

# Industrial Property

Published monthly  
Annual subscription:  
Sw.fr. 110.—  
Each issue:  
Sw.fr. 10.—

18th year — No. 4  
April 1979

Monthly Review of the  
World Intellectual Property Organization

## Contents

ACTIVITIES OF THE INTERNATIONAL BUREAU IN 1978	
— The Paris Union and Industrial Property in 1978 .....	87
INTERNATIONAL UNIONS	
— Madrid Agreement (Marks). Ratification of the Stockholm Act (1967): Spain .....	108
— Hague Agreement	
I. Accessions and ratifications: Belgium, Luxembourg, Netherlands .....	108
II. Ratifications of the Protocol of Geneva (1975): Liechtenstein, Switzerland .....	109
III. Entry into force of the Protocol of Geneva (1975) .....	109
— Patent Cooperation Treaty (PCT). Ratification: Monaco .....	110
WIPO MEETINGS	
— WIPO/UNCSTD/ESCAP/SIDA. Seminar on Technological Information Contained in Patent Documents .....	110
— International Patent Classification (IPC) Union. Committee of Experts .....	112
GENERAL STUDIES	
— The Legal Nature of Inventors' Certificates (M. M. Boguslavsky) .....	113
CALENDAR OF MEETINGS .....	118
INDUSTRIAL PROPERTY LAWS AND TREATIES	
— <i>Editor's Note</i>	
— MULTILATERAL TREATIES	
Agreement Relating to the Creation of an African Intellectual Property Organiza- tion, Constituting a Revision of the Agreement Relating to the Creation of an African and Malagasy Office of Industrial Property (of March 2, 1977) (second segment) .....	Text 1-005

© WIPO 1979

Any reproduction of official notes or reports, articles and translations of laws or agreements published in this review is authorized only with the prior consent of WIPO.



## Activities of the International Bureau in 1978

### The Paris Union and Industrial Property in 1978\*

#### Introduction

1. The most important events during 1978 in the industrial property field were the continuation of the work on the revision of the Paris Convention, including the fixing of the date and place of the Diplomatic Conference, the adoption of the Geneva Treaty on the International Recording of Scientific Discoveries and the entry into force of the Patent Cooperation Treaty (PCT). Other important events were the commencement of studies on the industrial property aspects of consumer protection and joint inventive activity and the launching of activities under the WIPO Permanent Committee on Patent Information.

#### I. Industrial Property Activities in General

2. The main objective of the general industrial property activities is the strengthening of cooperation among States in the field of the mutual protection of industrial property. In 1978, the activities were aimed mainly at the modernization of the international treaties, the adoption of new treaties, the promotion of acceptance of treaties not yet in force and the spreading of information on the existing protection at the national and international levels.

#### A. Paris Union

##### Member States

3. During 1978, no State became a member of the International (Paris) Union for the Protection of Industrial Property, founded by the Paris Convention for the Protection of Industrial Property. At the end of 1978, the number of States members of the Paris Union was 88 (see Table of Member States, *Industrial Property*, 1979, p. 6).

##### Paris Convention

4. *Stockholm Act (1967): Acceptance.* The Central African Empire deposited its instrument of ratifica-

tion of the Stockholm Act (1967) of the Paris Convention on May 23, 1978. It became bound by that Act on September 5, 1978. Sri Lanka deposited its instrument of accession to the Stockholm Act (1967) with the exception of Articles 1 to 12 on June 20, 1978. Articles 13 to 30 of the said Act entered into force for Sri Lanka on September 23, 1978.

5. *Acts in force.* As far as the substantive provisions of the Paris Convention (Articles 1 to 12) are concerned, of the 88 States which were members of the Paris Union as of December 31, 1978, two were bound by the Hague Act (1925), nine by the London Act (1934), 13 by the Lisbon Act (1958) and 64 by the Stockholm Act (1967). As of the same date, 71 of the 88 States were bound by the administrative provisions and final clauses (Articles 13 to 30) of the Stockholm Act (1967) of the Paris Convention.

##### Contribution Classes

6. With effect from the beginning of 1979, the Central African Empire and Sri Lanka chose Class VII (instead of Class VI) for the purpose of establishing their contributions towards the budget of the Paris Union.

7. The Government of Yugoslavia has expressed to the Director General the wish that Yugoslavia be placed in Class V (instead of Class IV) for the purpose of establishing its contribution towards the budget of the Paris Union. This wish will be communicated to the Paris Union Assembly at its next ordinary session in 1979. The change in class of Yugoslavia will take effect in respect of the year 1980 and the years thereafter.

##### Governing Bodies

8. The Paris Union Executive Committee met in ordinary session in September/October 1978, during the ninth series of meetings of the Governing Bodies of WIPO and of the Unions administered by WIPO (see *Industrial Property*, 1978, p. 280. Concerning, in particular, its decisions on the date and place of, and the preparations for, the Conference on the Revision of the Paris Convention, see paragraph 9, below).

##### Revision of the Paris Convention

9. *Date and Place of, and Preparations for, the Diplomatic Conference: Decisions of the Paris Union Executive Committee.* At its session in September/

\* This article is a continuation of an account of the activities of the International Bureau in 1978. It covers the main activities of the Paris Union and in the field of industrial property. The activities of the World Intellectual Property Organization (WIPO) as such were covered in the March 1979 issues of *Industrial Property* and *Copyright*. The April 1979 issue of the latter review covers the main activities of the Berne Union and International Copyright and Neighboring Rights in 1978.

October 1978, the Paris Union Executive Committee fixed, as the date of the Diplomatic Conference on the Revision of the Paris Convention for the Protection of Industrial Property, February 4 to March 4, 1980, and, as its place, Geneva. The Paris Union Executive Committee set up, on the recommendation of the Preparatory Intergovernmental Committee (see paragraph 21, below), a Provisional Steering Committee of the Diplomatic Conference and entrusted it with the tasks of deciding what preparatory documents the Director General should prepare in advance for the Diplomatic Conference, establishing the provisional agenda and establishing the provisional rules of procedure of the Diplomatic Conference. The Paris Union Executive Committee decided also that the Working Group on Inventors' Certificates could hold one and, subject to the decision of the Provisional Steering Committee, a further session in 1979. The Paris Union Executive Committee noted the steps to be undertaken by the International Bureau and the time limits established concerning the preparation and submission of documents to the Provisional Steering Committee, scheduled to meet from March 20 to 30, 1979, and to invited Governments and Organizations for their comments. Those steps and time limits include the communication of documents to the invited Governments and Organizations in July 1979 and the distribution, as soon as possible, to the said Governments and Organizations of any comments received from them prior to December 21, 1979.

10. *Preparatory Intergovernmental Committee: Fourth and Fifth Sessions.* The Preparatory Intergovernmental Committee on the Revision of the Paris Convention for the Protection of Industrial Property held its fourth session in June 1978 and its fifth session in November/December 1978. Subject to a decision taken by the WIPO Coordination Committee at its eleventh session, all member States of the Paris Union, of WIPO, of the United Nations or of the specialized agencies were invited to the sessions. At the fourth session, 62 States were represented, whereas two United Nations bodies, one specialized agency, five other intergovernmental organizations and nine international non-governmental organizations were represented by observers. At the fifth session, 59 States were represented, while two United Nations bodies, five other intergovernmental organizations and ten international non-governmental organizations were represented by observers.

11. In addition to the meeting of the Preparatory Intergovernmental Committee, informal consultations were held by groups of countries. These groups were the Group of Developing Countries (the Group of 77 and other developing countries in accordance with United Nations and WIPO practice), Group B (developed market-economy countries and other countries) and Group D (Socialist countries).

12. The two Working Groups which had been established by the Preparatory Intergovernmental Committee at its first and second sessions, namely the Working Group Entrusted With Questions of Special Interest to Developing Countries (which succeeded the Working Group on Article 5A of the Paris Convention) and the Working Group on Inventors' Certificates, held meetings before and during the fourth session of the Committee. In addition, the Working Group on Inventors' Certificates and the Working Group on Conflict Between an Appellation of Origin and a Trademark, which had been established by the Preparatory Intergovernmental Committee at its fourth session, held meetings before and during the fifth session of that Committee. For the meetings of the Working Group on Inventors' Certificates and the Working Group Entrusted with Questions of Special Interest to Developing Countries, States members of the Preparatory Intergovernmental Committee but not members of the Working Groups were invited to attend in an observer capacity, and several of those States so attended.

13. The main questions discussed at the fourth and fifth sessions of the Preparatory Intergovernmental Committee were the following:

14. *Preferential Treatment Without Reciprocity and Article 5 quater of the Paris (Stockholm) Convention.* The Preparatory Intergovernmental Committee agreed that these two matters should be placed on the agenda of the Diplomatic Conference and that they should no longer be discussed in any further preparatory meeting.

15. *Time Limit in Article 5C(1) of the Paris (Stockholm) Convention.* Pursuant to a decision of the Preparatory Intergovernmental Committee taken at its fourth session, the Director General prepared and submitted to the fifth session of the said Committee an additional study on the question of laying down a specific time limit (instead of the present "reasonable period") in Article 5C(1) of the Paris Convention in view of the provisions of the Trademark Registration Treaty. At its fifth session, the Preparatory Intergovernmental Committee decided not to include this item in its agenda, on the understanding that it could be included in the agenda of the March 1979 session of the Provisional Steering Committee.

16. *Conflict Between an Appellation of Origin and a Trademark.* At its fourth session, the Preparatory Intergovernmental Committee decided to set up a Working Group and entrusted it with this question and the question of the extension of the protection provided in Article 6ter of the Paris Convention (Prohibitions concerning State Emblems and Official Signs and Hallmarks) to the names of States. On the latter question, the Preparatory Intergovernmental Committee asked the Director General to prepare a study for the Working Group and the Committee. The Working Group met in November 1978 and sub-

mitted its report to the Preparatory Intergovernmental Committee at its fifth session. The Preparatory Intergovernmental Committee decided that the Working Group should hold a second session in June 1979 and that its discussions should be based on a proposal of the Group of Developing Countries and a proposal of Group B, both of which had been presented to the first session of the Working Group, and on any new proposals submitted to the International Bureau before April 15, 1979, by any of the three Groups or by one or several States members of the Working Group.

17. *Inventors' Certificates.* Pursuant to the decision of the Preparatory Intergovernmental Committee at its fourth session, the Director General prepared, taking into account the proposal of Group D and the proposal of Group B, a new proposal for amendments in the Paris Convention concerning inventors' certificates; with the consent of the Spokesmen of Groups B and D, this proposal was published and submitted to the Working Group on Inventors' Certificates, which met in November/December 1978. The discussions in the Working Group were based on the proposal of Group D, the proposal of Group B and the proposal of the Director General. Taking into account those proposals, as well as an additional proposal of Group D and a proposal of the Group of Developing Countries, the Working Group prepared a revised text of Article 1 of the Paris Convention, which shows the agreement reached by the Working Group and, insofar as no agreement was reached, the position of the groups of countries. On the basis of the report of the Working Group, the Preparatory Intergovernmental Committee decided that the Working Group had completed its work, that the question of inventors' certificates should be included in the agenda of the Diplomatic Conference and that the text prepared by the Working Group should be submitted to the Diplomatic Conference as a basis for consideration of the question of inventors' certificates.

18. *Articles 4B and 4bis(5) of the Paris (Stockholm) Convention: Proposals of Canada.* At its fourth session, the Preparatory Intergovernmental Committee decided that the proposals of Canada which had been submitted in 1976 to the third session of the Ad Hoc Group of Governmental Experts on the Revision of the Paris Convention, dealing with Articles 4B and 4bis(5) of the Paris Convention, should be placed on the agenda of its fifth session. These proposals called for the addition to Article 4B of a provision that would ensure rights to a third party if, during the priority period, he had started working an invention in good faith before the invention in question had been published or worked and for the deletion of Article 4bis(5) thereby enabling a State to provide that the duration of a patent could start from the priority date rather than from the date on which the application for the grant

of a patent was filed in that State. After a thorough discussion, the Delegation of Canada withdrew its proposals.

19. *Final Clauses.* Articles 20 to 30 of the Stockholm Act (1967) of the Paris Convention, constituting the final clauses, were discussed by the Preparatory Intergovernmental Committee at its fifth session. The discussions were based on a memorandum by the Director General containing suggestions concerning these clauses and on proposals presented by Group B (as concerns Articles 20, 21, 23, 24 and 26) and Group D (as concerns Article 28). The Preparatory Intergovernmental Committee agreed that the following texts and proposals concerning the final clauses should be submitted to the Diplomatic Conference: the texts prepared by the Committee in respect of Article 20 (Signature; Ratification, Accession), Article 21 (Entry Into Force) (containing two alternatives), Article 22 (Consequences of Ratification or Accession) (subject to an understanding on certain words that depend on the text of Article 28), and Article 23 (Closing of Earlier Acts) (containing two alternatives); the proposal of the Group of Developing Countries and Group D for the deletion of Article 24 (Territories) and Group B's proposal for a new Article 24; the retention of the text of paragraph (1) of Article 26 (Denunciation) and the proposal of the Director General concerning the remainder of that Article; the proposal of the Director General concerning Article 27 (dealing with the application of various Acts of the Convention); the text of Article 28 (Disputes) and the proposal by Group D concerning that Article; various alternatives concerning certain provisions of the text of Article 29 (Original and Official Texts; Depositary Functions); the retention of Article 30, paragraphs (3) and (4) (Transitional Provisions) without change.

20. *Protection of the Olympic Symbol.* Pursuant to the decision taken at the fourth session of the Preparatory Intergovernmental Committee, the Director General prepared a study on the protection of the Olympic Symbol and, with the agreement of the Spokesmen of all three Groups, the question of the protection of the Olympic Symbol was placed on the agenda of the fifth session of the Committee. At its fifth session, the Preparatory Intergovernmental Committee decided that the Provisional Steering Committee should take a final decision on the question whether this matter should be included in the agenda of the Diplomatic Conference, on the understanding that, if it were, the basis of the discussions in the Diplomatic Conference should be the text of the draft protocol included in the Director General's study.

21. *Recommendations Concerning the Provisional Steering Committee of the Diplomatic Conference.* At its fourth session, the Preparatory Intergovernmental Committee recommended that the competent body or

bodies of the Paris Union establish a Provisional Steering Committee of the Diplomatic Conference on the Revision of the Paris Convention, which would decide what preparatory documents the Director General should prepare in advance of the Diplomatic Conference and which would establish the provisional agenda and the provisional rules of procedure of the Diplomatic Conference. As a consequence of its recommendations adopted at its fourth and fifth sessions that the Provisional Steering Committee consist of the Spokesmen and eight additional members of each of the three Groups, the Preparatory Intergovernmental Committee noted that the Provisional Steering Committee would consist of the following members: (i) Group of Developing Countries: Argentina, Brazil, Cameroon, Egypt, India, Kenya, Mexico, Sri Lanka, Yugoslavia; (ii) Group B: Canada, France, Germany (Federal Republic of), Italy, Japan, Sweden, Switzerland, United Kingdom, United States of America; (iii) Group D: Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland, Soviet Union.

22. *Working Group on Inventors' Certificates: Fourth and Fifth Sessions.* See paragraph 17, above.

23. *Working Group Entrusted With Questions of Special Interest to Developing Countries: Third Session.* See paragraph 12, above.

24. *Working Group on Conflict Between an Appellation of Origin and a Trademark: First Session.* See paragraph 12, above.

## **B. Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure**

### *Acceptance*

25. Hungary deposited its instrument of ratification of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure on July 11, 1978, and Bulgaria deposited its instrument of ratification of the said Treaty on July 19, 1978. The Budapest Treaty is not yet in force.

### *Authentic and Official Texts*

26. *Authentic Texts.* Certified copies of the authentic text in English and French of the Budapest Treaty were sent in February 1978 to the member States of the Paris Union and to the African Intellectual Property Organization (OAPI) and the European Patent Organisation (EPO).

27. *Official Textes.* The official text in German of the Budapest Treaty was published in brochure form in February 1978.

