

# Industrial Property

Published monthly  
Annual subscription:  
180 Swiss francs  
Each monthly issue:  
18 Swiss francs

28th Year - No. 6  
June 1989

Monthly Review of the  
World Intellectual Property Organization

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ISSN 0033-1430

**MULTILATERAL TREATIES****World Intellectual Property Organization**

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## Notifications Concerning Treaties

### Budapest Treaty

#### New Members of the Budapest Union

##### GERMAN DEMOCRATIC REPUBLIC

The Government of the German Democratic Republic deposited, on April 27, 1989, its instrument of accession to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, done at Budapest on April 28, 1977.

The said Treaty, as amended on September 26, 1980, will enter into force, with respect to the German Democratic Republic, on July 27, 1989.

*Budapest Notification No. 80, of April 28, 1989.*

##### CZECHOSLOVAKIA

The Government of Czechoslovakia deposited, on May 5, 1989, its instrument of accession to the Budapest Treaty.

The said Treaty, as amended on September 26, 1980, will enter into force, with respect to Czechoslovakia, on August 5, 1989.

*Budapest Notification No. 81, of May 12, 1989.*

## WIPO Meetings

### Diplomatic Conference for the Conclusion of a Treaty on the Protection of Intellectual Property in Respect of Integrated Circuits

(Washington, D.C., May 8 to 26, 1989)

#### NOTE\*

In 1985, the International Bureau of WIPO started with the preparation of a treaty on the protection of intellectual property in respect of integrated circuits. Four sessions of a committee of experts were convened for this purpose between 1985 and 1988. In September 1987, the General Assembly of WIPO and the Assembly of the Paris Union decided that, after further preparations during the year 1988, a diplomatic conference should be convened by the Director General of WIPO. In June 1988, a special WIPO meeting ("the Review Meeting") agreed that the diplomatic conference should take place in May 1989 in Washington. A Preparatory Meeting for the Diplomatic Conference was convened in November 1988 and took decisions concerning the substantive documents to be submitted to the Diplomatic Conference, the States and organizations to be invited, as well as the draft Rules of Procedure and the draft Agenda of the Diplomatic Conference.<sup>1</sup>

In accordance with the above decisions, the Diplomatic Conference for the Conclusion of a Treaty on the Protection of Intellectual Property in Respect of Integrated Circuits was convened and organized by WIPO, at the facilities offered by the Government of the United States of America, in Washington, from May 8 to 26, 1989.

All States members of the Paris Union and the Berne Union and/or WIPO were invited. The following 72 States were represented: Angola, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burundi, Cameroon, Canada, Chile, China, Colombia, Cuba, Czechoslovakia, Denmark, Egypt, Finland, France, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guatemala, Guinea, Holy See, Honduras, Hungary, India, Indonesia, Ireland, Israel,

Italy, Japan, Jordan, Lesotho, Liberia, Libya, Liechtenstein, Luxembourg, Madagascar, Mexico, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Republic of Korea, Senegal, Soviet Union, Spain, Sri Lanka, Sweden, Switzerland, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Yemen Arab Republic, Yugoslavia, Zambia. The European Communities, according to the Rules of Procedure adopted by the Diplomatic Conference, participated as a Member Delegation. One State (Kuwait) was represented by an observer.

Four intergovernmental organizations and 23 non-governmental organizations were represented. Their names appear in the list of participants reproduced below.

The Secretariat of the Diplomatic Conference was provided by the staff of WIPO, which was assisted by some 20 persons placed at the disposal of the Conference by the United States Department of State and the United States Copyright Office.

The meetings were held in the International Conference Center of the Department of State.

The Conference unanimously elected Mr. Ralph Oman (Head of the Delegation of the United States of America and Register of Copyrights) as President of the Conference. The Main Committee of the Conference was presided over by Mr. Khamis Juma Suedi (United Republic of Tanzania). The Drafting Committee was chaired by Mr. Gyula Pusztai (Hungary) and the Credentials Committee by Mr. Marco Fortini (Italy).

The Director General of WIPO, Dr. Arpad Bogsch, participated in the Conference.

The list of participants and the list of officers appear at the end of this Note.

The Diplomatic Conference adopted a Treaty consisting of 20 articles under the title "Treaty on Intellectual Property in Respect of Integrated Circuits" on May 26, 1989. The text of the Treaty is reproduced hereafter.

\* Prepared by the International Bureau.

<sup>1</sup> For the preparatory work in 1988, see *Industrial Property*, 1989, p. 52.

## Treaty on Intellectual Property in Respect of Integrated Circuits

Done at Washington, D.C., on May 26, 1989

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### Article 1 Establishment of a Union

The Contracting Parties constitute themselves into a Union for the purposes of this Treaty.

