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Contents

NOTIFICATIONS CONCERNING TREATIES

WIPO Convention. Accession: Guinea-Bissau	139
Paris Convention. Accession: Guinea-Bissau	139
Budapest Treaty	
I. Change of Address: Fermentation Research Institute (FRI) (Japan)	139
II. Communication of the European Patent Organisation (EPO): Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH (DSM) (Federal Republic of Germany)	139

ACTIVITIES OF THE INTERNATIONAL BUREAU

The World Intellectual Property Organization in 1987. Industrial Property and Patent Information Activities	142
---	-----

WIPO MEETINGS

Locarno Union. Committee of Experts on the International Classification for Industrial Designs. Fifth Session (Geneva, February 1 to 5, 1988)	161
---	-----

STUDIES

A Review of the Amendments to the Patent Law of the Republic of Korea, by <i>Byung Kyun Lee</i>	163
---	-----

NEWS ITEMS

The International Union for the Protection of New Varieties of Plants (UPOV) in 1987	169
--	-----

CALENDAR OF MEETINGS	173
--------------------------------	-----

INDUSTRIAL PROPERTY LAWS AND TREATIES (INSERT)

Editor's Note

REPUBLIC OF KOREA

Patent Law (No. 950 of December 31, 1961, as last amended by Law No. 3891 of December 31, 1986) (Sections 80-2 to 167 and Addenda)	Text 2-001
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Notifications Concerning Treaties

WIPO Convention

Accession

GUINEA-BISSAU

The Government of Guinea-Bissau deposited, on March 28, 1988, its instrument of accession to the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967.

The said Convention, as amended on October 2, 1979, will enter into force, with respect to Guinea-Bissau, on June 28, 1988.

WIPO Notification No. 141, of March 28, 1988.

Paris Convention

Accession

GUINEA-BISSAU

The Government of Guinea-Bissau deposited, on March 28, 1988, its instrument of accession to the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Stockholm on July 14, 1967, and amended on October 2, 1979.

Guinea-Bissau has not heretofore been a member of the International Union for the Protection of Industrial Property ("Paris Union"), founded by the Paris Convention.

The Paris Convention as revised at Stockholm on July 14, 1967, and amended on October 2, 1979, will enter into force, with respect to Guinea-Bissau, on June 28, 1988. On that date, Guinea-Bissau will become a member of the Paris Union.

Guinea-Bissau will belong to class VII for the purpose of establishing its contribution towards the budget of the Paris Union.

Paris Notification No. 118, of March 28, 1988.

Budapest Treaty

I. Change of Address

FERMENTATION RESEARCH INSTITUTE (FRI) (Japan)

The Government of Japan has informed the Director General of WIPO by a communication of March 1, 1988, which was received on March 3, 1988, that the address of the Fermentation Research Institute (FRI), an international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, is as follows:

1-3, Higashi 1-chome
Tsukuba-shi
Ibaraki-ken
305 Japan

The change in the address is due solely to the creation of a new city ("Tsukuba-shi") encompassing the area of the former city ("Yatabe-machi") within which the said international depositary authority is located.

Budapest Communication No. 42 (this Communication is the subject of Budapest Notification No. 68, of March 10, 1988).

II. Communication of the European Patent Organisation (EPO)

DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH (DSM) (Federal Republic of Germany)

(formerly known as "Deutsche Sammlung
von Mikroorganismen")

The following written communication from the European Patent Organisation (EPO), dated March 8, 1988, was received on March 10, 1988, by the Director General of WIPO under the Budapest Treaty:

"I refer to the correspondence of the European Patent Organisation of July 23, 1981, concerning the acquisition, by the "Deutsche Sammlung von Mikroorganismen Gesellschaft für Biotechnologische Forschung mbH" (hereinafter "DSM

GBFmbH"), of the status of international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

As a result of the above communication, the DSM GBFmbH acquired the status of international depositary authority on October 1, 1981.

I have the honor to inform you of the following changes concerning that authority:

1. *Legal Status, Name and Address*

The *Land* of Lower Saxony (Niedersachsen) decided on December 15, 1987, that the DSM GBFmbH would, on January 1, 1988, become a legally independent body set up in the form of a private limited company (*Gesellschaft mit beschränkter Haftung*) with the *Land* of Lower Saxony as its sole stockholder.

The DSM GBFmbH, as a legally independent body, has been given the following name:

"DSM—Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH," abbreviated to "DSM."

It is domiciled at the following address:

Mascheroder Weg 1b
D—3300 Braunschweig
Federal Republic of Germany
Tel.: (0531)6187-0
Telex: 431104 DSM
Fax: (0531)6187-18.

The Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH (hereinafter DSM GmbH) is entirely financed by the *Land* of Lower Saxony.

The DSM GmbH is the legal successor to the DSM GBFmbH, all of whose activities and commitments it has taken over.

To that end, the DSM GmbH is provided with staff and premises the details of which are given in Annex 1 to this letter.

In view of the foregoing, I have the honor to inform you that the assurances provided on July 23, 1981, by the European Patent Organisation, according to which the DSM GBFmbH fulfills and will continue to fulfill the conditions specified in Article 6(2) of the Budapest Treaty, apply to the DSM GmbH.

2. *Official Language*

German continues to be the official language of the DSM GmbH, and English may still be used as a language for correspondence. The depositary authority also accepts correspondence in French, except in the case of forms.

3. *Extension of the List of Kinds of Microorganisms Accepted for Deposit*

Under Rule 3.3 of the Regulations under the Budapest Treaty, the assurances provided by the

European Patent Organisation in its communication of July 23, 1981, are extended to:

- plasmids,
- (a) in the host,
- (b) in the form of isolated DNA preparation.

Annex 2 contains the full list of kinds of microorganisms accepted by the DSM GmbH; it replaces that given in the communication of July 23, 1981.

4. *Modification of Fee Schedule*

Pursuant to Rule 12.2 of the Regulations under the Budapest Treaty, the fee schedule of the DSM GmbH has been modified. The modified schedule is to be found in Annex 3.

5. *Modification of Requirements Pursuant to Rule 6.3 of the Regulations under the Budapest Treaty*

The requirements of the DSM GmbH pursuant to Rule 6.3 of the Regulations under the Budapest Treaty have been modified. The requirements applicable in future are to be found in Annex 4.

Annex 1 *Information about the International* *Depositary Authority*

1. *Staff*

- (a) Total number of employees: 44.5.
- (b) Number of graduates: 18.
- (c) The DSM is subdivided into working groups, each responsible for particular groups of microorganisms or specific areas. Deposits of microorganisms for patent purposes are processed in a separate group.

2. *Facilities*

(a) *Premises*

The DSM has premises with a total area of approximately 2,100 m².

(b) *General description of premises*

The DSM rents two floors in a new laboratory building to which other occupants do not have access.

The DSM laboratories are equipped with up-to-date facilities, allowing all general microbiological work to be carried out efficiently. All modern processes (lyophilization, storage in liquid nitrogen) for long-term storage of microorganisms are available.

Annex 2

Kinds of Microorganisms Accepted for Deposit by the International Depositary Authority

The following are accepted for deposit:

1. Bacteria, including actinomycetes,
2. fungi, including yeasts,
3. bacteriophages,
4. plasmids
 - (a) in a host,
 - (b) as an isolated DNA preparation.

The following phytopathogenic microorganisms are *not* accepted for deposit:

Coniothyrium fagacearum,
Endothia parasitica,
Gloeosporium ampelophagum,
Septoria musiva,
Synchytrium endobioticum.

The DSM accepts for deposit only those organisms which, pursuant to DIN 58 956 Part 1 (supplementary sheet 1), belong to hazard group I or II.

It must be possible to process genetically manipulated strains or isolated DNA in accordance with Laboratory Safety Measures L1 or L2 contained in "*Richtlinien zum Schutz vor Gefahren durch in-vitro neukombinierte Nukleinsäuren*"¹ [Guidelines on protection against hazards resulting from *in vitro* recombinant nucleic acids].

The DSM reserves the right to refuse to accept for deposit material which in its view represents an unacceptable hazard.

In all instances, it must be possible to preserve the deposited material by lyophilization or storage in liquid nitrogen without significant change.

Annex 3

Fee Schedule

1. Storage (Rule 12.1(a)(i))	DM 950
2. Issuance of a viability statement (Rule 12.1(a)(iii))	
(a) where a viability test is also requested	80
(b) in other cases	40
3. Furnishing of a sample (Rule 12.1(a)(iv))	70
4. Communication of information under Rule 7.6	30

As a general rule, the fees under 1, 2 and 4, above, are subject to VAT, currently at the rate of 7%. Where samples are furnished, VAT will be charged only to requesting parties in the Federal Republic of Germany.

Annex 4

Modification of Requirements Pursuant to Rule 6.3 of the Regulations under the Budapest Treaty

1. The DSM must be supplied with two preparations, if possible in the form of active cultures, of any microorganism to be deposited.
2. The deposit must be accompanied by the appropriate form duly completed (Form DSM-BP/1: Original Deposit; DSM-BP/2: New Deposit; or DSM-BP/3: New Deposit with Another International Depositary Authority, in English or German). Depositors can obtain these from the DSM (separate forms are to be used for bacteria and fungi, bacteriophages and isolated plasmids).
3. The fee for storage mentioned in Rule 12.1(a)(i) of the Regulations under the Budapest Treaty must be paid."

[End of text of the communication of the European Patent Organisation]

The list of kinds of microorganisms specified in Annex 2 of the communication of the EPO and the amendments to the requirements provided for by Rule 6.3 of the Regulations under the Budapest Treaty, which are set forth in Annex 4 of the said communication, will take effect as from April 30, 1988, the date of publication of the said communication in the present issue of *Industrial Property*. The said list of kinds of microorganisms and the said requirements will replace the list of kinds of microorganisms and the requirements published in the September 1981 issue of *Industrial Property*.

The fees set forth in Annex 3 of the said communication will apply as from the thirtieth day following the date of publication (April 30, 1988) of the said fees in the present issue of *Industrial Property*, that is, as from May 30, 1988 (see Rule 12.2(c) of the Regulations under the Budapest Treaty). The said fees will replace the fees as published in the September 1981 issue of *Industrial Property*.

Budapest Communication No. 43 (this Communication is the subject of Budapest Notification No. 69, of April 5, 1988).

¹ 5th revised version, German Federal Ministry for Research and Technology, May 1986, Bundesanzeiger Verlagsgesellschaft mbH, Cologne.

Activities of the International Bureau

The World Intellectual Property Organization in 1987*

Industrial Property and Patent Information Activities

I. Information Concerning Intellectual Property

Objective

The objective is to increase and spread knowledge about the doctrine, legislation, frequency of use and practical administration of intellectual property.

Activities

The periodicals *Industrial Property* and *La Propriété industrielle* and *Copyright* and *Le Droit d'auteur* continued to be published each month.

Collection of Intellectual Property Laws and Treaties. WIPO continued to keep up to date its collection of the texts of intellectual property laws and regulations of all countries and of treaties dealing with intellectual property, both in their original languages and in English and French translations. The most important texts were published in the above-mentioned four periodicals.

Surveys of the Practical Administration of Industrial Property Laws. Work continued on the preparation of the survey entitled *The Situation of Industrial Property in the Countries of Africa*: country reports prepared by two WIPO consultants were revised and completed by WIPO officials and further country reports were prepared. That survey was published in August.

Industrial Property Statistics. In March, an abridged edition (publication "A") of the industrial property

statistics (patents) for 1985 was issued. An exhaustive compilation of industrial property statistics based on information supplied by industrial property offices (publication "B") was issued in two separate volumes: Part I: Patents (and similar industrial property rights) in August, and Part II: Marks (and other industrial property rights) in November.

Revision of the Paris Convention for the Protection of Industrial Property

In January, May and September, the second, third and fourth *Consultative Meetings on the Revision of the Paris Convention* took place in Geneva. The Consultative Meetings took place pursuant to the decision taken at the ninth session, in September 1984, of the Assembly of the Paris Union that the machinery for consultation would consist of consultative meetings, as well as pursuant to the decisions taken by the Spokesmen of the three Groups (Group of Developing Countries, Group B and Group D) at the preparatory meeting held in Geneva on December 20, 1984. The first of such consultative meetings had taken place in Geneva in June 1985.

The *second Consultative Meeting* in January dealt with Articles 5A and 5quater and subsequently with Article 1 of the Paris Convention. The following States participated in that meeting:

(i) in respect of the discussions on Articles 5A and 5quater:

- for the *Group of Developing Countries*: Algeria (Spokesman), Argentina, Brazil, Cuba, Egypt, Ghana, Mexico, Morocco, Philippines, Syria, Yugoslavia (on each day, 10 representatives, 10 States);
- for *Group B*: Germany (Federal Republic of) (Spokesman), Australia, France, Italy, Japan, Portugal, Sweden, Switzerland, United Kingdom, United States of America (10 representatives, 10 States);

* This article is the second part of a report on the main activities of WIPO in general and in the field of industrial property. Activities in the fields of copyright and neighboring rights are covered in a corresponding report in the review *Copyright*.

The first part dealt with the activities of WIPO as such and with development cooperation activities in respect of industrial property and patent information. This second part deals with other industrial property and patent information activities.

- *for Group D:* Soviet Union (Spokesman), Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland (10 representatives, six States);
- *China* (one representative, one State);

(ii) in respect of the discussions on Article 1:

- *for the Group of Developing Countries:* Algeria (Spokesman), Argentina, Brazil, Cuba, Ghana, Mexico, Morocco, Philippines, Syria, Yugoslavia (10 representatives, 10 States);
- *for Group B:* Germany (Federal Republic of) (Spokesman), Australia, Belgium, Denmark, France, Netherlands, Norway, Switzerland, United Kingdom, United States of America (10 representatives, 10 States);
- *for Group D:* Soviet Union (Spokesman), Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland (10 representatives, six States);
- *China* (one representative, one State).

As agreed by the Spokesmen of the three Groups and the Representative of China, the Director General of WIPO acted as Chairman of the Consultative Meeting.

The three Spokesmen and the Representative of China agreed that the next consultative meeting in May would consider, in addition to Articles 10*quater*, A and B, also Articles 5A and 5*quater*.

The *third Consultative Meeting* in May dealt with Articles 5A and 5*quater*, 10*quater* and A and B of the Paris Convention. The following States participated in that meeting:

(i) in respect of the discussions on Articles 5A and 5*quater*:

- *for the Group of Developing Countries:* Algeria (Spokesman), Argentina, Brazil, Egypt, Ghana, Philippines, Syria, United Republic of Tanzania, Yugoslavia, Zimbabwe (10 representatives, 10 States);
- *for Group B:* Germany (Federal Republic of) (Spokesman), Australia, Denmark, France, Italy, Japan, Portugal, Sweden, Switzerland, United Kingdom, United States of America (on each day, 10 representatives, 10 States);
- *for Group D:* Soviet Union (spokesman), Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland (10 representatives, six States);
- *China* (one representative, one State);

(ii) in respect of the discussions on Article 10*quater*:

- *for the Group of Developing Countries:* Algeria (Spokesman), Argentina, Brazil, Ghana, Philippines, Syria, United Republic of Tanzania (seven representatives, seven States);

- *for Group B:* Germany (Federal Republic of) (Spokesman), Australia, Austria, Canada, Finland, France, Greece, Japan, Spain, United States of America (10 representatives, 10 States);

- *for Group D:* Soviet Union (Spokesman), Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland (10 representatives, six States);

- *China* (one representative, one State);

(iii) in respect of the discussions on Articles A and B:

- *for the Group of Developing Countries:* Algeria (Spokesman), Argentina, Brazil, Ghana, Philippines, Syria, United Republic of Tanzania (seven representatives, seven States);

- *for Group B:* Germany (Federal Republic of) (Spokesman), Australia, Denmark, France, Japan, Portugal, Sweden, Switzerland, United Kingdom, United States of America (10 representatives, 10 States);

- *for Group D:* Soviet Union (Spokesman), Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland (10 representatives, six States);

- *China* (one representative, one State).

As agreed by the Spokesmen of the three Groups and the Representative of China, the Director General of WIPO acted as Chairman of the Consultative Meeting.

The three Spokesmen and the Representative of China agreed that, at the fourth Consultative Meeting in September, in addition to Article 1, any question concerning the revision of the Paris Convention could be brought up for discussion.

