

# Industrial Property

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## International Unions

### Paris Convention

#### Ratification of the Stockholm Act

##### MEXICO

The Government of Mexico deposited on April 21, 1976, its instrument of ratification of the Stock-

holm Act of July 14, 1967, of the Paris Convention for the Protection of Industrial Property of March 20, 1883.

Pursuant to the provisions of Article 20(2)(c) and (3) the Stockholm Act of the Paris Convention will enter into force with respect to Mexico on July 26, 1976.

Paris Notification No. 81, of April 26, 1976.

## WIPO Meetings

### PARIS UNION

#### I

#### Committee of Experts on the Deposit of Microorganisms for the Purposes of Patent Procedure

##### Third Session

(Geneva, April 26 to 30, 1976)

#### Note \*

Pursuant to a decision of the Executive Committee of the Paris Union, the Committee of Experts on the Deposit of Microorganisms for the Purposes of Patent Procedure held its third session<sup>1</sup> in Geneva from April 26 to 30, 1976.

Twenty-one States members of the Paris Union were represented in the Committee of Experts; one

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

<sup>1</sup> A Note on the second session of the Committee of Experts was published in *Industrial Property*, 1975, p. 172.

intergovernmental and nine international non-governmental organizations were represented by observers. A list of participants follows this Note.

The discussions of the Committee of Experts were based on two documents, namely, a draft Treaty and draft Regulations on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, prepared by the International Bureau following the recommendations made by the Committee of Experts at its second session and taking into account the results of consultations made by WIPO concerning certain provisions of the draft Treaty and draft Regulations. The proposed draft Treaty would have the effect that where a microorganism is, for the purposes of patent procedure, deposited in one of the institutions internationally recognized for this effect, such deposit would satisfy the deposit requirement of all the States party to the Treaty.

The Committee of Experts also considered written comments and proposals presented by government delegations and representatives of international non-governmental organizations.

Following a detailed consideration of the draft Treaty and draft Regulations, in the course of which

proposals for their amendment were made, the Committee of Experts expressed the opinion that a Diplomatic Conference could be convened without the need for a further session of the Committee of Experts, in view of the progress made and the limited number of problems still requiring consideration.

The International Bureau will submit the question of the holding of a Diplomatic Conference to the Administrative Bodies of WIPO and, in the case of a positive decision, will prepare revised drafts of the proposed Treaty and Regulations for consideration by the Diplomatic Conference.

## List of Participants\*

### I. Member States

**Austria:** K. Springer. **Belgium:** J. Harroy. **Cuba:** E. Lara Diaz; M. Berroa. **Czechoslovakia:** Z. Cirman. **Denmark:** D. Simonsen; G. Lütken. **Finland:** E. Wuori. **France:** P. Guérin; D. Darmon. **Germany (Federal Republic of):** U. C. Hallmann. **Hungary:** E. Parragh. **Ireland:** P. J. McGarrigle. **Japan:** Y. Hiraki. **Netherlands:** E. van Weel; J. D. Tak. **Norway:** P. T. Lossius; H. Svendsen. **Soviet Union:** G. S. Goudkov; A. S. Ignatiev. **Spain:** J. Delicado Montero-Ríos; R. Vazquez de Parga. **Sweden:** T. Oredsson; U. Axelson. **Switzerland:** J.-L. Comte; R. Kämpf. **Trinidad and Tobago:** E. D. S. Braithwaite. **Turkey:** T. Allan. **United Kingdom:** I. J. G. Davis; A. F. C. Miller. **United States of America:** S. D. Schlosser; L. S. Allan; J. J. Behan.

### II. Intergovernmental Organization

**International Patent Institute (IIB):** P. Vancraesbeeck.

### III. International Non-Governmental Organizations

**Committee of National Institutes of Patent Agents (CNIPA):** P. Mars; G. H. R. Watson. **Council of European Industrial Federations (CEIF):** A. Hüni. **European Council of Chemical Manufacturers' Federations:** H. Becker. **European Federation of Agents of Industry in Industrial Property (FEMIP):** G. Tasset. **International Association for the Protection of Industrial Property (IAPIP):** A. Hüni. **International Chamber of Commerce (ICC):** A. Hüni. **International Federation of Patent Agents (FICPI):** H. Pawloy. **Union of Industries of the European Community (UNICE):** H. Vanderborcht; J. Utermann; R. Crespi; B. Martin. **World Federation for Culture Collections (WFCC):** R. Donovick; I. J. Bousfield.

### IV. Officers

**Chairman:** J.-L. Comte (Switzerland). **Vice-Chairmen:** I. J. G. Davis (United Kingdom); E. Parragh (Hungary); E. D. S. Braithwaite (Trinidad and Tobago). **Secretary:** F. Curchod (WIPO).

### V. WIPO

A. Bogsch (*Director General*); K. Pfanner (*Deputy Director General*); F. Curchod (*Head, Special Projects Section, Industrial Property Division*); A. Ilardi (*Legal Officer, Special Projects Section*); A. Okawa (*Consultant, PCT Division*).

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

## II

### Working Group on Scientific Discoveries

#### Fourth Session

(Geneva, May 10 to 14, 1976)

#### Note\*

The Working Group on Scientific Discoveries held its fourth session in Geneva from May 10 to 14, 1976<sup>1</sup>, under the chairmanship of Mr. J. Frank da Costa (Brazil).

Twenty-two States, one intergovernmental organization and two international non-governmental organizations were represented at the session. A list of participants follows this Note.

The Working Group had met to complete its study of possible measures for instituting a system for the international recording of scientific discoveries. In accordance with the deliberations at its third session, the Working Group considered three texts prepared by the Director General of WIPO, namely:

- (i) a draft Resolution of the General Assembly of WIPO authorizing the Director General to establish a system for the international recording of scientific discoveries; this system should not entail any obligation on States to give legal effect to international recordings, and it should be self-supporting;
- (ii) draft Regulations under the system for the international recording of scientific discoveries, which would have to be adopted by the countries participating in the system;
- (iii) a draft Treaty containing the same substantive provisions as the draft Regulations mentioned above.

The Working Group examined these three texts, clarified some passages and made some additions.

The experts were divided into two camps on the question whether the system should be based on a Resolution of the General Assembly of WIPO or on a Treaty; in the absence of agreement on this point, the Director General of WIPO will submit both the draft Resolution and Regulations and the draft Treaty to the General Assembly of WIPO.

### List of Participants\*\*

#### I. States

**Brazil:** J. Frank da Costa. **Byelorussian SSR:** N. Androsovitch. **Central African Republic:** E. L. Bayangha. **Cuba:** E. Lara Diaz; M. E. Gonzales Royo. **Czechoslovakia:** A. Ringl; J. Zelko. **Democratic People's Republic of Korea:** T. K. Ri; T. S.

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

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

<sup>1</sup> A Note on the third session of the Working Group was published in *Industrial Property*, 1975, p. 360.

Pak. France: S. G. Bindel. German Democratic Republic: D. Schack. Germany (Federal Republic of): J. Starck; M. Aúz Castro. Hungary: E. Tasnádi. Iraq: A. A. Alkhafaji. Italy: M. Tomajuoli. Ivory Coast: L. Boa. Netherlands: H. F. G. Lemaire; F. P. R. van Nouhuys. Poland: M. Paszkowski. United Kingdom: J. J. D. Ashdown. United States of America: H. Winter; H. D. Hoinkes. Senegal: S. L. Ba. Soviet Union: L. Komarov; V. Roslov; A. Zaitsev. Sweden: D. S. Ahlander. Switzerland: R. Kämpf; J. M. Salamolard; C. Peter. Zaire: M. Nguayila.

## II. Intergovernmental Organization

International Telecommunications Union (ITU): E. Hummel.

## III. International Non-Governmental Organizations

International Association for the Protection of Industrial Property (IAPIP): E. Pitrovanov. World Federation of Scientific Workers (FMTS): W. O. Lock.

## IV. Officers

Chairman: J. Frank da Costa (Brazil). Vice-Chairmen: L. Komarov (USSR); S. G. Bindel (France). Secretary: G. R. Wipf (WIPO).

