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World Intellectual Property Organization

WIPO Convention

Accession

URUGUAY

The Government of Uruguay deposited, on September 21, 1979, its instrument of accession to the Convention Establishing the World Intellectual Property Organization (WIPO), signed at Stockholm on July 14, 1967.

The WIPO Convention will enter into force, with respect to Uruguay, on December 21, 1979.

WIPO Notification No. 108, of September 28, 1979.

International Unions

Paris Convention

Accession to the Stockholm Act (1967)

URUGUAY

The Government of Uruguay deposited, on September 21, 1979, its instrument of accession to the Stockholm Act of July 14, 1967, of the Paris Convention for the Protection of Industrial Property of March 20, 1883.

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

The Stockholm Act (1967) of the said Convention will enter into force, with respect to Uruguay, on December 28, 1979.

Paris Notification No. 96, of September 28, 1979.

Patent Cooperation Treaty (PCT)

Ratification

NORWAY

The Government of Norway deposited, on October 1, 1979, its instrument of ratification of the Patent Cooperation Treaty (PCT) done at Washington on June 19, 1970.

The said instrument contains the following declaration:

“Norway declares, pursuant to Article 64, paragraph (1) of the said Treaty, that she shall not be bound by the provisions of Chapter II of the Treaty concerning international preliminary examination.”

The said Treaty will enter into force, with respect to Norway, on January 1, 1980.

PCT Notification No. 28, of October 4, 1979.

Paris Union

Basic Proposals for the Diplomatic Conference on the Revision of the Paris Convention

NOTE *

The Diplomatic Conference on the Revision of the Paris Convention is being convened in Geneva from February 4 to March 4, 1980. In accordance with the Provisional Rules of Procedure of the Diplomatic Conference, the negotiations of that Conference will be based on basic proposals generally called "drafts." The said basic proposals, together with the corresponding provisions, if any, in the present text (the Stockholm Act of 1967) of the Paris Convention are reproduced hereafter.

It is to be noted that the texts appearing in this publication have no official character. The negotiations of the Diplomatic Conference will not be based on this publication but on the documents prepared for the Diplomatic Conference (documents of the PR/DC series).

Where the basic proposals contain alternative texts, footnotes identify the Group or Groups of countries, namely the Group of Developing Countries, Group B and Group D, which proposed them in one or several of the meetings which, during the years 1975 to 1979, prepared the work of the Diplomatic Conference. "Group B" comprises the countries of Europe—with the exception of the Group D countries—and Australia, Canada, Japan, New Zealand and the United States of America. "Group D" comprises the following Socialist countries: Bulgaria, Byelorussian SSR, Czechoslovakia, German Democratic Republic, Hungary, Poland, Soviet Union, Ukrainian SSR. It is to be noted that there is no official list of the countries belonging to each of the three Groups of countries.

Furthermore, it is to be noted that any indication that a given Alternative was proposed or preferred by any given Group (or individual country) merely reflects the situation that existed during the said preparatory meetings, and it does not mean that, in the Diplomatic Conference, the situation will necessarily be the same.

During the preparatory meetings, certain countries or groups of countries made reservations, stated understandings, or made other declarations in respect of certain texts. They are reflected in the preparatory documents and are quoted at the end of this publication.

*This Note has been prepared by the International Bureau.

PRESENT TEXT

DRAFT

ARTICLE 1

[Establishment of the Union;
Scope of Industrial Property]

(1) The countries to which this Convention applies constitute a Union for the protection of industrial property.

(2) The protection of industrial property has as its object patents, utility models, industrial designs, trademarks, service marks, trade names, indications of source or appellations of origin, and the repression of unfair competition.

(3) Industrial property shall be understood in the broadest sense and shall apply not only to industry and commerce proper, but likewise to agricultural and extractive industries and to all manufactured or natural products, for example, wines, grain, tobacco leaf, fruit, cattle, minerals, mineral waters, beer, flowers, and flour.

(4) Patents shall include the various kinds of industrial patents recognized by the laws of the countries of the Union, such as patents of importation, patents of improvement, patents and certificates of addition, etc.

[*Establishment of the Union; Scope of Industrial Property; Protection of Inventions by Patents and Inventors' Certificates*]

(1) [Same as in the present text.]

(2)(a) *The protection of industrial property has as its object patents, inventors' certificates, utility models, industrial designs, trademarks, service marks, trade names, indications of source or appellations of origin, and the repression of unfair competition.*

(b) *For the purposes of this Convention, patents are titles by virtue of which their holders have, depending on the national law, either the exclusive right, for a limited period of time, to exploit the inventions patented or the right to prevent others, for a limited period of time, from the exploitation of the inventions patented, whereas inventors' certificates are*

(i) *titles by virtue of which their holders have the right to compensation and other rights and privileges as provided in the national law of the country having granted them and by virtue of which the right to exploit the invention belongs to the State or the exploitation of the invention by others requires the authorization of a State authority, or*

(ii) *titles by virtue of which the holder retains the right to exploit the inventions and to receive remuneration from others for their use of the inventions, approved by the national authority, but receives no right to exclude use of the inventions by others.*

(3) [Same as in the present text.]

(4) *For the purposes of this Convention, and provided that the definitions contained in paragraph (2)(b) are satisfied, patents shall include the various kinds of patents recognized by the laws of the countries of the Union, whereas inventors' certificates shall include the various kinds of inventors' certificates recognized by the laws of the countries of the Union.*

PRESENT
TEXT

DRAFT

Article 1 [continued] and ARTICLE 22

Alternative A¹

Alternative B²

Alternative C³

[There is no paragraph (5) and there is no Article 22^{bis} in the present text.]

[Article 1](5)(a) Each country of the Union shall protect inventions by the grant of patents or by the grant of patents and inventors' certificates in the same fields of technology.

(b) Notwithstanding the provisions of subparagraph (a) any country of the Union shall have the right to:

(i) protect some categories of inventions by inventors' certificates only or have specific conditions for protection by patents if before the entry into force of this Act in a given country its national legislation provided for such protection of inventions;

(ii) establish protection of inventions by inventors' certificates only or establish specific conditions for protection by patents in case inventions relate to public health, manufacturing of foodstuffs and protection of environment, as well as in those fields of technology where in accordance with the national legislation no protection was provided.

(c) Any country of the Union shall notify the Director General, when depositing its instruments of ratification or accession, in which fields of technology this country in accordance with subparagraph (b)(i) will continue granting only inventors' certificates for inventions or have specific conditions for protection by patents.

[Article 1(5)](d) Where a country of the Union protects inventions by the grant of both patents and inventors' certificates, the substantive grounds for grant, the substantive grounds for any opposition to the grant, the substantive grounds for annulment, the time limits for presenting such opposition or requesting such annulment,

shall be the same for both titles.

(e) The provisions of this Convention which concern patents shall be equally applicable to inventors' certificates.

Article 22^{bis}

Reservations

(1) Notwithstanding the provisions of Article 22, any country of the Union whose national law, on the date of the entry into force of the present Act with respect to that country, provides only for the grant of inventors' certificates for inventions belonging to certain fields of technology may, in a notification addressed to the Director General, declare that it intends to continue to grant only inventors' certificates for inventions belonging to those fields of technology; such a country shall have the right to continue to grant only inventors' certificates for inventions belonging to the said fields of technology.

(2) Furthermore, any developing country whose legislation does not provide for the grant of inventors' certificates shall have the right to provide for that type of protection and to reserve certain limited fields of technology for exclusive protection by inventors' certificates.

In that case, upon the entry into force of the new legislation, such country shall address a notification to the Director General specifying the list of those fields of technology. That list may not, in any case, contain other fields than those already protected in the other countries of the Union solely by the grant of an inventor's certificate.

(b) Any country of the Union protecting inventions by the grant of patents and inventors' certificates has the right to provide that, for inventions in certain fields of technology, its own nationals may obtain inventors' certificates only.

(c) The countries of the Union granting, in certain fields of technology, only inventors' certificates to their own nationals pursuant to paragraph (b) are not required to grant patents for inventions in the same fields of technology to nationals of other countries of the Union which for inventions in the same fields do not grant patents.

[Alternative C]

and the term of the protection,

¹ Proposal of Group D.

² Proposal of the Group of Developing Countries.

³ Proposal of Group B.

PRESENT TEXT

DRAFT

ARTICLE 5A

[Patents: Importation of Articles; Failure to Work or Insufficient Working; Compulsory Licenses]

[Paragraph (1) of the present text is reproduced opposite paragraph (2)(b) of the Draft.]

[The present text does not contain a provision corresponding to paragraph (1)(a) of the Draft.]

[The present text does not contain a provision corresponding to paragraph (1)(b) of the Draft.]

[The present text does not contain a provision corresponding to paragraph (2)(a) of the Draft.]

(2) Each country of the Union shall have the right to take legislative measures providing for the grant of compulsory licenses to prevent the abuses which might result from the exercise of the exclusive rights conferred by the patent, for example, failure to work.

(1) Importation by the patentee into the country where the patent has been granted of articles manufactured in any of the countries of the Union shall not entail forfeiture of the patent.

[*Patents and Utility Models: Importation of Articles; Abuses; Failure to Work; Exploitation in the Public Interest*]

(1)(a) Any country of the Union has the right to require by its national law that the inventions for which that country has granted a patent, or in the case of countries providing for a deferred examination when a provisional protection has been granted, be worked in its territory by the owner of the patent or under his authorization.

(b) Importation of articles incorporating the patented invention or made by the patented process does not constitute working of the patented invention. However, any country of the Union has the right to regard the importation of articles incorporating the patented invention or made by the patented process as fulfilling the requirements of working the patented invention.

(2)(a) For the purposes of this Article, "non-voluntary license" means a license to work a patented invention without the authorization of the owner of the patent; it also means a license to work a patented invention given by the owner of the patent where the national law obliges him to give such a license.

(b) Any country of the Union has the right to adopt legislative measures to prevent abuses resulting from the exercising of the right granted by the patent. However, importation into the country where the patent has been granted of articles manufactured in any of the countries of the Union shall not, in the absence of circumstances constituting abuse of the patent rights, entail forfeiture of the patent.

PRESENT TEXT

DRAFT

Article 5A
[continued]

(3) Forfeiture of the patent shall not be provided for except in cases where the grant of compulsory licenses would not have been sufficient to prevent the said abuses. No proceedings for the forfeiture or revocation of a patent may be instituted before the expiration of two years from the grant of the first compulsory license.

(4) A compulsory license may not be applied for on the ground of failure to work or insufficient working before the expiration of a period of four years from the date of filing of the patent application or three years from the date of the grant of the patent, whichever period expires last; it shall be refused if the patentee justifies his inaction by legitimate reasons....

[The present text does not contain a provision corresponding to paragraph (5) of the Draft.]

[(4)] ...Such a compulsory license shall be non-exclusive and shall not be transferable, even in the form of the grant of a sub-license, except with that part of the enterprise or goodwill which exploits such license.

[The present text does not contain a provision corresponding to paragraph (7) of the Draft.]

(3) Forfeiture of the patent shall not be provided for except in cases where the grant of non-voluntary licenses would not have been sufficient to prevent the said abuses. No proceedings for the forfeiture or revocation of the patent may be instituted before the expiration of two years from the grant of the first non-voluntary license.

(4) A non-voluntary license may not be applied for on the ground of failure to work or insufficient working before the expiration of a period of four years from the date of filing of the patent application or three years from the date of the grant of the patent, whichever period expires last; it shall be refused if the patentee justifies his inaction by legitimate reasons.

(5) Any country of the Union has the right to provide in its national law, where the exploitation of the patented invention is required by reason of public interest, in particular national security, nutrition, health or the development of other vital sectors of the national economy, for the possibility of exploitation, at any time, of the patented invention by the government of that country or by third persons authorized by it.

(6) Any non-voluntary license shall generally be non-exclusive and shall not be transferable, even in the form of a grant of a sub-license, except with that part of the enterprise or goodwill which exploits such license. However, in special cases where exclusive licenses are necessary to ensure local working, such exclusive licenses may be granted for a period of up to [six] [three] years subject to the condition that the patent may not be forfeited or revoked for insufficient working for a further period of [one] [two] years after the expiration of the exclusive license.

(7) Any decision relating to the grant of a non-voluntary license or to exploitation in the public interest, including the amount of the just payment to which the patentee is entitled, or any decision relating to the revocation or forfeiture of a patent shall be subject to review at a distinct higher level in accordance with the applicable national law.

