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INTERNATIONAL UNIONS

Madrid Union

Regulations Under the Madrid Agreement Concerning the International Registration of Marks

(of June 21, 1974) *

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* Translation prepared by the International Bureau.

Preamble

The Assembly of the Special Union for the International Registration of Marks, in accordance with Article 10(2)(a)(iii) of the Madrid Agreement Concerning the International Registration of Marks, as revised at Stockholm on July 14, 1967,

and

The Committee of Directors of National Industrial Property Offices of the Special Union for the International Registration of Marks, in accordance with Article 10(4) of the Madrid Agreement Concerning the International Registration of Trademarks, as revised at Nice on June 15, 1957,

Meeting at Geneva in joint extraordinary sessions from June 17 to 21, 1974,

Unanimously adopt these Regulations Under the Madrid Agreement Concerning the International Registration of Marks.

CHAPTER 1

General Provisions

Rule 1

National Office

(1) Applications for the international registration of a mark or requests for the recording of any change affecting such registration shall be addressed to the International Bureau through the intermediary of the Office of the country of origin or of the Office of the country of the owner of the mark according to the areas of competence laid down by the Agreement.

(2) Any correspondence regarding the application or the request shall be addressed by the International Bureau to the national Office, which shall reply to such correspondence.

(3) The required fees shall be payable directly by the parties concerned unless national regulations prescribe or permit such payment through the national Office; if the required fees are paid directly by the parties concerned, the International Bureau shall correspond directly with them in respect of the payment of such fees.

(4) Where the signature of the national Office is required under these Regulations, a facsimile or official seal may replace such signature.

(5) Any envelope containing more than one document shall include a check list identifying each document.

Rule 2

Language

(1) For the purposes of the implementation of the Agreement, the working language of the International Bureau shall be French.

(2) In particular, applications for registration, requests for the recording of any change affecting the registration, correspondence regarding such applications and requests, and information provided by the International Bureau on the state of the International Register, particularly extracts from that Register and replies to requests for searches for anticipation, shall be in French.

Rule 3

Calculation of Time Limits

(1) For the International Bureau, any period expressed in months shall start to run from the day on which the relevant event takes place and shall expire in the relevant subsequent month on the day whose date corresponds to the day from which the period starts to run, provided that, if the relevant subsequent month has no corresponding day, the period shall expire on the last day of that month.

(2) If a communication or payment is required to reach the International Bureau within a given period the last day of which falls on a Saturday, a Sunday or some other day on which the International Bureau is not open to receive such communications or payments, the period shall be extended until the next subsequent day on which none of the said circumstances obtains.

(3) The International Bureau shall in all cases indicate the date of expiration of the time limits allowed.

CHAPTER 2

Applications for Registration

Rule 4

Form and Contents of the Application

(1) The application for registration shall be presented in two copies, dated and signed by the national Office, on the form supplied free of charge by the International Bureau.

(2) The application shall contain or indicate:

- (a) the name of the applicant;
- (b) the address of the applicant; if more than one address is given, the address to be used for correspondence shall be indicated;
- (c) if the applicant's address indicates a country other than the country of origin, the reason for which the latter country should be considered the country of origin;
- (d) the name and address of the agent, if any;
- (e) the dates and numbers of the filing and registration of the mark in the country of origin;
- (f) where appropriate, a statement that the filing under (e) or any other filing in another country of the Paris Union indicated by the applicant is declared by the applicant to be a first filing within the meaning of Article 4 of the Paris Convention for the Protection of Industrial Property;
- (g) a reproduction of the mark in black and white and, if the application contains a claim in respect of color, a reproduction of the mark in color and an indication of the color or colors claimed;

- (h) if the mark is composed of a three-dimensional shape, the notice "three-dimensional mark";
- (i) if the mark contains matter in a language or in script with which the International Bureau is insufficiently familiar, a translation thereof in French or a transliteration in Latin script;
- (k) where appropriate, the notice "collective mark";
- (l) the goods and services to which the mark is applied, grouped in the order of the classes of the International Classification and designated in precise terms, preferably in accordance with the terminology of the alphabetical list of that Classification;
- (m) the date on which the national Office has received the application for international registration; the said date shall be the date of national registration if the national Office received the application for international registration before the mark was recorded in the national register;
- (n) the countries in respect of which protection is requested under Article 3^{ter}(1) of the Agreement;
- (o) the period, of either twenty or ten years, for which the basic fee is paid, in accordance with Rule 6(1);
- (p) the amount, method and date of payment of the basic fee, the party paying that fee and, where appropriate, the supplementary fee and the complementary fee indicated in Rule 27(1)(a);
- (q) a declaration by the national Office of the country of origin, stating that the mark has been recorded in the national register in the name of the person and in respect of the goods and services indicated under (a) and (l) above.

(3) The application may also contain:

- (a) a declaration by the national Office to the effect that the applicant has submitted to it evidence of his right to use certain elements in the mark, such as those referred to in Article 5^{bis} of the Agreement;
- (b) if the application relates to a mark in respect of which one or more international registrations have already been made, the dates and numbers of such registrations;
- (c) the additional indications which are recorded in the national register and which define the constituent elements of the mark.

Rule 5

Documents Accompanying the Application

(1) If the mark includes a figurative element or if the applicant intends to have a word mark registered in a special form of writing, the application shall be accompanied by:

- (i) either a printing block, without base, which will permit the mark to be clearly reproduced in all its details, and which must fit into a square measuring 80 millimeters by 80 millimeters; the distance between the two points of the block that are farthest from each other must not be less than 15 millimeters; the block shall not be returned to the applicant;

(ii) or an additional reproduction of the mark, exempt from any overwriting, together with the fee for establishing the block indicated in Rule 27(1)(b).

(2) If the application includes a claim in respect of color, it shall be accompanied by forty reproductions of the mark in color, in addition to that contained in the application; if the mark is comprised of several separate parts, these various elements shall, in the case of each of the forty reproductions, be collected together and pasted on a sheet of paper of not more than 297 millimeters in height and 210 millimeters in breadth (A4 format).

(3) By means of a separate communication attached to the application, the national Office may indicate that the applicant renounces protection in one or more countries in respect of all or some only of the goods and services indicated in the application.

Rule 6

Fees Accompanying the Application and Payment of the Balance of the Fee

(1) The application shall be accompanied by the fees indicated in Rule 27(1)(a); the basic fee may be paid for twenty years or for a first period of ten years.

(2) If the basic fee has been paid only for a first period of ten years, the balance of the fee, the amount of which is indicated in Rule 27(1)(a)(iii), shall be payable to the International Bureau before the expiration of a period of ten years from the date of international registration.

(3) If the balance of the fee is not paid before the expiration of the period of ten years, the owner shall forfeit the benefits of registration and the registration shall be cancelled, unless the International Bureau is in possession of the balance of the fee and the surcharge fixed in Rule 27(1)(e) within six months from the date of expiration of the period of ten years.

CHAPTER 3

Irregular Applications

Rule 7

General Provisions

(1) If the application for registration does not comply with the Agreement or these Regulations, the International Bureau shall defer registration and notify the national Office accordingly; if, in the case of payment of the required fees, such payment is not made through the intermediary of the national Office, the applicant or his agent shall be invited to put the application in order.

(2) If the application is not put in order within three months from the date of the notification referred to in paragraph (1), the International Bureau shall allow a further period of three months for the said application to be put in order; it shall notify the applicant or his agent, as well as the national Office.

(3) If the application is not put in order within the period allowed under paragraph (2), it shall be considered abandoned and any fees already paid shall be reimbursed.

(4) Paragraphs (1) to (3) shall apply subject to Rules 8 and 9.

Rule 8

Classification of Goods and Services

(1) If the goods and services are not classified or grouped in classes, or if the International Bureau considers the classification indicated to be incorrect or the indication of goods and services too vague, it shall submit its proposals for classification to the national Office, unless the national Office waives this faculty. If, as a result of the said proposals, payment of the supplementary fee indicated in Rule 27(1)(a)(iv) is due, the International Bureau shall inform the applicant or his agent, or the national Office if the required fees have been paid through the intermediary of that Office.

(2) In the cases referred to in paragraph (1), the International Bureau shall further notify the applicant or his agent, or the national Office if the required fees have been paid through the intermediary of that Office, that a classification fee is payable, the amount of which is fixed in Rule 27(1)(c).

(3) The supplementary fee and the classification fee shall be paid within a period of three months from the date of the International Bureau's proposals.

(4) If, by the expiration of the period referred to in paragraph (3), the International Bureau has not received any contrary opinion with regard to its proposals, and if the supplementary fee and the classification fee have been paid within the same period, it shall register the mark with the classification it has proposed, subject to Rule 7.

(5) If a contrary opinion is received within the period referred to in paragraph (3), the International Bureau may either make further proposals, if the said period permits, or, if the supplementary fee and the classification fee have been paid within that period, register the mark with the classification it considers appropriate, subject to Rule 7.

(6) If the supplementary fee is not paid within the period referred to in paragraph (3), the application shall be considered abandoned and any fees already paid shall be reimbursed.

(7) Notwithstanding paragraph (3), Rule 7(2) and (3) shall apply, *mutatis mutandis*, if the classification fee has not been paid by the expiration of the period referred to in paragraph (3).

Rule 9

Incomprehensible Terms

If the International Bureau finds that any term in the list of goods and services is incomprehensible, it shall notify the national Office and allow it a period of three months from the date of the notification to submit either arguments to the effect that the term is comprehensible or a request that

the incomprehensible term be deleted. If, on the basis of the said arguments or other considerations, the International Bureau finds that the term is comprehensible, it shall treat it according to its comprehended meaning. Otherwise the International Bureau shall register the mark with the incomprehensible term, provided that the national Office has indicated the class in which that term should be classified, and shall indicate that in its view the said term is incomprehensible. If no class has been indicated by the national Office, the International Bureau shall delete the said term *ex officio*.

CHAPTER 4

Registration

Rule 10

Contents of the Register

(1) The International Bureau shall register the mark with the following indications:

- (a) the date of the registration;
- (b) the date on which the mark was effectively recorded in the International Register;
- (c) the period of twenty or ten years for which the basic fee has been paid;
- (d) the serial number of the registration;
- (e) the name and address of the owner of the mark; if more than one address is given, the address to be used for correspondence;
- (f) if the address indicates a country other than the country of origin, the reason for which the latter country should be considered the country of origin;
- (g) a reproduction of the mark and, where applicable, an indication of the color or colors claimed or the notice "three-dimensional mark";
- (h) where applicable, a translation in French or a transliteration in Latin script of matter referred to in Rule 4(2)(i);
- (i) where applicable, the notice "collective mark";
- (k) the goods and services to which the mark is applied, grouped according to the classes of the International Classification;
- (l) the country of origin, the dates and serial numbers of the filing and registration of the mark in that country on the date of the application for international registration and, where applicable, a statement that that filing or any other filing made in another country of the Paris Union indicated by the applicant is declared by the applicant to be a first filing within the meaning of Article 4 of the Paris Convention;
- (m) the countries in respect of which protection is requested and, where appropriate, any renunciation of protection communicated under Rule 5(3);
- (n) the International Bureau's entries for administrative purposes.

