

# Industrial Property

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Editor's Note

### FRANCE

- Law No. 87-890 of November 4, 1987, on the Protection of Topographies of Semiconductor Products and on the Organization of the National Institute of Industrial Property (*Extract*) . Text 1-002

(Continued overleaf)

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**MONGOLIA**

Statute on Trademarks (Annex to Decree No. 63 of the Council of Ministers of the Mongolian People's Republic of February 28, 1987) . . . . . Text 3-001

**SRI LANKA**

Code of Intellectual Property Act (No. 52 of 1979, as amended by the Code of Intellectual Property (Amendment) Act, No. 2 of 1983) (replacement sheets) . . . . . Text 1-001

## Notifications Concerning Treaties

### Budapest Treaty

#### Change of Name and Change in Fees

NATIONAL COLLECTIONS OF INDUSTRIAL  
AND MARINE BACTERIA LTD. (NCIMB)

(formerly known as National Collection  
of Industrial Bacteria (NCIB))

The Director General of WIPO was informed by a notification received on January 25, 1988, from the Government of the United Kingdom that, as concerns the National Collection of Industrial Bacteria (NCIB), an international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, which was the subject of Budapest Notifications Nos. 24, 29, 41, 53 and 60, the full and correct name and address of the said international depositary authority is:

National Collections of Industrial and Marine  
Bacteria Ltd. (NCIMB)  
PO Box 31  
135 Abbey Road  
Aberdeen AB9 8DG  
United Kingdom.

Further, as stated in the said notifications of the Government of the United Kingdom, the fees charged by the said international depositary authority pursuant

to Rule 12.2(a) of the Regulations under the Budapest Treaty, as published in the October 1986 issue of *Industrial Property*, are changed as follows:

Storage of the microorganism . . . . .	£ 300
Issuance of a viability statement in those cases in which, in accordance with Rule 10.2, a fee may be charged . . . . .	50
Furnishing of a sample in accordance with Rule 11.2 or 11.3 . . . . .	25
	plus actual cost of carriage

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 (February 29, 1988) of publication of the said fees in the present issue of *Industrial Property*, that is, as from March 30, 1988 (see Rule 12.2(c) of the Regulations of the Budapest Treaty), and will replace the fees published in the October 1986 of *Industrial Property*.

*Budapest Communication No. 41 (this Communication is the subject of Budapest Notification No. 67, of February 8, 1988).*

## Studies

### **The Interpretation of Patent Claims Revisited: Lessons from the Experience in the United States of America for the New Harmonization Debate**

D.S. CHISUM\*























## Books and Articles

### Book Reviews

**The 30-Year History of the Japanese Group of AIPPI**, Japanese Group of AIPPI, Tokyo, 1987. — 2 volumes, 694 pages.

This book is a publication commemorating the 30th anniversary of the Japanese Group of AIPPI.

The first volume provides an excellent description of the history of the Group during the first 30 years of its existence. It contains illustrations showing major events in the history of AIPPI in which the Japanese Group played an important role, messages delivered by heads of various organizations on the occasion of the anniversary, essays written by those who contributed to the development of the Group, and detailed records of its activities highlighted by important events such as the foundation of the Japanese Group in 1957 and AIPPI's Tokyo Congress in 1966. Interesting details are communicated in an interview given by Mr. Inouye, the Director General of the Japanese Patent Office in 1957, who recalled the circumstances concerning the establishment of the Japanese Group. A comprehensive index in English covers all issues from 1976 to 1986 of the English version of the *Quarterly Journal of the Japanese Group of the International Association for the Protection of Industrial Property*.

The second volume contains an organizational chart of the Group and a complete list of its members with their photographs and addresses.

During the last 30 years, the Japanese Group has become the biggest national group of AIPPI. This period is also a significant era for Japanese industry which, through effective use of the industrial property system, has made remarkable progress in technology. Thus, the book contributes to an understanding of the important role played by the industrial property system in the technological and economic development of Japan.

