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WIPO 1992

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

Editor's Note

FRANCE

- Decree on Applications for Patents and Utility Certificates and the Grant and Maintenance in Force of Such Titles (No. 79-822 of September 19, 1979, as last amended by Decree No. 91-1180 of November 19, 1991) (*Replacement sheets*) Text 2-006
- Decree on Trademarks and Service Marks (No. 92-100 of January 30, 1992) Text 3-003

SPAIN

- Regulations for the Implementation of Law No. 11 of May 3, 1988, for the Legal Protection of the Topographies of Semiconductor Products (approved by Royal Decree No. 1465 of December 2, 1988) (*This text replaces the one previously published*) Text 1-004

MULTILATERAL TREATIES**European Communities**

- Council Regulation (EEC) No. 1768/92 of June 18, 1992, Concerning the Creation of a Supplementary Protection Certificate for Medicinal Products Text 2-013
- Council Regulation (EEC) No. 2081/92 of July 14, 1992, on the Protection of Geographical Indications and Designations of Origin for Agricultural Products and Foodstuffs Text 5-002

Notifications Concerning Treaties Administered by WIPO in the Field of Industrial Property

WIPO Convention

Accession

LATVIA

The Government of Latvia deposited, on October 21, 1992, its instrument of accession to the

Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967.

Latvia will belong to Class C for the purpose of establishing its contribution towards the budget of the WIPO Conference.

The said Convention will enter into force, with respect to Latvia, on January 21, 1993.

WIPO Notification No. 159, of October 22, 1992.

Governing Bodies of WIPO

Governing Bodies of WIPO

Twenty-Third Series of Meetings
(Geneva, September 21 to 29, 1992)

From September 21 to 29, 1992, the Governing Bodies of WIPO held their twenty-third series of meetings in Geneva. Delegations from 99 States, 12 intergovernmental organizations and 14 non-governmental international organizations participated in the meetings. The list of participants follows this note.

The following nine Governing Bodies met:

- (1) WIPO Coordination Committee, thirtieth session (23rd ordinary);
- (2) Paris Union Assembly, nineteenth session (9th extraordinary);
- (3) Paris Union Conference of Representatives, twentieth session (10th extraordinary);
- (4) Paris Union Executive Committee, twenty-eighth session (28th ordinary);
- (5) Berne Union Assembly, thirteenth session (3rd extraordinary);
- (6) Berne Union Conference of Representatives, thirteenth session (3rd extraordinary);
- (7) Berne Union Executive Committee, thirty-fourth session (23rd ordinary);
- (8) Madrid Union Assembly, twenty-fourth session (15th extraordinary);
- (9) PCT [Patent Cooperation Treaty] Union Assembly, twentieth session (12th extraordinary).

The main agenda items and the main decisions covered the following points:

Activities from July 16, 1991, to June 30, 1992.

The delegations voiced their satisfaction with the content of the reports submitted by the Director General, praising the clear, concise and comprehensive picture given of the Organization's work during the period under review. Appreciation was expressed for the range of activities that had been carried out, the depth of the treatment received and the efficiency with which they were accomplished. In the view of the delegations, the objectives of the activities were attained and demonstrated the capacity of the International Bureau, under the guidance of the Director General, for adapting to new circumstances and demands with imagination and verve.

All the delegations highlighted the development cooperation activities for the benefit of developing countries. The delegations of the recipient developing countries underlined, in particular, the importance of assistance to developing countries, given the role that intellectual property was recognized as playing in social, cultural and economic development. Such a role had recently been enhanced by the position assigned to intellectual property rights in international trade and technology transfer. The wish was expressed that WIPO's development cooperation program be continued and strengthened, so that developing countries could develop intellectual property systems commensurate with their development status and yet compatible with world trends. Several delegations pledged to continue their existing support, both in funds and in kind, to WIPO and its development cooperation program. The development cooperation activities that were regarded as most useful were those dealing with training (both general and specialized), assistance in the preparation of legislative texts, the streamlining of administration, including computerization, patent information services to the public with increasing use of CD-ROM technology, and the teaching of intellectual property at university level. A number of delegations were concerned about the decline in the resources that the United Nations Development Programme (UNDP) made available to WIPO for its development cooperation activities, and suggested that the International Bureau explore new sources of funding, including the allocation of more money from its regular budget.

Many delegations underlined the importance they attached to WIPO's work in both norm-setting and international registration work. Special mentions were made of, and expressions of support given for, the continuation of work on the proposed Patent Law Treaty, the preparations for a possible Protocol to the Berne Convention, a proposed treaty for the settlement of intellectual property disputes between States, the proposed trademark harmonization treaty and a

proposed model law on the protection of performing artists and producers of sound recordings.

A number of delegations found the activities in the international registration services satisfactory in general, and singled out for special mention the continuing increase in the number of Contracting States and the high rate of growth in the use of the PCT, which was a clear sign of that Treaty's usefulness.

Continuation of the Diplomatic Conference for the Conclusion of a Treaty Supplementing the Paris Convention as far as Patents are Concerned. The Assembly of the Paris Union unanimously decided that the second part of the Diplomatic Conference for the Conclusion of a Treaty Supplementing the Paris Convention as far as Patents are Concerned would be held in Geneva from July 12 to 30, 1993.

The Paris Union Assembly agreed that Articles 10, 19, 22(1), 24, 25 and 26 should be removed from the Basic Proposal that was before the Diplomatic Conference. Those Articles relate to Fields of Technology, Rights Conferred by the Patent, Term of Patents, Reversal of Burden of Proof, Obligations of the Right Holder and Remedial Measures Under National Legislation.

