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Contents

INTERNATIONAL UNIONS	
- Paris Convention. Accession: Guinea	307
- Vienna Agreement (Type Faces) and Protocol. Ratification of the Agreement and Accession to the Protocol: Germany (Federal Republic of)	307
PLANT VARIETIES	
- International Convention for the Protection of New Varieties of Plants	
I. Ratifications of the 1978 Act: South Africa, Denmark	308
II. Entry Into Force of the 1978 Act	308
WIPO MEETINGS	
- Paris Union. Diplomatic Conference on the Revision of the Paris Convention (Second Session)	
Note	309
List of Participants	310
- Protection of the Olympic Symbol. Diplomatic Conference for the Adoption of a Treaty on the Protection of the Olympic Symbol	
Note	317
List of Participants	317
GENERAL STUDIES	
- The First Three Years of the European Patent Granting Procedure (K. Haertel and R. Singer)	323
NEWS FROM INDUSTRIAL PROPERTY OFFICES	
- Australia	338
- Switzerland	342
BOOK REVIEWS	345
CALENDAR OF MEETINGS	347
INDUSTRIAL PROPERTY LAWS AND TREATIES	
- <i>Editor's Note</i>	
- UNITED STATES OF AMERICA	
United States Code, Title 35—Patents (as last amended by Public Law 96-517 of December 12, 1980) (second segment)	Text 2-001
- MULTILATERAL TREATIES	
Nairobi Treaty on the Protection of the Olympic Symbol, adopted on September 26, 1981	Text 1-007

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International Unions

Paris Convention

Accession

GUINEA

The Government of Guinea deposited, on October 30, 1981, its instrument of accession to the Paris Convention for the Protection of Industrial Property of March 20, 1983, as revised at Stockholm on July 14, 1967.

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

The said Convention as revised will enter into force, with respect to Guinea, on February 5, 1982.

Paris Notification No. 102, of November 5, 1981.

Vienna Agreement (Type Faces) and Protocol

Ratification of the Agreement and Accession to the Protocol

GERMANY (FEDERAL REPUBLIC OF)

The Government of the Federal Republic of Germany deposited, on November 9, 1981, its instrument of ratification of the Vienna Agreement for the Protection of Type Faces and their International Deposit, done at Vienna on June 12, 1973, and its instrument of accession to the Protocol Concerning the Term of Protection under that Agreement.

At the time of depositing its instrument of ratification of the said Agreement, the Government of the Federal Republic of Germany made, with reference to Article 34 of the said Agreement, the following declaration:

"The Federal Republic of Germany grants protection for novel and original type faces in accordance with the provisions of the Law regarding Copyright in Designs and Models (Industrial Design Law) subject to the conditions resulting from the Law of July 6, 1981, concerning the Vienna Agreement of June 12, 1973, for the Protection of Type Faces and their International Deposit (Type Faces Law) (Federal Law Gazette 1981, part II, p. 382)." (Translation)

The said instrument of ratification and the said instrument of accession were accompanied by declarations that the said Agreement and the said Protocol shall also apply to Berlin (West) with effect from the date on which the said Agreement and the said Protocol enter into force for the Federal Republic of Germany.

The date of entry into force of the said Agreement and of the said Protocol will be notified when the required number of ratifications or accessions is reached.

Vienna (Type Faces) Notification No. 3, of November 11, 1981.

Plant Varieties

International Convention for the Protection of New Varieties of Plants

I. Ratifications of the 1978 Act

SOUTH AFRICA

The Government of South Africa deposited, on July 21, 1981, its instrument of ratification of the Act of October 23, 1978, of the International Convention for the Protection of New Varieties of Plants (UPOV) of December 2, 1961, as revised at Geneva on November 10, 1972.

The date of entry into force of the said International Convention will be notified when the required number of ratifications, acceptances, approvals or accessions is reached in accordance with Article 33(1) of the said International Convention.

UPOV Notification No. 20, of July 23, 1981.

DENMARK

The Government of Denmark deposited, on October 8, 1981, its instrument of ratification of the Act of October 23, 1978, of the International Convention for the Protection of New Varieties of Plants (UPOV).

The date of entry into force of the said International Convention is the subject of a separate notification (UPOV Notification No. 22, below).

UPOV Notification No. 21, of October 30, 1981.

II. Entry Into Force of the 1978 Act

The International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised at Geneva on November 10, 1972, and on October 23, 1978 (hereinafter referred to as "the 1978 Act"), will enter into force on

November 8, 1981,

that is, one month after the deposit of the required number of instruments of ratification, acceptance, approval or accession, in respect of the 1978 Act.

In this connection, it is recalled that instruments of ratification or acceptance in respect of the 1978 Act were deposited

- on November 3, 1980, by New Zealand,
- on November 12, 1980, by the United States of America,
- on May 19, 1981, by Ireland,
- on June 17, 1981, by Switzerland,
- on July 21, 1981, by South Africa,
- on October 8, 1981, by Denmark.

Since the number of instruments deposited is more than the required minimum of five instruments and since three of the said instruments were deposited—as required—by States party to the International Convention for the Protection of New Varieties of Plants of December 2, 1961 (that is, Denmark, South Africa and Switzerland), the conditions set forth in Article 33(1) of the 1978 Act for its entry into force have been fulfilled.

Consequently, and in accordance with the provisions of its Article 33(1), the 1978 Act will enter into force on November 8, 1981, with respect to the six States referred to above.

UPOV Notification No. 22, of October 30, 1981.

WIPO Meetings

Paris Union

Diplomatic Conference on the Revision of the Paris Convention

Second Session

(Nairobi, September 28 to October 24, 1981)

NOTE*

The second session of the Diplomatic Conference on the Revision of the Paris Convention was held in Nairobi from September 28 to October 24, 1981.¹

It is recalled that the session was held in Nairobi on the invitation of the Government of Kenya, which, free of charge, put the Kenyatta Conference Centre at the disposal of WIPO for the purposes of the Conference and provided staff and transportation facilities for the same purposes.

The arrangements made by the Kenyan Government were excellent, and the Conference, on the last day of its meetings, adopted a motion expressing the deep gratitude of the Conference for the generous hospitality offered by the Government and people of the Republic of Kenya.

The Director General of WIPO, in the name of WIPO, expressed similar sentiments to the high officials of the Government of Kenya who supervised and arranged the services rendered by that Government to the Conference.

The said second session was attended by representatives of 68 countries, 58 of which are members of the Paris Union.

The countries members of the Paris Union which were represented at the session are the following: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Congo, Czechoslovakia, Denmark, Egypt, Finland, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Hungary, Indonesia, Iraq, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Liechtenstein, Luxembourg, Mexico, Morocco, Monaco, Netherlands, New Zealand, Nigeria, Norway, Philippines, Poland, Portugal, Republic of Korea, Romania, Senegal, Soviet Union, Spain, Sri Lanka, Sweden, Switzerland, Tanzania, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Kingdom,

United States of America, Uruguay, Yugoslavia, Zaire, Zambia.

The countries not members of the Paris Union but members of WIPO which were represented are the following: Chile, China, Colombia, Costa Rica, India, Pakistan, Sudan.

The countries which are members neither of the Paris Union nor of WIPO which were represented are the following: Bangladesh, Lesotho, Rwanda.

The following main officers of the Conference, elected during the first session, were present in Nairobi and continued in their functions during the second session: the President of the Conference, Ambassador A. Sène (Senegal); the Chairman of Main Committee I, Ambassador F. Jiménez Dávila (Argentina); and the Chairman of the Drafting Committee, Mr. G. Vianès (France).

The Chairman of Main Committee II, Mr. J. Szymański (Poland), was in Nairobi only during the first week of the second session. After his departure, he was replaced by Mr. G. Pusztai (Hungary), who was duly elected to this post by the Plenary of the Conference.

The Plenary of the Conference also elected a new Chairman for Main Committee III, in the person of Ambassador W. Schuyler, Jr. (United States of America).

The Credentials Committee elected a new Chairman in the person of Mr. D. J. Coward (Kenya).

The list of participants follows this Note.

The Plenary of the Conference held three meetings, Main Committee I eleven meetings, Main Committee II five meetings, Main Committee III one meeting, the Credentials Committee one meeting, and the Drafting Committee one meeting.

Each of the so-called three Regional Groups held one or more meetings on almost every one of the 21 working days of the second session. The following delegates were the spokesmen of the three Groups: of the Group of Developing Countries, Mr. E.-O. Vanderpuye (Ghana); of Group B (industrialized market economy countries), Mr. P. Braendli (Switzerland); of Group D (industrialized Socialist countries), Mr. I. Nayashkov (Soviet Union).

Main Committee I considered the proposed amendments to Article 5A of the Paris Convention. On the last day of its meetings, agreement was reached on the most controversial questions among the representatives of the Group of Developing Countries, of the majority of Group B, and of Group D. In connection with one of those questions—namely the possibility provided for developing countries to grant, under certain circumstances, an exclusive non-voluntary license to exploit

* Prepared by the International Bureau.

¹ For the Note on the first session, see *Industrial Property*, 1980, p. 144.

the patented invention—the Delegation of the United States of America declared that it could not accept a treaty providing for such a possibility, while, on the same occasion, the Delegations of Australia and New Zealand declared their profound disappointment that the said agreement did not provide for the possibility of all or certain countries other than developing countries having the same possibilities as would be available to developing countries under the said agreement. The Chairman of Main Committee I, in his report to the Plenary of the Conference, said that, because of the results achieved in Main Committee I, the Nairobi session signified enormous progress on the road to the desired revision of the Paris Convention and that the advance achieved in that session should be of particular usefulness to developing countries.

Main Committee II considered the proposed amendments to Article I of the Paris Convention, whereas Main Committee III had a preliminary discussion on some of the final clauses. No agreements were reached or decisions made by either of those Main Committees.

In its closing meeting of the second session, the Plenary of the Diplomatic Conference adopted the following decision:

“The Diplomatic Conference...

“Considering the encouraging progress made in its second session,

“Considering, however, that it was not possible to complete its agenda during the second session,

“Noting that, consequently, it is necessary to continue its work,

“Requests the Assembly of the International Union for the Protection of Industrial Property at its forthcoming session in November 1981 to take the measures necessary for the continuation of the Diplomatic Conference at the earliest possible date and to give the appropriate directions to the International Bureau of Intellectual Property.”

LIST OF PARTICIPANTS

I. States

ALGERIA¹

Head of the Delegation

D. Hadj-Sadok, Directeur général, Institut algérien de normalisation et de propriété industrielle, Alger

Deputy Head of the Delegation

O. Benchehida, Chargé d'affaires, Ambassade d'Algérie, Nairobi

Delegates

L. Zebdji, Chef du Département des inventions, Institut algérien de normalisation et de propriété industrielle, Alger

F. Bouzid, Chef du Département des marques, des dessins et modèles, et des appellations d'origine, Institut algérien de normalisation et de propriété industrielle, Alger

A. Baali, Chef du Bureau des conventions, Ministère des affaires étrangères, Alger

A. Driss, Attache, Ambassade d'Algérie, Nairobi

ARGENTINA¹

Head of the Delegation

F. Jiménez Dávila, Embajador, Misión Permanente, Ginebra

Delegates

L. Molina Zuviria, Jefe, Departamento de Patentes de Invención, Secretaría de Desarrollo Industrial, Buenos Aires

J. Pereira, Secretario de Embajada, Misión Permanente, Ginebra

M. A. Fernández, Secretario de Embajada, Embajada de Argentina, Nairobi

AUSTRALIA¹

Head of the Delegation

C. H. Frimann, Deputy Commissioner of Patents, Deputy Registrar of Trade Marks, Patent, Trade Marks and Designs Office, Canberra

Alternate Head of the Delegation

P. A. D. Smith, Senior Assistant Commissioner (Policy), Patent, Trade Marks and Designs Office, Canberra

Delegates

R. G. Crick, First Secretary, High Commission for Australia, Nairobi

D. K. Johnstone, Second Secretary, High Commission for Australia, Nairobi

AUSTRIA¹

Head of the Delegation

O. Leberl, President of the Austrian Patent Office, Director General of the Industrial Property Department, Federal Ministry of Trade, Commerce and Industry, Vienna

Alternate Heads of the Delegation

G. Woschnagg, Ambassador, Embassy of Austria, Nairobi

G. Mayer-Dollner, Superior Counsellor, Industrial Property Department, Federal Ministry of Trade, Commerce and Industry, Vienna

Delegate

M. Breisky, Minister-Counsellor, Embassy of Austria, Nairobi

BANGLADESH

Head of the Delegation

A. N. Hamidullah, High Commissioner, High Commission for Bangladesh, Nairobi

BELGIUM¹

Head of the Delegation

Vicomte G. Vilain XIII, Ambassadeur, Ambassade de Belgique, Nairobi

Deputy Head of the Delegation

J. Degavre, Conseiller adjoint, Ministère des affaires économiques, Bruxelles

Delegate

F. Gevers, Président du Conseil supérieur de la propriété industrielle, Bruxelles

BRAZIL¹

Head of the Delegation

A. Gurgel de Alencar, Minister Counsellor, Deputy Permanent Representative, Permanent Mission, Geneva

Alternate Head of the Delegation

J. A. Marcondes de Carvalho, Assistant to the Head of the Economic Department, Ministry of Foreign Relations, Brasilia

Advisors

C. R. Treiguer, Assistant to the President, National Institute of Industrial Property, Rio de Janeiro

M. F. Cruz Filho, Advisor to the President, National Institute of Industrial Property, Rio de Janeiro

¹ Member of the Paris Union.