YT

**Patentgesetz — Kommentar auf der Grundlage der deutschen und europäischen Rechtsprechung**, by R. Schulte, Carl Heymanns Verlag KG, Cologne, etc., 1987. — 987 pages.

Among the publications dealing with the patent law of the Federal Republic of Germany, the commentary by Dr. Schulte holds a special position because it gives comprehensive information, including references to provisions of the European Patent Convention, in a clear and concise presentation. The fourth edition, published in 1987, contains updated information on the interpretation of the law in the practice of the German Patent Office and in court decisions and thus makes this useful publication still more valuable.

LB

**Les brevets d'invention — La Loi belge du 28 mars 1984**, by B. Van Reepingen and M. De Brabanter. F. Larcier S.A., Brussels, 1987. — 435 pages.

This publication comprises three parts:

Firstly, a clear, in-depth analysis of a series of questions relating to patents in Belgium as a result of the new Belgian Patent Law of March 28, 1984,<sup>1</sup> which takes its inspiration from the European and Community provisions on patents; secondly, an analysis of Regulation No. 2349/84 of July 29, 1984, of the Commission of the European Communities (CEC) concerning application of Article 85(3) EEC to categories of patent licensing agreements; thirdly, an analysis of the various international conventions.

This publication will surely be of great use to those dealing with the theory and the practice of industrial property law.

BI

<sup>1</sup> See *Industrial Property Laws and Treaties*, BELGIUM — Text 2-004.

**Grundzüge und Entwicklung des Markenrechts in Argentinien**, by U. Wittenzeller. Carl Heymanns Verlag KG, Cologne, etc., 1987. — 196 pages.

The study, as stated by the author herself, is intended to be a comparative law presentation of the basic features of the Argentinian trademark system, its historical development and its interrelationship with the systems of other Latin American countries. Its purpose is to acquaint European lawyers with the specific legal tradition and jurisprudence of Argentina and increase the understanding of the special problems facing the country.

The book starts with a summary of historical developments in Argentina and other Latin American countries stressing the fact that Argentina can reflect upon a particularly rich tradition in trademark law of more than a hundred years' standing. In short, but clear and precise outlines, the features of the modern trademark law, in particular the special notions of distinctiveness and similarities, the procedures for the registration of trademarks, oppositions and revocation, defensive marks and the removal of trademarks for non-use are given.

The author shows that the consumer protection aspect of modern trademark law has been a well-established element of the trademark law of Argentina for several years. She also describes modern trends to contain the influence of transnational corporations with instruments of trademark law policy. The study, which is not meant to serve as a reference book, is highly recommended for the reader who wants to get a clear view of the existing trademark system of Argentina and its historical and social implications.