### Article 2 Definitions

For the purposes of this Treaty:

- (i) "integrated circuit" means a product, in its final form or an intermediate form, in which the elements, at least one of which is an active element, and some or all of the interconnections are integrally formed in and/or on a piece of material and which is intended to perform an electronic function,
- (ii) "layout-design (topography)" means the three-dimensional disposition, however expressed, of the elements, at least one of which is an active element, and of some or all of the interconnections of an integrated circuit, or such a three-dimensional disposition prepared for an integrated circuit intended for manufacture,

- (iii) "holder of the right" means the natural person who, or the legal entity which, according to the applicable law, is to be regarded as the beneficiary of the protection referred to in Article 6,
- (iv) "protected layout-design (topography)" means a layout-design (topography) in respect of which the conditions of protection referred to in this Treaty are fulfilled,
- (v) "Contracting Party" means a State, or an Intergovernmental Organization meeting the requirements of item (x), party to this Treaty,
- (vi) "territory of a Contracting Party" means, where the Contracting Party is a State, the territory of that State and, where the Contracting Party is an Intergovernmental Organization, the territory in which the constituting treaty of that Intergovernmental Organization applies,
- (vii) "Union" means the Union referred to in Article 1,
- (viii) "Assembly" means the Assembly referred to in Article 9,
- (ix) "Director General" means the Director General of the World Intellectual Property Organization,
- (x) "Intergovernmental Organization" means an organization constituted by, and composed of, States of any region of the world, which has competence in respect of matters governed by this Treaty, has its own legislation providing for intellectual property protection in respect of layout-designs (topographies) and binding on all its member States, and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Treaty.

### Article 3 The Subject Matter of the Treaty

(1) [*Obligation to Protect Layout-Designs (Topographies)*] (a) Each Contracting Party shall have the obligation to secure, throughout its territory, intellectual property protection in respect of layout-designs (topographies) in accordance with this Treaty. It shall, in particular, secure adequate measures to ensure the prevention of acts considered unlawful under Article 6 and appropriate legal remedies where such acts have been committed.

(b) The right of the holder of the right in respect of an integrated circuit applies whether or not the integrated circuit is incorporated in an article.

(c) Notwithstanding Article 2(i), any Contracting Party whose law limits the protection of layout-designs (topographies) to layout-designs (topographies) of semi-

conductor integrated circuits shall be free to apply that limitation as long as its law contains such limitation.

(2) [*Requirement of Originality*] (a) The obligation referred to in paragraph (1)(a) shall apply to layout-designs (topographies) that are original in the sense that they are the result of their creators' own intellectual effort and are not commonplace among creators of layout-designs (topographies) and manufacturers of integrated circuits at the time of their creation.

(b) A layout-design (topography) that consists of a combination of elements and interconnections that are commonplace shall be protected only if the combination, taken as a whole, fulfills the conditions referred to in subparagraph (a).

#### Article 4

##### The Legal Form of the Protection

Each Contracting Party shall be free to implement its obligations under this Treaty through a special law on layout-designs (topographies) or its law on copyright, patents, utility models, industrial designs, unfair competition or any other law or a combination of any of those laws.

#### Article 5

##### National Treatment

(1) [*National Treatment*] Subject to compliance with its obligation referred to in Article 3(1)(a), each Contracting Party shall, in respect of the intellectual property protection of layout-designs (topographies), accord, within its territory,

- (i) to natural persons who are nationals of, or are domiciled in the territory of, any of the other Contracting Parties, and
- (ii) to legal entities which or natural persons who, in the territory of any of the other Contracting Parties, have a real and effective establishment for the creation of layout-designs (topographies) or the production of integrated circuits,

the same treatment that it accords to its own nationals.

(2) [*Agents, Addresses for Service, Court Proceedings*] Notwithstanding paragraph (1), any Contracting Party is free not to apply national treatment as far as any obligations to appoint an agent or to designate an address for service are concerned or as far as the special rules applicable to foreigners in court proceedings are concerned.

(3) [*Application of Paragraphs (1) and (2) to Intergovernmental Organizations*] Where the Contracting Party is an Intergovernmental Organization, "nationals" in paragraph (1) means nationals of any of the States members of that Organization.

#### Article 6

##### The Scope of the Protection

(1) [*Acts Requiring the Authorization of the Holder of the Right*] (a) Any Contracting Party shall consider unlawful the following acts if performed without the authorization of the holder of the right:

- (i) the act of reproducing, whether by incorporation in an integrated circuit or otherwise, a protected layout-design (topography) in its entirety or any part thereof, except the act of reproducing any part that does not comply with the requirement of originality referred to in Article 3(2),
- (ii) the act of importing, selling or otherwise distributing for commercial purposes a protected layout-design (topography) or an integrated circuit in which a protected layout-design (topography) is incorporated.