The Assembly also noted the need for delegations to consider the possible removal of Article 20 (prior user) in conjunction with the removal (already decided) of Article 19.

Article 61ter of the Paris Convention for the Protection of Industrial Property. The Assembly of the Paris Union adopted Guidelines for the Interpretation of Article 6ter(1)(b) and (3)(b) of the Paris Convention, which provides for the international registration of emblems of States and certain inter-governmental organizations, to take effect on October 1, 1992.

Copyright and Neighboring Rights. The Assembly of the Berne Union decided on the continuation of the Committee of Experts on the preparation of a possible Protocol to the Berne Convention ("Committee of Experts on a Possible Protocol to the Berne Convention") and on the creation of another Committee of Experts for the preparation of a possible new instrument on the protection of the rights of performers and producers of phonograms ("Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms"). It further decided, *inter alia*,

– that, in the Committee of Experts on a Possible Protocol to the Berne Convention, the States party to the Berne Convention and the Commission of the European Communities would have the status of members, whereas the Member States of WIPO that

were not party to the Berne Convention would have the status of observers;

– that, in the Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms, the Member States of WIPO and the Commission of the European Communities would have the status of members;

– that each of the two Committees of Experts would meet once in 1993 (in late June or early July), and that the meeting of the Committee of Experts on a Possible Protocol to the Berne Convention would be immediately followed by the meeting of the Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms;

– that the issues to be discussed by the Committee of Experts on a Possible Protocol to the Berne Convention would be the following: computer programs, data bases, rental right, non-voluntary licenses for the sound recording of musical works, non-voluntary licenses for primary broadcasting and satellite communication, distribution right, including importation right, duration of the protection of photographic works, communication to the public by satellite broadcasting, enforcement of rights, national treatment; and

– that the Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms would discuss all questions concerning the effective international protection of the rights of performers and producers of phonograms.

The Assembly of the Berne Union also decided that the WIPO Model Law on the Protection of Producers of Sound Recordings should likewise cover the protection of the rights of performers, the title of the competent Committee of Experts becoming “Committee of Experts on a WIPO Model Law on the Protection of the Rights of Performers and Producers of Phonograms.”

Madrid Union Concerning the International Registration of Marks. The Assembly of the Madrid Union adopted a new Rule (Rule 38) in the Regulations under the Madrid Agreement, entitled “Continuation of Effects of International Registrations in Certain Successor States.” The new Rule deals with international registrations in States (“successor States”) that have recently become independent and whose territory was formerly part of the territory of another State that was party to the Madrid Agreement, where such successor States have deposited a declaration of continuation of the Madrid Agreement. The new Rule requires the filing with the International Bureau, by the owner of an international registration with a territorial extension to the predecessor country, of a request that the international registration continue its effects in the

successor State if the owner wishes such effects to continue in the successor State. The new Rule already applies to Croatia, Slovenia and Ukraine.

Patent Cooperation Treaty (PCT) Union. With a view to China’s forthcoming accession to the PCT, the Assembly of the PCT Union adopted a number of amendments to the PCT Regulations, with effect on the date on which China would become bound by the PCT (expected to be at the beginning of 1994), appointed the Chinese Patent Office as an International Searching and Preliminary Examining Authority with effect on the same date and approved the text of the Agreement between the Chinese Patent Office and WIPO to that effect (see the note on the thirteenth session of the PCT Committee for Technical Cooperation (PCT/CTC) on page 305, below).

The Assembly also adopted amendments to the PCT Regulations with respect to the international searching and international preliminary examination of international applications in Spanish, which will enter into force on January 1, 1993.

The Assembly also adopted a new Rule 32 in the Regulations under the PCT concerning the extension of the effects of international applications to certain successor States. The new Rule applies where a newly independent State (the “successor State”) whose territory was, before independence, part of the territory of a Contracting State that has subsequently ceased to exist (the “predecessor State”) deposits a declaration of continuation of the PCT. It introduces a procedure whereby an applicant may, under certain conditions, request the extension to the successor State of certain international applications that have already been filed. The Rule already applies to Ukraine.

Permanent Committee for Development Cooperation Related to Industrial Property and Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights. The Coordination Committee decided that each of these two Permanent Committees would establish a Working Group. The tasks of each Working Group would be to review and evaluate the progress of the respective WIPO Permanent Program. Each Working Group would meet in the year in which the corresponding Permanent Committee did not meet, on dates shortly before that year’s ordinary session of the WIPO Conference. The reports of the Working Groups would be submitted to the WIPO Conference.

Participation of the Federal Republic of Yugoslavia (Serbia and Montenegro). The Governing Bodies of WIPO, noting United Nations Security Council Resolution 777 of September 19, 1992, and United Nations General Assembly Resolution A/47/RES/1 of September 22, 1992, decided

that the Federal Republic of Yugoslavia (Serbia and Montenegro) should not participate in any meetings of the Governing Bodies. They further decided that this decision would be reviewed by the same Governing Bodies in the light of future decisions taken by the United Nations General Assembly.

Additional Premises. The Governing Bodies authorized the Director General to conclude, under certain conditions, a contract for the acquisition by WIPO of the headquarters building of the World Meteorological Organization, which is adjacent to the WIPO headquarters building.

Staff Matters. The WIPO Coordination Committee approved the creation of a new grade, namely that of Assistant Director General. The Director General later promoted Mr. Gust Ledakis, Legal Counsel and Director of General Administrative Services, to that grade. Mr. Wang Zhengfa, a national of China, was appointed as a Director-Advisor. The Coordination Committee approved certain modifications to the Staff Regulations. One of them is a measure for giving incentive to the Professional staff to learn at least two of the languages used in the International Bureau.

