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Editor's Note

BELARUS

Announcement on the Protection of Industrial Property in Belarus (*This text replaces the one previously published under the same code number*) Text 1-001

CHINA

Patent Law of the People's Republic of China, Adopted at the Fourth Session of the Standing Committee of the Sixth National People's Congress on March 12, 1984, Amended by the Decision Regarding the Revision of the Patent Law of the People's Republic of China, Adopted at the 27th Session of the Standing Committee of the Seventh National People's Congress on September 4, 1992 (*This text replaces the one previously published, the only change being the code number*) Text 2-001

Implementing Regulations of the Patent Law of the People's Republic of China (Approved by the State Council and Promulgated by the Patent Office of the People's Republic of China in December 1992) (*This text replaces the one previously published under the same code number*) Text 2-002

SWITZERLAND

Ordinance on the Protection of Trademarks (OPM) (of December 23, 1992) Text 3-002

UKRAINE

Announcement on the Provisional Regulation Concerning the Legal Protection of Industrial Property in Ukraine (*This text replaces the one previously published under the same code number*) Text 1-001

Notifications Concerning Treaties Administered by WIPO in the Field of Industrial Property

WIPO Convention

I. Accession

SAINT LUCIA

The Government of Saint Lucia deposited, on May 21, 1993, its instrument of accession to the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967.

The said Convention will enter into force, with respect to Saint Lucia, on August 21, 1993.

WIPO Notification No. 166, of May 24, 1993.

II. Declaration

UZBEKISTAN

The Government of Uzbekistan deposited, on May 5, 1993, the following declaration:

“The Government of the Republic of Uzbekistan hereby declares that the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967, and amended on September 28, 1979, continues to be applicable in the Republic of Uzbekistan.

The Government of the Republic of Uzbekistan declares that, for the purpose of establishing its contribution towards the budget of the WIPO Conference, the Republic of Uzbekistan wishes to belong to class C.”

WIPO Notification No. 165, of May 10, 1993.

Normative Activities of WIPO in the Field of Industrial Property

International Patent Classification (IPC) Union

Committee of Experts

Twenty-First Session
(Geneva, March 1 to 5, 1993)

The Committee of Experts of the International Patent Classification (IPC) Union held its twenty-first session in Geneva from March 1 to 5, 1993.

Fourteen member States of the Committee, Denmark, Finland, France, Germany, Japan, the Netherlands, Norway, Portugal, the Russian Federation, Spain, Sweden, Switzerland, the United Kingdom and the United States of America, as well as the European Patent Office (EPO), were represented at the session.

The Committee of Experts approved amendments to the IPC, submitted by the Working Group on Search Information (PCIPI/SI) of the WIPO Perma-

ment Committee on Industrial Property Information (PCIPI), and affecting five classes and 53 subclasses. Two new subclasses (B 09 C and G 06 T), relating to “reclamation of contaminated soil” and “image data processing or generation, in general,” respectively, were introduced in the IPC.

As regards the presentation in the IPC indexing schemes of hierarchically superior indexing terms,

the Committee decided that the relevant part of the Guide to the IPC should be revised in order to clearly show the difference between the philosophy and use of an indexing part and that of a classification part.

That session was the fourth of a series of sessions of the Committee of Experts that will lead to the publication (in 1994) of the sixth edition of the IPC.

Locarno Union

Committee of Experts

Sixth Session
(Geneva, March 15 to 19, 1993)

The Committee of Experts of the Locarno Union for the International Classification of Industrial Designs held its sixth session in Geneva from March 15 to 19, 1993. Twelve member States of the Locarno Union, Austria, Denmark, Finland, France, Germany, Italy, the Netherlands, Norway, Slovenia, Spain, Sweden and Switzerland, as well as the Benelux Designs Office (BBDM), were represented at the session.

The Committee adopted a number of amendments and additions to the Locarno Classification, proposed by Denmark, Finland, France, Norway, Sweden, BBDM and the International Bureau, and noted that the new (sixth) edition of the Classification, containing the adopted amendments and additions, would enter into force on January 1, 1994.

The Committee also agreed to recommend to offices that, in future, when including in the official documents for the deposit or registration of industrial designs, and in publications relating thereto, the numbers of the classes and subclasses of the Locarno Classification, those numbers be preceded by the abbreviation “LOC” followed by an indication, by an Arabic figure in round brackets, of the edition of the Locarno Classification according to which the industrial designs were classified, for example: “LOC(6).”

Registration Systems Administered by WIPO

Patent Cooperation Treaty (PCT)

Training and Promotion Meetings With PCT Users

France. In March 1993, a WIPO official spoke on the PCT in the framework of the annual program on industrial property law of the Centre Paul Roubier of the Ecole supérieure de commerce of Lyon (France) before a group of some 40 patent attorneys.

Germany. In March 1993, a WIPO official spoke on the PCT, in Berlin, to some 55 members and guests of the German Association for Industrial Property and Copyright (DVGR) from the Berlin area.

Also in March 1993, a WIPO official spoke at a PCT seminar organized in Frankfurt by Forum Institut für Management, an enterprise in Heidelberg,

to a group of 18 patent administrators from industry and law firms.

Japan. In March 1993, two WIPO officials spoke at a PCT seminar organized in Tokyo by the Japan Patent Attorneys Association (JPAA) to some 175 patent attorneys and at another PCT seminar organized in Osaka by the local group of JPAA before some 70 patent attorneys. The WIPO officials also had discussions on various PCT matters with officials of the Japanese Patent Office in Tokyo and visited a number of Japanese industries in Tokyo and Osaka.

United Kingdom. In March 1993, two WIPO officials spoke at a PCT seminar organized in London by Management Forum Ltd., an enterprise in Guildford, to 17 patent administrators from industry and law firms.

