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World Intellectual Property Organization

WIPO Convention

Accession

MALTA

The Government of Malta deposited on September 7, 1977, its instrument of accession to the Convention Establishing the World Intellectual Property Organization (WIPO).

The WIPO Convention will enter into force with respect to Malta on December 7, 1977.

WIPO Notification No. 98, of September 12, 1977.

International Unions

Paris Convention

Accession to the Stockholm Act (with the Exception of Articles 1 to 12)

MALTA

The Government of Malta deposited on September 7, 1977, its instrument of accession to the Stockholm Act of July 14, 1967, of the Paris Convention for the Protection of Industrial Property of March 20, 1883, with a declaration to the effect that its accession shall not apply to Articles 1 to 12.

Furthermore, the said instrument of accession contains the declaration that, pursuant to Article 28(2) of the Stockholm Act, Article 28(1) shall not apply to Malta.

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

The Stockholm Act, with the exception of Articles 1

to 12, will enter into force with respect to Malta on December 12, 1977.

Paris Notification No. 92, of September 12, 1977.

Patent Cooperation Treaty (PCT)

Ratification

SWITZERLAND

The Government of Switzerland deposited on September 14, 1977, its instrument of ratification of the Patent Cooperation Treaty (PCT) adopted at Washington on June 19, 1970.

The said instrument of ratification contains the declaration, provided for in Article 64(1)(a), that Chapter II of the said Treaty shall not bind Switzerland.

The date of entry into force of the said Treaty will be notified when the required number of ratifications or accessions is reached.

PCT Notification No. 12, of September 15, 1977.

Plant Varieties

International Convention for the Protection of New Varieties of Plants

Ratifications of the Convention and of the Additional Act

ITALY

The Government of Italy deposited on June 1, 1977, its instrument of ratification of the International Convention for the Protection of New Varieties of Plants, signed at Paris on December 2, 1961, and of the Additional Act of November 10, 1972, amending the said International Convention.

Italy will belong to Class IV for the purpose of establishing its contribution towards the budget of the International Union for the Protection of New Varieties of Plants (UPOV).

The International Convention and the Additional

Act entered into force with respect to Italy on July 1, 1977.

UPOV Notification No. 9, of July 28, 1977.

SWITZERLAND

The Government of Switzerland deposited on June 10, 1977, its instrument of ratification of the International Convention for the Protection of New Varieties of Plants, signed at Paris on December 2, 1961, and of the Additional Act of November 10, 1972, amending the said International Convention.

Switzerland will contribute one and one-half units for the purpose of determining the amount of its contribution towards the budget of the International Union for the Protection of New Varieties of Plants (UPOV).

The International Convention and the Additional Act entered into force with respect to Switzerland on July 10, 1977.

UPOV Notification No. 10, of July 28, 1977.

General Studies

The Industrial Property Laws of Brazil and Recent Developments in Their Interpretation

L. LEONARDOS*

News Items

Convention on the Grant of European Patents (European Patent Convention)*

The European Patent Convention, signed at Munich on October 5, 1973, entered into force on October 7, 1977, the following States having deposited their instruments of ratification: Belgium, France, Germany (Federal Republic of), Luxembourg, Netherlands, Switzerland, United Kingdom.

* See *Industrial Property*, 1974, p. 51.

Book Reviews

Annual of Industrial Property Law 1976. Common Law Reports, Ltd., London, 1976. — 567 pages.

This is an important new annual, the first volume of which was published in 1975, for lawyers, international businessmen and government officials working in the industrial property field.

The Annual provides, in the form of digests, up-to-date information on the significant changes, developments and trends in industrial property legislation, jurisprudence and practice in some of the major industrialized countries of the world, namely Australia, New Zealand, Canada, France, Germany (Federal Republic of), Japan, South Africa, United Kingdom, United States of America. The digests are prepared in a concise and easily readable style by correspondents resident in the country concerned who are themselves experienced practitioners. In-depth articles by experts on subjects of recent importance are also included.

