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World Intellectual Property Organization

WIPO Convention

Accession

MALI

The Government of Mali deposited, on May 14, 1982, its instrument of accession to the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967.

The said Convention will enter into force, with respect to Mali, on August 14, 1982.

WIPO Notification No. 119, of May 17, 1982.

International Unions

Nice Agreement

Ratifications of the Geneva Act (1977)

PORTUGAL

The Government of Portugal deposited, on April 30, 1982, its instrument of ratification of the Geneva Act of May 13, 1977, of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967.

The Geneva Act (1977) of the said Agreement will enter into force, with respect to Portugal, on July 30, 1982.

Nice Notification No. 54, of April 30, 1982.

HUNGARY

The Government of Hungary deposited, on May 19, 1982, its instrument of ratification of the Geneva Act of May 13, 1977, of the Nice Agreement.

The Geneva Act (1977) of the said Agreement will enter into force, with respect to Hungary, on August 21, 1982.

Nice Notification No. 55, of May 21, 1982.

General Studies

The History of Trademark Protection and its Present Status in Hungary

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The history of the trademark law, the status accorded trademarks and the trademark jurisprudence of a State are true analytical instruments of economic life. Almost all economic developments are measurable and perceivable by these instruments and reflect, in particular, various historical events and situations, the development, possible decline and current position of the various branches of industry, the degree of national competitiveness and the trend in respect of the international turnover of goods. The study of the history of trademark protection is thus an attractive task, and it is the hope of the author that this survey concerning Hungary will provide an interesting picture to all those interested in trademark protection.

The Roots of Hungarian Trademark Protection

The evolution of trademark law in Hungary may be traced from the second half of the last century; earlier sources, however, prove that the roots of protection go far back into the past. In the Middle Ages in Hungary the craftsmen members of guilds marked their products with their symbols, as did craftsmen elsewhere in Europe and the other continents, in accordance with a practice followed even in ancient times.

Hungarian legislation dealt for the first time with the question of trademark protection in 1872 when Law No. XXIV ensured the issuance of a "certificate of protection" for those articles susceptible of trademark protection at the international exhibition in Vienna in 1873. Among the criminal law provisions of 1878 may be found those on the penal consequences of imitating an "industrial mark."

The First Hungarian Trademark Law

Trademark protection, its acquisition and its maintenance were first regulated by Law No. 11 of 1890. This Law was the first independent Hungarian exercise in the

protection of industrial property and thus preceded the other independent Hungarian laws in this domain, such as the Patent Act. The report of the Parliamentary Referee clearly reflected that the Hungarian legislature attached great importance to the protection of distinctive marks based on registration and to the protection, by means of this legal institution, of goods made by craftsmen and other manufacturers. Moreover, in the course of the legislative debate the significance of the bill was emphasized with respect to the increased benefit that it would bring to the safeguarding of the community. The report of the Parliamentary Referee referred, *inter alia*, to the trademark legislation of other States in existence at that time, e.g., that of Germany and France, and also to the principles of the Paris Convention for the Protection of Industrial Property, which were observed when drafting the Hungarian bill. It is also interesting to note that the legislators emphasized that the Trademark Law should support the then just developing Hungarian industry in its competition with foreign industry. Although the legislators expressed some misgivings in the course of the submission of the bill, since they were anxious to enforce Hungarian interests, in light of the battles for national sovereignty and independence, even in this field, concerning the Austro-Hungarian Monarchy, the bill was passed as a Law. Together with its various modernizing amendments, the Trademark Law served to the advantage of trademark protection for approximately 80 years.

International relations already played a significant role at this time since Hungary had well-developed trade relations, and the question of trademark protection was often regulated on the basis of reciprocity by means of agreements entered into, among others, with the United States of America in 1871, with Portugal in 1872, with the Russian Empire in 1874, with France in 1882, with Switzerland in 1885, with Brazil in 1886, with Sweden and the Netherlands in 1889, with the German Empire in 1892 and with Japan in 1897.

Hungarian trade relations are well reflected by the trademark situation. It is, for example, interesting to note that although the Embassy of China was established in the Monarchy only in 1902, among the goods exhibited in Shanghai in 1869 were a great quantity of Hungarian wines found under Hungarian "appellations of origin" (500 cases of Eger and Villány red wine, 100 cases of Somló white wine, 50 cases of Sopron white wine, 50 cases of Tokay Aszu, and 300 cases of Buda red wine) and that in 1890, i.e., in the entry into force year of the Hungarian Trademark Law, 16 Chinese trademarks obtained protection through registration in Hungary.

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The Law of 1890 broadened the possibilities for acquiring trademark rights, and permitted registration not only by craftsmen but also by farmers and merchants. In addition to figurative marks, the registration of word marks became possible in 1895. The stated reason for the amendment was that "the value of word marks is not less than that of figurative marks since the word sinks more emphatically into the mind of the purchaser, takes on a more definitive outline and thus reduces the risk of confusion if the purchaser meets some successful imitation of the trademark."

The use of a trademark was not made obligatory but the competent ministers could prescribe that certain goods be provided with a trademark (e.g., scythes, sickles and sugar). The Law prohibited the registration of trademarks prejudicial to the interests of competitors or consumers, for example, the registration of deceptive trademarks or those liable to create confusion.

The basis for the acquisition of trademark rights was registration. The amendments of 1895, however, provided that trademarks liable to create confusion with those used previously by third parties should be cancelled from the register.

In the case of infringement of trademark rights, adequate sanctions were available. Registration itself was effected by the chambers of commerce and industry (in the territory of Hungary at that time 20 chambers were in operation). Foreign trademark applications were registered with the chamber in Budapest.

The supreme authority in trademark cases was the Minister of Commerce, who proceeded in concert with the Minister of Justice in respect of the enforcement of the law and with the Governor of Croatia and Slavonia in respect of cases relating to that territory. In questions of principle as well as in cases concerning the declaration of nullity of a trademark, the decisions were rendered by the Minister after hearing the trademark counsel appointed from the officials of the Ministry.

The chambers of commerce and industry examined trademark applications not only in respect of formal compliance, but also with regard to the substantive requirements of protectability. Due to frequently occurring errors, however, a procedural modification took place in 1899 according to which the registration of trademarks was centralized in the Patent Office, and trademarks were recorded in the central trademark register. As a consequence thereof, membership in the trademark council became made up of representatives from the Patent Office and practitioners from the industrial and trade sectors. The actual administration of the trademark legislation and the preparation of decisions were tasks of the trademark department of the Patent Office. The system of "prior notification" was introduced, i.e., in the case of an application for the registration of a trademark liable to create confusion with an earlier registered trademark, the interested party was notified of this fact.

