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Monthly Review of the
World Intellectual Property Organization

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(INSERT)**

Editor's Note

BELARUS

Law on Industrial Designs (<i>Replacement sheet</i>)	Text 4-001
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KAZAKHSTAN

Announcement on the Protection of Industrial Property in Kazakhstan	Text 1-002
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TAJIKISTAN

Announcement on the Protection of Industrial Property in Tajikistan	Text 1-001
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UNITED STATES OF AMERICA

North American Free Trade Agreement Implementation Act (Public Law 103-182 of December 8, 1993) [<i>Extracts</i>]	Text 1-003
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UZBEKISTAN

Law of the Republic of Uzbekistan on Trademarks and Service Marks	Text 3-001
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MULTILATERAL TREATIES

World Intellectual Property Organization

Regulations Under the Patent Cooperation Treaty (as adopted on June 19, 1970, and amended on April 14 and October 3, 1978, May 1, 1979, June 16 and September 26, 1980, July 3, 1981, September 10, 1982, October 4, 1983, February 3 and Septem- ber 28, 1984, October 1, 1985, July 12 and October 2, 1991, September 29, 1992, and September 29, 1993) (<i>This text replaces the one previously published under the same code number</i>)	Text 2-007
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**Notifications Concerning Treaties Administered by WIPO
in the Field of Industrial Property**

**Convention Establishing the World
Intellectual Property Organization and
Certain Other Treaties Administered
by WIPO**

Declaration

GEORGIA

The Government of Georgia deposited, on January 18, 1994, the following declaration:

“The Government of the Republic of Georgia hereby declares that

- the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967, and amended on September 28, 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 September 28, 1979,
- the Patent Cooperation Treaty (PCT), of June 19, 1970, as amended on September 28, 1979, and modified on February 3, 1984,

continue to be applicable to the territory of the Republic of Georgia and accepts the obligations set forth in the said Conventions and Treaty in respect of that territory.”

Under the unitary contribution system, Georgia will belong to Class IX for the purpose of establishing its contribution towards the budgets of the World Intellectual Property Organization and the contribution-financed Unions.

WIPO Notification No. 172, Paris Notification No. 147, PCT Notification No. 86, of January 18, 1994.

WIPO Convention

Accession

BRUNEI DARUSSALAM

The Government of Brunei Darussalam deposited, on January 21, 1994, its instrument of accession to

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

Under the unitary contribution system, Brunei Darussalam will belong to Class S for the purpose of establishing its contribution towards the budget of the World Intellectual Property Organization.

The said Convention will enter into force, with respect to Brunei Darussalam, on April 21, 1994.

WIPO Notification No. 173, of January 26, 1994.

Budapest Treaty

**I. Change in Fees Under Rule 12.2 of the
Regulations Under the Budapest Treaty**

NATIONAL INSTITUTE OF BIOSCIENCE AND
HUMAN-TECHNOLOGY (NIBH)

(Japan)

The following notification addressed to the Director General of WIPO by the Government of Japan under Rule 12.2 of the Regulations under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure was received on January 18, 1994, and is published by the International Bureau of WIPO pursuant to Rule 13.2(b) of the said Regulations.

Pursuant to Rule 12.2 of the Regulations under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure the new schedule of fees of NIBH is as follows:

Yen

- (a) Storage:
 - original deposit 220,000
 - new deposit 16,000
- (b) Attestation referred to in Rule 8.2 .. 2,000
- (c) Issuance of a viability statement:
 - if the depositor, when requesting the issuance of a viability statement, also requests a viability test 10,000

- other cases 2,000
- (d) Furnishing of a sample 11,000*
- (e) Communication of information under Rule 7.6 2,000

* When furnishing a sample to a foreign institution:

- additional 39,000 yen per package as cost of a special container is payable for animal cell cultures;
- additional 800 yen per package as cost of a special container is payable for other microorganisms.

Fees are expressed net of Value Added Tax according to Japanese provisions currently in force. Effective date of modification of fees: April 1, 1994.

[End of text of the notification of the Government of Japan]

The fees set forth in the said notification will apply as from April 1, 1994, the date indicated in the said notification (see Rule 12.2(a) and (c) of the Regulations under the Budapest Treaty), and will replace the fees which were published in the May 1989 issue of *Industrial Property*.¹

Budapest Notification No. 88 (this notification is the subject of Budapest Notification No. 124, of February 7, 1994).

II. Notification of the European Patent Organisation (EPO)

DSM-DEUTSCHE SAMMLUNG VON
MIKROORGANISMEN
UND ZELLKULTUREN GmbH (DSM)

(Germany)

The following notification from the European Patent Organisation (EPO) dated December 6, 1993, was received on December 9, 1993, by the Director General of WIPO under the Budapest Treaty:

1. According to Rule 3.3 of the Regulations under the Budapest Treaty, I am pleased to inform you that the assurances made by the European Patent Organisation in its communications dated 23 July 1981, 8 March 1988 and 4 July 1990, namely that the DSM-Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH –complies with and will continue to comply with the requirements specified in Article 6.2 of the Budapest Treaty, are extended to *murine embryos*.

Annex I shows the complete list of all the kinds of microorganisms accepted by the DSM and Annex II indicates all requirements made by the DSM according to Rule 6.3 of the Regulations under the Budapest Treaty.

2. With reference to Rule 12 of the Regulations under the Budapest Treaty may I draw your attention to the amended schedule of fees of the DSM, in Annex III.

In Annexes I to III the amendments are indicated with an asterisk.

3. Please take note of Annex IV, showing a few amendments in the address, phone and facsimile numbers of the DSM.

Annex I Kinds of Microorganisms Accepted by the DSM

The DSM accepts the following kinds of microorganisms for deposit under the Budapest Treaty:

1. bacteria
2. fungi (including yeasts)
3. bacteriophages
4. plasmids
5. plant viruses
6. plant cell cultures
7. human and animal cell cultures
- *8. murine embryos.

Re points 1, 2, 3, 5, 6, 7:

*The DSM accepts for deposit only those bacteria, fungi and cell cultures which, pursuant to the notices of the "Berufsgenossenschaft der chemischen Industrie" (German trade association of the chemical industry) on "*Sichere Biotechnologie, Eingruppierung biologischer Agenzien*" ("Safe technology, classification of biological agents") (bacteria B006, fungi B007, viruses B004, cell cultures B009), belong to hazard group 1 or 2. An English translation of the texts is also available. Similar restrictions likewise apply to murine embryos. If the relevant group is not known, information can be obtained from the DSM.

Re points 1, 2, 3, 4, 5, 6, 7, 8:

*It must be possible to process genetically manipulated bacteria, fungi, bacteriophages, isolated DNA, plant viruses and plant, human and animal cell cultures as well as murine embryos in accordance with safety levels 1 or 2 of the "*Gesetz zur Regelung von Fragen der Gentechnik*" [genetic engineering act], 1990, BGBI/Part I, No. 28, Z 5702 A, 20 June 1990.

¹ *Industrial Property*, 1989, p. 172.

Re point 5:

Plant viruses which cannot multiply through mechanical infection of plants cannot be accepted for deposit.

Re point 6:

Plant cell cultures can only be deposited in the form of callus or suspension cultures with non-differentiated growth. The material for deposit must be free from contamination by foreign organisms.

Re point 7:

*Animal and human cell cultures cannot be accepted for deposit if they are contaminated with viruses or other foreign organisms (particularly mycoplasma). Please note that the DSM requires about two weeks for carrying out the necessary check for mycoplasma contamination.