United States of America. In March 1993, three WIPO officials spoke at a PCT seminar organized in San Francisco (California) by the San Francisco

Patent and Trademark Law Association, to a group of 35 patent administrators from industry and law firms. The same WIPO officials also spoke at a PCT seminar organized in Chicago (Illinois) by Ladas & Parry, a law firm in the United States of America, to a group of 26 patent administrators from industry and law firms.

Computerization Activities

In March 1993, a WIPO official had discussions, on two separate occasions, with officials of the United States Patent and Trademark Office (USPTO) in Washington, D.C., on the development schedule of the USPTO/European Patent Office (EPO)/WIPO EASY project for the electronic filing of patent applications.

Also in March 1993, the same WIPO official participated, in The Hague, in a meeting of the EPO EASY Steering Committee in which the progress of the EASY project was discussed.

Madrid Union

Application of Rule 38 of the Madrid Regulations (Successor States)

On March 31, 1993, in accordance with Rule 38 of the Regulations under the Madrid Agreement, the International Bureau sent notices to 22,900 owners (or agents of owners) of 41,414 international registrations containing a territorial extension to the Soviet Union having effect before December 25, 1991, informing them of the possibility to request, within six months of the said notices, the continuation of the effects of such registrations in Kazakhstan.

Training and Promotion Meetings With Users of the Madrid System

Japan. In March 1993, two examiners from the Japanese Patent Office underwent two weeks training in administrative procedures under the Madrid Agreement at the headquarters of WIPO.

Computerization Activities

Austria. In March 1993, a WIPO official had discussions with officials of the Austrian Patent Office in Vienna on a joint WIPO/Austrian Patent Office project for a CD-ROM intended to contain both international trademark registrations with a territorial extension to Austria and nationally effected Austrian trademark registrations.

Activities of WIPO in the Field of Industrial Property Specially Designed for Developing Countries

Africa

Training Courses, Seminars and Meetings

WIPO National Workshop on Intellectual Property Law Teaching and Research (Ghana). From March 22 to 25, 1993, WIPO organized in Accra a WIPO National Workshop on Intellectual Property Law Teaching and Research in cooperation with the University of Ghana. The Workshop was attended by some 50 participants, mainly university lecturers and students, researchers from technical institutes, private legal practitioners and government officials. Presentations were made by five WIPO consultants from India, Ireland, Nigeria, the United States of America and Zimbabwe, three officials from Ghana and two WIPO officials.

African Regional Industrial Property Organization (ARIPO). In March 1993, a WIPO consultant from Egypt presented three papers at a Seminar on the Protection of Indigenous Inventions and Innovations organized by ARIPO in Harare with the financial assistance of the Commonwealth Secretariat.

Assistance With Training, Legislation and Modernization of Administration

Congo. In late February and early March 1993, a WIPO consultant from the European Patent Office (EPO) undertook a mission to Brazzaville to install the CD-ROM equipment provided by WIPO and train the staff of the national industrial property administration on its use and maintenance.

Ghana. In March 1993, two WIPO officials held discussions with government and United Nations Development Programme (UNDP) officials, as well as with members of the University of Ghana, on further cooperation between Ghana and WIPO in the field of intellectual property.

Lesotho. In March 1993, WIPO organized a study visit for a government official to the headquarters of ARIPO and the Zimbabwe industrial property office, both located in Harare.

Namibia. In March 1993, WIPO organized a study visit for the Registrar of Companies, Trade Marks, Patents and Designs to the headquarters of ARIPO and the Zimbabwe industrial property office, both located in Harare.

Arab Countries

Assistance With Training, Legislation and Modernization of Administration

Egypt. In March 1993, a government official from the Information and Decision Support Center (IDSC) of the Cabinet of Ministers had discussions with WIPO officials in Geneva on cooperation with WIPO, in particular concerning IDSC's interest in holding a national seminar on transfer of technology

and licensing arrangements and training of specialists of the Center in the field of industrial property.

Morocco. In March 1993, a WIPO consultant from Uruguay started to develop, under the UNDP-financed country project, software for the further computerization of the Moroccan Industrial Property Office, mainly in respect of patent information operations.

Asia and the Pacific

Training Courses, Seminars and Meetings

Meeting to Commemorate the 10th Anniversary of the Entry Into Force of the Chinese Trademark Law (China). On March 1, 1993, two WIPO officials attended in Beijing, in the Great Hall of the People, the Meeting to Commemorate the 10th Anniversary of the Entry Into Force of the Chinese Trademark Law, organized by the State Administration of Trade and Commerce (SAIC). Some 300 government officials and representatives from trademark agencies and enterprises attended the Meeting. Addresses were given by Mr. Liu Minxue, Director General of SAIC, Mr. Zou Yu, Vice-Chairman, Committee for Internal and Judicial Affairs, Standing Committee of the National People's Congress, Mr. Tian Yumin, as representative of commercial and industrial enterprises, and Mr. G.A. Ledakis, Assistant Director General and Legal Counsel of WIPO, whose speech is reproduced on page 197 of this review.

WIPO Asian Regional Seminar on Trademark Strategies and Management for Enterprises (China). From March 8 to 10, 1993, WIPO organized in Beijing, in cooperation with SAIC and the financial assistance of the Government of Japan, the WIPO Asian Regional Seminar on Trademark Strategies and Management for Enterprises. The Seminar examined strategies and methods for the promotion and management of the use of trademarks by enterprises in the Asia and the Pacific region for trade and market development. The Seminar was attended by about 175 participants, of whom 22 were government officials and representatives of the private sector from 11 Asian countries, namely, Bangladesh, India, Indonesia, Malaysia, Mongolia, the Philippines, the Republic of Korea, Singapore, Sri Lanka, Thailand and Viet Nam. Some 145 participants came from various Chinese government departments and industrial enterprises. Papers were presented by five WIPO consultants from Japan, the United Kingdom and the United States of America, as well as by invited speakers from China, Japan, the Republic of Korea and Singapore, and a WIPO official. They covered a wide range of topics on the legal and administrative aspects of trademark protection as well as on trademark management strategies from the perspective of enterprises. Two other WIPO officials also attended the Seminar.

