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Notifications Concerning Treaties

Budapest Treaty

Acquisition of the Status of International Depositary Authority

NATIONAL COLLECTION OF FOOD BACTERIA
(NCFB)
(United Kingdom)

The following written communication, addressed to the Director General of WIPO by the Government of the United Kingdom under Article 7 of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, was received on January 17, 1990, and is published by the International Bureau of WIPO pursuant to Article 7(2)(a) of the said Treaty:

I have the honour to refer to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, opened for signature at Budapest from 28 April to 31 December 1977. In accordance with the provisions of Article 7 of the said Treaty, the Government of the United Kingdom of Great Britain and Northern Ireland nominate the National Collection of Food Bacteria as an international depositary authority. The Government of the United Kingdom furnish their assurances that the National Collection of Food Bacteria complies and will continue to comply with the requirements specified in Article 6(2) of the Treaty for an international depositary authority. The requisite information concerning this nominated depositary institution is set out below.

Accordingly I have the further honour to request that you carry out the procedures established by the Treaty and Regulations annexed to it, in connection with the acquisition of the status of international depositary authority by the institution nominated therein.

The National Collection of Food Bacteria is located in the United Kingdom at the AFRC Institute of Food Research, Reading Laboratory, Shinfield, Reading RG2 9AT, United Kingdom. Telephone: 0734 883103, Telex: 9312102022, Telefax: 0734 884763.

The NCFB is the responsibility of the Agricultural and Food Research Council (AFRC), a body

established in the United Kingdom by Royal Charter.

The NCFB has been in continuous existence since 1954. It was previously known as the National Collection of Dairy Organisms (NCDO) until 1986. The NCFB has a staff of two, one of whom holds a university degree and one an equivalent qualification. Additional administrative and technical support staff are available. This staff is fully competent and adequate to perform the scientific and administrative tasks required under the Budapest Treaty. The NCFB is affiliated to the World Federation for Culture Collections and has a recognised reputation for work concerned with the preservation, testing, authentication and distribution of bacteria other than known pathogens. At present the collection contains about 2,500 strains of such microorganisms. The NCFB performs its work in an impartial and objective way and will be available for the purposes of deposit under the Treaty to any depositor under the same conditions.

The NCFB has all the facilities necessary for the culturing, checking and long-term preservation of bacteria. Cultures are maintained routinely by freeze-drying. Patent cultures and records relating to them are stored in locked drawers and files. Only authorised staff have access to them. To minimise the risk of loss, duplicate collections are stored in a building separate from that housing the main collection.

The NCFB is equipped to run in full accordance with the United Kingdom Health and Safety at Work Act, 1974.

Requirements for Deposit

(a) Kinds of Microorganisms that May be Deposited

— Bacteria, including actinomycetes, that can be preserved without significant change to their properties by liquid nitrogen freezing or by lyophilization, and which are allocated to a hazard group no higher than Group 2 as defined by the UK Advisory Committee on Dangerous Pathogens (ACDP), 1984, "Categorization of Pathogens According to Hazard and Categories of Containment" (HMSO, London, ISBN 011 883761 3).

— Plasmids, including recombinants, either

- (i) cloned into a bacterial or actinomycete host, or
- (ii) as naked DNA preparations.

As regards (i) above, the hazard category of the host with or without its plasmid must be no higher than ACDP Group 2. As regards (ii), above, the phenotypic markers of the plasmid must be capable of expression in a bacterial or actinomycete host and must be readily detectable. In all cases, the physical containment requirements must not be higher than level II as defined by the UK Advisory Committee on Genetic Manipulation (ACGM), Guidance Note 15 (Health and Safety Executive, Baynards House, 1 Chepstow Place, London W2 4TF) and the deposited material must be capable of being preserved without significant change to its properties by liquid nitrogen freezing or lyophilization.

— Bacteriophages that have a hazard rating and containment requirements no greater than those cited above and which can be preserved without significant change to their properties by liquid nitrogen freezing or lyophilization.

Notwithstanding the foregoing, the NCFB reserves the right to refuse to accept any material for deposit which, in the opinion of the Curator, presents an unacceptable hazard or is technically too difficult to handle.

(b) *Technical Requirements and Procedures*

(i) *Form and Quantity*

Bacteria (including those containing plasmids) are accepted in any form except agar plate cultures (these are too easily damaged in transit). Bacteriophages should be supplied as cell-free lysates along with a suitable host. NCFB prefers to receive sufficient lysate for direct freezing and distribution but, where this is not possible, smaller volumes from which NCFB may produce its own lysates are acceptable (see below).

