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World Intellectual Property Organization

WIPO Convention

Accession

JAMAICA

The Government of Jamaica deposited on September 25, 1978, its instrument of accession to the Convention Establishing the World Intellectual Property Organization (WIPO), signed at Stockholm on July 14, 1967.

Jamaica will belong to Class C for the purpose of establishing its contribution towards the budget of the WIPO Conference.

The WIPO Convention will enter into force with respect to Jamaica on December 25, 1978.

WIPO Notification No. 101, of September 26, 1978.

International Unions

Nice Agreement (Classification/Marks)

Accession to the Geneva Act (1977)

CZECHOSLOVAKIA

The Government of Czechoslovakia deposited on September 13, 1978, its instrument of accession to the Geneva Act of May 13, 1977, of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957.

The said instrument contains the following declaration:

“Article 13 of the Agreement as revised at Geneva is in contradiction with the United Nations General Assembly Declaration on the Granting of Independence to Colonial Countries and Peoples.” (Translation)

The date of entry into force of the said Geneva Act (1977) will be notified when the required number of ratifications or accessions is reached.

Nice Notification No. 39, of September 15, 1978.

Patent Cooperation Treaty (PCT)

Ratification

DENMARK

The Government of Denmark deposited on September 1, 1978, its instrument of ratification of the Patent Cooperation Treaty (PCT) done at Washington on June 19, 1970.

The said instrument contains the following declaration:

“Denmark declares that it does not consider itself bound by the provisions of Chapter II of the said Treaty concerning international preliminary examination.” (Translation)

The said Treaty will enter into force with respect to Denmark on December 1, 1978.

PCT Notification No. 23, of September 12, 1978.

WIPO Meetings

Patent Information

WIPO Permanent Committee on Patent Information (PCPI)

Second Session
(Geneva, September 19 to 22, 1978)

NOTE *

The WIPO Permanent Committee on Patent Information (hereinafter referred to as "the PCPI") held its second session¹ in Geneva from September 19 to 22, 1978. Twenty-nine members of the PCPI were represented. In addition, observers from six inter-governmental and international non-governmental organizations were present. A list of participants follows this Note.

PCPI Structure. The PCPI decided that its Working Group on Planning should continue to function in 1979 with the following eleven members: Austria, Brazil, France, Germany (Federal Republic of), Japan, Soviet Union, Sweden, United Kingdom, United States of America, Zambia and the European Patent Office; that three further Working Groups should start functioning in 1979, namely the Working Group on General Information, the Working Group on Patent Information for Developing Countries, and the Working Group on Search Information; membership in the said three Working Groups will be open to any member of the PCPI which so wishes and which so notifies the Director General of WIPO.

Mandates and Tasks of the PCPI Working Groups. The PCPI defined the following mandates of its Working Groups for 1979 and assigned the following tasks to them for detailed consideration and attempted completion in 1979:

Working Group on Planning

Mandate: to advise the PCPI on the definition of the details of the objectives, tasks, program and working methods of the PCPI and the Working Groups established by the PCPI.

* This Note has been prepared by the International Bureau.
¹ For a Note on the first session, see *Industrial Property*, 1978, p. 106.

Tasks:

(a) to maintain an awareness of all tasks assigned by the PCPI to each Working Group; to monitor progress towards completion of these tasks; to analyse and report to the PCPI on the effectiveness of the past year's program; to recommend any new procedures, structures or organization which it believed would lead to better coordination of the technical activities of WIPO;

(b) to evaluate all new requests and proposals received so as to determine the need for them and their priority. On the basis of this evaluation, to recommend a program for 1980 and following years, to the extent possible, in the light of the goals and objectives of the PCPI;

(c) to develop improved criteria for determining priorities for addressing IPC revision projects;

(d) to develop criteria for determining priorities among all other tasks to be addressed by the PCPI;

(e) to evaluate the effectiveness and acceptability of mechanized search systems developed under the aegis of ICIREPAT, leading to recommendations as to the organizational framework under which each of such systems, as remain in use, should continue;

(f) to consider the best ways and means of continuing the work on the remaining tasks of Step I of the Long-Term Program of ICIREPAT, and of transferring to the PCPI, by the end of 1979, the responsibility for the maintenance of the ICIREPAT Manual and any other ICIREPAT activities as may be necessary;

(g) to consider information provided by the International Bureau relating to the consistency in the application of the IPC;

(h) to consider the philosophy of the revision work on the IPC during the third revision period.

Working Group on General Information

Mandate: to deal with tasks, such as those concerning standards, and other matters not appropriate to the Working Group on Search Information or to the Working Group on Patent Information for Developing Countries.

