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Industrial Property

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World Intellectual Property Organization (WIPO)

Contents

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International Unions

Nice Agreement

I

Accession

SURINAME

The Government of Suriname deposited, on July 24, 1981, its instrument of accession to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977.

The Geneva Act (1977) of the said Agreement will enter into force with respect to Suriname on Decemher 16, 1981.

Nice Notification No. 51, of September 16, 1981.

II

Withdrawal

POLAND

The Swiss Federal Department of Foreign Affairs addressed the following notification to the Governments of the member States of the Nice Agreement:

"By note of 30 June 1981, received on 20 July 1981, the Embassy of the Polish People's Republic in Berne has informed the Federal Department of Foreign Affairs that the Government of Poland, in conformity with Article 9, paragraph 1, decided to withdraw from the Nice Agreement for the international classification of goods and services to which trademarks are applied, concluded on 15 June 1957.

"This withdrawal is notified to the Governments of member States to the Agreement and will take effect, in conformity with Article 2, paragraph 2, on 20 July 1982.

"Berne, 7 August 1981." (Translation)

Patent Cooperation Treaty (PCT)

Ratification

BELGIUM

The Government of Belgium deposited, on September 14, 1981, its instrument of ratification of the Patent Cooperation Treaty (PCT) done at Washington on June 19, 1970.

The said Treaty will enter into force, with respect to Belgium, on December 14, 1981.

PCT Notification No. 36, of September 15, 1981.

WIPO Meetings

Round Table of University Professors on Teaching and Research in Intellectual Property Law

(Geneva, July 14 to 16, 1981)

NOTE*

The Round Table of University Professors on Teaching and Research in Intellectual Property Law was organized by WIPO and took place at the headquarters of WIPO from July 14 to 16, 1981.

Sixty-eight persons engaged in teaching or research in the field of intellectual property law attended the WIPO Round Table. They came from the following 30 countries: Argentina, Barbados, Belgium, Brazil, Canada, China, Colombia, Finland, France, Germany (Federal Republic of), Greece, Hungary, India, Israel, Italy, Japan, Mexico, Netherlands, Nigeria, Peru, Philippines, Poland, Soviet Union, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America, Yugoslavia. The list of participants follows this Note.

The WIPO Round Table provided a forum for an exchange of views on teaching and research in the law of intellectual property at universities and similar institutions. It also served as the occasion to launch the International Association for the Advancement of Teaching and Research in Intellectual Property.[1]

The WIPO Round Table was the follow-up of an earlier round table, organized by WIPO in October 1979,[2] at which university professors in the field of industrial property law had had a first exchange of views on the role that teaching and research have in respect of the development of the law of intellectual property and its practical application. The participants at the 1979 round table had recommended that WIPO organize a second round table of an enlarged circle of professors and researchers, including not only those concerned with industrial property but also copyright and other subjects of intellectual property.

The WIPO Round Table was opened by the Director General of WIPO, Dr. Arpad Bogsch. In his opening speech, the Director General drew attention to the contribution which universities and research institutions could make to the development of the protection of intellectual property, particularly by analyzing and proposing improvements to existing laws and institutions and by providing a framework for the training of lawyers as specialists in the law of intellectual property.

The program of the WIPO Round Table included the following topics in respect of teaching and research in intellectual property law: the present status of teaching and research in the various countries of the world; the purposes and methods of teaching and research and their relationship to the objectives of the protection of intellectual property; the influence of teaching and research on the growth of the law of intellectual property and on its role in economic, scientific, cultural and social development; the scope and content of courses and whether the law of intellectual property (or one or more of its objects) should be taught as a separate course in the university curriculum; the teaching of the law of intellectual property in technical schools and in professional institutes; cooperation in teaching and research among educational institutions, international and regional organizations and professional associations; the special problems of teaching and research in developing countries; the protection of the results of research undertaken by professors and researchers in universities or similar institutions and orientation programs for teaching and research, including visiting professors' trips and means for exchanging information. Each topic was introduced by a discussion leader. The ensuing discussions were based on the themes suggested by the discussion leader and on the ideas set forth in the papers presented by the participants as well as on the oral comments made by a number of them. In all, a total of 18 papers were submitted to the WIPO Round Table.

LIST OF PARTICIPANTS*

I. University Professors

G.A. Ancarola, Escuela Superior de Economía y Administración de Empresas *(Argentina)*; E.D. Aracama Zorraquín, Universidad Católica Argentina *(Argentina)*; P.-L. Aro, University of Helsinki *(Finland)*; K. Avila-Pereira, Faculdade de Dereito Candido Mendes *(Brazil)*; J. Azéma, Centre Paul Roubier, Université Jean Moulin (Lyon III) *(France)*; D.W. Banner, John Marshall Law School *(United States of America)*; E. B. Bautista, University of the Philippines Law Center

*This Note has been prepared by the International Bureau.

[1] For the Note on the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP) and on the first session of its Assembly, see p. 255.

[2] See *Industrial Property*, 1980, p. 74.

