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WIPO 1994

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**INDUSTRIAL PROPERTY LAWS AND TREATIES
(INSERT)**

Editor's Note

HUNGARY

Law No. LXXXVI of 1990 on the Prohibition of Unfair Market Practice (of November 20, 1990) (<i>This text replaces the one previously published under the same code number</i>)	Text 5-001
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LATVIA

Law on Trademarks (of March 9, 1993)	Text 3-001
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RUSSIAN FEDERATION

Law of the Russian Federation on the Legal Protection of Topographies of Integrated Circuits (No. 3526-1 of September 23, 1992)	Text 1-002
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Notifications Concerning Treaties Administered by WIPO in the Field of Industrial Property

Patent Cooperation Treaty (PCT)

New Member of the PCT Union

KENYA

The Government of Kenya deposited, on March 8, 1994, its instrument of accession to the Patent Cooperation Treaty (PCT), done at Washington on June 19, 1970.

The said Treaty will enter into force, with respect to Kenya, on June 8, 1994.

PCT Notification No. 90, of March 11, 1994.

Budapest Treaty

Change in Fees Under Rule 12.2 of the Regulations Under the Budapest Treaty

CZECH COLLECTION OF MICROORGANISMS (CCM)

(Czech Republic)

The Director General of WIPO was informed by a notification received on March 18, 1994, dated March 11, 1994, from the Government of the Czech Republic, that the new fee charged by the Czech Collection of Microorganisms (CCM) for the storage of microorganisms is CZK 14,000. The new fee set forth in the said notification of the Government of the Czech Republic will apply as from the thirtieth day following the date (April 30, 1994) of the publication of the said fee in the present issue of *Industrial Property*, that is, as from May 30, 1994 (see Rule 12.2(c) of the Regulations under the Budapest Treaty), and will replace the corresponding fee published in the July/August 1992 issue of *Industrial Property*.

Budapest Notification No. 89 (this notification is the subject of Budapest Notification No. 127, of April 18, 1994).

Normative Activities of WIPO in the Field of Industrial Property

Committee of Experts on the Settlement of Intellectual Property Disputes Between States

Sixth Session
(Geneva, February 21 to 25, 1994)

Introduction

1. The present document contains a revised draft of the proposed Regulations under the proposed Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property. (The draft of the proposed Treaty is contained in document SD/CE/VI/2.¹) The revised draft of the proposed Regulations takes into account the comments of the Committee of Experts on the Settlement of Intellectual Property Disputes Between States that were made on the draft of the proposed Regulations presented at its fifth session in May 1993 (see document SD/CE/V/6, paragraphs 246 to 312).

2. The draft of the proposed Treaty and the draft of the proposed Regulations would both be submitted to the Diplomatic Conference, which would adopt the Treaty and the Regulations under the Treaty. Those Regulations could subsequently be reviewed by a Preparatory Committee, which could meet just before the entry into force of the Treaty and recommend changes to those Regulations for adoption by the Assembly at its first session. That session could be convened shortly after the Treaty entered into force.

DRAFT REGULATIONS UNDER THE TREATY

LIST OF RULES

PART A: Introductory Rules

- Rule 1: Use of Terms and Abbreviated Expressions
- Rule 2: Interpretation of Certain Words

PART B: Rules Concerning Several Articles of the Treaty

- Rule 3: Languages of Communications
- Rule 4: Expressing Dates
- Rule 5: Calculation of Time Limits
- Rule 6: Irregularities in the Mail Service
- Rule 7: Expenses to be Paid by a Party to a Dispute

PART C: Rule Concerning Article 2 of the Treaty

- Rule 8: Notification of Submission of Dispute under Article 2(2)(i) or (ii)

PART D: Rules Concerning Article 3 of the Treaty

- Rule 9: Content of the Invitation
- Rule 10: Content of the Reply
- Rule 11: Channel and Mode of Communication of the Invitation and of the Reply
- Rule 12: Place of the Consultations
- Rule 13: Languages of the Consultations

PART E: Rule Concerning Article 4 of the Treaty

- Rule 14: Good Offices, Conciliation or Mediation of the Director General

PART F: Rules Concerning Article 5 of the Treaty

- Rule 15: Roster of Potential Members of Panels
- Rule 16: Number of Persons from Developing Countries as Members of Panel
- Rule 17: Summary of the Dispute
- Rule 18: Meetings of the Panel
- Rule 19: Place of Panel Proceedings
- Rule 20: Languages in Panel Proceedings
- Rule 21: Written Submissions, Comments, Statements and Documents in Panel Proceedings
- Rule 22: Hearings Before the Panel
- Rule 23: Content of the Panel Report

¹ For the text of the draft Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property, see *Industrial Property*, 1994, pp. 122 *et seq.*

- PART G: Rule Concerning Article 6 of the Treaty
- Rule 24: Reports to the Assembly
- PART H: Rules Concerning Article 7 of the Treaty
- Rule 25: Request for an Arbitration Tribunal
- Rule 26: Roster of Potential Arbitrators
- Rule 27: Composition of the Arbitration Tribunal
- Rule 28: Place of Arbitration Proceedings
- Rule 29: Languages in Arbitration Proceedings
- Rule 30: Conduct of Arbitration Proceedings
- Rule 31: Expenses of Arbitration Proceedings
- PART I: Rules Concerning Articles 9 to 18 of the Treaty
- Rule 32: Facilities of the International Bureau
- Rule 33: Requirement of Unanimity for Amending Certain Rules

PART A INTRODUCTORY RULES

Rule 1

Use of Terms and Abbreviated Expressions

(1) [*“Treaty”*; *“Article”*; *“Regulations”*; *“Rule”*; *“Paragraph”*; *“Guidelines”*] In these Regulations, the word

(i) *“Treaty”* means the Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property;

(ii) *“Article”* refers to the specified Article of the Treaty;

(iii) *“Regulations”* means the Regulations under the Treaty;

(iv) *“Rule”* refers to the specified Rule of the Regulations;

(v) *“Paragraph”* refers to the specified paragraph of the Rule in which the paragraph containing the reference is located unless another Rule is specified in that paragraph;

(vi) *“Guidelines”* means the guidelines adopted by the Assembly.

(2) [*Use of Terms and Abbreviated Expressions Defined in the Treaty*] The terms and abbreviated expressions defined in Article 2 for the purposes of the Treaty shall have the same meaning for the purposes of the Regulations.

Rule 2

Interpretation of Certain Words

(1) [*“Sender”*; *“Addressee”*] Whenever the word *“sender”* or *“addressee”* is used in these Regulations, it shall be construed as meaning a Contracting Party, a party to the dispute, an intervening party, the

Director General or the International Bureau that sends a communication or to whom a communication is addressed, unless the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used.

(2) [*“Communication”*] Whenever the word *“communication”* is used in these Regulations, it shall be construed as meaning the notification of the submission of a dispute, referred to in Article 2(2)(i) or (ii), the invitation to enter into consultations, referred to in Article 3(1), the reply to that invitation, referred to in Article 3(2), the notifications under Article 3(4) and (5), Article 4(3) and (4) and Article 7(4) and (5), the request for the good offices, conciliation or mediation of the Director General, referred to in Article 4(1)(b), the response to that request, referred to in Article 4(1)(c), the request for a procedure before a panel, referred to in Article 5(2), the summary accompanying that request, referred to in Article 5(2)(b)(iii), the answer to that request, referred to in Article 5(3), the notification by an intervening party, referred to in Article 5(8)(a), the comments on the report of the panel, referred to in Article 5(10)(b), the request for the establishment of an arbitration tribunal, referred to in Article 7(2)(i), and the reply to that request, referred to in Article 7(2)(ii), unless the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used.

PART B

RULES CONCERNING SEVERAL ARTICLES OF THE TREATY

Rule 3

Languages of Communications

(1) [*Communications to a Party to a Dispute*]

(a) Any communication addressed by a party to a dispute to another party to that dispute may be in any language chosen by the sender, provided that, if that language is not a language that is an official language of the addressee, the communication shall be accompanied by a translation in an official language of the addressee, prepared by the sender, unless the addressee agrees to accept that communication in a language other than its official language.

(b) Any communication addressed by the Director General or the International Bureau to a party to a dispute or to an intervening party shall be, at the option of the Director General or the International Bureau, in English or French; however, where that communication is in response to a communication addressed by such party to the Director General or the International Bureau in English or in French,

the former communication shall be in the language of the latter communication.

(2) [*Communications to the Director General or the International Bureau*] Any communication addressed to the Director General or the International Bureau by a party to a dispute or by an intervening party may be in such language as that party chooses, provided that, if that language is other than English or French, the communication is accompanied by a translation in English or French, prepared by that party.

(3) [*Communications to the Assembly or to Parties to a Source Treaty*] (a) Any communication addressed by the Director General or the International Bureau to the members of the Assembly or, if there is a source treaty, to the parties to that treaty, transmitting to those members or to those parties any information referred to in Article 3(4) and (5), Article 4(3) and (4) and Article 7(4) and (5), or the request referred to in Article 5(2), or the summary of the dispute, the request and the answer referred to in Article 5(4), the report, comments and information referred to in Article 5(10)(a), (b) and (c), or the reports referred to in Article 6, shall be, at the option of the Director General, in English or French.

(b) The transmittal of the information referred to in Article 3(4) and (5), Article 4(3) and (4) and Article 7(4) and (5), the summary of the dispute, the request and the answer referred to in Article 5(4), the comments and information referred to in Article 5(10)(b) and (c) and the reports referred to in Article 6, shall be in the language of that information, those comments and information or those reports, as received from a party to the dispute, but it shall be accompanied by a translation, prepared by that party, in English, if the said language is French or, in French, if the said language is English, or in English and in French, if the said language is neither English nor French.

(c) The report of the panel referred to in Article 5(10)(a) and (c) shall be transmitted by the Director General to the Assembly and, if there is a source treaty, to the parties to that treaty, in the language or languages in which it is to be prepared in accordance with Rule 20(2), and, if that language is not English or French, it shall be accompanied by a translation in English and in French, prepared by the International Bureau.

Rule 4 **Expressing Dates**

A sender or an addressee shall, for the purposes of the Treaty and the Regulations, express any date in terms of the Christian era and the Gregorian calendar, or, if it uses another era and calendar, it

shall also express any date in terms of the Christian era and the Gregorian calendar.

Rule 5 **Calculation of Time Limits**

(1) [*Periods Expressed in Months*] Any period expressed as one month or a certain number of months shall expire in the relevant subsequent month, on the day which has the same number as the day of the event from which the period starts to run, provided that if the relevant subsequent month has no day with the same number, the period shall expire on the last day of the month.

(2) [*Periods Expressed in Days*] The calculation of any period expressed in days shall start with the day following the day on which the relevant event occurred and shall expire on the day on which the last day of the count has been reached.

(3) [*Periods Expressed in Weeks*] Any period expressed as a week or a certain number of weeks shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent week, on the day which is the seventh day counting from that following day.

(4) [*Local Dates*] (a) The date which is taken into consideration as the starting date of the computation of any period shall be the date which prevails in the locality at the time when the relevant event occurred.

(b) The date on which any period expires shall be the date which prevails in the locality at which the required communication must be received.

(5) [*Expiration on a Non-Working Day*] If a period expires on a day on which the addressee is not open for official business, the period shall expire on the first subsequent day on which the addressee is open for official business.

(6) [*End of Working Day*] (a) A period expiring on a given day shall expire at the moment the addressee closes for official business on that day.

(b) Any addressee may depart from the provisions of paragraph (a) up to midnight on the relevant day.

(7) [*Date of Communication*] (a) Where a period starts on the day of the date of a communication, its sender or addressee may prove that the said communication was mailed on a day later than the date it bears, in which case the date of actual mailing shall, for the purposes of calculating the period, be considered to be the date on which the period starts.

(b) Irrespective of the date on which the said communication is mailed, if the sender or addressee offers evidence to the Director General which satisfies the Director General that the communication was

received more than seven days after the date it bears, the Director General shall treat the period starting from the date of the communication as expiring later by an additional number of days which is equal to the number of days which the communication was received later than seven days after the date it bears.

(8) [*Receipt of Communication*] (a) Any communication is deemed to have been received if it is physically delivered to the addressee or if it is delivered at its mailing address or at the place it conducts official business.

(b) The communication shall be deemed to have been received on the day it is so delivered.