² Member of WIPO but not of the Paris Union.

BULGARIA¹*Delegate*

K. Iliev, Directeur général, Institut des inventions et des rationalisations, Sofia

CANADA¹*Head of the Delegation*

F. Hay, Director, Research and International Affairs, Department of Consumer and Corporate Affairs, Ottawa

Alternate Head of the Delegation

M. Vujnovich, Commercial Counsellor, High Commission for Canada, Nairobi

Delegates

M. Leir, Economic and Treaty Law Division, Department of External Affairs, Ottawa

R. Thèberge, Research and International Affairs, Department of Consumer and Corporate Affairs, Ottawa

J. Butler, Research and International Affairs, Department of Consumer and Corporate Affairs, Ottawa

M. Johnston, Attorney-at-Law, Malcolm Johnston & Associates, Toronto

CHILE²*Delegate*

J. Becker Marshall, Secretario de Embajada, Embajada de Chile, Nairobi

CHINA²*Head of the Delegation*

Tang Zongshun, Director, Legal Affairs Department, Chinese Patent Office, Beijing

Delegates

Guo Shoukang, Associate Professor of Law, Chinese People's University, Beijing

Huang Renxun, Expert, Trademark Bureau, General Administration for Industry and Commerce, Beijing

Wang Zhengfa, Deputy Chief, Patent Agency, Legal Affairs Department, China Council for the Promotion of International Trade, Beijing

Zhou Guoyong, Third Secretary, Embassy of China, Nairobi

COLOMBIA²*Head of the Delegation*

G. Nannetti Concha, Embajador, Embajador de Colombia, Nairobi

Deputy Head of the Delegation

R. Alzate de Wilches, Superintendente, Superintendencia de Industria y Comercio, Bogotá

CONGO¹*Head of the Delegation*

A. Gabou, Procureur général près la Cour suprême, Conseiller technique, Ministère de la coopération, Brazzaville

Delegates

F. Dibas, Conseiller, Ministère de l'industrie et de la pêche, Brazzaville

J. P. Berri, Directeur des affaires administratives et financières, Ministère de la jeunesse et des sports, Brazzaville

S. Nkakou née Moundzuala, Inspectrice d'éducation physique et sportive, Directeur administratif du Comité olympique congolais, Brazzaville

D. Ngassaki, Chef de l'antenne nationale de la propriété industrielle, Ministère de l'industrie et du tourisme, Brazzaville

S. Bayalama, Chef de la Section des questions juridiques, Ministère des affaires étrangères, Brazzaville

COSTA RICA²*Delegate*

O. Cabo, Secretaria, Consulado General de Costa Rica, Nairobi

CZECHOSLOVAKIA¹*Head of the Delegation*

V. Vaniš, Vice-President, Office for Inventions and Discoveries, Prague

Delegates

J. Prošek, Head of Department, Office for Inventions and Discoveries, Prague

V. Špaček, First Secretary, Embassy of Czechoslovakia, Nairobi

DENMARK¹*Head of the Delegation*

K. Skjødt, Director, Patent and Trade Mark Office, Copenhagen

Alternate Head of the Delegation

D. Simonsen, Head of Office, Patent and Trade Mark Office, Copenhagen

EGYPT¹*Head of the Delegation*

M. N. Askalani, Ambassador, Embassy of Egypt, Nairobi

Alternate Head of the Delegation

F. El Ibrashi, Minister Plenipotentiary, Ministry of Foreign Affairs, Cairo

Delegates

M. Abd El Naby, Counsellor, Embassy of Egypt, Nairobi

F. M. Baraka, Counsellor, Embassy of Egypt, Nairobi

T. O. Dinana, First Secretary, Ministry of Foreign Affairs, Cairo

FINLAND¹*Head of the Delegation*

O. Lares, Ambassador, Director for Legal Affairs, Ministry for Foreign Affairs, Helsinki

Deputy Head of the Delegation

T. Kivi-Koskinen, Director General, National Board of Patents and Registration, Helsinki

Delegates

E. Wuori, Deputy Director General, National Board of Patents and Registration, Helsinki

A.-R. Ketokoski, Counsellor, Ministry for Foreign Affairs, Helsinki

M. Huhta, Second Secretary, Ministry for Foreign Affairs, Helsinki

Advisors

V. Vainio, Director, Confederation of Finnish Industries, Helsinki

S. Henriksson, Legal Adviser, Confederation of Finnish Industries, Helsinki

FRANCE¹*Head of the Delegation*

R. Duzer, Ambassadeur extraordinaire et plénipotentiaire, Ambassade de France, Nairobi

Alternate Head of the Delegation

G. Vianès, Chef du Service de la propriété industrielle, Directeur de l'Institut national de la propriété industrielle, Ministère de l'industrie, Paris

Delegates

M. Hiance, Conseiller juridique, Institut national de la propriété industrielle, Paris

L. Nicodème, Secrétaire-adjoint principal des affaires étrangères, Direction des affaires économiques et financières, Ministère des relations extérieures, Paris

R. Tinlot, Inspecteur général, Ministère de la consommation, Paris

Advisors

A. Françon, Professeur à l'Université de Paris II, Paris

P. Macé, Conseiller économique et commercial, Ambassade de France, Nairobi

P. Rouyre, Membre du Conseil supérieur de la propriété industrielle, Paris

GERMAN DEMOCRATIC REPUBLIC¹*Head of the Delegation*

D. Schack, Head, International Cooperation Department, Office for Inventions and Patents, Berlin

Delegates

F. Jonkisch, Head, Legal Main Department, Office for Inventions and Patents, Berlin

M. Förster, Interpreter, Office for Inventions and Patents, Berlin

GERMANY (FEDERAL REPUBLIC OF)¹*Head of the Delegation*

A. Kühn, Ambassador, Embassy of the Federal Republic of Germany, Nairobi

Alternate Head of the Delegation

E. Steup, Head of Section, Federal Ministry of Justice, Bonn

Delegates

K.-P. Klaiber, Counsellor, Embassy of the Federal Republic of Germany, Nairobi

M. Auz Castro, Counsellor, German Patent Office, Munich

Advisors

G. Albrechtskirchinger, Lawyer, Frankfurt

H. Bezzenberger, Frankfurt

E. Fischer, Lawyer, Frankfurt

K.-J. Heimbach, Leverkusen

H. P. Kunz-Hallstein, Lawyer, Max Planck Institute for Foreign and International Patent, Copyright and Competition Law, Munich

GHANA¹*Head of the Delegation*

E. Y. Agorsor, Acting High Commissioner, High Commission for Ghana, Nairobi

Alternate Head of the Delegation

D. M. Mills, Registrar-General, Registrar-General's Department, Ministry of Justice, Accra

Deputy Head of the Delegation

E.-D. Vanderpuye, Counsellor, Permanent Mission, Geneva

GREECE¹*Head of the Delegation*

A. Afenduli, Ambassador, Embassy of Greece, Nairobi

Delegate

D. Hadjimichalis, Special Legal Adviser, Ministry of Commerce, Athens

Advisor

A. Argyriadis, Professor of Law, University of Athens, Chairman, Legislative Committee for Industrial Property, Athens

HUNGARY¹*Head of the Delegation*

G. Pusztai, Président, Office national des inventions, Budapest

Delegates

J. Bobrovsky, Chef de Département, Office national des inventions, Budapest

G. Bánrévy, Chef adjoint de Département, Ministère du commerce extérieur, Budapest

L. Mohácsy, Chef adjoint de Département, Comité national pour le développement technique, Budapest

G. Szénási, Deuxième Secrétaire, Ministère des affaires étrangères, Budapest

INDIA²*Head of the Delegation*

S. M. Ghosh, Secretary, Department of Industrial Development, New Delhi

Delegates

S. D. Jha, Joint Secretary, Ministry of Law, New Delhi

A. Malhotra, Second Secretary, High Commission for India, Nairobi

INDONESIA¹*Head of the Delegation*

M. Sidik, Minister Counsellor, Permanent Mission, Geneva

Alternate Head of the Delegation

W. Martosewojo, Director, Directorate of Patent and Copyright, Department of Justice, Jakarta

Delegates

H. Reksodiputro, Third Secretary, Permanent Mission, Geneva

S. Sikar, Official of the Directorate of Treaties and Legal Affairs, Department of Foreign Affairs, Jakarta

IRAQ¹*Head of the Delegation*

Z. Haidar, Ambassador, Embassy of Iraq, Nairobi

Delegates

A. S. Ahmed, Commercial Counsellor, Embassy of Iraq, Nairobi

H. M. Amin, First Secretary, Embassy of Iraq, Nairobi

A. H. Sarhan, Administrative Officer, Embassy of Iraq, Nairobi

IRELAND¹*Head of the Delegation*

M. J. Quinn, Controller of Patents, Designs and Trade Marks, Patents Office, Dublin

Alternate Head of the Delegation

F. McCarthy, Legal Advisor, Office of the Attorney General, Dublin

Delegate

B. Lyons, First Secretary, Embassy of Ireland, Nairobi

ISRAEL¹*Delegates*

Y. Tsur, Commissioner of Patents, Designs and Trade Marks, Patent Office, Ministry of Justice, Jerusalem

M. Yedid, Permanent Representative, Permanent Mission of Israel to the UNEP and Habitat, Nairobi

ITALY¹*Head of the Delegation*

A. V. de Mohr Sunnegg Morberg, Premier Conseiller, Mission permanente, Genève

Delegate

R. Boros, Direction générale, Programmation et développement, Ministère des participations d'Etat, Rome

Advisor

C. Fiammenghi, Avocat, Expert du Collège italien des consultants en propriété industrielle et du Groupe italien de l'Association internationale pour la protection de la propriété industrielle (AIPPI), Rome

IVORY COAST¹*Head of the Delegation*

B. T. Aka, Responsable du Service de la technologie et de l'information industrielle, Ministère du plan et de l'industrie, Abidjan

Alternate Head of the Delegation

K. F. Ekra, Conseiller, Mission permanente, Genève

JAPAN¹*Head of the Delegation*

T. Kosugi, Ambassador Extraordinary and Plenipotentiary, Embassy of Japan, Nairobi

Alternate Head of the Delegation

H. Shimada, Director-General, Patent Office, Tokyo

Alternate Delegates

I. Shamoto, Director-General, Department of Appeal, Patent Office, Tokyo

S. Sato, Official, International Conventions Division, Treaties Bureau, Ministry of Foreign Affairs, Tokyo

S. Uemura, First Secretary, Permanent Mission, Geneva

Advisors

M. Fujioka, Deputy Director, General Administration Division, General Administration Department, Patent Office, Tokyo

M. Hayama, Second Secretary, Embassy of Japan, Nairobi

Y. Numazawa, Official, Specialized Agencies Division, United Nations Bureau, Ministry of Foreign Affairs, Tokyo

S. Imai, Second Secretary, Embassy of Japan, Nairobi

K. Ishimaru, Director, Japan Trade Center, Düsseldorf

KENYA¹*Head of the Delegation*

J. K. Kamere, Attorney General, Attorney General's Chambers, Nairobi

Alternate Head of the Delegation

D. J. Coward, Registrar-General, Registrar-General's Department, Nairobi

Delegate

J. N. King'Arui, Deputy Registrar-General, Registrar-General's Department, Nairobi

LESOTHO

Delegate

H. S. Nyankale, Part-time Lecturer, National University of Lesotho, Maseru

LIECHTENSTEIN¹*Head of the Delegation*

A. Ritz, Collaborateur diplomatique, Vaduz

LUXEMBOURG¹*Head of the Delegation*

J. P. Kleiweg de Zwaan, Conseiller, Ambassade des Pays-Bas, Nairobi

MEXICO¹*Head of the Delegation*

G. Zárate Tristain, Director General de Inventiones y Marcas, Secretaría de Patrimonio y Fomento Industrial, México

Alternate Delegates

J. M. Terán Contreras, Director General del Derecho de Autor, Secretaría de Educación Pública, México

J. Cordero Rossell, Consejero, Embajada de México, Nairobi

Advisors

A. Cantoral Tellaecbe, Subdirector de Operaciones, Dirección General de Inventiones y Marcas, Secretaría de Patrimonio y Fomento Industrial, México