Tasks:

(a) the updating and/or revision of the existing ICIREPAT standards, if such are proposed;

(b) the establishment of standards or guidelines on the bibliographic data content of Official Gazettes;

(c) any item to be considered at the sixteenth session of the ICIREPAT Technical Committee on Standardization (TCST) in October 1978, which would not be completed at that session;

(d) the comprehensive study of all IPC associated publications published by WIPO to identify the inter-relationships of such publications and to determine which should be revised, which should be retained and whether any new ones should be written; the study should specify the objectives of each publication and the users to which each publication is directed.

Working Group on Patent Information for Developing Countries

Mandate: to deal with tasks concerning the identification of needs of developing countries in the field of patent information and to make proposals on ways and means of meeting with such needs.

Tasks:

(a) the evaluation of the current state-of-the-art search program carried out under an agreement between Austria and WIPO for the benefit of developing countries, and of a similar state-of-the-art search program, using the operational mechanized search systems of the German Patent Office, being established between the Federal Republic of Germany and WIPO;

(b) the identification of types of users of patent information in developing countries and a statement of their needs;

(c) the elaboration of guidelines on the planning and on the creation of national or regional patent information and documentation centers in developing countries;

(d) the evaluation of Users' Guides to the IPC for specific sectors of industrial activity of particular interest to developing countries;

(e) the evaluation and, as deemed necessary, improvement of curricula of patent information training courses.

Working Group on Search Information

Mandate: to deal with tasks concerning search file organization and maintenance including IPC revision matters and search system development.

Tasks:

(a) certain defined projects for the third revision period of the IPC;

(b) the investigation of X-notations; responses to specific queries regarding the IPC, e.g., questions as to scope, overlap and interpretation;

(c) the commencement of the development of a handbook to provide detailed guidelines for revision

projects; as deemed appropriate, such guidelines are to include provision for hybrid and deep indexing systems, taking into account work performed by the TCSS;

(d) the updating, correction and implementation of the third edition of the IPC, including the Guide, the back-up document, and any consequent review of the Advice to Searchers and the Advice to Classifiers, including training examples;

(e) the updating and correction of the present Catchword Indexes (English and French versions) to accord with the third edition of the IPC;

(f) the correction of any inconsistencies between the English and French versions of the IPC brought to the attention of the International Bureau;

(g) the continuation of the pilot project relating to the establishment of a common computerized listing of patent documents for the purpose of constituting search files based on the IPC (the CAPRI Project).

The PCPI further agreed that certain tasks need not be assigned to any of its Working Groups and should be *dealt with by the International Bureau* and that the International Bureau should report on the results of these actions on an annual basis. These tasks are:

(a) the compilation of industrial property statistics;

(b) the monitoring of mechanized (ICIREPAT) search systems;

(c) the collection and distribution of annual technical reports on the patent information activities of the PCPI members;

(d) the monitoring of INPADOC activities;

(e) the clerical revision of the list of non-patent literature which is part of the PCT Minimum Documentation according to PCT Rule 34;

(f) the monitoring of the availability of English-language abstracts of patent documents.

Rules of Procedure of PCPI Working Groups. The PCPI adopted the Rules of Procedure of the PCPI Working Groups and their subsidiary bodies for 1979.

PCPI Working Procedures. The PCPI established working procedures for the Working Groups in 1979, while recognizing that further modifications and refinements might be necessary for 1980 and later years.

International Journal on Patent Information. The PCPI agreed that the International Bureau should continue its efforts leading to the signing of an agreement with the Commission of the European Communities (CEC) concerning the joint sponsorship of the publication of an International Journal on Patent Information.

LIST OF PARTICIPANTS*

I. Member States

Algeria: L. Zebdji; M. Sadou. **Australia:** F.J. Smith. **Austria:** J. Fichte; F. Sohs. **Brazil:** G.R. Coaracy. **Bulgaria:** Kr. Iliev. **Canada:** D.V. Cummings. **Central African Empire:** E.-L. Bayangha. **Czechoslovakia:** M. Fořtová. **Denmark:** A. Morsing; S.T. Simonsen. **Finland:** P. Salmi. **France:** M. Verderosa; M. Monka; J. Fouchy. **German Democratic Republic:** R. Blumstengel. **Germany (Federal Republic of):** A. Wittmann; U.C. Hallmann; W. Weiss. **Ireland:** P. Slavín. **Italy:** M.F. Pini. **Japan:** K. Takami. **Madagascar:** S. Rabearivelo; O. Raveloson. **Netherlands:** J. Dekker; J.C.H. Perizonius. **Norway:** P.E. Lillejordet; K.A. Hansen; E.O. Kjeldsen. **Poland:** A. Olszowka. **Portugal:** J. Mota Maia. **Senegal:** A. Diarra. **Soviet Union:** G. Neguliaev. **Spain:** E. Gutierrez Guinea; J.M. Garcia Oyaregui. **Sweden:** G. Borggård; L.G. Björklund; J.-E. Bodin. **Switzerland:** J.-L. Comte; E. Caussignac. **United Kingdom:** V.S. Dodd; A. Sugden. **United States of America:** A.C. Marmor; P.J. Terragno. **Zambia:** A.R. Zikonda.

