

Industrial Property

Published monthly
Annual subscription:
Sw.fr. 125.-
Each monthly issue:
Sw.fr. 12.-

21st Year - No. 4
April 1982

Monthly Review of the
World Intellectual Property Organization (WIPO)

Contents

INTERNATIONAL UNIONS	
- Nice Agreement. Ratification of the Geneva Act (1977): German Democratic Republic	147
- Budapest Treaty (Microorganisms). Change in Fees under Rule 12.2 of the Regulations: American Type Culture Collection	147
PLANT VARIETIES	
- UPOV in 1981	148
GENERAL STUDIES	
- The Legal Protection of Computer Software and Computer-Related Innovations in the United States (R.H. Stern)	152
NEWS FROM INDUSTRIAL PROPERTY OFFICES	
- Canada	168
NEWS ITEMS	
- Monaco	170
CALENDAR OF MEETINGS	171

INDUSTRIAL PROPERTY LAWS AND TREATIES

- *Editor's Note*
- GERMANY, FEDERAL REPUBLIC OF
 - Law on the Vienna Agreement of June 12, 1973, for the Protection of Type Faces and their
International Deposit (Type Faces Law) (of July 6, 1981) Text 1-002
 - Utility Model Law (of January 2, 1968, as last amended on June 13, 1980) Text 2-003
- MULTILATERAL TREATIES
 - European Patent Convention: Protocol on Centralisation; Protocol on Recognition Text 2-010

© WIPO 1982

ISSN 0019-8625

Any reproduction of official notes or reports, articles and translations of laws or agreements published in
this review is authorized only with the prior consent of WIPO.

International Unions

Nice Agreement

Ratification of the Geneva Act (1977)

GERMAN DEMOCRATIC REPUBLIC

The Government of the German Democratic Republic deposited, on March 15, 1982, its instrument of ratification of the Geneva Act of May 13, 1977, of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967.

The said instrument was accompanied by the following declaration:

“The position of the German Democratic Republic on the provisions of Article 13 of the Nice Agreement as revised at Geneva, so far as the application of the Agreement to colonial and other dependent territories is concerned, is governed by the provisions of the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples (Resolution 1514 (XV) of December 14, 1960) proclaiming the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations.” (Translation)

The Geneva Act (1977) of the said Agreement will enter into force, with respect to the German Democratic Republic, on June 23, 1982.

Nice Notification No. 53, of March 23, 1982.

Budapest Treaty (Microorganisms)

Change in Fees under Rule 12.2 of the Regulations under the Budapest Treaty

AMERICAN TYPE CULTURE COLLECTION

The following notification addressed to the Director General of WIPO by the Government of the United States of America under Rule 12.2(a) of the Regulations under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure was received on March 2, 1982, and is published by the International Bureau of WIPO pursuant to Rule 12.2(b) of the said Regulations:

The Fee Schedule of the American Type Culture Collection as published in the April 1981 issue of *Industrial Property* is changed as follows in respect of the fee for the furnishing of a sample under Rules 11.2 and 11.3 of the said Regulations:

- selected samples furnished to high schools US\$ 10.00* (per sample)
- non-profit institutions:
 - selected samples for educational use 21.50* (per sample)
 - other samples 37.00* (per sample)
- commercial firms 59.50* (per sample)

Plant Varieties

The International Union for the Protection of New Varieties of Plants in 1981

State of the Union

In 1981, four States deposited their instruments of ratification of the Revised Act of October 23, 1978, of the International Convention for the Protection of New Varieties of Plants (hereinafter referred to as "the 1978 Act"), namely: Ireland, on May 19; Switzerland, on June 17; South Africa, on July 21; and Denmark on October 8. Those four instruments plus the instruments deposited in 1980 by New Zealand and the United States of America fulfilled the conditions for the entry into force of the 1978 Act and, pursuant to Article 33 (1) thereof, that Act entered into force on November 8, 1981. On that date Ireland, New Zealand and the United States of America became member States of the Union. The entry into force of the 1978 Act means that States may no longer accede to the UPOV Convention of December 2, 1961, as amended by the Additional Act of November 10, 1972.

The Union currently comprises the following 15 member States: Belgium, Denmark, France, Germany (Federal Republic of), Ireland, Israel, Italy, Netherlands, New Zealand, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America.

