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Industrial Property and Copyright

Monthly Review of the
World Intellectual Property Organization

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INDUSTRIAL PROPERTY LAWS AND TREATIES

(Separate insert of legislative texts)

COPYRIGHT AND NEIGHBORING RIGHTS LAWS AND TREATIES

(Separate insert of legislative texts)

Cooperation for Development

Africa

Assistance with Training, Legislation and Modernization of Administration

Madagascar. In December 1997, two government officials, the Director of Cabinet of the Minister for Industry, Mrs. Davidson and the Director General of the Malagasy Industrial Property Office, Mr. Julien Velontrasina, discussed with WIPO officials in Geneva matters of cooperation, in particular, draft amendments to national industrial

property legislation and a new draft law on geographical indications.

United Nations Development Programme (UNDP). In December 1997, a WIPO official discussed with UNDP officials in New York, matters of cooperation, in particular, the intellectual property workplan under the regional program on capacity building for trade and development in Africa, to be executed by WIPO.

Arab Countries

Training Courses, Seminars and Meetings

WIPO Arab Regional Seminar on Industrial Property (United Arab Emirates). From December 7 to 10, 1997, WIPO organized that Seminar in Dubai, in cooperation with the Government of the United Arab Emirates. The Seminar was attended by some 120 participants from Algeria, Bahrain, Djibouti, Jordan, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, the Sudan, Syria, Tunisia, Yemen, and the Palestinian National Authority as well as local officials and representatives from the private sector. Presentations were made by four WIPO experts from Egypt and Jordan, a local expert and by three WIPO officials. Another WIPO official also attended the Seminar.

WIPO Sub-Regional Seminar for the Gulf Cooperation Council (GCC) Countries on the Implementation of the TRIPS Agreement (Oman). From December 15 to 17, 1997, WIPO organized that Seminar in Muscat, in cooperation with the Ministry of Commerce and Industry. Some 150 participants from GCC countries, as well as local officials and representatives from the private sector, attended the Seminar. Presentations were made by seven WIPO experts from Canada, Egypt, India, the Sudan, the United Kingdom and the United States of America. A local expert and a WIPO official also made presentations. Another WIPO official also attended the Seminar.

Assistance with Training, Legislation and Modernization of Administration

Oman. In December 1997, two WIPO officials discussed with government officials in Muscat matters of cooperation, particularly the possible implementation of a WIPO country project for Oman,

WIPO assistance in revising existing legislation and preparing new draft legislation, the provision of training in the field of information technology, the organization of a national seminar on licensing and technology transfer to be held during the first quarter of 1998 and the possible accession of Oman to certain WIPO treaties.

Saudi Arabia. In December 1997, two WIPO officials undertook a mission to the Ministry of Commerce in Riyadh, to provide assistance and advice in the fields of computerization and training and to discuss future cooperation in the areas of legislative and administrative modernization, institution-building and the development of human resources.

Sudan. In December 1997, WIPO organized two study visits for two government officials to the Egyptian Academy of Scientific Research and Technology in Cairo and to the Jordanian Ministry of Industry and Trade in Amman. The visits related to training in patent search and examination and the organization and administration of the national office, respectively.

Syria. In December 1997, WIPO organized a study visit for six government officials to the Moroccan Industrial Property Office in Casablanca, for training in trademark and examination procedures.

United Arab Emirates. In December 1997, WIPO officials discussed with government officials in Dubai matters of cooperation and the possible accession of the country to the PCT and the Berne Convention.

In the same month, a WIPO expert from Jordan undertook a mission to the Ministry of Economy and Commerce in Abu Dhabi, to provide advice on the organization and administration of the Trade Mark Registry.

Also in December, a WIPO official undertook a mission to the same Ministry, to advise on the computerization of the Trade Mark Registry.