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

(Philippines); U. Baxi, University nf Delhi *(India)*; F.-K. Beier, Max Planck Institute for Foreign and International Patent, Copyright and Competition Law *(Germany (Federal Republic of))*; A. Bercovitz Rodríguez-Cano, Universidad Nacioñal de Educación a Distancia *(Spain)*; J. Błeszyński, Université de Varsovie *(Poland)*; G.H.C. Bodenhausen *(Switzerland)*; D. Bradshaw, University of the West Indies *(Barbados)*; L. Van Bunnén, Université de Louvain-la-Neuve *(Belgium)*; D.V. Cerović, Kragujevac University *(Yugoslavia)*; A. Cbavanne, Centre Paul Roubier, Université Jean Moulin (Lyon III) *(France)*; A. Chaves, Universidade de São Paulo *(Brazil)*; Chen Ruifang, Patent Office of the People's Republic of China *(China)*; J. Corbet, Université de Bruxelles *(Belgium)*; W.R. Cornish, London School of Economics, University of London *(United Kingdom)*; F. Curchod, Université de Neuchâtel *(Switzerland)*; S.K. Date-Bah, University of Calabar *(Nigeria)*; F. Dessemontet, Université de Lausanne *(Switzerland)*; A. Dietz, Max Planck Institute for Foreign and International Patent, Copyright and Competition Law *(Germany (Federal Republic of))*; T. Doi, Waseda University *(Japan)*; A. Donati, Universitá degli studi di Perugia *(Italy)*; V.A. Dosortsev, All-Union Reserach Institute for Soviet Legilsation *(Soviet Union)*; G. Dwnrkin, University of Southampton *(United Kingdom)*; A. Françon, Université de droit, d'économie et de sciences sociales de Paris *(France)*; W.T. Fryer III, University of Baltimore *(United States of America)*; B. Godenhielm, University of Helsinki *(Finland)*; J.A. Gómez Segade, Instituto de Derecho Industrial di Santiago de Compostela *(Spain)*; F. Gotzen, Université catholique de Louvain *(Belgium)*; M. de Haas, Centre d'études internationales de la propriété industrielle (CEIPI), Université de Strasbourg III *(France)*; L. Homqvist, University of Lund *(Sweden)*; G. Karnell, Stockholm School of Economics *(Sweden)*; P. Katzenberger, Max Planck Institute for Foreign and International Patent, Copyright and Competition Law *(Germany (Federal Republic of))*; B. Kresalja, Universidad Católica de Lima *(Peru)*; H.P. Kunz-Hallstein, Max Planck Institute for Foreign and International Patent, Copyright and Competition Law *(Germany (Federal Republic of))*; J. Lahore, Queen Mary College, University nf London *(United Kingdom)*; G.E. Larrea Richerand, Universidad Nacinnal Autonoma de Mèxico *(Mexico)*; E. Lontai, Eötvüs Loránd University *(Hungary)*; V.M. Mangini, Universitá di Bologna *(italy)*; E. Martin-Achard, Université de Genève *(Switzerland)*; N. Mezghani, Université de Tunis *(Tunisia)*; V. Nabban, Université Laval *(Canada)*; A.S. Oddi, Northern Illinois University *(United States of America)*; E.D. Offner, Hofstra University *(United States of America)*; J.M. Otern Lastres, Universidad de Leon *(Spain)*; M. Pachón, Universidad Católica Javeriana *(Colombia)*; P. paes, Universidade de São Paulo *(Brazil)*; M.M. Pedrazzini, Université de Zurich et Haute Ecole de St-Gall *(Switzerland)*; M.-A. Pérot-Morel, Université des sciences sociales de Grenohle *(France)*; J. Phillips, University of Durbam *(United Kingdom)*; Y. Plasseraud, Ecole de travaux publics et Centre d'études internationales de la propriété industrielle (CEIPI) *(France)*; K. Polyzogopoulos, University of Athens *(Greece)*; M. Pnżniak-Niedzielska, Université de Lublin *(Poland)*; S. Pretnar, Commercial University of Ljubljana *(Yugoslavia)*; D. Rangel Medina, Universidad Nacional de Mèxico *(mexico)*; J. Serda, Université Jagellnnne de Cracovie *(Poland)*; Gun Shoukang, The People's University of China *(China)*; N. Silveira, Universidade de São Pauln *(Brazil)*; L. Sordelli, Universitá di Siena *(Italy)*; V Spaić, Université de Sarajevo *(Yugoslavia)*; J. Szwaja, Université Jagellonne de Cracovie *(Poland)*; D.W.F. Verkade, University nf nijmegen *(Netherlands)*; J. Weisman, The Hebrew University of Jerisalem *(Israel)*; G.E. Weston, The George Washington University *(United States of America)*.

II. International Bureau of WIPO

A. Bogsch *(Director General)*; G.A. Ledakis *(Legal Counsel)*.

Group of Consultants on Questions Relating to Trademarks and Developing Countries

First Session
(Geneva, July 6 to 10, 1981)

NOTE*

A Group of Consultants on questions relating to trademarks and developing countries met at WIPO headquarters in Geneva from July 6 to 10, 1981. The consultants, invited by the Director General of WIPO, came from the following twelve countries: Argentina, China, France, Germany (Federal Republic of), Hungary, Israel, Japan, Mexico, Nigeria, Soviet Union, Tunisia, United States of America. Half of the consultants were government officials, and half were from the private sector. The list of participants follows this Note.

The consultants examined documents containing three draft memoranda prepared by WIPO on "The Role of Trademarks in the Economic Development of Developing Countries," on "Trademark Licensing and Developing Countries" and on "Industrial Property Aspects of Consumer Protection." The first two documents will be revised and expanded on the basis of the views expressed by the consultants; once finalized, they could assist developing countries in establishing their legislative and administrative policy concerning trademarks and trademark licensing, and serve as guidelines for WIPO's development cooperation activities in this field. The third document has been submitted to governments and interested organizations with a request for comments by the end of 1981; comments made by members of the Group of Consultants will also be taken into account.

The draft memorandum on the role of trademarks in the economic development of developing countries dealt first with the relevant facts: the actual use of trademarks in developing countries; their functions, the purpose and nature of the legal protection of trademarks; the existing legislative and administrative systems; the number and origin of trademark applications in developing countries; trademark applications filed abroad by enterprises from developing countries; and the amount and importance of trademark licenses in developing countries. Two annexes provided statistical information on the filing of trademark applications in and from developing countries. The draft memorandum then examined possible policy objectives for developing countries in the field of trademarks; it pointed out that each country, before establishing its own such objectives, needs to assess the interests—sometimes concordant, sometimes conflicting—of a number of parties, including domestic enterprises owning trademarks, those using them under licenses and those using certain

*This Note has been prepared by the Internatinnal Bureau.

designations as generic terms, foreign enterprises owning trademarks and those using certain designations as generic terms, consumers, information media carrying advertisements, the public in general and the government. The draft continued with a discussion of possible contributions of trademarks to economic development, instruments for the implementation of policy objectives and measures promoting the use of trademarks by domestic enterprises, ensuring adequate protection in the country and abroad, concerning registered trademarks which are not used, ensuring efficient administrative procedures and concerning foreign trademarks.