## V. WIPO

A. Bogsch (*Director General*); K. Pfanner (*Deputy Director General*); L. Baeumer (*Head, Industrial Property Division*); G. R. Wipf (*Head, Periodicals and Law Collections Section, Industrial Property Division*); A.-B. Kecherid (*Legal Officer, Industrial Property Development Cooperation Section, Industrial Property Division*).

## WIPO Permanent Legal-Technical Program

### for the Acquisition by Developing Countries of Technology Related to Industrial Property

#### I

### Permanent Committee

#### Third Session

(Geneva, March 15 to 19, 1976)

#### Note \*

The WIPO Permanent Committee established under the Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property held its third session in Geneva from March 15 to 19, 1976<sup>1</sup>. A list of participants follows this Note.

The Permanent Committee noted with approval the activities under the Permanent Program since

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

<sup>1</sup> A Note on the second session of the Permanent Committee was published in *Industrial Property*, 1975, p. 141.

1973 and made recommendations concerning the implementation of the Program in 1976; it also made proposals to the WIPO conference for future objectives of the Permanent Program, for activities to be taken into account in preparing the 1977 to 1979 draft program and budget and for the amendment of the Organizational Rules.

**Licensing Guidelines.** The Permanent Committee expressed approval of the plan to convene a Working Group on Guidelines for Industrial Property Licensing in Developing Countries in June 1976, for which all members of the Permanent Committee would be invited to appoint experts.

**New Model Law for Developing Countries on Inventions and Know-How.** Several delegations said that the work on a new Model Law on Inventions was one of the most important activities under the Permanent Program; that the progress was highly satisfactory and was going in the right direction as the main new preoccupations of the developing countries were fully taken into account; that there was important mutual influence between the work going on in respect of the revision of the Paris Convention and in respect of the drafting of the new Model Law; that the Declaration on the Objectives of the Revision of the Paris Convention unanimously adopted at the second session of the WIPO Ad Hoc Group of Governmental Experts on the Revision of the Paris Convention (December 1975) contained important principles applicable to the new Model Law; that the work should also take into account relevant decisions of the General Assembly of the United Nations, the work in UNIDO in relation to the establishment of a technological information bank and the work going on in UNCTAD. Plans for the completion of the work were endorsed.

**Access to Information from Patent Documents.** The Permanent Committee reiterated its warm thanks to the Austrian authorities for providing, free of charge, searches of the state of the art requested by developing countries, and requested them to continue the present experiment by providing additional searches of the state of the art.

**Objectives and Future Activities of the Permanent Program.** The Permanent Committee took note, in particular, of recent resolutions of the General Assembly of the United Nations concerning international economic cooperation and development and new goals and objectives for the remainder of the Second United Nations Development Decade. In the latter connection, the Permanent Committee approved for consideration by the WIPO Administrative Bodies in September 1976, the following new goals and objectives for the said decade: bringing up to date, and in line with the revised Paris Convention,

national industrial property laws in developing countries; ensuring the effective implementation of the new national laws through appropriate institutions with qualified staff; improving access by users in developing countries to technological information. General approval was expressed for the plan for future activities put forward by the International Bureau, as a new approach to the contribution which could be made by development cooperation activities related to industrial property, enlarging the scope of the Permanent Program, which was comprehensive, ambitious and in conformity with the policies and needs of developing countries for the strengthening of their national technological capacities; the said plan, on the basis of which proposals will be made in the draft program and budget for 1977 to 1979, includes development cooperation activities relating to such matters as the promotion of domestic inventive and innovative capacity, technological information from patent documents, strengthening national and regional infrastructure, promotion of cooperation among developing countries, new model laws for developing countries on inventions and know-how and on trademarks and related matters, and licensing agreements; particular attention was paid to training by means of fellowships and of sending experts to developing countries at their request, regional meetings and seminars, and advice and assistance to governments in legislation, institutions and related matters; in relation to the planned preparation of an industrial property manual for developing countries, it was noted that an international glossary on industrial property terminology would first be prepared.

**Least Developed among the Developing Countries.** The Permanent Committee recommended that there should be a special budgetary provision for the purpose of facilitating participation in sessions of the Permanent Committee by member States which are regarded as least developed among the developing countries.

**Amendment of the Organizational Rules.** The Permanent Committee recommended for adoption by the WIPO conference amended Organizational Rules under which the objectives of the Permanent Program would be widened to cover any development cooperation activities related to industrial property and the title of the Permanent Program and the Permanent Committee would be amended accordingly.

## List of Participants\*

### I. Member States

**Algeria:** S. Bouzidi; G. Sellali; L. Zebdji. **Argentina:** C. A. Passalacqua. **Austria:** J. Fichte. **Brazil:** J. A. Graça Lima.

**Canada:** M. Moher. **Chile:** G. Ramirez. **Cuba:** J.-M. Rodríguez Padilla; V. Crespo Figueroa; C. Gonzalez Izquierdo. **Czechoslovakia:** J. Zelko. **Denmark:** J. J. P. Irgens; H. J. Riis-Vestergaard. **Egypt:** A. A. Omar; S. A. Abou-Ali. **Finland:** H. Rosén. **France:** A. Teissier; L. Nicodème; M. Hiance; S. Balous. **German Democratic Republic:** D. Schack; C. Micheel. **Germany (Federal Republic of):** M. Aúz Castro; D. Praun. **Ghana**<sup>2</sup>: J. D. Essuman; J. G. Okyne. **Hungary:** Z. Szilvássy; G. Pusztai. **Iraq:** S. Salman; Y. Al-Khanaty. **Italy:** M. Tomajuoli. **Ivory Coast:** M.-L. Boa. **Japan:** T. Yoshida. **Jordan:** T. Hasan. **Kenya:** J. N. King'Arui. **Netherlands:** W. Neervoort; J. Rottinghuis. **Poland:** T. Opalski; W. Dytry. **Portugal:** J. Mota Maia. **Romania:** V. Tudor; M. Costin. **Senegal:** J. P. Crespín. **Soviet Union:** L. Inosemtzev; A. Zaitsev; E. Latkin. **Spain:** J. Delicado Montero-Ríos. **Sri Lanka:** K. K. Beckenridge. **Sudan:** Z. Sir Elkhatim. **Sweden:** S. Norberg; L. O. Assarsson. **Switzerland:** J.-M. Salamolard; J. Mirimannoff-Chilikine. **Tunisia:** O. M'Barek. **Turkey:** N. Yosmaoglu. **Uganda:** J. Ntabgoba. **United Arab Emirates:** J. Alfardan. **United Kingdom:** I. J. G. Davis; C. I. C. Byrne; J. J. D. Ashdown. **United Republic of Cameroon:** M. H. Djengúe Ndoumbe. **United States of America:** H. J. Winter; L. J. Schroeder; J. M. Lightman. **Uruguay:** R. Larreta de Pesaresi. **Yugoslavia:** D. Bosković.

### II. Observer States

**Bangladesh:** M. Ahmed. **Bolivia:** V. Banzer. **Colombia:** C. Quintero. **Ecuador:** W. Herrera. **Jamaica:** C. Barnett; J. Webster. **Kuwait:** M. Afzal; N. Al-Rifai. **Libyan Arab Republic:** A. Embark. **Nicaragua:** G. Cajina Mejicano. **Nigeria:** I. A. Owoyele. **Pakistan:** I. Bukhari. **Panama:** J. M. Espino Gonzalez. **Peru:** C. Bérninzon. **Philippines:** R. Ong. **Saudi Arabia:** M. Al-Khereiji. **Surinam:** F. Breeveld; P. J. Boerleider. **Thailand:** V. Wongvidtaya. **Trinidad and Tobago:** G. A. Stewart. **Venezuela:** F. J. Villarte.

### III. United Nations Organizations

**United Nations (UN):** H. Einhaus. **United Nations Conference on Trade and Development (UNCTAD):** R. I. Andreasson.

### IV. Other Intergovernmental Organizations

**African Intellectual Property Organization (OAPI):** D. Ekani. **Commission of the European Communities (CEC):** P. Logli; H. Grevink. **East African Community (EAC):** C. L. Tarimu. **Industrial Development Centre for Arab States (IDCAS):** T. Al-Jader; M. A. Abdel Hak. **International Patent Institute (IIB):** R. H. Moens.

