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WIPO Meetings

Paris Union

Working Group on Conflict Between an Appellation of Origin and a Trademark

Second Session
(Geneva, June 19 to 29, 1979)

NOTE *

The Working Group on Conflict Between an Appellation of Origin and a Trademark, established by the Preparatory Intergovernmental Committee on the Revision of the Paris Convention for the Protection of Industrial Property, held its second session in Geneva from June 19 to 29, 1979.¹ Fourteen of the 15 member States of the Working Group were represented, and 18 other States were represented as observers. The list of participants follows this Note.

The Working Group discussed proposals for a new Article 10*quater* concerning the protection of certain geographical indications originating in one country in other countries, as well as proposals to amend Article 6*ter* of the Convention to extend also to the official names of States.

In concluding its work, the Working Group decided to forward to the Diplomatic Conference for the Revision of the Paris Convention the texts of the proposals presented to the Working Group.

LIST OF PARTICIPANTS **

I. States Members of the Working Group

Algeria: H. Redouane; F. Bouzid; K. Sahnouni. **Brazil:** A. Bahadian; C.I. Gontijo. **Cameroon:** D. Ekani. **Canada:** R. Théberge; J. Butler; M.R. Leir. **France:** G. Vianès; R. Tinlot; M. Hiance; L. Nicodème; A. Devlétian; J.F. Faure. **Germany (Federal Republic of):** E. Steup; J. Wenzl; H.P. Kunz-Hallstein. **Hungary:** G. Bánrévy; M. Bognár. **India:** S. Singh. **Poland:** B. Rokicki. **Soviet Union:** V.F. Zubarev; M.M. Boguslavsky. **Switzerland:** P. Braendli; F. Balleys; P.J. Pointet. **United Kingdom:** R. Bowen; L. Lewis. **United States of America:** S.A. Diamond; M.K. Kirk; G.R. Clark. **Yugoslavia:** D. Bosković; D. Cemalović; M. Adanja.

* This Note has been prepared by the International Bureau.

¹ For a discussion of the first session, see *Industrial Property*, 1979, p. 80.

** A list containing the titles and functions of the participants may be obtained from the International Bureau.

II. Observer States

Argentina: J. Pereira. **Egypt:** F. El Ibrashi. **El Salvador:** N.R. Monge Lopez; C.A. Barahona Rivas. **Ghana:** J.E. Essuman. **Greece:** J. Nolas. **Ireland:** J. Quinn. **Italy:** R. Boros; C. Trotta Leonetti; E. Bouleuz. **Japan:** K. Wada; S. Uemura. **Madagascar:** S. Rabearivelo. **Mexico:** M.M.F. Ize de Charrin. **Netherlands:** W. Neervoort; H. Pieters; U. Bruehann. **Nicaragua:** I. Castillo-González. **Nigeria:** O. Adeniji. **Portugal:** J. Van-Zeller Garin; J. Mota-Maia. **Senegal:** A. Sene; B.P. Crespin. **Spain:** S. Jessel; G. Yravedra. **Sweden:** C. Ugglá. **Zaire:** K. Luanda.

III. Officers

Chairman: E. Steup (Federal Republic of Germany). *Vice-Chairmen:* A. Bahadian (Brazil); V.F. Zubarev (Soviet Union). *Secretary:* F. Curchod (WIPO).

IV. WIPO

A. Bogsch (*Director General*); K. Pfanner (*Deputy Director General*); L. Baeumer (*Director, Industrial Property Division*); M. Porzio (*Director, Office of the Director General*); F. Curchod (*Head, Special Projects Section, Industrial Property Division*); V.A. Moujjevlev (*Program Officer, Industrial Property Division*).

ICIREPAT

Technical Committee for Standardization

Seventeenth (and last) Session
(Geneva, June 25 to 29, 1979)

NOTE *

The Technical Committee for Standardization (TCST) of the Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) held its seventeenth (and last) session in Geneva from June 25 to 29, 1979. Following the decision taken by the WIPO Permanent Committee on Patent Information (PCPI), this session was held jointly with the first session of the PCPI Working Group on General Information. The list of participants follows this Note.

* This Note has been prepared by the International Bureau.

ICIREPAT Standard SI.8. The TCST agreed that ICIREPAT Standard SI.8 ("Standard Code for Identification of Different Kinds of Patent Documents") should be used on the first page of patent documents preferably *after* the document number.

The TCST reaffirmed the conclusion it had reached at its sixteenth session that the publication levels "A," "B" and "C" for patent documents in the national publication phase should be applied irrespective of possible earlier publication levels which might have occurred during the procedures under international treaties and conventions.

ICIREPAT Standard ST.3. The TCST noted that the alpha-two code "EF" had been included among the "reserved codes" by the Maintenance Agency for International Standard ISO 3166 and requested the International Bureau to include this code in Section 3 of ICIREPAT Standard ST.3 (Standard Code for the Representation of the Names of Independent States and Other Entities which issue Patent Documents and of International Organizations in the Field of Industrial Property") to designate the future Union of countries under the European Community Patent Convention.

ICIREPAT Standard SI.14. The TCST decided to recommend the inclusion of the new reference forms and recording formats for Japanese patent and utility model application numbers in ICIREPAT Standard SI.14 ("Recommendation concerning the Recording of Application Numbers on Magnetic Tape").

