

Industrial Property

Published monthly
Annual subscription:
Sw.fr. 110.—
Each issue:
Sw.fr. 10.—

17th year — No. 4
April 1978

Monthly Review of the
World Intellectual Property Organization

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International Unions

Patent Cooperation Treaty (PCT)

UNITED STATES OF AMERICA

Declaration

The Government of the United States of America has deposited with the Director General of WIPO a notification which draws attention to its declaration made under Article 64(4)(a) of the Patent Cooperation Treaty (PCT) done at Washington on June 19, 1970, at the time of the deposit, on November 26, 1975, of its instrument of ratification of the said Treaty, and informs the Director General, pursuant to Article (64)(4)(a) of the said Treaty, of the following:

“As the National Law of the United States of America does not equate, for prior art purposes, the priority date claimed under the Paris Convention for the Protection of Industrial Property to the actual filing date in the United States of America, this country declares under Article 64(4)(a) of the Patent

Cooperation Treaty, that the filing outside of the United States of America of an international application designating the United States of America, is not equated to an actual filing in the United States of America for prior art purposes.

“If an international application designating the United States of America has been internationally published under Article 21 of the Patent Cooperation Treaty, the prior art effect of the international application shall attach as of that date. If such international application was not internationally published, the prior art effect shall attach to it from the date on which a copy of such international application in the English language, together with the national filing fee and an oath or declaration of the inventor, was received by the United States Patent and Trademark Office.”

The declaration of the Government of the United States of America will take effect on May 10, 1978.

PCT Notification No. 21, of March 17, 1978.

WIPO Meetings

Scientific Discoveries

Diplomatic Conference

for the Conclusion of a Treaty on the International Recording of Scientific Discoveries

(Geneva, February 27 to March 7, 1978)

NOTE *

Background

Scientific discoveries are generally considered the basis on which any technological progress is founded. Technical inventions differ from scientific discoveries

in that the former, unlike the latter, are directly applicable in industry.

The definition of “intellectual property” contained in Article 2(viii) of the Convention Establishing the World Intellectual Property Organization comprises “rights relating to scientific discoveries.” Such rights exist in some Member States of the World Intellectual Property Organization (WIPO) in the form of a right to obtain recognition as the author of a scientific discovery through the official recording of such authorship; in addition to such recording, a discoverer may also obtain recognition by other means, including in the form of remuneration. At the international level, however, there is as yet no system for the recording of the authorship of scientific discoveries.

* This Note has been prepared by the International Bureau.

It was in view of this situation that the Soviet Union proposed in 1971 the inclusion in the program of the International Bureau for 1972 of the task of studying the question of the place of scientific discoveries in the system of protection of intellectual property. This proposal was adopted by the Executive Committee of the Paris Union for the Protection of Industrial Property at its 1971 session. The Director General then convened a Working Group on Scientific Discoveries, which held four sessions in 1973, 1974, 1975 and 1976. The Working Group completed its task by presenting two alternative texts: a draft Resolution to be adopted by the General Assembly of WIPO and a draft Treaty to be adopted by a Diplomatic Conference. At its third ordinary session in September/October 1976, the General Assembly of WIPO decided that the draft Treaty should be submitted to a Diplomatic Conference for adoption.

The draft Treaty was published on October 14, 1977, and it served as the basis for the deliberations of the "Diplomatic Conference for the Conclusion of a Treaty on the International Recording of Scientific Discoveries," which was convened by the Director General of WIPO and held in Geneva from February 27 to March 7, 1978.

Delegations from 35 Member States of WIPO took part in the Diplomatic Conference with the right to vote, namely: Australia, Austria, Bulgaria, Byelorussian SSR, Cameroon, Canada, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Egypt, Finland, France, German Democratic Republic, Germany (Federal Republic of), Greece, Hungary, India, Iraq, Ireland, Italy, Japan, Mexico, Norway, Poland, Portugal, Qatar, Senegal, Soviet Union, Spain, Sweden, Switzerland, Ukrainian SSR, United Kingdom, United States of America, Zaire. Delegations from seven States not members of WIPO but members of the United Nations or other specialized agencies of the United Nations system took part in the Conference in an observer capacity, namely: Argentina, Madagascar, Mozambique, Republic of Korea, Thailand, Trinidad and Tobago, Venezuela. Finally, representatives of one inter-governmental organization, namely the International Telecommunication Union (ITU), and of two international non-governmental organizations, namely the International Association for the Protection of Industrial Property (IAPIP) and the International Literary and Artistic Association (ALAI) took part in the Conference in an observer capacity.

