

Industrial Property

Monthly Review of the
WORLD INTELLECTUAL PROPERTY
ORGANIZATION (WIPO)

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Protocol

Concerning the Entry Into Force of the Agreement between the United Nations and the World Intellectual Property Organization

Article 57 of the Charter of the United Nations provides that specialized agencies established by intergovernmental agreement and having wide international responsibilities as defined in their basic instruments in economic, social, cultural, educational, health and related fields shall be brought into relationship with the United Nations. Article 63 of the Charter provides that the Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations, and specifies that such agreements shall be subject to approval by the General Assembly.

Article 13, paragraph (1), of the Convention Establishing the World Intellectual Property Organization provides that the Organization shall, where appropriate, establish working relations and co-operate with other intergovernmental organizations. Article 6, paragraph (3)(f), of the Convention provides for the conclusion of an agreement with the United Nations under Articles 57 and 63 of the Charter of the United Nations.

On 4 May 1973, the Coordination Committee of the World Intellectual Property Organization adopted a resolution stating that the objectives of the Organization would be advanced and, in particular, the contribution which the Organization can make to international co-operation for economic and social progress would be enhanced if the Organization is brought into relationship with the United Nations as a specialized agency in accordance with Articles 57 and 63 of the Charter of the United Nations.

On 24 July 1973, the Economic and Social Council of the United Nations, at its fifty-fifth session, having considered the afore-mentioned resolution of the Coordination Committee of the World Intellectual Property Organization, decided that it was desirable that the World Intellectual Property Organization be brought into relationship with the United Nations in accordance with Articles 57 and 63 of the Charter of the United Nations. The Economic and Social Council requested its Committee on Negotiations with Intergovernmental Agencies to enter into negotiations with the World Intellectual Property Organization and report on the negotiations to the Council, submitting with its report a draft relationship Agreement between the United Nations and the World Intellectual Property Organization.

On 28 and 29 May 1974, at a joint session at United Nations Headquarters, New York, the Committee on Negoti-

Note: The Agreement between the United Nations and WIPO was published in Industrial Property, 1975, p. 3.

ations with Intergovernmental Agencies of the Economic and Social Council of the United Nations and the Negotiations Committee established by the World Intellectual Property Organization completed preparation of a draft relationship Agreement between the United Nations and the World Intellectual Property Organization.

On 31 July 1974, the Economic and Social Council of the United Nations at its fifty-seventh session approved the draft Agreement and recommended the draft Agreement to the General Assembly of the United Nations for approval.

On 27 September 1974, the General Assembly of the World Intellectual Property Organization, at an extraordinary session, approved the draft Agreement. The General Assembly of the World Intellectual Property Organization also authorized the Director General of the World Intellectual Property Organization to incorporate, in agreement with the Secretary-General of the United Nations, any necessary changes in the text of the Agreement to ensure that the different language versions of the text are brought into line and conform to the customary terminology and editorial standards.

On 17 December 1974, the General Assembly of the United Nations at its twenty-ninth session approved the draft Agreement. The text of the draft Agreement as approved by the General Assembly of the United Nations incorporates certain changes of an editorial nature made on the basis of recommendations by the Secretariat of the United Nations.

The Director General of the World Intellectual Property Organization, as authorized by the General Assembly of the World Intellectual Property Organization, concurs in the editorial changes.

Article 20 of the Agreement provides that the Agreement shall enter into force on its approval by the General Assembly of the United Nations and the General Assembly of the World Intellectual Property Organization.

The Agreement accordingly came into force on 17 December 1974.

A copy of the authentic text of the Agreement is attached hereto.

IN FAITH WHEREOF we have appended our signatures this twenty-first day of January one thousand nine hundred and seventy-five to two original copies of the present Protocol in the English language. One of the original copies will be deposited with the Secretariat of the United Nations and the other will be deposited with the Secretariat of the World Intellectual Property Organization.

Kurt WALDHEIM
Secretary-General of the United Nations

Arpad BOGSCH
Director General of the World Intellectual
Property Organization

WIPO Convention

I. Ratifications

ALGERIA

The Government of Algeria deposited on January 16, 1975, its instrument of ratification of the Convention Establishing the World Intellectual Property Organization (WIPO).

Algeria has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently ratifying the Stockholm Act (1967) of the Paris Convention for the Protection of Industrial Property in its entirety.

Pursuant to Article 15(2), the WIPO Convention will enter into force with respect to Algeria on April 16, 1975.

WIPO Notification No. 69, of January 20, 1975.

HOLY SEE

The Holy See deposited on January 20, 1975, its instrument of ratification of the WIPO Convention.

The Holy See has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently ratifying the Stockholm Act (1967) of the Paris Convention and the Paris Act (1971) of the Berne Convention for the Protection of Literary and Artistic Works as provided for in Article 29^{bis} of that Act.

Pursuant to Article 15(2), the WIPO Convention will enter into force with respect to the Holy See on April 20, 1975.

WIPO Notification No. 70, of January 24, 1975.

JAPAN

The Government of Japan deposited on January 20, 1975, its instrument of ratification of the WIPO Convention.

Japan has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently ratifying the Stockholm Act (1967) of the Paris Convention, with the limitation provided for in Article 20(1)(b)(i) of the said Act to the effect that the ratification shall not apply to Articles 1 to 12, and the Paris Act (1971) of the Berne Convention, as provided for in Article 29^{bis} of that Act.

Pursuant to Article 15(2), the WIPO Convention will enter into force with respect to Japan on April 20, 1975.

WIPO Notification No. 71, of January 25, 1975.

PORTUGAL

The Government of Portugal deposited on January 27, 1975, its instrument of ratification of the WIPO Convention.

Portugal has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently ratifying the Stockholm Act (1967) of the Paris Convention in its entirety.

Pursuant to Article 15(2), the WIPO Convention will enter into force with respect to Portugal on April 27, 1975.

WIPO Notification No. 73, of January 30, 1975.

II. Accessions

EGYPT

The Government of Egypt deposited on January 21, 1975, its instrument of accession to the WIPO Convention.

Egypt has fulfilled the condition set forth in Article 14(2) of the Convention, having previously acceded to the Stockholm Act (1967) of the Paris Convention in its entirety.

Pursuant to Article 15(2), the WIPO Convention will enter into force with respect to Egypt on April 21, 1975.

WIPO Notification No. 72, of January 24, 1975.

INDIA

The Government of India deposited on January 31, 1975, its instrument of accession to the WIPO Convention.

By virtue of Article 29^{bis} of the Paris Act (1971) of the Berne Convention, India, which was not bound by Articles 22 to 38 of the Stockholm Act (1967) of the said Convention, having previously ratified the Paris Act (1971) with the limitation provided for in Article 28(1)(b) of this Act, fulfills the condition set forth in Article 14(2) of the WIPO Convention.

Pursuant to Article 15(2), the WIPO Convention will enter into force with respect to India on May 1, 1975.

WIPO Notification No. 76, of February 4, 1975.

REPUBLIC OF VIET-NAM

The Government of the Republic of Viet-Nam deposited on January 30, 1975, its instrument of accession to the WIPO Convention.

The Republic of Viet-Nam has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently acceding to the Stockholm Act (1967) of the Paris Convention in its entirety.

Pursuant to Article 15(2), the WIPO Convention will enter into force with respect to the Republic of Viet-Nam on April 30, 1975.

WIPO Notification No. 75, of January 30, 1975.

TOGO

The Government of Togo deposited on January 28, 1975, its instrument of accession to the WIPO Convention.

Togo has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently acceding to the Stockholm Act (1967) of the Paris Convention and to the Paris Act (1971) of the Berne Convention as provided for in Article 29^{bis} of that Act.

Pursuant to Article 15(2), the WIPO Convention will enter into force with respect to Togo on April 28, 1975.

WIPO Notification No. 74, of January 30, 1975.

