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Paris Convention for the Protection of Industrial Property, the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods and the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration.

List of Participants*

I. States

Algeria: G. Sellali (Mrs.); F. Aït Djehhara (Mrs.). Argentina: R. A. Ramayón. Brazil: G. Hatah; A. Machado; F. M. Perri. Chile: C. Contreras. Colombia: N. Gomez; H. Lopez. Costa Rica: A. Castro Granados (Miss). Cuha: J. M. Rodriguez Padilla; J. D. Bravo Diaz; F. Ortiz Rodriguez. Egypt: A. Rizk. India: G. Shankar. Liberia: D. M. Thomas. Lihyan Arah Republic: K. El Zentani (Miss). Mali: N. Demhele. Morocco: S. Abderrazik. Nigeria: A. G. Adoh. Philippines: H. J. Brillantes; M. S. Aguillon; C. V. Espejo. Sri Lanka: R. L. de Silva. Syrian Arah Republic: A. Jouman-Agha. Thailand: S. Kouptaromya.

II. Intergovernmental Organization

African and Malagasy Industrial Property Office (OAMPI): R. Raparson.

III. Non-Governmental Organizations

Inter-American Association of Industrial Property (ASIPI): E. Aracama Zorraquín; F. Noetinger. International Association for the Protection of Industrial Property (IAPIP): J. Willmann. International Chamber of Commerce (ICC): H. Aspden; M. Janjić; Ch. Magnin. International League Against Unfair Competition (LICCD): K. Neumann; A. Devletian.

IV. Officers

Chairman: G. Sellali (Mrs.) (Algeria); Vice-Chairmen: J. M. Rodriguez Padilla (Cuha); R. L. de Silva (Sri Lanka).

V. WIPO

G. H. C. Bodenhausen (Director General); J. Voyame (Second Deputy Director General); L. Baeumer (Counsellor, Head, Legislation and Regional Agreements Section, Industrial Property Division); D. Devlin (Legal Officer, Industrial Property Division); A. B. Kecherid (Legal Officer, Industrial Property Division).

* A list containing the titles and functions of the participants may be obtained from the International Bureau.

Paris Union

Working Group

on International Cooperation in the Classification of Search Files According to the International Patent Classification

First Session

(Geneva, March 5 to 9, 1973)

Note*

At its eighth ordinary session, held in Geneva from September 25 to 29, 1972, the Executive Committee of the Paris Union discussed the question of organizing search files accord-

ing to the International Patent Classification (IPC). It invited the Director General of WIPO to proceed, on the basis of the work undertaken previously, with a study of the question of international cooperation in the reclassification of search files according to the IPC, with a view to proposing possible solutions. It also asked him to convene a Working Group of interested countries and organizations to advise the International Bureau on the continuation of the study.

The Working Group met in Geneva from March 5 to 9, 1973. Ten of its twelve members were represented (Algeria, Austria, Brazil, Germany (Federal Republic of), Japan, Mexico, Philippines, Soviet Union, Sweden, United States of America), as well as two intergovernmental organizations (International Patent Institute (IIB), International Patent Documentation Center (INPADOC)). A list of participants follows this Note.

The Working Group unanimously elected Mr. G. Gall (Austria) Chairman and Mr. H. Redouane (Algeria) and Mr. L. Komarov (Soviet Union) Vice-Chairmen. Mr. L. Baeumer, Counsellor, Industrial Property Division (WIPO), acted as Secretary of the Working Group.

The discussions of the Working Group were essentially based on the report prepared by the International Bureau (document CSF/I/1). This report dealt with the establishment of the Working Group itself and the questions which it would have to examine. In particular it contained a study on the classification of the search files of Patent Offices according to the IPC; in an annex to the study there was an analysis of the results of a survey on the progress of work on the classification of search files according to the IPC, together with an analysis of the need for international cooperation in this field. The document also contained suggestions of a number of ways in which Patent Offices might be assisted in the classification of their search files according to the IPC.

In its examination of this report the Working Group gave special consideration to the following questions: the need for reclassification, the present state of files classified according to the IPC, international cooperation in the completion of reclassification, ways of assisting Offices intending to establish search files classified according to the IPC and the cost and financing of the establishment of the search files.

In the discussions which ensued, the choice of methods for achieving international cooperation in the classification of search files according to the IPC as contained in the study of the International Bureau was narrowed to such an extent that the Working Group felt that a detailed study could now be carried out, covering such questions as the cost and financing of the establishment of the search files. The Working Group also noted that the International Bureau was to prepare a revised version of the study which had been submitted to it, taking into account the views expressed during the session and concentrating on the solution arrived at in the course of the discussions, namely the establishment of a centralized system. This further study will probably be submitted to the Working Group at its second session, early in 1974. Finally, the Working Group felt that in the meantime the cooperating Offices should continue with their efforts to establish search files classified according to the IPC.

* This Note has been prepared by the International Bureau.

List of Participants*

I. States

Algeria: H. Redouane; S. Bouzidi; G. Sellali (Mrs.). Austria: G. Gall. Brazil: C. da Silva Costa (Mrs.); S. de Moura (Mrs.). Germany (Federal Republic of): K. H. Hofmann; R. Hofmann. Japan: Y. Wada; T. Takeda. Mexico: R. Heller (Mrs.). Philippines: M. S. Aguillon. Soviet Union: L. Komarov; A. Hodyrev. Sweden: T. Gustafson. United States of America: E. C. Darsch; J. J. Sheehan.

II. Intergovernmental Organizations

International Patent Institute (IIB): J. A. H. van Voorthuizen; A. Vandecasteele. International Patent Documentation Center (INPADOC): O. Auracher; E. Werner; G. A. Ruhitschka.

III. Officers

Chairman: G. Gall (Austria); Vice-Chairmen: H. Redouane (Algeria); L. Komarov (Soviet Union); Secretary: L. Baeumer (WIPO).

IV. WIPO

J. Voyame (Second Deputy Director General); K. Pfanner (Senior Counsellor, Head, Industrial Property Division); P. Claus (Counsellor, Head, ICIREPAT Section, Industrial Property Division); L. Baeumer (Counsellor, Head, Legislation and Regional Agreements Section, Acting Head, IPC Section, Industrial Property Division); H. Wille (Technical Consultant); K. Sarre (Technical Consultant); B. Hansson (Technical Assistant).

* A list containing the titles and functions of the participants may be obtained from the International Bureau.

PROGRESS REPORTS

International Patent Classification

Joint ad hoc Committee

Seventh Session

(Munich, November 28 to December 1, 1972)

Note*

The seventh session¹ of the Joint ad hoc Committee of the Council of Europe and the World Intellectual Property Organization on the International Patent Classification (IPC) was presided over by the Chairman of the Committee, Mr. R. A. Wahl, Assistant Commissioner, United States Patent Office.

Representatives of Brazil, France, Germany (Federal Republic of), Netherlands, Spain, Sweden, Switzerland, United Kingdom and the United States of America participated in this session. The International Patent Institute (IIB) was represented by observers. A list of participants follows this Note.

Election of the Chairman and the Vice-Chairmen of the Committee. The Committee reelected Mr. R. A. Wahl (United States of America) as Chairman and Mrs. O. Kavyrchine (France) as Third Vice-Chairman of the Committee for 1973, and elected Mr. T. Gustafson (Sweden) as First Vice-Chair-

man and Mrs. Clotilde da Silva Costa (Brazil) as Second Vice-Chairman for 1973.

Past and Current IPC Activities. A large number of amendments to various subclasses of Sections A to F of the International Patent Classification, as elaborated by Working Groups I, III and IV and subsequently adopted by the Bureau during its seventh session in Munich from November 20 to 25, 1972, were approved by the Committee.

In order to complete the full priority program during the first revision period, the Committee agreed on a postponement until June 1973 for the sessions of the Bureau and of the Committee scheduled to complete the consideration of the last part of the amendments to be incorporated in the revised version of the International Patent Classification.

The Committee discussed the length of future revision periods. Some delegations stated that such periods should be shorter than five years, preferably not longer than two. Others preferred periods not shorter than five years, particularly in view of the considerable time needed for them to put revised versions into application due to the need to prepare a translation from the official English and French versions into their own language. In this context, special attention was drawn to the fact that the symbols of the revised version of the International Patent Classification should preferably be applied from the same date on newly issued patent documents of all countries using the Classification and that this would also require a certain amount of time. The Committee agreed that special

* This Note has been prepared by the International Bureau.

¹ Notes on the fifth and sixth sessions of the Joint ad hoc Committee were published in *Industrial Property*, 1972, pp. 30 and 266.

fields in which a particularly important development had taken place could be revised without waiting for the normal end of a revision period, but that the formal entry into force of revised parts of the Classification prior to the end of the normal revision period ought to be limited to exceptional cases, where an urgent need for application without delay was found to exist.

With regard to the layout of the revised version of the International Patent Classification, the Committee discussed the possibility of having a paperback edition instead of the present loose-leaf edition. The Committee agreed to make a recommendation in this matter at its next session.

As regards the publication of the Catchword Index, the Committee came to the conclusion that the revised version should be published as far as possible at the same time as the second edition of the International Patent Classification. The representative of the United States of America informed the Committee that the United States Patent Office would store the content of the English Catchword Index in machine-readable form and that the necessary amendments could then easily be performed. The Committee recommended that the work on the revision of the English Catchword Index should be performed by the United Kingdom Patent Office and the United States Patent Office in close cooperation. The work on the French Catchword Index should be carried out by the French Patent Office in cooperation with the Swiss Patent Office. The German Catchword Index should be revised by the German Patent Office in cooperation with the Patent Offices of Austria and Switzerland.