(2) The Register shall, where applicable, contain the optional indications referred to in Rule 4(3).

(3) Indications concerning the agent shall be entered in the file of the international registration.

Rule 11

Date of the International Registration

(1) The international registration shall bear the date of the day on which the International Bureau is in possession of an application complying with the Agreement and these Regulations.

(2) However:

- (a) the international registration shall bear the date of the day on which the Office of the country of origin received the application for international registration if, within two months after that date, the International Bureau is in possession of that application and if the said application complies with the Agreement and these Regulations;
- (b) where the national Office received the application for international registration before the mark is recorded in the national register, the international registration shall bear the date of such recording, if, within two months after that date, the International Bureau is in possession of that application and if the said application complies with the Agreement and these Regulations;
- (c) where the application is irregular in respect of the classification of goods and services, the date of the international registration shall not be affected if the classification fee and, where applicable, the supplementary fee have been paid within the period of three months referred to in Rule 8(3);
- (d) where Rule 9 applies, the date of the international registration shall not be affected.

CHAPTER 5

Refusals and Invalidations

Rule 12

Form and Contents of Notifications of Refusal and Decisions Following Refusal

(1) Notifications of refusal of protection, whether provisional or final, and of final decisions following such refusal shall be sent to the International Bureau, by registered mail, separately for each mark, in three identical, signed copies.

(2) Notifications of refusal of protection shall indicate:

- (a) the Office refusing protection;
- (b) the number of the international registration concerned and that of the basic national registration;
- (c) the name and address of the owner of the international registration concerned;
- (d) the grounds for refusal;
- (e) if the refusal does not affect all the goods and services, those in respect of which protection is refused;
- (f) the earlier national or international mark or marks opposing the international registration concerned, the goods and services for which those marks are registered (such indication may be made in the original language used in the national register), the registration dates and numbers of the conflicting marks and the names and

addresses of their owners; a reproduction of the conflicting national marks shall be attached to each copy of the notification if they contain a figurative element or a special form of writing;

- (g) the essential provisions of the national law applicable on the subject;
- (h) the time limit for appeal and the authority to which such appeal shall lie, with the indication, where applicable, that the appeal has to be filed through the intermediary of a local agent;
- (i) the date on which refusal was pronounced.

(3) Notifications of final decisions following refusal shall indicate the number and date of the international registration concerned, as well as the name and address of the person in whose name such registration stands.

Rule 13

Time Limit for Notification, Recording and Transmittal of Refusal

(1) Notifications of refusal of protection shall be sent to the International Bureau within the time limit provided for by the national law, but not later than by the expiration of a time limit of one year following the date on which the mark or the request for territorial extension has been recorded in the International Register; the date of dispatch shall be determined by the postmark. If the postmark is illegible or missing, the International Bureau shall treat such notification as if it had been sent twenty days before the date on which the International Bureau received it; however, if the date of dispatch thus determined is earlier than the date on which the refusal was pronounced, the International Bureau shall treat such notification as if it had been sent on the latter date.

(2) The notification of refusal shall not be treated as such by the International Bureau:

- (i) if, according to the postmark, it has been sent to the International Bureau after the expiration of the time limit of one year referred to in paragraph (1);
- (ii) if, where the postmark is illegible or missing, it reaches the International Bureau more than twenty days after the expiration of the time limit of one year referred to in paragraph (1);
- (iii) if it does not identify the Office which pronounced the refusal;
- (iv) if it does not bear the signature of the said Office;
- (v) if it does not indicate the number of the international registration concerned, unless other indications contained in the notification permit the said registration to be identified;
- (vi) if it indicates no grounds for refusal.

(3) In the cases referred to in paragraph (2), the International Bureau shall:

- (i) transmit a copy of the notification of refusal to the Office of the country of origin and to the owner of the mark or his agent;
- (ii) inform the Office which sent the notification of refusal, the Office of the country of origin and the owner of

the mark or his agent that the notification of refusal shall not be treated as such by the International Bureau, and indicate the reasons therefor.

(4) In cases other than those referred to in paragraph (2), the International Bureau shall record the refusal in the International Register without delay and shall transmit a copy of the notification to the Office of the country of origin and to the owner of the mark or his agent. However, if the notification does not comply with Rule 12(1) and (2) in respect of requirements not specified in paragraph (2) of this Rule, the Office which pronounced the refusal shall be obliged to rectify the notification without delay at the request of the International Bureau, or of the Office of the country of the owner of the mark, or of the owner of the mark or his agent.

Rule 14

Form and Contents of Notifications of Invalidation

(1) Notifications of invalidation shall be made to the International Bureau, separately for each mark, in three identical, dated and signed copies.

(2) The notification shall indicate:

- (a) the authority pronouncing the invalidation;
- (b) the number of the international registration concerned and, where applicable, the number of the basic national registration;
- (c) the name and address of the person in whose name the international registration stands;
- (d) if the invalidation does not affect all the goods and services, those in respect of which invalidation has been pronounced;
- (e) the earlier national or international marks conflicting with the international registration concerned, their registration dates and numbers and the names and addresses of their owners;
- (f) the essential provisions of the national law applicable on the subject.
- (g) where applicable, the time limit for appeal and the authority to which such appeal shall lie.

(3) The International Bureau is authorized to request the Office of the country from which the notification of invalidation originates to supply it with additional information and, in particular, to indicate the grounds therefor.

CHAPTER 6

Recording of Changes

Rule 15

Form and Contents of the Request

(1) Requests for the recording of changes affecting the international registration, such as territorial extension to one or more countries in respect of all or some of the goods and services, transfer, partial assignment for some of the goods and services or for some of the countries, cancellation of the international registration or of the basic national mark, limitation of the list of goods and services, or changes in the name

or address of the owner of the international registration, shall be presented in a single copy, dated and signed by the Office of the country of the owner of the mark, on the form supplied free of charge by the International Bureau. The same shall apply, subject to Rule 17(4), to requests for the recording of changes relating to the agent.

(2) The request shall in all cases indicate:

- (a) the number of the international registration concerned and, where appropriate, the number of the basic national registration;
- (b) the name and address of the owner of the international registration;
- (c) the amount, method and date of payment of the fees indicated in Rule 27(1)(d) and (f) and the person paying those fees.

(3) The request shall be accompanied by the fees indicated in Rule 27(1)(d) and (f).

Rule 16 *Irregular Requests*

(1) If the request for the recording of changes does not comply with the Agreement or these Regulations, the International Bureau shall defer the recording of such changes and shall notify the national Office accordingly; if, in the case of payment of the complementary fee or the relevant fee, such payment is not made through the intermediary of the national Office, the owner of the mark or his agent shall be invited to put the request in order.

(2) If the request is not put in order within three months from the date of the notification referred to in paragraph (1), the International Bureau shall allow a further period of three months for the said request to be put in order; it shall notify the owner of the mark or his agent, as well as the national Office.

(3) If the request is not put in order within the period allowed under paragraph (2), it shall be considered abandoned and any fees already paid shall be reimbursed.

Rule 17 *Recording in the Register and Date of Recording*

(1) Changes affecting the international registration shall be recorded in the International Register as of the date on which the International Bureau is in possession of a request for such recording complying with the Agreement and these Regulations.

(2) Partial assignment shall be recorded in the International Register under the number of the registration of which a part has been assigned and on a separate page reproducing all the elements relating to the part assigned; the latter shall bear the number of the registration of which a part has been assigned, together with a capital letter.

(3) Changes relating to the agent shall be recorded in the file of the international registration on the date on which the

International Bureau is in possession of a request complying with these Regulations.

(4) The changes referred to in paragraph (3) shall also be recorded on the basis of the indications supplied by the national Office at the time of renewal or in a request for the recording of a change affecting the registration. Revocation or renunciation of the agent's appointment shall also be recorded on the basis of a written communication sent directly to the International Bureau by the owner or the agent; the International Bureau shall inform the national Office of such revocation or renunciation. If it is manifestly clear that the agent has ceased to exercise his profession, the International Bureau shall cancel his name *ex officio*.

Rule 18 *Corrections*

(1) Errors attributable to the International Bureau which affect registrations or recordings in the International Register or their notification or publication shall, at any time, be corrected by the International Bureau.

(2) Errors attributable to a national Office which affect registrations or recordings in the International Register or their notification or publication and which, in the view of the International Bureau, may adversely affect the rights deriving from the international registration shall, at the request of that Office, be corrected by the International Bureau.

(3) Requests for correction under paragraph (2) must reach the International Bureau, at the latest, within three months after the publication of the registration concerned.

(4) Errors, other than those referred to in paragraph (2), which are attributable to a national Office and which affect registrations or recordings in the International Register or their notification or publication shall, at any time, be corrected by the International Bureau.

(5) The International Bureau shall record the corrections in the International Register.

(6) Where a refusal pronounced by a national Office relates to a corrected element, Rule 13 shall apply *mutatis mutandis*; the date of publication of the correction shall be considered by the International Bureau to be the date of recording referred to in Rule 13(1).

CHAPTER 7 Unofficial Notice of Expiration and Renewal

Rule 19 *Unofficial Notice of Expiration*

Six months before the expiration of the current period of twenty years or, if the basic fee has been paid for a first period of ten years, six months before the expiration of that period, the International Bureau shall remind the owner of the mark and his agent of the date of such expiration, by sending an unofficial notice.

Rule 20

Time Limit for and Conditions of Renewal

(1) The fees required for renewal are the basic fee, the complementary fee and, where applicable, the supplementary fee, which are fixed in Rule 27(1)(a)(i), (iv) and (v).

(2) The fees required for renewal may not be paid earlier than one year before the date of expiration of the current period.

(3) They must be paid, at the latest, on the date of expiration of the current period. However, they may be paid after that date, but not later than on the date of expiration of the period of grace of six months provided for in Article 7(5) of the Agreement, if the surcharge fixed in Rule 27(1)(e) is paid within the same period.

(4) Payment of the fees and, where applicable, of the surcharge shall be accompanied by the indications provided for in Rule 29(2) and, where applicable, by an indication of the countries which have availed themselves of the right provided for by Article 3^{bis} of the Agreement and for which protection is no longer requested.

(5) Payment of the required fees shall be made directly by the parties concerned, unless the regulations of the country of the owner prescribe or permit them to be paid through the intermediary of the Office of that country; if payment is made directly by the parties concerned, the International Bureau shall correspond directly with them.

