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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

Third Session
Geneva, April 26 to 30, 1976

REPORT

I. INTRODUCTION

1. Convened by the Director General of the World Intellectual Property Organization (WIPO) in accordance with a decision taken by the Executive Committee of the Paris Union for the Protection of Industrial Property in the course of its eleventh ordinary session (September 1975), the Committee of Experts on the Deposit of Microorganisms for the Purposes of Patent Procedure (hereinafter referred to as "the Committee") held its third session in Geneva from April 26 to 30, 1976.

2. All member States of the Paris Union for the Protection of Industrial Property had been invited. The following were represented: Austria, Belgium, Cuba, Czechoslovakia, Denmark, Finland, France, Germany (Federal Republic of), Hungary, Ireland, Japan, Netherlands, Norway, Soviet Union, Spain, Sweden, Switzerland, Trinidad and Tobago, Turkey, United Kingdom, United States of America (21).

3. One intergovernmental and nine international non-governmental organizations were represented by observers. The list of participants is annexed to this report.

4. Dr. Arpad Bogsch, Director General of WIPO, opened the session. He expressed the hope that the Committee would be in a position to reach an agreement on the major issues of the draft Treaty and the draft Regulations that it had to examine so that no further sessions of the Committee would be necessary before the Diplomatic Conference, which should be held in 1977.

5. The Committee unanimously elected Mr. J.-L. Comte (Switzerland) as Chairman and Mr. T.J.G. Davis (United Kingdom), Mrs. E. Parragh (Hungary) and Mr. E.D.S. Braithwaite (Trinidad and Tobago) as Vice-Chairmen. Mr. F. Curchod (WIPO) acted as Secretary to the Committee.

6. Discussions were based on documents DMO/IV/2, 3 and 3 Corr., which contain a draft Treaty and draft Regulations, prepared by the International Bureau. After a brief general discussion (see Part II of this report), the Committee decided to accept those drafts as a basis for its deliberations and examined them Article by Article, and Rule by Rule. Part III of this report relates to those deliberations; it only indicates the amendments suggested, generally without identifying speakers; the International Bureau, however, is able to identify the speakers on the basis of the notes taken by the Secretariat and the tape recordings of the discussions. The fact that a number of provisions are not mentioned in Part III of this report means that the Committee, after examining the provisions in question, did not ask for any changes to be made; moreover, consequential changes which have to be made in certain provisions in view of amendments suggested by the Committee are not expressly mentioned. All references to Articles and Rules, unless otherwise specified, are references to Articles and Rules of the draft Treaty and the draft Regulations as appearing in documents DMO/IV/2, 3 and 3 Corr.

7. The Committee also considered documents DMO/IV/4, 5, 6 and 8, which contain comments and proposals presented by the Delegations of France, Norway and Cuba, and, jointly, by the Representatives of UNICE and CEIF.

II. GENERAL DISCUSSION

8. The Delegation of SPAIN said that it had examined with interest the draft Treaty and Regulations. These documents followed, in general, the conclusions reached by the Committee at its second session in April 1975, even if they contained certain changes as a result of the replies received to the WIPO questionnaire of July 18, 1975. The said changes related in particular to a number of definitions, to the liability of internationally recognized depositary authorities and to the release of samples to third parties. It regretted, on the latter point, that neither the draft Treaty nor the draft Regulations provided an answer to the question of availability of samples which would lead to a uniform solution binding the Contracting Parties. It also said that it was pleased to note that a number of the proposals it had made during the second session of the Committee had been accepted.

9. The Delegation of the SOVIET UNION expressed its appreciation of the work accomplished between the Committee's second and third sessions and said that it would comment on the draft Treaty and Regulations Article by Article and Rule by Rule.

III. DRAFT TREATY AND DRAFT REGULATIONS

Article 1: Establishment of a Union

10. The majority of the Committee expressed the view that, although some delegations expressed doubts as to whether intergovernmental organizations could become party to the Treaty in view of the provisions of Article 19 of the Paris Convention, Article 1 should continue to provide for the possibility, for such organizations, of becoming party to the Treaty. The implications arising from Article 19 of the Paris Convention should be further studied. The view was expressed that any difficulties would be less if all member States of an intergovernmental organization were member of the Paris Union.

Article 2: Definitions

11. Ad (i): The text appearing in the draft within square brackets should be maintained and the square brackets should be deleted.