The adoption of a number of international treaties, such as the Patent Cooperation Treaty and the European Patent Convention, and the rapid increase of international commerce have made it necessary for practitioners to achieve a working knowledge of industrial property law not only in their own country but within an international framework as well. This Annual will certainly assist practitioners in obtaining that knowledge.

JAE

La protection des inventions dans les pays socialistes européens, by Yolanda Eminescu. Editura Academiei R.S.R., Bucharest, and Librairie générale de droit et de jurisprudence, Paris, 1977. — 283 pages.

Dr. Y. Eminescu is presently Director of Research at the University of Bucharest, Professor at the CEIPI in Strasbourg and Associate Member of the International Academy of Comparative Law at The Hague. Her successive or simultaneous activities as lawyer, scholar, professor, commentator and delegate or member of the Legal Commission of the Council of Ministers of the Socialist Republic of Romania have enabled Dr. Eminescu to accumulate a great deal of perfectly blended and well-harmonized practical and theoretical experience. This experience has led her to publish a substantial number of works in Romanian on the subject of industrial property.

The present work, drafted in French, a widely understood language, happily permits interested circles, most of whom are still unfamiliar with industrial property law in Socialist countries, to gain access to this subject. The work presents the characteristic traits of the protection of inventions in the Socialist European countries members of the Paris Union. The topic is treated by dividing the various legal systems into categories in accordance with their adopted legal institutions. As a result, the material is grouped into five chapters: the first explains the fundamental legal institutions of Socialist law and the characteristics of the protection of inventions in these countries; the second deals with the countries (Bulgaria, Czechoslovakia, Soviet Union) for which the inventor's certificate is the principal title of protection for nationals; the third examines the situation in States where the only title of protection is the patent, adapted to the conditions of the Socialist economy by means of employees' inventions (Hungary, Yugoslavia); the fourth analyzes the legislation concerning which the inventor's certificate is only an accessory title to the patent (Poland, Romania); and the fifth is devoted to the "eclectic" system of the German Democratic

Republic, which is difficult to integrate into any of the preceding groups.

As Martine Hiance and Yves Plasseraud point out in their Preface, this work will most assuredly constitute, in years to come, the reference work with regard to the protection of inventions in European Socialist countries.

GRW

Hundert Jahre Patentamt — Festschrift herausgegeben vom Deutschen Patentamt. Carl Heymann, Munich, 1977. — 476 pages.

This work was published to commemorate the first hundred years of the functioning of the German patent system and the first century of activity of the German Patent Office.

It opens with a Preface by Dr. Vogel, Federal Minister of Justice, and with an Introduction by Dr. Häusser, President of the German Patent Office. As Dr. Häusser so aptly points out, the book clearly shows the importance of the patent system for an industrial State, especially its influence on technical development and the role that a large patent office plays for the entire collectivity.

The work consists of 23 studies, too numerous for them all to be cited here. They are divided into three parts:

- the first part (two studies) shows the economic significance of technical progress and the connection between the patent system and technical development;
- the second (18 studies) presents, on the basis of the existing patent literature, the development of various technical areas and the narrow relationship existing between the patent system and technical progress, and contains various considerations from the point of view of the inventor;
- the third part groups three studies which, respectively, recount the hundred-year history of the patent system in Germany, present the activities of the German Patent Office during this period, and provide a glimpse by Dr. Häusser of the foreseeable future of the Office, taking into account, in particular: in the field of patents, the implementation of the European patent system and the Community patent; in the field of trademarks, the elaboration of the Community mark; and in the field of information, the development of documentation systems (notably, electronic classification and information retrieval systems) which permits continually more knowledge to be made available to the public (it is worth noting that more than 18 million printed documents presently figure in the Office's documentation).

As can be seen, this work clearly shows the importance of the activity of the German Patent Office in the service of development, an activity which can only increase in a future more and more oriented toward international cooperation.