PRESENT TEXT

DRAFT

Article 5A

[continued]

[The present text does not contain a provision corresponding to paragraph (8) of the Draft.]

(8) *Notwithstanding anything contained in paragraphs (3) and (4), developing countries have the right to apply the following provisions:*

(a) *Any developing country has the right to grant non-voluntary licenses where the patented invention is not worked, or is not sufficiently worked, by the owner of the patent or under his authorization in the territory of that country within [two] [three] years from the grant of the patent in that country, unless the patentee can satisfy the national authorities competent to grant non-voluntary licenses that there are circumstances which justify the non-working of the patent. Where the national law provides for deferred examination for patentability and the procedure for such examination has not been initiated within three years from the filing of the patent application, the time limit referred to in the preceding sentence shall be [four] [five] years from the filing of the said application.*

(b) *Any developing country has the right to provide in its national law that the patent may be forfeited or may be revoked where the patented invention is not worked, or is not sufficiently worked, in the country before the expiration of [three] [five] years from the grant of the patent in that country, provided that the national law of the country provides for a system of non-voluntary licenses applicable to that patent, unless the patentee has been able to convince the national authorities competent for forfeiture or revocation that circumstances exist which justify the non-working of the patent.*

(5) The foregoing provisions shall be applicable, mutatis mutandis, to utility models.

(9) [Same as paragraph (5) of the present text.]

PRESENT TEXT

BASIC PROPOSAL⁴ARTICLE 5^{QUATER}

[Patents: Importation of Products Manufactured by a Process Patented in the Importing Country]

When a product is imported into a country of the Union where there exists a patent protecting a process of manufacture of the said product, the patentee shall have all the rights, with regard to the imported product, that are accorded to him by the legislation of the country of importation, on the basis of the process patent, with respect to products manufactured in that country.

[It is proposed that this Article be omitted (in which case there would be no Article 5^{quater}) or that at least the developing countries be allowed not to apply it.]

⁴ Proposal of the Group of Developing Countries.

PRESENT TEXT

DRAFT

ARTICLE 6^{TER}*Alternative A*⁵

[Marks: Prohibitions concerning State Emblems, Official Hallmarks, and Emblems of Intergovernmental Organizations]

(1)(a) The countries of the Union agree to refuse or to invalidate the registration, and to prohibit by appropriate measures the use, without authorization by the competent authorities, either as trademarks or as elements of trademarks, of armorial bearings, flags, and other State emblems, of the countries of the Union, official signs and hallmarks indicating control and warranty adopted by them, and any imitation from a heraldic point of view.

(b) The provisions of subparagraph (a), above, shall apply equally to armorial bearings, flags, other emblems, abbreviations, and names, of international intergovernmental organizations of which one or more countries of the Union are members, with the exception of armorial bearings, flags, other emblems, abbreviations, and names, that are already the subject of international agreements in force, intended to ensure their protection.

(c) No country of the Union shall be required to apply the provisions of subparagraph (b), above, to the prejudice of the owners of rights acquired in good faith before the entry into force, in that country, of this Convention. The countries of the Union shall not be required to apply the said provisions when the use or registration referred to in subparagraph (a), above, is not of such a nature as to suggest to the public that a connection exists between the organization concerned and the armorial bearings, flags, emblems, abbreviations, and names, or if such use or registration is probably not of such a nature as to mislead the public as to the existence of a connection between the user and the organization.

[Marks: Prohibitions concerning State Emblems, Official Hallmarks, and Emblems of Intergovernmental Organizations]

(1)(a) [Same as in the present text.]

(b) [Same as in the present text.]

(c) [Same as in the present text.]

*Alternative B*⁶

[Marks: Prohibitions concerning Names of States, State Emblems, Official Hallmarks, and Emblems of Intergovernmental Organizations]

(1)(a) The countries of the Union agree to refuse or to invalidate the registration, and to prohibit by appropriate measures the use, without authorization by the competent authorities, either as trademarks or as elements of trademarks, of armorial bearings, flags, and other State emblems, as well as the official names, of the countries of the Union, official signs and hallmarks indicating control and warranty adopted by them, and any imitation from a heraldic point of view.

(b) [Same as in the present text.]

(c) [Same as in the present text.]

⁵ Proposal of Group B.

⁶ Proposal of the Group of Developing Countries and of Group D.

PRESENT TEXT

DRAFT

Article 6^{ter}
[continued]**Alternative A**
[continued]**Alternative B**
[continued]

(2) Prohibition of the use of official signs and hallmarks indicating control and warranty shall apply solely in cases where the marks in which they are incorporated are intended to be used on goods of the same or a similar kind.

(3)(a) For the application of these provisions, the countries of the Union agree to communicate reciprocally, through the intermediary of the International Bureau, the list of State emblems, and official signs and hallmarks indicating control and warranty, which they desire, or may hereafter desire, to place wholly or within certain limits under the protection of this Article, and all subsequent modifications of such list. Each country of the Union shall in due course make available to the public the lists so communicated.

Nevertheless such communication is not obligatory in respect of flags of States.

(b) The provisions of subparagraph (b) of paragraph (1) of this Article shall apply only to such armorial bearings, flags, other emblems, abbreviations, and names, of international intergovernmental organizations as the latter have communicated to the countries of the Union through the intermediary of the International Bureau.

(4) Any country of the Union may, within a period of twelve months from the receipt of the notification, transmit its objections, if any, through the intermediary of the International Bureau, to the country or international intergovernmental organization concerned.

(5) In the case of State flags, the measures prescribed by paragraph (1), above, shall apply solely to marks registered after November 6, 1925.

(2) [Same as in the present text.]

(3)(a) [Same as in the present text.]

(b) [Same as in the present text.]

(4) [Same as in the present text.]

(5) [Same as in the present text.]

(2) [Same as in the present text.]

(3)(a) For the application of these provisions, the countries of the Union agree to communicate reciprocally, through the intermediary of the International Bureau, their official names and the list of State emblems, and official signs and hallmarks indicating control and warranty, which they desire, or may hereafter desire, to place wholly or within certain limits under the protection of this Article, and all subsequent modifications of such list. Each country of the Union shall in due course make available to the public the lists so communicated.

Nevertheless such communication is not obligatory in respect of flags of States.

(b) [Same as in the present text.]

(4) [Same as in the present text.]

(5) [Same as in the present text.]

PRESENT TEXT

DRAFT

Article 6^{ter}
[continued]**Alternative A**
[continued]**Alternative B**
[continued]

(6) In the case of State emblems other than flags, and of official signs and hallmarks of the countries of the Union, and in the case of armorial bearings, flags, other emblems, abbreviations, and names, of international intergovernmental organizations, these provisions shall apply only to marks registered more than two months after receipt of the communication provided for in paragraph (3), above.

(7) In cases of bad faith, the countries shall have the right to cancel even those marks incorporating State emblems, signs, and hallmarks, which were registered before November 6, 1925.

(8) Nationals of any country who are authorized to make use of the State emblems, signs, and hallmarks, of their country may use them even if they are similar to those of another country.

(9) The countries of the Union undertake to prohibit the unauthorized use in trade of the State armorial bearings of the other countries of the Union, when the use is of such a nature as to be misleading as to the origin of the goods.

(10) The above provisions shall not prevent the countries from exercising the right given in paragraph (3) of Article 6^{quinquies}, Section B, to refuse or to invalidate the registration of marks incorporating, without authorization, armorial bearings, flags, other State emblems, or official signs and hallmarks adopted by a country of the Union, as well as the distinctive signs of international intergovernmental organizations referred to in paragraph (1), above.

(6) [Same as in the present text.]

(7) [Same as in the present text.]

(8) [Same as in the present text.]

(9) [Same as in the present text.]

(10) [Same as in the present text.]

(6) In the case of official names of States, State emblems other than flags, and of official signs and hallmarks of the countries of the Union, and in the case of armorial bearings, flags, other emblems, abbreviations, and names, of international intergovernmental organizations, these provisions shall apply only to marks registered more than two months after receipt of the communication provided for in paragraph (3), above.

(7) In cases of bad faith, the countries shall have the right to cancel even those marks incorporating official names of States, State emblems, signs, and hallmarks, which were registered before November 6, 1925.

(8) Nationals of any country who are authorized to make use of the official name, State emblems, signs, and hallmarks, of their country may use them even if they are similar to those of another country.

(9) The countries of the Union undertake to prohibit the unauthorized use in trade of the official names and State armorial bearings of the other countries of the Union, when the use is of such a nature as to be misleading as to the origin of the goods.

(10) The above provisions shall not prevent the countries from exercising the right given in paragraph (3) of Article 6^{quinquies}, Section B, to refuse or to invalidate the registration of marks incorporating, without authorization, the official name of a country of the Union, armorial bearings, flags, other State emblems, or official signs and hallmarks adopted by a country of the Union, as well as the distinctive signs of international intergovernmental organizations referred to in paragraph (1), above.

PRESENT
TEXT

DRAFT

ARTICLE 10^{QUATER}

[Geographical Indications and Trademarks, etc.]

*Alternative A*⁷*Alternative B*⁸
(complementary to
Alternative A)*Alternative C*⁹

[The present text does not contain a provision corresponding to Article 10^{quater} of the Draft.]

(1) Each country of the Union undertakes, either *ex officio* if its legislation so permits or at the request of an interested party as defined in Article 10(2) or an association, group or organization having legal capacity to represent the interests of the producers, manufacturers or merchants concerned,

(i) to refuse or to invalidate registration of a trademark which contains a geographical

or other indication directly or indirectly

suggesting a country of the Union, a region or a locality in that country with respect to goods not originating in that country if the use of the indication

indication denominating or a graphic representation

for such goods is of a nature as to mislead the public as to the true country of origin, and

(ii) to prohibit the use of such an indication

or representation

if that use for such goods misleads the public as to the true country of origin.

(1) Each country of the Union undertakes, either *ex officio* if its legislation so permits or at the request of an interested party as defined in Article 10(2) or an association, group or organization having legal capacity to represent the interests of the producers, manufacturers or merchants concerned,

(i) to refuse or to invalidate registration of a trademark which contains a geographical or other indication directly or indirectly suggesting a country of the Union, a region or a locality in that country with respect to goods not originating in that country if the use of the indication for such goods is of a nature as to mislead the public as to the true country of origin, and

(ii) to prohibit the use of such an indication if that use for such goods misleads the public as to the true country of origin.

⁷ The text in the left-hand column is a proposal of Group B. The amendments to that proposal, reproduced in the right-hand column are proposed by the United States of America. The deletion of paragraph (3) in the left-hand column was supported by some other countries of Group B.

⁸ Proposal of the Group of Developing Countries.

⁹ Proposal of Group D.

PRESENT
TEXT

DRAFT

Article 10^{quater}
[continued]

Alternative A
[continued]

Alternative B
[continued]

Alternative C
[continued]

(2) *The preceding paragraph shall also apply to a geographical indication which, although literally true as to the country, region or locality in which the goods originate, falsely represents to the public that the goods originate in another country.*

(2) *The preceding paragraph shall also apply to a geographical indication which, although literally true as to the country, region or locality in which the goods originate, falsely represents to the public that the goods originate in another country.*

(3) *Each country of the Union further undertakes either ex officio if its legislation so permits or at the request of an interested or competent party as referred to in paragraph (1) to refuse or to invalidate the registration of a trademark which contains a geographical indication and to prohibit the use of such an indication in the case of a registration or use with respect to goods which are identical or similar to those referred to in item (i) below and which do not originate in the denominated country, region or locality,*

delete

(i) *if the indication has acquired a reputation in relation to goods originating in the denominated country, region or locality,*

(ii) *and if at the time of the registration or the beginning of the use in the country where the refusal or invalidation of the registration or the prohibition of use is sought, such reputation is generally known in that country by persons engaged in the production or manufacture of or trade in goods of the same kind.*

PRESENT
TEXT

DRAFT

Article 10^{quater}
[continued]**Alternative A**
[continued]**Alternative B**
[continued]**Alternative C**
[continued]

(4) Subject to the outcome of any negotiations carried out by virtue of paragraph (6),

(i) no country of the Union shall be required to apply this Article to geographical

or other indications

the use of which was begun in good faith before the entry into force of this Act in that country, where such use could not have been prohibited

under the national law of that country;

(ii) any country of the Union may provide that any request made in accordance with paragraph

(1), (2) or (3)

above must be presented within a reasonable period after the use in question has become generally known in that country

provided that such use was not begun in bad faith.

indications or graphic representations

, at the time of such entry into force,

(1) or (2)

, or the date of registration in that country, whichever is earlier.

