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World Intellectual Property Organization

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World Intellectual Property Organization

The World Intellectual Property Organization in 1976*

Membership

During 1976, the Governments of eight States deposited instruments of accession to the Convention Establishing the World Intellectual Property Organization: Bahamas, Burundi, Ghana, Libyan Arab Republic, Mauritania, Mauritius, Qatar, Turkey. In addition, the Government of Surinam deposited a declaration of continued application of the said Convention. The number of States party to the WIPO Convention is 74.¹

Major Organs and their Activities

Governing Bodies

Membership. The membership of the Governing Bodies and other Organs of WIPO and of the Unions administered by WIPO appears in the January 1977 issue of this review.

Seventh Series of Meetings of the Governing Bodies. The seventh series of meetings of the Governing Bodies of WIPO and of the Unions administered by WIPO was held in September/October 1976. During the said meetings, 19 bodies (including the Assembly and the Conference of Representatives of the Hague Union, which met for the first time) held their sessions. The main items discussed and the principal decisions taken by the Governing Bodies were as follows.

The WIPO General Assembly and the Assemblies of the Paris and Berne Unions reviewed and approved, respectively, the reports and activities of the Director General since their last sessions; they noted with approval the accounts of the International Bureau and the reports of the auditors on those accounts, as well as other information concerning finances in the years 1973, 1974 and 1975. The Governing Bodies concerned approved the establishment of a new

system for the date of payment of contributions to the budgets of the Unions, to be introduced gradually over a transitional period of six years as from January 1, 1978. Under the new system, contributions will be due and payable at the beginning of rather than after the year to which they relate. The Governing Bodies concerned also approved the creation of working capital funds in fixed amounts for the Paris, Hague, Nice and Berne Unions to be constituted through six yearly installments commencing in 1978.

As regards cooperation with other international organizations, the WIPO Coordination Committee approved a working agreement between WIPO and the Council for Mutual Economic Assistance (CMEA) (see p. 35). The Governing Bodies adopted an updated list of intergovernmental organizations to be invited to attend their meetings as observers. The list includes three new intergovernmental organizations: the European Patent Organisation (EPO) (or, until it starts functioning, the Interim Committee of the EPO), the Association of South East Asian Nations (ASEAN) and the Latin America Economic System (SELA). Furthermore, seven international non-governmental organizations were newly admitted as observers to certain meetings of some of the Governing Bodies: the International Association of Conference Interpreters (AIIC), the International Federation of Pharmaceutical Manufacturers Associations (IFPMA), the Licensing Executives Society (International) (LES), the European Computer Manufacturers Association (ECMA), the European Federation of Agents of Industry in Industrial Property (FEMIPI), the International Federation for Documentation (FID) and the Patent Documentation Group (PDG). The latter four had been admitted previously to meetings of certain other Governing Bodies.

The WIPO General Assembly approved participation by WIPO in the administration of the Convention Related to the Distribution of Programme-Carrying Signals Transmitted by Satellite, adopted at Brussels in May 1974.

The WIPO General Assembly agreed that the institution of a system for the international recording of scientific discoveries at the International Bureau for those countries which favor such a system should be effected by means of a treaty. The Director General was asked to make proposals to the 1977 session of the WIPO Coordination Committee concerning the diplomatic conference for the adoption of the said treaty.

* This article covers the main activities of the World Intellectual Property Organization as such (that is, as distinguished from those of the Unions administered by WIPO) in the year 1976. The main activities of the said Unions in 1976 will be covered by separate articles to be published in the March 1977 issues of *Industrial Property* and *Copyright*.

¹ The Table of Member States as of January 1, 1977, was published in the January 1977 issue of this review.

The WIPO Conference approved the enlargement of the scope of the existing WIPO Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property and renamed the Program, giving it the title "WIPO Permanent Program for Development Cooperation Related to Industrial Property." It also reviewed the Organizational Rules of the Committee established under the same Program.

Furthermore, the WIPO Conference approved the establishment of a similar mechanism and a similar intergovernmental body—the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights and its Permanent Committee—to assist in the planning and implementation of development cooperation activities in those fields.

The WIPO Conference and the Assemblies of the Paris, Berne, Madrid, Hague, Nice, Lisbon, Locarno and IPC Unions adopted the program and budget of the International Bureau for the period 1977 to 1979. In addition, the Executive Committees of the Paris and Berne Unions approved the programs and budgets of these two Unions for 1977, the Paris Union Executive Committee established the 1977 budgets for the programs of the Patent Cooperation Treaty (PCT) and the Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT). Further, the WIPO General Assembly adopted the triennial budget of expenses common to the Unions and the WIPO Coordination Committee established the 1977 common expenses budget.

That part of the triennial (1977 to 1979) budgets of WIPO and the Union administered by WIPO which relates to the calendar year 1977 shows an income of 23,092,000 Swiss francs and an expenditure of 24,458,000 Swiss francs. The number of staff posts budgeted for the year 1977 is 185.

Election of Members of the Executive Committees of the Paris and Berne Unions; Designation of an Ad Hoc Member of the WIPO Coordination Committee

During the seventh series of meetings of the Governing Bodies of WIPO and the Unions administered by WIPO, the Assembly and the Conference of Representatives of the Berne Union elected, respectively, 12 ordinary and 4 associate members of the Berne Union Executive Committee. The Assembly and the Conference of Representatives of the Paris Union elected, respectively, 15 ordinary and 5 associate members of the Paris Union Executive Committee. In addition, in accordance with the decision of the Assembly of the Paris Union, as soon as the number of its members reached 64 (which occurred on November 16, 1976, when Surinam deposited its declaration of continued application of the Stockholm

Act (1967) of the Paris Convention for the Protection of Industrial Property), a country member of the Group of 77, namely Romania, automatically became an ordinary member of the Paris Union Executive Committee. The said 16 members of the Berne Union Executive Committee and the said 21 members of the Paris Union Executive Committee, together with Switzerland as the ex officio ordinary member of each Executive Committee, and the Sudan, which was designated by the WIPO Conference in the capacity of ad hoc member of the WIPO Coordination Committee, constitute the 39 members of the WIPO Coordination Committee (see List of Members of the Governing Bodies and other Organs of WIPO, published in the January 1977 issue).

Cooperation Between WIPO and Other Organizations of the United Nations System

General Coordination of Policies and Activities

The Director General and officials of the International Bureau participated in the work of the United Nations bodies established for the purpose of facilitating coordination of the policies and activities of the organizations of the United Nations system.

United Nations Joint Staff Pension Fund

The United Nations General Assembly in its Resolution 31/196 of December 22, 1976, decided to admit WIPO to membership in the United Nations Joint Staff Pension Fund with effect from January 1, 1977.

Representation at Meetings of United Nations Bodies

Following the invitation addressed by the Ad Hoc Committee on the Restructuring of the Economic and Social Sectors of the United Nations System to the executive heads of the specialized agencies to present their views on the question of restructuring, the Director General attended and delivered a statement at the second session of the Ad Hoc Committee held during February/March 1976.

The Director General also addressed, at its invitation, the Committee on Science and Technology for Development of the United Nations Economic and Social Council (ECOSOC) in New York in February 1976, and gave an address during the opening week of the meetings of the sixty-first session of ECOSOC, which were held in Abidjan in June/July 1976.

WIPO was also represented by officials of the International Bureau at meetings of other United Nations bodies, including the thirty-first session of the United Nations General Assembly (September-

December 1976) and the Fourth United Nations Conference on Trade and Development (UNCTAD IV) at Nairobi in May 1976.

Information, Studies and Reports

The International Bureau provided information on subjects of direct concern to WIPO for inclusion in reports prepared by the Secretary-General of the United Nations pursuant to resolutions adopted by the United Nations General Assembly and other organs of the United Nations on such matters as the restructuring of the economic and social sectors of the United Nations system, the proposed United Nations Conference on Science and Technology for Development, information exchange and the transfer of technology, the application of computer science and technology to development, and transnational corporations, or in reports prepared by the Administrator of the United Nations Development Programme (UNDP) pursuant to decisions of the Governing Council of the UNDP on such matters as technical cooperation among developing countries and on financial and administrative aspects of the execution of UNDP projects.

