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AUSTRALIA

Patents Act 1990 (No. 83 of 1990, amended by the Industry, Technology and Commerce Legislation Amendment Act 1991 (No. 66 of 1991)) (*Replacement sheets*) .. Text 2-001

FINLAND

Patent Law (No. 550 of December 15, 1967, as last amended by Law No. 387 of May 10, 1985) (*This text replaces the one previously published under the same code number*) Text 2-001

(Continued overleaf)

WIPO 1991

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FRANCE

Law No. 90-1052 of November 26, 1990, Relating to Industrial Property (as amended by Law No. 91-7 of January 4, 1991, Relating to Trademarks and Service Marks) (*Extracts Concerning Persons Qualified with Respect to Industrial Property*) Text 1-004

Law No. 77-683 of June 30, 1977, on the Application of the Convention on the Grant of European Patents, done at Munich on October 5, 1973 (as amended and completed by Law No. 90-1052 of November 26, 1990, Concerning Industrial Property) (*This text replaces the one previously published under the same code number*) Text 2-003

Notifications Concerning Treaties

Paris Convention

Withdrawal of Declaration Concerning Article 28(1) of the Stockholm Act (1967)

CZECHOSLOVAKIA

The Government of Czechoslovakia has notified, in its notification received on June 11, 1991, the withdrawal of the declaration which, in 1970, it made concerning Article 28(1) of the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Stockholm on July 14, 1967.

Paris Notification No. 127, of June 14, 1991.

Budapest Treaty

Withdrawal of Assurances under Article 8(2)

IN VITRO INTERNATIONAL, INC. (IVI) (United States of America)

The Director General of WIPO was informed by the following communication received on July 2, 1991, dated June 25, 1991, from the Government of the United States of America of the withdrawal of its declaration of assurances made under Article 7 of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure with respect to In Vitro International, Inc. (IVI), an international depositary authority under that Treaty.

The Patent and Trademark Office has been informed by In Vitro International, Inc. (IVI), of

Linthicum, Maryland, in a letter dated May 24, 1991, that it can no longer continue to perform its functions as an international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure. I am hereby notifying you that the United States withdraws its declaration of assurances made on behalf of IVI on September 9, 1983.

All deposits stored with IVI under the Budapest Treaty were transferred on June 20, 1991, to a substitute authority, which is the American Type Culture Collection (ATCC) of Rockville, Maryland. All mail or other communications addressed to IVI regarding those deposits, including all files and other relevant information, have also been transferred to ATCC. IVI has been requested to notify all depositors affected by the discontinuance of the performance of its functions and the transfers effected. We will monitor this notification and will encourage IVI fully to comply with its responsibilities.

In addition, we are in the process of informing all those who made deposits of biological samples with IVI, including patent owners and patent applicants, of IVI's discontinuance as an international depositary authority and of the transfer of their deposits to ATCC. We are also publishing notices of the determination in the *Official Gazette* and the *Federal Register*.

[End of text of the communication of the
Government of the United States of America]

Pursuant to Article 8(2)(b) of the Budapest Treaty and of Rule 4.2(c) of the Regulations under that Treaty, the status of In Vitro International, Inc. (IVI) as an international depositary authority under the Budapest Treaty will terminate three months from the date of the said communication, that is, on September 25, 1991.

Budapest Communication No. 71 (this communication is the subject of Budapest Notification No. 99, of July 15, 1991).

WIPO Meetings

Madrid Union

Working Group on the Application of the Madrid Protocol of 1989

Third Session
(Madrid, May 21 to 27, 1991)

NOTE*

Introduction

The Working Group on the Application of the Madrid Protocol of 1989 (hereinafter referred to as "the Working Group") held its third session in Madrid from May 21 to 27, 1991.¹

The following States members of the Working Group were represented: Algeria, Austria, Belgium, Bulgaria, China, Cuba, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Egypt, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Monaco, Mongolia, Morocco, Netherlands, Poland, Portugal, Romania, Senegal, Soviet Union, Spain, Sudan, Sweden, Switzerland, United Kingdom, Viet Nam, Yugoslavia (34). In addition, the European Communities (EC), also a member of the Working Group, were also represented.

The following States, with observer status, were represented: Norway, Republic of Korea, United States of America (3). A representative of one inter-governmental organization and representatives of 18 non-governmental organizations also participated in an observer capacity. The list of participants follows this Note.

This session coincided with the centenary of the Madrid Agreement Concerning the International Registration of Marks, which was celebrated by an *Acto Solemne*, honored by their Majesties the King and the Queen of Spain.

In the present Note, all references to the Agreement are to the Madrid Agreement Concerning the International Registration of Marks (1967), and all references to the Protocol are to the Madrid Protocol (1989) relating to that Agreement, whereas all references to the draft Regulations or Rules are to the *draft Regulations or Rules* contained in document GT/PM/III/2, and all references to the *present Regulations* are to the Regulations under the Agreement (as in force since April 1, 1990).

Discussions on the Provisions of the Draft Regulations

In view of the fact that the Working Group had examined, at its second session in November 1990, a previous draft of Rules 1 to 13, it was agreed to start discussions with draft Rule 14.

Draft Rule 14: Time Limit for Refusal in Case of Oppositions After 18 Months

Draft Rule 14 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Notification] Where a declaration has been made by a Contracting Party pursuant to Article 5(2)(b) and (c), first sentence, of the Protocol, the Office of such Contracting Party shall, where applicable, notify the International Bureau of the number, and the name of the holder, of the international registration in respect of which oppositions may be filed after the expiry of the 18-month time limit referred to in Article 5(2)(b) of the Protocol and, once known, of the date on which the opposition period ends.

* Prepared by the International Bureau.

¹ For the Note on the second session, see *Industrial Property*, 1991, p. 193.

(2) [Transmittal of Copies of Notifications] *The International Bureau shall transmit a copy of the notification received under paragraph (1) to the Office of origin and, at the same time, to the holder of the international registration concerned.*"

The portion of the report of the Working Group concerning the discussion of Rule 14 reads as follows:

"This Rule was approved as proposed."

