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World Intellectual Property Organization

WIPO Convention

I

Ratification

CENTRAL AFRICAN EMPIRE

The Government of the Central African Empire deposited on May 23, 1978, its instrument of ratification of the Convention Establishing the World Intellectual Property Organization (WIPO), signed at Stockholm on July 14, 1967.

The WIPO Convention will enter into force with respect to the Central African Empire on August 23, 1978.

WIPO Notification No. 99, of June 5, 1978.

II

Accession

SRI LANKA

The Government of Sri Lanka deposited on June 20, 1978, its instrument of accession to the Convention Establishing the World Intellectual Property Organization (WIPO).

The WIPO Convention will enter into force with respect to Sri Lanka on September 20, 1978.

WIPO Notification No. 100, of June 23, 1978.

International Unions

Paris Convention

I

Ratification of the Stockholm Act

CENTRAL AFRICAN EMPIRE

The Government of the Central African Empire deposited on May 23, 1978, its instrument of ratification of the Stockholm Act of July 14, 1967, of the Paris Convention for the Protection of Industrial Property of March 20, 1883.

The Central African Empire will belong to Class VII for the purpose of establishing its contribution towards the budget of the Paris Union.

The Stockholm Act will enter into force with respect to the Central African Empire on September 5, 1978.

Paris Notification No. 93, of June 5, 1978.

II

Accession to the Stockholm Act (with the Exception of Articles 1 to 12)

SRI LANKA

The Government of Sri Lanka deposited on June 20, 1978, its instrument of accession to the Stockholm Act of July 14, 1967, of the Paris Convention for the Protection of Industrial Property of March 20, 1883, with a declaration to the effect that its accession shall not apply to Articles 1 to 12.

Sri Lanka will belong to Class VII for the purpose of establishing its contribution towards the budget of the Paris Union.

The Stockholm Act, with the exception of Articles 1 to 12, will enter into force with respect to Sri Lanka on September 23, 1978.

Paris Notification No. 94, of June 23, 1978.

Patent Cooperation Treaty (PCT)

Ratification

JAPAN

The Government of Japan deposited on July 1, 1978, its instrument of ratification of the Patent Cooperation Treaty (PCT) done at Washington on June 19, 1970.

The said instrument was accompanied by the following declaration:

“The Government of Japan declares, pursuant to Article 64(2)(a) of the Treaty, that:

- (i) Japan shall not be bound by the provisions of Article 39(1) with respect to the furnishing of a copy of the international application and a translation thereof (as prescribed),
- (ii) the obligation to delay national processing, as provided for under Article 40, shall not prevent publication, by or through its national Office, of the international application or a translation thereof, it being understood, however, that it is not exempted from the limitations provided for in Articles 30 and 38.”

The said Treaty will enter into force with respect to Japan on October 1, 1978.

PCT Notification No. 22, of July 1, 1978.

WIPO Meetings

WIPO Permanent Program for Development Cooperation Related to Industrial Property

I

Working Group on the Model Law for Developing Countries on Inventions and Know-How

Seventh Session
(Geneva, May 22 to 26, 1978)

NOTE *

Within the framework of the WIPO Permanent Program for Development Cooperation Related to Industrial Property, the Working Group on the Model Law for Developing Countries on Inventions and Know-How held its seventh session in Geneva from May 22 to 26, 1978. A list of participants follows this Note.

At its first sessions, held in November 1974,¹ May 1975,² and November 1975,³ the Working Group had

examined draft model provisions prepared by the International Bureau for the purpose of the new Model Law for Developing Countries on Inventions and Know-How. The new Model Law is intended to replace the one published by BIRPI in 1965.

At its fourth, fifth and sixth sessions, held in June 1976,⁴ November/December 1976,⁵ and June 1977,⁶ the Working Group had examined a new draft of certain model provisions which had been prepared by the International Bureau in the light of the discussions of the first three sessions.

For the seventh session of the Working Group, the International Bureau had prepared, in the light of the discussions of the fourth, fifth and sixth sessions, a “consolidated” version, constituting the last draft, of the new Model Law. The Working Group’s task was to establish the new Model Law not only on the basis of this last draft but also in the light of the written comments of the Governments of the member States of the Permanent Committee and of certain of the organizations invited to the sessions of the Working Group.

The Working Group examined the first Part of the new Model Law dealing with patents, and discussed

* This Note has been prepared by the International Bureau.

¹ See *Industrial Property*, 1975, p. 49.

² See *Industrial Property*, 1975, p. 230.

³ See *Industrial Property*, 1976, p. 82.

⁴ See *Industrial Property*, 1976, p. 215.

⁵ See *Industrial Property*, 1977, p. 20.

⁶ See *Industrial Property*, 1977, p. 170.

the second Part dealing with know-how, but was not able, due to lack of time, to examine the other Parts of the Model Law.

It is foreseen that this seventh session of the Working Group, which should have been the last, will be followed by an eighth session during which the Working Group will finish its task.

LIST OF PARTICIPANTS*

I. Experts

G. Albrechtskirchinger (Federal Republic of Germany); J. Alvarez Soberanis (Mexico); G. Ancarola (Argentina); B. Ardo (Cameroon); A.G. Bahadian (Brazil); H. Bouhalila (Algeria); D. Čemalović (Yugoslavia); G.R. Clark (United States of America); J. Delicado Montero-Ríos (Spain); E. Fischer (Federal Republic of Germany); M. Gabay (Israel); V. Ilyin (Soviet Union); D. Januszkiewicz (Poland); J.N. King' Arui (Kenya); D.O. Lewis (United Kingdom); Y. Plasseraud (France); H. Prodjomardojo (Indonesia); Z. Szilvassy (Hungary); M.N. Tshinkela (Zaire).

II. Persons Accompanying the Experts

L.E. Bertone (Argentina); L. Madani (Algeria); G. Pusztai (Hungary); R. Rangel (Mexico); K. Saenko (Soviet Union); B. Zarković (Yugoslavia).

III. Observers

United Nations Organizations

United Nations Conference on Trade and Development (UNCTAD): D. Chudnovsky; A. Omer. **International Labour Office (ILO)**: S.C. Cornwell.

Intergovernmental Organizations

Andean Group: A. Vidales. **Permanent Secretariat of the General Treaty on Central American Economic Integration (SIECA)**: G.-A. Vargas.

International Non-Governmental Organizations

Inter-American Association of Industrial Property (ASIPI): G.E. Dannemann. **Inter-American Bar Association (IABA)**: A. Ladrón de Guevara. **International Association for the Protection of Industrial Property (IAPIP)**: H. Wichmann. **International Federation of Inventors' Associations (IFIA)**: H. Romanus. **Licensing Executives Society (LES)**: J. Debétencourt. **Pacific Industrial Property Association (PIPA)**: D.M. Mezzapella.

IV. Chairman

A.G. Bahadian (Brazil).

V. WIPO

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

II

Working Group on the Model Law for Developing Countries on Marks and Trade Names

Second Session
(Geneva, June 12 to 15, 1978)

NOTE*

Within the framework of the WIPO Permanent Program for Development Cooperation Related to Industrial Property, the Working Group on the Model Law for Developing Countries on Marks and Trade Names held its second session in Geneva from June 12 to 15, 1978. A list of participants follows this Note.

At its first session in November 1977,¹ the Working Group discussed the first half of the draft Model Law prepared by the International Bureau of WIPO. This first half includes a preamble, general provisions, and provisions on marks dealing with mandatory marking and registration, exclusion from registration, use requirements, the application, registration, refusal of registration, duration and renewal of registration, effects of registration, renunciation, invalidation and termination of registration.

At its second session, the Working Group examined the second half of the draft Model Law. This half includes provisions relating to infringement, the assignment and transfer of applications and registrations, contractual licenses, the Trademark Office, collective marks and trade names.

The Working Group postponed its study of the provisions relating to the examination and registration of contracts.

On the basis of the views expressed in the first two sessions of the Working Group, the International Bureau will prepare a new draft to be discussed in the third session of the Working Group.

LIST OF PARTICIPANTS

I. Experts

F. Balley, Chef de la Section des marques, Bureau fédéral de la propriété intellectuelle, Switzerland
M. A. Diaz Cerecer, Subdirector, Dirección General de Inven- ciones y Marcas, Secretaría de Patrimonio y Fomento Industrial, Mexico
A. Elshahed, Registrar of Trademarks, Commercial Registration Department, Egypt
B. Fathallah, Administrateur conseiller, Attaché de Cabinet, Ministère du commerce, Tunisia
M. Gabay, Director General, Ministry of Justice, Israel

* 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 See *Industrial Property*, 1978, p. 23.

