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Part of the audience during the ceremony



The rostrum during the ceremony (from left to right): I.S. Nayashkov (Soviet Union), J.-C. Combaldieu (France), C. Fernández Ballesteros (Uruguay), M. Porzio (Deputy Director General of WIPO), G.H.C. Bodenhausen (former Director General of WIPO), K. Pfanner (Deputy Director General of WIPO), L.E. Kostikov (Deputy Director General of WIPO), P. Braendli (Switzerland), P. Wellhauser (Geneva), A. Bogsch (Director General of WIPO).

Centenary of the Paris Convention

Celebration in WIPO of the Centenary of the Paris Convention

The Paris Convention for the Protection of Industrial Property was signed a hundred years ago, on March 20, 1883.

This centenary was celebrated in the World Intellectual Property Organization (WIPO) at Geneva on September 26 of the present year (1983).^{*} The latter date was chosen because it was the first day of the 1983 sessions of the Governing Bodies of WIPO and the Unions administered by it, including the Paris Union, a day for which representatives of the member States of the Paris Union come to Geneva.

The main event of the celebration consisted of a solemn meeting. It was held at the *Centre international de conférences de Genève* (CICG) rather than WIPO's headquarters since the main conference room of the latter would not have been large enough for the some 800 invitees. They included the delegates to the eighth session of the Assembly of the Paris Union and to other Governing Bodies; heads of intergovernmental organizations; the Permanent Representatives of States accredited to intergovernmental organizations (includ-

ing WIPO) at Geneva; representatives of the governments of the Swiss Confederation, of the Republic and Canton of Geneva and of the municipality of Geneva; representatives of international non-governmental organizations dealing with questions of intellectual property and having the status of observers in the Governing Bodies of WIPO and the Unions administered by WIPO; the entire staff of WIPO and retired officials of the former United International Bureaus for the Protection of Intellectual Property (BIRPI) or WIPO.

Five speeches were made in the solemn meeting. The speakers were—in the order in which they spoke—the following: Mr. Jean-Claude Combaldieu, Director of the *Institut national de la propriété industrielle (INPI)* of France, in his capacity as Chairman of the Assembly of the Paris Union; Mr. Ivan S. Nayashkov, Chairman of the State Committee for Inventions and Discoveries of the Soviet Union, in his capacity as Vice-Chairman of the Assembly of the Paris Union; Mr. Carlos Fernández Ballesteros, Minister and Deputy Permanent Representative at the Permanent

^{*} The Centenary was also marked by resolutions adopted by the Committee on the Judiciary of the Senate of the United States of America and by the Executive Committee of the International Federation of Industrial Property Attorneys. The texts of the two resolutions follow:

Senate of the United States; Committee on the Judiciary Resolution

Whereas, Arpad Bogsch, a citizen of the United States of America, has been Director General of the World Intellectual Property Organization since November 1973;

Whereas, 1983 marks the tenth anniversary of the appointment of Arpad Bogsch to be Director General;

Whereas, 1983 marks the one-hundredth anniversary of the treaty administered by the World Intellectual Property Organization known as the Paris Convention for the Protection of Industrial Property;

Whereas, Arpad Bogsch has played an eminent role in the effective administration of the Paris Convention;

Whereas, Arpad Bogsch was responsible for initiating negotiations that resulted in the World Intellectual Property Organization becoming a specialized agency of the United Nations;

Whereas, Arpad Bogsch has displayed outstanding leadership in the formulation of most of the significant international multilateral treaties in the field of intellectual property for a period of more than twenty years;

Whereas, Arpad Bogsch is respected throughout the world as a scholar in the field of intellectual property law;

Whereas, the United States of America attaches great importance to the effective protection of intellectual property rights both at the national and international levels, and recognizes the significant role of

such rights in improving the quality of life throughout the world; Now, therefore, be it

Resolved, That the Committee on the Judiciary of the United States Senate honors and expresses its deep appreciation to Arpad Bogsch for his extraordinarily effective leadership in maintaining and strengthening worldwide respect for intellectual property rights.

In witness whereof we have hereunto set our hands this 23rd day of September 1983. Strom Thurmond (Chairman); Charles McC. Mathias, Jr.; Paul Laxalt; Orrin G. Hatch; Robert Dole; Alan K. Simpson; John P. East; Charles E. Grassley; Jeremiah Denton; Arlen Specter; Joseph R. Biden, Jr.; Edward M. Kennedy; Robert C. Byrd; Howard M. Metzenbaum; Dennis DeConcini; Patrick J. Leahy; Max Baucus; Howell Heflin.

International Federation of Industrial Property Attorneys; Executive Committee Resolution

On the occasion of the centenary of the Paris Convention of 1883

Considering the extraordinary merit of Dr. Arpad Bogsch, Director General of the World Intellectual Property Organization (WIPO), in the maintenance and progressive balanced development of the Paris Convention and, in general, in the defense of industrial property rights

Resolves to render homage to Dr. Arpad Bogsch and to express its appreciation for his untiring dedication and achievements in the defense of industrial property rights and for his inspiring and prolific professional activity, in particular as Director General of the World Intellectual Property Organization (WIPO), October 1983.

Mission of Uruguay at Geneva, in his capacity as Vice-Chairman of the Assembly of the Paris Union; Mr. Paul Braendli, Director of the *Office fédéral de la propriété intellectuelle* (OFPI) of Switzerland, as representative of the *Conseil fédéral* of the Swiss Confederation; Mr. Pierre Wellhauser, President of the *Conseil d'Etat* of the Republic and Canton of Geneva, as representative of the cantonal and municipal authorities of Geneva; Dr. Arpad Bogsch, Director General of WIPO.

The texts of the five speeches are reprinted at the end of this note.

The solemn meeting was followed by a reception in the lobby of the headquarters building of WIPO. The way between the CCIG and that building was illuminated by torches. On arrival at the WIPO building, the guests were able to see the recently erected fountain in front of the entrance of the building, a fountain that bears an inscription indicating that it was built to commemorate the centenary of the Paris Convention.

The guests also received copies of a book, published on the very day of the celebration by the International Bureau of Intellectual Property, entitled *The Paris Convention for the Protection of Industrial Property*. In addition to a preface by the Director General of WIPO, the book contains—in the following order—an article by Dr. Arpad Bogsch, the text of messages from Heads of State or Government and the various texts of the Paris Convention.

The said article is entitled "The First Hundred Years of the Paris Convention for the Protection of Industrial Property." The some 50,000-word article consists of three main chapters. The first chapter is an account of the history of the substantive provisions—dealing with inventions, trademarks, etc.—of the Paris Convention, as they were in the original (1883) text of the Paris Convention and as they have been changed in the six revision conferences which resulted in amendments during the hundred years. The second chapter is an account of the history of the administrative clauses and the administration of the Paris Convention. It speaks of the Governing Bodies of the Paris Union, the tasks and composition of the International Bureau and its past and present heads (Morel, Comtesse, Röthlisberger, Ostertag, Mentha, Secretan, Bodenhausen, Bogsch). The third chapter is a history of the final clauses and the membership of the Paris Convention. Some 150 pictures accompany the article (whose text is the same as the one published in the July/August 1983 issue of *Industrial Property*), including photographs and

drawings of the BIRPI building and the WIPO building, photographs of gifts received from Governments and international non-governmental organizations for the decoration of those two buildings, portraits of the former Directors of the International Bureau, photographs of the staff of the International Bureau in the month of June 1983, views of Paris and Geneva and reproductions of drawings of Leonardo da Vinci showing some of the inventions he imagined.

The part entitled "Messages from Heads of State or Government to the Director General of WIPO on the Occasion of the Centenary of the Paris Convention for the Protection of Industrial Property" contains the photographic reproduction of the written texts of 69 such messages. Fifty are from Heads of State, 18 are from Heads of Government and one is from the brother of the King of the Belgians.

The texts of those messages, in original, where the original is in English, and in English translation where the original is in a language other than English, are reproduced in the English alphabetical order of the names of the countries, after this note. The reproduction does not show the dates of the messages. The first one, that of the President of the United States of America, is dated October 15, 1982; the last one, that of the Prime Minister of New Zealand, is dated July 4, 1983; the other messages were received between those two dates.

Finally, the commemorative book reproduces—in very small type, on altogether eight pages—all the texts of the Paris Convention, namely the original text of 1883 together with the Final Protocol of the same year, the 1900 (Brussels) Act, the 1911 (Washington) Act and Final Protocol, the 1925 (The Hague) Act, the 1934 (London) Act, the 1958 (Lisbon) Act, and the 1967 (Stockholm) Act.

Another publication, specially prepared by the International Bureau on the occasion of the centenary and published and distributed at the celebration of the centenary is a book entitled *100 Years of Industrial Property Statistics—100 ans de statistiques de propriété industrielle*. It contains statistics on the number of patent applications filed, patents granted, applications for inventors' certificates, inventors' certificates issued, trademark applications filed, trademarks registered, industrial design applications filed, industrial designs granted, applications for utility models, utility models granted, plant variety applications and plant variety registrations, for each year from 1883 to 1982 and for each country for which statistics were available (their number was 19 in 1883 and 107 in 1982).

* * *

ADDRESS by Mr. JEAN-CLAUDE COMBALDIEU, Director of the National Institute of Industrial Property of the French Republic, Chairman of the Paris Union Assembly:

Your Excellencies,
Mr. Director General of the World Intellectual Property Organization,
Ladies,
Gentlemen,

A century ago, on March 20, 1883, the Union for the Protection of Industrial Property was born in Paris. It then brought together eleven States; today it comprises 92. This morning, representatives of those States, constituted as the Paris Union Assembly on the occasion of the meeting of the Governing Bodies of WIPO, paid me the honor of electing me to the chairmanship of this body. This homage paid 100 years later to my country, the initiator of the negotiations and the host for the 1880 and 1883 Diplomatic Conferences, bears witness to the part played by the Paris Convention in the economic and technological history of the States of the Union.

Despite the importance and ambition of treaties that have been concluded in a very recent past, this 100-year old text, of modest dimensions, nonetheless has not become a historical curiosity. It remains a living and effective instrument of international cooperation.

Ladies and Gentlemen, representatives of the States, of the intergovernmental organizations and of the non-governmental organizations, I have the pleasure to invite you to evoke a few pages in the history of this Paris Convention which was and remains one of the instruments of worldwide development of industry and trade.

The system of guilds, which remained active in some of our countries until the end of the 18th century, constituted for centuries an obstacle to the recognition of the rights of creators. The merit goes to our British friends who in 1623 created the first statute of inventors. A long time afterwards, the countries where industry was beginning to develop legislated in this field. The United States of America entered in their Constitution of 1787 the guarantee of the rights of inventors in order "to promote the progress of science and useful arts." The French Revolution gave France its first law on patents for invention in 1791.

Industrial property is, as we see, within the fields of law and economy, and its institutions have a twofold purpose: the protection of the rights of creators and the pursuit of very practical economic objectives. The birth and evolution of the Paris Convention for the Protection of Industrial Property have not escaped this dual concern.

Indeed, by reason of its foundation both moral and economic, industrial property was internationally oriented. The respect owed to the right of inventors could not remain contained within national boundaries. The needs of disseminating technological progress and of circulating goods likewise argued towards internationalization.

It is, therefore, not surprising that the Paris Convention was born in the third quarter of the 19th century, at the very heart of a period of industrialization and of development of international trade.

For this international spirit to win, it was nevertheless necessary to overcome a strong protectionist tendency. The access by foreigners to industrial

property rights, prior to the Paris Convention, was most frequently subject to the requirement of reciprocity. However, reciprocity is always a principle that is complicated to apply since it requires a comparison of laws on each conflicting point, even of detail. It was also of limited scope geographically and temporally since it was subject to the conclusion and hazards of bilateral agreements which were frequently commercial agreements, that is, "treaties of friendship, trade and cooperation."

The drawbacks of this situation were denounced at a "Congress for the Reform of Patents," organized on the occasion of the 1873 International Exhibition in Vienna, whose efforts led to a resolution inviting the governments to reach, "as soon as possible, an international agreement concerning the protection of patents."

Five years later, the 1878 International Exhibition opened in Paris. Continuing the work begun in Vienna, the French Government took this opportunity to organize an "International Congress on Industrial Property" and then, from November 4 to 20, 1880, a Conference of States. The text was adopted during a second conference convened in Paris in March 1883 and signed on March 20 by the plenipotentiaries of Belgium, Brazil, France, Guatemala, Italy, the Netherlands, Portugal, Salvador, Serbia, Spain and Switzerland. It entered into force on July 7, 1884. Before the end of the century, the circle of States recognizing the international law established by the Paris Convention of March 20, 1883, had already been extended to Great Britain, Tunisia, Ecuador, the Scandinavian countries, the United States of America and Japan.

Let us stop an instant to mark our deep gratitude towards our distant forerunners. More than a century ago, at a time when science and technology had not as yet produced their prodigious effects, they had the wisdom to perceive with singular clarity that industrial creations and inventions had a universal significance and that, consequently, the States should reach agreement to permit the dissemination of knowledge and the respect of the legitimate rights of those who were their authors.

The adoption of the Paris Convention, in effect, must be considered, in the context of the times, as an "act of courage" since the replacement of reciprocity by the principle of assimilation with nationals constituted a "revolution" both in private international law and in contemporary political concepts.

Its provisions, moreover, extended well beyond the replacement of the concept of "foreigner" by that of "Union national" to be treated as having a status equal to a national.

Although it was designated with the same term of Union as other international institutions of that time, it went further since it cast the bases for a legal harmonization of laws of an economic scope.

It must be added that if the basic rules of the Paris

Convention today appear to us as self-evident, that was far from being the case in 1883 and in the years that followed, during which the results that had been obtained could have appeared precarious in the face of the objections to which they were subject.

Today, the Paris Convention still remains an international instrument that is original in the diversity of its aspects, its continuity, its adaptability and the closeness of the ties it has woven among the member States of the Union.

During its first century of existence, we know that the Paris Convention has been the subject of six revisions all of which have aimed to improve the law of the Convention, with a view to finding a more effective protection of creators.

The Paris Convention has proved to be a flexible and evolutionary instrument. Conceived with a concern to afford a minimum of protection, it has left national lawmakers the freedom, on the one hand, to go beyond that minimum and, on the other, to act in the fields that it does not regulate.

This flexibility is a fundamental element of the effectiveness of the Convention. It has facilitated its application and its introduction into differing legal systems without disrupting their internal arrangements.

It has thus been possible for the minimum of protection to grow with each successive revision of the Convention, without its structure or conception having been changed.

However, by reason of its universal orientation, the Paris Convention had to remain a framework within which arrangements with a more limited geographical scope could be incorporated. From 1883, provision had therefore been made for "special agreements." Today there are many of these, to which more or less many of the countries of the Union are party, particularly as regards trademarks and service marks, industrial designs, indications of source and appellations of origin and, more recently—this delay may appear paradoxical—in respect of patents. This bringing together of nations in this field of international law, of which I just spoke, has permitted the creation of regional intergovernmental organizations such as the African Intellectual Property Organization and, some five years ago, the European Patent Office. This constitutes, it would seem to me, an extremely positive account, and we should pay homage to those who instigated these achievements and congratulate those who carry them out. This week's meetings of the Governing Bodies of WIPO give us the occasion to measure the amplitude and the continuity of the task accomplished by the International Bureau and the efforts of all those who devote themselves to it. Let us thank them here.

I will finish this brief historical survey by the event which seems to me to be the most significant for the Paris Union, that is to say, its extension over the last two decades to a large number of developing countries who,

within the Union, as in other international forums, have become the majority.

It is true that these countries have problems that are specific to them. It is the duty of the Paris Union to offer them reasonable solutions, while endeavoring to maintain its cohesion and the understanding among the countries in this privileged field of industrial property that have made it exemplary. I am convinced that the goodwill of the men who give life to this institution will surmount the difficulties that remain.

Intelligence and courage should make of this great Convention, whose 100th anniversary we commemorate today, the instrument of economic and social development that all countries, without exception, have a right to expect. The brilliant past of this Union is the guarantee of its future.

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ADDRESS by Mr. IVAN S. NAYASHKOV, Chairman of the State Committee for Inventions and Discoveries of the Union of Soviet Socialist Republics, Vice-Chairman of the Paris Union Assembly:

Mr. Director General,
Ladies and Gentlemen, Comrades,

It is a great honor for me, on behalf of the Delegations of the Group D States, to congratulate all those who have come to celebrate the centenary of the Paris Convention for the Protection of Industrial Property.

We have come a long way since the establishment of the Paris Convention. The number of members of the Convention has risen from eleven to 92. As a result of amendments and additions following six revisions, the text of the Paris Convention has grown nearly five times in length. The fact that the Paris Convention has always endeavored to keep pace with the demands of the times explains its longevity.

By uniting countries with differing social and economic systems and different levels of industrial development, the Paris Convention makes an important contribution to enlarging and strengthening international cooperation.

It has served as a basis for the establishment of twelve special unions the task of which is to ensure the effective protection of industrial property.

The ideas contained in the Paris and Berne Conventions have served as a basis for creating a specialized agency of the United Nations—the World Intellectual Property Organization.

Among the many provisions of the Paris Convention providing original solutions to the complex problems of industrial property protection, the most valuable, to our mind, is that dealing with national treatment.

National treatment expresses the respect for the right of each State to set up a system of protection for industrial property that best corresponds to its political, social and economic system and the needs of its economic development. It is this very principle that has always attracted and still attracts States to become members of the Paris Convention and to contribute to its strengthening.

The importance of this principle takes on a special dimension now that the political map of the world has undergone significant changes. Dozens of countries have achieved political independence. The number of countries of socialist orientation has grown.

New forms of protection for industrial property have appeared in some countries, while in others the patent has been given a new content. All these multiple forms of industrial property protection should be equitably reflected in the Paris Convention, taking into account the interests of all States. This would make the Paris Convention the most respected and the most active and long-standing convention in the world.

In speaking of the need for the Paris Convention to take into account recent changes, we mean the need to reflect in it the new forms of industrial property protection.

This need concerns, above all, inventors' certificates, which today represent more than one third of all primary granted titles of protection for inventions.

This new form creates the conditions for the free use of inventions in the interests of society. In addition, inventors' certificates deservedly reward the inventor by securing him material and moral rights.

These days, patents as a rule do not belong to the person who has made the invention but to his employer or to other owners who thus assume the right to use the invention and to derive all benefits from it. As far as the inventor himself is concerned, the Convention, since 1934, affords him only one right—the right to be mentioned in the patent document.

It is clear to all of us that without inventors there would be no inventions and without creators there would be no utility models, no industrial designs or other objects of industrial property. It would therefore be logical if the Paris Convention, speaking of rights concerning the protection of the results of the creative activity of inventors and creators of other objects of industrial property, also mentioned authoritatively the rights of the inventors and creators themselves.

The further development of scientific and technological progress will largely depend on how each State promotes the creative activity of those who initiate that progress.

A number of States have already taken legislative measures to regulate to some extent the relationship between inventors and employers who acquire the right to utilize their inventions. This is one of the new developments which the Paris Convention should not ignore. The Convention would get its second wind, and also the

support of millions of inventors and creators of other objects of industrial property, if its text obliged States to protect their rights.

In this context, the introduction of inventors' certificates in the Paris Convention would constitute one of the means of expressing the concern for the protection of inventors' rights. It is recalled that the very definition of inventors' certificates contains guarantees on the part of the State in respect of the inventor's right to remuneration and to other benefits.

In order to eliminate the enormous gap in the social and economic development of industrialized countries and developing countries, the United Nations adopted a declaration on the establishment of a new international economic order under which international relations should be reorganized on a just and democratic basis. The solution to this topical task, although its aim is primarily to satisfy the needs of the developing countries, also corresponds to the needs of the whole of mankind since the new economic order should eradicate all manifestations of neocolonialism, discrimination and pressure in interstate relations.

At the present time when scientific and technological progress has taken on decisive significance for the social and economic development of all countries, the international transfer of technology plays a specific role. The Paris Convention has an important contribution to make in the solution to this problem. The extent to which its provisions are capable of promoting the transfer of technology will determine whether the Convention can strengthen and extend its authority.

Currently, those who draw most benefit from the Paris Convention are the industrialized States, the firms and the economic entities that are in the forefront of technology.

Less developed States and those that are only at the beginning of their industrial development derive infinitely less benefit from the Paris Convention.

Fruitful cooperation between States in the international transfer of technology is necessary to achieve economic growth for all States of the world, particularly the developing countries. This cooperation should not depend on any differences in the political, economic or social system. This is one of the important factors in preserving international peace and security, for achieving international economic stability and progress and for improving the well-being of all nations.

In his message addressed to Arpad Bogsch, the Director General of WIPO, on the occasion of the centenary of the Paris Convention, the Chairman of the Council of Ministers of the Soviet Union, Nikolai Alexandrovich Tikhonov, emphasized that "it is believed in the Soviet Union" and in the other socialist countries "that further developing the provisions of the Paris Convention designed to better stimulate the creative activity of inventors and innovators, and the formation and strengthening of the national economy, as well as reflecting therein the new forms of the protection of

industrial property characteristic of the differing economic systems of the countries party to the Convention, would further consolidate its prestige and its positive role in international cooperation."

Ladies and Gentlemen, in celebrating the centenary of the Paris Convention, we set as our objective not only to preserve the Paris Convention, but also to make it a more effective instrument of international cooperation in the interest of general peace and progress, security and national independence for the benefit of the peoples of all States.

* *
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ADDRESS by Mr. CARLOS FERNANDEZ BALLESTEROS, Deputy Permanent Representative of the Republic of Uruguay in Geneva, Vice-Chairman of the Paris Union Assembly:

Mr. Chairman,
Honorable Director General of the World Intellectual Property Organization,
Honorable Representative of the Federal Council of the Swiss Confederation,
Honorable Representative of the State Council of the Republic and Canton of Geneva,
Honorable Permanent Representatives,
Honorable Delegates,
Ladies and Gentlemen,

I assume the task of taking the floor at this solemn ceremony celebrating the centenary of the Paris Convention for the Protection of Industrial Property, aware of the honor conferred on me and of the responsibility that it entails for me; a responsibility towards the group of developing countries members of WIPO—which has accorded me a distinction in excess of my capacity and merits—a responsibility towards my country and, ultimately, to myself.

The Director General and the other distinguished persons whom I am proud to accompany in this oratorical part of the ceremony have already outlined, or will outline, with greater accuracy and ability the history of the landmark that we are celebrating today, and the transcendence and impact that the Paris Convention has undoubtedly had as a model of protection of legitimate rights, as an instrument of legal security for a peaceful social coexistence within the international community.

I cannot dissociate my position as a speaker at this commemorative ceremony—in my capacity as Vice-Chairman of the Paris Union Assembly—from the immediate position in which I find myself, of representing the developing countries during the third session of the Revision Conference of our century-old Convention.

I believe that I would be defrauding those whom I have represented as well as my distinguished interlocutors at this ceremony if I failed to respond to the distinction conferred on me today by contributing to this commemoration what I consider to be my obligation to you, namely an account of my understanding of its significance from the point of view of developing countries.

I shall do this by referring, first, to the message addressed by the Head of State of my country to the Director General for this great occasion, in which among others he states, and I quote:

"... the participating countries having embarked upon the adjustment of the said Convention to the realities of today's world, at a crucial moment of negotiations, it is the ardent desire of our country that equitable and really useful agreements be reached for the regulation of the protection, licensing and exchange of technologies.

"Our country has always been open to dialogue and cooperation, with the hope that the necessary modifications will be approved and with the desire that such modifications be as solid and effective as was the Convention when it was signed in 1883" (end of quotation).

Mr. Chairman, we cannot dissociate this celebration from the historical and political moment in which it takes place. Furthermore, we believe that this ceremony will have significance and value if, in addition to commemorating the path followed up to today by the Paris Convention, we consider the path that it has yet to follow, and which must be followed so that if the ideal of justice that inspired the men of 1883 may also find itself consecrated in our present-day world.

We are celebrating the centenary of an international treaty of a multilateral character that has provided clear evidence that it constitutes a platform for cooperation in as technical and highly specialized a field as is industrial property. Those first hundred years have witnessed, through the momentum of 1883, seven successive revisions of the Paris Convention, which responded to the international community's recognition of the need to adapt the international system for the protection of industrial property to the requirements of a particular time in history. The men of each of those periods are also eminently deserving of our tribute on the occasion of this centenary.

This treaty which, as was logical, in its early years interested primarily the group of countries which at that time were experiencing a greater industrial development, has been incorporating a large number of developing countries which today, a hundred years later, represent substantially more than half of its member States.

Under such circumstances, it was natural that the latter group of countries, once other priorities vital to their development were in the process of being solved, should have begun to be increasingly concerned with their own industrial property policies, legislation and structures, to adapt them to their actual needs and realities and to endeavor to derive from them an effective contribution to their respective development.

It was thus that they decided to promote, within the framework of this Organization a new revision of the main industrial property treaty which, while possessing obvious merits in its essential features, at the same time was focused, from the point of view of those countries, in a manner that did not allow the achievement of the fundamental objectives of their industrial property policies.

The various stages of this revision, from the preparatory work up to the three sessions of the Diplomatic Conference, which have spanned from 1975 to the present, are more than familiar. Nevertheless, I take the liberty of highlighting three elements, let us call them thus, that stand out in this long period of negotiations:

The Declaration on the Objectives of the Revision of the Paris Convention, approved in December 1975 by the Ad Hoc Group of Governmental Experts set up for that purpose. The Declaration has enshrined fundamental principles to which the international system for the protection of industrial property has to adapt itself in order to respond adequately to the needs of all the parties to the Paris Convention, which are those of our times: its contribution to the establishment of a new international economic order, the full recognition in all regards of the economic and social development needs of the countries, the assurance of a fair balance between those needs and the rights granted by patents, the promotion of the actual working of inventions in each country, the furtherance of technological development in developing countries and the improvement of the conditions for the transfer of technology from industrialized to developing countries on fair and reasonable terms.

The fifth Ministerial Meeting of the Group of 77, held in Buenos Aires last April, at which the ministers of all the developing countries of the world adopted a resolution whereby, and I quote:

"...developing countries are invited to cooperate with a view to completing the revision of the Paris Convention for the Protection of Industrial Property, full account being taken of the interests of developing countries; it is further recommended that among the revised provisions of the Paris Convention it should be recognized that actual working is closely related to the grant and maintenance of patent rights, which should contribute to the economic and technological development of the countries in which they are registered, and not serve to establish import monopolies."

All these elements—occurring at opposite extremes of this long and slow negotiation process (1975 to 1983)—retain their full significance for developing countries.

The third milestone that we take the liberty of pointing out comes to us in one of the messages addressed to the Director General in honor of the centenary, and which appears in the magnificent commemorative publication that he has presented to us. In that message, the Head of State who sent it—and I permit myself to quote:

"...is indeed pleased with the notable contribution made by the Convention to technological progress and economic development

throughout the entire world" and "wishes to give its moral support in order that the present revision work should achieve its aim, that is to say to extend the benefits of the Convention to the developing countries and thus to help them to progress themselves in order better to meet their own needs, under conditions of lesser dependence on the industrialized countries, in order that the distance separating the two in respect of technology no longer be so prejudicial. This concern [continues the message] is part of [my] constant preoccupation... for the harmonious development of the peoples and their cooperation" (end of quotation).

This message does not come from any Head of State of a developing country, as one might well think. It belongs to someone who is not considered a member of any of the regional groups that are negotiating the revision, one whose moral force transforms his message into a compelling cause for reflection. The note in which it appears was signed in Vatican City on April 30, 1983.

Our hope is that the completion of the Revision Conference will have satisfied the majority, if not all, of the fundamental aspirations of developing countries. The large presence of the countries that constitute the Group of 77 at these negotiations is a clear and public demonstration of their desire to work within the framework of WIPO to achieve a revision of the international legal system governing industrial property. For the first time in the seven revisions that this Convention has undergone, the Conference is attended also by countries that are not yet party to the Convention but which are following the revision work with interest, as on its results will depend their own accession to the revised text. It is our firm belief that the universal character of the Convention is in the interest of all, and especially of the industrial property system. If all the countries of the world agree to have their industrial property relations regulated by one and the same treaty, that will guarantee the stability of the system and the cooperation that it promotes. Consequently, I believe that it is of the greatest importance to arrive at a formula that is satisfactory to all, but I have to insist, that clearly and effectively reflects the interests, desires and aspirations of this large number of countries, as only thus will they be able to feel themselves to be an integral part of a system of which hitherto most of them formed part in a rather theoretical manner. Developing countries are faced with economic realities that are reflected in their industrial, commercial and technological circumstances, that I do not need to mention, but which differ in fundamental respects from those of countries that have been more fortunate in terms of development.

It is therefore in a mood of serenity and expectancy that developing countries are marking this date in taking part in the celebration of the first hundred years of protection of industrial property. Serenity so as not to overshadow the celebration and the well-deserved tribute paid to those who laid the foundations for the creation of the Paris Convention system; expectancy in relation to the conclusion of the revision of the Convention and the results that it will produce for the benefit of all.

If industrial property is to serve as a positive factor of development, the present revision provides the opportunity of demonstrating it. This, in my opinion, constitutes the great challenge offered by the revision of the Paris Convention.

Mr. Chairman, the centenary of the Paris Convention is intimately linked with the history of this Organization, which began as a small technical secretariat for that treaty to become, years later, the resplendent specialized agency of the United Nations that we know today, which groups more than a hundred States. In the evolution of this Organization, which in recent years has performed activities that impress both by their breadth and by their intrinsic importance for the development of industrial property, we recognize mainly the hand of a man who during the last ten years has directed its destiny, and who in the decade prior to his election as Director General was already taking on fundamental responsibilities as the second in command of the agency. As you will imagine I refer to our Director General, Dr. Arpad Bogoch, whose imprint on the main activities of WIPO for these last 20 years is clear; those activities cover the most important range of the principal lines of action of this Organization, whether in connection with its internal structures or in the preparation and drafting of new treaties in various industrial property fields, including the revision of the main treaties, as at the great Stockholm Conference of 1967 and the revision of the Paris Convention in which we are now engaged; and, finally, in something that is particularly important to countries of the Third World, namely, the effective association of the majority of our countries in the activities of WIPO and in its ever-growing program of cooperation, in support of their efforts to improve and strengthen their industrial property structures, so that these may become a dynamic factor in the economic development to which they aspire. For those reasons the work of the International Bureau and of the man who directs it also merit our profound gratitude today.

Mr. Chairman, this tribute would be neither complete nor sincere if we did not renew today our commitment to the human race, with all its poverty and misery, to apply all our determination and effort so that the Paris Convention, that instrument which is the fruit and very example of human wisdom, to change and adapt in such a way as to make allowance for the realities of a highly unequal world but without losing sight of the motive that brought it into existence.

The men of 1883 have bequeathed the Paris Convention for the Protection of Industrial Property to us. On this day of celebration of their ability and work, one can well imagine that those same men would today have incorporated in the very title of the Convention the words, "for the benefit of the development of mankind and world peace."

Making this a reality will be our tribute to those who come after us.

May they thus remember us a hundred years from now.

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ADDRESS by Mr. PAUL BRAENDLI, Director of the Swiss Intellectual Property Office, Representative of the Government of the Swiss Confederation:

Your Excellencies,
Honorable Chairmen,
Honorable Directors General,
Ladies and Gentlemen,

On the occasion of this commemorative celebration, I wish to convey on behalf of the Federal Council the best wishes of the Swiss Confederation to the Paris Union, and also to the World Intellectual Property Organization and its Director General, Dr. Arpad Bogoch.