Draft Rule 15: Notification and Recordal of Refusals

Draft Rule 15 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Refusals] (a) *The notification of refusal shall be signed and shall contain or indicate*

- (i) *the Office pronouncing the refusal,*
- (ii) *the number of the international registration,*
- (iii) *the name and address of the holder of the international registration,*
- (iv) *the grounds on which the refusal is based and the corresponding essential provisions of the law,**
- (v) *where the grounds on which the refusal is based refer to a prior mark with which the mark that is the subject of the international registration appears to be in conflict, the filing date, the priority date (if any), the registration date (if available), the name and address of the owner, and a reproduction, of that prior mark,*
- (vi) *where the refusal is based on an opposition on a ground other than conflict with a prior mark, the name and address of the opponent,*
- (vii) *if the refusal does not affect all the goods and services, those which are affected by the refusal,*

(viii) *whether or not the refusal may be subject to review or appeal and, if so, the time limit for any request for review of, or appeal against, the refusal and the authority to which such request for review or appeal shall lie, with the indication, where applicable, that the request for review or the appeal has to be filed through the intermediary of a representative whose*

address is within the territory of the Contracting Party whose Office has pronounced the refusal,

(ix) *the date on which the refusal was pronounced.*

(b) *The International Bureau shall record the refusal in the International Register, with an indication of the date on which the notification of refusal was sent to the International Bureau.*

(2) [Confirmations or Withdrawals of Refusals] (a) *Where the notification of refusal under paragraph (1)(a) indicates that the refusal may be subject to review or appeal, the Office concerned shall promptly notify the International Bureau,*

(i) *where the applicable time limit has expired without a request for review or an appeal having been lodged, of that fact,*

(ii) *where a request for review or an appeal has been lodged, of that fact and, once a decision is made in respect of the review or appeal, of the decision made.*

(b) *The International Bureau shall record the relevant facts and data in the International Register.*

(3) [Transmittal of Copies of Notifications] *The International Bureau shall transmit copies of notifications received under paragraphs (1)(a) and (2)(a) to the Office of origin and, at the same time, to the holder."*

The portion of the report of the Working Group concerning the discussion of Rule 15 reads as follows:

"Paragraph (1)(a)(i) to (iv). These items were approved as proposed, subject to the addition, in the first line, after the word 'refusal,' of the following words: 'under Article 5(1) of the Agreement, under Article 5(1) of the Protocol or under both.'

Paragraph (1)(a)(v). This item was approved as proposed, with the understanding that the next draft should require that the notification include also the list of the goods and services for which the prior mark is registered (such list may be given in the language in which it is in the register in which the prior mark is registered). It was suggested that the International Bureau should examine whether, if the prior mark is internationally registered, such list could be omitted (since it can be easily found in the International Register) and whether the refusing Office should or could, among the goods or services appearing in the list, specify those which were relevant to the conflict.

Paragraph (1)(a)(vi) and (vii). These items were approved as proposed.

Paragraph (1)(a)(viii). After a discussion on the opportunity of providing for the obligation to

* In practice, refusals are communicated by the Office concerned on a special form on which are printed all the provisions in the law applicable to that Office which could constitute a ground of refusal (the pertinent provisions being translated, where necessary, into the applicable working language). The ground or grounds applicable in a particular case are designated on the notification with a reference to the corresponding provision of the law that is reproduced on the form.

indicate the address of the authority to which the request for review or appeal lies, this item was approved as proposed, it being understood that the notification of refusal may contain the indication of such address at the option of the Office communicating the refusal.

Paragraph (1)(a)(ix). This item was approved as proposed.

Paragraph (1)(b). This paragraph was approved as proposed.

Paragraph (2)(a), first four lines. These lines were approved as proposed, subject to the replacement of the word 'promptly' by 'as soon as possible.'

Paragraph (2)(a)(i). This item was approved as proposed.

Paragraph (2)(a)(ii). It was decided that this item should make it clear that not only a decision rendered in respect of a review or appeal lodged by the holder, but also a decision rendered in respect of a review or appeal lodged by an opponent (because his opposition has been rejected) should be notified to the International Bureau.

Paragraph (2)(b). This paragraph was approved as proposed.

Paragraph (3). This paragraph was approved as proposed, subject to the understanding that the International Bureau would not send the copies of notifications to the Office of origin if that Office informed the International Bureau that it did not wish to receive such copies."

Draft Rule 16: Irregular Refusals

Draft Rule 16 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [International Registration Governed Exclusively by the Agreement] (a) *In the case of an international registration governed exclusively by the Agreement, the notification of refusal shall not be regarded as such by the International Bureau*

(i) *if it is sent to the International Bureau after the expiration of one year from the date on which the notification of the designation of the Contracting Party concerned was sent by the International Bureau to the Office of that Contracting Party. In the case of notifications of refusal sent by post, the date of dispatch shall be determined by the postmark. If the postmark is illegible or missing, the International Bureau shall treat such notification as if it had been sent 20 days before the date of its receipt by the International Bureau,*

(ii) *if it does not identify the Office which pronounced the refusal,*

(iii) *if it is not signed on behalf of the said Office,*

(iv) *if it does not indicate the number of the international registration concerned,*

(v) *if it does not indicate any grounds for refusal,*

(vi) *where the notification of refusal indicates that a request for review or an appeal is possible, if it does not indicate the applicable time limit for lodging such a request or appeal.*

(b) *Where subparagraph (a) applies, the International Bureau shall nevertheless transmit a copy of the notification to the holder, shall inform, at the same time, the holder and the Office that sent the notification that the notification of refusal is not regarded as such by the International Bureau, and shall indicate the reasons therefor.*

(c) *If the notification of refusal does not contain*

(i) *where applicable, the details of a prior mark with which the mark that is the subject of the international application appears to be in conflict (Rule 15(1)(a)(v)),*

(ii) *where applicable, the name and address of the opponent (Rule 15(1)(a)(vi)),*

(iii) *where the refusal indicates that not all the goods and services are affected, the indication of those goods and services that are affected by the refusal (Rule 15(1)(a)(vii)),*

(iv) *where applicable, the indication of the authority to which a request for review or an appeal lies or the indication that the request for review or the appeal has to be filed through the intermediary of a representative whose address is within the territory of the Contracting Party whose Office has pronounced the refusal (Rule 15(1)(a)(viii)),*

(v) *the indication of the date on which the refusal was pronounced (Rule 15(1)(a)(ix)),*

the International Bureau shall invite the Office which pronounced the refusal to rectify its notification within three months from the invitation. If the notification is not so rectified, it shall not be regarded as a notification of refusal by the International Bureau.

(2) [International Registration Governed Exclusively by the Protocol] *Paragraph (1) shall also apply in the case of an international registration governed exclusively by the Protocol, it being understood that the time limit referred to in paragraph (1)(a)(i) shall be the time limit applicable under Article 5(2)(a), (b) or (c) of the Protocol.*

(3) [International Registration Governed by Both the Agreement and the Protocol] *Paragraph (1) shall equally apply in the case of an interna-*

tional registration governed by both the Agreement and the Protocol, it being understood that, in respect of a designated Contracting Party bound by the Protocol but not by the Agreement, the time limit referred to in paragraph (1)(a)(i) shall be the time limit applicable under Article 5(2)(a), (b) or (c) of the Protocol."

The portion of the report of the Working Group concerning the discussion of Rule 16 reads as follows:

"Paragraph (1)(a). This paragraph was approved, subject to the modifications referred to in paragraphs below.