The Group of Consultants gave advice on revising and expanding the draft memorandum, particularly as regards additional emphasis to be given to certain subjects (for example, the quality function of trademarks and their function in industrialization, assistance in marketing abroad, legislative and administrative systems, desirable systems of examination, international registration).

The Group of Consultants agreed that it was in the interest of developing countries to bave an effective trademark system, which stimulated local production and promoted the rationalization and modernization of commercial and marketing practices in developing countries. Such a system in developing countries was considered important for enterprises of such eountries not only in order to facilitate the eommercialization of their products and services on the domestic market but also because adequate trademark protection in one's own country constituted a first step in securing such protection abroad, whieh was essential for exporting such products and services.

The draft memorandum on trademark licensing and developing countries presented an inventory, in a summary manner, of the advantages and risks of trademark licensing in relation to such countries. The advantages and risks were listed separately for the licensor, the licensee, the consumer and the country. The draft concluded with a discussion of measures that could be considered at the national level to lessen the risks that a trademark license may present for the licensee, the consumer and the country (prohibition, regulation by recording or by registration after examination).

The Group of Consultants considered that trademark licensing constituted one of the most important aspects of the role of trademarks in the economie development of developing countries. Several consultants thought it would be desirable to examine the question whether the licensing of a trademark, without a eorresponding transfer of technology, posed any advantages for the licensee of a developing country and was in any way in the interest of that country. It was also mentioned that the commercial advantages of trademark licensing should be emphasized, both as regards the licensor for whom trademark licensing could provide a tool for helping him enter other markets in various countries at the same time, and as regards the licensee, for whom the license of a well-known trademark could be helpful in commereializing his products or services faster than without such trademark and at a lower price than if he had purchased the trademark or had developed his own trademark.

It was suggested particularly that the possible disadvantages both for the licensor and for the licensee should be further examined, as regards possible dilution of trademarks, loss of goodwill and possible deterioration into a generic term for the licensor, and restrietive clauses for the licensee, the country and possibly consumers.

In relation to measures which might be adopted to prevent the disadvantages of trademark licensing, the Group of Consultants was of the opinion that it would be most useful for the International Bureau to analyze tbe alternative approaches available to developing countries, examining in partieular whether trademark license contracts should be subject to government control, and if so, in what manner and to what extent, and whether trademark license contracts between a foreign licensor and a national licensee should be governed by a different legal regime than trademark license contracts concluded between nationals.

Referring to the desirability of giving wide publieity to the documents, when finalized after revision and expansion, and possibly eombined in some respects, the Group of Consultants was in general agreement that trademarks played an ever-increasingly important role in tbe economic development of developing eountries. It was, therefore, of utmost importance for developing eountries to better understand the role trademarks played in the development process so as to be in a better position to formulate adequate policies and establish effective trademark systems that would not only be eonsistent with but also, and most important, contribute to the development objectives of those countries.

LIST OF PARTICIPANTS*

I. Consultants

J. Alvarez Soberanis *(Mexico)*; E. Aracama Zorraquín *(Argentina)*; H.O. Blair *(United States of America)*; M. Bognár *(Hungary)*; Duan Youlin *(China)*; M. Gabay *(Israel)*; D. Garrick *(Nigeria)*; A.N. Grigorjev *Soviet Union)*; K. Gueblaoui *(Tunisia)*; G. Julliard *(France)*; S. Kimura *(Japan)*; Wang Wenke (accompanied by Wang Pin Ying) *(China)*; F. Winter *(Germany (Federal Republic of))*.

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

II. Officers

Chairman: J. Alvarez Soberanis (Mexico). *Vice-Chairmen:* H.O. Blair (United States of America); A.N. Grigorjev (Soviet Union). *Secretary:* H. Lom (WIPO).

III. International Bureau of WIPO

K. Pfanner *(Deputy Director General)*; L. Baeumer *(Director, Industrial Property Division)*; F. Curchod *(Head, Industrial Property Law Section, Industrial Property Division)*; H. Lom *(Legal Officer, Industrial Property Law Section)*.

Activities of Other Organizations

International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP)

Assembly (First Session)
(Geneva, July 15, 1981)

NOTE*

The International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP) held its first session at Geneva on July 15, 1981. University professors and researchers from the following 30 countries attended the session: Argentina, Barbados, Belgium, Brazil, Canada, China, Colombia, Finland, France, Germany (Federal Republic of), Greece, Hungary, India, Israel, Italy, Japan, Mexico, Netherlands, Nigeria, Peru, Philippines, Poland, Soviet Union, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America, Yugoslavia.

The International Association for the Advancement of Teaching and Research in Intellectual Property was established on the eve of the opening of the WIPO Round Table of University Professors on Teaching and Research in Intellectual Property Law which was organized by WIPO at its headquarters in Geneva from July 14 to 16, 1981.[1] The plans for the creation of the International Association stem from the recommendation made by the participants at an earlier round table, organized by WIPO in 1979,[2] that the Director General of WIPO convene a small group of professors to prepare a draft of the constitution of an international association of professors and researchers in the field of intellectual property law. That small group of professors met in April 1980 and prepared the draft of the Constitution of the International Association which was then circulated to the participants of the 1979 Round Table for their views and acceptance. The creation of the International Association was announced at the 1981 WIPO Round Table and was opened for signature on that occasion to those who had been invited to that Round Table. The Constitution was signed at a special signing ceremony, held on July 14, 1981, by 69 professors and researchers.

The general objective of the International Association is to contribute to the advancement of teaching and research in the field of the law of intellectual property. Specific objectives are to be pursued by the International Association in respect of teaching, including, *inter alia*, that more time and attention be devoted by universities and similar institutions to the teaching of the law of intellectual property, including the comparative and international, as well as the social and economic, aspects of that law, and that improved teaching materials and methods be used in the field of the law of intellectual property. In respect of research, the International Association devotes its attention to the social and economic facts, interests and needs which are relevant to the development of the law of intellectual property, to the comparative and international aspects of that law and to its history. The means of action specified in the Constitution of the International Association include contacts among professors and among researchers, the compilation, dissemination or exchange of teaching aids and the exchange of information about research projects.

