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(INSERT)

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Declaration

CROATIA

The Government of Croatia deposited, on July 28, 1992, an instrument declaring that Croatia is to be considered from the date of its independence (October 8, 1991), as a party to the Convention Establishing the World Intellectual Property Organization and certain other treaties specified therein. The text of the said instrument follows:

"The Republic of Croatia expresses its intention to be considered, in respect of the territory of the Republic of Croatia and by virtue of succession of the Socialist Federal Republic of Yugoslavia, as a party to:

- the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967, and amended on October 2, 1979;
- 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 Madrid Agreement Concerning the International Registration of Marks, of April 14, 1891, as revised at Stockholm on July 14, 1967, and amended on October 2, 1979;
- the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks, of June 15, 1957, as revised at Geneva on May 13, 1977, and amended on October 2, 1979;
- the Locarno Agreement Establishing an International Classification for Industrial Designs, signed on October 8, 1968, and amended on October 2, 1979;
- the Berne Convention for the Protection of Literary and Artistic Works, of September 9, 1886, as revised at Paris on July 24, 1971, and amended on October 2, 1979.

The Republic of Croatia accepts the aforementioned Conventions and Agreements with all reservations made by the Socialist Federal Republic of Yuguslavia.

The Republic of Croatia declares that, for the purpose of establishing its contribution towards the budget of the Paris and of the Berne Unions, it wishes to belong to class VII.

In conformity with international practice, the Republic of Croatia suggests that the notification of succession be considered effective from 8 October 1991, the date on which the Republic of Croatia became independent."

WIPO Notification No. 158, Paris Notification No. 131, Madrid (Marks) Notification No. 50, Nice Notification No. 73, Locarno Notification No. 28, of July 29, 1992.

Paris Convention

Accession to Articles 1 to 12 of the Stockholm Act (1967)

BRAZIL

The Government of Brazil, referring to the deposit made on December 20, 1974, and notified on December 24, 1974 (Paris Notification No. 58), of 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, with a declaration to the effect that its accession shall not apply to Articles 1 to 12, deposited, on August 21, 1992, a declaration by which it extends the effects of its accession to the said Articles.

Articles 13 to 30 of the said Convention entered into force, with respect to Brazil, on March 24, 1975.

Articles 1 to 12 of the said Convention will enter into force, with respect to Brazil, on November 24, 1992.

Paris Notification No. 132, of August 24, 1992.

Patent Cooperation Treaty (PCT)

New Member of the PCT Union

PORTUGAL

The Government of Portugal deposited, on August 24, 1992, its instrument of accession to the Patent Cooperation Treaty (PCT), done at Washington on June 19, 1970, amended on October 2, 1979, and modified on February 3, 1984.

The said Treaty will enter into force, with respect to Portugal, on November 24, 1992.

PCT Notification No. 68, of August 24, 1992.

Normative Activities of WIPO in the Field of Industrial Property

Paris Union

Committee of Experts on the Harmonization of Laws for the Protection of Marks

Third Session
(Geneva, June 1 to 5, 1992)

NOTE

Introduction

The Committee of Experts on the Harmonization of Laws for the Protection of Marks (hereinafter referred to as "the Committee of Experts") held its third session in Geneva from June 1 to 5, 1992.[1] The following States members of the Paris Union were represented at the session: Algeria, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Chile, China, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Finland, France, Germany, Greece, Hungary, Indonesia, Ireland, Italy, Japan, Lesotho, Mexico, Morocco, Netherlands, New Zealand, Norway, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, Spain, Swaziland, Sweden, Switzerland, United Kingdom, United States of America, Viet Nam (40). In addition, the European Communities (EC) were represented.

The following States members of WIPO were represented by observers: Angola, India, Lithuania, United Arab Emirates (4). Representatives of two intergovernmental organizations and 20 non-governmental organizations also participated in an observer capacity. The list of participants follows this Note.

The discussions of the third session of the Committee of Experts were based on the following document prepared by the International Bureau of WIPO: "Draft Treaty on the Simplification of Administrative Procedures Concerning Marks" (document HM/CE/III/2 as corrected, in the French version, in document HM/CE/III/2 Corr.). In this note, references to "the draft Treaty," as well as to any given "draft Article" and "draft paragraph," are references to the draft Treaty, the given draft Article or draft paragraph as proposed by the International Bureau in document HM/CE/III/2.

[1] For notes on the first and second sessions, see *Industrial Property*, 1990, pp. 101 and 375.

General Observations

The following general observations were made:

"The Delegation of the United States of America noted approvingly the change of goal of the exercise of the Committee of Experts which would now concentrate on the simplification of administrative procedures concerning marks and considered that this change would lead to more fruitful discussions. For trademark owners, the envisaged treaty would facilitate the filing of applications for registration when an applicant had to file separate applications abroad. The Delegation indicated that, when amending its laws and procedures, its country would consider the results of the currently undertaken harmonization exercise. It further stated that, in its view, this exercise was linked with the discussions concerning the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks since the ultimate goal could be to enable, by using a single standardized document, the filing of both national and international applications. It expressed its willingness to work with the other delegations in seeking the accomplishment of this very important goal.

The Delegation of Sweden indicated that both its authorities and the interested circles in its country considered the simplification of administrative procedures concerning marks to be very important. It considered that a quicker, cheaper and simpler procedure would have an impact also on some substantive provisions of laws relating to marks and that such possible impact should be carefully examined. The draft Treaty presented by the International Bureau was broadly acceptable and constituted an excellent basis for discussion. The Delegation concluded that it had noted with satisfaction that the draft Treaty contained no provisions on procedures relating to the examination of marks.

The Delegation of Canada said that its country warmly welcomed the exercise of simplifying the administrative procedures related to marks. It mentioned that its country might, in order to honor commitments possibly arising from negotiations in other forums, have to make amendments to its trademark legislation. With that in mind, as far as the procedural provisions were concerned, the draft Treaty could prove extremely useful in determining what amendments should be made.

The Delegation of Romania said that its country was favorably disposed towards and particularly interested in the harmonization exercise, especially as it was currently revising its trademark legislation. It considered that the scope of the proposed treaty should be confined to questions of simplification of administrative procedures.

The Delegation of Japan indicated that it appreciated the efforts of the International Bureau and considered the draft Treaty to be a useful document for discussion. It recalled that the amended Japanese Trademark Law had come into force on April 1, 1992, and that this Law provided for the registration of service marks and for the use of the Nice International Classification as the main classification of goods and services. It hoped that these changes would bring the law of Japan more in harmony with other systems existing in the world. It stressed that, in general, its country supported the trademark harmonization process and that it would make the utmost efforts in achieving it. In respect of the draft Treaty, it firstly acknowledged the fact that the exercise had been limited to provisions on the simplification of administrative procedures concerning marks so as to reflect a resolution adopted by the Council of Presidents of the International Association for the Protection of Industrial Property (AIPPI) at its meeting in Lucerne (Switzerland) on September 20, 1991. The Delegation, however, considered that a true harmonization in the field of marks should not omit provisions relating to substance. It further stated that, if procedural matters were discussed only from the viewpoint of simplification, the outcome of the discussions would sometimes give a certain direction in respect of the harmonization of substantive provisions, direction which would not necessarily be an appropriate one. The concept of simplification should not result in the elimination of some requirements which, *in fine*, could prove to be for the benefit of users. Such a consideration could, as regards the draft Treaty, apply to the elimination of the concept of associated trademarks, the question of the description of the business in connection with which the protection of a mark is sought and the abolition of the single-class application system. Concluding this first remark, the Delegation emphasized that procedural and substantive matters should be discussed together and in a balanced way. It secondly considered that, taking into account the fact that the draft Treaty was not intended to establish independent procedures such as in the PCT and the Madrid Agreement, in some respects the draft Treaty was too detailed and should, on the contrary, be flexible enough to accommodate the various procedures existing in different countries. Thirdly, some procedural matters relating to marks were also relevant in other fields of industrial property such as patents and industrial designs. This applied, for example, to provisions on entitlement and on changes in the trademark right. The draft Treaty should be discussed also from the viewpoint of possible effects on the procedures in other fields of industrial property. Fourthly and

finally, the Delegation of Japan stated that, in some cases, procedural simplifications would not benefit the users since another burden would be placed on the industrial property offices and that would result, especially in the offices having to cope with a large number of trademark applications, in delaying the whole procedure. It concluded by insisting on the need for the Treaty to provide for a certain flexibility.

The Delegation of the Russian Federation stated that it considered favorably the draft Treaty prepared by the International Bureau. However, it regretted that this exercise did not seek to harmonize substantive trademark law although in the first two sessions of the Committee of Experts some tangible results had been achieved and agreement had been reached on some matters such as the definition of a mark or on the absolute and relative grounds for refusal of a mark. This progress had been helpful to countries enacting new laws in the field of marks. As regards the law of the Russian Federation which had been adopted by Parliament on May 14, 1992, some of the provisions of the draft Treaty had been taken into account. The Delegation concluded by indicating that the draft Treaty should be considered as the initial phase within a more global exercise relating to the harmonization of laws for the protection of marks.

The Delegation of the European Communities expressed satisfaction in respect of the draft Treaty presented by the International Bureau and fully supported the principle of simplification of administrative procedures concerning marks. It considered, for example, that one of the important elements of the draft Treaty consisted in prohibiting Contracting Parties from requiring the fulfillment of some conditions which constituted obstacles to the filing of mark applications at an international level. The draft Treaty listed the conditions which Contracting Parties could require but it was not always clear whether these conditions were of a purely procedural nature or constituted substantive provisions. The Delegation further wondered whether the scope of the Treaty would eventually be limited to procedural matters or whether this limitation was provisional. In its view, the draft Treaty could be more ambitious and include, for example, a provision relating to the requirements an application should meet to be accorded a filing date. The Delegation concluded by indicating that it fully supported WIPO's initiative and would cooperate with a view to the early adoption of the Treaty.

The Delegation of the Republic of Korea stated that it welcomed the efforts of the International Bureau in preparing the draft Treaty. It considered that such a treaty should at least provide for the adoption of the Nice Classification relating to goods and services, the recognition of certain types of marks such as marks in color, sound marks, three-dimensional marks and olfactory marks and the computerization of administrative procedures relating to the registration of marks. In this respect, it informed the Committee that its country would adopt the Nice Classification in 1994 and that it was making the necessary efforts to computerize the procedures relating to the processing of applications, examination, registration and search in the field of marks.

The Delegation of Portugal said that its country was embarking on the work of the session in a constructive spirit. It mentioned also that its country's industrial property legislation was undergoing revision, and that elements of the draft Treaty would be taken into consideration in the new legislation.

The Delegation of Czechoslovakia recalled that its country was one of those which for a number of years had been comprehensively amending their legislation in all areas. Under those circumstances, the question of harmonization of laws, particularly on marks, took on considerable importance, and the draft Treaty presented by the International Bureau was an excellent working document. Some of the provisions of Czechoslovakia's legislation on marks were not consistent with the draft Treaty. The Delegation concluded by emphasizing that its country wished to harmonize its legislation in the manner proposed by the International Bureau's draft Treaty.

