

# Industrial Property

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

21st Year - No. 11  
November 1982

Monthly Review of the  
World Intellectual Property Organization (WIPO)

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ISSN 0019-8625

# World Intellectual Property Organization

## WIPO Convention

### Accession

#### SOMALIA

The Government of Somalia deposited, on August 18, 1982, its instrument of accession to the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967.

Somalia will belong to Class C for the purpose of establishing its contribution towards the budget of the WIPO Conference.

The said Convention will enter into force, with respect to Somalia, on November 18, 1982.

WIPO Notification No. 120, of August 19, 1982.

## WIPO Meetings

### International Patent Cooperation (PCT) Union

#### I

#### PCT Committee for Administrative and Legal Matters

First Session  
(Geneva, September 6 to 10, 1982)

#### NOTE\*

The PCT Committee for Administrative and Legal Matters, of which all States party to the PCT as well as the International Searching Authorities and the International Preliminary Examining Authorities are members, held its first session in Geneva from September 6 to 10, 1982.

The following members of the Committee were represented at the session: (i) the following 19 States, members of the International Patent Cooperation Union (PCT Union): Australia, Austria, Belgium, Brazil, Cameroon, Denmark, Finland, France, Germany (Federal Republic of), Japan, Liechtenstein, Luxem-

bourg, Netherlands, Norway, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America; (ii) the European Patent Office, in its capacity as International Searching and Preliminary Examining Authority.

The following five States, members of the International Union for the Protection of Industrial Property (Paris Union), participated in the session as observers: Ghana, Mexico, Republic of Korea, Spain, Trinidad and Tobago.

The following six international non-governmental organizations were represented by observers: Committee of National Institutes of Patent Agents (CNIPA), European Federation of Agents of Industry in Industrial Property (FEMIP), International Association for the Protection of Industrial Property (IAPIP), International Chamber of Commerce (ICC), International Federation of Industrial Property Attorneys (FICPI), Union of Industries of the European Community (UNICE).

The list of participants follows this Note.

The Assembly of the PCT Union, at its seventh session, held in Geneva from June 29 to July 3, 1981, asked the International Bureau to carry out a study of possible improvements to the Patent Cooperation Treaty, particularly the PCT Regulations (see *Industrial Property*, 1981, p. 224).

The Assembly, at its eighth session, held in Geneva from November 16 to 24, 1981, noted with approval a communication by the Director General of WIPO that

\* Prepared by the International Bureau.

the program would not provide for the convocation of a diplomatic conference. Consequently, no proposal was made for any amendment that would require decision by a revision conference. The study was limited to possible modifications of time limits (fixed in Articles 22(2) and 39(1)(a) of the PCT) which may be effected by the Assembly without a revision conference and to amendments to the Regulations, whose amendment is the Assembly's responsibility.

For preparing the session of the Committee, the International Bureau discussed, in a meeting with representatives from interested non-governmental organizations, held in Geneva on April 1 and 2, 1982, the first results of the study undertaken by it. In making its proposals to the Committee, the International Bureau took into account proposals received in particular from those organizations.

The most important proposals that were put before the Committee are intended to achieve the following goals:

(i) making the procedure during the international phase under Chapter I of the PCT safer and simpler for the applicant; for example, some proposals are aimed at giving the applicant the means to ensure, in a simpler way than under the existing Rules, that he will not lose his international application because the record copy has not reached the International Bureau in due time; other proposals are aimed at allowing the extension of time limits fixed by the receiving Office and at obliging that Office to excuse trivial errors whose correction it asked for but did not receive; further proposals, dealing with the procedure under which the applicant may amend the claims during the international phase, are aimed at giving him more time to do so, at giving him the possibility to file the amendments through the intermediary of the receiving Office or the International Searching Authority, at giving him the possibility to state more in his explanations of amendments and at permitting him to submit the amendments in the language of publication only; certain other proposals are aimed at making more liberal the rules concerning the rectification of errors and mistakes in documents;

(ii) making the procedure during the international phase under Chapter II of the PCT more attractive for the applicant; for example, some proposals are aimed at giving the applicant more opportunities to present arguments to the International Preliminary Examining Authority and at making longer the time limit for establishing the international preliminary examination report in certain cases;

(iii) simplifying the tasks of the international authorities running the operations under the PCT;

