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## INDUSTRIAL PROPERTY LAWS AND TREATIES

Editor's Note

### GERMAN DEMOCRATIC REPUBLIC

Law on the Legal Protection of Inventions—Patent Law (of October 27, 1983) .....

Text 2-001

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## Notifications

### WIPO Convention

#### Entry Into Force of Amendments to Articles 6(2)(iv), 6(4)(a), 7(2)(ii) and (iii) and 8(3)

The following amendments to the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967, entered into force on May 25, 1984:

- in Article 6(2)(iv). "triennial" is replaced by "biennial";
- in Article 6(4)(a), "third" is replaced by "second";
- in Article 7(2)(ii) and (iii), "triennial" is replaced by "biennial";
- in Article 8(3), item (iv) is deleted.

Those amendments affect the periodicity of the program and budget as well as of the sessions of the Conference and General Assembly of WIPO.

The said amendments were unanimously adopted by the WIPO Conference on October 2, 1979. At that time, the number of States members of WIPO was 85.

The entry into force of the said amendments was brought about by the receipt by the Director General of notifications of acceptance of those amendments from the required number of States members of WIPO at the time the WIPO Conference adopted the amendments, that is, from three-fourths of the said Member States. The required number of notifications is 64. They were received, in chronological order, from the following Member States (the date of receipt is indicated in parentheses): Liechtenstein (November 16, 1979), Germany (Federal Republic of) (December 11, 1979), Norway (December 14, 1979), Republic of Korea (December 17, 1979), Denmark (December 24, 1979), United Arab Emirates (December 28, 1979), Tunisia (January 3, 1980), Ireland (January 4, 1980), Sudan (January 7, 1980), Sweden (January 9, 1980), Upper Volta (January 14, 1980), Spain (January 17, 1980), Monaco (January 23, 1980), France (January 31, 1980), Brazil (February 8, 1980), Holy See (February 25, 1980), Italy (February 26, 1980), Suriname (March 3, 1980), Czechoslovakia (April 15, 1980), Bahamas (May 6, 1980), Canada (May 16, 1980), India (May 29, 1980), United States of America (June 2, 1980), Romania (June 11, 1980), Zambia (June 23, 1980), Switzerland (July 3, 1980),

Luxembourg (October 3, 1980), Qatar (October 21, 1980), United Kingdom (November 4, 1980), Portugal (December 15, 1980), Bulgaria (January 5, 1981), Chile (January 21, 1981), Hungary (February 19, 1981), Greece (April 2, 1981), Finland (October 23, 1981), Soviet Union (October 30, 1981), Australia (November 13, 1981), Kenya (November 16, 1981), Mexico (November 23, 1981), Israel (November 25, 1981), Turkey (December 30, 1981), Niger (January 15, 1982), Egypt (January 25, 1982), Malawi (March 5, 1982), Jordan (March 24, 1982), German Democratic Republic (August 6, 1982), Iraq (August 30, 1983), Algeria (September 1, 1983), Central African Republic (September 15, 1983), Viet Nam (September 23, 1983), Congo (October 5, 1983), Uganda (October 12, 1983), Mauritius (December 13, 1983), Netherlands (January 9, 1984), Burundi (February 28, 1984), El Salvador (March 7, 1984), Byelorussian SSR (March 9, 1984), Cameroon (March 26, 1984), Ukrainian SSR (March 29, 1984), Democratic People's Republic of Korea (March 30, 1984), Chad (April 3, 1984), Benin (April 11, 1984), Mongolia (April 25, 1984), Morocco (May 1, 1984).

According to the applicable provisions of the Convention Establishing WIPO, the amendments bind not only all the States members of WIPO at the time the amendments enter into force but also the States "which become Members thereof at a subsequent date" (Article 17(3)).

WIPO Notification No. 128, of May 24, 1984.

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### Paris Convention

#### Entry Into Force of Amendments to Articles 13(2)(a)(vi), 13(7)(a), 14(6)(a)(ii) and 14(6)(a)

The following amendments to the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Stockholm on July 14, 1967 ("Stockholm Act (1967)"), entered into force on June 3, 1984:

- in Article 13(2)(a)(vi), "triennial" is replaced by "biennial";
- in Article 13(7)(a), "third" is replaced by "second";

- in Article 14(6)(a)(ii), “triennial” is replaced by “biennial”;
- in Article 14(6)(a), item (iii) is deleted.

Those amendments affect the periodicity of the program and budget as well as of the sessions of the Assembly of the Paris Union.

The said amendments were unanimously adopted by the Assembly of the Paris Union on October 2, 1979. At that time, the number of States members of the Assembly of the Paris Union was 71.

The entry into force of the said amendments was brought about by the receipt by the Director General of notifications of acceptance of those amendments from the required number of States members of the said Assembly at the time the Assembly adopted the amendments, that is, from three-fourths of the 71 said member States. The required number of notifications is 54. They were received, in chronological order, from the following member States (the date of receipt is indicated in parentheses): Liechtenstein (November 16, 1979), Germany (Federal Republic of) (December 11, 1979), Norway (December 14, 1979), Denmark (December 24, 1979), Tunisia (January 3, 1980), Ireland (January 4, 1980), Sweden (January 9, 1980), Upper Volta (January 14, 1980), Spain (January 17, 1980), Monaco (January 23, 1980), France (January 31, 1980), Brazil (February 8, 1980), Holy See (February 25, 1980), Italy (February 26, 1980), Suriname (March 3, 1980), Czechoslovakia (April 15, 1980), Bahamas (May 6, 1980), Canada (May 16, 1980), United States of America (June 2, 1980), Romania (June 11, 1980), Zambia (June 23, 1980), Switzerland (July 3, 1980), Luxembourg (October 3, 1980), United Kingdom (November 4, 1980), Portugal (December 15, 1980), Bulgaria (January 5, 1981), Hungary (February 19, 1981), Greece (April 2, 1981), Finland (October 23, 1981), Soviet Union (October 30, 1981), Australia (November 13, 1981), Kenya (November 16, 1981), Mexico (November 23, 1981), Israel (November 25, 1981), Turkey (December 30, 1981), Niger (January 15, 1982), Egypt (January 25, 1982), Malawi (March 5, 1982), Jordan (March 24, 1982), German Democratic Republic (August 6, 1982), Iraq (August 30, 1983), Algeria (September 1, 1983), Central African Republic (September 15, 1983), Viet Nam (September 23, 1983), Congo (October 5, 1983), Uganda (October 12, 1983), Mauritius (December 13, 1983), Netherlands (January 9, 1984), Burundi (February 28, 1984), Cameroon (March 26, 1984), Chad (April 3, 1984), Benin (April 11, 1984), Morocco (May 1, 1984), Togo (May 3, 1984).

According to the applicable provisions of the Stockholm Act (1967) of the said Paris Convention, the amendments bind not only all the States members of the Assembly of the Paris Union at the time the amendments enter into force but also the States “which become members thereof at a subsequent date” (Article 17(3)).

Paris Notification No. 111, of May 24, 1984.

## Hague Agreement

### 1.

#### The London Act (1934), the Hague Act (1960), the Stockholm (Complementary) Act (1967) and the Protocol of Geneva (1975)

#### Accession

#### SENEGAL

The Government of Senegal deposited, on May 30, 1984, its instrument of accession to the Hague Agreement Concerning the International Deposit of Industrial Designs of November 6, 1925, to the said Agreement revised at London on June 2, 1934 (“London Act (1934)”), to the said Agreement revised at The Hague on November 28, 1960 (“Hague Act (1960)”), and to the Complementary Act of Stockholm of July 14, 1967, of the said Agreement (“Stockholm (Complementary) Act (1967)”), as well as to the Protocol of Geneva of August 29, 1975, to the said Agreement (“Protocol of Geneva (1975)”).