It is under the auspices and in the immediate neighborhood of the World Intellectual Property Organization that we are today celebrating the centenary of the Paris Convention for the Protection of Industrial Property. For the representative of the host country of the World Intellectual Property Organization, this fact has symbolic and testimonial significance. How is one to associate a small country like Switzerland with the destiny of a Union of universal vocation to which it has belonged for a century? Here now are some of the milestones of the history of the privileged bonds that link our country to the Union, and the reflections that they inspire.

Switzerland, devoid of raw materials but having resolutely pointed itself in the direction of innovation, could not stand aloof from the movement in favor of the international regulation of industrial property. Moreover, this movement owed its origin to those grandiose public manifestations of technological effort and progress, the Universal Exhibitions. Inventors, industrialists and businesspeople came together at the end of the nineteenth century, first in Vienna, then in Paris. The Patent Congress of Vienna unquestionably stimulated international reflection on the worldwide unification and development of patent law, but it was the Paris Congress in 1878, also called the Trocadero Congress, that took the lion's share in the creation of the International Union for the Protection of Industrial Property. Indeed, the program worked out for that Congress related no longer to patents alone but to all branches of industrial property, for which the necessity of an international convention was recognized.

The objective of the Trocadero Congress was to work out the bases for a uniform system of regulation. It was with this in mind that the Swiss delegation made proposals that in fact were inspired by work then in

progress within the Federal Council: a Law on the Protection of Inventions was in fact under preparation in our country. Immediately after the close of the Congress, Bodenheimer, the Swiss delegate, proposed a preliminary draft of an international convention with the support of the French Section of the Permanent International Commission set up by the Congress. The text was promptly adopted by the Permanent Commission.

Like the national treatment principle, there were provisions in the preliminary draft without which no agreement would ever have been reached. Yet the targets that the Congress had set itself had been exceeded, and the whole vast program was becoming a pipe dream. Nevertheless the French delegate, Charles Jagerschmitt, drew up a more general draft on the same basis which was to become the first version of the Paris Convention.

It is interesting to note, however, that there were certain provisions in the Bodenheimer text that I do not hesitate to describe as prophetic.

Here is one example, taken from Article 4 of the preliminary draft. There it was said that "throughout its life a patent must afford the inventor or his assignees the exclusive right to work the patented invention, and not a mere entitlement to a royalty that would be paid to him by others who worked it." The topical relevance of that provision is such that we are bound to marvel at the farsightedness of its author.

The same Article of the preliminary draft further laid down the principle of the mutual independence of patents granted in two or more countries for the same invention. In fact, it was not until the Brussels Conference in 1900 that this concept became one of the fundamental provisions of the Convention.

Finally, to quote a third example, it is striking to note that the Bodenheimer text specified the dispatch to the patent applicant of a "secret prior report, concerning notably the novelty of his invention, in order that he may, at his discretion, maintain, amend or abandon his application." This idea was incorporated 92 years later in the Patent Cooperation Treaty.

Shortly after the end of the Trocadero Congress, there was a meeting of the Commission for the setting up of the Swiss Section of the Permanent International Commission of the Paris Congress. There was no lack of votes at that meeting in support of the hope that the negotiations in progress would tend to expedite the adoption in Switzerland of full protection for industrial property. The problem of accession also arose in that connection: since it had only protected trademarks until then, could Switzerland in fact accede fully to the Convention? Admittedly other countries were up against the same difficulties: trademark laws declared unconstitutional, patent laws repealed, etc.

Among the observations made by the Swiss Section concerning the French proposals for a Convention text, I shall confine myself to mentioning its preference for a

longer priority period for industrial designs and trademarks, namely six months instead of three. That solution was eventually adopted by the Revision Conference at The Hague in 1925.

The foundations of the great undertaking were laid in 1880, at the Paris International Conference. The surge of enthusiasm that pervaded that meeting went far beyond the hopes of the French Government, which had expected the Conference to do no more than work out a preliminary draft to be submitted to governments on a consultative basis. In fact, all that was missing from the final draft that emerged was ratification.

Courage was required on the part of the representatives of the States that adopted, among other things, the fundamental principle of the assimilation of foreigners to nationals. For proof of this, one has only to peruse the often vitriolic comments on the part of certain critics. In France, for instance, *Le Petit Journal* of August 13, 1885, went so far as to demand, and I quote, that "the French delegates be brought before the High Court on a charge of high treason!"

Monitoring the evolution of the Union step by step in order to adapt the Convention to it became the task of the revision conferences. In supervising and coordinating that work, the International Bureau played a vital role which I intend to touch on now.

It was in the midst of the general euphoria that a Bureau was set up that was to be responsible for the administrative tasks relating to the Union. For Senator Bozérian, who presided over the Conference, this favorable reaction was "a clear affirmation of the solidarity of the Union."

It was not due to any general conceptions regarding the operation of international society that the choice of supervisory authority for the Bureau went to Switzerland. As Marcel Plaisant pointed out, it was more a question of meeting certain very definite needs. The reference to the satisfactory precedent set by other bureaux already functioning in Berne was decisive. From then on, the role that France had taken upon itself during the preparatory period could be transferred to Switzerland.

Federal Councillor Numa Droz, head of the Department of Commerce and Agriculture, worked voluntarily and unremittingly on the establishment of the Union and its Bureau. Then the year 1885 marked the beginning of the 35-year commitment of Frey-Godet, a Swiss, to the service of the Union, to the installation of the Bureau in independent premises and to the appearance of the first issue of *La Propriété industrielle*.

Very soon the activity of the Bureau went beyond the narrow limits drawn out for it by the Convention. How could one refuse interested parties, whether corporate bodies or individuals, who applied to the Bureau in a spirit of trust, the strictly unofficial provision of the advice that they sought? The Contracting States were of course in favor of this activity, which they followed

through the medium of the annual management reports.

According to the wish of a number of countries, the Swiss Federal Council united the Bureau of the Paris Union and that of the Berne Union for the Protection of Literary and Artistic Works and thereby gave them a permanent organizational structure. Henri Morel, a member of the Swiss Parliament, was the Director of the United Bureaux until 1912.

The International Bureau of the World Intellectual Property Organization has been entrusted with a heritage of what is now a hundred years' standing. The dedication and competence with which the international secretariat discharges this responsibility are bound to be a further reason for pride on the part of the country that has offered its hospitality to the Organization.

The importance of the Paris Convention is a testimony of the value of creativeness and hard work.

Switzerland, which was formally responsible for the Bureau of the Union, is today still committed with the same determination, and does not hesitate when necessary to speak out on behalf of those that share its convictions.

At this meeting point of ideas and action, in this place, the protection of industrial property must continue to develop. May that protection bring with it new seeds of cooperation between all countries, developing, industrialized, and with different socio-economic systems.

These are the wishes that we express for the permanency of the Paris Convention.

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ADDRESS by Mr. PIERRE WELLHAUSER, President of the Council of State of the Republic and Canton of Geneva, Representative of the Government of the Republic and Canton of Geneva:

The Council of State and the authorities of the Republic and Canton of Geneva join in presenting their compliments to you on the occasion of the anniversary marking the signature, in 1883, of the Paris Convention for the Protection of Industrial Property.

The World Intellectual Property Organization is one of the 15 specialized agencies of the United Nations system, and it may feel proud of this event, since it plays throughout the world not only the role of promoting intellectual protection but also that of promoting cooperation among the States in order to provide technical assistance to developing countries.

The 92 associated States, for 100 years now, have been resolutely engaged in promoting creative activity and facilitating the transfer of technology to countries in

relation with industrial property in order to accelerate their economic, social and cultural development.

In planning and carrying out its activities for the benefit of the nations, WIPO is guided by the objectives of international development cooperation, emphasizing the great advantage of employing intellectual property in order to encourage creative activity.

This policy must draw its sources from knowledge. We may therefore measure the importance of devoting unflinching attention to professional and university training to give research a foundation in knowledge that will be transmitted with the will to progress towards an ever-renewed humanism for the benefit of mankind.

By enabling the exploitation of the most elaborate knowledge, inventions permit practical achievements capable of resolving given problems in the most varied fields of technology.

If we wish to protect human dignity, if we wish, as is the case in Geneva, to contribute to the achievement of peace, we must unite all peoples to make them aware of the role that dynamic research, open to the world, can play in the development and independence of each of them.

An appeal must be made to their awareness in order to organize, in particular, balanced growth which preserves the unity of research and promotes transfers between sectors, while ensuring a proper movement of men and ideas between research and its results.

It is at this juncture, Mr. Director General, that we must salute the efforts undertaken by the World Intellectual Property Organization.

Your organization has understood that the protection of industrial property does not constitute an end in itself but that it is a means to encourage industrialization, investment and fair commerce.

All of these are actions that assuredly contribute to greater security, greater solidarity, less poverty and greater harmony in the life of men.

You administer, Mr. Director General, a store of knowledge, but also an enormous store of confidence that permits investments which generate progress and, we would wish, are capable of reducing the disparities that afflict the population of too many countries.

We are happy that you are in Geneva.

Indeed, the whole history of our city is marked by the relations that we have never ceased to have with nations.

It is indeed our very vocation to receive on our territory all those who work, in differing sectors, for the benefit of mankind and for better understanding between peoples.

Geneva, the Genevèse and the whole population are proud to number you among the international organizations that have their headquarters in their canton.

As you know, the Genevèse have always been inquisitive, as much in the physical and natural sciences as in the moral sciences.

As the seat of numerous learned societies, our city

experienced a fruitful activity during the eighteenth and nineteenth centuries.

Much of this work led to new knowledge and resulted in remarkable inventions in the fields of physics, chemistry and in particular medicine.

This scientific contribution by an elite made possible the advancement of knowledge and the strengthening of the humanism that emerged from the city of Calvin, with all the intellectual rigor that characterized our predecessors.

We therefore had, dare I say, a natural inclination to host the headquarters of your organization.

In order to mark this event and to formulate our wishes for the future of WIPO, the city of Geneva and the Council of State join in offering you a gift of two copper beech trees that will embellish the surroundings of your remarkable administrative center.

Please see this gift as a symbol of your activities, deriving from man and from intelligence, growing in an environment of plenitude and hope, finally to flourish in the serenity of dialogue marked by a spirit of cooperation.

We present to you again, Mr. Director General, ladies and gentlemen, our compliments.

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ADDRESS by Dr. ARPAD BOGSCH, Director General of the World Intellectual Property Organization:

Chairman and two Vice-Chairmen of the Assembly of the Paris Union for the Protection of Industrial Property, and Delegates to that Assembly, particularly those of France, the country in which the Paris Convention was born a hundred years ago and which organized a celebration in Versailles earlier this year, Representative of the Swiss Federal Council and other Representatives of the Swiss Confederation, President of the State Council of the Republic and Canton of Geneva and other Representatives of Geneva,

Ambassadors, Permanent Representatives of States before the Organizations of the United Nations system in Geneva,

Heads of Intergovernmental Organizations, Representatives of Non-Governmental Organizations, especially those of the International Association for the Protection of Industrial Property, organizers in Paris last May of the celebration of our centenary, Professor Bodenhausen, Esteemed Guests,

My dear colleagues, the staff of the International Bureau,

Ladies and Gentlemen,

In my capacity as head of the Secretariat that, for a hundred years, has served the Paris Convention, I shall present expressions of thanks

to the authorities of our host country, Switzerland, to the authorities of our host city, Geneva, to the staff—past and present—of the Secretariat, and to the totality of the 92 Governments that represent the 92 States members of the Paris Union, the Union of States founded by the Paris Convention of 1883.

Our host country, Switzerland, has been entrusted by the founders of the Paris Union with the task of setting up and supervising the International Bureau, as our Secretariat is called. The Swiss Federal Council exercised this function for 87 years, that is, until 1970, when the collective supervision of the International Bureau passed from Switzerland to the totality of the member States. The Swiss Government, in harmony with its political neutrality and administrative and financial efficiency, performed that task in an admirable way. During the first 80 years, it placed at the head of the International Bureau eminent directors, all Swiss nationals. I shall cite their names to honor their memory since their contribution to the development of the Paris Convention was decisive. They were Henri Morel, a former president of the Swiss Parliament; Robert Comtesse, a former president of the Swiss Confederation; Ernest Röhli Berger, who spent 38 years in the service of the International Bureau; Fritz Ostertag, a former president of the highest Swiss Federal Court; Bénigne Mentha, a renowned Swiss scholar of intellectual property law; and Jacques Secretan, a former professor of law at the University of Lausanne.

During those years, and until 1960, the seat of the International Bureau was Berne, the capital of the Swiss Confederation.

Since 1960, the International Bureau has been in Geneva but the Swiss Confederation continues to secure the conditions necessary for allowing the delegates to our meetings to come to Switzerland and the staff to live in Switzerland.

The Swiss Government is also a generous host. The money required for building WIPO's headquarters building is loaned by Switzerland on favorable terms. The most recent example of Switzerland's generosity is the issuance of WIPO stamps by the Swiss postal authorities, the revenue of which allowed, among other things, the construction of the commemorative fountain in front of the headquarters building. You will see it as we go to the reception from here. It is, thus, essentially, a gift from Switzerland, for which I express my sincere thanks.

Honorable representative of the Swiss Federal Council, Mr. Paul Braendli, through you, I wish to thank, in the name of the International Bureau and in the name of the member States, the Federal Council for 100 years of care and protection. And I thank you for the important speech you just made.

Let me now turn to Geneva, to the authorities of Geneva.

The Paris Union, like many other international organizations, finds Geneva an ideal place to have its headquarters. The cosmopolitan atmosphere of this city, the enlightened policy towards international organizations of the Republic and Canton of Geneva, the beauty and security of the town carefully maintained by the municipal authorities make it most pleasant both for visiting delegates and for the international staff to be in Geneva.

I ask the honorable President of the State Council of the Republic and Canton of Geneva, Mr. Pierre Wellhauser, who just honored us with his speech—and whom I thank for his kind words and the commemorative trees that he will plant soon—to accept the most sincere gratitude of the Paris Union for Geneva's unfailing hospitality.

I turn to our staff.

It is small in numbers, some 270 at the present time, but composed as the staff of an international secretariat should be. My colleagues come from more than 50 countries, and the three Deputy Directors General—my closest collaborators and trusted friends—come from the three main groupings of the world: Klaus Pfanner from a market-economy industrialized country, Marino Porzio from a developing country and Lev Kostikov from a Socialist industrialized country.

The staff has the task of servicing the meetings of the delegates of our member States, of proposing measures to increase the efficiency of international cooperation in the field of intellectual property, of administering the treaties entrusted to the International Bureau, and of fostering, organizing and providing activities conducive to the development of developing countries. This last-mentioned task started only in the last quarter of the hundred years of the Paris Convention. But it has grown rapidly and considerably. And it is good that it is so. The welfare of the major part of the globe is involved. Enlightened self-interest and generosity go hand in hand. The International Bureau is grateful to the member States and to the international organizations for contributing to the activities of the International Bureau devoted to developing countries. Those activities will, I hope, further increase in the future. I shall certainly do my best that they do increase.

The staff of the International Bureau fully realizes the importance of the tasks with which it is entrusted, and it works in conformity with this realization: impartially, efficiently and with devotion.

I should like to use this solemn occasion to express publicly, before the illustrious and worldwide audience that this gathering is, to my three deputies, just named, and to each and every one of the 270 staff, my admiration and my thanks for their intelligent, enthusiastic and hard work.

I should like also, before this gathering, to recall that the present modern era of the International Bureau

started essentially 20 years ago under the leadership of one of the most outstanding specialists of intellectual property law in the world and a man who deeply believes in international cooperation, the man who was the first elected Director General of the International Bureau, a man whom we are fortunate to have among us, Professor Bodenhausen.

Lastly, I turn to the member States themselves.

The member States, naturally, fully realize the importance of this centenary.

This was eloquently demonstrated by the speeches you just heard by the officers of the Assembly of the Paris Union, namely Director Combaldieu from France, Chairman Nayashkov from the Soviet Union, and Minister Fernández Ballesteros from Uruguay. I thank them for their wise, warm and kind words.

Another sign of the realization by our member States of the importance of this centenary consists of the fact that most of them, through their Heads of State or Government, sent messages to underline the importance of this event and to express their wishes for a bright and long future.

I shall enumerate the names of the senders of those messages—whose text, by the way, is published in the commemorative book which some of you have already received and the others will receive—because, I believe, it is comforting for both the governmental delegates and the staff to know that their work is appreciated in the highest places.

They are the following, in the alphabetical order of the names of the countries:

from Algeria, President Chadli
 from Australia, Prime Minister Hawke
 from Austria, President Kirchschräger
 from the Bahamas, Prime Minister Pindling
 from Belgium, Prince Albert
 from Benin, President Kerekou
 from Brazil, President de Figueiredo
 from Bulgaria, Chairman Zhivkov
 from Canada, Prime Minister Trudeau
 from the Congo, President Sassou-Nguesso
 from Cyprus, President Kyprianou
 from Czechoslovakia, Chairman Strougal
 from Denmark, Prime Minister Schlüter
 from Egypt, President Mubarak
 from Finland, President Koivisto
 from France, President Mitterrand
 from Gabon, President Bongo
 from the German Democratic Republic, Chairman Stoph
 from the Federal Republic of Germany, President Carstens
 from Ghana, Chairman Rawlings
 from Greece, President Karamanlis
 from Haiti, President Duvalier
 from the Holy See, Cardinal Casaroli
 from Hungary, Chairman Losonczi
 from Iceland, President Mrs. Finnbogadottir

from Indonesia, President Soeharto
 from Iraq, President Hussain
 from Ireland, President Hillery
 from Israel, President Navon
 from Italy, President Pertini
 from the Ivory Coast, President Houphouët-Boigny
 from Japan, Prime Minister Nakasone
 from Jordan, King Hussein
 from Kenya, President Arap Moi
 from Liechtenstein, Prince Franz Josef
 from Luxembourg, Grand Duke Jean
 from Madagascar, President Ratsiraka
 from Malta, President Mrs. Barbara
 from Mauritania, President Ould Kaydalla
 from Mexico, President de la Madrid
 from Monaco, Prince Rainier
 from Morocco, King Hassan
 from the Netherlands, Prime Minister Lubbers
 from New Zealand, Prime Minister Muldoon
 from Niger, President Seyni Kountche
 from Norway, Prime Minister Willoch
 from the Philippines, President Marcos
 from Poland, Chairman Jablonski
 from Portugal, President Eanes
 from the Republic of Korea, President Chun Doo Hwan
 from San Marino, the Ruling Captains Barulli & Gobbi
 from Senegal, President Diouf
 from the Soviet Union, Chairman Tikhonov
 from Spain, King Juan Carlos
 from Sri Lanka, President Jayewardene
 from Suriname, President Misier

from Sweden, Prime Minister Palme
 from Switzerland, President Aubert
 from Syria, President Assad
 from Tanzania, President Nyerere
 from Togo, President Eyadema
 from Trinidad and Tobago, President Clarke
 from Tunisia, President Bourguiba
 from Turkey, President Evren
 from the United Kingdom, Prime Minister Mrs. Thatcher
 from the United States of America, President Reagan
 from Upper Volta, former President Ouedraogo
 from Uruguay, President Alvarez
 from Viet Nam, Chairman Pham Van Dong.

Many of the senders of these messages refer to the diplomatic conference that started in 1980 and is not yet finished, the conference that has the task of amending—revising, as we say—the text of the Paris Convention. The Paris Convention has been, so far, revised six times, that is, every 15 years or so. The ongoing revision effort is of extraordinary significance and complexity because it is the first revision that has to deal with so-called North-South and so-called East-West relations. Solutions recognizing the special needs of the contemporary economic and social diversity of the nations, solutions acceptable to all parties concerned, have to be found.

Such solutions are indispensable for the efficient continuation of international cooperation in the field of industrial property.

It is by solemnly pledging the full efforts of the International Bureau to finding such solutions that I close this speech and this ceremonial act.

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**Messages from Heads of State or Government to the
 Director General of WIPO
 on the Occasion of the Centenary of the Paris Convention
 for the Protection of Industrial Property**

Algeria. From H.E. Mr. BENJEDID CHADLI, President of the Republic. —

The celebration this year of the centenary of the Paris Convention for the Protection of Industrial Property takes on, for a great many reasons, a profound significance for all the States party to it, and for developing countries in particular. The application of this Convention, which without any doubt has made its mark on the development of international economic relations, remains today one of the means whereby relations between member countries, most especially with regard to inventions, may be regulated in the interest of mankind as a whole. The number of countries that have

acceded to the Convention and apply its fundamental principles is the surest proof of the growing interest that States attach to the problems arising out of the various aspects of industrial property, and above all inventions and practical measures for the protection of inventors. — This great official event, in which Algeria is taking part, occurs at a time when a common resolve is taking shape with a view to the establishment of new relations based on justice and equity. — On this occasion, it is Algeria's wish that the process of revision of the Paris Convention, which began some years ago, may be given new impetus in order that the Convention may better reflect the tangible changes that the world has

undergone, and that it may thus respond to the legitimate aspirations of developing countries for social and economic progress.

Australia. From H.E. Mr. R.J.L. HAWKE, Prime Minister. —

Please accept my warmest congratulations on the centenary of the Paris Convention for the Protection of Industrial Property. It is no mean feat for a convention to survive for a century which has seen such momentous change. Such survival is a tribute to both the foresight of the Convention's authors and the flexibility of its basic provisions. — As I see it, the Convention is a reflection of the importance of industrial property to economic progress in both developed and developing countries. I believe that its significance is destined to increase as people gain a wider appreciation of the key role played by international trade in new technology in the economic and social welfare and development of member countries. — I share your hope that the Convention will continue to provide a vehicle for technical co-operation between nations and look forward to Australia continuing to share the benefits of participation with other nations.

Austria. From H.E. Mr. RUDOLF KIRCHSCHLAGER, President of the Republic. —

The 100th anniversary of the Paris Convention is for me a welcome opportunity to give recognition to the great importance that this basic international treaty has had for the technical progress and the economic development linked with it in our century. — The birth of this international treaty is to be attributed to the initiative of the users of patent and trademark law, who were directly interested in the laying down of minimum international standards. During its lifetime so far, six revision conferences have adapted the provisions of this legal instrument to requirements changing with the times and have continuously developed and improved them. — As the number of members of the Convention has grown in all parts of the world, the protection of industrial property has likewise gained in significance for international economic development. — Today, we are living in an age of technical and economic emergence and change throughout the whole world and, indeed, under all economic systems. In such an age, we should have the courage to use the experience gained with this century-old, proven international instrument as a basis for seeking new ways to make modern technology available for the benefit of all men, while recognizing the achievements received in exchange and the needs of all. — The 100-year old existence of this basic treaty gives me a welcome opportunity to express also to your Organization my recognition and my gratitude for the valuable work it has done. Austria will, as it has always done, continue its efforts to contribute its part to the international cooperation that takes place in the framework of the World Intellectual Property Organization.

Bahamas. From H.E. Mr. LYNDEN O. PINDLING, Prime Minister. —

The Commonwealth of The Bahamas embraces this opportunity to participate in the Celebration of the 100th Anniversary of the Paris Convention for the Protection of Industrial Property and acknowledge the important role it has played in the history of Copyright development. — Since its adoption in 1883, the Convention has proven to be effective legal basis for the protection of inventions, trademarks and industrial designs, thereby fostering economic development and encouraging technological and scientific development. I hope it will continue to play a vital role in the pursuit of universal progress.

Belgium. From H.R.H. Prince ALBERT of Belgium. —

On the occasion of the 100th anniversary of the Paris Convention for the Protection of Industrial Property, I would like to say how much I appreciate the contribution made by this remarkable international instrument to cooperation between States in the field of the protection of inventions, of trademarks and service marks and of industrial designs. — This Convention, which, I am happy to note, was first revised at a conference held in Brussels in 1900, was the first of a long series having the ultimate aim of protecting intellectual property throughout the world. — At this time, at which the contribution of technology is becoming more than ever, for all the States of the international community, an essential element in their future development and prosperity, the Paris Convention remains, with other conventions and in particular with the Berne Convention for the Protection of Literary and Artistic Works, one of the bases on which rests the action of the World Intellectual Property Organization. — Having become a specialized agency of the United Nations, WIPO has thus quite naturally taken its place within this vast system of international cooperation by offering its technical and legal assistance to all its Member States and in particular to the developing countries. — I express the wish that WIPO should continue to provide its valuable help to the harmonious progress of technology and of trade and should thus contribute to international economic development.

Benin. From H.E. Mr. MATHIEU KEREKOU, President of the Republic. —

From March 20, 1883, to March 20, 1983, the Paris Convention for the Protection of Industrial Property will have reached a century of existence. — Certainly, numerous revisions required by the social, legal, technical and economic evolution of its member States have marked its long history. — Nevertheless, the Paris Convention for the Protection of Industrial Property finds itself strengthened as a result, as bears witness

today the impressive number of its member States. Therefore, on this occasion of celebrating the 100th anniversary of the Paris Convention, we are pleased to underscore its positive and effective contribution to the technological and economic progress of the world. — Therefore, on behalf of the Beninese People and in our name, we have the honor to renew our support for, and to reiterate our attachment to, the noble fundamental principles that were the basis for the drafting of the Paris Convention, of which our country, the People's Republic of Benin, has been a member since 1967. — May the second century, into which the Paris Convention for the Protection of Industrial Property proudly enters, bring peace among the member States and further strengthen their links of cooperation.

Brazil. From H.E. Mr. JOAO BAPTISTA DE OLIVEIRA FIGUEIREDO, President of the Republic. —

On the occasion of the commemoration of the centenary of the signing of the Paris Convention for the Protection of Industrial Property, I wish to address to Your Excellency, in the name of the Brazilian Government, appreciation for the services rendered to the international community by that legal instrument, both in the specific area in which it applies and in connection with the transfer of technology. — Being aware of the importance of the role played by the Paris Convention, Brazil, one of its original signatories, is taking an active part in the process of revision of the international system for the protection of industrial property, which is currently going on under the auspices of the World Intellectual Property Organization with a view to making the system more responsive to the interests of developing countries. — On the occasion of such a significant date, I have pleasure in expressing to Your Excellency, Mr. Director General, the wish that the Paris Convention may continue to provide mankind with an effective forum for cooperation and development.

Bulgaria. From H.E. Mr. TODOR ZHIVKOV, Chairman of the Council of State. —

The celebration of the 100th anniversary of the Paris Convention for the Protection of Industrial Property is for me a pleasant occasion to express my respect for the contribution made by that international document to the promotion of technological progress, to the legal improvement of the transfer of technology and to fostering long-term, dynamic trade and economic cooperation in the interests of all countries and nations. — In the course of its one century of existence, the said Convention has played a major role in the development of international economic relations, it has demonstrated its vitality and has successfully stood the test of time, as it has contributed to the establishment of

equitable and mutually beneficial businesslike cooperation among States on various issues related to industrial property. At the same time, the Convention adapted itself and kept abreast of the requirements of a progressively changing reality in the world during the last decades. Evidence of this is given by the periodic changes and improvements of its text achieved by the member States. The Paris Convention acquires a particular topical importance in today's strained international situation, when the efforts of all States ought to be directed towards maintaining world peace and international security, towards disarmament and *détente*, towards development of international cooperation. — I should like to express my confidence, Mr. Director General, that the seventh revision of the Paris Convention will also prove conducive, to the highest extent possible, to its adjustment to the new political and economic situation in the world, thus enhancing its impact on the legal regulation of questions related to industrial property. — I can assure you, Mr. Director General, that my country, which has been party to the Paris Convention for the Protection of Industrial Property for 62 years, will make its contribution to the concerted efforts for its improvement and practical implementation, in the firm belief that in doing so it will contribute to the strengthening of international economic cooperation and peace throughout the world.

Canada. From H.E. the Rt. Hon. PIERRE ELLIOTT TRUDEAU, Prime Minister. —

On the occasion of the centenary of the Paris Convention for the Protection of Industrial Property, permit me to offer to you, and also to the secretariat of WIPO, my congratulations and those of the Canadian people. — Since the end of the last century, the Paris Convention has achieved harmonization in the national legislations of the member countries of the Paris Union in the field of the protection of patents, trademarks and industrial designs. In so doing, the Convention has not only created a climate propitious to creative and inventive activity, but also furthered the transfer of technology among the different countries, thus contributing not inconsiderably to the economic and industrial development of our societies. — When celebrating this centennial, we should derive satisfaction from the steadily increasing membership in the Paris Convention, which demonstrates its lasting relevance as a multilateral treaty. Past revisions of the Paris Convention exemplify admirably its continued health and durability. In response to new and evolving international conditions, member states have introduced, from time to time, necessary and important changes in the Convention and thus facilitated the entry of new members into the international industrial property system. — I am particularly encouraged to see that member states are maintaining this tradition of open-

mindfulness and adaptability during the current revision. I am confident as well that the Paris Convention will continue to be a significant force in sustaining and promoting cooperation between countries on industrial property matters.

Congo. From H.E. Colonel DENIS SASSOUNGUSSO, President of the Republic. —

On the occasion of the celebration of the 100th anniversary of the Paris Convention for the Protection of Industrial Property, the People's Republic of the Congo wishes to pay deserved homage to the World Intellectual Property Organization for the efforts it unceasingly undertakes to make the whole international community play the role which belongs to it in cooperation among the States and the other international organizations. — Everyone now acknowledges that the Paris Convention for the Protection of Industrial Property, today one hundred years old, constitutes a true means of transfer of technology by which industrialization, investment and international trade are encouraged. — The People's Republic of the Congo is a young country, but one which is ready to make important decisions. — Indeed, in the first hours of its revolution, it had already perceived the importance of this Convention; it therefore immediately became a member of the Paris Union, on September 2, 1963. — The decisions of the People's Republic of the Congo in the field of economic and social development are aimed above all at social progress and the well-being of man. In this connection, the role played by the Paris Convention for the Protection of Industrial Property is of great importance since its aims are progress and honest trade for better international cooperation. — The revision of the Paris Convention undertaken these latter years by the States that are party thereto therefore constitutes a very important point for the success of the world strategy for the reorganization of the international economy and for the redistribution of roles. — May the Paris Convention for the Protection of Industrial Property continue to fight for the institution in the world of a new international economic order, while guaranteeing new relationships at the worldwide level for the development of technology and of the economy.

Cyprus. From H.E. Mr. SPYROS KYPRIANOU, President of the Republic. —

On the occasion of the 100th Anniversary of the Paris Convention for the Protection of Industrial Property I would like to express congratulations to the World Intellectual Property Organization on its success in administering the Convention covering the fields of patents, trade marks, industrial designs, unfair competition and related subjects. — Cyprus, realizing the vital role that industrial property plays in the

advancement of technological progress and economic development throughout the world and in the promotion of cooperation and understanding among peoples, just after its independence in 1960 commenced the preparatory work for the ratification of the Paris Convention and as from the 17th of January, 1966, is a full member thereof. — I wish you every success.