(6) Limitation, referred to in paragraph (4), of the list of countries in respect of which protection is requested shall not be considered to constitute a change within the meaning of Article 7(2) of the Agreement. Nor shall the grouping of goods and services according to the classes of the International Classification be considered to constitute such change in the case of the first renewal of a registration effected before December 15, 1966.

Rule 21

Renewal of a Registration Which Has Been Partly Assigned

Renewal of a registration which has been partly assigned shall be effected separately in respect of each of the assignor's and the assignee's shares, the conditions of renewal applying in their entirety and separately to both the assignor and the assignee.

Rule 22

Defects

(1) If the conditions for renewal required by the Agreement or these Regulations are not fulfilled, the International Bureau shall notify the owner of the mark or his agent accordingly, or the Office of the country of the owner if the required fees have been paid through the intermediary of that Office.

(2) If the goods and services have been grouped, as provided in Rule 20(6), according to the classes of the International Classification, and the International Bureau finds that

the grouping is incorrect, it shall, before making a decision, notify the owner of the mark or his agent, or the Office of the country of the owner if the required fees have been paid through the intermediary of that Office, and shall, in so far as the time limits referred to in paragraph (3) permit, allow them a time limit within which to state their views and, where applicable, to pay the supplementary fee.

(3) The registration shall not be renewed and any fees already paid shall be reimbursed if the conditions for renewal are not fulfilled:

- (i) before the expiration of the current period, or
- (ii) within the six months following such expiration, provided that the surcharge fixed in Rule 27(1)(e) is paid.

Rule 23

Recording in the Register

(1) If it is in conformity with the Agreement and these Regulations, renewal shall be recorded in the International Register on the date of expiration of the current period; it shall also bear that date if it is effected within the six months following the date of expiration.

(2) Recording shall include the following indications:

- (a) the date of the renewal;
- (b) the duration of the effects of renewal;
- (c) the serial number of the renewed registration;
- (d) the name and address of the owner of the mark; if more than one address is given, the address to be used for correspondence;
- (e) if the address indicates a country which is not a member of the Madrid Union, the reason for which the owner of the mark is entitled to be the owner of an international registration;
- (f) a reproduction of the mark and, where applicable, an indication of the color or colors claimed or the notice "three-dimensional mark";
- (g) where applicable, a translation in French or a transliteration in Latin script of the matter referred to in Rule 4(2)(i);
- (h) where applicable, the notice "collective mark";
- (i) the goods and services, grouped according to the classes of the International Classification; if, following a limitation of the list of goods and services, that list is not identical for all countries, the differences shall be indicated; in the case of refusals pronounced for some of the goods and services, only the countries having pronounced the refusal shall be indicated;
- (k) the countries in respect of which the fees required for renewal have been paid and for which the mark is still registered;
- (l) where applicable, the optional indications referred to in Rule 4(3);
- (m) the International Bureau's entries for administrative purposes.

CHAPTER 8

Certificates, Notifications and Publications

Rule 24

Certificates

(1) The International Bureau shall send to the Office of the country of origin, for transmittal to the owner of the mark, a certificate reproducing the indications recorded in the International Register at the time of registration.

(2) It shall send to the owner of the mark or his agent, or to the Office of the country of the owner where renewal has been effected through the intermediary of that Office, a certificate reproducing the indications recorded in the International Register at the time of renewal.

Rule 25

Notifications

(1) The International Bureau shall notify the Offices of the countries concerned of registrations, and of provisional and final refusals of protection, final decisions following a refusal, invalidations, renewals, cancellations, and any other changes recorded in the International Register.

(2) It shall send the owner of the mark or his agent a copy of notifications of provisional and final refusals of protection, final decisions following a refusal and invalidations recorded in the International Register, as well as a copy of any recording of changes made in the said Register.

Rule 26

Publications

(1) The International Bureau shall publish each month, in a periodical entitled *Les Marques internationales*, the registrations, renewals, cancellations and other changes recorded in the International Register; however, refusals of protection, final decisions following a refusal and invalidations shall not be published. The numbers of registrations cancelled owing to failure to pay the balance of the fee due for the second ten-year period shall only be published after the expiration of the period of grace indicated in Rule 6(3).

(2) At the beginning of each year, the International Bureau shall publish tables indicating, in the alphabetical order of the names of their owners, registrations which have been the subject of publication during the preceding year, with the exception of the registrations referred to in paragraph (1), last sentence; registrations cancelled during the current period and those whose basic national registration has been cancelled shall, however, be indicated by their serial numbers only.

(3) The International Bureau shall also publish annual statistics on the international registration of marks.

(4) Each Office shall have the right to receive from the International Bureau, for each unit corresponding to the contribution class chosen in accordance with the Paris Convention, two copies free of charge and two copies at half price of *Les Marques internationales*.

CHAPTER 9

Fees

Rule 27

The Required Fees

(1) The International Bureau shall collect the following fees, payable in advance, in Swiss francs:

<i>(a) Registration or renewal fees</i>	<i>Swiss francs</i>
(i) basic fee for 20 years (Rules 6(1) and 20(1))	480
(ii) basic fee for a first period of 10 years (Rule 6(1))	280
(iii) balance of the basic fee for the second period of 10 years (Rule 6(2))	380
(iv) supplementary fee for each class of goods and services after the third (Article 8(2)(b) of the Agreement)	48
(v) complementary fee for territorial extension to one country (Articles 3 ^{ter} (2), 7(1) and 8(2)(c) of the Agreement)	48
<i>(b) fee for establishing the printing block (Rule 5(1))</i>	60
<i>(c) fee for classification of goods and services (Rule 8(2))</i>	
(i) where the goods and services are not classified or grouped in classes	40
and per word after the twentieth	2
(ii) where the classification indicated is incorrect, per word	2
(but no fee if the number of reclassified words is 19 or less)	
<i>(d) fee for recording territorial extension requested subsequent to registration (Article 3^{ter}(2) of the Agreement)</i>	100
<i>(e) surcharge for use of the period of grace (Rules 6(3) and 20(3)): 50 % of the fees payable under (a)</i>	
<i>(f) fee for recording a change (Article 9(4) of the Agreement and Rule 15)</i>	
(i) total transfer of the registration	100
(ii) partial assignment of the registration, for some of the goods and services or for some of the countries	100
(iii) limitation of the list of goods and services requested subsequent to registration, for all or some of the countries, except in the case covered by Rule 28(d)	70
(iv) change of name and address of the owner of the mark	
for a single mark	50
for each of the following marks of the same owner if the same change is requested at the same time	10
(v) appointment of an agent, change of agent, of his name and of his address, except in the cases referred to in Rule 28(h)	

Swiss francs

for a single mark	20
for each of the following marks of the same owner if the same change is requested at the same time	10
(g) fee for communicating information concerning the contents of the International Register (Article 5 ^{ter} (1) of the Agreement)	
(i) establishing an extract from the Register	55
(ii) some other attestation or information in writing	
for a single mark	40
for each of the following marks of the same owner if the same information is requested at the same time	10
(iii) some other information given orally, per mark	10
(iv) dispatch of a reprint or a photocopy of the publication of the registration, per mark or per page, subject to the provisions of (h)(iii) below	5
(h) fees for searches for anticipation among international marks (Article 5 ^{ter} (2) of the Agreement)	
(i) identity searches	
relating to the verbal elements of a mark applicable to not more than three classes of goods and services	30
where the mark is applicable to more than three classes	60
relating to the figurative elements of a mark applicable to not more than three classes of goods and services	50
where the mark is applicable to more than three classes	100
(ii) similarity searches	
relating to the verbal or figurative elements of a mark applicable to not more than three classes of goods and services	100
for each class after the third	10
(iii) dispatch of a reprint or a photocopy of the publication of the registration of a mark indicated in the reply to a request for a search for anticipation, per mark or per page	1

(2) The International Bureau is authorized to collect a fee, whose amount it shall itself fix, for operations to be performed urgently and for services not covered by this Rule.

(3) In the event of any change in the amount of fees, the new amount shall apply to international registrations bearing the date of the entry into force of the change or a later date, and to renewals of international registrations the current protection periods of which expire on that date or a later date. With respect to the balance of the fee due for the second ten-year period, the new amount shall be applicable if the balance of the fee is paid after the change enters into force.

Rule 28

Exemption from Fees

The following shall be exempt from fees:

- (a) total cancellation of an international registration;
- (b) renunciation of protection in some of the countries;
- (c) limitation of the list of goods and services in respect of some of the countries, if declared together with the application for international registration;
- (d) limitation of the list of goods and services requested by the national Office in accordance with Article 6(4), first sentence, of the Agreement;
- (e) recording in the International Register of annulment or cancellation of the basic national mark, of renunciation, or of any other cause for termination of protection of that mark;
- (f) mention, in the International Register, of judicial proceedings or of a final judgment affecting the basic national mark (Article 6(4), second sentence, of the Agreement);
- (g) any recording in the International Register following notice of provisional or final refusal or a judicial decision;
- (h) appointment of an agent in the case referred to in Rule 4(2)(d), and recording of changes relating to the agent referred to in Rule 17(4).

Rule 29

Payment of Fees

- (1) The fees due to the International Bureau may be paid:
 - (a) by debit to a current account with the International Bureau;
 - (b) by transfer to a bank account of the International Bureau;
 - (c) by banker's cheque;
 - (d) by payment or transfer to the postal cheque account of the International Bureau;
 - (e) by payment in cash.
- (2) At the time of each payment of a fee, an indication must be given of its purpose, and of the mark concerned, the name of the applicant or, if the mark is recorded in the International Register, the name of the owner of the mark, as well as the number and date of the international registration concerned.

(3) A fee shall be considered to have been paid, within the meaning of these Regulations, on the date on which the International Bureau receives the required amount or, if the required amount is available in an account opened with the International Bureau, on the date on which the latter receives instructions to debit the amount to that account.

Rule 30

Distribution of Supplementary Fees and Complementary Fees

The coefficient mentioned in Article 8(5) of the Agreement from which countries with a system of prior examination

benefit in respect of the distribution of supplementary and complementary fees shall be as follows:

for countries which examine only the absolute causes of nullity	two
for countries which also examine anticipations:	
(a) following opposition by third parties	three
(b) ex officio	four

CHAPTER 10

Entry into Force and Transitional Provisions

Rule 31

Entry into Force

These Regulations shall enter into force on January 1, 1975, and shall, as of that date, replace the Regulations of the Madrid Agreement Concerning the International Registration of Marks, of April 29, 1970.

Rule 32

Transitional Provisions

(1) If a registration bearing two registration dates is renewed within the required time limits having regard to both of the said dates, the earlier date shall be considered for the purposes of determining the renewal date.

(2) If renewal is effected within the required time limits only in respect of the countries to which the more recent registration date applies, that date shall be considered for the purposes of determining the renewal date.

