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World Intellectual Property Organization

The World Intellectual Property Organization in 1977*

Membership

During 1977, the Governments of four States deposited instruments of ratification of or accession to the Convention Establishing the World Intellectual Property Organization: Italy, Malta, Pakistan, Zambia. The number of States party to the WIPO Convention is 78.¹

Governing Bodies

Membership

The membership of the Governing Bodies of WIPO and of the Unions administered by WIPO appears in the January 1978 issue of this review.

Eighth Series of Meetings

The eighth series of meetings of the Governing Bodies of WIPO and the Unions administered by WIPO was held in September/October 1977. During the said series of meetings, the following five bodies held their sessions: the WIPO Coordination Committee, the Paris Union Executive Committee, the Berne Union Executive Committee, the Madrid Union Assembly, the Madrid Union Committee of Directors. The main items discussed and the principal decisions taken by the said Governing Bodies were as follows.

The WIPO Coordination Committee, the Paris Union Executive Committee and the Berne Union Executive Committee reviewed and noted with approval the reports of the Director General and the activities of the International Bureau since their last sessions; they noted with approval the accounts of the International Bureau and the reports of the auditors on those accounts, as well as other information con-

cerning finances in 1976. The said Governing Bodies asked the Director General to undertake a study of the possibility of settling the question of arrears in contributions of certain countries which were among the least developed of the developing countries in the light of the practice observed in that respect by the United Nations and its specialized agencies.

The WIPO Coordination Committee approved an agreement of cooperation between WIPO and the Commission of the European Communities (CEC). The WIPO Coordination Committee noted that, following upon the approval by the Council of Ministers of the Organization of African Unity (OAU), at its session in February 1977, of the Co-operation Agreement between WIPO and the OAU, the said Agreement had entered into force on May 24, 1977.

The WIPO Coordination Committee noted with approval the activities performed or planned by the Director General in respect of the resolutions and decisions of the United Nations General Assembly adopted at its thirty-first session (September to December 1976), of the United Nations Economic and Social Council (ECOSOC), adopted at its sixty-second and sixty-third sessions (March/April and July/August 1977), and of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, adopted at its meetings in August 1977.

The WIPO Coordination Committee decided to request the Director General "not to invite the racist régime of South Africa to any meeting of WIPO and its Bodies and Unions" and "to include in the agenda of the WIPO General Assembly and other Governing Bodies, for the sessions of 1979, an item entitled 'The exclusion of the racist régime of South Africa from any participation in WIPO and its Bodies and Unions.'" Twenty-two delegations voted for, and 14 voted against, this decision.

The Governing Bodies concerned decided to admit as observers to their meetings one additional inter-governmental organization—the Arab States Broadcasting Union (ASBU)—and three additional international non-governmental organizations—the Benelux Association of Trademark and Design Agents (BMM), the Inter-American Copyright Institute (IIDA) and the World Federation of Engineering Organizations (WFEO).

The WIPO Coordination Committee and the Paris Union Executive Committee decided to establish, on

* This article covers the main activities of the World Intellectual Property Organization as such (that is, as distinguished from those of the Unions administered by WIPO) in the year 1977. The main activities of the said Unions in 1977 will be covered in separate articles to be published in the March 1978 issues of *Industrial Property* and *Copyright*.

¹ The List of Member States as of January 1, 1978, was published in the January 1978 issue of this review.

an interim basis, the WIPO Permanent Committee on Patent Information, adopted the Organizational Rules of that Committee, agreed on certain measures simplifying the existing structures of intergovernmental committees, subcommittees, working groups of similar groups, and recommended that the Paris Union Assembly, the IPC Union Assembly and the Assembly established by the Patent Cooperation Treaty (PCT) endorse these measures and establish the WIPO Permanent Committee on Patent Information definitively.

The Governing Bodies concerned established, approved or adopted the program of the International Bureau for the year 1978. The budgets of WIPO and the Unions administered by WIPO which relate to the calendar year 1978 show an income of 25,068,000 Swiss francs and expenditures of 25,511,000 Swiss francs. The number of staff posts covered by the budgets for the year 1978 is 194.

WIPO Budget Committee

The first session of the WIPO Budget Committee, established during the seventh series of meetings of the Governing Bodies in September/October 1976, was held in May 1977. The WIPO Budget Committee considered the preliminary draft program and budget for 1978 and a document entitled "Program and Budget Cycles."

Developments in Major Programs

In 1977, the main program activities of WIPO as such (as distinguished from those of the Unions administered by WIPO) were those concerned with development cooperation. These program activities are reported on here. The program activities of the Unions administered by WIPO in the field of industrial property are reported on in "The Paris Union and Industrial Property in 1977" in the March 1978 issue of this review, whereas those in the fields of copyright and neighboring rights are reported on in the March 1978 issue of *Copyright*.

Development Cooperation Activities in General

The main objectives of the development cooperation activities of WIPO are to promote in developing countries creative intellectual activity and to facilitate access to, and selection, adaptation and use of, technological, scientific and other information and literary and artistic works of all kinds for the purposes of economic and social development. The development cooperation activities of WIPO during the year 1977 were mainly aimed at the strengthening of

national infrastructures in developing countries for the achievement of these objectives.

These activities, which were carried out within the framework of the WIPO Permanent Program for Development Cooperation Related to Industrial Property and the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights, and the work of the two Permanent Committees which keep these two Programs under review and make recommendations in this connection to the WIPO Conference and the WIPO Coordination Committee are summarized in the following paragraphs.

Permanent Program and Permanent Committee (Industrial Property)

Permanent Committee (Industrial Property)

Membership. The revision of the Organizational Rules of the WIPO Permanent Program for Development Cooperation Related to Industrial Property (hereinafter referred to as "the Permanent Program (Industrial Property)") by the WIPO Conference in 1976 affected the membership of the Permanent Committee for Development Cooperation Related to Industrial Property (hereinafter referred to as "the Permanent Committee (Industrial Property)") in that States which had not yet become members of WIPO ceased to be members of the Permanent Committee (Industrial Property). During 1977, three States informed the Director General of their desire to be members of the Permanent Committee (Industrial Property): Libyan Arab Jamahiriya, Surinam, Zambia. At the end of 1977, 55 States were members of the Permanent Committee (Industrial Property) (see List of Member States published in the January 1978 issue of this review).

Fourth Session. The fourth session of the Permanent Committee (Industrial Property) was held in March 1977. Forty States members of the Permanent Committee (Industrial Property) were represented at the session; nine other States, nine intergovernmental and nine international non-governmental organizations were represented by observers.

The Permanent Committee (Industrial Property) reviewed past and current activities, and plans for current activities under the Permanent Program (Industrial Property). Its recommendations are referred to below in connection with the following summary of those activities.

Promotion of Innovative Capacity in Developing Countries

At its March 1977 session the Permanent Committee (Industrial Property) approved a plan for the

study of existing arrangements in the field of industrial property for the promotion of technological innovation. As a first step in carrying out that study, the International Bureau, in September 1977, invited the Governments of the States members of the United Nations system of organizations to provide published information on laws and institutional arrangements, both governmental and private, which exist in their countries for the promotion of technological innovation, particularly by means of rewarding innovators and supporting their activities.

The Permanent Committee (Industrial Property) recommended that this information be analyzed, that the analysis be submitted to a working group which would be asked to make recommendations to the Permanent Committee (Industrial Property) concerning action which could be taken nationally, regionally and internationally in the field of industrial property for the strengthening of capabilities in developing countries, for the creation of suitable local technology and for the selection and adaptation of foreign technology.

Technological Information from Patent Documents

Expert Working Group on Information from Patent Documents. The Expert Working Group on Information from Patent Documents held its second session immediately before the fourth session of the Permanent Committee (Industrial Property) in March 1977. Experts from Algeria, Argentina, Austria, Cuba, Egypt, Germany (Federal Republic of), the Soviet Union and Sweden, consultants from India, Iran, the United Kingdom, the Industrial Development Centre for Arab States (IDCAS) and the International Patent Documentation Center (INPADOC), and observers from the United Nations, the United Nations Conference on Trade and Development (UNCTAD) and the United Nations Industrial Development Organization (UNIDO) took part in the session.

The Expert Working Group discussed the following matters: planning and organization of a patent information and documentation service in a developing country; the use of the IPC as a means of identifying and locating patent documents which relate to given technologies; the state-of-the-art searches performed for developing countries by the Austrian Patent Office; a draft feasibility study on the establishment of a patent information network; the availability, comparative cost and usefulness of various sources of primary and secondary patent information; the ways and means to obtain information on the legal status and practical experience in the working of patents which relate to given technologies. The Expert Working Group adopted a number of recommendations to the Permanent Committee (Industrial Property) and to the International Bureau.

The Permanent Committee (Industrial Property) expressed its appreciation to the Expert Working Group on Information from Patent Documents for the quality of its report on its second session, noted with approval its conclusions and suggestions for further work and endorsed its recommendations. The Permanent Committee (Industrial Property) also thanked the Austrian Government for continuing to provide state-of-the-art search reports free of charge to developing countries, noting that the first results of this program were successful. It also welcomed the opportunities shown in the report of the Expert Working Group for cooperation with other United Nations organizations in the field of access by developing countries to technological information relevant to their needs and, in particular, approved the submission of a feasibility study to the United Nations General Assembly at its thirty-second session. The said feasibility study was transmitted to the United Nations. (See United Nations document E/6054, August 31, 1977, and below).

State-of-the-Art Search Reports. A new Agreement between the Government of Austria and WIPO was signed on December 29, 1976, providing for continuation of the state-of-the-art search program, free of charge to developing countries. Ninety-eight search requests made by Algeria, Argentina, Chile, Cuba, Egypt, Israel, Mexico, Nicaragua, Panama, Portugal, Thailand, Tunisia, Turkey, Uruguay, Venezuela and the African Intellectual Property Organization (OAPI) had been submitted under the new Agreement by the end of 1977. In relation to the 100 search reports provided by the Austrian authorities under the first Agreement, evaluation questionnaires were sent to the requesting countries. At the time of the second session of the Expert Working Group on Information from Patent Documents referred to above, 59 evaluation questionnaires had been completed and returned to the International Bureau. On the basis of the information provided, the Expert Working Group concluded that, with few exceptions, the search reports met the purposes for which they had been requested, confirmed the value of patent documents as one of the important sources of technological information and provided useful training material.

Availability of Patent Documents to Developing Countries. At its March 1977 session the Expert Working Group on Information from Patent Documents asked the International Bureau to study the question whether Patent Offices now supplying copies of their patent documents on a free-of-charge basis under exchange agreements might be willing to supply such documents also to Patent Offices or institutions which, because they do not publish patent documents themselves, could not conclude such exchange agreements. Pursuant to that request, the International

Bureau in December 1977 asked the Patent Offices of 12 countries for information on the principles followed by them in the exchange of patent documents, on whether they regularly transmit newly published patent documents to developing countries which do not publish patent documents themselves, and on the conditions under which they might be willing to supply currently issued patent documents, either in paper or in microform, to developing countries on a free-of-charge basis.

During the year 1977, the International Bureau transmitted to interested countries, on an ad hoc basis, requests from Algeria and Brazil to receive, and offers by Canada, France, the German Democratic Republic and the Netherlands to provide, patent documents or patent related literature, in paper or in microform.

Survey of Industrial Property Offices

At its March 1977 session the Permanent Committee (Industrial Property) made recommendations for the carrying out of a survey of the functions, administration and role in the government structure of industrial property offices in developing and developed countries. It also recommended that a study be made analyzing possibilities open to developing countries and suggesting appropriate functions and structures, both at the national and at the regional level, with particular emphasis on relationships with other services relevant to the strengthening of technological capacity. In December 1977, the International Bureau invited the Governments of the States members of the United Nations system of organizations to provide information for inclusion in the survey referred to and comments or suggestions relating to the study in question.

Cooperation Among Developing Countries

The Permanent Committee (Industrial Property) noted with approval the activities under the Permanent Program (Industrial Property) which provided a contribution to the promotion and support of cooperation among developing countries. It also approved guidelines for planning and carrying out activities under the Permanent Program (Industrial Property) so as to strengthen such a contribution, and decided to include in its provisional agenda for each session an item "Cooperation among developing countries: support and assistance measures."

Model Laws for Developing Countries

New Model Law for Developing Countries on Inventions and Know-How. At its March 1977

session, the Permanent Committee (Industrial Property) considered a report on the fourth and fifth sessions of the Working Group on the Model Law for Developing Countries on Inventions and Know-How. The Permanent Committee (Industrial Property) noted with satisfaction the progress made so far by that Working Group. It approved the following procedure for the completion of the work: at its sixth session (June 1977), the Working Group would complete the examination of the revised draft of the new model law together with the first draft of the commentary and the regulations or an outline of the latter; a consolidated version of the draft would be prepared by the International Bureau taking into account the revision of the Paris Convention for the Protection of Industrial Property; this would be submitted to the governments of all countries members of the Permanent Committee (Industrial Property) for their written comments; the last (seventh) session of the Working Group would be held in 1978 to consider the consolidated version and the comments received; thereafter the Director General would establish and issue, in their final form, the model law, the commentary and the text or the outlines of the regulations.

The sixth session of the Working Group on the Model Law for Developing Countries on Inventions and Know-How was held in June 1977. Experts from the following countries participated: Algeria, Argentina, Brazil, Cameroon, Cuba, Egypt, France, Germany (Federal Republic of), Hungary, Israel, Kenya, Mexico, Poland, Soviet Union, Sri Lanka, Tunisia, United Kingdom, Zaire. UNCTAD and the African Intellectual Property Organization (OAPI), as well as eight international non-governmental organizations, were represented by observers.

The Working Group discussed draft model provisions that would constitute those parts of the new Model Law for Developing Countries on Inventions and Know-How dealing with inventors' certificates, transfer of technology patents, registration of contracts, innovations and common provisions.

By the end of 1977, the International Bureau had established, in the light of the discussions of the Working Group at its fourth, fifth and sixth sessions, a consolidated version of the draft model provisions for Part I (Patents) of the final draft of the new Model Law as well as the draft commentary and the draft regulations on that Part. It transmitted the same for comments to the countries members of the Permanent Committee (Industrial Property).

New Model Law for Developing Countries on Marks and Trade Names. At its March 1977 session, the Permanent Committee (Industrial Property) considered a plan for the preparation of a new model law for developing countries which would replace, at least in part, the Model Law for Developing Countries on Marks, Trade Names, and Acts of Unfair Competi-

tion, published by BIRPI in 1967. The Permanent Committee (Industrial Property) recommended that, for the time being, the new model law should deal with marks and with trade names, but not with geographical indications or with protection against unfair competition, and that a final decision on its full scope should be taken at its next session. It recommended a list of countries from which the experts composing the planned working group would come, and a list of international organizations which would be invited to be represented by observers.

The Working Group on the Model Law for Developing Countries on Marks and Trade Names held its first session in November 1977. Experts from the following countries participated: Brazil, Chile, Cuba, Czechoslovakia, Egypt, France, Iraq, Israel, Mexico, Netherlands, Switzerland, Tunisia, United Kingdom, United States of America, Zaire. UNCTAD and eight international non-governmental organizations were represented by observers.

The Working Group discussed draft provisions prepared by the International Bureau, which covered the following items of a new Model Law for Developing Countries on Marks and Trade Names: general provisions; trademarks and service marks; right to a mark; procedure for registration; duration and renewal of registration of mark; rights conferred by registration of mark; renunciation, removal, nullity; infringement of rights under the mark. Draft provisions on other items will be covered in the preparatory document for the second session of the Working Group.

As a preliminary study for the preparation of a new Model Law for Developing Countries on Marks and Trade Names, the International Bureau prepared summary tables reflecting the major provisions of trademark legislation in 84 countries. The *Summary Tables* were prepared on the basis of legislation contained in the collection of laws kept by the International Bureau and of observations transmitted by the competent Offices of some of the countries concerned. They present, in condensed form, the major features of the trademark laws. The *Summary Tables* were distributed to the Governments of the States members of the United Nations system of organizations and are available to interested institutions, enterprises and persons.

License Agreements

The Permanent Committee (Industrial Property) at its March 1977 session noted with approval the summary report of the Working Group on Guidelines for Industrial Property Licensing in Developing Countries, which met in June 1976, and the state of the follow-up work on the preparation of the final version of a guide for technology acquirers in devel-

oping countries (entitled "Guide on the Legal Aspects of the Negotiation and Preparation of Industrial Property Licenses and Technology Transfer Agreements Appropriate to the Needs of Developing Countries"). The Permanent Committee (Industrial Property) endorsed the recommendation of the Working Group that the final version of that Guide should be printed and widely distributed as soon as possible, especially in all developing countries. In this respect, the Permanent Committee (Industrial Property) noted the plans of the International Bureau to publish the Guide for technology acquirers in the Arabic, English, French and Spanish languages, with publication in three of these versions scheduled for 1977 and in the fourth version for 1978. It further noted the plan of the International Bureau to use the Guide for technology acquirers in seminars and training courses on a regional and national level.

The *Licensing Guide for Developing Countries*, prepared by the International Bureau in the light of the exchange of experience in a Licensing Seminar and with the guidance of the Working Group on Guidelines for Industrial Property Licensing, which met in June 1976, and the advice of consultants, was published in English, French and Spanish in August 1977. The *Guide* deals with the legal aspects of the negotiation and preparation of industrial property licenses and technology transfer agreements. It consists of 190 printed pages and is divided into four parts: Part I (Introduction) highlights the obstacles to the acquisition by developing countries of technology, outlines the methods for the transfer of technology to developing countries, draws attention to the importance of the licensing of industrial property rights and the supply of know-how in the acquisition of technology by developing countries and to the need for a clear understanding of the legal arrangements for that acquisition; Part II (Negotiation Process) gives background information on the process of negotiating industrial property licenses or technology transfer agreements; Part III (Explanatory Notes and Examples) and Part IV (Checklist of Points) treat matters common to industrial property licenses and technology transfer agreements. They suggest questions for consideration during the negotiation or in the preparation of a license or agreement. Part III also contains a descriptive treatment of the issues presented and of their legal aspects and possible solutions, and gives illustrations of ways in which the parties may wish to resolve these issues.

Copies of the *Licensing Guide for Developing Countries* have been distributed, free of charge, to governments, institutions, enterprises and individuals in developing countries and to governments and institutions in developed countries. In addition, the *Licensing Guide for Developing Countries* has also been sold to enterprises and individuals of developed countries.

Industrial Property Terminology List, Glossary and Manual

The Permanent Committee (Industrial Property) approved plans for the preparation of an industrial property terminology list, glossary and manual, and recommended that the International Bureau draw up a list of terms (concerning industrial property and, to a certain extent, transfer of technology) in Arabic, English, French and Spanish. It further recommended consultations with the industrial property offices of the Spanish-speaking countries, and also with IDCAS, to study the possibility of meetings of separate committees of experts to finalize the terminology in Arabic and in Spanish, to be held in 1978.

Fellowships

Under the Fellowship Program for 1977, 57 applications for fellowships in the field of industrial property from 48 developing countries and one inter-governmental organization were submitted to WIPO. Thirty-six fellowships were awarded to officials from the following 35 countries and one intergovernmental organization: Algeria, Bahamas, Bangladesh, Benin, Bolivia, Cameroon, Chile, Colombia, Congo, Democratic Yemen, Ecuador, Egypt, El Salvador, Fiji, Gambia, Guatemala, Kenya, Lesotho, Madagascar, Mali, Mauritius, Mexico, Nepal, Nigeria, Panama, Pakistan, Senegal, Sri Lanka, Sudan, Tanzania, Thailand, Trinidad and Tobago, Upper Volta, Venezuela, Zaire, and IDCAS.