### V. International Non-Governmental Organizations

**Council of European Industrial Federations (CEIF):** J.-M. Dopchie; G. Zagrebelsky. **European Federation of Agents of Industry in Industrial Property (FEMIP):** J.-M. Dopchie. **European Industrial Research Management Association (EIRMA):** B. de Passemar. **International Association for the Protection of Industrial Property (IAPIP):** E. M. Jucker; B. de Passemar. **International Chamber of Commerce (ICC):** R. Hervé. **International Federation of Inventors Associations (IFIA):** H. Romanus; J. Zachariassen; E. Nyrén. **International League Against Unfair Competition (LICCD):** F. Perret. **Licensing Executives Society (International) (LES):** F. Gevers; C. G. Wickham. **Union of European Attorneys and Other Representatives before the European Patent Office (UNION):** G. E. Kirker. **Union of Industries of the European Community (UNICE):** C. G. Wickham; B. de Passemar.

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

<sup>2</sup> Member of the Permanent Committee from June 12, 1976.

## VI. Officers

*Chairman:* A. A. Omar (Egypt); *Vice-Chairmen:* V. Tudor (Romania); J. Fichte (Austria); *Secretary:* I. Thiam (WIPO).

## VII. WIPO

A. Bogsch (*Director General*); K. Pfanner (*Deputy Director General*); K.-L. Liguier-Laubhouet (*Deputy Director General*); R. Harben (*Director, Development Cooperation and External Relations Division*); L. Baeumer (*Head, Industrial Property Division*); P. Claus (*Head, Patent Information Division*); G. A. Ledakis (*Legal Counsel*); F. Moussa (*Head, External Relations Section, Development Cooperation and External Relations Division*); M. Porzio (*Head, Office of the Director General*); I. Thiam (*Head, Development Cooperation Section, Development Cooperation and External Relations Division*); L. Kadirgamar (*Senior Officer, External Relations Section*); A. Swaminathan (*Assistant, Development Cooperation Section*); A. Okawa (*Consultant*).

## II

### Expert Working Group on Information from Patent Documents

(Geneva, March 9 to 12, 1976)

#### Note\*

The Expert Working Group on Information from Patent Documents, convened on the recommendation of the WIPO Permanent Committee for the Acquisition by Developing Countries of Technology Related to Industrial Property, met at Geneva from March 9 to 12, 1976.

Eleven experts nominated by governments of States members of the Permanent Committee, one expert nominated by an international center, three persons accompanying the experts, four consultants to the International Bureau of WIPO, three observers from United Nations organizations and one observer from another intergovernmental organization participated in the meeting. A list of participants follows this Note.

The Expert Group unanimously elected as its Chairman Mr. Ahmed Aly Omar, Director General, Patent Office, Egypt.

*Patent Documentation as a Source of Technological Information.* The Expert Group prepared a detailed statement on this subject for the purpose of providing a background to consideration by the Permanent Committee of the conclusions and recommendations of the Expert Group. The statement describes the characteristics of patent documents as a technological information source and examines ques-

tions of classification, organization of search files and methods of search. It ends with a preliminary appraisal of the usefulness of patent documentation to developing countries as an information source.

The Expert Group adopted a number of detailed conclusions and recommendations; its conclusions cover such questions as the benefit to developing countries in extending and intensifying the use of technological information from patent documents in technological planning and selection and in research and development; the need for complementarity between such information and other information relevant to science and technology; the identification of users and users' needs in developing countries (such as government authorities, national industrial enterprises in private or state ownership, investment planners (including state agencies), research and development departments and institutions and individual inventors; decision-taking in the formulation and implementation of national plans and policies, screening license agreements, the identification, location, evaluation and selection of technologies, planning research and development activities, current awareness of technological developments, reference material); access, particularly by means of the International Patent Classification (IPC) (which can be used by technical staff in developing countries after reasonable periods of training) and also by means of services providing abstracts and official gazettes; the establishment of patent documentation collections in developing countries limited to selected languages and technical fields; the usefulness of regional and other international arrangements for the sharing of resources and the distribution of tasks; the possible advantages of microforms for developing countries in respect of availability, storage, use and cost, and the methods of and needs for training of the staff of institutions and users of information, which the Expert Group identified as the most serious problem in many developing countries.

The recommendations addressed by the Expert Group to the Permanent Committee, on the basis of the conclusions referred to above, concern policies for the development by international cooperation of technological information services from patent documentation, planning of such services for developing countries, priorities for the relevant intergovernmental bodies of WIPO, the Paris Union, the Patent Cooperation Treaty, the IPC and ICIREPAT, the continuation of the experiment, conducted by the Austrian Government authorities, of providing state-of-the-art reports to developing countries, and activities by WIPO in collecting, analyzing and disseminating information about patent documentation, in carrying out studies, in convening further meetings of groups of experts on particular subjects and in the organization of training.

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

## List of Participants\*

### I. Experts

H. Bouhalila (Algeria); I. Cue de Duarte (Mexico); D. Cuvelot (France); Hartono P. (Indonesia); J. N. King'Arui (Kenya); A. A. Omar (Egypt); G. Ramirez (Chile); J.-M. Rodríguez Padilla (Cuba); Z. Sir Elkhatim (Sudan); K. Sölla (Germany, Federal Republic of); M. N. Tshinkela (Zaire); G. P. L. Williams (Canada).

### II. Persons accompanying the experts

M. Kebbas (Algeria); M. Rodríguez-Baz (Cuba); M. Verdosa (France).

### III. Consultants

J. Fichte (Austria); M. Fořtová (Czechoslovakia); B. Singh (India); R. J. Soifer (Peru).

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

### IV. Observers

United Nations Organization (UN): H. Einhaus. United Nations Conference on Trade and Development (UNCTAD): V. Gromeka. United Nations Industrial Development Organization (UNIDO): E. Aguilar. Commission of the European Communities (CEC): H. Kronz.

### V. Chairman

A. A. Omar (Egypt).

### VI. WIPO

A. Bogsch (*Director General*); F. Sviridov (*Deputy Director General*); R. Harben (*Director, Development Cooperation and External Relations Division*); P. Claus (*Head, Patent Information Division*); B. Hansson (*Head, IPC Section, Patent Information Division*).

## General Studies

### The Role of Patent Offices in Publicizing and Disseminating Technology

G. VIANÈS \*









## Letters from Correspondents

### **Letter from English-Speaking Africa**

David J. COWARD \*





## News from Patent Offices

### CANADA

#### Activity Report of the Bureau of Intellectual Property for the year 1974-1975

##### Introduction

The Bureau of Intellectual Property was created within the Department of Consumer and Corporate Affairs in January, 1973, to provide a coordinated, concentrated approach to the department's responsibilities for patents, trade marks, copyright and industrial design.

The Bureau comprises the Patent Office, the Trade Marks Office, the Copyright and Industrial Design Office, and branches which specialize in research, international activities, and the dissemination of patented technical information. Besides administering these activities the Bureau provides a focal point for an intensive study of the recommendations made in the Economic Council of Canada's Report on Intellectual and Industrial Property, January, 1971, which will result, in time, in a revision of all laws dealing with intellectual property. In the Economic Council's Report patents, trade marks, copyright and industrial designs are viewed as important economic instruments to be harmonized with other essential elements of Canada's long range economic policies and objectives.

The following Acts, and Regulations thereunder, are administered within the Bureau:

- Copyright Act. R. S. 1970, c. C-30
- Industrial Design Act. R. S. 1970, c. 1-8
- Patent Act. R. S. 1970, c. P-4
- Timber Marking Act. R. S. 1970, c. T-8
- Trade Marks Act. 1952-53, R. S. 1970, c. T-10.

##### Patent Office and Copyright and Industrial Design Office

**Patents.** The Patent Office administers the Patent Act and Regulations, which provide for the granting of patents for inventions that are new, useful and unobvious. Examination and disposal of patent applications by the Office in accordance with the Act and Regulations entails a search for novelty, consideration of inventive subject matter, a decision as to

patentability and also verification of compliance with procedural requirements. The patent grant gives to the inventor or owner of the patent the right to exclude others from making, using or selling the patented invention in Canada for a period of 17 years from the date of grant, subject to conditions prescribed in the Act designed to ensure that new inventions shall so far as possible be worked on a commercial scale in Canada without undue delay.