Naked plasmids should be submitted as DNA solutions.

The minimum number of replicates to be supplied by the depositor when making his deposit is as follows:

bacteria	2	} cell-free lysate
bacteriophages (at least 10^8 pfu/ml)	2×0.5 ml or 1×10 ml	
* plasmids (DNA at least 20 mcg/ml)	1×10 ml	

(ii) *Time Required for Viability Testing*

The average length of time required for testing the viability for the various kinds of microorganisms accepted by NCFB is given below, but depositors should realise that in some cases viability testing may take longer, as indicated by the figures in brackets:

bacteria	3 days (or up to 14 days);
bacteriophages	3 days (or up to 5 days);
plasmids*	5 days (longer in slow growing hosts).

(iii) *Depositor Checks and Renewal of Stocks*

NCFB prepares its own lyophilized batches of bacteria at the time of deposit by subculturing material supplied by the depositor. New batches are

prepared from these as necessary thereafter for the renewal of diminishing stocks. NCFB prepares its own frozen batches of bacteriophages by subculturing material supplied by the depositor in those cases where insufficient lysate has been provided for large enough batches to be prepared by direct freezing of the depositor's material. New batches are prepared from these as necessary for the renewal of diminishing stocks.

NCFB prepares frozen batches of naked plasmids direct from material supplied by the depositor. Diminishing stocks are renewed by asking the depositor to make a new deposit. The depositor is required to check for authenticity samples of all lyophilized and frozen batches prepared by NCFB.

* For plasmids, "viability" testing consists of inserting the plasmid into a host. If the host is transformed, the "viability test" is regarded as positive.

Whichever method is used for preparing batches of samples for distribution, NCFB nevertheless freezes and stores a portion of the original material supplied by the depositor.

(c) *Administrative Requirements and Procedures*

(i) *General*

Language. The official language of NCFB is English. Communications in any other language are not accepted.

Contract. The NCFB application form, which the depositor is required to complete, constitutes a contract by which he is bound:

— to provide all necessary information requested by NCFB;

— to pay all necessary fees;

— to indemnify NCFB against any claims which may be brought against it as a consequence of the release of samples, unless such claims result from negligence on the part of NCFB;

— not to withdraw his deposit during the required storage period;

— to authorize NCFB to furnish samples according to the applicable patent requirements.

When a microorganism has been accepted for deposit, NCFB notifies the depositor and reminds him that he is bound by the terms and conditions of its contract.

(ii) *Making the Original Deposit*

Requirements to be Met by the Depositor. As well as NCFB application form referred to in (i), above, depositors are required to complete the NCFB accession form for patent deposits (copies of both forms attached).¹ NCFB does not require a special form to be completed in the event of a later indication or amendment of the scientific description and/or proposed taxonomic designation, or for a request for attestation that NCFB has received such information.

¹ Not reproduced here (*Editor's note*).

Official Notifications to the Depositor. The receipt and viability statement are issued on mandatory "international forms" BP/4 and BP/9, respectively. Attestation of receipt of a later indication or amendment of the scientific description and/or proposed taxonomic designation is issued on model form BP/8. Notification of the furnishing of samples to third parties is issued on model form BP/14. NCFB has its own standard forms for notifying the depositor of acceptance of a microorganism (see (i), above) or refusal to accept a microorganism, and for notifying the depositor of the inability of NCFB to furnish samples. Individual letters, rather than standard forms, are used for other official notifications.

Unofficial Notifications to the Depositor. If requested, NCFB will telephone or telex the date of deposit and accession number after the microorganism has been received, but before the official receipt is issued. However, the depositor is told that such information is provisional, pending the outcome of the viability test. NCFB will similarly communicate the result of the viability test before the viability statement is issued.

Supply of Information to Patent Agent. NCFB routinely asks the depositor for the name and address of his patent agent and, if requested, will supply copies of the receipt, viability statement and any other information to both the depositor and his patent agent.