### *Preparatory Work for the Entry Into Force of the Budapest Treaty*

28. *Budapest Treaty Interim Advisory Committee.* The Interim Advisory Committee for the preparation of the entry into force of the Budapest Treaty held its first session in April 1978. Seventeen States members of the Interim Advisory Committee were represented. Two States were represented at the session in an observer capacity and one intergovernmental organization was represented as a special observer. Eight international non-governmental organizations were also represented as observers.

29. The Interim Advisory Committee approved the proposal of the International Bureau to undertake a survey the purpose of which is to compile an inventory of governmental or private depositary institutions of microorganisms which could become international depositary authorities. The Interim Advisory Committee examined an inventory of forms to be used in connection with the deposit of microorganisms under the Budapest Treaty and requested the International Bureau to prepare for its next session drafts of certain of these forms. Finally, the Interim Advisory Committee reviewed the prospects of ratification of and accession to the Budapest Treaty based on reports by delegations on the situation in their countries as concerns the preparatory work for ratification or accession.

30. Pursuant to the decision of the Interim Advisory Committee, a questionnaire seeking information on depositary institutions which could become international depositary authorities under the Budapest Treaty was sent by the International Bureau in July 1978 to the national Industrial Property Offices of the member States of the said Committee and to the African Intellectual Property Organization (OAPI) and the European Patent Organisation (EPO).

## **C. Geneva Treaty on the International Recording of Scientific Discoveries**

### *The Diplomatic Conference*

31. The Diplomatic Conference for the Conclusion of a Treaty on the International Recording of Scientific Discoveries (hereinafter referred to as "the Conference") was convened by the Director General of WIPO in Geneva from February 27 to March 7, 1978.

32. The objective of the Conference was to negotiate and conclude a new international instrument known as the Geneva Treaty on the International Recording of Scientific Discoveries (hereinafter referred to as "the Geneva Treaty").

33. States members of WIPO were invited to take part in the Conference with the right to vote. The

following 35 States participated in that capacity: Australia, Austria, Bulgaria, Byelorussian SSR, Cameroon, Canada, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Egypt, Finland, France, German Democratic Republic, Germany (Federal Republic of), Greece, Hungary, India, Iraq, Ireland, Italy, Japan, Mexico, Norway, Poland, Portugal, Qatar, Senegal, Soviet Union, Spain, Sweden, Switzerland, Ukrainian SSR, United Kingdom, United States of America, Zaire. Delegations from the following seven States not members of WIPO but members of the United Nations or other specialized agencies of the United Nations system took part in the Conference in an observer capacity: Argentina, Madagascar, Mozambique, Republic of Korea, Thailand, Trinidad and Tobago, Venezuela. One intergovernmental organization—the International Telecommunication Union (ITU)—and two international non-governmental organizations—the International Association for the Protection of Industrial Property (IAPIP) and the International Literary and Artistic Association (ALAI)—were represented by observers.

34. Dr. O. Leberl (Austria) was elected President of the Conference. The Drafting Committee was chaired by Mr. L. Komarov (Soviet Union) and the Credentials Committee by Mr. K. Swaminathan (India). The Conference also set up a Contact Group, composed of delegations from the various groups of countries, which was presided over by Mr. D. Ekani (Cameroon).

35. The Conference held discussions on the basis of the draft Treaty prepared by the Working Group on Scientific Discoveries, which had held four sessions, in 1973, 1974, 1975, and 1976. The Conference adopted the Geneva Treaty, consisting of 22 Articles, and the Final Act of the Conference, which was signed by 26 States, as well as two agreed statements to be included in the Records of the Conference.

#### *Features of the Geneva Treaty*

36. *Substantive Provisions.* The purpose of the Treaty, as its name suggests, is the institution of a system for the international recording of scientific discoveries within the framework of WIPO. The Preamble to the Treaty states the two main objectives of the Treaty, namely, first, to promote the progress of science through the stimulation of discoverers without discrimination by instituting a system which publicly associates their names with their scientific discoveries; second, to promote information on new scientific discoveries, for the benefit of the scientific community and the world at large, by instituting a system which makes the descriptions of such scientific discoveries accessible to them. The Preamble also mentions that a system for the international recording of scientific discoveries, by facilitating access to

scientific information, is of interest to States and in particular developing countries.

37. The Treaty defines a scientific discovery as follows: "the recognition of phenomena, properties or laws of the material universe not hitherto recognized and capable of verification," whereas it defines the scope of the international recording in the following terms: "the system for the international recording of scientific discoveries instituted by this Treaty: (i) provides for the widest possible access to the recorded scientific discoveries, (ii) does not affect the free use of the ideas contained in recorded scientific discoveries, (iii) does not affect the freedom of the Contracting States to grant or not to grant rights to discoverers of recorded scientific discoveries and, where any Contracting State grants such rights, the freedom of such State to fix the conditions for and the contents of such rights."

38. An application for international recording may be filed with the International Bureau by any discoverer who is a national or a resident of a Contracting State. The application is required to include a declaration by a scientific institution or government authority appointed by the Contracting State of which the applicant is a national or a resident to the effect that the subject matter of the application is a scientific discovery within the meaning of the Treaty and that the application is presented by the institution or authority concerned. The declaration may include an opinion on the merits of the scientific discovery or may certify its authenticity.

39. The International Bureau effects the international recording after a purely formal examination of the application. The discoverer then receives a certificate from the International Bureau. The latter publishes certain elements of the application, including an abstract of the description of the discovery, in the *Gazette of Internationally Recorded Scientific Discoveries*.

40. Anyone may file with the International Bureau observations on an internationally recorded scientific discovery. As a result of such observations, those concerned may file counter-observations and the description of the scientific discovery or the abstract may also be amended. Any amendment to an abstract is published. Anyone may, on request, have access to the information contained in the International Register.

41. *Administrative Provisions.* The Treaty establishes an Assembly, consisting of the Contracting States, with the task, in particular, of adopting at its first session Regulations for implementing the Treaty.

42. The financing of the international recording system is to be fully provided by the fees to be paid to the International Bureau and by the sale of the *Gazette*. The Treaty therefore imposes no financial commitments on States that are not Contracting States.

43. *Final Clauses.* The Treaty is open to all States members of WIPO. To become a party to the Treaty, a State that has signed it must deposit an instrument of ratification, whereas a State that has not signed it must deposit an instrument of accession; these instruments must be deposited with the Director General of WIPO. The entry into force of the Treaty requires the deposit of ten instruments of ratification or accession.

#### *Signature of the Geneva Treaty*

44. The Geneva Treaty was opened for signature on March 7, 1978. On that day, the Geneva Treaty was signed on behalf of Bulgaria and Czechoslovakia. By December 31, 1978, the date until which it was open for signature, the following three additional States had signed the Geneva Treaty: Hungary, Morocco, Soviet Union. The Geneva Treaty is not yet in force.

#### *Original and Official Texts*

45. The original texts of the Geneva Treaty on the International Recording of Scientific Discoveries were published in brochure form in English and French in June 1978, in Spanish in September 1978 and in Russian in October 1978. An official text in German of the said Treaty is under preparation.

### **D. Computer Programs**

46. The *Model Provisions on the Protection of Computer Software*, prepared in 1977 by the Advisory Group of Non-Governmental Experts on the Protection of Computer Programs, was published in brochure form in English and French in February 1978 and in Spanish in March 1978.

### **E. Industrial Property Aspects of Consumer Protection**

#### *Meeting of Experts on the Industrial Property Aspects of Consumer Protection*

47. A Meeting of Experts on the Industrial Property Aspects of Consumer Protection was convened by the Director General in July 1978. Ten experts from Algeria, Argentina, Canada, Germany (Federal Republic of), Mexico, the United States of America and Zambia participated in the Meeting in their personal capacity and representatives of the United Nations Centre on Transnational Corporations and the International Organization of Consumers Unions (IOCU) also attended the Meeting.

48. The Meeting explored how industrial property—in particular patents, industrial designs, trade-

marks and other commercial designations or indications and the repression of unfair competition—could be used to improve the protection of consumers, particularly in developing countries and in relations between developed and developing countries. The experts identified a number of aspects of industrial property that are relevant to consumer protection and particularly to the interests of consumers in developing countries. The experts recommended that the International Bureau prepare, possibly with the assistance of consultants, a paper describing, in light of the discussions in the Meeting, the problems raised for the consumer in connection with the aspects included in the said list and indicating the solutions which had been adopted at the international and regional levels and any proposals which had been made for different solutions at those levels. The experts recommended also that the paper prepared by the International Bureau should be submitted to a further meeting of experts, which would examine it from the point of view of determining whether the problems described, as well as other possible problems, were being dealt with adequately by existing or proposed solutions, and which would make recommendations in that respect and as to whether additional work should be undertaken by WIPO on the subject of the industrial property aspects of consumer protection.

### **F. Industrial Property Statistics**

49. The statistics for the year 1977, based on information supplied during the year 1978 by the Industrial Property Offices, were compiled. They will be printed by photocomposition from a computerized data base and will be issued in the first part of 1979.

### **G. Collection of Laws and Treaties on Industrial Property**

50. The collection of laws and treaties on industrial property continued to be kept up to date by the International Bureau and several of them were published in the legislative series entitled *Industrial Property Laws and Treaties* (an insert in the monthly review *Industrial Property*).

### **H. Industrial Property Reviews**

51. The review *Industrial Property/La Propriété industrielle* continued to appear every month. The review *La Propiedad Intelectual* continued to appear in Spanish every quarter. *Industrial Property/La Propriété industrielle* is now available in the form of microfiches for the years 1962 to 1975 (in English)

and for the years 1885 to 1975 (in French). Any individual issue may be obtained on request.

### I. Other Publications

52. The International Bureau issued in August 1978 Supplement No. 3 to the August 1976 edition of the *Directory of National Industrial Property Offices*.

53. Supplement No. 7 (1978) to the *Manual of Industrial Property Conventions* was issued by the International Bureau in English in November 1978 and in French in December 1978.

### J. Development Cooperation Activities Related to Industrial Property

54. See "The World Intellectual Property Organization in 1978" in the March 1979 issue of this review (paragraphs 13 to 141).

## II. Activities Concerning Trademarks, Industrial Designs, Appellations of Origin and Indications of Source

### A. Trademarks

#### *Madrid Union (Marks)*

55. *Member States*. During 1978, no State became a member of the Madrid Union for the International Registration of Marks. At the end of 1978, the number of States members of the Madrid Union was 24 (see Table of Member States, *Industrial Property*, 1979, p. 10).

56. *Madrid Agreement (Marks): Stockholm Act (1967)*. No State deposited an instrument of ratification of or accession to the Stockholm Act (1967) of the Madrid Agreement Concerning the International Registration of Marks during 1978.

57. *Madrid Agreement (Marks): Acts in Force*. Of the 24 States members of the Madrid Union (Marks) as of December 31, 1978, four were bound by the Nice Act (1957) and 20 by the Stockholm Act (1967) of the Madrid Agreement (Marks).

58. *Statistics*. The total number of registrations in 1978 was 7,307 to which should be added 3,724 renewals effected under the Nice or Stockholm Acts of the Madrid Agreement (Marks). The total number of registrations and renewals in 1978 was therefore 11,031 as against 10,550 in 1977. The total number of changes recorded in the International Register of Marks in 1978 was 13,153 as against 15,180 in 1977.

59. *Trademark Search Service*. The International Bureau continued to provide this service, pursuant to

Article 5ter(2) of the Madrid Agreement (Marks). The total number of trademark searches effected in 1978 was 2,254 as against 2,300 in 1977.

60. *Publications*. The review *Les Marques internationales*, containing the publication of registrations of marks, renewals and changes recorded in the International Register of Marks under the Madrid Agreement (Marks), continued to appear every month.

61. *Computerization of WIPO Trademark Registration Operations*. During the ninth series of meetings of the Governing Bodies of WIPO and the Unions administered by WIPO, held in September/October 1978, the States members of the Madrid Union represented at the said meetings authorized the Director General to convene the Assembly and Committee of Directors of the Madrid Union in an extraordinary session in 1979 to deal with the problem of computerizing some of the operations connected with trademark registration under the Madrid Agreement and to take the necessary decisions in respect thereof, in particular on the question whether the necessary investment should be made. A study has been prepared by two consultants—one specialist in computerized trademark administration and one specialist in typesetting/photocomposition—which evaluates the desirability of computerizing the operations connected with trademark registrations under the Madrid Agreement, in particular the possible savings and/or enhancement of efficiency by the computerization of these operations and/or of the publication of the periodical *Les Marques internationales*. The study will be considered by the Assembly and Committee of Directors of the Madrid Union at their extraordinary session scheduled for February 1979.

#### *Trademark Registration Treaty (TRT)*

62. *Acceptance*. During 1978, no State deposited an instrument of ratification of or accession to the Trademark Registration Treaty (TRT). The TRT is not yet in force.

63. *Preparatory Work for the Entry Into Force of the TRT*. The Trademark Registration Treaty Interim Advisory Committee held its third session in February 1978. Eleven States were represented as members of the Committee whereas two States and 12 non-governmental organizations were represented by observers.

64. The Interim Advisory Committee examined, on the basis of documents prepared by the International Bureau, draft Administrative Instructions as well as several draft forms and a list of other forms to be established. The Interim Advisory Committee formulated recommendations and made observations concerning the revision of the said drafts and list.

65. The Interim Advisory Committee also discussed development cooperation activities for developing countries related to the field of trademarks on

the basis of a document submitted by the International Bureau. The Interim Advisory Committee concluded by giving its full support to the development cooperation program outlined in the document and urged the International Bureau to continue its implementation in cooperation with the member States.

66. Finally, the Interim Advisory Committee dealt with the prospects for ratification of the TRT or accession to it. All the delegations reported on the situation in their countries. Despite the fact that all expressed great interest in the TRT, their statements showed that ratification by their respective countries and entry into force of the TRT for them would still take some time. The International Bureau nevertheless drew attention to the fact that four developing countries (Congo, Gabon, Upper Volta and Togo) had already acceded to the TRT and that consequently only one further ratification or accession was needed for it to enter into force.

#### *Nice Union*

67. *Member States.* During 1978, no State became a member of the Nice Union for the International Classification of Goods and Services for the Purposes of the Registration of Marks. At the end of 1978, the number of States members of the Nice Union was 31 (see Table of Member States, *Industrial Property*, 1979, p. 12).

68. *Nice Agreement: Stockholm Act (1967).* During 1978, no additional State deposited instruments of ratification of or accession to the Stockholm Act (1967) of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks.

69. *Nice Agreement: Geneva Act (1977).* Australia, Benin, Czechoslovakia, Finland, Ireland and Sweden deposited instruments of ratification of or accession to the Geneva Act (1977) of the Nice Agreement on January 4, 1978, April 3, 1978, September 13, 1978, July 12, 1978, October 31, 1978, and November 6, 1978, respectively. The Geneva Act (1977) of the Nice Agreement entered into force among these six States on February 6, 1979.

70. *Nice Agreement: Acts in Force.* Of the 31 States which were members of the Nice Union on December 31, 1978, five were bound by the Nice Act (1957) and 26 by the Stockholm Act (1967) of the Nice Agreement.

71. *Authentic and Official Texts of the Geneva Act (1977).* Certified copies of the authentic texts in English and French of the Geneva Act (1977) of the Nice Agreement were sent to the member States of the Paris Union in February 1978. The said texts were also published in brochure form in May/June 1978. The official texts in Arabic and German of the Geneva Act (1977) of the Nice Agreement were established after consultations with the Governments concerned. They were published by the International Bureau in

brochure form in May and December 1979, respectively.

72. *International Classification of Goods and Services for the Purposes of the Registration of Marks: Revision of the Alphabetical List of Goods and Services.* The Temporary Working Group established by the Committee of Experts set up under the Nice Agreement held its seventh session in March 1978. Six States and one intergovernmental organization were represented at the said session.

73. The Temporary Working Group noted a list of goods and services which had been prepared by computer according to the existing order of the items in the Alphabetical List of Goods and Services and taking into account the proposals made by the Group before its March session. The computerized list will be finalized by the International Bureau after approval of the proposals for changes by the said Committee of Experts.

