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Copyright

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COPYRIGHT AND NEIGHBORING RIGHTS LAWS AND TREATIES

(INSERT)

Editor's Note

SEYCHELLES

Copyright Act, 1982 (No. 25 of December 29, 1982)	Text 1-01
Copyright (Registration) Regulations, 1984 (No. 12 of February 14, 1984)	Text 2-01

UNITED KINGDOM

The Copyright (Application to the Isle of Man) Order 1992 (No. 1313 of June 4, 1992)	Text 12-01
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WIPO 1992

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Notifications Concerning Treaties Administered by WIPO in the Field of Copyright

WIPO Convention

Accession

LATVIA

The Government of Latvia deposited, on October 21, 1992, its instrument of accession to the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967.

Latvia will belong to Class C for the purpose of

establishing its contribution towards the budget of the WIPO Conference.

The said Convention will enter into force, with respect to Latvia, on January 21, 1993.

WIPO Notification No. 159, of October 22, 1992.

Governing Bodies of WIPO

Governing Bodies of WIPO

Twenty-Third Series of Meetings

(Geneva, September 21 to 29, 1992)

From September 21 to 29, 1992, the Governing Bodies of WIPO held their twenty-third series of meetings in Geneva. Delegations from 99 States, 12 intergovernmental organizations and 14 non-governmental international organizations participated in the meetings. The list of participants follows this note.

The following nine Governing Bodies met:

- (1) WIPO Coordination Committee, thirtieth session (23rd ordinary);
- (2) Paris Union Assembly, nineteenth session (9th extraordinary);
- (3) Paris Union Conference of Representatives, twentieth session (10th extraordinary);
- (4) Paris Union Executive Committee, twenty-eighth session (28th ordinary);
- (5) Berne Union Assembly, thirteenth session (3rd extraordinary);
- (6) Berne Union Conference of Representatives, thirteenth session (3rd extraordinary);
- (7) Berne Union Executive Committee, thirty-fourth session (23rd ordinary);
- (8) Madrid Union Assembly, twenty-fourth session (15th extraordinary);
- (9) PCT (Patent Cooperation Treaty) Union Assembly, twentieth session (12th extraordinary).

The main agenda items and the main decisions covered the following points:

Activities from July 16, 1991, to June 30, 1992. The delegations voiced their satisfaction with the content of the reports submitted by the Director General, praising the clear, concise and comprehensive picture given of the Organization's work during the period under review. Appreciation was expressed for the range of activities that had been carried out, the depth of the treatment received and the efficiency with which they were

accomplished. In the view of the delegations, the objectives of the activities were attained and demonstrated the capacity of the International Bureau, under the guidance of the Director General, for adapting to new circumstances and demands with imagination and verve.

All the delegations highlighted the development cooperation activities for the benefit of developing countries. The delegations of the recipient developing countries underlined, in particular, the importance of assistance to developing countries, given the role that intellectual property was recognized as playing in social, cultural and economic development. Such a role had recently been enhanced by the position assigned to intellectual property rights in international trade and technology transfer. The wish was expressed that WIPO's development cooperation program be continued and strengthened, so that developing countries could develop intellectual property systems commensurate with their development status and yet compatible with world trends. Several delegations pledged to continue their existing support, both in funds and in kind, to WIPO and its development cooperation program. The development cooperation activities that were regarded as most useful were those dealing with training (both general and specialized), assistance in the preparation of legislative texts, the streamlining of administration, including computerization, patent information services to the public with increasing use of CD-ROM technology, and the teaching of intellectual property at university level. A number of delegations were concerned about the decline in the resources that the United Nations Development Programme (UNDP) made available to WIPO for its development cooperation activities, and suggested that the International Bureau explore new sources of funding, including the allocation of more money from its regular budget.

Many delegations underlined the importance they attached to WIPO's work in both norm-set-

ting and international registration work. Special mentions were made of, and expressions of support given for, the continuation of work on the proposed Patent Law Treaty, the preparations for a possible Protocol to the Berne Convention, a proposed treaty for the settlement of intellectual property disputes between States, the proposed trademark harmonization treaty and a proposed model law on the protection of performing artists and producers of sound recordings.

A number of delegations found the activities in the international registration services satisfactory in general, and singled out for special mention the continuing increase in the number of Contracting States and the high rate of growth in the use of the PCT, which was a clear sign of that Treaty's usefulness.

Continuation of the Diplomatic Conference for the Conclusion of a Treaty Supplementing the Paris Convention as far as Patents are Concerned. The Assembly of the Paris Union unanimously decided that the second part of the Diplomatic Conference for the Conclusion of a Treaty Supplementing the Paris Convention as far as Patents are Concerned would be held in Geneva from July 12 to 30, 1993.