(iv) making it safer and simpler for the applicant to enter the national phase; for example, some proposals are aimed at fixing at 20 months from the priority date the time limit for entering the national phase in designated States where the International Searching Authority declares that no international search report will be

established, and at fixing at 30 months from the priority date the time limit for entering the national phase in elected States; other proposals are aimed at making it clear that certain requirements for entering the national phase are not allowed under the PCT, and that certain other requirements to be complied with during the national phase must be complied with by the applicant only after entering the national phase and only after being invited to comply with them; further proposals are aimed at reducing the scope of the translations that the applicant has to furnish when entering the national phase; still other proposals are aimed at making it clear in which cases Contracting States must excuse delays in meeting time limits;

(v) including certain patent documents published in the Spanish language in the PCT minimum documentation and including the Spanish language among the languages of international publication of international applications;

(vi) simplifying the wording of certain Rules and deleting some obsolete Rules.

Altogether, the proposals put before the Committee affect two Articles of the Treaty and more than 40 Rules of the Regulations.

The Committee considered the proposals and advised the International Bureau on them.

The Committee will be convened for a second session in early 1983 and will receive for that session a revised set of proposals from the International Bureau. The revisions will take into account the recommendations of the participants of the Committee. They will also include proposals concerning the transfer of some Rules or parts of Rules to the Administrative Instructions.

Depending on the results of the second session of the Committee, the Assembly of the PCT Union could probably be convened in late 1983 for a special session to consider the proposals for amendment of the Treaty and the Regulations emanating from the ongoing study.

## LIST OF PARTICIPANTS\*

### I. Members of the Committee

**Australia:** K. Widdows. **Austria:** N. Marterer. **Belgium:** P. Ceuninck. **Brazil:** E. Cordeiro. **Cameroon:** N. Fomekong. **Denmark:** J. Dam. **Finland:** E. Häkli. **France:** G. Rajot. **Germany (Federal Republic of):** U. C. Hallmann. **Japan:** H. Goto; S. Ono. **Liechtenstein:** A. F. de Gerliczy-Burian. **Luxembourg:** F. Schlessler. **Netherlands:** S. de Vries. **Norway:** P. T. Lossius; I. Lillevik. **Soviet Union:** S. N. Afanassiev. **Sweden:** G. Borggård; E. Tersmeden; P. Lindh; B. Sandberg. **Switzerland:** M. Leuthold. **United Kingdom:** A. Sugden; J. Sharrock. **United States of America:** H. D. Hoinkes; L. O. Maassel. **European Patent Office (EPO):** U. Schatz; L. Gruszow.

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

## II. Observer States

Ghana: A. J. B. McCarthy. Mexico: F. J. Cruz González. Republic of Korea: S. H. Kim. Spain: J. Delicado Montero-Rios; S. Jessel. Trinidad and Tobago: M. Lashley.

## III. International Non-Governmental Organizations

Committee of National Institutes of Patent Agents (CNIPA): R. P. Lloyd. European Federation of Agents of Industry in Industrial Property (FEMIP): F. A. Jenny. International Association for the Protection of Industrial Property (IAPIP): G. R. Clark; G. E. Kirker. International Chamber of Commerce (ICC): J. M. W. Buraas. International Federation of Industrial Property Attorneys (FICPI): H. Bardehle; F. W. Lenz. Union of Industries of the European Community (UNICE): F. Thierri.

## IV. Officers

Chairman: G. Borggård (Sweden). Vice-Chairmen: H. D. Hoinkes (United States of America); S. N. Afanassiev (Soviet Union). Secretary: B. Bartels (WIPO).

## V. International Bureau of WIPO

A. Bogsch (Director General); K. Pfanner (Deputy Director General); F. Curchod (Director, PCT Division); J. Franklin (Deputy Head, PCT Division); B. Bartels (Head, PCT Legal Section); D. Bouchez (Head, PCT Publications Section); N. Scherrer (Head, PCT Fees, Sales and Statistics Section); V. Trousov (Senior Counsellor, PCT Legal Section); T. Hirai (Examination Procedures Officer, PCT Examination Section).

## II

### Assembly

Ninth Session  
(6th Extraordinary)

(Geneva, September 10, 1982)

### NOTE\*

The Assembly of the International Patent Cooperation Union (PCT Union) held its ninth session (6th extraordinary) in Geneva on September 10, 1982.

Nineteen of the 32 Contracting States were represented at the session: Australia, Austria, Belgium, Brazil, Denmark, Finland, France, Germany (Federal Republic of), Japan, Liechtenstein, Luxembourg, Monaco, Netherlands, Norway, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America.