12. Ad (iii): It was agreed that the indication that publication was effected by the industrial property office with which the patent application had been filed, or which had granted the patent, should be enlarged so as to take into account international procedures like the PCT procedure and the future European procedure. Moreover, it was agreed that the International Bureau should take the drafting amendments proposed by the Delegation of France in document DMO/IV/4 into account for the preparation of the next draft.
13. Ad (iv): The question should be examined whether this item should be deleted, in consideration of the fact that the definition of "industrial property office" was covered by item (v).
14. Ad (v)(b): It was suggested that this definition should be redrafted in order not to include any reference to any authority of a State not party to the Treaty, except where such authority would be competent by virtue of the international convention creating the intergovernmental organization concerned.
15. Ad (vii): The question should be examined whether, before the word "storage," the following words should be added: "receipt, acceptance and."
16. Ad (viii): The expression "internationally recognized depositary authority" should be replaced by "international depositary authority."
17. Ad (ix): The wording should be re-examined in order to make sure that "depositor" would only be a person whose deposit had been received and accepted.
18. Ad (x): This item should be inserted immediately before item (ii). The words "that is" should be inserted before the words "sending and receipt."
19. Ad (xi): The words: "including the depositor" should be added. In the French version, the word "communication" should be replaced by the expression "mise à disposition."

Article 3: Recognition of the Deposit of Microorganisms

20. Ad paragraph (1)(a): It was agreed that the International Bureau should take the drafting amendments proposed by the Delegation of France in document DMO/IV/4 into account for the preparation of the next draft, particularly in order to make it quite clear that the receipt proving the deposit should be filed only with the industrial property office and only once, even in the event of judicial proceedings following the administrative procedure before the office. Moreover, the clause requiring that the deposit comply with the requirements of the Treaty and the Regulations should be maintained.
21. It was understood that it was not the Treaty but the applicable national or regional law that would determine the time at which the receipt should be filed with the industrial property office.
22. Ad paragraph (1)(b): The Committee expressed itself in favor of deleting this provision since, once again, the question whether there was a maximum time limit for the "age" of a receipt admitted in the procedure (and, if so, what its duration should be) depended on the applicable national or regional law.
23. Ad paragraph (1)(c): The Committee considered that this provision should be maintained as far as the principle was concerned, and the square brackets around it should be deleted. Its wording should be revised: the term "identity" should be avoided and either the words "identical with" or some other words should be used to express the idea that what is released as a sample is in fact a sample of the deposited microorganism.
24. Ad paragraph (2): It was agreed that the International Bureau should take the drafting amendments proposed by the Delegation of France in document DMO/IV/4 into account for the preparation of the next draft.
25. Ad paragraph (2)(a): It was understood that the international depositary authority could not also send the notification provided for in this provision to interested industrial property offices, as it would have no means of knowing which those offices were.

26. The commentary on the next draft would make it clear that one of the reasons for the inability to provide samples (other than inside the country) was that export or import restrictions prevented the export or import of samples.

27. Ad paragraph (2)(b): Paragraph (2)(b)(i) should be deleted.

28. Ad paragraph (2)(c): Paragraph (2)(c)(ii) should be deleted.

29. In order to provide for the possibility of making a new deposit with retroactive effect in the event of export or import restrictions, a new paragraph (2)(c)(ii), worded more or less as follows, should be introduced: "(ii) it may be made with another international depositary authority where item (i) does not apply and export or import restrictions prevent the export or import of samples of the microorganism originally deposited." In view of the need to align the various provisions of paragraph (2) involving a time limit, the International Bureau should propose, in the next draft, a starting point for the six-month period during which the new deposit might be made in the case of export or import restrictions; that starting point could be the date of promulgation of the restriction, for example.

30. Ad paragraph (2)(d): A provision should be added to paragraph (2)(d) according to which, if the allegation of the depositor was contested, the burden of proof would be governed by the applicable national or regional law.

31. It was understood that national or regional law was at liberty to provide that the depositor must also file his statement with the industrial property office.

32. Ad paragraph (2)(e): It was understood that the possibility of making a new deposit with retroactive effect would not be contingent on the fact that a scientific description and/or taxonomic designation had been supplied in connection with the original deposit.

33. The condition according to which the new deposit had retroactive effect only where all the preceding statements concerning the viability of the originally deposited microorganism indicated that the microorganism was viable would be maintained.