The Delegation of the United Kingdom declared that the draft Treaty had been prepared in an appropriate manner and welcomed the importance given to procedural matters. It underlined the fact that industrial property offices served the interests of users and that, in this exercise, each Contracting Party should review its own legislation and not seek to adapt the draft Treaty to all existing systems of protection of marks. It also considered that any proposals which, like the use of a standard application form, would constitute a simplification for users and offices would be welcomed. However, it considered that the draft Treaty could include provisions on substantive matters, such as the definition of a mark or the absolute and relative grounds for refusal, since the results of the second session of the Committee of Experts had been rather positive on those matters. It hoped that questions relating to substance would reappear in future versions of the draft Treaty. It indicated that agreement had been reached on substantive matters among the 12 countries of the European Communities, while it seemed more difficult to reach agreement on procedural matters.

The Delegation of the Netherlands stated that it welcomed the new approach taken by the Inter-

national Bureau and considered the draft Treaty to be a document of high practical and legal quality. As regards the scope of the Treaty, it considered that it would be useful to have the opinion of the users' representatives. In any case, the draft Treaty could be considered as a first step aiming at reaching agreement on, *inter alia*, a standard application form.

The Delegation of Australia noted approvingly the new approach of the International Bureau in respect of harmonization of laws for the protection of marks. It considered that, from a trading viewpoint, the simplification of administrative procedures was most important since applicants were continuously frustrated by the different requirements existing in various countries when filing a trademark application abroad. It stated that the draft Treaty, although some of its provisions would require major changes in the legislation of its country, was generally acceptable. However, the draft Treaty could probably have been more ambitious. In this respect, it considered that future versions of the draft Treaty could deal with issues causing difficulties to industrial property offices, such as the questions of disclaimers and associated trademarks. It explained that, under the law of its country, the registration of a mark could be accepted subject to the disclaimer of an exclusive right with respect to elements of the mark which were considered non-distinctive. In the course of examination of a mark which is the subject of an application, this issue required a considerable amount of time. As regards associated trademarks, the laws of some countries, including Australia, required the association of trademark registrations which were substantially identical or deceptively similar, the consequence of the association being that the said trademarks could not be separately transferred to different persons, so as to avoid the public being misled. Although the administration of trademarks was computerized in its country, the work involved by these types of provision was complex and expensive. It concluded by considering that the draft Treaty was probably too detailed in some respects and that it should be flexible enough to allow a large number of countries to ratify it or accede to it, whilst at the same time not causing administrative difficulties to trademark offices.

The Delegation of Italy said that it approved the realistic approach adopted in the document presented by the International Bureau, which consisted in confining the draft Treaty, for the time being, to the simplification of administrative procedures concerning marks.

The Delegation of Angola said that its country was represented at the current session of the Committee of Experts in order to show its interest in industrial property matters, especially those concerning marks. It added that its country had just enacted industrial property legislation which would, among other things, allow nationals and foreigners to protect their marks in Angola. It likewise mentioned that a substantial awareness campaign was being conducted by its Government to make it possible for Angola to accede to some of the treaties administered by WIPO.

The Delegation of Finland declared that it supported the work undertaken by the International Bureau. It considered that the draft Treaty could have a larger scope, but that the proposed text should be considered as a first step.

The Delegation of Germany said that it supported the efforts of WIPO on the simplification of administrative procedures concerning marks.

The Representative of the International Association for the Protection of Industrial Property (AIPPI) recalled that the draft Treaty prepared by the International Bureau translated into treaty language the recommendations made by AIPPI in its Resolution adopted in Lucerne. That Resolution had been prepared on the basis of an inquiry among the national groups of AIPPI. Almost 70 national groups of AIPPI had cooperated in the inquiry, all favoring harmonization of trademark procedures at a worldwide level. The Congress of AIPPI in Tokyo had adopted, on April 11, 1992, a further Resolution which, in respect of the work undertaken by WIPO and in respect of the future work, noted with great satisfaction that the Governing Bodies of WIPO in their annual meeting in September/October 1991 took note of AIPPI's Resolution and that WIPO had prepared a draft Treaty on the simplification of administrative procedures concerning marks which was largely based on the recommendations contained in the Resolution of Lucerne. AIPPI therefore fully supported the draft Treaty as an excellent document which, in its opinion, could largely be adopted in its present form. Moreover, in view of the importance of international harmonization of formalities in the field of trademarks, AIPPI urged that the work on the draft Treaty be concluded, and a Diplomatic Conference be convened for the adoption of the Treaty as soon as possible. In view of the complexity of topics of substantive law, AIPPI firmly believed that the proposed Treaty should be restricted to the simplification of formalities. The harmonization of other topics of interest to trademark owners should be dealt with in a separate treaty on the more arduous harmonization of substantive trademark law. In the framework of the proposed Treaty, trademark offices should be obliged to accept a universal standard form both for the application for registration of a trademark and for the power of attorney. Such forms might be added

as an Annex to the proposed Treaty. As regards the future harmonization of substantive provisions in the field of marks, the questions relating to the definition of marks and to absolute and relative grounds for refusal were not the most important since the mark was defined similarly in most countries and the grounds for refusal of a mark were listed in Article 6*quinquies* of the Paris Convention for the Protection of Industrial Property. It was much more important to achieve harmonization in the field of well-known and famous marks and in respect of other questions of substance.

The Representative of the Hungarian Trademark Association (HTA) said that the Association was taking part for the first time in the work of WIPO on the harmonization of legislation for the protection of marks. He further said that the HTA had existed since 1990 and was responsible for organizing, promoting and developing activities connected with the legal regulation of and information on marks in Hungary. He added that, as in other countries of Central or Eastern Europe, the field of marks was expanding rapidly. In 1991, for instance, the number of marks filed in Hungary was five times as great as in 1985, and in 1992 there should be an increase of 50% in relation to 1991. Under those circumstances, the work of WIPO on harmonization, and especially on the simplification of administrative procedures concerning marks, was particularly important to the remedying of the problems arising from the application of different legislative provisions. He concluded by saying that his Association supported the proposals contained in the draft Treaty presented by the International Bureau.

The Representative of the International Federation of Industrial Property Attorneys (FICPI) declared that his organization appreciated the preparatory work of the International Bureau. He shared, however, the concerns expressed by some delegations in respect of the substantive provisions which were not included in the draft Treaty.

The Representative of the United States Trademark Association (USTA) welcomed and appreciated the opportunity to participate in the harmonization work undertaken by WIPO. She stated that her organization strongly supported the efforts of harmonization in the field of marks and that, at present, there was a far greater likelihood that harmonization of formalities and procedural matters were more achievable than harmonization on substantive matters. However, she hoped that the draft Treaty only constituted a first step towards a global, worldwide trademark law harmonization. She concluded by stating that, for the draft Treaty to be successful, it should be made clear that the provisions on formalities were not intended to effect substantive changes in law.

The Representative of the Japan Patent Association (JPA) declared that his organization, which represented users of the trademark system, welcomed any harmonization aiming at the simplification of administrative procedures which would result for users in a simpler and cheaper trademark application procedure at a worldwide level.

The representative of the Japan Trademark Association (JTA) indicated that his organization was in favor of the draft Treaty prepared by WIPO. He declared that JTA was ready to cooperate with the Japanese Patent Office since, to be in conformity with the provisions of the future Treaty, the practice of that Office and the law on marks of Japan would have to be changed drastically so that, for example, multiple-class applications and registrations would become possible.

The Representative of the Institute of Trade Mark Agents (ITMA) indicated that his organization supported the harmonization work undertaken by WIPO. He further stated that the issue relating to procedural questions should not be confused with substantive questions and that, for the sake of the users, it was most important to concentrate, for the time being, on the simplification of administrative procedures.

The Representative of the European Association of Industries of Branded Products (AIM) indicated that his organization supported the draft Treaty presented by the International Bureau. He further declared that AIM favored the ideas put forward by AIPPI and considered that the draft Treaty should be limited to procedural matters.

The Representative of the German Association for Industrial Property and Copyright (DVGR) and the Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (MPI) welcomed favorably the draft Treaty prepared by the International Bureau and considered that, for the sake of the users, the Treaty should be limited to procedural matters so that it could be adopted in the near future. He concluded that questions of substance should also be dealt with, but at a later stage and within a different treaty.

The Representative of the Union of Industrial and Employers' Confederations of Europe (UNICE) declared that his organization supported the work undertaken by the International Bureau concerning the preparation of a draft treaty on the simplification of administrative procedures concerning marks."

Discussions on the Provisions of the Draft Treaty

Draft Article 1: Abbreviated Expressions

Draft Article 1 of the draft Treaty as submitted by the International Bureau read as follows:

"For the purpose of this Treaty, unless expressly stated otherwise:

(i) 'mark' means a mark relating to goods (trademark), to services (service mark) or to both goods and services;

(ii) 'Office' means the governmental or intergovernmental agency entrusted by a Contracting Party with the registration of marks;

(iii) 'registration' means the registration of a mark by an Office;

(iv) 'application' means an application for registration;

(v) references to a 'person' shall be construed as references to both a natural person and a legal entity;

(vi) 'applicant' means the person in whose name the application is filed and shall be construed as including the successor in title of that person;

(vii) 'holder' means the person in whose name the registration is recorded in the register of marks;

(viii) 'register of marks' means the collection of data maintained by an Office, which includes the contents of registrations and all data recorded in respect of registrations, as well as the contents of pending applications, irrespective of the medium in which such data are stored;

(ix) 'Paris Convention' means the Paris Convention for the Protection of Industrial Property, signed at Paris on March 20, 1883, and last revised at Stockholm on July 14, 1967, and as amended on October 2, 1979;

(x) 'priority date' means the filing date of the application or applications whose priority is claimed in accordance with Article 4 of the Paris Convention;

(xi) 'International Classification of Goods and Services' means the classification established by the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977;

*(xii) 'Assembly' means the Assembly of the Contracting Parties referred to in Article ....**

* The administrative provisions of the Treaty will contain an Article establishing an Assembly of the Contracting Parties to this Treaty."

The portion of the report of the Committee of Experts concerning the discussion of draft Article 1 reads as follows:

"*Item (i).* It was understood that the next draft would make it clear that the Treaty will not apply to collective marks, certification marks, guarantee marks, associated marks and defensive marks.

Item (ii). It was agreed that the words 'governmental or intergovernmental' should be deleted.

Item (iii). No comments were made on this item.

Item (iv). In reply to the question of whether the term 'application' also covered applications for renewals of a registration, the Secretariat said that this was not intended and it was not considered necessary that the Treaty deal with renewal since in most countries renewal required only the payment of a fee without an accompanying application.

Item (v). No comments were made on this item.

Item (vi). It was understood that the Secretariat would study whether the words 'successor in title of that person' should be replaced by the words 'successor in title in respect of that application.' In the Spanish version, the word *causante* will be replaced by the word *causahabiente.*

Item (vii). In the Spanish version, the words *en cuyo* will be replaced by *a cuyo.*

Item (viii). Some of the delegations declared that the contents of the register should be limited to registrations and not include pending applications. All the delegations that spoke on this item and the representatives of several observer organizations were of the opinion that the public should have access to the data relating to pending applications. In that respect, the Secretariat explained that the question of access to the data relating to pending applications was not linked with the question of the contents of the register of marks. It was agreed that the question of access might be dealt with at a later stage.