Lisbon Agreement

Accession to the Stockholm Act

TOGO

The Government of Togo deposited on January 28, 1975, its instrument of accession to the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of October 31, 1958, as revised at Stockholm on July 14, 1967.

Pursuant to the provisions of Article 14(5)(b), the Stockholm Act of the Lisbon Agreement will enter into force with respect to Togo on April 30, 1975.

Lisbon Notification No. 11, of January 30, 1975.

Patent Cooperation Treaty (PCT)

Ratification

TOGO

The Government of Togo deposited on January 28, 1975, its instrument of ratification of the Patent Cooperation Treaty (PCT) adopted at Washington on June 19, 1970.

A separate notification will be made of the date of the entry into force of the Treaty when the required number of ratifications or accessions is reached.

PCT Notification No. 7, of January 30, 1975.

Trademark Registration Treaty (TRT)

Accession

TOGO

The Government of Togo deposited on January 28, 1975, its instrument of accession to the Trademark Registration Treaty (TRT) adopted at Vienna on June 12, 1973.

A separate notification will be made of the date of the entry into force of the Treaty when the required number of ratifications or accessions is reached.

TRT Notification No. 2, of January 30, 1975.

WIPO MEETINGS

WIPO Permanent Legal-Technical Program

Licensing Seminar

(Geneva, November 18 to 22, 1974)

Note*

In November 1974, a Licensing Seminar was held in Geneva by WIPO within the framework of the Permanent Legal-Technical Program for the Acquisition by Developing Countries of Technology Related to Industrial Property.

The purpose of the Seminar was training, with emphasis on points which developing country licensees should look out for in negotiating and drafting technology license agreements.

The Seminar was attended by 20 participants from developing countries members of the Permanent Committee of the said Program, by seven officials from developing countries participating in the 1974 WIPO traineeship program in indus-

trial property, by eight experts in technology licensing, four of whom were provided by government authorities and four by international non-governmental organizations, and, finally, by 14 observers from intergovernmental and international non-governmental organizations interested in the work of the Permanent Committee. A list of participants follows this Note.

The Seminar was opened by the Director General of WIPO.

Mr. Anthony R. B. Amerasinghe (Sri Lanka) was unanimously elected Chairman.

During the first part of the Seminar, lectures were given by each of the experts, as follows: "Technology Licensing to the Developing Countries: An Approach" by Mr. C. Wickham; "Legal Aspects of License Agreements" by Mr. J. Alvarez Soberanis; "Negotiating and Drafting License Agreements" by Mr. M. Kasalý; "State Intervention in Transfer of Technology Agreements, with Particular Reference to Latin America" by Mr. E. D. Aracama Zorraquín; "The Role of Patents in License Agreements with Special Emphasis on Recent Legislative Changes in Developing Countries" by Mr. E. Jucker; "Practical Experience of a Developing Country in License

* This Note has been prepared by the International Bureau.

Agreements" by Mr. J. M. Rodríguez Padilla; "Know-How and Patent Agreements in Developing Countries, with Particular Reference to Brazil" by Mr. A. L. Figueira Barbosa; "Commercial Conditions in License Agreements (with Particular Reference to Payments)" by Mr. C. Kamm.

The lectures were followed by discussion among the experts and the participants; statements were also heard from observers from the United Nations Conference on Trade and Development (UNCTAD), the United Nations Industrial Development Organization (UNIDO), the African and Malagasy Industrial Property Office (OAMPI) and the Industrial Development Centre for Arab States (IDCAS). These observers commented on related activities by their own organizations.

The second part of the Seminar was spent on discussing the list of questions to be considered in negotiating license agreements contained in the WIPO guide on the "Legal Aspects of License Agreements in the Field of Patents, Trademarks and Know-How" (document PJ/92). These questions were considered in detail, with a view to revising the present guide.

The Seminar closed with a detailed summary of the proceedings prepared by the Chairman.

List of Participants*

I. Participants designated by governments

A. R. B. Amerasinghe (Sri Lanka); M. F. M. Arruda (Brazil); K. Bairo (Jordan); Z. Bastürk (Turkey); A. M. Bolbol (Egypt); C. M. Correa (Argentina); J. P. Crespín (Senegal); B. Ghafari (Syrian Arab Republic); N.-V. A. Iba (Zaire); S. Jessel de Miguel (Mrs.) (Spain); J. N. King'Arui (Kenya); K. Kra (Ivory Coast); R. Lammali (Algeria); C. Ortega Lechuga (Spain); U. Özgelen (Mrs.) (Turkey); G. Ramirez (Chile); G. Sellali (Mrs.) (Algeria); A. G. Suliman (Sudan); V. Tudor (Romania); A. Wilson (Togo).

II. WIPO trainees

P. W. Adrabonyibia-Masaara (Uganda); J. Digoh (Togo); G. Eguiguren Palacio (Ecuador); Hartono Prodjomardojo (Indonesia); S. Imam (Syrian Arab Republic); Z. H. Kutb El Abagy (Mrs.) (Egypt); L. Zebdji (Miss) (Algeria).

III. Experts

Provided by governments:

J. Alvarez Soberanis (Mexico); A. L. Figueira Barbosa (Brazil); M. Kasalý (Czechoslovakia); J. M. Rodríguez Padilla (Cuba).

Provided by international organizations:

E. D. Aracama Zorraquín (Inter-American Association of Industrial Property (ASIPI)); E. Incker (International Association for the Protection of Industrial Property (IAPIP)); C. Kamm (Council of European Industrial Federations (CEIF), Union of Industries of the European Community (UNICE)); C. Wickham (Licensing Executives Society (LES)).

IV. Observers

Intergovernmental Organizations:

United Nations (UN): F. Brusick. United Nations Conference on Trade and Development (UNCTAD): P. Roffe. United Nations Industrial Development

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

Organization (UNIDO): H. A. Janiszewski. Industrial Development Centre for Arab States (IDCAS): A. Abdel Hak. African and Malagasy Industrial Property Office (OAMPI): P. N'Goma.

Non-Governmental Organizations:

Council of European Industrial Federations (CEIF): W. Kuster. European Federation of Agents of Industrial Property (FEMIP): R. A. A. Roodhooft. European Industrial Research Management Association (EIRMA): B. Pretnar; M. J. Fine; B. de Passemar. Inter-American Association of Industrial Property (ASIPI): A. Ladrón de Guevara. Inter-American Bar Association (IABA): A. Ladrón de Guevara. International Federation of Inventors' Associations (IFIA): H. Romanus. Union of Industries of the European Community (UNICE): J. Gaudin.

V. Chairman

A. R. B. Amerasinghe (Sri Lanka).

VI. Secretariat

A. Bogsch (*Director General*); K. Pfanner (*Deputy Director General*); R. Harben (*Counsellor, Acting Head, External Relations Division*); I. Thiam (*Counsellor, Head, Technical Assistance Section, External Relations Division*); I. Pike-Wanigasekara (Mrs.) (*Assistant, Office of the Director General*); A. Ilardi (*Legal Officer, Legislation and Regional Agreements Section, Industrial Property Division*); G. da Fonseca (Miss) (*Technical Assistance Officer, Technical Assistance Section*).

ICIREPAT

Technical Coordination Committee

Thirteenth Session

(Geneva, December 16 to 18, 1974)

Note*

The thirteenth session of the Technical Coordination Committee (TCC) of ICIREPAT¹ was chaired by Mr. G. Borggård, Director General of the Swedish Patent Office.

A list of participants follows this Note.

Admission of Observers to Meetings of ICIREPAT Bodies. In connection with the granting of observer status in ICIREPAT bodies² to the International Federation for Documentation (FID) and the Patent Documentation Group (PDG), the Committee decided that as a provisional arrangement, the FID and the PDG should be invited to the next session of each of the ICIREPAT bodies in order to provide the said bodies and the organizations with the necessary information required to decide to what extent the participation of the FID and the PDG was in the interest of both ICIREPAT and the organizations themselves.