74. The Temporary Working Group reviewed the observations presented by the members of the Nice Union not members of the Group concerning the proposals made by the Group at its previous sessions for modifications of the Alphabetical List of Goods and Services. The Temporary Working Group gave indications to the International Bureau concerning the effect to be given to a number of these observations in preparing the final Alphabetical List of Goods and Services and decided to refer certain other observations to the Preparatory Working Group established by the said Committee of Experts.

75. The Preparatory Working Group established at its June 1974 session by the Committee of Experts set up under the Nice Agreement held its second session in October 1978. Seven States members of the Preparatory Working Group were represented at that session. One State and one intergovernmental organization were represented in an observer capacity.

76. The Preparatory Working Group prepared the text of a general note (to be entitled "General Remarks") preceding the Explanatory Notes of the International Classification which indicates the criteria to be applied in the event that a product or service cannot be classified in accordance with the List of Classes or with the Alphabetical List. The Preparatory Working Group decided to submit to the Committee of Experts the proposals for changes in the List of Classes that had been made by the Preparatory Working Group at its first session and, in addition, the proposals which the Preparatory Working Group had decided upon during the course of its second session. As concerns the classes of services, the Preparatory Working Group considered that it was not necessary to expand the present wording of these classes by adding indications appearing in the Alphabetical List or mentioned in the explanatory notes in connection with those classes.

The Preparatory Working Group adopted a number of principles according to which the International Bureau was asked to submit proposals at a later session for the harmonization of the List of Classes as a whole.

#### *Vienna Agreement (Figurative Elements of Marks)*

77. *Acceptance.* During 1978, no State deposited an instrument of ratification of or accession to the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks.

#### *Criteria of Similarity Between World Marks*

78. Pursuant to the recommendations made by the Working Group for the Computerization of Trademark Operations at its session in September 1976, the International Bureau, with the assistance of a consultant, made an analysis of the replies given by 23 national or regional Offices to a survey by the International Bureau on the similarity criteria applied in the countries of the Paris Union for the assessment of the risk of confusion between marks. The analysis contains, on the basis of the replies given, a country-by-country list of the similarity criteria applied in a certain number of countries, an overall catalog indicating, for each country, the similarity criteria applied on its territory and a summary table of the replies given by seven Offices concerning a certain number of cases covered in the "ABC lists." The analysis was sent in March 1978 to the 23 Offices and to the other Offices of the member countries of the Paris Union for their comments. The analysis and the comments will be communicated by the International Bureau to the countries of the Paris Union and to the interested organizations and firms.

## **B. Industrial Designs**

#### *Hague Union*

79. *Member States.* During 1978, no State became a member of the Hague Union for the International Deposit of Industrial Designs. At the end of 1978, the number of States members of the Hague Union was 15 (see Table of Member States, *Industrial Property*, 1979, p. 11).

80. *Complementary Act of Stockholm (1967).* During 1978, no State deposited an instrument of ratification of or accession to the Complementary Act of Stockholm (1967) to the Hague Agreement for the International Deposit of Industrial Designs.

81. *Protocol of Geneva (1975).* This Protocol is not yet in force. During 1978, no State deposited an instrument of ratification of or accession to the Protocol.

82. *Hague Agreement: Acts in Force.* Of the 15 States which were members of the Hague Union as of December 31, 1978, 15 were bound by the London

Act (1934) of the Hague Agreement and eight also by the Additional Act of Monaco (1961) to the said Agreement. Six States have ratified or acceded to the Complementary Act of Stockholm (1967) of the Hague Agreement.

83. *Governing Bodies.* The Assembly and the Conference of Representatives of the Hague Union each met in extraordinary session during the ninth series of meetings of the Governing Bodies of WIPO and the Unions administered by WIPO, which took place in September/October 1978.

84. *Hague Union Fees.* At their sessions referred to above, the Assembly and the Conference of Representatives of the Hague Union decided, with effect from January 1, 1979, to increase the fees charged to cover the expenses of the International Bureau in administering the international deposit of industrial designs service established by the Hague Agreement. A table showing the amount of the fees as fixed was published in the review *Les Dessins et Modèles internationaux*, which appeared in October 1978, and was enclosed in the November 1978 issues of the review *Industrial Property/La Propriété industrielle*. The said table was also communicated in October 1978 to the national Industrial Property Offices of the member States of the Hague Union.

85. *Statistics.* The total number of international deposits in 1978 was 1,885 and the total number of prolongations was 981, as against 1,908 and 819, respectively, in 1977. Open deposits in 1978 numbered 1,328 and sealed deposits 557; simple deposits numbered 949 and multiple deposits 936. In 1977, the corresponding figures were 1,327, 581, 957 and 951. The total number of objects deposited in 1978 was 21,967 of which 11,462 were two-dimensional (*dessins*) and 10,505 were three-dimensional (*modèles*), as against 24,461, 13,717 and 10,744, respectively, in 1977.

86. *Publications.* The periodical *Les Dessins et Modèles internationaux* continued to appear monthly.

#### *Locarno Union*

87. *Member States.* During 1978, no State became a member of the Locarno Union for the International Classification for Industrial Designs. At the end of 1978, the number of States members of the Locarno Union was 16 (see Table of Member States, *Industrial Property*, 1979, p. 14).

88. *International Classification for Industrial Designs.* The Committee of Experts set up by Article 3 of the Locarno Agreement Establishing an International Classification for Industrial Designs held its second session in May 1978. Seven States members of the Locarno Union were represented at that session. Three States members of the Paris Union, not members of the Locarno Union, and one intergovernmental organization were represented in an observer capacity.

89. The Committee of Experts adopted the text of the "General Remarks Preceding the List of Classes" prepared by the International Bureau. The Committee of Experts also adopted a number of amendments and additions to the International Classification for Industrial Designs based on proposals submitted by Denmark, France, Norway, the Soviet Union, Sweden and the United States of America.

90. The Committee of Experts invited the International Bureau to ascertain whether the decisions taken in the course of its session, especially those on the General Remarks, could have an effect on the other parts of the International Classification and, if necessary, to present proposals for consideration at its next session with a view to bringing the whole of the International Classification, particularly the Explanatory Notes, into line with those decisions. The Committee of Experts also invited the International Bureau to make a close study of certain proposals for the creation of new classes or for the rearrangement of subclasses within a certain number of classes, and especially of the effect that their adoption might have on the International Classification as a whole.

91. The decisions of the Committee of Experts, including the amendments and additions to the International Classification, were the subject of a notification issued in August 1978 by the International Bureau to the Industrial Property Offices of the member countries of the Locarno Union. In accordance with Article 4(1) of the Locarno Agreement, the decisions of the Committee of Experts entailing the transfer of goods from one class to another enter into force six months after the date of that notification, that is on February 3, 1979. The amendments and additions adopted by the said Committee will be incorporated in a new edition of the International Classification produced with the aid of a computer, which will appear after the expiration of the six-month period referred to.

### C. Appellations of Origin

#### *Lisbon Union*

92. *Member States.* During 1978, no State became a member of the Lisbon Union for the Protection of Appellations of Origin and their International Registration. At the end of 1978, the number of States members of the Lisbon Union was 16 (see Table of Member States, *Industrial Property*, 1979, p. 13).

93. *Lisbon Agreement: Stockholm Act (1967).* During 1978, no additional States deposited instruments of ratification of or accession to the Stockholm Act (1967) of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration.

94. *Lisbon Agreement: Acts in Force.* Of the 16 States which were members of the Lisbon Union on

December 31, 1978, three were bound by the Lisbon Act (1958) and 13 by the Stockholm Act (1967) of the Lisbon Agreement.

95. *Official Texts.* The official text in Arabic of the Lisbon Agreement (Stockholm Act, 1967) was published in brochure form in February 1978.

96. *Statistics.* In 1978, 21 applications for the registration of an appellation, from Bulgaria (20) and Mexico (1), were filed and registered at the International Bureau. Since the entry into force of the Lisbon Agreement on September 25, 1966, up to the end of 1978, a total of 669 appellations of origin have been registered. Of these, 19 came from Algeria, 40 from Bulgaria, 18 from Cuba, 106 from Czechoslovakia, 426 from France, 24 from Hungary, one from Israel, 25 from Italy, one from Mexico, two from Portugal and seven from Tunisia.

### D. Protection of Certain Emblems, Signs and Hallmarks, Abbreviations and Names (Article 6ter of the Paris Convention)

97. During 1978, no State emblems, official signs, or hallmarks were communicated to the International Bureau under Article 6ter(1)(a) of the Paris Convention by the member countries. Four emblems, two abbreviations, five names and one flag were communicated under Article 6ter(1)(b) of the Paris Convention by three international intergovernmental organizations to the International Bureau, which issued three notifications to the member countries of the Paris Union.

### E. Indications of Source

#### *Madrid Agreement (Indications of Source)*

98. *Contracting States.* During 1978, no State became a party to the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods. At the end of 1978, the number of States party to the Madrid Agreement (Indications of Source) was 32 (see Table of Member States, *Industrial Property*, 1979, p. 9).

99. *Additional Act of Stockholm (1967).* During 1978, no State deposited an instrument of ratification of or accession to the Additional Act of Stockholm (1967) to the Madrid Agreement (Indications of Source).

100. *Acts in Force.* Of the 32 States which were party to the Madrid Agreement (Indications of Source) on December 31, 1978, three were bound by the Hague Act (1925), nine by the London Act (1934), 20 by the Lisbon Act (1958) and 18 also by the Additional Act of Stockholm (1967).

## II. Patent Cooperation and Information Activities

### A. Patent Cooperation Treaty (PCT)

#### *Member States*

101. During 1978, the following States deposited instruments of ratification of the Patent Cooperation Treaty (PCT) and became bound by the said Treaty as from the date indicated after the name of the State: Brazil, April 9, 1978; Denmark (excluding Chapter II), December 1, 1978; Japan, October 1, 1978; Luxembourg (excluding Chapter II), April 30, 1978; Sweden, May 17, 1978. At the end of 1978, 20 States were bound by the PCT, which came into force on January 24, 1978 (see Table of Member States, *Industrial Property*, 1979, p. 15).

#### *Applicability of Chapter II of the PCT*

102. The provisions of Chapter II of the PCT and the corresponding provisions of its Regulations became applicable to Brazil and Sweden on April 9, 1978, and May 17, 1978, respectively. The said provisions are also applicable to the other States bound by the PCT, except for Denmark, France, Luxembourg, Switzerland and the United States of America.

#### *Official Texts*

103. At its second session, the Assembly of the PCT Union designated Arabic and Italian as languages in which official texts of the PCT should be established by the Director General after consultation with the interested Governments.

104. A text in Arabic of the PCT was published in brochure form in May 1978.

105. The official text in German of the amendments to the Regulations annexed to the PCT, which were adopted by the PCT Assembly on April 14, 1978, was published in June 1978.

#### *Preparatory Work for the Entry Into Force of the PCT*

106. The preparatory work for the entry into force of the Patent Cooperation Treaty (PCT) was completed by the PCT Interim Committees, assisted by the International Bureau, at the final sessions of the said Committees. The Interim Advisory Committee for Administrative Questions held its last session in October 1977. The other two Interim Committees—the Interim Committee for Technical Cooperation and the Interim Committee for Technical Assistance—held their last sessions in January 1978 and March 1978, respectively. An account of the work of their sessions is given in paragraphs 107 to 111, below.

107. *Interim Committee for Technical Cooperation.* This Interim Committee held its eighth and last session in January 1978 jointly with the first session of the WIPO Permanent Committee on Patent Information (PCPI) (see paragraphs 189 to 199, below). Twenty States and two intergovernmental organizations were represented at the said session.

108. The Interim Committee for Technical Cooperation noted the "Summary of Technical Activities of the Interim Committee for Technical Cooperation" and decided that, subject to one addition, the said Summary adequately reflected the activities which it had undertaken during its interim existence (prior to the entry into force of the PCT).

109. *Interim Committee for Technical Assistance.* The Interim Committee held its seventh and last session in March 1978 in conjunction with the fifth session of the WIPO Permanent Committee on Development Cooperation Related to Industrial Property (see "The World Intellectual Property Organization in 1978," paragraphs 13 to 16, in the March 1979 issue of this review). Twenty States and two intergovernmental and three non-governmental organizations were represented at the session.

110. The Interim Committee noted with approval the future tasks of the PCT Committee for Technical Assistance, which should lead to a situation where guidance would be sought from the PCT Committee for Technical Assistance on those aspects of technical assistance to developing countries that had a direct bearing on the use of the PCT by the countries concerned.

111. The Interim Committee also noted the progress reports on patent collections made available to developing countries (see "The World Intellectual Property Organization in 1978," paragraph 186(g), in the March 1979 issue of this review). It further noted a progress report on the establishment of a list of non-patent literature (technical periodicals) obtainable by developing countries free of charge or on very favorable conditions. A number of suggestions were made with a view to facilitating the receipt by developing countries of the technical periodicals on the list which were relevant to their particular needs.

#### *PCT Preparatory Committee*

112. The PCT Preparatory Committee was convened by the Director General in February 1978 to assist in the preparation of the first session of the Assembly of the PCT Union. Twelve States, which had ratified or acceded to the PCT, and ten other States, which had been members of the PCT Interim Committees, as well as two intergovernmental and five international non-governmental organizations, were represented at the session.

113. The PCT Preparatory Committee dealt with and made recommendations to the PCT Assembly on a number of matters subsequently considered by the PCT Assembly (see paragraphs 117 to 125, below).

#### *PCT Assembly*

114. The Assembly of the International Patent Cooperation (PCT) Union held two sessions in 1978.

It held its first session in April 1978 and its second session (first extraordinary) in September/October 1978 during the ninth series of meetings of the Governing Bodies of WIPO and the Unions administered by WIPO.

115. Twelve of the States members of the PCT Union were represented at both sessions. Twelve other States, not members of the PCT Union but which contribute to the budget of the PCT Union, and two intergovernmental organizations, having the power to grant patents effective in one or more States members of the PCT Union, participated in the first session as special observers, whereas eight such States and two such organizations participated in the second session as special observers. In addition, five other States members of the Paris Union participated in the first session as observers, whereas four such States participated in the second session as observers; one other intergovernmental organization and ten international non-governmental organizations were represented at the first session as observers, whereas two such intergovernmental organizations and six international non-governmental organizations were represented at the second session as observers.

116. The first session of the PCT Assembly was opened by the Director General of WIPO, Dr. Arpad Bogsch, who, in welcoming the participants, underlined the great significance of the first session of the PCT Assembly in the history of the Patent Cooperation Treaty (PCT). He extended a special welcome to the guests of honor (Mr. J. B. van Benthem, Professor G. H. C. Bodenhausen, Mr. D. Ekani, Dr. K. Haertel, Dr. A. Krieger, Professor F. Savignon and Mr. W. E. Schuyler, Jr.) who had accepted his invitation to be present at the session, which had been extended to them in recognition of their outstanding contribution in connection with the establishment and entry into force of the PCT.

117. The questions discussed by the Assembly at its first session and the decisions it took are described in paragraphs 118 to 122, 124 and 125, below, whereas those concerning its second session are described in paragraphs 121 and 123, below.

118. *Questions Related to Copyright Protection of PCT Publications.* At its first session, the Assembly decided that no copyright notice should be placed on pamphlets publishing international applications, and that no copyright of the International Bureau, even if existing, should be enforced in respect thereof.

119. *Appointment of International Searching Authorities and International Preliminary Examining Authorities.* After approval, subject to certain modifications, of the draft agreements submitted to it, and following signature on April 11, 1978, of Agreements and Protocols of Agreement relating to the establishment and functioning of the Office concerned as an International Searching and/or International Preliminary Examining Authority, the Assembly made

the following appointments: (i) as International Searching and Preliminary Examining Authorities, the Patent Office of Austria if the Agreement attached to the Protocol of Agreement is signed and as from the date on which Austria becomes bound by the PCT, the Patent Office of Japan if the Agreement attached to the Protocol of Agreement is signed and as from the date on which Japan becomes bound by the PCT (see paragraph 129, below), the USSR State Committee for Inventions and Discoveries, the Royal Patent and Registration Office of Sweden (as from May 17, 1978, the date on which Sweden became bound by the PCT), and the European Patent Office; (ii) as an International Searching Authority, the United States Patent and Trademark Office; (iii) as an International Preliminary Examining Authority, the Patent Office of the United Kingdom.