Items (ix) to (xii). No comments were made on these items."

Draft Article 2: Application

Draft Article 2 of the draft Treaty as submitted by the International Bureau read as follows:

"*(1)* [Indications or Elements Contained in an Application] *(a) No Office may require that an application contain indications or elements other than the following and that these indications or elements be presented in an order different from the following:*

(i) the name and address of the applicant;

(ii) the representation of the mark;

(iii) the names of the goods and services for which the registration is sought, grouped according to the classes of the International Classification of Goods and Services and using, wherever possible, terms of the Alphabetical List of Goods and Services established in respect of the said Classification;

(iv) where priority is claimed in the application, words to that effect, together with the identification of the Office with which the application whose priority is claimed ('the priority application') was filed, the filing date of the priority application and, if available, the number of the priority application;

(v) where the mark contains a color or colors which is or are claimed as features of the mark, a statement to that effect;

(vi) the signature of the applicant; however, where a representative has been appointed in a document other than the application which was filed, at the latest, at the same time as the application, the said application may be signed by the representative.

(b) If the law of the Contracting Party so provides, compliance with the following requirements in, or in connection with, the application may be demanded:

(i) the furnishing of evidence that the applicant is a national of a State party to the Paris Convention or is domiciled or has a real and effective industrial or commercial establishment in the territory of a State party to the Paris Convention;

(ii) where the mark is three-dimensional, a statement to that effect;

(iii) where the mark is a sound mark or an olfactory mark, a statement to that effect;

(iv) the furnishing of a copy of the priority application, of a certificate showing the date of filing of that application and of a translation of the said application, and the specifying of the number of the said application, according to Article 4D(3) to (5) of the Paris Convention;

(v) the designation of an address for service or of the appointment of a representative;

(vi) where Article 6quinquies A(1) of the Paris Convention applies, the furnishing of a certificate of registration in the country of origin according to that Article;

(vii) the furnishing of a declaration of bona fide *intention to use the mark in commerce in the territory of the Contracting Party with whose Office the application has been filed;*

(viii) the furnishing of a declaration alleging that the mark is used by or on behalf of the applicant in commerce in the territory of the Contracting Party with whose Office the application has been filed, specifying the date on which such use started, the goods and services in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods and services, and the furnishing of specimens or facsimiles of the mark as used;

(ix) the requirement that the declarations referred to in items (vii) and (viii), above, be signed by the applicant himself even if he has a representative;

(x) the furnishing of evidence to prove that the mark has started to be used on the date relevant under item (viii), above;

(xi) the payment of a fee to the Office for the application or its publication.

(c) Notwithstanding subparagraph (a)(iii), any Contracting Party shall be free not to require that the names of the goods and services for which the registration is sought be grouped in the application according to the International Classification of Goods and Services.

(2) [Single Application for Goods or Services in Several Classes] *Goods and services may be included in one and the same application, irrespective of whether they belong to one class or to several classes of the International Classification of Goods and Services.*

(3) [Prohibition of Other Requirements] *No Contracting Party may require in, or in connection with, the application that indications or elements other than those referred to in paragraph (1) be furnished. In particular, the following may not be required:*

(i) the furnishing of any certificate of, or extract from, a register of commerce concerning the applicant;

(ii) an indication of the applicant's carrying on of an industrial or commercial activity, as well as the furnishing of evidence to that effect;

(iii) an indication of the applicant's carrying on of an activity corresponding to the goods or services listed in the application, as well as the furnishing of evidence to that effect."

The portion of the report of the Committee of Experts concerning the discussion of draft Article 2 reads as follows:

"*General.* Several delegations asked why this Article contained, under subparagraphs (1)(a) and (b), two separate lists and proposed that the Treaty should establish the requirements for the according of a filing date. The Secretariat replied that the indications or elements listed in subparagraph (a) were not intended to constitute the requirements for the according of a filing date since draft Article 2(1)(a) and (b) was not to indicate what an application must contain, but what

was the maximum that a Contracting Party might require from an applicant. It added that it might be safer not to define in the Treaty the requirements of the filing date because it would probably be very difficult to reach an agreement on that issue.

It was agreed that any Contracting Party could require that applications must be in the official language or one of the official languages of its Office. The Secretariat will study whether this understanding needs to be reflected in the Treaty and, if so, in which part of it.

Paragraph (1)(a). In the introductory phrase of this paragraph, it was suggested to replace the reference to an 'Office' by a reference to a 'Contracting Party' and, in the third line, to replace the word 'or' by 'nor.'

Paragraph (1)(a)(i). During the discussion of this item, it was agreed that an item should be added relating to the name and address of the representative, if any.

Paragraph (1)(a)(ii). It was agreed that the question of the representation of the mark in color should be further studied, also in connection with item (v). In reply to a question by the representative of an observer organization, the Secretariat said that it would study whether 'representation' should be replaced by 'reproduction' (term used in the Regulations under the Madrid Agreement). That representative further suggested that an indication by words of the colors appearing in a color mark should be required in order to facilitate the searching of such marks where the marks were copied, in black and white rather than in color, for search purposes by private persons.

Paragraph (1)(a)(iii). It was agreed that the words 'the names of the goods and services' should be replaced by 'the names of the goods and/or services.' The Secretariat said that the next draft would expressly state that the number of the relevant class would have to be indicated in respect of each group of goods or services.

Paragraph (1)(a)(iv). The Secretariat explained that the reference to an 'Office,' instead of a reference to a 'country,' according to the language of Article 4 of the Paris Convention, was intended to cover the case where the priority of an application filed with the Office of an intergovernmental or supranational organization was claimed. In its opinion, the reference to an 'Office' was compatible with the Paris Convention.

Paragraph (1)(a)(v). See item (ii), above.

Paragraph (1)(a)(vi). It was agreed that this item should be redrafted so as to enable Contracting Parties to provide that the application could be signed by the representative (rather than the applicant) even if the document appointing the representative was not filed at the time of the application but later, within a fixed time limit (e.g., one month). It was understood that, where a general power of attorney was on the records of the Office, the filing of a separate power of attorney for each application would be unnecessary.

Paragraph 1(b)(i). In concluding the discussion on this item, the Secretariat said that this item would be replaced, in the next draft, by a provision allowing a Contracting Party to require an indication of the nationality of the applicant, without evidence having to be furnished for such an indication.

Paragraph (1)(b)(ii) and (iii). No comments were made on these items.

Paragraph (1)(b)(iv). It was agreed that the deletion of this item would be considered by the International Bureau since the furnishing of a copy of the priority application could be done after the filing of the application.

Paragraph (1)(b)(v). It was agreed that the next draft would provide that the appointment of a representative was an alternative to the designation of an address for service, that an indication of the address of the representative could be required and that a Contracting Party could require that the address for service or the address of the representative should be in the territory of that Contracting Party.

Paragraph (1)(b)(vi). It was agreed that the deletion of that item would be considered by the International Bureau because the furnishing of a certificate of registration in the country of origin, in the case envisaged, could be done after the filing of the application.

Paragraph (1)(b)(vii). In view of the fact that the requirements referred to in items (vii) and (viii) were alternatives, it was agreed that, in the next draft, the words 'unless item (viii) applies,' should be added at the beginning of item (vii). It was also agreed that the International Bureau should examine whether the term 'declaration' should be replaced by 'statement.' It was suggested by an observer organization that the draft specify that such declaration or statement could only be required by a Contracting Party that had a corresponding requirement in its law at the time of the adoption of the Treaty.

Paragraph (1)(b)(viii). One of the delegations proposed that the words 'the furnishing of a declaration alleging that the mark is used by or on behalf of the applicant in commerce' should be replaced by 'where the application alleges actual use of the mark, the furnishing of a declaration alleging that the mark is used by or on behalf of the applicant in commerce, as defined in the law of the Contracting Party.' The Secretariat said that it would try to find words which made it clear that use on behalf of the applicant (and not

only use by the applicant) was also to be regarded as use and that commerce meant interstate or international (rather than only within the territory of one and the same state among the states of the United States of America).

Paragraph (1)(b)(ix). An observer organization expressed the wish that the declarations referred to in items (vii) and (viii) could be signed by a representative.

Paragraph (1)(b)(x). It was suggested that the words 'has started to be used' should be replaced by the words 'is in use.'

Paragraph (1)(b)(xi). It was agreed that the next draft should make it clear that the payment of a fee may be required for the application, for the publication or for both.

Paragraph (1)(c). It was agreed to delete this subparagraph.

Paragraph (2). It was agreed that the words 'goods and services' should be replaced by 'goods and/or services,' both in the subtitle and in the text of this paragraph.

Several delegations said that multiclass applications may be unacceptable for their offices because their search systems were based on a single-class application system, because a single-class system was more practical for offices receiving a very high number of applications and because a multiclass system would increase the time needed for examination. They said that the use of the multiclass system should not be made mandatory.

A number of other delegations and representatives of observer organizations expressed the view that the multiclass system reduced the burden of work on the offices and facilitated the work of the applicants.

The Secretariat said that if the multiclass system were adopted, one should consider the possibility of allowing a transitional period of, say, three or five years for Contracting Parties which have a single-class system when they adhere to the Treaty. In other words, such Contracting Parties would have a period of three or five years to switch over from the single-class to the multiclass system. All the delegations which had expressed doubts on the mandatory use of the multiclass system stated that they would carefully consider the suggestion of the Secretariat. It was also pointed out that, as far as the question of fees was concerned, the amount of the fee to be paid for an application could be based on the number of classes, so that a transition to the multiclass application system would not necessarily cause any loss of income to offices currently using the single-class system.

There was no opposition to this proposal of the Secretariat.

Paragraph (3). It was agreed that the words 'in connection with' should be clarified to make it clear that where the examination of the application required proof in order to dispel or confirm doubts in any given case, evidence to that effect could be asked for by the office during the examination of the application.

Paragraph (3)(i). This item was supported by several delegations. Others proposed that the prohibition be transformed into a faculty allowed for any Contracting Party.

The representatives of observer organizations that spoke expressed their support for item (i).

In conclusion, it was agreed that the question should be studied further.

Paragraph (3)(ii). One delegation expressed the view that the draft Treaty should not prohibit a Contracting Party from requiring an indication of the applicant's carrying on an industrial or commercial activity, as well as the furnishing of evidence to that effect, such requirement ensuring, in the opinion of the said delegation, the prevention of the registration of a mark by a counterfeiter. The representative of an observer organization stated that such a requirement could easily be circumvented by a counterfeiter and that counterfeiting could be better combated by other means, such as the obligation to use the mark, the strengthening of the protection of famous marks and the possibility of requesting the cancellation of marks registered in bad faith.

One delegation said that while the law of its country required, for the moment, as a condition for the registration of a mark, that the applicant carry out an industrial or commercial activity, it would be prepared to propose that the national law be changed so as to meet the obligations under a possible future provision in this respect.

