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Monthly Review of the
World Intellectual Property Organization (WIPO)

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World Intellectual Property Organization

The World Intellectual Property Organization in 1980 *

I. Membership of WIPO

In 1980, seven States joined the World Intellectual Property Organization. In the order of the dates of deposit of instruments of accession or ratification they were: Colombia, China, Philippines, Peru, Argentina, Guinea and Gambia. At the end of the year, the number of members of WIPO was 95 (Algeria, Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Benin, Brazil, Bulgaria, Burundi, Byelorussian SSR, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Egypt, El Salvador, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guinea, Holy See, Hungary, India, Indonesia, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Libya, Liechtenstein, Luxembourg, Malawi, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Netherlands, Niger, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Senegal, South Africa, Soviet Union, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Togo, Tunisia, Turkey, Uganda, Ukrainian SSR, United Arab Emirates, United Kingdom, United States of America, Upper Volta, Uruguay, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia). Of these 14 States are members of WIPO alone (Barbados, Byelorussian SSR, China, Colombia, El Salvador, Gambia, Jamaica, Mongolia, Peru, Qatar, Sudan, Ukrainian SSR, United Arab Emirates, Yemen).

In addition, 21 States which have not yet become members of WIPO are party to one or more of the treaties administered by WIPO (Costa Rica, Cyprus, Dominican Republic, Ecuador, Guatemala, Haiti, Iceland, Iran, Lebanon, Madagascar, Mali, New Zealand, Nicaragua, Nigeria, Panama, Paraguay, San Marino, Syria, Tanzania, Thailand, Trinidad and Tobago).

Therefore the total number of States which are members of WIPO or party to treaties administered by WIPO was, at the end of 1980, 116. **

II. Governing Bodies

During the eleventh series of meetings of the Governing Bodies of the World Intellectual Property Organization (WIPO) and the Unions administered by WIPO, which took place in Geneva from September 22 to 26, 1980, the following eight Bodies (hereinafter referred to as "the Governing Bodies") held their sessions:

- WIPO Coordination Committee, fourteenth session (11th extraordinary),
- Paris Union Assembly, fifth session (1st extraordinary),
- Paris Union Conference of Representatives, seventh session (3rd extraordinary),
- Paris Union Executive Committee, sixteenth session (16th ordinary),
- Berne Union Executive Committee, seventeenth session (12th ordinary),
- PCT (Patent Cooperation Treaty) Union Assembly, sixth session (4th extraordinary),
- TRT (Trademark Registration Treaty) Union Assembly, first session (1st extraordinary),
- Budapest Union Assembly, first session (1st extraordinary).

Seventy-eight States, members of WIPO, the Paris Union or the Berne Union or of one or more of these, were represented at the meetings. Of these, 68 States were members of the Governing Bodies concerned, and 10 States were members of WIPO or of the Berne Union, or of both, attending as observers. In addition, nine intergovernmental organizations sent observers.

The eleventh series of meetings of the Governing Bodies was convened by the Director General of WIPO, Dr. Arpad Bogsch (hereinafter referred to as "the Director General").

Each of the Governing Bodies elected its officers at the beginning of its session. The WIPO Coordination

* This article describes the main activities of WIPO as such (as distinguished from those of the Unions administered by WIPO) in 1980. The main activities of the Unions will be covered in articles to be published in later issues of *Industrial Property* and *Copyright*.

** Detailed lists were published in the January 1981 issue of this review.

Committee elected Mr. Alvaro Gurgel de Alencar (Brazil) as its new Chairman.

The main items discussed and the principal decisions taken in joint sessions, by several of the Governing Bodies, or by the WIPO Coordination Committee, are reported on below.

Past Activities. The Governing Bodies reviewed and approved reports by the Director General on the activities of WIPO from September 1979 to September 1980. Most statements made in the discussion expressed satisfaction with the accomplishments of the International Bureau in the past 12 months and underlined the constant increase in the activities in the field of development cooperation for the benefit of developing countries. Several delegations expressly welcomed the conclusion of a working agreement with the Junta of the Cartagena Agreement (Andean Group), which should be particularly useful to the five countries members of that Group. Several suggestions were made, and noted by the Director General, to the effect that more emphasis should be given to certain activities, in particular the teaching of intellectual property law in universities in developing countries, the joint service with Unesco for facilitating access by developing countries to works protected by copyright, the promotion of technical cooperation among developing countries, model laws, the industrial property aspects of consumer protection, long-term advance planning of training, and special programs for the creation and administration of industrial property and copyright infrastructures.

The Delegation of Hungary announced that its Government was ready to continue to host periodically seminars for developing countries on copyright and neighboring rights. The Delegation of the United States of America announced that its Government had approved a contribution of 160,000 US dollars to the work of WIPO for the benefit of developing countries.

Appointment of Deputy Directors General. The Coordination Committee unanimously decided to approve the re-appointment as Deputy Directors General of Mr. Klaus Pfanner, a national of the Federal Republic of Germany, and Mr. Felix Sviridov, a national of the Soviet Union, and the appointment as Deputy Director General of Mr. Marino Porzio, a national of Chile, as proposed by the Director General. The Committee, through its Chairman, the Director General, the Spokesmen of the various Groups and several delegations paid tribute to the outgoing Deputy Director General, Mrs. Ketty-Lina Liguier-Laubhouet. They extolled her merits in her position as Deputy Director General since 1975.

TRT and Budapest Unions. During the eleventh series of meetings of the WIPO Governing Bodies, the TRT Union Assembly and the Budapest Union Assembly held their first sessions, the Trademark

Registration Treaty and the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure having entered into force on August 7 and 19, 1980, respectively.

III. Development Cooperation Activities

A. Industrial Property and Patent Information Activities

Objective

The objective of the activities provided for in the program approved by the Governing Bodies in 1979 is to be useful to developing countries in seven different respects:

- (i) training specialists,
- (ii) creating or modernizing domestic legislation,
- (iii) creating or modernizing governmental institutions,
- (iv) stimulating inventive activity,
- (v) stimulating transfer of technology,
- (vi) creating a corps of practitioners,
- (vii) exploiting technological information contained in patent documents.

Development, in Developing Countries, of General Awareness and Knowledge of the Law and Practical Implications of Industrial Property (Training)

Two hundred and sixteen applications for training in the field of industrial property in 1980 were received by WIPO from 83 developing countries and one territory, and from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the Industrial Development Centre for Arab States (IDCAS) and the African Intellectual Property Organization (OAPI). One hundred and five of these applications, from the following 62 countries and one territory, and from UNRWA and OAPI, were accepted for general training: Algeria, Angola, Bangladesh, Bhutan, Bolivia, Brazil, Burundi, Chile, Congo, Cuba, Democratic People's Republic of Korea, Democratic Yemen, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Gambia, Ghana, Guatemala, Haiti, Honduras, India, Indonesia, Ivory Coast, Iraq, Jamaica, Kenya, Lesotho, Madagascar, Mauritania, Mexico, Mongolia, Morocco, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Qatar, Republic of Korea, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Syria, Tanzania, Thailand, Tunisia, Uganda, Upper Volta, Uruguay, Venezuela, Zaire, Zambia, Hong Kong.

The general training arranged in 1980 took the following forms:

(a) for 28 trainees, attendance at a general introductory course at Strasbourg in September 1980, organized by WIPO and the Center for the International Study of Industrial Property (CEIPI), with the cooperation of the National Institute of Industrial Property (INPI) of France; this course was preceded by a visit to WIPO headquarters and followed, in most cases, by practical training in the industrial property offices of the following countries and organizations: Czechoslovakia, Egypt, France, German Democratic Republic, Hungary, India, Netherlands, Switzerland, United Kingdom, United States of America, and OAPI, and CEIPI;

(b) for 20 trainees, practical training in the industrial property offices of the following countries: Bulgaria, Canada, France, Germany (Federal Republic of), Israel, Poland, Soviet Union, Sweden;

(c) for 11 trainees, attendance at a training course on the theoretical and practical aspects of industrial property organized jointly by WIPO and the Industrial Property Registry in Madrid in October and November 1980;

(d) for two trainees, study tours (visits and discussions) in from two to five of the following countries: Algeria, Brazil, France, Ivory Coast, Portugal and Switzerland, and OAPI.

To the extent possible, the arrangements for training in 1980 included visits to the headquarters of WIPO.

Taking together the general and specialized training programs in the field of industrial property and the program in the field of copyright and neighboring rights (see below), the total number of applications received in 1980 was 280, as compared with 201 applications received in 1979. In 1980, a total of 153 applications were accepted from 71 countries and one territory, UNRWA and OAPI; in 1979, 120 applications were accepted from 61 countries, Palestine Liberation Organization (PLO), OAPI and the Zimbabwe National Liberation Movement. In 1980, 40 applications were accepted (24% of the total acceptances) from countries regarded as least developed among the developing countries. In 1980, eight developing countries and OAPI contributed to promoting cooperation among developing countries by receiving 20 trainees.

The following countries and intergovernmental organizations contributed in full or in part to the payment of the travel expenses and subsistence allowances of trainees participating in the general and specialized programs in the field of industrial property: Austria, Bulgaria, Canada, Czechoslovakia, France, German Democratic Republic, Germany (Federal Republic of), India, Israel, Netherlands,

Poland, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, European Patent Organisation (EPO), European Communities (through the European Development Fund), United Nations Development Programme (UNDP); the remainder of the cost was borne by the budget of the WIPO Legal-Technical Assistance Program.

In cooperation with the United Nations Economic Commission for Africa (ECA) and the Organization of African Unity (OAU), WIPO organized in Guinea-Bissau in May 1980 a *seminar on intellectual property for the benefit of newly independent African States*. Of the eight such States invited (Angola, Cape Verde, the Comoros, Djibouti, Guinea-Bissau, Mozambique, Sao Tome and Principe, and the Seychelles) three, Angola, Cape Verde and Guinea-Bissau, were represented, together with national observers and observers from four intergovernmental and one non-governmental international organization. The working documents for the seminar, prepared in French and in Portuguese, were introduced by officials of WIPO and by lecturers invited by WIPO from Brazil and Portugal. The working languages were French and Portuguese.

After a lively discussion, in which the relevance to development of national systems of intellectual property and international cooperation in that field was fully explored, the participants adopted recommendations, including an invitation to the Governments for whose benefit the Seminar was organized to consider joining WIPO, and to establish national laws and administration in the field of intellectual property; the recommendations placed emphasis on the need for training in this field.

Teaching aids for training in the field of industrial property include the texts of lectures prepared for particular training courses and also the WIPO *Industrial Property Glossary*. This was first published in 1979 in four languages (Arabic, English, French and Spanish). In February 1980, the Glossary was published also in English, French and Russian, and in April 1980, in English, French and Portuguese. The translations into Russian and Portuguese were prepared by the industrial property services of the Soviet Union and by those of Brazil and Portugal, respectively.

A further teaching aid, an *Industrial Property Manual for Developing Countries*, is being prepared. It is intended to be an introduction to industrial property in general and a guide supplying, generally by means of questions and answers, practical information for users in developing countries.

Legislation and Institutions

Discussions were concluded on the new *Model Law for Developing Countries on Inventions*. Part I, deal-

ing with patents, was published in August 1979. The remaining parts, dealing with know-how, the examination and registration of contracts, inventors' certificates, technovations and, in an annex, transfer of technology patents, were submitted to the Permanent Committee for Development Cooperation Related to Industrial Property at its seventh session for comments before publication. After discussion in the Permanent Committee, it was noted that the Model Law would be published under the responsibility of the Director General, who would consider carefully the various comments made. (A fuller account appears below, in the section of this report concerning the seventh session of the Permanent Committee.)

The remaining parts of the Model Law were published in August 1980.

WIPO continued to cooperate, on request, with governments or groups of governments of developing countries on the adoption of *new laws and regulations*, or the modernization of existing ones, in the field of industrial property, and the creation or modernization of *industrial property offices*.

In the period covered by this report, such cooperation was pursued with the following countries and regional institutions, including their patent documentation and information services:

Africa

Algeria. In July 1980, a three-year agreement was signed between the Algerian authorities and WIPO providing for assistance in the organization of national seminars, training of officials in Algeria and abroad, and preparing regulations under the new legislation to be enacted. In November 1980, WIPO organized jointly with the national office a seminar on patent information, attended by some 70 participants, mainly technical staff of industry.

Angola. Discussions were held in Geneva in June 1980, during a study tour arranged for a government official, on the drafting of industrial property legislation.

Benin. A joint mission by a WIPO consultant from France and an OAPI official was undertaken in September and October 1980 to advise on the creation of a national structure for industrial property and technological information, within the context of the CADIB project of OAPI (see below).

Burundi. A WIPO mission visited Bujumbura in September 1980 to advise on the modernization of the industrial property laws and administration so as to contribute to the country's development objectives. Consultants from the Austrian Patent Office and the European Patent Office took part in the mission, and the European Patent Organisation contributed financially.

Central African Republic. A joint mission by a WIPO consultant from France and an OAPI official was undertaken in October and November 1980 to advise on the creation of a national structure for industrial property and technological information, within the context of the CADIB project of OAPI (see below).

Congo. A joint mission by a WIPO consultant from France and an OAPI official was undertaken in October 1980 to advise on the creation of a national structure for industrial property and technological information, within the context of the CADIB project of OAPI (see below).

Egypt. WIPO organized and financed a visit by the head of the Egyptian Patent Office to the Philippines in November 1980, in order to study legislative and institutional arrangements for the promotion of technological innovation and the support of inventors.

Gabon. A joint mission by a WIPO consultant from France and an OAPI official was undertaken in October 1980 to advise on the creation of a national structure for industrial property and technological information, within the context of the CADIB project of OAPI (see below).

Gambia. Following a WIPO mission in October 1979, proposals for the modernization of the law on trademarks were prepared and transmitted in July 1980.