120. *Date From Which International Applications May Be Filed and Date From Which Demands for International Preliminary Examination May Be Submitted.* The Assembly fixed June 1, 1978, as the date from which international applications may be filed and demands for international preliminary examination may be submitted.

121. *Amendments to the Regulations Under the Patent Cooperation Treaty (PCT).* At its first and second sessions, the Assembly adopted amendments to certain Rules of the Regulations annexed to the PCT, including the Rule fixing the fees. At its second session, the Assembly also adopted certain interpretations of Rules 47.2 and 48.3(b) of the said Regulations.

122. *Administrative Instructions.* Following consultations held during the first session of the Assembly between the International Bureau and the receiving Offices and the International Searching and Preliminary Examining Authorities, the Assembly noted that, in the light of the favorable advice of the said Offices and Authorities relating to the Administrative Instructions, the Director General would promulgate these Administrative Instructions and publish them in the first issue of the Gazette to appear on May 1, 1978, fixing June 1, 1978, as the date of their entry into force.

123. During the second session of the Assembly, consultations were also held between the International Bureau and the receiving Offices and the International Searching and International Preliminary Examining Authorities relating to modifications of the Administrative Instructions.

124. *Published Items of Non-Patent Literature.* Following consultations held during the first session of the Assembly between the International Bureau and the International Searching Authorities, at which the said Authorities agreed upon the published items of non-patent literature which would, upon publication by the International Bureau, form part of the PCT minimum documentation, the Assembly noted that

the International Bureau would publish in the *Gazette* and thereby establish the published items of non-patent literature pertaining to the PCT minimum documentation.

125. *Establishment of Committees for Technical Cooperation, for Technical Assistance and for Administrative and Legal Matters.* At its first session, the Assembly established three committees—the Committee for Technical Cooperation (PCT/CTC), the Committee for Technical Assistance (PCT/CTA) and the Committee for Administrative and Legal Matters (PCT/CAL)—and adopted the Rules of Procedure of the said Committees. In addition, with a view to avoiding an overlap between the mandates of the PCT/CTC and the PCT/CAL, the Assembly agreed with the interpretation that the PCT/CTC, particularly since it would be closely associated with the WIPO Permanent Committee on Patent Information, would deal only with patent documentation matters within the framework of the PCT.

#### *PCT Committee for Technical Cooperation*

126. *First Session.* The PCT Committee for Technical Cooperation held its first session in September 1978. That session was held jointly with the second session of the WIPO Permanent Committee on Patent Information (PCPI) (see paragraphs 189 to 199, below).

127. Eleven States members of the Committee and one International Searching and Preliminary Examining Authority as *ex officio* member participated in the second session of the Committee. Ten States, having the status of special observer in the PCT Assembly, were represented at the second session of the Committee as special observers. Eight other States, two intergovernmental organizations and four other organizations were represented at the second session of the Committee as observers.

128. The PCT Committee for Technical Cooperation considered the tasks so far undertaken by the former PCT Interim Committee for Technical Cooperation as summarized by that Committee at its eighth and final session. The PCT Committee for Technical Cooperation decided that the International Bureau should continue to maintain both the inventory of patent documents being part of the PCT Minimum Documentation and the list of non-patent literature. It decided that the other ongoing tasks should be forwarded to the Working Group on Planning of the WIPO Permanent Committee on Patent Information (PCPI) for further action.

#### *International Searching Authorities and International Preliminary Examining Authorities*

129. The Agreement between the Patent Office of Japan and the International Bureau relating to the establishment and functioning of the Patent Office of

Japan as an International Searching Authority and International Preliminary Examining Authority was signed on July 17, 1978. The Patent Office of Japan became such an Authority as from the date of the entry into force of the PCT for Japan, that is, on October 1, 1978.

130. As concerns other Patent Offices appointed as International Searching Authorities and International Preliminary Examining Authorities, see paragraph 119, above.

#### *International Applications under the PCT*

131. Pursuant to Article 12 of the Patent Cooperation Treaty (PCT), record copies of 459 international applications were transmitted to the International Bureau by receiving Offices during the period from June 1, 1978 (the date of commencement of the filing of international applications under the PCT), to December 31, 1978. The said copies were transmitted by the following Offices: Brazil (5), France (46), Germany (Federal Republic of) (36), Japan (52), Soviet Union (1), Sweden (89), Switzerland (43), United Kingdom (53), United States of America (112), European Patent Office (22). The average number of States or groups of States in respect of which a designation fee was paid was 4.04. The average number of designations per international application was 5.63.

#### *PCT Publications*

132. In May 1978, the International Bureau announced the availability and prices of the following Patent Cooperation Treaty (PCT) publications: the PCT Applicant's Guide; The PCT Treaty and Regulations; the *PCT Gazette*; Items of Non-Patent Literature Under PCT Rule 34.1(b)(iii) (included in *PCT Gazette* No. 2) (previously document PCT/INT/1); Administrative Instructions Under the Patent Cooperation Treaty (included in *PCT Gazette* No. 1 or issued as a separate A4 brochure or with its Annexes (all PCT Forms)) (previously document PCT/INT/2); Receiving Office Guidelines for the Processing of International Applications Under the Patent Cooperation Treaty (document PCT/INT/4); Guidelines for International Search to be Carried Out Under the Patent Cooperation Treaty (document PCT/INT/5); Guidelines for International Preliminary Examination to be Carried Out Under the Patent Cooperation Treaty (document PCT/INT/6); Guidelines for Drawings Under the Patent Cooperation Treaty (document PCT/INT/7); Guidelines for the Preparation of Abstracts Under the Patent Cooperation Treaty (document PCT/INT/8); Guidelines for Publication Under the Patent Cooperation Treaty (document PCT/INT/9); Time Limits Under the Patent Cooperation Treaty (document PCT/INT/10); Records of the Washington Diplomatic Conference (1970).

133. In November 1978, the International Bureau announced the availability and the price of the PCT Published International Application (pamphlet) and Search Report.

134. The PCT Applicant's Guide was first issued in March 1978 and an improved and updated version was issued in May 1978. The Guide, which is available in English, French and German, is being distributed widely.

135. Publication of the *PCT Gazette* commenced on May 11, 1978, in two separate English and French editions. Nine issues of the *PCT Gazette* were issued during 1978.

136. The *PCT Gazette* has four sections containing information on published international applications (Section 1: bibliographic data, the title, an abstract and a drawing (where appropriate) of each published international application; Section 2: any official notification relating to a given published international application; Section 3: four separate indexes facilitating access to the most important information contained in Section 1 and information in general; Section 4: official notifications on matters of interest to applicants under the PCT, to States party to the PCT and to the general public).

#### *PCT Seminars*

137. Seminars and conferences on the application of the Patent Cooperation Treaty (PCT) were organized by national Industrial Property Offices and interested organizations in cooperation with WIPO.

138. A seminar on the Patent Cooperation Treaty (PCT) was organized at Munich in April 1978 by the Patent Office of the Federal Republic of Germany, the European Patent Office, the Federation of German Industries and the Chamber of German Patent Attorneys in cooperation with WIPO; it was attended by about 550 persons.

139. A workshop on the "Application of the Patent Cooperation Treaty (PCT)" (*Journée d'étude sur la "Mise en vigueur du Traité de coopération en matière de brevets (PCT)"*) was organized in Paris in April 1978 by the National Institute of Industrial Property (INPI) of France (*Institut national de la propriété industrielle (INPI)*), the National Council of Patent Agents (*Compagnie nationale des conseils en brevets d'invention*), the Association of Industrial Property Specialists (*Association des spécialistes en propriété industrielle*) and WIPO; it was attended by about 400 persons.

140. A conference on the Patent Cooperation Treaty (PCT) was sponsored by WIPO, the Patent Office of the United Kingdom and the Trade Marks, Patents and Designs Federation in London in May 1978; it was attended by about 250 persons.

141. A seminar on the Patent Cooperation Treaty (PCT) was organized in Paris in May 1978 by the

National Foundation for Business Association Law (*Fondation nationale pour le droit de l'entreprise*) with the cooperation of the Center for the International Study of Industrial Property (*Centre d'études internationales de la propriété industrielle (CEIPI)*); it was attended by about 80 persons.

142. A seminar on the Patent Cooperation Treaty (PCT) was organized in Washington, D.C., in June 1978 by the American Bar Association (ABA) and the American Patent Law Association (APLA); the seminar was attended by some 120 participants. The Director General delivered an address at the seminar and a member of the staff of the International Bureau gave a lecture on the administration of the PCT.

143. A seminar on the Patent Cooperation Treaty (PCT) was organized by the Patent Office of Japan and five co-sponsoring organizations (Japanese National Group of the International Association for the Protection of Industrial Property (IAPIP), the Japan Institute of Invention and Innovation (JII), the Japan Patent Association (JPA), the Japan Patent Information Center (JAPATIC) and the Patent Attorneys Association of Japan) in Tokyo in June 1978; over 550 persons attended. A seminar on the Patent Cooperation Treaty (PCT) was also organized by the Osaka branch of the Patent Office of Japan in Osaka in June 1978 for the benefit of about 35 specially invited leading personalities in the patent field. Lectures were given at both seminars by a member of the staff of the International Bureau.

144. A seminar on the Patent Cooperation Treaty was organized in Canberra (Australia) in September 1978 by the Australian Patent Office. The seminar was attended by some 130 participants. A lecture was given at the seminar by a member of staff of the International Bureau.

145. Lectures were also given on the Patent Cooperation Treaty (PCT) in April 1978 by members of the staff of the International Bureau to about 200 staff members of the Hague Branch of the European Patent Office.

## **B. International Patent Classification (IPC)**

### *Strasbourg (IPC) Agreement*

146. *Acceptance.* Portugal deposited its instrument of accession to the Strasbourg Agreement Concerning the International Patent Classification on April 28, 1978. The Strasbourg (IPC) Agreement will enter into force for Portugal on May 1, 1979. The Strasbourg (IPC) Agreement entered into force in respect of Czechoslovakia on August 3, 1978. At the end of 1978, the number of States members of the IPC Union was 25 (see Table of Member States, *Industrial Property*, 1979, p. 16).

*Revision and Uniform Application of the IPC*

147. *Committees and Working Groups.* During 1978, the Committee of Experts held one session, in Geneva, in September 1978, and its Steering Committee met in Tokyo in June/July 1978. The Ad Hoc Working Group on the Revision of the Guide to the IPC met twice, in March and October 1978. The five Working Groups dealing with proposals for revision of the various sections of the IPC each met twice, with the exception of Working Group V which met once. The matters they dealt with are referred to below (paragraphs 148 to 154).

148. *Proposals for the Second Revision Period (1974 to 1979).* The five Working Groups continued to deal with detailed proposals for the second revision period (1974 to 1979) concerning the various sections of the IPC: Working Group I, which met in Vienna in February/March 1978 and in Geneva in October 1978, dealt with the revision of Sections C and D; Working Group II, which met in London in April 1978 and in Geneva in November 1978, dealt with the revision of Sections G and H; Working Group III, which met in Rijswijk in April 1978 and in Geneva in December 1978, dealt with the revision of Section B; Working Group IV, which met in Munich in January 1978 and in Geneva in October 1978, dealt with the revision of Sections A, E and F; Working Group V, which met in Geneva in April 1978, dealt with progress in the reclassification of search files in accordance with the IPC, the selection and classification of training examples and the contents of the cover page of approved examples, the incorporation of a classification flow chart in the Advice to Classifiers, and the criteria for determining priorities in the revision of the IPC.

149. *Amendments to the IPC; Third Revision Period.* The Committee of Experts approved, with certain changes, a number of amendments to the IPC which had been recommended to the Committee by the Steering Committee at the latter's session in July 1978. The Committee of Experts decided to refer to the WIPO Permanent Committee on Patent Information (PCPI) any recommendations made by the Steering Committee concerning the laying down of rules in order to guide the future bodies entrusted with the further revision of the IPC. The Committee of Experts endorsed the recommendation of the Steering Committee, made to the PCPI, that the items proposed by Working Groups I to IV to be carried over from the present revision period be duly considered when the revision program for the third revision period was established. Finally, the Committee of Experts decided to entrust to the PCPI the planning and organization of the future revision of the IPC.

150. *Revision of the Guide to the IPC.* At its meeting in Vienna in March 1978, the Ad Hoc Working Group on the Revision of the Guide to the IPC reviewed a revised draft of the Guide and agreed

on certain parts of that draft, which it decided should be sent by the International Bureau to the members of the IPC Union Committee of Experts for their comments. At its meeting in Geneva in October 1978, the Ad Hoc Working Group considered the draft in the light of the comments received and agreed upon a final draft of the revised Guide.

*Second Edition of the IPC*

151. *Catchword Index.* The Steering Committee noted the willingness of the Industrial Property Office of France to bring up to date the Catchword Index in French and asked the Offices to study the possibility of sharing the work to bring up to date the Catchword Index in English. With the publication by the Industrial Property Office of Spain of the Catchword Index to the second edition of the IPC in Spanish in July 1978, the work of that Office in connection with the second edition of the IPC, which was published by it in Spanish and established as an official text by the International Bureau in March 1977, has been completed. Copies of the said second edition of the IPC and Catchword Index are available from that Office.

152. *List of Amended Entries in the Second Edition of the IPC.* The Committee of Experts approved certain principles formulated by Working Group III and the Steering Committee concerning the contents, layout and preparation of a "back-up document" that would contain a list of entries of the second edition of the IPC which had been amended during the first revision period.

*Third Edition of the IPC*

153. The Committee of Experts approved, subject to certain changes, the layout and form of the third edition of the IPC as presented to it by the International Bureau, which had prepared that layout and form in accordance with the indications laid down by the Steering Committee.

*Classification of Patent Documents According to the IPC*

154. Pursuant to the request made by the IPC Union Committee of Experts at its session in November 1977, the International Bureau drew the attention of the Industrial Property Offices which presently classify patent documents according to the IPC down to sub-class level only to the recommendation of the Committee of Experts to the effect that such Offices should attempt to classify down to main group level.

*Users' Guide to the IPC*

155. See "The World Intellectual Property Organization in 1978," paragraph 225, in the March 1979 issue of this review.

### *Classification of Search Files (CAPRI System)*

156. A survey of the progress of reclassification of search files according to the International Patent Classification (IPC), as of December 16, 1977, was issued by the International Bureau in January 1978. The survey covers the work undertaken by the Patent Offices of Austria and the Federal Republic of Germany and the European Patent Office.

## C. ICIREPAT

### *Participating Countries*

157. The following 22 countries are members ("participating countries") of the Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) and are represented on its executive body, which is the Plenary Committee (PLC): Austria, Canada, Cuba, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Germany (Federal Republic of), Hungary, Ireland, Israel, Japan, Netherlands, Norway, Romania, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America. The European Patent Office (EPO) also participates in the activities of ICIREPAT.

### *Activities and Committees*

158. ICIREPAT's main activities continued to be carried out within the framework of the Technical Committees and the Plenary Committee (PLC). The PLC met in January and September 1978, reviewed the activities of the Technical Committee for Search Systems (TCSS) and the Technical Committee for Standardization (TCST), which had held sessions in October and November 1977, respectively, and in April 1978, approved summary reports of the past and ongoing activities of both Committees and acted upon their conclusions and recommendations. The TCST also met in October 1978. The work programs of the Technical Committees were carried out in accordance with the Long-Term Program of ICIREPAT.

159. The PLC and the Technical Committees, assisted by the International Bureau, dealt with the following matters.

### *Needs of Developing Countries in the Field of Patent Documentation and Patent Information Retrieval*

160. Pursuant to the decision of the PLC taken at its session in January 1978, the following eight developing countries participated in the April 1978 session of the TCST: Algeria, Kenya, Mexico, Philippines, Portugal, Turkey, Uruguay, Zambia.