Czechoslovakia. From H.E. Mr. LUBOMIR STROUGAL, Chairman of the Government. —

The fact that the Paris Convention for the Protection of Industrial Property will presently celebrate its 100th anniversary, and that an ever-growing number of States apply this Convention, proves its viability and broad impact on the development of technical creative activities as well as on the protection of such activities all over the world. — The utilization of the achievements of science and technology, and of the results attained in the field of culture, for the peaceful development of human society, as well as the protection of the creators' rights, initiated by the Paris Convention for the Protection of Industrial Property, are of first-grade importance for the life of modern society. — This has led to a steady increase in the role played by the World Intellectual Property Organization, which substantially contributes—by applying the aforementioned Convention on a world scale and by its efforts for the protection of the rights flowing therefrom—to the development of peaceful cooperation in the fields of trade, industry, science and technology and hence to the implementation of the Final Act of the Conference on Security and Co-operation in Europe in these spheres. — The Czechoslovak Socialist Republic, a party to the Paris Convention for the Protection of Industrial Property since 1919, has always considered and still considers this Convention an efficient instrument of the economic and social development of States, regardless of their social system, providing for a wide international cooperation in the field of scientific and technical progress. — In view of the fact that profound changes have been taking place in the political, economic and social fields during the last decades, with an inevitable bearing on the functioning of this important international Convention, I deem it important that the Convention should comply with this changing image of the world. Its present mission I therefore see first of all in ensuring an equitable balance between the needs of the States and the rights flowing from documents protecting new discoveries, in ensuring the equality of all existing forms of protection of industrial property, in promoting the development and transfer of technology and of scientific and technical knowledge and last, but not least, in the support of inventive activity in the whole world, particularly in the developing countries. — Permit me, Mr. Director General, on the occasion of the 100th anniversary of the Paris Convention for the Protection of Industrial Property, to congratulate you,

your colleagues and all member States and to express my thanks for the efforts by which the World Intellectual Property Organization contributes to understanding and cooperation among nations. — Permit me at the same time to express the conviction that the Paris Convention for the Protection of Industrial Property will continue to serve the interests of progress, peace and international cooperation and that the World Intellectual Property Organization will continue to effectively contribute to this aim. Please be assured that the Czechoslovak Socialist Republic for its part will fully support the realization of these efforts.

Denmark. From H.E. Mr. POUL SCHLUTER, Prime Minister. —

On the centenary of the Paris Convention for the Protection of Industrial Property, Denmark expresses its appreciation of the contribution which the Convention has made to developing a legal regime in this field, well suited to promote technological and economic development throughout the world. — The pursuit of the desirable goal of promoting the development of new technology and international exchanges of information and data on this subject, and of stimulating international trade, requires appropriate rules to protect the proprietors of the rights concerned. To this end, the Union founded under the Paris Convention has established certain fundamental principles. And, through the principle of national treatment of all nationals of the member States of the Union, divergences of national laws relating to industrial property have been reduced.

Egypt. From H.E. Mr. MOHAMED HOSNI MUBARAK, President of the Republic. —

In the name of Allah the Merciful the Compassionate. — Greetings. — On the occasion of your Organization's celebrating the 100th anniversary of the signing of the Paris Convention for the Protection of Industrial Property, it gives me pleasure to address to you my sincere congratulations, together with my appreciation for the constructive part played by the Organization and the achievements accomplished by the Paris Convention in this respect. — Firmly convinced of the importance of the Paris Convention, which has enabled the legal basis to be established for the protection of patents and trademarks at the international level, Egypt—as you know—acceded to the Convention in 1951 and has since then participated conspicuously in all the international activities undertaken in this field, because it holds the Paris Convention—which operates within the framework of WIPO—to be a most efficient means for instituting a worldwide economic order, governed by justice, in which the economic disparity between countries is reduced. In addition, Egypt feels that industrial property, particularly everything to do

with inventions, should constitute a major element in the process of technology transfer to the developing countries and the industrialization of their societies. Those are the reasons for which Egypt from the very outset has supported all actions—particularly those undertaken by the developing countries—with a view to revising and developing the Paris Convention in such a way that it becomes possible to achieve those objectives, and also social and economic development on a worldwide scale. The most recent of these efforts is the meeting of the Diplomatic Conference since February 1980. — In this context, I can only give praise to WIPO for its constructive role and unceasing work in an endeavor to ensure the success of the work of that Conference and to achieve the expected results. — Please accept my sincere greetings and best wishes to you and your Organization in the fulfillment of its noble task.

Finland. From H.E. Mr. MAUNO KOIVISTO, President of the Republic. —

I wish to greet the World Intellectual Property Organization on the occasion of the celebration of the 100th anniversary of the Paris Convention for the Protection of Industrial Property on the 26th of September, 1983. — It is a truly remarkable sign of vitality and flexibility for an international instrument in this important field related to technological development to reach this milestone. Finland became party to the Convention in 1921, shortly after gaining its independence. The period in question has for my country as for so many others coincided with enormous technological development. — I am convinced that the World Intellectual Property Organization as a member of the United Nations family and as the guardian of the Paris Convention will be able to ensure even the future vitality of the Paris Convention as an important tool for solving the pressing problems of economic and social development on a global scale.

France. From H.E. Mr. FRANCOIS MITTERRAND, President of the Republic. —

The centenary of the signing of the Paris Convention for the Protection of Industrial Property is for me the occasion to testify to the interest shown by France in the activities of the Organization that you direct. — The right, to which everyone may aspire, in the creations of his mind has been a universally accepted notion since the most remote times. But the Paris Convention innovated in making it possible for inventors and all creators in the industrial and commercial fields to have their rights recognized on the territory of a constantly growing Union. This possibility has been a decisive factor in the acceleration of technical progress. Extending also to the protection of trade names and indications of origin, this possibility has greatly contri-

buted to the development of worldwide commerce and exchanges. — My country is proud to have been one of the promoters and one of the eleven signatories of the original Convention which laid down the basic rules that today still govern relationships between the 92 member States of the Union. Convinced of the benefits deriving for the world economy and for its own economy from the Convention's system of protection of industrial property devised a century ago, France wishes that this system contribute to the ongoing construction of a new economic order in the world.

Gabon. From H.E. Mr. EL HADJ OMAR BONGO, President of the Republic. —

On the occasion of the celebration of the centenary of the Paris Convention of 1883 for the Protection of Industrial Property, it is particularly agreeable for me to present to you, in the name of the people of Gabon and in my own name, warm congratulations for the efforts that the World Intellectual Property Organization never ceases to make, on the one hand for the transfer of technology, appropriate for the economic realities of developing countries and, on the other hand, for the promotion of our creativity. I also appreciate the growing interest that the Organization directed by you shows towards the African Intellectual Property Organization, created by the Libreville Agreement of September 13, 1962. I express the wish that cooperation between WIPO and OAPI should be intensified and diversified, and that it should be a dynamic cooperation which will efficiently contribute to the technological development of African countries.

German Democratic Republic. From H.E. Mr. WILLI STOPH, Chairman of the Council of Ministers. —

Allow me on behalf of the German Democratic Republic to extend to you my most sincere congratulations on the occasion of the centenary of the Paris Convention for the Protection of Industrial Property. — In view of the acceleration of scientific and technological progress, the importance of international cooperation in the field of industrial property is growing. Once a Union with a small number of members, the Paris Convention has consistently developed into an organization of worldwide significance. — The German Democratic Republic has always been anxious to cooperate actively in the accomplishment of the extensive tasks of this international Union. I wish to assure you that the German Democratic Republic will, within its possibilities, continue to contribute to the implementation of the programs of the Paris Convention. In this context, I express the hope that the process of revision of the Paris Convention will soon be successfully completed with the interests of all member countries taken duly into account in an appropriately balanced way. — In the expectation that the Paris Convention

will also in the future contribute effectively to worldwide cooperation in the field of industrial property and assist in promoting peaceful cooperation on an equal basis among all States, I should like to wish you, dear Mr. Director General, success and universally useful results in the future work.

Germany (Federal Republic of). From H.E. Mr. KARL CARSTENS, President of the Republic. —

In the name of the Federal Republic of Germany, I convey best wishes to you and to the World Intellectual Property Organization on the occasion of the centenary of the signature of the Paris Convention for the Protection of Industrial Property of March 20, 1883. — The Paris Convention has substantially promoted international cooperation in the field of industrial property. It has encouraged inventors, facilitated access to technical and scientific information and contributed to protection against unfair competition. Industrial development and trade relations have, as a result, been strengthened. This has led to improvement of the conditions of life for man. — The Federal Republic of Germany will continue to support the work of the World Intellectual Property Organization in the future.

Ghana. From H.E. Flt.-Lt. JERRY JOHN RAWLINGS, Chairman of the Provisional National Defense Council. —

I am pleased to be able to address this message to you on the occasion of the centennial of the Paris Convention for the Protection of Industrial Property. The occasion offers all signatories of the Paris Convention, particularly developing countries such as Ghana, the opportunity to laud the crucial role the Paris Convention has played in stimulating creative growth in the past, and also our hopes that the Convention will create greater opportunities for the more rapid economic development and technological transformation of developing countries. It is in recognition of the capacity of the Paris Convention to contribute to orderly trade relations that Ghana welcomes the efforts by the signatory countries to effect a seventh revision of the Convention in the hope of making it even more responsive to the present challenges and the concerns of the newer members of the Convention. — On behalf of the Government and people of Ghana, I wish to congratulate you on this centenary and wish the Paris Convention for the Protection of Industrial Property every success in the future.

Greece. From H.E. Mr. CONSTANTINE KARAMANLIS, President of the Republic. —

I wish to present to you my congratulations for the hundredth anniversary of the signing of the Paris

Convention. This treaty, which promoted international cooperation and protection in the field of industrial property, is the backbone of the system of Treaties and Agreements that your Organization administers. As such, it has encouraged creativity and laid down the rules for its just reward. — More recently, a process of revisions has been initiated in order to assist developing countries to set up or improve their national industrial property systems. This process tends to facilitate also the transfer of technology to developing countries. I am sure that this effort, undertaken under your aegis, will soon bear fruits. — Greece which has been a party to the Paris Convention since 1924 has benefited from this membership but also has contributed to its constant improvement. I assure you of my country's continued active support for the aims of the Paris Convention.

Haiti. From H.E. Mr. JEAN CLAUDE DUVALIER, President for Life of the Republic. —

At this time, at which the World Intellectual Property Organization commemorates the 100th anniversary of the Paris Convention, all the States party may, justifiably, congratulate themselves on the confidence they have placed in that treaty. — Indeed, during its one hundred years of existence, the Paris Convention has proved the soundness of its provisions, showing itself to be a solid and effective basis both for promoting scientific, technical and technological research and for the development of relevant international law. It suffices, to convince oneself of this, to consider the number, significant in all respects, of multilateral treaties which this Convention has drawn in its wake, and also the ever-increasing number of States acceding to it. — My Government is convinced of the essential role of the Paris Convention as a dynamic factor of progress for the developing countries, particularly since it constitutes an essential stimulus for the continued growth of international trade and it contributes greatly to regularizing the international transfers of technology of which the Third World has a pressing need. — I am therefore pleased, Mr. Director General, to express the wish, both in my own name and on behalf of the Government and of the people of Haiti, that the Paris Convention, which this year completes its first century, should continue in future to constitute the key element in the international system of protection of intellectual property, for the greatest benefit of all nations of the world.

Holy See. From His Eminence Cardinal AGOSTINO CASAROLI, Secretary of State. —

On the occasion of the first centenary of the Paris Convention for the Protection of Industrial Property, I am happy to assure you that the Holy See, that long ago ratified it, is glad to add its wishes to those of the other member States. — The Holy See is indeed pleased with the notable contribution made by the Convention to

technological progress and economic development throughout the entire world. It wishes to give its moral support in order that the present revision work should achieve its aim, that is to say to extend the benefits of the Convention to the developing countries and thus to help them to progress themselves in order better to meet their own needs, under conditions of lesser dependence on the industrialized countries, in order that the distance separating the two in respect of technology no longer be so prejudicial. This concern is part of the constant preoccupation of the Holy See for the harmonious development of the peoples and their cooperation. — I address this message to you on behalf of the Holy Father...

Hungary. From H.E. Mr. PAL LOSONCZI, Chairman of the Presidential Council. —

On the occasion of the centenary of the signature of the Convention of Paris, signature that took place on March 20, 1883, the Hungarian People's Republic notes with recognition the eminent role that that Convention has played in international cooperation in the economic, scientific and technological fields. — Thanks to the fact that the Convention established for the first time on a multilateral basis the basic principles for the legal protection of inventions, industrial designs, trademarks and geographical designations—particularly through the principles of national treatment and the right of priority—it created mutually advantageous conditions for the protection of scientific and technological achievements and commercial designations in foreign countries and, consequently, it has effectively promoted international cooperation for the benefit of technological development and economic growth. — Hungary has been a member of the Union since 1909 and has always cooperated—from the time the Convention was prepared and throughout the various revisions—with the modest means at its disposal, so that the cooperation of many nations should be broadened in this field. — This practice corresponds to the principles of our foreign policy and to the spirit of peaceful coexistence. Since those are fundamental and ever-valid principles, WIPO may count also in the future on our willingness to cooperate and to continue our efforts for promoting the development of the protection of industrial property in the international field. — The Hungarian People's Republic sincerely hopes that the ongoing revision of the Convention will preserve the fundamental principles of the Convention, which have proved their value in the last 100 years, and that such revision will faithfully reflect the requirements of all groups of the member States, whose number has increased to 91, so that, in the long run also, the Convention will, as the most fundamental of all treaties in the field of industrial property, effectively serve in the field of its concern the peaceful cooperation and well-being of mankind.

Iceland. From H.E. Mrs. VIGDIS FINNBOGA-DOTTIR, President of the Republic. —

The Paris Convention for the Protection of Industrial Property has throughout its centennial history provided a valuable basis for international cooperation concerning the world's intellectual and industrial property. — I appreciate the impact the Paris Convention has had on international law and regulation, providing a steady platform for trade and commerce between the member states. — On the occasion of its 100th anniversary I want to extend my congratulations and best wishes for the future.

Indonesia. From H.E. SOEHARTO, President of the Republic. —

First of all, I would like to extend my warmest congratulations on the occasion of the centennial of the Paris Convention. — This Convention was conceived by the demands of the times. Initially, therefore, the contracting parties were industrialized countries, and it was designed for the protection of inventions of one industrialized country in another. — Nowadays, the world has undergone great changes. The demands, the challenges and our answers to them are completely different from the situation one hundred years ago. Our present era is the era of industry. The developing countries have also entered this industrial era. This is the reason, therefore, why Indonesia, as a country which is also determined to enter this industrial era, has been a party to the Paris Convention since 1950. We are convinced that this will enable us to absorb the transfer of technology which is necessary for us, and also to reinforce cooperation amongst nations. — In order that the original objective of the Paris Convention can answer the demands and challenges of the times, some adjustments should necessarily be made, particularly to protect the interests of the developing countries, which are embarking on the industrial era. Thus, industrial development will become more beneficial for the progress of all nations and the well-being of the entire human race. — In conclusion, I should like also to convey my highest appreciation to the World Intellectual Property Organization, which has convened the Diplomatic Conferences aimed at revising the famous and useful Paris Convention. — May such a constructive goal be beneficial to all nations and States.

Iraq. From H.E. Mr. SADDAM HUSSAIN, President of the Republic. —

In the name of Allah the Merciful the Compassionate. — On the occasion of the centenary of the Paris Convention for the Protection of Industrial Property, it gives the Republic of Iraq pleasure to commend that Convention's valuable contribution to technological progress and economic development throughout the

world. — We would like to place emphasis in this connection on the patronage accorded to scientists and inventors by the Political Command in Iraq, and on the directives it gives for the promotion of interest in inventions and their harnessing for progress and development in Iraq, the Arab countries and other developing countries. — Iraq, which since 1976 is one of the members of the Paris Convention and its executive body, the World Intellectual Property Organization, participates effectively in the activities of WIPO and gives it full support, motivated in this by its faith in the Organization's principles and objectives. — Iraq advocates the transfer of technology in a manner that serves the interests of developing countries and guarantees their progress and prosperity, and that is in keeping with their needs and the priorities of their national development plans. — I sincerely hope that the Paris Convention for the Protection of Industrial Property will continue to provide a firm basis for cooperation between nations and serve their interests. — I wish you success in your work aimed at attaining the objectives of your Organization in this respect.

Ireland. From H.E. Mr. PATRICK J. HILLERY, President of Ireland. —

Ireland is very dependent for its economic growth on new technology. We are especially so dependent as a small country without great natural resources whose well-being must largely be based on industrial development and on international trade. — We regard it as one of our major concerns to protect, to the best of our ability, the rights of the creators and owners of this technology, both inside and outside the country. We have ensured this by being a party, since 1925, to the Paris Convention for the Protection of Industrial Property, as well as by becoming party to several of the other treaties within the framework of the Paris Convention. — On the occasion of the 100th Anniversary of the signature of the Paris Convention we acknowledge the farsightedness of the original promoters of the Convention and the skill and dedication with which it has been managed over the years. We believe, and hope, that the Convention will adapt to the new economic and political conditions of the future and will continue to serve the interests of my country as well as of others.

Israel. From H.E. Mr. YITZHAK NAVON, President of Israel. —

It is my privilege to convey to you my sincerest greetings and congratulations on the occasion of the centennial of the Paris Convention for the Protection of Industrial Property. — As one of the countries in which the role of industrial property has assumed ever-increasing importance, Israel is fully aware of the great value of the Paris Convention and its impact on the

advancement of scientific knowledge and technological progress throughout the world. — Soon after its establishment, Israel recognized the importance of the Convention and joined it in 1950. Since then, Israel has been a party to the various revisions of the Convention. — In common with all the other States members of WIPO, Israel hopes and trusts that the Paris Convention, which has done so much to foster creativity and to further international trade at all levels, will go from strength to strength in continuation of its activities for the benefit of all mankind.

Italy. From H.E. Mr. SANDRO PERTINI, President of the Republic. —

Among the dates that have significantly influenced civilization and the advancement of peoples, we have undoubtedly to include March 20, 1883, when the Paris Convention came into being. — A highly important international treaty sponsored with noble intentions by a small number of States, including Italy, and crowned with a pact creating a Union, the Convention has withstood the attacks of time. Today, a century later, the Convention still represents the most outstanding of the legal sources on its subject; and the periodical revisions designed to bring it up to date have not, and indeed could not, add to the intrinsic value of its basic provisions, including the fundamental one on “equality of treatment” for foreigners belonging to the Union and nationals of each State of the Union. The protection afforded through it, at the international level, to the rights of inventors, trademark owners and creators of industrial designs has been a powerful stimulus to innovative activity and to modern technological development, to which the well-being and the future of mankind are tied for many reasons, and also to the harmonious and peaceful development of economic and cultural exchange between peoples and States. — On completion of the first hundred years of its life, it is evident that the Paris Convention has attained its objectives, and that this fact is a sure guarantee of a long life yet to come.

Ivory Coast. From H.E. Mr. FELIX HOUPHOUET-BOIGNY, President of the Republic. —

The World Intellectual Property Organization this year celebrates the centenary of the Paris Convention. — The event amply deserves being celebrated since, although the signatories were but nine originally, what was concerned was, nevertheless, the first important attempt to organize, within a specific field, but at the international level, the new industrial society, and to set out the general rules with which untamed competition had to comply. — Shortly afterwards, in 1886, the Berne Convention laid down the first principles of international cooperation in the literary field. — International law has since been greatly strengthened in the economic

sector, especially following the birth of the United Nations and of its specialized agencies, particularly the General Agreement on Tariffs and Trade (GATT), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Industrial Development Organization (UNIDO) and now the World Intellectual Property Organization (WIPO), which administers the Paris Convention. These institutions—derived from a movement of ideas starting with the Paris Convention—include now the great majority of nations. — The African and Mauritian Common Organization (OCAM), in which the Ivory Coast plays an active part, did not fail to set up a group devoted to industrial property, OAMPI. — By setting a sure framework for competition in industrial matters, WIPO has greatly and felicitously contributed to the progress of international trade. — It deserves to be warmly congratulated and the pursuit of its activities to be actively encouraged. — Much progress remains to be made, on account both of the constant opening up of new activities for mankind and of the insufficient spirit of dialogue between the parties involved, but the Paris Convention, that has given life to the fertile and ever-modern way of the search for world peace through law, is well placed to make a new contribution to the peaceful expansion of trade and cooperation between the nations.

Japan. From H.E. Mr. YASUHIRO NAKASONE, Prime Minister. —

On behalf of the Government of Japan, I should like to offer you my warmest congratulations on the very auspicious occasion of the Centenary of the Paris Convention for the Protection of Industrial Property. — This Convention, which started out in 1883 with only eleven signatories, has seen such outstanding growth in its membership in the past one hundred years that as many as ninety-two countries are now members. During those years, the Convention, which constitutes the most important legal basis for the international protection of industrial property, has made an invaluable contribution to technological and industrial development throughout the world. — Japan, which ever since becoming a Party to the Convention in 1899 has always actively participated in its activities, will in two years' time be celebrating the hundredth anniversary of the birth in 1885 of its industrial property system. — Technology is ultimately the common property of all mankind. Promoting the international transfer of technology helps to accelerate the industrial development of all countries and thus contributes to enhancing the welfare of mankind. Japan's own experience during nearly one hundred years makes me firmly convinced that the system for the protection of industrial property plays an important role in encouraging technology development activities and does much to facilitate international transfer of technology. — I hope

most sincerely that the Paris Convention for the Protection of Industrial Property may see yet greater development in the years ahead so that it may provide a yet more solid foundation for international cooperation in the area of industrial property.

Jordan. From H.M. King HUSSEIN of Jordan. —

In the name of Allah the Merciful the Compassionate. — It gives me pleasure to convey to you my most sincere good wishes on the occasion of the World Intellectual Property Organization (WIPO)'s celebrating the centenary of the Paris Convention for the Protection of Industrial Property on September 26, 1983. — The accession of the Government of the Hashemite Kingdom of Jordan to that Convention in 1972 derived from its belief in the aims and objectives of the Convention; in the importance of the advantages and benefits accruing to it as a member; in the tangible support and noble aims set out in its charter to protect the industrial property of the nationals of every State; in the security provided and the legitimate and legal protection granted to investors and to owners of patents and technical know-how, and the guarantee of their personal rights within the framework of an international agreement respected in all quarters; in the fact that the Convention provides sure means for exchanging technical and technological information, products, services and industrial investments which strengthen industrial development and ensure the achievement of greater well-being and economic and technological progress. The Convention also guarantees respect for the rights of nationals of each member State in the field of industrial property in the broadest meaning of the term in the other States and assures international protection of the various patents and trademarks. — It gives me pleasure, in my own name and on behalf of the Government of the Hashemite Kingdom of Jordan, to wish this Organization, its management and its staff continuous success in their activities to ensure the achievement of its objectives and the pursuit of the work to fulfill its aims, which would allow the Organization to participate in the worldwide evolution in all the industrial and commercial fields for the benefit of all nations.

Kenya. From H.E. Mr. DANIEL T. ARAP MOI, President of the Republic. —

Being aware of the advantage derived from the protection of industrial property and considering that the Paris Convention is the legal basis for the protection of industrial property, the Government of the Republic of Kenya is happy to be associated with the operations of that treaty which is administered by WIPO. — It is also noted with interest that the Paris Convention is being revised in order to accommodate the views and aspirations of developing countries. — It is appropriate, therefore, on the occasion of celebration of the

centenary of the Paris Convention, for me to extend to WIPO my best wishes and my Government's renewed assurance of full cooperation in achieving the important aims and objectives of your organization which is trusted with the responsibilities for the protection of intellectual property throughout the entire world.

Liechtenstein. From H.R.H. FRANZ JOSEF II, Reigning Prince of Liechtenstein. —

The World Intellectual Property Organization is to celebrate this year the 100th birthday of the Paris Convention for the Protection of Industrial Property, which was signed on March 20, 1883. — The Paris Convention was concluded with the objective of promoting cooperation between the States in the field of industrial property. It was and is therefore a means of promoting industrialization, investment and fair trade. — The small State of Liechtenstein is particularly able to appreciate the protection of industrial property since its industrial production must be almost entirely exported.

Luxembourg. From H.R.H. JEAN, Reigning Grand Duke of Luxembourg. —

On the occasion of the 100th anniversary of the Convention for the Protection of Industrial Property, signed in Paris on March 20, 1883, the Government of the Grand Duchy of Luxembourg wishes to express its warm congratulations to the World Intellectual Property Organization (WIPO), which today manages the affairs of the Paris Union, and to the French Government, which had the merit of welcoming the 1883 conference and providing, through the radiance of its capital, the physical surroundings and the calm in which the work of the conference could be brought to full success. — The Convention, a work of wisdom of its founders, has succeeded in maintaining an extraordinary dynamism, thanks to the numerous revisions that have adapted it to economic change throughout a whole century. — They teach us that international cooperation in technical achievements, industrial designs and trademarks is fruitful. This cooperation also makes it possible to overcome economic and ideological barriers which could have appeared insurmountable. Finally, it promotes the development of our economies, the material and moral well-being of our fellow citizens and, therefore, the growth of the cultural heritage of our civilizations. — The success enjoyed by the Paris Convention is all the more remarkable for the fact that the works it protects are not generally works of the realm of the abstract. They are, rather, utilitarian products manufactured by means of improved industrial techniques and disseminated through effective national and international trading channels. The Paris Convention facilitates access to protection of such works and, by promoting their international recog-

tion, stimulates trade and the transfer of technology. — I wish sincerely all member countries of the Paris Union a harmonious development of their industrial activities within the framework of their trade relations.

Madagascar. From H.E. Mr. DIDIER RATSIRAKA, President of the Republic. —

The Paris Convention of 1883, in its primordial role of protecting industrial property, has never ceased to adapt itself to the ever-growing demands of our world in perpetual evolution. — Thus, after one hundred years of existence, it is now within the reach of some hundred member countries concerned for the promotion of technical progress and the development of international trade relations. — May the Paris Convention continue to serve as an effective instrument of technical and economic cooperation between the nations in general and of industrial promotion for the developing countries in particular. — With reference to this new dimension of the role of our Convention, and on this very occasion of the celebration of its centenary, I address to you, Mr. Director General, and, through you, to the World Intellectual Property Organization, my warm congratulations.

Malta. From H.E. Mrs. AGATHA BARBARA, President of Malta. —

It is indeed a pleasure and an honour to congratulate your organisation for the invaluable contribution in the field of Protection of Industrial Property initiated through the Paris Convention a century ago. — Although Malta joined the Union in 1967 legislation embodying its main principles was introduced on the island in 1899. — Protection in the sphere of Industrial Property has appreciably contributed towards technological advancement and harmonisation of International trade relations and it is hoped that what has been achieved in the past will be maintained and enhanced in the future.

Mauritania. From H.E. Lt.-Col. MOHAMED KHOUNA OULD KAYDALLA, Head of the State. —

The celebration on March 20 next of the centenary of the adoption of the Paris Convention gives me the agreeable opportunity to address to you my sincere congratulations. — The fundamental principles of this Convention have indeed demonstrated their soundness in the light of the facts relating to the treatment to be afforded to the nationals of the member States as regards protection. — This constitutes a remarkable step in international cooperation in the field of industrial property law but also and above all in that of technology and the development of world trade. — May this

example incite the free nations towards a better understanding with a view to setting up a more just world economic order.

Mexico. From H.E. Mr. MIGUEL DE LA MADRID HURTADO, President of Mexico. —

I am very pleased to convey my most sincere congratulations on behalf of the people and Government of the United Mexican States on the centenary of the Paris Convention for the Protection of Industrial Property. — Basing itself on its traditional principles of foreign policy and inspired by its wish to extend the bonds of cooperation with the largest possible number of peoples of the world, on a fair and balanced basis, the United Mexican States acceded in 1903 to the Paris Convention, which it acknowledged as the oldest instrument governing the international protection of industrial property on an appropriate legal basis, stimulating their development and the transfer of technology in this field and contributing to order in international trade relations. — I take this opportunity to express the wish that the Paris Convention should continue in future to strengthen constructive relations between nations in the field of industrial property and I repeat the assurances of my highest consideration.

Monaco. From H.S.H. RAINIER III, Reigning Prince of Monaco. —

The Paris Convention for the Protection of Industrial Property, of which 1983 will represent the 100th anniversary, is one of the first great international agreements through which man's activities have been able to accede to a universal dimension. — In the industrial field, where constant technical innovation is an essential requirement, the Paris Convention has laid down the principles and instituted the guarantees that have enabled the creative genius of man to express itself fully. — The Paris Convention is exemplary in that it has succeeded in inscribing within the legal framework of a convention, whose foundations maintain their full value one century after having been established, international relationships in respect of an essential sector of the world's economy. It shows that the path of understanding and of cooperation between States leads to progress and to the development of the whole international community. — I express the wish that the Paris Convention for the Protection of Industrial Property should remain in future the effective tool in the service of the nations and of men that it has unceasingly been for one hundred years.

Morocco. From H.M. HASSAN II, King of Morocco. —

Praise be to Allah alone whose Kingdom alone shall endure. — It is a great pleasure for us at this time, when

you are celebrating the centenary of the Paris Convention for the Protection of Industrial Property, to convey to you and to all the bodies and Unions administered by your Organization the high esteem in which we hold the immense efforts that the Organization has devoted and is continuing to devote to the protection of intellectual property and to the preservation of the inventions and innovations of scientists in the various fields. — The Paris Convention for the Protection of Industrial Property has indeed laid down a solid basis for international cooperation in an area where the world at large had a pressing need for it, with a view to the regulation and maintenance of patents and also the consolidation of copyright and other rights in literary, musical and artistic works, films, recordings, radio broadcasts, etc. — Your centenary celebration is in fact the celebration of man, whom alone among all creatures Allah has endowed with the faculty of inventive and creative reasoning, to whom He has given the ability to traverse the heavenly spheres and the depths, and to plough his furrow on the planets and horizons, and on whom He has bestowed an insatiable desire for knowledge and discovery. Allah said: "We have honored the Sons of Adam; provided them with transport on land and sea." — The widening circle of States party to the Paris Convention provides clear proof of their confidence and their faith in the Convention; it is also undeniable proof that your Organization is making praiseworthy efforts and is watching over the proper conduct of its activities and the preservation of the aims and objectives for which it was founded. — We appreciate this great and important Organization all the more for its having succeeded, in spite of the rapid development of technology that the second half of this century has seen, in maintaining and steadfastly continuing its progress, by classifying scientific patents of all kinds and by watching out for any unfair competition in the form of piracy directed against the fruits of human thought, the arts, scientific inventiveness and industrial innovation. We are therefore bound to state, with absolute certainty, that the great merit of having established fair and praiseworthy scientific competition belongs to your Organization, which has both safeguarded the great scientific values and maintained perfect intellectual integrity. — May Allah give you support and success; may He guide your steps along the right path for the benefit of all mankind.

Netherlands. From H.E. Mr. R.F.M. LUBBERS, Prime Minister. —

A hundred years ago, on March 20, 1883, the Convention for the Protection of Industrial Property was signed in Paris. I should like to take the opportunity provided by this centenary to express my satisfaction at the international cooperation which the Convention has brought about and which it can foster still further in the future. — The mutual protection of industrial property

rights in the countries of the Union in accordance with the minimum requirements of the Convention facilitates the acquisition of industrial property rights, stimulates international trade relations and contributes to the transfer of technology. — There were eleven founder-members of the Union of which the Kingdom of the Netherlands was one; it is due in part to your efforts that this modest number has now grown to 91. — It is my sincere hope that the Convention may come to meet the needs of an increasing number of countries, thereby achieving its objectives on a broader scale, and that future revisions may contribute towards this.

New Zealand. From H.E. Mr. R.D. MULDOON, Prime Minister. —

It is my pleasure to offer congratulations upon the 100th Anniversary of the Paris Convention for the Protection of Industrial Property. — The Paris Convention has a long and impressive history as a practical working agreement to foster and protect intellectual creativity and innovation. The great upsurge in technological invention which we are experiencing today presents an exciting challenge and opens up new possibilities to advance the economic development of all countries. I am confident that the Paris Convention can make a significant contribution towards meeting these new demands, ensuring the widest possible distribution of the benefits of man's ingenuity and inventiveness.