GRW

L'incidence du droit communautaire de la concurrence sur les droits de propriété industrielle. Published by the Centre Paul Roubier, Librairies techniques, Lyon, 1977. — 246 pages.

This work reproduces the text of the various lectures delivered during the Sixth Meeting on Industrial Property (6^e Rencontre de

propriété industrielle), held in June 1976 under the auspices of the Paul Roubier Center in Lyon, as well as a summary of the discussions which followed each lecture.

As the title of this work indicates, the various lectures treat the different fields in which Community law influences industrial property rights, for example, with regard to trademarks, licenses or the transfer of know-how.

This book will not be lacking in interest for all those, both practitioners and theoreticians alike, who follow the evolution of the law of industrial property in the countries of the EEC.

GRW

La tutela delle novità vegetali (nell'ordinamento giuridico italiano e nelle legislazioni estere), by L. Lodi. Edagricole, Bologna, 1976. — 195 pages.

As our readers are well aware, Italy enacted a law in July 1974 authorizing the President of the Republic to ratify the Paris Convention of 1961 establishing the International Union for the Protection of New Varieties of Plants (UPOV), as well as its Additional Act of 1972, and empowering the Italian Government to establish new regulations for the protection of plant varieties. These regulations were promulgated by decree on August 12, 1975.

As L. Lodi indicates in his Introduction, the object of this work is essentially to present information concerning the laws, jurisprudence, literature and agricultural policy of various States which can be used by those who are interested in the application of the new Italian regulations. Lodi, therefore, first sets forth the Italian text of the Convention and of its Additional Act, which is followed by an explanatory commentary, and then explains in detail and with great clarity the new Italian legislative provisions. An explanation of the basic rules of the legislation of the States members of UPOV (Denmark, France, Germany (Federal Republic of), Netherlands, Sweden, United Kingdom), of States which have aligned their legislation in accordance with the legislation (Belgium, New Zealand, Spain, Switzerland) and, finally, of States which have not undertaken such an alignment (Argentina, Hungary, Soviet Union, United States of America) then follows. The volume terminates with a very useful bibliography in the relatively new field of intellectual rights and with an analytical index.

This comparative law work completely attains its objective of assisting those who will have to apply the new Italian legislation, but it will also most assuredly be of interest, as a result of its explanation of the legislative systems of 15 States, to all those who are involved with the problem of the protection of plant varieties.

GRW

Droit et pratique des brevets d'invention — France; étranger; brevet européen, by B. Phelip. J. Delmas et Cie, Paris, 1977.

This work explains, in as clear and concise a manner as possible, the essential problems concerning patents of invention in France

and abroad, as well as, secondarily, trade secrets and know-how.

References to the most important decisions rendered during the last several years by various jurisdictions, in particular the French Court of Appeals (*Cour de cassation*), are found in the margins of the text.

Each chapter mentions several recent articles pertaining thereto and the last chapter points out important works consecrated to patents in general. Furthermore, the French Patent Law of 1968 is reproduced in an annex together with a list of the other principal French legislative texts.

This work will certainly be beneficial to industrialists and French practitioners of the patent system.

GRW

Protection et valorisation des marques de fabrique, de commerce ou de service (4^e édition, supplément N° 1), by Yves Saint-Gal. Editions Jacques Delmas & Cie, Paris, 1976.

Our readers are well aware of this work by Yves Saint-Gal, the first edition of which dates from 1959, the third edition of which was noted in this review in 1966, and the fourth edition of which appeared in 1972.

Since this last date, the question of the protection of trademarks was made the subject of legislative amendments, case law decisions, and of important works on the national (e.g., in France), regional (e.g., the preparation for the creation of a Community trademark) and international (e.g., the adoption of the Trademark Registration Treaty in 1973) levels.

This evolution has led the author to publish a supplement to his fourth edition. The supplement consists of numerous notes, additions, citations, etc., to update the earlier work in the manner of a *mise à jour* or an ongoing revision. Accordingly, this supplement enables the reader to be kept completely abreast with the changes in the trademark law both in France and within the domain of comparative law.