II. Member Organizations

European Patent Office (EPO): J. Delorme; J.A.H. van Voorthuizen; L. Gruszow.

III. Observer Organizations

United Nations Industrial Development Organization (UNIDO): R.T. de Mautort. **Commission of the European Communities (CEC):** H. Kronz. **International Federation for Documentation (FID):** J. Schneider. **International Organization for Standardization (ISO):** S. Simeonov. **International Patent Documentation Center (INPADOC):** G. Quarda. **Patent Documentation Group (PDG):** D. Ligtenberg.

IV. Officers

Chairman: J. Dekker (Netherlands). *Vice-Chairman:* A.R. Zikonda (Zambia). *Secretary:* P. Claus (WIPO).

V. WIPO

A. Bogsch (*Director General*); F.A. Sviridov (*Deputy Director General*); P. Claus (*Director, Patent Information Division*); B. Hansson (*Head, IPC Section, Patent Information Division*); P. Higham (*Systems Development Officer, Patent Information Division*); V. Roslov (*Technical Officer, General Patent Information Section, Patent Information Division*); H. Sasaki (*Consultant, General Patent Information Section*).

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

International Patent Cooperation (PCT)
Union

Committee for Technical Cooperation

First Session

(Geneva, September 19 to 22, 1978)

NOTE*

The PCT Committee for Technical Cooperation (hereinafter referred to as "the PCT/CTC") held its first session in Geneva from September 19 to 22, 1978. Following the decision establishing the WIPO

* This Note has been prepared by the International Bureau.

Permanent Committee on Patent Cooperation (PCPI), the session of the PCT/CTC was held jointly with the second session of the PCPI.

The membership of the PCT/CTC comprises those States which have signed, or acceded to, the PCT, any other country which pledges a special contribution to the PCT budget, and the European Patent Office (EPO). Eleven of the 19 member States and the EPO were represented at the session. In addition, ten countries were represented by special observers, eight countries were represented by observers and six organizations (intergovernmental and other) were also represented by observers. A list of participants follows this Note.

The PCT/CTC considered the tasks so far undertaken by the former PCT Interim Committee for Technical Cooperation as summarized by that Committee at its eighth and final session.¹ The PCT/CTC decided that the International Bureau should continue to maintain both the inventory of patent documents being part of the PCT Minimum Documentation and the list of non-patent literature journals.

The PCT/CTC decided that the other ongoing tasks should be forwarded to the PCPI Working Group on Planning for further action.

LIST OF PARTICIPANTS*

I. Member States

Brazil: G.R. Coaracy. **Central African Empire:** E.-L. Bayangha. **France:** M. Verderosa; M. Monka; J. Fouchy. **Germany (Federal Republic of):** A. Wittmann; U.C. Hallmann; W. Weiss. **Madagascar:** S. Rabearivelo; O. Raveloson. **Senegal:** A. Diarra. **Soviet Union:** G. Neguliaev. **Sweden:** G. Borggård; L.G. Björklund; J.-E. Bodin. **Switzerland:** J.-L. Comte; E. Caussignac. **United Kingdom:** V.S. Dodd; A. Sugden. **United States of America:** A.C. Marmor; P.J. Terragno.

II. Member Organizations

European Patent Office (EPO): J. Delorme; J.A.H. van Voorthuizen; L. Gruszow.

III. Special Observer States

Australia: F.J. Smith. **Austria:** J. Fichte; F. Sohs. **Canada:** D.V. Cummings. **Denmark:** A. Morsing; S.T. Simonsen. **Finland:** P. Salmi. **Ireland:** P. Slavín. **Japan:** K. Takami. **Netherlands:** J. Dekker; J.C.H. Perizonius. **Norway:** P.E. Lillejordet; K.A. Hansen; E.O. Kjeldsen. **Spain:** E. Gutierrez Guinea; J.M. Garcia Oyaregui.