- K. Luanda, Chef du Bureau des marques, Service de la propriété industrielle, Département de l'économie nationale et de l'industrie, Zaïre
- W. Mak, Head of Trademarks Section, N.V. Philips Gloeilampenfabrieken, Netherlands
- J. Ntabgoba, Administrator General, Registrar of Trade Marks and Patents, Uganda
- A. E. de la Peña, Directora de Marcas, Oficina Nacional de Invenções, Información Técnica y Marcas, Cuba
- G. Peters, Attorney-at-Law, Bayer AG, Germany (Federal Republic of)
- J. Prošek, Head of Trademark Section, Office for Inventions and Discoveries, Czechoslovakia
- L. Salenko, Experte du Département des marques, Comité d'Etat du Conseil des Ministres de l'URSS pour les inventions et les découvertes, Soviet Union
- W. E. Schuyler, Jr., Partner, Schuyler, Birch, Swindler, McKie & Beckett, Washington, D.C., United States of America
- A. Thierri, Directeur général, Union des Fabricants, France
- I. Vrsalovic Ostojic, Jefe del Departamento de Control de la Dirección Nacional de Industria y Comercio, Ministerio de Economía, Fomento y Reconstrucción, Chile
- E. Wenman, Trade Mark Agent, Imperial Chemical Industries Limited, United Kingdom

II. Persons Accompanying the Experts

- M. F. Ize de Charrin, Attaché, Permanent Mission of Mexico, Geneva
- S. Egorov, First Secretary, Permanent Mission of the USSR, Geneva

III. Observers

United Nations Organizations

United Nations Conference on Trade and Development (UNCTAD):

- D. Chudnovsky, Economic Affairs Officer, Geneva; A. Omer, Economic Affairs Officer, Geneva

International Non-Governmental Organizations

Council of European Industrial Federations (CEIF):

- G. Kunze, Sous-directeur, Nestlé SA, Switzerland

International Association for the Protection of Industrial Property (IAPIP):

- R. Storkebaum, Vice-directeur, Ciba-Geigy S.A., Switzerland

International Federation of Patent Agents (FICPI):

- F. Cavattoni, Ingénieur-Conseil, Italy

Licensing Executives Society (LES):

- D. C. Maday, Avocat, Switzerland

Pacific Industrial Property Association (PIPA):

- D. J. Mugford, Chief Counsel, Bristol-Myers Co., United States of America

Union of Industries of the European Community (UNICE):

- W. Boekel, Lawyer, Vertrags- und Patentabteilung, Siemens AG, Germany (Federal Republic of)

IV. President

- A. E. de la Peña (Cuba)

V. WIPO

- A. Bogsch, Director General
 K. Pfanner, Deputy Director General
 L. Baeumer, Director, Industrial Property Division
 M. Porzio, Director, Office of the Director General
 F. Curchod, Head, Special Projects Section, Industrial Property Division

WIPO/UNCSTD

Regional Meeting for Arab Countries on Technological Information Contained in Patent Documents

(Cairo, May 7 to 10, 1978)

NOTE*

The Regional Meeting for Arab Countries on Technological Information Contained in Patent Documents, organized by the World Intellectual Property Organization (WIPO) in cooperation with the Government of Egypt, the Industrial Development Centre for Arab States (IDCAS), the Secretariat of the United Nations Conference on Science and Technology for Development (UNCSTD) and the United Nations Economic Commission for Western Asia (ECWA), took place in Cairo from May 7 to 10, 1978.

All members of the League of Arab States were invited, as were a number of intergovernmental and other interested organizations and several Arab experts. The participants, about 100 in all, came from Egypt, Iraq, Jordan, Kuwait, Lebanon, Morocco, Qatar, the Sudan and Tunisia and included representatives of a number of organizations (the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the League of Arab States, the Arab Educational, Cultural and Scientific Organization (ALECSO), the Arab Organization for Standardization and Metrology (ASMO), the Arab Labour Organization (ALO), the Council of Arab Economic Unity (CAEU) and the International Patent Documentation Center (INPADOC)). A list of participants follows this Note.

The Regional Meeting elected the Head of the Delegation of Egypt, Mr. Ali Khalil, Under Secretary at the Ministry of Commerce, Chairman, and Mr. Zaki Sir El Khatim, Director General, Companies Department, Ministry of Trade and Supply of Sudan, and Mr. Izzudeen Essaid, Director, Scientific Documentation Center of Iraq, Vice-Chairmen.

The Regional Meeting was held in the context of the first phase of the preparatory work for the United Nations Conference on Science and Technology for Development and its main purpose was to consider all aspects of the technological information contained in patent documents (scope, access, utilization) in order to establish the contribution which that type of information can make to the industrial and scientific development of Arab countries.

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

Discussions were based on documents prepared by the International Bureau of WIPO, by the Secretary General of UNCSTD, by ECWA, by IDCAS and by the Egyptian Patent Office, and on two documents prepared by consultants.

After three days of discussions in which all the delegates and experts present participated, and during which the participants visited the Egyptian Patent Office at the Academy of Scientific Research and Technology and noted the importance of the classified collection of gazettes and foreign patent documents, the Regional Meeting adopted the following three recommendations.

Recommendation No. 1

Regarding the preparatory work for the United Nations Conference on Science and Technology for Development (UNCSTD) to be held in Vienna in August 1979, the participants recommended:

(a) that the national papers prepared by the Arab States include, for consideration by the Conference under item 2(c), the subject of the technological information contained in patent documents;

(b) that the United Nations Economic Commission for Africa (ECA) and the United Nations Economic Commission for Western Asia (ECWA) give, whenever possible, special consideration to the subject of the technological information contained in patent documents in the regional papers prepared by each of them;

(c) that, in order to support the national and regional papers and to assist in adopting the relevant recommendations in this respect, the documents to be prepared by the Secretariat of UNCSTD should also include the said subject.

Recommendation No. 2

As far as the supply to Arab countries of the technological information contained in patent documents is concerned, the participants recommended:

(a) that WIPO and IDCAS propose means for strengthening the national industrial property offices of Arab countries in order to increase their usefulness in furnishing and disseminating the technological information contained in patent documents, particularly to their national industries and other production entities and research centers;

(b) that WIPO and IDCAS report on the possibilities of facilitating access by Arab countries to existing worldwide patent information systems and that IDCAS take the necessary measures, in consultation with WIPO, to include in its information services full information on the patent documents of Arab countries;

(c) that IDCAS take advantage of the Agreement concluded between WIPO and the Government of Austria concerning the preparation of state-of-the-art search reports by adding economic analysis to those reports to advertise them and publish them for the benefit of the various Arab countries.

Recommendation No. 3

In order to increase awareness and to develop interest in the technological information contained in patent documents, the participants recommended that the Arab Educational, Cultural and Scientific Organization (ALECSO) and the Association of Arab Universities consider the possibility of including in the programs of technical high schools a special section relating to the patent system and the means for benefiting from the information contained in patent documents in the interests of inventors and the national economy.

LIST OF PARTICIPANTS*

I. Arab States

Egypt: A. Khalil; A. Omar; A. A. Ibrahim; A. A. Ismail.
Iraq: I. Essaid. **Kuwait:** M. H. Zehery; S. A. Asousi. **Qatar:** M. G. Al-Ali. **Sudan:** Z. Sir El Khatim; M. O. El Kindi.

II. Invited Arab Experts

A. R. A. El Agib (Sudan); A. Fassi Fihri (Morocco); K. Gueblaoui (Tunisia); I. Al-Khalili (Iraq); A. Khatib (Jordan); J. Naffah (Lebanon); A. N. Tebawi (Kuwait).

III. Invited Speakers

K. Klintøe (Denmark); Y. Mazhar (Egypt).

IV. Intergovernmental Organizations

United Nations Development Programme (UNDP): G. Antippas; S. J. Szivos; G. El Hamamsy. **United Nations Educational, Scientific and Cultural Organization (UNESCO):** D. Saint-Rossy. **League of Arab States:** T. El-Mendil; S. Hegazy. **Arab Educational, Cultural and Scientific Organization (ALECSO):** M. M. El Refai. **Arab Organization for Standardization and Metrology (ASMO):** A. El-Bagoury; Z. A. Zaher. **Arab Labour Organization (ALO):** S. E. D. Koura. **Council of Arab Economic Unity (CAEU):** I. Siam.

V. Other Organizations

Association pour la protection de la propriété industrielle au Moyen-Orient et en Afrique du Nord (APPIMAF): F. S. Saba; M. Moussa. **International Patent Documentation Center (INPADOC):** O. Auracher; G. Quarda.

VI. Other Participants from Egypt

Z. H. El Abagy; F. A. Ali; M. A. Amin; M. Amer; A. A. Asem; Z. A. El Ata; M. M. Attia; M. O. El Badawi; L. El Bakary; A. El Bendak; S. A. Biski; A. M. Bolbol; A. El Damek; M. Dabes; S. El Difrawy; N. H. Daw; S. Faïd; A. Fakhry; M. Fares; M. El Fateh; F. A. Faudi; A. M. Hashad; M. M. El Hashimy; H. El Hawary; A. Hellal; I. A. Ismail; M. Ismail; M. R. Joseph; A. A. H. Kabesh; M. N. El Kaffache; A. Kamel; H. Y. Kandeel; H. Y. Lotfi; A. Madi; F. El Masry; F. Mobarak; M. K. Naga; I. Narooz; G. Penzer; M. T. Ramadan; M. Y. Saada; M. Abdel Salam; S. A. Salam; A. Samie; S. El Sayed; S. I. Seida; R. Tawfik; S. El Shawarby; A. F. El Sharkawy; A. El Shahed; M. El Waraki.

VII. Officers

Chairman: A. Khalil (Egypt). *Vice-Chairmen:* Z. Sir El Khatim (Sudan); I. Essaid (Iraq).

