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International Unions

Paris Convention

Accession to the Paris Convention (Stockholm Act)

BURUNDI

The Government of Burundi deposited on May 31, 1977, its instrument of accession to the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Stockholm on July 14, 1967.

Burundi will belong to Class VII for the purpose of establishing its contribution towards the budget of the Paris Union.

The Paris Convention, as revised, will enter into force with respect to Burundi on September 3, 1977.

Paris Notification No. 90, of June 3, 1977.

WIPO Meetings

NICE UNION

Diplomatic Conference on the Revision of the Nice Agreement

(Geneva, May 4 to 13, 1977)

Note *

Pursuant to the decision taken in September/October 1976 by the Assembly of the Special Union for the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Union), the Diplomatic Conference on the Revision of the Nice Agreement concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, revised at Stockholm on July 14, 1967 (herein-

after referred to as "the Nice Agreement"), was held in Geneva from May 4 to 13, 1977. The Conference had been prepared by an Ad Hoc Committee of Experts which held a single session from March 1 to 4, 1976, in Geneva.¹ The Conference working papers were drawn up by the International Bureau.

The 31 States members of the Nice Union had been invited to attend the Diplomatic Conference with voting rights; 24 of those States were represented. All the States members of the Paris Union but not of the Nice Union had been invited as observers and nine of them attended in that capacity. A number of intergovernmental and international non-governmental organizations had been invited as observers and six international non-governmental organizations attended in that capacity. The Conference was presided by Mrs. E. Steup (Federal Republic of Germany). The list of participants and the list of officers of the Conference follows this Note.

* This Note has been prepared by the International Bureau.

¹ See *Industrial Property*, 1976, p. 123.

The Diplomatic Conference adopted the Geneva Act of May 13, 1977, revising the Nice Agreement, the text of which is reproduced in this issue (see *Industrial Property Laws and Treaties*, MULTI-LATERAL TREATIES — Text 3-001).

The main innovations of the Geneva Act (1977), as compared with the texts of the Agreement currently in force, concern the procedure for making amendments to the Classification and the languages of the Classification.

As regards the first aspect, it should be recalled that the responsibility for making amendments to the Classification lies with the Committee of Experts set up by Article 3 of the Nice Agreement. "Amendments" are taken to mean any transfer of goods or services from one class to another or the creation of any new class in the Classification. Under the texts in force of the Agreement (Article 3(3)), decisions of the Committee of Experts concerning amendments require the unanimous consent of the States members of the Nice Union. The Geneva Act replaces the requirement of unanimity with a requirement of a qualified—four-fifths—majority (Article 3(7)(b)). The Geneva Act further provides that the majority is determined on the basis of the countries actually present and voting when the amendment is put to a vote; abstentions are not deemed to be votes. Similarly, decisions concerning changes other than amendments (addition of goods or services, deletions, editorial changes, for example) are taken by the Committee of Experts, according to the Geneva Act (Article 3(7)(a)), by a simple majority not of the Nice Union countries, as in the texts in force (Article 3(4)), but of the countries actually present and voting. In addition, Article 3(5) of the texts in force, which gives experts the right to vote by correspondence and to delegate their powers to the expert of another country, has not been retained in the Geneva Act. The new procedure means that a single country can no longer veto an amendment of the Classification desired by the great majority of the member States. On the other hand, the fact that a highly qualified majority—four-fifths—has been chosen for the adoption of the most important changes (called "amendments") to the Classification, enables countries of the Nice Union which attach special importance to the stability of the Classification effectively to limit too frequent or too extensive changes. The new procedure thus achieves a welcome balance between the various interests and creates a more favorable climate for a larger extension of the geographic scope of the Nice Union.

The second major innovation in the Geneva Act concerns the languages of the Classification. Under the texts in force (Article 1(6)), the Classification is drawn up in French and official translations may be published by the International Bureau of WIPO at the request of, and in agreement with, the countries

concerned. The Geneva Act, on the other hand, provides that the Classification is in English and French and that both texts are equally authentic (Article 1(4)). The Director General of WIPO is to establish official texts of the Classification in Arabic, German, Italian, Portuguese, Russian and Spanish and in such other languages as the Assembly of the Nice Union may designate, provided that the establishment of those texts does not entail financial implications for the budget of the Union or that of WIPO (Article 1(6)). These new provisions on the languages of the Classification could well result in more and more countries showing an interest in the Classification, applying it and acceding to the Nice Agreement, and thus bring about the desired geographical extension of the Nice Union.

The Geneva Act also contains other innovations in relation to the texts in force. Most of these changes are of an editorial nature, however, their purpose being essentially to achieve a measure of conformity with more recent agreements on classifications adopted under the aegis of WIPO. Three changes of substance nevertheless warrant a mention here.

Firstly, according to the Geneva Act, the Classification consists of not only a list of classes and an alphabetical list of goods and services but also explanatory notes on the list of classes (Article 1(2)). Under the present system, such notes exist but do not legally form part of the Classification.

Secondly, according to a new provision (Article 3(7)(c)), the Committee of Experts' rules of procedure are to provide that, except in special cases, amendments to the Classification are adopted at the end of specified periods and that the length of each period is determined by the Committee of Experts. The aim of this new provision is to avoid too frequent amendments.

Thirdly, whereas amendments to the Classification enter into force six months after the date of dispatch of the relevant notification under both the Geneva Act and the texts in force, other changes decided by the Committee of Experts enter into force, according to the Geneva Act, on a date to be specified by the Committee of Experts at the time the change is adopted; under the texts in force (Article 4(1)), they enter into force on receipt of the notification. This new system will enable such other changes to enter into force at the same time for all countries of the Nice Union and also, where they are connected with amendments, at the same time as those amendments.