Paragraph (1)(a)(i). It was agreed that this item should make it clear that the date of the sending, by the International Bureau, of the notification of the designation and the date of recordal, by the International Bureau, of the designation, must be the same.

Paragraph (1)(a)(iv) and (vi). It was agreed that these items should be transferred to paragraph (1)(c).

Paragraph (1)(b). This paragraph was approved as proposed.

Paragraph (1)(c). This paragraph was approved, subject to the following two modifications: before item (i), a new item should be inserted, namely, 'the number of the international registration'; in item (iv), the words appearing after the word 'lies' (second line) should be deleted. Furthermore, it was decided that the International Bureau should consider adding a sentence at the end of this paragraph providing that, if the notification is so rectified, it shall be regarded as if it had been made on the date on which the imperfect notification was made, provided that the holder has a reasonable time limit for requesting a review or appeal.

Paragraphs (2) and (3). These paragraphs were approved as proposed."

Draft Rule 17: Notifications Concerning Ceasing of Effect of Basic Application or Basic Registration

Draft Rule 17 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [International Registration Governed Exclusively by the Agreement or by Both the Agreement and the Protocol] Where, in respect of an international registration governed exclusively by the Agreement, Article 6(3) of the Agreement applies or where, in respect of an international registration governed by both the Agreement and the Protocol, Article 6(3) of the Agreement and Article 6(3) of the Protocol apply, the Office of

origin shall notify the International Bureau accordingly and shall indicate

(i) the number of the international registration,

(ii) the name and address of the holder of the international registration,

(iii) the facts affecting the basic registration and the effective date of those facts,

(iv) where the said facts affect the international registration only in part, the said part.

(2) [International Registration Governed Exclusively by the Protocol] Paragraph (1) shall also apply where, in the case of an international registration governed exclusively by the Protocol, Article 6(3) of the Protocol applies, except that, if the international registration concerned is based on a basic application which has not become the subject of a registration in the country of origin, the facts that must be notified under paragraph (1)(iii) shall be those affecting the basic application.

(3) [Rectification of Notification] If the notification referred to in paragraph (1) or paragraph (2) does not comply with the requirements of whichever of those paragraphs applies, the International Bureau shall invite the Office of origin to rectify the notification within three months.

(4) [Recordal and Transmittal of the Notification] The International Bureau shall, provided that the notification referred to in paragraph (1) or paragraph (2) requests cancellation of the international registration and complies with the requirements of whichever of those paragraphs applies, cancel, to the extent applicable, the international registration in the International Register, and shall transmit a copy of the notification to the Offices concerned."

The portion of the report of the Working Group concerning the discussion of Rule 17 reads as follows:

"Paragraph (1). This paragraph was approved as proposed, subject to the possibility of referring, in items (iii) and (iv), not only to 'facts' but also to 'decisions.'

Paragraphs (2), (3) and (4). These paragraphs were approved as proposed."

Draft Rule 18: Notification and Recordal of Invalidations

Draft Rule 18 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Contents of the Notification of Invalidations] Where Article 5(6) of the Agreement or

Article 5(6) of the Protocol applies and the invalidation is no longer subject to appeal, the Office of the Contracting Party whose competent authority has pronounced the invalidation shall notify the International Bureau accordingly. The notification shall contain or indicate

(i) the authority which pronounced the invalidation,

(ii) the number of the international registration which is the subject of the invalidation,

(iii) the name and address of the holder of the international registration which is the subject of the invalidation,

(iv) if the invalidation does not affect all the goods and services, those in respect of which the invalidation has been pronounced,

(v) the grounds on which the invalidation is based; where the grounds refer to a prior mark with which the mark that is the subject of the international registration is in conflict, also the filing date, the priority date (if any), the registration date (if available), the name and address of the owner, and a reproduction, of that prior mark,

(vi) the date on which the invalidation was pronounced.

(2) [Recordal of the Invalidation] *The International Bureau shall record the invalidation in the International Register, together with the data contained in the notification of invalidation.*

The portion of the report of the Working Group concerning the discussion of Rule 18 reads as follows:

"It was decided that a new item be added in paragraph (1) requiring that the notification indicate that the invalidation is no longer subject to appeal. It was also decided to delete item (v) in paragraph (1). Otherwise, the Rule was approved as proposed."

Draft Rule 19: Recordal of Decisions Restricting the Rights of the Holder

Draft Rule 19 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Notification of Decision] (a) *Where a judicial or administrative decision that is no longer subject to appeal has the effect of restricting, because of bankruptcy or similar reasons, the holder's rights in respect of an international registration in the territory of a Contracting Party, the Office of that Contracting Party may notify the International Bureau of this fact. The notification shall indicate*

(i) *the authority which made the decision,*
(ii) *the number of the international registration concerned,*

(iii) *the name and address of the holder of the international registration concerned.*

(b) *The notification shall be accompanied by*

(i) *a copy of the decision,*

(ii) *a summary of the decision, in the applicable working language, prepared by the Office transmitting the notification.*

(2) [Recordal] *The International Bureau shall record the decision in the International Register, together with*

(i) *an indication of the authority which made the decision,*

(ii) *the summary of the decision prepared by the Office transmitting the notification."*

The portion of the report of the Working Group concerning the discussion of Rule 19 reads as follows:

"It was decided that this Rule should consist of only the following: 'Where a judicial or administrative decision that is no longer subject to appeal has the effect of restricting the holder's right of disposal of an international registration in the territory of a Contracting Party and the Office of that Contracting Party informs the International Bureau accordingly, the International Bureau shall record that information in the International Register.'"

Draft Rule 20: Designation Subsequent to the International Registration

Draft Rule 20 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Official Form] *A designation made subsequently to the international registration shall be presented on an official form to the International Bureau by the holder or by the Office of origin. It shall be signed by the holder, even where it is presented by the Office of origin, and shall indicate the date on which it was so signed.*

(2) [Contents] (a) *The designation referred to in paragraph (1) shall indicate*

(i) *the number of the international registration concerned,*

(ii) *the name and address of the holder of the international registration,*

(iii) *the designated Contracting Party, with an indication of the goods and services covered by the international registration that are also covered by the designation,*

(iv) the amount of the fees paid, the method of payment and the identification of the party effecting the payment.

(b) Where the designation concerns a Contracting Party that has made a notification under Rule 6(1), it shall contain a declaration of bona fide intent to use the mark in the territory of that Contracting Party, signed by the holder and not by a representative. Such declaration may be annexed to the designation.

(c) Where the designation concerns a Contracting Party that has made a notification under Rule 6(2), it shall contain a translation, into the language of the international application, of any word that constitutes or is contained in the mark and that has a meaning in a language other than English or French, unless already furnished under Rule 8(4)(xiii) or (6)(vi).