VIII. WIPO and Cooperating Organizations

World Intellectual Property Organization (WIPO): A. Bogsch (*Director General*); P. Claus (*Director, Patent Information Division*); F. Moussa (*Head, External Relations Section, Development Cooperation and External Relations Division*); R. Andary (*Technical Officer, General Patent Information Section, Patent Information Division*).

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

Industrial Development Centre for Arab States (IDCAS): A. El Azzabi (*Director General*); F. Zahawi (*Director, Documentation and Industrial Information Department*); A. Abdelhak (*Head, Industrial Legislation Section*); M. Madkour (*EDP Manager*); S. Shaaban (*Documentalist, Terminology Office*); M. A. Loutfy (*Information Officer*); A. El Ansary (*Engineer*); N. Shafeek (*Observer*).

United Nations Conference on Science and Technology for Development (UNCSTD): O. Aslaoui (*Chief, Office of the Secretary General of the Conference, New York*).

Economic Commission for Western Asia (ECWA): M. Soubra (*Natural Resources, Science and Technology Division, Beirut*).

WIPO/ECA/UNCSTD

Regional Meeting for African Countries on Technological Information Contained in Patent Documents

(Yaoundé, May 17 to 19, 1978)

NOTE*

The Regional Meeting for African Countries on Technological Information Contained in Patent Documents, organized by the World Intellectual Property Organization (WIPO) in cooperation with the United Nations Economic Commission for Africa (ECA) and the Secretariat of the United Nations Conference on Science and Technology for Development (UNCSTD), took place in Yaoundé at the headquarters of the African Intellectual Property Organization (OAPI) from May 17 to 19, 1978.

All member States of the ECA, except those which had been invited to a similar Regional Meeting for Arab States in Cairo from May 7 to 10, 1978 (see separate Note on this Regional Meeting above) were invited, as were several African experts and a number of intergovernmental and other interested organizations. The participants, about 30 in all, came from Benin, Cameroon, the Congo, Kenya, Madagascar, Senegal, Zaire and Zambia, and included representatives of a number of organizations (the United Nations, OAPI, l'Association africaine pour l'avancement des sciences et des techniques (AAASI) and the International Association for the Protection of Industrial Property (IAPIP)). A list of participants follows this Note.

The Regional Meeting elected Mr. Anderson Ray Zikonda, Deputy Registrar, Patents, Trade Marks and Designs Office of Zambia, Chairman.

The Regional Meeting was held in the context of the first phase of the preparatory work for the United Nations Conference on Science and Technology for Development. The subject of the Regional Meeting

is contained in item 2(c) of the provisional program of the Conference as recommended by Resolution 2028 (LXI) of ECOSOC: "Mechanism for the exchange of scientific and technological information and experiences significant to development." The purpose of the Regional Meeting was to consider aspects of technological information contained in patent documents (for instance, technology content, means of access, implementation, etc.), in order to establish the contribution that that kind of information could make towards the development of the region. Those aspects were considered in the light of present conditions and the characteristics of national, regional, international and global policies for the development of technology.

Discussions were based on two documents prepared by the International Bureau of WIPO and one document prepared by the Secretariat of UNCSTD.

After two days of discussions in which all the delegates and experts present participated, the Regional Meeting concluded its work by formulating the recommendations which are set forth below.

The Regional Meeting for African Countries on Technological Information Contained in Patent Documents,

Recalling United Nations General Assembly Resolutions 3201 (S-VI) and 3202 (S-VI), containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, 3281 (XXIX) of December 12, 1974, on the Charter of Economic Rights and Duties of States, and 3362 (S-VII) of September 16, 1975, on Development and International Economic Cooperation,

Noting General Assembly Resolutions 3507 (XXX) and 31/183 (XXXI) concerning institutional arrangements in the field of the transfer of technology and the reports of the Secretary General of the United Nations Conference on Science and Technology for Development contained in documents E/6002 and E/6054,

Considering that the principal objective of General Assembly Resolutions 3507 (XXX) and 31/183 (XXXI) is to develop and promote the flow of technological information with a view to ensuring that that which is immediately relevant to development reaches those directly responsible for the acquisition and application of technology in developing countries, that it does so quickly and that the said information is transmitted in a complete and immediately usable form,

Considering that the exchange of information is essential for bridging the technology gaps between developed and developing countries, as it is the indispensable prerequisite for reaching the level of technological self-sufficiency of developing countries required by the new international economic order,

Considering that technological information constitutes an element of fundamental importance in the process of transfer and development of technology which makes possible the evaluation, selection, negotiation, adaptation and generation of technology,

Considering that patent documents describe solutions to technical problems and therefore contain important technological information,

Considering that approximately one million patent documents are published every year describing approximately 350,000 technical solutions to technological problems; that these patent documents are published in a reasonably standardized manner and are widely exchanged free of charge under bilateral and multilateral exchange agreements; that adequate access to the technological content of these documents is available through the International

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Patent Classification (IPC) and through the worldwide bibliographic data service offered by INPADOC under the auspices of the World Intellectual Property Organization.

Considering that the technological information contained in patent documents can be used:

(a) by *Governments for:*

- (1) the technological decision-taking required in formulating and implementing national development plans,
- (2) the evaluation, selection, negotiation, adaptation and generation of technology;

(b) by *research and development institutions:*

- (1) for planning research and development,
- (2) for current awareness of technological developments,
- (3) as reference material for technical libraries;

(c) by *universities:*

- (1) for basic and applied research,
- (2) as a source for preparing educational material;

(d) by *Industrial Property Offices for:*

establishing the novelty and evaluating the inventive step of applications for patents;

(e) by *industrial enterprises for:*

- (1) the identification and location of technologies which could be introduced, or of possible suppliers (inventors, users, owners, etc.) of such technologies,
- (2) the comparative evaluation of and selection among alternative technologies,
- (3) the industrial application of selected technologies,
- (4) information on the research and development activities of competitors, and guidance in taking decisions about investment in, and the direction of, their own research and development activities;

(f) by *patent practitioners and private inventors:*

for the purposes of patent procedure, for instance, when considering whether to apply for a patent, when negotiating with the Patent Office, or when contesting the validity of competitors' applications for patents;

Recommends:

I. *To the Secretariat of the United Nations Conference on Science and Technology for Development (UNCSTD) regarding the preparatory work of the Conference:*

(a) that it include the theme of technological information contained in patent documents in the preparation of the national papers, in order to create a deeper awareness of it and appreciate better its practical scope for the needs of development,

(b) that, taking into account the national and regional papers and relevant experience, it include the theme in the documentation of the Conference, in order to enable recommendations of global character to arise from its examination, with a view to facilitating access by developing countries to the technological information contained in patent documents in order that it may be used for finding solutions to their information problems related to development;

II. *To the Economic Commission for Africa:*

that it include the above-mentioned theme in the regional document for the Conference, in order that it may be analyzed together with others directly or indirectly related to it, thus facilitating better understanding in the region of the contribution which this type of information can make as an element of technological information, and in order that it may be incorporated in the corresponding regional policies;

III. *To the World Intellectual Property Organization:*

(a) that, in order to facilitate the practical implementation of the recommendations formulated above, it put at the disposal of the Secretariat of the United Nations Conference on Science and Technology for Development and the Economic Commission for Africa the studies which it has prepared and will prepare on the question of technological information contained in patent documents and, more particularly, the working documents of the

Regional Meeting for African Countries on Technological Information Contained in Patent Documents (documents ST/YAO/2 and /3).

(b) that the studies continue with a view to finding practical and economical solutions to facilitate the utilization by developing countries of the information contained in patent documents and, more particularly, to improve the sufficiency of the description of the invention in patent documents and to presenting solutions for the adequate selection, from the great number of existing patent documents, of those which might be useful for solving specific problems: the guiding principle here should be that of making available to users, in a readily usable form, the necessary information. The information assembled should be adapted and responsive to the economic and social development priorities of each country,

(c) that it devote a major effort, in the context of its development cooperation programs, to the making of the studies mentioned above and to an increase in its assistance to developing countries, more particularly in the training of their officials in the handling, evaluation, retrieval and classification of the technological information contained in patent documents, and also to the strengthening of national infrastructures in this field.

(d) that it provide regional patent documentation centers being created or planned to be created in Africa with the necessary technical assistance so that they may obtain under the best possible conditions the patent documents which are necessary to enable the said centers to operate adequately and that it assist the said centers in the training of their technical staff in charge of the handling of such documents.

(e) that it encourage the regional patent documentation centers to establish close cooperation with the national and regional centers for the transfer of technology in Africa, with the scientific and technical institutions and with the international referral services, in order to enable the said centers and institutions to make use of the facilities offered by the regional patent information centers for their own operations and information services;

IV. *To the African Regional Offices for Industrial Property:*

(a) that they pursue actively the establishment of a patent information center, with the assistance of WIPO and other interested organizations, for the benefit of their member States and for the benefit of the Governments, research and development institutions, universities, the Industrial Property Offices and industrial and handicraft enterprises in their member States,

(b) that they promote and sponsor, with the help of WIPO, training programs for the benefit of nationals of their member States in the handling, evaluation, retrieval and classification of the technological information contained in patent documents,

(c) that they study, in cooperation with WIPO and INPADOC, the feasibility of establishing Selective Dissemination of Information (SDI) on the basis of the technical information contained in patent documents and, more particularly, on the IPC for the benefit of users of technological and scientific information in their member States;

V. *To the Governments of African Countries:*

(a) that they associate their industrial property administrations and the organizations responsible for the transfer of technology and development planning with the preparatory work of the United Nations Conference on Science and Technology for Development, at the national and regional levels, in order to contribute their knowledge and experience of the technological information contained in patent documents to the preparation of the respective documents.