The following ten countries and the Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (Munich) contributed in full or in part to the payment of the costs of the travel expenses and subsistence allowances of the fellows:

(i) full payment: France (five fellows, coming from Benin, Cameroon, Mali, Senegal, Upper Volta), Spain (four fellows, coming from Colombia, Ecuador, Guatemala and Venezuela), Sweden (two fellows, coming from Cuba and Mexico), Switzerland (two fellows, coming from Benin and Madagascar), United Kingdom (two fellows, coming from Kenya and Thailand);

(ii) partial payment: Czechoslovakia (one fellow, coming from Algeria), Germany (Federal Republic of) (four fellows, coming from Fiji, the Gambia, the Sudan and Tanzania), Hungary (one fellow, coming from the Congo), Israel (one fellow, coming from Lesotho), Soviet Union (one fellow, coming from Algeria), Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (Munich) (one fellow, coming from Mauritius).

The remainder of the cost was borne by the budget of the WIPO Legal-Technical Assistance Program.

Training courses in the field of industrial property under the 1977 Fellowship Program took place in the following 18 countries and one organization: Australia, Brazil, Canada, Cuba, Czechoslovakia, Egypt, Germany (Federal Republic of), Hungary, Israel, France, Mexico, Peru, Spain, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America, and the Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (Munich).

At its March 1977 session, the Permanent Committee (Industrial Property), after a full discussion of activities and possibilities in the field of training, including an examination of the suggestions and ideas put forward at the Round Table on Development Cooperation Among Industrial Property Offices, held at Colombo in February 1977 (see below), drew the conclusion that in future a useful pattern of training should be based on two distinct elements: general introductory training which would be given by means of lecture courses, followed by short visits to some national industrial property offices; and specialized training, which could be planned over perhaps a five-year period, in discussions between interested national offices of developing countries, the International Bureau and receiving offices. The planning for this specialized training could take into account an appropriate combination of visits by experts, local training courses and on-the-job courses in developing or developed countries. Many delegations expressed their satisfaction with the training provided for nationals of their countries under the Permanent Program (Industrial Property).

In connection, in particular, with general introductory training by means of lecture courses, discussions took place in May 1977 between the Director General of WIPO and the Director of the International Section of the *Centre d'études internationales de la propriété industrielle* (CEIPI) (Strasbourg). In addition to agreeing to receive trainees under the 1977 Fellowship Program, CEIPI prepared a draft program of lectures which could be arranged in future years for participants from developing countries.

Regional Meetings, Round Tables, Symposia, Seminars and Conferences

Regional Meeting on Industrial Property (Colombo). A Regional Meeting on Industrial Property was organized by WIPO with the assistance of the Government of Sri Lanka in Colombo in February 1977. The participants were appointed by the Governments of Afghanistan, Bangladesh, Indonesia, Malaysia, Nepal, Pakistan, the Philippines, Sri Lanka and Thailand. The subjects of discussion were WIPO and its activities for developing countries, questions relating to patents, questions relating to trademarks

and questions relating to the role of industrial property (including know-how and licensing) in the transfer of technology.

Colombo Round Table. Immediately after the Colombo Regional Meeting, WIPO organized a Round Table on Development Cooperation Among Industrial Property (Patent) Offices, also in Colombo. In addition to participants from all the countries represented at the Colombo Regional Meeting and listed in the preceding paragraph, high officials (in virtually all cases, the heads of the industrial property offices) from the following countries took part: Austria, Cameroon, Canada, Denmark, Finland, France, Germany (Federal Republic of), India, Iran, Israel, Japan, Netherlands, Spain, Sweden Switzerland, United Kingdom, United States of America, Zambia. The Director General of the International Patent Institute (IIB) and the Director of the Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (Munich) also took part. The participants discussed a large number of suggestions and ideas for the improvement of training in the field of industrial property through international cooperation.

World Symposium (Colombo). WIPO's World Symposium on the Importance of the Patent System to Developing Countries, organized by WIPO with the kind cooperation of the Government of Sri Lanka, took place right after the Regional Meeting and the Round Table. Some 200 persons participated in the Symposium from the following 38 countries: Afghanistan, Australia, Austria, Bangladesh, Belgium, Cameroon, Canada, Denmark, France, Germany (Federal Republic of), Greece, Hong Kong, Hungary, India, Indonesia, Iran, Israel, Italy, Japan, Malaysia, Nepal, Netherlands, Nicaragua, Pakistan, Philippines, Portugal, South Africa, Soviet Union, Spain, Sri Lanka, Sweden, Switzerland, Thailand, Turkey, United Kingdom, United States of America, Venezuela, Zambia. Twenty-four lectures were given by nationals of seven Asian developing countries and ten industrialized countries. The lecturers were ministers, senior government officials and businessmen. One of the important and rather unusual features of the Symposium consisted in the fact that most of the lecturers from the highly industrialized countries were officers of so-called multinational corporations, whereas most of the lecturers from the developing countries were government officers in charge of industrial planning and foreign investment. The lectures dealt with questions concerning the transfer of technology and the role of industrial property in such transfer; they were followed by a general discussion. A collection of the lectures was published by the International Bureau in July 1977.

Jakarta Meeting. A meeting among the countries of the Association of South-East Asian Nations (ASEAN) on the role of industrial property in technological and economic development was organized jointly by WIPO and the Government of Indonesia in Jakarta in December 1977. The participants were designated by the Governments of Indonesia, Malaysia, the Philippines, Singapore and Thailand. A total of 55 persons took part in the Meeting.

The subjects of discussion were WIPO and its activities for developing countries, arrangements in the field of industrial property for the promotion of innovative capacity, questions relating to the subjects of industrial property, questions relating to industrial property licenses and technology transfer agreements appropriate to the needs of developing countries, documentation and information related to industrial property and the transfer of technology, and industrial property and the technological and economic aspects of development in the countries of the ASEAN region. Papers were prepared and presented by the International Bureau of WIPO on the first five topics whereas papers were presented by Governments on the sixth topic.

The Meeting agreed that the exchange of views on the matters referred to above had been fruitful and urged WIPO to consider organizing similar meetings in the near future to follow up the Jakarta meeting.

Conference on Industrial Property and Transfer of Technology for Arab States. A Conference on Industrial Property and Transfer of Technology for Arab States was organized jointly by IDCAS, UNIDO, WIPO and the Government of Iraq in Baghdad in March 1977. Delegations representing the following ten Arab States participated in the Conference: Algeria, Egypt, Iraq, Jordan, Kuwait, Lebanon, Qatar, Saudi Arabia, Sudan, Yemen. Six Arab governmental or international organizations (including the United Nations Economic Commission for Western Asia (ECWA)) and seven other Arab and foreign organizations were represented by observers; 21 observers also took part in their personal capacity.

The Conference discussed the role of industrial information systems in the process of transfer of technology, licensing problems related to industrial property and selected problems concerning the organization of industrial property and transfer of technology. It adopted a number of recommendations concerning a survey of the situation in the Arab countries, the preparation of a model plan for the organization and development of industrial property and transfer of technology, training of staff and teaching in universities, examination of patent applications, review of legislation (including that on licensing), control of license agreements, membership in WIPO and in the Paris Union, the establishment of regional offices or centers for industrial property and

scientific and technological documentation, use of the Arabic language, and procedures for following up the implementation of the recommendations.

Bogotá Round Table. The Round Table on the Establishment of a WIPO Latin American Data Service on Industrial Property and Technology Transfer was jointly organized by WIPO and the Ministry of Economic Development of Colombia in Bogotá in July 1977.

The representatives of the following 11 countries participated in the Round Table: Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, Mexico, Paraguay, Uruguay, Venezuela. The Industrial Property Office of Spain participated as a special invitee. Six intergovernmental organizations (five regional and one sub-regional) and two non-governmental organizations participated as observers.

The Round Table recommended that WIPO establish a Latin American Data Service on Industrial Property and Technology Transfer which would publish a quarterly bulletin containing certain specified data relating to patents, marks, technology transfer contracts and offers and requests for the supply of technology.

At their eighth series of meetings in September/October 1977, the WIPO Governing Bodies approved, in accordance with the recommendation of the Bogotá Round Table, the establishment, for an experimental period of three years beginning in 1978, of the WIPO Latin American Data Service on Industrial Property and Technology Transfer.

Latin American Seminar on Patent Information. In October 1977, WIPO organized in Mexico City, jointly with the United Nations Economic Commission for Latin America (ECLA) and the Secretary-General of the United Nations Conference on Science and Technology for Development (UNCSTD), the Latin American Seminar on Patent Information. Invitations were extended by the Director General, also on behalf of ECLA and the Secretary-General of the Conference, to all the Latin American and Caribbean countries members of ECLA, and the following countries sent delegates: Argentina, Bolivia, Brazil, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Panama, Paraguay, Uruguay and Venezuela. The following regional bodies also sent representatives: Organization of American States (OAS), Latin American Economic System (SELA), Permanent Secretariat of the Central American General Treaty of Economic Integration (SIECA).

The discussions of the Seminar were on the single theme "Technological Information Contained in Patent Documents." They were based on the document with the same title prepared by the International Bureau of WIPO.

The Seminar adopted recommendations addressed to the Secretariat of UNCSTD, ECLA, WIPO, Latin American regional and sub-regional bodies for cooperation and integration, and governments of Latin American countries and developed countries on the theme of technological information contained in patent documents, in particular, the inclusion of this theme in the documentation of the Conference and in the national and regional papers for the Conference, the preparation of studies by WIPO on this subject, the association of industrial property administrations with the preparatory work of the Conference in order to contribute their knowledge and experience of the technological information contained in patent documents to the preparation of the respective documents, the provision of assistance to national or regional centers for the transfer and development of technology to obtain patent documents necessary for collections of technological information, the inclusion of information contained in patent documents in networks of general and sectoral technological information, and the establishment of centers for the transfer and development of technology suitably equipped with mechanisms for the exchange of technological information contained in patent documents.

Arab Seminar on Patent Information. Officials of the International Bureau had discussions in Cairo in August/September 1977 with the authorities of the Government of Egypt and with the Secretariat of IDCAS with a view to organizing, in the first part of 1978, a seminar on a similar subject for the benefit of the Arab States. This seminar would be organized by WIPO in cooperation with the Government of Egypt, IDCAS, the Secretary-General of UNCSTD, ECWA and the United Nations Economic Commission for Africa (ECA).

Asian and Pacific Seminar on Patent Information. Discussions took place in August and December 1977 between officials of the International Bureau and the Secretariat of the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) with a view to organizing in 1978 a seminar on the subject of patent information.

Workshops and Training Courses

Havana Workshop. The Havana Workshop on Information from Patent Documents was organized by the National Office for Inventions, Technical Information and Trademarks of the State Committee for Science and Technology of Cuba with the cooperation of WIPO and under the sponsorship of the Swedish International Development Authority (SIDA) in Havana in June 1977.

The Governments of the following 11 countries designated participants to the Havana Workshop: Barbados, Colombia, Costa Rica, Cuba, Grenada, Guatemala, Honduras, Jamaica, Mexico, Panama, Surinam. Two United Nations organizations—UNCTAD and the United Nations Development Programme (UNDP)—and the International Federation for Documentation (FID) were represented by observers. Officials of the Patent Offices of the German Democratic Republic, Spain and Sweden and of the International Patent Institute (IIB) participated as consultant experts. The consultant experts designated by the Soviet Union died tragically in an airplane crash while travelling to Havana. About 90 persons participated in the Havana Workshop, including a number of observers from Cuba and one from Barbados.

The main subjects treated in the Havana Workshop were the following: usefulness of patent documents as a source of technological information; study of patent documents and systematizing patent document collections; the International Patent Classification (IPC); means of access to patent documents and their technological content; cooperation between national, regional and international institutions in the field of patent documentation; institutional, material and staff requirements for handling information contained in patent documents; education and training. The Havana Workshop formulated a number of conclusions and/or recommendations in respect of each main subject.

Austria-WIPO Training Course. The Austria-WIPO Training Course in the Use of Patent Documentation for Technological Information, organized jointly by the Government of Austria and WIPO for experts from developing countries, took place in Vienna from August 16 to September 16, 1977. Experts from the following 17 countries and one regional intergovernmental organization participated: Afghanistan, Argentina, Bangladesh, Colombia, Cuba, Egypt, Greece, Indonesia, Mexico, Nepal, Nigeria, Pakistan, Philippines, Romania, Sri Lanka, Sudan, Thailand and IDCAS.

The living expenses of the experts while in Vienna were borne by the Government of Austria. The travel expenses of the experts from four of the least developed of the developing countries were borne by the Government of Austria, whereas those of four other experts—two of whom had been granted fellowships under the WIPO Fellowship Program and two of whom were selected after consultation with the government authorities of Austria—were borne by WIPO. The travel expenses of the remaining experts were met by their respective governments.

The aim of the training course was to familiarize users of technological information in developing countries with the means of obtaining such informa-

tion from patent documentation. The training course focused on the following main subjects: introduction to industrial property; patent documentation; introduction to the International Patent Classification (IPC); the application of patent documentation as a search tool (searches of the state of the art and for other technical information purposes). Practical training was provided through exercises in the application of the IPC for document classification and retrieval, in the efficient use of patent documentation for search purposes and in the formulation of search requests. A survey was also given of the services of the International Patent Documentation Center (INPADOC) as was a survey and demonstration of the technical and organizational facilities of the Austrian Patent Office. The participants visited industrial enterprises with important research and development activities. The lecturers included officials of the Austrian Patent Office, the German Patent Office (Munich) and the International Bureau, and specialists from industrial enterprises and the legal profession in Austria. The major part of the documentation for the training course was prepared by the Austrian Patent Office, the minor part by the International Bureau.

Assistance to Certain Developing Countries and Regional Institutions of Developing Countries

During 1977, WIPO gave assistance to the following developing countries or groups of developing countries, or requests for assistance from such countries and institutions were under active consideration by WIPO, on the matters indicated next to their name.

Countries

Algeria. Modernization of the trademark legislation, partly with the help of an expert from the Swiss Federal Intellectual Property Office; reorganization of the Algerian Institute for Industrial Property and Standardization (preparatory mission and discussions).

Bolivia. Modernization of the industrial property legislation, through written advice and discussions.

Brazil. Continuation of the project financed by UNDP for modernization of the Brazilian patent system, partly with the help of experts coming from the industrial property offices of Germany (Federal Republic of), Israel, Norway, Sweden and the United States of America, and with patent documents, microforms or microfilms of such documents provided by Austria, France, Germany (Federal Republic of), the

Soviet Union, Switzerland, the United States of America and the International Patent Institute (IIB).

Burundi. Reorganization of the Industrial Property Office (preparatory discussions).

Cuba. Training in the use of the International Patent Classification (IPC), partly with the help of an expert from the Patent Office of the Federal Republic of Germany and through the Havana Workshop (see above).

Cameroon. Possibilities of teaching intellectual property law at the university level (preparatory mission and discussions).

Egypt. Establishment and functioning of a patent documentation center and enhancement of the usefulness of its services to other government units, industry and the public (preparatory discussions).

Gambia. Modernization of the system for the administration of trademarks and acquisition of related equipment and documentation (preparatory discussions).

Honduras. Modernization of the trademark legislation, through written advice and consultations in Tegucigalpa.

Mauritius. Modernization of the industrial property and copyright legislation (preparatory discussions).

Mexico. Reorganization of the Industrial Property Office (preparatory mission and discussions).

Niger. Modernization of the industrial property and copyright legislation (preparatory discussions).

Philippines. Planning of specialized training in the industrial property field (preparatory discussions).

Rwanda. Modernization of the industrial property legislation and administration (preparatory discussions).

Senegal. Planning of specialized training of staff of the Scientific and Technical Research Administration and the functioning of that administration in relation to other units of Government; expert services and training of an official in industrial property, transfer of technology and the development of research.

Sri Lanka. Modernization of the intellectual property legislation and administration (preparation of the full texts of four separate draft laws on patents, trademarks, industrial designs and copyright; discussion of the same in Colombo between the Director General

of WIPO and members of a Sri Lankan committee in charge of preparing the legislation; discussions in Geneva between the Sri Lankan Minister of Trade and other Government officials and the Director General).

Sudan. Implementation of the new patent law; preparation of draft regulations and training of staff (preparatory mission and discussions in Geneva; training at the Austria-WIPO Training Course and at the Danish Patent Office).

United Arab Emirates. Expert services to carry out a survey in the fields of industrial property, copyright and neighboring rights (preparatory discussions).

Venezuela. Study tour for group of officials of different units of the Government to acquaint them with the main tasks of an industrial property office and of a registry for transfer of technology agreements (visits to industrial property offices of Denmark, Spain, the International Patent Institute (IIB), the National Registry of Technology Transfer of Mexico and the International Patent Documentation Center (INPADOC).

Zaire. Modernization of the industrial property legislation (preparatory discussions and consultations in Kinshasa).

Regional Institutions

African Intellectual Property Organization (OAPI). Cooperation with OAPI continued in respect of the revision of the Libreville Agreement establishing OAPI and its annexes on patents, trademarks and other subjects of industrial property. The revised Agreement was adopted by representatives of nine of the member States of OAPI (Benin, Cameroon, Central African Empire, Congo, Gabon, Ivory Coast, Senegal, Togo, Upper Volta) at Bangui on March 3, 1977. The revised Agreement broadens the scope of OAPI from industrial property only to the whole field of intellectual property, including copyright; it confirms, accordingly, this new title, and introduces new uniform laws and regulations on utility models, trade names, protection against unfair competition, copyright and the establishment of a patent documentation and information service.

The International Bureau assisted OAPI in the process of the revision of the Libreville Agreement through the giving of advice, the organization of meetings in Yaoundé and Geneva of specialists from the member States of OAPI and through visits to the said States to encourage the signing and acceptance of the revised Agreement.

By the end of 1977, four States (Cameroon, Central African Empire, Ivory Coast, Senegal) had signed the revised Agreement. It has not yet entered into force.

Cooperation also continued with OAPI in the establishment, within the framework of OAPI, of a center providing documentation and information services. A preparatory mission, organized by WIPO with the assistance of UNDP, had discussions with officials of OAPI in Yaoundé and with the Government authorities of the member States of OAPI. Discussions were also held among officials of the International Bureau of WIPO, officials of OAPI and Government authorities of France, Germany (Federal Republic of), Switzerland and officials of the Commission of the European Communities, which had expressed an interest in cooperating with WIPO in the execution of the project by providing experts or supplying equipment and documentation.

English-Speaking Countries in Africa: Industrial Property Organization for English-Speaking Africa.

By the end of 1977, the Agreement on the creation of an Industrial Property Organization for English-Speaking Africa² adopted on December 9, 1976, at the Diplomatic Conference held in Lusaka, had been signed by six States (Ghana, Kenya, Mauritius, Somalia, Uganda and Zambia), had been ratified by Kenya and Zambia and acceded to by Malawi. The Agreement has not yet entered into force.

At their sessions in December 1977, the Committee for Patent Matters and for Trade Mark and Design Matters, established by the Industrial Property Conference (see below), recommended that at the inaugural session of the Council of the Industrial Property Organization for English-Speaking Africa, scheduled for May 1978, the Council should include in its agenda the establishment of a regional office of the Industrial Property Organization for English-Speaking Africa (ESARIPO).