The Conference unanimously elected Dr. Otto Leberl, Head of the Delegation of Austria, President of the Conference. The Drafting Committee was presided over by Mr. L. Komarov (Soviet Union) and the Credentials Committee by Mr. K. Swaminathan (India). The Conference also set up a Contact Group; this Group, which was composed of delegations from the various groups of countries and presided over by

Mr. D. Ekani (Cameroon), had the mission of finding solutions to the most delicate problems that arose in the course of the Conference; it discharged its task successfully.

Dr. Arpad Bogsch, Director General of WIPO, took part in the discussions.

A list of participants, officers and the WIPO staff members constituting the Secretariat of the Conference follows this Note.

The Diplomatic Conference adopted a Treaty, consisting of 22 articles, entitled "Geneva Treaty on the International Recording of Scientific Discoveries" (hereinafter referred to as "the Treaty").¹ The Treaty was opened for signature on March 7, 1978. The Conference also adopted a Final Act evidencing the holding and outcome of the Conference. Finally, it approved the texts of two agreed statements to be included in the Records of the Conference.

Summary of the Treaty

Substantive provisions. The purpose of the Treaty, as its name suggests, is the institution of a system for the international recording of scientific discoveries within the framework of WIPO. The Preamble to the Treaty states the two main objectives of the Treaty, namely, first, to promote the progress of science through the stimulation of discoverers without discrimination by instituting a system which publicly associates their names with their scientific discoveries; second, to promote information on new scientific discoveries, for the benefit of the scientific community and the world at large, by instituting a system which makes the descriptions of such scientific discoveries accessible to them. The Preamble also mentions that a system for the international recording of scientific discoveries, by facilitating access to scientific information, is of interest to States and in particular developing countries.

The Treaty defines a series of expressions that occur several times in the text (Article 1(1)). These definitions include that of the scientific discovery: "the recognition of phenomena, properties or laws of the material universe not hitherto recognized and capable of verification."

In view of its importance, the provision setting out the scope of the international recording warrants quoting in full (Article 2): "The system for the international recording of scientific discoveries instituted by this Treaty: (i) provides for the widest possible access to the recorded scientific discoveries, (ii) does not affect the free use of the ideas contained in recorded scientific discoveries, (iii) does not affect the freedom of the Contracting States to grant or not

¹ For the text of the Treaty, see this month's *Industrial Property Laws and Treaties*, MULTILATERAL TREATIES — Text 1-003.

to grant rights to discoverers of recorded scientific discoveries and, where any Contracting State grants such rights, the freedom of such State to fix the conditions for and the contents of such rights.”

An application for international recording may be filed with the International Bureau by any discoverer who is a national or a resident of a Contracting State. Provided that the discoverer gives his consent, the application may be filed by a legal entity established in a Contracting State. The discoverer's signature is required in all cases (Article 3(1) and (2)). This means that discoverers who are neither nationals nor residents of a Contracting State may not have their scientific discoveries recorded with the International Bureau. In every case, the application is also required to include a declaration by a scientific institution or government authority appointed by the Contracting State of which the applicant is a national or a resident (where the applicant is a natural person) or in which the applicant is established (where the applicant is a legal entity). The declaration consists of a statement to the effect that the subject matter of the application is a scientific discovery within the meaning of the Treaty and that the application is presented by the institution or authority concerned. The declaration may include an opinion on the merits of the scientific discovery or may certify its authenticity (Article 3(2) and Article 4). Among the mandatory contents of the application, mention may be made of the full description of the scientific discovery, an abstract of the description and the date on which the discovery was, for the first time, published or communicated to the public (Article 3(3)). It should be noted that an application is only receivable if filed within ten years of the above-mentioned date (Article 3(5)).

The International Bureau effects the international recording after a purely formal examination of the application (Article 5). The discoverer then receives a certificate from the International Bureau (Article 6). The latter publishes certain elements of the application, including the abstract of the description of the discovery, in the *Gazette of Internationally Recorded Scientific Discoveries* (Article 7).

Any natural person or legal entity (including those who are neither nationals nor residents of a Contracting State) may file with the International Bureau, without time limit, observations on an internationally recorded scientific discovery. As a result of such observations, those concerned may file counter-observations and the description of the scientific discovery or the abstract may also be amended. Any amendment to an abstract is published (Article 8).

Anyone may, on request, have access to the information contained in the international register (Article 9).

Withdrawal and cancellation procedures are provided for primarily to prevent the international register from containing data which the discoverer

subsequently considers not to correspond to reality (Article 10).

Finally, the Treaty provides for the setting up of a classification system (Article 11).