GRW

Die mittelbare Patentverletzung, by R. Teschemacher. Carl Heymann, Cologne (etc.), 1974. — 157 pages.

This work constitutes a comparative law study on the repression of the indirect violation of patents of invention. The author explains and comments on the relevant legal principles and jurisprudence of Switzerland, the United Kingdom, the United States of America and, of course, the Federal Republic of Germany. He concludes with an explanation of other possible solutions to the problem and with a critical analysis of the regulations provided in the Community Patent Convention (in particular, Article 30 thereof concerning the prohibition of the indirect working of an invention).

This study, which is based on a vast amount of literature and jurisprudence, will not fail to interest specialists in the field of patent law.

GRW

Calendar

WIPO Meetings

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

1977

- November 7 to 11 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Marks and Trade Names**
- November 7 to 11 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)**
- November 14 to 18 (Geneva) — Revision of the Paris Convention — Working Group on Inventors' Certificates**
- November 14 to 18 (Geneva) — Revision of the Paris Convention — Working Group Entrusted with Questions of Special Interest to Developing Countries**
- November 14 to 18 (Geneva) — Revision of the Paris Convention — Group of Developing Countries participating in the Preparatory Intergovernmental Committee on the Revision of the Paris Convention**
- November 14 to 21 (Geneva) — International Patent Classification (IPC) — Steering Committee**
- November 21 to 25 (Geneva) — Revision of the Paris Convention — Preparatory Intergovernmental Committee**
- 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 (convened jointly with ILO and Unesco)**
- December 9 (Geneva) — Berne Union — Working Group on the Rationalization of the Publication of Laws and Treaties in the Fields of Copyright and Neighboring Rights (convened jointly with Unesco)**
- December 13 to 15 (Jakarta) — Development Cooperation (Industrial Property) — Meeting among Countries of the Association of Southeast Asian Nations (ASEAN) on the Role of Industrial Property in Technological and Economic Development**

1978

- January 16 and 17 (Geneva) — ICIREPAT — Plenary Committee**
- January 16 to 27 (Munich) — International Patent Classification (IPC) — Working Group IV**
- January 18 to 20 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation**
- February 6 to 9 (?) (Geneva) — Revision of the Paris Convention — Working Group**
- February 6 to 10 (?) (Geneva) — Patent Cooperation Treaty (PCT) — Working Group**
- February 20 to March 3 (Rijswijk) — International Patent Classification (IPC) — Working Group II**
- February 21 to 24 (Geneva) — Trademark Registration Treaty (TRT) — Interim Committee**
- February 27 to March 7 (Geneva) — Diplomatic Conference for the Adoption of a Treaty Instituting an International Recording System of Scientific Discoveries**
- March 6 to 10 (Geneva) — Nice Union — Temporary Working Group on the Alphabetical List of Goods and Services**
- March 6 to 10 (Geneva) — Development Cooperation (Industrial Property) — Working Group on Technological Information derived from Patent Documentation**
- March 13 to 15 and 17 (Geneva) — Permanent Committee for Development Cooperation Related to Industrial Property**
- March 16, 17 and 20 (Geneva) — Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights**
- April 3 to 7 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Advisory Committee for Administrative Questions**
- April 3 to 7 (Geneva) — Satellites Convention — Working Group on Model Provisions for the Implementation of the Convention (convened jointly with Unesco)**
- April 3 to 14 (Vienna) — International Patent Classification (IPC) — Working Group I**
- April 10 to 14 (?) (Geneva) — Patent Cooperation Treaty (PCT) — Assembly**
- April 10 to 14 (Geneva) — ICIREPAT — Technical Committee for Standardization (TCST)**
- April 17 to 21 (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)**
- April 24 to 28 (Geneva) — International Patent Classification (IPC) — Working Group V**
- April 25 to 28 (Geneva) — Budapest Union (Microorganisms) — Interim Committee**
- May 3 to 5 (Geneva) — WIPO — Budget Committee**
- May 7 to 10 (Cairo) — Development Cooperation (Industrial Property) — Meeting of Arab States on Technical Information**
- May 22 to 26 (Geneva) — Locarno Union — Committee of Experts**
- May 22 to 26 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Inventions and Know-How**
- May 29 to June 9 (?) — International Patent Classification (IPC) — Working Group III**
- June 5 to 7 (Geneva) — Berne Union — Working Group on New Copyright Laws**
- June 5 to 9 (?) (Geneva) — Patent Cooperation Treaty (PCT) — Working Group**