V. C. García Moreno, Asesor de Asuntos Internacionales de Derecho de Autor, Secretaría de Educación Pública, México

J. A. Flores Cano, Asesor Jurídico de Derecho de Autor, Secretaría de Educación Pública, México

V. J. Blanco Labra, Asesor Jurídico, México

MONACO¹*Head of the Delegation*

E. R. Franzi, Chargé de mission, Département des finances et de l'économie, Monaco

MOROCCO¹*Head of the Delegation*

A. Skalli, Ambassadeur, Mission permanente, Genève

Alternate Heads of the Delegation

M. S. Abderrazik, Directeur, Office marocain de la propriété industrielle, Casablanca

T. Rhoufrani, Chargé d'affaires, Ambassade du Maroc, Nairobi

Delegate

A. Bojji, Deuxième Secrétaire, Mission permanente, Genève

NETHERLANDS¹*Head of the Delegation*

E. Tydeman, Ambassador Extraordinary and Plenipotentiary, Embassy of the Netherlands, Nairobi

Deputy Head of the Delegation

J. Dekker, President, Patent Office, Rijswijk

Delegates

W. Neervoort, Member, Patent Office, Rijswijk

H. J. G. Pieters, Advisor on Industrial Property Matters, Legislation and Other Legal Affairs Department, Ministry of Economic Affairs, The Hague

E. L. M. Kalshoven van Tijen, Treaties Preparation Section, Ministry of Foreign Affairs, The Hague

F. E. R. Rhodius, First Secretary, Embassy of the Netherlands, Nairobi

Advisor

D. Hijmans, Patent Agent, Rijswijk

NEW ZEALAND¹*Head of the Delegation*

R. M. Richards, Deputy Permanent Representative, Permanent Mission, Geneva

NIGERIA¹*Head of the Delegation*

I. A. Owoyele, Principal Assistant Registrar, Trade Marks, Patents, Designs & Copyright Division, Federal Ministry of Commerce, Lagos

NORWAY¹*Head of the Delegation*

A. G. Gerhardsen, Director General, Norwegian Patent Office, Oslo

Alternate Head of the Delegation

T. Afsen, Head of Division, Ministry of Industry, Oslo

Advisors

J. Smith, Deputy Director General, Norwegian Patent Office, Oslo

B. Bye, Counsellor, Ministry of Foreign Affairs, Oslo

PAKISTAN²*Head of the Delegation*

M. A. Khan, Chargé d'affaires, a.i., Embassy of Pakistan, Nairobi

Delegate

P. Nighat, Commercial Attaché, Embassy of Pakistan, Nairobi

PHILIPPINES¹*Head of the Delegation*

F. F. Santos, First Secretary, Permanent Mission, Geneva

Delegate

Z. M. Alberto, Second Secretary and Consul, Embassy of the Philippines, Nairobi

POLAND¹*Head of the Delegation*

J. Wittek, Ambassadeur extraordinaire et plénipotentiaire, Ambassade de Pologne, Nairobi

Deputy Head of the Delegation

J. Szomański, Président, Office des brevets, Varsovie

Delegate

B. Rokicki, Chef de la Section de la coopération internationale, Office des brevets, Varsovie

PORTUGAL¹*Head of the Delegation*

J. Pereira Bastos, Ambassadeur, Ambassade du Portugal, New Delhi

Alternate Head of the Delegation

J. Mota Maia, Directeur général, Institut national de la propriété industrielle, Lisbonne

Delegates

R. Morais Serrão, Directeur, Service des marques, Institut national de la propriété industrielle, Lisbonne

J. Van-Zeller Garin, Conseiller juridique, Institut national de la propriété industrielle, Lisbonne

J. Pereira da Cruz, Agent officiel de la propriété industrielle, Lisbonne

REPUBLIC OF KOREA¹*Head of the Delegation*

Sang Sub Lee, Administrator, Office of Patents Administration, Seoul

Alternate Head of the Delegation

Suk-Jae Kang, Ambassador Extraordinary and Plenipotentiary, Embassy of the Republic of Korea, Nairobi

Delegates

Dae-Hwa Choi, Counsellor, Embassy of the Republic of Korea, Nairobi

Boo-Hong Hwang, Director, Treaties Division II, Ministry of Foreign Affairs, Seoul
 Kwang-Sun Chung, Officer of Legal Affairs, Office of Patents Administration, Seoul

ROMANIA¹*Head of the Delegation*

N. Neagos, Premier Secrétaire, Ambassade de Roumanie, Khartoum

Alternate Head of the Delegation

M. N. Velicescu, Chef de la Représentation économique de la Roumanie, Nairobi

RWANDA

Head of the Delegation

I. Munyeshyaka, Ambassadeur, Ambassade du Rwanda, Nairobi

Delegate

S. Ndimubanzi, Premier Conseiller, Ambassade du Rwanda, Nairobi

SENEGAL¹*Head of the Delegation*

A. Sène, Ambassadeur, Représentant permanent, Mission permanente, Genève

Delegate

A. M. Dieng, Ingénieur chargé de la propriété industrielle, Direction de l'industrie, Ministère du développement industriel, Dakar

SOVIET UNION¹*Head of the Delegation*

I. Nayashkov, Chairman, USSR State Committee for Inventions and Discoveries, Moscow

Deputy Head of the Delegation

V. Zubarev, Director, External Relations Department, USSR State Committee for Inventions and Discoveries, Moscow

Delegates

V. Rohtchine, Counsellor, USSR Council of Ministers, Moscow
 L. Kostikov, Assistant to the Chairman, USSR State Committee for Inventions and Discoveries, Moscow

I. Gyrdymov, Deputy Director, External Relations Department, USSR State Committee for Inventions and Discoveries, Moscow

M. Boguslavsky, Professor, State and Law Institute, USSR Academy of Sciences, Moscow

A. I. Korchma, Attaché, Ministry of Foreign Affairs, Moscow

Advisors

Y. Smirnov, Head, Licensing Department, USSR State Committee for Inventions and Discoveries, Moscow

R. Shabanov, Head, Department of Trademarks and Industrial Designs, USSR State Committee for Inventions and Discoveries, Moscow

V. Dolmatov, First Secretary, USSR Permanent Mission to International Organizations, Nairobi

L. Safonov, First Secretary, Embassy of the Soviet Union, Nairobi

SPAIN¹*Head of the Delegation*

J. Fernández de Ybarra Moreno, Director General, Registro de la Propiedad Industrial, Madrid

Alternate Head of the Delegation

J. Delicado Montero-Rios, Director, Departamento de Estudios y Relaciones Internacionales, Registro de la Propiedad Industrial, Madrid

Delegates

S. Jessel, Directora, Departamento de Patentes y Modelos, Registro de la Propiedad Industrial, Madrid

A. Casado Cerviño, Jefe, Servicio de Relaciones Internacionales, Registro de la Propiedad Industrial, Madrid

Advisor

A. Bercovitz, Catedrático de Derecho Mercantil, Universidad Nacional de Educación a Distancia, Ciudad Universitaria, Madrid

SRI LANKA¹*Head of the Delegation*

S. Poologasingam, Acting High Commissioner, High Commission for Sri Lanka, Nairobi

SUDAN²*Head of the Delegation*

A.M.O. Yassin, Registrar-General, Commercial Registrar General Office (Administration of Companies), Attorney General's Chambers, Khartoum

Delegate

T.F. Estafanos, Registrar of Trade Marks, Commercial Registrar General Office (Administration of Companies), Attorney General's Chambers, Khartoum

SWEDEN¹*Head of the Delegation*

G. Borggård, Director General, Royal Patent and Registration Office, Ministry of Commerce, Stockholm

Deputy Head of the Delegation

S. Norberg, Under-Secretary for Legal Affairs and Administration, Ministry of Commerce, Stockholm

Delegates

C. Ugglä, President, Court of Patent Appeals, Stockholm

M. Jacobsson, Legal Adviser, Ministry of Justice, Stockholm

M. Wilkens, Counsellor, Embassy of Sweden, Nairobi

Advisors

L. Körner, Director, Federation of Swedish Industries, Stockholm

T. Hård, Secretary, Federation of Swedish Industries, Stockholm

SWITZERLAND¹*Head of the Delegation*

P. Braendli, Directeur, Office fédéral de la propriété intellectuelle, Berne

Alternate Heads of the Delegation

R. Kämpf, Chef de la Section du droit des brevets et des dessins et modèles, Office fédéral de la propriété intellectuelle, Berne

F. Balles, Chef de la Section des marques, Office fédéral de la propriété intellectuelle, Berne

Delegates

J.-M. Salamolard, Adjoint scientifique, Office fédéral de la propriété intellectuelle, Berne

H. K. Züst, Attaché, Ambassade de Suisse, Nairobi

M. Kummer, Secrétaire du Directoire de l'Union suisse du commerce et de l'industrie, Zurich

TANZANIA¹*Head of the Delegation*

G. B. Liundi, Minister Counsellor, Permanent Mission, Geneva

Delegate

L. T. Kalunga, Principal State Attorney, Ministry of Justice, Dar es Salaam

TRINIDAD AND TOBAGO¹*Head of the Delegation*

W. S. Naimool, Ambassador, Permanent Representative, Permanent Mission, Geneva

Alternate Head of the Delegation

V. Lasse, Counsellor, Permanent Mission, Geneva

TUNISIA¹*Head of the Delegation*

A. Miladi, Directeur, Ministère de l'économie nationale, Tunis

TURKEY¹*Head of the Delegation*

N. Karaköylü, Ambassador, Embassy of Turkey, Nairobi

Deputy Head of the Delegation

N. Yosmaoğlu, Director of Section, General Directorate of Industrial Property, Ministry of Industry and Technology, Ankara

UGANDA¹*Head of the Delegation*

G. A. M. Ndagije, Acting Registrar General, Ministry of Justice, Kampala

Delegate

A. E. Kaboggoza-Musoke, Assistant Registrar General, Ministry of Justice, Kampala

UNITED KINGDOM¹*Head of the Delegation*

I. J. G. Davis, Comptroller General of Patents, Designs and Trade Marks, The Patent Office, London

Deputy Head of the Delegation

V. Tarnofsky, Assistant Comptroller, The Patent Office, London

Delegates

L. Lewis, Senior Examiner, The Patent Office, London
J. W. B. Richards, First Secretary, Permanent Mission, Geneva
R. K. Gardiner, Assistant Legal Adviser, Foreign & Commonwealth Office, London

Advisors

J. M. Aubrey, Courtaulds Limited, London
E. R. Wenman, Imperial Chemical Industries Limited, London
C. G. Wickham, Chairman, Industrial Property Panel, Confederation of British Industry, London

UNITED STATES OF AMERICA¹*Head of the Delegation*

W. E. Schuyler, Jr., Ambassador, Department of State, Washington, D. C.

Alternate Heads of the Delegation

M. K. Kirk, Director, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce, Washington, D. C.
H. J. Winter, Director, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State, Washington, D. C.