AS

## Selection of New Publications

- AMERICAN INTELLECTUAL PROPERTY LAW ASSOCIATION (AIPLA)—CHEMICAL PRACTICE COMMITTEE, *Claiming Biotechnological Inventions* (ed. by B.M. Eisen and J. Williams), AIPLA, Arlington, 1985. — multiple pagination.
- ASIAN PATENT ATTORNEYS ASSOCIATION (APAA), *Laws and Practices on Anti-Counterfeiting in APAA Countries (1985)*, APAA, Tokyo, 1985. — 159 p.
- BENT (S.A.), BIGGART (W.A.) and SCHWAAB (R.L.), *Biotechnology Patent Practice*, Patent Resources Institute, Inc., Washington, D.C., 1985. — multiple pagination.
- BENTATA (V.), *Derecho marcario: fundamentos teóricos y prácticos*, Instituto Nacional de Propiedad Intelectual, Caracas, 1986. — 188 p.
- BERNHARDT (W.) and KRASSER (R.), *Lehrbuch des Patentrechts—Recht der Bundesrepublik Deutschland, Europäisches und Internationales Patentrecht* (4th revised ed.), C.H. Beck'sche Verlagsbuchhandlung, Munich, 1986. — 742 p.
- BRAUN (A.), *Précis des marques de produits et de service: Loi uniforme Benelux, droit belge, droit international*, F. Larcier S.A., Brussels, 1987. — 918 p.
- Brevets, marques et dessins industriels en Amérique centrale et du Sud*, prepared by Obligado & Cia., Buenos Aires, 1986. — 188 p.
- BURSTALL (M.L.), *The Community's Pharmaceutical Industry*, Office for Official Publications of the European Communities, Luxembourg, 1985. — 156 p.
- Butterworths Competition Law Handbook* (ed. by G. Lindrup), Butterworths, London, 1987. — 419 p.
- CARR (H.), *Computer Software: Legal Protection in the United Kingdom*, ESC Publishing Ltd., Oxford, 1987. — 228 p.
- CENTRE PAUL ROUBIER, *Les conflits de réglementations dans le droit français et le droit communautaire des pratiques restrictives de concurrence* (Journées d'étude de droit de la concurrence, Lyon, 24 et 25 mai 1984), Librairies techniques, Paris, 1985. — 222 p.
- DIENER (M.), *Contrats internationaux de propriété industrielle*, Librairies techniques, Paris, 1986. — 347 p.
- Direct Protection of Innovation* (ed. by W. Kingston), Kluwer Academic Publishers, Dordrecht, Boston, Lancaster, 1987. — 346 p.
- EISENREICH (K.), *Die neuere Entwicklung des Ausstattungsrechts unter besonderer Berücksichtigung der Dienstleistungsausstattung*, Carl Heymanns Verlag KG, Cologne, etc., 1987. — 184 p.
- EUROPEAN ASSOCIATION FOR RESEARCH ON PLANT BREEDING (EUCARPIA), *Genetic Manipulation in Plant Breeding: Proceedings* (International Symposium organized by EUCARPIA, September 8-13, 1985, Berlin (West)) (ed. by W. Horn, C.J. Jensen, W. Odenbach and O. Schieder), W. de Gruyter, Berlin, New York, 1986. — 909 p.
- GALLAFENT (R.J.), EASTAWAY (N.A.) and DAUPPE (V.A.F.), *Intellectual Property Law and Taxation* (2nd ed.), Oyez Longman, London, 1984. — 338 p.
- GRUBB (P.W.), *Patents in Chemistry and Biotechnology*, Clarendon Press, Oxford, 1986. — 335 p.
- GRÜTZMACHER (R.), SCHMIDT-COTTA (R.-R.) and LAIER (H.), *Der internationale Lizenzverkehr: Genehmigungsvorschriften, Steuern, Devisenbestimmungen und Hinweise zur internationalen Lizenzpraxis* (7th revised and corrected ed.), *Schriftenreihe Recht der Internationalen Wirtschaft* (6), Verlagsgesellschaft Recht und Wirtschaft mbH, Heidelberg, 1985. — 280 p.