In 1907, the Patent Office celebrated the tenth anni-

versary of its existence. The "Report" issued on that occasion devoted great attention to trademark matters, emphasizing that "the regulation of trademark use is of no lesser importance than that of patents; it is the result of highly developed industry and trade and its justification is offered by the common interest of manufacturers and consumers." The Report correctly argued that trademarks serve as a factor in well-developed and sound competition, and stated that where consumers are forced to meet their demands, for some compelling reason, from one single source, trademarks, for lack of interest, are not only superfluous but also unnecessary. They are, however, indispensable, according to the Report, if competing interests exist on the consumer market since, in this case, consumers need to distinguish industrial or agricultural goods from those of competitors by means of the trademark. Trademarks thereby render consumers a service by providing necessary information on product origin.

Proceedings for trademark infringement fell within the competence of the courts. The courts notified the Minister of Commerce of the decisions rendered in order to allow him to follow court practice and, if necessary, to propose amendments to the law.

Great attention was paid to harmonizing the Hungarian legislation and legal practice with the provisions of international conventions on the protection of industrial property, which were compulsory for Hungary; this harmonization was guaranteed by the competent management and administration of the Patent Office, where a qualified staff of judges and technicians was appointed. The extension of the Patent Office's sphere of competence in the direction of acting in the fields of legislation and international industrial property protection began at this time. In fact, the Patent Office already had close connections with the foreign competent authorities, especially in the field of trademarks.

Simultaneously in 1909, Hungary became party to both the Paris Convention for the Protection of Industrial Property and the Madrid Agreement Concerning the International Registration of Marks.

Some Experiences in the Practical Application of the Law

The period following the enactment of the Trademark Law of 1890 was characterized by scrupulous attention being paid to the application of the Law and careful deliberation in respect of legal decisions, both from an economic and a legal-political point of view. A survey of trademark cases during the first 15 years following passage of the Law offers a very interesting picture in this respect. The judges charged with applying the Law paid great heed to the just interests of competitors and consumers while formulating their decisions with careful reasoning. It seems that, with a view to protecting the

interests of both competitors and consumers, severe decisions were made, as compared to present general (Hungarian and foreign) legal practice, and in every case where the risk of injury to either competitors or consumers occurred, trademark protection was rejected or declared null and void. The objectivity and consistency of the reasoning, as well as the sound foundation of the legal arguments—incontestable in many respects even today—are conspicuous. Also interesting to note are decisions typically reflecting the spirit of the age and the characteristic features of the socio-economic system.

As evidenced by the case law, an examination for distinctive character was carefully carried out and a claim for registration was rejected if the subject matter of the application indicated, either in Hungarian or in any foreign language, only the kind, purpose or quality of the product. Such absolute decisions were taken by the Minister of Commerce in the period preceding Hungary's accession to the Paris Convention in an effort to harmonize Hungarian practice with the relative provisions of the Convention.

Because of their meanings, which indicated the quality, characteristics, properties, composition, etc., of the products in question, the following trademarks—of non-Hungarian language—were refused registration: "Record," "Original," "Excellent," "Enterprise," "Five o'clock," "Perfecta," "Non plus ultra," "Jubileum." The following trademarks suffered the same fate as a result of the nature of the products to which the trademarks applied: "Beauté" (cosmetics), "Chic" (body hygiene), "Le film d'art" (films), "Force" (nutriments, food preparations), "Immer resch" and "Imbis" (biscuits, small cakes), "Imperial" (champagne), "Kola" (sweets), "Krone" (wine), "Palma" (soap).

The trademarks "Albion," "All America" and "Balatonperle" were similarly judged non-registrable due to their meanings, which indicated only the place of origin of the product.

At the same time, however, the trademark "Árpád" was registered following much litigation, despite the fact that in Hungary several villages and farmsteads could be found under that name. The reasoning of the court was that the consumer primarily considered the word to be a first name, and associated it not with the name of a place but with the leader Árpád of the conquering Hungarians or with other physical persons; therefore, it could be considered an "ideal" mark.

Great importance in practice was attached to excluding from protection geographical denominations that suggested a false origin and thus misled consumers. In the case of Hungarian applicants, or of other applicants whose origin did not correspond to the geographical name, the registration of the following trademarks was rejected: "Florida," "Philadelphia," "Columbia," "Pli-mouth," "Párizs," "Parisienne," "Roquefort."

Trademark protection for products of non-Hungarian origin was consistently rejected whenever the trademark gave the impression that the product in question

was of Hungarian origin. Decisions in this regard can be found concerning the name or picture of well-known personalities in Hungarian history—"Bocskai István," "Bethlen Gábor," "Gr. Andrassy Gyula"—or concerning other word or figurative marks of Hungarian character, such as "Honvéd" (Hungarian soldier), "Betyár" (outlaw) or "Csikós" (herder of horses).

For evident (religious, ethical) reasons, the trademarks "St. Antonius" or "Szent Sziv" (Holy Heart) were not granted protection in respect of alcoholic drinks. The registration of trademarks containing the names of the leading personalities of the Hungarian nation—"Hunyadi János," "Rákóczy," "Thököly"—was rejected as well.

Quite obviously, during the age in question, not only was the picture of the "Geneva Red Cross" not a permissible subject for registration, but also the name and picture of the members of the Imperial Family or of other aristocrats were not registrable without the consent of the person concerned.

A comparison between trademarks and the goods distinguished thereby, in the case of trademarks liable to create confusion, was carried out in proceedings for a declaration of nullity or in infringement proceedings. The decisions rendered in such cases also demonstrate, by virtue of their well-considered reasoning, that the principles laid down are still valid today:

- when judging for similarity or the likelihood of creating confusion, the general impression is decisive;
- the identical elements and not the differences are what must be examined;
- apparent dissimilarity is not enough;
- with regard to trademarks for everyday consumer goods not requiring too much attention, even a slight similarity may cause confusion;
- in making comparisons, the characteristics of the letters, the proportions of the inscriptions, the placement of the figures and the possible colors must be examined;
- there is risk of confusion if the same notion is expressed in words in one trademark, and in a figurative form in another trademark;
- trademarks consisting of the same word are liable to create confusion even if one of them is complemented by a figure;
- the use of the same notion in different languages is likely to lead to confusion ("Hófehérke"—Snow White—"Schneewittchen");
- similarity in pronunciation may lead to confusion ("Dorit"—"Turit"; "Talisman"—"Tales-man");
- trademarks that have similar pronunciations are likely to lead to confusion even if their meanings are different ("Mágnés" (magnet)—"Mágnás" (magnate));
- where the roots of words are identical, confusion may be created ("Christy"—"Christos");
- identical word endings may lead to confusion ("Eternit"—"Dernit");
- the addition of an unsuitable element for the pur-

pose of distinction does not exclude the risk of confusion ("Bénédictine" — "Bénédictine Hongroise");

— a trademark the protection of which was applied for after that of an earlier validly registered trademark, and which interferes with that mark, must be examined with increased care.