The *fourth Consultative Meeting* in September dealt with Article 1 of the Paris Convention. The following States participated in that meeting:

- *for the Group of Developing Countries:* Ghana (Spokesman), Algeria, Argentina, Brazil, Cuba, Egypt, Mexico, Senegal, United Republic of Tanzania, Yugoslavia (10 representatives, 10 States);

- *for Group B:* Germany (Federal Republic of) (Spokesman), Australia, Belgium, Denmark, France, Netherlands, Norway, Switzerland, United Kingdom, United States of America (10 representatives, 10 States);

- *for Group D:* Soviet Union (Spokesman), Bulgaria, Czechoslovakia, German Democratic Republic, Hungary, Poland (10 representatives, six States);

- *China* (one representative, one State).

As agreed by the Spokesmen of the three Groups and the Representative of China, the Director General of WIPO acted as Chairman of the Consultative Meeting.

II. Industrial Property Questions of Topical Interest

Objective

The objective is to look for solutions to specific questions of a legal nature, and of topical interest, in the field of the protection of industrial property. These questions are of topical interest because they are raised by recent changes in the social, economic or technological environment in which mankind lives.

Activities

In March, the *Committee of Experts on the Harmonization of Certain Provisions in Laws for the Protection of Inventions* held its third session. The following 41 States were represented at the session: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, China, Colombia (observer), Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Denmark, Finland, France, Germany (Federal Republic of), Greece, Hungary, Ireland, Israel, Italy, Japan, Madagascar, Mexico, Morocco, Netherlands, Norway, Poland, Portugal, Republic of Korea, Soviet Union, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States of America, Uruguay, Venezuela (observer), Yugoslavia. Since only States members of the Paris Union were invited, the representatives of Colombia and Venezuela wished to be considered as observers. In addition, representatives of two intergovernmental organizations (Commission of the European Communities (CEC), European Patent Organisation (EPO)) and 26 non-governmental organizations (American Bar Association (ABA), American Intellectual Property Law Association (AIPLA), Asian Patent Attorneys Association (APAA), Bundesverband der Deutschen Industrie e.V. (BDI), Chartered Institute of Patent Agents (CIPA), Committee of National Institutes of Patent Agents (CNIPA), Deutsche Vereinigung für Gewerblichen Rechtsschutz und Urheberrecht (DVGR), European Council of Chemical Manufacturers' Federations (CEFIC), European Federation of Agents of Industry in Industrial Property (FEMIP), Institute of Professional Representatives Before the European Patent Office (EPI), Intellectual Property Owners, Inc. (IPO), Inter-American Association of Industrial Property (ASIPI), International Association for the Protection of Industrial Property (AIPPI), International Chamber of Commerce (ICC), International Confederation of Free Trade Unions (ICFTU), International Federation of Industrial Property Attorneys (FICPI), International Federation of Inventors' Associations (IFIA), International Federation of Pharmaceutical Manufacturers Associations (IFPMA), International League for Competition Law (LIDC), International Patent and Trademark Association (IPTA), Japanese Patent Attorneys Association (JPAA),

Licensing Executives Society (International) (LES), New York Patent, Trademark and Copyright Law Association, Inc. (NYPTC), Pacific Industrial Property Association (PIPA), Union of European Practitioners in Industrial Property (UEPIP), Union of Industries of the European Community (UNICE)) participated in an observer capacity.

Discussions were based on several documents prepared by the International Bureau which dealt with 10 questions. Three questions were considered by the Committee of Experts for the third time, four for the second time and three for the first time. The Committee of Experts also considered the possibility of studying additional questions.

The three questions that had already been considered by the Committee of Experts in its first and second sessions were the grace period for public disclosure of an invention before filing an application, the requirements in respect of the granting of a filing date to a patent application, and the requirements in respect of the naming of the inventor and in respect of evidence to be furnished concerning the entitlement of the applicant. The four questions that had already been considered by the Committee of Experts in its second session were the requirements in respect of the manner of claiming in patent applications, the requirements in respect of unity of invention in patent applications, the extension of patent protection for a process to the products obtained by that process and proof of infringement of a process patent, and the prior art effect of previously filed but yet unpublished patent applications. The three questions considered by the Committee of Experts for the first time concerned the requirements in respect of the manner of description of an invention in patent applications, the right to a patent where several inventors have made the same invention independently and interpretation of patent claims. The Committee of Experts also considered additional possible questions to be studied within the framework of harmonization, in particular exclusions from patent protection and duration of patents.

The Committee of Experts expressed general support for WIPO's efforts in the harmonization of patent laws. Significant progress was made towards reaching an agreement on the solutions proposed by the International Bureau in respect of the 10 questions considered by the Committee of Experts and the proposals embodied in the draft Treaty and Regulations contained in document HL/CE/III/2.

In endorsing the continuation of the work of the International Bureau, the Committee of Experts discussed the possibility of the International Bureau also studying the question of abstracts and the question of *restitutio in integrum* where the 12-month time limit for claiming priority under Article 4 of the Paris Convention could not be met.

In January, in response to suggestions made during the second session of the Committee of Experts on Intellectual Property in Respect of Integrated Circuits

(June 1986), the Director General of WIPO held in Geneva "technical consultations on questions of intellectual property in respect of integrated circuits," in order to examine with experts of developing countries questions of special possible interest to the said countries in this field. Experts from the following developing countries participated in the technical consultations: Algeria, Argentina, Brazil, Cuba, Ghana, India, Mexico, Morocco, Republic of Korea, Venezuela.

In April, the third session of the *Committee of Experts on Intellectual Property in Respect of Integrated Circuits* took place in Geneva. Experts from the following 37 States participated: Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Cameroon, Canada, Colombia, Denmark, Finland, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, India, Ireland, Italy, Japan, Luxembourg, Madagascar, Morocco, Netherlands, Norway, Pakistan, Panama, Republic of Korea, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Yugoslavia. In addition, experts from two intergovernmental organizations (CEC, European Free Trade Association (EFTA)) and 17 non governmental organizations (AIPPI, British Computer Society (BCS), CIPA, CNIPA, Computer and Business Equipment Manufacturers Association (CBEMA), Electronic Industries Association of Japan (EIAJ), FICPI, ICC, Industrial Property Cooperation Center (IPCC), International Law Association (ILA), International Publishers Association (IPA), IPTA, LIDC, Max Planck Institute for Foreign and International Patent, Copyright and Competition Law, Semiconductor Industry Association (SIA), UEPPI, UNICE) participated as observers.

Discussions were primarily based on a draft Treaty with Explanatory Notes prepared by the International Bureau.

The draft Treaty was discussed in detail. Whereas a number of delegations in general agreed with the draft, other delegations expressed reservations, and one delegation presented an alternative draft. It was noted that the decision whether a possible diplomatic conference should be convened would be taken within the framework of the September 1987 session of the Governing Bodies of WIPO.

In May, the second session of the *WIPO Committee of Experts on Protection Against Counterfeiting* was held in Geneva.

The meeting was attended by some 90 participants from 37 States: Algeria, Argentina, Australia, Austria, Brazil, Bulgaria, Canada, China, Colombia, Côte d'Ivoire, Cuba, Denmark, Egypt, Finland, France, Germany (Federal Republic of), Greece, India, Indonesia, Ireland, Italy, Japan, Libya, Madagascar, Mexico, Morocco, Netherlands, Norway, Pakistan, Panama, Republic of Korea, Spain, Sweden, Swit-

zerland, Turkey, United Kingdom, United States of America; five intergovernmental organizations (General Agreement on Tariffs and Trade (GATT), World Health Organization (WHO), CEC, Customs Cooperation Council (CCC), International Criminal Police Organization (INTERPOL/ICPO)); and 26 non-governmental organizations (ABA, AIPPI, APAA, Brazilian Association of Industrial Property (ABPI), CEFIC, Center for International Industrial Property Studies (CEIPI), CIPA, Committee Against Counterfeiting (CO.L.C.), CNIPA, European Association of Industries of Branded Products (AIM), European Communities Trademark Practitioners' Association (ECTA), French Association of Practitioners in Trademark and Designs Law (APRAM), ICC, Institute of Trade Mark Agents (ITMA), International Federation of Film Producers Associations (FIAPF), FICPI, International Federation of Phonogram and Videogram Producers (IFPI), IPTA, LES, LIDC, Max Planck Institute, NYPTC, Trade Marks, Patents and Designs Federation (TMPDF), UNICE, Union des fabricants (UNIFAB), United States Trademark Association (USTA)).

Discussions were based on two documents entitled "Protection Against Counterfeiting (Paris Convention, Model Provisions, Information Meetings)" and "Provisions of National Laws on Protection Against Counterfeiting" (PAC/CE/II/2 and PAC/CE/II/3).

After a general debate, the Committee of Experts discussed specific issues dealt with in the first of the two above-mentioned documents.

In particular, the model provisions for national laws were discussed in detail. Those provisions dealt with the definition of counterfeiting, conservatory measures, civil remedies and criminal sanctions. In connection with the model provisions, the question of possible information meetings was also discussed. Several delegations said that the consideration of possible information meetings was premature.

The delegations that had comments to make on the summaries of the domestic legislation of their countries contained in document PAC/CE/II/3 were invited to do so in writing.

In June, a *Symposium on the Protection of Biotechnological Inventions* was organized by WIPO, in cooperation with Cornell University, in Ithaca (United States of America). There were about 120 participants from the following States: Brazil, Canada, Chile, Costa Rica, France, Ghana, Guinea, Hungary, India, Italy, Mexico, Netherlands, Republic of Korea, Sweden, United Kingdom, United States of America, and from four international organizations (CEC, Federation of Arab Scientific Research Councils (FASRC), International Union for the Protection of New Varieties of Plants (UPOV), WHO).

Lectures were given by experts from the United States Patent and Trademark Office (USPTO), the EPO,

universities in the United States of America, a number of private enterprises and WIPO.

The Symposium dealt with current developments concerning the legal protection of biotechnological inventions, and the presentations made by the lecturers concerned the current situation and suggestions for improvement of that situation. Each presentation was followed by a question and answer period.

Also in June, the *Committee of Experts on Biotechnological Inventions and Industrial Property* held its third session in Geneva. The following 29 States were represented: Austria, Brazil, Bulgaria, Canada, Cuba, Denmark, Finland, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Hungary, India, Indonesia, Ireland, Italy, Japan, Madagascar, Mexico, Netherlands, Norway, Republic of Korea, Saudi Arabia, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States of America; representatives of four intergovernmental organizations (CEC, EFTA, EPO, UPOV) and 21 non-governmental organizations (AIPPI, Association of Plant Breeders of the European Economic Community (COMASSO), CEFIC, CEIPI, CNIPA, European Culture Collections' Organization (ECCO), European Federation of Pharmaceutical Industries' Associations (EFPIA), FEMIP, FICPI, ICC, IFPMA, Institute of Professional Representatives Before the European Patent Office (EPI), International Association of Horticultural Producers (AIPH), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Community of Breeders of Asexually Reproduced Ornamental and Fruit Tree Varieties (CIOFORA), International Federation of the Seed Trade (FIS), International Group of National Associations of Agrochemical Manufacturers (GIFAP), LES, Max Planck Institute, UNICE, World Federation for Culture Collections (WFCC)) participated as observers.

Discussions were based on a revised report prepared by the International Bureau, entitled "Industrial Property Protection of Biotechnological Inventions." The revised report, which was prepared taking into account the replies received from governments and intergovernmental and non-governmental organizations to two questionnaires prepared by the International Bureau, analyzed the existing situation with respect to the legal protection of biotechnological inventions and presented suggested solutions on specific problems of industrial property protection of biotechnological inventions.

The Committee of Experts considered the suggested solutions contained in the revised report. Each suggested solution was examined in detail and observations were made. Subject to the observations and comments made, the suggested solutions were considered as suitable by the Committee of Experts as a basis for further discussion. In this connection, the Committee of Experts noted that the suggested solu-

tions were not meant, for the time being, to be recommendations to the Member States of WIPO to change their national laws, but their aim was to make member countries aware of the questions arising from recent developments in the field of biotechnology.

In conclusion of the discussion, the Chairman stated that a clear majority of the Committee of Experts were interested in continuing the work of the Committee with a view to finalizing it. An internal discussion in member countries was necessary to clarify the views and prepare the ground for future steps and decisions. The suggested solutions prepared by the International Bureau would have to be reviewed in the light of the discussions that had taken place within the Committee of Experts. Additional replies to the questionnaire distributed by the International Bureau would be welcome, in particular from the side of developing countries, until the time limit of December 31, 1987, and would be taken into account by the International Bureau in preparing a revised version of the report.

In June, the *Working Group on Links Between the Madrid Agreement and the Proposed (European) Community Trade Mark* held its third session in Geneva. The following 24 States were represented: Austria, Belgium, Bulgaria, Czechoslovakia, Democratic People's Republic of Korea, Denmark, France, German Democratic Republic, Germany (Federal Republic of), Greece, Hungary, Ireland, Italy, Luxembourg, Morocco, Netherlands, Portugal, Romania, Soviet Union, Spain, Switzerland, United Kingdom, Viet Nam, Yugoslavia. Representatives of four intergovernmental organizations (Benelux Trademark Office (BBM), CEC, EFTA, Secretariat of the Council of Ministers of the European Communities), as well as of 16 non-governmental organizations (AIM, AIPPI, APRAM, Benelux Association of Trademark and Design Agents (BMM), CIPA, CNIPA, ECTA, EFPIA, Federal Chamber of Patent Attorneys (FCPA), FICPI, ICC, ITMA, Max Planck Institute, TMPDF, UEPIP, UNICE) participated as observers.

The Working Group discussed a memorandum by the Director General entitled "Possible Protocols to the Madrid Agreement." It was based on the discussions that took place in the second session (July 1986) of the Working Group and contained the drafts of two Protocols. Draft Protocol A aimed at modifying the Madrid Agreement so as to make the Agreement acceptable to the four States members of the European Communities which are not members of the Madrid Union. Draft Protocol B aimed at establishing a link between the Madrid Agreement and the future (European) Community Trade Mark, enabling the simultaneous use of the two systems.

At the conclusion of the discussions, the Chairman remarked that substantial progress had been made during the three sessions of the Working Group and that, at the end of the third session, the Group was not only much closer to reaching solutions than it had been

in the past on the substance of Protocols A and B, but there were only a few points of secondary importance where some divergences of view remained. This was considered a promising sign for the future of the system of international registration of marks.

In June, a *Symposium on the Effective Protection of Industrial Property Rights* was organized by WIPO in Geneva. There were about 60 participants from the following States: Argentina, Australia, Austria, Belgium, Bulgaria, China, Democratic People's Republic of Korea, France, Germany (Federal Republic of), Ghana, Greece, Italy, Japan, Mexico, Singapore, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States of America, Zimbabwe; and from three intergovernmental organizations: CEC, GATT, United Nations Industrial Development Organization (UNIDO).

Lectures were given by experts from Brazil, Canada, France, Germany (Federal Republic of), India, Italy, Japan, Malaysia, the Netherlands, the United Kingdom and the United States of America.

The Symposium dealt, in particular, with the means by which industrial property rights are enforced under various laws and the possibilities of strengthening such enforcement and rendering it more effective. Each presentation was followed by a discussion.

In November, the *Committee of Experts on the Harmonization of Certain Provisions in Laws for the Protection of Inventions* held its fourth session. The following 30 States were represented at the session: Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Denmark, Egypt, Finland, France, Germany (Federal Republic of), Hungary, Ireland, Italy, Japan, Madagascar, Mexico, Netherlands, Norway, Portugal, Republic of Korea, Soviet Union, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States of America, Uruguay. Honduras, Lesotho, Pakistan, Panama, Qatar and Venezuela were represented as observers. In addition, representatives of one intergovernmental organization (EPO) and 30 non-governmental organizations (ABA, AIPLA, AIPPI, APAA, Arab Society for the Protection of Industrial Property (ASPIP), BDI, Center for Advanced Study and Research on Intellectual Property (CASRIP), CEFIC, CEIPI, CIPA, CNIPA, DVGR, EFPIA, EPI, FEMIP, FICPI, ICC, IFPMA, International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), IPO, IPTA, LES, LIDC, Max Planck Institute, NYPTC, Patentanwaltsskammer (PAK), Patent and Trade Mark Institute of Canada (PTIC), PIPA, UEPIP, UNICE) participated as observers.