Paragraph (3)(iii). One delegation considered that an office should not be prohibited from requiring the indication referred to in this item. According to that opinion, such requirement could permit avoiding the registration of a mark applied for in bad faith.

It was agreed that a new item would be added to the effect that it was prohibited to require the furnishing of evidence that the registration of the mark had been obtained in another country, except where the application of Article 6*quinquies* of the Paris Convention was claimed by the applicant."

Draft Article 3: Signature

Draft Article 3 of the draft Treaty as submitted by the International Bureau read as follows:

"*(1)* [Form of Signature] *Where a signature is required, it may consist of a handwritten, printed*

or stamped signature, or, if the Contracting Party requiring the signature so provides, it may be replaced by the affixing of a seal.

(2) [Prohibition of Certification] *No authentication, legalization or other certification of any signature may be required."*

The portion of the report of the Committee of Experts concerning the discussion of draft Article 3 reads as follows:

"*Paragraph (1).* Several delegations expressed reservations as to the option for the person who signed of totally replacing a handwritten signature by a printed or stamped signature. One delegation said that any Contracting Party should be free to require that at least its nationals use a seal instead of a handwritten signature.

It was agreed that this paragraph would be redrafted along the following lines: each Contracting Party must accept a handwritten signature, provided that it may impose the affixing of a seal for its own nationals; each Contracting Party may accept any type of signature.

One delegation declared that, in its country, it was possible to transmit documents by telefax, provided that the original of those documents is transmitted to the Office within a time limit of 14 days. The representative of an observer organization underlined the interest of such a practice.

It was agreed that the next draft should deal with the question of whether an electronic signature should be allowed, and, if so, under what conditions, particularly in case of paperless procedures.

Paragraph (2). One delegation explained that the certification requirements in its country were different for nationals and for foreigners but that not more than one certification was required for one action.

Another delegation was of the opinion that, in respect of signatures on important documents such as the application itself or a request to record a change in ownership, the office should be allowed to require authentication, legalization or other certification of any signature.

The Secretariat said that it would study what exceptions, if any, should be allowed in the case of certain types of documents (e.g., contracts of assignments).

No other comments were made on paragraph (2)."

Draft Article 4: Single Registration for Goods or Services in Several Classes

Draft Article 4 of the draft Treaty as submitted by the International Bureau read as follows:

"Where goods or services belonging to several classes of the International Classification of Goods and Services have been included in one and the same application, such an application shall result in one and the same registration."

The portion of the report of the Committee of Experts concerning the discussion of draft Article 4 reads as follows:

"Reference was made to the discussions on multiclass applications under draft Article 2(2) (see discussion regarding Article 2(2), above)."

Draft Article 5: Classification of Goods and Services

Draft Article 5 of the draft Treaty as submitted by the International Bureau read as follows:

"Each registration, publication or other action of an Office which concerns an application or registration and which indicates the goods and services to which the mark relates shall indicate those goods and services by their names and shall group them according to the classes of the International Classification of Goods and Services."

The portion of the report of the Committee of Experts concerning the discussion of draft Article 5 reads as follows:

"Reference was made to the comments made in respect of draft Article 2(1)(a)(iii).

Following a remark on the interpretation of the words 'or other action of an Office,' it was pointed out that those words covered, for example, a notification by the office to the applicant indicating that certain goods or services listed in the application could not be registered and that, in case of such a notification of partial refusal, only the goods or services whose registration was refused needed to be mentioned in the notification."

Draft Article 6: Changes in Names or Addresses

Draft Article 6 of the draft Treaty as submitted by the International Bureau read as follows:

"(1) [Changes in the Name or Address of the Holder] *(a) Where the holder has changed his name or address, the request for recording of the change by the Office in its register of marks may be made in a simple letter, or in another written communication, signed by the holder.*

(b) The Office may require that a fee be paid to it for any request referred to in subparagraph (a).

(c) A single request shall be sufficient even where the change of name or address relates to

more than one registration, provided that the serial numbers of all registrations concerned are indicated in the request.

(2) [Prohibition of Other Requirements] *No Contracting Party may demand that requirements other than those referred to in paragraph (1) be complied with in respect of a request for recording of a change in the name or address of the holder. In particular, the furnishing of any certificate concerning the change may not be required.*

(3) [Change in the Name or Address of the Applicant or the Representative] *Paragraphs (1) and (2) shall apply,* mutatis mutandis, *to any change in the name or address of the applicant or the representative."*

The portion of the report of the Committee of Experts concerning the discussion of draft Article 6 reads as follows:

"*Paragraph (1)(a).* One delegation wondered whether this provision would limit the possibility for an office to request, in respect of a change, from the applicant or the holder, information such as the application or registration number of the mark concerned or the name of the representative.

It was indicated that this provision related only to the request as such and not to the information which could be required by the office in respect of a change in name or address. Thus, the provision meant that an office could not require the use of a form for a request for recording a change in the name or address of a holder.

A number of delegations expressed the view that a request for a change in the name or address should be made by using a form and not in a simple letter or other written communication. One delegation explained that the law of its country had recently been modified in that respect, with the support of the private interested circles, so that any action such as a change or a transfer in respect of an application or registration must be made by using an official cover sheet; this new requirement was intended to expedite the processing of the documents received by the office and to avoid delays or errors often occurring when a request was made in a simple letter which did not contain all the information required or contained inaccurate information.

One delegation and the representatives of two observer organizations considered that, while a form was needed in the case of a change in name, a simple letter would be sufficient in the case of a change in address.

The representatives of several observer organizations declared that, in the case of a change in name or address, it could be accepted that the request required the use of a form instead of a letter, provided that the form was simple. It was suggested that a simple standard form to be used for changes in names or addresses be annexed to the Treaty.

It was recalled that the requirement of signature by the holder meant that the required signature could be that of the holder's representative.

It was agreed that, in the next version of the draft Treaty, this paragraph would be amended so as to provide that a Contracting Party could, at least in case of a change in name, require the use of a form. As regards the question of signature by a representative, the draft Treaty would contain a provision according to which, in the absence of an express provision to the contrary, any reference to the applicant or the holder should be construed as including, where applicable, a reference to the representative.

Paragraph (1)(b). It was pointed out that the amount of the fee referred to in this paragraph could be different if the request related to one registration or to several registrations.

Paragraph (1)(c). A reservation was expressed by one delegation which considered that a separate request for each application or registration was preferable, since it would enable a more expeditious processing by the office. In this respect, the Secretariat indicated that computerization would facilitate the treatment of a request relating to several applications or registrations, since the information concerning the change would be automatically transferred to each file concerned. No other comments were made on paragraph (1)(c).

Paragraph (2). One delegation considered that, in some cases, mainly when the Office had doubts in respect of a request for a change in the name or address, the office should be allowed to require a certificate to check the accuracy of the request.

A number of delegations declared that in the case of a change in name, according to the practice of their countries, a certificate relating to the change, or a document evidencing the change, was required so as to prove the correctness of the said change and that they wished that such requirement should not be prohibited in the Treaty.

On the other hand, some delegations accepted paragraph (2) as proposed.

The representative of an observer organization, supported by several delegations and the representatives of several other observer organizations, considered that the most important issue was to facilitate the tasks of applicants and holders. The requirement by certain offices of certificates evidencing the change in names or addresses, which often had to be translated and even authen-

ticated, was burdensome and costly. In the countries of those offices, the recording of changes in names or addresses was, in practice, not always requested, which rendered the registers of marks unreliable. It would be unreasonable to make a change in name or address more difficult than the filing of an application.

Paragraph (3). In reply to a suggestion that no fee should be due in case of changes concerning the representative, it was pointed out that the payment of a fee might be justified if such a change were to be published."

Draft Article 7: Change in Ownership

Draft Article 7 of the draft Treaty as submitted by the International Bureau read as follows:

"*(1)* [Change in the Ownership of the Registration] *(a) Where the ownership of a registration has changed, the request for recordal of the change by the Office in its register of marks may be made in a simple letter, or in another written communication, signed by the holder (the 'previous holder') or by the person who acquired the ownership (the 'new holder'). Where the request is made by the new holder, the Office may require written evidence of his entitlement.*

(b) A single request shall be sufficient even where the change in ownership relates to more than one registration, provided that the previous holder and the new holder are the same for each registration and that the serial numbers of all registrations concerned are indicated in the request.

(c) Where the change in ownership concerns only some of the goods and services covered by the registration, the new holder's part of the registration shall be recorded as a separate registration and shall bear the number of the previous holder's registration supplemented by a capital letter of the Latin alphabet.

(d) If the law of the Contracting Party so provides, compliance with the following requirements in, or in connection with, the request for recordal of the change in ownership may be demanded:

(i) the designation of an address for service or of the appointment of a representative;

(ii) the furnishing of evidence that the holder is a national of a State party to the Paris Convention or is domiciled or has a real and effective industrial or commercial establishment in the territory of a State party to the Paris Convention;

(iii) the payment of a fee to the Office.

(2) [Prohibition of Other Requirements] *No Contracting Party may demand that requirements other than those referred to in paragraph (1) be complied with in respect of a request for recordal of a change in the ownership of the registration. In particular, the following may not be required:*

(i) the furnishing of any certificate of, or extract from, a register of commerce, concerning the change in ownership;

(ii) an indication of the new holder's carrying on of an industrial or commercial activity, as well as the furnishing of evidence to that effect;

(iii) an indication of the new holder's carrying on of an activity corresponding to the goods or services listed in the registration or, in the case referred to in paragraph (1)(c), in the new holder's part of the registration, as well as the furnishing of evidence to either effect;

(iv) an indication that the previous holder transferred, entirely or in part, his business or the goodwill attached to the mark to the new holder, as well as the furnishing of evidence to either effect.

(3) [Change in the Ownership of the Application] *Paragraphs (1) and (2) shall,* mutatis mutandis, *apply to any change in the ownership of the application."*

The portion of the report of the Committee of Experts concerning the discussion of draft Article 7 reads as follows:

"*Paragraph (1)(a).* A number of delegations stated that, in relation to a change in ownership, evidence of such change was always needed for recording by the office, whether the request for recordal was submitted by the previous holder or by the new holder. It was indicated that the evidence required consisted, depending on the countries and also on the cases, of the contract itself or the relevant parts of the contract, or of a certificate or affidavit drawn up by a competent authority such as a notary. Where applicable, this evidence had to be translated. Two of those delegations indicated, however, that if paragraph (1)(a) was adopted as proposed, the legislation of their countries could be modified accordingly.

One delegation said that, in its country, where the recordal of the change was requested by the previous holder, that very fact constituted sufficient evidence.

At the end of the discussion on the whole of Article 7, the Secretariat said that the next version of the draft Treaty would distinguish between two types of change in ownership, namely, on the one hand, a change in ownership resulting from a contract such as an assignment or a merger, in which case the office of a Contracting Party would have the possibility of requiring the submission of a copy of the contract or of the relevant parts thereof, and, on the other, a change

in ownership resulting from operation by law, such as bankruptcy or death, in which case the office of a Contracting Party would have the possibility of requiring the submission of any documents evidencing such change. The Committee agreed on the approach indicated by the Secretariat.

