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International Unions

Nice Agreement (Classification/Marks)

Ratification of the Geneva Act (1977)

NETHERLANDS

The Government of the Netherlands deposited on May 11, 1979, its instrument of ratification of 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 Geneva Act (1977) of the said Agreement will enter into force, with respect to the Netherlands, on August 15, 1979.

Nice Notification No. 46, of May 15, 1979.

WIPO Meetings

WIPO Permanent Program for Development Cooperation Related to Industrial Property

Permanent Committee

Sixth Session
(Dakar, March 12 to 16, 1979)

NOTE *

The WIPO Permanent Committee established under the Permanent Program for Development Cooperation Related to Industrial Property (hereinafter referred to as "the Permanent Committee") held its sixth session in Dakar (Senegal) from March 12 to 16, 1979.¹ The list of participants follows this Note.

* This Note has been prepared by the International Bureau.

¹ A Note on the fifth session of the Permanent Committee was published in *Industrial Property*, 1978, p. 143.

At the time of its sixth session, the Permanent Committee was composed of 63 member States: Algeria, Australia, Austria, Benin, Brazil, Bulgaria, Cameroon, Canada, Chile, Congo, Cuba, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Egypt, Finland, France, Gabon, German Democratic Republic, Germany (Federal Republic of), Ghana, Hungary, India, Iraq, Israel, Italy, Ivory Coast, Japan, Jordan, Kenya, Libyan Arab Jamahiriya, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Netherlands, Niger, Norway, Pakistan, Poland, Portugal, Republic of Korea, Romania, Senegal, Soviet Union, Spain, Sudan, Suriname, Sweden, Switzerland, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom, United States of America, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

The questions which were contained in the agenda of the Permanent Committee were examined on the basis of documents prepared by the International Bureau and the following conclusions resulted from the discussions held:

Regional Meetings and Seminars. The Permanent Committee noted in particular that the choice as to where regional seminars and meetings were held depended not only on the International Bureau but also on the will of the States on whose territories such meetings and seminars were held, given that an invitation from the governments of those States was indispensable. It also noted with approval the information furnished by the International Bureau concerning the meetings and seminars scheduled for 1979.

Training. The Permanent Committee expressed its appreciation for the development of a training program, showed particular satisfaction at the increase in the number of fellowships awarded and invited the International Bureau to increase its efforts in this field. It particularly recommended the development of the teaching of industrial property in universities and the increase of training carried out in the developing countries themselves.

During the discussions, several delegations expressed the wish that national authorities responsible for training should receive from the International Bureau more information on the trainees' impressions and on the way in which they had been able to put into practice, in their own countries, the knowledge and experience acquired. The importance, in addition to courses, of periods of practical training in industrial property offices was stressed in this regard.

The contributions made by certain industrialized and developing countries to the training program were greatly appreciated and the International Bureau would pursue its efforts to enhance these contributions in order to increase the number of fellowships granted each year and to develop the activities carried out within the framework of the training program.

After having noted the present and future activities of the International Bureau in the training field, the Permanent Committee approved the comments, observations and suggestions made by various delegations to improve the industrial property training program in future years.

Cooperation Among Developing Countries. The Permanent Committee noted with approval the activities of the International Bureau in this field and expressed appreciation for the steps taken in support of cooperation among developing countries.

Advice and Assistance in Legislation, Institutions and Related Matters. The Permanent Committee noted with approval the recent and present activities of WIPO in connection with the provision of advice and assistance in legislation, institutions and related matters. During the discussions, several delegations announced their willingness to contribute to those assistance projects, especially by supplying experts. The delegations which benefited from the assistance took the opportunity to thank the countries which had helped WIPO in this field. The Permanent Committee

also repeated its thanks to all the countries and the organizations which were helping or were to help implement assistance projects. It recommended that the International Bureau note all the comments and suggestions made during the discussion and stressed the necessity that they be taken into account in future activities in this field.

Promotion of Domestic Inventive and Innovative Capacity. The Permanent Committee considered that the question of the promotion of national inventive and innovative capacity was of particular interest to all States, whether they were developing or developed countries, market economies or Socialist systems. It approved the membership of the second meeting of the Working Group of representatives of institutions dealing with technological innovation (Geneva, June 25 to 27, 1979) and expressed the wish that other institutions dealing with technological innovation could be suggested at an early date to the International Bureau, which would decide whether to invite them.

The Permanent Committee furthermore recommended that the results of the Working Group be made known as widely as possible. Finally, it noted with approval the WIPO projects for the preparation, on the one hand, of a study on the activities that could be undertaken by industrial property offices in the field of the promotion of innovation and the relations to be established with other government agencies having responsibility in the same field, and the preparation, on the other hand, of a study of those administrative and legislative measures which would assist and develop local inventive and innovative capacity both at national and at enterprise levels.