Sessions

During 1981, the various bodies of UPOV met as described below. Unless otherwise specified, the sessions took place in Geneva.

The *Council* held its fifteenth ordinary session from November 10 to 12, 1981, under the chairmanship of Dr. W. Gfeller (Switzerland). All member States except Israel and Italy were represented. The session was also attended by observers from a number of interested non-member States, namely: Austria, Egypt, Hungary, Iran, Japan, Kenya, Mexico, Norway, Poland, Portugal. The Commission of the European Communities (CEC) and the European Free Trade Association (EFTA) were also represented by observers.

The first day of the session was devoted, for the second year running, to a symposium. The subject of the 1981 Symposium was "Plant Breeding Activities of Government Institutes, International Centers and the Private Sector." The following lectures were given:

(i) "Plant Breeding at the French National Institute of Agronomic Research," by Mr. Jacques Huet, Head of the Department of Genetics and Plant Breeding of the French National Institute of Agricultural Research (INRA);

(ii) "CIMMYT's Crop Improvement Programs," by Dr. Ripusudan Lal Paliwal, Associate Director (Maize Program) of the International Center for the Improvement of Maize and Wheat (CIMMYT) in Mexico, and Dr. Arthur R. Klatt, Associate Director (Wheat Program) of the same Center;

(iii) "The Significance of Plant Breeding by the Private Sector," by Dr. Cornelis Mastenbroek, President of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL);

(iv) "The Rice Improvement Program of the International Rice Research Institute (IRRI)," by Dr. Gurdev S. Khush, Head of the Plant Breeding Department of the International Rice Research Institute (IRRI) in Manila (Philippines).

In addition to the representatives of member and non-member States, CEC and EFTA, the Symposium was attended by some 21 representatives of institutions active in or competent for plant breeding in various member States, representatives of intergovernmental organizations (European Cooperative Programme for the Conservation and Exchange of Crop Genetic Resources (ECP/GR), Food and Agriculture Organization of the United Nations (FAO)), representatives of international non-governmental organizations (European Association for Research on Plant Breeding (EUCARPIA), International Association for the Protection of Industrial Property (IAPIP), International Association of Horticultural Producers (AIPH), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Federation of the Seed Trade (FIS)) and representatives of international breeding centers supported by the Consultative Group on International Agricultural Research (CGIAR) (International Center for Agricultural Research in the Dry Areas (ICARDA) in Beirut (Lebanon) and CIMMYT and IRRI, the centers which provided lecturers).

The Symposium was concluded by a panel discussion. The presence of a number of experts from CGIAR-supported international breeding centers provided a valuable opportunity to expand the dialogue between those experts and representatives of UPOV member States regarding the policies to be adopted by the centers on the one hand and by UPOV and the plant variety protection offices of UPOV member States on the other.

Records of the proceedings of the Symposium will form the subject of a special publication.

The following main decisions were taken by the Council at its fifteenth ordinary session:

(i) the report of the Secretary-General on the activities of the Union in 1980 and the first ten months of 1981, the report on his management and the financial situation of the Union in 1980, and the accounts of the Union for 1980, were approved;

(ii) the program and budget for 1982 was examined and approved;

(iii) the reports on the progress made by the various committees and technical working parties, including their plans for future work, were approved; in that connection, the recommendation of the Technical Committee that the Technical Working Party for Forest Trees be incorporated in the Technical Working Party for Ornamental Plants was adopted;

(iv) the recommendation of the Consultative Committee that an information meeting be held in 1982 with international non-governmental organizations was adopted;

(v) the recommendation of the Consultative Committee that the 1982 Symposium be devoted to the technical and legal aspects of genetic engineering and of cell, meristem and tissue cultures was adopted;

(vi) the following officers were elected, for a term of three years expiring at the end of the eighteenth ordinary session of the Council (1984):

- (a) Mr. J. Rigot (Belgium) was elected Vice President of the Council;
- (b) Dr. G. Fuchs (Federal Republic of Germany) was elected Chairman of the Technical Working Party for Agricultural Crops;
- (c) Dr. G.S. Bredell (South Africa) was elected Chairman of the Technical Working Party for Fruit Crops;
- (d) Mrs. U. Löscher (Federal Republic of Germany) was elected Chairman of the Technical Working Party for Ornamental Plants and Forest Trees;
- (e) Mr. F. Schneider (Netherlands) was elected Chairman of the Technical Working Party for Vegetables.