English-Speaking Countries in Africa: Industrial Property Conference. The third sessions of the Committees for Patent Matters and for Trade Mark and Industrial Design Matters, convened jointly by WIPO and the United Nations Economic Commission for Africa (ECA), was held at the invitation of the Government of Ghana, in Accra in December 1977. Seven of the 18 States invited to take part in the work of the Committees were represented: Gambia, Ghana, Kenya, Sudan, Tanzania, Uganda, and Zambia. WIPO and ECA acted as the Interim Secretariat.

The Committee for Patent Matters discussed a second draft of a Model Law for English-Speaking Countries on Patents, Utility Certificates and Innova-

tions, suggested a number of amendments to that draft, requested the Interim Secretariat to publish the Model Law together with the commentary and the Regulations under the title "Model Law for English-Speaking African Countries on Patents," and decided on a special procedure with respect to the part of the draft Model Law dealing with innovations, which includes changes in certain provisions and the examination of a new draft to be prepared by the Interim Secretariat for consideration at its next session.

The Committee for Trade Mark and Industrial Design Matters discussed a first draft of a Model Law on Marks for English-Speaking African Countries, prepared by the International Bureau with the assistance of an expert made available by the Government of the United Kingdom, and entrusted the Interim Secretariat with the task of preparing, in the light of the suggestions for amendment made by the Committee, a revised draft of the Model Law, accompanied by a Commentary and an outline of Regulations.

As concerns industrial design matters, the Committee examined a report prepared by the Secretariat of ECA containing responses to a questionnaire on the protection of industrial designs. The Committee requested the Secretariats to prepare for the next session of the Committee an outline of possible model provisions on industrial designs, taking into account the results of the questionnaire and the existing experience in English-speaking Africa.

English-Speaking Countries in Africa: Patent Documentation Centre. In October 1977, a preparatory mission, organized jointly by WIPO and ECA with the financial assistance of UNDP, on the feasibility of establishing a patent documentation centre within the framework of the Industrial Property Organization for English-Speaking Africa, had discussions with the Secretariat of ECA in Addis Ababa and with Government authorities in Ghana, Kenya, Nigeria and Zambia. The report of the preparatory mission was considered by the Committees for Patent Matters and for Trade Mark and Industrial Design Matters at the sessions in December 1977, which recommended that at the inaugural session of the Council of the Industrial Property Organization for English-Speaking Africa the agenda of the Council should include, inter alia, the question of the establishment of such a Centre in the framework of a regional office of the Industrial Property Organization for English-Speaking Africa (ESARIPO), and that the Council should take the necessary preparatory steps towards its establishment on the basis of the recommendations and findings contained in the report of the preparatory mission.

African Regional Centre for Technology. Pursuant to resolutions of United Nations bodies, in particular resolution 2034(LXI) of the United Nations Eco-

² For the text of this Agreement, see *Industrial Property Laws and Treaties*, MULTILATERAL TREATIES - Text 1-002 (*Industrial Property*, February 1977).

conomic and Social Council (ECOSOC), the Executive Secretary of ECA, issued invitations to United Nations organizations, including WIPO, to participate in the Inter-Agency Mission on the Establishment of an African Regional Centre for the Transfer, Adaptation and Development of Technology. The mission comprised officials of WIPO, ECA, UNCTAD, UNIDO, the International Labour Organisation (ILO) and the United Nations Food and Agriculture Organization (FAO). The mission, which was divided into two teams, with officials of WIPO serving on each team, visited 17 countries during April, May, June and July 1977. Officials of WIPO participated in the team which made visits to Algeria, Cameroon, Egypt, Ghana, Madagascar, Mauritius, Nigeria, Senegal and Zaire. During the visits to these countries, the teams had discussions with government officials of different units of government, with the staff of research institutes and universities, and with leaders in industry and commerce.

The report and recommendations of the Inter-Agency Mission was considered at an inter-agency meeting in Addis Ababa in September 1977 at which a member of the International Bureau of WIPO participated. The inter-agency meeting formulated a number of suggestions concerning the report and recommendations which deal with the objectives, functions, structure, work program, personnel, financing, budget and location of the proposed African Regional Centre for Technology. The report and recommendations of the Inter-Agency Mission, together with the suggestions of the inter-agency meeting, were submitted to the Intergovernmental Meeting of African Experts on Aspects of Technology Development in Africa, which met in Arusha (Tanzania) in October 1977. The draft constitution of the African Regional Centre for Technology, approved by that Intergovernmental Meeting of Experts, was subsequently submitted to a meeting of African plenipotentiaries in Kaduna (Nigeria) in December 1977. The Constitution of the African Regional Centre for Technology, adopted at that meeting, had (as of the end of 1977) been signed by the following 15 States: Benin, Egypt, Ethiopia, Ghana, Kenya, Liberia, Mauritius, Nigeria, Rwanda, Senegal, Sierra Leone, Sudan, Tanzania, Zaire and Zambia.

Among the objectives of the Centre are to improve, for the benefit of its Member States, the terms and conditions under which technology is imported, to promote within its Member States the diffusion and dissemination of technology and also the collection and encouragement of the use of technological information. Its functions include assistance in the training of specialist personnel in the negotiation of contracts and arrangements relating to the development, transfer and adaptation of technology and problems connected with industrial property rights,

assistance to its Member States in the effective use of the international code of conduct for the transfer of technology and other relevant international agreements, and the provision for its Member States of information and documentation services on the various fields of technology.

Caribbean Community (CARICOM). The Secretariat of CARICOM requested advice in the appointment of experts for a project leading to the harmonization of industrial property laws in the Caribbean region. Discussions took place in Geneva in March 1977 concerning the assistance which WIPO could give, in general, in the development of this project, including background advice based upon experience gained in other regions.

Economic Commission for Latin America (ECLA). Discussions took place between the International Bureau and the Secretariat of ECLA at Santiago in May/June 1977 on a research program on scientific and technological development in Latin America which would include matters in the patent field. WIPO and ECLA also cooperated in contributing to the preparatory work for the United Nations Conference on Science and Technology for Development (UNCSTD) by convening, with the Secretary-General of that Conference, a Latin American Seminar on Patent Information in Mexico City in October 1977 (see above).

Industrial Development Centre for Arab States (IDCAS). Officials of IDCAS received offers for training under the Fellowship Program (see above) and the Austria-WIPO Training Course in Vienna (see above).

In July 1977, an exchange of views took place in Geneva between the Directors General of WIPO and of IDCAS on the activities of the two organizations and on measures for strengthening cooperation in fields of mutual interest.

Discussions took place with IDCAS concerning the action to be taken jointly in implementation of the recommendations of the Baghdad Conference (see above), possible joint activities in the preparation of a directory of licensing in the petrochemical and fertilizer industries and cooperation in the preparation of an industrial property terminology list, glossary and manual (see above), as well as in organizing a seminar on patent information as part of the preparatory work for UNCSTD (see above). In the cases of the recommendations of the Baghdad Conference and the proposed directory, officials of UNIDO took part in the said discussions.

Further, officials of the International Bureau of WIPO and the Secretariats of UNIDO and IDCAS had discussions with government authorities in Arab States as part of a survey on the situation of industrial

property and the transfer of technology in the Arab States. Officials of the International Bureau held discussions in particular with the government authorities of Morocco and Tunisia in August 1977, Egypt and Syria in September 1977 and of Jordan in October 1977.

Arab Centre for the Transfer and Development of Technology. Pursuant to a resolution adopted by the United Nations Economic Regional Commission for Western Asia (ECWA) at its April 1977 session, the Executive Secretary of ECWA convened, in October 1977, an interagency meeting in which a representative of the International Bureau of WIPO participated and which agreed to the arrangements for a field mission as a first step in the preparation of a study on the possibility of establishing a regional centre for the transfer and development of technology. The interagency meeting also discussed various aspects of a working paper to guide the mission and the concept of the regional centre.

The field mission, which was divided into two teams and consisted of officials from WIPO, ECWA, the Arab Educational, Cultural and Scientific Organization (ALECSO), the Industrial Development Centre for Arab States (IDCAS), the Council of Arab Economic Union (CAEU), the International Labour Organisation (ILO), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Industrial Development Organization (UNIDO), visited the 21 Arab countries. An official of WIPO participated in the team which made visits in November/December 1977, to Bahrein, Iraq, Kuwait and Saudi Arabia. A report based on the findings of the mission, setting forth the basic guidelines for the establishment of the regional centre and recommendations concerning its management, staffing, budget, location, functions and services, will be submitted to a second interagency meeting in February 1978 and to an intergovernmental meeting of experts in March 1978 and eventually to the April 1978 session of ECWA.

United Nations Conference on Science and Technology for Development (UNCSTD)

The Permanent Committee (Industrial Property) of WIPO adopted in 1977 a resolution suggesting to governments that they take into account, in carrying out their national analyses and in preparing their national papers for the Conference, the importance, for the application of science and technology to development, of development cooperation activities related to industrial property, particularly such activities concerning the promotion of innovation, the modernization of laws, the strengthening of infra-

structures and institutions, cooperation among developing countries and the improvement of access to technological information, and noting with satisfaction that the Director General of WIPO would, in consultation with the Secretary-General of the Conference, so plan and implement activities under the Permanent Program (Industrial Property) as to contribute to the Conference and its preparatory period in the most effective manner possible.

In March, May and November 1977, the Director General of WIPO discussed with the Secretary-General of UNCSTD the contribution of WIPO to the preparatory work of the Conference.

The program and budget for 1978 approved by the WIPO Governing Bodies at their September/October 1977 sessions contains proposals for specific measures for contribution to the preparation for the said Conference. These include assistance to the Conference Secretariat by staff members of the International Bureau and cooperation with the Secretary-General of the Conference and the United Nations regional commissions in the preparation or organization of regional meetings on subject areas of mutual interest to the Conference and WIPO, including technological information contained in patent documents (see above).

WIPO was represented at a technical governmental meeting for Central America and Panama, organized by UNCSTD at Guatemala City in October 1977, which discussed guidelines for the preparation of national papers to be submitted to the Conference.

International Inventor Award

The announcement of the arrangements for an International Inventor Award for innovations offering solutions to urgent development problems of global scope was made by the International Inventor Award Assembly at a press conference opened by the Director General at WIPO Headquarters in February 1977. A substantial fund for the award has been set up on the initiative of the Swedish Inventors' Association. The first award will be made on the occasion of the Association's 100th anniversary.

Permanent Program and Permanent Committee (Copyright and Neighboring Rights)

Permanent Committee (Copyright)

Membership. In accordance with Article 2(3) of the Organizational Rules of the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights (hereinafter referred to as "the Permanent Program (Copyright)"), adopted by the WIPO Conference, the Per-

manent Committee for Development Cooperation Related to Copyright and Neighboring Rights (hereinafter referred to as "the Permanent Committee (Copyright)") consists of all States members of WIPO which have informed the Director General of their desire to be members of that Permanent Committee. At the end of 1977, the following 39 States were members of the Permanent Committee (Copyright): Australia, Austria, Brazil, Bulgaria, Cameroon, Canada, Chile, Congo, Czechoslovakia, Denmark, Egypt, Finland, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Hungary, India, Israel, Ivory Coast, Kenya, Mauritius, Mexico, Morocco, Netherlands, Niger, Norway, Pakistan, Poland, Portugal, Romania, Senegal, Spain, Surinam, Sweden, Switzerland, United Kingdom, United States of America, Upper Volta.

First Session. The first session of the Permanent Committee (Copyright) was held in March 1977. Twenty-six States members of the Permanent Committee (Copyright) were represented at that session. Twenty other States, three organizations of the United Nations system of organizations, and three other intergovernmental as well as 11 international non-governmental organizations were represented by observers.

The discussions and recommendations of the Permanent Committee (Copyright) at its first session and the activities of the International Bureau undertaken in the execution of the Permanent Program (Copyright) are summarized in the following paragraphs which also reflect, where relevant to these activities, the decisions taken by the Berne Executive Committee and the Intergovernmental Copyright Committee at their sessions in December 1977.

International Treaties in the Field of Copyright and Neighboring Rights

The Permanent Committee (Copyright) noted that 69 States were party to the Berne Convention for the Protection of Literary and Artistic Works, of which more than half were developing countries, that a similar proportion prevailed as concerns the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations ("Rome Convention"), the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms ("Phonograms Convention") and the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite ("Satellites Convention"), that a number of other countries were actively considering adhering to the international treaties in the field of copyright and neighboring rights and that, in some countries, legislation was being prepared for that purpose.

The Permanent Committee (Copyright) noted with interest that the new Copyright Law promulgated in the United States of America which, with certain exceptions, entered into force on January 1, 1978, had introduced "life plus 50 years" as the principal measure of copyright duration and that, with this, the major obstacle to the accession by the United States to the Berne Convention appears to have been removed. However, there were matters that still remained to be explored. The Permanent Committee (Copyright) felt that these questions could be studied further to see how the respective organs of the Berne Union could assist in the matter.

Support of National Authors and Performers: Promotion and Protection of Indigenous Intellectual Creativity in Developing Countries

The Permanent Committee (Copyright) supported the view that, in order to achieve the necessary complementarity and to coordinate the activities in respect of copyright with the interest and activities of national authors and national publishers, various steps could be envisaged, including: (i) obtaining information, through international machinery such as the Permanent Committee (Copyright) on the present situation in the various countries; (ii) setting up a national copyright consultative body with a broad-based composition from among, for example, authors, performers, artists, broadcasters, booksellers, librarians and publishers; (iii) encouraging the production of school and college textbooks written by local national authors and their sale at prices within easy reach of the masses who need them, encouraging original writing by national professors with the assistance of younger scholars, and ensuring, for this purpose, the payment of attractive copyright royalties and advances thereagainst to national authors, as well as suitable protection for national publishers against unauthorized copyright of works published by them; (iv) initiating and supporting a program for translating, into the *lingua franca* of the area or region concerned, the best of the intellectual creations written in one of the several dialects or local languages used in various parts of the country, so as to ensure dissemination of works. Finally, the Permanent Committee (Copyright) noted that, because of the predominance of the problems of easier access to foreign works in earlier discussions on this matter, sometimes the function of copyright as a stimulus to indigenous creativity had been lost sight of and that national creativity and development depended, to a considerable extent, on effective copyright law and its implementation.

With a view to undertaking a study of the legislative and institutional, both governmental and private, arrangements which exist in the field of copyright and neighboring rights in developing and developed countries for the support of national authors or national

performers, the International Bureau in November 1977 invited the governments of selected developed and developing countries to provide information on such arrangements, including statutory provisions affecting contractual relationships in the absence of specific agreement, standard contractual provisions of authors' and performers' societies, advisory boards, fee-collecting societies, etc.

Access to and Dissemination of Works and Performances of Foreign Origin Protected by Copyright and Neighboring Rights

The Permanent Committee (Copyright) took note of the comments sent by a certain number of States and organizations on the practical implementation of the preferential systems in favor of developing countries introduced in the 1971 Paris texts of the international copyright conventions (the Berne Convention and the Universal Copyright Convention), and of the fact that a study was in progress jointly with Unesco on this matter.

At their sessions in December 1977, the Executive Committee of the Berne Union and the Intergovernmental Copyright Committee concluded that an overall study should be undertaken of the problems posed for the developing countries by access to protected works, as well as of the questions concerning the application of the revised texts of 1971. For this purpose, the Committees decided that a more detailed questionnaire should be drawn up, and that a Working Group, jointly instituted by WIPO and Unesco, should be convened by them in 1978 to study the said problems and questions.

Just before these decisions were made and with a view to undertaking a study of the practical problems related to copyright and neighboring rights, and to means of solving them, in securing access to and national publication and dissemination of works of foreign origin, particularly for educational, instructional and scientific purposes, the International Bureau invited, in November 1977, the Governments of developing countries to provide information on any such practical problems in their countries and to indicate any means existing, or proposed to be introduced or used, in their countries to solve such problems, if any.

Model Law on Copyright for Developing Countries

The Permanent Committee (Copyright) emphasized the utility of the Tunis Model Law on Copyright for Developing Countries, which had been finalized by a Committee of Experts with the assistance of WIPO and Unesco in 1976. The Permanent Committee (Copyright) expressed the wish that the Model

Law, which, together with an explanatory commentary, has been published in English, French and Spanish, be circulated as widely as possible and that a Portuguese translation be published. The text in Portuguese is under preparation by the International Bureau in cooperation with Unesco and with the assistance of the Portuguese authorities.

Copyright Glossary and Manual for Developing Countries

The Permanent Committee (Copyright) noted that the current program provided for the preparation, in cooperation with Unesco, of a copyright glossary and manual for developing countries, and that these would define the most frequently used terms in copyright legislation and furnish general information to readers in developing countries on the aims and specific nature of copyright laws, their administration, typical contractual relationships stemming from them and the international aspects of copyright relationships. The preparation of the glossary and manual is under way.

Protection of Folklore

At their sessions in December 1977, the Berne Union Executive Committee and the Intergovernmental Copyright Committee had before them the report of the Committee of Experts on the Legal Protection of Folklore, convened by Unesco, in Tunis in July 1977.

The two Copyright Committees, while recognizing that their competence was limited, concluded that, in so far as copyright could enter into the solution of the problems, they should continue to consider them. The two Copyright Committees decided that studies on folklore in general should be pursued by the Unesco Secretariat on an interdisciplinary basis within the framework of an overall approach, but that WIPO should be associated in the examination of any copyright or copyright-type protection aspects involved; moreover, WIPO should inquire into the extent to which regulations governing industrial property (unfair competition, appellations of origin, etc.) might be used.

Fellowships and Other Training Opportunities

Fellowships. The Fellowship Program in copyright and neighboring rights has developed appreciably in the last few years. While only one copyright fellowship was awarded between 1964 and 1974, three were awarded in 1975 and nine in 1976.

Under the Fellowship Program for 1977, 14 applications for fellowships in the field of copyright and

neighboring rights from 11 developing countries and one organization were submitted to WIPO. Twelve fellowships were awarded to officials from the following ten countries and one organization: Bolivia, Costa Rica, Ghana, India, Mali, Mexico, Rwanda, Senegal, Syria, Zaire and the Palestine Liberation Organization (PLO).

The following countries contributed in part to the payment of the costs of the travel expenses and subsistence allowances of the fellows: Mexico (subsistence allowance for two fellows, coming from Bolivia and Costa Rica); Hungary (subsistence allowance for one fellow, coming from Senegal). The remainder of the cost was borne by the budget of the WIPO Legal-Technical Assistance Program.

The training courses in the field of copyright and neighboring rights under the 1977 Fellowship Program took place in six countries (France, Hungary, Mexico, Morocco, the United Kingdom and the United States of America) and at WIPO Headquarters in Geneva.

Symposium for Copyright Trainees. A symposium on copyright matters for the benefit of nine trainees was organized by WIPO in Geneva in November 1977. Trainees from Ghana, India, Mali, Mexico, Morocco, Rwanda, Senegal and Zaire participated in the symposium. Lectures were given by officials of the International Bureau and by representatives of the European Broadcasting Union (EBU), the International Confederation of Societies of Authors and Composers (CISAC), the International Federation of Producers of Phonograms and Videograms (IFPI) and the International Publishers Association (IPA).