- June 12 to 16 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Marks and Trade Names
- June 19 to 30 (?) (Geneva) — Revision of the Paris Convention — Preparatory Intergovernmental Committee
- June 26 to July 7 (Geneva) — International Patent Classification (IPC) — Steering Committee
- July 3 to 6 (Geneva) — Paris Union — Working Group on Industrial Property Aspects of Consumer Protection
- July 3 to 13 (Paris) — Berne Union — Committee of Governmental Experts on Double Taxation of Copyright Royalties (convened jointly with Unesco)
- July 19 to 21 (Geneva) — Development Cooperation (Industrial Property) — Working Group on Promotion of Domestic Inventive and Innovative Capacity
- September 4 to 8 (Geneva) — International Patent Classification (IPC) — Committee of Experts
- September 13 to 15 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Advisory Committee for Administrative Questions
- September 18 and 19 (Geneva) — ICIREPAT — Plenary Committee
- September 19 to 22 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation
- September 26 to October 2 (Geneva) — Governing Bodies (WIPO Coordination Committee and Executive Committees of the Paris and Berne Unions)
- October 2 to 13 (?) — International Patent Classification (IPC) — Working Group II
- October 9 to 12 (Geneva) — Paris Union — Committee of Experts on Legal Protection of Computer Software
- October 16 to 20 (?) (Geneva) — ICIREPAT — Technical Committee for Search Systems (TCSS)
- October 23 to 27 (Hull, Canada) (?) — ICIREPAT — Technical Committee for Standardization (TCST)
- October 23 to 27 (Geneva) — Nice Union — Preparatory Working Group on International Classification
- October 23 to November 3 (?) — International Patent Classification (IPC) — Working Group IV
- November 6 to 10 (Geneva) — Nice Union — Temporary Working Group on the Alphabetical List of Goods and Services
- November 13 to 24 (?) — International Patent Classification (IPC) — Working Group I
- November 27 to December 1 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Marks and Trade Names
- December 4 to 8 (Geneva) — Paris and Madrid Unions — Committee of Experts on the Use of Computers in Trademark Operations
- December 4 to 15 (?) — International Patent Classification (IPC) — Working Group III
- December 11 to 19 (Geneva) — Berne Union — Committee of Governmental Experts on Cable Television (convened jointly with Unesco)

Meetings in 1978 the dates for which have not yet been fixed

- — — (Caracas) — Development Cooperation (Industrial Property) — Working Group on the Establishment of a Latin-American Office of Industrial Property Data
- — — (Paris) — Berne Union — Committee of Governmental Experts on Videocassettes (convened jointly with Unesco)
- — — (New Delhi) — Development Cooperation (Copyright) — Seminar on Copyright for the Asian/Pacific Region
- — — (Mexico) — Development Cooperation (Copyright) — Group of Latin-American Experts on Copyright Model Law
- — — (Geneva) — Revision of the Paris Convention — Additional meetings

1979

- September 24 to October 2 (Geneva) — Governing Bodies (WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT 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

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

Meetings of Other International Organizations Concerned with Intellectual Property

1977

- 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 16 to 18 (Athens) — International Copyright Society (INTERGU) — Congress

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

September 25 to 29 (Toronto and Montreal) — International Confederation of Societies of Authors and Composers — Congress

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