- INSTITUTO PARA LA INTEGRACIÓN DE AMÉRICA LATINA (INTAL) (Banco Interamericano de Desarrollo), *Régimen jurídico de la transferencia de tecnología en los países de la ALADI* [Asociación Latinoamericana de Integración], INTAL, Buenos Aires, 1986. — 2 volumes (*I. Argentina-Brasil-México; II. Grupo Andino—Régimen en Común (Bolivia, Colombia, Ecuador, Perú, Venezuela)*).
- JACOBACCI (G.) and SENA (G.), *Italian Patent Law*, Dott. A. Giuffrè Editore, Milan, 1985. — 156 p.
- JOHNSTON (D.), *Design Protection: A Guide to the Law on Plagiarism for Manufacturers and Designers* (2nd ed.), Design Council, London, 1986. — 156 p.
- KAZIS (D.A.) and PERRAKIS (C.I.), *Licensing and Industrial Development: The Case of Greece*, Centre of Planning and Economic Research, Athens, 1986. — 208 p.
- MARTIN (J.N.), *Paterson's Licensing Acts 1987* (95th ed.), Butterworth and Co. (Publishers) Ltd./Shaw and Sons Ltd., London, 1987. — 1790 p.
- MOUSSERON (J.-M.)  
*Loi de 1968-1978: Jurisprudence 1969-1986 (Dossiers brevets I)*, Centre du droit de l'entreprise, Montpellier, 1987. — 106 p.  
*Parasitisme et Recherche et développement (Dossiers brevets III)*, Centre du droit de l'entreprise, Montpellier, 1987. — 38 p.
- MOUSSERON (J.-M.) and VIVANT (M.), *Logiciels et brevets (Dossiers brevets VI)*, Centre du droit de l'entreprise, Montpellier, 1986. — 55 p.
- NIMMER (R.T.), *The Law of Computer Technology*, Warren, Gorham & Lamont, Boston, etc., 1985. — multiple pagination.  
*Patents, Trade Marks and Designs in Central and South America*, prepared by Obligado & Cia., Buenos Aires, 1986. — 190 p.
- PETRY (M.), *Taxation of Intellectual Property: Tax Planning Guide*, M. Bender & Co., New York, etc., 1986. — multiple pagination.
- PHILLIPS (J.), *Introduction to Intellectual Property Law*, Butterworths, London, 1986. — 310 p.
- PRACTISING LAW INSTITUTE (PLI), *Patent Litigation 1986* (ed. by T. Arnold), PLI, New York, 1986. — 576 p.
- PRACTISING LAW INSTITUTE, *Technology Licensing 1987* (ed. by G. Sobel), PLI, New York, 1987. — 431 p.
- PRACTISING LAW INSTITUTE, *The Law of Gray and Counterfeit Goods* (ed. by D. Bender and D. Gerber), PLI, New York, 1987. — 656 p.
- REID (B.C.), *A Practical Guide to Patent Law*, ESC Publishing Ltd., Oxford, 1984. — 438 p.
- SINCLAIR (L.), *The Vienna Convention on the Law of Treaties* (2nd ed.), University Press, Manchester, 1984. — 270 p.
- SINGER (R.), *Le droit allemand des brevets et des modèles d'utilité* (updated ed.), European Patent Office (EPO), Munich, 1987. — 110 p.
- TEPLITZKY (O.), *Wettbewerbsrechtliche Ansprüche: Unterlassung—Beseitigung—Schadensersatz (Anspruchsdurchsetzung und Anspruchsabwehr)* (5th ed.), Carl Heymanns Verlag KG, Cologne, etc., 1986. — 524 p.
- UNITED STATES TRADEMARK ASSOCIATION (USTA), *1985-86 Trademark Law Handbook: Annual Review of Developments in Trademark Law and Practice* (ed. by A.L. Fletcher and S. M. Weinberg), C. Boardman Company Ltd., New York, 1986. — 322 p.
- VIDA (A.), *Die Warenzeichen in der Wirtschaft der sozialistischen Länder*, Carl Heymanns Verlag KG, Cologne, etc., 1987. — 190 p.
- VIDALES (A.O.), *Régimen jurídico de la propiedad industrial en los países de la ALADI*, INTAL, Buenos Aires, 1987. — 254 p.