List of Participants *

I. States

Brazil: M. Calabria; S. de Moura (Mrs.). France: O. Kavyrchine (Mrs.); G. Beneut. Germany (Federal Republic of): A. Wittmann; K. Wiehalck; K. Sölla; K. Sarre. Netherlands: G. J. Koelewijn. Spain: A. Sagarminaga. Sweden: T. Gustafson; J. von Döheln; B. Hansson. Switzerland: E. Lips; R. Junod. United Kingdom: D. G. Gay; J. H. Callow. United States of America: R. A. Wahl; T. F. Lomont.

II. Intergovernmental Organization

International Patent Institute (IIB): L. F. W. Knight; A. Vandecasteele.

III. Officers of the Working Groups

Chairman of Working Group I: T. F. Lomont (United States of America); *Chairman of Working Group II:* A. Wittmann (Germany, Federal Republic of); *Ad hoc Chairman of Working Group III:* K. Wiehalck (Germany, Federal Republic of); *Chairman of Working Group IV:* G. J. Koelewijn (Netherlands); *Chairman of Working Group V:* J. H. Callow (United Kingdom).

IV. Officers of the Session

Chairman: R. A. Wahl (United States of America); *First Vice-Chairman:* E. Lips (Switzerland); *Third Vice-Chairman:* O. Kavyrchine (Mrs.) (France).

V. Secretariat

Council of Europe

P. von Holstein (*Principal Administrative Officer, Directorate of Legal Affairs*); W. L. J. Ennerst (*Consultant Expert, Directorate of Legal Affairs*); C. Dollinger (Mrs.) (*Administrative Assistant, Directorate of Legal Affairs*).

WIPO

K. Pfanner (*Senior Counsellor, Head, Industrial Property Division*); H.-W. Wille (*Technical Consultant (German Patent Office)*).

* A list containing the titles and functions of the participants may be obtained from the International Bureau.

PLANT VARIETIES

Plant Variety Denominations and Trademarks

Note prepared by the UPOV Secretariat

In pursuance of the meeting held by the Working Group on Variety Denominations from December 5 to 7, 1972¹, the

¹ See *Industrial Property*, 1973, pp. 76 and 77.

Working Group met on April 2 and 3, 1973, to finish its deliberations on the above subject.

The Working Group prepared a draft for the amendment of the Provisional Guidelines for Variety Denominations along the lines discussed at the previous meeting. This draft will be submitted to the Council of UPOV at its next meeting scheduled for October 10 to 12, 1973, for final consideration and adoption.

indications required by law, and to make provision for exceptions where necessary and adapt the situation for the purposes of this Law;

- (b) to establish appropriate compulsory characteristics enabling identification of produce or products not governed by other laws;
- (c) to require, where necessary for the proper implementation of this Law, that all necessary particulars for identification of the person responsible for marketing the products concerned are included in the containers, labels or packaging or indicated on the articles themselves;
- (d) to establish the requirements to be complied with by all produce or products that may be intended for export, having regard to the purposes of this Law;
- (e) to require, when necessary for the purposes of the law, that all labels and commercial advertising material be submitted for approval;
- (f) to require the packaging of produce or products where the sale thereof in bulk may lead to infringement of this Law;
- (g) to establish the margins of tolerance in respect of the contents of containers;
- (h) to require, in respect of goods that are not packaged and having regard to their nature, that any or all of the particulars mentioned in Section 4 of this Law are to be indicated thereon, and to establish the form of such indications;
- (i) to establish registers of the persons covered by this Law, where necessary for achievement of its objectives.

11. — The bodies responsible for implementing this Law shall be designated by the Executive and shall be empowered:

- (a) to give technical assistance as appropriate to the persons concerned by approving or rejecting labels or advertising material voluntarily submitted to them for approval; such approval may, where necessary, be granted on a provisional basis;
- (b) to take samples of goods and submit them for expert examination or analysis; to this end, standards shall be adopted which afford an opportunity to the person affected to verify the evidence concerned and present any objections;
- (c) to intercept products in clear cases of infringement or where there is a well-founded suspicion thereof and verification might be prevented by delay or by the acts of the alleged infringer or third parties. The implementing bodies shall revoke such action when the causes which led to it have been remedied, or when the absence of infringement is established;
- (d) to require, when necessary for the purposes of this Law, that the national or foreign origin, quality and purity or blend be indicated in all publicity or advertising material;
- (e) to authorize replacement of the indication of net weight or measurements of contents by an indication of the number of units or by the term "sale according to weight";

- (f) to issue an injunction restraining any labeling, publicity or advertising considered to be contrary to this Law or to its implementing provisions.

12. — A fine of 500 to 500,000 pesos shall be imposed on any person who:

- (a) includes on the get-up of articles, on labels or in advertisements any inaccurate or exaggerated statements, any misrepresentation or any trademark (registered or not) which are likely to give rise to error, deceit or confusion in regard to the quality of the products or to their quantity, origin, properties, composition, components, blend or purity, or in regard to the relevant production techniques or marketing methods;
- (b) disobeys an injunction issued by the implementing authority;
- (c) systematically makes use of the margins of tolerance established by the regulations in respect of contents;
- (d) infringes the rules in this Law.

Directors, executives, managers or agents of the business undertaking or legal entity which participated in the offense shall be liable to the same penalty.

In the case of repetition of an offense and for concurrent offenses, the penalty shall be increased — the minimum and maximum penalties being doubled.

As an additional penalty in serious cases, natural persons may be disqualified from carrying on business for a period of one to six years and legal entities may have their authorization to operate withdrawn or be struck off the register concerned.

13. — Where an injunction is disobeyed, each day of continuation or each new act comprising the same offense shall be counted as a separate infringement.

14. — The Executive shall designate the bodies responsible for implementing this Law, and may entrust the provincial governments with certain aspects of its implementation.

15. — Injunctions shall be notified to the person affected, with a statement of reasons. Within five working days of the notification, such person may petition the implementing authority for the revocation of the injunction. An appeal shall lie where the petition is refused. Such petition or appeal shall not entail the suspension of the injunction.

The injunction shall also be notified to the publicity medium through which the advertising objected to is communicated, with a warning that it is liable to the same penalties as the person ordering the advertising.

16. — Any infringements of this Law or the implementing provisions established in pursuance thereof shall be punishable by the implementing authorities designated by the Executive, on the basis of a prior report, an opportunity being afforded for presenting evidence and for stating the defense.

17. — Appeals from decisions of the administrative authority shall lie with the National Chamber for Economic Offenses (*Cámara Nacional en lo Penal Económico*) in the

capital, or with the Federal Chamber with jurisdiction over the place of the offense. The appeal shall be lodged, with a clear statement of the grounds, within ten working days from the notification of the administrative decision.

In the case of fines of 500 pesos, the appeal may not be heard unless the appellant produces proof of payment of that amount.

18. — The officials responsible for verifying compliance with this Law or its implementing regulations or for carrying out a legal investigation shall be empowered to enter premises in which the activities covered by the Law are carried on, to examine books and documents, to verify stocks, to require information, to appoint a depositary for the products intercepted, to seize any evidence of the offense, to name and summon to appear any persons deemed to be involved, and to take any action necessary for the proper execution of their task, for which purpose they may, if necessary, seek the assistance of the police.

The implementing authority established by regulation may furthermore apply to the competent court for a warrant to enter private residences.

19. — The Executive shall establish a register of labels and a register of infringers, in which shall be recorded, respectively, all labels notified and all final convictions and sentences.

20. — The proceeds of the fines imposed shall be paid into the general budget under the heading of general revenue.

The National Government may make arrangements with the provincial governments for the fines to be applied by provincial authorities. In such case, the national administration may agree with the provinces concerned on appropriate compensation to cover the costs deriving from these activities.

21. — In the event of non-payment of fines imposed under a final decision, the amount thereof may be recoverable, by means of the procedures for execution, within ten days following receipt of the order to pay. For this purpose, a copy of the decision imposing the fine, issued by the authority which imposed it, shall be sufficient evidence.

22. — Actions and penalties under this law shall become statute-barred after three years. The three-year period shall be interrupted where a new offense is committed or where administrative or legal procedures are initiated.

23. — Any cases pending and preventive measures in respect of infringement of Law No. 11275 as amended under Laws No. 13526 and No. 14004 shall continue to be dealt with by the appropriate judicial or administrative authority, in accordance with the provisions in force.

24. — Laws No. 11275, No. 13526 and No. 14004¹ are hereby repealed.

25. — [Publication etc.]

¹ *Industrial Property*, 1970, p. 40.

II

Decree on the Identification of Goods*

(No. 8454 of November 29, 1972)

1. — The Ministry of Commerce shall act as the administrative tribunal for the purposes of the application of the penalties provided for in Section 12 of Law No. 19982, and may delegate that function and designate the bodies which are to exercise the functions provided for in Section 11 of the said Law.

2. — The governments of the provinces shall designate the authorities which, in their respective territories, are to exercise the functions provided for in Section 11(b) and (c) of Law No. 19982.

3. — The implementing rules for Laws No. 11275 and No. 13526¹ shall continue in force as regulations for Law No. 19982.

4. — [Publication etc.]

GHANA

Patents Registration (Amendment) Decree, 1972

(of June 29, 1972)

1. — (1) No application shall be entertained under the Patents Registration Ordinance (Cap. 179) (hereinafter referred to as "the Ordinance") in respect of any drug, medicine, or pharmaceutical preparation, substance or material.

(2) The Registrar-General shall cause to be cancelled every entry in the Register kept under the Ordinance in respect of any drug, medicine, or pharmaceutical preparation, substance or material.

(3) Any doubt as to whether anything is a drug, medicine, or pharmaceutical preparation, substance or material for the purposes of this section shall be determined by the Registrar-General in such manner as he thinks fit.

2. — Where the Registrar-General is of the opinion that the registration of a patent under the Ordinance would be contrary to the public interest, he may, after consultation with the Attorney-General, refuse any application in respect thereof and return any fee paid by the applicant.