The *Consultative Committee* held its twenty-third session on May 6 and 8, 1981, and its twenty-fourth session on November 9 and 12, 1981, both under the chairmanship of Dr. W. Gfeller (Switzerland). All member States were represented at the twenty-third session and all except Israel and Italy at the twenty-fourth session. The sessions were devoted mainly to the preparation of the fifteenth ordinary session of the Council.

The *Administrative and Legal Committee* held its seventh session on May 6 and 7, 1981, and its eighth session from October 12 to 14, 1981, both under the chairmanship of Mr. P.W. Murphy (United Kingdom). All member States were represented at the seventh ses-

sion and, with the exception of Italy, at the eighth session. Both sessions were attended by observers from Ireland, Japan, the United States of America and the CEC; in addition, observers from Canada and New Zealand attended the eighth session.

As in 1980, the Committee gave priority to the matter of harmonization of national legislation and practice. At its seventh session, the Committee noted the intentions of member States as regards amendment of their legislation, both in relation to ratification of the 1978 Act and in general. At its eighth session, it examined three specific items of plant variety protection law:

(i) having examined the question of extending the scope of protection beyond the minimum provided for in Article 5 (1) of the Convention, the Committee felt that, apart from the case of plantlets, extension of protection should be envisaged only for ornamental plants and fruit crops and that the aim of the extension was to safeguard the interests both of breeders and of those producers who paid royalties and suffered the competition of products not having to bear royalties; it was generally agreed that protection should be extended to the propagation of plants intended for the commercial production of the final product (cut flowers or fruit), but some delegations expressed reservations as to the protection of the final product itself in the case of ornamental plants; the Committee invited the small number of member States that had based their domestic legislation on an interpretation of Article 5 (1) of the Convention reducing considerably the extent of protection, particularly as regards "adult" plants sold to the final user, to re-examine their point of view;

(ii) having examined the optional provision contained in the second sentence of Article 5 (4) of the Convention, whereby member States granting a more extensive right—extending in particular to the marketed product—may limit the benefit of it to the nationals of member States of the Union granting an identical right and to natural and legal persons resident or having their registered office in any of those States, the Committee noted the drawbacks that could arise from the use of that provision;

(iii) having been informed that one member State was considering the need to exclude parent hybrids from protection, the Committee noted that the fact giving rise to such consideration was that a person could block or disturb the creation and marketing of a certain number of commercial hybrids by obtaining protection for the intermediate or parent hybrids necessary for the production of seed of the commercial hybrids.

At both sessions, the Committee investigated ways of revising and improving the much discussed Guidelines for Variety Denominations, originally adopted by the Council at its seventh ordinary session (1973). The Committee began to give consideration to replacing the Guidelines by a set of recommendations on the interpretation of the revised version of Article 13 of the Convention, now in force for member States bound by the 1978 Act. Such recommendations would be illus-

trated by examples of designations which are or are not suitable as variety denominations. At its eighth session, the Committee reached agreement on two principles:

(i) combinations of letters and figures—in that order—should be accepted in the case of species, such as maize and sorghum, for which this type of denomination is an established international practice; this should also apply to series of denominations including the same alphabetical component, but it should be understood that no breeder would have an exclusive right to such a component;

(ii) in the case of a series of denominations based on a fancy name and applied to a family of varieties developed generally as a result of mutations, any new denomination in the series should not represent a simplification of the earlier denominations.

In last year's report (see *Industrial Property*, 1981, p. 97), reference was made to the intention of the Committee to examine the possibility of developing a system of more far-reaching cooperation. At its eighth session the Committee confirmed its intention to resume, at the appropriate time, its study of a system going beyond the bounds of variety examination.

The *Technical Committee* held its seventeenth session from October 14 to 16, 1981, under the chairmanship of Mr. C. Hutin (France). All member States except Italy were represented. The session was also attended by observers from Canada, Ireland, Japan and New Zealand.