(3)(a) No country of the Union shall be required to apply this Article to geographical or other indications the use of which was begun in good faith before the entry into force of this Act in that country, where such use could not have been prohibited under the national law of that country.

(b) Any country of the Union may provide that any request made in accordance with paragraph (1) or (2) above must be presented within a period to be determined by its national legislation, provided that such use was not begun in bad faith.

PRESENT
TEXT

DRAFT

Article 10^{quater}
[continued]**Alternative A**
[continued]**Alternative B**
[continued]**Alternative C**
[continued]

(5) Under paragraphs (1) and (2), all factual circumstances must be considered, particularly the meaning of the trademark and of the geographical

or other indication

in the country in which the challenge is made,

taking into account the importance of the indication for the manufacturers and producers in the denominated country, region or locality, the reputation of the indication and the extent of its use in international trade,

the length of time the trademark has been in use, and any distinctive character the trademark may have acquired through use.

(6) The provisions of this Article shall in no way prejudice the position of any country of the Union regarding bilateral or multilateral negotiations with a view to resolving any conflicts resulting from the registration of a trademark which contains a geographical indication denoting that country or a region or locality in that country or the use of such an indication, for goods not originating in that country, region or locality, and to obtaining more extensive protection for geographical indications. This provision also applies to regional economic groups, comprising countries of the Union, and having competence in the field.

indication or graphic representation

delete

(4) Under paragraphs (1) and (2), all factual circumstances must be considered, particularly the meaning of the trademark and of the geographical or other indication in the country in which the challenge is made, taking into account the length of time the trademark has been in use, and any distinctive character the trademark may have acquired through use.

Note: The preamble to paragraph (4) and paragraph (6) contain language acceptable to but not proposed by the Delegation of the United States of America.

PRESENT
TEXT

DRAFT

Article 10^{quater}
[continued]

Alternative A
[continued]

Alternative B
[continued]

Alternative C
[continued]

(7)(a) *In addition to the foregoing provisions, any developing country may, at the time it deposits its instrument of ratification of or accession to the present Act, or at any time thereafter, notify the International Bureau of not more than 200 geographical names denominating the country itself, a region or a locality, located in its territory, for the purposes provided for in this paragraph. It may do the same once every two years thereafter in respect of not more than 10 such geographical names.*

(b) *The International Bureau shall, within two months of the receipt of any notification received from a country under subparagraph (a), notify all the other countries party to this Act of the names notified to it and shall publish the same in a special gazette.*

(c) *Any country having received the notification by the International Bureau under subparagraph (b) of any geographical name (hereinafter referred to as "the notified name") shall, subject to subparagraph (d):*

(i) *not allow the registration, in its national register of marks, as a mark or part of a mark, of the notified name, as from the date of the publication of that name in the gazette referred to in subparagraph (b) (hereinafter referred to as "the international publication"),*

(ii) *if, notwithstanding the provisions contained in item (i), a notified name has been registered in its national register of marks after its international publication, invalidate such registration,*

(iii) *give no effect on its territory to any registration, as a mark or part of a mark, of the notified name, in a regional or international register of marks otherwise having effect on its territory, where such registration was effected after the international publication of the said name,*

(iv) *not allow the use of the notified name, as a mark or part of a mark, on its territory, if the use has not started before the international publication of the notified name; if the use started before the international publication, such use may not be extended to products other than those already covered by the mark.*

PRESENT
TEXT

DRAFT

Article 10^{quater}
[continued]

Alternative A
[continued]

Alternative B
[continued]

Alternative C
[continued]

[(7)](d) The provisions of subparagraph (c) shall, in respect of any notified name, be applicable for 20 years from the date of the international publication of that name. However, if the country which notified the name communicates to the International Bureau, not later than two months before the expiration of the period referred to in the previous sentence, the indication of one or more kinds of goods concerning the said name,

(i) the International Bureau shall, within two months from that communication, notify all the other countries party to this Act of the communication and publish it in the gazette referred to in subparagraph (b), and

(ii) the provisions of subparagraph (c) shall remain applicable for 20 years from the expiration of the above-mentioned period, with respect to the said name and the kind or kinds of goods indicated in the communication.

PRESENT TEXT

DRAFT¹⁰

ARTICLE A

[The present text does not contain a provision corresponding to Article A of the Draft.]

[Preferential Treatment for Nationals of Developing Countries in Respect of Fees]

(1) *[Definition of "fee"]* For the purposes of this Article, "fee" shall mean the amount of money payable to a country, member of the Union, whether direct or through the intermediary of an international authority, by virtue of the national law of the country or a treaty to which the said country is party, in respect of:

(i) the application for the grant or registration of a patent, inventor's certificate, other title for the protection of an invention or innovation, industrial design, trademark, service mark or geographical indication concerning products or services,

(ii) any search, examination or publication of such application,

(iii) the said grant or registration, as well as any publication, maintenance or renewal thereof.

(2) *[Definition of "owner"]* For the purposes of this Article, "owner" shall mean the beneficiary of the grant or registration referred to in paragraph (1) and, prior to the grant or registration, the applicant therefor, provided in either case that he is bona fide.

(3) *[Definition of "national"]* For the purposes of this Article, "national" of a country shall mean:

(i) where the owner is a natural person, a person who has the nationality of that country and of no other country;

(ii) where the owner is a legal entity, a legal entity in which no natural person or legal entity of another country has any direct or indirect proprietary interest.

(4) *[Reduction of the Fee]* Where the owner is a national of a country regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations, the amount of any fee payable by such owner to any other country shall be one-half of the fees payable by the nationals of the latter country to that country, provided that the former country's special industrial property service within the meaning of Article 12(1) certifies that the owner is a national of that country.

¹⁰ Proposal of the Group of Developing Countries.

PRESENT TEXT

DRAFT¹¹**ARTICLE B**

[The present text does not contain a provision corresponding to Article B of the Draft.]

[Preferential Treatment for Nationals of Developing Countries in Respect of the Term of Priority]

(1) *[Definition of "application"]* For the purposes of this Article, "application" shall mean a request for the grant or registration of a patent, inventor's certificate, other title for the protection of an invention or innovation, industrial design, trademark or service mark.

(2) *[Definition of "applicant"]* For the purposes of this Article, "applicant" shall mean the natural person or legal entity that has filed the application or his or its successor in title, provided that he or it is bona fide.

(3) *[Definition of "national"]* For the purposes of this Article, "national" of a country shall mean:

(i) where the applicant is a natural person, a person who has the nationality of that country and of no other country;

(ii) where the applicant is a legal entity, a legal entity in which no natural person or legal entity of another country has any direct or indirect proprietary interest.

(4) *[Extension of the Term of Priority]* Where the applicant is a national of a country regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations and the application whose priority is claimed was filed by that applicant or his predecessor in title in or for that country, the priority periods referred to in Article 4C(1) shall be extended by one-half of the applicable priority period referred to in that Article, provided that

(i) the application in which the priority is claimed was filed under the national law, the Madrid Agreement Concerning the International Registration of Marks, the Hague Agreement Concerning the International Deposit of Industrial Designs or the Trademark Registration Treaty,

(ii) such application contains a request for the said extension, and

(iii) the said country's special industrial property service within the meaning of Article 12(1) certifies that the said applicant is a national of that country.

¹¹ Proposal of the Group of Developing Countries.

PRESENT TEXT

DRAFT

ARTICLE 12^{BIS}

[The present text does not contain a provision corresponding to Article 12^{bis} of the Draft.]

[Patents: Furnishing of Information]

(1) *Where any country of the Union requires a patent applicant or a patentee to furnish information concerning a corresponding application or patent for the same invention in another country of the Union, the latter country shall, through the intermediary of its national office, furnish to the applicant or patentee, on his request, such information provided that the information is available in the national office and the applicant or patentee is entitled to it.*

(2) *Where the national office of the country seeking information doubts the authenticity, correctness or completeness of the information transmitted to it by the applicant or patentee, that office may ask for the information direct from the office of the country requested to furnish the information. The latter shall be obliged to furnish such information if it is publicly available.*

ARTICLE 12^{TER}

[The present text does not contain a provision corresponding to Article 12^{ter} of the Draft.]

[Development of Developing Countries]

(1) *The Union shall endeavor, within its field of competence, to contribute to the development of developing countries by means of industrial property.*

(2) *This effort shall bear in particular on the modernization of industrial property laws and their administration, on the establishment of national and regional organizations responsible for the promotion of the use of industrial property, on the best use of patent documentation, on the encouragement of domestic inventive and innovative activity thanks to incentives derived from the industrial property system and on the best use of industrial property in connection with the acquisition of foreign technology and the export of domestic technology and domestic products.*

ARTICLE 13(2)(a)(xiv)

(2) (a) The Assembly shall:

...

[The present text does not contain a provision corresponding to item (xiv) of the Draft.]

(2)(a) *The Assembly shall:*

...

(xiv) *recommend to the Conference of the Organization items relating to industrial property for inclusion in the program of legal-technical assistance to developing countries and, in the light of that program, determine the sum to be made available by the Union to the budget of the Conference.*

PRESENT TEXT

DRAFT

ARTICLE 20 *

[Ratification or Accession by Countries
of the Union; Entry Into Force]

(1)(a) Any country of the Union which has signed this Act may ratify it, and, if it has not signed it, may accede to it. Instruments of ratification and accession shall be deposited with the Director General.

(b) Any country of the Union may declare in its instrument of ratification or accession that its ratification or accession shall not apply:

- (i) to Articles 1 to 12, or
- (ii) to Articles 13 to 17.

(c) Any country of the Union which, in accordance with subparagraph (b), has excluded from the effects of its ratification or accession one of the two groups of Articles referred to in that subparagraph may at any later time declare that it extends the effects of its ratification or accession to that group of articles. Such declaration shall be deposited with the Director General.

(2)(a) Articles 1 to 12 shall enter into force, with respect to the first ten countries of the Union which have deposited instruments of ratification or accession without making the declaration permitted under paragraph (1)(b)(i), three months after the deposit of the tenth such instrument of ratification or accession.

(b) Articles 13 to 17 shall enter into force, with respect to the first ten countries of the Union which have deposited instruments of ratification or accession without making the declaration permitted under paragraph (1)(b)(ii), three months after the deposit of the tenth such instrument of ratification or accession.

(c) Subject to the initial entry into force pursuant to the provisions of subparagraphs (a) and (b), of each of the two groups of Articles referred to in paragraph (1)(b)(i) and (ii), and subject to the provisions of paragraph (1)(b), Articles 1 to 17 shall, with respect to any country of the Union, other than those referred to in subparagraphs (a) and (b), which deposits an instrument of ratification or accession or any country of the Union which deposits a declaration pursuant to paragraph (1)(c), enter into force three months after the date of notification by the Director General of such deposit, unless a subsequent date has been indicated in the instrument or declaration deposited. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

(3) With respect to any country of the Union which deposits an instrument of ratification or accession, Articles 18 to 30 shall enter into force on the earlier of the dates on which any of the groups of Articles referred to in paragraph (1)(b) enters into force with respect to that country pursuant to paragraph (2)(a), (b), or (c).

[Signature; Ratification, Accession]

(1)(a) Any country of the Union may sign this Act.

(b) Any country which has signed this Act may ratify it.

(2)(a) Any country of the Union which has not signed this Act may accede to it.

(b) Any country outside the Union may accede to this Act and, by acceding to it, shall become a member of the Union.

(3) Instruments of ratification and accession shall be deposited with the Director General.

* The contents of Article 20 of the Draft correspond both to certain provisions of Article 20 of the present text and to certain provisions of Article 21 of the present text; the same is true for Article 21 of the Draft. Consequently, it is not possible to put the corresponding provisions of the present text and of the Draft opposite each other.

PRESENT TEXT

DRAFT

ARTICLE 21 *

[Accession by Countries Outside the Union;
Entry Into Force]

(1) Any country outside the Union may accede to this Act and thereby become a member of the Union. Instruments of accession shall be deposited with the Director General.