Paragraph (1)(b). A reservation was expressed by one delegation for the same reason as in connection with Article 6(1)(c) (see discussion regarding Article 6(1)(c), above). That delegation noted, however, that computerization might help to solve the problem. At the end of the discussion on the whole of Article 7, the Secretariat said, and the Committee agreed, that the next version of the draft Treaty would provide that the provisions of Article 7(1)(b) would be applicable to all types of change in ownership.

Paragraph (1)(c). Some delegations proposed that the words 'and shall bear the number of the previous holder's registration supplemented by a capital letter of the Latin alphabet' should be deleted, since their offices' computerized systems could not accommodate such a possibility and since such requirement was, in any case, too detailed to form part of the Treaty.

It was agreed that this subparagraph would be omitted.

Paragraph (1)(d)(i). Reference was made to the discussions concerning draft Article 2(1)(b)(v) (see discussion regarding Article 2(1)(b)(v), above).

Paragraph (1)(d)(ii). Reference was made to the discussions concerning draft Article 2(1)(b)(i). It was agreed that the word 'new' should be inserted before the term 'holder.'

Paragraph (1)(d)(iii). It was recalled that the draft Treaty did not prevent Contracting Parties from fixing whatever type and amount of fees they considered appropriate.

Paragraph (2). It was indicated that the comments made concerning draft Article 2(3) (see discussion regarding paragraphs (3) to (3)(iii) of Article 2, above) should be taken into account.

A delegation noted that, in its country, the fact that a change in ownership had occurred had to be published in daily newspapers as a precondition for the recordal of the change by the Office and that such requirement would be prohibited under paragraph (2).

Paragraph (2)(i). One delegation declared that an extract from the register of commerce was needed in its country when the change in ownership did not result from an assignment based on a contract but was the consequence of a merger between two companies.

Another delegation said that, in its country, proof of entitlement had to be furnished in each case of a change in ownership, but not necessarily in the form of a certificate of, or extract from, a register of commerce.

Paragraph (2)(ii). No comments were made on this item (see, however, discussion regarding paragraph (2), above).

Paragraph (2)(iii). No comments were made on this item (see, however, discussion regarding paragraph (2), above).

Paragraph (2)(iv). Several delegations considered that the question of 'free' transfer was a matter of substance which, therefore, should not be dealt with in the draft Treaty.

Other delegations and the representatives of several observer organizations considered that this provision should be retained in the draft Treaty. Some of those delegations and representatives proposed that the words 'or the goodwill attached to the mark' be deleted.

Paragraph (3). No comments were made on this paragraph."

Draft Article 8: Same Representative in Respect of Several Applications or Registrations

Draft Article 8 of the draft Treaty as submitted by the International Bureau read as follows:

"(1) [Appointment] *Where a representative is appointed in respect of several applications of the same applicant or in respect of several registrations of the same holder, such appointment may be made in one and the same document, signed by the applicant or the holder, provided that the said document indicates the serial numbers of the applications or registrations concerned.*

(2) [Termination of Appointment] *Where, in respect of several applications or registrations of the same applicant or holder, the representative is the same, the appointment of that representative may be terminated in one and the same document, signed by the applicant or the holder or by the representative, provided that the said document indicates the serial numbers of the applications or registrations concerned.*

(3) [General Power of Attorney] *In the case of a general power of attorney, it shall not be required to indicate, for the purposes of paragraphs (1) and (2), the serial numbers of the applications or registrations concerned."*

The portion of the report of the Committee of Experts concerning the discussion of draft Article 8 reads as follows:

"*Paragraph (1).* It was agreed that the requirement of the indication of the serial numbers should, wherever such numbers were not yet

known to the applicant, be replaced by a requirement of identifying the mark(s) concerned.

Paragraph (2). Several delegations suggested that the words 'signed by the applicant or the holder or by the representative' be deleted since the objective of this provision was to enable the termination of the appointment of a representative in respect of several applications or registrations in one and the same document, and that the question of who could sign that document was not important for that objective and thus could be left to the law of each Contracting Party.

One delegation underlined the risk which existed for the applicant or holder where the termination of an appointment was notified to the office by the terminating representative, in particular, where the applicant or holder concerned was not informed of such termination.

The Secretariat suggested, and the Committee agreed, that the next version of the draft Treaty would provide that the appointment of a representative for several applications or registrations of the same applicant or holder could be terminated in a single signed document and that such a document should in any case be accepted by the office if it was signed by the applicant or holder. If it is the representative himself who notifies the termination of his own appointment, any Contracting Party would be free to establish conditions concerning the validity of such termination.

It was also suggested that the next version of the draft Treaty should include a provision according to which the appointment of a new representative implied the termination of the appointment of the previous representative.

Paragraph (3). Several delegations indicated that, in their countries, a general power of attorney could be given only in respect of some acts relating to an application or registration. One delegation suggested that, consequently, it might be better to speak of 'permanent' rather than 'general' powers of attorney.

The representative of an intergovernmental organization explained that, under the system in use in that organization, a general power of attorney could be notified to its office, which then would be recorded with a serial number. Thus, the representative had only to refer to that serial number when carrying out an act on behalf of the applicant or holder, without having to furnish further information or submit further documents.

Some delegations declared that, in their countries, general powers of attorney could not be used at the present time.

It was agreed that the next version of the draft Treaty would provide that each Contracting Party would be obliged to accept the use of general powers of attorney."

Draft Article 9: Correction of Same Mistake in Several Applications or Registrations

Draft Article 9 of the draft Treaty as submitted by the International Bureau read as follows:

> *"(1)* [Conditions for Correction] *A single request for the correction of a mistake shall be sufficient even where the correction of that mistake is requested in respect of more than one application or registration, provided that all applications and registrations referred to in the request are owned by the same person, that the mistake and the requested correction are the same for each of them and that the serial numbers of all applications and registrations concerned are indicated in the request.*
>
> *(2)* [Prohibition of Other Requirements] *No Contracting Party may demand that requirements other than those referred to in paragraph (1) be complied with in respect of a request for the correction of a same mistake in several applications or registrations."*

The portion of the report of the Committee of Experts concerning the discussion of draft Article 9 reads as follows:

> "*Paragraph (1).* It was agreed that the next version of the draft Treaty would specify that the definition of what constituted a correctable mistake would be left to the law of each Contracting Party. It was further agreed that the word 'signed' would be inserted between the words 'single' and 'request.'
>
> *Paragraph (2).* It was agreed to delete this paragraph."

Draft Article 10: Opportunity to Make Observations in Case of Refusal

Draft Article 10 of the draft Treaty as submitted by the International Bureau read as follows:

> *"No application or request relating to an application or a registration shall be refused by an Office without giving the applicant or the party making the request an opportunity to make observations."*

The portion of the report of the Committee of Experts concerning the discussion of draft Article 10 reads as follows:

> "It was agreed that this draft Article would be completed by a provision according to which any time limit for making observations should be reasonable.
>
> The representatives of two observer organizations suggested that the Treaty should oblige

offices to notify the grounds on which a refusal is intended to be based. The Secretariat said that the inclusion of such an obligation in the Treaty was not necessary since such grounds would certainly be given in all cases.

It was agreed that the term 'refused' should be qualified by 'totally or in part.'

In response to a question raised by a delegation, it was explained that Article 10 was applicable only once there was an 'application' in accordance with the law of the Contracting Party.

One delegation explained that, according to its law and in the case of a request for the recordal of change in ownership, if the documents submitted to the office were defective, the request was refused without giving the person who had requested the recordal an opportunity to make observations; however, that person could appeal against the decision of refusal. It wondered whether this possibility of appeal was covered by the words 'opportunity to make observations.' The Secretariat replied that this practice was not in conformity with draft Article 10, which provided that any refusal by an office should always be preceded by an opportunity to make observations."

Draft Article 11: Modification of Articles 1 to 10

Draft Article 11 of the draft Treaty as submitted by the International Bureau read as follows:

"Articles 1 to 10 may be modified by a unanimous decision by the Assembly."

The portion of the report of the Committee of Experts concerning the discussion of draft Article 11 reads as follows:

"The Secretariat explained that this Article meant that a modification of Articles 1 to 10 could only be effected if no Contracting Party voted against a proposal for modification and that the next version of the draft Treaty would so clarify 'unanimous.' It further explained that draft Article 11 had been excluded from the possibility of modification to avoid the rule of unanimity being changed. As regards Article 12, it was considered that, in view of the nature of that provision, it would seem to be inappropriate to allow a modification through a decision by the Assembly.

It was also indicated that the draft Treaty would contain administrative provisions establishing an Assembly of the Contracting Parties. The said provisions as well as the future Rules of Procedure of the Assembly would establish conditions for the application of Article 11, such as the procedure of modification."

Draft Article 12: Service Marks

Draft Article 12 of the draft Treaty as submitted by the International Bureau read as follows:

"The provisions of the Paris Convention which relate to trademarks and which are relevant to this Treaty shall apply to service marks."

The portion of the report of the Committee of Experts concerning the discussion of draft Article 12 reads as follows:

"The Secretariat indicated that, according to this Article, all the provisions of the Paris Convention which were applicable to trademarks should also apply to service marks. This would, in particular, mean that each Contracting Party would be required to provide for the registration of service marks."

Future Work

The portion of the report of the Committee of Experts on future work reads as follows:

"One delegation repeated the suggestion (see the discussion on draft Article 2 [General], above) that the draft Treaty should contain a provision establishing the requirements which each application must fulfill in order to be accorded a filing date and limiting the additional requirements which a Contracting Party could impose. Moreover, standard forms for the filing of an application and the recordal of an assignment should be prepared. The delegation added that it was ready to communicate its ideas in detail to the International Bureau.

The representative of an observer organization suggested that the draft Treaty should include provisions dealing with the simplification of the recordal of licensing agreements and with the procedure for renewal of a registration."

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III. Intergovernmental Organizations

Benelux Trademark Office (BBM): L. van Bauwel. **Organization of African Unity (OAU):** M.H. Tunis.

IV. Non-Governmental Organizations

Asian Patent Attorneys Association (APAA): A.J. Collins. **Committee of National Institutes of Patent Agents (CNIPA):** H.-J. Lippert. **European Communities Trade Mark Association (ECTA):** D.H. Tatham. **European Association of Industries of Branded Products (AIM):** G.F. Kunze. **Federation of German Industry (BDI):** F. Winter. **German Association for Industrial Property and Copyright (DVGR):** H.P. Kunz-Hallstein. **Hungarian Trademark Association (HTA):** G. Pusztai. **Institute of Trade Mark Agents (ITMA):** J.A. Groom **International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP):** H.P. Kunz-Hallstein. **International Association for the Protection of Industrial Property (AIPPI):** G. Kunze. **International Federation of Industrial Property Attorneys (FICPI):** B. Catoméris. **International League for Competition Law (LIDC):** J. Guyet. **Japan Patent Association (JPA):** T. Noguchi. **Japan Trademark Association (JTA):** M. Nakamura. **Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (MPI):** H.P. Kunz-Hallstein. **Trade Marks, Patents and Designs Federation (TMPDF):** D.H. Tatham. **Union of European Practitioners in Industrial Property (UEPIP):** R. Wiclander. **Union of Industrial and Employers' Confederations of Europe (UNICE):** D.H. Tatham. **Union of Manufacturers for the International Protection of Industrial and Artistic Property (UNIFAB):** S. Bodet. **The United States Trademark Association (USTA):** Y. Chicoine.