Coding of Headings of Announcements Made in Official Gazettes. The TCST adopted a "Recommendation for the Coding of Headings of Announcements made in Official Gazettes" and decided to forward it to the Plenary Committee of ICIREPAT (PLC) for adoption at first reading.

The TCST decided that the question of the possibility and desirability of broadening the scope of the recommendation also to include codes for the headings appearing in Official Gazettes concerning trademarks and trademark procedures should be brought to the attention of the PCPI.

LIST OF PARTICIPANTS*

I. Member States

Canada: D.V. Cummings. **Czechoslovakia:** M. Fortová. **Denmark:** A. Morsing. **Finland:** J. Rainesalo. **France:** M. Verderosa; M. Monka. **German Democratic Republic:** R. Blumstengel. **Germany (Federal Republic of):** H. Hannus. **Japan:** N. Tejima; K. Hatakawa. **Norway:** K. Hansen. **Spain:** J. González Noriega; A.C. Ortega Lechuga. **Sweden:** J.-O. Hyltner. **Switzerland:** J.-L. Comte; M. Leuthold. **Soviet Union:** L. Kostikov; G. Neguliaev. **United Kingdom:** A.M. Bayer. **United States of America:** E.A. Hurd.

II. Observer States

Bulgaria: J. Kosseva.

III. Intergovernmental Organizations

European Patent Office (EPO): H. de Vries; H. Pauwels.

IV. Observer Organizations

Commission of the European Communities (CEC): H. Bank. **International Federation for Documentation (FID):** F.J. Leloux; A. Respond. **International Patent Documentation Center (INPADOC):** G. Quarda. **Patent Documentation Group (PDG):** D. Ligtenberg.

V. Officers

Chairman: J.-L. Comte (Switzerland). **Vice-Chairmen:** D.V. Cummings (Canada); R. Blumstengel (German Democratic Republic). **Secretary:** H. Konrad (WIPO).

VI. WIPO

P. Claus (*Director, Patent Information Division*); H. Konrad (*Head, General Patent Information Section, Patent Information Division*); R. Andary (*Technical Officer, General Patent Information Section*); V. Roslov (*Technical Officer, General Patent Information Section*); H. Sasaki (*Consultant, Patent Information Division*).

* A list containing the titles and functions of the participants may be obtained from the International Bureau.

General Studies

Reform of Design Protection in Hungary

M. BOGNÁR*

Decree-Law No. 28 of 1978 of the Presidium of the Hungarian People's Republic on the Protection of Designs¹ is the third act of the legislative program on industrial property. The reform of this legal institution, based on registration, is the practical and necessary sequel to the Patent and Trademark Acts, which were promulgated in 1969 and came into force in 1970.² There were, however, some other reasons for updating design protection, and no article on the new legal provisions would be complete without a historical survey.

Background

The question of industrial designs became prominent in Hungary quite recently. After the difficulties of the years following the Second World War, during the period when the achievement of mass production was the prime concern, increasing demands were made on industry, which was required to manufacture an assortment of products in an up-to-date and attractive form. In addition to the proper performance of technical and functional tasks, manufacturers were already striving for the progressive improvement of the design of a range of products. This endeavor was the result of both the increased demands on the home market and the demands made on exports. The question is of special importance with respect to the marketing of products abroad, owing to the fact that about 60% of Hungarian products are for export, and that the up-to-date and attractive presentation of goods is essential to international sales.

The effect of all these circumstances has been to focus interest on design in recent years. The experts, namely designers working in various fields of industry, have thoroughly analyzed the role and significance of design and the importance of design development; they have been examining the dialectic relations of

function and form from the point of view of both theory and practice, and they are looking for the right direction and methods of design development.

In the spirit of these endeavors, and in the interest of their practical realization, State measures were also taken recently. In 1975, the Council of Ministers passed a resolution on State guidance in the field of design. The Design Council, consisting of representatives of the ministries concerned and other organizations, was created and given the task of conducting affairs concerning the present situation and the development of design. For the purpose of effective organization and for the performance of the above task, a Design Center was established under the direction of the Council.

The regulation of design protection in Hungary has a respectable past. The legal provisions resulting from the present work of codification replace a regulation dating back to 1907 "on the protection of industrial models and designs." Whereas a law was enacted on trademark protection as early as in 1890, the protection of designs was governed by Imperial Letters Patent of 1858 and 1865, which remained valid until 1907. Designs were deposited and registered at Chambers of Commerce and Industry, and the protection of the designs of Austrian nationals extended also to the territory of Hungary, by virtue of the commercial and customs union of the two countries. British, Spanish, French, Italian, Serbian and Japanese nationals could likewise obtain protection for their designs on the basis of bilateral agreements. The regulations on designs were already the subject of criticism at the end of the 19th century, owing to the confusion that arose from the system of registration being divided among various Chambers.

Thus Hungary had no independent regulation on the protection of designs. In 1901, a bill was in fact prepared on this subject providing also for the protection of utility models. The bill centralized the registration of designs at the Patent Office and made it responsible for the grant of rights, administrative matters and legal proceedings, and invalidation. The protection period was set at 15 years, and there was provision in the procedure for a substantive examination. The bill was not passed, however.