(2)(a) With respect to any country outside the Union which deposits its instrument of accession one month or more before the date of entry into force of any provisions of the present Act, this Act shall enter into force, unless a subsequent date has been indicated in the instrument of accession, on the date upon which provisions first enter into force pursuant to Article 20(2)(a) or (b); provided that:

- (i) if Articles 1 to 12 do not enter into force on that date, such country shall, during the interim period before the entry into force of such provisions, and in substitution therefor, be bound by Articles 1 to 12 of the Lisbon Act,
- (ii) if Articles 13 to 17 do not enter into force on that date, such country shall, during the interim period before the entry into force of such provisions, and in substitution therefor, be bound by Articles 13 and 14(3), (4), and (5), of the Lisbon Act.

If a country indicates a subsequent date in its instrument of accession, this Act shall enter into force with respect to that country on the date thus indicated.

(b) With respect to any country outside the Union which deposits its instrument of accession on a date which is subsequent to, or precedes by less than one month, the entry into force of one group of Articles of the present Act, this Act shall, subject to the proviso of subparagraph (a), enter into force three months after the date on which its accession has been notified by the Director General, unless a subsequent date has been indicated in the instrument of accession. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

(3) With respect to any country outside the Union which deposits its instrument of accession after the date of entry into force of the present Act in its entirety, or less than one month before such date, this Act shall enter into force three months after the date on which its accession has been notified by the Director General, unless a subsequent date has been indicated in the instrument of accession. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

[Entry Into Force]

(1) With respect to the [Alternative A: three countries] [Alternative B: ten countries of the Union] which are the first to deposit their instruments of ratification of or accession to this Act, this Act shall enter into force [Alternative A: one month] [Alternative B: three months] after the day on which the [Alternative A: third] [Alternative B: tenth] of the said instruments is deposited.¹²

*See the footnote concerning Article 20.

¹² Alternative A is preferred by the Group of Developing Countries, whereas Alternative B is preferred by Groups B and D. However, the Group D countries did not take any express position on the question whether the ten countries mentioned in Alternative B needed to be members of the Paris Union.

PRESENT TEXT

DRAFT

Article 21
[continued]**Alternative A**¹³

(2) With respect to any other country which deposits its instrument of ratification of or accession to this Act, this Act shall enter into force one month after the day on which that instrument is deposited.

Alternative B¹⁴

(2) This Act shall enter into force with respect to any other country of the Union, which deposits its instrument of ratification or accession, three months after the date of notification by the Director General of such deposit, unless a subsequent date has been indicated in such instrument. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

(3)(a) With respect to any country outside the Union which deposits its instrument of accession three months or more before the date of entry into force of this Act, this Act shall enter into force, unless a subsequent date has been indicated in the instrument of accession, on the date upon which it enters into force pursuant to paragraph (1). If a country indicates a subsequent date in its instrument of accession, this Act shall enter into force with respect to that country on the date thus indicated.

(b) With respect to any country outside the Union which deposits its instrument of accession after the date of entry into force of this Act, or less than three months before such date, this Act shall enter into force three months after the date on which its accession has been notified by the Director General, unless a subsequent date has been indicated in the instrument of accession. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

¹³ Alternative A is preferred by the Group of Developing Countries.

¹⁴ Alternative B is preferred by Groups B and D.

PRESENT TEXT

DRAFT

ARTICLE 22

[Consequences of Ratification or Accession]

Subject to the possibilities of exceptions provided for in Articles 20(1)(b) and 28(2), ratification or accession shall automatically entail acceptance of all the clauses and admission to all the advantages of this Act.

[The present text does not contain a provision corresponding to paragraph (2) of the Draft.]

[Consequences of Ratification or Accession]

(1) [Subject to the possibility of an exception provided for in Article 28(2),]¹⁵ ratification of or accession to this Act shall automatically entail acceptance of all the clauses and admission to all the advantages of this Act.

(2) Ratification of or accession to this Act by any country not bound by Articles 13 to 30 of the Stockholm Act of July 14, 1967, of this Convention shall, for the sole purposes of Article 14(2) of the Convention establishing the Organization, amount to ratification of or accession to the said Stockholm Act with the limitation set forth in Article 20(1)(b)(i) thereof.

PRESENT TEXT

DRAFT

ARTICLE 23

[Accession to Earlier Acts]

[Closing of Earlier Acts]

After the entry into force of this Act in its entirety, a country may not accede to earlier Acts of this Convention.

*Alternative A*¹⁶

Once ten instruments of ratification of or accession to this Act have been deposited by ten countries which, on March 4, 1980, were members of the Union, no country may ratify or accede to any of the earlier Acts of this Convention.

*Alternative B*¹⁷

After the entry into force of this Act, a country may not accede to earlier Acts of this Convention.

¹⁵ The words within square brackets would not be necessary if the Group D proposal on Article 28 were to be adopted.

¹⁶ Alternative A is preferred by the Group of Developing Countries.

¹⁷ Alternative B is preferred by Groups B and D.

PRESENT TEXT

DRAFT

ARTICLE 24

*Alternative A*¹⁸

[Territories]

(1) Any country may declare in its instrument of ratification or accession, or may inform the Director General by written notification any time thereafter, that this Convention shall be applicable to all or part of those territories, designated in the declaration or notification, for the external relations of which it is responsible.

(2) Any country which has made such a declaration or given such a notification may, at any time, notify the Director General that this Convention shall cease to be applicable to all or part of such territories.

(3)(a) Any declaration made under paragraph (1) shall take effect on the same date as the ratification or accession in the instrument of which it was included, and any notification given under such paragraph shall take effect three months after its notification by the Director General.

(b) Any notification given under paragraph (2) shall take effect twelve months after its receipt by the Director General.

[Since it is proposed to delete Article 24, there is no Article 24 in this Alternative.]

*Alternative B*¹⁹

[Territories]

(1) *If a country has two or more territorial units which may have their own rules of law in respect of industrial property, it may declare in its instrument of ratification or accession, or may inform the Director General by written notification any time thereafter, that this Convention shall extend to all its territorial units or only to one or more of them, stating in these latter cases expressly the territorial units to which the Convention shall apply.*

(2) *Any country which has made such a declaration or given such a notification may, at any time, notify the Director General that this Convention shall cease to be applicable to all or part of such territorial units.*

(3) [Same as in the present text.]

¹⁸ Proposal of the Group of Developing Countries and of Group D.

¹⁹ Proposal of Group B.

PRESENT TEXT

DRAFT

ARTICLE 26

[Denunciation]

(1) This Convention shall remain in force without limitation as to time.

(2) Any country may denounce this Act by notification addressed to the Director General. Such denunciation shall constitute also denunciation of all earlier Acts and shall affect only the country making it, the Convention remaining in full force and effect as regards the other countries of the Union.

(3) Denunciation shall take effect one year after the day on which the Director General has received the notification.

(4) The right of denunciation provided by this Article shall not be exercised by any country before the expiration of five years from the date upon which it becomes a member of the Union.

[Denunciation]

(1) [Same as in the present text.]

(2) *Any country may denounce this Act. Such denunciation shall constitute also denunciation of all the earlier Acts of this Convention, if any, by which such country was bound.*

(3) *Denunciation shall be effected by a notification addressed to the Director General. It shall take effect one year after the day on which the Director General received the notification.*

[The Draft does not contain a provision corresponding to paragraph (4) of the present text.]

PRESENT TEXT

DRAFT

ARTICLE 27

[Application of Earlier Acts]

(1) The present Act shall, as regards the relations between the countries to which it applies, and to the extent that it applies, replace the Convention of Paris of March 20, 1883, and the subsequent Acts of revision.

(2)(a) As regards the countries to which the present Act does not apply, or does not apply in its entirety, but to which the Lisbon Act of October 31, 1958, applies, the latter shall remain in force in its entirety or to the extent that the present Act does not replace it by virtue of paragraph (1).

(b) Similarly, as regards the countries to which neither the present Act, nor portions thereof, nor the Lisbon Act applies, the London Act of June 2, 1934, shall remain in force in its entirety or to the extent that the present Act does not replace it by virtue of paragraph (1).

(c) Similarly, as regards the countries to which neither the present Act, nor portions thereof, nor the Lisbon Act, nor the London Act applies, the Hague Act of November 6, 1925, shall remain in force in its entirety or to the extent that the present Act does not replace it by virtue of paragraph (1).

(3) Countries outside the Union which become party to this Act shall apply it with respect to any country of the Union not party to this Act or which, although party to this Act, has made a declaration pursuant to Article 20(1)(b)(i). Such countries recognize that the said country of the Union may apply, in its relations with them, the provisions of the most recent Act to which it is party.

[Application of this Act]

(1) *This Act shall apply in the relations between the countries with respect to which it has entered into force. In those relations, it replaces the earlier Acts of this Convention, if any, by which those countries were bound.*

(2)(a) *Any country of the Union with respect to which this Act has not entered into force may declare that it admits that those countries [which are developing countries and] with respect to which this Act has entered into force apply this Act in the relations between that country and such other countries. Such a declaration shall be made by a notification addressed to the Director General. It shall take effect one month after the day on which the Director General received the notification.*

(b) *The effect of such a declaration shall be that, in such relations, the country having made the declaration shall apply the most recent of the earlier Acts, or parts thereof, which that country has ratified or acceded to, whereas those countries [which are developing countries and] with respect to which this Act has entered into force shall apply this Act.*

PRESENT TEXT

DRAFT

ARTICLE 28

*Alternative A**Alternative B*²⁰

[Disputes]

[Disputes]

[Settlement of Disputes]

(1) Any dispute between two or more countries of the Union concerning the interpretation or application of this Convention, not settled by negotiation, may, by any one of the countries concerned, be brought before the International Court of Justice by application in conformity with the Statute of the Court, unless the countries concerned agree on some other method of settlement. The country bringing the dispute before the Court shall inform the International Bureau; the International Bureau shall bring the matter to the attention of the other countries of the Union.

[Same as in the present text.]

(1) Any dispute regarding the interpretation or application of the present Convention between two or more Parties to the Convention, shall be resolved, upon the request of any of them, by a process of consultation and/or negotiation.

(2) Each country may, at the time it signs this Act or deposits its instrument of ratification or accession, declare that it does not consider itself bound by the provisions of paragraph (1). With regard to any dispute between such country and any other country of the Union, the provisions of paragraph (1) shall not apply.

(2) Each country may, at the time of signature or ratification of the present Convention or accession thereto or at any time thereafter, by notification to the depositary, declare that, where a dispute has not been resolved by the application of the procedures referred to in the present article, that dispute may be submitted for a decision to the International Court of Justice by a written application of any party to the dispute, or in the alternative to arbitration, provided that the other party to the dispute has made a like declaration.

(3) Any country having made a declaration in accordance with the provisions of paragraph (2) may, at any time, withdraw its declaration by notification addressed to the Director General.

(3) Notwithstanding the above-mentioned provisions, if a dispute regarding the interpretation or application of the present Convention arises between two or more Parties to the Convention, they may by common consent agree to submit it to the International Court of Justice, or to arbitration, or to any other appropriate procedure for the settlement of disputes.

(4) Nothing in this article shall affect the rights or obligations of the Parties to the present Convention under any provisions in force binding them with regard to the settlement of disputes.

²⁰ Proposal of Group D.

PRESENT TEXT

DRAFT

ARTICLE 29

[Signature, Languages, Depository Functions]

(1)(a) This Act shall be signed in a single copy in the French language and shall be deposited with the Government of Sweden.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in the English, German, Italian, Portuguese, Russian and Spanish languages, and such other languages as the Assembly may designate.

(c) In case of differences of opinion on the interpretation of the various texts, the French text shall prevail.

(2) This Act shall remain open for signature at Stockholm until January 13, 1968.

(3) The Director General shall transmit two copies, certified by the Government of Sweden, of the signed text of this Act to the Governments of all countries of the Union and, on request, to the Government of any other country.

(4) The Director General shall register this Act with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries of the Union of signatures, deposits of instruments of ratification or accession and any declarations included in such instruments or made pursuant to Article 20(1)(c), entry into force of any provisions of this Act, notifications of denunciation, and notifications pursuant to Article 24.

[Original and Official Texts; Depository Functions]

(1)(a) This Act shall be signed in a single original in the French, English, Russian and Spanish languages and shall be deposited with the Director General.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in the Arabic, German, Italian, Japanese and Portuguese languages and such other languages as the Assembly may designate.

(c) [Alternative A: Same as in the present text.] [Alternative B: The texts in the four languages referred to in subparagraph (a) shall be equally authentic; they shall prevail, in the case of difference between them and any of the official texts established under subparagraph (b).]²¹

(2) This Act shall remain open for signature at Geneva until [December 31, 1980].

