

Industrial Property

Published monthly
Annual subscription:
155 Swiss francs
Each monthly issue:
16 Swiss francs

26th Year - No. 5
May 1987

Monthly Review of the
World Intellectual Property Organization

Contents

NOTIFICATIONS CONCERNING TREATIES

Budapest Treaty. Change in Fees under Rule 12.2 of the Regulations: Culture Collection of Algae and Protozoa (CCAP) 175

STUDIES

Patent Litigation in the United States of America, by *the Honorable M.M. Lucas, D.W. Martens and T.F. Smegal, Jr.* 176

NEWS ITEMS

Laos 196
Uruguay 196
African Intellectual Property Organization (OAPI) 196

CALENDAR OF MEETINGS 197

INDUSTRIAL PROPERTY LAWS AND TREATIES (INSERT)

Editor's Note .

MONGOLIA

Statute on Discoveries, Inventions and Rationalization Proposals (Approved by Decree No. 415 of the Council of Ministers of the Mongolian People's Republic of December 31, 1970) . . . Text 2-001

SWITZERLAND

Ordinance on Patents for Inventions (Patent Ordinance) (of October 19, 1977, amended on April 27 and September 14, 1983, and on August 12, 1986) Text 2-002

© WIPO 1987

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

ISSN 0019-8625

Notifications Concerning Treaties

Budapest Treaty

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

CULTURE COLLECTION OF ALGAE AND PROTOZOA (CCAP)

The following notification addressed to the Director General of WIPO by the Government of the United Kingdom under Rule 12.2(a) of the Regulations under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure was received on April 22, 1987, and is published by the International Bureau of WIPO pursuant to Rule 12.2(b) of the said Regulations:

The fees payable to the Culture Collection of Algae and Protozoa (CCAP) as published in the September 1982 issue of *Industrial Property* are changed as follows:

Storage in accordance with the Treaty:

- (a) cryopreserved strains £600
- (b) other methods of maintenance fee to be decided on an individual basis

Issuance of a viability statement in those cases in which, in accordance with Rule 10.2, a fee may be charged	50
Furnishing a sample in accordance with Rule 11.2 or 11.3	40 plus actual cost of carriage
Delivering an attestation in accordance with Rule 8.2	20

The fees are subject to Value Added Tax where applicable.

[End of text of the notification of the Government of the United Kingdom]

The fees set forth in the said notification of the Government of the United Kingdom will apply as from the thirtieth day following the date (May 31, 1987) of the publication of the said fees in the present issue of *Industrial Property*, that is, as from June 30, 1987 (see Rule 12.2(c) of the Regulations of the Budapest Treaty), and will replace the fees published in the September 1982 issue of *Industrial Property*.

Budapest Communication No. 33 (this Communication is the subject of Budapest Notification No. 59, of May 7, 1987).

Patent Litigation in the United States of America

by the Honorable M.M. Lucas,* D.W. Martens** and
T.F. Smegal, Jr.***

A Patent Trial Course, organized by WIPO at the invitation of the Supreme People's Court of the People's Republic of China and with the assistance of the United Nations Development Programme (UNDP), took place in Beijing (China) from December 9 to 18, 1986. During the Course, *inter alia*, lectures were given on patent litigation procedures in the United States of America; the essential contents of those lectures are reproduced hereafter; the full texts of the lectures, and the texts relating to a demonstration trial on patent infringement that followed the lectures, can be obtained from the International Bureau of WIPO.

**Overview of the Court System
of the United States of America
for Patent Infringement Litigation**

(M.M. LUCAS)

Jury Versus Judge Trial in Patent Actions

(T.F. SMEGAL, Jr.)

Determination of Infringement in Patent Trials

(D.W. MARTENS)

Determination of Validity in Patent Trials

(D.W. MARTENS)

Initiation of Patent Litigation

(D.W. MARTENS)

Preliminary Injunctions

(D.W. MARTENS)

Discovery in Patent Actions

(T.F. SMEGAL, Jr.)

Pre-Trial Conferences

(M.M. LUCAS)

**Arbitration of Patent Disputes—
The Patent Arbitration Law of the
United States of America**

(T.F. SMEGAL, Jr.)

Settlement Conferences

(M.M. LUCAS)

Summary Judgment

(M.M. LUCAS)

Reissue/Reexamination

(T.F. SMEGAL, Jr.)

Trial Procedure

(D.W. MARTENS)

Remedies for Patent Infringement

(D.W. MARTENS)

Appeal from the Trial Decision

(D.W. MARTENS)

News Items

LAOS

Head, Department of Industrial Property

We have been informed that Mr. Pho Muangnalad has been appointed Head of the Department of Industrial Property.