(iii) *Converting a Previous Deposit*

Deposits made outside the provisions of the Budapest Treaty may be converted by the original depositor to Budapest Treaty deposits, whether or not they were originally made for patent purposes. However, in the case of deposits previously made for scientific purposes and which are already generally available from NCFB, the depositor is requested to authorize the NCFB to continue to make them so available and to waive his right to be notified of the release of samples. If the depositor is unwilling to accede to this request, he must make another deposit of the same organism under the Budapest Treaty. These constraints do not apply to deposits made confidentially for safekeeping. Any deposit previously made free of charge is subject, on conversion, to the storage fee normally levied for Budapest Treaty deposits. With the exceptions noted above, the administrative requirements for conversion are the same as those to be met in respect of an original deposit made under the Treaty.

(iv) *Making a New Deposit*

The depositor is required to complete model form BP/2 when making a new deposit, and to supply copies of the relevant documents required by Rule 6.2. The receipt and viability statement for a new deposit are issued on mandatory "international forms" BP/5 and BP/9.

Furnishing of Samples

(a) *Requests for Samples*

NCFB advises third parties of the correct procedures to follow in order to make a valid request. In the case of requests requiring proof of entitlement, NCFB will provide requesting parties with copies of model request form BP/12 and/or request forms used by individual industrial property offices (where it has been supplied with such forms).

Notwithstanding any entitlement of third parties to receive samples under patent regulation, samples of plant pathogens requiring a permit to be worked with are not released to requesting parties in the United Kingdom until NCFB has confirmed that such parties have obtained the necessary permit. Also, samples of all microorganisms are delivered only to recognised microbiological laboratories and not to private addresses. When responding to requests from abroad, NCFB assumes the requesting party has met the import requirements of his own country.

All samples of bacteria furnished by NCFB are from batches of its own preparations; samples of bacteriophages may be from its own preparations or from material supplied by the depositor; samples of plasmids are from material supplied by the depositor.

(b) *Notification of the Depositor*

Depositors are notified on model form BP/14 when samples of their microorganism have been furnished to third parties.

(c) *Cataloguing of Budapest Treaty Deposits*

NCFB lists Budapest Treaty deposits in its published catalogue only with the specific written authorisation of the depositor.

Schedule of Fees

Storage	£ 350
Issue of viability statement	50
Furnishing of a sample	30
	(plus cost of carriage)

Where applicable, charges are subject to Value Added Tax at the current rate.

Guidance for Depositors

NCFB publishes a leaflet containing guidance notes for prospective depositors.

[End of the text of the communication of the Government of the United Kingdom]

Pursuant to Article 7(2)(b) of the Budapest Treaty, the National Collection of Food Bacteria (NCFB) acquires the status of international depositary authority as from February 28, 1990.

Budapest Communication No. 59 (this Communication is the subject of Budapest Notification No. 86, of February 5, 1990).

Studies

The Future of the Patent System from a User's Point of View

H. BARDEHLE*

I. The Situation of Patent Offices

The future of the international patent system in the next century begins with the present situation at the patent offices, namely, their activities and in particular their effectiveness. In considering this situation, we may concentrate on the three largest patent offices, namely, the Japanese Patent Office, the U.S. Patent and Trademark Office and the European Patent Office. These Offices have already begun to work together under what is known as trilateral cooperation.

A. Japanese Patent Office

More than 300,000 patent applications are received annually at the Japanese Patent Office. Due to the deferred examination under the Japanese patent system, only a part of these are examined. This, however, is a larger number of applications than can be handled yearly by the Japanese Patent Office. The result is a current backlog of about 650,000 applications.¹ It is unlikely that these can be processed in view of the 300,000 new patent applications which are received annually. This leads to considerable legal uncertainty for an industrial enterprise that wishes to operate on the Japanese market. Hundreds of thousands of Japanese patent applications are pending. It is impossible to make a reasonable evaluation of their possible later protective scope. This situation results in a patent system which cannot achieve its purpose, that is to say, to protect new products as soon as possible and to provide competitors with the correct information as to what is actually protected and what is not.

The Japanese Patent Office has recently taken steps to resolve these problems. Additional examiners have been recruited and the administration of the Office has been improved by computerization. There is some doubt in interested circles as to whether these steps will be sufficient. We can only await the results that time will bring.

* Patent Attorney, Munich; Honorary President of the International Federation of Industrial Property Attorneys (FICPI).

¹ WIPO document HL/CE/VI/5 of April 28, 1989, paragraph 51.

