

# Industrial Property

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### ANNEX

- Industrial Property Statistics for 1990 (Publication A)

(Continued overleaf)

### CHANGES IN THE CONTENT OF THIS PERIODICAL

At their session in Geneva from September 23 to October 2, 1991, the Governing Bodies of WIPO adopted the Program and Budget of the Organization for the 1992-93 biennium. As regards the item "Periodicals and Other Publications," the Program as adopted provides that "the periodicals will no longer contain articles written by specialists in intellectual property but only material coming from official sources."

In implementation of the said decision, the periodicals will, as from January 1, 1992, contain only material concerning the activities of WIPO and accessions to treaties administered by it. They will provide comprehensive and up-to-date information about those activities, such as important working documents and reports of meetings organized by WIPO and information on WIPO's development cooperation and registration activities.

### WIPO 1991

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**INDUSTRIAL PROPERTY LAWS AND TREATIES**  
(INSERT)

Editor's Note

**FINLAND**

Patent Decree (No. 669 of September 26, 1980, as amended by Decree No. 505 of June 14, 1985) (*This text replaces the one previously published under the same code number*) . . . . . Text 2-002

## Notifications concerning treaties

### Paris Convention

#### New Member of the Paris Union

##### GAMBIA

The Government of the Gambia deposited, on October 21, 1991, its instrument of accession to the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Stockholm on July 14, 1967, and amended on October 2, 1979.

The Gambia has not heretofore been a member of the International Union for the Protection of Industrial Property ("Paris Union"), founded by the Paris Convention.

The Paris Convention, as revised at Stockholm on July 14, 1967, and amended on October 2, 1979, will enter into force, with respect to the Gambia, on January 21, 1992. On that date, the Gambia will become a member of the Paris Union.

The Gambia will belong to Class S for the purpose of establishing its contribution towards the budget of the Paris Union.

*Paris Notification No. 128, of October 21, 1991.*

### Budapest Treaty

#### Extension of the List of Kinds of Microorganisms and Change in Fees

##### Notification of the European Patent Organisation (EPO)

CENTRAALBUREAU VOOR  
SCHIMMELCULTURES (CBS)

(Netherlands)

The following notification from the European Patent Organisation (EPO), dated October 1, 1991, was received on October 7, 1991, by the Director General of WIPO under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure:

1. Pursuant to Rule 3.3 of the Regulations under the Budapest Treaty, I wish to inform you that the assurances furnished in the communication from the European Patent Organisation of July 27, 1981, as published in the September 1981 issue of *Industrial Property*, to the effect that the CBS complies, and will continue to comply, with the requirements of Article 6(2) of the Budapest Treaty, are extended to include

- plasmids in pure form or in a host of the kind accepted by CBS;
- phages;

that can be maintained by routine laboratory techniques without significant modification with appropriate storage either at low temperature in liquid nitrogen or in the lyophilized state.

Strains requiring special cultural conditions can be accepted on request subject to special terms and additional fees.

Annex 1 lists all the kinds of microorganisms now accepted by the authority.

2. With reference to Rule 12 of the Budapest Treaty, the CBS will charge the same fees for all accepted kinds of microorganisms.

The schedule of fees is reproduced in Annex II. A change in the fee for furnishing samples is hereby notified in accordance with Rule 12.2(a) of the Regulations under the Budapest Treaty concerning those types of microorganisms accepted hitherto.

Finally, Annex III draws attention to the authority's requirements under Rule 6.3 of the Regulations under the Budapest Treaty in respect of all accepted kinds of accepted microorganisms.

##### *Annex I Kinds of Microorganisms Accepted for Deposit*

Fungi; yeasts; bacteria; plasmids in pure form or in a host of the kinds accepted by CBS and phages that can be maintained with routine laboratory techniques without significant modification during appropriate storage at low temperature, in liquid nitrogen or during storage in the lyophilized state. Strains requiring special cultural conditions can be accepted under special conditions and are subject to additional fees (on request).

The following bacteria of pathogenic group I (PG I: World Health Organization (WHO) definition: low individual and community risk) are accepted only when they can be maintained by Rijks Instituut voor Volksgezondheid en Milieuhygiene (RIVM), Centraal Diergeneeskundig Instituut (CDI) or the Royal Institute for Tropical Research:

*Bordetella* (all species), *Brucella* (all species), *Erysipelothrix* (all species), *Leptospira* (all species), *Listeria* (all species), *Mycobacterium paratuberculosis*, *Pasteurella* (all species), *Treponema* (all species).

The following bacteria of pathogenic group II (PG II WHO definition: severe individual and limited community risk) are accepted only when they can be maintained by RIVM or CDI:

*Bartonella* (all species), *Francisella* (all species), *Mycobacterium bovis*, *Mycobacterium tuberculosis*, *Pseudomonas mallei*, *Pseudomonas pseudomallei*.

The following bacteria are not accepted:

*Bacillus anthracis* and *Yersinia pestis*.