Senegal has not heretofore been a member of the Union for the International Deposit of Industrial Designs (“Hague Union”), founded by the Hague Agreement.

The London Act (1934), the Stockholm (Complementary) Act (1967), and the Protocol of Geneva (1975), entered into force, with respect to Senegal, on June 30, 1984. On that date, Senegal will become a member of the Hague Union and will be bound by the London Act (1934), the Stockholm (Complementary) Act (1967) and the Protocol of Geneva (1975).

The date of entry into force of the Hague Act (1960) is the subject of a separate notification (see the Hague Notification No. 22, below).

The Hague Notification No. 21, of June 28, 1984.

### II.

#### Entry Into Force of the Hague Act (1960)

The Hague Agreement, revised at The Hague on November 28, 1960 (“Hague Act (1960)”), entered into force on

**August 1, 1984,**

that is, one month after the date of the present Notification.

In this connection, it is recalled that instruments of ratification or accession in respect of the Hague Act (1960) were deposited:

- on June 13, 1962, by France;
- on October 31, 1962, by Switzerland;
- on March 1, 1966, by Liechtenstein;
- on October 23, 1978, by Luxembourg;
- on February 15, 1979, by Belgium;
- on February 15, 1979, by the Netherlands;
- on November 16, 1979, by Suriname;
- on October 13, 1981, by Monaco;
- on March 14, 1983, by the Federal Republic of Germany;
- on March 7, 1984, by Hungary, with the declaration that it does not consider itself bound by the Protocol annexed to the Hague Act (1960);
- on May 30, 1984, by Senegal.

Since the number of instruments of ratification or accession in respect of the Hague Act (1960) is more than the required minimum of 10 instruments and since four of the said instruments were deposited—as required—by States which, at the date of the Hague Act (1960) were not party either to the Hague Agreement (1925) or to the Hague Agreement (1925) revised at London on June 2, 1934 ("London Act 1934") (that is, Hungary, Luxembourg, Senegal and Suriname), the conditions set forth in Article 26(1) of the Hague Act (1960) for its entry into force have been fulfilled.

Consequently, and in accordance with the provisions of its Article 26(1), the Hague Act (1960) entered into force on August 1, 1984, with respect to the 11 States listed in the second paragraph.

The date of entry into force of the Protocol annexed to the Hague Act (1960) will be notified when the required number of ratifications or accessions is reached in accordance with Article 32 of the said Act.

The Hague Notification No. 22, of July 1, 1984.

### III.

#### Cessation of Effect of the Protocol of Geneva (1975)

As from the date of the entry into force, on August 1, 1984, of the Hague Agreement Concerning the International Deposit of Industrial Designs of November 6, 1925 ("Hague Agreement (1925)"), revised at The Hague on November 28, 1960 ("Hague Act (1960)") (see the Hague Notification No. 22, above), the Protocol of Geneva of August 29, 1975, to that Agreement, in accordance with the provisions of Article 11(2)(a) of that Protocol, ceased to have effect.

However, as provided by Article 11(2)(b) of the said Protocol, the fact that the Protocol ceased to have effect does not relieve any State bound by the Protocol of their obligations under the Protocol in respect of industrial designs whose date of international deposit preceded the date of entry into force of the Hague Act (1960).

The Hague Notification No. 23, of July 1, 1984.

## Trademark Registration Treaty (TRT)

### Entry Into Force of Amendment to Article 32(7)(a)

The following amendment to the Trademark Registration Treaty (TRT), done at Vienna on June 12, 1973, entered into force on June 30, 1984:

- in Article 32(7)(a), the word "second" is inserted between the words "every" and "calendar" in the part of the sentence reading "The Assembly shall meet once in every calendar year ...."

This amendment affects the periodicity of the sessions of the Assembly of the TRT Union.

The said amendment was unanimously adopted by the Assembly of the TRT Union on September 26, 1980. At that time, the number of the Contracting States and hence the number of the members of the Assembly was five. Those States were the Congo, Gabon, the Soviet Union, Togo and Upper Volta.

The entry into force of the said amendment was brought about by the receipt by the Director General of notifications of acceptance of that amendment by the required number of Contracting States members of the said Assembly at the time the Assembly adopted that amendment, that is, from three-fourths of the five said member States. The required number of notifications is four. They were received, in chronological order, from the following States (the date of receipt is indicated in parentheses): Soviet Union (October 31, 1981), Congo (October 5, 1983), Upper Volta (April 4, 1984), Togo (May 3, 1984).

According to the applicable provisions of the TRT, the amendment binds not only "all the Contracting States which were Contracting States at the time the amendment was adopted by the Assembly" (Article 38(3)(b)) but also "all States which become Contracting States after the date on which the amendment was adopted by the Assembly" (Article 38(3)(c)).

TRT Notification No. 8, of July 10, 1984.

## Budapest Treaty (Microorganisms)

### Acquisition of the Status of International Depository Authority

#### COLLECTION NATIONALE DE CULTURES DE MICRO-ORGANISMES (CNCM)

The following written communication addressed to the Director General of WIPO by the Government of France 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 8, 1984, and is published by the International Bureau of WIPO pursuant to Article 7(2)(a) of the said Treaty:

"1. The Collection Nationale de Cultures de Micro-organismes (CNCM) is located in France, at the headquarters of the Institut Pasteur, 28 rue du Dr Roux, 75724 Paris Cedex 15.

"2. The Institut Pasteur is a foundation recognized as a public utility engaged in research and teaching which is financed by Government subsidies, donations and proprietary funds. The CNCM is an autonomous department of the Institut Pasteur which is independent of the latter's research units and operates under the direct authority of the management of the Institut.

"3. The CNCM was set up by a Governmental Order dated April 30, 1976, as amended on July 20, 1981, from the existing structures of the Bacteria Collection of the Institut Pasteur (CIP), whose existence is associated with the origins of the teaching of bacteriology, and which takes care of the storage, identification and release of bacterial strains.

"4. The CNCM has a twofold purpose:

- as the national collection, it coordinates and organizes the distribution of samples of bacteria, filamentous fungi and yeasts requested of the CIP and other specialized scientific collections of the Institut Pasteur, such as the collections of anaerobic bacteria, entomopathogenic bacteria, cyanobacteria, mycobacteria and fungi of medical interest, etc.;
- as the authorized microorganism collection for patent matters, it receives deposits for the purposes of national and international patent procedures.

"5. Before 1976, in the absence of specific provisions in French patent law, the microorganism collections of the Institut Pasteur already accepted deposits of strains made by patent applicants. The Order of April 30, 1976, which set up the CNCM, enabled it to draw up initial regulations governing the deposit of strains and the release of samples in connection with patent applications, which were subsequently expanded and amended in line with the amendments to French legislation and international conventions that occurred in this area. Since 1976 the CNCM has received 256 deposits of microorganisms for the purposes of patent procedure.

"6. The CNCM is a member of the World Federation for Culture Collections (WFCC). It performs its tasks impartially and objectively, and is available to all depositors under the same conditions for the deposit of microorganisms.

The staff strength of the CNCM is three persons

with university diplomas or the qualifications necessary for the scientific, technical or administrative tasks that are entrusted to them. The Director of the CNCM is assisted by a scientific board of four microbiologists of the Institut Pasteur, who are responsible for deposits of bacteria, fungi, viruses and cellular cultures, respectively. Moreover, the CNCM benefits from the competence of the specialized laboratories of the Institut Pasteur, with which it works in close collaboration. Finally, the examinations that call for specific technology are carried out with the assistance of expert scientists.