(b) Any Contracting Party shall be free to consider unlawful also acts other than those specified in subparagraph (a) if performed without the authorization of the holder of the right.

(2) [*Acts Not Requiring the Authorization of the Holder of the Right*] (a) Notwithstanding paragraph (1), no Contracting Party shall consider unlawful the performance, without the authorization of the holder of the right, of the act of reproduction referred to in paragraph (1)(a)(i) where that act is performed by a third party for private purposes or for the sole purpose of evaluation, analysis, research or teaching.

(b) Where the third party referred to in subparagraph (a), on the basis of evaluation or analysis of the protected layout-design (topography) ("the first layout-design (topography)"), creates a layout-design (topography) complying with the requirement of originality referred to in Article 3(2) ("the second layout-design (topography)"), that third party may incorporate the second layout-design (topography) in an integrated circuit or perform any of the acts referred to in paragraph (1) in respect of the second layout-design (topography) without being regarded as infringing the rights of the holder of the right in the first layout-design (topography).

(c) The holder of the right may not exercise his right in respect of an identical original layout-design (topography) that was independently created by a third party.

(3) [*Measures Concerning Use Without the Consent of the Holder of the Right*] (a) Notwithstanding paragraph (1), any Contracting Party may, in its legislation, provide for the possibility of its executive or judicial authority granting a non-exclusive license, in circumstances that are not ordinary, for the performance of any of the acts referred to in paragraph (1) by a third party without the authorization of the holder of the right ("non-voluntary license"), after unsuccessful efforts, made by the said third party in line with normal commercial practices, to obtain such authorization,

where the granting of the non-voluntary license is found, by the granting authority, to be necessary to safeguard a national purpose deemed to be vital by that authority; the non-voluntary license shall be available for exploitation only in the territory of that country and shall be subject to the payment of an equitable remuneration by the third party to the holder of the right.

(b) The provisions of this Treaty shall not affect the freedom of any Contracting Party to apply measures, including the granting, after a formal proceeding by its executive or judicial authority, of a non-voluntary license, in application of its laws in order to secure free competition and to prevent abuses by the holder of the right.

(c) The granting of any non-voluntary license referred to in subparagraph (a) or subparagraph (b) shall be subject to judicial review. Any non-voluntary license referred to in subparagraph (a) shall be revoked when the conditions referred to in that subparagraph cease to exist.

(4) [*Sale and Distribution of Infringing Integrated Circuits Acquired Innocently*] Notwithstanding paragraph (1)(a)(ii), no Contracting Party shall be obliged to consider unlawful the performance of any of the acts referred to in that paragraph in respect of an integrated circuit incorporating an unlawfully reproduced layout-design (topography) where the person performing or ordering such acts did not know and had no reasonable ground to know, when acquiring the said integrated circuit, that it incorporates an unlawfully reproduced layout-design (topography).

(5) [*Exhaustion of Rights*] Notwithstanding paragraph (1)(a)(ii), any Contracting Party may consider lawful the performance, without the authorization of the holder of the right, of any of the acts referred to in that paragraph where the act is performed in respect of a protected layout-design (topography), or in respect of an integrated circuit in which such a layout-design (topography) is incorporated, that has been put on the market by, or with the consent of, the holder of the right.

#### Article 7

##### Exploitation; Registration, Disclosure

(1) [*Faculty to Require Exploitation*] Any Contracting Party shall be free not to protect a layout-design (topography) until it has been ordinarily commercially exploited, separately or as incorporated in an integrated circuit, somewhere in the world.

(2) [*Faculty to Require Registration; Disclosure*] (a) Any Contracting Party shall be free not to protect a layout-design (topography) until the layout-design (topography) has been the subject of an application for registration, filed in due form with the competent public authority, or of a registration with that authority; it may be required that the application be accompanied by the filing of a copy or drawing of the layout-design (topog-

raphy) and, where the integrated circuit has been commercially exploited, of a sample of that integrated circuit, along with information defining the electronic function which the integrated circuit is intended to perform; however, the applicant may exclude such parts of the copy or drawing that relate to the manner of manufacture of the integrated circuit, provided that the parts submitted are sufficient to allow the identification of the layout-design (topography).

(b) Where the filing of an application for registration according to subparagraph (a) is required, the Contracting Party may require that such filing be effected within a certain period of time from the date on which the holder of the right first exploits ordinarily commercially anywhere in the world the layout-design (topography) of an integrated circuit; such period shall not be less than two years counted from the said date.

(c) Registration under subparagraph (a) may be subject to the payment of a fee.

#### Article 8

##### The Duration of the Protection

Protection shall last at least eight years.