To this end the Commissioner of Patents is empowered to grant compulsory licences for the use of patented inventions in cases where, three years after the date of grant, the patent rights have been abused by the patent owner by virtue of non-working in Canada on a commercial scale, prevention or hindering of working by importation from abroad, failure to meet the demand for the patented article, or prejudice to the trade or industry of Canada by refusal to grant licences on reasonable terms. In the case of patents relating to food or medicine anyone may apply to the Commissioner for a licence to use the patented invention without the three year waiting period and irrespective of whether the patent rights have been abused or not.

The Patent Office makes available for public scrutiny all of its files and records relating to patented inventions and publishes the Patent Office Record every week giving abstracts and other details of newly issued patents.

##### General Business

The general business of the Office shows a slight decrease compared with that of the previous year. New applications for patents totalled 27,019, a decrease of 1,763, or about 6.1 per cent. Of the total number of applications filed, 22,582 claimed priority of filing date under the Paris Convention for the Protection of Industrial Property. This is a decrease of 1,344 or about 5.6 per cent.

Allowances of applications totalled 20,658, a decrease of 157 or 0.7 per cent below last year. There were 35,350 reports on patentability. The allowances and reports, being the total number of applications acted on by the Examiners, amounted to 56,008, a decrease of 570 from the preceding year. During the year 3,538 applications became abandoned through rejection for non-patentability or failure of the applicant to continue prosecution. There were 20,688 patents issued.

The number of deeds entered in the register of assignments was 24,016, a decrease of 2,000 from last year's total.

#### *Patent Grants*

There were 20,688 patents granted. Of this total 20,658 were issued for the full term of 17 years and 30 were reissued under Section 50 of the Act for the unexpired term of 17 years for which the original patents were granted. This is an increase of 156 over last year.

Patents issued to assignees of the whole interest totalled 18,115, jointly to inventors and assignees of part interest 151 and to inventors or legal representatives 2,422.

The number of patents issued to companies was 18,042, to individuals 2,600 and to companies and individuals jointly 46.

Patents where invention was claimed to have been made by two or more inventors totalled 8,871 and by one inventor 11,817.

Of the total 54 patents were issued to female inventors, to male and female inventors jointly 109, and to male inventors 20,525.

There were 1,668 patents granted to Canadian citizens or companies and 19,020 to patentees who were non-residents of Canada.

There were 43 patents issued subject to the Public Servants Inventions Act. There were 328 patents granted in French.

#### *Forfeitures, Restorations and Reinstatements*

Due to failure to pay the final fee within the period required by Section 75, a total of 391 allowed applications became forfeited. Upon payment of restoration and final fees 164 forfeited applications were restored. Of the applications that had lapsed through failure to complete the formal papers or prosecute within the time provided by Section 32, reinstatements were allowed in respect of 139.

#### *Register of Patent Agents*

Under the provisions of Section 15 of the Patent Act and the Rules under the Patent Act, the names of 68 agents were added to the Register. By reason of failure to comply with rule 144, the names of 41 patent agents were removed from the Register. A qualifying examination, under rule 143 was held on April 2nd and 3rd, 1974. Twenty candidates tried the examination and eleven were successful. At the close of the year, the names of 1,677 patent agents and patent attorneys appeared on the Register.

#### *Patent Office Record*

Pursuant to Section 27 of the Patent Act the official journal of the Office, the Patent Office Record, was published each Tuesday. Abstracts for patents, notices and other actions under the Patent Act were included.

#### *Public Services*

A search room and library are maintained by the Patent Office where any member of the public may obtain information on Canadian and foreign patents. Copies of new patents are received regularly from 14 major industrial countries throughout the world, including Australia, Austria, Belgium, Finland, France, Federal Republic of Germany, Italy, Japan, Netherlands, Pakistan, Sweden, Switzerland, United Kingdom and the USA. Copies of Canadian and foreign patents may be bought from the Office. During the year 123,342 Canadian printed patents were sold. The Office continues to exchange the Patent Office Record for the official journals, indexes and reports on patents, copyright and design bulletins of 35 countries around the world. These journals are available to the public in the Patent Office Search Room.

Indexes are maintained in the public search room from which the ownership of any Canadian patent, as recorded in the Office, may be determined. Technical and legal books and periodicals and court reports are also available for public reference. During the year the number of requests for reference material averaged 550 daily. Copies of documents sold to the public during the year totalled 150,929 sheets, and certified copies of Office documents totalled 2,487.

#### *Patent Classification and Search Systems*

The Classification and Search Systems Division of the Patent Office maintains a comprehensive classification system to enable the detailed searching of all Canadian patents for a variety of purposes.

Every patent application filed in the Office requires a search of prior issued patents as part of an examination for patentability. Before producing new products Canadian manufacturers normally make a search to determine whether any Canadian patents would be infringed. The patent literature is a source of information on the historical development of every field of technology and a unique source of new ideas for improving existing manufacturing processes and techniques.

By March 31, 1975, the complete Office file of 965,200 issued patents was classified and organized into 335 main classes of technology which were further subdivided into 30,262 sub-classes. These classes are constantly reviewed, and revised or extended as new technologies emerge and new combinations of known technologies are developed. During fiscal

1974-1975, 3 classes consisting of 359 sub-classes were completely revised, 913 new sub-classes were established and 295 old sub-classes were abolished in the partial revision of existing classes.

The Office keeps informed on new developments in classification systems and methods and is gradually converting from manual to modern machine search systems where this would improve efficiency.

#### *Patent Appeal Board*

The Patent Appeal Board reviews, on request to the Commissioner, final rejections of applications for the grant of patents and for the registration of industrial designs. The Board may hold formal hearings as part of the review procedure, if requested. The Board's findings and recommendations are made to the Commissioner for approval.

	1974-75 Fiscal Year	1973-74 Fiscal Year
<b>Patents</b>		
Rejections Affirmed	38	28
Rejections Reversed	8	16
Otherwise Disposed of	28	4
Hearings Held	30	16
Pending	50	54
<b>Industrial Designs</b>		
Rejections Affirmed	2	—
Rejections Reversed	1	—
Hearing Held	1	—

#### *Compulsory Licences*

The following table shows receipts and disposals of applications to the Commissioner for compulsory licences to use patented inventions, for the years 1973-1974 and 1974-1975. Applications filed under Section 67 of the Act were made on the grounds of the abuse of patent rights by the patent owner. Those filed under Section 41(4) were for licences to import or manufacture patented prescription medicines.

	1974-75 Fiscal Year	1973-74 Fiscal Year
<b>Section 67</b>		
Applications Received	2	3
Licences Granted	1	—
Licences Refused	1	—
Applications Withdrawn	—	2
Applications Pending	2	2
<b>Section 41(4)</b>		
Applications Received	36	14
Licences Granted	22	17
Licences Refused	—	2
Applications Withdrawn	1	—
Applications Pending	27	14

#### *Staff*

On March 31, 1975, the authorized strength of the Patent Office was 368, and the authorized strength of the Copyright and Industrial Design Office was 19.

**Copyright and Industrial Design.** The Copyright and Industrial Design Office administers the Copyright Act, the Industrial Design Act and the Timber Marking Act, and Regulations thereunder.

Copyright exists automatically immediately upon the creation of every original literary, artistic, dramatic or musical work. It extends normally for the life of the creator or author, and fifty years thereafter. The Copyright Act gives to the owner of an original work the sole right to reproduce that work in any material form whatsoever, and to perform the work in public. A system of voluntary registration is in force and a certificate of registration issued by the Office is prima facie proof before the courts that copyright in the work belongs to the person in whose name the work is registered.

The granting of licences and the collection of fees for the public performance of copyright works is normally administered by Performing Rights Societies on behalf of authors and artists who have assigned their copyright to such societies. The fees collectable by these societies are set annually by the Copyright Appeal Board, which is a board consisting of three members appointed by the Governor-in-Council. The secretary of the board is an officer of the Copyright and Industrial Design Office.

The outward appearance of an article of manufacture — its shape, pattern or ornamentation — may be registered as an industrial design. Registration of a new design under the Industrial Design Act gives to the registered owner sole rights to use the design in Canada for a period of five years renewable for one further period of five years.

The Timber Marking Act provides for the registration of marks to identify the ownership of timber floated down inland waterways in the provinces of Ontario, New Brunswick and Quebec.