LIST OF PARTICIPANTS*

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

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³ Paris Union Conference of Representatives.

⁴ Paris Union Executive Committee.

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⁷ Berne Union Executive Committee.

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⁹ PCT [Patent Cooperation Treaty] Union Assembly.

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- Yugoslavia**^{1, 2, 4, 5, 8}: O. Spasic.
- Zambia**^{2, 5}: A.A. Mwenda; M.C.J. Kunkuta.
- Zimbabwe**^{2, 5}: N. Mvere.

II. Intergovernmental Organizations

United Nations (UN): E. Bonev. **United Nations Educational, Scientific and Cultural Organization (UNESCO)**: Z.

Zachariev. **General Agreement on Tariffs and Trade (GATT)**: A. Otten; R. Luther; M.C. Geuze. **African Intellectual Property Organization (AIPO)**: C. Houehoube; I. Salia. **African Regional Industrial Property Organization (ARIPO)**: A.R. Zikonda. **Benelux Designs Office (BBDM)**: P. Rome. **Benelux Trademark Office (BBM)**: P. Rome. **Commission of the European Communities (CEC)**: J.-F. Verstryngé; D. Franzone; K. Mellor. **European Free Trade Association (EFTA)**: I. Kitzmüller. **European Patent Organisation (EPO)**: P. Braendli; R. Remandas; G.D. Kollé; R. Yung. **League of Arab States (LAS)**: M.N. Askalani; A. Salamé; M. Dayri. **Organization of African Unity (OAU)**: V.W. Nzomwita.

III. International Non-Governmental Organizations

European Committee for Interoperable Systems (ECIS): P. Wacker; M. Colombe. **European Federation of Pharmaceutical Industries' Associations (EFPIA)**: P. Leardini. **International Advertising Association (IAA)**: M. Ludwig. **International Association for the Protection of Industrial Property (AIPPI)**: V.M. Pedrazzini. **International Chamber of Commerce (ICC)**: J.H. Kraus; M. Flécharde. **International Confederation of Societies of Authors and Composers (CISAC)**: N'D. Ndiaye. **International Federation of Industrial Property Attorneys (FICPI)**: H. Bardehle; K. Raffnsøe. **International Federation of Inventors' Associations (IFIA)**: F. Moussa. **International Federation of Musicians (FIM)**: Y. Burckhardt. **International Federation of Press Clipping and Media Monitor Bureaus (FIBEP)**: D. Henne. **International Federation of the Phonographic Industry (IFPI)**: N. Turkewitz; B. Lindner; D. de Freitas. **International Organization of Journalists (IOJ)**: A. Angelov. **International Publishers Association (IPA)**: J.A. Koutchoumow. **International Secretariat for Arts, Mass Media and Entertainment Trade Unions (ISETU)**: J. Golodner.

IV. Officers

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Paris Union Assembly

Chairman: Gao Lulin (China). *Vice-Chairmen*: P.A.D. Smith (Australia); A.H. Jamal (United Republic of Tanzania).

Paris Union Conference of Representatives

Chairman: E.A. Azikiwe (Nigeria). *Vice-Chairmen*: S.R. Zavareie (Iran (Islamic Republic of)); C. Kayali (Syria).

Paris Union Executive Committee

Chairman: B.A.B. Goonetilleke (Sri Lanka). *Vice-Chairmen*: K. Iliev (Bulgaria); J. Smith (Norway).

Berne Union Assembly

Chairman: G. Boytha (Hungary). *Vice-Chairmen*: J.H.A. Gariépy (Canada); C.R. Pestana-Macedo (Venezuela).

Berne Union Conference of Representatives

Chairman: C.A. El Khazen (Lebanon). *Vice-Chairmen*: P. Verdoux (Madagascar); M. Onaner (Turkey).

Berne Union Executive Committee

Chairman: R. Grossenbacher (Switzerland). *Vice-Chairmen*: J. Sagar (India); J.M. Teran Contreras (Mexico).

V. International Bureau of the World Intellectual Property Organization

A. Bogsch (*Director General*); S. Alikhan (*Deputy Director General*); F. Curchod (*Deputy Director General*); L. Baeurner (*Director, Industrial Property Division*); P. Claus (*Director-Advisor*); M. Ficsor (*Director, Copyright Department*); T.A.J. Keefer (*Controller and Director, Budget and Finance Division*); G. Ledakis (*Legal Counsel and Director, General Administrative Services*); I. Thiam (*Director, Development Cooperation and External Relations Bureau for Africa*); B. Bartels (*Director, PCT Legal Division*); D. Bouchez (*Director, PCT Administration Division*); B. Dondenne (*Director, Languages Division*); C. Fernández-Ballesteros (*Director, Developing Countries (Copyright) Division*); F. Gurry (*Director-Counsellor, Office of the Director General*); B. Hansson (*Director, International Classifications Division*); P. Higham (*Director, Computerization Division*); K. Idris (*Director, Development Cooperation and External Relations Bureau for Arab Countries*); B. Machado (*Director, Personnel Division*); A. Nakamura (*Director, Industrial Property Information Division*); J. Quashie-Idun (*Director, Developing Countries (Industrial Property) Division*); E. Rubio (*Director, Development Cooperation and External Relations Bureau for Latin America and the Caribbean*); N. Sabharwal (*Director, Development Cooperation and External Relations Bureau for Asia and the Pacific*); K. Suedi (*Director, Bureau for Relations with International Organizations*); G. Yu (*Director-Counsellor, Office of the Director General*); R. Sateler (*Assistant Legal Counsel, Office of the Legal Counsel*); C. Claa (*Head, Meetings and Documents Service*).