Ghana. Comments invited from WIPO on a draft Patents Bill were transmitted in September 1980. The Bill is based upon the Model Law for English-Speaking African Countries on Patents, adapted to conform with Ghanaian development needs and drafting practices.

Ivory Coast. A joint mission by WIPO and OAPI, in July 1980, assisted in the first phase of the installation of a new national structure for industrial property services, taking into account the responsibilities of those services in relation to OAPI and CADIB.

Madagascar. Proposals have been submitted to the Government for a possible UNDP project for the establishment of the administrative infrastructure necessary to implement new industrial property legislation which is in preparation.

Mali. WIPO officials visited Bamako in July 1980 to discuss a draft of new industrial property legislation prepared by WIPO.

Mauritania. A WIPO consultant from France undertook a mission in November and December 1980 to advise on the creation of a national structure for industrial property and technological information, within the context of the CADIB project of OAPI (see below).

Niger. A joint mission by a WIPO consultant from France and an OAPI official was undertaken in September 1980 to advise on the creation of a national

structure for industrial property and technological information, within the context of the CADIB project of OAPI (see below).

Rwanda. A WIPO mission visited Kigali in September 1980 to advise on the modernization of the industrial property laws and administration so as to contribute to the country's development objectives. Consultants from the Austrian Patent Office and the European Patent Office took part in the mission, and the European Patent Organisation contributed financially.

Senegal. A joint mission by a WIPO consultant from France and an OAPI official was undertaken in November 1980 to advise on the creation of a national structure for industrial property and technological information, within the context of the CADIB project of OAPI (see below).

Swaziland. Following a WIPO mission and the preparation of detailed recommendations on the possibilities of modernizing the industrial property system and of a draft trademark law, a new law was prepared by the Government, commented on by WIPO in March 1980, and subsequently submitted for enactment.

Togo. A joint mission by a WIPO consultant from France and an OAPI official was undertaken in September 1980 to advise on the creation of a national structure for industrial property and technological information, within the context of the CADIB project of OAPI (see below).

Upper Volta. A WIPO consultant from France undertook a mission in February 1980 to advise on the creation of a national structure for industrial property and technological information, within the context of the CADIB project of OAPI (see below). WIPO proposals based on the consultant's report were presented to the Government in May 1980.

Zaire. Following earlier written advice, a preparatory mission and detailed discussions at WIPO in 1979 and March 1980 with a delegation from Zaire, new industrial property legislation was submitted for enactment.

Zimbabwe. A WIPO official participated in a UN Interagency Meeting, convened in Salisbury in May 1980, on assistance to Zimbabwe, and held discussions with the national authorities responsible for intellectual property concerning cooperation in strengthening the law and administration in industrial property and copyright. Copies of WIPO model laws in the said fields were transmitted at the request of the said authorities in September 1980. In November and December 1980, a WIPO consultant from the Federal Republic of Germany undertook a three-week mission to Salisbury to assist in the drawing up of a plan of action for reorganizing industrial property procedures and staff training.

African Intellectual Property Organization (OAPI). WIPO continued to act as the executing

agency for the UNDP project for the establishment of a patent documentation and information center (CADIB) within the framework of OAPI. In addition to financing from UNDP, the project is receiving support in the form of financing, expert services, training and equipment from the Governments of France, Germany (Federal Republic of) and Switzerland and from the European Patent Office. In the period covered by this report, 12 WIPO experts, nationals of Canada, France, Germany (Federal Republic of), Italy, Switzerland, United Kingdom and Viet Nam, worked on the project.

As part of the project, a Colloquium on patent documentation as an aid to technological and industrial development was held in Yaoundé in January 1980. The participants were officials from the OAPI member and potential member States; the lecturers included the Director General of WIPO, the heads of the industrial property offices of Austria, France, Germany (Federal Republic of) and Sweden, and a Vice-President of the European Patent Office.

The second tripartite review of the project was held in Yaoundé in November 1980, with participation by WIPO, OAPI and UNDP; satisfaction was expressed with the progress of the project.

Missions to OAPI member States to assist in the establishment of national structures for CADIB are reported above under the names of the countries concerned.

Officials of WIPO attended in an observer capacity the 19th session of the Administrative Council of OAPI, which took place in Niamey in December 1980. Among other decisions the Council approved the budget of CADIB, as part of the OAPI budget, for 1981, took note with satisfaction of the progress of the project and expressed its thanks to WIPO as the executing agent of the project for the smooth continuation of the project's activities and to the UNDP, France, Germany (Federal Republic of) and Switzerland for their contributions to the project, approved the plan of action for the establishment of the national structures of OAPI in 1981, and adopted a complete recasting of the staff regulations of OAPI based on a study carried out by a consultant of the project. In addition, the Council adopted a resolution recommending to the States members of OAPI which have not yet done so to ratify or accede to the Patent Cooperation Treaty (PCT), the Trademark Registration Treaty (TRT), the Lisbon Agreement and the Hague Agreement. The Council also approved a resolution recommending to the States members of OAPI to support firmly the adoption of the draft Nairobi Treaty on the Protection of the Olympic Symbol, as well as a resolution recommending to the States members of OAPI that they be represented at the Diplomatic Conference on the Revision of the Paris Convention.

African Regional Center for Technology (ARCT). In February 1980, the Chief Technical

Adviser of the UNDP project for the establishment of ARCT visited WIPO for substantive discussions on future cooperation, including cooperation with ESARIPO and OAPI and their patent documentation and information services (ESAPADIC and CADIB). The discussions were continued on the occasion of the participation by WIPO in a meeting of the Executive Board of ARCT in Dakar in June 1980, and a visit to WIPO by the Executive Director of ARCT in September 1980.

Industrial Property Organization for English-Speaking Africa (ESARIPO). Jointly with the Secretariat of the United Nations Economic Commission for Africa (ECA), WIPO continued to act as the Interim Secretariat of ESARIPO.

As part of the activities within the preparatory assistance phase, financed by the UNDP, of the project for the establishment of ESARIPO's Patent Documentation and Information Centre (ESAPADIC), the Interim Secretariat engaged from August 1980 consultants from Australia, Kenya and Nigeria to assist in the preparation of the final project document for submission to the Council of ESARIPO at its fourth session.

Zimbabwe and Sierra Leone deposited instruments of accession to the Lusaka Agreement on the Creation of ESARIPO in November and December 1980, respectively, bringing the total membership to nine States.

The fourth session of the *Council of ESARIPO* was held in Salisbury (Zimbabwe) in December 1980. All States members of ESARIPO (Gambia, Ghana, Kenya, Malawi, Sierra Leone, Sudan, Uganda, Zambia and Zimbabwe) and six observer States (Botswana, Ethiopia, Nigeria, Somalia, Swaziland and Tanzania) were represented. The session of the Council was preceded by a Seminar (with participation from the States referred to above); the sixth session of the Committee for Trade Mark and Industrial Design Matters was held during the period of the Council's session.

The *Seminar* was organized by the Interim Secretariat with the assistance of the Governments of Canada, Germany (Federal Republic of) and the United Kingdom and of the UNDP. The topics discussed were patent documentation as a source of technological information, the ESAPADIC project, the role of national offices in ESAPADIC, the role of ESAPADIC in the implementation of the Lagos Plan of Action for the economic development of Africa, developments in the adoption of the ESARIPO model laws, and the functions of an industrial property office in the field of patents and in that of trademarks. These topics were introduced by an Assistant Deputy Minister, Department of Consumer and Corporate Affairs of Canada, an Assistant Comptroller of the United Kingdom Patent Office, an official of the Patent

Office of the Federal Republic of Germany and members of the staff of WIPO and ECA.

The *Committee for Trade Mark and Industrial Design Matters* expressed its full agreement with the draft Nairobi Treaty on the Protection of the Olympic Symbol, and prepared a draft resolution for the Council recommending the establishment by the States of a system of protection of geographical indications, taking into account the WIPO Model Law for Developing Countries on Appellations of Origin and Indications of Source.

On the basis of the discussions in the Seminar, the *Council* adopted a recommendation that industrial property offices in ESARIPO countries, as national focal points for ESAPADIC, should develop linkages with potential users of patent information, and that studies should be conducted by the Director of the ESARIPO Office to determine the technical tasks that could be performed regionally by ESARIPO and ESAPADIC on behalf of the said offices. The Council adopted the resolutions, referred to above, proposed by its Committee for Trade Mark and Industrial Design Matters. It expressed its appreciation to WIPO for assistance given to member and potential member States in the matter of training, and recommended consideration of training courses within the region for middle-level staff of industrial property offices. The Council approved for 1981 a program of activities, a budget (105,200 US dollars) and contributions to be paid by member States; it approved, for submission to the UNDP, a project document for the establishment of ESAPADIC; on the recommendation of a sub-committee established for this purpose, it selected from 93 applications a candidate, namely Mr. J.H. Ntabgoba, Justice of the High Court of Uganda, and appointed him to the post of Director of the Office of ESARIPO. Arrangements were decided on for the appointment of additional staff of the Office, for the conclusion of a Headquarters Agreement with the Government of Kenya and for obtaining assistance for the construction of a headquarters building, it being noted with gratitude that adequate temporary accommodation would be made available within the premises of the Registrar General's Department in Nairobi. The Council selected an emblem for ESARIPO, and approved Staff Regulations and salary scales for the Office; it reviewed recent international developments in the field of industrial property, and received reports on the introduction of modernized industrial property legislation in the member and potential member States, and on prospects for new ratifications of and accessions to the Lusaka Agreement.

Organization of African Unity (OAU). WIPO continued its cooperation with the OAU, and was represented at the second extraordinary session of the OAU Assembly of Heads of State and Government devoted to economic problems of Africa, held in Lagos in April 1980. This "first OAU economic

summit" had been prepared at immediately preceding meetings, also in Lagos, at the ministerial and expert levels, at which WIPO was also represented. The Assembly adopted the Lagos Plan of Action for the implementation of the Monrovia Strategy for the economic development of Africa. The Lagos Plan of Action refers to the need for national centers for science and technology for development to have effective linkages with institutions responsible for industrial property and patent information, and calls for support for regional and subregional intergovernmental technological institutions, including specifically ESARIPO and ESAPADIC, OAPI and CADIB. WIPO was also represented at a symposium on industrial technology, organized by the OAU and the United Nations Industrial Development Organization (UNIDO) in Khartoum in November 1980, at which the follow-up to the Lagos Plan of Action was discussed.

Asia and the Pacific

Democratic People's Republic of Korea. Following the visit of a WIPO official in October 1979 and discussions in Geneva in January 1980, a seminar on patent information was organized in cooperation with the Government in April 1980, with lecturers from WIPO and the Austrian and Bulgarian government authorities. Discussions were held for the planning of cooperation in the establishment and improvement of the industrial property system. A further seminar dealing with a number of industrial property questions, including trademarks and the Madrid Agreement, the Patent Cooperation Treaty, the International Patent Classification and state-of-the-art searches, was organized in November 1980, with lecturers from WIPO and the Austrian Patent Office.

Indonesia. A WIPO consultant undertook a mission in November and December 1979 to study and advise on means to ensure adequate legal protection for Indonesian industrial designs. On the basis of the consultant's report, WIPO proposals to the Government were transmitted in June 1980.

Nepal. A WIPO official undertook a mission in March 1980 to advise on the modernization of the industrial property system. Draft laws were prepared by WIPO and transmitted in July 1980.

Pakistan. A WIPO official visited Islamabad and Karachi in August and September 1980 for preliminary discussions with the government authorities and the UNDP concerning the Government's request for assistance in studying the possible modernization of industrial property procedures.

Philippines. Following discussion in Geneva in June 1980 of a new Science and Technology Code, including industrial property and copyright legislation, comments on the said Code were sent by WIPO in July 1980. The draft Code was further discussed in Geneva in November 1980.

Republic of Korea. Following discussions with officials of the Korean Patent Office in Geneva in October 1979 and February 1980, WIPO proposed to the Government a plan for cooperation, bilaterally and multilaterally, in the modernization of the Korean Patent Office and in the carrying out of searches and examinations. A WIPO mission to Seoul in June 1980 prepared, with the government authorities and the UNDP, specific projects based on the said plan, to begin in 1980. From September to November 1980, five WIPO experts (from the Japanese Patent Office), financed by the UNDP, assisted in the training of the technical staff; in October and November 1980, three Korean examiners were trained at the Japanese Patent Office, the European Patent Office and the Netherlands Patent Office, with financial assistance from the European Patent Organisation.

Singapore. On the occasion of a national seminar on licensing organized by WIPO and the Science Council of Singapore in December 1980, the Director General had discussions with the ministers responsible for industrial property matters and with other high government officials on the possible modernization of the patent system of Singapore.

Sri Lanka. Between November 1979 and August 1980, experts provided by the industrial property offices of Sweden and the United Kingdom spent a total of more than five work months in Colombo advising and assisting the Sri Lanka Office in the implementation of the new industrial property code, which entered into force in January 1980. Financial assistance was provided by the Swedish International Development Authority (SIDA). A mission of one month's duration was undertaken by WIPO officials and a consultant from the Philippines in March 1980 to advise the Sri Lanka Government on the establishment of institutional arrangements for the support of national inventors. From October to November 1980, a WIPO expert from the United Kingdom assisted the Office in clearing a backlog of applications and in staff training; in November 1980, a WIPO expert from the United Kingdom assisted in preparing and participated in a training course on patents. These missions were undertaken with financial assistance from the UNDP.

Thailand. A mission was undertaken by a WIPO official in June 1980, as part of the program of cooperation for the implementation of the new Patent Act of Thailand. Under the same program, four Thai officials received training in the Canadian industrial property office in July and August 1980, and the head of the department concerned visited the Canadian Office and WIPO in August. With the assistance of the Government of Canada, a training course for the benefit of the staff of the Patent Division was organized in September and October 1980 on patent procedures and patent documentation.

Viet Nam. A WIPO official undertook a mission

in January 1980 to assist in preparing a plan for the improvement of the industrial property system. In December 1980, a WIPO expert from Switzerland and a WIPO official visited Hanoi and Ho Chi Minh City for further discussions with government officials and to give lectures on industrial property at national seminars.