At the Opening Ceremony of the Seminar, addresses were delivered by Mr. Liu Minxue, Director General, SAIC, Mr. T. Kobayashi, Director General, First Examination Department, Japanese Patent Office, and Mr. G.A. Ledakis, Assistant Director General and Legal Counsel of WIPO.

Mr. Song Jian, Member of the State Council and Chairman of the State Science and Technology Commission of the People's Republic of China, attended the Opening Ceremony. The welcome address of Mr. G.A. Ledakis appears on page 199 of this review.

People's University of China. On March 3, 1993, a WIPO official presented a paper at the Center for Teaching and Research of Intellectual Property of the People's University of China in Beijing on "Treaties Administered by WIPO, their Adoption and Revision" to some 150 persons, including judges undergoing special training at the University, law professors and law students.

Assistance With Training, Legislation and Modernization of Administration

China. In March 1993, a WIPO official had discussions with officials of the Chinese Patent Office (CPO) in Beijing on the Patent Cooperation Treaty (PCT) and other related cooperation matters between China and WIPO.

Also in March 1993, the same WIPO official had discussions in Beijing with officials of Peking University and the People's University of China on matters of mutual interest.

India. In March 1993, a government official held discussions with the Director General and other WIPO officials in Geneva on matters of mutual cooperation.

Iran (Islamic Republic of). In March 1993, a UNDP official had discussions with WIPO officials in Geneva on a proposed UNDP-financed country project for the modernization of the national industrial property administration.

Singapore. In March 1993, the WIPO consultant from Australia continued his work in Singapore in assisting the government authorities in preparing and finalizing the draft patents bill and the draft patents rules as well as in preparing for the establishment of a proposed new patent system.

Sri Lanka. In late March and early April 1993, a WIPO official and a WIPO consultant from Canada undertook an expert mission to Colombo to advise the Government on improving and upgrading the work of the Registry of Patents and Trade Marks. The mission members also discussed with govern-

ment and UNDP officials a proposed UNDP-financed country project and future cooperation with WIPO.

Hong Kong. In March 1993, WIPO organized in Geneva an information session on the work of WIPO and general intellectual property questions for a group of 17 Hong Kong government officials.

Association of South East Asian Nations (ASEAN). In March 1993, a WIPO official held discussions in Brussels with officials of the Commis-

sion of the European Communities (CEC) on a proposed joint CEC/WIPO/EPO project on patents and trademarks for ASEAN countries, to be funded by the CEC and implemented by WIPO and the EPO.

Also in March 1993, the International Bureau prepared, at the request of the ASEAN countries, a summary comparative analysis of the industrial property legislation of the six ASEAN countries (Brunei Darussalam, Indonesia, Malaysia, Philippines, Singapore, Thailand), as a first stage towards the possible harmonization of the said legislation.

Latin America and the Caribbean

Assistance with Training, Legislation and Modernization of Administration

Chile. In March 1993, Mr. Jorge Marshall, Minister for Economic Affairs, had discussions with the Director General and other WIPO officials in Geneva on cooperation between Chile and WIPO in relation to intellectual property.

Costa Rica. In March 1993, two WIPO consultants from Chile and Venezuela undertook a mission to San José to evaluate the computerization of the patent and trademark operations of the Intellectual Property Registry, as well as to further train the staff in charge of the said computerization. The mission was an activity under the UNDP-financed country project.

Mexico. In March 1993, Mr. Jorge H. Amigo Castañeda, Director General, Directorate General of Technological Development, and two officials of the same Directorate, accompanied by a representative of the Mexican Association for the Protection of Industrial Property (AMPI), undertook a study visit to the Spanish Patent and Trademark Office in Madrid, the EPO in Munich and WIPO in Geneva. At WIPO, they had discussions with the Director General and other WIPO officials on Mexico's possible accession

to certain WIPO-administered treaties, the situation of industrial property in the country, and the strengthening of cooperation between Mexico and WIPO.

Paraguay. In March 1993, on the occasion of his presence in Asunción to attend the VIIIth International Congress on the Protection of Intellectual Rights (of the Author, the Artist and the Producer), the Director General held talks with Mr. Arturo Rodríguez, President of the Republic of Paraguay, the Minister for Foreign Affairs, the Vice-Minister for Industry and Commerce and other government officials on intellectual property matters of common interest and on cooperation between Paraguay and WIPO.

Peru. In March 1993, a WIPO official attended the inaugural ceremony of the National Institute for the Defense of Competition and Intellectual Property Protection (INDECOPI) in Lima, and had discussions with government officials on the strengthening of cooperation between Peru and WIPO.

Suriname. In March 1993, a WIPO consultant from the Netherlands undertook a mission to Paramaribo to advise and assist the Government in the preparation of a new industrial property law.

WIPO Medals

In March 1993, a WIPO medal was awarded to a Japanese schoolboy at the Exhibition of the 51st All Japanese Contest of School Children's Inventions in Tokyo.

Also in March 1993, two WIPO medals were awarded to an inventor from Lebanon and to a woman inventor from Spain on the occasion of the Geneva International Exhibition of Inventions, New Techniques and Products.