(9) [*Indication of the Date of Expiration*] The Director General or the International Bureau shall in all cases in which he or it communicates a time limit, indicate the date of the expiration, according to paragraphs (1) to (8), of the said time limit.

Rule 6

Irregularities in the Mail Service

(1) [*Delay or Loss in Mail*] Delay by the sender in meeting a time limit for a communication to be addressed to the addressee shall be excused if the sender proves to the satisfaction of the addressee that

(i) at least five days preceding the day of expiration of the time limit, the sender mailed the communication which, because of delay in arrival, reached the addressee after the expiration of the time limit or, because of loss in the mail, was never received by the addressee,

(ii) the sender effected the mailing within five days after the mail service was resumed or, in the case of loss in the mail, a communication which is identical with the communication lost is submitted to the addressee within one month after the sender noticed—or with due diligence should have noticed—the delay or loss, and in no case later than six months after the expiration of the time limit applicable in the given case.

(2) [*Interruption in the Mail Service*] Delay by the sender in meeting a time limit for a communication to be addressed to the addressee shall be excused if the sender proves to the satisfaction of the addressee that

(i) on any of the ten days preceding the day of expiration of the time limit the postal service was interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason,

(ii) the sender effected the mailing within five days after the mail service was resumed.

Rule 7

Expenses to be Paid by a Party to a Dispute

(a) The International Bureau shall, subject to Rule 31, fix the amount to be paid by each party to a dispute and by each intervening party as its contribution to the expenses of the procedure or procedures to which the dispute is submitted.

(b) The expenses referred to in paragraph (a) shall include

(i) the travel and subsistence allowances for the intermediary in the procedure of good offices, conciliation or mediation, the members of the panel, the members of the arbitration tribunal, and for any witness requested or expert appointed by an intermediary, a panel or arbitration tribunal,

(ii) the remuneration of the members of the arbitration tribunal,

(iii) the costs of the preparation of the report of the panel and of the translation thereof in accordance with Rule 20(2),

(iv) the costs of the preparation of the award of the arbitration tribunal in accordance with Rule 29,

(v) the costs of the reproduction of any communication referred to in Rule 3(3)(a), any summary of a dispute, request, answer, information, comments and reports referred to in Rule 3(3)(b) and any request as well as any response to that request referred to in Rule 14(2) and Article 4(1)(c),

(vi) the costs of sound equipment, interpretation, clerical and secretarial services, meeting rooms and related facilities provided by the International Bureau.

(c) The method of fixing the amount of the expenses referred to in paragraph (b) and of their payment shall be indicated in the Guidelines.

PART C

RULE CONCERNING ARTICLE 2 OF THE TREATY

Rule 8

Notification of Submission of Dispute under Article 2(2)(i) or (ii)

Where, pursuant to Article 2(2)(i) or (ii), a dispute is to be submitted by the parties to the dispute to one or more of the procedures for the settlement of disputes established by the Treaty, each such party shall inform the Director General that the said dispute is being so submitted and shall specify the procedure or procedures concerned.

PART D
RULES CONCERNING ARTICLE 3 OF THE TREATY

Rule 9
Content of the Invitation

The invitation to enter into consultations, referred to in Article 3(1), shall

(i) state the name of the State or intergovernmental organization that is extending the invitation,

(ii) state the name of the State or intergovernmental organization to which the invitation is extended,

(iii) state that the invitation is extended with a view to initiating consultations under Article 3 of the Treaty,

(iv) contain an allegation that an obligation relating to a matter or to matters of intellectual property exists and that the addressee of the invitation has breached that obligation,

(v) indicate the source of the obligation by referring either to the provision or provisions of the source treaty, if any, or to a generally recognized principle of law concerning or applicable to intellectual property that is the basis of the obligation,

(vi) describe the matter or matters of intellectual property in respect of which the obligation relates,

(vii) specify the facts that demonstrate a breach of the obligation has occurred,

(viii) state any other legal grounds in support of the alleged existence and breach of the obligation,

(ix) identify the authority in the State or the unit in the intergovernmental organization, as the case may be, that is extending the invitation, which is competent to enter into the consultations,

(x) designate the official or officials of that authority or that unit, as the case may be, who is or are authorized to carry out the consultations,

(xi) set forth the postal address and, if any, the telecopier number and the telex number of the authority or unit to which the reply and other written communications are to be sent,

(xii) indicate whether the reply to the invitation may be made within a period other than the two-month period referred to in Article 3(2) and, if so, what that period is,

(xiii) indicate whether the date to be offered for the consultations may be within a period other than the three-month period referred to in Article 3(2) and, if so, what that period is.

Rule 10
Content of the Reply

The reply to the invitation to enter into consultations, referred to in Article 3(2), shall

(i) state the name of the State or the intergovernmental organization that is the sender of the reply,

(ii) identify the invitation in respect of which the reply is being sent,

(iii) state which of the facts and legal grounds in the invitation are admitted or denied, and on what basis,

(iv) state what other facts and legal grounds are relied upon,

(v) specify a date on which the sender of the reply proposes that the consultations commence,

(vi) indicate the place where the sender of the reply proposes that the consultations be carried out,

(vii) identify the authority in the State or the unit in the intergovernmental organization, as the case may be, which is competent, on behalf of the sender of the reply, to enter into the consultations,

(viii) designate the official or officials of that authority or that unit, as the case may be, who is or are authorized to carry out the consultations,

(ix) set forth the postal address and, if any, the telecopier number and telex number of the authority or unit to which written communications are to be sent.

Rule 11
Channel and Mode of Communication
of the Invitation and of the Reply

(1) The invitation to enter into consultations, referred to in Article 3(1), and the reply to that invitation, referred to in Article 3(2), shall be

(i) addressed, in the case of a State party to the dispute, by or to the Minister for Foreign Affairs of that State and, in the case of an intergovernmental organization that is party to the dispute, by or to the executive head of that organization;

(ii) sent, by registered mail, to the addressee referred to in item (i), above; in respect of a reply to an invitation to enter into consultations, the reply shall be sent to the place indicated in that invitation; in respect of an invitation to enter into consultations, the invitation shall be sent to the place where, to the knowledge of the sender of the invitation, the addressee normally does its official business.

(2) The sender of the invitation to enter into consultations or of the reply to that invitation may send that invitation or that reply to the Director General for transmission to the addressee of that invitation or of that reply, as the case may be.

Rule 12
Place of the Consultations

The consultations shall be carried out at the place proposed by the addressee to whom the invitation to

enter into consultations has been sent, unless the sender of that invitation objects to that place. In the event of such an objection, the consultations shall be carried out at such other place as may be agreed upon by the parties to the dispute. In the absence of such an agreement, the consultations shall be carried out at the headquarters of the Organization.

Rule 13 **Languages of the Consultations**

The consultations shall be carried out in the language or languages agreed upon by the parties to the dispute. In the absence of such an agreement, each party to the dispute may use the language it prefers, provided that it provides interpretation from that language into a language designated by the other party to the dispute, if the latter requests such interpretation. Any party to the dispute may provide interpretation into the language it prefers to use from the language used by the other party.

PART E **RULE CONCERNING ARTICLE 4 OF THE TREATY**

Rule 14 **Good Offices, Conciliation or Mediation of the Director General**

(1) [*The Request*] The request for the good offices, conciliation or mediation of the Director General, referred to in Article 4(1)(b), shall

- (i) be addressed to the Director General,
- (ii) state the name of the State making the request,
- (iii) state the name of the other party to the dispute,
- (iv) state that the request is being made with a view to initiating the good offices, conciliation or mediation of the Director General pursuant to Article 4(1)(b) of the Treaty,
- (v) contain an allegation that an obligation relating to a matter of intellectual property exists and that the other party to the dispute has breached that obligation,
- (vi) indicate the source of the obligation by referring either to the provision or provisions of the source treaty, if any, or to a generally recognized principle of law concerning or applicable to intellectual property that is the basis of the obligation,
- (vii) describe the matter or matters of intellectual property in respect of which the obligation relates,
- (viii) specify the facts that demonstrate a breach of the obligation has occurred,
- (ix) state any other legal grounds in support of the alleged existence and breach of the obligation,

(x) identify the authority in the State making the request which is competent to take part in the procedure of good offices, conciliation or mediation,

(xi) designate the official or officials of that authority who is or are authorized to be contacted in the course of that procedure,

(xii) set forth the postal address and, if any, the telecopier number and telex number of the authority to which written communications are to be sent.

(2) [*Transmittal of Copy of the Request to the Other Party to the Dispute*] The Director General shall send to the other party to the dispute a copy of the request referred to in paragraph (1) and invite the said party to respond to that request.

(3) [*The Response*] The response of the other party to the dispute to the request referred to in paragraph (1) shall

(i) state the name of the State or intergovernmental organization that is the sender of the response,

(ii) identify the request in respect of which the response is being sent,

(iii) state which of the facts and legal grounds in the request are admitted or denied, and, on what basis,

(iv) state what other facts and legal grounds are relied upon,

(v) identify the authority in the State or the unit in the intergovernmental organization, as the case may be, which is competent, on behalf of the sender of the response, to take part in the procedure of good offices, conciliation or mediation,

(vi) designate the official or officials of that authority or that unit, as the case may be, who is or are authorized to be contacted in the course of that procedure,

(vii) set forth the postal address and, if any, the telecopier number and telex number of the authority or unit to which written communications are to be sent.

(4) [*Date, Place and Languages of the Procedure*] The date when, and the place where, as well as the language or languages in which, the procedure of good offices, conciliation or mediation is to be conducted shall be fixed by the Director General in agreement with the parties to the dispute.

PART F **RULES CONCERNING ARTICLE 5 OF THE TREATY**

Rule 15 **Roster of Potential Members of Panels**

(1) [*Invitation to Nominate Persons*] At least two months before the first session of the Assembly, and,

thereafter, before each ordinary session of the Assembly, the Director General shall address a communication to the Contracting Parties inviting each Contracting Party to nominate for inclusion in the roster of potential members of panels, to be established by the Assembly, four persons, each of whom may be a national of that Contracting Party.

(2) [*Preparation and Submission of List*] (a) The Director General shall prepare a list in alphabetical order of all the persons thus nominated as well as twelve persons nominated by him. The list shall be accompanied by a brief description of each person, indicating his nationality, education, service in government, position in industry or status in a profession and expertise in a given branch of intellectual property.

(b) The Director General shall submit the list and the information on each person to the Assembly.

(3) [*Establishment of Roster*] The Assembly, at its first session, and, similarly, at each ordinary session, shall, on the basis of the list submitted to it, establish the roster of potential members of panels. In establishing that roster, the Assembly may delete from the list submitted to it the name of any person appearing thereon.

Rule 16

Number of Persons from Developing Countries as Members of Panel

Pursuant to Article 5(5)(b), the Director General shall designate as members of the panel the following number of persons from developing countries:

(i) one, in the event that the designation of one member of the panel, or

(ii) two, in the event that the designation of at least two members of the panel, has not been agreed to or has not taken place in accordance with Article 5(5)(a).

Rule 17

Summary of the Dispute

(1) The summary of the dispute, referred to in Article 5(2)(b)(iii) shall

(i) state the name of the State or intergovernmental organization that has drawn up the request for a procedure before a panel and the name of the other party to the dispute,

(ii) set forth the obligation alleged to exist and alleged to be breached that has given rise to the dispute,

(iii) indicate the source of the obligation by referring to the provision or provisions of the source treaty, if any, or a generally recognized principle of law concerning or applicable to intellectual property,

(iv) specify the facts on which the alleged breach of the obligation is based,

(v) describe the measures that should be taken by the other party to the dispute in respect of the breach.

(2) The summary of the dispute shall be drawn up in accordance with the format indicated in the Guidelines or, in the absence of Guidelines, as recommended by the International Bureau.

Rule 18

Meetings of the Panel

(1) The panel shall fix the date, time and place of its meetings.

(2) At its meetings, the panel shall, subject to these Rules, designate its chairman, determine the place, languages and procedure to be followed during its proceedings, prepare its draft report, consider the comments on that draft report, made by the parties to the dispute, and adopt its report.

(3) All meetings of the panel shall be in private.

Rule 19

Place of Panel Proceedings

The place of the proceedings before the panel shall be at the headquarters of the Organization, unless the panel determines, in view of all the circumstances of the matter, that another place is more appropriate.