The Paris Union Assembly agreed that Articles 10, 19, 22(1), 24, 25 and 26 should be removed from the Basic Proposal that was before the Diplomatic Conference. Those Articles relate to Fields of Technology, Rights Conferred by the Patent, Term of Patents, Reversal of Burden of Proof, Obligations of the Right Holder and Remedial Measures Under National Legislation.

The Assembly also noted the need for delegations to consider the possible removal of Article 20 (Prior User) in conjunction with the removal (already decided) of Article 19.

Article 6ter of the Paris Convention for the Protection of Industrial Property. The Assembly of the Paris Union adopted Guidelines for the Interpretation of Article 6ter(1)(b) and (3)(b) of the Paris Convention, which provides for the international registration of emblems of States and certain intergovernmental organizations, to take effect on October 1, 1992.

Copyright and Neighboring Rights. The Assembly of the Berne Union decided on the continuation of the Committee of Experts on the preparation of a possible Protocol to the Berne Convention ("Committee of Experts on a Possible Protocol to the Berne Convention") and on the creation of another Committee of Experts for the preparation of a possible new instrument on the protection of the rights of performers and producers of phono-

grams ("Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms"). It further decided, *inter alia*,

— that, in the Committee of Experts on a Possible Protocol to the Berne Convention, the States party to the Berne Convention and the Commission of the European Communities would have the status of members, whereas the Member States of WIPO that were not party to the Berne Convention would have the status of observers;

— that, in the Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms, the Member States of WIPO and the Commission of the European Communities would have the status of members;

— that each of the two Committees of Experts would meet once in 1993 (in late June or early July), and that the meeting of the Committee of Experts on a Possible Protocol to the Berne Convention would be immediately followed by the meeting of the Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms;

— that the issues to be discussed by the Committee of Experts on a Possible Protocol to the Berne Convention would be the following: computer programs, data bases, rental right, non-voluntary licenses for the sound recording of musical works, non-voluntary licenses for primary broadcasting and satellite communication, distribution right, including importation right, duration of the protection of photographic works, communication to the public by satellite broadcasting, enforcement of rights, national treatment; and

— that the Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms would discuss all questions concerning the effective international protection of the rights of performers and producers of phonograms.

The Assembly of the Berne Union also decided that the WIPO Model Law on the Protection of Producers of Sound Recordings should likewise cover the protection of the rights of performers, the title of the competent Committee of Experts becoming "Committee of Experts on a WIPO Model Law on the Protection of the Rights of Performers and Producers of Phonograms."

Madrid Union Concerning the International Registration of Marks. The Assembly of the Madrid Union adopted a new Rule (Rule 38) in the Regulations under the Madrid Agreement, entitled "Continuation of Effects of International Registrations in Certain Successor States." The new Rule deals

with international registrations in States ("successor States") that have recently become independent and whose territory was formerly part of the territory of another State that was party to the Madrid Agreement, where such successor States have deposited a declaration of continuation of the Madrid Agreement. The new Rule requires the filing with the International Bureau, by the owner of an international registration with a territorial extension to the predecessor country, of a request that the international registration continue its effects in the successor State if the owner wishes such effects to continue in the successor State. The new Rule already applies to Croatia, Slovenia and Ukraine.

Patent Cooperation Treaty (PCT) Union. With a view to China's forthcoming accession to the PCT, the Assembly of the PCT Union adopted a number of amendments to the PCT Regulations, with effect on the date on which China would become bound by the PCT (expected to be at the beginning of 1994), appointed the Chinese Patent Office as an International Searching and Preliminary Examining Authority with effect on the same date and approved the text of the Agreement between the Chinese Patent Office and WIPO to that effect.

The Assembly also adopted amendments to the PCT Regulations with respect to the international searching and international preliminary examination of international applications in Spanish, which will enter into force on January 1, 1993.

The Assembly also adopted a new Rule 32 in the Regulations under the PCT concerning the extension of the effects of international applications to certain successor States. The new Rule applies where a newly independent State (the "successor State") whose territory was, before independence, part of the territory of a Contracting State that has subsequently ceased to exist (the "predecessor State") deposits a declaration of continuation of the PCT. It introduces a procedure whereby an applicant may, under certain conditions, request the extension to the successor State of certain international applications that have already been filed. The Rule already applies to Ukraine.