Administrative Provisions. The Treaty establishes an Assembly, consisting of the Contracting States, with the tasks, in particular, of adopting at its first session Regulations for implementing the Treaty and of amending certain provisions of the Treaty or the Regulations (Articles 12, 14 and 15).

The financing of the international recording system is to be fully provided by the fees to be paid to the International Bureau (for filing the application, for filing observations, counter-observations or amendments to the description or the abstract, and for access to information contained in the international register) and by the sale of the *Gazette*. It is also provided that, in the event of a financial year closing with a deficit, the Contracting States should pay contributions to cover the deficit (Article 13). The Treaty therefore imposes no financial commitments on States that are not Contracting States.

Final Clauses. It should be mentioned that the Treaty is the first international instrument concluded since the establishment of WIPO that is open to all States members of WIPO (rather than to States members of the Paris Union for the Protection of Industrial Property or of the Berne Union for the Protection of Literary and Artistic Works). To become party to the Treaty, a State that has signed it must deposit an instrument of “ratification,” whereas a State that has not signed it must deposit an instrument of “accession”; these instruments must be deposited with the Director General of WIPO (Article 16). The entry into force of the Treaty requires the deposit of ten instruments of ratification or accession (Article 17). No reservations to the Treaty are permitted (Article 18). Another important feature of the Treaty is that it is signed in a single original in the English, French, Russian and Spanish languages, all texts being equally authentic; the Treaty provides for the establishment of official texts in other languages; it will remain open for signature at Geneva until December 31, 1978 (Article 20). Finally, the Treaty contains the usual provisions on denunciation, depositary functions and notifications (Articles 19, 21 and 22).

Conclusion

The adoption of the Geneva Treaty on the International Recording of Scientific Discoveries marks an important date in the history of WIPO and intellectual property in general. While in fact the Convention establishing WIPO refers to scientific discoveries in

its Article 2(viii), it goes no further. It may thus be said that the Geneva Treaty is the first multilateral intellectual property treaty concluded in the field of pure science.

Although under the Treaty the international recording of a scientific discovery does not entail any obligation for Contracting States to give any legal effect to the recording, its importance should be stressed to the extent that, when it has entered into force and become fully operational, it will facilitate access to scientific information to a considerable degree, in particular for developing countries.

LIST OF PARTICIPANTS

I. Member States

AUSTRALIA

Head of Delegation

H. Freeman, Second Secretary, Permanent Mission, Geneva

AUSTRIA

Head of Delegation

O. Leberl, President, Austrian Patent Office, Vienna

Delegates

H. Querner, First Secretary, Permanent Mission, Geneva
H. Pawloy, Patent Attorney, Vienna

BULGARIA

Head of Delegation

B. Todorov, Ministre Plénipotentiaire, Ministère des affaires étrangères, Sofia

Delegate

K. Iliev, Directeur, Institut d'inventions et rationalisations, Sofia

Advisor

S. Tzvetkov, Counsellor, Permanent Mission, Geneva

BYELORUSSIAN SSR

Head of Delegation

V. Jouk, Deputy Chief, Department of Foreign Affairs, State Planning Committee, Minsk

CAMEROON

Head of Delegation

D. Ekani, Director General, African Intellectual Property Organization, Yaoundé

CANADA

Head of Delegation

P. Thibault, First Secretary, Permanent Mission, Geneva

Delegate

J. Gillies, Third Secretary, Permanent Mission, Geneva

CZECHOSLOVAKIA

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A. Ringl, Conseiller, Office des inventions et des découvertes, Prague
V. Pirč, Conseiller, Ministère des affaires étrangères, Prague

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

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K. W. Djo, Attaché, Permanent Mission, Geneva

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Head of Delegation

S. Rubow, Counsellor, Permanent Mission, Geneva

EGYPT

Head of Delegation

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

Delegate

T. Dinana, Second Secretary, Permanent Mission, Geneva

FINLAND

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E. Wuori, Deputy Director General, Patent and Registration Board, Helsinki

Delegate

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S. Salman, Conseiller d'Etat, Ministère de la justice, Baghdad

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S. Egorov, First Secretary, Permanent Mission, Geneva

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L. Grundberg, First Secretary, Permanent Mission, Geneva

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M. Jeanrenaud, Conseiller d'ambassade, Permanent Mission, Geneva