The CNCM has at its disposal the premises and technical installations necessary for the storage, monitoring and maintenance of deposited microorganisms. Security measures are applied to minimize the risk of accidental loss of deposits (double storage, alarm system).

"7. Types of microorganisms that are accepted under the Budapest Treaty:

- Bacteria (including actinomycetes);
- Bacteria containing plasmids;
- Filamentous fungi and yeasts;
- Viruses.

Exceptions to the above are:

- microorganisms whose manipulation calls for physical insulation standards of P3 or P4 level, according to the information provided by the National Institute of Health (NIH) in "Guidelines for Research Involving Recombinant DNA Molecules" and "Laboratory Safety Monograph";
- microorganisms liable to require viability testing that the CNCM is technically not able to carry out;
- mixtures of undefined and/or unidentifiable microorganisms.

The CNCM reserves the possibility of refusing any microorganism for security reasons: specific risks to human beings, animals, plants and the environment.

"8. Types of microorganisms that are not accepted under the Budapest Treaty:

- cellular cultures (animal cells, including hybridomas and plant cells).

"9. In the eventuality of the deposit of cultures that are not or cannot be lyophilized, the CNCM has to be consulted, prior to the transmittal of the microorganism, regarding the possibilities and conditions for acceptance of the samples, but it is in fact advisable to make this prior consultation in all cases.

"10. Subject to the conditions laid down in the Budapest Treaty and the Regulations under it, the CNCM:

- accepts the deposit of the microorganisms referred to under 7, examines them for purity and viability and stores them;
- issues a receipt and the required statements regarding viability;
- observes secrecy with regard to deposited microorganisms;
- releases samples of any deposited microorganism.

“11. The fees charged by the CNCM under Rule 12.1 of the Regulations under the Budapest Treaty for the operations referred to under 10 are as follows:

	French francs (before tax)
Storage fee:	
— for bacteria, fungi and yeasts, lyophilized or lyophilizable . . . . .	3,500
— for all other acceptable cultures . . . . .	case by case fee
Fee for the furnishing of samples: . . . . .	600
(cost of transport in addition) (except in specific cases)	
Fee for the issue of a viability statement:	
— requiring a viability test . . . . .	600
(except in specific cases)	
— in other cases . . . . .	100
Fee for the communication of information or issue of an attestation: . . . . .	200

The above fees are subject to value-added tax (VAT), according to French provisions currently in force.

“12. French is the official language of the CNCM. However, forms are drafted in English as well as in French, and correspondence may be conducted in English with non-French speaking clients.”

[End of text of Communication]

Pursuant to Article 7(2)(b) of the Budapest Treaty, the CNCM acquires the status of international depositary authority as from August 31, 1984 (date of the present publication).

Budapest Communication No. 19 (this Communication is the subject of Budapest Notification No. 39 of June 29, 1984).

## Nairobi Treaty (Olympic Symbol)

### I. Ratifications

#### SENEGAL

The Government of Senegal deposited, on July 6, 1984, its instrument of ratification of the Nairobi Treaty on the Protection of the Olympic Symbol, adopted at Nairobi on September 26, 1981.

The said Treaty entered into force, with respect to Senegal, on August 6, 1984.

Nairobi Notification No. 23, of July 9, 1984.

#### BRAZIL

The Government of Brazil deposited, on July 10, 1984, its instrument of ratification of the Nairobi Treaty.

The said Treaty entered into force, with respect to Brazil, on August 10, 1984.

Nairobi Notification No. 24, of July 11, 1984.

### II. Accession

#### ALGERIA

The Government of Algeria deposited, on July 16, 1984, its instrument of accession to the Nairobi Treaty.

The said Treaty entered into force, with respect to Algeria, on August 16, 1984.

Nairobi Notification No. 25, of July 18, 1984.

## Activities of the International Bureau

### Hague Agreement Concerning the International Deposit of Industrial Designs

#### Entry into Force of the 1960 Act

On August 1, 1984, the 1960 Act of the Hague Agreement Concerning the International Deposit of Industrial Designs entered into force. The said Act was adopted on November 28, 1960, at the Diplomatic Conference of The Hague, and its Article 26 provides that it enters into force one month after the deposit of ten instruments of ratification or accession, at least four of which have to be deposited by States which so far were not party to the Hague Agreement. That later condition was fulfilled with the deposit of instruments of accession by Luxembourg, on October 23, 1978, Suriname, on November 16, 1979, Hungary, on March 7, 1984, and, on May 30, 1984, by Senegal. The other instruments of ratification or accession had been deposited by France, Switzerland, Liechtenstein, Belgium, the Netherlands, Monaco and the Federal Republic of Germany.

In accordance with Article 11(2)(a) of the 1975 Geneva Protocol, the entry into force of the 1960 Act has the consequence that the said Protocol ceases to have effect on August 1, 1984, and that the Hague Union now comprises three groups of States:

- *the first group* consists of States bound both by the 1934 Act of London and the 1960 Act of The Hague; those States are France, Germany (Federal Republic of), Hungary, Liechtenstein, Monaco, Senegal, Suriname and Switzerland;
- *the second group* consists of States which are bound by the 1960 Act but not by the 1934 Act, namely, Belgium, Luxembourg and the Netherlands;
- *the third group* consists of States bound by the 1934 Act but not by the 1960 Act, namely, Egypt, the German Democratic Republic, the Holy See, Indonesia,\* Morocco, Spain, Tunisia and Viet Nam.\*\*

Treaty relations exist between the States belonging to the first group and the States belonging to the second group, and between the States belonging to the first group and the States belonging to the third group.

However, there are no treaty relations between the States belonging to the second group and the States belonging to the third group.

Applications and registrations of nationals or residents of States belonging to the first group are governed at the same time by the 1934 Act and the 1960 Act; those of nationals or residents of States belonging to the second group are governed only by the 1960 Act; those of nationals or residents of States belonging to the third group are governed only by the 1934 Act.

The following are the main features of the procedure established by the 1960 Act. International deposits of industrial designs are made at the International Bureau of WIPO either directly, or through the intermediary of the national industrial property office of the Contracting State which is the country of origin, if the law of that State so permits; the domestic law of any Contracting State may even require that the international deposit be made through the intermediary of its national office. The international deposit has in each of the Contracting States designated by the applicant the same effect as if all the formalities required by the domestic law for the grant of protection had been complied with by the applicant and as if all administrative acts required to that end had been accomplished by the Office of that State. The international deposit extends its effects to the Contracting State which is the country of origin, unless the legislation of that State provides otherwise. The International Bureau (WIPO) publishes in a periodical bulletin, for each international deposit, reproductions in black and white or, at the request of the applicant, reproductions in color of the photographs or other graphic representations of the deposited design. The applicant may request that the publication be deferred by a period not exceeding 12 months from the date of the international deposit. Each Contracting State designated by the applicant may refuse protection within six months from the date of the receipt of the publication of the international deposit. The refusal of protection can only be based on requirements of the domestic law other than the formalities and administrative acts to be accomplished under the domestic law by the Office of the Contracting State which refuses the protection. The term of protection cannot be less than five years, or 10 years if renewed during the last year of the five-year period; if the national legislation of a country provides for a longer term of protection, the international deposit has effect for that longer term, provided that renewal has been effected in due time (every five years) unless the national legislation limits the said effect to the minimum terms (10 years) prescribed by the 1960 Act.

\* The national law of this country does not provide for registration of industrial designs.

\*\* The situation of Viet Nam in respect of the Hague Union is under examination.

