Published monthly
Annual subscription:
155 Swiss francs
Each monthly issue:
16 Swiss francs

Industrial Property

26th Year - No. 1
January 1987

Monthly Review of the
World Intellectual Property Organization

Contents

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ISSN 0019-8625

Treaties
(Status on January 1, 1987)

Convention Establishing the World Intellectual Property Organization

WIPO Convention (1967), amended in 1979

State	Date on which State became member of WIPO	Member also of Paris Union (P) and/or Berne Union (B)[1]	
Algeria	April 16, 1975	P	—
Angola (c)[2]	April 15, 1985	—	—
Argentina	October 8, 1980	P	B
Australia	August 10, 1972	P	B
Austria	August 11, 1973	P	B
Bahamas	January 4, 1977	P	B
Bangladesh (c)[2]	May 11, 1985	—	—
Barbados	October 5, 1979	P	B
Belgium	January 31, 1975	P	B
Benin	March 9, 1975	P	B
Brazil	March 20, 1975	P	B
Bulgaria	May 19, 1970	P	B
Burkina Faso	August 23, 1975	P	B
Burundi	March 30, 1977	P	—
Byelorussian SSR (c)[2]	April 26, 1970	—	—
Cameroon	November 3, 1973	P	B
Canada	June 26, 1970	P	B
Central African Republic	August 23, 1978	P	B
Chad	September 26, 1970	P	B
Chile	June 25, 1975	—	B
China	June 3, 1980	P	—
Colombia (c)[2]	May 4, 1980	—	—
Congo	December 2, 1975	P	B
Costa Rica	June 10, 1981	—	B
Côte d'Ivoire	May 1, 1974	P	B
Cuba	March 27, 1975	P	—
Cyprus	October 26, 1984	P	B
Czechoslovakia	December 22, 1970	P	B
Democratic People's Republic of Korea	August 17, 1974	P	—
Denmark	April 26, 1970	P	B
Egypt	April 21, 1975	P	B
El Salvador (c)[2]	September 18, 1979	—	—
Fiji	March 11, 1972	—	B
Finland	September 8, 1970	P	B
France	October 18, 1974	P	B

State	Date on which State became member of WIPO	Member also of Paris Union (P) and/or Berne Union (B)[1]	
Gabon	June 6, 1975	P	B
Gambia (c)[2]	December 10, 1980	—	—
German Democratic Republic	April 26, 1970	P	B
Germany, Federal Republic of	September 19, 1970	P	B
Ghana	June 12, 1976	P	—
Greece	March 4, 1976	P	B
Guatemala (c)[2]	April 30, 1983	—	—
Guinea	November 13, 1980	P	B
Haiti	November 2, 1983	P	—
Holy See	April 20, 1975	P	B
Honduras (c)[2]	November 15, 1983	—	—
Hungary	April 26, 1970	P	B
Iceland	September 13, 1986	P	B
India	May 1, 1975	—	B
Indonesia	December 18, 1979	P	—
Iraq	January 21, 1976	P	—
Ireland	April 26, 1970	P	B
Israel	April 26, 1970	P	B
Italy	April 20, 1977	P	B
Jamaica (c)[2]	December 25, 1978	—	—
Japan	April 20, 1975	P	B
Jordan	July 12, 1972	P	—
Kenya	October 5, 1971	P	—
Lebanon	December 30, 1986	P	—
Lesotho (c)[2]	November 18, 1986	—	—
Libya	September 28, 1976	P	B
Liechtenstein	May 21, 1972	P	B
Luxembourg	March 19, 1975	P	B
Malawi	June 11, 1970	P	—
Mali	August 14, 1982	P	B
Malta	December 7, 1977	P	B
Mauritania	September 17, 1976	P	B
Mauritius	September 21, 1976	P	—
Mexico	June 14, 1975	P	B
Monaco	March 3, 1975	P	B
Mongolia	February 28, 1979	P	—
Morocco	July 27, 1971	P	B
Netherlands	January 9, 1975	P	B
New Zealand	June 20, 1984	P	—
Nicaragua (c)[2]	May 5, 1985	—	—
Niger	May 18, 1975	P	B
Norway	June 8, 1974	P	B
Pakistan	January 6, 1977	—	B
Panama (c)[2]	September 17, 1983	—	—
Peru (c)[2]	September 4, 1980	—	—

State	Date on which State became member of WIPO	Member also of Paris Union (P) and/or Berne Union (B)[1]	
Philippines	July 14, 1980	P	B
Poland	March 23, 1975	P	—
Portugal	April 27, 1975	P	B
Qatar (b)[2]	September 3, 1976	—	—
Republic of Korea	March 1, 1979	P	—
Romania	April 26, 1970	P	B
Rwanda	February 3, 1984	P	B
Saudi Arabia (a)[2]	May 22, 1982	—	—
Senegal	April 26, 1970	P	B
Sierra Leone (c)[2]	May 18, 1986	—	—
Somalia (c)[2]	November 18, 1982	—	—
South Africa	March 23, 1975	P	B
Soviet Union	April 26, 1970	P	—
Spain	April 26, 1970	P	B
Sri Lanka	September 20, 1978	P	B
Sudan	February 15, 1974	P	—
Suriname	November 25, 1975	P	B
Sweden	April 26, 1970	P	B
Switzerland	April 26, 1970	P	B
Togo	April 28, 1975	P	B
Tunisia	November 28, 1975	P	B
Turkey	May 12, 1976	P	—
Uganda	October 18, 1973	P	—
Ukrainian SSR (c)[2]	April 26, 1970	—	—
United Arab Emirates (b)[2]	September 24, 1974	—	—
United Kingdom	April 26, 1970	P	B
United Republic of Tanzania	December 30, 1983	P	—
United States of America	August 25, 1970	P	—
Uruguay	December 21, 1979	P	B
Venezuela	November 23, 1984	—	B
Viet Nam	July 2, 1976	P	—
Yemen (c)[2]	March 29, 1979	—	—
Yugoslavia	October 11, 1973	P	B
Zaire	January 28, 1975	P	B
Zambia	May 14, 1977	P	—
Zimbabwe	December 29, 1981	P	B

(Total: 116 States)

[1] "P" means that the State is also a member of the International Union for the Protection of Industrial Property (Paris Union), founded by the Paris Convention for the Protection of Industrial Property, and has ratified or acceded to at least the administrative and final provisions (Articles 13 to 30) of the Stockholm Act (1967) of that Convention.

"B" means that the State is also a member of the International Union for the Protection of Literary and Artistic Works (Berne Union), founded by the Berne Convention for the Protection of Literary and Artistic Works, and has ratified or acceded to at least the administrative and final provisions (Articles 22 to 38) of the Stockholm Act (1967) or the Paris Act (1971) of that Convention.

[2] "(a)" means that the State is a member of the World Intellectual Property Organization without being a member of either the Paris Union or the Berne Union and that it chose Class A for the purpose of establishing its contribution (see WIPO Convention, Article 11(4)*(a)*).

"(b)" means that the State is a member of the World Intellectual Property Organization without being a member of either the Paris Union or the Berne Union and that it chose Class B for the purpose of establishing its contribution (see WIPO Convention, Article 11(4)*(a)*).

"(c)" means that the State is a member of the World Intellectual Property Organization without being a member of either the Paris Union or the Berne Union and that it chose Class C for the purpose of establishing its contribution (see WIPO Convention, Article 11(4)*(a)*).

Paris Convention for the Protection of Industrial Property

Paris Convention (1883), revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934), Lisbon (1958) and Stockholm (1967), and amended in 1979

(Paris Union)

State	Class chosen	Date on which State became party to the Convention	Latest Act[1] of the Convention to which State is party and date on which State became party to that Act
Algeria	VI	March 1, 1966	Stockholm, April 20, 1975[2]
Argentina	VI	February 10, 1967	*Lisbon: February 10, 1967* Stockholm, Articles 13 to 30: October 8, 1980
Australia	III	October 10, 1925	Stockholm, Articles 1 to 12: September 27, 1975 Stockholm, Articles 13 to 30: August 25, 1972
Austria	IV	January 1, 1909	Stockholm: August 18, 1973
Bahamas	VII	July 10, 1973	*Lisbon: July 10, 1973* Stockholm, Articles 13 to 30: March 10, 1977
Barbados	VII	March 12, 1985	Stockholm: March 12, 1985
Belgium	III	July 7, 1884	Stockholm: February 12, 1975
Benin	VII	January 10, 1967	Stockholm: March 12, 1975
Brazil	IV	July 7, 1884	*The Hague: October 26, 1929* Stockholm, Articles 13 to 30: March 24, 1975[2]
Bulgaria	VI	June 13, 1921	Stockholm, Articles 1 to 12: May 19 or 27, 1970[3] Stockholm, Articles 13 to 30: May 27, 1970[2]
Burkina Faso	VII	November 19, 1963	Stockholm: September 2, 1975
Burundi	VII	September 3, 1977	Stockholm: September 3, 1977
Cameroon	VII	May 10, 1964	Stockholm: April 20, 1975
Canada	III	June 12, 1925	*London: July 30, 1951* Stockholm, Articles 13 to 30: July 7, 1970
Central African Republic	VII	November 19, 1963	Stockholm: September 5, 1978
Chad	VII	November 19, 1963	Stockholm: September 26, 1970
China	III	March 19, 1985	Stockholm: March 19, 1985[2]
Congo	VII	September 2, 1963	Stockholm: December 5, 1975
Côte d'Ivoire	VII	October 23, 1963	Stockholm: May 4, 1974
Cuba	VI	November 17, 1904	Stockholm: April 8, 1975[2]
Cyprus	VII	January 17, 1966	Stockholm: April 3, 1984
Czechoslovakia	IV	October 5, 1919	Stockholm: December 29, 1970[2]
Democratic People's Republic of Korea	VII	June 10, 1980	Stockholm: June 10, 1980
Denmark[4]	IV	October 1, 1894	Stockholm, Articles 1 to 12: April 26 or May 19, 1970[3] Stockholm, Articles 13 to 30: April 26, 1970
Dominican Republic	VI	*July 11, 1890*	*The Hague: April 6, 1951*
Egypt	VI	July 1, 1951	Stockholm: March 6, 1975[2]
Finland	IV	September 20, 1921	Stockholm, Articles 1 to 12: October 21, 1975 Stockholm, Articles 13 to 30: September 15, 1970
France[5]	I	July 7, 1884	Stockholm: August 12, 1975
Gabon	VII	February 29, 1964	Stockholm: June 10, 1975
German Democratic Republic	III	May 1, 1903[6]	Stockholm, Articles 1 to 12: April 26 or May 19, 1970[3] Stockholm, Articles 13 to 30: April 26, 1970
Germany, Federal Republic of	I	May 1, 1903[6]	Stockholm: September 19, 1970
Ghana	VII	September 28, 1976	Stockholm: September 28, 1976
Greece	V	October 2, 1924	Stockholm: July 15, 1976
Guinea	VII	February 5, 1982	Stockholm: February 5, 1982
Haiti	VII	July 1, 1958	Stockholm: November 3, 1983
Holy See	VII	September 29, 1960	Stockholm: April 24, 1975

State	Class chosen	Date on which State became party to the Convention	Latest Act[1] of the Convention to which State is party and date on which State became party to that Act
Hungary	V	January 1, 1909	Stockholm, Articles 1 to 12: April 26 or May 19, 1970[3] Stockholm, Articles 13 to 30: April 26, 1970[2]
Iceland	VII	May 5, 1962	*London: May 5, 1962* Stockholm, Articles 13 to 30: December 28, 1984
Indonesia	VI	December 24, 1950	*London: December 24, 1950* Stockholm, Articles 13 to 30: December 20, 1979[2]
Iran (Islamic Republic of)	VI	*December 16, 1959*	*Lisbon: January 4, 1962*
Iraq	VI	January 24, 1976	Stockholm: January 24, 1976[2]
Ireland	IV	December 4, 1925	Stockholm, Articles 1 to 12: April 26 or May 19, 1970[3] Stockholm, Articles 13 to 30: April 26, 1970
Israel	VI	March 24, 1950	Stockholm, Articles 1 to 12: April 26 or May 19, 1970[3] Stockholm, Articles 13 to 30: April 26, 1970
Italy	III	July 7, 1884	Stockholm: April 24, 1977
Japan	I	July 15, 1899	Stockholm, Articles 1 to 12: October 1, 1975 Stockholm, Articles 13 to 30: April 24, 1975
Jordan	VII	July 17, 1972	Stockholm: July 17, 1972
Kenya	VI	June 14, 1965	Stockholm: October 26, 1971
Lebanon	VII	September 1, 1924	*London: September 30, 1947* Stockholm, Articles 13 to 30: December 30, 1986[2]
Libya	VI	September 28, 1976	Stockholm: September 28, 1976[2]
Liechtenstein	VII	July 14, 1933	Stockholm: May 25, 1972
Luxembourg	VII	June 30, 1922	Stockholm: March 24, 1975
Madagascar	VII	December 21, 1963	Stockholm: April 10, 1972
Malawi	VII	July 6, 1964	Stockholm: June 25, 1970
Mali	VII	March 1, 1983	Stockholm: March 1, 1983
Malta	VII	October 20, 1967	*Lisbon: October 20, 1967* Stockholm, Articles 13 to 30: December 12, 1977[2]
Mauritania	VII	April 11, 1965	Stockholm: September 21, 1976
Mauritius	VII	September 24, 1976	Stockholm: September 24, 1976
Mexico	IV	September 7, 1903	Stockholm: July 26, 1976
Monaco	VII	April 29, 1956	Stockholm: October 4, 1975
Mongolia	VII	April 21, 1985	Stockholm: April 21, 1985[2]
Morocco	VI	July 30, 1917	Stockholm: August 6, 1971
Netherlands[7]	III	July 7, 1884	Stockholm: January 10, 1975
New Zealand[8]	V	July 29, 1931	*London: July 14, 1946* Stockholm, Articles 13 to 30: June 20, 1984
Niger	VII	July 5, 1964	Stockholm: March 6, 1975
Nigeria	VI	*September 2, 1963*	*Lisbon: September 2, 1963*
Norway	IV	July 1, 1885	Stockholm: June 13, 1974
Philippines	VI	September 27, 1965	*Lisbon: September 27, 1965* Stockholm, Articles 13 to 30: July 16, 1980
Poland	V	November 10, 1919	Stockholm: March 24, 1975[2]
Portugal	IV	July 7, 1884	Stockholm: April 30, 1975
Republic of Korea	VI	May 4, 1980	Stockholm: May 4, 1980
Romania	VI	October 6, 1920	Stockholm, Articles 1 to 12: April 26 or May 19, 1970[3] Stockholm, Articles 13 to 30: April 26, 1970[2]
Rwanda	VII	March 1, 1984	Stockholm: March 1, 1984
San Marino	VI	*March 4, 1960*	*London: March 4, 1960*
Senegal	VII	December 21, 1963	Stockholm, Articles 1 to 12: April 26 or May 19, 1970[3] Stockholm, Articles 13 to 30: April 26, 1970
South Africa	IV	December 1, 1947	Stockholm: March 24, 1975[2]
Soviet Union	I	July 1, 1965	Stockholm, Articles 1 to 12: April 26 or May 19, 1970[3] Stockholm, Articles 13 to 30: April 26, 1970[2]
Spain	IV	July 7, 1884	Stockholm: April 14, 1972
Sri Lanka	VII	December 29, 1952	*London: December 29, 1952* Stockholm, Articles 13 to 30: September 23, 1978

State	Class chosen	Date on which State became party to the Convention	Latest Act[1] of the Convention to which State is party and date on which State became party to that Act
Sudan	VII	April 16, 1984	Stockholm: April 16, 1984
Suriname	VII	November 25, 1975	Stockholm: November 25, 1975
Sweden	III	July 1, 1885	Stockholm, Articles 1 to 12: October 9, 1970 Stockholm, Articles 13 to 30: April 26, 1970
Switzerland	III	July 7, 1884	Stockholm, Articles 1 to 12: April 26 or May 19, 1970[3] Stockholm, Articles 13 to 30: April 26, 1970
Syria	VI	*September 1, 1924*	*London: September 30, 1947*
Togo	VII	September 10, 1967	Stockholm: April 30, 1975
Trinidad and Tobago	VI	*August 1, 1964*	*Lisbon: August 1, 1964*
Tunisia	VI	July 7, 1884	Stockholm: April 12, 1976[2]
Turkey	VI	October 10, 1925	*London: June 27, 1957* Stockholm, Articles 13 to 30: May 16, 1976
Uganda	VII	June 14, 1965	Stockholm: October 20, 1973
United Kingdom[9]	I	July 7, 1884	Stockholm, Articles 1 to 12: April 26 or May 19, 1970[3] Stockholm, Articles 13 to 30: April 26, 1970
United Republic of Tanzania	VII	June 16, 1963	*Lisbon: June 16, 1963* Stockholm, Articles 13 to 30: December 30, 1983
United States of America[10]	I	May 30, 1887	Stockholm, Articles 1 to 12: August 25, 1973 Stockholm, Articles 13 to 30: September 5, 1970
Uruguay	VII	March 18, 1967	Stockholm: December 28, 1979
Viet Nam	VII	March 8, 1949	Stockholm: July 2, 1976[2]
Yugoslavia	VI	February 26, 1921	Stockholm: October 16, 1973[2]
Zaire	VI	January 31, 1975	Stockholm: January 31, 1975
Zambia	VII	April 6, 1965	*Lisbon: April 6, 1965* Stockholm, Articles 13 to 30: May 14, 1977
Zimbabwe	VII	April 18, 1980	Stockholm: December 30, 1981

(Total: 97 States)

[1] "Stockholm" means the Paris Convention for the Protection of Industrial Property as revised at Stockholm on July 14, 1967 (Stockholm Act); "Lisbon" means the Paris Convention as revised at Lisbon on October 31, 1958 (Lisbon Act); "London" means the Paris Convention as revised at London on June 2, 1934 (London Act); "The Hague" means the Paris Convention as revised at The Hague on November 6, 1925 (Hague Act).

[2] With the declaration provided for in Article 28(2) of the Stockholm Act.

[3] These are the alternative dates of entry into force which the Director General of WIPO communicated to the States concerned.

[4] Denmark extended the application of the Stockholm Act to the Faroe Islands with effect from August 6, 1971.

[5] Including all Overseas Departments and Territories.

[6] Date on which the accession by the German Empire took effect.

[7] Ratification for the Kingdom in Europe, the Netherlands Antilles and Aruba.

[8] The accession of New Zealand to the Stockholm Act, with the exception of Articles 1 to 12, extends to the Cook Islands, Niue and Tokelau.

[9] The United Kingdom extended the application of the Stockholm Act to the territory of Hong Kong with effect from November 16, 1977, and to the Isle of Man with effect from October 29, 1983.

[10] The United States of America extended the application of the Stockholm Act to all territories and possessions of the United States of America, including the Commonwealth of Puerto Rico, as from August 25, 1973.

Other Industrial Property Treaties Administered by WIPO

Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods

Madrid Agreement (Indications of Source) (1891), revised at Washington (1911), The Hague (1925), London (1934) and Lisbon (1958), and supplemented by the Additional Act of Stockholm (1967)

State	Date on which State became party to the Agreement	Latest Act of the Agreement to which State is party and date on which State became party to that Act (see, however, for some States, the Additional Act of Stockholm)	Date on which State became party to the Additional Act of Stockholm
Algeria	July 5, 1972	Lisbon: July 5, 1972	July 5, 1972
Brazil	*October 3, 1896*	*The Hague: October 26, 1929*	—
Bulgaria	August 12, 1975	Lisbon: August 12, 1975	August 12, 1975
Cuba	January 1, 1905	Lisbon: October 11, 1964	October 7, 1980
Czechoslovakia	September 30, 1921	Lisbon: June 1, 1963	December 29, 1970
Dominican Republic	*April 6, 1951*	*The Hague: April 6, 1951*	—
Egypt	July 1, 1952	Lisbon: March 6, 1975	March 6, 1975
France[1]	July 15, 1892	Lisbon: June 1, 1963	August 12, 1975
German Democratic Republic	June 12, 1925[2]	Lisbon: January 15, 1965	April 26, 1970
Germany, Federal Republic of	June 12, 1925[2]	Lisbon: June 1, 1963	September 19, 1970
Hungary	June 5, 1934	Lisbon: March 23, 1967	April 26, 1970
Ireland	December 4, 1925	Lisbon: June 9, 1967	April 26, 1970
Israel	March 24, 1950	Lisbon: July 2, 1967	April 26, 1970
Italy	March 5, 1951	Lisbon: December 29, 1968	April 24, 1977
Japan	July 8, 1953	Lisbon: August 21, 1965	April 24, 1975
Lebanon	*September 1, 1924*	*London: September 30, 1947*	—
Liechtenstein	July 14, 1933	Lisbon: April 10, 1972	May 25, 1972
Monaco	April 29, 1956	Lisbon: June 1, 1963	October 4, 1975
Morocco	*July 30, 1917*	*Lisbon: May 15, 1967*	—
New Zealand	*July 29, 1931*	*London: May 17, 1947*	—
Poland	*December 10, 1928*	*The Hague: December 10, 1928*	—
Portugal	*October 31, 1893*	*London: November 7, 1949*	—
San Marino	*September 25, 1960*	*London: September 25, 1960*	—
Spain	July 15, 1892	Lisbon: August 14, 1973	August 14, 1973
Sri Lanka	*December 29, 1952*	*London: December 29, 1952*	—
Sweden	January 1, 1934	Lisbon: October 3, 1969	April 26, 1970
Switzerland	July 15, 1892	Lisbon: June 1, 1963	April 26, 1970
Syria	*September 1, 1924*	*London: September 30, 1947*	—
Tunisia	*July 15, 1892*	*London: October 4, 1942*	—
Turkey	*August 21, 1930*	*London: June 27, 1957*	—
United Kingdom	July 15, 1892	Lisbon: June 1, 1963	April 26, 1970
Viet Nam[3]			

(Total: 32 States)[3]

[1] Including all Overseas Departments and Territories.