B. U.S. Patent and Trademark Office

The U.S. Patent and Trademark Office is seen most favorably in this comparison, since U.S. patents are normally issued within three years at the latest after an application is filed. Therefore companies working on the U.S. market obtain the necessary information within a reasonable time on the protective rights which they have and which should be observed. However, there are two critical remarks to make: firstly, the continuation application is generous for the applicant and should be maintained. However, the continuation practice sometimes leads to unpleasant surprises for competitors. What are known as "patent submarines," which arise only years later, can make initial investments by competitors practically useless. The dangerous surprise of competitors would disappear if the United States of America adopted early publication after 18 months, as is the case in many other countries. Secondly, the search at the U.S. Patent and Trademark Office in many cases leads to prior art which is hardly comparable, for example, with the art identified in the search at the European Patent Office. Practical experience shows that searching at the U.S. Patent and Trademark Office varies considerably in quality. The relatively early grant of the U.S. patent and the not infrequent lower quality of the search at the U.S. Patent and Trademark Office lead to a certain international disharmony. We will now consider this in conjunction with the remarks on the European Patent Office.

C. European Patent Office

At the European Patent Office, the search is made before examination commences. The search report should normally be published together with the European patent application 18 months after the priority date. A considerable backlog has resulted in the applications to be searched. At present, 60,000 European patent applications are waiting to be searched. This tendency is increasing. The European Patent Office predicts that by the year 2000 about 100,000 applications will be received annually, which all have to be searched. It is of great concern to the

President of the European Patent Office, and naturally also the involved parties, how the European Patent Office will be able to deal with this increasing demand for searches.

The practice of separating examination and searching under the European Patent Convention has proven positive for the applicant since the examiner receives the completed search report without having personally to identify himself with it. He uses it as a neutral judge would and its effect on the scope of the granted patent is thus not considered by him as an indication of the quality of his work. The searcher, however, is in a different situation since it is his task to come as close as possible to the subject matter of the application with his search. If he finds identical art, he has had the greatest success in his work. In systems where the examiner makes his own search, he is inclined to give greater weight to the success of the search than is warranted. In other words, this means that the examiner who does his own searches will tend to force an applicant to limit the claims more than the examiner who receives the search from another person. This is the experience of applicants and their representatives.

Therefore, the separation of examination and search should be maintained as a modern procedure in the European Patent Office. It should also be introduced into other examining patent offices. This appears quite feasible with the increasing use of data banks in searching.

For companies involved in international patent activities, the delay in establishing the European search report and the early grant of the U.S. patent present a difficult problem. Experience shows that the European search report is usually made available after grant of the corresponding U.S. patent. The large differences in these searches undermine the presumption of validity of the U.S. patent and may incite the patentee to request re-examination of the U.S. patent.

II. Cooperation Among Patent Offices

The international patent system not only has a joining effect between countries as mentioned before, but also provides for a continuous exchange of knowledge of the latest technical developments all over the world. There is no other information instrument which so completely distributes this knowledge on the newest state of the art as does the international patent system. Therefore it must be our task to look for ways and means of recovering the partially lost effectiveness of the international patent system and of improving it for the future so that by the year 2000 the applicant—and the public—can rapidly be informed, normally within about two years, of similar protection rights which exist internationally without obstacles arising later due to national or regional disharmony.

Despite the establishment of the European Patent Office, much repetitive work still remains in our inter-

national patent system. A patent application which is filed in parallel at the Japanese Patent Office, U.S. Patent and Trademark Office and the European Patent Office, must be searched three times. The search results usually agree in part only. One of the basic ideas of the Patent Cooperation Treaty (PCT) is to provide an international application with just a single search. Unfortunately, this goal—for which the PCT provides the best prerequisites—has not been achieved because a supplementary search is required by examining patent offices in the designated countries. This may be reasonable when looking at the difference in individual searches. However, it shows that the patent offices acting individually as International Searching Authorities are not in a position to harmonize their searches.

The PCT provides a way to harmonize and reduce the work in its member States. This results from the fundamental regulation of the PCT in Article 11(3). It gives an international application the effect of a national application in the designated States. There was a memorable debate in the committee of experts' meeting in Geneva at which the Swiss Delegation suggested this ruling in the PCT to give the Treaty its fundamental importance. It will be recalled that the Paris Convention already indicated this direction, since it stipulated the automatic existence of the priority right. The PCT goes an essential step further and allows a national application to come into existence in the designated States.

