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International Unions

Nice Agreement

Ratification of the Geneva Act (1977)

AUSTRIA

The Government of Austria deposited, on May 19, 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 Geneva Act (1977) of the said Agreement will enter into force, with respect to Austria, on August 21, 1982.

Nice Notification No. 56, of May 21, 1982.

Budapest Treaty (Microorganisms)

I

Acquisition of the Status of International Depository Authority

NATIONAL COLLECTION OF TYPE CULTURES

The following written communication addressed to the Director General of WIPO by the Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the United Nations Office and other International Organizations at Geneva under Article 7 of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure was received on June 9, 1982, and is published by the International Bureau of WIPO pursuant to Article 7(2)(a) of the said Treaty:

"1. I have the honour to refer to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, opened for signature at Budapest from the 28th of April to the 31st of December 1977. In accordance with the provisions of Article 7 of the said

Treaty, the Government of the United Kingdom of Great Britain and Northern Ireland nominate the National Collection of Type Cultures as an International Depository Authority. The Government of the United Kingdom furnish their assurances that the National Collection of Type Cultures complies and will continue to comply with the requirements specified in Article 6(2) of the Treaty for an International Depository Authority. The requisite information concerning this nominated Depository Institution is set out below.

"2. Accordingly I have the further honour to request that you carry out the procedures established by the Treaty and Regulations annexed to it, in connection with the acquisition of the status of International Depository Authority by the Institution nominated herein.

"3. The National Collection of Type Cultures (NCTC) is located in the United Kingdom at the Central Public Health Laboratory, 175 Colindale Avenue, London, NW9 5HT, England.

"4. The NCTC is the responsibility of the Public Health Laboratory Service Board (PHLSB), a corporate body established in the United Kingdom by Act of Parliament in 1961. (Public Health Laboratory Service Act, 1960, now incorporated into the National Health Service Act, 1977.) Prior to 1961 the PHLSB was administered by The Medical Research Council.

"5. The NCTC has been in continuous existence since 1920. Previously housed at the Laboratories of the Lister Institute of Preventive Medicine, it was relocated to the Laboratories of the Public Health Laboratory Service at Colindale in July 1949. The NCTC has a staff of twenty-three, seven of whom hold University degrees and four hold technical qualifications. Additional administrative and technical support staff are available. This staff is fully competent and adequate to perform the scientific and administrative tasks required under the Budapest Treaty. The NCTC is affiliated to the World Federation for Culture Collections and has a recognised reputation for work concerned with the preservation, testing, authentication and distribution of bacteria pathogenic to man and/or animals. At present the collection contains about 3,600 strains of such microorganisms. The NCTC performs its work in an impartial and objective way and will be available for the purposes of Deposit under the Treaty to any Depositor under the same conditions.

"6. The NCTC has all the facilities necessary for the culturing, checking and long term preservation of bacteria. Cultures are maintained routinely by freeze-drying. Storage in liquid nitrogen is expected as an additional facility in the near future. Patent cultures are stored in a locked room and are subject to regular audit. Only authorised staff have access to them. To minimise the risk of loss, duplicate cultures and records are stored in a building separate from that housing the main collection.

"7. The NCTC is equipped and run in full accordance with the United Kingdom Health and Safety at Work, etc. Act, 1974, and in accordance with advice contained in the 'Code of Practice for the Prevention of Infection in Clinical Laboratories and Post-mortem Rooms' (HMSO 1978), so far as is reasonable and practicable.

"8. The NCTC will accept for deposit bacteria that can be preserved without significant change to their properties by freeze-drying and which are pathogenic to man and/or animals.

"9. In accordance with the Regulations for implementing the Budapest Treaty, the NCTC will:

- (a) examine the viability of such kinds of organisms and store them;
- (b) issue receipt and viability statements as prescribed;
- (c) comply with the prescribed secrecy requirements; and
- (d) furnish samples under the conditions and in conformity with the prescribed procedures.