Rule 20

Languages in Panel Proceedings

(1) Subject to any agreement of the parties to the dispute, and to paragraph (2), the panel shall promptly after its convocation determine the language or languages to be used in the proceedings. This determination shall apply to, and the language or languages may differ in respect of, written submissions, any other written statements and documents, the draft report of the panel, the comments of the parties to the dispute on that draft report, the report and, if oral hearings take place, the language or languages to be used in such hearings.

(2) The report of the panel referred to in Article 5(10)(a) shall be prepared by the International Bureau in the language or languages determined by the panel, unless the panel decides, in agreement with the parties to the dispute, that the report shall be prepared in another language or other languages but, in either case, if that language is, or those languages are, other than English or French, the

International Bureau shall prepare a translation in English and in French.

Rule 21

Written Submissions, Comments, Statements and Documents in Panel Proceedings

(1) The panel shall determine the periods of time within which each party to the dispute shall present its written submission and comments on the draft report and within which an intervening party shall present its written submissions.

(2) The panel shall decide which further written statement or statements, in addition to the written submissions, shall be required from any party to the dispute or any intervening party, or may be presented by such a party, and shall fix the period of time for communicating such statement or statements.

(3) The period of time fixed by the panel for any written submission or of any further written statement shall not exceed forty-five (45) days. However, the panel may extend the time limit on such terms as it may deem appropriate.

(4) All written submissions or any further statement or statements shall be accompanied by copies (or, if they are especially voluminous, lists) of all essential documents on which the party concerned relies and which have not previously been submitted by any party.

(5) As soon as practicable following the completion of the written submissions and any further written statement or statements, the panel may hold hearings and otherwise proceed pursuant to its authority under Article 5 and these Rules.

(6) If any party to the dispute or intervening party fails, within the period of time fixed by the panel, to present written submissions or any further written statement or statements, or, if at any point any party fails to avail itself of the opportunity to present its case in the manner directed by the panel, the panel may nevertheless proceed, conclude its proceedings, prepare its draft report, invite comments thereon, and adopt its report.

Rule 22

Hearings Before the Panel

(1) The panel may decide to hold hearings for the presentation of oral argument by a party to the dispute or by an intervening party and, upon the initiative of the panel or at the request of a party to the dispute, for the presentation of evidence by witnesses, including expert witnesses.

(2) The panel shall fix the date, time and place of hearings before the panel and shall give the parties to the dispute and any intervening party reasonable notice thereof.

(3) The panel may in advance of hearings submit to any party to the dispute or to any intervening party a list of questions which the panel wishes that party to treat with special attention.

(4) All hearings before the panel shall be in private unless the panel decides otherwise.

(5) The panel may declare the hearings closed if no party to the dispute or any intervening party has any further written submissions to make or oral arguments to present or proof to offer.

(6) The panel may, upon its own initiative or at the request of any party to the dispute, but before the panel adopts its report, reopen the hearings.

Rule 23

Content of the Panel Report

The report of the panel shall contain

- (i) the date on which it was drawn up,
- (ii) the names of the members of the panel and of its chairman,
- (iii) the names of the parties to the dispute,
- (iv) the names of the representatives of each of the parties to the dispute,
- (v) a summary of the proceedings,
- (vi) a finding of the facts,
- (vii) a statement of the arguments of each party to the dispute,
- (viii) the opinion of the panel as to whether the facts found disclose a breach by the party to the dispute concerned of its obligation relating to a matter or to matters of intellectual property,
- (ix) the reasons on which the opinion is based,
- (x) the recommendations of the panel as to the measures that one or more of the parties to the dispute should take.

PART G

RULE CONCERNING ARTICLE 6 OF THE TREATY

Rule 24

Reports to the Assembly

The report or reports on the implementation of the recommendation or recommendations of the panel, referred to in Article 6, shall be submitted by each party to the dispute in such form and manner as indicated in the Guidelines or as decided by the Assembly after its exchange of views on the report of the panel has taken place in accordance with Article 5(10)(d).

PART H
RULES CONCERNING ARTICLE 7 OF THE TREATY

Rule 25
Request for an Arbitration Tribunal

(1) [*The Request*] The request for the establishment of an arbitration tribunal, referred to in Article 7(2)(i), shall

(i) refer to the agreement between the parties to the dispute to settle their dispute by arbitration,

(ii) set forth the obligation the alleged violation of which has given rise to the dispute,

(iii) state the facts and legal grounds on which the allegation of breach is based,

(iv) indicate the name of the arbitrator appointed by the party requesting the establishment of the arbitration tribunal and propose the name of the third arbitrator to be appointed by agreement of the parties to the dispute,

(v) ask the other party to the dispute to proceed with the establishment of the arbitration tribunal,

(vi) identify the authority in the State or the unit in the intergovernmental organization which is competent to take part in the arbitration procedure,

(vii) designate the official or officials of that authority or that unit who is or are authorized to be contacted in respect of that procedure,

(viii) set forth the postal address and, if any, the telecopier number and telex number of the authority or that unit to which written communications are to be sent.

(2) [*The Reply to the Request*] (a) The reply of the other party to the dispute shall indicate the name of the arbitrator appointed by that party and may indicate whether it agrees to the third arbitrator proposed by the other party or propose the name of the third arbitrator to be appointed by agreement of the parties to the dispute.

(b) The reply shall contain also the information indicated in items (v), (vi) and (vii) of paragraph (1).

(3) [*Channel and Mode of Communication of the Request and the Reply*] (a) When sending the request for the establishment of an arbitration tribunal to the other party to the dispute, the sender shall also transmit a copy of the request to the Director General.

(b) Rule 11 shall apply, *mutatis mutandis*, to the request for the establishment of an arbitration tribunal and to the reply to that request.

Rule 26
Roster of Potential Arbitrators

Rule 15 shall apply, *mutatis mutandis*, to the invitation to nominate persons for inclusion in the roster

of potential arbitrators, the preparation of the list of persons thus nominated and its submission to the Assembly, as well as to the establishment by the Assembly of the roster of potential arbitrators.

Rule 27
Composition of the Arbitration Tribunal

(1) [*Arbitrators appointed by the Director General*] When requested by a party to the dispute, the Director General shall appoint the arbitrator or arbitrators, in consultation with the parties, from among the persons on the roster of potential arbitrators referred to in Rule 26.

(2) [*Presiding Arbitrator*] The third arbitrator, appointed by agreement of the parties or, in the absence of such agreement, by the Director General, shall be the presiding arbitrator.

Rule 28
Place of Arbitration Proceedings

Except if the parties to the dispute agree otherwise, the arbitration proceedings shall take place at the headquarters of the Organization or, in view of the circumstances, elsewhere if the arbitration tribunal so decides.

Rule 29
Languages in Arbitration Proceedings

Subject to any agreement of the parties to the dispute, the arbitration tribunal shall promptly after its convocation determine the language or languages to be used in its proceedings. This determination shall apply to, and the language or languages may differ in respect of, written submissions of arguments, and any other written statements or documents, the award of the arbitration tribunal and, if oral hearings take place, to those hearings.

Rule 30
Conduct of Arbitration Proceedings

(1) [*Procedure before the Tribunal*] Unless the parties to the dispute agree otherwise, the arbitration tribunal shall determine its procedure, assuring to each party a full opportunity to be heard and to present its case. In particular, the arbitration tribunal shall determine

(i) the periods of time within which each of the parties to the dispute shall submit its written arguments and rebuttals,

(ii) whether further written statements, documents or other information should be submitted by any of the parties and, if so, fix the period of time for communicating such statement or statements,

(iii) whether, in view of the circumstances, any period of time may be extended,

(iv) whether oral hearings shall take place and, if so, their date and place.

(2) [*Experts*] The arbitration tribunal may appoint one or more experts to report on specific issues determined by the arbitration tribunal.

(3) [*The Award*] The award shall be made in writing and shall state the reasons upon which it is based.

(4) [*Transmission of the Award*] The arbitration tribunal shall transmit the award to the parties to the dispute.

Rule 31

Expenses of Arbitration Proceedings

The expenses of the arbitration proceedings, including the remuneration of the members of the arbitration tribunal, shall be borne by the parties to the dispute in equal shares unless the arbitration tribunal decides otherwise in view of the circumstances of the case.

WIPO Arbitration Center

Contacts With Other Arbitration Institutions and Users

International Chamber of Commerce (ICC). In January 1994, a WIPO official reported on the developments which had occurred since September 1993 in relation to the preparations for the WIPO Arbitration Center at a meeting of the ICC's Working

PART I RULES CONCERNING ARTICLES 9 TO 18 OF THE TREATY

Rule 32

Facilities of the International Bureau

The International Bureau shall, at the request of any party to a dispute that is the subject of consultations, good offices, mediation or conciliation, or at the request of the panel before which a procedure has been requested, or at the request of the arbitration tribunal to which a dispute has been submitted, make available, or arrange for, such facilities for the conduct of the consultations, good offices, conciliation or mediation, or the procedure before the panel, or the arbitration proceedings, as may be required, including suitable accommodation therefor, and interpretation, clerical and secretarial services.

Rule 33

Requirement of Unanimity for Amending Certain Rules (ad Article 11(3))

Amendment of the present Rule of these Regulations or of any Rule that specifies that it may be amended only by unanimous consent shall require that no Contracting Party having the right to vote in the Assembly vote against the proposed amendment.

Group on Intellectual Property Disputes and Arbitration, held in Paris.

Henri Desbois Intellectual Property Research Institute (IRPI). In January 1994, a WIPO official presented WIPO's work in the field of intellectual property arbitration at an IRPI meeting on arbitration and intellectual property, held in Paris.

Registration Systems Administered by WIPO

Patent Cooperation Treaty (PCT)

The International Bureau as Receiving Office Under the PCT

In January 1994, the International Bureau convened an informal meeting at the headquarters of WIPO for a presentation of the International Bureau as a receiving Office under the PCT. Twenty-two patent agents from the Geneva area attended the meeting.

Training and Promotion Meetings With PCT Users

Slovenia. In January 1994, two WIPO officials spoke at a PCT seminar organized in Ljubljana by the Industrial Property Protection Office. Some 60 participants, including government officials, judges and patent attorneys from private practice and industry, attended the seminar.

The WIPO officials also had discussions with government officials on preparations for the entry into force of the PCT in respect of Slovenia and gave specialized PCT training to the staff of the said Office.

Computerization Activities

Portugal. In January 1994, a WIPO official had discussions with officials of the National Institute of Industrial Property (INPI) in Lisbon on the preparation by WIPO of a CD-ROM for Portuguese marks.

European Patent Organisation (EPO). In January 1994, discussions were held at WIPO headquarters between WIPO officials and two EPO officials on cooperation between WIPO and the EPO in the preparation and production of CD-ROMs.

Hague Union

Committee of Experts on the Development of the Hague Agreement Concerning the International Deposit of Industrial Designs

Fourth Session
(Geneva, January 31 to February 4, 1994)

Introduction

1. The Committee of Experts on the Development of the Hague Agreement Concerning the International Deposit of Industrial Designs (hereinafter referred to as "the Committee of Experts") held its fourth session in Geneva from January 31 to February 4, 1994.¹

2. The following States members of the Hague Union were represented at the session: Belgium, Egypt, France, Germany, Hungary, Indonesia, Italy, Luxembourg, Morocco, Netherlands, Romania, Senegal, Spain, Switzerland, Tunisia (15).

3. The following States members of the Paris Union were represented by observers: Argentina, Brazil, Bulgaria, Croatia, Czech Republic, Denmark, Greece, Iceland, Iraq, Japan, Libya, Mexico, Norway, Portugal, Republic of Korea, Slovenia, Sweden, United Kingdom, United States of America (19).

4. Representatives of the Benelux Designs Office (BDDM) and the Commission of the European Communities (CEC) took part in the session in an observer capacity.