(3) [Designation of a Contracting Party Previously Designated] Where the holder designates a Contracting Party which has been previously designated without subsequent cancellation of the previous designation, the International Bureau shall notify the holder that it shall process the designation only once the previous designation has been cancelled. The designation shall be considered to have been received by the International Bureau on the date of cancellation of the previous designation.

(4) [Applicable Provisions] Rules 9, 13 and 14 to 19 shall apply mutatis mutandis."

The portion of the report of the Working Group concerning the discussion of Rule 20 reads as follows:

"Paragraph (1), first sentence. This sentence was provisionally approved, subject to the examination, by the International Bureau, of the following questions: Should it be possible to file a subsequent designation through the Office of origin even if the effects of the basic application or the basic registration no longer exist after the expiration of the five-year period provided for in Article 6(3) of the Agreement and Article 6(3) of the Protocol? Should the Office of origin have any role in respect of subsequent designations?

Paragraph (1), second sentence. After a detailed discussion of the question relevant also in respect of Rule 8(2) concerning the signature of the subsequent designation, the Director General said that the next draft would provide that the signature of the holder or his representative would not be required where the designation is signed by the Office of origin, provided that where a declaration of intent to use is attached to the designation that declaration would have to be signed by the holder (not by the Office and not by a representative).

Paragraph (2)(a). This paragraph was approved as proposed.

Paragraph (2)(b). Since this paragraph refers to Rule 6(1), the said Rule was also considered, as well as Rule 8(6)(v), which corresponds to Rule 20(2)(b).

The Delegation of the European Communities voiced doubts at the idea of a Contracting Party being able to require, at the time of filing of the international application, a declaration of *bona fide* intention to use the mark, as laid down in Rule 6(1). The Delegation was inclined to think that such a requirement would act as an obstacle to the international protection of marks and would be incompatible with the system laid down in the Protocol, which made no provision for the possibility of declarations to such effect. The Delegation, however, stated that it would not oppose discussions of this general problem within the Working Group and would listen with interest to any arguments that might be put forward by other delegations.

Some delegations, including delegations of Member States of the European Communities, expressed doubts as to the compatibility of Rules 6(1), 8(6)(v) and 20(2)(b) with the Protocol. In their opinion, such provisions should not be included in the Regulations but should have been included in the Protocol itself. Furthermore, they expressed the view that, if Rules 6(1), 8(6)(v) and 20(2)(b) were adopted as proposed, it should be made clear that they could apply only to Contracting Parties that at present provided for the requirement of a declaration of intent to use.

Other delegations, including delegations of Member States of the European Communities, expressed the view that the adoption of the Rules referred to was desirable and within the competence of the Madrid Union Assembly and that their application should not be restricted to the currently existing law in the Contracting Parties to the Agreement and the Protocol.

The Delegation of the United States of America explained that the requirement of a declaration, to be signed by the applicant, of his *bona fide* intention to use the mark in commerce had been introduced as a fundamental change in the 1988 revision of the trademark law of the United States of America. Following that revision, applicants now had a choice between filing an application invoking actual use of the mark and filing an application invoking an intention to use; for the latter case, the declaration of intention to use was a filing date requirement; if the International Bureau would not check the fulfillment of this requirement under the Protocol and transmit applications and subsequent designations to the United States Patent and Trademark Office without the declaration of intention to use, that

Office would have to refuse the effect of an international registration or subsequent designation, and if the applicant or holder would then comply with the requirement, his filing date would be a later date, and he would have to pay again the designation fee.

The representatives of trademark owners and trademark agents underlined their strong interest in being able to use the Protocol for obtaining protection in the United States of America. The formality of filing, under the Protocol, a declaration of *bona fide* intent to use (when the United States of America is designated), which had to be complied with in any case under the law of the United States of America, would constitute a minor burden, which by far would be outweighed by the advantage of being able to use the Protocol with respect to the United States of America.

It was agreed that the International Bureau would supply, together with the next draft of the Regulations, information on the relevant provisions of the law of the United States of America (including, in particular, the question of whether the signature of the applicant could be replaced by the signature of a representative). The next draft would provide that the declaration of intent to use must be an annex (a separate document) to the application or subsequent designation, that is, the declaration could not be part of the application or designation form. The International Bureau should also study whether such an annex could allege actual, rather than merely intended, use in the United States of America.

Paragraph (2)(c). This paragraph, as well as Rules 6(2) and 8(6)(vi), were withdrawn by the Director General. He said, and it was noted, that, in the next draft, Rule 8(4)(xiii) would read as follows: 'where the mark consists of or contains a word that may be translated into English or French, and the applicant wishes to give a translation of that word into the language of the international application, such a translation.'

Paragraph (3). It was noted that this paragraph was withdrawn by the Director General.

Paragraph (4). It was agreed that this paragraph would be examined in connection with the examination of Rules 9 and 13."

Draft Rule 21: Request for Recordal of a Change

Draft Rule 21 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Presentation of the Request] A request for the recordal of a change concerning an international registration, such as a change in the ownership of the international registration in

respect of all or some of the goods and services or all or some of the Contracting Parties, cancellation of the international registration in respect of all or some of the goods and services or all or some of the Contracting Parties, or changes in the name or address of the holder or representative, shall be presented on an official form to the International Bureau by the holder or by an interested Office.

(2) [Contents of the Request] The request for the recordal of a change shall, in addition to the requested change, indicate

(i) the number of the international registration concerned,

(ii) the name and address of the holder of the international registration,

(iii) the amount of the fees paid, the method of payment and the identification of the party effecting the payment."

The portion of the report of the Working Group concerning the discussion of Rule 21 reads as follows:

"Paragraph (1). It was decided that the International Bureau should prepare a revised draft which would, in respect of the question whether the recordal of a change may or must be requested by the holder or by the interested Office, differentiate between the situations which are governed by the Agreement, the Protocol or both, including the possibility of the International Bureau refusing the recordal of the change where the recordal is requested by the holder (rather than the interested Office) and the situation is governed by the Agreement.

Paragraph (2). This paragraph was approved as proposed."

Draft Rule 22: Irregularities in Requests for Recordal of Changes

Draft Rule 22 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Irregular Request] If the request for the recordal of a change does not comply with the applicable requirements, the International Bureau shall notify that fact to the party (holder or Office) that presented the request.

(2) [Time Allowed to Remedy Irregularity] If the irregularity is not remedied within three months from the date of the notification of the irregularity by the International Bureau, the request shall be considered abandoned and any fees already paid shall be reimbursed."

The portion of the report of the Working Group concerning the discussion of Rule 22 reads as follows:

"This Rule was approved as proposed. The Delegation of Germany reserved its position on the three-month period in Rule 22(2)."