Permanent Committee for Development Cooperation Related to Industrial Property and Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights. The Coordination Committee decided that each of these two Permanent Committees would establish a Working Group. The tasks of each Working Group would be to review and evaluate the progress of the respective WIPO Permanent Program. Each Working Group would meet in the year in which the corresponding Permanent Committee did not meet, on dates shortly before that year's ordinary session of

the WIPO Conference. The reports of the Working Groups would be submitted to the WIPO Conference.

Participation of the Federal Republic of Yugoslavia (Serbia and Montenegro). The Governing Bodies of WIPO, noting United Nations Security Council Resolution 777 of September 19, 1992, and United Nations General Assembly Resolution A/47/RES/1 of September 22, 1992, decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) should not participate in any meetings of the Governing Bodies. They further decided that this decision would be reviewed by the same Governing Bodies in the light of future decisions taken by the United Nations General Assembly.

Additional Premises. The Governing Bodies authorized the Director General to conclude, under certain conditions, a contract for the acquisition by WIPO of the headquarters building of the World Meteorological Organization, which is adjacent to the WIPO headquarters building.

Staff Matters. The WIPO Coordination Committee approved the creation of a new grade, namely that of Assistant Director General. The Director General later promoted Mr. Gust Ledakis, Legal Counsel and Director of General Administrative Services, to that grade. Mr. Wang Zhengfa, a national of China, was appointed as a Director-Advisor. The Coordination Committee approved certain modifications to the Staff Regulations. One of them is a measure for giving incentive to the Professional staff to learn at least two of the languages used in the International Bureau.

LIST OF PARTICIPANTS*

I. States

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Argentina^{1, 2, 5, 7}: J.A. Lanús; F. Novillo Saravia; A.G. Trombella.

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

¹ WIPO Coordination Committee.

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⁴ Paris Union Executive Committee.

⁵ Berne Union Assembly.

⁶ Berne Union Conference of Representatives.

⁷ Berne Union Executive Committee.

⁸ Madrid Union Assembly.

⁹ PCT [Patent Cooperation Treaty] Union Assembly.

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Yemen: S. Mokbil.

Yugoslavia^{1, 2, 4, 5, 8}: O. Spasić.

Zambia^{2, 5}: A.A. Mwenda; M.C.J. Kunkuta.

Zimbabwe^{2, 5}: N. Mvere.

II. Intergovernmental Organizations

United Nations (UN): E. Bonev. **United Nations Educational, Scientific and Cultural Organization (UNESCO)**: Z. Zachariev. **General Agreement on Tariffs and Trade (GATT)**: A. Otten; R. Luther; M.C. Geuze. **African Intellectual Property Organization (AIPO)**: C. Houhougbe; I. Salia. **African Regional Industrial Property Organization (ARIPO)**: A.R. Zikonda. **Benelux Designs Office (BBDM)**: P. Rome. **Benelux Trademark Office (BBM)**: P. Rome. **Commission of the European Communities (CEC)**: J.-F. Verstryngge; D. Franzone; K. Mellor. **European Free Trade Association (EFTA)**: I. Kitzmüller. **European Patent Organisation (EPO)**: P. Braendli; R. Remandas; G.D. Kolle; R. Yung. **League of Arab States (LAS)**: M.N. Askalani; A. Salamé; M. Dayri. **Organization of African Unity (OAU)**: V.W. Nzomwita.

III. International Non-Governmental Organizations

European Committee for Interoperable Systems (ECIS): P. Wacker; M. Colombe. **European Federation of Pharmaceutical Industries' Associations (EFPIA)**: P. Leardini. **International Advertising Association (IAA)**: M. Ludwig. **International Association for the Protection of Industrial Property (AIPPI)**: V.M. Pedrazzini. **International Chamber of Commerce (ICC)**: J.H. Kraus; M. Fléchar. **International Confederation of Societies of Authors and Composers (CISAC)**: N'D. Ndiaye. **International Federation of Industrial Property Attorneys (FICPI)**: H. Bardehle; K. Raffnsøe. **International Federation of Inventors' Associations (IFIA)**: F. Moussa. **International Federation of Musicians (FIM)**: Y. Burckhardt. **International Federation of Press Clipping and Media Monitor Bureaus (FIBEP)**: D. Henne. **International Federation of the Phonographic Industry (IFPI)**: N. Turkewitz; B. Lindner; D. de Freitas. **International Organization of Journalists (IOJ)**: A. Angelov. **International Publishers Association (IPA)**: J.A. Koutchoumow. **International Secretariat for Arts, Mass Media and Entertainment Trade Unions (ISETU)**: J. Golodner.

IV. Officers

WIPO Coordination Committee

Chairman: M. Zahran (Egypt). **Vice-Chairmen**: J.-C. Combaldieu (France); V.P. Rassokhin (Russian Federation).