Resolutions and Decisions of the United Nations General Assembly and of Other Organizations of the United Nations System

A number of resolutions were adopted or decisions were taken late in the year 1975 by the General Assembly and in the year 1976 by the Economic and Social Council of the United Nations and by other organs of the United Nations, as well as by organizations of the United Nations system, which were relevant to the activities of WIPO during the year 1976 or are relevant to its future program of work.² A résumé of each of these resolutions and decisions, including the full text of some of them, was presented, together with comments and proposals by the Director General, to the Governing Bodies of WIPO and the Unions administered by WIPO at their seventh series of meetings in September/October 1976. The WIPO General Assembly, the WIPO Conference and the WIPO Coordination Committee noted these resolutions and decisions and the activities performed or planned by the Director General in respect of these resolutions and decisions. Three of them are expressly referred to in the following paragraphs, the first because it calls for widespread publicity, the other two because they deal with certain aspects of industrial property and the transfer of technology.

² The resolutions and decisions of the United Nations General Assembly, at its thirty-first session (September-December 1976), will be the subject of a report to the Governing Bodies in September/October 1977 and will be referred to in the February 1978 issue of this review.

In operative paragraph 10 of its resolution adopted in June 1976, the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples invites the specialized agencies and other organizations within the United Nations system to take steps, as appropriate, to give widespread and continuous publicity through all media at their disposal to information on the situation in Zimbabwe and on the relevant decisions and actions of the United Nations, with particular reference to the application of sanctions against the illegal regime in the Territory of Southern Rhodesia (Zimbabwe).

In operative paragraph 2, resolution 388 (1976) adopted by the United Nations Security Council, it is decided that "all Member States shall take appropriate measures to prevent their nationals and persons in their Territories from granting to any commercial, industrial or public utility undertaking in Southern Rhodesia the right to use any trade name or from entering into any franchising agreement involving the use of any trade name, trade mark or registered design in connexion with the sale or distribution of any products, commodities or services of such an undertaking." Further, in operative paragraph 3 of the said resolution, the Security Council urges, "having regard to the principle stated in Article 2 of the United Nations Charter, States not Members of the United Nations to act in accordance with the provisions" of the said resolution.

Resolutions and Decisions of the United Nations Conference on Trade and Development (UNCTAD). The Fourth United Nations Conference on Trade and Development (UNCTAD IV), which was held at Nairobi in May 1976, adopted two resolutions relevant to the work of WIPO, in particular as regards industrial property and the strengthening of the technological capacity of developing countries.

In resolution 88(IV) on industrial property, UNCTAD IV dealt with, among other aspects, the process of revision of the Paris Convention for the Protection of Industrial Property, the need to carry out an in-depth review of the provisions on trademarks, the role of UNCTAD with regard to the economic, commercial and developmental aspects of a review of the international field of industrial property and of the function of the international patent system in the transfer of technology, and the provision by UNCTAD, UNIDO and WIPO of technical assistance to developing countries for the development of their national capability and infrastructure with regard to industrial property as a means of promoting technological development.

In resolution 87(IV) on strengthening the technological capacity of developing countries, UNCTAD IV recommends certain action to improve the institutional infrastructure and capacity of developing coun-

tries for development and transfer of technology, including steps to be taken among developing countries in coordination with relevant United Nations bodies, particularly UNCTAD, UNIDO and WIPO (operative paragraph 5(b)(v)), or by the Organization of African Unity (OAU) and the United Nations Economic Commission for Africa (ECA) in collaboration with UNCTAD, UNIDO, UNESCO and WIPO (operative paragraph 7), and decides to establish an Advisory Service on Transfer of Technology within UNCTAD to enable UNCTAD to meet the responsibilities assigned to it in the area of technical and operational assistance in cooperation with the international organizations concerned, particularly UNIDO and WIPO (operative paragraphs 12 and 13).

In paragraph 14 of resolution 31/159 of December 21, 1976, on the report of UNCTAD on its fourth session, the United Nations General Assembly "welcomes resolution 87(IV) adopted by the United Nations Conference on Trade and Development on 30 May 1976, concerning the strengthening of the technological capacity of developing countries and, in particular, the establishment of an advisory service within the Conference, as well as Conference resolution 88(IV) of 30 May 1976 on industrial property, which recognizes the respective important role of the Conference and the World Intellectual Property Organization in this area, and requests them to continue their co-operation in this field."

Recommendations of the Conference of Ministers of Arab States Responsible for the Application of Science and Technology to Development (CASTARAB). The Conference of Ministers of Arab States Responsible for the Application of Science and Technology to Development (CASTARAB) was organized by the United Nations Educational, Scientific and Cultural Organization (UNESCO) with the cooperation of the Arab Educational, Cultural and Scientific Organization (ALECSO) and the United Nations Economic Commission for Western Asia (ECWA) at Rabat in August 1976. The Conference discussed, among other topics, the protection of intellectual property and its relationship to the transfer of science and technology in the Arab States and made recommendations with respect thereto.

The Conference recommended to the Arab countries the promulgation or updating of national legislation concerning the protection of industrial property and copyright, the establishment, or reorganization where they already exist, of independent national bodies responsible for the protection of industrial property and copyright, the training of specialized personnel in the field of industrial property and copyright, and participation in international activities relating to industrial property and copyright.

In addition, at the regional level, the Conference recommended the organization, starting in 1977, of periodic meetings of the heads of national bodies for the protection of industrial property and copyright, for the purpose of coordinating their work and adopting concordant positions in international organizations. The Conference further recommended the establishment of a committee of Arab experts to study the possibilities of establishing an Arab regional structure for the protection of industrial property and copyright. The Conference invited the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Conference on Trade and Development (UNCTAD), the World Intellectual Property Organization (WIPO), the United Nations Industrial Development Organization (UNIDO) and the United Nations Economic Commission for Western Asia (ECWA) to cooperate with the Industrial Development Centre for Arab States (IDCAS) and the Arab Educational, Cultural and Scientific Organization (ALECSO) in the execution of these two recommendations concerning regional matter.

Relations with UNCTAD and UNIDO

Consultations continued to take place between the Secretariats of the United Nations Conference on Trade and Development (UNCTAD) and WIPO and the United Nations Industrial Development Organization (UNIDO) and WIPO with respect to matters of mutual interest and the implementation of decisions taken by the governing bodies of the respective organizations.

In July 1976, an exchange of views took place in Geneva between the Director General of WIPO and the Executive Director of UNIDO on cooperation and coordination of the activities of WIPO and UNIDO.

Relations with Regional Commissions

United Nations Economic Commission for Africa (ECA). At the third meeting of the Follow-up Committee on Industrialization in Africa, convened by the ECA at Addis Ababa in November 1976 and at which WIPO was represented, a recommendation was adopted that the Governments of the States in Africa invited to participate in the WIPO Preparatory Intergovernmental Committee on the Revision of the Paris Convention should take an active interest in its meetings.

As regards cooperation with the ECA concerning the project for the English-Speaking Countries in Africa, see pp. 36 to 38.

United Nations Economic and Social Commission for Asia and the Pacific (ESCAP). See p. 38.

United Nations Economic Commission for Latin America (ECLA). See p. 38.

Relations with Unesco

Close cooperation continued with the United Nations Educational, Scientific and Cultural Organization (UNESCO) on matters in the field of copyright and neighboring rights, particularly in connection with the publication of the Collection of Copyright Laws and Treaties of the World and of the Records of the International Conference of States on the Distribution of Programme-Carrying Signals Transmitted by Satellite (1974) and the carrying out of surveys and studies on the use of audiovisual cassettes and discs, on problems arising from the transmission by cable of television programs, on the avoidance of double taxation of copyright royalties remitted from one country to another, on the protection of folklore, on the application of the revised Paris texts of 1971 of the Berne Convention for the Protection of Literary and Artistic Works and the Universal Copyright Convention, on the preparation of the Model Law on Copyright for Developing Countries (see p. 39) and in organizing seminars on copyright and neighboring rights (see the March 1977 issue of *Copyright*). WIPO was represented at the nineteenth session of the General Conference of Unesco held in Nairobi on October/November 1976.

Relations with Unesco and ILO

Close cooperation was also maintained with Unesco and the International Labour Organisation (ILO) on matters relating to neighboring rights (see the March 1977 issue of *Copyright*).

Cooperation With Other Intergovernmental Organizations

African Intellectual Property Organization (OAPI). See pp. 36 and 38.

Arab Educational, Cultural and Scientific Organization (ALECSO). See p. 34.