Suggestions of the Technical Committees. The Committee noted the work being done by the Technical Committee for Search Systems on revision of the ICIREPAT Manual in

* This Note has been prepared by the International Bureau.

¹ The Note on the twelfth session of the Technical Coordination Committee was published in *Industrial Property*, 1974, p. 293.

² See Note on the sixth session of ICIREPAT Plenary Committee, in *Industrial Property*, 1974, p. 434.

respect of two chapters: "ICIREPAT Procedures for the Development and Introduction of Systems" and "Guide for the Implementation of Systems."

The Committee approved basic principles for establishing recommendations on physical characteristics of patent documents and on characteristics pertaining to the layout and presentation of these documents, adopted by the Technical Committee for Standardization. The Committee also adopted country codes for eleven countries not yet coded in the ICIREPAT Country Code, approved a "Recommendation for 16 mm Roll Microfilm for Exchange between Patent Offices" and adopted an amendment for the "Standard Code for the Identification of Different Kinds of Patent Documents" providing for the use of this code for identifying patent documents cited in "Lists of references" and "Search reports."

Long-Term Program for Development of an Integrated System for Patent Search. The Committee, in continuing its study of the proposal of the Soviet Union concerning a long-term program for development of an integrated system for patent search, established an ad hoc committee composed of the representatives of Germany (Federal Republic of), the Soviet Union, the United Kingdom and the International Patent Institute. The Chairman of the Committee was requested to act as Chairman of the ad hoc committee.

The Committee recommended that this ad hoc committee should concentrate on the elaboration of proposals for a five year ICIREPAT program, starting in 1976, directed primarily to improving patent office search. At the same time, the needs of users of patent documents outside patent offices and needs of developing countries should be taken into account.

List of Participants *

I. States

Austria: K. Springer. France: D. Cuvelot. Germany (Federal Republic of): A. Wittmann; S. Zimmer. Soviet Union: L. K. Gorelov; V. N. Roslov. Sweden: G. Borggård; L. G. Björklund. United Kingdom: D. G. Gay. United States of America: R. A. Spencer.

II. Organizations

Commission of the European Communities (CEC): H. Bank. International Patent Institute (IIB): J. A. H. van Voorthuizen.

III. Chairmen of Technical Committees

Chairman of the Technical Committee for Search Systems: D. G. Gay; Chairman of the Technical Committee for Standardization: A. Wittmann.

IV. Officers

Chairman: G. Borggård (Sweden); Vice-Chairman: J. A. H. van Voorthuizen (IIB); Secretary: P. H. Claus (WIPO).

V. WIPO

K. Pfanner (*Deputy Director General*); P. H. Claus (*Technical Counsellor, Head of ICIREPAT Section, Industrial Property Division*); K. J. Dood (*Technical Counsellor, ICIREPAT Section*); D. Bouchez (*Technical Officer, ICIREPAT Section*); V. Evgeniev (*Technical Officer, ICIREPAT Section*).

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

International Patent Classification

Bureau of the Joint ad hoc Committee

Eleventh Session

(Geneva, December 9 to 13, 1974)

Note *

The eleventh session of the Bureau¹ of the Joint ad hoc Committee of the Council of Europe and the World Intellectual Property Organization on the International Patent Classification (IPC) was presided over by Mr. T. Gustafson (Sweden), Chairman of the Committee. Representatives of France, Germany (Federal Republic of), the Netherlands, Spain, Sweden, Switzerland, the United Kingdom, the United States of America and the International Patent Institute (IIB) participated in this session. The list of participants follows this Note.

Progress of Translation of the Second Edition of the IPC. The Bureau noted information regarding the state of the translations of the second edition of the IPC into the Finnish, German, Japanese, Portuguese, Russian and Spanish languages.

Past and Current IPC Activities. The Bureau agreed to recommend to the Joint ad hoc Committee that it approve a number of amendments to various subclasses of Sections A and E to H, as elaborated by Working Groups II and IV.

The Bureau noted the reports on the sessions of Working Groups I to IV in 1974, during which the Working Groups had concentrated on the priority items singled out by the Bureau at its tenth session.

The Bureau agreed that revision work should be concentrated on the areas of the IPC which have given rise to serious difficulties in practice and stressed that, with the limited resources available in the participating offices, a cost-benefit approach ought to be applied by weighing the useful results to be expected from a revision against the amount of work which would be necessary.

The Bureau agreed upon the priority programs for Working Groups I to IV for 1975 and thereafter, as proposed by those Working Groups.

The Bureau noted the report on the tenth session of Working Group V and adopted examples of patent documents to be used for training purposes within offices. The Bureau agreed that Working Group V should select further training examples, carry out a pilot investigation in order to identify the reasons for inconsistencies in classification revealed by earlier tests, and complete its present test program.

* This Note has been prepared by the International Bureau.

¹ Previously, the Notes published in this review have dealt only with the meetings of the Joint ad hoc Committee itself (a Note on the Committee's ninth session is to be found in *Industrial Property*, 1974, p. 138). These Notes give a short account of the meetings of the Committee and of its various bodies. Since the eleventh session of the Committee's Bureau was not followed by a meeting of the Committee itself, a special Note on that session is published here.

It was agreed that the last session of the Bureau would be held from October 1 to 3, 1975, and the last session of the Joint ad hoc Committee on October 6, 1975, immediately before the entry into force of the Strasbourg Agreement. The Bureau was informed that the Assembly and the Committee of Experts of the Special Union, established under Articles 7 and 5 of the Agreement, would be convened from October 7 to 9, 1975.

Second Edition of the IPC. The Bureau noted that the publishing firm was in the process of issuing a first corrigendum to the second edition of the IPC, relating to certain errors for which it was responsible, and that two further corrigenda, correcting other errors in the second edition of the IPC, would be issued later. All these corrigenda would be distributed to the purchasers of this edition of the IPC free of charge.

The Bureau recalled that the recommendation, made by the Joint ad hoc Committee at its ninth session, concerning the date for the uniform application of the symbols of the second edition of the IPC to published patent documents by all offices, namely January 1, 1975, was still applicable, and noted that for some offices there would necessarily be a certain delay in the application of the second edition, due to the late delivery to them of copies of that edition.

The Bureau noted that all offices represented at the session would indicate the fact that the symbols of the second edition of the IPC had been used, by printing a superscript arabic two, e. g., "Int. Cl.²: C 12 C1/04."

The Bureau requested the International Bureau of WIPO to carry out a survey among all patent offices in order to ascertain the exact starting date of the application of the symbols of the second edition of the IPC as well as the form in which the symbols were applied.

List of Participants *

I. States

France: O. Kavyrchine (Mrs.). Germany (Federal Republic of): K. Sölla. Netherlands: G. J. Koelewijn. Spain: A. Vega del Barco; J. Ibañez. Sweden: T. Gustafson; J. von Döbeln. Switzerland: E. Caussignac. United Kingdom: D. G. Gay; J. H. Callow. United States of America: A. C. Marmor; T. F. Lomont.

II. Intergovernmental Organization

International Patent Institute (IIB): A. Vandecasteele; F. C. R. Delaet.

III. Secretariat

Council of Europe

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

WIPO

K. Pfanner (*Deputy Director General*); P. Claus (*Technical Counsellor, Industrial Property Division*); B. Hansson (*Counsellor, Head of the International Patent Classification Section, Industrial Property Division*); A. Sagarminaga (*Technical Officer, International Patent Classification Section*); P. Trépanier (*Technical Officer, International Patent Classification Section*).

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

about Scientific and Technical Achievements of the USSR which may be Recognized as Inventions or Discoveries.

7. Scientific research institutes and other organizations in which the authors of discoveries are employed shall render all necessary assistance in the preparation of applications concerning alleged discoveries and the organization of discussions on the alleged discoveries, generally with the authors' participation, in academic (scientific and technical) boards for the purpose of determining the conformity of the concepts claimed with the scientific discovery concept, as well as the establishment of their scientific and practical value.