Hague Union

for the International Deposit of Industrial Designs

Denunciations of the Hague Agreement (1925), of the London Act (1934) and of the Additional Act of Monaco (1961)

BELGIUM and NETHERLANDS

The Swiss Federal Political Department addressed the following notification to the Governments of the member States of the Paris Union:

“Pursuant to Article 22(4) of the Hague Agreement, as revised at London on June 2, 1934, which refers to Article 17^{bis} of the Paris Convention for the Protection of Industrial Property,

- the Ministry of Foreign Affairs of the Kingdom of the Netherlands filed with the Swiss Government on December 28, 1973, three instruments constituting denunciation in respect of the Kingdom in Europe of the Agreements and the Monaco Act mentioned above, specifying that the said Agreements would remain in force in respect of Surinam and the Netherlands Antilles,
- the Ministry of Foreign Affairs and Foreign Trade of the Kingdom of Belgium filed with the Swiss Govern-

ment on December 29, 1973, three instruments constituting denunciation in respect of the Kingdom of Belgium of the Agreements and the Monaco Act mentioned above.

“At the request of the Governments of the Netherlands and Belgium, the denunciations will become effective on January 1, 1975.

“Berne, July 26, 1974.” (*Translation*)

Note by the Government of the Netherlands

For the information of the reader, we are publishing the following Note relevant to the denunciation of the Hague Agreement “in respect of the Kingdom in Europe” of the Netherlands and to the Agreement’s continued application to the Netherlands Antilles and Surinam. This Note, which was communicated to the Swiss Government by the Government of the Netherlands, sets out the point of view of the Netherlands:

With reference to the Note from the International Bureau of WIPO dated 8 February 1974, concerning the Kingdom of the Netherlands’ denunciation of the Hague Agreement Concerning the International Deposit of Industrial Designs of 6 November 1925, of the Hague Agreement Concerning the International Deposit of Industrial Designs of 6 November 1925, as revised at London on 2 June 1934, and of the Additional Act of Monaco of 18 November 1961 to that Agreement as revised at London, the Government of the Kingdom of the Netherlands wishes to make the following comments.

As will be known, the Charter for the Kingdom of the Netherlands amending the constitutional relations between the major Parts of the Kingdom (i. e. the Netherlands, Surinam and the Netherlands Antilles) entered into force on 29 December 1954. Since that date, the affairs of the Kingdom have been conducted in accordance with the procedure laid down in the Charter and providing for cooperation between the three parts of the Kingdom on a basis of equal status. The Kingdom, which is a subject of International Law, is responsible for the foreign relations of all three parts, which individually are not subjects of International Law. Under the Charter, however, the Governments of the three countries decide independently whether an agreement will apply to them or not. There is nothing in the present constitutional structure therefore to give one country the role of a motherland with colonies, and for this reason none can be designated as the “metropolitan territory” in the conventional sense.

The constitutional position outlined above has already been recognized internationally and certainly within the United Nations and its specialized agencies.

The International Bureau has raised the question as to whether partial denunciation of the agreements concerned, i. e. for part of the territory of a State, is possible within the terms of Article 22 of the Hague Agreement (London Act), *junctis* Articles 16^{bis} and 17^{bis} of the Paris Convention. The answer to this is in the affirmative and may be supported by the following arguments.

1. Article 17^{bis} of the Paris Convention (London Act) certainly appears to relate to the denunciation by a State as a whole. The possibility of partial denunciation may be more easily found in Article 16^{bis}, paragraph 2, of the Convention.

The treaty makers in 1934 could not possibly have foreseen a constitutional system of the particular kind described above; indeed Article 16^{bis} is typical of the spirit of the colonial age. The International Court of Justice however, in its recommendations with regard to Namibia (21 June 1971) considered the fact that "an international instrument has to be interpreted and applied within the framework of the entire constitutional system prevailing *at the time of the interpretation*" (emphasis added). In interpreting the provision in question, one ought therefore, bearing in mind the Court's line of thinking, to consider also the fundamental changes in the colonial system which have come about in the last forty years. In the Kingdom of the Netherlands these changes have resulted in the present constitutional system.

Given this fact, Article 16^{bis}, paragraph 2, cannot be interpreted otherwise than analogously. It is submitted, therefore, that as the Bureau itself has already indicated, "a denunciation could be applied to all or part of the (...) territory of a State". It should be added, needless to say, that an analogous interpretation of this kind cannot reasonably be applied to a situation in which a State wishes to denounce the Convention (or the London Act) for part of its territory which has no independent status under its own constitution; in other words a partial denunciation must always be based upon the constitutional structure of the country concerned. As has been shown, the Kingdom of the Netherlands fulfils this condition.

2. If it is appreciated that the Kingdom of the Netherlands comprises three "territoires dont il assure les relations internationales" (Hague Act, Article 27), it can be said that the Kingdom can make a partial denunciation within the terms of Article 28. For the same reason a partial denunciation would seem possible under the direct descendant of Article 17^{bis}, i. e. Article 24 of the Paris Convention, Stockholm text, of 1967. Article 24 states that "tout pays (...) peut (...) notifier (...) que la présente Convention cesse d'être applicable à tout ou partie [des territoires pour lesquels il assume la responsabilité des relations extérieures]".

The International Bureau is correct in stating that a denunciation of the Hague Agreement concerning the International Deposit of Industrial Designs, 1925 and 1934 texts, and of the Additional Act of Monaco, took place in view of the coming into force on 1 January 1975 of the Uniform Benelux Act concerning Industrial Designs, which is not compatible with the above Agreements. The Uniform Benelux Act, as far

as the Kingdom of the Netherlands is concerned, applies only to the Netherlands and not to Surinam or the Netherlands Antilles. There was therefore no reason for these countries to denounce the above Agreements because of the coming into force of the Uniform Benelux Act. Nor have they expressed the desire to do so for any other reason. That is why the denunciation by the Kingdom of the Netherlands was made only for the Kingdom in Europe and not for Surinam or the Netherlands Antilles.

With regard to the application of the Hague Agreement after the denunciation on behalf of the Netherlands, it is true that, as stated by the International Bureau, all international deposits for industrial designs made before 1 January 1975 "continueront, pendant la durée de la protection internationale, à bénéficier dans le pays qui a dénoncé (...), de la même protection que s'ils y avaient été directement déposés". (Article 22, paragraph 4, London text of the Hague Agreement.) This continued protection applies to the whole Kingdom. But the practical significance of the provision is nil. In fact only after 1 January 1975 will the Netherlands have the opportunity to obtain protection for industrial designs through a deposit. Before that date international deposits set up have no protection in the Netherlands "as if they had been deposited direct"; the provision "continuing" this protection has therefore no practical significance. Under no circumstances can it be deduced from Article 22, paragraph 4, that deposits set up before 1 January 1975 will be accorded protection as a result of the Uniform Benelux Act which will come into force after 1 January 1975.

The International Bureau has correctly assumed that international deposits originating after 1 January 1975 in Surinam or the Netherlands Antilles will have legal consequences for the other countries of the Union. In theory, international deposits originating in other countries of the Union may have legal consequences in Surinam or the Netherlands Antilles. In practice, however, this means nothing since neither Surinam nor the Netherlands Antilles yet, has any legislation assuring the protection of industrial designs by means of a deposit.

Finally, the Kingdom of the Netherlands endorses the statement made by the International Bureau that the decision in 1963 concerning surpluses and deficits remains in force for the Kingdom, in so far as it relates to international deposits originating in the Netherlands, the Netherlands Antilles and Surinam, provided they were made before 1 January 1975, and in so far as it relates to international deposits originating in the Netherlands Antilles and Surinam, provided they were made after 1 January 1975.

(Original)

Malawi, Nigeria, Uganda, United Republic of Tanzania and Zambia. The participants from these countries unanimously adopted a Resolution welcoming a proposal of the United Nations Economic Commission for Africa (ECA) to hold a meeting of Registrars General and Heads of Industrial Property Offices in the English-speaking countries of Africa, with a view to harmonizing the industrial property laws in their respective countries and establishing a central office or other link. It proposed that the meeting should be jointly sponsored by the ECA and WIPO, and that it should be preceded by a survey of existing patent and industrial design legislation and administrative procedures applicable in the English-speaking countries of Africa.

In pursuance of this Resolution, the following nineteen States were invited to participate — preferably by nominating their Registrars General or the Heads of their Industrial Property Offices — in a Conference on Industrial Property Laws of English-Speaking Africa (Addis Ababa, June 4 to 10, 1974): Botswana, Egypt, Ethiopia, Gambia, Ghana, Kenya, Lesotho, Liberia, Libyan Arab Republic, Malawi, Mauritius, Nigeria, Sierra Leone, Somalia, Sudan, Swaziland, Uganda, United Republic of Tanzania and Zambia.

Ten States were represented at the Conference; four inter-governmental organizations and one international non-governmental organization were represented by observers. The list of participants follows this Note.

The Conference was opened by His Excellency Ato Mohammed Abdulrahman, Minister of Commerce and Industry of the Imperial Government of Ethiopia, by the Director General of WIPO, Dr. Arpad Bogsch, and by the Executive Secretary of the ECA, Mr. R. K. A. Gardiner.

The Conference unanimously elected Mr. Benjamin W. Prah (Ghana), Chairman, Mr. David J. Coward (Kenya) and Mr. N. N. Setshwaelo (Botswana), Vice-Chairmen, and Ato Merga Afeta (Ethiopia), Rapporteur of the Conference.

The discussions of the Conference were based on working documents prepared by the Secretariat of the ECA and the International Bureau of WIPO.

Existing Patent Legislation in English-Speaking Africa. The documents containing an analytical summary and summaries by country of the patent laws of the countries of English-speaking Africa, prepared by the International Bureau, were examined in detail, and after several amendments and observations had been recorded, noted as correctly reflecting the existing patent legislation in English-speaking Africa.

Framework for Cooperation and Harmonization in the field of Industrial Property in English-Speaking Africa. The Conference considered two documents, one concerning regional cooperation in the patent field and prepared by the International Bureau, and the other suggesting a framework for cooperation in the field of industrial property law in English-speaking Africa and prepared by the Secretariat of the ECA. As a result of its discussions, the Conference approved a draft Agreement for the creation of an Industrial Property Organization of English-Speaking Africa. According to the proposed Agree-

ment, the objectives of the Organization are to establish effective cooperation among English-speaking African countries in the field of industrial property. Such cooperation will be in particular:

(a) to promote the harmonization and development of the industrial property laws, and matters related thereto, appropriate to the needs of its members and of the region as a whole;

(b) to foster the establishment of a close relationship between its members in matters relating to industrial property;

(c) to establish such common services or organs as may be necessary or desirable for the coordination, harmonization and development of the industrial property activities affecting its members;

(d) to establish schemes for the training of staff in the administration of industrial property law;

(e) to organize conferences, seminars and other meetings on industrial property law;

(f) to promote the exchange of ideas and experience, research and studies relating to industrial property law;

(g) to promote and evolve a common view and approach of its members on matters concerning industrial property;

(h) to assist its members, as appropriate, in the acquisition and development of technology relating to industrial property;

(i) to do all such other things as may be necessary or desirable for the achievement of these objectives.