3. — The Registrar-General shall cause to be marked as cancelled every entry in the Register kept under the Ordinance in respect of a registration which has ceased to have effect by expiry of time, revocation or otherwise.

4. — The following shall be the fees payable under the Ordinance —

.....

* This title has been added by the International Bureau.

¹ *Industrial Property*, 1970, p. 41.

5. — The Registrar-General may after consultation with the Attorney-General by legislative instrument make regulations for carrying into effect the principles and purposes of this Decree and the Ordinance, and may in such regulations amend any fee prescribed under section 4 of this Decree.

6. — All actions pending immediately before the commencement of this Decree in respect of any matter arising under the Patents Registration Ordinance (Cap. 179) in relation to any drug, medicine, or pharmaceutical preparation, substance or material shall abate on the commencement of this Decree.

7. — Sections 1, 3(3) and 11 to 13 of the Ordinance are hereby repealed.

MEXICO

Law on the Registration of the Transfer of Technology and the Use and Working of Patents and Trademarks

(of December 28, 1972) *

1. — A National Register of Technology Transfer, subordinate to the Secretariat for Industry and Commerce, is hereby established.

The National Council for Science and Technology shall be the consultative body in terms of the Law establishing the National Council.

2. — Registration in the Register referred to in the foregoing section shall be mandatory for documents embodying instruments, contracts or agreements of any kind intended to be operative in the national territory and concluded for the purposes of:

(a) the grant of the use of trademarks or of authorization to work them;

(b) the grant of the use of patents of invention, improvements and industrial designs or of authorization to work them;

(c) the furnishing of technical know-how by means of drawings, diagrams, models, guidelines, instructions, formulae, specifications, personnel training and qualification, or by other means;

(d) the supply of basic or detailed engineering know-how for the setting up of plant or equipment or for the manufacture of products;

(e) technical assistance in any form;

(f) services relating to the management or operation of enterprises.

3. — The following shall be under a duty to apply for the registration of instruments, agreements or contracts as

referred to in the foregoing section if they are parties to or beneficiaries under the said instruments, agreements or contracts:

(i) natural persons or legal entities of Mexican nationality;

(ii) aliens residing in Mexico and legal entities of other than Mexican nationality established in the country; and

(iii) agencies or branches, established in the Republic, of foreign enterprises.

Suppliers of technology who are resident abroad may apply for the registration in the National Register of Technology Transfer of instruments, agreements or contracts to which they are parties.

4. — Documents embodying instruments, agreements or contracts as referred to in Section 2 shall be produced to the Secretariat for Industry and Commerce, for registration in the National Register of Technology Transfer, within 60 days after the date on which they are concluded. If the said documents are so produced within the aforesaid time limit, their registration shall produce its effects from the date on which they were concluded. After that time limit their registration shall take effect only from the date on which they were so produced.

There shall likewise be produced for registration with the Secretariat for Industry and Commerce, in the conditions stated in the previous subsection, such amendments as may be made to instruments, agreements or contracts as referred to in Section 2. Where the parties terminate such contracts or agreements in advance of the date stipulated in the contracts or agreements, notification to that effect shall be furnished to the Secretariat for Industry and Commerce within a like time limit of 60 days after the date of termination.

5. — Production of the certificate of registration in the Register shall be required for the purpose of obtaining, where appropriate, the benefits, incentives, aids or facilities for which provision is made in the New and Necessary Industries (Promotion) Law, in other provisions of law, or in regulations which grant them for the establishing or expansion of industrial enterprises or for the establishment of commercial centers in the country's frontier strips and free border zones, or for the purpose of the approval of manufacturing programs for individuals who or legal entities which, although under a duty to cause the instruments, agreements or contracts referred to in Section 2 hereof — or any amendments to such instruments, agreements or contracts — to be registered in the National Register of Technology Transfer, have not done so.

6. — Instruments, agreements or contracts as referred to in Section 2, and amendments to such instruments, agreements or contracts, which have not been registered in the National Register of Technology Transfer shall produce no legal effects and accordingly shall not be assertable before any authority and shall not be enforceable in the national courts.

Instruments as aforesaid shall, if their registration has been cancelled by the Secretariat for Industry and Commerce,

* An English translation of the Bill preceding this Law was prepared and distributed by the Secretariat of the United Nations Conference on Trade and Development (UNCTAD). The text published here incorporates that translation, with the kind permission of UNCTAD.

likewise have no legal validity and shall not be enforceable in the national courts.

7. — The Secretariat for Industry and Commerce shall not register instruments, agreements or contracts referred to in Section 2 in the following cases:

(i) where the purpose thereof is the transfer of technology readily obtainable in the country, provided that the technology is the same;

(ii) where the price or consideration is disproportionate to the technology acquired or constitutes an unjustified burden on the national economy;

(iii) where clauses are included which enable the technology supplier directly or indirectly to control or to intervene in the management of the buyer;

(iv) where patents, trademarks, innovations or improvements obtained by the technology buyer are required to be transferred, with or without compensation, to the technology supplier;

(v) where restrictions are imposed on research or technological development carried out by the buyer;

(vi) where the buyer is required to obtain equipment, tools, parts or raw materials exclusively from a specified source;

(vii) where the export of goods or services produced by the buyer is prohibited or restricted in a way contrary to the interests of the country;

(viii) where the use of supplementary technologies is prohibited;

(ix) where the goods produced by the technology buyer are required to be sold exclusively to the supplier;

(x) where the buyer is required to use on a permanent basis staff specified by the technology supplier;

(xi) where production volumes are limited or sale or resale prices are imposed for the buyer's national production or exports;

(xii) where the buyer is required to conclude exclusive sale or representation contracts with the technology supplier, in the national territory;

(xiii) where the period of validity is too long. The buyer may in no case be bound for more than ten years; and

(xiv) where disputes arising from the interpretation or execution of the said instruments, agreements or contracts are to be brought before or settled by foreign courts.

Instruments, agreements or contracts referred to in Section 2 which are to have effect in the national territory shall be governed by Mexican law.

8. — The Secretariat for Industry and Commerce may register in the National Register of Technology Transfer instruments, agreements or contracts which fail to meet one or more of the requirements set out in the preceding section, where the technology so transferred is of particular benefit to the country. There shall be no derogation from the provisions of paragraphs (i), (iv), (v), (vii), (xiii) and (xiv) of the preceding section.

9. — The instruments, agreements or contracts required to be recorded in the National Register of Technology Transfer shall not include those concerned with:

(i) the admission of foreign technicians to install plant and machinery or to carry out repairs;

(ii) the supply of designs, catalogs or know-how in general acquired with the machinery or equipment and necessary for its installation, provided that no obligation to make subsequent payments is entailed;

(iii) assistance for repairs or in case of emergency, provided that it is furnished under a previously registered instrument, agreement or contract;

(iv) technical instruction or training provided by educational institutions, by training centers or by enterprises for their employees;

(v) the activities of *empresas maquiladoras*¹ shall be governed by the statutes or regulations applicable to them.

10. — The Secretariat for Industry and Commerce shall decide, within 90 days after receipt of the relevant documents, whether or not an instrument, agreement or contract referred to in Section 2 shall be registered in the National Register of Technology Transfer. If no decision has been taken before the expiry of that period, the instrument, agreement or contract in question shall be registered in the National Register of Technology Transfer.

11. — The Secretariat for Industry and Commerce may cancel the registration of instruments, agreements or contracts in the National Register of Technology Transfer in the event of any change or alteration contrary to the provisions of this Law in their tenor as registered.

12. — The Secretariat for Industry and Commerce is authorized to verify at any time that the provisions of this Law are being complied with.

13. — Officials concerned in the various operations relating to the National Register of Technology Transfer shall be required to maintain absolute secrecy with regard to technological information about the processes or products subject of the instruments, agreements or contracts to be registered. This requirement shall not apply to information which is in the public domain by virtue of other laws or regulations.

14. — If any person considers his interests to be affected by decisions taken by the Secretariat for Industry and Commerce in pursuance of this Law, he may, within eight days from the date on which the notification takes effect, request a review of the said decisions, submitting such evidence as he deems relevant.

The application for review shall be submitted in writing to the Secretariat itself.

The application for review shall cite evidence and shall be accompanied by such evidence as the applicant has in his possession. Statements by witnesses and admissions shall not be admitted as evidence. The Secretariat may procure such evidence as it deems necessary to assist it in reaching a decision.

¹ These are a special kind of enterprise in the field of machinery, peculiar to Mexico (*Editor's Note*).

Once the evidence has been made available the case shall be decided within 45 days.

If no decision has been taken within this time limit, the application shall be deemed to be decided in favor of the applicant.

TRANSITIONAL PROVISIONS

1. This Law shall enter into force 30 days after its publication in the *Diario Oficial* of the Federation².

2. Instruments, agreements or contracts referred to in Section 2 concluded before the entry into force of this Law shall be brought into conformity with its provisions and registered in the National Register of Technology Transfer within two years after the date of its entry into force. The Secretariat for Industry and Commerce may extend this time limit where special circumstances so warrant.

The documents containing the said instruments, agreements or contracts shall be submitted to the Secretariat for Industry and Commerce to enable it to take note of them, without considering their content, within 90 days after the date on which this Law enters into force.

3. Where the provisions of the preceding section are complied with within the specified time limits, the persons concerned may continue to enjoy any benefits and incentives referred to in Section 5 which they had been granted previously. Otherwise the said benefits or incentives shall be terminated.

4. Until such time as the instruments, agreements or contracts referred to in Section 2 have been brought into conformity with the provisions of this Law and registered, the persons concerned shall not be entitled to enjoy the benefits, incentives, aids or facilities referred to in Section 5 or to approval of manufacturing programs.