34. It was understood that the six-month period during which the depositor might make a new deposit would not start as long as the depositor had not received the notification referred to in paragraph (2)(a).

35. The International Bureau should study the question whether a new deposit should be permitted--subject to leaving the burden of proof to the national or regional law as indicated in paragraph 30--also where a viable microorganism was sent by the depositor but was not received by the international depositary authority or where the microorganism was viable when sent but no longer viable when first tested.

Article 4: Export and Import Restrictions

36. Ad paragraph (1): The Committee considered that a provision on export and import restrictions should be maintained in the draft Treaty. The provision should still contain more than a wish, in other words, it should still contain an obligation although that obligation was not subject to sanctions.

37. The wording of paragraph (1) would be revised in such a way that there was no indication, in particular, of the source of the restriction; this would be in order to cover the case of restrictions emanating from a supranational authority and valid on the territory of a Contracting State. In addition, the word "absolutely" should be deleted.

38. The commentary on the next draft would make it clear that it was understood that the national authorities of any Contracting State could require the exporter or importer, who might also be the depositor, to provide them with information on the harmful effects that the microorganisms exported from or imported into that State might have on health or the environment, and also that they might require him to examine those harmful effects or bear the cost of such an examination.

39. It was understood that it was for the applicable national or regional law to determine the consequences of the fact that part of the disclosure of the invention to which a patent or patent application related was not accessible to the public, whether it be on account of a restriction on the export or import of the deposited microorganism or for any other reason.

40. Ad paragraph (2): This provision would be deleted.

Article 5: General Conditions of the Status of International Depositary Authority

41. It was agreed that the International Bureau should take the drafting amendments proposed by the Delegation of France in document DMO/IV/4 into account for the preparation of the next draft.

Article 6: Guarantees

42. Ad paragraph (1): It was agreed that the International Bureau should take the drafting amendments proposed by the Delegation of France in document DMO/IV/4 into account for the preparation of the next draft.

43. Ad paragraph (1)(i): In the French text, the term "continue" should be replaced by the term "permanente." The International Bureau should examine whether there was a need to harmonize the two texts.

44. Ad paragraph (1)(ii): The words "generally recognized" should be deleted.

45. Ad paragraph (1)(iii): The following words should be deleted: "in particular in the sense of being free from any material influence on the part of actual or prospective depositors and their actual or potential competitors."

46. Ad paragraph (1)(vii): After the Representative of AIPPI had drawn the attention of the Committee to the Resolution adopted at the AIPPI Congress in San Francisco in May 1975, the Committee decided to reaffirm the general principle that the provisions of the Treaty and the Regulations should not require the Contracting Parties to modify their substantive national or regional law. The Chairman concluded that under such circumstances the said Resolution could not be taken into account.

47. Ad paragraph (2): It was agreed that the International Bureau should take the drafting amendments proposed by the Delegation of France in document DMO/IV/4 into account for the preparation of the next draft.

Article 7: Acquisition, Termination, Loss and Limitation of the Status of International Depositary Authority

48. It was decided to retain Alternative B only.

49. Ad paragraph (1): It was agreed that the International Bureau should take the drafting amendments proposed by the Delegation of France in document DMO/IV/4 into account for the preparation of the next draft.

50. Ad paragraph (2): It was agreed that the International Bureau should take the amendments proposed by the Delegation of France in document DMO/IV/4 into account for the preparation of the next draft.

51. Ad paragraph (2)(a): It was agreed that the words "were not or are no longer fulfilled" should be replaced by "are not fulfilled" (the relevant moment being the date on which the Assembly takes its decision).

52. Ad paragraph (2)(b): It was agreed that the time limit should be six months rather than two months.

53. Ad paragraph (4): The question should be examined whether this paragraph should be combined with paragraph (2)(c).

54. It was agreed that the next draft should contain an alternative providing that the decision of the Assembly under paragraph (2)(c) would require a qualified majority.

Article 8: Assembly

55. Ad paragraph (1)(c): The next draft should make it clear that the inter-governmental organizations referred to in this provision were those which were not members of the Union.

56. Ad paragraph (2)(a)(vi): The text appearing in the draft within square brackets should be maintained and the square brackets should be deleted. In this same text, the words "to what extent" should be substituted for the word "whether," since circumstances might arise where it was desirable that a particular international depository authority be excluded from a particular meeting. The wording of the provision should at the same time be re-examined by the International Bureau with a view to harmonizing it, if necessary, with paragraph (1)(c).