## Plant Varieties

### The International Union for the Protection of New Varieties of Plants in 1983

#### State of the Union

In 1983, three States expressed their consent to be bound by 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, France by the deposit, on February 17, 1983, of its instrument of ratification, Hungary by the deposit on March 16, 1983, of its instrument of accession and the United Kingdom by the deposit on August 24, 1983, of its instrument of ratification. Those three instruments bring the number of States bound by the 1978 Act to 11.<sup>1</sup>

Hungary, by the deposit of the said instrument of accession, became a member State of the Union (on April 16, 1983), which currently comprises the following 17 member States: Belgium, Denmark, France, Germany (Federal Republic of), Hungary, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America.

A table of member States of the Union, as on January 1, 1984, was published on page 27 of the January 1984 issue of this review.

#### Sessions

During 1983, the various bodies of UPOV met as described below. Unless otherwise specified, the sessions took place in Geneva.

The *Council* held its seventeenth ordinary session from October 12 to 14, 1983, under the chairmanship of Dr. W. Gfeller (Switzerland). The session was attended by representatives from member States and by observers from a number of interested non-member States, namely: Argentina, Austria, Egypt, Panama, Poland, Yugoslavia, Zimbabwe. The Food and Agriculture Organization of the United Nations (FAO), the Commission of the European Communities (CEC), and the International Board for Plant Genetic Resources (IBPGR) were also represented by observers.

<sup>1</sup> It should be noted that since January 1, 1984, Israel deposited its instrument of accession to the 1978 Act and became bound by that Act with effect from May 12, 1984.

The first day of the session was devoted, for the fourth year running, to a symposium. The subject of the 1983 *Symposium* was "Nomenclature." The following lectures were given:

(i) "The De Candolle Family and the Historical Development of Botanical Nomenclature," by Mr. Hervé M. Burdet, Curator at the Botanical Garden of the City of Geneva, Switzerland;

(ii) "The International Code of Nomenclature for Cultivated Plants: The Current Position and Possible Future Developments," by Mr. Christopher D. Brickell, Director, the Royal Horticultural Society's Garden, Wisley, Woking, Surrey, United Kingdom;

(iii) "UPOV and Variety Denominations," by Mr. Henning Kunhardt, Division Head, Federal Plant Varieties Office, Hanover, Federal Republic of Germany;

(iv) "The Implications of the Use of Common Plant Names," by Mr. Willem A. Brandenburg, Research Worker, Department of Taxonomy of Cultivated Plants and Weeds, Agricultural University, Wageningen, Netherlands;

(v) "Variety Denominations and Trademarks," by Mr. René Royon, Secretary General, International Community of Breeders of Asexually Reproduced Fruit Tree and Ornamental Varieties (CIOPORA), Mougins, France.

In addition to the representatives of member and non-member States and of the intergovernmental organizations (FAO, CEC and the International Seed Testing Association (ISTA)), the Symposium was attended by almost 20 representatives of international non-governmental organizations (Association of Plant Breeders of the European Economic Community (COMASSO), International Association for the Protection of Industrial Property (AIPPI), International Association of Horticultural Producers (AIPH), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Community of Breeders of Asexually Reproduced Fruit Tree and Ornamental Varieties (CIOPORA), International Federation of the Seed Trade (FIS)) and by a number of individual technical and legal experts. Mr. Frits Schneider, Head, Department for Horticultural Botany, Government Institute for Research on Varieties of Cultivated Plants, Wageningen, Netherlands, acted as Rapporteur for the Symposium, which was concluded by a panel discussion. Records of the proceedings of the Symposium are reproduced in a special UPOV publication (No. 341), in English, French, German and Spanish.



The main decisions taken by the *Council* at its seventeenth ordinary session were:

(i) the report of the Secretary-General on the activities of the Union in 1982 and the first nine months of 1983, the report on his management and the financial situation of the Union in 1982, and the accounts of the Union for 1982, were approved;

(ii) the program and the budget for 1984 were established;

(iii) the reports on the progress made by the various committees and technical working parties, including their plans for future work, were approved;

(iv) the 1984 Symposium would be devoted to the theme "Industrial Patents and Plant Breeders' Rights—Their Proper Fields and Possibilities for Their Demarcation 2G;

(v) the following officers were elected for a term of three years expiring at the end of the twentieth ordinary session of the Council (1986):

- (a) Mr. J. Rigot (Belgium) was elected President of the Council,
- (b) Mr. S.D. Schlosser (United States of America) was elected Vice-President of the Council,
- (c) Mr. J.-M. Elena Rossello (Spain) was elected Chairman of the Technical Committee,
- (d) Mr. R. Guy (Switzerland) was elected Vice-Chairman of the Technical Committee,
- (e) Mr. F. Espenhain (Denmark) was elected Vice-Chairman of the Administrative and Legal Committee,
- (f) Mrs. V. Silvey (United Kingdom) was elected Chairman of the Technical Working Party for Automation and Computer Programs.

The *Consultative Committee* held its twenty-seventh session on April 28, 1983, and its twenty-eighth session on October 11 and 14, 1983, both under the chairmanship of Dr. W. Gfeller (Switzerland). The twenty-seventh session was devoted mainly to:

(i) the examination of the wishes expressed by international non-governmental organizations at the Information Meeting held in November 1982;

(ii) the final preparations for the Meeting with International Organizations (subsequently held on November 9 and 10, 1983) (see below);

(iii) an examination of the steps to be taken in the matter of color charts and color measurements, in view of the fact that the Royal Horticultural Society's (RHS) color chart was out of print.

The twenty-eighth session was devoted mainly to the preparation of the seventeenth ordinary session of the Council (see above). In addition, the Committee decided that UPOV should be represented at the Tenth Panamerican Seeds Seminar, held in Quito, Ecuador, from November 7 to 11, 1983.

The *Administrative and Legal Committee*, the body in which questions of the practical application of the UPOV Convention and future developments of an administrative or legal nature are discussed, held its eleventh session on April 26 and 27, 1983, and its twelfth session on November 7 and 8, 1983, both under the chairmanship of Mr. M. Heuver (Netherlands). Both sessions were attended by representatives from member States; in addition, observers from the CEC and the European Free Trade Association (EFTA) attended both sessions and an observer from Mexico, a signatory State of the 1978 Act, attended the twelfth session.

The sessions were devoted mainly to the following matters.

The Committee noted the latest developments regarding amendments to national plant variety protection legislation either introduced or planned by member States, particularly in relation to ratification of or accession to the 1978 Act of the UPOV Convention. It also noted that the Commission of the European Communities had officially proposed the creation of a "European/Community breeder's right" having the following essential features:

(i) an optional nature (that is to say, it would coexist with national rights);

(ii) a single application leading to a single title with uniform and immediate effect for the whole of the Community market;

(iii) as regards conditions, terms and content, it would be based on the current and future results of UPOV's work;

(iv) it would provide suitable possibilities of participation by interested European countries that were not members of the Communities.

In preparation for the November 1983 Meeting with International Organizations, the Committee gave a final reading to the draft set of UPOV Recommendations on Variety Denominations and noted the observations submitted by the organizations. More specifically, it examined the policy to be followed in relation to denominations intended to identify, in one way or another, the breeder. It noted that the draft Recommendations did not prevent the use of "distinctive words" in variety denominations (words common to a series of denominations) and that, depending on the circumstances of the particular case, a proposed denomination breaking into the system of denominations which identified or was supposed to identify another breeder would have to be rejected. The Committee also noted that several participants in the 1983 Symposium, including some representatives of UPOV member States, had expressed a wish for closer relations between the plant variety protection authorities and the international registration authorities. It considered that to be a matter for the individual authorities and felt that it was for them to find the best form of cooperation.