Caribbean Community (CARICOM): See p. 38.

Council for Mutual Economic Assistance (CMEA). The WIPO Coordination Committee, at its session in September/October 1976, approved a working agreement between WIPO and the CMEA. A specialized body of the CMEA—the Conference of the Heads of Offices for Inventions of the CMEA member countries—functions to enhance and improve cooperation among the CMEA member countries in the field of inventing and patenting. WIPO was represented in both sessions of the said Conference held in 1976, one in Poland and one in Cuba. The latter was attended by the Director General of WIPO himself.

English-Speaking Countries in Africa. See pp. 36 to 38.

European Communities (ECE). Discussions have taken place between the International Bureau and the Commission of the European Communities concerning the possibilities of concluding an agreement of cooperation between WIPO and the European Communities.

European Patent Organisation (EPO). See “The Paris Union and Industrial Property in 1976” in the March 1977 issue of this review.

Industrial Development Centre for Arab States (IDCAS). See p. 38.

Relations With International and National Non-Governmental Organizations

Admission of International Non-Governmental Organizations as Observers to Meetings of the Governing Bodies. See p. 31.

Representation at Meetings. WIPO was represented at meetings of various international and national non-governmental organizations concerned with matters in the field of industrial property (see “The Paris Union and Industrial Property in 1976” in the March 1977 issue of this review) and copyright and neighboring rights (see the March 1977 issue of *Copyright*) at which questions of direct interest to WIPO were discussed.

Developments in Major Programs and Major Fields

In 1976, the main program activities of WIPO as such (as distinguished from those of the Unions administered by WIPO) were those concerned with development cooperation. These program activities are reported on here. The program activities of the Unions administered by WIPO in the field of industrial property are reported on in “The Paris Union and Industrial Property” in the March 1977 issue of this review, whereas those in the fields of copyright and neighboring rights are reported on in the March 1977 issue of *Copyright*. Prominent among the former is the work being undertaken towards the revision of the Paris Convention for the Protection of Industrial Property.

Training Program

Under the WIPO Legal-Technical Assistance Program for 1976, 63 applications for training from 48 developing countries were submitted to WIPO. In cooperation with the various industrial property

offices or copyright offices, 38 traineeships for a duration of up to two months were organized for officials from the following 33 countries: Algeria, Benin, Bolivia, Chad, Chile, Colombia, Costa Rica, Cuba, Ecuador, Ethiopia, Fiji, Gambia, Guatemala, India, Indonesia, Iraq, Jordan, Kenya, Madagascar, Malaysia, Mexico, Pakistan, Peru, Philippines, Republic of Korea, Rwanda, Sudan, Tanzania, Thailand, Trinidad and Tobago, Venezuela, Zaire, Zambia. Twenty-nine of these traineeships were awarded in the field of industrial property and nine in the field of copyright.

The training took place at the International Bureau, at the African Intellectual Property Organization (OAPI) and in the following 16 countries, the Governments of some of which covered fully or in part the costs of the training program of one to four trainees: Australia, Canada, Czechoslovakia, Egypt, France, Germany (Federal Republic of), Israel, Japan, Mexico, Netherlands, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America. The remainder of the costs was borne by WIPO.

A symposium on copyright matters for the benefit of seven of the trainees—from Algeria, Chad, Chile, India, Mexico, the Philippines and Rwanda—was organized in Geneva in September 1976 by the International Bureau with the participation of the International Publishers Association (IPA).

Assistance to Certain Developing Countries and Regional Institutions of Developing Countries

During 1976, WIPO gave assistance to the following developing countries or groups of developing countries, or requests for assistance from such countries and institutions were under active consideration by WIPO, on the matters indicated next to their name:

Algeria: modernization of the trademark legislation, partly with the help of an expert from the Swiss Intellectual Property Office;

Brazil: continuation of the project financed by the UNDP (United Nations Development Programme) for modernizing the Brazilian patent system, partly with the help of experts coming from the industrial property offices of Belgium, Germany (Federal Republic of), Israel, the Netherlands, Norway and the United States of America;

Cuba: training in the use of the International Patent Classification, partly with the help of an expert from the German Patent Office;

Ecuador: reorganization of the industrial property office (preparatory mission);

Iraq: modernization of the trademark system (preparatory missions);

Madagascar: modernization of the industrial property legislation and administration (preparatory missions);

Mali: establishment of an industrial property office (preparatory discussions);

Mauritius: modernization of the industrial property and copyright legislation (preparatory mission and discussions);

Niger: modernization of the copyright legislation (preparatory discussions);

Nigeria: modernization of the administration of the industrial property laws (preparatory mission and discussions);

Philippines: advice on the modernization of the industrial property and copyright legislation, partly through a study trip by an expert from the Philippines to Austria, Czechoslovakia, Hungary and Sweden;

Rwanda: organization of the administration of the industrial property laws (preparatory mission);

Senegal: training in patent licensing questions (preparatory missions);

Sudan: organization of the administration of the industrial property laws (preparatory discussions);

Togo: modernization of the copyright legislation and administration, through written advice;

Tunisia: modernization of the industrial property legislation, through written advice;

Venezuela: planning of a training program in the field of industrial property for Venezuelan government officials in Denmark, Mexico, Spain and the International Patent Institute;

Zaire: modernization of the industrial property legislation and administration, through consultations in Kinshasa and Geneva;

African Intellectual Property Organization (OAPI): establishment of a patent documentation center in Yaoundé (preparatory missions and discussions with the said Organization, the United Nations Development Programme (UNDP), the Commission of the European Communities and France); revision of the Libreville Agreement (through advice and the organization of meetings in Yaoundé and Geneva of specialists from member States of the said Organization);

English-Speaking Countries in Africa: Diplomatic Conference. The Diplomatic Conference for the Adoption of an Agreement on the Creation of an Industrial Property Organization for English-Speaking Africa (hereinafter referred to as "the Diplomatic Conference"), convened jointly by the United Nations Economic Commission for Africa (ECA) and WIPO at the request of the Committees of the Conference on Industrial Property Laws of English-Speaking Africa (hereinafter referred to as "the Industrial Property Conference"), took place, at the invitation of the Government of Zambia, in Lusaka, from December 6 to 9, 1976.

Of the 18 States invited to take part in the Diplomatic Conference, the following 13 countries sent delegations: Botswana, Gambia, Ghana, Kenya, Lesotho, Malawi, Mauritius, Nigeria, Somalia, Swazi-

land, Uganda, United Republic of Tanzania, Zambia. Five intergovernmental organizations—the United Nations Conference on Trade and Development (UNCTAD), the United Nations Development Programme (UNDP), the African Intellectual Property Organization (OAPI), the Commonwealth Secretariat, the East African Community—and one international non-governmental organization—the International Association for the Protection of Industrial Property (IAPIP)—were represented by observers. The number of participants was about 40.

Mr. George E. Harre (Zambia) was elected Chairman and Mr. Benjamin W. Prah (Ghana) and Mr. David J. Coward (Kenya) were elected Vice-Chairmen of the Diplomatic Conference. The Secretaries General of the Diplomatic Conference were Mr. A.M. Akiwumi (ECA) and Mr. K. Pfanner (WIPO). The Credentials Committee was chaired by Mr. J. Mariano (Somalia) and the Drafting Committee by Mr. S.S.A. Ojomo (Nigeria). Mr. I. Thiam (WIPO) and Mr. D. Devlin (WIPO) were the respective Secretaries of the said Committees.

The Diplomatic Conference adopted the *Agreement on the Creation of an Industrial Property Organization for English-Speaking Africa*.³ A draft of that Agreement had been prepared by the Industrial Property Conference at its meeting in Addis Ababa in 1974. The Agreement establishes a regional industrial property organization (hereinafter referred to as “the Organization”) for the study and promotion of and cooperation in industrial property matters, including the harmonization and development of industrial property laws, the establishment of common services or organs for the coordination, harmonization and development of industrial property activities, and assistance in the acquisition and development of technology relating to industrial property matters. The Agreement calls for the Organization to collaborate with the ECA, WIPO and other appropriate organizations. The organs of the Organization will include a Council, consisting of the heads of offices dealing with the administration of industrial property matters or other persons having requisite knowledge of such matters, and a Secretariat. A resolution adopted by the Diplomatic Conference requests the ECA and WIPO, in consultation with the Bureau of the Industrial Property Conference, to act as the interim secretariat until the Secretariat of the Organization is established; it further requests the Industrial Property Conference to prepare the entry into force of the Agreement.