V. Officers

Chairman: J.-D. Pasche (Switzerland). *Vice-Chairmen:* J. Samuels (United States of America); Wu Qun (China). *Secretary:* P. Maugué (WIPO).

VI. International Bureau of WIPO

A. Bogsch *(Director General)*; F. Curchod *(Deputy Director General)*; L. Baeumer *(Director, Industrial Property Division)*; P. Maugué *(Head, Trademark and Industrial Design Law Section, Industrial Property Division)*; B. Ibos *(Senior Legal Officer, Trademark and Industrial Design Law Section)*; Y. Tsuruya *(Associate Officer, Industrial Property Law Information Section, Industrial Property Division)*.

Permanent Committee on Industrial Property Information (PCIPI)

In June 1992, a WIPO official attended in Luxembourg the management committee of the publishers of the journal *World Patent Information*, which is jointly sponsored by WIPO and the European Communities (EC).

Vienna Union

Committee of Experts

Second Session
(Geneva, June 22 to 24, 1992)

The Committee of Experts set up under Article 5 of the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks held its second session in Geneva from June 22 to 24, 1992.

Three States, members of the Vienna Union, were represented at the session: Luxembourg, Netherlands, Sweden. The Benelux Trademark Office (BBM) was also represented. China, Czechoslovakia, Indonesia,

Italy, Morocco, Spain, the United Kingdom, the International Association for the Protection of Industrial Property (AIPPI) and the European Communities Trade Mark Practitioners' Association (ECTA) were represented by observers.

The Committee of Experts adopted a number of amendments and additions to the Vienna Classification and noted that a new (third) edition of the Classification with the adopted amendments and additions introduced would enter into force on January 1, 1993.

The Committee of Experts recommended that, in future, the edition of the Vienna Classification according to which the figurative elements of marks were classified be indicated by an Arabic numeral in round brackets, for example, CFE (3).

The Committee of Experts requested the International Bureau to make a special effort in the near future in order to broaden further the interest in the Vienna Classification and to promote accession to the Vienna Agreement by additional countries.

Registration Systems Administered by WIPO

Patent Cooperation Treaty (PCT)

Information and Promotion Activities

In June 1992, two WIPO officials conducted a seminar on the PCT organized in Basle (Switzerland) by Ciba-Geigy, a private corporation in Switzerland, for some 90 participants, mostly patent attorneys, from the Swiss chemical industry.

Also in June 1992, a WIPO official gave a lecture on the PCT at a basic course on European patent law organized by the Center for International Industrial Property Studies (CEIPI) and the Institute of Professional Representatives Before the European Patent Office (EPI) in Lausanne (Switzerland).

Madrid Union

Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol)

In June 1992, an official of the United States Patent and Trademark Office discussed with the Director General and WIPO officials the draft United States law modifying that country's trademark law to bring it into harmony with the Madrid Protocol.

Information and Promotion Activities

In June 1992, on the occasion of their participation in the third session of the Committee of Experts on the Harmonization of Laws for the Protection of Marks held in Geneva, three officials of the State Office for Inventions and Trademarks of Romania discussed with WIPO officials administrative questions related to the international registration of trademarks as well as the organization of a round table for trademark specialists to be held in Romania in late 1992.

Also in June 1992 and also on the occasion of his participation in the above-mentioned Committee of Experts meeting, an official of the Institute of Inventions and Rationalizations of Bulgaria discussed administrative questions related to the international registration of marks with WIPO officials.

Also in June 1992, an official of the Patent Office of New Zealand visited WIPO to gather information on the Madrid Agreement, the Madrid Protocol and the SEMIRA and MINOS computerized systems.

Also in June 1992, three officials of the Library of the International Labour Organisation (ILO) visited WIPO to obtain information on WIPO's CD-ROM product ROMARIN.

Activities of WIPO in the Field of Industrial Property Specially Designed for Developing Countries

The DOPALES-PRIMERAS Optical Disc

In March 1992, the World Intellectual Property Organization (WIPO), the Registry of Industrial Property of Spain and the European Patent Office (EPO) produced a prototype or "demonstration disc" of the CD-ROM DOPALES-PRIMERAS which contains information on over 2,500 patent applications published and patents granted in 1990 by 18 countries of Latin America. This CD-ROM was produced in close cooperation with the offices of Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela.

The prototype was produced as part of the project for setting up the International Spanish-Language Patent Documentation Center. The project was formally initiated in 1985 with the holding in Madrid of a meeting at which senior government officials responsible for industrial property in Spain and the countries of Latin America participated, together with representatives of WIPO. The meeting adopted a declaration on the setting up of the Center, which will have the task, *inter alia*, of putting together and managing a collection of patent documents from all the Spanish-speaking countries of the world (currently amounting to over 700,000 documents) and to make the information contained in that documentation available to the international community, by facilitating access through computerized means and by providing special technological information services. The same meeting established the Preparatory Council of the Center and entrusted to the Registry of Industrial Property of Spain the task of provisional administrator of the Center.

The Preparatory Council of the International Spanish-Language Patent Documentation Center has held three meetings, the first in Mexico City in November 1986, the second in Buenos Aires in December 1988 and the third in Seville in March 1991. Progress was made at those meetings in defining the functions, program of activities, funding and operating conditions of the Center, including the project for a decentralized structure for all those tasks where it would be appropriate. Thus, it has been proposed that the Center should comprise decentralized units in various Latin American countries, in addition to its central facility. At the same time, work has continued on compiling the patent documentation that will comprise the documentary holdings of the Center and constitute a data base, CIBEPAT, with the bibliographic data and a summary of the patent documents of Spain and of Latin American countries, as also the CLINPAT (International Patent Classification) data base with on-line access.

In view of the spectacular advances in data storage technology using optical CD-ROMs that have been made in recent years, the Registry of Industrial Property of Spain, in its capacity as provisional administrator of the Center and in consultation with WIPO, decided in 1990 to publish the CIBEPAT data base on CD-ROMs. The first edition of the CD-CIBEPAT optical disc became available in January 1991.

The CD-ROM edition of the CIBEPAT data base was a direct consequence of the need to equip the decentralized units of the future Center with a computerized tool for searching and recovering bibliographic data of patent documents having similar characteristics to the on-line CIBEPAT as to services and performance, but which would be less costly for the countries in which the decentralized units would be located.

Moreover, following examination of the possibilities that CD-ROMs could offer with respect to the patent documents that are to comprise the documentary holdings of the Center, so far available in paper form and on microfiche, the idea arose of studying the possibility of publishing those documents as well on a CD-ROM. The Registry of Industrial Property of Spain, together with the EPO, put in hand a project for producing a CD-ROM ESPACE-ES disc that would contain the complete published documents for Spanish patents as from 1990. Likewise, the possibility of publishing a similar product for the patents of the Latin American countries is also being looked into.

The third meeting of the Preparatory Council of the center, held in Seville in March 1991, continued definition of the structure of the Center, to be constituted by a central unit in Madrid and decentralized units of three different types in the Latin American

countries, depending on the technical and documentary facilities that they would possess. The meeting further adopted a program: (a) to provide the decentralized units that would be set up with the CD-CIBEPAT data base; (b) to allocate to the industrial property offices of the 18 Spanish-speaking countries of Latin America CD-ROM workstations provided by WIPO, the Registry of Industrial Property and the EPO; and (c) to analyze and evaluate the viability of the plan to produce a CD-ROM containing the first pages of patent documents published or patents granted by those Latin American countries (DOPALES-PRIMERAS).

The Seville meeting decided to set up a technical working group commprising representatives of WIPO, the Registry of Industrial Property of Spain and the EPO, with the task of analyzing and evaluating the viability of that CD-ROM DOPALES-PRIMERAS project (demonstration). With a view to the production of that optical disc and in order to facilitate incorporation of the bibliographic references in the CIBEPAT data base, it was agreed to recommend the standardization of the first pages of the patent documents of the Latin American countries in accordance with the technical specifications recommended by WIPO. It was further emphasized that, as a second phase, once the Center had been set up, the technical and economic viability of publishing, as far as possible, the complete patent documents of the Latin American countries on CD-ROM would have to be studied.

As a follow up to the recommendations made by the Seville meeting, the above-mentioned technical working group, comprised of representatives of the Registry of Industrial Property of Spain, the EPO and WIPO, met in Madrid on June 25, 1991, to study the viability of the DOPALES-PRIMERAS project and to recommend the Chairman of the Preparatory Council to produce an initial demonstration disc containing the first pages of the Latin American documents published in 1990.

At that meeting, WIPO, the Registry of Industrial Property of Spain and the EPO also agreed to organize a series of missions by international consultants to assist the industrial property offices of Latin America in preparing the documentation to be published in the prototype CD-ROM. Those consultants will deal with recovery of the first pages, will assist in their preparation and also in the collection of the required bibliographic data.

With the technical assistance of three consultants from the EPO and two from WIPO, who undertook missions to various countries of Latin America, an approximate total of 2,600 first pages containing information on patent documents (applications published or patents granted in 1990) were collected for the following 18 countries: Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela.

These first pages, together with the bibliographic data, were processed by the EPO and sent to the firm Jouve for the production of the prototype CD-ROM.

This "demonstration" CD-ROM DOPALES-PRIMERAS (DOPALES stands for DO*cumentos de* PA*tentes en* L*engua* ES*pañola* [Spanish Language Patent Documents] and PRIMERAS stands for *primeras páginas* [first pages]) contains the following information on each of the published applications and granted patents:

- country of origin;
- publication number of the application/patent;
- publication date of the application/patent;
- type of document (published application/ granted patent);
- name and address of the applicant;
- priority date (country, date and number);
- main symbols of the International Patent Classification (IPC);
- secondary symbols of the IPC;
- number of the application;
- filing date of the application;
- name of the inventor where not the applicant;
- title of the invention in Spanish;
- title of the invention in English.

The CD-ROM also contains the first page of the application/patent, that is to say, in facsimile or bit conversion mode.

All the bibliographic data stored on the CD-ROM are also available in index form and, consequently, the information they contain can be recovered by means of various parameters, including Boolean operators.

As an example, and for every country, a single abstract whose words can be sought is included. The intention is to demonstrate the possibilities offered by the software with respect to searching the Spanish-language patent documents (DOPALES) using words in the abstract, in the Spanish and English languages.

The CD-ROM DOPALES-PRIMERAS (demonstration), published in 500 copies in May 1992, was designed as a test disc to serve as a point of departure for intensifying efforts to make patent information and documentation available to final users in the Latin American countries.