Article 9(4)(a) of the Geneva Act stipulates that the Act will enter into force three months after six or more countries have deposited their instruments of ratification or accession, with the proviso that at least three of those countries must be countries which were members of the Nice Union on the date the Geneva Act was opened for signature, that is, on May 13, 1977. The purpose of this proviso is to permit a

smooth transition from the texts in force to the Geneva Act as far as amendments to the Classification are concerned.

The Geneva Act was signed on May 13, 1977, by the following 14 States: Finland, France, Germany (Federal Republic of), Hungary, Italy, Monaco, Netherlands, Portugal, Soviet Union, Spain, Switzerland, Tunisia, United Kingdom, United States of America.

The Geneva Act will remain open for signature until December 31, 1977.

List of Participants

I. Member States

ALGERIA

Head of Delegation

H. Redouane, Director General, *Institut algérien de normalisation et de propriété industrielle*, Algiers

Delegate

F. Bouzid, Head, Trademarks, Designs and Appellations of Origin Department, *Institut algérien de normalisation et de propriété industrielle*, Algiers

AUSTRALIA

Head of Delegation

G. Henshilwood, Acting Commissioner of Patents, Canberra

AUSTRIA

Head of Delegation

E. Nettel, Ambassador, Permanent Representative, Permanent Mission, Geneva

Alternate

G. Mayer, Counsellor, Section for Industrial Property, Federal Ministry for Trade, Commerce and Industry, Vienna

Delegate

R. Torovsky, Minister-Counsellor, Permanent Mission, Geneva

BELGIUM

Head of Delegation

J. Degavre, Deputy Counsellor, Ministry of Economic Affairs, Brussels

CZECHOSLOVAKIA

Head of Delegation

J. Prošek, Head of the Trademark Department, Office for Inventions and Discoveries, Prague

Delegate

J. Zelko, First Secretary, Permanent Mission, Geneva

DENMARK

Head of Delegation

R. Carlsen, Registrar, Danish Patent and Trade Mark Office, Copenhagen

Delegate

I. Sander, Assistant Head of Department, Danish Patent and Trade Mark Office, Copenhagen

FINLAND

Head of Delegation

E. Wuori, Deputy Director General, Central Board of Patents and Registration, Helsinki

Delegates

B. Norring, Head of Department, Central Board of Patents and Registration, Helsinki

A. Kurittu, Secretary of Section, Ministry for Foreign Affairs, Helsinki

FRANCE

Head of Delegation

P. Fressonnet, Deputy Director, National Institute of Industrial Property, Paris

Delegate

H. Polycarpe, Head, Trademarks Division, National Institute of Industrial Property, Paris

Advisors

M. Hiance, Legal Counsellor, National Institute of Industrial Property, Paris

S. Balous, Counsellor, Permanent Mission, Geneva

GERMANY (FEDERAL REPUBLIC OF)

Head of Delegation

C.-W. Sanne, Ambassador, Permanent Representative, Permanent Mission, Geneva

Alternate Head of Delegation

E. Steup, *Ministerialrätin*, Federal Ministry of Justice, Bonn

Delegate

M. Aúz-Castro, *Oberregierungsrätin*, German Patent Office, Munich

Advisors

D. Praun, Counsellor, Permanent Mission, Geneva

T. Rötger, Counsellor, Permanent Mission, Geneva

HUNGARY

Head of Delegation

E. Tasnádi, President, National Office of Inventions, Budapest

Delegate

M. Bognár, Head, Trademarks Section, National Office of Inventions, Budapest

ITALY

Head of Delegation

I. Papini, Minister Plenipotentiary, *Délégué aux accords pour la propriété intellectuelle*, Ministry of Foreign Affairs, Rome

Alternate

S. Samperi, Director, Central Patent Office, Ministry for Industry and Trade, Rome

Delegate

P. Aslan, Attaché, Permanent Mission, Geneva

MONACO

Head of Delegation

J.-M. Notari, Director, Industrial Property Service, Monaco

Delegate

J. Brunshvig, Consul General of Monaco, Geneva

MOROCCO

Head of Delegation

M. Chraïbi, Second Secretary, Permanent Mission, Geneva

NETHERLANDS

Head of Delegation

E. van Weel, Vice-Chairman of the Patent Council, Rijswijk

NORWAY

Head of Delegation

A. Gerhardsen, Deputy Director General, The Norwegian Patent Office, Oslo

Delegates

A. Kaarhus, Head of Division, The Norwegian Patent Office, Oslo

A. Guldhav, Counsellor, The Norwegian Patent Office, Oslo

POLAND

Head of Delegation

A. Olszówka, Counsellor, Deputy Permanent Representative, Permanent Representation, Geneva

Delegate

M. Lewicki, Permanent Representation, Geneva

PORTUGAL

Head of Delegation

R. Serrão, Director, Industrial Property Office, *Direction générale du commerce*, Lisbon

Alternate

J. Van Zeller-Garin, Deputy, Industrial Property Office, *Direction générale du commerce*, Lisbon

SOVIET UNION

Head of Delegation

V. Bykov, Deputy Chairman, State Committee for Inventions and Discoveries, Council of Ministers of the USSR, Moscow

Delegates

I. Vedernicova, Deputy Head, Foreign Relations Section, State Committee for Inventions and Discoveries, Council of Ministers of the USSR, Moscow