Latin America and the Caribbean

Barbados. Two government officials visited WIPO in Geneva, in April 1980, to discuss with WIPO officials and an expert from Canada draft industrial property and copyright laws prepared at the request of the Government by WIPO. A WIPO official undertook a mission to Barbados in May 1980. In September 1980, further discussions on the draft laws were held in Geneva. In November 1980, WIPO officials gave lectures in a national seminar on intellectual property organized by the Government and WIPO in Bridgetown. The seminar, which dealt with marks, industrial designs and copyright, was attended by 47 participants representing government bodies, private industry, interested non-governmental institutions and universities. The project is being carried out with the financial assistance of the Canadian International Development Agency (CIDA).

Brazil. WIPO is continuing to carry out the UNDP project for the modernization of the Brazilian patent system, with the assistance, during the period covered by this report, of 18 WIPO experts from the industrial property offices of Austria, Australia, Denmark, Germany (Federal Republic of), Israel, Japan, Sweden, the United Kingdom, the United States of America and the European Patent Office. The seventh tripartite review of the project was held in November 1980, with participation by the Brazilian Government, UNDP and WIPO; satisfaction was expressed with the progress of the project, which began in 1973 and is planned to be completed in 1981, when nearly 150 patent examiners will have been trained. It was noted that 50% of the basic patent training in 1980 was carried out by Brazilian instructors; the work plan for 1981 was approved, including training in the handling of appeals and similar high-level instance questions.

Dominican Republic. WIPO paid the expenses of a visit by a government official to Geneva in June 1980, for discussion of a draft industrial property law prepared by the Dominican authorities.

Mexico. A WIPO official visited the Mexican industrial property office in April 1980 to prepare for a training course in the use of the International Patent Classification, and in July 1980 to conduct the introductory part of the course, which was followed by six weeks of classification work under the supervision of two staff members of the Spanish industrial property

office. All of the 20 examiners of the Mexican industrial property office participated in the course.

Trinidad and Tobago. Within the framework of a UNDP financed project for the establishment of an industrial property system, a WIPO official undertook a mission in May 1980 to discuss with the government authorities a draft patent law and draft preparatory assistance document prepared by WIPO. The said document was endorsed by the Government and approved by the UNDP in December 1980.

Uruguay. In December 1980, a WIPO official undertook a mission to Montevideo in response to a request from the competent authorities for advice and assistance on drawing up a plan for the modernization of industrial property legislation and administration.

Andean Group. In implementation of the five-year agreement of technical cooperation signed in November 1979 between WIPO and the *Junta del Acuerdo de Cartagena* (JUNAC), i.e., the Council of the Andean Group established by the Cartagena Agreement (comprising Bolivia, Colombia, Ecuador, Peru and Venezuela), an inter-secretariat meeting between WIPO and JUNAC was held in Lima in June 1980, at which a comprehensive program of assistance was prepared, taking into account the findings of joint missions undertaken in the five member States. The program (approved by the Director General of WIPO and by JUNAC, and to be submitted to the five Andean Governments through a meeting of the heads of their industrial property offices) provides for group training, aimed also at creating a group of Andean experts to train new officials or participants from other developing countries of the region, for expert missions to the national offices to advise on solutions to specific problems and to promote harmonization of procedures, and for regular meetings of the heads of offices. The industrial property offices of Brazil and Spain have offered to contribute to the program.

In October 1980, WIPO and JUNAC organized jointly in Lima a Seminar on Licensing for participants from the five countries. WIPO paid the expenses of eight of the 30 participants and of the three invited lecturers from Latin American countries.

Caribbean Office of ECLA and CARICOM. Following exploratory discussions in Port-of-Spain with the Office for the Caribbean of the Economic Commission for Latin America (ECLA), a project was prepared, in consultation with ECLA and the Caribbean Community (CARICOM), for the strengthening of the industrial property systems, including patent documentation and information services as a contribution to the Caribbean Documentation Centre (CDC), of the English-speaking countries of the Caribbean (Bahamas, Barbados, Dominica, Grenada, Guyana, Jamaica, St. Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago). In September 1980, the Canadian International Development

opment Agency (CIDA) agreed to provide financial assistance. The first phase of the project, to be carried out in 1980 and 1981, is the assessment of the situation of the countries concerned in the field of industrial property and patent documentation and information services; the second, to be carried out in 1981, will consist of the holding of a seminar on industrial property and related matters for government officials and other interested circles of the said countries, in order to draw conclusions from the work carried out in the first phase and, possibly, to prepare proposals for future action. The first phase of the project began with visits in November 1980 to Barbados, St. Lucia, St. Vincent and the Grenadines, Grenada, and Trinidad and Tobago by a mission composed of a WIPO official, a representative of CIDA and a government official of Barbados. Further such visits are planned for early 1981 to the remaining countries of the group.

Western Asia

Iraq. An official of WIPO undertook a mission of one month's duration in February and March 1980 in order to advise the government authorities on the improvement of the administrative systems of the industrial property office.

United Arab Emirates. In October 1980, WIPO officials and a consultant from Syria conducted national seminars in Abu Dhabi, Dubai and Al-Ain, giving lectures on industrial property to participants from government departments, universities and chambers of commerce and other private circles.

Federation of Arab Scientific Research Councils (FASRC). Discussions were held in Geneva in July 1980 between representatives of FASRC and of WIPO, in order to explore the possibilities of cooperation between them. Decisions were reached on the following matters: the preparation by WIPO of a general outline of a project for a patent information and documentation unit as a component of an Arab center for scientific and technical documentation; state-of-the-art searches and collaboration in the organization of workshops, symposia and seminars; mutual representation at meetings; exchange of publications. WIPO was represented at a meeting of the Council of FASRC in Amman in December 1980; the Council approved a project for the establishment of the said unit and allocated the necessary funds for 1981.

Inventors, Industry and Commerce

A Workshop on the effective use of the industrial property system for the benefit of inventors, industry and commerce in the Asian and the Pacific region was

organized by WIPO, with the cooperation of the Government of the Philippines and of the UNDP, at Manila in April 1980. It was arranged to coincide with the Second Festival of Philippine Inventions and the 14th Annual Inventions Contest, at the closing ceremonies of which the Director General presented the WIPO Gold Medal for the Outstanding Invention, the WIPO Gold Medal for the Outstanding Filipino Inventor, 1980, and corresponding diplomas; he announced that these two WIPO medals and diplomas would continue to be awarded every year in the Philippines, and that such medals and awards would also be offered at similar festivals and contests that might be organized in other developing countries. Similar prizes had already been awarded by WIPO at the *Salon international des inventions et des techniques nouvelles* in Geneva in December 1979.

The 102 participants in the Workshop included 46 representatives of 18 countries and one territory (Afghanistan, Bangladesh, Bhutan, China, Fiji, India, Indonesia, Malaysia, Mongolia, Nepal, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Sri Lanka, Thailand, Tonga, Viet Nam, Hong Kong), and observers from the Asian Patent Attorneys Association (APAA) and the International Federation of Inventors' Associations (IFIA).

Lectures were delivered by invited speakers from India, Japan, Sweden and the United States of America and by officials of WIPO; each lecture was followed by an open forum during which participants addressed questions to the lecturers and to the Director General, or made statements or comments concerning the experience of their respective countries, associations or federations in the field of industrial property generally or specifically in relation to the encouragement and promotion of indigenous inventive and innovative activity.

The participants agreed on a number of conclusions and recommendations. They noted that legal and other measures, policies and practices to encourage and assist indigenous inventors and innovators should be an important consideration in the formulation of laws relating to industrial property; they welcomed the decision of WIPO to offer medals and diplomas to outstanding inventions and inventors in the region; they requested WIPO, with the assistance of UNDP, to organize meetings and training courses, at the regional, sub-regional and national levels, for the benefit of inventors/innovators and potential inventors/innovators in the region, to encourage technical cooperation between countries of the region, with participation of the governments concerned as well as of non-governmental institutions interested in the subject of industrial property; they also requested WIPO to publish as widely as possible the lectures delivered at the Workshop for the benefit of governmental and non-governmental institutions, within and outside the region, concerned with the encourage-

ment and promotion of inventive and innovative activity. The lectures were published in October 1980.

In preparation for the 1980 (third) meeting of a *Working Group on Technological Innovation*, missions were undertaken by officials of WIPO to institutions dealing with technological innovation in the German Democratic Republic, Germany (Federal Republic of), Mexico, the Soviet Union, Sweden and the United States of America.

The Working Group held its third meeting in Geneva in September 1980. The participants were experts designated by national institutions of 19 States (Algeria, Brazil, China, Egypt, France, German Democratic Republic, Germany (Federal Republic of), Ghana, India, Ivory Coast, Japan, Peru, Philippines, Senegal, Soviet Union, Sudan, Sweden, United States of America, Yugoslavia), and observers from three international organizations (UNIDO, International Federation of Inventors' Associations (IFIA) and Licensing Executives Society (International) (LES)).

The Working Group commended WIPO's activities for the promotion of technological innovation, attaching particular importance to activities relating to the offering of awards and prizes to innovators and promoters of innovative activity, and noting with satisfaction the publication of a *WIPO Directory of Associations of Inventors*. The Working Group recommended additional publications, including a directory of institutions dealing with the promotion of innovation, a compilation of relevant activities undertaken by different countries and institutions, a model brochure on why and how legal protection for inventions should be obtained, a book on innovators and inventors of developing countries and a brochure containing guidelines for the creation or reorganization of institutions dealing with promotion of innovative and inventive activity in developing countries.

A WIPO official gave a lecture on WIPO's program for the promotion of inventive activity in developing countries at a national seminar organized in Rijeka in October 1980 by the Yugoslav Association of Innovators and Authors of Technical Improvements, in conjunction with an annual exhibition of inventions. A WIPO medal and a diploma were awarded to the organizers of the exhibition.

Eight countries (Algeria, Benin, Cameroon, Chile, Egypt, Republic of Korea, Upper Volta and Zaire) replied to a questionnaire aimed at providing information for the preparation of a guide on the organization of *patent and trademark activities of enterprises* in developing countries. A draft of this guide was prepared for consideration by a Working Group in 1981.

Acquisition of Technology; Licensing

A *Workshop on Industrial Property Licenses and Technology Transfer Arrangements* was organized by WIPO and the Coordinating Council for Industrial Technology Transfer of *Malaysia*, with the cooperation and financial assistance of the Canadian International Development Agency (CIDA), in Kuala Lumpur (Malaysia) in June 1980. The purposes of the Workshop were to advise how to identify problems which are likely to arise in the negotiation and preparation of such licenses and arrangements, to increase awareness of relevant legal and commercial practices and to indicate possible solutions, and to promote an exchange of information and experience.

Participants designated by the Governments of Indonesia, Malaysia, Philippines, Singapore and Thailand, and a number of persons from national industrial and commercial enterprises, from the legal profession and from regional non-governmental organizations, were invited. The UNDP and the Association of South East Asian Nations (ASEAN) were also invited to send representatives. Approximately 90 persons, from all the invited countries, took part in the Workshop.

The discussions in the Workshop were based on the WIPO Licensing Guide for Developing Countries, case studies and a simulated negotiation exercise. Lectures were given by WIPO staff members and specialists on matters related to the negotiation and preparation of license agreements. The following topics were considered: the role of WIPO, and its activities in furthering development in developing countries; industrial property and its role in the technological process and in industrial and commercial development; methods and arrangements for the commercial acquisition of technology; the negotiation process; the purpose, scope and content of patent licenses, know-how contracts, technical services and assistance agreements, trademark licenses and turn-key projects; introductory and other provisions of a general legal nature; identification of the rights and description of the technology to be acquired; field of use or activity; improvements and other technological advances; disclosure of information and expertise; the protection of know-how; sub-contracting, sub-licensing and assignment; link between technology and the supply of capital equipment, raw materials, intermediate goods or components and spare parts; aspects of production and their relationship to trademark licenses; quality control; working of the patented invention; importation of products manufactured abroad by the licensor, other licensees or third persons; marking; distribution channels; pricing; export of products manufactured under a patented invention or sold under a trademark (exclusivity and territoriality); duration of license agree-

ments; expiration of rights; continued use of know-how; warranty of industrial property rights; guarantee of know-how; responsibility to third persons; default; agreed remedial measures; the settlement of disputes; internal and external procedures; applicable law and forum; economic evaluation of the cost of technology and its price; forms of monetary compensation for industrial property licenses and the supply of know-how; methods of calculation; fees for technical services and assistance; systems of taxation and their impact; settlement of payment; approval by government authorities.

The participants recommended that WIPO continue to organize similar workshops at the regional, sub-regional and national levels in the region of South East Asia; they welcomed the inclusion among the participants of not only government officials but also persons in industry and commerce and the legal profession; they suggested that, in addition to covering the topics treated in the Workshop, consideration be given to focusing attention on a selected industry.

In October 1980, WIPO and JUNAC organized jointly in Lima a Seminar on Licensing for participants from the five countries of the Andean Group. WIPO paid the expenses of eight of the 30 participants and of the three invited lecturers from Latin American Countries.

In December 1980, a national *Seminar in Singapore on Patent and Trademark Licensing* was organized by WIPO and the Science Council of Singapore. Opening statements were made by the Minister for Law and Science and Technology of the Government of Singapore, the Director General of WIPO and the Chairman of the Science Council of Singapore. Lectures, leading to discussions among the participants, were given by the Director General, an official of WIPO and an expert on licensing (President of LES (International)) from France. The 90 participants came from government departments, legal firms and business and commerce.

Development of the Industrial Property Profession and Teaching in Universities

In accordance with a recommendation made by a *Round Table of University Professors on the Teaching of Industrial Property Law*, organized by WIPO in Geneva in October 1979, a meeting of a small group of university professors took place in April 1980. It prepared, on the basis of preliminary drafts submitted by WIPO, a draft Constitution of an International Association for the Advancement of Teaching and Research in Intellectual Property, as proposed by the Round Table. The draft Constitution was circulated for comments in June 1980, and is planned to be formally adopted by a constitutive assembly of the Association in 1981.