#### Article 9

##### Assembly

(1) [*Composition*] (a) The Union shall have an Assembly consisting of the Contracting Parties.

(b) Each Contracting Party shall be represented by one delegate who may be assisted by alternate delegates, advisors and experts.

(c) Subject to subparagraph (d), the expenses of each delegation shall be borne by the Contracting Party that has appointed the delegation.

(d) The Assembly may ask the World Intellectual Property Organization to grant financial assistance to facilitate the participation of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations.

(2) [*Functions*] (a) The Assembly shall deal with matters concerning the maintenance and development of the Union and the application and operation of this Treaty.

(b) The Assembly shall decide the convocation of any diplomatic conference for the revision of this Treaty and give the necessary instructions to the Director General for the preparation of such diplomatic conference.

(c) The Assembly shall perform the functions allocated to it under Article 14 and shall establish the details of the procedures provided for in that Article, including the financing of such procedures.

(3) [*Voting*] (a) Each Contracting Party that is a State shall have one vote and shall vote only in its own name.

(b) Any Contracting Party that is an Intergovernmental Organization shall exercise its right to vote, in place of its member States, with a number of votes equal to the number of its member States which are party to this Treaty and which are present at the time the vote is taken. No such Intergovernmental Organization shall exercise its right to vote if any of its member States participates in the vote.

(4) [*Ordinary Sessions*] The Assembly shall meet in ordinary session once every two years upon convocation by the Director General.

(5) [*Rules of Procedure*] The Assembly shall establish its own rules of procedure, including the convocation of extraordinary sessions, the requirements of a quorum and, subject to the provisions of this Treaty, the required majority for various kinds of decisions.

#### **Article 10 International Bureau**

(1) [*International Bureau*] (a) The International Bureau of the World Intellectual Property Organization shall:

- (i) perform the administrative tasks concerning the Union, as well as any tasks specially assigned to it by the Assembly;
- (ii) subject to the availability of funds, provide technical assistance, on request, to the Governments of Contracting Parties that are States and are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations.

(b) No Contracting Party shall have any financial obligations; in particular, no Contracting Party shall be required to pay any contributions to the International Bureau on account of its membership in the Union.

(2) [*Director General*] The Director General shall be the chief executive of the Union and shall represent the Union.

#### **Article 11 Amendment of Certain Provisions of the Treaty**

(1) [*Amending of Certain Provisions by the Assembly*] The Assembly may amend the definitions contained in Article 2(i) and (ii), as well as Articles 3(1)(c), 9(1)(c) and (d), 9(4), 10(1)(a) and 14.

(2) [*Initiation and Notice of Proposals for Amendment*] (a) Proposals under this Article for amendment of the provisions of this Treaty referred to in paragraph (1) may be initiated by any Contracting Party or by the Director General.

(b) Such proposals shall be communicated by the Director General to the Contracting Parties at least six months in advance of their consideration by the Assembly.

(c) No such proposal shall be made before the expiration of five years from the date of entry into force of this Treaty under Article 16(1).

(3) [*Required Majority*] Adoption by the Assembly of any amendment under paragraph (1) shall require four-fifths of the votes cast.

(4) [*Entry Into Force*] (a) Any amendment to the provisions of this Treaty referred to in paragraph (1) shall enter into force three months after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the Contracting Parties members of the Assembly at the time the Assembly adopted the amendment. Any amendment to the said provisions thus accepted shall bind all States and Intergovernmental Organizations that were Contracting Parties at the time the amendment was adopted by the Assembly or that become Contracting Parties thereafter, except Contracting Parties which have notified their denunciation of this Treaty in accordance with Article 17 before the entry into force of the amendment.

(b) In establishing the required three-fourths referred to in subparagraph (a), a notification made by an Intergovernmental Organization shall only be taken into account if no notification has been made by any of its member States.

#### **Article 12 Safeguard of Paris and Berne Conventions**

This Treaty shall not affect the obligations that any Contracting Party may have under the Paris Convention for the Protection of Industrial Property or the Berne Convention for the Protection of Literary and Artistic Works.

#### **Article 13 Reservations**

No reservations to this Treaty shall be made.

#### **Article 14 Settlement of Disputes**

(1) [*Consultations*] (a) Where any dispute arises concerning the interpretation or implementation of this Treaty, a Contracting Party may bring the matter to the attention of another Contracting Party and request the latter to enter into consultations with it.

(b) The Contracting Party so requested shall provide promptly an adequate opportunity for the requested consultations.

(c) The Contracting Parties engaged in consultations shall attempt to reach, within a reasonable period of time, a mutually satisfactory solution of the dispute.