Draft Rule 23: Recordal and Notification of Changes

Draft Rule 23 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Recordal and Notification of a Change] *The International Bureau shall, provided that the request for the recordal of a change is in order, promptly record the change in the International Register and shall notify accordingly and at the same time the holder and the Office concerned.*

(2) [Recordal of Partial Change in Ownership] *Where the change consists of a transfer of the international registration in respect of some only of the goods and services or some only of the Contracting Parties, the change shall be recorded under the international registration of the transferor. In addition, the transferred part shall be recorded as a separate international registration of the transferee; that registration shall bear the same number as the international registration of the transferor, together with a capital letter.*

(3) [Recordal of Merger of International Registrations] *Where the same person becomes the holder of both international registrations referred to in paragraph (2), the two registrations shall be merged on the request of the said person and paragraph (1) and Rules 21 and 22 shall apply mutatis mutandis."*

The portion of the report of the Working Group concerning the discussion of Rule 23 reads as follows:

"Paragraph (1). This paragraph was approved as proposed, subject to the replacement of the word 'Office,' appearing in the fourth line, by the word 'Offices' and the introduction of a provision regarding the date on which the recordal becomes effective as contained in Rule 22(1) of the present Regulations.

Paragraph (2). This paragraph was approved, subject to a reexamination of the terminology used, taking into account the drafting of Rule 22(2) of the present Regulations and the relevant provisions of the Agreement and the Protocol. In any case, the word 'mais' in the eighth line of the French version is to be deleted.

Paragraph (3). This paragraph was approved as proposed."

Draft Rule 24: Corrections in the International Register

Draft Rule 24 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Correction] *Where the International Bureau, acting ex officio or at the request of the holder or of an interested Office, considers that there is an error concerning an international registration in the International Register, it shall modify the Register accordingly.*

(2) [Notification] *The International Bureau shall notify the holder and, at the same time, the Offices concerned of the correction.*

(3) [Refusal of Effects of Correction] *The Office of any Contracting Party concerned may refuse, as far as it is concerned, the effects of a correction notified to it by the International Bureau. Article 5 of the Agreement or Article 5 of the Protocol shall apply mutatis mutandis, it being understood that the date of notification of the correction to the Offices concerned shall be the date from which is counted the time limit for pronouncing a refusal.*

[(4) [Preservation of Rights of Third Parties] *Any correction made in the International Register concerning an international registration shall not affect the rights of any third party who has relied in good faith on that registration before the said correction was effected.]]*

The portion of the report of the Working Group concerning the discussion of Rule 24 reads as follows:

"Paragraphs (1) and (2). These paragraphs were approved as proposed.

Paragraph (3). This paragraph was approved as proposed, subject to examination by the International Bureau of the question whether, instead of simply referring to Article 5 of the Agreement and Article 5 of the Protocol, it would not be preferable to repeat those Articles in this paragraph.

Paragraph (4). This paragraph was deleted."

Draft Rule 25: Unofficial Notice of Expiration

Draft Rule 25 of the draft Regulations as submitted by the International Bureau read as follows:

"The unofficial notice of expiration according to Article 7(4) of the Agreement and Article 7(3) of the Protocol shall include an indication of the designated Contracting Parties at the date of the notice. Where, at the said date, the international registration shows that a refusal or an invalidation is recorded in respect of a designated Contracting Party, this fact shall be indicated in the said notice."

The portion of the report of the Working Group concerning the discussion of Rule 25 reads as follows:

"This Rule was approved, subject to the insertion of the relevant contents of Article 7(4) of the Agreement and Article 7(4) of the Protocol into the text of the Rule and to the clarification that the second sentence also applied to the case of a partial refusal or a partial invalidation."

Draft Rule 26: Fees Concerning Renewal

Draft Rule 26 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [International Registration Governed Exclusively by the Agreement] In the case of an international registration governed exclusively by the Agreement, the fees required for renewal are the basic fee, the complementary fee and, where applicable, the supplementary fee and the surcharge, specified in item 5 of the Schedule of Fees."

(2) [International Registration Governed Exclusively by the Protocol] In the case of an international registration governed exclusively by the Protocol, the fees required for renewal are, subject to paragraph (4), the basic fee, the complementary fee and, where applicable, the supplementary fee and the surcharge, specified in item 6 of the Schedule of Fees."

(3) [International Registration Governed by Both the Agreement and the Protocol] In the case of an international registration governed by both the Agreement and the Protocol, the fees required for renewal shall be paid for 10 years; subject to paragraph (4), those fees are the basic fee, the complementary fee and, where applicable, the supplementary fee and the surcharge, specified in item 7 of the Schedule of Fees."

(4) [Individual Fee] In respect of a Contracting Party having made a declaration under Article 8(7)(a) of the Protocol and for which renewal is made under paragraph (2) or (3), the complementary fee shall be replaced by

the individual fee specified in items 6.4 and 7.4 of the Schedule of Fees, except where such Contracting Party is a State party to both the Agreement and the Protocol and the Office of origin is the Office of a State bound by both the Agreement and the Protocol. Where only Contracting Parties which have made a declaration under Article 8(7)(a) of the Protocol are concerned by the renewal, no supplementary fee shall be payable.

(5) [Surcharge] Where the period of grace of six months provided for in Article 7(5) of the Agreement or in Article 7(4) of the Protocol is made use of, the surcharge specified in items 5.4, 6.5 or 7.5, as the case may be, of the Schedule of Fees shall be payable.

(6) [Time Limit for Payment] The fees referred to in paragraphs (1) to (4) shall be paid, at the latest, on the date on which the renewal of the international registration is due, except where the surcharge referred to in paragraph (5) is payable, in which case both the surcharge and the required fees shall be paid within six months from the date on which the renewal of the international registration was due.

(7) [Insufficient Fee] (a) If the amount of the fee received is less than the amount required, the International Bureau shall promptly notify at the same time both the holder and the representative, if any, accordingly.

(b) If the amount of the fee received is, at the expiration of the time limit under paragraph (6), less than the amount required, the International Bureau shall not record the renewal and shall reimburse the amount received to the party having paid it.

(8) [Renewal for Less Than All the Designated Contracting Parties] The fact that the renewal is not effected in respect of all the Contracting Parties covered by the international registration at the time of the renewal shall not be considered to constitute a change for the purposes of Article 7(2) of the Agreement or Article 7(2) of the Protocol."

The portion of the report of the Working Group concerning the discussion of Rule 26 reads as follows:

"Paragraphs (1) to (5). These paragraphs were adopted as proposed, subject to a possible transfer of Rule 26 to another part of the Regulations and to the addition of a similar Rule dealing with the fees to be paid for each of the three kinds of international applications.

Paragraph (6). This paragraph was adopted as proposed, on the understanding that a time limit

should be provided for, before which the fees required for renewal could not be validly paid. It should be examined whether such time limit should be one year (as provided for in present Rule 25(2)), or, for example, six months.