Niger. From H.E. Brig.-Gen. SEYNI KOUNTCHE, Head of the State. —

At the moment when the High Contracting Parties are preparing to commemorate the centenary of the Paris Convention for the Protection of Industrial Property, I feel it my duty to take this opportunity to renew the commitment of the Republic of the Niger to work towards the achievement of the noble aims assigned to this edifice. — Having been a member of the Paris Convention since 1964, Niger has been able, in those 19 years, to measure fully the undisputed contribution to the development of the worldwide economy in general and of industrial progress in particular of one of the oldest international instruments of a universal nature. — As a country which is a consumer of the inventions offered on the part of the inventors, Niger follows with great interest the changes that have already been made and is confident of the achievement of the fundamental adjustments desired by the developing countries. — May the Paris Convention continue to produce beneficial effects and resolutely progress towards new aims promoting a mutually profitable transfer of technology, for the institution of a new equitable economic order.

Norway. From H.E. Mr. KARE WILLOCH, Prime Minister. —

I hereby send my best congratulations on the occasion of the centennial of the Paris Convention for the Protection of Industrial Property. — As a member of the Paris Convention almost right from the beginning, Norway has fully experienced the value of the Convention. I believe that it is very important to the technological and economic development of all countries and to the transfer of technology between the countries that the protection of inventions, trademarks and designs in each country be sufficiently secured. It is also important that national and foreign holders of such rights hold these on the basis of equality, as is provided for by the Convention. I therefore hope that the Paris Convention may in future continue to serve its purpose and thereby contribute to the common progress of mankind.

Philippines. From H.E. Mr. FERDINAND E. MARCOS, President of the Philippines. —

On behalf of the people and government of the Republic of the Philippines I extend our sincerest congratulations on the occasion of the Centenary of the Paris Convention for the Protection of Industrial Property. — The Centenary of the Paris Convention has arrived at a critical juncture in the history of international relations and cooperation. The emergence of the developing countries as significant and active partners in world development has brought forth new challenges for the international community which, if unanswered, could lead to an exacerbation of the current world crisis. One of these challenges concerns the technological transformation of the developing countries, and we consider the on-going negotiations on a revised Paris Convention as an opportunity to give a meaningful response to this challenge. We cherish the hope that a revised convention will usher in a new era of international cooperation whereby the transfer of technology from industrialized countries to the developing countries shall be facilitated, and a balance between the development needs of the developing countries and the rights of owners of industrial property shall be insured. — I have no doubt that a Revised Paris Convention, adapted to the realities of the present and the requirements of the future, will play a crucial role in ensuring fair and equitable protection of industrial property rights and the enjoyment of the benefits therefrom for all mankind.

Poland. From H.E. Mr. HENRYK JABLONSKI, Chairman of the Council of State. —

On the occasion of the 100th anniversary of the signature of the Paris Convention for the Protection of Industrial Property, I would like to convey, through you, greetings from Poland to the World Intellectual

Property Organization together with best wishes for its further growth. — Poland acceded to the Convention as early as in 1919, shortly after having regained independence following long years of bondage. The basic principles of the Convention have been included also in our legislation. — With the benefit of over 60 years of experience, we consider our cooperation in this area with other States party to the Convention to have been fruitful. The great importance of this instrument, and the important benefits States associate with accession to it, are borne out by the number of parties, which has increased many times over. — The history of the functioning of the Convention offers a constructive example of the determination of States parties to promote mutually advantageous international cooperation with due respect for their interests. It eloquently argues in favor of peaceful coexistence and rapprochement between States with different social and economic systems. We deem this tendency to be correct, and we are confident that it will be upheld and developed to the advantage of all signatories of the Convention.

Portugal. From H.E. General ANTONIO DOS SANTOS RAMALHO EANES, President of the Republic. —

On March 20, the Paris Convention for the Protection of Industrial Property will have completed its first century. — On this occasion, Portugal, which is honored to have been one of the eleven States that signed the Paris Convention in 1883, pays a well-deserved tribute to this important international legal instrument which, by virtue of its fundamental principles and its legal structure, has represented, throughout the century now ending, the confluence of the national industrial property laws of its member States, now 91 in number. — The national treatment principle, according to which the Paris Convention provides that every member State shall grant, with respect to industrial property, the same protection to the nationals of other member States as to its own nationals, is indeed a praiseworthy example of cooperation and understanding between nations, and the centenary of the Paris Convention provides the opportunity for wishes to be expressed not only that these fundamental principles may last but also that their spirit may be an inspiration to other important relations between States. — Likewise, the protection of fair competition, advocated by the corresponding provisions of the Paris Convention, serves as the basis, in the field of economic activity, for healthy relations between peoples which, when they spread into other areas of human coexistence, provide the key to the peace among men that is so earnestly desired. — May the Paris Convention be revitalized by the revision now in progress, and may its fundamental principles endow it with the strength it requires in order to continue, in future international relations between nations, to play the part assigned to it

in the furtherance of economic development and world understanding.

Republic of Korea. From H.E. Mr. CHUN DOO HWAN, President of the Republic. —

I have the pleasure to extend my warm congratulations on the 100th anniversary of the Paris Convention for the Protection of Industrial Property. — Industrial development has been vital to the improvement of human welfare all over the world. The Paris Convention deserves unreserved admiration for its contribution to industrial development, not only by stimulating the creation of new technology through the protection of inventions, trademarks and industrial designs, but also by fostering the transfer of technology and exchange of information among nations. — I sincerely hope that the Paris Convention, which has pursued over a century the spirit and objectives of promoting human well-being and strengthening international cooperation in the field of the protection of industrial property, will continue to render its valuable services in the future.

San Marino. From H.E. Mr. LIBERO BARULLI and H.E. Mr. MAURIZIO GOBBI, Ruling Captains. —

In a few days, exactly one hundred years will have elapsed since the Convention for the Protection of Industrial Property was adopted in Paris on March 20, 1883, by the plenipotentiaries of the first nine countries. — This was a first reaction to the ever-more pressing need to ensure proper protection for inventions, marks and industrial designs in a period of considerable development and intensive intellectual and social activity. — The Paris Convention, with the necessary revisions to take into account new needs of the times, has proved to be a highly effective instrument for the pursuit of the objectives assigned to it, having thus brilliantly stood the test of time, and we are convinced that, subject to whatever adjustments become necessary, it will continue to prove its worth in years to come. — We maintain that every country should make its own contribution to preserving the vitality and effectiveness of the Convention, and with this in mind we are able to assure you of the support, however modest, of the Republic of San Marino.

Senegal. From H.E. Mr. ABDOU DIOUF, President of the Republic. —

On the occasion of the centenary of the Paris Convention for the Protection of Industrial Property, I address to you my most sincere wishes for the triumph of the objectives of the said Convention, to which my country acceded with the ardent conviction of wishing to participate in the progress of the unperishable values of the spirit of creation and the scientific inventions of man's genius. — At the moment when mankind has at

its disposal the greatest accumulation of scientific and technological knowledge ever known in history, industrialization has become an essential factor of development, which requires, for the developing countries, a transfer of technology adapted to their needs, to their aspirations for well-being and to their cultural traditions. — In this context, it is obvious that all forms of industrial property, patents, trademarks, industrial designs, etc., must contribute to the promotion of economic development and of international cooperation based on honest, just and equitable legal standards. — May the efforts undertaken by WIPO with a view to the revision of the Paris Convention bring creative and fruitful solutions to answer the expectations of the whole international community in order to reconcile the needs of protection of industrial property rights and the aspirations for a common development of the nations. — Senegal, for its part, pledges itself to WIPO to make its modest contribution to this exalting task inscribed on the path of progress of mankind.

Soviet Union. From H.E. Mr. NIKOLAI ALEXANDROVICH TIKHONOV, Chairman of the Council of Ministers. —

The Paris Convention for the Protection of Industrial Property in the century of its existence has made a considerable contribution to the expansion and strengthening of international cooperation. Participation in the Convention by States with differing social and economic systems has imparted to it a nature of real universality. — The Government of the USSR expresses the hope that the Paris Convention, entering the second century of its existence, will be more widely used by the countries in order to ensure mutual transfer of technology, expansion of international trade and intensification of scientific and technological cooperation for peace and progress in the world. — It is believed in the Soviet Union that further developing the provisions of the Paris Convention designed to better stimulate the creative activity of inventors and innovators, and the formation and strengthening of the national economy, as well as reflecting therein the new forms of the protection of industrial property characteristic of the differing economic systems of the countries party to the Convention, would further consolidate its prestige and its positive role in international cooperation.

Spain. From H.M. JUAN CARLOS, King of Spain. —

The centenary of the Paris Convention for the Protection of Industrial Property, to which we have been party since its creation, affords me the opportunity of congratulating the World Intellectual Property Organization and all the member States for having ensured a safe passage throughout so many years for the main

international legal instrument in this field. — The first Special Agreement to come into existence following the Paris Union Convention was signed at Madrid in 1891, being known as the Madrid Agreement, the one that regulates the international registration of marks. — Today, our voice is raised in this international forum to underline the necessity of the greatest possible collective effort to satisfy the needs of those countries that are least favored in the world economic context. Only in that way will it be possible for this hundred-year-old Convention to attain the principal objective for which it was created: the constant and harmonized progress of all peoples.

Sri Lanka. From H.E. Mr. J.R. JAYEWARDENE, President of Sri Lanka. —

The Paris Convention for the Protection of Industrial Property has proved to be, during its century-long existence, a useful instrument for facilitating international trade and transfer of technology. — Sri Lanka is happy to be party to it. The stimulus the Convention is giving to this Government's goals for economic development is significant. — We look forward to the further existence of the Paris Convention and the continual improvement of it to serve even better the growth of developing countries.

Suriname. From H.E. Dr. L.F. RAMDAT MISIER, Acting President of the Republic. —

The Republic of Suriname hails with satisfaction the recording in a commemorative book of the special history of one hundred years of the Paris Convention for the Protection of Industrial Property. — This Convention, which is of eminent importance for the transfer of technology, the protection of, among others, local trade marks and their designs, as well as for the promotion of local industries (and through these the strengthening of the economic basis of developing countries), appears to have yielded many useful fruits in our country as well. — We bear freshly in our memory the meaningful visit to our country of a delegation of WIPO experts, with whom clear arrangements have been made regarding transfer of knowledge and training of collaborators. — The Republic of Suriname is grateful for this contribution. — We congratulate the whole world and the Management of WIPO with this valuable Convention and express the hope that, by becoming members of it, more and more countries will experience its special protection.

Sweden. From H.E. Mr. OLOF PALME, Prime Minister. —

In 1983, 100 years have passed since the adoption of the Paris Convention for the Protection of Industrial Property. Sweden, which became a party to that

Convention at an early stage, is well aware of the crucial part the Convention has played and continues to play in the encouragement of inventive power and the promotion of technological development throughout the world. — The World Intellectual Property Organization has been entrusted with important responsibilities in administering the Paris Convention, and I wish you much success in the fulfilment of this important task.

Switzerland. From H.E. Mr. PIERRE AUBERT, President of the Confederation. —

On March 20 of this year, one hundred years exactly will have passed since the signature of the Paris Convention for the Protection of Industrial Property. In the meantime, the number of member States has almost reached the same impressive figure. — The conclusion of the Paris Convention not only was the first stone laid in international cooperation in the field of industrial property law but also has remained up to our own days one of its most significant steps. As a country poor in raw materials but rich in a capacity for innovation and oriented towards exporting, Switzerland—which was one of the eleven signatory States in 1883—has a special reason to remember the important contribution this Convention has made, during its century of existence, to the progress of technology and the development of world trade. — The fundamental principles of the Paris Convention—including the obligation for each signatory State to treat the nationals of the other member States as its own nationals and to afford minimum protection to them—have demonstrated their soundness in the light of experience. Our hope is that the substance of these principles will resist the erosion of time. — May the Convention always deserve the recognition it has acquired in the service of creative activity and in the service of technical and economic development.

Syria. From H.E. Mr. HAFEZ AL-ASSAD, President of the Republic. —

I am pleased to avail myself of the opportunity of the centennial of the signature of the Paris Convention for the Protection of Industrial Property to express our appreciation in Syria of the role played by this Convention in achieving industrial and economic progress. — The Paris Convention, the oldest among the twelve treaties in the field of intellectual property for whose administration the World Intellectual Property Organization is responsible, has illustrated over the past hundred years the usefulness of cooperation among States in the field of the protection of intellectual property. — We in Syria confirm our concern to respect scrupulously the Convention on Industrial Property. — I sincerely hope that the Paris Convention will remain a bond among signatory States to the benefit of mankind.

Tanzania. From H.E. Mr. JULIUS K. NYERERE, President of the Republic. —

It gives me great pleasure to be associated with the celebrations marking the centenary of the Paris Convention for protection of Industrial Property. There is wide acknowledgement of the role played by the Convention in stimulating technological creativity, and of its potential for facilitating the international transfer of technology. — The world has changed very greatly during the last 100 years. Perhaps as a result of some of those changes it is now true that in the name of protecting patent rights, trade marks and other practices, a series of rights and their legal implications are hampering the transfer of technology from those who possess it to those who desperately need it for their survival. — It is our hope that the current revision of the Paris Convention will ease the transfer of technology to developing countries so as to promote their economic and social development. We accept that intellectual endowment and the resultant innovations have a commercial aspect, but we claim that those who are intellectually gifted also have certain innate obligations to their less fortunate fellow human beings. — Mr. Director-General, I send my good wishes to you and for the success of the centenary celebrations.

Togo. From H.E. General GNASSINGBE EYADEMA, President of the Republic. —

The celebration of the centenary of the Paris Convention offers me a happy occasion to address to you, on behalf of the Togolese people, of its National Union Party, the "*rassemblement du peuple togolais*," and in my own name, our warmest and most sincere congratulations for the most positive and decisive role played by the Paris Convention in promoting international industrial and commercial intellectual activities. — Through the aptness of its principles and the soundness of its aims, the Paris Convention for the Protection of Industrial Property, resisting the ravages of time, has freed man from the servitude and the obstacles impeding his development by protecting his creative genius. — The ever-growing number of its members unmistakably constitutes the most eloquent illustration of this, and demonstrates clearly its true importance and its vitality in the economic and commercial progress of the world. — May it continue to make its positive contribution to the development of science and technology, in a world in perpetual change, for the benefit of the peoples and the social progress of mankind as a whole.

Trinidad and Tobago. From H.E. Mr. ELLIS CLARKE, President of Trinidad and Tobago. —

Trinidad and Tobago welcomes the opportunity presented by the celebration of the centennial of the Paris Convention for the Protection of Industrial

Property to extend to you and to your organisation hearty congratulations and best wishes for the future. Within two years of its accession to Independence Trinidad and Tobago became a party to the Paris Convention which has subserved so effectively the international protection of inventions, trademarks and industrial designs thereby stimulating creative activity and facilitating the transfer of technology — an indispensable adjunct to harmonious relations between the developed and the developing world. — I am confident that this oldest and, perhaps most efficacious, of the multilateral treaties in the field of intellectual property will continue to provide a solid basis for international technological exchange.

Tunisia. From H.E. Mr. HABIB BOURGUIBA, President of the Republic. —

At the moment when the World Intellectual Property Organization is preparing to celebrate the centenary of the Paris Convention for the Protection of Industrial Property, I would like to express my great appreciation of the important contribution which this institution has made both for the protection of scientific and technical works and for the development of technology and its utilization for the well-being of mankind. — However, any human work has a need, in order to survive, to adapt itself to its environment, which has experienced during this century profound and irreversible changes. — Eleven States signed this Convention in 1883, today they are 91. This shows the ever-growing importance of this legal instrument, the interest it arouses among the young independent States keen for knowledge and anxious to contribute to the progress of technology in the service of development, and the vital necessity to introduce into it the necessary adaptations to respond to the aspirations of all. — Tunisia, for its part, aware of the vital role which this institution is called upon to play within the transfer of technology needed to establish an international economic order of a new type, is determined to participate positively in all work of revision which takes into account the legitimate interests of each country.

Turkey. From H.E. Mr. KENAN EVREN, President of the Republic. —

Turkey has been party to the Paris Convention for the Protection of Industrial Property, concluded in 1883, since 1925. The Paris Convention was among the first international instruments signed by the new Turkish Republic. — By becoming a party to this Convention, Turkey gave evidence of deep attachment to the protection of intellectual and industrial property within the international community. — Turkey will continue to support all efforts aimed at closing the technological and economic gap between developed and developing countries. For this reason, the Government

of Turkey has been following actively and with keen interest the work of revising the Paris Convention, a work that should contribute to the initiatives serving the closing of the said gap. As we mark the centennial of the Paris Convention, it is our sincere desire that, through the protection of industrial property, which constitutes the underlying principle of this Convention, the evolution of science and technology may be able to meet the needs of the peoples of the countries devoting great efforts to achieve their development.

United Kingdom. From H.E. the Rt. Hon. Mrs. MARGARET THATCHER, Prime Minister. —

The first hundred years of the Paris Convention for the Protection of Industrial Property have coincided with unprecedented advances in science and technology and in the commerce and industry based on them. These advances depend not only on the ingenuity of scientists and engineers the world over, but also on the investment necessary to develop the basic ideas to the point where all may share in the benefits. — Industrial property rights, such as patents and trade marks, are of real importance. First, they create for the innovator a system which offers him the prospect of reward for his ingenuity. Secondly, they provide security for the investment vital to the development of new technologies. The steady increase in the membership of the Paris Convention from the original 9 countries to the present 91 demonstrates how widely the role of the Convention is recognised. — In this centenary year of the Paris Convention, the United Kingdom pays tribute to the foresight of the founders of this Convention. They can claim a part in the greatest expansion of technology and trade ever seen; and we pledge our continuing support for a Convention which benefits people everywhere.

United States of America. From H.E. Mr. RONALD REAGAN, President of the United States of America. —

On the occasion of the centennial of the Paris Convention for the Protection of Industrial Property, the United States of America is pleased to acknowledge the vital contribution of that treaty to technological progress and economic development throughout the world. — The creation of new technology is a necessary ingredient in the economic growth and well-being of all nations. Protection of that technology through strong and effective systems of law and cooperation among nations fosters technological growth and stimulates international trade. — The Paris Convention is the oldest and most significant international agreement governing patent and trademark rights. The fundamental principles and minimum norms for industrial property protection which it established have withstood the test of time. It is my fervent hope that the Paris

Convention for the Protection of Industrial Property may continue as a strong bond between nations to benefit mankind in the future as well as it has in the past.

Upper Volta. From H.E. Mr. JEAN BAPTISTE OUEDRAOGO, Head of the State. —

On the occasion of the 100th anniversary of the Paris Convention for the Protection of Industrial Property, Upper Volta is happy to note the very positive outcome of one hundred years of existence of the said Convention. The great effectiveness in international collaboration concerning industrial property law has multiplied by ten the number of member states compared with signatory countries in 1883. Upper Volta, having acceded to the Paris Convention 20 years ago only, nevertheless recognizes the great contribution of this treaty towards technological progress and economic development throughout the world. The well-being of nations is closely linked to these two elements of the Paris Convention, through WIPO, and they will successfully face the test of time and go always forward.

Uruguay. From H.E. Mr. GREGORIO C. ALVAREZ, President of the Republic. —

This year, the Paris Convention will be 100 years old. It was concluded in order to protect inventions, trademarks and industrial designs. In actual fact, it has become a primordial and basic element in the technological—and consequently economic—development of nations. — Furthermore, the participating countries having embarked upon the adjustment of the said Convention to the realities of today's world, at a crucial moment of negotiations, it is the ardent desire of our country that equitable and really useful agreements be reached for the regulation of the protection, licensing and exchange of technologies. — Our country has always been open to dialogue and cooperation, with the hope that the necessary modifications will be approved and with the desire that such modifications be as solid and effective as was the Convention when it was signed in 1883. — Countries like ours need, today more than ever, the help of international conventions, like the one in question, which protect and promote the creation of new technologies, which help in creating and increasing the consciousness of the importance of the intellectual property system in order to make their objectives concrete realities for industrial, economic and social development in conformity with their own needs and resources.

Viet Nam. From H.E. Mr. PHAM VAN DONG, Chairman of the Council of Ministers. —

On the occasion of the celebration of the centenary of the Paris Convention for the Protection of Industrial Property of 1883, on behalf of the Council of Ministers

of the Socialist Republic of Viet Nam and myself I would like to extend my sincere greetings to you and, through you, to the member States, the lawyers and the experts who are engaged in this field. — We welcome and greatly appreciate the activities of member States in assisting the organization and expansion of industrial property activities in the developing countries. — We consider that the protection of industrial property in the developing countries must create favorable conditions for the transfer of advanced technology, thus contri-

buting to the development of the economies of these countries. The progressive development of the economies of all countries is essential if we wish to ensure peace and stability in our world for the future. — We recognize and applaud the contributions of the World Intellectual Property Organization and its predecessor organizations, which have increased mutual understanding and expanded effective cooperation between member States in the field of industrial property.

World Intellectual Property Organization

WIPO Convention

Accession

RWANDA

The Government of Rwanda deposited, on November 3, 1983, 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 Rwanda, on February 3, 1984.

WIPO Notification No. 126, of December 1, 1983.

International Unions

Paris Convention

Accession to the Stockholm Act (1967)

RWANDA

The Government of Rwanda deposited, on November 3, 1983, its instrument of accession to the Stockholm Act of July 14, 1967, of the Paris Convention for the Protection of Industrial Property of March 20, 1883.

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

The said Convention as revised will enter into force, with respect to Rwanda, on March 1, 1984.

Paris Notification No. 107, of December 1, 1983.

Nice Agreement

Ratification of the Geneva Act (1977)

UNITED STATES OF AMERICA

The Government of the United States of America deposited, on November 29, 1983, its instrument of ratification of the Geneva Act of May 13, 1977, of the Nice Agreement 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 the United States of America, on February 29, 1984.

Nice Notification No. 60, of November 29, 1983.

Nairobi Treaty (Olympic Symbol)

Ratifications

TOGO

The Government of Togo deposited, on November 8, 1983, its instrument of ratification of the Nairobi Treaty on the Protection of the Olympic Symbol, adopted at Nairobi on September 26, 1981.

The said Treaty entered into force, with respect to Togo, on December 8, 1983.

Nairobi Notification No. 16, of November 11, 1983.

CHILE

The Government of Chile deposited, on November 14, 1983, its instrument of ratification of the Nairobi Treaty.

The said Treaty entered into force, with respect to Chile, on December 14, 1983.

Nairobi Notification No. 17, of November 16, 1983.

WIPO Meetings

Governing Bodies of WIPO and the Unions Administered by WIPO

Fourteenth Series of Meetings
(Geneva, September 26 to October 4, 1983)

NOTE*

The Governing Bodies of WIPO and the Unions administered by WIPO held their fourteenth series of meetings in Geneva from September 26 to October 4, 1983. The following 22 Governing Bodies held sessions:

WIPO General Assembly, seventh session (6th ordinary);
 WIPO Conference, sixth session (6th ordinary);
 WIPO Coordination Committee, seventeenth session (14th ordinary);
 Paris Union Assembly, eighth session (6th ordinary);
 Paris Union Conference of Representatives, tenth session (6th ordinary);
 Paris Union Executive Committee, nineteenth session (19th ordinary);
 Berne Union Assembly, sixth session (6th ordinary);
 Berne Union Conference of Representatives, sixth session (6th ordinary);
 Berne Union Executive Committee, twenty-first session (14th ordinary);
 Madrid Union Assembly, twelfth session (5th ordinary);
 Madrid Union Committee of Directors, twelfth session (5th ordinary);
 Hague Union Assembly, seventh session (4th ordinary);
 Hague Union Conference of Representatives, seventh session (4th ordinary);
 Nice Union Assembly, seventh session (6th ordinary);
 Nice Union Conference of Representatives, sixth session (6th ordinary);
 Lisbon Union Assembly, fifth session (5th ordinary);
 Lisbon Union Council, twelfth session (12th ordinary);
 Locarno Union Assembly, seventh session (5th ordinary);

IPC [International Patent Classification] Union Assembly, fifth session (4th ordinary);
 PCT [Patent Cooperation Treaty] Union Assembly, tenth session (4th ordinary);
 TRT [Trademark Registration Treaty] Union Assembly, third session (3rd ordinary);
 Budapest Union Assembly, fourth session (2nd ordinary).

Delegations of 90 States participated in the meetings. Sixteen intergovernmental organizations and eight international non-governmental organizations were represented by observers. The list of participants follows this Note.

Accounts and Activities. The Governing Bodies reviewed and approved reports by the Director General on financial matters in 1981, 1982 and 1983 and on the activities of WIPO from November 1981 to September 1983. A number of delegations expressed satisfaction with the accomplishments of the International Bureau since the 1981 sessions of the Governing Bodies, and underlined the constant increase in the activities, particularly in the field of development cooperation for the benefit of developing countries. Several delegations expressed the intention of their countries to continue and, if possible, to increase their contribution to the development cooperation activities of WIPO by concluding agreements for the provision of financial support or continuing such agreements, by providing training of officials from developing countries, by sending experts and furnishing state-of-the-art search reports to such countries and by hosting meetings organized by WIPO for the benefit of such countries. Several delegations expressed concern at the gap between the needs of developing countries and available resources, and urged that both funds and staff for development cooperation activities be increased. Delegations also underlined the great importance of the programs concerning patent information activities, the encouragement of inventiveness and joint inventive activity. It was agreed that the resolutions of the WIPO Worldwide Forums on Piracy, organized in 1981 and 1983, should be circulated to all member States as a recommendation for implementation of appropriate anti-piracy measures at the national level.

Program and Budget. The Governing Bodies approved by a vote (for: 55; against: three; abstentions: six) the program and budget of WIPO and the Unions for the 1984 to 1985 biennium. The budget for the "Program Unions," covered by contributions from

*Prepared by the International Bureau.

member States, is 42,106,000 Swiss francs for the biennium, and that of the "Registration Unions," covered by fees paid by applicants for international registrations of trademarks and industrial designs and applicants filing international patent applications, is 44,163,000 Swiss francs, giving a total of 86,269,000 Swiss francs.

The main activities of the Program Unions approved by the Governing Bodies fall under the following headings. In the field of *industrial property and patent information*: development cooperation with developing countries (training; legislative infrastructure; institution building; inventors, industry and commerce; licensing; development of the profession; access to technological information; etc.); information concerning industrial property (periodicals; collection of laws and treaties; surveys; statistics; etc.); industrial property questions of topical interest (joint inventive activity; computer programs, including integrated circuits; biotechnological inventions; various harmonization questions); cooperation in patent information; improvement of classifications. In the field of *copyright and neighboring rights*: development cooperation with developing countries (training; legislative infrastructure; protection of authors in their own countries and in foreign countries; Joint International Unesco-WIPO Service; etc.); information concerning copyright (periodicals; collection of laws and treaties; surveys); copyright questions of topical interest (cable television; employee-authors; the Rome Convention and new communication techniques; expressions of folklore; publishing contracts; private copying; rental of phonograms and videograms; computer software; direct broadcast satellites; electronic libraries; international register of audiovisual recordings). In the field of *intellectual property* generally: promotion of the worldwide recognition of and respect for intellectual property; promotion of accession to treaties; preparations for commemorating the centenary of the Berne Convention; cooperation with States and international organizations.

The Nice Union Assembly and Conference of Representatives decided on the establishment of a new public service under which the International Bureau would provide, on request and against the payment of a fee, individual reports on classification under the International Classification of Goods and Services for the Purposes of the Registration of Marks.

The main activities of the International Bureau in respect of the Registration Unions will consist in providing the services that the Patent Cooperation Treaty, the Madrid Agreement and the Hague Agreement entrust to it. The Governing Bodies concerned approved revised fees under the PCT, the Madrid Agreement and the Hague Agreement. The Madrid Union Assembly and Conference of Representatives began consideration of proposed amendments of the Regulations under the Madrid Agreement, and decided to meet in extraordinary session before the end

of 1983 to complete that task; they also decided that the fixing of the date of a meeting on links between the Madrid Agreement and the proposed (European) Community trade mark would be left to the Director General, with the understanding that the meeting would have to take place during the 1984 to 1985 biennium and that, before fixing such date, the Director General would contact the presidency of the European Community.

Working Agreement. The WIPO Coordination Committee approved a working agreement between WIPO and the Arab Educational, Cultural and Scientific Organization (ALECSO).

Election of the Members of the Executive Committees of the Paris and Berne Unions and of the Ad Hoc Members of the WIPO Coordination Committee. The Assembly and Conference of Representatives of the Paris Union and the Assembly and Conference of Representatives of the Berne Union elected, each as far as it was concerned, the members of the Executive Committees of the Paris and Berne Unions and the WIPO Conference designated the *ad hoc* members of the WIPO Coordination Committee. The resulting membership of those three Committees is as follows:

Paris Union Executive Committee: Ordinary Members: Algeria, Argentina, Austria, Brazil, Congo, Egypt, German Democratic Republic, Germany (Federal Republic of), Ivory Coast, Japan, Netherlands, Norway, Poland, Portugal, Soviet Union, United States of America, Uruguay, Viet Nam, Yugoslavia, Zambia (20). *Associate Members:* Lebanon, Tanzania, Trinidad and Tobago (3).

Berne Union Executive Committee: Ordinary Members: Australia, Benin, Bulgaria, Canada, Chile, Costa Rica, Czechoslovakia, France, Hungary, India, Italy, Mexico, Morocco, Senegal, Tunisia, United Kingdom, Zaire (17). *Associate Member:* Turkey (1).

Ad Hoc Members of the WIPO Coordination Committee: China, Colombia, Guatemala,* Mongolia, Qatar,** Sudan (6).

WIPO Coordination Committee: Algeria, Argentina, Australia, Austria, Benin, Brazil, Bulgaria, Canada, Chile, China, Colombia, Congo, Costa Rica, Czechoslovakia, Egypt, France, German Democratic Republic, Germany (Federal Republic of), Guatemala,* Hungary, India, Italy, Ivory Coast, Japan, Lebanon, Mexico, Mongolia, Morocco, Netherlands, Norway, Poland, Portugal, Qatar,** Senegal, Soviet Union, Sudan, Switzerland, Tanzania, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States of America, Uruguay, Viet Nam, Yugoslavia, Zaire, Zambia (48).

* With effect from the date on which the number of members of WIPO, not members of any of the Unions, becomes 20.