S. Gorlenko, Deputy Head, Trademarks and Industrial Designs Section, State Committee for Inventions and Discoveries, Council of Ministers of the USSR, Moscow

A. Zaitsev, Counsellor, Permanent Mission, Geneva

S. Egorov, First Secretary, Permanent Mission, Geneva

SPAIN

Head of Delegation

A. Villalpando Martínez, *Director del Registro de la Propiedad Industrial*, Madrid

Delegates

L. García Cerezo, First Secretary, Permanent Mission, Geneva

E. Rúa Benito, Head, Appeals Section, *Registro de la Propiedad Industrial*, Madrid

SWEDEN

Head of Delegation

C. Uggla, Chairman of the Board of Appeals, Royal Patent and Registration Office, Stockholm

Delegates

B. Lundberg, Head of the Trademarks Division, Royal Patent and Registration Office, Stockholm

O. Ohlson, Head of Section, Ministry of Commerce, Stockholm

SWITZERLAND

Head of Delegation

P. Braendli, Director, Federal Intellectual Property Office, Berne

Alternate Head of Delegation

J.-L. Marro, Vice-Director, Federal Intellectual Property Office, Berne

Delegate

F. Balleys, Head, Trademarks Section, Federal Intellectual Property Office, Berne

TUNISIA

Head of Delegation

M. Ben Fadhel, Ambassador, Permanent Representative, Permanent Mission, Geneva

Delegate

B. Fathallah, *Administrateur conseiller chargé du Service de la propriété industrielle, Ministère de l'économie nationale*, Tunis

UNITED KINGDOM

Head of Delegation

I. Davis, Assistant Comptroller of the Patent Office, London

Delegates

R. Moorby, Assistant Registrar of Trade Marks, Patent Office, London

D. Cecil, First Secretary, Permanent Mission, Geneva

UNITED STATES OF AMERICA

Head of Delegation

R. Sorenson, Acting Chargé d'affaires, Permanent Mission, Geneva

Alternate Head of Delegation

D. Allen, Patent and Trademark Office, Department of Commerce, Washington, D.C.

Advisors

D. Figgins, Office of Development and Humanitarian Affairs, Bureau of International Organization Affairs, Department of State, Washington, D.C.

L. Schroeder, Patent and Trademark Office, Department of Commerce, Washington, D.C.

I. Williamson, Jr., First Secretary, Permanent Mission, Geneva

II. Observer States

ARGENTINA

Head of Delegation

M. Vernengo, First Secretary, Permanent Mission, Geneva

BRAZIL

Head of Delegation

A. Bahadian, First Secretary, Permanent Mission, Geneva

CAMEROON

Head of Delegation

A. Mvogo, First Counsellor, Embassy of Cameroon, Paris

EGYPT

Head of Delegation

F. El Ibrashi, Minister Plenipotentiary, Permanent Mission, Geneva

Delegate

K. Khalil, Second Secretary, Permanent Mission, Geneva

GHANA

Head of Delegation

T. Sey, Assistant Registrar General, Accra

Delegate

J. Okyne, Head of the Chancery, Permanent Mission, Geneva

IRAQ

Head of Delegation

F. Bandar Al-Tikriti, Second Secretary, Permanent Mission, Geneva

LIBYAN ARAB JAMAHIRIYA

Head of Delegation

A. Embark, Second Secretary, Permanent Mission, Geneva

PHILIPPINES

Head of Delegation

C. Espejo, Attaché, Permanent Mission, Geneva

TRINIDAD AND TOBAGO

Head of Delegation

G. Stewart, Acting Senior State Counsel, Ministry of Legal Affairs, Port of Spain

Delegate

T. Baden-Semper, Minister/Counsellor, Embassy of Trinidad and Tobago, Brussels

III. International Non-Governmental Organizations*Committee of National Institutes of Patent Agents (CNIPA)*

E. Eyer, Patent Attorney, Sprenglingen

Council of European Industrial Federations (CEIF)

W. Bökel, Corporate Lawyer, Siemens AG, Erlangen

International Association for the Protection of Industrial Property (IAPIP)

G. Kirker, Member of the Executive Committee of IAPIP, Geneva

International Chamber of Commerce (ICC)

A. de Sampaio, *Conseil en propriété industrielle*; Director, J. E. Dias Costa, Ltda., Lisbon

International Federation of Patent Agents (FICPI)

Y. Plasseraud, Patent Attorney, Paris

Union of Industries of the European Community (UNICE)

W. Mak, Chairman of the UNICE "Trademarks" Working Group, Head of the Trademarks Department, N.V. Philips' Gloeilampenfabrieken, Eindhoven

IV. Officers and Committees*Conference*

President:	E. Steup (Germany, Federal Republic of)
Vice-Presidents: *	H. Redouane (Algeria) R. Sorenson (United States of America) C. Ugglå (Sweden) V. Bykov (Soviet Union)
Secretary General:	L. Baeumer (WIPO)
Assistant Secretary General:	L. Egger (WIPO)

Credentials Committee

Chairman:	E. Nettel (Austria)
Vice-Chairmen: *	A. Villalpando Martínez (Spain) M. Chraïbi (Morocco) G. Ledakis (WIPO)
Secretary:	

Drafting Committee

Chairman:	I. Davis (United Kingdom)
Vice-Chairmen: *	G. Henshilwood (Australia) J. Prošek (Czechoslovakia)
Secretary:	F. Curchod (WIPO)

V. International Bureau of the World Intellectual Property Organization (WIPO)

A. Bogsch, Director General
K. Pfanner, Deputy Director General
L. Baeumer, Director, Industrial Property Division
G. Ledakis, Legal Counsel
L. Egger, Head, International Registrations Division
F. Curchod, Head, Special Projects Section, Industrial Property Division
L. Lebedeva, Consultant, Industrial Property Division
H. Rossier, Head, Mail and Documents Section, Administrative Division

* Listed according to the French alphabetical order of the names of the States.