(2) [*Other Means of Settlement*] If a mutually satisfactory solution is not reached within a reasonable period of time through the consultations referred to in paragraph (1), the parties to the dispute may agree to resort to other means designed to lead to an amicable settlement of their dispute, such as good offices, conciliation, mediation and arbitration.

(3) [*Panel*] (a) If the dispute is not satisfactorily settled through the consultations referred to in paragraph (1), or if the means referred to in paragraph (2) are not resorted to, or do not lead to an amicable settlement within a reasonable period of time, the Assembly, at the written request of either of the parties to the dispute, shall convene a panel of three members to examine the matter. The members of the panel shall not, unless the parties to the dispute agree otherwise, be from either party to the dispute. They shall be selected from a list of designated governmental experts established by the Assembly. The terms of reference for the panel shall be agreed upon by the parties to the dispute. If such agreement is not achieved within three months, the Assembly shall set the terms of reference for the panel after having consulted the parties to the dispute and the members of the panel. The panel shall give full opportunity to the parties to the dispute and any other interested Contracting Parties to present to it their views. If both parties to the dispute so request, the panel shall stop its proceedings.

(b) The Assembly shall adopt rules for the establishment of the said list of experts, and the manner of selecting the members of the panel, who shall be governmental experts of the Contracting Parties, and for the conduct of the panel proceedings, including provisions to safeguard the confidentiality of the proceedings and of any material designated as confidential by any participant in the proceedings.

(c) Unless the parties to the dispute reach an agreement between themselves prior to the panel's concluding its proceedings, the panel shall promptly prepare a written report and provide it to the parties to the dispute for their review. The parties to the dispute shall have a reasonable period of time, whose length will be fixed by the panel, to submit any comments on the report to the panel, unless they agree to a longer time in their attempts to reach a mutually satisfactory resolution to their dispute. The panel shall take into account the comments and shall promptly transmit its report to the Assembly. The report shall contain the facts and recommendations for the resolution of the dispute, and shall be accompanied by the written comments, if any, of the parties to the dispute.

(4) [*Recommendation by the Assembly*] The Assembly shall give the report of the panel prompt consideration. The Assembly shall, by consensus, make recommendations to the parties to the dispute, based upon its interpretation of this Treaty and the report of the panel.

## Article 15

### Becoming Party to the Treaty

(1) [*Eligibility*] (a) Any State member of the World Intellectual Property Organization or of the United Nations may become party to this Treaty.

(b) Any Intergovernmental Organization which meets the requirements of Article 2(x) may become party to this Treaty. The Organization shall inform the Director General of its competence, and any subsequent changes in its competence, with respect to the matters governed by this Treaty. The Organization and its member States may, without, however, any derogation from the obligations under this Treaty, decide on their respective responsibilities for the performance of their obligations under this Treaty.

(2) [*Adherence*] A State or Intergovernmental Organization shall become party to this Treaty by:

- (i) signature followed by the deposit of an instrument of ratification, acceptance or approval, or
- (ii) the deposit of an instrument of accession.

(3) [*Deposit of Instruments*] The instruments referred to in paragraph (2) shall be deposited with the Director General.

## Article 16

### Entry Into Force of the Treaty

(1) [*Initial Entry Into Force*] This Treaty shall enter into force, with respect to each of the first five States or Intergovernmental Organizations which have deposited their instruments of ratification, acceptance, approval or accession, three months after the date on which the fifth instrument of ratification, acceptance, approval or accession has been deposited.

(2) [*States and Intergovernmental Organizations Not Covered by the Initial Entry Into Force*] This Treaty shall enter into force with respect to any State or Intergovernmental Organization not covered by paragraph (1) three months after the date on which that State or Intergovernmental Organization has deposited its instrument of ratification, acceptance, approval or accession unless a later date has been indicated in the instrument; in the latter case, this Treaty shall enter into force with respect to the said State or Intergovernmental Organization on the date thus indicated.

(3) [*Protection of Layout-Designs (Topographies) Existing at Time of Entry Into Force*] Any Contracting

Party shall have the right not to apply this Treaty to any layout-design (topography) that exists at the time this Treaty enters into force in respect of that Contracting Party, provided that this provision does not affect any protection that such layout-design (topography) may, at that time, enjoy in the territory of that Contracting Party by virtue of international obligations other than those resulting from this Treaty or the legislation of the said Contracting Party.

### Article 17 Denunciation of the Treaty

(1) [Notification] Any Contracting Party may denounce this Treaty by notification addressed to the Director General.

(2) [Effective Date] Denunciation shall take effect one year after the day on which the Director General has received the notification of denunciation.

### Article 18 Texts of the Treaty

(1) [Original Texts] This Treaty is established in a single original in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally authentic.

(2) [Official Texts] Official texts shall be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly may designate.