Paris Union Assembly

Chairman: Gao Lulin (China). *Vice-Chairmen:* P.A.D. Smith (Australia); A.H. Jamal (United Republic of Tanzania).

Paris Union Conference of Representatives

Chairman: E.A. Azikiwe (Nigeria). *Vice-Chairmen:* S.R. Zavaire (Iran (Islamic Republic of)); C. Kayali (Syria).

Paris Union Executive Committee

Chairman: B.A.B. Goonetilleke (Sri Lanka). *Vice-Chairmen:* K. Iliev (Bulgaria); J. Smith (Norway).

Berne Union Assembly

Chairman: G. Boytha (Hungary). *Vice-Chairmen:* J.H.A. Gariépy (Canada); C.R. Pestana-Macedo (Venezuela).

Berne Union Conference of Representatives

Chairman: C.A. El Khazen (Lebanon). *Vice-Chairmen:* P. Verdoux (Madagascar); M. Onaner (Turkey).

Berne Union Executive Committee

Chairman: R. Grossenbacher (Switzerland). *Vice-Chairmen:* J. Sagar (India); J.M. Terao Contreras (Mexico).

V. International Bureau of the World Intellectual Property Organization (WIPO)

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Activities of WIPO in the Field of Copyright Specially Designed for Developing Countries

Africa

Training Course

National Training Course on Copyright and Neighboring Rights, Abidjan. From August 24 to 28, 1992, WIPO organized, in Abidjan, a National Training Course on Copyright and Neighboring Rights in cooperation with the Ministry of Culture of Côte d'Ivoire. Four hundred participants, including government officials, legal practitioners, authors, artists, producers and representatives of authors' societies attended the Training Course. Lectures were given by a WIPO consultant from Switzerland, by three government officials from Côte d'Ivoire and by two WIPO officials.

Assistance with Legislation and Modernization of Administration

Burkina Faso. In August 1992, two WIPO consultants from Algeria and Switzerland undertook a

mission to Ouagadougou to install the software system "COSIS," which would provide the Copyright Office of Burkina Faso with a more accurate basis for the distribution of collective funds. Before traveling to Ouagadougou, the WIPO consultant from Algeria visited the Swiss Society for Authors' Rights in Musical Works (SUISA) in Zurich and reviewed all relevant information on the operation of the software and on the various steps that its installation entailed.

Liberia. In August 1992, at the request of the Government of Liberia, the International Bureau reviewed the new draft copyright law and sent its comments to the Government.

Latin America and the Caribbean

Organization of Eastern Caribbean States (OECS). In August 1992, Justice Dennis Byron, Justice of Appeal of the Eastern Caribbean Supreme Court, Saint Lucia, was invited to WIPO,

where he had discussions with WIPO officials on the strengthening of cooperation between OECS countries and WIPO.

Development Cooperation (in General)

WIPO/Sweden International Course on Copyright and Neighboring Rights (Stockholm). From August 10 to 21, 1992, WIPO organized an International Course on Copyright and Neighboring Rights in Stockholm, in cooperation with the Government of Sweden and with the assistance of the Swedish International Development Authority (SIDA). Ten government officials from Albania, Brazil, the Gambia, Ghana, Kenya, Lesotho, Namibia, Uganda, the United Republic of Tanzania and Zimbabwe attended the Course. Lectures were given by six government officials from Sweden and three WIPO officials. In the second week of the Course, practical visits were organized to the Swedish Broadcasting Corporation, the Swedish Ar-

tists' and Musicians' Interest Organization (SAMI), the Swedish Group of the International Federation of the Phonographic Industry (IFPI) and the Swedish Performing Rights Society (STIM). At the end of the Course the participants visited WIPO headquarters in Geneva.

UNDP-Sponsored Interregional Expert Meeting on Privatization (Geneva). In August 1992, a WIPO official attended the UNDP Interregional Expert Meeting on Privatization, held in Geneva, which reviewed the various experiences of some 14 countries, from all regions of the world, engaged in privatization processes.

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

National Activities

Ukraine. In August 1992, Mr. Vladimir Drobazko, President of the Ukrainian State Copyright

Agency, accompanied by an official of the Agency, visited WIPO where he had discussions with the Director General and other WIPO officials on the draft copyright law of Ukraine.

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

United Nations

United Nations. In August 1992, two WIPO officials attended the Ninth United Nations International Non-Governmental Organization, Meeting on the Question of Palestine, held in Geneva.

United Nations Consultative Committee on Administrative Questions (Financial and Budgetary Questions) (CCAQ) (FB). In August and September

1992, a WIPO official attended the 77th session of this Committee, which took place in New York.