**WIPO PERMANENT PROGRAM FOR
DEVELOPMENT COOPERATION RELATED
TO INDUSTRIAL PROPERTY***

I**Permanent Committee**

Fourth Session
(Geneva, March 14 to 18, 1977)

Note**

The WIPO Permanent Committee established under the Permanent Program for Development Cooperation Related to Industrial Property held its

* The title of the Program has been changed to conform with the revised Organizational Rules adopted by the WIPO Conference on October 5, 1976.

** This Note has been prepared by the International Bureau.

fourth session in Geneva from March 14 to 18, 1977.¹ A list of participants follows this Note.

At the time of its fourth Session, the Permanent Committee had 53 member States: Algeria, Australia, Austria, Brazil, Bulgaria, Cameroon, Canada, Chile, Congo, Cuba, Czechoslovakia, Denmark, Egypt, Finland, France, Gabon, German Democratic Republic, Germany (Federal Republic of), Ghana, Hungary, Iraq, Israel, Ivory Coast, Japan, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mauritius, Mexico, Morocco, Netherlands, Norway, Poland, Portugal, Romania, Senegal, Soviet Union, Spain, Sudan, Surinam, Sweden, Switzerland, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United States of America, Yugoslavia, Zaire, Zambia.²

The following questions were contained in the agenda of the Permanent Committee and were examined successively on the basis of documents prepared by the International Bureau:

Promotion of Innovative Capacity in Developing Countries. The Permanent Committee approved the plan for a study of existing arrangements in the field of industrial property for the promotion of technological innovation; the submission of information about such arrangements in general would be invited from as many countries as possible, with the assistance and advice of national industrial property offices and United Nations organizations and international non-governmental organizations concerned; the information received would then be analyzed, particular attention being paid to arrangements which clearly are, or could be regarded as, in the field of industrial property in order to provide a working group, which will meet in 1978 and 1979, with a report containing the essential part of the information gathered, identifying and comparing different types of arrangements, noting evaluation methods and results and drawing attention to types of arrangements which could be of particular benefit in developing countries.

Technological Information from Patent Documentation. The Permanent Committee expressed its appreciation to the Expert Working Group on Information from Patent Documents for the quality of its report on its second session (see page 149, below), noted with approval its conclusions and suggestions for further work and endorsed its recommendations. The Permanent Committee also thanked the Austrian Government for continuing to provide state-of-the-art search reports free of charge to developing countries, noting that the first results of this program were successful; it also welcomed the opportunities shown in the report of the Expert Group for coopera-

¹ A Note on the third session of the Permanent Committee was published in *Industrial Property*, 1976, p. 153.

² As of May 14, 1977.

tion with other United Nations organizations in the field of access by developing countries to technological information relevant to their needs and, in particular, approved the submission of a feasibility study to the General Assembly of the United Nations at its thirty-second session.

Strengthening of National and Regional Infrastructure: Survey of Industrial Property Offices. The Permanent Committee agreed that work on the planned survey of the functions, administration and role of industrial property offices should be aimed at assisting developing countries in the strengthening of their national and regional infrastructures, thus contributing to the objectives of the decisions of the United Nations General Assembly at its sixth and seventh special sessions on a new international economic order and of UNCTAD resolution 87(IV) on the strengthening of technological capacity in developing countries. It therefore recommended that the report to be submitted for discussion at its next session include a study, to which other United Nations organizations should be invited to contribute, analyzing the possibilities open to developing countries and suggesting appropriate structures and functions, both at the national and at the regional level, with particular emphasis on relationships with other services relevant to the strengthening of technological capacity. It also recommended certain additional points to be taken into account in carrying out the survey.

Cooperation Among Developing Countries. The Permanent Committee noted with approval the activities under the Permanent Program which provided a contribution to the promotion and support of cooperation among developing countries; it also approved guidelines for planning and carrying out activities under the Permanent Program so as to strengthen such a contribution, and decided to include in its provisional agenda for each session an item "Cooperation among developing countries: support and assistance measures."

New Model Law for Developing Countries on Inventions and Know-How. Several delegations said that the preparation of the new Model Law for Developing Countries on Inventions and Know-How was one of the most important activities under the Permanent Program and that the final results would be of great interest to all countries. The Permanent Committee noted with satisfaction the progress made so far by the Working Group on the Model Law for Developing Countries on Inventions and Know-How. It approved the procedure for the completion of the work.

New Model Law for Developing Countries on Marks. The Permanent Committee recommended

that, for the time being, the new Model Law should deal with marks and with trade names, but not with geographical indications or with protection against unfair competition, and that a final decision on its full scope should be taken at the next session of the Permanent Committee. It recommended a list of countries from which the experts composing the planned working group would come and a list of international organizations which would be invited to be represented by observers.