The Committee of Experts considered eight questions and three information documents. Two of the eight questions had already been considered by the Committee of Experts in its previous sessions, namely, the question of the grace period for public disclosure of an invention before filing an application and the

question of the requirements in respect of the granting of a filing date to a patent application. Three of the eight questions had already been considered by the Committee of Experts in its second and third sessions, namely, the question of the requirements in respect of the manner of claiming in patent applications, the question of the requirements in respect of unity of invention in patent applications and the question of the prior art effect of previously filed but yet unpublished patent applications. Three of the eight questions already considered by the Committee of Experts once, in its third session, were the question of the requirements in respect of the manner of description of an invention in patent applications, the question of the right to a patent where several applications have been filed by different applicants in respect of the same invention and the question of the extent of protection and interpretation of patent claims. The three information documents considered concerned exclusions from patent protection, duration of patents, maintenance fees, provisional protection of the applicant, prior users' rights and restoration of the right to claim priority. The Committee of Experts agreed that the International Bureau should prepare provisions on the matters dealt with in the information documents, to be included in the next version of the draft Treaty. It was further agreed that, with the inclusion of provisions on those matters, the list of subjects to be covered by the draft Treaty should be closed. Three questions were reserved for consideration at future sessions of the Committee of Experts: naming of the inventor, declaration concerning the entitlement of the applicant; rights conferred by a patent and extension of process protection to products; reversal of the burden of proof.

III. Promotion of Patent Information and Development of Patent Classification

*WIPO Permanent Committee on Patent Information*¹

Objective

The objective of the WIPO Permanent Committee on Patent Information is to encourage and institute close cooperation among national and regional industrial property offices and the International Bureau in all matters concerning patent information, including, in particular, the standardization of the forms of patent documents, the indexing and classifying of patent documents in order to facilitate the retrieval of their contents and searching for the purposes of patent examination.

¹ In September, the Governing Bodies, by a decision, transformed the Permanent Committee on Patent Information (PCPI) into the Permanent Committee on Industrial Property Information (PCIPI). The PCIPI came into existence on December 6.

Activities

The *WIPO Permanent Committee on Patent Information (PCPI)* (hereinafter referred to as the "Permanent Committee") consists of the States members of the Paris Union which have informed the Director General of their desire to be members, the States members of the PCT Union, the States members of the IPC Union, and (without the right to vote) the EPO, ARIPO and OAPI. By December 31, 1987, the States members of the PCPI were: Algeria, Australia, Austria, Barbados, Belgium, Benin, 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, Mongolia, 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 Republic of Tanzania, United States of America, Viet Nam, Yugoslavia, Zambia (68), as well as ARIPO, BBM/BBDM, EPO and OAPI.

In April and September, the Permanent Committee held its eleventh and twelfth sessions, respectively. The following 22 members of the Permanent Committee were represented at both sessions: Australia, Austria, Brazil, Bulgaria, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Germany (Federal Republic of), Japan, Netherlands, Norway, Poland, Republic of Korea, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America, EPO. In addition, four members (Algeria, Cameroon, Ireland, Trinidad and Tobago) were only represented at the eleventh session, whilst one member (Canada) was only represented at the twelfth session. Two organizations (CEC, Patent Documentation Group (PDG)) were represented at both sessions and one (the publishers of the journal *World Patent Information*) at the twelfth session, as observers.

The main topic was the simplification of the structure and streamlining of the procedures of the Permanent Committee as well as the possible broadening of the scope of its activities. The Permanent Committee agreed that, in the new structure, the new Permanent Committee should be a high-level policy body responsible for the overall policy of the PCPI, including the elaboration of the PCPI program and the setting of priorities.

Furthermore, the Permanent Committee agreed that the new Permanent Committee should be responsible not only for the tasks included in Article 1 of the then prevailing Organizational Rules, but also for:

- (a) technical cooperation in matters, other than those of classification, concerning documentation and information related to *trademarks* and *industrial designs*; and
- (b) matters concerning the sharing of information relating to the development and use of *computers* and *computer techniques* as an aid to the efficient administration of industrial property documentation and information.

The Permanent Committee, in view of the change in its objectives and tasks, agreed that the new Permanent Committee should have the name "Permanent Committee on Industrial Property Information (PCIPI)" (thus covering not only the patent part but also the trademark and industrial design parts) and agreed that in order to fulfill its high-level policy function it should meet at least once every two years and that its meetings, where possible, should be held immediately before and in the same week as, or concurrently with, the meetings of the Governing Bodies of WIPO and its Unions. It was thought that this scheduling of its meetings would provide increased opportunities for heads of offices to participate in the meetings of the new Permanent Committee, that is, the PCIPI.

The Permanent Committee agreed that membership in the PCIPI should be open to all States members of the Paris Union, whilst States members of WIPO but not members of the Paris Union should have observer status if they so desire. The African Intellectual Property Organization, the African Regional Industrial Property Organization and the European Patent Organisation should qualify for membership. Since it was agreed that trademark and industrial design matters would be included within the responsibilities of the PCIPI, it was felt to be appropriate that the Benelux Trademark Office and the Benelux Designs Office should also be offered membership in the PCIPI. Only member States should have voting rights. Finally, the Permanent Committee expressed the view that observer status should be offered to interested organizations, as was done by the PCPI.

The Permanent Committee reviewed the recommendations made by the Working Groups in 1987 and took action on them. Those recommendations related, among others, to the following questions:

- use of computerized systems useful for the purposes of search and examination;
- a handbook giving all the necessary technical information to enable telex interrogation of on-line patent data bases;
- microforms, and other mass storage media, of patent documents;
- coding of different parts of a patent document;
- data exchange of facsimile information of patent documents;
- revision of WIPO Standard ST.9 (Recommendation concerning Bibliographic Data on and Relating to Patent Documents);

- revision of WIPO Standard ST.8 (Recording of IPC Symbols on Machine-Readable Records);
- revision of WIPO Standard ST.16 (Standard Code for Identification of Different Kinds of Patent Documents);
- the use of check digits associated with patent application or publication numbers;
- guidelines for the organization of a patent documentation center—with particular regard to the needs and circumstances of developing countries;
- the program for free-of-charge patent information and documentation services carried out by WIPO in cooperation with industrial property offices for the benefit of developing countries;
- difficulties faced by users when changes were made to the contents and layout of official gazettes or in the publication of patent documents;
- the use of WIPO Standards and Recommendations.

In addition, the Permanent Committee discussed and adopted the PCPI Program for the 1988-89 biennium.

In March, the *PCPI Working Group on General Information* held its eleventh session in Geneva. The following 17 States and one intergovernmental organization, members of the Working Group, were represented: Austria, Canada, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Germany (Federal Republic of), Japan, Netherlands, Norway, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America, EPO. The CEC, the International Patent Documentation Center (INPADOC) and the PDG were represented by observers.

The Working Group considered several proposals for improving existing standards and took action on them.

In May, the *PCPI Working Group on Search Information* held its eighteenth session in Geneva. The following 11 States and one intergovernmental organization, members of the Working Group, were represented at the session: Denmark, Finland, France, Germany (Federal Republic of), Japan, Republic of Korea, Spain, Sweden, Switzerland, United Kingdom, United States of America, EPO.

The Working Group dealt with 72 IPC revision projects carried over from 1986. Of those projects, 40 belonged to the mechanical field, 17 to the electrical field and 15 to the chemical field. Substantial amendments were agreed to in respect of subclass D 06 M, relating to "treatment of textiles."

The Working Group dealt with 40 of the other IPC revision projects in the program for the 1986-87 biennium. Of those projects, 10 belonged to the

mechanical field, 18 to the electrical field and 12 to the chemical field. Substantial amendments were agreed to in respect of subclass G 21 C, relating to "nuclear reactors."

In June, the *PCPI Working Group on Planning* held its nineteenth session in Washington. The following 16 States and one intergovernmental organization, members of the Planning Group, were represented at the session: Austria, Brazil, Bulgaria, Canada, Denmark, Finland, France, Germany (Federal Republic of), Japan, Norway, Republic of Korea, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America, EPO.

The Planning Group agreed that the project relating to the use of patent statistics for technological assessment and forecasting should be further developed in four stages, namely:

- (i) preparation of a survey of statistical publications issued by patent offices or by other agencies, if available to offices;
- (ii) exchange of patent publications containing patent statistics or excerpts therefrom, and exchange of detailed information relating to the methodology used in preparing statistical documents;
- (iii) identification of typical statistical search requests addressed to external data bases; feasibility study of cooperation with INPADOC in the use of INPADOC data bases and facilities for the preparation of typical statistical products;
- (iv) development of guidelines for the preparation of patent statistics.

The Planning Group discussed the criteria for the selection of IPC revision requests and agreed that, for a period of three years, this selection should be based on:

- (i) more detailed explanations to be requested from offices in support of their revision requests;
- (ii) INPADOC data by country, for the preceding five years, on first-publication patent documents of the PCT minimum documentation countries and, possibly, other patent documents of particular interest, relating to the activity in the area affected by each revision request;
- (iii) an assessment of the work load before the Working Group entrusted with the revision of the IPC, and an estimate of the work which may be handled by the said Working Group at its subsequent session,

after which the effectiveness of the selection process would be reassessed.

In June, the *PCPI Working Group on Special Questions* held its eleventh session in Washington. The

following 16 States and one intergovernmental organization, members of the Working Group, were represented at the session: Australia, Brazil, Bulgaria, Canada, Denmark, Finland, France, Germany (Federal Republic of), Japan, Norway, Republic of Korea, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America, EPO.

The Working Group discussed an updated summary of experience gained in the use of computerized search systems and conclusions thereon and agreed to recommend to the Permanent Committee that the summary be reproduced in the *WIPO Handbook on Patent Information and Documentation*, and be updated on an annual basis.

In November and December, the *PCPI Working Group on Search Information* held its nineteenth session in Geneva. The following 13 States and one intergovernmental organization, members of the Working Group, were represented at the session: Denmark, Finland, France, German Democratic Republic, Germany (Federal Republic of), Japan, Republic of Korea, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America, EPO.

The Working Group dealt with 46 IPC revision projects carried over from 1986. Of those projects, 21 belonged to the mechanical field, 12 to the electrical field and 13 to the chemical field.

The Working Group also dealt with 52 other IPC revision projects on the program for the 1986-87 biennium. Of those projects, 25 belonged to the mechanical field, 15 to the electrical field and 12 to the chemical field.

In December, the *WIPO Permanent Committee on Industrial Property Information (PCIPI)* (hereinafter referred to as "the Permanent Committee") held its first session in Geneva. The following 26 members of the Permanent Committee were represented at the session: Australia, Brazil, Bulgaria, Canada, China, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Egypt, Finland, France, German Democratic Republic, Germany (Federal Republic of), Israel, Japan, Mongolia, Netherlands, Norway, Republic of Korea, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America, EPO. In addition the Byelorussian SSR, Peru and Turkey were represented by observers. The CEC, FID, INPADOC, PDG and the publishers of the journal *World Patent Information* were represented by observers.

The Permanent Committee established the Rules of Procedure of the Executive Coordination Committee.

The Permanent Committee established two standing working groups, namely, one working group to deal with standards and one working group to deal with the International Patent Classification (IPC).

The Permanent Committee agreed, as the policy for the 1988-89 biennium:

(a) to establish the PCIPI Working Methods and to oversee their efficient and effective implementation;

(b) to establish clear limits for the resources to be committed to the IPC revision work;

(c) to ensure appropriate consideration of trademark, service mark and design documentation and information matters within the PCIPI program;

(d) to create the appropriate framework for exchange of information on experience in the field of automation of industrial property information;

(e) to address adequately the special problems of developing countries arising from the general trend of automation, and

directed the Executive Coordination Committee to give high priority to the following matters:

(i) the automation of industrial property information and documentation with, as a primary aspect, the collation of work already done by various offices;

(ii) the determination of an IPC revision policy and priorities for the next five-year revision period;

(iii) the formulation of new standards, particularly in the various areas of automation, and the systematic review of all existing standards.

In December, following the first session of the PCIPI, the *Executive Coordination Committee* of the PCIPI held its first session in Geneva. The following 23 members of the Executive Coordination Committee were represented at the session: Australia, Brazil, Bulgaria, Canada, China, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Egypt, Finland, France, German Democratic Republic, Germany (Federal Republic of), Japan, Netherlands, Norway, Republic of Korea, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America, EPO. In addition, the Byelorussian SSR, Colombia and Turkey were represented by observers. The CEC, FID, INPADOC, PDG and the publisher of the journal *World Patent Information* were represented by observers.

The Executive Coordination Committee established the PCIPI working program for the 1988-89 biennium.

The Executive Coordination Committee named the two standing working groups established by the Permanent Committee to deal with certain tasks on the working program as follows:

(a) Working Group on General Information (PCIPI/GI), with the mandate to deal with

(i) standardization matters, including those related to automation,

- (ii) exchange of industrial property documents, and
- (iii) the conducting of surveys;
- (b) Working Group on Search Information (PCIP/IS), with the mandate to deal with
 - (i) the preparation of the revision of the IPC,
 - (ii) the development and use of the IPC, and
 - (iii) search systems based on the IPC.

The Executive Coordination Committee set up two *ad hoc* working groups to deal with certain tasks on the working program as follows:

- (a) an *ad hoc* Working Group on Management Information (PCIP/MI), and
- (b) an *ad hoc* Working Group on IPC Revision Policy, for the next revision period (1989-93).

The Executive Coordination Committee decided to follow the suggestions made by the International Bureau *viz.*,

- (a) to ensure appropriate consideration of trademark, service mark and design documentation and information within the PCIP program, preliminary proposals would be made by the International Bureau in good time before the next session of the Executive Coordination Committee;

- (b) to create the appropriate framework for the exchange of information on experience in the field of automation of industrial property information, one day during the next session, and possibly following sessions of the Executive Coordination Committee, would be set aside to hear presentations of the automation plans and/or progress in some offices.

The Executive Coordination Committee also recommended a *calendar* of sessions for the 1988-89 biennium.

During the period covered by this report, eight issues of *JOPAL (Journal of Patent-Associated Literature)* were published by WIPO. The said Journal is a compilation of bibliographic data of articles of relevance to patent searching appearing in periodicals included in the list of minimum documentation under the PCT, arranged according to the IPC. The selection and the classification of the said articles is undertaken by the industrial property offices which cooperate in the project: Australia, Austria, Brazil, Bulgaria, Czechoslovakia, France, German Democratic Republic, Germany (Federal Republic of), Japan, Soviet Union, Sweden, United Kingdom, United States of America, EPO.

In January, February, March, April, June, October and December, WIPO was represented at sessions of the Supervisory Board (*Aufsichtsrat*) of the *International Patent Documentation Center (INPADOC)* in Vienna.

In October, a WIPO official attended an INPADOC Users' Meeting held in Vienna.

Also in October, the Director General of WIPO attended the celebrations commemorating the fifteenth anniversary of INPADOC, also held in Vienna.

Four issues of the periodical *World Patent Information (WPI)*, a joint periodical of the CEC and WIPO, were published during the period covered by this report.

In May, a Deputy Director General and a WIPO official attended a meeting of the Management Committee of *WPI* in Oxford.

In February, WIPO was represented at the second meeting of the *Task Force on Patent Information of the Commission of the European Communities (CEC)* in Luxembourg.

In March and September, a WIPO official participated in meetings of the Impact Working Group of the *Patent Documentation Group (PDG)* in Cologne.

In June, the Director General of WIPO and a WIPO official participated in the 30th Anniversary and Colloquium of the PDG in Munich.

In March and October, WIPO was represented at sessions of the *EPO Working Party on Technical Information* and at meetings of the *DATIMTEX (Data Image and Text) Working Party*, also organized at the EPO, in Munich.

In April and October, WIPO was represented at meetings of the Committee for Patent Documentation of the *International Federation for Documentation (FID)* in Apeldoorn (Netherlands) and in Paris, respectively.

In November, a WIPO official attended the first meeting of the newly created *International Association of Producers and Users of On-line Patent Information (OLPI)* in Ludwigshafen (Federal Republic of Germany).

