

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY

GENEVA

PATENT COOPERATION TREATY

INTERIM COMMITTEE FOR TECHNICAL ASSISTANCE

Third Session: Tokyo, October 24 to 27, 1973

REPORT

prepared by the International Bureau

INTRODUCTION

1. The "PCT Interim Committee for Technical Assistance" (hereinafter referred to as "the Interim Committee") held its third session in Tokyo, at the invitation of the Japanese Government, from October 24 to 27, 1973.
2. The members of the Interim Committee are those States--39 in number--which have signed, or acceded to, the PCT, and, pursuant to a decision of the Executive Committee of the Paris Union, any other country which pledges a special contribution to the PCT budget. There is one State, Australia, which so far has qualified under the latter criterion. The following 17 States were represented: Austria, Brazil, Canada, Finland, France, Germany (Federal Republic of), Hungary, Iran, Japan, Netherlands, Norway, Romania, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America. The Philippines were represented by an observer. The following 21 were not represented: Algeria, Argentina, Australia, Belgium, Cameroon, Central African Republic, Denmark, Egypt, Holy See, Ireland, Israel, Italy, Ivory Coast, Luxembourg, Madagascar, Malawi, Monaco, Senegal, Syrian Arab Republic, Togo, Yugoslavia.
3. One intergovernmental organization, the International Patent Institute (IIB), was represented by an observer.

4. The following six non-governmental organizations were represented by observers: Asian Patent Attorneys Association (APAA), International Association for the Protection of Industrial Property (AIPPI), International Chamber of Commerce (ICC), International Federation of Patent Agents (FICPI), Pacific Industrial Property Association (PIPA), Union of European Patent Agents (UNEPA).

5. The number of participants was approximately 60. The list of participants is annexed to this report.

OPENING STATEMENTS

6. The session was opened by the First Deputy Director General of WIPO, Dr. Arpad Bogsch (see the opening statement contained in document PCT/AAQ/IV/9, paragraph 6).

7. Mr. Hideo Saito, Director General of the Japanese Patent Office, welcomed the participants on behalf of the Government of Japan (see the opening statement contained in document PCT/AAQ/IV/9, paragraph 7).

OFFICERS OF THE SESSION

8. The Interim Committee unanimously elected Mr. H. Jamshidi (Iran) as Chairman and Mr. G.R. Coaracy (Brazil) and Mr. L. Marinete (Romania) as Vice-Chairmen.

9. Mr. K. Pfanner, Senior Counsellor, Head of the Industrial Property Division, WIPO, acted as Secretary of the Interim Committee.

AGENDA

10. The Interim Committee adopted its agenda as contained in document PCT/TAS/III/1 Rev.

DETAILED STUDY CONCERNING A LICENSING OPPORTUNITIES PERIODICAL

11. Discussions were based on document PCT/TAS/III/2.

12. The representatives of Japan, Germany (Federal Republic of), the Soviet Union, Romania, Brazil and Sweden stressed the importance of a licensing opportunities periodical in view of the need to develop suitable means for making new technology available to developing countries and the usefulness of the study submitted by the International Bureau of WIPO on this subject.

13. In this context, the representative of Japan drew the Interim Committee's attention to the efforts of Japan to provide technical assistance in the patent field to developing countries. The Japanese Patent Office, through the Japan Patent Information Center (JAPATIC), prepared abstracts in English of its unexamined patent documents and offered them to developing countries. The project was still in an experimental stage and covered at present 57 technical fields of particular interest to developing countries since they related to technical matter which could readily be worked in those countries. These technical fields included agriculture and forestry, mining, textiles, house-hold ware, food and beverages, hides and skins, as well as glass and enamel ware. The material had so far been offered to 264 organizations in 51 countries, which had at the same time been requested to specify their demands for the future. It was intended to expand the program further. In addition to the supply of abstracts, JAPATIC, at the request of developing countries, had been providing its services as an intermediary between such countries and Japanese industry.

14. The representative of France, referring to paragraphs 10 to 13 of the document under consideration, objected to the publication of only an English version of the licensing opportunities periodical. The rule that publications emanating from WIPO should be made both in English and French should be applied also in this case. Publication only in English would present practical difficulties in French-speaking countries since the possibility of using the information contained in the publication would be substantially hampered by language difficulties. This would also appreciably reduce the interest in the publication in the countries concerned. The survey made by the International Bureau had been based on the

announcement of a publication in two languages. The figures produced by the survey were therefore no longer relevant. A detailed study of the cost of publication in two languages appeared necessary.