[2] Date on which the accession by the German Reich took effect.

[3] The situation of Viet Nam in respect of the Madrid Agreement (Indications of Source) is under examination.

Madrid Agreement Concerning the International Registration of Marks

Madrid Agreement (Marks) (1891), revised at
Brussels (1900), Washington (1911),
The Hague (1925), London (1934), Nice (1957) and Stockholm (1967), and amended in 1979

(Madrid Union)

State[1]	Date on which State became party to the Agreement	Latest Act of the Agreement to which State is party and date on which State became party to that Act
Algeria	July 5, 1972	Stockholm: July 5, 1972
Austria	January 1, 1909	Stockholm: August 18, 1973
Belgium[2]	July 15, 1892	Stockholm: February 12, 1975
Bulgaria	August 1, 1985	Stockholm: August 1, 1985
Czechoslovakia	October 5, 1919	Stockholm: December 22 or 29, 1970[3]
Democratic People's Republic of Korea	June 10, 1980	Stockholm: June 10, 1980
Egypt	July 1, 1952	Stockholm: March 6, 1975
France[4]	July 15, 1892	Stockholm: August 12, 1975
German Democratic Republic	December 1, 1922[5]	Stockholm: September 19, or December 22, 1970[3]
Germany, Federal Republic of	December 1, 1922[5]	Stockholm: September 19, or December 22, 1970[3]
Hungary	January 1, 1909	Stockholm: September 19, or December 22, 1970[3]
Italy	October 15, 1894	Stockholm: April 24, 1977
Liechtenstein	July 14, 1933	Stockholm: May 25, 1972
Luxembourg[2]	September 1, 1924	Stockholm: March 24, 1975
Monaco	April 29, 1956	Stockholm: October 4, 1975
Mongolia[6]	April 21, 1985	Stockholm: April 21, 1985
Morocco	July 30, 1917	Stockholm: January 24, 1976
Netherlands[2, 7]	March 1, 1893	Stockholm: March 6, 1975
Portugal	*October 31, 1893*	*Nice: December 15, 1966*
Romania	October 6, 1920	Stockholm: September 19, or December 22, 1970[3]
San Marino	*September 25, 1960*	*Nice: December 15, 1966*
Soviet Union[6]	July 1, 1976	Stockholm: July 1, 1976
Spain[8]	July 15, 1892	Stockholm: June 8, 1979
Sudan	May 16, 1984	Stockholm: May 16, 1984
Switzerland	July 15, 1892	Stockholm: September 19, or December 22, 1970[3]
Tunisia	*July 15, 1892*	*Nice: August 28, 1967*
Viet Nam	March 8, 1949	Stockholm: July 2, 1976
Yugoslavia	February 26, 1921	Stockholm: October 16, 1973

(Total: 28 States)

[1] All the States have declared, under Article 3*bis* of the Nice or Stockholm Act, that the protection arising from international registration shall not extend to them unless the proprietor of the mark so requests (the dates in parentheses indicate the effective date of the declaration in respect of each State): Algeria (July 5, 1972), Austria (February 8, 1970), Belgium (December 15, 1966), Bulgaria (August 1, 1985), Czechoslovakia (April 14, 1971), Democratic People's Republic of Korea (June 10, 1980), Egypt (March 1, 1967), France (July 1, 1973), German Democratic Republic (October 25, 1967), Germany (Federal Republic of) (July 1, 1973), Hungary (October 30, 1970), Italy (June 14, 1967), Liechtenstein (January 1, 1973), Luxembourg (December 15, 1966), Monaco (December 15, 1966), Mongolia (April 21, 1985), Morocco (December 18, 1970), Netherlands (December 15, 1966), Portugal (December 15, 1966), Romania (June 10, 1967), San Marino (August 14, 1969), Soviet Union (July 1, 1976), Spain (December 15, 1966), Sudan (May 16, 1984), Switzerland (January 1, 1973), Tunisia (August 28, 1967), Viet Nam (July 2, 1976) (May 15, 1973, in respect of the Republic of South Viet-Nam), Yugoslavia (June 29, 1972).

[2] As from January 1, 1971, the territories in Europe of Belgium, Luxembourg and the Netherlands are, for the application of the Madrid Agreement (Marks), to be deemed a single country.

[3] These are the alternative dates of entry into force which the Director General of WIPO communicated to the States concerned.

[4] Including all Overseas Departments and Territories.

[5] Date on which the accession by the German Reich took effect.

[6] In accordance with Article 14(2)*(d)* and *(f)*, this State declared that the application of the Stockholm Act was limited to marks registered from the date on which its accession entered into force, that is: Mongolia: April 21, 1985; Soviet Union: July 1, 1976.

[7] The instrument of ratification of the Stockholm Act was deposited for the Kingdom in Europe. The Netherlands extended the application of the Stockholm Act to Aruba with effect from November 8, 1986.

[8] Spain declared that it no longer wished to be bound by instruments earlier than the Nice Act. This declaration became effective on December 15, 1966. The Madrid Agreement (Marks) was thus not applicable between Spain and the following States between December 15, 1966, and the date indicated for each State: Austria (February 8, 1970), Hungary (March 23, 1967), Liechtenstein (May 29, 1967), Morocco (December 18, 1970), Tunisia (August 28, 1967), Viet Nam (May 15, 1973).

Hague Agreement Concerning the International Deposit of Industrial Designs

Hague Agreement (1925), revised at London (1934) and The Hague (1960),[1] supplemented by the Additional Act of Monaco (1961),[2] the Complementary Act of Stockholm (1967) and the Protocol of Geneva (1975),[3] and amended in 1979

(Hague Union)

State	Date on which State became party to the Agreement	Date on which State became party to the London Act	Date on which State became party to the Hague Act[1]	Date on which State became party to the Complementary Act of Stockholm
Belgium[4,5]	April 1, 1979	—	August 1, 1984	May 28, 1979
Benin	November 2, 1986	November 2, 1986	November 2, 1986	January 2, 1987
Egypt	*July 1, 1952*	*July 1, 1952*	—	—
France[6]	October 20, 1930	June 25, 1939	August 1, 1984	September 27, 1975
German Democratic Republic	*June 1, 1928*[7]	*June 13, 1939*[7]	—	—
Germany, Federal Republic of	June 1, 1928[7]	June 13, 1939[7]	August 1, 1984	September 27, 1975
Holy See	*September 29, 1960*	*September 29, 1960*	—	—
Hungary[8]	April 7, 1984	April 7, 1984	August 1, 1984	April 7, 1984
Indonesia	*December 24, 1950*	*December 24, 1950*	—	—
Liechtenstein	July 14, 1933	January 28, 1951	August 1, 1984	September 27, 1975
Luxembourg[5]	April 1, 1979	—	August 1, 1984	May 28, 1979
Monaco	April 29, 1956	April 29, 1956	August 1, 1984	September 27, 1975
Morocco	*October 20, 1930*	*January 21, 1941*	—	—
Netherlands[4,5]	April 1, 1979	—	August 1, 1984[9]	May 28, 1979[9]
Senegal	June 30, 1984	June 30, 1984	August 1, 1984	June 30, 1984
Spain	*June 1, 1928*	*March 2, 1956*	—	—
Suriname	November 25, 1975	November 25, 1975	August 1, 1984	February 23, 1977
Switzerland	June 1, 1928	November 24, 1939	August 1, 1984	September 27, 1975
Tunisia	*October 20, 1930*	*October 4, 1942*	—	—
Viet Nam[10]				

(Total: 20 States)[10]

[1] The Protocol to the Hague Act (1960) is not yet in force. It has been ratified by or acceded to by the following States: Belgium, France, Germany (Federal Republic of), Liechtenstein, Monaco, Netherlands, Switzerland.

[2] The Additional Act of Monaco (1961) is in force in respect of the following States as from the dates indicated: France (December 1, 1962), Germany (Federal Republic of) (December 1, 1962), Liechtenstein (July 9, 1966), Monaco (September 14, 1963), Netherlands (as far as the Netherlands Antilles and Aruba are concerned) (September 14, 1963), Spain (August 31, 1969), Suriname (November 25, 1975) and Switzerland (December 21, 1962). See also footnote 4.

[3] The Protocol of Geneva (1975), in accordance with Article 11(2)*(a)* thereof, ceased to have effect as of August 1, 1984; however, as provided by Article 11(2)*(b)*, States bound by the Protocol (Belgium (as from April 1, 1979), France (as from February 18, 1980), Germany (Federal Republic of), (as from December 26, 1981), Hungary (as from April 7, 1984), Liechtenstein (as from April 1, 1979), Luxembourg (as from April 1, 1979), Monaco (as from March 5, 1981), Netherlands (as from April 1, 1979), Senegal (as from June 30, 1984), Suriname (as from April 1, 1979) and Switzerland (as from April 1, 1979)) are not relieved of their obligations thereunder in respect of industrial designs whose date of international deposit is prior to August 1, 1984.

[4] Belgium had withdrawn from the Hague Union with effect from January 1, 1975. The Netherlands had denounced, in respect of the Kingdom in Europe and with effect from January 1, 1975, the Hague Agreement (1925) and the subsequent Acts to which the Netherlands had adhered, specifying that the said Agreement and Acts—London Act (1934) and Additional Act of Monaco (1961)—would remain in force in respect of the Netherlands Antilles and Suriname. As a result of their ratification of the Protocol of Geneva (1975) and its entry into force on April 1, 1979, Belgium and the Netherlands became, again, as from that date, members of the Hague Union.

[5] The territories in Europe of Belgium, Luxembourg and the Netherlands are, for the application of the Hague Agreement, to be deemed a single country.

[6] Including all Overseas Departments and Territories.

[7] Date on which the ratification by the German Reich took effect.

[8] With the declaration that Hungary does not consider itself bound by the Protocol annexed to the Hague Act (1960).

[9] Ratification for the Kingdom in Europe. The Complementary Act of Stockholm entered into force, with respect to Aruba, on November 8, 1986.

[10] The situation of Viet Nam in respect of the Hague Union is under examination.

Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks

Nice Agreement (1957), revised at Stockholm (1967) and at Geneva (1977), and amended in 1979

(Nice Union)

State	Date on which State became party to the Agreement	Latest Act of the Agreement to which State is party and date on which it became party to that Act
Algeria	July 5, 1972	Stockholm: July 5, 1972
Australia	April 8, 1961	Geneva: February 6, 1979
Austria	November 30, 1969	Geneva: August 21, 1982
Barbados	March 12, 1985	Geneva: March 12, 1985
Belgium	June 6, 1962	Geneva: November 20, 1984
Benin	February 6, 1979	Geneva: February 6, 1979
Czechoslovakia	April 8, 1961	Geneva: February 6, 1979
Denmark[1]	November 30, 1961	Geneva: June 3, 1981
Finland	August 18, 1973	Geneva: February 6, 1979
France[2]	April 8, 1961	Geneva: April 22, 1980
German Democratic Republic	January 15, 1965	Geneva : June 23, 1982
Germany, Federal Republic of	January 29, 1962	Geneva: January 12, 1982
Hungary	March 23, 1967	Geneva: August 21, 1982
Ireland	December 12, 1966	Geneva: February 6, 1979
Israel	April 8, 1961	Stockholm: November 12, 1969, or March 18, 1970[3]
Italy	April 8, 1961	Geneva: February 19, 1983
Lebanon	*April 8, 1961*	*Nice: April 8, 1961*
Liechtenstein	May 29, 1967	Geneva: February 14, 1987
Luxembourg	March 24, 1975	Geneva: December 21, 1983
Monaco	April 8, 1961	Geneva: May 9, 1981
Morocco	October 1, 1966	Stockholm: January 24, 1976
Netherlands[4]	August 20, 1962	Geneva: August 15, 1979
Norway	July 28, 1961	Geneva: July 7, 1981
Portugal	April 8, 1961	Geneva: July 30, 1982
Soviet Union	July 26, 1971	Stockholm: July 26, 1971
Spain	April 8, 1961	Geneva: May 9, 1979
Suriname	December 16, 1981	Geneva: December 16, 1981
Sweden	July 28, 1961	Geneva: February 6, 1979
Switzerland	August 20, 1962	Geneva: April 22, 1986
Tunisia	*May 29, 1967*	*Nice: May 29, 1967*
United Kingdom	April 15, 1963	Geneva: July 3, 1979
United States of America	May 25, 1972	Geneva: February 29, 1984
Yugoslavia	August 30, 1966	Stockholm: October 16, 1973

(Total: 33 States)

[1] Denmark extended the application of the Stockholm Act to the Faroe Islands with effect from October 28, 1972.

[2] Including all Overseas Departments and Territories.

[3] These are the alternative dates of entry into force which the Director General of WIPO communicated to the States concerned.

[4] The Netherlands extended the application of the Geneva Act to Aruba with effect from November 8, 1986.

Lisbon Agreement for the Protection of Appellations of Origin and their International Registration

Lisbon Agreement (1958), revised at Stockholm (1967), and amended in 1979

(Lisbon Union)

State	Date on which State became party to the Agreement	Latest Act of the Agreement to which State is party and date on which it became party to Act
Algeria	July 5, 1972	Stockholm: October 31, 1973
Bulgaria	August 12, 1975	Stockholm: August 12, 1975
Burkina Faso	September 2, 1975	Stockholm: September 2, 1975
Congo	November 16, 1977	Stockholm: November 16, 1977
Cuba	September 25, 1966	Stockholm: April 8, 1975
Czechoslovakia	September 25, 1966	Stockholm: October 31, 1973
France[1]	September 25, 1966	Stockholm: August 12, 1975
Gabon	June 10, 1975	Stockholm: June 10, 1975
Haiti	*September 25, 1966*	*Lisbon: September 25, 1966*
Hungary	March 23, 1967	Stockholm: October 31, 1973
Israel	September 25, 1966	Stockholm: October 31, 1973
Italy	December 29, 1968	Stockholm: April 24, 1977
Mexico	*September 25, 1966*	*Lisbon: September 25, 1966*
Portugal	*September 25, 1966*	*Lisbon: September 25, 1966*
Togo	April 30, 1975	Stockholm: April 30, 1975
Tunisia	October 31, 1973	Stockholm: October 31, 1973

(Total: 16 States)

[1] Including all Overseas Departments and Territories.

Locarno Agreement Establishing an International Classification for Industrial Designs

Locarno Agreement (1968), amended in 1979

(Locarno Union)

State	Date on which State became party to the Agreement	State	Date on which State became party to the Agreement
Czechoslovakia	April 27, 1971	Netherlands[2]	March 30, 1977
Denmark	April 27, 1971	Norway	April 27, 1971
Finland	May 16, 1972	Soviet Union	December 15, 1972
France[1]	September 13, 1975	Spain	November 17, 1973
German Democratic Republic	April 27, 1971	Sweden	April 27, 1971
Hungary	January 1, 1974	Switzerland	April 27, 1971
Ireland	April 27, 1971	Yugoslavia	October 16, 1973
Italy	August 12, 1975		

(Total: 15 States)

[1] Including all Overseas Departments and Territories.

[2] The Netherlands extended the application of the Locarno Agreement to Aruba with effect from November 8, 1986.

Patent Cooperation Treaty

PCT (Washington, 1970), amended in 1979 and modified in 1984

(PCT Union)

State	Date on which State became party to the Treaty	State	Date on which State became party to the Treaty
Australia	March 31, 1980	Liechtenstein[2]	March 19, 1980
Austria	April 23, 1979	Luxembourg	April 30, 1978
Barbados	March 12, 1985	Madagascar[6]	January 24, 1978
Belgium	December 14, 1981	Malawi	January 24, 1978
Benin	February 26, 1987	Mali	October 19, 1984
Brazil	April 9, 1978	Mauritania	April 13, 1983
Bulgaria[1]	May 21, 1984	Monaco	June 22, 1979
Cameroon	January 24, 1978	Netherlands[7]	July 10, 1979
Central African Republic	January 24, 1978	Norway[2]	January 1, 1980
Chad	January 24, 1978	Republic of Korea[2]	August 10, 1984
Congo	January 24, 1978	Romania[1]	July 23, 1979
Democratic People's Republic of Korea	July 8, 1980	Senegal	January 24, 1978
Denmark[2]	December 1, 1978	Soviet Union[1]	March 29, 1978
Finland[3]	October 1, 1980	Sri Lanka	February 26, 1982
France[1, 4]	February 25, 1978	Sudan	April 16, 1984
Gabon	January 24, 1978	Sweden[3]	May 17, 1978
Germany, Federal Republic of	January 24, 1978	Switzerland[2]	January 24, 1978
Hungary[1]	June 27, 1980	Togo	January 24, 1978
Italy	March 28, 1985	United Kingdom[8]	January 24, 1978
Japan[5]	October 1, 1978	United States of America[2, 9, 10]	January 24, 1978

(Total: 40 States)

[1] With the declaration provided for in Article 64(5).

[2] With the declaration provided for in Article 64(1)*(a)*.

[3] With the declaration provided for in Article 64(2)*(a)*(ii).

[4] Including all Overseas Departments and Territories.

[5] With the declaration provided for in Article 64(2)*(a)*(i) and (ii).

[6] According to information received from the Minister for Foreign Affairs of Madagascar concerning international applications designating Madagascar, the draft industrial property legislation, submitted to the competent authorities, provides, among other things, for the prolongation of the time limits under Articles 22 and 39 until such time as the new patent legislation will, after its entry into force, permit the processing of patent applications in Madagascar. After the publication of the new law, the said prolonged time limits will be fixed by the competent authorities. The Government of Madagascar has expressed the desire that this information be conveyed to applicants using the PCT system and designating or electing Madagascar, or intending to do so, so that they may take cognizance of the possibility thus offered them validly to designate or elect Madagascar and to wait with the action required to start the national phase under Articles 22 and 39 until after the new legislation has entered into force and the time limits to be observed under it have been determined.

[7] Ratification for the Kingdom in Europe, the Netherlands Antilles and Aruba.

[8] The United Kingdom extended the application of the PCT to the territory of Hong Kong with effect from April 15, 1981, and to the Isle of Man with effect from October 29, 1983.

[9] With the declarations provided for in Articles 64(3)*(a)* and 64(4)*(a)*.

[10] Extends to all areas for which the United States of America has international responsibility.

Strasbourg Agreement Concerning the International Patent Classification

Strasbourg Agreement (1971), amended in 1979

(IPC Union)

State	Date on which State became party to the Agreement	State	Date on which State became party to the Agreement
Australia[1]	November 12, 1975	Japan	August 18, 1977
Austria	October 7, 1975	Luxembourg[2]	April 9, 1977
Belgium[2]	July 4, 1976	Monaco[2]	June 13, 1976
Brazil	October 7, 1975	Netherlands[3]	October 7, 1975
Czechoslovakia	August 3, 1978	Norway[1]	October 7, 1975
Denmark	October 7, 1975	Portugal	May 1, 1979
Egypt	October 17, 1975	Soviet Union	October 3, 1976
Finland[1]	May 16, 1976	Spain[1, 2]	November 29, 1975
France[2]	October 7, 1975	Suriname	November 25, 1975
German Democratic Republic	August 24, 1977	Sweden	October 7, 1975
Germany, Federal Republic of	October 7, 1975	Switzerland	October 7, 1975
Ireland[1]	October 7, 1975	United Kingdom[1]	October 7, 1975
Israel	October 7, 1975	United States of America	October 7, 1975
Italy[2]	March 30, 1980		

(Total: 27 States)

[1] With the reservation provided for in Article 4(4)(i).

[2] With the reservation provided for in Article 4(4)(ii).

[3] Ratification for the Kingdom in Europe, the Netherlands Antilles and Aruba.

Trademark Registration Treaty

TRT (Vienna, 1973), amended in 1980

(TRT Union)

State	Date on which State became party to the Treaty	State	Date on which State became party to the Treaty
Burkina Faso	August 7, 1980	Soviet Union[1]	August 7, 1980
Congo	August 7, 1980	Togo	August 7, 1980
Gabon	August 7, 1980		

(Total: 5 States)

[1] With the declaration provided for in Article 46(2).

Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks

Vienna Agreement (1973)

(Vienna Union)

State	Date on which State became party to the Agreement	State	Date on which State became party to the Agreement
France	August 9, 1985	Sweden	August 9, 1985
Luxembourg	August 9, 1985	Tunisia	August 9, 1985
Netherlands	August 9, 1985		

(Total: 5 States)

Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure

Budapest Treaty (1977), modified in 1980

(Budapest Union)

State	Date on which State became party to the Treaty	State	Date on which State became party to the Treaty
Austria	April 26, 1984	Liechtenstein	August 19, 1981
Belgium	December 15, 1983	Norway	January 1, 1986
Bulgaria	August 19, 1980	Philippines	October 21, 1981
Denmark	July 1, 1985	Soviet Union	April 22, 1981
Finland	September 1, 1985	Spain	March 19, 1981
France	August 19, 1980	Sweden	October 1, 1983
Germany, Federal Republic of	January 20, 1981	Switzerland	August 19, 1981
Hungary	August 19, 1980	United Kingdom	December 29, 1980
Italy	March 23, 1986	United States of America	August 19, 1980
Japan	August 19, 1980		

(Total: 19 States)

DECLARATIONS OF ACCEPTANCE FILED UNDER ARTICLE 9(1)*(a)* OF THE BUDAPEST TREATY BY INTERGOVERNMENTAL INDUSTRIAL PROPERTY ORGANIZATIONS

Organization	Effective date
European Patent Organisation	November 26, 1980

INTERNATIONAL DEPOSITARY AUTHORITIES UNDER ARTICLE 7 OF THE BUDAPEST TREATY[1]

Institution	Country	Date status acquired
Agricultural Research Culture Collection	United States of America	January 31, 1981
American Type Culture Collection	United States of America	January 31, 1981
Centraalbureau voor Schimmelcultures	Netherlands	October 1, 1981
Collection Nationale de Cultures de Micro-Organismes	France	August 31, 1984
Culture Collection of Algae and Protozoa	United Kingdom	September 30, 1982
Culture Collection of the Commonwealth Mycological Institute	United Kingdom	March 31, 1983
Deutsche Sammlung von Mikroorganismen	Federal Republic of Germany	October 1, 1981
European Collection of Animal Cell Cultures	United Kingdom	September 30, 1984
Fermentation Research Institute	Japan	May 1, 1981
In Vitro International, Inc.	United States of America	November 30, 1983
Mezőgazdasági és Ipari Mikroorganizmusok Magyar Nemzeti Gyüjteménye [National Collection of Agricultural and Industrial Microorganisms	Hungary	June 1, 1986
National Collection of Industrial Bacteria	United Kingdom	March 31, 1982
National Collection of Type Cultures	United Kingdom	August 31, 1982
National Collection of Yeast Cultures	United Kingdom	January 31, 1982

(Total: 14 Authorities)

[1] A list of the kinds of microorganisms that may be deposited with, and the amount of fees charged by, the international depositary authorities appears under "Notifications Concerning Treaties" on p. 25.

Nairobi Treaty on the Protection of the Olympic Symbol

Nairobi Treaty (1981)

State	Date on which State became party to the Treaty	State	Date on which State became party to the Treaty
Algeria	August 16, 1984	India	October 19, 1983
Argentina	January 10, 1986	Italy	October 25, 1985
Barbados	February 28, 1986	Jamaica	March 17, 1984
Bolivia	August 11, 1985	Kenya	September 25, 1982
Brazil	August 10, 1984	Mexico	May 16, 1985
Bulgaria	May 6, 1984	Oman	March 26, 1986
Chile	December 14, 1983	Qatar	July 23, 1983
Congo	March 8, 1983	San Marino	March 18, 1986
Cuba	October 21, 1984	Senegal	August 6, 1984
Cyprus	August 11, 1985	Soviet Union	April 17, 1986
Egypt	October 1, 1982	Sri Lanka	February 19, 1984
El Salvador	October 14, 1984	Syria	April 13, 1984
Equatorial Guinea	September 25, 1982	Togo	December 8, 1983
Ethiopia	September 25, 1982	Tunisia	May 21, 1983
Greece	August 29, 1983	Uganda	October 21, 1983
Guatemala	February 21, 1983	Uruguay	April 16, 1984

(Total: 32 States)

Other Industrial Property Treaties Not Administered by WIPO

INTERNATIONAL CONVENTION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

UPOV Convention (1961), as revised at Geneva (1972 and 1978)

State	Date on which State became party to the Convention	No. of contribution units chosen	Date on which State became party to the Convention of 1961	Date on which State became party to the 1978 Act
Belgium[1, 2]	December 5, 1976	1.5	December 5, 1976	—
Denmark[1, 3]	October 6, 1968	1.5	October 6, 1968	November 8, 1981
France[1, 2, 4]	October 3, 1971	5.0	October 3, 1971	March 17, 1983
Germany, Federal Republic of[1]	August 10, 1968	5.0	August 10, 1968	April 12, 1986
Hungary	April 16, 1983	0.5	—	April 16, 1983
Ireland	November 8, 1981	1.0	—	November 8, 1981
Israel[1]	December 12, 1979	0.5	December 12, 1979	May 12, 1984
Italy[1]	July 1, 1977	2.0	July 1, 1977	May 28, 1986
Japan	September 3, 1982	5.0	—	September 3, 1982
Netherlands[1]	August 10, 1968	3.0	August 10, 1968	September 2, 1984[5]
New Zealand	November 8, 1981	1.0	—	November 8, 1981
South Africa[1]	November 6, 1977	1.0	November 6, 1977	November 8, 1981
Spain[1, 6]	May 18, 1980	1.0	May 18, 1980	—
Sweden[1]	December 17, 1971	1.5	December 17, 1971	January 1, 1983
Switzerland[1]	July 10, 1977	1.5	July 10, 1977	November 8, 1981
United Kingdom[1]	August 10, 1968	5.0	August 10, 1968	September 24, 1983
United States of America[7]	November 8, 1981	5.0	—	November 8, 1981

(Total: 17 States)

[1] The Additional Act of 1972 is in force in respect of the following States as from the dates indicated hereafter: Belgium (February 11, 1977); Denmark (February 11, 1977); France (February 11, 1977); Germany (Federal Republic of) (February 11, 1977); Israel (December 12, 1979); Italy (July 1, 1977); Netherlands (February 11, 1977); South Africa (November 6, 1977); Spain (May 18, 1980); Sweden (February 11, 1977); Switzerland (July 10, 1977); United Kingdom (July 31, 1980).

[2] With a notification under Article 34(2) of the 1978 Act.

[3] With a declaration that the Convention of 1961, the Additional Act of 1972 and the 1978 Act do not bind Greenland and the Faroe Islands.

[4] With a declaration that the 1978 Act applies to the territory of the French Republic, including the Overseas Departments and Territories.

[5] Ratification for the Kingdom in Europe. The Netherlands extended the application of the 1978 Act to Aruba with effect from November 8, 1986.

[6] With a declaration that the Convention of 1961 and the Additional Act of 1972 apply to the entire territory of Spain.

[7] With a notification under Article 37(1) and (2) of the 1978 Act.

AFRICAN INTELLECTUAL PROPERTY ORGANIZATION (AIPO)

Libreville Agreement (1962), as revised at Bangui (1977)

State	Latest Act of the Agreement to which State is party and date on which State became party to that Act
Benin	Bangui: March 19, 1983
Burkina Faso	Bangui: June 1, 1983
Cameroon	Bangui: February 8, 1982
Central African Republic	Bangui: February 8, 1982
Chad	Libreville: March 9, 1963
Congo	Bangui: February 8, 1982
Côte d'Ivoire	Bangui: February 8, 1982
Gabon	Bangui: February 8, 1982
Mali	Bangui: September 30, 1984
Mauritania	Bangui: February 8, 1982
Niger	Bangui: February 8, 1982
Senegal	Bangui: February 8, 1982
Togo	Bangui: February 8, 1982

AFRICAN REGIONAL INDUSTRIAL PROPERTY ORGANIZATION (ARIPO)*

Lusaka Agreement on the Creation of an Industrial Property Organization for English-Speaking Africa (1976)

State	Date on which State became party to the Agreement
Botswana	February 6, 1985
Gambia	February 15, 1978
Ghana	February 15, 1978
Kenya	February 15, 1978
Malawi	February 15, 1978
Sierra Leone	December 5, 1980
Somalia	March 10, 1981
Sudan	May 2, 1978
Uganda	August 8, 1978
United Republic of Tanzania	October 12, 1983
Zambia	February 15, 1978
Zimbabwe	November 11, 1980

* Formerly "Industrial Property Organization for English-Speaking Africa (ESARIPO)."

Harare Protocol on Patents and Industrial Designs Within the Framework of the Industrial Property Organization for English-Speaking Africa (1982)

State	Date on which State became party to the Protocol
Botswana	May 6, 1985
Gambia	January 16, 1986
Ghana	April 25, 1984
Kenya	October 24, 1984
Malawi	April 25, 1984
Sudan	April 25, 1984
Uganda	April 25, 1984
Zambia	February 26, 1986
Zimbabwe	April 25, 1984

BENELUX TRADEMARK OFFICE (BBM) BENELUX DESIGNS OFFICE (BBDM)

Benelux Convention on Marks (1962)

State	Date on which State became party to the Convention
Belgium	July 1, 1969
Luxembourg	July 1, 1969
Netherlands	July 1, 1969

Benelux Designs Convention (1966)

State	Date on which State became party to the Convention
Belgium	January 1, 1974
Luxembourg	January 1, 1974
Netherlands	January 1, 1974

COUNCIL FOR MUTUAL ECONOMIC ASSISTANCE (CMEA)

Agreement on the Legal Protection of Inventions, Industrial Designs, Utility Models and Trademarks in the Framework of Economic Scientific and Technical Cooperation (1973)

State	Date on which State became party to the Agreement
Bulgaria	April 10, 1974
Cuba	December 26, 1974
Czechoslovakia	May 6, 1974
German Democratic Republic	July 11, 1973
Hungary	January 27, 1975
Mongolia	September 18, 1973
Poland	June 11, 1974
Romania	October 22, 1973
Soviet Union	July 11, 1973

Agreement on the Unification of Requirements for the Execution and Filing of Applications for Inventions (1975)

State	Date on which State became party to the Agreement
Bulgaria	October 2, 1975
Cuba	October 2, 1975
Czechoslovakia	October 2, 1975
German Democratic Republic	October 2, 1975
Hungary	February 1, 1977
Mongolia	August 7, 1976
Poland	July 19, 1976
Soviet Union	October 2, 1975

Agreement on the Mutual Recognition of Inventors' Certificates and Other Titles of Protection for Inventions (1976)

State	Date on which State became party to the Agreement
Bulgaria	August 13, 1977
Cuba	June 6, 1981
Czechoslovakia	August 28, 1978
German Democratic Republic	August 13, 1977
Hungary	September 27, 1977
Mongolia	September 26, 1977
Romania	August 26, 1981
Soviet Union	August 13, 1977

COUNCIL OF EUROPE

European Convention relating to the Formalities required for Patent Applications (1953)

State	Date on which State became party to the Convention
Iceland	April 1, 1966
Israel*	May 1, 1966
South Africa*	December 1, 1957
Spain	July 1, 1967
Turkey	November 1, 1956

* Not member of the Council of Europe.

Convention on the Unification of Certain Points of Substantive Law on Patents for Invention (1963)

State	Date on which State became party to the Convention
France	August 1, 1980
Germany, Federal Republic of	August 1, 1980
Ireland	August 1, 1980
Italy	May 18, 1981
Liechtenstein	August 1, 1980
Luxembourg	August 1, 1980
Sweden	August 1, 1980
Switzerland	August 1, 1980
United Kingdom	August 1, 1980

EUROPEAN PATENT ORGANISATION (EPO)

Convention on the Grant of European Patents (1973) (European Patent Convention)

State	Date on which State became party to the Convention
Austria	May 1, 1979
Belgium	October 7, 1977
France	October 7, 1977
Germany, Federal Republic of	October 7, 1977
Greece	October 1, 1986
Italy	December 1, 1978
Liechtenstein	April 1, 1980
Luxembourg	October 7, 1977
Netherlands	October 7, 1977
Spain	October 1, 1986
Sweden	May 1, 1978
Switzerland	October 7, 1977
United Kingdom	October 7, 1977

Governing Bodies and Committees
(Status on January 1, 1987)

WIPO

General Assembly: Algeria, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Benin, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chad, Chile, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Egypt, Fiji, Finland, France, Gabon, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guinea, Haiti, Holy See, Hungary, Iceland, India, Indonesia, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kenya, Lebanon, Libya, Liechtenstein, Luxembourg, Malawi, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Monaco, Morocco, Netherlands, New Zealand, Niger, Norway, Pakistan, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, Senegal, South Africa,[1] Soviet Union, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Togo, Tunisia, Turkey, Uganda, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe (96).

Conference: The same States as above, with Angola, Bangladesh, Byelorussian SSR, Colombia, El Salvador, Gambia, Guatemala, Honduras, Jamaica, Lesotho, Nicaragua, Panama, Peru, Qatar, Saudi Arabia, Sierra Leone, Somalia, Ukrainian SSR, United Arab Emirates, Yemen (116).

Coordination Committee: Algeria, Angola *(ad hoc),* Argentina, Australia, Austria, Brazil, Bulgaria, Canada, Chile, China, Colombia *(ad hoc),* Côte d'Ivoire, Cuba, Czechoslovakia, Denmark, Egypt, France, German Democratic Republic, Germany (Federal Republic of), Hungary, India, Indonesia, Italy, Japan, Mexico, Morocco, Netherlands, Nicaragua *(ad hoc),* Nigeria, Philippines, Poland, Saudi Arabia *(ad hoc),* Senegal, Soviet Union, Sweden, Switzerland, Tunisia, Turkey, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yugoslavia, Zaire, Zimbabwe (46).

Budget Committee: Brazil, Cameroon, Canada, Cuba, Czechoslovakia, Egypt, France, Germany (Federal Republic of), India, Japan, Soviet Union, Sri Lanka, Switzerland *(ex officio),* United States of America (14).

[1] According to a decision of the WIPO Coordination Committee, not to be invited "to any meeting of WIPO and its Bodies and Unions" (see *Industrial Property,* 1977, p. 231).

WIPO Permanent Committee for Development Cooperation Related to Industrial Property: Algeria, Angola, Argentina, Australia, Austria, Bangladesh, Barbados, Benin, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Egypt, El Salvador, Finland, France, Gabon, Gambia, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Iraq, Israel, Italy, Japan, Jordan, Kenya, Libya, Malawi, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, Senegal, Somalia, Soviet Union, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia (92).

WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights: Algeria, Angola, Australia, Austria, Bangladesh, Barbados, Belgium, Benin, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chad, Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, Egypt, El Salvador, Fiji, Finland, France, Gambia, German Democratic Republic, Germany (Federal Republic of), Ghana, Guatemala, Guinea, Honduras, Hungary, India, Israel, Italy, Japan, Jordan, Kenya, Malawi, Mali, Mauritius, Mexico, Morocco, Netherlands, Nicaragua, New Zealand, Niger, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Romania, Saudi Arabia, Senegal, Somalia, Soviet Union, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Togo, Tunisia, Turkey, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Yemen, Zambia (77).

WIPO Permanent Committee on Patent Information: Algeria, Australia, Austria, Barbados, Belgium, Brazil, Bulgaria, Burkina Faso, Cameroon, Canada, Central African Republic, Chad, China, Congo, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Dominican Republic, Egypt, Finland, France, Gabon, German Democratic Republic, Germany (Federal Republic of), Ghana, Hungary, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Kenya, Liechtenstein, Luxembourg, Madagascar, Malawi, Mali, Mauritania, Monaco, Netherlands, Norway, Philippines, Poland, Portugal, Republic of

Korea, Romania, Rwanda, Senegal, Soviet Union, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Togo, Trinidad and Tobago, Uganda, United Kingdom, United States of America, Viet Nam, Yugoslavia, Zambia, African Intellectual Property Organization, African Regional Industrial Property Organization, European Patent Organisation (68).

Paris Union

Assembly: Algeria, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Benin, Brazil, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Central African Republic, Chad, China, Congo, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Egypt, Finland, France, Gabon, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guinea, Haiti, Holy See, Hungary, Iceland, Indonesia, Iraq, Ireland, Israel, Italy, Japan, Jordan, Kenya, Lebanon, Libya, Liechtenstein, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Netherlands, New Zealand, Niger, Norway, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, Senegal, South Africa,[2] Soviet Union, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Togo, Tunisia, Turkey, Uganda, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe (91).

Conference of Representatives: Dominican Republic, Iran (Islamic Republic of), Nigeria, San Marino, Syria, Trinidad and Tobago (6).

Executive Committee: Ordinary Members: Algeria, Argentina, Australia, Austria, Brazil, Bulgaria, China, Cuba, Denmark, Egypt, Germany (Federal Republic of), Indonesia, Italy, Japan, Philippines, Poland, Soviet Union, Switzerland *(ex officio),* United Republic of Tanzania, United States of America, Uruguay, Yugoslavia, Zaire. Associate Member: Nigeria (24).

Madrid Union (Marks)

Assembly: Algeria, Austria, Belgium, Bulgaria, Czechoslovakia, Democratic People's Republic of Korea, Egypt, France, German Democratic Republic, Germany (Federal Republic of), Hungary, Italy, Liechtenstein, Luxembourg, Monaco, Mongolia, Morocco, Netherlands, Romania, Soviet Union, Spain, Sudan, Switzerland, Viet Nam, Yugoslavia (25).

Committee of Directors: Portugal, San Marino, Tunisia (3).

Hague Union

Assembly: Belgium, Benin (as of January 2, 1987), France, Germany (Federal Republic of), Hungary, Liechtenstein, Luxembourg, Monaco, Netherlands, Senegal, Suriname, Switzerland (12).

Conference of Representatives: Egypt, German Democratic Republic, Holy See, Indonesia, Morocco, Spain, Tunisia, Viet Nam[3] (8).

Nice Union

Assembly: Algeria, Australia, Austria, Barbados, Belgium, Benin, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Germany (Federal Republic of), Hungary, Ireland, Israel, Italy, Liechtenstein, Luxembourg, Monaco, Morocco, Netherlands, Norway, Portugal, Soviet Union, Spain, Suriname, Sweden, Switzerland, United Kingdom, United States of America, Yugoslavia (31).

Conference of Representatives: Lebanon, Tunisia (2).

Lisbon Union

Assembly: Algeria, Bulgaria, Burkina Faso, Congo, Cuba, Czechoslovakia, France, Gabon, Hungary, Israel, Italy, Togo, Tunisia (13).

Council: Haiti, Mexico, Portugal (3).

Locarno Union

Assembly: Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Hungary, Ireland, Italy, Netherlands, Norway, Soviet Union, Spain, Sweden, Switzerland, Yugoslavia (15).

PCT Union

Assembly: Australia, Austria, Barbados, Belgium, Benin (as of February 26, 1987), Brazil, Bulgaria, Cameroon, Central African Republic, Chad, Congo, Democratic People's Republic of Korea, Denmark, Finland, France, Gabon, Germany (Federal Republic of), Hungary, Italy, Japan, Liechtenstein, Luxembourg, Madagascar, Malawi, Mali, Mauritania, Monaco, Nether-

[2] According to a decision of the WIPO Coordination Committee, not to be invited "to any meeting of WIPO and its Bodies and Unions" (see *Industrial Property,* 1977, p. 231).

[3] The situation of Viet Nam in respect of this Union is under examination.

lands, Norway, Republic of Korea, Romania, Senegal, Soviet Union, Sri Lanka, Sudan, Sweden, Switzerland, Togo, United Kingdom, United States of America (40).

IPC Union

Assembly: Australia, Austria, Belgium, Brazil, Czechoslovakia, Denmark, Egypt, Finland, France, German Democratic Republic, Germany (Federal Republic of), Ireland, Israel, Italy, Japan, Luxembourg, Monaco, Netherlands, Norway, Portugal, Soviet Union, Spain, Suriname, Sweden, Switzerland, United Kingdom, United States of America (27).

TRT Union

Assembly: Burkina Faso, Congo, Gabon, Soviet Union, Togo (5).

Vienna Union

Assembly: France, Luxembourg, Netherlands, Sweden, Tunisia (5).

Budapest Union

Assembly: Austria, Belgium, Bulgaria, Denmark, Finland, France, Germany (Federal Republic of), Hungary, Italy, Japan, Liechtenstein, Norway, Philippines, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America (19).

High Officials of WIPO

(Status on January 1, 1987)

Director General:	Dr. Arpad Bogsch
Deputy Directors General:	Marino Porzio
	Lev Efremovich Kostikov
	Alfons A. Schäfers (from March 1, 1987)

Notifications Concerning Treaties

Patent Cooperation Treaty (PCT)

Accession

BENIN

The Government of Benin deposited, on November 26, 1986, its instrument of accession to the Patent Cooperation Treaty (PCT), done at Washington on June 19, 1970, amended on October 2, 1979, and modified on February 3, 1984.

The said Treaty will enter into force, with respect to Benin, on February 26, 1987.

PCT Notification No. 49, of November 26, 1986.

Budapest Treaty

I. Change of Address

IN VITRO INTERNATIONAL, INC. (IVI)

The Government of the United States of America has informed the Director General of WIPO by a communication of December 16, 1986, which was received on December 23, 1986, that In Vitro International, Inc., an international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, has relocated its offices and facilities to a new address, which is as follows:

In Vitro International, Inc.
611(P) Hammonds Ferry Road
Linthicum, Maryland 21090
United States of America.