5. When the time limits referred to in the second transitional section, with any extensions, have expired, any instruments, agreements or contracts which have not been duly registered in the National Register of Technology Transfer shall cease to produce legal effects within the meaning of Section 6.

6. The decision by the Secretariat for Industry and Commerce as to whether instruments, agreements or contracts concluded before the date of entry into force of this Law shall be registered in the National Register of Technology Transfer, shall be taken within 120 days after the date on which the documents containing them are submitted to it.

² The Law was published in the *Diario Oficial* of December 30, 1972.

NIGERIA

I

Patents and Designs Decree 1970

(No. 60 of 1970)

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Patents

1. — (1) Subject to this section, an invention is patentable —
- (a) if it is new, results from inventive activity and is capable of industrial application, or
- (b) if it constitutes an improvement upon a patented

invention and also is new, results from inventive activity and is capable of industrial application.

(2) For the purposes of subsection (1) above —

(a) an invention is new if it does not form part of the state of the art,

(b) an invention results from inventive activity if it does not obviously follow from the state of the art, either as to the method, the application, the combination of methods, or the product which it concerns, or as to the industrial result it produces, and

(c) an invention is capable of industrial application if it can be manufactured or used in any kind of industry, including agriculture.

(3) In subsection (2) above “the art” means the art or field of knowledge to which an invention relates and “the state of the art” means everything concerning that art or field of knowledge which has been made available to the public anywhere and at any time whatever (by means of a written or oral description, by use or in any other way) before the date of the filing of the patent application relating to the invention or the foreign priority date validly claimed in respect thereof, so however that an invention shall not be deemed to have been made available to the public merely by reason of the fact that, within the period of six months preceding the filing of a patent application in respect of the invention, the inventor or his successor in title has exhibited it in an official or officially recognised international exhibition.

(4) Patents cannot be validly obtained in respect of —

(a) plant or animal varieties, or essentially biological processes for the production of plants or animals (other than microbiological processes and their products), or

(b) inventions the publication or exploitation of which would be contrary to public order or morality (it being understood for the purposes of this paragraph that the exploitation of an invention is not contrary to public order or morality merely because its exploitation is prohibited by law).

(5) Principles and discoveries of a scientific nature are not inventions for the purposes of this Decree.

2. — (1) Subject to this section, the right to a patent in respect of an invention is vested in the statutory inventor, that is to say, the person who, whether or not he is the true inventor, is the first to file, or validly to claim a foreign priority for, a patent application in respect of the invention.

(2) The true inventor is entitled to be named as such in the patent, whether or not he is also the statutory inventor, and the entitlement in question shall not be modifiable by contract.

(3) If the essential elements of a patent application have been obtained by the purported applicant from the invention of another person (or from that other person's successor in title) without the consent of that other person (or his said successor) both to the obtaining of those essential elements and to the filing of the application, all rights in the application and in any patent granted in pursuance of it shall be deemed to be transferred to that other person or his said successor, as the case may be.

(4) Where an invention is made in the course of employment or in the execution of a contract for the performance of specified work, the right to a patent in the invention is vested in the employer or, as the case may be, in the person who commissioned the work:

Provided that, where the inventor is an employee, then —

(a) if —

(i) his contract of employment does not require him to exercise any inventive activity but he has in making the invention used data or means that his employment has put at his disposal, or

(ii) the invention is of exceptional importance, he is entitled to fair remuneration taking into account his salary and the importance of the invention, and

(b) the entitlement in question is not modifiable by contract and may be enforced by civil proceedings.

(5) A person is not an inventor for the purposes of this section if he has merely assisted in doing work connected with the development of an invention without contributing any inventive activity.

3. — (1) Every patent application —

(a) shall be made to the Registrar and shall contain —

(i) the applicant's full name and address and, if that address is outside Nigeria, an address for service in Nigeria,

(ii) a description of the relevant invention with any appropriate plans and drawings,

(iii) a claim or claims, and

(iv) such other matter as may be prescribed, and

(b) shall be accompanied by —

(i) the prescribed fee,

(ii) where appropriate, a declaration signed by the true inventor requesting that he be mentioned as such in the patent and giving his name and address, and

(iii) if the application is made by an agent, a signed power of attorney (so however that, notwithstanding any rule of law, legalisation or certification of the signature of the power of attorney shall be unnecessary).

(2) The description referred to in subsection (1)(a)(ii) above shall disclose the relevant invention in a manner sufficiently clear and complete for the invention to be put into effect by a person skilled in the art or field of knowledge to which the invention relates; and the claim or claims referred to in subsection (1)(a)(iii) above shall define the protection sought and shall not go beyond the limits of the said description.

(3) A patent application shall relate to only one invention, but may include in connection with that invention —

(a) claims —

(i) for any number of products,

(ii) for any number of manufacturing processes for those products, and

(iii) for any number of applications of those products, and

(b) claims —

- (i) for any number of processes, and
- (ii) for the means of working those processes, for the resulting product or products and for the application of those products.

(4) Where the applicant for a patent seeks to avail himself of a foreign priority in respect of an earlier application made in a country outside Nigeria —

(a) he shall append to his application under subsection (1) above a written declaration showing —

- (i) the date and number of the earlier application,
- (ii) the country in which the earlier application was made, and
- (iii) the name of the person who made the earlier application, and

(b) not more than three months after the making of the application under subsection (1) above, he shall furnish the Registrar with a copy of the earlier application certified correct by the Industrial Property Office (or its equivalent) in the country where the earlier application was made.

4. — (1) The Registrar shall examine every patent application as to its conformity with section 3(1), (3) and (4), and —

(a) if section 3(1) has not been complied with, the Registrar shall reject the application,

(b) if section 3(3) has not been complied with, the Registrar shall —

(i) invite the applicant to restrict the application so that it relates to only one invention, and

(ii) notify the applicant that he may within three months file in respect of the other inventions dealt with in the original application subsidiary applications which shall benefit from the date of filing of the original application and, if relevant, from the date of any foreign priority claimed under section 3(4),

and, if the applicant does not comply with the invitation mentioned in sub-paragraph (i) above, shall reject the application, and

(c) if section 3(4) has not been complied with, the Registrar shall disregard any claim for foreign priority.

(2) Where the examination mentioned in subsection (1) above shows that a patent application satisfies the requirements of section 3(1) and (3), the patent shall be granted as applied for without further examination and, in particular, without examination of the questions —

(a) whether the subject of the application is patentable under section 1,

(b) whether the description and claims satisfy the requirements of section 3(2), and

(c) whether a prior application, or an application benefiting from a foreign priority, has been made in Nigeria in respect of the same invention, and whether a patent has been granted as a result of such an application.

(3) Where the said examination shows that section 3(4) has been complied with as respects a claim for a foreign priority, the foreign priority claimed shall be mentioned in the patent.

(4) Patents are granted at the risk of the patentee and without guarantee of their validity.

5. — (1) A patent shall be granted by the issue to the patentee of a document containing —

(a) the number of the patent in the order of grant,

(b) the name and address of the patentee and, if that address is outside Nigeria, an address for service in Nigeria,

(c) the dates of the patent application and the grant,

(d) if foreign priority is claimed —

(i) an indication of the fact, and

(ii) the number and date of the application on which the claim is based and the name of the country where it was made,

(e) the description of the invention (with any relevant plans and drawings) and the claims, and

(f) where appropriate, the name and address of the true inventor.

(2) The Registrar shall maintain a Register of Patents which shall consist of duplicates of the documents issued under subsection (1) above, together with such further matter as is required by this Decree to be registered.

(3) As soon as may be after a patent has been granted under subsection (1) above, the Registrar shall cause to be published —

(a) a notification of the grant containing the details mentioned in paragraphs (a) to (f) of that subsection (except the description and the plans and drawings, if any), or

(b) if a summary form of notification is prescribed, a notification in that form.

6. — (1) A patent confers upon the patentee the right to preclude any other person from doing any of the following acts —

(a) where the patent has been granted in respect of a product, the act of making, importing, selling or using the product, or stocking it for the purpose of sale or use, and

(b) where the patent has been granted in respect of a process, the act of applying the process or doing, in respect of a product obtained directly by means of the process, any of the acts mentioned in paragraph (a) above.

(2) The scope of the protection conferred by a patent shall be determined by the terms of the claims; and the description (and the plans and drawings, if any) included in the patent shall be used to interpret the claims.

(3) The rights under a patent —

(a) shall extend only to acts done for industrial or commercial purposes, and

(b) shall not extend to acts done in respect of a product covered by the patent after the product has been lawfully sold in Nigeria, except in so far as the patent makes provision for a special application of the product, in which case the special application shall continue to be reserved to the patentee notwithstanding this paragraph.

(4) Where, at the date of the filing of a patent application in respect of a product or process or at the date of a foreign priority validly claimed in respect of the application, a person other than the applicant —

(a) was conducting an undertaking in Nigeria, and

(b) in good faith and for the purposes of the undertaking, was manufacturing the product or applying the process or had made serious preparations with a view to doing so, then, notwithstanding the grant of a patent, there shall exist a right (exercisable by the person for the time being conducting the undertaking, and not otherwise) to continue the manufacture or application, or to continue and complete the preparations and thereafter undertake the manufacture or application, as the case may be, and in respect of any resulting products to do any other act mentioned in subsection (1) above.

7. — (1) Subject to this Decree, a patent shall expire at the end of the twentieth year from the date of the filing of the relevant patent application.

(2) A patent shall lapse if the prescribed annual fees are not duly paid in respect of it:

Provided that —

(a) a period of grace of six months shall be allowed for the payment of the fees, and

(b) if the fees and any prescribed surcharge are paid within that period, the patent shall continue as if the fees had been duly paid.

(3) The expiration or lapse of a patent shall be registered and notified.

