

# Industrial Property

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covered by the protection in the case of accompanying material and preparatory material; acts by which software is transferred to other persons without authorization and use of the software by those persons — even where they do not know that the transfer was unauthorized — should also be included;

(iv) the protection should not be limited to strict identity but might also cover similarity, possibly taking into account the degree of creativity, if any, of the software protected;

(v) the protection should be granted only against acts resulting from access to the software; an exclusive right against independent creations should not be granted;

(vi) further study should be given to the question whether the doctrine of "fair use" should be applicable at all; in any case, even a single reproduction in a commercial product should not be considered "fair use";

(vii) the term of protection should be relatively short, taking into account the short period of actual economic importance of particular software; thus five to 20 years appeared to be sufficient; the starting date for protection would require further study;

(viii) the sanctions should include the possibility of an injunction and damages; penal sanctions could be provided for if they existed for copyright infringement;

(b) as regards the *registration of computer software*:

(i) the possibility of registration of software in an international register or in a scheme of internationally coordinated existing and future registers *for the purposes of mere dissemination of information* without any effects on legal protection was considered useful in order to facilitate access to information on computer software, in particular for the purposes of acquisition of such software by interested parties; however, the majority of the experts expressed the view that for the time being WIPO should deal with such a registration scheme only in so far as it served the purposes of legal protection, the dissemination of information being an important objective of such a protection system; it was furthermore agreed that this question required further study, in particular as regards the needs of developing countries;

(ii) a system should be established providing for optional deposit of software *for the purposes of legal protection*, reinforcing any existing national protection; the deposit should in particular have the advantage of constituting a presumption of access in case of identity or close similarity of the software deposited and the software used by another person; consideration could also be given to making deposit a condition for any legal proceedings; although usually the full text of a program with accompanying material should be deposited, no requirements concerning the subject-matter to be deposited should be made since this was self-regulatory: only the subject-matter which had been deposited would benefit from the advantages of the deposit; the technical modalities of the deposit (deposit of hard copies, magnetic tape or recording in the depositary's computer) would have to be further studied, taking into account technological developments; deposit should in any case not entail an examination as to substance; in principle, the deposited material should be

open to the public; however there should be the possibility of requesting that the deposited software, or part of it (e. g., the code), be kept secret, possibly by using a system of sealed cover; the term of secrecy was not resolved by the Advisory Group; suggestions ranged from one to 20 years; some experts proposed that it should be possible to maintain secrecy of at least the code during the period of protection; possibly the advantages of the deposit should not apply to those parts of the deposited software which had to be kept secret; the term of the deposit should be up to about 20 years, subdivided into maintenance periods of five years or shorter, and subject to the payment of maintenance fees; the possibility could also be considered of making the term of the protection referred to under (a) dependent on the maintenance of the deposit;

(c) as regards the *further action* to be taken, the International Bureau should prepare:

(i) model provisions for national laws on the protection of computer software following the principles of the special type of protection referred to above, with optional deposit carrying with it certain advantages for the depositor in the field of evidence; the provisions should contain alternatives for open and secret deposit;

(ii) draft treaty provisions providing for minimum protection according to the same principles on the international level; furthermore, provisions should be made in that treaty for the establishment of an international register and deposit system organized by the International Bureau; the use of such system would be optional and, where applicable, should give the said advantages and would replace any need for a deposit on the national level; the draft treaty should provide for the publication of abstracts (brief descriptions of the essence of the software), established by the depositor, useful for advertising the existence of the software and enabling reference thereto in any licensing contract.

## List of Participants \*

### I. Non-Governmental Experts

American Bar Association (ABA): W. L. Keefauver; S. A. Diamond. Chartered Institute of Patent Agents (CIPA): G. H. R. Watson. Committee of National Institutes of Patent Agents (CNIPA): J. U. Neukom; J. E. Galama; D. W. F. Verkade. Council of European Industrial Federations (CEIF): W. Boekel. European Computer Manufacturers Association (ECMA): L. Perry. European Federation of Agents of Industry in Industrial Property (FEMIP): R. Gallois; W. White. European Industrial Research Management Association (EIRMA): M. Kindermann. International Association for the Protection of Industrial Property (AIPPI): W. E. Schuyler, Jr.; G. D. Kolle. International Chamber of Commerce (ICC): L. Perry. International Confederation of Societies of Authors and Composers (CISAC): A. Hirst. International Federation for Information Processing (IFIP): H. Bloom; M. L. B. Anderson (Mrs.); O. Smoot. International Federation of Automatic Control (IFAC): M. Cuénod. International Federation of Operational Research Societies (IFORS): H.-J. Zimmermann.

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

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## II. Governments

Canada: M. Gordon. Japan: K. Takami. Netherlands: J. Dekker. Soviet Union: Y. I. Plotnikov. United States of America: L. C. Hamilton; H. L. Oler (Mrs.).

## III. Intergovernmental Organizations

United Nations (UN): T. J. King; H. Einhaus; R. G. Basten. United Nations Educational, Scientific and Cultural Organization (UNESCO): D. de San. Intergovernmental Bureau for Informatics (IBI): F. Piera.

## IV. Officers

Chairman: W. E. Schuyler, Jr. (AIPPI); Secretary: L. Baeumer (WIPO).

## V. WIPO

A. Bogsch (*Director General*); K. Pfanner (*Deputy Director General*); R. Harben (*Counsellor, Acting Head, External Relations Division*); L. Baeumer (*Counsellor, Head, Legislation and Regional Agreements Section, Industrial Property Division*); D. Devlin (*Legal Officer, Industrial Property Division*); P. Seipel (*Consultant*).

## WIPO Permanent Legal-Technical Program

### Working Group on the Model Law for Developing Countries on Inventions and Know-How

#### Second Session

(Geneva, May 26 to 30, 1975)

#### Note \*

As a part of the WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property, the Working Group on the Model Law for Developing Countries on Inventions and Know-How held its second session in Geneva from May 26 to 30, 1975.

At its first session, in November 1974, the Working Group had examined and discussed draft model provisions, which had been prepared by the International Bureau on contractual licenses, know-how, State control of license contracts, and the transfer of technology patent. These provisions had been designed to replace some of the provisions of the model

law for developing countries on inventions and know-how, published by BIRPI in 1965, or to supplement the BIRPI model law<sup>1</sup>.

For its second session the Working Group consisted of 20 experts designated by the governments of their countries, but acting in a personal capacity, and of the Chairman of the WIPO Permanent Committee for the Acquisition by Developing Countries of Technology Related to Industrial Property, Mr. J. M. Rodríguez Padilla (Cuba), as recommended by the Permanent Committee during its second session (Geneva, March 17 to 21, 1975)<sup>2</sup>. Three United Nations organizations and ten international non-governmental organizations were represented by observers. Mr. J. Alvarez Soberanis (Mexico) presided over the work of the Group. The list of participants follows this Note.