Re point 8:

*Before preservation of the embryos by the depositor and subsequent despatch to the DSM information concerning the method to be used must be obtained from the DSM.

The DSM reserves the right to refuse to accept for deposit material which in its view represents an unacceptable hazard or which it is not in a position to process.

In all instances, it must be possible to preserve the deposited material by lyophilization or storage in liquid nitrogen or by some other method of long-term preservation without significant change.

Annex II
Requirements Under Rule 6.3
of the Budapest Treaty

Re points 1, 2:

Bacteria and fungi should, where possible, be deposited in the form of two active cultures.

Re point 3:

Bacteriophages should be deposited in minimum quantities of 2 x 5 ml having a minimum titre of 1 x 10⁹ pro ml.

Re point 4:

Plasmids as isolated DNA preparations should be deposited in a minimum quantity of 2 x 20 µg.

Re point 5:

Plant viruses should be deposited in the form of dried or frozen material along with the host's seeds, unless the host is generally available. 100 µl of serum suitable for immunoelectron microscopy should also be deposited for the purity and identity test.

When hybridomes for antibody testing of plants are deposited, the antigen (*not pathogen*)

necessary for the specificity test should be deposited at the same time.

Re point 6:

In the case of plant cell cultures, active cultures in the form of a callus (four petri dishes) or suspension (three culture vessels) or frozen cultures (18 cryoampoules) should be deposited.

Re point 7:

*In the case of animal and human cell cultures, frozen cultures should be deposited in 12 ampoules, each containing at least 5 x 10⁶ cells.

Re point 8:

*Murine embryos should be deposited in 12 ampoules, each containing at least 15-20 embryos.

Annex III
Fee Schedules

Fees for the deposit of microorganisms under the Budapest Treaty:

DEM

III.1

- | | |
|--|--------|
| (a) Storage according to Rule 12.1(a)(i) of the Budapest Treaty | |
| bacteria, fungi, plasmids, bacteriophages and plant viruses | 1,150* |
| plant cell cultures | 2,500 |
| human and animal cell cultures, *murine embryos | 2,400 |
| (b) Conversion of a deposit made outside the Budapest Treaty into a deposit according to the Budapest Treaty | |
| bacteria, fungi, plasmids, bacteriophages and plant viruses | 1,150* |
| plant cell cultures | 2,500 |
| human and animal cell cultures, *murine embryos | 2,400 |
| (c) Prolongation of the duration of the storage over the one provided by Rule 9 of the Budapest Treaty, per year | |
| bacteria, fungi, plasmids, bacteriophages and plant viruses | 40* |
| plant cell cultures | 80 |
| human and animal cell cultures, *murine embryos | 80 |

III.2

Issuance of a viability statement under Rule 12.1(a)(iii) of the Budapest Treaty

- (a) where a viability test is also requested

bacteria, fungi, plasmids, bacteriophages and plant viruses	130*
plant, human and cell cultures, *murine embryos	200
(b) on the basis of the last viability test bacteria, fungi, plasmids, bacteriophages, plant viruses, plant, human and animal cell cultures, *murine embryos	60*
III.3 Furnishing of a sample under Rule 12.1(a)(iv) of the Budapest Treaty (plus current freight costs)	
bacteria, fungi, plasmids, bacteriophages and plant viruses	130*
plant, human and animal cell cultures, *murine embryos	200
III.4 Communication of information under Rule 7.6 of the Budapest Treaty	
bacteria, fungi, plasmids, bacteriophages, plant viruses, plant, human and animal cell cultures, *murine embryos	60*
III.5 Attestation referred to in Rule 8.2 of the Budapest Treaty	
bacteria, fungi, plasmids, bacteriophages, plant viruses, plant, human and animal cell cultures, *murine embryos	60*

As a general rule, the fees under points 1, 2, 4 and 5 (services provided within the Federal Republic of Germany) are subject to VAT, currently at the rate of 7%, which is also payable where samples are furnished to requesting parties in the Federal Republic of Germany.

Turnover tax, again currently at the rate of 7%, must also be charged on EC orders not quoting a VAT registration number.

A processing fee of DEM 40 to cover bank charges is payable on all foreign invoices.

Annex IV

New address:

DSM-Deutsche Sammlung von Mikroorganismen
und Zellkulturen GmbH
Mascheroder Weg 1b
D-38124 Braunschweig

New telephone number:

Telephone exchange: 0531-2616-0
Telefax: 0531-2616-418
Patent department: 0531-2616-254.

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

The list of kinds of microorganisms specified in Annex I of the notification of the EPO and the amendments to the requirements provided for by Rule 6.3 of the Regulations under the Budapest Treaty will take effect as from February 28, 1994, the date of publication of the said notification in the present issue of *Industrial Property*. The said list of kinds of microorganisms and the said requirements will supplement the list of kinds of microorganisms and the requirements published in the September 1990 issue of *Industrial Property*.²

The amended fees, indicated with an asterisk, set forth in Annex III of the said notification will apply as from the thirtieth day following the date of publication (February 28, 1994) of the said fees in the present issue of *Industrial Property*, that is, as from March 30, 1994 (see Rule 12.2(c) of the Regulations under the Budapest Treaty).

Budapest Notification No. 87 (this notification is the subject of Budapest Notification No. 123, of January 24, 1994).

² *Ibid.*, 1990, p. 249.

Normative Activities of WIPO in the Field of Industrial Property

Paris Union

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

Sixth Session
(Geneva, November 29 to December 10, 1993)

Introduction

1. The Committee of Experts on the Harmonization of Laws for the Protection of Marks (hereinafter referred to as "the Committee of Experts") held its sixth session in Geneva from November 29 to December 10, 1993.¹

2. The following States members of the Paris Union were represented at the session: Algeria, Argentina, Australia, Austria, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Canada, Chile, China, Croatia, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Egypt, Finland, France, Germany, Ghana, Hungary, Indonesia, Ireland, Italy, Japan, Kenya, Latvia, Lesotho, Libya, Luxembourg, Malawi, Malta, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovenia, Spain, Sri Lanka, Swaziland, Sweden, Switzerland, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uruguay (60). In addition, the European Communities (EC) were represented.

3. The following States members of WIPO were represented by observers: Colombia, Ecuador, Pakistan, Saudi Arabia, Thailand (5).

4. Representatives of the United Nations Conference on Trade and Development (UNCTAD), the Benelux Trademark Office (BBM) and the African Intellectual Property Organization (OAPI) participated in the session in an observer capacity.

5. Representatives of the following non-governmental organizations participated in the session in an observer capacity: Asian Patent Attorneys Association (APAA), Chartered Institute of Patent Agents (CIPA), Committee of National Institutes of Patent Agents (CNIPA), European Association of Industries of Branded Products (AIM), European Communities Trade Mark Association (ECTA), Hungarian Trademark Association (HTA), Inter-American Association of Industrial Property (ASIPI), International Association for the Protection of Industrial Property (AIPPI), International Chamber of Commerce (ICC), International Federation of Industrial Property Attorneys (FICPI), International Trademark Association (INTA), Japan Patent Association (JPA), Japanese Patent Attorneys Association (JPAA), Japan Trademark Association (JTA), Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (MPI), Union of Manufacturers for the International Protection of Industrial and Artistic Property (UNIFAB) (16).

6. The list of participants is contained in the Annex to this report.²

7. Mr. François Curchod, Deputy Director General, opened the session and welcomed the participants on behalf of the Director General of WIPO.