Also in November, a WIPO official gave a lecture at the fifteenth *International Colloquium on Information and Documentation* which took place in Erfurt (German Democratic Republic).

Also in November, a WIPO official gave a lecture at the *Tenth Anniversary of the Working Party on Patent Information of the Netherlands* in Utrecht.

In December, a WIPO official attended, in London, the eleventh session of the *International On-Line meeting on information*.

International Patent Classification (IPC)

Objective

The objective is to continue the improvement of the IPC by continuously revising it.

Activities

During the period covered by this report, WIPO continued to supervise the revision of the fourth edition of the IPC, and started the preparatory work for the publication, in 1989, of the fifth edition of the IPC.

In January, the *Committee of Experts of the International Patent Classification (IPC) Union* held its fifteenth session in Geneva. The following 13 States, members of the Committee of Experts, were represented: Denmark, Finland, France, Germany (Federal Republic of), Japan, Netherlands, Norway, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America. The EPO was also represented at the session.

This session was the third of a series of sessions of the Committee of Experts that will lead to the adoption of the fifth edition of the IPC (to be published in 1989).

The Committee of Experts approved amendments (in both the English and the French versions) submitted to it by the PCPI Working Group on Search Information. Those amendments affect three classes and 113 subclasses of the IPC.

The Committee of Experts endorsed (in respect of IPC matters) the modified PCPI Program for the 1986-87 biennium.

The Committee of Experts adopted the revised text of the "Guidelines for the Organization of Search Files Based on the IPC."

The Committee of Experts discussed the further development of the IPC and agreed that, even though an acceptable basic scheme now exists in the IPC, the enormous influx of new patent documents each year necessitated a revision of the IPC in areas that relate to existing technologies, in addition to providing for new technologies, in order to improve the IPC as a universal search tool and to maintain the IPC as a viable classification and search system.

In October, a third *Advanced IPC Seminar* was held at the EPO (The Hague) addressing the particular problem of classifying and searching in IPC classes F 16 and G 05, where a given patent document can be classified in a function-oriented place and/or in an application place. The Seminar was open to officials of industrial property offices of countries party to the Strasbourg Agreement Concerning the International Patent Classification and certain other interested offices, and intended for experts with great experience in classifying and searching with the IPC.

The Seminar identified the reasons for inconsistent classification of patent documents in the above-mentioned IPC classes, the majority of which were valid also for other inconsistent application of the IPC symbols, and made a number of recommendations to the IPC Committee of Experts in respect of training of classifiers and changes relating to the philosophy of the IPC and its revision.

IV. Development of Trademark Classifications

Objective

The objective is to continue the improvement of the International (Nice) Classification of Goods and Services for the Purposes of the Registration of Marks and to promote the use of the International (Vienna) Classification of the Figurative Elements of Marks, two important tools in the orderly registration of trademarks and service marks. "Improvement" means the covering of new products and services and the more precise description and classification of existing ones, in addition to the updating of the Classifications in various languages.

Activities

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

In November, the bilingual Spanish/French edition of the International (Nice) Classification was published, while the bilingual German/French and Portuguese/French editions came out in December.

The WIPO Classification Service for Marks, which gives advice in the form of classification reports, in respect of the correct classification of goods and services according to the International (Nice) Classification, pursued its activities. During the period covered by this report, a total of 64 classification reports were drawn up.

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

In May, the *Committee of Experts set up under Article 5 of the Vienna Agreement* held its first session in Geneva. The following member countries of the Vienna Union were represented: Luxembourg, Netherlands, Sweden, China, Denmark, Germany (Federal Republic of), Madagascar, Spain and Switzerland were represented by observers. The BBM was also represented by observers.

The Committee of Experts adopted its rules of procedure and a Recommendation to the countries of the Vienna Union for the purpose of facilitating the use of the Classification and promoting its uniform application. It also adopted a list of international non-governmental organizations which should be invited to be represented by observers at its meetings.

The Committee of Experts adopted the draft amendments and additions to the Classification that had been approved by the Provisional Committee of Experts at its sessions held in Geneva in December 1975, and in June and July 1976. Finally, the Committee of Experts

studied and adopted a number of proposals for changes in the Classification submitted by the BBM.

The Committee of Experts decided that the changes in the Classification would enter into force on January 1, 1988. A new (second) edition of the Classification was published in English and French in December 1987.

V. Registration Activities

Objective

The objective is to maintain the registration and similar activities under the Paris Convention, the Patent Cooperation Treaty, the Madrid Agreement (Marks), the Hague Agreement (Industrial Designs) and the Lisbon Agreement (Appellations of Origin), in particular by accurately and promptly providing the services required under those treaties.

Activities

Patent Cooperation Treaty (PCT)

Operational Services. During the period covered by this report, the International Bureau of WIPO received the "record copies"² of 9,201³ international applications from the "receiving Offices," that is, the Offices with which international applications were filed.

Statistics. The number of international applications filed in 1987, according to information provided by the "receiving Offices," amounted to 9,610. The total numbers of international applications filed in each calendar year since the beginning of PCT operations are as follows:

June to December 1978	687
1979	2,734
1980	3,958
1981	4,321
1982	4,713
1983	5,050
1984	5,733
1985	7,305
1986	8,082
1987	9,610

The increase in filings, which was almost 19% in 1987 as compared with 1986, can be attributed mainly to the increasing awareness of inventors, industry and patent attorneys of the advantages offered by the PCT.

² The original of an international application as filed in a "receiving Office" is called "record copy."

³ This number is lower than the number of filings given in the following paragraph because by the end of 1987 not all record copies of international applications filed in receiving Offices had been received by the International Bureau.

The following table shows the country of origin of international applications whose record copies were received by the International Bureau in 1987 and the corresponding percentages.

Country of origin *	Record copies received *	
	Number	Percentage
Australia	428	4.65
Austria	95	1.03
Belgium	23	0.25
Brazil	13	0.14
Denmark	151	1.64
Finland	173	1.88
France	520	5.65
Germany (Federal Republic of)	1,188	12.91
Hungary	59	0.64
Italy	171	1.86
Japan	1,047	11.38
Luxembourg	6	0.07
Netherlands	57	0.62
Norway	82	0.89
Republic of Korea	12	0.13
Soviet Union	144	1.57
Sri Lanka	2	0.02
Sweden	604	6.56
Switzerland **	259	2.81
United Kingdom ***	949	10.31
United States of America	3,218	34.97
Total	9,201	100.00

* The record copies were received from the national Office of the country. However, nationals and residents of the following countries can file either with the European Patent Office (EPO) or with their national Offices (the figures which appear below in brackets after the name of the country divide the above total of record copies received in 1987 into those received from the national Office (before the slant) and those received from the EPO (after the slant)): Austria (75/20), Belgium (17/6), France (504/16), Germany (Federal Republic of) (612/576), Italy (102/69), Luxembourg (1/5), Netherlands (34/23), Sweden (594/10), Switzerland/Liechtenstein (175/84), United Kingdom (944/5). Altogether, 814 record copies were received in 1987 from the EPO as receiving Office, which represents 8.85% of the total number of record copies received in that year. The receiving Office for nationals and residents of Sri Lanka is the International Bureau of WIPO.

** The national Office of Switzerland is the receiving Office also for nationals and residents of Liechtenstein.

*** The national Office of the United Kingdom is the receiving Office also for residents of Hong Kong and the Isle of Man.

The average number of Contracting States designated per international application (on the basis of the record copies received in 1987) was 13.98. The average number of designation fees payable, however, was 6.14. This difference is due to the fact that in the case of the designation of several countries for regional (European or OAPI) protection only one designation fee is due and to the fact that each designation beyond the first 10 for which designation fees are due is free of charge. The difference also shows that applicants eliminate a certain number of designations—made at no cost at the time of filing—by the time they pay the designation fee, a natural and desirable result of the PCT procedure. In 1987, a European patent was asked for in 8,057 record copies, which represents 87.57% of the cases. 13.02% of the applications contained more than 10 designations and their applicants thus benefited from the advantage of the maximum amount of the designation fee according to which any designation in excess of 10 is free of charge.

The table below shows the total of designations for 1987, broken down according to the designated States and the number of times a Contracting State is designated per 100 international applications, expressed as a percentage.

Designated State	Number of designations for national and/or regional protection *	Percentage of designations
Australia	4,172	45.34
Austria	7,249	78.78
Barbados	833	9.05
Belgium	6,822	74.14
Brazil	2,460	26.74
Bulgaria	1,008	10.96
Democratic People's Republic of Korea	1,009	10.97
Denmark	2,994	32.54
Finland	2,574	27.98
France	7,868	85.51
Germany (Federal Republic of)	8,933	97.09
Hungary	1,376	14.95
Italy	7,317	79.52
Japan	7,254	78.84
Luxembourg	6,924	75.25
Madagascar	880	9.56
Malawi	868	9.43
Monaco	945	10.27
Netherlands	7,717	83.87
Norway	2,810	30.54
Republic of Korea	3,051	33.16
Romania	1,154	12.54
Soviet Union	1,857	20.18
Sri Lanka	899	9.77
Sudan	865	9.40
Sweden	7,682	83.49
Switzerland **	7,514	81.66
United Kingdom	9,058	98.45
United States of America	5,890	64.01
OAPI ***	855	9.29

* Two designations are counted where a State member of the European Patent Organisation is designated both for national protection and for a European patent. In 1987, a European patent was asked for in 8,057 record copies, which represents 87.57 of the cases.

** Includes the simultaneous designation of Liechtenstein.

*** Includes the simultaneous designation of Benin, Cameroon, Central African Republic, Chad, Congo, Gabon, Mali, Mauritania, Senegal and Togo.

The languages of filing of the international applications whose record copies were received in 1987 by the International Bureau and the corresponding percentages are as follows:

Language of filing	Number of applications	Percentage of total
Danish	78	0.84
Dutch	12	0.13
English	5,458	59.33
Finnish	75	0.82
French	564	6.13
German	1,499	16.29
Japanese	1,002	10.39
Norwegian	48	0.52
Russian	144	1.56
Swedish	321	3.49
Total:	9,201	100.00

During the period covered by this report, 1,327 demands for international preliminary examination under Chapter II of the PCT were filed with the Offices indicated below, which act as International Preliminary Examining Authorities. In the following table, those demands are broken down according to the International Preliminary Examining Authorities having received the demands, and the corresponding percentages are indicated.

Authority (country or organization)	Number of demands	Percentage of total
Australia	113	8.52
Austria	6	0.45
Japan	35	2.63
Soviet Union	—	—
Sweden	356	26.83
United Kingdom	189	14.24
United States of America	144	10.85
EPO	484	36.47
Total:	1,327	100.00

The fortnightly publication of the *PCT Gazette*, in separate English and French editions, was continued throughout 1987. In addition to a substantial volume of information of a general character, the *PCT Gazette* included entries relating to the 7,978 international applications which were published in the form of PCT pamphlets (in English, French, German, Japanese or Russian, depending on the language of filing) on the same day as the relevant issues of the *PCT Gazette*. Three special issues were published: two with consolidated information of a general character and one with the texts of all new agreements concluded between WIPO and the International Searching and Preliminary Examining Authorities. The numbers of international applications published as pamphlets in each of the above-mentioned languages (and the corresponding percentages) are as follows:

Language of publication	Number of applications published	Percentage of total
English	5,406	67.76
French	512	6.42
German	1,230	15.42
Japanese	697	8.74
Russian	133	1.66
Total:	7,978	100.00

Information Services. In January and July, replacement pages were issued to update Volumes I and II of the *PCT Applicant's Guide*, in English and French.

In January, cooperation was discussed with the Patent Office of China in respect of the translation into Chinese of the *PCT Applicant's Guide* and its publication in China.

Development of the PCT Union. The United States of America became bound by Chapter II of the PCT on July 1, 1987, after withdrawal of its reservation under Article 64(1)(a) of the PCT. Japan withdrew its reservation under Article 64(2)(a) and became bound by Chapter II of the PCT, without reservation, on December 8, 1987.

Meetings. In March, a WIPO official participated in a PCT Seminar held in Florida (United States of America) and gave a lecture on Chapter II of the PCT for the members of a non-governmental organization of patent attorneys in New York.

In April, a WIPO official and a WIPO consultant gave lectures on the PCT at a two-day PCT meeting in Manila, organized jointly by the Government of the Philippines, two national non-governmental organizations in the field of industrial property and WIPO.

Also in April, a WIPO official gave a lecture on the PCT in Seoul at a meeting of a non-governmental organization of patent attorneys.

Also in April, a WIPO official gave a lecture on the PCT in Budapest at a meeting of patent attorneys and representatives of industry organized by a non-governmental organization of patent attorneys.

In May, a WIPO official gave a lecture on Chapter II of the PCT at a meeting of a non-governmental organization in Pittsburgh (United States of America) and had discussions on the PCT and its advantages with representatives of industry in Bridgeport, Connecticut (United States of America).

In August, a WIPO official participated in a PCT Seminar held in Washington, D.C.

Also in August, a WIPO official gave a lecture on the PCT in Ottawa for government officials.

In September, the *PCT Committee for Technical Cooperation* held its tenth session at the headquarters of WIPO, jointly with the twelfth session of the WIPO Permanent Committee on Patent Information. Seventeen States—Australia, Austria, Brazil, Bulgaria, Denmark, Finland, France, Germany (Federal Republic of), Japan, Netherlands, Norway, Republic of Korea, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America—and the EPO, were represented, with observers from four countries and three international non-governmental organizations (INPADOC, PDG, *World Patent information*).

The Committee discussed certain questions concerning the minimum documentation as defined in PCT Rule 34.1 and took the following decisions:

(a) it decided that, in connection with the project for preparing inventories of English-language abstracts of patent documents according to PCT Rule 34.1(e), INPADOC should be asked to prepare cost estimates for creating an inventory covering Japanese patent documents;

(b) it decided that a similar inventory of Soviet patent documents would not be created since an English-language abstract of each Soviet patent document published is generally available.

In connection with the amendment of the list of periodicals established under PCT Rule 34.1(b)(iii), the Committee decided:

- (i) to add two periodicals concerned with the field of biotechnology to the said list;
- (ii) to consider later whether further periodicals concerned with the field of biotechnology should be added to the said list or should replace periodicals presently on the said list shown to yield no or a limited number of articles of use for the purposes of patent search and examination;

(iii) that PCT International Searching Authorities should continue to physically have printed copies of periodicals available and properly arranged for search purposes in spite of the on-line availability of the complete text of the periodical, although this question could be considered at some point in the future when on-line search possibilities had further developed;

(iv) upon certain editorial corrections to the said list but deferred until later a decision concerning problems raised when a Russian-language periodical no longer had an English-language cover-to-cover translation published.

Also in September, a WIPO official held a PCT Seminar in Stuttgart.

In November, a WIPO official gave a PCT lecture for patent attorneys in Cologne (Federal Republic of Germany).

Also in November, a WIPO official gave a PCT lecture at a meeting on the PCT held in Lyon (France) by an academic institution, with the participation of representatives of industry and patent agents.

Also in November, a WIPO official held in Cologne (Federal Republic of Germany) a PCT training course for paralegals working for patent attorneys in the Federal Republic of Germany.

Also in November, a WIPO official held PCT Seminars in Stuttgart and Munich (Federal Republic of Germany) for patent specialists from several countries and officials of the EPO.

In December, a WIPO official had discussions on the PCT with representatives of industry in Erlangen (Federal Republic of Germany).

Visits. In January, a WIPO official visited the EPO, in order to discuss a new agreement between the EPO and WIPO in relation to the functioning of the EPO as an International Searching and International Preliminary Examining Authority under the PCT.

In February, the Director General visited senior government officials in Madrid, in order to discuss the accession of Spain to the PCT.

In April, two WIPO officials and a WIPO consultant had discussions in Manila with government officials concerning the ratification of the PCT by the Philippines.

Also in April, a WIPO official had discussions with officials of the Office of Patents Administration in Seoul concerning procedural questions and the acceptance of Chapter II of the PCT by the Republic of Korea.

Also in April, a WIPO official had discussions concerning the PCT with officials of the National Office of Inventions of Hungary in Budapest.

In May, a WIPO official had discussions with officials of the United States Patent and Trademark Office (USPTO) concerning the implementation of Chapter II of the PCT and amendments to the agreement with the International Bureau relating to the functioning of that

Office as an International Searching and Preliminary Examining Authority under the PCT.