The Working Group examined and discussed in detail draft model provisions, which had been prepared by the International Bureau, on subjects which, in the BIRPI model law, come under chapters I (General Provisions), II (Right to Grant of Patent), IV (Rights Conferred by the Patent), V (Duration of Patent and Fees) and VIII (Compulsory Licenses).

The matters which were not dealt with during the first and second sessions of the Working Group will be discussed at the third session, which will take place in November 1975. Other sessions are scheduled for 1976.

## List of Participants\*

### I. Experts

G. Albrechtskirchinger (Federal Republic of Germany); J. Alvarez Soberanis (Mexico); A. G. de Alencar (Brazil); A. R. B. Amerasinghe (Sri Lanka); A. M. Bolbol (Egypt); H. Bouhalila (Algeria); G. R. Clark (United States of America); J. Delicado Montero-Ríos (Spain); D. Ehongue Sone (Cameroon); E. A. Esteban (Argentina); E. Fischer (Federal Republic of Germany); M. Gabay (Israel); D. Januszkiewicz (Mrs.) (Poland); J. N. King' Arui (Kenya); L. Lebedeva (Mrs.) (Soviet Union); D. O. Lewis (United Kingdom); Y. Plasseraud (France); J. M. Rodríguez Padilla (Cuba); S. Sumodiredjo (Indonesia); Z. Szilvássy (Hungary); Tshinkela M. N. (Zaire).

### II. Persons accompanying the experts

Elebe L. (Zaire); A. C. Ortéga Lechuga (Spain); G. Pusztai (Hungary); A. Zaitsev (Soviet Union).

### III. Observers

#### Intergovernmental Organizations

United Nations (UN): H. Einhaus. United Nations Conference on Trade and Development (UNCTAD): S. Patel; P. Roffe. International Labour Office (ILO): R. Cuvillier (Mrs.).

#### International Non-Governmental Organizations

Council of European Industrial Federations (CEIF): G. Gansser. European Federation of Agents of Industrial Property (FEMIP): B. de Passemar. Inter-American Association of Industrial Property (ASIP): E. Aracama

<sup>1</sup> See *Industrial Property*, 1975, p. 49.

<sup>2</sup> See *Industrial Property*, 1975, p. 141.

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

\* This Note has been prepared by the International Bureau.

Zorraquín. Inter-American Bar Association (IABA): A. Ladrón de Guevara. International Association for the Protection of Industrial Property (AIPPI): H. Wichmann. International Chamber of Commerce (ICC): G. Gansser. International Federation of Inventors Associations (IFIA): H. Romanus. Licensing Executives Society (LES): F. Gevers. Pacific Industrial Property Association (PIPA): B. J. Kish. Union of Industries of the European Community (UNICE): G. Gansser.

#### IV. WIPO

A. Bogsch (*Director General*); K. Pfanner (*Deputy Director General*); R. Harhen (*Counsellor, Acting Head, External Relations Division*); L. Baeumer (*Counsellor, Head, Legislation and Regional Agreements Section, Industrial Property Division*); M. Porzio (*Counsellor, External Relations Division*); F. Curchod (*Legal Officer, General and Periodicals Section, Industrial Property Division*).

#### V. Chairman

J. Alvarez Soberanis (Mexico).

## LEGISLATION

### POLAND

#### Order of the President of the Patent Office on the Protection of Inventions and Utility Models

(of December 21, 1972)

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#### Chapter I

##### General Provisions

1. — For the purposes of this Order:

(i) "the Law" means the Law on Inventive Activity of October 19, 1972<sup>1</sup>; when "Sections" are referred to in this Order without further specification the Sections of that Law are meant;

<sup>1</sup> *Industrial Property*, 1973, p. 296.

(ii) "the Decree" means the Decree of the Council of Ministers Concerning Invention Proposals of December 11, 1972<sup>2</sup>;

(iii) "the Office" means the Patent Office of the Polish People's Republic;

(iv) "the applicant" means the person who, on his own behalf, has filed with the Office an application for a patent or for a right to protection for a utility model;

(v) an "additional application" means an application for a patent or for a right to protection for a utility model containing a request for the issue of a patent of addition or of a certificate of additional protection for a utility model;

(vi) a "patent" means, unless otherwise specified, a patent, a patent of addition, a provisional patent or a provisional patent of addition;

(vii) "anteriority" means anteriority in the acquisition of a patent or of a certificate of protection for a utility model;

(viii) "priority" means priority in the acquisition of a patent or of a certificate of protection for a utility model resulting from the filing of an application abroad or the exhibiting of an invention or a utility model at a public exhibition in Poland or abroad constituting grounds for the recognition of a right of priority;

(ix) "the prior art" means everything which had been made public before the date on which anteriority in the acquisition of a patent or of a certificate of protection for a utility model was recognized;

(x) "the Paris Convention" means the Paris Convention for the Protection of Industrial Property of March 20, 1883, which is binding upon the Polish People's Republic.

<sup>2</sup> *Industrial Property*, 1975, p. 203.

2. — The official language for proceedings before the Office shall be Polish.

## Chapter 2

### Filing of Patent Applications

3. — (1) An application for a patent shall comprise:

- (i) a request;
- (ii) a description of the invention;
- (iii) a claim or claims;
- (iv) drawings, if necessary for the understanding of the invention.

(2) The application for a patent must also include:

- (i) an abstract of the description;
- (ii) a declaration or declarations on the part of the inventor(s) containing the particulars specified in Article 1 of the Annex to the Decree;
- (iii) a certificate of priority, if the applicant claims priority, consisting of the documents listed in Article 2 of the Annex to the Decree;
- (iv) where the applicant enjoys priorities recognized as commencing on more than one date, a declaration on the part of the applicant indicating the date of the priority he reserves for each of the claims contained in the application ("declaration on priority dates") made out in accordance with the requirements of Article 3 of the Annex to the Decree;
- (v) a document attesting the applicant's right to priority if the certificate of priority is not made out in the applicant's name, containing the particulars specified in Article 4 of the Annex to the Decree;
- (vi) a document attesting the assignment of the right to the patent if the applicant is not the inventor or the person entitled to the patent according to the Law, containing the particulars specified in Article 5 of the Annex to the Decree;
- (vii) a power of attorney, if the applicant acts through the intermediary of an agent, containing the particulars specified in Article 6 of the Annex to the Decree.

(3) The documents referred to in paragraph (2), subparagraphs (iii) to (v), may also be deposited later, within a period of four months from the date of the filing of the application with the Office. Failure to deposit any one of these documents within the stipulated time limit shall be regarded as withdrawal of the declaration of priority.

4. — (1) The request shall include:

- (i) the applicant's given name and family name, or designation, and his address;
- (ii) a petition for the grant of a provisional patent or of a patent;
- (iii) the title of the invention;
- (iv) the inventor's given name and family name and address, if the applicant is not the inventor;
- (v) an indication of entitlement to the patent, if the applicant is not the inventor;
- (vi) a check-list of the accompanying documents;
- (vii) the signature of the applicant or of his agent, if the applicant is acting through an agent, with the given name and family name, or designation, and address of the agent.