8. The Committee of Experts unanimously elected Mr. Alexander von Mülhendahl (Germany) as Chairman and Mr. Henry Olsson (Sweden) and Mr. Valery Petrov (Ukraine) as Vice-Chairmen. Mr. P. Mangué (WIPO) acted as Secretary to the Committee of Experts.

¹ For notes on the first, second, third, fourth and fifth sessions, see *Industrial Property*, 1990, pp. 101 and 375, 1992, p. 244, and 1993, pp. 89 and 289, respectively.

² A full list of participants may be obtained on request from the International Bureau.

9. Discussions were based on the following documents prepared by the International Bureau of WIPO: "Draft Trademark Law Treaty" (document HM/CE/VI/2), "Draft Regulations under the Draft Trademark Law Treaty" (document HM/CE/VI/3), "Suggestions Based on the Discussions of the Committee of Experts in Respect of Draft Articles 4 and 7(2) and Draft Rules 4 and 8" (documents HM/CE/VI/4 and HM/CE/VI/4 Rev.) and "Suggestions Based on the Discussions of the Committee of Experts in Respect of Draft Article 24" document HM/CE/VI/5). In this report, references to "the draft Treaty," as well as to any given "draft Article" or "Article," "draft Rule" or "Rule" or "Note" are references to the Draft Treaty, to the given draft Article or Rule or to the given Note as contained in documents HM/CE/VI/2, HM/CE/VI/3, HM/CE/VI/4, HM/CE/VI/4 Rev. and HM/CE/VI/5.³

10. The Secretariat noted the interventions made and recorded them on tape. This report summarizes the discussions without reflecting all the observations made.

General Declarations

11. The Delegation of the United Kingdom announced that its Government had introduced into Parliament a trademark bill providing for the streamlining of trademark procedures, bringing them into compliance with the European Communities' harmonization directive, as well as ratification of the Madrid Protocol. The Delegation offered to provide copies of the draft bill to any interested participant.

12. The Delegation of the Russian Federation underlined that its country was particularly interested in trademark law harmonization.

13. The Delegation of Chile made the following statement:

"Chile is a country in which there is great interest for the protection of marks. This has been confirmed over the last years by the large number of applications (both new registrations and renewals) which have been filed with the national Office, which according to WIPO statistics places Chile among the 10 countries of the world with the greatest number of trademark applications. In other words, in spite of its level of development, my country is an important participant in the international system of marks.

Between 1989 and 1992 the number of new applications for marks has increased in Chile by

50%, and during the first quarter of 1993 those applications increased by 14% with respect to the same period of the preceding year.

In 1992, 32,500 applications for new registrations and renewals were filed in Chile. Considering that a multi-class application system is used in the country, that figure in fact represents close to 42,300 applications in individual classes.

There is no doubt that the aforementioned figures have led the Government of Chile to analyze the draft Treaty for the harmonization of trademark laws with much seriousness and responsibility, although it regrets that it only covers administrative and procedural aspects and has not attained agreements of substance, as was the original idea.

The greatest concern of my Government in respect of this draft Treaty, as we expressed in earlier meetings, is the question of legal insecurity which some of its provisions may entail for the applicants or holders of rights, because of the strong wish of many delegations to facilitate and expedite the procedures within national Offices. Chile has agreed with the simplification of procedures for the grant of this type of rights, provided that such a simplification does not imply eliminating those formalities which many legal systems establish precisely for the purpose of granting legal security both to the holders of rights and to the public.

The solemnity or formality which surrounds certain acts in our legal system serves the purpose of giving efficacy, a degree of legal certainty or simply publicity to those acts, especially in consideration of their importance and of the juridical object for which protection is sought. It is for that reason that our delegation considers that certain formalities should be maintained in respect of the processing and granting of rights in trademarks, as a way of protecting not only the holders of those rights but also society.

Upon examining this draft in detail, our delegation noticed with interest that amendments had been introduced in several articles which, in our view, in respect of many procedures, entailed a simplification which, although it would facilitate processing, would cause insecurity for the rights of holders vis-à-vis third party action which could seriously endanger those rights. Nevertheless, my delegation believes that some provisions persist which still deserve further analysis, such as the impossibility of establishing the authentication of signatures by a public authority in the case of powers of attorney, the possibility of amending the Treaty by the Assembly, the possibility of establishing protocols, etc.

Our Delegation hopes that a high degree of consensus will materialize at the Diplomatic Conference with regard to the provisions of the

³ For the draft Trademark Law Treaty and the Regulations thereunder, see *Industrial Property*, 1993, pp. 339 and 363, respectively. The Notes are not reproduced here.

future Treaty, so that a large number of countries may accede to it and ensure the necessary universality appropriate of a specialized agency of the United Nations system, such as WIPO. It is for that reason that we are concerned by a feeling perceived at the various meetings of this Committee of Experts in the sense that it would not matter if one or several countries are obliged to stay away from the Treaty. We believe that, to the contrary, the necessary efforts should be made to accommodate all positions and legal systems, seeking solutions with imagination. The Delegation of Chile is prepared to work constructively with a view to the Diplomatic Conference, and hopes that the rest of the delegations will do likewise. Prior to such an important meeting in the field of industrial property we shall circulate draft amendments to the basic proposal which we hope will be carefully examined in order to find compromise solutions which may make it possible to achieve successful results at the said Conference, as my country hopes."

14. The Representative of the JPA stated that his Association was composed of corporate intellectual property practitioners from more than 600 private Japanese companies which included the owners of almost all Japanese famous and well-known trademarks. The Japanese industry strongly and fully supported the efforts towards trademark law harmonization and favored the key concept of being "user friendly." The next goal of Japanese industry would be the accession of Japan to the Madrid Protocol, which required cooperation between the Government of Japan and Japanese industry to reduce the almost half-a-million pending trademark and service mark applications and substantial changes to the present trademark law and procedures of Japan.

15. The Representative of the ICC recalled that the ICC had participated with the greatest enthusiasm in the harmonization of trademark laws, and that the users of the trademark system should be kept in mind when proposing solutions to the existing problems, as they were always directly concerned. The Representative mentioned as an example that, under existing laws, it took an enormous amount of work and time to issue powers of attorney in various countries of the world.

Provisions of the Draft Treaty and of the Draft Regulations under the Draft Treaty

Draft Article 1: Abbreviated Expressions

16. This Article was approved as proposed, subject to, in item (ix), the amendment referred to in paragraph 272, below, relating to Article 22(1)(ii).

Draft Rule 1: Abbreviated Expressions

17. This Rule was approved as proposed.

Draft Article 2: Marks to Which the Treaty Applies

18. *Paragraph (1)(a).* This provision was approved as proposed. In response to an observation relating to the possible introduction in this Article of a provision requiring the notification to the International Bureau of the fact that a Contracting Party accepted three-dimensional marks for registration, it was agreed that such a notification was not needed since such information was easily available.

19. *Paragraph (1)(b).* This provision was approved as proposed. It was agreed that the corresponding note (Note 2.02) would indicate that Contracting Parties should, to the extent possible, apply the provisions of the Treaty to hologram marks and to marks not consisting of visible signs, in particular, sound marks and olfactory marks.

20. In the French text of this provision, first line, the word "pas" after the word "applicable" should be deleted; in the second line, the comma appearing after the word "particulier" should be deleted.

21. *Paragraph (2)(a).* This provision was approved as proposed.

22. *Paragraph (2)(b).* This provision was approved as proposed. It was noted that, after the entry into force of the Treaty, the question of collective marks, certification marks and guarantee marks might be the subject of a Protocol under Article 21.

23. *Paragraph (2)(c).* This provision was approved, subject to the inclusion of a reference to "derivative marks" as known in Spain.