That a careful examination for similarity of kinds of goods was also carried out appears as well from the decisions of this period. The Trademark Law of 1890 declared that the registration of a trademark did not exclude the possibility that third parties could use the trademark in respect of other kinds of goods. The directive for applying the Law when judging the similarity of kinds of goods was that "the opinion of the interested circles in trade and industry is decisive," i.e., what mattered was "not only and not primarily the technical-scientific notion." The fact that the goods belonged to the same class was not a decisive factor.

Among the decisions relating to the comparison of kinds of goods, it is worth noting that the following examples were determined to be similar goods:

- cotton fabric/cotton thread;
- moustache wax/cosmetic products;
- bitter liqueur obtainable in a pharmacy, bitters/liqueur, rum;
- chemical products/paraffine and stearin candles, scents, cosmetic articles, wax goods.

Trademark Protection Between the Two World Wars

Between World Wars I and II, trademarks received relatively little legislative interest. Just before World War I, a trademarks bill was drafted; however, the bill was never placed on the legislative agenda. From a legal-historical point of view, it is nevertheless interesting to survey the principles on which the bill was conceived, which were initiated by the desire for modernization based on the practical experience gained from the 1890 Law. The purpose of the bill was to place all trademark affairs, including the processing of applications, under the authority of the Patent Office instead of under the chambers of commerce and industry. The bill proposed a complete examination for eligibility for protection as well as the introduction of an opposition procedure. The rescission of protection for any trademark not used for more than three years was also foreseen, which proved to be an example of remarkable foresight. The bill further strove to introduce the institution of collective trademarks for goods the reputation of which was linked to their origin, and envisaged already at this time a strengthening of protection for the designation of goods later to be known as appellations of origin. (Hungary became party in 1934 to the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods.)

The statutory provisions enacted between the two World Wars tended, in part, towards the settlement of matters left in abeyance due to World War I, as well as towards the settlement of trademark cases which arose in connection with the separation from the Monarchy. Other statutory provisions dealt with the codification of the new Act (The Hague) of the Paris Convention.

With the Patent Office being transformed into a Patent Court, the procedural questions relating to trademark cases were also settled, although registration itself continued to be carried out by the chambers of commerce and industry. The Patent Court was entitled to refuse registration in the central trademark register if the trademark did not correspond to the legal requirements. In addition, appeals from decisions of the chambers as well as nullity and infringement proceedings fell within the competence of the Patent Court. The Minister of Commerce, who exercised control over the Patent Court also in trademark affairs, delegated his authority to the President of the Court.

The Period After World War II

In the period following World War II, statutory measures were required in the field of trademarks in order to regulate and re-establish trademark rights. This was accomplished by the Peace Treaty signed in 1947 with the Allied and Associated Powers, which ensured the re-establishment of rights in force on September 1, 1939. In respect of the member States of the Paris Union, the situation was settled by means of an Agreement signed in Neuchâtel on February 28, 1947, which reached solutions to the various questions on the basis of reciprocity.

With regard to national trademark affairs, new decrees were enacted in 1948. The chambers of commerce and industry were dissolved and all trademark cases were referred to the Patent Court, the procedural rules of which were laid down in Order No. 20.700/1948 of the Minister of Industry. Appeals were heard by the Patent Court. Appeals against decisions concerning rescission of protection and infringement were decided by the Hungarian High Court of Justice. Following the dissolution of the Patent Court, trademark questions were entrusted in the first instance to the new body charged with the responsibility for industrial property protection, the National Office of Inventions, which was established in 1949. In the second instance, rescission, nullity and infringement proceedings fell within the competence of the courts.

As far as international industrial property conventions were concerned, Hungary ratified successively the London and Lishon Acts of the Paris Convention as well as the London and Nice Acts of the Madrid Agreement (Trademarks). In order to assure the application of these

conventions, some amendments to the national legislation were necessary.

The economic prosperity of the 1960s manifested itself in the development of a trademark culture. In the second half of that decade, work on the reform of the trademark law was begun in order to meet the evolving economic and social demands, which were giving rise to higher expectations.

The Trademark Legislation Currently in Force

Any evaluation of Law No. IX of 1969,¹ which entered into force in 1970, would have to yield a positive conclusion since the Law has been applied for more than ten years without any demand that it be amended.

A historical review of the preparation of the Law and its enactment by the legislature demonstrates that the legislative reform was intended to reinforce the socio-economic position of the country. The importance attached to the use of trademarks and the respect for and harmonization of the interests of competing enterprises and of consumers clearly appear both from the legislative history and from the provisions of the Law itself.

In the legislative debates, not only was emphasis placed on the fundamental necessity for Hungarian industry, agriculture and trade to use and protect trademarks on both national and international markets, but it was also energetically pointed out that, in the previous period, the interested parties did not make proper use of the possibilities offered in this field. It was asserted that trademarks were symbols of high reputation, notoriety and confidence which morally obliged enterprises to place reliable goods of uniform quality on the market. Also referred to was the role of the trademark as an instrument of competition which helps enterprises achieve better economic results.

The main features of the Law are as follows:

- the acquisition of trademark rights based on registration, without injury to rights resulting from prior use;
- the possibility also of registering service marks;
- the elaboration of designations excluded from trademark protection and the examination thereof in the application procedure, including a comparison with trademarks of third parties having an earlier registration date;
- the extension of the types of designations that may be registered to include, in addition to word marks, figurative and three-dimensional marks, and audio and visual signals;
- the possibility of expiration of protection, if requested, in case of lack of use for a period of longer than five years;

- the possibility and conditions for the free assignment and licensing of a trademark;
- the centralization of trademark affairs in one single organ within the National Office of Inventions (including infringement and expiration proceedings);
- the provision of appeal proceedings before the Budapest Metropolitan Court and the Supreme Court, respectively;
- the provision of financial and procedural provisions in the case of infringement.