UKRAINIAN SSR

Head of Delegation

Y. Egorov, Head of Department, Member of the Board, Ministry of Foreign Affairs, Kiev

UNITED KINGDOM

Head of Delegation

D. Cecil, First Secretary, Permanent Mission, Geneva

Delegate

K. MacInnes, Counsellor, Permanent Mission, Geneva

UNITED STATES OF AMERICA

Head of Delegation

H. J. Winter, Director, Office of Business Practices, Department of State, Washington, D.C.

Alternate

B. Grossman, International Intellectual Property Specialist, United States Patent and Trademark Office, Washington, D.C.

Advisor

I. Williamson, First Secretary, Permanent Mission, Geneva

ZAIRE

Head of Delegation

M. Bintu'a-Tshiabola, Ambassador, Permanent Mission, Geneva

Delegate

M. Tshinkela, Chef de Division, Service de la propriété industrielle, Kinshasa

II. Observer States

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C. Passalacqua, First Secretary, Permanent Mission, Geneva

MADAGASCAR*Head of Delegation*

J.-J. Maurice, Permanent Representative, Permanent Mission, Geneva

Delegate

A. Tahindro, First Secretary, Permanent Mission, Geneva

MOZAMBIQUE*Head of Delegation*

M. Jeichande, Conseiller, Ministère des affaires étrangères, Maputo

Delegate

W. Ripua, Assistant juridique, Ministère des affaires étrangères, Maputo

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Delegate

S. J. Huh, Assistant Commercial Attaché, Permanent Mission, Geneva

THAILAND*Head of Delegation*

M. Xuto, Ambassador, Permanent Mission, Geneva

Delegates

S. Insingha, Counsellor, Permanent Mission, Geneva
B. Bunnag, Third Secretary, Permanent Mission, Geneva

TRINIDAD AND TOBAGO*Head of Delegation*

P. Dass, Chargé d'affaires a.i., Permanent Mission, Geneva

Delegate

A. Gray, Second Secretary, Permanent Mission, Geneva

VENEZUELA*Head of Delegation*

I. Balza, Second Secretary, Permanent Mission, Geneva

III. Intergovernmental Organizations*International Telecommunication Union (ITU)*

R. Smith, Head, Division for Relations with Member Countries, Geneva

IV. International Non-Governmental Organizations*International Association for the Protection of Industrial Property (IAPIP)*

E. Pitovranov, President of the Soviet Group of IAPIP, Moscow

International Literary and Artistic Association (ALAI)

G. Korsakoff, Honeywell Bull, Paris

V. Officers and Committees*Conference*

President: O. Leberl (Austria)
Vice-Presidents: B. Todorov (Bulgaria)
O. Reyes-Retana (Mexico)
Secretary General: L. Baeumer (WIPO)
Assistant Secretary General: D. Januszkiewicz (WIPO)

Credentials Committee

Chairman: K. Swaminathan (India)
Vice-Chairmen: D. Schack (German Democratic Republic)
M. Jeanrenaud (Switzerland)
G. Ledakis (WIPO)

Secretary:

Drafting Committee

Chairman: L. Komarov (Soviet Union)
Vice-Chairmen: A. Françon (France)
S. Salman (Iraq)
F. Curchod (WIPO)

Secretary:

VI. 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
F. Curchod, Head, Special Projects Section, Industrial Property Division
D. Januszkiewicz, Consultant, Industrial Property Division
Y. Gyrdymov, Technical Counsellor, PCT Division
M. Qayoom, Head, Conferences and Common Services Section, Administrative Division
H. Rossier, Head, Mail and Documents Section, Administrative Division

International Patent Cooperation (PCT) Union**PCT Preparatory Committee**

1978 Session
(Geneva, February 6 to 10, 1978)

NOTE*

The PCT Preparatory Committee, which was convened by the Director General of WIPO to assist in the preparation of the first session of the Assembly of the International Patent Cooperation (PCT) Union (hereinafter referred to as "PCT Union") (to be held from April 10 to 14, 1978), met at Geneva from February 6 to 10, 1978.

Invitations to participate, as members, in the session of the Preparatory Committee were sent to those States, 17 in number, which had, prior to the session, ratified or acceded to the Patent Cooperation Treaty (PCT). Twelve of them were represented. Invitations to be represented by observers were also sent to those States, not having ratified or acceded to the PCT, which had been members of the PCT Interim Committees. Ten such States were represented. In addition, two intergovernmental organizations and five international non-governmental organizations were represented. A list of participants follows this Note.

* This Note has been prepared by the International Bureau.

This Note summarizes the major conclusions reached by the Preparatory Committee.

Rules of Procedure of the PCT Assembly. The Preparatory Committee recommended the adoption by the Assembly of Rules of Procedure as contained in a draft considered by the Preparatory Committee and amended by it.