*Speech by Mr. Gust A. Ledakis,
Assistant Director General and Legal Counsel,
World Intellectual Property Organization (WIPO), on behalf of
Dr. Arpad Bogsch, Director General of the World Intellectual Property Organization (WIPO),
at the Meeting to Commemorate the
10th Anniversary of the Entry Into Force of the Chinese Trademark Law
(Beijing, March 1, 1993)*

Mr. Ye Fei, Vice-Chairman, Standing Committee of the National People's Congress,
Mr. Ma Wenrui, Vice-Chairman, Chinese People's Political Consultative Conference; Vice-Director, Committee of Legislative Affairs,
Mr. Zou Yu, Vice-Chairman, Committee for Internal and Judicial Affairs, Standing Committee of the National People's Congress,
Mr. Zhang Siqing, Procurator-General, Supreme People's Procuratorate,
Mr. Song Rufen, Chairman, Law Committee, Standing Committee of the National People's Congress,
Mr. Yang Jingyu, Director General, Legislative Affairs Bureau, State Council,
Mr. Xiao Jianzhang, Vice-Minister, Ministry of Justice,
Mr. Tian Yumin, Representative of Tongrentang Corporation,
Ladies and gentlemen,

It is an honor and a great pleasure for me to be here in the Great Hall of the People, to attend, on behalf of the World Intellectual Property Organization (WIPO), and its Director General, Dr. Arpad Bogsch, this commemoration of the 10th anniversary of the Chinese Trademark Law, which was adopted in 1982 and entered into force on March 1, 1983.

Please allow me to take this opportunity to express, on behalf of Dr. Arpad Bogsch, the Director General of WIPO, and other colleagues at WIPO, our warm greetings and congratulations to all of you in China who have contributed to the tremendous achievements of the Chinese trademark system.

I should like, above all, to render tribute to the leaders of China who have had the foresight to give inspiration and guidance to the development of an intellectual property system in China. The essential elements of that system were put in place initially with the adoption of the Trademark Law in 1982, and then with the adoption of the Patent Law in 1984, and of the Copyright Law in 1990. Concurrently, China became a member of the World Intellectual Property Organization (WIPO) in 1980, party to the Paris Convention for the Protection of Industrial Property in 1985, party to the Madrid Agreement Concerning the International Registration of Marks in 1989, party to the Berne Convention for the Protection of Literary and Artistic Works in

1992, and party to the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms in early 1993.

I should like to extend the congratulations of WIPO to the State Administration for Industry and Commerce (SAIC) and its Trademark Office and their staff. It was their great efforts which, in the light of the open-door policy of the Chinese Government since 1978, promoted the adoption of the modern Chinese Trademark Law in 1982. It was the first law in the modern Chinese intellectual property system, promulgated two years after China became a member of the World Intellectual Property Organization (WIPO) on June 3, 1980. It is their excellent work which enabled them to meet the challenge of the dramatic increase in the number of registered trademarks, from some 32,000 in force by the end of 1979 to some 366,000 by the end of 1992. This more than tenfold increase no doubt resulted in part from the increased confidence, both at home and abroad, in the Chinese legislative framework for the protection of trademark rights.

It is well known that China is no stranger to using trademarks in the commercial world. Over its long and splendid history, China had already considerable experience in the field of trademarks. Yet in its efforts to improve and meet the challenges of a commodity economy, China has constantly strived to expand its knowledge of the trademark laws of other countries and to benefit from the experience of the national and international systems for trademark protection.

In this connection, I take great pleasure in recalling the close and fruitful cooperation between WIPO and the government authorities of China in the development of the trademark system of China. This cooperation has extended to contacts by officials of the State Administration and its Trademark Office with WIPO officials in Geneva, to visits by WIPO officials to China, and to the organization by WIPO of training programs for the benefit of Chinese officials, as well as to the organization of courses and other meetings for the benefit of government officials and staff of the Trademark Agency of the China Council for the Promotion of International Trade (CCPIT) and other trademark agencies.

Contacts between government officials of China and WIPO on trademark matters can be traced back to February-March 1979, when officials from the

Trademark Office and staff of the CCPIT first attended a meeting on trademarks at the headquarters of WIPO in Geneva. Since then, some 70 officials and staff from China have participated in other meetings on trademark matters held in Geneva. Through discussions with government representatives in those meetings, the knowledge of Chinese officials and staff of the many trademark laws and practices of other countries has been increased.

In addition to these contacts outside of China, the Government authorities of China have had the opportunity to discuss in China questions related to trademarks with officials of WIPO. The Director General of WIPO, Dr. Arpad Bogsch, first visited the General Administration for Industry and Commerce and its Trademark Office in 1979. The modernization of the Trademark Law was one of the subjects of the discussions. On subsequent occasions, WIPO gave advice on the Trademark Law. Later, WIPO also helped the government authorities in the preparation of an English version of the 1982 Trademark Law and in publicizing the Trademark Law to the interested circles in the world.

A modern law on trademarks is not, however, in itself sufficient. The law must be well administered and that requires specialized staff. In 1982, the first WIPO legal training course on trademarks for the benefit of Chinese officials was held in Beijing. Since then, seven additional training courses, workshops or symposia devoted either exclusively to trademark matters or covering industrial property subjects, including aspects of trademarks, have been organized by WIPO in Beijing with the cooperation of the government authorities, including the State Administration: in 1982, 1983, 1984, 1987, 1989 and 1991. Very shortly—next week, from March 8 to 10, 1993—the Regional Seminar on Trademark Strategies and Management for Enterprises will take place. Some 500 persons from China have or will have attended these meetings.

Over the past 14 years, in addition to the training courses and other meetings organized by WIPO, officials from the State Administration, including its Trademark Office, and staff of the China Council for the Promotion of International Trade as well as from the enterprises and trademark agencies in China, have benefited from training in other countries under programs organized by WIPO with its financial assistance and with the cooperation of the trademark offices in those other countries. In all, some 80 persons from China have benefited from that training.

All these contacts between the government authorities in China and WIPO in the field of trademarks must be placed in the context of the overall cooperation between China and WIPO during a period of 20 years since 1973 when the first Chinese delegation—led by Mr. Ren Jianxin, now the President of the Supreme People's Court of China and

Member of the Secretariat of the Central Committee of the Chinese Communist Party—came to a WIPO meeting. This cooperation was intensified in the 1980s and continues in these first three years of the 1990s.