(2) The request must also include:

- (i) a petition for the grant of a patent of addition, if the applicant desires the grant of such a patent; in this case, the petition should also indicate the number of the principal patent or the number of the application;
- (ii) a declaration by the applicant to the effect that he claims priority, if he so claims, indicating the date and country of the application filed abroad and, if possible, the number of the application, or the name, place and country of the exhibition and the date on which the invention was exhibited;
- (iii) where there are several applicants who are not acting through a joint agent, the name or designation and address of the joint representative appointed to receive communications.

5. — (1) The description of the invention (hereinafter called "the description") shall describe the invention in a manner sufficiently clear and detailed for a person skilled in the art to be able to carry out the invention.

(2) The description shall:

- (i) first state the title of the invention;
- (ii) specify the technical field to which the invention relates;
- (iii) indicate the prior art, as known to the applicant, useful for understanding the invention, in particular, its novelty and lack of obviousness; in order to facilitate a search into the prior art relating to the invention and for the purposes of the examination of the invention in question, it is advisable for this part of the description to include bibliographical data concerning publications relating to the prior art;
- (iv) explain the precise nature of the invention, in accordance with the patent claims, in such a way that the problem, even if it is not clearly formulated as such, and its technical solution can be understood, and state the advantageous effects, if any, of the invention with reference to the prior art;
- (v) briefly explain the figures in the drawings, if any;
- (vi) set forth at least one method of carrying out the invention in the form of an example or examples, referring to the drawings, if any;
- (vii) indicate clearly how the invention can be applied, if this is not obvious from the description or nature of the invention.

(3) The provisions of paragraph (2) apply *mutatis mutandis* to the description in an additional application; however, the part of the description referred to in paragraph (2), subparagraph (iii), shall describe the invention which is the subject of the principal patent, even if that invention does not belong to the prior art, and state the number of the principal patent.

(4) It is recommended that each of the parts of the description referred to in paragraph (2), subparagraphs (ii) to (vii), be given an appropriate subtitle.

6. — (1) The patent claims, hereinafter called “the claims,” shall define the invention claimed by stating its technical features. The claims shall not mention features which the invention does not possess. Nor shall they include expressions containing value judgments concerning the invention or its individual features.

(2) Each claim shall be stated in a single sentence, clearly and concisely worded.

(3) The claims must be fully supported by the description.

(4) The number of claims shall be reasonable in relation to the invention claimed. If there are several claims, they shall be numbered consecutively in arabic numerals.

(5) Independent claims shall contain:

(i) a non-characterizing portion indicating all the technical features of the invention claimed which are essential for defining the subject-matter of the protection applied for, but which all belong to the prior art; this part of the claim shall begin with the title of the claim, or with that part of the title of the claim which applies to the invention referred to in the claim in question, and, where this is justified, may consist merely of the title of the invention or of the relevant part of the title;

(ii) a characterizing portion, concisely indicating the technical features (characterizing features) of the invention claimed which distinguish it from other technical solutions having all the technical features referred to in the non-characterizing portion.

(6) The provisions of paragraph (5) shall apply *mutatis mutandis* to an independent claim in an additional application; however, the non-characterizing portion of an independent claim shall indicate all the technical features which are essential for defining the subject-matter of the protection applied for and which are, at the same time, all the technical features of the invention protected by the principal patent, even if the invention does not belong to the prior art; it shall also give the number of the principal patent, preceded by the words: “In accordance with patent No. . . .”.

(7) (a) A dependent claim may also include technical features mentioned in another claim or claims of the same application and not given in this dependent claim. Such claims shall contain:

(i) at the beginning, a brief designation of the subject-matter of the claim, constituting the abridged title or the abridged relevant part of the title of the invention;

(ii) a reference to the claim or claims on which it is dependent, giving the number or numbers of the claim or claims referred to;

(iii) a characterizing portion preceded by the words “characterized in that,” giving the characterizing features additionally claimed in the dependent claim in question.

(b) The claim referred to in subparagraph (a) may only be dependent on two or more other claims (multiple dependent claims) in the alternative. In this case, the part of the dependent claim referred to in subparagraph (a)(ii) shall contain the word “or” between the numbers of the claims. A multiple dependent claim cannot be referred to in another multiple dependent claim.

(c) The dependence of a claim on one other claim means that the dependent claim contains all the features of the subject-matter of the claim on which it is dependent, as well as its own characterizing features.

(d) The dependence of a claim on several other claims means that the dependent claim contains all the features of the subject-matter of the claims on which it is dependent and in relation to which it is examined, as well as its own characterizing features. A multiple dependent claim shall be examined separately in relation to each of the claims on which it is dependent.

(8) (a) Except where necessary, claims shall not contain expressions referring to the description or drawings. In particular, they shall not contain such references as: “as described in part . . . of the description” or “as illustrated in figure . . . of the drawings.”

(b) Where the application contains a drawing, the characterizing features mentioned in the claims shall be followed by a reference to the individual parts of the drawing which correspond to the features in question; such references shall be placed in brackets and underlined. If the inclusion of such references in the claims does not evidently render the claims easier to understand, it is not necessary to include them.

(9) If the applicant requests the recognition of priorities effective from more than one date (see Section 12 (4) to (6) of this Order), the content of the claims, and, if the application contains dependent claims, the arrangement of their dependences, shall be such that, in accordance with paragraphs (1) to (7), only one date of priority corresponds to each of the claims.

7. — (1) The drawings shall present the subject-matter of the invention schematically.

(2) If the nature of the invention permits it to be represented by means of drawings, but these are not indispensable to the understanding of the invention:

(i) the applicant may include drawings with the application; and

(ii) the Office may order the applicant to supply drawings within a given time limit.

(3) Subject to the provisions of Section 8(2)(ii) and (3), (5) and (6) of this Order, chemical structural formulae are regarded as drawings; whenever, in subsequent provisions, there is reference to figures, this must be understood as covering also individual chemical structural formulae.

8. — (1) The abstract of the description, hereinafter called “the abstract,” is exclusively for purposes of information to facilitate searches concerning the prior art and, in particular, to give interested persons a general idea enabling

them to decide whether they need to see the description, the claims and the drawings in the application and, after the granting of a patent, the description of the patent.

(2) The abstract shall include:

(i) a summary of the most important particulars contained in the description, claims and drawings; this summary should specify the technical field to which the invention relates, and should clearly state the problem, the precise nature of the technical solution which constitutes the invention, and the principal application or applications of the invention;

(ii) if the nature of the invention so requires, the chemical formula which, among all the formulae contained in the application, best characterizes the invention; if this is a structural formula, it should be drawn on a separate sheet annexed to the abstract. Where this is justified, more than one structural formula may be indicated.

(3) The abstract shall give the number of the figure of the drawings which, among all the figures included in the application, best portrays the invention. Where this is justified, more than one figure of the drawings may be indicated.

(4) The abstract shall be concise. It is recommended that it should not contain more than 120 words. The abstract shall not include statements concerning the advantages or value of the invention or information or forecasts concerning its application at any specific time or place or by any specific person.