In June, a WIPO official visited the Austrian Patent Office in Vienna to discuss cooperation between that Office and WIPO.

In August, a WIPO official visited the USPTO to discuss a new agreement between the USPTO and WIPO in relation to the functioning of the USPTO as an International Searching and Preliminary Examining Authority.

Also in August, a WIPO official visited the Department of Consumer and Corporate Affairs in Ottawa, to discuss a draft of implementing regulations in relation to the PCT.

In October, the Director General visited the EPO where he signed a new WIPO-EPO agreement concerning the PCT.

In December, a WIPO official visited the German Patent Office in Munich to discuss procedural questions.

Madrid Agreement Concerning the International Registration of Marks

Registration of Marks and Connected Tasks. WIPO continued to perform the tasks provided for in the Madrid Agreement. In the period covered by this report, the total number of registrations effected was 10,186. To this figure should be added 3,611 renewals. The total number of registrations and renewals effected during the period under consideration was therefore 13,797, as compared with 17,409 in 1986. The total number of changes recorded in the International Register of Marks increased to 18,233, as compared with 18,306 in 1986. The total number of refusals recorded during the period covered by this report was 37,533 as compared with 35,635 in 1986.

The following table shows the country of origin of international applications (registrations and renewals)

<i>Country of origin</i>	<i>Number</i>	<i>Percentage</i>
Austria	428	3.10
Benelux	1,656	12.00
Bulgaria	1	0.01
Czechoslovakia	123	0.90
Egypt	2	0.01
France	4,032	29.22
German Democratic Republic	68	0.50
Germany (Federal Republic of)	2,872	20.82
Hungary	75	0.53
Italy	2,056	14.90
Liechtenstein	106	0.77
Monaco	26	0.20
Mongolia	1	0.01
Morocco	19	0.14
Portugal	50	0.36
Romania	46	0.33
San Marino	1	0.01
Soviet Union	18	0.13
Spain	540	3.91
Switzerland	1,630	11.81
Tunisia	1	0.01
Yugoslavia	46	0.33
Total:	13,797	100.00

received by the International Bureau in 1987 and the corresponding percentages.

WIPO discontinued (effective January 1, 1987) its *Trademark Search Service*, a service which was open to the public for identifying identical or similar marks among those registered.

Information Services. The review *Les Marques internationales*, containing the publication of registrations of marks, renewals and changes recorded in the International Register, continued to appear each month.

Visits. In May, a WIPO official had discussions in Berlin with officials of the Trademarks Office of the German Democratic Republic concerning uniformity of user forms under the Madrid Agreement, including notifications of refusal of protection and invalidations.

In September, a WIPO official had discussions in Munich with officials of the German Patent Office concerning uniformity in filing applications for international registration under the Madrid Agreement, including notifications of refusal of protection.

In October, a WIPO official had discussions in Madrid with officials of the Registry of Industrial Property of Spain concerning uniformity of user forms under the Madrid Agreement, including notifications of refusal of protection and invalidations.

In November, a WIPO official visited the Directorate General for Industrial Production of Italy to discuss the administrative procedures for filing applications for international registration under the Madrid Agreement.

Meeting of Users of the Madrid Agreement

In March, a meeting of users of the Madrid Agreement took place in Geneva. The offices of the following 15 States, members of the Madrid Union, were represented: Austria, Belgium, Czechoslovakia, Democratic People's Republic of Korea, France, Germany (Federal Republic of), Hungary, Italy, Monaco, Morocco, Netherlands, Soviet Union, Sudan, Switzerland, Viet Nam. The BBM was also represented. APRAM, BMM, ECTA and a certain number of industrial property agents also attended the meeting as observers.

This meeting was the second of its kind to bring together users of and industrial property administrators responsible for the Madrid Agreement. The first was held in March 1982.

The meeting made a number of recommendations to the competent organs of the Madrid Union concerning amendments to be made to the Regulations under the Madrid Agreement, the use of forms, and possible improvements of the forms.

Distribution of Supplementary Fees and Complementary Fees Collected Under the Madrid Agreement

On the closing of the accounts for 1987 of the Madrid Union (Marks), the member States received the following amounts, in Swiss francs, as their share:

	Swiss francs
Algeria	130,603.11
Austria	485,977.45
Benelux	1,088,951.57
Bulgaria	203,715.21
Czechoslovakia	425,607.04
Democratic People's Republic of Korea	152,070.60
Egypt	354,240.49
France	432,208.30
German Democratic Republic	474,023.19
Germany (Federal Republic of)	657,960.05
Hungary	446,154.48
Italy	478,190.29
Liechtenstein	130,934.82
Monaco	247,028.84
Mongolia	92,356.11
Morocco	115,545.18
Portugal	780,457.77
Romania	361,794.35
San Marino	90,390.54
Soviet Union	249,737.56
Spain	936,696.04
Sudan	151,161.94
Switzerland	481,310.33
Tunisia	102,351.97
Viet Nam	157,866.83
Yugoslavia	501,017.94
Total:	9,728,352.00

A number of the member States of the Madrid Union use all or part of the amounts concerned to pay their contributions to the budgets of the Unions administered by WIPO.

The Hague Agreement Concerning the International Deposit of Industrial Designs

Receiving Industrial Designs and Connected Tasks. WIPO continued to perform the tasks provided for in the Hague Agreement, in particular the registration and monthly publication (in the periodical *International Designs Bulletin/Bulletin des dessins et modèles internationaux*) of industrial designs deposited with it. In the period covered by this report, the total number of international deposits was 2,160 and the total number of prolongations and renewals was 784, as against 1,962 and 655, respectively, in the corresponding period in 1986.

Visits. In November, a WIPO official gave lectures in an information meeting held at the Directorate General for Industrial Production in Rome.

Distribution of State Fees Collected Under the Hague Agreement

On the closing of the accounts of the Hague Union (Industrial Designs) for 1987, the member States

received the following amounts (in Swiss francs), as their shares in the State fees:

	Swiss francs
Benelux	77,137
Benin	6,216
France	63,848
Germany (Federal Republic of)	62,659
Hungary	37,240
Italy	35,628
Liechtenstein	26,572
Monaco	27,306
Senegal	7,374
Suriname	6,877
Switzerland	66,732
Total:	417,589

A number of the member States of the Hague Union use all or part of the amounts concerned to pay their contributions to the budgets of the Unions administered by WIPO.

VI. Cooperation with States and Organizations in Matters Concerning Industrial Property

Objective

The objective is to ensure that, through regular contacts between WIPO on the one hand and the governments of States and organizations on the other, there should be full awareness of what is being done and planned on either side in order mutually to inspire more and more useful activities, to combine forces whenever possible and to avoid unnecessary duplication.

Activities

WIPO continued to cooperate with States, with intergovernmental organizations and with international and national non-governmental organizations.

States

Austria. In February, the Director General had discussions with the Minister for Economic Affairs of Austria in Vienna.

Bulgaria. In March, an Agreement for cooperation in the field of intellectual property was signed in Geneva between the Government of Bulgaria and WIPO. The term of the Agreement is five years.

In June, a Deputy Director General attended and gave a lecture at the International Symposium on the Protection of Industrial Property and Promotion of Economic Cooperation, organized by the Bulgarian National Group of AIPPI, under the patronage of

AIPPI, in Sofia; he was accompanied by a WIPO official. On that occasion, the Deputy Director General and the WIPO official visited the Bulgarian Institute for Inventions and Rationalizations, met the Director General of that Institute and had discussions with government officials on questions of mutual interest.

Czechoslovakia. In October, a Deputy Director General attended the International Lenin Conference on patent laws, held in Bratislava.

Hungary. In September, the Director General, accompanied by a WIPO official, paid an official visit to Budapest where he held discussions with government officials on matters of mutual interest. The Director General also participated as Honorary Chairman in the International Conference on Industrial Property and Marketing and attended the extraordinary session of the Assembly of the Hungarian Association for the Protection of Industrial Property where he was elected honorary member.

Iceland. In August, a WIPO official had discussions with government officials on accession to the various treaties in the field of intellectual property administered by WIPO.

Japan. In June, two WIPO officials had informal discussions in Tokyo with officials of the Japanese Patent Office on a proposed special contribution by Japan to the development cooperation program of WIPO in the field of industrial property. The contribution was made by the Government of Japan in October and a trust fund was established by WIPO for its administration.

In November, two officials of the Japanese Patent Office visited WIPO for discussions on the implementation of activities to be financed from the said trust fund.

Soviet Union. In January, a Deputy Director General and another WIPO official had discussions with government officials on development cooperation matters and other questions of mutual interest, including the organization of the Training Course on Patent Information to be held in Moscow in June.

In June, in conjunction with the WIPO-USSR Training Course on Patent Information which was held in Moscow, the authorities of the Soviet Union, with the assistance of WIPO, organized a photographic exhibition of WIPO's activities under the theme "Intellectual Creation in the Service of Peace and Progress."

Spain. In April, a WIPO official discussed with officials of the Spanish Registry of Industrial Property development cooperation matters and further developments in the creation of the International Center for Patent Documentation in Spanish.

Sweden. In December, two WIPO officials visited Stockholm for discussions with the Swedish International Development Authority (SIDA) and the Swedish Patent Office on the extension beyond June 1988 of the Trust Fund Arrangement between SIDA and WIPO for development cooperation activities of WIPO in the field of industrial property.

Turkey. In June, a WIPO official, accompanied by three WIPO consultants from the Federal Republic of Germany, visited Ankara for discussions concerning a UNDP-financed country project, approved in March, for the modernization of the industrial property system of Turkey.

In November, two government officials visited WIPO for further discussions on the implementation of the UNDP-financed project and planning of activities under the project.

United States of America. In June, two WIPO officials visited the Library of Congress in Washington to see in operation its optical disk installation and investigate its optical disk technology in connection with plans related to the trademark operations of WIPO. They also attended a demonstration of the USPTO computer systems (patents and trademarks).

In October, a Deputy Director General of WIPO visited the USPTO and had discussions with its officials.

Yugoslavia. In April, a WIPO official accompanied by three consultants, two from France and one from the EPO, discussed with government officials the proposed UNDP-financed country project for the modernization of the industrial property system in Yugoslavia. The expenses of those consultants were funded by France and the EPO, respectively.

In November, a WIPO official visited Belgrade to finalize, with the Yugoslav authorities and UNDP, the project document for the said project. The project document was formally approved by all parties in December for implementation to start at the beginning of 1988.

Intergovernmental Organizations

Customs Co-operation Council (CCC). In January and April, a WIPO official participated in an international Working Party of the Permanent Technical Committee of the CCC, which was held in Brussels.

Council of Europe (CE). In October, a WIPO official participated in a meeting of the Committee of Experts in the Media Fields of the Council of Europe in Strasbourg.

Council for Mutual Economic Assistance (CMEA). In August, a Deputy Director General of WIPO participated in a meeting of the heads of indus-

trial property offices of the countries members of the CMEA in Ulan Bator.

European Patent Organisation (EPO). In June, a Deputy Director General and another WIPO official participated in a session of the Administrative Council of the EPO which was held in Vienna. On this occasion, the draft of a new agreement on the PCT between WIPO and the EPO was discussed and approved by the Council.

In October, a WIPO official participated, in Munich, in an *Ad hoc* Working Party on Harmonization, established by the Administrative Council of the EPO in order to discuss WIPO's proposals for the harmonization of patent laws and possibilities of harmonizing patent practices within the framework of the trilateral cooperation between the EPO, the Japanese Patent Office and the USPTO.

Also in October, the Director General participated in a ceremony celebrating the tenth anniversary of the entry into force of the European Patent Convention and delivered a congratulatory speech on behalf of WIPO. He was accompanied by a Deputy Director General and another WIPO official. On the same occasion, the Director General met the President of the EPO and signed a new Agreement between WIPO and the EPO on the PCT.

Also in October, a Deputy Director General and another WIPO official participated in the 27th (extraordinary) meeting of the Administrative Council of the EPO.

In December, a Deputy Director General and a WIPO official participated in the 28th (ordinary) meeting of the Administrative Council of the EPO.

Organisation for Economic Co-operation and Development (OECD). In February, officials of OECD visited WIPO headquarters and had discussions with WIPO officials on possible cooperation between WIPO and OECD.

Organization of the Islamic Conference (OIC). In May, a WIPO official visited Jeddah and held discussions with officials of the OIC in connection with the possible signing of a draft cooperation agreement between the two organizations.

During that mission, discussions were held with the Islamic Foundation for Science, Technology and Development (IFSTAD) and the Islamic Development Bank (IDB) in order to identify programs and areas of cooperation between WIPO and the two institutions.

Other Organizations

In January and December, informal meetings with non-governmental organizations were organized by WIPO in Geneva. The activities of the 1986-87 biennium were reviewed and plans for the 1988-89 biennium were discussed.

It is desirable that, in the discussions of substantive intellectual property issues taking place in committees of experts or working groups convened by WIPO, non-governmental organizations whose members come predominantly or exclusively from developing countries play an increasing role. With this objective in mind, the Director General asked, by a circular of November 24, 1986, governments of developing countries (members of WIPO, the Paris or Berne Unions) to assist him in identifying non-governmental organizations, whether international or national, interested in matters of intellectual property, whose headquarters are in a developing country and which he would invite, depending on the subject matter to be discussed, to meetings organized by WIPO. So far, such organizations have been identified by the Governments of Argentina, Brazil, the Central African Republic, Colombia, India, Malawi, Mexico, Pakistan, Thailand, Togo, Trinidad and Tobago and Venezuela. Invitations were extended to eight WIPO-sponsored meetings held during 1987. Two were accepted: the Brazilian Association of Industrial Property (ABPI) was represented in the Committee of Experts on the Protection Against Counterfeiting, held in Geneva in May, and the Arab Society for the Protection of Industrial Property (ASPIP) was represented in the fourth session of the Committee of Experts on the Harmonization of Certain Provisions in Laws for the Protection of Inventions, held in Geneva in November.

American Intellectual Property Law Association (AIPLA). In May, a WIPO official attended a meeting of AIPLA in New York.

In October, a Deputy Director General of WIPO participated in the 1987 Annual Meeting of AIPLA in Washington and delivered a lecture.

Latin American Association of Pharmaceutical Industries (ALIFAR). In August, a WIPO official participated in the annual Assembly and in the second Forum of the Latin American Pharmaceutical Industry organized by ALIFAR in San José.

In October, following the above meeting, an official of ALIFAR visited WIPO and had discussions with the Director General on the possibilities of cooperation between the two organizations.

Arab Society for the Protection of Industrial Property (ASPIP). In February, the Director General of WIPO participated in a ceremony in Munich to mark the establishment of ASPIP.

International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP). In July, a WIPO official participated in the sixth annual meeting of ATRIP, which took place in Cambridge (United Kingdom).

Center for European Policy Studies (CEPS). In February, a WIPO official participated in a meeting of CEPS in Brussels.

European Council of Chemical Manufacturers' Federations (CEFIC). In March, the Director General attended a meeting of the Trade Policy Committee of CEFIC in Milan.

German Association for Industrial Property and Copyright Law (GRUR). In June, a Deputy Director General participated in the annual meeting of GRUR in Mannheim (Federal Republic of Germany).

In October, a Deputy Director General of WIPO participated in a meeting of GRUR in Munich.

International Chamber of Commerce (ICC). In March and October, a WIPO official attended meetings of the Commission on Intellectual and Industrial Property of the ICC in Paris.

In May, the Director General participated in, and gave a speech at, a meeting in Paris organized by the *Business Law Research Center of the Paris Chamber of Trade and Industry.*

International Association for the Protection of Industrial Property (AIPPI). In September, a WIPO official attended the meeting of the Council of Presidents of the AIPPI, in Dublin.

Japan Patent Association. In February and September, two delegations from the Japan Patent Association visited WIPO headquarters and had discussions with WIPO officials on questions of mutual interest.

Law Association for Asia and the Western Pacific (LAWASIA). In June and July, a WIPO official

attended a LAWASIA Conference which was held in Kuala Lumpur.

Trade Marks, Patents and Designs Federation (TMPDF). In July, the Director General delivered a lecture at the annual meeting of the Trade Marks, Patent and Designs Federation, in London.