Asia and the Pacific

Training Courses, Seminars and Meetings

WIPO National Seminar on Copyright for Librarians (Philippines). On December 8 and 9, 1997, WIPO organized that Seminar in Manila in cooperation with the National Library of the Government of the Philippines. The Seminar was attended by some 250 participants. Presentations were made by five WIPO experts from Japan, Sweden, the United Kingdom, the Asia-Pacific Committee of the International Federation of Reproduction Rights Organizations (IFRRO) and the Regional Office for Asia and the Pacific of the International Confederation of Societies of Authors and Composers (CISAC), by a

Tonga and Viet Nam, and some 50 local participants from government circles and the private sector. A number of officials from the Agency for Cultural Affairs of Japan and Japanese copyright institutions also attended the Symposium. Papers were presented by eight WIPO experts from Japan, Sweden, the United Kingdom, the Regional Office for Asia and the Pacific of CISAC, the Regional Office for Asia of the International Federation of the Phonographic Industry (IFPI) and the Asia-Pacific Committee of IFRRO, by two local experts and three WIPO officials. The Symposium was financed by the Japanese funds-in-trust arrangement in the field of copyright and neighboring rights.



Participants at the WIPO Regional Symposium on Copyright and Neighboring Rights for Asian and Pacific Countries (Philippines), December 9 to 12, 1997.

local expert and two WIPO officials. Two other WIPO officials also attended the Seminar.

WIPO Regional Symposium on Copyright and Neighboring Rights for Asian and Pacific Countries (Philippines). From December 9 to 12, 1997, WIPO organized that Symposium in cooperation with the Bureau of Patents, Trademarks and Technology Transfer, Department of Trade and Industry of the Government of the Philippines and the Intellectual Property Society of the Philippines and with the assistance of the Agency for Cultural Affairs of the Government of Japan. The Symposium was attended by 26 participants from Bangladesh, Bhutan, Brunei Darussalam, Cambodia, China, Fiji, India, Indonesia, Iran (Islamic Republic of), Laos, Mongolia, Myanmar, Nepal, Pakistan, Papua New Guinea, Republic of Korea, Samoa, Sri Lanka, Thailand,

Assistance with Training, Legislation and Modernization of Administration

Cambodia. In December 1997, two government officials participated in a training program at the Japanese Patent Office in Tokyo on the administration of industrial property rights. The program was financed under the Japanese funds-in-trust arrangement.

India. In December 1997, two government officials participated in a training program at the Japanese Patent Office in Tokyo on the administration of industrial property rights. The program was financed under the Japanese funds-in-trust arrangement.

Indonesia. In December 1997, two government officials participated in a training program at the Japanese Patent Office in Tokyo on the administration of industrial property rights. The program was

financed under the Japanese funds-in-trust arrangement.

In the same month, a WIPO consultant from Malaysia undertook a mission to Jakarta and made a presentation at a Seminar on Economic, Law and Social Aspects of Intellectual Property Rights in Anticipating the Era of Global Economy, organized by Government of Indonesia.

Laos. In December 1997, two government officials participated in a training program at the Japanese Patent Office in Tokyo on the administration of industrial property rights. The program was financed under the Japanese funds-in-trust arrangement.

Malaysia. In December 1997, a WIPO official attended the inauguration of the Patents and Trademarks Automated System at the Intellectual Property Division of the Ministry of Domestic Trade and Consumer Affairs. He also had discussions with government officials on future cooperation. The mission was organized as part of the UNDP project on strengthening the industrial property system of Malaysia.

Mongolia. In December 1997, two government officials participated in a training program at the Japanese Patent Office in Tokyo on the administration of industrial property rights. The program was financed under the Japanese funds-in-trust arrangement.

Myanmar. In December 1997, two government officials participated in a training program at the Japanese Patent Office in Tokyo on the administration of industrial property rights. The program was financed under the Japanese funds-in-trust arrangement.

Nepal. In December 1997, WIPO prepared and sent to the government authorities, at their request, a draft law on copyright and neighboring rights.

Philippines. In December 1997, two government officials participated in a training program at the Japanese Patent Office in Tokyo on the administration of industrial property rights. The program was financed under the Japanese funds-in-trust arrangement.