15. The representative of Switzerland shared the view of the representative of France but recognized at the same time that the financing of a publication in French would probably not be guaranteed. He suggested that the possibility should be studied of producing a bilingual publication which would contain requests and offers in either English or French according to the language in which the material was submitted, without translation into the other language.

16. The representative of Canada supported the proposal of the representative of Switzerland and suggested that it should also be studied whether the bilingual publication concerned could not also include either an English or a French translation of the offers and requests, provided the translation was submitted by the person making the offer or request.

17. The representative of Romania supported the proposals of the representatives of Canada and Switzerland and said that a practical solution to the question of languages should be found in order to ensure the best possible dissemination and use of the information.

18. The representative of Germany (Federal Republic of) expressed the view that the publication should not be restricted to the English language in view of the great number of French-speaking developing countries.

19. The representatives of the United Kingdom, Switzerland, the United States of America, Brazil and Sweden, referring to paragraphs 23 to 25 of the document under consideration, expressed doubts whether Chapter IV of the PCT was the suitable framework within which to continue the study of the project. In their opinion, the matter should be pursued within the framework of the WIPO Legal-Technical Program for the Acquisition of Technology Related to Industrial Property (WIPO ATRIP program). The draft of the said program to be considered by the Conference of WIPO in its November 1973 session stated as one of the objectives "the publication of demands and offers for licensing concerning technologies of interest to developing countries." In order to avoid any duplication of effort, the project should not be continued within the framework of the PCT technical assistance program.

20. The representative of Germany (Federal Republic of) expressed the opinion that a licensing opportunities periodical was perhaps not the most appropriate solution to the problem of transfer of technology to developing countries. Since such a publication could, however, be of a certain assistance in this field, the approach of his Government to the principle of the project was positive. The financial burden involved was minimal and the project was worth pursuing although the number of offers and demands had so far been rather disappointing; but the plan as such was fairly new and would probably need a certain amount of time to generate a sufficient interest.

21. The representative of the Soviet Union expressed the opinion that one should concentrate on the substance of the problem and pursue the project actively. The question of the framework in which the project was realized was not important. The International Bureau should study in detail the work of the firms and institutions which were active in the field of publicizing licensing offers in order to profit from their experience.

22. The representative of Sweden, referring to the initiative of his country which had led to the establishing of the WIPO ATRIP program, expressed the opinion that the chances of success of the envisaged periodical would be greater if the cooperation with the special licensing agencies in the various countries, provided for in the Swedish proposal, were instituted.

23. The representative of France expressed the view that the question under which Committee of WIPO the project would be pursued was not of much importance in view of the fact that the International Bureau could ensure the necessary coordination and thus avoid duplication of effort. It was important, however, that there be coordination of effort with other intergovernmental organizations, such as the United Nations Industrial Development Organization (UNIDO), in order to avoid duplication of work among intergovernmental organizations.

24. The representative of AIPPI said that the private international organizations were very conscious of the need to improve the conditions for the transfer of technology to developing countries and therefore supported the continuation of the project. However, since it was doubtful whether Chapter IV of the PCT gave a sufficient mandate for the project, it was preferable to pursue it further in the framework of the WIPO ATRIP program.

25. The Interim Committee agreed to recommend that work on the project be continued in the framework of the WIPO ATRIP program. The work so far performed and the results of the discussions of the Interim Committee should be taken into account for the continuation of the work, in particular also the suggestions made with respect to the preparation of a bilingual edition in English and French.

DRAFT REGULATIONS UNDER CHAPTER IV OF THE PCT

26. Discussions were based on document PCT/TAS/III/3.

27. The representatives of Germany (Federal Republic of), the United States of America, Brazil, the United Kingdom and Japan agreed with the conclusions of the report of the International Bureau in paragraphs 16 to 19 of the document under consideration and stated that a careful review of the relationship of the PCT technical assistance program with other WIPO technical assistance programs, in particular with the WIPO ATRIP program, was needed. This review was not possible, however, before a final decision on the WIPO ATRIP program was made.

28. The Interim Committee, approving the conclusions referred to above, agreed that a further study on any detailed rules for the implementation of Chapter IV of the PCT, possibly in the form of decisions of the PCT Assembly, should be deferred for the time being. It should not be undertaken before a clear delimitation of fields between the PCT technical assistance program and other WIPO technical assistance programs was possible and should, in any case, be delayed until the entry into force of the PCT was nearer. The PCT technical assistance program should in the future be more specifically directed to PCT-related activities, whereas other technical assistance projects should be dealt with in the framework of the WIPO ATRIP program.