The origins of the urgent search for independent regulations go back as far as before the Hungarian War of Independence of 1848. Lajos Kossuth, who was Governor at the time of the 1848 War, described the problem as follows in the newspaper *Pesti Hirlap* in 1842: "... political independence without industrial

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¹For the text of this Decree-Law, see this month's selection of *Industrial Property Laws and Treaties, HUNGARY—Text 4-001*.

²*Industrial Property*, 1970, pp. 112/313 and 181.

independence is nothing but illusion and transitory self-delusion." And what else could further the cause of "industrial independence" but the enactment of independent Hungarian statutory provisions?

When the Imperial Letters Patent became invalid for Hungary, by virtue of State Agreements passed on December 31, 1907, Order No. 107.709/1907 of the Minister of Commerce governed the protection of designs. The Order did not, however, introduce the modifications envisaged by the above bill. Its provisions were not up to date even at the time of their enactment, and as time passed they became, so to speak, things of the past. Examples of this were the short period of design protection (maximum three years), the lack of clear-cut provisions on designs created in the framework of employment relationships and on the remuneration of creators, and the deficiencies of the procedural regulations.

The New Decree-Law

The main principles embodied in the 1978 provisions—which entered into force on March 1, 1979—are as follows:

(i) demarcation of concepts eligible for design protection: protection is not limited exclusively to the decorative presentation of the article, but the possibility of design protection becoming equivalent in practice to the legal institution of the utility model is excluded;

(ii) promotion of economy in production enterprises and incentives for large-scale development of design activities by means of the exclusive right inherent in design protection;

(iii) careful provision for the moral and material interests of creators;

(iv) alignment with other modernized Hungarian legal provisions on industrial property protection;

(v) consideration of up-to-date foreign legal provisions on design protection;

(vi) consideration of the requirements deriving from the relevant international obligations of the State.

The main provisions of the new Decree may be summarized as follows.

Designs Eligible for Protection

Design protection may be obtained for the form of an industrial product, that is, a visually perceptible shape or the physical appearance of an article. Design protection may not be obtained for a technical solution achieved through the design, for instance a

functional principle, structural development or technological production process, or the material composition of an article.

Design protection may be obtained for any product with a perceptible outward shape.

The sole condition of protection is novelty without any limitation in time or space. When devising this requirement of novelty so that it might be understood in international terms, it became apparent that the exclusive right to design protection was determined by the design created as a result of independent intellectual creation. If, therefore, the result of a third party's work were adopted, the acquisition of rights would not be fair even if the shape given to the article concerned was of different origin.

In the course of the legislative work, various organizations expressed misgivings regarding this broad interpretation of novelty; they doubted whether a sufficiently thorough novelty examination could be expected in the grant procedure, or whether suitable documentation could be accumulated for this purpose. In their view, even minor shortcomings in that area could make the imposition of a strict novelty requirement illusory. It must not be forgotten, however, that absolute novelty as a condition of protection is a principle of substantive law, the practical realization of which should be sought precisely in the course of the application procedure. In addition to the novelty examination carried out *ex officio*, there is the possibility of opposition on the one hand, and of nullity proceedings (after the grant of protection) on the other, which makes it possible for an application for design protection that does not meet this requirement to be rejected, or, as the case may be, for existing protection to lapse.

Any form of disclosure may be prejudicial to novelty, for instance public use, distribution, publication in printed matter or communication by television, if on the basis of that disclosure the design may be produced by any person.

During the drafting of the new legal provisions, there was much argument about the establishment of possible further conditions of protection, such as the question of aesthetic effect. According to one conception, the words "aesthetic effect" should express unambiguously that the role of design protection was one of interrelation, or harmony of content and form. Those in favor of this criterion meant, by the requirement of aesthetic effect, the perceptible and appreciable harmony of form, decoration and color, and their effect on environment and human consciousness, to be achieved through the creation of the design. In fact this requirement was eventually not included in the text of the Decree: its opponents were afraid that the case law might interpret aesthetic effect as being some abstract, artistic requirement deriving from values of many thousand years' standing, and also that it might result in a highly subjective, unassertable claim.

During the drafting of the Decree, the question of the criterion of "particular" shape also came up, but it too was rejected owing to its subjective and indefinable character.

The new legal provisions list the cases in which the design is not eligible for protection in spite of its novelty. For instance, the form determined by the technical solution or the purpose (or function) of the product may not be protected. Neither may protection be obtained for a creation identical with or confusingly similar to a design protected as from an earlier priority date. Finally, designs the use of which would be contrary to law or generally accepted rules of morality are also excluded from protection.

The exclusion from protection of designs resulting merely from the purpose of the product or the technical solution embodied in it serves to avoid a situation where design protection becomes in practice a legal institution whose only real purpose is the protection of a technical solution, thus perhaps making it possible to circumvent patent protection. In recent years—since design is no longer limited to shapes with a decorative purpose, indeed since worldwide emphasis has been placed on the creation of shapes for practically all products—experience has shown that numerous designs are registered for articles whose outward shape is determined exclusively by their function or by the technical solution embodied in them. For instance machine parts are structural elements for which a "form" may in fact be found, but that form has no real "design" purpose as it is completely built in, cannot be seen on the finished article and therefore has no independent effect.