8. — (1) Subject to subsection (2) below, a patent may be surrendered by the patentee by written declaration addressed to the Registrar.

(2) The surrender of a patent —

(a) may relate to all or any of the claims made by the patent,

(b) subject to paragraph (d) below, shall be registered and notified,

(c) shall not be effective until it has been registered, and

(d) if it relates to a patent as to which a contractual licence or licence of right is registered, shall be registered only if it is accompanied by the written consent of the licensee.

9. — (1) Subject to this section, on the application of any person (including a public officer acting in the exercise of his functions) the court shall declare a patent null and void —

(a) if the subject of the patent is not patentable under section 1, or

(b) if the description of the invention or the claim does not conform with section 3(2), or

(c) if for the same invention a patent has been granted in Nigeria as the result of a prior application or an application benefiting from an earlier foreign priority.

(2) Subsection (1) above may apply to the whole of a patent or to any particular claim or claims made by it.

(3) For the purpose of disposing of an application under subsection (1) above, the court on the motion of the applicant or of its own motion may require the patentee of the relevant patent to produce in evidence any of the following —

(a) a list of any publications or earlier patents referred to in connection with a patent application made in respect of the same invention by the patentee to the appropriate authority in any country outside Nigeria,

(b) any proceedings relating to the patent application in question or any patent granted in pursuance of it, and

(c) any publications or patents mentioned in any report sent to the patentee by a governmental or inter-governmental research or investigation institute.

(4) Where a declaration is made under subsection (1) above —

(a) the patent in question shall be deemed to have been null and void since the date of its grant, so however that it shall not be necessary to repay royalties paid by any licensee unless the court so orders, and

(b) the proper officer of the court shall inform the Registrar, who shall register and notify the declaration.

(5) The court —

(a) shall not make a declaration under subsection (1) above without first giving the patentee an opportunity to be heard,

(b) in applying subsection (1) above, shall have regard only to the state of affairs existing when the proceedings were instituted, and

(c) shall dismiss an application under subsection (1) above if the applicant (not being a public officer) fails to satisfy the court that he has a material interest in making the application.

10. — (1) Subject to this section, if a patentee (not being precluded by the terms of any previously registered licence from granting a further licence) applies in writing to the Registrar for the words "licences of right" to be registered in respect of his patent, the Registrar shall enter the words accordingly in the Register and notify the entry.

(2) Where an entry is made under subsection (1) above in respect of a patent —

(a) any person has the right to obtain a licence to exploit the patent on such terms as, failing agreement between that person and the patentee, shall be fixed by the court on the application of that person, and

(b) the amount of the annual fees payable in respect of the patent shall be reduced by half, the reduction first taking effect in relation to the annual fees first payable after the date of the entry.

(3) A patentee may at any time apply to the Registrar for an entry under subsection (1) above to be cancelled; and, if no licences have been granted under this section or all the grantees agree, the Registrar shall thereupon cancel the entry and notify the cancellation, but only after payment of all annual or other fees which would have been payable if the entry had never been made.

(4) The grantee of a licence under this section is not entitled to assign the licence or grant further licences under it.

(5) Subsections (1)(b), (2)(a), (3) and (6) of section 23 apply in relation to licences granted under this section as they apply to licences and contracts under section 23.

11. — The provisions of Schedule 1 shall have effect in relation to compulsory licences and the use of patents for the service of government agencies.

Designs

12. — Any combination of lines or colours or both, and any three-dimensional form, whether or not associated with colours, is an industrial design if it is intended by the creator to be used as a model or pattern to be multiplied by industrial process and is not intended solely to obtain a technical result.

13. — (1) Subject to this section, an industrial design is registrable if —

(a) it is new, and

(b) it is not contrary to public order or morality.

(2) Where application is made for the registration of an industrial design, the design shall be presumed to be new at the time of the application except in so far as the following provisions of this section provide otherwise.

(3) An industrial design is not new if, before the date of application for registration, it has been made available to the public anywhere and at any time by means of description, use or in any other way, unless it is shown to the satisfaction of the Registrar that the creator of the design could not have known that it had been made so available.

(4) An industrial design shall not be deemed to have been made available to the public solely by reason of the fact that within the period of six months preceding the filing of the application for registration the creator has exhibited it in an official or officially recognised exhibition.

(5) An industrial design is not new merely because it differs in minor or inessential ways from an earlier design or concerns a type of product other than the type with which an earlier design is concerned.

14. — (1) Subject to this section, the right to registration of an industrial design is vested in the statutory creator, that is to say, the person who, whether or not he is the true creator, is the first to file, or validly to claim a foreign priority for, an application for registration of the design.

(2) The true creator is entitled to be named as such in the Register, and the entitlement in question shall not be modifiable by contract.

(3) If the essential elements of an application for the registration of an industrial design have been obtained by the purported applicant from the creation of another person without the consent of that other person both to the obtaining of those essential elements and to the filing of the application, all rights in the application and in any consequent registration shall be deemed to be transferred to that other person.

(4) Where an industrial design is created in the course of employment or in the execution of a contract for the performance of specified work, the ownership of the design is vested in the employer or, as the case may be, in the person who commissioned the work:

Provided that, where the creator is an employee, then, if his contract of employment does not require him to exercise

any creative activity but he has in creating the design used data or means that his employment has put at his disposal —

(a) he is entitled to fair remuneration taking into account his salary and the importance of the design which he has created, and

(b) the entitlement in question is not modifiable by contract and may be enforced by civil proceedings.

15. — (1) An application for the registration of an industrial design shall be made to the Registrar and —

(a) shall contain —

(i) a request for registration of the design,

(ii) the applicant's full name and address and, if that address is outside Nigeria, an address for service in Nigeria,

(iii) a specimen of the design or a photographic or graphic representation of the design with any printing block or other means of reproduction from which the representation was derived,

(iv) an indication of the kind of product (or, where a classification has been prescribed, the class of product) for which the design will be used, and

(v) such other matter as may be prescribed, and

(b) shall be accompanied by —

(i) the prescribed fee,

(ii) where appropriate, a declaration signed by the true creator requesting that he be named as such in the Register and giving his name and address, and

(iii) if the application is made by an agent, a signed power of attorney (so however that, notwithstanding any rule of law, legalisation or certification of the signature of the power of attorney shall be unnecessary).

(2) A single application may relate to any number of industrial designs not exceeding fifty, if the products to which the designs relate are of the same kind or, where a classification has been prescribed, of the same class.

(3) Where an applicant for the registration of an industrial design seeks to avail himself of a foreign priority in respect of an earlier application made in a country outside Nigeria —

(a) he shall append to his application under subsection (1) above a written declaration showing —

(i) the date and number of the earlier application,

(ii) the country in which the earlier application was made, and

(iii) the name of the person who made the earlier application, and

(b) not more than three months after the making of the application under subsection (1) above, he shall furnish the Registrar with a copy of the earlier application certified correct by the Industrial Property Office (or its equivalent) in the country where the earlier application was made.

16. — (1) The Registrar shall examine every application for registration of an industrial design as to its conformity with sections 13(1)(b) and 15, and —

(a) if the application fails in any respect to conform with section 13(1)(b) or 15(1) or (2), the Registrar shall reject the application, and

(b) if the application fails in any respect to conform with section 15(3), the Registrar shall disregard any claim for foreign priority.

(2) Where the examination mentioned in subsection (1) above shows that an application for the registration of an industrial design satisfies the requirements of sections 13(1)(b) and 15, the design shall be registered in accordance with the application without further examination and, in particular, without examination of the question whether the registration might be contrary to section 13(1)(a); and, where the said examination shows that section 15(3) has been complied with as respects a claim for foreign priority, the foreign priority claimed shall be recorded in the Register.

17. — (1) An industrial design shall be registered by the issue to the applicant of a registration certificate containing —

(a) the number of the design in order of registration,

(b) the name and address of the registered owner and, if that address is outside Nigeria, an address for service in Nigeria,

(c) the date of the application and of the issue of the registration certificate,

(d) if foreign priority is claimed —

(i) an indication of the fact, and

(ii) the number and date of the application on which the claim is based and the name of the country where the application was made,

(e) a reproduction or representation of the design and an indication of the kind (or, where a classification has been prescribed, the class) of products for which it will be used, and

(f) where appropriate, the name and address of the true creator.

(2) The Registrar shall maintain a Register of Industrial Designs which shall consist of duplicates of the registration certificates issued under subsection (1) above, together with such further matter as is required by this Decree to be registered.

(3) As soon as may be after a design has been registered under subsection (1) above, the Registrar shall cause to be published —

(a) a notification of the registration containing the details mentioned in paragraphs (a) to (f) of that subsection, or

(b) if a summary form of notification is prescribed, a notification in that form.

18. — (1) An applicant for the registration of an industrial design may ask for the design to be kept secret for a specified period not exceeding twelve months from the date of the application; and, where he does so, then, notwithstanding any other provision of this Decree —

(a) the specimen and other matters mentioned in section 15(1)(a)(iii) and (iv) shall be enclosed in a sealed package, which shall be opened by the Registrar —

(i) when the specified period has elapsed, or

(ii) if, before the specified period has elapsed, the applicant asks for the application to be converted into an open application, or

(iii) if the package is still sealed, at the expiration of twelve months after the date of the application,

(b) a provisional registration certificate shall be issued and a provisional notification published under section 17, each of which shall exclude the reproduction and other matters mentioned in section 17(1)(e),

(c) the said provisional registration certificate and provisional notification shall not confer any right to protection under section 25, and

(d) when the sealed package has been opened pursuant to paragraph (a) above, the Registrar shall proceed in accordance with sections 16 and 17 in so far as he has not already done so and, if authorised by those sections, shall issue a revised registration certificate and publish a revised notification which shall have the same effect as any other certificate issued or notification published under section 17.