(3) The Director General shall transmit two copies, certified by him, of the signed text of this Act to the Governments of all countries of the Union and, on request, to the Government of any other country.

(4) [Same as in the present text.]

(5) The Director General shall notify the Governments of all countries of the Union of signatures, deposits of instruments of ratification or accession and any declarations included in such instruments, entry into force of this Act, notifications of denunciation and notifications pursuant to [Article 24,]²² Article 27 and Article 28.

²¹ Alternative A is preferred by Group B, whereas Alternative B is preferred by the Group of Developing Countries and Group D.

²² The reference to Article 24 is in square brackets because if the proposal of the Group of Developing Countries and of Group D concerning that Article is adopted, such reference will become superfluous.

PRESENT TEXT

DRAFT

ARTICLE 30

[Transitional Provisions]

(1) Until the first Director General assumes office, references in this Act to the International Bureau of the Organization or to the Director General shall be deemed to be references to the Bureau of the Union or its Director, respectively.

(2) Countries of the Union not bound by Articles 13 to 17 may, until five years after the entry into force of the Convention establishing the Organization, exercise, if they so desire, the rights provided under Articles 13 to 17 of this Act as if they were bound by those Articles. Any country desiring to exercise such rights shall give written notification to that effect to the Director General; such notification shall be effective from the date of its receipt. Such countries shall be deemed to be members of the Assembly until the expiration of the said period.

(3) As long as all the countries of the Union have not become Members of the Organization, the International Bureau of the Organization shall also function as the Bureau of the Union, and the Director General as the Director of the said Bureau.

(4) Once all the countries of the Union have become Members of the Organization, the rights, obligations, and property, of the Bureau of the Union shall devolve on the International Bureau of the Organization.

[Transitional Provisions]

[The Draft does not contain a provision corresponding to paragraph (1) of the present text.]

[The Draft does not contain a provision corresponding to paragraph (2) of the present text.]

(1) [Same as paragraph (3) of the present text.]

(2) [Same as paragraph (4) of the present text.]

PRESENT TEXT

DRAFT

**PROTOCOL
ON THE PROTECTION OF THE
OLYMPIC SYMBOL**

[The present text does not contain a provision corresponding to the Draft Protocol.]

ARTICLE 1: SUBSTANTIVE PROVISIONS

(1) Any State bound by this Protocol shall be obliged to prevent, subject to the other provisions of this Article, the registration as a mark and the use, as a mark or other sign, for commercial purposes, of any sign consisting of or containing the Olympic symbol, except with the authorization of the International Olympic Committee.

(2)(a) The obligation provided for in paragraph (1) shall not bind any State bound by this Protocol in respect of

(i) any mark consisting of or containing the Olympic symbol where that mark was registered in that State prior to the date on which this Protocol enters into force in respect of that State,

(ii) the continued use, as a mark or other sign, for commercial purposes, of the Olympic symbol in that State by any person or enterprise who or which has lawfully started such use in the said State prior to the date on which this Protocol enters into force in respect of that State.

(b) The provisions of subparagraph (a)(i) shall apply also in respect of marks whose registration has effect in the State by virtue of a registration under a treaty which the said State is a party to.

(c) Use with the authorization of the person or enterprise referred to in subparagraph (a)(ii) shall be considered, for the purposes of the said subparagraph, as use by the said person or enterprise.

(3) The obligation provided for in paragraph (1) may be considered as suspended by any State bound by this Protocol during any period during which there is no agreement in force between the International Olympic Committee and the Government or the National Olympic Committee of the said State concerning the conditions under which the International Olympic Committee will grant authorizations for the use of the Olympic symbol in that State and concerning the part of the said Government or National Olympic Committee in any revenue that the International Olympic Committee obtains for granting the said authorizations.

PRESENT TEXT

DRAFT

**Protocol
on the Protection of the
Olympic Symbol**
[continued]

ARTICLE 2: TREATY LAW PROVISIONS

(1) Any country of the International Union for the Protection of Industrial Property may sign this Protocol.

(2) Any country which has signed this Protocol may ratify it, and any country which has not signed this Protocol may accede to it. Instruments of ratification and accession shall be deposited with the Director General of the World Intellectual Property Organization (hereinafter referred to as "the Director General").

(3) With respect to the three countries which are the first to deposit their instruments of ratification of or accession to this Protocol, this Protocol shall enter into force one month after the day on which the third of the said instruments is deposited. With respect to any other country which deposits its instrument of ratification of or accession to this Protocol, this Protocol shall enter into force one month after the day on which that instrument is deposited.

(4) Any country may denounce this Protocol. Denunciation shall be effected by a notification addressed to the Director General. It shall take effect one year after the day on which the Director General received the notification.

(5) As to the signature and the languages of this Protocol, as well as to the depositary functions of the Director General in respect of this Protocol, Article 29 of the [1979 ?] Act of the Paris Convention for the Protection of Industrial Property shall apply mutatis mutandis.

Reservations, understandings and statements as appearing in the preparatory documents PR/DC/3 and PR/DC/4 of the Diplomatic Conference

As to Article 1:

“The Draft was drawn up by a working group of the Preparatory Committee * called ‘the Working Group on Inventors’ Certificates.’ The report of the last (November/December 1978) session of that Working Group is attached (in Annex III) to the report of the Preparatory Committee (document PR/PIC/V/11), which considered the report of the said Working Group. The said Draft contains, as a sort of preface, two ‘considerations’ by Group D and an ‘understanding’ by Group B. The two considerations by Group D read as follows: ‘The Group D countries consider that the text that has been prepared [that is, the Draft] reflects the aspirations to find mutually acceptable solutions on this issue and is a good basis for further work on drafting the text’ and ‘The Group D countries consider that their agreement on any part of paragraph (5) of Article 1 [of the Draft] is conditional on a satisfactory solution concerning all questions relating to that paragraph.’ The understanding of Group B reads as follows: ‘The Group B countries understood that their agreement on any part of Article 1 was conditional on a satisfactory solution concerning the whole question of inventors’ certificates.’”

(document PR/DC/3, paragraph 43)

As to Article 5A(1)(a) and (b):

“... In connection with paragraph (1)—that is, both its subparagraphs (a) and (b)—of the Draft, when that Draft was approved by the Preparatory Committee, ‘it was understood that countries of Group B might wish to make, at a future occasion, a proposal which would allow a country constituting with other countries a regional group of countries to regard working in any of these other countries as fulfilling its working requirements. Such mention of regional working would not necessarily be made in Article 5A but could be made somewhere else in the Paris Convention, on the understanding that it would not affect the substance of Article 5A.’ (document PR/PIC/II/13, paragraph 32(i)).”

(document PR/DC/3, paragraph 94)

As to Article 5A(3):

“... The report of the second session of the Preparatory Committee shows that, in connection with the present paragraph (paragraph (3)) and paragraph (4) of the Draft, ‘the Delegation of Canada, speaking also on behalf of some Group B countries not represented in the Working Group [whose—the Working Group’s—proposal became the Preparatory Committee’s decision], expressed reservations concerning paragraphs (3) and (4), in relation with their intention to see the scope of paragraph (8) generalized’ (document PR/PIC/II/13, Annex II, footnote). In other words, the said countries, at least at the time that declaration was made, were of the opinion that the—less extensive—limitations on the possibility of pronouncing forfeiture (in certain cases) provided for in paragraph (8) (b) of the Draft (see below) should be available not only to developing countries (as foreseen in the Draft) but to all countries; such a change in the Draft would entail the need of harmonizing paragraphs (3) and (8); that need seems to be the reason for the said ‘reservations’ made in respect of paragraph (3).”

(document PR/DC/3, paragraph 111)

As to Article 5A(4):

“... The report of the second session of the Preparatory Committee shows that, in connection with the present paragraph (paragraph (4)) and paragraph (3) of the Draft, ‘the Delegation of Canada, speaking also on behalf of some Group B countries not represented in the Working Group [whose—the Working Group’s—proposal became the Preparatory Committee’s decision], expressed reservations concerning paragraphs (3) and (4), in relation with their intention to see the scope of paragraph (8) generalized’ (document PR/PIC/II/13, Annex II, footnote). In other words, the said countries, at least at the time that declaration was made, were of the opinion that the—less extensive—limitations on the possibility of granting non-voluntary licenses provided for in paragraph (8) (a) of the Draft (see below) should be available not only to developing countries (as foreseen in the Draft) but to all countries; such a change in the Draft would entail the need of harmonizing paragraphs (4) and (8); that need seems to be the reason for the said ‘reservations’ made in respect of paragraph (4).”

(document PR/DC/3, paragraph 115)

*The “Preparatory Committee” is the Preparatory Intergovernmental Committee on the Revision of the Paris Convention for the Protection of Industrial Property.

As to Article 5A(6):

“... At the time the Draft was adopted by the Preparatory Committee, two ‘understandings’ were agreed upon, namely:

(i) that the ‘special cases’ in which exclusive non-voluntary licenses could be granted ‘could, for example, include cases in which the non-voluntary licensee is required to make a particularly [substantial] investment for working the patented invention’ (document PR/PIC/II/13, paragraph 32(ii)), and

(ii) ‘that a mutually acceptable decision on the time limits appearing within square brackets in these provisions [here, the two pairs of square brackets in the second sentence of paragraph (6)] should be reserved for the Diplomatic Conference of Revision’ (same document, paragraph 32(iii)).

... The report of the second session of the Preparatory Committee shows that ‘the Delegation of India expressed reservations concerning paragraphs (6) and (7)’ and that ‘the Delegation of the Federal Republic of Germany expressed the opinion that only developing countries should have the right to grant exclusive non-voluntary licenses’ (document PR/PIC/II/13, Annex II, footnote). At the time the Draft was adopted by the Preparatory Committee, ‘it was noted that *some* countries of Group B wished to further study* the question whether the second sentence of paragraph (6) [providing for the possibility, in certain cases, of granting exclusive non-voluntary licenses] should not be transferred into paragraph (8) [see below]—which would mean that the faculty given in that sentence would be open *only to developing countries*—...’ (emphasis added) (document PR/PIC/II/13, paragraph 32(iv)). (The views of *other* countries of Group B are indicated in connection with paragraph (8) of the Draft (see below).)

The request for reconsideration of the Draft by the Preparatory Committee, made but not pressed by the Delegation of the United States of America..., was aimed at maintaining the provision of the present text according to which no exceptions are permitted to the non-exclusive nature of any non-voluntary license. The arguments of the said Delegation were published in document PR/PIC/IV/4.”

* The Delegation of the Soviet Union, speaking on behalf of Group D, said that that Group wished the International Bureau to undertake the said study (see document PR/PIC/II/13, footnote to paragraph 32); but, since this wish was not endorsed by the Preparatory Committee, the said study was not carried out by the International Bureau.”

(document PR/DC/3, paragraphs 123 to 125)

As to Article 5A(7):

“... When the Preparatory Committee approved the Draft, ‘it was understood [in respect of paragraph (7)] that the reference to ‘the just payment to which the patentee is entitled’ means that when a non-voluntary license is granted or exploitation in the public interest is decided, the patentee has the right to receive a just payment. It was furthermore understood that the reference, in draft paragraph (7), to ‘a distinct higher level’ means that the national law of any member State is free to decide whether such ‘level’ will be administrative or judicial; for example, if the decision is made by the Patent Office, the ‘review’ may be carried out by the Minister under whose jurisdiction the Patent Office is or by a court’ (document PR/PIC/II/13, paragraph 32(v)).

... The report of the second session of the Preparatory Committee shows that ‘the Delegation of India expressed reservations concerning paragraphs (6) and (7)’ (document PR/PIC/II/13, Annex II, footnote). In the last meeting of the second session of the Preparatory Committee, which was the meeting that adopted the report of the second session of the Preparatory Committee—that is, after the unanimous approval of the Draft—the Delegation of Brazil ‘reserved its right to clarify the contents of paragraph (7) of Article 5A as to the relation between the non-voluntary license and exploitation in the public interest, in order to be able to analyze the consequences thereof for the national law’ (document PR/PIC/II/13, footnote to paragraph 32).”

(document PR/DC/3, paragraphs 130 and 131)

As to Article 5A(8):

“... At the time the Draft was adopted by the Preparatory Committee, it was noted that some Group B countries ‘wished to further study* the question whether one or all of the provisions contained in paragraph (8) should not be made applicable to all member States rather than only to developing countries’ and it was noted that, if that were done, ‘some consequential changes would have to be made in paragraphs (3) and (4)’ (document PR/PIC/II/13, paragraph 32(iv)).