Four other States participated in the session as observers: Ivory Coast, Mexico, Republic of Korea, Trinidad and Tobago.

One intergovernmental organization, the European Patent Organisation (EPO), and the following three

international non-governmental organizations were represented by observers: Committee of National Institutes of Patent Agents (CNIPA), International Association for the Protection of Industrial Property (IAPIP), International Federation of Industrial Property Attorneys (FICPI).

The list of participants follows this Note.

New amounts of the fees set out in the Schedule of Fees annexed to the PCT Regulations were fixed by the Assembly as from January 1, 1983. They are, in Swiss francs, approximately 7½% higher than the fees applicable in 1982.<sup>1</sup>

<sup>1</sup> The amended Schedule of Fees appears in this month's *Industrial Property Laws and Treaties* (see MULTILATERAL TREATIES—Text 2-007, p. 080).

## LIST OF PARTICIPANTS\*

### I. Member States

Australia: K. Widdows. Austria: N. Marterer. Belgium: P. Ceuninck. Brazil: E. Cordeiro. Denmark: J. Dam. Finland: E. Häkli. France: G. Rajo. Germany (Federal Republic of): U. C. Hallmann. Japan: H. Goto; S. Ono. Liechtenstein: A. F. de Gerliczy-Burian. Luxembourg: F. Schlessler. Monaco: E. Franzi. Netherlands: S. de Vries. Norway: P. T. Lossius; I. Lillevik. Soviet Union: S. N. Afanassiev. Sweden: G. Borggård; E. Tersmeden; P. Lindh; B. Sandberg. Switzerland: M. Leuthold. United Kingdom: A. Sugden; J. Sharrock. United States of America: L. O. Maassel; H. D. Hoinkes.

### II. Observer States

Ivory Coast: K. Zobo. Mexico: F. J. Cruz González. Republic of Korea: S. H. Kim. Trinidad and Tobago: M. Lashley.

### III. Intergovernmental Organizations

European Patent Organisation (EPO): U. Schatz.

### IV. International Non-Governmental Organizations

Committee of National Institutes of Patent Agents (CNIPA): R. P. Lloyd. International Association for the Protection of Industrial Property (IAPIP): G. R. Clark. International Federation of Industrial Property Attorneys (FICPI): H. Bardehle.

### V. Officers

Chairman: G. Borggård (Sweden); Secretary: F. Curchod (WIPO).

### VI. International Bureau of WIPO

A. Bogsch (Director General); K. Pfanner (Deputy Director General); F. Curchod (Director, PCT Division); B. Bartels (Head, PCT Legal Section); M. Lagesse (Controller, Administrative Division); N. Scherrer (Head, PCT Fees, Sales and Statistics Section).

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

\* Prepared by the International Bureau.

## Special Studies

### Protection Against Piracy in the Field of Industrial Property

Studies by: E. D. Aracama Zorraquín, D. T. Carlisle,  
R. Franceschelli, P. D. Siemsen and J. A. Faria Correa,  
A. Thrierr and W. N. Walker

#### INTRODUCTION

The problem of piracy in the field of industrial property has, according to interested circles, assumed critical proportions. The most prevalent manifestation is that of trademark counterfeiting, that is, affixing a false trademark to a product and marketing that product as if it were the genuine product of the trademark owner. Although trademark counterfeiting typically occurs with respect to luxury goods, many basic commercial and industrial products, such as spare parts for automobiles and airplanes, pharmaceuticals, medical apparatus, agricultural chemicals and electric components, have also been affected.

Industrial property piracy—and seeking means of protection against it—was a major subject of discussion at a recent informal meeting, convened by the Director General of WIPO, of international non-governmental organizations essentially concerned with industrial property. In response to the concern expressed at that meeting, and in order to lay a foundation for potential future WIPO action, WIPO invited several renowned scholars and practitioners to contribute studies on the subject. Their contributions, which reflect the significance of the problem and describe several possible approaches to solving it, appear below.