The membership of the International Association consists of the professors and researchers who signed its Constitution at the signing ceremony previously referred to. Any other professor or researcher whom the Executive Committee invites to signify his acceptance of membership may also become a member.

Institutions specialized in teaching or research in the field of intellectual property may become Cooperating Institutions and may be represented in the Assembly and other meetings of the International Association. Further, the Assembly of the International Association is authorized to conclude agreements of cooperation with WIPO, regional or other intergovernmental organizations, associations of members of the legal profession, universities or similar institutions, research institutions and other public or private establishments dealing with matters in the field of the law of intellectual property.

The first session of the Assembly of the International Association was opened by the Director General of

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

[1] For the Note on the Round Table of University Professors on Teaching and Research in Intellectual Property Law, see p. 252.

[2] See *Industrial Property*, 1980, p. 74.

WIPO, Dr. Arpad Bogsch. The Assembly elected as the officers of the International Association the following: President: Professor Friedricb-Karl Beier, Director, Max Planck Institute for Foreign and International Patent, Copyright and Competition Law, Munich (Federal Republic of Germany); President-Elect: Professor Ernesto D. Aracama Zorraquín, Profesor ordinario titular de Derecho Industrial de la Facultad de Derecho y Ciencias Politicas, Universidad Católica Argentina, Buenos Aires (Argentina); Vice-Presidents: Professor Upendra Baxi, Faculty of Law, University of Delhi, Delhi (India), Professor W.R. Cornish, London School of Economics, University of London, London (United Kingdom), Professor Janusz Szwaja, Directeur de l'Institut de l'activité inventive et de la protection de la propriété intellectuelle près l'Université Jagellonne de Cracovie, Cracow (Poland), Professor Glen E. Weston, S. Chesterfield Oppenheim Professor of Antitrust and Trade Regulation Law, The George Washington University, Washington, D.C. (United States of America); Treasurer: Professor Michel de Haas, Professeur à l'Université de Strasbourg III, Vice-président du Conseil d'administration du Centre d'études internationales de la propriété industrielle (CEIPI), Strasbourg (France). The officers of the International Association also constitute its Executive Committee. Tbe seat of the International Association is at the address of its President.

At its first session, the Assembly of the International Association fixed the amount of the annual membership dues, and formulated a number of suggestions concerning activities that should be undertaken hy the International Association, and authorized the Executive Committee to adopt a program and budget for 1982. In addition, in accordance with the provision of the Constitution of the International Association which provides that at each ordinary session of the Assembly at least one matter of general interest to teaching or research in the field of the law of intellectual property shall be discussed, an exchange of views took place on the topic entitled "tbe protection of the results of research undertaken hy professors and researcbers in universities or similar institutions." That topic was also one of the themes of the WIPO Round Table.

Further, the Assembly paid special trihute to the Director General of WIPO for his initiative in the creation of the Association and expressed its thanks to WIPO for the efforts of the International Bureau that made the creation of the International Association possihle.

It is to be noted that two members of the WIPO staff who are law professors, namely, Gust Ledakis (Legal Counsel) and François Curchod (Head, Industrial Property Law Section, Industrial Property Division), are among the members of the International Association.

Law Association for Asia and the Western Pacific (LAWASIA)

Conference

(Bangkok, August 8 to 12, 1981)

NOTE*

The seventh LAWASIA Conference, attended hy over 300 delegates from 16 countries, was held in Bangkok, Thailand, from August 8 to 12, 1981, and was opened by His Majesty tbe King of Thailand. LAWASIA, which meets in conference every two years, is a professional, non-governmental association of private lawyers, government lawyers, judges and law teachers from countries of Asia and the Pacific. The conference agenda included topics relating to commercial, criminal, investment and social law and technology licensing in Asia.

A meeting of the LAWASIA Intellectual Property Standing Committee, attended by over 100 delegates, was held during the Conference. The meeting was addressed hy Dr. Arpad Bogsch, Director General, WIPO, on "The Protection of Intellectual Property under tbe Paris and Berne Conventions with reference to the Countries of Asia"; Professor Teruo Doi, Waseda University, Japan (Chairman of the Standing Committee) on "Technological Progress and New Developments in Intellectual Property Law: Japan's Experience"; Mr. Chare Chutharatkul, Director General, Department of Commercial Registration, Ministry of Commerce, Thailand, on "Patents and Trademarks in Thailand"; and Mr. Lakshman Kadirgamar, Head, Section for Relations with States, WIPO, on "National Development and the Protection of Industrial Property: the Asian Experience." WIPO will continue to be associated with the activities to be undertaken by the Standing Committee before the next LAWASIA Conference.

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

General Studies

Innovations in the New Italian Industrial Property Legislation

S. SAMPERI*

Profiles of Licensing Contracts in Italy in the Light of Patent Law Reform

A. FRIGNANI*

News from Industrial Property Offices

GERMANY (FEDERAL REPUBLIC OF)

Activities of the German Patent Office in 1979*

1979 — A Year of Consolidation and Progress

A significant event for the future activities of the German Patent Office was constituted in 1979 by the adoption of the Law approving the Luxembourg Convention for the European patent for the common market and the Law on the Community patent, together with the amendments to the patent regulations made at the same time. In addition to the necessary harmonization of national patent law, the Community Patent Law introduces far-reaching amendments to national patent procedure, which, for the most part, became effective on January 1, 1981.[1] Both Laws constitute the completion of a number of years of amendments to German patent law brought about by the Strasbourg Convention, the Patent Cooperation Treaty and the European Patent Convention. After some initial uncertainty, due to the fact that the reactions of applicants faced with the national and European protection that was being offered could not be foreseen, the German Patent Office constituted in 1979 a consolidated authority. The commencement of examination work by the European Patent Office in all technical areas during the reported year did not bring any noticeable reduction in work load in the patent area. The reticence in applicant activity from abroad compares with a slight increase in applica-

* Excerpted from *Deutsches Patentamt—Jahresbericht 1979.*

[1] For the consolidated text of the German Patent Law, see *Industrial Property Laws and Treaties*, GERMANY, FEDERAL REPUBLIC OF — Text 2-002.

tions by German inventors. This is certainly due to the international currency situation and the possibility of filing applications under the Patent Cooperation Treaty, on the one hand, and the increasingly recognized economic and competitive significance of patents that has caused applicants in the Federal Republic of Germany to file a larger number of applications, on the other.