Chapter II of the PCT attempts to go a step further. In Chapter II, the possibility is provided of using the international preliminary examination report in the elected States. It would seem, however, that the examination report is only recognized and used at the patent office at which the international preliminary examination was carried out. Although the International Preliminary Examining Authorities in the other elected States take note of the examination report, they nevertheless carry out their own examination. The inclusion of "preliminary" in the designation "international preliminary examination," is an indication of how little the PCT member States were willing to recognize the working results of other PCT member States.

III. Harmonization

Unfortunately not much has changed in this field. Mutual recognition of working results is perhaps not even possible since, apart from the differences in search reports, the actual work of the patent offices is still far from being in harmony. This should not be understood as an accusation, since it is naturally to be expected that historical developments will have taken place over several decades in each country or region. They cannot all be aligned from one day to the next.

The harmonization of the work at patent offices will surely achieve a basis for a more comprehensive and,

eventually, complete recognition of working results. It must be achieved if the international patent system is not to be stifled by the year 2000 due to the high number of applications, which are so positive for technical advancement.

WIPO has again taken the initiative by presenting a draft treaty for the harmonization of the national patent systems. It is to be hoped that the proposed rulings will lead to the conclusion of an international agreement within the next two years. This treaty can be the basis for harmonizing work at the patent offices and, furthermore, for harmonizing the national impact of patents. It must be emphasized that this aspect of the proposed harmonization treaty will be of significant importance for applicants and their confidence in the international patent system, since patents are not honorary declarations for the inventor. They are protective rights in inventions and the investments which were necessary for their creation. Without such protection of investments industry would not be willing to invest in research and development. Without such willingness there would be no technical advancement because without protection it is not possible to profit from investment capital for technical innovations.

An important comment has to be made on the task of a patent office as an authority for granting patents, which holds true for the present function of a patent office and also for the future. A patent office receives technical intellectual matter which usually has been created with a considerable outlay in time and money. When a patent office issues a negative decision on this intellectual matter, namely, when it issues a final rejection, this means that the patent office has released the intellectual matter entrusted to it for imitation free of charge. The rejection has the effect of a declaration of release. This is particularly serious because rejections usually take place after publication of the relevant patent application. The applicant's competitors are thus provided with the valuable know-how contained in every patent application which they may exploit and imitate at no cost. Patent offices should keep this release effect in mind when they issue rejections and not only act according to the flexible and subjective standard of inventive step. The rejection of an application which contains an innovation enriching technology has the effect of discouraging inventors and industry from entrusting future ideas to the patent office. More likely, they will keep them secret. A patent office, by its simple existence, attracts applicants and causes them to assume the cost of translation into the relevant national language. However, it must also be aware of its task. The task of a patent office is to provide investment protection for technical innovations by granting patents and support for technical development and not to offer know-how of others in the national language without cost. It is the mission of a patent office to grant patents where invention exists.

Of course, there will always be justified rejection. However, before each rejection, it should be considered

whether the technology concerned is truly so simple and insignificant that it is qualified for release. "Qualified for release" is a criterion for examining patent applications which, unfortunately, has not been applied up until now. It should at least be added as a supplement to the criterion of inventive step.

The harmonization treaty now being prepared will provide a great impetus for further harmonization once it is agreed. For this to happen, however, it must first be concluded, since repeated work on a treaty which does not come to fruition can lead to resignation on the part of those involved in its formulation. After its entry into force and after experience has been gained nothing would oppose an extension of the treaty to further provisions in the national or regional patent laws.

IV. Mutual Recognition of the Examination Results

The conclusion of the harmonization treaty will increase the willingness of member States to recognize the examination results of other patent offices. This is the intent of the PCT in Chapters I and II. If patent offices do not wish to become overwhelmed with repetitive work and if they do not wish to become mammoth institutions, then they must mutually rely on the working results of other patent offices. The task of the patent offices for the future is in harmonizing their work and structuring it in such a way that they can fully accept the working results of the other offices, including the grant of patents. A patent granted by the European Patent Office, for example, would accordingly lead to a Japanese patent and *vice versa*, assuming that a corresponding Japanese patent application existed.

Such a situation may initially come as a shock. This was the case for the PCT in the beginning, but this has since disappeared. In addition, the international extension of a protection right based on a national protection right is nothing new. The Madrid Agreement Concerning the International Registration of Marks provides such an extension for international marks on the basis of a nationally registered mark. The protection extends to those States for which the international registration has been made. The concerned States, however, retain the right to file opposition against the automatic extension of protection. This is followed by a normal national examination procedure for the trademark. Why should a similar provision not also be possible for patents? If the national patent laws and the procedures before the national patent offices are harmonized, it can be possible.