Draft Article 3: Application

24. *Paragraph (1)(a), introductory phrase.* This phrase was approved as proposed.

25. *Item (i).* This item was approved as proposed.

26. *Item (ii).* This item was approved as proposed.

27. *Item (iii).* This item was approved as proposed. The corresponding note should make it clear that a Contracting Party was free to require some or all of the indications mentioned in this item.

28. *Item (iv).* This item was approved, subject to the following changes: (i) in the first line, the words "the nature" should be replaced by the words "the

legal nature” or any other words corresponding to the French expression “forme juridique”; (ii) in the second line, the word “or” should be replaced by the word “and” in order to make it clear that, where appropriate, a Contracting Party could require the indication of both the relevant State and the relevant territorial unit within that State; (iii) in the English text, in the last line, the word “incorporated” should be replaced by “organized.”

29. *Items (v) to (vii)*. These items were approved as proposed.

30. *Item (viii)*. It was agreed that the wording of this item should be reworded along the following lines: “where the Office of the Contracting Party uses characters (letters and numbers) that it considers as being standard and where the applicant wishes that the mark be registered and published in those standard characters, a statement to that effect.”

31. *Items (ix) to (xii)*. These items were approved as proposed.

32. *Item (xiii)*. This item was approved as proposed, it being understood that the Notes should make it clear that the Office of a Contracting Party was free, in the course of the examination of the application, to require that the applicant specify goods and/or services which the Office considered too vague.

33. *Items (xiv) and (xv)*. These items were approved as proposed.

34. *Notes to paragraph (1)(a)*. It was agreed that the Notes to paragraph (1)(a) would make it clear that a Contracting Party was free, as provided for in paragraph (7)(iv), to require a certificate of registration in the country of origin where the applicant claimed the application of Article 6*quinquies* of the Paris Convention.

35. *Paragraph (1)(b)*. This provision was approved as proposed.

36. *Paragraph (1)(c)*. This provision was approved, subject to the replacement, in the second line, of the words “a fee” by the word “fees.”

37. In the Spanish text, the provision referred to as “paragraph (1)(c)” should be deleted, and the provision referred to as “paragraph (1)(d)” should become paragraph (1)(c).

38. *Paragraph (2), introductory phrase*. This phrase was approved as proposed.

39. *Item (i)*. This item was approved, subject to the replacement of the words “on the application Form

provided for in the Regulations” by the words “on a form corresponding to the application Form provided for in the Regulations.” It was indicated that the same amendment should be made, *mutatis mutandis*, in Article 4 (presentation of the power of attorney), in Article 10(1)(a)(i) (presentation of the request for the recordal of a change in names or addresses), in Article 11(1)(a)(i) (presentation of the request for the recordal of a change in ownership), in Article 12(1)(a)(i) (presentation of the request for the correction of a mistake) and in Article 13(2)(i) (presentation of the request for renewal).

40. *Items (ii)*. This item was approved as proposed, subject to the replacement, in this item, and throughout the Treaty and the Regulations, of the word “telecopier” by the word “telefax” or by an expression which, to the best knowledge of the International Bureau, was not registered as a trademark in any prospective Contracting Party (e.g., “telefacsimile”).

41. *Item (iii)*. This item was approved as proposed.

42. *Paragraph (3)*. It was agreed that this paragraph should be reworded as follows: “Any Contracting Party may require that the application be in the language, or in one of the languages, admitted by its Office.” It was indicated that the same change should be made, *mutatis mutandis*, in Rule 2(8) (translation of the mark), in Article 4 (language of the power of attorney), in Article 10(1)(b) (language of the request for the recordal of a change in names or addresses), in Article 11(2) (language of the request and other documents relating to change in ownership), in Article 12(1)(b) (language of the request for the correction of a mistake) and in Article 13(3) (language of the request for renewal and of any document relating to the use of the mark).

43. *Paragraph (4)*. This paragraph was approved as proposed.

44. *Paragraph (5)*. The Delegation of Spain indicated that, unless this paragraph was made optional for Contracting Parties, its country would reserve, for the time being, its position on this provision and on any other provisions of the draft Treaty related to a multiple class application or registration system. It added that its country was still considering the possible advantages of adopting such a system.

45. The Delegation of Japan (a country presently providing only for a single class application system) indicated that it considered this provision one of the most important of the draft Treaty. It added that it had extensively examined the consequences of adopting a multiple class application system and

emphasized that, for a country which handled a great number of trademark applications (and registrations), the adoption of a multiple class application system implied a complete restructuring of the application procedure, in particular, for the purposes of computerization. In order to successfully achieve this restructuring, time and investments were needed. Its country was, therefore, still examining the transitional period (which would be provided for under Article 24) which was needed in order to successfully achieve the shift to a multiple class application system.

46. In conclusion, it was agreed that paragraph (5) should be maintained as proposed.

47. *Paragraph (6).* It was agreed that a Contracting Party should be able to require, within the applicable time limit, intermediary submissions concerning use of the mark before evidence of the actual use of the mark was furnished. The International Bureau was invited to examine whether the text of paragraph (6) should be amended to clarify that point.

48. *Paragraph (7), introductory phrase.* This phrase was approved as proposed, it being understood that the corresponding note (Note 3.34), last sentence, should be amended along the following lines: (i) the words “validity of the mark” should be replaced by “registrability of the mark”; (ii) additional examples should be indicated, such as the possibility of requiring a description of the mark and the possibility of requiring certain documents relating to the ability of a certain person (for example, a minor) to file an application.

49. *Items (i) to (iv).* These items were approved as proposed.

50. *(Paragraph (8)).* This paragraph was approved as proposed. It was agreed to delete from Note 3.42, second line, the words “which precedes the registration” since the opposition procedure may take place before or after the registration of a mark.

Draft Rule 2: Details Concerning the Application

51. *Paragraph (1)(a).* It was agreed to delete the last sentence of this provision and, in the third and fourth lines, to replace the words “and the given or secondary name of the natural person” by words such as “and the given or secondary name or names of the natural person, as customarily used by that person.”

52. *Paragraph (1)(b).* This provision was approved as proposed.

53. *Paragraph (2)(a).* This provision was approved as proposed, subject to the redrafting of the last sentence so that the indications of a telephone number and a facsimile number would become recommended rather than mandatory.

54. *Paragraph (2)(b).* This provision was approved as proposed.

55. *Paragraph (2)(c).* This provision was approved as proposed. It was agreed that a note should make it clear that this provision did not intend to regulate the question of who had the right to be an applicant and was applicable only if the national law allowed applications to be filed by several applicants.

56. *Paragraph (3).* This paragraph was approved, subject to the replacement, in the French text, of the words “adresse de service” in the title by “élection de domicile” and of the final words “et à l’adresse de service” by “et au domicile élu.”

57. *Paragraph (4).* This paragraph was approved, subject to the replacement, in the third and fourth lines, of the words “in characters which are standard in the territory of the Contracting Party” by the words “in the standard characters used by the Office.”

58. *Paragraph (5).* It was agreed to redraft this paragraph along the following lines:

“(a) Where the application does not contain a statement to the effect that the applicant wishes to claim color as a distinctive feature of the mark, a Contracting Party may not require more than five reproductions of the mark in black and white, provided that it may not require more than one such reproduction where the application contains a statement to the effect that the applicant wishes that the mark be registered and published in the standard characters used by the Office of that Contracting Party.

(b) Where the application contains a statement to the effect that the applicant wishes to claim color as a distinctive feature of the mark, a Contracting Party may not require more than five reproductions of the mark in black and white and five reproductions of the mark in color.”