With the aim of supplying to each industrial property office in Latin America the necessary tools to use the CD-ROM DOPALES-PRIMERAS and to prepare the information required to produce the future DOPALES optical discs described above, the Registry of Industrial Property of Spain, the EPO and WIPO agreed to provide each of the industrial property offices of the 18 Spanish-speaking countries in Latin America with the necessary material facili-

ties, that is to say, a personal computer (PC), IBM compatible, MS-DOS, type INTEL 80286 or 80386 AT, with a hard disc unit for at least 2 or 3 megabytes, a 5¼ inch or 3½ inch floppy disc unit (the software for DOPALES will be available in both formats) and a CD-ROM drive compatible with standard ISO 9660 with a net capacity in excess of 550 megabytes. It will also be necessary to have a VGA standard monitor or, preferably, a high-resolution screen and a laser printer if it is wished to print the document.

The search software has been specially designed with the CD-ROM DOPALES applications in mind. It is easy to use on account of the functions proposed in the menu. It has been designed for MS-DOS version 5.0 and subsequent hardware and uses PATSOFT as the main retrieval software.

The CD-ROM DOPALES-PRIMERAS was presented to the meeting of planning ministers of Latin America and the Caribbean held in Madrid from March 22 to 26, 1992.

Based on the experience gained when publishing the CD-ROM DOPALES PRIMERAS (demonstration), it is intended in future to publish DOPALES PRIMERAS annually on the basis of submission to the International Center by the Latin American countries of copies of the first pages of their patent documents and the corresponding bibliographic data on machine-readable mediums. It is planned to complete the next edition of DOPALES PRIMERAS early in 1993. That edition will contain information on the patent documents (applications or granted patents) published in the countries of Latin America in 1991. Furthermore, following the recent inclusion of Brazil in the project to set up the International Spanish-Language Patent Documentation Center, the forthcoming edition of the DOPALES disc will contain information on the first pages and the bibliographic data of that country.

Finally, this work, carried out within the framework of the International Spanish-Language Patent Documentation Center, is the direct outcome of close international collaboration between the EPO, the Registry of Industrial Property of Spain and WIPO, involved in the process of establishing that Center, as also of the efforts and facilities furnished by the Latin American industrial property offices in putting together the first pages of the patent documents. This demonstration disc constitutes an important incentive to the countries of Latin America to harmonize the structure of their bibliographic data and their publications, thus facilitating centralization of the data to be processed by the Center and which in turn will mean that the dissemination of patent information in Spanish will become an effective and reliable machinery contributing to the economic and scientific and technological development of the countries of the region.

This product, with its exceptional features, comprising for the first time a collection of documents from all the Spanish-speaking American countries in a standardized form and on an optical medium, constitutes without doubt a big step towards the longer-term production of a CD-ROM that will contain the complete texts of the patent documents of all countries of the region.

Africa

Seminars and Training

WIPO Subregional Seminar on Industrial Property for Portuguese-speaking Countries of Africa (Guinea-Bissau). From June 23 to 25, 1992, a Subregional Seminar on Industrial Property for Portuguese-speaking Countries of Africa was organized by WIPO on the Island of Maio, in cooperation with the Government of Guinea-Bissau and the Swedish International Development Authority (SIDA). The Seminar was attended by eight government officials from Angola, Cape Verde, Mozambique and Sao Tome and Principe, and five participants from Guinea-Bissau. The speakers were five WIPO consultants from Brazil, Portugal and Sweden and two WIPO officials. The participants also spoke on the situation of industrial property in their respective countries, including on the status of review of the draft industrial property law sent by WIPO, at their request, in March/April to each of the Portuguese-speaking countries of Africa.

WIPO National Seminar on Industrial Property (Mali). From June 15 to 17, 1992, WIPO organized a National Seminar on Industrial Property in Bamako, in cooperation with the Government of France and the African Intellectual Property Organization (OAPI). Papers were presented by three WIPO consultants from France and OAPI and a WIPO official. Eighty participants from the public and private sectors of Mali attended the Seminar.

Assistance With Legislation and Modernization of Administration

Angola. In June 1992, two government officials had discussions with WIPO officials in Geneva on industrial property legislative issues in Angola.

Benin. In June 1992, a WIPO official visited Cotonou and held discussions with government and UNDP officials regarding cooperation matters and, in particular, the preparation of a proposed UNDP-financed country project for the modernization of the National Industrial Property Center.

Egypt. In June 1992, a WIPO official, together with a WIPO consultant from Turkey, visited the Administration of Commercial Registration in Cairo in order to analyze the present situation of the trademarks and industrial designs registration work and identify needs for the automatization of their operations. The mission was funded by the UNDP-financed regional project for Arab countries.

Also in June 1992, a member of the national committee for the drafting of the Egyptian industrial property law visited WIPO to discuss future steps for the preparation of that law.

Mali. In June 1992, a WIPO official held discussions in Bamako with government officials regarding the modernization of the government department in charge of industrial property in Mali. Discussions were also held with UNDP officials concerning possible financing, by UNDP, of such modernization.

Uganda. In June 1992, Mr. P.C.R. Kabatsi, Permanent Secretary and Solicitor General in the Ministry of Justice, visited WIPO to discuss a proposed UNDP-financed country project for the modernization and strengthening of the industrial property system in Uganda, as well as the proposed revision of the patent law.

African Intellectual Property Organization (OAPI). In June 1992, a WIPO official attended the 29th session of the OAPI Board which was followed by a special session of the Council of Ministers. Cooperation between WIPO and OAPI was discussed.

Organization of African Unity (OAU). In June 1992, the Assistant Secretary General of OAU in charge of the Educational, Scientific, Cultural and Social Department, Mr. Pascal Gayama, met with the Director General and WIPO officials to discuss the strengthening of cooperation between WIPO and OAU.

Also in June 1992, a WIPO official attended the 56th ordinary session of the Council of Ministers, followed by the 28th assembly of Heads of States and Governments of OAU, in Dakar. Some of the resolutions adopted were of direct interest to WIPO, such as those against piracy, cooperation between OAU and the United Nations system, and the Treaty establishing an African Economic Community.

Also in June 1992, two OAU consultants visited WIPO to discuss WIPO's comments and suggestions on OAU's preparatory work on the proposed African protocols on science and technology and on industry under the Treaty establishing an African Economic Community.

Asia and the Pacific

Australia. In June 1992, Mr. Pat Smith, Commissioner of the Australian Patent Office, had discussions with WIPO officials in Geneva on cooperation between WIPO and Australia in favor of developing countries in the Asian and Pacific region.

China. In June 1992, a WIPO official undertook a mission to Beijing and had discussions with officials of the Chinese Patent Office (CPO) on matters concerning the planned accession of China to the Patent Cooperation Treaty (PCT). That WIPO official also had discussions in Beijing with officials of the State Administration for Industry and Commerce (SAIC) and the Chinese Trademark Office on future cooperation, including the possible accession of China to the Nice Agreement and the revision of the Chinese Trademark Law.

Also in June 1992, two government officials of the Chinese Trademark Office had discussions with WIPO officials in Geneva on cooperation between China and WIPO.

India. In June 1992, two WIPO consultants from the EPO and the United Kingdom, together with three WIPO officials, undertook a mission in connection with the modernization of Patent Information Services in India. The mission visited Nagpur, Calcutta, New Delhi and Bombay and held discussions with members of the private sector.

Pakistan. In June 1992, a WIPO consultant from Australia undertook a mission to the Patent Office in Karachi, to assist in testing the equipment procured for the computerization of patent administration procedures. The consultant also held discussions with government and UNDP officials in Islamabad. The mission was funded by the UNDP-financed country project in Pakistan.

Singapore. In June 1992, WIPO prepared and submitted to the national authorities, at their request, draft Patent Rules under the Patents Bill, 1989.

Latin America and the Caribbean

Seminars and Legal Training

Regional Seminar on Search and Patent Examination (Madrid). In June 1992, WIPO organized a Seminar on Search and Patent Examination in cooperation with the Registry of Industrial Property of Spain and the EPO. Fourteen government officials from Argentina, Brazil, Chile, Cuba, Ecuador, Honduras, Mexico, Nicaragua, Panama, Peru and Venezuela attended the Seminar. The participants also received training at the EPO in The Hague and Munich and visited WIPO headquarters, where they heard presentations by various WIPO officials.

Venezuela. In June 1992, the Dean of the Faculty of Law and Political Science of the University of the Andes, in Merida, together with a team of five professors from the same University, visited WIPO headquarters in the context of the preparation of a postgraduate studies program on intellectual property. They had discussions with several WIPO officials. WIPO also organized a visit to the Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (MPI), in Munich, the Center for the International Study of Industrial Property (CEIPI) of the University of Strasbourg (France), and to the Faculty of Law of the University of Santiago de Compostela (Spain) for the Venezuelan professors.

Assistance With Legislation and Modernization of Administration

Brazil. In June 1992, Mr. Paulo Afonso Pereira, President of the National Institute of Industrial Property (INPI), had discussions with WIPO officials in Geneva on industrial property matters, including industrial property within the MERCOSUR (Common Market of the Southern Cone) integration initiative.

Costa Rica. In June 1992, a WIPO official undertook a mission to San José and discussed with government officials matters of mutual interest, such as the implementation of the UNDP-financed country project and a possible ministerial-level meeting of Central American countries to discuss their possible accession to the Paris Convention.

Also in June 1992, the said WIPO official and a WIPO consultant from Switzerland participated as speakers in the Second National Workshop on Notarial Law devoted to intellectual property matters, organized by the Costa Rican Institute of Notarial Law and the Intellectual Property Registry in San José. The Workshop was attended by some 200 local participants, who were representatives of various interested circles, including patent and trademark attorneys, lawyers and engineers of industrial enterprises and research centers.

Honduras. In June 1992, a WIPO official undertook a mission to Tegucigalpa, and discussed with government officials the implementation of the UNDP-financed country project and a possible ministerial-level meeting of Central American countries to discuss their possible accession to the Paris Convention.

Panama. In June 1992, a WIPO official undertook a mission to Panama City, and discussed with government officials matters of common interest, such as future cooperation between WIPO and the Government of Panama for the modernization of the industrial property system, and a possible ministerial-level meeting of Central American countries to discuss their possible accession to the Paris Convention.

Peru. In June 1992, a WIPO official and an official of the International Union for the Protection of New Varieties of Plants (UPOV) discussed with government officials the administration of a possible plant variety protection system in Peru and the assistance the Peruvian Government could expect in this matter from WIPO. They also participated in the First Workshop on the Protection of Plant Varieties organized by the Institute for Industrial Technological Research and Technical Standards (ITINTEC). The Workshop was attended by some 50 local participants from both the public and private sectors.

Venezuela. In May and June 1992, a WIPO national consultant undertook an evaluation of ongoing and previous WIPO technical cooperation activities in the field of industrial property, particularly in the context of the Government's current plans to establish an autonomous industrial property institute. The WIPO consultant was financed by the UNDP-funded country project.

Aruba. In June 1992, Mr. Frank H. Croes, Director of the Bureau of Intellectual Property, visited WIPO headquarters and had discussions with several WIPO officials on possible methods of cooperation with Aruba, particularly in industrial property legislation and training of staff of that Bureau.

Andean Countries. In June 1992, at the request of the Board of the Cartagena Agreement (JUNAC), the

International Bureau, in cooperation with UPOV, prepared and submitted a study and a draft Decision on the protection of plant varieties in the Andean countries.