On this point, the key words are PCT Chapter III.

Chapters I and II of the PCT are systematically formulated in relation to one another. The purpose of Chapter II is to give the applicant a further extension of up to 30 months after the priority date to fulfill the national requirements. Before the end of that term, he

receives the international preliminary examination report. For this reason, the international preliminary examination must be carried out very rapidly with short communications and with some strictness in order to have the subsequent report promptly available for the elected States. The procedure under Chapter II is not suited for a normal and intensive examination procedure. In principle, however, the Chapter II procedure is positive because it gives the applicant the possibility of prolonging the decision on costly foreign applications until the result of the preliminary examination is received. Experience shows that a good first examination opinion is sufficient to take this decision. Such an opinion deals with all aspects of a patent application. It could also be formulated under Chapter III. If the applicant at the outset requests extension of the protection according to Chapter III, then in this case, after preparing the first comprehensive examination opinion, a normal examination procedure would follow before the authority responsible for this Chapter III procedure, for example, the European Patent Office, the U.S. Patent and Trademark Office or the Japanese Patent Office. After completing this examination procedure the extension of the examination report to the elected States could then take place, possibly with the right of the applicant to request re-examination in the case of complete rejection. Such a procedure according to Chapter III would also have a special advantage for countries that do not examine. They would receive examined patents.

Such an extension of the effect of examined patents could be subjected to subsequent control in the elected States in the way provided in the Madrid Agreement. However, it must be ensured that this control is only exercised when an examination carried out under Chapter III has obviously led to an incorrect result, otherwise the Chapter III procedure would not lead to a reduction in duplicated work in the national or regional patent offices.

Finally, a national nullity procedure would remain in any case as the last instance of control. National sovereignty would thus be maintained.

When one considers the extensive use made of the Madrid Agreement and experience with international registration of trademarks, the extension of patents considered here is not utopian. The patent offices of the world beyond the year 2000 will only be able to accomplish their important work if they adopt this type of procedure or a similar one.

V. Future Prospects and Conclusions

Finally, another, perhaps radical, idea deserves consideration.

We live in a world which is becoming increasingly smaller due to improved transportation and communication. People involved internationally in patent matters have long since become accustomed to communicating in foreign languages. What would it be like if we could achieve, for example, by the year 2050, the filing of international patent applications in only a few languages, or better still in just one language? Those wishing to participate internationally in the advance of technology must at least know the English language apart from their mother tongue. This cannot be disputed. The savings for international applications would be enormous. The exchange of information would be intensified. The patent system would give a stimulus to further understanding among the peoples of the world as personal communication would be decisively improved. People speaking to one another in one language and making friends in other countries are no longer capable of developing artificial prejudices. With the creation of the European Patent Office, a first attempt was made to allow applications in Europe in three languages only and to carry out examination in the language of the application. Unfortunately, however, the narrow thinking of European States has meant that the European patent must be translated into practically all languages of the designated countries. For the European Communities, a Community patent on the basis of the European patent is still to be established. According to current developments, it is to be expected that the Community patent will have to be translated into all the official languages of the Community Member States. The Community patent would become extremely expensive.

One should also consider the question of languages within the future structure of the international patent system and the responsible parties should consider at a very early stage the reduction to one language. This will be unavoidable. In a few generations such will be the case for commercial and technical communication. In many international organizations it is already the practice. If this takes place at an early stage, the idea will also lose its initial shock effect. A guarantee for the national needs regarding language could also be agreed upon, for example, for court litigation where translations from foreign language patents are always required anyway. Court proceedings, however, are relatively seldom since patentees know that they are also occasionally patent infringers and therefore tend to settle patent disputes amicably and only go to court when absolutely necessary. There are only ten years until the next century begins. The situation of the large patent offices and the status of harmonization of their procedures requires action in order to re-establish the effectiveness of the patent system so that in the next century the applicants can obtain protection that really justifies the word.

News Items

HUNGARY

*President,
National Office of Inventions*

We have been informed that Dr. István Iványi has been appointed President of the National Office of Inventions.

SUDAN

Commercial Registrar General

We have been informed that Mr. Saeed Abdul Mahmoud has been appointed Commercial Registrar General.