The main results of the session were as follows:

(i) The Committee adopted seven revised Test Guidelines submitted:

(a) by the Technical Working Party for Agricultural Crops—for Wheat (TG/3/8), for Barley (TG/19/7) and for Oats (TG/20/7);

(b) by the Technical Working Party for Ornamental Plants—for *Euphorbia fulgens* (TG/10/4) and for *Poinsettia* (TG/24/5);

(c) by the Technical Working Party for Vegetables—for *Pcas* (TG/7/4), revised in conjunction with the Technical Working Party for Agricultural Crops, and for *Lettuce* (TG/13/4).

(ii) The Committee noted some problems that had arisen in connection with the examination of new varieties, especially in species in which mutations occurred rather easily. It discussed in detail the standards that should be applied in examining new varieties for distinctness. It recalled in this respect that a variety had—according to the Convention and the national laws based on it—to be clearly distinguishable by one or more important characteristics from any other variety commonly known at the time when protection was applied for. It underlined the fact that the examination for distinctness conducted by the plant variety protection authorities of member States had to go beyond checking merely whether two samples were identical or

not, and the fact that methods used for identification purposes—that is to say, for determining the variety to which a sample belonged—were not always sufficient for the examination for distinctness. To be used for *identification purposes* a method had to fulfill several technical requirements. It had to be *capable of standardization* and should lead to the establishment of *significant differences* which were *consistent* and *repeatable*. Such a method might not, however, be acceptable on its own for *establishing distinctness*. Account had to be taken of the fact that the variety had to be distinguishable by the expression of an *important* characteristic, and that it must be *clearly* distinguishable. It was the Committee's view that decisions in this area should be taken species by species, bearing in mind the state of development of breeding. They should not be taken in the light of technical aspects alone. The Committee thought that this line of thinking should in particular be followed when deciding whether characteristics which could only be observed by certain sophisticated methods such as electrophoresis or various other chemical analyses were acceptable. The same would be true for the acceptance of certain disease resistances as characteristics for distinctness purposes.

(iii) As far as the question of minimum distances between varieties is concerned—a question closely connected with the above-mentioned problem of the standards of examination for distinctness—the Committee took the view that, before any decision was taken, a discussion should be held with representatives of breeders and growers.

(iv) The Committee agreed on a procedure for the exchange between Offices of member States of lists of varieties under test.

As in previous years, the Committee supervised the work of the Technical Working Parties, giving guidance on a number of questions raised by them and instructing them on the main aspects of their future work.

The *Technical Working Party for Agricultural Crops* held its tenth session in Edinburgh (United Kingdom) from June 23 to 25, 1981, under the chairmanship of Miss Jutta Rasmussen (Denmark). In addition to its work on the revised Test Guidelines adopted by the Technical Committee, the Working Party completed the preparation of first drafts of Test Guidelines for Soya Bean and for Sunflower for submission to the professional organizations for comment.

The *Technical Working Party for Vegetables* held its fourteenth session in Wädenswil (Switzerland) from September 8 to 10, 1981, under the chairmanship of Mr. J. Brossier (France). In addition to its work on the revised Test Guidelines adopted by the Technical Committee, the Working Party completed the preparation of first drafts of revised Test Guidelines for French Beans and of Test Guidelines for Celery for submission to the professional organizations for comment.

The *Technical Working Party for Fruit Crops* held its twelfth session in Wageningen (Netherlands) from September 23 to 25, 1981, under the chairmanship of Mr. A. Berning (Federal Republic of Germany). It prepared first drafts of Test Guidelines for Citrus and for Japanese Plum and of revised Test Guidelines for Apple for submission to the professional organizations for comment.

The *Technical Working Party for Ornamental Plants* held its fourteenth session at Antibes (France) from October 6 to 8, 1981, under the chairmanship of Mr. A.J. George (United Kingdom). In addition to its work on the revised Test Guidelines adopted by the Technical Committee, the Working Party began discussing working papers on Test Guidelines for Narcissi and on revised Test Guidelines for Carnation. In both cases, however, some further discussion will be required during its next session. It also took note of a report on a Chrysanthemum workshop held in Hoddesdon (United Kingdom) on November 4 and 5, 1980.

