

WIPO



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GENEVA

PATENT COOPERATION TREATY

INTERIM COMMITTEE FOR TECHNICAL ASSISTANCE

Fourth Session
Geneva, November 13 to 19, 1974

REPORT

prepared by the International Bureau

INTRODUCTION

1. The "PCT Interim Committee for Technical Assistance" (hereinafter referred to as "the Interim Committee") held its fourth session in Geneva from November 13 to 19, 1974.
2. The members of the Interim Committee are those States--40 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 21 States were represented: Austria, Belgium, Brazil, Canada, Denmark, Egypt, Finland, France, Germany (Federal Republic of), Hungary, Iran, Japan, Luxembourg, Netherlands, Norway, Soviet Union, Sweden, Switzerland, Syrian Arab Republic, United Kingdom, United States of America. The following 19 were not represented: Algeria, Argentina, Australia, Cameroon, Central African Republic, Chad, Holy See, Ireland, Israel, Italy, Ivory Coast, Madagascar, Malawi, Monaco, Philippines, Romania, Senegal, Togo, Yugoslavia.
3. Two intergovernmental organizations, the International Patent Institute (IIB) and the United Nations Conference on Trade and Development (UNCTAD), were represented by observers.
4. The following seven non-governmental organizations were represented by observers: International Association for the Protection of Industrial Property (AIPPI), Council of European Industrial FÉDÉRATIONS (CEIF), European FÉDÉRATION of Industrial Property Representatives of Industry (FEMIPPI), International FÉDÉRATION of Patent Agents (FICPI), International FÉDÉRATION of Inventors' Associations (IFIA), Union of Industries of the European Community (UNICE), Union of European Professional Patent Representatives (UNION).

5. The International Patent Documentation Center (INPADOC) was represented by observers.

6. The number of participants was approximately 50. The list of participants is annexed to this report.

OPENING STATEMENT

7. The session was opened by Mr. Klaus Pfanner, Deputy Director General of WIPO, who welcomed the participants on behalf of the Director General of WIPO.

OFFICERS OF THE SESSION

8. The Interim Committee unanimously elected Mr. H. Jamshidi (Iran) as Chairman and Mr. Tasnádi (Hungary) and Mr. Törnroth (Sweden) as Vice-Chairmen.

9. Mr. N. Scherrer, Counsellor, PCT Section, 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/IV/1 Rev.

BRAZILIAN PROJECT

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

12. The representative of the International Bureau informed the Interim Committee about the progress so far made with the Brazilian Project, which was now entering its fourteenth month of implementation. He underlined the two major objectives of the Project: the reorganization of the Brazilian National Institute of Industrial Property (INPI) to develop it into a modern examining patent office, and the establishment of a patent documentation center, on the basis of the PCT minimum documentation. He stressed the particular importance of this pilot Project for WIPO in its technical assistance program for developing countries. The International Bureau was particularly grateful to the Government of Brazil and the United Nations Development Programme (UNDP) for their excellent cooperation and support in the implementation of the Project. Furthermore, the International Bureau expressed its appreciation for the valuable assistance received from several Offices through the making available of highly qualified experts for the training program of the Project. It was hoped that more Offices would find it possible to participate in this Project in the future.

13. The Delegations of Germany (Federal Republic of), the United Kingdom, France, Austria, the United States of America, Sweden and Japan commended the Brazilian Government and WIPO for the progress achieved and confirmed the readiness of their Governments to lend their full support to the continued implementation of the Project.

14. The Delegation of Brazil expressed the appreciation of its Government for the full support the Project found with the members of the Interim Committee. It thanked, in particular, WIPO and the Offices directly participating in the Project for their effort and stated its Government's continued interest in the successful implementation of the Project. Brazil was ready to devote its best efforts to the realization of the objectives of the Project.

15. The Interim Committee noted with appreciation the report on the activities carried out by WIPO during the reporting period and expressed itself in favor of a continuation of this Project with high priority.

TECHNICAL ASSISTANCE PROJECTS OTHER THAN THE BRAZILIAN PROJECT

16. Discussions were based on document PCT/TAS/IV/3.

17. The Delegation of the United Kingdom expressed the opinion that, with respect to the request for assistance submitted by the African and Malagasy Industrial Property Office (OAMPI), WIPO should, in the framework of Chapter IV of the PCT, restrict its assistance to patent matters, excluding trademark and copyright matters. Furthermore, it stated, with reference to the request for assistance submitted by Cuba, that WIPO should, in the framework of the PCT technical assistance program, only carry out projects for countries that had either signed, or acceded to, the PCT, or had indicated their interest in participating in the interim program of the PCT by pledging a special contribution to the budget of the PCT. With respect to the request for assistance submitted by Egypt, the Delegation of the United Kingdom expressed its interest in and full support for that project.

