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THE ORGANIZATION AND MANAGEMENT OF AN
INDUSTRIAL PROPERTY OFFICE: THE EXAMPLE OF THE FRENCH
NATIONAL INSTITUTE OF INDUSTRIAL PROPERTY (INPI)

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I. PRESENTATION OF INPI

Article 12 of the Paris Convention signed on March 20, 1883, laid down that “each country of the Union undertakes to establish a special industrial property service and a central office for the communication to the public of patents, utility models, industrial designs, and trademarks.”

France had in fact already passed legislation since the first law governing patents goes back to 1791. However, it was only in 1901 that the Industrial Property Directorate was transformed into an industrial property office.

It was originally housed in the National Conservatory of Arts and Trades in Paris, and subsequently attached to the Industrial Property Directorate of the Ministry of Trade, and finally transferred in 1919 to the address which it still has today in Paris, at 26bis rue de Saint-Pétersbourg.

The National Institute of Industrial Property was set up by a law of April 19, 1951.

INPI is a public establishment under the authority of the Ministry of Industry. INPI enjoys financial autonomy.

The Law of April 19, 1951, and the Decree Regulating Public Administration of December 22, 1951, define the tasks and organization of INPI.

II. INPI'S TASKS

Today, it is Book IV of the Intellectual Property Code of July 1, 1992, that regulates the organization of INPI. That Code basically determines three tasks allocated to INPI:

- protection of innovations,
- adapt national and international law to the needs of innovators and enterprises,
- centralize and disseminate information.

A. Protection of innovations

The grant of industrial property rights is subject to substantive and formal examination by INPI. This includes:

- examination of the applications for patents and grant of patents,
- registration and publication of trademarks and service marks,
- centralization and conservation of deposits of industrial designs and their publication,
- keeping of patent, trademark and industrial design registers (entering all acts affecting the ownership of patents, trademarks and industrial designs).

In addition to its tasks relating to patents, trademarks and industrial designs, INPI centralizes the copies of all entries made at the registries of the commercial courts. These are in fact a second original of the entries (registrations, amendments and cancellations) with
respect to traders and companies. INPI also holds a duplicate of the company statutes and the annual accounts of commercial firms.

B. Adapt national and international law to the needs of innovators and enterprises

At national level, one of the tasks of INPI is to elaborate legislative texts and regulations with respect to industrial property.

In the field of innovation, it is primordial for creators and enterprises to have available the appropriate legal arms and technical means of confronting their competitors under optimum circumstances.

INPI is permanently on the watch to adapt the legal environment of industrial property to the real needs of users.

INPI endeavors, in conjunction with the concerned economic circles, to develop the legislative texts as a function of the requirements of a modern economy.

At the international level, INPI represents France, particularly with regard to the World Intellectual Property Organization (WIPO) in Geneva, the European Patent Office (EPO) in Munich and also within the World Trade Organization (WTO).

C. Centralize and disseminate information

INPI has to constitute a partner for the enterprises in order to provide them with services suitable to encourage their development by informing them on the state of competition. Thus, it is a task of INPI to centralize and disseminate all information required for the protection of innovations and to undertake activities to promote awareness and provide training in those fields.

Dissemination of information and awareness of industrial property are carried out through the provision to the public of extensive documentary holdings and by regional activities.

1. Public access to extensive documentary holdings

Any person may address himself to INPI at any time to obtain information on the economic area in which he is active. For that purpose, INPI has holdings comprised of French and foreign documentation on industrial property rights and also the means of exploiting those documentary holdings. Those means are comprised as follows:

(a) Patents

Tables and search indexes by alphabetical order of applicant and by subject matter according to the International Patent Classification;
The CD-ROMs of French patents:

- **BREF**: a CD-ROM of patent abstracts in French (abstracts of French and European patent applications and of international PCT applications) since 1978. Updated every two months.

- **COSMOS**: a CD-ROM comprising the full text of French patent applications. Since 1992. Published every two weeks.

- **DC-WORM TBE**: this CD contains the translations of European patents (TBE) as from the beginning of 1995.