8. An application for the grant of a diploma for a discovery shall be filed with the Committee by the author himself (or by the coauthors), by his heirs or by the enterprise, organization or institution authorized to do so by the author.

An application concerning a discovery made in the performance of assigned tasks shall be drawn up by the enterprise, organization or institution jointly with the author (or coauthors) and shall be filed, together with the necessary reports (prepared by the academic boards and other competent organizations) concerning the authenticity of the claimed discovery and the fundamental changes in the standard of knowledge, within one month following the date on which the author submitted a proposal for the filing of such application.

If the application is not filed by the enterprise, organization or institution within the prescribed time limit, the author may file the application himself directly with the Committee, stating that the discovery was made in the performance of assigned tasks and that the enterprise, organization or institution has not drawn up the application within the prescribed time limit.

9. The procedure for carrying out the scientific examination is set forth in the Statute and in the Instructions on the Procedure for Carrying Out the Scientific Examination in respect of Applications concerning Discoveries and for Drafting Reports thereon in Scientific Institutions.

II. Provisions Governing Applications concerning Discoveries

10. The application for the grant of a diploma for a discovery shall relate to one discovery only and must include three copies each of the following documents:

(a) a request for the grant to the author (or coauthors) of a diploma for a discovery or a request for the grant of a diploma to the author (or coauthors) and a certificate in the name of the enterprise, organization or institution in which the discovery was made in the performance of assigned tasks;

(b) a description of the alleged discovery;

(c) material illustrating the discovery (photographs, diagrams, plans, drawings, etc.) if necessary;

(d) documents substantiating the priority of the discovery if the essence of the alleged discovery was known prior to the filing of the application with the Committee;

(e) reports of the competent organizations, enterprises and institutions concerning the authenticity and the importance of the alleged discovery made in the performance of assigned tasks.

Provisions Governing the Request

11. When an application is filed by the author (or coauthors) or by his heirs, the request for the grant of a diploma for a discovery shall be drawn up in accordance with the requirements set forth in Annex 1³.

When an application is filed by the enterprise, organization or institution, the request for the grant of the diploma for a discovery to the author (or coauthors) and a certificate in the name of the enterprise, organization or institution for a discovery made in the performance of assigned tasks shall be drawn up in accordance with the requirements set forth in Annex 2³.

Provisions Governing the Description of the Discovery

12. A description of the alleged discovery is the basic application document; it must contain the following parts:

title of the discovery;

introduction;

proof of the authenticity of the discovery;

field of scientific and practical utilization of the discovery;

data concerning the priority and the recognition of the discovery;

formula of the discovery.

Title of the Discovery

The title of the discovery shall be as short as possible and shall correspond to the essence of the discovery.

The title of the alleged discovery stated in the description must repeat the title as appearing in the request for the grant of a diploma for the discovery. If the author (or coauthors) or the organization requests that the discovery be named after him or it or be given a special title, such name or title shall be indicated in the request and in the description.

Introduction

The introduction shall indicate:

(a) the field of science to which the discovery relates;

(b) the concepts which were already known in the said field of science prior to the alleged discovery (with an indication of sources of information);

(c) the essence of the discovery and its significance for science and practice; fundamental changes in the standard of scientific knowledge.

Proof of the Authenticity of the Discovery

The theoretical and experimental proof (as a general rule, both) shall include data substantiating the novelty and the authenticity of the concepts claimed as a discovery, as well as, if necessary, a description of the methods of carrying out the experiments, findings and conclusions.

Field of Scientific and Practical Utilization of the Discovery

This part shall contain:

(a) an indication of the scientific or technical problems which can be solved on the basis of the discovery concerned,

³ This Annex is not published here.

substantiated recommendations concerning the means of possible scientific and practical utilization of the discovery, and a tentative estimate of the anticipated effect (if the findings of the discovery have already been utilized, the information concerning the state of such utilization shall be set forth);

(b) any information on applications concerning inventions which have already been filed (or on inventors' certificates which have already been obtained), where the inventions are based on the discovery claimed, as well as other information concerning the utilization of these inventions and their technical and economic effectiveness.

Data concerning the Priority and Recognition of the Discovery

This part shall provide:

(a) data substantiated by documents giving evidence of the priority of the claimed discovery;

(b) an enumeration of the existing reports of the competent organizations (academic boards of scientific research institutes, universities, etc.) as well as other data concerning the recognition of the discovery in the USSR and abroad.

Formula of the Discovery

The description of the discovery must end with its formula, which shall express clearly and completely the essence of the claimed discovery as stated and substantiated in the description.

When formulating the subject matter of the alleged discovery, it is necessary to proceed from the definition of the concept of the discovery.

Sample formulae of discoveries which have already been entered in the State Register of Discoveries of the USSR are given in Annex 3⁴.

13. At the end of the description, a bibliographic list of the main published works relating to the discovery in question shall be provided.

14. The description of the discovery and all other material relating to the application shall be signed by the author (or coauthors) or by his heirs.

Where an application is drawn up in respect of a discovery made in the performance of assigned tasks, all the material relating to the application shall be signed by the head of the enterprise, organization, institution and by the author (or coauthors).

15. The description of the discovery shall be typed on smooth white paper, and only one side of each sheet shall be used. The size of the sheets shall be 29.7 × 21 cm and the interval between the lines shall be 0.5 to 0.7 cm. Each page of the description shall be numbered.

A space of 8 to 9 cm shall be left blank at the top of the first page for the notes of the Committee. At the bottom of the first page of the description, the family name and given name of the author (or coauthors) shall be indicated, as well

as the name of the organization in which the discovery was made.

Provisions Governing Material Illustrating the Discovery

Photographs, drawings, diagrams, etc. may be submitted to illustrate the discovery.

Drawings (diagrams) shall be executed in ink or india ink on tracing paper or on smooth white paper, in the appropriate scale. The size of the sheets shall be 29.7 × 21 cm.

Provisions Governing Documents Substantiating the Priority of the Discovery

For the purposes of determining the priority of a discovery, a document must be attached to the application which establishes when and in which enterprise, organization or institution, or in which printed publication and in what form, the essence of the discovery was first formulated and the proof set forth. The copies of material substantiating the date of priority, namely, published material (in original or printed form), statements, records, etc., must be attached to the document. The document must be signed by the head of the enterprise, organization or institution and must be certified by its seal.

Provisions Governing Reports by the Competent Organizations

Reports concerning the authenticity and significance of a claimed discovery made in performance of assigned tasks (see Annex 4⁵) must set forth the scientific evidence confirming the novelty and authenticity of the discovery, give specific recommendations concerning the utilization of the discovery for the purposes of science and practice (indicating, if possible, the organizations, Ministries and departments concerned as well as the anticipated effect of the utilization of the discovery in the national economy).

16. Within three months from the date of receipt of the application for the grant of a diploma for the discovery, the Committee shall carry out a preliminary examination and shall issue a certificate to the applicant, stating that the application has been accepted for examination or that the applicant is required to submit a necessary correction or addition to the material furnished. If the claimed concept does not comply with the requirements laid down for a discovery by the Statute and these Instructions, the applicant shall be informed of the refusal to accept the application for consideration and of the reason therefor.

17. The applicant shall have the right, within three months from the date of acceptance of the application by the Committee, to insert additions and corrections in the description and illustrating material furnished by him, in so far as this does not change the essence of the alleged discovery as described in the application. Additions and corrections shall be furnished in three copies signed by the applicant. When additions and corrections are filed, the number under which a corrected application has been recorded shall be indicated.

⁴ This Annex is not published here.

⁵ This Annex is not published here.

