

# Industrial Property

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

21st Year - No. 5  
May 1982

Monthly Review of the  
World Intellectual Property Organization (WIPO)

## Contents

### INTERNATIONAL UNIONS

- Locarno Agreement. Denunciation: United States of America ..... 175
- Geneva Treaty (Scientific Discoveries). Accession: Cameroon ..... 175

### ACTIVITIES OF OTHER ORGANIZATIONS

- Institut de Recherche en Propriété Intellectuelle Henri Desbois (Paris) ..... 175

### GENERAL STUDIES

- The Legal Protection of Computer Software and Computer-Related Innovations in the United States (R.H. Stern) (continued) ..... 176
- The Passing-Off Action in English Common Law (W.R. Cornish) ..... 186

### NEWS FROM INDUSTRIAL PROPERTY OFFICES

- Philippines ..... 196

### NEWS ITEMS

- Spain ..... 197

### CALENDAR OF MEETINGS ..... 198

### INDUSTRIAL PROPERTY LAWS AND TREATIES

- *Editor's Note*
- FINLAND
  - Patent Law (No. 550 of December 15, 1967, as last amended by Law No. 407 of June 6, 1980) ..... Text 2-001
  - Patent Decree (No. 669 of September 26, 1980) ..... Text 2-002
  - Law on Collective Marks (No. 795 of December 5, 1980) ..... Text 3-001
- PHILIPPINES
  - Philippine Inventors Incentives Act (Republic Act No. 3850 of April 13, 1964, as amended by Presidential Decree No. 1423, of June 9, 1978) ..... Text 2-001
  - Ministry Order No. 38-80 (of April 10, 1980): Regulations Implementing Presidential Decree No. 1423 ..... Text 2-002

© 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

### Locarno Agreement

#### Denunciation

#### UNITED STATES OF AMERICA

The Director General of WIPO received, on July 21, 1981, notification of the denunciation by the Government of the United States of America of the Locarno Agreement Establishing an International Classification for Industrial Designs, signed at Locarno on October 8, 1968.

In accordance with the provisions of Article 12(2) of the Locarno Agreement, the said denunciation will take effect on July 21, 1982.

Locarno Notification No. 19, of April 28, 1982.

### Geneva Treaty (Scientific Discoveries)

#### Accession

#### CAMEROON

The Government of Cameroon deposited, on April 26, 1982, its instrument of accession to the Geneva Treaty on the International Recording of Scientific Discoveries, adopted at Geneva on March 3, 1978.

The date of entry into force of the said Geneva Treaty will be notified when the required number of ratifications or accessions is reached in accordance with Article 17(1) of the said Treaty.

Geneva (Scientific Discoveries) Notification No. 3, of April 27, 1982.

## Activities of Other Organizations

### INSTITUT DE RECHERCHE EN PROPRIÉTÉ INTELLECTUELLE HENRI DESBOIS

(Paris)

Under the auspices of the Chamber of Commerce and Industry of Paris and the University of Paris for Legal, Economic and Social Sciences, a new research institute, the *Institut de Recherche en Propriété Intellectuelle Henri Desbois*, has recently been established. The tasks of the Institute include research and studies in the field of intellectual property, organizing symposia and information meetings, establishing a specialized documenta-

tion collection and assisting the Chamber of Commerce and Industry of Paris in its information tasks.

The Institute is named in honor of Professor Henri Desbois, one of the most distinguished French experts in the field of intellectual property.

Professor André Françon, of the University Paris II, has been appointed the first President of the Institute.

The first symposium, which took place on February 9, 1982, dealt with questions relating to the revision of the Paris Convention for the Protection of Industrial Property. On that occasion, a representative of WIPO gave a lecture on the Paris Convention and the history of its revision.

## General Studies

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

(Continued)

R. H. STERN\*\*





















## **The Passing-Off Action in English Common Law**

W.R. CORNISH\*





















## News from Industrial Property Offices

### Philippines Patent Office Annual Report 1980\*

#### Profile

The Philippines Patent Office, an agency under the Ministry of Trade, is entrusted by law to grant letters patent for inventions, industrial designs and utility models and to register trademarks, trade names, service marks and other marks of ownership.

In discharging the above functions, the Philippines Patent Office also adjudicates *ex-parte* and *inter-partes* cases involving patents or trademarks. The decision of the Director of Patents in these cases is directly appealable to the Court of Appeals.

Corollary to its statutory functions, the Philippines Patent Office is actively involved in the promotion of science and technology and inventive activity in the country. It is contributing its share in generating greater awareness and interest in inventions and the creative arts.

By helping accelerate the progress of science and technology, the Office renders a significant supportive service in the development of trade, commerce and industry in the country.

At present, the Philippines Patent Office is represented by its Director in the Technology Transfer Board, which is charged with the regulation of the transfer of technology.

With the steady increase in the number of patent and trademark applications in the 1960s and through the 1970s, the personnel complement of the Philippines Patent Office had to be correspondingly increased, until the present work force of 181 permanent employees was reached as against only 21 officials and employees at its start in 1947.

While the number of personnel could not be a gauge in assessing the usefulness of an office, the growing number of local and foreign industries in the country, spawned by the grant of patents and registration of trademarks, is eloquent proof of the profound effects of the protection of intellectual property, which is the core of the functions of the Philippines Patent Office.