Admission of Observers. The Preparatory Committee recommended to the Assembly that it admit to its sessions: (1) as special observers, the States not members of the PCT Union which contribute to the budget of that Union, the European Patent Office and the Office of the African Intellectual Property Organization; and (2) as observers, all States members of the Paris Union which are not members of the PCT Union and which do not have special observer status, four intergovernmental organizations and 15 international non-governmental organizations.

Dates from Which International Applications May Be Filed and Demands for International Preliminary Examination May Be Submitted. The Preparatory Committee recommended that the Assembly fix June 1, 1978, as the date from which international (PCT) applications may be filed and demands for international preliminary examination of such applications may be submitted.

Amendment of the PCT Regulations. The Preparatory Committee recommended that the Assembly adopt amendments to Rules 4.10(d) (correction or cancellation of indications of dates in priority claims which do not fall within one year before the international filing date), 11.6(a) and (b) (smaller margins at the top of the first sheet of certain parts of international applications), 11.13(a) (execution of drawings using black lines only), 48.2(a)(v) and 48.3(c) (elimination of certain pages of the international search report containing duplicative information for the purposes of publication).

The Committee further recommended that the Assembly adopt new Rules 32*bis* (withdrawal of the priority claim up to the time of international publication of the international application) and 74*bis* (notification of the withdrawal of the priority claim to the International Preliminary Examining Authority).

Fees and Prices. The Preparatory Committee decided to call the attention of the Assembly to certain conclusions reached by the PCT Working Group on Budgetary Questions as to certain PCT fees and the prices of certain PCT publications and to inform the Assembly that the majority of the Preparatory Committee were of the opinion that the initial fees and prices should be fixed at a lower level than that contemplated in those conclusions.

PCT Committees. The Preparatory Committee recommended that the Assembly adopt various decisions relating to the establishment, membership and Rules of Procedure of the PCT Committees for Technical Assistance, for Technical Cooperation and for Administrative and Legal Matters.

Draft Agenda of the First Session of the Assembly of the PCT Union. The Committee approved a draft agenda of the first session of the Assembly.

Progress Reports by the Director General. The Director General reported to the Preparatory Committee on contacts that had taken place with the offices expected to be the receiving, designated and elected Offices and the International Searching and Preliminary Examining Authorities, on preparations for the printing of PCT publications and on the dissemination of information about the PCT, including the holding of seminars in London, Munich, Paris, Washington and Chicago.

LIST OF PARTICIPANTS*

I. States

Austria: G. Gall. **Brazil:** G. R. Coaracy. **Cameroon:** B. Yaya Garga. **Canada:** B. Gillies. **Central African Empire:** E.-L. Bayangha. **Egypt:** F. El Ibrashi; T. Dinana; A. A. Omar. **France:** P. Fressonnet; P. Guérin. **Germany (Federal Republic of):** U. C. Hallmann. **Hungary:** E. Parragh. **Japan:** K. Hoshikawa; K. Hatakawa. **Luxembourg:** F. Schlessler. **Madagascar:** S. Rabearivelo. **Netherlands:** S. de Vries. **Norway:** O. Os. **Romania:** V. Tudor. **Senegal:** P. Crespin. **Soviet Union:** E. Buryak. **Spain:** A. C. Ortega Lechuga. **Sweden:** J.-E. Bodin; B. Sandberg. **Switzerland:** J.-L. Comte; R. Kämpf. **United Kingdom:** R. Bowen; E. F. Blake. **United States of America:** H. D. Hoinkes; L. Maassel.

II. Intergovernmental Organizations

European Patent Organisation (EPO): J. C. A. Staehelin; J. A. H. van Voorthuizen. **Interim Committee of the Community Patent:** O. Petersen.

III. Non-Governmental Organizations

Council of European Industrial Federations (CEIF): M. van Dam. **European Federation of Agents of Industry in Industrial Property (FEMIPD):** J. d'Haemer. **International Federation of Inventors Associations (IFIA):** P. Feldmann. **International Federation of Patent Agents (FICPI):** M. P. Micheli. **Union of Industries of the European Community (UNICE):** R. Kockläuner.

IV. Officers

Chairman: P. Fressonnet (France). **Vice-Chairmen:** E. Buryak (Soviet Union); B. Yaya Garga (Cameroon). **Secretary:** E. M. Haddrick (WIPO).

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

V. International Bureau of WIPO

A. Bogsch (*Director General*); K. Pfanner (*Deputy Director General*); F. A. Svidirov (*Deputy Director General*); E. M. Haddrick (*Head, PCT Division*); J. Franklin (*Head, PCT Administrative Section*); N. Scherrer (*Counsellor, PCT Division*); D. Bouchez (*Technical Counsellor, PCT Division*); Y. Gyrdymov (*Technical Counsellor, PCT Division*); A. Okawa (*Consultant, PCT Division*).