Paragraphs (7) and (8). These paragraphs were approved as proposed."

Draft Rule 27: Recordal of the Renewal, Notification and Certificate

Draft Rule 27 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Effective Date of the Renewal] *Renewal shall be recorded in the International Register with the date on which renewal was due, even if renewal is effected within the period of grace referred to in Article 7(5) of the Agreement and in Article 7(4) of the Protocol.*

(2) [Contracting Parties Not Covered by the Renewal] *Where the renewal is not effected for any Contracting Party that was covered by the international registration at the time of the renewal, the indication of that Contracting Party shall be cancelled in the International Register.*

(3) [Notification and Certificate] *The International Bureau shall notify the Contracting Parties concerned of the renewal and shall send a certificate to the holder."*

The portion of the report of the Working Group concerning the discussion of Rule 27 reads as follows:

"This Rule was approved as proposed."

Draft Rule 28: Gazette

Draft Rule 28 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Information Concerning International Registrations] *The International Bureau shall publish in the Gazette relevant data recorded since the last preceding issue of the Gazette in the International Register concerning international registrations, notifications under Rule 14(1), refusals (without the grounds for refusal, however), renewals (together with information on the status of any refusal or invalidation), designations subsequent to the international registration, changes, cancellations, corrections, invalidations and summaries of judicial or administrative decisions under Rule 19. Where color is claimed and the reproduction of the mark is in black and*

white in the basic application or the basic registration, the Gazette shall contain reproductions of the mark both in black and white and in color. The Gazette shall also publish the numbers of international registrations which have not been renewed.

(2) [Information Concerning Particular Requirements and Certain Declarations of Contracting Parties, and Other General Information] *The International Bureau shall publish in each issue of the Gazette*

(i) *any notifications made under Rule 6,*

(ii) *any declarations made under Article 5(2)(b) and (c), first sentence, of the Protocol,*

(iii) *a list of the days on which the International Bureau is not open to the public during the current and the following calendar year and such a list for each Office from which a communication under Rule 4(4) has been received.*

(3) [Yearly Index] *In respect of every year, the International Bureau shall publish an index indicating, in alphabetical order, the names of the holders of the international registrations concerning which one or more entries was published in that year in the Gazette. The name of the holder shall be accompanied by the number of the international registration, the page number of the Gazette issue in which the entry affecting the international registration was published and the indication of the nature of the entry (registration, renewal, refusal, invalidation, cancellation, change).*

(4) [Number of Copies for Offices of Contracting Parties] *The International Bureau shall send each Office copies of the Gazette in its paper, microfiche or CD-ROM (Compact Disc Read Only Memory) form. The number of copies in whatever form to which each Office is entitled free of charge or at half of the subscription price depends on the number of the contribution class units of its country under the Paris Convention for the Protection of Industrial Property: if the number of the contribution class units is less than one, the number of free copies shall be one; if it is one or more than one, it shall be two for each unit. The number of copies available for half price shall be the same as the number of copies free of charge. Any Contracting Organization shall be considered to belong to contribution Class I (one) under the Paris Convention for the Protection of Industrial Property."*

The portion of the report of the Working Group concerning the discussion of Rule 28 reads as follows:

"Paragraph (1). This paragraph was approved as proposed, subject to the reservations made by

some delegations, which were of the opinion that the publication of the mark, both in black and white and in color, in the case mentioned in the penultimate sentence, could cause confusion.

The Director General said that in the entry of the Gazette announcing a change concerning a given international registration the class or classes of the International Classification referred to in that registration would also be indicated.

Paragraph (2). This paragraph was adopted as proposed.

Paragraph (3). This paragraph was adopted as proposed.

Paragraph (4). The International Bureau was requested to propose new criteria for the fixing of the number of copies of the Gazette to be furnished free of charge to the Offices of the Contracting Parties, such as the number of designations received under the Agreement and the Protocol during the preceding year."

Draft Rule 29: Electronic Data Base

Draft Rule 29 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Maintenance of Electronic Data Base] The International Bureau shall maintain an electronic data base.

(2) [Data Recorded in the International Register] All the data recorded in the International Register shall be entered in the electronic data base.

(3) [Data Concerning Pending International Applications and Subsequent Designations] If an international application or a designation under Rule 20 is not recorded in the International Register within three working days following the receipt by the International Bureau of the international application or the designation under Rule 20, the International Bureau shall enter, under a provisional number, in the electronic data base, notwithstanding any irregularities that may exist in the international application or designation as received, all the data contained in the international application or designation.

(4) [Public Access to Electronic Data Base] The electronic data base shall be made accessible to the public, against payment of the prescribed fee, by on-line access and through other appropriate means determined by the International Bureau. Data entered under paragraph (3) shall be accompanied by a warning to the effect that the International Bureau has not yet made a decision on the international application or the request for recording of the designation."

The portion of the report of the Working Group concerning the discussion of Rule 29 reads as follows:

"Paragraph (1). This paragraph was approved. One delegation suggested that the adjective 'electronic' was superfluous.

Paragraphs (2) and (3). These paragraphs were approved as proposed.

Paragraph (4). This paragraph was approved, subject to the addition of a provision according to which the Offices of Contracting Parties would not have to pay a fee to the International Bureau for accessing the latter's data base (the cost of telecommunication being, however, at the charge of the said Offices)."

Draft Rule 30: Payment of Fees

Draft Rule 30 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Modalities of Payment] The fees indicated in the Schedule of Fees may be paid

(i) by debit to a current account with the International Bureau,

(ii) by payment into the Swiss postal cheque account or to any of the specified bank accounts of the International Bureau,

(iii) by a banker's cheque,

(iv) by payment in cash at the International Bureau.

(2) [Indications Accompanying the Payment] At the time of the payment of a fee, an indication must be given,

(i) before international registration, of the name of the applicant, the mark concerned and the purpose of the payment,

(ii) after international registration, of the name of the holder, the number of the international registration concerned and the purpose of the payment,

(iii) in the case of any renewal which relates to less than all the Contracting Parties that were covered by the international registration at the time of the renewal, of the Contracting Parties to which the renewal should extend.

(3) [Date of Payment] (a) Subject to subparagraph (b), any fee shall be considered to have been paid on the date on which the International Bureau receives the required amount.

(b) Where the required amount is available in an account opened with the International Bureau, the fee shall be considered to have been paid,

(i) in case the owner of the account has given a general authorization to the International

Bureau to debit his account whenever action by the International Bureau in respect of an international application or an international registration concerning the said owner is to be effected, at the time such action is requested or becomes due,

(ii) in case the owner of the account has not given a general authorization according to item (i), on the day on which the International Bureau receives the owner's specific instruction to debit the fee required for the action requested.