(2) Notwithstanding subsection (1) above, a sealed package may be opened by the Registrar at any time on the direction of a court and shall be resealed when the court no longer requires it:

Provided that, if the time at which the package may be opened under subsection (1)(a) above arrives before the court has ceased to require it, the package shall be deemed to have been duly opened at that time and shall not be resealed.

19. — (1) Registration of an industrial design confers upon the registered owner the right to preclude any other person from doing any of the following acts —

(a) reproducing the design in the manufacture of a product,

(b) importing, selling or utilising for commercial purposes a product reproducing the design, and

(c) holding such a product for the purpose of selling it or of utilising it for commercial purposes.

(2) The reproduction of a registered industrial design is not lawful for the purposes of subsection (1) above merely because it differs in minor or inessential ways from the design or because it concerns a type of product other than the type with which the design is concerned.

(3) The rights conferred by this section —

(a) shall extend only to acts done for commercial or industrial purposes, and

(b) shall not extend to acts done in respect of a product incorporating a registered industrial design after the product has been lawfully sold in Nigeria.

20. — (1) Subject to this Decree, registration of an industrial design —

(a) shall be effective in the first instance for five years from the date of the application for registration, and

(b) on payment of the prescribed fee may be renewed for two further consecutive periods of five years.

(2) The fee mentioned in subsection (1)(b) above shall be paid within the twelve months immediately preceding the renewal period to which it relates:

Provided that —

(a) a period of grace of six months after the beginning of the renewal period shall be allowed for the payment of the fee, and

(b) if the fee and any prescribed surcharge are paid within that period, this subsection shall be deemed to have been complied with.

(3) The fact that the registration of an industrial design has ceased to be effective or has been renewed shall be registered and notified.

21. — (1) Subject to subsection (2) below, the registered owner of an industrial design may renounce the registration by a written declaration addressed to the Registrar.

(2) A renunciation under subsection (1) above —

(a) may be limited —

(i) to any particular kind or kinds or product, or

(ii) if a classification of products has been prescribed, to any particular class or classes of product, or

(iii) if the application for registration comprised several designs, to any one or more of those designs,

(b) subject to paragraph (d) below, shall be registered and notified,

(c) shall not be effective until it has been registered, and

(d) if it relates to a design as to which a contractual licence is registered, shall be registered only if —

(i) it is accompanied by the licensee's written consent to registration, or

(ii) the licensee has in the licence contract agreed that this paragraph shall not apply.

22. — (1) Subject to this section, on the application of any person (including a public officer acting in the exercise of his functions) the court shall declare the registration of an industrial design to be null and void —

(a) if the design, because of its failure to conform with section 13(1)(b), ought not to have been registered, or

(b) if the design fails to comply with section 13(1)(a) or 14.

(2) Where —

(a) a declaration under subsection (1) above relates to an application comprising several designs, and

(b) the grounds for making the declaration affect only some of those designs, the declaration shall apply only to the designs so affected.

(3) Where a declaration is made under subsection (1) above —

(a) the registration in question shall be deemed, to the extent specified in the declaration, to have been null and void ab initio, so however that it shall not be necessary to repay royalties paid by any licensee unless the court so orders, and

(b) the proper officer of the court shall inform the Registrar, who shall register and notify the declaration.

(4) The court —

(a) shall not make a declaration under subsection (1) above without first giving the design owner an opportunity to be heard,

(b) in applying subsection (1)(a) above, shall have regard only to the state of affairs existing when the proceedings were instituted, and

(c) shall dismiss an application under subsection (1) above if the applicant (not being a public officer) fails to satisfy the court that he has a material interest in making the application.

General

23. — (1) Subject to this section —

(a) a patentee or design owner may by a written contract signed by the parties grant a licence to any person to exploit the relevant invention or design, and

(b) in the absence of any provision to the contrary in the contract, the licensee shall be entitled to do anywhere in Nigeria in relation to the patent or design any of the acts mentioned in section 6 or 19, as the case may be.

(2) Where a licence is granted under subsection (1) above —

(a) the licence shall be registered, and shall be of no effect against third parties until registration is effected and the prescribed fee paid, and

(b) the registration shall be cancelled at the request of the licensor if the Registrar is satisfied that the licence has been terminated.

(3) Any clause in a contract for a licence under subsection (1) above is null and void in so far as it imposes on the licensee in the industrial or commercial field restrictions which do not derive from the rights conferred by the relevant patent or design or are unnecessary for the safeguarding of those rights:

Provided that —

(a) limitations concerning the scope, extent, territory or duration of the exploitation of the patent or design or the quality or quantity of the products in connection with which the patent or design may be exploited,

(b) obligations imposed on the licensee to abstain from all acts capable of prejudicing the validity of the patent or the validity of the registration of the design, and

(c) in the case of a patent, limitations justified by the interest of the licensor in the technically efficient exploitation of the subject of the patent, are not restrictions of the kind mentioned in this subsection.

(4) In the absence of any provision to the contrary in a contract for a licence under subsection (1) above —

(a) the grant of the licence shall not prevent the licensor from —

(i) granting further licences to other persons, or

(ii) himself exploiting the relevant patent or design,

(b) the licence shall not be assignable by the licensee, and

(c) the licensee shall not be entitled to grant further licences.

(5) Where a contract under subsection (1) above provides for a licensee to grant further licences, this section shall apply in relation to any such further licence as it applies in relation to licences granted under the said subsection (1).

(6) The Commissioner, if he is satisfied that it is in the interest of Nigeria and its economic development to do so, may by order in the Federal Gazette provide that contracts under subsection (1) above (or any specified class thereof) shall, in so far as they involve the payment of royalties outside Nigeria, be invalid without the approval of such authority as may be specified in the order.

24. — (1) Subject to this section, a person's rights in a patent application, in an application for the registration of a design, in a patent or in a registered design may be assigned, transferred by succession or held in joint ownership.

(2) An assignment under subsection (1) above shall be in writing and signed by the parties.

(3) An assignment or transfer by succession under subsection (1) above shall have no effect against third parties unless it has been registered and the prescribed fee paid.

(4) In the absence of any provision to the contrary among themselves, joint owners of a patent or registered design may separately transfer their shares, exploit the patented invention, utilise the registered design or exercise the rights conferred by section 6 or 19, as the case may be; but a licence under this Decree may not be granted by joint owners otherwise than jointly.

(5) Any reference (however expressed) in this Decree to an applicant for a patent, an applicant for the registration of a design, a patentee or a design owner includes, unless the context otherwise requires, a reference to any predecessors or successors in title and, where appropriate, to joint applicants, joint patentees or joint owners, as the case may be.

25. — (1) The rights of a patentee or design owner are infringed if another person, without the licence of the patentee or design owner, does or causes the doing of any act which that other person is precluded from doing under section 6 or 19, as the case may be.

(2) An infringement of the rights of a patentee or design owner is actionable at the suit of the patentee or design owner in question; and in any action for such an infringement all such relief by way of damages, injunction, accounts or otherwise shall be available to the plaintiff as is available in any corresponding proceedings in respect of the infringement of other proprietary rights.

(3) If —

(a) a patent has been granted in respect of a process for the manufacture of a new product, and

(b) the same product is manufactured by a person other than the patentee, the product shall in the absence of proof to the contrary be presumed to have been manufactured by that process.

(4) The grantee of a licence under this Decree from a patentee or design owner may by registered letter require the licensor to institute proceedings under subsection (1) above in

respect of any infringement indicated by the grantee in the letter; and, if the licensor unreasonably refuses or neglects to institute the proceedings, the licensee may institute them in his own name, without prejudice to the right of the licensor to intervene in the proceedings.

26. — (1) Jurisdiction to hear and dispose of legal proceedings under this Decree is hereby vested in the High Court of Lagos State and, subject to this Decree, the provisions of the Trade Marks Act 1965 applicable to legal proceedings under that Act shall apply with the necessary modifications to legal proceedings under this Decree.

(2) The court hearing proceedings under this Decree may sit with and be advised by two assessors having expert knowledge of matters of a technological or economic nature.

(3) The Chief Justice of Lagos State may make rules of court for the regulation of legal proceedings under this Decree if he thinks it necessary to do so.

27. — (1) The Commissioner may, with a view to the fulfilment of a treaty, convention or other international arrangement or agreement to which Nigeria is a party, declare by order in the Federal Gazette that any country specified in the order is a convention country for the purposes of this section.

(2) So long as there is in force an order under subsection (1) above declaring a country to be a convention country, a patent application or a design application in Nigeria, if an earlier corresponding application for the protection of an invention or the registration of a design has been made in that convention country, shall be treated as having been made on the date when that earlier application was made:

Provided that this subsection shall not apply where the earlier application was made —

(a) in the case of an invention, more than twelve months, or

(b) in the case of a design, more than six months, before the application in Nigeria.

(3) Where a person has applied for the protection of an invention or the registration of a design by an application which —

(a) in accordance with a treaty, convention or other international arrangement or agreement subsisting between any two or more convention countries is equivalent to an application duly made in any one of those convention countries, or

(b) in accordance with the law of any convention country is equivalent to an application duly made in that convention country,

he shall be deemed for the purposes of this Decree to have applied in each of those convention countries or in that convention country, as the case may be.

(4) Where a patent application or a design application is to be treated by virtue of subsection (2) above as having been made on the date of an earlier application in a convention country, that earlier date is referred to in this Decree as a foreign priority, and in this Decree the expression "foreign priority" shall be construed accordingly.

28. — (1) There shall be a Registrar of Patents and Designs, who shall be appointed by the Public Service Commission of the Federation.

(2) The Registrar may correct any clerical error in an entry in the Register, but before doing so shall give the person to whom the entry relates an opportunity to make representations.