Registration Systems Administered by WIPO

Patent Cooperation Treaty (PCT)

Accession

As a consequence of Portugal's accession to the PCT as its 51st Contracting State, which became effective on November 24, 1992, all States party to the European Patent Convention are now also party to the PCT. This opens the possibility for applicants to obtain a European patent for all those States by filing a single international application under the PCT.

Meeting

PCT Committee for Technical Cooperation (PCT/CTC)

Thirteenth Session
(Geneva, September 22 and 23, 1992)

The PCT Committee for Technical Cooperation (PCT/CTC) held its thirteenth session in Geneva on September 22 and 23, 1992.

The following 30 members of the Committee were represented: Australia, Austria, Bulgaria, Cameroon, Canada, Côte d'Ivoire, Czechoslovakia, Democratic People's Republic of Korea, Finland, Germany, Hungary, Ireland, Japan, Malawi, Mongolia, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Spain, Sweden, Switzerland, Togo, Ukraine, United States of America, European Patent Office (EPO). China was represented by observers.

The Committee unanimously recommended that the Assembly of the PCT Union approve the draft Agreement between the Chinese Patent Office and WIPO and that the Chinese Patent Office be appointed an International Searching Authority and an International Preliminary Examining Authority under Articles 16(3) and 32(3) of the PCT, with effect on the date on which China becomes bound by the PCT (expected to enter into force at the beginning of 1994). (The Assembly of the PCT Union followed the recommendations of the Committee, see page 301, above.)

Seminars

United States of America. In August 1992, two WIPO officials gave a lecture on the PCT to some 70 patent attorneys and office professionals of Dow Chemical Co., a private company in Midland (Michigan). They also had detailed discussions with individual attorneys.

Also in August 1992, three WIPO officials conducted a PCT Seminar in Los Angeles (California) for some 70 patent attorneys and legal assistants organized by Patent Resources Group, a private corporation of the United States of America.

Also in August 1992, a WIPO official lectured on the Rules under the PCT that entered into force in July 1992 at a PCT Seminar organized in San Francisco (California) by the San Francisco Patent and Trademark Law Association (PTLA) for 120 participants, including mainly patent attorneys and some legal assistants.

Madrid Union

Preparatory Work on the Entry into Force of the Madrid Protocol

In August 1992, three WIPO officials visited the Intellectual Property Directorate, Consumer and Corporate Affairs Canada, in Hull, to discuss with several government officials the matter of cooperation between WIPO and the Directorate, in particular

with respect to computer-assisted translation systems for trademark registration and the automation plans of the Canadian Trademark Office.

Also in August 1992, a WIPO official visited the United States Patent and Trademark Office in Washington, D.C., for discussions with a number of officials on computerization activities, and more particularly the automation of activities under the Madrid Protocol and the electronic filing of applications.

Hague Union

Development of the Hague System

In August 1992, the Director General and two WIPO officials visited, at the invitation of the Swiss

Textile Federation, two textile manufacturers in St. Gall (Switzerland) to discuss problems arising under the 1960 Act of the Hague Agreement.

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

Africa

Training Courses and Seminars

General Introductory Course on Industrial Property (Côte d'Ivoire). From August 4 to 14, 1992, WIPO organized, in Abidjan, a regional general introductory course on industrial property in French in cooperation with the Government of Côte d'Ivoire and the African Intellectual Property Organization (OAPI) and with financial support from the Government of France. Sixteen government officials from Burkina Faso, Burundi, Cameroon, the Central African Republic, Chad, the Congo, Gabon, Guinea, Madagascar, Mali, Mauritania, Niger and Rwanda attended, as did two participants each from the United Nations Economic Commission for Africa (ECA) and the International Federation of Inventors' Associations (IFIA). Forty-six participants from the public and private sectors in Côte d'Ivoire also attended. Lectures were given by five WIPO consultants from Côte d'Ivoire, France and OAPI, by a representative of OAPI and by two WIPO officials.

African Regional Introductory Course on Industrial Property (Swaziland). From August 18 to 26, 1992, WIPO organized, in Mbabane, a regional introductory course on industrial property, in English, in cooperation with the Government of Swaziland and with financial assistance from the Swedish International Development Authority (SIDA). Twelve government officials from the Gambia, Ghana, Lesotho, Liberia, Malawi, Namibia, Nigeria, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe attended, as did two South African participants, under the auspices of the African National Congress (ANC) and the United Nations High Commissioner for Refugees (UNHCR), respectively. Ten Swazi participants from public and private institutions, the judiciary and private legal practice also attended. Lectures were given by five WIPO consultants from the Netherlands, Swaziland, Sweden and the African Regional Industrial Property Organization (ARIPO) and by two WIPO officials.

Côte d'Ivoire. In August 1992, a WIPO official gave three days of on-the-spot training in micro-computer operations to the staff of the Directorate of Industrial Technology in Abidjan.

African Regional Industrial Property Organization (ARIPO). In August 1992, a WIPO official

participated as a speaker in an ARIPO seminar, in Kampala, to promote the use of the ARIPO system, which was attended by 33 local participants from the public and private sectors and by 11 government officials from Botswana, the Gambia, Ghana, Kenya, Lesotho, Malawi, Swaziland, Sudan, the United Republic of Tanzania, Zambia and Zimbabwe. The attendance of the latter 11 participants was financed by ARIPO.

Assistance With Legislation and Modernization of Administration

Côte d'Ivoire. In August 1992, a WIPO official had discussions with government officials in Abidjan on cooperation activities to promote innovation in smaller industries and on the proposed UNDP-financed country project dealing with industrial property.