Calendar of Meetings

WIPO Meetings

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

1990

March 12 to 16 (Geneva)

Working group on the application of the Madrid Protocol of 1989 (First Session)

This working group will consider the draft of new Regulations under the Stockholm Act of the Madrid Agreement Concerning the International Registration of Marks and the Protocol (adopted in Madrid in June 1989) relating to the said Agreement and will suggest other measures required by the co-existence of the Madrid (Stockholm) Agreement and the said Protocol.

Invitations: States members of the Madrid Union, States having signed or acceded to the Protocol, Greece, Ireland, the European Communities and, as observers, other States members of the Paris Union expressing their interest in participating in the Working Group in such capacity and certain non-governmental organizations.

May 28 to June 1 (Geneva)

Committee of Experts on the International Protection of Indications of Source and Appellations of Origin

The Committee will advise the International Bureau of WIPO on the possible conclusion of a new treaty on the international protection of indications of source and appellations of origin or the possible revision of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration and on the possibilities of increasing the use of the registration facilities of that Agreement.

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

June 5 to 8 (Geneva)

Consultative meeting of developing countries on the harmonization of patent laws

This consultative meeting will, on the basis of working documents prepared by the International Bureau of WIPO, study problems of particular relevance to developing countries in connection with the preparation of a treaty on the harmonization of certain provisions in laws for the protection of inventions.

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

June 11 to 22 (Geneva)

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

The Committee will continue to examine a draft treaty on the harmonization of certain provisions in laws for the protection 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 11 to 22 (Geneva)

Preparatory meeting for the diplomatic conference on the adoption of a treaty on the harmonization of patent laws

The preparatory meeting will prepare the organization of the diplomatic conference which will negotiate and adopt a new treaty on the harmonization of patent laws. The preparatory meeting will, in particular, establish the draft rules of procedure of the diplomatic conference and decide which States and inter-governmental and non-governmental organizations should be invited to the diplomatic conference and in what tentative capacity.

Invitations: States members of the Paris Union.

June 25 to 29 (Geneva)

Committee of Experts on the Harmonization of Laws for the Protection of Marks (Second Session)

The Committee will continue to examine draft treaty provisions on the harmonization of laws for the protection of marks.

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

July 2 to 6 (Geneva)

PCT Committee for Administrative and Legal Matters (Third Session)

The Committee will examine proposals for amending the Regulations under the Patent Cooperation Treaty (PCT), in particular in connection with the procedure under Chapter II of the PCT.

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

- July 2 to 13 (Geneva)** **Committee of Experts on Model Provisions for Legislation in the Field of Copyright (Third Session)**
The Committee will continue to consider proposed 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.
- September 24 to October 2 (Geneva)** **Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-First Series of Meetings)**
Some of the Governing Bodies will meet in ordinary session, others in extraordinary session.
Invitations: As members or observers (depending on the body), States members of WIPO or the Unions and, as observers, other States and certain organizations.
- October 15 to 26 (Geneva)** **Committee of Experts Set up under the Nice Agreement (Sixteenth Session)**
The Committee will complete the fifth revision of the classification established under the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks.
Invitations: States members of the Nice Union and, as observers, States members of the Paris Union not members of the Nice Union and certain organizations.
- October 29 to November 2 (Geneva)** **Committee of Experts on a Protocol to the Berne Convention (First Session)**
The Committee will examine whether the preparation of a protocol to the Berne Convention for the Protection of Literary and Artistic Works should start, and—if so—with what content.
Invitations: States members of the Berne Union and, as observers, States members of WIPO not members of the Berne Union and certain organizations.
- October 29 to November 2 (Geneva)** **Working group on a possible revision of the Hague Agreement (First Session)**
This working group will consider possibilities for revising the Hague Agreement Concerning the International Deposit of Industrial Designs, or adding to it a protocol, in order to introduce in the Hague system further flexibility and other measures encouraging States not yet party to the Hague Agreement to adhere to it and making it easier to use by applicants.
Invitations: States members of the Hague Union and, as observers, States members of the Paris Union not members of the Hague Union and certain organizations.
- *November 5 to 9 (Geneva)** **Committee of Experts on Measures Against Counterfeiting and Piracy (Second Session)**
The Committee will continue to consider draft model provisions for national laws on protection against counterfeiting and piracy.
Invitations: States members of the United Nations or specialized agencies and, as observers, certain organizations.
- *November 19 to 23 (Geneva)** **Committee of Experts on the Settlement of Intellectual Property Disputes Between States (Second Session)**
The Committee will continue the work started during its first session (February 19 to 23, 1990).
Invitations: States members of the Paris Union, the Berne Union or WIPO or party to the Nairobi Treaty and, as observers, certain organizations.
- November 26 to 30 (Geneva)** **Working group on the application of the Madrid Protocol of 1989 (Second Session)**
The working group will continue the work started during its first session (March 12 to 16, 1990).
Invitations: States members of the Madrid Union, States having signed or acceded to the Protocol, Greece, Ireland, the European Communities and, as observers, other States members of the Paris Union expressing their interest in participating in the working group in such capacity and certain non-governmental organizations.
- December 10 to 14 (Geneva)** **PCT Committee for Administrative and Legal Matters (Fourth Session)**
The Committee will continue the work started during its third session (July 2 to 6, 1990).
Invitations: States members of the PCT Union and, as observers, States members of the Paris Union not members of the PCT Union and certain organizations.
- 1991**
- January 28 to 30 (Geneva)** **Information meeting(s) on the revision of the Paris Convention**
An information meeting of developing countries members of the Paris Union and China and, if it is so desired, information meetings of any other group of countries members of the Paris Union will take place for an exchange of views on the new proposals which will have been prepared by the Director General of