Advisors

L. Schroeder, Industrial Property Specialist, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce, Washington, D. C.
G. R. Clark, Sunbeam Corporation, Oak Brook, Illinois
J. A. DeGrandi, Beveridge, DeGrandi, Kline and Lunsford, Washington, D. C.
L. W. Evans, Standard Oil Company, Cleveland, Ohio
B. Pattishall, Pattishall, McAuliffe and Hofstetter, Chicago, Illinois
A. S. Cooper, Schuyler, Banner, Birch, McKie and Beckett, Washington, D. C.
R. C. Witte, Procter and Gamble, Cincinnati, Ohio
D. R. Dunner, Finnegan, Henderson, Farabow, Garrett and Dunner, Washington, D. C.
T. E. Smith, Lee, Smith and Jager, Chicago, Illinois

URUGUAY¹*Delegate*

J. C. Speranza, Asesor Letrado de la Dirección de la Propiedad Industrial, Ministerio de Industria y Energía, Montevideo

YUGOSLAVIA¹*Head of the Delegation*

D. Bošković, Director, Federal Patent Office, Belgrade

Alternate Head of the Delegation

R. Terzić, Ambassador, Embassy of Yugoslavia, Nairobi

Delegates

D. Čemalović, Senior Adviser, Federal Patent Office, Belgrade
Z. Bašić, First Secretary, Embassy of Yugoslavia, Nairobi

ZAIRE¹*Head of the Delegation*

M. Ndeze, Ambassadeur, Ambassade du Zaïre, Nairobi

Delegates

B. Boloto-Byongo, Conseiller du Premier Commissaire d'Etat chargé des questions économiques et de gestion des entreprises publiques, Kinshasa
K. Kivuath Kaj, Conseiller principal au Conseil législatif, Kinshasa

ZAMBIA¹*Head of the Delegation*

J. M. Chimba, High Commissioner, High Commission for Zambia, Nairobi

Deputy Head of the Delegation

A. R. Zikonda, Registrar of Patents, Trade Marks, Companies and Business Names, Ministry of Commerce and Industry, Lusaka

Delegate

M. C. J. Kunkuta, Deputy Registrar of Patents, Trade Marks, Companies and Business Names, Ministry of Commerce and Industry, Lusaka

II. Intergovernmental Organizations

United Nations: United Nations Industrial Development Organization (UNIDO)

R. Kloeppig, Senior Industrial Development Officer, Unido Technology Programme, Vienna
G. Bekele, Senior Industrial Development Field Adviser, Nairobi
P. K. F. Herrmann, Junior Professional Officer, Nairobi

United Nations: Office of the United Nations High Commissioner for Refugees (UNHCR)

I. Ngandu, UNHCR Representative, Nairobi
M. den Hond, Legal Protection Officer, Nairobi

African Intellectual Property Organization (OAPI)

K. A. Johnson, Chef du Service des marques, des dessins et modèles industriels et des appellations d'origine, Yaoundé

European Communities

B. Harris, Chef de la Division de la propriété intellectuelle, Direction générale du marché intérieur et des affaires industrielles, Commission des Communautés européennes, Bruxelles
B. Schwab, Administrateur principal, Direction générale du marché intérieur et des affaires industrielles, Commission des Communautés européennes, Bruxelles
U. Brühann, Administrateur, Direction générale du marché intérieur et des affaires industrielles, Commission des Communautés européennes, Bruxelles
A. McClellan, Conseiller juridique, Service juridique, Commission des Communautés européennes, Bruxelles
J. Bourgeois, Conseiller juridique, Service juridique, Commission des Communautés européennes, Bruxelles
E. Boullez, Administrateur, Direction générale de l'agriculture, Commission des Communautés européennes, Bruxelles
L. Salzmann, Economic Adviser, Delegation of the Commission of the European Communities, Nairobi

European Patent Organisation (EPO)

J. C. A. Stachelin, Vice-President, Directorate General 5, Legal Affairs and International Relations, Munich
U. J. Schatz, Principal Director, International Affairs, Munich

European Space Agency (ESA)

R. Oosterlinck, Chef du Service de la propriété intellectuelle, Paris

Industrial Property Organization for English-Speaking Africa (ESARIPO)

J. H. Ntagoba, Director, Nairobi
E. Lartey, Chief Technical Adviser, Nairobi

Secretariat of the Interim Committee for the Community Patent

V. Scordamaglia, Head of Division, Brussels
 J.-F. Faure, Administrator, Brussels
 J. Huber, Administrator, Brussels
 K. Mellor, Administrator, Brussels

III. Non-Governmental International Organizations*Asian Patent Attorneys Association (APAA)*

K. Asamura, Patent Attorney, Tokyo
 N. Kato, Patent Attorney, Tokyo
 F. Ohtsuka, Patent Attorney, Tokyo
 Y. Uchida, Patent Attorney, Tokyo

International Association for the Protection of Industrial Property (IAPIP)

G. Gaultier, Rapporteur général de l'AIPPI, Paris
 M. Chome, Vice-président de l'AIPPI, Bruxelles

International Chamber of Commerce (ICC)

G. Gansser, Directeur adjoint, Ciba-Geigy, Bâle
 B. J. Kish, International Patent Counsel, Merck and Co., Inc., Rahway, New Jersey

International Federation of Inventors' Associations (IFIA)

F. Burmester, Deutscher Erfinderverband e.v. (DEV), Nürnberg
 S.-E. Angerl, Djursholm

Licensing Executives Society (International) (LES)

P. N. Mandros, Burns, Doane, Swecker and Mathis, Alexandria, Virginia

Pacific Industrial Property Association (PIPA)

K. Dno, President of the Japanese Group of PIPA, General Manager, Patent Department, Kyowa Hakko Kogyo Co., Ltd., Tokyo
 K. F. Jorda, Corporate Patent Counsel, Ciba-Geigy Corporation, Ardsley, New York
 A. D. Lourie, Vice-President, Smith Kline Corporation, Philadelphia, Pennsylvania

Union of Industries of the European Community (UNICE)

G. Gansser, Directeur adjoint, Ciba-Geigy, Bâle

United States Trademark Association (USTA)

G. W. Cooper, Attorney-at-Law, New York

IV. Officers and Committee*Conference*

President: A. Sène (Senegal)
 Vice-Presidents: F. Hay (Canada); F. El Ibrashi (Egypt); T. Kosugi (Japan); G. Zárate Tristain (Mexico); J. Dekker (Netherlands); J. Hemmerling (German Democratic Republic); I. Nayashkov (Soviet Union); J. Speranza (Uruguay); D. Bošković (Yugoslavia)
 Secretary General: K. Pfanner (WIPO)
 Assistant Secretary General: L. Baeumer (WIPO)

Credentials Committee

Chairman: D. J. Coward (Kenya)
 Vice-Chairmen: J. Bobrovsky (Hungary); R. Boros (Italy)
 Secretary: G. Ledakis (WIPO)

Members: Austria, Bulgaria, German Democratic Republic, Hungary, Indonesia, Italy, Kenya, Switzerland, Uruguay

Main Committee I

Chairman: F. Jiménez Dávila (Argentina)
 Vice-Chairmen: G. Pusztai (Hungary); C. Ugglä (Sweden)
 Secretary: L. Baeumer (WIPO)

Main Committee II

Chairman: J. Szomański (Poland) (until October 15, 1981), G. Pusztai (Hungary) (as from October 15, 1981)
 Vice-Chairmen: P. A. Smith (Australia); S.-J. Kang (Republic of Korea)
 Secretary: V. Moujjevlev (WIPO)

Main Committee III

Chairman: W. Schulyer, Jr. (United States of America)
 Vice-Chairmen: F. F. Santos (Philippines); V. Vaniš (Czechoslovakia)
 Secretary: G. Ledakis (WIPO)

Drafting Committee

Chairman: G. Vianès (France)
 Vice-Chairmen: D. Hadj-Sadok (Algeria); J. Delicado Montero-Rios (Spain); D. Schack (German Democratic Republic)
 Secretary: F. Curchod (WIPO)

Members: Algeria, Czechoslovakia, France, German Democratic Republic, Germany (Federal Republic of), Poland, Soviet Union, Spain, Tanzania, Trinidad and Tobago, United Kingdom, Yugoslavia.

Ex officio Chairman of Main Committee I: F. Jiménez-Dávila (Argentina); Chairman of Main Committee II: J. Szomański (Poland) (until October 15, 1981), G. Pusztai (Hungary) (as from October 15, 1981); Chairman of Main Committee III: W. Schulyer, Jr. (United States of America).

Steering Committee

President of the Conference: A. Sène (Senegal)
 Chairman of the Credentials Committee: D. J. Coward (Kenya)
 Chairman of Main Committee I: F. Jiménez-Dávila (Argentina)
 Chairman of Main Committee II: J. Szomański (Poland) (until October 15, 1981); G. Pusztai (Hungary) (as from October 15, 1981)
 Chairman of Main Committee III: W. Schulyer, Jr. (United States of America)
 Chairman of the Drafting Committee: G. Vianès (France)
 Secretary: K. Pfanner (WIPO)

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

A. Bogsch, Director General
 K. Pfanner, Deputy Director General
 M. Porzio, Deputy Director General
 L. Baeumer, Director, Industrial Property Division
 G. Ledakis, Legal Counsel
 I. Thiam, Director, External Relations Division
 F. Curchod, Head, Industrial Property Law Section, Industrial Property Division
 V. Moujjevlev, Translator-Reviser, Languages Section
 I. Pike-Wanigasekara, Senior Assistant, Office of the Director General
 M. Qayoom, Head, Conferences and Common Services Section
 J. Quashie-Idun, Senior Program Officer, Development Cooperation Division
 H. Rossier, Head, Mail and Documents Section
 F. Simon, Legal Officer, Developing Countries Section, Industrial Property Division
 I. Perez-Fernández, Translator, Languages Section

Protection of the Olympic Symbol

Diplomatic Conference for the Adoption of a Treaty on the Protection of the Olympic Symbol

(Nairobi, September 24 to 26, 1981)

NOTE*

On the invitation of the Government of Kenya, WIPO organized in Nairobi the Diplomatic Conference for the Adoption of a Treaty on the Protection of the Olympic Symbol. The Conference took place from September 24 to 26, 1981, at the Kenyatta Conference Centre in Nairobi.

Sixty-three States were represented by some 200 delegates. The International Olympic Committee was also represented.

The President of the Conference was the Honorable J.K. Kamere, Attorney-General of Kenya, assisted, as Vice-President, by Mr. D.J. Coward, Registrar-General of Kenya. The list of participants follows this Note.

The Diplomatic Conference adopted a multilateral treaty entitled "Nairobi Treaty on the Protection of the Olympic Symbol." The adoption took place on September 26, 1981.

The Treaty contains ten Articles. It is reproduced in this month's *Industrial Property Laws and Treaties* (see MULTILATERAL TREATIES—Text 1-007).

All States which are party to the Treaty are under the obligation to protect the Olympic symbol—five interlaced rings—against use for commercial purposes (in advertisements, on goods, etc.) without the authorization of the International Olympic Committee, which is proprietor of the Olympic symbol.

The Treaty also provides that, whenever a license fee is paid to the International Olympic Committee for its authorization to use the Olympic symbol for commercial purposes, part of the revenue must go to the interested national Olympic committees.

Thus, the Treaty should create a new and very important source of revenue for the national Olympic committees—particularly for the national committees in developing countries—for the purposes of establishing new sports facilities, such as arenas and swimming pools, and of paying the expenses of athletes of developing countries connected with their travel and participation in the Olympic Games.

The text of the Nairobi Treaty on the Protection of the Olympic Symbol was signed in Nairobi on behalf of the following 21 States: Argentina, Austria, Chile, Congo,

Ghana, Greece, Hungary, Indonesia, Israel, Ivory Coast, Kenya, Mexico, Poland, Portugal, Romania, Senegal, Soviet Union, Spain, Sri Lanka, Switzerland, Trinidad and Tobago. The text remains open for signature at Nairobi until December 31, 1982, and thereafter at Geneva until June 30, 1983.

The Treaty may be signed by any country member of WIPO or the Paris Union. However, any country member of the United Nations or any of the Specialized Agencies brought into relationship with the United Nations (even if it could not or did not sign the Treaty) may become a party to it.

The instruments of ratification, acceptance, approval or accession are to be deposited with the Director General of WIPO.

LIST OF PARTICIPANTS

I. States

ALGERIA

Head of the Delegation

O. Benchehida, Chargé d'affaires, Ambassade d'Algérie, Nairobi

Delegate

A. Driss, Attaché, Ambassade d'Algérie, Nairobi

ARGENTINA

Head of the Delegation

F. Jiménez Dávila, Embajador, Misión Permanente, Ginebra

Delegates

L. Molina Zuviria, Jefe, Departamento de Patentes de Invención, Secretaría de Desarrollo Industrial, Buenos Aires

J. Pereira, Secretario de Embajada, Misión Permanente, Ginebra

M. A. Fernández, Secretario de Embajada, Embajada de Argentina, Nairobi

AUSTRALIA

Head of the Delegation

C. H. Friemann, Deputy Commissioner of Patents, Deputy Registrar of Trade Marks, Patent, Trade Marks and Designs Office, Canberra

Alternate Head of the Delegation

P. A. D. Smith, Senior Assistant Commissioner (Policy), Patent, Trade Marks and Designs Office, Canberra

Delegates

R. G. Crick, First Secretary, High Commission for Australia, Nairobi

D. K. Johnstone, Second Secretary, High Commission for Australia, Nairobi

AUSTRIA

Head of the Delegation

G. Mayer-Dolliner, Superior Counsellor, Industrial Property Department, Federal Ministry of Trade, Commerce and Industry, Vienna

Delegate

M. Breisky, Minister-Counsellor, Embassy of Austria, Nairobi

* Prepared by the International Bureau.