Singapore. In December 1997, a government official discussed with WIPO officials in Geneva cooperation in the field of training, in particular the organization of the WIPO Seminar for the Asia and Pacific Region on Internet and Industrial Property Protection, which would be held in Singapore in April 1998.

Thailand. In December 1997, two government officials participated in a training program at the Japanese Patent Office in Tokyo on the administration of industrial property rights. The program was financed under the Japanese funds-in-trust arrangement.

Viet Nam. In December 1997, two government officials participated in a training program at the Japanese Patent Office in Tokyo on the administration of industrial property rights. The program was financed under the Japanese funds-in-trust arrangement.

In the same month, a WIPO expert from Singapore, together with a local expert, undertook a mission to the National Office of Industrial Property in Hanoi to advise on the further development of the patent information system. The visit was financed by the UNDP-funded regional project for the modernization of intellectual property systems.

Latin America and the Caribbean

Training Courses, Seminars and Meetings

Workshop on Trademark Registration for Officials from the National Institute of Industrial Property (INPI) (Argentina). On December 9 and 10, 1997, WIPO organized that Workshop in Buenos Aires. The Workshop was attended by around 25 participants, three WIPO speakers from Brazil, Uruguay and Spain, and one WIPO official. The objective of this Workshop was to provide INPI staff with on-the-job training in the application of different criteria for the examination and registration of trademarks.

WIPO National Seminar on Industrial Property and Entrepreneurial Competitiveness (Paraguay). On December 11 and 12, 1997, WIPO organized that Seminar in Asunción, in cooperation with the Ministry of Industry and Commerce of Paraguay.

The aim of this event was to disseminate information on the protection of industrial property and to discuss the role of industrial property assets in entrepreneurial management. Thirty participants attended the Seminar and presentations were made by four WIPO experts from Argentina, Brazil, Mexico and Uruguay, by three national experts and two WIPO officials.

Assistance with Training, Legislation and Modernization of Administration

Colombia. In December 1997, a WIPO consultant from the OEPM undertook a mission to the Directorate General of Industry and Commerce in Santafé de Bogotá, to provide technical assistance in the classification and examination of industrial design applications.

Costa Rica. In December 1997, a senior government official met with the Director General and other WIPO officials in Geneva to discuss matters of cooperation.

Mexico. In December 1997, a WIPO consultant from Chile undertook a mission to the Mexican Institute of Industrial Property in Mexico City to review, with local officials, technical specifications for the design and development of IMPI's automated system for patent operations.

Paraguay. In December 1997, a WIPO information technology consultant from Uruguay undertook a mission to Asunción to review, *inter alia*, the newly installed automated system and provide training to local staff. The mission was organized in the framework of project for the

modernization of the intellectual property system of Paraguay.

In the same month, a WIPO expert from Uruguay undertook a mission to the Author's Society of Paraguay (APA) in Asunción to advise on the further development of the Collective Administration in Paraguay. The mission was organized and financed in the framework of a project for the modernization of the intellectual property system of Paraguay.

Peru. In December 1997, a WIPO expert from the OEPM undertook a mission to the National Institute for the Defense of Competition and Intellectual Property Protection in Lima, to provide technical assistance in the classification and examination of industrial design applications.

Certain Countries in Europe and Asia

National Activities

Armenia. In December 1997, a government official met with WIPO officials in Geneva to discuss, *inter alia*, matters related to the international classifications systems set up under the Nice, Vienna, Locarno and Strasbourg Agreements (relating to marks, the figurative elements of marks, industrial designs and patents, respectively).

Croatia. In December 1997, a WIPO official met with government officials in Zagreb to discuss the international classification systems set up under the Nice, Vienna and Locarno Agreements and to conduct on-the-job training relative to the classifications.

In the same month, two government officials met with WIPO officials in Geneva to discuss administrative matters regarding international registration under the Madrid Agreement Concerning the International Registration of Marks and the Protocol to that Agreement.