**Databases:**

- **FPAT** (French patents): all administrative and legal information on French patents since 1966 (with the text of the abstract since 1979 and drawings since 1989),

- **EPAT** (European patents): all information on patents filed with the EPO since the beginning (1978). The text of the abstract has been given since 1988,

- **PCTPAT** (international patent applications): bibliographic references since 1978,

- **EDOC** (EPO documentary holdings): references of all patents of the major industrialized countries since 1920 (18 countries),

- **ECLATX** (text of the classification used by the EPO),

- **CIB** (text of the International Patent Classification),

- **JURINPI** (patent case law): from 1823 to the present,

- **PHARMSEARCH** (pharmaceutical patents accessible by generic structure): since 1985 for French and European patent applications and international applications; since 1992 for German and English patent applications.

**(b) Trademarks**

Tables by applicant name and by alphabetical order of trademarks;

**Databases:**

- **FMARK** (French marks): since 1976, marks registered, published and renewed in France; as from 1982, it is possible to display the logos of figurative and semi-figurative marks and as of that date it is also possible by graphic element of the mark (using the corresponding code of the international classification of figurative elements (Vienna Classification)),

- **TMINT**: international marks registered since 1966,

- **CTMARK**: Community trademarks registered since April 1996,
- JURINPI: trademark case law from 1904 to the present,


   Computerized trademark anticipation searching system (current French marks).

(c) Register of Commerce and Companies

   A computer file has been elaborated by INPI to enable searches to be made, on request, of anticipations of company names (designations, acronyms, trade names).

   Additionally, a database is accessible by Minitel:

   - EURIDILE: accessible on Minitel through 3617. Legal and financial information concerning all enterprises entered in the Register of Commerce and Companies (approximately 2,500,000 traders and companies).

   EURIDILE also contains the Registers of the United Kingdom (1,000,000 enterprises), of Belgium (900,000 enterprises), of the Netherlands (600,000 enterprises and 200,000 associations) and of Spain (2,000,000 enterprises).

(d) Industrial designs

   INPI makes available to the public:

   - the complete collection of reproductions of published industrial designs (since 1909), of tables by name of applicant,

   - a computer file (PARADIS) enabling searches to be made as from 1988,

   - a database of international designs comprising the bibliographic data of industrial designs published since 1979 (DMI).

(e) The Office of Legal and Technical Documentation

   This Office comprises a specialized legal library with the task of collecting and centralizing documentation on industrial and intellectual property law in France and abroad (legislative texts, articles from periodicals, case law).

   As a documentation center, its holdings are systematically exploited and its files, now computerized, are regularly supplemented.

   This Office publishes the two-monthly periodical PIBD (Documentary Bulletin of Industrial Property). This publication informs practitioners—enterprises, industrial property attorneys, researchers, lawyers—of the latest developments in law: new texts or drafts of laws, legal philosophy, reports on case law, bibliographies and important events in industrial property. The publication comprises 22 issues a year and annual tables.
2. Regional activities

At a very early date, the French administration was concerned with facilitating access to industrial property information in the broadest possible manner.

As of 1941, the law laid down that industrial property documentation should be decentralized towards the regions, each receiving a collection of the printed specifications of French patents, a collection of each edition of the Official Bulletin of Industrial Property—patents—trademarks—industrial designs—statistics—collections, supplemented by annual tables by applicant's name and by subject matter for patents, tables by names of marks and by trademark applicants and tables by industrial design applicants.

There were 18 of these centralizing agencies in 1961. It was the departmental archiving services that were charged with receiving the documentation and making it available to the public.

During the 1960s, it became obvious that the structure was no longer adequate. Indeed, the archiving services did not have the means to promote such documentation for want of space and of staff trained in industrial property matters.

Thus, with the agreement of the supervisory ministries, INPI undertook to deal itself with the decentralization of its documentation and information facilities within the regions on the basis of a specific organization and by entrusting specific tasks to specific bodies.