BANGLADESH

Head of the Delegation

A. N. Hamidullah, High Commissioner, High Commission for Bangladesh, Nairobi

CANADA

Head of the Delegation

F. Hay, Directeur, Recherche et affaires internationales, Ministère de la consommation et des corporations, Ottawa

Deputy Head of the Delegation

M. Vujnovich, Conseiller (Affaires commerciales), Haut-Commissariat du Canada, Nairobi

Delegates

M. Leir, Direction du droit économique et des traités, Ministère des affaires extérieures, Ottawa

R. Thèberge, Recherche et affaires internationales, Ministère de la consommation et des corporations, Ottawa

J. Butler, Recherche et affaires internationales, Ministère de la consommation et des corporations, Ottawa

CHILE

Delegate

J. Becker Marshall, Secretario de Embajada, Embajada de Chile, Nairobi

CHINA

Head of the Delegation

Tang Zongshun, Director, Legal Affairs Department, Chinese Patent Office, Beijing

Delegates

Guo Shoukang, Associate Professor of Law, Chinese People's University, Beijing

Huang Renxun, Expert, Trademark Bureau, General Administration for Industry and Commerce, Beijing

Wang Zhengfa, Deputy Chief, Patent Agency, Legal Affairs Department, China Council for the Promotion of International Trade, Beijing

Zhou Guoyong, Third Secretary, Embassy of China, Nairobi

COLOMBIA

Head of the Delegation

G. Nannetti Concha, Embajador, Embajada de Colombia, Nairobi

Deputy Head of the Delegation

R. Alzate de Wilches, Superintendente, Superintendencia de Industria y Comercio, Bogotá

CONGO

Head of the Delegation

A. Gabou, Procureur général près la Cour suprême, Conseiller technique, Ministère de la coopération, Brazzaville

Delegates

F. Dibas, Conseiller, Ministère de l'industrie et de la pêche, Brazzaville

J. P. Berri, Directeur des affaires administratives et financières, Ministère de la jeunesse et des sports, Brazzaville

S. Nkakou née Moundzuala, Inspectrice d'éducation physique et sportive, Directeur administratif du Comité olympique congolais, Brazzaville

D. Ngassaki, Chef de l'antenne nationale de la propriété industrielle, Ministère de l'industrie et du tourisme, Brazzaville

S. Bayalama, Chef de la Section des questions juridiques, Ministère des affaires étrangères, Brazzaville

COSTA RICA

Delegate

O. Cabo, Secretaria, Consulado General de Costa Rica, Nairobi

CZECHOSLOVAKIA

Head of the Delegation

V. Vaniš, Vice-President, Office for Inventions and Discoveries, Prague

Delegates

J. Prošek, Head of Department, Office for Inventions and Discoveries, Prague

V. Špaček, First Secretary, Embassy of Czechoslovakia, Nairobi

EGYPT

Head of the Delegation

M. N. Askalani, Ambassador, Embassy of Egypt, Nairobi

Alternate Head of the Delegation

M. Abd El Naby, Counsellor, Embassy of Egypt, Nairobi

Delegates

F. M. Baraka, Counsellor, Embassy of Egypt, Nairobi

T. O. Dinana, First Secretary, Ministry of Foreign Affairs, Cairo

FINLAND

Head of the Delegation

O. Lares, Ambassador, Director for Legal Affairs, Ministry for Foreign Affairs, Helsinki

Delegates

A.-R. Ketokoski, Counsellor, Ministry for Foreign Affairs, Helsinki

M. Huhta, Second Secretary, Ministry for Foreign Affairs, Helsinki

Advisor

V. Vainio, Director, Confederation of Finnish Industries, Helsinki

FRANCE

Head of the Delegation

R. Duzer, Ambassadeur extraordinaire et plénipotentiaire, Ambassade de France, Nairobi

Alternate Heads of the Delegation

G. Vianès, Chef du Service de la propriété industrielle, Directeur de l'Institut national de la propriété industrielle, Ministère de l'Industrie, Paris

L. Nicodème, Secrétaire-adjoint principal des affaires étrangères, Direction des affaires économiques et financières, Ministère des relations extérieures, Paris

GERMAN DEMOCRATIC REPUBLIC

Head of the Delegation

D. Schack, Head, International Cooperation Department, Office for Inventions and Patents, Berlin

Delegates

F. Jonkisch, Head, Legal Main Department, Office for Inventions and Patents, Berlin

M. Förster, Interpreter, Office for Inventions and Patents, Berlin

GERMANY (FEDERAL REPUBLIC OF)

Head of the Delegation

E. Steup, Head of Section, Federal Ministry of Justice, Bonn

Alternate Head of the Delegation

K.-P. Kläiber, Counsellor, Embassy of the Federal Republic of Germany, Nairobi

Delegate

M. Auz Castro, Counsellor, German Patent Office, Munich

GHANA

Head of the Delegation

E. Y. Agorsor, Acting High Commissioner, High Commission for Ghana, Nairobi

Alternate Head of the Delegation

D. M. Mills, Registrar-General, Registrar-General's Department, Ministry of Justice, Accra

Deputy Head of the Delegation

E.-O. Vanderpuye, Counsellor, Permanent Mission, Geneva

GREECE

Head of the Delegation

A. Afenduli, Ambassador, Embassy of Greece, Nairobi

Delegate

D. Hadjimichalis, Special Legal Adviser, Ministry of Commerce, Athens

Advisor

A. Argyriadis, Professor of Law, University of Athens, Chairman, Legislative Committee for Industrial Property, Athens

HUNGARY

Head of the Delegation

G. Pusztai, Président, Office national des inventions, Budapest

Delegates

J. Bobrovsky, Chef de Département, Office national des inventions, Budapest

G. Bánrévy, Chef adjoint de Département, Ministère du commerce extérieur, Budapest,

L. Mohácsy, Chef adjoint de Département, Comité national pour le développement technique, Budapest

G. Szénási, Deuxième Secrétaire, Ministère des affaires étrangères, Budapest

INDONESIA

Head of the Delegation

M. Sidik, Minister Counsellor, Permanent Mission, Geneva

Alternate Head of the Delegation

W. Martosewojo, Director, Directorate of Patent and Copyright, Department of Justice, Jakarta

Delegates

H. Reksodiputro, Third Secretary, Permanent Mission, Geneva

S. Sikar, Official of the Directorate of Treaties and Legal Affairs, Department of Foreign Affairs, Jakarta

IRELAND

Head of the Delegation

M. J. Quinn, Controller of Patents, Designs and Trade Marks, Patents Office, Dublin

Alternate Head of the Delegation

F. McCarthy, Legal Advisor, Office of the Attorney General, Dublin

Delegate

B. Lyons, First Secretary, Embassy of Ireland, Nairobi

ISRAEL

Delegates

Y. Tsur, Commissioner of Patents, Designs and Trade Marks, Patent Office, Ministry of Justice, Jerusalem

M. Yedid, Permanent Representative, Permanent Mission of Israel to the UNEP and Habitat, Nairobi

ITALY

Head of the Delegation

M. Serafini, Ambassador, Embassy of Italy, Nairobi

Delegate

G. Cameli, Head of the Olympic Preparation Department, Rome

IVORY COAST

Head of the Delegation

B. T. Aka, Responsable du Service de la technologie et de l'information industrielle, Ministère du plan et de l'industrie, Abidjan

Alternate Head of the Delegation

K. F. Ekra, Conseiller, Mission permanente, Genève

JAPAN

Head of the Delegation

T. Kosugi, Ambassador Extraordinary and Plenipotentiary, Embassy of Japan, Nairobi

Alternate Head of the Delegation

H. Shimada, Director-General, Patent Office, Tokyo

Alternate Delegates

I. Shamoto, Director-General, Department of Appeal, Patent Office, Tokyo

S. Sato, Official, International Conventions Division, Treaties Bureau, Ministry of Foreign Affairs, Tokyo

S. Uemura, First Secretary, Permanent Mission, Geneva

Advisors

M. Fujioka, Deputy Director, General Administration Division, General Administration Department, Patent Office, Tokyo

M. Hayama, Second Secretary, Embassy of Japan, Nairobi

Y. Numazawa, Official, Specialized Agencies Division, United Nations Bureau, Ministry of Foreign Affairs, Tokyo

S. Imai, Second Secretary, Embassy of Japan, Nairobi

K. Ishimaru, Director, Japan Trade Center, Düsseldorf

KENYA

Head of the Delegation

J. K. Kamere, Attorney General, Attorney General's Chambers, Nairobi

Alternate Head of the Delegation

D. J. Coward, Registrar-General, Registrar-General's Department, Nairobi

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P. A. Msiska, Registrar of Patents, Trade Marks and Designs, Department of the Registrar General, Ministry of Justice, Blantyre

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G. Zárate Tristain, Director General de Invenciones y Marcas, Secretaría de Patrimonio y Fomento Industrial, México

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J. Cordero Rossell, Consejero, Embajada de México, Nairobi

Advisors

- A. Cantoral Tellaeche, Subdirector de Operaciones, Dirección General de Inventiones y Marcas, Secretaría de Patrimonio y Fomento Industrial, México
- V. C. García Moreno, Asesor de Asuntos Internacionales de Derecho de Autor, Secretaría de Educación Pública, México
- J. A. Flores Cano, Asesor Jurídico de Derecho de Autor, Secretaría de Educación Pública, México

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- W. Neervoort, Member, Patent Office, Rijswijk
- H. J. G. Pieters, Advisor on Industrial Property Matters, Legislation and Other Legal Affairs Department, Ministry of Economic Affairs, The Hague
- E. L. M. Kalshoven van Tijen, Treaties Preparation Section, Ministry of Foreign Affairs, The Hague
- F. E. R. Rhodius, First Secretary, Embassy of the Netherlands, Nairobi

Advisor

- D. Hijmans, Patent Agent, Rijswijk

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Alternate Head of the Delegation

- T. Alfsen, Head of Division, Ministry of Industry, Oslo

Advisors

- J. Smith, Deputy Director General, Norwegian Patent Office, Oslo
- B. Bye, Counsellor, Ministry of Foreign Affairs, Oslo

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Delegate

- P. Nighat, Commercial Attaché, Embassy of Pakistan, Nairobi

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Delegate

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Delegate

- B. Rokicki, Head of Section for International Relations, Patent Office, Warsaw

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- J. Mota Maia, Directeur général, Institut national de la propriété industrielle, Lisbonne

Delegates

- R. Moraes Serrão, Directeur, Service des marques, Institut national de la propriété industrielle, Lisbonne
- J. Van-Zeller Garin, Conseiller juridique, Institut national de la propriété industrielle, Lisbonne
- J. Pereira da Cruz, Agent officiel de la propriété industrielle, Lisbonne

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Delegate

- S. Ndimubanzi, Premier Conseiller, Ambassade du Rwanda, Nairobi

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Delegate

I. Gyrdaymov, Deputy Director, External Relations Department, USSR State Committee for Inventions and Discoveries, Moscow

Advisor

L. Safonov, First Secretary, Embassy of the Soviet Union, Nairobi

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J. Fernández de Ybarra Moreno, Director General, Registro de la Propiedad Industrial, Madrid

Alternate Head of the Delegation

J. Delicado Montero-Ríos, Director, Departamento de Estudios y Relaciones Internacionales, Registro de la Propiedad Industrial, Madrid

Delegates

S. Jessel, Directora, Departamento de Patentes y Modelos, Registro de la Propiedad Industrial, Madrid

A. Casado Cerviño, Jefe, Servicio de Relaciones Internacionales, Registro de la Propiedad Industrial, Madrid

Advisor

A. Bercovitz, Catedrático de Derecho Mercantil, Universidad Nacional de Educación a Distancia, Ciudad Universitaria, Madrid

