞
Tajikistan 塔吉克	Trinidad and Tobago 千 里達及托巴哥	Tunisia 突尼西亞	Türkiye 土耳其
Turkmenistan 土庫曼	Ukraine 烏克蘭	United Arab Emirates 阿拉伯聯合大公國	United Kingdom 英國
United Republic of Tanzania 坦尚尼亞	United States of America 美國	Uruguay 烏拉圭	Uzbekistan 烏茲別克