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World Intellectual Property Organization

WIPO Convention

Accession

GUINEA

The Government of Guinea deposited, on August 13, 1980, its instrument of accession to the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967.

The WIPO Convention will enter into force, with respect to Guinea, on November 13, 1980.

WIPO Notification No. 114, of August 20, 1980.

WIPO Meetings

WIPO/UNDP/Philippines

Workshop on the Effective Use of the Industrial Property System for the Benefit of Inventors, Industry and Commerce in the Asian and Pacific Region

(Manila, April 13 to 23, 1980)

NOTE*

A Workshop on the effective use of the industrial property system for the benefit of inventors, industry and commerce in the Asian and the Pacific region was organized by WIPO, with the cooperation of the Government of the Philippines and of the United Nations Development Programme (UNDP), at Manila in April 1980. It was arranged to coincide with the Second Festival of Philippine Inventions and the 14th Annual Inventions Contest, at the closing ceremonies of which the Director General presented the WIPO International Gold Medal for the Outstanding Invention, the WIPO Gold Medal for the Outstanding Filipino Inventor, 1980, and corresponding diplomas;

he announced that these two WIPO medals and diplomas would continue to be awarded every year in the Philippines, and that such medals and awards would also be offered at similar festivals and contests that might be organized in other developing countries.

The 102 participants in the Workshop included 46 representatives of 17 countries and one territory (Afghanistan, Bangladesh, Bhutan, China, Fiji, India, Indonesia, Malaysia, Mongolia, Nepal, Pakistan, Papua New Guinea, Philippines, Republic of Korea, Sri Lanka, Thailand, Viet Nam, Hong Kong), and observers from the Asian Patent Attorneys Association (APAA), the International Federation of Inventors' Associations (IFIA) and the Philippines. The list of participants appears at the end of this Note.

Lectures were delivered by invited speakers from India, Japan, Sweden and the United States of America and by officials of WIPO; each lecture was followed by an open forum during which participants addressed questions to the lecturers and to the Director General, or made statements or comments concerning the experience of their respective countries, associations or federations in the field of industrial property generally or specifically in relation to the encouragement and promotion of indigenous inventive and innovative activity.

* This Note has been prepared by the International Bureau of WIPO.

The participants agreed on the following conclusions and recommendations:

(a) that the Workshop had been most interesting and useful inasmuch as it had given them the opportunity of acquainting themselves with legal and other measures, policies and practices adopted in countries and territories within and outside the region for the specific purpose of encouraging and assisting indigenous inventors and innovators, as well as the problems encountered in this field in some countries in the region;

(b) that such legal and other measures, policies and practices should be an important consideration in the formulation of laws relating to industrial property in the countries and territories in the region;

(c) that a national industrial property system designed to suit the developmental objectives of a country or territory in the region, including patent protection, support for inventive research and development, and assistance and incentives to indigenous inventors, could play an important role in the encouragement, promotion and diffusion of inventions and innovations in the countries and territories in the region;

(d) that they welcome the decision of WIPO to offer medals and diplomas to outstanding inventions and inventors in the region;

(e) that, recognizing the value of exchanging information on industrial property systems, legal and other measures, policies and practices prevailing in the region in relation to the encouragement and promotion of indigenous inventive and innovative activity and the problems encountered in their implementation, WIPO be requested, with the assistance of UNDP, to continue organizing meetings at the regional level, as appropriate, in order to promote greater awareness of industrial property in general or on specific topics;

(f) that, in order to promote creative intellectual activity in the region, WIPO be requested, with the assistance of UNDP, to explore the possibility of organizing meetings and training courses, at the regional, sub-regional and national levels, for the benefit of inventors/innovators and potential inventors/innovators in the region, utilizing for such meetings and training courses, whenever possible, the facilities and expertise available in other countries and territories in the region, thereby encouraging technical cooperation between or among such countries and territories;

(g) that, in particular, WIPO should consider, at the request of individual countries or territories or groups of countries or territories in the region, organizing meetings, at the national or sub-regional level, on topics such as the different approaches to the formulation of industrial property laws, licensing agreements and arrangements, patent information, assistance and incentives to inventors and innovators,

for the benefit of participants from the government or governments concerned as well as from non-governmental institutions interested in the subject of industrial property;

(h) that, at the instance of individual countries or territories in the region, WIPO be requested to furnish advice and assistance to such countries or territories in gaining access to the technological information contained in patent documents and other related materials;