During the year under review each of the Technical Working Parties discussed several items connected with the examination of varieties and the implementation by the national plant variety protection offices of the various guidelines for the conduct of tests for distinctness, homogeneity and stability. In addition to the questions of standards for distinctness and minimum distances referred to above in the report on the seventeenth session of the Technical Committee, the other principal questions considered were: color characteristics and their measurement; the maximum number of secondary off-types, such as mutations occurring during the examination of a variety, beyond which a variety is to be considered as not being sufficiently homogeneous; the financial and practical problems associated with the maintenance of reference collections for certain species, in particular among the species that are vegetatively propagated; the standardization of tests for resistance to pests and diseases. It is envisaged that the working parties will continue their discussions on the above items in 1982 and will give particular attention to a general revision of the way in which characteristics are selected for inclusion in the various test guidelines.

Contacts with States and Organizations

During 1981, the Vice Secretary-General of UPOV established contacts with government representatives of Mexico and paid a visit to the Secretariat for Foreign Relations in Mexico City. He had further contacts with the Kenyan authorities during a visit to Nairobi. The Secretary-General and the Vice Secretary-General visited the new premises of the *Bundessortenamt* (German Federal Plant Varieties Office), in Hanover, and one of the variety testing stations attached to that Office. The President of the Council and the Vice Secretary-

General paid a courtesy call to the newly appointed Director of the *Station fédérale de recherches agronomiques de Changins* (Swiss Federal Agricultural Research Station).

UPOV was represented at a tripartite meeting of experts from UPOV, the International Vine and Wine Office (IWO) and the International Board for Plant Genetic Resources (IBPGR), held in February at Colmar, France, to discuss the preparation of a "Universal List of Characteristics of the Genus *Vitis*"; at the annual Congresses of the International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL) and of the International Federation of the Seed Trade (FIS), both held in May in Acapulco, Mexico; at the FAO/SIDA Technical Conference on Improved Seed Production, held in June at Nairobi, Kenya; at the *Festakt* (commemoration) and the lecture and discussion meeting, held in September in Vienna, Austria, to mark the centenary of the Austrian *Bundesanstalt für Pflanzenbau und Samenprüfung* (Federal Institute for Plant Production and Seed Testing); at the Thirty-Third Congress of the International Association of Horticultural Producers (AIHP), held in September in Taormina, Italy; and at the second meeting of the Governing Board of the European Co-operative Programme for the Conservation and Exchange of Crop Genetic Resources (ECP/GR), held in December 1981 in Geneva, Switzerland.

The Office of the Union was informed that a new association, entitled "Japan Association for the Protection and Development of Plant Varieties" (JAPDPV), has been established in Japan, one of the signatory States of the 1978 Act. JAPDPV is mainly concerned with the protection and development of plant varieties and is composed of persons representing business circles, science and technology, and the legal profession.

Publications

In 1981, the Office of the Union published the *Records of the 1978 Geneva Diplomatic Conference on the Revision of the International Convention for the Protection of New Varieties of Plants*, in English and German (UPOV publications 337 (E) and 337 (G), respectively); three issues of the *UPOV Newsletter* (which, from 1982, will be called "*Plant Variety Protection—Gazette and Newsletter of the International Union for the Protection of New Varieties of Plants*"); a brochure containing the Dutch text of the UPOV Convention of 1961, of the Additional Act of 1972 and of the Revised Act of 1978 (UPOV publication 293 (D)); and the *Records of the 1980 UPOV Symposium on "The Use of Genetic Resources in the Plant Kingdom"*, in English, French, German and Spanish (UPOV publications 336 (E), (F), (G) and (S), respectively).

General Studies

The Legal Protection of Computer Software and Computer-Related Innovations in the United States*

R. H. STERN**

News from Industrial Property Offices

CANADA

Activities of the Bureau of Corporate Affairs in 1979-1980*

The Bureau is concerned with much of the general legal framework governing the orderly conduct of business under federal jurisdiction and with encouraging innovation by granting temporary legal monopolies to originators of inventive and creative works.

The Bureau of Corporate Affairs and the Bureau of Intellectual Property were amalgamated in October 1979, the combined bureaux being known as the Bureau of Corporate Affairs. This is a return to the original organization at the time the department was created in 1967. The amalgamation was effected because the legislative revision program in bankruptcy and insolvency, incorporation and securities market law had been virtually completed and separate bureaux were no longer necessary. As a result of the amalgamation, the research functions of the separate bureaux were also combined. The Technical Advisory Services Branch, part of the Bureau of Intellectual Property, was abolished on March 31, 1980, and branch operations were phased out or reallocated over the last six months of the year.