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Head of the Delegation

S. Poologasingam, Acting High Commissioner, High Commission for Sri Lanka, Nairobi

SUDAN

Head of the Delegation

A. M. O. Yassin, Registrar-General, Commercial Registrar General Office (Administration of Companies), Attorney General's Chambers, Khartoum

Delegate

T. F. Estafanos, Registrar of Trade Marks, Commercial Registrar General Office (Administration of Companies), Attorney General's Chambers, Khartoum

SWAZILAND

Head of the Delegation

E. S. Kumalo, Registrar General, Registrar General's Office, Mbabane

Delegate

D. V. Mabuza, Examiner of Trade Marks, Patents & Designs, Mbabane

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G. Borggård, Director General, Royal Patent and Registration Office, Ministry of Commerce, Stockholm

Deputy Head of the Delegation

S. Norberg, Under-Secretary for Legal Affairs and Administration, Ministry of Commerce, Stockholm

Delegates

C. Uggla, President, Court of Patent Appeals, Stockholm

M. Jacobsson, Legal Adviser, Ministry of Justice, Stockholm

M. Wilkens, Counsellor, Embassy of Sweden, Nairobi

Advisors

L. Körner, Director, Federation of Swedish Industries, Stockholm

T. Hård, Secretary, Federation of Swedish Industries, Stockholm

SWITZERLAND

Head of the Delegation

P. Braendli, Directeur, Office fédéral de la propriété intellectuelle, Berne

Alternate Heads of the Delegation

R. Kämpf, Chef de la Section du droit des brevets et des dessins et modèles, Office fédéral de la propriété intellectuelle, Berne

F. Balles, Chef de la Section des marques, Office fédéral de la propriété intellectuelle, Berne

Delegates

J.-M. Salamolard, Adjoint scientifique, Office fédéral de la propriété intellectuelle, Berne

H. K. Züst, Attaché, Ambassade de Suisse, Nairobi

TANZANIA

Head of the Delegation

G. B. Liundi, Minister Counsellor, Permanent Mission, Geneva

Delegate

L. T. Kalunga, Principal State Attorney, Ministry of Justice, Dar es Salaam

TRINIDAD AND TOBAGO

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W. S. Naimool, Ambassador, Permanent Representative, Permanent Mission, Geneva

Alternate Head of the Delegation

V. Lasse, Counsellor, Permanent Mission, Geneva

TUNISIA

Head of the Delegation

K. Gueblaoui, Chargé de mission, Cabinet du Premier Ministre, Tunis

TURKEY

Head of the Delegation

N. Karaköylü, Ambassador, Embassy of Turkey, Nairobi

Deputy Head of the Delegation

N. Yosmaoğlu, Director of Section, General Directorate of Industrial Property, Ministry of Industry and Technology, Ankara

UGANDA

Head of the Delegation

G. A. M. Ndagije, Acting Registrar General, Ministry of Justice, Kampala

Delegate

A. E. Kaboggoza-Musoke, Assistant Registrar General, Ministry of Justice, Kampala

UNITED KINGDOM

Head of the Delegation

I. J. G. Davis, Comptroller General of Patents, Designs and Trade Marks, The Patent Office, London

Deputy Head of the Delegation

V. Tarnofsky, Assistant Comptroller, The Patent Office, London

Delegates

L. Lewis, Senior Examiner, The Patent Office, London

R. K. Gardiner, Assistant Legal Adviser, Foreign & Commonwealth Office, London

UNITED STATES OF AMERICA

Head of the Delegation

W. E. Schuyler, Jr., Ambassador, Department of State, Washington, D.C.

Alternate Heads of the Delegation

M. K. Kirk, Director, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce, Washington, D.C.

H. J. Winter, Director, Office of Business Practices, Bureau of Economic and Business Affairs, Department of State, Washington, D.C.

Advisor

L. Schroeder, Industrial Property Specialist, Office of Legislation and International Affairs, Patent and Trademark Office, Department of Commerce, Washington, D.C.

ZAIRE*Head of the Delegation*

M. Ndzic, Ambassadeur, Ambassade du Zaïre, Nairobi

ZAMBIA*Head of the Delegation*

J. M. Chimba, High Commissioner, High Commission for Zambia, Nairobi

Deputy Head of the Delegation

A.R. Zikonda, Registrar of Patents, Trade Marks, Companies and Business Names, Ministry of Commerce and Industry, Lusaka

Delegate

M. C. J. Kunkuta, Deputy Registrar of Patents, Trade Marks, Companies and Business Names, Ministry of Commerce and Industry, Lusaka

II. Intergovernmental Organizations*African Intellectual Property Organization (OAPI)*

K. A. Johnson, Chef du Service des marques, des dessins et modèles industriels et des appellations d'origine, Yaoundé

European Communities

J. Bourgeois, Conseiller juridique, Service juridique, Commission des Communautés européennes, Bruxelles

L. Salzmann, Economic Adviser, Commission of the European Communities, Nairobi

Industrial Property Organization for English-Speaking Africa (ESARIPO)

J. H. Ntagoba, Director, Nairobi

E. Lartey, Chief Technical Adviser, Nairobi

Secretariat of the Interim Committee for the Community Patent

V. Scordamaglia, Head of Division, Brussels

J.-F. Faure, Administrator, Brussels

J. Huber, Administrator, Brussels

K. Mellor, Administrator, Brussels

III. Non-Governmental International Organizations*International Olympic Committee (IOC)*

R. S. Alexander, Membre du CIO pour le Kenya, Nairobi

G. Straschnov, Conseiller juridique du CIO, Lausanne

IV. Officers

President: J. K. Kamere (Kenya)

Vice-Presidents: D. J. Coward (Kenya); A. Afenduli (Greece); V. Vaniš (Czechoslovakia)

Secretary General: K. Pfanner (WIPO)

Assistant Secretary General: L. Baeumer (WIPO)

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

A. Bogsch, Director General

K. Pfanner, Deputy Director General

M. Porzio, Deputy Director General

L. Baeumer, Director, Industrial Property Division

G. Ledakis, Legal Counsel

I. Thiam, Director, External Relations Division

F. Curchod, Head, Industrial Property Law Section, Industrial Property Division

V. Moujjelev, Translator-Reviser, Languages Section

M. Qayoom, Head, Conferences and Common Services Section

J. Quashie-Idun, Senior Program Officer, Development Cooperation Division

H. Rossier, Head, Mail and Documents Section

F. Simon, Legal Officer, Developing Countries Section, Industrial Property Division

General Studies

The First Three Years of the European Patent Granting Procedure*

K. HAERTEL** and R. SINGER***

News from Industrial Property Offices

AUSTRALIA

The Patent, Trade Marks and Designs Office Annual Report 1979-80*

Role of the Patent, Trade Marks and Designs Office

The Australian Patent Office, as part of the Department of Productivity, exists to foster industry and commerce in Australia. It does this by performing the following functions:

- administering Australian industrial property systems for the protection of patents, trade marks and designs;
- developing and maintaining an information data base of inventions and industrial designs to facilitate the transfer and diffusion of technology;
- participating and monitoring developments in international systems for the protection of industrial property;
- advising the Minister and Secretary of the Department of Productivity on matters relating to industrial property at national and international levels and the transfer of technology through the industrial property system.

General

The year was one of intense activity for all areas of the Office. Legislation introduced in 1978/79 and that foreseen for implementation in 1979/80 was the major contributor to this increased activity. In particular, the Patent Cooperation Treaty (PCT), petty patents and trade marks for services constituted the bulk of this activity. In addition there was a continuing involvement in the Office towards technology transfer to Australian industry in conjunction with initiatives of the Department of Productivity. Increased responsibility towards developing countries, particularly those in Australia's immediate vicinity, led to the provision of training and other aids in the field of industrial property.

Structural changes implemented in the previous year provided a firm basis for coping with the additional responsibilities and work load. In December 1979 an Office Management Board was established. It is chaired by the Commissioner and membership includes all branch and section heads. The Board is responsible for setting objectives, forward planning, monitoring achievement against plans and establishing corporate priorities.

Activity Summary

The major activity of the Office continued to be the examination of patent, trade mark and design applications. The following table summarises the progress achieved in the examination of applications.

	<i>Patents</i>	<i>Trade Marks</i>	<i>Designs</i>
Unexamined applications at June 30, 1979	23,381	17,863	919
Add			
Applications lodged (July 1, 1979, to June 30, 1980)	11,212	13,018	3,086
Applications previously lapsed now restored	57	—	—
Deduct			
Applications examined	7,721	11,357	2,965
Applications lapsed	657	—	—
Applications withdrawn before examination	230	214	—
Unexamined applications at June 30, 1980	26,042	19,310	1,040

Patents

The operations of the Patent Office were governed by the Patents Act 1952. A major amendment to the Act, covering the PCT, occurred during the year and is discussed in detail under the heading "New Legislation."

Lodgment of applications for standard patents increased compared to the previous reporting period. A small number of petty patent applications was received

* Excerpted from the report issued under the same title.

and processing of some applications under PCT provisions began during the later part of the year.

Unexamined patent applications increased, due mainly to increased lodgments and the continuous commitment of examiners to the development of ADP systems and preparations for setting up the Office as an International Searching and Preliminary Examining Authority under the PCT. Despite intensive efforts aimed at streamlining the recruiting and training of patent examiners, the Office still experienced difficulties in obtaining staff to fill existing vacancies.

Special Examination

The Special Examination Section has now been fully staffed and operational for a year. The Section is divided into two main areas.

The Hearings and Decision Sub-Section deals mainly with opposition proceedings and ex-parte matters arising under the Act, and with sundry matters such as amendments and extension of time and restoration which involve the exercise of the Commissioner's discretion. Briefs for counsel, relating to cases on appeal from the Commissioner's decision, are also prepared. The Sub-Section trained 11 new examiners during the year. As part of the training function, research on specific areas of law is being continually conducted and consolidated into precedence files.

The Development and Classification Sub-Section played an active role in preparing for and operating under the PCT. The Progress, Planning and Development Unit investigated documentation requirements and accessing means, devised international searching techniques and conducted training seminars on PCT both within the Patent Office and in industry. The Search Quality Assurance Unit determined search strategies and co-ordinated other aspects of operations as an International Searching Authority. Other Sub-Section activities were concerned with the introduction of the Third Edition of the International Patent Classification (IPC); continuing reclassification of Australian search material to the IPC; involvement with the Permanent Committee on Patent Information (PCPI); introduction of a petty patent system; and assistance to the Thai Patent Office.

Trade Marks

The high lodgment rate of applications for registration of trade marks, following the introduction of service mark legislation, continued as expected, the average weekly rate for 1979 being 312 compared to 212 for 1978.

Because the provision for registration of trade marks for "intangible" services introduced a new concept into

trade mark registration practice, care was taken in early examination of service mark applications to identify any necessary changes in the Office attitude, or to establish criteria for registrability, but to date no significant changes have been necessary.

Some difficulty was experienced in classifying services in accordance with the International Classification system because applicants did not clearly specify the services for which they sought registration.

The High Court heard an appeal by the Registrar from a decision from the Victorian Supreme Court, in a case involving a consideration of the need for an overriding quality of distinctiveness to be present before a trade mark qualifies for registration and the matter of the Registrar's costs in an appeal from his decision.

The New South Wales Supreme Court reversed the Registrar's decision refusing to register the mark "Soflens" for "flexible contact lenses and accessories" in Part A or Part B of the Register, and on the additional evidence placed before it allowed the mark in Part B. The Registrar was awarded costs.

Designs

Applications for registration of designs decreased slightly over the previous year. The frequency of applications in the various classes did not change significantly, the major activity being in Class 1 (metal articles) and Class 3 (articles of wood, bone, ivory, etc.). There was, however, an increase in applications dealing with wall hangings and textiles.

Systems Development

Systems development gradually escalated, reflecting the creation and staffing of the Systems Management Section within the new Business Management Branch. Already several systems reviews have been conducted, with a view to improving clerical procedures or to increasing efficiency by using modern office machines. The level of activity is expected to be high for several years, including the development of computer-assisted systems. The major activities are highlighted in the following paragraphs.

Patent Administration Data Base

A computer-assisted system, which will facilitate the better administration of applications for patents, was implemented at the end of 1980. It includes an internal on-line inquiry component which will enable the Office to respond more rapidly and with greater accuracy to inquiries by applicants on the status of their applications.