### *Search Systems*

161. The TCSS continued to monitor and supervise the implementation of search systems which had

been developed cooperatively and to keep track of search systems being worked out by individual Offices.

162. *Operational Systems.* The Offices participating in the systems continued to update the indexing regularly and, for certain systems where development had been finalized, arrangements for backlog indexing were made; backlog indexing for those systems also progressed.

163. *Search System Development.* Work continued on revising the ICIREPAT Manual to accommodate new routes for search system development.

164. On a recommendation by the TCSS, the PLC adopted the Scheme of Main Stages of Decision-Making in the Revision of a Search System.

165. The PLC also adopted the Principles Concerning the Establishment of Cut-off Dates for Mechanized Search Systems.

166. The TCSS considered a report, prepared by the International Bureau, on statistical data which would be helpful for the determination of technological fields where manual search is unsatisfactory and concluded that the report should be added as an Annex to the Scheme of Main Stages of Decision-Making in the Development of a Search System and brought to the attention of the IPC Working Group V at its next session.

167. The TCSS decided to bring to the attention of the Working Group on Planning of the WIPO Permanent Committee on Patent Information (PCPI) certain proposals relating to the implementation problems of shared mechanized search systems, in particular as concerns the measurement of overall system quality, the determination of optimum cut-off dates and the responsibility of a cooperating Office in a shared system for the indexing of its national patents.

168. The TCSS noted a report, prepared by the European Patent Office, summarizing the practices of various Offices in classifying and searching "Markush-type" claims. The TCSS concluded that it was not desirable to develop an ICIREPAT-type mechanized search system in this field. The TCSS also concluded that it was for each national Patent Office to determine whether in the technical fields of searching "Markush-type claims" existing commercial mechanized search systems could function as a common search tool acceptable to a number of countries.

169. *Search System Implementation.* Work continued on the implementation problems of mechanized search systems, namely in respect of the following three problems: file content and file integrity; access to responding documents; confidence in the performance of the system.

170. As concerns, in particular, access to patent documents, the PLC approved a summary of information, prepared by the International Bureau, on

the Compilation of Methods of Quick Access to Patent Documents.

171. *Commercial Systems.* On a recommendation by the TCSS, and after certain amendments had been proposed by a drafting group, the PLC adopted the Guidelines to Assist Offices in Testing Commercial Systems. The PLC approved the Selected Bibliography of ICIREPAT Papers Relating to System Testing and Related Matters, prepared by the TCSS for inclusion in the ICIREPAT Manual as Chapter 4.2.

172. *Indexing Systems.* The TCSS approved the survey, prepared by the International Bureau, on different kinds of information retrieval systems used in Patent Offices or in other institutions handling patent documents. The survey lists various indexing systems used and gives information on the technological field, the originating Office, the number of terms, the means of storage, the stage of implementation and the documents which have been indexed.

173. The TCSS decided to recommend to the Working Group on Planning of the WIPO Permanent Committee on Patent Information (PCPI) that it take over the task of studying the possible use of expanded titles of inventions or key words in addition to IPC symbols within a computerized system.

174. *Multistep Search Procedures.* The PLC approved a summary of information, prepared by the International Bureau, on the use of "screening tools" in the multistep search procedure.

#### *Standardization*

175. The TCST and the International Bureau continued to assemble information and to carry out studies on problems relating to the identification of patent documents and Official Gazettes and of the data contained in such documents and Gazettes, as well as to the characteristics pertaining to the format, layout, presentation, production and reproduction of patent documents and Official Gazettes.

176. *INID Code.* The TCST continued its work of updating the INID Code (ICIREPAT Numbers for Identification of Data). It agreed to change the title of the INID Code entitled "Convention Priority Data" to "Priority Data," in order to enable countries to indicate not only Paris Convention priority data but also domestic priority data and non-Convention priority data arising from bilateral or other bases of agreements between countries.

177. *Legal Meanings of Dates Appearing in Patent Documents.* The TCST approved, subject to certain clarifications and updating to be made by the International Bureau, a table prepared by the latter containing information in respect of a certain number of countries listed in the table on the legal meanings of dates appearing in patent documents issued by the said countries.

178. *Calendar Dates in Printed Patent Documents.* The TCST approved a revised wording of the Standard Manner for Designating Calendar Dates Using the Gregorian Calendar (Standard ST.2) to allow those countries wishing to be in conformity with ISO Standard 2014 (Writing of Calendar Dates in All-Numerical Form) to use year, month, day as the order of the date elements instead of day, month, year.

179. *Identification of Different Kinds of Patent Documents.* The TCST decided to refer to the WIPO Permanent Committee on Patent Information (PCPI) for consideration by the PCPI Working Group on Planning the question whether and in what way the Standard Code for Identification of Different Kinds of Patent Documents (SI.8) should be associated with the plain language identification of the patent document or with the number of the document.

180. *Numbering System of Patent Documents.* The PLC adopted the Recommendation for the Numbering of Patent Applications. The TCST approved a recommendation for the numbering of published patent documents.

181. *Format, Layout, Presentation, Production and Reproduction of Patent Documents.* The PLC approved the Compilation of ICIREPAT Guidelines and Standards Concerning Published Patent Documents (Standard ST.10). The TCST approved amendments to ICIREPAT Standard ST.10/B, Layout of Bibliographic Data. These amendments concern the inclusion in the first page of patent documents of the abstract or the main claim and the drawing or chemical formula, the layout of that part of the front page and the association of the patent document number with the two-letter code of the issuing country and the respective SI.8 code identifying the kind of patent document.

182. *Microforms.* The PLC adopted Guidelines for Computer Output Microfiches (COM) and Guidelines for Photo-Optically Generated Microfiches.

183. *Recording of Application Numbers on Magnetic Tape.* The TCST approved an updated version of ICIREPAT Standard SI.14, Recommendation Concerning the Recording of Application Numbers on Magnetic Tape.

184. *Official Gazettes.* The TCST requested the International Bureau to prepare, on the basis of the comments received from TCST members, an updated draft of the Recommendation for the Coding of Headings of Announcements Made in Official Gazettes and to distribute that draft for comments to all TCST members in preparation for the joint session of the TCST with the PCPI Working Group on General Information, scheduled to meet in June 1979.

#### *ICIREPAT Manual*

185. The ninth edition of the ICIREPAT Manual was distributed in June 1978. It contains approxi-

mately 120 replacement pages for Volumes I and II of the Manual in English and French.

#### *Exchange of Information Between Patent Offices*

186. Reports on their technical activities in 1977 were submitted in 1978 to the International Bureau by the Offices of the following 20 countries and by the one organization mentioned hereafter: Austria, Canada, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Germany (Federal Republic of), Hungary, Israel, Japan, Netherlands, Norway, Romania, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America and the International Patent Institute (IIB), now Directorate General I of the European Patent Office (EPO). The Annual Technical Reports of 1977 were distributed by the International Bureau to all ICIREPAT members and the EPO. A document summarizing the contents of the Annual Technical Reports of 1977 was prepared by the International Bureau and presented to the PLC, which took note of it, at its session in September 1978.

187. Two further issues of "ICIREPAT Notes"—a publication containing summaries of developments relating to patent documentation problems and patent office operations—were prepared and distributed during the year.

#### **D. Coordination and Cooperation in the Field of Patent Information**

##### *WIPO Permanent Committee on Patent Information (PCPI)*

188. *Membership.* The members of the WIPO Permanent Committee on Patent Information (PCPI) are those States which are members of the PCT Union or the IPC Union, or which contribute towards the budget of one or both of those Unions, or which are members of the Paris Union and inform the Director General of their desire to become members of the PCPI, as well as the African Intellectual Property Organization (OAPI) and the European Patent Office (EPO). On January 1, 1978, there were 31 members of the PCPI. At the end of 1978, the following 53 States were members of the PCPI, in addition to the two above-mentioned organizations: Algeria, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Central African Empire, Chad, Congo, Cuba, Czechoslovakia, Denmark, Dominican Republic, Egypt, Finland, France, Gabon, German Democratic Republic, Germany (Federal Republic of), Ghana, Hungary, Iran, Ireland, Israel, Italy, Japan, Kenya, Luxembourg, Madagascar, Malawi, Monaco, Netherlands, Norway, Philippines, Poland, Portugal, Romania, Senegal, Soviet Union, Spain, Surinam, Sweden, Switzerland, Togo, Trinidad

and Tobago, Uganda, United Kingdom, United States of America, Upper Volta, Yugoslavia, Zambia.

189. *PCPI and the Planning Group.* The WIPO Permanent Committee on Patent Information (PCPI) and the PCPI Working Group on Planning (Planning Group) each held their first and second sessions during 1978. The PCPI met in January and September 1978. The Planning Group met in April and September 1978.

190. Twenty States and two organizations, members of the PCPI, were represented at the first session of the PCPI, whereas 29 States and one organization, members of the PCPI, were represented at its second session, as well as one intergovernmental organization, three international non-governmental organizations and one national organization, which were represented by observers. All members of the Planning Group were represented at its first and second sessions, namely, Austria, Brazil, France, Germany (Federal Republic of), Japan, the Soviet Union, Sweden, the United Kingdom, the United States of America and the European Patent Office (EPO). One other State was represented in an observer capacity at the first session.

191. Neither the Ad Hoc Committee for Coordination of the Technical Activities of WIPO nor the Paris Union Executive Committee and the WIPO Coordination Committee, which, at their sessions in September/October 1977, had established the PCPI, had requested the International Bureau to present any documentation in preparation for the first session of the PCPI. Nor had the PCPI, which, at its first session had established the Planning Group, asked the International Bureau to present any documentation in preparation for the first session of the Planning Group. The discussions in the first sessions of the PCPI and the Planning Group were based on working documents prepared by the Industrial Property Offices of a few countries. The discussions at the second sessions of the PCPI and the Planning Group were based on comments received from certain States on the recommendations formulated by the Planning Group at its first session, the reports of the Planning Group, the Expert Working Group on Information from Patent Documents of the WIPO Permanent Committee for Development Cooperation Related to Industrial Property, the Steering Committee of the IPC Committee of Experts and the Plenary Committee of ICIREPAT, as well as the comments of certain States received shortly before the second session of the Planning Group.

192. At its first session in January 1978, the PCPI agreed on its goals, established the Planning Group and decided upon the organizations which should be invited to the sessions of the PCPI as observers. At its second session in September 1978, the PCPI acted upon the recommendations made by the Planning Group, which met in April and September 1978. The

recommendations made by the Planning Group and the decisions taken by the PCPI on the said recommendations and on other matters are dealt with in the following paragraphs.

193. *PCPI Goals.* The PCPI agreed in general with the following two principles, namely: that the PCPI should work towards improving the means of access to the technological information associated with patent documents, being mindful of the needs of both existing and new users of such information, and that the PCPI should work towards establishing a common patent information system with one of its foundations being a common search file based on the International Patent Classification (IPC).

194. *PCPI Structure.* The PCPI decided that the Planning Group should continue to function in 1979 with the following eleven members: Austria, Brazil, France, Germany (Federal Republic of), Japan, Soviet Union, Sweden, United Kingdom, United States of America, Zambia and the European Patent Office (EPO); the PCPI decided also that three further Working Groups should start functioning in 1979, namely the Working Group on General Information, the Working Group on Patent Information for Developing Countries, and the Working Group for Search Information. Membership in a Working Group is open to any member of the PCPI who wishes to be a member and so notifies the Director General of WIPO.

195. *Mandates and Tasks of the PCPI Working Groups.* The PCPI defined the following mandates of its Working Groups for 1979 and assigned tasks to them for detailed consideration in 1979:

– *Working Group on Planning:* to advise the PCPI on the definition of the details of the objectives, tasks, programs and working methods of the PCPI and the Working Groups established by the PCPI;

– *Working Group on General Information:* to deal with tasks, such as those concerning standards, and other matters not appropriate to the Working Group on Search Information or to the Working Group on Patent Information for Developing Countries;

– *Working Group on Patent Information for Developing Countries:* to deal with tasks concerning the identification of needs of developing countries in the field of patent information and to make proposals on ways and means of meeting such needs;

– *Working Group on Search Information:* to deal with tasks concerning search file organization and maintenance including IPC revision matters and search system development.

196. The PCPI further agreed that certain tasks need not be assigned to any of its Working Groups and should be dealt with by the International Bureau and that the International Bureau should report on the results of those actions on an annual basis.

197. *Rules of Procedure of PCPI Working Groups.* The PCPI adopted the Rules of Procedure of the PCPI Working Groups and their subsidiary bodies for 1979.

198. *PCPI Working Procedures.* The PCPI established working procedures for the Working Groups in 1979, while recognizing that further modifications and refinements might be necessary for 1980 and later years:

199. *International Journal on Patent Information.* The PCPI agreed that the International Bureau should continue its efforts leading to the signing of an agreement with the Commission of the European Communities (CEC) concerning the joint sponsorship of the publication of an International Journal on Patent Information. (That agreement was signed in November 1978; see paragraph 205, below.)

## **E. International Patent Documentation Center (INPADOC)**

### *Establishment and Services*

200. The International Bureau continued to assist the International Patent Documentation Center (INPADOC), which was established pursuant to an Agreement between the Government of Austria and WIPO, in its contacts with Patent Offices and interested organizations and to use its best efforts to bring about agreements of cooperation between INPADOC and national Industrial Property Offices or other government authorities and to achieve a high degree of standardization of the presentation of the bibliographic data in patent documents and Official Gazettes.

201. Discussions were held between the International Bureau and officials of INPADOC in Vienna in January, March and December 1978 and in Copenhagen in February 1978 on these and other matters of common interest.

202. During 1978, additional agreements of cooperation, providing for the furnishing by Patent Offices to INPADOC of bibliographic data in machine-readable form pertaining to patent documents, were concluded with the Government authorities of Turkey in January 1978, with the Government authorities of India in March 1978 and with the Industrial Property Offices of Denmark, Finland, Norway and Sweden in February 1978 and of France in December 1978.

203. The Supervisory Board (*Aufsichtsrat*) of INPADOC, which establishes INPADOC's general policy, met in April and December 1978. WIPO is represented on that Board.

204. Upon the suggestion of the Director General, officials of the Government of China visited INPADOC in November 1978 and were informed of its operations and of the activities of WIPO in the field of patent documentation and information. The

Government officials included representatives of the Ministry of Foreign Trade, the China Council for the Promotion of International Trade, the State Capital Construction Commission, the State Scientific and Technological Commission, the China Scientific and Technological Information Institute and the Permanent Mission of China in Geneva. They were accompanied by members of the staff of the International Bureau.

#### **F. Journal on Patent Information and Documentation**

205. Discussions between the International Bureau and the Commission of the European Communities in Geneva in January 1978 and in Luxembourg in February 1978 led to an agreement in principle to cooperate in the preparation, publication and distribution of a journal on patent information and documentation. The proposal for the publication of such a journal was approved by the Governing Bodies in September/October 1978 when adopting the program and budget for 1979. An Agreement between WIPO and the Commission of the European Communities concerning cooperation between the two organizations in the preparation, publication and distribution of the journal was signed in November 1978.

#### **G. Patent Associated Literature**

##### *INSPEC*

206. The International Bureau continued to assist INSPEC (Information Services in Physics, Electro-Technology, Computers and Control, of the Institution of Electrical Engineers, London), which established the Patent Associated Literature System (PAL), whose purpose is to facilitate access by individual Industrial Property Offices to selected areas of non-patent literature, in its efforts to extend the services of PAL to a greater number of subscribers among the said Offices and to arrive at cooperative arrangements with INPADOC. Discussions for these purposes, as well as on the possibilities of arriving at a concordance between the classification used by INSPEC and the International Patent Classification (IPC), were held between the International Bureau, INSPEC and INPADOC in Vienna in January 1978.

##### *Derwent*

207. The International Bureau continued to have contacts with Derwent Publications Ltd., a firm in London specializing in patent documentation services. A member of the staff of the International Bureau attended the International Patents Con-

ference organized by Derwent and held at Stratford-on-Avon (England) in April 1978.