** With effect from the date on which the number of members of WIPO, not members of any of the Unions, becomes 24.

LIST OF PARTICIPANTS*

I. States

Algeria^{1, 2, 3, 4, 6, 10, 14, 16}; B. Ould-Rouis; B. Saci; S. Abada; F. Bouzid.
Argentina^{1, 2, 3, 4, 6, 7}; F. Jiménez DSvila; J. Pereira; S. Cerda.
Australia^{1, 2, 3, 4, 7, 9, 14, 19, 20}; F.J. Smith.
Austria^{1, 2, 3, 4, 6, 7, 10, 14, 19, 20}; O. Leberl; F. Trauttmansdorff.
Bangladesh: H. Rahman.
Belgium^{1, 2, 3, 4, 7, 9, 10, 12, 14, 19, 20}; L. Wuyts; L.V.M.C. d'Aes.
Benin^{1, 2, 4, 7, 14}; C. Godonou.
Brazil^{1, 2, 3, 4, 6, 7, 19, 20}; P. Nogueira Batista; A. Gurgel de Alencar; E. Cordeiro.
Bulgaria^{1, 2, 3, 4, 7, 9, 16, 22}; K. Iliev; O. Delev.
Byelorussian SSR²; V.V. Grekov; S.N. Chilovitch.
Cameroon^{1, 2, 3, 4, 7, 9, 20}; W. Eyambe.
Canada^{1, 2, 3, 4, 7, 9}; R. Gagnon; D.S. McCracken; J. Lynch.
Chile^{1, 2, 3, 7, 9}; W. Carrasco; J. Bustos Franco; L. Gillet Bebin; P. Barros.
China^{2, 3}; Huang Kunyi; Tang Zongshun; Liu Fengyun; Du Zhongying.
Colombia²; H. Charry Samper; B. Alvarez; C. Arévalo Yces.
Congo^{1, 2, 3, 4, 7, 9, 16, 20, 21}; E. Kouloufoua; S. Bayalama.
Costa Rica^{1, 2, 7}; E. Soley Soler; L.C. Delgado Murillo.
Cuba^{1, 2, 3, 4, 6, 16}; L. Solá Vila; M. Fernández Finalé; A.V. González; N. Minobis Nuñez.
Czechoslovakia^{1, 2, 3, 4, 7, 9, 10, 14, 16, 18, 19}; M. Bělohávek; J. Prošek; M. Slámová.
Democratic People's Republic of Korea^{1, 2, 4, 10, 20}; Hwang Yong Hwan; Kim I Sun.
Denmark^{1, 2, 4, 7, 14, 18, 19, 20}; R. Carlsen; L. Østerborg.
Dominican Republic⁵; T. Mejia-Ricart.

Egypt^{1, 2, 3, 4, 6, 7, 10, 13, 19}; S.A. Omar; A.A. Omar; M. Daghash.
El Salvador²; J.L. Lovo Castelar; C.A. Barahona Rivas.
Finland^{1, 2, 3, 4, 7, 9, 14, 18, 19, 20}; E. Wuori; R. Meinander; I. Uusitalo.
France^{1, 2, 3, 4, 7, 9, 10, 12, 14, 16, 18, 19, 20, 22}; R. de Souza; J.-C. Combaldieu; A. Bourdalé-Dufau; L. Nicodème; M. Hiance; A. Chapard; J.-M. Mornal; B. Gibert.
Gabon^{1, 2, 4, 7, 16, 20}; J. Ping; P.M. Dong; J.P. Mve Nteme; N.F. Ovono-Okoue.
German Democratic Republic^{1, 2, 3, 4, 7, 9, 10, 13, 14, 18, 19}; J. Hemmerling; K.-D. Peters; D. Schack; M. Förster.
Germany (Federal Republic of)^{1, 2, 3, 4, 6, 7, 10, 12, 14, 19, 20, 22}; A. Krieger; G. von Boehmer; F. Lambach; A. Schäfers; G. Heil; B. Ziese; B. Bockmair.
Ghana^{1, 2, 3, 4, 6}; A.J.B. McCarthy.
Greece^{1, 2, 4, 7}; A. Argyriadis; C. Ivraakis; D. Kodonas.
Guatemala²; A. Fajardo-Maldonado.
Haiti^{5, 17}; N. Calixte.
Holy See^{1, 2, 4, 7}; O.J. Roullet; A.P. Marelle.
Honduras: I. Romero; A. Ariza; J. Kafato; R. Castro.
Hungary^{1, 2, 3, 4, 6, 7, 10, 14, 16, 18, 20, 22}; G. Pusztai; M. Ficsor; J. Bobrovsky.
India^{1, 2, 3, 7, 9}; S. Grewal; R.N. Chopra; L. Puri.
Indonesia^{1, 2, 4, 13}; P. Ramadhan; R. Tanzil.
Iraq^{1, 2, 4}; A. Jomard.
Ireland^{1, 2, 4, 7, 14, 18, 19}; B. O'Gorman.
Israel^{1, 2, 4, 7, 14, 16, 19}; M. Gabay; E.F. Haran.
Italy^{1, 2, 3, 4, 6, 7, 10, 14, 16, 18, 19}; G.L. Milesi-Ferretti; S. Samperi; G. Aversa; U. Sessi.
Ivory Coast^{1, 2, 3, 4, 7, 9}; A. Traore; B.T. Aka; K.F. Ekra.
Jamaica²; C.R. Clayton.
Japan^{1, 2, 3, 4, 6, 7, 19, 20, 22}; K. Wakasugi; Y. Hashimoto; Y. Oyama; H. Sasaki; H. Sato; S. Ono; K. Sakamoto; T. Moriya; K. Shimizu.
Kenya^{1, 2, 3, 4, 6}; J.N. King'Arui.
Lebanon^{3, 5, 6, 8, 15}; I. Kharma; H. Dimachkié.
Liechtenstein^{1, 2, 4, 7, 10, 12, 14, 20, 22}; R. Marxer.
Luxembourg^{1, 2, 4, 7, 10, 12, 14, 19, 20}; F. Schlessler.
Madagascar^{4, 8, 20}; S. Rabearivelo.
Mexico^{1, 2, 3, 4, 7, 9, 17}; J.I. de Villafranca; N. Pizarro Macias; S. Barroso Montero.
Monaco^{1, 2, 4, 7, 10, 12, 14, 19, 20}; R. Imperti.
Mongolia²; D. Erdembileg; S.-O. Bold.
Morocco^{1, 2, 4, 7, 10, 13, 14}; M.S. Abderrazik; M. Halfaoui.
Netherlands^{1, 2, 4, 7, 10, 12, 14, 18, 19, 20}; J.J. Bos; E. Van Weel; J.W. Weck.
Nigeria^{3, 5, 6}; T.O. Oseni.
Norway^{1, 2, 4, 7, 14, 18, 19, 20}; S.H. Røer; N. Brekke.
Pakistan^{1, 2, 7}; R. Mahdi; S. Bashir.
Panama²; J. Medrano Valderrama; I. Aizpurúa Pérez.
Paraguay: R.A. Bogado Vásquez.
Peru²; A. Thornberry.
Philippines: E.A. Manalo.
Poland^{1, 2, 3, 4, 6, 8}; J. Szomański; D. Januszkiewicz; J. Zawalonka; L. Turley.
Portugal^{1, 2, 3, 4, 6, 7, 11, 14, 17, 19}; J. Mota Maia; R. Serrão.
Qatar^{2, 3}; M.S. Al-Kuwari; M.H. Al-Jabir; M. Khalil.
Republic of Korea^{1, 2, 4}; S.-J. Hong; H.-K. Hyun; J.-U. Chae; Y.-M. Kim; T.-C. Choi; C.-H. Ha.
Romania^{1, 2, 4, 7, 10, 20}; I. Marinescu; P.-P. Gavrilescu.

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

¹ WIPO General Assembly.

² WIPO Conference.

³ WIPO Coordination Committee.

⁴ Paris Union Assembly.

⁵ Paris Union Conference of Representatives.

⁶ Paris Union Executive Committee.

⁷ Berne Union Assembly.

⁸ Berne Union Conference of Representatives.

⁹ Berne Union Executive Committee.

¹⁰ Madrid Union Assembly.

¹¹ Madrid Union Committee of Directors.

¹² Hague Union Assembly.

¹³ Hague Union Conference of Representatives.

¹⁴ Nice Union Assembly.

¹⁵ Nice Union Conference of Representatives.

¹⁶ Lisbon Union Assembly.

¹⁷ Lisbon Union Council.

¹⁸ Locarno Union Assembly.

¹⁹ IPC [International Patent Classification] Union Assembly.

²⁰ PCT [Patent Cooperation Treaty] Union Assembly.

²¹ TRT [Trademark Registration Treaty] Union Assembly.

²² Budapest Union Assembly.

Saudi Arabia²: M.A. Al-Kurdi.

Senegal^{1, 2, 3, 4, 7, 9, 20}: S.C. Konate; M. Ndiaye; B. Ndoye.

Somalia²: M.H. Abby.

Soviet Union^{1, 2, 3, 4, 6, 10, 14, 18, 19, 20, 21, 22}: I. S. Nayashkov; V.F. Zubarev; A. Alekseev; L. Salcnko; P.E. Dapkounas; M. Oussov.

Spain^{1, 2, 4, 7, 10, 13, 14, 18, 19, 22}: J. Delicado Montero-Rios; A. Casado Cerviño; J.C. Garcia-Herrera; L. Nagore; G. Porras Olalla; C. Muñoz Caparrós.

Sri Lanka^{1, 2, 3, 4, 7, 9, 20}: A.T. Jayakoddy; S. Palihakkara; P. Kariyawasam.

Sudan^{2, 3}: Y. El Hadi Ismail.

Sweden^{1, 2, 4, 7, 14, 18, 19, 20, 22}: G. Borggård; B. van der Giessen; H. Olsson; I. Schalin.

Switzerland^{1, 2, 3, 4, 6, 7, 9, 10, 12, 14, 18, 19, 20, 22}: P. Braendli; J.-L. Marro; R. Grossenbacher; J.-M. Souche.

Syria²: M. Sayadi.

Tanzania^{3, 5, 6}: E.E.E. Mtango; S. Asman.

Tunisia^{1, 2, 3, 4, 7, 9, 11, 13, 15, 16}: A. Ben Gaid; M. Baati.

Turkey^{1, 2, 3, 4, 8, 9}: T. Tarlan; E. Apakan.

Uganda^{1, 2, 3, 4, 6}: J. Omara.

Ukrainian SSR²: V. Batiouk.

United Kingdom^{1, 2, 3, 4, 6, 7, 14, 19, 20, 22}: I.J.G. Davis; T. W. Sage; M.J. Tuck; J. Richards.

United States of America^{1, 2, 3, 4, 6, 14, 19, 20, 22}: G.J. Mossinghoff; H.J. Winter; M.K. Kirk; G. Dempsey; L.J. Schroeder.

Uruguay^{1, 2, 3, 4, 6, 7}: C.A. Fernández Ballesteros; J. Meyer Long.

Venezuela²: H. Suarez Mora.

Viet Nam^{1, 2, 4, 10, 13}: An Khang; Nguyen Van Vien; Phap Truong.

Yugoslavia^{1, 2, 3, 4, 6, 7, 10, 14, 18}: D. Bošković; D. Čemalović; D. Vujčić.

Zaire^{1, 2, 4, 7}: Mukamba Kadiata-Nzemba; Lukusa Kayembe Nkaya.

Zambia^{1, 2, 4}: A.R. Zikonda.

II. Intergovernmental Organizations

United Nations (UN): T.S. Zoupanos; A. Djermakoye; R. Dhanjee; I. Holmström. Food and Agriculture Organization of the United Nations (FAO): S. Akbil. United Nations Educational, Scientific and Cultural Organization (UNESCO): A. Amri. General Agreement on Tariffs and Trade (GATT): A. Otten. Benelux Trademarks Office (BBM): L. van Bauwel. Benelux Designs Office (BBDM): L. van Bauwel. Interim Committee for the Community Patent: K. Mellor. African Intellectual Property Organization (OAPI): D. Ekani. European Patent Office (EPO): J.C.A. Stachelin. European Free Trade Association (EFTA): S. Norberg; J. Petersson. Commission of the European Communities (CEC): W.M. Hausehild; C. Dufour. Economic Community of the Great Lakes (CEPGL): A. Higaniro; G. Nsanzumuco. Council for Mutual Economic Assistance (CMEA): I.V. Cherviakov. League of Arab States (LAS): O. El Hajje. Arab Educational, Cultural and Scientific Organization (ALECSO): A. Derradji. Organization of African Unity (OAU): D. Ramasaamy.

III. Non-Governmental Organizations

Benelux Association of Trademark and Design Agents (BMM): F. Gevers. Inter-American Association of Broadcasters (IAAB): L.A. Solé. International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): H.P. Kunz-Hallstein. International Association for the Protection of Industrial Property (AIPPI): M.J. Lutz. Committee of National Institutes of Patent Agents (CNIPA): D. Vincent. International Federation of Industrial Property Attorneys (FICPI): H. Bardehle. International Federation of Phonogram and Videogram Producers (IFPI): E. Thompson. Patent Documentation Group (PDG): P. Ochsenbein.

IV. Officers

WIPO General Assembly

Chairman: G.J. Mossinghoff (United States of America). *Vice-Chairmen*: M. Bělohávek (Czechoslovakia); J.N. King'Arui (Kenya).

WIPO Conference

Chairman: Huang Kunyi (China). *Vice-Chairmen*: R. Gagnon (Canada); A.S. Osman (Somalia).

WIPO Coordination Committee

Chairman: P. Braendli (Switzerland). *Vice-Chairmen*: F. Jiménez Dávila (Argentina); I. Sy (Senegal).

Paris Union Assembly

Chairman: J.-C. Combaldieu (France). *Vice-Chairmen*: I. S. Nayashkov (Soviet Union); C. Fernández Ballesteros (Uruguay).

Paris Union Conference of Representatives

Chairman: H. Robertson (Trinidad and Tobago). *Vice-Chairmen*: ... (New Zealand); E. Mtango (Tanzania).

Paris Union Executive Committee

Chairman: A. Gurgel de Alcncar (Brazil). *Vice-Chairmen*: B. Saci (Algeria); J. Szomański (Poland).

Berne Union Assembly

Chairman: S. Grewal (India). *Vice-Chairmen*: A. Argyriadis (Greece); G. Pusztai (Hungary).

Berne Union Conference of Representatives

Chairman: J. Szomański (Poland). *Vice-Chairmen*: S. Rabearivelo (Madagascar); E. Apakan (Turkey).

Berne Union Executive Committee

Chairman: W. Eyambe (Cameroon). *Vice-Chairmen*: K. Iliev (Bulgaria); E. Wuori (Finland).

Madrid Union Assembly

Chairman: O. Leberl (Austria). *Vice-Chairmen*: J.J. Bos (Netherlands); D. Bošković (Yugoslavia).

Madrid Union Committee of Directors

Chairman: J. Mota Maia (Portugal). *Vice-Chairmen*: ... (San Marino); A. Ben Gaid (Tunisia).

Hague Union Assembly

Chairman: A. Krieger (Germany, Federal Republic of). *Vice-Chairmen*: L. Wuyts (Belgium); R. Imperti (Monaco).

Hague Union Conference of Representatives

Chairman: A.A. Omar (Egypt). *Vice-Chairmen*: O.J. Roulet (Holy See); I. Darsa (Indonesia).

Nice Union Assembly

Chairman: I. S. Nayashkov (Soviet Union). *Vice-Chairmen*: F.J. Smith (Australia); R. Carlsen (Denmark).

Nice Union Conference of Representatives

Chairman: A. Ben Gaid (Tunisia). *Vice-Chairmen*: I. Kharma (Lebanon); ... (...).

Lisbon Union Assembly

Chairman: G.L. Milesi-Ferretti (Italy). *Vice-Chairmen*: M. Fernández Finalé (Cuba); P. Kompaore (Upper Volta).

Lisbon Union Council

Chairman: N. Calixte (Haiti). *Vice-Chairmen*: J. de Villafranca (Mexico); J. Mota Maia (Portugal).

Locarno Union Assembly

Chairman: J. Delicado Montero-Rios (Spain). *Vice-Chairmen:* J. Hemmcring (German Democratic Republic); A. Gerhardßen (Norway).

IPC Union Assembly

Chairman: K. Wakasugi (Japan). *Vice-Chairmen:* F. Schlessler (Luxembourg); (Suriname).

PCT Union Assembly

Chairman: I. Marinescu (Romania). *Vice-Chairmen:* G. Borggård (Sweden); (Togo).

TRT Union Assembly

Chairman: E. Kouloufoua (Congo). *Vice-Chairmen:* (Gabon); (Upper Volta).

Budapest Union Assembly

Chairman: V. Tarnofsky (United Kingdom). *Vice-Chairmen:* R. Marxer (Liechtenstein); H. Brillantcs (Philippines).

V. International Bureau of WIPO

A. Bogsch (*Director General*); K. Pfanner (*Deputy Director General*); M. Porzio (*Deputy Director General*); L.E. Kostikov (*Deputy Director General*); C. Masouyé (*Director, Public Information and Copyright Department*); S. Alikhan (*Director, Developing Countries Division (Copyright)*); L. Baeumer (*Director, Industrial Property Division*); G. Boytha (*Director, Copyright Law Division*); P. Claus (*Director, Classifications and Patent Information Division*); F. Curchod, (*Director, PCT Division*); R. Harben (*Director, Public Information Division*); L. Kadirgamar (*Director, Development Cooperation and External Relations Bureau for Asia and the Pacific*); T.A.J. Keefer (*Director, Administrative Division*); G. Ledakis (*Legal Counsel*); E. Pareja (*Director, Development Cooperation and External Relations Bureau for Latin America and the Caribbean*); I. Thiam (*Director, Development Cooperation and External Relations Bureau for Africa and Western Asia*); A. Jaccard (*Head, Finance Section*); M. Lagesse (*Head and Controller, Budget and Systems Section*); B. Davoudi (*Head, Conferences and Common Services Section*); B. Machado (*Head a.i., Personnel Section*); I. Pike-Wanigasekara (*Senior Assistant, Office of the Director General*); H. Rossier (*Head, Mail and Documents Section*).

General Studies

The Role of Patent Management by Private Enterprise in the Republic of Korea

SANG SUB LEE*

Economic and Technological Development

In order to analyze the present factors relating to patent management by private enterprises in Korea, it would seem useful to review the Republic of Korea's economic conditions from the 1950s to today.

It is well known that the constraints on the economic development of the Republic of Korea are among the greatest of all the countries of the world: small territory; shortage of natural resources; population congestion; etc. Realizing that it is very difficult to break the deadlocks that would permit those problems to be overcome, the Government of the Republic of Korea has implemented several five-year plans for economic development, including the development of science and technology, since the early 1960s.

A. The Economy of the Republic of Korea in the 1950s

The economy of the Republic of Korea was still much that of a traditional society, according to Dr. Rostow's theory, in respect of its stage of development; moreover, it was suffering from the wounds of the Korean War.

In other words, the economy of the Republic of Korea had a pre-modern industrial structure and the majority of the population were mainly engaged in the field of agriculture; productivity was low and the population suffered from the vicious cycle of poverty caused by chronic inflation. As far as foreign trade was concerned, the Republic of Korea exported a few agricultural products and imported a few consumer goods.

B. The First and Second Five-Year Plans for Economic Development in the 1960s

In order to break away from the backwardness of the 1950s, the Government of the Republic of Korea undertook two five-year plans for economic devel-

opment, which began in 1962, and completed them successfully. In general, the economy of the Republic of Korea in the 1960s was on the verge of the take-off stage. The Government had adopted a policy of industrialization led by an export drive to improve the balance of payments, and broadened the introduction of foreign capital, including advanced technology from industrialized countries. In view of the dawning of economic development, however, the stress on industrialization was placed on the growth of light industry. At the same time great efforts were made to facilitate the national basic industries or social overhead capital, such as electrical power, transportation, communication and the like, as well as to boost the level of income of farmers by increasing agricultural productivity.

As a result of carrying out the above-mentioned projects, the gross national product grew at the unprecedented annual rate of approximately 10%; per capita GNP rose from 94 U.S. dollars in 1962 to 275 U.S. dollars in 1971 and exports increased from 54,800,000 U.S. dollars to 1,067,600,000 U.S. dollars during the same period.

C. The Third and Fourth Five-Year Plans for Economic Development in the 1970s

With a view to continuing the high growth in the economy of the Republic of Korea in the 1970s, on the basis of the successful achievement of the two five-year plans for economic development in the 1960s, the Government devoted itself to executing the following policies: foodstuff self-sufficiency; emphasis on developing the heavy and chemical industries; diversification of export goods; and encouraging domestic industry to decrease dependence on importation.

In this connection, it was evident from a practical point of view that both the improvement of science and technology and the development of technical manpower for the upgrading of productivity were very necessary to strengthen and complement the above policies. The Government thus began to concentrate on those two goals. As a result, per capita GNP, which was 306 U.S. dollars, and exports, which amounted to 1,624,000,000 U.S. dollars in 1972, rose to 1,489 U.S. dollars and 17,504,900,000 U.S. dollars, respectively, in 1980.

D. The Development of Technology

In the 1960s when the first five-year plan for economic development was started, the Republic of Korea tried to introduce technology from industrialized

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countries that could improve the technology of domestic industry, and endeavored to digest the technology that was introduced. It also accelerated the development of technology by increasing the number of joint ventures with foreign enterprises and by establishing many kinds of institutes or laboratories administered by the Government.

In the 1970s the Government vigorously encouraged the private sector to implement research and development and to promote investment in the development of technology and also urged it to establish its own institutes devoted to research and development. In parallel with those measures, the Government played a role in creating an environment for the development of technology by greatly enlarging Governmental investment in technological development so as to assist the private sector indirectly.

E. The Enlargement of the Office of Patents Administration

The number of industrial property applications in the Republic of Korea increased in proportion to the acceleration of the economy and the development of technology. The internationalization of the industrial property system thus became a necessity. Consequently, in March 1977 the Government replaced a small Patent Bureau by establishing the Office of Patents Administration, Republic of Korea (hereinafter referred to as "OPA"), which is headed by an Administrator with the rank of Vice Minister and has 300 staff members, including examiners and trial examiners, and which is situated within the Ministry of Commerce and Industry.

The OPA has acted strongly to convince private enterprises of the substantial importance of industrial property activities for keeping pace with the economic development of the Republic of Korea. It has thus since 1978 eagerly encouraged private enterprises to establish and operate their own patent departments for carrying out industrial property activities in order to generate greater practical interest in industrial property matters as well as in the development of technology.

2. Support Extended by the Government for the Purpose of Encouraging Patent Departments in Private Enterprises

A. Activating the Organization of Patent Departments

With a view to encouraging inventive activity, the OPA has encouraged private enterprises to establish patent departments within their own organizations and has concentrated on devoting the time and effort to improving the general qualifications of patent department personnel working in private enterprises.

Since 1978 the OPA has offered many training courses, held both in and outside the OPA premises, for patent personnel working in private enterprises in order to help to transmit and disseminate the requisite knowledge for carrying out industrial property activities and to foster the utilization of patent information for technological development. Such courses have included an analysis of the influence of patent affairs on industrial activities. In addition to training courses, the OPA has persuaded patent personnel in private enterprises to participate in overseas training programs provided by industrialized countries.

Furthermore, the OPA has held periodic meetings with patent personnel working in the field to discuss issues and problems and to exchange experiences obtained in the course of the management of patents. The OPA has been giving awards every year to superior enterprises in patent management as well as prizes to inventors of outstanding inventions.

The following table indicates the extent of the training that has taken place since 1978:

TABLE I

		1978	1979	1980	1981	Total
Domestic training	Enterprises	95	55	52	48	250
	Personnel	127	80	67	48	322
Foreign training	Enterprises	32	12	5	20	69
	Personnel	37	12	5	23	77

B. Accelerating the Utilization of the Remuneration System for Employees' Inventions in Private Enterprises

In order to stimulate inventive activity among employees, the OPA has urged private enterprises to adopt remuneration systems for employees' inventions as well as to give awards to employees who create inventions in the course of their duties. It has also supported employees' inventions by providing tax exemptions on the royalties received in compensation for employees' inventions.

C. Assistance in the Exploitation of Outstanding Inventions

In order to assist inventors who are unable to exploit their outstanding inventions because of financial constraints, the OPA has not only granted subsidies for the creation of prototypes of such inventions but has also encouraged inventors and businessmen to make use of the exploitation fund for new technology provided by at least two more domestic banks.

D. Supply of Recent Scientific and Technological Information to Private Enterprises

So that enterprises of the Republic of Korea have the opportunity to receive the latest scientific and technological information from abroad, the OPA has provided them, on request, with the many types of recent information that the OPA has collected from industrialized countries. In addition, the OPA has furnished the valuable information contained in search reports which have been prepared by the European Patent Office, the German Patent Office and the Austrian Patent Office, among others, and provided free of charge since 1979 under the WIPO State-of-the-Art Search Program.

E. Expansion of the Services of the Industrial Property Transfer Center

In order to further the licensing of industrial property rights and to strengthen the exchange of information between inventors and businessmen, the OPA has expanded the services of the Industrial Property Transfer Center located in the Korean Inventions and Patent Association.

TABLE 2

Industrial Sector	No. of Enterprises with Patent Departments			No. of Persons Employed in Patent Departments			No. of Enterprises with Patent Compensation Systems
	'79	'80	'81	'79	'80	'81	'81
1. Trade	13	15	15	43	46	46	5
2. Machinery	51	54	55	191	201	203	13
3. Electric & Electronic	42	46	46	123	132	132	9
4. Chemical	45	53	55	120	148	156	14
5. Medicine	21	21	21	55	55	55	3
6. Textile	21	23	23	75	81	81	4
7. Metal	12	16	16	42	50	50	4
8. Construction	2	2	3	3	3	5	—
9. Food & Beverages	12	13	13	33	36	36	6
10. Miscellaneous	11	14	15	32	38	42	2
11. Others	5	5	6	15	15	18	—
Total	235	262	268	732	805	824	60

4. An Example of a Patent Department in a Private Enterprise— the Case of Gold Star Co., Ltd.

A. A Brief History of Gold Star

In February 1958 Gold Star was founded and soon became a forerunner in electric and electronic manufacturing. In January 1975 the Central Research Laboratories were established as a part of its organization. At present Gold Star employs approximately 12,000 persons, operates eleven factories and maintains two research laboratories.

B. History of Patent Management

In August 1959 "Gold Star" registered its trade name and trademark with the OPA. In January 1967 the Business Section was charged with managing patent related matters. In August 1974 patent management was reassigned to the Third Business Section, with three persons; a patent data room was established and one person was assigned to each factory to act as a liaison concerning patent related matters.

In February 1977 a new Patent Section was established in the Business Department, with four persons in charge of patents and two persons in charge of data processing. In August 1980 this Section became a Patent Department which was composed of one Patent Section with seven persons and a Technical Library with five persons. Each factory reinforced its Patent Management Group.

C. Organization of Gold Star's Patent Department

The Patent Department is managed by a Director and is made up of the above-mentioned Patent Section

3. Present Status of Patent Department Establishment in Private Enterprises

Until 1978 the majority of local industrial enterprises were not very interested in establishing their own research and development or patent departments and, as a result, their patent related activities were at a very low level. Only five companies had patent departments or sections within their organizations and the number of persons working exclusively in this area in those enterprises barely totaled 25 persons.

In 1978 the OPA initiated a vigorous campaign for establishing patent departments in private enterprises. As a result of that campaign, by the end of 1981 a total of 268 enterprises had established patent departments within their organizations and a total of 824 employees worked exclusively in those departments. Among the 268 enterprises a total of 60 had adopted compensation systems for employees' inventions; enterprises in the machinery, electric and electronic and chemical sectors are the leaders in this regard. The following table illustrates the relevant information concerning patent departments on a year-by-year and industry-by-industry basis:

and Technical Library. The Patent Department collects and provides the data required by top management for decision-making and plays an important role in technical development and management strategy by supplying data to, and acting as a coordinator among, the Development Department, the Sales Department, the Export Department, the Central Laboratories and the factories.

D. Major Functions of the Patent Department

The major functions of the Patent Department may be summarized as follows:

- patent management;
- patent data processing and research;
- patent training;
- surveying of industrial property matters in the monthly bulletin;
- patent evaluation and planning the development of new technologies and products.

E. Gold Star's Patent Training System

The training system comprises three classes labeled as "A," "B" and "C," respectively, which are carried out on a continuing basis. "A" classes are courses for new employees and others who require training regarding industrial property and related procedures. "B" classes are patent strategy seminars for top managers, involving discussions of technical development and management. The courses include lectures for longstanding employees on preparing specifications and ascertaining infringements. "C" classes are professional seminars for the members of the Patent Department and Patent Management Groups.

In addition to in-house training, employees actively attend training courses operated by the OPA and the Korean Inventions and Patent Association. Ten employees have finished those courses since 1978. As a result, two members of the Patent Department have passed the qualifying examination to become licensed patent attorneys.

F. Operation of Compensation System for Employees' Inventions

In January 1975 the various inventive activity incentive systems that had been independently initiated by individual factories were integrated into a company-wide proposal and compensation system which provides rewards to employees when their suggestions are adopted.

In June 1978 regulations concerning compensation for employees' inventions were introduced. In June 1979 the Deliberation Standard of Compensation was established. The compensation paid to employee inventors is based on an evaluation of the value of the patent to the company or on its contribution to sales.

G. Characteristics of Patent Management

First, a Patent Management Group operates in every factory in close contact with the Patent Department. This Group creates incentives for inventions, requests patent applications, gives training in patent law and transmits and receives patent data to and from patent management throughout the company.

Second, the company sets a goal of one patent application a year for each engineer.

Third, to bring the "Gold Star" trademark into worldwide prominence and enhance its image, applications for trademark registration have been made throughout the world and many of those applications have already resulted in the grant of a registration.

Fourth, the classification of patent data is carried out to systematize the information needed by management. Patent data are utilized not only as simple technical data but also as information tools to enable management to learn the trends of development in the technical world and to activate the Management Information System.

H. Effectiveness of Patent Management

The enterprise periodically disseminates to its employees selective information obtained from domestic and foreign patent publications for assistance in the realization of long-term technical development. Reviewing and updating foreign patent data are an integral part of the patent mapping of products.

Furthermore, the mutual discussion and exchange of information and experiences gained in the course of patent management is encouraged at monthly meetings held by the Patent Department. Employees working in the Patent Department and Patent Management Groups, as well as all others concerned, participate in the meetings.

I. Trends in the Protection of Industrial Property

Following the introduction of a system of patent management, the number of applications for patents and utility models increased; although trademark applications decreased, the number of patents and utility models granted also increased. The following table summarizes this information:

TABLE 3

	1978		1979		1980		1981	
	Appl.	Grant	Appl.	Grant	Appl.	Grant	Appl.	Grant
Patents	2	0	9	1	19	2	13	11
Utility Models	15	0	114	8	74	27	105	44
Designs	28	12	105	44	92	52	47	41
Trademark registrations	180	94	145	82	92	144	68	115
Total	235	106	373	135	277	255	232	207

J. Future Plans

So that the enterprise may make every effort to improve the quality of its research and development to bring about higher level technological developments in the electronics industry, it is understood that the company plans to computerize its patent data base as part of the general improvement of its patent management system.

5. Conclusion

As a result of the OPA's encouragement of private enterprises in the Republic of Korea to establish and operate their own internal patent departments, considerable contributions have been made to the upgrading of the interest in industrial property and to the quality of research and development activities carried out in the private sector.

In the future, in order to assist in the development of technology, the OPA will continue to implement its policy of encouraging private enterprises to establish patent departments and will also guide them to operate those departments both by providing them with relevant training courses and by stimulating them to participate in training programs in foreign countries.

In addition, the OPA will do its best to ensure that private enterprises in the Republic of Korea will be able to operate their patent departments effectively through their own efforts without receiving assistance from the OPA.

Developments in the Case Law of the EPO Concerning European and Euro-PCT Patent Applications

R. SINGER*

I. General Remarks on the Appeals Procedure Under the European Patent Convention

Applicants throughout the world have adopted the European patent. In the current year, it is expected that some 30,000 European patent applications will be filed with the European Patent Office (EPO). The confidence that applicants have shown in the new system is strengthened by their knowledge that in the case of an

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initial negative decision they can appeal to a further independent body. This they indeed do and appeals are filed in almost half of such cases.