Proprietor of Design Protection

Design protection is granted to the creator or his legal successor. If two or more persons jointly create the design, the right to design protection belongs to them jointly. Except where a final court judgment has ruled to the contrary, the person who applied for design protection with the earliest priority date is considered the person in whom the right is vested.

In the case of a design created in the framework of an employment relationship or on commission—the so-called "employee design"—the right to design protection generally belongs to the employer or commissioning party. However, if the latter does not claim design protection or does not make a statement replying to the written request of the creator within 60 days, the right is granted to the creator, in other words the creator becomes the proprietor of the design protection.

The regulation of the status of employee designs is all to the credit of the new legal system: the earlier system had no provision for this question, which

caused a number of problems to emerge in the case law, all the more so since nowadays designs are increasingly created in the framework of employment relationships.

Remuneration for Exploitation of Protected Designs

Material appreciation is due the owner of the design and, in the case of employee designs, its creator.

It was the question of remuneration that caused the most animated discussion during the codifying work on the new legal system. The debate focused on two topics. Opinions differed on whether the legal provisions should give some guidance as to the method and measure of material appreciation, that is on the actual basis of remuneration or whether—as with the system for the remuneration of inventors—agreement on the subject should be entrusted to the parties involved. Another problem also emerged, namely whether the legal text should contain some provision on the method of remuneration and what remuneration system should serve as the basis, either that of copyright or that of innovation.

What the Decree-Law eventually provided for was the following.

The proprietor of the design can claim a purchase price where the right itself is granted, whereas if a license is granted a royalty is payable. The amount of remuneration should be fixed in proportion to the economic effect achieved with the design, but should not exceed half the fee payable to the author of a work of applied art or design art.

The other question that provoked discussion was whether or not, in the case of realization (exploitation) of the protected design, remuneration was due to the creator in an employee relationship, that is, to the creator of the so-called "employee design." In the opinion of one party, the payment of remuneration was not justified in such cases since the employed creator, having created the design in the framework of his sphere of activity, received his salary, which afforded sufficient recognition of his intellectual activity. The opinion that eventually prevailed was the one that favored the payment of remuneration, reasoning that, in the case of creations to be qualified as novel even on a world scale, suitable appreciation and stimulation was justified even for the authors of employee designs. This possibility of remuneration will in all likelihood have a favorable influence on design activity, and it will also encourage designers with a high level of activity to exercise their designing ability in the framework of employment relationships, that is, as employees of the enterprise concerned. Remuneration according to the above considerations, and in the order of magnitude mentioned, is thus payable also to the creator of the employee design.

In any event, the Decree-Law unambiguously provides that the rights of proprietors of designs who also enjoy copyright protection are not altered under the provisions on remuneration for protected designs: the fact that the proprietor of design protection also receives copyright remuneration does not remove the right to remuneration for the protected design in accordance with the relevant provisions.

At present, remuneration for copyrighted works is governed by a decree of the Minister of Culture. The appendix to that decree arranges the creations of applied art and design in nine groups (creations of goldsmiths, metal artists, porcelain artists, ceramic artists, glass artists, textile artists, clothing artists, wood and furniture artists, toy and marionette artists, as well as tools and equipment for engineering and other branches). The amount of the creator's royalty can be specified either within cash limits or in proportion to the maximum production cost. Thus a maximum of 50% of sums fixed in this way or according to a percentage scale, as the case may be, can be paid as remuneration for a protected design. In the event of a dispute, the decision lies with the court.

Effects of Design Protection

Design protection confers on the proprietor of the design the exclusive right systematically to manufacture and market the industrial product embodying the design, and also to grant a license to third parties for the same activities. Changes in rights cannot be invoked against third parties unless the changes concerned have been entered in the Register.

The scope of protection is determined by the photograph or drawing of the design entered in the Register.

Protection is granted only for registered designs; it begins on the date of registration, with retroactive effect to the date of application. The term of protection is five years, and it may be prolonged once for another five years.

Licenses may be granted against compensation or free of charge, on the basis of a contract. The license confers an exclusive right only if this is specified, and the license is valid without limitation in time or space throughout the term of protection. The Decree-Law also governs other matters of detail concerning exploitation.

With respect to any unlawful act involving the design, the law distinguishes between acts affecting the design itself and acts affecting the protection of the design.

In the event of unlawful infringement of the subject matter of the application for design protection or of the design protection itself, the injured party may

claim assignment to him of the application or of the design protection.

In the case of unlawful exploitation of the protected design, the proprietor of the protection may bring civil action against the infringer under the Civil Code.

Expiration of Protection

Design protection expires:

- (i) when the period of protection comes to an end without renewal;
- (ii) if the proprietor surrenders his right; or
- (iii) if design protection is declared null and void.

The declaration of nullity has retroactive effect and may be claimed by any person on the grounds that design protection should not have been granted according to the provisions of the Decree-Law.