#### **General Business**

Copyright applications numbered 8,199, a decrease of 1,276 or 13 per cent from last year and there were 8,123 registrations made, a decrease of 1,086 or 11.8 per cent from the previous year.

Industrial design applications numbered 1,501, a decrease of 62 or 3.9 per cent from last year, and 1,371 designs were registered, an increase of 156 or 12.8 per cent over last year. There were 672 design registrations renewed, an increase of 159 or 31 per cent over the previous year.

## Transactions of the Copyright and Industrial Design Office from 1965-66 to 1974-75

Year	1965-66	1966-67	1967-68	1968-69	1969-70	1970-71	1971-72	1972-73	1973-74	1974-75
<b>Copyrights</b>										
Applications received	7,845	7,771	8,139	8,321	9,166	9,479	10,549	10,457	9,475	8,199
Copyrights registered	7,720	7,575	7,875	8,067	8,611	9,315	10,072	9,550	9,209	8,123
Assignments recorded	2,180	1,566	1,863	2,050	1,713	2,035	1,501	1,077	822	825
<b>Industrial Designs</b>										
Applications received	1,217	1,268	1,384	1,282	1,469	1,430	1,523	1,746	1,563	1,501
Designs registered	1,030	1,080	1,197	902	1,026	1,405	1,456	1,258	1,215	1,371
Registrations renewed	422	345	408	338	521	567	709	796	513	672
Assignments recorded	241	382	406	260	319	309	244	269	264	223
<b>Timber Marks</b>										
Applications received	2	0	2	0	1	1	0	1	0	0
Marks registered	3	0	1	1	0	1	0	0	0	0
Assignments recorded	0	0	19	0	0	0	0	0	0	0
Reports on applications re Copyrights, Designs and Timber Marks	1,444	2,230	2,517	2,308	2,720	3,341	3,805	4,448	3,949	3,019
Certified copies of Copyrights, Designs and Timber Marks	736	826	930	862	1,012	925	955	1,163	1,689	904

**Research and International Affairs**

**Research.** Studies leading to a revision of intellectual property laws, originally begun under the overall direction of the Commissioner of Patents following the publishing of the Economic Council of Canada's Report on Intellectual and Industrial Property in January, 1971, were intensified following the formation of the Bureau of Intellectual Property in January, 1973, and the creation of a Research and International Affairs Branch within the Bureau in October, 1973.

So far, a Working Paper on Trade Marks Law Revision has been produced and was published and distributed by the Department for public comment in February, 1974. Work continued throughout the year on the reactions, briefs and submissions received in response to that Working Paper.

Work continued through the 1974-1975 fiscal year on Working Papers on Patents and Copyright. Work was also begun with respect to proposed Industrial Design legislation this fiscal year.

**International Affairs.** Through Canada's membership in the World Intellectual Property Organization, Bureau officers participated in international meetings, which have now been in progress for several years, aimed at obtaining international cooperation in reducing the administrative costs and improving the efficiency of the international patenting of inventions and registration of trade marks. These meetings have produced two new international treaties, the Patent Cooperation Treaty and the Trademark Registration Treaty. Studies with respect to these treaties and how

they might affect the national interest, if ratified, continued through the fiscal year.

Bureau officers also participated in initial international meetings sponsored by the World Intellectual Property Organization in response to demands on the part of the less developed countries for changes to the Paris Convention for the Protection of Industrial Property that would result in the transfer of patented technology from the developed countries to them on more favourable terms.

Copyright protection in radio and television programs relayed by orbiting satellites has been under discussion for several years. The Bureau participated in a Diplomatic Conference in Brussels which elaborated a new international convention to provide for the protection of programs transmitted by satellite. Studies with respect to the effect such an international convention might have on Canada are also being pursued.

**Technical Advisory Services**

In its Report on Intellectual and Industrial Property the Economic Council of Canada emphasized the importance of information in the total innovative process and the need to improve knowledge of the patent law among small scale inventors and innovators.

In 1971, the Commissioner of Patents organized a small group of examiners within the Patent Office to visit universities and industrial and technical colleges to give talks to faculty members, graduates and undergraduates in science, engineering, law and commerce

designed to increase awareness and knowledge of patents for inventions. This program created considerable interest and has since been included by a number of universities as a feature of their regular courses.

In July, 1974, the Technical Advisory Services Branch was formed in the Bureau to continue this program and to expand it to include Trade Marks, Copyright and Industrial Designs. Under the direction of the Branch, officers of the Bureau have lately also been active in business seminars, trade fairs and industrial exhibitions to make Canadian manufacturers and businessmen more aware of the potential importance of intellectual property in their affairs.

In 1974-75, the Technical Advisory Services Branch gave talks at 83 universities, colleges, government agencies and professional associations, participated in 7 radio, TV and press interviews, and attended 2 industrial seminars and 7 trade fairs.

## GERMAN DEMOCRATIC REPUBLIC

### Activities of the Office for Inventions and Patents during 1975

**International Cooperation.** The eighth meeting of the directors of the Offices for Inventions of the member countries of the Council for Mutual Economic Assistance (CMEA), which took place in the German Democratic Republic from June 30 to July 5, 1975, had important results in terms of the systematic continuation of socialist economic integration in the field of inventions. In these deliberations the Director General of WIPO, Dr. Bogsch, took part as a guest. The outstanding achievement of the meeting was the conclusion of a multilateral agreement for the unification of the formalities required for applications for the protection of inventions, which was signed on July 5, 1975. The agreement is based on the following fundamental principles:

- Uniform layout for specifications in all CMEA countries;
- Harmonization of documents relating to applications for the protection of inventions.

The conclusion of this agreement constitutes an important step towards the further unification of the rules of law existing in the USSR and the other CMEA member countries for protection of inventions. Unification of the legal provisions relating to the preparation and filing of applications for the protection of inventions plays an important and decisive role in facilitating the increasing division of labor and cooperation among CMEA member countries in regard to the handling of titles of protection.

By providing for a uniform layout for specifications and for the formalities required for the acquisition of titles of protection relating to inventions in CMEA member countries, the agreement serves to rationalize the work required of enterprises and institutes as well as of the various Offices for Inventions. The simplified preparation of applications will, of course, also be an advantage for applicants having their seat outside one of the CMEA countries.

Another topic discussed at the meeting was the patent information system in CMEA countries. Provision was made for the combined application of information search systems, whether based on conventional means or electronic data processing, and for further intensifying the use of bibliographic data.

**Legislative Changes.** The conclusion of the multilateral agreement for the unification of the formalities required for applications for the protection of inventions has made it necessary to introduce changes in the legal provisions of the German Democratic Republic. The new legal basis for applications for the protection of inventions is to be found in the Ordinance concerning requirements for the preparation and filing of applications for titles of protection<sup>1</sup>. Certain changes will ensue as a result of this Ordinance, one being that, in future, a summary of the specifications will be required. The Ordinance entered into force on March 1, 1976. On the same date, the Ordinance of September 2, 1968<sup>2</sup>, relating to requirements for filing applications for titles of protection, was repealed.

**Questions relating to the training and advanced training of specialists in the field of inventions.** One of the tasks incumbent on the Office for Inventions and Patents of the German Democratic Republic is to provide guidance as to the content of, and methods for planning and carrying out, the training and advanced training of specialists in the legal protection of industrial property, with a view to safeguarding adequate educational reserves and to ensuring the development and use of the necessary training capacity. The unit of "Legal Protection of Industrial Property," which forms part of the Department of Jurisprudence at the Humboldt University in Berlin, is to be regarded as an important scientific institution in this field. By training specialists in other colleges and universities, the German Democratic Republic thus makes use of an effective research and teaching capacity.

The training of industrial property specialists is a tradition of long standing in the German Democratic

<sup>1</sup> *Gesetzblatt* of the German Democratic Republic, separate print No. 821.

<sup>2</sup> *Gesetzblatt* of the German Democratic Republic, part II, No. 95, p. 767.

Republic. For twenty years, patent engineers have been prepared for their tasks in a two-year post-graduate course. During this course, participants acquire the knowledge, proficiency and capabilities that will enable them to perform qualified work in the field of industrial property rights in line with the requirements for the systematic progress of science and technology in the German Democratic Republic. In particular, every effort is directed at achieving a high level of effectiveness in attaining, using and providing legal protection for the fruit of scientific and technological labor.