Despite a further dccrease in staffing strength during the reported year, the German Patent Office has succeeded in reducing the number of patent applications pending during examination and opposition procedures from 117,297 in the preceding year to 114,128.

The development of a further important area in the German Patent Office, tbe Trademark Division, was quite clearly linked to the introduction of service marks on April 1, 1979. The great interest shown by industry in this additional possibility of protection is proved by the fact that 10,000 applications have been filed so far. In the forthcoming years, the German Patent Office will endeavor to deal with the additional work load, using the very small increase in staffing approved for tbe Trademarks Division, and to evolve a reliable practice as regards decisions on this new industrial property right, in order to meet the needs of the users.

Thc German Patent Office itself can no longer forego the introduction of technical methods in order to carry out its multitude of tasks. The extension to the data processing facility, begun in 1979, on the basis of a comprebensive, overall automatic data processing concept, will considerably assist in executing the organizational tasks involved in the granting and administration of industrial property rights. On completion of this work, the significant data concerning a procedure will be available through a central data bank directly to those entitled to interrogate it, thus constituting a considerable improvement also for the general public.

In addition to the granting of protection rights, an ever-increasing significance is assumed by public information on the technological knowledge stored in more than 21,000 patent documents already available to somc extent in the reading rooms of the German Patent Office in Munich and Berlin free of cost. During the reported year, the German Patent Office has continued its efforts to facilitate direct access to patcnt information.

One of thc most ambitious tasks of the Patent Information Center, comprised in the Federal Government's program for the promotion of information and documentation, the most important component of which will be the German Patent Office, is constituted by the improved communication of the available technical knowledge by making use of patent documents.

To inform the public as to tbese plans was one of the reasons for the increased public relations work by the German Patent Office which, in addition to participation in various specialized fairs in 1979, placed special emphasis on cooperation with institutions concerned with matters of technology transfer and innovation consultancy.

Patents

Summary

1979 was a year for German inventors: wbereas 51.8% of all applications in 1978 originated from the Federal Republic of Germany, this figure was 56% for the reported year.

A total of 55,184 patent applications were filed witb the German Patent Office in 1979. Compared with the 58,492 applications in the preceding year, this amounts to a fall of 5.7%.

The largest share of patent applications, 30,879 (56%), came from the Federal Republic of Germany. 555 (1%) applications were filed from the German Democratic Republic and 23,750 (43%) from abroad. The foreign applications comprised 10,583 (44.6%) from European countries and 13,167 (55.4%) from outside Europe. The greatest numbers of foreign applications originated, as in previous years, from the United States of America (7,226), Japan (5,296), France (1,780), Switzerland (1,874) and the United Kingdom (1,451).

41,405 patent applications were dealt with in 1979 in the examination and opposition procedure as compared with 41,473 in 1978. The number of applications remaining to be examined at the close of 1979 amounted to 114,128. That represents 3,169 procedures less than in the preceding year. The average duration of a patent granting procedure, calculated from the filing of the request for examination under Section 28b of tbe Patent Law up to notification, that is to say up to the start of provisional protection under Section 30 of the Patent Law, amounts at present to two years and one montb. This time is extended to two years eight months if tbe opposition procedure is included. Compared witb tbe preceding year, the processing time has been reduced by one month and two montbs, respectively.

49,396 patent specifications were published in 1979 (52,145 in the preceding year). During the same period, 25,774 applications were notified, amounting to practically the same number of applications as in the preceding year. At the same time, 22,534 patents were officially granted (23,514 in the preceding year). The number of patent grantings therefore fell by 980 compared with 1978.

At the close of 1979, a total of 138,062 patents were in force, 6,710 more than at the close of 1978. 1,519 of those were in their 18th year after filing and tbus made use of the hitherto longest possible duration of protection.

Frequency of Patent Applications

The largest number of patent applications received in 1979 are to be found in the area of measuring and testing

(Class G 01) with 3,180 applications, followed hy 2,900 applications in the field of basic electric elements (Class H 01). 2,731 applications were filed in respect of organic chemistry (Class C 07) and 2,502 applications in respect of Class F 16 (engineering elements or units; general measures for producing and maintaining effective functioning of machines or installations; thermal insulation in general). More than 1,500 applications were received in each case in the following tecbnical areas. 2,436 in Class B 65: conveying; packing; storing; handling thin or filamentary material; 2,038 in Class B 60: vehicles in general; and 1,718 in Class A 61: medical and veterinary science; hygiene.

Frequency of Patents Granted

The greatest number of patents granted in 1979—1,488—was again in the field of basic electric elements (Class H 01). This was followed by organic chemistry (Class C 07) with 1,461 and measuring and testing (Class G 01) with 1,232 patents granted. In all other classes, less than 1,000 patents were issued in each case.

Trends and Innovative Activities

A focal point of inventions was to be found in the technical areas of physics.

The activity of inventors increased markedly in the investigation of materials with ultrasonic devices, the investigation of blood and also in the measurement of motor vebicle exhaust fumes. The circle of applicants was extended in these areas. It was also to be observed that the strict requirements of the legislature in tbe field of environmental protection were beginning to have repercussions.

Pulse technology also experienced an increase in innovative activity, particularly analogue—digital converters, coding systems and configurations. This was particularly true of the specialized field of coding technology, known as delta modulation and differential modulation, in respect of the last five years. The relevant inventions concerned hoth the improvement of known configurations and also fundamentally new procedures.

In the fields of telegraphy communication, television and electrical image transmission, innovative activity increased. On the other hand, there was a fall-off in telephone communication, dialling technology and electro-mechanical transducers.

In the fields of plastics and plastic materials and of lubricants, a shift from organic to inorganic plastics continued in a number of subsidiary fields. The atom of carbon is being entirely or partly replaced by silicon or boron. A similar development is taking place in the case of lubricants where there is a trend away from mineral oil to synthetic inorganic oil. This is mainly as a result of the wish to increase the resistance to temperature. In some cases high temperature resistance and inflamability is even achieved. Non-shrinking, hardenahle materials may be regarded as fully developed.