Budapest Communication No. 31 (this Communication is the subject of Budapest Notification No. 55 of January 20, 1987.

II. Depositary Institutions Having Acquired the Status of International Depositary Authority (Status on January 1, 1987)

Pursuant to Rule 13.2*(a)* of the Regulations under the Budapest Treaty for the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, the following is a list of international depositary authorities as on January 1, 1987, indicating the kinds of microorganisms that may be deposited with, and the amount of fees charged by, the said authorities.

INTERNATIONAL DEPOSITARY AUTHORITY	KINDS OF MICROORGANISMS THAT MAY BE DEPOSITED	FEES
AGRICULTURAL RESEARCH CULTURE COLLECTION (NRRL) 1815 North University Street Peoria, Illinois 61604 United States of America (See *Industrial Property*, 1981, pp. 22, 23 and 121; 1983, p. 248)	Progeny of strains of agriculturally and industrially important bacteria, yeast, molds, and *Actinomycetales*, EXCEPT: (a) *Actinobacillus* (all species); *Actinomyces* (anaerobic/microaerophilic—all species); *Arizona* (all species); *Bacillus anthracis; Bartonella* (all species); *Bordetella* (all species); *Borrelia* (all species); *Brucella* (all species); *Clostridium botulinum; Clostridium chauvoei; Clostridium haemolyticum; Clostridium histolyticum; Clostridium novyi; Clostridium septicum; Clostridium tetani; Corynebacterium diphtheriae; Corynebacterium equi; Corynebacterium haemolyticum; Corynebacterium pseudotuberculosis; Corynebacterium pyogenes; Corynebacterium renale; Diplococcus* (all species); *Erysipelothrix* (all species); *Escherichia coli* (all enteropathogenic types); *Francisella* (all species); *Haemophilus* (all species); *Herellea* (all species); *Klebsiella* (all species); *Leptospira* (all species); *Listeria* (all species); *Mima* (all species); *Moraxella* (all species); *Mycobacterium avium; Mycobacterium bovis; Mycobacterium tuberculosis; Mycoplasma* (all species); *Neisseria* (all species); *Pasteurella* (all species); *Pseudomonas pseudomallei; Salmonella* (all species); *Shigella* (all species); *Sphaerophorus* (all species); *Staphylococcus aureus; Streptobacillus* (all species); *Streptococcus* (all pathogenic species); *Treponema* (all species); *Vibrio* (all species); *Yersinia* (all species). (b) *Blastomyces* (all species); *Coccidioides* (all species); *Cryptococcus* (all species); *Histoplasma* (all species); *Paracoccidioides* (all species). (c) *Basidiomycetes* or other molds that cannot successfully be preserved by lyophilization (freeze-drying). (d) All viral, Rickettsial, and Chlamydial agents. (e) Agents which may introduce or disseminate any contagious or infectious disease of animals, humans, or poultry and which would require a permit for entry and/or distribution within the United States of America. (f) Agents which are classified as Plant Pests and which would require a permit for entry and/or distribution within the United States of America. (g) Mixtures of microorganisms. (h) Fastidious microorganisms which would require (in the view of the Curator) more than reasonable attention in handling and preparation of lyophilized material. (i) Phages of any kind. (j) Plasmids and like materials.	Applicable to patent cultures deposited after October 30, 1983. No fee charged for cultures on deposit or received before that date. (a) Deposit of each strain (payable at the time of deposit) US$ 500 (b) Distribution of all released cultures 20 Checks, in US dollars, should be made payable to the Agricultural Research Service, United States Department of Agriculture. United States Department of Agriculture laboratories and designated cooperators are exempt from payment of fees.

International Depositary Authority	Kinds of Microorganisms That May Be Deposited	Fees
AMERICAN TYPE CULTURE COLLECTION (ATCC) 12301 Parklawn Drive Rockville, Maryland 20852 United States of America (See *Industrial Property*, 1981, pp. 20, and 121; 1982, pp. 147 and 220; 1985, pp. 163; 1986, pp. 295 and 372.)	Algae, animal and plant viruses, bacteria, bacteriophages, fungi, plant tissue cultures, plasmids, protozoa, seeds (25 per sample) and yeasts (except Preceptrol cultures). The ATCC must be informed of the physical containment level required for experiments using the host vector system, as described in the 1980 National Institutes of Health Guidelines for Research involving Recombinant DNA Molecules (i.e., P1, P2, P3 or P4 facility). The ATCC, for the time being, will accept only those hosts containing plasmids which can be worked in a P1 or P2 facility. Certain animal viruses may require viability testing in an animal host, which the ATCC may be unable to provide. In such case, the deposit cannot be accepted. Plant viruses which cannot be mechanically inoculated also cannot be accepted.	(a) Storage US$ 870 — if the right under Rule 11.4(*g*) to be notified of the furnishing of samples is waived 570 (b) Issuance of a viability statement — bacteria (without plasmids) 100 — fungi (including yeast) 100 — protozoa 100 — algae 100 — animal cell cultures (including hybridoma lines) fee must be decided — animal and plant viruses on an individual basis — bacteria (with plasmids) (c) Furnishing of a sample under Rules 11.2 and 11.3 (per sample) *ATCC Cultures* — United States non-profit institutions 40 — Foreign non-profit institutions 40* — Other United States and foreign institutions 64 *ATCC Preceptrol Cultures* — All United States and foreign customers 12 *ATCC Oncogenes* — United States non-profit institutions 45 — Foreign non-profit institutions 45** — Other United States and foreign institutions 72 *ATCC Cell Lines* CCL 1, CCL 10, CCL 23, CCL 34, CCL 61, CCL 75, CCL 81, CCL 92, CCL 163, CCL 171, CCL 240, CRL 1580, CRL 1993, all TIB cells, all HTB cells, HB 1 to HB 7999 — United States non-profit institutions 40 — Foreign non-profit institutions 40 — Other United States and foreign institutions 64 *All Other Cell lines* — United States non-profit institutions 45 — Foreign non-profit institutions 45** — Other United States and foreign institutions 72 Cell lines ordered in flasks, protozoa ordered in test tubes, and other deposits specially ordered in test tubes carry an additional fee of US $35. The minimum invoice is US $45. Orders received for lesser amounts will be invoiced at the minimum. * Subject to an additional US $24 per culture handling and processing charge. ** Subject to an additional US $27 per culture handling and processing charge.
CENTRAALBUREAU VOOR SCHIMMELCULTURES (CBS) Oosterstraat 1 Postbus 273 NL-3740 AG Baarn Netherlands	Fungi, including yeasts; actinomycetes, bacteria other than actinomycetes.	(a) Storage Hfl. 2,000 — if the depositor waives the right under Rule 11.4(*g*) to be notified of the furnishing of samples 1,500 (b) Issuance of a viability statement 150

INTERNATIONAL DEPOSITARY AUTHORITY	KINDS OF MICROORGANISMS THAT MAY BE DEPOSITED	FEES
CBS *(continued)* (See *Industrial Property*, 1981, pp. 219 and 221; 1984, pp. 148; 1985, pp. 235.)		(c) Furnishing of a sample — to a scientific institution 45 — in other cases 90 (d) Communication of information under Rule 7.6 40 (e) Delivering of attestation pursuant to Rule 8.2 40
COLLECTION NATIONALE DE CULTURES DE MICRO-ORGANISMES (CNCM) Institut Pasteur 28 rue du Dr Roux 75724 Paris Cedex 15 France (See *Industrial Property*, 1984, p. 240.)	Bacteria (includig actinomycetes), bacteria containing plasmids; filamentous fungi and yeasts, and viruses, EXCEPT: — cellular cultures (animal cells, including hybridomes and plant cells); — microorganisms whose manipulation calls for physical insulation standards of P3 or P4 level, according to the information provided by the National Institutes of Health (NIH) Guidelines for Research Involving Recombinant DNA Molecules and Laboratory Safety Monograph; — microorganisms liable to require viability testing that the CNCM is technically not able to carry out; — mixtures of undefined and/or unidentifiable microorganisms. The CNCM reserves the possibility of refusing any microorganism for security reasons: specific risks to human beings, animals, plants and the environment. In the eventuality of the deposit of cultures that are not or cannot be lyophilized, the CNCM must be consulted, prior to the transmittal of the microorganism, regarding the possibilities and conditions for acceptance of the samples; however, it is advisable to make this prior consultation in all cases.	(a) Storage — bacteria, fungi and yeasts, lyophilized of lyophilizable F.Fr.3,500 — all other acceptable cultures case-by-case fee (b) Furnishing of samples (except in specific cases): (plus cost of transport) 600 (c) Issuance of a viability statement: — requiring a viability test (except in specific cases) 600 — in other cases 100 (d) Communication of information or issue of an attestation 200 Fees are subject to Value Added Tax according to French provisions currently in force.
CULTURE COLLECTION OF ALGAE AND PROTOZOA (CCAP) FRESHWATER BIOLOGICAL ASSOCIATION Windermere Laboratory The Ferry House Far Sawrey Ambleside, Cumbria LA22 0LP United Kingdom and SCOTTISH MARINE BIOLOGICAL ASSOCIATION Dunstaffnage Marine Research Laboratory P.O. Box 3 Oban, Argyll PA34 4AD United Kingdom (See *Industrial Property*, 1982, p. 239; 1986, p. 431.)	(i) freshwater and terrestrial algae and free-living protozoa (Freshwater Biological Association); and (ii) marine algae, other than large seaweeds (Scottish Marine Biological Association).	(a) Storage of each microorganism £ 275 (b) Issuance of a Viability Statement in those cases in which, in accordance with Rule 10.2, a fee may be charged 50 (c) Furnishing of a sample in accordance with Rule 11.2 or 11.3 (plus the actual cost of carriage) 10 (d) Delivering an attestation in accordance with Rule 8.2 10 Fees are subject to Value Added Tax, where applicable.
CULTURE COLLECTION OF THE COMMONWEALTH MYCOLOGICAL INSTITUTE (CMI CC) Ferry Lane Kew, Surrey TW9 3AF United Kingdom (See *Industrial Property*, 1983, p. 83.)	Fungal isolates, other than known human and animal pathogens and yeasts, that can be preserved without significant change to their properties by the methods of preservation in use.	(a) Storage of each isolate of microorganism £ 400 (b) Issuance of a viability statement in those cases in which, in accordance with Rule 10.2, a fee may be charged 50 (c) Furnishing of a sample in accordance with Rule 11.2 or 11.3 35 (d) Delivering an attestation in accordance with Rule 8.2 10 Fees paid within the United Kingdom are subject to Value Added Tax at the current rate.

INTERNATIONAL DEPOSITARY AUTHORITY	KINDS OF MICROORGANISMS THAT MAY BE DEPOSITED	FEES
DEUTSCHE SAMMLUNG VON MIKROORGANISMEN (DSM) Gesellschaft für Biotechnologische Forschung mbH Grisebachstr. 8 3400 Göttingen Federal Republic of Germany (See *Industrial Property*, 1981, pp. 220 and 222.)	Bacteria, including actinomycetes, fungi, including yeasts, bacteriophages, except any kinds pathogenic to humans or animals. Phytopathogenic kinds are accepted, EXCEPT: *Erwinia amylovora; Coniothyrium fagacearum; Endothia parasitica; Gloeosporium ampelophagum; Septoria musiva; Synchytrium endobioticum.*	(a) Storage DM 950 (b) Issuance of a viability statement: — if the depositor seeking a viability statement has also requested a viability test 80 — in other cases 30 (c) Furnishing of a sample 60 (d) Communication of information under Rule 7.6 30 Fees are expressed net of Value Added Tax payable under the provisions in force in the Federal Republic of Germany. Extra charges are payable for dispatch by air.
EUROPEAN COLLECTION OF ANIMAL CELL CULTURES* (ECACC) Vaccine Research and Production Laboratory Public Health Laboratory Service Centre for Applied Microbiology and Research Porton Down Salisbury, Wiltshire SP4 OJG United Kingdom * Formerly known as the National Collection of Animal Cell Cultures (NCACC). (See *Industrial Property*, 1984, p. 271; 1985, pp. 163 and 299.)	Cell lines that can be preserved without significant change to or loss of their properties by freezing and long term storage; viruses capable of assay in tissue culture. A statement on their possible pathogenicity to man and or animals is required at the time of deposit. Up to and including ACDP Category 3* can be accepted for deposit. * Advisory Committee on Dangerous Pathogens: Categorisation of Pathogens according to Hazard and Categories of Containment ISBN 0/11/883761/3 HMSO London.	(a) Storage £ 600 800* (b) Issuance of a Viability Statement in those cases in which, in accordance with Rule 10.2, a fee may be charged 30 100* (c) Furnishing of a sample in accordance with Rule 11.2 or 11.3 50 80* Fees are payable to the Public Health Laboratory Service Board. Fees paid within the United Kingdom are subject to Value Added Tax at the current rate. * Fees in regard to viruses.
FERMENTATION RESEARCH INSTITUTE (FRI) 1-3, Higashi 1-chome Yatabe-machi Tsukuba-gun, Ibaraki-ken 305 Japan (See *Industrial Property*, 1981, pp. 120 and 122; 1984, pp. 114.)	Fungi, yeast, bacteria and actinomycetes, EXCEPT: — microorganisms having properties which are or may be dangerous to health or the environment; — microorganisms which need the physical containment level P2, P3 or P4 required for experiments, as described in the 1979 Prime Minister's Guideline for Research Involving Recombinant DNA Molecules.	(a) Storage: — original deposit Yen 170,000 — new deposit 9,700 (b) Attestation referred to in Rule 8.2 1,800 (c) Viability statement: — if the depositor, when requesting the issuance of a viability statement, also requested a viability test 5,900 — in other cases 1,800 (d) Furnishing of a sample 6,900 (e) Communication of information under Rule 7.6 1,800
IN VITRO INTERNATIONAL, INC. (IVI) 611(P) Hammonds Ferry Road Linthicum, Maryland 21090 United States of America (See *Industrial Property*, 1983, p. 306; 1987, p. 24.)	Algae, bacteria with plasmids, bacteriophages, cell cultures, fungi, protozoa and animal and plant viruses. Recombinant strains of microorganisms will also be accepted, but IVI must be notified in advance of accepting the deposit of the physical containment level required for the host vector system, as prescribed by the National Institutes of Health Guidelines. At present, IVI will accept only hosts containing recombinant plasmids that can be worked in a P1 or P2 facility.	(a) Cultures deposited during a 12-month period: 1 to 5 US$ 610 each 6 to 10 550 each 11 to 15 480 each (b) Samples of cultures furnished to the public: 1 to 5 30 each 6 to 10 25.50 each 11 to 15 25 each (c) Viability test 60

INTERNATIONAL DEPOSITARY AUTHORITY	KINDS OF MICROORGANISMS THAT MAY BE DEPOSITED	FEES
MEZÓGAZDASÁGI ÉS IPARI MIKROORGANIZMUSOK MAGYAR NEMZETI GYÜJTEMÉNYE (MIMNG) [NATIONAL COLLECTION OF AGRICULTURAL AND INDUSTRIAL MICROORGANISMS (NCAIM)] Kertészeti Egyetem, Mikrobiológiai Tanszék (Department of Microbiology, University of Horticulture) Somlói ut 14-16 H-1118 Budapest Hungary (See *Industrial Property*, 1986, pp. 203 and 432.)	— Bacteria (including Streptomyces) except obligate human pathogenic species (e.g., Corynebacterium diphtheriae, Mycobacterium leprae, Yersinia pestis, etc.) — Fungi, including yeasts and moulds, except some pathogens (Blastomyces, Coccidioides, Histoplasma, etc.), as well as certain basidiomycetous and plant pathogenic fungi which cannot be preserved reliably. Apart from the above-mentioned, the following may not, at present, be accepted for deposit: — viruses, phages, rickettsiae, — algae, protozoa, — cell lines, hybridomes.	(a) Storage of the microorganisms in accordance with Rule 9.1 Ft.15,000 (b) Issuance of an attestation in accordance with Rule 8.2 500 (c) Issuance of a viability statement, except in the cases provided for under Rule 10.2*(e)* 1,500 (d) Furnishing of a sample in accordance with Rule 11.2 or 11.3 2,000 plus cost of transport (e) Communication of information under Rule 7.6 500
NATIONAL COLLECTION OF INDUSTRIAL BACTERIA (NCIB) c/o The National Collections of Industrial and Marine Bacteria Ltd. Torry Research Station P.O. Box 31 135 Abbey Road Aberdeen AB9 8DG United Kingdom See *Industrial Property*, 1982, pp. 121, 122 and 275; 1985, p. 25; 1986, p. 371.)	(a) Bacteria, including actinomycetes, that can be preserved without significant change to their properties by liquid nitrogen freezing or by freeze-drying (lyophilisation), and which are allocated to a hazard group no higher than Group 2 as defined by the UK Advisory Committee on Dangerous Pathogens (ACDP); (b) Plasmids, including recombinants, either (i) cloned into a bacterial or actinomycete host, or (ii) as naked DNA preparations. As regards (i) above, the hazard category of the host with or without its plasmid must be no higher than ACDP Group 2. As regards (ii), above, the phenotypic markets of the plasmid must be capable of expression in a bacterial or actinomycete host and must be readily detectable. In all cases, the physical containment requirements must not be higher than level II as defined by the UK Genetic Manipulation Advisory Group (GMAG) and the properties of the deposited material must not be changed significantly by liquid nitrogen freezing or freeze-drying. (c) Bacteriophages that have a hazard rating and containment requirement no greater than those cited in (a) or (b), above, and which can be preserved without significant change to their properties by liquid nitrogen freezing or by freeze-drying. Notwithstanding the foregoing, the NCIB reserves the right to refuse to accept any material for deposit which in the opinion of the Curator presents an unacceptable hazard or is technically too difficult to handle. In exceptional circumstances the NCIB may accept deposits which can only be maintained in active culture, but acceptance of such deposits, and relevant fees, must be decided on an individual basis by prior negotiation with the prospective depositor.	(a) Storage £ 225 (b) Issuance of a Viability Statement, where a fee may be charged 40 (c) Furnishing of a sample in accordance with Rule 11.2 or 11.3 ((i) to commercial organizations 18+ actual cost of carriage (ii) to non-profit-making organizations 9+ actual cost of carriage The fees are payable to the National Collection of Industrial Bacteria. Charges paid by individuals or organizations within the United Kingdom are subject to Value Added Tax at the current rate for carriage charges only.

INTERNATIONAL DEPOSITARY AUTHORITY	KINDS OF MICROORGANISMS THAT MAY BE DEPOSITED	FEES
NATIONAL COLLECTION OF TYPE CULTURES (NCTC) Central Public Health Laboratory 61 Colindale Avenue London NW9 5HT United Kingdom (See *Industrial Property*, 1982, pp. 219 and 220.)	Bacteria that can be preserved without significant change to their properties by freeze-drying and which are pathogenic to man and/or animals.	(a) Storage £ 250 (b) Issuance of a Viability Statement in those cases in which, in accordance with Rule 10.2, a fee may be charged 25 (c) Furnishing of a sample in accordance with Rule 11.2 or 11.3 40 Fees paid within the United Kingdom are subject to Value Added Tax at the current rate.
NATIONAL COLLECTION OF YEAST CULTURES (NCYC) Food Research Institute Colney Lane Norwich, Norfolk NR4 7UA United Kingdom (See *Industrial Property*, 1982, pp. 24 and 26.)	Yeasts other than known pathogens that can be preserved without significant change to their properties by freeze-drying or, exceptionally, in active culture.	(a) Storage £ 240 (b) Issuance of a Viability Statement in those cases in which, in accordance with Rule 10.2, a fee may be charged 25 (c) Furnishing of a sample in accordance with Rule 11.2 or 11.3 plus actual cost of carriage 10 Fees paid within the United Kingdom are subject to Value Added Tax at the current rate.

WIPO Meetings

WIPO Permanent Committee on Patent Information (PCPI)

Working Group on General Information

Tenth Session
(Geneva, October 13 to 17, 1986)

NOTE*

The Working Group on General Information (hereinafter referred to as "the Working Group") held its tenth session in Geneva from October 13 to 17, 1986.[1]

The following 15 members of the Working Group were represented at the session: Canada, Czechoslovakia, Finland, France, German Democratic Republic, Germany (Federal Republic of), Japan, Netherlands, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America and the European Patent Office (EPO). The Republic of Korea was represented by an observer. The Commission of the European Communities (CEC) and the Patent Documentation Group (PDG) were also represented by observers. The list of participants follows this note.

The Working Group, in noting the decisions taken by the Permanent Committee at its tenth session, requested the International Bureau to prepare a compilation of the use made by offices of WIPO Standards and Recommendations with the aim of identifying those Standards and Recommendations little used by offices.

The Working Group agreed that WIPO Standard ST.16 (Standard Code for Different Kinds of Patent Documents) should be enlarged to provide a new code "T," defined as "Publication, for information or other purposes, of the translation of the whole or part of a patent document already published by another office or organization."

The Working Group agreed on the text of two new standards, viz. the "Recommended Standard Format of the Generic Coding of the Text of Patent Documents Exchanged on a Machine-Readable Carrier"—which will enable the reconstitution of the exact format of the text of a patent document as filed to be made from a magnetic tape record thereof—and the "Recommended Standard Format of the Data Exchange of Facsimile Information of Patent Documents"—which will enable offices to exchange drawings or other embedded images in a facsimile form.