Strengthening National and Regional Infrastructures. The Permanent Committee congratulated the International Bureau on the results of the interim survey on industrial property offices and noted the observations, corrections and suggestions which were proposed by different delegations. It recommended, on the one hand, that regional surveys on the state of industrial property similar to that done for the Arab States should be undertaken in the near future by the International Bureau, and that, on the other hand, a World Industrial Property Day should be organized in order to give that activity greater publicity and to make the greatest possible number of countries aware of industrial property; in this latter regard, it noted with approval the proposal of the Director General of WIPO to submit to the next session of the Permanent Committee a study containing all the necessary facts and proposals for organizing such a day.

New Model Law for Developing Countries on Inventions and Know-How and New Model Law for Developing Countries on Marks and Trade Names. Concerning the new Model Law for Developing Countries on Inventions and Know-How, the Per-

manent Committee took note of the verbal report of the Director General, who informed the delegations that the texts of Parts II to V and the Annex would be submitted to the Permanent Committee at its seventh session. The Permanent Committee noted with approval the suggested procedure which calls for the text in question to be one of the documents submitted to the next session of the Permanent Committee scheduled for March 1980 and for it to be published only several months after the said session.

WIPO Licensing Guide for Developing Countries.

The Permanent Committee noted with satisfaction the recent publication in Arabic of the WIPO Licensing Guide, in addition to the English, French and Spanish versions, and the arrangements made by the International Bureau, in cooperation with the Governments of Brazil and Portugal, for the preparation of a Portuguese language version of that publication.

Organization of the Patent and Trademark Activities of Industry in Developing Countries. The Permanent Committee recommended that the International Bureau prepare and send a questionnaire to the developing countries members of the Permanent Committee in order to obtain a more precise evaluation of the present organization of industrial property activities in enterprises in these countries. The replies to this questionnaire, together with other information received, would serve as a basis for the preparation of the Guide to be drawn up by the International Bureau with the help of a Working Group.

Industrial Property Glossary and Manual for Developing Countries. The Permanent Committee noted with satisfaction the publication in Arabic, English, French and Spanish of the WIPO Industrial Property Glossary. It recommended the publication of the Portuguese and Russian versions of the Glossary and expressed its appreciation for the fact that the Portuguese and Brazilian industrial property services were ready to prepare the part of the Glossary in Portuguese and that the industrial property services of the Soviet Union were ready to do the same in respect of the Russian part of the Glossary.

The Permanent Committee approved the general principles on which the International Bureau intended to base its preparation of an industrial property manual.

United Nations Conference on Science and Technology for Development. The Permanent Committee recommended that the Director General of WIPO should continue, as far as WIPO's resources permitted, to give his wholehearted support to the Secretary General of the United Nations Conference on Science and Technology for Development (Vienna, August 1979).

It also requested the Director General to prepare and present to the next session of the Permanent

Committee a report on the contribution that the WIPO Permanent Program could and ought to make to the Implementation of any action program approved by the Conference.

The Permanent Committee invited the Governments of the member States of the Permanent Committee to help to ensure, in the positions that would be adopted by the representatives in the Preparatory Committee for the Conference, as well as the Conference itself, that the Conference stressed the importance of the technical information contained in patent documents.

LIST OF PARTICIPANTS*

I. Member States

Algeria: H. Bouhalila; K. Sahnouni. **Austria:** O. Leberl. **Benin:** A. Yoro; S.E. Ako. **Brazil:** G.R. Coaracy. **Cameroon:** D. Ekani. **Canada:** C. Boileau. **Czechoslovakia:** J. Kubicček; V. Zdenek. **Denmark:** B. Linstow. **Egypt:** H. El Marassy. **Finland:** R. Meinander; A. Kurittu. **France:** P. Faure; M.M. Hiance; A. Bourdale-Dufau. **Gabon:** J. Kamaya. **Germany (Federal Republic of):** E. Häusser. **Hungary:** Z. Szilvassy; G. Pusztai. **India:** S. Singh. **Iraq:** Y. Al-Khanati; H. Al-Shemeri. **Italy:** M.L. Polastro. **Ivory Coast:** T.B. Aka; G. Sissoko. **Japan:** H. Uchiyama; K. Kitaban. **Kenya:** J. King'Arui. **Mexico:** A. Villalvo; J.M. Teran Contreras; V. Ramirez Lugo. **Morocco:** A.R. Kandil. **Netherlands:** W. Neervoort; F. Klaver; A.C. Brouwer. **Niger:** A.T. Mahaman; A. Bonkaney; I. Foukori. **Norway:** T. Hansen. **Pakistan:** I. Bukhari. **Poland:** M. Stradowski. **Portugal:** J. Van-Zeller Garin; J. Mota Maia; A.M. Pereira. **Republic of Korea:** H.T. Kim; M.K. Kang. **Senegal:** A. Sène; S.L. Ba; A. Diarra; N. Ndiaye; B.P. Crespín; L. Sène; B.M. Dia; C. Kane. **Soviet Union:** V. Ilyin; Y. Rudakov; V. Tchernychov. **Spain:** A. Villalpando; A. Ortega Lechuga. **Sweden:** M. Jonason; S. Norberg; A.H. Olsson. **Switzerland:** R. Kämpf; J.-M. Salamolard; J. Nicolet. **Tunisia:** B. Fathallah. **Turkey:** A. Yakital. **Uganda:** G.A. Mugarura Ndagije. **United Kingdom:** V. Tarnofsky. **Upper Volta:** H.E. Lingani. **United States of America:** H.J. Winter; L.J. Schroeder; M.S. Keplinger; J.M. Lightman. **Zaire:** K. Luanda. **Zambia:** A.R. Zikonda.