Union of European Practitioners in Industrial Property (UEPIP). In June, a WIPO official participated in, and gave a lecture at, the UEPIP Congress, which was held in Dublin.

United States Trademark Association (USTA). In April, a WIPO official attended a meeting of the USTA in New York. The meeting dealt, in particular, with counterfeiting in goods bearing trademarks and the international registration of marks.

Also in April, WIPO was represented at the annual Congress of the USTA in Boston.

In October, the Director General had discussions in New York with officials of the USTA.

Various. In April, a WIPO official participated in a Conference on Markets, Technology and the Practice of Electronic Publishing held in Madrid.

In May, a WIPO official attended the Fourth Herchel Smith Annual Lecture at the University of London.

In September, a WIPO official participated in Copenhagen in a meeting of the Danish Association for the Protection of Industrial Property.

In October, the Director General was the guest speaker in meetings organized by the United States Council for International Business and the Global Business Forum in New York.

In November, a WIPO official attended, in Budapest, a Conference organized by the Pharmaceutical Trade Marks Group and the Patent Bureau Danubia and delivered a lecture.

WIPO Meetings

Locarno Union

Committee of Experts on the International Classification for Industrial Designs

Fifth Session
(Geneva, February 1 to 5, 1988)

NOTE*

The Committee of Experts set up by virtue of Article 3 of the Locarno Agreement, of October 8, 1968, Establishing an International Classification for Industrial Designs (hereinafter referred to as "the Committee") met in Geneva from February 1 to 5, 1988.¹

The following eight member States of the Locarno Union were represented: Denmark, Finland, France, Italy, Netherlands, Norway, Sweden, Switzerland. Germany (Federal Republic of), Mexico, the Philippines, the Republic of Korea and Turkey were represented by observers. The Benelux Designs Office and the Organization of African Unity (OAU) as well as the International Association for the Protection of Industrial Property (AIPPI), the Asian Patent Attorneys Association (APAA) and the Committee of National Institutes of Patent Agents (CNIPA) were also represented by observers. The list of participants follows this Note.

The Committee took decisions in respect of changes in each one of the three constituent elements of the Locarno Classification, namely, the List of Classes and Subclasses, the Alphabetical List of Goods and the Explanatory Notes.

The decisions were based on proposals submitted by certain States members of the Locarno Union as well as on proposals made by the Benelux Designs Office and the International Bureau.

The Committee further decided that the notification provided for in Article 4 of the Locarno Agreement should be dispatched on July 1, 1988, so that the decisions entailing the transfer of goods from one class to another, all of which had been adopted unanimously,

would enter into force within a period of six months from the date of that notification, that is, on January 1, 1989. The new edition of the Locarno Classification containing all the amendments and additions decided upon at this session would then be published. It will constitute the "fifth edition" of the Locarno Classification.

Changes in the List of Classes and Subclasses and in the Explanatory Notes

1. General Remarks

A new paragraph (e) reading as follows has been added to General Remarks:

"(e) In principle, goods are classified first according to their purpose and subsidiarily, if this is possible, according to the object that they represent. This latter classification is optional."

2. Class 01

A new Subclass 06 has been added to Class 01 with the heading "Animal foodstuffs."

3. Class 02

Explanatory Note (a) has been deleted.

Explanatory Note (b) has been amended to:

"Not including articles of clothing for dolls (Cl. 21-01), special equipment for protection against fire hazards, for accident prevention and for rescue (Cl. 29) and animal clothing (Cl. 30-01)."

The amended Note (b) has thus become "Note."

The French text of Explanatory Note (b) to Subclass 01 has been amended (English text not affected).

4. Class 09

Amendment of the French heading of Subclass 03 (English text not affected).

* Prepared by the International Bureau.

¹ For the Note on the fourth session, see *Industrial Property*, 1983, p. 130.

5. *Class 14*

The heading of Subclass 03 has been amended to:

"Communications equipment, wireless remote controls and radio amplifiers."

6. *Class 23*

Explanatory Note (a) to Subclass 02 has been amended to:

"(a) Including baths, showers, washbasins, saunas, water closets, sanitary units and sanitary accessories not included in other classes."

7. *Class 29*

An Explanatory Note (b) has been added to Subclass 02 of Class 29, reading as follows:

"(b) Not including helmets (Cl. 02-03) and garments for protection against accidents (Cl. 02-02, 02-04, 02-06)."

The present Note has thus become "Note (a)."

LIST OF PARTICIPANTS**

I. Member States

Denmark: J.E. Carstad; L.G. Hansen. **Finland:** S.-L. Lahtinen. **France:** H. Couturier. **Italy:** A. Capone. **Netherlands:** P. Clément. **Norway:** A. Guldhav; T.A. Oedegaard. **Sweden:** V. Smith. **Switzerland:** M. Diriwächter; B. Schiesser.

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

II. Observer States

Germany (Federal Republic of): R. Lutz; R. von Falckenstein. **Mexico:** A. Fuchs. **Philippines:** A.L. Catubig. **Republic of Korea:** T.-C. Choi. **Turkey:** A. Algan.

III. Intergovernmental Organizations

Benelux Designs Office: P. Clément. **Organization of African Unity (OAU):** M.H. Tunis.

IV. Observer Organizations

Asian Patent Attorneys Association (APAA): A.G. Saludo. **Committee of National Institutes of Patent Agents (CNIPA):** R. Zellentin. **International Association for the Protection of Industrial Property (AIPPI):** G.E. Kirker.

V. Officers

Chairman: A. Guldhav (Norway). **Vice-Chairmen:** V. Smith (Sweden); M. Diriwächter (Switzerland). **Secretary:** C. Leder (WIPO).

VI. International Bureau of WIPO

P. Claus (*Director, Classifications and Patent Information Division*); **C. Leder** (*Head, Trademark and Industrial Design Classifications Section, Classifications and Patent Information Division*); **V. Terbois** (*Head, Industrial Design Registry, Trademark and Industrial Design Registries*); **M. Kaufmann** (*Classifications Assistant, Trademark and Industrial Design Classifications Section*).

Studies

A Review of the Amendments to the Patent Law of the Republic of Korea

BYUNG KYUN LEE*

I. Introduction

The industrial property system in the Republic of Korea was amended to keep up with global trends. The Republic of Korea now places great emphasis on introducing an advanced industrial property system, on acceding to the Paris Convention and to the Patent Cooperation Treaty. The Republic of Korea modified its industrial property system to provide its domestic patent system with strong bases for encouraging, protecting and fostering inventions, thereby improving and developing domestic technology and industries. Accordingly, the new Korean industrial property system was developed for two reasons: first to establish economic reliability for those economic sectors engaged in inventing and, second, to set an example for developing countries.

Contrary to the positive aspects of developing an industrial property system in the Republic of Korea, unresolved issues relating to the protection of patent rights remain because of gaps between the level of patent protection offered by industrialized countries and that relative to developing countries. Industrial property systems seldom lay a foundation for the efficient development of technology and economic growth to cope with the severe international competitiveness between the industrialized and developing countries. In this context, it was determined that it was necessary to amend the Patent Law of the Republic of Korea so as to facilitate the modernization of the industrial property system in the Republic of Korea.

This article discusses the major issues leading to the amendment of the Patent Law of the Republic of Korea and also reviews the details of the said Law, which was amended on December 31, 1986, and entered into force on July 1, 1987.¹ Finally, where relevant, this article draws comparisons between the amended Korean Patent Law and other countries' patent laws.

II. Contents of the Amendments to the Patent Law

A major part of the amendments of the Patent Law of the Republic of Korea, covering more than 20 Sections of the Law, concerns the protection of inventions.

A. *Expansion of the Scope of Protection for Inventions*

1. *Adoption of a Product Patent System*

Under the old Korean Patent Law, inventions falling under any of the following categories were unpatentable:

- (i) inventions of food, drink or gustatory articles;
- (ii) inventions of medicines or of processes for the manufacture of a medicine by mixing two or more medicines;
- (iii) inventions of substances manufactured by a chemical process;
- (iv) inventions of substances manufactured by the process of transformation of the atomic nucleus;
- (v) inventions of uses of chemical substances;
- (vi) inventions liable to contravene public order, morality or to injure public health.

The adoption of a product patent system in the Republic of Korea resulted in the deletion of items (ii), (iii) and (v) from the category of unpatentable matters in Section 4 and expanded the scope of patent protection to include chemical substances.

The effect of granting patent protection to a chemical substance creates the right to manufacture and utilize the chemical substance irrespective of the process required to produce it. Consequently, a process patent to manufacture a chemical substance which has been provided patent protection could not be utilized without first acquiring a license from the patentee of the product patent. Thus, the adoption of a product patent system creates a disadvantageous situation for the patentee of a process patent.

However, a process patent of later application, which is dependent upon an invention of a product patent of

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¹ See *Industrial Property Laws and Treaties, REPUBLIC OF KOREA* — Text 2-001.

prior application, can be worked by means of a compulsory license granted by a trial without, however, granting a nonexclusive license for the product patent. The patentee of a process patent consequently does not need a license from the patentee of the prior product patent. In accordance with Section 59(2) of the Patent Law as amended, a nonexclusive license can be granted to a patentee, to an exclusive licensee, or to a nonexclusive licensee of a patented invention of later application when the patented invention of later application constitutes a "substantial technical advance" over a prior patented invention or a prior registered utility model. This article describes the requirements for granting nonexclusive licenses in greater detail in Parts B and C, below.

2. *Microorganism Inventions*

Both the previous patent system and Section 3 of the amended Patent Law state that any person who invents a new and distinct variety of plant which reproduces itself asexually may obtain a plant patent therefor, provided that tubers, tuberous roots and bulbs are excluded. In addition, the previous patent system provided that a patent for an invention utilizing microorganisms could be granted in accordance with the corresponding enforcement decree while a patent for an invention of a microorganism was excluded from the category of patentable inventions.

In contrast, the amended Patent Law provides for the issuance of patents for inventions of microorganisms. Furthermore, the amended Patent Law provides for the Republic of Korea's accession to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.²

3. *Limits of the Patent Right*

Inventions of medicines manufactured by mixing two or more medicines or inventions of processes for manufacturing medicines by mixing two or more medicines were not patentable under the old Patent Law. Such inventions are now patentable in accordance with Section 46 of the amended Patent Law. However, the potential for patent infringement exists where medical doctors or pharmacists prepare such medicines for patients in accordance with the patented invention without prior authorization from the patentee. This threat of patent infringement could hinder the efforts of medical doctors or pharmacists in their diagnosis, cure, medical treatment and prevention of human diseases.

In the interests of public health, the amended Law consequently provides in Section 46(2) that the effects of the patent right on the invention of medicines shall not extend to acts of preparing patented medicines in accordance with the Pharmaceutical Affairs Law nor to

the medicines prepared by such acts. The provisions of Section 46 are limited to those medicines used to treat human diseases. In contrast, the effects of the patent right are fully extended to acts of preparing medicines for animals.

Another limit of the patent right created by the amendment to the Patent Law involves the deletion of the provision in Section 46(2) of the old Patent Law which was designed to promote exports. This provision stated that an application for an interim injunction, a permanent injunction, or an attachment order could not be made on grounds of patent right infringement with respect to goods for which an export license application had been filed with a view to loading goods on board after a license or permission to export was obtained. The amendment to the Patent Law deleted this export provision from Section 46 to keep pace with the international trends regarding domestic industrial property systems.

In addition, the amendment modified the text of Section 46(1)(ii) of the old Patent Law which specified that the effects of the patent right did not extend to "instruments, machinery or equipment used in transport merely passing through the Republic of Korea." The amended Patent Law, in accordance with Article 5 of the Paris Convention, more expressly states that the effects of the patent right shall not extend to "vessels, aircraft or vehicles merely passing through the Republic of Korea or machinery, instruments, equipment or other accessories used therein."

B. *Arbitration Decisions for Compulsory Licensing*

1. *Background to the Adoption of the Arbitration Decision System*

A compulsory license system aims at preventing the abuses caused by patented inventions which are not worked. A compulsory license system is, therefore, a practical system for developing countries where most of the patents for inventions are held by residents living abroad.

Section 51 of the previous Patent Law granted a nonexclusive license to another at the request of an interested party in cases where a patented invention had not been worked or had been abused. The previous Law, however, lacked definite requirements and substantive procedures for granting a nonexclusive license, thereby presenting an unreliable system.

An arbitration decision system was adopted in Section 51 to secure the reliability of the compulsory license system. An arbitration decision system supplements the compulsory license system by providing reasonable requirements for granting a nonexclusive license and by complementing any procedural deficiencies for granting a nonexclusive license. Industrial sectors are expected to take advantage of this system of compulsory licensing.

² The Budapest Treaty entered into force with respect to the Republic of Korea on March 28, 1988.

2. Scope of an Arbitration Decision

Under Section 51 of the amended Law, an arbitration decision can be rendered for a patented invention included in any of the following categories:

(i) a patented invention which has not been continuously worked in the Republic of Korea for a period of three years or more except in the case of a natural disaster, unavoidable circumstances, or other justifiable reasons as prescribed by Presidential decree;

(ii) a patented invention which has not been continuously worked commercially or industrially in the Republic of Korea, without justifiable reasons and on a substantial scale during a period of three years or more, or a patented invention which has failed to meet domestic or export demand to an appropriate extent and under reasonable conditions;

(iii) a patentee who refuses without justifiable reasons to grant a license resulting in injury to domestic industries or businesses.

These provisions comply with the intent of Article 5A(2) of the Paris Convention. It should be mentioned, with regard to item (i), above, that problems corresponding to the nonworking of a patented invention occur only when a patented article is imported, notwithstanding the potential for efficient domestic production in accordance with the patent. Such importation should be categorized as a nonworking patented invention in the light of the intent of a compulsory license system which is to ensure that patents are worked.

3. Requirements for an Arbitration Decision

When a patented invention falls into any of the categories mentioned in Section 51, a person who intends to work the patented invention may request the patentee or the exclusive licensee to hold consultations on the granting of a nonexclusive license. If no agreement is reached or if no consultation is possible, the person desiring to work the patented invention may request an arbitration decision to determine whether to grant a nonexclusive license. No request for an arbitration decision may be filed unless four years have passed since the filing date of the application of the patented invention. This time limitation places a restriction on the requirements for requesting an arbitration decision found in Article 5A(4) of the Paris Convention.

4. Procedures for an Arbitration Decision

(i) *Submission of Request for an Arbitration Decision.* A request for an arbitration decision starts with the submission of a request to the Administrator of the Office of Patents Administration (hereinafter referred to as "the Administrator").

(ii) *Submission of a Written Reply.* Section 51-2 requires that the Administrator transmit a copy of the written request to the patentee, to the exclusive licensee, or to other persons having any registered right relating

to the patent, and shall give them an opportunity to submit a written reply within the time limit. However, no written reply is required for the arbitration decision to proceed.

(iii) *Hearing of the Industrial Property Council.* Section 51-3 requires that the Administrator hear the views of the Industrial Property Council. The activities of the Council include hearing the views of specialists concerning the technical level of the patented invention or transaction practice, including any field investigation. However, the Administrator is not bound by the views of the Council.

(iv) *Formal Requirements of Arbitration.* Section 51-4 states that the arbitration decision granting a nonexclusive license shall be in writing and shall state the reasons for the decision. Specifically, the decision must define the scope of a nonexclusive license, as well as the amount, the method, and the time of payment for the license. The scope of a nonexclusive license includes restrictive conditions specifying the duration, area, details of working the patented invention, etc.

An objection to the amount of remuneration can be made in accordance with the Code of Civil Procedure.

(v) *Transmittal of Certified Copies of the Arbitration Decision.* When certified copies of an arbitration decision granting a nonexclusive license have been transmitted to the parties concerned, Section 51-5 specifies that an agreement regarding the arbitration decision shall be deemed to have been reached by the parties.

(vi) *Deposit of Remuneration.* Section 51-6 provides that a person who is required to pay a remuneration shall make a deposit thereof:

- (a) where the person to receive the remuneration refuses or is unable to receive it;
- (b) where an action has been instituted with respect to the remuneration; or
- (c) where the patent right or the exclusive license is the subject of a pledge.

(vii) *Lapse of an Arbitration Decision.* A person who is granted a nonexclusive license by an arbitration decision and fails to pay the remuneration is required by Section 51-7 to forfeit the arbitration decision.