The decisions on those appeals are taken by the Boards of Appeal of the EPO, incorporated organizationally into the EPO as Directorate General 3. The Boards nevertheless take their decisions independently and without instructions in the same way as the courts of the Contracting States; various provisions in the European Patent Convention (EPC) ensure that the Boards of Appeal enjoy a situation similar to that of a court of justice.

1. The Significance of the Decisions Taken by the EPO Boards of Appeal

The significance of decisions taken by the Boards of Appeal goes beyond the national appellate tribunals. This is so not only because European applications and patents generally extend to a multitude of European States, but also primarily because there is no further legal remedy against decisions of the EPO Boards of Appeal.

It is therefore worthwhile looking into the case law of the Boards of Appeal. It is also of fundamental significance for the day-to-day practice of the EPO. The President of the EPO has published comprehensive "Guidelines for Examination in the EPO"¹ and he adapts those Guidelines as appropriate to leading decisions taken by the Boards of Appeal.

Additionally, the decisions are also significant when interpreting the harmonized domestic legislation of the Contracting States. At the Symposium for European Patent Judges, held in October 1982, judges from all the participating States explicitly confirmed their intention to take into account the decisions of other courts and of the EPO Boards of Appeal when reaching their own decisions.²

The major decisions of the Boards of Appeal are reported in the EPO *Official Journal* (OJ), either in full or excerpted.³ They are given in the three official languages. The authentic wording, however, is always that of the language of the proceedings.

The headnote that is generally inserted before the decision when reported on is not itself an integral part of the decision, but merely gives the generalized view of the Board on certain points, without binding itself or other Boards.

¹ Obtainable from the European Patent Office (EPO).

² *Symposium for European Patent Judges: Problems Connected with European Patent Law*, reports to be published in Issue 6 IIC (1983).

³ The case numbers of the Legal Board of Appeal begin with the letter J; those of the Technical Boards of Appeal with the letter T; those of the Enlarged Board of Appeal with the letters Gr; and those of the Disciplinary Board of Appeal with the letter D. The OJ page reference is given for decisions cited in this article in those cases where they have been reported.

Decisions taken by the EPO are available to the general public.⁴

A publisher has recently begun publishing in the three official languages all the decisions reported on in the EPO *Official Journal*.⁵ The decisions are also stored in the data bank of the French Patent Office "JURINPI," from which they can be retrieved.

Since July 1, 1982, there additionally exists the possibility of on-line access to all reported decisions of the Boards of Appeal in English.⁶

Since unreported decisions of the Boards of Appeal may also be of value, the basic possibility has been created of obtaining access to them in the EPO library without payment of a fee for access and acquiring copies at cost price.

2. Organization and Activities of the Boards of Appeal

The Boards of Appeal are organizationally incorporated in Directorate General 3. They comprise the Legal Board of Appeal, four Technical Boards of Appeal and an Enlarged Board of Appeal. For matters concerning professional representatives, there exists also a Disciplinary Board of Appeal.

In the 200 appeals on which decisions have so far been given, the appeal was upheld in approximately one half of the cases; where these were appeals before the Technical Board of Appeal, however, this was most frequently done after the claims had been amended.

The Legal Board of Appeal

The Legal Board of Appeal takes its decisions with three members. The Board deals in most cases with compliance with formal and procedural provisions of the Convention.

The Technical Boards of Appeal

The Technical Boards of Appeal primarily take decisions on whether the requirements for patentability of the invention and the description of the invention in the application are complied with.⁷

⁴ See J. Straus, "Available Possibilities in Patent Literature," to be published in IIC.

⁵ *Decisions of the Boards of Appeals of the European Patent Office*, Carl Heymanns Verlag, Cologne, etc.; the decisions from 1979 to 1982 are contained in two volumes and the subsequent decisions are to be given in four annual journals.

⁶ EUROLEX full text dial-up legal retrieval service, London; access through EURONET DIANE and the public telephone network throughout the world. Not only the decisions of the Boards of Appeal but also the entire contents of the EPO *Official Journals* are stored and accessible.

⁷ See also the critical analysis of "technical appeals" by Dr. J.L. Beton, "Recent Developments in the PCT and the EPO," CIPA April 1983, 284; and the detailed and comprehensive analysis of EPO practice in the pharmaceutical field (first and second instance) by T.V. Michaelis, "European Patent Practice in the Pharmaceutical Field," vol. 12 IIC 512 and also "A Second Report," vol. 14 IIC 372.

The Technical Boards of Appeal generally comprise three members or, in specific cases, five members, of which one or two, respectively, must have legal qualifications.

When analyzing decisions on "technical" appeals, it must of course be remembered that those decisions are taken by four different Boards of Appeal.

The Disciplinary Board of Appeal

The Disciplinary Board of Appeal comprises five members of which three, including the Chairman, must belong to the EPO and two to the Institute of Professional Representatives.

In view of the special nature of the Board, this article will not deal with its decisions.⁸

The Enlarged Board of Appeal

The Enlarged Board of Appeal does not constitute a higher instance body for opposing decisions of the various other Boards of Appeal. Its task is to ensure, where possible, uniform application of the law and to clarify important points of law.⁹ In order to achieve this aim, the Boards of Appeal have the right and the duty to refer certain matters to the Enlarged Board of Appeal. The latter decides only on the legal questions referred to it; a substantive decision is taken in all cases by the competent Board of Appeal once the point of law has been clarified by the Enlarged Board of Appeal.

The Enlarged Board of Appeal takes its decision with seven members, of which five must be legally qualified and two technically qualified members; the chair is taken by one of the legally qualified members.

As of yet, the Enlarged Board of Appeal has only had the question of the admissibility of the second medical indication referred to it.¹⁰

II. Procedure before the European Patent Office

The largest number of decisions on appeal concerning formal and procedural questions have been taken so far by the Legal Board of Appeal. As the number of appeals before the Technical Boards of Appeal grows, the latter will also have to deal increasingly with such questions.

In general, it may be said that a much smaller number of procedural and formal matters have to be decided by the Boards of Appeal than had originally been assumed. This may be attributed, apart from the careful drafting of the Implementing Regulations, to the wish of the EPO, in accordance with Article 1 of the

⁸ Page references of decisions in the OJ 1980, 298; 1981, 220; 1982, 107, 192, 258, 351, 352, 353; 1983, 175, 185, 233, 337.

⁹ Article 112(1).

¹⁰ See decision T 17/81, "Nimodipin," OJ 1983, 266; this question is of significance for seven pending appeals.

EPC, to give patentable inventions appropriate protection, that is to say, that the substantive examination takes precedence.

This fundamental approach is also reflected in part in the decisions on appeal from which it may be seen that the maximum is done to avoid loss of rights for formal or procedural reasons. The Boards of Appeal are further watchful, as is their mission, that those concerned may fully enjoy the rights afforded them by the Convention. They endeavor to reach a reasonable compromise between the interests of the parties and the public interest in expeditious proceedings.

1. Lodging an Appeal

Appeals must be lodged within two months of the notification of the first instance decision and the grounds of appeal must be filed within four months; the appeal fee must also be paid within the two-month time limit.¹¹

A number of decisions have laid down the legal implications of the appeal fee¹² not being paid in good time. Two solutions are conceivable: under the second sentence of Article 108, the appeal is deemed not to have been filed (in such case the appeal fee will be reimbursed) or the appeal is dismissed as not admissible (in such case the fee cannot be reimbursed since the appeal has not been deemed allowable).¹³ In such cases it is held, in the interests of the appellants also, that the appeal has not been lodged¹⁴ and any appeal fee that has been paid will automatically be reimbursed, that is to say, even where no request has been made.¹⁵

However, it is not possible to reimburse an appeal fee received in good time in those cases where the grounds for appeal have not been filed or have been filed too late, that is to say, where the four month time limit has not been complied with.¹⁶

Rule 64(b) requires that the notice of appeal should state the extent to which amendment or cancellation of the decision is requested. The Boards of Appeal¹⁷ have confirmed that where a European patent application has been refused, it suffices for the notice of appeal to contain a statement that the appeal is lodged against that decision. This principle is of importance, above all, for "technical" appeals.

A further decision of the Legal Board of Appeal is also of interest in this context.¹⁸ That decision held that an appeal could also be withdrawn without the consent of the Board of Appeal and that it could also be withdrawn in part, particularly where the decision appealed from contained a number of independent items.

Under Article 106(1), an appeal shall lie from "decisions." According to Rule 68 of the EPC, "decisions" are to be reasoned and are to be accompanied by a written communication of the possibility of appeal.

Even where a decision does not comply with those requirements, it may be appealable on condition that it has a final content.¹⁹

2. Time Limits and Their Computation

As in numerous national legal systems, compliance with time limits is of great importance in the European patent granting procedure since noncompliance generally leads to the loss of rights.

The computation of time limits and the consequences of noncompliance are regulated in widely differing ways in the various domestic systems. The EPC, as an autonomous system of law for eleven States, has its own system of time limits derived from the varying national systems of the Contracting States which has been continuously developed.

The actual computation of time limits is regulated in detail by Article 120 in conjunction with Rules 83 to 85b. In day-to-day practice, however, there still remain points that are not covered and that have to be decided case by case by the Boards of Appeal; the solutions found afford further insights into future developments in this case law. Special significance is assumed by the computation of time limits as regards the obligation to pay EPO fees within specific time limits²⁰ and, indeed, the majority of the relevant decisions on appeal are given in this context.

In one appeal, the applicant wished to pay the fee on the last day of the time limit, a Friday, about noon, into the EPO bank account in Sweden. This possibility is afforded by the Rules relating to Fees, whereby the effective day of payment is the day on which the amount is credited to the EPO bank account.²¹ However, for internal reasons, the bank did not credit the amount until after the weekend, that is to say, on Monday. Nevertheless, the bank informed the EPO by telex on the last day of the time limit, the Friday, of the unrevocable receipt of the payment. The Board of Appeal accepted the payment as having been made in good

¹¹ Article 108.

¹² Currently 630 Deutsch marks.

¹³ Rule 67.

¹⁴ J 02/78, "Non-payment of the Fee for Appeal," OJ 1979, 283; J 21/80, "Late Payment of Appeal Fee—Finding of Loss of Right," OJ 1981, 101.

¹⁵ J 21/80, "Late Payment of Appeal Fee—Finding of Loss of Right," OJ 1981, 101; J 16/82, "Assistant: Substitute," OJ 1983, 262.

¹⁶ T 13/82, "Statement of Grounds of Appeal," OJ 1983, 411.

¹⁷ E.g., T 32/81, "Cleaning Apparatus for Conveyor Belt," OJ 1982, 225; T 07/81, "Dyeing of Linear Polyamides," OJ 1983, 98.

¹⁸ J 19/82, "Partial Withdrawal of Appeal," to be reported.

¹⁹ J 08/81, OJ 1982, 10; the time limit within which appeal may be lodged against such a decision was not to be decided in this case.

²⁰ J 01/82, "Public Holiday," OJ 1983, 53.

²¹ Article 5(1)(a), Article 8(1)(a), of the Rules relating to Fees.

time.²² This decision is also likely to be taken into account when technical reasons prevent payment from being credited in good time.

Article 8(3)(a) of the Rules relating to Fees and its interpretation are also significant in this connection.²³ A limit for payments is held to be complied with if the fee has been paid into the appropriate bank by check or in cash ten days before expiry of the time limit, but is credited to the EPO bank account either too late or not at all. Unfortunately, insufficient use is made of this possibility.

One decision²⁴ deals with the case in which the last day for payment of a fee is a public holiday in one State. The general rule for computing time limits laid down in Rule 83 is also supplemented by the provision usually contained in the national systems:²⁵ time limits that expire on a day on which the Office is not open to receive documents are extended to the following day on which the Office is open. This principle is also to be found in the Paris Convention in respect of periods of priority.²⁶ Payments in respect of a European patent application can be made in good time not only at the EPO (in Munich and The Hague) but also through bank and giro accounts in various Contracting States.²⁷

The President of the EPO publishes a notification each year in the *Official Journal* of the EPO as to the days on which the EPO in Munich and The Hague is not open. This extension of the time limits also applies to payments where the day in question is not a public holiday in the place of payment (e.g., Corpus Christi day in France).²⁸

However, this still does not answer the question whether such principle would also apply if the day in question were a public holiday in The Hague only and not in Munich and payment was made late in Munich.

Failure to comply with various important time limits, in respect of which no re-establishment is admissible,²⁹ led to the Administrative Council deciding to extend some of those periods by two months against payment of an additional fee of normally 50%.³⁰ In an important decision, principles for interpreting the expiry of the time limit in the case of such aggregate time limits were laid down, which are of significance over and above the individual case.³¹

A variation of this problem, in which the request for examination is filed too late and the European patent application is therefore deemed to have been withdrawn, was the subject of a decision by the Legal Board of Appeal.³² Although the not inconsiderable examination fee³³ was paid in good time, the request for examination itself, however, was filed too late. In view of the unequivocal wording of Article 94(2), the Board of Appeal could not see its way to accept the timely payment of the examination fee as a timely filing of the examination request.

In one of its decisions,³⁴ the Legal Board of Appeal dealt with the frequently recurring matter of a smaller number of designation fees than there were designated States being paid within the time limit. The Board interpreted Article 7(2) of the Rules relating to Fees to mean that in such case an explicit request should be made to the applicant asking for which States the designation fees paid were to apply. This decision can also be of significance in future in the case of payments made at the same time as increases in fees take place.

3. Restitutio in Integrum

Where time limits have been missed there is a possible legal remedy under "further processing of the European patent application"³⁵ and, above all, "*restitutio in integrum*."³⁶

This remedy is available exclusively to the applicant or the proprietor of a patent, that is to say, not to the party making opposition. Nor can it be applied where a national Patent Office has exceeded the 14-month time limit for forwarding the European patent application through no fault of the applicant.³⁷ This decision, which for various reasons is quite obvious for continental lawyers, does not meet with the same comprehension from specialists in the United States of America.

Article 122(1) requires the applicant or patent proprietor to have taken all due care required by the circumstances as a condition for re-establishment. After having considered the background history of this provision, particularly the detailed discussions at the Munich Diplomatic Conference that were devoted to the extent of the care that was to be exercised, the Legal Board of Appeal held that these strict requirements applied to the applicant's representative but, however, not to assistants used by the latter. It is a condition, however, that the tasks concerned should not be the

²² J 26/80, OJ 1982, 7.

²³ J 07/81, OJ 1983, 89.

²⁴ J 01/81, "Public Holiday," OJ 1983, 53.

²⁵ Rule 85.

²⁶ Article 4C(3).

²⁷ Article 5 of the Rules relating to Fees; for details and current status, see the last cover page of the most recent EPO *Official Journal*.

²⁸ J 01/81, "Public Holiday," OJ 1983, 53.

²⁹ Article 122(5); see also next Chapter.

³⁰ Rules 85a and 85b.

³¹ J 09/82, "Calculation of Aggregate Time Limits," OJ 1983, 57; see also EPO Legal Advice No. 5/80, OJ 1980, 147.

³² J 12/82, "Late Request for Examination," OJ 1983, 221.

³³ 1,980 Deutsch marks.

³⁴ J 23/82, "Selection among Designations," OJ 1983, 127.

³⁵ Article 121.

³⁶ Article 122; as regards reinstatement in general, see Singer, "Re-establishment of Rights in Proceedings before the European Patent Office," vol. 13 IIC 269.

³⁷ J 03/80, OJ 1980, 92.

direct responsibility of the representative or the applicant and that the assistant should have been suitably chosen, instructed and supervised.³⁸

The EPO has based itself here on the discussions of the delegations and the results of the Munich Diplomatic Conference; it thus follows the national practice of, for example, Belgium, France, Germany (Federal Republic of) and Austria. The Swiss Federal Court has taken note of the above-mentioned decision of the Legal Board of Appeal and has decided that Swiss jurisprudence, despite this more liberal practice, should continue to apply its more stringent approach based on the interpretation of the national law on contracts.³⁹

In a further decision, the Legal Board of Appeal held that the demands placed on the assistant could also be placed on a substitute who was standing in for the assistant, for example, during holidays or illness.⁴⁰

This tendency to excuse the failure to comply with time limits where there has been no fault has also been followed by the Boards of Appeal in their endeavors to keep the number of omissions that are excluded from *restitutio in integrum* as small as possible,⁴¹ that is to say, not to interpret those exceptions too broadly. Thus, the exclusion of re-establishment of the time limit for requesting examination (Article 94(2)) was not applied to Euro-PCT applications.⁴²

Of course, the Boards demand exact compliance with Article 122(3) to the effect that the facts on which the application for re-establishment is based are adequately substantiated and conclusively set out.⁴³ A broad interpretation of the provisions reaches its limits at the point at which, in the view of the Board, the purpose of excluding re-establishment would be frustrated; this would happen if *restitutio in integrum* were granted in respect of time limits that extend by two months such time limits as are excluded from *restitutio in integrum* by the Convention itself.⁴⁴

The Disciplinary Board of Appeal has also been called upon to deal with re-establishment of rights⁴⁵ as regards compliance with the time limit for lodging appeals under the Regulation on the European Qualifying Examination for Professional Representatives before the European Patent Office. The Board held that Article 24(2) of the Regulation on discipline was of application, which meant that the time limit for lodging an appeal was only one month, but that, on the other hand, no appeal fee was to be paid. Of importance for

the future development of the case law of the remaining Boards of Appeal was the conclusion that a simple legal error, particularly as regards the provisions on delivery and computation of time limits, does not as a rule justify *restitutio in integrum*.

4. The Correction of Errors

The tendency to avoid formal severity in proceedings is also confirmed by the numerous decisions on the correction of errors and mistakes.

Those decisions concern the interpretation of the expression "mistakes" in Rule 88. In principle, this Rule was conceived for the correction of clerical errors and the like. The term "mistakes" in the three official languages clearly exceeds the definition of "errors of transcription"; indeed, these are explicitly referred to in the provision in their own right. According to the provision, "linguistic errors, errors of transcription and mistakes" may be corrected on request in the documents filed with the EPO. In the case of a description, claims or drawings, this can only be done where the correction is obvious. Thus, the particulars given in the request for grant can be more easily corrected than those in the other application documents.

Already in its very first decision⁴⁶ in this matter, the Legal Board of Appeal indicated the approach it wished to adopt when interpreting this provision: on the one hand, a generous interpretation under which omissions could also constitute mistakes, but, on the other hand, by demanding clear and unequivocal proof, exclusion of changes arising from further reflection, changes of mind and legal errors. Corrections have been accepted in the designation of applicants,⁴⁷ designation of States⁴⁸ and even in priority declarations.⁴⁹

In all those decisions, however, the applicant's interest is always balanced against the public interest in obtaining correct information from the EPO. Public interest is given precedence insofar as corrections may only be allowed on condition that the request is filed early enough for it to be included in the publication of the application; this may be done by publication in corrected form or publication of a warning that no decision has as yet been made in respect of the specified request for correction.⁵⁰

In compliance with the second sentence of Rule 88, the Boards of Appeal are more severe in respect of corrections to descriptions and drawings than for

³⁸ J 05/80, OJ 1981, 343.

³⁹ *Schweizerisches Patent-, Muster- und Markenblatt*, 1, 21st year, no. 7, July 30, 1982, p. 59.

⁴⁰ J 16/82, "Assistant; Substitute," OJ 1983, 262.

⁴¹ Article 122(5).

⁴² J 06/79, OJ 1980, 225; see also Chapter III.4.

⁴³ T 13/82, "Statement of Grounds of Appeal," OJ 1983, 411.

⁴⁴ J 12/82, "Late Request for Examination," OJ 1983, 221; J 18/82, "Force Majeure," to be reported.

⁴⁵ D 06/82, OJ 1983, 337.

⁴⁶ J 08/80, OJ 1980, 293.

⁴⁷ J 07/80, OJ 1981, 137.

⁴⁸ J 04/80, OJ 1980, 351; J 08/80, OJ 1980, 293; J 12/80, OJ 1981, 143.

⁴⁹ J 04/82, "Priority Declaration," OJ 1982, 385; J 03/82, "Correction-Priority," OJ 1983, 171; J 14/82, "Priority Declaration," OJ 1983, 121.

⁵⁰ See, e.g., J 03/81, OJ 1982, 100, as regards designation of States, and J 03. 04. 14/82 (previous footnote) as regards the priority declaration.

mistakes in the request. Although correction of a part of a figure in a drawing has been allowed,⁵¹ such has not been the case where the correction has concerned the omission of complete figures; in that case it was stated that the *lex specialis*, that is to say, Rule 43, alone was to be applied.⁵²

The correction of a part of the description by filing a number of pages, referred to as an "appendix," was not allowed by the Board of Appeal on the grounds that the content of the requested correction was not evident from the documents already filed with the EPO.⁵³

The question whether the priority documents already available at the EPO would have sufficed as a basis was not answered.

5. Priority Questions

The Legal Board of Appeal has also taken position in other questions concerning priority.

Thus, it had been decided^{53a} that the priority of a national design deposit cannot be claimed for a European patent. This decision deals also with the relation between the EPC and the Paris Convention.

In respect of procedure, another decision^{53b} states that the omission to file the priority documents within 16 months from the priority date can be objected to only after this time limit has passed.

6. Substantial Procedural Violations

The EPC provides for reimbursement of appeal fees⁵⁴ where the appeal is deemed allowable and reimbursement is equitable by reason of a substantial procedural violation. Various decisions on appeal therefore deal with the question of when a "substantial procedural violation" has taken place.

Such has been held to be the case where information and evidence announced in writing have not been awaited for a reasonable period of time or where the appellant has been set no period of time for their submission;⁵⁵ it is likewise the case where a submission that was evidently regarded by the applicant as being essential was not taken into account in the decision,⁵⁶ and also where the EPO relied on the computer printout to determine whether payment had been made in good

time and had not checked the date of payment stored in the EDP system.⁵⁷

The appeal fee cannot be reimbursed where the decision by the Examining Division has been set aside on substantive grounds and no substantial procedural violation has taken place.⁵⁸ It may likewise not be reimbursed where the appellant has withdrawn the appeal.⁵⁹

There occasionally arises the question of who is competent to deal with a request for reimbursement of the appeal fee when the appeal procedure has already been terminated. A Technical Board of Appeal held⁶⁰ that the Board of Appeal could decide on requests submitted to it in respect of former proceedings even after the appeal had been dealt with. This decision could also have significance in deciding how far the competence of the various EPO organs extends.

7. The Possibility of Making Changes During Appeal Proceedings

Appeal proceedings examine not only the justification for the decision by the first instance body but also give the appellant the possibility of filing new requests during the proceedings.

Basing themselves on the EPC, the Boards of Appeal have adopted a practice that is not too formal. The appellant may amend his claims, particularly when lodging the appeal, and also file ancillary requests; he may also submit new facts and evidence with his appeal.⁶¹ This possibility is subject, however, to the appeal proceedings being completed without too much delay, for instance, in one year or two years at the most.

A clear time limit for possible amendment is set in one of the decisions.⁶² The appellant had abandoned one of the claims in his grounds of appeal. A few days only before the oral proceedings that he had requested, the appellant wished to reinstate the abandoned claim after almost one year of appeal proceedings. The Board held it to be appropriate, in the interests of expediting the proceedings, not to admit this amendment.

8. The Substantive Limits of Amendments

For all amendments to claims or the description, great attention is paid to the fact that the subject matter in no event extends beyond the content of the application as filed.⁶³ It may not be given a broader scope.

⁵¹ J 19/80, OJ 1981, 65.

⁵² J 01/82, OJ 1982, 293.

⁵³ J 13/82, "Correction of Description," OJ 1983, 12.

^{53a} J 15/80, OJ 1981, 213.

^{53b} J 01/80, OJ 1980, 289.

⁵⁴ Rule 67: under Article 2(11) of the Rules relating to Fees, currently 630 Deutsch marks.

⁵⁵ J 04/82, "Priority Declaration," OJ 1982, 385.

⁵⁶ J 07/82, "Cause of Non-Compliance," OJ 1982, 391.

⁵⁷ J 23/82, "Selection among Designations," OJ 1983, 127.

⁵⁸ T 05/81, "Production of Hollow Thermoplastic Objects," OJ 1982, 249.

⁵⁹ T 41/82, OJ 1982, 256.

⁶⁰ T 41/82, OJ 1982, 256.

⁶¹ T 01/80, "Carbonless Copying Paper," OJ 1981, 206; the decision also concerns amendment of the problem.

⁶² T 12/81, "Diastereomers," OJ 1982, 296.

This applies both in the first and also in the second instance.

The Boards of Appeal are frequently called upon to deal with this matter since it is often only after an amendment to the claims that an appeal is allowed.

Amendment of the Claims

In one decision, contrary to the opinion of the Examining Division, the Board permitted a characteristic in the preamble of a claim to be replaced by a more general expression more suited to defining both the feature from the point of view of prior art and also the corresponding element in the claimed invention.⁶⁴

In a further case⁶⁵ the deletion of a characteristic in a claim was admitted in a case where it served solely to clarify and/or remove a contradiction. The deletion of the characteristic concerned was held not only to be permissible but also to be desirable.

In yet another case⁶⁶ it was considered both permissible and necessary for separate information to be given in the claims on the proportions of the various constituents in each claimed composition of the mixture.

Another application was refused by the Examining Division⁶⁷ because the applicant wished to combine two disclosures in his description to form a new claim. When examining whether an amendment was incompatible with Article 123(2), the test of novelty should be used, which prohibits the combination of separate items of information, including separate parts of the same document. The Board confirmed the view of the appellant that the Convention did not strictly prohibit different parts of the description from being combined. Whether or not the amendment was admissible depended on the judgment of the person skilled in the art, whereby the state of the art was also of significance, as was expressed in the headnote.

In a further appeal, a partial range was admitted in new Claim I, lying between a specifically disclosed end point of a preferred range and an end point of the general range.⁶⁸

The limits of possible amendment are shown by the following decision⁶⁹ concerning a copying process in which fine-grained material is applied to a transparent base. The application was refused due to lack of inventive step. In the appeal the appellant filed a new claim in which the characterizing part stated "an asphalt solution is applied to the light-sensitive base and allowed to dry so as to form a continuous layer." The

Board of Appeal noted that the wording of the original application could not be interpreted in such a way as to mean that the screen structure was to be seen as consisting of a continuous layer of asphalt resulting from the drying out of a solution.

Amendment of the Description

A number of decisions deal with amendments to the description and, in certain cases, hold them to be admissible.

In an important appeal,⁷⁰ the Board held that the inclusion of further references to the state of the art in the description was not inadmissible since the subject matter of the application did not thereby extend beyond the content of the application as filed (Article 123(2)). Indeed, Rule 27 provides that such references be given. In the same way, supplementing the description by describing the advantages of the invention compared with the prior art did not necessarily conflict with Article 123(2); whether or not this was the case depended on the circumstances of the individual case and on the formulations.

A further decision⁷¹ is of interest in this context; the headnote has the following to say: if a technical measure is clearly disclosed in the application as filed, but its effect is not stated or not fully stated but nevertheless may be deduced from the original application by normal reflection on the part of a person skilled in the art, a subsequent explanation of this effect in the description does not conflict with Article 123(2) of the EPC.

This question of admissible amendments is sure to undergo further clarification in future decisions.

9. Opposition Procedure

As yet, understandably, there have been few appeal decisions on opposition procedure. An interesting decision⁷² deals with the filing of the notice of opposition. Two professional representatives had jointly filed a notice of opposition without stating that they were acting on behalf of a single client; they had also requested the remaining members of their firm to represent them. It only became clear in the appeal procedure that they were acting on behalf of a single client. The Opposition Division's decision that opposition was admissible was set aside and the matter referred back for further examination. In addition, the costs incurred by the owner of the patent due to the oral proceedings were awarded against the "opponents."⁷³

⁶³ Article 123(2).

⁶⁴ T 52/82, "Winding Apparatus," OJ 1983, 418.

⁶⁵ T 172/82, "Particle Analyzer," OJ 1983, 493.

⁶⁶ T 02/80, "Polyamide Molding Compositions," OJ 1981, 433 No. 3.

⁶⁷ T 54/82, "Disclosure," OJ 1983, 446.

⁶⁸ T 02/81, "Methylenebis (phenylisocyanate)," OJ 1982, 394; T 53/82, not reported.

⁶⁹ T 07/80, "Copying Process," OJ 1982, 95.

⁷⁰ T 11/82, "Control Circuit," OJ 1983, 479.

⁷¹ T 37/82, "Low Tension Switch," to be reported.

⁷² T 10/82, "Opposition, Admissibility," OJ 1983, 407.

⁷³ Article 104(1).

Other aspects of the procedure, also affecting substantive law, will be dealt with under further headings as appropriate.

III. The Euro-PCT Procedure

The PCT and the EPC are adapted to each other and are mutually complementary.⁷⁴ Therefore, international applications may be filed with the EPO in Munich or its branch in The Hague under the conditions set out in Article 151 of the EPC.⁷⁵

It may be said at once that, in the interests of the applicants, both the Boards of Appeal and the other organs of the EPO endeavor to coordinate the effect of PCT and EPC provisions in a manner as devoid as possible of bureaucratic considerations.

1. The EPO as International Searching Authority

The EPO is an International Searching Authority; this task is undertaken by Directorate General 1, that is to say the Search Divisions.⁷⁶ Article 154 of the EPC makes this a necessity for applicants from EPC Contracting States.⁷⁷ However, the EPO has undertaken the task of International Searching Authority for the Patent Offices of a number of other States^{77a} either exclusively or, as chosen by the applicant, as an alternative to another Patent Office.

The international search report is currently established by the EPO against payment of a searching fee of 1,700 Deutsch marks.⁷⁸ If the International Searching Authority considers⁷⁹ that the international application does not comply with the requirement of unity of invention under Rule 13 of the PCT, it may invite the applicant to pay additional fees.⁸⁰ Under Article 8(1) of the agreement between WIPO and the EPO, this fee also amounts to 1,700 Deutsch marks.⁸¹

⁷⁴ See, e.g., G. Gall, "Der Rechtsschutz des Patentanmelders auf dem Euro-PCT-Weg," GRUR Int. 1981, 417 and 491; G. Kollé and U. Schatz, "Das Europäische Patentamt als internationale und regionale Behörde nach dem PCT," GRUR Int. 1983, 52.

⁷⁵ Articles 151, 152(1) of the EPC.

⁷⁶ These are the successors to the former International Patent Institute, Article 16(1) of the PCT.

⁷⁷ Austria, Belgium, Brazil, Denmark, Finland, France, Germany (Federal Republic of), Luxembourg, Malawi, Monaco, Netherlands, Norway, Romania, Sri Lanka, Sweden, Switzerland, United Kingdom, United States of America.

^{77a} *Ibid.*

⁷⁸ Rules relating to Fees, Article 2, item 2.

⁷⁹ Article 17(3) of the PCT.

⁸⁰ Article 17(3), Rule 40.2(a) of the PCT.

⁸¹ OJ 1978, 249, in conjunction with Annex B; *PCT Gazette* 02/1978, 107.

2. Decisions of the Boards of Appeal in Respect of Protests⁸²

Under Rule 40.2(c) of the Regulations under the PCT, an applicant may pay the additional fee under protest. According to Article 154(3) of the EPC, the Boards of Appeal are competent to take a decision on such protests, that is to say, pursuant to a decision taken in respect of the allocation of duties of the Boards of Appeal, competency lies with the Technical Boards of Appeal in accordance with their case distribution calendar. No procedure for such protests is set out in either the PCT or the EPC. The Boards of Appeal fashion the procedure in accordance with the needs of each case.⁸³ As yet there has been no need to set out the procedure for protests in specific "rules of procedure" as has been done for procedures before the Boards of Appeal and before the Enlarged Board of Appeal.⁸⁴ So far, the structure of decisions on protests basically corresponds to that of decisions on appeals.⁸⁵ To date, the Boards of Appeal have given eight decisions on protests under Article 17(3) of the PCT, of which four were by the Board of Appeal for physics, three by the Board of Appeal for mechanics and one by the Board of Appeal for chemistry. Three of those protests were successful.