59. *Paragraphs (6) and (7).* These paragraphs were approved as proposed.

60. *Paragraph (8).* This paragraph was approved, subject to the amendments referred to in paragraph 42, above, relating to Article 3(3).

61. *Paragraph (9).* It was agreed that this paragraph should be amended in a way consistent with the new wording of paragraph (1)(a) (see paragraph 51, above).

62. *Paragraph (10)*. This paragraph was approved, subject to the replacement, in the penultimate line, of the words "subject to the possible payment of fees" by words such as "subject to the conditions provided for by the law of that Contracting Party." Such an amendment would make it clear that, in order to obtain extensions of the time limit referred to in the said paragraph, a Contracting Party could require not only the payment of a fee but also the fulfillment of other conditions.

Draft Rule 3: Details Concerning Electronic Communications

63. It was confirmed that the contents of this Rule should be reserved until more experience had been gained with respect to electronic communications and, in particular, electronic filing of applications. As a consequence, the contents of that Rule would be established by the Assembly of the Contracting Parties, after the entry into force of the Treaty.

Draft Article 4: Representation

64. After a thorough discussion on the matter of representation as contained in document HM/CE/VI/2, the Secretariat prepared and submitted to the Committee of Experts an amended text of Article 4 in document HM/CE/VI/4 Rev.

65. *Paragraphs (1) and (2)* (document HM/CE/VI/2). It was agreed that paragraph (1) (Representatives Admitted to Practice) and paragraph (2) (Mandatory Representation; Address for Service) of Article 4 as appearing in document HM/CE/VI/2 should be reintroduced (as paragraphs (1) and (2)) in the new text of Article 4 as contained in document HM/CE/VI/4 Rev. As a consequence, the title of the Article would read as follows: "Representation; Address for Service."

66. *Paragraph (1)* (document HM/CE/VI/4 Rev.). This provision would be renumbered (3) in view of the reintroduction of paragraphs (1) and (2) of Article 4 as appearing in document HM/CE/VI/2 (see the preceding paragraph).

67. *Paragraph (1)(a)* (document HM/CE/VI/4 Rev.). This provision was approved as proposed. The notes would make it clear that a Contracting Party could refuse the appointment of a representative in the application itself. They would also explain that the reference to "any other interested person" covered, in particular, an opponent.

68. *Paragraph (1)(b)* (document HM/CE/VI/4 Rev.). This provision was approved as proposed.

69. The Delegation of Spain said that a Contracting Party should be able to require legalization of the signature of any power of attorney relating to all existing and future applications and/or registrations of the same person.

70. *Paragraph (1)(c)* (document HM/CE/VI/4 Rev.). This provision was approved as proposed.

71. It was agreed that Article 4 should allow a Contracting Party to require that, where the powers of the representative extended to the withdrawal of applications and to the surrender of registrations, the power of attorney expressly say so. Furthermore, the Notes would make it clear that, in respect of any matter which was not expressly covered by the Treaty, the law of a Contracting Party would apply (for example, where the law of a Contracting Party allowed subrepresentation, it could be required that, where the powers of the representative extended to the appointment of subrepresentatives, the power of attorney expressly authorize a representative to appoint such subrepresentatives).

72. *Paragraph (1)(d)* (document HM/CE/VI/4 Rev.). This provision was approved as proposed.

73. *Paragraph (1)(e)* (document HM/CE/VI/4 Rev.). This provision was approved as proposed, subject to the amendment referred to in paragraph 40, above, relating to Article 3(2)(ii).

74. *Paragraph (2)* (document HM/CE/VI/4 Rev.). This paragraph was approved as proposed.

75. *Paragraph (3)* (document HM/CE/VI/4 Rev.). Several delegations stated that this provision was not compatible with their general laws as regards certification of documents such as powers of attorney. They proposed that the draft Treaty which would be submitted to the Diplomatic Conference should allow Contracting Parties to require the certification of the signature appearing in a power of attorney or at least contain two alternatives on an equal footing, one with the text proposed in document HM/CE/VI/4 Rev. and the other with a provision allowing a Contracting Party to require the certification of the signature appearing in a power of attorney.

76. A majority of the delegations, as well as the representatives of observer organizations, which expressed themselves on this matter stated that the draft Treaty which would be submitted to the Diplomatic Conference should only contain the provisions of paragraph (3) as appearing in document HM/CE/VI/4 Rev., and it was so decided.

77. One of the delegations which had suggested the introduction of the alternative, while acknowledging

the fact that a majority of the delegations present in this session did not support that suggestion, underlined that many countries which could have the same concerns as its country were not represented in this Committee of Experts but would participate in the Diplomatic Conference.

78. The Director General underlined that any decision taken during the present session of the Committee of Experts would only serve to prepare the basic proposal for the Diplomatic Conference and that all decisions on the final contents of the Treaty and the Regulations would be made by the Diplomatic Conference itself.

79. *Paragraph (4) (document HM/CE/VI/4 Rev.).* This paragraph was approved as proposed.

80. *Paragraphs (9) and (10) (document HM/CE/VI/2).* It was agreed that these provisions should appear in the text of Article 4.

Draft Rule 4: Details Concerning Representation

81. In view of the submission by the Secretariat of a new text of Article 4 (see paragraphs 64 to 80, above), a new text which contained a single paragraph was also proposed for Rule 4 in document HM/CE/VI/4 Rev. It was explained that the new draft of Article 4 entailed the deletion of Rule 4(2) as proposed in document HM/CE/VI/2.

82. This Rule was approved as proposed in document HM/CE/VI/4 Rev. It was agreed that the notes would make it clear that the Office of a Contracting Party was not obliged to send a notification requesting the furnishing of the power of attorney.

Draft Article 5: Filing Date

83. *Paragraph (a).* The Delegation of the United States of America suggested the inclusion, in the list of permitted requirements under this paragraph, of a certificate of the registration in the country of origin where an applicant filed on the basis of Article 6quinquies of the Paris Convention. This suggestion was not retained. It was generally felt that the Delegation should reconsider whether this requirement could not be fulfilled during the application procedure without constituting a filing date requirement since one of the purposes of harmonization was to reduce the requirements for obtaining a filing date.

84. *Introductory phrase.* This phrase was approved as proposed.

85. *Item (i).* This item was approved as proposed. In the corresponding Note 5.03, third line, the words "could accept" should be replaced by "must accept."

86. *Item (ii).* This item was approved as proposed.

87. *Item (iii).* This item was approved, subject to the addition of the words "by mail" after the words "if any." It was emphasized that paragraph (1)(a) contained the maximum requirements that a Contracting Party might impose for the purposes of according a filing date, as shown by paragraph (b), and that a Contracting Party was free, for example, not to require a mailing address in order to accord a filing date.

88. *Item (iv).* This item was approved, subject to the addition of the words "sufficiently clear" before the word "reproduction."

89. *Item (v).* This item was approved as proposed, subject to the replacement, in the French text, of the word "et" by "ou."

90. *Item (vi).* This item was approved as proposed.

91. *Paragraph (1)(b).* This provision was approved as proposed.

92. *Paragraphs (2) to (4).* These paragraphs were approved as proposed.

Draft Rule 5: Details Concerning the Filing Date Requirements

93. *Paragraph (1).* This paragraph was approved as proposed. One delegation suggested that the time limit for compliance with filing date requirements be reduced to one month where the applicant's address was outside the territory of the Contracting Party concerned and where the address of the appointed representative was within that territory. This suggestion was not retained, since the two-month time limit was given in such a case to enable the local representative to communicate with the applicant. It was understood that the word "applicant," in the fourth line, included the applicant's representative, if any, and that, therefore, the Office would, if the applicant had a representative, send the invitation referred to in Rule 5(1) to the representative.