Thus, it could then be said that in spite of its consistently meager budget the Philippines Patent Office has now come of age and, with greater determination, will continue to play its important role in the advancement of scientific research and inventive activity and in the expansion and acceleration of trade, commerce and industry in the country.

#### Personnel Complement

At the end of 1980, 181 permanent employees were employed at the Philippines Patent Office.

The organizational framework of the Philippines Patent Office is composed of eight divisions, headed by the Director and Assistant Director.

The eight divisions are:

- Administrative Division, consisting of six sections;
- Research and Information Division, consisting of two sections;
- Legal Service Division;
- Trademark Examining Division;
- General Organic Chemistry Division, consisting of three sections;
- Chemical Technology Division, consisting of three sections;
- Mechanical, Utility Model and Design Examining Division, consisting of two sections;
- Electrical, Utility Model and Design Examining Division, consisting of two sections.

The latter six divisions constitute the Technical Services Group.

#### International Activities

In 1980, with the endorsement of the Philippines Patent Office, the Government of the Philippines deposited its instrument of ratification to the Convention Establishing the World Intellectual Property Organization.

With regard to the participation of the Office in the activities of the World Intellectual Property Organization, Director Demetrio T. Wendam attended the Permanent Committee on Patent Information's Working Group on Patent Information for Developing Countries held from October 14 to 17, 1980. Director Wendam and other members of the Technology Transfer Board also observed the technology transfer systems of several Asian and European countries.

From June 17 to 26, 1980, an official of the Office participated in a Workshop in Malaysia on Industrial Property Licenses and Technology Transfer Agreements, sponsored by WIPO and the Canadian International Development Agency (CIDA).

Furthermore, a Workshop on the Effective Use of the Industrial Property System for the Benefit of Inventors, Industry and Commerce in the Asian and Pacific Region was organized in Manila by WIPO with the co-operation of the Philippines Government and the United Nations Development Program (UNDP).

\*Excerpted from the Report issued under the same title.



### Patent and Trademark Operations

For the year 1980, there was a notable increase in incoming applications, both for patents and trademarks. This is quite spectacular, considering that 1980 had been tagged as the "Crisis Year." The Office thus attained its very optimistic goal in 1979 for the year under review.

The Patent Examining Group, consisting of the General Organic Chemistry Division, Chemical Technology Division, Electrical, Utility Model and Design Division, and Mechanical Division, received a total of 2,874 applications. Compared to last year's 2,612 applications, an increase of 262 applications was realized. This increase was unexpected.

There were 5,904 applications pending at the beginning of the year; adding to these 2,874 applications received, there was a total work load of 8,778 applications. The Office disposed of 2,473 applications, leaving a total number of 6,305 applications at the end of the period.

From its inception up to 1980, the Philippines Patent Office has granted 20,898 letters patent, 14,060 for inventions, 4,346 for utility models, and 2,492 for industrial designs.

The Trademark Operations received a total of 4,829 applications, an increase of 587 applications from 1979 (4,242 applications).

With 4,798 applications pending at the beginning of the period, the Trademark Division had a total work load of 9,627 applications. Of these, 3,702 applications were disposed of, thus leaving a total of 5,925 applications at the end of the year.

Since its creation up to 1980, the Office has issued 36,621 certificates of registration, 28,951 on the Principal Register, 5,251 on the Supplemental Register, 2,320 for renewal, and 99 for container registration.

### Adjudication of Patent and Trademark Cases

For the year 1980, a total of 133 *inter-partes* cases were filed bringing the total work load to 252 patent and trademark cases. Last year's pending work load was 119. Of the 133 cases, 40 involve patents, 21 of which are petitions for cancellation, 10 for interference proceedings and 9 for petitions for compulsory licensing. The other 193 cases relate to trademarks, 58 of which are for opposition, 27 for cancellation and 8 for interference proceedings.

During the year, 72 cases were decided, 21 of which related to patents and 51 to trademarks. Of the 21, 11 were for cancellation, 2 for interference and 8 for compulsory licensing. Of the 51 cases on trademarks, 38 were for opposition, 11 for cancellation, and 2 for interference. This reduces the work load from 252 to 180.

### Goal

The Philippines Patent Office is committed to playing a dual role of promoting scientific research and inventive activity and protecting intellectual property rights. Programmed to promote advancement of the technical arts, the Office will continue to provide incentives to inventors and researchers, as well as to producers and manufacturers, in the form of patent and trademark protection.

## News Items

### SPAIN

*Director General of the "Registro de la Propiedad Industrial"*

We have been informed that Mr. Julio Delicado Montero-Rios has been appointed Director General of the *Registro de la Propiedad Industrial*.

# Calendar

## WIPO Meetings

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

### 1982

- 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 8 (Geneva) — Permanent Committee on Patent Information (PCPI) — Ad hoc Working Group on the Revision of the Guide to the IPC
- 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

- 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 (Geneva) — Information Meeting with International Non-Governmental Organizations
- November 16 and 17 (Geneva) — Administrative and Legal Committee
- 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

**Hungarian 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 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