Other Training Opportunities: Advance Planning. At its March 1977 session, the Permanent Committee (Copyright) took note of the suggestions and the different training possibilities offered by the various delegations and by the observer international non-governmental organizations including, in particular, Germany (Federal Republic of), the United Kingdom, the United States of America, CISAC and IPA. It also noted that the International Bureau of WIPO would plan future long-term training individually with each interested country well in advance, to be able to respond to its special requirements. In addition to such advance planning, the existing arrangements would continue through the organization of courses for persons needing general knowledge in copyright. It noted that the International Bureau had already established contacts with Unesco in this field, more particularly in order to avoid duplication.

The Permanent Committee (Copyright) emphasized the importance of organizing visits of trainees from developing countries to other such developing countries. During 1976, WIPO trainees were received

in Mexico and a similar invitation to receive trainees in 1977 has been extended by the Government of Mexico.

Teaching of Copyright and other Intellectual Property Courses in Universities. The Permanent Committee (Copyright) agreed on the desirability of organizing copyright and neighboring rights courses in universities of developing countries. It noted that such courses already existed in the law faculties of a few universities, and that senior fellows could be deputed to study the course and curriculum content in some universities and institutions in the more advanced countries in order to strengthen and/or introduce special courses in universities in developing countries on patent and copyright laws. To this end, contact was made in May 1977 with the Government of Cameroon which had expressed its interest in the development of such courses.

Regional Meetings, Seminars, and Conference. At its March 1977 session, the Permanent Committee (Copyright) noted the organization of the regional meetings, seminars and symposia mentioned in the document circulated by the International Bureau, and the fact that the triennial program of WIPO for the period from 1977 to 1979 included the convening of at least four meetings, seminars or training courses in developing countries.

Regional Seminar on Copyright for Arab States. A Regional Seminar on Copyright for Arab States was held in Rabat in May 1977. It was organized jointly with Unesco, in collaboration with the Arab Educational, Cultural and Scientific Organization (ALECSO), and at the invitation of the Government of Morocco. Twenty-four participants, in addition to six speakers, from 13 Arab States (Democratic Yemen, Egypt, Iraq, Jordan, Lebanon, Mauritania, Morocco, Qatar, Saudi Arabia, Somalia, the Sudan, Syria, and Tunisia) and observers from the Palestine Liberation Organization attended the Seminar. Six international non-governmental organizations were also represented.

The Seminar discussed the following topics: the role of copyright in the promotion of development; the Arab States and international copyright conventions; copyright in Arab countries not party to international copyright conventions; copyright offices and societies of authors in Arab States; the situation of national copyright in Arab States and prospects for the future; the Berne Convention for the Protection of Literary and Artistic Works; the Universal Copyright Convention; the Tunis Model Law on Copyright for Developing Countries. The Seminar adopted a recommendation which, inter alia, noting that both at the legislative level and in respect of membership of the international conventions the position of Arab States

was not uniform, suggests a meeting of governmental experts in order to establish general principles on the basis of which domestic legislation could be drafted with a view to effecting greater harmony in the field of copyright protection in those States. The Seminar expressed the opinion that the Tunis Model Law on Copyright for Developing Countries constituted a basic document of considerable value to national legislators. The Seminar called for adoption of practical measures for the establishment of the necessary infrastructures for the safeguard of the moral and material interests of authors. It also recommended that WIPO, Unesco and ALECSO render all necessary assistance for following up the conclusions.

Sao Paulo Conference and Congress on Copyright. The First Continental Conference on Copyright was organized, together with the First Brazilian Congress on Copyright, by the Inter-American Copyright Institute (IIDA) with the assistance of WIPO in Sao Paulo, Brazil, in June 1977.

Over 100 persons from Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Mexico and the United States of America attended the Conference and Congress.

Panel discussions were held on the following topics: activities of international organizations in the field of copyright and neighboring rights; guidelines for the development of copyright law in the Americas; penal and civil repression in copyright law; systems for the remuneration and collection of copyright fees; the protection of applied art; reprography; neighboring rights; and the *domaine public payant*.

The Conference formulated conclusions in the light of the discussions of the topics and adopted a number of resolutions, including recommendations that the IIDA seek observer status in WIPO meetings, that the Governments of the States in the Americas accede to the international conventions in the field of copyright and neighboring rights, that WIPO bring up to date the publication on the teaching of the law of intellectual property (particularly copyright), that WIPO and Unesco, in cooperation with the IIDA, convene a committee of experts from Latin America to examine in depth the Tunis Model Law on Copyright for Developing Countries on the basis of the comments received from the Governments of the countries in Latin America and that WIPO and Unesco undertake a study of the different existing forms of protection of applied art and of the possible bases for a more complete and effective protection of applied art in all its forms.

Asian/Pacific Seminar. The Asian/Pacific Seminar on the Protection of Performers, Producers of Phonograms and Broadcasting Organizations was convened jointly by WIPO, ILO and Unesco, with the coopera-

tion of the Government of Thailand, at Bangkok in October 1977.

The participants in the Seminar included experts, designated by the Governments of nine Asian and Pacific countries to act in their personal capacity, and observers from ten States and six international non-governmental organizations.

The object of the Seminar was to make the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations ("Rome Convention") better known in the Asian/Pacific area and to examine the current situation with regard to the national laws in this field. Lectures were given by the representatives of ILO, Unesco and WIPO, country reports were delivered by the participating experts and statements were made by the observers.

The participants in the Seminar recommended that national legislation should provide for the protection of performers, producers of phonograms and broadcasting organizations, that the Model Law concerning the Protection of Performers, Producers of Phonograms and Broadcasting Organizations could be used as a suitable basis for this purpose, that appropriate organizations should be encouraged and supported at the national level with the assistance and technical advice of ILO, Unesco and WIPO, that in order to further an effective system of international protection of all the interests concerned, countries should adhere to the Rome Convention and should also consider becoming party to the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms and the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite.

Assistance to Certain Developing Countries and Regional Institutions of Developing Countries

At its March 1977 session, the Permanent Committee (Copyright), while discussing assistance to States in drafting new legislation and organizing copyright administration, took note of the suggestion that the Model Statutes for Societies of Authors drawn up initially in 1969 to meet the needs of African countries might be updated and broadbased so as to provide for a more universal model.

Upon the request of governments and regional organizations, WIPO continued to provide expert advice to assist national or regional authorities in formulating or revising their legislation on copyright and neighboring rights and in establishing or strengthening national or regional institutions concerned with such matters.

Mauritius. At the request of the Government of Mauritius in April 1977, the new draft Copyright Bill

of that State was examined and comments and suggestions were communicated.

Somalia. Similarly, the International Bureau provided advice and comments to the government authorities concerned in Somalia on their draft Copyright Bill.

Sri Lanka. In July 1977, the International Bureau provided advice and comments to the government authorities concerned in Sri Lanka on their draft Copyright Bill.

African Intellectual Property Organization (OAPI). The International Bureau assisted OAPI in drafting a regional Convention on Copyright based on the Tunis Model Law. This now constitutes one of the Annexes to the Libreville Agreement establishing OAPI, as revised at Bangui on March 3, 1977. The title and jurisdiction of this intergovernmental organization (OAPI) has been modified in order to enable it to deal not only with industrial property but also with copyright. (For other details, see above.)

Training Opportunities in the Fields of Industrial Property and Copyright and Neighboring Rights

At the beginning of August 1977, the International Bureau announced the program for training opportunities in 1978 and subsequent years in the fields of industrial property and copyright and neighboring rights, and invited the governments of developing countries to propose candidates for the 1978 general introductory courses (to be held in the month of September 1978 for industrial property and in the month of October 1978 for copyright and neighboring rights) and to consider the planning of specialized training over the next few years through the visits of experts, the organization of local training courses and on-the-job courses in developed or developing countries.

Special Contributions by Certain Countries to Development Cooperation Activities

For the purposes of the activities referred to above, the governments of certain countries made special contributions in the form of the provision of the services of experts or documents or the payment of all or part of the costs of certain activities, as follows:

(a) The Federal Republic of Germany has assigned one of the officials of the German Patent Office to work full time in the International Bureau on WIPO projects on development cooperation. The official was selected in agreement with the Director General.

The Government of the Federal Republic of Germany not only covers the salary of the said official but also reimburses the International Bureau's overhead expenses due to the presence of that official in the International Bureau and the expenses of official missions by that official.

In August 1977, WIPO concluded an agreement with the Federal Republic of Germany by virtue of which the Government of that country would place a fund in the amount of 895,000 Swiss francs at the disposal of the International Bureau for the financing of specified development assistance projects between 1977 and 1982.

(b) The Swedish Royal Patent and Trademark Office has assigned one of its officials to the International Bureau for a period of three months to work on fellowships and other training projects in the field of development cooperation activities.

(c) In July 1977, the Government of the United Kingdom informed the International Bureau that a special allocation of funds in the amount of 15,000 pounds was available for the financial year 1977-1978 to support WIPO programs of benefit to developing countries, in particular the WIPO Fellowship Program and training or other assistance for the Industrial Property Organization for English-Speaking Africa. Funds thus made available have been utilized in part so far for the payment of travel expenses and subsistence allowances of two trainees under the WIPO Fellowship Program (see above) and for the services of a consultant on trademark matters in assisting the Industrial Property Conference for English-Speaking Africa (see above).

(d) The United States Patent and Trademark Office has assigned one of its officials to work full time in the International Bureau on matters which include WIPO projects on development cooperation. This official, too, was selected in agreement with the Director General. The Government of the United States of America continues to pay this official's salary.

(e) Full or partial payment of the travel expenses and subsistence allowances of trainees in the industrial property field (see above) and in the copyright and neighboring rights field (see above) under the 1977 Fellowship Program was made by a number of countries.

(f) Concerning the contribution of the Government of Austria to the Austria-WIPO Training Course, held in Vienna in August/September 1977, see above.

(g) Patent documents, microforms or microfilms of such documents were provided by Austria, France,

Germany (Federal Republic of), the Soviet Union, Switzerland, the United States of America and the International Patent Institute (IIB) to assist the Government of Brazil in the modernization of its patent system (see above). State-of-the-art search reports were provided by Austria to a number of developing countries (see above).

Other Relations with Developing Countries

Meetings

Bombay Seminar on Patent Documentation and Information Services. A seminar on Patent Documentation and Information Services sponsored by the Patent Office and the Department of Science and Technology of the Government of India and the Documentation Research and Training Centre (Bangalore) was held at Bombay in December 1977. At that Seminar, which consisted mainly of participants from industry, a representative of WIPO presented a paper on technological information in patent documents.

Salamanca Seminar. A Seminar on The Obligation to Work Patents in Spain and in Latin America was organized by the University of Salamanca with the collaboration of the Spanish Industrial Property Office and the Institute of Hispanic Culture. The Seminar was attended by a number of industrial property specialists from Spain and from several Latin American countries. It was also attended by seven trainees from Latin American countries who were attending the annual course on industrial property, which was organized in Madrid by the Spanish Industrial Property Office within the framework of WIPO's Permanent Program for Development Cooperation Related to Industrial Property. Lectures on the main features of the topic were held in respect of the situation in different Latin American countries and in Spain, and were followed by discussions. The Director General of WIPO was the main speaker at the closing session of the Seminar and delivered a lecture on the obligation to work patents within the framework of the process of revision of the Paris Convention for the Protection of Industrial Property.

Missions

On the occasion of his participation in the World Symposium on the Importance of the Patent System to Developing Countries, in Colombo, in February 1977 and again when he was in Sri Lanka in December 1977, the Director General met with the President and the Prime Minister of Sri Lanka. Officials of the

International Bureau also met with high-ranking government officials responsible for industrial property, transfer of technology and copyright matters.

The Director General made a visit to Brazil in May 1977. On that occasion, the Director General met with the Minister for Foreign Affairs and with high-ranking officials responsible for industrial property, transfer of technology and copyright matters.

The Director General made a visit to Colombia in July 1977. On that occasion, he participated in the Bogotá Round Table (see above) and met with high-ranking officials of the Government of that country responsible for industrial property and transfer of technology.

On the occasion of his participation in the Meeting Among ASEAN Countries on the Role of Industrial Property in Technological and Economic Development, held in Jakarta in December 1977 (see above), the Director General met with the President of Indonesia and with the Acting Minister for Foreign Affairs, the Minister for Justice and the Minister for Industry.

Visits were made by WIPO officials to Algeria, Bahrain, Bolivia, Brazil, Cameroon, Central African Empire, Chile, Colombia, Cuba, Egypt, Gabon, Ghana, Guatemala, Honduras, India, Indonesia, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Madagascar, Malaysia, Mauritius, Mexico, Morocco, Niger, Nigeria, Pakistan, Qatar, Saudi Arabia, Senegal, Singapore, Sri Lanka, the Sudan, Syria, Thailand, Togo, Tunisia, Venezuela, Yemen and Zaire for the purpose of exchanging views with the government authorities of those countries on matters concerning WIPO, particularly industrial property, transfer of technology or copyright and neighboring rights.

On the occasion of the visit to Gabon in July 1977, a WIPO official was received by the President of Gabon, by the President of Zaire and by high-ranking officials responsible for industrial property, transfer of technology and copyright matters.

Officials of the Government of the Republic of Korea had discussions with officials of the International Bureau in Geneva in November 1977 on matters concerning membership in WIPO and industrial property and transfer of technology.

Talks took place on industrial property and transfer of technology matters with the Secretariats of the United Nations Economic Commission for Africa (ECA) in Addis Ababa in January, March, June, September and November 1977, the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) in Bangkok in February, August and December 1977, the United Nations Economic Commission for Latin America (ECLA) in Guatemala City and Santiago in April/May 1977, and in Mexico City in July and October 1977, the United Nations Economic Commission for Western Asia (ECWA) in Beirut in September and December 1977, the Association of

South-East Asian Nations (ASEAN) in Jakarta in August 1977, the Industrial Development Centre for Arab States (IDCAS) in Cairo in January and August 1977, the Organization for African Unity (OAU) in Addis Ababa in January and February 1977, the Permanent Secretariat of the General Treaty on Central American Economic Integration (SIECA) in Bogotá in January, February and July 1977, and the African Intellectual Property Organization (OAPI) in Bangui in February 1977, in Yaoundé in March 1977 and in Cotonou in December 1977.

Relations with States and Organizations

In General

The main objective of the contacts by the International Bureau with States and organizations is to ascertain the problems which States face on the national, regional and international levels in the various fields of intellectual property, to explore the means for individual and cooperative action leading to their solution, to keep abreast of current thinking in these and related fields, to encourage participation in the activities of WIPO, and to promote increased membership in WIPO and the wider acceptance of the international treaties administered by WIPO. The contacts with States and organizations referred to in this part of the activities report were mainly aimed at maintaining and increasing such contacts either through missions to countries or by attending international meetings during which questions of mutual interest were discussed.

Relations with States

Relations with Developing Countries

See above.

Relations with Other States

Visits were made by the Director General to Austria, France, Germany (Federal Republic of), Hungary, Italy and Japan, and by officials of the International Bureau to the said countries as well as to Czechoslovakia, Finland, Greece, Romania, the Soviet Union, Spain, Switzerland, the United Kingdom, and the United States of America to discuss with government authorities of the said States WIPO, industrial property, copyright and related matters.

On the occasion of his visit to Japan in October 1977, the Director General met with the Prime Minister, the Minister for Foreign Affairs and the Minister for International Trade and Industry, and

with high-ranking government officials responsible for industrial property matters.

Relations with Other Organizations of the United Nations System

General Coordination of Policies and Activities

The Director General and officials of the International Bureau participated in the work of a number of inter-secretariat bodies of the United Nations established for the purpose of facilitating coordination of the policies and activities of the organizations of the United Nations system.

Representation at Meetings of United Nations Bodies

WIPO was represented at various meetings of United Nations bodies at which questions of direct interest to WIPO were discussed, including the thirty-second session of the United Nations General Assembly (September/December 1977), sessions or meetings convened by United Nations regional economic commissions, and the sessions of the Trade and Development Board of the United Nations Conference on Trade and Development (UNCTAD) and the Industrial Development Board of the United Nations Industrial Development Organization (UNIDO).

Resolutions and Decisions of the United Nations General Assembly and of the United Nations Economic and Social Council (ECOSOC)

The United Nations General Assembly at its thirty-first session (September/December 1976), the United Nations Economic and Social Council at its sixty-second session (April/May 1977) and at its sixty-third session (July/August 1977), and the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples at its meetings in August 1977 adopted a number of resolutions and decisions which, although not addressed specifically to WIPO, either called for action by the organizations of the United Nations system or were otherwise relevant to the work of WIPO during the year 1977 or to its future program of work. A resumé of each of these resolutions and decisions was presented, together with the comments and proposals of the Director General, to the WIPO Coordination Committee at its session in September/October 1977. The WIPO Coordination Committee noted these resolutions and decisions and the activities performed or planned by the Director General in respect of these

resolutions and decisions. As concerns, in particular, the action taken by the WIPO Coordination Committee in respect of one of these resolutions relating to South Africa, see above.

Information for Studies and Reports of the United Nations

The International Bureau provided information on subjects of direct concern to WIPO for inclusion in reports prepared by the Secretary-General of the United Nations for the General Assembly, the Economic and Social Council and other organs of the United Nations.

Among the reports provided by the International Bureau was the analytical summary report of WIPO for the year 1976, presented to the United Nations Economic and Social Council for its sixty-third session (June 1977) (see United Nations document E/5957, May 31, 1977). The report was also transmitted by the Director General to the Member States of WIPO and other States members of the organizations of the United Nations system.

Relations with the United Nations Conference on Trade and Development (UNCTAD) and the United Nations Industrial Development Organization (UNIDO)

Consultations continued to take place between the Secretariats of UNCTAD and WIPO, and UNIDO and WIPO with respect to matters of mutual interest and the implementation of decisions taken by the governing bodies of the respective organizations.

Relations with the United Nations Conference on Science and Technology for Development (UNCSTD)

See above.

Relations with United Nations Regional Commissions

Close cooperation was maintained with the United Nations Economic Commission for Africa (ECA), particularly as concerns the creation of the Industrial Property Organization for English-Speaking Africa, the Industrial Property Conference and its two Committees, the establishment of a patent documentation center for English-Speaking Countries in Africa, and the African Regional Centre for Technology (see above).

Cooperation also continued with the United Nations Economic Commission for Latin America (ECLA), particularly as concerns the convening of the

Latin American Seminar on Patent Information, as part of the preparatory work for the United Nations Conference on Science and Technology for Development (UNCSTD) (see above).

With a view to organizing similar seminars in cooperation with the United Nations Economic Commission for Western Asia (ECWA), and the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP), discussions were held with the Secretariats of those Commissions.

WIPO was represented at the Fourth Meeting of the Follow-up Committee on Industrialization in Africa and at the Fourth Conference of African Ministers of Industry, organized by ECA, the Organization of African Unity (OAU) and UNIDO, which were held in Kaduna (Nigeria) in November 1977.

Relations with the United Nations Educational Scientific and Cultural Organization (UNESCO)

Close cooperation continued with Unesco on activities concerning copyright, including matters concerning development cooperation related to copyright, particularly in respect of the application of the revised 1971 Paris texts of the Berne Convention for the Protection of Literary and Artistic Works and the Universal Copyright Convention, the Tunis Model Law on Copyright for Developing Countries, the preparation of a copyright glossary and manual for developing countries, the protection of folklore, and the organization of the Regional Seminar on Copyright for Arab States at Rabat (see above), as well as in respect of the collection of laws and treaties and the surveys and studies on the use of audiovisual cassettes and discs, on the problems arising from the transmission, by cable, of television programs, on the problems arising from the use of electronic computers and other technological equipment and on the avoidance of double taxation of royalties remitted from one country to another (see the March 1978 issue of *Copyright*). WIPO was represented at the September/October 1977 session of the Executive Board of Unesco, at the first session of Unesco's Intergovernmental Council for General Information Programs in November 1977, and at the December 1977 session of the Intergovernmental Copyright Committee established under the Universal Copyright Convention.