Also in June 1992, a WIPO official and a UPOV official participated in the First Meeting of Experts on the Protection of Plant Varieties, convened by JUNAC at its headquarters in Lima. This Meeting of Experts was convened following the adoption of Decision 313 by the Commission of the Cartagena Agreement. The said officials also had discussions with officials of the Andean countries and JUNAC on the said study and draft Decision.

Inter-American Development Bank (IDB). In June 1992, two officials from IDB visited WIPO where they discussed possible cooperation between WIPO and IDB, with a view to undertaking development cooperation activities in the field of intellectual property for Latin American and Caribbean countries.

World Bank. In June 1992, a World Bank official visited WIPO and discussed possible cooperation between WIPO and the World Bank concerning assistance to Latin American and Caribbean countries.

Development Cooperation (in General)

Training Courses and Seminars

Training Course on Patents and Trademarks (Washington, D.C). In June 1992, WIPO organized, with the United States Patent and Trademark Office, a Training Course on Patents and Trademarks, in English, in Washington, D.C. The six government officials who attended came from Argentina, Nigeria, Panama and Sudan; the travel and subsistence costs of the participants were funded partly by UNDP-financed projects and partly through funds made available to WIPO by the Government of the United States of America.

Training Seminar on the Use of Patent Documentation: Techniques for Searching and Dissemination of Information. In June-July 1992, WIPO organized a Training Seminar on the Use of Patent Documentation: Techniques for Searching and Dissemination of Information, in English and French, in cooperation with the EPO, the Danish Patent Office and the French National Institute of Industrial Property (INPI), in Copenhagen, Paris, The Hague and Vienna; 16 government officials from Algeria, Brazil, Burkina Faso, Burundi, China, Cuba, Guinea, India, Indonesia, Mali, Nigeria, the Philippines, Senegal and Zambia attended; their travel and subsistence costs were funded either by the EPO or by UNDP; the Seminar was followed by a visit to WIPO.

Assistance With Legislation and Modernization of Administration

United Nations: Interagency Consultation on the Follow-up to the Program of Action for the Least-Developed Countries for the 1990s. In June 1992, a WIPO official attended this interagency consultation in Geneva.

Organization of the Islamic Conference (OIC). In June 1992, Dr. Hamid Algabid, Secretary General of OIC, had a meeting with a WIPO official in Dakar to discuss the possible strengthening of cooperation between OIC and WIPO.

Activities of WIPO in the Field of Industrial Property Specially Designed for European Countries in Transition to Market Economy

Regional Activities

World Bank. In June 1992, a World Bank official visited WIPO and discussed possible cooperation between WIPO and the World Bank concerning assistance to Central and Eastern European countries.

National Activities

Romania. In June 1992, the Ambassador and Permanent Representative of Romania in Geneva visited WIPO, where he handed to the Director General Romania's instrument of accession to the Hague Agreement Concerning the International Deposit of Industrial Designs (for the relevant notification, see page 211 of the July/August issue of this review).

Slovenia. In June 1992, Professor Peter Tancing, Minister for Science and Technology, accompanied by Mr. Bojan Pretnar, Director of the Industrial Property Office, and another official of that Office, visited WIPO and met with the Director General and WIPO officials. Discussions were held on the situation of industrial property in Slovenia, the country's intended accession to further WIPO-administered treaties, and possible technical assistance by WIPO in the field of training, administration and documentation.

Also in June 1992, the Director of the said Office and two other government officials discussed with WIPO officials in Geneva legal and administrative questions relating to industrial property.

Contacts of the International Bureau of WIPO with Governments and International Organizations in the Field of Industrial Property

United Nations

United Nations Conference on Environment and Development (UNCED). In June 1992, a WIPO official attended the Conference ("Earth Summit") in Rio de Janeiro.

United Nations Educational, Scientific and Cultural Organization (UNESCO). In June 1992, a WIPO official participated in the third meeting of coordinators of the World Decade for Cultural Development in Geneva.

Regional Organizations

European Patent Organisation (EPO). In June 1992, a WIPO official attended the 44th meeting of the Administrative Council of the EPO, held in Monaco.

Also in June 1992, the President of the EPO, Mr. Paul Braendli, visited WIPO and discussed matters of mutual interest with the Director General.

Also in June 1992, two WIPO officials attended "Patlib '92," a symposium of regional documentation centers covering patent literature, patent libraries and libraries of national patent offices, organized by the EPO in Vienna. On that occasion, demonstrations of WIPO's CD-ROM products were given by the WIPO officials.

Other Organizations

Center for International Industrial Property Studies (CEIPI). In June 1992, the Director General

attended the meeting of the Administrative Council of CEIPI which was held in Paris.

Confederation of Independent Bulgarian Syndicates (Sofia). In June 1992, two officials of the Confederation visited WIPO to obtain information on WIPO's activities.

Industrial Property Cooperation Center (IPCC) (Tokyo). In June 1992, on the occasion of the tenth session of the Executive Coordination Committee of the Permanent Committee on Industrial Property Information (PCIPI/EXEC) held in Tokyo, three WIPO officials visited IPCC where they received information on the activities of the Center.

International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP). From June 29 to July 1, 1992, the eleventh annual meeting of ATRIP took place at WIPO headquarters. The meeting was attended by 45 participants from 27 countries. The travel and subsistence expenses of 11 professors from Argentina, China, Egypt, India, Lesotho, Mexico, Nigeria, Pakistan, Peru, Senegal and Sri Lanka were borne by WIPO.

International Association of Producers and Users of Online Patent Information (OLPI) (London). In June 1992, a WIPO official attended a meeting organized by OLPI in Karlsruhe (Germany).

International Federation of Senior Police Officers (FIFSP). In June 1992, a WIPO official attended, as a speaker, the International Symposium on Counterfeiting organized by FIFSP in Paris.

Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (MPI). In June 1992, an official of the MPI visited WIPO to gather information on WIPO's activities in respect of Central and Eastern European Countries.

National Contacts

Japan. In June 1992, on the occasion of the tenth session of the PCIPI Executive Coordination Committee which was held in Tokyo, a WIPO official made a presentation of WIPO's activities, particularly in respect of the PCIPI, to some 130 staff members of the Japanese Patent Office.

Miscellaneous News

National News

Finland. Decree No. 1419 on Utility Models, of December 5, 1991, entered into force on January 1, 1992.

Iceland. The Patent Act (No. 17 of March 20, 1991) entered into force on January 1, 1992.

Ireland. The Irish Patents Act 1992, enacted on February 7, 1992, entered into force on August 1, 1992.

Selected WIPO Publications

The following new publications* were issued by WIPO between January 1 and June 30, 1992:

Background Reading Material on the Intellectual Property System of Pakistan, No. 686/PK(E), 10 Swiss francs.

Guide des associations d'inventeurs, No. 632(F), 10 Swiss francs.

Inauguration of the International Intellectual Property Training Institute (IIPTI) and WIPO Asian Regional Forum on the Development of Human Resources for the Effective Use of the Intellectual Property System, Daeduk, 1991, No. 699(E), 30 Swiss francs.

Industrial Property Statistics 1990/Statistiques de propriété industrielle 1990, Part I (Patents) and Part II (Trademarks, etc.), No. IP/STAT/1990, 50 Swiss francs each.

International Classification of Goods and Services for the Purposes of the Registration of Marks, 6th edition, No. 500(D/F), 100 Swiss francs; No. 500.1(N)–Part I, 100 Swiss francs, No. 500.2(N)–Part II, 80 Swiss francs.

Records of the Diplomatic Conference for the Conclusion of a Treaty on the Protection of Intellectual Property in Respect of Integrated Circuits, Washington, 1989, No. 344(E)(F), 40 Swiss francs.

Records of the Diplomatic Conference for the Conclusion of a Treaty Supplementing the Paris Convention as far as Patents are Concerned, The Hague, 1991, Volume I, No. 351(E), 40 Swiss francs.

WIPO Asian Regional Round Table on the Role of Industrial Property Offices in Support of Industrial Property Policies and Management in Enterprises, Phuket, 1991, No. 696(E), 30 Swiss francs.

WIPO Asian Regional Workshop on Industrial Property Office Automation, Tokyo, 1991, No. 695(E), 30 Swiss francs.

WIPO Patent Information Services for Developing Countries, No. 705(E)(F)(S), free.

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* WIPO publications may be obtained from the Publications Sales and Distribution Unit, WIPO, 34, chemin des Colombettes, CH-1211 Geneva 20, Switzerland (telex: 412 912 OMPI CH; fax: (41-22) 733 5428; telephone: (41-22) 730 9111).

Orders should indicate: (a) the number or letter code of the publication desired, the language (D for Dutch, E for English, F for French, N for Norwegian, S for Spanish), the number of copies; (b) the full address for mailing; (c) the mail mode (surface or air). Prices cover surface mail.

Bank transfers should be made to WIPO account No. 487080-81, at the Swiss Credit Bank, 1211 Geneva 20, Switzerland.

Calendar of Meetings

WIPO Meetings

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

1992

October 12 to 16 (Geneva)

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

The Working Group will continue to review joint Regulations for the implementation of the Madrid Agreement Concerning the International Registration of Marks and of the Madrid Protocol, as well as draft forms to be established under those Regulations.
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.

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.

November 16 to 20 (Geneva)

Committee of Experts on the Harmonization of Laws for the Protection of Marks (Fourth Session)

The Committee will continue to examine a draft trademark law treaty, with particular emphasis on the harmonization of formalities with respect to trademark registration procedures.
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.

November 25 to 27 (Geneva)

Working Group of Non-Governmental Organizations on Arbitration and Other Extra-Judicial Mechanisms for the Resolution of Intellectual Property Disputes Between Private Parties (Second Session)

The Working Group will continue to consider the desirability of establishing with WIPO a mechanism to provide services for the resolution of disputes between private parties concerning intellectual property rights, as well as the type of services that might be provided under such a mechanism.
Invitations: International non-governmental organizations having observer status with WIPO.

UPOV Meetings

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

1992

October 26 and 27 (Geneva)

Administrative and Legal Committee

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

1992

October 3 (Sitges)	International Literary and Artistic Association (ALAI): Executive Committee
October 4 to 7 (Sitges)	International Literary and Artistic Association (ALAI): Study Days
October 7 to 10 (Amsterdam)	International League of Competition Law (LIDC): Congress
October 18 to 24 (Maastricht/Liège)	International Confederation of Societies of Authors and Composers (CISAC): Congress
November 15 to 21 (Buenos Aires)	International Federation of Industrial Property Attorneys (FICPI): Executive Committee

1993

June 7 to 11 (Vejde)	International Federation of Industrial Property Attorneys (FICPI): Executive Committee
June 26 to July 1 (Berlin)	Licensing Executives Society International (LESI): Annual Meeting
September 20 to 24 (Antwerp)	International Literary and Artistic Association (ALAI): Congress

1994

June 12 to 18 (Copenhagen)	International Association for the Protection of Industrial Property (AIPPI): Executive Committee
June 20 to 24 (Vienna)	International Federation of Industrial Property Attorneys (FICPI): Congress