After China became a party to the Paris Convention for the Protection of Industrial Property in 1985, a further stage in the internationalization of the industrial property system of China and in the cooperation between China and WIPO in the field of trademarks occurred. In 1989, China adhered to the Madrid Agreement Concerning the International Registration of Marks. That Agreement provides a more efficient procedure whereby Chinese enterprises can obtain protection for their trademarks in leading markets in other parts of the world. It also enables enterprises in other countries to more easily obtain protection at the same time for their trademarks in China and in the other countries party to the Madrid Agreement. Thus far, some 6,000 international registrations have taken place under the Madrid Agreement involving trademark relations between China and those countries. All this facilitates trade between Chinese enterprises with the enterprises of other countries.

With the increase in trademark relations with other countries, further enhancing the trademark system of China has become important. To this end, China revised the Regulations under the 1982 Trademark Law and has just recently adopted amendments to the 1982 Trademark Law. The processing of applications for trademarks has also advanced with the adoption in 1988 of the International Classification of Goods and Services for the Purposes of the Registration of Marks. That processing will become even more efficient with the automation of office procedures, as planned by the Trademark Office.

The events and figures which I have just mentioned are not only an illustration of the close relationship between China and WIPO in the field of trademarks, but also an indication of China's determination to modernize its trademark system, which is an important and indispensable step in the course of China's economic development.

It is a source of great satisfaction for the World Intellectual Property Organization (WIPO) to have closely cooperated with the State Administration for Industry and Commerce (SAIC), its Trademark Office, the judiciary and the trademark agencies of China, and to have contributed, in particular, towards the promotion and implementation of the 1982 Trademark Law, as well as to the construction of the modern Chinese trademark system.

WIPO looks forward to continuing its cooperation with China in all fields of intellectual property.

I wish the government authorities of China and the Chinese trademark system continued success in the future.

Thank you.

*Welcome Address by Mr. Gust A. Ledakis,
Assistant Director General and Legal Counsel, World Intellectual Property Organization (WIPO),
at the Opening Ceremony of the WIPO Asian Regional Seminar on
Trademark Strategies and Management for Enterprises*

(Beijing, March 8 to 10, 1993)

Mr. Song Jian, Member of the State Council and Chairman of the State Science and Technology Commission (SSTC),

Mr. Liu Minxue, Director General, State Administration for Industry and Commerce,

Mr. Bai Dahua, Deputy Director General, State Administration for Industry and Commerce, and Director of the Trademark Office,

Mr. Tateo Kobayashi, Director General, First Examination Department, Japanese Patent Office (JPO),

Mr. Li Bida, Mr. Ou Wanxiong and Mr. Liu Peizhu, Deputy Directors of the Trademark Office,

Distinguished speakers, participants and guests,
Ladies and gentlemen,

It is an honor and pleasure for me, on behalf of Dr. Arpad Bogoch, Director General of the World Intellectual Property Organization (WIPO), to welcome you all, most cordially, to this WIPO Asian Regional Seminar on Trademark Strategies and Management for Enterprises.

The presence here today at this opening ceremony of high leaders of the Government of China manifests once more the importance which China attaches to the development of its intellectual property system and to the role of trademarks in facilitating the domestic and international trade of China. Their inspiration and guidance during the last decade has led to the adoption of a modern trademark law in 1982, a patent law in 1984 and a copyright law in 1990. Concurrently, China became a member of the World Intellectual Property Organization (WIPO) in 1980, party to the Paris Convention for the Protection of Industrial Property in 1985, party to the Madrid Agreement Concerning the International Registration of Marks in 1989, party to the Berne Convention for the Protection of Literary and Artistic Works in 1992, and party to the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms in early 1993.

The organization of this Seminar coincides with the 10th anniversary of the entry into force on March 1, 1983, of the Chinese Trademark Law. I once again extend the congratulations of the World Intellectual Property Organization (WIPO) to the State Administration for Industry and Commerce (SAIC) and to the Trademark Office and compliment them on their continued initiatives towards modernizing the Chinese trademark system.

This Asian Regional Seminar is being organized by WIPO in cooperation with the State Administra-

tion for Industry and Commerce (SAIC) of the People's Republic of China and the Japanese Patent Office (JPO).

I wish, therefore, first of all, to express the deep appreciation of WIPO to the State Administration for Industry and Commerce of the People's Republic of China, and to its Director General, Mr. Liu Minxue, and to its Deputy Director General and Director of the Trademark Office, Mr. Bai Dahua, as well as to the staff of the Trademark Office for their valuable cooperation and assistance in organizing this Seminar.

I should like also to express WIPO's appreciation to the Government of Japan for its generous contribution towards the development cooperation program of WIPO in the Asia and Pacific region, under which this Seminar is being funded.

The present Seminar is the eighth regional meeting that WIPO has organized in China on matters of intellectual property. The first, nearly nine years ago, was also a seminar on trademarks. The second, in 1986, was a course on patent trial procedures. The third, in 1987, was a symposium on intellectual property law teaching and research. The fourth, in 1989, was a training course on copyright trials. The fifth, also in 1989, was a symposium on protection against unfair competition. The sixth, in 1991, was a seminar on the use of industrial property and technology transfer arrangements in the food processing industry. The seventh, in 1992, was a workshop on the use of industrial property and technology transfer arrangements in the electronics industry. In addition, three worldwide meetings have been organized by WIPO in Beijing: in 1988, a symposium on the subject of creativity and the promotion of inventive activities, in 1989, on the occasion of the inauguration of the new building of the Chinese Patent Office, a symposium on the topic of the international patent system in the "twenty-first century," in 1992, a forum on copyright protection in China.