The Application of the Law

The application of the Trademark Law, and of its supplementary, executing decrees, etc., has proved to be a positive experience, and it may be stated that the acquisition, maintenance and protection of trademark rights is appropriately ensured for both Hungarian nationals and foreigners. (Hungary ratified the Stockholm Acts of the Paris Convention and Madrid Agreement (Trademarks) after the entry into force of the Trademark Law.)

The examination during the application procedure has proved to be satisfactory since the number of proceedings instituted for a declaration of nullity has been relatively low. National and foreign trademark owners whose acquisition of trademark rights is impeded by a trademark that is not being used have been able to make use of the possibility of obtaining a declaration of expiration for lack of use. In this connection, it should be noted that the Law provides for the possibility of excusing non-use for justifiable reasons; experience proves, however, that the reason for non-use is generally lack of interest. Although the use must be of a permanent nature, use proved by advertising and correspondence may be considered sufficient. Infringement seldom occurs and when it does arise, the parties generally settle the controversy out of court through negotiations.

In determining protectability, which is accomplished primarily during the application procedure and only less frequently during proceedings for declarations of nullity or non-infringement, the National Office of Inventions strives to maintain a consistent—even rigorous—attitude with respect to refusing the registration of marks that lack distinctive character or that are apt to mislead consumers. In this respect, the Law is applied in accordance with principles developed at the turn of the century but modified to take into consideration the modern-day interests of both consumers and competing enterprises.

The examination of applications for conflicts with earlier registered, third-party trademarks is carried out by relatively simple (non-electronic) means. Taking into account the pronunciation and accentuation rules of the Hungarian language, the risk of confusion stems mainly from the concordance of the first letter and the

¹ See *Industrial Property*, 1970, p. 181.

vowels of words; the examination is therefore conducted in this sense.

As far as the examination for similarity of goods is concerned, the fact that the goods share the same class is not the unique criterion; similarity is decided on the basis of whether consumers may come to the conclusion, based on the goods' objective, technical, economic or commercial characteristics, that the producers or vendors are the same. In the examination procedure, therefore, connected classes (containing similar goods) are surveyed as well. The possible consent of the owner of an earlier registered trademark has no decisive importance since the Law does not allow the registration of identical or confusingly similar designations for identical or similar goods. In marginal cases, however, the National Office of Inventions considers such consent when rendering its decision.

The Law attaches great importance to increased protection for well-known marks. It prohibits the registration of a designation that is identical or liable to create confusion with a trademark which is well-known in the country even if the well-known mark is not registered in Hungary or if the well-known mark is used for different goods.

An application liable to create confusion with a non-registered mark that has effectively been used in the country (but which may not, however, be considered a well-known mark) is refused only if the goods in question are identical or similar.

The strict provisions relating to confusion and the manner in which those provisions are applied, the goal of which is consistency, are justified by the fact that some Hungarian enterprises do not pay due attention to the question of trademark protection, although a highly dynamic development in this direction may be observed since the entry into force of the Trademark Law. Under such conditions, the competent organ for the protection of industrial property, in accordance with its responsibilities vis-à-vis consumers, is obliged to pay increased attention to the problem of trademark confusion.

Participation in International Cooperation

Hungary's participation in international cooperation takes three directions. The widest ranging activities are in relations with the States party to the Paris, Madrid (Trademarks) and Nice Conventions; developments with regard to these texts are followed with great attention in Hungary. Also followed with great interest is Hungary's participation in the other activities of WIPO, including those relating to the other international agreements (for example, the Trademark Registration Treaty (TRT)).

Relations with the countries of the Council for Mutual Economic Assistance (CMEA) are similarly of a

multilateral character. The member countries have participated in common activities for a considerable time, including the analysis of practical and theoretical trademark problems and the promotion of trademark development in countries having less experience in this field. Furthermore, questions which arise particularly in Socialist countries with planned economies based on less intensive systems of competition are thoroughly investigated. The National Office of Inventions has participated from the beginning in these cooperation activities.

In addition to the activities enumerated above, Hungary has entered into bilateral cooperation relationships with countries of different economic systems concerning trademark questions in order to solve concrete problems and exchange experience.

* * *

Having surveyed the past and present position of Hungarian trademark law, it may be stated that during the past century the legislation has always strived to achieve up-to-date solutions through the elaboration of legal provisions corresponding to the economic requirements of the country. In addition to the development of national legislation, the status of international industrial property agreements has been followed with keen interest and the ratification of these agreements has generally occurred without too much delay.

The historical and economic conditions of the country have had considerable repercussions on the rhythm and evolution of legislation. In times of difficulty—of which there have been plenty during the last century—the development of trademark legislation ceases. During World War I, the critical period between the two World Wars, World War II and the following period of economic difficulties, trademark legislation was overshadowed and delayed.

In general, this situation is typical also of the evolution of trademark practice. For this reason, no notable selection of trademark cases from the period between World Wars I and II is available. The statistics concerning the trend of trademark applications and the situation concerning the protection of national and foreign trademarks also reflect the alternation between prosperous and difficult times.

The following data indicate the trend of applications during some characteristic periods: in 1890, 103 Hungarian and 2,051 foreign (from 12 countries) applications were filed; in 1898, the number of Hungarian applications increased to 497; in 1914, the year of the outbreak of World War I, 2,481 Hungarian and more than 10,000 foreign applications were registered; in the 1930s, which were characterized by economic hardship, the number of national applications was scarcely more than 1,000 and the number of foreign applications did

not even reach 400; in 1946, amidst the difficulties following World War II, only 325 national and 88 foreign applications were filed; in 1952, during the grave economic difficulties of the post-war years, the figures dropped to 84 national and 36 foreign applications; the figures of 341 national and 422 foreign applications for 1968 already show the revival of economic life; and, finally, in 1980, the figures are once again more modest—141 national and 200 foreign applications filed with the Hungarian Office of Inventions.

In respect of foreign applications, the picture is, of course, not complete unless one considers that an average of 2,000 international applications a year originating in the member States of the Madrid Union are extended to Hungary. Hungarian applications of foreign origin are filed from several countries, in particular the United States of America, the United Kingdom and the Scandinavian countries.

Although Hungary is a small country as regards both its territory and its population, its foreign trade relations are quite active taking into account its export and import volume. Consequently, the country's proportion

of trademark applications of foreign origin is considerable. As a consequence of its socio-economic structure and organization, however, larger economic units (enterprises, cooperatives) are favored; therefore, national trademark demand is lower than is often found where there are many small undertakings. Nevertheless, efforts may be undertaken so that economic units, producers, sellers and suppliers grant trademarks the respect they deserve as highly important instruments of competition and consumer protection which comply with all modern-day imperatives.