(b) that their national papers contain information and suggestions on the following points:

- (1) general description of the present arrangements for access to and exchange of scientific and technological information at all levels,
- (2) measures for the regulation of industrial property and the selection of technology, based on national activities and international cooperation,
- (3) access to the information systems of developed countries.

(c) that they strengthen their national structures in relation to industrial property and technology transfer, in order that effective

use may be made of the technological information contained in patent documents, and that adequate dissemination of the information among users (government, public and private research and development institutions, universities, industrial and handicraft enterprises, etc.) may be achieved,

(d) that they include in the curriculum of their high schools, technical high schools and universities specific courses on the technological and scientific information contained in patent documents;

VI. To Developed Countries:

(a) that they provide assistance, in accordance with Resolutions 3362 (S-VII), 3507 (XXX) and 31/183 (XXXI), in the establishment, strengthening and development of the scientific and technological infrastructure of developing countries,

(b) that they facilitate the access to technological information contained in patent documents:

(1) by putting at the disposal of the developing countries and regional patent information centers in developing countries, at the most advantageous conditions possible, copies of their currently issuing patent documents and of their Official Gazettes,

(2) by publishing on their patent documents and/or in their Official Gazettes abstracts of the descriptions of the inventions in languages which are most easily understood in developing countries, e.g., English or French,

(c) that they facilitate access by developing countries to concrete data on advances and other technologies as well as on new uses of existing technology, new developments, and possibilities of adapting them to local needs.

LIST OF PARTICIPANTS*

I. African States

Cameroon: A. Bouba; R. J. P. Ossono; A. Ottou-Abanda. **Congo:** J. F. Poaty. **Senegal:** P. Ndong. **Zambia:** A. R. Zikonda.

II. Invited Experts

D. J. Coward (Kenya); G. E. Harre (Zambia); E. L. Kamuzora (Tanzania); N. M. Mibulumukini (Zaire); E. Ncabugufi (Burundi); B. Olaye (Benin); R. Raparson (Madagascar); C. S. Sakho (Senegal); P. A. Thiam (Senegal).

III. Intergovernmental Organizations

African Intellectual Property Organization (OAPI): P. N'Goma; P. Kibongui-Saminou; I. Salia; C. Johnson; O. Seydi; M. Zossou. **United Nations Organisation (UNO):** W.-S. Wali (UNDP); J. B. Etongo (UNIC).

IV. Other Organizations

Association africaine pour l'avancement des sciences et des techniques (AAASI): H. Hogbe Nlend. **International Association for the Protection of Industrial Property (IAPIP):** R. Cazenave.

V. Officers

Chairman: A. R. Zikonda (Zambia). *Secretary:* I. Thiam (WIPO).

VI. Sponsoring Organizations

World Intellectual Property Organization (WIPO): P. Claus (*Director, Patent Information Division*); I. Thiam (*Head, Development Cooperation Section, Development Cooperation and External Relations Division*).

United Nations Conference on Science and Technology for Development (UNCSTD): O. Aslaoui (*Chief, Office of the Secretary General of the Conference, New York*).

United Nations Economic Commission for Africa (ECA): E. Lartey (*Chief, Science and Technology Unit, Addis Ababa*).

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

Activities of Other Organizations

Industrial Property Organization for English-Speaking Africa

Council

First Session
(Nairobi, May 2 to 5, 1978)

NOTE*

The Agreement on the Creation of an Industrial Property Organization for English-Speaking Africa (hereinafter referred to as "the Lusaka Agreement"), which was adopted at Lusaka (Zambia) on December 9, 1977,¹ entered into force on February 15, 1978, following ratification by Ghana, Kenya, Malaŵi and Zambia and accession by the Gambia. One of the consequences of the entry into force of the Lusaka Agreement is that the Industrial Property Organization for English-Speaking Africa (hereinafter referred to as "the Organization") came into existence.

The Council of the Organization held its first session in Nairobi (Kenya) from May 2 to 5, 1978. Ghana, Kenya and Zambia, States members of the Organization, were represented. The Sudan acceded to the Agreement during the session and thus was represented in the Council as a member. Ethiopia and the Seychelles were represented by observers. The World Intellectual Property Organization (WIPO) and the United Nations Economic Commission for Africa (ECA) acted as the interim secretariat. A list of participants follows this Note.

The session was opened by the Honourable C. Njonjo, Attorney-General, Kenya. He underlined the importance of cooperation between English-speaking African countries in the field of industrial property, which would enhance transfer of technology to these countries and create the necessary climate for rapid progress in the development of indigenous technology.

The Council unanimously elected Mr. B. W. Prah, Registrar General, Ghana, as its Chairman. In his absence, Mr. P. K. Abbam, Acting High Commissioner of Ghana in Kenya, took the chair.

The Council adopted its Rules of Procedure. It decided that the Secretariat, referred to in Article II

of the Lusaka Agreement, should be given the designation "Office," that the full name of the Office should be "Industrial Property Office for English-Speaking Africa" and that it should be abbreviated as "ESARIPO."

The Council decided that in the framework of the Office, a patent documentation and information center should be established whose name should be "Patent Documentation and Information Centre for English-Speaking Africa," to be abbreviated "ESAPADIC."

Accepting an offer made by the Government of Kenya, the Council decided to select Nairobi as the headquarters of the Organization.

The Council decided that the first budget of the Organization should be that of the year 1980 and that the contributions to be paid by the member States of the Organization should be proportionate to the key applied for their contributions to the budget of the United Nations Organization.

The Council accepted an offer by the Government of Kenya to make available interim facilities for ESARIPO until its staff has been appointed.

LIST OF PARTICIPANTS*

I. States Members of the Organization

Ghana: P. K. Abbam. **Kenya:** D. J. Coward; J. King'Arui; J. Miguda-Alila; L. H. Randall. **Sudan:** Z. Sir El Khatim. **Zambia:** G. E. Harre; A. R. Zikonda.

II. Observer States

Ethiopia: M. Desta. **Seychelles:** W. S. A. Warren; F. Chang-Sam.

III. Officers

Chairman: P. K. Abbam (Ghana) (*acting*). *Vice-Chairmen:* D. J. Coward (Kenya); G. E. Harre (Zambia).

IV. Interim Secretariat

World Intellectual Property Organization (WIPO)
L. Baeumer (*Director, Industrial Property Division*); I. Thiam (*Head, Development Cooperation Section, Development Cooperation and External Relations Division*); J. Quashie-Idun (*Consultant*).

United Nations Economic Commission for Africa (ECA)
A. M. Akiwumi (*Regional Legal Adviser*).

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

¹ See *Industrial Property*, 1977, p. 43.

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

General Studies

Registration of Trademarks in the United States of America Without Using the Marks

W.E. SCHUYLER, Jr.*

After 30 years of inconsistent interpretation of the Trademark Act of 1946¹ concerning allegations of use, and submission of specimens of marks with applications for registration in the United States of America, the issue seems to have been settled, in favor of foreign applicants, by the United States Court of Appeals for the District of Columbia Circuit in the "Lemon Tree" case.² As interpreted by that court, applicants outside the United States may, under certain conditions, apply for and obtain United States trademark registrations without any use of the mark, and without submitting specimens of the mark. Similar rights and privileges are not presently available to applicants within the United States.

Applications in the United States Based Upon Registration in Country of Origin

Section 44(e)³ of the Lanham Act implements Article 6*quinquies* of the Paris Convention for the Protection of Industrial Property, but is not limited to members of the Paris Union. Any mark duly registered in the country of origin⁴ may be registered in the United States without prior use of the mark and without submitting specimens of the mark with the

application in the United States. Like any application for registration on the Principal Register in the United States, the mark will be considered for immoral, deceptive or scandalous matter; for confusing similarity to a mark registered or previously used in the United States; and for descriptive or deceptively misdescriptive characteristics. If the mark does not qualify for registration on the Principal Register, it may be registered on the Supplemental Register.

A certified copy of the registration in the country of origin of the applicant should accompany the application when filed in the United States.

Application in the United States Based Upon a Foreign Application

Section 44(d)⁵ of the Lanham Act is intended to accommodate the six-month priority for trademark applications as provided in Article 4 of the Paris Convention, but it also applies to countries extending reciprocal rights to nationals of the United States by law.⁶ An application filed in the United States within six months of filing in the foreign country need not be based upon use of the mark, and need not be accompanied by a specimen of the mark.⁷ Otherwise, it will

industrial or commercial establishment, or if he has not such an establishment the country in which he is domiciled, or if he has not a domicile in any of the countries described in paragraph (b) of this section, the country of which he is a national."