Another ‘understanding’ arrived at on the same occasion was ‘that a mutually acceptable decision on the time limits appearing within square brackets in these provisions [here, paragraph (8)] should be reserved for the Diplomatic Conference of Revision’ (document PR/PIC/II/13, paragraph 32(iii)).”

* “The Delegation of the Soviet Union, speaking on behalf of Group D, said that that Group wished the International Bureau to undertake the said study (see document PR/PIC/II/13, footnote to paragraph 32); but, since this wish was not endorsed by the Preparatory Committee, the said study was not carried out by the International Bureau.”

(document PR/DC/3, paragraphs 138 and 139)

As to Article 10^{quater}:

"The proposal designated as Alternative B is one which was made in the said Working Group* by the Group of Developing countries (see document PR/WGAO/II/8, Annex III). In connection with this proposal, the Spokesman of Group B stated in the said Working Group that the present document (i) 'should reflect Group B's opinion that the proposal was complementary to the proposal by Group B' and (ii) 'should also make it clear that Group B reserved the right to reconsider the question whether the solution proposed by the Group of Developing Countries, or any other solution complementary to the proposal by Group B, should take the form of preferential treatment in favor of developing countries, or whether it should be applied generally' (document PR/WGAO/II/8, paragraph 13). ..."

(document PR/DC/4, paragraph 30)

As to Article 12^{bis}(1):

"...When the Preparatory Committee adopted the Draft, the Chairman of that Committee said that his Committee agreed with the following three statements:

(i) '... that paragraph (1) [of the Draft] should be understood as being applicable only where the patentee did not already have the information requested by the country seeking information';

(ii) '... that the Office required to furnish information was entitled to charge its normal fee for such a service';

(iii) '... that the information would always be given in the language of the furnishing Office; thus, the question of translations should not be regulated in the [Paris] Convention.'

(document PR/PIC/III/14, paragraphs 23, 26, 30 and 36)."

(document PR/DC/3, paragraph 184)

As to Article 12^{bis}(2):

"... A footnote is appended to the word 'doubts' in the Draft as adopted by the Preparatory Committee. It reads as follows: 'The Records of the [Diplomatic] Conference will explain that the reference to 'doubts' implies a substantial doubt in the interest of avoiding burdens on Patent Offices' (document PR/PIC/III/14, Annex II).

... The 'understandings' quoted in paragraph 184(ii) and (iii),** above, apply also to this paragraph of the Draft."

(document PR/DC/3, paragraphs 186 and 187)

As to Article 12^{ter}(2):

"...When the Preparatory Committee adopted the Draft, the Chairman of the Committee said that the Committee agreed with the following two statements:

(i) '... that what was meant [by 'the use of industrial property in connection with the acquisition of foreign technology'] was the role of licensing of patents and trademarks in connection with or serving transfer of technology; the activities carried out by WIPO with respect to licensing guidelines and licensing seminars were relevant in that connection; it was understood that the provision [quoted between brackets above] would not authorize WIPO to give advice in individual cases of licensing';

(ii) '... that it should be understood that one of the means for achieving the purposes outlined in the proposed new Article [that is, the Draft] would consist of training and courses.'

(document PR/PIC/III/14, paragraphs 45, 47 and 48)."

(document PR/DC/3, paragraph 194)

*The "said Working Group" is the Working Group on Conflict Between an Appellation of Origin and a Trademark.

**Reproduced above in connection with Article 12^{bis} (1).

As to Article 27:

“When this decision was made by the Preparatory Committee, the Spokesman of Group B said ‘that Group B was not proposing any amendments to the text proposed by the Director General [that is, the Draft] but that its final position was reserved and would depend on the content of the new Act as a whole. It also noted its general position favoring universality.’ (document PR/PIC/V/11, paragraph 49). The latter part of this declaration presumably means that Group B would prefer to see the words ‘which are developing countries and,’ appearing between square brackets in both subparagraphs (a) and (b) of paragraph (2) of the Draft, omitted.”

(document PR/DC/3, paragraph 231)

As to Article 29:

“... When this paragraph was adopted, Group B declared, in effect, that acceptance of the solution contained in subparagraph (a)—namely, that the new Act would be signed not only in French but also in English, Russian and Spanish—was conditional upon acceptance, in subparagraph (c), of what appears in the Draft as Alternative A, namely, that in case of differences of opinion on the interpretation of the various texts (that is to say, the four texts in which the new Act would be signed), the French text would prevail (see document PR/PIC/V/11, paragraph 57). ...”

(document PR/DC/3, paragraph 249)

News from Industrial Property Offices

ARGENTINA

Activities of the National Industrial Property Administration from 1974 to 1977*

Patents

The number of *patent applications* filed and of *patents granted* for 1974 to 1977 was as follows: 1974: 5,389 and 4,514, respectively; 1975: 4,653 and 3,395; 1976: 4,262 and 4,107; 1977: 4,504 and 3,017.

Applications and patents granted originating from abroad represented, during these four years, the following: 1974: 3,703 (68.7%) and 3,198 (70.8%), respectively; 1975: 3,037 (65.4%) and 2,396 (70.6%); 1976: 2,547 (59.6%) and 2,843 (68.9%); 1977: 2,800 (62.2%) and 1,942 (64.4%).

The *breakdown by country* of foreign applications received and patents granted for the four years under review is expressed in Table I, below.

Table II, below, analyzes the *breakdown by product or industry* of the total of patents granted during the four years.

Trademarks, Manufacturing Marks and Agricultural Marks

The number of *applications for registration* and of *marks registered* for 1974 to 1977 was as follows:

1974: 36,634 and 26,890, respectively; 1975: 39,906 and 24,147; 1976: 38,910 and 29,874; 1977: 38,852 and 31,058.

The *breakdown by country* of foreign applications and registrations (without counting renewals) is shown in Table III, below.

Industrial Designs

The number of *applications for recording* and of *recordings* of industrial designs for 1974 to 1977 was as follows: 1974: 2,403 and 2,375, respectively; 1975: 2,554 and 2,585; 1976: 2,734 and 2,700; 1977: 2,635 and 2,439.

Applications and recordings (without counting renewals) originating from abroad represented, during these four years, the following: 1974: 142 (5.91%) and 132 (5.56%), respectively; 1975: 160 (6.27%) and 159 (6.15%); 1976: 149 (5.45%) and 151 (5.59%); 1977: 129 (4.9%) and 111 (4.55%).

The *breakdown by country* of foreign demands and recordings (without country renewals) is shown in Table IV, below.

TABLE I

Country	1974		1975		1976		1977	
	Applications	Patents	Applications	Patents	Applications	Patents	Applications	Patents
Argentina	1,686	1,316	1,616	999	1,715	1,264	1,704	1,075
United States of America	1,455	1,316	1,153	988	912	1,058	1,089	738
Germany, Fed. Rep. of,	504	385	380	288	322	362	405	257
Switzerland	312	228	251	159	200	260	186	138
France	299	234	296	218	244	294	251	158
United Kingdom	271	219	207	177	182	196	189	130
Italy	217	204	162	157	159	152	159	118
Other countries	645	542	588	409	528	521	521	403

* This report, prepared by WIPO, is excerpted from the 1975, 1976, 1977 and 1978 volumes of the report entitled *Publicación Complementaria de Información Estadística*, published by the National Industrial Property Administration.

TABLE II

Product or Industry	1974		1975		1976		1977	
Health, surgery and medicine	629	(14%)	503	(14.9%)	699	(17%)	429	(14.3%)
Machines and motors	400	(8.9%)	251	(7.3%)	350	(8.7%)	310	(10.3%)
Civil engineering, construction, scientific instruments	359	(8%)	507	(14.9%)	382	(9.5%)	296	(9.8%)
Electricity and lighting	496	(11%)	409	(12.4%)	327	(7.7%)	292	(9.7%)
Chemistry and physics	483	(10.7%)	292	(8.6%)	430	(10.5%)	295	(9.7%)
Mechanics	392	(8.7%)	286	(8.3%)	302	(7.5%)	231	(7.7%)
Other industries	382	(8.4%)	229	(6.7%)	414	(10.2%)	214	(7.1%)
Other products	1,373	(30.3%)	918	(26.9%)	1,203	(28.9%)	950	(31.4%)

TABLE III

Country	1974		1975		1976		1977	
	Applications	Registrations	Applications	Registrations	Applications	Registrations	Applications	Registrations
Argentina	16,436	11,437	15,444	12,428	23,419	17,187	24,832	18,125
United States of America	1,203	1,023	879	735	933	786	1,242	874
Germany, Fed. Rep. of	417	302	354	225	375	300	364	300
France	291	161	241	180	263	186	323	204
United Kingdom	210	179	222	133	244	197	329	195
Switzerland	153	157	176	109	165	153	187	147
Japan	181	101	93	111	77	91	140	60
Italy	98	67	124	85	67	58	156	76
Other countries	929	554	600	454	506	328	572	558

TABLE IV

Country	1974		1975		1976		1977	
	Applications	Recordings	Applications	Recordings	Applications	Recordings	Applications	Recordings
United States of America	33	29	48	48	46	47	28	21
Germany, Fed. Rep. of	8	8	5	5	3	3	7	6
France	17	14	24	20	8	14	16	13
Netherlands	16	15	23	21	18	16	4	7
United Kingdom	7	9	6	8	10	6	6	9
Switzerland	5	5	5	3	3	4	7	16
Uruguay	30	26	9	11	14	15	15	13
Other countries	26	26	40	43	47	46	46	26

UNITED KINGDOM

Activities of the Patent Office from 1974 to 1978*

Patents

The trend of activity under the Patents Act 1949 has been downwards since 1969, this trend being particularly pronounced in 1974 and 1975.

* This report, prepared by WIPO, consists of extracts from the annual *Reports of the Controller-General of Patents, Designs and Trade Marks* from 1974 to 1978.

On June 1, 1978, the Patents Act 1977 came into operation and the Patent Cooperation Treaty (PCT) and the European Patent Convention (EPC) came into force for the United Kingdom. From that date any applications filed under the Patents Act 1949 on which complete specifications had not been filed became abandoned automatically and any new application had to be filed under the new law. Applicants

could also or alternatively file under the PCT or EPC and these applications would only come under the direct application of the UK patent law at a stage subsequent to filing, in some cases not until after the grant of the patents; only then would they affect the work load of the UK Patent Office to a substantial extent.

The substantive law and procedure laid down by the new law is so different from that laid down by the old law that practically all comparisons between the statistics of 1978 and those of preceeding years are meaningless and predictions of future filing trends and work loads are necessarily unreliable. Three factors complicate the situation further.

The full effects of the PCT and EPC have not yet been felt because they were not in force for certain large countries from June 1, 1978, because the European Patent Office (EPO) was not able to accept in 1978 applications for technical examination in all fields of technology, and because applicants probably did not exploit fully these two new patent systems; further diversion of UK applications from initial examination in the UK Patent Office can be expected in future years. Secondly, applicants generally exerted themselves to file complete specifications under the provisions of the 1949 Act rather than under the new law and this resulted in the filing in May of about 7,500 complete specifications more than normal; had applicants been content to file at the normal time, it is uncertain how many of these would have been filed under the 1977 Act or under the PCT or EPC as the case may be. Thirdly, it is likely that the diversion of cases from initial examination in the UK Patent Office will differ widely from technical field to technical field, but no firm conclusions can be drawn from the applications filed since June 1, 1978, as to what the final distribution will be.

It will be some years before the patent system running in the United Kingdom can be regarded as operating stably under the new law; only then will it be possible clearly to discern trends and to balance staff needs to work load.

Table A, below, provides figures in respect of patent applications, specifications filed and patents granted from 1973 to 1978.

The number of applications, complete specifications and acceptances from 1973 to 1978 divided among the principal countries concerned is indicated in Table B, below.

Among the fields with which inventions were concerned, the following are particularly worth mentioning: organic chemistry (specifications classified in 1973: 3,189; 1974: 3,012; 1975: 3,260; 1976: 3,236; 1977: 2,818; 1978: 2,948); machine elements (specifications classified in 1973: 2,428; 1974: 2,406; 1975: 2,722; 1976: 2,590; 1977: 2,406; 1978: 2,653); macromolecular compounds

(specifications classified in 1973: 2,089; 1974: 2,064; 1975: 2,454; 1976: 2,266; 1977: 2,277; 1978: 2,585); and conveying, packing, load-handling, hoisting and storing (specifications classified in 1973: 1,998; 1974: 1,927; 1975: 1,938; 1976: 2,008; 1977: 1,699; 1978: 2,051).