Development, in Developing Countries, of Access to the Technological Information Contained in Patent Documents

State-of-the-Art Search Program. Since 1975, WIPO has been operating a program to provide institutions and individuals in developing countries with free-of-charge state-of-the-art search reports under agreements concluded between contributing industrial property offices in developed countries and the International Bureau of WIPO. The program has increased both in the scope of services offered and in the contributions made, in response to increasing numbers of requests from developing countries.

During 1980, 305 search requests were submitted by 33 countries (Algeria, Argentina, Bolivia, Botswana, Brazil, Chile, Costa Rica, Cuba, Democratic People's Republic of Korea, Egypt, Guatemala, India, Iraq, Kuwait, Malawi, Mauritius, Mexico, Pakistan, Peru, Philippines, Republic of Korea, Rwanda, Singapore, Sri Lanka, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, Uruguay, Venezuela, Viet Nam, Zaire) and by OAPI. Nine of the said requests were submitted through the Industrial Inquiry Services of UNIDO under an agreement of cooperation concluded in 1979 between the Austrian authorities, WIPO and UNIDO. In the same period, 298 search reports were delivered to developing countries, most of them prepared by the Austrian (176) and the Swedish (65) Offices.

Each report furnished under the Austrian contribution to the program is accompanied by a request to complete an evaluation questionnaire concerning the usefulness of the report to the end user. The replies indicate consistently the relevance and completeness of the reports.

The German Patent Office carried out 17 free-of-charge searches in technical fields in which mechanized search systems are operational in the Office. In addition, copies of 46 patent specifications requested by users in developing countries were provided free of charge.

Under an agreement with WIPO signed in February 1980, the USSR State Committee for Inventions and Discoveries also joined the program. The contribution of the Soviet Union is specially intended to assist the examination of patent applications for inventions made in developing countries as to novelty and inventive step. Four search and examination reports have been delivered.

The European Patent Office (EPO), under an agreement with WIPO, has completed the first two in a series of monographs dealing in depth with areas of technology of specific relevance to developing countries. The publication of these monographs is under preparation. The EPO further agreed to perform novelty searches for 30 patent applications pending in

the Republic of Korea. Twenty search reports have been delivered; the remaining ten are under preparation. In the beginning of 1981, ten to 20 more general state-of-the-art searches will be performed under the program by the EPO on an experimental basis. In 1981, three more monographs will be prepared.

From June 1980, the Swiss Intellectual Property Office has also been contributing to the program by furnishing free of charge copies of patent documents. During the period from June 1 to December 31, 1980, copies of 327 patent documents were furnished by that Office.

The Finnish Patent Office has performed ten state-of-the-art searches as a trial in 1980. The extent of possible further contributions will be assessed in early 1981.

Various other smaller contributions have been offered and provided by many industrial property offices. However, since the demand for search reports has been very high and has sometimes already overtaken the program's capacity, WIPO is seeking new and increased contributions to the program.

Seminars and Training Courses. A staff member of WIPO lectured at an IDCAS Documentation and Industrial Information *Training Course* held in Amman from January 19 to 31, 1980, which was attended by 50 participants from Jordan, Kuwait, Sudan and Tunisia. The subject of the lectures was access to technological information contained in patent documents and the structure and contents of patent documents.

In collaboration with the National Industrial Property Directorate (DNPI) of the Secretariat of State for Industrial Development, Ministry of Economic Affairs, and the Argentine Center for Scientific and Technological Information (CAICYT) of the National Council for Scientific and Technological Research of the Argentine Republic, WIPO organized a *Symposium* on the Role of Patent Information in National Economic Development in Buenos Aires in April 1980. The Governments of Argentina, Bolivia, Brazil, Chile, Colombia, Mexico, Paraguay, Peru, Uruguay and Venezuela were invited to delegate participants, and all were represented. Seven inter-governmental and international non-governmental organizations, seven Argentine institutions and the International Patent Documentation Center (INPADOC) attended the Symposium. The total number of participants was about 50.

Discussions were based on documents prepared and submitted by WIPO concerning the role of patent information in national economic development, the International Patent Classification, state-of-the-art searches and the activities of WIPO in the training of patent information specialists, and also on papers submitted by other participants concerning national experience in the use of the IPC and in state-of-the-art searches, the organization of patent documentation

files and the training of patent information specialists, and, finally, the importance to industry of the technological information contained in patent documents.

In a lively debate on these topics the participants recognized the value of patent documentation in the various sectors of industry, economy and research, the need to create regional data banks, and to structure patent information exchanges within the region in such a way as to avoid duplication of effort, possibly on the basis of the WIPO Latin American Industrial Property and Technology Transfer Data Service, the importance of training, and the help which WIPO could offer by enlarging its cooperation with Latin American countries in the more technical aspects of industrial property.

Seventeen trainees from 15 developing countries attended a *training course* in the use of patent documentation as a source of technological information, in Vienna in June and July 1980, organized jointly by WIPO and the Government of Austria, in accordance with an agreement to that effect signed by the Federal Chancellor of Austria and the Director General of WIPO in May 1980.

Twenty-five trainees from 22 developing countries attended a *Training Seminar* in The Hague in October 1980, organized by WIPO, the EPO and the Commission of the European Communities (CEC) on "Technical Information as an Aid to Industrial Development: Patent Documents," preceded or followed, in many cases, by practical training in the following countries or institutions: France, Germany (Federal Republic of), Japan, United Kingdom, EPO, Max Planck Institute, WIPO.

Users' Guides to the IPC. In cooperation with UNIDO and the European Patent Office (EPO), Users' Guides to the IPC were prepared for agro-industries and for agricultural machinery and implements. Two other Guides already prepared (iron and steel, fertilizers) were revised and adapted to the third edition of the IPC which entered into force on January 1, 1980.

Patent Document Collections. WIPO continued its activity of arranging, and seeking to arrange, for collections of patent documents and related material to be made available and to be received by developing countries requesting them. A request made by Yugoslavia to receive a collection of United Kingdom patent documents has been met by the United Kingdom. The Democratic People's Republic of Korea has received the following collections of patent documents: a complete collection of Swiss documents and collections of documents of the Federal Republic of Germany and of the United States of America offered by Switzerland, a complete collection of Austrian documents offered by Austria, a collection of Bulgarian documents (some 15,000 documents) offered by Bulgaria, some 341,000 French documents on aperture cards offered by Sweden and 27,000 Australian

documents offered by Austria. Arrangements have been made for the Democratic People's Republic of Korea to receive additional Australian documents from Austria, as well as a complete collection of documents of the Federal Republic of Germany from Bulgaria.

The *Working Group on Patent Information for Developing Countries* of the WIPO Permanent Committee on Patent Information (PCPI) held its second session in Geneva in October 1980. Nineteen States and two intergovernmental organizations, members of the Working Group, were represented; one intergovernmental organization and two other organizations were represented by observers.

An assessment was made of the effectiveness of the *WIPO State-of-the-Art Search Program* in 1980 and earlier years. The Working Group concluded that the Program was of great importance to developing countries and should be pursued vigorously and, whilst noting with appreciation the contributions from industrialized countries already forthcoming (see above), considered that efforts to secure further contributions should continue. It was felt that, with the growing awareness of the existence of WIPO's program in the developing countries, serious capacity problems could arise in the future. The Working Group continued its study of the *identification of types of users of patent information in developing countries and their needs*. It was noted that the ongoing surveys being undertaken by Brazil and OAPI would be reported on in the near future, and that the results of a study of users of patent information and their needs recently undertaken by the Australian industrial property office would be discussed at a later date. The Working Group agreed on the basic outline of two model *curricula for patent information training courses*, one devoted to the general subject of patent information and documentation, the other to the use of the International Patent Classification (IPC) for the retrieval of technological information contained in patent documents.

The Working Group, having studied a worldwide survey made for WIPO by the International Patent Documentation Center (INPADOC) showing what *percentage of inventions would be covered by collections of patent documents limited to the documents of particular combinations of countries*, agreed that the information contained in the study fully met the needs of developing countries; it also noted a progress report by INPADOC on the implementation of INPADOC's new Patent Register Service (PRS), which will offer, in 1981, "legal status" information on pending patent applications and on granted patents in certain countries.

WIPO Permanent Committee for Development Cooperation Related to Industrial Property

Barbados, Colombia, El Salvador, Guinea and Malawi became members of the Permanent Committee, bringing the total membership to 69 States.

The Permanent Committee held its seventh session in Geneva in April and May 1980. Forty-eight States, members of the Permanent Committee, eight States, non-members of the Permanent Committee, seven intergovernmental and eleven international non-governmental organizations were represented.

In accordance with the special provisions contained in the approved budget of WIPO, travel and subsistence expenses were paid by WIPO for one delegate from each of the countries represented at the session which are members of the Permanent Committee and are regarded as being among the least developed of the developing countries.

The Permanent Committee reviewed activities since its last session and plans for continuing and future activities, on the basis of the relevant program and budget items approved by the Governing Bodies of WIPO for the years 1980 and 1981.

In reviewing activities concerning *training* (individual training and training in groups), several delegations made detailed or general suggestions to be taken into account in planning and implementing the program. Most delegations congratulated the International Bureau on the program's further development since the last session of the Permanent Committee. Several delegations expressed their appreciation for the training so far received by their nationals. Several delegations announced their continued or—in the case of the Delegations of Spain, Germany (Federal Republic of), Canada, the Soviet Union, France and the United Kingdom—increased contributions to the WIPO Training Program. The Delegation of the Federal Republic of Germany announced that its Government would probably organize a course on marks in 1981. The Delegation of Poland stated that its country would participate in training nationals of developing countries by offering a training course at the Patent Office of the Polish People's Republic for a trainee from a developing country.

The Permanent Committee was invited to comment on the draft of the parts of the new *Model Law for Developing Countries on Inventions* which remained to be published (Part I, on patents, was published in August 1979). The draft dealt with know-how, the examination and registration of contracts, inventors' certificates, technovations and, in an annex, transfer of technology patents. The draft was based on the views expressed during the last session of the Working Group on the Model Law (March 1979).

Several delegations made comments in the Permanent Committee and, taking those comments into

consideration, the said parts of the Model Law were published in August 1980.

The Permanent Committee noted that drafts were being prepared or revised on *basic options for legislators* in connection with the Model Law on Inventions, on "*Trademarks for Development*" and on industrial property aspects of *consumer protection*, for consideration by groups of consultants or experts.

In its review of activities and plans relating to the building of *governmental institutions* for industrial property, the Permanent Committee devoted particular attention to the importance of *cooperation among developing countries* and noted that close consultation was being maintained with the regional commissions of the United Nations and with the UNDP in order to ensure that activities for the promotion and support of such cooperation were fully relevant to current policies, possibilities and needs. The Permanent Committee noted with approval activities in support of OAPI and CADIB, ESARIPO and ESAPADIC, the Andean Group, the Latin American Data Service (LADS) and IDCAS.

The Permanent Committee examined an outline description, presented by WIPO, of a possible system for *international cooperation in the examination of patent applications*, to assist developing countries unable to justify the investment in staff, documentation and other equipment required for substantive examination.

Many delegations spoke on this matter and they all welcomed the initiative of the Director General of WIPO, including a plan for the convocation of a group of consultants, preferably in 1980. The general view of the Permanent Committee was that the matter was clearly and exclusively within the jurisdiction of WIPO, that the contemplated cooperation would be extremely useful for developing countries desiring to formulate a judgment on the patentability of the inventions of their own nationals, and that the feasibility of the cooperation system should be thoroughly explored. Several delegations and observers offered their participation in the planned group of consultants.

Plans were noted with approval for cooperation with governments of developing countries for the development of the *profession* of industrial property lawyer and agent, including plans for the convening of a small group of consultants. Several delegations underlined the importance of the activity in question and welcomed the initiative of the International Bureau. Observer organizations whose membership consists of or includes industrial property lawyers and agents offered their cooperation.

B. Copyright and Neighboring Rights Activities

Objective

The objective is to be useful to developing countries in five different respects:

- (i) training specialists,
- (ii) creating or modernizing domestic legislation,
- (iii) establishing or developing appropriate infrastructure,
- (iv) stimulating creative activity,
- (v) facilitating access to foreign works protected by copyright owned by foreigners.

Development, in Developing Countries, of General Awareness and Knowledge of the Law and the Practical Implications of Copyright and Neighboring Rights (Training)

Sixty-four applications for training in the fields of copyright and neighboring rights in 1980 were received by WIPO from 37 developing countries and one territory, from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) and, following consultations with the Organization of African Unity (OAU), from the Pan Africanist Congress of Azania (PAC). Forty-eight of these applications, from the following 33 countries and one territory, UNRWA and PAC, were accepted: Algeria, Argentina, Bangladesh, Bolivia, Brazil, Burundi, Cameroon, Cape Verde, Colombia, Congo, Democratic Yemen, Ecuador, Fiji, Ghana, Guinea, Guinea-Bissau, India, Indonesia, Kenya, Madagascar, Mali, Mauritius, Mexico, Niger, Nigeria, Philippines, Rwanda, Senegal, Somalia, Thailand, Upper Volta, Zaire, Zambia, Hong Kong.