SPAIN

I

Decree

Regulating the Transfer of Technology

(No. 2343 of September 21, 1973)

1. — The transfer of technology from abroad under written contracts, arrangements and agreements, whose regulation is the subject of this Decree, may take the form of one or more of the following:

(a) the assignment of rights for the use of patents and other forms of industrial property;

(b) the transfer of unpatented know-how, plans, magnetic tapes on which digital information has been recorded, diagrams, specifications or instructions and, in general, of know-how applicable to productive activity, collected and kept secret as the property of the undertakings possessing them;

(c) engineering services, the preparation of preliminary studies or projects and operational projects of a technical type, services in the assembly, construction and operation of plants and their maintenance and repair;

(d) services in the form of studies, analyses, programming, consultancy and advice on management and administration in any of its aspects;

(e) services in the form of education and training of personnel, whether or not related to the above-mentioned services;

(f) documentation and technical or economic information services;

(g) other forms of technical assistance.

2. — In respect of contracts for the transfer of foreign technology, whatever the form, signed by natural persons or legal entities, other than the State Administration, domiciled, resident or legally established in Spain, the Ministries of Industry and of Trade shall have the following functions and powers:

(a) The Ministry of Industry shall take the necessary administrative steps to ensure that the conditions in which the acquisition of foreign technology takes place are the most beneficial for the national economy, doing so in coordination with the other Departments concerned in each case.

(b) The Ministry of Trade shall take the final decision concerning the authorization, where appropriate, of payments in foreign currency relating to each contract.

3. — For the purposes of Section 2, a Register of Contracts for the Transfer of Technology is hereby set up in the General Directorate of Industrial Development and Technology of the Ministry of Industry. An application shall be made for registration therein, of all contracts, and supplementary documents of the same kind, signed by a natural person or legal entity, with the exception provided for in the preceding Section, resident, domiciled or legally established in Spain, when their purpose is the acquisition of technology from a

natural person or legal entity resident, domiciled or legally established abroad.

An application shall also be made for the registration of contracts between natural persons or legal entities domiciled, resident or legally established in Spain, when the technology covered by the contract has been acquired abroad.

The applications for the registration of contracts referred to in the two preceding paragraphs may be made by any of the procedures provided for in Section 66 of the Law on Administrative Procedure.

For the purposes of the preceding paragraph, when the transfer of technology is related to national defense or to research institutions connected with defense, the procedures to be followed shall be coordinated with the corresponding military Department.

4. — Before taking a decision on the registration of the contracts referred to in this Decree, the Ministry of Industry shall ask the Department or Departments competent by reason of the subject matter covered by the contract or the type of technology with which it deals for their report, which shall be binding.

The time limits within which decisions concerning applications for the registration of contracts shall be taken and those within which the Ministries concerned shall present their reports shall be governed by the Law on Administrative Procedure.

5. — Where, in the opinion of the Ministry of Industry or, where appropriate, the Ministry which is competent to act by reason of the subject matter covered by the contract, contracts include restrictive clauses which prevent, impair or impede the technological development of the transferee, limit his freedom of action, or amount to an abuse on the part of the transferor of the technology, registration shall be refused or, where appropriate, made with a caveat referring to such restrictive clauses — with the consequences described in Section 7 of this Decree. Contracts with regard to which the report of any of the Departments referred to in Section 4 is unfavorable shall not be admitted for registration.

In particular, no contract shall be registered which involves a limitation on the "resident's" freedom to export or obtain his sources of supply, unless the Ministry of Trade has transmitted the prerequisite report.

The above-mentioned reasons for non-registration or for registration with a caveat in the Register shall apply in general to all contracts with the exception of those relating to the transfer of technology for the production or use of equipment for defense purposes, in respect of which certain restrictive clauses may be justified on grounds of national interest.

Where international technical cooperation agreements lay down in sufficient detail the specific conditions governing private contracts for the transfer of technology which give concrete effect to such agreements, such contracts shall in every case be registered without caveats calling attention to the restrictive clauses mentioned in the first paragraph of this Section.

A refusal of registration shall be communicated to the interested party with an explanation of the reasons for the refusal and allowing him a period of one month to rectify the deficiencies pointed out. In the event of a renewed application for registration, the procedures and time limits shall be those prescribed in the preceding Sections.

6. — A contract for the transfer of technology must be registered in the Register at the Ministry of Industry before the Ministry of Trade may give its authorization for the transfer abroad of the foreign currency to which such contract may give rise.

For this purpose, the Registry shall transmit to the Ministry of Trade the complete files relating to the contracts which it has registered as well as the reports of the competent Ministries.

Within 20 days the General Directorate of Foreign Transactions of the Ministry of Trade shall decide whether or not to give clearance for the funds to be transferred and shall duly inform the interested parties and the Ministries involved of its decision.

No contract for the transfer of technology shall take effect so far as regards any possible transfer of funds abroad until the General Directorate of Foreign Transactions has taken a decision concerning it.

The definitive authorization of each transfer of funds abroad shall be subject to verification by the Ministry of Trade that the transactions are authentic and in proper form and that the requirements of the law have been complied with.

7. — With regard to the industries included in the sectors referred to in Sections 1 and 2 of Decree 2072 of July 27, 1968, the administrative authorization for the establishment, enlargement or transfer of an industry may be made conditional on the fact that none of the contracts of that undertaking has been refused registration in the Register, and that no such contract has been registered with a caveat calling attention to restrictive clauses of the kind described in the first paragraph of Section 5 of this Decree.

The registration of contracts in the Register may be regarded as a technical condition required of the industries referred to in Section 2 of Decree 2072/1968 and it may likewise be taken into account, in accordance with the regulations in force in each case, when granting the benefits applicable to measures for the encouragement or promotion of productive activities.

8. — Natural persons or legal entities resident or legally established in Spain having contracts registered in the Register, shall, within two months, notify any amendments to such contracts, as well as any substitutions, extensions, variations and modifications in the circumstances and conditions agreed on in the document originally registered, in which case a report, as prescribed in Section 4, shall be prepared.

If this entails the cancellation of the registration, Section 5 shall apply *mutatis mutandis*.

9. — The Ministry of Industry shall from time to time disseminate in a suitable manner information designed to provide greater knowledge of the market for the acquisition of foreign technology. Similarly, national research centers shall be periodically informed about the types of technology contracted for, so that they may, so far as possible, adapt their research programs towards technological objectives which are complementary to or improvements on the technology which is the subject of the transfer. In both cases, due precautions and safeguards shall be taken in respect of what may constitute industrial secrets, particularly as regards technology relating to national defense.

10. — The organizations, bodies and undertakings referred to in Section 9 of Decree 617 of April 4, 1968 which contract with foreign consultancy and engineering firms for the acquisition of technical studies and services shall produce proof that they have tried to obtain such services from undertakings registered in the Special Section of the Register of Consultancy and Industrial Engineering Undertakings before their contracts can be registered in the Register of Contracts for the Transfer of Technology.

11. — Decree 418 of February 25, 1965, which lays down the conditions governing contracts for international technical or financial cooperation in relation to freedom of industrial establishment, is annulled.

12. — The Ministries of Industry and Trade may make the regulations necessary for the development and application of this Decree within the limits of their respective spheres of authority.

13. — This Decree shall enter into force on the day following its publication in the State Official Bulletin¹.

Final Provision

All contracts for the transfer of technology now in force shall be registered within one year in the form laid down in the present Decree.

II Order

Regulating the Registration of Contracts for the Transfer of Technology

(of December 5, 1973)

1.1 — The obligation to apply for the registration of written contracts, arrangements and agreements in the Register set up by Decree 2343 of September 21, 1973, affects all such arrangements under which foreign technology is directly or indirectly acquired through a national intermediary, irrespective of the nature of the consideration given by the transferee of the technology, i. e., whether it be tangible, in monetary or other form, or intangible in any form.

¹ The Decree was published in the Official Bulletin of October 2, 1973.

1.2 — Such application shall be made by the natural persons who or legal entities which are the recipients of the technology, and are domiciled, resident or legally established in Spain.

1.3 — The application shall be made in triplicate in the form of a petition to the Director General of Industrial Development and Technology and shall be accompanied by three copies of the contract, which, for the purposes of this Order, must be in Spanish, by the memorandum, and by the supporting documents referred to in points 1.5 and 1.6 below.