94. *Paragraph (2).* This paragraph was approved as proposed, subject to the replacement in the English text, fourth line, of the word "indication" by "indications" and, in the Spanish text, fourth line, of the word "indicación" by "indicaciones."

95. *Paragraph (3).* This paragraph was approved, subject to the replacement of the words "intergovern-

mental organization” by the words “regional inter-governmental organization” (see paragraph 272, below) and to the inclusion of a reference to delivery services specified by the Office concerned, so that a Contracting Party could consider a document to have been received by, or a fee to have been paid to, its Office if such document had been received by, or if such fee had been paid to, such a delivery service.

96. *Paragraph (4).* This paragraph was approved as proposed, subject to the replacement, in the French text, seventh and eighth lines, of the words “dans un délai d’au moins un mois” by the words “dans un délai qui ne peut être inférieur à un mois” and to the amendment referred to in paragraph 40, above, relating to Article 3(2)(ii).

97. It was suggested to include in the Notes a recommendation that an Office receiving an illegible fax should alert the sender rapidly, for example, through a system providing for the automatic “refaxing” to the sender of what had been received by the Office.

Draft Article 6: Single Registration for Goods and/or Services in Several Classes

98. That Article was approved as proposed, subject to the possible addition of the words “subject to Article 7.”

99. The Delegation of Spain indicated that the reservation it had made in respect of the obligation for a Contracting Party to adopt a multiple class application system (see paragraph 44, above, relating to Article 3(5)) applied also to a multiple class registration system.

Draft Article 7: Division of Application

100. The provision of that Article was approved as proposed, subject to the addition, in the French text, of a comma in the third line after the parenthesis following the word “divisionnaires” and to the deletion of the word “préservent.”

101. It was agreed that the existing provision should constitute paragraph (1) of Article 7 and that a paragraph (2) should be added with a wording along the following lines: “Paragraph (1) shall apply, *mutatis mutandis*, during any procedure before the Office in which the validity of the registration is challenged by a third party, provided that a Contracting Party may exclude such an application of paragraph (1) if its law provides for a possibility for third parties to oppose the registration of a mark before the mark is registered.”

Draft Rule 6: Division of Application

102. It was agreed that this Rule should be redrafted so as to cover the possibility of division of a registration resulting from the introduction of a new paragraph (paragraph (2)) in Article 7. Moreover, the wording of this Rule or of Note 6.02 should be reconsidered to make it clear, on the one hand, that a Contracting Party could not impose a time limit, beyond what was said at the end of the said Note, after the expiration of which an application could no longer be divided and, on the other hand, that a Contracting Party was free to subject a division to the payment of a fee.

Draft Article 8: Signature and Other Means of Self-Identification

103. *Paragraph (1).* This paragraph was approved as proposed. In Note 8.02, seventh line, the word “provides” should be replaced by “allows to require” and, in the penultimate line, the word “must” should be deleted.

104. *Paragraph (2).* This paragraph was approved as proposed, subject to the amendment referred to in paragraph 40, above, relating to Article 3(2)(ii).

105. *Paragraph (3).* This paragraph was approved, subject to the deletion of the words “rather than on paper or by telecopier.”

106. *Paragraph (4).* This paragraph was approved as proposed. One delegation considered that the exception relating to the surrender of a registration should be extended to a change in ownership of a registration.

Draft Rule 7: Signature and Other Means of Self-Identification

107. This Rule was approved as proposed, subject to the amendment referred to in paragraph 40, above, relating to Article 3(2)(ii).

Draft Article 9: Classification of Goods and/or Services

108. *Paragraph (1).* This paragraph was approved as proposed.

109. *Paragraph (2)(a).* This provision was approved as proposed.

110. *Paragraph (2)(b).* This provision was approved as proposed, subject to the replacement, in the English text, last line, of the word “several” by the

word “different.” Moreover, Note 9.02 should be reworded and expanded.

Draft Article 10: Changes in Names or Addresses

111. *Paragraph (1)(a), introductory phrase.* This phrase was approved as proposed, subject to the addition, in the sixth line, after the word “concerned” of the words “the name and address of the holder, the name and address of the representative, if any, of the holder.” It was suggested that, in the third line, the expression “the request” be replaced by “a request” and that the same amendment be made in the third line of Article 11.

112. *Item (i).* This item was approved as proposed, subject to the amendment referred to in paragraph 39, above, relating to Article 3(2)(i).

113. *Item (ii).* This item was approved as proposed, subject to the amendment referred to in paragraph 40, above, relating to Article 3(2)(ii).

114. *Item (iii).* This item was approved as proposed.

115. *Paragraph (1)(b).* This provision was approved as proposed, subject to the amendment referred to in paragraph 42, above, relating to Article 3(3).

116. *Paragraph (1)(c).* This provision was approved as proposed.

117. *Paragraph (1)(d).* This provision was approved as proposed.

118. *Paragraph (2).* This paragraph was approved as proposed, subject to the following amendments in the French text: (i) in the fourth line, the comma after the word “enregistrements” should be replaced by a semi-colon and the words “à condition que” should be replaced by the word “toutefois” followed by a comma; (ii) in the fifth line, the word “permettre” should be replaced by the words “doit permettre.” It was indicated that the same changes should be made, in the French text, to paragraph (3) of Article 11 (Change in ownership) and paragraph (2) of Article 12 (Correction of a mistake).

119. *Paragraph (3).* This paragraph was approved as proposed.

120. *Paragraph (4).* This paragraph was approved as proposed. Following observations from some delegations which were of the opinion that some other requirements should be allowed, mainly in respect of a change of name, it was emphasized that the main purpose of this Article (and of most of the provisions of this Treaty) was to do away with the routine

requirements which presently existed in some countries in respect of applications or other requests and overburdened the task of applicants or holders. Naturally (and paragraph (5) relating to evidence was there for that purpose), any Contracting Party whose Office had any reasonable doubts could request evidence.

121. *Paragraph (5).* This paragraph was approved as proposed.

Draft Article 11: Change in Ownership

122. *Paragraph (1)(a), introductory phrase.* This phrase was approved as proposed.

123. *Item (i).* This item was approved as proposed, subject to the amendment referred to in paragraph 39, above, in respect of Article 3(2)(i).

124. *Item (ii).* This item was approved as proposed, subject to the amendment referred to in paragraph 40, above, in respect of Article 3(2)(ii).

125. *Item (iii).* This item was approved as proposed.

126. *Paragraph (1)(b), introductory phrase:* This phrase was approved as proposed, subject to the addition, in the second line, after the word “request” of the words “indicate that fact and.” A few delegations were of the opinion that the choice of the document which could accompany the request for the recordal of a change in ownership resulting from a contract should be left to Contracting Parties and not to the requesting party.

127. *Items (i) and (ii).* These items were approved as proposed. It was explained that the certification which was allowed under those items applied to the copy of the contract or to the extract of the contract (being in conformity with the original contract or being a true extract of the contract) and not to the contract or the extract as such or to any signature contained therein. A few delegations were of the opinion that it should be possible for a Contracting Party to require the certification of the signature of any document relating to a change in ownership.

128. *Items (iii) and (iv).* These items were approved as proposed, subject to the addition, in the French texts of these items, first line, of a comma after the word “conforme.”

129. *Paragraph (1)(c).* This provision was approved as proposed, subject to the addition, in the second line, after the word “request” of the words “indicate that fact and.”