During training, special emphasis is laid on explaining to the student how to integrate the task of directing inventive activity into the overall process of directing research and development. For only a clear understanding of all the factors on which development of inventive and creative power depends and which are decisive for highly intensive inventive activity will equip the patent engineer to accomplish fully the tasks set before him.

As socialist economic integration with the USSR and the other CMEA member countries continues to develop further, as well as cooperation with capitalist countries in science and technology — which is an expression of the enforcement of Lenin's principles of peaceful coexistence — the demands made on those working in the field of industrial property rights will also change.

The Office for Inventions and Patents makes a careful analysis of developing educational needs in this field and lays down the standards, in the form of specific educational requirements, for the further development of training and advanced training. These consist of detailed statements on the purpose of the training, the sphere of operation of the trainees and the main elements in the training as regards its subject matter. Furthermore, data are available on the establishment of requirements and prerequisites for qualification. Such specific data constitute the basis for establishing the syllabuses at the different training institutions.

By making thorough use of the wealth of knowledge and experience of several CMEA member countries, broader possibilities for steadily increasing the level and efficiency of teaching are being opened up. In particular, special stimulus is derived from the increasingly close cooperation among socialist countries in determining teaching requirements and programs and the materials on which to base training.

The heavy demands made on those working in the field of industrial property rights have repercussions as regards not only the organization of training but also the advanced training of patent engineers already working in the socialist economy. The efforts of the Office for Inventions and Patents of the Ger-

man Democratic Republic have therefore been directed, in the recent past, at creating the conditions for the special advanced training of patent engineers. The object of such advanced training is to inform patent engineers already working in that capacity and experienced in the field of industrial property rights about new trends and new scientific findings in their special field, and also to discuss with them the practical consequences for their work.

The Office for Inventions and Patents, the Humboldt University and the Chamber of Technology — an organization of socialist engineers in the German Democratic Republic — have cooperated in preparing and carrying out courses lasting for approximately ten days. Since these courses began in Spring 1975, about 300 patent engineers have taken advantage of the opportunity to enlarge and deepen their knowledge. Further courses of this kind are planned for 1976.

In addition to the training and advanced training of specialists working in the field of industrial property rights, the possibility of further training for scientific collaborators in research and development was created in 1973. The knowledge thus imparted is geared to the use of inventions as an effective tool in scientific and technical work. The aim is to ensure that collaborators in research and development are well versed in the bases that are relevant to their activities in the field of industrial property rights in so far as determining the problems and attaining and making wide economic use of inventive results is concerned. To this end, correspondence courses of six months' duration are arranged, during which time the participants prepare scientific papers dealing with problems arising in their fields of activity; thus, the participants contribute directly to the further development of their work. These educational measures have the support of the Chamber of Technology which acts in cooperation with the Office for Inventions and Patents and the Humboldt University. The demand for such advanced training is remarkable; thus far, it has been used by over 2,000 participants.

Special educational requirements have arisen as a result of the development of the innovation movement, which is a significant power in the German Democratic Republic in fulfilling the political, social, technical and economic objectives of the socialist society. The further opening-up of the innovators' creativeness is closely connected with the systematic development and social promotion of the innovators' activities as well as their inclusion in the management and planning of the productive process of the combines, enterprises and institutions of the socialist economy.

It became very clear that the training courses held for collaborators at the factory innovator offices for

more than 20 years now were not enough in themselves. A postgraduate course lasting 1 1/2 years was therefore organized, as from 1973, for selected leading employees, in the unit of Legal Protection of Industrial Property at the Humboldt University. Even at this stage, the measure may be considered a success.

## ITALY

### Activity Report of the Central Patent Office for the years 1971 to 1974

**Patents of Invention.** As stated in an earlier report published in this review<sup>1</sup>, a reduction in the number of applications for patents of invention filed each year has been noted in Italy since 1970. The number of applications fell from 33,129 in 1969 to 31,828 in 1970 and 30,826 in 1971. After a slight rise in 1972 (31,125 applications), the number started to fall again: to 28,391 in 1973 and 26,917 in 1974.

From this it can be concluded that, in Italy as in other European countries, industrial research activity has been falling from the level it attained during the boom period, as a result of smaller industrial investment.

It can also be observed that the proportional reduction in the number of patent applications has been greater in the case of national applications, the percentage of which fell from 23.5 % of the total in 1971, to 22.6 % in 1972 and to 20.4 % in 1973. Data for 1974 are not yet available.

**Patents of Invention Granted and Applications in course of Examination.** Owing to the constant staff reductions of the Central Patent Office, the number of patents of invention granted each year has declined from 36,500 in 1972 to 24,500 in 1973 and to 23,000 in 1974, entailing an increase in the backlog to about 50,000 applications.

**Models.** The following table shows that, during the last few years, there has also been a decline in the number of patent applications for models.

Year	Applications filed	Patents granted
1971	8,733	6,292
1972	9,294	7,590
1973	6,960	8,685
1974	6,283	4,100

There are about 11,000 applications awaiting examination.

<sup>1</sup> *Industrial Property*, 1971, p. 321.

**Trademarks.** In contrast to what has been noted in the case of inventions and models, the number of applications for the registration of trademarks has remained practically constant, as can be seen from the following table, which also indicates the number of patents for trademarks granted each year.

Year	Applications filed	Patents granted
1971	11,192	6,700
1972	12,846	11,300
1973	11,421	12,150
1974	10,828	8,300

In this sector, too, we unfortunately find a constant increase in the backlog of work, which amounts at present to about 29,000 applications.

**Revision of Patent Law.** A Commission to review patent law and bring it up to date is now being constituted. The main task of the new Commission will be, on the basis of the work of the previous Commission, which sat from 1968 to 1972, to seek to harmonize the earlier national law with the provisions of the Strasbourg Convention on the unification of certain points of law, of the "European Patent" and the "Community Patent" Conventions and of the PCT with a view to the anticipated ratification of the above-mentioned Conventions.

It should also be mentioned that, by taking advantage of the earlier work, the Commission will be able to complete its task in a comparatively short time.

The most significant innovations to be introduced in the new legislation relate to the following points:

(1) *Patentability of new plant varieties.* The new legislation will reaffirm the principles contained in a Decree of the President of the Republic, which is in course of promulgation, establishing the protection by patents of new plant varieties. The said Decree is being issued in accordance with a precise instruction from Parliament to the Government to bring the matter in question into line with the Law (No. 722, of July 16, 1974) authorizing the ratification and implementation of the Paris Convention of December 2, 1961, for the Protection of New Varieties of Plants.

(2) *Patentability of medicaments.* For some years past, there has been a certain tendency, in particular within the large-scale national pharmaceutical industry, in favor of amending the law now in force with a view to providing for the patentability of medicaments and also of the processes by which they are produced.

Two draft laws, one limited to the patentability of the processes and the other covering the products

also, are at present being examined by Parliament. There is in any case reason to believe that a final decision on the subject will be adopted in Italy in a fairly short time in view of the combined ratification of both the European Patent Convention and the Community Patent Convention.

(3) *Search concerning the state of the art.* Again with a view to avoiding the coexistence in Italy in the near future of rights to the protection of inventions (national patents and European or Community patents) granted according to procedures and providing safeguards which differ too much one from another, it has been felt desirable to provide, in the procedure for the granting of national patents, for a search concerning the state of the art so that applicants and interested third parties will be in a position to estimate the real scope of the invention.

With regard to searches of foreign patent documents and technical and scientific literature, Italy will be able, during an initial period, to make use of the International Patent Institute at The Hague, of which it became a member by Law No. 446 of July 16, 1974, and, later, of the Hague Department of the European Patent Office, after the necessary agreements have been concluded.

Furthermore, searches of foreign documents alone have not been regarded as sufficient, in particular for the requirements of Italian industry. To take account of this, it is planned to establish an Italian Agency of the IIB on the basis of an agreement already approved under the above-mentioned Law. All searches for anticipation, whether at the request of the Central Patent Office or in a European context, in accordance with the provisions of Section V of the "Protocol on Centralization" annexed to the European Patent Convention, will be carried out at the said Agency, at which all documentation in Italian is to be collected and systematically classified.