Nigeria. In August 1992, a WIPO official participated in a meeting organized in Abuja by the Nigerian Government and the United Nations Development Programme (UNDP). Its purpose was to inaugurate a preparatory assistance project for external trade promotion which involved the participation of the Nigerian Ministries of Industry and Technology, Agriculture and Commerce and Tourism, the National Planning Commission and Customs and Excise, and the following agencies and organizations of the United Nations common system: WIPO, Food and Agriculture Organization of the United Nations (FAO), United Nations Industrial Development Organization (UNIDO), United Nations Conference on Trade and Development (UNCTAD), International Trade Centre (ITC).

Swaziland. In August 1992, two WIPO officials held discussions in Mbabane with Government officials and the UNDP Resident Representative on the proposed UNDP-financed country project for the modernization of industrial property.

Uganda. In August 1992, a WIPO official held discussions in Kampala with government and UNDP officials on the proposed UNDP-financed country project for the promotion of industrial property.

Arab Countries

Libya. In August 1992, the Director of Industrial Property and Future Industries, Industrial Research Center (IRC), discussed with WIPO officials in Geneva the matter of cooperation between Libya and WIPO in the strengthening of the country's industrial property system.

United Arab Emirates. In August 1992, three government officials held discussions at WIPO with the Director General and other WIPO officials on the strengthening of patent legislation and administration in the United Arab Emirates.

Asia and the Pacific

Training Activities and Workshops

Pakistan. In August 1992, a WIPO consultant from Canada undertook a mission on patent information services to Karachi, Lahore and Islamabad, to provide training to the staff of the Pakistan Patent Office and outside users on the use of patent documentation. The consultant also participated in workshops organized by the Federal Ministry of Industries and the Pakistan Patent Office in the three cities to promote the use of patent documentation by research and development institutions, industries and other users. The mission was funded by the UNDP-financed country project.

Sri Lanka. In August 1992, two WIPO officials and a WIPO consultant from Egypt participated as speakers, at the invitation of the Sri Lanka Inventors Commission, in the Workshop on Promotion of Invention and Innovation organized by the Commission in Colombo.

Assistance With Legislation and Modernization of Administration

Malaysia. In August 1992, a WIPO consultant from the United Kingdom started a three-and-a-half-month assignment at the Intellectual Property Division in Kuala Lumpur, which involved reviewing existing procedures and legislation, providing assistance in the field of patents by on-the-job training of the staff of the Patent Registration Office, and making recommendations to facilitate and accelerate the processing of patent applications. The consultant was also to provide guidance on the setting up of a national industrial design protection system in

Malaysia. The mission is funded by the UNDP-financed preparatory assistance country project.

Also in August 1992, a WIPO gold medal was awarded to a Malaysian inventor on the occasion of the Malaysian Invention and Design Exhibition (MINDEX) 1992 in Kuala Lumpur.

Singapore. In August 1992, Ms. Liew Woon Yin, Registrar of Trade Marks and Patents, accompanied by three officials from the Registry of Trade Marks and Patents, the National Computer Board and the Attorney General's Chambers, visited WIPO in Geneva. They had discussions with the Director General and other WIPO officials on the proposed new patent system for Singapore and on accession to certain treaties administered by WIPO. The visiting officials, together with a WIPO official, visited Berne for discussions with officials of the Swiss Federal Intellectual Property Office.

Sri Lanka. In August 1992, a WIPO consultant from Egypt and two WIPO officials visited the premises of the Sri Lanka Inventors Commission in Colombo and had discussions with the officials of the Commission on matters relating to the promotion of inventive activities in Sri Lanka.

UNDP Regional Programme. In August 1992, a WIPO official participated in the UNDP Inter-country Consultation on Trade in the Asia and Pacific Region, which was funded by UNDP and held in New Delhi. The Inter-country Consultation meeting was co-sponsored by UNDP, UNCTAD, ITC and the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) and hosted by the Government of India. Representatives from 12 countries participated.

Latin America and the Caribbean

Central America: Joint Declaration by Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua

and Panama on Accession to the Paris Convention. On September 8, 1992, at the invitation of the

Government of El Salvador, a ministerial-level meeting of the countries of the Central American Isthmus, organized with the assistance of WIPO, took place in San Salvador, with the participation of representatives of the Governments of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama, for the purpose of promoting joint action on the accession of those countries to the Paris Convention for the Protection of Industrial Property. The representatives of the Governments of the six participating countries adopted and signed the following Joint Declaration on the occasion of the ministerial meeting:

*“Joint Declaration by Costa Rica,
El Salvador, Guatemala, Honduras,
Nicaragua and Panama on
Accession to the Paris Convention*

Having regard to the Paris Convention for the Protection of Industrial Property (Stockholm Act, 1967), which currently constitutes the basic multilateral legal framework for industrial property and which deals, *inter alia*, with the protection of trademarks and trade names;

Having regard to the Central American Agreement for the Protection of Industrial Property (marks, trade names and advertising slogans or signs), to which Costa Rica, El Salvador, Guatemala and Nicaragua are Contracting Parties and whose Article 233 stipulates that the Contracting Parties shall undertake not to conclude with other States any agreements relating to marks, trade names or advertising slogans or signs, unless acting jointly;

Considering the importance for our countries and for the Central American region of acceding to the above-mentioned Paris Convention in order to recognize and avail themselves of the guarantees and levels of protection and the special rights that it affords and which will enable the protection given to industrial property, particularly to trademarks and other distinctive signs, in our countries and our region to be strengthened and extended;

Considering also that participation in the Paris Union established by the above-mentioned Paris Convention will enable our countries to enter into this multilateral framework whose principles and norms are currently recognized and applied in 105 States throughout the world which will contribute favorably to defining the image of our countries with regard to the international community and, in particular, with regard to regional and foreign entrepreneurs, exporters and investors, whose contributions are necessary to the economic development of our countries and of the region;