As regards the revision of WIPO Standard ST.9 (Recommendation Concerning Bibliographic Data on and Relating to Patent Documents), the Working Group agreed on a revised wording of INID Code (23) to read "Other date(s), including date of filing complete specification following provisional specification and date of exhibition." In respect of a proposed rewording of INID Code (33), the Working Group recognized that certain problems existed, e.g., in connection with the unambiguous recognition of patent family members, according to the present practice of offices when choosing which two-letter code should be indicated under INID Code (33), particularly in cases where the priority of a PCT application is claimed, but did not reach a consensus view of the appropriate solution and requested the International Bureau to prepare a discussion paper on this question.

The Working Group also discussed a proposal for revising WIPO Standard ST.8 (Standard Recording of IPC Symbols on Machine-Readable Records), which aims at permitting a greater number of sets of linked IPC symbols to be recorded so that information would not be lost for retrieval purposes, and also discussed a proposal concerning the presentation of check digits associated with publication numbers, which check digits serve to minimize errors in the use of publication numbers.

LIST OF PARTICIPANTS**

I. Member States

Canada: C. McDermott. **Czechoslovakia:** M. Kopča; M. Fořtová. **Finland:** R. Laukkarinen. **France:** M. Verderosa; M. Monka. **German**

* Prepared by the International Bureau.

[1] For a Note on the preceding session, see *Industrial Property*, 1986, p. 346.

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

Democratic Republic: R. Blumstengel. **Germany (Federal Republic of):** E. Derday; H. Rothe. **Japan:** Y. Masuda. **Netherlands:** D. Dogger. **Soviet Union:** A. Alekseev. **Spain:** A. Gómez García. **Sweden:** L. Stolt. **Switzerland:** K. Grünig; K. Aeschlimann. **United Kingdom:** T. Saul; D.A. Simpson. **United States of America:** J.R. Goudeau.

II. Member Organization

European Patent Office (EPO): C.J. Jonckheere; H. de Vries.

III. Observer State

Republic of Korea: T.C. Choi.

IV. Observer Organizations

Commission of the European Communities (CEC): H. Bank. **Patent Documentation Group (PDG):** P. Ochsenbein; S. Hahnemann.

V. Officers

Chairman: T. Saul (United Kingdom). *Vice-Chairmen:* E. Derday (Federal Republic of Germany); B. Rozov (Soviet Union). *Secretary:* P. Higham (WIPO).

VI. International Bureau of WIPO

L.E. Kostikov *(Deputy Director General)*; P. Higham *(Head, Patent Information Section, Classifications and Patent Information Division)*; G. Negouliaev *(Senior Patent Information Officer, Patent Information Section)*; V. Týč *(Assistant Patent Information Officer, Patent Information Section).*

Studies

Young People's Inventive Activity in Bulgaria—A Form of Self-Expression in the Technological and Scientific Field and a Contribution to Peace

CH. ALEXANDROV*

The World Exhibition of Achievements of Young Inventors—Bulgaria '85—was hosted by the beautiful city of Plovdiv, in Bulgaria, from November 4 to 30, 1985. The Exhibition was organized jointly with the World Intellectual Property Organization (WIPO) and was under the high patronage of the President of the State Council of Bulgaria, Todor Zhivkov, and the Director General of WIPO, Arpad Bogsch.

Representatives of 73 countries participated in the Exhibition, which included 25 national exhibitions. Young people from 23 other countries displayed individual exhibits and developments. WIPO, the World Federation of Democratic Youth, and the International Union of Students also presented exhibitions.

The Exhibition covered an area of 56,000m^2 and was housed in 18 pavilions. The displays included 3,685 youth projects and exhibits and 4,202 officially registered inventions. In the view of many experts, the technical level of the Exhibition compared very favorably with that of other European exhibitions of inventions. An illustration is provided by the fact that the inventions displayed covered 52 different fields of science, technology and production.

Visitors to the Exhibition were able to see a great number of new solutions to problems in the following areas: automation of technological processes and robot construction; instrument-making; micro-electronics; and, generally, the mechanization and automation of production and management processes. Young inventors demonstrated their achievements in the following areas: the creation of new materials of high durability and electrical conductivity; chemical technology; biotechnology for purifying industrial waste waters and depth processing of materials; and the development of new processes achieving economic exploitation of materials, fuels, water and energy. The high technical and scientific level of the Exhibition was duly rated by an international jury composed of prominent scientists, inventors, and heads of patent offices and organizations from many countries. One hundred and ninety eight gold medals and 20 special prizes were awarded at the Exhibition.

The success and the effect of the World Exhibition of Young Inventors cannot be expressed in quantitative terms alone.

This world event accomplished one of its main objectives: to encourage scientific, technological and cultural exchanges among countries, regardless of their political, social and national policies, and to expand the friendly ties, confidence and mutual cooperation among their peoples. EXPO—Bulgaria '85 played a positive role in rallying young creators all over the world around the ideas of peace and international cooperation for the benefit of humanity, and against the arms race, exploitation, and restrictions on economic and technical and scientific development.

This objective found a concrete manifestation in the setting up of a federation of African associations of inventors. The foundation of this federation is also recognition of the enhanced role and possibilities for young people in encouraging the inventors' movement in developing countries.

The final meetings, talks and the discussions in the Organizing Committee showed that the success and effect of the Exhibition were due, to a great extent, to the various technical and scientific, political and cultural events which ran parallel to the Exhibition. These events included special days on the participating countries, a discussion on "Youth in the Peaceful Uses of Space," the film festival "Youth and Technical and Scientific Progress," the festival on "Science, Fiction, Prognostication and Heuristics," as well as a number of other conferences, symposia and discussions on current problems of technical and scientific progress.

One of the most important events was the International Seminar on Inventiveness for Development Purposes. It provided an opportunity for lively discussions concerning new ways of involving young people in innovative activitities in science and technology. The participants were able to exchange interesting ideas concerning the problems of organization, stimulation, legal regulation, and implementation of inventions, and concerning other questions relating to inventive activity. An indication of the effectiveness and significance of this Seminar is the full support which has been given to its ideas and the proposals for its further evolution and expansion.

* Chairman of the Organizing Committee of the World Exhibition of Achievements of Young Inventors—Bulgaria '85.

The dedication and enthusiasm of young inventors were rewarded by various prizes. A special prize was conferred by the President of the State Council of Bulgaria on a team from Hungary, led by Mrs. Márta Fenyö, for the "Evolite" therapy lamp. A special prize was conferred by the Director General of WIPO on a team, led by eng. Ivan Tagavov, which had developed a method for the synthesis of alkylated gasoline.

Bulgarian youth won a respectable place of its own in these events. The success of quite a number of Bulgarian exhibits and developments has been internationally acknowledged. This success is a serious and prestigious sign of the advance of inventive activities in Bulgaria, and of the possibilities for the Movement for Technical and Scientific Creativity of Youth (TSCY) to serve the cause of progress.

The creativity of the young is the object of special attention and care on the part of the Bulgarian Communist Party, the Government and the whole of society. The Movement for Technical and Scientific Creativity of Youth (TSCY) has provided the broad-based and fertile soil on which hundreds of thousands of Bulgarian inventors and innovators have grown up. Today, this Movement already has its own history characterized by bold young spirit, vigorous upsurge and inspiration, by zeal and dedicated works and achievements. In those achievements one can realize the creativeness of youthful pursuit, bright intellect and constructive thinking.

However, the effect of this work cannot be measured in quantitative terms. What is more important is the audacity of the undertaking, the acceptance of the challenge to use the most advanced technology, including complex electronic equipment and computers. The TSCY Movement has developed as a genuine school cultivating a new approach to work, it has became a university in which the main subject is the formation of a devoted attachment to work, to science and technology.

The organized forms of the TSCY Movement embrace over 55% of all youths in educational establishments, over 50% of university students and young scientists and nearly 40% of the young workers and specialists engaged in material production. These daily activities of youths and children are in line with the new challenges of the technical and scientific revolution in relation to the contents and quality of the education of youth.

Nowadays, young people do not just accumulate knowledge but creatively assimilate and apply it. They learn to be precise, accurate and businesslike, well organized and well informed, not to think in stereotypes and to approach problems more creatively. The TSCY Movement has made its own contribution to the education and training of highly qualified specialists of a new type, and to the upgrading of their qualifications and high professionalism. The broad network of study circles, courses and schools, sponsored by the clubs serve that purpose successfully. Today, the main thrust of their qualifications and high activities relates to the objective of acquiring a new kind of literacy—computer literacy. Considerable efforts are made to assist and facilitate the professional orientation of school children through their involvement in creative activities alongside university students and young workers. Thus, school education forms part of an integral scheme in which the new personality is being formed—it is knowledgeable and capable, broad-minded and confident in its own powers and ideological orientation.

The young people of socialist Bulgaria reaffirm by deed their self-confidence as architects of their homeland today and tomorrow. They have achieved significant results in the sphere of creative realization. And if we refer to figures, we should not omit some facts. Only the last two years saw the setting-up of over 40,000 youth creative teams which solved more than 42,000 research and engineering problems and tasks. Over 15,000 youth innovations have been registered, a good deal of them have been recognized as inventions and rationalizations. And we could again refer to the concrete achievements represented by the 857 developments demonstrated at the World Exhibition of Achievements of Young Inventors—Bulgaria '85.

The TSCY Movement presents a broad framework in which every youth in the country can study and be creative in his or her chosen field. This has become possible thanks to the special attention and care of the party and State leadership by comrade Todor Zhivkov, and thanks to the excellent conditions for work and creative expression. There are now over 6,500 TSCY clubs in operation, as well as 200 specialized "computer" youth clubs and 60 stations of young technicians and agro-biologists. Highly competent tutors and consultants, some prominent scientists, academicians, professors and inventors, help the young creators. For a number of years, the Student Academy of Sciences has been fostering the talents and abilities of young people and cultivating future first-rate scientists and specialists. This is the intellectual capital of the future.

The success of young inventors and their significant contribution to the accelerated advance of technical and scientific progress in our country are due, to a great extent, to the new social status of inventors. Serious changes have been introduced in the sphere of creative inventiveness with the rapid development of science and its powerful effect on technical progress. In the past, inventions were the sporadic achievements of resourceful individuals engaged in material production, whereas today the prevailing majority of inventions come as a result of thorough research, of joint efforts of workers, supervisors, technicians, engineers and scientists. According to the statistics for the last 10 years, inventive activity has expanded by nearly 60%. Today, quite a number of industries of the Bulgarian economy have been built up on the basis of theoretical developments and constructions, projects and ideas of Bulgarian inventors. Here we should mention the great

number of pharmaceuticals and cosmetic products, high-torque drives for machine tools and robots, high-voltage gears, production of catalysts, certain fields of metal casting, and breeding of new plants, in particular crops.

The promotion of inventiveness and technical and scientific creativity of youth is part of the strategy of Bulgaria aimed at making the technical and scientific progress a basis of the socioeconomic development of the country. It is our belief that mass creativity is the only means of maintaining intellectual competition and making the best achievements in the world of science and technology, of effecting that creative "clash" of ideas which furthers all progress, without regard to military barriers or any other barriers separating peoples.

In mapping out this bold and ambitious road into the future, we see as our primary objective the task of making the technical and scientific revolution the basis and the core of the efforts to build an advanced socialist society. A broad technological renovation of production and an increase of labor productivity and quality is to be effected by a consistent and general application of the achievements of technical and scientific progress. This vital task is in the hands of the millions of working people in Bulgaria. In the vanguard are the innovators, who create and develop original solutions and new technologies. Therefore, the Report to the 13th Congress of the Bulgarian Comunist Party on the social, economic and cultural development of the country during the period of the Ninth Five Year Plan and up to the year 2000 stated:

> "The Movement for Technical and Scientific Creativity of Youth should reach qualitatively a new stage, it should become a real school for technological thinking and ideas, it should be a boiling source of innovative ideas."

That formulation was thoroughly and consequently developed in the recently adopted Decision of the Political Bureau of the Central Committee of the Bulgarian Communist Party ("BCP") proclaiming "A new stage in the development of the Movement for Technical and Scientific Creativity of Youth." That decision is a new expression of the ceaseless care of the BCP for the young generation in Bulgaria. The decision of the Politbureau of the Central Committee of the BCP provides for a broad involvement of governmental, economic and public organizations in the further development of the TSCY Movement with the aim of creating conditions which permit the TSCY Movement to become a main partner in resolving tasks of the plan for scientific, technological and socioeconomic development of socialist Bulgaria. At the same time, the TSCY Movement will become a more powerful competitor in developing new ideas, technologies and equipment that will contribute to acceleration of national economic development and to the increase of labor productivity and growth of the national income.

That outlines the contours of the further socio-political evolution of youth. Bulgarian youth makes its way boldly and painstakingly, and in mastering new knowledge and skills it forms its civic virtues and gives its own contribution to the social progress of our country. It does this by its highly efficient work and productive creativity which are aimed at serving the present and future of Bulgaria. The technical and scientific progress will open up new vistas for self-expression, unbridled imagination and creative audacity, for all that will give rein to the increased possibilities of the young generation.

As the President of the State Council of Bulgaria, Mr. Todor Zhivkov, stated at one of his meetings with young people:

> "Technical progress is a field in which youth can fully realize its potential. Young men and women come out to the social scene with fresh powers which no fortress could withstand. Neither could the fortress of technical progress."

We are deeply confident of that. The young people in Bulgaria today are looking to the future. They have a solid basis for developing their minds to move forward. They face new opportunities to assert themselves in work, studies and creativeness, they face new responsibilities for the peaceful future of our planet. The new generation of Bulgarian creators, researchers and inventors is marching toward this future. Looking at this generation we can see our tomorrow and the future of humanity.

Youth boldly makes it way in science and technology, guided by its aspirations and requirements, its manner of thinking and acting, and charged with the great potential of its energy and ability.

Young people who have been brought up in peace, social progress and freedom, have the natural predisposition to perceive and master most quickly and effectively the new and progressive. They can generate bold creative solutions, stand up for them devotedly and selflessly, search for truth and fight for it. They naturally find scope for manifestation of their qualities and abilities in materializing technical and scientific progress in all spheres of life. It is such competition among young people all over the world that we accept, welcome and support, and we believe that it is accepted, welcomed and supported by all honest and progressive people on earth.

This was demonstrated anew by the participation of young people from all parts of the planet in the recent World Exhibition of Achievements of Young Inventors—Bulgaria '85 which we had the privilege to host. Our words have been further supported by the desire expressed by Bulgaria to host the World Exhibition of Young Inventors—EXPO '91 as well.

Protection Against Trademark Infringement in Swiss Law

J. GUYET*

The relevant provisions are for the most part contained in Sections 24 to 34, which constitute Chapter IV, of the Federal Law on the Protection of Trademarks, Indications of Source of Goods and Commercial Awards of September 26, 1890 (hereinafter referred to as "the LMF").[1] This part of the Law has not undergone any amendment with respect to trademarks.

Other legal texts should be mentioned here, which complement the provisions of the LMF: on the one hand, in the Federal Code of Contractual Obligations of March 30, 1911 (hereinafter "the CO"),[2] which replaced that of June 14, 1881, there are the provisions on civil liability; on the other hand, there is the general part of the Swiss Criminal Code of December 21, 1937 (hereinafter "the CPS"),[3] which postdates the LMF and therefore causes some problems regarding the interpretation of the latter. Concerning the CPS, a mention should be made of the provisions on the repression of the counterfeiting of merchandise (Sections 153 to 155), for which the preliminary draft of a revision was recently drawn up. Finally, it should be borne in mind that the organization of the judiciary, civil procedure and criminal procedure are matters for cantonal jurisdiction (except for appeals to the Federal Tribunal).

The special provisions of the LMF may come into conflict with those of the Federal Law on Unfair Competition of September 30, 1943, as amended by a law of June 23, 1978 (hereinafter "the LCD"),[4] which is at present undergoing a full-scale revision in the Chambers of the Federal Assembly.

By way of conclusion to this preamble, a mention should be made of the preparatory work on the overall revision of the LMF: the published 1968 preliminary draft ("the APLMF") and the unpublished 1985 draft. Both of these documents will be referred to occasionally.

Switzerland has ratified all the successive texts of the Paris Convention for the Protection of Industrial Property and of the Madrid Agreement Concerning the International Registration of Marks.

* * *

We have to concern ourselves here with the contents of Section 24*(a)* to *(e)*, and Sections 25 and 26 of the LMF, which provide as follows:

> "**24.** Civil or penal action may be taken, in accordance with the following provisions, against:
>
> *(a)* any person who reproduces another's mark or imitates it in such a way that the public is misled;
>
> *(b)* anyone who uses another's mark for his own products or goods;
>
> *(c)* anyone who sells, offers for sale or markets products or goods in the knowledge that they bear marks that have been copied, imitated or unlawfully affixed;
>
> *(d)* anyone who knowingly participates in any of the above-mentioned infringements or who abets or facilitates their execution;
>
> *(e)* anyone who refuses to state the origin of products or goods in his possession that bear copied, imitated or unlawfully affixed marks;
>
> *(f)* .... [this subparagraph concerns indications of source]
>
> **25.**—(1) The offenses listed above shall be punishable by a fine of between 30 and 2,000 francs or imprisonment of between two days and half a year or both penalties at once.
>
> (2) In the event of repeated offenses, the penalties may be increased up to twice those amounts.
>
> (3) They shall not apply where the offense has been committed out of simple error, carelessness or negligence. Civil law damages shall remain unaffected.
>
> **26.**—(1) Whosoever wrongly places on his mark or business papers a statement suggesting that the mark has in fact been registered;
>
> .... [this part concerns indications of source and commercial awards]
>
> shall be punished, either *ex officio* or on a complaint, by a fine of between 30 and 500 francs or imprisonment for a term of between three days and three months.
>
> (2) These penalties may be increased to twice the above amounts in the case of subsequent offenses."

The above provisions define the unlawful acts and the penalties to which they give rise; trademark invalidation proceedings should be added to them. The provisions in the CPS concerning the counterfeiting of goods (Sections 153 to 155) should also be mentioned.

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* Attorney at the Geneva Bar, former President of the Bar, President of the International League for Competition Law (LIDC).

[1] *Recueil systématique du droit fédéral* (RS) 232.11. General works: François Antoniazzi, *La Convention d'Union de Paris et la loi fédérale sur les marques de fabrique et de commerce, Etude de l'influence du droit conventionnel sur le droit national*, Lausanne, Imprimeries Réunies, 1966; Heinrich David, *Kommentar zum Schweizerischen Markenschutzgesetz*, Basle and Stuttgart, Helbing & Lichtenhahn, 1960, with supplement by Lucas David, 1974; Philippe Dunant, *Traité des marques de fabrique et de commerce, des indications de provenance et des mentions de récompenses industrielles*, Geneva, Eggimann & Cie, 1898; E. Matter, *Kommentar zum Bundesgesetz betreffend den Schutz der Fabrik- und Handelsmarken, der Herkunftsbezeichnungen von Waren und der gewerblichen Auszeichnungen*, Zurich, Polygraphischer Verlag, 1939; Pierre Jean Pointet, *La protection de la marque (propositions en vue de la revision de la loi sur les marques de fabrique et de commerce)*, report to the Société suisse des juristes, *Revue de droit suisse* 97 (1963) II, Basle, Helbing & Lichtenhahn, 1963; Walter R. Schluep, *Das Markenrecht als subjectives Recht*, Basle, Verlag für Recht und Gesellschaft, 1964; Aloïs Troller, *Immaterialgüterrecht*, Basle and Frankfurt am Main, Helbing & Lichtenhahn, 3rd ed., 1983 (Vol. I) and 1985 (Vol. II); Aloïs Troller, *Précis du droit de la propriété industrielle*, French translation, same publisher, 1978; *La lutte contre la contrefaçon moderne en droit comparé*, symposium in Lausanne, 1985, Comparativa No. 31, Geneva, 1986. In this account of the jurisprudence, only the most recent judgments or those on matters of principle will be mentioned.

[2] RS 220.

[3] RS 311.0.

[4] RS 241.

We shall be considering the following:

I. scope of protection and the prohibited acts;
II. conditions governing criminal actions and sanctions;
III. conditions governing civil actions and the actions available;
IV. limitation of actions;
V. interim measures.

I. Scope of Protection and the Prohibited Acts

The legislation makes an enumeration of prohibited acts in order to assure the trademark owner of protection against any risk of confusion as to the origin of merchandise and products, which it does by virtue of both criminal and civil provisions. The enumeration, which is non-exhaustive with respect to the civil provisions, covers all the standard cases and is inspired by French law.