Analyzing the Hungarian trademark situation from the point of view of foreign applicants and owners, it may be stated that due provision is always made for complete enforcement of the principle of equal treatment and for the safeguarding of the trademark rights of foreign parties both in administrative proceedings and in litigation. These rights are guaranteed by both the international industrial property conventions and the Hungarian legislation, and, in exceptional cases, where restoration of rights proves necessary, appropriate measures are taken without delay.

The Innovations in the Bangui Agreement of March 2, 1977

D. EKANI*

Awaited since March 2, 1977, the entry into force of the Bangui Agreement Relating to the Creation of an African Intellectual Property Organization, Constituting a Revision of the Libreville Agreement Relating to the Creation of an African and Malagasy Office of Industrial Property,¹ took place on February 8, 1982.

This event takes on some importance in the field of intellectual property protection in general, and of industrial property in particular, since it concerns the first regional union that entered into operation in the world whose arrangements for protection have now been considerably modified.

A revision of the Libreville Agreement had indeed become necessary for three basic reasons. Firstly, protection of industrial property had developed enormously after 1962 both at the international level and at the regional and national levels.

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¹ For the text of the Bangui Agreement, see *Industrial Property Laws and Treaties*. MULTILATERAL TREATIES—Text 1-005. The text of the Libreville Agreement was published in *Industrial Property*, 1963, p. 66.

At the international level, the Paris Convention for the Protection of Industrial Property of March 20, 1883, was revised at Stockholm on July 14, 1967, and a new revision has been under preparation since 1975. The Patent Cooperation Treaty (PCT) was adopted at Washington on June 19, 1970. The Trademark Registration Treaty (TRT) was adopted at Vienna on June 12, 1973. Finally, the Agreement Concerning the International Patent Classification was adopted at Strasbourg on March 24, 1971.

At the regional level, the following instruments were among those adopted: the Strasbourg Convention on the Unification of Certain Points of Substantive Law on Patents for Invention, of November 27, 1963; and the Munich Convention on the Grant of European Patents (European Patent Convention) of October 5, 1973.

Finally, at the national level, various laws came into force. In France, the major economic partner of the OAPI member countries, a new law was promulgated on January 2, 1968, and amended and supplemented on July 13, 1978. In Latin America, various laws were adopted within the framework of a highly restrictive doctrine and concept of industrial property and these have greatly influenced the attitude of the other developing countries.

Consequently, it became necessary to modernize the system of protection under the Libreville Agreement by integrating into it the results of those developments.

Secondly, the need was felt to adapt the arrangements

under the Libreville Agreement to the specific requirements of the member States of the Organization. The provisions of the Libreville Agreement were in fact based very closely on the Law of July 5, 1884. That Law was no longer in keeping with developments in France, since it was repealed in 1968. It was therefore not appropriate to the specific needs of the developing countries that make up OAPI and was unable to take into account the necessities of the new international economic order.

Thirdly, it was necessary to consolidate the very positive aspects of this pilot experiment in protecting intellectual property at the regional level and to strengthen cooperation and solidarity among the member States within the Organization.

The above reasons led to a thorough revision of the system of protection under the Libreville Agreement, which need not, however, be analyzed in detail here. Such an approach would result merely in a general overview without any real value or to projections beyond the bounds of this review. I shall therefore do no more than to point to the important innovations introduced by the Bangui Agreement, which concern the Organization itself and the system of protection, respectively.

I. Innovations Concerning the Organization

The competence of the Organization, both geographical and technical, has been considerably broadened.

(A) Geographical Competence

The geographical competence of the Organization extends to the bounds of the African continent. The Libreville Agreement was in fact somewhat ambiguous in this respect. Although concluded within the framework of the African and Malagasy Union, one of the political groupings in the first years of independence, composed basically of former French colonies, Article 25 of the Libreville Agreement stipulated that:

"Every non-signatory African State which is a party to the Convention for the Protection of Industrial Property, signed at Paris on the 20th March, 1883, and last revised at Lisbon on the 31st October, 1958, may apply to adhere to the present Accord."

Despite this provision, the same Agreement stated in Article 3.4 that "All communications addressed to the Office must be written in French."

The Bangui Agreement, on the other hand, is much clearer. Article 1(1) provides that "An African Intellectual Property Organization (hereinafter called "the Organization") is hereby established, which replaces the African and Malagasy Office of Industrial Property." And Article 19(h) provides that the Administrative Council shall "determine the working language or languages of the Organization."

As we know, the Council, at its 20th session held at Lomé from December 5 to 12, 1981, decided in favor of English as a second working language to be introduced progressively, it being understood that filings would be accepted in English as from February 8, 1982.

Indeed, English and French constitute the working languages of the Organization of African Unity (OAU).

The technical competence of OAPI has been extended even further.

(B) Technical Competence

The Organization's competence extends to copyright and the cultural heritage, on the one hand, and to industrial property, on the other, and thus encompasses intellectual property as a whole.

1. Responsibilities in the Field of Copyright and the Cultural Heritage

In this field, the Organization has received as its mission, under Article 1(2) (b) to (d) of the Agreement:

"(b) contributing to the promotion of the protection of literary and artistic property and to the recognition of the cultural and social values of artistic and literary property;

"(c) encouraging the creation of national associations of authors in those member States where such bodies do not already exist;

"(d) centralizing and coordinating information of all kinds relating to the protection of literary and artistic property and communicating this information to any member State requesting it."

Although it is required to maintain close cooperation with the national bodies, which have sole competence for the administration of copyright, OAPI has received responsibility only for harmonizing laws and for the promotion and centralization of information.

This being said, I shall not deal further with copyright in this study and within the framework of this review; only the field of industrial property shall be considered below.

2. Responsibilities in the Field of Industrial Property

As regards industrial property itself, the Organization's competence has been enlarged, with new objects of protection having been added to those already protected under the Libreville Agreement.

As far as the old objects of protection are concerned, the Libreville Agreement, as is known, protected patents, marks and industrial designs. The first two subject matter areas have been readjusted.

In respect of patents, Article 3(2) of Annex I to the Libreville Agreement excluded from patentability "pharmaceutical compositions or remedies of any kind, the said products remaining subject to the special laws and regulations in the matter, and the exclusion not applying to processes, means and apparatus serving to obtain them."

This exclusion was deleted from the wording of Annex I to the Bangui Agreement. Consequently, henceforth both pharmaceutical compositions themselves and the processes, means and apparatus used to obtain them will be capable of protection by patent.