5. Representatives of the following non-governmental organizations took part in the session in an

¹For notes on the first, second and third sessions, see *Industrial Property*, 1991, pp. 246, 1992, pp. 184, and 1993, pp. 240, respectively.

observer capacity: American Bar Association (ABA), American Intellectual Property Law Association (AIPLA), Coordination Committee for the Textile Industries in the European Economic Community (COMITEXTIL), European Association of Industries of Branded Products (AIM), European Communities Trade Mark Association (ECTA), Federal Chamber of Patent Agents (FCPA), International Association for the Protection of Industrial Property (AIPPI), International Council of Societies of Industrial Design (ICSID), International Federation of Industrial Property Attorneys (FICPI), International League for Competition Law (LIDC), International Liaison Committee for Embroideries, Curtains and Laces (CELIBRIDE), Japan Design Protection Association (JDP), Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (MPI), Swiss Textile Federation (TVS), Union of European Practitioners in Industrial Property (UEPIP), Union of Industrial and Employers' Confederations of Europe (UNICE) (16).

6. The list of participants is given in the Annex to this report.²

7. On behalf of the Director General of WIPO, Mr. François Curchod, Deputy Director General, opened the session and welcomed the participants.

8. The Committee of Experts unanimously elected Mr. H.R. Furstner (Netherlands) Chairman and Mr. E. Szarka (Hungary) and Mrs. C. Mettraux (Switzerland) Vice-Chairmen. Mr. P. Mangué (WIPO) acted as Secretary to the Committee of Experts.

9. Discussions were based on the following document drawn up by the International Bureau of WIPO: "Draft New Act of the Hague Agreement Concerning the International Registration of Industrial Designs" (document H/CE/IV/2)³ and a proposal of amendment of draft Article 9(2) presented by the Delegation of Italy (document H/CE/IV/3).

10. The Secretariat noted the interventions made and recorded them on tape. This report summarizes the discussions without reflecting all the observations made.

General Observations

11. The Delegation of Germany declared that the draft new Act showed the great efforts which were being made to facilitate accession of a larger circle

of States to the Hague Agreement and very much welcomed that effort. The Delegation said that it supported the draft new Act in principle, and called for a simple and user-friendly system. Furthermore, it mentioned several points which it considered to be of importance, in particular that the prescribed languages in which an application could be filed be kept to a minimum, and that an international application which was filed in a language other than the prescribed language should not be liable to lose its filing date, that a uniform system for international registration of designs be created, and that multiple international applications not be restricted to subclasses of the International Classification. The Delegation concluded that, apart from its complexity, it did not have any reservations in principle regarding the draft new Act.

12. The Delegation of the United States of America stated that, as was the case in the previous sessions of the Committee of Experts, it intended to actively participate in the discussions with the goal of obtaining an agreement that could engender interest and support by United States industry and designers. It expressed its belief that the work of the Committee of Experts was not to harmonize industrial design laws, and that any proposal for an international design registration system should be compatible with existing national laws for the protection of industrial designs. The Delegation welcomed several provisions of the revised version of the draft new Act that emerged from the third session of the Committee of Experts, such as the provisions allowing the choice of either direct filing with the International Bureau or indirect filing through the intermediary of the Office of a Contracting Party. The Delegation stated that it would offer comments at the present meeting intended to increase the chances of participation of the United States of America in the Hague system and to enhance the system's compatibility with its design patent law in terms of both its substantive and technical requirements, and looked forward to productive discussions which would move the Committee of Experts closer to a text which all participants could support.

13. The Delegation of Switzerland considered that the draft new Act constituted an important step towards the elaboration of a system of international registration of designs capable of accommodating the various systems already existing in a way that would be acceptable, it hoped, for the greatest possible number. It was favorable, on the whole, to the draft as presented and stated that its comments would be limited to matters of detail.

14. The Delegation of Greece expressed its pleasure to participate for the first time in a session of the

² A full list of participants may be obtained on request from the International Bureau.

³ See *Industrial Property*, 1993, pp. 395.

Committee of Experts on the Development of the Hague Agreement. It considered that the creation of a new Act was the right approach to the development of the Hague system. The Delegation said that it was of particular importance that the draft new Act was simple and practicable. From its point of view, the provisions concerning the time limits for the notification of refusal could be shorter.

15. The Delegation of France pointed out that it had been following with interest, from the beginning, the work of the Committee of Experts towards the establishment of a new international instrument. It was convinced of the need to make the system for the international registration of designs more simple and more accessible to certain sectors of industry whilst at the same time creating conditions that would be conducive to the geographical extension of the system. In that respect, some of the provisions had already progressed in the right direction and would seem such as to promote registrations for certain sectors of industry, particularly deferment of publication, the possibility of depositing a specimen in some cases and also the new system of fees. However, geographical extension presupposed account being taken of the constraints inherent in certain legislations that comprised a system of examination. The most recent text proposed by the International Bureau set out a number of solutions, but several of them, that underscored the complexity of certain legislations, illustrated the difficulties that users would have to face in obtaining protection. In that respect, one could note the provisions of Article 9 that afforded an extremely long time limit to some countries for rejecting the applications for registration, whereas one could have hoped that the new instrument would permit a minimum of harmonization between the legislations. Referring to the important work that was under way within the European Union with respect to designs, the French Delegation emphasized that that work would have implications for its legislation and that it would have to take account of that fact before finally determining its position with regard to the new Act.

16. The Delegation of Italy was in favor, in principle, of extending the geographical scope of the Hague Agreement system on condition that the new system, that was to make such extension possible, would remain simple and reliable for applicants and would not introduce modifications such that the nature of the Agreement would be changed. It expressed its opinion that the provisions on multiple deposits and on the time limits for refusal would have to be reviewed. As far as the latter were concerned, it held that lengthy refusal time limits were not appropriate to the nature of designs, particularly in the textile industry and the fashion trade.

17. The Delegation of Spain fully supported the work of the Committee of Experts towards extending participation in the Hague Agreement and improving the international registration system set up by the Agreement. It considered, in particular, that the draft new Act represented considerable progress towards the establishment of a system of international registration that was more compatible with national legislations. The possibility of making an indirect deposit, as also the extension of the time limit for refusal, were particularly adapted to the needs of national legislations.

18. The Delegation of the Republic of Korea observed that its country had in the previous year amended its design law to improve the protection of industrial designs and to reduce the burden on applicants, in particular by extending the term of protection, improving the fee system and reducing the mandatory content of applications. It indicated that its country would continue to make efforts for the further improvement and internationalization of its industrial design protection system. The Delegation recalled that, at the previous session, as an observer interested in joining the Agreement in the future, it had expressed interest in improvements to the Hague Agreement, and was pleased with the progress of the Committee of Experts' work, in particular with the provisions of the draft new Act allowing indirect filing, the possibility of deferred publication and national security review, an extended period of time for notifying a refusal, and two different effects of international registration. The Delegation said that it was in favor of flexibility in considering the draft new Act so that as many States as possible, including its own, could join the final instrument.

19. The Delegation of Denmark supported the effort to attract more States to the system of international registration of industrial designs and indicated that it was ready to show flexibility in the current discussions. The Delegation welcomed the provisions of the draft new Act allowing the option of indirect filing of international applications.

20. The Delegation of Sweden declared that it supported the revision of the Hague Agreement and welcomed the provisions in the draft new Act which were designed to allow adherence by a wider circle of States to the Agreement. It stated that the latest version of the draft new Act was more complicated than previous versions, but considered that fact to be the price which was necessary to pay for an extension of the Agreement. The Delegation supported the approach of forming additional layers which were to be added to the procedure existing under the present Agreement and considered that this solution was attractive and acceptable. It stated that, although it had some concerns with regard to the provisions

dealing with multiple designs and the transmission of confidential designs, it supported the draft new Act.

21. The Delegation of Norway indicated that, as an examining country, it believed that all remaining difficulties could be overcome and that the draft new Act in its present form was considerably more attractive to its country than had previously been the case.

22. The Delegation of Bulgaria said that it highly appreciated the draft new Act. It especially welcomed the new provisions which took into consideration the particular needs of countries, like its own, that maintained registration systems where applications for design registrations were examined as to their compliance with substantive requirements. The Delegation further informed the Committee of Experts that the adherence of Bulgaria to the Hague Agreement was currently awaiting a decision of its Government dealing with this question.

23. The Delegation of Portugal stated that the discussions on the draft new Act should lead to harmonization of national laws on industrial designs, in the same way that trademark law and patent law were currently undergoing international harmonization. It indicated its desire that the question of languages of the original text of this Act, as contained in Article 30, be reviewed for the possible inclusion of Portuguese in addition to the languages mentioned, or for the inclusion only of the French and English languages.

24. The Representative of the Commission of the European Communities stated that, pending the adoption of the Commission's proposal for a Regulation on the Community Design, the Community and its Member States had not yet arrived at a common position regarding the issue of adherence by the European Communities as such to the new Act of the Hague Agreement. Given the fact that participation by the European Communities as such presupposed the entry into force of the Regulation on the Community Design once it had been adopted and the consequent creation of the Community Design Office, a formal position was not an issue of great urgency. However, given the position taken by the European Communities regarding participation in the Madrid Agreement Concerning the International Registration of Marks it would appear likely that a positive interest would be expressed at the appropriate time. At the present time, the Commission considered an enlargement of the number of Contracting Parties to the Hague Agreement desirable since a truly international system for the registration of designs was called for. The Commission therefore supported the efforts displayed in this respect. When considering the draft new Act, the Commission was aware of the fact that an agreement

on registration requirements such as the one under discussion could not solve the problems stemming from differences in or shortcomings of substantive law. If those problems were to be neglected, industries in the Member States of the European Communities would run the risk of being deprived of the very advantages which the international registration system was designed to present. Therefore, a discussion on the registration system could not be carried out productively without addressing sooner or later and within the appropriate framework those problems of substantive law which would cause imbalance between the access to the market of the European Communities for enterprises from third countries and the access for enterprises from the European Communities to important markets outside the European Communities. Once the Community system became operational, the access to the Community design would be easy and fast for individuals and enterprises from all countries. A Community-wide right would be obtained by way of a single deposit and there would be no examination. Design registration was difficult to obtain in a number of countries, and when Japan and the United States of America were mentioned as examples thereof, it was primarily because those States constituted important export markets for Community enterprises. If a Community enterprise, having taken out a registration in the Communities and marketed the product, wished to enter such markets, it had either to wait several years to obtain a design registration or run the risk of entering the market unprotected. Design products were often dependent on the fashion and the taste of today, and a delay in marketing could deprive the operator of the actual advantage which the design development had been conceived to provide. At the same time, a design application made under the draft provisions of the new Act would not necessarily provide any protection whatsoever. One way or the other, a solution to that and a number of other problems caused by specific requirements needed to be found if the Community design, offering as it would a Community-wide right by way of a single deposit, was to be linked in a satisfactory manner to the Hague Agreement. The Representative of the Commission of the European Communities indicated that it would ask for the floor when discussing the individual provisions to emphasize specific problems or to suggest possible solutions or transitional provisions which could facilitate the future decision on participation by the European Communities in the Hague Agreement, but it emphasized that it participated in that work with a positive interest and in the spirit of cooperation.

25. The Representative of UNICE recalled that, in 1988, the business communities of Europe, Japan and the United States of America jointly issued a document containing their views on the protection of

intellectual property, including industrial designs, which served as a contribution to the discussion relating to the GATT-TRIPS agreement. The Representative observed that worldwide industry attached much value to an effective system for the protection of industrial designs which would provide designers and industry with cost effective and efficient means to obtain protection in the form of registration and enforcement of their rights. The registration system provided under the 1960 Act of the Hague Agreement was considered to be such an effective and efficient system which met the needs of users by allowing them to obtain registration via a central filing. The fact that all but one of the present members did not have a preliminary examination system contributed to the position of design right owners. The Representative also considered that the design registration system foreseen in the proposal for a Community design regulation, which did not provide for preliminary examination, also met the needs of industry. He also stated that a system without preliminary examination was in line with the present trend in industrial design since the life cycle of a product had become rather short and therefore quick protection was needed, and that preliminary examination could impair the opportunity to seek and obtain protection. In that connection special attention should be given to the position of the textile industry, especially since an explicit reference to textile designs had been included in the GATT-TRIPS agreement. The Community Design protection system, not having such a preliminary examination, could serve as an example for other countries. The compromise the International Bureau had now submitted to this meeting might satisfy the needs of certain countries which had a system with preliminary examination. However, the question arose whether such a system would also satisfy the needs of the users of the system. The Representative concluded by requesting an open communication between users and legislators, and by stating that he would submit proposals which he hoped would make it possible for other countries to become members of the Hague Union while at the same time safeguarding the progress that had been made in national legislation, and to provide users, including industry, designers and small and medium enterprises, with the possibility of obtaining protection in a simple and effective way without lengthy preliminary examination.