### Article 19 Depositary

The Director General shall be the depositary of this Treaty.

### Article 20 Signature

This Treaty shall be open for signature between May 26, 1989, and August 25, 1989, with the Government of the United States of America, and between August 26, 1989, and May 25, 1990, at the headquarters of WIPO.

## LIST OF PARTICIPANTS

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### Organization of African Unity (OAU)

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## IV. International Non-Governmental Organizations

*American Bar Association (ABA):* J. Jancin, Jr. (Senior Counsel, Intellectual Property Law, IBM Corporation); C.F. Koenig, III (Attorney-at-Law, Philadelphia); P.A. Lyons (Attorney-at-Law, Washington, D.C.)

*International Chamber of Commerce (ICC):* S. Bernhard (Attorney, Stockholm); D. Bonham-Yeaman (Associate Professor, College of Business Administration, Florida International University); J. Jancin, Jr. (Senior Counsel, Intellectual Property Law, IBM Corporation); R.S. Laurie (Attorney-at-Law, Menlo Park, California)

*American Intellectual Property Law Association (AIPLA):* R.T. Reiling (Committee on Computer Software)

*International Copyright Society (INTERGU):* B.G. Joseph (Attorney-at-Law, Washington, D.C.); D. Ladd (Attorney-at-Law, Washington, D.C.)

*Arab Society for the Protection of Industrial Property (ASPIP):* T. Abu-Ghazaleh (President)

*International Federation of Industrial Property Attorneys (FICPI):* H. Bardehle (Président d'honneur); T. Jennings (Rapporteur spécial de la Commission d'étude et de travail); J. Orchard (Rapporteur spécial de la Commission d'étude et de travail); K. Raffinsoe (Président de la Commission d'étude et de travail)

*Committee of National Institutes of Patent Agents (CNIPA):* J. Betten (Patent Attorney); H.-E. Böhmer (Patent Attorney); W. von Willich (Patent Attorney)

*International Literary and Artistic Association (ALAI):* J.M. Kernochan (Professor, Columbia University School of Law, New York); V. Nabhan (Professeur de droit, Université Laval, Sainte-Foy, Québec)

*Computer and Business Equipment Manufacturers Association (CBEMA):* J. Jancin, Jr. (Senior Counsel, Intellectual Property Law, IBM Corporation); R.T. Reiling (Digital Equipment Corporation)

*International Patent and Trademark Association, United States of America (IPTA):* R.S. Laurie (Attorney-at-Law, Menlo Park, California)

*Computer Law Association, United States of America (CLA):* R.S. Laurie (Attorney-at-Law); D.T. Brooks (President)

*Istituto Nazionale per la Difesa, Identificazione e Certificazione dei Marchi Autentici, Italy (INDICAM):* L. Bosotti (Engineer, Turin)

*Electronics Industry Association of Japan (EIAJ):* M. Shinoda (General Manager, Business Development, Fujitsu Ltd.); T. Kato (Manager, Washington Patent Office of Toshiba America, Inc.)

*Korean Intellectual Property Research Society, Republic of Korea (KIPS):* S.H. Song (Honorary President)

*Electronics Industry Association of Korea (EIAK):* K.W. Han (Vice-Chairman); S.H. Song (Professor, Law School, Seoul National

*Patent and Trademark Institute of Canada (PTIC):* E.J. McKhool (President); R.C. Hogeboom (Chairman, Committee on Computer-Related Technology)

*Semiconductor Industry Association, United States of America (SLA):* D. Hatano (Counsel); R. Merrett (Attorney-at-Law, Texas Instruments, Inc.); D. Sanders (General Counsel, LSI Logic Corporation); W. Ellis (Assistant Counsel, LSI Logic Corporation); W. Troner (Attorney-at-Law, Harris Semiconductor Corporation)

*Union of European Practitioners in Industrial Property (UEPIP):* J. Betten (Patent Attorney); H.-E. Böhmer (Patent Attorney)

#### *Drafting Committee*

Chairman: Gy. Puzstai (Hungary)  
Vice-Chairmen: M. Khreisat (Jordan); A. Casado Cerviño (Spain)

Secretary: F. Gurry (WIPO)

*Members:* Argentina, China, France, Soviet Union, United Kingdom

*Ex officio:* Chairman of the Main Committee: K. Juma Suedi (United Republic of Tanzania)

## V. Officers and Committees

### *Conference*

President: R. Oman (United States of America)  
Vice-Presidents: Gao Lulin (China); M.Y. Saada (Egypt);  
A. Krieger (Germany (Federal Republic of)); N. Akao (Japan);  
R. Villarreal Gonda (Mexico); L.E. Komarov (Soviet Union);  
V. Tarnofsky (United Kingdom)  
Secretary: L. Baeumer (WIPO)