The training arranged in 1980 took the following forms:

(a) for seven trainees, attendance at a *training course* on the administration of copyright and neighboring rights in *Stockholm* in August and September 1980, organized by WIPO in cooperation with the Government of Sweden and the Swedish International Development Authority (SIDA);

(b) for 22 trainees, attendance at a general introductory *training course* on copyright and neighboring rights in *Berlin (West)* in September and October 1980, organized by WIPO in cooperation with the German Foundation for International Development (DSE) on the joint invitation of the Government of the Federal Republic of Germany and the Senate (Berlin (West)); this course was followed by practical training in the following countries: Algeria, Austria, Belgium, France, Germany (Federal Republic of), Hungary, India, Netherlands, Senegal, Switzerland, United Kingdom;

(c) for 14 trainees, attendance at a specialized *training course* on the administration of copyright and neighboring rights in *Zurich* in June 1980, organized by WIPO in cooperation with the Swiss Society for Authors' Rights in Musical Works (SUISA);

(d) for four trainees, practical training in one of the following countries: Argentina, German Democratic Republic, Mexico;

(e) for one trainee, study visits to France and WIPO headquarters.

To the extent possible, the arrangements for training in 1980 included visits to the headquarters of WIPO.

For a general analysis of all the applications for training accepted in 1980, see the section of this report on training in the field of industrial property, above.

The following twelve countries agreed to contribute in full or in part to the payment of the costs of travel and subsistence of trainees: Algeria, Austria, Belgium, German Democratic Republic, Germany (Federal Republic of), Hungary, India, Mexico, Netherlands, Sweden, Switzerland, United Kingdom. The remainder of the cost was borne by the budget of the WIPO Legal-Technical Assistance Program.

The *seminar* on intellectual property for the benefit of newly independent African States, organized by WIPO in *Guinea-Bissau* in May 1980 and described in the earlier section of this report on training in the field of industrial property, dealt also with copyright questions.

Experts from 26 African countries attended in their personal capacity an *African Regional Seminar on Copyright*, convened by WIPO and Unesco, and an *African Regional Seminar on the Protection of the Rights of Performers, Producers of Phonograms and Broadcasting Organizations*, convened by WIPO, ILO and Unesco, at *Lomé* in December 1980, at the invitation of the Government of Togo.

The experts came from the following countries: Algeria, Benin, Burundi, Cameroon, Cape Verde, Central African Republic, Comores, Congo, Ethiopia, Gambia, Ghana, Guinea, Ivory Coast, Kenya, Madagascar, Malawi, Mali, Morocco, Nigeria, Rwanda, Senegal, Tanzania, Togo, Tunisia, Upper Volta, Zaire. Observers from France and Zimbabwe, from the African Intellectual Property Organization (OAPI) and from seven international non-governmental organizations also took part.

Country reports offered by the experts, and statements by the organizations on matters covered by the international conventions for the protection of authors, performers, producers of phonograms and broadcasting organizations led to an intensive cross-fertilization of ideas and exchange of views. In conclusion, the experts adopted texts expressing wishes aimed at furthering the protection of authors' rights and neighboring rights.

In October 1980, a WIPO official gave lectures at national seminars on international aspects of copyright organized by the Brazilian Copyright Council (Ministry of Education and Culture) in Brasilia and Sao Paulo.

Legislation

WIPO continued to cooperate, on request, with governments or groups of governments of developing countries on the adoption of new laws and regulations, or the modernization of existing ones in the field of copyright and neighboring rights. In the period covered by this report, such cooperation was pursued with the following countries:

Angola. Discussions were held at Geneva, during a study tour arranged for a government official, on draft copyright legislation.

Barbados. A draft copyright law, transmitted by WIPO to the Government in December 1979, was discussed with government officials in Geneva in April and during a WIPO mission to Barbados in May 1980. In September 1980, further discussions on the draft law were held in Geneva. In November 1980, WIPO officials gave lectures in a national seminar on intellectual property organized by the Government and WIPO in Bridgetown. The project is being carried out with the financial assistance of the Canadian International Development Agency (CIDA). On the occasion of this seminar, the draft of the law on copyright and neighboring rights was also finalized with government officials.

Burundi. Draft statutes for an authors' organization as well as aspects of amending the existing Copyright Law of 1978 were discussed in Geneva in July 1980 with a government official of Burundi. In December, a draft decree-law on the revision of that Act was submitted by the Government to the International Bureau for comments. The protection of neighboring rights is also provided for in an annex to the draft decree-law.

Cameroon. On request of the Government, a draft law on copyright and neighboring rights was prepared and sent to the competent authorities.

Chile. In November 1980, a draft decree-law on the revision of the Copyright Law of 1970 was submitted by the Government to the International Bureau for comments.

Colombia. Comments on a draft copyright law were prepared and sent to the Colombian Government by WIPO in January 1980.

Guinea. In July 1980, in Geneva, discussions were held with a government official concerning the drafting of a copyright law and the preparation of a decree establishing a Guinean Copyright Bureau, and the relevant draft texts were provided by WIPO. The text of the decree was prepared by the government

authorities in August 1980. In respect of both the law and the decree, final discussions were held during a WIPO mission to Conakry early in August 1980. The new copyright law was enacted in August 1980 and the draft text of the decree has been finalized.

Guinea-Bissau. A WIPO mission visited Bissau in November 1980 to discuss various substantive and drafting questions with a working group set up by the national authorities to prepare draft legislation on copyright and neighboring rights.

Ivory Coast. During a preliminary mission by a WIPO official to Abidjan in July 1980, preparations were made for later substantive discussions in the field of protection of neighboring rights, in which, in addition to the government authorities and WIPO, the international non-governmental organizations concerned participated.

Rwanda. A draft copyright law, and draft statutes of an authors' organization, were discussed in Geneva in July 1980, with government officials of Rwanda.

Thailand. A government official visited WIPO headquarters in October 1980 to discuss international aspects in the field of copyright and neighboring rights.

Zaire. A draft copyright law, and draft statutes of an authors' organization, were discussed in Geneva in July 1980, with government officials of Zaire.

Zimbabwe. A WIPO official participated in a UN Interagency Meeting convened in Salisbury in May 1980 on assistance to Zimbabwe and held discussions with the national authorities responsible for intellectual property concerning cooperation in strengthening the law and administration in industrial property and copyright. Copies of WIPO model laws in the said fields were transmitted at the request of the said authorities in September 1980.

Countries of the "Grands Lacs." Contacts were made with the Secretariat of the Economic Community of the Countries of the "Grands Lacs" (Burundi, Rwanda, Zaire) at its request in order to discuss harmonization of copyright laws of these countries.

Legal Projects for Developing Countries

Folklore. In January 1980, WIPO and Unesco convened a Working Group to study a draft of model provisions for national legislation on the protection of creations of folklore, and to study also international measures in the field of folklore. The Working Group was attended by experts from 16 countries (Algeria, Argentina, Australia, Bolivia, France, Hungary, Mexico, Nigeria, Philippines, Poland, Senegal, Soviet Union, Switzerland, Thailand, United States of America, Yugoslavia) and by representatives of two intergovernmental and seven international non-governmental organizations as observers.

The documentation available to the Working Group consisted of model provisions for national laws on the protection of creations of folklore and a commentary on these model provisions, prepared by WIPO, as well as a study on the international regulation of intellectual property aspects of folklore protection, prepared by Unesco.

The WIPO Model Provisions were based on the consideration that the integrity of folklore as a living and functional tradition in developing countries is seriously endangered through various forms of its exploitation by means of modern technology. Creations of folklore are not only being commercialized on a worldwide scale without granting the communities which produced them or the country of origin thereof an appropriate share in the returns; creations of folklore are often also distorted in the course of their commercialization in order to better comply with marketing requirements. The Model Provisions took into account existing national approaches, as well as the possibilities of having creators of folklore protected in certain cases by means of protecting their performances, audiovisual fixations or broadcasts. The Model Provisions treated as "creations of folklore" all artistic creations expressing characteristic elements of traditional culture through forms which have been evolved from generation to generation. Any utilization of creations of folklore with gainful intent would be subject to authorization by a competent authority, subject to a special exception in favor of members of an indigenous community as regards exploiting their own folklore. There would be sanctions in cases where creations of folklore were used in a distorting manner, irrespective of whether the use itself were subject to authorization.

In the course of a general discussion, the Working Group agreed that (i) adequate legal protection of folklore was desirable; (ii) such legal protection could be promoted at the national level by model provisions for legislation; (iii) these model provisions should be so elaborated as to be applicable both in countries where no relevant legislation was in force and in countries where existing legislation could be further developed; (iv) the said model provisions should also allow for protection by means of copyright and neighboring rights where such form of protection could apply; and (v) the model provisions for national laws should pave the way for sub-regional, regional and international protection of creations of folklore.

At the conclusion of a detailed discussion of the Model Provisions, the Working Group recommended that a revised version, and a commentary thereon, should be prepared, and should be presented for further consideration at a subsequent meeting to be held in February 1981.

Model Statutes for Authors' Organizations. A Committee of Experts to draft Model Statutes for

Institutions Administering Authors' Rights in Developing Countries was convened by WIPO and Unesco in Paris in June 1980. The participants in the Committee of Experts were senior officials of authors' organizations in Algeria, Argentina, Cameroon, Egypt, India, Mexico, Philippines, Senegal, and Venezuela, invited in their personal capacity. Observers from four international non-governmental organizations also attended.

The Committee of Experts noted that recent developments in the field of authors' rights, and as regards authors' organizations in developing countries for the safeguarding of their rights, made it necessary to revise the Draft Model Statute for Societies of Authors in African Countries adopted at Abidjan in 1969, so as to bring it up to date and to extend its geographical applicability to the whole of the Third World. The Committee found that the existence of a national law on authors' rights is not enough to guarantee effective protection of those rights, and that in the implementation of the law an essential task rests with the authors' organizations. It was emphasized that it was for States to decide on the nature of such organizations, for it was noted that organizations other than civil or commercial societies or copyright offices had also been established, such as cooperative societies, societies of a mixed legal character or others.

The Committee of Experts examined, article by article, the drafts submitted by the Secretariats and prepared the texts of two Model Statutes, entrusting to the Secretariats the writing of accompanying commentaries. The two Model Statutes are intended to govern public institutions and private societies administering authors' rights.

Development in Developing Countries of Easier Access to Works Protected by Copyright Owned by Foreigners

A Working Group on the Formulation of Guiding Principles Covering the Problems Posed by the Practical Implementation of the Licensing Procedures for Translation and Reproduction under the Copyright Conventions was convened by WIPO and Unesco in Geneva in November 1980. The experts invited from 14 countries were those who had earlier studied the overall problems posed for developing countries by access to works protected under copyright conventions. Twelve of the said experts (from Algeria, France, Ghana, Hungary, India, Mexico, Philippines, Senegal, Soviet Union, United Kingdom, United States of America, Zambia) participated in the meeting, which was also attended by representatives of four national and regional copyright information centers and eight international non-governmental organizations as observers.

The Working Group discussed in detail draft guidelines prepared by the Secretariats and suggestions for a number of modifications and additions. The result of the discussions was a text of guidelines intended for publishers, users, and governmental authorities in developing countries, and also for copyright owners in developed countries, to facilitate the implementation of the provisions of the Appendix to the Paris Act of the Berne Convention and the corresponding provisions of the Universal Copyright Convention as revised at Paris in 1971. As noted by the Executive Committee of the Berne Union and the Intergovernmental Committee of the Universal Copyright Convention at their sessions in October 1979, the deliberations of the Working Group could be taken into account in the context of the activities of the future Joint International Unesco-WIPO Service for Facilitating the Access by Developing Countries to Works Protected by Copyright.

IV. Cooperation with States and the United Nations, Management and Supporting Activities

Missions and Visits to WIPO

During the period covered by this report, the Director General undertook missions to Argentina, Austria, Bulgaria, Cameroon, China, Denmark, France, German Democratic Republic, Germany (Federal Republic of), Hungary, Italy, Japan, Malaysia, Philippines, Singapore and the United States of America.

Missions were undertaken by Deputy Directors General to Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, China, Democratic People's Republic of Korea, Denmark, Finland, France, Germany (Federal Republic of), Guinea, Guinea-Bissau, Ivory Coast, Japan, Netherlands, Nigeria, Portugal, Republic of Korea, Senegal, Soviet Union and Viet Nam.

In addition to the missions referred to above, the same and the following other countries were visited by other officials or by consultants of WIPO: Algeria, Bahamas, Bangladesh, Barbados, Benin, Bolivia, Botswana, Burundi, Cameroon, Canada, Central African Republic, Chile, Colombia, Congo, Costa Rica, Dominican Republic, Ecuador, Ethiopia, Gabon, Gambia, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, India, Iraq, Jamaica, Japan, Jordan, Kenya, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Mali, Mauritania, Mexico, Monaco, Nepal, Nicaragua, Niger, Pakistan, Panama, Paraguay, Peru, Portugal, Rwanda, Seychelles, Sierra Leone, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, United Arab Emirates, United Kingdom, Upper Volta,

Uruguay, Venezuela, Yugoslavia, Zambia, Zimbabwe.

During the period covered by this report, officials of the following Governments worked with WIPO officials at the International Bureau: Angola, Australia, Brazil, Democratic People's Republic of Korea, Dominican Republic, Hungary, Kenya, Nigeria, Philippines. In most cases, the purpose of their stay at WIPO was to familiarize themselves with the work of WIPO in general or on particular questions; in some cases, the visitors were consultants engaged in the preparation of specific studies for WIPO. The list does not include officials visiting WIPO only in the context of the training programs.

Cooperation

WIPO maintained contacts with the Permanent Missions of the various countries in Geneva and various departments involved in WIPO work in their respective capitals, as well as with the United Nations, the various agencies and programs of the United Nations system and regional intergovernmental organizations.

China. Discussions with high officials of the Government of China on plans for technical cooperation for the implementation of the future patent law of China were held at WIPO headquarters in February and March 1980. In April 1980, a WIPO official and a consultant undertook a fact-finding mission to Beijing and Shanghai, in order to prepare proposals for the future organization of patent documents and related literature for the purposes of search and examination and the dissemination of technological information to the public.

Late in 1979 and early in 1980, training visits were arranged, and partly financed, by WIPO for 14 Chinese officials to the national industrial property offices of Canada and the United States of America, and to the International Bureau.