57. Ad paragraph (6)(a): The reference to Article 7(4)(a) should be reviewed in the light of the changes made to Article 7.

Article 9: International Bureau

58. Ad paragraph (4) and (5)(d): It was understood that the staff members referred to in these provisions were staff members of the International Bureau.

Article 12: Amendment of Certain Provisions of the Treaty

59. Ad paragraph (1)(a): The International Bureau would examine, in the light of precedents, whether the reference to Article 9 should be limited to certain paragraphs of this Article.

60. It was understood that Article 12 dealt only with procedure and, as shown by the wording of Article 11(3), there was no possibility of amending this Article to permit provisions other than those of Articles 8, 9 and 12 to be amended by means of the procedure provided for in the said Article 12.

Article 13: Becoming Party to the Treaty

61. Ad paragraph (1)(b): The next draft would provide that the intergovernmental organizations referred to in this provision were exclusively those whose member States were all members of the Paris Union with a view to minimizing any difficulties arising from Article 1 of the Treaty in relation to Article 19 of the Paris Convention.

Article 15: Denunciation of the Treaty

62. Ad paragraph (4): The next draft should provide that the international depository authority referred to in this provision would lose its status one year after the day on which the Director General received the notification of its denunciation, to enable the measures provided for in Rule 7 to be applied (during the ensuing year) before the State denouncing the Treaty lost its status of Contracting State.

Article 16: Signature and Languages of the Treaty

63. Ad paragraph (1)(a): The Delegation of SPAIN said that the Diplomatic Conference would probably have to review the matter of languages for the original of the Treaty.

Article 17: Deposit of the Treaty; Transmittal of Copies; Registration of the Treaty

64. Ad paragraphs (2) and (4): It was understood that it would be possible to obtain more than two copies on request.

Article 18: Notifications

65. The next draft should provide that notifications were to be made not only to the Contracting Parties but also to those member States of the Paris Union which were not Contracting States.

Cuban Proposal

66. The Delegation of CUBA proposed the insertion in the draft Treaty, at an appropriate place, of a new Article or paragraph relating to the assistance that all States party to the Treaty should provide to developing countries, on the basis of non-reciprocal preferential treatment, for the purpose of the Treaty. It presented a written proposal, contained in document DMO/IV/8, in which it suggested that the text of such a provision could be the following:

"The States party to this Treaty shall provide appropriate assistance to developing countries, through non-reciprocal preferential treatment, for the purposes of this Treaty."

67. In presenting its proposal to the meeting, the Delegation of Cuba said that such non-reciprocal preferential treatment should consist, in particular, in reducing the fees for the deposit of microorganisms by nationals of developing countries or for the release of samples of deposited microorganisms when such release was requested by nationals of developing countries.

68. In the ensuing discussions, several delegations indicated that the Cuban proposal might constitute an exception to the principle of national treatment provided for in the Paris Convention, which was one of the subjects being examined in the context of the on-going revision of that Convention; furthermore, that the international depositary authorities might be private institutions, and that the fees charged by them were outside the control of the Treaty and of the Contracting States.

69. Some of the delegations mentioned that the assistance in question could be accorded on a voluntary basis and said that, to that effect, a recommendation or resolution by the Diplomatic Conference would be the appropriate legal form.

70. In conclusion, it was decided that the matter would be further studied and could be taken up on the next occasion if the Delegation of Cuba or other delegations so desired.

Rule 2: International Depositary Authorities

71. A new provision should be added, perhaps in the form of a new Rule 2.3, under which the requirements referred to in Article 6(1)(vii) would include, in particular, the fact that any international depositary authority should release samples of deposited microorganisms "in an expeditious and proper manner."

72. Ad Rule 2.2(ii): The words "stored microorganisms" should be replaced by the words "microorganisms deposited with it."

Rule 3: Acquisition of the Status of International Depositary Authority

73. Ad Rule 3.1(b)(ii): The square brackets should be deleted and the text appearing in the draft within square brackets should be maintained.

Rule 4: Termination or Limitation of the Status of International Depositary Authority

74. Ad Rule 4.2(b): The words "subject to Article 8(7)(b)" should be inserted at the beginning of this provision.

Rule 6: Defaults by the International Depositary Authority

75. The next draft should contain a provision allowing the depositor to require the defaulting authority to send a sample of the microorganism to a third international depositary authority, chosen by the depositor, provided that the depositor would pay the fee for storage, as in the case of a new deposit, as well as any other expenses resulting from the fact of having sent the said sample.