## Selection of Recent Articles

COMTE (J.-L.), "Revisionsbestrebungen im schweizerischen Immaterialgüterrecht," *Gewerblicher Rechtsschutz und Urheberrecht (Internationaler Teil)*, 11/1986, pp. 675-681.

van INNIS (T.), "Dix ans de loi uniforme Benelux de dessins ou modèles," *Bulletin de l'Association Benelux des conseils en marques et modèles*, No. 41, December 1985, pp. 18-26.

## Selection of New WIPO Industrial Property Publications

*International Classification of Goods and Services for the Purposes of the Registration of Marks* under the Nice Agreement of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977 (5th ed.), No. 500 (EF), January 1987 (Sw.fr. 125.-).

*The Situation of Industrial Property in the Countries of Africa: A Survey*, No. 878 (E), September 1987 (Sw.fr. 35.-).

## News Items

### ALGERIA

*Director General,  
Algerian Institute for Standardization and  
Industrial Property*

We have been informed that Mr. Dine Hadj Sadok has been appointed Director General of the Algerian Institute for Standardization and Industrial Property.

## Calendar of Meetings

### WIPO Meetings

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

#### 1988

- March 7 to 11 (Geneva) — Committee of Experts on the Establishment of an International Register of Audiovisual Works
- March 14 to 18 (Geneva) — Permanent Committee on Industrial Property Information (PCIPI): Working Group on General Information
- March 21 to 28 (Geneva) — International Patent Classification (IPC) Union: Committee of Experts (Sixteenth Session)
- April 18 to 22 (Paris) — Committee of Governmental Experts on Photographic Works (convened jointly with Unesco)
- April 18 to 22 (Geneva) — Madrid Union: Assembly (Extraordinary Session)
- April 25 to 28 (Geneva) — Committee of Experts on Measures Against Counterfeiting and Piracy (Third Session)
- May 2 to 6 (?) — Permanent Committee on Industrial Property Information (PCIPI): Ad hoc Working Group on the Revision of the Guide to the IPC
- May 16 to 20 (Geneva) — Permanent Committee for Development Cooperation Related to Industrial Property (Twelfth Session)
- May 24 to 27 (Geneva) — Consultative Meeting of Experts from Developing Countries on Legal Matters Relating to Intellectual Property in Respect of Integrated Circuits
- May 25 to June 1 (Geneva) — Permanent Committee on Industrial Property Information (PCIPI): Executive Coordination Committee (second session); Patent Cooperation Treaty (PCT) Committee for Technical Cooperation (PCT/CTC) (eleventh session); PCIPI Ad hoc Working Group on Management Information
- May 30 to June 1 (Geneva) — Review Meeting on Intellectual Property in Respect of Integrated Circuits
- June 2 and 3 (Geneva) — Permanent Committee on Industrial Property Information (PCIPI): Ad hoc Working Group on IPC Revision Policy
- June 6 to 17 (Geneva) — Permanent Committee on Industrial Property Information (PCIPI): Working Group on Search Information
- June 13 to 17 (Geneva) — Committee of Experts on the Harmonization of Certain Provisions in Laws for the Protection of Inventions (Fifth Session)
- June 20 to 24 (Geneva) — Nice Union: Preparatory Working Group (Ninth Session)
- June 27 to July 1 (Geneva) — Committee of Governmental Experts for the Synthesis of Principles Concerning the Copyright Protection of Various Categories of Works (convened jointly with Unesco)
- September 12 to 16 (Geneva) — International Patent Classification (IPC) Union: Committee of Experts (Seventeenth Session)
- September 14 to 16 (Geneva) — WIPO Worldwide Forum on the Impact of Emerging Technologies on the Law of Intellectual Property
- September 22 and 23 (Geneva) — Permanent Committee on Industrial Property Information (PCIPI) (Second Session)
- September 26 to October 3 (Geneva) — Governing Bodies (WIPO Coordination Committee; Executive Committees of the Paris and Berne Unions) (Nineteenth Series of Meetings)
- October 10 to 14 (Geneva) — Permanent Committee on Industrial Property Information (PCIPI): Working Group on General Information (Second Session)
- October 24 to 28 (Geneva) — Committee of Experts on Biotechnological Inventions and Industrial Property (Fourth Session)
- November 21 to December 2 (Geneva) — Permanent Committee on Industrial Property Information (PCIPI): Working Group on the Search Information (Second Session)
- November 28 to December 2 (Geneva) — Committee of Experts on Model Provisions for Legislations in the Field of Copyright
- December 5 to 9 (Geneva) — Madrid Union: Preparatory Committee for Diplomatic Conference for the Adoption of Protocols to the Madrid Agreement
- December 12 to 16 (Geneva) — Permanent Committee on Industrial Property Information (PCIPI): Executive Coordination Committee (Third Session); Ad hoc Working Group on Management Information (Second Session)
- December 19 (Geneva) — Information Meeting for Non-Governmental Organizations on Intellectual Property