(i) that they note with interest that the study being prepared by WIPO on institutions, such as industrial property offices, other governmental or non-governmental organizations, including inventors' societies and associations, dealing with the encouragement and promotion of inventive and innovative activity, will take into account the experiences of such offices, organizations, societies and associations in the region;

(j) that WIPO be requested, with the assistance of UNDP, to continue its work on a survey of the industrial property system in the region;

(k) that in the formulation and implementation of the inter-country projects, referred to above, WIPO and UNDP should give due consideration to making the maximum use of the facilities available in and through the Regional Centre for Technology Transfer (RCTT) situated in Bangalore, India, thereby strengthening the Centre's capacity to play its role in the transfer of technology;

(l) that WIPO be requested to publish in a volume the lectures delivered at the Workshop and distribute copies of the volume, as widely as possible, to governmental and non-governmental institutions, organizations, societies and associations, within and outside the region, concerned with the encouragement and promotion of inventive and innovative activity.

LIST OF PARTICIPANTS*

I. States and Government Authorities

Afghanistan: S. Ali; M. A. Ayubi. **Bangladesh:** A. Aminuddin; A. Quader; K. M. S. Ullah. **Bhutan:** N. D. Dukpa; T. R. Sharma. **China:** Wu Huijin; Yang Daosheng. **Fiji:** I. V. Helu (Ms.). **India:** M. P. Bhatnagar; J. C. Srivastava. **Indonesia:** N. Bakar (Mrs.); G. Hamdani (Miss); I. Noerdin; S. Partinah (Miss). **Malaysia:** N. Abidin (Mrs.); H. Hussain. **Mongolia:** N. Ganhuyag; T. Hasbalor. **Nepal:** S. M. Pradhan; J. B. Rajbhandari. **Pakistan:** R. A. Malik. **Papua New Guinea:** W. Fox; G. E. Harre; E. Kedek; S. Mark; M. Rawali. **Philippines:** E. Bautista; G. O. Catan, Jr.; R. Gonzales; M. B. Marzan; F. Li. Santillan; L. G. Tansinsin (Ms.); T. P. Velasco. **Republic of Korea:** E.-B. Kim; M.-G. Paik. **Sri Lanka:** K. A. D. S. Jayasinghe; N. E. Ratnajeewa. **Thailand:** Kanokphan Chancharaswat (Ms.); Yanyong Phuaoarach. **Viet Nam:** Le Khac Trung; Tran Cuc. **Hong Kong:** Shum Lap Shing; Sum Chee Wan Daniel.

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

II. International Organizations

Asian Patent Attorneys Association (APAA): R. Abiera, Jr.; A. Q. Ancheta; D. M. Guevara; N. Laman; E. Narciso, Jr.; A. Ongsioco; A. Saludo; J. S. J. Sayoc; A. Velicaria; C. Ultasart.
International Federation of Inventors' Associations (IFIA): L. B. Knulrud.

III. Invited Speakers

U. Baxi (India); E. J. Brenner (United States of America); S. Inouye (Japan); O. Storakers (Sweden).

IV. Philippine Observers

N. Aboganda; F. A. Adriano; C. P. Bucca1; G. A. Calleja; C. Castañeto (Ms.); F. Catacutan (Ms.); C. Cazeñas; R. Collanles; R. Concepcion; J. D. Eisma; C. Embradora; T. Fulgado (Ms.); G. Javier (Ms.); S. Javier; A. Laya, Jr.; J. L. Ledesma; R. T. Macam; C. Magno; J. Magno; J. Manzano; M. L. Nonato; C. Pascual (Ms.); R. Pasola; A. Patriarca (Ms.); R. B. Ramizo (Ms.); D. V. Reyes (Mrs.); R. Salido; S. Sian; Z. P. Teruel (Ms.); A. Tolentino; M. Torres.

V. United Nations Development Programme (UNDP)

B. R. Devarajan (*Resident Representative*); A. Y. Morvan (*Deputy Resident Representative*); K. Wilairai (*Assistant Resident Representative*); C. Espina (*Administrative Officer*); L. Santos (Ms.) (*Fellowship Officer*).