(3) Any person —

(a) may consult the Register free of charge during the prescribed hours, and

(b) on payment of the prescribed fee, may obtain a copy of any entry in the Register.

(4) A copy of an entry in the Register sealed with the Registrar's seal shall be admissible as evidence of what is stated therein; and any document purporting to be such a copy shall be presumed, until the contrary is proved, to be what it purports to be.

(5) Any person aggrieved by a decision of the Registrar in the exercise of his functions under this Decree may appeal to the court.

(6) If the Commissioner so directs, the Registrar shall from time to time publish a journal to be known as the Patents and Designs Journal in which shall be published all such matters as are required by this Decree to be published or notified and such other matters relating to patents and designs as the Registrar thinks fit:

Provided that, if there is no such direction in force, any matter required by this Decree to be published or notified shall be published by the Registrar in the Federal Gazette.

(7) Subject to this Decree and any rules made under section 30(b), the Registrar shall maintain and make entries in the Register in whatever manner appears to him to be most suitable and convenient.

29. — Subject to Part II of Schedule 1, a patent or registered design has the same effect against the state as against an individual.

30. — (1) The Commissioner may make rules —

(a) prescribing anything requiring to be prescribed for the purposes of this Decree, (including summary forms of notification of the grant of a patent and the registration of a design, and classifications of products to which designs relate),

(b) regulating the manner in which the Registrar shall maintain and make entries in the Register, and

(c) containing such administrative or procedural provisions as appear to him to be necessary or expedient in order to facilitate the operation of this Decree.

(2) The Federal Commissioner for Industries with the approval of the Federal Executive Council may make rules establishing schemes to encourage inventive activity; and, without prejudice to the generality of the foregoing, any such scheme may include provision for the payment of grants to persons who have discovered or perfected, or appear to have reasonable prospects of discovering or perfecting, important

inventions which cannot be further developed for financial reasons.

31. — (1) The Registration of United Kingdom Patents Act, the United Kingdom Designs (Protection) Act, the Patent Rights (Limitation) Decree 1968 and (in so far as they are in force in Nigeria) the Patents Act 1949 of the United Kingdom and amendments thereof are hereby repealed.

(2) The transitional and saving provisions in Schedule 2 shall have effect notwithstanding subsection (1) above or any other provision of this Decree.

32. — (1) In this Decree, unless the context otherwise requires —

“Commissioner”, except in Part II of Schedule 1, means the Federal Commissioner for Trade;

“court” means the High Court of Lagos State;

“design” means an industrial design;

“design application” means an application for the registration of an industrial design;

“design owner” means the registered owner of an industrial design;

“foreign priority” has the meaning assigned by section 27;

“import” means import into Nigeria;

“patent application” means an application for the grant of a patent;

“patentee” means a person to whom a patent has been granted;

“Register” means the Register of Patents, the Register of Industrial Designs, or both, as the case may require;

“Registrar” means the Registrar of Patents and Designs.

(2) In this Decree, unless the context otherwise requires, a reference to a numbered section or schedule is a reference to the section or schedule so numbered in this Decree.

33. — (1) This Decree may be cited as the Patents and Designs Decree 1970 and shall apply throughout the Federation.

(2) This Decree shall come into force on a date to be appointed by the Commissioner by order in the Federal Gazette¹.

SCHEDULES

Schedule 1

Compulsory Licences and Use of Patents for Service of Government Agencies

Part I — Compulsory Licences

1. Subject to this Part, at any time after the expiration of a period of four years after the filing of a patent application or three years after the grant of a patent, whichever period last expires, a person may apply to the court for the grant

¹ The Decree entered into force on December 1, 1971.

of a compulsory licence on one or more of the following grounds —

(a) that the patented invention, being capable of being worked in Nigeria, has not been so worked,

(b) that the existing degree of working of the patented invention in Nigeria does not meet on reasonable terms the demand for the product,

(c) that the working of the patented invention in Nigeria is being hindered or prevented by the importation of the patented article, and

(d) that, by reason of the refusal of the patentee to grant licences on reasonable terms, the establishment or development of industrial or commercial activities in Nigeria is unfairly and substantially prejudiced.

2. If an invention protected by a patent in Nigeria cannot be worked without infringing rights derived from a patent granted on an earlier application or benefiting from an earlier foreign priority, a compulsory licence may be granted to the patentee of the later patent to the extent necessary for the working of his invention if the invention —

(a) serves industrial purposes different from those served by the invention which is the subject of the earlier patent, or

(b) constitutes substantial technical progress in relation to that last-mentioned invention.

3. If the two inventions mentioned in paragraph 2 above serve the same industrial purposes, a compulsory licence may be granted under that paragraph only on condition that a compulsory licence shall also be granted in respect of the later patent to the patentee of the earlier patent, if he so requests.

4. A compulsory licence shall not be granted in respect of a patent if the patentee satisfies the court that his actions in relation to the patented invention are justifiable in the circumstances, but he shall not be held to have so satisfied the court if he merely shows that the patented article is freely available for importation.

5. A compulsory licence shall not be granted unless the applicant —

(a) satisfies the court that he has asked the patentee for a contractual licence but has been unable to obtain such a licence on reasonable terms and within a reasonable time, and

(b) offers guarantees satisfactory to the court to work the relevant invention sufficiently to remedy the deficiencies (or to satisfy the requirements) which gave rise to his application.

6. A compulsory licence —

(a) entitles the licensee to do any act mentioned in section 6 except importation,

(b) does not entitle the licensee to grant further licences,

(c) shall be non-exclusive, and

(d) may contain additional obligations and restrictions as regards both the licensee and the patentee.

7. A compulsory licence may be transferred only with the industrial undertaking in which the relevant invention is used, and no such transfer shall be valid until the consent of the court has been obtained.

8. On hearing an application for a compulsory licence, the court shall first decide whether a compulsory licence may be

granted and shall then, if it decides in favour of the grant and the parties cannot agree on the terms, proceed to fix the terms (including adequate royalties having regard to the extent to which the relevant invention is to be worked) which shall be deemed to constitute a valid contract between the parties.

9. On the application of the patentee, the court may cancel a compulsory licence if —

(a) the licensee fails to comply with the terms of the licence, or

(b) the conditions which justified the grant of the licence have ceased to exist,

so however that in the latter case a reasonable time shall be given to the licensee to cease working the relevant invention if an immediate cessation would cause him to suffer substantial damage.

10. On the application of the patentee or licensee, the court may vary the terms of a compulsory licence if new facts justify the variation, and in particular (without prejudice to the generality of the foregoing) if the patentee has granted contractual licences on more favourable terms.

11. Where the court grants, cancels or varies the terms of a compulsory licence —

(a) the proper officer of the court shall inform the Registrar, who shall register the grant, cancellation or variation without fee, and

(b) the grant, cancellation or variation shall have no effect as against third parties until it has been registered.

12. A representative of the Commissioner shall have the right to appear and be heard at the hearing of an application for a compulsory licence.

13. The Commissioner by order in the Federal Gazette may provide that, for certain patented products and processes (or for certain categories thereof) declared by the order to be of vital importance for the defence or the economy of Nigeria or for public health, compulsory licences may be granted before the expiration of the period mentioned in paragraph 1 above and may permit importation.

14. For the purposes of this Part, references to the working of a patented invention are to be construed as references to —

(a) the manufacture of a patented article, or

(b) the application of a patented process, or

(c) the use in manufacture of a patented machine,

by an effective and serious establishment existing in Nigeria on a scale which is adequate and reasonable in the circumstances.

Part II — Use of Patents for Service of Government Agencies

15. Notwithstanding anything in this Decree, where a Commissioner is satisfied that it is in the public interest to do so, he may authorise any person to purchase, make, exercise or vend any patented article or invention for the service of a government agency in the Federal Republic.

16. The authority of a Commissioner under paragraph 15 above may be given —

(a) before or after the relevant patent has been granted,
 (b) before or after the doing of the acts in respect of which the authority is given, and

(c) to any person whether or not he is authorised directly or indirectly by the patentee to make, use, exercise or vend the relevant article or invention.

17. Paragraphs 15 and 16 above shall have effect so as to exempt —

(a) the Government,

(b) any person authorised under those paragraphs,

(c) any supplier of the Government or of any such person, and

(d) any agent of any such supplier, from liability for the infringement of any patent relating to the relevant article or invention and from liability to make any payment to the patentee by way of royalty or otherwise.

18. Where any act is done in respect of an article on the authority of a Commissioner under paragraph 15 above, then, unless it appears to the Commissioner that it would be contrary to the public interest to do so, the Ministry concerned with the act shall furnish the patentee with such information as to the extent of the act as the patentee may from time to time require.

19. The provisions of any licence, assignment or agreement made before or after the commencement of this Decree between a patentee and any person other than the Government or a Ministry shall be of no effect in so far as those provisions restrict or regulate the use of a patented article or invention or provide for the making of payments in respect of any such use, or are calculated by reference thereto.

20. During any period of emergency the powers exercisable in relation to a patented article or invention on the authority of a Commissioner under paragraph 15 above shall include power to purchase, make, use, exercise and vend the article or invention for any purpose which appears to the Commissioner necessary or expedient —

(a) for the efficient prosecution of any war in which the Federal Republic may be engaged, or

(b) for the maintenance of supplies and services essential to the life of the community, or

(c) for securing a sufficiency of supplies and services essential to the well-being of the community, or

(d) for promoting the productivity of industry, commerce and agriculture, or

(e) for fostering and directing exports and reducing imports (or any class or classes of imports) from all or any countries and for redressing the balance of trade, or

(f) generally for ensuring that the whole resources of the community are available for use, and are used, in a manner best calculated to serve the interests of the community.

21. Where a patented article is purchased, made, used, exercised or vended by or on behalf of a government agency, the benefit of this Part shall extend to the agency and to persons acting in any capacity on its behalf.

