

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

COMMITTEE OF EXPERTS
ON
THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

(April 23 to 26, 1974)

CORREGINDUM TO DOCUMENT DMO/II/2
prepared by the International Bureau

1. Paragraph 7 of document DMO/II/2, and Note (3), page 3, should read as follows.

"7. Twenty-three countries⁽³⁾ answered this question in the affirmative. Two of them, New Zealand and Switzerland, qualified their reply by adding that no opinion could be expressed on the question whether a "valid" patent can be obtained for a process involving the action of a new microorganism, since the question of validity is a matter for court decisions. Argentina replied to this question in the negative, adding that microbiological processes were protected when they resulted in products capable of industrial application. The Soviet Union reported that, even if the Statute on Discoveries, Inventions and Rationalization Proposals of August 21, 1973, did not regulate the matter covered by this question, there was a recent tendency to protect processes involving the action of microorganisms not already known and available to the public.

(3) Algeria, Australia, Austria, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Germany (Federal Republic of), Hungary, Ireland, Netherlands, New Zealand, Norway, Philippines, Poland, Sweden, Switzerland, United Kingdom, United States of America, Yugoslavia."

2. Point I.1.(a) of Annex III to document DMO/II/2, page 4, should read as follows.

"I.1. (a) Inventions concerning a new micro-organism are patentable; however, the micro-organism must be available prior to the grant of the patent (see reply to II.4. (b))."

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