Considering further that it is opportune for our respective countries, if they consider it appro-

priate to national or regional interests, to have the possibility of signing, ratifying or acceding to other special treaties or conventions concluded in accordance with Article 19 of the Paris Convention and administered by WIPO;

With a view to implementing the above-mentioned Article 233 which requires joint action by the aforementioned Contracting Parties,

The Governments of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama jointly declare:

- (1) We affirm the wish of our respective countries to accede to the Paris Convention for the Protection of Industrial Property (Stockholm Act, 1967);
- (2) We shall proceed with the necessary measures and procedures towards accession of our countries to the above-mentioned Paris Convention in the shortest possible time; and
- (3) This declaration constitutes, for Costa Rica, El Salvador, Guatemala and Nicaragua, the joint action provided for in Article 233 of the Central American Agreement for the Protection of Industrial Property (marks, trade names and advertising slogans or signs) of 1968 with a view to signing the Paris Convention and other treaties open solely to the Contracting States of the Paris Convention and administered by WIPO.

In witness whereof, we have signed this Joint Declaration in the city of San Salvador on the eighth day of September in the year one thousand nine hundred and ninety-two in eight original copies.

For the Government of the Republic of Costa Rica

Elizabeth Odio Benito
Minister for Justice and Reprieval

For the Government of the Republic of El Salvador

René Hernández Valiente
Minister for Justice

For the Government of the Republic of Guatemala

Jorge Guillermo Arauz Aguilar
Vice-Minister for Economic Affairs

For the Government of the Republic of Honduras

Marién Urtecho de Salaza
Chief Official to the Secretariat for Economic Affairs and Trade

For the Government of the Republic of Nicaragua
Oscar Alemán Benavides
for the Minister for Economic Affairs and Development
For the Government of the Republic of Panama
Juan Antonio Varela
Acting Vice-Minister for Trade and Industry”

Chile. In August 1992, two WIPO consultants from the European Patent Office (EPO) undertook missions to Santiago to advise the Government on legislative issues and issues relating to biotechnology.

Cuba. In August 1992, a WIPO consultant from Chile undertook a mission to Havana to assist the National Office of Inventions, Technical Information and Marks (ONIITEM) in the automation of trademark operations. The mission was financed under the UNDP regional project.

Organization of Eastern Caribbean States (OECS). In August 1992, Justice Dennis Byron, Justice of Appeal of the Eastern Caribbean Supreme Court, Saint Lucia, was invited to WIPO, where he had discussions with WIPO officials on the strengthening of cooperation between OECS countries and WIPO.

Development Cooperation (in General)

UNDP-Sponsored Interregional Expert Meeting on Privatization (Geneva). In August 1992, a WIPO official attended the UNDP Interregional Expert Meeting on Privatization, held in Geneva, which

reviewed the various experiences of some 14 countries, from all regions of the world, engaged in privatization processes.

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

United Nations

United Nations. In August 1992, two WIPO officials attended the Ninth United Nations International Non-Governmental Organizations Meeting on the Question of Palestine, held in Geneva.

United Nations Consultative Committee on Administrative Questions (Financial and Budgetary Questions) (CCAQ (FB)). In August-September 1992, a WIPO official attended the 77th session of this Committee, which took place in New York.

Other Organizations

International Federation of Industrial Property Attorneys (FICPI). In August 1992, the Director General and a delegation of four members of FICPI, headed by its President, Mr. Helmut Sonn, had an exchange of views at WIPO headquarters on the present and future activities of WIPO and FICPI.

Of particular relevance in this connection are the Resolutions adopted at the 1991 FICPI World Congress, held in Harrogate (United Kingdom) from September 30 to October 4, 1991, reproduced hereafter.

RESOLUTION NO. 1

Tandem Protection

FICPI, the International Federation of Industrial Property Attorneys, broadly internationally representative of the free profession in more than 40 countries, having discussed in depth at its World Congress in Harrogate, United Kingdom, from September 30 to October 4, 1991, the evaluation of enforceable rights, and considering

- (a) that the official substantive examination of applications with respect to patentability is in the interests of the public and the patent proprietor, because certainty with regard to validity and clear preconditions for technology transfer are thus achieved, whilst maintaining the viability of patent offices;
- (b) that the early publication of patent applications and the lack of protection of inventions in the pre-grant phase invites unauthorized copying and product piracy;
- (c) that in most countries such abuses can be stopped only by the legal enforcement of registered intellectual property rights;
- (d) that, due to the increasing complexity of regional and national patent examination procedures and the ever-increasing volume of prior art, the duration and cost of these procedures increase constantly;
- (e) that in some countries the full patent examination is difficult due to the economic effects of decreasing numbers of national applications resulting from the success of regional patent systems;
- (f) that simple, quick and inexpensive protection, possibly of shorter duration, is a requirement especially of individual inventors, young companies and small and medium-sized businesses;
- (g) that several countries have had success with registration systems and utility models have been shown to offer useful additional protection for inventors; and
- (h) that by those additional kinds of rights, no reduction in legal certainty arises, provided that advice from patent attorneys, including a search, is locally available.

FICPI encourages the national legislators to:

- (i) permit registration of utility models and similar rights of a possibly shorter term than full patent rights in all technical fields and in tandem therewith; and
- (ii) permit such rights to be derived from the national or regional patent applications subsequent to their filing but claiming all relevant dates therefrom.