130. *Paragraph (1)(d)*. This provision was approved as proposed, subject to the addition, in the third line, after the word “request” of the words “indicate that fact and.”

131. *Paragraph (1)(e)*. This provision was approved, subject to the addition of a new item relating to the name and address of the representative, if any, of the new owner and to an address for service.

132. *Paragraph (1)(f)*. This provision was approved as proposed.

133. *Paragraph (1)(g)*. This provision was approved as proposed.

134. *Paragraph (1)(h)*. This provision was approved as proposed. The Delegation of Spain indicated that, since this provision presupposed the existence in a Contracting Party of a multiple class system its country would also reserve its position on this provision. It added that, according to the law of its country which provided for the principle of indivisibility of a registration, this provision would not be applicable since a registration covering a single class of goods or services of the Nice Classification could not be the subject of a partial change in ownership. It was answered that Note 11.11 would make it clear that, since the Treaty did not cover the substantive conditions relating to the change in ownership of a registration, a Contracting Party was free to refuse a partial change in ownership and, consequently, a request for recordal of such a partial change in ownership.

135. *Paragraph (2)*. This paragraph was approved as proposed, subject to the amendments referred to in paragraph 42, above, relating to Article 3(3).

136. *Paragraph (3)*. This paragraph was approved as proposed, subject to the same amendments, in the French text, as those related to Article 10(2) (see paragraph 118, above).

137. It was understood that, as was the case for a partial change in the ownership of a registration (see paragraph 134, above, in respect of paragraph (1)(h)), a Contracting Party was free not to allow a partial change in the ownership of an application and, consequently, refuse the request for recordal of such a change in ownership. It was added that the notes would be clarified and that an explanatory note would also be included in respect of Model International Form No. 5 to the effect that the Individualized International Form of a Contracting Party not allowing partial changes in ownership could omit any reference to such partial changes.

138. *Paragraph (4), introductory phrase*. This phrase was approved as proposed. It was indicated that Notes 11.14 and 11.15 would be amplified in the same way as Note 3.34 in respect of Article 3(7), introductory phrase (see paragraph 48, above). These notes, in conjunction with Note 11.17 relating to paragraph (5) (evidence in case of reasonable doubt) would clearly state that the Treaty did not regulate the question of substantive requirements relating to the validity of a change in ownership (for example, in situations concerning inheritance or bankruptcy).

139. *Item (i) to (iv)*. These items were approved as proposed.

140. *Paragraph (5)*. This paragraph was approved as proposed, subject to the addition, in the French text, first line, of the word “ou” after the word “preuves.”

Draft Rule 9: Details Concerning Change in Ownership

141. This Rule was approved as proposed.

Draft Article 12: Correction of a Mistake

142. *Paragraph (1)(a), introductory phrase*. This phrase was approved, subject to the addition, in the seventh line, after the word “concerned,” of the words “the name and address of the holder, the name and address of the representative, if any, of the holder.”

143. *Item (i)*. This item was approved as proposed, subject to the amendment referred to in paragraph 39, above, in respect of Article 3(2)(i).

144. *Item (ii)*. This item was approved as proposed, subject to the amendment referred to in paragraph 40, above, in respect of Article 3(2)(ii).

145. *Item (iii)*. This item was approved as proposed.

146. *Paragraph (1)(b)*. This provision was approved, subject to the amendment referred to in paragraph 42, above, in respect of Article 3(3).

147. *Paragraph (1)(c)*. This provision was approved as proposed.

148. *Paragraph (1)(d)*. This provision was approved as proposed.

149. *Paragraph (2)*. This paragraph was approved as proposed, subject to the same amendments, in the French text, as those related to Article 10(2) (see paragraph 118, above).

150. *Paragraph (3).* This paragraph was approved as proposed.

151. *Paragraph (4).* It was agreed to replace the words "the veracity of any indication contained in the request" by the words "that the alleged mistake is in fact a mistake."

152. *Paragraph (5).* This paragraph was approved as proposed.

Draft Rule 8: Manner of Identification of an Application Without Its Application Number

153. Several delegations questioned the need to have such a Rule in the Regulations since, where an applicant or a representative needed to contact an Office in respect of an application before an application number had been given (because, for example, the application contained a mistake or an element was missing), it was in the interest of that applicant or representative to give as many indications as possible to the Office concerned so that the latter be able to trace and identify that application.

154. Other delegations, as well as the representatives of all observer organizations which expressed themselves on the matter, were in favor of maintaining such a Rule.

155. After a thorough discussion, it was decided to retain such a Rule in the Regulations. The Secretariat prepared and submitted to the Committee of Experts a new text of Rule 8 contained in document HM/CE/VI/4 Rev.

156. This Rule was approved, subject to making it clear either in the Rule or in the Notes that each of the manners of identification referred to in the Rule was the maximum that a Contracting Party could require and that any Contracting Party was free to accept other manners of identification. One delegation expressed a reservation with respect to the obligation for its Office to accept a copy of the application as provided for in item (ii).

Draft Article 13: Duration and Renewal of Registration

157. *Paragraph (1)(a).* The Delegation of China proposed to add the holder's original certificate of registration to the list of allowable requirements under paragraph (1)(a). It explained that, under its law, such original certificate of registration had to accompany the application for renewal and was returned to the holder with an indication that the renewal was approved. China needed a certain period of time to abandon such a requirement since, following the adoption of the Nice Classification, its

Office was in the process of amending, at the time of renewal, all the certificates of registrations already issued, in order to substitute the Nice Classification for its internal classification. It was agreed that the International Bureau would examine this specific problem directly with China.

158. *Introductory phrase.* This phrase was approved as proposed.

159. *Item (i).* It was agreed to replace the words "a petition for renewal" by words such as "an indication that renewal is sought."

160. *Item (ii).* This item was approved as proposed.

161. *Item (iii).* It was agreed that this item should be subdivided into two separate items. The first item would read "the registration number of the registration concerned," and the second item would read "at the option of the Contracting Party, the filing date or the registration date of the registration concerned." It was explained that it was necessary to retain the filing date in the list of allowable requirements for those countries in which the term of the registration was counted from the filing date.

162. *Item (iv).* This item was approved as proposed. It was explained that this requirement was needed since the representative who had been appointed at the time of application may not be the one who filed a request for renewal.

163. *Item (v).* This item was approved as proposed.

164. *Item (vi).* Following a thorough discussion, which took place mainly in connection with paragraph (9) (see paragraphs 174 and 175, below), it was decided to amend item (vi) to the effect that Contracting Parties which required, at the time of adoption of the Treaty, a declaration of use of the mark could continue to apply their national law in that respect.

165. *Item (vii).* This item was approved as proposed.

166. *Paragraph (1)(b) and (c).* These provisions were approved as proposed.

167. *Paragraph (2).* This paragraph was approved as proposed, subject to the same amendments in items (i) and (ii) as those referred to in paragraphs 39 and 40, above, in respect of Article 3(2)(i) and (ii).

168. *Paragraph (3).* This paragraph was approved as proposed, subject to the amendment referred to in paragraph 42, above, in respect of Article 3(3) and to any adaptation to the new wording of paragraph (1)(a)(vi).

169. *Paragraphs (4) to (6).* These paragraphs were approved as proposed.

170. *Paragraph (7).* This paragraph was approved as proposed, subject to the introduction of a provision aiming at solving a specific problem concerning Japan. The Delegation of Japan explained that, following the amendment of its law which permitted the registration of service marks as from April 1, 1992, all such marks which were similar and in concurrent use before that date were accepted for registration and would undergo substantive examination at the time of their renewal, in order to determine which of those registrations would be allowed to remain in the register.