⁵ Section 44(d) [15 U.S.C. § 1126(d)] reads:

"An application for registration of a mark under sections 1, 2, 3, 4, or 23 of this Act filed by a person described in paragraph (b) of this section who has previously duly filed an application for registration of the same mark in one of the countries described in paragraph (b) shall be accorded the same force and effect as would be accorded to the same application if filed in the United States on the same date on which the application was first filed in such foreign country: *Provided*, That —

- (1) the application in the United States is filed within 6 months from the date on which the application was first filed in the foreign country;
- (2) the application conforms as nearly as practicable to the requirements of this Act, but use in commerce need not be alleged;
- (3) the rights acquired by third parties before the date of the filing of the first application in the foreign country shall in no way be affected by a registration obtained on an application filed under this subsection (d);
- (4) nothing in this subsection (d) shall entitle the owner of a registration granted under this section to sue for acts committed prior to the date on which his mark was registered in this country unless the registration is based on use in commerce."

⁶ Section 44(b) [15 U.S.C. § 1126(b)].

⁷ While present rules of the Patent and Trademark Office continue to require submission of specimens, and proposed changes in

* Partner in the Washington, D.C., law firm of Schuyler, Birch Swindler, McKie & Beckett; former Commissioner of Patents of the United States of America; member of the U.S. Delegation at the Vienna Diplomatic Conference on the Trademark Registration Treaty.

¹ Known as the Lanham Act, 15 U.S.C. § 1051 *et seq.* For the text of this Act, as amended to 1965, see *Industrial Property*, 1966, p. 82.

² *SCM Corporation v. Langis Foods Ltd.*, 539 F.2d 196, 190 USPQ 288 (1976).

³ Section 44(e) [15 U.S.C. § 1126(e)] reads:

"A mark duly registered in the country of origin of the foreign applicant may be registered on the principal register if eligible, otherwise on the supplemental register herein provided. The application therefor shall be accompanied by a certification or a certified copy of the registration in the country of origin of the applicant (Amended Oct. 9, 1962, 76 Stat. 769)."

⁴ Country of Origin is defined in Section 44(c) [15 U.S.C. § 1126(c)] as:

"For the purposes of this section, the country or origin of the applicant is the country in which he has a bona fide and effective

be examined in the same way as an application in the United States. Before a U.S. registration will be issued, the applicant must supply a certified copy of the registration in the country of origin.⁸

Development of the Law in the United States

Because trademark rights in the United States arise from use of the mark, and registrations are evidence of those rights, there has been a natural resistance to any suggestion of the existence of a trademark right without use. Courts in the United States recognized rights in marks based on use of the mark, and enforced those rights at common law long before enactment of a trademark statute, and long before establishment of procedures for registering marks. Historically in the United States, it is use of a mark that brings the mark into existence; it is continued use of the mark that creates exclusive rights to the mark which will be enforced by the courts; and registration is merely an added step available after exclusive rights in the mark are established to facilitate the enforcement of those rights in the courts.

British Insulated Callender's Cables Case

When first called upon to accept an application based upon a British registration of a mark which had not been used, the Commissioner of Patents ruled⁹ that the Trademark Act of 1946 concerned only marks that had been used, so the application should be refused because (1) there was no allegation of use and (2) no specimens of the trademark were submitted with the application. However, the Commissioner did concede, in view of Section 44(c),¹⁰ that it was unnecessary for the applicant to allege use of the mark in commerce.¹¹

Fromageries Case

That same issue was raised in 1955 before a panel of two Assistant Commissioners and an Examiner in Chief sitting for the Commissioner to review the

refusal of an application based upon a French registration. That panel ruled¹² that the application should not have been refused solely on the grounds that the mark had not been used and specimens of the mark did not accompany the application, thereby overruling the decision in *British Insulated Callender's Cables*, *supra*.

Certain Incomplete Trademark Applications

For several years, applications were accepted without prior use and without submission of specimens, but in 1962 Rule 2.39 of Trademark Rules of Practice was amended to require applicants to allege use somewhere, not necessarily in commerce, and to include specimens of the mark as used.¹³ In light of the amended rule, the Commissioner again reversed prior decisions and refused applications based upon Canadian and British registrations because the applicants failed to assert use somewhere, and specimens of the marks were not submitted with the applications.¹⁴

"Lemon Tree" Case

Decision by Trademark Trial and Appeal Board. That rule remained the controlling authority until the "Lemon Tree" case which, for the first time, presented the issue in the context of an *inter partes* proceeding as distinguished from an *ex parte* proceeding. In the "Lemon Tree" case, a Canadian applicant filed an application in the United States, within six months of the filing of a corresponding Canadian application, but the mark had not been used anywhere before the Canadian filing date. Between the filing dates of the Canadian and U.S. applications, a U.S. company began to use the mark in the United States and filed an application in the United States.

After issuance of a U.S. registration to the Canadian applicant, the U.S. applicant petitioned to cancel the registration; that petition to cancel was denied by the Trademark Trial and Appeal Board on the ground that the priority provision of the Paris Convention accorded to the Canadian applicant an effective filing date in the United States, before any use by the U.S. applicant, which conferred superior rights upon the Canadian applicant.

Reversed by the United States District Court. Upon review by the United States District Court for the District of Columbia, the decision of the Trademark

the Rules have encountered considerable opposition, it is the opinion of the author that the Patent and Trademark Office has no authority to require specimens where the U.S. application is based upon a foreign registration.

⁸ Section 44(c) [15 U.S.C. § 1126(c)]; Section 44(e) [15 U.S.C. § 1126(e)].

⁹ *Ex parte British Insulated Callender's Cables Limited*, 83 USPO 319 (1949).

¹⁰ 15 U.S.C. § 1126(c).

¹¹ "Commerce" is defined in Section 45 [15 U.S.C. § 1127] as all commerce which may be lawfully regulated by Congress; that includes commerce among the several states of the United States; commerce between states of the United States and foreign countries; and commerce within the District of Columbia.

¹² *Ex parte Societe Fromageries Bel*, 105 USPO 392 (1955).

¹³ *Federal Register*, October 12, 1962 (27 F.R. 10044).

¹⁴ *In re Certain Incomplete Trademark Applications*, 137 USPO 69 (1963).

Trial and Appeal Board was reversed on the theory that prior right in a trademark is based upon use in the United States and is unaffected by use or registrations in another country.¹⁵ That Court ruled that the priority contemplated by Section 44(d)¹⁶ of the Lanham Act and by the Paris Convention was procedural and not substantive. On that basis the District Court held that since the mark had been previously used in the United States by the U.S. applicant, the Canadian applicant was not entitled to maintain its registration.

Reversed by the Court of Appeals. On appeal, the United States Court of Appeals for the District of Columbia Circuit reversed the decision of the District Court and reinstated the decision of the Trademark Trial and Appeal Board.¹⁷

The Court of Appeals ruled that to defeat the right of the Canadian applicant, the U.S. applicant would have to use the mark in the United States before the effective U.S. filing date of the Canadian applicant, that is, before the Canadian filing date upon which priority was based. To support this conclusion, the Court of Appeals reasoned that the Paris Convention and Section 44(d) of the Lanham Act [15 U.S.C. § 1126(d)] accorded the Canadian applicant a constructive use date as of the filing date of the Canadian application.

Because the decision of that high ranking court is unlikely to be disputed in another court, the "Lemon Tree" case will undoubtedly be followed as a landmark decision controlling the trademark rights of foreign applicants whose U.S. registrations are based upon priority applications or registrations in the country of origin.

Effect of Registration Without Use

Once a registration is issued in the United States to a foreign applicant based solely upon a registration in the applicant's country of origin, the duration, validity or transfer of such registration in the United States is governed by the same provisions of the Lanham Act as govern regular U.S. registrations based upon use.¹⁸ That means that certificates of U.S. registrations issued on the Principal Register, without use of the mark, on the basis of registration in the country of origin shall remain in force for 20 years;¹⁹ shall be *prima facie* evidence of the validity of the registration, the registrant's ownership of the mark, and of the

registrant's exclusive right to use the mark in commerce in connection with the goods or services specified in the certificate;²⁰ and shall be constructive notice of the registrant's claim of ownership.²¹

Under controlling precedents, a registration is also *prima facie* evidence of continuing use of the mark from the filing date of the application.²² That last presumption should relate back to the priority date of filing in the country of origin. These presumptions combined with the "constructive use" theory in the "Lemon Tree" case lend considerable strength to a registration of an unused mark.

Such a registration, without use, may be relied upon to oppose a published application²³ based upon use subsequent to the effective filing date of the Registration;²⁴ to petition for cancellation of another registration on the same ground;²⁵ and possibly to sue one who uses an infringing mark in commerce in the United States²⁶ subsequent to the date of registration.²⁷ However, as explained below, success in infringement litigation may be dependent upon use of the mark by the registrant.

Obligations of Registrant Without Use

According to the Lanham Act, registrations are cancelled at the end of six years following the date of registration, unless within one year next preceding the expiration of such six years the registrant files an affidavit showing that the mark is still in use or showing that its nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark.²⁸ Likewise, after 20 years an application for renewal must recite the goods or services on or in connection with which the mark is still in use in commerce, be accompanied by a specimen showing the current use of the mark, or showing that any nonuse is due to special circumstances which excuse such nonuse, and that the nonuse is not due to any intention to abandon the mark.²⁹

Both of these situations present interesting questions of what excuses nonuse of a mark that has never been used. An argument could be made that a registration granted without use should not be cancelled for nonuse. On the other hand, it seems likely

¹⁵ *John Lecroy & Son, Inc. v. Langis Foods Ltd.*, 376 F. Supp. 962 (1974).