As regards marks, the Libreville Agreement protected only trademarks, and in an individual capacity, according to Articles 1 and 2 of Annex II. The Bangui Agreement, on the other hand, extends protection to service marks and collective marks.

In addition to the old objects of protection that have been readjusted, the Bangui Agreement adds new objects. The following are therefore also regulated: utility models, trade names, appellations of origin, indications of source, and unfair competition. The whole gamut of industrial property, in accordance with Article 1(2) of the Paris Convention, is thus covered and it is therefore possible for the range of protected rights to take into account all the interests involved and to adapt itself more easily to the economic situation of the member States. Utility models, industrial designs, appellations of origin, indications of source and trade names represent categories that correspond best to this situation.

As regards both the old and new objects of protection, the Organization plays the role, on the basis of uniform legislation, of a common office acting as national industrial property service in accordance with Article 12 of the Paris Convention.

In addition to the new objects of industrial property, the Bangui Agreement also establishes, as an industrial property service and on the model of the Patent Cooperation Treaty, a center for patent documentation and information (Annex VIII) whose aim it is to "contribute to the promotion of the technical and industrial development of the member States of the Organization by putting at their disposal documents and information relating to inventions" (Article 2(1)).

This enlargement of the technical competence of the Organization supposes a more consequential integration within the international system of industrial property protection. Thus, under the preamble to the Bangui Agreement, the member States have committed themselves to becoming party not only to the Paris Convention, as required by the Libreville Agreement, but also to the Hague Agreement Concerning the International Deposit of Industrial Designs, to the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration, to the Convention Establishing WIPO, to the Patent Cooperation Treaty and to the Trademark Registration Treaty.

The Bangui Agreement thus takes on the form of a special agreement within the meaning of Article 19 of the Paris Convention, a regional patent treaty within the meaning of Article 45 of the PCT and a regional treaty within the meaning of Article 25 of the TRT.

This is the first series of innovations made by the Bangui Agreement, i.e., those introduced at the level of

the Organization itself. These innovations have led to a new name and a new abbreviation being adopted.

The second series of innovations introduced by the Bangui Agreement concerns the system of protection.

II. Innovations Concerning the System of Protection

The regulation of protection of trade names, utility models, appellations of origin, indications of source and unfair competition is entirely new. Although of great interest, the provisions concerning these subject matter areas will not be studied in this paper since the paper's intent is to point out the major changes introduced by the text of Bangui to the system of protection created by the Libreville Agreement. What is more, as far as substance is concerned, the provisions concerning the new subject matter areas contain very few innovations in comparison with the already familiar corresponding national schemes.

I shall therefore deal only with the innovations introduced by the Bangui Agreement into the protection of patents, marks and industrial designs, the aims of which are either to adapt the arrangements to the needs of the member States or to strengthen cooperation among them.

II.1 Adaptation of the System of Protection

(a) Innovations Concerning Patents (Annex I)

The innovations introduced into the system of protection concern the conditions of patentability, the right to a patent and the exercise thereof.

1. Conditions of Patentability

The innovations concern both substantive and formal conditions. As regards substantive conditions, two innovations should be pointed out. Firstly, industrial application has replaced the requirement of industrial nature (Article 4 of Annex I). This change is in line with modern legal thinking and practice, as witnessed by the most recent international conventions, particularly the Patent Cooperation Treaty and the European Patent Convention. However, the scope of this innovation is in fact limited to terminology since the same requirements linked to industrial nature are still to be found.

Secondly, inventive step (Article 3) has been added as a third substantive condition of patentability. The trio of substantive conditions of patentability is therefore composed of novelty (Article 2), inventive step (Article 3) and industrial application (Article 4), as included in the most recent international conventions and the

majority of national legislation. Thus the up-to-date nature of the Bangui Agreement is underlined, at least as regards the substantive conditions of patentability.

As regards the formal conditions, relating to the application and the granting procedure, a number of innovations have been introduced.

As regards the application, a new two-fold requirement should be noted, concerning the need for a descriptive abstract (Article 11(d) (iii)), for the purposes of documentation and information and of claims (Article 11(d) (iv)), for the needs of legal security.

As to procedure, although the granting system has been maintained (Article 17), it is modified by the requirement that two reports be submitted (Article 16).

The purpose of the first report (Article 16(1)) is to establish that:

"(a) the subject of the invention is not contrary to public order or morality;

"(b) the invention mentioned in the application is not excluded from the protection afforded by the patent under the provisions of Article 5 of the present Annex;

"(c) subject to the provisions of paragraph (3), hereafter, the claim or claims are in accordance with the provisions of Article 11 of the present Annex;

"(d) the provisions of Article 12 of the present Annex are respected."

It should be noted that Article 5 of Annex I concerns inventions excluded from patentability, that Article 11 refers to the composition of the application and that Article 12 concerns the unity of the subject matter of the application and the use of a working language.

As for the second report (Article 16(2)), its purpose is to establish that:

"(a) at the time of filing of the application for a patent, an earlier application for a patent or an application benefiting from a validly claimed priority and concerning the same invention was not in the process of being granted;

"(b) the invention

(i) is new;

(ii) involves an inventive step; and

(iii) is industrially applicable."

It should be noted in respect of these two reports that:

(1) The Bangui Agreement does not state who is to draw them up. It is clear, however, that the Organization is capable of drawing up the first one, whereas the second one, at least for a certain period of time, may be drawn up by an outside authority. This report is based on the PCT system.

(2) The drawing up of the two reports is flexible and may be carried out in stages, in accordance with Article 16(3), which lays down that:

"The Administrative Council shall decide whether, and to what extent, the provisions of paragraphs 1(c) and (d) and 2(a) and (b), above, shall be applied; in particular, it shall decide whether all or some of the aforementioned provisions shall be applicable to one or several technical fields covered by the inventions. It shall establish such fields by reference to the International Patent Classification."

(3) The Bangui Agreement uses the title of search report for the second report. It would therefore seem that the first report could be referred to as a report on

formal compliance. In addition, the content of the search report makes it more of an examination report than a report on the state of the art.

2. Patent Law

Patent law has undergone innovation in respect of its term, its content and the obligations attached thereto.

(a) *Patent term.* The term of a patent is ten years on average. These are calendar years, counted from the filing date (Article 6(1)).

This term may be extended to 20 years by means of two successive extensions of five years each. The first extension, which is a matter of right (Article 6(2)), is subject to the invention being worked, unless there are legitimate reasons for not doing so. The second extension is at the discretion of the Organization (Article 6(4)) and is subject to the absolute requirement of working.