The Agreement, which was unanimously adopted on December 9, 1976, was signed on that day on behalf of the following States: Ghana, Kenya,

Mauritius, Somalia, Uganda, Zambia. The Agreement remains open for signature at Lusaka until December 31, 1977. Instruments of ratification or accession are to be deposited with the Government of the Republic of Zambia.

Membership of the Organization is open to Botswana, Ethiopia, Gambia, Ghana, Kenya, Lesotho, Liberia, Malaŵi, Mauritius, Nigeria, the Seychelles, Sierra Leone, Somalia, the Sudan, Swaziland, Uganda, the United Republic of Tanzania, and Zambia; other States members of the ECA may become members of the Organization on such conditions as its Council may determine;

English-Speaking Countries in Africa: Industrial Property Conference. The second session of the Industrial Property Conference, convened jointly by the ECA and WIPO at the request of the Industrial Property Conference's Committee for Patent Matters and its Committee for Trademark and Industrial Design Matters, was held at the invitation of the Government of Zambia, in Lusaka, from December 8 to 16, 1976.

Of the 18 States invited to take part in the work of the Industrial Property Conference and its two Committees (for Patent Matters and for Trademark and Industrial Design Matters) the following 12 were represented: Botswana, Gambia, Ghana, Kenya, Lesotho, Mauritius, Nigeria, Somalia, Swaziland, Uganda, United Republic of Tanzania, Zambia. The ECA and WIPO acted as the Interim Secretariat of the Industrial Property Conference.

The Committee for Patent Matters examined a draft Model Law for English-Speaking African Countries on Patents, Utility Certificates and Innovations, together with a Commentary, prepared by the International Bureau of WIPO in consultation with the ECA and with the assistance of consultants from the patent offices of English-speaking African countries. The said Committee requested that its suggestions and observations, as well as further developments in the work of the WIPO Working Group on the Model Law for Developing Countries on Inventions and Know-How, be taken into account by the Interim Secretariat in preparing a revised draft of the Model Law and the Commentary for consideration at the Committee's next session.

The Committee for Trademark and Industrial Design Matters examined a report on the results of a trademark questionnaire sent to the trademark offices of all English-speaking African countries, prepared by the Secretariat of the ECA, and an outline of provisions on marks, prepared by the International Bureau of WIPO. The Committee gave guidance to the Interim Secretariat concerning the drafting of a Model Law on Marks for English-Speaking African Countries. In addition, the Committee requested the Interim Secretariat to carry out a

³ For the text of this Agreement, see this month's selection of *Industrial Property Laws and Treaties*, MULTILATERAL TREATIES—Text 1-002.

survey on the desirability of establishing independent industrial design systems in the region and to prepare an outline of possible model provisions on industrial designs;

Industrial Development Centre for Arab States (IDCAS): establishment of a patent documentation center (preparatory discussions); publication of the WIPO-IDCAS Model Law for Arab States on Trade-marks; preparation of a WIPO-IDCAS-UNIDO meeting, in cooperation with the Government of Iraq, in Baghdad (preparatory missions);

United Nations Economic Commission for Latin America (ECLA): research program within the field of patents (preparatory discussions);

Caribbean Community (CARICOM): harmonization of the industrial property legislations of the member States (advice and preparatory discussions);

Round Table Conference in Mexico City on the Revision of the Paris Convention (May 1976). See "The Paris Union and Industrial Property in 1976" in the March 1977 issue of this review.

Other Relations With Developing Countries

Meetings. WIPO was represented in the Third Ministerial Meeting of the Group of 77 at Manila in January/February 1976, the Conference on Economic Cooperation Among Developing Countries organized by the Group of 77 at Mexico City in September 1976, the sixteenth session of the General Assembly of the Union of National Radio and Television Organizations of Africa (URTNA) in Yamoussokro and Abidjan (Ivory Coast) in February 1976, and the International Conference on National and Regional Planning for Scientific and Technological Information Systems and Services for Development in the Arab Countries, convened by Unesco, UNIDO, the World Federation of Engineering Organizations (WFEO) and the Federation of Arab Engineers (FAE), in Tunis in April 1976.

Missions. The Director General made visits to the Ivory Coast, Mexico and Tunisia, meeting on each occasion with the President of the country and with high-ranking government officials responsible for industrial property, transfer of technology and copyright matters. On the occasion of his visit to Cuba, the Director General met with several Cuban government officials in charge of industrial property or general relations with United Nations agencies.

Visits were made by other officials of the International Bureau to Algeria, Bolivia, Brazil, Cameroon, Ghana, India, Ivory Coast, Madagascar, Malaysia, Morocco, Pakistan, Peru, Senegal, Singa-

pore, Sri Lanka, Venezuela, Zaire and Zambia, for the purpose of exchanging views with the government authorities of those countries on matters concerning industrial property or copyright.

Similarly, talks took place on such matters with the Secretariats of the United Nations Economic Commission for Africa (ECA) in Addis Ababa in September 1976, the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) in Bangkok in July 1976, the Organization of African Unity (OAU) in Mauritius in July 1976, the African Intellectual Property Organization (OAPI) in Yaoundé in July 1976 and the Latin American Economic System (SELA) in November 1976.

Model Laws for Developing Countries

Inventions and Know-How. The Working Group on the Model Law for Developing Countries on Inventions and Know-How held its fourth and fifth sessions in 1976. The Working Group is responsible for advising the Director General on the revision of the BIRPI Model Law for Developing Countries on Inventions published in 1965.

Experts from the following countries participated in the fourth and fifth sessions: Algeria, Argentina, Cameroon, Cuba (fourth session only), Egypt, France, Germany (Federal Republic of), Hungary (fifth session only), Indonesia, Israel, Kenya, Mexico (fourth session only), Poland, Soviet Union, Spain (fourth session only), Sri Lanka, Tunisia (fourth session only), United Kingdom, United States of America, Zaire (20). The United Nations Conference on Trade and Development (UNCTAD), the United Nations Industrial Development Organization (UNIDO) and the African Intellectual Property Organization (OAPI), as well as a number of international non-governmental organizations, were represented by observers (the first two organizations at the fourth session only). On the basis of the discussions at the first three sessions (held in November 1974, May 1975 and November 1975), the International Bureau had prepared new drafts of the model provisions: for the fourth session, draft model provisions on patentability, the right to the patent and the naming of the invention, the application, the grant of the patent and the refusal of the grant, the duration of the patent, annual fees, and the rights and obligations of the applicant or the owner of the patent; and, for the fifth session, draft model provisions on change in ownership and joint ownership of patent applications and patents, contractual licenses, exploitation of patented inventions without the authorization of the owner of the patent, surrender and invalidation, infringement, the patent office, and know-how. The new drafts were accompanied by a draft commentary and by draft regulations. At its fourth and fifth sessions, the Working Group made recommendations

for improving these drafts. The Working Group will continue the consideration of the draft of the new Model Law at its forthcoming sessions in 1977 and 1978.

Model Law on Copyright for Developing Countries.

A committee of governmental experts to prepare a model law on copyright for developing countries was convened by the Government of Tunisia with the assistance of WIPO and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Tunis in February/March 1976. Delegations from the following 27 countries took part in the work of the committee: Brazil, Cameroon, Central African Republic, Egypt, Gabon, Ghana, India, Iran, Iraq, Ivory Coast, Jordan, Kenya, Kuwait, Libyan Arab Republic, Mali, Mauritania, Mauritius, Mexico, Morocco, Qatar, Senegal, Syrian Arab Republic, Tunisia, United Arab Emirates, Upper Volta, Yugoslavia and Zaïre. The Palestine Liberation Organization, four intergovernmental organizations and 16 international non-governmental organizations sent observers.

The discussions were based on a draft model law, finalized by the International Bureau of WIPO and the Secretariat of Unesco following the meeting of a Committee of African Experts in Abidjan in October 1973, and a commentary on that draft prepared by the two secretariats, as well as on the comments received from States and from interested international organizations.

After a general discussion, the Committee proceeded to a detailed article-by-article study of the draft model law, made a certain number of changes in that draft, adopted the text of the Tunis Model Law on Copyright for Developing Countries and asked the two secretariats to revise the text of the commentary which accompanied the draft model law in the light of its discussions and decisions.