WIPO Medals

In December 1997, WIPO gold medals were awarded to:

- the best inventor, best women inventor and best invention of environmental technology on the occasion of the "Indonesian Youth Entrepreneurs & Innovative Expo 97", held in Jakarta;

- the best inventor, best young inventor and best invention in a specific area on the occasion of the third Competition for National Inventors, organized by the National Institute for the Defense of Competition and Intellectual Property Protection in Lima;

- the winners in the categories of the best invention and best young inventor on the occasion of the "Contest of Creativity and Inventive Activities of the Niger" held in Niamey;



- an inventor/researcher from Senegal on the occasion of the "1997 Award of the President of the Republic of Senegal for Promotion of Invention and Technological Innovation";

- the best invention presented in an industrial domain, the best invention in the field of energy and the best young inventor on the occasion of the "First African Exhibition of Invention and Technological Innovation" in Dakar, Senegal; and

- an inventor from Senegal on the occasion of the "Third Biennale of Science and Technologies AF-RISTECH 97", also held in Dakar.

Progressive Development of International Intellectual Property Law

Committee of Experts on the Patent Law Treaty

Fifth Session
(Geneva, December 15 to 19, 1997)

The Committee of Experts considered the latest draft of the Patent Law Treaty and of the draft Regulations. The drafts had been prepared by the Secretariat and were accompanied by Notes explaining each provision.

The draft Treaty pertains to formalities that may be required for the filing of patent applications and recordings by Patent Offices and related matters, such as requirements for obtaining a filing date, representation, and conditions for extension of time limits and restoration of rights. The proposed drafts were the combined result of the provisions discussed in the previous four sessions of the Committee of Experts, the first of which was held in December 1995. A particular feature of the proposed drafts was the provision for closer alignment with the Patent Cooperation Treaty (PCT), taking into account the latest amendments to the PCT Regulations.

All delegations, which took the floor, expressed their support for the efforts to harmonize the existing patent laws and stressed the importance of the work of the Committee of Experts with regard to concluding the Treaty in the near future. Several delegations also expressed their continued support for the need for harmonization in the substantive area of patent law to provide simple procedures and effective patent protection.

During the course of the meeting, substantial progress was made on the detailed contents of the proposed Treaty. While the Committee of Experts

was, in general, in favor of the proposed draft Treaty, a number of suggestions for amendment or further study were made. In particular, the Delegation of Sudan proposed that a provision concerning fee reductions for nationals of developing countries be included in the draft Treaty.

The following 68 States members of WIPO and/or the Paris Union were represented at the session: Algeria, Argentina, Armenia, Australia, Austria, Belarus, Belgium, Brazil, Cameroon, Canada, China, Costa Rica, Croatia, Czech Republic, Denmark, Egypt, El Salvador, Estonia, Finland, France, Gabon, Germany, Guatemala, Guinea, Hungary, India, Indonesia, Jamaica, Japan, Kenya, Kyrgyzstan, Latvia, Lesotho, Lithuania, Madagascar, Malawi, Malaysia, Mali, Malta, Mexico, Morocco, Netherlands, Norway, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Senegal, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Thailand, Trinidad and Tobago, Ukraine, United Kingdom, United States of America, Uruguay, Venezuela, Viet Nam, Zambia and Zimbabwe. Representatives of the World Trade Organization (WTO), the European Communities (EC), the European Patent Office (EPO), the African Regional Industrial Property Organization (ARIPO), and the Organization of African Unity (OAU). In addition, 21 non-governmental organizations took part in the session in an observer capacity.

Global Information Network and Intellectual Property Information Services

WIPO draft Program and Budget for the 1998-99 Biennium

In December 1997, the second round of intensive, informal discussions with member States on WIPO's draft program and budget for the 1998-99 biennium took place, in Geneva. The discussions had been initiated, in November, by the Director General, under whose direction the program and budget were being prepared by the Secretariat; both rounds were presided over by Ms. Sheila Batchelor,

Chair of the General Assembly of WIPO, and Chief Executive Officer of the Canadian Intellectual Property Office, Commissioner of Patents and Registrar of Trade-marks.

The coordinators of the various regional groups of WIPO member States and representatives of States members of the Budget and Premises Committees participated in the discussions.