**Conclusions.** The activities of the Central Patent Office have suffered severely, during the past few years, from the steady reduction in the Office's staff.

The Italian Office, in fact, unlike patent offices of other countries, does not enjoy a degree of autonomy which enables it to engage staff in accordance with the requirements of its services. A restructuring (and relative strengthening) of the Office can only result from an appropriate law, which, it is hoped, will be promulgated in time not only to remedy the existing shortage of staff, but also to enable the Office to adapt its services to the new demands which, in the near future, will result from Italy's participation in the Conventions on the Protection of New Varieties of Plants, on European and Community Patents and in the PCT.

## SOVIET UNION

### Activity Report of the State Committee for Inventions and Discoveries of the USSR Council of Ministers

The State Committee for Inventions and Discoveries of the USSR Council of Ministers is an establishment which differs essentially from traditional patent offices. From the day of its foundation it was given considerably wider powers and numerous duties. The multifarious activities of the State Committee reflect the specific features of the socialist economy of the Soviet Union. In the system of State management it acts as an independent Ministry approved by the Supreme Soviet of the USSR; its functions are defined by decrees of the Council of Ministers of the USSR and include not only consideration of applications in regard to inventions but also the stimulation and extensive utilization of the results of the creative activity of inventors and rationalizers with a view to speeding up scientific and technological progress.

The main legal document regulating the organization, property, personal non-property and labor relations arising in connection with discoveries, inventions and rationalization proposals is entitled "Statute on Discoveries, Inventions and Rationalization Proposals," the latest version of which was approved in a decree of the Council of Ministers of the USSR, No. 584 of August 21, 1973. The text of the Statute was published in *Industrial Property*, 1974, p. 298, together with a commentary by the Deputy Chairman of the State Committee. There is therefore no need to dwell on it again in detail and only a few of its special features will be mentioned here.

**Scientific discoveries.** A feature of the legislation of the Soviet Union and some other socialist countries is the registration of discoveries after a thorough examination in suitable scientific establishments. The establishment of an Institute of Scientific Discoveries is a continuation of a unified policy designed to provide incentives for creative scientific and technical work in the Soviet Union. The system of State registration of discoveries is also a kind of filter which sieves out from the huge flow of information the fundamental results of scientific research and the discovery of objectively existing laws, properties and phenomena in the material world that were not known before and which make a radical difference to our level of knowledge. During the 15 years' existence of State registration of discoveries, the State Committee has received over 11,000 applications in respect of alleged discoveries but only one-tenth of

that number have been accepted for consideration and examination and only one-hundredth have been validated as discoveries. By September 1975, 164 scientific discoveries relating to various branches of science had been recorded in the "golden book" of Soviet science. Careful selection and expert examination are essential to ensure the reliability of a registered discovery. This considerably reduces the expenses of subsequent research workers who wish to repeat or develop it. Careful checking and registration of discoveries with simultaneous extensive publication provide the necessary incentives for scientists and make it possible for others to use the discoveries as a basis for their own investigations.

**Inventions.** In the sphere of inventions the work of the State Committee is carried out against a background of increasing activity by Soviet inventors and a rise in the number of applications received from other countries. At the same time a glance at the statistics indicates that since 1972 the number of applications has been gradually diminishing, amounting to 106,255 in 1974 as compared with 132,406 in 1972; the figures for applications recognized as inventions have remained practically unchanged. This tendency is the result of extensive work carried out by the State Committee in cooperation with the All-Union Society of Inventors and Rationalizers. The improved qualifications of patent specialists, the development of new standards and explanatory notes on them, articles in the press and television appearances by leading members of the State Committee have all helped to improve the quality of the applications sent in and to reduce the number of applications that do not contain inventive subject matter. It is characteristic that most applications are for inventors' certificates. By taking out such a certificate an inventor hands over the right to use his invention to his Socialist State with a view to promoting the national economy, while retaining all his statutory property rights. In 1974, 43,044 protective documents were approved and issued; of these 41,199 were inventors' certificates and 1,845 were patents. All the patents and 124 inventors' certificates were issued to foreigners.

With a view to improving inventive work and speeding up the utilization of discoveries, inventions and rationalization proposals, the Central Committee of the Communist Party of the Soviet Union and the Council of Ministers of the USSR adopted a decision in 1973 under the title "The further development of inventive work in the USSR, improvement of the utilization in the national economy of discoveries, inventions and rationalization proposals and an extension of their role in speeding up scientific and technical progress." This decision outlined the procedure for making use of inventions and contained a number of measures of an organizational, planning and economic nature enabling discoveries, inventions and

rationalization proposals to be put to use in the shortest possible time.

It emerges from this decision and the Statute on Discoveries, Inventions and Rationalization Proposals that the basis for all work in this direction is the planning by ministries, departments of the administration, enterprises and organizations of the use of discoveries, inventions and rationalization proposals at all stages in the development and successful production of new articles and materials and the development and assimilation of technological processes.

The State Committee is given an important part to play in the planned utilization of inventions. Every year it prepares proposals for ministries and departments on the utilization of inventions for inclusion in the State plan and in the plans of the ministries and departments concerned. The ministries and departments consider these proposals and include in their plans those which seem of topical interest for the branch of activity involved. In regard to inventions of great technical and economic importance that call for immediate utilization in the national economy, proposals are sent out by the State Committee throughout the year so that they can be included in production plans. In 1974, such proposals produced economies of 821,000,000 roubles; 481,000,000 roubles of these savings came from inventions and 340,000,000 roubles from selection work. In addition, the national economy obtained savings of 3,570,000,000 roubles from the use of rationalization proposals.

In accordance with a decision of the Central Committee of the Communist Party of the Soviet Union and the Council of Ministers of the USSR under the title of "Some Measures for Further Improving the Management of Industry," production combines have been or are being set up in a large number of industrial branches; these bring together leading research institutes, design offices and large industrial undertakings and deal on a collective basis with all questions, including development of new technical achievements and their testing and successful adoption by industry.

**Rationalization proposals.** A rationalization proposal is a technical solution to a problem, a solution that is new and useful for the undertaking, organization or establishment with which it is filed and which envisages changes in the construction of manufactured articles, in manufacturing processes or existing technology or in the composition of materials.

This definition, published in paragraph 63 of Section IV of the above-mentioned Statute, assigns to a special category proposals of limited novelty but of positive value within a particular undertaking or organization. The author of such a proposal is given a special certificate and a cash award, the amount of which depends on the total annual savings obtained from

the use of the rationalization proposal. The maximum award for any one proposal is 5,000 roubles. In 1974, 4,423,000,000 rationalization proposals were considered and adopted for development and 3,810,000 actually introduced.

Two hundred and ninety million roubles have been spent by ministries, departments, industrial enterprises and organizations and from the State budget itself on the development of large-scale inventive activities and rationalization. This includes 185,000,000 roubles spent in awards for such proposals; 47,000,000 roubles were spent on the provision of prizes for promoting inventive work and rationalization.

**Regulatory texts.** Further development of legal standards designed to stimulate the creative activity of inventors and rationalizers and to improve the system of examining applications has been carried out in pursuance of the Statute on Discoveries, Inventions and Rationalization Proposals which came into force on January 1, 1974<sup>1</sup>. The State Committee has recently published the following regulatory texts of interest to foreign applicants:

- Instructions for the Drafting of Applications concerning Inventions (brought into force on May 1, 1974)<sup>2</sup>;
- Instructions for the Drafting of Applications concerning Discoveries (brought into force on January 1, 1974)<sup>3</sup>;
- Statute on Trademarks (brought into force on May 1, 1974)<sup>4</sup>.

**Documentation.** In view of the fact that the State Committee, unlike traditional patent offices, has been given the task of organizing patent information in the Soviet Union, special attention is being paid to the building-up not only of the State patent collection for experts and readers in the All-Union Patent and Technical Library but also to increasing the size of several hundred branch and area patent collections in other towns in the Soviet Union. A big part in this is being played by international exchange of patent descriptions with States which are members of the Paris Union for the Protection of Industrial Property. At the present time regular exchanges are being carried out with 42 countries. In 1974, the patent collection of the Patent and Technical Library of the State Committee was increased by 3,721,000 descriptions of inventions and other publications. The total volume of the Committee's patent information publications in 1974 amounted to 26,143 sheets.