(5) Each of the principal technical features of the invention mentioned in the abstract and illustrated by a figure of the drawings shall be followed by a reference, in brackets, to the figure in question. In the cases referred to in paragraph (6), this reference may be changed or deleted by the Office.

(6) If the applicant has not fulfilled the requirements referred to in paragraph (3), or if the Office considers that another figure or figures among those in the drawings contained in the application describe the invention better than the figure or figures indicated by the applicant, or if the Office considers that the applicant has indicated too many figures, the Office may itself select the figure or figures to be published or — where this is justified by the nature of the invention — it shall publish the abstract without figures. This provision does not apply to structural chemical formulae.

9. — The terminology and designations used shall be consistent throughout the application and in accordance with the relevant obligatory provisions and with generally accepted practice.

10. — (1) All parts of the application shall be submitted in one copy, except for the abstract, which shall be submitted in duplicate, and the description, claims and drawings, which shall be submitted in triplicate.

(2) The description, claims, abstract and drawings shall be signed by the applicant or by his agent. Where the ap-

plicant is a unit of the socialized sector, it is advisable for these documents to be signed also by a patent agent, unless such an agent is acting as the applicant's agent.

(3) All parts of the application shall conform to the formal requirements laid down in Article 8 of the Annex to the Decree.

### Chapter 3

#### *Unity of Invention*

11. — (1) An application shall relate to one invention only.

(2) An application may, however, relate to more than one invention provided that such inventions are linked in the application by a clearly discernible common inventive idea. In particular, either of the following possibilities is permissible:

(i) the inclusion in the application, in addition to an independent claim relating to a given product, of one independent claim for one process specially adapted for the manufacture of the said product, or

(ii) the inclusion in the application, in addition to an independent claim for a given process, of one independent claim for one apparatus or means specifically designed for carrying out the said process.

(3) Subject to the provisions of paragraphs (1) and (2), it is permissible to include in the same application two or more independent claims of the same category (i. e., product, process or apparatus), which cannot readily be covered by a single generic claim.

(4) Subject to the provisions of paragraphs (1) and (2), it is permissible to include in the same application a number of dependent claims, claiming specific forms of the invention claimed in an independent claim, even where the features of any dependent claim could be considered as constituting in themselves an invention.

### Chapter 4

#### *Priority*

12. — (1) In the case of an application filed abroad, priority results from the first regularly filed application for the protection of an invention or a utility model in a country party to the Paris Convention. Priority covers also those features of an invention which, although not mentioned in the claims, are clearly disclosed in the patent application.

(2) A regularly filed application within the meaning of paragraph (1) is an application such that at least the filing date can be ascertained. The subsequent fate of this application filed in a given country has no effect on the priority resulting from the application.

(3) If, in one and the same country (paragraph (1)), in addition to the first application, a subsequent application concerning the same subject-matter has been filed, the subsequent application shall be considered as the first application within the meaning of paragraph (1) if, at the time of filing the sub-

sequent application, the previous first application had been withdrawn, abandoned or refused, without being disclosed to the public and without leaving any rights outstanding, and if it had not yet served as a basis for claiming priority. The previous application may not thereafter serve as a basis for claiming priority.

(4) In a patent application filed with the Office, it is permissible to claim priority resulting from two or more first applications filed abroad (multiple priority).

(5) In a patent application filed with the Office, it is permissible to claim priority resulting from a first application filed abroad relating only to certain parts of the application filed with the Office (partial priority). In this case, priority for the other parts of the subject-matter of the application is determined from the date of filing with the Office.

(6) Multiple priority and partial priority may be claimed simultaneously in a patent application filed with the Office.

13. — In a patent application filed with the Office, it is permissible to claim priority resulting from the display of an invention or a utility model at a public exhibition organized in Poland, as defined in the Order of the President of the Patent Office (Section 24(2)), or at an official international exhibition organized in a State party to the Paris Convention.

#### Chapter 5

##### *Filing of Applications for the Protection of Utility Models*

14. — Subject to the provisions of paragraphs (2) to (4) below, the provisions of Sections 3 to 10 of this Order shall apply *mutatis mutandis* to applications for the protection of utility models. —

(2) Descriptions of utility models shall, instead of describing a mode of execution by way of example, include a detailed description of the utility model for which protection is sought.

(3) Applications for the protection of utility models shall contain a drawing or drawings of the utility model.

(4) Applications for the protection of utility models shall relate to one utility model only.

#### Chapter 6

##### *Examination of Patent Applications*

15. — (1) During the course of the procedure, the Office may impose on the applicant time limits which may not exceed:

(i) two months if the applicant has his domicile or principal place of business in Poland;

(ii) three months, if the applicant has his domicile or principal place of business in a European country; and

(iii) four months, if the applicant has his domicile or principal place of business in a non-European country.

(2) If, before the expiry of the prescribed time limit, the applicant submits a duly reasoned request for the extension of the time limit, the Office may extend it once only for not more than two months.

16. — (1) The Office shall send all communications to the address indicated by the applicant.

(2) If the applicant is acting through an agent, the Office shall send communications to the address of the agent.

(3) Where there are several applicants who are not acting through a joint agent, the Office shall send communications to the address of a joint representative authorized to receive the said communications. Where a joint representative has not been designated, the applicant named first in the application shall be deemed to be such a representative. The delivery of a communication to the joint representative shall have the same legal effect as delivery of the communication to all the applicants.

(4) The persons referred to in paragraphs (1) to (3) shall notify the Office of any change of address. In the event of failure to do so, the delivery of a communication to the previous address shall have legal effect.

17. — (1) On receipt of a patent application, the Office shall note the filing date of the application and assign it a serial number and shall notify them to the applicant.

(2) An application shall be deemed to have been filed at the time when it was filed with the Office or handed in at a Polish post office for dispatch to the Patent Office.

(3) If an application has been handed in at a Polish post office and it is not possible to determine the date of posting, the filing date is taken to be the date on which the application was received by the Office.

18. — (1) At the applicant's request, the Office shall issue a certificate that the patent application has been filed with the Office (certificate of priority) for the purposes of claiming priority abroad.

(2) The Office shall issue a certificate of priority if, at the time of filing, the application contained a petition and at least one of the documents listed in Section 3(1)(ii) to (iv) of this Order.

(3) A certificate of priority shall consist of an attestation by the Office containing the given name and family name or designation of the applicant, the title of the invention, the filing date and number of the invention and copies of the documents, amongst those referred to in Section 3(1)(ii) to (iv) of this Order, which the applicant had annexed to the petition when filing his application. The Office shall certify the conformity of these copies with the original.

19. — During the preliminary examination, the Office shall, within the limits laid down in Section 33(1), verify whether the patent application fulfills the legal requirements for the acquisition of a patent. The provisions of Section 30 (2), (3) (i), (ii), (iv) and (v) and (4) and (5) and Section 31 (i) to (iv) and (vi) of this Order shall apply *mutatis mutandis*.