License Agreements. The Permanent Committee noted with approval the summary report of the Working Group on Guidelines for Industrial Property Licensing in Developing Countries, which had met in June 1976,³ and the state of the follow-up work on the preparation of the final version of a Guide for technology acquirers in developing countries (entitled "Guide on the Legal Aspects of the Negotiation and Preparation of Industrial Property Licenses and Technology Transfer Agreements Appropriate to the Needs of Developing Countries"). The Permanent Committee endorsed the recommendation of the Working Group that the final version of that Guide should be printed and widely distributed as soon as possible, especially in all developing countries. In this respect, the Permanent Committee noted the plans of the International Bureau to publish the Guide for technology acquirers in the Arabic, English, French and Spanish languages, with publication in three of these versions scheduled for 1977 and in the fourth version for 1978. The Permanent Committee further noted the plan of the International Bureau to use the Guide for technology acquirers in seminars and training courses on a regional and national level.

Fellowships; Regional Meetings, Seminars, and Training Courses. After a full discussion of activities and possibilities in the field of training, including an examination of the suggestions and ideas put forward at the Round Table on Development Cooperation Among Industrial Property Offices, held at Colombo in February 1977,⁴ the Permanent Committee drew the conclusion that in future a useful pattern of training should be based on two distinct elements: general introductory training which would be given by means of lecture courses, followed by short visits to some national industrial property offices; and specialized training, which could be planned, over perhaps a five-year period, in discussions between interested national offices of developing countries, the International Bureau and receiving offices. The planning for this specialized training could take into account an appropriate combination of visits by experts, local

³ See *Industrial Property*, 1976, p. 216.

⁴ See *Industrial Property*, 1977, p. 100.

training courses and on-the-job courses in developing or developed countries. Many delegations expressed their satisfaction with the training provided for nationals of their countries under the Permanent Program.

Advice and Assistance in Legislation, Institutions and Related Matters. The Permanent Committee noted with approval the recent and current activities of WIPO in providing advice and assistance in legislation, institutions and related matters, endorsed proposed guidelines for future activities and welcomed certain suggestions made concerning external assistance in financing and providing expert services for activities in this field.

Glossary and Manual. The Permanent Committee approved plans for the preparation of an Industrial Property Terminology List, Glossary and Manual, and recommended that the International Bureau draw up a list of terms (concerning industrial property and, to a certain extent, transfer of technology) in Arabic, English, French and Spanish; it further recommended consultations with the industrial property offices of the Spanish-speaking countries, and also with the Industrial Development Centre for Arab States, to study the possibility of meetings of separate committees of experts to finalize the terminology in Spanish and in Arabic, to be held in 1978.

United Nations Conference on Science and Technology for Development. The Permanent Committee adopted unanimously the following resolution:

“The WIPO Permanent Committee for Development Cooperation Related to Industrial Property,

“*Noting* the decisions of United Nations bodies on the convening of the United Nations Conference on Science and Technology for Development and on the preparatory period for the said Conference;

“1. *Suggests* to Governments that they take into account, in carrying out their national analyses and in preparing their national papers for the said Conference, the importance, for the application of science and technology to development, of development cooperation activities related to industrial property, particularly such activities concerning the promotion of innovation, the modernization of laws, the strengthening of infrastructures and institutions, cooperation among developing countries and the improvement of access to technological information;

“2. *Notes with satisfaction* that the Director General will, in consultation with the Secretary-General of the Conference, so plan and implement activities under the Permanent Program as to contribute to the Conference and its preparatory period in the most effective manner possible.”

List of Participants *

I. Member States

Austria: J. Fichte. **Brazil:** A. G. Bahadrian; C. I. Gontijo. **Cameroon:** D. Ekani; B. Yaya Garga. **Canada:** A. A. Keyes. **Chile:** J. Lagos. **Cuba:** J.-M. Rodriguez Padilla. **Czechoslovakia:** J. Kubíček. **Denmark:** H. J. Riis-Vestergaard. **Egypt:** A. A. Omar. **France:** G. Vianès; J. Fèvre; M. Hiance; S. Balous. **German Democratic Republic:** C. Micheel. **Germany (Federal Republic of):** M. Aúz Castro; D. Praun. **Ghana:** J. G. Okyne. **Iraq:** A. A. M. A. Hussain; Y. M. Al-Khanati. **Israel:** Y. Tsur; Z. Peri. **Ivory Coast:** L. Ouattara. **Japan:** E. Tamori. **Kenya:** J. N. King' Arui. **Libya:** G. El Zentani; M. S. E. Alshaly; I. Zeidan; A. Embark. **Mexico:** O. Reyes-Retana. **Netherlands:** W. Neervoort; J. Heidsma. **Norway:** L. Nordstrand; A. G. Gerhardsen. **Poland:** T. Opalski. **Portugal:** R. Morais Serrão; J. Mota Maia. **Romania:** V. Tudor. **Senegal:** J. P. Crespín; R. Diatta. **Soviet Union:** L. Inozemtzev; I. Vedernicova. **Spain:** A. C. Ortega Lechuga. **Sudan:** Z. Sir El Khatim. **Surinam:** P. J. Boerleider. **Sweden:** L.-O. Assarsson; U. Axelson. **Switzerland:** J. C. A. Staehelin; J.-M. Salamolard. **Togo:** A. Bruce. **Tunisia:** B. Fathallah. **Uganda:** J. H. Ntagoba; B. O. Odoch-Jato. **United Arab Emirates:** J. Al Fardan. **United Kingdom:** A. J. Needs; D. M. Cecil. **United States of America:** H. J. Winter; L. J. Schroeder; E. J. Chesky; J. M. Lightman; I. Williamson. **Yugoslavia:** D. Strujić. **Zambia:** G. E. Harre.