Trademark Registration Treaty (TRT)

Interim Advisory Committee

Third Session
(Geneva, February 21 to 24, 1978)

NOTE*

The Interim Advisory Committee for the preparation of the entry into force of the Trademark Registration Treaty (TRT) held its third session¹ in Geneva from February 21 to 24, 1978.

Eleven of the 22 States members of the Committee² were represented on the Committee and two other member States of the Paris Union and 12 non-governmental organizations sent observers. A list of participants follows this Note.

The Committee began by examining, on the basis of documents prepared by the International Bureau, draft Administrative Instructions as well as several draft forms and a list of other forms to be established. Following a very detailed discussion, the Committee formulated its recommendations and observations for the revision of the above-mentioned drafts.

The discussions then moved to development cooperation activities for developing countries on the basis of a document submitted by the International Bureau. The delegations' reports on their experience gave rise to a most constructive exchange of views. The Committee concluded by giving its full support to the development cooperation program outlined in the document and urging WIPO to continue its implementation in cooperation with the member States.

Finally, the Committee dealt with the prospects for ratification of the TRT or accession to it. All the delegations reported on the situation in their countries. Despite the fact that all expressed great interest in the TRT, their statements showed that ratification by their respective countries and entry into force of the TRT for them would still take some time. The

* This Note has been prepared by the International Bureau.

¹ Notes on the Committee's first two sessions (September 1975 and January 1977) were published in *Industrial Property*, 1976, p. 81, and 1977, p. 87.

² For the composition of the Committee, see the Note on its first session. The 22nd member of the Committee is the Congo, which acceded to the TRT in August 1977.

Secretariat nevertheless drew attention to the fact that four developing countries (Congo, Gabon, Upper Volta and Togo) had already acceded to the TRT and that consequently only one further ratification or accession was needed for it to enter into force, meaning that the Administrative Instructions and necessary forms would have to be made available as quickly as possible. Consequently, the International Bureau was requested to prepare a new draft of the Administrative Instructions and all the necessary forms for the next session.

LIST OF PARTICIPANTS*

I. States

Finland: A. Siponen. **Germany (Federal Republic of):** B. A. Pagenberg. **Hungary:** M. Bognár. **Japan:** H. Yoshino; K. Hata-kawa. **Norway:** A. Kaarhus; J. Smith. **Portugal:** R. Serrão. **Soviet Union:** R. Szabanov. **Spain:** J. Andrade; S. Jessel. **Sweden:** B. Lundberg; A. H. Olsson. **United Kingdom:** R. A. Pittock. **United States of America:** B. A. Meany; D. B. Allen.

II. Observer States

Argentina: C. A. Passalacqua; J. F. Gomensoro. **Philippines:** A. Añes.

III. Non-Governmental Organizations

American Bar Association (ABA): H. W. Nies. **American Patent Law Association (APLA):** H. W. Nies. **Benelux Association of Trade Mark and Design Agents (BMM):** J. P. Van der Stock. **Bundesverband der Deutschen Industrie (BDI):** W. Boekel. **Chartered Institute of Patent Agents (CIPA):** J. S. Bushell. **Council of European Industrial Federations (CEIF):** J. de Clerck. **European Federation of Agents of Industry in Industrial Property (FEMIPD):** J. de Clerck. **Institute of Trade Mark Agents (ITMA):** E. Wenman. **International Chamber of Commerce (ICC):** G. Kunze. **Pacific Industrial Property Association (PIPA):** R. Spencer. **Union of Industries of the European Community (UNICE):** W. Mak. **United States Trademark Association (USTA):** H. W. Nies.

IV. Officers

Chairman: B. A. Meany (United States of America). *Vice-Chairmen:* B. Lundberg (Sweden); M. Bognár (Hungary). *Secretary:* F. Curchod (WIPO).

V. WIPO

K. Pfanner (*Deputy Director General*); L. Baeumer (*Director, Industrial Property Division*); L. Egger (*Head, International Registrations Division*); F. Curchod (*Head, Special Projects Section, Industrial Property Division*); P. Maugué (*Head, Trademark Registration Section, International Registrations Division*); A. Ilardi (*Legal Officer, Special Projects Section*).

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

General Studies

Toward a New Treaty for the Protection of Geographical Indications

R. W. BENSON*

News from Patent Offices

NEW ZEALAND

Activities of the Patents Division in 1976/1977*

As required by statute, the Commissioner of Patents submitted this report for the period April 1, 1976, to March 31, 1977. The following table provides a comparison of the number of applications for patents, designs, and trade marks, together with the total fees received for each category, over the last three years.