The increased cost of oil has encouraged innovative activity in the field of replacement fuels. The proposed solutions that have been announced are neverthcless still very closely related to already known possihilities. Basically, they hring only gradual improvements.

In chemical technology, the scarcity of rare materials and energy and the increased awareness for environmental protection have made themselves felt. This is shown hy the upward trend in paper recycling, wood pulping in organic solutions and the use of solar energy and heat pumps to produce energy and the preference for low energy chemical processes in large scale plant. In this connection, mention should also be made of new developments in thermal and sound installation, particularly that of multiple window panes.

In the pharmaceuticals sector, thc extension of chemical syntheses hy means of microhiological procedures, together with the associated technologies, such as gene technology, was particularly noticeahle. The microhiological procedures concentrated on immunological and enzyme processes, on the manufacture of antibiotics that generate no resistance and on the manufacture of antihiotics with cytostatic effect.

Utility Models

The number of utility model applications received in 1979 showed a slight drop. 10,962 principal applications *(Gebrauchsmuster-Vollanmeldungen)* were received in 1979 (preceding year 11,655) and 25,903 auxiliary applications *(Gebrauchsmuster-Hilfsanmeldungen)* (27,347 in the preceding year). From the total of 36,865 principal and subsidiary applications (39,002 in the preceding year), 9,438 (25.6%) originated from abroad. Compared with the preceding year (29%), this constitutes a fall-off in foreign applications (3.4% in total), particularly as regards the United Kingdom (−0.8%), France (−0.9%) and the United States of America (−1.1%). In the case of domestic applications, on the other hand, a rising trend is to be noted (+3.5%).

13,654 utility models were registered (13,745 in the preceding year) and 26,843 procedures were completed without registration (26,738 in the preceding year). The processing of subsidiary applications is included in hoth figures. At the close of the year, 4,214 principal applications and 153,254 subsidiary applications were still pending. As a result of the extension of protection from three to six years in the case of 8,468 registered utility models, 66,769 utility models remained in force at the close of the year.

The number of requests for the cancellation of utility models fell to 151 as compared with 179 in the preceding year. 191 utility model application procedures were completed.

During the reported year it was possible to achieve a further reduction in the number of utility model cancellation procedures pending at the end of the year (204 as against 244 in the preceding year).

Trademarks and Service Marks; International Marks

Trademarks and Service Marks

A long-awaited law, and one which bas been particularly supported by commerce, entered into force on April 1, 1979: the "Law on the Registration of Service Marks."[2] It gives the applicant the possibility of obtaining trademark protection at the German Patent Office for service marks.

1979 therefore became the year of the service mark. A total of 10,652 applications for service marks, including 7,369 on the earliest possible filing date (April 2, 1979), proved the considerable interest of undertakings, particularly of the small and medium-sized service companies, in this additional possibility of protection.

As in the preceding years, the number of new applications for trademarks also remained constant in 1979. There were 19,042 as compared with 19,243 in 1978. Altogether in the reported year, 29,694 applications for trademarks and service marks were received. Of these, 6,260 (21.1%) were foreign applications. This exceptional increase in new applications of 54.3% compared with the preceding year constituted an additional work load on the Trademark Division the staff of which had not been noticeably increased.

As a result of the requirement to use, the number of oppositions has decreased once more: 14,363 oppositions in 1979 as compared with 15,906 in the year before that. In this connection, however, it should be noted that the great majority of the service marks filed in 1979 have the same priority date (April 2, 1979) so that the possibility of filing opposition in this sector is very limited as yet.

6,534 applications were disposed of by rejection or withdrawal.

The number of notified applications grew considerably to 19,367 as compared with 16,580 in 1978.

The upward trend of new registrations—14,217 in 1979 as compared with 13,855 in 1978—has continued.

Despite the fact that in the reported year 10,451 more applications than in the preceding year were received and numerous new problems arose in connection with the introduction of protection for service marks, the numbers of unprocessed applications rose only by 9,120. This means, effectively, that the number of pending procedures was reduced by more than 1,300.

The number of cancellations made at the request of the owner of the rights increased to 9,679 in comparison with 8,464 in the preceding year. Partial cancellations (1,460), on the other hand, have remained practically the same (1978: 1,474).

11,167 trademarks were transferred and 12,535 renewed during 1979. The number of renewals has thus once more grown in comparison with the preceding year (11,539).

At the close of 1979, a total of 281,458 trademarks were in force (compared with 279,607 at the end of 1978).

International Marks

In 1979, 2,152 requests for international registration of German trademarks and service marks were received, constituting an increase of 122 requests compared with the preceding year. 209 of these referred to service marks.

Tbe Trademark Service forwarded 1,983 requests (1,988 in the preceding year) for international registration to the International Bureau of WIPO in Geneva.

140 of these were German service marks. In addition, 4,040 requests for the registration of changes in legal status and nomination of representatives were transmitted to the International Bureau. The number of requests for changes corresponds to that of the preceding year. The German Patent Office currently administers a total of some 62,000 internationally registered German marks.

Among the internationally registered foreign marks, 4,935 requests were filed for protection in the Federal Republic of Germany. Of these, 343 referred to service marks. 303 requests for protection were filed in the form of a subsequent extension of protection. The number of requests for grant of protection increased by 329 compared with the preceding year.

4,480 procedures were completed in 1979. 2,009 foreign marks obtained full protection and 1,208 obtained protection for a part of the goods and services, whereas protection was not granted in the case of 1,263 marks.

Opposition was filed in 3,453 cases against internationally registered foreign marks for which protection was requested in the Federal Republic of Germany; of these 59 referred to service marks. The number thus corresponds approximately to that of the preceding year. Currently some 122,000 internationally registered foreign marks enjoy protection in the Federal Republic of Germany.