22. This Part shall apply to a patented article forfeited under any law relating to customs and excise; and, on any

such forfeiture, the Government may use or sell the article as if it had been imported for the use of a government agency in Nigeria.

23. In this Part, unless the context otherwise requires —
 “articles” includes —

(a) any drugs or pharmaceutical preparations, substances or materials, and

(b) any plant, machinery or apparatus, whether fixed to the land or not after importation, patented under the law of a country other than Nigeria.

“Commissioner” means a Federal or State Commissioner;

“export” means export from Nigeria;

“Federal Republic” means the Federal Republic of Nigeria, and includes any State of the Federation;

“Government” means the Federal Military Government, and includes the Military Governor or Administrator of any State of the Federation;

“government agency” means any Federal or State Ministry or Department of Government, and includes —

(a) a voluntary agency hospital, that is to say, any hospital in Nigeria (not being a hospital operated by the Government) which is wholly or partly maintained by the Federation or a State by way of grant in aid or otherwise,

(b) a local authority, that is to say, any administration, council or other authority exercising limited governmental powers in a defined area within a State,

(c) a statutory corporation, that is to say, a body corporate directly established by law to which in the performance of its functions the Government or a Commissioner is empowered by law to give directions, and

(d) any company which is owned or controlled by the Government;

“Ministry” means a Federal or State Ministry or Department of Government;

“period of emergency” means any period of emergency however declared or notified by or on behalf of the Government or any successor Government;

“person” includes the Government or a Ministry;

“war” includes civil war.

Schedule 2

Transitional and Saving Provisions

1. The person who, immediately before the commencement of this Decree, was Registrar of Patents under the former patents law shall on the commencement of this Decree become Registrar of Patents and Designs for the purposes of this Decree.

2. Where a patent has been registered in Nigeria under the former patent law and the privileges and rights conferred by the registration were effective immediately before the commencement of this Decree, then —

(a) subject to the following sub-paragraphs, the patent shall be treated in Nigeria as if it had been granted under this Decree,

(b) the patent shall expire as regards Nigeria when those privileges and rights would have expired if this Decree had not been made,

(c) the certificate of registration shall be admissible as prima facie evidence of the date and fact of registration, and

(d) an action for infringement shall lie under this Decree only if the alleged infringement occurred on or after the commencement of this Decree, and in any other case may be instituted and disposed of as if this Decree had not been made.

3. So far as is necessary for the purposes of paragraph 2 above, the register of patents under the former patent law shall be maintained as nearly as may be, and shall be regarded and dealt with, as if it were part of the Register under this Decree.

4. Where immediately before the commencement of this Decree any person enjoyed any privileges or rights in respect of a design by virtue of the United Kingdom Designs (Protection) Act —

(a) that person shall continue to enjoy those privileges and rights for twelve months after the commencement of this Decree or, if he applies within those twelve months for registration of the design under this Decree, until the application is disposed of,

(b) at the end of the said twelve months or on the disposal of the said application, as the case may be, those privileges and rights shall cease to exist, and

(c) so long as that person continues to enjoy those privileges and rights, no other person shall have any right to registration of the design under this Decree.

5. Any authorisation given under the Patent Rights (Limitation) Decree 1968 shall, if it was still effective immediately before the commencement of this Decree, be deemed to have been given under Part II of Schedule 1 and shall continue in force accordingly.

6. The Patents (Fees) Regulations 1961 shall as far as may be —

(a) apply in relation to patents under this Decree as they applied in relation to patents under the former patent law, and

(b) apply in relation to designs under this Decree as they apply in relation to patents under this Decree, and may be amended or revoked by rules made under section 30.

7. Within twelve months after the commencement of this Decree the Commissioner may by order in the Federal Gazette make any further transitional or saving provisions (not inconsistent with this Schedule) which appear to him to be necessary or desirable.

8. In this Schedule "the former patents law" means the Registration of United Kingdom Patents Act.

II

Patents and Designs (Additional Transitional and Saving Provisions) Order 1972

(Commencement: November 27, 1972)

1. — (1) All pending applications for the registration of United Kingdom patents made before the commencement of the Patents and Designs Decree 1970 (hereinafter referred to as "the Decree") shall be dealt with in accordance with the former patents law.

(2) Where immediately before the commencement of the Decree, any patent application —

(a) was pending in the United Kingdom; or

(b) had resulted in the granting of a patent which had not been registered in Nigeria under the former patents law, then, if application therefor is made within six months from the commencement of this order, the patent shall, subject to section 27 of the Decree (which deals with foreign priority), be registrable in Nigeria under the Decree.

2. — In this Order, except where the context otherwise requires, expressions used have the same meanings as in the Decree.

3. — This order may be cited as the Patents and Designs (Additional Transitional and Saving Provisions) Order 1972.

BOOK REVIEWS

Selection of New Publications

- BITZI (Bruno). *Der Familienname als Marke*. Berne, Herbert Lang; Frankfurt/Main, Peter Lang, 1972. - 134 p.
- BUSSE (Rudolf), ALTHAMMER (Werner), KAUBE (Gernot). *Patentgesetz und Gebrauchsmustergesetz. 4. Auflage*. Berlin, New York, Walter de Gruyter, 1972. - 1024 p.
- DUTTWEILER INSTITUTE. *The Why and How of Licensing*. Proceedings of a Study Conference at the Gottlieb Duttweiler Institute (May 1972) — lectures in English, French or German. Rüslikon/Zurich, 1972. - 346 p.
- EISHOLD (Karl-Hans). *Der Verbrauch der Warenzeichenrechte*. Faculty of Law, Würzburg University, 1972. - 155 p.
- FINKEL (N. K.), DEGTAREV (V. M.), TYTSKAIA (G. I.), under the supervision of Mr. M.M. Boguslavski. *Izobretatelskoe i patentnoe pravo stran mira*. Moscow, CNIPI, 1972. - 151 p.
- GORODISSKII (N. Z.). *Litsenzii vo vneschnei torgovle SSSR*. Moscow, M. Mejdunarodnie Otnosheniye, 1972. - 200 p.
- KRAFT (Alfons). *Patent und Wettbewerb in der Bundesrepublik Deutschland*. Cologne, Berlin, Bonn, Munich, Carl Heymanns Verlag KG, 1972. - 102 p.
- KRASSER (Rudolf). *Der Schutz von Preis- und Vertriebsbindungen gegenüber Aussenseitern*. Cologne, Berlin, Bonn, Munich, Carl Heymanns Verlag KG, 1972. - 349 p.
- MÜLLER (Dieter). *Zum Begriffe der Erfindungshöhe im Patent- und Gebrauchsmusterrecht*. Cologne University, 1968. - 81 p.

November 5 to 9, 1973 (Geneva) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee

November 14 to 16, 1973 (Geneva) — ICIREPAT — Plenary Committee (PLC)

November 19 to 27, 1973 (Geneva) — Administrative Bodies of WIPO (General Assembly, Conference, Coordination Committee) and of the Paris, Berne, Madrid, Nice and Locarno Unions (Assemblies, Conferences of Representatives, Executive Committees)

Invitations: States members of WIPO, or of the Paris or Berne Union — *Observers:* Other States members of the United Nations or of a Specialized Agency; intergovernmental and international non-governmental organizations concerned

November 26 and 27, 1973 (Geneva) — Lisbon Union — Council

Members: States members of the Lisbon Union — *Observers:* Other States members of the Paris Union

November 28 to 30, 1973 (Geneva) — Working Group on Scientific Discoveries

December 3, 4 and 11, 1973 (Paris) — International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations — Intergovernmental Committee

Note: Meeting convened jointly with the International Labour Organisation and Unesco

December 3 to 7, 1973 (Geneva) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee

December 3 to 7, 1973 (Geneva) — ICIREPAT — Technical Committee for Shared Systems (TCSS)

December 5 to 11, 1973 (Paris) — Executive Committee of the Berne Union — Extraordinary Session

Note: Some meetings will be joint with the Intergovernmental Copyright Committee established by the Universal Copyright Convention

December 10 to 14, 1973 (Paris) — ICIREPAT — Technical Committee for Standardization (TCST)

December 17 to 21, 1973 (Geneva) — Working Group for the Mechanization of Trademark Searches

Object: Report and recommendations to a Committee of Experts on mechanized trademark searches — *Invitations:* Australia, Austria, Belgium, Canada, France, Germany (Federal Republic of), Ireland, Japan, Luxembourg, Netherlands, Soviet Union, Spain, Sweden, United Kingdom, United States of America — *Observers:* Colombia, Benelux Trademark Office

UPOV Meetings

June 5 to 7, 1973 (Avignon) — Technical Working Party for Vegetables

June 13 and 14, 1973 (Lund) — Technical Working Party for Ornamental Plants

June 21 and 22, 1973 (Geneva) — Fee Harmonization Working Party

October 9, 1973 (Geneva) — Consultative Working Committee

October 10 to 12, 1973 (Geneva) — Council

Meetings of Other International Organizations concerned with Intellectual Property

June 25 to 27, 1973 (Rijswijk) — International Patent Institute — Administrative Council

June 26 to July 7, 1973 (Washington) — Organization of American States — Committee of Governmental Experts on Industrial Property and Technology Applied to Development

September 10 to 14, 1973 (Stockholm) — International Federation of Actors — Congress

September 10 to October 6, 1973 (Munich) — Munich Diplomatic Conference for the Setting Up of a European System for the Grant of Patents, 1973

September 24 to 28, 1973 (Budapest) — International Association for the Protection of Industrial Property — Symposium

October 28 to November 3, 1973 (Jerusalem) — International Writers Guild — Congress

December 10 to 14, 1973 (Brussels) — European Economic Community — "Community Patent" Working Party