Patent Searching

Further development was completed of the computer-assisted systems which provide an index to patent literature, commonly known as search lists. These systems help the Office meet its newly acquired responsibility to search a wider range of literature. Further development is planned, and a comprehensive "searching guide" is expected to be released for sale.

Trade Mark Searching

One of the main trade marks search aids, the Constituent Particulars Index, is now being consolidated and will be published—using the Computer Output to Microfiche (COM) technique—about every two months. This will be the first full consolidation since 1953. Another information aid, the representations of all prohibited trade marks, was published for the first time in microfiche form.

Printing Review

A major review of the style and content of the Australian Official Journal of Patents, Trade Marks and Designs was conducted with the assistance of representatives from industry and the patent attorney profession. In addition, the printing and publishing techniques are being reviewed in consultation with the Australian Government Printer and the Australian Government Publishing Service.

Word Processing

Another review, now under way, concerns the methods used to prepare reproduced textual data. This is expected to lead to the installation of a highly sophisticated word-processing facility to increase efficiency and provide a better service to users of these data.

Information Services

Australian Patent Information Service (APIS)

APIS continued its program of spreading awareness of the value of patent information for industrial research and development, and undertaking searches in support of this.

APIS was involved in a series of seminars on patents, trade marks, designs and patent information organised by the regional offices of the Department of Productivity in conjunction with the Productivity Promotion Council of Australia. These seminars were held in Melbourne, Brisbane, Hobart, Adelaide and Perth. In addition, APIS officers spoke at gatherings in regional centres including Albury, Darwin, Rockhampton, Townsville and Wagga.

In conjunction with the University of New South Wales, APIS sponsored the production of five audio lectures on intellectual property. These lectures are used

by the University of New South Wales and are also available in cassette form to industry and educational institutions.

Technology Evaluation

The Technology Evaluation Unit was mainly engaged in expanding and improving its consultancy work for the Department of Productivity in respect of public-interest grant requests pursuant to Section 39 of the Industrial Research and Development Incentives Act (1976). A wide range of technologies was evaluated including:

- (a) Glass-reinforced stabilised clay.
- (b) Storage of thermal energy at temperatures below 200°C.
- (c) Fuel metering and injection systems.
- (d) Electric motor manufacture.
- (e) Gasification of coal.
- (f) Electronic weighing of livestock.
- (g) Metal film resistors.
- (h) Enamel-coated steels for printed circuit boards.
- (i) Cheesemaking.
- (j) Digital hearing aids.

Documentation Centre

The appointment of the Australian Patent Office as an International Searching Authority by the Assembly of the International Patent Cooperation Union required major changes in the organisation and physical arrangement of patent literature holdings in the Office.

An International Searching Authority must consult what is known as the "minimum documentation" in its search for the relevant prior art. A Documentation Centre was therefore established to service the Examination Branch by supplying, from this minimum documentation, those documents required by an examiner to carry out an international search.

The documents comprising the minimum documentation, many of which were previously relatively inaccessible, have now been brought together in the Documentation Centre, with retrieval systems designed to meet the expected demand.

Library

Despite problems arising from the establishment of the Documentation Centre, the Library continued to provide normal services to users. Assessments are being made of several commercially available computer-based on-line search systems, with a view to their incorporation in Patent Office information retrieval systems.

Resource Management

Staffing of the new Resource Management Section was completed early in the year. The Section was active

in the area of personnel management, office services and financial management. Some of the more significant activities are described in the following paragraphs.

Training Course for Developing Countries

A training course in industrial property was conducted for representatives of 11 developing countries in February/March, in conjunction with the Australian Development Assistance Bureau.

Personnel/Establishment Data

The data base covering personnel administration and organisation was improved. This included a pilot study on the use of the MANDATA computerised personnel information system.

Staff Resources

Methods of improving use of staff resources, including use of part-time trade mark examiners and the establishment of a temporary relief pool, were investigated and implemented. Closely allied to this was development of techniques for forecasting manpower requirements by staff categories.

Training of Patent Examiners

Despite streamlining of the processes involved with recruitment of patent examiners, the Office still experienced difficulties in obtaining satisfactory staff for training to fill existing vacancies. A course of training, prescribed by the current determination under Section 32 of the Public Service Act 1922, was conducted for six trainee examiners: three chemists, a physicist, an electronics engineer and a metallurgist.

Language Training

As part of the Office's new commitment to international searching, language training courses for 15 examiners began in March. Two courses were conducted by the Centre for Continuing Education, Australian National University, concentrating on the reading of technical French and German.

Industrial Property Advisory Committee

This Committee was established in June 1978 by the Minister for Productivity to advise him on matters concerning industrial property referred to it. The Committee has reported on several matters, including the Patents Amendment Bill (Petty Patents) and changes to Regulation 7B of the Patents Regulations. Matters at present before the Committee are:

- (a) changes, if any, desirable to Section 103 of the Trade Marks Act;
- (b) overlap between protection of service marks and that provided by company and business names legislation;
- (c) a complete review of the patents system to see if it meets the needs of Australian industry.

International

World Intellectual Property Organization (WIPO)

At the meeting of the Governing Bodies of WIPO and of the Unions administered by WIPO, held in Geneva in September/October 1979, Australia was elected to the Paris Union Executive Committee and thus automatically became a member of the WIPO Coordination Committee. Australia's membership in the latter Committee was previously based on its membership in the Berne Union Executive Committee. This position was vacated at the 1979 meeting.

Aid to Other Countries

During the year a senior officer assisted in the establishment of the Papua New Guinea Trade Marks Office.

A set of published Australian patent specifications, dating from 1936, was delivered to Thailand. Advice and material, such as Australian search lists, were supplied to the Thai Office to assist it in developing its examination process.

Overseas Visits

Senior officers from the Patent Office represented Australia at the following WIPO meetings:

- Tenth series of meetings of the Governing Bodies of WIPO and the Unions Administered by WIPO—Geneva.
- Diplomatic Conference for the Revision of the Paris Convention (1st session)—Geneva.
- PCT Union Assembly (extraordinary session)—Geneva.
- Joint meeting of the WIPO Permanent Committee on Patent Information (PCPI) and the Committee for Technical Cooperation (PCT/CTC)—Geneva.
- Symposium on the Role of Patent Information in the Transfer of Technology—Varna.

Seminars

A seminar, jointly sponsored by the International Association for the Protection of Industrial Property (IAPIP), the Law Council of Australia and the Australian Patent Office, was held in Melbourne and Canberra on November 11 to 14 to consider the laws and practices relating to industrial property and particularly the pro-

tection of inventions in the countries of the ASEAN and South Pacific regions. Participants in the seminar included Dr. A. Bogsch, Director General of WIPO; Dr. K. Pfanner, Deputy Director General of WIPO; Dr. Kotaro Otani, Director, Japanese Group, AIPPI; Mr. T.M. Gault, President, New Zealand Group, AIPPI; Dr. P. Siemsen, Vice-President, Brazilian Group, AIPPI; Mr. F. Santillan, Chairman, Philippines Inventors' Commission; and Dr. J.C.A. Staehelin, Vice President, Legal and International Affairs, European Patent Office.

New Legislation

Patents Amendment (Patent Cooperation Treaty) Bill 1979

This Bill was introduced into Parliament on August 28, 1979, and the amendment came into operation on March 31, 1980. It amends the Patents Act to give effect to Australia's accession to the PCT.

Following Australia's accession to the Patent Cooperation Treaty, the Australian Patent Office was appointed an International Preliminary Examining Authority and an International Searching Authority under the Treaty.

SWITZERLAND

Swiss Intellectual Property Office

Activities Report 1980*

1. Legislation

Trademark Law

The preparatory work for the total revision of the Swiss trademark law is still in progress. As the European development of trademark law has a guiding influence on national law, it was followed closely. The work towards the establishment of a Community trademark for the European Community countries and towards a harmonization of the national legislations are of primary interest.

2. Execution of the Laws

a) Trademark Law

A special event was celebrated in the year under review: the 100th anniversary of national trademark registration. The Swiss Intellectual Property Office

(SIPO) honored the centenary with the edition of a jubilee brochure and an internal celebration, highlighted by the presence of the Head of the Federal Department of Justice and Police.

b) Patent Law

The decrease in the number of patent applications was as expected in the long-term forecasts. This development is connected to the international patent systems and is commented upon in item 3, below.

In 1980, the first European patents (283) conferring protection in Switzerland and Liechtenstein were granted; henceforth these are to be administered by SIPO. The resulting practical problems were solved satisfactorily. From a legal point of view, these patents correspond to national titles and are therefore governed by Swiss law.

For the first time since the entry into force on January 1, 1978, of the revised Federal Law on Patents for Inventions,¹ the number of processed patent applications was higher than that of new applications filed.

The evaluation of the patent applications filed in 1979 and 1980, broken down into 11 subject matters, shows the following repartition and development:

Patent Applications Broken Down into Technical Fields

	1979	1980
Human necessities, agriculture	734	621
Health, sports, games	712	604
Industrial processes	2,439	2,058
Chemistry	2,556	2,154
Metallurgy	173	111
Textiles and paper	608	495
Building, mining	612	540
Mechanical engineering, lighting, heating	1,073	1,012
Weapons, explosives	95	128
Physics, nuclear physics	1,493	1,108
Electricity	1,045	831
Total	11,540	9,662

The research and development activities of any given country have an influence on the number of patents in force there. A worldwide comparison shows that Switzerland ranks eighth in that respect. If, however, the number of patents per one million inhabitants is worked out, then Switzerland (approximately 14,200 patents per million inhabitants) attains a figure which is more

* Excerpted from the report issued under the same title.

¹ See *Industrial Property Laws and Treaties, SWITZERLAND—Text 2-001*.

than four times as high as that of Japan (approximately 3,500), almost three times as high as that of the United States of America (approximately 5,000) and two times that of France (approximately 6,300).

In this context it is also interesting to note that Switzerland plays a prominent role when comparing on a country-by-country basis the number of citizens filing patent applications abroad ("patent exporting") and the number of foreigners filing applications in a given country ("patent importing"). The exporting of the patented achievements of research and development is of obvious vital significance to Switzerland as it compensates for its missing natural resources. When the total number of applications filed abroad by Swiss nationals or residents is compared to the number of inhabitants, the leading role of Switzerland as a technology provider becomes even more apparent.

3. Effects of the European Patent Convention (EPC) and the Patent Cooperation Treaty (PCT) on National Patent Applications

Mainly as a result of the availability of international patent granting procedures, the number of national patent applications dropped by 16.3%. This decrease presumably will continue in the years to come until the international patent systems finally mature. The recurrent tendency applies particularly to national applications from abroad.

The following table demonstrates the fluctuation in the number of patent applications which foreigners filed in Switzerland in 1979 and 1980:

Patent Applications Filed in Switzerland in 1979 and 1980, Originating from Abroad

	1979	1980	Variation in %
Germany (Fed. Rep. of)	2,386	1,804	-24.4
United States of America	1,390	1,139	-12
Japan	614	552	-10
France	609	407	-33.2
Italy	397	327	-17.6
United Kingdom	273	176	-35.5
Netherlands	269	154	-42.7
Austria	219	173	-21.1
Sweden	213	163	-23.5
Liechtenstein	111	116	+ 4.5
Sub Total	6,481	5,011	-22.7
Other countries (24)	618	602	- 2.6
Total	7,099	5,613	-21

The interest in seeking patent protection in Switzerland has nevertheless increased (i.e., by way of national, European and PCT applications), as the following table reveals.

Applications for Patent Protection in Switzerland

	1977 ¹⁾	1978	1979	1980
National applications of Swiss or foreign origin	16,343	13,314	11,540	$\Delta - 16.3$ 9,662
European applications designating Switzerland	—	2,114	6,346	$\Delta + 58.2$ 10,043
PCT applications designating Switzerland	—	107	621	$\Delta 0$ 621
Euro-PCT applications designating Switzerland	—	113	820	$\Delta + 51.8$ 1,245
Total	16,343	15,648	19,327	$\Delta + 11.6$ 21,571

¹⁾ Before the entry into force of the EPC and PCT, in mid-1978

Δ Variation 1979/1980 in %

It was noticed that in 1980 many more applicants sought protection in Switzerland via the European procedure than in 1979; on the other hand, the country was designated in fewer PCT applications. A comparison of national applications from abroad with designations of Switzerland in European and PCT applications shows that more than 66% of all foreign applicants chose to obtain protection in Switzerland via one of the international patent granting procedures. On the other hand, only 16.5% of Swiss nationals chose an international route for obtaining patent protection in their own country.