II. Observer States

Argentina: C. A. Passalacqua. **Bolivia:** V. Banzer. **Italy:** L. Vozzi. **Jamaica:** J. Webster. **Kuwait:** N. Al-Refai. **Pakistan:** A. Saadat. **Philippines:** C. V. Espejo. **Thailand:** N. Snidvongs; S. Kouptarmy. **Trinidad and Tobago:** T. Baden-Semper.

III. United Nations Organizations

United Nations Conference on Trade and Development (UNCTAD): P. Roffe; G. Wilner; T. J. M. Zuijdwijk. **United Nations Industrial Development Organization (UNIDO):** P. Cuevas-Cancino. **United Nations Development Programme (UNDP):** R. Collomb.

IV. Other Intergovernmental Organizations

African Intellectual Property Organization (OAPI): D. Ekani. **Caribbean Community (CARICOM):** K. W. Patchett. **East African Community (EAC):** P. O. Shayo; W. O. Wangwor. **Industrial Development Centre for Arab States (IDCAS):** A. Abdel Hak. **International Patent Institute (IIP):** R. H. Moens. **Organization of American States (OAS):** F. E. Hurtado de Mendoza.

V. International Non-Governmental Organizations

Committee of National Institutes of Patent Agents (CNIPA): C. G. Wickham. **Council of European Industrial Federations (CEIF):** C. G. Wickham. **International Association for the Protection of Industrial Property (IAPIP):** E. M. Jucker. **International Chamber of Commerce (ICC):** R. Hervé. **International Federation of Inventors Associations (IFIA):** H. Romanus; J. Zachariassen; E. Nyrén. **International Organization for Standardization (ISO):** R. Middleton; S. Simeonov. **International Patent Documentation**

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

⁵ Member of the Permanent Committee from May 14, 1977.

Center (INPADOC): G. Quarda. Licensing Executives Society (International) (LES): M. Besso. Union of Industries of the European Community (UNICE): C. G. Wickham.

VI. Officers

Chairman: J. N. King'Arui (Kenya). *Vice-Chairmen:* J. Kubíček (Czechoslovakia); A. C. Ortega Lechuga (Spain). *Secretary:* I. Thiam (WIPO).

VII. WIPO

A. Bogsch (*Director General*); K. Pfanner (*Deputy Director General*); K.-L. Liguier-Laubhouet (*Deputy Director General*); F. A. Sviridov (*Deputy Director General*); L. Baeumer (*Director, Industrial Property Division*); P. Claus (*Director, Patent Information Division*); R. Harben (*Director, Development Cooperation and External Relations Division*); G. Ledakis (*Legal Counsel*); F. Moussa (*Head, External Relations Section, Development Cooperation and External Relations Division*); M. Porzio (*Head, Office of the Director General*); I. Thiam (*Head, Development Cooperation Section, Development Cooperation and External Relations Division*); L. Kadirgamar (*External Relations Officer, External Relations Section*).

II

Expert Working Group on Information from Patent Documents

Second Session

(Geneva, March 7 to 11, 1977)

Note*

The Expert Working Group on Information from Patent Documents convened on the recommendation of the WIPO Permanent Committee for Development Cooperation Related to Industrial Property held its second session in Geneva from March 7 to 11, 1977.¹

Planning and Organization of a Patent Information and Documentation Service in a Developing Country.

The Expert Working Group recommended to the Permanent Committee that the International Bureau should prepare, with the help of consultants as necessary, draft guidelines on the planning and organization of national and regional patent information and documentation services in developing countries, and that members of the Permanent Committee be invited to report on their existing patent information and

documentation services. The said draft guidelines should be aimed primarily at meeting the needs of countries at the early or medium stages of development and should deal with such aspects as users' needs, technical possibilities, organization, training, finance, location and space, and international co-operation.

Use of the IPC as a Means of Identifying and Locating Patent Documents which Relate to Given Technologies. The Expert Group studied the question of assisting users in developing countries to identify the groups or sub-groups of the IPC relevant to the solution of technological problems in given fields and recommended the preparation by the competent bodies of the IPC Union of short IPC guides, physically not included in the IPC edition, in given fields of technology, which could be described in terms of, for example, the Universal Decimal Classification (UDC) or the Broad System of Ordering (BSO). In addition, the Expert Group decided to make the following recommendations to the Permanent Committee:

(a) that the bodies entrusted with the further development of the IPC be requested to include in their revision work not only fields of technology of high activity but also fields submitted by developing countries;

(b) that Offices classifying patent documents according to the IPC including in particular those Offices which will also act as International Searching Authorities under the Patent Cooperation Treaty be requested to record on published documents, to a greater extent, symbols relating to "other information" as defined in paragraph 61 of the Guide to the IPC;

(c) that Offices which now classify documents according to the IPC only down to the sub-class level be encouraged to classify down to the sub-group level as soon as possible;

(d) that the International Bureau, with the assistance of consultants as necessary, be requested to prepare a draft manual for developing countries on:

- (i) how to organize a file of patent documents for search purposes;
- (ii) how to train classifiers; and
- (iii) how to train searchers in identifying and locating patent documents relating to given technologies.

State-of-the-Art Searches. The Expert Group reviewed the analysis made of the replies to 59 evaluation questionnaires concerning search reports furnished by the Austrian Patent Office, and came to the preliminary conclusion that generally the search reports met the purposes for which they had been requested, confirmed the value of patent documents as one of the important sources of technological information and provided useful training material.