Procedural Provisions

With regard to procedural provisions, the Decree-Law adjusts itself to the Regulations of the Patent and Trademark Acts for the sake of uniformity of procedure in industrial property matters. Matters involving design protection fall within the competence of the National Office of Inventions, with the exception of procedures in connection with the infringement of designs and design protection, which fall within the competence of the courts. Review of the decision of the National Office of Inventions on the merits may be requested of the Budapest Metropolitan Court, and of the Supreme Court of the Hungarian People's Republic within 30 days.

The National Office of Inventions examines design applications as to form and substance, allowing defects to be remedied or explanations to be given. Opposition may be filed in the course of the application procedure, this being a novel procedural element introduced by the new provisions.

The decision of the President of the National Office of Inventions regarding the application formalities for design protection is final.

Another new feature in addition to the opposition procedure is the procedure for a ruling on non-infringement in design protection cases.

Conclusion

The new provisions impose greater demands than the earlier ones, and accordingly require a stricter procedural system, which in all probability will cause interested parties some difficulty in the initial period of their practical application. There is reason to hope, however, that by virtue of the system of substantive

examination (for protectability) of applications and examination *ex officio*, with the possibility of opposition, the right obtained will be reassuring and secure for the proprietor of design protection. The longer period of protection will probably be sufficient to meet the demands made in that area. Documentation—consisting of national and foreign materi-

al—will be of assistance to parties wishing to acquaint themselves with design protection matters. Last but not least, the reform of the legal provisions will in all probability promote the development of design activities in Hungary and will appropriately serve the interests of both national and foreign applicants and design proprietors.

News from Industrial Property Offices

DENMARK

Report of the Patent Office 1974-1977*

1. The Patent Office, which reports to the Ministry of Commerce, is responsible for administering the Patent Law (No. 479 of December 20, 1967),¹ the Secret Patent Law (No. 18 of January 27, 1960),² the Trademark Law (No. 211 of June 11, 1959),³ the Collective Marks Law (No. 212 of June 11, 1959)⁴ and the Industrial Designs Law (No. 218 of May 27, 1970).⁵ The Office is also responsible for registering the armorial bearings and seals of the parishes (Notice of April 7, 1954).

International Conventions

2. The Office's policy during recent years has been shaped by Denmark's expected ratification of the European Patent Convention and the consequent sharp drop in patent applications filed with the Danish Office as a result of the granting by the European Patent Organisation (EPO) of patents valid in Denmark. The Danish Patent Office has therefore been very cautious in recruiting new staff. As a result, a large number of pending files has accumulated (more than 34,000 patent applications at the close of 1977—see item 11, below). Since it became obvious in the spring of 1978 (see item 4, below) that it would not be possible to ratify the European Patent Conven-

tion, the staff planning of the Office has been radically upset. A reduction of the enormous backlog of pending files will only be possible if a considerable increase is also made in future in the numbers of staff, thus re-establishing a balance between the intake capacity of the Office and the number of files.

3. In 1977, the Patent Cooperation Treaty (PCT) and the European Patent Convention were ratified by a sufficient number of States for them to take effect in 1978. On entry into force on June 1, 1978, the PCT had been ratified by 18 countries including France, Germany (Federal Republic of), Luxembourg, the Soviet Union, Switzerland, the United Kingdom and the United States of America. The European Patent Office also opened its doors on June 1, 1978, to accept European patent applications, the following eight countries, *inter alia*, having ratified the European Convention: Belgium, France, Germany (Federal Republic of), Luxembourg, Netherlands, Sweden, Switzerland, United Kingdom.

4. The draft law amending the Patent Law, which was to enable Denmark to ratify the European Convention relating to the Formalities required for Patent Applications, the PCT, the European Patent Convention and the Community Patent Convention, was submitted to Parliament on March 1, 1977. The first reading was held in December 1977. Before the second reading, in the spring of 1978, it transpired that, for the passage of the part of the draft law dealing with the European Patent Convention and the Community Patent Convention, a majority of five-sixths of the members of Parliament was required by Article 20 of the Constitution. As a result, the Ministry of Commerce was empowered to ratify the PCT only. The part of the draft dealing with harmonization with international patent law under the international conventions was adopted without amendment, but with one exception: the prohibition on patents for medicinal products or foodstuffs as such and on the manufacturing processes for foodstuffs was maintained until further notice.

* This report has been compiled by the International Bureau of WIPO from the annual reports (*Arsberetning*) of the Danish Patent Office for the years 1974, 1975, 1976 and 1977 (*Editor's note*).

¹ See *Industrial Property*, 1968, p. 172.

² See *La Propriété industrielle*, 1961, p. 238.

³ *Ibid.*, 1960, p. 61.

⁴ *Ibid.*, 1960, p. 67.

⁵ See *Industrial Property*, 1971, p. 223.

Nordic and International Cooperation

5. In 1974, the Nordic countries jointly signed an agreement with the International Patent Documentation Center (INPADOC) in respect of the latter's patent family service. The Nordic countries undertook to supply data, in machine-readable form, on the currently available patent applications, the rejected applications and the patents granted. In exchange, and against payment, each patent service of the Nordic countries receives information on the patent families, the applications and the patents of general interest currently originating in 25 countries, supplied on microfilm (COM cards). The patent family service permits it to be ascertained whether a given invention is covered by applications in a number of countries and gives information on their status in the countries concerned.