URUGUAY

Director, National Industrial Property Centre

We have been informed that Dr. Agustín Julio Prat Gutiérrez has been appointed Director of the National Industrial Property Centre.

OAPI

*Director General,
African Intellectual Property Organization (OAPI)*

We have been informed that Mr. Vincent Efon has been appointed Director General of OAPI.

Calendar of Meetings

WIPO Meetings

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

1987

- June 4 and 5 (Ithaca) – Symposium on the Protection of Biotechnological Inventions
- June 11 to 19 (Washington) – Permanent Committee on Patent Information (PCPI): Working Groups on Special Questions and on Planning
- June 15 and 16 (Geneva) – Symposium on Effective Protection of Industrial Property Rights
- June 22 to 26 (Geneva) – Madrid Union: Working Group on Links Between the Madrid Agreement and the Proposed (European) Community Trade Mark
- June 22 to 30 (Geneva) – Berne Union: Executive Committee (Extraordinary Session) (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)
- June 29 to July 3 (Geneva) – Committee of Experts on Biotechnological Inventions and Industrial Property (Third Session)
- July 1 to 3 (Geneva) – Rome Convention: Intergovernmental Committee (Ordinary Session) (convened jointly with ILO and Unesco)
- September 2 to 4 (Geneva) – Permanent Committee on Patent Information (PCPI): Working Group on Patent Information for Developing Countries
- September 7 to 11 (Geneva) – Permanent Committee on Patent Information (PCPI) and PCT Committee for Technical Cooperation (PCT/CTC)
- September 14 to 19 and 22 (Geneva) – Consultative Meeting on the Revision of the Paris Convention (Fourth Session)
- September 21 to 30 (Geneva) – Governing Bodies (WIPO General Assembly, Conference and Coordination Committee; Assemblies of the Paris, Madrid, Hague, Nice, Lisbon, Locarno, IPC, PCT, Budapest, TRT, Vienna 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): Ordinary Sessions
- October 5 to 9 (Geneva) – Committee of Governmental Experts on Works of Applied Art (convened jointly with Unesco)
- November 2 to 6 (Geneva) – Committee of Experts on the Harmonization of Certain Provisions in Laws for the Protection of Inventions (Fourth Session)
- November 23 to December 4 (Geneva) – Permanent Committee on Patent Information (PCPI): Working Group on Search Information
- December 3 and 4 (Geneva) – Joint Unesco-WIPO Consultative Committee on the Access by Developing Countries to Works Protected by Copyright (convened jointly with Unesco)
- December 7 to 11 (Geneva) – Committee of Governmental Experts on the Printed Word (convened jointly with Unesco)

UPOV Meetings

1987

- June 2 to 4 (Bamberg) – Technical Working Party for Vegetables
- June 10 to 12 (Copenhagen) – Technical Working Party on Automation and Computer Programs
- June 17 and 18 (Geneva) – Administrative and Legal Committee
- June 23 to 25 (Geneva) – Technical Working Party for Agricultural Crops
- October 13 and 14 (Geneva) – Technical Committee
- October 15 and 16 (Geneva) – Administrative and Legal Committee
- October 17 (Geneva) – Subgroup on Biotechnology
- October 19 (Geneva) – Consultative Committee
- October 20 and 23 (Geneva) – Council
- October 21 and 22 (Geneva) – Meeting with International Organizations

Other Meetings Concerned with Industrial Property

1987

- June 1 to 5 (Vienna) – European Patent Organisation: Administrative Council
- June 7 to 11 (Dublin) – Union of European Practitioners in Industrial Property: Congress

- June 8 to 12 (Sofia) — Bulgarian Group of the International Association for the Protection of Industrial Property: International Symposium on Protection of Industrial Property and Promotion of Economic Cooperation
- June 16 to 19 (Strasbourg) — Center for the International Study of Industrial Property: Seminar on Licensing and the Transfer of Technology (first module: License Contracts and the Transfer of Technology)
- July 20 to 22 (Cambridge) — International Association for the Advancement of Teaching and Research in Intellectual Property: Annual Meeting
- September 1 to 4 (Warwick) — British Library Japanese Information Service: International Conference on Japanese Information in Science, Technology and Commerce
- September 4 to 6 (Stockholm) — International League for Competition Law: *Journées d'études*
- September 22 to 25 (Strasbourg) — Center for the International Study of Industrial Property: Seminar on Licensing and the Transfer of Technology (second module: Strategy and Procedures for the Transfer of Technology)
- December 7 to 11 (Munich) — European Patent Organisation: Administrative Council

1988

- June 27 to July 1 (Cannes) — International Federation of Industrial Property Attorneys: World Congress
- September 15 to 18 (Angers) — International League for Competition Law: 30th Congress