76. A provision should be inserted in this Rule requiring the substitute authority to maintain, in an appropriate form, together with the accession number given by that authority, the accession number given by the defaulting authority.

77. The International Bureau should examine whether it would be necessary to insert in the next draft new provisions to the effect that the depositor should be notified by the substitute authority of the accession number given by the latter, for example through the issuance of a receipt.

78. Ad Rule 6.1(a): The question should be examined whether the words "other than incidentally" should be deleted.

79. Ad Rule 6.1(a)(i): The words "in perfect condition, in particular without affecting their viability and without contamination" should be replaced by the words "without deterioration."

80. Ad Rule 6.1(a)(iii): The words "and all interested industrial property offices" should be deleted. Moreover, this Rule should provide the depositor with the possibility of asking the defaulting authority to retain a sample of the deposited microorganism.

81. Ad Rule 6.1(b): This Rule should provide that the notification by the Director General should also be made to the industrial property offices of the Contracting Parties.

82. Ad Rule 6.1(c): In the first line, the word "promptly" should be inserted before the words "upon receipt."

Rule 7: Loss of Status of International Depositary Authority

83. Ad Rule 7.1: The Committee agreed that the International Bureau should examine to what extent this Rule should and could be paralleled with Rule 6.1, particularly whether Rule 6.1(c) should be paralleled in this Rule.

Rule 8: Making the Original Deposit or New Deposit

84. Ad Rule 8.1(a)(iii): It was agreed that the word "also" would be added before the words "where a mixture of microorganisms is deposited" and that the words "and viability" would be deleted.

85. Ad Rule 8.1(b): This provision would begin with the expression: "It is strongly recommended" and its wording would be revised accordingly.

86. Ad Rule 8.2: It was agreed that the International Bureau would examine whether some of the indications to be provided under this provision were not superfluous where the new deposit was made with the same international depositary authority.

87. On a proposal by the Delegation of JAPAN, the Committee asked the International Bureau to consider the desirability of including, in the next draft of the Regulations, a general provision whereby any signature might be replaced by the affixing of a seal where internal regulations required such a seal to be affixed, on the understanding, however, that such a possibility would not exist in relation to Rule 9.2(c).

88. Ad Rule 8.2(iii): The wording of this provision would be revised to make it clear that the scientific description and/or taxonomic designation referred to in it were to be the most recent received by the international depositary authority.

Rule 9: Receipt

89. Ad Rule 9.2(b): It was understood that the national law could require the person applying for a patent to provide a translation of any document that was submitted in support of the patent application, including the receipt referred to in this provision. The Committee further confirmed, on the subject of the languages of the form, the conclusion contained in the report on its second session (see document DMO/III/16, paragraph 87).

90. Ad Rule 9.4: The receipt in the case of a new deposit should also contain the accession number given to the original deposit.

Rule 11: Storage of Microorganisms

91. Ad Rule 11.2: The Committee decided to delete this provision. It was understood that nothing relieved the international depositary authority of its obligation under Rule 11.1 to keep any deposited microorganism for at least 30 years and to preserve the secrecy of the deposit as long as the patent application or the relevant patent had not been published.

92. Ad Rule 11.3: This Rule would contain an additional provision according to which the secrecy obligation did not apply in dealings with industrial property offices. However, that additional provision would appear within square brackets in the next draft as the need for it was not obvious owing to the fact that industrial property offices could already, under Rule 13.1, receive much more than the information referred to in Rule 11.3, namely, a sample of the deposited microorganism, and could also obtain from the depositor any additional information they required.

Rule 12: Viability Test and Statement

93. Ad Rule 12.2(a)(iii): It was understood that, if an industrial property office wished to receive a statement on the viability of a microorganism before receiving a sample, it could obtain one through the intermediary of the depositor.

94. Ad Rule 12.2(b) and (e)(v): The International Bureau should consider the possibility of combining Rule 12.2(b) and the end of Rule 12.2(e)(v).

95. Ad Rule 12.2(e): A new item would be added to this provision under which the viability statement should contain information on the conditions under which the viability test had been performed where such information was requested by the interested party and where the results of the viability test were negative.

96. Ad Rule 12.2(e)(vi): This provision would be deleted.

Rule 13: Release of Samples

97. Ad Rule 13.1: The International Bureau should study the question whether the international depositary authority should be required to mark the sample in a prescribed way in order to make it clear that that sample was in fact a sample of the deposited microorganism.