In cases of cultures considered to be of special hazard, the CBS should be contacted before sending them.

#### Annex II Fee Schedule

	Hfl
1. (a) Storage	2,000
(b) Storage if the right to be notified in furnishing of samples (Rule 11.4(g) of the Budapest Treaty) is waived	1,500
2. Issuance of a viability statement	150
3. Furnishing of a sample	175
4. Communication of information under Rule 7.6 of the Budapest Treaty	40
4. Delivery of attestation under Rule 8.2 of the Budapest Treaty	40

#### Annex III Requirements under Rule 6.3

##### Form and Quantity

The CBS prefers to receive microorganisms submitted for deposit as lyophilized preparations. Where it is undesirable or impossible to supply lyophilized preparations, active cultures growing

in or on a suitable nutrient medium are acceptable. The minimum number of replicates that must be supplied by the depositor when making his deposit is as follows:

Fungi: 12 lyophilized cultures; or 2 agar cultures;

Yeasts: 12 lyophilized plus 1 agar culture; or 2 agar cultures;

Bacteria: 12 lyophilized plus 1 agar culture; or 3 agar cultures;

Plasmids (in hosts): 12 lyophilized plus 1 agar culture; or 3 agar cultures;

Plasmids (purified DNA): minimum quantity of 50 µg;

Phages: 10 ml with a titre of at least 10<sup>9</sup> pfu/ml.

In cases where the depositor is unable to supply lyophilized preparations, the CBS prepares lyophilized cultures at the time of deposit from the material supplied by the depositor at a fee of Hfl 175 for 12 vials. The preparation of a phage lysate with a sufficiently high titre can be done at a fee of Hfl 1,000. The depositor is required to check the authenticity of a sample of the batches prepared by the CBS, and to inform the CBS of the result. Plasmid stocks are not prepared by the CBS.

##### Time Required for Viability Testing

The average length of time required for testing viability of the various kinds of microorganisms accepted by the CBS is given below, but depositors should realize that occasionally viability testing may take longer. This is especially likely if unusual antibiotics or other additives are necessary in the medium.

Fungi, bacteria, plasmids in hosts or purified DNA,\* phages: 2 weeks;

Yeasts: 1 week.

##### Depositor Checks and Renewal of Stocks

The CBS routinely asks the depositor to check the authenticity of the deposited preparations after transfers.

New batches of cultures are prepared whenever it is necessary to renew diminishing stocks.

Whichever method is used for preparing batches of samples for distribution, the CBS always keeps a portion of the original material supplied by the depositor.

##### Contract

The CBS does not enter into any written contract with the depositor defining the liabilities

\* A "viability test" for plasmids consists of transforming a suitable host with the plasmid. If the host is transformed, the "viability test" is regarded as positive.

of either party but, by signing the CBS deposit forms, the depositor surrenders any right to withdraw his deposit during the required storage period and accepts that the microorganism will be distributed according to the relevant patent requirements.

#### *Import and/or Quarantine Regulations*

Certain microorganisms are subject to import and/or quarantine regulations. The CBS will advise depositors about these and will make the necessary arrangements for transportation and, if necessary, licenses (fees on request). The CBS should be contacted for precise instructions in this regard, and, in cases of plant pathogens, further information may be obtained from: Plantenziektenkundige Dienst (PD), Geertjesweg 15, Postbus 9102, 6700 NC Wageningen, Netherlands.

#### *Contact in Advance*

The CBS should be contacted in advance if deposit of any of the following plant pathogenic bacteria is intended:

*Agrobacterium rhizogenes*, *Corynebacterium flaccumfaciens*, *C. insidiosum*, *C. michiganense*, *C. sepedonicum*, *Erwinia amylovora*, *E. stewartii*, *E. tracheiphila*, *Pseudomonas caryophylli*, *P. solanacearum*, *P. syringae*, *pv glycinae*, *pv persicae*, *pv pisi*, *P. woodsii*, *Xanthomonas ampelina*, *X. campestris*, *pv citri*, *pv corylina*, *pv oryzae*, *pv oryzicola*, *pv phaseolii*, *pv pruni*, *pv vesicatoria*, *X. fragariae*, *X. populi*.

#### *Fee for Storage*

The fee for storage must be paid.

[End of the text of the notification  
of the European Patent Organisation]

The extended list of kinds of microorganisms specified in Annex I of the notification of the EPO and the amendments to the requirements provided for by Rule 6.3 of the Regulations under the Budapest Treaty, set forth in Annex III of the said notification, will take effect as from November 30, 1991, the date of publication of the said notification in the present issue of *Industrial Property*. The said list of kinds of microorganisms and the said requirements will supplement the list of kinds of microorganisms and the requirements published in the September 1981 and in the July/August 1985 issues of *Industrial Property*.