1. Swiss law considers that the mark performs first and foremost the function of identifying the manufacturer or trader who has produced or marketed the merchandise, in other words, its source. The relative quality of goods bearing conflicting marks is of little importance. Thus, the function of the mark is to associate merchandise with the business of the manufacturer or trader, from which it follows that the risk of confusion may relate to the merchandise itself as well as to its source. Case law has consistently held that there is a risk of confusion if, on account of the similarity of goods (LMF, Section 6(3)) and the use of identical or similar marks, the average consumer, being the last acquirer of the merchandise, may be led to believe that the goods are from a common source, or alternatively are from linked businesses (LMF, Section 24*(a)*), and not merely if the average consumer is led to confuse one set of goods with another.[5] According to a principle of case law that has been reaffirmed many times,

> "It must not be able to occur to the last acquirer that the owner of a trademark has effectively produced or marketed the competitor's goods bearing an identical or similar mark."[6]

There again is the source-indicating function already mentioned, for which the APLMF and the draft substitute the more precise notion of "distinguishing function" of the mark.

The concept of similarity of goods is interpreted quite broadly by recent case law, the critical examination of which would be worthy of a special study on its own (see the decisions mentioned under note 5).

2. Can protection be more extensive in certain cases than in others? The case law of the Federal Tribunal has rejected the argument that the economic interest of the owner may serve as the basis for a broadening of protection with respect to goods or with respect to the risk of confusion.[7] On the other hand, a number of cantonal decisions, supporting the distinctiveness of the marks that have become "renowned" or well known, have accorded more extensive protection to such marks.[8]

3. The case of the mark of high renown also deserves to be mentioned in view of the principle of the special character of such marks laid down by Section 6(3) of the LMF. In the mind of the public, the mark of high renown represents not only a source-indicating (and distinguishing) sign, but also a symbol of quality. Its unlawful appropriation should be prohibited as, even if its owner does not suffer any loss of goodwill, he risks seeing a weakening of the distinguishing power of his mark, which he has managed to endow with a particular prestige whose value he should be able to keep intact. The consumer, for his part, also risks being confused regarding the source, or even deceived regarding the quality of the product. *De lege lata*, the protection of the mark of high renown could be envisaged as a broadening of the (already broad) concept of the similarity of goods, in other words, of the principle of the distinctiveness of the mark, namely, by more extensive recognition of the risk of confusion, a risk that is further increased today by the tendency for businesses to diversify their activities. The mark of high renown is a sign that has established itself and should be protected like a name or business style, by virtue of Sections 28 and 29 of the Civil Code (hereinafter "the CCS")[9] (personality rights and right to one's name): ultimately, it is identified with the business, and indeed may actually designate it in the consumer's mind and in business relations. Usurpation unquestionably creates a risk of confusion between businesses, and even of consumer deception: it is a parasitic activity which is also contrary to the LCD. However, even if one were to accept that the latter is inapplicable because the two businesses are not competitors and the abusive behavior involved and the risk of dilution of the properties of the mark of high renown are not relevant here,

[5] See in particular: *Tribunal Fédéral* (TF), November 20, 1951, *Recueil officiel des arrêts du Tribunal fédéral* (ATF) 77 II 331 c. 2b, or *Journal des tribunaux* (JdT) 1952 I 264; May 17, 1958, ATF 84 II 314 c.2, or JdT 1958 I 591; May 9, 1961, ATF 87 II 107 c. 1, or JdT 1961 I 589; January 19, 1965, ATF 91 II 4 c. 3, or JdT 1965 I 622; May 6, 1969, ATF 95 II 461 c. 1, or *Semaine Judiciaire* (SJ) 1970.231, or *Revue internationale de la propriété industrielle et artistique* (RIPIA) 1970.105; July 14, 1970, ATF 96 II 257, or JdT 1971 I 600; Geneva, April 5, 1974, RIPIA 1974, 295, or *Revue suisse de la propriété intellectuelle* (RSPI) 1975.80; Berne, October 1, 1981, RSPI 1983/II.47 c. 4b.

[6] Notably TF July 14, 1970, ATF 96 II 257 c. 3c, or JdT 1971 I 600; April 4, 1984, RSPI 1985.67.

[7] TF January 11, 1961, ATF 87 II 40 c. 3c, or JdT 1961 I 587.

[8] Zurich, June 27, 1962, "PERTUSSIN," RSPI 1964.106 c. 5 *in fine*; Berne, November 27, 1964, "NESCAFE," RIPIA 1965.236 c. 7, or RSPI 1965.253; Geneva, April 5, 1974, "RICARD," RIPIA 1974.285 c.3, or RSPI 1975.80; Zurich, June 19, 1980, "BOLEX," RSPI 1980.139 c.4 *in fine*; Geneva, provisional ruling, September 12, 1983, RIPIA 1984.122 and jurisprudential note by the undersigned in RSPI 1985.33.

[9] RS 210.

protection should nonetheless be granted on the basis of the above provisions of the Civil Code, taking advantage moreover of a loophole in the LMF which the courts would have to fill on the basis of Section 2, second paragraph, of the CCS.[10] Without going quite so far, cantonal case law has taken the lead by applying Sections 28 or 28 and 29 of the CCS,[11] and even the LCD in addition.[12]

The proposals for the total revision of the LMF embody a provision giving protection to the mark of high renown.

4. In order to receive the protection of the LMF, the infringed mark has to be registered (LMF, Section 4). Any infringement of the mark prior to registration may under certain circumstances come under the provisions of the LCD (cf. LMF, Section 28(3)). "Registration" should be taken to mean not only the completion of the procedure which starts with filing, but also the publication of that registration (in spite of the somewhat unclear terms of the Law).[13] If the mark consists of a business name entered in the Swiss trade register, it is then exempted from the formality of registration as a mark, but of course remains subject to the substantive conditions of the LMF (LMF, Sections 1(1), 2 and 3)[14]—an exemption that the APLMF and the draft remove.

5. The LMF recognizes only trademarks, not service marks. They cannot therefore be registered, and are protected only by the LCD, but the draft revision proposes to protect them.

6. The German text of the LMF adds that the protection of this Law operates only where the allegedly infringing mark is affixed on the merchandise or on its packaging, "in any way whatsoever" (cf. LMF, Section 1(2)).[15] Subject to the case provided for in Section 26 of the LMF (see below, under 8(g)), any other improper use in advertising, catalogs or business papers, on a sign or in the business name or trade name, or any oral or other such use, etc., is punished only by the LCD, whether the offense is a criminal or a civil one; that, at least, is the near-unanimous case law.[16] We shall mention one decision to the contrary (Zurich, September 7, 1967, RSPI 1968.206 c. 14, not appealed to the Federal Tribunal on this point), which states that "according to the most recent opinions, the owner or assignee of the trademark rights can have any interference stopped, even that which does not arise from use of the mark," and the decision refers to the opinion of H. David on this point. He (*op. cit.*, pp. 270-271 , *ad* Section 24, No. 9) considers quite rightly that there is nothing in the Law that warrants the assertion that any use of the mark other than by affixation would not be punished by Section 24: indeed any unlawful use is a violation of the right to the mark.[17] It is to be hoped that the latter opinion will be expressly written into the future Law, as it has been in the legislation of neighboring countries.

7. Subject to more favorable provisions in international conventions, Swiss law applies the principle of territoriality, in the same way as most foreign legislation; case law is now well established and conforms to this doctrine.[18] The explanatory memorandum of the APLMF is consistent with it, moreover.

We have seen that the mere affixing of a mark is equivalent to use. That is the way in which the right to the mark is acquired, subject to Article 6*bis* of the Paris Convention (well-known marks), subject also to abuse of the right and obviously to the case in which registration precedes use, which must then occur within the following three years (LMF, Section 9). But when does that use, which is determinative of priority, occur? According to case law, it is the appearance of the merchandise bearing the mark on the Swiss market, and not the mere affixing of the mark. With regard to the so-called export mark, it has been deduced that the mere affixing of the mark in Switzerland does not meet that condition.[19] In connection with a criminal action, the Federal Tribunal has since[20] recognized the offense of putting on sale or marketing (LMF, Section 24*(c)*) in the

[10] In support of this, see Dominique Brandt, *"La protection élargie de la marque de haute renommée,"* pp. 233, 261 *et seq.*, 288, 292, 305 *et seq.* (Comparativa No. 29, Geneva, 1985).

[11] Berne, July 2, 1947, *Revue suisse de jurisprudence* (RSJ) 1950.117 (article by E. Martin-Achard, *"La notion des marques notoirement connues"*).

[12] Berne, June 26, 1980, RSPI 1981.67—with the order to invalidate the registered mark on the basis of the LCD; Zurich, July 2, 1982, confirmed by the TF on September 27, 1983, but really only on the basis of CCS Section 28, RSPI 1984.299.

[13] Geneva, September 14, 1984, RSPI 1985.49 c. 2 and 3.

[14] TF, February 13, 1962, ATF 88 II 28 c. I 3a, or SJ 1962.369; TF, February 3, 1948, c. 2b, SJ 1948.466.

[15] This relation between the merchandise and the mark may be only temporary, for instance, if the mark is affixed on the packaging, that packaging has to be used for sale and delivery. That is not true, for instance, of newspaper wrappers (ATF 64 II 109 c. 2b, or JdT 1938 I 557); it is true, on the other hand, of labels spiked onto a cheese to indicate its make (ATF 60 II 249, or JdT 1934 I 527 c. 2), of signs imprinted or etched on beer glasses or jugs (ATF 58 II 167 c. 1, or JdT 1933 I 266—but see TF, June 1, 1979, RSPI 1979.240 c. 3b: mark affixed for advertising purposes), of the brand of a motor fuel affixed on a distribution pump (Vaud, September 12, 1962, JdT 1963 I 602, or RSPI 1967.61), of the trademark of a perfume affixed on a coin-operated dispenser (Vaud, December 17, 1964, RIPIA 1965.238, or RSPI 1966.70), and of loose tags such as those attached to furniture (Geneva, October 24, 1969, RIPIA 1970.179, or RSPI 1971.215).

[16] TF, November 15, 1966, ATF 92 II 257 c. II.2, or JdT 1967 I 611, or RIPIA 1968.173, or *Revue internationale de la concurrence* (RIC) 104.90; February 13, 1962, ATF 88 II 28 c. II.3b, or SJ 1962.369, and the rulings mentioned; February 3, 1948, SJ 1948.465 c. 1a; Zug, provisional ruling September 6, 1982, RSPI 1984.92; Zurich, January 19, 1980, RSPI 1980.139 c. 7.2.

[17] Likewise A. Troller (*op. cit.*, 2nd ed., Vol. II, p. 758, who nevertheless, in the third edition, Vol. II, p. 657, confines himself to referring to that earlier edition), and J. Baumgartner, *Le risque de confusion en matière de marques*, Lausanne, Imprimerie Held, 1970, pp. 119-120.

[18] See in particular: TF, August 22, 1984, RSPI 1985.95 c. 2; October 6, 1981, ATF 107 II 356 c. 1c, or JdT 1982 I 515; January 25, 1979, ATF 105 II 49 c. 1a, or JdT 1979 I 261, or RIC 120.33; April 9, 1963, ATF 89 II 96 c.3, or SJ 1963.510, or RIPIA 1965.157, etc.

[19] TF, April 30, 1974, ATF 100 II 230 c. 1b, or JdT 1974 I 549; January 23, 1973, RSPI 1983.II 40 c. 2 and note by L. David; A. Troller, *op. cit.*, Vol. II, p. 657 and note 184.

[20] TF, October 24, 1983, ATF 109 IV 145 c. 2, or JdT 1984 I 294 and IV 128, or RSPI 1984.332, and note by L. David.

act of selling, from Switzerland, merchandise bearing an unlawfully appropriated mark, but not the offense of unlawful appropriation (Section 24*(b)*), relying for that on the general provisions of the Criminal Code embodying the principle of territoriality (CPS, Sections 3 and 7). This particular approach was confirmed by a second criminal judgment which held that marketing had occurred as soon as the merchandise had been sent, bearing a mark that was unlawful under Swiss law, to a foreign purchaser, even if the Swiss domestic market was not affected by the distribution of the merchandise (in the particular case it was actually a Swiss free port, but this is immaterial).[21] As L. David points out (in his note referred to in note 20), in spite of this development, case law remains unable to provide adequately for the protection of Swiss export industries. It can even produce inequitable results: an exporter owning a valid Swiss mark does not acquire any right of priority in that mark because of lack of "use" in Switzerland (and, indeed, may even find himself faced with an action for invalidation for non-use: LMF, Section 9) in relation to a competitor who has an identical or similar mark registered in Switzerland and uses it there, and that competitor can invoke it successfully against the first owner if the latter wishes to enter the Swiss market! It should, moreover, be noted that it surely seems at least immoral and contrary to business ethics that infringement, imitation or unlawful appropriation committed on Swiss territory should not in themselves be considered unlawful because they are committed solely with a view to export. The draft for the future law will put an end to this anomaly since there is a proposal in the preliminary draft whereby affixing in Switzerland with a view to export is deemed to be use in Switzerland; furthermore it provides for acquisition of rights through registration, which also determines priority.

8. After this brief reminder of the scope of protection, an examination should now be made of the acts expressly referred to by the LMF (invalidation actions will be dealt with later, in Chapter III, under 2(e)), after which we shall mention the counterfeiting of goods (punished by the CPS), at least where there is an overlap with the actions available under the LMF.

(a) *Counterfeiting and Imitation (LMF, Section 24(a))*

The present text of the LMF has retained this classical distinction, which was not written into the draft, but it has combined the two acts in one provision, both here and under *(c)*. The concept of imitation covers both fraudulent and unauthorized imitation; it goes without saying, however, that only the former warrants criminal action. The distinction between counterfeiting and imitation is of academic interest only, however, as under criminal law the penalties are identical: it is only in the setting of the penalty according to the assessment of guilt (CPS, Sections 63 *et seq.*) and in the fixing of the extent of compensation for damages according to the seriousness of the offense (CO, Section 43, first paragraph) that this distinction can play a part.

The APLMF and the draft, in their criminal law sections, retain both terms in one and the same provision, with the addition of unlawful appropriation. It should also be noted that the literal interpretation of Section 24*(a)* has caused controversy among legal writers: is it only in the case of imitation that the public needs to have been "misled?"[22] In case law this requirement has consistently been applied to counterfeiting as well.[23] The APLMF and the draft propose its abandonment, however, in view of the identifying function now attributed to the mark, while at the same time (in the draft) making fraudulent use into a more serious offense.

Counterfeiting is the slavish, blatant copying of someone else's mark. Imitation exists when there are no essential features[24] that distinguish the mark from another (LMF, Section 6(1) and (2));[25] the imitation thus tends to resemble the other person's mark enough for there to be a risk of confusion. Philippe Dunant has written (*op. cit.*, p. 296) that "fraudulent imitation is the real area of activity of infringers." When only the essential, characteristic part of the other person's mark is taken, or when an ineffectual addition or deletion is resorted to, is that counterfeiting or imitation? There, the distinction is a tricky one; what are the principles used by the courts for the application of Section 24*(a)* and Section 6(1) and (2) of the LMF? However, it would be beyond the scope of this article to illustrate with examples or to analyze the innumerable decisions that have been handed down.[26]

The power of recall of the potential average purchaser must be considered; this is the first principle to be applied. It is not enough for the two marks at issue to be distinguishable when examined at the same time; on the contrary, each mark has to be considered in its own right, and it has to be ascertained whether the purchaser goes away with a clear and distinct impression of it. The purchaser often may not be able to see both marks at the same time, and will retain only the characteristic features; moreover, imitation is eval-

[21] TF, November 2, 1984, ATF 110 IV 108 c. 1, or SJ 1985.460.

[22] Cf. J. Baumgartner, *op. cit.*, pp. 116-117; H. David, *op. cit.*, pp. 268-269, *ad* Section 24, No. 4, and supplement by L. David, p. 77.

[23] See in particular: TF, October 4, 1960, ATF 86 II 270 c. 3a, or JdT 1961 I 591; May 6, 1969, ATF 95 II 461 c. 1.1, or SJ 1970.231, or RIPIA 1970.105.

[24] Cf. TF, May 6, 1947, ATF 73 II 57 c.1, or SJ 1947.599; H. David, *op cit.*, p. 267-268, *ad* Section 24, No.3.

[25] Section 6(1) and (2) of the LMF provides as follows:

"(1) A registered mark must comprise essential features that distinguish it from those marks that have already been registered.

(2) The reproduction in a new mark of certain features belonging to marks already registered shall not exclude the new mark from the rights deriving from registration if those features differ sufficiently from the mark already registered and, taken as a whole, do not easily lead to confusion."

[26] See the works listed in note 1 and the study by Baumgartner mentioned in note 17. Practically all Federal and cantonal court decisions have been published for a number of years in the RSPI, with tables for 1948-73 and 1974-83.

uated according to similarities, not differences.[27] One should not therefore "dismantle" marks and compare their component parts individually;[28] under certain circumstances, however, it is necessary to take into account a particular element which in a sense is predominant, and which may have a decisive influence on the overall impression left by the mark.[29] Due account should be taken of the degree of attentiveness that may be expected of the purchasing public concerned; for mass-produced everyday merchandise, sold under a variety of marks and often at low prices, the assessment of the risk of confusion has to be stricter, as one cannot expect a great deal of attentiveness of the average purchaser;[30] this assessment therefore has to be based on the actual risk of confusion, according to the circumstances of the particular case. Finally, the marks have to be considered as they are registered, without consideration of the way in which they are used, their packaging, indications regarding the country of origin, etc., and regardless of the particular circumstances of supply, or the fact that the mark has established itself.[31]

The second principle, which emerges from the Law itself (cf. Section 6(2)—in which the term "figures" does not rule out the possibility of a verbal element: A. Troller, *op. cit.*, Vol. I, p. 220) and which has been unanimously adopted by both case law and doctrine, is that of taking account of the overall impression conveyed by the mark when it is compared with another mark. This has already been mentioned in the previous paragraph. While one does have to concern oneself with the overall impression, it goes without saying that that impression relies as much on original elements eligible for protection as on free elements not eligible for protection; nevertheless, if the closeness or similarity arise only from the latter elements, there can be no question of finding for a risk of confusion.[32]

Another principle: under civil law, the intention to create confusion is not a constituent element of the offense.

With regard to word marks, attention should be drawn to the considerable severity of current case law. In a decision handed down in 1947, the Federal Tribunal proclaimed that,

> "... by requiring that marks be distinguished from each other by 'essential features,' the Law (Section 6(1)) is referring to clear-cut differences that have to be even more clear-cut when the marks are made up of words borrowed from the limitless field of fantasy. This is a condition of fair competition."[33]

The later mark has to be distinguished by essential features, with respect to sound, visual impression or meaning. A risk of confusion existing in the memory is sufficient to make the later mark unlawful.[34] The following are elements of comparison for the determination of the auditory effect: number of syllables, initial letters and first syllable (but usually not the ending),[35] sequence of sounded vowels.[36] The graphic impression is conveyed by the length of the word and by the identity or diversity of the letters used.[37] The auditory effect prevails, however, as that is generally what remains in the recollection of the average purchaser.[38] Instances of imitation of meaning are rare.

These principles also apply to cases of imitation of figurative marks. If mixed or composite marks are involved, the later mark may not use the essential element, whether figurative or verbal, of the earlier mark, if it is characteristic. If the conflict is between such a mark and a word mark, the case law of the Federal Tribunal is almost consistently that,

> "... in the case of a mark that is both verbal and figurative, the figurative elements will usually prevail, as the average purchaser remembers them better than words, certainly better than words denoting the ownership of the mark."[39]

This cannot, however, be considered an inviolable principle:

> "... the essential part of a mark made up of verbal and figurative elements may very well lie in the verbal elements. That depends on how the mark is regarded in commerce, as always in trademark matters."[40]

This exception to the principle should in actual fact be the rule! Consequently the imitation does have to be assessed on the basis of the overall impression left by the marks, without necessarily making any general decision on whether the figurative or the verbal element predominates.[41] It does, however, go without saying that similarities in the predominant element will make it easier to find for imitation than if the imitation only relates to an element which, in the specific case, would be considered secondary. If it is the verbal element that is characteristic and determines the overall impression, imitation of it alone would be enough to make the later mark an infringement.[42] Finally, in a very recent ruling,

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[27] TF, November 22, 1984, RSPI 1985.62 c. 3; May 6, 1969, ATF 95 II 461 c. II.1, or SJ 1970.231, or RIPIA 1970.105.

[28] TF, January 28, 1964, ATF 90 II 43 c. 5, or JdT 1964 I 619.

[29] TF, March 30, 1976, ATF 102 II 122 c. 2, or JdT 1976 I 523.

[30] TF, March 10, 1964, ATF 90 II 259 c. 3, or JdT 1965 I 624.

[31] TF, February 14, 1967, ATF 93 II 50 c. 2, or JdT 1967 I 617; December 19, 1967, ATF 93 II 424 c. 4, or JdT 1968 I 632. Geneva, April 6, 1965, SJ 1966.401. On the comparison of marks and external influences, see J. Baumgartner, *op. cit.*, pp. 121 to 125, and the case law and authors mentioned.

[32] TF, December 3, 1930, ATF 56 II 407 c. 2 and 3, or JdT 1931 I 311; E. Matter, *op. cit.*, p. 100; cf. A. Troller, *op. cit.*, Vol. I, pp. 220 *et seq.*; J. Baumgartner, *op. cit.*, pp. 126-127.

[33] TF, May 6, 1947, ATF 73 II 57 c. 3, or SJ 1947.599.

[34] Berne, March 23, 1965, RSPI 1966.146, or RIPIA 1966.56.