Other Organizations

International Federation of Library Associations and Institutions (IFLA). In August and September 1992, a WIPO official participated in the 58th General Conference of IFLA, held in New Delhi.

Calendar of Meetings

WIPO Meetings

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

1993

May 10 to 21 (Geneva)

Committee of Experts on the Settlement of Intellectual Property Disputes Between States (Fifth Session) and Preparatory Meeting for the Diplomatic Conference for the Conclusion of a Treaty on the Settlement of Intellectual Property Disputes Between States

The Committee of Experts will continue the preparations for a possible multilateral treaty on the settlement of intellectual property disputes between States. The Preparatory Meeting will decide what substantive documents should be submitted to the Diplomatic Conference (see under November 22 to December 10, 1993, below) and which States and organizations should be invited to the Diplomatic Conference. The Preparatory Meeting will also establish the draft Rules of Procedure of the Diplomatic Conference.

Invitations: States members of the Paris Union, the Berne Union or WIPO or party to the Nairobi Treaty and, as observers, certain organizations.

June 14 to 18 (Geneva)

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

The Committee will continue to examine a draft trademark law treaty, with particular emphasis on the harmonization of formalities with respect to trademark registration procedures.

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

June 21 to 25 (Geneva)

Committee of Experts on a Possible Protocol to the Berne Convention (Third 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 28 to July 2 (Geneva)

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

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

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

July 12 to 30 (Geneva)

Diplomatic Conference for the Conclusion of a Treaty Supplementing the Paris Convention as far as Patents are Concerned (Second Part)

The Diplomatic Conference should adopt the Treaty Supplementing the Paris Convention as far as Patents are Concerned. It is the second part of the Diplomatic Conference whose first part took place at The Hague (Netherlands) in 1991.

Invitations: States members of the Paris Union, the European Patent Organisation (EPO) and the African Intellectual Property Organization (OAPI) and, as observers, States members of WIPO not members of the Paris Union and certain organizations.

September 20 to 29 (Geneva)

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

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

In the sessions in 1993, the Governing Bodies will, *inter alia*, review and evaluate activities undertaken since July 1992, and adopt the program and budget of the International Bureau for the 1994-95 biennium.

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

- November 8 to 12 (Geneva)** **Committee of Experts on a Model Law on the Protection of the Rights of Performers and Producers of Phonograms (Second Session)**
 The Committee of Experts will continue to consider a draft Model Law dealing with the protection of the rights of producers of phonograms, and it will consider (for the first time) provisions for the Model Law dealing with the rights of performing artists.
Invitations: States members of the Berne Union or WIPO, or party to the Rome Convention or the Phonograms Convention and, as observers, certain organizations.
- November 22 to December 10 (Geneva)** **Diplomatic Conference for the Conclusion of a Treaty on the Settlement of Intellectual Property Disputes Between States**
 The Diplomatic Conference should adopt a Treaty on the Settlement of Intellectual Property Disputes Between States.
Invitations: To be decided by the Preparatory Meeting to be held from May 10 to 21, 1993 (see above).

UPOV Meetings

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

1993

- April 21 and 22 (Geneva)** **Administrative and Legal Committee**
Invitations: Member States of UPOV and, as observers, certain non-member States and intergovernmental organizations.
- April 23 (Geneva)** **Consultative Committee (Forty-Sixth Session)**
Invitations: Member States of UPOV.
- October 27 (Geneva)** **Administrative and Legal Committee**
Invitations: Member States of UPOV and, as observers, certain non-member States and intergovernmental organizations.
- October 28 (Geneva)** **Consultative Committee (Forty-Seventh Session)**
Invitations: Member States of UPOV.
- October 29 (Geneva)** **Council (Twenty-Seventh Ordinary Session)**
Invitations: Member States of UPOV and, as observers, certain non-member States and intergovernmental and non-governmental organizations.

Other Meetings

1993

- January 30 (Paris)** **International Literary and Artistic Association (ALAI): Executive Committee.**
- June 7 to 11 (Vejde)** **International Federation of Industrial Property Attorneys (FICPI): Executive Committee.**
- June 26 to July 1 (Berlin)** **Licensing Executives Society International (LESI): Annual Meeting.**
- September 20 to 24 (Antwerp)** **International Literary and Artistic Association (ALAI): Congress.**

1994

- June 12 to 18 (Copenhagen)** **International Association for the Protection of Industrial Property (AIPPI): Executive Committee.**
- June 20 to 24 (Vienna)** **International Federation of Industrial Property Attorneys (FICPI): Congress.**