The fees for the furnishing of samples set forth in Annex II of the said notification will apply as from the thirtieth day following the date of publication (November 30, 1991) of the said fees in the present issue of *Industrial Property*, that is, as from December 30, 1991 (see Rule 12.2(c) of the Regulations under the Budapest Treaty).

*Budapest Notification No. 72 (this notification is the subject of Budapest Notification No. 100, of October 25, 1991).*

## **Studies**

### **Some Recent Developments in the Israeli Patents, Designs and Trademarks Law**

M. OPHIR\*





















## **The New Mexican Law on Industrial Property**

R. VILLARREAL GONDA\*























## News Items

### EGYPT

*Chairman,  
Administration of Commercial Registration*

We have been informed that Mr. Mohamed Nessim Abdel Halim has been appointed Chairman of the Administration of Commercial Registration.

### SYRIA

*Director of Commercial and  
Industrial Property*

We have been informed that Mr. Mohamed Al-Zaqout has been appointed Director of Commercial and Industrial Property.

### REPUBLIC OF KOREA

*Commissioner,  
Korean Industrial Property Office*

We have been informed that Mr. Tae-Joon Kim has been appointed Commissioner of the Korean Industrial Property Office.

### THAILAND

*Director General,  
Department of Commercial Registration*

We have been informed that Mr. Chalaw Fuan-garomya has been appointed Director General of the Department of Commercial Registration.

## Calendar of meetings

### WIPO Meetings

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

**1992**

**February 10 to 18 (Geneva)**

#### **Committee of Experts on a Possible Protocol to the Berne Convention (Second Session)**

The Committee will continue to 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, the Commission of the European Communities and, as observers, States members of WIPO not members of the Berne Union and certain organizations.

**February 17 to 21 (Geneva)**

#### **Committee of Experts on the Development of the Hague Agreement (Second Session)**

The Committee will continue to consider possibilities for revising the Hague Agreement Concerning the International Deposit of Industrial Designs, or adding to it a protocol, in order to introduce in the Hague system further flexibility and other measures encouraging States not yet party to the Hague Agreement to adhere to it and making it easier to use by applicants.

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

**March 30 to April 3 (Geneva)**

#### **WIPO-IFIA Symposium on "Support to Inventors"**

This Symposium, which is the fifth symposium organized jointly by WIPO and IFIA (International Federation of Inventors' Associations) since 1984 on questions of topical interest to inventors, will examine the assistance and services offered to inventors (both individual and corporate) by industrial property offices, innovation centers and universities.

*Invitations:* States members of WIPO, inventors' associations and certain organizations (R&D institutions, innovation centers). The Symposium will be open to the public.

**May 18 to 22 (Geneva)**

#### **Committee of Experts on the Harmonization of Laws for the Protection of Marks (Third Session)**

The Committee will continue to examine a draft trademark law treaty.

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

**June 1 to 5 (Geneva)**

#### **Committee of Experts on a Model Law on the Protection of the Intellectual Property Rights of Producers of Sound Recordings**

The Committee will consider a draft Model Law dealing with the protection of the rights of producers of sound recordings, which could be used by legislators at the national or regional level.

*Invitations:* States members of the Berne Union or WIPO, or party to the Rome Convention or the Phonograms Convention, and, as observers, certain organizations.

**September 21 to 29 (Geneva)**

#### **Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Third Series of Meetings)**

Some of the Governing Bodies will meet in ordinary session, others in extraordinary session.

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

**November 2 to 6 (Geneva)**

#### **WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights (Tenth Session)**

The Committee will review and evaluate the activities carried out under the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights since the Committee's last session (April 1991) and make recommendations on the future orientation of the said Program.

*Invitations:* States members of the Committee and, as observers, States members of the United Nations not members of the Committee and certain organizations.

**November 9 to 13 (Geneva)**

**WIPO Permanent Committee for Development Cooperation Related to Industrial Property (Fifteenth Session)**

The Committee will review and evaluate the activities carried out under the WIPO Permanent Program for Development Cooperation Related to Industrial Property since the Committee's last session (July 1991) and make recommendations on the future orientation of the said Program.

*Invitations:* States members of the Committee and, as observers, States members of the United Nations not members of the Committee and certain organizations.

## UPOV Meetings

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

### 1992

**April 8 and 9 (Geneva)**

**Administrative and Legal Committee**

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

**October 26 and 27 (Geneva)**

**Administrative and Legal Committee**

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

**October 28 (Geneva)**

**Consultative Committee (Forty-Fifth Session)**

*Invitations:* Member States of UPOV.

**October 29 (Geneva)**

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

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

**October 30 (Geneva)**

**Meeting with International Organizations**

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

## Other Meetings Concerned with Industrial Property

### 1992

**March 16 to 20 (Innsbruck-Igls)**

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

**May 11 to 15 (Marrakesh)**

International Chamber of Commerce (ICC): Conference on "Development Dimensions in the '90s"

**October 7 to 10 (Amsterdam)**

International League of Competition Law (LIDC): Congress