#### Trademark Piracy in Argentine Law

E. D. ARACAMA ZORRAQUÍN\*













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**Protection Against Piracy—A General View**

D. T. CARLISLE\*







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**Protection Against Industrial Property  
Piracy in Italy**

R. FRANCESCHELLI\*





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**Protection of Trademarks Against  
Counterfeiting in Brazil**

P. D. SIEMSEN and J. A. FARIA CORREA\*





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**Piracy of Trademarks: A Matter for States**

A. THRIERR\*











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**The Evolution and Status of the  
International Anticounterfeiting Code\***

W. N. WALKER\*\*







## General Studies

### **Industrial Property and Consumer Protection: The New Israeli Legislation**

M. GABAY\*



# Calendar

## WIPO Meetings

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

### 1982

- 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)
- December 13 to 17 (Geneva) — Locarno Agreement — Committee of Experts

### 1983

- January 17 to 28 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Search Information
- January 25 to 29 (New Delhi) — Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights
- January 31 to February 2 (New Delhi) — Regional Committee of Experts on the modalities of implementation in Asia of the model provisions for national laws on intellectual property aspects of the protection of expressions of folklore (convened jointly with Unesco)
- March 16 to 18 (Geneva) — WIPO Worldwide Forum on the Piracy of Books and Magazines and of Radio and Television Broadcasts
- April 18 to 23 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on General Information
- April 25 to 29 (Geneva) — International Patent Cooperation (PCT) Union — Committee for Administrative and Legal Matters
- May 2 to 6 (Geneva) — Committee of Experts Concerning Joint Inventive Activity
- May 26 to June 3 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Special Questions and Working Group on Planning
- June 6 to 10 (Geneva) — Expert Group on the Legal Protection of Computer Software
- June 6 to 17 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Search Information
- June 20 to 24 (Geneva) — Permanent Committee on Patent Information (PCPI) — ad hoc Working Group on the Revision of the Guide to the IPC
- July 4 to 8 (Geneva) — Joint Unesco-WIPO Consultative Committee on the Access by Developing Countries to Works Protected by Copyright (convened jointly with Unesco)
- September 12 to 16 (Geneva) — International Patent Classification (IPC) Union — Committee of Experts
- September 14 to 16 (Paris) — Forum of International Non-Governmental Organizations on Double Taxation of Copyright Royalties (convened jointly with Unesco)
- September 19 to 23 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation (PCT/CTC)
- September 26 to October 4 (Geneva) — Governing Bodies (WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT, Budapest, TRT 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)
- October 12 to 14 (Geneva, ILO Headquarters) — Rome Convention — Intergovernmental Committee (convened jointly with ILO and Unesco)
- October 17 to 21 (Geneva) — Committee of Governmental Experts on Model Statutes for Institutions Administering Authors' Rights in Developing Countries (convened jointly with Unesco)
- November 21 to 25 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on General Information
- November 28 to December 2 (Geneva) — Permanent Committee on Patent Information (PCPI) — Working Group on Special Questions and Working Group on Planning
- December 8 to 16 (Paris) — Berne Union — Executive Committee — Extraordinary Session (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)

## UPOV Meetings

### 1983

April 26 and 27 (Geneva) — Administrative and Legal Committee  
 April 28 (Geneva) — Consultative Committee  
 May 30 (Zaragoza) — Technical Working Party for Vegetables — Subgroup  
 May 31 to June 2 (Zaragoza) — Technical Working Party for Vegetables  
 June 7 (Tystofte, Skaelskør) — Technical Working Party for Agricultural Crops — Subgroups  
 June 8 to 10 (Tystofte, Skaelskør) — Technical Working Party for Agricultural Crops  
 September 20 (Rome or Santa Cruz) — Technical Working Party for Fruit Crops — Subgroup  
 September 21 to 23 (Rome or Santa Cruz) — Technical Working Party for Fruit Crops  
 September 27 to 29 (Conthey or Wädenswil) — Technical Working Party for Ornamental Plants and Forest Trees  
 October 3 and 4 (Geneva) — Technical Committee  
 October 11 (Geneva) — Consultative Committee  
 October 12 to 14 (Geneva) — Council  
 November 7 and 8 (Geneva) — Administrative and Legal Committee  
 November 9 and 10 (Geneva) — Hearing of International Non-Governmental Organizations

## Meetings of Other International Organizations Concerned with Industrial Property

### 1982

European Patent Organisation: December 6 to 10 (Munich) — Administrative Council  
 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  
 International League Against Unfair Competition: September 18 to 21 (Montreal) — Working Session (*Journées d'Etudes*)

### 1984

Royal Patent and Registration Office: June 13 to 15 (Stockholm) — Symposium on the Centenary of the Swedish Patent System