Trademarks have been known to exist since ancient times. However, it is only comparatively recently that their important economic functions have become better understood. The trademark provides a means of identifying the manufacturer or distributor of the product or the service. It thus assists in tracing the owner of the goods in the event of their loss or theft. It also assists in fixing who is liable in the event the goods or services are defective or in the case where the trademark is used by another without the consent of the owner. Secondly, the trademark

serves to distinguish or differentiate one product from another product or service of the same or of a similar kind. It thus assists the buyer or consumer in choosing between competing goods or services. Thirdly, the trademark serves as an aid in conveying information as to the characteristics of the product or service. It thus assists the buyer in ascertaining whether the product or the service meets his requirements for its resale or for its consumption or use. Fourthly, the trademark serves as an aid in establishing or in maintaining or expanding the seller's share of the market. It thus provides the seller with a strategic tool in the management of his business of manufacturing or distributing goods or of rendering services.

In recent years, economic growth in the world and in the Asian and Pacific region in particular, where trade flows are most active, has also echoed the increasing concern of trademark owners to promote and protect their trademarks. This Seminar which begins today has been organized in response to that concern and to the enthusiastic interest of developing countries in the region to encourage the formulation of trademark strategies that contribute to the better management of their enterprises.

The objective of the present Regional Seminar is to examine, on the basis of an exchange of experience, strategies and management methods for the promotion, protection and use of trademarks by enterprises in Asia and the Pacific region that can serve to stimulate and sustain trade and economic development.

The program of this Seminar covers two broad themes, namely, the legal and administrative aspects relating to the protection of trademarks, and trademark and management strategies for enterprises. The topics under the two themes include the selection, use, promotion and protection of trademarks, the role of a trademark attorney, consumer protection and market promotion, licensing and franchising and trademark management by enterprises, etc. In addition, there will be some country reports of situations and procedures in use in some of the developing countries in the Asia and Pacific region. Such a broad range of subjects should provide an excellent opportunity for a valuable exchange of information and experience.

I hope that all of the participants present at this meeting will find this Seminar informative, fruitful and rewarding. I encourage all of you to participate actively in the discussions that will follow each presentation.

At this Seminar, we have the privilege of the participation of a number of distinguished speakers whom we have invited from both China and elsewhere. We look forward to sharing their professional knowledge and to benefiting from their practical

experience. Those speakers, to whom I should like to extend our greetings and thanks are, in alphabetical order of their names:

- Mr. Bai Dahua, Deputy Director General, State Administration for Industry and Commerce (SAIC), and Director of the Trademark Office, the People's Republic of China, Beijing,
- Mr. Jin Heping, Vice Director, Shanghai Yah Chong Sewing Machine Factory, Shanghai,
- Mr. Tateo Kobayashi, Director General, First Examination Department, Japanese Patent Office (JPO), Tokyo,
- Ms. Isabel Ch'ng Mui Lin, Assistant Registrar of Trademarks and Patents, Ministry of Law, Singapore,
- Mr. Sang Won Rhee, Dean, International Intellectual Property Training Institute of the Republic of Korea (IIPTI), Daeduk,
- Mr. Nobuyoshi Sakuragi, Patent Attorney, Senior Manager, Technology Contracts and Legal Services, Trademarks and Designs, Intellectual Property Division, Toshiba Corporation, Tokyo,
- Mr. David H. Tatham, Trademark Agent, ICI Group, Hertfordshire, United Kingdom,
- Mr. Richard Taylor, Trademark and Copyright Counsel, Colgate-Palmolive Company, New York,
- Mr. Malcolm Todd, Head of Trademark Policy Section, Industrial Property Policy Directorate, United Kingdom Patent Office, London.

To all these distinguished speakers, I wish to convey the gratitude of WIPO for the time and the effort which they have taken from their very busy schedules in preparing their presentations and for coming to Beijing to participate in this Seminar.

I should like to introduce to you my colleagues from WIPO who are also present at this Seminar. They are Mr. N.K. Sabharwal, Director, and Ms. Wang Binying, Senior Program Officer, of the Development Cooperation and External Relations Bureau for Asia and the Pacific.

Finally, I should like to convey our warm greetings to the participants from the Governments and the industrial, commercial and legal sectors of the following countries in the region of Asia and the Pacific: India, Indonesia, Japan, Malaysia, Mongolia, Pakistan, the Philippines, the Republic of Korea, Singapore, Sri Lanka, Thailand and Viet Nam, and, of course, the host country, China, from which a great number of participants are present.

I am sure that all the foreign speakers and participants will enjoy the warm Chinese hospitality, for which I thank, once again, our Chinese hosts.

On behalf of the World Intellectual Property Organization (WIPO), I wish this Seminar every success.

Activities of WIPO in the Field of Industrial Property Specially Designed for European Countries in Transition to Market Economy

National Activities

Estonia. In March 1993, Mr. Matti Päts, Director General of the National Board of Patents, accompanied by Professor Ants Kukrus, Chairman of the Scientific Council of the same Board, had discussions with the Director General and other WIPO officials in Geneva on the industrial property legislation of Estonia and the country's adherence to certain WIPO-administered treaties.

Hungary. In March 1993, five government officials had discussions with WIPO officials in Geneva on WIPO's activities in Central and Eastern European countries.

Also in March 1993, Mr. András Vedres, General Secretary of the Hungarian Association of Inventors, had discussions with WIPO officials in Geneva, in particular on the preparations for the World Exhibition to be held in Budapest in 1996 for the purpose of marking the centenary of the first Hungarian Patent Law and on providing Central and Eastern European countries with an opportunity to present their inventions.

Lithuania. In March 1993, a WIPO official presented a paper on the Paris Convention for the Protection of Industrial Property and on the Patent Cooperation Treaty (PCT) at a Seminar on Intellectual Property Protection organized in Vilnius by the

Nordic Council of Ministers in cooperation with the patent offices of Lithuania, Denmark, Finland and Norway, and with the assistance of the European Patent Office (EPO) and WIPO. Some 115 representatives of government agencies, industries and institutes as well as patent attorneys attended the Seminar.