RESOLUTION NO. 2

Administrative Revocation/Cancellation

FICPI, the International Federation of Industrial Property Attorneys, broadly internationally representative of the free profession in more than 40 countries, having discussed in depth at its World Congress in Harrogate, United Kingdom, from September 30 to October 4, 1991, the evaluation of enforceable rights,

considers

1. that the availability of an opportunity to challenge the validity of a registered industrial property right without the necessity of court proceedings
 - (a) promotes clarity also for third parties so that unenforceable or only partially enforceable rights are less likely to remain to the detriment of the public and specific sectors of industry,

- (b) enables industrial property offices to broaden their activities and improve their expertise and enhance their ability to grant valid and enforceable rights, and
- (c) provides the experience of contested proceedings for industrial property attorneys, enabling them to develop their personal skills to the benefit of their clients;

2. that the experience of various industrial property offices over the last decade demonstrates that, unless such a challenge can be made only during a limited period of time following grant, it will hardly be used

and therefore urges authorities at the national, regional and global levels to take initiatives towards legislation and harmonization to provide as a minimum

- (a) the opportunity for third parties to challenge the validity of a registered industrial property right in proceedings under the auspices of a relevant industrial property office within a limited period of time following grant of the right, although without preventing a court from deciding an action brought by the owner of the right, and
- (b) said period extending, for example, to not more than three months for lodging the challenge, followed by a further period for the substantiation of the challenge.

RESOLUTION NO. 3

Improved Enforcement

FICPI, the International Federation of Industrial Property Attorneys, broadly internationally representative of the free profession in more than 40 countries, having discussed at its World Congress in Harrogate, United Kingdom, from September 30 to October 4, 1991, the evaluation of enforceable rights,

finds that the intellectual property system should provide the most effective service to industry that is possible,

and urges governments to take such legislative or executive steps as appropriate to provide, in the interest of fairness,

- (a) that the procedures for settling disputes are cost effective and speedy, in particular providing conditions under which proceedings may continue even if there is a pending opposition or revocation action against the right relied upon, and
- (b) that accepted standards regarding conditions for protection and interpretation of scope of protection are applied to the evaluation of validity and infringement in an endeavor to achieve consistent results in different countries.

RESOLUTION NO. 4

Design Protection

FICPI, the International Federation of Industrial Property Attorneys, broadly internationally representative of the free profession in more than 40 countries, having discussed at its World Congress in Harrogate, United Kingdom, from September 30 to October 4, 1991, the evaluation of enforceable rights,

considering

- the rapidly increasing economic significance of product appearance as a competition parameter;

- the increasing efforts and investments devoted particularly to the design factor within a wide range of industries;
- the high level of copying and counterfeiting activities in respect of product designs and the distortion of world trade at large resulting therefrom; and
- the existing great uncertainty in the application of registered and/or unregistered intellectual property rights to the protection of industrial design, particularly at the international level,

finds that the need for legislation and harmonization of protection regimes for industrial designs—in respect of conditions for protectability, scope and term of protection, limitations, if any, in respect of functionality and interface features and remedies available for enforcement of rights—has become manifest

and urges authorities at the national, regional and global levels to take initiatives towards such legislation and harmonization, including:

- allowing an industrial design to enjoy protection simultaneously by more than one kind of intellectual property right, and
- a definition of novelty taking into account the practical needs of industry and allowing, in particular, commercialization during a reasonable period of grace without disentitling the proprietor to subsequent protection by registered design.

RESOLUTION NO. 5

Trademark Examination

FICPI, the International Federation of Industrial Property Attorneys, broadly internationally representative of the free profession in more than 40 countries, having discussed in depth at its World Congress in Harrogate, United Kingdom, from September 30 to October 4, 1991, the evaluation of enforceable rights,

considering

the importance of trademarks for the competitiveness of industry and trade and for effective notification of customers and consumers and/or users of goods and services,

finds

that the need has increased for obtaining registration of marks without undue delay and for notifying the public

and competitors of trademark applications and registrations as quickly as possible, and therefore

urges

legislators and/or trademark authorities to take measures

1. to publish or make available to the public all information relevant to trademark applications within a very short time after filing,
2. to avoid undue prolongation of prosecution, and
3. to give competitors the opportunity of raising in an early, simple and inexpensive fashion, in particular by opposition, objections based on absolute and/or relative grounds to the registration of a trademark.

RESOLUTION NO. 6

Plant Variety Priority

FICPI, the International Federation of Industrial Property Attorneys, broadly internationally representative of the free profession in more than 40 countries, having discussed in depth at its World Congress in Harrogate, United Kingdom, from September 30 to October 4, 1991, the evaluation of enforceable rights,

considering

that following amendment of the priority provision of the UPOV Convention in the Diplomatic Conference of UPOV in March 1991 a regularly filed patent application for a new plant variety in the Contracting States may also serve as a basis for claiming priority in an application for variety protection under the UPOV Convention,

supports

the request to incorporate in the Paris Convention or in an appropriate other international agreement a provision to the effect that a right of priority may arise from a plant variety application under the UPOV Convention and can be claimed in a subsequent application for patent protection.

International Federation of Library Associations and Institutions (IFLA). In August and September 1992, a WIPO official participated in the 58th General Conference of IFLA, held in New Delhi.

Miscellaneous News

Regional News

European Communities. Council Regulation (EEC) No. 1768/92 of 18 June 1992 concerning the creation of a supplementary protection certificate for medicinal products, published in the *Official Journal of the European Communities*, No. L 182 of July 2, 1992, pp. 1 to 5, will enter into force, according to its Article 23, six months after publication, that is, on January 2, 1993 (see *Industrial Property Laws and Treaties*, MULTILATERAL TREATIES – Text 2-013).