The Bureau of Corporate Affairs now consists of Bankruptcy, Corporations, the Patent Office, the Trade Marks Office, the Copyright and Industrial Design Office, and Research and International Affairs.

Patents

The Patent Office administers the Patents Act and Patent Rules, which grant patents for new and often unusual inventions. Examination of patent applications involves a search for novelty, a decision regarding patentability and verification of compliance with procedural requirements.

The inventor or owner of a patent has the right to exclude others from making, using or selling the invention in Canada for 17 years from the date of the grant.

The Office publishes the *Patent Office Record*, a weekly magazine providing details of all Canadian patents granted during the previous week. It also maintains a search room and library where the public may obtain information concerning Canadian and foreign patents.

The Office this year dealt with an average of 453 requests daily. The number of search enquiries from patent agents and the public totalled 3,525, up from 3,513 enquiries last year.

The complete Patent Office file of 1,074,500 issued patents is organized in technological classes which are constantly reviewed, revised or extended as different technologies emerge or as new combinations of known technologies are developed. By March 31, 1980, the file consisted of 340 main classes of technology, which were then condensed into 34,600 subclasses. During the year, 11 classes consisting of 842 subclasses were completely revised; 579 new subclasses were established and 254 old subclasses were abolished in the partial revision of existing classes.

The following table summarizes the transactions of the Patent Office during the past two years:

	1978-79	1979-80
Caveats registered	151	179
Applications for patents	24,312	24,347
Applications restored under Section 75 after failure to pay final fee	192	106
Applications reinstated under Section 32 after abandonment for failure to reply to an official action	181	129
Examiners' Reports	29,055	28,431
Applications allowed	25,133	24,354
Applications forfeited	728	407
Patents issued (for 17 years)	22,772	22,872
Patents reissued	24	22
Patents issued under Public Servants Inventions Act	56	75
Assignments recorded	22,621	21,993
Petitions for a compulsory licence under Sections 41 and 67	13	33
Duly Registered Patent Agents	1,731	1,645
Canadian Resident Agents	—	286
Canadian Firms	—	68
Non-resident	—	1,291

Patent Appeal Board

The Patent Appeal Board reviews, on request to the Commissioner of Patents, final rejections of applications for the grant of patents and for the registration of industrial designs. The Board may, if requested, hold formal hearings as part of the review procedure. Its findings and recommendations are submitted to the Commissioner for approval.

The following table summarizes the Board's activities:

*Excerpted from the Annual Report, Consumer and Commercial Affairs, Canada, for the year ended March 31, 1980.

	1978-79	1979-80
Patents		
Rejections referred to Board	167	185
Rejections affirmed	74	84
Rejections reversed	25	45
Otherwise disposed of	78	29
Hearings held	51	70
Pending	162	200
Decisions published in the Patent Office Record		
full	26	25
part	11	14
Industrial Designs		
Rejections affirmed	6	4
Rejections reversed	0	0
Hearings held	3	2

Compulsory Licences

The Commissioner of Patents can grant compulsory licences for the use of a patented invention that relates to a food or a medicine, or that is considered "abused" by not being "worked" as defined in the Patents Act.

The following table shows receipts and disposals of applications to the Commissioner for compulsory licences to use patented inventions. Applications filed under Section 67 of the Act were made on grounds of abuse of patent owner. Those filed under Section 41(4) were for licences to import or manufacture patented prescription medicines while those under Section 41(3) to prepare or produce food.

	1978-79	1979-80
Section 67		
Applications received	7	2
Licences granted	1	—
Licences refused	—	—
Applications withdrawn	1	4
Applications pending	8	6
Section 41(4)		
Applications received	33	29
Licences granted	12	22
Licences refused	—	—
Applications withdrawn	3	6
Applications pending	38	39
Section 41(3)		
Applications received	—	2
Licences granted	—	—
Applications pending	—	2

Industrial Designs

The Copyright and Industrial Design Office administers the Copyright Act, the Industrial Design Act and the Timber Marking Act and their Regulations.

The outward appearance of an article of manufacture—its shape, pattern or ornamentation—may be registered as an industrial design. Registration of a new design under the Industrial Design Act gives the registered owner sole rights to use the design in Canada for a period of five years, renewable for one further period of five years.