26. The Representative of COMITEXIL welcomed the fact that his organization had been able to participate in the work of the Committee of Experts. He repeated that the aim of the new Act was not only to enable new States to participate in the system of international registration but also to make the system more attractive to applicants and he therefore expressed the wish that applicants from the textile

sector could have the benefit, due to the new Act, of an international instrument for filing their creations that met the needs of efficaciousness, speed and least cost. He stressed, in particular, that a better balance had to be struck between the demands of the countries that carried out a prior examination and the interests of users in the countries that did not carry out such an examination. The Representative of COMITEXIL was pleased to note that the TRIPS Agreement, particularly Article 25(2), took into account the specific interests of the owners of textile designs and expressed the hope that the new Act would also take those specific interests into account. The Representative of COMITEXIL concluded by stating that his organization was ready to contribute to the best of its capabilities to the ongoing work with the aim of instituting fair trading based on reliable rules that were the same for all concerned.

27. The Representative of the ABA and the AIPLA stated that his organizations were working to further effective protection in the field of industrial designs. He recommended that it would be advantageous to continue to focus on matters of administration and procedure designed to connect countries to a universal system for protection.

28. The Representative of ICSID declared that he was impressed by the quality of the draft new Act. He stated that the changes which had been introduced highlighted the problems which were created by the desire to enlarge the existing system. Speaking mainly on behalf of small and medium-sized enterprises, the Representative expressed concern at the complexity of the proposed system. He stated that, although certain provisions were included in order to widen the circle of States that could adhere to the Agreement, they could result in a system that was too complicated for users. The Committee would have to decide whether this was a price worth paying.

Provisions of the Draft New Act

Draft Article 1: Abbreviated Expressions

29. *Items (i) to (iv)*. These items were approved as proposed.

30. *Item (v)*. This item was approved subject to the replacement of the words "date of receipt" by "filing date" and to the replacement of the reference to Article 3(4) by a reference to Article 3(2). It was noted that the adoption of the term "filing date" would necessitate a number of consequential amendments throughout the text of the draft new Act.

31. *Item (vi)*. This item was approved as proposed.

32. *Item (vii)*. This item was approved subject to the replacement, in the English text, of the word "and" by "or."

33. *Item (viii)*. This item was approved as proposed.

34. *Item (ix)*. This item was approved subject to the replacement, in the French text, of the words "a été inscrit" by "est inscrit."

35. *Item (x)*. This item was approved as proposed subject to the deletion, in the second line, of the words "or a regional economic integration organization."

36. *Items (xi) to (xiii)*. These items were approved as proposed.

37. *Item (xiv)*. This item was approved subject to the inclusion in the second line, after the word "determine," of the words "at least," and to the deletion, in the third, fourth and fifth lines, of all the text following the word "novelty."

38. *Items (xv) to (xxxiii)*. These items were approved as proposed.

39. One delegation suggested providing for a definition of what was meant by "applicable law." The International Bureau pointed out that paragraph 1.11 of the notes⁴ contained an explanation of the term which could be enlarged, in particular so as to take into account the fact that Contracting Parties could be either States or intergovernmental organizations.

Draft Article 2: Entitlement to File an International Application

40. One delegation was of the opinion that the reference to "a State member of a regional organization that is a Contracting Party" was superfluous since Article 25(1)(ii) provided that a regional organization may become a party to the Act only if all its member States were party to the said Act.

Draft Article 3: Filing of the International Application

41. *Paragraph (1)*. This paragraph was approved, subject to it being made clear that a Contracting Party was free to require that applicants from that Contracting Party obtain national security clearance before filing an international application direct with the International Bureau.

42. *Paragraph (2)*. This paragraph was approved as proposed.

43. *Paragraph (3)*. One delegation considered that it was too harsh to provide that the international application should be considered to have been withdrawn if the application was not transmitted to the International Bureau by the Office of a Contracting Party within three months from its date of receipt by the said Office. The delegation proposed to replace, in the fifth and sixth lines, the words "it shall be considered to have been withdrawn" by "the date of the international registration shall be the date on which the international application is received by the International Bureau."

44. Another delegation proposed to replace the time limit of three months by a time limit of six months, such extension being necessary, in rare cases, to ensure the completion of the procedure for security clearance provided for in the law of its country.

45. While the first proposal was supported by several delegations and representatives of observer organizations, it was also considered that the postponement of the filing date of the international application would be detrimental to users. Where the international application qualified as a basis for claiming priority, such postponement of the filing date could have particularly adverse effects. In relation to the second proposal, it was pointed out that an extension of the time limit to six months could result in loss of priority and create legal insecurity.

46. After a detailed discussion, paragraph (3) was approved subject to the amendment proposed in paragraph 43, above. The time limit of three months was maintained. However, the revised text should contain a provision allowing the Office of a Contracting Party having a system of security clearance to transmit the international application to the International Bureau within six months without the filing date being postponed to the date of receipt of the international application by the International Bureau, provided that, before the expiry of the time limit of three months, the International Bureau and the applicant had been informed by the said Office that, for reasons of security clearance, the international application could not be transmitted before the expiry of the time limit of three months. Such information would give the applicant the opportunity to preserve his right of priority by other means.

47. *Paragraph (4), subparagraph (a)*. This provision was approved as proposed.

48. *Paragraph (4), subparagraph (b)*. One delegation, supported by another, proposed that, in the case of indirect filings, fees should be paid to the Office

⁴ The notes are not reproduced here.

through the intermediary of which the international application was filed. It emphasized that payment of fees in this manner would enable users to avoid currency exchange problems and would render the system more simple for them to use.

49. The International Bureau suggested, and it was agreed, that this and other questions concerning the modalities for the payment of fees be dealt with in the Regulations under the future new Act.

50. *Paragraph (4), [new] subparagraph (c)*. One delegation proposed the addition of a further subparagraph that would provide for any additional fees, payable on the division of a multiple international application as a result of the requirement of unity of invention, to be paid direct to the Office concerned. The principle of such additional fees was discussed in the context of Article 12(2) (see paragraphs 123 to 125, below). As to the question of to whom such fees should be paid, it was agreed that it could be dealt with in the Regulations, like the general question of to whom any fees provided for in the new Act should be paid and other questions concerning the modalities for the payment of fees.

Draft Article 4: Contents of the International Applications

51. *Paragraph (1), items (i) and (ii)*. These items were approved as proposed.

52. *Paragraph (1), item (iii)*. Several delegations from examining countries indicated that, in the case where publication was deferred and no reproduction was submitted, their offices would need to receive specimens in order to carry out substantive examination, and that therefore submission of additional specimens with an international application should be required whenever Contracting Parties with Examining Offices were designated. This proposal was supported or accepted by several representatives of observer organizations. It was decided that the number of specimens required to be submitted would be specified in the Regulations.

53. In reply to a question from a delegation, the International Bureau confirmed that the phrase “more than one reproduction” referred to the case where the applicant chose to submit different views of the same design.

54. *Paragraph (1), items (iv) and (v)*. These items were approved as proposed.

55. *Paragraph (1), item (vi)*. This item was approved subject to it being made clear that, where the application was filed through the intermediary of

an office, the prescribed fees did not necessarily accompany the international application.

56. *Paragraph (2)(a)*. This paragraph was approved as proposed. The representatives of two observer organizations active in the textile field indicated that Article 25(2) of the Agreement on Trade-Related Aspects of Intellectual Property Rights, Including Trade in Counterfeit Goods (TRIPS) of the 1994 General Agreement on Tariffs and Trade (GATT) required that the Contracting Parties to the TRIPS Agreement ensure that requirements for securing protection for textile designs, in particular in regard to any cost, examination or publication, did not unreasonably impair the opportunity to seek and obtain such protection, so that paragraphs (2) and (3) of Article 4 of the draft new Act should be considered to be of a transitional nature for textile designs. The Delegation of the United States of America pointed out that TRIPS Article 25(2) allowed that obligation to be met through copyright law rather than industrial design law, and that therefore there was no obligation under TRIPS to modify national laws providing for the substantive examination of industrial design applications if the said obligation was met through copyright law, which would be the case of its own country.

57. *Paragraph (2)(b), item (i)*. This item was approved as proposed. The Delegation of Hungary stated that, under its national law, disclosure of the identity of the creator was not required in order to establish a filing date, and inquired whether the identity of the creator could be required during examination of the application. The International Bureau responded that, if paragraph (3) were retained as an exhaustive list, an additional item would have to be included to allow such an element as optional contents in the international application. The Representative of the CEC expressed the opinion that the ability to require the identity of the creator as a requirement for registration should not be restricted to examining Contracting Parties, since the European design system, which would require the identity of the creator before registration, was not expected to provide for substantive examination. This position was supported by the representative of an observer organization.

58. *Paragraph (2)(b), item (ii)*. It was agreed to delete this item, as it was not required by the national law of the country of any delegation for the establishment of a filing date.

59. *Paragraph (2)(b), item (iii)*. This item was approved as proposed. The Delegation of Italy suggested that consideration be given to omitting that item.

60. *Paragraph (2)(b), item (iv)*. This item was approved as proposed. The Delegation of the United States of America stated that, for the purposes of its national law, only item (iv) of paragraph 2(b) was required as a filing date condition. It was agreed that note 4.11, last sentence, would be amended to reflect this fact.

61. *Paragraph (2)(c)*. This paragraph was approved as proposed.

62. *Paragraph (3)*. It was agreed to delete this paragraph. The Delegations of the United States of America, Japan and the Republic of Korea cited difficulties in attempting to establish an exhaustive list of requirements under their national laws. In addition, the Delegation of Japan explained that information covered by item (iv) of paragraph (1) and item (iii) of paragraph (2)(b) which was submitted in an application at the time of filing, and which was sufficient for the purpose of obtaining a filing date, would, under its national law, be reevaluated from the point of view of substance during substantive examination, and that certain changes or additional requirements could be imposed by an examiner; such reevaluation or additional requirements would not seem to be permitted under the present wording of paragraph (3).

63. The representatives of two observer organizations expressed the opinion that the objective of simplicity of filing and registration under the revision of the Hague Agreement would be defeated by allowing Contracting Parties to impose additional, unspecified requirements for the filing of an international application, which would be permitted if paragraph (3) were amended so as not to contain an exhaustive list of allowable requirements.

64. The International Bureau explained that the objective of this paragraph was to provide the opportunity for applicants to avoid unnecessary rejections during substantive examination by enabling applicants to satisfy in advance in their international applications additional requirements that would later need to be met in all cases with respect to certain designated Contracting Parties. Such objective, however, could also be achieved by providing in the Regulations for a possibility for the applicants of including optional elements in the international application.

65. *Paragraph (4)(a) and (b)*. Several delegations of countries party to the Hague Agreement were in favor of replacing the word "sub-class" with "class" in subparagraph (a). They expressed the view that limiting multiple applications to designs of the same sub-class of the International Classification system would be too restrictive and would increase fees and

complicate the application procedure. They were supported by the representatives of several observer organizations, who pointed out that, in some cases, such a limitation would be unworkable for users.

66. Several delegations from examining countries declared that they preferred to retain the reference to sub-classes in subparagraph (a), indicating that allowing multiple applications to contain designs belonging to the same class would create difficulties for the purposes of searching. However, those delegations also expressed understanding of the problems that industry would have with a limitation to sub-classes. One of those delegations proposed a compromise solution replacing the word "sub-class" in subparagraph (a) with the word "class," while broadening the grounds of potential refusal listed in subparagraph (b) to include, for example, requirements such as unity of production or unity of use. Two other delegations supported this proposal by expressing a preference to limit multiple applications utilizing a criterion of "same use."

67. In conclusion, it was agreed that paragraph (4) should be redrafted by replacing the word "sub-class" in subparagraph (a) with the word "class" as the criterion which would be applied by the International Bureau at the time of examining the international application, and broadening the exceptions listed in subparagraph (b) to include additional standards that could be later applied by designated Offices in determining whether a multiple registration could continue to contain all of the individual designs.

68. The International Bureau was invited to consider whether it was desirable to limit the availability of the standards listed in subparagraph (b) to Examining Offices.

69. *Paragraph (5)*. This paragraph was approved as proposed, subject to adding the words "of any or all of the industrial designs that are the subject of the international application."