	1974-75		1975-76		1976-77	
	Ended		Ended		Ended	
	March 31, 1975		March 31, 1976		March 31, 1977	
	Appli- cations	Fees	Appli- cations	Fees	Appli- cations	Fees
		\$		\$		\$
Patents	3,238	157,168	3,398	173,778	3,272	322,600
Designs	371	3,672	416	4,080	531	9,201
Trade marks	3,618	87,470	3,828	114,336	3,757	207,745
Miscellaneous ..		6,192		7,904		8,061
Totals	7,227	254,502	7,642	300,098	7,560	547,607

The expenditure for the year was \$620,021 of which salaries totalled \$484,545. The staff employed at March 31, 1977, was 63 compared with 64 at March 31, 1976.

Patents

The 3,272 applications for the grant of letters patent originated in the following countries: New Zealand, 1,149; United States of America, 754; United Kingdom, 423; Australia, 196; Switzerland, 151; Federal Republic of Germany, 121; France, 87; Japan, 80; Netherlands, 66; Sweden, 45; Canada, 37; Italy, 32; and the balance of 131 from 30 other countries.

The technical content fell into the following categories: chemistry, 1,062; mechanical engineering, 1,017; building, 354; home science, 309; electrical engineering, 325; primary industries, 205.

As in previous years, inventions in the chemical and mechanical engineering fields predominate. The

following examples of the subject matter of applications illustrate the wide range of inventions contained in these applications: miscellaneous electrical and electronic equipment; many pharmaceutical compounds and compositions, in particular antibiotics; prodegradants for plastics; herbicides and pesticides; veterinary compositions; applications for and treatment of natural gas; modifications to farm machinery; modular building constructions; foodstuffs; solar heating units; windmills and wind-powered motors; modifications to internal combustion engines to increase their efficiency; and off-shore installations for oil production.

The proportion of patent applications filed by New Zealand citizens or companies incorporated in New Zealand continues to be relatively high at 35 percent of the total.

During the year, 2,078 applications proceeded to acceptance after search and examination, and letters patent were sealed on 1,788 applications. Twenty-three oppositions against the grant of patents and three applications for the revocation of patents were filed.

Trade Marks

The 3,757 applications for the registration of trade marks were received from the following countries in the numbers indicated: New Zealand, 1,384; United States of America, 934; United Kingdom, 377; Australia, 286; Federal Republic of Germany, 161; Japan, 123; France, 110; Switzerland, 74; Netherlands, 52; Sweden, 49; Canada, 28; Italy, 25; Denmark, 19; Spain, 16; German Democratic Republic, 13; Liechtenstein, 12; Hong Kong, 11; Panama, 9; Soviet Union, 9; Singapore, 9; and from 17 other countries, 56.

After search and examination, 2,579 applications were accepted, 2,221 were registered, and 3,034 existing registrations were renewed.

General

The event of major importance to the Patent Office during the year has been the shift from Wellington to Lower Hutt, which took place over the last few weeks of March 1977. The shifting of the several million patent specifications, files, and books was a massive undertaking but, with careful planning, was carried

* This report is excerpted from the *Report of the Department of Justice for the Year Ended 31 March 1977*.

out with a minimum of inconvenience to the public. The move has created many difficulties for the Office and the public and especially for the patent attorneys who are in almost continual contact with the Office and its library. The working conditions are far superior to those vacated in Wellington, however, and it is hoped that the difficulties caused by the move will be overcome in time.

The most significant effect has been the loss of trained staff in the Patent Office. Of the 64 staff employed at the end of last year, only 34 remain in the Office at Lower Hutt. Thirty-five persons have left during the year, at least 19 because they did not wish to transfer to Lower Hutt. In all sections of the Office there has been a loss of experienced staff and in some

the turnover has been very high indeed. As a consequence, arrears in dealing with applications and other work have increased and until the present staff have become fully trained in the specialist work of the Office and new staff appointed where necessary, these arrears cannot be decreased. It is perhaps fortunate that there was a slight decline last year in the number of applications.

On April 1, 1976, a few of the major fees charged by the Patent Office were increased, renewal fees for the first time since 1966 and some others which had not been changed since 1955. The result can be seen in the increased revenue received last year. During the year, a complete review of all fees was carried out and new fees came into effect on April 1, 1977.

