

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2005 Nr. 185

A. TITEL

Overeenkomst tussen het Koninkrijk der Nederlanden en de Europese Octrooiorganisatie betreffende het onderdeel van het Europees Octrooibureau in 's-Gravenhage; München, 19 oktober 1977

B. TEKST

De Nederlandse, Engelse en Franse tekst van de Overeenkomst zijn geplaatst in *Trb.* 1978, 16.

Op 6 april 2005 zijn nota's gewisseld tussen het Koninkrijk der Nederlanden en de Europese Octrooiorganisatie inzake de tewerkstelling van gezinsleden. De tekst van de nota's luidt als volgt:

Nr. I

Ministerie van Buitenlandse Zaken

The Hague, 6 April 2005

DJZ/VE-317/05

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the European Patent Organisation (hereinafter: the Organisation) and, with reference to the discussions between the Ministry and the Organisation has the honour to propose the following:

1. The following persons shall be authorised to engage in gainful employment in the Netherlands:
 - a) the spouse of an employee of the Office or a registered partner of an employee of the Office;

- b) children under the age of 18 of an employee of the Office;
- c) children between 18 and 27 years of age of an employee, provided that they formed part of his or her household prior to their first entry into the Netherlands and still form part of this household, and that they are:
 - (i) unmarried,
 - (ii) financially dependent on the employee concerned, and
 - (iii) receiving an education in the Netherlands.

2. The authorisation as referred to in paragraph 1 shall be applicable for the duration of the term of office of the employee concerned.

3. In case of the insolvency of a person as referred to in Article 1 who is aged under 18, with respect to a claim arising out of gainful employment of that person, the immunity of the employee concerned shall be waived for the purpose of settlement of the claim, in accordance with Article 19, paragraph (2) of the Protocol on privileges and immunities of the European Patent Organisation. Moreover, Article 3 of the Agreement between the Kingdom of the Netherlands and the European Patent Organisation concerning the Branch of the European Patent Office at The Hague, concluded at München on 19 October 1977 shall be applicable.

4. Employment referred to in paragraph 1 shall be in accordance with Dutch legislation, including fiscal and social security legislation, unless any other applicable international legal instrument provides otherwise.

If this proposal is acceptable to the Organisation, the Ministry proposes that this Note and the Organisation's affirmative reply to it shall together constitute an Agreement between the Kingdom of the Netherlands and the European Patent Organisation, which shall be provisionally applied from the date of the Organisation's reply and which shall enter into force on the date of receipt of the notification of the Organisation, stating that the requirements for the entry into force of the Agreement have been fulfilled. The Agreement shall remain in force until the day of the entry into force of a future Agreement containing an amendment of the Agreement between the Kingdom of the Netherlands and the European Patent Organisation concerning the Branch of the European Patent Office at The Hague, concluded at München on 19 October 1977.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands avails itself of this opportunity to renew to the European Patent Organisation the assurances of its highest consideration.

European Patent Organisation

Nr. II

European Patent Office

The Hague, 6 April 2005

The European Patent Organisation presents its compliments to the Ministry of Foreign Affairs of the Kingdom of the Netherlands and has the honour to acknowledge receipt of the Ministry's Note DJZ/VE-317/05 of 6 April 2005, which reads as follows:

(Zoals in Nr. I)

In reply, the European Patent Organisation has the honour to inform the Ministry that the proposal is acceptable to the European Patent Organisation, which therefore agrees that the Ministry's Note and this reply shall constitute an Agreement between the European Patent Organisation and the Kingdom of the Netherlands, which shall enter into force on the date of receipt of the notification of the Organisation, stating that the requirements for the entry into force of the Agreement have been fulfilled. The Agreement shall remain in force until the day of the entry into force of a future Agreement containing an amendment of the Agreement between the Kingdom of the Netherlands and the European Patent Organisation concerning the Branch of the European Patent Office at The Hague, concluded at München on 19 October 1977.

The European Patent Organisation avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Kingdom of the Netherlands the assurances of its highest consideration.

Ministry of Foreign Affairs

D. PARLEMENT

Zie *Trb.* 1978, 16.

Het in de nota's vervatte verdrag behoeft ingevolge artikel 7, onderdeel a, van de Rijkswet goedkeuring en bekendmaking verdragen juncto artikel 3 van de Wet van 24 december 1947 (*Stb.* H 452) houdende goedkeuring van het Verdrag nopens de voorrechten en immuniteiten van de Verenigde Naties niet de goedkeuring van de Staten-Generaal.

F. VOORLOPIGE TOEPASSING

Het in de nota's vervatte verdrag werd ingevolge het gestelde in de op één na laatste alinea van beide nota's vanaf 6 april 2005 voorlopig toegepast.

Wat het Koninkrijk der Nederlanden betreft, gold de voorlopige toepassing alleen voor Nederland.

G. INWERKINGTREDING

Zie *Trb.* 1978, 16.

De bepalingen van het in de nota's vervatte verdrag zijn ingevolge het gestelde in de op één na laatste alinea van beide nota's in werking getreden op 16 juni 2005.

Wat het Koninkrijk der Nederlanden betreft, geldt het in de nota's vervatte verdrag alleen voor Nederland.

J. VERWIJZINGEN

Titel	: Verdrag inzake de verlening van Europese octrooien (Europees Octrooiverdrag); München, 5 oktober 1973
Laatste <i>Trb.</i>	: <i>Trb.</i> 1995, 198
Titel	: Verdrag nopens de voorrechten en immuniteiten van de Verenigde Naties; Londen, 13 februari 1946
Tekst	: <i>Trb.</i> 1948, 224 (Engels en Frans en vertaling)
Laatste <i>Trb.</i>	: <i>Trb.</i> 1994, 210

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat het Verdrag zal zijn bekendgemaakt in Nederland op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *tiende* augustus 2005.

De Minister van Buitenlandse Zaken,

B. R. BOT