98. Ad Rule 13.3(a): The Delegations of SPAIN and the UNITED KINGDOM raised the question which national law governing release an international depositary authority would have to follow in a case where a deposit was made for patent applications pending in several countries having different legal conditions for release. The International Bureau said that the international depositary authority would have to act on the basis of the declaration signed by the industrial property office under Rule 13.3(a) or the communication made by that office under Rule 13.3(c)(i). Consequently, that office and not the international depositary authority was responsible for the correct application of the law. The Delegation of the United Kingdom said that it retained some doubts on the question and reserved the right to raise the matter at a later stage. The International Bureau was asked to include a statement clarifying the question in the commentary on the next draft.

99. The Delegation of the SOVIET UNION proposed that the requesting party must be a domiciliary of a country for which a patent application had been filed, or a patent granted, with respect to which the deposit that the request for release related to had been made. The Committee confirmed its decision taken at its last session (see document DMO/III/16, paragraph 110) whereby the Treaty and the Regulations should not require Contracting States to adopt in their national laws provisions of substantive law with respect to release and to refrain from adopting provisions on release that were contrary to the Treaty and the Regulations. Consequently, the proposal of the Delegation of the Soviet Union, being at variance with that principle, could not be accepted.

100. The Delegation of the UNITED STATES OF AMERICA suggested that provision be made for the release of samples in cases where patents were granted without publication. The Committee was of the opinion that, as long as there was no publication in the sense of Article 2(iii), there was no need for release under Rule 13.3. The Delegation of the United States of America reserved its position on the question.

101. In reply to a question from the Delegation of JAPAN, it was confirmed that the system of the Japanese law whereby release was allowed only after the second publication of the patent application after examination was compatible with the provisions of Rule 13.

102. The amendment suggested by the Representatives of UNICE and CEIF concerning paragraph (a)(iii) was not found necessary by the Committee, since it was of the opinion that the consent of the applicant was one of the conditions referred to in paragraph (a)(iii) on the fulfillment of which the right to a sample could be made dependent under the applicable national law. An express reference to that condition was therefore considered unnecessary.

103. Ad Rule 13.3(b): The Delegation of the UNITED STATES OF AMERICA proposed the deletion of this provision, which it had originally requested for the purposes of the interference procedure but now considered to be unnecessary, since in the Delegation's opinion, a depositor party to such proceedings could be asked to authorize under Rule 13.2 any release requested for such proceedings and would risk losing his case if he refused his consent. This proposal was supported by several delegations.

104. The Delegation of JAPAN asked for the provision to be maintained in order to permit further study of the question whether the provision was not needed in view of the law of its own and possibly other countries. It said that it would study the question itself and would communicate the results of its study to the International Bureau.

105. The International Bureau should examine whether the provision should be maintained within square brackets for possible further consideration.

106. The Delegation of the UNITED STATES OF AMERICA suggested that, if paragraph (b) were to be retained, the words "establish the date on which the invention involved in the procedure was made" in item (i) be replaced by the words "establish the priority of the invention." The International Bureau was asked to study this suggestion.

107. Upon a question from the Delegation of JAPAN, the Committee confirmed with respect to item (iii) that, in cases where conflicting applications were filed and the release of samples of microorganisms became necessary, release of such samples could be obtained by the industrial property office under Rule 13.1(iii) and by any interested party either under Rule 13.2 or under Rule 13.3(b)(iii), as the case may be.

108. Ad Rule 13.4(a): The Delegation of HUNGARY suggested the deletion in item (iii) of the word "original." It was agreed that the International Bureau would study whether it was necessary to retain that word.

109. Ad Rule 13.4(c): This provision was deleted since it was considered unnecessary in view of the provisions of Article 4.

110. Ad Rule 13.4(d): On a suggestion from the Representatives of UNICE and CEIF contained in document DMO/IV/6, a sentence to the following effect should be added to this paragraph: "This notification shall be accompanied by a copy of the pertinent request, of any declarations submitted under Rule 13 in connection with the said request, and of any forms signed by the requesting party in accordance with Rule 13.3(c)(i)."

Rule 14: Fees

111. In the course of the discussion on this provision, the Delegation of CUBA referred to its proposal contained in document DMO/IV/8 (see paragraphs 66 to 70).