Calendar

WIPO Meetings

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

1978

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

June 5 to 7 (Geneva) — Berne Union — Group of Consultants on New Copyright Laws

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 (Paris) — Berne Union — Committee of Governmental Experts on Double Taxation of Copyright Royalties (convened jointly with Unesco)

June 19 to 23 (Geneva) — Revision of the Paris Convention — Working Group on Questions of Special Interest to Developing Countries

June 19 to 23 (Geneva) — Revision of the Paris Convention — Working Group on Inventors' Certificates

June 26 to 30 (Geneva) — Revision of the Paris Convention — Preparatory Intergovernmental Committee

June 26 to July 7 (Tokyo) — International Patent Classification (IPC) — Steering Committee

July 3 to 11 (Geneva) — Berne Union, Universal Convention and Rome Convention — Subcommittees of the Intergovernmental Committees on Cable Television (convened jointly with ILO and 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) — Permanent Committee on Patent Information (PCPI) — Working Group on Planning

September 13 to 22 (Paris) — Berne Union, Universal Convention and Rome Convention — Subcommittees of the Intergovernmental Committees on Videocassettes (convened jointly with ILO and Unesco)

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 25 to October 3 (Geneva) — Governing Bodies (WIPO Coordination Committee, Executive Committees of the Paris and Berne Unions, Assembly and Conference of Representatives of the Hague Union, and Assembly of the International Patent Cooperation (PCT) Union)
- September 27 to 29 (Geneva) — International Patent Classification (IPC) — Ad Hoc Working Group on the Revision of the Guide
- October 2 to 6 (Geneva) — International Patent Classification (IPC) — Working Group I
- 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 27 (Geneva) — International Patent Classification (IPC) — Working Group IV
- November 13 to 17 (Geneva) — International Patent Classification (IPC) — Working Group II
- December 4 to 8 (Geneva) — Development Cooperation (Industrial Property) — Working Group on the Model Law for Developing Countries on Marks and Trade Names
- December 4 to 8 (Geneva) — International Patent Classification (IPC) — Working Group III
- December 4 to 8 (Paris) — Berne Union and Universal Convention — Working Group on questions concerning access to protected works for developing countries, including the implementation of the 1971 revised texts of the Berne Convention and of the Universal Convention (tentative title) (convened jointly with Unesco)
- December 17 to 22 (New Delhi) — Development Cooperation (Copyright) — Copyright Seminar (convened jointly with Unesco)

1979

- January 8 to 12 (Geneva) — International Patent Classification (IPC) — Committee of Experts
- January 29 to February 2 (Geneva) — Rome Convention — Subcommittee of the Intergovernmental Committee on the Administration of Rights under the Rome Convention (convened jointly with ILO and Unesco)
- 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, International Patent Cooperation (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

1978

- May 23 to 25 (Zurich-Reckenholz) — Technical Working Party for Agricultural Crops
- June 6 to 8 (Hanover) — Technical Working Party for Vegetables
- June 20 to 22 (Paris) — Technical Working Party for Ornamental Plants
- September 5 to 7 (Florence) — Technical Working Party for Fruit Crops
- September 11 to 15 (Geneva) — Ad Hoc Committee on the Revision of the UPOV Convention
- September 19 to 21 (Melle, Belgium) — Technical Working Party for Forest Trees
- October 9 to 23 (Geneva) — Diplomatic Conference on the Revision of the UPOV Convention
- November 13 to 15 (Geneva) — Technical Committee
- November 16 and 17 (Geneva) — Administrative and Legal Committee
- December 5 and 8 (Geneva) — Consultative Committee
- December 6 to 8 (Geneva) — Council

Meetings of Other International Organizations Concerned with Industrial Property

European Patent Organisation: July 4 to 6 (Bordeaux) — Administrative Council

European Communities:

Expert Group of the Commission of the European Communities for the Community Trade Mark:

June 5 to 9, September 18 to 22 and December 11 to 15, 1978 (Brussels) — Examination of draft provisions relating to the Community Trade Mark — restricted meeting

Interim Committee for the Community Patent:

June 26 and 27, 1978 (Brussels) — Working Group III

June 28 and 29, 1978 (Brussels) — Working Group II

September 12, 1978 (Brussels) — Working Group I

October 2 to 4, 1978 (Brussels) — Interim Committee

October 23 and 24, 1978 (Brussels) — Working Group II

November 13 to 15, 1978 (Brussels) — Working Group III

December 4, 1978 (Brussels) — Working Group I

International Association for the Protection of Industrial Property: May 12 to 20, 1978 (Munich) — Congress

International Federation of Patent Agents: October 1 to 7, 1978 (Santiago de Compostela) — Congress

International League Against Unfair Competition: September 6 to 10, 1978 (Strasbourg) — Congress

Union of European Patent Attorneys and Other Representatives Before the European Patent Office: May 12 and 13, 1978 (Munich) — Executive Committee