* Dates particularly subject to possible change.

WIPO for amending the articles of the Paris Convention for the Protection of Industrial Property which are under consideration for revision.

Invitations: See the preceding paragraph.

January 31 and February 1 (Geneva)

Assembly of the Paris Union (Fifteenth Session)

The Assembly will fix the further procedural steps concerning the revision of the Paris Convention and will take cognizance of the aforementioned proposals of the Director General of WIPO. It will also decide the composition of a preparatory meeting which will take place in the first half of 1991.

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

***June 3 to 28**

Diplomatic Conference for the adoption of a treaty on the harmonization of patent laws

This diplomatic conference will negotiate and adopt a treaty on the harmonization of patent laws, which will supplement the Paris Convention as far as patents are concerned.

Invitations: To be decided by the preparatory meeting to be held from June 11 to 22, 1990 (see above).

September 23 to October 2 (Geneva)

Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Second Series of Meetings)

All the Governing Bodies of WIPO and the Unions administered by WIPO meet in ordinary sessions every two years in odd-numbered years.

In the sessions in 1991, the Governing Bodies will, *inter alia*, review and evaluate activities undertaken since July 1990, and consider and adopt the draft program and budget for the 1992-93 biennium.

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

***November 18 to December 6**

Diplomatic Conference on the Revision of the Paris Convention for the Protection of Industrial Property (Fifth Session)

The Diplomatic Conference will negotiate and adopt a new Act of the Paris Convention.

Invitations: States members of the Paris Union and, without the right to vote, States members of WIPO or the United Nations not members of the Paris Union as well as, as observers, certain organizations.

UPOV Meetings

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

1990

April 23 to 27 (a.m.) (Geneva)

First Preparatory Meeting for the Revision of the UPOV Convention

Invitations: Member States of UPOV.

April 27 (p.m.) (Geneva)

Consultative Committee (Forty-First Session)

The Committee will mainly discuss the outcome of the First Preparatory Meeting for the Revision of the UPOV Convention.

Invitations: Member States of UPOV.

June 25 to 29 (Geneva)

Second Preparatory Meeting for the Revision of the UPOV Convention

Invitations: Member States of UPOV.

October 15 and 16 (Geneva)

Third Preparatory Meeting for the Revision of the UPOV Convention

Invitations: Member States of UPOV.

October 17 (Geneva)

Consultative Committee (Forty-Second Session)

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

Invitations: Member States of UPOV.

October 18 and 19 (Geneva)

Council (Twenty-Fourth Ordinary Session)

The Council will examine the reports on the activities of UPOV in 1989 and the first part of 1990 and approve documents for the Diplomatic Conference to Revise the UPOV Convention.

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

* Dates particularly subject to possible change.

Other Meetings Concerned with Industrial Property

1990

May 8 to 11 (Washington, D.C.)

Foundation for a Creative America: Bicentennial Celebration of the Enactment of the United States Patent and Copyright Laws

September 30 to October 4 (Harrogate)

International Federation of Industrial Property Attorneys (FICPI): Congress