At the invitation of the State Scientific and Technological Commission of China, WIPO organized at the newly-established Patent Office of China in Beijing, for four weeks in October and November 1980, a "Legal Training Course on Patents." The purpose of the Course was to contribute to the professional training of the staff of the Patent Office and the staff of other agencies and institutions which, by reason of their responsibilities for research, development and industrial production, are potential users of the patent system for the promotion of inventive activity and the facilitation of the international transfer of technology.

The Course was opened by the Director General of WIPO and the Vice Minister of the State Scientific and Technological Commission of China. One hundred fifty Chinese officials participated in the

Course. Thirty-nine half-day lectures were given by the Director General and five other officials of WIPO and by five experts invited by WIPO from the private sector. The texts of the lectures were translated into Chinese and distributed to the participants in advance. Each lecture was followed by questions and answers.

After general introductory lectures on the subjects of industrial property, on the reasons for granting patents for invention and on alternative solutions to certain questions of patent law, the Course dealt with the gestation, life and death of a patent for invention, the exclusive right of the owner of the patent, the technical and economic considerations to be made when deciding whether to apply for a patent for invention, the patent application as such, the role and qualifications of patent agents, examination of patent applications as to substance, invalidation of patents, working and licensing of the invention, compulsory licenses and measures in the public interest, appeals and infringement proceedings, the organization of a patent office, utility models and industrial designs, the international system in the fields of patents for invention, utility models and industrial designs, the role, program and activities of WIPO, the Paris Convention, the Patent Cooperation Treaty, the Budapest Treaty, the Strasbourg Agreement, the Hague Agreement, the Locarno Agreement and the protection of Chinese inventions abroad.

United Nations. The Director General and other officials of WIPO participated in the work of a number of intersecretariat bodies of the United Nations system established for the purpose of facilitating coordination of the policies and activities of the organizations of the system. These bodies included the Administrative Committee on Coordination (ACC), composed of the executive heads of all the organizations and programs of the system under the chairmanship of the Secretary-General of the United Nations, which met in March and April, in July (jointly with the Committee for Programme and Coordination (CPC) of the Economic and Social Council) and in November 1980, its Organizational Committee and Consultative Committees on Substantive Questions (Programme) and (Operations) (CCSQ(Prog) and CCSQ(Ops)) and on Administrative Questions (CCAQ), and other subsidiary bodies of the ACC, working groups and interagency meetings convened to deal with various matters of common interest, including procurement of goods and services, fellowships, indexing of documents, information systems, legal questions, publications, consumer protection, peaceful uses of outer space, protection of the environment, assistance to the Palestinian people, action against apartheid, public information, statistical activities, science and technology, technical cooperation among developing countries and preparations for the new international development strategy, for the United Nations Confer-

ences on New and Renewable Sources of Energy and on the Least Developed Among the Developing Countries and for the special session of the General Assembly in 1980.

WIPO was represented at various meetings of United Nations bodies at which questions of direct interest to WIPO were discussed. These included the eleventh special session of the General Assembly held in New York in September 1980, at which the Director General made an intervention, the thirty-fifth session of the General Assembly, held from September to December 1980, the Preparatory Committee for the New International Development Strategy, the Committee of the Whole of the General Assembly, the first and second sessions of the Intergovernmental Committee on Science and Technology for Development, held in New York in February and in May and June 1980, respectively, the session of the Economic and Social Council held in July 1980 in Geneva, the session of the Preparatory Committee for the United Nations Conference on New and Renewable Sources of Energy and the United Nations Conference on the Law of the Sea, both held in July and August 1980 in Geneva.

WIPO was also represented at meetings of the United Nations Conference on Trade and Development (UNCTAD) on preparations for the Third Development Decade, and on the rationalization of UNCTAD machinery, and on preparations for the United Nations Conference on the Least Developed Among Developing Countries; WIPO was represented at a session of the Trade and Development Board of UNCTAD in Geneva in March 1980, at sessions of the United Nations Conference on the International Code of Conduct on Transfer of Technology, convened by UNCTAD in Geneva in April and May 1980, and at the final session of the United Nations Conference on Restrictive Business Practices, convened by UNCTAD in Geneva in April 1980.

WIPO was represented at the Third General Conference of UNIDO held in New Delhi in January and February 1980 (UNIDO III). One of the documents prepared for UNIDO III by the UNIDO Secretariat contained a proposal for the establishment of an international patent examination center and a request that UNIDO III should designate an agency to initiate steps for this purpose; at the Conference it was agreed that the problems which the proposed international patent examination center was intended to solve could be undertaken within the WIPO framework. WIPO was also represented at the session of the Industrial Development Board of UNIDO held in Vienna in May 1980 at which the implementation of the plan of action adopted by a majority vote at UNIDO III was discussed.

WIPO was represented at the following meetings of the United Nations Development Programme (UNDP): Regional Meeting of African Resident

Representatives in Mbane in January; Special Session of the UNDP Governing Council on the 1982-1986 Programme Cycle in New York in February; inter-agency consultative meetings in February and in December in New York and in March and June in Geneva; High-Level Meeting on Technical Cooperation Among Developing Countries in Geneva in May; Conference of African Governmental Experts on Technical Cooperation Among African Countries in Nairobi, and Interagency Workshop on Assistance to Zimbabwe in Salisbury, both in May; regular session of the Governing Council in Geneva in June 1980; Global Meeting of Resident Representatives in Tunis in July 1980. At the request of the UNDP, WIPO prepared and submitted in April 1980 a sectoral analysis of the industrial property situation in the Asia and Pacific Region.

WIPO was represented at a Consultative Meeting on Science and Technology for Development, convened by the United Nations Economic Commission for Asia and the Pacific in Beijing in August 1980.

WIPO provided information for inclusion in reports prepared by the Secretary-General of the United Nations for the General Assembly, the Economic and Social Council and other organs of the United Nations. Among the subjects of direct concern to WIPO which these reports dealt with were science and technology, consumer protection, assistance to developing island countries, assistance to South African student refugees, cooperation with the Organization of African Unity, assistance to African countries facing special difficulties, assistance to the Palestinian people and activities relating to the use of outer space, to the protection of the environment and to new and renewable sources of energy.

In response to a resolution of the United Nations General Assembly, concerned with preparations for the August/September 1980 special session of the Assembly, WIPO submitted interim and comprehensive reports, in October 1979 and May 1980, respectively, on progress within WIPO towards the establishment of the new international economic order.

Public Information, Publications, Library, Headquarters Building, Meetings

Lectures on WIPO and its activities, in general or related to particular topics, were given by WIPO officials, often in conjunction with visits by organized groups to WIPO's headquarters.

Interviews were given to newspaper and radio correspondents. WIPO officials participated in the weekly press briefings given in the United Nations Office in Geneva. Press statements were issued on such occasions as the first session of the Diplomatic Conference on the Revision of the Paris Convention, at the conclusion of which a press conference was held.

WIPO was represented at the regular meetings in Geneva of the Circle of International Information Officers; its representative was elected Chairman for 1980.

Updated versions of the WIPO General Information brochure were published in English, French and Spanish in June 1980. A leaflet, "WIPO—what it is, what it does," first published in 1979 in English and French, was published in Arabic, German, Russian and Spanish in March and in Portuguese in September 1980. A new catalogue of WIPO publications was published in April 1980. Newsletters were published in January (in Spanish), in June (in Arabic, Russian and Spanish), in August (in Portuguese), in September (in Russian and Spanish) and in December 1980 (in Arabic, English, French, Portuguese, Russian and Spanish).

WIPO publications were exhibited at book fairs held at New Delhi in February and March, at Leipzig in March, at Mexico and Warsaw in May, at Frankfurt in October and at Bangalore in December 1980, and also at the "Fiera Internazionale" in Milan in April and the trade fair "Technology for the People" in Geneva in September 1980.

The WIPO specialized library continued to provide services for visitors and for the staff, on the basis of an increasing collection of books, periodicals and documents relating to intellectual property and international cooperation. In 1980, there were 1,833 visits to the reading room, almost equally divided between outside readers and staff. During the same year, 970 books and 126 periodicals were added to the collec-

tion, bringing the total stocks to 32,647 and 1,027, respectively. In addition, over 17,500 documents of WIPO and other international organizations were received.

WIPO was represented at a session of the Section of Archivists of International Organizations of the International Council on Archives, at a World Symposium on International Documentation organized by the Association of International Libraries (AIL) and the United Nations Institute for Training and Research and at the General Assembly of AIL, in Brussels in June 1980, and at the General Conference of the International Federation of Library Associations and Institutions in Manila in August 1980.

During the period covered by this report, gifts for the new headquarters building were received from Australia, Canada, Czechoslovakia and Japan.

In 1980, WIPO organized and provided services for 58 international meetings, in Geneva or elsewhere. For most of the said meetings simultaneous interpretation was provided in from two to five languages. Approximately 17,800,000 pages of documentation were prepared and reproduced for the said meetings. A list of meetings organized by WIPO in 1980 appears after this note.

Decorations

The King of Spain decorated the Director General with the order of "Gran Cruz del Mérito Civil," and two senior officials with the order of "Encomienda de Número de la Orden del Mérito Civil."

LIST OF WIPO MEETINGS IN 1980

<i>Title of Meeting</i>	<i>Month</i>	<i>Place</i>	<i>Organized Jointly with</i>
Working Group on Intellectual Property Aspects of Folklore Protection	January	Geneva	Unesco
OAPI/CADIB Users Colloquium	January	Yaoundé	OAPI
Working Group on Industrial Property Aspects of Consumer Protection	January	Geneva	
Permanent Committee on Patent Information—Working Group on General Information	January	Geneva	
Permanent Committee on Patent Information—Working Group on Search Information	January/ February	Geneva	
Diplomatic Conference on the Revision of the Paris Convention	February/ March	Geneva	
Permanent Committee on Patent Information—Working Group on Planning	February	Rio de Janeiro	
Group of Independent Experts on the Impact of Cable Television in the Sphere of Copyright	March	Geneva	Unesco

<i>Title of Meeting</i>	<i>Month</i>	<i>Place</i>	<i>Organized Jointly with</i>
Nice Union Preparatory Working Group	March	Geneva	
PCT Management and Budget Consultants Group	March	Geneva	
Group of University Professors of Intellectual Property Law	April	Geneva	
Workshop on the Effective Use of the Industrial Property System for the Benefit of Inventors, Industry and Commerce in the Asian and the Pacific Region	April	Manila	Government of the Philippines and UNDP
Symposium on the Role of Patent Information on National Economic Development	April	Buenos Aires	Government of Argentina
WIPO Permanent Committee for Development Cooperation Related to Industrial Property	April/May	Geneva	
International Cooperation in the Classification of Search Files According to the International Patent Classification (CAPRI)	April	Geneva	
Industrial Property Seminar for Newly Independent Countries of Africa	May	Bissau	OAU and ECA
WIPO/Austria Training Course	June/July	Vienna	Austrian Government
Committee of Experts to draft Model Statutes for Institutions Administering Authors' Rights in Developing Countries	June	Paris	Unesco
PCT Assembly	June	Geneva	
Budapest Interim Committee	June	Geneva	
Piracy Program Committee	June	Paris	
Permanent Committee on Patent Information—Working Group on Search Information	June	Geneva	
Specialized Training Course on Copyright and Neighboring Rights	June	Zurich	SUISA
Workshop on Industrial Property Licenses and Technology Transfer Arrangements	June	Kuala Lumpur	Government of Malaysia
International Patent Classification Training Course	July	Mexico	
Specialized Training Course on the Administration of Copyright and Neighboring Rights	August/September	Stockholm	Swedish Government
Permanent Committee on Patent Information—Working Group on Planning	September	Geneva	
General Introductory Course in the Field of Industrial Property	September	Strasbourg	CEIPI
Group of Consultants on the International Protection of Computer Software	September	Geneva	
WIPO Governing Bodies	September	Geneva	
Working Group on Technological Innovation	September/October	Geneva	
General Introductory Training Course on Copyright and Neighboring Rights	September/October	Berlin (W)	German Foundation for International Development
Locarno Union Committee of Experts	October	Geneva	
Training Seminar: "Technical Information as an Aid to Industrial Development: Patent Documents"	October	The Hague	EPO and CEC

<i>Title of Meeting</i>	<i>Month</i>	<i>Place</i>	<i>Organized Jointly with</i>
Industrial Property Seminar for United Arab Emirates	October	Abu Dhabi, Dubai and Al-Ain	
Licensing Seminar	October	Lima	JUNAC
Permanent Committee on Patent Information—Working Group on Patent Information for Developing Countries	October	Geneva	
Industrial Property Course	October	Madrid	Industrial Property Registry
Legal Training Course	October/ November	Beijing	Government of China
Joint Meeting of the Permanent Committee on Patent Information and the PCT Committee for Technical Cooperation	October	Geneva	
National Seminar on Intellectual Property	November	Bridgetown	Government of Barbados
Advanced Seminar on Classifying with IPC	November	Stockholm	
Working Group on the Formulation of Guiding Principles Covering the Problems Posed by the Practical Implementation of the Licensing Procedures for Translation and Reproduction under the Copyright Conventions	November	Geneva	Unesco
Seminar on Patent Information and the International Patent Classification	November	Algiers	INAPI
Hague Union Assembly and Conference of Representatives	November	Geneva	
Permanent Committee on Patent Information—Working Group on Search Information, Subgroup C	November	Vienna	
Nice Union Committee of Experts	November/ December	Geneva	
Information Meetings with International Non-Governmental Organizations	November	Geneva	
Permanent Committee on Patent Information—Working Group on Search Information, Subgroup D	December	Paris	
African Regional Seminars on Copyright and on Neighboring Rights	December	Lomé	Unesco and ILO
Industrial Property Organization for English-Speaking Africa (ESARIPO) Seminar	December	Salisbury	ECA
ESARIPO Council and Committee for Trade Mark and Industrial Design Matters	December	Salisbury	ECA
International Patent Classification Union—Committee of Experts	December	Geneva	
Seminar on Patent and Trademark Licensing	December	Singapore	Science Council of Singapore
International Cooperation in the Classification of Search Files According to the International Patent Classification (CAPRI)	December	Munich	
Committee of Governmental Experts on Copyright Problems Arising from the Use of Computers for Access to or the Creation of Works	December	Paris	Unesco

African Regional Seminars on Copyright and Neighboring Rights

(Lomé, December 1 to 5, 1980)

Pursuant to decisions taken by their respective governing bodies, the World Intellectual Property Organization (WIPO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) convened jointly an African Regional Seminar on Copyright the purpose of which was, on the one hand, to promote a better knowledge of the part played by copyright and, on the other hand, to study the practical aspects of copyright administration under the existing national laws and international conventions.