Future Action. As a result of its discussions concerning future action, the Conference adopted the following Resolution:

“The Conference on Industrial Property Laws of English-Speaking Africa, at its meeting at Addis Ababa from June 4 to 10, 1974,

Mindful of the importance of industrial property laws as a tool for social and economic development and of the need for effective harmonization of laws and activities and of regional cooperation in the field of industrial property in English-speaking Africa.

1. *Invites* the States of English-speaking Africa to consider urgently the creation of an Industrial Property Organization of English-Speaking Africa. A draft Agreement¹ establishing such an organization, prepared by the Conference, is attached;

2. *Requests* the United Nations Economic Commission for Africa (ECA) and the World Intellectual Property Organization (WIPO), during the interim period until the entry into force of the Agreement establishing the said organization, to assist it in any preparatory work required and, as appropriate, to prepare and facilitate the work of the envisaged organization and the implementation of its mandate. For this purpose, ECA and WIPO are invited to prepare such studies as are appropriate and to continue to act as the interim secretariat of the Conference until the organization has been established;

¹ This draft Agreement is not published here (*Editor's note*).

3. *Establishes*, for the duration of the interim period, a Committee for Patent Matters and a Committee for Trade-mark and Industrial Design Matters, both open to all members of the Conference, which will prepare the recommendations to be made by the Conference in preparation of the work of the future organization;

4. *Calls upon* the Bureau of the Conference, in consultation with the Interim Secretariat, to take in due course appropriate decisions as to the holding of sessions of the Conference itself and the Committees, taking into account the state of advancement of the preparatory work;

5. *Further calls upon* the States represented at the Conference to take all appropriate action to ensure adoption and signature of the attached Agreement at a diplomatic conference to be held as soon as possible and the rapid ratification of such Agreement thereafter both by themselves and by other States of English-speaking Africa not yet represented at the Conference. To this effect, all States are invited to communicate their approval of, or observations, if any, on the attached draft Agreement to the Interim Secretariat by 31 December 1974;

6. *Invites* all States of English-speaking Africa so far not yet represented to participate as soon as possible in the work to be performed during the interim period."

List of Participants *

I. States

Botswana: N. N. Setshwaelo; O. Kalahen. Elbiopia: A. Merga; A. Tadesse; G.-M. Abehe; A. Yosef; H. Mesfin. Ghana: B. W. Prab. Kenya: D. J. Coward; J. S. King'Arui. Nigeria: O. Omotoso. Sierra Leone: D. E. M. Williams. Sudan: M. O. I. Taha. Uganda: J. H. Ntagoba. United Republic of Tanzania: K. P. Kobelo. Zambia: G. E. Harre.

II. Observers

United Nations Conference on Trade and Development (UNCTAD): S. J. Patel. United Nations Industrial Development Organization (UNIDO): M. P. Hartman. East African Community: K. A. Amoo-Adare. African and Malagasy Industrial Property Office (OAMPI): P. Ngoma. International Association for the Protection of Industrial Property (AIPPI): W. C. Howarth.

III. Officers

Chairman: B. W. Prah (Ghana); *Vice-Chairmen*: D. J. Coward (Kenya); N. N. Setshwaelo (Botswana); *Rapporteur*: A. Merga (Ethiopia).

IV. Secretariat

United Nations Economic Commission for Africa (ECA)

R. K. A. Gardiner (*Executive Secretary*); A. M. Akiwumi (*Regional Adviser on the Legal Aspects of Economic Cooperation*); K. M. Zerzghi (*Economic Affairs Officer, Industry Division*).

World Intellectual Property Organization (WIPO)

A. Bogsch (*Director General*); K. Pfanner (*Director, Industrial Property Division*); I. Thiam (*Counsellor, Head, WIPO Conference Affairs Section*).

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

Advisory Group of Non-Governmental Experts on the Protection of Computer Programs

(Geneva, June 17 to 20, 1974)

Report

prepared by the International Bureau

Introduction

1. The Advisory Group of Non-Governmental Experts on the Protection of Computer Programs (hereafter called the "Advisory Group") was convened by the Director General of WIPO for the purpose of advising the International Bureau of WIPO generally on the preparation of a study concerning appropriate forms of legal protection of computer programs, and for the purpose of discussion of specific questions suggested in document AGCP/NGO/1.

2. The following non-governmental organizations nominated experts who participated in the work of the Advisory Group: American Patent Law Association (APLA), Chartered Institute of Patent Agents (CIPA), Committee of National Institutes of Patent Agents (CNIPA), European Computer Manufacturers Association (ECMA), European Industrial Research Management Association (EIRMA), International Association for the Protection of Industrial Property (AIPPI), International Chamber of Commerce (ICC), International Confederation of Societies of Authors and Composers (CISAC), International Federation for Documentation (FID), International Federation for Information Processing (IFIP), International League Against Unfair Competition (LICCD), International Literary and Artistic Association (ALAI), Union of European Patent Agents (UNEPA), Union of Industries of the European Community (UNICE).

3. The Governments of the following States were represented: Australia, Brazil (participating as observer), Canada, Japan, Soviet Union, United Kingdom, United States of America.

4. The Office for Science and Technology of the United Nations was also represented.

5. The list of participants is annexed to this report.

Opening of the meeting

6. The meeting was opened by the Director General of WIPO, Dr. Arpad Bogsch, who welcomed the participants. He explained the nature of the advice and information which was needed by the International Bureau for the purposes of its study and for the preparation of future meetings, recalled the continuing interest of the United Nations in the present work, and emphasized that the opinions to be expressed by the experts need not be regarded as official policy of the organizations which had nominated them.

Election of the Chairman

7. Mr. William E. Schuyler, Jr., (AIPPI) was elected Chairman of the meeting. Mr. Roger Harben (WIPO) and Mr. Ludwig Baeumer (WIPO) acted as Secretaries of the meeting.

General discussion

8. The Advisory Group discussed the general lines of the WIPO study of appropriate legal protection of computer programs, taking into account documents AGCP/NGO/1 and 7 (reports by the International Bureau) and AGCP/NGO/4, 5 and 6 (papers submitted by the European Computer Manufacturers Association, the International Chamber of Commerce and the Union of European Patent Agents).

9. In considering the scope of the WIPO study, the participants agreed that it would not be desirable to be restricted to a narrow approach and that, at least at the present stage, documentation related to computer programs should not be excluded from the consideration of possible definitions of the subject matter of legal protection.

10. It was agreed that the study should preferably include a survey of the state of relevant existing national laws, and it was noted that there was undesirable uncertainty about the extent and nature of protection available under such laws.

11. In particular, doubt was widely felt about the possible implications of specific exclusions of computer programs, and inventions involving computer programs, from patent protection in national statutes or international conventions and of court decisions similarly stated; in this connection it was noted that some inventions in the field of computer technology could be equivalently expressed in "hardware" or in "software" terms, and that the choice of means of implementation could be largely dependent on investment factors.

12. Some doubts were also expressed as to the applicability of copyright protection in principle to technological innovations in the field of computer programming; it was also noted that among the original beneficiaries of copyright protection, that is to say, the authors of literary and artistic works, it was strongly feared that their interests could be damaged by modifications of copyright concepts to fit new subjects of protection; such damage could be particularly important in developing countries. Also in relation to copyright laws it was noted, as a practical matter, that there were doubts as to the existence, scope and extent of protection of computer programs.

13. The Advisory Group agreed that a number of needs of general public policy should be met in any modification of existing, or establishment of new, systems of protection. Such policy needs included the encouragement of trade (by way of sale or licensing), the dissemination of scientific knowledge and the discouragement of secrecy, the creation of confidence in investment, an adequate return for intellectual labor, the prevention of unnecessary duplication of research, the freedom of movement of specialized staff, a reasonable degree of legal certainty and international harmonization and the encouragement of individual innovators and small enterprises (it was noted that computer software technology

offered opportunities for the "garret inventor" which had largely disappeared in other fields).

14. It was emphasized that many of these needs of general public policy were felt particularly keenly by developing countries, both as users of computer technology and as potential creators of computer software. The Advisory Group also noted the additional needs of developing countries stated by the representative of the United Nations in respect of technical assistance and a major improvement in the conditions of acquisition of computer technology, and his suggestion that it could be valuable to work towards model laws, model license agreements and international codes of practice for software transfer negotiations.

15. In the general discussion of possible methods of meeting the needs of general public policy referred to, attention was drawn to the distinction between a patent type of protection of concepts, applicable only to that very small proportion of new computer programs which could be regarded as "inventive," and a copyright type of protection of computer programs themselves as sequences of instructions, a protection which would not extend to the acts of independent creators. Some participants considered that new systems of protection should be devised, possibly based upon a deposit requirement, while others emphasized the desirability of departing as little as possible from established legal concepts. The view was expressed that if a system of protection were itself to require full public disclosure, consideration would have to be given to the level of protection which would induce creators of computer programs to use the system.

16. It was generally agreed that an appropriate system of protection would need to take into account likely future developments in computer technology. In this connection reference was made to the likely increase in the production of small computers, the decreasing proportion of the cost of computer operations represented by hardware components, the increasing vocabulary of available instructions and the development towards more direct use of computer facilities by non-specialists, and, in particular, the expected increase of investment in and production of programs of interest to more than one user as well as those of general or widespread utility.

17. The attention of the Advisory Group was drawn to the fact that computer technology, and related developments in telecommunications, presented a large number of complex legal problems, of which the protection of computer programs was only one.

Legal developments

18. The Advisory Group examined recent and current developments concerning the legal protection of computer programs.

19. As regards the situation in *Australia* it was pointed out that under the Australian patent law an application relating to a program in the form of a magnetic tape would normally be rejected by the Australian Patent Office on the ground that

it was not novel, since the only difference between the particular magnetic tape and a known tape consisted in the intellectual content embodied in the former, the content itself not being patentable.

20. As regards *Canada* it was reported that there were no decisions of the courts with regard to the patentability of computer programs, although there were directions of the Commissioner of Patents that computer programs were not patentable as such. In a case decided in 1971, the Commissioner of Patents held that a computer programmed in a particular way was a machine which was different from the same computer programmed in another way or unprogrammed, and that a machine so programmed was patentable. There had been much controversy on this point and a number of infringement actions were before the courts. The Canadian patent law was under review and the question of the patentability of computer programs would be considered by an interdepartmental working group.

21. Copyright protection was in principle available to computer programs, but the voluntary system of registration could not be used for computer programs as they were not eye readable.

