

No. 45751. Denmark, Iceland and Norway

AGREEMENT ON THE ESTABLISHMENT OF THE NORDIC PATENT INSTITUTE. TAASTRUP, 5 JULY 2006 [*United Nations, Treaty Series*, vol. 2565, I-45751.]

PROTOCOL OF AMENDMENT OF THE AGREEMENT ON THE ESTABLISHING OF THE NORDIC PATENT INSTITUTE. GENEVA, 2 OCTOBER 2012

Entry into force: 19 December 2012 by notification, in accordance with article III

Authentic texts: Danish, English, Icelandic and Norwegian

Registration with the Secretariat of the United Nations: Denmark, 15 March 2013

Nº 45751. Danemark, Islande et Norvège

ACCORD PORTANT CRÉATION DE L'INSTITUT NORDIQUE DES BREVETS. TAASTRUP, 5 JUILLET 2006 [*Nations Unies, Recueil des Traités*, vol. 2565, I-45751.]

PROTOCOLE D'AMENDEMENT DE L'ACCORD PORTANT CRÉATION DE L'INSTITUT NORDIQUE DES BREVETS. GENÈVE, 2 OCTOBRE 2012

Entrée en vigueur : 19 décembre 2012 par notification, conformément à l'article III

Textes authentiques : danois, anglais, islandais et norvégien

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : Danemark, 15 mars 2013

[DANISH TEXT – TEXTE DANOIS]

Ændringsprotokol til Aftale om oprettelse af Nordisk Patent Institut

Regeringerne i Danmark, Island og Norge (herefter "de kontraherende parter"), der ønsker at indgå en protokol om ændring af aftale af 5. juli 2006 om oprettelse af Nordisk Patent Institut (herefter "aftalen") med henblik på at udvide den kreds af lande, i forhold til hvilke Nordisk Patent Institut kan fungere som international nyhedsundersøgende myndighed og international patenterbarhedsvurderende myndighed i henhold til Patentsamarbejdsstraktaten,

er blevet enige om følgende:

Artikel I

I aftalens artikel 5 indsættes som nyt 5.4:

"NPI kan i henhold til nærmere aftale mellem NPI og WIPO fungere som international nyhedsundersøgende myndighed og international patenterbarhedsvurderende myndighed for en international ansøgning indgivet til den modtagende myndighed eller den myndighed, som optræder på vegne af stater, der er parter i PCT, og som grænser op til en eller flere af de kontraherende parter til denne aftale, såfremt den modtagende myndighed har udpeget NPI til dette formål."

Artikel II

Artikel 5 omnummereres således, at 5.4 bliver 5.5, 5.5 bliver 5.6, 5.6 bliver 5.7 og 5.7 bliver 5.8.

Følgelig erstattes ordlyden "5.1, 5.2, 5.3 og 5.5 ovenfor" i aftalens hidtidige 5.6 med ordlyden »5.1, 5.2, 5.3, 5.4 og 5.6 ovenfor" i 5.7, og ordlyden "5.1 - 5.6 ovenfor" i aftalens hidtidige 5.7 erstattes med ordlyden "5.1 - 5.7 ovenfor" i 5.8.

Artikel III

Protokollen træder i kraft den dag, hvor samtlige kontraherende parter har givet det danske Udenrigsministerium skriftlig meddelelse om deres godkendelse af protokollen. Det danske Udenrigsministerium underretter de øvrige kontraherende parter om modtagelsen af disse meddelelser og om tidspunktet for protokollens ikrafttrædelse.

Protokollen træder i kraft og finder anvendelse, så længe aftalen er i kraft.

Originalteksten til protokollen skal deponeres hos det danske Udenrigsministerium, der tilstiller de øvrige parter bekræftede genparter heraf.

TIL BEKRÆFTELSE HERAF, har de underskrivende repræsentanter for de kontraherende parter, som er behørigt bemyndigede dertil af deres respektive regeringer, underskrevet nærværende protokol.

Udfærdiget i Geneve den 2. oktober 2012 i en enkelt original på engelsk, dansk, islandsk og norsk. I tilfælde af uoverensstemmelse mellem protokollens engelske, danske, islandske og norske tekst, skal den engelske tekst have forrang.

*[For the signatures, see at the end of the English text -
Pour les signatures, voir à la fin du texte anglais.]*

[ENGLISH TEXT – TEXTE ANGLAIS]

**Protocol of amendment
of the Agreement on the Establishing of the Nordic Patent Institute**

The Governments of Denmark, Iceland and Norway (hereinafter referred to as the "Contracting Parties"), desirous to conclude a Protocol amending the Agreement of 5 July 2006 on the Establishing of the Nordic Patent Institute (hereinafter referred to as the "Agreement") to broaden the scope of countries for which Nordic Patent Institute can act as International Searching Authority and International Preliminary Authority under the Patent Cooperation Treaty;

Have agreed as follows:

Article I

The following new paragraph shall be added to Article 5 of the Agreement and numbered as 5.4:

"Subject to an agreement between NPI and WIPO, NPI may act as International Searching Authority and International Preliminary Examining Authority for any international application filed with the receiving Office of, or acting for, States party to the PCT, adjacent to one or more of the Contracting Parties of this Agreement, provided that the receiving Office specifies NPI for that purpose."

Article II

The paragraphs of Article 5 shall be renumbered as follows: 5.4 shall become 5.5, 5.5 shall become 5.6, 5.6 shall become 5.7 and 5.7 shall become 5.8.

Consequently the words "Paragraphs 5.1, 5.2, 5.3, and 5.5 above" in the present Paragraph 5.6 of the Agreement shall be replaced, in Paragraph 5.7, by the words " Paragraphs 5.1, 5.2, 5.3, 5.4 and 5.6 above " and the words "Paragraphs 5.1 through 5.6 above" in the present Paragraph 5.7 of the Agreement shall be replaced, in Paragraph 5.8, by the words "Paragraphs 5.1 through 5.7 above".

Article III

This Protocol shall enter into force on the date when all Contracting Parties have notified the Danish Ministry of Foreign Affairs, in writing, that the Protocol has been approved. The Ministry of Foreign Affairs of Denmark shall inform the other Contracting Parties of the receipt of the notification and the date on which the Protocol enters into force.

This Protocol shall remain in force so long as the Agreement is in force.

The original of this Protocol shall be deposited in the Ministry of Foreign Affairs of Denmark, which shall transmit certified copies of it to the other Contracting Parties.

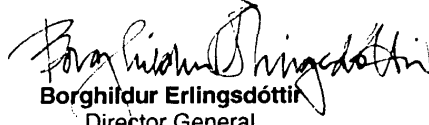
IN WITNESS HEREOF the undersigned representatives of the Contracting Parties being duly authorized hereto by their own governments have signed the present Protocol.

Done at Geneva this second day of October 2012, in a single original in the English, Danish, Icelandic and Norwegian languages. In case of conflict between the English text of this Protocol and the Danish, Icelandic and Norwegian text(s) of this Protocol, the English text shall prevail.

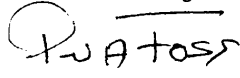
On behalf of the Danish Government


Jesper Kongstad
Director General

On behalf of the Icelandic Government


Borghildur Erlingsdóttir
Director General

On behalf of the Norwegian Government


Per A. Foss
Director General