IV. Observer States

Algeria: L. Zebdji; M. Sadou. **Bulgaria:** Kr. Iliev. **Czechoslovakia:** M. Fořtová. **German Democratic Republic:** R. Blumstengel. **Italy:**

¹ For a note on the eighth and last session of the PCT Interim Committee for Technical Cooperation, see *Industrial Property*, 1978, p. 107.

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

M.F. Pini. **Poland:** A. Olszowka. **Portugal:** J. Mota Maia. **Zambia:** A.R. Zikonda.

V. Observer Organizations

United Nations Industrial Development Organization (UNIDO): R.T. de Mautort. **Commission of the European Communities (CEC):** H. Kronz. **International Federation for Documentation (FID):** J. Schneider. **International Organization for Standardization (ISO):** S. Simeonov. **International Patent Documentation Center (INPADOC):** G. Quarda. **Patent Documentation Group (PDG):** D. Ligtenberg.

VI. Officers

Chairman: J. Dekker. *Secretary:* P. Claus (WIPO).

VII. WIPO

A. Bogsch (*Director General*); F.A. Sviridov (*Deputy Director General*); P. Claus (*Director, Patent Information Division*); B. Hansson (*Head, IPC Section, Patent Information Division*); P. Higham (*Systems Development Officer, Patent Information Division*); V. Roslov (*Technical Officer, General Patent Information Section, Patent Information Division*); H. Sasaki (*Consultant, General Patent Information Section*).

International Patent Classification (IPC) Union

Committee of Experts

Fifth Session
(Geneva, September 4 to 8, 1978)

NOTE *

The Committee of Experts of the International Patent Classification (IPC) Union held its fifth session¹ in Geneva from September 4 to 8, 1978. The following 14 of the 25 members of the Committee of Experts were represented: Austria, Denmark, Finland, France, Germany (Federal Republic of), Japan, Netherlands, Norway, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America. The European Patent Office (EPO) was also represented. A list of participants follows this Note.

The Committee of Experts unanimously elected Mr. V.S. Dodd (United Kingdom) Chairman, and Mr. J. von Döbeln (Sweden) and Mr. Y. I. Plotnikov (Soviet Union) Vice-Chairmen.

The Committee of Experts:

- approved amendments to more than 300 subclasses of the IPC;

- noted the progress on the revision of the Guide to the IPC;
- referred to the WIPO Permanent Committee on Patent Information (PCPI) the recommendations of the Steering Committee of the IPC concerning the establishment of guiding rules for the future revision work, the inclusion in the revision program of the study of a borderline problem in the chemical field and the consideration of the inclusion of a classification flow chart in the Advice to Classifiers;
- endorsed the recommendation of the said Steering Committee that the revised IPC Guide include instructions on the order of presentation of the classification symbols on published patent documents;
- approved certain principles concerning the preparation of the so-called back-up document;
- agreed upon the layout and form of the third edition of the IPC;
- noted the progress on the pilot project for the establishment of a common computerized listing of patent documents for the purpose of constituting search files based on the IPC.

LIST OF PARTICIPANTS*

I. Member States

Austria: H. Marchart. **Denmark:** S.T. Simonsen. **Finland:** E. Häkli. **France:** O. Kavryrchine. **Germany (Federal Republic of):** K. Sölla. **Japan:** K. Takami. **Netherlands:** S. de Vries. **Norway:** P.E. Lillejordet. **Spain:** A. Vega del Barco. **Sweden:** J. von Döbeln. **Switzerland:** E. Caussignac. **Soviet Union:** Y.I. Plotnikov. **United Kingdom:** V.S. Dodd; A. Sugden. **United States of America:** T.F. Lomont.

II. International Organizations

European Patent Office (EPO): F.C.R. de Laet; G. J. Phillips.

III. Officers

Chairman: V.S. Dodd (United Kingdom). *Vice-Chairmen:* J. von Döbeln (Sweden); Y. I. Plotnikov (Soviet Union). *Secretary:* B. Hansson (WIPO).

IV. WIPO

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

* This Note has been prepared by the International Bureau.
¹ For the Note on the fourth session, see *Industrial Property*, 1978, p. 68.

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

ICIREPAT

Plenary Committee

Thirteenth Ordinary Session
(Geneva, September 18 and 19, 1978)

NOTE*

The Plenary Committee of the Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) held its thirteenth ordinary session in Geneva on September 18 and 19, 1978.¹ A list of participants follows this Note.

The Plenary Committee noted the reports on the activities and suggestions of the Technical Committee for Search Systems (TCSS) and the Technical Committee for Standardization (TCST) and approved summary reports of the past and ongoing activities of both these Committees.