(b) *Content of patent rights.* The content of patent rights, as far as they are concerned, has undergone two innovations. The first constitutes a dismantling. Infringement proceedings may not be instituted if, within five years of grant, the invention has not been worked, unless legitimate reasons exist (Article 58(2)).

The second innovation constitutes a limitation. This concerns *ex officio* licenses (Articles 55 to 57), which constitute an innovation with respect to the Libreville Agreement. It should be noted that they comprise two types, that is to say *ex officio* import licenses and *ex officio* manufacturing licenses. The first type constitutes an innovation under comparative law.

(c) *Obligations attaching to a patent.* Although the requirement of working is still not formally set out, the means of ensuring that it does take place constitute new measures. These have already been mentioned and are constituted by the extension of the term of protection and the loss of infringement proceedings.

3. Exercise of Patent Rights

The exercise of patent rights takes the form of transfer and assignment of patents and contractual licenses (Articles 26 to 31 of Annex 1).

Although the requirements of written form, on pain of nullity, or publicity, on pain of being unenforceable against third parties, are in fact traditional, a third requirement, which is new, has been added. This is the requirement of control (Article 31).

This verification, carried out by the national authorities, must be requested, on pain of nullity, within twelve months from the conclusion of the instrument in question. It is carried out in relation to the concept of abusive clauses (Articles 30 and 31), which constitutes a further innovation in the Bangui Agreement.

These would indeed appear to be the major innovations in the system of patent protection introduced by the Bangui Agreement. Others have been introduced in respect of trademark protection.

*(B) Innovations Concerning Marks
(Annex III)*

The innovations to the system of the protection of marks are numerous and also of importance. The main ones concern the following.

1. The Right to a Mark

This right is obtained exclusively by means of a filing which gives the entitlement to the right (Article 7(1) and (2)). However, use of a mark is optional unless it is decided by law that it is compulsory for certain products (Article 1). Additionally, although the entitlement to a mark is obtained exclusively by filing, certain corrective measures are necessary to avoid various injustices.

(a) Certain existing situations, resulting from prior use, have to be respected to a certain extent, in accordance with Article 7(3) which states:

"Where a mark has been filed by a person who, at the time of filing, had or should have had knowledge of the fact that another person had priority to use the said mark, the latter may claim ownership of the mark, provided that he files it within the six months following the first filing."

(b) Consequently, legal situations that result from the use of a well-known mark must be respected in accordance with Article 8, which provides as follows:

"The owner of a well-known mark, within the meaning of Article 6bis of the Paris Convention for the Protection of Industrial Property, may claim the annulment, on the national territory of one of the member States, of the effects of the filing of a mark liable to create confusion with his own. Such action may not be taken after the expiration of a period of five years from the date of application, where the latter was made in good faith."

These two exceptions, within their strict limits, confirm the determinative principle of a mark being acquired through filing and are in keeping with the general principles of law and the provisions of the Paris Convention.

2. The Term of the Mark

Under the Bangui Agreement, the term of a mark is ten years, as compared with 20 under the Libreville Agreement, but ownership of the mark may be preserved indefinitely through successive renewals (Article 16).

3. Use of the Mark

Use of the mark is compulsory since:

(a) the filing may only be renewed if the mark is used in accordance with Article 19(1)(i);

(b) a mark that has not been used five years after its registration may be cancelled, by court order, at the request of any interested party, in accordance with Article 22(1);

(c) under Article 47(1), actions for infringement of a mark may not be instituted until the owner of that mark or his successors in title have started to use the mark continuously on the national territory of one of the member States.

4. The Registration Procedure

One innovation has been introduced: opposition to registration, as provided for in Article 15(1). Under this provision:

"Any interested party may oppose the registration of a mark by sending to the Organization a written statement setting out the reasons for his opposition, within a period of six months from the publication mentioned under Article 12(6), above. Such reasons must be founded upon an infringement either of the provisions of Articles 2, 3 or 4 of the present Annex, or of a prior right belonging to the opposing party."

It should be remembered that: (a) Article 2 concerns signs which may be used as a mark; and (b) Article 4 concerns marks not having a distinctive character and misleading marks.

5. Rights Afforded by a Mark

An important innovation is that the Bangui Agreement, contrary to the Libreville Agreement, defines the rights afforded by a mark (Article 20). Note should be taken of the provisions of Article 20(3) according to which:

"Registration of the mark shall not confer upon its owner the right to preclude third parties from using the mark in relation to the goods lawfully sold under that mark on the national territory of the member State in which the prohibition is effective, provided that these goods have not undergone any change."

This is a case of exhaustion of rights in relation to trademarks.

6. Transfer and Assignment of Marks and Contractual Licenses

These aspects are covered by Articles 25 to 30 of Annex III. As in the case of patents, the control requirement under Article 30 is added to the traditional requirements of written form and publication, in connection with the concept of abusive clauses (Article 30(2)). It should be noted that, in accordance with the provisions of Article 30(3), control also has the purpose, in the case of a license, of "verifying the existence of relations or stipulations between the owner of the mark and the licensee ensuring effective control by the owner of the quality of the goods to which the license applies."

7. Restitution of Rights

Finally, restitution of trademark rights is provided for in Article 24. This provision completes the list of innovations introduced into the system of trademark protection by the Bangui Agreement.

There remains the third subject matter protected by the Libreville Agreement, that is to say industrial designs.

(C) Innovations Concerning Industrial Designs (Annex IV)

Here again the innovations are both numerous and important.

1. Conditions of Protection

While the two traditional conditions of protection, that is to say industrial nature and novelty, are still required, the Bangui Agreement defines the notion of novelty as applied to an industrial design. Such novelty would appear to be both objective and relative (Article 3). Naturally, just as for patents, those elements that may negate novelty are set out but the exceptions of abusive use or display at an exhibition are reserved.

2. Personal Possession

The harmonization of the conditions for the protection of industrial designs with those for patents, except with regard to inventive step, logically leads to the introduction of an exception for personal possession (Article 8).

3. Term of Protection

The term is set at five years as from filing, with the possibility of reaching a total of 15 years by two successive five-year extensions on simple payment of the statutory fees.

4. Restitution

As for patents and trademarks, restitution is provided for in respect of industrial designs (Article 14).

5. License Contracts

This is an important innovation introduced by the Bangui Agreement, regulated by Articles 23 and 24. No control is required. However, Article 24 stipulates as follows:

"Clauses in license contracts or relating to such contracts are null and void insofar as they impose upon the holder of the license, in the industrial or commercial sphere, restrictions not deriving from the rights conferred by registration of the industrial design or not necessary for the maintenance of such rights."