Pursuant to decisions taken by their respective governing bodies, the World Intellectual Property Organization (WIPO), the International Labour Organisation (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) convened jointly an African Regional Seminar on the protection of the Rights of Performers, Producers of Phonograms and Broadcasting Organizations (Neighboring Rights) the purpose of which was to inform participants on the means of ensuring such protection at the national level and in international relations.

At the kind invitation of the Government of Togo, these two Seminars were held at Lomé, the first on December 1 to 3, the second on December 4 and 5, 1980.

The participants were specialists from African States who had been invited in their personal capacity by the Directors-General of the above-mentioned specialized agencies following consultations with the Governments of those States, while States party to the Berne Convention or to the Universal Copyright Convention and also the interested intergovernmental and international non-governmental organizations had been invited to designate observers.

Experts from the following 26 African States attended the Seminars: Algeria, Benin, Burundi, Cameroon, Cape Verde, Central African Republic, Comoros, Congo, Ethiopia, Gambia, Ghana, Guinea, Ivory Coast, Kenya, Madagascar, Malawi, Mali, Morocco, Nigeria, Rwanda, Senegal, Tanzania, Togo, Tunisia, Upper Volta, Zaire.

Observers were designated by two States (France and Zimbabwe), by the African Intellectual Property Organization (OAPI) and by several interested international non-governmental organizations. The list of participants appears at the end of this Note.

The Seminars were jointly inaugurated by the Directors of the Offices of the Minister for Youth, Sport and Culture and of the Minister for Information of

the Government of Togo. Other high-ranking Togolese officials, as well as several ambassadors accredited to Lomé, attended this inauguration, which was reported in the press and on radio and television in Togo.

The representatives of the Directors-General of WIPO, ILO and Unesco were welcomed by Mr. Voulé Frititi, Minister for Youth, Sport and Culture, in the presence of Ambassador Agblemagnon, Togo's Permanent Representative to Unesco.

Mr. Batoké Awesso, Director-General of Information of Togo, was elected Chairman, and Mr. Saïd Boucenna, Secretary-General, Algerian National Copyright Office, and Mr. Rautta Athiambo, Assistant Registrar-General of Kenya, were elected Vice-Chairmen.

The program of the Seminar on Copyright included the study of the following questions:

- (a) International relations in copyright: introductory lectures presented on the Berne Convention for the Protection of Literary and Artistic Works and on the Universal Copyright Convention by the representatives of WIPO and Unesco, respectively.
- (b) Access to information and knowledge, and copyright: lecture presented by Unesco.
- (c) Copyright and its role in development: lecture presented by WIPO.
- (d) Copyright administration and authors' societies in Africa: lectures presented by the observers of the International Confederation of Societies of Authors and Composers (CISAC).

After a lengthy exchange of views on these questions, each African expert gave an information report to the Seminar on the state of legislation in his country and on the way in which it is applied, as well as on prospects for the future of copyright protection.

The program of the Seminar on Neighboring Rights included the study of the following questions:

- (a) Protection of the rights of performers: lecture presented by the representative of the ILO.
- (b) Protection of the rights of producers of phonograms: lectures presented by a representative of WIPO and by the observers of the International Federation of Producers of Phonograms and Videograms (IFPI).
- (c) Protection of the rights of broadcasting organizations: lecture presented by a representative of

Unesco; in addition, the Chairman of the Seminar described the present position of the Union of National Radio and Television Organizations of Africa (URTNA) on this matter.

These lectures were followed by a general discussion during which the African experts reported on the state of legislation in their respective countries and

gave indications on prospects for the future of the protection of neighboring rights.

In the light of the conclusions drawn by the Secretariats from this exchange of information and on the basis of a draft established by them, the participants adopted, at the close of the deliberations, texts expressing wishes which are reproduced below.

Wish adopted by the participants in the African Regional Seminar on Copyright

Participants in the African Regional Seminar on Copyright convened by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Intellectual Property Organization (WIPO) at the kind invitation of the Government of Togo met in Lomé from December 1 to 3, 1980, under the Chairmanship of Mr. Batoké Awesso, Director-General of Information (Togo), assisted by Mr. Saïd Boucenna, Secretary-General of the National Copyright Office (Algeria) and Mr. Rautta Athiambo, Assistant Registrar-General (Kenya), Vice-chairmen of the Seminar,

1. Express their deep gratitude to the Government of Togo for offering the Seminar its traditional gracious and generous hospitality.

2. Express their appreciation to the two Organizations in convening the Seminar and for the useful statements by their representatives and their guest speakers, which enabled the most interesting and informative cross-fertilization of ideas and exchange of views on matters covered by the Berne Convention for the Protection of Literary and Artistic Works (administered by WIPO) and by the Universal Copyright Convention (administered by Unesco), as well as on the status of copyright in Africa.

3. Note the situation of the legislation on copyright in African States and note that certain of these States do not yet have appropriate copyright statutes that conform with the provisions of the Berne Convention or of the Universal Copyright Convention, as revised at Paris in 1971.

4. Note with satisfaction the fact that several African countries are in the process of revising their existing copyright laws in order, *inter alia*, to promote creativity, disseminate knowledge and provide the necessary incentive to authors, as also to further the safeguard of works of national folklore.

5. Express the wish that

- (i) national copyright legislation be promulgated in those African States where such legislation does not yet exist

and, where necessary, existing laws be adapted to the situation in Africa; the Tunis Model Law of 1976 might be considered as a basis for this purpose;

- (ii) African States which are not yet a party to the Berne Convention or to the Universal Copyright Convention as revised at Paris in 1971 adhere to these conventions, preferably to both instruments;
- (iii) appropriate infrastructures be established to permit the effective application of copyright and to safeguard the interests of copyright owners; that existing bodies receive all the necessary support for the accomplishment of their tasks; that collaboration among bodies administering copyright in Africa be reinforced and further developed;
- (iv) within the framework of their respective programmes, Unesco and WIPO continue: (a) to assist national authorities to draft or to revise their copyright legislation; (b) to assist in the training of specialized personnel; (c) to facilitate the establishment or the extension of infrastructures mentioned above, with, where necessary, the cooperation of the International Confederation of Societies of Authors and Composers (CISAC);
- (v) practical measures implemented within the framework of the Unesco International Copyright Information Centre be pursued and enlarged thanks to the Joint International Unesco-WIPO Service for Facilitating the Access by Developing Countries to Works Protected by Copyright which will become operational in 1981;
- (vi) all measures be taken at the national level and by the competent international organizations to suppress and to stop acts of piracy that bring prejudice to authors;
- (vii) information campaigns be undertaken by Unesco and WIPO, as well as by the organizations representing authors, in order to make competent authorities and public opinion aware of the nature, the objective and the scope of copyright which is the essential stimulus of creativity.

6. Express the desire that the measures giving effect to this wish render the 1980s the development decade for copyright in Africa.

**Wish adopted by the participants in the African Regional Seminar
on the Protection of the Rights of Performers, Producers of Phonograms
and Broadcasting Organizations**

Participants in the African Regional Seminar on the Protection of the Rights of Performers, Producers of Phonograms and Broadcasting Organizations convened by the International Labour Organisation (ILO), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Intellectual Property Organization (WIPO), at the kind invitation of the Government of Togo, met at Lomé on December 4 and 5, 1980, under the chairmanship of Mr. Batoké Awesso, Director-General of Information (Togo), assisted by Mr. Saïd Boucenna, Secretary-General of the National Copyright Office (Algeria), and Mr. Rautta Athiambo, Assistant Registrar-General (Kenya), Vice-Chairmen of the Seminar,

1. Express their deep gratitude to the Government of Togo for offering the Seminar its traditional gracious and generous hospitality.

2. Express their appreciation to the three Organizations which convened the Seminar and for the useful statements by their representatives and their guest speakers, which enabled the most interesting and informative cross-fertilization of ideas and exchange of views on matters covered by the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (Rome Convention, 1961, administered jointly by ILO, Unesco and WIPO), the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms (Phonograms Convention, 1971, administered by WIPO) and the Convention Relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite (Satellites Convention, 1974, adopted under the auspices of Unesco and WIPO).

3. Note that in several African States draft laws that would provide protection to performers, to producers of phonograms and to broadcasting organizations are currently being examined.

4. Note that the Satellites Convention is of interest particularly to those States having on their territory the technical equipment and earth stations which permit the capture and the distribution of programme-carrying signals transmitted by satellite.

5. Express the wish that

- (i) all appropriate measures be taken, if they have not already been done, to recognize the contribution artists make to the dissemination of national cultural heritage and to protect the interests of artists; the Recommendation concerning the Status of the Artist, prepared by Unesco with the participation of the ILO and adopted in October 1980 by the Unesco General Conference could serve as a basis to this effect;
- (ii) the acts of piracy which prejudice not only the interests of authors but also those of performers, producers of phonograms and broadcasting organizations be stopped by all methods; it was recalled that all measures taken to reinforce copyright would normally restrict, or even suppress, acts of piracy, and would consequently benefit producers of phonograms; furthermore, some participants referred also in that connection to the Phonograms Convention;*;
- (iii) the competent authorities in African States examine the implications of belonging to the Rome Convention in the light of the socio-economic conditions prevailing in each country.

6. Strongly wish that the ILO, Unesco and WIPO undertake national or regional surveys in African States in order to collect all the elements necessary to assist Governments to determine their position on means to protect performers, producers of phonograms and broadcasting organizations.

* The participant from Algeria did not associate himself with this point.

List of Participants

I. Experts

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Adviser

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M. Dovi Kuevi
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M. Kossi Agbodjavou
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(Soneca), Kinshasa (Zaire)

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Conakry (Guinée)

Miss Catherine Chimwenje
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Member of the Board of Censors, Limbe (Malawi)

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Directeur des affaires culturelles et des musées, Bangui
(République centrafricaine)

M. Clément Massengo
Régisseur général, Radiodiffusion Télévision congolaise,
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justice et de l'information, Ministère de la justice et de
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M. Manuel de Jesus Monteiro Duarte
Conseiller du Président de la République, Praia (Cap-Vert)

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(SOCADRA), Douala (Cameroun)

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Broadcasting House, Lagos (Nigeria)

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Chef du Service du théâtre et cinéma, Ministère de la jeu-
nesse, des sports et de la culture, Bujumbura (Burundi)

Mr. Edmund Brandford Odoi-Anim
Copyright Administrator, Ministry of Information, Accra
(Ghana)

M. Jean-Jacques Rabetokotany
Chef du Service de l'infrastructure culturelle et artistique,
Ministère de la culture et de l'art révolutionnaires,
Antananarivo (Madagascar)

Mlle Marie Mody Sagna
Secrétaire générale, Bureau sénégalais du droit d'auteur
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M. Yessoufou Saibou
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tion et de la culture populaire, Cotonou (Bénin)

M. Augustin Sebudanga
Secrétaire d'administration, Ministère de l'éducation natio-
nale, Kigali (Rwanda)

Mr. Marcel Louis Thomasi
Principal Broadcasting Officer, Radio Gambia, Bakau
(Gambia)

M. Ali Zaiem
Sous-directeur, Bureau juridique, Ministère de l'information
et des affaires culturelles, Tunis (Tunisie)

II. Observers

(a) States

FRANCE

M. A. Bourdalé-Dufau
Administrateur civil, Direction du livre, Ministère de la cul-
ture et de la communication

ZIMBABWE

Mr. M. F. Garnett
Secretary for Justice and Constitution of Affairs, Ministry
of Justice

(b) Intergovernmental Organization

African Intellectual Property Organization (OAPI): K. A.
Johnson.

(c) International Non-Governmental Organizations

European Broadcasting Union (EBU): R. Laurent. **International Bureau of Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM):** J.-A. Ziegler. **International Confederation of Societies of Authors and Composers (CISAC):** J.-A. Ziegler; D. de Freitas; F. O. Giwa; M. M. Segretin. **International Federation for Documentation (FID):** M. H. Wali. **International Federation of Producers of Phonograms and Videograms (IFPI):** P. Chénais; E. Thompson. **International Literary and Artistic Association (ALAI):** J.-A. Ziegler. **Union of National Radio and Television Organizations of Africa (URTNA):** M. F. Liady; S. Y. Nudo.

III. Convening Organizations

World Intellectual Property Organization (WIPO)

C. Masouyé (*Representative of the Director General, Director, Public Information and Copyright Department*); G. Boytha (*Head, Division for Copyright Development Cooperation Projects*).

United Nations Educational, Scientific and Cultural Organization (UNESCO)

M.-C. Dock (*Representative of the Director-General, Director, Copyright Division*); A. Amri (*Head, International Copyright Information Centre*).

International Labour Organisation (ILO) *

C. Cornwell (*Representative of the Director-General, Salaried Employees and Professional Workers Branch*).

IV. Officers

Chairman: B. Awesso (Togo)
Vice-Chairmen: S. Boucenna (Algeria)
R. Athiambo (Kenya)

* Only for the African Regional Seminar on the protection of the rights of performers, producers of phonograms and broadcasting organizations (December 4 and 5, 1980).