V. WIPO

A. Bogsch (*Director General*); F. Moussa (*Head, External Relations Section, External Relations and Development Cooperation Policy Division*); L. Kadirgamar (*Head, Development Cooperation Policy Section, External Relations and Development Cooperation Policy Division*); I. Pike-Wanigasekara (Mrs.) (*Assistant, Office of the Director General*); R. Andary (*Senior Patent Information Officer, General Patent Information Section, Classifications and Patent Information Division*).

WIPO/OAU/ECA

Seminar on Intellectual Property for Newly Independent African Countries

(Bissau, May 19 to 22, 1980)

NOTE*

In cooperation with the Organization of African Unity (OAU) and the United Nations Economic Commission for Africa (ECA), WIPO organized a Seminar on Intellectual Property for Newly Independent African Countries in Bissau from May 19 to 22,

1980, at the invitation of the Government of Guinea-Bissau and with the financial support of the United Nations Development Programme (UNDP).

The aim of the Seminar was to contribute to the implementation of Resolution 32/19 adopted by the United Nations General Assembly at its 1979 session under the heading "Cooperation Between the United Nations and the OAU." Its purpose was to inform participants on the role of intellectual property in development and to present to them WIPO's development cooperation program and the benefits they could derive from it.

Of the eight newly independent African States invited (Angola, Cape Verde, the Comoros, Djibouti, Guinea-Bissau, Mozambique, Sao Tome and Principe, and the Seychelles) three, Angola, Cape Verde and Guinea-Bissau, were represented. In addition, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the UNDP, the West African Economic Community (CEAO) and the Union of National Radio and Television Organizations of Africa (URTNA) were represented by observers. There were also 14 observers from Guinea-Bissau. Invited lecturers from Brazil and Portugal and officials of WIPO introduced the working papers and led the discussions. The list of participants appears at the end of this Note. The working languages of the Seminar were French and Portuguese.

The Seminar was opened by the Prime Minister of Guinea-Bissau. Mr. J. Gomes Cardoso, Delegate representing the Ministry of Trade, Industry and Crafts of Guinea-Bissau was elected Chairman.

After a lively discussion, in which the relevance to development of national systems of intellectual property and international cooperation in that field was fully explored, the participants adopted a vote of thanks to the host Government and the following recommendation:

RECOMMENDATION

The participants at the Seminar on Intellectual Property for Newly Independent African Countries, meeting at Bissau from May 19 to 22, 1980,

— *Having noted* the role that industrial property and literary and artistic property can play in their development,

— *Wishing* to see the newly independent African countries organize themselves efficiently in those two fields,

— *Taking into account* WIPO's technical-legal assistance program in favor of developing countries,

1. *Recommend the Governments of the newly independent African countries to take the following measures:*

- (a) train intellectual property personnel;
- (b) draw up and promulgate national laws on industrial property and literary and artistic property;
- (c) set up the structures needed to implement those laws;
- (d) participate more extensively in the activities of WIPO and consider the possibility of acceding to the Convention establishing that Organization (WIPO Convention);

2. *Recommend WIPO:*

- (a) to increase its assistance to the newly independent African countries; and, in particular,

* This Note has been prepared by the International Bureau of WIPO.

- (b) to make available to them, as far as possible, a larger number of training fellowships;
- (c) to consider, with the assistance of the OAU, ECA and UNDP, the organization of further seminars to enable them to acquire a better understanding of those aspects of intellectual property that could not be discussed in depth at Bissau;

3. *Noted with satisfaction* that WIPO plans to organize, for all African countries, a seminar on industrial property at Khartoum and, jointly with Unesco and ILO, a seminar on copyright and neighboring rights at Lomé;

4. *Appreciated* at the Seminar the cooperation existing between WIPO, OAU and ECA, which could be extended to other African organizations, such as the CEAO;

5. *Noted with satisfaction* the offer made by the National Institute of Industrial Property of Brazil to contribute to WIPO's program of assistance in their favor.

LIST OF PARTICIPANTS*

I. States

Angola: A. Fernandes Junior; M. M. Sousa Monteiro Oliveira e Silva. **Cape Verde:** V. V. Benros de Melo Duarte (Mrs.). **Guinea-Bissau:** *Delegates:* J. Gomes Cardoso; L. Gomes; H. Proença Mendes Tavares; *Observers:* U. d'Avila Branco (Mrs.); P. Kanfome; L. A. Ventura; F. J. de Castro Fernandes; A. A. Duarte; M. L. Buscardine (Mrs.); D. Mendoga; R. J. Dias Cabral; B. Correia; J. M. Jaquite; S. Arsenic (Mrs.); M. M. Mendes; L. Ferreira Monteiro; L. A. Ramos Monteiro.