#### **H. Symposium and Lectures on Patent Information and Documentation**

208. *Symposium: Bulgaria.* A Symposium on the Role of Patent Information in National Scientific and Technical Development was organized by the Institute for Inventions and Rationalizations of Bulgaria in Varna (Bulgaria), in June 1978. The following lectures were presented: the role of patent information in industrial development; the role of patent information in technological progress in the Soviet Union; the present state and future prospects of the development of patent information in Bulgaria; the patent information services in the German Democratic Republic; INPADOC and its tasks; patent information activities of WIPO. The first and the last lectures were presented by a staff member of WIPO. About 150 participants representing various governmental and industrial organizations in Bulgaria participated.

209. *Lectures: Japan.* Lectures were given on patent documents as a source of technological information and on the patent information activities of WIPO by a member of the staff of the International Bureau at the Japanese Patent Office and to representatives of industry at a meeting organized by the Japan Institute of Invention and Innovation (JAI) in Tokyo (Japan) in July 1978. About 100 persons attended each of the gatherings.

#### **I. Development Cooperation in Matters Related to Patent Documentation and Information**

210. See "The World Intellectual Property Organization in 1978" in the March 1979 issue of this review insofar as concerns technological information from patent documents (paragraphs 21 to 33), the organization of regional and national meetings on technological information contained in patent documents (paragraphs 69 to 73) and assistance to certain regional institutions in the establishment of patent documentation and information services (paragraphs 109, 110, and 119 to 122).

### **III. Other Matters**

#### **A. Relations with States**

211. See "The World Intellectual Property Organization in 1978" (paragraphs 206 to 211) in the March 1979 issue of this review.

## B. Relations with Intergovernmental Organizations

212. *Commission of the European Communities (CEC)*. WIPO was represented at meetings of the Working Group on the Establishment of a European Community Trade Mark System, convened by the Commission of the European Communities (CEC) in Brussels in February, June and September 1978. Discussions on the possible future relations between the said System and the Madrid Agreement (Marks) and the Trademark Registration Treaty were held between the International Bureau and staff of the Commission in Brussels in July 1978. WIPO was also represented at a meeting of the Working Group on Trade Mark Searches, convened by the CEC in Brussels in January 1978.

213. *Council for Mutual Economic Assistance (CMEA)*. The Director General attended part of the session of the Conference of the Heads of Offices for Inventions of the CMEA countries held in Prague in July 1978. WIPO was also represented at the session of that Conference held in Tallin (Soviet Union) in December 1978.

214. *European Patent Organisation (EPO)*. WIPO was represented at the sessions held in Munich in February, March and December 1978 of the Administrative Council of the European Patent Organisation (EPO). In April 1978, an Agreement was concluded between the International Bureau and the European Patent Organisation (EPO) relating to the establishment and functioning of the European Patent Office as an International Searching and an International Preliminary Examining Authority under the Patent Cooperation Treaty (PCT) (see paragraph 119, above). On May 19, 1978, the Director General and the President of the EPO signed an Agreement on the establishment of working relations and cooperation between WIPO and the EPO. The text of that Agreement was approved by the WIPO Coordination Committee at its session in September/October 1978.

215. *Interim Committee for the Community Patent*. WIPO was represented at the session of the Interim Committee for the Community Patent held in Bordeaux (France) in July 1978.

216. *International Institute for Applied Systems (IIAS)*. Discussions were held between the International Bureau and the IIAS in Laxenburg (Austria) in March 1978 with a view to exploring the possibilities of studies on the role of technological information in patent documents in the formulation of global strategies.

217. *International Olive Oil Council*. Discussions were held in Madrid (Spain) in September 1978 between the International Bureau and the Secretariat of the International Olive Oil Council on activities of mutual interest, in particular on matters relating to the protection of appellations of origin and indications of source.

## C. Relations with International and National Non-Governmental Organizations

### *International Organization for Standardization (ISO)*

218. Cooperation between the International Bureau and the International Organization for Standardization (ISO) continued in the field of the adoption of common names for pesticides.

219. Cooperation also continued with ISO in the field of documentation. WIPO was represented at the meeting of the Maintenance Agency for Standard ISO 3166 and the Technical Committee 46 (Documentation) and its Working Group II, which met in February 1978.

220. Discussions continued between the Secretariat of ISO and the International Bureau concerning the possibilities of concluding an agreement of cooperation between ISO and WIPO.

### *Representation at Meetings*

221. WIPO was represented at the following meetings of international and national non-governmental organizations having an interest in industrial property and related matters at which questions of direct interest to WIPO were discussed: the Centennial Congress of the International Association for the Protection of Industrial Property (IAPIP) in Munich in May 1978, at which the Director General also delivered an address; the Industrial Property Commission of the International Chamber of Commerce (ICC) in Paris in February 1978; the Study Committee on Patent Documentation of the International Federation for Documentation (FID) in Stuttgart in April 1978; the Centennial Meeting of the United States Trademark Association (USTA) in Palm Beach in May 1978.

222. The Director General delivered an address at the twenty-fifth Congress of the International League Against Unfair Competition (LICCD), held in Strasbourg in September 1978. The address dealt mainly with the question of possible conflicts between appellations of origin and trademarks, a question under consideration in connection with the planned revision of the Paris Convention.

223. A member of the staff of the International Bureau presented a paper at the International Conference organized by the Licensing Executives Society International (LES) held in Utrecht in May 1978. Members of the International Activities Committee of LES met with members of the International Bureau in January 1978 to discuss matters of common interest.

224. In addition, members of the International Bureau participated in and delivered lectures on industrial property and the transfer of technology at a conference organized by the Austrian Productivity Center in Vienna in March 1978, at a seminar

organized by the University of Jabalpur (India) in February 1978, at a symposium entitled "Recent Evolution of Industrial Property Law in Europe" organized by the *Institut Universitaire International* in Luxembourg in July 1978, and at a symposium organized by Nestlé in Vevey (Switzerland) in

November 1978. A lecture was also given by a member of the staff of the International Bureau on the subject of the protection of computer programs at an international conference organized by the *Centre d'étude de logiciel (CELOG)* (Center for the Study of Computer Software) in Paris in December 1978.

## International Unions

### Madrid Agreement Concerning the International Registration of Marks

#### Ratification of the Stockholm Act (1967)

##### SPAIN

The Government of Spain deposited, on March 6, 1979, its instrument of ratification of the Madrid Agreement Concerning the International Registration of Marks of April 14, 1891, as revised at Stockholm on July 14, 1967.

The Stockholm Act (1967) of the said Agreement will enter into force, with respect to Spain, on June 8, 1979.

Madrid (Marks) Notification No. 31, of March 8, 1979.

### The Hague Agreement Concerning the International Deposit of Industrial Designs

#### I

##### Accessions and Ratifications

##### BELGIUM, LUXEMBOURG, NETHERLANDS

The Governments of Belgium and the Netherlands deposited, on February 22, 1979, their instruments of ratification and the Government of Luxembourg deposited, on the same date, its instrument of acces-

sion in respect of the Protocol of Geneva of August 29, 1975, to the Hague Agreement Concerning the International Deposit of Industrial Designs of November 6, 1925.

In accordance with the provisions of Article 7(2)(ii) of the said Protocol, the deposit of the said instruments of ratification and accession was preceded by the deposit, on October 23, 1978, by the Government of Luxembourg and on February 15, 1979, by the Governments of Belgium and the Netherlands, of their instruments of ratification of the Hague Agreement Concerning the International Deposit of Industrial Designs of November 6, 1925, as revised at The Hague on November 28, 1960.

In addition, on February 22, 1979, in application of Article 8 of the said Protocol, the Governments of Belgium, Luxembourg and the Netherlands each deposited a notification in identical terms, the text of which is attached hereto, indicating that the said States had formed a regional group with a common industrial designs Office and stating that the said Office was substituted as from January 1, 1975, for the national Office of each of the said States and that those States shall be deemed a single State for the purposes of the application of Articles 2 to 17 of the said Hague Agreement as revised on November 28, 1960, and of Articles 2 and 3 of the said Protocol. The said notification will take effect, with respect to the said three States, insofar as the said Protocol is concerned, on the date of the entry into force of the said Protocol and, insofar as the said Hague Agreement as revised at The Hague on November 28, 1960, is concerned, six months after the entry into force of the said Hague Agreement as so revised.

In accordance with the provisions of Article 5 of the said Protocol, the ratification by Belgium, the

ratification by the Netherlands and the accession by Luxembourg in respect of the said Protocol automatically entail, as concerns the former two States, the ratification of, and, as concerns the latter State, the accession to, the Complementary Act of Stockholm of July 14, 1967, to the Hague Agreement.

In accordance with the provisions of Article 9(2) of the said Complementary Act, the Complementary Act will enter into force with respect to the said States on May 28, 1979.

The date of entry into force of the said Hague Agreement as revised at The Hague on November 28, 1960, or of the said Protocol will be notified when, in accordance with the provisions of Article 26(1) of the said Act or with the provisions of Article 9(1) of the said Protocol, as the case may be, the required number of ratifications or accessions is reached.

(Text of the Notification of Belgium, Luxembourg and the Netherlands in respect of Article 30 of the Hague Agreement as revised in 1960 and Article 8 of the Protocol of Geneva 1975)

#### Notification

The Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands have introduced the Uniform Benelux Designs Law into their national legislation by virtue of the provisions of the Benelux Designs Convention, signed at Brussels on October 25, 1966.

In accordance with the provisions of Article 13 of the said Convention, the Convention entered into force on January 1, 1974, and the Uniform Law on January 1, 1975.

Considering Article 30 of the Hague Agreement Concerning the International Deposit of Industrial Designs, as revised at The Hague on November 28, 1960, and amended by Article 7(3) of the Complementary Act of Stockholm of July 14, 1967, to the said Agreement,

Considering Articles 5 and 8 of the Protocol of Geneva to the Hague Agreement Concerning the International Deposit of Industrial Designs, of August 29, 1975,

The Government of the [Kingdom of Belgium] [Grand Duchy of Luxembourg] [Kingdom of the Netherlands] has the honor to notify the Director General of the World Intellectual Property Organization of the following:

1. An Office common to the three Benelux countries (Belgium, Luxembourg, Netherlands) has been instituted under the name "Benelux Designs Office."

The seat of the Office is at The Hague (the Netherlands). The Benelux Designs Office was substituted for the national Office of each Benelux country as from January 1, 1975.

2. The application of the Convention referred to above shall be confined to the territories of the High Contracting Parties in Europe, in accordance with Article 11 thereof. These territories shall be deemed to be a single State for the application of Articles 2 to 17 of the 1960 Act of the Hague Agreement Concerning the International Deposit of Industrial Designs and for the application of Articles 2 and 3 of the 1975 Geneva Protocol to the said Agreement.

One consequence of territorial unification to which attention should be drawn is that a renunciation—limited to part of the Benelux territory—of protection resulting from an international deposit shall be effective throughout that territory, notwithstanding any statement to the contrary made by the proprietor (Article 18(2) of the Uniform Benelux Law).

Similarly, assignments or other transfers not made for the entire Benelux territory shall be null and void (Article 13 of the Uniform Benelux Law).

In addition, no limitation of a license, other than a restriction as to its duration, shall have any effect regarding the application of the Uniform Law (Article 13(2) of the Uniform Benelux Law).

The Benelux Designs Office shall in future be entitled to receive payment on behalf of the three countries of the fees referred to in Article 15, paragraph (1), item 2, of the 1960 Act of the Hague Agreement, which is applicable also by virtue of the 1975 Geneva Protocol, it being understood that those countries shall not be treated as separate countries for the application of the said provision. The three Governments shall demand to be officially notified of the total amounts distributed according to this procedure.

3. It is evident that the three Benelux countries shall remain three separate countries with respect to their representation in the Assembly of the Hague Special Union. They express the wish that their common Office, that is, the Benelux Designs Office, may be represented by its Director, in the capacity of observer in the said Assembly and at meetings concerning the Hague Union.

4. With a view to simplifying access to documentation concerning international deposits, Belgium and Luxembourg express the wish that publications and notifications from the International Bureau may be addressed also to their Industrial Property Services in Brussels and Luxembourg.

The Hague Notification No. 10, of February 28, 1979.

#### II

#### Ratifications of the Protocol of Geneva (1975)

##### LIECHTENSTEIN

The Government of Liechtenstein deposited, on March 1, 1979, its instrument of ratification of the Protocol of Geneva of August 29, 1975, to the Hague Agreement Concerning the International Deposit of Industrial Designs of November 6, 1925.

The date of entry into force of the said Protocol is the subject of a separate notification (see the Hague Notification No. 13, below).

The Hague Notification No. 12, of March 2, 1979.

##### SWITZERLAND

The Government of Switzerland deposited, on March 1, 1979, its instrument of ratification of the Protocol of Geneva of August 29, 1975.

The date of entry into force of the said Protocol is the subject of a separate notification (see the Hague Notification No. 13, below).

The Hague Notification No. 11, of March 2, 1979.

#### III

#### Entry Into Force of the Protocol of Geneva (1975)

The Protocol of Geneva of August 25, 1975, to the Hague Agreement Concerning the International

Deposit of Industrial Designs of November 6, 1925, will enter into force on

**April 1, 1979,**

that is, one month after the deposit of the required number of instruments of ratification or accession.

In this connection, it is recalled that instruments of ratification or accession in respect of the Protocol of Geneva (1975) were deposited:

- on November 16, 1976, by Suriname,
- on February 22, 1979, by Belgium, Luxembourg and the Netherlands,
- on March 1, 1979, by Switzerland and Liechtenstein.

As at least two States bound by the Act of the Hague Agreement revised at London on June 2, 1934 (that is, Liechtenstein, Suriname and Switzerland), and at least two States not bound by the said Act (that is, Belgium, Luxembourg and the Netherlands) have deposited their instruments of ratification or accession in respect of the Protocol of Geneva (1975), and since the Act of the Hague Agreement revised at The Hague on November 28, 1960, has not yet entered into force, the conditions set forth in Articles 9(1) and 11(1) of the said Protocol for its entry into force have been fulfilled.

Consequently, in accordance with the provisions of Article 9(1) of the Protocol of Geneva (1975) to the Hague Agreement of 1925, the said Protocol will enter into force on April 1, 1979, with respect to the six States referred to above.

The Hague Notification No. 13, of March 8, 1979.

## Patent Cooperation Treaty (PCT)

### Ratification

#### MONACO

The Government of Monaco deposited, on March 22, 1979, its instrument of ratification of the Patent Cooperation Treaty (PCT) done at Washington on June 19, 1970.

The said Treaty will enter into force, with respect to Monaco on June 22, 1979.

PCT Notification No. 25, of March 23, 1979.

## WIPO Meetings

### WIPO/UNCSTD/ESCAP/SIDA

#### Seminar on Technological Information Contained in Patent Documents

(Bangkok, January 15 to 26, 1979)

#### NOTE\*

The Seminar on Technological Information Contained in Patent Documents, organized by the World

\* This Note has been prepared by the International Bureau on the basis of the report of the Seminar.

Intellectual Property Organization (WIPO) in cooperation with the Swedish International Development Authority (SIDA), the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) and the United Nations Conference on Science and Technology for Development (UNCSTD), was held in Bangkok, Thailand, from January 15 to 26, 1979.

The Governments of the following countries nominated participants in the Seminar: Afghanistan, Bangladesh, Burma, China, Fiji, India, Indonesia, Malaysia, Mongolia, Nepal, Pakistan, Philippines, Republic of Korea, Samoa, Sri Lanka, Thailand. The Governments of Australia, Japan and the United

States of America sent observers. The United Nations Development Programme (UNDP) was also represented by an observer. The list of participants appears at the end of this Note.