With respect to the TCSS, the Plenary Committee noted the following reports:

- Information on the improvement of access to patent documents;
- Implementation problems of shared mechanized search systems;
- Searching Markush-type claims;
- General criteria for the determination of fields where classification systems are unsatisfactory;
- Statistical data which could be helpful for the determination of technological fields where manual search is unsatisfactory;
- Survey on different kinds of information retrieval systems used in patent offices or in other institutions handling patent documents.

The Plenary Committee noted the summary of the Annual Technical Reports for 1977, which had been prepared by the International Bureau on the basis of the reports submitted by Austria, Canada, Czechoslovakia, Denmark, Finland, France, German Democratic Republic, Germany (Federal Republic of), Hungary, Israel, Japan, Netherlands, Norway, Romania, Spain, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America and from the International Patent Institute (IIB), now Directorate General 1 of the European Patent Office (EPO).

LIST OF PARTICIPANTS*

I. States

Austria: J. Fichte. **Canada:** D.V. Cummings. **Czechoslovakia:** M. Fořtová. **Denmark:** A. Morsing. **Finland:** P. Salmi. **France:** M. Verderosa; M. Monka. **German Democratic Republic:** R. Blumstengel. **Germany (Federal Republic of):** A. Wittmann; W. Weiss. **Ireland:** P. Slavin. **Japan:** K. Takami. **Netherlands:** J. Dekker. **Norway:** P.E. Lillejordet; K.A. Hansen; E.O. Kjeldsen. **Soviet Union:** G. Neguliaev. **Spain:** E. Gutierrez Guinea; J.M. Garcia Oyaregui. **Sweden:** G.R. Borggård; L.G. Björklund. **Switzerland:** J.-L. Comte. **United Kingdom:** V.S. Dodd; A. Sugden. **United States of America:** A.C. Marmor; P.J. Terragno.

II. Intergovernmental Organizations

European Patent Office (EPO): J.A.H. van Voorthuizen.

III. Observer Organizations

International Patent Documentation Center (INPADOC): G. Quarda.

IV. Officers of the Technical Committees

Chairman of the Technical Committee for Search Systems (TCSS): L.G. Björklund (Sweden). *Vice-Chairman of the Technical Committee for Standardization (TCST):* R. Blumstengel (German Democratic Republic).

V. Officers of the Meeting

Chairman: G.R. Borggård (Sweden). *Secretary:* P. Claus (WIPO).

VI. WIPO

F.A. Sviridov (*Deputy Director General*); P. Claus (*Director, Patent Information Division*); R. Andary (*Technical Officer, General Patent Information Section, Patent Information Division*); H. Sasaki (*Consultant, General Patent Information Section*).

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

WIPO Permanent Program for Development Cooperation Related to Industrial Property

Working Group on Technological Innovation

First Meeting
(Geneva, July 19 to 21, 1978)

NOTE*

Within the framework of the WIPO Permanent Program for Development Cooperation Related to Industrial Property, the Working Group on Technological Innovation held its first meeting in Geneva

* This Note has been prepared by the International Bureau.

¹ For the Note on the twelfth ordinary session of the Plenary Committee, see *Industrial Property*, 1978, p. 108.

* This Note has been prepared by the International Bureau.

from July 19 to 21, 1978. A list of participants follows this Note.

The International Bureau had, in addition to those countries recommended by the Permanent Committee, specially invited three consultants to attend the meeting. The three consultants made brief statements on their experience in specialized areas of the promotion of technological innovation. The Working Group also engaged in a discussion of the study on the promotion of technological innovation which had been prepared by the International Bureau.

As a result of the general discussion, the Working Group made the following recommendations:

A. To Governments

1. That governments should, to the extent necessary, adopt legislative measures for the promotion and protection of inventions and innovations, taking into account existing model laws for developing countries, or for particular regions of these countries, as well as recent regional, subregional and national legislation on incentives for technological innovation.

2. That governments should adopt integrated policies and programs for the stimulation of technological innovation at the local level, and that these policies should also give appropriate importance to the promotion, development and protection of small inventions and innovations at the enterprise level.

3. That governments should have appropriate institutions for promoting and encouraging the creation of local inventions and innovations by giving technical, financial and legal assistance to the inventors and innovators of the country.

4. That governments should, to the extent possible, take the necessary measures for providing legal, technical and financial assistance to national inventors and innovators in order to develop their inventive capabilities, all along the innovation chain. Furthermore, governments should encourage such inventors and innovators to form professional associations for the better pursuit of their interests.

5. That governments should develop factors contributing to a positive national innovative climate and consider means for finding and promoting creativity, particularly among youth, rural and city workers and craftsmen.