20. — (1) If the Office finds that any of the requirements for the filing of a patent application prescribed in Section 3(1)(i) to (iv) of this Order has not been fulfilled, it shall issue a decision rejecting the application. In this case, the fee paid when the application was filed shall be refunded. However, if the missing documents have been submitted before such a decision is taken, the Office shall issue an order to the effect that the date on which the last of the missing documents was filed shall be recognized as the filing date of the application for a patent. Such orders shall be subject to appeal.

(2) If the Office finds that the abstract is missing, it shall invite the applicant to remedy that defect within a prescribed time limit. If the applicant fails to produce the abstract within the prescribed time limit, the Office shall establish the abstract at the applicant's expense, charging a fee for so doing.

(3) If the Office finds that the fee for the filing of the application has not been paid, it shall invite the applicant to remedy this defect within one month. During this period, the applicant may submit a request for exemption from the fee in whole or in part. If the fee is not paid and no request for exemption is submitted, the patent application shall be regarded as having been withdrawn and the procedure shall be discontinued.

21. — (1) If the Office finds that the declaration of the inventor (Section 3(2)(ii) of this Order) is lacking, it shall inform the applicant and the inventor of the fact, fixing for the latter a time limit for the production of the declaration. Failure to produce the document within the time limit prescribed shall be regarded as amounting to the renunciation on the part of the inventor of the right to an inventor's certificate and of the right to be mentioned in the descriptions, registers and other documents and publications issued by the Office.

(2) If the applicant is a foreign national or a foreign legal entity, paragraph (1) shall apply if the applicant or the inventor has submitted a request for the issue of an inventor's certificate. Such a request may only be submitted before a decision is taken on the granting of a patent. If such a request is not submitted and in the absence of an inventor's declaration (Section 3(2)(ii) of this Order), the inventor shall be regarded as having waived the right to be mentioned in the descriptions, registers and other documents and publications issued by the Office.

(3) If the Office finds that the documents referred to in Section 3(2)(iii) to (v) of this Order have not been submitted within four months from the filing date of the invention with the Office, it shall regard the declaration of priority as having been withdrawn and make an order on the matter. Such order is subject to appeal.

(4) If the Office finds that the document attesting the assignment of the right to a patent is missing, it shall inform the applicant thereof, fixing a time limit within which the document shall be produced. If the applicant does not produce

the document within the prescribed time limit, the application shall be regarded as having been withdrawn and the procedure shall be discontinued.

(5) If, in a case where the application for a patent has been filed through the intermediary of an agent, the Office finds that the power of attorney is missing, it shall inform the person claiming to be the agent thereof and fix a time limit within which he shall produce the document. If the person in question fails to produce the power of attorney within the prescribed time limit, the application shall be regarded as having been withdrawn and the procedure shall be discontinued.

22. — (1) If the Office finds that the patent application infringes the provisions concerning unity of invention, it shall fix a time limit within which the applicant must file the separate applications contained in the initial application and pay the corresponding fees. Orders on this matter are subject to appeal. The fee paid in connection with the initial application shall be regarded as the fee for the application relating to the invention named first in the claims.

(2) If the applicant fails to file the separate patent applications in the time limit fixed, or fails to pay the relevant fees, the application shall be regarded as relating to the invention named first in the claims. In this case, the part of the application relating to the other inventions shall be regarded as having been withdrawn and the procedure shall be discontinued.

(3) The applicant may file separate patent applications contained in the initial application and pay the relevant fees without being invited to do so by the Office.

(4) In the case referred to in paragraph (3), the subsequent applications shall be regarded as having been filed on the filing date of the first application, if they were produced before the publication of the first application. Where the first application infringes the provisions concerning unity of invention, the Office shall give the separate applications the filing date of the first application, even if they have been filed after its publication. Orders refusing recognition of the initial filing date are subject to appeal.

23. — (1) The Office may order the applicant to produce models or samples within a fixed time limit, if it considers that they would appreciably facilitate the understanding of an invention. Such orders are subject to appeal.

(2) If the applicant fails to produce models or samples within the time limit fixed, the application shall be regarded as having been withdrawn and the procedure shall be discontinued.

(3) The dimensions of models and samples shall not exceed 50 cm x 50 cm x 50 cm. Models and samples shall be of durable construction.

(4) Models and samples shall be destroyed after use unless, when supplying them, the applicant indicates that he wishes them to be returned.

24. — (1) If, during its examination of an application, the Office finds omissions or significant defects other than those referred to in Sections 21 and 22 of this Order, it shall act in accordance with Section 29 of this Order.

(2) The fact that the Office has found the omissions or defects referred to in paragraph (1) and in Sections 21 and 22 of this Order shall not prevent publication of the filing of a patent application.

25. — During the preliminary examination, the Office shall issue a decision refusing the granting of a patent if it finds:

(i) that the application does not relate to a technical solution;

(ii) that the invention in question is not eligible for protection;

(iii) that the invention in question is incapable of application; or

(iv) that the invention obviously lacks novelty.

26. — (1) Where the applicant requests a provisional patent, the Office, after conducting the preliminary examination, shall publish the patent application as soon as nine months have elapsed after the filing date or eighteen months after the anteriority date, whichever is earlier. The applicant, however, in his petition, or within six months of the filing date, may request publication at an earlier date.

(2) Where the applicant requests a patent, the Office, after conducting the preliminary examination, shall publish the application as soon as eighteen months have elapsed from the anteriority date. The applicant, however, in his petition or within twelve months of the anteriority date, may request publication at an earlier date.

(3) The Office shall inform the applicant that this patent application has been published.

(4) The Office shall publish applications by inserting the following particulars in the Patent Office Gazette:

(i) the class and subclass of the patent according to the national and the international patent classification;

(ii) the number of the application;

(iii) the filing date;

(iv) the date and country of priority and the filing date of the application abroad or the name of the exhibition;

(v) the applicant's given name and family name or designation;

(vi) the applicant's domicile or principal place of business and country;

(vii) the inventor's given name and family name;

(viii) the title of the invention;

(ix) the abstract of the description and, where necessary, a figure from the drawings;

(x) the number of claims.

(5) The date of publication of a patent application is the date on which the particulars listed in paragraph (4) were published in the Patent Office Gazette.

27. — (1) Subject to the provisions of paragraph (2), the provisions of Sections 30(2) to (5) and 31 and 32 of this Order shall apply *mutatis mutandis* to the procedure followed during a limited examination.

(2) The Office shall conduct the limited examination within the limits defined in Section 34(1).

28. — (1) The Office may order a complete examination of a patent application either of its own motion or on submission of a request for such an examination in the cases defined in Sections 26(3), 35(1), 53(5) and 77(2), and Section 13 (3) of the Decree. After the granting of a provisional patent, a complete examination shall be conducted on the basis of the description of the patent.

(2) Where a complete examination conducted by the Office concerns an application for a patent of addition or an invention which is the subject-matter of a provisional patent of addition, the Office shall order a complete examination, at the applicant's expense, of the invention which is the subject-matter of the principal provisional patent or of the application for the principal provisional patent.