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

II. United Nations Organizations

United Nations Educational, Scientific and Cultural Organization (UNESCO): A. Amri. **United Nations Development Programme (UNDP):** A. Tchitov.

III. Intergovernmental Organizations

West African Economic Community (CEAO): M. Maiga.

IV. Non-Governmental Organizations

Union of National Radio and Television Organizations of Africa (URTNA): A. Marzouki.

V. Invited Speakers

A. C. Bandeira (Brazil); A. M. Pereira (Portugal).

VI. WIPO and Cooperating Organizations

World Intellectual Property Organization (WIPO): K.-L. Liger-Laubhouet (Mrs.) (*Deputy Director General*); I. Thiam (*Director, External Relations and Development Cooperation Policy Division*).

Organization of African Unity (OAU): M. Diouf (*Head, Cultural Section, Addis Ababa*).

United Nations Economic Commission for Africa (ECA): Y. Diakite (*Professeur IDEP, Dakar*).

General Studies

The Working of Patents in Argentina

O. ETCHEVERRY*

News Items

MALAWI

Registrar of Patents, Trade Marks and Designs

We have informed that Mr. Ponomo Arnold Msiska has been appointed Registrar of Patents, Trade Marks and Designs.

UNITED STATES OF AMERICA

Industrial Innovation

On October 31, 1979, President Jimmy Carter submitted to the Congress of the United States of America a Special Message on Industrial Innovation.* Excerpts from that message follow.

Industrial innovation—the development and commercialization of new products and processes—is an essential element of a strong and growing American economy. It helps ensure economic vitality, improved productivity, international competitiveness, job creation, and an improved quality of life for every American. Further, industrial innovation is necessary if we are to solve some of the Nation's most pressing problems—reducing inflation, providing new energy supplies and better conserving existing supplies, ensuring adequate food for the world's population, protecting the environment and our natural resources, and improving health care.

Our Nation's history is filled with a rich tradition of industrial innovation. America has been the world leader in developing new products, new processes, and new technologies, and in ensuring their wide dissemination and use. We are still the world's leader. But our products are meeting growing competition from abroad. Many of the world's leading industrial countries are now attempting to develop a competitive advantage through the use of industrial innovation. This is a challenge we cannot afford to ignore any longer. To respond to this challenge, we must develop our own policies for fostering the Nation's competitive capability and entrepreneurial spirit in the decades ahead. This Message represents an important first step in that direction.

I am today announcing measures which will help ensure our country's continued role as the world leader in industrial innovation. These initiatives address nine critical areas:

Enhancing the Transfer of Information
 Increasing Technical Knowledge
 Strengthening the Patent System
 Clarifying Anti-trust Policy
 Fostering the Development of Small Innovative Firms
 Opening Federal Procurement to Innovations
 Improving Our Regulatory System
 Facilitating Labor/Management Adjustment to Technical Change
 Maintaining a Supportive Climate for Innovation.

Initiatives

1. Enhancing the Transfer of Information. Often, the information that underlies a technological advance is not known to companies capable of commercially developing that advance. I am therefore taking several actions to ease and encourage the flow of technical knowledge and information. These actions include establishing the Center for the Utilization of Federal Technology at the National Technical Information Service to improve the transfer of knowledge from Federal laboratories; and, through the State and Commerce Departments, increasing the availability of technical information developed in foreign countries.

3. Strengthening the Patent System. Patents can provide a vital incentive for innovation, but the patent process has become expensive, time-consuming, and unreliable. Each year, fewer patents are issued to Americans. At my direction, the Patent and Trademark Office will undertake a major effort to upgrade and modernize its processes, in order to restore the incentive to patent—and ultimately develop—inventions. I will also seek legislation to provide the Patent and Trademark Office with greater authority to re-examine patents already issued, thereby reducing the need for expensive, time-consuming litigation over the validity of a patent.

For over 30 years the Federal agencies supporting research and development in industry and universities have had conflicting policies governing the disposition of pertinent rights resulting from that work. This confusion has seriously inhibited the use of those patents in industry. To remove that confusion and

* See 125 Congressional Record H 10046 (H.Doc.No. 96-214).

encourage the use of those patents I will support uniform government patent legislation. That legislation will provide exclusive licenses to contractors in specific fields of use that they agree to commercialize and will permit the government to license firms in other fields. If the licensee fails to commercialize the inventions, the government will retain the right to recapture those rights. I will also support the retention of patent ownership by small businesses and universities, the prime thrust of legislation now in Congress, in recognition of their special place in our society.