(4) [Change in the Amount of the Fees]
(a) Where the amount of the fees payable in respect of the filing of an international application is changed between, on the one hand, the date of the receipt, by the Office of origin, of the request to file an international application and, on the other hand, the international registration date, the fee that was valid at the first date shall be applicable.

(b) Where the amount of the fees payable in respect of the renewal of an international registration is changed between the date of payment and the due date of the renewal, the fee that was valid at the date of payment shall be applicable, provided that that date is not earlier by more than one month than the due date.

(c) Where the amount of any fee other than the fees referred to in paragraphs (a) and (b) is changed, the amount valid at the date on which the fee was received by the International Bureau shall be applicable."

The portion of the report of the Working Group concerning the discussion of Rule 30 reads as follows:

"Paragraphs (1) and (2). These paragraphs were approved as proposed.

Paragraph (3). This paragraph was approved, subject to the replacement of subparagraph (b) by the following text: 'Where the required amount is available in an account opened with the International Bureau, the fee shall be considered to have been paid on the day on which the International Bureau receives the holder's instruction to debit the fee required for the action requested.'

Paragraph (4). This paragraph was approved, it being understood that the time limit provided for in subparagraph (b) had to be harmonized with the time limit to be included in Rule 26(6) (see paragraph 59, above)."

Draft Rule 31: Currency of Payments

Draft Rule 31 of the draft Regulations as submitted by the International Bureau read as follows:

"(1) [Obligation to Use Swiss Currency] All payments due under these Regulations shall be made in Swiss currency.

(2) [Establishment of the Amount of Individual Fees in Swiss Currency] (a) Where a Contracting Party makes a declaration under Article 8(7)(a) of the Protocol that it wants to receive an individual fee, the amount of the individual fee shall be indicated in the currency in which are fixed the fees payable to the Office of the said Contracting Party.

(b) Where the fee is indicated in the declaration in a currency other than Swiss currency, the Director General shall, after consultation with the Office of the Contracting Party concerned, establish the amount of the individual fee in Swiss currency on the basis of the official exchange rate of the United Nations.

(c) Where, for more than 30 consecutive days, the official exchange rate of the United Nations between Swiss currency and the other currency in which the amount of an individual fee has been indicated by a Contracting Party is higher or lower by at least 5% than the last exchange rate applied to establish the amount of the individual fee in Swiss currency, the Office of that Contracting Party may ask the Director General to establish a new amount of the individual fee in Swiss currency according to the official exchange rate of the United Nations prevailing on the day preceding the day on which the request is made. The Director General shall proceed accordingly. The new amount shall become applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Gazette.

(d) Where, for more than 30 consecutive days, the official exchange rate of the United Nations between Swiss currency and the other currency in which the amount of an individual fee has been indicated by a Contracting Party is higher or lower by at least 10% than the last exchange rate applied to establish the amount of the individual fee in Swiss currency, the Director General shall, after consultation with the Office of that Contracting Party, establish a new amount of the individual fee in Swiss currency according to the official exchange rate of the United Nations prevailing on the day preceding the day on which the consultation is initiated by the Director General. The new amount shall become applicable as from a date which shall be fixed by the Director General, provided that such date is between one and two months after the date of the publication of the said amount in the Gazette."

The portion of the report of the Working Group concerning the discussion of Rule 31 reads as follows:

“This Rule was approved, subject to including, at the beginning of paragraph (2)(c), the words ‘Subject to subparagraph (d),’.”

Draft Rule 32: Exemption from Fees

Draft Rule 32 of the draft Regulations as submitted by the International Bureau read as follows:

“Recordal of the following shall be exempt from fees:

(i) the total cancellation of the international registration,

(ii) the renunciation of protection in respect of a Contracting Party,

(iii) the limitation of the list of goods and services in respect of a Contracting Party if effected in the international application itself,

(iv) the limitation of the list of goods and services requested by an Office in accordance with Article 6(4), first sentence, of the Agreement or Article 6(4), first sentence, of the Protocol,

(v) the existence of a judicial proceeding or of a final judgment affecting the basic application or the basic registration,

(vi) a final refusal or a notification under Rule 15(2),

(vii) the invalidation of an international registration,

(viii) a decision, notified under Rule 19, restricting the holder's rights in respect of an international registration,

(ix) a correction in the International Register.”

The portion of the report of the Working Group concerning the discussion of Rule 32 reads as follows:

“It was decided to request the International Bureau to furnish information on the yearly amounts collected by it on account of the different fees; in the light of such information, it might be decided that certain services should be free of charge, or that the equivalent of the amounts of the corresponding fees be covered by a corresponding increase of the basic fees since the reduction of the number of the different kinds of fees was desirable, the more so as the monitoring of small fees may cost more than the value of those fees. In any case, the recordal of a representative, when appointed in the international application, in a later designation, in a request for recording a transfer or in connection with a

renewal, as well as the recordal of the cancellation of an appointment, should be free of charge.”

Draft Rules 33 to 36, Annex; Rules 1 to 13

The portion of the report of the Working Group concerning draft Rules 33 to 36, Annex and Rules 1 to 13 reads as follows:

“Due to lack of time, these Rules and the Annex were not considered in this session of the Working Group. However, a number of observations were made in respect of those texts, which will be considered by the International Bureau when it prepares the next draft of the Regulations, to be considered by the Working Group at its fourth session, scheduled to take place in Geneva from November 11 to 18, 1991.”

LIST OF PARTICIPANTS**

I. Members

Algeria: A. Hasnadi; F. Bouzid. **Austria:** O. Rafeiner; G. Mayer-Dolliner. **Belgium:** W.J.S. Peeters. **Bulgaria:** T. Petkova. **China:** Liu Peizhi; Wu Qun. **Cuba:** M. Azcuy Quesada. **Czechoslovakia:** L. Jakl; V. Zamrzla; J. Marešová. **Democratic People's Republic of Korea:** Hyon Chun Hwa; Hwang Myong Hi. **Denmark:** J.E. Carstad; B. Kromann. **Egypt:** A.G.M. Fouad. **Finland:** S.-L. Lahtinen. **France:** J.-C. Combaldieu; B. Vidaud; C. Girard. **Germany:** A. von Mühlendahl; E. Schäfer; M. Bühring. **Greece:** P. Geroulakos. **Hungary:** I. Iványi; G. Vékás; L. Tattay. **Ireland:** S. Fitzpatrick; H.A. Hayden. **Italy:** M.G. Del Gallo Rossoni; P. Iannantuono; I. Nicotra; S. Paparo. **Luxembourg:** F. Schlessler; E.L. Simon. **Monaco:** J.-P. Campana; J. L'Herbon de Lussats. **Mongolia:** D. Zolboot. **Morocco:** H. Abbar. **Netherlands:** H.R. Furstner; D. Verschure. **Poland:** W. Kotarba; B. Rokicki. **Portugal:** J. Mota Maia; R.A. Costa de Moraes Serrão; M.J. Pinto Coelho; J.M. Freire de Sousa. **Romania:** A.C. Strenc; D. Pitzu; C. Moraru. **Senegal:** D. Sagna. **Soviet Union:** E.G. Koutakova. **Spain:** J. Delicado Montero-Ríos; A. Casado Cerviño; C. Muñoz Caparrós; M.T. Yeste; T. de las Heras Lorenzo; J.L. Barbero Checa. **Sudan:** A.R. Elkhalfifa. **Sweden:** K. Sundström. **Switzerland:** J.-D. Pasche. **United Kingdom:** P. Hartnack; M. Todd; M. Knight. **Viet Nam:** Phuong Doan. **Yugoslavia:** T. Lisavac. **European Communities (EC):** O. Montalto; E. Nooteboom; H.W. Kunhardt.