II. Observer States

Belgium: O. Gilles de Pélichy. **Colombia:** E. Villamizar. **Ecuador:** M.G. Muñoz. **Guinee-Bissau:** J. Gomes Cardoso; U. Branco d'Avila. **Madagascar:** L.D. Ralaisaholimanana. **Mali:** C.O. Sarre; D. Traore. **Nigeria:** O. Adeniji.

III. United Nations Organizations

United Nations Educational, Scientific and Cultural Organization (UNESCO): A. Amri. **United Nations Development Programme (UNDP):** P.A. Coppini; D. Landey.

IV. Other Intergovernmental Organizations

African Intellectual Property Organization (OAPI): D. Ekani. **European Patent Office (EPO):** J.C.A. Staehelin; J.-F. Mezières.

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

V. International Non-Governmental Organizations

International Association of Conference Interpreters (AIIC): L. Moutou; H. Ward. **International Bureau of the Societies Administering the Rights of Mechanical Recording and Reproduction (BIEM):** J.-A. Ziegler. **International Confederation of Societies of Authors and Composers (CISAC):** J.-A. Ziegler. **International Federation of Inventors' Associations (IFIA):** L.B. Knutrud. **International Federation of Patent Agents (FICPI):** M.F. Sevant. **International Federation of Producers of Phonograms and Videograms (IFPI):** E. Thompson. **International Literary and Artistic Association (ALAI):** J.-A. Ziegler. **International Writers Guild (IWG):** J.-A. Ziegler. **Union of National Radio and Television Organizations of Africa (URTNA):** S. Ngom.

VI. Officers

Chairman: D. Ekani (Cameroon). *Vice-Chairmen:* E. Häusser (Germany (Federal Republic of)); Z. Szilvassy (Hungary). *Secretary:* I. Thiam (WIPO).

VII. WIPO

A. Bogsch (*Director General*); K.-L. Liguier-Laubhouet (*Deputy Director General*); S. Alikhan (*Director, Copyright Division*); F. Moussa (*Head, External Relations Section, Development Cooperation and External Relations Division*); I. Thiam (*Head, Development Cooperation Section, Development Cooperation and External Relations Division*); G. Boytha (*Head, Copyright Development Cooperation Section, Copyright Division*); M. Qayoom (*Head, Conferences and Common Services Section, Administrative Division*); H. Rossier (*Head, Mail and Documents Section, Administrative Division*); G. Eckstein (*Development Cooperation Section*).

Trademark Registration Treaty (TRT)

Interim Advisory Committee

Fourth Session

(Geneva, February 26 to March 2, 1979)

NOTE *

The Interim Advisory Committee for the preparation of the entry into force of the Trademark Registration Treaty (TRT) held its fourth session¹ in Geneva from February 26 to March 2, 1979.

Eleven of the States members of the Committee² were represented in the Committee, and four non-member States and 12 non-governmental organizations sent observers. The list of participants follows this Note.

* This Note has been prepared by the International Bureau.

¹ Notes on the Committee's first three sessions (September 1975, January 1977 and February 1978) were published in *Industrial Property*, 1976, p. 81; 1977, p. 87; and 1978, p. 126.

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.

The Committee examined, on the basis of a document prepared by the International Bureau, a revised draft of the Administrative Instructions and all necessary forms to be used in procedures under the TRT.

Following a detailed discussion, the Committee formulated recommendations and observations for a further revision of the above-mentioned drafts.

The Committee also dealt with the prospects for ratification of the TRT or accession to it. All the delegations reported on the situation in their countries. Notwithstanding the fact that all expressed great interest in the TRT and emphasized its universal nature, their statements showed that ratification by their respective countries and entry into force of the TRT for them would still require some time. The Secretariat nevertheless drew attention to the fact that four developing countries (Congo, Gabon, Togo and Upper Volta) had already acceded to the TRT and that consequently only one more ratification or accession was needed for it to enter into force. It was with that in mind that the International Bureau had prepared the draft Administrative Instructions, so that the TRT could become operational immediately upon its entry into force. Consequently, the International Bureau was requested to prepare a revised version of the Administrative Instructions and all the necessary forms and to establish an Applicant's Guide which would give a systematic introduction to the operations under the TRT.

The Committee agreed that the revised version of the Administrative Instructions could, without any further consideration by the Committee, be used as a basis for the establishment of the Administrative Instructions by the Director General of WIPO according to Rule 46.1 of the Regulations under the TRT.

LIST OF PARTICIPANTS **

I. Member States

Austria: E. Dudeschek. **Germany (Federal Republic of):** B.A. Pagenberg. **Hungary:** M. Bognár. **Japan:** M. Sakuma; K. Hatakawa. **Portugal:** R. Serrão. **Romania:** R. Susan. **Soviet Union:** S. Gorlenko. **Spain:** E. Rua Benito. **Sweden:** B. Lundberg; A.H. Olsson. **United Kingdom:** R.A. Pittock. **United States of America:** S.A. Diamond; D.B. Allen.