(a) A specific organization

(i) The regional delegations of INPI

INPI has opened 10 of its own regional delegations over the last 30 years:

- Marseille 1963 8 staff (including 3 executives)
- Lyon 1968 13 staff (including 5 executives)
- Strasbourg 1978 7 staff (including 3 executives)
- Bordeaux 1980 5 staff (including 2 executives)
- Nice 1981 5 staff (including 2 executives)
- Rennes 1983 6 staff (including 2 executives)
- Nancy 1985 5 staff (including 3 executives)
- Lille 1992 4 staff (including 2 executives)
- Grenoble 1993 5 staff (including 3 executives)
- Toulouse 1995 5 staff (including 2 executives)
As already mentioned, these delegations were set up by INPl. They are attached to the Documentation Division which is also responsible at INPl headquarters in Paris for the reading rooms open to the public where the industrial property documentation and the search tools are made available to the public.

In most cases, the delegations are housed in premises belonging to INPl that acquire them after having entered the necessary amounts in its budget and after having received the approval of the Administrative Council that supervises the establishment.

INPl has a staff of 750 persons. The Documentation Division comprises 129 persons:

- 59 in Paris,
- 51 in the regional delegations
- 12 in the print shop
- 7 in the archiving service.

The persons employed in the delegations are therefore part of INPI staff which is recruited under a status that is specific to the establishment.

The setting up of a delegation that belongs to INPl represents a considerable investment for INPl.

In 1995, our tenth regional delegation opened in Toulouse. The setting up of that delegation represented an expenditure of approximately seven million francs, comprising purchase of the premises, fitting out, constitution of the documentary holdings, providing hardware (microfilm readers, CD-ROM workstations, etc.), and the furnishings. The annual running costs to be foreseen (salaries, documentation, building expenses and miscellaneous) are around one million francs.

These amounts are to be set off against the overall budget of INPl (in 1993: 622 million francs; in 1994: 631 million francs; in 1995: 671 million francs).

(ii) Associated documentation centers

In certain regions where INPl does not have its own structures, documentation centers have been set up in association with the Chambers of Commerce and Industry, the Regional Chambers of Commerce and Industry, with certain departmental archiving services or with the universities. There are seven of these associated centers. These are located at Besançon, Belfort, Caen, Clermont-Ferrand, Dijon, Montpellier, Nantes and Rouen.

(iii) Tasks

A distinction must be made between the tasks of the INPI delegations and those of the associated documentation centers.
• Tasks of the INPI regional delegations

There are four such tasks:

- public information on matters relating to industrial property: the aim is to provide initial information on matters liable to be of interest to manufacturers, traders and creators in respect to industrial property procedures;

- public availability of extensive documentary holdings on industrial property rights having effect in France and in various foreign countries: a delegation’s documentary holdings comprise a collection of published French patent applications and granted French patents, a collection of published European patent applications and granted European patents, a collection of international PCT applications, a collection of German, English and American granted patents. The means for exploiting these documentary holdings are identical with those equipping the Paris headquarters of INPI (search files, databases, CD-ROMs);

- acceptance of applications for industrial property titles: the INPI regional delegations are competent to accept the filing of applications for French, European and international PCT patents, the filing of applications for registration of trademarks and service marks and the filing of industrial designs;

- organization at regional level of activities to promote industrial property: these promotional activities are organized in the form of awareness workshops for patents, trademarks, industrial designs, with or without participation by other regional bodies active in innovation, in the form of training courses at scientific universities, schools of engineering or commercial schools.

In order to carry out these tasks, the INPI regional delegations currently possess a staff of between four and 13 persons, depending on the size of the region.

• The tasks of the associated documentation centers

These centers make available to the public and administer documentary holdings basically comprised of published French patent applications and granted French patents, together with registered trademarks that have effect in France. They are not competent to accept the filings of industrial property titles.

(b) The example of the regional delegation in Strasbourg

This delegation was set up in 1978 and currently operates with a staff of seven persons. It occupies a working surface of 450 square meters and its role is to represent INPI and create public awareness of industrial property in Alsace (approximately 8,300 km² and 1,520,000 inhabitants).

