TRATATUL DE LA NAIROBI PRIVIND PROTECȚIA SIMBOLULUI OLIMPIC*

ADOPTAT LA 26 SEPTEMBRIE 1981

NAIROBI TREATY ON THE PROTECTION OF THE OLYMPIC SYMBOL

ADOPTED AT NAIROBI ON SEPTEMBER 26, 1981

*În vigoare pentru Republica Moldova din 25 decembrie 1991.

CHAPTER I

SUBSTANTIVE PROVISIONS

Article 1
Obligation of States

Any State party to this Treaty shall be obliged, subject to Articles 2 and 3, to refuse or to invalidate the registration as a mark and to prohibit by appropriate measures the use, as a mark or other sign, for commercial purposes, of any sign consisting of or containing the Olympic symbol, as defined in the Charter of the International Olympic Committee, except with the authorization of the International Olympic Committee. The said definition and the graphic representation of the said symbol are reproduced in the Annex.

Article 2
Exceptions to the Obligation

(1) The obligation provided for in Article 1 shall not bind any State party to this Treaty in respect of:

(i) any mark consisting of or containing the Olympic symbol where that mark was registered in that State prior to the date on which this Treaty enters into force in respect of that State or during any period during which, in that State, the obligation provided for in Article 1 is considered as suspended under Article 3;

(ii) the continued use for commercial purposes of any mark or other sign, consisting of or containing the Olympic symbol, in that State by any person or enterprise who or which has lawfully started such use in the said State prior to the date on which this Treaty enters into force in respect of that State or during any period during which, in that State, the obligation provided for in Article 1 is considered as suspended under Article 3. kfjgskl;fdg sl;dkf

(2) The provisions of paragraph (1)(i) shall apply also in respect of marks whose registration has effect in the State by virtue of a registration under a treaty which the said State is a party to.

(3) Use with the authorization of the person or enterprise referred to in paragraph (1)(ii) shall be considered, for the purposes of the said paragraph, as use by the said person or enterprise.

(4) No State party to this Treaty shall be obliged to prohibit the use of the Olympic symbol where that symbol is used in the mass media for the purposes of information on the Olympic movement or its activities.

Article 3
Suspension of the Obligation

The obligation provided for in Article 1 may be considered as suspended by any State party to this Treaty during any period during which there is no agreement in force between the International Olympic Committee and the National Olympic Committee of the said State concerning the conditions under which the International Olympic Committee will grant authorizations for the use of the Olympic symbol in that State and concerning the part of the said National Olympic Committee in any revenue that the International Olympic Committee obtains for granting the said authorizations.

CHAPTER II

GROUPINGS OF STATES

Article 4
Exceptions to Chapter I

The provisions of Chapter I shall, as regards States party to this Treaty which are members of a customs union, a free trade area, any other economic grouping or any other regional or subregional grouping, be without prejudice to their commitments under the instrument establishing such union, area or other grouping, in particular as regards the provisions of such instrument governing the free movement of goods or services.

CHAPTER III

FINAL CLAUSES

Article 5
Becoming Party to the Treaty

(1) Any State member of the World Intellectual Property Organization (hereinafter referred to as "the Organization") or of the International (Paris) Union for the Protection of Industrial Property (hereinafter referred to as "the Paris Union") may become party to this Treaty by:

(i) signature followed by the deposit of an instrument of ratification, acceptance or approval, or

(ii) deposit of an instrument of accession.

(2) Any State not referred to in paragraph (1) which is a member of the United Nations or any of the Specialized Agencies brought into relationship with the United Nations may become party to this Treaty by deposit of an instrument of accession.

(3) instruments of ratification, acceptance, approval and accession shall be deposited with the Director General of the Organization (hereinafter referred to as "the Director General").

Article 6
Entry Into Force of the Treaty

(1) With respect to the three States which are the first to deposit their instruments of ratification, acceptance, approval or accession, this Treaty shall enter into force one month after the day on which the third instrument of ratification, acceptance, approval or accession has been deposited.

(2) With respect to any other State which deposits its instrument of ratification, acceptance, approval or accession, this Treaty shall enter into force one month after the day on which that instrument has been deposited.

Article 7
Denunciation of the Treaty

(1) Any State may denounce this Treaty by notification addressed to the Director General.

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

Article 8
Signature and Languages of the Treaty

(1) This Treaty shall be signed in a single original in the English, French, Russian and Spanish languages, all texts being equally authentic.

(2) Official texts 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 Conference of the Organization or the Assembly of the Paris Union may designate.

(3) This Treaty shall remain open for signature at Nairobi until December 31, 1982, and thereafter at Geneva until June 30, 1983.

Article 9
Deposit of the Treaty; Transmittal of Copies; Registration of the Treaty

(1) The original of this Treaty, when no longer open for signature at Nairob i, shall be deposited with the Director General.

(2) The Director General shall transmit two copies, certified by him, of this Treaty to all the States referred to in Article 5(1) and 5(2) and, on request, to any other State.

(3) The Director General shall register this Treaty with the Secretariat of the United Nations.

Article 10
Notifications

The Director General shall notify the States referred to in Article 5(1) and 5(2) of:

(i) signatures under Article 8;

(ii) deposits of instruments of ratification, acceptance, approval or accession under Article 5(3);

(iii) the date of the entry into force of this Treaty under Article 6(1);

(iv) any denunciation notified under Article 7.

ANNEX

The Olympic symbol consists of five interlaced rings: blue, yellow, black, green and red, arranged in that order from left to right. It consists of the Olympic rings alone, whether delineated in a single color or in different colors.