II. Observer States

Canada: M. Leir. **China:** G. Ma; G. Liu; J. Guo; Z. Wang; H. Kung. **France:** Y.D. Laugier. **Senegal:** A. Sène; A. Diarra; B.P. Crespin.

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

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):** W. Mak. **Council of European Industrial Federations (CEIF):** J. de Clerck. **European Federation of Agents of Industry in Industrial Property (FEMIP):** J. de Clerck. **International Association for the Protection of Industrial Property (IAPIP):** G.E. Kirker. **International Chamber of Commerce (ICC):** G. Kunze. **International Federation of Patent Agents:** J.F. Villars-Dahl; J. Müller. **Institute of Trade Mark Agents (ITMA):** J.L. Oakley. **Union of Industries of the European Community (UNICE):** W. Mak. **United States Trademark Association (USTA):** H.W. Nies.

IV. Officers

Chairman: S.A. Diamond (United States of America). *Vice-Chairmen:* B. Lundberg (Sweden); M. Bognár (Hungary). *Secretary:* L. Baeumer (WIPO).

V. WIPO

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

General Studies

Recent Developments in the Industrial Property Legislation and Case Law of Argentina

E.D. ARACAMA ZORRAQUÍN *

News from Industrial Property Offices

AUSTRALIA

Activities of the Patent, Trade Marks and Designs Office during 1976-1977 and 1977-1978 *

General

During the years under review, the Patent Office experienced a change in administrative control. In November 1976, the Office was transferred from the Department of Business and Consumer Affairs to the newly created Department of Productivity.

The Patent Office has taken an active part in representation at international meetings concerning industrial property throughout the year. The main thrust of these meetings has been the revision of the Paris Convention for the Protection of Industrial Property.

Mr. K.B. Petersson, O.B.E., retired in December 1976 after serving for 18 years as Commissioner of Patents, Registrar of Trade Marks and Registrar of Designs, having joined the Patent Office as an Examiner of Patents in 1936. Pending the appointment of a successor, the Deputy Commissioner, Mr. G. Henshilwood, acted as Commissioner. Mr. Henshilwood retired in February 1978 and Mr. F.J. Smith was appointed Commissioner of Patents and Registrar of Trade Marks and Designs.

The overall progress in the examination of applications during 1976-1977 and 1977-1978 is charted in the table annexed to this report.

Patents — Trends of Invention

There has been an increase in those inventions whose object is providing answers to everyday problems of the environment, controlling waste and providing alternative fuels.

The incorporation of antibodies within textile filaments for suture use has advanced. The attachment of enzymes to textiles has led to improved methods of chemical analysis, conversion and separation.

There was considerable interest and development in medical, pathological and biological testing, such as whole body scanners and automatic pathological testing machines. These machines reflect the development and use of more compact micro-processors and integrated circuits.

There was a continued development of pharmaceutical formulations; development of methods of detection of constituents within biological fluids using techniques based on immunological reactions and synthesis of antibiotics by microorganism cultures. A trend is evident towards compounds containing a double bond for pharmaceutical uses.

In the semiconductor field there has been interest in charge-coupled devices and the improvement of ion-implanting techniques and solar cells (i.e. devices employing photovoltaic effects).

Within the broad field of energy generation and use there has been a fall in the number of applications associated with nuclear reactors, but an increase in isotope separation methods, including the use of lasers. A fairly rapid increase has been noted in the development of photovoltaic devices for converting electromagnetic radiation (solar rays) directly to electrical energy. Concern with energy generation has also led to increased applications for conversion of energy from wave and tide motions to electrical energy, but there has not been any corresponding increase in the exploitation of wind generators.

There is continued activity in the treatment of waste water, garbage and the control of furnace emissions as well as other waste products, such as animal blood, which may be converted to high grade protein for animal and human food, or the nutrients in the blood utilized to encapsulate lipid feeds for ruminants.

A significant number of applications was made in respect of inventions concerned with the transport of icebergs and their use as a source of fresh water.

Trade Marks

The number of applications increased in 1976 over 1975, and again in 1977 over 1976. In contrast to a steady growth in applications during the latter half of the 1960s, the 1970s have seen marked fluctuations in the number of lodgments, peaking in 1973 and falling to a trough in 1975.

A number of trade mark matters have been before the Courts in 1976 and 1977. Section 103 of the Trade Marks Act has been the subject of two recent High Court cases. The first of these (*Textile House Pty Ltd v. Carmody*) confirmed the accepted construction and interpretation of the Section and the Constitutional validity of actions taken under the provisions of Section 103(1). In the second case (*Pioneer Kabushiki Kaishi and Anr. v. Registrar of Trade Marks*), the appeal against the Registrar's decision was upheld. It

* This report, prepared by the International Bureau, consists of extracts from the Annual Reports of the Australian Office for 1976-1977 and for 1977-1978.

was held that the proposed limitation on the use of the provisions of Section 103 of the Act was not justified, and the essential use of a trade mark, whether by a registered user or proprietor, to indicate a connection in the course of trade with the registered proprietor (although that connection may be slight), was emphasized.