B. To WIPO

6. That WIPO should examine the possibility of expanding the WIPO Training Program to the field of promotion of technological innovation, and of providing training for officials of government institutions active in that field. It should also consider preparing a model industrial property course to be used by developing countries.

7. That WIPO should examine the possibility of issuing on a self-supporting basis an illustrated publication in different languages containing information on selected inventions, innovations and new ideas, in particular those emanating from developing countries.

8. That WIPO should examine, in consultation with other appropriate organizations, the possibility of collecting information on a regular basis on new and existing legal and institutional arrangements for the promotion of technological innovation in order to act as a sort of clearing house for information on that kind of activity in the different parts of the world.

9. That WIPO should examine the possibility of convening a meeting of representatives of various institutions dealing with the promotion of technological innovation from developed and developing countries for the exchange of information and experience with the objective of (a) determining those elements which contribute to a favorable national innovative climate in developing countries, and (b) preparing guidelines for the creation and administration of appropriate institutions in developing countries.

10. That WIPO should continue its efforts to facilitate and improve access by developing countries to the technological information contained in (a) patent documents and related non-patent literature (technical periodicals), and (b) search reports prepared by industrial property offices in developed countries for patent applications in the course of the examining procedure.

LIST OF PARTICIPANTS*

I. States

Algeria: H. Bouhalila. **Canada:** M. Johnston. **Chile:** E. Núñez Lemoine. **France:** J.-C. Combaldieu. **Ghana:** T. N. K. Sey. **India:** R. B. Pai. **Mexico:** S. Olmos Aburto; O. Reyes-Retana. **Soviet Union:** L. A. Lebedeva. **Sweden:** E. Nyrén; M. Jonason.

II. International Organizations

International Labour Organisation (ILO): S. C. Cornwell. **International Federation of Inventors' Associations (IFIA):** L. B. Knutrud.

III. Consultants

S. Galal (Egypt); L. Soto-Krebs (Peru); F. LL. Santillan (Philippines).

IV. Officers

Chairman: R. B. Pai (India). *Vice-Chairmen:* L. A. Lebedeva (Soviet Union); E. Nyrén (Sweden). *Secretary:* F. Moussa (WIPO).

V. WIPO

K.-L. Liguier-Laubhouet (*Deputy Director General*); M. Porzio (*Director, Office of the Director General*); F. Moussa (*Head, External Relations Section, Development Cooperation and External Relations Division*); H. Wiedemann (*Assistant, Development Cooperation Section, Development Cooperation and External Relations Division*).

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

General Studies

Arbitration and the Transfer of Technology: Notes on Swiss Law*

M. M. PEDRAZZINI**

News from Industrial Property Offices

NETHERLANDS

Activities Report of the Office of Industrial Property for 1976

I. Activities of the Patent Office

Patent Applications

The number of patent applications filed with the Patent Office during the year under review was 14,693, or 4.11 percent less than in 1975. The

decreasing tendency ever since 1969, when a record number of 19,700 applications was reached, was not only noticed in previous annual reports, but was also closely studied. This was done in an attempt to find out the causes of the decrease and to make forecasts on the basis thereof.

It has been observed that the same phenomenon also occurred in other Western countries, although the percentages of the decreases differed. The assumption seems justified that after a period of general expansion of the market during an economic boom, industries seeking patents were forced, during a

recession, to be more selective in filing applications and to be more critical as regards maintaining applications and patents. Patent departments of industries whose finances are decreased, when drafting their budgets, must evidently take into account as major factors the markets of foreign countries, the size of these countries and the cost of obtaining patent protection in these countries. In view of these considerations, it is not surprising that the proportion of the decrease in the Netherlands was comparatively high. The question whether the annually continuing decrease in the number of applications might not come to a standstill, because a point of stabilization had been reached, could not be answered in the affirmative on the basis of the year under review, but the figures for the first months of 1977 give rise to the assumption that an absolute low was reached in 1976.

Considering the branches of technology according to the International Patent Classification (IPC), a rise occurred only in Section A as compared to 1975; in all other Sections there was a decrease, smaller than average in Sections E, F and H, but bigger than average in Sections B, C, D and G.

The increase in Section A (Human Necessities) amounted to 10.92 percent and was caused by increases in most classes of that Section. The greatest increase occurred in A 42, headwear (0-7), followed by A 43, footwear (10-21). The increase in A 42, headwear, was caused by the increase in helmets, which is probably connected with the coming into force of the obligation to wear a moped helmet. Part of these applications concerned the fitting of locks for fastening the helmet to the vehicle while not in use. The increase in A 43, footwear, wholly occurred in relation to shoes themselves, not the machinery for making them.