* This Note has been prepared by the International Bureau.

¹ The Note on the first session of the Expert Working Group was published in *Industrial Property*, 1976, p. 155.

It therefore welcomed the fact that, under the new Agreement concluded between Austria and WIPO, the state-of-the-art search program would continue with a view to improving the service by taking into account the experience gained, and formulated a certain number of comments and suggestions.

Draft Feasibility Study on the Development of a Patent Information Network. The Expert Group considered a draft feasibility study on the establishment of a patent information network prepared by the International Bureau in response to resolution 3507 (XXX) of the General Assembly of the United Nations, which, *inter alia*, requests organizations in the United Nations system to undertake feasibility studies on the establishment of sectoral and regional technological information banks and/or other viable information systems. The Expert Group concluded that the draft formed a good basis for the response to the request of the General Assembly and formulated a certain number of suggestions which should be taken into account by the International Bureau when drafting the final study.

Availability, Comparative Cost and Usefulness of Various Sources of Primary and Secondary Patent Information. The Expert Group studied in detail a report on the availability, comparative cost and usefulness of various sources of primary and secondary patent information and asked the International Bureau to continue its studies of these problems and report to the Expert Group.

Ways and Means to Obtain Information on the Legal Status and Practical Experience in the Working of Patents which Relate to Given Technologies. The Expert Working Group decided to make the following recommendations to the Permanent Committee:

(a) the International Bureau in collaboration with INPADOC should study the possibility of collecting data on the legal status of patents in a central data file;

(b) national Offices responsible for industrial property should be encouraged to cooperate with INPADOC and study the possibility of submitting information on the legal status of patents in order to enable INPADOC to run a test on data extracted from official gazettes;

(c) practical information on the working of patents should be collected and, to this end, the International Bureau should establish contact with registries for licensing in those countries where they exist, in order to study ways and means by which this information might possibly be used in a central data file;

(d) the Technical Committee for Standardization of ICIREPAT should take into account the needs of developing countries when preparing recommendations for the unified identification of announcements in official gazettes.

List of Participants*

I. Experts

J. Fichte (Austria); A. A. Omar (Egypt); J. Rodríguez (Argentina); J. M. Rodríguez Padilla (Cuba); V. N. Roslov (Soviet Union); M. Sadou (Algeria); S. Sivborg (Sweden); K. Sölla (Federal Republic of Germany).

II. Consultants

A. Azadian (Iran); M. W. Hill (United Kingdom); S. Parthasarathy (India); G. Quarda (INPADOC); F. Zahawi (IDCAS).

III. Observers

United Nations Organization (UN): S. Quijano-Caballero; H. Einhaus. **United Nations Conference on Trade and Development (UNCTAD):** D. Chudnovsky. **United Nations Industrial Development Organization (UNIDO):** E. Aguilar; A. Pathmarajah.

IV. Officers

Chairman: J. M. Rodríguez Padilla (Cuba); *Vice-Chairman:* A. A. Omar (Egypt).

V. WIPO

A. Bogsch (*Director General*); F. A. Sviridov (*Deputy Director General*); R. Harben (*Director, Development Cooperation and External Relations Division*); P. Claus (*Director, Patent Information Division*); H. Konrad (*Head, ICIREPAT and Statistics Section, Patent Information Division*); A. Sagarminaga (*Technical Officer, IPC Section, Patent Information Division*).

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

INTERNATIONAL PATENT CLASSIFICATION (IPC) UNION

Steering Committee

Third Session

(Geneva, March 21 to 28, 1977)

Note*

The Steering Committee of the Committee of Experts of the International Patent Classification (IPC) Union held its third session¹ in Geneva from

* This Note has been prepared by the International Bureau.

¹ A Note on the Steering Committee's second session (October 1976) was published in *Industrial Property*, 1976, p. 284.

March 21 to 28, 1977. The following ten of the eleven members of the Committee were represented: Austria, Brazil, Denmark, France, Germany (Federal Republic of), Soviet Union, Spain, Sweden, United Kingdom, United States of America. Japan—the associate member of the Steering Committee—and the International Patent Institute (IIB) were also represented. A list of participants follows this Note.

Renumbering and Identification of Amended Entries of the IPC. The Steering Committee discussed the question of renumbering and identification of amended entries in the light of comments submitted by the States members of the Committee of Experts and by the IIB, and agreed upon a new instruction on renumbering and recommended the Committee of Experts to approve it. The Steering Committee agreed upon the indication of amended entries in future editions of the IPC.

Back-up Document. The Steering Committee discussed the contents of the back-up document to appear with each new edition of the IPC showing where a change influencing the scope of one or more entries had taken place, a statement of which entries had been affected by a change of scope and how subject matter had moved among entries of the IPC as a result of their amendment during a revision period.

Amendments to the IPC. The Steering Committee forwarded a certain number of amendments to the IPC to the Committee of Experts for final approval.

Reports on the Sessions of Working Groups I, III and IV. The Steering Committee noted the reports of the Chairmen of the Working Groups which had held sessions after the last session of the Steering Committee, namely, on the second sessions of Working Groups I and IV and on the third session of Working Group III.

Information to the Technical Committee for Search Systems (TCSS) of ICIREPAT. The Steering Committee decided, at the request of the Chairman of Working Group I, to inform the TCSS of ICIREPAT of the problems in classifying inventions relating to Markush type claims for search purposes.

Procedure and Instructions for Revision of the IPC. The Steering Committee decided not to discuss at this session the revision procedure tentatively agreed

upon and the second draft of the Instructions for Revision of the IPC, in view of the current studies on the restructuring of the technical activities of WIPO.