A meeting of the Nordic users of INPADOC was held in Vienna in January 1976 to discuss the agreement between the five Nordic countries and INPADOC. The agreement was signed on August 28, 1974, and subsequently enlarged to cover the archives edition of the INPADOC patent family service. The meeting considered other developments in the cooperation between the Nordic countries and INPADOC, taking into consideration the way in which the types of services offered by INPADOC were composed.

6. In addition, meetings of Nordic patent officials have continued in order to avoid divergence between the administrative practices of the Nordic Offices.

7. A joint effort towards the harmonization of Nordic legislation within the framework of the European patent system was begun in 1974. This work was rounded off in 1976 by the submission to the Ministries concerned of the recommendations of the Nordic Legislation Review Committee. In view of the fact that, in the end (see item 4, above), not all of the Nordic countries will be joining the European Patent Organisation, Nordic cooperation in 1977 was marked by the efforts made to draw up laws, publications and decisions concerning patents which were as harmonized as possible so as to preserve the existing uniformity of law despite the differing attitudes which the countries have finally adopted towards the international patent systems. Meetings took place between representatives of the Offices concerned to discuss the draft laws.

8. As a signatory to the European Patent Convention, Denmark pursued and maintained in 1977 its participation in the preparatory work for the setting up of the European Patent Organisation.

9. As a member of the European Economic Community, Denmark participated in the work of drawing up the Community Patent Convention signed on December 15, 1975. During 1976 and 1977, Denmark participated in the work of the Interim Committee for the Community Patent Convention

and its three working groups. In view of the fact that the entry into force of this Convention requires ratification by the nine Member States of the EEC, it is not possible to predict the date of its entry into force.

10. Denmark's participation in the work of WIPO continued in numerous fields: revision of the Paris Convention and of the Nice Agreement, possible revision of the Madrid Agreement on Indications of Source and the Lisbon Agreement on Appellations of Origin, Budapest Diplomatic Conference on the Deposit of Microorganisms, ICIREPAT and PCPI, etc.

Activities of the Patent Division

11. The following figures show the trend over recent years in the number of patents applied for and granted:

Year	Applications Filed		Patents Granted	Patents in Force	Applications Pending
	Total	By Danish Nationals			
1973	7,051	792	2,729	17,496	31,830
1974	6,924	835	2,429	17,307	33,405
1975	5,958	828	2,423	16,944	34,079
1976	5,901	821	2,276	16,026	34,118
1977	5,887	832	2,097	15,086	34,756

12. The economic recession in the Western world has manifested itself in a reduction in the number of patent applications. It has also led to a reduction in the number of patents in force, which may be attributed in the main to more cautious economic management by the various sectors of industry.

The increase in the number of applications pending has likewise continued for the reason explained in item 2, above (pending ratification of the European Patent Convention).

Applications of foreign origin were essentially from Western Europe (Germany (Federal Republic of): in 1977, 1,153 applications and 455 patents granted; France: 437 and 142, respectively; United Kingdom: 419 and 135; Sweden: 382 and 183; Switzerland: 381 and 130; Netherlands: 238 and 106; Italy: 155 and 51) and from the United States of America (1,234 applications and 403 patents granted in 1977) and Japan (177 and 113, respectively).

Applications related primarily to chemistry (1,781 in 1977), and mainly organic chemistry (1,146).

Activities of the Services Division

13. The Services Division carries out, against payment, novelty searches of Danish and interna-

tional documentation and also examines patent applications.

As may be seen from the table below, the number of requests for searches has continued to grow:

Type of Search	1975	1976	1977
Novelty searches	149	121	203
Novelty searches for the purposes of opposition or non-validity	6	11	16
Searches to ascertain whether the launching of a product may constitute an infringement	20	24	37
Searches used in product development	20	11	39
Name searches	178	175	219
Searches to ascertain whether inventions have been patented or applied for in Denmark	18	31	34
Searches of patent families Examination of Danish patent applications	112	219	381
Assistance of an engineer in searches undertaken by the applicant	69	49	110
	10	7	18
Total	582	648	1,057

Activities of the Trademark Division

14. The following tables show the trend of recent years in the filing and registration of trademarks:

Year	Trademarks Filed		Trademarks Registered		Trademarks in Force	Requests for Renewal	Trademarks Cancelled
	Total	by Danish Nationals	Total	by Danish Owners			
1973	5,916	1,881	3,825	1,160	72,972	4,162	1,664
1974	5,462	1,845	4,376	1,197	74,863	4,671	2,485
1975	5,638	2,134	5,224	1,520	77,924	4,124	2,163
1976	5,610	2,029	4,527	1,484	79,999	4,987	2,452
1977	5,385	1,945	4,498	1,419	81,837	4,113	2,660

15. As may be seen, the number of filings has remained practically constant. The increase in the number of registrations as from 1971 is mainly due to the fact that the Office was able to use the computerized similarity searching services of the Skriptor Institute in Stockholm, thus enabling the backlog of applications to be reduced. As for the large increase in the number of renewals in 1976, it may be primarily attributed to the extraordinary inflow of requests during the first quarter in view of the increase in fees as from April 1, 1976.