Mr. Prayoon Talerngsri, Director General, Department of Commercial Registration, Ministry of Commerce, Thailand, was elected Chairman. In the absence of the Chairman, Mr. Ruang Parichtkul, Director, Patents and Trade Marks Division, Department of Commercial Registration, Ministry of Commerce, Thailand, acted as Chairman. The following were elected as Vice-Chairmen: Mr. M. Q. Popal (Afghanistan), Mr. H. A. Akon (Bangladesh), Lt. Col. Khin Maung Thein (Burma), Mr. C. Chang (China), Mrs. L. V. Vakatawa (Fiji), Mr. G. Chandrasekharan (India), Dr. I. Noerdin (Indonesia), Mrs. N. Abidin (Malaysia), Mr. J. L. Satyal (Nepal), Mr. M. O. Bhatti (Pakistan), Mr. M. B. Marzan (Philippines), Mr. Jin-Woo Lee (Republic of Korea), Mr. J. A. I. Wijeyekoon (Sri Lanka), Mr. T. Scanlan (Samoa). Mr. P. A. Higham, Systems Development Officer, Patent Information Division, WIPO, acted as Secretary of the Seminar.

Sixteen lectures were heard at the Seminar. Seven of them were given by experts from the Royal Patent and Registration Office, Sweden, including the Director General of that Office, Mr. G. Borggård, one each by experts from the European Patent Office, ESCAP and UNCSTD, and six by representatives of the International Bureau of WIPO. The lectures dealt with the following main subjects:

- (i) The Role of Patent Information in the Transfer of Technology;
- (ii) Technological and Information Needs in the Asian and Pacific Region;
- (iii) International Cooperation in the Field of Patent Information;
- (iv) Patent Documents as a Source of Technological Information;
- (v) The International Patent Classification (IPC);
- (vi) Means of Access to Patent Documents and Their Technological Content;
- (vii) Provision of Patent Information to Inventors, Industrial Enterprises, Research Institutions, etc.;
- (viii) Questions of Education and Training.

The participants in the Seminar discussed each of these main subjects and agreed on a number of conclusions, including the recognition of the fact that training based upon the international exchange of information and experience was a key element in the modernization and strengthening of scientific and patent information sources, the wish that particular attention be paid to the needs of users of patent information and the opinion according to which

training of the users of the patent information services was as important as the training of the providers of such services.

## LIST OF PARTICIPANTS\*

### I. Countries

**Afghanistan:** M. Q. Popal. **Bangladesh:** H. A. Akon. **Burma:** Khin Maung Thein; U Win Pe. **China:** C. Chang; Y. Chu; M. Hu; C. Han (Miss); H. Feng. **Fiji:** L. V. Vakatawa (Mrs.). **India:** U. Singh; G. Chandrasekharan. **Indonesia:** I. Noerdin. **Malaysia:** N. Abidin (Mrs.). **Mongolia:** B. Wangchindorj. **Nepal:** J. L. Satyal. **Pakistan:** M. O. Bhatti. **Philippines:** M. B. Marzan; C. G. Embradora; I. P. Sioson. **Republic of Korea:** J.-W. Lee. **Samoa:** T. Scanlan. **Sri Lanka:** J. A. I. Wijeyekoon. **Thailand:** P. Talerngsri; R. Paritchatkul; Y. Phuangrach; A. Mitmanochai; P. Meekum-Iam; T. Boonkong (Miss); M. Pongpudpunth (Mrs.); S. Sangiambut; K. Garnjana-Goonchorn; V. Tuvayanond; R. Manathat.

### II. Observer Countries

**Australia:** P. F. Kildea; P. F. Peters. **Japan:** T. Kanehira. **United States of America:** R. W. Skiff.

### III. Observer Organization

**United Nations Development Programme (UNDP):** M. Peeters.

### IV. Consultant Experts

**Swedish Patent Office:** G. Borggård; E.-K. Östling (Miss); A. Tannerfeldt (Mrs.); M. Aspeby. **European Patent Office:** H. R. F. Brulez.

### V. Sponsoring Organizations

**World Intellectual Property Organization (WIPO):** A. Bogsch (*Director General*); F. A. Sviridov (*Deputy Director General*); P. A. Higham (*Systems Development Officer, Patent Information Division*); L. Kadrigamar (*External Relations Officer, External Relations Section, Development Cooperation and External Relations Division*).

**Swedish International Development Authority (SIDA):** Y. Ghai (*University of Warwick, Coventry, United Kingdom*); L. Sjöö (*L. M. Ericsson Co., Stockholm, Sweden*).

**United Nations Economic and Social Commission for Asia and the Pacific (ESCAP):** P. H. Siriwardene; A. Hussain; O. V. Trofimov; C. V. S. Ratnam; B. Singh.

**United Nations Conference on Science and Technology for Development (UNCSTD):** B. Sivaprakasapillai.

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

## International Patent Classification (IPC) Union

### Committee of Experts

Sixth Session

(Geneva, January 29 to February 2, 1979)

#### NOTE\*

The Committee of Experts of the International Patent Classification (IPC) Union held its sixth session<sup>1</sup> in Geneva from January 29 to February 2, 1979. The following member States of the Committee of Experts were represented: Austria, Denmark, Finland, France, Germany (Federal Republic of), Netherlands, Norway, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America. The European Patent Office (EPO) was also represented. Canada was represented by observers. The list of participants follows this Note.

The Committee of Experts unanimously elected Mr. H. Marchart (Austria) Chairman, and Mrs. E. Häkli (Finland) and Mr. J. M. Elena (Spain) Vice-Chairmen.

The Committee of Experts:

- formally approved the amendments to more than 300 sub-classes of the IPC, which had been considered during previous sessions of the Committee of Experts during the second revision period;
- approved the revised Guide to the IPC;
- approved for training purposes in Offices a number of training examples and referred some rejected examples to the PCPI for further action;
- noted the reports on recent sessions of Working Groups I to IV;

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

<sup>1</sup> For the Note on the fifth session, see *Industrial Property*, 1978, p. 259.

- noted the progress on the preparation of the English and French Catchword Indexes relating to the third edition of the IPC;
- noted the progress on the preparation of the "Revision Concordance List" (formerly referred to as the "Back-up Document");
- discontinued the Steering Committee and Working Groups I to V, in view of the taking over of their mandates by the PCPI and its subsidiary bodies.

#### LIST OF PARTICIPANTS\*\*

##### I. Member States

**Austria:** H. Marchart. **Denmark:** S. T. Simonsen. **Finland:** E. Häkli. **France:** O. Kavyrchine; J. Fouchy. **Germany (Federal Republic of):** K. Sölla. **Netherlands:** S. de Vries. **Norway:** P. E. Lillejordet. **Soviet Union:** V. Belov. **Spain:** J. M. Elena; V. Santos. **Sweden:** J. von Döbeln; K. Boije. **Switzerland:** E. Caussignac. **United Kingdom:** V. S. Dodd. **United States of America:** T. F. Lomont.

##### II. International Organizations

**European Patent Office (EPO):** F. C. R. de Laet.

##### III. Observer Countries

**Canada:** J. H. A. Gariépy; L. B. Kirsh; M. R. Leir.

##### IV. Officers

**Chairman:** H. Marchart (Austria). **Vice-Chairmen:** E. Häkli (Finland); J. M. Elena (Spain). **Secretary:** B. Hansson (WIPO).

##### V. WIPO

**F. A. Sviridov** (*Deputy Director General*); **P. Claus** (*Director, Patent Information Division*); **B. Hansson** (*Head, IPC Section, Patent Information Division*).

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

## General Studies

### The Legal Nature of Inventors' Certificates

M. M. BOGUSLAVSKY\*

1. The inventor's certificate as a legal form of protection for inventors was introduced for the first time by the Soviet State. The relevant decree was signed by the founder of the Soviet State, V. I. Lenin, on June 30, 1919.

At present, the inventor's certificate exists as a legal form in the legislation of a number of Socialist countries and developing countries, whereby each country has its own regulations governing this form of protection.

This study analyzes solely the provisions of Soviet legislation.

2. The current Soviet Law (Statute on Discoveries, Inventions and Rationalization Proposals of August 21, 1973<sup>1</sup>) establishes two forms of legal protection for inventions: inventors' certificates and patents.

Soviet inventors prefer to protect their inventions by means of inventors' certificates. Thus, between 1932 and 1955, 75,532 inventors' certificates and 424 patents were granted to Soviet citizens. Between 1956 and 1970, the titles of protection issued to Soviet inventors numbered 190,447, of which only 15 were patents. Of the 203,050 titles of protection issued to Soviet citizens between 1971 and 1975, only four were patents and the remainder inventors' certificates. It may be noted that in recent years (1974, 1975 and 1976), no Soviet inventor has applied for a patent in his own name.<sup>2</sup>

Under Section 26 of the Statute on Discoveries, Inventions and Rationalization Proposals, inventors' certificates are granted in the name of the inventor and certify that the subject matter of the application has been recognized as an invention; they also certify the priority and authorship of the invention and the State's exclusive right thereto. When an inventor's certificate is granted—valid for a period of 15 years from the day on which the application is filed—the

exclusive right in the invention is afforded to the State. Under Section 26 of the 1973 Statute, an inventor's certificate certifies "the exclusive right of the State" to the invention.

When a patent is granted, the exclusive right belongs to the owner of the patent. Although the circle of persons entitled to exploit the invention and the conditions under which this right can be exercised are not identical in the case of an inventor's certificate and that of a patent, the fact that an exclusive right in the invention exists is a feature common to both forms of legal protection.

Bearing in mind this common feature, the 1973 Statute stipulates that, "The owner of the exclusive right to an invention shall enjoy the right to utilize the invention and to deal with it in any other way" (Section 23). It follows, therefore, that inventors' certificates and patents are equivalent as legal forms of protection of inventions establishing the monopoly of the invention. However, the State's exclusive right comprises a certain number of special features.

The State's exclusive right is of a derived nature. It stems from the inventor's unilateral act of volition in filing the application for an inventor's certificate. This act of volition on the part of the inventor, which provides the basis for the State's right in the invention, may be described as a unilateral contract.

The 1973 Statute bases itself on this derived nature of the State's exclusive right in an invention protected by an inventor's certificate since it provides that, in choosing an inventor's certificate as the form of protection for his invention, the inventor thereby transfers the exclusive right in his invention to the State (Section 23).

According to the Fundamentals of the Civil Legislation of the USSR and the Union Republics of 1961,<sup>3</sup> "Where a certificate of authorship has been issued in respect of an invention, the right to use the invention shall be vested in the State, which assumes the responsibility for exploiting the invention, having regard to the expediency of its introduction."

Cooperative and public organizations may, on the same footing as State organizations, work those inventions that relate to their activities (Section 27). Such working of an invention within the Socialist economic system is undertaken in the interest of society as a whole.

State establishments or cooperative or public establishments require no authorization from the

\* Professor at the State Institute of Law (Moscow); Vice-President of the Soviet Group of IAPIP.

<sup>1</sup> See *Industrial Property*, 1974, p. 298. On December 28, 1978, this Law was amended. The amendments, which are already taken into account in this article, will be published in a forthcoming issue of *Industrial Property* (Editor's note).

<sup>2</sup> See Y. E. Maksarev, "The Growth of Inventive Activity in the Soviet Union," *Industrial Property*, 1978, p. 146.

<sup>3</sup> See *Industrial Property*, 1967, p. 77.

owner of the exclusive right to work an invention protected by an inventor's certificate. The position is different where a patent has been granted: the owner of the exclusive right in the invention (the patentee) carries out himself his right to work the invention and to make use of it or to grant a license to a third party for working his invention.

The State, for its part, does not grant permission to Soviet State organizations or to cooperative or public organizations in individual cases. In such cases, a kind of blanket permission applies.

Since the Soviet State is the sole owner of the State property right, it also is the sole owner of the right to exploit the invention. However, the scope of the law governing the exploitation of inventions differs from the scope of the law on the exploitation of other objects (real estate, equipment and other property). The State, constituting the sole owner of the State property right, confers all its material property (except for property such as land, water or the substrata) upon specific State establishments and organizations, entrusting these economic organizations with their operational management. Thus, the establishments and organizations do not become the owners but simply assume responsibility for the possession, exploitation and disposition of the property put in their care. In the case of inventions, the situation is quite different.

Inventions are not vested in a given State establishment. All inventions constitute a kind of common fund belonging to the State. By affording the right of exploitation to all State organizations, the State does not give all or any single body an exclusive right in the technical result. In this context, attention should be drawn to the fact that rights of this kind are also not afforded to the establishment or research center where the technical solution concerned was developed. Thus all State organizations and all assimilated cooperative or public organizations may work the invention on an equal footing. For this reason, it is not necessary to request special authorization from either the establishment where the invention was made or from any State administrative body, such as a Ministry or the State Committee for Inventions and Discoveries.

A quite different situation may arise where it is not State or assimilated organizations that wish to work an invention protected by an inventor's certificate but other organizations or persons. The Statute stipulates that, "For a period of 15 years from the filing date of the application in respect of the invention, the working of the above-mentioned inventions by other organizations shall only be permissible with the authorization of the USSR State Committee for Inventions and Discoveries" (Section 27 of the text of December 28, 1978).

The words "industrial production" are to be interpreted as the industrial working of the invention and

the sale of the objects manufactured on the basis of the invention for lucrative purposes.

Although the law does not directly say so, the inventor himself and other persons are always entitled to work an invention within their own households, on their plots of ground in the countryside, in their gardens, in their country houses, etc., where such working is not carried out for the purpose of industrial production.

3. As was stated above, Soviet law provides for two forms of legal protection for inventions: inventors' certificates and patents. The author of an invention normally has the right to choose the form of protection of his invention. This is laid down in the Fundamentals of the Civil Legislation of the USSR and the Union Republics (Article 110). This rule on the choice of the form of legal protection for inventions is likewise laid down in the Statute on Discoveries, Inventions and Rationalization Proposals. Under Section 23 of the 1973 Statute, the author of the invention may request either the grant of the rights and privileges provided by the legislation in force, the right to the invention being transferred to the State, or the recognition of his authorship of the invention with the attribution of the exclusive right to it. In the first case, the invention is protected by an inventor's certificate and, in the second, by a patent.

At the same time as setting up the general principle of the right of the inventor to choose the form of protection himself, the law also allows for individual derogations to this principle. By their very nature, these derogations are not unusual measures nor are they very different from those generally adopted in practice in other countries. The derogations refer to specific subject matters. Under Section 25 of the 1973 Statute in the text of December 28, 1978, an invention may only be protected by an inventor's certificate if it concerns a substance obtained through chemical processes, a pharmaceutical substance, or a method of prophylaxis, diagnosis or treatment of human or animal diseases, approved under the law in force.

It should be noted that the tendency in the current legislation is to restrict the circle of subject matters constituting derogations. Whereas the initial text of 1973 (Section 25) contained, in addition to the subject matters referred to, others such as flavoring or food substances, cosmetic products, strains of microorganisms, substances obtained by nuclear fission and devices or processes connected with the production or the utilization of nuclear energy, these have been excluded from the list in 1978; therefore, these subject matters may now be protected by either an inventor's certificate or a patent. This tendency bears witness to the fact that they are indeed derogations to the general rule.

The absence of choice between the forms of legal protection and the sole grant of inventors' certificates

for specific inventions is justified by their special importance to society.

The fact of affording an exclusive right to individual persons in inventions on which the level of public health may depend would not be in accordance with the interests of Socialist society. Protected by inventors' certificates, these inventions become the property of the nation. This allows them to be implemented on a large scale and, in addition, stimulates scientific and technical progress in the fields concerned by means of the material and moral incentive to the authors of inventions.

It should be emphasized that this type of invention is completely excluded from protection by patent in other countries or is subject to specific restrictions or special conditions of protection.

The above-mentioned derogations to patent protection in other countries are based on considerations of "public interest." The fact that pharmaceutical products do not constitute patentable inventions is based on the consideration that the granting of a patent is likely to exert an adverse influence on the possibilities of utilizing them and on the price of products of particular importance for the population. In the case of chemical substances, their non-patentability is justified by the need to use them in an unlimited way.

Thus, the fact that certain inventions may not be protected by titles of industrial property or are subject to special arrangements reflects the social and economic interests of the State, which is entitled to solve this problem as it sees fit.

The existence in the Soviet Union of a form of legal protection such as the inventor's certificate makes it possible not to exclude from legal protection those inventions which are of special importance for the nation and for the national economy and to protect them in accordance with the norms of the law of inventions.