Slovakia. In March 1993, Mr. Peter Porubsky, President of the Industrial Property Office, accompanied by two officials of that Office, had discussions with the Director General and other WIPO officials in Geneva on cooperation between Slovakia and WIPO in the modernization of the country's industrial property legislation.

Slovenia. In March 1993, Mr. Bojan Pretnar, Director of the Industrial Property Protection Office, and another official of the same Office, had discussions with WIPO officials in Geneva on Slovenia's membership in WIPO-administered treaties and on cooperation between that country and WIPO.

Ukraine. In March 1993, Mr. Leonid Kistersky, Chairman of the National Center for the Implementation of International Technical Assistance, accompanied by the Resident Representative of the United Nations Development Programme (UNDP) in Kiev, visited WIPO to discuss with the Director General and other WIPO officials cooperation between Ukraine and WIPO.

Contacts of the International Bureau of WIPO with Governments and International Organizations in the Field of Industrial Property

United Nations

United Nations Consultative Committee on Administrative Questions (Financial and Budgetary Questions (CCAQ(FB))). In March 1993, a WIPO official attended the 78th session of this Committee, held in Vienna.

United Nations Consultative Committee on Administrative Questions (Personnel and General Administrative Questions (CCAQ(PER))). In March 1993, two WIPO officials attended the 77th session of this Committee, held in New York.

United Nations Consultative Committee on Substantive Questions (CCSQ). In March 1993, three WIPO officials attended the first regular session for 1993 of the new Consultative Committee on Substantive Questions (CCSQ), held in Geneva.

International Civil Service Commission (ICSC). In March 1993, two WIPO officials attended the 37th session of the ICSC, held in New York.

United Nations Conference on Trade and Development (UNCTAD). In March 1993, a WIPO official attended the second part of the 39th session of the UNCTAD's Trade and Development Board (TDB), held in Geneva.

United Nations Institute for Training and Research (UNITAR). In March 1993, two WIPO officials attended an Inter-Agency Seminar on the International Civil Service and the UN Common System organized by UNITAR in Geneva.

Intergovernmental Organizations

European Patent Organisation (EPO). In March 1993, the Director General visited the EPO in Munich and had discussions with Mr. Paul Braendli, President of the EPO and other EPO officials on questions of mutual interest.

Also in March 1993, a WIPO official attended, in The Hague, the 32nd meeting of the EPO's Working Party on Technical Information.

General Agreement on Tariffs and Trade (GATT). In March 1993, 24 government officials from developing countries attending a training program on

commercial policy organized by GATT visited WIPO where WIPO officials spoke to them on WIPO, particularly its norm-setting activities and development cooperation programs.

International Labour Office (ILO). In March 1993, a WIPO official attended a Consultative Meeting organized in Geneva by the ILO International Training Centre (Turin) to discuss with representatives of various United Nations agencies the aim and program of the workshops held at the said Centre on coordination of technical assistance in the field.

Other Organizations

American Arbitration Association (AAA). In March 1993, a WIPO official had discussions in New York with representatives of AAA on cooperation on extra-judicial dispute resolution and on a proposed worldwide forum on intellectual property and arbitration to be held in 1994.

Association of International Libraries (AIL). In March 1993, a WIPO official participated in the Executive Committee of AIL, held in Geneva.

Center for Public Resources, Inc. (CPR). In March 1993, a WIPO official had discussions in New York with CPR experts on CPR's and WIPO's activities in the field of extra-judicial settlement of disputes.

Conference Consultants International (London). In March 1993, three representatives of Conference Consultants International visited WIPO to receive information on the situation of industrial property legislation in Central and Eastern European countries and to discuss the organization of international conferences in the region.

Geneva International Exhibition of Inventions, New Techniques and Products. In March 1993, a WIPO official spoke at the Press Conference which took place on the occasion of the inauguration of the Geneva International Exhibition of Inventions, New Techniques and Products.

German Association for Industrial Property and Copyright (DVGR). In March 1993, a WIPO official

spoke at a meeting on trademark harmonization held in Bonn by DVGR's Trademark Committee.

Institute of Trade Mark Agents (ITMA). In March 1993, a WIPO official spoke on the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks and the proposed Treaty Supplementing the Paris Convention as far as Trademarks are Concerned (Trademark Law Treaty) at ITMA's International Meeting, held in London.

International Chamber of Commerce (ICC). In March 1993, a WIPO official attended, in Paris, a meeting of ICC's Intellectual and Industrial Property Commission, in which the Madrid Protocol and the proposed Trademark Law Treaty were, *inter alia*, discussed.

International Federation of Industrial Property Attorneys (FICPI). In March 1993, two WIPO officials spoke at a meeting on patent law harmonization organized in Stockholm by FICPI and the Association of Swedish Patent Attorneys.

Also in March 1993, a WIPO official made a presentation, at Elbow Beach (Bermuda), at a meeting organized by the FICPI national groups of Canada, the United Kingdom and the United States of America, on the direction of intellectual property in the 21st century.

International Federation of Inventors' Associations (IFIA). In March 1993, Mr. Farag Moussa, President of IFIA, had discussions with WIPO officials in Geneva concerning preparations for the next WIPO/IFIA Symposium to be held in Vienna in 1994 and WIPO cooperation in the organization of the IFIA Meeting for Mediterranean Countries on Inventions and the Protection of Environment to be held in Tunis in September 1993.

New York Patent, Trademark and Copyright Law Association (NYPTCLA). In March 1993, a WIPO official attended and gave an introductory presentation, in New York, at NYPTCLA's Patent Harmonization Debates on WIPO's proposed Patent Law Treaty.