The Committee took up the question of the harmonization of procedures for the examination of proposed variety denominations in respect of preexisting denominations. While complete centralization of that examination seemed to be an ideal, perhaps impossible to achieve because of the language difficulties that would have to be overcome, the Committee felt that it might be worth considering the possibility of centralizing the computer searching of preexisting denominations liable to make a proposed denomination unsuitable. There did seem to be some interest in such a system, both among States that had computer facilities at their disposal and among those that did not. Efforts were being made to set up a pilot project, and those efforts should be followed up in 1984. Furthermore, the Committee considered that a more promising course of action for the time being was for authorities to be informed on software used and basic data available for exchange. Savings could be made in the constitution and permanent updating of national data bases by making them mutually compatible. The examination of those issues would be continued in future sessions of the Committee and of the Technical Working Party on Automation and Computer Programs.

The Committee examined a number of legal questions arising in relation with the "minimum distances between varieties" issue. It is recalled that the question examined under the heading "minimum distances between varieties" is that of the minimum distance that must exist between two varieties for protection to be granted to both of them. A similar question arises in legal areas other than that of actual plant variety protection, for instance in the recording of varieties in catalogs of varieties approved for marketing, and also in both the conceptual and the practical field, as it is at the very root of the variety notion. The question has recently acquired considerable importance, notably on account of the intensification of plant improvement work and the use of plant breeding techniques such as the exploitation of natural or induced mutations and backcrosses (which produce types of material that differ but little from each other), and also on account of the progress made in examination techniques (which enable more and finer differences to be found). In view of those trends, the issue was placed on the agenda for the November 1983 Meeting with International Organizations. Once the results of that meeting have been evaluated, in particular by the Technical Committee, the Administrative and Legal Committee will decide whether it is necessary to give further consideration to the legal aspects of "minimum distances between varieties."

Finally, the Committee was presented with a series of proposals by the Delegation of France with a view to the improvement of the position of breeders of varieties of genetically unstable, vegetatively propagated species. Such species are subject to frequent spontaneous mutation, so that a competitor can bypass with relative

ease the protection of a variety that has proved its worth on the market, by looking for and marketing a mutant distinguished from that variety only by a commercially unimportant characteristic. The introduction of a "right of access," in other words a right that would make the filing of an application for protection for a mutant subject to authorization by the owner of the protection of the parent variety, would call for amendment of the Convention and was considered undesirable. The introduction of *variety registers and repositories determining common knowledge* was regarded as a partial solution, inasmuch as it would make it possible to prevent the protection of a mutant, but without prohibiting its marketing by a third party. Moreover, such a system already existed in certain States. The last proposal consisted in the introduction of a *streamlined examination*, offering the advantage of reduced fees, which the breeder of the parent variety could make use of in order to secure protection for a mutant distinguishable from the parent variety by one or more characteristics entered in a limitative list. This proposal, in the view of the Committee, raised a certain number of practical problems (difficulties in applying it to those species with which spontaneous mutations affect a whole set of characteristics, distinction between natural and induced mutations, longer period for examination of the parent variety than that required for discovery and examination of the mutant, etc.). The Committee requested the Delegation of France, should it introduce the streamlined examination system as an experiment, to report to a subsequent session on whatever experience had been gained from its practical application. In the light of such a report, the Committee would consider whether there was any purpose in extending the system to other species and using it in various member States.

The *Technical Committee*, the body in which questions of the practical application of the UPOV Convention and future developments of a technical nature are discussed, held its nineteenth session on October 3 and 4, 1983, under the chairmanship of Mr. C. Hutin (France).

The main business of the session was as follows.

The Committee adopted seven Test Guidelines, submitted:

- (i) by the Technical Working Party for Agricultural Crops, for Soya Bean (TG/80/3) and Sunflower (TG/81/3);
- (ii) by the Technical Working Party for Ornamental Plants and Forest Trees, for African Violet (TG/17/3), Carnation (TG/25/5) (both being revisions of the existing Test Guidelines), Anthurium (TG/86/2) and Narcissi (TG/87/2);
- (iii) by the Technical Working Party for Vegetables, for Leek (TG/85/3).

As in previous years, the Committee, supported by its five Technical Working Parties, discussed a number of questions arising from practical experience in the member States gained from the application of the principles established in the General Introduction to the Test Guidelines and the individual Test Guidelines in conducting tests for distinctness, homogeneity and uniformity. Among the questions that arose were: comparison of several color charts; ongoing investigations into electrophoretic methods; homogeneity requirements for species for which varieties can be produced vegetatively or by seed; possibilities of stabilization by ISTA of names of vegetatively propagated species; compilation of a list of standard documents and books used in connection with variety testing; improvement of Test Guidelines through the provision of more detailed information on each characteristic; criteria for inclusion in Test Guidelines; distinctness criteria for species embracing fruit, ornamental and rootstock varieties.

The Committee received reports on the progress of the work of the five Technical Working Parties, gave guidance on a number of questions raised by them and instructed them on the major aspects of their future work.

The *Technical Working Party on Automation and Computer Programs* held its first session in Cambridge (United Kingdom) from May 17 to 19, 1983, under the chairmanship of Mr. C. Hutin (France). The task assigned to the Working Party is that of studying the harmonization of automation and computer programs used by the authorities of the member States in carrying out the examination of new varieties and in generally administering their plant variety protection legislation. Good progress was made at the first session with the preparation of an inventory of existing programs and methods of data processing, and with identifying areas having a high priority.

The *Technical Working Party for Vegetables* held its sixteenth session in Zaragoza (Spain) from May 30 to June 1, 1983, under the chairmanship of Mr. F. Schneider (Netherlands). In addition to its work on the Test Guidelines for one vegetable species adopted by the Technical Committee, the Working Party completed the preparation of first drafts of Test Guidelines for Broad Bean and Field Bean (in cooperation with the Technical Working Party for Agricultural Crops) and Curly Kale for submission to the professional organizations for comment.

The *Technical Working Party for Agricultural Crops* held its twelfth session in Tystofte, Skaelskør (Denmark) from June 8 to 10, 1983, under the chairmanship of Dr. G. Fuchs (Federal Republic of Germany). In addition to its work on the two Test Guidelines for agricultural crops adopted by the Tech-

nical Committee, the Working Party completed the preparation of first drafts of Test Guidelines for Cocksfoot, Meadow Fescue and Tall Fescue, Swede and Timothy for submission to the professional organizations for comment.

The *Technical Working Party for Fruit Crops* held its fourteenth session in Rome (Italy) from September 21 to 23, 1983, under the chairmanship of Dr. G.S. Bredell (South Africa). The Working Party completed the preparation of first drafts of Test Guidelines for Persimmon and Strawberry (revision) for submission to the professional organizations for comment.

The *Technical Working Party for Ornamental Plants and Forest Trees* held its sixteenth session in Conthey (Switzerland) from September 27 to 29, 1983, under the chairmanship of Mrs. U. Löscher (Federal Republic of Germany). In addition to its work on the four Test Guidelines for ornamental plants adopted by the Technical Committee, the Working Party completed the preparation of first drafts of Test Guidelines for Crown of Thorns and Freesia (revision) for submission to the professional organizations for comment.

#### Contacts with States and Organizations

Of the various contacts the Office of the Union had during 1983, the following deserve special mention: in June, the Vice Secretary-General paid a visit to the Canadian Department of Agriculture in Ottawa, during which the state of preparations for the introduction of plant breeders' rights legislation in Canada was discussed; in November, the Secretary-General and the Vice Secretary-General were received at the Swiss Federal Department for External Affairs in Berne on the occasion of the signature of the Agreement between UPOV and the Swiss Federal Council to determine the Union's legal status in Switzerland.