22. The law relating to trade secrets was similar to that in the United Kingdom.

23. As regards the situation in *France*, the patent law of January 2, 1968 (Article 7) contained a clear decision against patent protection by stating that "programs or sets of instructions covering the operations of a computer" were not to be considered as industrial products. This decision had been taken after a study of the question which considered also similar studies in the United States of America. The provision of the French patent law was interpreted by the courts widely, so that not only programs as such but also inventions effected by means of a computer program, for instance an invention concerning a paint mixture effected after a selection process by a computer, were considered as unpatentable. It was, however, arguable that if computer programs were expressed in the form of a particular machine configuration, they might not necessarily be excluded from patentability under the French law; but there were no decisions of the courts on this question.

24. With respect to copyright protection, it was considered that such protection applied in principle but so far there had not yet been any case in which copyright protection would have had practical importance. In addition there was also the possibility of obtaining protection through contracts and an application of principles governing protection against unfair competition. In this context, special considerations applied in as far as a relationship between the employer and his employees was concerned: not all conditions imposed on an employee by his employer as regards the use of secret information obtained during the employment contract could be enforced.

25. It was also mentioned that the *European Patent Convention* (Article 52) adopted in October 1973 at the Munich Diplomatic Conference excluded computer programs from pat-

enting but that this exclusion applied only in as far as protection was sought for computer programs as such.

26. Reference was also made to the *Patent Cooperation Treaty*, adopted at the Washington Diplomatic Conference in 1970, which excluded computer programs from international search and international preliminary examination only if the competent authorities were not equipped to make the necessary search or examination (Rules 39 and 67 of the Regulations under the Patent Cooperation Treaty).

27. On the situation in *Germany (Federal Republic of)* it was reported that so far no decision had been given concerning the patenting of a computer program as such but that this question had already been dealt with in a number of articles by experts on this matter, denying in general the availability of patent protection for computer programs. The Patent Office allowed method claims if they were connected with the disclosure of hardware. There were some Federal Patent Court decisions in which it was held that a method performed automatically by a computer was considered as a technical invention.

28. In as far as copyright protection is concerned it was maintained that copyright law covered computer programs and that protection would be granted if the program could be considered as the individual and original expression of an author. It was also pointed out that a reproduction in the sense of the copyright law would exist if a program were copied during its execution within a computer; in other words there was no requirement of visible copies. In this context, however, the exceptions provided for in the law with respect to reproduction for personal or other internal use would have to be taken into account. Such exceptions would apply, however, only in the case of testing for scientific purposes but not if the copying of the program took place for business purposes.

29. In addition to patent and copyright law there was a possibility of protection on the basis of contracts and this possibility was so far frequently used. Protection of trade secrets was available under the unfair competition law; employees who left an organization could freely use their general expert knowledge acquired during the term of their employment unless there was a special agreement between employer and employee; such an agreement must be limited in time and must provide for the payment of adequate compensation to the employee.

30. As regards the situation in *Japan*, it was reported that the Japanese Patent Law considered as inventions only technical ideas using laws of nature; thus mere methods of calculation and codes, for instance, were not regarded as inventions. It was, however, recognized that some control systems could be patented; in particular, as regards computer programs, it was accepted that, if a program caused a particular design of a machine or apparatus, the latter could be the subject of patent protection. Guidelines for the examination of inventions involving computer programs were at present under preparation.

31. In addition, a recent interim report of the Software Legal Protection Investigation Committee of the Ministry of International Trade and Industry contained the following recommendations: legal protection should be given in order to facilitate dissemination of information; such protection could be given only for the program in the form in which it was expressed but not for the idea contained in it. The protection should be given against reproduction or use by others without consent, and it should not be extended against a program which had been independently developed by others. Moreover, the report pointed out that the current patent and copyright legislation was not sufficient for the protection of programs and it proposed that the possibility of adopting new legislation be studied.

32. Moreover the Second Subcommittee of the Copyright Deliberative Council had drawn attention to the fact that the present copyright law did not provide for licensing with respect to computer programs; use by others of such programs was not a prohibited act. However, the exclusive right of the proprietor of the program to disseminate reproductions which was provided for under the copyright law might suffice to protect such programs. Therefore, it was considered that a further study should be made of the extent of the right of exclusive dissemination of reproductions.

33. On the situation in the *Netherlands* it was reported that, in as far as patent protection is concerned, the Patent Office, in a decision in 1970, had denied the patentability of a program as such. In this decision which concerned a telephone exchange system it was held that such a system could not be considered as patentable. Moreover, the opinion was expressed that new information content of a product could not be considered as patentable. On the other hand it was considered that a system for computerized control in the field of material production, for example, the control of a reactor, could be considered as a patentable method.

34. In as far as copyright protection is concerned, it would in principle cover computer programs if they were original and individual creations. But this had so far not been sanctioned by court decisions. However, copyright protection could never cover the essential idea of a program but only the form in which it was expressed. Moreover, no protection could be granted by copyright against the use as such of a program. One had also to consider the right of reproduction for personal use; however, if the reproduction was made for business purposes the exception for personal use would not apply.

35. In as far as protection of programs under the heading of trade secrets was concerned, the *Netherlands* did not have any particular law on this matter which, therefore, was left to contract practices. It could be stated that, to the extent that the question related to third parties under the law of torts, the courts of the *Netherlands* had a favorable attitude towards users.

36. As regards the situation in the *Soviet Union*, it was reported that the inventions law did not contain any reference to the protection of computer programs. In particular, it

was considered that mathematical methods could not be the subject of a protection by a patent or inventor's certificate, and the same also applied as regards systems of command of a machine. However, the important feature of a program was its algorithm; in this respect, protection could be obtained if the algorithm was reflected in a particular device. The problem of protecting computer programs was at present under consideration, and it was considered as important to provide a material stimulus for the creator of programs and for the exchange of programs. For this purpose a new method of protection, possibly based on a special registration system, might be useful. In this context, it would have to be taken into account that the setting up of an appropriate documentation in the field of computer programs, based on a systematical classification, raised difficult problems. In any case it was useful to have an exchange of views on these questions at the international level.

37. With respect to the situation in the *United Kingdom*, it was stated that recent court decisions indicated that, in the field of the useful arts, if a patent claim was directed to a means and method of operating a computer in a new manner or to a computer programmed in a new way, then it would be accepted, *prima facie*, as a proper subject matter for the grant of a patent. Such patents to be valid would have to conform with the requirements of patent law, for example, as to invention, sufficiency of description, etc. The Banks Committee in its report on the British Patent System, in 1970, had recommended against the grant of patent protection for computer programs but it was not clear how far this recommendation would be implemented. It was added that the Patent Office received a large number of patent applications which contained a software element. There were few applications for patents for computer programs as such, presumably because of doubts with regard to their patentability.

38. With regard to copyright protection it was pointed out that the opinion had been expressed in a standard work that computer programs in some forms, for example, punched cards or tapes, might enjoy copyright protection as literary works. The position was, however, felt to be in doubt, in particular, as to its extension to all forms of computer programs. Attention was drawn to the difficulties in applying existing copyright concepts to computer programs. There was also the problem that use of a computer program was presumably not copyright infringement, in the sense that using a guide book or the rules of a game would not be an infringement of copyright in the book or the written rules. It was also stated that the copyright law in the *United Kingdom* was the subject of review and the question of copyright in computer programs would be examined.

39. As regards the law relating to trade secrets and breach of confidence, it was considered that the problem from the point of view of the protection of computer programs was the improper use by former employees of information obtained by them during the course of their employment. It was stated that in *England* the application of the law relating to the use by employees of information obtained in their employment

was governed by common law. The courts emphasized the need to allow individuals to practise their trades, and they tried to strike a balance between protection of trade secrets and the right of an employee to exercise the skills of his trade.

40. As regards the situation in the *United States of America*, it was reported that during the last ten years several court decisions had dealt with the question of patent protection. The situation as it emerged from this jurisprudence could be summarized as follows: if a patent claim related exclusively to a mathematical method, even though implemented by a program, this was considered as unpatentable; on the same grounds mathematical systems were not generally considered patentable. However, if a claim related to a new apparatus or a new machine configuration then this was considered as patentable even if the novelty of that claim resulted from a new program. This principle opened a large area of protection of computer programs in the described manner, for instance in the area of industrial processing. In particular, an example was noted where, for a document reading machine, first the software embodiment was developed and then the corresponding hardware embodiment was constructed. In this context, however, it had also to be taken into account that the patent law required non-obviousness of the invention as a condition of patentability.

41. In as far as the copyright law is concerned, the US Copyright Office accepted computer programs for registration and so far around 900 programs had been registered; in this context, the computer program was considered as a "book." It was assumed that publication took place whenever the program was first offered for licensing; on that occasion the copyright notice requirements had to be met. Once copyright protection had been obtained it was, however, unclear what acts would be covered by that protection; normally copyright protection would cover copying but not use. The copyright law revision which at present was pending provided for a certain clarification in this field.

42. In as far as the law of trade secrets was concerned, several legal problems had to be considered. First, there was the question whether trade secret protection, based on State law, was compatible with the Federal system of providing for protection of new inventions, or whether everything which was not patented was necessarily in the public domain. Several court decisions had considered that problem and it could be stated now that the Federal Patent Law did not preempt the protection of trade secrets. Thus, owners of computer programs, for instance, could conclude agreements with users of such programs to the effect that they had to be kept secret. A special problem arose with respect to employees having received during their employment contract knowledge of secret programs and who used or transmitted such information after the termination of their employment contract. Although the contractual obligations of keeping confidential information secret applied also in this case it was nevertheless recognized that employees could in any case, without any restriction, make use of those skills which they had acquired

in their previous employment and it could be said that courts in general applied a wide interpretation of such skills.

43. In addition, it was reported that several committees had considered during the last years the question of legal protection of computer programs.

Trading practices and values

44. The Advisory Group considered available information concerning the structure and value of trade and other activities concerning computer programs.

45. On the basis of estimates of the number of computers currently in use, and the past and expected increase in that number, together with estimates of the staff employed on programming activities and the cost of software, it was assumed that an amount of the order of some 15 billion dollars was spent annually on the creation and maintenance of software systems (to the exclusion of expenditure on the acquisition of hardware and on computer bureau operations). This assumption appeared to be reasonably compatible with estimates made for individual countries.

46. By far the largest amount of this estimated expenditure was devoted to the creation and maintenance of specific purpose user programs, not of general applicability. Systems operational programs, often supplied by the manufacturer of the hardware, and generalized application programs and programming utilities would account for the remainder. It was felt, however, that (subject to problems of standardization and compatibility) the use of generalized application programs and programming utilities, and the proportion of expenditure on such programs, was likely to increase.

47. At present, probably no more than about 1,000 new programs each year were likely to be of direct interest to more than one user, of which only a very few exceptional programs would be of direct interest to a large number (e. g. more than 100) of users.