1.4 — The memorandum shall include information and data concerning the contracting parties, the technological content of the transfer, the scope and conditions of the arrangement and other data which justify the conclusion of the contract.

The forms for the application and memorandum shall be supplied by the services of the Ministry of Industry.

1.5 — The supporting documents must include:

(a) the official document certifying the applicant's power to act in the case concerned;

(b) a copy of the registration of his establishment in the Industrial Register or, where appropriate, the latest enlargement, in the case of industrial undertakings;

(c) a copy of the official decision, if any, authorizing foreign investment in the capital of the undertaking;

(d) complete texts of the offers and technical specifications agreed on in the case of consultancy or engineering services;

(e) other documents which may in the view of the Ministry of Industry be necessary in each case.

1.6 — The organizations, bodies and undertakings referred to in Section 9 of Decree 617 of April 4, 1968, which contract with foreign consultancy or engineering firms for the acquisition of technical studies and services shall lodge with their application documentary proof that they have tried to obtain corresponding services from at least two undertakings registered in the Special Section of the Register of Consultancy and Industrial Engineering Undertakings established by the said Decree, which operate in the field covered by the contract.

Such proof should take the form of definitive and relevant offers from the above-mentioned Spanish undertakings or, failing these, should be effected by other means amounting to proof. Should it be impossible to produce such proof because only one undertaking, or none at all, capable of providing the required service, is registered in the above-mentioned Special Section, the applicant must produce, together with the offer from the registered undertaking, if any, a certificate to this effect from the General Directorate of Industrial Development and Technology.

When the certificate referred to in the preceding paragraph attests that the undertakings registered in the above-mentioned Special Section lack the capacity to render a certain percentage, provided that it is less than 85 %, of the service in question, it will be necessary to produce, in addition,

proof of having attempted to obtain the corresponding services up to the remaining percentage from the undertakings registered in the Special Section, provided that the activities covered by each of the percentages mentioned above are technically separable.

2.1 — Applications shall be submitted directly to the General Directorate of Industrial Development and Technology of the Ministry of Industry or by any other of the procedures prescribed in Section 66 of the Law on Administrative Procedure.

2.2 — Applications shall be classified by the General Directorate of Industrial Development and Technology in accordance with the following subparagraphs, which describe the procedure to be adopted in each case:

(a) Contracts for the transfer of technology for the production or utilization of defense equipment shall be sent to the appropriate military Department, which shall report whether the existence of restrictive clauses is justified by the national interest in accordance with the third paragraph of Section 5 of the Decree.

(b) Contracts for the transfer of technology concluded under the auspices of international technical cooperation agreements which lay down in sufficient detail the specific conditions governing the contracts between private legal entities giving concrete effect to such agreements shall be registered in accordance with the fourth paragraph of Section 5 of the Decree.

(c) Contracts not covered by either of the above subparagraphs and which, owing to the subject matter covered by the transfer or to the type of technology contracted for, fall within the competence of the department of a Ministry other than the Ministry of Industry, shall be sent to the general technical secretariat of the Ministry in question with a request for the preparation of the report referred to in the first paragraph of Section 4 of the Decree. Should the report recommend the non-registration of the contract or its registration subject to a caveat, the said report shall specify the relevant clauses and its objections, which shall be communicated to the interested party in accordance with the fifth paragraph of Section 5 of the Decree and with point 2.4 of this order.

(d) Contracts not covered by the preceding subparagraphs and for whose examination the Ministry of Industry is responsible, by reason of the subject matter in question, shall be reported on by the General Directorate for the sector concerned. The report shall mention, where appropriate, the importance and significance of any restrictive clauses contained in the said contracts and the particular implications of the costs involved in the light of the industrial policy for the sector to which the transfer is directed. The General Directorate for the sector shall propose the type of registration to be made, or shall make a recommendation against registration.

2.3 — For the registration of contracts belonging to classes (c) and (d) which involve a limitation on the "resident's" freedom to export or obtain his sources of supply, the Ministry which is competent by reason of the subject matter in question shall request the Ministry of Trade to prepare the

report required by the second paragraph of Section 5 of the Decree.

2.4 — When, in the course of the application procedure, circumstances arise which, in accordance with the provisions of this Order, justify the presumption that a contract cannot be registered or can only be registered with a caveat, the General Directorate of Industrial Development and Technology shall notify the interested party — in every case before the hearing stage — so that, within one month, he may strike out or amend the clauses which justify such a decision. Such rectification shall be effected by producing an appropriate document, signed by the same contracting parties, in which they agree to renounce or modify those terms originally agreed on, and mentioned in the statement from the General Directorate of Industrial Development and Technology.

3. — For the purposes of the provisions of Section 5 of Decree 2343/1973, the Ministry of Industry or, where appropriate, the Ministry competent by reason of the subject matter covered by the contract, shall make a general appraisal of the situation in the sector concerned and of the characteristics of the process and product to which the technology covered by the contract relates having regard to the rights and obligations given to the parties by the contract.

In making the said general appraisal, the following conditions or aspects of the contract shall, amongst others, be considered unfavorable:

(1) prohibitions, restrictive conditions, or limitations on the use of the transferee's own technology, or on his acquisition of technology from other sources, or on the use of non-patented know-how after the expiry of the contract; restrictive conditions, or limitations on efforts by the transferee to conduct his own research, introduce innovations or proceed to technological developments, or provisions counteracting the aforesaid efforts if made;

(2) provisions whereby the transferee is required to assign patents, improvements or innovations introduced or developed by him on the basis of the technology acquired under the contract;

(3) provisions for the transfer of technology in the form of a "package deal," including parts or elements which are unnecessary or for which supplies of equivalent quality and reliability are manifestly available from Spanish industry, provided that the said parts and elements are technically separable from whatever else the contract transfers;

(4) provisions for the transfer of technology which is wholly or partly inadequate by reason of obsolescence, insufficient competitiveness or other similar reasons, or provisions imposing quality specifications or measures standardizing quality which are incompatible with the standards laid down by Spanish legislation, except in cases in which the product is mainly intended for markets in which such standards and qualities are necessary;

(5) prohibitions on, excessive limitations as to the geographical range of, or the omission of an express authority for exports in specific areas by the transferee; and provisions

requiring the transferee to purchase raw materials or components or other intermediate goods or equipment from the transferor or from suppliers stipulated in the contract;

(6) provisions requiring minimum levels of activity or limiting the transferee's freedom to decide his working methods in respect of levels, models, competitive articles, prices and periods of delivery, or giving the transferor the unilateral right to fix the prices of the goods produced by the transferee;

(7) provisions favorable to the transferor's interests on the sale of the goods produced by the transferee in the Spanish market; provisions imposing on the transferee an exclusive relationship with the transferor, or requiring the transferee to use marks registered in Spain by the transferor;

(8) provisions imposing on the transferee the obligation to supply to the transferor or to stipulated third parties the goods produced with the aid of the technology transferred in circumstances contrary to the interests of the Spanish economy;

(9) provisions giving the transferor the right, not previously acquired by other means, to intervene in, control or impose conditions on the management of the transferee's undertaking or his plans for expansion or diversification;

(10) provisions requiring payments substantially higher than those normally prevailing on the market in similar situations, or minimum returns when the payments are based on rates proportional to the various levels of activity;

(11) provisions fixing payments in the form of rates proportional to the level of production without deducting the value of imported products or components incorporated in the production process to which the acquired technology is applied; and provisions which do not exclude the invoicing of lines of production not affected by the acquired technology;

(12) provisions imposing payments based on rates proportional to the transferee's level of activity when the transferee is a subsidiary of the transferor and the transferor holds more than 50 % of the transferee's capital stock, or when the transferor of technology supplies raw materials or intermediate products used in the process to an amount equal to more than 30 % of the total cost of the product, or when the transferee is a consultancy or engineering firm, unless in the latter case the technology transferred relates to a process for activities in which the process is constantly applied.