### *Credentials Committee*

Chairman: M.G. Fortini (Italy)  
Vice-Chairmen: F. Jonkisch (German Democratic Republic);  
A.M. Dieng (Senegal)  
Secretary: G. Ledakis (WIPO)

*Members:* Australia, Czechoslovakia, Ghana, India, Norway, Philippines, Syria, Uruguay

### *Main Committee*

Chairman: K. Juma Suedi (United Republic of Tanzania)  
Vice-Chairmen: K. Iliev (Bulgaria); J.-L. Comte (Switzerland)  
Secretary: F. Curchod (WIPO)

## VI. International Bureau of the World Intellectual Property Organization (WIPO)

A. Bogsch, Director General  
L. Baeumer, Director, Industrial Property Division  
F. Curchod, Director of the Office of the Director General  
G. Ledakis, Legal Counsel  
F. Gurry, Head, Industrial Property Law Section, Industrial Property Division  
M. Qayoom, Senior Program Officer, External Relations Bureau  
Li Jiahio, Senior Counsellor, External Relations Bureau  
O. Espinosa, Senior Legal Officer, Industrial Property Division  
M. Achkar, Translator-Reviser, Languages Section  
P. Andrews, Senior Translator, Languages Section  
I. Pérez-Fernández, Translator-Reviser, Languages Section  
P. Sihlé, Translator-Reviser, Languages Section  
N. Tchouvaev, Translator-Reviser, Languages Section  
A. Damond, Head, Registry, Documents and Meetings Service  
C. Claa, Senior Administrative Assistant, Registry, Documents and Meetings Service

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**Studies**

**Principal Aspects of the Amendments to the  
Patents Act of the Kingdom of the Netherlands  
Introduced by the Act of May 29, 1987**

J. DE BRUIJN\*



**The New Spanish Legislation on Trademarks, Trade Names,  
Business Signs and Unfair Competition**

A. CASADO CERVIÑO\*





















## News Items

### WIPO/SELA HIGH-LEVEL MEETING OF GOVERNMENT AUTHORITIES RESPONSIBLE FOR THE INDUSTRIAL PROPERTY SECTOR OF THE SELA MEMBER STATES

(Caracas, February 14 to 17, 1989)

At the invitation of the Director General of WIPO and the Permanent Secretary of the Latin American Economic System (SELA), and with the assistance of the United Nations Development Programme (UNDP), a High-Level Meeting of Government Authorities Responsible for the Industrial Property Sector was held in Caracas from February 14 to 17, 1989. The principal objective of the Meeting was to examine and promote better coordination, consultation and cooperation in respect of industrial property issues of current interest and emerging relevance for the countries of Latin America and the Caribbean. This was the first regional meeting of this kind to be jointly convened by WIPO and SELA; it was attended by some 70 senior representatives from 25 Latin American and Caribbean countries and by observers from seven regional and international organizations.

The opening session was addressed by Ambassador Pérez del Castillo, Permanent Secretary of SELA, by Mr. Shahid Alikhan, Deputy Director General of WIPO, and by Dr. Alfredo Jefferson, Deputy Resident Representative of UNDP in Caracas, who delivered a message on behalf of Dr. Augusto Ramírez Ocampo, Assistant Administrator and Regional Director of the Regional Bureau for Latin America and the Caribbean of UNDP.

The Meeting unanimously elected Mr. Roberto Villarreal Gonda (Mexico) as Chairman, and Mr. Miguel Roque Solanet (Argentina) and Mrs. Haydée Maradei de García (Venezuela) as Vice-Chairmen. Mr. Ismael Clark (Cuba) was elected Rapporteur of the Meeting.

The Meeting considered: (i) recent trends in the field of industrial property (with particular reference to the protection of new technologies and the revision of the Paris Convention for the Protection of Industrial Property); (ii) the situation of industrial property in the

countries of Latin America and the Caribbean; (iii) the possible establishment of a Latin American patent system (including questions of support for subregional initiatives for the harmonization of industrial property legislation, the promotion of technological innovation and information services and the harmonization of standards); (iv) the possible establishment and main features of a regional forum on intellectual property and the transfer of technology; and (v) further cooperation between WIPO and SELA.

The Meeting acknowledged WIPO's contribution in the modernizing of industrial property legislation and strengthening of national industrial property infrastructures in the region, in terms of technical and legal assistance, manpower development and institutional modernization.

In respect of point (iii), above, the Meeting noted the advantages of uniform legislation in the field of industrial property and the problems to be solved to achieve that objective, and recommended that gradual progress be made towards the possible establishment of a Latin American patent system. It also recommended that efforts be continued to identify possible new schemes or institutions for industrial property protection which might better respond to the specific needs of the region (especially in industry, trade, research and development), as well as mechanisms for the protection of so-called "minor inventions."