48. Some participants felt that whereas the present pattern of business of computer software firms was largely one of consultancy, with programming included in the services offered, the marketing of packaged systems of generalized application, often the result of innovation by small firms or even individuals, was likely to increase. Even independently developed systems operational programs might, if clear and adequate legal protection became available, be able to compete with such programs provided by manufacturers sometimes without a charge additional to that for the hardware supplied.

49. In terms of man-months of effort, it was estimated that the establishment of basic concepts and algorithms for programs constituted a small proportion only of the total requirements for the production of operable programs in the form of sequences of instructions; one estimate was that, in a typical case, a program requiring more than 3 man-years of total effort could be based on an algorithm requiring about 3 man-months of effort.

Private sector needs

50. The Advisory Group considered what recommendations could be made at this stage in respect of methods of protection of computer programs suited to identified needs of software producers and users, taking into account the discussion recorded in paragraphs 13 to 16 of this report. It considered that, while the interests of developing countries as potential producers should not be ignored, priority should be given to the needs of such countries as users of programs; in this connection it was noted that such needs included access to advanced and sophisticated programs for such purposes as control of water distribution, disaster warning systems, satellite telecommunications systems for educational and other purposes and industrial plant control.

51. Particular emphasis was placed on the interest for producers and users in a system of protection which would not inhibit the dissemination of information, which would provide certainty, under which effective and enforceable protection could be obtained easily and cheaply and which would strengthen the position of small enterprises and individuals negotiating with more powerful customers.

52. Some participants advocated a system, possibly analogous to the patent system, based on deposit and on the publication of a description sufficient to enable a usable result to be achieved on the basis of the concept disclosed; possibly deposit need not be a condition of protection, but could be a voluntary procedure which would strengthen the protection granted to the creator of the program, for example, by shifting the burden of proof to an alleged infringer when a *prima facie* case is established. Multiple deposits should be avoided but depositories should be of sufficient standing to enable international recognition to be given to deposits.

53. Other participants advocated a system of protection without such formalities as deposit, but indicated that they would not object to a voluntary registration system which could assist in the dissemination of knowledge. In connection with systems requiring or encouraging the deposit of computer programs as such, attention was drawn to physical problems of storage, both in relation to the possible bulk of lists of instructions in the form of a print-out and in relation to the danger of deterioration of magnetic tape.

54. It was generally felt that the question of adequate legal protection for computer programs generally should be treated independently from the question of patent protection for inventions expressed at least partly in the form of computer programs; some estimates were made that not more than 1% of programs for which protection would be desirable would be sufficiently "inventive" to qualify for patent protection; some participants felt, however, that such an attempt at such a quantification might be misleading.

55. Consideration was given to the possibility of compulsory licensing of computer programs in a country where a need was found to arise, particularly to assist in access to such programs on the part of developing countries; it was felt that, while compulsory licensing provisions might assist in the

establishment of a helpful framework for negotiations, in the majority of cases contractual licensing would be necessary in view of the initial and continuing cooperation which would be required between the user and the creator of the program for such purposes as modifications, testing, updating and maintenance.

56. Some participants felt that, while the possibility of the establishment of some sort of catalogue of available programs through a voluntary system of registration and description might be usefully explored, the question of appropriate legal protection should await further developments of the technology and the application to it of existing legal systems; it was generally felt, however, that the existing state of uncertainty was harmful, and that it was desirable that agreement should be reached by as many countries as possible on a reasonably uniform basis of protection.

Recommendations concerning the WIPO study of legal protection of computer programs

57. Taking into account the discussions recorded in the preceding paragraphs of this report, the Advisory Group concluded that, in view of the intellectual effort and the investment involved in their creation, it is desirable that some form of legal protection of computer programs be clearly established.

58. The Advisory Group recommended that the International Bureau, with the assistance of expert groups, should continue its study of the possible forms which such legal protection should take and the limits which it should have; the study should, *inter alia*, be guided by the following principles:

(a) The study should explore *copyright or copyright-type* protection¹ of original programs without examination as to substance, and should consider possible changes in traditional copyright concepts which might be appropriate, particularly in respect of authorship, duration, publication and the acts against which protection is granted; the study should deal in particular with the desirability and feasibility of a system of depositing programs with a public authority, not necessarily as a condition of protection but as a procedure which would provide an added advantage for the owners of programs and which would facilitate proof and licensing; attention should be paid to the question of what should be deposited, e. g. the entire program as such, or only descriptions of certain features or concepts, etc; account should be taken of the desirability that the deposit be international and that its effects be recognized at the national level.

(b) *Patent protection* (and protection under similar systems) should not be withheld from inventions for the reason that they involve computer programs when such inventions fulfil the traditional requirements of patentability; however, the study should investigate what, if any, traditional features of patent protection or patent procedure might need to be adapted to meet special problems in the case of computer

¹ In this connection, an analogy was drawn with protection under rights neighboring on copyright.

programs, e. g. in respect of the form and content of the description and the claims.

(c) The study should include proposals for tentative definitions of the concept of "computer program," bearing in mind the views recorded in paragraph 9 of this report, and should consider whether the same definition would be applicable in the case of copyright (type) and patent protection.

59. The Advisory Group also concluded that to be appropriate legal protection of computer programs of the types recommended to be studied should provide advantages to developing countries both as potential creators and as users of computer programs, by encouraging the dissemination of knowledge, and enlarging the choice of sources of supply: without such legal protection, reliance on secrecy would be normal. The Advisory Group recommended that the proposed study by the International Bureau should give high priority to such advantages for developing countries, and should take into account any special measures which would additionally assist such countries in improving their access to computer programs under the best possible conditions.

Possibility of setting up a computer programs register

60. In introducing the proposal made by the AIPPI concerning the setting up of a computer programs (software) register, a representative of AIPPI pointed out that such a system would be open to anybody interested but that there was no obligation to use it. The register would have three main functions: first, it would work as a kind of clearing house for information; thus it would serve to bring interested parties together; depositors could give as much or as little information on their programs as they wished; secondly, it would, where the complete program was simultaneously deposited, assist in providing evidence of the existence of the program on the date of registration; thirdly, the register would help to identify programs, in particular for purposes of contracts; at present it was difficult to clearly identify a particular program without giving a complete description of it; the register system, however, would allow for identifying programs by indicating their registration numbers.

61. It was stated that the setting up of a computer programs register would have, in particular, the advantage of allowing rapid and easy dissemination of information on computer programs. This would be to the advantage of the depositor, who would thus be assisted in finding prospective licensees for his programs; it would also be to the advantage of the prospective users of programs since the register would allow them to locate and select programs in which they might be interested.

62. In particular, the representative of the United Nations pointed out that his Organization was highly interested in the proposed setting up of a register. Such a register could be important for developing countries since it could open up new markets and facilitate access to existing programs on competitive terms. It was important that if such a system were set up this should take place before national practices hardened, so

as to enable compatibility to be achieved, and WIPO's initiative and continuing role would be welcomed. The possibility of cooperation with outside enterprises should be considered; it was essential to ensure active promotion and that the information contained in the registry would be brought to the attention of potential users in a businesslike manner. He was confident that the United Nations would continue to maintain its interest and would support activities in this field reinforcing the position of developing countries.

63. It was agreed that the register system would have to be attractive to potential depositors; an incentive to them would lie in the safeguarding of evidence and possibly in the institution of a special type of legal protection based on the registration.

64. In order to be attractive, the register system had also to offer easy access, without requiring complicated formalities. Nevertheless, some standardization of description was required in order to ensure a certain degree of uniformity, which was a prerequisite of any information system to be based on the contents of the registry. In this context, it would have to be examined in how far improvements of registered programs should be again registered. Particular attention should be paid also to the cost factor; potential users of the system should not be deterred by disproportionately high fees.

65. When considering the usefulness of a register system for computer programs, account should be taken of already existing schemes, for instance, copyright registries, national and international computing centers or private institutions, and the publications issued in the context of such schemes. The functioning, advantages and limitations of such schemes should be carefully studied.

66. In conclusion, the Advisory Group agreed that with respect to the possibility of setting up a computer programs register, the International Bureau should proceed, in the course of its study, first to an establishment of the facts, in particular in as far as existing registration and publication schemes, both public and private, were concerned; the results of this inquiry and a draft questionnaire, to be addressed to countries, accompanied by a tentative proposal, should be submitted to an expert group; once examined, the questionnaire should be distributed, and on the basis of the replies received the study should be completed, again with the assistance of an expert group, with respect to the desirability and feasibility of a computer programs register. If, after study, it appeared that the proposal would serve for the dissemination of information only, then an alternative could also be considered consisting of the coordination of registration schemes or catalogues set up at the national level or privately. In this connection, the possibility should be kept in mind of such a register or registers being successfully adapted to serve as a basis for a form of protective right as envisaged in paragraph 52.

67. This report was unanimously adopted by the Advisory Group at its meeting on June 20, 1974.

List of Participants *

I. Non-Governmental Experts

American Patent Law Association (APLA): M. C. Jacobs. Chartered Institute of Patent Agents (CIPA): G. H. R. Watson. Committee of National Institutes of Patent Agents (CNIPA): J. U. Neukom; J. E. Galama; D. W. F. Verkade. European Computer Manufacturers Association (ECMA): J. R. Cartwright; L. Perry. European Industrial Research Management Association (EIRMA): M. Kindermann. International Association for the Protection of Industrial Property (AIPPI): G. Hoepffner; W. E. Schuyler, Jr.; W. Boekel. International Chamber of Commerce (ICC): H. Aspden; Y. Ishii. International Confederation of Societies of Authors and Composers (CISAC): A. Hirst. International Federation for Documentation (FID): J. P. de Keersmaecker. International Federation for Information Processing (IFIP): A. S. Douglas; H. Bloom. International League Against Unfair Competition (LICCD): E. Martin-Achard. International Literary and Artistic Association (ALAI): T. Moll. Union of European Patent

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

Agents (UNEPA): G. Korsakoff. Union of Industries of the European Community (UNICE): G. Lo Cigno.

II. Governments

Australia: G. Henshilwood. Brazil: J. G. Marques Porto. Canada: J. G. Schram. Japan: K. Takami. Soviet Union: V. N. Bakastov. United Kingdom: D. Spencer. United States of America: L. C. Hamilton; D. Schrader (Mrs.).

III. United Nations (UN)

H. Einhaus.

IV. Officers

Chairman: W. E. Schuyler, Jr. (AIPPI); Secretaries: R. Harben (WIPO); L. Baeumer (WIPO).

V. WIPO

A. Bogsch (*Director General*); R. Harben (*Counsellor, Acting Head, External and Public Relations Division*); T. S. Krishnamurti (*Counsellor, Head, Copyright Division*); L. Baeumer (*Counsellor, Head, Legislation and Regional Agreements Section, Industrial Property Division*); J. Lahore (*Counsellor, Legislation and Regional Agreements Section*).