Thus the collection of the All-Union Patent and Technical Library, which will be celebrating the

eightieth anniversary of its foundation in 1976, amounts to over 67,000,000 copies of patent documents.

In addition to carrying out the functions listed above, the State Committee includes a Division which fulfills, on a commercial basis, orders from organizations and individuals for patent searches, for drawing up and translating applications, for photocopying and microfilming patent materials and for other purposes. For foreign customers all these services can be supplied through the USSR Chamber of Commerce and Industry. The total payments for services provided by the said Division amounted in 1974 to 4,300,000 roubles.

**Publications.** The State Committee receives numerous enquiries from patent offices and individuals in signatory countries to the Paris Convention for the Protection of Industrial Property with respect to the date of publication of information concerning inventions protected in the USSR by inventors' certificates or patents.

Up until 1974, the date of publication of the subject matter of an invention was considered to be the date of passing for publication of the Official Bulletin of the State Committee "Discoveries, Inventions, Industrial Designs and Trademarks." This date however did not always coincide with the actual date on which the Bulletin was distributed to readers and this made it difficult to determine the exact time allowed for contesting decisions to issue a protective document.

On the basis of the Statute on Discoveries, Inventions and Rationalization Proposals, information on inventions entered in the USSR State Register of Inventions is published in the Official Bulletin which is made available for general perusal in the All-Union Patent and Technical Library and distributed to subscribers on the fifth, fifteenth, twenty-fifth and thirtieth day of every month. These dates are indicated in the Bulletin and are considered to be the dates of publication of the information included therein. It is from these dates that the period of one year runs that is allowed for contesting Soviet inventions published in the Bulletin. If the dates in question happen to be non-working days, the Bulletin is distributed on the next following working day and the time allowed for contesting the decisions resulting from expert examination must be counted from that day.

**Staff training.** The State Committee has established an Institute for Improving the Qualifications of Specialists in the National Economy. About 1,600 patent specialists graduate from the Institute every year. Persons are trained in the Institute who have already had university-level education in engineering or the

<sup>1</sup> See *Industrial Property*, 1974, p. 298.

<sup>2</sup> *Ibid.*, 1975, p. 173.

<sup>3</sup> *Ibid.*, 1975, p. 62.

<sup>4</sup> *Ibid.*, 1975, p. 154.

humanities. The period of training is six months when it is carried out at the Institute itself and two years in the case of evening courses or correspondence courses. The State Committee also runs State Courses for the Training of Patent Specialists which give initial training in patent matters to engineering workers from Soviet industrial undertakings. The period of training is six months and the courses are attended by about 8,000 specialists per annum. Since 1964, the training courses have been attended by over 74,000 specialists.

The State Committee, in accordance with the authority granted to it, represents the Soviet Union in WIPO and the special Unions it administers. Specialists from the State Committee take part in the work of meetings carried out under the auspices of WIPO on aspects of patent information (ICIREPAT), on legal problems (revision of the Paris Convention, registration of scientific discoveries, etc.), and on the organization of legal and technical assistance for developing countries (Permanent Committee).

In August 1975, the Soviet Union decided to accede to the Strasbourg Agreement Concerning the International Patent Classification. The State Committee also actively cooperates with the International Patent Documentation Center (INPADOC) in Vienna, for which it acts as a regional body for the processing of bibliographical data for the member countries of the CMEA. For these purposes the State Committee has available modern equipment, three computers and qualified specialists who process the bibliographical data received from members of the CMEA and the USSR and send magnetic tapes concerning these data to INPADOC. In its turn, the State Committee processes data received on magnetic tape from INPADOC to form information lists, which are distributed to members of the CMEA and which it uses itself in order to facilitate expert examination.

The question of the accession of the Soviet Union to the Madrid Agreement for the International Registration of Marks and to the Trademark Registration Treaty (TRT) is being dealt with positively.

## Calendar

### WIPO Meetings

#### 1976

- June 28 to July 2 (Geneva) — International Classification of the Figurative Elements of Marks — Provisional Committee of Experts**
- September 6 to 10 (Geneva) — Paris and Madrid Unions — Working Group for the Computerization of Trademark Operations**
- September 6 to 17 (Washington) — International Patent Classification (IPC) — Working Group III**
- September 21 to 24 (Geneva) — ICIREPAT — Plenary Committee (PLC)**
- September 27 to October 5 (Geneva) — WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC and Berne Unions; Conferences of Representatives of the Paris, Hague, Nice and Berne Unions; Executive Committees of the Paris and Berne Unions; Committee of Directors of the Madrid Union; Council of the Lisbon Union — Ordinary Sessions**
- September 27 to October 8 (Rijswijk) — International Patent Classification (IPC) — Working Group II**
- October 11 to 18 (Geneva) — International Patent Classification (IPC) — Steering Committee**
- October 13 to 21 (Geneva) — Nice Union — Temporary Working Group**
- October 18 to 22 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)**
- October 19 to 22 (Geneva) — International Patent Classification (IPC) — Committee of Experts**
- October 25 to 29 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)**
- November 1 to 8 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Committees**
- November 8 to 19 (Stockholm) — International Patent Classification (IPC) — Working Group IV**
- November 23 to 30 (Geneva) — Paris Union — Preparatory Intergovernmental Committee on the Revision of the Paris Convention**
- November 29 to December 3 (Geneva) — Permanent Legal-Technical Program — Working Group on the Model Law for Developing Countries on Inventions and Know-How**
- November 29 to December 10 (Rijswijk) — International Patent Classification (IPC) — Working Group I**
- December 8 to 17 (Paris) — Berne Union — Committee of Governmental Experts on the Double Taxation of Copyright Royalties**  
*Note: Meeting convened jointly with Unesco*
- December 13 to 17 (Geneva) — Nice Union — Committee of Experts**

#### 1977

- February 21 to 24 (Colombo) — Permanent Legal-Technical Program — World Symposium on the Importance of the Patent System to Developing Countries**
- March 14 to 18 (Geneva) — Permanent Legal-Technical Program — Permanent Committee (4th Session)**
- September 26 to October 4 (Geneva) — WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions; Assemblies of the Madrid and Hague Unions; Conference of Representatives of the Hague Union; Committee of Directors of the Madrid Union**
- November 28 to December 5 (Paris) — Berne Union — Executive Committee — Extraordinary Session**
- December 6 to 8 (Geneva) — International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations — Intergovernmental Committee — Ordinary Session (organized jointly with ILO and Unesco)**

## UPOV Meetings in 1976

**Council:** October 13 to 15

**Consultative Committee:** October 12 and 15

**Technical Steering Committee:** November 17 to 19

**Committee of Experts on International Cooperation in Examination:** November 16

**Committee of Experts on the Interpretation and Revision of the Convention:** September 14 to 17

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

**Technical Working Party for Forest Trees:** August 17 to 19 (Humblebak - Denmark)

**Technical Working Party for Vegetables:** September 21 to 23 (Cambridge - United Kingdom)

## Meetings of Other International Organizations concerned with Intellectual Property

### 1976

**July 5 to 9 (Bellagio) — International Broadcast Institute — Conference**

**August 30 to September 3 (Stockholm) — International Federation of Musicians — Congress**

**September 6 to 10 (Budapest) — Hungarian Group of AIPPI and Hungarian Association for the Protection of Industrial Property — Conference on the Significance of Protection of Industrial Property in International Industrial Cooperation**

**September 13 to 17 (Vienna) — International Federation of Actors — Congress**

**September 26 to October 2 (Montreux) — International Association for the Protection of Industrial Property — Executive Committee**

**September 27 to October 1 (Paris) — International Confederation of Societies of Authors and Composers — Congress**

**October 11 to 16 (Varna) — International Writers Guild — Congress**

### 1977

**January 14 (Paris) — International Literary and Artistic Association — Executive Committee and General Assembly**

**January 17 to 21 (Strasbourg) — Council of Europe — Legal Committee on Broadcasting and Television**

**November 28 to December 5 (Paris) — United Nations Educational, Scientific and Cultural Organization (UNESCO) — Intergovernmental Copyright Committee established by the Universal Copyright Convention (as revised at Paris in 1971)**