The Chair of the WIPO General Assembly underlined that the consultations were aimed at strengthening three of the five pillars on which the Director General planned to build the future of the Organization - transparency, accountability and the involve-

ment of member States in all aspects of planning and implementation. The other two pillars, reaching out to the other UN organizations and introducing modern management techniques, were reflected in the draft program itself.

Global Protection Systems and Services

Patent Cooperation Treaty (PCT)

Training and Promotion Meetings for PCT Users

Ad Hoc Advisory Group on Proposed Amendments to the PCT Regulations. In December 1997, the Ad Hoc Advisory Group met in Geneva to advise the Secretariat on the development of proposed amendments to the Regulations under the Patent Cooperation Treaty (PCT). The Ad Hoc Advisory Group comprised representatives of the International Searching Authorities and International Preliminary Examining Authorities under the PCT (Australia, Austria, China, Japan, the Republic of Korea, the Russian Federation, Spain, Sweden, the United States of America and the European Patent Office), of the Patent Offices of six countries whose nationals and residents make extensive use of the PCT system (Canada, France, Germany, the Netherlands, Switzerland and the United Kingdom) and of eight non-governmental organizations whose members are major users of the PCT.

The proposals included amendments to the PCT Regulations relating to the contents of the request form filed with international applications under the PCT and related national phase requirements as well as different aspects of the requirements and filing of international applications and their processing in the international phase and the national phase.

France. In December 1997, a WIPO official conducted a basic PCT seminar organized by a private conference organizer in Paris. There were 16 participants, mainly from industry.

Indonesia. In December 1997, a government official had discussions with WIPO officials in Geneva on matters pertaining to the PCT.

Madagascar. In December 1997, two government officials had discussions with WIPO officials in Geneva on several matters related to the PCT.

Romania. In December 1997, a government official met with WIPO officials in Geneva to discuss various practical aspects of the PCT procedures.

United Kingdom. In December 1997, two WIPO officials conducted an advanced PCT seminar and a

workshop for experienced patent administrators, organized in London by a private conference organizer. There were 32 and 22 participants, respectively, from private practice and industry.

Zimbabwe. In December 1997, a government official met with WIPO officials in Geneva to discuss various PCT matters.

African Regional Industrial Property Organization (ARIPO). In December 1997, the Director General of ARIPO, Mr. Mzondi Chirambo, met with WIPO officials in Geneva to discuss the organization of a regional seminar on the PCT in 1998.

European Patent Office (EPO). In December 1997, a WIPO official attended the 69th meeting of the Administrative Council of the EPO in The Hague.

In the same month, five PCT examiners undertook an information visit to the receiving office section of the EPO.

Computerization Activities

PCT Document Management Study Review Meeting. In December 1997, the Secretariat presented the results of a detailed study of the complex information and document management needs of the PCT system, which had been carried out by a team of management consultants, to 12 representatives of national and regional Offices having experience in automation and computerized systems for the processing of patent applications (Canada, China, Indonesia, Japan, the United States of America, ARIPO and the EPO), in order to take advantage, to the greatest extent possible, of the experience of those Offices. The Secretariat received valuable comments from the representatives as well as from the Office of Brazil (which could not be represented at the meeting), that will be taken into account in the development of the system.

Singapore. In December 1997, a government official had discussions with WIPO officials in Geneva on the automation of the national Registry of Trade Marks and Patents and on the PCT information currently available in electronic form.

Contacts with Other Countries and International Organizations

National Contacts

United States of America. In December 1997, Mr. Bruce Lehman, Commissioner, Patent and Trademark Office and two other government officials met with the Director General and other WIPO officials in Geneva to discuss the use of information technologies in the activities of WIPO, in particular, the automation of the PCT sector and mechanisms for overseeing the use of such technologies within the organization and between it and member States.

United Nations

International Computing Centre (ICC). In December 1997, a WIPO official participated in the 60th session of the ICC Management Committee in New York.

International Labour Organization (ILO). In December 1997, two WIPO officials visited the Multimedia Design and Production Service at the ILO International Training Centre in Turin (Italy) to examine the reproduction and design facilities there and discuss possible future cooperation.