18. The International Bureau clarified in this context that paragraph 4 of the document under consideration paraphrased the full request for technical assistance OAMPI had addressed to WIPO. The part of the request of interest for the program of the Interim Committee was, however, only the project for the establishing of a regional patent documentation center, referred to in paragraph 5. The request of Cuba was included in the progress report, as it was possible that this request could in due course lead to a PCT technical assistance project.

19. The Delegation of Switzerland stated its Government's appreciation for the efforts being undertaken by WIPO to develop the protection of industrial property in developing countries and expressed its hope that an improvement of the protection in those countries would result therefrom.

ACQUISITION OF PCT MINIMUM DOCUMENTATION BY DEVELOPING COUNTRIES

20. Discussions were based on document PCT/TAS/IV/4.

21. It was agreed that backlog collections of patent documents were of great value for developing countries, and this in particular for the building up of patent documentation centers and in general in the framework of the transfer of technology to developing countries. Such patent documents would not only facilitate the identification of technology in a form and in fields geared to the particular needs of developing countries but would also serve as a source of information as to how and by whom a certain technology has been developed. This question was of particular importance in the preparatory stage of the conclusion of licensing agreements. A need for backlog collections of documents forming part of the PCT minimum documentation would, in particular, arise in the framework of further technical assistance projects for developing countries following the model of the Brazilian Project.

22. The Interim Committee noted the declaration of several Delegations that backlog collections of patent documents which were set aside for the use of prospective PCT Authorities, but so far had not been used for that purpose, or which became available in view of organizational changes, could be made available in the framework of technical assistance to developing countries. The Delegation of Switzerland stated that its government would be willing to make available the collections of patent documents presently set aside, but stressed that priority should be given first to the needs of prospective PCT Authorities. The International Bureau was asked to coordinate all efforts in this context.

23. The Interim Committee asked the International Bureau to undertake a survey among the countries publishing patent documents forming part, or likely to form part, of the PCT minimum documentation, and countries maintaining patent document collections comprising at least part of the PCT minimum documentation. The purpose of that survey should be to establish whether any such patent document collections are at present available, or may become available in the near future, for use in the framework of technical assistance projects for developing countries. In as far as such collections are available, the conditions for their acquisition should be established. The results of such a survey should be updated from time to time.

USEFULNESS OF INPADOC SERVICES FOR DEVELOPING COUNTRIES

24. Discussions were based on document PCT/TAS/IV/5.

25. The International Bureau recalled that the INPADOC services were operational and available since mid-1974. It would therefore appear timely to examine the possibilities of their use for developing countries and to test their value for such countries in one or more pilot projects for a limited period of time.

26. The Delegation of Austria, underlining the importance the Austrian Government attributed to technical assistance promoting the transfer of technology to developing countries, stated with satisfaction that INPADOC, an enterprise which was wholly owned by the Austrian Government, was now in a position to contribute with its services to facilitating the access to relevant technical information. The possibilities of introducing these services for the benefit of developing countries were considered under various aspects. INPADOC could in particular be helpful for national or regional documentation centers in developing countries.

27. The Delegation of Austria stated furthermore that the initiative of the Austrian Government to establish INPADOC in cooperation with WIPO was based on the experience and comprehensive documentation of the Austrian Patent Office. The patent documentation of that Office fulfilled the requirements of the PCT. While the old Austrian patent law did not permit the use of these facilities outside the procedure for examining patent applications, an amendment coming into force on January 1, 1975, would allow for searches on the state of the art on a given subject without reference to a patent application. The use of the existing patent documentation in such a way would enable developing countries to inform themselves rapidly on the state of the art in fields of technology of particular interest to them. The idea of using existing facilities in the field of patent documentation, mainly the documentation of examining patent offices like the Austrian Patent Office, had been submitted by the Austrian Delegation to the first session of the Permanent Committee on the WIPO Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property in March of the current year. As this idea had been welcomed by the said Committee, the Austrian Government had meanwhile elaborated a more concrete proposal which would be submitted to the Director General of WIPO for discussion and subsequent presentation to the next session of the Permanent Committee scheduled for March 1975.