¹⁶ 15 U.S.C. § 1126(d).

¹⁷ *SCM Corp. v. Langis Foods Ltd.*, 539 F.2d 196 (1976).

¹⁸ Section 44(f) [15 U.S.C. § 1126(f)].

¹⁹ Section 8(a) [15 U.S.C. § 1058(a)].

²⁰ Section 7(b) [15 U.S.C. § 1057(b)]; Section 33(a) [15 U.S.C. § 1115(a)].

²¹ Section 22 [15 U.S.C. § 1072].

²² *J.C. Hall Co. v. Hallmark Cards, Inc.*, 340 F.2d 960 (CCPA 1965); *Gillette Co. v. Kempel*, 254 F.2d 402 (CCPA 1958).

²³ Section 13 [15 U.S.C. § 1063].

²⁴ Section 2(d) [15 U.S.C. § 1052(d)].

²⁵ Section 14 [15 U.S.C. § 1064].

²⁶ Section 32(1) [15 U.S.C. § 1114(1)].

²⁷ Section 44(d)(4) [15 U.S.C. § 1126(d)(4)].

²⁸ Section 8(a) [15 U.S.C. § 1058(a)].

²⁹ Section 9 [15 U.S.C. § 1059].

that nonuse for five or six years will raise serious questions about the right to maintain a registration. Note, however, that Section 8(a) does not specify that the use must be in commerce. Hence, use anywhere would enable the registrant to make an affidavit that the mark is in use and thus avoid cancellation at the end of six years.

In the case of renewal, the mark must be used in commerce; that means in the United States or between the United States and a foreign country. It seems unlikely that a registration will be renewed where the mark has not been used in the United States or in foreign commerce with the United States during the preceding 20 years.

In both the Section 8 affidavit and the Section 9 renewal application, the matter of abandonment will require some interpretation. According to the Lanham Act,³⁰ a mark is deemed abandoned in either of two situations: (1) when use has been discontinued with intent not to resume use (nonuse for two consecutive years is *prima facie* abandonment); (2) when the registrant causes the mark to lose its significance as an indication of origin.³¹ In the case of a registration without use, the use cannot be discontinued, so nonuse does not literally satisfy the first definition of abandonment. Similarly, when a mark is registered without use, there is a question of whether the mark has significance as an indication of origin; such a mark cannot lose what it does not have. So nonuse does not literally satisfy the second definition of abandonment.

While arguments may be made that a mark registered without use can be maintained after six years by an affidavit explaining the continued nonuse, and even after 20 years by a similar explanation in a renewal application, it seems probable that such explanations will not be accepted because continued nonuse would violate the spirit of the Lanham Act.

Provisions of the Lanham Act requiring statements of use six and 20 years after registration are designed to purge the Register of nonused marks. Whether the use is discontinued, or never started, will not be likely to persuade the authorities to maintain registration of a mark that has not been used for six years. Moreover, any registered mark is vulnerable to attack by cancellation on the ground of abandonment when the mark has not been used for a period of two years. While a charge of abandonment on that ground is rebuttable, it will require an evidentiary showing of excusable nonuse and an intent to resume use in the future to avoid cancellation.

Anyone obtaining registration in the United States without using the mark would be well advised, as a

minimum, to use the mark somewhere, not necessarily "in commerce," during the first five or six years of the registration, and to begin using the mark in commerce in the United States during the first 20 years if a renewal of the registration is desired. While such minimal use may be sufficient to maintain a registration on an *ex parte* basis, it would still be susceptible to attack on the ground of abandonment, and probably would not support an action for infringement.

Enforcement Problems

Even though a registration is evidence of the registrant's exclusive right to use the mark,³² and is constructive notice of the registrant's claim to ownership of the mark,³³ it is extremely doubtful that a registration alone, without use in the United States, could support an action for injunctive relief against a party using a similar mark on similar goods. Certainly, such a registrant could not enjoin a party who has used a similar mark from a time prior to the date of registration.³⁴

Under the Lanham Act as interpreted by the courts, a registrant of a mark used in a limited territory cannot enjoin a subsequent user of a similar mark, without actual notice of the prior use, until the registrant expands or is likely to expand its use of the mark into the subsequent user's territory.³⁵ Applying that theory to a registered mark not used in the United States, the registrant may not be able to enjoin use of a similar mark, which began innocently after the registration issued, until the registrant began using the registered mark in the United States and specifically in the same territory as the subsequent user. However, once the registrant begins use in the United States, and in the territory where adverse use followed the date of registration, the registrant should be able to enjoin the adverse use even though that use started before the actual use of the registrant. This will be an exception to United States law, where the superior right is usually owned by the first user of the mark. Such an exception should have considerable value by affording registrants, without initial use in the United States, an ultimate superior right after use is started against one who uses a similar mark before the registrant's actual use in the United States.

In the event a subsequent user of a mark has actual notice of a registration at the time he begins use, the

³² Section 7(b) [15 U.S.C. § 1157(b)]; Section 33(a) [15 U.S.C. § 1115(a)].

³³ Section 22 [15 U.S.C. § 1072].

³⁴ Section 33(b)(5) [15 U.S.C. § 1115(b)(5)]; Section 44(d)(4) [15 U.S.C. § 1126(d)(4)].

³⁵ *Dawn Donut Co., v. Hart's Food Stores, Inc.*, 267 F.2d 358 (2d Cir. 1959).

³⁰ Section 45 [15 U.S.C. § 1127].

³¹ This may occur when the mark becomes a generic term for the product, as in the cases of "aspirin" or "cellophane," or by a naked license or sale of a mark without quality control or goodwill represented by the mark.

registrant, even without use in the United States, may enjoin the infringement.³⁶

Summary of Advantages of Registration Without Use

Once a United States registration is issued, based on a foreign registration, without use of the registered mark in the United States, the registration can be used effectively to police the register, and prevent registration of conflicting marks. It can be relied upon in oppositions to prevent registration of a mark used in the United States, provided the first use is subsequent to the registrant's effective filing date.

Such a registration cannot be used to enjoin use of a similar mark until the registrant actually begins use of the mark in the United States, but once use is commenced in the United States, the registrant may enjoin use of a similar mark which began after the date of registration but before the registrant's actual use.

Comparison With the Contemplated Operation of the Trademark Registration Treaty

Under the Trademark Registration Treaty,³⁷ an international registration without use of the mark will

have the same effect as a normal registration in the United States,³⁸ and it will have an effective filing date as of the date of the international application.³⁹ That registration may be used to police the U.S. Registers, to prevent registration of similar marks, or to cancel registration of similar marks, provided the adverse rights are not prior to the effective filing date. That posture of an international registration in the United States will continue for a period of three to five years, after which, use in the United States will be required in order to maintain the effectiveness of the international registration in the United States.⁴⁰ An action for infringement based on an international registration will be authorized only after the registrant has commenced the continuing use of the mark in the United States.⁴¹

As is apparent, provisions of the Trademark Registration Treaty will permit registration in the United States without use under substantially the same conditions and with substantially the same effects as registration is now possible based upon registration in the country of origin.

In both situations, the registrant, without use of the mark, will have rights to police the Register of Marks in the United States, and the registrant's rights to enjoin use of the mark by others can be perfected by use of the mark after registration.

³⁶ *Koffler Stores, Ltd. v. Shoppers Drug Mart, Inc.*, 434 F.Supp. 697 (E.D. Mich. 1976), *aff'd*, 559 F.2d 1219 (6th Cir. 1977).

³⁷ For the text of this Treaty, see *Industrial Property*, 1973, p. 215.

³⁸ Trademark Registration Treaty (TRT), Article 11(2).

³⁹ TRT, Article 11(1).

⁴⁰ TRT, Article 19(3).

⁴¹ TRT, Article 19(3)(a).

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:

- XXXII^o Mercato internazionale della pelletteria MIPEL* (Milan, January 13 to 17, 1978);
- Mostra internazionale dell'oreficeria, gioielleria ed argenteria* (Vicenza, January 15 to 22, 1978);
- CART '78 – Salone internazionale della cartoleria, carta, prodotti cartotecnici, articoli per la scuola e belle arti* (Milan, January 26 to 30, 1978);
- CHIBICAR '78 – Salone internazionale degli articoli da regalo, della chincaglieria, degli articoli per profumeria, della bigiotteria e degli articoli per fumatori* (Milan, January 26 to 30, 1978);
- XVI^o Salone internazionale del giocattolo* (Milan, January 27 to February 2, 1978);
- Salone internazionale della ceramica, della porcellana e del vetro* (Vicenza, February 3 to 6, 1978);
- XV^a Mostra internazionale de caravanning – ITAL-CARAVAN* (Florence, February 4 to 12, 1978);
- XV^o Salone internazionale macchine per movimenti di terra, da cantiere e per l'edilizia SA.MO.TER* (Verona, February 5 to 12, 1978);
- Esposizione internazionale elettrotecnica INTEL '78* (Milan, February 9 to 13, 1978);
- MACEF – PRIMAVERA 1978 – Mostra mercato internazionale degli articoli casalinghi, cristallerie, ceramiche, argenteria, articoli da regalo* (Milan February 10 to 14, 1978);
- MODAMAGLIA MODAINTIMA – Salone della maglieria italiana, Salone dell'abbigliamento intimo* (Bologna, February 11 to 14, 1978);
- VII^o Mercato professionale nazionale del florovivaismo da reddito FLORMART – FLOR-TECNICA – HOBBYFLORA* (Padua, February 17 to 19, 1978);
- XII^o Salone internazionale delle vacanze e del turismo VACANZE '78* (Turin, February 23 to March 6, 1978);
- FLUID COMPOMAC – VI^a Mostra internazionale della apparecchiature oleoidrauliche e pneumatiche della lubrificazione e dei componenti di macchine, meccanici, elettrici ed elettronici* (Milan, February 27 to March 4, 1978);
- XIX^a Mostra-convegno riscaldamento, condizionamento, refrigerazione idrosanitaria* (Milan, March 1 to 7, 1978);
- EUROCUCINA – III^o Salone internazionale biennale dei mobili per cucina* (Milan, March 3 to 6, 1978);
- Mostra nazionale dei vini a denominazione di origine controllata* (Vicenza, March 3 to 6, 1978);
- MODACALZATURA – XXXII^a Presentazione internazionale moda della calzatura – Salone del cuoio, accessori, pelletteria, modellisti* (Bologna, March 4 to 8, 1978);
- IX^a Esposizione internazionale del regalo novità, IX^a Rassegna mondiale dei viaggi e delle vacanze, and XVII^a Esposizione internazionale del caravan camping* (Genoa, March 10 to 19, 1978);
- XXV^a Rassegna internazionale elettronica, nucleare ed aerospaziale* (Rome, March 10 to 19, 1978);
- LXXX^a Fiera internazionale dell'agricoltura e della zootecnia – Fiera agricola and XXXI^o Salone della macchina agricola* (Verona, March 12 to 19, 1978);
- IV^o Salone del mobile triveneto* (Padua, March 16 to 21, 1978);
- CASA '78 – XV^o Salone internazionale delle arti domestiche* (Turin, March 23 to April 2, 1978);
- XV^a Fiera internazionale del libro per ragazzi and XII^a Mostra internazionale degli illustratori* (Bologna, April 1 to 4, 1978);
- XVI^o SUDPEL – Salone nazionale della pelletteria del Mezzogiorno d'Italia* (Naples, April 1 to 4, 1978);
- VIII^o EXPOSPORT LEVANTE – Fiera internazionale dello sport e del tempo libero* (Bari, April 1 to 9, 1978);
- X^a Mostra mercato nazionale delle vacanze e tempo libero, del turismo e degli sports, arredamento seconda casa, abbigliamento, attività affini* (Piacenza, April 1 to 9, 1978);
- III^o SIC – Salone nazionale del caffè – macchinari per la lavorazione, trasformazione e conservazione del prodotto* (Bologna, April 6 to 9, 1978);
- LVI^a Fiera di Milano – Campionaria internazionale* (Milan, April 14 to 23, 1978);
- SEP POLLUTION '78 – VII^a Mostra internazionale dei servizi pubblici, tecnologie per i servizi urbani*

- e per la lotta contro gli inquinamenti* (Padua, April 16 to 20, 1978);
- LVII° Salone internazionale dell'automobile* (Turin, April 20 to May 1, 1978);
- XI° COSMOPROF – Salone internazionale della profumeria e della cosmesi* (Bologna, April 21 to 25, 1978);
- VII° Salone internazionale bottoni, materie prime, macchine ed affini – SIBA* (Piacenza, April 22 to 25, 1978);
- I° CEVAS – Salone italiano del rimorchio, campeggio e degli equipaggiamenti per la vita all'aperto e lo sport* (Naples, April 22 to May 1, 1978);
- IX° NAUTICSUD – Salone internazionale della nautica italiana* (Naples, April 22 to May 1, 1978);
- XLII^a Mostra-mercato internazionale dell'artigianato* (Florence, April 22 to May 4, 1978);
- Rassegna suinicola internazionale* (Reggio Emilia, April 28 to May 1, 1978);
- XIII^a Fiera nazionale del radioamatore* (Pordenone, April 29 to May 1, 1978);
- IV° ENOLSUD – Salone nazionale della vite e del vino* (Foggia, April 29 to May 7, 1978);
- XXIX^a Fiera internazionale dell'agricoltura e della zootecnia* (Foggia, April 29 to May 7, 1978);
- VIII^a Mostra internazionale di ottica, optometria e oftalmologia – MIDO '78* (Milan, May 6 to 9, 1978);
- II° EDILMAT LEVANTE – Mostra internazionale dei materiali edili pavimenti, rivestimenti, infissi, coperture e forniture, materiali da costruzione, idrosanitaria, arredamenti da bagno, prefabbricazione interna* (Bari, May 6 to 14, 1978);
- VI° MARMOLEVANTE – Salone internazionale dei marmi, macchine, attrezzature ed accessori* (Bari, May 6 to 14, 1978);
- II^a Mostra navale italiana* (Genoa, May 8 to 14, 1978);
- 3^a Mostra dell'alimentazione dolciaria – MIAD* (Turin, May 13 to 17, 1978);
- VI° INTERBIMALL – Biennale internazionale delle macchine ed accessori per la lavorazione del legno* (Milan, May 13 to 20, 1978);
- VI° SASMIL – Salone internazionale dei semilavorati e degli accessori per la fabbricazione e finitura dei mobili, degli imbottiti e dei manufatti di legno in genere* (Milan, May 13 to 20, 1978);
- XXXVIII^a Fiera internazionale di pesca professionale e degli sports nautici* (Ancona, May 13 to 21, 1978);
- HERBORA – III° Salone dell'erboristeria delle piante officinali e delle attività connesse* (Verona, May 17 to 21, 1978);
- PROTAGRI – Salone biennale dell'agricoltura protetta* (Verona, May 17 to 21, 1978);
- Salone delle attività forestali – EUROFORESTA* (Verona, May 17 to 21, 1978);
- II° Salone della subfornitura* (Parma, May 17 to 21, 1978);
- V° SIOGO – Salone italiano dell'orologeria, gioielleria ed oreficeria* (Naples, May 26 to 30, 1978);
- XI° SIR – Salone internazionale del regalo, argenteria, ceramiche, cristallerie, porcellane* (Naples, May 26 to 30, 1978);
- LVI^a Fiera di Padua – Campionaria internazionale* (Padua, May 26 to June 4, 1978);
- XXVI^a Fiera campionaria generale di Roma* (Rome, May 27 to June 11, 1978);
- XXXIII Fiera del Mediterraneo – Campionaria internazionale* (Palermo, May 27 to June 11, 1978);
- DISCOEXPO – Mostra mercato nazionale del disco, del nastro e della musica* (Genoa, May 31 to June 5, 1978);
- X^a MOBILEVANTE – Fiera internazionale del mobile e dell'arredamento* (Bari, May 31 to June 5, 1978);
- XLII^a Fiera di Bologna – Campionaria internazionale* (Bologna, June 1 to 11, 1978);
- Salone del far da sé* (Bologna, June 1 to 11, 1978);
- XXI° SIA – Salone internazionale dell'alimentazione* (Bologna, June 1 to 11, 1978);
- Mostra internazionale dell'oreficeria, gioielleria ed argenteria* (Vicenza, June 4 to 11, 1978);
- XXXIII^o Mercato internazionale della pelletteria – MIPEL* (Milan, June 9 to 13, 1978);
- I^a Mostra convegno sull'energia solare* (Genoa, June 15 to 18, 1978);
- XXI^a Fiera internazionale della casa* (Naples, June 21 to July 2, 1978);
- X° SIRTE – Salone italiano della radio, TV ed elettrodomestici* (Naples, June 21 to July 2, 1978);
- IX° TECHNEDIL – Salone nazionale attrezzature e materiali, l'edilizia sociale e opere pubbliche* (Naples, June 21 to July 2, 1978);
- III^a Fiera nazionale campionaria di Ancona* (Ancona, June 24 to July 2, 1978);
- XVII° SUDPEL – Salone nazionale della pelletteria del Mezzogiorno d'Italia* (Naples, September 16 to 19, 1978)

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.)

ROMANIA

I

Communication**Concerning the Temporary Protection of Inventions,
Trademarks and Service Marks Exhibited at
the International Exhibition TIBCO '78 and at
the International Chemistry Exhibition —
Bucharest 1978**

The International Exhibition TIBCO '78 and the International Chemistry Exhibition will be held in Bucharest from May 4 to 12, 1978.

Inventions, trademarks and service marks exhibited shall enjoy the temporary protection provided by Law No. 62/1974 on Inventions and Law No. 28/1967 on Trademarks and Service Marks.

The Administration of the International Exhibition TIBCO '78 and the International Chemistry Exhibi-

tion will issue certificates of guarantee, upon request, until the closing date of the Exhibitions.

II

Communication**Concerning the Temporary Protection of Inventions,
Trademarks and Service Marks Exhibited at
the International Fair — Bucharest 1978**

The International Fair — Bucharest 1978 will be held in Bucharest from October 5 to 14, 1978.

Inventions, trademarks and service marks exhibited shall enjoy the temporary protection provided by Law No. 62/1974 on Inventions and Law No. 28/1967 on Trademarks and Service Marks.

The Administration of the International Fair — Bucharest 1978 will issue certificates of guarantee upon request, until the closing date of the Fair.