An application for a writ of prohibition has also been made to the High Court in respect of a Section 23 decision (*R. v. Quinn and QUF Industries (ex parte: Consolidated Foods Corporation)*). The Registrar's powers under Section 23(1) of the Trade Marks Act 1955 to remove trade marks from the Register were confirmed.

Several actions under Section 22 of the Trade Marks Act were also before the Courts in 1977. Legislation to extend the provisions of the Act to cover services as well as goods is being prepared and expected to come into force by the end of 1978.

Designs

In contrast to trade marks, design applications have shown a steady increase each year over the last decade. The increased applications do not appear to favor any particular class of article, but generally cover the full range of classes. The proportion of applications lodged privately (as against those handled by agents) appears to be increasing.

Despite a greater number of applications examined, the number of those awaiting examination was still larger than previously. This is thought to be due to the same general staffing problems.

Proceedings under the Designs Act have been heard in the Supreme Court of South Australia (*Geodesic Constructions Pty Ltd v. Gaston; Gaston v. Fin Holdings Pty Ltd, Fin Holdings and Grid Centre (S.A.)*) and the Supreme Court of New South Wales (*Mangraviti v. Vardi & Anr.*).

Information Service

This service is currently operated in a limited fashion from Canberra by one officer detached from normal examination duties, supported as required by the officers of the Patent Examination Branch. The officer concerned answers personal inquiries at the Patent Office on how and where to lodge applications for patents, trade marks and designs, how to search patent, trade mark and design literature for information, and general inquiries on the protection and use of industrial and intellectual property. Over the twelve months, the number of inquiries has been in excess of 300. As well as personal inquiries, the information service also replies to a steady stream of written requests for information.

A limited current awareness survey in conjunction with the National Library has been instigated. This is based on INPADOC data and aims to supply to interested companies a list of application and patent numbers as they become available on a world basis. The purpose of this survey is to determine the usefulness of the information and the form in which it can be presented.

ADP Project

A project team, comprising staff members and personnel of the ADP Branch of the Department of Productivity, has, since September 1977, been converting the currently-used information retrieval equipment to a computer system. In the first stage a direct conversion of unit record systems to the computer system was proposed.

Several members from all sections of the Office attended a three-day seminar early in the year on computer system design and analysis. This was largely introductory and directed generally to the management procedures related to the setting up and use of a computer.

Printing and Publishing

Printing costs continued to rise, throughout the year; however, by employing less costly formats for publications, the printing program was maintained.

During the year 1976-1977, a complete review of methods and procedures employed in the reproduction of patent specifications was advanced to the stage where a systems proposal was accepted, with recommendations adopted enabling the earlier availability of all specifications at a reduced production cost. These procedures should come into operation at the end of 1978 and result in a significant reduction of printing costs and more efficient services.

Other operations included the following publications available for purchase by the public:

Weekly—Australian Official Journal of Patents, Trade Marks and Designs, abstracts of currently published patent specifications, and abridgments of currently accepted patent specifications.

Annually—Patents Name Index, Patents Annual Record, Trade Marks Name Index, Numerical Record of Trade Marks Proceedings, Index of Constituent Particulars of Trade Marks, and Index of Registered Owners of Designs and Articles for which Designs have been Registered.

Publications for providing assistance in the presentation of patent and trade mark applications included: Guide for Applicants for Patents, Guide for Applicants for Trade Marks, Questions and Answers about Patents, Questions and Answers about Trade Marks, Patent Examiners' Manual, and Trade Mark Examiners' Manual.

Library

The Patent Office Library continued to provide a service to both the general public and the office staff in the fields of industrial property and general technology.

To this end, the library retained the publications of the Australian Office and received the corresponding material published by foreign patent offices. The library added to its collection some 15,000 Australian Patent Specifications and 580,000 printed specifications from 20 foreign countries. A further 10,800 documents were received in microform from a further seven countries. In addition the official journals from 43 countries were received.

The library has subscribed to the weekly INPADOC microfiche IPG (International Patent

Gazette) since its first issue of December 20, 1975, and is considering subscribing to INPADOC's associated cumulative services. Their services should greatly facilitate the retrieval of foreign material.

Book holdings in the library increased by 185 titles. Subscriptions to two trade literature services were continued. 197 periodicals were also subscribed to, with a further 107 currently being received by donation.

In assisting the public in its use of patent materials, the staff carried out 334 searches and 620 reference inquiries. Approximately 60 requests for certified statements of publication dates were checked by the staff.

In assisting the office staff, the library issued 8,800 loans, met 267 requests for interlibrary loans and in return supplied 280 loans to other libraries.