Special rules have been established by Soviet legislation in respect of applications for service inventions. Accordingly, an invention is protected only by means of an inventor's certificate if (1) the invention has been made in connection with the inventor's activities in a State, cooperative or public organization or establishment, or in the course of a task assigned by the said organization or establishment, or (2) the inventor has received pecuniary, material or any other assistance from a State establishment, organization or administration or from a cooperative or public establishment, organization or administration (Section 24 of the 1973 Statute).

The granting of a patent to an inventor for this type of invention is excluded. It would not be justifiable to deprive the State of its right to an invention which has been created using State means or means belonging to public establishments.

The existence of special conditions in respect of

service inventions is a feature of the legislation of numerous countries. Generally, in such countries, the right in a service invention belongs to the employer by contract or by law. The problem of remuneration for service inventions is solved in various ways. In some cases, the employee inventor is entitled to claim remuneration and, in many countries, the amount of such remuneration is determined by the employer at his discretion. In certain countries, the law recognizes the right to payment of proportional remuneration.

Under Soviet legislation, the author of a service invention is entitled to file an application for protection of the invention and may enjoy the rights provided by law irrespective of the conditions under which the invention was created. The fact that the invention was created while the inventor was fulfilling his service obligations is in fact of no consequence; the restriction concerns only the right to choose the form of legal protection since, for service inventions, an exclusive right may not be afforded to a private person.

The derogations to the right to choose the title of protection concern also inventions of addition protected by inventors' certificates of addition and by patents of addition. An invention of addition may not be protected by a patent of addition if the principal invention has been protected by an inventor's certificate. Where the principal invention is protected by a patent, the applicant will be able to claim, as he prefers, an inventor's certificate of addition or a patent of addition. In such cases, the working of the principal invention is carried out with the agreement of the owner of the principal patent.

4. As titles of protection, inventors' certificates and patents have much in common. To begin with, both forms constitute an acknowledgment that the technical solution represents an invention.

Both the inventor's certificate and the patent attest to the priority of the invention, the authorship of the invention and exclusive right to the invention. In this sense, both titles are equivalent. It is necessary, in order to obtain either a patent or an inventor's certificate, to file an application with a competent authority, such as the USSR State Committee for Inventions and Discoveries, and that the solution filed be recognized as an invention following an official scientific and technical examination.

The law provides identical criteria of patentability for the grant of inventors' certificates and patents. As regards the conditions to be met by the applications for inventors' certificates and the applications for patents, these also are identical.

An application for an inventor's certificate or a patent application must contain the following documents: a request for the grant of an inventor's certificate or a patent, a description of the invention accompanied by claims, drawings, schematics, a test

report where necessary and a note attesting to the part played by each of the co-authors of the invention.<sup>4</sup>

In addition, common conditions have been drawn up for both applications for inventors' certificates and for patents as regards the description, the claims and the drawings.

As a result, the applications are examined under basically the same rules. There are, however, a number of special features in the examination of applications for inventors' certificates, which is explained by the fact that the State assumes responsibility for implementing the inventions protected by an inventor's certificate.

The State's right in the invention raises a number of special problems in examining inventions. This examination is considered the crucial instrument for identifying inventions capable of being implemented on a large scale in the national economy. This aspect predetermines certain special features both in the arrangements for preparing applications for inventors' certificates and in the examination methods.

The law requires the country's industrial establishments, organizations and administrations to provide inventors with qualified assistance in preparing their application files. The author of the invention receives this type of assistance from the establishment filing the application for a title of protection made while fulfilling his service functions.<sup>5</sup> Where the invention has not been made while the inventor was fulfilling service obligations, he may rely on the assistance of the establishment in which he works in filing the application through that establishment.

The assistance afforded to inventors does not give the organization any rights to obtain a title of protection. In the case of service inventions, the filing organization receives a document (differing from an inventor's certificate) certifying simply the fact that the invention was made within that organization. The inventor's certificate is granted to the actual inventor; it lays down the rights of that inventor provided for by the legislation. The 1973 Statute, contrary to the regulations in force prior to that, has placed special obligations on Soviet organizations, establishments and administrations in respect of the development of inventions and the preparation of applications for inventors' certificates.

Under Section 41 of the Statute, they are required, when filing applications for inventors' certificates, to submit a note on the novelty of the technical solution, including the searches carried out, and to give an indication of the areas of the national economy in which the invention could possibly be used, together

with any technical, economic or other effects. Before filing an application, the organizations are required to check the novelty of the technical solution against the patent documentation collections of seven countries (Soviet Union, France, Germany (Federal Republic of) (together with the pre-1939 Reich), Japan, Switzerland, United Kingdom and United States of America), extending over a period of 50 years. The results of this verification are drawn up as an opinion, using the official form. This opinion also contains the findings of an analysis of the scientific and technical works directly related to the filed invention.<sup>6</sup>

As a result of Section 46 of the Statute, the conditions for examining applications comprise the following special feature: when examining an application for an inventor's certificate, the Committee may, if necessary, request the opinion of the organizations, establishments and administrations competent to judge the possibility of utilizing the invention. The law does not provide for this principle to be applied to applications for patents. For this reason, the Committee is not entitled to submit requests of this type to the organizations to ask for their opinion. This does not mean, however, that patent applications do not have to meet the conditions stipulated by the law on inventions; rather, verification that the above-mentioned conditions have been complied with is entirely the responsibility of the Committee.

The special feature of the examination requirements for applications also reflects the advantages offered to the person filing an application for an inventor's certificate. A considerable advantage is the absence of fees for the granting of an inventor's certificate. Other examples could be quoted: for instance, the applicant is entitled to have access to the documents that have served to motivate the examiner's opinion on his application and to require that a copy of the documents opposing his application be supplied to him; however, in the case of applicants for inventors' certificates, documents of this kind are sent free of charge, whereas they are sent at the expense of the applicant in the case of patent applications.

The law provides that, where necessary, the Committee may invite the inventor to participate in the examination of an application for an inventor's certificate or a patent. In such cases, the author of the invention for which an application for an inventor's certificate has been filed retains his average salary at the establishment where he is employed and that establishment generally sends him on an official mission financed from the funds allocated for inven-

<sup>4</sup> Foreign applicants submit an attestation of authorship signed by each of the inventors in lieu of the note on the part played by each inventor.

<sup>5</sup> In the case of service inventions, the inventor has the right to file an application in his own name if no such application is filed by the establishment.

<sup>6</sup> If an application is filed by the inventor through the establishment in which he is employed and the establishment's type of activities corresponds to the area of the invention, but the invention has been made without connection to the fulfillment of a service task, the establishment verifies the novelty of the data available to it.

tions and rationalization proposals (Section 56). On the other hand, an inventor who files a patent application personally bears the cost of travel to participate in the examination of his application.

A number of special features of the examination of applications for inventors' certificates derive from the fact that the filing of an application for an inventor's certificate establishes specific rights not only for the author but also for the State. One of the effects is that the person filing an application for an inventor's certificate may not abandon the application nor may he abandon the inventor's certificate. Unilateral acts of this kind would constitute damage to the rights of the State and are therefore considered illegal.

The State's interest in the legal protection of inventions is reflected in a number of norms. These concern, in particular, the procedure for drawing up the claims in applications for inventors' certificates.

In the case of an application for an inventor's certificate, the official scientific and technical examiner himself establishes the final wording of the claims after having assessed the claims submitted by the applicant and having taken into account the result of the examination. The examiner's decision on the granting of a patent quotes the claims proposed by the applicant. Where the examiner is not in agreement with those claims, he proposes to modify them. If the applicant does not accept his proposal, the examiner is entitled to refuse the grant of the patent.

There also exist differences between the conditions for modifying claims. Modifications of this kind may be made at any time during the examination. However, as far as applications for inventors' certificates are concerned, modifications may be made to either extend or restrict the claims, whereas for patent applications such modifications may be admissible only to restrict the claims. In any event, the modifications may not change the substance of the invention; in such cases, a separate application has to be made.

It should also be noted that Soviet legislation stipulates identical time periods for objecting to or declaring the nullity of an inventor's certificate or a patent in the case of a breach of the rules laid down by the Statute as regards the recognition of the invention or in the case of a false declaration of the name of the author (or authors) in the inventor's certificate or the patent. In the first case, this may be done, as a general rule, within three years from the date of publication and, exceptionally, this period of time may be extended. In the second case, it may be done at any time after the issue of the inventor's certificate or the patent (Sections 145 and 146 of the Statute in its version of December 28, 1978).

A basic difference between inventors' certificates and patents exists in the consequences of the granting of the titles of protection. Both the inventor's certificate and the patent attest to the exclusive right in the invention, but the owners of this right are

different: the exclusive right in an invention protected by an inventor's certificate, as mentioned above, belongs only to the Soviet State; on the other hand, in the case of the grant of a patent, the grantee of the exclusive right in the invention is the owner of the patent. This owner may be any citizen or any legal person; he may be either the inventor or any other person to whom the right has been transferred by the inventor.

Thus, whereas the patent affords the right in the invention to a specific natural or legal person, the right in an invention protected by an inventor's certificate belongs entirely to the State. This leads to basic differences between inventors' certificates and patents, which reveal themselves with regard to the possibilities of exploiting an invention: if an invention is protected by an inventor's certificate, it can be worked with no difficulty whatsoever by all State, cooperative or public Soviet establishments and administrations.

The 1973 Statute provides that inventions protected by inventors' certificates may be worked by Soviet State establishments and administrations or by public establishments, taking into account the interests of the State and their own interests, without any special authorization. In other words, all these organizations are entitled to work such inventions freely and at their own discretion. They are, moreover, not required to bear any costs in connection with the acquisition of this right. The State undertakes to implement the invention, taking into account the possible advantages of using it and of the possibilities of the national economy as a whole or of individual establishments and organizations.

5. The differences existing between inventors' certificates and patents are also demonstrated by the definition of the rights and privileges afforded to inventors.

In the case of a patent granted in the Soviet Union, the property rights in the patent are determined on the basis of the following principle: no one may work an invention protected by a patent without the authorization of the patentee. As a result, the owner of the patent has the right to grant a license or to completely assign the patent in return for corresponding payment. The amount of the remuneration for the grant of a license or the assignment of a patent is determined by agreement between the parties. Where the patentee's exclusive right has been infringed, the infringing party is required to make good any damages.

The solution found by Soviet legislation as regards the rights of inventors protected by inventors' certificates is based on entirely different principles. They enjoy a whole series of personal rights, whether in respect of property or not, and a number of other advantages. We shall deal here solely with the basic property right, that is to say the right to remuneration.

Under the rules of Soviet legislation, the inventor has the right to be remunerated as a function of the savings achieved or of any other positive effect resulting from the working of the invention. The remuneration, for which the amount is provided and governed by legislation, is paid to the inventor in accordance with the arrangements in force.

As a general rule, the reason leading to the payment of remuneration is the exploitation of the invention. Remuneration for the exploitation in the national economy of the Soviet Union of an invention leading to the making of savings is paid to its author for a period of five years counted from the start of the exploitation of that invention in the organization that is the first one to exploit it, at a rate of 2 percent of the amount of the savings made during each calendar year in which the invention is exploited. In the case of inventions which do not lead to the making of savings, the remuneration is paid once only and its amount is determined on the basis of the real value of the invention, taking into account its technical effect or any

other effect resulting from the invention and the scope of its exploitation. In addition, authors of service inventions receive a single incentive payment whether or not the invention is worked.

In this way, the inventor's certificate constitutes the legal form of protection for inventions which satisfies both the interests of society as a whole and those of individual persons, that is to say the authors of inventions. Taking entirely into account the difference between the economic and social nature of inventors' certificates and patents as two forms of protection for rights in inventions, the international effects of these two documents coincide.

The development of normal economic relations and of business cooperation between States with differing economic and social systems would be impossible in this century of technical revolution without the recognition of the absolute mutual equality of rights under various forms of protection for inventions in international relations.

## Calendar

### WIPO Meetings

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

1979

**April 25 to May 1 (Geneva) — Patent Cooperation Treaty (PCT) — Assembly**

**April 30 to May 3 (Geneva) — Budapest Union (Microorganisms) — Interim Committee**

**May 1 to 4 (Geneva) — WIPO Budget Committee**

**May 7 to 11 (Rijswijk) — Permanent Committee on Patent Information (PCPI) — Subgroup on IPC Class C 23**

**May 28 to June 1 (Geneva) — Berne Union — Working Group on Problems Arising from the Use of Electronic Computers (convened jointly with Unesco)**

**June 11 to 15 (Paris) — Satellites Convention — Committee of Experts on Model Provisions for the Implementation of the Convention (convened jointly with Unesco)**

**June 11 to 15 (Geneva) — Nice Union — Preparatory Working Group**

**June 11 to 15 (Washington) — Permanent Committee on Patent Information (PCPI) — Subgroup on IPC Class A 01, etc.**

**June 18 to 29 (Geneva) — Revision of the Paris Convention — Working Group on Conflict Between an Appellation of Origin and a Trademark**

**June 25 to 29 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on General Information, and ICIREPAT — Technical Committee for Standardization (TCST)**

**July 2 to 6 (Paris) — Berne Union and Universal Copyright Convention — Working Group on the overall problems posed for developing countries concerning access to works protected under copyright conventions (convened jointly with Unesco)**

**July 2 to 6 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Search Information**

**July 9 to 12 (Geneva) — Paris Union — Meeting of Experts on Industrial Property Aspects of Consumer Protection**

- September 4 to 6 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Patent Information for Developing Countries
- September 10 to 14 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Planning
- September 24 to October 2 (Geneva) — Governing Bodies (WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT, and Berne Unions; Conferences of Representatives of the Paris, Hague, Nice, and Berne Unions; Executive Committees of the Paris and Berne Unions; Committee of Directors of the Madrid Union; Council of the Lisbon Union)
- October 15 to 26 (Geneva) — Nice Union — Committee of Experts
- October 18 and 19 (Geneva) — ICIREPAT — Plenary Committee
- October 22 to 26 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation (PCT/CTC)
- October 22, 23 and 30 (Paris) — Rome Convention — Intergovernmental Committee (convened jointly with ILO and Unesco)
- October 24 to 26 and 31 (Paris) — Berne Union — Executive Committee (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)
- November 26 to December 13 (Madrid) — Diplomatic Conference on Double Taxation of Copyright Royalties (convened jointly with Unesco)
- November 27 to 30 (Geneva) — Paris Union — Group of Experts on Computer Software
- December 10 to 14 (Geneva) — International Patent Classification (IPC) — Committee of Experts

## 1980

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

## UPOV Meetings

### 1979

- May 21 to 23 (La Minière, France) — Technical Working Party for Agricultural Crops
- June 5 to 7 (Avignon) — Technical Working Party for Vegetables
- July 17 to 19 (Hanover) — Technical Working Party for Ornamental Plants
- September 18 and 19 (Geneva) — Administrative and Legal Committee
- September 25 to 27 (Wageningen) — Technical Working Party for Forest Trees
- October 16 and 19 (Geneva) — Consultative Committee
- October 17 to 19 (Geneva) — Council
- November 12 to 14 (Geneva) — Technical Committee
- November 15 and 16 (Geneva) — Administrative and Legal Committee

## Meetings of Other International Organizations Concerned with Industrial Property

### 1979

- European Patent Organisation: May 16 to 18, September 12 to 14, November 27 to 29 (Munich) — Administrative Council

#### European Communities:

- Working Group of the Commission of the European Communities for the Community Trade Mark:  
July 2 to 5, September 17 to 20, November 5 to 7, December 10 to 13 (Brussels)

- Inter-American Industrial Property Association: September 10 to 14 (Bogota) — Sixth Congress

- International Association for the Protection of Industrial Property: September 23 to 28 (Toronto) — Executive Committee

- International Federation of Inventors' Associations: May 9 to 12 (Basel) — Annual Meeting

- International League Against Unfair Competition: September 9 to 12 (Prague) — Working Session (*Journées d'Etudes*)

- Union of European Patent Attorneys and Other Representatives Before the European Patent Office: May 28 to 31 (Santa Margherita Ligure) — Congress and General Assembly