29. — The Office shall make an order refusing recognition of priority in whole or in part if it finds that:

(i) the applicant is not entitled to priority, or

(ii) the application filed abroad on which the applicant bases his claim to priority is not the first application within the meaning of Section 12 (1) to (3) of this Order, or

(iii) the exhibition, display at which is the basis of the applicant's claim to priority, does not fulfill the requirements laid down in Section 13 of this Order, or

(iv) the subject-matter of the application filed with the Office or the relevant part of that subject-matter, differs from the subject-matter of the application for which the applicant is entitled to priority.

Such orders shall be subject to appeal.

30. — (1) During a complete examination, the Office shall examine whether the legal requirements for the acquisition of a patent have been fulfilled. The provisions of Section 22 of this Order shall apply *mutatis mutandis*.

(2) The Office may invite the applicant to express his views, within a fixed time limit, on the results of the search into the prior art, the examination of the invention filed and of other points which, in the light of the application, may give rise to doubt as to whether the legal requirements for the acquisition of a patent have been fulfilled. Failure by the applicant to express his views within the time limit fixed shall be regarded as withdrawal of the application and the procedure shall be discontinued.

(3) After conducting the examination:

(i) the Office shall not recognize the subject-matter of an application as an invention if it finds that it is not a solution of a technical character;

(ii) the Office shall declare a filed invention to be lacking in novelty if it can confront the applicant with a do-

cument or other evidence which shows the invention to be lacking in novelty within the meaning of Section 11;

(iii) the Office shall declare a filed invention to be an obvious solution if, in the light of the prior art as set forth in one or, jointly, in several documents, or of other evidence which can be shown to the applicant, the solution appears obvious to a person familiar with the technical field in question;

(iv) the Office shall declare a filed invention as incapable of practical application if products cannot be manufactured in accordance with the invention or the technical process cannot be used in accordance with the invention;

(v) the Office shall declare a filed invention as being ineligible for protection if it finds that it is unpatentable under Section 12.

(4) The provisions of paragraph (3)(i) to (v) shall apply *mutatis mutandis* if the failure to fulfill the legal requirements for the acquisition of a patent affects only part of the subject-matter covered by the protection applied for and defined in the claims, and, although he has been informed of this by the Office, the applicant fails to limit the subject-matter covered by the protection applied for within the prescribed time limit.

(5) The Office shall invite the applicant to submit, within a fixed time limit, his comments in writing on objections concerning failure to fulfill the legal requirements for the acquisition of a patent. Failure to submit such comments within the time limit fixed shall be regarded as withdrawal of the application, and the procedure shall be discontinued.

31. — After conducting a complete examination, the Office shall issue a decision refusing to grant a patent, if it finds that:

(i) the application does not relate to a solution of a technical character; or

(ii) the invention filed is not eligible for protection; or

(iii) the invention filed is incapable of practical application; or

(iv) the invention filed is not new; or

(v) the invention filed follows obviously from the prior art for a person skilled in the art; or

(vi) the applicant is not entitled to the patent; or

(vii) a patent has been granted to a patentee with anteriority.

32. — If the Office does not find any failure to fulfill the legal requirements for the acquisition of a patent, it shall issue a decision granting a patent, provided that the prescribed periodic or lump-sum fee has been paid, or without this condition, if the applicant has been exempted from the payment of a fee under Section 75(2) of the Decree.

33. — (1) If, after conducting a complete examination of an application for a provisional patent under Section 34(3), the Office finds a failure to fulfill the legal requirements for the acquisition of a patent (Section 31(i) to (vii) of this Order), it shall issue a decision refusing the granting of a provisional patent.

(2) If, having granted a provisional patent, the Office finds, after conducting a complete examination to be carried out in the cases referred to in Sections 26(3), 34(3) and 53(5) or Section 13(3) of the Decree, that the legal requirements for the acquisition of a patent have not been fulfilled, it shall revoke the decision granting a provisional patent.

(3) If, having granted a provisional patent, the Office, after conducting the complete examination to be carried out in the cases referred to in Sections 34(3) and 53(5) or Section 13(3) of the Decree, finds it necessary to limit the extent of protection, it shall revoke the decision granting a provisional patent and issue a new decision granting a provisional patent.

(4) If, having granted a provisional patent, the Office, after conducting the complete examination to be carried out in the cases referred to in Sections 34(3) and 53(5) or Section 13(5) of the Decree, does not find any failure to fulfill the legal requirements for the acquisition of a patent, it shall make an order based on this finding.

34. — If, after conducting the complete examination prescribed in the cases referred to in Section 77(2), the Office finds that the legal requirements for the acquisition of a patent have not been fulfilled, it shall issue a decision refusing the granting of a patent, and if it finds no failure to fulfill those requirements, it shall make the necessary formal corrections to the description contained in the application for protection of a utility model and shall issue a decision granting a patent, at the same time revoking the decision granting a right to protection for a utility model. The provisions of Section 32 of this Order shall apply *mutatis mutandis*.

#### Chapter 7

##### *Examination of Applications for the Protection of Utility Models*

35. — The provisions of Sections 15 to 28 of this Order, with the exception of Section 26(2), shall apply *mutatis mutandis* to the examination of applications for the protection of utility models.

36. — Where the owner of a patent submits a petition of the kind mentioned in Section 77(1), the Office shall check whether the patented invention has also the characteristics of a utility model, after which it shall make the necessary formal corrections to the description contained in the application for a patent and shall issue a decision granting the right to the protection for a utility model, at the same time revoking the decision granting a patent.

#### Chapter 8

##### *Granting and Restoration of Protection*

37. — Having verified that the prescribed periodic or lump-sum fee has been paid within the time limit or that the patentee is exempt from such payment, the Office shall record the granting of the patent in the register and publish the patent description.

38. — (1) The Office shall invite the applicant or the patentee to pay the fee for the publication of the description within a prescribed time limit. Once the fee has been paid, the Office shall issue a patent document to the patentee.

(2) However, the Office shall not issue the patent document unless the fee for the preparation of the revised abstract has been paid.

39. — Subject to the provisions of Section 14(3), the Office shall issue an inventor's certificate to the inventor at the same time as the patent document, except in the cases referred to in Section 21(1) of this Order, and except where the inventor has waived his right to an inventor's certificate.

40. — The provisions of Sections 37 to 39 of this Order shall apply *mutatis mutandis* to the grant of a right to protection for a utility model.

41. — The Office shall issue a decision setting the time limit afresh for the payment of a periodic fee for the protection of an invention or a utility model and restoring the protection of the invention or utility model after the expiry of two months from the date of the announcement in the Patent Office Gazette of the submission of a request for the restoration of that time limit, if it recognizes that the petitioner has established that, without fault on his part, he could not observe the time limit for making the payment in question.

42. — The Office shall record the fact of the setting afresh of the time limit referred to in Section 38 of this Order, and the restoration of protection for an invention or a utility model, and also any refusal to set the said time limit afresh, in the patent register and shall make an announcement thereof in the Patent Office Gazette.