ANNEX

	Patents		Trade Marks		Designs	
	1976-77	1977-78	1976-77	1977-78	1976-77	1977-78
Unexamined applications at June 30, 1976/1977...	26,384	23,451	7,256	10,309	123	218
<i>Add</i>						
Applications lodged	11,186	11,023	10,446	10,929	2,666	3,035
Applications previously lapsed now restored	92	55	—	—	—	—
<i>Deduct</i>						
Applications examined	11,727	10,531	7,257	7,750	2,570	3,002
Applications lapsed	2,275	1,044	—	—	—	—
Applications withdrawn before examination	209	222	136	146	1	—
Unexamined applications at June 30, 1977/1978...	23,451	22,732	10,309	13,342	218	251

AUSTRIA

Activities of the Austrian Patent Office during 1977 *

Great attention was devoted to the development of patent law in Europe during 1977. The European Patent Convention established by the 1973 Munich Conference entered into force in October 1977. The European Patent Office will be able to accept European patent applications as of June 1978. The preparatory work for the ratification of the European Patent Convention was completed and preparations made for putting in hand the parliamentary approval procedure for the ratification of the Treaty. Draft agreements were drawn up in negotiations with the European Patent Organisation with regard to the

participation of the Austrian Patent Office in the European patent granting procedure and also close cooperation between the two institutions in the field of patent documentation and information. In addition, the report year also saw the initiation of the procedure for Austrian ratification of the Patent Cooperation Treaty (PCT).

Special attention was paid during 1977 to projects for the extended exploitation and improvement of the Austrian Patent Office's patent documentation to serve the national economy. This collection, which at present contains some 23 million documents and thus constitutes one of the largest collections of patent literature in the world, represents a considerable factor in Austria's technological infrastructure. Particular importance in the structuring and exploitation of the patent documentation and information was attached to participation in international bodies, particularly in programs of the World Intellectual Property Organization (WIPO). The Austrian Patent Office took an active part in the continued develop-

* This report is extracted from the Annual Report of the Austrian Patent Office for 1977.

ment of the International Patent Classification (IPC), the result of the Strasbourg Agreement whose purpose is to ensure the uniform classification of patent documents.

Austria's development aid activities in the field of industrial property have earned wide respect. The agreement between the Republic of Austria and the World Intellectual Property Organization on the provision of technical opinions (search reports) for developing countries has been transformed from a limited duration to an open-ended instrument. The developing countries' interest in obtaining access to the state of the art through reports from the Austrian Patent Office continued to grow in 1977. A five-week training course on the use of patent documentation as a source of technological information, conducted in English, was held in August and September, in collaboration with WIPO, for experts from developing countries. The course took place at the Diplomatic Academy and in the Austrian Patent Office. Eighteen participants, including three heads of patent offices from developing countries, senior officials from ministries and patent offices, together with documentation and information specialists, attended the course, which earned world-wide recognition.

The effectiveness of the Austrian Patent Office's information facilities was increased by the use of electronic data processing equipment. It is worthy of note that the Patent Register constitutes the first public record in Austria to be entirely produced by electronic data media. The use of photocomposition for the production of the Austrian Patent Gazette enabled staff savings to be made.

Legislative and International Matters

The 1977 Patent Law amendments¹ and the 1977 Trademark Protection Law amendments² entered into force on August 1, 1977. The two amendments constitute a considerable modernization of these fields of law. The 1977 Patent Law has instituted, in addition to the existing possibility of obtaining information on the state of the art in a specific technical field, a further important service in that a report on the patentability of an invention may also be obtained independently of a patent application. Legal protection has been further improved by the additional concentration within the Patent Office of the evaluation of the patentability of inventions (limitation of preliminary decisions by courts) and the introduction of requests for establishing the scope of protection of a patent. Access to files was liberalized to the broadest possible degree and is to be considered

a step towards the transparency of State administration. Finally, the provisions on exemption or deferred payment of fees have been extended to afford improved access to patent protection for inventors without means.

The 1977 Trademark Protection Law has modernized the legislation and adapted it to international developments. The introduction of a requirement to use will result in the pruning of the Trademark Register since, in future, marks can only be maintained with legal effectiveness if they are in fact used in trade. From among the multitude of changes made by the 1977 Trademark Protection Law, special mention could be made of the new unrestricted possibility for transferring marks and emphasis laid on the fact that the legal prerequisites now exist for the utilization of the most advanced, internationally recognized data processing methods.

As a result of the amendments to the Patent Law and the Trademark Protection Law, it also became necessary to issue a new version of the Patent Office Ordinance.

In order to adapt the formal industrial property rights to the economic needs of the day, a recasting of the industrial designs system has been put in hand. The aim is to provide industry and trade with adequate protection for the form of industrial products.

In the field of bilateral treaties on origin, the Agreement between the Republic of Austria and the Spanish State on the Protection of Indications of Source, Appellations of Origin and Denominations of Agricultural and Industrial Products, together with its Protocol, was ratified in December of the report year.³ This Agreement follows a number of other bilateral agreements concluded by Austria as regards integrity in advertising and improved protection of indications of source.

The Protocol to the Agreement between the Republic of Austria and the Czechoslovak Socialist Republic on the protection of indications of source, appellations of origin and other designations denoting the origin of agricultural and industrial products was signed in Vienna in November 1977.