Relations with the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Labour Organisation (ILO)

Close cooperation was also maintained with Unesco and ILO on matters relating to neighboring rights (see the March 1978 issue of *Copyright*).

Relations with Other Intergovernmental Organizations

African Intellectual Property Organization (OAPI). WIPO was represented at the meetings of the Administrative Council of OAPI in Bangui (Central African Empire) in February/March 1977 and in Cotonou (Benin) in December 1977. See also above.

Arab States Broadcasting Union (ASBU). See above.

Caribbean Community (CARICOM). See above.

Council for Mutual Economic Assistance (CMEA). See "The Paris Union and Industrial Property in 1977" in the March 1978 issue of this review.

Council of Europe (CE). The Director General of WIPO attended the inauguration ceremony of the *Palais de l'Europe* of the Council of Europe in Strasbourg in January 1977. See also "The Berne Union and International Copyright and Neighboring Rights in 1977" in the March 1978 issue of *Copyright*.

English-Speaking Countries in Africa. See above.

Commission of the European Communities (CEC). See above and "The Paris Union and Industrial Property in 1977" in the March 1978 issue of this review.

Community Patent Interim Committee. See "The Paris Union and Industrial Property in 1977" in the March 1978 issue of this review.

European Patent Organisation (EPO). See "The Paris Union and Industrial Property in 1977" in the March 1978 issue of this review.

Industrial Development Centre for Arab States (IDCAS). WIPO was represented at the Permanent Consultative Committee for Documentation and Industrial Information of IDCAS in October 1977. See also above.

Intergovernmental Bureau for Informatics (IBI). WIPO was represented at the General Assembly of the IBI in Paris in January 1977.

International Patent Institute (IIB). See "The Paris Union and Industrial Property in 1977" in the March 1978 issue of this review.

Organization of African Unity (OAU). On the occasion of his visit to Geneva in October 1977, the Secretary-General of the OAU met with the Director General of WIPO and reviewed with him the program

of cooperation entered into by the OAU and WIPO. See also above.

Relations with International and National Non-Governmental Organizations

Admission of International Non-Governmental Organizations as Observers to Meetings of the Governing Bodies

Benelux Association of Trademark and Design Agents (BMM), Inter-American Copyright Institute (IIDA) and World Federation of Engineering Organizations (WFEO): see above.

Relations with the International Organization for Standardization (ISO)

See "The Paris Union and Industrial Property in 1977" in the March 1978 issue of this review.

Representation at Meetings

WIPO was represented at meetings of various international non-governmental organizations concerned with matters in the fields of industrial property (see "The Paris Union and Industrial Property in 1977" in the March 1978 issue of this review) and copyright and neighboring rights (see "The Berne Union and International Copyright and Neighboring Rights in 1977" in the March 1978 issue of *Copyright*) at which questions of direct interest to WIPO were discussed.

The Director General gave a lecture on "Options for the Legislator in the Field of Patents, Trademarks and Copyright" at a meeting of the Bar Association of Sri Lanka in February 1977.

WIPO Publications

Reviews. The reviews *Industrial Property* and *Copyright* continued to appear every month in English and French. The review *La Propiedad Intelectual* continued to appear in Spanish every quarter.

WIPO General Information Brochure. An up-dated version of the *WIPO General Information Brochure* was published in English and in French in January 1977, in German in June 1977 and in Spanish in August 1977.

An up-dated *List of Member States of the World Intellectual Property Organization (WIPO) and the International Unions*, of July 1, 1977, in English and

French, was published in July 1977. The WIPO *General Rules of Procedure* (1977) was published in Spanish in May 1977. A brochure containing the *Organizational Rules* of the WIPO Permanent Committee on Patent Information was published in English, French, Spanish and Russian in December 1977.

Official Texts. The official texts of a number of conventions, agreements and other treaties and international classifications administered by WIPO, as well as the records of diplomatic conferences at which treaties were adopted, were published during the year (see "The Paris Union and Industrial Property in 1977" in the March 1978 issue of this review and "The Berne Union and International Copyright and Neighboring Rights in 1977" in the March 1978 issue of *Copyright*).

Other Publications. The International Bureau published, in July 1977, the collection of the lectures given at the World Symposium on the Importance of the Patent System to Developing Countries organized by WIPO at Colombo (Sri Lanka) in February 1977 (see above). The *Licensing Guide for Developing Countries* (see above) was published by the International Bureau in English, French and Spanish in August 1977. *Major Provisions on Trademark Legislation in Selected Countries—Summary Tables* (see above) was published by the International Bureau in English and French in October 1977. A number of other publications dealing with specific matters of industrial property were published during the year (see "The Paris Union and Industrial Property in 1977" in the March 1978 issue of this review).

The annual Frankfurt Book Fair, held in October 1977, included a stand displaying the publications of WIPO.

Public Information

Information Meetings. Lectures on WIPO and its activities were given by officials of the International Bureau in information meetings held at the headquarters of WIPO or in Geneva in September 1977 for the benefit of officials from Bangladesh, Indonesia, Nepal, Pakistan, the Philippines and Thailand who

had been participating in the Austria-WIPO Training Course, in October 1977 at a Seminar organized by the International Institute for Social Studies, in November 1977 for the benefit of the trainees participating in the Symposium on Copyright Matters (see above), and in December 1977 for the benefit of groups of students from the University of Amsterdam and from the University of Ghent.

Similarly, lectures were given on WIPO and its activities at seminars and courses organized in Geneva under the auspices of the United Nations in February and March 1977 for the benefit of officials of diplomatic missions.

Officials of the International Bureau also participated in the weekly press briefings given at the *Palais des Nations* for the benefit of the communications media.

Officials of the International Bureau participated in a colloquium on inventors and the protection of inventions organized on the occasion of the sixth *Salon des inventions* held in Geneva in November 1977.

WIPO Commemorative Stamp Issue. In recognition of the new status of WIPO as a specialized agency, the United Nations Postal Administration issued in March 1977, for use at the United Nations Headquarters in New York and at the European Office in Geneva, a set of three horizontal stamps of like design, in four colors, depicting the new WIPO Headquarters Building.

New WIPO Headquarters Building

The construction of the new WIPO Headquarters continued. The new building is expected to be ready for occupancy by the middle of 1978. Its official inauguration is scheduled for September 1978.

Gifts for the new building have been received so far from Cameroon, Greece, the Holy See, Hungary, Iceland, Ireland and Zaire. Furthermore, the International Bureau is in touch with the Governments of Brazil, Chile, Colombia, Finland, the German Democratic Republic, Germany (Federal Republic of), India, Iran, Italy, Japan, Kenya, the Netherlands, Sweden, and the United Kingdom concerning their firm intent to make such gifts.

International Unions

Nice Agreement (Classification/Marks)

I. Signatory States of the Geneva Act (1977)

On December 31, 1977, the following States had signed the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977:

Finland, France, Germany (Federal Republic of), Hungary, Italy, Monaco, Netherlands, Portugal, Soviet Union, Spain, Switzerland, Tunisia, United Kingdom, United States of America, on May 13, 1977; Sweden, on October 3, 1977; Belgium, on October 11, 1977; Morocco, on October 28, 1977; Norway, on November 14, 1977; German Democratic Republic, on November 24, 1977; Luxembourg, on December 1, 1977; Australia, on December 21, 1977; Ireland, on December 29, 1977; Austria, on December 30, 1977.
(Total: 23 States)

When affixing their signatures, the Plenipotentiaries of two Governments made the following declarations:

German Democratic Republic:

“The position of the German Democratic Republic on the provisions of Article 13 of the Nice Agreement as revised at Geneva, so far as the application of the Agreement to colonial and other dependent territories is concerned, is governed by the provisions of the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples (Resolution 1514(XV) of December 14, 1960) proclaiming the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations.” (*Translation*)

Soviet Union:

“The Union of Soviet Socialist Republics considers it necessary to declare that the provisions of Article 13 of the Agreement providing for the

possibility of its application to colonies and dependent territories is in contradiction with Resolution 1514(XV) of December 14, 1960, of the General Assembly of the United Nations.” (*Translation*)

In accordance with the provisions of Article 9(1) of the Geneva Act (1977) of the Nice Agreement, that Act may be ratified by any of the signatory States listed above. The said Act may be acceded to by any State member of the Nice Union which has not signed it or by any State outside the Nice Union which is party to the Paris Convention for the Protection of Industrial Property.

Instruments of ratification or accession must be deposited with the Director General of WIPO.

The date of entry into force of the said Geneva Act (1977) will be notified when the required number of ratifications or accessions is reached.

Nice Notification No. 35, of January 11, 1978.

II. Ratification of the Geneva Act (1977)

AUSTRALIA

The Government of Australia, on January 4, 1968, deposited its instrument of ratification of the Geneva Act of the Nice Agreement.

The date of entry into force of the said Geneva Act (1977) will be notified when the required number of ratifications or accessions is reached.

Nice Notification No. 36, of January 11, 1978.

Patent Cooperation Treaty (PCT)

I. Ratifications

BRAZIL

The Government of Brazil deposited, on January 9, 1978, its instrument of ratification of the Patent Cooperation Treaty (PCT).

The said Treaty will enter into force, with respect to Brazil, on April 9, 1978.

PCT Notification No. 18, of January 11, 1978.

SOVIET UNION

The Government of the Soviet Union deposited, on December 29, 1977, its instrument of ratification of the Patent Cooperation Treaty (PCT) done at Washington on June 19, 1970.

The said instrument of ratification contains the following reservation and declaration:

“The Union of Soviet Socialist Republics does not consider itself bound by the provisions of Article 59 of the Patent Cooperation Treaty, which concern the resolution of disputes arising from the interpretation or application of this Treaty.”

“The Union of Soviet Socialist Republics deems it necessary to declare that the provisions of paragraph (3) of Article 62 of this Treaty, providing the Contracting States with the possibility of extending the effects of this Treaty to the territories for the external relations of which they are responsible, are outdated and contradictory to the Declaration of the General Assembly of the United Nations on the granting of independence to colonial countries and peoples (Resolution 1514(XV) of December 14, 1960).” (*Translation*)

The said Treaty will enter into force, with respect to the Soviet Union, on March 29, 1978.

The date of applicability of the provisions of Chapter II and the corresponding provisions of the Regulations of the said Treaty is the subject of a separate notification (PCT Notification No. 17).

PCT Notification No. 16, of January 6, 1978.

II. Applicability of Chapter II

The provisions of Chapter II of the Patent Cooperation Treaty (PCT) and the corresponding provisions of the Regulations annexed to the said Treaty will become applicable on

March 29, 1978,

with respect to the following 12 States: Cameroon, Central African Empire, Chad, Congo, Gabon, Germany (Federal Republic of), Madagascar, Malaŵi, Senegal, Soviet Union, Togo, United Kingdom.

Three of the said 12 States—Germany (Federal Republic of), the Soviet Union and the United Kingdom—each meets one or more of the requirements specified in Article 63(1)(a) of the said Treaty, and none of them has declared that it did not intend to be bound by the provisions of Chapter II of the said Treaty; thus, the conditions for the applicability of the provisions of the said Chapter, set out in Article 63(3) of the said Treaty, have been fulfilled.

It is to be noted that, in accordance with the declarations made by them, three of the 15 States which have so far deposited their instruments of ratification of or accession to the said Treaty—namely, France, Switzerland and the United States of America—are not bound by the provisions of the said Chapter II.

PCT Notification No. 17, of January 6, 1978.

Plant Varieties

International Union for the Protection of New Varieties of Plants in 1977

Membership

At the end of 1977, the International Union for the Protection of New Varieties of Plants (UPOV) consisted of the following ten member States: Belgium, Denmark, France, Germany (Federal Republic of), Italy, Netherlands, South Africa, Sweden, Switzerland, United Kingdom. Italy depos-

ited its instrument of ratification of the International Convention for the Protection of New Varieties of Plants, as amended by the Additional Act of 1972, on June 1, 1977, Switzerland on June 10, 1977, and South Africa its instrument of accession on October 7, 1977. Italy thus became a member State of UPOV as from July 1, 1977, Switzerland as from July 10, 1977, and South Africa as from November 6, 1977.

The Additional Act of November 10, 1972, amending the UPOV Convention, entered into force on February 11, 1977. At the end of 1977, the

Additional Act was in force in all but one of the member States (the United Kingdom).

Sessions

During 1977, the various bodies of UPOV met as listed below (unless otherwise indicated, the sessions took place in Geneva).

The *Council* held its eleventh ordinary session from December 6 to 9, 1977, under the chairmanship of Mr. B. Laclavière (France). That session was attended by observers from a number of interested non-member States, namely Austria, Canada, Hungary, Ireland, Japan, New Zealand, Norway, Poland, Spain, Turkey, and the United States of America. The following decisions were taken, inter alia, by the Council:

(i) the Council approved the annual report and the accounts for 1976 and established the program and budget for 1978;

(ii) it unanimously decided to hold a Diplomatic Conference from October 9 to 23, 1978. It approved the Provisional Agenda and the Provisional Rules of Procedure of this Diplomatic Conference and authorized the Secretary-General to issue the invitations in January 1978;

(iii) it discussed in detail and cleared for distribution the proposed new text of the Convention. That text will be sent to the States and Organizations invited to the Diplomatic Conference and will form the basis for discussion during that Conference;

(iv) it agreed on a reorganization of the different sub-bodies created by the Council. As of December 9, 1977, the following would be attached to the Council: the Consultative Committee, the Administrative and Legal Committee, the Technical Committee, and five Technical Working Parties (for Agricultural Crops, for Forest Trees, for Fruit Crops, for Ornamental Plants, and for Vegetables, respectively). The Technical Committee will take over the tasks handled until now by the Technical Steering Committee, while the Administrative and Legal Committee will take over the tasks so far handled by the following Committees and Working Parties: the Fee Harmonization Working Party, the Committee of Experts on International Cooperation in Examination and the Working Group on Variety Denominations. It will also examine the relations between rules on competition and plant variety protection and will establish a UPOV model law on plant variety protection. In addition, an Ad Hoc Committee on the Revision of the Convention will take over the tasks of the Committee of Experts on the Interpretation and Revision of the Convention, but will meet only once in 1978 to study the observations received on the proposed new text of the UPOV Convention;

(v) the Council elected the following new President, Vice-President and Chairmen of the different bodies of UPOV:

(a) Mr. H. Skov (Denmark) was elected President of the Council. His term of office will last until the closing of the ordinary session of the Council in 1980;

(b) Mr. J. I. C. Butler (Netherlands) was elected Vice-President of the Council. His term of office will last until the closing of the ordinary session of the Council in 1978;

(c) Dr. D. Böringer (Federal Republic of Germany) was elected Chairman of the Administrative and Legal Committee. His term of office will last until the closing of the ordinary session of the Council in 1980;

(d) Mr. A. F. Kelly (United Kingdom) was elected Chairman of the Technical Committee. His term of office will last until the closing of the ordinary session of the Council in 1980.

The *Consultative Committee* held its fifteenth session on March 11, 1977, and its sixteenth session on December 5 and 9, 1977, under the chairmanship of Mr. B. Laclavière (France). In these sessions, it prepared the work of the Council and, in particular, discussed the progress of the preparations for the Diplomatic Conference on the Revision of the UPOV Convention and the draft program and budget for 1978.

The *Committee of Experts on the Interpretation and Revision of the Convention* held its fifth session from March 8 to 10, 1977, and its sixth session from September 20 to 23, 1977, under the chairmanship of Mr. H. Skov (Denmark). In the discussions during the fifth session, representatives of the following non-member States also had the possibility to express their views: Australia, Canada, Hungary, Ireland, Japan, New Zealand, Poland, South Africa, Spain and the United States of America. The following international non-governmental organizations were also represented by observers: the International Association of Horticultural Producers (AIPH); the International Association for the Protection of Industrial Property (AIPPI); the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL); the International Community of Breeders of Asexually Reproduced Ornamentals (CIOPORA); the International Federation of the Seed Trade (FIS). During the fifth and the sixth sessions, the Committee considered proposals for the revision, or more flexible interpretation, of those provisions of the UPOV Convention which could constitute obstacles to the accession of further States to UPOV and prepared the following draft documents for the Diplomatic Conference on the Revision of the UPOV Convention to be held in October 1978 for adoption by the Council: the Provisional Agenda of the Diplomatic Conference, the Provisional Rules

of Procedure of the Diplomatic Conference and the proposed new text of the Convention.

The *Committee of Experts on International Cooperation in Examination* held its seventh session on May 17, 1977, under the chairmanship of Mr. J. I. C. Butler (Netherlands), and its eighth session on November 16, 1977, under the chairmanship of Mr. A. F. Kelly (United Kingdom), who replaced Mr. Butler. During both sessions, the Committee adopted reports on bilateral agreements concluded or in preparation on the basis of the UPOV Model Agreement for International Cooperation in the Testing of Varieties, examined statistics on the exchange of examination reports and updated the list of offers for cooperation in examination. During its eighth session, the Committee adopted a UPOV Model Form for the Request of Examination Results and began to consider the possibilities of harmonizing the plant breeders' rights gazettes of the member States.

The *Technical Steering Committee* held its tenth session from May 16 to 18, 1977, and its eleventh session from November 15 to 17, 1977, under the chairmanship of Dr. D. Böringer (Federal Republic of Germany), except for the last one and a half days of the eleventh session, during which time the Committee was presided over by Mr. A. F. Kelly (United Kingdom). During these two sessions, the Committee continued its discussions on data recording and interpretation with respect to distinctness and partly with respect to the testing of maize hybrids, and requested the Office of UPOV to transmit the preliminary results to the professional organizations in the field of plant breeding and the seed trade for comments. During its eleventh session, the Committee began discussions on data recording and interpretation with respect to the testing of homogeneity and stability. As a result of the successful conclusion of the work of the Technical Working Parties, the Committee adopted, during its tenth session, Test Guidelines for *Alstroemeria* (TG/29/3), *Streptocarpus* (TG/47/2) and Red and White Currant (TG/52/2) and, during its eleventh session, Test Guidelines for Rape (TG/36/3), European Plum (TG/41/4), Vine (TG/50/3), Gooseberry (TG/51/3), Peach (TG/53/3), Brussels Sprouts (TG/54/3) and Spinach (TG/55/3). Including these new Test Guidelines, Test Guidelines have at present been adopted for a total of 53 species. Finally, the Committee also discussed problems associated with the grouping of colors, the determination and wording of simple symmetrical plane shapes and the question of multi-line varieties.

The *Technical Working Party for Agricultural Crops* held its sixth session from May 24 to 26, 1977, in Hanover (Federal Republic of Germany) under the chairmanship of Mr. A. F. Kelly (United Kingdom). During this session, the Working Party finalized

its work on draft Test Guidelines for Rape and prepared a first draft of Test Guidelines for Flax and Linseed and for Rye. It also discussed the preparation of lists of varieties of ryegrass used in the reference collections in different member States and the establishment of a growth stage code for grasses.