WIPO Permanent Program for Development Cooperation Related to Industrial Property

Establishment and Objectives. As to the new name and enlarged scope of this Program, see p. 32, above.

The new orientation of the WIPO Permanent Program for Development Cooperation Related to Industrial Property takes into account resolution 3362 (S-VII) on "Development and International Economic Co-operation" adopted by the General Assembly of the United Nations at its seventh special session in September 1975.

The objectives of the enlarged Permanent Program include promoting not only the acquisition by developing countries of technology but also promoting inventive and innovative capacity and the development of legislation and institutions in the field of industrial property.

The activities of the International Bureau carried out within the framework of the Permanent Program and the work of the Permanent Committee are summarized in the following paragraphs. (For the most part, these activities related to the corresponding former Permanent Program and former Permanent Committee.)

Permanent Committee. During the year 1976, 11 States informed the Director General of their desire to be members of the Permanent Committee: Bulgaria, Congo, German Democratic Republic, Ghana, Italy, Mauritius, Morocco, Norway, Soviet Union, Uganda, United Arab Emirates. Taking into account the members of the former Permanent Committee and the wishes of countries desiring to be members of the new Permanent Committee, the total number of States members of the new Permanent Committee at the end of 1976 was 51 (see List of States published in the January 1977 issue of this review).

The Permanent Committee held its third session in March 1976. Forty-two States members of the Permanent Committee were represented at the session; 18 other States and 7 governmental and 10 international non-governmental organizations were represented by observers.

The Permanent Committee reviewed the activities carried out under the Permanent Program. Its recommendations are referred to below in connection with the following summary of activities of the Permanent Program.

Industrial Property Licensing in Developing Countries. A Working Group on Guidelines for Industrial Property Licensing in Developing Countries met in June 1976.

Twenty-four States designated experts to participate in the meeting. Ten States sent observers. Six consultants who had advised the International Bureau in the course of the preparation of the documentation for the Working Group took part in the discussions. Three United Nations bodies and two intergovernmental and four international non-governmental organizations also sent observers.

The Working Group examined the draft text of a Guide on the Legal Aspects of the Negotiation and Preparation of Industrial Property Licenses and Technology Transfer Agreements Appropriate to the Needs of Developing Countries, prepared by the International Bureau taking into account the advice of consultants. The Working Group made a number of suggestions to improve the scope, content and presentation of the Guide, the final version of which will be prepared by the International Bureau on the basis of the discussions in the Working Group.

Expert Working Group on Information from Patent Documents. An Expert Working Group on Information from Patent Documents was convened in March 1976. It consisted of experts appointed by the Governments of Algeria, Chile, Cuba, Egypt, France, Germany (Federal Republic of), Indonesia, Kenya, Mexico, Sudan and Zaire and by the International Development Research Centre (Ottawa), consultants to the International Bureau from the Junta del Acuerdo de Cartagena (Andean Group), Austria, Czechoslovakia and India, and observers from the United Nations, the United Nations Conference on Trade and Development (UNCTAD), the United Nations Industrial Development Organization (UNIDO) and the Commission of the European Communities (CEC).

The Expert Group considered not only practical steps concerning the use of the International Patent Classification (IPC), but also the policy, objectives and future direction of activities within the framework of the Permanent Program which are aimed at facilitating access by users in developing countries to technological information in patent documents, for the purposes of strengthening national capacities for technological innovation, adaptation and selection.

The Expert Group adopted a statement containing a factual account and an appraisal of patent documentation as a source of technological information.

Finally, the Expert Group made a number of recommendations concerning international cooperation in the development of technological information services based on patent documentation for users in developing countries, the planning and establishment of national or regional patent documentation and information services and the desirable role of WIPO in such activities.

State-of-the-Art Search Reports: Proposals by Austria. Under agreements concluded in 1975 and 1976 between the Government of Austria and WIPO, the Austrian authorities agreed to provide, free of charge, search reports on the state of the art in response to search requests submitted by developing countries.

Requests were received from Algeria, Argentina, Cuba, Egypt, Israel, Uruguay, Yugoslavia, and Zaire and were submitted to the Austrian Patent Office, which established the corresponding search reports.

WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights

Establishment and Objectives. The WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights was established by the WIPO Conference at its session in September/October 1976. The objectives of the Permanent Program are to promote in favor of developing countries

the encouragement in developing countries of intellectual creation in the literary, scientific and artistic domain, the dissemination, within the competence of WIPO as defined in the WIPO Convention, in developing countries, under fair and reasonable conditions, of intellectual creations in the literary, scientific and artistic domain protected by the rights of authors (copyright) and by the rights of performing artists, producers of phonograms and broadcasting organizations ("neighboring rights"), and the development of legislation and institutions in the fields of copyright and neighboring rights in developing countries.

Permanent Committee. The Organizational Rules adopted by the WIPO Conference for the Permanent Program provide for a Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights. Its functions are to keep the Permanent Program under review and to make recommendations to the WIPO Conference and, between sessions of that Conference, to the WIPO Coordination Committee. On the basis of statements made by delegations at the third session of the WIPO Conference in September/October 1976, to the effect that their countries wished to be members of the Permanent Committee, the latter consists of 24 States (see List of States published in the January 1977 issue of this review).

As in the case of the WIPO Permanent Committee for Development Cooperation Related to Industrial Property, the WIPO Conference also approved special budgetary provisions for the purpose of facilitating participation in the meetings of the Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights by the least developed among the developing countries which are members of the Permanent Committee.

Special Aid Given to the International Bureau by Certain Developed Countries

The Federal Republic of Germany has assigned one of the officials of the German Patent Office to work full time in the International Bureau on WIPO projects on development cooperation.

The United States Patent and Trademark Office has assigned one of its officials to work full time in the International Bureau on WIPO projects on development cooperation.

WIPO Publications

Updated versions of the *WIPO General Information* brochure were published in English, French, German, Russian and Spanish in February 1976 and in Japanese in November 1976. A catalogue of WIPO

Publications (1976) was published in February 1976; the catalogue of WIPO Publications (1977) was published in December 1976.

The WIPO *General Rules of Procedure* (1977 Edition) was published in December 1976.

WIPO Headquarters Building

Further progress was made in the construction of the new building. The main structure has been completed. Much of the heating and air-conditioning equipment, some of the elevators and part of the electrical and plumbing equipment have been installed. The work on the glass building facade was nearing completion.

WIPO Convention

I. Accession

ZAMBIA

The Government of Zambia deposited on February 14, 1977, its instrument of accession to the Convention Establishing the World Intellectual Property Organization (WIPO), signed at Stockholm on July 14, 1967.

The WIPO Convention will enter into force with respect to Zambia on May 14, 1977.

WIPO Notification No. 96, of February 14, 1977.

II. Ratification

ITALY

The Government of Italy deposited on January 20, 1977, its instrument of ratification of the WIPO Convention.

The WIPO Convention will enter into force with respect to Italy on April 20, 1977.

WIPO Notification No. 95, of January 24, 1977.

International Unions

Paris Convention

I. Accession to the Stockholm Act (with the exception of Articles 1 to 12)

ZAMBIA

The Government of Zambia deposited on February 14, 1977, its instrument of accession to the Stockholm Act of July 14, 1967, of the Paris Convention for the Protection of Industrial Property of March 20, 1883, with a declaration to the effect that its accession shall not apply to Articles 1 to 12.

Zambia will belong to Class VII for the purpose of establishing its contribution towards the budget of the Paris Union.

The Stockholm Act of the Paris Convention, with the exception of Articles 1 to 12, will enter into force with respect to Zambia on May 14, 1977.

Paris Notification No. 89, of February 14, 1977.

II. Ratification of the Stockholm Act

ITALY

The Government of Italy deposited on January 20, 1977, its instrument of ratification of the Stockholm Act of July 14, 1967, of the Paris Convention.

The Stockholm Act of the Paris Convention will

enter into force with respect to Italy on April 24, 1977.

Paris Notification No. 88, of January 24, 1977.

Madrid Agreement (Indications of Source)

Ratification of the Additional Act of Stockholm

ITALY

The Government of Italy deposited on January 20, 1977, its instrument of ratification of the Additional Act of Stockholm of July 14, 1967, to the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods of April 14, 1891.