In April 1977, a diplomatic conference was held in Budapest to draw up a Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. This Treaty constitutes a special agreement under Article 19 of the Paris Convention. The aim of the Treaty is to enable the reference to the deposit of a strain of microorganism with an internationally recognized depository authority to be recognized as a general disclosure in a patent application based on microorganisms. Austria

¹ See *Industrial Property Laws and Treaties*, AUSTRIA — Text 2-001 (*Industrial Property*, May 1978).

² *Ibid.*, Text 3-001 (*Industrial Property*, November 1978).

³ See *Industrial Property Laws and Treaties*, BILATERAL TREATIES — Text 5-005 (*Industrial Property*, October 1978).

attended the Conference and signed the Treaty in December 1977.

In May of the report year, a diplomatic conference for the revision of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, at which Austria was represented, took place in Geneva. The aim of the revision was to give the International Classification a certain degree of flexibility, while at the same time maintaining the necessary stability, in order to meet the requirements of technical and economic progress. The scope of application of the Classification was extended by adding English as an authentic language in addition to French. Austria signed the revised Agreement in December 1977.

Magnetic tapes of the examination files of 100 IPC subclasses, that is to say 888,742 patent documents, were transmitted to the International Patent Documentation Center (INPADOC) in December 1977. That represented the Austrian Patent Office's contribution to the CAPRI System (Computerized Administration of Patent Documents Reclassified According to the International Patent Classification), laid down in the basic agreement concluded on December 22, 1975, between INPADOC and WIPO. This basic agreement provides for an agreement between INPADOC and those institutions contributing to the CAPRI System, including Austria. The corresponding agreement was concluded between INPADOC and the Republic of Austria (Patent Office) in March 1977.

During the reported year, good progress was made in the already satisfactory cooperation between the Austrian Patent Office and the corresponding foreign Offices. Particular emphasis should be laid on cooperation with Hungary since, during the report period, an agreement was concluded between the Federal Minister for Commerce, Trade and Industry of the Republic of Austria and the President of the National Office for Inventions of the Hungarian People's Republic on mutual collaboration in the field of industrial property. Collaboration between the Hungarian Office and the Austrian Patent Office has thus been placed upon a contractual basis and will contribute to improving yet further the friendly relations between the two Offices.

Patent Activities

The conversion of the search files to the International Patent Classification was continued during the report year. The work of the Austrian Patent Office in the preparation of search file lists accounted for a considerable proportion of the working capacity of the technical divisions.

The patent documentation used during the examination process has continued to grow at a fast rate.

More detailed information is given below in the section on documentation.

The measures taken in the field of patent documentation also benefited the reports on the state of the art which have been produced by the Austrian Patent Office since January 1, 1975, and the reports on the patentability of an invention introduced on August 1, 1977. The requests for obtaining these reports also fall within the competence of the technical divisions.

The number of patent applications decreased by some 5 percent in comparison with 1976 (1976: 9,911; 1977: 9,451). Grants of patents, on the other hand, showed an increase (1976: 6,412; 1977: 6,641; plus 4 percent).

Requests from applicants having their place of residence or business in Austria went down by some 11 percent compared with the preceding year (1976: 2,680; 1977: 2,385).

Trademark Activities

A drop of some 7 percent is to be noted in the number of trademark applications compared with 1976 (1976: 3,612; 1977: 3,340), whereas registrations have risen by a further 4 percent (1976: 2,761; 1977: 2,885).

In the case of international trademark registrations based on Austrian initial deposits, the report year shows a drop of some 13 percent (1976: 297; 1977: 242). The number of international marks effective for Austria on the basis of foreign preliminary registrations, on the other hand, has grown by some 3 percent (1976: 7,114; 1977: 7,302).

Designs Activities (Central Designs Archive)

The number of designs deposited in 1977 grew by some 8 percent in comparison with the preceding year (1976: 5,572; 1977: 6,022), whereby the proportion of depositors having their place of residence or business in Austria shows an over-proportional rate of growth (1976: 3,659; 1977: 4,232; plus 16 percent). For the deposit of designs, the three-year term of protection is requested in almost every case (99.8 percent). In operating the Central Designs Archive, attention has therefore to be given to the fact that almost all designs need to be stored and kept available to the public for a period of three years.

Documentation

New acquisitions of books, journals and bound patent documents in the library of the Patent Office

amounted to 9,785 copies during the report year. This was far in excess of the high growth rate in 1976 (7,522 new copies).

During 1977, a total of 975 rolls of microfilm of patent documents were produced (compared with 498 new microfilm rolls in 1976). The library of microfilm rolls thus attained a total of 25,521 master films, of which 9,196 are available for public access in the form of duplicate films in the library reading room.

The number of journals and other periodicals regularly received and made available to the public in the Austrian Patent Office library amounted to 365 (1976: 363), including a total of 265 foreign titles, as in the preceding year. The technical divisions of the Patent Office also had available for the preliminary scrutinizing of patent applications all periodicals laid down as minimum documentation by the Interim Committee for Technical Cooperation under the Patent Cooperation Treaty (PCT).