The following chart summarizes the industrial design transactions of the Copyright and Industrial Design Office during the last two fiscal years:

	1978-79	1979-80
Industrial Designs		
Applications received	2,017	1,818
Designs registered	1,767	1,544
Registrations renewed	1,781	283
Assignments recorded	261	369

Trade Marks

The Trade Marks Office administers the Trade Marks Act and approves and registers applications unless the mark applied for is an apt word for use by all traders or confusingly similar to marks already registered in Canada. A newly registered mark remains on the register for an initial period of 15 years. Before a trade mark is licenced, an application for registered user should be requested from the Trade Marks Office.

In September 1979, the Trade Marks Office embarked on a project to eliminate extensive work backlogs ranging from four to 14 months by April 1, 1980. As a result of this project, the time from the filing date to first examination of a trade mark application has been reduced from eleven and a half months to two weeks; assignment processing from seven and a half months to four weeks; applications awaiting advertisement from five months to one week for date entry; and registered user applications from 14 months to two weeks.

Also, during 1979-80 the Office completed the second phase of an overall plan to convert the majority of clerical functions in the Office from manual to electronic data processing. The information in the *Trade Marks Journal* is now being printed using computer technology. Data already captured during initial processing of new applications is being recalled and updated through computer terminals for publication.

The following table summarizes the Office's transactions over the past three years:

	1977-78	1978-79	1979-80
Trade mark applications filed . .	14,462	14,781	14,448
Trade mark applications advertised	8,903	8,435	16,327
Trade mark registrations	7,309	5,564	9,905
Registered user applications filed	2,932	3,501	2,696
Number of trade marks governed by registered user applications (registered and pending)	10,481	14,756	11,714
Registered users registered in respect of trade marks	6,975	5,693	18,403
Registered user registrations cancelled in respect of trade marks	2,686	1,610	4,797
Transfer applications filed	5,558	7,882	9,186
Transfers registered	6,672	5,851	9,283
Trade mark registrations renewed	4,061	3,902	3,659
Trade mark registrations expunged	4,611	4,306	3,976
Amendments entered on the register	4,936	3,092	5,379
Copies prepared	330,332	354,995	458,737
Duly registered trade mark agents	5,629	5,970	6,268
Oppositions filed	432	412	488

Technical Advisory Services

In September 1979, it was decided that due to a lack of statutory support the Technical Advisory Services Branch would be abolished on March 31, 1980. During the latter half of the year, Branch operations were phased out and the staff relocated. It had been a major project of the Branch to make patented technical information available to small manufacturers and inventors mainly through provincial research organizations, the Ontario Industrial Innovation Centre at Waterloo University and a number of field offices of the Department of Industry, Trade and Commerce. In 1979-80 the Branch responded to a total of 564 requests for patents relating to specified areas of technical interest.

Research and International Affairs

With the amalgamation of the Bureaux of Corporate Affairs and Intellectual Property in October 1979, the Corporate Research and the Research and International Affairs Branches were combined.

The Branch sought to table legislation amending the Trade Marks Act in Parliament. However this, along with a request for authorization to prepare new legislation amending the Patents Act, could not be considered before Parliament was dissolved. Work is continuing in both areas.

The first draft of a working paper on Industrial Design was completed by the Bureau of Management Consulting, Supply and Services, with the final version scheduled for release in 1980-81.

The Branch prepared briefing material for Canada's participation in the Diplomatic Conference for the Revision of the Paris Convention for the Protection of Industrial Property. In addition, several preliminary meetings of Group "B" countries were convened.

The Branch continued to develop and implement the department's automated name search system, NUANS. Administration of the system is now being assumed by the Corporations Branch. The system's scope and capability has been further enhanced in both corporate names and trade marks.

The Economic Analysis Division of the Branch continued its research on patents with the preparation of a study on the determinants of market power in the pharmaceutical field. This study will include an examination of the role of patents and advertising in the industry.

Research is also under way on the economic effects of patents in the marketplace. As well, the Division examined proposals contained in the draft Industrial Design study and provided economic expertise on related policy issues.

The Division's computerized data base, PATDAT, now contains information on 120,000 patents, including all patents issued in 1979.

News Items

MONACO

*Director of Commerce, Industry
and Industrial Property*

We have been informed that Mr. Etienne Franzi has been appointed Director of Commerce, Industry and Industrial Property.