[35] TF, October 14, 1952, ATF 78 II 379 c. I, or JdT 1953 I 571.

[36] TF, March 30, 1976, ATF 102 II 122 c. 2, or JdT 1976 I 523.

[37] TF, August 6, 1962, ATF 88 II 378 c. 2, or JdT 1963 I 607.

[38] TF, October 2, 1956, ATF 82 II 539 c. 3, or SJ 1957.504.

[39] TF, May 6, 1969, ATF 95 II 461 c. 1, or SJ 1970.231, or RIPIA 1970.105; August 15, 1977, ATF 103 II 211 c. 3b, or JdT 1978 I 276 (unfair competition).

[40] TF, May 24, 1938, ATF 64 II 244 c. 1, or JdT 1938 I 628.

[41] TF, October 26, 1971, RSPI 1972.63; J. Baumgartner, *op. cit.*, p. 142.

[42] TF, February 14, 1967, ATF 93 II 50 c. 2b, or JdT 1967 I 617.

the Federal Tribunal held that figurative marks with an essential feature consisting of a particular form of writing used for a word are characterized by the word itself, and not by the graphic representation, and in such cases the word is eligible for protection as a word mark.[43]

(b) *Unlawful Appropriation (LMF, Section 24(b))*

This is the affixing of someone else's mark on one's own merchandise. The offender thus physically appropriates the other person's mark in order to affix it on his own goods. It may, for instance, take the form of "refilling,"[44] the attachment of a loose label on the merchandise,[45] the affixing of a label taken from the original merchandise, etc.[46] On the other hand, slavish reproduction of someone else's mark is punished in all its forms by Section 24*(a)* (counterfeiting and imitation) and Section 24*(b)* is not applicable.[47]

(c) *Sale, Offering for Sale or Marketing of Trademarked Goods Known to be Counterfeited, Imitated or Unlawfully Affixed (LMF, Section 24(c))*

Counterfeiting, fraudulent imitation and unlawful appropriation are in some ways preparatory acts requiring subsequent implementation. Offenses under Section 24*(c)* are therefore frequent. The person who himself wrongly affixes the mark (Section 24*(a)* or *(b)*), then puts the product on sale or markets it (Section 24*(c)*), comes under this provision, as an accomplice,[48] even if he disposes of the product free of charge, as "marketing" refers to any act of disposal,[49] notably in the capacity of seller, mandatee or agent. On the other hand, the mere fact of stocking a product is not in itself a criminal act, unlike in certain foreign laws (subject to Section 155 of the CPS in the case of "falsified merchandise held on deposit"; see under (f)).

We have already seen that the LMF is applicable to merchandise in transit in Switzerland: such merchandise therefore infringes Section 24*(c)*.[50] The same applies to marks unlawfully affixed in Switzerland on merchandise intended for export.[51] There is also, obviously, a violation of Section 24*(c)* when merchandise marked abroad in violation of the owner's trademark rights in Switzerland is imported into and marketed in Switzerland,[52] even if the mark has in fact been lawfully affixed abroad.[53]

The APLMF and the draft return this provision to the criminal law and make the offense a more serious one.

A mention should be made here of Section 144 of the CPS, which punishes concealment, and is applicable to a person who acquires goods in bad faith.

(d) *Acts of Participation and Abetting (LMF, Section 24(d))*

This concerns joint offenders and accomplices in both criminal and civil cases.[54]

This provision should not be retained in the overall revision of the LMF. The general provisions of Sections 24 *et seq.* of the CPS cover the cases of abetting. As for the civil law aspects, Section 50 of the CO governs multiple liability. The draft revision of the LMF refers expressly to the general provisions of the CPS and by implication to those of the CO.

(e) *Refusal to State the Origin of Merchandise Possessed that Bears a Copied, Imitated or Unlawfully Affixed Mark (LMF, Section 24(e))*

This is an act independent of the previous ones. The provision is directed against the "possessor," who refuses to respond to the (justified) summons of the owner of the mark or of the judge, for instance, when the seizure order is executed. The person called upon has to provide all the appropriate information on the origin of the goods, and not merely on his immediate supplier.[55]

The APLMF and the draft contain this provision, as a criminal law provision, specifying that the response to the summons has to be given to the competent authority designated by the cantons (a formula taken from the Federal Patent Law), namely, the judge making interim orders or the civil or criminal judge ruling on the merits of the case, as stated in the commentary on the APLMF.

(f) *Counterfeiting of Merchandise, Marketing, Import and Holding in Stock of Such Merchandise (CPS, Sections 153 to 155)*

It is approriate here to quote the provisions of the special part of the CPS appearing under the title "Violations of Property":

[43] TF, April 4, 1984, RSPI 1985.67 c. 5.

[44] TF, September 27, 1901, SJ 1902.17 c. 1: May 27, 1924, ATF 50 II 195 c. 3, or JdT 1924 I 467; June 9, 1931, ATF 57 II 445 c. 10, or SJ 1931.545.

[45] Geneva, October 24, 1969, RIPIA 1970.179, or RSPI 1971.215.

[46] P. Dunant, *op. cit.*, pp. 346-347.

[47] TF, March 18, 1907, ATF 33 I 207 c. 4, or JdT 1908 I 493; Geneva, April 21, 1986, c. 4c (not yet published). A. Troller, *op. cit.*, Vol. II, p. 659.

[48] TF, May 30, 1958, ATF 84 IV 127 c. 1 (jurisprudential change).

[49] Geneva, April 21, 1986, c. 4d (not yet published); H. David, *op. cit.*, p. 282.

[50] TF, October 24, 1983, ATF 109 IV 146 c. 2, or JdT 1984 I 294 and IV 128, or RSPI 1984.332, with note by L. David.

[51] TF, November 2, 1984, ATF 110 IV 108 c. 1, or SJ 1985.460; cf. *supra* I, 6 n. 19-21.

[52] TF, February 12, 1952, ATF 78 II 164 c. 1b, or JdT 1953 I 45; November 15, 1966, ATF 92 II 257 c. II.4, or JdT 1967 I 611, or RIPIA 1968.173.

[53] Geneva, April 5, 1974, RIPIA 1974.285 c. 6, or RSPI 1975.80.

[54] It goes without saying that, in civil law terms, an act of collaboration does not have to be committed "knowingly" to be punishable: thus the case of the negligent or imprudent printer who produces the counterfeited or imitated label is covered: TF, January 20, 1925, ATF 51 II 88, or SJ 1925.193.

[55] H. David, *op. cit.*, pp. 284-285, *ad.* Section 24, Nos. 39-43; P. Dunant, *op. cit.*, pp. 354-355; A. Troller, *op. cit.*, Vol. II, p. 896.

"153. Anyone who, with a view to deceiving another person in business relations, has counterfeited, falsified or depreciated merchandise shall be punished with imprisonment or a fine.

The fine shall be imprisonment for at least one month and a fine if the offender makes such acts his business. The judgment condemning him shall be published.

The merchandise may be confiscated.

154.—(1) Any person who has deliberately placed on sale or marketed in any other way counterfeit, falsified or depreciated merchandise, claiming that it is authentic, unaltered or intact, shall be punished with imprisonment or a fine.

The penalty shall be imprisonment for at least one month and a fine if the offender makes such acts his business. The judgment condemning him shall be published.

(2) Anyone who, through negligence, has marketed or placed on sale counterfeit, falsified or depreciated merchandise, claiming that it is authentic, unaltered or intact, shall be punished with a fine.

(3) The merchandise may be confiscated.

155. Anyone who has imported or held in store counterfeit, falsified or depreciated merchandise in the knowledge that it is intended for use in deceiving another person in business relations shall be punished with detention or a fine.

The judge may order publication of the judgment condemning the offender.

The merchandise may be confiscated."

According to the case law of the Federal Tribunal, this offense is not accomplished by the mere affixing of a false mark, but this interpretation has been criticized by some legal writers, and recent cantonal case law is not consistent with it. It would be outside the scope of this article to discuss this controversy and discuss the ideal or imperfect conjunction of the CPS and the LMF. We shall therefore confine ourselves to referring to a recently published article that deals with the problem and also to a ruling of the Geneva Court.[56]

In a new criminal provision directed against "fraudulent use," which is punishable *ex officio*, the LMF revision draft also prohibits import and storage. Moreover, according to a preliminary draft revision of the CPS, it is proposed that alteration of the substance of the merchandise should no longer be used as the objective element, but rather the fact that "the real intrinsic value is less than appearances lead to believe."

(g) *Untrue Reference to the Filing (or Registration) of the Mark (LMF, Section 26(1))*

De lege lata, the right to the mark is acquired by use: filing followed by registration does not afford any right unless it precedes use and unless use occurs within three years (cf. LMF, Sections 5 and 9). However, as mentioned above, registration is a condition for application of the LMF, and therefore for protection by the provisions we are considering here (cf. LMF, Sections 4 and 28(3)).

Section 26(1) of the LMF punishes untrue references to legal protection enjoyed by the mark, either on the product itself or on its packaging, or alternatively on business papers, for instance through the use of expressions such as "trademark," "*marque déposée*," "reg." or the ® symbol.[57] The purpose of this is to protect fair trading against any form of unlawful appropriation; the provision therefore also relates to unfair competition law, but it constitutes a special infringement in relation to Section 13*(b)* of the LCD ("inaccurate or incorrect indications").[58] It performs a sort of regulatory function in trade rather than the function of protecting trademark owners.

This provision is embodied in the draft of the overall revision of the LMF.

II. The Conditions Governing Criminal Actions

The LMF, which antedates the unification of criminal law by the CPS, embodies a certain number of provisions that are general, as it were, within the meaning of criminal law, alongside provisions defining offenses that are peculiar to trademark law. Section 333 of the CPS makes its own general provisions applicable to offenses provided for in other Federal laws, except where those laws contain such provisions themselves. This produces a certain number of interpretation problems which we shall not concern ourselves with here, neither shall we deal with the questions of the punishability of attempts, mistakes as to rights, accessories to offenses, second offenses, etc.

We shall confine ourselves to the most important questions.

1. All these infringements have to have been committed *intentionally*, according to the first paragraph of Section 18 of the CPS, that is (according to the second paragraph) "knowingly and willfully." The fraud concept includes the contingent fraud that exists in the case law,

"... where the offender expects circumstances constituting an infringement to have arisen, or where he considers it possible that such circumstances might arise, and does not do everything in his power to prevent or even mitigate the consequences thereof; it has in such cases to be acknowledged that he desires or at the very least consents to the outcome" (Federal Tribunal, July 31, 1979, ATF 105 IV 172 c. 4).

The concept of contingent fraud is obviously of great interest in relation to the criminal provisions governing trademarks, in which fraud proper is often difficult to establish.[59] *Negligence* is therefore not punishable

[56] E. Martin-Achard, *"Contrefaçon des marques et falsification de marchandises,"* in *Etudes de droit suisse et de droit comparé de la concurrence*, published on the occasion of the 29th Congress of the International League for Competition Law (LIDC) by its Swiss group, Comparativa No. 34, Geneva, 1986; see also, in *La lutte contre la contrefaçon moderne en droit comparé* (referred to in note 1), the Swiss report by C. Englert and the general report by B. Dutoit (this report is also published in RIC 149.24), which criticizes the TF case law, p. 26. Geneva, April 21, 1986, c. 4a and 5 (not yet published).

[57] TF, February 11, 1944, ATF 70 IV 33, or JdT 1945 IV 88 (parallel provision in the Federal Patent Law).

[58] TF, November 22, 1956, ATF 82 IV 204 c. 2, or JdT 1957 IV 82 (also with respect to patents); it is pointed out that the use of the untrue expression "patents applied for" comes under LCD Section 13*(d)*.

[59] For instance: TF, May 30, 1958, ATF 84 IV 127, or JdT 1958 IV 114: in trademark law there is no specific concept of contingent fraud. Troller, *op. cit.*, Vol. II, pp. 1,000-1,001.

(Section 25(3)), except in the case of the offense referred to in Section 26 of the LMF (cf. CPS, Section 333, third paragraph).

2. The institution of criminal proceedings and entitlement to bring criminal proceedings are governed by the LMF and the CPS.

The offenses listed in Section 24 of the LMF are proceeded against only on a complaint filed under Sections 28 to 31 of the CPS. On the other hand, violation of Section 26 of the LMF, although less severely punished, is proceeded against *ex officio*, in view of this Section's regulatory function in trade, or alternatively on a complaint (in which case the offense is merely reported).

It is appropriate to mention here the time limit for filing a complaint, which is three months from the date on which the complainant established who was responsible for the infringement (CPS, Section 29).[60] This time limit is not set as long as the party affected is not aware of the infringement; in the case of successive infringements, it is set as soon as the most recent act of the offender is discovered. Complaints against persons unknown are acceptable. A mere suspicion is not sufficient for the filing of a complaint; on the other hand, it is not necessary for evidence to be obtained before a complaint is filed. These are the main rules that have emerged from the case law.

Under Section 28 of the CPS, the right to file a complaint belongs to the injured party, but the first paragraph of Section 333 of the CPS makes a reservation in favor of special laws embodying provisions on the same subject. Now Section 27(1) of the LMF specifies, to a limited extent, who is entitled to bring an action, namely, "the purchaser who has been misled" and "the proprietor of the mark." Neither a general agent, nor a competitor nor a licensee is entitled to bring action; the same is true of an association representing a profession or a consumer group.[61]

3. The *sanctions* have remained unchanged since 1890! The infringements referred to in Section 24 of the LMF (which are offenses) are punished with a fine of between 30 and 2,000 Swiss francs, or with imprisonment for between three days and a year, or both penalties at the same time; in the event of a second or subsequent offense, the penalty may be increased up to twice those amounts (Section 25(1) and (2)). The infringement referred to in Section 26 (which is a petty offense) is punished with a fine of between 30 and 500 Swiss francs or by detention for between three days and three months; in the case of a second or subsequent offense, the penalty may be increased up to twice the above amounts (Section 26(1) *in fine* and (2)). For the setting of the penalty, within these legal limits, reference has to be made to Sections 63 *et seq.* of the CPS. According to Section 63, the penalty has to be set "according to the guilt of the offender, due account being taken of his motives, background and personal circumstances."

4. Even in the case of acquittal, there is provision for confiscation and destruction of the marks, the goods or the packaging or wrapping of the goods, etc., and also of the tools and equipment that have served for the counterfeiting (LMF, Section 32(2)), in particular in cases of fraudulent use of an *individual mark* and illegal use of a warranty mark or of a collective mark. On the other hand, the fraudulent reference to protection in connection with a mark is now no more than an infringement. Finally, the time limit for lodging a complaint is increased to six months, and cases of fraudulent use *and illegal use* may be prosecuted *ex officio*.

5. The *procedure* is a matter for cantonal jurisdiction, subject to appeal to the Federal Tribunal. Cantonal law will say whether the injured party is eligible to be party to the procedure and to intervene in the hearing, or even to file his civil complaint with the court. We shall not deal with the matter of competence of courts.

6. The APLMF and the draft propose a number of amendments. First, criminal penalties are dealt with in a separate chapter; then the elements constituting the offenses are specified in order to justify the imposition of more severe sanctions, particularly in cases of fraudulent use and illegal use of a warranty mark or a collective mark; on the other hand, fraudulent reference to the protection of a mark is reduced to the category of a petty offense; finally, the time limit for filing a complaint is increased to six months, and cases of fraudulent use may give rise to prosecution *ex officio*.

III. The Conditions Governing Civil Actions and the Actions Available

1. We have already mentioned Section 27(1) of the LMF, concerning *eligibility* to institute criminal proceedings; this provision also applies to civil proceedings, like Section 24 on actions brought for violation of rights deriving from the right to the mark. The LMF, unlike more recent laws such as the LCD and the Patent Law, gives only an incomplete list of *civil actions*. It provides for action for damages (Section 25(3) *in fine*), actions for confiscation and destruction, and publication of the judgment (Section 32), and action for invalidation (cf. Section 34). Case law has come to allow other actions, such as action for the recognition of rights, including action for annulment of the mark, accorded to any person who has a personal interest in bringing action.

[60] A. Troller, *op. cit.*, Vol. II, pp. 1,012-1,013; J. Wittmer, *"La prescription des actions civiles et pénales pour atteintes à la propriété incorporelle,"* in RSPI, 1961, pp. 24 *et seq.* TF, April 24, 1981, ATF 107 IV 9, or JdT 1981 I 360 (on the subject of LMF Section 24*(e)*).

[61] P. Dunant, *op. cit.*, pp. 371 to 375; J. Wittmer, *op. cit.*, p. 30.

2. The civil actions will mainly have the purpose of:

(a) recording the unlawful character of the act;
(b) terminating the act;
(c) eliminating the wrongful state of circumstances;
(d) compensation for damages;
(e) invalidation of the mark.

(a) Action for a declaration of the unlawful character of the act (not expressly provided for in the LMF) presupposes a legal interest deserving protection and has no connection with fault or negligence or carelessness. It may be brought in conjunction with other actions; its purpose, for instance, may be to have the judgment state and establish that the specified acts of the defendant are prejudicial to the rights in the mark. Where the plaintiff has executed the judgment order and has obtained cessation of the act, he is not entitled also to have the recording of the offense specified in the judgment, except where such a step is in itself justified, for instance, where the judgment orders publication—which, in fact, occurs frequently and consistently in the jurisprudence, particularly in unfair competition cases.[62]

(b) Action for injunction (not expressly provided for in the LMF) seeks to secure judicial prohibition of the repetition of the act committed, or the prohibition of imminent violations of rights; it has to relate to a specific act, accurately described, the repetition or imminence of which is possible and which again has no connection with fault or negligence or carelessness.[63]

The practice has shown the usefulness and efficacy of this action, all the more so as it can be backed up, in the event of failure to comply, with the imposition of a coercive fine (if cantonal law permits) and above all, even *ex officio*, with the threat of the sanctions under Section 292 of the CPS (detention or fine), which makes it a petty offense to fail to comply with a decision of the authority, in this instance the judicial one. That is why the action for injunction has earned the description of "a key weapon in the legal armory" (likewise in both German and Anglo-American law), whereas in French law it is the action for damages and the coercive fine that are more important.[64]

(c) Action for the elimination of the wrongful state of circumstances is provided for in Section 32 of the LMF, which mentions confiscation and destruction. Its purpose is to proceed against acts already accomplished and to bring about the disappearance of their effects by removal, seizure or confiscation, or even withdrawal from circulation, of the infringing mark appearing on the product, in catalogs, prospectuses, business papers, signs, etc., and also the tools and equipment that have been used for the infringement, imitation or unlawful appropriation.

Publication of the judgment appears under this heading also (cf. LMF, Section 32(1), and LCD, Section 6), while at the same time constituting a form of compensation for wrongs suffered.[65]

(d) Action for compensation for damages is mentioned in Section 25(3) *in fine* of the LMF. It is governed, as in the LCD, by civil law: Sections 41 *et seq.* of the CO.[66]

Unlike the previous actions, this one does entail fault, carelessness or negligence attributable to the defendant, and proof of material damage provided by the plaintiff (CO, Section 42, first paragraph), and not merely proof of the perpetration of a wrongful act. If the damages cannot be established in a definite manner—which is often the case in this field—it is ascertained *ex aequo et bono* "by considering the ordinary state of things and the action taken by the injured party" (CO, Section 42, second paragraph, which is an exception to the rule embodied in the first paragraph). According to case law, there is prejudice to the plaintiff when the evidence assembled in the course of the procedure allows the existence of that prejudice to be estimated with a degree of certainty and yet not established definitely.

The damages to be made good therefore have to be equal to the prejudice suffered, established or evaluated, but not equal to the unlawful profit made by the person who committed the act. *De lege lata*, in both trademark law and unfair competition law, the courts do not allow the award to the plaintiff of the amount by which the defendant has been enriched.

Finally, compensation for moral prejudice may be awarded according to Section 49 of the CO, even to legal entities. There has to have been an infringement of personality rights, or of commercial reputation, of particular seriousness; negligence is not sufficient, neither is the existence of material damage. Instances of the award of such compensation are few.[67]

(e) Revocation action (referred to by implication in Section 34 of the LMF) is available to the injured party,

[62] TF, March 17, 1964, ATF 90 II 51 c. 10, or JdT 1964 I 627; November 15, 1966, ATF 92 II 257 c. III 5 to 8, or JdT 1967 I 61 I, or RIPIA 1968.173; November 17, 1967, ATF 93 II 260 c. 8, or JdT 1968 I 628; April 25, 1978, ATF 104 II 124 c. 6, or JdT 1978 I 279; etc.

[63] Cf. the rulings mentioned in note 62, among others. A. Troller, *op. cit.*, Vol. II, pp. 969-971. Even an unused mark can be involved where there is an imminent risk of use: Berne, October 5, 1971, RSPI 1983 II 51 c. 2. With regard to action for injunction, see *"Action en cessation de trouble et mesures provisionnelles en droit suisse de la concurrence,"* in *Etudes de droit suisses et de droit comparé de la concurrence*, *op. cit.*, under note 56.

[64] F. Dessemontet, *"Les dommages-intérêts dans la propriété intellectuelle,"* in JdT 1979 I 322 *et seq.* E. Matter, *op. cit.*, p. 210.