Industrial Designs

The Copyright Division is responsible for the entry and renewal of designs where neither the applicants nor

[2] For the consolidated text of the German Trademark Law, see *Industrial Property Laws and Treaties*, GERMANY, FEDERAL REPUBLIC OF—Text 3-001.

the owners have a residence or an establishment in the Federal Republic of Germany or in *Land* Berlin. Compared with the preceding year (1,285), applications in 1979 rose slightly (1,395). They concemed 5,287 designs, compared with 4,267 in 1978. The number of registered designs amounted at the close of 1979 to 4,771, compared with 4,255 at the end of 1978. The extensions of protection for designs increased slightly from 1,135 in 1978 to 1,154 in the reported year. The designs registered with the local courts by applicants from the Federal Republic of Germany increased from 63,537 in 1978 to 65,511 in 1979.

Arbitration Office for Employees' Inventions

The Arbitration Office set up at the German Patent Office in Munich and at its Berlin branch office under the Law on Employees' Inventions has the task of achieving an equitable settlement in all disputes between employers and employees arising under that Law.

The Arbitration Office in Munich was called in on 86 cases in 1979 (1978: 88) concerning a total of 214 titles of protection; the Arbitration Office in Berlin was called in on five cases. The number of conciliation proposals and settlements amounted to 52 in 1979 (1978: 67), of which 37 were accepted. In 16 cases, the opponents did not accept the arbitration procedure.

Classification

The International Patent Classification (IPC) has been in use in the German Patent Office since January 1, 1975, as the sole patent classification; it serves to classify all applications for patents and utility models filed with the Office and as a basis for arranging the scarch files.

In view of the continuing development of technology, the existing IPC does not contain classification units for certain new technical areas. In such cases, the existing units may be replaced at national level by so-called "X-notations." The number of new applications with X-notations during the reported period amounted to 279 (259 in the previous year).

The search files (printed specifications) of the German Patent Office, which now contain the patent documents of 11 patent offices filed in accordance with the classification system under the IPC, in addition to other publications, has grown to over 21,000,000 documents. The annual growth of the files, to which patent documents from Japan, the European Patent Office and WIPO now belong, amounts to some 500,000 printed documents.

The conversion of this large number of printed publications to the currently valid edition of the International Patent Classification is almost completed. For all sectors where there have been significant and particularly important developments of technology, this work has already been ended. For approximately one-third of the patent documents contained in the search files, retrospective search file lists in machine-readable form have been produced and may be obtained from the German Patent Office, arranged by IPC classification unit.

Documentation

Use of EDP-Orientated Patent Documentation Systems: Provision of State-of-the-Art Information for the General Public

Searches using electronic data processing (EDP) have been carried out in the following sectors: metallic materials, detergents and cleansing agents, glass technology, lasers and masers, insulated electrical cables and leads, explosives, ammunition, color television, return valves, laminates and steroids. Since July 1979, with the promulgation of the Ordinance under Section 23(3) of the Patent Law of Junc 19, 1979, on the provision of state-of-the-art information, EDP state-of-the-art searches have also been carried out outside patent granting procedures in the technical areas referred to. In this way the technical documentation of the German Patent Office is increasingly made available to the general public. As in previous years, the EDP-orientated patent documentation systems were also available to thc Patent Office examiners for their searches in some 500 examination procedures.

IDC Searching in the Chemical Sector

The cooperation between the German Patent Office and the International Documentation Socicty for Chemistry *(Internationale Dokumentationsgesellschaft für Chemie)* (IDC)/Specialized Information Center for Chemistry *(Fachinformationszentrum Chemie)* (FIZ Chemie) was continued. The importance of this cooperation was emphasized by the fact that the President of the German Patent Office is a member of the Board of IDC and that members of the Patent Office work in the specialized committees of IDC. During 1979, a total of 630 searches were carried out by IDC/FIZ Chemie on behalf of the examiners at the German Patent Office, of which some 600 concernod the area of low molecular chemistry (GREMAS searches) and the remainder the areas of inorganic chemistry and chemical process technology.

Requests for searches and the results have been transmitted as from 1979 via terminal between IDC and the German Patent Office. The search program continued to receive the support of the Federal Minister for Research and Technology during 1979.

Development and Testing of an IPC Dialogue System

The development work on this EDP dialogue system based on the IPC to assist the examiners both in updating the search files and in the actual searches, was continued. This included further preparatory work on a practical trial with the new enlarged computing facility that will he availahle in 1981.

Exchange of Data with INPADOC and the European Patent Office

As part of the contractually agreed exchange of data with the International Patent Documentation Center (INPADOC) in Vienna, the German Patent Office supplied a total of 108,832 sets of data stored on magnetic tape in 1979.

The weekly deliveries covered the hibliographic data of newly puhlished patent specifications, application documents, patents granted and the documentation for registered utility models. In exchange, the German Patent Office received during the same period from INPADOC data tapes containing 824,105 sets of bibliographic data of the patent documents of 46 States, which had been published in 1979. Data was also exchanged with the European Patent Office.

Provision of Free EDP Searches for Developing Countries

Under a provisional agreement between the German Patent Office and WIPO, free EDP searches for developing countries were carried out in 1979. Such searches are carried out by the German Patent Office only in the technical fields for which EDP search systems are available.

Library

The German Patent Office possesses one of the largest specialized technical and scientific libraries in the world. Its primary purpose is to provide support for staff of the German Patent Office and for the judges of the Federal Patent Court in carrying out their tasks. The entire holdings of the Lihrary arc, however, accessihle to the puhlic. Use of the Lihrary is made possihle to visitors by the provision of original literature in the rcading room and by the lending of copies on the spot or by post.

The Lihrary's holdings grew in 1979 to approximately 762,000 volumes. The number of patent documents reached a total of over 21 million copies (not including multiple copies) of which 1,461,000 copies are available as aperture cards (over 5.6 million), microfiches and roll film. An "index of patent literature" published by the Lihrary gives information on thc collections filed in 321,805 group files in accordance with the IPC and on access to other information facilities of the Library. The specialized literature in the general areas of technology, applied science, industrial property and copyright now covers 428,600 volumes. In addition, the publications of the European Patent Office and tbose puhlisbed by WIPO under the Patent Cooperation Treaty (PCT) are availahle.

The Library's holdings meet the requirements for minimum documentation laid down by Rule 34 of the PCT Regulations not only as regards patent literature but also in respect of other technical literature. The 1,992 regular subscriptions also cover the special journals required hy that Rule.