Industrial Designs

Table C, below, shows the trend of applications and registrations from 1973 to 1978.

The applications originated, in particular, from the following countries and territory: United Kingdom (1973: 2,688; 1974: 2,282; 1975: 2,593; 1976: 2,405; 1977: 2,269; 1978: 2,377); Hong Kong (1973: 319; 1974: 460; 1975: 615; 1976: 431; 1977: 546; 1978: 730); United States of America (1973: 347; 1974: 366; 1975: 319; 1976: 340; 1977: 358; 1978: 451); Japan (1973: 123; 1974: 137; 1975: 186; 1976: 211; 1977: 195; 1978: 252); Germany (Federal Republic of) (1973: 184; 1974: 125; 1975: 167; 1976: 277; 1977: 202; 1978: 249); Sweden (1973: 155; 1974: 147; 1975: 139; 1976: 155; 1977: 188; 1978: 193); France (1973: 225; 1974: 162; 1975: 184; 1976: 174; 1977: 193; 1978: 179); Netherlands (1973: 49; 1974: 59; 1975: 100; 1976: 176; 1977: 96; 1978: 121); and Switzerland (1973: 68; 1974: 72; 1975: 71; 1976: 81; 1977: 80; 1978: 110).

Trade Marks

Table D, below, shows the trend of applications and registrations from 1973 to 1978.

The number of applications and registrations from 1973 to 1978 divided among the principal countries concerned is indicated in Table E, below.

International Activities

With regard to *patents*, the principal activities of the Patent Office concerned the preparation for the entry into force of the Patent Cooperation Treaty (PCT) and the European Patent Convention (EPC), the organization of the European Patent Office (EPO) and the realization of the Community Patent Convention. The Patent Office participated in the work of the Interim Committees of the PCT and the Interim Committees of the EPC, as well as in its various working groups. Now that these instruments have entered into force, the United Kingdom participates actively in their ongoing operations. Likewise, the Patent Office participated in the work of the Confer-

ence which adopted the Community Patent Convention in 1975 and has taken part, since then, in the work of the said Convention's Interim Committee and of its three working groups. This work has not been completed and it is unlikely that the Convention will enter into force before 1982.

Moreover, the Office continued to participate in the work of ICIREPAT, the Committees and Working Groups of the International Patent Classification (IPC) Union, the WIPO Permanent Committee for Patent Information (PCPI), which held its first session in January 1978, and the meetings of the organs of WIPO or organized by WIPO concerning patents. Among these latter meetings, the Diplomatic Conference for the Conclusion of a Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, which was held in Budapest in April 1977, should be singled out; the United Kingdom was one of 13 initial States which signed the Budapest Treaty.

In addition, the Patent Office participated in the discussions of the EEC concerning patents, in particular on the question of the block exemption for certain categories of patent license agreements under Article 85 of the Treaty of Rome.

With regard to *trade marks*, the Patent Office participated in the work carried out within the framework of WIPO, particularly on the revision of the Nice Agreement, which resulted in a Diplomatic Conference held at Geneva in May 1977, and on the preparation for the entry into force of the Trademark Registration Treaty (TRT).

The Office also participated in the work relating to the creation of the Community trade mark, a task whose complexity requires numerous meetings of the Working Groups established for the purpose, which is made up of representatives of the Commission and of all the Member States of the EEC.

In the field of *industrial property in general*, the Office participated in the meetings of WIPO concerning, in particular, the protection of computer software, the transfer of technology to developing countries and the revision of the Paris Convention.

Prospects for the Future

In the future, the Patent Office will especially have to confront the problems created by the application of the Patents Act 1977 (the first substantive examinations under the Act began to be carried out in mid-1979), as well as those created by the European Patent Office (which will entail the transfer of examiners from the UK Office to Munich or The Hague and also a diminution, as yet unmeasurable, of the number of applications filed with the Office).

The Office will continue to participate actively in the international negotiations in the field of industrial property, particularly with regard to the Community patent, the Community trade mark and the forthcoming revision of the Paris Convention.

TABLE A

	Applications		Provisional Specifications		Complete Specifications		Patents Granted	
	Total	Percent	Total	Percentage Variation	Total	Percentage Variation	Total	Percentage Variation
1973	60,312	+0.05	22,711	-6.1	49,247	+3.7	40,440	- 2.8
1974	56,250	-6.7	20,844	-8.2	46,047	-6.5	35,883	-11.3
1975	53,400	-5.1	21,342	+2.4	41,552	-9.8	39,019	+ 8.7
1976	54,561	+2.2	22,885	+7.2	40,806	-1.8	41,755	+ 7.0
1977	54,423	-0.3	22,501	-1.7	41,287	+1.2	35,442	-15.1
1978	26,799	—	8,340	—	25,713	—	40,148	+13.3

TABLE B

Country	Year	Applica- tions	Complete Specifica- tions	Accept- ances
United Kingdom	1973	22,472	12,448	9,357
	1974	20,545	11,517	8,971
	1975	20,842	10,349	9,120
	1976	21,797	9,540	8,855
	1977	21,114	9,467	7,722
	1978 (Law of 1949)	9,729	8,949	8,464
	1978 (Law of 1977)	9,655	—	—
United States of America	1973	13,276	13,122	11,717
	1974	12,488	12,297	10,976
	1975	11,485	11,247	11,497
	1976	11,520	11,308	11,024
	1977	11,580	11,406	10,420
	1978 (Law of 1949)	5,996	5,781	11,690
	1978 (Law of 1977)	4,257	—	—
Germany, Fed. Rep. of	1973	7,522	7,517	6,164
	1974	7,283	7,264	5,863
	1975	6,368	6,357	6,560
	1976	6,302	6,249	6,462
	1977	6,749	6,706	5,721
	1978 (Law of 1949)	3,638	3,751	6,337
	1978 (Law of 1977)	2,449	—	—
Japan	1973	4,289	4,268	3,308
	1974	4,412	4,380	3,257
	1975	3,611	3,550	3,645
	1976	3,833	3,832	4,130
	1977	3,601	3,589	3,742
	1978 (Law of 1949)	1,623	1,726	4,185
	1978 (Law of 1977)	2,033	—	—
France	1973	2,977	2,931	2,338
	1974	2,576	2,512	2,299
	1975	2,536	2,465	2,490
	1976	2,461	2,368	2,356
	1977	2,467	2,387	2,252
	1978 (Law of 1949)	1,211	1,302	2,663
	1978 (Law of 1977)	1,065	—	—
Switzerland	1973	2,018	1,957	1,574
	1974	1,892	1,797	1,497
	1975	1,696	1,603	1,694
	1976	1,782	1,659	1,516
	1977	1,732	1,617	1,512
	1978 (Law of 1949)	830	771	1,582
	1978 (Law of 1977)	781	—	—
Sweden	1973	1,024	1,022	715
	1974	1,034	1,011	722
	1975	943	918	821
	1976	866	834	944
	1977	846	813	829
	1978 (Law of 1949)	448	450	927
	1978 (Law of 1977)	420	—	—
Netherlands	1973	965	938	772
	1974	812	794	731
	1975	826	751	761
	1976	918	827	736
	1977	1,104	1,051	757
	1978 (Law of 1949)	691	669	905
	1978 (Law of 1977)	524	—	—
Italy	1973	1,000	980	761
	1974	928	894	705
	1975	884	878	784
	1976	935	899	723
	1977	855	849	757
	1978 (Law of 1949)	543	588	900
	1978 (Law of 1977)	460	—	—

TABLE C

Year	Applications for Registration			Designs Registered
	Total	From Abroad		Total
		Total	Claiming Priority Under International Convention	
1973	4,541	1,853	906	4,259
1974	4,183	1,901	936	4,016
1975	4,730	2,137	918	3,019
1976	4,623	2,218	1,132	3,700
1977	4,492	2,223	1,085	4,325
1978	5,147	2,770	1,234	4,748

TABLE D

Year	Applications Received (Part A and Part B)	Trade Marks Registered	
		Part A of Register	Part B of Register
1973	18,694	7,838	3,428
1974	17,613	7,312	3,314
1975	16,659	7,798	3,642
1976	15,607	7,986	4,209
1977	16,236	6,548	3,545
1978	18,150	6,750	3,893

TABLE E

Country	Year	Applications	Registrations
United Kingdom	1973	10,224	6,453
	1974	9,454	5,982
	1975	9,271	5,869
	1976	8,380	6,280
	1977	8,675	5,091
	1978	10,010	5,489
United States of America	1973	2,479	1,572
	1974	2,530	1,429
	1975	2,185	1,586
	1976	2,106	1,723
	1977	2,211	1,515
	1978	2,326	1,469
Germany, Fed. Rep. of	1973	1,234	746
	1974	1,124	800
	1975	1,228	930
	1976	1,106	1,015
	1977	1,126	835
	1978	1,157	918
France	1973	1,189	590
	1974	1,084	656
	1975	1,018	796
	1976	978	759
	1977	904	671
	1978	1,069	768

Country	Year	Applications	Registrations
Switzerland	1973	625	356
	1974	468	280
	1975	433	445
	1976	391	395
	1977	501	346
	1978	449	363
Japan	1973	406	197
	1974	333	233
	1975	288	244
	1976	402	316
	1977	393	240
	1978	374	277
Italy	1973	361	159
	1974	372	175
	1975	301	239
	1976	318	260
	1977	380	159
	1978	385	207
Netherlands	1973	338	152
	1974	317	175
	1975	315	231
	1976	282	231
	1977	389	178
	1978	395	184
Sweden	1973	251	166
	1974	252	148
	1975	235	199
	1976	248	199
	1977	213	169
	1978	278	147

News Items

GREECE

*Director of the Directorate of
Commercial and Industrial Property*

We have been informed that Mr. Hercule Georgopoulos has been appointed Director of the Directorate of Commercial and Industrial Property.

PAPUA NEW GUINEA

Registrar of Trade Marks

We have been informed that Mr. James Murray has been appointed Registrar of Trade Marks.

PORTUGAL

*Director General of the
National Institute of Industrial Property*

We have been informed that Mr. José Mota Maia has been appointed Director General of the National Institute of Industrial Property.

Book Reviews

Les contrats de licence en droit socialiste, by A. Vida. Corvina Kiadó, Budapest, and Librairies techniques, Paris, 1978. — 216 pages.

During the last ten years, the conclusion of license contracts between the East and the West has left the rugged terrain of exploration for the more solid footing of daily practice.

Does this mean that everything in this field is already known? Certainly not. There are still very few practical publications on licensing in general and publications on know-how are still a "rare find" (the publication of the WIPO Licensing Guide attests thereto); the lack of written information is even more manifest concerning the systems of licensing in the Socialist countries.

For this reason, Mr. A. Vida has performed a useful service. Because of his diverse functions (both in industry and academia) and his extensive and varied experience, the author was particularly well placed to accomplish successfully the tasks in question.

This work is made up of a textual part accompanied by many annexes. The former contains, in addition to a systematic study of the general rules applicable to license contracts (including contracts between CMEA member States and trademark contracts) a description of the legislation and practice in the countries concerned (Soviet Union, Bulgaria, Hungary, Poland, German Democratic Republic, Romania, Czechoslovakia and Yugoslavia). The annexes contain the complete texts (in French) of different types of CMEA contracts and a rich bibliography. A useful index completes the work.

This work will be of great service to all those who, for one purpose or another, are interested in the question of licensing in Socialist countries.

Y. Plasseraud

The Patent and Trademark Laws of Japan, translated and edited by R. Foster and M. Ono. Japan Legal Press Co., Ltd., Tokyo, 1978. — looseleaf binder.

This work consists of a skillfully prepared English translation of the Japanese Patent and Trademark Laws, as well as of their Enforcement Regulations, presented in looseleaf format. The Japanese Patent and Trademark Laws have undergone numerous revisions in recent years and, in all likelihood, will continue to be amended in the future. For this reason the looseleaf format of this work is ideal; as the translators/editors point out, it permits the work to be updated whenever necessary simply by adding new pages, which will regularly be made available, and removing the old ones. More frequent changes are therefore made possible at lower cost to the reader.