Council Regulation (EEC) No. 2081/92 of 14 July 1992 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs, published in the *Official Journal of the European Communities*, No. L 208 of July 24, 1992, pp. 1 to 8, will enter into force, according to its Article 18, 12 months after publication, that is, on July 24, 1993 (see *Industrial Property Laws and Treaties*, MULTILATERAL TREATIES – Text 5-002).

National News

Denmark. The Utility Models Act, No. 130 of February 26, 1992, entered into force on July 1, 1992.

Ecuador. The Regulations for the Application of Decision 313 of the Commission of the Cartagena Agreement, No. 3466 of June 26, 1992, entered into force on June 30, 1992.

France. The laws in force in the field of intellectual property have been regrouped, without any

important amendment as to substance, into an Intellectual Property Code established by Law No. 92-597 of July 1, 1992, published in the *Journal officiel de la République française* of July 3, 1992, pp. 8801 to 8840.

New Zealand. The Patents Act 1953 (No. 64 of 1953) (as last amended by Act No. 112 of 1976) was further amended by the Patents Amendment Act 1992 (No. 81 of 1992), which was assented to on August 18, 1992, and entered into force on December 1, 1992, except for its Sections 3, 8 and 11, which entered into force on August 19, 1992.

Bilateral Treaties

Germany/Slovenia. A Joint Memorandum of Understanding on the Exchange of Search and Examination Results Between the German Patent Office and the Industrial Property Office of Slovenia was signed in Munich on November 28, 1991.

United States of America/Albania, Romania, Ukraine. The United States of America signed Agreements on Trade Relations with Albania on May 14, 1992, with Romania on April 3, 1992, and with Ukraine on May 6, 1992.

United States of America/Kyrgyzstan. On May 8, 1992, the United States of America and Kyrgyzstan exchanged letters referring to the Agreement on Trade Relations between the United States of America and the Union of Soviet Socialist Republics signed on June 1, 1990.

Calendar of Meetings

WIPO Meetings

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

1993

May 10 to 21 (Geneva)

Committee of Experts on the Settlement of Intellectual Property Disputes Between States (Fifth Session) and Preparatory Meeting for the Diplomatic Conference for the Conclusion of a Treaty on the Settlement of Intellectual Property Disputes Between States

The Committee of Experts will continue the preparations for a possible multilateral treaty on the settlement of intellectual property disputes between States. The Preparatory Meeting will decide what substantive documents should be submitted to the Diplomatic Conference (see under November 22 to December 10, 1993, below) and which States and organizations should be invited to the Diplomatic Conference. The Preparatory Meeting will also establish the draft Rules of Procedure of the Diplomatic Conference.

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

June 14 to 18 (Geneva)

Committee of Experts on the Harmonization of Laws for the Protection of Marks (Fifth 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.

June 21 to 25 (Geneva)

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

The Committee will continue to examine the question of the preparation of a possible protocol to the Berne Convention for the Protection of Literary and Artistic Works.

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

June 28 to July 2 (Geneva)

Committee of Experts on a Possible Instrument on the Protection of the Rights of Performers and Producers of Phonograms (First Session)

The Committee will examine the question of the preparation of a possible new instrument (treaty) on the protection of the rights of performers and producers of phonograms.

Invitations: States members of WIPO, the Commission of the European Communities and, as observers, certain organizations.

July 12 to 30 (Geneva)

Diplomatic Conference for the Conclusion of a Treaty Supplementing the Paris Convention as far as Patents are Concerned (Second Part)

The Diplomatic Conference should adopt the Treaty Supplementing the Paris Convention as far as Patents are Concerned. It is the second part of the Diplomatic Conference whose first part took place at The Hague (Netherlands) in 1991.

Invitations: States members of the Paris Union, the European Patent Organisation (EPO) and the African Intellectual Property Organization (OAPI) and, as observers, States members of WIPO not members of the Paris Union and certain organizations.

September 20 to 29 (Geneva)

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

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

In the sessions in 1993, the Governing Bodies will, *inter alia*, review and evaluate activities undertaken since July 1992, and adopt the program and budget of the International Bureau for the 1994-95 biennium.

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

- November 8 to 12 (Geneva)** **Committee of Experts on a Model Law on the Protection of the Rights of Performers and Producers of Phonograms (Second Session)**
 The Committee of Experts will continue to consider a draft Model Law dealing with the protection of the rights of producers of phonograms, and it will consider (for the first time) provisions for the Model Law dealing with the rights of performing artists.
Invitations: States members of the Berne Union or WIPO, or party to the Rome Convention or the Phonograms Convention and, as observers, certain organizations.
- November 22 to December 10 (Geneva)** **Diplomatic Conference for the Conclusion of a Treaty on the Settlement of Intellectual Property Disputes Between States**
 The Diplomatic Conference should adopt a Treaty on the Settlement of Intellectual Property Disputes Between States.
Invitations: To be decided by the Preparatory Meeting to be held from May 10 to 21, 1993 (see above).

UPOV Meetings

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

1993

- April 21 and 22 (Geneva)** **Administrative and Legal Committee**
Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental organizations.
- April 23 (Geneva)** **Consultative Committee (Forty-Sixth Session)**
Invitations: Member States of UPOV.
- October 27 (Geneva)** **Administrative and Legal Committee**
Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental organizations.
- October 28 (Geneva)** **Consultative Committee (Forty-Seventh Session)**
Invitations: Member States of UPOV.
- October 29 (Geneva)** **Council (Twenty-Seventh Ordinary Session)**
Invitations: Member States of UPOV and, as observers, certain non-member States and inter-governmental and non-governmental organizations.

Other Meetings

1993

- January 30 (Paris) International Literary and Artistic Association (ALAI): Executive Committee
- 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

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- 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