UPOV was represented: (i) at two meetings held at FAO headquarters in Rome, the first, in March, being a meeting of the FAO Committee of Agriculture and the second, in November, being the sixteenth meeting of Commission II of the twenty-second session of the Conference of FAO; (ii) at the twentieth Congress of ISTA, held in June in Ottawa; (iii) at the tenth Pan-American Seeds Seminar (PSS), held in November in Quito; (iv) at the first meeting of the Technical Consultative Committee (TCC) of the European Cooperative Programme for the Conservation and Exchange of Crop Genetic Resources (ECP/GR), held in December at the Swiss Federal Research Station at Changins.

UPOV was also represented: (i) at two meetings of AIPH, the first, in January in Berlin, being a meeting of the AIPH Committee for the Protection of Plant Breeders' Rights and the second, in July in Munich, being the thirty-fifth AIPH Congress; (ii) at the thirty-second Congress of AIPPI, held in May in Paris; (iii) at

the annual Congresses of ASSINSEL and of FIS, both held in June in Budapest; (iv) at the Annual Convention of the American Seed Trade Association (ASTA), held in June in San Francisco, at which ASTA celebrated its centenary.

In November 1983, a Meeting with International Organizations was held at the headquarters of UPOV in Geneva. The purpose of the meeting was to provide an opportunity for international organizations interested in the activities of the Union to give their views on three subjects:

- (i) minimum distances between varieties;
- (ii) international cooperation;
- (iii) UPOV recommendations on variety denominations.

The following intergovernmental organizations were represented: CEC, EFTA, ISTA. The non-governmental organizations represented were: AIPH, AIPPI, ASSINSEL, CIOPORA, COMASSO, International Commission for the Nomenclature of Cultivated Plants, FIS. A record of the meeting is reproduced in document IOM/I/12.

#### Publications

In 1983, the Office of the Union published the *Agreement between UPOV and the Swiss Federal*

*Council to determine the legal status in Switzerland of the Union* (signed in Berne on November 17, 1983), in English, French and German (UPOV publications INF/9); six issues of *Plant Variety Protection - Gazette and Newsletter of the International Union for the Protection of New Varieties of Plants*; a brochure containing the Portuguese text of the Revised Act of 1978 of the UPOV Convention (UPOV publication 295(P)); the *Records of the 1982 Symposium on "Genetic Engineering and Plant Breeding,"* in English, French, German and Spanish (UPOV publications 340(E), (F), (G) and (S), respectively); updated versions of the *UPOV General Information Brochure* in English, French and German (UPOV publications 408(E), (F) and (G), respectively); an information leaflet entitled *UPOV, What It Is, What It Does*, in English, French, German and Spanish (UPOV publications 437(E), (F), (G) and (S), respectively); seven *Guidelines for the Conduct of Tests for Distinctness, Homogeneity and Stability* (for details, see the above report on the work of the Technical Committee); and French and German editions of the *Collection of the Texts of the UPOV Convention and Other Important Documents Established by UPOV* (UPOV publications 644(F) and (G), respectively), containing in Part II all the Test Guidelines established by UPOV (UPOV publication 645(EFG)).

## WIPO Meetings

### WIPO/IFIA

#### International Conference on the Situation of Inventors

(Geneva, May 21 to 24, 1984)

#### NOTE\*

An International Conference on the Situation of Inventors was held at WIPO from May 21 to 24, 1984. It was organized jointly by WIPO and the International Federation of Inventors' Associations (IFIA). There were 78 participants, from the following 36 countries: Austria, Belgium, Bulgaria, China, Cuba, Denmark, Egypt, Finland, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Hungary, India, Iraq, Italy, Ivory Coast, Japan, Morocco, Netherlands, Norway, Peru, Philippines, Senegal, Singapore, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United Republic of Tanzania, United States of America, Yemen, Yugoslavia, Zaire, and six international organizations.

The participants were inventors, officials of national associations of inventors, officials of IFIA and government officials working in institutions and departments responsible for the promotion of inventiveness.

The main purpose of the Conference was to create more awareness among inventors, in official circles, and in the general public about the role of inventors in contemporary society and the legitimate need they have to be better protected and better encouraged.

The Conference was opened by Dr. Arpad Bogsch, Director General of WIPO, and Dr. L.L. Ware, President of IFIA. Dr. Bogsch was assisted by three co-Chairmen. They were Dr. M.Y. Saada, of Egypt, who presided over the discussions on the importance of the inventor in society, Dr. Ware, who presided over the discussions on the rights of inventors under the patent system, and Mr. Einar Nyren, of Sweden, who presided over the discussions on the inventor's need for protection and assistance.

On the question of *the importance of the inventor in society*, it was agreed that, in order to improve their situation and to achieve a fuller recognition of their importance in economic and social development, inventors should act collectively through national associations and through IFIA. Many participants noted

that laws, governmental institutions and collective agreements for the protection of inventors' interests did not and would not suffice to improve the situation of inventors without recognition by governments, industry and the public as a whole of the status of the inventor in society. It was urged that national associations and their members should write articles for publication in newspapers and encourage radio and television broadcasters to bring the achievements of inventors to the attention of the public.

Information was provided, and welcomed by the Conference, concerning the 1986 International Inventors Awards in Stockholm, and the World Exhibition of Achievements of Young Inventors in Plovdiv (Bulgaria) in 1985.

Many speakers stressed that the process of invention, whether by an independent inventor or by an employed inventor, is essentially creative and individual, and cannot be dissociated from the personality of the inventor.

The Conference noted that the problems of inventors were particularly acute in developing countries, welcomed the recent formation of national associations of inventors in countries such as Egypt, the Ivory Coast and Zaire, and considered that WIPO and IFIA, in their future cooperation, should give high priority to programs of assistance to such countries. In this connection, the successful efforts of the Filipino Inventors' Society were hailed as an example to inventors in other countries.

In connection with *the rights of the inventor under the patent system*, dissatisfaction was expressed on behalf of inventors with patent laws which did not provide for the possibility of non-prejudicial disclosure by the inventor before the filing of a patent application (frequently referred to as the question of a "grace period"). The present WIPO study of the possibility of the establishment of a uniform solution was therefore of great interest to inventors.

It was noted that inventors as owners of patent rights were in need of expert legal advice on how best to use and not to lose such rights, and that associations of inventors had an important role to play in this regard. National laws on the rights of employed inventors needed to be kept under constant review and to be improved so as to reflect a higher status of the inventor as a personal contributor to economic and social progress. A wealth of comparative studies and other material on this question already existed, should be kept up to date and should be made available, through IFIA, to national associations of inventors for this purpose.

\* Prepared by the International Bureau of WIPO.

Many participants expressed the view that all patent laws should require that a patent application be filed by the inventor himself, that the period of patent protection in many countries was unreasonably short and that, in the interests of the independent inventor, the costs and complications of patent procedure should be reduced.

On the question of *the inventor's need for protection and assistance*, it was noted that some existing systems, in the public and private sectors, provided financial assistance and technical and legal advice in the obtaining of inventors' rights. Some such systems provided financial and other incentives and rewards to inventors; it was noted with interest that the reward system for Chinese inventors in China would continue to exist parallel to the new Patent Law in that country.

Interest was expressed in the encouragement by national associations of the availability of venture capital for the exploitation of inventions, and of freedom of movement of inventors between employment, including government employment, and independent activities.

It was noted that the inventor required and deserved assistance not only in relation to the creative act of invention itself (education, facilities, access to information, etc.) but also in the vastly more time-, money- and energy-consuming process of developing the invention and bringing it to the market. This latter process requires skills and attitudes unrelated to those of an inventor as such.

It was emphasized that public financial assistance for the encouragement, development and implementation of inventions, however well designed, can be effective only if it is provided on a scale appropriate to the size of the society served by inventors and the economic value of their contribution to the community. Such financial assistance should be regarded by the government not as charity but as an investment.