It should be noted that in the case of those decisions the Boards of Appeal do not directly interpret European patent law but rather Rule 13 of the PCT via Article 154(3) of the EPC. According to that Rule, the international application may relate to one invention only or to a group of inventions so linked as to form a single general inventive concept.

The eight decisions issued so far concern international applications coming from the EPC Contracting States. The five decisions in which the Boards of Appeal rejected the protest noted in each case that the individual inventions that were not recognized as having unity produced effects that were largely independent of each other and also that fell within differing technical areas.⁸⁶ The question whether the various inventions belonged in varying classes on account of their nature (and therefore required additional searching) was indeed mentioned but no decisive significance was attributed to it.⁸⁷

⁸² The following decisions of the Boards of Appeal are also of interest for international applications in respect of which the EPO does not act as International Searching Authority since they concern the interpretation of PCT law by the EPO.

⁸³ The references begin with the letter W; as yet none of these decisions have been reported.

⁸⁴ Rules of Procedure of the Boards of Appeal (OJ 1983, 7); Rules of Procedure of the Enlarged Board of Appeal (OJ 1983, 3).

⁸⁵ The Boards of Appeal do not use the PCT form PCT/ISA/212 but transpose the proposed decision formula to the European system.

⁸⁶ E.g., W 05/85, WO 3/82.

⁸⁷ W 01/82 as a further development of decision W 01/80.

Contrary to the view of the Search Division, unity of invention was recognized in the case of a test apparatus intended to measure both the tension of the stringing and also the stiffness of the frame of a tennis racket. The Board of Appeal noted that in respect of both features the corresponding deformations were provoked and measured by the same parts of the test apparatus.⁸⁸

In a further decision⁸⁹ upholding the protest, the subject was a transmitting and receiving system for teletext and videotext with coded instructions. The Board noted that the subject matter of the application related to two different, but dependent, devices (receiver-transmitter), both based on the same inventive concept.

A recent decision⁹⁰ is of special interest since the Board, although only *prima facie*, recognized the unity of various plasmids.

3. The EPO as Designated Office

The EPO is selected as a designated Office in numerous international applications, currently in over 70% of all PCT applications. Despite the provisions of both international Conventions aiming at a harmonious transition, legal questions arise that can only be clarified by jurisprudence.

4. Timely Payment of Fees

A PCT applicant is normally required to pay various fees to the EPO within a period of 21 months.⁹¹ He must also file the request for examination under Article 94 of the EPC⁹² within six months of publication of the PCT application by WIPO and pay the examination fee.⁹³

In the very first international application received from France⁹⁴ the calamity occurred: the applicant paid on transfer to the EPO the various fees under Rule 104(1) in good time, but not the examination fee, however. Since he was not sufficiently acquainted with the new procedure he had asked for information from the EPO at an early juncture as regards the steps he had to take. Unfortunately, an error crept into the French translation of the lengthy reply by the EPO, which changed the meaning in respect of the payment of the examination fee and this led to noncompliance with the time limit.

The Legal Board of Appeal decided that the exclusion of re-establishment of rights as regards the time limit for request for examination⁹⁵ did not apply to Euro-PCT applications since the exclusion under Article 122(5) was to be restrictively interpreted. *Restitutio in integrum* was granted.

Moreover, the Administrative Council subsequently extended the most important of the time limits excluded from re-establishment by two months,⁹⁶ subject to simultaneous payment of an additional fee. A further decision⁹⁷ confirmed that this extension of time limits could also be enjoyed by PCT applicants. That decision was based on Article 48(2)(a) of the PCT, which means that any delay in meeting time limits when passing from the international procedure to the European procedure is, in any event, to be deemed to be excused as under European law.

5. Refund of the European Search Fee

In accordance with Article 157(2) of the EPC, a European search fee,⁹⁸ the amount of which has been reduced by 20%, is to be paid for international patent applications forwarded to the EPO as designated Office.

A further refund of the 20%-reduced search fee is no longer possible following an amendment to Article 10 of the Rules relating to Fees. The Legal Board of Appeal found itself unable, in view of the clear wording, as amended by the Administrative Council, of Article 10 of the Rules relating to Fees, to refund a part of the European search fee.⁹⁹

IV. Pharmaceutical Products

Under the EPC, pharmaceutical products may be patented; this applies even if the product itself is already known for non-medical purposes.¹⁰⁰

In an interesting decision on "cytostatic combination"¹⁰¹ further clarification was given as regards protection of composite preparations by the Chemical Board of Appeal, enlarged to five members. The two components of the preparation are known as pharmaceutical products, the first as a cytostatic agent and the second as a mucolytic agent. The invention consists in

⁸⁸ W 02/80.

⁸⁹ W 04/82.

⁹⁰ W 01/83.

⁹¹ Rule 104b(1) of the EPC in conjunction with Article 22 of the PCT.

⁹² Article 150(2), second sentence, of the EPC.

⁹³ Currently 1,980 Deutsch marks.

⁹⁴ J 06/79, OJ 1980, 225.

⁹⁵ Under Article 122(5) of the EPC.

⁹⁶ Rules 85a and 85b.

⁹⁷ J 05/80, OJ 1981, 343.

⁹⁸ Payment of a search fee is not required where the international search report has been established by the EPO, the Swedish Patent Office or the Austrian Patent Office.

⁹⁹ J 08/81, OJ 1982, 10.

¹⁰⁰ Article 52(4), Article 54(5).

¹⁰¹ T 09/81, "Cytostatic Combination," OJ 1983, 372.

using both components in cytostatic therapy either simultaneously or separately or with a time differential with the result that the usual severe side effects do not occur as a result of the detoxifying effect of the second component. The joint proposal of known medicinal substances can be regarded as a "product" for use in therapy under the second sentence of Article 52(4). This "kit-of-parts" does not comprise a necessary and direct interaction, as for example a lock and a key or a two-component adhesive. Nevertheless, the purpose of use in combined therapy can constitute unity of the product in cases where the purpose is truly limited to the stated use.

In this specific area of protection of pharmaceutical products, a number of further questions still remain to be answered, such as whether utilization claims are admissible and, in particular, whether and, if so, how so called additional medical indications can be claimed. As already mentioned, the Chemical Board of Appeal has referred this question for clarification to the Enlarged Board of Appeal.

V. Plants

A new decision¹⁰² deals with the delimitation of plant protection under a European patent or under the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised.¹⁰³ The Examining Division had refused an application for a European patent on the grounds that it also included a claim in respect of propagating material for cultivated plants (including seed) treated with an oxime derivative of given formula under Claim 1. According to the Examining Division, since Article 53(b) of the EPC does not allow new plant varieties to be protected by a European patent, this is all the more the case for known varieties of plants even where they have been advantageously treated with oxime derivatives.

The Board of Appeal discussed the differing purposes and orientation of protection under the two Conventions and under national plant variety protection.¹⁰⁴ Whereas plant variety protection concerned the genetic modification of plants, the claimed invention operates chemically on the seed to make it resistant to agricultural chemicals, in particular herbicides. Treatment with an oxime derivative was no criterion that could characterize a variety of plant in respect of variety protection. There was no conflict between the sectors reserved for national plant variety protection and the field of application of the EPC. On

the other hand, innovations that did not qualify for plant variety protection were patentable under the general conditions. The Board of Appeal thus supported general patentability and novelty and referred the matter back to the Examining Division for decision.

VI. Intermediates

The Chemical Board of Appeal has dealt in depth with the protection of intermediates and has established guiding principles. Two of its decisions deal with the question of unity¹⁰⁵ and two with the requirement of inventive step.¹⁰⁶

As regards unity, the generally liberal decision¹⁰⁷ in the field of macromolecular final products was qualified in the case of low molecular substances insofar as reference was made to the need for a close technical link by the insertion of an essential element of the structure, and for the first time mention was made of the regulatory function of the provision (prohibition of unjustified saving of fees, need for ready comprehensibility).¹⁰⁸

The intermediate products must also be new and constitute an inventive step. According to an initial decision,¹⁰⁹ this latter requirement may be met in the case of intermediates where the advantageous result that has actually been achieved is unexpected and is not conceivable without the intermediates.

A more recent decision¹¹⁰ makes a further qualification. Firstly, new intermediates produced in (non-inventive) analogy processes must provide a structural contribution to the subsequent products. Furthermore, they are only protected from the point of view of inventive step where they satisfy further conditions as regards the state of the art. A distinction was thereby made between the state of the art that is "close to the intermediate" and that "close to the product."

VII. Claims, Description and Disclosure

1. Claims

In a recently issued decision,¹¹¹ the Legal Board of Appeal considered the question of different sets of claims. According to that decision, an application

¹⁰² T 49/83, "Plant Propagative Material," to be reported.

¹⁰³ *Industrial Property Laws and Treaties*, MULTILATERAL TREATIES—Text 1-004.

¹⁰⁴ Cf. also J. Straus, "Patentschutz für gentechnologische Pflanzenzüchtungen? Zum Verbot des 'Doppelschutzes' von Pflanzensorten." GRUR Int. 1983, 591.

¹⁰⁵ Article 82.

¹⁰⁶ Article 56.

¹⁰⁷ T 57/82, "Copolycarbonates," OJ 1982, 306.

¹⁰⁸ T 110/82, "Benzyl Esters," OJ 1983, 274.

¹⁰⁹ T 22/82, "Bis-epoxy Ethers," OJ 1982, 341.

¹¹⁰ T 65/82, "Cyclopropane," OJ 1983, 327.

¹¹¹ J 21/82, "Different Sets of Claims," to be reported.

cannot put forward different sets of claims based on prior national or European rights from the very beginning but only before the Examining Division.

Under the EPC¹¹² strong emphasis is placed on the claims being clear and concise and supported by the description. This provision is closely related to the provision¹¹³ regulating the extent of protection, which states that the extent of the protection conferred by a European patent is basically determined by the terms of the claims.

The fact that the claims must be clearly formulated was already emphasized in the headnote to an early decision on appeal.¹¹⁴ It was not enough for a person skilled in the art to be able to resolve the possible contradiction contained in the percentages stated for the individual components after reading the description.

In a further decision,¹¹⁵ the same Board of Appeal held that the fact alone that, when following the teaching given in the claims, the desired effect may sometimes not take place does not lead to rejection of the application due to incomplete disclosure of the invention. In the application concerned, a person skilled in the art could obtain from the description a solution leading to rapid and reliable success.

In another decision it was held that the subject matter of protection is to be stated concisely and clearly in the claims by means of positive characteristics. A formulation taking the form of a disclaimer, however, may be chosen where this can be deemed the most precise and most concise formulation.¹¹⁶

In the case of product claims (a synthetic yarn in this event), the characteristics of the product may be expressed as parameters of its physical structure where they may normally be determined clearly and reliably. The teaching for manufacturing the product does not need to be contained in the claims. It is the task of the description (Article 83) to put a person skilled in the art in a position to obtain the claimed product.¹¹⁷

The provisions on "form and content of claims" are also to be viewed in this context.¹¹⁸ The EPO prefers the so-called two-part claim comprising a preamble and a characterizing part.

During an appeal¹¹⁹ it transpired only in the oral proceedings before the Board of Appeal that the applicant had erroneously included in the preamble a technical characteristic that was prior art within the company only and thus not accessible to the general public. The applicant was therefore permitted to

transfer the technical feature concerned to the characterizing part.

In a recent decision,¹²⁰ emphasis was laid on the fact that the preamble may only contain characteristics that were known together from a single citation.¹²¹

2. The Problem and its Solution

Both the problem and its solution must be obvious from the description even if they are not designated as such; this is a mandatory requirement.¹²² Before inventive step can be assessed, it is necessary, according to a decision of the Chemical Board of Appeal, that the technical problem be determined using objective criteria.¹²³ The problem and its solution, which are also of great importance in assessing inventive step, must be based on the objectively existing prior art and not on the inventor's knowledge.¹²⁴

According to a further decision, it is not sufficient for the problem to consist in finding a worthwhile improvement of an old process. The specific technical means for solving the problem must also be stated.¹²⁵

Another decision on appeal¹²⁶ warns of an excessively abstract approach when determining the problem. Indeed, the more abstract the approach the more readily can points of similarity be found.

VIII. Novelty

The EPO probably interprets the concept of novelty in a narrower way than in German practice, for example. Simple equivalents, including those known in German usage as "well-known equivalents," are not deemed to destroy novelty, contrary to German case law, but are to be taken into account in the assessment of inventive step.¹²⁷ This question is primarily of significance when examining in respect of prior rights.¹²⁸

In an early decision,¹²⁹ the question arose of drawing the line between novelty and inventive step. However, the Board of Appeal avoided clarifying the question, understandably so in that initial phase of examination, by denying inventive step in any event. The headnote nevertheless pointed towards further development that could give clarification:

¹²⁰ T 04/83, "Purification of Sulphonic Acids," OJ 1983, 498.

¹²¹ Rule 29(1)(a).

¹²² T 26/81, "Containers," OJ 1982, 211.

¹²³ T 01/80, "Carbonless Copying Paper," OJ 1981, 206.

¹²⁴ T 24/81, "Metal Refining," OJ 1983, 133.

¹²⁵ T 20/81, "Aryloxybenzaldehydes," OJ 1982, 217.

¹²⁶ T 05/81, "Production of Hollow Thermoplastic Objects," OJ 1982, 249.

¹²⁷ Examination Guidelines C-IV, 7.2.

¹²⁸ Article 54(3).

¹²⁹ T 06/80, "Intermediate Layer for Reflector," OJ 1981, 434.

¹¹² Article 84.

¹¹³ Article 69.

¹¹⁴ T 02/83, "Polyamide Molding Compositions," OJ 1981, 431.

¹¹⁵ T 14/83, "Vinyl Chloride Resins," to be reported.

¹¹⁶ T 04/80, "Polyether Polyols," OJ 1982, 149.

¹¹⁷ T 94/82, "Gear Crimped Yarn," to be reported.

¹¹⁸ Rule 29.

¹¹⁹ T 06/81, "Electrode Slide," OJ 1982, 183.

"Where a further functional attribute of an element of a device disclosed in a document is immediately apparent to a person skilled in the art reading the document, such attribute forms part of the state of the art with regard to that device."

In a further case,¹³⁰ dealing amongst other things with the problem of selection inventions, the Board of Appeal held that not only that which had already been described in the same terms was prejudicial to novelty. The purpose of Article 54(1) was to prevent the state of the art from being patented again. The teaching was not confined to the detailed information given in the examples of how the invention was carried out but embraced any information in the claims and the description enabling a person skilled in the art to carry out the invention.

A further decision on appeal confirmed that when examining the novelty of the subject matter of an application against the prior art in the same technical field, only technical characteristics were to be used as a basis and not a possibly different definition of the problem.¹³¹

IX. Inventive Step

The greater part of the technical appeals indeed concern the question of inventive step. From the very beginning of work under European patent law, prime significance was given to the question of the degree of inventive step that a European patent must possess.¹³²

The decisions on appeal given so far have brought no great surprises to European patent specialists. The same old question is still involved, that is to say, whether the claimed invention is, for a person skilled in the art, obvious or not from the prior art.

The fact that the EPO has no desire to depart from the normal yardstick used hitherto for assessment was confirmed by the Mechanical Board of Appeal in one of its first decisions.¹³³

It is not the case, however, that a considerable scientific level is demanded for the granting of a European patent. Simple devices, developed by practitioners, may indeed lead to a European patent.

For instance, to name but one example, one decision¹³⁴ dealt with the development of a reusable

pipe clip of the kind used, for example, for joining pipes to motor car radiators.

In this case it was a simple device having relatively small structural differences from the prior art. The advantage obtained by the invention was, however, unexpected and important; it consisted in a high degree of simplicity in manufacture and in fitting the device. Inventive step was therefore acknowledged.

On the other hand, for example, reversing the steps in the process for manufacturing thermoplastic pipes would normally be obvious to a person skilled in the art.¹³⁵

1. Indications

To ease the decision whether inventive step is present, case law has for years in various States established individual criteria and indications. These are frequently put forward by the applicants to demonstrate that the invention possesses inventive step, contrary to the views of the EPO.¹³⁶

A decision on appeal¹³⁷ made it clear that the presence of indications did not necessarily lead to the conclusion that inventive step was involved. Mere investigation for such indications was no substitute for the technically skilled assessment of the invention vis-à-vis the state of the art pursuant to Article 56 of the EPC. Where such indications were present, the overall picture of the state of the art and consideration of all significant factors *could* show that inventive step was involved *but would not necessarily do so*.

The Board of Appeal held that the significant technical effect claimed in the case in point provided no basis for the presence of inventive step, since it was not only not surprising to the specialist but, on the contrary, was certainly to be expected in view of the problem.

2. Surprising Effect, Unexpected Results, Improved Results, Particularly Good Properties

These and similar indications are commonly employed.

Surprising effect has been repeatedly held by the Chemical Board of Appeal to be an indication of the presence of inventive step.¹³⁸ The argument of unexpected effect or of unexpected result is closely connected with this indication.

One of the Boards of Appeal¹³⁹ confirmed addi-

¹³⁰ T 12/81, "Diastereomers," OJ 1982, 296.

¹³¹ T 53/82, not reported.

¹³² After intensive contacts with representatives of European industry and with the professional representatives before the EPO, J.B. van Benthem and Norman Wallace have declared the standard to be a "middle standard," GRUR Int. 1978, 219; 9 IIC, 1978, 297; the Examination Guidelines (C-IV, 9) contain eight pages of detailed information together with examples.

¹³³ T 01/81, "Thermoplastic Sockets," OJ 1981, 439.

¹³⁴ T 08/81, not reported.

¹³⁵ T 01/81, "Thermoplastic Sockets," OJ 1981, 439.

¹³⁶ In respect of indications, see, e.g., J. Pagenberg, "The Evaluation of the 'Inventive Step' in the European Patent System—More Objective Standards Needed," vol. 9 IIC, 21.

¹³⁷ T 24/81, "Metal Refining," OJ 1983, 133.

¹³⁸ T 01/80, "Carbonless Copying Paper," OJ 1981, 206; T 20/83; "Benzothioapyrane Derivatives," OJ 1983, 419.

¹³⁹ T 02/80, "Polyamide Molding Compositions," OJ 1981, 431.

tionally the presence of inventive step by explicitly stating that in the case in point it could not be expected that by mixing phenol-aldehyde resin, readily flammable on its own, with polyphosphate, the result would be self-extinguishing thermoplastic molding compositions.¹⁴⁰

In a further case,¹⁴¹ the improvement concerned a multiple stage chemical process for purifying sulphonic acids. The final, and new, step was in the heat treatment of the alkaryl sulphonic acid by means of which a surprisingly good result was achieved. Such heat treatment was known, but only for testing in order to determine whether the sulphonic acid possessed the desired color and resistance to heat. That test, however, did not give the person skilled in the art any suggestion to adopt the process in the purification of sulphonic acids. Inventive step was therefore acknowledged.

In this context, note should be taken of a further development concerning an electromagnetic switch.¹⁴² The following is said in that decision:

"If having regard to the state of the art it would already have been obvious for a person skilled in the art to arrive at something falling within the terms of a claim, because an advantageous effect could be expected to result from the combination of the teachings of the prior art documents, such claim lacks inventive step, irrespective of the circumstance that an extra effect (possibly unforeseen) is obtained."

In a further decision on appeal, an invention concerning carbonless copying paper was dealt with.¹⁴³ The Examining Division had refused the application since it concerned only a non-inventive selection of isocyanate. The appellant submitted in the proceedings a series of comparative trials including aging tests of the subject matter of the invention. Those trials showed that the paper had storage stability considerably in excess of the state of the art; the importance of storage stability had already been emphasized in the initial documents. The modification of the problem and of the evidence undertaken in this case were submitted with the grounds of appeal. The patent was granted with limited claims.

Yet another decision concerned a process for the manufacture of polyethers in a three-stage process.¹⁴⁴ The prior art contained some 20 solvents, many of which, however, were not common in chemical engineering. Although the solvent to be used was not known from the prior art, it was, however, obvious. A test report submitted by the applicant showed that not only similar but unexpectedly improved results were obtained with that solvent when compared with the

usual solvents. In particular, products were obtained having a considerably higher viscosity. The appeal was granted after amendment of the claims.

3. Longfelt Need

Particularly when an applicant has no success in convincing the EPO that the invention is not obvious from the prior art, he may be likely to bring forth additional arguments such as the "longfelt need" for the invention. The Boards of Appeal are very reticent to accept this argument.

In one appeal,¹⁴⁵ the object involved was a line indicator for school beginners as yet unskilled in reading and writing. The identified prior art was contained in specifications from the years 1908 to 1924.

The Board of Appeal opposed the recognition of inventive step in view of the minor nature of the advances over the prior art. The reason for the current increase in demand was not necessarily a longfelt need; the lowering of manufacturing costs for plastic components together with new views on the teaching value of such devices could be the grounds.

A decision¹⁴⁶ concerning a method for fixing the cathode holder of a quick-heating cathode also dealt with the question of the extent to which a longfelt need can be determined from very old publications. Citations were from specifications published in 1923 and 1956.

The problem to be solved first arose in the 1960s when quick-heating cathodes were introduced (in order to lower the conduction of heat and heat capacity) and heating time was therefore desirably reduced by reducing the thickness of the walls of the cathode holder. The employment of the process, which was known from a publication, would have been rendered obvious after consulting a precision engineer.

In a further case,¹⁴⁷ the appellant suggested that the steel industry had passed over the claimed process despite the fact that it made a significant economic contribution to solving the environmental problems of that industry (prevention of red iron oxide smoke).

The Board of Appeal came to the conclusion that over a long period of time there was no motive for breaking away from the oxygen-blowing process which had been successfully introduced some 30 years previously. It was not until the environmental laws were tightened up in recent years that the investment cost for dust removal and filtering equipment had risen by about 25% and had led to an increase in the price of steel

¹⁴⁰ The main issue of this decision was the clarity of the claims (see VII.1).

¹⁴¹ T 04/83, "Purification of Sulphonic Acids," OJ 1983, 498.

¹⁴² T 21/81, "Electromagnetically Operated Switch," OJ 1983, 15.

¹⁴³ T 01/80, "Carbonless Copying Paper," OJ 1981, 206.

¹⁴⁴ T 08/80, not reported.

¹⁴⁵ T 23/81, not reported.

¹⁴⁶ T 61/82, not reported.

¹⁴⁷ T 24/81, "Metal Refining," OJ 1983, 133.

by between 5 and 10 Deutsch marks a ton. The need for this environmentally advantageous process applied for by the appellant had arisen a relatively short time before the priority date. Inventive step was denied since the need could be readily met by an obvious combination of teachings from the prior art.

4. Prejudice

On occasion applicants also claim that those skilled in the art are prejudiced against their proposed solutions. The Boards of Appeal have been called upon to consider this question as well.¹⁴⁸ In a previously published patent specification the teaching applied for by the appellant had been referred to as unfeasible. The Board of Appeal held, however, that the views of the author of the patent specification could not be deemed to represent the views of the specialists and that the effect referred to as surprising by the appellant was indeed to be expected by those skilled in the art.

A further decision¹⁴⁹ likewise emphasized that the proposals formulated must generally be considered unfeasible in the appropriate specialist circles. In the case of plastic bearings for high temperatures it was not users such as manufacturers of household appliances and heat accumulators, in which the bearings were to be used, that could be deemed to have specialized knowledge in the field in question, and therefore their doubts could not be considered as prejudicial in respect of those skilled in the art. Furthermore, there existed no longfelt need.

X. Person Skilled in the Art

Under Article 56, an invention is considered as involving an inventive step if, having regard to the state of the art, it is not obvious to a person skilled in the art. This is the same person skilled in the art who, under Article 83, must be able to carry out an invention on the basis of the disclosure.

Thus, the questions automatically arise of the field in which the person must be employed, what knowledge he must have and to what extent he should be familiar with adjacent technical fields or must also carry out trials.

The answers given to those questions are frequently a decisive factor in deciding whether the requirements for inventive step are high or low.

1. Who is a Person Skilled in the Art?

With current day specialization of technology it is becoming ever more necessary for the manufacturer or

designer to consult with a further specialist. This is also required by the Boards of Appeal where the knowledge of a person skilled in the art is concerned.

In a decision that has already been referred to¹⁵⁰ concerning a process for fixing the cathode holder of a quick-heating cathode, it was held that in the specific case the competent person skilled in the art was an instrument maker of whom one could indeed expect that he could solve the problem.

Likewise in a further appeal¹⁵¹ concerning cleaning apparatus for conveyor belts in which the elastic elements were composed of glassfiber reinforced plastic in place of metal, the question of which person was the competent specialist became decisive.

The problem involved undisputably faces the specialist in conveyor belts. At the same time, however, it gives him an indication to look for the solution in the materials field. Consequently, the person skilled in the art competent to find the solution cannot be the conveyor belt specialist but only the materials specialist. Under these circumstances, the question whether the solution to the problem, which Claim 1 sees as replacing metal by a glassfiber reinforced plastic, must constitute inventive step according to the knowledge and know-how of the materials specialist and not that of the conveyor belt specialist.

A further example is contained in decision 62/82 referred to in paragraph X.4 ("Prejudice")

2. Requirements of a Person Skilled in the Art

A person skilled in the art is not required to be a genius but to be a confirmed average specialist; Article 56 speaks only of "a person skilled in the art." Where his existing knowledge does not suffice to solve the problem, it is to be expected that he will extend it by searching the prior art.

In one decision,¹⁵² the Board of Appeal dealt with the specialized knowledge to be expected of the relevant designer and held that where his own knowledge no longer sufficed to overcome the difficulties that had been recognized, he could be expected to consult the relevant prior art for components which performed the same function and were better able to meet the requirements.

In a further decision,¹⁵³ the subject was a gas laser and the problems of compensating helium loss that occurred in practice. When a person working on the development of lasers is unable to overcome those difficulties it is to be expected that he would look to the prior art for suitable measures to overcome them. Both U.S.

¹⁵⁰ T 61/82, not reported.

¹⁵¹ T 32/81, "Cleaning Apparatus for Conveyor Belt," OJ 1982, 225.

¹⁵² T 15/81, "Eddy-Current Testing Device," OJ 1982, 2.

¹⁵³ T 59/82, not reported.

¹⁴⁸ T 19/81, "Film Coating," OJ 1982/51.

¹⁴⁹ T 62/82, not reported.

and French patent specifications give corresponding help. The type of solution chosen by the specialist then depends on the specific needs and on costs.

3. The Technical Field (Closely Related or Far Removed)

The question whether prior art from another technical field is to be referred to can also be decisive in assessing inventive step.

In an appeal,¹⁵⁴ the question was one of improving a device for measuring the concentration of the development mix in copiers; in place of the usual cylindrical coils, use was made of flat coils of special configuration. Flat coils are used in materials testing for finding cracks in long pipes. These, however, are fields that are far removed and therefore inventive step was acknowledged.

The significance of the claims when deciding which technical fields are to be referred to is shown by the following example: the subject matter of the appeal proceeding¹⁵⁵ was an "enclosure" which could be opened with an economy of space as a result of the special configuration of the doors.

A citation from 1916 showed a similar door design for aircraft hangars.

In the oral proceedings before the Board of Appeal,

the appellant limited the term "enclosure" to "enclosure for data processing apparatus."

As a result of this limitation, the Board of Appeal held that aircraft hangars and cabinets for data processing apparatus were so far removed from each other that the designer of such cabinets and containers could not be expected to examine the prior art for the doorways of aircraft hangars. Inventive step was therefore confirmed.

In a further appeal,¹⁵⁶ the question concerned a device for transporting feeder poultry from large surface enclosures with continuous flooring. In this case, the Board of Appeal held that the keeping of laying hens for egg production in laying batteries (that is to say, in cages) was a closely related technical field.

XI. Conclusion

The decisions given to date, whether reported or not, show that the case law of the Boards of Appeal has gradually been confirmed and developed following the initial, rather tentative endeavors. No new trends or tendencies are to be found in the decisions. The Boards of Appeal have not yielded to the temptation of establishing new theoretical principles or systems. On the contrary, they have endeavored to adopt and develop tried and trusted principles of national case law in interpreting the provisions of the Convention in accordance with the needs of practice, that is to say, of the inventors and of the public.

¹⁵⁴ T 11/81, not reported.

¹⁵⁵ T 09/82, not reported.

¹⁵⁶ T 45/82, not reported.

News from Industrial Property Offices

UNITED STATES OF AMERICA

Annual Reports of the Commissioner of Patents and Trademarks Fiscal Years 1981 and 1982*

Mission

The Patent and Trademark Office (PTO) promotes the national economy by administering both the patent and trademark laws of the United States. The PTO is an agency of the U.S. Department of Commerce and is located in the Crystal City office complex in Arlington, Virginia.

Commitment and Progress on Steps to Improve the Patent and Trademark Office

The problems of the PTO in carrying out its mission are well known. By the end of fiscal year (FY) 1981, the patent backlog had grown to more than 220,000 applications, including designs, and the trademark backlog to more than 116,000 applications. It took an average of 22.4 months to get a patent in FY 1981, while the average time to register a trademark was 24 months. In addition, almost 7 percent of the patents were missing from the examiners' files, which directly affects the thoroughness for the search process.

In 1981, in response to the many problems of the PTO, the Administration set a goal to bring about lasting improvements in the PTO, improvements which would make the PTO a first-class service organization.

In FY 1982 the PTO made significant initial progress in meeting all of its major goals. The first signs of progress became evident in the program to reduce the increasing backlogs and pendency times that have plagued the PTO in recent years. Steps towards full automation were another sign of progress, as were several legislative accomplishments.

On August 27, 1982, President Reagan signed Public Law (P.L.) 97-247, which made basic changes in the PTO fee structure and in the agency's operations. The law provides for increased "user fees" which will assure the PTO of adequate resources over the next decade

without the need for increases in appropriations. P.L. 97-247 also made a number of changes which clarify and liberalize current requirements.

Another important piece of legislation was the Federal Courts Improvement Act, P.L. 97-164, which established a U.S. Court of Appeals for the Federal Circuit (CAFC). Other legislation included P.L. 97-366, which designates the Commissioner of Patents and Trademarks as Assistant Secretary and Commissioner of Patents and Trademarks.

Planning continued toward the goal of a fully-automated PTO by 1990. The Office centralized all automation activities under a newly-hired Administrator for Automation, who completed the master plan for PTO automation required by P.L. 96-517. According to the plan, delivered to Congress in December 1982, all trademark operations and one of the 15 patent examining groups (Group 220) will be fully automated by the end of 1984. Pre-examination, post-examination, classification and management information will be automated as well. Planning began in 1982 to achieve these long-range automation goals, and the Office took a number of immediate steps to improve operations through automation.

Before the new fee schedule went into effect on October 1, 1982, filings rose to an all-time high. A total of 17,225 patent applications and 16,656 trademark applications were filed in September 1982, about twice the customary monthly number for patents and three times the average monthly total for trademarks. These brought the yearly total to 124,800 applications for patents and 73,621 for trademarks.

A total of 65,152 patents were issued in FY 1982, with an average pendency time of 24.2 months between filing and disposal. In the trademark area, 43,630 marks were registered, with an average pendency time of 21.3 months.