With a view to promoting and institutionalizing further cooperation and consultations between the countries of the region in intellectual property matters, the Meeting recommended the establishment of a "Latin American and Caribbean Forum on Intellectual Property Policies," to be convened on a yearly basis by the Permanent Secretariat of SELA with the participation of all interested SELA member States.

#### PARAGUAY

##### *Director of Industrial Property*

We have been informed that Dr. Victor Abente Brun has been appointed Director of Industrial Property.

# Calendar of Meetings

## WIPO Meetings

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

### 1989

June 26 to July 3 (Paris)

**Berne Union for the Protection of Literary and Artistic Works: Executive Committee (Extraordinary Session)** (sitting together, for the discussion of certain items, with the Intergovernmental Committee of the Universal Copyright Convention)

The Committee will mainly review the activities undertaken and the meetings held since the Committee's last session (June 1987) as far as substantive issues of copyright protection are concerned.

*Invitations:* States members of the Executive Committee of the Berne Union and, as observers, other States party to the Berne Convention and certain organizations.

July 5 to 7 (Geneva)

**Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations: Intergovernmental Committee (Ordinary Session)** (convened jointly with ILO and Unesco)

The Committee will review the status of the international protection of neighboring rights under the Rome Convention.

*Invitations:* States members of the Intergovernmental Committee and, as observers, other States members of the United Nations and certain organizations.

September 25 to October 4 (Geneva)

**Governing Bodies of WIPO and the Unions Administered by WIPO (Twentieth Series of Meetings)**

All the Governing Bodies of WIPO and the Unions administered by WIPO meet in ordinary sessions every two years in odd-numbered years.

In the sessions in 1989, the Governing Bodies will, *inter alia*, review and evaluate activities undertaken since July 1988, and consider and adopt the draft program and budget for the 1990-91 biennium.

*Invitations:* States members of WIPO and the Unions and, as observers, other States members of the United Nations and certain organizations.

September 26 (Geneva)

**Permanent Committee on Industrial Property Information (PCIPI) (Second Session)**

The Committee will discuss its main activities and plans for the future.

*Invitations:* States and organizations members of the Committee and, as observers, certain other States and organizations.

October 9 to 13 (Moscow)

**International Forum on the Role of Industrial Property in Economic Cooperation Arrangements** (organized jointly with the State Committee for Inventions and Discoveries of the Soviet Union)

The Forum will deal with questions of industrial property in joint ventures (among capitalist and socialist countries) and other cooperative economic arrangements (among capitalist and socialist countries), particularly in the field of the transfer of high technology, trade in goods bearing trademarks and franchizing of services.

*Invitations:* The Forum will be open to the public. Participants, other than representatives of governments, will be requested to pay a registration fee.

November 1 and 2 (Beijing)

**Worldwide Symposium on the International Patent System in the 21st Century** (organized jointly with the Chinese Patent Office)

The Symposium will be conducted in three half-day sessions, each dealing with one of the following three topics: internationalization of the patent system; computerization of the patent system; patent documentation, search and examination.

*Invitations:* States members of WIPO, certain intergovernmental organizations and non-governmental organizations having observer status in WIPO.

November 6 to 10 (Geneva)

**Committee of Experts on Model Provisions for Legislation in the Field of Copyright (Second Session)**

The Committee will continue to consider proposed standards in the field of literary and artistic works for the purposes of national legislation on the basis of the Berne Convention for the Protection of Literary and Artistic Works.

*Invitations:* States members of the Berne Union or WIPO and, as observers, certain organizations.

November 13 to 24 (Geneva)

**Committee of Experts on the Harmonization of Certain Provisions in Laws for the Protection of Inventions (Seventh Session)**

The Committee will continue to examine a draft treaty on the harmonization of certain provisions in laws for the protection of inventions.

*Invitations:* States members of the Paris Union and, as observers, States members of WIPO not members of the Paris Union and certain organizations.

## UPOV Meetings

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

1989

October 16 (Geneva)

**Consultative Committee (Fortieth Session)**

The Committee will prepare the twenty-third ordinary session of the Council.

*Invitations:* Member States of UPOV.

October 17 and 18 (Geneva)

**Council (Twenty-third Ordinary Session)**

The Council will examine the program and budget for the 1990-91 biennium, the reports on the activities of UPOV in 1988 and the first part of 1989.

*Invitations:* Member States of UPOV and, as observers, certain non-member States and intergovernmental organizations.

## Other Meetings Concerned with Industrial Property

1989

July 10 to 12 (Geneva)

**International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP): Annual Meeting**

December 5 to 9 (Munich)

**European Patent Organisation (EPO): Administrative Council**