### UPOV Meetings

#### 1988

- April 18 to 21 (Geneva) — Administrative and Legal Committee
- April 22 (Geneva) — Consultative Committee

**June 7 to 9 (Edinburgh) — Technical Working Party on Automation and Computer Programs**  
**June 13 to 15 (Wageningen) — Technical Working Party for Vegetables**  
**June 16 and 17 (Wageningen) — Workshop on Variety Examination (for Lettuce)**  
**June 20 to 24 (Melle) — Technical Working Party for Ornamental Plants and Forest Trees**  
**June 28 to July 1 (Hanover) — Technical Working Party for Fruit Crops, and Subgroups**  
**July 5 to 8 (Surgères) — Technical Working Party for Agricultural Crops**  
**September 27 and 28 (Cambridge) — Workshop on Variety Examination (on Examination Techniques)**  
**October 11 to 14 (Geneva) — Administrative and Legal Committee**  
**October 17 (Geneva) — Consultative Committee**  
**October 18 and 19 (Geneva) — Council**  
**October 20 and 21 (Geneva) — Technical Committee**

## **Other Meetings Concerned with Industrial Property**

### **1988**

**March 3 and 4 (New York) — The United States Trademark Association (USTA): Forum on “Management of a Corporate Trademark Department”**  
**March 24 (London) — Institute of Trade Mark Agents (ITMA): International Conference on “New Vistas in Trade Marks”**  
**March 29 and 30 (Oxford) — Pharmaceutical Trade Marks Group (PTMG): Annual General Meeting and Conference on Education and Training**  
**April 10 to 15 (Sydney) — International Association for the Protection of Industrial Property (AIPPI): Executive Committee**  
**May 1 to 4 (Phoenix) — The United States Trademark Association (USTA): Annual Meeting**  
**June 6 to 10 (Munich) — European Patent Organisation (EPO): Administrative Council**  
**June 7 to 10 (Strasbourg) — Center for the International Study of Industrial Property (CEIPI): Licensing and Technology Transfer Course (first module)**  
**June 27 to July 1 (Cannes) — International Federation of Industrial Property Attorneys (FICPI): World Congress**  
**July 24 to 27 (Washington, D.C.) — International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): Annual Meeting**  
**September 15 to 18 (Angers) — International League for Competition Law (LIDC): Congress**  
**September 28 to 30 (Stockholm) — Pharmaceutical Trade Marks Group (PTMG): Conference on “A Commission of Enquiry—In Search of a System”**  
**October 4 to 7 (Strasbourg) — Center for the International Study of Industrial Property (CEIPI): Licensing and Technology Transfer Course (second module)**  
**November 7 to 11 (Buenos Aires) — Inter-American Association of Industrial Property (ASIPI): Congress**  
**December 5 and 6 (Ithaca, New York) — Cornell University, Department of Agricultural Economics: Animal Patent Conference (Consideration of Applicable United States and International Law, Technicalities of Deposit Requirements, Status of Animal Science Research into Potentially Patentable Animal Types, Anticipated Impact of Patents on Livestock Breeding Sector and Production Agriculture, and Perspectives of Farmers and Those Concerned About Ethical Issues Involved)**  
**December 5 to 9 (Munich) — European Patent Organisation (EPO): Administrative Council**