II. Observer States

Norway: E.S. Helgesen. **Republic of Korea:** L. Seong Tae; R. Tae Keun. **United States of America:** J.M. Samuels; R.G. Bowie; L. Beresford.

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

III. Intergovernmental Organization

Benelux Trademark Office (BBM): L. van Bauwel.

IV. Non-Governmental Organizations

Benelux Association of Trademark and Design Agents (BMM): F. Gevers. *Chambre des spécialistes en marques et modèles*, France (CSMM): E. Glorian. *Chartered Institute of Patent Agents*, United Kingdom (CIPA): A.C. Serjeant. *Committee of National Institutes of Patent Agents* (CNIPA): A. Hansmann. *European Association of Industries of Branded Products* (AIM): G.F. Kunze. *European Communities Trade Mark Practitioners' Association* (ECTA): F. Gevers. *Federal Chamber of Patent Attorneys*, Germany (FCPA): A. Hansmann. *Federation of German Industry* (BDI): D. Füllkrug. *French Association of Practitioners in Trademark and Design Law*, France (APRAM): R. Baudin. *Institute of Trade Mark Agents*, United Kingdom (ITMA): J.A. Slater. *International Association for the Protection of Industrial Property* (AIPPI): M.W. Metz; D.H. Tatham. *International Chamber of Commerce* (ICC): A.L. de Sampaio. *International Federation of Industrial Property Attorneys* (FICPI): A.L. de Sampaio; A. Hansmann. *The United States*

Trademark Association (USTA): Y. Chicoine. *Trade Marks, Patents and Designs Federation*, United Kingdom (TMPDF): D.H. Tatham. *Union des fabricants pour la protection internationale de la propriété industrielle et artistique*, France (UNIFAB): M. Deroulers. *Union of European Practitioners in Industrial Property* (UEPIP): R. Wiclander. *Union of Industrial and Employers' Confederations of Europe* (UNICE): D.H. Tatham; G. Kunze.

V. Bureau

Chairman: J. Mota Maia (Portugal). *Vice-Chairmen*: I. Iványi (Hungary); S.-L. Lahtinen (Finland). *Secretary*: P. Maugué (WIPO).

VI. International Bureau of WIPO

A. Bogsch (*Director General*); L. Baeumer (*Director, Industrial Property Division*); G. Ledakis (*Legal Counsel, Director, General Administrative Services*); P. Maugué (*Senior Counsellor, Industrial Property (Special Projects) Section, Industrial Property Division*); S. Di Palma (*Head, International Trademark and Industrial Design Registries*); C. Claa (*Head, Meetings and Documents Service*).

Studies

The New Canadian Legislation on Patents

J.H.A. GARIEPY*

Recent Developments in Australian Patent Law

P.A. SMITH*

New Items

JAPAN

*Commissioner,
Japanese Patent Office*

We have been informed that Mr. Wataru Fukazawa has been appointed Commissioner of the Japanese Patent Office.

Calendar of Meetings

WIPO Meetings

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

1991

September 2 to 6 (Geneva)

Committee of Experts on the Settlement of Intellectual Property Disputes Between States (Third Session)

The Committee will continue the preparations for a possible multilateral treaty.

Invitations: States members of the Paris Union, the Berne Union or WIPO or party to the Nairobi Treaty and, as observers, certain organizations.

September 23 to October 2 (Geneva)

Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Second Series of Meetings)

All the Governing Bodies of WIPO and the Unions administered by WIPO meet in ordinary session every two years in odd-numbered years. In the 1991 sessions, the Governing Bodies will, *inter alia*, review and evaluate activities undertaken since July 1990, and consider and adopt the draft program and budget for the 1992-93 biennium.

Invitations: As members or observers (depending on the body), States members of WIPO or the Unions and, as observers, other States members of the United Nations and certain organizations.

**October 17 and 18
(Wiesbaden, Germany)**

Symposium on the International Protection of Geographical Indications (organized by WIPO in cooperation with the Government of the Federal Republic of Germany)

The Symposium will deal with the protection of geographical indications (appellations of origin and other indications of source), at the national and multilateral level.

Invitations: States members of WIPO and certain organizations. The Symposium will be open to the public (against payment of a registration fee).

November 4 to 8 (Geneva)

Committee of Experts on a Possible Protocol to the Berne Convention (First Session)

The Committee will examine whether the preparation of a protocol to the Berne Convention for the Protection of Literary and Artistic Works should start, and—if so—with what content.

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

November 11 to 18 (Geneva)

Working Group on the Application of the Madrid Protocol of 1989 (Fourth Session)

The Working Group will continue to study Regulations for the implementation of the Madrid Protocol.

Invitations: States members of the Madrid Union, States having signed or acceded to the Protocol, the European Communities and, as observers, other States members of the Paris Union expressing their interest in participating in the Working Group in such capacity and certain non-governmental organizations.

UPOV Meetings

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

1991

October 21 and 22 (Geneva)

Administrative and Legal Committee

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

October 23 (Geneva)**Consultative Committee (Forty-Fourth Session)**

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

Invitations: Member States of UPOV.

October 24 and 25 (Geneva)**Council (Twenty-Fifth Ordinary Session)**

The Council will examine the reports on the activities of UPOV in 1990 and the first part of 1991 and approve the program and budget for the 1992-93 biennium.

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

Other Meetings Concerned with Industrial Property

1991

September 15 to 19 (Lucerne)

International Association for the Protection of Industrial Property (AIPPI): Council of Presidents

September 30 to October 4 (Harrogate)

International Federation of Industrial Property Attorneys (FICPI): Congress

October 21 and 22 (New York)

International League of Competition Law (LIDC): Study Days

1992

March 16 to 20 (Innsbruck-Igls)

International Federation of Industrial Property Attorneys (FICPI): Executive Committee

October 7 to 10 (Amsterdam)

International League of Competition Law (LIDC): Congress