The Additional Act of Stockholm to the Madrid Agreement will enter into force with respect to Italy on April 24, 1977.

Madrid (Indications of Source) Notification No. 20, of January 24, 1977.

Madrid Agreement (Marks)

Ratification of the Stockholm Act

ITALY

The Government of Italy deposited on January 20, 1977, its instrument of ratification of the Stockholm

Act of July 14, 1967, of the Madrid Agreement Concerning the International Registration of Marks of April 14, 1891.

The Stockholm Act of the Madrid Agreement will enter into force with respect to Italy on April 24, 1977.

Madrid (Marks) Notification No. 30, of January 24, 1977.

Nice Agreement

Ratification of the Stockholm Act

ITALY

The Government of Italy deposited on January 20, 1977, its instrument of ratification of the Stockholm Act of July 14, 1967, of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957.

The Stockholm Act of the Nice Agreement will enter into force with respect to Italy on April 24, 1977.

Nice Notification No. 34, of January 24, 1977.

Lisbon Agreement

Ratification of the Stockholm Act

ITALY

The Government of Italy deposited on January 20, 1977, its instrument of ratification of the Stockholm Act of July 14, 1967, of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of October 31, 1958.

The Stockholm Act of the Lisbon Agreement will enter into force with respect to Italy on April 24, 1977.

Lisbon Notification No. 16, of January 24, 1977.

Plant Varieties

International Convention for the Protection of New Varieties of Plants

Ratifications of the Additional Act

BELGIUM

The Government of Belgium deposited on November 5, 1976, according to the notification received from the Government of France by the Secretary-General of the International Union for the Protection of New Varieties of Plants (UPOV) on November 26, 1976, together with its instrument of ratification of the International Convention for the Protection of New Varieties of Plants, signed at Paris on December 2, 1961, its instrument of ratification of the Additional Act of November 10, 1972, amending the said International Convention.

Concurrently with depositing the said instruments of ratification, Belgium indicated that it wished to belong to Class V for the purpose of establishing its contribution towards the budget of UPOV.

Pursuant to the provisions of Article 31(3), the

International Convention entered into force with respect to Belgium on December 5, 1976.

The date of entry into force of the Additional Act will be notified when the required number of ratifications has been reached.

UPOV Notification No. 6, of January 13, 1977.

GERMANY (FEDERAL REPUBLIC OF)

The Government of the Federal Republic of Germany deposited on July 23, 1976, according to the notification received from the Government of France by the Secretary-General of UPOV on November 26, 1976, its instrument of ratification of the Additional Act with the following declaration:

"The said Act shall also apply to Berlin (West) with effect from the date on which it enters into force for the Federal Republic of Germany." (*Translation*)

The date of entry into force of the Additional Act will be notified when the required number of ratifications has been reached.

UPOV Notification No. 5, of January 13, 1977.

WIPO Meetings

WIPO/ECA

I

Diplomatic Conference for the Adoption of an Agreement on the Creation of an Industrial Property Organization for English-Speaking Africa

(Lusaka, December 6 to 9, 1976)

Note*

The Diplomatic Conference

The Diplomatic Conference for the Adoption of an Agreement on the Creation of an Industrial Property Organization for English-Speaking Africa (hereinafter referred to as "the Diplomatic Conference") took place, at the invitation of the Government of the Republic of Zambia, in Lusaka from December 6 to 9, 1976. It had been jointly convened by the World Intellectual Property Organization (WIPO) and the United Nations Economic Commission for Africa (ECA), at the request of a number of English-speaking African countries meeting in Nairobi in October 1975.¹ Thirteen out of the 18 English-speaking African countries invited sent delegations to the Diplomatic Conference and five inter-governmental organizations and one international non-governmental organization were represented by observers. A list of participants follows this Note.

The Diplomatic Conference was opened by the Honorable Dr. Mutumba M. Bull, Minister of Commerce of Zambia. It elected as its Chairman, Mr. G. E. Harre (Zambia) and, as Vice-Chairmen, Mr. B. W. Prah (Ghana) and Mr. D. J. Coward (Kenya). The Deputy Director General of WIPO and Mr. A. M. Akiwumi (ECA) jointly acted as Secretaries General of the Diplomatic Conference.

The Diplomatic Conference was held in implementation of a recommendation contained in a resolution adopted by participants from English-speaking African countries who were attending the African Seminar on Intellectual Property, held at Nairobi in

1972.² This resolution had welcomed a proposal to convene a meeting of heads of industrial property offices of English-speaking African countries with a view to the harmonization of industrial property laws in those countries and to the formation of a central office or other link. WIPO and ECA accordingly convened a Conference on Industrial Property Laws of English-Speaking Africa, which was held at Addis Ababa in 1974³ and which prepared a draft Agreement on the Creation of an Industrial Property Organization for English-Speaking Africa. It was this draft Agreement that was submitted to the Diplomatic Conference in Lusaka.

Adoption of the Agreement. After a thorough examination of its provisions, the Diplomatic Conference adopted, on the basis of the draft submitted to it, a multilateral treaty entitled "Agreement on the Creation of an Industrial Property Organization for English-Speaking Africa." The text of the Agreement is inserted in this issue of the review.⁴ Essentially, it establishes a regional Organization whose objectives cover industrial property cooperation in a wide range of matters, including the harmonization and development of national industrial property laws (Article III). Membership is open to Botswana, Ethiopia, Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Mauritius, Nigeria, Seychelles, Sierra Leone, Somalia, Sudan, Swaziland, Uganda, United Republic of Tanzania and Zambia; other States members of ECA may become members of the Organization under certain conditions (Article IV). The Organization is to maintain close working relationships with WIPO and ECA (Article V) and will cooperate with other appropriate organizations (Article VI), such as the African Intellectual Property Organization (OAPI). The implementation of the Organization's objectives is entrusted to a Council, which will meet at least annually and will normally consist of the heads of the industrial property offices of the member countries (Article VII). The day-to-day work will be performed by a Secretariat (Article VIII).

Signatures. The Agreement was signed on December 9, 1976, on behalf of the following States: Ghana, Kenya, Mauritius, Somalia, Uganda, Zambia. It con-

* This Note has been prepared by the International Bureau of WIPO.

¹ See *Industrial Property*, 1975, p. 335.

² For a Note on that meeting, see *Industrial Property*, 1972, p. 343.

³ See *Industrial Property*, 1974, p. 346.

⁴ See *Industrial Property Laws and Treaties*, MULTILATERAL TREATIES—Text 1-002.

tinues to be open for signature—with the depositary, the Government of the Republic of Zambia—at Lusaka until December 31, 1977.

Adoption of a Resolution. The Diplomatic Conference recognized the importance of continuing the preparatory work begun by the Conference on Industrial Property Laws of English-Speaking Africa and its interim Secretariat provided by WIPO and ECA, so as to ensure that the present cooperation between English-speaking African countries did not lose its momentum, that matters requiring early action could be dealt with expediently and that the future Council and Secretariat of the Organization would have a firm basis on which to start their work. For these purposes, the Diplomatic Conference unanimously adopted the following Resolution:

“The Diplomatic Conference
Meeting at Lusaka from December 6 to 9, 1976,

“*Having unanimously adopted* an Agreement on the Creation of an Industrial Property Organization for English-Speaking Africa (hereinafter designated as ‘the Agreement’);

“*Desirous* that the Agreement should enter into force as soon as possible and that, during the interim period, the preparatory work should continue for the implementation of the objectives of the newly-created Organization (hereinafter designated as ‘the Organization’);

“*Recognizing* the preparatory work that has already been accomplished, in particular the work of the Conference on Industrial Property Laws of English-Speaking Africa (hereinafter designated as ‘the Industrial Property Conference’), its Committees and its interim Secretariat as well as the Resolution adopted by the Industrial Property Conference at its meeting in Addis Ababa from June 4 to 10, 1974, and the Resolutions adopted by the said Committees at their meetings in Nairobi from October 13 to 17, 1975;

“*Noting with special approval* the recommendation made by each of the said Committees at Nairobi for the establishment of a regional Office to assist the States of English-speaking Africa in patent and trademark matters;

“**1. Recommends** that the Governments of the States on whose behalf the Agreement is signed arrange for the prompt ratification of the Agreement in accordance with the constitutional procedures of their countries;