Priority Programs for Working Groups I to IV during the Third Revision Period. The Steering Committee decided to invite the member States of the Committee of Experts to express their desires with respect to areas of the IPC which should be given priority during the third revision period, which will commence in 1978.

Inquiry from the Public Relating to the Revision of the IPC. The Steering Committee noted the interest shown by the public in information on areas of the IPC undergoing revision.

List of participants*

I. Member States

Austria: J. Fichte. **Brazil:** G. R. Coaracy. **Denmark:** S. T. Simonsen. **France:** O. Kavyrchine. **Germany (Federal Republic of):** K. Sölla. **Spain:** A. Vega del Barco. **Sweden:** J. von Döbeln. **Soviet Union:** Y. Plotnikov. **United Kingdom:** D. G. Gay; V. S. Dodd. **United States of America:** T. F. Lomont.

II. Associate Member

Japan: T. Kanehira.

III. International Organization

International Patent Institute (IIB): F. C. R. de Laet; R. J. F. Baré.

IV. Officers

Chairman: D. G. Gay (United Kingdom). **Secretary:** B. Hansson (WIPO).

V. WIPO

F. A. Sviridov (*Deputy Director General*); P. Claus (*Director, Patent Information Division*); B. Hansson (*Head, IPC Section, Patent Information Division*); A. Sagarminaga (*Technical Officer, IPC Section*); K. Takami (*Technical Officer, IPC Section*).

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

General Studies

**The Need for Protection of Indications
of Source and Appellations of Origin
in the Common Market: the Sekt/
Weinbrand Decision of the European
Court of Justice of February 20, 1975**

F.-K. BEIER *

Calendar

WIPO Meetings

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

1977

- September 21 to 23 (Geneva) — ICIREPAT — Plenary Committee
- September 26 to October 4 (Geneva) — WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions; Assembly and Committee of Directors of the Madrid Union
- October 10 to 18 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Committees
- October 17 to 28 (London) — International Patent Classification (IPC) — Working Group III
- October 24 to 28 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)
- October 24 to November 2 (Geneva) — Nice Union — Temporary Working Group on the Alphabetical List of Goods and Services
- November 7 to 11 (Geneva) — Development Cooperation — Working Group on the Model Law for Developing Countries on Marks and Trade Names
- November 7 to 11 (Paris) — ICIREPAT — Technical Committee for Standardization (TCST)
- November 14 to 21 (Geneva) — International Patent Classification (IPC) — Steering Committee
- November 14 to 25 (Geneva) — Paris Union — Preparatory Intergovernmental Committee on the Revision of the Paris Convention
- November 22 to 25 (Geneva) — International Patent Classification (IPC) — Committee of Experts
- November 28 to December 6 (Paris) — Berne Union — Executive Committee — Extraordinary Session
- December 7 to 9 (Geneva) — International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations — Intergovernmental Committee — Ordinary Session (organized jointly with ILO and Unesco)
- December 8 and 9 (Geneva) — Berne Union — Working Group on the Rationalization of the Publication of Laws and Treaties in the Fields of Copyright and Neighboring Rights

1978

- February 15 to 24 (Paris) — Berne Union — Committee of Governmental Experts on Double Taxation of Copyright Royalties
Note: Meeting convened jointly with Unesco
- March 6 to 10 (Geneva) — Permanent Program — Working Group on Technological Information derived from Patent Documentation
- March 13 to 15 and 17 (Geneva) — Permanent Program — Permanent Committee for Development Cooperation Related to Industrial Property
- March 16, 17 and 20 (Geneva) — Permanent Program — Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights
- September 26 to October 2 (Geneva) — WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions

1979

- September 24 to October 2 (Geneva) — WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC and Berne Unions; Conferences of Representatives of the Paris, Hague, Nice and Berne Unions; Executive Committees of the Paris and Berne Unions; Committee of Directors of the Madrid Union; Council of the Lisbon Union

UPOV Meetings in 1977

- Council:** December 6 to 9
- Consultative Committee:** December 5 and 9
- Technical Steering Committee:** November 15 to 17
- Committee of Experts on the Interpretation and Revision of the Convention:** September 20 to 23
- Working Group on Variety Denominations:** in the time between September 20 to 23
Note: All the above meetings will take place in Geneva at the headquarters of UPOV
- Technical Working Party for Vegetables:** September 6 to 8 (Aarslev - Denmark)

Meetings of Other International Organizations Concerned with Intellectual Property

1977

- September 8 and 9 (Antwerp) — International Literary and Artistic Association — Working Session and Executive Committee
- September 18 to 21 (Edinburgh) — International League Against Unfair Competition — Working Session

September 22 and 23 (Dublin) — Union of European Patent Attorneys — Executive Committee

October 25 to 27 (Belgrade) — Council of the Professional Photographers of Europe (EUROPHOT) — Congress

November 28 to December 6 (Paris) — United Nations Educational, Scientific and Cultural Organization (UNESCO) — Intergovernmental Copyright Committee established by the Universal Copyright Convention (as revised at Paris in 1971)

1978

May 8 to 12 (Strasbourg) — Council of Europe — Legal Committee on Broadcasting and Television

May 12 to 20 (Munich) — International Association for the Protection of Industrial Property — Congress

May 29 to June 3 (Paris) — International Literary and Artistic Association — Congress

October 1 to 7 (Santiago de Compostela) — International Federation of Patent Agents — Congress