Public lending of the holdings of journals is possible in the Library's reading rooms which have 220 places in Munich and 68 places in the Berlin Office. 44,000 users enjoyed this possibility 568,400 times during 1979. This corresponds to 49% of the Library's overall lendings. 323,300 volumes were lent out for photocopying, hasically of patent documents, during the reported year either on tbe spot or by post.

The extremely high number of lendings constitutes an above average use of holdings for a scientific library. An at least equally high degree of use as for the holdings of magazines is to be noted for the freely accessible collections of patent specifications (group files). The INPADOC microfiche collection procured for the puhlic has within a short time become an indispensable aid to searching. The possibility of obtaining access to the world's patent documents hy number, applicant, inventor and IPC is in such demand that the three microfiche readers already made available are not sufficient at times. Further assistance in searching is offered hy the English-language abstracts of documents from Japan and the Soviet Union.

The special information service introduced as an experiment at the end of 1978 is now provided successfully for two hours a day hy qualified librarians trained in the use of the IPC.

The most recent service which the Library can offer the public in Munich and Berlin is access to all DIN standards since it becamc a standards consulting office on November 1, 1979.

Data Processing

The scheduled extension of the data processing facility is of outstanding significance for the German Patent Office's work in the coming years. Without the use of data processing it would no longer he possible to master the current and future tasks. So far, only the patent journal and the title pages of the official publications have been fully automated, together with the monitoring of the annual fees. Since the current coexistence of differing systems could not constitute a long-term solution, an overall automatic data processing concept cov-

ering all procedures within the Patent Office has been drawn up taking into consideration the urgency of various subsystems.

In view of the entry into force of the Community Patent Law on January 1, 1981, subsystem 1, whose implementation began in October 1979, contained, to begin with, the administration of bibliographic and procedural data relating to patent and utility model applications. The purpose is to provide support in the processing of transactions, to prepare data for publication and to administer rights. This will lead to considerable improvements both for the day-to-day administrative work and for the general public. It is planned to feed data from the administrative offices decentrally via data viewing apparatus into a central data bank and to make this data available for interrogation by all those entitled immediately after collection.

International Cooperation

A focal point of the German Patent Office's activities in the international sector was cooperation and intensification of contacts with foreign patent organizations. The visits of two Chinese delegations were important events.

A further important element within the program of support to developing countries in the field of industrial property was the training of fellows under the WIPO Fellowship Program. Examiners and lawyers from Yemen, the Republic of Korea, Bangladesh and Samoa spent time in the German Patent Office for this purpose. The assistance already given in 1978 in the setting up of patent documentation for the African Intellectual Property Organization (OAPI) in Cameroon was continued in 1979 and two officials were sent for three months to Yaoundé. Throughout the year, the German Patent Office again participated, by the seconding of specialists, in the efforts to modernize the Brazilian patent system. Under the project to set up and develop the Industrial Property Organization for English-Speaking Africa, including the creation of a patent documentation center (ESAPADIC) in Nairobi, Kenya, the German Patent Office sent a documentation specialist as a contributor to a training course in Nairobi.

An important event was the promulgation of the Community Patent Law of July 26, 1979. As from August 4, 1979, European patent applications may now be filed with the German Patent Office in Munich and the branch office in Berlin. With the adoption of the Law Ratifying the Community Patent Convention, the Federal Republic of Germany has made its contribution to the entry into force of that Convention, which constitutes the third important international treaty facilitating the granting of titles of protection, following the European Patent Convention and the Patent Cooperation Treaty.

Since the entry into force of the PCT in 1978, 199 international applications have been filed with the German Patent Office as receiving Office and the Federal Republic of Germany was designated in 1,467 cases so far. In addition, the Patent Office continued to participate in the revision and amendment of the Regulations under this Agreement in the PCT Working Groups and Committees. Collaboration with WIPO in Geneva and participation in the sessions of the international Unions administered by that Organization were also intensively continued in 1979.

In 1979, official representatives of the German Patent Office participated, *inter alia,* in the Conference of Representatives of the Hague Agreement Concerning the International Deposit of Industrial Designs and in the Intergovernmental Committee on the Revision of the Paris Convention. A further focal point was the participation in sessions of the Interim Committees of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Proccdure. In addition, the German Patent Office was actively involved in the work of the WIPO Permanent Committee for Patent Information and its Working Groups.

Calendar

WIPO Meetings

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

1981

November 4 to 6 (Belgrade) – International Conference – Inventive Activity as a Factor for Development of Technology in the Developing Countries (organized by the Yugoslav Association of Innovators and Authors of Technical Improvements with the assistance of WIPO)

November 11 to 13 (Geneva) – Rome Convention – Intergovernmental Committee (convened jointly with ILO and Unesco)

November 16 to 24 (Geneva) – Governing Bodies (WIPO General Assembly, Conference and Coordination Committee, Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT, TRT, Budapest and Berne Unions; Conferences of Representatives of the Paris, Hague, Nice and Berne Unions; Executive Committees of the Paris and Berne Unions; Committee of Directors of the Madrid Union; Council of the Lisbon Union)

November 23 to 27 (London) – Permanent Committee on Patent Information (PCPI) – Working Group on Search Information – Subgroup on IPC Classes G 01, G 05, G 11 and H 02

November 30 to December 7 (Geneva) – Berne Union – Executive Committee – Extraordinary Session (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)

December 1 to 4 (Geneva) – International Patent Classification (IPC) Union – Committee of Experts

December 7 to 11 (Geneva) – Permanent Committee for Patent Information (PCPI) and PCT Committee for Technical Cooperation

1982

February 22 to 25 (Colombo) – Symposium on the Use and Usefulness of Trademarks in the Countries of the Asian and Pacific Region

September 27 to October 5 (Geneva) – Governing Bodies (WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions)

UPOV Meetings

1981

November 9 (Geneva) – Consultative Committee

November 10 (Geneva) – 1981 Symposium

November 10 to 12 (Geneva) – Council

Meetings of Other International Organizations Concerned with Industrial Property

1981

European Patent Organisation: December 1 to 4 (Munich) – Administrative Council

Pacific Industrial Property Association: November 4 to 6 (New York City) – International Congress