“**2. Invites** all other States named in Article IV of the Agreement urgently to consider acceding to the Agreement;

“**3. Requests** the Industrial Property Conference to prepare the entry into force of the Agreement, in particular by continuing to identify and study all questions for priority decision by the Organization, and to prepare recommendations and other texts for consideration in due course by the Council referred to in Article VII of the Agreement;

“**4. Requests** the United Nations Economic Commission for Africa and the World Intellectual Property Organization to continue to assist the Industrial Property Conference, by carrying out studies and preparing texts on aspects of legal and administrative cooperation in industrial property matters between the States of English-speaking Africa;

“**5. Further requests** the United Nations Economic Commission for Africa and the World Intellectual Property Organization, in consultation with the Bureau of the Industrial Property Conference, to act, until the Secretariat of the Organization is established, as the interim secretariat of the Industrial Property Conference and of the Organization and, in particular:

(i) to convene meetings necessary for the preparation of the work of the Organization;

(ii) to take action to facilitate the future establishment and the work of the Secretariat referred to in Article VIII of the Agreement;

(iii) to convene the first session of the Council referred to in Article VII of the Agreement and to coordinate the preparatory work for that session;

(iv) to take the necessary preparatory steps for the implementation of the project to establish a patent documentation center in the framework of a regional Office,⁵ and to request the required financial and other assistance from the United Nations Development Programme and from States and other Organizations, such as the Commonwealth Secretariat, that may be able to provide such assistance;

“**6. Calls upon** all States of English-speaking Africa to cooperate in the preparation of the work of the Industrial Property Conference and of the Organization and, in particular, to give their individual support to requests for assistance referred to in paragraph 5(iv) above;

⁵ See Resolution I of the Committee for Patent Matters (items 1(8) and 2(3)), published in *Industrial Property*, 1975, p. 335 (*Editor's Note*).

"7. Warmly appreciates the interest of the United Nations Development Programme, which has indicated the possibility that it may be able to provide financial and other assistance in the implementation of the objectives of the Organization."

Closing of the Diplomatic Conference. The Diplomatic Conference requested that its profound gratitude for the hospitality and good organization provided be conveyed to the Government of the Republic of Zambia.

List of Participants*

I. States

Botswana: C. Manyeula. **Gambia:** W. G. Grante. **Ghana:** G. R. Nipah; B. W. Prah; J. G. Okyne. **Kenya:** D. J. Coward; J. N. King'Arui; P. K. Mathanjuki. **Lesotho:** S. P. Tsoako. **Malawi:** M. A. Mhoni. **Mauritius:** A. G. Pillay. **Nigeria:** S. S. A. Ojomo; A. G. Adoh; O. E. Afolabi; R. M. Nwaigwe. **Somalia:** M. J. Mariano; Omar Sheik Osman. **Swaziland:** G. M. Mamba. **Uganda:** J. H. Ntagoba; P. C. Mukasa-Ssali. **United Republic of Tanzania:** R. B. Mngulwi; R. C. Shangali. **Zambia:** J. A. Sakala; G. E. Harre; C. L. Mubanga-Chipoya; A. R. Zikonda; G. C. Nyantuka; M. C. F. Mwiinga.

II. Organizations

United Nations Conference on Trade and Development (UNCTAD): J. G. Karuga. **United Nations Development Programme (UNDP):** W. R. Prattley; J. K. R. England. **African Intellectual Property Organization (OAPI):** P. N'Goma. **Commonwealth Secretariat:** D. W. Sagar. **East African Community:** K. A. Amoo-Adare. **International Association for the Protection of Industrial Property (IAPIP):** M. H. Lowry.

III. Officers of the Conference and of the Committees

Diplomatic Conference

Chairman: G. E. Harre (Zambia). *Vice-Chairmen:* B. W. Prah (Ghana); D. J. Coward (Kenya). *Secretaries General:* A. M. Akiwumi (ECA); K. Pfanner (WIPO).

Credentials Committee

Chairman: M. J. Mariano (Somalia). *Vice-Chairman:* R. B. Mngulwi (United Republic of Tanzania). *Secretary:* I. Thiam (WIPO).

Drafting Committee

Chairman: S. S. A. Ojomo (Nigeria). *Vice-Chairman:* J. H. Ntagoba (Uganda). *Secretary:* D. Devlin (WIPO).

IV. Secretariat

World Intellectual Property Organization (WIPO): K. Pfanner (*Deputy Director General*); I. Thiam (*Head, Development Cooperation Section, Development Cooperation and External Relations Division*); D. Devlin (*Legal Officer, Industrial Property Division*).

tions Division); D. Devlin (*Legal Officer, Industrial Property Division*).

United Nations Economic Commission for Africa (ECA): A. M. Akiwumi (*Regional Adviser (Legal), Addis Ababa*), W. C. Howarth (*Consultant, London*).

II

Conference on Industrial Property Laws of English-Speaking Africa

Committee for Patent Matters and Committee for Trademark and Industrial Design Matters

Second Sessions

(Lusaka, December 8 to 16, 1976)

Note*

The Conference

Convened by the World Intellectual Property Organization (WIPO) and the United Nations Commission for Africa (ECA), at the invitation of the Government of the Republic of Zambia, the Conference on Industrial Property Laws of English-Speaking Africa (hereinafter referred to as "the Industrial Property Conference") held its second session in Lusaka from December 8 to 16, 1976.¹ Twelve out of the 18 English-speaking African countries invited sent delegations; a list of participants follows this Note. In accordance with a resolution of the Industrial Property Conference at its first session, WIPO and ECA acted as the Interim Secretariat of the Industrial Property Conference.

The substantive work of the Industrial Property Conference was performed by its two Committees: the Committee for Patent Matters and the Committee for Trademark and Industrial Design Matters, which were meeting for the second time.²

Committee for Patent Matters. Under the direction of its Chairman, Mr. B. W. Prah (Ghana), this Committee examined a draft Model Law for English-Speaking African Countries on Patents, Utility Certificates and Innovations, together with a detailed

* This Note has been prepared by the International Bureau of WIPO.

¹ A Note on the first session of the Industrial Property Conference, held in Addis Ababa in 1974, was published in *Industrial Property*, 1974, p. 346. The present session was convened at the request of the Committees of the Conference (see the Note on their first sessions, cited below).

² A Note on the Committees' first sessions, held in Nairobi in 1975, was published in *Industrial Property*, 1975, p. 335.

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

commentary, which had been prepared by the International Bureau of WIPO, at the request of the Committee made during its first session. The Committee extensively discussed this document, suggested a number of amendments and made related observations.

The Committee requested the Interim Secretariat to prepare, for its next session, a revised draft of the Model Law and the commentary, which would be based on the Committee's discussions and would take account of further developments in the work of the WIPO Working Group on the Model Law for Developing Countries on Inventions and Know-How.

Committee for Trademark and Industrial Design Matters. Under the direction of its Chairman, Mr. D. J. Coward (Kenya), this Committee examined two documents: one, prepared by the Secretariat of ECA, contained the results of a survey relating to trademark law and practice that had been made with the trademark offices of all the English-speaking African countries; the other, prepared by the International Bureau of WIPO, contained an outline of provisions for a national law on marks, established in the light of recommendations made by the Committee at its first session.³ The discussions of the Committee will provide a good basis for the drafting of a Model Law on Marks for English-Speaking African Countries and a related commentary.

With respect to industrial design matters, the Committee noted that the survey, requested at its first session,⁴ on the desirability of establishing independent industrial design systems in the English-speaking African region would be made at its next session.

For its next session, the Committee requested the Interim Secretariat to prepare, to the extent possible, the first draft of the model law on marks, the survey on industrial designs, and an outline of possible model provisions on industrial designs.

Future Work

The Industrial Property Conference approved the program for future work outlined by each of its Com-

mittees, and decided that the Committees should hold their next sessions in December 1977, preferably in a West African country.

List of Participants*

I. States

Botswana: C. Manyeula. **Gambia:** W. G. Grante. **Ghana:** B. W. Prah; J. G. Okyne. **Kenya:** D. J. Coward; J. N. King'Arui; P. K. Mathanjuki. **Lesotho:** S. P. Tsoako. **Mauritius:** A. G. Pillay. **Nigeria:** S. S. A. Ojomo; A. G. Adoh; O. E. Afolabi; R. M. Nwaigwe. **Somalia:** M. J. Mariano; Omar Sheik Osman. **Swaziland:** G. M. Mamba. **Uganda:** J. H. Ntabgoba. **United Republic of Tanzania:** R. B. Mngulwi; K. A. Amoo-Adare (attached to the Delegation). **Zambia:** G. E. Harre; C. L. Mubanga-Chipoya; A. R. Zikonda; M. C. F. Mwiinga.