(13) overpricing (differences between the prices stipulated in the contract and those charged on the international market by the supplier or his principal competitors) of supplies, materials or pieces of equipment associated with the process to which the transferred technology applies, which are furnished by the transferor or by suppliers stipulated in the contract;

(14) provisions for the duration, either too long or too short, of the contract or of its direct consequences; provisions whereby the duration of the contract is automatically extended; and provisions which impose payments for a period longer than the period of validity of the patents involved;

(15) provisions to the effect that a foreign-language version of a contract which has been signed in other languages as well as Spanish shall be the authoritative one for the purposes of interpretation.

4.1 — The decision that a contract for the transfer of technology is to be registered in the Register shall be communicated to the applicant and to the General Directorate of Foreign Transactions of the Ministry of Trade within ten days from its signature. It shall likewise be communicated to the appropriate General Directorate of the Ministry of Industry.

The decision sent to the General Directorate of Foreign Transactions shall be accompanied by a copy of the following documents: the petition, the contract, the memorandum, the supporting documents and the reports, if any, of other ministerial Departments involved.

4.2 — A decision that a contract is to be registered with a caveat shall state what are the restrictive clauses or other provisions in the contract constituting the grounds for this decision and shall be communicated to the applicant and to the General Directorate of Foreign Transactions of the Ministry of Trade within the time limit and in the form laid down in point 4.1. It shall also be communicated to the appropriate General Directorate of the Ministry of Industry for the purposes stated in Section 7 of the Decree.

4.3 — A decision that a contract shall not be registered shall point out the restrictive clauses which, because they prevent, impair or impede the technological development of the transferee, limit his freedom of action, or amount to an abuse on the part of the transferor of the technology, have constituted the grounds for this decision. Within the time limit stated above the decision shall be communicated to the applicant, and to the appropriate General Directorate of the Ministry of Industry for the purposes referred to in point 4.2.

4.4 — All decisions taken with regard to contracts for the transfer of technology shall be communicated to the Ministries which by reason of the subject matter covered by the transfer or the type of technology contracted for, have reported on them.

5. — In accordance with the provisions of Section 3 of Decree 2343 of September 21, 1973, and without prejudice to Sections 6 and 7 of that Decree, the enforceability of any written contract, arrangement or agreement regulated by the present Order shall be subject to its previous registration, with or without a caveat, in the Register of Contracts for the Transfer of Technology.

6.1 — In the event of amendments being made to contracts registered in the Register, the General Directorate of Industrial Development and Technology shall be notified within two months of the scope of such amendments in accordance with Section 8 of the Decree. Together with this notification there shall be lodged in triplicate the new text of the amended agreement, a memorandum of the kind referred to in point 1 of this Order and the appropriate supporting documents.

6.2 — Such memorandum shall include, in addition to what is stipulated above, information concerning the performance of the contract up till the time of its modification and the grounds on which the substitutions, extensions, variations or modifications of the original text have been made.

6.3 — The formalities relating to such amendments shall follow the same procedures and time limits as those prescribed in the preceding points for the initial registration.

6.4 — If the changes introduced in the agreement entail the alteration or cancellation of the entry in the Register, the general procedure laid down shall apply *mutatis mutandis*.

ITALY

Decrees concerning the Temporary Protection of Industrial Property Rights at Exhibitions

Sole Section

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

Mostra internazionale dell'oreficeria, gioielleria e argenteria (Vicenza, January 19 to 26, 1975);

XIII° Salone internazionale del giocattolo (Milan, January 23 to 30, 1975);

VI° CATERING — Salone nazionale dei prodotti per alberghi, convivenze, bar e ristoranti (Naples, January 25 to February 2, 1975);

EXPOSUDHOTEL — Salone delle attrezzature alberghiere, turistiche e di pubblico esercizio per il Mezzogiorno e l'Oltremare (Naples, January 25 to February 2, 1975);

VII° SIVEL — Salone italiano dei vini e dei liquori (Naples, January 25 to February 2, 1975);

SAMIA — Salone mercato internazionale dell'abbigliamento maschile (Turin, February 1 to 4, 1975);

XII° Salone internazionale macchine per movimenti di terra da cantiere e per l'edilizia — SAMOTER (Verona, February 2 to 9, 1975);

MACEF-Primavera 1975 — Mostra mercato internazionale degli articoli casalinghi, cristallerie, ceramiche, argenterie, articoli da regalo, ferramenta e utensileria (Milan, February 8 to 11, 1975);

Salone internazionale della ceramica e del vetro (Vicenza, February 12 to 16, 1975);

I° Mercato professionale nazionale del florovivaismo — FLORMAT (Padua, February 14 to 16, 1975);

- MODAMAGLIA* — *Salone della maglieria italiana and MODA-INTIMA* — *Salone dell'abbigliamento intimo* (Bologna, February 20 to 23, 1975);
- X° *SUDPEL* — *Salone italiano della pelletteria, del guanto, pellami, macchine, accessori e prodotti finiti* (Naples, February 21 to 25, 1975);
- EXPOMOTOR '75* — *III° Salone* (Milan, February 27 to March 3, 1975);
- IX° *Salone internazionale delle vacanze e del turismo — VACANZE '75* (Turin, February 27 to March 10, 1975);
- XVI° *Mostra convegno — Riscaldamento condizionamento refrigerazione idrosanitaria* (Milan, March 1 to 7, 1975);
- XXIX° *Presentazione internazionale moda della calzatura* (Bologna, March 7 to 10, 1975);
- SAMIA* — *Salone mercato internazionale dell'abbigliamento femminile* (Turin, March 8 to 11, 1975);
- I° *Salone nazionale delle invenzioni* (Milan, March 9 to 19, 1975);
- XXII° *Rassegna internazionale elettronica, nucleare e tele-radiocinematografica* (Rome, March 11 to 23, 1975);
- IX° *MOBILSUD* — *Salone internazionale del mobile per il Mezzogiorno e l'Oltremare* (Naples, March 14 to 20, 1975);
- III° *SILUX* — *Salone italiano della illuminazione* (Naples, March 14 to 20, 1975);
- I° *Salone del mobile triveneto* (Padua, March 16 to 23, 1975);
- CASA '75* — *XII° Salone internazionale delle arti domestiche* (Turin, March 27 to April 9, 1975);
- VI° *NAUTIC SUD* — *Salone nazionale della nautica* (Naples, March 28 to April 6, 1975);
- XII° *Fiera internazionale del libro per ragazzi, IX° Mostra degli illustratori and III° Salone internazionale della editoria scolastica* (Bologna, April 4 to 8, 1975);
- N. T. A.* — *Rassegna delle nuove tecniche dell'apprendimento e della comunicazione* (Bologna, April 4 to 8, 1975);
- VIII° *COSMOPROF* — *Salone internazionale della profumeria e della cosmesi* (Bologna, April 24 to 28, 1975);
- XXXIX° *Mostra mercato internazionale dell'artigianato* (Florence, April 24 to May 8, 1975);
- Fiera nazionale del radioamatore* (Pordenone, April 25 to 27, 1975);
- XXI° *Salone nazionale della calzatura, pelletterie, materie prime e accessori* (Padua, April 25 to 27, 1975);
- III° *Salone internazionale delle industrie lattiero-casearie* (Parma, May 3 to 8, 1975);
- III° *Marmolevante* — *Salone internazionale dei marmi, macchine, attrezzature ed accessori* (Bari, May 6 to 11, 1975);
- LIII° *Fiera di Padova — Campionaria internazionale* (Padua, May 22 to June 2, 1975);
- VII° *MOBILEVANTE* — *Fiera internazionale del mobile e dell'arredamento per il Mezzogiorno d'Italia e i paesi del Levante* (Bari, May 28 to June 2, 1975);
- VIII° *S. I. R.* — *Salone internazionale del regalo* (Naples, May 28 to June 3, 1975);
- XXXIX° *Fiera di Bologna — Campionaria internazionale* (Bologna, May 28 to June 8, 1975);
- XVIII° *S. I. A.* — *Salone internazionale dell'alimentazione* (Bologna, May 28 to June 8, 1975);
- IV° *Salone internazionale bottoni, materie prime, macchine e affini — SIBA* (Piacenza, May 30 to June 2, 1975);
- Mostra internazionale dell'oreficeria, gioielleria e argenteria* (Vicenza, June 8 to 15, 1975);
- XVIII° *Fiera internazionale della casa — arredamento, abbigliamento, alimentazione* (Naples, June 24 to July 6, 1975);
- XXIX° *Fiera campionaria nazionale Friuli-Venezia-Giulia* (Pordenone, September 3 to 14, 1975);
- II° *Mercato professionale nazionale del florovivaismo — FLORMAT — FLORTECNICA — HOBBYFLORA* (Padua, September 12 to 14, 1975);
- XXXIX° *Fiera del Levante — Campionaria internazionale* (Bari, September 12 to 22, 1975);
- TECNICA '75* — *XXV° Salone internazionale della tecnica and MONTAGNA '75 — XII° Mostra internazionale della montagna* (Turin, September 27 to October 6, 1975)
- shall enjoy the temporary protection established by the decrees mentioned in the preamble¹.