(viii) *Cancellation of an Arbitration Decision.* The Administrator may cancel the arbitration decision *ex officio* or upon the request of interested persons when a person who has obtained a nonexclusive license in accordance with the provisions of an arbitration decision fails to work the patented invention. The cancellation of an arbitration decision because of a failure to work a patented invention extinguishes the nonexclusive license.

There is no provision which specifies the duration of such failure to work a patent before an arbitration decision is cancelled. Moreover, the duration for the

nonworking of a patented invention cannot be set in an arbitrary manner. The time required for construction of facilities necessary to work a patented invention and otherwise to prepare for such working may vary significantly depending on the individual patented invention. Such factors dictate that the duration for working patented inventions must be determined with regard to the circumstances of each individual case and cannot be specified in the Law.

5. Cancellation of a Patent Right

Section 51-9 allows the Administrator to cancel the patent right *ex officio* or upon the request of interested persons when a patented invention has not been continuously worked in the Republic of Korea for two years or more from the date of an arbitration decision granting a nonexclusive license, provided that the cancellation procedure applies *mutatis mutandis* to some provisions of the arbitration decision. This provision complies with Article 5A(3) of the Paris Convention. Similar restrictions on patent rights also have been recognized by industrialized countries, such as the United Kingdom and Switzerland, as well as by developing countries, such as Brazil and Mexico.

C. Strengthened Requirements for Demanding a Trial for Granting a Nonexclusive License

1. Review of the System under the Previous Patent Law

Under the previous Patent Law, a patentee, an exclusive licensee or a nonexclusive licensee desiring a nonexclusive license, as described in Section 45(3)³ could request a trial for granting a nonexclusive license if the other party refused to grant a license without justifiable reasons or if it was impossible to obtain a license.

The old Patent Law also specified that when a patentee's invention utilized or conflicted with another person's patented invention, registered utility model or registered design, the patentee's invention would constitute infringement unless the patentee first obtained a license from the patentee of the prior application.

However, the old Patent Law needed a way to effectively work a patented invention of later application which was dependent on a prior pioneer invention, which conflicted with a prior patentee (defined as a patentee of prior application) who refused to grant a

license without justifiable reasons, or which resulted from a later patentee (defined as a patentee of later application) failing to make diligent efforts to obtain a license from the prior patentee. Hence, a compulsory license was introduced in the amended Patent Law to achieve the goal of the patent system to work patented inventions.

Under the old Patent Law, provisions to grant nonexclusive licenses presented the following problems:

(i) a dependent invention or an invention (including an improvement invention) which conflicted with an invention of prior application required a reasonable way to protect the prior application when it was taken to trial to compel the granting of a nonexclusive license. Under the old Patent Law system, a prior patentee always was forced to grant a license to a later patentee whose invention was dependent on a prior invention. The losses suffered by the prior patentee under the old system had the potential to delay or hinder the creation of pioneer inventions. This problem is closely related to the topics of patent infringement and protection of prior inventions;

(ii) patentees whose inventions utilized a patented invention of prior application would be restricted under the old Patent Law in their scope of working a dependent invention in order to protect the prior patentee and in view of the objectives of the patent system;

(iii) the requirements under the old Patent Law for a trial for granting a nonexclusive license included requirements relating to the dependency of a later invention on a prior patentee. This dependency included both the technical ideas and the extent of utilization of the prior patentee's invention. The same requirements could apply to issues raised by the product patent system when a process patent of later application is dependent on a product patent of prior application. The adoption of the product patent system recognized the importance of a trial system for granting a nonexclusive license to work an invention which is either dependent on or conflicts with other prior inventions. The trial system provides a means to coordinate patent rights regarding conflicts between product patents and process patents.

However, the trial system described above places great importance on the consideration of technical matters as well as remuneration before granting a nonexclusive license. Accordingly, a trial system which is time-consuming to administer and which requires cautious procedures was considered suitable for the patent system, although the arbitration decision system is able to consider similar matters in a more expeditious manner.

2. Contents of the Amendments

Section 59 details the requirements for a trial for granting a nonexclusive license. The amendments

³ Section 45(3) read:

"Where a patented invention would utilize or adversely affect another person's patented invention, registered utility model or registered design and if the latter were patented or registered prior to the filing date of the patent application concerned, neither the patentee, nor an exclusive licensee nor a nonexclusive licensee shall commercially work the patented invention without the license of the owner of the earlier patent, utility model right or design right, except where Section 59(1) [Decision on Grant of Nonexclusive License] applies."

strengthen the old Patent Law by prescribing in Section 59(2) that a nonexclusive license shall be granted only when the patented invention of later application constitutes a substantial technical advance compared with the previous patented invention or registered utility model for which application was filed prior to the filing date of the later application. This provision has been enacted in accordance with Section 149(1) of the WIPO Model Law for Developing Countries on Inventions (1979), which was prepared to secure reliability of the nonexclusive licensing system and to protect against abuse of it.

With regard to trials for granting nonexclusive licenses, the Patent Law as amended no longer considers conflicts among a prior patented invention, a later patented invention and a registered utility model. The amended Patent Law only considers conflicts between later patented inventions and prior registered designs. The purpose of a trial, according to the amended Law, is to facilitate the working of a later patented invention.

D. Extension of Terms of Patent Rights

1. Terms of Patent Rights

In most countries, the term of a patent right is dependent on certain domestic conditions including the purpose of the patent system, the level of technology and other economic circumstances. The term of a patent right in the Republic of Korea is generally shorter than that of industrialized countries. However, considering that the completion of an invention in the Republic of Korea might require a longer period to develop and more investment, Section 53 has extended the term of a patent right in the Republic of Korea to 15 years from the date of publication of the patent application and, if not published, from the date of registration of the patent right.⁴ At the same time, a proviso in the old Patent Law, which prescribed that the term of a patent right should not exceed 15 years from the filing date of the patent application, was deleted to eliminate any disadvantage to the applicant caused by a delay of the patent examination procedure.

2. Provisions to Extend Terms of Patent Rights

In certain technical fields, including fine chemicals such as medicines, agrochemicals, etc., the working of a patented invention necessitates additional adherence to procedures such as obtaining permission or registration as prescribed by laws and regulations regarding the safety of the products manufactured. Often, a significant period of time lapses while applicants await the processing of these additional permission and regis-

tration requests. Consequently, a patentee can incur a significant loss of patent enjoyment during the specified 15-year patent period. The ability to extend a patent term has been inserted in Section 53(2) of the amended Law in order to extend the patent term by up to five years to compensate for the time consumed to obtain permission or registration or to complete testing of activity and safety.

Matters relating to requirements for extensions of terms of patent rights and particular kinds of patented inventions suitable for such extensions shall be specified in accordance with the enforcement decree of the Patent Law. The amended enforcement decree states that patented inventions eligible for an extension shall be limited to inventions of medicines, agrochemicals and raw materials for agrochemicals, which are now being worked or have been prepared for working in the Republic of Korea. The length of the extension will be determined by the length of time required for permission or registration. However, the extension will not include lapsed time when an application for permission or registration to work a patented invention was not filed without justifiable reasons. The total patent term added to the extension term shall not exceed 12 years from the date of permission or registration, and the effect of the extended patent right is restricted to the scope of the permission or registration granted. An extension of a patent term requires public notification to provide the public with an opportunity to file an opposition and to present supporting evidence within two months after notification. This system for extending terms of patent rights has been adopted in the amendment to the Patent Law along with the introduction of the product patent system.

E. Reexamination

1. Reexamination Prior to an Appellate Trial

Section 125(1) allows any person who objects to the examiner's final action or trial decision to demand an appellate trial within 30 days from the transmittal of the examiner's decision or the trial decision. However, Section 126-2 specifies that when an amendment to the specification or drawing(s) attached to the application concerning the demand for an appellate trial has been made within 30 days after such demand, the Administrator shall direct the examiner to reexamine the amended specification or drawing(s) prior to an appellate trial.

When the examiner renders a decision that a patent is to be granted after the reexamination, according to Section 126-4 the examiner shall cancel the original rejection against which the appellate trial was demanded. When the examiner maintains a rejection after the reexamination, the examiner shall make a report to the Administrator on the results of the reexamination. The demand will then be handled by appellate trial examiners.

⁴ The old Patent Law states in Section 53(1) that the term of a patent right shall be 12 years counted from the date of publication of the patent application in cases where this is published, and 12 years counted from the date of registration of the patent right in cases where there is no publication.

2. *Background to the Adoption of Reexamination*

The system of reexamination was adopted in order to remedy the problems created by delays of appellate trials caused by an increasing number of demands for appellate trial and by constantly increasing patent applications. In view of the present situation, a considerable number of decisions have been reversed by the appellate trial on grounds that the specification, including claims and drawings attached to the application, had been sufficiently amended during the trial process to eliminate every reason given by the original examiner for rejecting the patent application.

Therefore, if a case at trial reviews an examiner's final action, it reasonably follows in the interest of convenience and expediency that each demand be reexamined by the same examiner who originally examined the respective patent application. In this manner, reexamination is expected to reduce the number of pending cases for appellate trial and to expedite granting patents.

F. Harmonization of Provisions with Amendments to the Patent Cooperation Treaty

1. *Translation of International Patent Applications*

The requirement for the submission of a Korean version of patent applications was deleted from the amended Patent Law.

2. *Special Provisions for International Inventions Deemed to be Novel*

In cases of international applications for patents for inventions, the amended Patent Law requires, in Section 157-22, that the necessary documents verifying the relevant facts of novelty must be submitted to the Administrator within a specified period after the time limit for the submission of a translation of an international patent application.

3. *Special Provision on the Appointment of a Patent Administrator for Residents Living Abroad*

Section 157-11 of the amended Patent Law allows a person who has neither his domicile nor residence in the Republic of Korea to submit a Korean version of a

patent application within the time limit (one year and eight months) or not later than the relevant date, provided that he appoints and reports a patent administrator to the Administrator within the period prescribed by the Ordinance of the Ministry of Trade and Industry. The international patent application shall be deemed withdrawn if the appointment of a patent administrator is not reported within the period prescribed above.

G. Increases of Fines for Offenses of Infringement

Fines for offenses of infringement of a patent right or infringement of an exclusive license were increased in Sections 158 to 166 to strengthen the protection of patent rights. Fines for the infringement of a right of interim protection were also amended.

III. *Interim Measures to Enact the Amended Patent Law*

The transitional provisions provide that patent applications filed after the date of entry into force of the amended Patent Law will be handled in accordance therewith. However, patent applications for chemical substances filed in the Republic of Korea after the entry into force of the provisions on product patents must recognize the priority rights of patents filed, before the entry into force of the amended Law, in a country recognizing priority rights under the Paris Convention.

Examination of patent applications and appellate trials against the examiners' final action regarding patent applications filed prior to the entry into force of the amended Law shall be governed by the previous Law.

The terms of patent rights established prior to its enforcement, or which will be established for those applications filed prior to its enforcement, shall be dealt with as before.

All requests concerning administrative provisions and lawsuits pertaining to compulsory licensing or the cancellation of patents on account of nonworking or abuse of patents which were made prior to the enforcement of the amended Patent Law shall be administered under the old Law.

News Items

The International Union for the Protection of New Varieties of Plants (UPOV) in 1987

State of the Union

There was no change during 1987 regarding membership of the Union, which therefore comprises the following 17 member States: Belgium, Denmark, France, Germany (Federal Republic of), Hungary, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America. All, except Belgium and Spain, are party to the Revised Act of October 23, 1978.

Sessions

During 1987, the various bodies of UPOV met as described below. Unless otherwise specified, the sessions took place in Geneva.

Council

The Council held its twenty-first ordinary session on October 15 and 16, 1987, under the chairmanship of Mr. S.D. Schlosser (United States of America). The session was attended by the representatives of the member States and by observers from seven non-member States, namely, Australia, Brazil, Chile, China, Morocco, Poland and Portugal. The European Economic Community (EEC), the Food and Agriculture Organization of the United Nations (FAO) and the International Seed Testing Association (ISTA) were also represented by observers.

At that session, the Council:

- (i) approved the report of the Secretary-General on the activities of the Union in 1986 and the first nine months of 1987;
- (ii) established the program and budget of the Union for the 1988-89 biennium;
- (iii) approved the progress reports on the work of its various subsidiary bodies and their plans for future work;
- (iv) decided that workshops on variety examination, in which the interested circles would be invited to participate, would be held in various countries in 1988 and 1989;
- (v) adopted a revised text of the UPOV Recommendations on Variety Denominations;

(vi) entrusted to the Administrative and Legal Committee the preparatory work for the revision of the Convention;

(vii) elected new officers for the Administrative and Legal Committee and the Technical Working Parties;

(viii) took note of the resignation, with effect on February 29, 1988, of Dr. Walter Gfeller, Vice Secretary-General.

Consultative Committee

The Consultative Committee, under the chairmanship of Mr. S.D. Schlosser (United States of America), held its thirty-fifth session on April 2, 1987, and its thirty-sixth session on October 14, 1987. The thirty-fifth session was mainly devoted to discussing the preparation of the commemorative book on the twenty-fifth anniversary of the UPOV Convention and the possibility of revising the Convention, and to the preparation of the Third Meeting with International Organizations. The thirty-sixth session was mainly devoted to the preparation of the twenty-first ordinary session of the Council (see above) and to the preparations for the recruitment of a new Vice Secretary-General.

Administrative and Legal Committee and Biotechnology Subgroup

The Administrative and Legal Committee held three sessions in 1987 under the chairmanship of Mr. F. Espenhain (Denmark): the nineteenth on March 31 and April 1, 1987, the twentieth on June 17 and 18, 1987, and the twenty-first on October 8 and 9, 1987. During the morning of October 8, the Committee held a joint meeting with the Technical Committee to discuss the items "Definition and Examination of Hybrid Varieties" and "Minimum Distances Between Varieties." The Biotechnology Subgroup of the Committee met twice, at the same time as the nineteenth and the twentieth sessions. Observers from the Commission of the European Communities (CEC) and the European Free Trade Association (EFTA) participated in all three sessions of the Committee; observers from Canada and Mexico attended the nineteenth session.

At its sessions, the Committee considered the following subjects: (i) revision of the Convention; (ii) the work of the Biotechnology Subgroup; (iii) UPOV

Recommendations on Variety Denominations; (iv) examination of hybrid varieties; (v) minimum distances between varieties; (vi) priorities in relation to extending protection to species not already protected in member States; and (vii) preparations for the Third Meeting with International Organizations.

On the subject of *revision of the Convention*, a number of member States and international non-governmental organizations had submitted their proposals for use at the nineteenth session of the Committee. At that session, the Committee held a general exchange of views in order to identify those points for which a possible revision of the Convention should be studied.

The *Biotechnology Subgroup* of the Committee produced, for the nineteenth session of the Committee which discussed it, a first draft of a report on the "Possible Consequences of Biotechnology in the Field of Intellectual Property Protection." At the twentieth session, the Committee agreed that the report could be submitted to the Third Meeting with International Organizations.

Concerning the *examination of hybrid varieties*, the Committee discussed at its nineteenth session a motion submitted by the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) on the definition of maize hybrids. At its twentieth session, the Committee discussed a document produced by the Delegation of France entitled "Definition and Examination of Hybrid Varieties." At the part of the twenty-first session that was held jointly with the Technical Committee, the testing procedure described in the document was further explained and discussed. Work on this will continue first in the technical bodies.

Technical Committee

The Technical Committee held its twenty-third session from October 6 to 8, 1987, under the chairmanship of Dr. J.K. Doodson (United Kingdom). The session was attended by representatives of the member States and by observers from the CEC and EFTA.

On the basis of preparatory work carried out by the Technical Working Parties, the Technical Committee adopted 12 Test Guidelines (for Gooseberry, Guava, Macademia, Mango, Zonal Pelargonium and Ivy-Leaved Pelargonium, Alstroemeria, Christmas Cactus, Regal Pelargonium, Easter Cactus, Melon, Chinese Cabbage and Leaf Beet) and examined a number of questions that had arisen from the practical experience gained by the offices of the member States when conducting tests for distinctness, homogeneity and stability, in the framework of their examination of new varieties.