Draft Article 5: Priority

70. This Article was approved as proposed. It was agreed to include in the notes an explanation that the phrase "or for any country" was intended to cover an application filed with the office of a regional or international organization.

Draft Article 6: International Registration; Correction of Irregularities and Publication

71. *Paragraph (1)*. This paragraph was approved as proposed.

72. *Paragraph (2)(a)*. This paragraph was approved as proposed. It was agreed to include in the notes an indication that the Regulations would provide for possible reinstatement of an application which had lapsed as a consequence of certain unavoidable delays, following as a model Rule 82bis of the Regulations Under the Patent Cooperation Treaty and the proposed corresponding provision of the draft Regulations Under the Madrid Agreement and the Madrid Protocol.

73. *Paragraph (2)(b), item (i)*. This item was approved as proposed, subject to replacement of the word “any” by the words “one or more,” and to redrafting so as to make it clear that Article 7(3) lists irregularities rather than requirements.

74. It was agreed that the notes would be amended to indicate that the Regulations would provide for notification to the applicant of the loss of the designation of the Contracting Party to which the unsatisfied requirements of Article 4(2) applied, in order to provide an opportunity for the applicant to file, as quickly as possible, an application via the national route in that Contracting Party, in particular, before the expiration of any priority period.

75. *Paragraph (2)(b), item (ii)*. This item was approved as proposed, subject to redrafting to make it clear that Article 7(3) lists irregularities rather than requirements, as in item (i).

76. *Paragraph (3)*. This paragraph was approved as proposed.

77. It was agreed that the quality of reproductions sent to the designated Offices under subparagraph (b) would be dealt with in the Regulations.

Draft Article 7: Date of International Registration

78. *Paragraph (1)*. This paragraph was approved as proposed.

79. *Paragraph (2)*. This paragraph was approved as proposed.

80. *Paragraph (3), subparagraph (a)*. This subparagraph was approved as proposed.

81. *Paragraph (3), subparagraph (b)*. One delegation suggested that it should be possible to file an international application in a language different from the prescribed languages without causing the filing date to be postponed, provided that the applicant submitted a translation of the application in a prescribed language within a reasonable time. This

suggestion was supported by several delegations and representatives of non-governmental organizations.

82. It was agreed that the draft new Act should be amended accordingly.

83. *Paragraph (3), subparagraph (c)*. One delegation explained that, under its national law, an application could, during substantive examination, be rejected because it did not comply in substance with the requirements of draft Article 4(1)(iv) or 4(2)(b)(iii) and that, in such cases, an amendment of the application could, where the amendment involved the introduction of new matter, lead to the postponement of the filing date. Since subparagraph (c) contained an exhaustive list, those cases might have to be foreseen in that subparagraph or in some other provision. In reply to that delegation, the International Bureau pointed out that it followed from general principles that any amendment of an application resulting in the introduction of new matter was basically unacceptable and that the national law was free to provide for the postponement of the filing date in such a situation. In this regard it was agreed that the necessary clarifications would be made either in the draft new Act or in the notes.

84. *Paragraph (3), subparagraph (c), item (i)*. It was agreed that the words “request for international registration” be replaced by more flexible language along the following lines: “an express or implicit indication that an international registration is sought.”

85. *Paragraph (3), subparagraph (c), item (ii)*. One delegation suggested the addition of an element to this item which would require the indication of the address of the applicant. In response, the International Bureau stated that a reference to the address of the applicant had been omitted intentionally in order to keep the requirements for obtaining a filing date to a minimum.

86. *Paragraph (3), subparagraph (c), items (iii) and (iv)*. These items were approved as proposed.

Draft Article 8: Deferment of Publication

87. *Paragraph (1)*. This paragraph was approved as proposed.

88. *Paragraphs (2) and (3)*. These paragraphs were approved as proposed. In reply to a question, the International Bureau explained that a Contracting Party was free to adopt in its national law a system of deferment of publication and to notify that fact to the Director General under draft Article 27(1) of the draft new Act, even where it did not have such a

system at the time of its accession to the draft new Act.

89. *Paragraph (4)*. This paragraph was approved as proposed.

90. *Paragraph (5), subparagraph (a)*. It was noted that, in view of the agreement which had been reached concerning draft Article 4(1)(iii) (see paragraph 52, above), the last sentence of this provision would be amended to require the transmittal of specimens to designated Examining Offices.

91. *Paragraph (5), subparagraph (b)*. The Delegation of the United States of America proposed the deletion of the last sentence of this subparagraph and explained that, under its national law, where an application for a design patent was subject to an interference procedure, part of the contents of the application would have to be disclosed to the second interfering party. After a detailed discussion, it was agreed that the subparagraph would be maintained in its present version. However, a provision would be included in the draft new Act which would allow Contracting Parties which provided for an interference procedure to make such limited disclosure in confidence, it being understood that participation in interference proceedings presupposed consent to such disclosure.

92. *Paragraph (6)*. The Delegation of Germany explained that, under its national law, protection of a registered design could be enforced only after the publication of the design. In cases where the applicant had asked for deferment of publication, it could allow third parties access to the register for this purpose. In conclusion, it was agreed to give the holder the opportunity to request under this paragraph not only publication, but also that the International Bureau give access to the design to certain specified third parties.

93. *Paragraph (7)*. This paragraph was approved as proposed.

94. *Paragraph (8)*. This paragraph was approved as proposed.

95. *Paragraph (9), subparagraph (a)*. This subparagraph was approved as proposed.

96. *Paragraph (9), subparagraph (b)*. Attention was drawn to the fact that, in the French version of document H/CE/IV/2, the word "prescrit" had to be added in the third line of that subparagraph after the word "délai."

97. *Paragraph (10)*. It was agreed that this paragraph should also contain a reference to paragraph (6) (see paragraph 92, above).

Draft Article 9: Refusal of Effect; Remedies Against Refusals

98. *Paragraph (1)*. One delegation proposed that the paragraph be re-drafted so as to make it clear that no Examining Office could refuse the effect of an international registration, in part or in whole, on the ground that the international registration did not include one or more of the elements required under Article 4(1) or (2). The International Bureau stated that the present drafting of the paragraph was intended to achieve the same result. It was agreed that the drafting would be reexamined.

99. *Paragraph (2), subparagraph (a)*. Two delegations suggested that the drafting of this subparagraph be changed in order to make it clear that a refusal notified was not necessarily final.

100. *Paragraph (2), subparagraph (b)*. A proposal made by the Delegation of Italy (document H/CE/IV/3) was discussed. The Delegation of Italy considered that the maximum time limits of 24 or 30 months were too long and should be replaced by 12 or 18 months. As a compromise, it proposed the introduction of a provision similar to Article 5(2)(b) and (c) of the Madrid Protocol. The delegations of two States maintaining Examining Offices expressed their opposition to that proposal, whereas one other delegation expressed its support of the proposal and another one said that it could accept it. It was agreed that the next version of the draft new Act would contain the proposal of the Delegation of Italy, either in the notes or in the text of the Act itself.

101. In response to a question raised by one delegation, the International Bureau explained that the time limits for the notification of refusals would start on the date on which the International Bureau would send to the Office a copy of the publication of the international registration.

102. *Paragraph (2), subparagraph (c)*. In reply to the question of the representative of an observer organization, it was pointed out that a notification of refusal under this subparagraph was meant to include all grounds of refusal known at the time of the notification and which the holder would have to overcome in the immediate procedure before the Office in order to succeed in having the refusal withdrawn. It was, however, possible for new grounds of refusal to be raised at a later stage, either during the procedure before the Office, as a result of the holder's response to a refusal or of the furnishing by the holder of further information, or during appeal proceedings, on the understanding that the holder would always be informed of such grounds of refusal. It was agreed that note 9.05 would be redrafted accordingly.

103. *Paragraph (3)*. This paragraph was approved as proposed.

104. *Paragraph (4)*. This paragraph was approved as proposed.

Draft Article 10: Effect of International Registration

105. *Paragraph (1)*. The Delegation of the United States of America proposed that any Contracting Party having an Examining Office should be allowed to consider, for the purpose of determining whether an international application constituted prior art, that such application had the same effect as a regularly filed application for the grant of protection only upon receipt by its Office and only in respect of materials actually received by that Office.

106. This proposal, which would result in a postponement of the prior-art effect of the international registration in a designated Contracting Party, was opposed by the representatives of several observer organizations. Those representatives considered that the possibility of obtaining a uniform filing date in all the designated Contracting Parties, which, in the case of a first application not claiming the priority of an earlier application, would constitute the priority date and the date on which the application was to be considered to have a prior-art effect, was a cornerstone of the Hague Agreement and that the said Agreement would be deprived of one of its major interests if the proposal made by the Delegation of the United States of America were to be adopted.

107. Moreover, it was pointed out that the proposal of the Delegation of the United States of America, if accepted, would open the possibility for an application of the *Hilmer* doctrine by other countries having Examining Offices which, at present, did not apply this doctrine.

108. The Delegation of Japan said that its country was opposed to the *Hilmer* doctrine. Any application of that doctrine to the new Act under the Hague Agreement would run contrary to one of the basic objectives of the new Act, which was to allow the applicant to obtain an international filing date fully effective in all designated Contracting Parties, and would deprive the new system of its attractiveness.

109. In conclusion, it was agreed that the next draft would contain a possibility of reservation similar to that provided in Article 64(4)(a) of the Patent Cooperation Treaty (PCT), it being understood that the purpose of the inclusion of such a provision would be to give an opportunity for reflection on a concrete text.

110. The representative of an observer organization suggested that consideration be given to the introduction of a provision requiring Contracting Parties to accord provisional protection to designs that were the subject of an international registration.

111. *Paragraph (2), subparagraphs (a) and (b)*. Three amendments were proposed by the Delegation of the United States of America in order to clarify the text of these subparagraphs.

112. The first proposal, relating to subparagraph (a), was directed at specifying that effect as a grant of protection under the applicable law would be obtained only in respect of the industrial design as received by the designated Office and, in appropriate cases, as amended during the course of the examination.

113. The second proposal, intended to constitute a new subparagraph, was directed at clarifying that, where a multiple international application was the subject of a refusal in respect of one or some of the industrial designs contained in the application, effect as a grant of protection under the applicable law would be limited to the industrial design or designs which were not the subject of the notification of refusal.

114. The third proposal, relating to subparagraph (b), was directed at clarifying that, where a multiple international application was the subject of a notification of refusal in respect of any or all of the industrial designs and the notification was subsequently withdrawn, the international registration would have the same effect in that Contracting Party as a grant of protection only in respect of the industrial designs for which no notification of refusal had been communicated or for which any notification of refusal had been withdrawn at the latest from the date on which the notification was withdrawn.

115. The three amendments proposed were approved as to substance.

116. One delegation suggested the introduction of a provision, similar to the provision of Article 7(2) of the 1960 Act of the Hague Agreement, allowing a Contracting Party to prohibit its designation where the applicant was an applicant from that Contracting Party.

117. In response to a question raised by a delegation, the International Bureau indicated that, where a Contracting Party required the appointment of a local representative for the purpose of an application, such requirement could not constitute a filing date requirement for the purpose of the international application. However, in case of refusal by the

Office of a designated Contracting Party, the appointment of a local representative could be required by the said Office if the holder intended to react to the refusal.

Draft Article 11: Invalidation

118. *Paragraph (1)*. This article was approved subject to it being made clear, as requested by one delegation, that an invalidation could, in the case of a multiple registration, concern only one or some of the industrial designs which were contained in the international registration.

119. *Paragraph (2)*. This paragraph was approved as proposed.

Draft Article 12: Fees for International Application

120. *Paragraph (1)*. This paragraph was approved as proposed.

121. The representative of one observer organization from the textile industry regretted that the draft new Act contained no provision for a reduction of the publication fee according to the number of designs contained in a multiple international application.

122. *Paragraph (2)*. This paragraph was approved as proposed.

123. One delegation proposed that the next draft made it explicit that an Examining Office which required division of a multiple application was entitled to request additional individual designation fees from the applicant. In line with the delegation's earlier proposal concerning Article 3(4)(b) (see paragraph 50, above), such fees should be paid direct to the Office concerned. The proposal was supported by another delegation, which added that, since a local representative would in most cases have been appointed by the time an application was divided, it would be much easier for the applicant to pay the additional fees to the Office concerned through the representative.