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 Japan

By Akira KUKIMOTO *



NEWS ITEMS

PAKISTAN

Controller of Patents and Designs

We have been informed that Mr. M. O. Bhatti has been appointed Controller of Patents and Designs. He succeeds Mr. A. Toor.

We take this opportunity of congratulating Mr. Bhatti on his appointment.

US/USSR, Technology and Patents, Sale and License Prospects — Edited by Edward P. White. Published by Licensing Executives Society (USA) Inc., 1974. - 150 pages.

This report is based upon the visit of the United States Delegation on Patent Management and Licensing to the Soviet Union, from July 10 to 28, 1973 and comprises the results of the discussions and work sessions with USSR officials during that visit.

As indicated in the Preface, the report has been written with the practical purpose of doing business with the Soviet Union. In its fifteen chapters, the report explores exhaustively and in a detailed manner all aspects of licensing negotiations in the Soviet Union, including in particular industrial property, financial and marketing aspects. Interesting information is given on the structure of the various governmental bodies having jurisdiction over agreements dealing with the transfer of technology. Special mention should be made of Chapter 10 (Drafting of License Agreements), which examines the basic provisions of a typical agreement with a Soviet organization and gives valuable and practical drafting advice.

The report has been written from the US executive standpoint and contains frequent and pertinent references to licensing practices and the industrial property system in the Soviet Union. It will prove to be a useful source of information to all those engaged in licensing with the Soviet Union.

A. I.

Der Umfang des Stoffschutzes für chemische Erfindungen [The Scope of Protection of Substances in the Context of Chemical Inventions], by Bernhard Geissler. Carl Heymanns Verlag KG, Cologne, Berlin, Bonn and Munich, 1972. - 189 pages.

This work consists of a study of the consequences of the introduction, in 1968, of the patentability of chemical substances into the law of the Federal Republic of Germany. It deals more particularly with the question of how far a patented chemical substance is protected: does this protection cover all possible uses of the substance, including those that the inventor has neither found nor described, or is it limited to the uses stated by the inventor and to those which an expert in the field can find without himself doing anything amounting to an inventive step?

Although he has made German law the focal point of his study, the author devotes half his work to the way in which chemical inventions are treated, for the purposes of patent law, in France, in the United States of America, and in the Scandinavian countries. Thus the interest of the work is obvious for readers with an urge to tackle the problems raised by chemical inventions in the setting of comparative law.

F. C.

Selection of New Publications

BERNHARDT (Wolfgang). *Die Bedeutung des Patentschutzes in der Industriegesellschaft*. Cologne, Berlin, Bonn and Munich, Carl Heymanns Verlag KG, 1974. - 117 p.

DAVID (Heinrich). *Kommentar zum Schweizerischen Markenschutzgesetz (Dritte Auflage)*. Basle and Stuttgart, Verlag Helbing & Lichtenhahn, 1974. - 87 p.

FAHRENDORF (Klaus). *Die überbetriebliche technische Normung im amerikanischen Antitrustrecht*. Cologne, Berlin, Bonn and Munich, Carl Heymanns Verlag KG, 1974. - 195 p.

GAWLIK (Boguslaw). *Umowa Know-how — Zagadnienia konstrukcyjne*. Varsovie, Państwowe Wydawnictwo Naukowe, 1974. - 150 p.

HERRMANN (Hansjürgen). *Nichtangriffsabreden über gewerbliche Schutzrechte und verwandte Probleme* (thesis). University of Cologne, 1969. - 139 p.

KASE (Francis J.). *Trademarks — A Guide to Official Trademark Literature*. Dohhs Ferry, N. Y., Oceana Publications Inc. and Leiden, A. W. Sijthoff, 1974. - 427 p.

La marque collective — Régime juridique et pratique. Centre de Recherche sur le Droit des Affaires (Chambre de commerce et d'industrie de Paris), Paris, 1974. - 104 p.

La protección jurídica de las invenciones y la industria químico-farmacéutica [Coloquios sobre la patentabilidad de las invenciones farmacéuticas y la industria farmacéutica española]. Madrid, Editorial Montecorvo, S. A., 1974. - 543 p.

LEHMANN (Michael). *Die Werbung mit Geschenken*. Cologne, Berlin, Bonn and Munich, Carl Heymanns Verlag KG, 1974. - 267 p.

PERRET (François). *L'autonomie du régime de protection des dessins et modèles*. Genève, Librairie de l'Université, Georg & Cie S. A., 1974. - 332 p.

PREUSSNER-ZAMORSKA (Janina). *Prawo do autorstwa wynalazku*. Warsaw, Państwowe Wydawnictwo Naukowe, 1974. - 144 p.

RIPPE (Siegbert). *Régimen de la Propiedad industrial en el Uruguay*. Montevideo, Fundación de Cultura Universitaria, 1974. - 186 p.

SCHULTE (Rainer). *Patentgesetz*. Cologne, Berlin, Bonn and Munich, Carl Heymanns Verlag KG, 1974. - 512 p.

STASZKÓW (Michał). *Zarys prawa wynalazczego*. Warsaw, Państwowe Wydawnictwo Naukowe, 1974. - 300 p.

Własność przemysłowa w Polsce. Reports prepared for the Franco-Polish Colloquium on the Protection of Industrial Property in Socialist Countries. Katowice, Śląski University, 1973. - 79 p.

UPOV Meetings in 1975

Council: October 7 to 10 — **Consultative Committee:** March 5 and 6; October 6 and 10 — **Technical Steering Committee:** April 17 and 18; November 6 and 7 — **Committee of Experts on International Cooperation in Examination:** April 14 to 16; November 3 to 5 — **Committee of Experts on the Interpretation and Revision of the Convention:** February 25 to 28; December 2 to 5.

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

Technical Working Parties: (i) for Vegetables: May 28 to 30 (Lund - Sweden); (ii) for Agricultural Crops: June 4 to 6 (Cambridge - United Kingdom); (iii) for Fruit Crops: June 17 to 19 (Bordeaux - France); (iv) for Forest Trees: August 19 and 20 (Hannover - Federal Republic of Germany); (v) for Ornamental Plants: September 9 to 11 (Hornum - Denmark)

Meetings of Other International Organizations concerned with Intellectual Property

March 10 to 12, 1975 (Rijswijk) — International Patent Institute — Administrative Board

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

June 12 and 13, 1975 (Stockholm) — Union of European Professional Patent Representatives — Executive Committee

June 15 to 22, 1975 (Madrid) — International Chamber of Commerce — Congress

June 18 to 20, 1975 (Rijswijk) — International Patent Institute — Administrative Board

September 16 to 19, 1975 (Budapest) — International Federation of Musicians — Executive Committee

September 17 to 20, 1975 (London) — Union of European Professional Patent Representatives — General Assembly

May 25 to June 1, 1976 (Tokyo) — International Publishers Association — Congress