A total of 1,328,807 (1976: 1,105,048) patent documents were acquired under the documentation exchange with other Patent Offices, of which 232,122 documents were incorporated in the classified examination files (1976: 276,773). The overall number of documents contained in the examination files now therefore amounts to some 11 million.

Following extensive binding operations, the number of bound patent documents grew by 2,058 volumes (increase in 1976: 2,405).

The total holdings of books (volumes) reached 225,934 in 1977 (1976: 216,149). The library of the Austrian Patent Office thus constitutes one of the largest libraries in Austria.

The sorting work in connection with the production of an "international class copy" for general access—a copy of the patent documents acquired under documentation exchange, arranged in accordance with the printed symbols of the International Patent Classification (IPC), which is kept for the use of the public—is continuing regularly.

Staffing

The overall number of staff has only increased slightly in comparison with the preceding year. Of the 266 employees of the Patent Office on active service on December 31, 1977 (1976: 259), 143 belonged to the legal and senior technical services of the Patent Office. One hundred and twenty five of

these graduate employees are to be found in the senior technical service and 18 in the legal service.

The continuing increase in the work load due to the rapidly growing documentation material and the continuing activities in providing reports on the basis of the 1973 Patent Law amendments, which entered into force in 1975, and the 1977 Patent Law amendments, which entered into force on August 1 of the report year, could only be catered for in part by organizational and staffing measures. The use of an International Patent Classification symbol printed on the documents was extended to further sectors of the technical field thus making greater use of auxiliary staff possible. On the other hand, the projects concerning the use of electronic data processing for the central acquisition of patent and trademark data led to savings in personnel and enabled the number of auxiliary staff to be kept at a constant level.

Financial Management

Staff expenditure in the report year amounted to 60.6 million schillings and has thus grown by 8 percent compared with the preceding year (56.2 million schillings). Material expenditure has increased by 17 percent to 32.8 million schillings as compared with 28 million schillings in the preceding year. The total expenditure of 93.4 million schillings is to be set against revenue of 99.4 million schillings.

As a result of the increase as of August 1, 1977, of the fees which had remained unchanged since 1967, the budget for the year again showed a surplus of 6 million schillings.

A look at the situation in the past ten years shows that the ratio of 2 to 1 between staff expenditure and material expenditure continues to slip to the detriment of the material expenditure since, during that period, the material expenditure has increased by 165 percent, whereas the staff expenditure has gone up by 191 percent. Revenue during this period has increased by 88 percent.

	1976 (million schillings)	1977
Staff expenditure	20.8	60.6
Material expenditure	12.4	32.8
Expenditures	33.2	93.4
Revenue	52.9	99.4
Surplus	19.7	6.0

News Items

BELGIUM

Director of the Belgian Industrial Property Service

We have been informed that Mr. Léon Salpeteur has been appointed Director of the Belgian Industrial Property Service.

PHILIPPINES

Director of Patents

We have been informed that Mr. Demetrio T. Wendam has been appointed Director of Patents of the Philippines Patent Office.

Calendar

WIPO Meetings

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

1979

- July 2 to 6 (Paris) — Berne Union and Universal Copyright Convention — Working Group on the overall problems posed for developing countries concerning access to works protected under copyright conventions** (convened jointly with Unesco)
- July 2 to 6 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Search Information**
- September 17 to 20 (Geneva) — Development Cooperation (Copyright) — Working Group on Support to National Authors and Performers**
- September 17 to 21 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Planning**
- 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)**
- October 15 to 26 (Geneva) — Nice Union — Committee of Experts**
- October 18 and 19 (Geneva) — ICIREPAT — Plenary Committee**
- October 22 to 26 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation (PCT/CTC)**
- October 22, 23 and 30 (Paris) — Rome Convention — Intergovernmental Committee** (convened jointly with ILO and Unesco)
- October 24 to 26 and 31 (Paris) — Berne Union — Executive Committee** (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)
- November 5 to 9 (?) (Buenos Aires) — Development Cooperation (Copyright) — Latin American Seminar on Copyright** (convened jointly with Unesco)
- November 26 to December 13 (Madrid) — Diplomatic Conference on Double Taxation of Copyright Royalties** (convened jointly with Unesco)
- November 27 to 30 (Geneva) — Paris Union — Group of Experts on Computer Software**
- December 3 to 6 (Geneva) — Working Group on Industrial Property Aspects of Consumer Protection**
- December 10 to 14 (Geneva) — International Patent Classification (IPC) — Committee of Experts**

1980

February 4 to March 4 (Geneva) — Revision of the Paris Convention — Diplomatic Conference

UPOV Meetings**1979**

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**1979**

European Patent Organisation: September 12 to 14, November 27 to 29 (Munich) — Administrative Council

European Communities:

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

July 2 to 5, September 17 to 20, November 5 to 7, December 10 to 13 (Brussels)

Inter-American Industrial Property Association: September 10 to 14 (Bogota) — Sixth Congress

International Association for the Protection of Industrial Property: September 23 to 28 (Toronto) — Executive Committee

International League Against Unfair Competition: September 9 to 12 (Prague) — Working Session (*Journées d'Etudes*)