124. In response to representatives of observer organizations who expressed the wish that costs could be determined in advance, it was stated that the Contracting Parties would be requested to supply lists of possible additional fees to be charged, for inclusion in a user's guide.

125. It was agreed that the next draft should contain a provision allowing for the collection of additional individual designation fees in case of division of a multiple application.

126. *Paragraphs (3) and (4)*. These paragraphs were approved as proposed.

Draft Article 13: Term and Renewal of International Registration

127. *Paragraphs (1) and (2)*. These paragraphs were approved as proposed.

128. *Paragraph (3)*. This paragraph was approved as proposed.

129. In reply to a delegation, the International Bureau stated that the notes would make it clear that a single 15-year term would be compatible with this paragraph, and that, while failure to renew the international registration would, under the terms of the draft new Act, automatically result in termination of protection in each of the designated Contracting Parties, each Contracting Party which adopted a single indivisible term and whose individual designation fee covered the whole of that term would be free to provide in its national legislation that protection would continue in the territory of the Contracting Party for the duration of the entire period of protection, even where the international registration was not renewed. The representative of an observer organization suggested that, for the information of third parties, this fact be indicated in the international register and in the Gazette with respect to international registrations that designated such a Contracting Party. It was agreed that this question would be dealt with in the Regulations.

130. One delegation suggested that, in addition to five-year terms of renewal, annual renewal should be permitted as another option available to the holder if a Contracting Party allowed such annual renewal, because it would meet the need of a holder whose design had a short life cycle. The International Bureau stated that a dual system consisting of two different frequencies of renewal was not desirable because it would complicate the administrative procedures of the International Bureau and increase the costs, which would result in an additional burden to users.

131. One delegation suggested amending this paragraph to provide for an obligatory minimum period of protection of 10 years only. There was no support for this suggestion.

132. *Paragraphs (4) and (5)*. These paragraphs were approved as proposed.

133. *Paragraph (6)*. This paragraph was approved as proposed. The Delegation of Japan stated that it would need to maintain a national register in which

data not contained in the international register, but provided for under its national law, could be entered.

134. In reply to that Delegation, the International Bureau said that this was not in contradiction with the draft new Act and that it would be made clear in the notes. However, the maintenance of a national register should not result in an obligation for the holder of an international registration to pay fees for the recordal in that register and for the publication of data already published by the International Bureau.

135. The Delegation of the United States of America stated that it was intended that international registrations would be republished in its country and that such republication would give rise to an additional fee.

Draft Article 14: Recording of Change in Ownership and Certain Other Matters Concerning International Registrations

136. *Paragraph (1)*. This paragraph was approved as proposed.

137. *Paragraph (2)*. This paragraph was approved as proposed. It was agreed that the distinction between renunciation, withdrawal and limitation of an international registration should be further clarified in the notes.

138. *Paragraphs (3) and (4)*. These paragraphs were approved as proposed.

Draft Article 15: Information Concerning Published International Registrations

139. This Article was approved as proposed.

Draft Article 16: Applicability of Protection Accorded by National Laws and by Copyright Treaties

140. The representative of an observer organization suggested that the word "greater" be replaced by "equivalent or greater." One delegation proposed, in order to make it clear that this Article did not preempt any other national legislation according protection for industrial designs even if it provided lesser protection, to replace the word "greater" with "other," and to indicate in the notes that such sources of protection as trademark law or unfair competition law would not be affected by the draft new Act. The International Bureau observed that the wording of this draft Article should not allow any other national legislation to derogate from the protection required to be accorded under the draft

new Act, particularly the provisions for the minimum period of protection. The representative of another observer organization suggested inclusion of a phrase such as "as long as such other protection does not restrict any rights under this Act."

141. It was agreed that the International Bureau would reexamine the drafting of this paragraph, it being understood that it should not be permitted that other national legislation undermine any of the rights granted under the draft new Act.

Draft Article 17: Common Office of Several States

142. This Article was approved as proposed.

Draft Article 18: Membership of the Hague Union

143. This Article was approved as proposed.

Draft Article 19: Assembly

144. *Paragraphs (1) to (3)*. These paragraphs were approved as proposed.

145. *Paragraph (4), subparagraph (a)*. The Delegation of the United States of America stated that, in accordance with this subparagraph when read in conjunction with draft Article 1(xxv) and draft Article 25(1), a regional organization party to the new Act would have a vote in addition to the votes of its member States that were also party to the new Act and that such a situation was not acceptable for the United States of America. It referred to the Final Act embodying the results of the Uruguay Round of Multilateral Trade Negotiations, under which the European Communities would have a number of votes equal to the number of their member States but not an additional vote. The Delegation proposed a solution similar to that contained in the 1991 Act of the UPOV Convention so that the first sentence of this subparagraph should read as follows: "Each member of the Assembly that is a State shall have one vote and shall vote only in its own name."

146. The Delegation of Japan stated that, on numerous occasions, its Government had made it clear that it could not accept any provision resulting in a double vote. Because the provision under discussion had precisely such an effect, it requested that it be modified in the sense of the proposal of the Delegation of the United States of America.

147. The Representative of the Commission of the European Communities said that there was a clear precedent contained in Article 10(3) of the Protocol Relating to the Madrid Agreement and pointed to the

fact that the present situation was identical with that dealt with by the Madrid Protocol. It was to be hoped that there would be a Community design which would co-exist with national designs in the same way that a Community trademark would co-exist with national trademarks. Under the Madrid Protocol, the European Communities had an independent vote. Therefore, the Representative of the Commission of the European Communities proposed that paragraph 4(a) be retained in its present form. It also proposed that paragraph 4(b) be deleted.

148. The Delegation of the Republic of Korea supported the proposals of the Delegations of the United States of America and of Japan for the reasons given by those Delegations.

149. The Delegation of Greece expressed support for the proposal by the Representative of the Commission of the European Communities. It referred to the precedent in the Madrid Protocol and to the fact that the Office of the European Communities would be an Office independent from the Offices of the Member States of the European Communities. Therefore, the Community Office could present in the Assembly opinions different from the opinions of the Member States of the European Communities. The Delegation emphasized that there would be two systems of protection for industrial designs which were different, independent and autonomous.

150. It was agreed to postpone further discussion of this question to a later stage.

151. *Paragraph (4), subparagraph (b).* This subparagraph was approved as proposed.

152. *Paragraphs (5) to (8).* These paragraphs were approved as proposed.

Draft Article 20: International Bureau

153. This Article was approved as proposed.

Draft Article 21: Finances

154. *Paragraphs (1) to (3).* These paragraphs were approved as proposed.

155. *Paragraph (4), subparagraph (a).* It was agreed that the notes would make it clear that individual designation fees would not be fixed by the Assembly.

156. *Paragraph (4), subparagraphs (b) and (c).* These subparagraphs were approved as proposed.

157. *Paragraphs (5) to (8).* These paragraphs were approved as proposed.

Draft Article 22: Regulations

158. This Article was approved as proposed.

Draft Article 23: Revision of This Act

159. This Article was approved as proposed.

Draft Article 24: Amendment of Certain Articles by the Assembly

160. This Article was approved as proposed.

Draft Article 25: Becoming Party to This Act

161. *Paragraph (1), item (i).* This item was approved as proposed.

162. *Paragraph (1), item (ii).* The Representative of the Commission of the European Communities proposed that the wording of this item be changed to the effect that a regional organization could also become party to the new Act in the case where not all of its Member States were party to that Act.

163. The Delegation of the United States of America expressed the view that this matter was closely related to the question of the right to vote in the Assembly and that, therefore, those two questions should be dealt with together.

164. It was agreed that further discussion of this point would also be postponed until a later stage.

165. *Paragraph (1), item (iii).* The Delegation of Switzerland explained that, contrary to what was stated in note 25.04, design protection in Liechtenstein could not be obtained through a registration at the Office of Switzerland.

166. *Paragraphs (2) and (3).* These paragraphs were approved as proposed.

Draft Article 26: Effective Date of Ratifications and Accessions

167. This Article was approved as proposed.

Draft Article 27: Declarations Made by Contracting Parties

168. This Article was approved as proposed.

Draft Article 28: Applicability of the 1934 and 1960 Acts

169. *Paragraph (1)*. This paragraph was approved as proposed.

170. *Paragraph (2)*. This paragraph was approved as proposed. In reply to a question raised by the representative of an observer organization, the International Bureau explained that the relations between States party to both the 1960 Act and the new Act would be exclusively governed by the new Act.

Draft Article 29: Denunciation of This Act

171. This Article was approved as proposed.

Draft Article 30: Languages of This Act; Signature

172. *Paragraph (1)*. This paragraph was approved as proposed. The Delegation of Portugal expressed its

surprise that the Spanish language was included in that provision but not the Portuguese language.

173. *Paragraph (2)*. This paragraph was approved as proposed.

Draft Article 31: Depositary

174. This Article was approved as proposed.

Future Work

175. It was agreed that one further session of the Committee of Experts should take place before the Diplomatic Conference. Because of the very charged calendar of meetings of WIPO, the exact date of the next session could not be fixed at this stage.

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

Africa**Training Courses, Seminars and Meetings**

South Africa. In January 1994, a WIPO official attended a Seminar on "Sustainable Economic Growth and Development in South Africa: Policy Priorities for the Early Years of a Democratic Government," organized by the United Nations and the London School of Economics and Political Science, in London.

Assistance With Training, Legislation and Modernization of Administration

Organization of African Unity (OAU). In January 1994, two WIPO officials visited the headquarters

of OAU in Addis Ababa and were received by Mr. Salim A. Salim, Secretary General of OAU. They discussed with him and other OAU officials cooperation between the two organizations.

Ethiopia. In January 1994, the International Bureau prepared and sent to the government authorities, at their request, comments on the draft proclamation concerning inventions, utility models and industrial designs.

United Republic of Tanzania. In January 1994, the International Bureau prepared and sent to the government authorities, at their request, suggestions for the revision of the Industrial Property Act, 1987.

Arab Countries

Assistance With Training, Legislation and Modernization of Administration

Egypt. In January 1994, a WIPO official undertook a mission to Cairo to discuss the organization,

in that city, at the end of April 1994 of a regional workshop on the role of intellectual property in the activities of universities and technical institutes.

Asia and the Pacific

Training Courses, Seminars and Meetings

WIPO Asian Regional Round Table on International Developments in the Field of Industrial Property (Thailand). From January 12 to 14, 1994, WIPO organized the above-mentioned Round Table in Chiang Mai, in cooperation with the Government of Thailand and with the assistance of the Japanese Patent Office (JPO). The meeting was attended by 27 participants from Bangladesh, China, Fiji, India, Indonesia, Iran (Islamic Republic of), the Republic of Korea, Singapore, Sri Lanka and Viet Nam and 25 participants from Thailand. The participants were from government circles, industry, the legal profession and universities. Papers were presented by six WIPO consultants from France, Germany, Japan, the United Kingdom, the United States of America, a government official from Thailand, and a participant from China.

WIPO National Workshop on Patent Drafting (Singapore). From January 24 to February 3, 1994, WIPO organized the said Workshop, in cooperation with the Registry of Trade Marks and Patents and the Singapore Academy of Law. Thirty-three participants from law firms and private enterprises attended, as well as seven government officials. Papers were presented by three WIPO consultants from Germany, the United Kingdom and the United States of America and by a WIPO official.

Philippines. In January 1994, a WIPO official participated in a public hearing organized in Manila, by the Bureau of Patents, Trademarks and Technology Transfer (BPTTT) of the Philippines, on the benefits of the Philippines' acceding to the Patent Cooperation Treaty (PCT). The hearing was attended by some 30 government officials and lawyers.

Assistance With Training, Legislation and Modernization of Administration

Indonesia. In January 1994, a WIPO official attended, in Jakarta, the first meeting of the Indonesian National Program Advisory Committee constituted under the European Communities-Association of South East Asian Nations (EC-ASEAN) Patents and Trademarks Program, which is financed by the EC and executed by WIPO and the European Patent Office (EPO).

Singapore. In January 1994, two WIPO officials undertook a mission to Singapore and discussed with government officials preparatory work relating to the draft patent bill and the PCT.

Also in January 1994, the International Bureau prepared and sent to the government authorities, at their request, further clarifications on the draft patent bill.