[65] TF, March 30, 1976, ATF 102 II 122 c. 4, or JdT 1976 I 523; November 17, 1967, ATF 93 II 260 c. 8, or JdT 1968 I 628; etc.

[66] On the whole of this question, see F. Dessemontet, study referred to in note 64. A. Troller, *op. cit.*, Vol. II, pp. 977 *et seq.*

[67] Geneva, September 14, 1984, RSPI 1985.49 c. II A 5 (compensation awarded); TF, May 5, 1953, ATF II 316 c. 6, or JdT 1954 I 238; Geneva, October 14, 1955, SJ 1957.245 c. b and November 12, 1982, RSPI 1983 II 121 c. 7 (three cases where the actions were dismissed).

for example, in the case of counterfeiting or imitation with a registered mark.[68] Revocation may also be sought from the court in the case of invalidity of the mark resulting from nullity, lapse for want of use,[69] invalid assignment, etc.; the entitlement to bring an action is broader here, as it belongs to any party concerned, even if he is not eligible according to the strict terms of Section 27 of the LMF, not being the owner of a mark or of a similar mark, as the enumeration in Section 27 is not considered to be controlling.[70] The decision to invalidate a mark includes the right to require the cancellation of its registration, by virtue of Section 34 of the LMF and Section 24(1)(iv) of the implementing ordinance.[71] The same applies in the case of an action based on the LCD alone.[72]

3. The civil procedure is also subject to cantonal law with the possibility of appeal to the Federal Tribunal, including the right to bring a civil action, where appropriate, before a criminal court. We shall not consider the rules of competence of courts here either.[73]

4. As we have already mentioned, the APLMF and the draft introduce a modification in the arrangement of the text by dealing with civil actions and criminal actions in different chapters. It is proposed that associations representing professions and national or regional consumer groups be made eligible to bring certain actions. Finally, among the proposals, we should mention the possibility of bringing an action for the surrender of profits according to the ordinary provisions on agency.

IV. Limitation of Actions

1. Section 28(4) of the LMF sets the time limit for the bringing of criminal and civil actions at two years from the most recent act. This time limit is different from the five-year time limit of criminal law provided for by Section 70 of the CPS[74] and from the one-year time limit of Section 109 of the CPS in the case of petty offenses. On the other hand, the delaying and interruption of the limitation period in criminal actions are governed exclusively by Section 72 of the CPS, from which it follows that the absolute limitation period is three years (Section 72(2), second paragraph).[74]

With regard to civil provisions, we shall not enter into all the details,[75] but merely mention that the limitation period, as mentioned in Section 28(4) of the LMF, runs from the most recent act and not from discovery of the wrongful acts and of the person responsible for them, as in ordinary legal provisions (CO, Section 60, first paragraph).[76] In addition, Section 135 of the CO is applicable to the interruption of the limitation period.

In the APLMF and the draft, it is to the general provisions of the CPS and CO that reference is made, in the absence of special provisions.

2. The limitation of actions should be distinguished from the time-limitation on the right to be invoked—which applies to the various branches of industrial property, unfair competition and business relations.

The latter type of limitation arises where the owner of the right has been inactive for a relatively long period (varying from case to case), to such an extent that the third party who has been wrongfully using it has, in a sense, become its possessor. The owner was aware of the infringement or wrongly failed to recognize it, whereas the third party is or has become *bona fide (bona fides superveniens)*. This defense is not an exception to the normal rules, but rather a factual circumstance that the court can invoke *ex officio*; in such a case, any action by the owner of the right would be contrary to good faith in terms of Section 2 of the CCS, which does not permit the abuse of rights.[77]

The APLMF and the draft propose the introduction of a period of time-limitation for action against a defendant acting in good faith on the basis of a prior right. The draft has adopted a period of five consecutive years of tolerance on the part of the plaintiff.

V. Interim Measures

1. In the subject matter that we are concerned with here, as in other branches of industrial property, copyright and unfair competition law, the importance and usefulness of injunctions and interim measures is clear. Practice and an abundance of case law have confirmed it, and the interest in such measures is demonstrated by

[68] The action is allowed even without awaiting actual use of the mark objected to, if there is an imminent risk of use (Berne, October 5, 1971, RSPI 1983 II 51 c. 2).

[69] It is not sufficient to bring an action for the recording of nullity, however: there has to be an express application for revocation proceedings (TF, February 16, 1971, ATF 97 II 78 c. 1, or JdT 1971 I 605).

[70] TF, October 7, 1904, ATF 30 II 119 c. 4, since confirmed; see in particular TF, June 7, 1950, ATF 76 II 172 c. 4a, or SJ 1951.65; August 26, 1982, ATF 108 II 216 c. 1b, or JdT 1983 I 360, or RSPI 1983 I 70, with note by L. David.

[71] TF, November 17, 1967, ATF 93 II 260 c. 4, or JdT 1968 I 628.

[72] Berne, June 26, 1980, RSPI 1981.67 c. 9b (ruling referred to in note 12, above).

[73] On the subject of recourse to arbitration, see our study, "*La propriété industrielle et l'arbitrage en Suisse,*" in *Recueil de travaux suisses sur l'arbitrage international*, pp. 45-56, Zurich, Polygraphischer Verlag, 1984.

[74] TF, June 20, 1958, ATF 84 IV 91 c. 1, or JdT 1958 IV 107.

[75] cf. Wittmer, *op. cit.*, pp. 34 *et seq.*

[76] Geneva, February 27, 1948, SJ 1948.450 c. II para. E. Matter, *op. cit.*, p. 256; J. Wittmer, *op. cit.*, p. 38.

[77] TF, December 20, 1983, ATF 109 II 338 c. 2a, or JdT 1984 I 301, or *Gewerblicher Rechtsschutz und Urheberrecht (Internationaler Teil)* (GRUR Int.) 1984, with comments by Pedrazzini, p. 502, and the judgments referred to. A. Troller, *op. cit.*, Vol. II, pp. 753-759.

the degree to which the most recent laws on unfair competition and patents (as well as the APLMF and the draft) have developed the subject.[78]

Drawing inspiration from French law, the LMF contains the following provision in Section 31:

> "The court may take the measures to preserve the *status quo* it deems necessary and may, in particular, order the seizure of the tools and apparatus that have been used for the imitation and the products and goods on which the disputed mark has been affixed."

Attention should be drawn to the use of the adverbial expression "in particular": the measures that may be ordered are therefore not merely discovery and seizure. They[79] may be either discovery (seizure of evidence[80] making of an inventory of goods, recording of the contents of a display window or of business premises by a court officer or any other agent of justice under the applicable cantonal law, etc.), or effective (seizure of goods, packaging, etc., purchase by an agent of justice, prohibition on manufacture, display and sale, prohibition on the continuation of a trademark application, etc.), but they cannot consist of an award, even in the form of indemnification of the injured party, as that relates to the substance of the case. To summarize, the measures may serve three purposes (which for civil proceedings are specified by Section 9, first paragraph, of the LCD and by the APLMF, whereas the draft refers by analogy to the recent provisions of the new Sections 28c to 28f of the CCS, introduced by the Federal Law of December 16, 1983): to ensure the future handling of evidence, to preserve the state of things, and to take interim measures to bring about cessation or elimination of acts. In this we see just how important the procedure is, and also how serious the potential consequences are for the parties.

2. Taken literally, Section 31 of the LMF attributes competence only to the court to which the criminal or civil action has been referred. Previously, in the course of the criminal investigation, it was the rules of the cantonal criminal procedure code that applied; the draft LMF itself provides for seizure at that stage, "even where no specific person is punishable." With regard to civil law, legal writers and case law recognize that such measures may be ordered before the start of the proceedings, either on the ground of there being no specific provisions in the law, or in accordance with cantonal procedural law, or again by virtue of the LCD when there is an overlap between it and the LMF.[81]

Section 31 of the LMF says nothing of the conditions under which an interim order may be obtained, so that it is the general principles that have to be applied, which have since been codified by more recent laws such as the LCD—and the CCS, which the draft LMF proposes to apply. We shall try to identify these general principles, which may be grouped under four headings.

(i) The petitioner has to provide convincing evidence that the opposing party has committed, or intends to commit, an act contrary to the law. The court will be satisfied with this and with a cursory examination of the rights involved. There is no need to provide strict proof.[82]

(ii) The interim measure has to be justified by a provision of substantive law capable of affording confirmation of its validity. While it is not necessary for the interim measure to be envisaged as such in the substantive law, the interim measure does, however, have to give an advance indication of what may be ordered in the judgment on the merits under a specific rule of that law, but without being confused with it.[83]

(iii) The petitioner has to provide convincing evidence that he is threatened with being prejudiced so that it will be difficult to indemnify him (and only interim measures may prevent such prejudice to him).[84] "Prejudice for which it is difficult to indemnify him" exists in any event where the petitioner is liable not to collect the damages that might be awarded him in a substantive judgment, owing to the insolvency of the opposing party, or where it may be difficult to adduce proof whereby the damage suffered may be quantified.[85] The prejudice involved may not be simply economic prejudice but also some form of intangible prejudice.[86]

(iv) The interim measures may not be allowed otherwise than in cases of emergency and where any other measure or legal action proves ineffectual for the safeguarding of the petitioner's interests; this procedure implies by its very nature the necessity of immediate protection in the face of an imminent threat.[87] The

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[78] On interim measures, see in particular J. Guyet, *"Action en cessation de trouble et mesures provisionnelles en droit suisse de la concurrence déloyale,"* in *Recueil de travaux*, already mentioned under notes 56 and 63; E. Martin-Achard, *"Le procès en matière de propriété intellectuelle,"* Mém. Fac. de droit de Genève, No. 19, 1964, pp. 42 to 80; A. Troller, *op. cit.*, Vol. II, pp. 1,064 to 1,082; A Gloor, *Vorsorgliche Massnahmen im Spannungsfeld von Bundesrecht und kantonalem Zivilprozessrecht*, Zurich, Polygraphischer Verlag, 1982, pp. 159-166.

[79] E. Martin-Achard, *op. cit.*, pp. 65-66; A. Troller, *op. cit.*, Vol. II, pp. 1,065-1,069.

[80] Geneva, April 17, 1959, SJ 1960.219: Section 31 authorizes any appropriate measure, including those that may be useful for the permanent preservation of a factual situation such as the seizure of real evidence and exhibits, which is tantamount to allowing the early gathering of evidence.

[81] Vaud, February 24, 1981, JdT 1982 III 102, or RSPI 1984.341, and the authors quoted; H. David, *op. cit.*, p. 338, n. 3; A. Troller, *op. cit.*, p. 1064.

[82] TF, March 18, 1982, ATF 108 II 65 c. 21a, or JdT 1982 I 528; St. Gall, December 12, 1984, RSPI 1985.214 c. 2; Argovie, February 24, 1981, RSPI 1981.159 c. 3a.

[83] Geneva, June 28, 1979, SJ 1980.343 c.2.

[84] Geneva, February 13, 1985, SJ 1985.461 c. 1, or RSPI 1985.117.

[85] TF, July 20, 1982, ATF 108 II 228 c. 2b, or JdT 1983 I 372. E. Martin-Achard, *op. cit.*, p. 61.

[86] Zurich, August 26, 1983, RSPI 1984.386 c. 4.

[87] E. Martin-Achard, *op. cit.*, p. 61, and Geneva, January 30, 1976, SJ 1977.60 c. 2. P.F. Bellot, *La loi de procédure civile du Canton de Genève*, 4th ed., 1877, Geneva/Paris, p. 21.

emergency concept deserves to be enlarged on somewhat. A ruling of the Federal Tribunal of October 6, 1981, gives it a very extensive meaning:[88]

> "Any interim measure implicitly embodies the emergency concept, in a certain sense. The purpose of the measure is actually to assure the petitioner of protection even before the final decision, in cases where there is a risk of that decision being rendered too late.... The actual urgency is relative, however, being determined solely by the slowness with which the substantive proceedings usually take place. This definition of an emergency therefore does not prevent interim measures from being taken even though the petitioner may already have suffered damage, where there is a risk of further damage still being caused.... It follows that, in the present case, contrary to the grounds on which the contested decision is based, the fact that the petitioner, although aware since January 1977 of the goods and articles manufactured by those proceeded against, took no action until October 2, 1978, cannot be considered a decisive factor."

In a recent ruling, the Geneva Court[89] held that, even though more than nine months had elapsed between the petitioner's awareness of the offending acts and the time of filing of the request for interim measures, during which time the parties had engaged in talks, the emergency condition was still met, particularly in view of the above-mentioned case law of the Federal Tribunal. It has to be determined whether or not the petitioner had a valid reason for allowing time to elapse; if he did not, his attitude indicates that there was no danger of imminent damage; if, on the other hand, he did, the right does not lapse even if a relatively long time has passed since the facts were known. In a very recent ruling—in family law, but that is immaterial—the Geneva Court, referring to French law, stated that:[90]

> "... where it is a question of protecting the petitioner from damage for which it would be difficult to indemnify him, in other words 'whenever a delay in providing a provisional solution, without in any way prejudging the substance of the case, jeopardizes the interests of one of the parties,' this constitutes an emergency" (cf. *Juris-Classeur de procédure*, fasc. 233, p. 5, No. 18-20).

3. It would be outside the scope of this study to consider the procedure for the grant of interim measures, possible ways to appeal and rules of competence of courts. We refer the reader to the works mentioned in note 78, while mentioning at the same time that in Geneva the provisions of the Civil Procedure Law have recently undergone a complete revision, by virtue of a law of June 25, 1981. It seems interesting nevertheless to point out a number of procedural points that are widely encountered. If there is danger in delay, the court may provisionally grant all or part of the measure applied for without prior summons of the parties; this first, as it were "pre-interim" order is then confirmed, modified, completed or cancelled after the parties have been summoned. In the event of new circumstances arising, the order may be modified or revoked. However, if the substantive proceedings are pending, it is then the court before which they are taking place that is competent; it is also competent in respect of a petition filed while proceedings are going on. The interim order operates on the entire territory of the Confederation, if necessary. It is implemented according to the rules specific to each canton. In order to ensure its implementation, the threat of the sanctions in Section 292 of the CPS is also applicable.

4. This provisional character of the order requires supervision by the court ruling on the substance, before which an action on the substance and by way of validation has to be brought prior to the expiry of a binding time limit following the serving of the writ of execution, except where the parties agree otherwise; failing which the order ceases to operate. The petitioner may be required to put up security by way of guarantee against any damage that might be caused. Moreover, the party proceeded against may, if he has suffered a damage due to the measure, bring an action for damages in the event of dismissal of the substantive action or lapse of the order for want of a validating action.[91] Actions are barred after one year following the date on which the measure came to an end (CO, Section 60). The court will rule by virtue of its power of appraisal according to the rules of law and equity.[92]

5. The draft LMF, as already mentioned, provides for reference to Sections 28c to 28f of the CCS, and proposes that it be possible to refer to the court even if it is not itself competent to hear the case on its merits.

* * *

It would be somewhat unoriginal to conclude by drawing attention to the present phenomenon of counterfeiting, which is expanding into a new worldwide dimension and causing concern to WIPO and specialized international associations.[93]

Swiss legislation has not yet been adapted to this new dimension; among other things it has never organized customs seizure in this area—or better, a procedure obliging or allowing the customs to inform the injured party (see Article 9 of the Paris Convention). However, the preparatory work on the overall revision of the LMF

[88] TF, October 6, 1981, RSPI 1983 II 148. Also Zurich, ZR 77 (1978) No. 9.

[89] Geneva, February 24, 1984, RSPI 1984.245 and note by M. Muhlstein.

[90] Geneva, March 14, 1986, SJ 1986.365.

[91] Cantonal law may regulate this action; moreover, instead of the provisions of cantonal law, the injured party may invoke Sections 41 *et seq.* of the CO: TF, September 6, 1962, ATF 88 II 276 c. 3, or JdT 1963 I 140.

[92] TF, May 15, 1979, ATF 105 II 143 c. 6c, or JdT 1979 I 265.

[93] Cf. *La lutte contre la contrefaçon moderne en droit comparé, op. cit.* note 1; the general report by Dutoit is also published in RIC 149.24. "Protection against Piracy in the Field of Industrial Property," introduction and contributions by Aracama Zorraquín, Carlisle, Franceschelli, Siemsen and Faria Correa, Thrierr, Walker, *Industrial Property*, 1982, pp. 305-328. See also the current work of the International Association for the Protection of Industrial Property (AIPPI) (London Congress, June 8-13, 1986) and of the LIDC (Lucerne Congress, September 13-17, 1986).

leads one to expect the introduction, eventually, of a legislative instrument capable of dealing with the problem, combined with proposals for amendment of the CPS and also with the revision of the LCD now in progress. The actual procedural provisions, featuring notably, in the civil law domain, action for injunction and interim measures, combined with the threat of criminal sanctions in the event of failure to comply, do on the other hand provide a satisfactory "legal framework." In this, Swiss law, both Federal and cantonal, has an interesting input to offer to the work of the WIPO Committee of Experts on the Protection Against Counterfeiting.[94]

[94] Cf. the report adopted at the first session (Geneva, May 5-7, 1986), document PAC/CE/I/4.

Calendar of Meetings

WIPO Meetings

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

1987

February 23 to 27 (Geneva) — Nice Union: Preparatory Working Gronp

March 9 to 13 (Geneva) — Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights

March 18 to 20 (Stockholm) — Group of Experts on the Preparation of the IPC Seminar

March 23 to 27 (Geneva) — Committee of Experts on the Harmonization of Certain Provisions in Laws for the Protection of Inventions (Third Session)

March 30 to April 3 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Gronp on General Information

April 6 and 7 (Geneva) — Permanent Committee on Patent Information (PCPI)

April 27 to 30 (Geneva) — Committee of Experts on Intellectual Property in Respect of Integrated Circuits (Third Session)

May 4 to 15 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Gronp on Search Information

May 5 to 8 (Geneva) — Permanent Committee for Development Cooperation Related to Industrial Property

May 11 to 13 (Geneva) — Vienna Union: Working Gronp on the International Classification of the Figurative Elements of Marks

May 11 to 15 (Paris) — Committee of Governmental Experts on Dramatic, Choreographic and Musical Works (convened jointly with Unesco)

May 18 to 23 and 26 (Geneva) — Consultative Meeting on the Revision of the Paris Convention (Third Session)

May 25 to 29 (Geneva) — Committee of Experts on the Protection Against Counterfeiting (Second Session)

Jnne 11 to 19 (Washington) — Permanent Committee on Patent Information (PCPI): Working Groups on Special Questions and on Planning

June 22 to 26 (Geneva) — Madrid Union: Working Group on Links Between the Madrid Agreement and the Proposed (European) Commnnity Trade Mark

June 22 to 30 (Geneva) — Berne Union: Executive Committee (Extraordinary Session) (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)

June 29 to Jnly 3 (Geneva) — Committee of Experts on Biotechnological Inventions and Industrial Property (Third Session)

July 1 to 3 (Geneva) — Rome Convention: Intergovernmental Committee (Ordinary Session) (convened jointly with ILO and Unesco)

September 2 to 4 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Gronp on Patent Information for Developing Countries

September 7 to 11 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation (PCT/CTC)

September 14 to 19 and 22 (Geneva) (to be confirmed) — Consultative Meeting on the Revision of the Paris Convention (Fourth Session)

September 21 to 30 (Geneva) — Governing Bodies (WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT, Bndapest, TRT, Vienna 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): Ordinary Sessions

October 5 to 9 (Geneva) — Committee of Governmental Experts on Works of Applied Art (convened jointly with Unesco)

November 2 to 6 (Geneva) — Committee of Experts on the Harmonization of Certain Provisions in Laws for the Protection of Inventions (Fonrth Session)

November 23 to December 4 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on Search Information

November 30 to December 4 (Geneva) — Committee of Governmental Experts on the Printed Word (convened jointly with Unesco)

UPOV Meetings

1987

March 17 to 20 (Kiryat Anavim) — Technical Working Party for Fruit Crops, and Snbgroup

March 23 to 26 (Kiryat Anavim) — Technical Working Party for Ornamental Plants and Forest Trees

March 30 (Geneva) — Subgroup on Biotechnology

March 31 and April 1 (Geneva) — Administrative and Legal Committee

April 2 (Geneva) — Consultative Committee

June 2 to 4 (Bamberg) — Technical Working Party for Vegetables

June 10 to 12 (Copenhagen) — Technical Working Party on Automation and Computer Programs

June 23 to 25 (Geneva) — Technical Working Party for Agricultural Crops

October 13 and 14 (Geneva) — Technical Committee

October 15 and 16 (Geneva) — Administrative and Legal Committee

October 17 (Geneva) — Subgroup on Biotechnology

October 19 (Geneva) — Consultative Committee

October 20 (Geneva) — Meeting with International Organizations

October 21 and 22 (Geneva) — Council

Other Meetings Concerned with Industrial Property

1987

March 25 (London) — Pharmaceutical Trade Marks Group: 34th Conference

June 1 to 5 (Vienna) — European Patent Organisation: Administrative Council

June 7 to 11 (Dublin) — Union of European Practitioners in Industrial Property: Congress

July 20 to 22 (Cambridge) — International Association for the Advancement of Teaching and Research in Intellectual Property: Annual Meeting

December 7 to 11 (Munich) — European Patent Organisation: Administrative Council