LEGISLATION

ITALY

Decrees concerning the Temporary Protection of Industrial Property Rights at Exhibitions

(of January, February, March, April, May and June 1974) *

Sole Section

Industrial inventions, utility models, designs and trademarks relating to objects appearing at the following exhibitions:

V^a *Esposizione internazionale del regalo novità, V^a Rassegna mondiale dei viaggi e delle vacanze and XIII^a Esposizione internazionale caravan-camping* (Genoa, March 16 to 24, 1974);

VIII^o *MOBILSUD — Salone internazionale del mobile per il Mezzogiorno e l'Oltremare* (Naples, March 17 to 24, 1974);

II^o *SILUX — Salone italiano dell'illuminazione* (Naples, March 17 to 24, 1974);

V^o *NAUTICSUD — Salone della nautica per il Mezzogiorno e l'Oltremare* (Naples, March 31 to April 7, 1974);

* Official communications from the Italian Administration.

VIII^o *SUDPEL — Salone del Mezzogiorno per la pelletteria ed il guanto* (Naples, April 20 to 23, 1974);

XX^o *Salone nazionale della calzatura, pelletterie, materie prime ed accessori* (Padua, April 22 to 24, 1974);

FESTA DEI FIORI — II^a Mostra della floricoltura e del vivaismo. Floritecnica. Rassegna di attrezzature ed impianti per il florivivaismo. Hobbyflora. Salone degli articoli e dei prodotti per il giardinaggio amatoriale (Padua, May 1 to 5, 1974);

V^a *Mostra nazionale dei complementi moda* (Busto Arsizio (Varese), May 4 to 7 1974);

XXXV^o *MITAM — Tessuti per l'abbigliamento* (Milan, May 5 to 8, 1974);

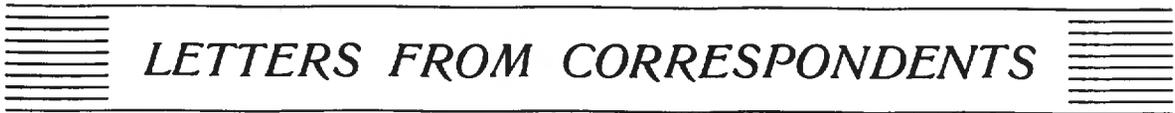
II^o *SIMAC — Salone internazionale macchine per calzaturifici e conterie, macchine per la fabbricazione di accessori e prodotti sintetici* (Bologna, May 16 to 18, 1974);

IV^o *SASMIL — Salone internazionale dei prodotti e dei semilavorati di legno ed articoli accessori per la lavorazione del legno in genere* (Milan, May 18 to 25, 1974);

VII^o *SIR — Salone internazionale del regalo* (Naples, May 22 to 27, 1974);

- LII^o Fiera di Padova — *Campionaria internazionale* (Padua, May 22 to June 2, 1974);
- MITAM-Arredamento — *Tappeti e tessuti per arredamento* (Milan, May 23 to 27, 1974);
- XXII^o Fiera di Roma — *Campionaria nazionale* (Rome, May 25 to June 9, 1974);
- FLUID '74 — *IV^o Salone apparecchiature oleoidrauliche* (Milan, June 5 to 10, 1974);
- V^o *Mostra internazionale dei servizi pubblici e delle tecniche ed attrezzature contro gli inquinamenti — SEP-Pollution '74* (Padua, June 18 to 22, 1974);
- XXVI^o Fiera di Trieste — *Campionaria internazionale* (Trieste, June 18 to 30, 1974);
- XVII^o Fiera internazionale della casa, arredamento, abbigliamento, alimentazione (Naples, June 19 to 30, 1974);
- VI^o SIRTE — *Salone italiano della radio TV ed elettrodomestici* (Naples, June 19 to 30, 1974);
- V^o TECHNEDIL — *Salone italiano delle attrezzature e dei materiali per l'edilizia sociale e le opere pubbliche* (Naples, June 19 to 30, 1974);
- XXXIV^o Fiera di Ancona — *Mostra mercato internazionale della pesca, degli sport nautici ed attività affini* (Ancona, June 22 to 30, 1974);
- XXVIII^o Fiera campionaria nazionale del Friuli-Venezia Giulia (Pordenone, September 4 to 15, 1974);
- MACEF — *Autunno 1974 — Mostra mercato internazionale degli articoli casalinghi, cristallerie, ceramiche, argenterie, articoli da regalo, ferramenta e utensileria* (Milan, September 6 to 10, 1974);
- XII^o *Mostra internazionale del marmo e delle macchine per l'industria marmifera* (S. Ambrogio di Valpolicella (Verona), September 7 to 15, 1974);
- XXXVIII^o Fiera del Levante — *Campionaria internazionale* (Bari, September 13 to 23, 1974);
- XXVII^o Fiera di Bolzano — *Campionaria internazionale* (Bolzano, September 14 to 23, 1974);
- XXIX^o *Mostra internazionale delle industrie per le conserve alimentari - Edizione speciale per i paesi dell'America Latina* (Parma, September 18 to 29, 1974);
- V^o *Salone internazionale del mobile and XIV^o Salone del mobile italiano* (Milan, September 20 to 25, 1974);
- XI^o SMAU — *Salone internazionale macchine, mobili, attrezzature ufficio* (Milan, September 20 to 25, 1974);
- IX^o SUDPEL — *Salone del Mezzogiorno per la pelletteria ed il guanto* (Naples, September 21 to 24, 1974);
- XII^o *Mostra internazionale dei trasporti interni e del magazzino e della manutenzione — TRAMAG* (Padua, October 2 to 6, 1974);
- IX^o *Esposizione internazionale delle attrezzature per il commercio ed il turismo — EXPO CT '74* (Milan, October 13 to 20, 1974);
- IV^o MIPAN — *Salone internazionale delle macchine, impianti e prodotti per la panificazione e la pasticceria* (Milan, October 13 to 20, 1974);
- ITALCAMPING '74 (Busto Arsizio (Varese), October 19 to 22, 1974);
- III^o INTERSAN — *Mostra mercato internazionale della ortopedia tecnica e sanitaria, sanitari, strumenti ed attrezzature chirurgiche, apparecchi fisioelettromedicali, corsetteria, articoli sanitari per la prima infanzia* (Milan, October 26 to 29, 1974);
- I^o EDICOS — *Salone dell'editoria e delle comunicazioni sociali* (Naples, October 30 to November 4, 1974);
- I^o SICAT — *Salone italiano della cartoleria, arredamento ed attrezzature tecniche per ufficio* (Naples, October 30 to November 4, 1974);
- LV^o *Salone internazionale dell'automobile* (Turin, October 30 to November 10, 1974);
- XIII *Mostre avicunicole internazionali — MAV* (Padua, December 6 to 9, 1974)
- shall enjoy the temporary protection established by the decrees mentioned in the preamble ¹.

¹ Royal Decrees No. 1127 of June 29, 1939, No. 1411 of August 25, 1940, No. 929 of June 21, 1942 and Law No. 514 of July 1, 1959. (See *La Propriété industrielle*, 1939, p. 124; 1940, pp. 84 and 196; 1942, p. 168; 1960, p. 23.)



LETTERS FROM CORRESPONDENTS

Letter from the United Kingdom

By Walter WESTON *



Letter from France

By Paul MATHÉLY *

- October 13 to 17, 1975 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)
- October 20 to 24, 1975 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)
- October 27 to November 3, 1975 (Geneva) — PCT — Interim Committees
- November 3 to 14, 1975 (Berne) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee
- November 10 to 14, 1975 (Geneva) — Revision of the Model Law on Inventions — Working Group (3rd session)
- November 17 to 21, 1975 (Geneva) — International Patent Classification (IPC) — Bureau
- November 24 to 28, 1975 (Geneva) — International Patent Classification (IPC) — Joint ad hoc Committee
- December 1 to 4, 1975 (Geneva) — International Protection of Appellations of Origin and Other Indications of Source — Committee of Experts
- December 1 to 12, 1975 (Munich) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee
- December 8, 9 and 16, 1975 (Geneva) — International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations — Intergovernmental Committee — Ordinary Session (jointly organized with the International Labour Organisation and Unesco)
- December 10 to 12, 1975 (Geneva) — ICIREPAT — Technical Coordination Committee (TCC)
- December 10 to 16, 1975 (Geneva) — Executive Committee of the Berne Union (Extraordinary Session)
- December 15 to 19, 1975 (Geneva) — International Classification of the Figurative Elements of Marks — Provisional Committee of Experts

UPOV Meetings

Meeting of Member and Non-Member States: October 21 to 23, 1974 — Council: October 24 to 26, 1974; October 7 to 10, 1975 — Consultative Working Committee: October 23, 1974; March 4 to 6, 1975; October 6 and 10, 1975 — Technical Steering Committee: November 5 and 6, 1974; April 9 to 11, 1975; November 5 to 7, 1975 — Working Group on Variety Denominations: September 15 and 16, 1975 — Fee Harmonization Working Party: April 24 and 25, 1975 — Working Group on Centralization: November 7, 1974 — Committee of Experts on Centralization: January 14 to 17, 1975; April 15 to 18, 1975; July 1 to 4, 1975; November 25 to 28, 1975 — Committee of Experts on the Revision of the Convention: February 25 to 28, 1975; December 2 to 5, 1975

Note: All these meetings will take place in Geneva at the headquarters of UPOV

Technical Working Parties: (i) for Vegetables: May 28 to 30, 1975 (Lund - Sweden); (ii) for Forest Trees: August 19 and 20, 1975 (Hannover - Federal Republic of Germany); (iii) for Ornamental Plants: September 9 to 11, 1975 (Hornum - Denmark)

Meetings of Other International Organizations concerned with Intellectual Property

- October 3 and 4, 1974 (Madrid) — International Confederation of Societies of Authors and Composers — Legal and Legislative Commission
- October 6 to 10, 1974 (Rome) — International League Against Unfair Competition — Congress
- October 21 to 23, 1974 (Rijswijk) — International Patent Institute — Administrative Board
- November 11 to 16, 1974 (Santiago) — Inter-American Association of Industrial Property — Congress
- December 6 to 10, 1974 (Yaoundé) — African and Malagasy Industrial Property Office — Executive Board
- December 9 to 11, 1974 (Rijswijk) — International Patent Institute — Administrative Board
- February 5 to 7, 1975 (Paris) — International Literary and Artistic Association — Working Session, Executive Board and General Assembly
- April 21 to 25, 1975 (Hamburg) — International Confederation of Societies of Authors and Composers — Congress
- May 3 to 10, 1975 (San Francisco) — International Association for the Protection of Industrial Property — Congress