The *Technical Working Party for Forest Trees* held its fifth session from June 14 to 16, 1977, at Orléans (France) under the chairmanship of Mr. M. Bischoff (Federal Republic of Germany). During this session, it discussed the inclusion of further example varieties in the already adopted Test Guidelines for Poplar. It also discussed working papers on Test Guidelines for Willow and for Spruce. In addition, it noted that the results on data recording and interpretation reached by the Technical Steering Committee might not always be applicable to Test Guidelines established by this Working Party because, in forestry, the knowledge of the different characteristics mentioned in the relevant Test Guidelines was limited and each characteristic was not as well known as, for example, those characteristics mentioned in the Test Guidelines prepared by the Technical Working Party for Agricultural Crops.

The *Technical Working Party for Fruit Crops* held its eighth session from May 10 to 12, 1977, in Madrid under the chairmanship of Mr. J. Brossier (France). During this session, the Working Party finalized draft Test Guidelines for European Plum, for Vine, for Gooseberry, for Red and White Currant and for Peach. It also established first drafts of Test Guidelines for Almond and discussed a working paper on Test Guidelines for Apricot.

The *Technical Working Party for Ornamental Plants* held its tenth session from June 7 to 9, 1977, at Wageningen (Netherlands) under the chairmanship of Mr. F. Schneider (Netherlands). During this session, the Working Party finalized the draft Test Guidelines for Chrysanthemum, subject to a few open points to be agreed upon by correspondence, established a first draft of Test Guidelines for Lily and discussed working papers on Test Guidelines for Berberis and for Forsythia. It also discussed problems associated with virus diseases in material sent for examination.

The *Technical Working Party for Vegetables* held its tenth session from September 6 to 8, 1977, at Aarslev (Denmark) under the chairmanship of Mr. T. Webster (United Kingdom). During its session, it finalized the draft Test Guidelines for Spinach and for Brussels Sprouts. In addition, it established first drafts of Test Guidelines for Cucumber and Gherkin, for Beetroot and for Rhubarb, subject to a few open points to be agreed upon by correspondence. It also discussed problems associated with the testing of diseases, the establishment of reference collections and the establishment of variety distinctness in vegetable crops.

The *Working Group on Variety Denominations* held its tenth session from March 8 to 11, 1977, jointly with the fifth session of the Committee of Experts on the Interpretation and Revision of the Convention, and its eleventh session on September 23, 1977, under the chairmanship of Mr. S. Mejegaard (Sweden). During both sessions, the Working Group discussed the provisions of the Convention relating to variety denominations.

The *Fee Harmonization Working Party* did not meet in 1977.

Relations with States and Organizations

The *President of the Council of UPOV*, the *Secretary-General* and the *Vice Secretary-General*, as well as several other members of the Council, participated in a symposium organized by the International Community of Breeders of Asexually Reproduced Ornamentals (CIOPORA) in Budapest.

The *President of the Council of UPOV* and the *Vice Secretary-General* attended a meeting of experts of CIOPORA at Sparrieshoop (Federal Republic of Germany) and a meeting of a joint drafting committee of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) and UPOV, held in Paris, as well as the annual meeting of ASSINSEL and the Congress of the International Federation of the Seed Trade

(FIS) and ASSINSEL, both held at Monterey (California, USA).

The *Vice Secretary-General* attended meetings of the International Association of Horticultural Producers (AIPH) held at Lyngby (Denmark) and in Luxembourg.

Mr. Thiele-Wittig attended the Eighth Panamerican Seed Seminar held in Tegucigalpa (Honduras) and a special meeting of the eighteenth Congress of the International Seed Testing Association (ISTA) in Madrid.

The *Vice Secretary-General*, outside his official duties, participated in the Centenary of the German Patent Office in Munich. At this time, he also accepted an invitation from the President of the Federal Varieties Office of the Federal Republic of Germany to visit the trials conducted by that Office at Moosinnich near Munich.

Publications

In 1977, the Office of the Union continued the publication of the UPOV Newsletter and published four issues in March, June, September and December, respectively. The Office also prepared a new revised version of the General Information Brochure in English and issued a Japanese translation of this Brochure.

WIPO Meetings

Meeting Among ASEAN Countries on the Role of Industrial Property in Technological and Economic Development

Organized Jointly by WIPO and the Government of Indonesia

(Jakarta, December 13 to 15, 1977)

Note*

A meeting among the countries of the Association of South-East Asian Nations (ASEAN) on the role of industrial property in technological and economic

development was organized jointly by WIPO and the Government of Indonesia in Jakarta from December 13 to 15, 1977.

Representatives of the five ASEAN countries (Indonesia, Malaysia, the Philippines, Singapore and Thailand) participated in the Meeting. The United Nations Development Programme (UNDP) and the Asian Patent Attorneys Association (APAA) were represented by observers. In all, a total of 55 persons took part in the Meeting. A list of participants follows this Note.

The Meeting was opened by Mr. M. Jusuf, Minister for Industry of Indonesia. The subjects discussed at the Meeting were the following: WIPO and its activities for developing countries; arrangements in the field of industrial property for the promotion of innovative capacity; questions relating to the subjects

* This Note has been prepared by the International Bureau.

of industrial property; questions relating to industrial property licenses and technology transfer agreements appropriate to the needs of developing countries; documentation and information related to industrial property and the transfer of technology; and industrial property and the technological and economic aspects of development in the countries of the ASEAN region. Papers were prepared and presented by the International Bureau of WIPO on the first five topics, whereas papers were presented by Governments on the sixth topic.

The Meeting agreed that the exchange of views on the matters referred to above had been fruitful and urged WIPO to consider organizing similar meetings in the near future to follow up the Jakarta meeting.

List of Participants*

I. States

Indonesia: Mr. S. Ukardi; Mrs. I. Gambiro; Mr. A. Ibrahim; Miss Wuryati; Mr. P. M. Luhulima; Mr. P. Koentarlo; Mr. A. Djamirin; Mr. R. Harun; Mr. A. Tamin; Mr. A. Sutrisno; Mr. A. Rachman; Mr. Koesmanto; Mr. B. Norojono; Dr. D. D. Joedonagoro; Mr. B. Sulasmoro; Mr. Mansuri; Dr. M. S. Sudarmo; Mrs. I. Suwarso; Mr. M. Siahaan; Mr. M. O. Masdoeki; *Observers:* Mr. S. Djindang; Mr. Darmawan; Mrs. N. Bakar; Mr. B. Djatmiko; Mr. Solichin; Mr. S. Dirham; Mr. S. Tazar; Mr. Z. Jacob; Miss Supadmi; Mr. Budinam; Mr. W. Afiat; Mr. H. Wilman; Mr. Sarbini; Mrs. A. Tjahyadi. **Malaysia:** Mr. S. bin Saat; Miss K. A. Rahman; Mrs. N. Abidin; Mrs. W. H. Chin. **Philippines:** Mr. S. Q. Montenegro; Mrs. F. R. Catacutan; Mr. R. Q. Arcilla; Prof. E. B. Bautista. **Singapore:** Miss P. Woo; Mr. S. Thysgarajan. **Thailand:** Mr. P. Inganinanda; Mr. R. Parichatkul; Mr. P. Pothisiri; Mr. A. Mitmanochai; Mr. S. Sasivanij.

II. Intergovernmental Organizations

United Nations Development Programme (UNDP): Mr. H. Rana; Mr. D. Halliday.

III. Non-Governmental Organizations

Asian Patent Attorneys Association (APAA): Mr. O. T. Hway.

IV. Officers

Chairman: Mr. A. Slamet (Indonesia). *Vice-Chairmen:* Mr. S. bin Saat (Malaysia); Mr. S. Q. Montenegro (Philippines); Miss P. Woo (Singapore); Mr. P. Inganinanda (Thailand).

V. WIPO

Dr. A. Bogsch (*Director General*); Mr. G. Ledakis (*Legal Counsel*); Mr. L. Kadrigamar (*Senior Officer, External Relations Section, Development Cooperation and External Relations Division*).

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

INTERNATIONAL PATENT CLASSIFICATION (IPC) UNION

I

Steering Committee

Fourth Session

(Geneva, November 14 to 21, 1977)

Note*

The Steering Committee of the Committee of Experts of the International Patent Classification (IPC) Union held its fourth session¹ in Geneva from November 14 to 21, 1977. The following ten of the eleven members of the Steering Committee were represented: Australia, Austria, Denmark, France, Germany (Federal Republic of), Soviet Union, Spain, Sweden, United Kingdom, United States of America. Japan—the associate member of the Steering Committee—and the International Patent Institute (IIB) were also represented. A list of participants follows this Note.

Identification and Renumbering of Amended Entries of the IPC. The Steering Committee amended the "Instruction on Identification and Renumbering of Amended Entries of the IPC" agreed upon at its third session and recommended the Committee of Experts to approve it.

The Steering Committee requested Working Groups I to IV to check the entries to be indicated by the Arabic numeral two in the third edition of the IPC.

Back-Up Document. The Steering Committee agreed upon the contents, layout and preparation of the document giving information on the transfer of subject matter as a consequence of the revision of the IPC in a given period (provisionally referred to as the "back-up document").

Amendments to the IPC. The Steering Committee forwarded a certain number of amendments to the IPC to the Committee of Experts for approval.

Reports on the Sessions of Working Groups I to V. The Steering Committee noted the reports of the Chairmen of Working Groups I to V on their sessions held after the third session of the Steering Committee.

Membership of the Steering Committee. The Steering Committee noted the decision of Denmark to withdraw from the Steering Committee in view of the heavy workload in the Danish Patent Office and

* This Note has been prepared by the International Bureau.

¹ For the Note on the third session, see *Industrial Property*, 1977, p. 150.

unanimously expressed its appreciation for its valuable contribution to the work of the Steering Committee.

List of Participants*

I. Member States

Australia: C. H. Friemann. **Austria:** J. Fichte. **Denmark:** S. T. Simonsen. **France:** O. Kavyrchine. **Germany (Federal Republic of):** K. Sölla. **Soviet Union:** V. Belov. **Spain:** E. Peñas-Penela. **Sweden:** J. von Döbeln; G. Sandell. **United Kingdom:** V. S. Dodd; A. Sugden. **United States of America:** T. F. Lomont.

II. Associate Member

Japan: K. Honda; K. Ubukata; K. Hatakawa.

III. International Organizations

International Patent Institute (IIB): F. C. R. de Laet; R. J. F. Baré.

IV. WIPO

F. A. Sviridov (*Deputy Director General*); P. Claus (*Director, Patent Information Division*); B. Hansson (*Head, IPC Section, Patent Information Division*); A. Sagarminaga (*Technical Officer, IPC Section*); K. Takami (*Technical Officer, IPC Section*); Y. Plotnikov (*Consultant*).

II

Committee of Experts

Fourth Session

(Geneva, November 22 to 25, 1977)

Note**

The Committee of Experts of the International Patent Classification (IPC) Union held its fourth session¹ in Geneva from November 22 to 25, 1977. The following 15 of the 24 members of the Committee of Experts were represented: Austria, Denmark, Finland, France, Germany (Federal Republic of), Japan, Netherlands, Norway, Soviet Union, Spain, Surinam, Sweden, Switzerland, United Kingdom, United States of America. The International Patent Institute (IIB) was also represented. A list of participants follows this Note.

Officers and Participation in the Working Groups. In accordance with Rules 7(2) and (3) of its Rules of

Procedure, the Committee of Experts unanimously re-elected the Chairmen of Working Groups I and III to V and the Vice-Chairmen of Working Groups I to IV, and elected Mr. A. Sugden (United Kingdom) Chairman of Working Group II and Mr. Belov (Soviet Union) Vice-Chairman of Working Group V. As a result of these elections, the Officers of the five Working Groups are the following:

	Chairman	Vice-Chairman
Working Group I:	Mr. Lomont (United States of America)	Mr. Marchart (Austria)
Working Group II:	Mr. Sugden (United Kingdom)	Mr. Borloz (Switzerland)
Working Group III:	Mr. Baré (International Patent Institute)	Mr. Tatur (France)
Working Group IV:	Mr. Sölla (Federal Republic of Germany)	Mr. Dancer (International Patent Institute)
Working Group V:	Mrs. Kavyrchine (France)	Mr. Belov (Soviet Union)

The Committee of Experts noted that the participation in the various Working Groups was as follows:

Working Group I, dealing with Sections C and D of the IPC: Austria, Denmark, Finland, France, Germany (Federal Republic of), Japan, Soviet Union, Sweden, United Kingdom, United States of America, International Patent Institute;

Working Group II, dealing with Sections G and H of the IPC: France, Germany (Federal Republic of), Japan, Soviet Union, Switzerland, United Kingdom, United States of America, International Patent Institute;

Working Group III, dealing with Section B of the IPC: France, Germany (Federal Republic of), Japan, Soviet Union, United Kingdom, United States of America, International Patent Institute;

Working Group IV, dealing with Sections A, E and F of the IPC: France, Germany (Federal Republic of), Japan, Soviet Union, United Kingdom, United States of America, International Patent Institute;

Working Group V, dealing with the uniform application of the IPC: France, Germany (Federal Republic of), Japan, Soviet Union, Spain, Sweden, United Kingdom, United States of America, International Patent Institute;

Ad Hoc Working Group on the Revision of the Guide to the IPC: Germany (Federal Republic of), Soviet Union, United Kingdom, United States of America, International Patent Institute.

Members of the Steering Committee. The Committee of Experts noted the withdrawal of Denmark and unanimously elected Japan as an ordinary member of the Steering Committee.

In accordance with Rule 4(2) of the Rules of Procedure of the Committee of Experts, and by virtue

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

** This Note has been prepared by the International Bureau.

¹ For the Note on the third session, see *Industrial Property*, 1976, p. 285.

of their representatives having been elected Chairmen of the Working Groups, France, Germany (Federal Republic of), the United Kingdom and the United States of America are members of the Steering Committee. The Committee of Experts unanimously elected Australia, Austria, Brazil, the Soviet Union, Spain and Sweden as further members of the Steering Committee.

Officers of the Steering Committee. The Committee of Experts unanimously elected Mr. J. Fichte (Austria) Chairman of the Steering Committee, and Mr. K. Honda (Japan) and Mr. E. Peñas-Penela (Spain) Vice-Chairmen of the Steering Committee.

Amendments to the IPC. Upon the proposal of the Steering Committee, the Committee of Experts approved amendments in 138 sub-classes of the IPC.

Progress Report on the Revision of the Guide to the IPC. The Committee of Experts noted the progress report on the revision of the Guide to the IPC and agreed upon a time schedule for carrying out this work.

Reports of the Third and Fourth Sessions of the Steering Committee. The Committee of Experts approved the "Instruction on Indication and Re-numbering of Amended Entries of the IPC" and noted the procedure for checking the entries to be indicated in the third edition of the IPC.

The Committee of Experts endorsed the decisions of the Steering Committee on the contents, layout and preparation of the "back-up document" (see the Note on the Fourth Session of the Steering Committee, above).

The Committee of Experts approved the revised texts of the "Advice to Searchers" and the "Advice to Classifiers" and requested the International Bureau of WIPO to issue them as separate publications.

The Committee of Experts agreed to recommend to the Permanent Committee on Patent Information (PCPI) to investigate the ways of procuring data about

relative file size, search activity and trend of growth to be used for the evaluation of revision priorities and further asked the PCPI to include in its agenda as a most urgent matter the priority program for the third IPC revision period.

Use of the IPC as a Means of Identifying and Locating Patent Documents which Relate to Given Technologies. The Committee of Experts noted the conclusions of the Expert Working Group on Information from Patent Documents on this matter and endorsed the recommendation to the competent authorities of the countries of the Special (IPC) Union to indicate in the issued patent documents the relevant symbols in respect of supplementary and complementary information, i.e. nonobligatory classification.

List of Participants*

I. Member States

Austria: J. Fichte. **Denmark:** S. T. Simonsen. **Finland:** H. Lommi. **France:** O. Kavyrchine. **Germany (Federal Republic of):** A. Wittmann; K. Sölla. **Japan:** K. Honda; K. Ubukata. **Netherlands:** S. de Vries. **Norway:** P. E. Lillejordet. **Soviet Union:** V. Belov. **Spain:** A. Vega del Barco. **Surinam:** P. J. Boerleider. **Sweden:** J. von Döbeln. **Switzerland:** E. Caussignac. **United Kingdom:** V. S. Dodd. **United States of America:** A. C. Marmor; T. F. Lomont.

II. International Organizations

International Patent Institute (IIB): A. Vandecasteele; F. C. R. de Laet.

III. WIPO

F. A. Sviridov (*Deputy Director General*); P. Claus (*Director, Patent Information Division*); B. Hansson (*Head, IPC Section, Patent Information Division*); A. Sagarminaga (*Technical Officer, IPC Section*); K. Takami (*Technical Officer, IPC Section*); Y. Plotnikov (*Consultant*).

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

General Studies

A Commentary on the British Patents Act 1977*

R. BOWEN**

Background

The present law on patents in the United Kingdom is contained in the Patents Act 1949. This statute introduced a few useful changes, but in the main it simply reproduced in consolidated form provisions to be found in earlier Patents Acts going back for many years. It has served the United Kingdom well, though it has been recognised in government and private circles for some time that radical change is necessary.

To this end, the first steps were taken in 1967 when the government of the day set up a Committee to conduct a full review of the British patent system. Sir Maurice Banks, recently retired as a Deputy Chairman of British Petroleum Ltd., was appointed chairman and the membership of the Committee was made up of eight people selected with an eye to ensuring that a good cross-section of public opinion was available to the Committee. This is a time-honoured method of investigation in the United Kingdom and it is normal practice for such a Committee to take written or oral evidence from interested Organisations and individuals. In the case of the Banks Committee, a considerable amount of evidence was accumulated, patiently sifted and thoroughly examined before the Committee reported its conclusions three years later. Earlier inquiries into the British patent law and practice placed much emphasis on the legal aspects. For the Banks Committee, a very much broader remit was given; in effect, the Committee was asked to make a root and branch appraisal of the patent system and of course to make recommendations, taking particularly into account the increasing need for international collaboration in patent matters.

It will be remembered that in the 1960's Patent Offices in the United Kingdom and elsewhere were experiencing a crisis. International trade had exploded. Technology was growing at an alarming rate, both in volume and complexity. And all this created the problem of a vastly increasing input for Patent

Offices, most of this input generally coming from foreign sources. The need for international collaboration was plainly evident. But, in 1967 when the Banks Committee was set up, only the Council of Europe Formalities and Unification of Laws Conventions were on the stocks. These were of obvious importance, especially the Unification Convention on the foundations of which, as is well known, the later international arrangements of the European Patent Convention¹ and the Patent Cooperation Treaty² were built. However, the Council of Europe Conventions in themselves could not solve the patent crisis—they were not meant to. More than this was needed, but the work which had begun in the Council of Ministers of the EEC had been suspended—and the United Kingdom was not involved in any case—and the work which was to lead eventually to the Patent Cooperation Treaty was only just beginning.

Obviously the situation did not make life any easier for the Banks Committee. Nevertheless, they produced a Report in 1970 which received a warm welcome in the United Kingdom and, I believe, elsewhere. This Report included many valuable recommendations which, in the result, proved to be entirely compatible with the principles enshrined in the European Conventions and the Patent Cooperation Treaty.

Normally the government of the day, when legislative time permits, introduces in Parliament legislation to give effect to those recommendations of a Committee which it is prepared to accept. In the case of the Banks Committee, the government made it clear early on that it did accept the main suggestions of the Committee. However, legislation was delayed until 1977, largely because of the obvious desirability of taking into account the international developments that have been a predominant feature of the last seven years.