#### Chapter 9 Registers

43. — The Office shall keep a register of patents and a register of rights to protection of utility models in which it shall make the entries prescribed by the Law.

44. — The patent register kept by the Office shall consist of a public and a secret part. Entries relating to patents for public inventions shall be made in the public part, and entries relating to patents for secret inventions shall be made in the secret part.

45. — (1) Entries in the patent register shall be made pursuant to orders concerning the making of entries in the patent register.

(2) The Office shall check whether the documents submitted as justification for the making of an order concerning an entry in the patent register comply with the provisions in force.

(3) Where the grant of a patent is entered in the patent register that patent shall be given a serial registration number.

(4) When an entry is made in the patent register, the grounds for the entry shall be stated.

(5) The individual entries made under a given heading shall be numbered serially and shall be separated one from another by a horizontal line.

(6) Changes or cancellations of entries shall be inserted under a new serial number under the same heading as that under which the changed or cancelled entry was made.

(7) Previous entries which have been changed or cancelled shall be underlined in red.

(8) Clerical errors and other obvious mistakes in entries shall be crossed out in red ink in such a way that the original text is still legible and the correct entry shall be made under the same heading.

(9) The person making the entry shall insert the date of the entry and appose his signature.

46. — (1) The public and the secret parts of the register shall be kept in separate record books.

(2) The method of keeping record books is specified in Articles 9 and 10 of the Annex to the Decree.

47. — If the competent superior organ finds that a secret invention does not possess the characteristics of secrecy, the Office shall make an entry concerning the patent for that invention in the public part of the patent register under a serial registration number and shall make a reference thereto in the secret part of the register on the page relating to that patent.

48. — The Office shall publish announcements concerning entries in the public part of the patent register in the Patent Office Gazette.

49. — Any person may consult entries in the public part of the patent register, but only persons authorized by the competent superior organ shall have access to the secret part of the register, within the limits of such authorization.

50. — (1) On the written request of any person and after payment by such person of the prescribed fee, the Office shall, with respect to the public part of the register, issue:

- (i) copies from the register;
- (ii) extracts from the register;
- (iii) attestations concerning the existence of entries.

(2) A copy from the register shall contain all the current particulars entered in the register relating to a particular patent. At the applicant's request, changed or cancelled entries shall also be included in a copy from the register.

(3) An extract from the register shall include the particulars requested by the applicant.

(4) An attestation concerning the existence of an entry shall include confirmation of the existence of the entry in question, the grounds on which the entry was made, the

name of the register, the name of the part of the register, the registration number and the number of the page in the record book.

(5) Where no entry has been made under headings and parts of headings in the register, these headings and parts of headings shall be crossed out in copies and extracts from the register.

(6) The round seal of the Office shall be affixed to the documents referred to in paragraphs (2) to (4).

(7) A reference to the issue of the documents referred to in paragraphs (2) to (4) shall be entered on request, giving the date of issue.

51. — Sections 43 to 50 of this Order shall apply *mutatis mutandis* to the register of rights to protection for a utility model.

#### Chapter 10

##### *Provision of Information concerning Applications and Access to Application Files*

52. — (1) The Office shall provide information concerning applications for the grant of patents or for the protection of utility models and shall permit access to the relevant application files at all stages of the procedure:

- (i) to the applicant and his agent;
- (ii) to the superior unit of the applicant and its agent, where the applicant is a unit of the socialized sector;
- (iii) to the author of an invention or utility model and to his agent;
- (iv) to the organs responsible for prosecution and for the administration of justice and their authorized representatives;
- (v) to other persons, if the applicant has given his written consent.

(2) Entries concerning the provision of information about applications for the grant of a patent or for the protection of a utility model before their publication and concerning the fact that access to an application file has been given shall be made in the application file in question.

53. — (1) From the date of publication of an application for the grant of a patent or for the protection of a utility model, third persons may have access to the description of the invention or utility model, to the claims concerning patents or the protection of utility models and to the drawings; they may make copies of them or obtain offprints against payment.

(2) At the request of persons who establish their lawful interest therein, the Office shall grant access to the documents contained in the application file other than those referred to in paragraph (1).

54. — The provisions of this Chapter shall not apply to secret inventions and secret utility models.

#### Chapter 11

##### *Transitional and Final Provisions*

55. — Applications for the grant of patents or for the protection of utility models made for the purposes of claiming priority rights which have been filed with the Office before the date of entry into force of this Order, shall be regarded as applications for the grant of patents or for the protection of utility models if the applicant pays the application fee within six months of the date of entry into force of the Decree.

56. — (1) The documents referred to in Section 3(2) (ii) to (vii) of this Order, in English, French, German or Russian, or with a translation into one of those languages, may be filed with the Office within six months of the date of entry into force of the Decree.

(2) The provisions of Article 7, paragraph (2), of the Annex to the Decree shall apply *mutatis mutandis*.

57. — (1) The Order of the President of the Patent Office of the Polish People's Republic of January 29, 1963 on the method of paying and time limits for paying fees for the printing of patent descriptions (*Monitor Polski*, No. 17, text No. 98) is repealed.

(2) The following Orders are repealed in so far as they relate to inventions and utility models:

(i) the Order of the President of the Patent Office of the Polish People's Republic of May 7, 1963 on the filing of applications with the Patent Office of the Polish People's Republic for the grant of patents and for the protection of utility models and industrial designs (*Monitor Polski*, No. 42, text No. 207); and

(ii) the Order of the President of the Patent Office of the Polish People's Republic of May 31, 1963 on the registers kept by the Patent Office of the Polish People's Republic (*Monitor Polski*, No. 49, text No. 254).

58. — This Order shall enter into force on the date of its publication<sup>3</sup>.

<sup>3</sup> This Order was published in *Monitor Polski* (No. 1, text No. 4) of January 12, 1973.

#### ITALY

##### **Decrees concerning the Temporary Protection of Industrial Property Rights at Exhibitions**

###### Sole Section

Industrial inventions, utility models, designs and trademarks relating to objects appearing at the following exhibitions:

*LIII<sup>a</sup> Fiera di Milano — Campionaria internazionale* (Milan, April 14 to 25, 1975);

*II<sup>a</sup> Fiera caccia e pesca* (Genoa, April 25 to May 1, 1975);