Also in January 1994, a WIPO consultant from Australia started a two-month mission to Singapore at the Registry of Trade Marks and Patents to advise the Government on patent-related matters. The mission is partly financed from a trust fund established by WIPO with contributions from the Government of Singapore.

Thailand. In January 1994, a WIPO official attended, in Bangkok, the first meeting of the Thai National Program Advisory Committee constituted under the EC-ASEAN Patents and Trademarks Program which is financed by the EC and executed by WIPO and the EPO.

Also in January 1994, two WIPO officials held discussions with government officials in Chiang Mai on future cooperation between Thailand and WIPO in the field of industrial property.

Latin America and the Caribbean

Assistance With Training, Legislation and Modernization of Administration

Brazil. In January 1994, two WIPO officials undertook a mission to Rio de Janeiro to discuss with government officials a proposed project for the modernization and further computerization of INPI to be carried out with the cooperation of the Interna-

tional Bureau. The project would relate to the fields of patents, trademarks, technological information and technology transfer.

Trinidad and Tobago. In January 1994, the International Bureau prepared and sent to the government authorities, at their request, comments on the revised patent bill.

Development Cooperation (in General)

Assistance With Training, Legislation and Modernization of Administration

France. In January 1994, two WIPO officials undertook a mission to Paris to discuss with government officials development cooperation activities in the field of industrial property to be financed from an annual funds-in-trust arrangement to be concluded in 1994 between the Government of France and WIPO.

European Patent Organisation (EPO). In January 1994, two EPO officials held discussions with WIPO officials in Geneva on cooperation between WIPO and the EPO in their assistance programs in favor of developing countries.

Islamic Development Bank (IDB) and Islamic Foundation for Science, Technology and Development (IFSTAD). In January 1994, a representative

from IDB and a representative of IFSTAD discussed with WIPO officials in Geneva the possibility of holding, in 1994, a jointly organized workshop on industrial property, licensing and technology transfer arrangements, as well as other ways and means of strengthening cooperation between WIPO and both IDB and IFSTAD.

WIPO Academy. In January 1994, the coordinators of the 1993 English and Spanish sessions of the WIPO Academy, Mr. Karl F. Jorda, professor at the Franklin Pierce Law Center (Concord, New Hampshire, United States of America), and Mr. Alberto Bercovitz, professor at the Universidad Nacional de Educación a Distancia of Spain, reviewed with the Director General and other WIPO officials in Geneva the results of the Academy's 1993 sessions and discussed the programs of the forthcoming sessions in 1994.

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

Regional Activities

Interstate Council for the Protection of Industrial Property. From February 14 to 18, 1994, the Inter-

state Council for the Protection of Industrial Property held its third session, at the invitation of the Director General of WIPO, at the headquarters of WIPO in Geneva.

At the end of the session, on February 17, 1994, representatives of 11 of the 12 member States of the Commonwealth of Independent States adopted and initialled a multilateral treaty entitled the "Eurasian Patent Convention." Those States which initialled the treaty were: Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Republic of Moldova, Russian Federation, Tajikistan, Ukraine, Uzbekistan.

The treaty establishes a new intergovernmental organization called the "Eurasian Patent Organization." Once in force, the treaty will allow nationals of any country to obtain patents of invention from the Eurasian Patent Office to be set up in Moscow. Such regional (Eurasian) patents will have effect in all countries of the Eurasian patent system.

The Eurasian Patent Convention not only provides for modalities of applying for and obtaining Eurasian patents but also for their legal effects: patented inventions can be used only with the authorization of the holders of the patents. Subject to the payment of a yearly renewal fee, any Eurasian patent can be maintained in force for 20 years.

The Eurasian patent system will be of enormous advantage both for local and foreign applicants. They will not have to apply for a patent separately in each country but with a single application, filed in the Russian language in Moscow, they can obtain, with a single act and a single payment, patent protection in all the States members of the new system. Foreigners will be able to apply for Eurasian patents via the Patent Cooperation Treaty (PCT), a treaty administered by WIPO in Geneva, which allows them to postpone the translation of their applications into Russian for 20 or 30 months.

Any country may become party to the Eurasian Patent Convention, provided it is party to two WIPO-administered treaties: the Paris Convention for the Protection of Industrial Property and the PCT. Most of the States members of the Commonwealth of Independent States already fulfill this condition.

The Convention is expected to be presented in the next months for formal signature to one of the regular meetings of the Heads of Governments of the Commonwealth of Independent States. Instruments of ratification will be deposited with the Director General of WIPO who, according to the terms of the Convention, has not only the role of depositor of the Convention but also the role of mediator among

member States in case of possible disputes among them concerning the interpretation and application of the Convention.

WIPO is mentioned in the Convention as having a permanent advisory status in the governing body ("Administrative Council") of the Eurasian Patent Organization.

The negotiation of the Convention took less than a year. It took place in three meetings of the Interstate Council for the Protection of Industrial Property held in Moscow in May 1993, in Uzghorod (Ukraine) in September 1993 and in Geneva in February 1994. WIPO was invited to each meeting to give advice and assist in the drafting of the Convention. The Convention reflects the contemporary trends of patent legislation and administration and is compatible with the multilateral industrial property treaties administered by WIPO and the provisions on patents contained in the proposed GATT agreement on the trade-related aspects of intellectual property rights.

National Activities

Georgia. In January 1994, Mr. David Gabunia, Chairman of the Georgian Patent Office, and Mr. Tamar Shilakadze, President of the Georgian Association of Inventors, had discussions with the Director General and other WIPO officials in Geneva on the situation of intellectual property protection in the country. Georgia's declaration of the continued application of the WIPO Convention, the Paris Convention and the PCT to its territory was deposited with the Director General on that occasion.

Tajikistan. In January 1994, Mr. Khabibulo Fayazov, Director of the National Center for Patents and Information, and another official of the Center had discussions with the Director General and other WIPO officials in Geneva on the situation of industrial property protection in Tajikistan. They were also briefed by WIPO officials on the administrative procedures under the PCT and the Madrid Agreement Concerning the International Registration of Marks, including the computerized systems used for those registration systems.

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

National Contacts

Israel. In January 1994, a WIPO official undertook a mission to Jerusalem and had discussions with government officials and experts on, *inter alia*, the protection of layout designs of integrated circuits and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol).

United States of America. In January 1994, two government officials had discussions with WIPO officials in Geneva on WIPO's activities in the areas of unfair competition, consumer and computer software protection, as well as on antitrust aspects of intellectual property and licensing.

Also in January 1994, a government official had discussions with WIPO officials in Geneva on questions relating to certain aspects of the patenting of biotechnological inventions.

United Nations

Information System Co-ordination Committee (ISCC) of the Administrative Committee on Co-ordination (ACC). In January 1994, a WIPO official attended the meeting of the ISCC, held in Geneva.

Intergovernmental Organizations

General Agreement on Tariffs and Trade (GATT). In January 1994, WIPO was represented at the 49th session of the GATT Contracting Parties, held in Geneva.

Other Organizations

Association of Corporate Patent Counsels (ACPC). In January 1994, the Director General gave a speech entitled "Opportunities for Enhancing the Efficiency of International Patenting" at the ACPC Business Meeting (January 1994), held in Scottsdale (Arizona, United States of America).

Conseil national du patronat français (CNPF). In January 1994, the Director General, accompanied by another WIPO official, visited Paris where he spoke on WIPO's program of work at a plenary meeting of CNPF's Commission on Industrial Property.

International Association for the Protection of Industrial Property (AIPPI) (Israeli National Group). In January 1994, on the occasion of his visit to Israel, a WIPO official made a presentation on the Hague Agreement Concerning the International Deposit of Industrial Designs at a meeting of that Group in Jerusalem.

International Federation of Inventors' Associations (IFIA). In January 1994, the President of IFIA had discussions with WIPO officials in Geneva on cooperation between WIPO and IFIA.

Licensing Executives Society International (LESI). In January 1994, the President and four other representatives of LESI had an exchange of views on matters of common interest with the Director General and other WIPO officials in Geneva.

Miscellaneous News

Regional News

European Union. Council Regulation (EC) No. 40/94 of 20 December 1993 on the Community Trade Mark was published in the *Official Journal of the European Communities*, No. L 11/1, of January 14, 1994. According to its Article 143.1, the Regulation enters into force on the 60th day following its publication in the said *Official Journal*.

North American Free Trade Agreement (NAFTA). The North American Free Trade Agreement

(NAFTA), concluded between Canada, Mexico and the United States of America on December 8, 1993, entered into force on January 1, 1994.

National News

Honduras. The new Industrial Property Law, approved by Decree No. 142-93 of September 7, 1993, entered into force on the date of its publication in the official journal *La Gaceta-República de Honduras*, that is, on December 24, 1993.

Calendar of Meetings

WIPO Meetings

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

1994

May 2 to 6 (Geneva)

Working Group on the Application of the Madrid Protocol of 1989 (Sixth Session)

The Working Group will continue to review joint Regulations for the implementation of the Madrid Agreement Concerning the International Registration of Marks and of the Madrid Protocol, as well as draft forms to be established under those Regulations.

Invitations: States members of the Madrid Union, States having signed or acceded to the Protocol, 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 23 to 27 (Geneva)

WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights (Eleventh Session)

The Committee will review and evaluate the activities carried out under the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights since the Committee's last session (November 1992) and make recommendations on the future orientation of the said Program.

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

- June 1 to 3 (Le Louvre, Paris)** **WIPO Worldwide Symposium on the Future of Copyright and Neighboring Rights: “The most sacred property” faced with the challenges of technology and trade**
 The Symposium will explore in depth the current problems concerning the protection, exercise and enforcement of copyright and neighboring rights, in the light of, *inter alia*, the impact of new technologies, particularly digital technology, and of certain international norms agreed upon in the framework of trade negotiations.
Invitations: Governments, selected intergovernmental and non-governmental organizations and any member of the public (against payment of a registration fee).
- June 6 to 10 (Geneva)** **Committee of Experts on a Possible Protocol to the Berne Convention (Fourth Session)**
 The Committee will continue to examine the question of the preparation of a possible protocol to the Berne Convention for the Protection of Literary and Artistic Works.
Invitations: States members of the Berne Union, the Commission of the European Communities and, as observers, States members of WIPO not members of the Berne Union and certain organizations.
- June 13 to 17 (Geneva)** **Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms (Third Session)**
 The Committee will continue to 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.
- June 20 to 23 (Geneva)** **WIPO Permanent Committee for Development Cooperation Related to Industrial Property (Sixteenth Session)**
 The Committee will review and evaluate the activities carried out under the WIPO Permanent Program for Development Cooperation Related to Industrial Property since the Committee’s last session (November 1992) and make recommendations on the future orientation of the said Program.
Invitations: States members of the Committee and, as observers, States members of the United Nations not members of the Committee and certain organizations.
- September 26 to October 4 (Geneva)** **Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Fifth 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 10 to 28 (Geneva)** **Diplomatic Conference for the Conclusion of the Trademark Law Treaty**
 The Diplomatic Conference is expected to adopt a treaty which will harmonize certain procedural and other aspects of national and regional trademark laws.
Invitations: States members of the Paris Union and, as observers or with a special status, States members of WIPO not members of the Paris Union and certain organizations.

UPOV Meetings

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

1994

- November 2 to 4 (Geneva)** **Technical Committee**
Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental and non-governmental organizations.
- November 7 and 8 (Geneva)** **Administrative and Legal Committee**
Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental organizations.
- November 9 (a.m.) (Geneva)** **Consultative Committee (Forty-Eighth Session)**
Invitations: Member States of UPOV.

November 9 (p.m.) (Geneva)

Council (Twenty-Eighth Ordinary Session)

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

Other Meetings

1994

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 23 to 25 (Turin)	International Publishers Association (IPA): Symposium on the theme "Publishers and New Technology"
May 24 to 26 (Rio de Janeiro)	International Confederation of Societies of Authors and Composers (CISAC): Legal and Legislation Committee
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 19 to 24 (Vienna)	International Federation of Industrial Property Attorneys (FICPI): Congress
June 27 and 28 (Geneva)	International Literary and Artistic Association (ALAI): Study Days
July 11 to 13 (Ljubljana)	International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): Annual Meeting
September 18 to 22 (Washington, D.C.)	International Confederation of Societies of Authors and Composers (CISAC): Congress
September 22 to 24 (Berlin)	International League of Competition Law (LIDC): Congress