"10. On behalf of the nominated Depositary Institution, I have the honour to inform you that in accordance with Rule 6.3(a) the NCTC requires before it will accept a micro-organisms for deposit:

- (i) that a deposit of a micro-organism should be in an appropriate form and adequate quantity to enable NCTC to carry out properly its duties under the Regulations;
- (ii) that the Accession Forms established by the NCTC for the purpose of administrative procedures be completed;
- (iii) that the written statement referred to in Rule 6.1(a) or 6.2(a) be drafted in English;
- (iv) that the fee for storage referred to in Rule 12.1(a) (i) be paid; and
- (v) that the depositor complete the Application form of the NCTC in entering into a contract with the NCTC establishing the terms and conditions on which deposit will be accepted.

"11. The following fees are payable to the Public Health Laboratory Service Board:

- 11.1 for storage of the micro-organisms in accordance with the Treaty £250.00

- 11.2 for the issue of a Viability Statement in those cases in which, in accordance with Rule 10.2, a fee may be charged £25.00

- 11.3 for furnishing of a sample in accordance with Rule 11.2 or 11.3 £40.00

All charges paid within the United Kingdom are subject to Value Added Tax at the current rate.

"12. The NCTC conducts all its business in English."

[End of text of Communication]

Pursuant to Article 7(2)(b) of the Budapest Treaty, the National Collection of Type Cultures acquires the status of international depositary authority as from August 31, 1982 (date of the present publication).

Budapest Communication No.10 (this Communication is the subject of Budapest Notification No. 26, of June 29, 1982).

II

Requirements Communicated under Rule 6.3(b) of the Regulations under the Budapest Treaty

NATIONAL COLLECTION OF TYPE CULTURES

See paragraph 10 of the communication reproduced above under I: Acquisition of the Status of International Depositary Authority.

III

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 June 16, 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 (ATCC) as published in the April 1982 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)
- United States and Canadian non-profit institutions:
 - selected samples for educational use 21.50* (per sample)
 - other samples 37.00* (per sample)
- samples furnished to other United States and foreign institutions 59.50* (per sample)
- ATCC PRECEPTROL samples furnished to United States and foreign institutions 12.00* (per sample)

*Shipping charges are to be added to the fee itself.

[End of text of the Notification of the Government of the United States of America]

The fees set forth in the said Notification of the Government of the United States of America will apply as from the thirtieth day following the date (August 31, 1982) of the publication of the said fees in the present issue of *Industrial Property*, that is, as from September 30, 1982 (see Rule 12.2(c) of the Regulations under the Budapest Treaty), and will replace the fees for the furnishing of a sample under Rules 11.2 and 11.3 of the said Regulations, published in the April 1982 issue of *Industrial Property*.

Budapest Communication No. 11 (this Communication is the subject of Budapest Notification No. 27, of June 29, 1982).

WIPO Meetings

WIPO Permanent Program for Development Cooperation Related to Industrial Property

Working Group on the Establishment of a Guide on the Organization of Industrial Property Activities of Enterprises in Developing Countries

Second Session
(Geneva, June 14 to 18, 1982)

NOTE*

Convened upon a recommendation of the WIPO Permanent Committee for Development Cooperation Related to Industrial Property, the Working Group on the Establishment of a Guide on the Organization of Industrial Property Activities of Enterprises in Developing Countries held its second session¹ in Geneva from June 14 to 18, 1982. Thirteen States (Botswana, Brazil, Chile,

France, Ghana, Israel, Mexico, Philippines, Republic of Korea, Soviet Union, United Kingdom, United States of America, Zaire) designated experts to participate in the session; one intergovernmental organization (European Patent Office) and one international non-governmental organization (Licensing Executives Society (LES) International) were represented by observers. The list of participants follows this Note.

The purpose of the session was to discuss the draft Guide revised by the International Bureau on the basis of the suggestions made by the participants in the first session of the Working Group. The revised draft Guide defines the role of industrial property in an enterprise, analyzes the types of industrial property activities carried out by enterprises, presents arguments for establishing an industrial property department within an enterprise or for engaging outside services and makes suggestions as to how an industrial property department may be organized when a decision to establish such a department is taken.