6. Compulsory Licenses

A further important innovation introduced by the Bangui Agreement is that of compulsory licenses, which are the subject matter of Part V (Articles 25 to 31). The conditions for their grant and the relevant procedure are based on the provisions in respect of patents.

These are, on the whole, the innovations introduced by the Bangui Agreement concerning the systems of protection for patents, trademarks and industrial designs. Their purpose is to adapt these arrangements to the needs of the member States and the necessities of their economic development.

However, there exist also innovations whose purpose is to strengthen solidarity among these same States.

II.2 Strengthening of Solidarity Among the Member States

In this context, the major innovations relate to the existence or disappearance of rights and to the conditions of exploitation.

(A) Existence and Disappearance of Rights

Contrary to the Libreville Agreement, the rights afforded by the Bangui Agreement are generated and disappear at the same time as if the member States constituted a single territory in the same way as the European Community patent. This important innovation is contained in Article 15 of the Agreement under which:

"Final legal decisions rendered in one member State in accordance with the provisions of Annexes I to IX of the present Agreement shall be binding on all other member States."

(B) Conditions of Exploitation of Afforded Rights

In general, where exploitation of a right is required, such exploitation may take place on the territory of a single member State only. In other words, it is of a regional nature. This is equally true of patents, trademarks and industrial designs.

1. As Regards Patents

For patents, working is required in relation to:

- (a) personal possession (Article 9, Annex I);
- (b) compulsory licenses (Article 44(1)(i), Annex I);
- (c) actions for infringement (Article 58(2), Annex I);
- (d) extension of the term of protection (Article 6, Annex I)

In each of these cases, the exploitation required is of a regional nature.

2. As Regards Marks

Use of a mark is assimilated to its exploitation, and is required in respect of:

- (a) renewal of the filing (Article 19(I)(i), Annex III);
- (b) cancellation (Article 22, Annex III);
- (c) actions for infringement (Article 47(1)).

In these cases also, use is of a regional nature.

3. As Regards Industrial Designs

Exploitation is required in respect of:

- (a) personal possession (Article 8, Annex IV);
- (b) compulsory licenses (Article 25(1)(i), Annex IV).

Here again, as ever, exploitation is of a regional nature.

The spirit of the above provisions is therefore that the member States should constitute a development zone in

respect of industrial property. Such is in keeping with the general approach of the Bangui instruments.

* * *

The Bangui Agreement of March 2, 1977, avoids both laudatory doctrinal attitudes and those which, on the contrary, are hostile to industrial property, and is guided by a threefold concern: that of consolidating the African Intellectual Property Organization; that of adapting the protection of industrial property to the needs and situation of the member countries; and that of strengthening cooperation among the countries within the Organization.

In pursuing this threefold objective, the Bangui Agreement has employed common sense and a critical mind, which has resulted in solutions and provisions being adopted that often constitute a felicitous compromise between the divergent interests involved.

The Bangui Agreement doubtlessly constitutes an important contribution to furthering the protection of industrial property and is, perhaps, a work destined to stand the test of time.

Calendar

WIPO Meetings

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

1982

June 28 to July 2 (Geneva) — Committee of Governmental Experts on Model Provisions for the Protection of Expressions of Folklore (convened jointly with Unesco)

September 1 to 3 (Geneva) — Working Group on the Rights of Employed or Salaried Authors (convened jointly with ILO and Unesco)

September 6 to 10 (Geneva) — International Patent Cooperation (PCT) Union — Committee for Administrative and Legal Matters

September 10 (Geneva) — International Patent Cooperation (PCT) Union — Assembly (Extraordinary Session)

September 20 to 23 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Patent Information for Developing Countries

September 23 to October 1 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Planning

September 23 to October 1 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Special Questions

September 27 to 30 (Geneva) — Permanent Committee for Development Cooperation Related to Industrial Property

October 4 to 8 (Geneva) — Permanent Committee on Patent Information (PCPI) — Ad hoc Working Group on the Revision of the Guide to the IPC

- October 4 to 30 (Geneva) — Revision of the Paris Convention — Diplomatic Conference
 October 25 to 27 (Paris) — Berne Union — Working Group on Copyright Questions Connected with the Use of Works by Persons with Defective Hearing or Sight (convened jointly with Unesco)
 November 8 to 12 (Geneva) — Working Group on Model Contracts for Licensing or Transferring Copyrights (convened jointly with Unesco)
 November 22 to 26 (Geneva) — Governing Bodies (WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions)
 November 29 to December 3 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation (PCT/CTC)
 December 6 to 10 (Geneva) — International Patent Classification (IPC) — Committee of Experts
 December 6 to 10 (Paris) — Berne Union and Universal Copyright Convention — Working Group on the Formulation of Guiding Principles Covering the Problems Posed by the Practical Implementation of the Licensing Procedures for Translation and Reproduction under the Copyright Conventions (convened jointly with Unesco)
 December 13 to 17 (Paris) — Berne Union, Universal Convention and Rome Convention — Subcommittees of the Executive Committee of the Berne Union, of the Intergovernmental Copyright Committee and of the Intergovernmental Committee of the Rome Convention, respectively, on Copyright and Neighboring Rights Problems in the Field of Cable Television (convened jointly with ILO and Unesco)

UPOV Meetings

1982

- September 28 (Faversham) — Technical Working Party for Fruit Crops — Subgroup
 September 29 to October 1 (Faversham) — Technical Working Party for Fruit Crops
 October 5 to 7 (Cambridge) — Technical Working Party for Ornamental Plants and Forest Trees
 October 12 (Geneva) — Consultative Committee
 October 13 (Geneva) — Symposium (Genetic Engineering)
 October 13 to 15 (Geneva) — Council
 November 15 (Geneva) — Information Meeting with International Non-Governmental Organizations
 November 16 and 17 (Geneva) — Administrative and Legal Committee
 November 18 and 19 (Geneva) — Technical Committee

Meetings of Other International Organizations Concerned with Industrial Property

1982

- European Patent Organisation: November 29 to December 3 (Munich) — Administrative Council
 Hungarian Group of the International Association for the Protection of Industrial Property: September 13 to 17 (Budapest) — Conference
 International Association for the Advancement of Teaching and Research in Intellectual Property: September 20 and 21 (Geneva) — Assembly
 International League Against Unfair Competition: September 12 to 16 (Bath) — Congress

1983

- International Association for the Protection of Industrial Property: May 23 to 27 (Paris) — XXXII Congress