National Legislation

SWEDEN

I

Law amending the Law of 1960 (No. 729) on Copyright in Literary and Artistic Works

(No. 610, of June 19, 1980) *

Pursuant to the decision of Parliament concerning the Law of 1960 (No. 729) on Copyright in Literary and Artistic Works,** it is hereby prescribed that:

- § 49 shall be reworded as set out below, and
- a new § 15a shall be incorporated in the Law with the wording set out below:

§ 15a. Teachers and other persons who are, on the basis of a written agreement concluded by an organization of authors, entitled to make copies of works by means of reprography for use in their educational activities, may for the same purpose also make copies of published works by authors who are not represented by the organization. This applies only if the agreement has been concluded between, on the one hand, the State, a municipality, a county council or whoever otherwise pursues educational activities in organized forms and, on the other hand, an organization representing a substantial proportion of Swedish authors in the same field.

Reproduction under the first paragraph may not take place if the author has filed a prohibition against such reproduction with any of the contracting parties.

Reproduction under the first paragraph may take place only as regards works of the same kind as those covered by the agreement with the organization. Also in other respects the conditions imposed by the agreement as regards the right to reproduction shall

apply. Copies which have been made may be used only in such educational activities as are aimed at by the agreement.

Authors whose works have been reproduced under the first paragraph shall, as regards remuneration deriving from the agreement and as regards such benefits from the organization which are essentially paid for out of the remuneration, be treated in the same way as the members of the organization. Without prejudice to what has now been stated such authors have, however, always a right to remuneration in respect of the reproduction, provided that claims for such remuneration are put forward within three years from the end of the year during which the reproduction took place. The agreement can with binding effect for the author provide that claims for such remuneration may be directed only towards the organization.

§ 49. Catalogues, tables, and similar compilations in which a large number of particulars have been summarized may not be reproduced without the consent of the producer before ten years have elapsed from the year in which the production was published.

The provisions of § 9, § 11, first paragraph, §§ 14, 15a, 22a to 22c, 24 and 24a shall apply to the productions mentioned in this section. If a production of this kind or a part thereof is subject to copyright, the copyright may also be claimed.

* Published in *Svensk författningssamling* of July 22, 1980. English translation furnished by the Swedish Ministry of Justice, Division for International Affairs.

** See *Le Droit d'auteur (Copyright)*, 1962, p. 76; and *Copyright*, 1972, p. 170; 1974, pp. 42 and 48; 1977, p. 68; 1979, p. 308.

This Law shall enter into force on January 1, 1981. It shall also apply to such works and compilations referred to in Article 49 which are created prior to its entry into force.

II

Law amending the Law of 1960 (No. 730) on Rights in Photographic Pictures

(No. 611, of June 19, 1980) *

Pursuant to the decision of Parliament concerning the Law of 1960 (No. 730) on Rights in Photographic Pictures,** it is hereby prescribed that a new § 7a shall be incorporated in the Law with the wording set out below:

* Published in *Svensk författningssamling* of July 22, 1980. English translation furnished by the Swedish Ministry of Justice, Division for International Affairs.

** See *Le Droit d'auteur (Copyright)*, 1962, p. 82; and *Copyright*, 1974, p. 44; 1979, p. 309.

§ 7a. The provisions of § 15a of the Law of 1960 (No. 729) on Copyright in Literary and Artistic Works shall apply accordingly to rights in photographic pictures.

This Law shall enter into force on January 1, 1981. It shall also apply to photographic pictures created prior to its entry into force.

III

Law on Mediation in Certain Copyright Disputes

(No. 612, of June 19, 1980) *

Pursuant to the decision of Parliament it is hereby prescribed as follows:

§ 1. The provisions of this Law shall apply when disputes arise concerning the conclusion of such an agreement on reprographic reproduction of works in educational activities as is mentioned in § 15a of the Law of 1960 (No. 729) on Copyright in Literary and Artistic Works. The provisions of the Law shall apply also as regards disputes concerning the conclusion of such an agreement on reprographic reproduction to which the section now mentioned applies because of references to it in § 49 of the Law on Copyright in Literary and Artistic Works or in § 7a of the Law of 1960 (No. 730) on Rights in Photographic Pictures.

§ 2. If a negotiation concerning an agreement referred to in § 1 does not lead to a result any party to the negotiations may submit a demand for mediation.

Mediation may be demanded also by any person who can be party to an agreement referred to in § 1,

if his request for negotiation concerning such an agreement has been rejected.

Demands for mediation shall be submitted to the Government.

§ 3. Any demand for mediation shall be submitted within two weeks from the declaration on the stranding of the negotiations or the rejection of a request for negotiations. If the declaration or the request has been made in a document in writing the time limit shall be calculated from the receipt of the document by the receiver.

§ 4. Mediation shall be conducted by a mediator who shall be appointed by the Government.

§ 5. If the parties to the negotiations have submitted proposals for a solution, the negotiations in the mediation process shall be based on these proposals.

If the parties do not reach an agreement in the negotiations before the mediator, he can propose that the dispute be submitted to arbitration. He may also participate in the appointment of arbitrators.

§ 6. If a final proposal for mediation has been rejected or the mediator considers it impossible to

* Published in *Svensk författningssamling* of July 22, 1980. English translation furnished by the Swedish Ministry of Justice, Division for International Affairs.

present a mediation proposal because of lack of cooperation from any of the parties, he shall immediately notify the Government, if the parties do not agree to submit the dispute to arbitration.

§ 7. If, in an area which is covered by an agreement, a request for negotiation has been presented before the expiration of the term of the agreement, this agreement shall be considered as prolonged also after the expiration of the aforementioned term unless the parties agree otherwise. The prolongation shall, however, not last for a longer period than that mentioned in the second and third paragraphs of this section.

If a request for mediation has been made, the agreement shall apply until two weeks have elapsed from the rejection of a final mediation proposal or a proposal made under § 5, second paragraph, or the notification by the mediator to the Government that

he has not been able to present a mediation proposal because of lack of cooperation from a party.

If mediation is not demanded the agreement shall apply until the expiration of the term mentioned in § 3.

§ 8. Any person who is or has been a mediator may not without authorization reveal or utilize information which he has received during his activities as a mediator.

§ 9. The provisions of this Law shall not apply if the parties have agreed in writing that negotiation shall not take place.

This Law shall enter into force on January 1, 1981.

General Studies

The Home Taping of Protected Works: An Acid Test for Copyright

Mihály FICSOR *

Book Reviews

Copinger and Skone James on Copyright, by *E. P. Skone James, John F. Mummery and J. E. Rayner James*. Twelfth edition. A volume of LXXII-1196 pages. Sweet & Maxwell, London, 1980.

Copinger and Skone James on Copyright is one of the standard books in this field, and many generations of lawyers have referred to it in their research and practice. That is why every new edition of it is of much interest to all those who deal with copyright matters.

This twelfth edition has been revised throughout to bring it up to date. According to the explanation given in the preface, the preparation of the book was delayed following the publication, in March 1977, of the Whitford Committee Report. As, however, the adoption of a new law did not seem to them likely in the future, the authors decided to proceed with the new edition. Many recommendations of the said Committee are thus referred to in the relevant parts of the book. The chapter on libraries deals also with the Public Lending Right Act 1979. The chapter on American law has been revised by Professor Alan Latman in the light of the new U. S. A. copyright statute of 1976.

A new part has been added on the European Economic Community, as the United Kingdom acceded to it on January 1, 1973. After a brief description of the Community, its legal order, the integration of that legal order into the laws of the United Kingdom and the principal aims of the Community, the authors discuss in detail, by referring to Community case law, the conflicts between the industrial property rights (which, according to them, include copyright) and the aims of the EEC, such as free movement of goods and rules on competition, and possible solutions to the problems raised by such conflicts.

Like in the previous editions, a separate chapter is devoted to international copyright. It mainly deals with the Berne Convention. In addition to a brief description of the earlier Acts, it contains a rather detailed exposition of the essential features of the Stockholm and Paris Acts, including the provisions of the Stockholm Protocol. When discussing the question of formalities, opinion has been expressed that the provision according to which the enjoyment and exercise of copyright are not subject to any formalities is to be interpreted so as to also exclude any formalities precedent to the bringing of an action for infringement, such as the registration which, under the repealed British legislation, was necessary prior to the commencement of proceedings to enforce copyright in a literary work. This interpretation deserves being mentioned since it is not unanimously adopted either in practice or in legal writings.

The Appendices contain, in addition to the United Kingdom Statutes (Copyright Acts 1911 and 1956, Registered Designs Act, Public Lending Right Act 1979, etc.) and Orders, the texts of the United States Codes 1909 and 1976

(as revised to December 31, 1978), the Convention establishing WIPO and most of the multilateral conventions signed in the field of copyright and neighboring rights. A detailed index makes the reading of this important book easier.

M. S.

Propriété littéraire et artistique, by *Claude Colombet*. Second edition. One volume of 396 pages. Dalloz, Paris, 1980.

The first edition of this work was published in 1976. This second edition has the subject matter laid out in the same way but has been updated where necessary, particularly in respect of case law. We may therefore maintain all that was said in the review published in *Copyright* (December 1976, page 298) at the time the previous edition came out.

Nevertheless, a new chapter has been added to the part dealing with international law. It discusses a new question of great current interest, that of applying European law to literary and artistic property. The author accepts the principle of the Treaty establishing the European Economic Community (Rome Treaty) applying to copyright, and the sole question remaining for discussion, in his view, is that of the method of application. In this context, the author raises the question whether Article 7 of the Treaty, prohibiting all discrimination on grounds of nationality, is not likely to conflict with Article 7 of the Berne Convention containing the so-called rule of comparison of terms. He concludes, however, that according to Professor Françon this doubt may easily be swept aside.

Various hypothetical cases, including that of the so-called shared editions, of a conflict between the geographical limitation of rights deriving from each national legislation and the principle of free movement of goods are examined in the light of case law and legal writings.

In two specific cases of conflict between copyright and the principle of free movement for services (concerning, in the main, performing rights), national regulations have been given preference over the rules under the Rome Treaty, subject, however, to the possible existence of discrimination.

The final section of the chapter is devoted to the conflict between copyright and the principles of competition law, particularly the prohibition of restrictive practices and of the abuse of dominant positions.

The author concludes that, although it would seem necessary to accept the idea that the Rome Treaty applies to copyright, account should nevertheless be taken of the special nature of literary and artistic property.

M. S.

Calendar

WIPO Meetings

(Not all WIPO meetings are listed. Dates are subject to possible change.)

1981

- March 23 to 25 (Geneva) — Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights
- March 23 to 27 (Geneva) — Development Cooperation — Working Group on the Establishment of a Guide on the Organization of Industrial Property Activities of Enterprises in Developing Countries
- March 25 to 27 (Geneva) — Worldwide Forum on Piracy of Sound and Audiovisual Recordings
- April 6 to 10 (Geneva) — Permanent Committee for Patent Information (PCPI) — Working Group on General Information
- May 25 to 29 (Geneva) — Berne Union and Universal Copyright Convention — Group of Independent Experts on the Impact of Cable Television in the Sphere of Copyright (convened jointly with Unesco)
- June 15 to 26 (Geneva) — Permanent Committee for Patent Information (PCPI) — Working Group on Search Information
- June 29 to July 3 (Geneva) — International Patent Cooperation (PCT) Union — Assembly (Extraordinary Session)
- September 7 to 10 (Geneva) — Permanent Committee for Patent Information (PCPI) — Working Group on Patent Information for Developing Countries
- September 10 to 18 (Geneva) — Permanent Committee for Patent Information (PCPI) — Working Group on Planning
- September 24 and 25 (Nairobi) — Treaty on the Protection of the Olympic Symbol — Diplomatic Conference
- September 28 to October 24 (Nairobi) — Revision of the Paris Convention — Diplomatic Conference
- November 9 to 13 (Geneva) — Permanent Committee for Patent Information (PCPI) and PCT Committee for Technical Cooperation
- November 11 to 13 (Geneva) — Rome Convention — Intergovernmental Committee (convened jointly with ILO and Unesco)
- November 16 to 24 (Geneva) — Governing Bodies (WIPO General Assembly, Conference and Coordination Committee, Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT, Budapest, TRT and Berne Unions; Conferences of Representatives of the Paris, Hague, Nice and Berne Unions; Executive Committees of the Paris and Berne Unions; Committee of Directors of the Madrid Union; Council of the Lisbon Union)
- November 30 to December 7 (New Delhi) — Berne Union — Executive Committee — Extraordinary Session (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)
- December 7 to 11 (Geneva) — International Patent Classification (IPC) — Committee of Experts

UPOV Meetings

1981

- May 6 (Geneva) — Consultative Committee
- May 6 to 8 (Geneva) — Administrative and Legal Committee
- June 2 to 4 (Wädenswil) — Technical Working Party for Vegetables
- June 23 to 25 (Edinburgh) — Technical Working Party for Agricultural Crops
- September 22 to 25 (Wageningen) — Technical Working Party for Fruit Crops
- October 6 to 8 (Antibes) — Technical Working Party for Ornamental Plants

October 13 (Geneva) — Consultative Committee

October 14 to 16 (Geneva) — Council

November 9 to 11 (Geneva) — Technical Committee

November 11 to 13 (Geneva) — Administrative and Legal Committee

Other Meetings in the Field of Copyright and/or Neighboring Rights

Non-Governmental Organizations

1981

Interamerican Copyright Institute (IIDA)

Second Continental Conference on Copyright — April 6 to 10 (Buenos Aires)

International Confederation of Societies of Authors and Composers (CISAC)

Legal and Legislation Committee — April 27 to 30 (Sydney)

International Federation of Translators (FIT)

Congress — May 6 to 13 (Warsaw)

International Federation of Producers of Phonograms and Videograms (IFPI)

Council — June 2 and 3 (Copenhagen)

Internationale Gesellschaft für Urheberrecht (INTERGU)

Congress — September 21 to 25 (Toronto)

International Federation of Actors (FIA)

Executive Committee — September 23 to 25 (Copenhagen)

1982

International Literary and Artistic Association (ALAI)

Study Session — April 26 to 30 (Amsterdam)