Patent Documentation Group (PDG). In March 1993, a WIPO official attended, in The Hague, a

meeting of the PDG Working Group Impact of Patent Laws on Documentation.

University of Lund (Sweden). In March 1993, a group of 18 international lawyers enrolled in an advanced studies course at the University of Lund visited WIPO and were briefed at WIPO on intellectual property and WIPO's activities.

National Contacts

Italy. In March 1993, Mr. Tommaso Troise, Delegate for Intellectual Property Agreements, Ministry for Foreign Affairs, accompanied by another government official, visited WIPO to discuss with the Director General and other WIPO officials cooperation between Italy and WIPO in the field of intellectual property.

Japan. In March 1993, WIPO officials gave presentations on WIPO and its activities to a group of Japanese government officials on a study tour organized by the United Nations Institute for Training and Research (UNITAR).

San Marino. In March 1993, Mr. Gabriele Gatti, Secretary of State for Foreign and Political Affairs of San Marino, accompanied by three other government officials, visited WIPO to discuss with the Director General and another WIPO official cooperation between San Marino and WIPO, particularly in respect of the possible enactment, by San Marino, of legislation in the field of industrial property.

Turkey. In March 1993, a WIPO official attended, in Ankara, a project planning meeting under a new UNDP-financed national project for the strengthening of the industrial property system of Turkey. He also had discussions with government officials on the status of the draft patent legislation in connection with Turkey's possible accession to the Patent Cooperation Treaty (PCT).

Also in March 1993, the UNDP resident representative in Ankara had discussions with WIPO officials in Geneva on the implementation of the project workplan and Turkey's possible accession to the PCT.

Miscellaneous News

National News

Belarus. The Laws of the Republic of Belarus on Patents for Inventions, on Trademarks and Service Marks and on Patents for Industrial Designs were adopted and entered into force on February 5, 1993.

Bulgaria. The Patent Law of March 18, 1993, entered into force on June 1, 1993 (except for its Section 3).

China. The Trademark Law adopted at the 24th Session of the Standing Committee of the Fifth

National People's Congress, on August 23, 1982 (see *Industrial Property Laws and Treaties, CHINA – Text 3-001*) was amended by the Decision on the Revision of the Trademark Law of the People's Republic of China made at the 30th Session of the Standing Committee of the Seventh National People's Congress, on February 22, 1993. The Trademark Law, as amended, will enter into force on July 1, 1993.

Croatia. The Industrial Property Law entered into force on April 2, 1992.

Calendar of Meetings

WIPO Meetings

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

1993

June 28 to July 2 (Geneva)

Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms (First Session)

The Committee will examine the question of the preparation of a possible new instrument (treaty) on the protection of the rights of performers and producers of phonograms.

Invitations: States members of WIPO, the Commission of the European Communities and, as observers, certain organizations.

September 20 to 29 (Geneva)

Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Fourth 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 1993, the Governing Bodies will, *inter alia*, review and evaluate WIPO's activities undertaken since July 1991, and adopt the program and budget of the International Bureau for the 1994-95 biennium.

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

- October 13 and 14 (Funchal, Madeira)** **Symposium on the International Protection of Geographical Indications (organized by WIPO in cooperation with the Government of Portugal)**
The Symposium will deal with the protection of geographical indications (appellations of origin and other geographical indications) both on the national and multilateral level.
Invitations: Governments, selected non-governmental organizations and any member of the public (against payment of a registration fee).
- November 8 to 12 (Geneva)** **Committee of Experts on a Model Law on the Rights of Performers and Producers of Phonograms (Second Session)**
The Committee of Experts will continue to consider a draft Model Law dealing with the protection of the rights of producers of phonograms, and it will consider (for the first time) provisions for the Model Law dealing with the rights of performing artists.
Invitations: States members of the Berne Union or WIPO, or party to the Rome Convention or the Phonograms Convention and, as observers, certain organizations.

UPOV Meetings

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

1993

- October 27 (Geneva)** **Administrative and Legal Committee**
Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental organizations.
- October 28 (Geneva)** **Consultative Committee (Forty-Seventh Session)**
Invitations: Member States of UPOV.
- October 29 (Geneva)** **Council (Twenty-Seventh Ordinary Session)**
Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental and non-governmental organizations.

Other Meetings

1993

- June 26 to July 1 (Berlin) Licensing Executives Society International (LESI): Annual Meeting
- August 17 to 19 (Stockholm) International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): Annual Meeting
- September 12 to 16 (Colombo) Law Association for Asia and the Pacific (LAWASIA): 13th LAWASIA Conference
- September 20 to 24 (Antwerp) International Literary and Artistic Association (ALAI): Congress
- October 1 and 2 (Budapest) International League of Competition Law (LIDC): Study Days
- October 6 to 8 (Cincinnati) Pacific Industrial Property Association (PIPA): International Congress
- October 12 to 14 (Lugano) International Federation of Reproduction Rights Organisations (IFRRO): Annual General Meeting
- November 10 to 13 (Rome) International Federation of Industrial Property Attorneys (FICPI): 1st FICPI Forum

1994

February 2 to 8 (Queenstown)	International Federation of Industrial Property Attorneys (FICPI): Executive Committee
May 4 to 9 (Beijing)	Licensing Executives Society International (LESI): International Conference
May 8 to 11 (Seattle)	International Trademark Association (INTA): 116th Annual Meeting
May 25 to 28 (Luxembourg)	European Communities Trade Mark Association (ECTA): Annual General Meeting and Conference
May 28 to June 5 (Ostend)	International Federation of the Seed Trade (FIS)/International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL): World Congress
June 12 to 18 (Copenhagen)	International Association for the Protection of Industrial Property (AIPPI): Executive Committee
June 20 to 24 (Vienna)	International Federation of Industrial Property Attorneys (FICPI): Congress