As with patents, filings from abroad came mainly from Western Europe (Germany, Federal Republic of: in 1977, 698 filings and 683 registrations; United Kingdom: 415 and 420, respectively; France: 306 and 299; Switzerland: 249 and 201; Sweden: 223 and 197; Netherlands: 190 and 141; Italy: 137 and 85) and from the United States of America (728 filings and 610 registrations in 1977) and Japan (128 and 113, respectively).

Activities of the Industrial Designs Division

16. The following tables show the trend in recent years in the deposit and recording of industrial designs:

Year	Deposits		Recordings		Designs in Force	Requests for Renewal	Cancellations
	Total	by Danish Nationals	Total	by Danish Nationals			
1973	956	417	848	330	2,113	—	—
1974	1,007	470	1,023	440	3,136	—	—
1975	1,001	472	876	390	4,012	66	—
1976	1,006	433	783	300	4,570	285	225
1977	1,005	418	803	322	4,847	242	526

17. As may be seen, the number of deposits remains very stable. The increase in the number of renewal requests as from 1975 and, above all, from 1976, may be explained by the fact that the Danish Law on Industrial Designs entered into force in 1970 and that the first renewal could not be made until October 1, 1975.

Deposits from abroad came mainly from the Nordic countries (Sweden: in 1977, 224 deposits and 163 registrations; Norway: 30 and 29, respectively; Finland: 25 and 23), the United States of America (62 deposits and 55 registrations in 1977) and from Western Europe (Switzerland: 49 deposits and 31 registrations in 1977; Netherlands: 48 and 41, respectively; Germany (Federal Republic of): 43 and 58; France: 42 and 22; United Kingdom: 28 and 28).

Publications

18. The Patent Division publishes a weekly list of patent applications (*Ugelisten*) and a patent bulletin (*Dansk Patenttidende*) dealing with all applications, patents granted, and the like.

The total number of pages of patent publications at the close of 1977 was 26,172. These publications are offset-printed in some 100 copies, plus 30 microfilm copies at the end of 1977, mounted on cards in

accordance with ICIREPAT standards for the purposes of exchange with other patent offices.

19. The Trademark Division publishes a trademark bulletin (*Registreringstidende for Vare- og Faellesmaerker*) in 520 copies; Part A is weekly and covers filings, registrations and refusals; Part B is monthly and deals with other matters (renewals, cancellations, etc.).

20. The Industrial Designs Division publishes a bulletin of industrial designs (*Registreringstidende for Mønstre*) twice monthly; in 1977, the total number of pages of this bulletin was 544.

FINLAND

Activities of the National Board of Patents and Registration in 1978*

The number of patent applications filed in Finland was 4,050, including 1,329 national applications (32.7%). The number of patents granted was 1,594 and, of these, 393 were Finnish. The backlog of applications had not stopped growing since the beginning of the 1960s to 1977; it rose to 19,815 by the end of 1978.

There was an increase in applications for the registration of industrial designs. In 1978, for the first time, the number of concluded applications exceeded one thousand (1,143), approximately 56% of which were national applications. During the year, 969 designs were registered. The number of applications still being processed decreased for the first time, even though it was still 1,137 at the end of the year.

The number of applications for the registration of trademarks has, throughout the 1970s, remained at around 3,000. The number of processed applications has, however, remained at about 2,000, with the result being that the number of applications still being processed has tripled since the entry into force of the present Law in 1964 (15,650 at the end of 1978). In 1978, 1,491 trademarks were registered, of which 290 are nationally owned.

In 1978, the Trademark Registry Department received 28,685 notifications, which is decidedly more than at any other time in the 1970s. The number of new firms entered in the Register was 9,683 (7,985 in 1977), and the number of lapsed firms was 2,297 (1,649 in 1977).

* This report is excerpted from the activities report provided by the Finnish authorities.

GREECE

Activities of the Patent Office in 1976 and 1977*

Patents

General

In March 1972, a provision of Royal Decree No. 191, promulgated in accordance with Law No. 532/1971 on administrative decentralization, transferred responsibility for patents from the Ministry of Trade to the Prefects. That provision was repealed by Law No. 130/1975, which entered into force towards the close of that same year, and the responsibility for patents once more belongs to the Ministry of Trade and is exercised by the Office.

Applications Filed

The following table shows the number of applications filed during those two years:

Year	Applications Filed		Total
	by Nationals	by Foreigners	
1976	1,441	1,357	2,798
1977	1,313	1,267	2,570

As can be seen, the number of applications filed during the above years fell by some 6.5% and 13%, respectively, compared with 1975, in which 2,973 applications were filed.

This reduction is proportionally greater for applications of domestic origin for which the percentage of the whole has dropped from 54% in 1975 to 52.5% in 1976 and 51% in 1977.

The foreign applications may be broken down by country as follows:

Year	Percentage of Foreign Applications by Country					
	United States of America	Fed. Rep. of Germany	France	Italy	Switzerland	Other Countries
1976	26	21	11	9	8	25
1977	30	22	9	8	10	21

Patents Granted

The following table shows the number of patents granted during the two years:

Year	Patents Granted		Total
	to Nationals	to Foreigners	
1976	1,343	1,285	2,628
1977	1,236	1,650	2,886

* This report is excerpted from the activities report prepared by the Greek Patent Office.