BRAZILIAN PROJECT

29. Discussions were based on document PCT/TAS/III/4.

30. The representative of Brazil informed the interim Committee that the Brazilian project concerning the modernization of the Brazilian patent system had actually started on October 14, 1973, with the arrival of its Project Manager, Mr. Haugg (German Patent Office). In the meantime, four experts (two systems analysts, one classification expert and one search file expert) had taken up duty in Brazil. At the same time, the Brazilian contribution to the project was being actively pursued. The construction of the buildings which will house the Patent Office and the Documentation Center in Brasilia was well under way. The organization of search files had started and the recruitment and training of Brazilian counterpart personnel had made good progress. So far 65 engineers had been recruited. The representative of Brazil expressed his gratitude to all countries cooperating in the realization of the project either by providing experts or patent documents and to WIPO for its active participation in the execution of the project.

31. The representative of Germany (Federal Republic of) noted with appreciation the progress made so far and confirmed the readiness of his Government to lend its full support to the implementation of the project.

32. The representative of WIPO expressed his satisfaction that, after two years of preparatory work, the implementation of the project could be started. He underlined that the financing of the project was fully secured through funds provided by the United Nations Development Programme (UNDP) and the Brazilian Government and that the experts for the project were recruited on an international basis.

33. The Interim Committee noted with appreciation the successful completion of the preparatory stage of the project and the fact that its implementation had started and expressed its gratitude to all Patent Offices cooperating in the project.

TECHNICAL ASSISTANCE PROJECTS OTHER THAN THE BRAZILIAN PROJECT

34. Discussions were based on document PCT/TAS/III/5.

35. The representative of Germany (Federal Republic of) declared the readiness of the German Patent Office to make available upon request patent document collections starting from 1950 for the purposes of PCT technical assistance projects.

36. The representatives of the United Kingdom and the United States of America, referring to the fact that the project for the African and Malagasy Industrial Property Office (OAMPI) covered also trademark and copyright matters and was therefore not fully within the framework of Chapter IV of the PCT, expressed the opinion that technical assistance projects under Chapter IV of the PCT should be limited to patent matters. Such projects should only be carried out for countries which were either signatories of the PCT or had adhered to it.

37. The representative of WIPO stated in this context that the OAMPI project was referred to in the document under consideration because it included the establishing of a regional patent documentation center, which was clearly within the framework of Chapter IV of the PCT. In view of the imminent adoption of the WIPO ATRIP program and the decision of the Interim Committee to limit the PCT technical assistance program in the future to PCT-related activities, some of the matter reported in the document under consideration would in the future be dealt with within the framework of the WIPO ATRIP program. The Interim Committee noted this declaration with approval.

PROGRAM OF THE INTERIM COMMITTEE FOR 1974

38. The representative of the United States of America stated that the program of the Interim Committee should be kept to an essential minimum in view of the fact that the PCT budget during the interim period was based on special contributions only.

39. In the light of the discussion which took place during its third session, the Interim Committee approved the following program for the year 1974:

- (i) continuation of the project concerning the modernization of the Brazilian patent system, in particular implementation of phase I of the project and preparatory work concerning phase II of the project;
- (ii) continuation of the study concerning the establishment of a regional patent documentation center with the African and Malagasy Industrial Property Office (OAMPI) and of the preparatory work connected with that project as well as with the task of preparing OAMPI for a possible function as an International Searching Authority under the PCT;
- (iii) continuation of the work concerning the establishment of a patent documentation center of the Industrial Development Centre for Arab States (IDCAS) , in particular study of the document collections already available in the member States of IDCAS;
- (iv) preparatory work in connection with other requests in the framework of the PCT technical assistance program;
- (v) preparation of a study on the usefulness of INPADOC and the PAL project of INSPEC to developing countries.

CLOSING STATEMENTS

40. The Interim Committee, following a closing statement by the representative of WIPO (see document PCT/AAQ/IV/9, paragraph 86), expressed its gratitude to the Government of Japan for the excellent organization of the session and the kind hospitality offered to the participants.

41. Mr. Hideo Saito, Director General of the Japanese Patent Office, in a farewell address thanked the Interim Committee on behalf of the Government of Japan (see document PCT/AAQ/IV/9, paragraph 88).

42. *This Report was unanimously adopted by the Interim Committee at its closing meeting on October 27, 1973.*

[Annex follows]

LISTE DES PARTICIPANTS/
LIST OF PARTICIPANTS

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