In Section B (Performing Operations), the decrease was hardly in excess of the general average and amounted to 4.23 percent.

A larger decrease occurred in Section C (Chemistry and Metallurgy), amounting to 9.66 percent. In this Section a decrease appeared in all fundamental classes, while the more applicationally directed Sections in many cases even showed increases. The decrease in Section C should not be ascribed wholly to a lower number of patent applications, because this decrease is due in part to the fact that in the revision of the International Patent Classification some classes of Section C have been transferred to Section A.

The largest decrease was found in Section D (Textiles and Paper) and amounted to 15 percent. The decrease in this Section is wholly due to the textiles sector.

The decrease in Section E (Fixed Constructions) was 2.96 percent. There were also increases in some classes in this Section; the biggest increases were found in E 21, mining (57-73), followed by E 01, roads, railways and bridges (45-57). The increase

in E 01 is wholly due to railway construction. The increase in E 02, hydraulic engineering, was mainly caused by the doubling of the number of applications concerning artificial islands.

The smallest decrease occurred in Section F (Mechanical Engineering, Lighting, Heating, Weapons, Blasting); it amounted to 0.63 percent. In F 24, heating and ventilation, a large increase occurred in the number of applications in the field of heat generation by means of the sun.

In Section G (Physics), the decrease was 8.02 percent, although some classes also showed an increase, especially in G 04, horology (4-12). The biggest decrease was found in G 03, photography and cinematography (385-252).

The decrease was small in Section H (Electricity), amounting to 3.73 percent. The only increase in the classes of this Section was in H 01, basic electric elements (798-845), while the largest decreases were found in H 04, electric communication technique (462-388) and H 03, basic electronic circuitry (218-191).

Patents

The number of patents which entered into force during the year under review was 3,589, including 34 patents of addition.

At the end of the year under review, 21,977 patents and 305 patents of addition were in force. 134 patents, including one patent of addition, lapsed upon reaching the expiry date of the maximum term. 3,484 patents, including 52 patents of addition, lapsed for nonpayment of the annual fee. In the year under review, no patents lapsed as a consequence of the waiving of patent rights, nor were any patents annulled by a court.

European Patent Office

In the year under review, several officials of the Patent Office were able to contribute actively to the continued activities of the Interim Committee and the seven working parties and sub-groups for the preparation of the establishment of the European Patent Office (EPO). It is gratifying that the majority of the working committees have succeeded in terminating their activities in 1976, in accordance with the time limits intended.

In order to be able to make a Dutch contribution to building up the European Patent Office, in particular to recruiting qualified staff by transferring specially trained examiners from the Netherlands Patent Office to the EPO, language courses were given during the year under review to certain members of the staff. At the same time, an initial course was started in which a selected group of technical experts were

familiarized, by means of hypothetical cases and with the help of guidelines drafted by the aforementioned working groups, with the particularities of European patent-granting procedure for the various phases of European procedure.

Transferring part of the technical staff to Munich will have consequences for the staff in the Netherlands Patent Office. To answer the question whether the decrease in staff, through natural attrition and through transfer to Munich, will more or less correspond with the expected decrease in the amount of work to be done by the Patent Office, forecasts for more than one year had already been made. The year under review has shown that the variable factors in these forecasts are so manifold and that changeability is so great that long-term prognoses have only relative value. Forecasts for more than one year are therefore not very suitable for publication. Periodical readjustment when starting points are changing does, however, give reasonably reliable short-term indications. On the basis of these, it seems justified to conclude that, in the first few years after the Munich Convention has come into force, the Netherlands Patent Office will have no superfluous employees, very probably even a shortage in some fields of technology.

Meetings

A representative of the Netherlands Patent Office attended the meetings held by WIPO during 1976. During two meetings some very slight progress was made in plans for amending the Paris Convention. These amendments were especially aimed at meeting certain wishes of developing countries. Moreover, the Patent Office was represented at meetings of the Permanent Committee for Development Cooperation Related to Industrial Property, and of the Committee of Experts charged with the preparation of a Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

The well-established tradition in the Netherlands of discussing national and international matters concerning industrial property with the Committee of Eight, in which the four organizations of interested bodies have two representatives each, was continued in the year under review. In particular, the Committee of Eight was consulted on first drafts for adjusting the State patent law to the European Patent Convention and to the Patent Cooperation Treaty (PCT).