When the European Patent Convention was signed in 1973, the government took stock of the position and published its proposals for legislation in a White Paper published early in 1975. This was accompanied by a consultative document entitled "Patent Law Reform" which set out the details of the proposals. Some policy changes have been made since as a consequence of public comment. But, by and large, the proposals as set out in 1975 have been embodied in the Patents Act 1977.

* The first segment of the Patents Act 1977 is reproduced in this month's selection of *Industrial Property Laws and Treaties*. The remaining segments will be reproduced in the March and April selections.

** Assistant Comptroller, The Patent Office of the United Kingdom, London.

¹ See *Industrial Property*, 1974, p. 51.

² See *Industrial Property*, 1970, p. 259

Objectives of the Patents Act

I think it is probably true of all statutes that it is not readily possible to ascertain from the complexity of their provisions a clear appreciation of the aims which they are seeking to achieve. This is doubtless true of the Patents Act 1977 and it is as well if, before I go any further, I set out the broad aims of the legislation.

This can be done quite simply for there are two broad aims. One is to bring about a radical reform and modernisation of the domestic patent law and procedure. The other is to fulfil the obligations imposed by the Council of Europe Unification of Laws Convention of 1963, the Patent Cooperation Treaty of 1970, the European Patent Convention of 1973 and the Community Patent Convention³ of 1975. When it published the White Paper I have mentioned, the government announced its intention to ratify all these agreements; apart from the last mentioned, it has now done so. This of course is a very short exposé of the aims of the 1977 Act. The second aim is specific to the international agreements, but the first aim covers a multiplicity of subsidiary objectives as will, I hope, become clear later on.

The New Domestic Code

Introduction. The Act is in three parts. Part I is concerned with the new domestic code. Part II with international obligations. And Part III with miscellaneous matters, many of importance, and definitions of terms used in Parts I and II.

In the United Kingdom, Parliament decides on the legislation it thinks right. For the new domestic law, it could have decided to plough its own furrow and create a new system of law and procedure which ignored modern thinking on the international front. However, there was a general recognition of the obvious need for the new law to follow as closely as possible the system set out in the European and Community Patent Conventions. There are two principal reasons for this correspondence. First to avoid duality of standards between United Kingdom patents and European or Community patents which will also be effective here in the future. Without this, it was felt that the patent situation would be in a state of confusion and commercial exploitation would be inhibited. To operate one patent system in a country is difficult enough; to have two of them does not bear thinking about. Secondly, it will clearly be of considerable assistance to practitioners and inventors to be able to adopt substantially the same practice, whether they are seeking a United Kingdom patent from the

London Patent Office, a European or Community patent from the European Patent Office, or a foreign national patent via the Patent Cooperation Treaty. All this may suggest that the Act slavishly follows the Conventions and Treaty; this is not so, because a few typically British quirks which are generally considered to have value have been preserved. I can testify to the fact that picking up the consequences of these small deviations from the main theme in the heat and rush of the legislative process was a painful exercise!

Substantive Law. For the reasons stated, the basic concepts of patent law enshrined in the 1977 Act are closely modelled on corresponding provisions of the Conventions. Some illustrations may be helpful. For instance, the present archaic definition of "invention," which goes back to the Statute of Monopolies of 1623, has gone; instead *Section 1* says that patents shall be granted for inventions (not defined) which are new, involve an inventive step and are capable of industrial application. Evidently the hand of man must still be involved and the new contribution to knowledge must still relate to industry in the broad sense of that word, but by omitting to define "invention" more flexibility is given and account can be taken of unforeseen developments in technology.

Section 2 also brings new concepts into our law. An invention will not be patentable if it has previously been made available to the public anywhere in the world, as contrasted with the present system which relies only on disclosure in the United Kingdom. In addition, *Section 2(3)* adopts the modern "whole contents" approach to the resolution of conflicting rights.

Section 14 provides that a specification shall disclose the invention in a manner which is clear enough and complete enough for the invention to be performed by a person skilled in the art and goes on to define the function of the claims. All this follows the Conventions and the Treaty; and *Section 14* also brings in the special case of micro-organisms, but leaves the main substance of the matter to be dealt with by implementing Rules—these we are now valiantly struggling with in an effort to reconcile Rule 28 of the European Patent Convention and the recent Budapest Treaty.⁴

Section 25 increases the patent term of the United Kingdom patent from 16 to 20 years as is the case for the European and Community patents.

Section 60 concerns infringement and, in line with the Community Patent Convention, considerably strengthens the patent right by protecting it against indirect or contributory infringement and, in sub-

³ See *Industrial Property Laws and Treaties, MULTILATERAL TREATIES* — Text 2-001 (*Industrial Property*, February 1976).

⁴ Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. See *Industrial Property Laws and Treaties, MULTILATERAL TREATIES* — Text 2-004 (*Industrial Property*, May 1977).

section (5), incorporates internationally recognised exceptions in respect of, for example, acts done privately for non-commercial purposes and acts done for experimental purposes relating to the subject matter of the invention.

Section 64 is another innovation; it gives a right to continue use of an invention which later becomes patented if the use or serious preparations for use had begun (naturally in secret, otherwise there would be no novelty) before the priority date.

Section 69 attaches a provisional protection right to an application as from its publication; this right can, however, only be exercised after grant and is subject to other limitations.

Section 72 seriously curtails the existing grounds of revocation which have been part of British law for ages. Analysis of *Section 72* will demonstrate that in future a British patent can only be revoked on the grounds which are permitted by Articles 138 and 139 of the European Patent Convention for European patents.

Finally, there is *Section 125*. This concerns the extent of protection conferred by a United Kingdom patent and it provides that the claims, as interpreted by the description and drawings, shall determine the matter. For good measure, subsection (3) applies the Protocol on the Interpretation of Article 69 of the European Patent Convention.

I think these examples show clearly that, in the matter of substantive patent law, the Patents Act 1977 does indeed carry out its aims. However, at this point I should perhaps mention that the way in which the Act does this has been the subject of controversy. The reason for this is that the wording of the Act is not, in all respects, the same as that used in the Conventions to define any particular concept. As the argument goes, if the words are different, how can you be sure that the effect is the same, this of course being the generally accepted intention. Of course there is some strength in this argument. But it has to be recognised that, even if the words were the same, it does not follow that the British courts would interpret them in the same way as (say) the European Patent Office. After all, the European Patent Office does not have a backdrop of legal precedents on the interpretation of statutes, and is likely anyway to pay more attention to the intentions underlying the words used. The position in the United Kingdom is quite different. Parliament makes the law; the judges interpret it. And so the wording used in a statute must be clear and sufficient to express in itself the intention of Parliament. This means that the draughtsman of the Patents Act (not me, by the way) had the unenviable job of conveying in wording, which fits in with prevailing legal notions in the United Kingdom, the meaning and intention of the various Convention provisions. This he has done—indeed he has gone further and introduced a completely new

legislative device. This appears in *Section 130(7)* of the Act which specifically directs the attention of the courts to the fact that it is Parliament's intention that the effect given in our law to certain provisions of the Act, all of them dealing with basic matters of importance, should be the same as those resulting from corresponding provisions of the Convention and the Treaty.

Procedural Law. So much for substantive matters. Let us turn now to procedure and practice before the Patent Office. As I have mentioned, there are good reasons for modelling this on the European system and this is what the Act does. Unlike the position today, the procedure under the new Act is a two-stage process, each stage being triggered by the applicant. Following the filing of the application, *Section 17* provides for a formalities examination and, in parallel with this, the application will be subjected to the search. The aim of the search will be to ascertain relevant prior documents which bear on the novelty and obviousness of the invention which is the subject of the application. This first stage will be completed by publishing the application in accordance with *Section 16* as soon as possible after 18 months from the priority date. The search report will also be published. Within six months of the publication date the applicant may file a request for substantive examination under *Section 18*. If this is not done in time, the application will be considered withdrawn. During the substantive examination, the examiner will have the job of determining whether the statutory requirements for the grant of a patent have been complied with. This will of course involve a dialogue between the examiner and the applicant or, more usually, his patent agent, the filing of amendments and so on.

One point concerning *Section 18* which is of special interest is that the examiner is now empowered to consider obviousness. This is done now in many countries and will be done by the European Patent Office examiner. For the United Kingdom, it is a major step forward which has been long in coming. It was first recommended by a Committee as far back as 1947, but at that time the predominant feeling was that adoption of the recommendation would put too much power in the hands of the examiner pre-grant. (It is of interest to record that in 1902 this same argument was advanced against the idea of introducing the examination for novelty!)

So, in the 1949 Act, the Patent Office's jurisdiction in respect of obviousness was limited to pre-grant oppositions by third parties and to revocation actions. However, as in every sphere of life, thinking changes with the passage of the years. The mood today favours strong patents and so, following a unanimous recommendation of the Banks Committee, widely supported by industry and the Patent profession, the 1977 Act provides for an obviousness examination.

Other provisions of the 1977 Act bring about sweeping changes with a view to simplifying matters for the applicant. Sometimes today the filing of an application has to be delayed because of the need to get the assent of the inventor. This is not required by the new law, but the inventor's position is nevertheless safeguarded. As *Section 7* makes clear, anyone may file an application and, unless the contrary is proved, he is presumed to be entitled to the grant of a patent. The right to a grant is conferred on the inventor or his successor in title. Under the terms of *Section 13*, the inventor has the right to be mentioned in the specification of a patent granted for his invention and in any published application for such patent. The applicant is required to name the person he believes to be the inventor and, if the applicant is not himself the inventor, he is required to indicate how he acquired the right to be granted a patent.

Sections 14 and 15 change the present system based on the filing of complete and provisional specifications. The much valued facility of being able for a nominal sum to start things off by filing a brief description of the invention is maintained. But provisional and complete specifications, which have for long been a feature of British patent law, have been dispensed with. In future, every specification must be the subject of a separate application and this may proceed in its own right along the road to grant or simply serve as a basis for priority in respect of a later application. Moreover, *Section 5* of the 1977 Act now allows for priority to be derived not only from one or more applications filed in Paris Convention countries; an application claiming foreign priority may also claim the priority of an earlier British application.

These and other changes give more flexibility and streamline the patent process with a view to serving the needs of industry and inventors in the modern world. Those who are familiar with the European system will appreciate from this brief exposition that the two systems are very much alike. As I have said, however, some British-type quirks are still lying around. I will now mention two of them. First, unlike the European and the PCT application, a British application may be filed without claims—these can be filed up to 12 months after the filing or priority date. This is because we preferred to preserve, though in a different form, the facility of being able to stake a claim to priority for an invention by filing a brief description. Secondly, contrary to the European system, we have preserved in *Section 20* the overall period within which an application, if it is to lead to a grant, must satisfy the requirements of the Act. Such a cut-off period (expected to be three and one half years from the priority date) is in the general interest of avoiding delay and giving greater legal certainty.

Litigation. Under the present law, appeals from

the Patent Office lie to the Patents Appeal Tribunal; this is staffed by specialist High Court Judges but it is not part of the High Court. After grant, revocation actions can come before either the Patent Office or the High Court. But the Patent Office is limited in its jurisdiction; the action has to be brought within one year of grant and the grounds on which revocation can be brought before the Office are much curtailed in comparison with the High Court.

This two-tier system has been much criticised by the users of the patent system. Unless they are quick off the mark, applicants for revocation must apply to the High Court—this is expensive and involves troublesome delays. If they do come before the Office, they are obliged to accept that the Office may find in favour of the patentee notwithstanding that, if the wider grounds available to the High Court had been equally available to the Office, the latter may well have reached a different conclusion. Moreover, since appeal from the Comptroller is to the Patents Appeal Tribunal, this being of lower status than the High Court, the decisions lack the authority of High Court judgments and bring about uncertainties as to the interpretation of the law.

In view of these criticisms, the 1977 Act changes the system. First, the time limit for bringing revocation actions before the Office has gone; patents may now be revoked by the Office at any time. Secondly, the Office has been given concurrent jurisdiction with the High Court; in future, the grounds of revocation before the Office will be the same as those available before the court, the grounds being those defined in *Section 72*. Thirdly, the Patents Appeal Tribunal has been abolished and the Act provides for a new Patents Court forming part of the High Court and with jurisdiction to decide appeals from the Office and first instance actions—revocations, infringements and so on. It will be appreciated that these changes are of first class importance.

Employed Inventors. Finally, in connection with the new domestic law, much interest surrounds *Sections 39 to 43* which concern inventions made by employees. For years this has been a troublesome subject in the United Kingdom. The rights in such inventions are regulated by common law, which is based on the old fashioned master and servant approach. The rights belong either to the employer or to the employee; there is no half way house and if, according to the law, the employer is the true owner of the invention then, in the absence of some agreement or *ex gratia* arrangement, the employee gets nothing out of his brain-child.

As I have hinted, this is a highly controversial subject—arguments abound for doing opposite things; for long, views of employers in general and employees in general have been poles apart on this delicate and emotive question. It can be said that all this is part and

parcel of industrial relations—patents are a mere appendage. But when patent legislation is pending, it is natural that pressure for change builds up. So it did in the United Kingdom, and the government decided to accept the challenge and formulate a scheme which is now embodied in Sections 39 to 43.

Section 39 concerns the ownership of inventions made by employees. It defines the borderline between those inventions which are to belong to the employer and those which are to belong to the employee. Broadly speaking, if an invention is made in the course of the employee's duties the invention is to belong to the employer. This, however, is qualified in that the circumstances must be such that an invention might reasonably be expected to result from the carrying out of the duties. An invention also belongs to the employer if the duties and responsibilities of the employed inventor are such that he is under a special obligation to further the interests of his employer; this bites, e.g., on a director of a firm and others in senior and middle management. In all other cases, the invention is to belong to the employee. An obvious example of an invention which belongs to the employer is one which is made in the employer's research and development department by a skilled scientist who is paid and employed for the express purpose of carrying out research and development work. On the other hand, an invention made of his own initiative by a laboratory assistant in the same department may belong to him, since inventing is not his job.

Section 40 provides for the award of compensation in defined circumstances. In particular, the possibility only arises if the employer derives benefit from a patent taken out in respect of the invention. *Subsection (1)* deals with the case where the invention belongs, in accordance with *Section 39*, to the employer. In such a case, normally there will be no prospect of an award, the thinking behind this being that the employee has done nothing more than is expected of him and for which he is being paid. However, there are cases where, as we all know, a patent can make a great deal of money for an employer and, if this is out of all proportion to the salary and position of the employee, it was thought fair to provide some prospect of an award. This prospect therefore arises if, in the language of the statute, the patent "is of outstanding benefit" to the employer. Not surprisingly, there is much speculation as to how this phrase will be interpreted by the Office and the Courts.

Subsection (2) deals with the case where the invention belongs to the employee. Clearly, as the owner, he is free to deal with it as he likes. He could exploit it himself. He could dispose of it to a third party. And he could of course come to some agreement with his employer. The Act concerns itself only with the last situation; it provides in effect for a

later review of the agreement and, if it is found that the benefit derived by the employee from the agreement is inadequate in relation to the benefit derived by the employer from a patent for the invention, the employee may be awarded some compensation.

Any award made by the Office or Courts is to be such as will secure for the employee a fair share of the benefit derived by the employer from the patent: *Section 41*. As I said, the problem of the employed inventor is mainly a question which focuses on the relations between management and staff and it may be expected that, perhaps after a few test cases, individual cases will be settled at local level without recourse to the Office or the Courts. Indeed, as made clear by *Section 40(3)*, the Office and the Courts have no jurisdiction if there is in force a collective agreement binding the employer and the trade union of which the employee is a member and providing for compensation in respect of inventions made by employees.

The rest of *Sections 39 to 43* concern details, some of which are nevertheless of importance. Of these, I think I should mention *Section 42*. Under present law it is permissible for an employer, when taking on new staff, to require them to sign away their rights in any inventions they may make. This not infrequently happens and it is now generally accepted as being an unfair practice, since the employee is in a weaker position. *Section 42* has the effect of putting an end to this practice. An agreement as to future inventions is to be unenforceable to the extent that it diminishes the employee's rights. There was some thought that this might result in the employer being unable to control his trade secrets and know-how. For this reason, *Section 42(3)* expresses the principle that the employee's duty of confidentiality towards his employer is to remain.

Miscellaneous Topics. By and large, the rest of Part I of the Act preserves existing law, though the drafting has been up-dated considerably. *Section 46* provides for licences of right and *Section 48* provides for compulsory licences. In connection with the latter, *Section 53(1)* is of much interest, since it gives effect to Article 82 of the Community Patent Convention. Also *Section 54* allows an Order in Council to be made to the effect that the Comptroller may not grant a compulsory licence if the invention is being worked in a country specified in the Order and UK demand is being satisfied by importation from that country. This power may be used to extend the facility provided in respect of Community patents by Article 47 of the Community Patent Convention to countries outside the Common Market (e.g., EFTA countries) but, as subsection (2) makes plain, there must be reciprocity. *Sections 55 to 58* concern the use of patented inventions for the services of the Crown. Apart from re-drafting, they provide much the same

as before and, in the general public interest of allowing Government Departments to function efficiently in the exercise of their statutory duties, they enable Departments to use patents for defined purposes, subject of course to such terms as may be agreed with the patentees concerned or settled by the Courts.

Provisions about International Conventions

Introduction. Part II of the 1977 Act has the effect of bringing into the United Kingdom patent system the European and Community patent and applications made under the two European Conventions and the Patent Cooperation Treaty. In other words, its purpose is to give effect to the United Kingdom's obligations under these international arrangements and to implement, where it is necessary to do this by statute, the various options allowed by those arrangements.

European Patents. As required by Article 2(2) of the European Patent Convention, *Section 77(1)* of the 1977 Act provides that a European patent designating the United Kingdom shall be treated "as if it were a patent under the Act. . . ." This means, for example, that the patentee has the rights conferred by *Section 60* and *Section 69* and that his European patent is subject to licences of right under *Section 46*, compulsory licences under *Section 47*, Crown use under *Section 53* and applications for revocation before the Office or the Courts under *Section 72*. Amendment of the patent specification is possible under *Section 27*, subject of course to the restrictions of *Section 76* which apply equally to patents granted by the Office in accordance with Part I of the Act.

As is well known, European patents are subject to opposition before the European Patent Office under Article 99 of the Convention and may then be revoked or amended. *Subsections (2)* and *(4)* cater for this.

Another point of interest concerns *subsections (6)* to *(9)*. If a European patent for the United Kingdom is published in French or German, Article 65 of the Convention allows us to require an English translation if the patent is to be effective here. *Subsection (6)* incorporates this power into the Act and *subsection (9)* is a special provision enabling us, if we so decide, to use this power—or cease to use it, as the case may be. No decision has yet been taken about this; it depends very much on the number of European patents the full texts of which are in English and the attitude taken by other member States to European patents designating them which are not published in their languages.

European Patent Applications. *Section 78* has the effect that a European application designating the

United Kingdom is treated as if it were an application made under the 1977 Act with the same filing date. Obviously, however, the European application will not be processed to grant by the British Patent Office and so the treatment as a British application is reserved, by *subsection (2)*, to certain Sections of the Act. Of these, *Sections 2(3)* and *69* are probably the more important. *Section 78*, when read together with *Section 2(3)*, has the result that a European application (UK) published by the European Patent Office is effective here for "whole contents" purposes, even if the publication is in French or German. By reason of *Section 78(3)(a)* and *(e)*, a declaration of priority filed with the European Patent Office is treated as if it were a declaration made under *Section 5*. But the priority date of the European application, if it is necessary so to determine it in a "whole contents" situation, will be so determined in accordance with the terms of *Section 5*.