....

9. Maintaining a Supportive Federal Climate. The initiatives announced in this Message are only the first steps in our efforts to ensure American technological strength. We must also develop and maintain a climate conducive to industrial innovation. The Federal government must take the lead in creating that climate. And the Federal government's efforts must be continuing ones. I am committed to these goals.

I am charging the National Productivity Council with the continuing tasks of monitoring innovation, developing policies to encourage innovation and assisting the Departments and agencies in implementing the policies announced today. I am also establishing a Presidential award for technological innovation to make clear to this Nation's inventors and entrepreneurs that we place the highest national value on their contributions.

Each of the initiatives I have just proposed supports an important component in the innovation process. In combination, these initiatives should make a major difference in our Nation's ability to develop and

pursue industrial innovation. However, these incentives will not by themselves solve our current difficulties in encouraging needed innovation. In our economic system, industrial innovation is primarily the responsibility of the private sector. The manager of the firm must decide whether to develop and market innovative new products or whether to find and employ new ways of making existing products. Although the Federal government can establish a climate that encourages innovative activity, it is the private sector that finally determines whether innovation will take place.

....

Conclusion

Innovation is a subtle and intricate process, covering that range of events from the inspiration of the inventor to the marketing strategy of the eventual producer. Although there are many places in the chain from invention to sale where we have found modification of Federal policy to be appropriate, there is no one place where the Federal government can take action and thereby ensure that industrial innovation will be increased. We have therefore chosen a range of initiatives, each of which we believe to be helpful. In aggregate, we expect them to have a significant impact. Nonetheless, they represent only an early skirmish in what must be a continuing battle to maintain the technological strength of the American economy. I pledge myself to this task and ask the Congress to join me in meeting our common challenge.

Editor's Note:

The following additional information has been received from the U.S. Patent and Trademark Office:

Initiative 1 (Enhancing the Transfer of Information): The Center for the Utilization of Federal Technology is scheduled to begin operations on October 1, 1980.

Initiative 3 (Strengthening the Patent System): Legislation is under consideration in the House of Representatives which would establish a patent re-examination system and a uniform government

patent policy and, in addition, would modernize the budgeting system of the Patent and Trademark Office, establish a maintenance fee system and raise the fee recovery rate for application processing.

Initiative 9 (Maintaining a Supportive Federal Climate): A Subcommittee of the National Productivity Council charged with monitoring and encouraging innovation began meeting in 1980. It is chaired by the Assistant Secretary for Productivity, Technology and Innovation of the Department of Commerce.

Calendar

WIPO Meetings

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

1980

- October 6 to 10 (Geneva) — Locarno Union — Committee of Experts
- 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) and PCT Committee for Technical Cooperation
- November 17 to 21 (Geneva) — Berne Union and Universal Copyright Convention — Working Group on the overall problems posed for developing countries concerning access to works protected under copyright conventions (convened jointly with Unesco)
- November 24 to 28 (Vienna) — Permanent Committee on Patent Information (PCPI) — Working Group on Search Information — Subgroup on IPC Class B 60
- November 24 to December 5 (Geneva) — Nice Union — Committee of Experts
- December 1 to 3 (Lomé) — Development Cooperation — African Regional Seminar on Copyright (convened jointly with Unesco)
- December 1 to 5 (Paris) — Permanent Committee on Patent Information (PCPI) — Working Group on Search Information — Subgroup on IPC Class G 01, etc.
- December 4 and 5 (Lomé) — African Regional Seminar on Neighboring Rights (convened jointly with ILO and Unesco)
- December 8 to 12 (Geneva) — International Patent Classification (IPC) — Committee of Experts
- December 15 to 19 (Paris) — Berne Union — Committee of Governmental Experts on Problems Arising from the Use of Computers (convened jointly with Unesco)

UPOV Meetings

1980

- 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

1980

- European Patent Organisation: December 8 to 12 (Munich) — Administrative Council
- International Association for the Protection of Industrial Property: November 16 to 21 (Buenos Aires) — 31st Congress
- Pacific Industrial Property Association: October 22 to 24 (Tokyo) — 11th International Congress