The following were among the matters considered by the Technical Committee: an interim report on the replacement of the present UPOV criteria used for assessing distinctness of grasses by the combined over-

years' analysis method; an interim report on the use of different electrophoresis methods in the testing of varieties of wheat; a report on the possibility of "machine vision" to identify varieties of wheat; interim reports on the study of changes in the criteria for testing homogeneity in cross-fertilized and self-fertilized plants. The Technical Committee received the reports on the progress of the work of the Technical Working Parties and gave guidance on a number of questions raised by them. It also instructed them on the major aspects of their future work.

Technical Working Parties

The *Technical Working Party on Automation and Computer Programs* held its fifth session from June 10 to 12, 1987, at Lyngby, near Copenhagen (Denmark), under the chairmanship of Mrs. V. Silvey (United Kingdom). The Working Party's task was to study the harmonization of automation and computer programs used by the authorities of the member States in carrying out the examination of new varieties and, in general, the administration of their plant variety protection legislation. The Working Party continued its study on the suitable level of significance, and on the application of a combined over-years' analysis, for varieties of species other than grasses; it studied various methods used in the member States when producing variety descriptions; it took note of the progress in the field of electronic exchange of information, of the collection of information on existing hardware and computer languages used in the member States and of the efforts made to develop a library of software for the assessment of varieties which could easily be exchanged between the offices of the member States.

The *Technical Working Party for Agricultural Crops* held its sixteenth session from June 23 to 25, 1987, in Geneva (Switzerland), under the chairmanship of Mr. J. Guiard (France). It completed the preparation of the first drafts of Test Guidelines for Common Vetch (revision) and for Durum Wheat (revision), for submission to the professional organizations for comment. It noted the progress on the introduction of the combined over-years' analysis for varieties of grass species. It had discussions on the concept of distinctness and homogeneity for discontinuous characteristics of not truly self-pollinated varieties and cross-pollinated varieties, on the definition of hybrid varieties and synthetic varieties and on the question of distance between varieties.

The *Technical Working Party for Fruit Crops* held its eighteenth session from March 18 to 20, 1987, in Kiryat Anavim (Israel), under the chairmanship of Mr. F. Schneider (Netherlands). In addition to its work on Test Guidelines adopted by the Technical Committee, the Working Party completed the preparation of the first drafts of revised Test Guidelines for Blackberry, for submission to the professional organizations for comment.

The *Technical Working Party for Ornamental Plants and Forest Trees* held its twentieth session from March 23 to 26, 1987, in Kiryat Anavim (Israel), under the chairmanship of Mr. B. Bar-Tel (Israel). In addition to its work on Test Guidelines adopted by the Technical Committee, the Working Party completed the preparation of the first drafts of Test Guidelines for Tuberous Begonia hybrids, for Exacum, for Tulip and for Euphorbia fulgens (revision), for submission to the professional organizations for comment.

The *Technical Working Party for Vegetables* held its twentieth session from June 2 to 4, 1987, in Bamberg (Federal Republic of Germany), under the chairmanship of Dr. J. Habben (Federal Republic of Germany). In addition to its work on Test Guidelines adopted by the Technical Committee, the Working Party completed the preparation of the first drafts of Test Guidelines for Vegetable Marrow and Pumpkin, for Endive, for Egg Plant, for Runner Bean (revision) and for Black Salsify, for submission to the professional organizations for comment.

Contacts with States and Organizations

From January 15 to 17, 1987, the Vice Secretary-General took part in a meeting devoted to biotechnology and industrial property held at the European Patent Office (EPO) in Munich (Federal Republic of Germany) and organized by the *Gesellschaft für Rechtspolitik* (Society for Law Policy) and the Max Planck Institute for Foreign and International Patent, Copyright and Competition Law.

On January 30, 1987, the Vice Secretary-General took part in the meeting of the Plant Variety Protection Committee of AIPH held in Berlin (West).

An official of the Office represented UPOV at the European Conference on Biological Diversity—A Challenge to Science, Economy and Society, organized jointly by *An Foras Talúntais* (Agricultural Institute), the National Council for Science and Technology of Ireland and the CEC and which was held in Dublin (Ireland) from March 4 to 6, 1987.

On March 10, 1987, at the invitation of the University Institute for Development Studies in Geneva, an official of the Office presented a paper on the protection of plant varieties as part of a course on "New Agricultural Technology and Rural Development."

The Genetic Resources Committee of FAO held its second session in Rome (Italy) from March 16 to 20, 1987, and the Vice Secretary-General participated in those meetings that were of interest to UPOV.

On May 18 and 19, 1987, the Vice Secretary-General participated in Paris (France) in the annual meeting of the representatives of the authorities of the member States of the Organisation for Economic Co-operation

and Development (OECD) competent for the implementation of the OECD seed schemes.

On June 4 and 5, 1987, the Vice Secretary-General participated in a symposium jointly organized by WIPO and Cornell University in Ithaca (United States of America) on the protection of biotechnological inventions.

On June 12, 1987, the Vice Secretary-General gave a lecture on plant variety protection at the Federal Institute of Technology in Zurich (Switzerland), as part of a course on industrial property.

From June 29 to July 3, 1987, the Office of the Union participated in an observer capacity in the third session of the WIPO Committee of Experts on Biotechnological Inventions and Industrial Property.

On August 3, 1987, the Secretary-General received the visit of the Permanent Representative of Peru to FAO and discussed with him, in particular, the question of "farmers' rights," which is currently being debated within FAO.

On September 2, 1987, the Vice Secretary-General took part in the meeting of the Plant Variety Protection Committee of AIPH held in Tulln (Austria).

On September 10 and 11, 1987, the Vice Secretary-General took part in the fifth Colloquium of CIOPORA held in Washington, D.C. (United States of America) and gave a lecture.

The Third Meeting with International Organizations was held on October 21 and 22, 1987, under the chairmanship of Mr. S.D. Schlosser (United States of America). The meeting was attended by representatives of the member States and by members of seven international non-governmental organizations: International Association of Horticultural Producers (AIPH), International Association for the Protection of Industrial Property (AIPPI), ASSINSEL, International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOPORA), Association of Plant Breeders of the European Economic Community (COMASSO), International Federation of the Seed Trade (FIS), International Chamber of Commerce (ICC).

The subjects discussed at the meeting were: (i) proposals for possible revision of the Convention; (ii) UPOV Recommendations on Variety Denominations; (iii) definition and examination of hybrid varieties.

On October 27, 1987, an official of the Office presented a paper on the results of the Third Meeting with International Organizations to the Committee for the Protection of Plant Varieties in Berne (Switzerland).

From November 2 to 6, 1987, an official of the Office attended the Twelfth Panamerican Seed Seminar in Montevideo (Uruguay) and gave a lecture on Recent Discussions on Biotechnology in UPOV.

From November 24 to 26, 1987, an official of the Office participated in the annual meeting of the Austrian Directors for Breeding and presented a paper on Austria and Plant Variety Protection.

On December 8 and 9, 1987, Dr. D. Böringer (Federal Republic of Germany) and an official of the Office paid a visit to the competent authorities of Czechoslovakia in Prague to discuss and advise on a draft law on the protection of new plant varieties.

Publications

In 1987 the Office of the Union published two issues of *Plant Variety Protection* and a commemorative book on the twenty-fifth anniversary of the UPOV Convention (UPOV publication No. 879(F)).

Calendar of Meetings

WIPO Meetings

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

1988

May 16 to 20 (Geneva)

Permanent Committee for Development Cooperation Related to Industrial Property (Twelfth Session)

The Committee will review and evaluate the activities undertaken under the Permanent Program for Development Cooperation Related to Industrial Property since the Committee's last session (May 1987) and make recommendations on the future orientation of the said Program. A one-day Symposium on Patent Information will be held on the second day of the session.

Invitations: States members of the Committee and, as observers, States members of the United Nations not members of the Committee and certain organizations.

May 24 to 27 (Geneva)

Consultative Meeting of Experts from Developing Countries on Legal Matters Relating to Intellectual Property in Respect of Integrated Circuits

The Meeting will review and evaluate the comments received from governments on seven studies and analyses prepared by the International Bureau, in consultation with experts from developing countries, concerning legal matters relating to intellectual property in respect of integrated circuits.

Invitations: Developing countries members of WIPO or the Paris Union.

May 25 to June 1 (Geneva)

Executive Coordination Committee of the PCIPI (Permanent Committee on Industrial Property Information) (Second Session)

The Committee will review the progress made in carrying out the tasks of the Permanent Program on Industrial Property Information for the 1988-89 biennium. It will consider requests by PCIPI Working Groups for new tasks in the said program. The Committee will also consider matters related to marks and designs documentation and information. One day will be devoted to the exchange of information in the field of automation of industrial property information.

Invitations: States and organizations members of the Executive Coordination Committee and, as observers, certain organizations.

May 30 to June 1 (Geneva)

Review Meeting on Intellectual Property in Respect of Integrated Circuits

The Meeting will review the progress of the preparatory work for the diplomatic conference on the conclusion of a Treaty on the Protection of Intellectual Property in Respect of Integrated Circuits.

Invitations: States members of WIPO or the Paris Union.

June 13 to 17 (Geneva)

Committee of Experts on the Harmonization of Certain Provisions in Laws for the Protection of Inventions (Fifth Session)

The Committee will continue to examine a draft treaty on the harmonization of certain provisions in laws for the protection of inventions dealing with the following subjects: grace period for public disclosure of an invention before filing an application; requirements in respect of the granting of a filing date to a patent application; requirements in respect of the naming of the inventor and in respect of evidence to be furnished concerning the entitlement of the applicant; requirements in respect of the manner of claiming in patent applications; requirements in respect of unity of invention in patent applications; prior art effect of previously filed but yet unpublished patent applications; rights conferred by a patent; extension of patent protection of a process to the products obtained by that process—proof of infringement of a process patent; requirements in respect of manner of description of invention in patent applications; the right to a patent where several inventors have made the same invention; extent of protection and interpretation of patent claims; the duration of patent protection; maintenance fees; provisional protection of applicants; prior users' rights; restoration of the right to claim priority; and the exclusion from patent protection of certain kinds of inventions.

Invitations: States members of the Paris Union and, as observers, States members of WIPO not members of the Paris Union and certain organizations.

June 27 to July 1 (Geneva)

Committee of Governmental Experts for the Synthesis of Principles Concerning the Copyright Protection of Various Categories of Works (convened jointly with Unesco)

The Committee will re-examine the principles of protection worked out for eight categories of works during the 1986-87 biennium (printed word, audiovisual works, phonograms, works of fine art, works of archi-

texture, works of applied art, dramatic and choreographic works, musical works) and for photographic works in 1988.

Invitations: States members of WIPO, Unesco or the United Nations and, as observers, certain organizations.

September 12 to 19 (Geneva)

IPC (International Patent Classification) Committee of Experts (Seventeenth Session)

The Committee will adopt the final amendments, as well as the revised Guide, to the fourth edition of the International Patent Classification (IPC) and decide on the policy for the revision work during the next (sixth) revision period (1989-93).

Invitations: States members of the IPC Union and, as observers, certain organizations.

September 14 to 16 (Geneva)

WIPO Worldwide Forum on the Impact of Emerging Technologies on the Law of Intellectual Property

The Forum will consider the impact of new technology on intellectual property law, with special emphasis on biotechnology, computer technology, the new technology for the recording of sounds and images, new broadcasting technology (for instance by direct broadcasting satellite) and new technology for transmission of programmes by cable.

Invitations: States members of WIPO, the Paris Union or the Berne Union, certain organizations and the general public.

September 22 and 23 (Geneva)

Permanent Committee on Industrial Property Information (PCIPI) (Second Session)

The Committee will review the work done on the tasks of the program during the first nine months of 1988. It will start to work on the elaboration of a medium-term program for the PCIPI and of a global policy for, and the orientation of, the work of the PCIPI during the 1990-91 biennium.

Invitations: States and organizations members of the Committee and, as observers, certain other States and organizations.

September 26 to October 3 (Geneva)

Governing Bodies of WIPO and of Some of the Unions Administered by WIPO (Nineteenth Series of Meetings)

The WIPO General Assembly will consider the establishment of an international Register of Audiovisual Works. The WIPO Coordination Committee and the Executive Committees of the Paris and Berne Unions will, *inter alia*, review and evaluate activities undertaken since July 1987 and prepare the draft agendas of the 1989 ordinary sessions of the WIPO General Assembly and the Assemblies of the Paris and Berne Unions.

Invitations: As members or observers (depending on the body), States members of WIPO, the Paris Union or the Berne Union and, as observers, certain organizations.

October 24 to 28 (Geneva)

Committee of Experts on Biotechnological Inventions and Industrial Property (Fourth Session)

The Committee will examine possible solutions concerning industrial property protection of biotechnological inventions.

Invitations: States members of WIPO or the United Nations and, as observers, certain organizations.

November 28 to December 2 (Geneva)

Committee of Experts on Model Provisions for Legislations in the Field of Copyright

The Committee will work out standards in the field of literary and artistic works for the purposes of national legislation on the basis of the Berne Convention for the Protection of Literary and Artistic Works.

Invitations: States members of the Berne Union or WIPO and, as observers, certain organizations.

December 5 to 9 (Geneva)

Madrid Union: Preparatory Committee for the Diplomatic Conference for the Adoption of Protocols to the Madrid Agreement

This Committee will make preparations for the diplomatic conference scheduled for 1989 (establishment of the list of States and organizations to be invited, the draft agenda, the draft rules of procedure, etc.).

Invitations: States members of the Madrid Union and Denmark, Greece, Ireland and the United Kingdom.

December 12 to 16 (Geneva)

Executive Coordination Committee of the PCIPI (Permanent Committee on Industrial Property Information) (Third Session)

The Committee will review the progress made in carrying out tasks of the Permanent Program on Industrial Property Information for the 1988-89 biennium. It will consider the recommendations of the PCIPI Working Groups and review their mandates.

Invitations: States and organizations members of the Executive Coordination Committee and, as observers, certain organizations.

December 19 (Geneva)

Information Meeting for Non-Governmental Organizations on Intellectual Property

Participants in this informal meeting will be informed about the recent activities and future plans of WIPO in the fields of industrial property and copyright and their comments on the same will be invited and heard.

Invitations: International non-governmental organizations having observer status with WIPO.

UPOV Meetings

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

1988

October 17 (Geneva)

Consultative Committee (Thirty-eighth Session)

The Committee will prepare the twenty-second ordinary session of the Council.

Invitations: Member States of the Union.

October 18 and 19 (Geneva)

Council (Twenty-second Ordinary Session)

The Council will examine the accounts of the 1986-87 biennium, the reports on the activities of the Union in 1987 and the first part of 1988 and specify certain details of the work for 1989.

Invitations: Member States of the Union and, as observers, certain non-member States and intergovernmental organizations.

Other Meetings Concerned with Industrial Property

1988

May 1 to 4 (Phoenix)

The United States Trademark Association (USTA): Annual Meeting

June 6 to 10 (Munich)

European Patent Organisation (EPO): Administrative Council

June 7 to 10 (Strasbourg)

Center for the International Study of Industrial Property (CEIPI): Licensing and Technology Transfer Course (first module)

June 27 to July 1 (Cannes)

International Federation of Industrial Property Attorneys (FICPI): World Congress

July 24 to 27 (Washington, D.C.)

International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): Annual Meeting

September 15 to 18 (Angers)

International League for Competition Law (LIDC): Congress

September 28 to 30 (Stockholm)

Pharmaceutical Trade Marks Group (PTMG): Conference on "A Commission of Enquiry—In Search of a System"

October 4 to 7 (Strasbourg)

Center for the International Study of Industrial Property (CEIPI): Licensing and Technology Transfer Course (second module)

November 7 to 11 (Buenos Aires)

Inter-American Association of Industrial Property (ASIPI): Congress

December 5 and 6 (Ithaca, New York)

Cornell University, Department of Agricultural Economics: Animal Patent Conference (Consideration of Applicable United States and International Law, Technicalities of Deposit Requirements, Status of Animal Science Research into Potentially Patentable Animal Types, Anticipated Impact of Patents on Livestock Breeding Sector and Production Agriculture, and Perspectives of Farmers and Those Concerned About Ethical Issues Involved)

December 5 to 9 (Munich)

European Patent Organisation (EPO): Administrative Council