A first meeting of countries members of the European Economic Community (EEC), held in November, concerning a draft for a Community trade mark appeared to be leading to many more subsequent meetings. This has had the result that previous consultation of interested parties a separate Trade Marks Committee of Eight was instituted,

consisting of specific trade mark experts of the four organized interested bodies. The discussions in Brussels, held on the initiative of the European Commission, are initially based on the Convention draft published in 1973 concerning a European trade mark law, which draft contains the preliminary results of the activities of the Working Group on Trade Marks instituted by the European Commission which, until 1964, was convened under the chairmanship of Dr. C.J. de Haan.

The pending draft for a law to amend the Patent Act with a view to adjustment to the Stockholm Act of the Paris Convention for the Protection of Industrial Property and to the Treaty for the Unification of Certain Points of Substantive Law on Patents for Inventions of 1963 was passed by the Second Chamber of the Parliament in the year under review, and was submitted to the First Chamber of the Parliament.

II. Activities of the Trade Marks Office and of the Designs Office

The execution of the Uniform Benelux Trade Marks and Designs Laws has, in conformity with the provisions of the respective Benelux Treaties, been entrusted to the Benelux Trade Marks Office and the Benelux Designs Office, respectively. Applications for the deposit of new trade marks or designs may, however, also be filed with the national authorities designated by the participating countries (Articles 6(A) and 8 (1), respectively, of the applicable laws).

If an application is filed with a national authority, the latter has the duty to examine the application as to formal requirements. In certain cases, an opportunity will be given to correct any formal defects. If none are found, a deed of filing will be drafted, which will be forwarded to the competent Benelux Office for registration.

For the Netherlands, the Office of Industrial Property has been designated as the national authority within the meaning of the Benelux Laws. This Office comprises the Patent Office, the Trade Marks Office and the Designs Office (Royal Decree, Office of Industrial Property, 1970, statute book 1970, No. 587, last amended by Royal Decree of May 28, 1976, statute book No. 319).

The Netherlands Trade Marks Office and Designs Office only rarely receive applications for the deposit of new trade marks or designs. This is directly connected with the fact that the Benelux Offices have their seat at The Hague. Applications from the Netherlands and foreign applications filed through a Netherlands patent agent are only exceptionally filed otherwise than directly with the Benelux Offices. Consequently, the task of the Netherlands Trade Marks Office and Designs Office is practically wholly

limited to giving general information on the provisions of the Uniform Benelux Laws. An additional—not official—task is providing information from the registers, closed on December 31, 1970, of the former Netherlands Trade Marks Office. These tasks are

performed as part-time duties by an official of the Patent Office.

In 1976, no applications for the deposit of trade marks or designs were filed with the Trade Marks Office and the Designs Office.

Calendar

WIPO Meetings

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

1978

November 27 to December 1 (Geneva) — Revision of the Paris Convention — Working Group on Inventors' Certificates

November 28 to December 6 (Geneva) — Revision of the Paris Convention — Preparatory Intergovernmental Committee

December 4 to 8 (Geneva) — International Patent Classification (IPC) — Working Group III

December 18 to 22 (New Delhi) — Development Cooperation (Copyright) — Regional Seminar on Copyright and Neighboring Rights for Asian and Pacific States and territories (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)

March 12 to 16 (Dakar) — Permanent Committees for Development Cooperation (Industrial Property and Copyright)

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

December 5 and 8 (Geneva) — Consultative Committee

December 6 to 8 (Geneva) — Council

1979

January 30 to February 1 (Corsica) — Technical Working Party for Fruit Crops

March 28 to 30 (Geneva) — Technical Committee

April 24 and 25 (Geneva) — Administrative and Legal Committee

April 26 and 27 (Geneva) — Consultative Committee

May 22 to 24 (La Minière, France) — Technical Working Party for Agricultural Crops

June 5 to 7 (Avignon) — Technical Working Party for Vegetables

July 17 to 19 (Hanover) — Technical Working Party for Ornamental Plants

September 18 and 19 (Geneva) — Administrative and Legal Committee
September 25 to 27 (Wageningen) — Technical Working Party for Forest Trees
October 16 and 19 (Geneva) — Consultative Committee
October 17 to 19 (Geneva) — Council
November 12 to 14 (Geneva) — Technical Committee
November 15 and 16 (Geneva) — Administrative and Legal Committee

Meetings of Other International Organizations Concerned with Industrial Property

European Patent Organisation: December 19 to 21, 1978 (Munich) — Administrative Council

European Communities:

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

December 11 to 15, 1978 (Brussels) — Examination of draft provisions relating to the Community Trade Mark — restricted meeting

Interim Committee for the Community Patent:

December 4, 1978 (Brussels) — Working Group I

Inter-American Industrial Property Association: September 25 to 29, 1979 (Bogota) — Sixth Congress