28. With regard to document PCT/TAS/IV/5, the Delegation of Austria expressed its gratitude to WIPO for elaborating this informative document which drew attention once more to the implementation of INPADOC services. This document contained an interesting proposal which merited a detailed study. The time before commencement of this meeting did not, however, permit a study of the practical implications of the pilot projects envisaged under paragraph 15 of that document. The competent Austrian authorities, including those concerned with technical assistance, had in particular no opportunity to express their opinion on the point whether any financial support could be given to this project in addition to the expenses for other projects carried out by Austrian authorities in this field.

29. The Delegation of Switzerland requested a clarification as to which bodies of WIPO were competent for dealing with matters related to INPADOC and whether in particular the Interim Committee or the Permanent Committee were competent as to the technical assistance aspects of INPADOC. The International Bureau said that according to the most recent decisions in this matter taken by the Executive Committee of the Paris Union during its 1974 session the distribution of competence was as follows:

- (i) As far as any technical problems of general interest related to INPADOC activities and proper to ICIREPAT's task, broadly construed on the basis of the ICIREPAT Organizational Rules, were concerned, the appropriate bodies of ICIREPAT were competent.

- (ii) As far as any matters related to INPADOC activities regarding special services for developing countries were concerned, the Interim Committee, within the limits of its competence, was competent.
- (iii) Subject to the general jurisdiction of the Executive Committee of the Paris Union, no other WIPO Committee would deal with INPADOC matters.

30. The Delegation of the Netherlands observed, with respect to paragraph 13(i) and (ii) of the document under consideration, that the activities cited therein were not included in the scope of INPADOC's services, whereas the activities cited in paragraph 13(iii), (iv) and (v) were within the responsibility of INPADOC. Paragraph 13(v) should therefore be clarified by inserting "by INPADOC". This was agreed.

31. The International Bureau stressed in this context that paragraph 13(iii) to (v) was merely an example of a possible use of INPADOC services in the framework of technical assistance to developing countries. Other possible uses should be examined as well, in particular also as regards potential solutions which could be developed in the context of close cooperation between the Austrian Patent Office and INPADOC. Such cooperation was already envisaged, as the statement of the Delegation of Austria showed. While the document under consideration referred to that cooperation only under paragraph 13(iii), other areas for such cooperation were conceivable, including assistance in the areas referred to under paragraph 13(i) and (ii).

32. The Interim Committee noted with gratitude the readiness of the competent Austrian authorities to explore possibilities for the use of INPADOC's services for the benefit of developing countries, in particular also in the framework of cooperation between the Austrian Patent Office and INPADOC. It approved, in principle and subject to further study in detail, the suggestion to test the value of these services for developing countries in one or more pilot projects for a limited period of time. It requested the International Bureau to examine in close cooperation with the competent Austrian authorities the possibilities for the use of INPADOC's services, including possible cooperation between the Austrian Patent Office and INPADOC, for the benefit of developing countries. The International Bureau was asked to submit a report on the results of this study to the next session of the Interim Committee.

PROGRAM OF THE INTERIM COMMITTEE FOR 1975

33. It was decided that the program of the Interim Committee for 1975 should include the following questions:

- (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 of the study of the document collections already available in the member States of IDCAS;
- (iv) preparatory work in connection with other requests (pending or future) by developing countries for technical assistance, in as far as they relate to the PCT technical assistance program;
- (v) continuation of the study on the use of INPADOC's services for developing countries, taking into account possibilities of cooperation between the

Austrian Patent Office and INPADOC, in cooperation with the competent Austrian authorities;

- (vi) survey on collections of patent documents that are, or may become, available in the near future for use in the framework of technical assistance projects for developing countries.

34. With respect to the proposed inclusion of a possible additional item: “establishment of a list of technical non-patent literature that can be obtained freely, or on very favorable conditions, by developing countries, so as to enable them to start a technical library in fields of their interest,” the Interim Committee decided to defer consideration of this matter until its 1975 session. In the meantime, the International Bureau was requested to study this matter further, keeping in mind the need to avoid duplication of any similar efforts which might already have been undertaken by organizations in the framework of the United Nations dealing with problems relating to transfer of technology to developing countries.

35. This report was unanimously adopted by the Interim Committee at its closing meeting on November 19, 1974.

[Annex follows]

LISTE DES PARTICIPANTS/
LIST OF PARTICIPANTS

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