The Conference noted with pleasure that several national associations of inventors which had not yet joined IFIA were actively considering doing so; IFIA was encouraged to draw the attention of all countries to the advantages of membership and, in cooperation with WIPO, to assist in the establishment of national associations of inventors where these did not yet exist.

The Conference noted with satisfaction that WIPO and IFIA intended to continue their close cooperation and, in particular, to explore together the possibility of undertaking the following joint activities:

1. assistance to associations of inventors in developing countries, including assistance in establishing such associations;
2. collecting and disseminating information on laws and financial and administrative systems for the promotion, support and protection of inventors;
3. public information through the mass media;
4. organizing further joint conferences;
5. international prizes to inventors.

## Activities of Other Organizations

### International Literary and Artistic Association (ALAI)

#### Study Sessions and Executive Committee

(Paris, April 5 to 7, 1984)

#### NOTE\*

At the invitation of its French Group, the International Literary and Artistic Association (ALAI) held a study session in Paris on April 5 and 6, 1984, devoted to industrial designs.

This event, which took place in the Debussy-Ravel Hall at the headquarters of SACEM, was attended by some 80 participants from various countries, including Belgium, Canada, Denmark, Finland, France, Germany (Federal Republic of), Greece, Italy, the Netherlands, Sweden, Switzerland and the United Kingdom. WIPO was represented by Mr. Claude Masouyé, Director of the Public Information and Copyright Department, and Mr. François Balleys, Head of the Industrial Property Law Section, Industrial Property Division.

The program of this study session, chaired by Professor Georges Koumantos, ALAI President, included a stocktaking of relevant legislation, study of the requirements for protection of industrial designs under copyright law and under the industrial property system, and of the duration and scope of such protection, together with an examination of the question at international level.

The study session provided an opportunity for a broad exchange of views between the participants, based on a document presented by Mr. Wladimir Duchemin, the General Rapporteur, and individual reports submitted on the protection of industrial designs by several national groups of ALAI, and enabled a number of general approaches to be identified.

The ALAI Executive Committee met on the day following the study session, April 7, 1984, to decide on the position to be taken by ALAI in adopting the resolution set out below:

As a result of the study session on industrial designs held in Paris on April 5 and 6, 1984, as a follow-up to the work carried out on the same topic during the Aegean Sea Congress from April 13 to 20, 1983, the ALAI Executive Committee,

*Reiterates* its attachment to the principle that any original creation of a form should enjoy copyright, irrespective of any consideration of purpose or merit, insofar as it possesses those features normally required for such protection,

*Considers* that this principle is in no way incompatible with protection afforded to industrial designs under special legislation applying those methods that are specific to industrial property. This latter system of law could be applied either to objects that, despite their utilitarian nature, are already covered by copyright or to objects that are not entitled to copyright protection. In the first case, protection deriving from the specific law would be afforded parallel to that based on copyright. In the second case, it may be provided that such articles would only be entitled to benefit from an exclusive right if they were registered,

*Decides* to continue its concertation with other bodies concerned with industrial designs statute.

\* Prepared by the International Bureau of WIPO.

## General Studies

### The New Patent Law of the German Democratic Republic

J. HEMMERLING\*









**The Role and Functions of Patents  
as Tools of Technology Transfer\***

D. VINCENT\*\*











## Activities of Industrial Property Offices

### United Kingdom Patent Office Examining Staff Centenary

#### NOTE\*

This year is the centenary of the examining staff of the United Kingdom Patent Office. Although patents for inventions were granted as far back as the fifteenth century, systematic examination was introduced in 1884 with the creation of an examining staff. In the hundred years since then, the staff has flourished from its original strength of 50 to its current four hundred, and its job has expanded from dealing largely with the legal niceties of applications to dealing with both the legal and technical problems involved in the increasingly complex technologies of the present day.

In celebration of the centenary, a dinner was held at the Café Royal, London, on April 18. The principal guest was Dr. Arpad Bogsch, Director General of the World Intellectual Property Organisation, and in his speech he complimented the UK examining staff, particularly for the important contribution they made towards the goal of spreading the benefits of a strong examining system throughout the world. He said that they had been generous in sharing their experience, knowledge and great traditions, and he referred to the large part they played in helping the developing countries. Dr. Bogsch went on to refer to the fact that the UK

has been a founding member of most of the more important treaties administered by WIPO both in the field of industrial property and in that of copyright and neighboring rights, and concluded by referring to the pride in their inheritance which he felt the present staff must feel.

The Comptroller-General of the UK Patent Office, Mr. Ivor Davis, replied. He referred first to various features of the past, including the academic success of members of the staff, their literary output, and above all the challenges they had to meet in their work, especially when the very existence of the patent system was a more controversial matter than it is today. However, although the patent system is now accepted as necessary to economic and technological advance, the present generation of examiners has faced the most severe tests, both in assimilating the new system introduced by the Patents Act 1977, and in coming to terms with the many international developments of the past decade, particularly the creation of the European Patent Office to which a substantial number of UK examiners have transferred.

The future holds the prospect of further change. The expertise of the examining staff and the data-base of the patent specifications are resources of great value beyond the immediate job of search and examination. The introduction of new types of intellectual property and the creation of new information services are now being examined in detail. Mr. Davis concluded by expressing his confidence in the development of a thoroughly modern Office which would be fully capable of meeting the future needs of industry and commerce.

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\*Prepared by the United Kingdom Patent Office.

## News from Industrial Property Offices

### GUATEMALA

*"Registrador de la Propiedad Industrial"*

We have been informed that Mr. Victor Lubeck Rivas Fajardo has been appointed *Registrador de la Propiedad Industrial*.

### JAPAN

*Director General of the Patent Office*

We have been informed that Mr. Manabu Shiga has been appointed Director General of the Patent Office.

### MALAYSIA

*Registrar of Trade Marks and Patents*

We have been informed that Mrs. Wong Hiong Chin has been appointed Registrar of Trade Marks and Patents.

## Book Reviews

**Le droit français des signes distinctifs**, by P. Mathély. Librairie du Journal des notaires et des avocats, Paris, 1984.—925 pages.

As is mentioned in the preface by J.-J. Burst, Professor at the University of Strasbourg III and Director General of the Center for the International Study of Industrial Property (CEIPI), "The appeal of this treatise—for it is indeed a veritable treatise on the French law of distinctive signs that we have here—stems from the perfect knowledge of its author and the craftsmanship of his work. As a model of clarity and sober analysis, the style of Attorney Paul Mathély enhances the logic of human thought."

It is a known fact that distinctive signs occupy a place of prime importance in economic life, owing to the role that they are called upon to play for the benefit of consumers as well as industrialists and traders. The law of distinctive signs, and in particular the work of P. Mathély, consequently takes on an obvious interest for lawyers, practitioners and users. The latter have to resort to such signs as a means of selling and advertising their goods and services, and generally establishing themselves and publicizing their activities.

The work is in two parts, and it devotes a considerable amount of space to marks, which are the first and most important type of distinctive sign.

The first part, entitled "The Law of Marks," deals with trademarks and service marks. It is composed of nine successive titles:

- Marks (definition and role of the mark, provisions governing marks in French law);
- Valid marks:
- Acquisition of the right to a mark;
- The right to a mark;
- Lapse of the right to a mark;
- Invalidity of a mark;
- Violations of the right to a mark;
- Collective marks;
- Convention law governing marks.

The second part, entitled "the Law of Names," deals successively with surnames, pseudonyms and corporate names, trade names and business signs, indications of source and appellations of origin.