4. International Activities

From February 4 to March 4, Switzerland participated in the Diplomatic Conference on the Revision of the Paris Convention which met in Geneva at the invitation of WIPO. The Group B spokesman was the head of the Swiss Delegation, Mr. Paul Braendli, Director of SIPO.

The 1978 Treaty on Patent Protection between Liechtenstein and Switzerland² entered into force during the year under review. It unites the two Contracting States in a unified territory of patent protection, which is the

² See *Industrial Property Laws and Treaties*, BILATERAL TREATIES—Text 2-001.

first of its kind in Europe. Patents granted by SIPO confer protection for the whole of the territory and only both the countries together, as one, can be designated in European and international patent applications.

In addition, the Treaty on the Protection of Indications of Source, Appellations of Origin and Other Geographical Denominations, concluded with Hungary, was approved by both Chambers of the Swiss Parliament.

5. Development Assistance

In 1980, SIPO welcomed trainees from Zaire, Angola and the African Intellectual Property Organization (OAPI). Their stays were arranged within the framework of the WIPO Permanent Program for Development Cooperation Related to Industrial Property.

Continuing a long-term project, two officials of SIPO worked for several weeks in the Patent Documentation and Information Department (DEDIB) of OAPI.

During 1980, the Director of SIPO participated in a mission to Hanoi. Together with an official of WIPO, he gave advice to representatives of the Vietnamese Government on establishing a patent office, and implementing an industrial property law and on the position of Viet Nam in relation to the international treaties.

6. Participation in Exhibitions

In the year under review, technical and administrative experts of SIPO participated in exhibitions of inventions in Basle and Geneva.

The Deputy Director of SIPO, Dr. Jean-Louis Comte, inaugurated the two exhibitions: The 10th Inventor's

Show at the Swiss Industries Fair in Basle (from April 19 to 28, 1980), and The 9th International Exhibition of Inventions in Geneva (from November 28 to December 7, 1980).

The presence of a SIPO information stand at the fairs seemed to meet a very real need. Most of the inquiries related to technical problems, the drawing up of patent applications, the differences between national, European or international patent filing procedures and their relative cost. The public also expressed an interest in the general activities of SIPO and on intellectual property legislation.

7. Financial Situation

A characteristic of SIPO's income pattern for some considerable time has been substantial fluctuation. In 1980, a certain stability began to manifest itself. Nevertheless, the surpluses achieved in 1979 and 1980 were far from sufficient to compensate for the accumulated losses of previous years.

Since the revision of the Swiss Patent Law in 1978, any assessment of the financial position of SIPO must be made in the context of the newly established obligation that income must match expenditure. For this reason, all variations in the behavior of fee income patterns deserve close study. The fact that in the year under review, total fee receipts virtually equalled those of the previous year should not hide the reality that some categories of fees lost substantial ground. Apart from slight increases in trademark fees, and annual patent fees, the retrograde trends in other sections are unmistakable. The receipts from patent application fees decreased by 17%, the contributions to printing costs including sales of publications by 3% and the various patent fees summarized under the heading "other fees" by 16%.

Book Reviews

La protection juridique des caractères typographiques: Etude de l'Arrangement de Vienne concernant la protection des caractères typographiques et leur dépôt international, by K. Stoyanov. Librairie Droz, Genève, 1981. — 241 pages.

As the author points out in this work, type faces are more than just industrial products; they also constitute artistic creations. Their purpose is to give extrinsic form to the intrinsic value of a text, i.e., to capture and illustrate written thought. It is thus clear that type faces have a dual character and that this duality has important legal implications. While a new manufacturing process for type faces may be protected under patent law, a new type face itself should be considered independently of its manufacturing process and protected as a creation of form.

The author divides his well researched and in-depth study on the legal protection of type faces into two parts. In the first he discusses various solutions to the problem of protection as provided for in the Benelux, France, Germany (Federal Republic of), Italy, Switzerland, the United Kingdom and the United States of America. Determining that these national solutions are insufficient, the author devotes the second part of his work to an extensive analysis of the Vienna Agreement for the Protection of Type Faces and their International Deposit. This Agreement, which was signed in 1973 by 11 States and since then ratified by two (France and the Federal Republic of Germany), will enter into force following ratification or accession by three additional States.

To conclude, the author evaluates the Vienna Agreement. While criticizing it for not being sufficiently innovative and yet imposing too many legislative modifications on Contracting States, he finds that it is a surprisingly efficient and flexible instrument which juxtaposes the essential characteristics of intellectual property in such a manner that each Contracting State is free to select that which best suits its own national legal order.

In view of the renewed interest in recent years in the creation of new type faces, accompanied by inevitable infringement problems, this work is well worth studying, particularly with regard to the light it sheds on the Vienna Agreement.

JAE

Intellectual Property Management: Law — Business — Strategy (revised edition), by P. Sperber, Clark Boardman Co., Ltd., New York, 1980. — looseleaf binder;

Méthodes pour innover et se diversifier, by F. Libmann. Les éditions d'organisation, Paris, 1980. — 175 pages.

While there is a multitude of literature on the legal and business aspects of industrial property and innovation, there is a dearth of practical material on how those subjects can be profitably and successfully dealt with by enterprises. The purpose of these two works, the former in English and the latter in French, is to fill that gap. Although their approaches and treatment of the subject matter are not always parallel, both works present practical suggestions on how to obtain optimum benefits from innovation.

JAE

Patent Law Fundamentals (2nd edition), by P.D. Rosenberg. Clark Boardman Co., Ltd., New York, 1980. — looseleaf binder.

The second edition of this work, which is devoted to an analysis of American patent law, represents a major updating and expansion of the original. It includes coverage of new legislative amendments, Patent and Trademark Office Rules of Practice, court decisions and international developments.

The second edition contains analyses of the following topics: basic principles of patent protection; trade secrets, trademarks and copyrights compared and contrasted with patents; substantive requirements of patentability; completing rights; obtaining patent protection; exploiting patent rights; and international patent protection. Further-

more, the volume's looseleaf format permits updating and the incorporation of new developments.

This work is of value to all those who are interested in gaining an insight into American patent law, be they the uninitiated or seasoned professionals.

JAE

Selection of New Publications

Current Developments in Trademark Law and Unfair Competition 1980, Practising Law Institute, New York, 1980. — 288 p.

DAHMAN (G.). *Patentwesen, technischer Fortschritt und Wettbewerb: Formulierung einer empirisch prüfbar Patenttheorie und Bewährungstest am Beispiel der Rasiergeräteindustrie*, Peter D. Lang, Frankfurt am Main et al., 1981. — 581 p.

Domestic and International Licensing of Technology 1980, Practising Law Institute, New York, 1980. — 688 p.

FRANÇON (D.) and LESTANC (C.). *Le coût des brevets d'invention, étude réalisée sous la direction de J.-M. Mousseron*, Centre de Droit de l'Entreprise, Montpellier, 1980. — 39 p.

GRIDEL (J.-P.). *Les inventions de salariés à l'épreuve de la Loi du 13 juillet 1978 et du Décret du 4 septembre 1979*, Librairie générale de droit et de jurisprudence, Paris, 1980. — 79 p.

HUBERT (A.). *Le contrat d'ingénierie-conseil*, Masson, Paris et al., 1980. — 227 p.

IDENBURG (P.J.). *Kennes van Zaken: Aspecten van Know-How-Recht in de Europese Gemeenschap en de Verenigde Staten* (with a summary in English), Kluwer, Deventer, 1979. — 247 p.

JACOBSSON (M.), TERSMEDEN (E.) and TÖRNROTH (L.). *Patentlagstiftningen — en kommentar*, P.A. Norstedt & Söners Förlag, Stockholm, 1980. — 836 p.

KASE (F.J.). *Dictionary of Industrial Property: Legal and Related Terms* (English, French, German, Spanish), Sijthoff & Noordhoff, Alphen aan den Rijn and Germantown (Maryland), 1980. — 216 p.

KRAATZ (K.-J.). *Der Schutz geographischer Weinbezeichnungen im Recht der Europäischen Gemeinschaften*, Duncker & Humblot, Berlin, 1980. — 176 p.

McCOMAS (W.R.), DAVISON (M.R.) and GONSKI (D.M.). *The Protection of Trade Secrets: a General Guide*, Butterworths, Sydney et al., 1981. — 98 p.

Protection of Geographic Denominations of Goods and Services, edited by H. Cohen Jehoram, Sijthoff & Noordhoff, Alphen aan den Rijn and Germantown (Maryland), 1980. — 206 p.

STAMPFLI-MEDZIKIJAN (L.). *Le transfert de technologie: Les efforts actuels pour une réglementation internationale*, Peter Lang, Berne et al., 1980. — 481 p.

UNITED STATES TRADEMARK ASSOCIATION. *1980-81 Trademark Law Handbook*, Clark Boardman Co., Ltd., New York, 1980. — 230 p.

ZALESKI (E.) and WIENERT (H.). *Transfert de techniques entre l'Est et l'Ouest, Organisation de coopération et de développement économiques*, Paris, 1980. — 463 p.

Selection of WIPO Industrial Property Publications in 1981

Industrial Property Glossary (Chinese, English, French), no. 824 (CEF), April 1981. — 156 p. (Sw.fr. 20.—).

Patent Information and Documentation Handbook, July 1981. — looseleaf binders (Sw.fr. 120.—).

Guide to the International Deposit of Industrial Designs, no. 623 (E), August 1981. — 169 p. (Sw.fr. 20.—).

International Classification for Industrial Designs, no. 501 (E), October 1981. — 199 p. (Sw.fr. 80.—).

International Classification of Goods and Services for the Purposes of the Registration of Marks (third edition), no. 500 (E), June 1981. — 153 p. (Sw.fr. 75.—).

WIPO Legal Training Course on Patents (Beijing, October-November 1980), no. 626 (E), February 1981. — 39 lectures, 4 information documents (Sw.fr. 20.—).

WIPO Patent Agency Course (Beijing, February-March 1981), no. 627 (E), May 1981. — 20 lectures, 6 information documents and glossary (Sw.fr. 20.—).

Patent Documentation Seminar (Beijing, October 1981), no. 628 (E), November 1981. — 9 lectures, 2 information documents (Sw.fr. 20.—).

Records of the Vienna Diplomatic Conference on the International Classification of the Figurative Elements of Marks, 1973, no. 334 (E), January 1981. — 371 p. (Sw.fr. 30.—).

Records of the Diplomatic Conference on the Revision of the Nice Agreement, 1977, no. 335 (E), July 1981. — 218 p. (Sw.fr. 25.—).

Records of the Diplomatic Conference for the Conclusion of a Treaty on the International Recording of Scientific Discoveries, 1978, no. 338 (E), October 1981. — 216 p. (Sw.fr. 25.—).

Records of the Geneva Diplomatic Conference on the Revision of the International Convention for the Protection of New Varieties of Plants, 1978, no. 337 (GE), November 1981. — 316 p. (Sw.fr. 90.—).

Calendar

WIPO Meetings

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

1981

December 1 to 4 (Geneva) – International Patent Classification (IPC) Union – Committee of Experts

December 7 to 11 (Geneva) – Permanent Committee for Patent Information (PCPI) and PCT Committee for Technical Cooperation

1982

February 22 to 25 (Colombo) – Symposium on the Use and Usefulness of Trademarks in the Countries of the Asian and Pacific Region

September 27 to October 5 (Geneva) – Governing Bodies (WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions)

UPOV Meetings

1982

April 26 and 27 (Geneva) – Administrative and Legal Committee

April 28 and 29 (Geneva) – Consultative Committee

May 11 to 13 (Salerno) – Technical Working Party for Vegetables

May 18 (Madrid) – Technical Working Party for Agricultural Crops – Subgroup

May 19 to 21 (Madrid) – Technical Working Party for Agricultural Crops

September 28 (Faversham) – Technical Working Party for Fruit Crops – Subgroup

September 29 to October 1 (Faversham) – Technical Working Party for Fruit Crops

October 5 to 7 (Cambridge) – Technical Working Party for Ornamental Plants and Forest Trees

October 12 (Geneva) – Consultative Committee

October 13 to 15 (Geneva) – Council

November 15 and 16 (Geneva) – Administrative and Legal Committee

November 17 (Geneva) – Information Meeting with International Non-Governmental Organizations

November 18 and 19 (Geneva) – Technical Committee

Meetings of Other International Organizations Concerned with Industrial Property

1981

European Patent Organisation: December 1 to 4 (Munich) – Administrative Council