However, the responsibilities of a regional delegation are not restricted to a given region: people living in other regions may call on the services of the delegation, but that happens less frequently. In view of its geographical location, the Strasbourg delegation is also approached by German and Swiss nationals.
(i) **Operation of the regional delegation**

We shall look at the duties of the staff and the administration of the delegation.

- **Staff**

The size of this delegation’s staff is seven persons:

- **a regional delegate**, a qualified engineer holding a CEIPI diploma. The tasks of the regional delegate are:
  
  ⇒ administration of the delegation with respect to hardware and premises, in liaison with the relevant services in Paris,
  ⇒ administration of the staff in liaison with the Documentation Division in Paris,
  ⇒ public reception and information on all matters relating to industrial property (formalities for filing patents, trademarks, industrial designs) and assistance to the public in using the documentary holdings (searches of patents and trademarks, interrogation of databases),
  ⇒ development of a regional policy of awareness on industrial property,
  ⇒ to represent the INPI Director with the regional administrative and judicial bodies.

- **an assistant to the regional delegate**, qualified documentalist and holder of a CEIPI diploma (trademarks and industrial designs). The duties are as follows:

  ⇒ public reception and information,
  ⇒ interrogation of the databases,
  ⇒ administrator of advances and receipts,
  ⇒ reading and exploitation of legal periodicals and subject classification,
  ⇒ organization of the delegation’s documentary holdings,
  ⇒ awareness activities.

- **an engineer**

  ⇒ public reception and information and assistance in searching,
  ⇒ interrogation of the databases,
  ⇒ awareness activities.

- **an editor**, holder of a CEIPI diploma (trademarks and industrial designs). The tasks are as follows:

  ⇒ acceptance of filings for patents, trademarks and industrial designs and receipt of the procedural fees,
  ⇒ correspondence work on the computer,
reception, public information and assistance in searching,
keeping and updating of the visitor file.

- three secretaries, who, alternately, provide secretarial services, make photocopies and send documents to users.

- Administration of the delegation

As mentioned above, an INPI regional delegation has no financial autonomy and depends entirely on the INPI headquarters both for administration of the premises and equipment and for the staff salaries.

For its internal organization, on the other hand, the regional delegation supports staff, organizes the work and allocates tasks. The regional delegate has full autonomy to define and establish a policy of awareness for industrial property in the region. The training of the delegation’s staff is provided both by INPI Paris, through periodical information meetings, and by an internal policy.

(ii) The tasks of the regional delegation

- Public information

One of the basic tasks of a regional documentation delegation is to provide information on matters relating to industrial property, to assist the public with respect to obtaining industrial property titles and to exploit the documentation. For that reason, 3,759 persons consulted the Strasbourg regional delegation in 1997.

- Acceptance of filings

The INPI regional delegations are competent to accept the filings of French and European patents and PCT international applications, filings of trademarks and deposits of industrial designs. As an example, the Strasbourg center received in 1997:

- 478 filings of French patents,
- 143 filings of European patents,
- 44 filings of PCT applications,
- 1545 filings of trademarks and renewals,
- 192 deposits of industrial designs (= 1254 designs).

- Computerized searching

In its task of assisting the public, the Strasbourg delegation is called upon to carry out searches in the documentary tools of INPI. The delegation has developed a special service of technological watch on the basis of the patent databases and the CD-ROM files for the purposes of Alsatian enterprises. So far, the delegation is carrying out monthly watches (for a fee) for 16 Alsatian enterprises.
• **Awareness activities**

One of the tasks of an INPI regional delegation is to make the public in its region aware of industrial property. To that end, the Strasbourg delegation participates in training activities in university circles, either by specific two or three hour interventions or as course modules of between 12 and 30 hours completed by an exam. The delegation also participates in training activities with local bodies that help with economic development (the Chamber of Commerce and Industry, regional development association, bodies encouraging the creation of enterprises).

For example, in 1997, the delegation carried out 105 activities, equivalent to 253 hours of training, that involved 1798 persons.