- Rassegna suinicola internazionale* (Reggio Emilia, May 1 to 14, 1975);
- AUTOMOTOR '75 — Mostra mercato internazionale parti, ricambi, accessori e attrezzature per autofficina* (Turin, May 14 to 18, 1975);
- Salone internazionale del tappeto e del tessile d'arredamento* (Milan, May 22 to 26, 1975);
- XXX<sup>a</sup> Fiera del Mediterraneo — Campionaria internazionale* (Palermo, May 24 to June 8, 1975);
- XXIII<sup>a</sup> Fiera di Roma — Campionaria nazionale* (Rome, May 31 to June 15, 1975);
- XXVII<sup>a</sup> Fiera di Trieste — Campionaria internazionale* (Trieste, June 17 to 29, 1975);
- XIII<sup>a</sup> Dimostrazione di macchine impianti ed attrezzature per la raccolta lavorazione e conservazione dei foraggi* (Valloreschi (Treviso), July 14, 1975);
- XXXVI<sup>a</sup> Fiera di Messina — Campionaria internazionale* (Messina, August 2 to 17, 1975);
- MACEF-Autunno 1975 — Mostra mercato internazionale degli articoli casalinghi, cristallerie, ceramiche, argenterie, articoli da regalo, articoli da giardinaggio, ferramenta e utensilerie* (Milan, September 4 to 8, 1975);
- Mostra internazionale di conigliocoltura* (Erba (Como), September 5 to 8, 1975);
- VII<sup>e</sup> Dimostrazioni di macchine, impianti e sistemi per la raccolta, lavorazione e conservazione del mais* (Ceregnano (Padua), September 10, 1975);
- XXVIII<sup>a</sup> Fiera di Bolzano — Campionaria internazionale* (Bolzano, September 13 to 22, 1975);
- XV<sup>o</sup> Salone del mobile italiano* (Milan, September 16 to 21, 1975);
- IV<sup>o</sup> INTERSAN — Mostra mercato internazionale della ortopedia tecnica e sanitaria, sanitari, strumenti chirurgici, attrezzature ospedaliere, apparecchi fisioelettromedicali, articoli sanitari per la prima infanzia* (Milan, September 27 to 30, 1975);
- V<sup>o</sup> MIPAN — Salone internazionale delle macchine, impianti e prodotti per la panificazione e la pasticceria* (Bari, October 11 to 19, 1975);
- IV<sup>a</sup> Fiera agricola dell'arco alpino* (Bolzano, October 24 to 27, 1975);
- II<sup>o</sup> EDICOS — Salone dell'editoria e delle comunicazioni sociali* (Naples, October 31 to November 4, 1975);
- X<sup>a</sup> Esposizione internazionale delle attrezzature per il commercio ed il turismo — EXPO CT '75* (Milan, November 1 to 9, 1975);
- EIMA — Esposizione internazionale delle industrie di macchine per l'agricoltura* (Bologna, November 19 to 23, 1975);
- XLIV<sup>a</sup> Esposizione internazionale del ciclo e del motociclo* (Milan, November 22 to 30, 1975);
- XIV<sup>e</sup> Mostre avicunicole internazionali — MAV* (Padua, December 5 to 8, 1975)
- shall enjoy the temporary protection established by the decrees mentioned in the preamble<sup>1</sup>.

<sup>1</sup> Royal Decrees No. 1127 of June 29, 1939, No. 1411 of August 25, 1940, No. 929 of June 21, 1942 and Law No. 514 of July 1, 1959. (See *La Propriété industrielle*, 1939, p. 124; 1940, pp. 84 and 196; 1942, p. 168; 1960, p. 23.)

*GENERAL STUDIES*

**Opposition procedure before the Patent Office  
of the Federal Republic of Germany**

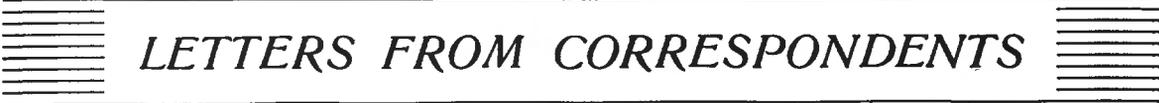
Dietrich LEWINSKY \*







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*LETTERS FROM CORRESPONDENTS*

**Letter from the Federal Republic of Germany**

Friedrich-Karl BEIER \* and Paul KATZENBERGER \*\*

**Part I**



















- November 10 to 14, 1975 (Geneva) — Revision of the Model Law on Inventions — Working Group (3<sup>rd</sup> session)
- December 1 to 5, 1975 (Geneva) — International Protection of Appellations of Origin and Other Indications of Source — Committee of Experts
- December 1 to 12, 1975 (Munich) — International Patent Classification (IPC) — Working Group III
- December 8, 9 and 16, 1975 (Geneva) — International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations — Intergovernmental Committee — Ordinary Session (jointly organized with ILO and Unesco)
- December 10 to 12, 1975 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)
- December 10 to 16, 1975 (Geneva) — Executive Committee of the Berne Union (Extraordinary Session)
- December 15 to 19, 1975 (Geneva) — International Classification of the Figurative Elements of Marks — Provisional Committee of Experts
- December 15 to 22, 1975 (Geneva) — Revision of the Paris Convention for the Protection of Industrial Property — Group of Governmental Experts
- March 15 to 19, 1976 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property — Permanent Committee (3<sup>rd</sup> session)
- September 27 to October 5, 1976 (Geneva) — WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Nice, Lisbon, Locarno, IPC and Berne Unions; Conferences of Representatives of the Paris, Nice and Berne Unions; Executive Committees of the Paris and Berne Unions; Council of the Lisbon Union — Ordinary Sessions
- March 14 to 18, 1977 (Geneva) — WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property — Permanent Committee (4<sup>th</sup> session)
- September 26 to October 4, 1977 (Geneva) — WIPO Coordination Committee and Executive Committees of the Paris and Berne Unions

## UPOV Meetings

Council: October 7 to 10, 1975 — Consultative Committee: October 6 and 10, 1975 — Technical Steering Committee: November 6 and 7, 1975 — Committee of Experts on International Cooperation in Examination: November 4 and 5, 1975 — Committee of Experts on the Interpretation and Revision of the Convention: December 2 to 5, 1975; February 17 to 20, 1976

Note: All these meetings will take place in Geneva at the headquarters of UPOV

Technical Working Party for Ornamental Plants: September 9 to 11, 1975 (Hornum - Denmark)

## Meetings of Other International Organizations concerned with Intellectual Property

- September 12 and 13, 1975 (Liège) — International League Against Unfair Competition — Study Meetings
- September 16 to 19, 1975 (Budapest) — International Federation of Musicians — Executive Committee
- September 17 to 20, 1975 (London) — Union of European Professional Patent Representatives — General Assembly
- September 22 to 24, 1975 (Basle) — Licensing Executives Society (LES) — International Conference
- October 1 to 3, 1975 (Berlin) — International Literary and Artistic Association — Working Session
- October 13 and 14, 1975 (Paris) — International Confederation of Societies of Authors and Composers — Legal and Legislative Commission
- October 21 to 23, 1975 (Rijswijk) — International Patent Institute — Administrative Board
- November 3 to 12, 1975 (Paris) — United Nations Educational, Scientific and Cultural Organization (UNESCO) — Committee of Governmental Experts on the Double Taxation of Copyright Royalties
- November 17 to December 15, 1975 (Luxembourg) — General Secretariat of the Council of Ministers of the European Communities — Luxembourg Conference on the Community Patent
- December 17 to 19, 1975 (Rijswijk) — International Patent Institute — Administrative Board
- May 25 to June 1, 1976 (Tokyo) — International Publishers Association — Congress