II. Officers

Conference

Chairman: B. W. Prah (Ghana). *Vice-Chairman:* D. J. Coward (Kenya).

Committee for Patent Matters

Chairman: B. W. Prah (Ghana). *Vice-Chairman:* J. H. Ntabgoba (Uganda).

Committee for Trademark and Industrial Design Matters

Chairman: D. J. Coward (Kenya). *Vice-Chairman:* S. S. A. Ojomo (Nigeria).

III. Secretariat

World Intellectual Property Organization (WIPO):

K. Pfanner (*Deputy Director General*); I. Thiam (*Head, Development Cooperation Section, Development Cooperation and External Relations Division*); D. Devlin (*Legal Officer, Industrial Property Division*).

Economic Commission for Africa (ECA):

A. M. Akiwumi (*Regional Adviser (Legal) Addis Ababa*); W. C. Howarth (*Consultant, London*).

³ See Resolution II, *Industrial Property*, 1975, p. 336.

⁴ See Resolution III, *Industrial Property*, 1975, p. 337.

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

Letters from Correspondents

Letter from Austria

Wilhelm KISS-HORVATH*

Calendar

WIPO Meetings

1977

February 7 to 9 (Geneva) — ICIREPAT — Plenary Committee

February 14 to 25 (Munich) — International Patent Classification (IPC) — Working Group III

February 16 to 18 (Colombo) — Development Cooperation — Regional Seminar on Industrial Property

February 21 to 24 (Colombo) — Development Cooperation — World Symposium on the Importance of the Patent System to Developing Countries

February 21 to 25 (Geneva) — Berne Union — Working Group on Videocassettes

Note: Meeting convened jointly with Unesco

March 5 to 10 (Baghdad) — Conference on Industrial Property and Transfer of Technology for Arab States

Note: Meeting convened jointly with UNIDO, IDCAS and the Government of Iraq

March 7 to 11 (Geneva) — Permanent Program — Working Group on Technological Information derived from Patent Documentation

March 14 to 18 (Geneva) — Permanent Program — Permanent Committee for Development Cooperation Related to Industrial Property

March 17 to 21 (Geneva) — Permanent Program — Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights

March 21 to 28 (Geneva) — Internal Patent Classification (IPC) — Steering Committee

March 29 to April 1 (Geneva) — International Patent Classification (IPC) — Ad hoc Working Group on the Revision of the IPC Guide

March 29 to April 1 (Bangkok) — Development Cooperation — Asian/Pacific Seminar on the Protection of Performers, Producers of Phonograms and Broadcasting Organisations

Note: Meeting convened jointly with ILO and Unesco

April 14 to 28 (Budapest) — Diplomatic Conference for the Conclusion of a Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure

April 18 to 22 (Geneva) — Nice Union — Temporary Working Group on the Alphabetical List of Goods and Services

April 25 to 29 (Geneva) — International Patent Classification (IPC) — Working Group V

April 25 to 29 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)

May 2 to 6 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)

May 4 to 13 (Geneva) — Nice Union — Diplomatic Conference on the Revision of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks

May 11 to 13 (Geneva) — Paris Union — Ad hoc Coordinating Committee for Technical Activities

May 16 to 27 (Moscow) — International Patent Classification (IPC) — Working Group IV

May 23 to 27 (Rabat) — Development Cooperation — Seminar on Copyright intended for Arab Countries

Note: Meeting convened jointly with Unesco

June 1 to 3 (Geneva) — Paris Union — Advisory Group on Computer Software

June 6 to 10 (Geneva) — Development Cooperation — Working Group on the Model Law for Developing Countries on Inventions and Know-How

June 6 to 17 (Paris) — International Patent Classification (IPC) — Working Group I

June 13 to 17 (Paris) — Berne Union — Working Group on Cable Television

Note: Meeting convened jointly with Unesco

June 20 to July 1 (Washington) — International Patent Classification (IPC) — Working Group II

June 27 to July 1 (Geneva) — Nice Union — Temporary Working Group on the Alphabetical List of Goods and Services

June 29 to July 8 (Geneva) — Paris Union — Preparatory Intergovernmental Committee on the Revision of the Paris Convention

September 21 to 23 (Geneva) — ICIREPAT — Plenary Committee

September 26 to October 4 (Geneva) — WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions; Assemblies of the Madrid and Hague Unions; Committee of Directors of the Madrid Union; Conference of Representatives of the Hague Union

October 10 to 18 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Committees

October 17 to 28 (London) — International Patent Classification (IPC) — Working Group III

October 19 to 22 (Geneva) — Trademark Registration Treaty (TRT) — Interim Committee

October 24 to 28 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)

October 24 to November 2 (Geneva) — Nice Union — Temporary Working Group on the Alphabetical List of Goods and Services

November 7 to 11 (Geneva) — Development Cooperation — Working Group on the Model Law for Developing Countries on Trademarks

November 7 to 11 (Paris) — ICIREPAT — Technical Committee for Standardization (TCST)

November 14 to 21 (Geneva) — International Patent Classification (IPC) — Steering Committee

November 14 to 25 (Geneva) — Paris Union — Preparatory Intergovernmental Committee on the Revision of the Paris Convention

November 22 to 25 (Geneva) — International Patent Classification (IPC) — Committee of Experts

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)

December 9 (Geneva) — Berne Union — Working Group on the Rationalization of the Publication of Laws and Treaties in the Fields of Copyright and Neighboring Rights

1978

February 15 to 24 (Paris) — Berne Union — Committee of Governmental Experts on Double Taxation of Copyright Royalties

Note: Meeting convened jointly with Unesco

September 25 to October 2 (Geneva) — WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions

1979

September 26 to October 3 (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

UPOV Meetings in 1977

Council: December 6 to 9

Consultative Committee: March 11; December 5 and 9

Technical Steering Committee: May 16 to 18; November 15 to 17

Committee of Experts on the Interpretation and Revision of the Convention: March 8 to 10; September 20 to 23

Working Group on Variety Denominations: in the time between September 20 to 23

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

Technical Working Party for Fruit Crops: May 10 to 12 (Madrid - Spain)

Technical Working Party for Agricultural Crops: May 24 to 26 (Hanover - Federal Republic of Germany)

Technical Working Party for Ornamental Plants: June 7 to 9 (Wageningen - Netherlands)

Technical Working Party for Forest Trees: June 14 to 16 (Orleans - France)

Technical Working Party for Vegetables: September 6 to 8 (Aarslev - Denmark)

Meetings of Other International Organizations Concerned with Intellectual Property

1977

February 1 to 4 (Zurich) — International Federation of Musicians — Executive Committee

February 9 to 11 (Monte Carlo) — International Institute of Communications — Symposium

May 1 to 4 (Amsterdam) — Union of European Patent Attorneys — Congress and General Assembly

May 4 and 6 (New York) — International Confederation of Societies of Authors and Composers — Legal and Legislation Committee

May 16 to 18 (Munich) — Deutsche Gesellschaft für Dokumentation — International Symposium on Patent Information and Documentation
(organized in cooperation with WIPO and the German Patent Office)

May 23 to 25 (Dublin) — European Space Agency/European Broadcasting Union — Symposium on Direct Satellite Broadcasting

May 23 to 27 (Rio de Janeiro) — Inter-American Association of Industrial Property — Congress

September 8 and 9 (Antwerp) — International Literary and Artistic Association — Working Session and Executive Committee

September 18 to 21 (Edinburgh) — International League Against Unfair Competition — Working Session

October 25 to 27 (Belgrade) — Council of the Professional Photographers of Europe (EUROPHOT) — Congress

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)

1978

May 8 to 12 (Strasbourg) — Council of Europe — Legal Committee on Broadcasting and Television

May 12 to 20 (Munich) — International Association for the Protection of Industrial Property — Congress

May 29 to June 3 (Paris) — International Literary and Artistic Association — Congress

October 1 to 7 (Santiago de Compostela) — International Federation of Patent Agents — Congress