Contrary to the applications, the number of patents granted grew by some 43.5% in 1976 and 57% in 1977 as compared with the number granted in 1975 (1,831 patents).

This increase is due to the fact that the task of granting patents has been taken over by officials with more experience in that field.

Legislation

Early in 1977 a Working Group was set up to prepare a draft law for the revision of the current legislation with a view to harmonizing it with the Paris Convention (Stockholm Act) and to settling a number of points concerning procedure and time limits. The Group has completed its work and the draft law is merely waiting parliamentary approval.

Since no specific law existed in Greece to protect industrial designs and the protection afforded by other laws was deemed inadequate, the task of drafting a law on industrial designs was entrusted to that same Working Group. The Group has begun its work but at the close of 1977 had not yet achieved its aim.

Other Activities

In the second half of 1977, a start was made with sending coding forms to INPADOC containing the bibliographic data of the patents published by the Office.

Marks

Applications Filed

The following table shows the number of applications filed during the two years:

Year	Applications Filed		Total
	by Nationals	by Foreigners	
1976	2,571	1,967	4,538
1977	2,611	2,402	5,013

Contrary to patent applications, the number of applications for marks, compared with 1975,

remained practically the same in 1976 and rose by 10% in 1977.

This increase is proportionally higher for applications of foreign origin, the percentage of the whole having risen from 42% in 1975 to 43.5% in 1976 and 48% in 1977.

Foreign applications may be broken down by country as follows:

Year	Percentage of Foreign Applications by Country							
	United States of America	Fed. Rep. of Germany	France	Italy	United Kingdom	Switzerland	Japan	Other Countries
1976	21	20	15.5	8	7.5	6.5	4.5	17
1977	24.5	16.5	15.5	8.5	9	8	4	14

Marks Registered

The following table shows the number of marks registered during the same period:

Year	Marks Registered		Total
	for Nationals	for Foreigners	
1976	1,086	1,129	2,215
1977	1,781	1,616	3,331

Comparing the number of marks registered during the years concerned with those in 1975, a decrease of 26.5% is to be noted in 1976 followed by an increase of 10% in 1977.

Other Activities

Since the number of marks in force is increasing and, consequently, the acceptance and registration procedure for new marks is becoming slower and more arduous, it has been felt necessary to amend the procedure in order to make it simpler and more effective.

The study and solution of this problem was entrusted, in November 1977, to a Working Group of experienced lawyers, senior civil servants and representatives of the interested circles. The Group has not yet completed its work.

Calendar

WIPO Meetings

(Not all WIPO meetings are listed. Dates are subject to possible change)

1979

September 24 to October 2 (Geneva) — Governing Bodies (WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT, and Berne Unions; Conferences of Representatives of the Paris, Hague, Nice, and Berne Unions; Executive Committees of the Paris and Berne Unions; Committee of Directors of the Madrid Union; Council of the Lisbon Union)

October 5 (Geneva) — PCT Users Meeting

October 15 to 26 (Geneva) — Nice Union — Committee of Experts

October 18 and 19 (Geneva) — ICIREPAT — Plenary Committee

October 22 to 26 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation (PCT/CTC)

October 22, 23 and 30 (Paris) — Rome Convention — Intergovernmental Committee (convened jointly with ILO and Unesco)

October 24 to 26 and 31 (Paris) — Berne Union — Executive Committee — Extraordinary Session (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)

November 5 to 9 (Buenos Aires) — Development Cooperation (Copyright) — Latin American Seminar on Copyright (convened jointly with Unesco)

November 26 to December 13 (Madrid) — Diplomatic Conference on Double Taxation of Copyright Royalties (convened jointly with Unesco)

November 27 to 30 (Geneva) — Paris Union — Group of Experts on Computer Software

December 3 to 6 (Geneva) — Working Group on Industrial Property Aspects of Consumer Protection

December 10 to 14 (Geneva) — International Patent Classification (IPC) — Committee of Experts

1980

January 7 to 9 (Geneva) — Development Cooperation (Copyright) — Working Group on the Protection of Folklore (convened jointly with Unesco)

January 28 to February 1 (Paris) — Committee of Experts on the Model Statutes of the Societies of Authors (convened jointly with Unesco)

February 4 to March 4 (Geneva) — Revision of the Paris Convention — Diplomatic Conference

UPOV Meetings

1979

October 16 and 19 (Geneva) — Consultative Committee

October 17 to 19 (Geneva) — Council

November 12 to 14 (Geneva) — Technical Committee

November 15 and 16 (Geneva) — Administrative and Legal Committee

Meetings of Other International Organizations Concerned with Industrial Property

1979

European Patent Organisation: November 27 to 29 (Munich) — Administrative Council

European Communities:

Working Group of the Commission of the European Communities for the Community Trade Mark:

November 5 to 7, December 10 to 13 (Brussels)

United States Trademark Association: November 11 to 13 (London) — USTA Forum on "Trademark Law and Practice in the United States"

1980

Licensing Executives Society: April 28 to 30, (Geneva) — International Conference on Licensing and the International Economic Order, Product and Process Liability and New Trends in Technology Transfer