Section 78 also has the result that, once a European patent (UK) is granted, the proprietor has the right to sue under *Section 69* in respect of acts done in the period between publication and grant by the European Patent Office. However, if *subsection (7)* is brought into force—and, because of *subsection (8)*, the same remarks apply as to *Section 77(6)*—the prohibition conferred in this period is dependent either on publication of an English translation of the claims by the Patent Office or upon the applicant delivering such a translation to the alleged infringer.

European Applications Filed Via the PCT. *Section 78* is solely concerned with direct European applications (UK). If originally the application was an international application (i.e., an application made via the PCT route) for a regional patent and comes into the European system via Article 150 of the European Patent Convention, then *Section 79* applies. In this case, and following the thinking underlying Article 158 of the Convention, the European application (UK) has a "whole contents" effect under *Section 2(3)* of the Act only when a copy of the international application has been supplied to the European Patent Office in English, French or German and the relevant fee has been paid to that Office.

Converted European Applications. Articles 135 and 136 of the European Patent Convention provide for the possibility of converting European applications into national applications in certain circumstances. *Section 81* provides for such conversion in two circumstances—(a) during the build up of the European Patent Office when examination is restricted to certain technical fields and (b) where the European application is not received in time by the European Patent Office, mainly because of national security reasons. Although Article 135(1)(b) provides that national law may permit conversion if, e.g., the

European application is refused or a European patent is revoked, conversion in these cases is not allowed under the Patents Act 1977.

International Applications. An international application (UK), within the meaning of the Act, is an application made under the PCT and designating the United Kingdom. As in the case of a European application (UK), an international application (UK) is treated by *Section 89* as if it were a British application with the same date of filing under *Section 15(1)* as the international filing date conferred by the Treaty.

However, unlike the European application which is processed to grant by the European Patent Office, the PCT application must, if the applicant wants a British patent, come within the British system when the international phase of Chapter I or II of the PCT has been completed and be subsequently processed by the British Patent Office. This is effected by *subsection (4)* of *Section 89* which makes clear that the PCT international phase is to apply until all the "relevant conditions" are satisfied. If they are satisfied before the end of the "prescribed period"—this will be defined by Rules as generally being 20 months (Chapter I) or 25 months (Chapter II)—the PCT application will then go forward through the British Office in the same way as a British application; if not, the application will be taken to be withdrawn. The "relevant conditions" are set out in *subsection (4)*—there must be filed at the Office a copy of the application (in English) and the filing fee (provided for in *Section 14(1)*) must be paid.

The two other points of importance in connection with the international application (UK) are its "whole contents" effect under *Section 2(3)* and the rights attaching to early publication by virtue of *Section 69*. In connection with the former, it will be noted that the international application, if published under the Treaty, is treated as published under *Section 16* of the Act, provided the relevant conditions of *Section 89(4)* are satisfied. It follows from this that confirmation of the international application as a British application has the consequence of the international application having a whole contents effect in accordance with *Section 2(3)*. In other words, the international application is treated for whole contents purposes in British law in the same way as Article 158 of the European Patent Convention treats it for the same purposes under the European patent system.

As regards the *Section 69* right, the starting point for this is defined in *Section 89(7)*. If the international application is published under the Treaty in English, any infringing acts which take place after the date of publication will be actionable in the United Kingdom, provided of course that the international application results in a British patent. However, if the Treaty publication is not in English, rights are not generally

conferred until a translation into English supplied by the applicant is published by the Patent Office. Nevertheless, in this case it is open to the applicant to deliver an English translation of the application to the alleged infringer and from that date infringements by that person become actionable, again provided that the grant of a British patent results.

Community Patents. It will be noted from the above exposition that Part II of the Act serves to bring European applications and patents (UK) and international applications (UK) into the British system and then in general leaves the details to be spelt out by the application of Parts I and III of the Act. In this way, the 1977 Act is made the sole source of law in the United Kingdom on these matters; for any particular effect and for any right or remedy available to the applicant or patentee, the Act and not the Convention or Treaty supplies the answer, though, as I have sought to explain earlier, the intention of the legislature is to ensure that in respect of basic concepts the answers are kept in line with those given by the European Patent Office and in other countries.

However, in recognition of the fact that a Community Patent is to be a unitary patent and that interpretation of the Community Patent Convention is, in accordance with the terms of the Convention, under the ultimate control of the European Court of Justice, the 1977 Act treats the problem of implementing our obligations under the Community Patent Convention in an entirely different way. Thus, *Section 86* in effect makes the Community Patent Convention speak for itself; it largely follows the precedent set by the European Communities Act 1972 which gives effect in the United Kingdom to the Treaty of Rome.

From this it follows that, if an infringement action involving a Community Patent comes before the British court (or the Comptroller under *Section 61(3)*), the court or Comptroller will apply Articles 29 and 30 of the Convention and not *Section 60*. When the government comes to ratify the Convention, a reservation will, as is well known, be made under Article 90. By virtue of this Article and *Section 86(1)*, this will enable the court or Comptroller to deal with validity (by reason of *Section 74(1)(a)*) but on the grounds specified in Article 57 of the Convention rather than *Section 72* of the Act.

This is one important example of how *Section 86* will operate. For some matters, the Community Patent Convention provides that the law applicable to national patents shall apply. An instance is Article 46 which concerns compulsory licensing. Article 46 is made into British law by *Section 86* and it therefore follows that *Section 48* of the Act applies to applications in the United Kingdom for compulsory licences under Community Patents. In the proceedings on such an application, the patentee may argue that he is

satisfying the UK demand by working the patent in another Community country and importing from there into the United Kingdom. In such a case, Article 47 of the Convention must be applied—and it will be, since *Section 86* makes Article 47 into British law. A different example concerns Article 38 of the Convention which provides that if national law confers a right of prior use on a third party, this right shall be available against the proprietor of a Community Patent. *Section 86* brings this into British law and it follows that *Section 64* applies not only to British patents and, by virtue of *Section 77*, European patents (UK), but also to Community Patents.

Finally, I should mention that the Community Patent Convention leaves some questions to be regulated entirely by national law. An example is to be found in Article 80, which concerns the procedure for resolving a conflict between a Community patent and a British patent with the same priority date. For

these cases, *Section 86(2)* enables Regulations to be made for dealing with the issue.

Conclusion

The 1977 Act is a lengthy statute and I am conscious of the fact that, despite the length of this article, I have not been able to cover the entire ground. Most of the important provisions have, however, been covered and these will at least make clear to the reader that the new Act is full of complex details. This can be no surprise, seeing that the Act not only brings about a radical reform of British patent law but gives effect in law to a bewildering array of complicated international agreements. For the United Kingdom, it completes the legal structure within which future users of the patent system must operate, a structure which has taken many years to erect and has involved the biggest shift in the history of the patent policy of our country and many others as well.

Exhibitions

ITALY

Decrees Concerning Temporary Protection of Industrial Property Rights at Exhibitions

Sole Section

Industrial inventions, utility models, designs and trademarks relating to objects appearing at the following exhibitions:

- VII^a Mostra internazionale di coniglicoltura* (Erba (Como), September 9 to 12, 1977);
- III^a Mostra europea radio, televisione ed elettro-acustica* (Milan, September 9 to 14, 1977);
- XLP Salone internazionale delle calzature, delle conerie degli articoli per calzature e degli accessori per l'industria calzaturiera e conciaria IX MICAM* (Milan, September 10 to 14, 1977);
- Mostra internazionale del marmo e macchine per la lavorazione del marmo* (San Ambrogio di Valpolicella (Verona), September 10 to 18, 1977);
- XXX^a Fiera di Bolzano – Campionaria internazionale* (Bolzano, September 10 to 19, 1977);

TECNOMAR '77 – Mostra convegno cantieristica navale, costruzioni e attrezzature portuali, comunicazioni marittime, sfruttamento del mare (Genoa, September 17 to 23, 1977);

VIII^o EXPO DENTAL – Mostra nazionale di attrezzature e materiali per odontoiatria e odontotecnica (Genoa, September 29 to October 2, 1977);

XVII^o Salone nautico internazionale and VII^o SIAS – Salone internazionale delle attrezzature subacquee (Genoa, October 14 to 24, 1977);

I^o MODALEVANTE (Bari, October 20 to 23, 1977);

V^a Fiera agricola dell'arco alpino (Bolzano, October 21 to 24, 1977);

IV^o SELE – Pel selezione della borsetteria (Milan, October 21 to 24, 1977);

VI^o INTERSAN – Mostra mercato internazionale dell'ortopedia tecnica e sanitaria, sanitari, strumenti chirurgici, attrezzature ospedaliere, apparecchi fisioelettromedicali, corsetteria, articoli sanitari per la prima infanzia (Milan, October 22 to 24, 1977);

- IX^a Mostra nazionale dei mangimi delle attrezzature per l'alimentazione del bestiame, delle attrezzature e strutture per stalla* (Piacenza, October 28 to 30, 1977);
- III^a Mostra dell'artigianato artistico e tradizionale* (Busto Arsizio (Varese), October 29 to November 6, 1977);
- V^o Salone internazionale del veicolo industriale* (Turin, October 29 to November 6, 1977);
- III^o SICAT – Salone nazionale della cartoleria, arredamento e delle attrezzature tecniche per ufficio* (Naples, November 3 to 7, 1977);
- III^o TECNOCOMPUTER – Salone nazionale delle tecniche e delle attrezzature per il calcolo elettronico* (Naples, November 3 to 7, 1977);
- EIMA – Esposizione internazionale delle industrie di macchine per l'agricoltura* (Bologna, November 9 to 13, 1977);
- EXPO COMMERCIO – XII^a Esposizione internazionale delle attrezzature per il commercio* (Bari, November 12 to 20, 1977);
- ITALCAMPING '77* (Busto Arsizio (Varese), November 12 to 20, 1977);
- VII^o MIPAN – Salone internazionale delle macchine, impianti e prodotti per la panificazione e la pasticceria* (Bari, November 12 to 20, 1977);
- XIV^o TECHHOTEL – Mostra internazionale delle attrezzature alberghiere e turistiche and VIII^o BIBE – Mostra internazionale di vini, liquori ed altre bevande* (Genoa, November 12 to 20, 1977);
- Salone internazionale macchine per l'enologia e l'imbottigliamento SIMEI* (Milan, November 13 to 20, 1977);
- XLV^a Esposizione internazionale del ciclo e del motociclo* (Milan, November 19 to 27, 1977);
- V^o CARNESUD – Salone nazionale della zootecnica* (Foggia, November 24 to 27, 1977);
- V^o OPTICA – Salone internazionale dell'ottica, oftalmologia, ingegneria (strumenti) fotografia e cinematografia* (Naples, November 24 to 28, 1977);
- I^o Salone nazionale idee natale 1977* (Turin, November 26 to December 4, 1977);
- XXVII^o Salone internazionale dell'attrezzatura alberghiera* (Rimini (Forlì), December 1 to 10, 1977);
- MAV '77 – XVI^a Mostra avicoltura pregiata da carne ed ornamentale dell'avifauna e della conigliicoltura – attrezzature e prodotti relativi* (Padua, December 8 to 11, 1977)

shall enjoy the temporary protection established by the decrees mentioned in the preamble.¹

¹ Royal Decrees No. 1127 of June 29, 1939, No. 1411 of August 25, 1940, No. 929 of June 21, 1942, and Law No. 514 of July 1, 1959. (See *La Propriété industrielle*, 1939, p. 124; 1940, pp. 84 and 196; 1942, p. 168; 1960, p. 23.)

News Items

REPUBLIC OF KOREA

Director General of the Office of Patents

We have been informed that Mr. Young-Chul Ahn has been appointed Director General of the Office of Patents.

Calendar

WIPO Meetings

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

1978

- February 27 to March 7 (Geneva) — Diplomatic Conference for the Adoption of a Treaty Instituting an International Recording System of Scientific Discoveries
- February 27 to March 13 (10) (Vienna) — International Patent Classification (IPC) — Working Group I
- March 6 to 10 (Geneva) — Nice Union — Temporary Working Group on the Alphabetical List of Goods and Services
- March 6 to 10 (Geneva) — Development Cooperation (Industrial Property) — Working Group on Technological Information derived from Patent Documentation
- March 13 to 15 and 17 (Geneva) — Permanent Committee for Development Cooperation Related to Industrial Property
- March 14 to 17 (13 to 16) (Vienna) — International Patent Classification (IPC) — Ad Hoc Working Group on the Revision of the Guide
- March 16, 17 and 20 (Geneva) — Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights
- April 3 to 7 (Geneva) — Patent Cooperation Treaty (PCT) — Preparatory Committee
- April 3 to 7 (Geneva) — Satellites Convention — Working Group on Model Provisions for the Implementation of the Convention (convened jointly with Unesco)
- April 3 to 17 (14) (London) — International Patent Classification (IPC) — Working Group II
- April 10 to 14 (Geneva) — Patent Cooperation Treaty (PCT) — Assembly
- April 10 to 14 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)
- April 17 to 21 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)
- April 17 to 24 (21) (Rijswijk) — International Patent Classification (IPC) — Working Group III
- April 17 to 28 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Planning
- April 24 to 28 (Geneva) — International Patent Classification (IPC) — Working Group V
- April 25 to 28 (Geneva) — Budapest Union (Microorganisms) — Interim Committee
- May 3 to 5 (Geneva) — WIPO — Budget Committee
- May 7 to 10 (Cairo) — Development Cooperation (Industrial Property) — Meeting of Arab States on Technical Information
- May 22 to 26 (Geneva) — Locarno Union — Committee of Experts
- May 22 to 26 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Inventions and Know-How
- June 5 to 7 (Geneva) — Berne Union — Group of Consultants on New Copyright Laws
- June 5 to 9 (Geneva) — Patent Cooperation Treaty (PCT) — Working Group
- June 12 to 16 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Marks and Trade Names
- June 19 to 30 (Paris) — Berne Union — Committee of Governmental Experts on Double Taxation of Copyright Royalties (convened jointly with Unesco)
- June 19 to 23 (Geneva) — Revision of the Paris Convention — Working Group on Questions of Special Interest to Developing Countries
- June 19 to 23 (Geneva) — Revision of the Paris Convention — Working Group on Inventors' Certificates
- June 26 to 30 (Geneva) — Revision of the Paris Convention — Preparatory Intergovernmental Committee
- June 26 to July 7 (Tokyo) — International Patent Classification (IPC) — Steering Committee
- July 3 to 6 (Geneva) — Paris Union — Working Group on Industrial Property Aspects of Consumer Protection
- July 3 to 11 (Geneva) — Berne Union, Universal Convention and Rome Convention — Subcommittee of the Intergovernmental Committees on Cable Television (convened jointly with ILO and Unesco)
- July 19 to 21 (Geneva) — Development Cooperation (Industrial Property) — Working Group on Promotion of Domestic Inventive and Innovative Capacity
- September 4 to 8 (Geneva) — International Patent Classification (IPC) — Committee of Experts
- September 13 to 15 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Planning
- September 13 to 15 (Geneva) — Patent Cooperation Treaty (PCT) — Working Group
- September 13 to 22 (Paris) — Berne Union, Universal Convention and Rome Convention — Subcommittees of the Intergovernmental Committees on Videocassettes (convened jointly with ILO and Unesco)
- September 18 and 19 (Geneva) — ICIREPAT — Plenary Committee
- September 19 to 22 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation
- September 25 to October 3 (Geneva) — Governing Bodies (WIPO Coordination Committee and Executive Committees of the Paris and Berne Unions)
- September 27 to 29 (Geneva) — International Patent Classification (IPC) — Ad Hoc Working Group on the Revision of the Guide
- October 2 to 6 (Geneva) — International Patent Classification (IPC) — Working Group I
- October 23 to 27 (Hull, Canada) — ICIREPAT — Technical Committee for Standardization (TCST)
- October 23 to 27 (Geneva) — Nice Union — Preparatory Working Group on International Classification

- October 23 to 27 (Geneva) — International Patent Classification (IPC) — Working Group IV
 November 13 to 17 (Geneva) — International Patent Classification (IPC) — Working Group II
 December 4 to 8 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Marks and Trade Names
 December 4 to 8 (Geneva) — Paris and Madrid Unions — Committee of Experts on the Use of Computers in Trademark Operations
 December 4 to 8 (Geneva) — International Patent Classification (IPC) — Working Group III
 December 4 to 8 (Paris) — Berne Union and Universal Convention — Working Group on questions concerning access to protected works for developing countries, including the implementation of the 1971 revised texts of the Berne Convention and of the Universal Convention (tentative title) (convened jointly with Unesco)
 December 18 to 22 (?) (New Delhi) — Development Cooperation (Copyright) — Copyright Seminar (convened jointly with Unesco)

1979

- January 8 to 12 (?) (Geneva) — International Patent Classification (IPC) — Committee of Experts
 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)

UPOV Meetings

1978

- April 17 to 19 (Geneva) — Administrative and Legal Committee and/or Technical Committee
 April 20 and 21 (Geneva) — Consultative Committee
 May 23 to 25 (Zurich-Reckenholz) — Technical Working Party for Agricultural Crops
 June 6 to 8 (Hanover) — Technical Working Party for Vegetables
 June 20 to 22 (Paris) — Technical Working Party for Ornamental Plants
 September 5 to 7 (Florence) — Technical Working Party for Fruit Crops
 September 11 to 15 (Geneva) — Ad Hoc Committee on the Revision of the UPOV Convention
 September 19 to 21 (Melle, Belgium) — Technical Working Party for Forest Trees
 October 9 to 23 (Geneva) — Diplomatic Conference on the Revision of the UPOV Convention
 November 13 to 15 (Geneva) — Technical Committee
 November 15 to 17 (Geneva) — Administrative and Legal Committee
 December 5 and 8 (Geneva) — Consultative Committee
 December 6 to 8 (Geneva) — Council

Meetings of Other International Organizations Concerned with Industrial Property

1978

Intergovernmental Organizations

Commission of the European Communities

Interim Committee for the Community Mark:

- April 17 to 21 (Brussels) — Examination of a draft EEC Council Regulation relating to the Community Trade Mark — restricted meeting.
 June 5 to 9 (Brussels) — *id.*
 September 18 to 22 (Brussels) — *id.*
 December 11 to 15 (Brussels) — *id.*

Interim Committee for the Community Patent:

- March 6 and 7 (Brussels) — Working Group II
 March 30 and 31 (Brussels) — Working Group III
 April 25 (Brussels) — Working Group I
 June 26 and 27 (Brussels) — Working Group III
 June 28 and 29 (Brussels) — Working Group II
 September 12 (Brussels) — Working Group I
 October 2 to 4 (Brussels) — Interim Committee
 October 23 and 24 (Brussels) — Working Group II
 November 13 to 15 (Brussels) — Working Group III
 December 4 (Brussels) — Working Group I

Non-Governmental Organizations

International Association for the Protection of Industrial Property:

- May 12 to 20 (Munich) — Congress

International Federation of Patent Agents:

- October 1 to 7 (Santiago de Compostela) — Congress

International League Against Unfair Competition:

- September 6 to 10 (Strasbourg) — Congress

Union of European Patent Attorneys and Other Representatives Before the European Patent Office:

- May 12 and 13 (Munich) — Executive Committee