News Items

MALTA

Comptroller of Industrial Property

We have been informed that Mr. Robert Stivala has been appointed Comptroller of Industrial Property.

ROMANIA

*Director of the State Office for Inventions and
Trademarks*

We have been informed that Mr. George Filipaş has been appointed Director of the State Office for Inventions and Trademarks.

SAMOA

Registrar of Patents, Trade Marks and Industrial Designs

We have been informed that Mr. David Fong has been appointed Registrar of Patents, Trade Marks and Industrial Designs.

UNITED STATES OF AMERICA

Commissioner of Patents and Trademarks

We have been informed that Mr. Donald W. Banner has been appointed Commissioner of Patents and Trademarks.

Book Reviews

Die Immaterialgüterrechte im Internationalen Privatrecht. by *Eugen Ulmer*. Carl Heymanns Verlag, Köln (etc.), 1975.—124 pages.

This monograph deals with a complex problem, namely the impact of private international law on the protection of intellectual property. The practical importance of this problem is illustrated by the fact that, as a typical feature of intellectual property, rights concerning one and the same creation, invention or mark normally exist not only in one country but in several countries. As a basic principle, it is recognized (although this was not always the general opinion) that each right is governed by the law of the country in which it exists. However, the question has been raised whether in certain cases the law of another country should apply, for example, in respect of the ownership of a creation or invention which was made by an employee in a country other than the country in which the right exists, or in respect of an assignment of an intellectual property right or a license contract concluded between parties in a country other than the country in which the right exists. Thus, in all those cases, and in many others, questions of private international law arise.

It is to Professor Ulmer's credit that a systematic presentation of these questions is now available, and, although the monograph was written as a study commissioned by the Ministry of Justice of the Federal Republic of Germany with a view to the possible unification of private international law within the European Economic Community, its importance goes even beyond that context.

The author first defines such basic notions as the law relating to foreigners (determining to what extent nationals of other countries may acquire and own intellectual property rights in a given country), private international law (determining which law, i.e. the law of which country, is applicable) and the law of the country protecting the right (which is to be distinguished from the law of the country where the remedy is sought). As regards private international law, various theories are examined: application of the law of the country of the author, inventor or owner of the trademark on the one hand; application of the law of the country protecting the right on the other hand. The latter solution, which finally prevailed, is based on the fact that infringement of intellectual property rights is a tort which is to be judged in accordance with the law of the place where the tort was committed.

The main part of the monograph analyzes in depth the solutions elaborated in the framework of the existing international conventions, in particular the Paris Convention for the Protection of Industrial Property and the Berne Convention for the Protection of Literary and Artistic Works, and national laws. Particular attention is paid to questions relating to assignments and to the licensing of intellectual property rights. Finally, the author presents a concise but comprehensive proposal for the legislative provisions of private international law relating to intellectual property.

Professor Ulmer's monograph is the result of a unique experience in the field of intellectual property (the author, who celebrated his 75th birthday last June, began his career in the intellectual property field more than 50 years ago). The solutions to all the problems posed are well balanced and brilliantly presented. It would be useful if this monograph also were available in other languages.

LB

Europäisches Patentrecht (EPÜ) — Praxis des Europäischen Übereinkommens, by *R. Beetz, D. Behrens, W. Dost, U. Dreiss, R. Goetz, R. A. Keil, D. K. Speiser* and *L. Thul*. Carl Heymanns Verlag, Köln (etc.), 1978. — 252 pages.

As is now common knowledge, the European Patent Convention entered into force in October 1977 among seven European States, and the European Patent Office has been accepting European

patent applications since June 1, 1978. The aim of the present work is to help practitioners familiarize themselves with this new system of protection for inventions.

To this end, the principles of the system are explained and commented upon in a most practical manner (for example, drafting of the application, formal conditions, examination, opposition and nullity procedures, etc.).

GRW

La protection de la propriété industrielle en République populaire de Bulgarie. by *G. Dobrev*. Bureau de brevets et de marques de commerce, Sofia, 1974. — 59 pages.

This work is divided into two large parts, the first devoted to the protection of inventions in Bulgaria (which occurs as often by means of inventors' certificates as by means of patents), and the second to the protection of trademarks (product marks and service marks), industrial designs and appellations of origin. These two parts are followed by the Instructions of the Committee on Science, Technical Progress and Higher Education on the formalities and examination of patent applications.

As this work is drafted in a language—French—widely understood throughout the world, it will permit a better understanding of the system of protection of industrial property in the People's Republic of Bulgaria.

GRW

L'acte de contrefaçon de brevet d'invention, by *C. Le Stanc*. Collection du CEIPI, Strasbourg, 1977. — 345 pages.

As one knows, the French Law of January 2, 1968, to Promote Inventive Activity and Revise the Patent System achieved numerous reforms with regard to patent infringement. As the tribunals have since then had the opportunity to uniformize the interpretation of this Law, the work in question presents the current state of the substantive law, taking into account the most recent case law up to December 31, 1976.

However, as Professor Mousseron points out in his preface, the usefulness of this work goes beyond the cutoff date of December 31, 1976. This is so because the author also sketches the way in which the subject matter is evolving by discussing the legislative texts which will soon enter into force in France as well as the various projects relating to the Community Patent Convention.

GRW

Der Internationale Lizenzverkehr (Genehmigungsvorschriften, Steuern, Devisenbestimmungen und Hinweise zur internationalen Lizenzpraxis), by *W. Martin, R. Grützmacher* and *P. Lemke*. Verlagsgesellschaft Recht und Wirtschaft mbH., Heidelberg, 1977. — 6th edition, 232 pages.

This is the sixth edition, totally updated, of a work devoted to licensing transactions and, more particularly, as the subtitle indicates, to the practical problems posed by regulations authorizing license contracts, the questions of currency transfers, fiscal systems, etc.

After a broad statement of the question and a more specific analysis of the fiscal problems, the authors examine in a clear and concise fashion the relevant regulations of the European Economic Community (EEC), of the Andean Pact, and of more than 80 States. This work clearly is of practical interest (demonstrated by the fact that it already is in its sixth edition) to all those interested in the transfer of technology.

GRW

Inventor's Certificate as a Form of Legal Protection for Inventions. State Committee for Inventions and Discoveries of the USSR Council of Ministers, Moscow, 1977. — 78 pages.

This monograph, preceded by an introduction by the Chairman of the State Committee for Inventions and Discoveries of the USSR Council of Ministers, Mr. Y. E. Maksarev, succinctly describes in English the system of inventors' certificates adopted in the Soviet Union and in the other member countries of the Council for Mutual Economic Assistance (CMEA).

The information given in this monograph is very valuable and should be of great interest to both theoreticians and practitioners of industrial property law.

GRW

Régimen de las inversiones extranjeras en los países de la ALALC — **Textos legales y procedimientos administrativos.** INTAL,

Buenos Aires, 1976; **Régimen de la transferencia de tecnología en los países de América latina** — **Textos legales y procedimientos administrativos.** INTAL, Buenos Aires, 1977. — Binders and looseleaf sheets.

These two collections are the first in the series of legal texts that the Institute for Latin American Integration (INTAL) has begun to publish within the framework of the Legal-Economic Program on International Investments in Latin America, with the assistance of the Inter-American Development Bank and the Central Bank of the Republic of Argentina.

These two volumes contain the texts of laws, regulations, decrees, etc., of Latin American countries concerning the vast fields of investments and of the transfer of technology. They will be continually updated and completed in order to permit access by everyone to all the texts in force which regulate these fields in Latin America.

GRW

Calendar

WIPO Meetings

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

1978

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 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, Executive Committees of the Paris and Berne Unions, Assembly and Conference of Representatives of the Hague Union, and Assembly of the International Patent Cooperation (PCT) Union)

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

November 20 to 24 (Geneva) — Revision of the Paris Convention — Working Group on Conflict Between an Appellation of Origin and a Trademark

November 27 to December 1 (Geneva) — Revision of the Paris Convention — Working Group on Inventors' Certificates

November 28 to December 6 (Geneva) — Revision of the Paris Convention — Preparatory Intergovernmental Committee

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 17 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

January 29 to February 2 (Geneva) — Rome Convention — Subcommittee of the Intergovernmental Committee on the Administration of Rights under the Rome Convention (convened jointly with ILO and Unesco)

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, International Patent Cooperation (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

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 16 and 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

European Patent Organisation: December 19 to 21, 1978 (Munich) — Administrative Council

European Communities:

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

September 18 to 22 and December 11 to 15, 1978 (Brussels) — Examination of draft provisions relating to the Community Trade Mark — restricted meetings

Interim Committee for the Community Patent:

September 12, 1978 (Brussels) — Working Group I

October 2 to 4, 1978 (Brussels) — Interim Committee

October 23 and 24, 1978 (Brussels) — Working Group II

November 13 to 15, 1978 (Brussels) — Working Group III

December 4, 1978 (Brussels) — Working Group I

Inter-American Industrial Property Association: September 25 to 29, 1979 (Bogota) — Sixth Congress

International Federation of Patent Agents: October 1 to 7, 1978 (Santiago de Compostela) — Congress

International League Against Unfair Competition: September 6 to 10, 1978 (Strasbourg) — Congress

Pacific Industrial Property Association: October 4 to 6, 1978 (Nagoya City) — International Congress