World Health Organization (WHO). In December 1997, two WHO officials met with WIPO officials in Geneva to discuss the proposed protection, through the Administrative Challenge Panel (ACP) proceedings, of international non-proprietary names for pharmaceutical substances (INNs) against their use as domain names or trademarks. It

was decided to include a relevant paragraph on this matter in the third revised draft of the substantive ACP guidelines.

Intergovernmental Organizations

World Trade Organization (WTO). In December 1997, a WIPO official attended a meeting of the General Council of the WTO, held in Geneva.

Other Organizations

International Literary and Artistic Association (ALAI). In December 1997, the President of the ALAI, Professor Victor Nabham, met with the Director General and other WIPO officials in Geneva to discuss possible assistance in preparing curricula for Arab universities in the teaching of intellectual property law.

Online Information '97. In December 1997, two WIPO officials attended the twenty-first annual conference *Online Information '97*, in London.

Union of European Practitioners in Industrial Property (UEPIP). In December 1997, a WIPO official attended a Round Table on Patenting of Computer Software, organized by the UEPIP, in Munich. The official acted as Chairman of the first session of the Round Table, during which questions concerning the availability of patent protection for computer programs in various countries and under the European Patent Convention were discussed.

Notifications Concerning Treaties Administered by WIPO

WIPO Convention

SAO TOME AND PRINCIPE

Accession

The Government of Sao Tome and Principe deposited, on February 12, 1998, its instrument of

accession to the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967.

The said Convention will enter into force, with respect to Sao Tome and Principe, on May 12, 1998.

WIPO Notification No. 196, of February 12, 1998.

Paris Convention

SAO TOME AND PRINCIPE

Accession

The Government of Sao Tome and Principe deposited, on February 12, 1998, its instrument of accession to the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979.

Sao Tome and Principe has not heretofore been a member of the International Union for the Protection of Industrial Property ("Paris Union"), founded by the Paris Convention.

The Paris Convention as revised will enter into force, with respect to Sao Tome and Principe, on

May 12, 1998. On that date, Sao Tome and Principe will become a member of the Paris Union.

Paris Notification No. 182, of February 12, 1998.

Trademark Law Treaty

RUSSIAN FEDERATION

Ratification

The Government of the Russian Federation, deposited, on February 11, 1998, its instrument of ratification of the Trademark Law Treaty, done at Geneva on October 27, 1994.

The Trademark Law Treaty will enter into force, with respect to the Russian Federation, on May 11, 1998.

TLT Notification No. 22, of February 11, 1998.

Recent WIPO Publications

The following new publication¹ was issued by WIPO in January 1997:

Information Sheet WIPO (166 countries), (English, French, Spanish), No. 414 (E/F/S), 2 pages, free of charge.

¹ WIPO publications may be obtained from the Information Products Section, WIPO, 34, chemin des Colombettes, CH-1211 Geneva 20, Switzerland (telex: 412 912 OMPI CH; fax: (41-22) 733 5428; telephone: (41-22) 338 9111).

Orders should indicate: (a) the number or letter code of the publication desired, the language (E for English, F for French, S for Spanish), the number of copies; (b) the full address for mailing; (c) the mail mode (surface or air). Prices cover surface mail.

Bank transfers should be made to WIPO account No. 487080-81, at the Swiss Credit Bank, 1211 Geneva 20, Switzerland.

Calendar of Meetings

WIPO Meetings

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

1998

June 8 to 12 (Geneva)

Committee of Experts on a Possible Protocol Concerning Audiovisual Performances (Protocol to the WIPO Performances and Phonograms Treaty)

The Committee meeting (the second session) will discuss proposals to be submitted by States members of WIPO and the European Community concerning a Protocol to the WIPO Performances and Phonograms Treaty (WPPT) on Audiovisual Performances.

* The said meeting will be held in the CICG (Centre international de conférences de Genève) in Geneva from September 7 to 11, and will continue in the WIPO main building on September 14 and 15.