In 1981 the Administration made the commitment to reduce the backlog of applications through Plan 18/87 for patents—disposing of patent applications within 18 months of filing by 1987—and Plan 3/13 for trademarks—issuing a first action within three months and final disposition within 13 months by 1985. To meet the 1982 portion of these plans, the PTO hired 235 new patent examiners and 20 new trademark examiners. Both plans remain on schedule.

The PTO began a new program for patent examiners' visits to industrial facilities where the technology in which they specialize is developed and used. U.S. industry has made the program possible by making facilities available and by contributing to an examiner

* Excerpted from the Reports issued under the same title.

education fund. A total of 55 examiners took part in the program during the year. Trademark examiners continued to attend trade shows and exhibitions relating to the technologies in which they examine.

In August 1982, the Commissioner announced a five-point plan to improve PTO operations. It is directed toward:

- (1) upgrading the physical environment in the PTO;
- (2) improving internal communications;
- (3) ensuring proper dress and demeanor by employees;
- (4) improving communications with the public; and
- (5) establishing a focal point for public inquiries and complaints.

As the year ended, progress was being made in all these areas.

Financial Affairs

Operating Costs

Total operating costs for the PTO in FY 1981 were \$113,122,000, and \$125,836,000 in 1982, which represents an 11 percent increase over FY 1981 (without adjustment for inflation). In 1982 compensation and benefits totaling \$90,265,000 comprised 72 percent of operating costs. Printing of patents and/or patent and trademark information and reproduction costs were \$15,882,000, or 13 percent of operating costs. Other costs of \$19,689,000 were 15 percent of PTO total operating costs.

Appropriations

Total FY 1982 Congressional appropriations for the PTO rose to \$125,335,000, an increase of more than \$9,185,000 above the FY 1981 appropriations of \$116,150,000.

Total personnel staffing in the PTO increased both in FY 1981 and FY 1982. Total staff numbered 2,755 in FY 1981, which was 172 more people than in FY 1980. Total permanent positions numbered 3,036 in FY 1982, an increase of 202 positions over the preceding fiscal year.

Fee Income

The fees received in FY 1981 totaled \$29,493,000, or just over one-fourth of the PTO operating costs. The fees received in FY 1982 totaled \$28,535,000, or approximately 23 percent of operating costs. In 1981, patent-related fees comprised 71 percent of total fees received, trademark-related fees 8 percent, service and related fees 20 percent, and miscellaneous fees 1 percent. In 1982, these figures were 69 percent for patent-related fees, 10 percent for trademark-related

fees, 19 percent for service and related fees and 2 percent for miscellaneous fees.

P.L. 96-517, enacted early in FY 1981, and amended by P.L. 97-247, signed into law on August 27, 1982, changed the fee structure which had been in effect since 1965. The increased fees under this law went into effect on October 1, 1982. Under this legislation, fee income will be retained by the PTO, rather than being deposited in the general fund of the U.S. Treasury.

Legislation

Membership on the Trademark Trial and Appeal Board

P.L. 96-455, enacted during 1981, expressly authorized vacancies on the Trademark Trial and Appeal Board to be filled by any person qualified in the field of trademark law, regardless of where the person was employed at the time of selection.

P.L. 97-247

P.L. 97-247, enacted on August 27, 1982, made several changes to the patent and trademark laws. Most important, it provides for increased "user fees," which will assure the PTO of adequate resources over the next decade without the need for increases in appropriations. At the same time, it provides a 50 percent reduction in the new fees associated with patent applications filed by independent inventors, small businesses, and nonprofit organizations to ensure continued accessibility of the patent system to these entities.

This new law also makes a number of changes which clarify and liberalize current requirements. Provisions are made for automatic extensions of time, revival of applications which are unintentionally abandoned, and awarding a filing date to applications submitted without the required fee or oath. The law liberalizes the ability to correct inventorship in an application or patent and authorizes the Commissioner to make rules under which any paper will be considered filed in the PTO when it is deposited in the U.S. mail. Changes are made in trademark practice, deleting some requirements and clarifying others. Other changes were made to conform U.S. law to the Hague Convention by changing the requirement for legalization of certain foreign public documents.

Another significant aspect of this law is its provision, for the first time, for judicial enforcement of voluntary arbitration of patent validity and infringement disputes. This is expected to reduce the cost of resolving such disputes in the future, benefiting both the parties to the dispute and the public.

Federal Courts Improvement Act

The Federal Courts Improvement Act, P.L. 97-164, was enacted on April 2, 1982. This law established a

U.S. Court of Appeals for the Federal Circuit (CAFC). The CAFC combines in a single court the Court of Claims and the Court of Customs and Patent Appeals. The new Court will decide appeals from the PTO which previously were heard by the Court of Customs and Patent Appeals and also will hear patent-related appeals from all of the U.S. district courts. The PTO actively supported this legislation in the 97th Congress, arguing that creating a single authoritative tribunal to handle patent cases nationwide would contribute to a uniform standard of patentability.

Patent Term Restoration Act

Legislation was introduced in Congress to amend the patent law to provide an extension of the patent term for patented products, or methods, that are subject to Federal regulatory review before they are permitted to be introduced for commercial use. The extension would equal the regulatory review period up to a maximum of seven years. Although S. 255 was passed by the Senate on July 9, 1981, its counterpart, H.R. 1937, was the subject of prolonged hearings before several House subcommittees. The PTO strongly supported this legislation, testifying on behalf of the Administration that the legislation would restore full patent incentives to patent owners whose products and processes have been held back from the marketplace by Federal regulatory procedures. Extensively amended, the bill was reintroduced as H.R. 6444 on May 20, 1982. Despite several efforts to secure its passage, the bill died with the end of the 97th Congress. However, a provision extending the term of patents in certain situations was passed by Congress as part of H.R. 5238, the "Orphan Drug Act." The provision is contained in a new section 155 which was added to title 35, United States Code.

Federal Patent Policy

During 1982, Congress continued its consideration of legislation that would further change Federal patent policy. This legislation (S. 1657 and H.R. 4564) would permit any contractor to elect to retain title to inventions developed with Federal sponsorship. The Commissioner testified in support of this legislation, stating that the legislation will create a truly uniform patent policy, encourage businesses to invest in inventions resulting from Federal sponsorship, and relieve the Federal Government from the responsibility, burdens, and costs of seeking commercial uses for inventions made under Federal sponsorship. Neither of these bills was passed prior to the adjournment of the 97th Congress.

P.L. 97-296

H.R. 5154, a bill which would amend the Lanham Trademark Act to prohibit State regulations from requiring alteration of Federally registered trademarks, was introduced on December 9, 1981. The PTO

testified in favor of the bill before the House Judiciary Committee. The bill was passed by Congress in September and became P.L. 97-296 with signature by the President on October 12, 1982.

P.L. 97-366

On October 25, 1982, the President signed into law H.R. 4441, which amends section 3 of Title 35, United States Code, by designating the Commissioner of Patents and Trademarks as an Assistant Secretary of Commerce.

Employed Inventors' Rights

With the increasing adoption of state laws regarding the disposal of rights in inventions made by employed inventors, as well as the concern regarding lagging innovation in the country, two bills were introduced during the 97th Congress to establish a uniform Federal policy on employed inventors' rights. Hearings were held on these measures, H.R. 4732 and H.R. 6635, by a subcommittee of the House Committee on the Judiciary, but no action was taken on either measure.

P.L. 97-256

P.L. 97-256, enacted on September 8, 1982, made technical and conforming changes in the patent and trademark laws. These changes were needed because of the passage of P.L. 96-517, but made no substantive changes in the patent and trademark laws.

International Cooperation

The Patent and Trademark Office pursues its responsibility to promote U.S. business interests in the international, as well as the domestic, arena by working for effective patent and trademark protection throughout the world. The PTO's efforts in this area are directed toward the development of simpler, less expensive, and more effective means for U.S. nationals to secure and protect their industrial property rights.

Training Programs for Developing Countries

During FY 1981 and FY 1982, the PTO continued to provide training in the industrial property field to nationals from a number of developing countries. Training in the fields of patents and/or trademarks was provided to nationals from China, India, Indonesia, Jamaica, Liberia, the Republic of Korea, Thailand and Uganda.

Protection of Intellectual Property in Asia

The PTO, in cooperation with the Departments of Commerce and State, is actively encouraging Asian countries to provide greater protection for intellectual

property. These efforts have been directed particularly toward the strengthening of industrial property protection in the Republic of Korea and the development of a new patent law by China. Meetings have been held to focus the attention of officials of the Republic of Korea on problems of U.S. industry in the areas of chemical patent protection, confidentiality under the pesticide regulations, and trademarks. In conjunction with WIPO, the PTO has provided assistance to China through training provided for their nationals, as well as through lectures on trademarks by the Commissioner at a WIPO-sponsored seminar in Beijing.

Automation

Two events significantly influenced the PTO's automation planning in FY 1981 and FY 1982: section 9 of P.L. 96-517 required the development of a complete plan for automating the PTO, and management established the improvement of PTO operations through aggressive use of automation as one of its key objectives.

A preliminary plan was drafted in the fall of 1981 and an assessment of the technology that would affect the PTO automation plan was completed in the spring of 1982. Commissioner Mossinghoff appointed a special advisory committee, comprised of automation experts from other government agencies, to review and evaluate the early findings.

Over 600 copies of the draft plan were circulated to individuals, commercial organizations, and interested professional associations, and a public hearing was held to provide a forum for comment and reaction to the plan. The participation and recommendations of these groups and individuals contributed to subsequent planning activities.

The plan, consisting of three volumes, was completed in September 1982, concurrent with its presentation to and review by the Department of Commerce, the General Services Administration, and the Office of Management and Budget.

The master plan describes the PTO goal to automate operations by 1990. A key concept inherent in this goal is the elimination of paper search files and related paper handling. Applicants will continue to communicate with the PTO in the medium of their choice, but submission of applications in computer-processible media, ultimately to include computer-to-computer connection, will be encouraged. Incoming information will be converted to computer-processible form upon receipt in the PTO and, thereafter, it will be handled electronically. Data bases of patents and trademarks will be created to enable full text search and/or retrieval on the basis of the U.S. classification and other indexing systems. PTO actions will be prepared on the same electronic workstations used for application review and

searching. Patent and trademark information will be extracted from the data bases and formatted for processing and photocomposition equipment in preparation for printing.

Automation will be accomplished in three stages. During the first stage, one patent group will be automated to provide a test bed for evaluating the initial system architecture and methods of operation. Data bases will be created, and initial pre-examination, examination, and post-examination functions will be started on the system. Support will be provided for patent classification activities. All trademark functions will be automated, including public search. In the second stage, the other patent groups and office functions will be automated. This will complete the conversion to paperless operations, gain the advantages of full file integrity, and obtain the benefits of less costly printing. The final stage will expand dissemination and access capabilities and make possible direct, worldwide access to patent and trademark information.

To carry out automation activities, in FY 1982 the PTO centralized management of the automation program and recruited an Administrator for Automation. A coordinating committee, chaired by the Commissioner, was formed to assure continuing top management involvement and guidance as the master plan is implemented.

The master plan integrates the activities leading to implementation of the full automation concept with the current automated information system development, computer operations and other supporting activities. It provides for a transition from the current to the future system operations, building on systems work already accomplished and under development.

Patents

Patent Applications

The number of patent applications filed in FY 1981 was 114,710 (excluding international filings in the U.S. Patent and Trademark Office as a receiving Office under the Patent Cooperation Treaty). Utility, plant and reissue applications accounted for 107,513 of these filings; the other 7,197 applications filed were for design patents. The percentage of applications submitted by residents of foreign countries was over 40 percent of all U.S. filings.

In FY 1982, the number of patent applications filed set an all-time record of 124,800 filings. This number represents an increase of 10,090 applications or 8.8 percent over FY 1981, which itself was a record year. Utility, plant and reissue applications accounted for 116,731 of these filings. The other 8,069 applications filed were for design patents, which showed a 12 percent increase in filings from FY 1981. The percentage of applications submitted by residents of foreign countries

continued to increase and is now over 41 percent of all U.S. filings, up from 40 percent in FY 1981.

Patents Issued

The PTO issued 71,010 patents in FY 1981 and 65,152 in FY 1982 (an 8 percent decrease). Utility, plant and reissue patents accounted for 59,853 of the FY 1982 total, with 5,299 design patents being issued. The number of patents issued to residents of foreign countries continued to increase and was 40 percent of all patents issued, compared with 39 percent of the patents issued in FY 1981.

Patent Pendency

The time to process a patent application from filing to issue or abandonment is called the "patent pendency time." The average patent pendency time rose during FY 1982 to 24.2 months for utility, plant and reissue patents (from 22.4 months during FY 1981). The average pendency time for design patents was 27.5 months.

The total Office inventory of applications at the end of FY 1982 was 247,984 applications, up from 221,538 in FY 1981. The average time that it took for an applicant to get a first response from the PTO on the merits of an application went from 11.6 months to 13.9 months.

Patent Examiners

The PTO hired 80 new examiners in FY 1981 and 235 new examiners in FY 1982. With 93 attritions from the patent examining corps during the two fiscal years, the number of examiners (excluding supervisors) totaled 1,072 at the end of FY 1982.

It is expected that patent examiners will produce higher quality patents for inventors and the industries they serve as the result of a new program providing for examiners' visits to industrial facilities where the technology in which they specialize is developed and used.

Under the program, U.S. industry is making facilities available and contributing to an examiner education fund. A total of 55 examiners took part in the program during FY 1982. Plans call for each examiner to make at least one corporate tour over a three-year period to both large and small technical facilities in the same geographical area. To avoid the possibility that contributors might influence PTO decisions on specific applications, supervisors assigning examiners to visit specific facilities and the examiners making the site visits do not know the identities of companies that have made contributions.

Reexamination

P.L. 96-517, enacted early in FY 1981, allows a patent owner, or his or her competitor, to request the PTO to "reexamine" an issued U.S. patent, and rule on

whether it should be amended or cancelled because of evidence of earlier work. The reexamination includes consideration of patents or printed publications cited by the requester as the basis for reexamination. This procedure is faster and considerably less expensive than resolution of patent validity issues in litigation. The procedure also permits a review of the patent and the cited art by a patent examiner who is familiar with the technology in question. This should benefit the courts in their handling of patent cases.

The legislation for reexamination became effective and permitted requests for reexamination to be filed beginning on July 1, 1981. By the end of FY 1981, the PTO had received 78 reexamination requests, of which 18 were filed by patent owners. Of the 78 cases, 30 were in litigation and four of the requests had been court ordered. A substantial new question of patentability was found, and reexamination ordered, in 32 cases. The PTO denied reexamination in two cases.

During FY 1982, the PTO received 187 reexamination requests, of which 68 were filed by patent owners. Of the 187 cases, 37 were in litigation and three of the requests had been court ordered. A substantial new question of patentability has been found, and reexamination ordered in 163 cases. The PTO denied reexamination in 39 cases.

Board of Appeals

The Board of Appeals hears appeals from adverse decisions of examiners on patent applications. The Board received 3,871 and disposed of 3,466 appeals during FY 1981 and received 3,506 and disposed of 3,693 appeals during FY 1982. The number of appeals pending at the end of FY 1982 decreased by 187 to a total of 4,781. At the end of FY 1982, the pendency time for an appeal at the Board of Appeals averaged about 16 months, starting from the time the Board obtained jurisdiction over the appeal. The Board of Appeals obtains jurisdiction over an appealed application after it is forwarded to the Board by the examining group. This is usually about six months after the filing of the notice of appeal because of the time involved in filing the brief and the examiner's answer.

Board of Patent Interferences

A patent "interference" is a proceeding declared when an applicant claims the same subject matter in his or her patent application as has already been claimed in a recently issued patent or another pending application. Interferences are heard and decided by the PTO's Board of Patent Interferences. At the end of FY 1982, 76 cases were at the final hearing stage and were awaiting a final decision by the Board. In FY 1982, the Board rendered decisions on priority after final hearing in 83 cases, compared to 67 in FY 1981.

Reissue and Protested Applications

During FY 1982, 486 reissue applications were filed, which represents a 9.7 percent decrease from the filings of the prior year.

Protests were filed against 47 pending patent applications in FY 1982. Protests filed in reissue applications made up 72 percent of the total.

Effective July 1, 1982, the rules of practice relating to reissue and protested applications were amended (1) to eliminate consideration of the so-called "no defect" reissue applications, (2) to limit the participation by protestors during the examination of patent applications, and (3) to clarify the interface between patent application examination and patent reexamination in certain areas. The changes were intended to reduce applicants' prosecution costs and to redirect PTO resources, previously devoted to consideration of the so-called "no defect" reissue applications and extensive protestor participation during application examination, toward reduction of the backlog of pending patent applications.

Accelerated Examination

Patent applications for inventions that enhance the quality of the environment or contribute to energy conservation or development may be accorded a "special" status which accelerates the examination process. The PTO accorded "special" status to 19 environment-related and 148 energy-related applications in FY 1981 and to 25 environment-related and 126 energy-related applications in FY 1982.

Quality Review Program

The Quality Review Program, which has been in effect since 1974, was revised effective July 1, 1982. The expanded program's guidelines apply to all applications sampled after June 30, as well as to all applications sampled prior to July 1, but not officially reviewed prior to that date.

The new program provides for the return, by one reviewer, to the examining group of any sampled application in which a question of patentability is raised; it is no longer limited to a return, by two reviewers, to consider whether claims are clearly unpatentable.

The classification groups are no longer involved in the review process; questions concerning the desirability of further searching can now be raised initially by the patentability reviewer.

Ad hoc members of the Board of Appeals are no longer involved in the review process; final decisions concerning questions of patentability are now the responsibility of the group directors.

The expanded program is responsible for conducting patentability reviews on a 4 percent sample of all allowed utility applications; for screening all reissue applications for conformance with current practices; for conducting patentability reviews on a 15 percent sample

of all allowed reissue applications; and for conducting patentability reviews on a 15 percent sample of those patents in which a reexamination certificate is to be issued.

The objectives of the program are to: prevent the allowance of unpatentable applications; improve public confidence in the certainty and reliability of issued patents; detect trends away from normal examining practice; feed back information to the patent examining corps; emphasize to the patent examining corps the importance of quality; compile data on the "quality" of the patent examination process.

A statistical overview of the results of the findings under the 1974 program to its termination on June 30, 1982, shows that 18,639 applications were subjected to patentability reviews. Of these, 808 (4.3 percent) were returned to the examining groups as having one or more clearly unpatentable claims. Prosecution was reopened in 718 (89 percent) of the 808 applications returned to the examiners. In addition, 1,380 of the applications reviewed (7.4 percent) were returned to the examining groups for additional searching. Prosecution was reopened in 88 (6.4 percent) of the applications returned for additional searching. Thus, prosecution was reopened in a total of 806 applications in the old program from its implementation in April 1974 through its termination in June 1982.

During the first four months of operation of the expanded Quality Review Program, 872 applications were reviewed. Forty-seven (5 percent) of those applications were returned to the examiners with questions of patentability. Prosecution was reopened in 38 (81 percent) of the 47 applications returned with questions of patentability.

Quality Review statistical findings continue to indicate that the quality of the patents allowed by examiners has been improving since the 1970s. In fact, the percentage of clearly unpatentable cases dropped from 7 percent in FY 1975 to 6 percent in FY 1976, leveled to 4 percent in FY 1977 through FY 1980, dropped to 3 percent in FY 1981, but returned to the 4 percent level and remained there through the end of the 1974 program (June 30, 1982). The statistics of the Quality Review Program provide useful feedback to management on the reliability of patents issued and thus supplement the normal quality review performed by the immediate supervisors of patent examiners. These supervisors, of course, play a key role in monitoring patent quality.

Patent Cooperation Treaty Functions

The Office entered its fifth year as a receiving Office under the Patent Cooperation Treaty (PCT). In FY 1982, the PTO received 1,867 international applications, an increase of 3.8 percent over FY 1981. Under the PCT, the PTO also serves as an "International Searching Authority" for international applications filed in the United States and Brazil. In this capacity, the

PTO completed 1,705 international search reports during FY 1982. The PTO also received notification that it had been "designated" in 2,644 international applications filed in other PCT receiving Offices around the world.

Patent Fee Revision

During FY 1982, a major revamping of the rules was accomplished to establish procedures and fees to comply with new statutory requirements relating to "user fees." P.L. 96-517 provided that, by October 1, 1982, fees for processing patent applications be set to recover a certain percentage of the estimated average cost to the Office of such processing. This law also required that fees be set for maintaining all patents in force which are filed on or after December 12, 1980, other than design patents. The maintenance fees also are set to recover a certain percentage of the estimated cost to the Office of processing patent applications other than design applications.

P.L. 97-247 established a number of statutory fees which the Commissioner is required to charge. Among the more significant of these are fees for filing, issuing and maintaining a patent in force. In addition, the law continued the Commissioner's present authority to establish fees for all other processing, services or materials related to patents which are not statutory fees. Under the law, there is a reduction by 50 percent of the statutory fees paid by independent inventors, small business concerns and nonprofit organizations who meet the established criteria.

Patent Depository Libraries

The total number of Patent Depository Libraries in the United States is now 38, which puts approximately 42 percent of the population of the continental United States within commuting distance of a patent collection.

In April 1982, the system known as CASSIS (Classification and Search Support Information System) became operational with 36 Patent Depository Libraries participating, extending to users of patent collections in 26 states the information resources previously available only in the PTO Public Search Room. Through CASSIS the PTO is providing to the participating libraries free and unlimited direct on-line access to its various classification data bases. CASSIS permits users to obtain lists of patents assigned given classifications, obtain original and cross-reference classifications of given patents, view the structured titles of classifications, and search for key words in those classifications.

Trademarks

Trademark Applications

Applications to register trademarks increased nearly 6 percent in FY 1981 to 55,152 total filings and soared to

a record 73,621 filings in FY 1982. This was a 33 percent increase over the 1981 total. Part of the increase was a one-time surge in filings caused by applicants rushing to file before the new trademark fees took effect on October 1, 1982. A substantial portion of the increase, however, was a continuation of the general upward trend of trademark filings that began in 1975. Foreign filings rose to 9,456, comprising about 13 percent of total trademark applications. This shows a continuing and perhaps increasing interest on the part of foreign businesses in extending protection for their brand names to the U.S. market, although foreign filings are still a much smaller percentage of total filings than in the case of patents.

Trademark Registrations

Trademark registrations were up to a record 43,630 in FY 1982, from 34,748 in FY 1981. The increase resulted from higher output by the trademark examining staff and elimination of a backlog of registrations awaiting printing. The PTO disposed of a record 64,319 applications in FY 1982 and took first actions on a record 64,840, which suggests that the number of registrations will be higher again in 1983.

Trademark Pendency Time

The average trademark pendency time (between filing of the application and its registration or abandonment) was 24 months at the end of FY 1981 and 21.3 months at the end of FY 1982. The time between the filing of an application in the PTO and the trademark examiner's first action on the application decreased from 11 months at the end of FY 1981 to 8.4 months at the end of FY 1982. The PTO's goal is to reduce total pendency time to 13 months, and to reduce the time to first action to three months by FY 1985. The total number of trademark cases in the PTO rose to a record 130,529, up from 116,598 in FY 1981.

Trademark Examining Staff

The PTO continued to hire more trademark examining attorneys to reduce the pendency time of trademark applications. In FY 1982 the Trademark Examining Operation had a record high average of 94 examiners, compared to an average of 80 in 1981. The number of examining divisions increased from six to eight. The PTO hired 20 new examiners in 1982 and 29 new examiners in 1981, including hires to replace those who left the PTO. The attrition rate for examiners dropped in 1982.

Reorganization of Examining Operation

The examining operation was reorganized in FY 1982 to give better service to the public and better clerical support to the examining divisions. The clerical force was decentralized to give each examining division

a clerical staff of about five employees directly responsible to it. The docket system for storing pending trademark application files was decentralized, to make it easier for examiners, clerical support and members of the public to retrieve pending files. The reorganized divisions are called "law offices," reflecting that each unit is a self-contained organization of attorneys and support staff somewhat similar to a private law office. Each law office is headed by a Managing Attorney and has 13 or 14 examining attorneys.

Examination Quality and Productivity

Steps were taken in 1982 to maintain and improve the quality of the Office's trademark examining work. Managers began reviewing more samples of examined applications before making decisions on promotions for examiners. The *Official Gazette* was reviewed each week to locate instances where examiners made clear errors in determining whether marks were merely descriptive of the goods or services. Merely descriptive marks were withdrawn from publication and the examination was reopened.

Emphasis was placed on having the examiners do complete first actions, so that the prosecution could be concluded in the fewest actions possible consistent with giving the applicant a fair opportunity to respond and making a complete record. Also, examiners were required to act on amended cases no more than three months after receipt of the applicant's response. Consequently, the oldest amended cases in the law offices at the end of the year were awaiting action an average of three months, down from about ten months at the beginning of the year.

A revised system of examiner productivity goals was instituted as part of a new system required by the Civil Service Reform Act of 1978 for measuring the performance of Federal employees. The new productivity goals placed more emphasis on disposing of applications instead of merely writing large numbers of actions. The goals for new examiners were increased; the goals for the most senior examiners were reduced slightly.

Examiner productivity increased to 0.47 disposals per hour from 0.40 disposals per hour in 1981.

Trademark Trial and Appeal Board

In FY 1981 the Trademark Trial and Appeal Board decided 294 adversary proceedings and 51 *ex parte* appeals after hearings. The Board disposed of 1,123 adversary proceedings as well as 126 *ex parte* appeals prior to hearing. The total number of pending cases rose to 2,944 (excluding those cases awaiting expiration of the appeal period).

In 1982, 2,809 new cases were filed with the Board, a record figure and 25 percent higher than in 1981. The Board disposed of 2,362 cases, 2,009 of those before hearing (typically through settlement, default or motions for judgment) and 353 cases by final Board decisions after hearing. The latter involved 225 *inter partes* actions and 128 *ex parte* appeals.

By year end, the number of cases pending before the Board had increased 15 percent to 3,390 and there were some 108 Federal court appeals pending from TTAB decisions, two-thirds of those lodged with the new United States Court of Appeals for the Federal Circuit (into which the Court of Customs and Patent Appeals was merged as of October 1, 1982). Also, the year witnessed a sharp increase in the number and proportion of *ex parte* appeals received and disposed of. New filings of *ex parte* appeals jumped from 220 in 1981 to 626 in 1982 and disposals increased accordingly (from 174 in 1981 to 528 in 1982).

During 1982, Board professional resources were increased by the appointment of one additional member and one additional interlocutory attorney. The Board, which adjudicates cases in panels of three, had six members and four interlocutory attorneys at year end.

Trademark Fees

Pursuant to P.L. 97-247, trademark fees were increased effective October 1, 1982. The fee schedule adopted was designed to recover 100 percent of the cost of operating the trademark operations through 1985.

Calendar of Meetings

Calendar

WIPO Meetings

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

1984

- January 16 to 27 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Search Information
- January 17 (Geneva) — Informal Meeting with International Non-Governmental Organizations Essentially Concerned with Industrial Property
- January 17 (Geneva) — Informal Meeting with International Non-Governmental Organizations Essentially Concerned with Copyright and Neighboring Rights
- January 30 to February 4 (Geneva) — International Patent Cooperation (PCT) Union — Assembly (Extraordinary Session)
- February 27 to March 24 (Geneva) — Revision of the Paris Convention for the Protection of Industrial Property — Diplomatic Conference, Fourth Session
- March 5 to 9 (Geneva) — Joint International Unesco-WIPO Service for Facilitating the Access by Developing Countries to Works Protected by Copyright — Working Group on Model Contracts Concerning Co-Publishing and Commissioned Works (convened jointly with Unesco)
- April 2 to 6 (Paris) — Committee of Experts on the Question of Copyright Ownership and its Consequences for the Relations between Employers and Employed or Salaried Authors (convened jointly with Unesco)
- April 9 to 13 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on General Information
- May 7 to 11 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Groups on Planning and on Special Questions
- May 7 to 11 (Geneva) — Committee of Experts on the Harmonization of Certain Aspects of Patent Law
- May 14 to 25 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Search Information
- May 21 to 24 (Geneva) — Conference on Inventors (convened jointly with the International Federation of Inventors' Associations)
- June 4 to 8 (Geneva) — Committee of Experts on Private Copying of Works Protected by Copyright (convened jointly with Unesco)
- June 18 to 22 (Geneva) — Group of Consultants on Legislative Provisions for Publishing Contracts (convened jointly with Unesco)
- September 17 and 19 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Developing Countries
- September 18 to 21 (Geneva) — Permanent Committee for Development Cooperation Related to Industrial Property
- September 18 to 21 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation (PCT/CTC)
- September 24 to 27 (Geneva) — Ordinary Sessions of the Coordination Committee of WIPO and the Executive Committee of the Paris and Berne Unions
- October 15 to 19 (Geneva) — Nice Union — Preparatory Working Group
- October 22 to 26 (Geneva) — Sub-Committee of the Intergovernmental Committee of the Rome Convention on the Application of the Said Convention in the Light of New Communication Techniques (convened jointly with ILO and Unesco)
- November 5 to 9 (Geneva) — Committee of Experts on Biotechnological Inventions
- November 19 to 23 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Groups on Special Questions and on Planning
- November 26 to 29 (Paris) — Committee of Experts on Copyright Problems Related to the Rental of Material Supports of Works (convened jointly with Unesco)
- November 26 to 30 (Geneva) — International Patent Classification (IPC) Union — Committee of Experts
- December 3 to 7(?) (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on General Information
- December 10 to 14 (Paris) — Committee of Experts on the Intellectual Property Aspects of the Protection of Folklore at the International Level (convened jointly with Unesco)

1985

- September 23 to October 1 (Geneva) — Governing Bodies (WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT, Budapest, TRT and Berne Unions; Conferences of Representatives of the Paris, Hague, Nice and Berne Unions; Executive Committees of the Paris and Berne Unions; Committee of Directors of the Madrid Union; Council of the Lisbon Union)

UPOV Meetings

1984

- April 4 and 5 (Geneva) — Administrative and Legal Committee
- April 6 (Geneva) — Consultative Committee

May 15 to 17 (La Minière) — Technical Working Party on Automation and Computer Programs
June 11 to 15 (Bet Dagan) — Technical Working Party for Vegetables
June 26 to 29 (Lund) — Technical Working Party for Agricultural Crops, and Subgroups
August 6 to 10 (Hanover) — Technical Working Party for Ornamental Plants and Forest Trees, and Subgroups
September 25 to 28 [or October 8 to 11] (Valencia) — Technical Working Party for Fruit Crops, and Subgroups
October 16 (Geneva) — Consultative Committee
October 17 to 19 (Geneva) — Council
November 6 and 7 (Geneva) — Technical Committee
November 8 and 9 (Geneva) — Administrative and Legal Committee

Other Meetings Concerned with Industrial Property

1984

European Patent Organisation: June 4 to 8 and December 3 to 7 (Munich) — Administrative Council
Inter-American Association of Industrial Property: May 16 to 19 (Montreal) — VIII Congress
International Vine and Wine Office: April 9 to 29 (Montpellier) — Séminaire international supérieur de viticulture
Royal Patent and Registration Office: June 13 to 15 (Stockholm) — Symposium on the Centenary of the Swedish Patent System

1985

International Federation of Industrial Property Attorneys: June 3 to 7 (Augsburg) — World Congress

1986

International Association for the Protection of Industrial Property: June 8 to 13 (London) — XXXIII Congress