Calendar

WIPO Meetings

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

1982

- May 3 to 7 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on General Information
- May 10 to 14 (Vienna) — International Patent Classification (IPC) — Advanced Seminar
- May 24 to 28 (Geneva) — Nice Union — Committee of Experts
- June 7 to 11 (Paris) — Berne Union — Committee of Governmental Experts on Problems Arising from the Use of Computers for Access to or the Creation of Works (convened jointly with Unesco)
- June 7 to 18 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Search Information
- June 14 to 18 (Geneva) — Development Cooperation — Working Group on the Establishment of a Guide on the Organization of Industrial Property Activities of Enterprises in Developing Countries
- June 28 to July 2 (Geneva) — Committee of Governmental Experts on Model Provisions for the Protection of Expressions of Folklore (convened jointly with Unesco)
- September 1 to 3 (Geneva) — Working Group on the Rights of Employed or Salaried Authors (convened jointly with ILO and Unesco)
- September 6 to 10 (Geneva) — International Patent Cooperation (PCT) Union — Committee for Administrative and Legal Matters
- September 10 (Geneva) — International Patent Cooperation (PCT) Union — Assembly (Extraordinary Session)
- September 20 to 23 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Patent Information for Developing Countries
- September 23 to October 1 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Planning
- September 23 to October 1 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Special Questions
- September 27 to 30 (Geneva) — Permanent Committee for Development Cooperation Related to Industrial Property
- October 4 to 30 (Geneva) — Revision of the Paris Convention — Diplomatic Conference
- October 25 to 27 (Paris) — Berne Union — Working Group on Copyright Questions Connected with the Use of Works by Persons with Defective Hearing or Sight (convened jointly with Unesco)
- November 8 to 12 (Geneva) — Working Group on Model Contracts for Licensing or Transferring Copyrights (convened jointly with Unesco)
- November 22 to 26 (Geneva) — Governing Bodies (WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions)
- November 29 to December 3 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation (PCT/CTC)
- December 6 to 10 (Geneva) — International Patent Classification (IPC) — Committee of Experts
- December 6 to 10 (Paris) — Berne Union and Universal Copyright Convention — Working Group on the Formulation of Guiding Principles Covering the Problems Posed by the Practical Implementation of the Licensing Procedures for Translation and Reproduction under the Copyright Conventions (convened jointly with Unesco)
- December 13 to 17 (Paris) — Berne Union, Universal Convention and Rome Convention — Subcommittees of the Executive Committee of the Berne Union, of the Intergovernmental Copyright Committee and of the Intergovernmental Committee of the Rome Convention, respectively, on Copyright and Neighboring Rights Problems in the Field of Cable Television (convened jointly with ILO and Unesco)

UPOV Meetings

1982

- May 11 to 13 (Salerno) — Technical Working Party for Vegetables
- May 18 (Madrid) — Technical Working Party for Agricultural Crops — Subgroup
- May 19 to 21 (Madrid) — Technical Working Party for Agricultural Crops
- September 28 (Faversham) — Technical Working Party for Fruit Crops — Subgroup
- September 29 to October 1 (Faversham) — Technical Working Party for Fruit Crops
- October 5 to 7 (Cambridge) — Technical Working Party for Ornamental Plants and Forest Trees
- October 12 (Geneva) — Consultative Committee
- October 13 to 15 (Geneva) — Council
- November 15 and 16 (Geneva) — Administrative and Legal Committee
- November 17 (Geneva) — Information Meeting with International Non-Governmental Organizations
- November 18 and 19 (Geneva) — Technical Committee

Meetings of Other International Organizations Concerned with Industrial Property

1982

European Patent Organisation: June 7 to 11 and November 29 to December 3 (Munich) — Administrative Council

Hongarian Group of the International Association for the Protection of Industrial Property: September 13 to 17 (Budapest) — Conference

International Association for the Advancement of Teaching and Research in Intellectual Property: September 20 and 21 (Geneva) — Assembly

International Federation of Industrial Property Attorneys: May 10 to 14 (Berlin (West)) — Executive Committee

International League Against Unfair Competition: September 12 to 16 (Bath) — Congress

1983

International Association for the Protection of Industrial Property: May 23 to 27 (Paris) — XXXII Congress