To cope with the problem that revised sections of the Japanese Laws often apply only to applications filed after the effective date of the revision while previously filed applications remain governed by the old sections, all the versions of each revised section are presented in reverse chronological order dating back to 1965. The effective period of each revision is clearly indicated thus permitting the user to determine which provision applies for any application filed between 1965 and the present.

Lastly, the translators/editors of this work have wisely included a glossary and a vocabulary list which explain the translation and usage of key terms.

JAE

Pinner's World Unfair Competition Law, 2nd edition edited by H. Dawid. Sijthoff & Noordhoff, Alphen aan den Rijn (Netherlands), 1978. — looseleaf binder.

This work, the first edition of which was published 14 years ago, presents an extensive panorama of unfair competition law in 49 countries of the world. Rather than merely reproducing the relevant legal texts, the law of each country is commented upon by well-known specialists; the user is thus presented with a sound, comprehensive and authoritative statement of the law in each of the countries covered.

The work is organized in an efficient and easily usable manner. The law of unfair competition is divided into 77 Titles, each dealing with a different subject matter, which are analyzed in alphabetical order. The Titles are preceded by a general survey of the law of each of the 49 countries and a complete and useful bibliography is provided. The survey also contains chapters devoted to the European Economic Community, the Andean Group and the relevant multilateral conventions, in particular the Paris Convention and the Madrid and Lisbon Agreements.

As the editor points out in his preface, with the development of new "common market" areas in South and Central America and the Caribbean, the increase in international trade, the increased emphasis on licensing and the creation of new international treaties, the international law of unfair competition is becoming more and more important. This work will certainly be indispensable to anyone, scholars and practitioners alike, concerned thereby.

JAE

La protection des inventions — Le Traité de coopération en matière de brevets; la Convention sur le brevet européen; la Convention sur le brevet communautaire, by L. Gruszow and B. Remiche. Larcier S.A., Bruxelles, 1978. — 467 pages.

This work, following an historical introduction tracing the evolution of the international protection of inventions which began with the creation of the Paris Union and resulted in the three treaties which will govern the field of patents in Western Europe from now on, is divided into three large parts, each devoted to one of the three treaties (PCT, European Patent Convention, Community Patent Convention).

These three instruments are analyzed and commented upon in the manner of a practical guide for anyone wishing to take advantage of the treaties. As A. Braun points out in his preface, the pragmatic presentation of the material should be particularly valuable to inventors and their agents, who will find this work very helpful in drafting the patent application, in executing the required formalities and in analyzing the rights conferred by the patent.

GRW

Grundzüge des Rechtsschutzes der industriellen Formgebung, by B. Englert. Carl Heymanns Verlag KG, Köln (etc.), 1978. — 228 pages.

In this age of mass production and as a result of the vast increase in the number of products being offered to consumers, the search

for attractive designs takes on greater and greater importance and, consequently, so do the problems relating to the protection of these designs.

The work of B. Englert clearly presents the modern view of the protection of industrial designs in the world and explains the solutions adopted by the new laws of the Benelux countries, the Nordic countries and the German Democratic Republic, by the WIPO Model Law and by the draft amendments to the legislation of the Federal Republic of Germany, France, the United Kingdom and the United States of America.

GRW

Juge et loi du brevet — Approche du droit des brevets, by M. Vivant. Librairies techniques, Paris, 1977. — 436 pages.

This work, as Professor Mousseron points out in his preface, was born from the convulsions which have shaken French patent law for about ten years with regard to both the determination of the competent judge and the applicable law—convulsions due to the succession of national laws (1968, 1970, 1978), to the multiplication of parallel applicable patent laws reserving the same invention in different States as well as to the juxtaposition of national, regional and international legislative standards.

The author's aim is to assist judges and agents in the treatment of the numerous difficulties posed by the multiplication of applicable texts. In so doing, he defends and illustrates the theory which holds that patent law is not an "exception" to property law or distinct from the latter but rather only an "illustration" of the law of property in general.

GRW

Problemática Actual y Reforma del Derecho de Patentes Español, by A. Bercovitz Rodríguez-Cano. Editorial Montecorvo, Madrid, 1978. — 189 pages.

This volume is devoted to the work in progress among the circles interested in Spanish patent law concerning the revision of this law. The first part of the volume, entitled "Patent Law as a Means of Rewarding Inventive Activity," clearly reveals the framework within which the reform is envisaged. The two following parts successively analyze the problems with regard to the Spanish law and the solutions contemplated by the revision work. The fourth part deals more particularly with the question of the obligation to work the patent, which was the subject of several preliminary drafts.

This work is of special interest to all those who are concerned with the problems concerning the international harmonization of the law of inventions.

GRW

Patentrecht und Erfindungsschutz—Ein Leitfadens für Techniker und Naturwissenschaftler, by F. Epstein. Verlag für die Technische Universität Graz, 1977. — 295 pages.

As the readers of this review well know, Austrian patent law, which had been greatly altered in 1970 (Law on Patents of 1970) and augmented in 1973, was amended and augmented in 1977 (Law of June 17, 1977).

As its title reveals, the purpose of this manual is to assist both the technician and the scientist in making better use of the new Austrian system for the protection of inventions.

GRW

Brevetti industriali, marchio, ditta, insegna, by S. Boutet and L. Lodi (2nd ed.). UTET, Torino, 1978. — 752 pages.

This manual is part of a collection of civil and commercial case law established and edited by W. Bigiavi. As a result, and as was the case with the first edition which was published in 1966, one can find, for each subject treated, the most recent interpretation by the Italian courts of the relevant Italian and international legislation. This interpretation is, in turn, commented upon and analyzed on the basis of an exhaustive bibliography, as well as on the experience of the authors.

The contents of this work are divided into six parts: the general concepts of law concerning international creation; industrial inventions (essentially patents); industrial designs (utility models and ornamental designs); new plant varieties; trademarks; commercial names and signs.

This work, however, is not simply a basic analysis, not even a critical and analytical one, of the case law; the authors have gone further and, on the basis of their analysis and their exhaustive knowledge of the case law, have written, in a very rational and methodical manner, a genuine manual of Italian industrial property law.

GRW

Le nouveau régime des brevets d'invention — Commentaire de la Loi du 13 juillet 1978, by A. Chavanne and J. Azéma. Editions Sirey, Paris, 1979. — 206 pages.

The French Patent Law of July 5, 1844, in force for more than 120 years, was replaced by the Law of January 2, 1968, to Promote Inventive Activity and Revise the Patent System; this Law was augmented by Law No. 70-489 of June 11, 1970, and then amended and augmented by Law No. 78-742 of July 13, 1978. The Law of 1978, as the preface by Mr. G. Vianès, Director of the National Institute of Industrial Property (INPI), points out, brought about a considerable number of changes or new elements, such as the introduction of a system for the treatment of employees' inventions—a new reform in French patent law.

The present work does not simply deal with the problems regulated by the Law of July 13, 1978, and analyze the solutions the Law brings about; it presents in addition an exact and complete view of the new patent system which will function from now on in France. This work is consequently of great use to all those concerned.

GRW

Les brevets d'invention en Egypte, by D. Gréaux El Sirgany. L'Organisation égyptienne générale du livre, Le Caire, 1978. — 448 pages.

This work by Dr. D. Gréaux El Sirgany is really two texts in one. On the one hand, its first two parts constitute a treatise on the law of patents in Egypt. This treatise is of unquestionable scholarly value since the author has succeeded, as Professor H. Abbas points out in

his preface, in gathering all the existing Arabic-language documentation, consisting in particular of often unpublished cases. The case law is of particular value as its sources are not abundant, stemming primarily from the fact that the law thereon is a relatively recent one.

On the other hand, the author has devoted the third part of her work to an essay on patent policy with a view to economic development not only in Egypt but, more generally, in all developing countries. Recalling the extremely long history of Egypt, the author demonstrates the necessity of organizing, and then of administering, a patent policy which facilitates the development of developing countries—a development which should permit devel-

oping countries first to fill the gap which separates them from developed countries, through the transfer of information, technology and science, and then to catch up with these countries while evolving from the stage of transfer to that of the production of new technology. In this regard the author, profiting from her knowledge acquired at western universities and her practical familiarity with the needs of developing countries obtained through the exercise of industrial property in her country, has made an original and very useful contribution to the problem of development in the Third World.

GRW

Calendar

WIPO Meetings

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

1979

- December 10 to 12 (Geneva) — International Patent Cooperation (PCT) Union and Budapest Union (Microorganisms) — “PCT and Budapest Treaty” Working Group
 December 10 to 13 (Geneva) — International Patent Classification (IPC) Union — Committee of Experts
 December 13 and 14 (Geneva) — WIPO Coordination Committee

1980

- January 7 to 9 (Geneva) — Development Cooperation (Copyright) — Working Group on Intellectual Property Aspects of Folklore Protection (convened jointly with Unesco)
 January 14 to 17 (Geneva) — Paris Union — Working Group on Industrial Property Aspects of Consumer Protection
 January 21 to 25 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on General Information
 January 28 to February 1 (Bissau) — Development Cooperation — Intellectual Property Seminar for Newly Independent Countries in Africa (convened jointly with UNECA and OAU)
 January 28 to February 1 (Geneva) — Permanent Committee for Patent Information (PCPI) — Working Group on Search Information
 February 4 to March 4 (Geneva) — Revision of the Paris Convention — Diplomatic Conference
 February 11 to 15 (Rio de Janeiro) — Permanent Committee for Patent Information (PCPI) — Working Group on Planning
 March 17 to 21 (Geneva) — Nice Union — Preparatory Working Group
 March 17 to 28 (Geneva) — International Patent Cooperation (PCT) Union — PCT Budget Consultants Meeting
 April 28 to 30 (Geneva) — Permanent Committee for Development Cooperation Related to Industrial Property
 June 9 to 16 (Geneva) — International Patent Cooperation (PCT) Union — Assembly (Extraordinary Session)
 June 13 to 19 (Geneva) — Budapest Union (Microorganisms) — Interim Committee (or Assembly)
 June 23 to 27 (Geneva) — Permanent Committee for Patent Information (PCPI) — Working Group on Search Information
 September 8 to 12 (Rijswijk) — Permanent Committee on Patent Information (PCPI) — Working Group on Planning
 September 22 to 26 (Geneva) — Governing Bodies (WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions; Assembly of the International Patent Cooperation (PCT) Union)
 October 14 to 17 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Patent Information for Developing Countries
 October 20 to 24 (Geneva) — Permanent Committee on Patent Information (PCPI)
 November 24 to 28 (Paris) — Berne Union — Committee of Experts on Problems Arising from the Use of Computers (convened jointly with Unesco)

UPOV Meetings

1980

- March 18 and 19 (Geneva) — Technical Committee
 April 14 and 15 (Geneva) — Subgroups of the Administrative and Legal Committee
 April 16 (Geneva) — Consultative Committee
 April 17 and 18 (Geneva) — Administrative and Legal Committee
 April 27 to May 11 (Nelspruit) — Technical Working Party for Fruit Crops
 May 12 to 14 (Wageningen) — Technical Working Party for Agricultural Crops
 June 23 to 25 (Geneva) — Subgroups of the Administrative and Legal Committee
 August 26 to 28 (Hanover) — Technical Working Party for Forest Trees
 September 16 to 18 (Lund) — Technical Working Party for Ornamental Plants
 September 23 to 25 (Lund) — Technical Working Party for Vegetables
 October 14 (Geneva) — Consultative Committee
 October 15 to 17 (Geneva) — Council
 November 10 to 12 (Geneva) — Technical Committee
 November 13 and 14 (Geneva) — Administrative and Legal Committee

Meetings of Other International Organizations Concerned with Industrial Property

1979

European Communities:

Working Group of the Commission of the European Communities for the Community Trade Mark: December 10 to 13 (Brussels)

1980

European Patent Organisation:

Administrative Council: June 2 to 6, December 8 to 12 (Munich)

Inauguration of the New Building and Administrative Council (Special Session): September 18 and 19 (Munich)

European Communities:

Interim Committee of the European Communities for the Community Patent: January 9 (Brussels)

Working Group of the European Communities for the Community Trade Mark: January 10 and 11 (Brussels)

International Association for the Protection of Industrial Property: November 16 to 21 (Buenos Aires) — 31st Congress

Licensing Executives Society: April 28 to 30 (Geneva) — International Conference on Licensing and the International Economic Order, Product and Process Liability and New Trends in Technology Transfer