The work contains a theoretical exposition of each of the various distinctive signs, followed by a commentary on the relevant provisions of French law, which is very detailed and enriched with an abundance of jurisprudential information.

This treatise by Attorney Mathély—an eminent lawyer who has long been an authority of world reputation in the field of industrial property—is a sequel to two other remarkable works of his: *Le droit français de brevets d'invention* and *Le droit européen des brevets d'invention*. The three works will always be a monument, *aere perennius*, to the great learning, style and analytical powers of their author.

AB

**Piracy and Counterfeiting of Industrial Property and Copyright**, edited by W.R. Comish. Common Law Institute of Intellectual Property Ltd and British Institute of International and Comparative Law, London, 1983.—143 pages.

This is a collection of papers given at the inaugural Conference of The Common Law Institute of Intellectual Property Ltd (CLIP) in London in January 1983. As its title indicates, the volume deals with the problems of piracy and counterfeiting across the field of intellectual property. Its 12 contributors are either in legal practice or have recently had other relevant experience as senior officials of institutions involved in the teaching or enforcement of intellectual property law.

The foreword and "A Final Word" (by Lords Templeman and Scarman, respectively) outline the task of the CLIP Conference and of the present volume as "study leading to proposals for improving the effectiveness of law enforcement in the field where high technology is abused to serve the ends of counterfeiting and piracy," and mention reform of the substantive law as a means to this end. The contributions, which are well documented and meticulously researched, are divided into three parts: Part I deals with "British and EEC Law and Practice"; Part II with "Foreign Law and Practice" (i.e., the laws and enforcement practices of France, Germany (Federal Republic of), Hong Kong, Singapore and the United States of America); and Part III with "Enforcement in Practice." The subject matter of the first two parts can be deduced from the titles; Part III is a combination of actual national practice of certain aspects of the law in the United Kingdom, and a final paper on the international ramifications of law enforcement by customs services.

Within the limits of space and selection of material, this professionally solid work is a useful and important contribution to the study of certain aspects of the problems of piracy and counterfeiting.

AS

**I Brevetti**, by C. Fiammenghi. Buffetti Editore, 2nd ed., Rome, 1982.—103 pages.

The author, a well-known expert in industrial property law, has presented an accurate and practical guide to the patentability of inventions under the Italian Patent Law.

This work examines the basic principles of the Italian patent system and describes in detail, step by step, the administrative procedures leading to the grant of a patent, its legal effects and the conditions for its maintenance. Moreover, the book contains comprehensive guidelines for the filing of a European patent application under the European Patent Convention and is completed by the texts of the patent legislation presently in force in Italy.

Mr. Fiammenghi's work will certainly prove to be of valuable assistance to anyone looking for precise answers to theoretical and practical questions arising in the field of patenting.

AI

# Calendar of Meetings

## WIPO Meetings

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

### 1984

- September 17 and 19 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on Patent Information for Developing Countries
- September 18 to 21 (Geneva) — Permanent Committee for Development Cooperation Related to Industrial Property
- September 18 to 21 (Geneva) — Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation (PCT/CTC)
- September 24 to 28 (Geneva) — Ordinary Sessions of the Coordination Committee of WIPO and the Executive Committees of the Paris and Berne Unions; Paris Union Assembly (Extraordinary Session); PCT Union Assembly (Extraordinary Session)
- September 26 and 27 (Geneva) — Patent Information Fair
- October 8 to 10 (Doha) — Regional Group of Experts on Means of Implementation in Arab States of Model Provisions on Intellectual Property Aspects of Protection of Expressions of Folklore (convened jointly with Unesco)
- October 15 to 19 (Geneva) — Nice Union: Preparatory Working Group
- October 22 to 26 (Geneva) — Group of Experts on the Question of Copyright Ownership and its Consequences for the Relations Between Employers and Employed or Salaried Authors (convened jointly with Unesco)
- November 5 to 9 (Geneva) — Committee of Experts on Biotechnological Inventions
- November 19 to 23 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Groups on Special Questions and on Planning
- November 26 to 30 (Paris) — Group of Experts on Copyright Problems Related to the Rental of Phonograms and Videograms (convened jointly with Unesco)
- November 26 to December 7 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on Search Information
- December 10 to 14 (Paris) — Group of Experts on the Intellectual Property Aspects of the Protection of Folklore at the International Level (convened jointly with Unesco)
- December 17 (Geneva) — Informal Meeting with International Non-Governmental Organizations Essentially Concerned with Industrial Property
- December 17 (Geneva) — Informal Meeting with International Non-Governmental Organizations Essentially Concerned with Copyright and Neighboring Rights

### 1985

- January 21 to 25 (Geneva) — International Patent Classification (IPC) Union: Committee of Experts
- February 4 to 8 (Geneva) — Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights
- February 25 to March 1 (Geneva) — Group of Experts on Copyright Protection of Computer Software (convened jointly with Unesco)
- March 11 to 15 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on General Information
- March 18 to 22 (Paris) — Group of Experts on Copyright Problems in the Field of Direct Broadcasting Satellites (convened jointly with Unesco)
- April 22 to 26 (Paris) — Joint Unesco-WIPO Consultative Committee on the Access by Developing Countries to Works Protected by Copyright (convened jointly with Unesco)
- May 6 to 17 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on Search Information
- June 6 to 14 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Groups on Planning and on Special Questions
- June 17 to 25 (Paris) — Berne Union: Executive Committee (Extraordinary Session) (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)
- June 26 to 28 (Paris) — Rome Convention: Intergovernmental Committee (Ordinary Session) (convened jointly with ILO and Unesco)
- September 11 to 13 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on Patent Information for Developing Countries
- September 16 to 20 (Geneva) — Permanent Committee on Patent Information (PCPI)
- September 23 to October 1 (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 7 to 11 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on General Information

November 18 to 22 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Groups on Special Questions and on Planning  
November 25 to December 6 (Geneva) — Permanent Committee on Patent Information (PCPI): Working Group on Search Information

## UPOV Meetings

### 1984

October 8 to 11 (Valencia) — Technical Working Party for Fruit Crops, and Subgroups  
October 16 (Geneva) — Consultative Committee  
October 17 to 19 (Geneva) — Council and Symposium  
November 6 and 7 (Geneva) — Technical Committee  
November 8 and 9 (Geneva) — Administrative and Legal Committee

## Other Meetings Concerned with Industrial Property

### 1984

Center for the International Study of Industrial Property — October 3 (Strasbourg) — “Demi-journée d'études sur la propriété industrielle et vingtième anniversaire du CEIPI”  
European Patent Organisation — December 4 to 7 (Munich) — Administrative Council  
International Federation for European Law — September 19 to 22 (The Hague) — 11th Congress  
International League Against Unfair Competition — September 27 to 30 (Milan) — Congress  
Pacific Industrial Property Association — November 7 to 9 (Sendai) — 15th International Congress  
Pharmaceutical Trade Marks Group — October 18 and 19 (Toulouse) — 29th Conference

### 1985

European Patent Organisation — June 11 to 14 and December 3 to 6 (Munich) — Administrative Council  
Hungarian Group of the International Association for the Protection of Industrial Property and the Hungarian Association for the Protection of Industrial Property — September 2 to 6 (Budapest) — Sixth International Conference on “New Technical Tendencies and Industrial Property Protection”  
International Association for the Protection of Industrial Property — May 13 to 19 (Rio de Janeiro) — Executive Committee  
International Federation of Industrial Property Attorneys — June 3 to 7 (Augsburg) — World Congress  
Japanese Government — April 18 and 19 (Tokyo) — Celebration and Symposium Commemorating the Centenary of the Japanese Industrial Property System

### 1986

International Association for the Protection of Industrial Property — June 8 to 13 (London) — XXXIII Congress