The participants in the second session emphasized the importance of providing information on industrial property activities to enterprises in developing countries and, subject to several proposals for improvement, approved the revised draft Guide. Those proposals will be taken into consideration by the International Bureau in preparing the final version of the Guide, which will be published in accordance with the decisions taken by the WIPO Permanent Committee for Development Cooperation Related to Industrial Property.

* Prepared by the International Bureau.

¹ For the Note on the first session of the Working Group, see *Industrial Property*, 1981, p. 176.

LIST OF PARTICIPANTS*

I. States

Botswana: R. D. Medford. Brazil: T. T. Lobo; M. E. Do Nascimento. Chile: O. Agüero Woods. France: G. Maire. Ghana: E. V. A. Adjete. Israel: M. Gabay. Mexico: M. Fernández. Philippines: P. Herrera-Davila. Republic of Korea: S.-H. Kim. Soviet Union: Y. Gyrdymov. United Kingdom: A. H. Laird. United States of America: R. G. Bowie; R. Muir. Zaire: K. Luanda.

II. Intergovernmental Organizations

European Patent Office (EPO): J. Maisonneuve.

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

III. International Non-Governmental Organizations

Licensing Executives Society (LES) International: H. M. Hood.

IV. Officers

Chairman: O. Agüero Woods (Chile). Vice-Chairmen: A. H. Laird (United-Kingdom); K. Luanda (Zaire). Secretary: J. Erstling (WIPO).

V. International Bureau of WIPO

K. Pfanner (*Deputy Director General*); L. Baeumer (*Director, Industrial Property Division*); J. Erstling (*Acting Head, Periodicals Section, Industrial Property Division*); O. Espinosa (*Legal Officer, Developing Countries Section, Industrial Property Division*); F. Simon (*Program Officer, Development Cooperation Division*); E. Geiger (*Assistant, Legal Documentation, Industrial Property Division*).

Activities of Other Organizations

World Health Organization (WHO)

Resolution Adopted by the Thirty-fifth World Health Assembly

The following resolution¹ was adopted by the Thirty-fifth World Health Assembly on May 12, 1982:

POLICY ON PATENTS

The Thirty-fifth World Health Assembly,

Recognizing the need for affirmative action to make health care resources available to all, and the role of incentives in the development of health technology that is not at present available;

Convinced that, in contributing to the development of health technology, WHO should seek to ensure its wide availability to Member States at appropriate cost;

¹ Resolution WHA35.14.

Recognizing that, when desirable, close contacts with respect to policy on patents should be maintained between WHO and other organizations of the United Nations system,

1. DECIDES that it shall be the policy of WHO to obtain patents, inventors' certificates or interests in patents on patentable health technology developed through projects supported by WHO, where such rights and interests are necessary to ensure development of the new technology; the Organization shall use its patent rights, and any financial or other benefits associated therewith, to promote the development, production, and wide availability of health technology in the public interest;

2. REQUESTS the Director-General to report to the seventy-first session of the Executive Board, to the Thirty-sixth World Health Assembly, and periodically thereafter, on the progress and the methods of implementation of this policy and on any problems pertaining thereto, as well as on consultations with the international organizations concerned.

General Studies

Employee Inventors in the United States

J.P. SUTTON*

News Items

CHINA

Director of the Trade Mark Bureau

We have been informed that Mr. Li Jizhong has been appointed Director of the Trade Mark Bureau.

JAPAN

Director General of the Japanese Patent Office

We have been informed that Mr. Kazuo Wakasugi has been appointed Director General of the Japanese Patent Office.

PERU

"Director de Propiedad Industrial"

We have been informed that Dr. Guillermo Valdivia Manchego has been appointed *Director de Propiedad Industrial*.

Calendar

WIPO Meetings

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

1982

- 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/CIC)
- 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 (Geneva) — Symposium (Genetic Engineering)
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: 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
Pharmaceutical Trade Marks Group: October 7 and 8 (Oss) — 25th Group Conference
Union of European Practitioners in Industrial Property: December 3 (Paris) — Fifth Round Table on Industrial Designs

1983

Benescience Foundation: April 27 to 29 (Munich) — Conference on Patent Claim Drafting and Interpretation
International Association for the Protection of Industrial Property: May 23 to 27 (Paris) — XXXII Congress