171. It was noted that paragraph (7) did not preclude an examination concerning any third party rights that might arise, if the renewal was effected during a grace period following the date on which it was due, during the period between that date and the date on which the renewal was actually effected. It was also noted that any such examination had to be in compliance with Article 5bis of the Paris Convention.

172. *Paragraph (8).* It was agreed that the duration of the initial period of registration and of each renewal period should not constitute a minimum period as provided for in draft Rule 10(2) but should be a fixed period of 10 years (corresponding to the period provided for in the laws of most countries and in the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks). Consequently, it was agreed that Article 13(8) should read as follows: "The duration of the initial period of the registration and the duration of each renewal period shall be 10 years." The Delegation of Canada said that it had to express a reservation as to the 10-year duration of these periods of time, pending consultations with interested circles in its country, since the trademark law of its country presently provided for 15-year periods.

173. There was some discussion on the issue of when renewal fees could be required to be paid since some countries currently required the payment of fees at certain intervals within the renewal period, for example, every five years during a 10-year period. It was agreed that a Contracting Party should only be allowed to require a single payment of fees for the entire initial period and for each renewal period and would, therefore, be prohibited from requiring intermediate payment of fees during any 10-year period.

174. *Paragraph (9).* It was agreed, based on the opinion of the majority of delegations, that the permanent maximum list of requirements for renewal

under this paragraph should also include the name and address of the holder (paragraph (1)(a)(ii)), the name and address of the holder's representative, if any (paragraph (1)(a)(iv)), and the signature or other means of self-identification of the holder or his representative (paragraph (1)(a)(vii)). It was also agreed that paragraph (9), as redrafted accordingly, would not be included within square brackets.

175. Many delegations and representatives of observer organizations supported the principle according to which any requirements relating to the use of the mark should, after a transitional period, be separated from the renewal procedure. It was emphasized that this principle of "separation" would not preclude Contracting Parties from requiring, at regular intervals, the furnishing of a declaration or of evidence of use of the mark in order to maintain the validity of a registration. It was agreed that the International Bureau would accordingly include in the Treaty a provision to the effect that nothing in the Treaty affected the right of a Contracting Party to apply the use requirements of its national law, provided that such requirements were not linked to the renewal procedure after the expiration of the transitional period during which, in accordance with paragraph (1)(a)(vi), a declaration of use of the mark could be required to be included in the request for renewal. It was noted that, in any case, a Contracting Party could, in accordance with paragraph (6), require evidence in case of doubt on the veracity of the declaration.

Draft Rule 10: Details Concerning Duration and Renewal

176. *Paragraph (1).* This paragraph was approved as proposed. The Delegation of France indicated that it withdrew the reservation it had made during the fifth session of the Committee of Experts on this paragraph, and that its country was ready to amend its law in order to provide that a request for renewal could be filed with its Office during a six-month grace period subsequent to the date on which the renewal was due.

177. The Delegation of Japan stated that, although its country had no objections as regards the general principles underlying this paragraph, it felt that a Contracting Party should be allowed to require that, in order to avoid legal uncertainty, a request for renewal be made prior to the date of expiry of a registration. The Delegation of Japan, however, expressed the willingness of its country to reconsider all its system in respect of renewal (for example, as regards substantive examination at the time of renewal) if, in order for Japan to become party to this Treaty, its law on marks needed to be amended.

In response to these remarks, it was indicated that any legal uncertainty which might exist in all the countries party to the Paris Convention which had, under Article 5bis, to provide for a grace period in respect of the payment of renewal fees, could also exist in countries which required that the request for renewal be filed before the expiry of the registration and which provided for substantive examination at the time of renewal, for example, in the case where such request was filed just before the expiry and the substantive examination was carried out after the expiry and lasted for a very long time. It was also pointed out that, since in most countries renewal could be effected by the mere payment of renewal fees, as was the case under the Madrid Agreement, allowing the request for renewal to be filed during the grace period for the payment of the renewal fees was in the spirit of Article 5bis of the Paris Convention.

178. The International Bureau was invited to review the Spanish text of the paragraph in order to make it clear that the grace period of six months constituted a minimum period.

179. *Paragraph (2).* It was agreed to delete this paragraph in view of the new wording of paragraph (8) of Article 13 which would provide for fixed periods of 10 years in respect of the initial registration and in respect of each renewal period.

Draft Article 14: Observations in Case of Intended Refusal

180. This Article was approved as proposed.

Draft Article 15: Service Marks

181. This Article was approved as proposed.

Model International Forms⁴

182. It was agreed that the documents prepared for the Diplomatic Conference would contain all the Model International Forms in all the languages mentioned in Article 26(1)(a).

183. It was emphasized that each Contracting Party must accept that any application, request or appointment of representative be presented on a form corresponding to the relevant Model International Form as long as its language requirement was complied with. Furthermore, in order to facilitate the task of the Office and of the users, a Contracting Party could prepare Individualized International Forms which

would omit the reference to elements of the Model International Forms which were inapplicable for the purposes of its Office and which would be established in the language(s) of that Contracting Party. When preparing those Individualized International Forms, a Contracting Party could depart from the order of the items as followed in the Model International Forms. Finally, it was explained that a Contracting Party could continue to use its present forms as long as those forms complied with the provisions of the Treaty and the Regulations.

184. It was agreed that the Model International Forms would be amended by the International Bureau in order to be aligned with the amendments agreed upon with respect to the Treaty and the Regulations.

185. In the following paragraphs of the present report which deal with the Model International Forms, only the Forms and the items of a Form which were the subject of specific comments are mentioned.

186. It was agreed to provide for, on the first page of each Model International Form, a box enabling the applicant, holder, new owner or representative to indicate its own reference number, if any.

Model International Form No. 1: Application for the Registration of a Mark

187. *Item 7. Reproduction of the Mark.* It was agreed that a box should be added with words such as: "check this box if the mark is to be registered and published in standard characters and does not fit in the square, and type it on an attachment sheet."

188. *Sub-item 7.1.* It was agreed that, in the third line of the footnote, the word "request" should be replaced by the words "wish of the applicant."

189. *Sub-item 7.3.* It was agreed that Note 1.09 would be amended so that it be made clear that no Contracting Party was obliged to publish more than one view where several views of a three-dimensional mark were furnished. It was also agreed that the footnote relating to sub-item 7.3 would specify that an applicant might, in Contracting Parties which published several views of such a mark, either include several views of the mark in the square provided in item 7 or include the different views in an attachment sheet. Furthermore, it was agreed that the applicant could, in respect of Contracting Parties which allowed only the publication of one view, indicate in the Form itself which of the views that he had furnished should be published.

⁴ The Model International Forms are not reproduced here.

190. *Item 9. Goods and/or Services.* It was agreed that, in the footnote, an additional sentence should be added along the following lines: "Where all the goods or services belong to one class of the Nice Classification, the number of that class must be indicated."

191. *Item 10. Declaration Concerning Intent to Use or Actual Use.* It was agreed that the title of this item should be amended to read: "Declaration Concerning Intention to Use or Actual Use; Evidence of Actual Use." It was also agreed that the wording next to the existing box should be amended to read "Check this box if such a declaration is attached" and that a new box should be added with the following wording: "Evidence of actual use is attached." Finally, in the explanatory Note 1.14, fourth line, and in any other relevant note, it was agreed that a reference to the Philippines should be added.

192. *Item 13. Additional Sheets and Attachments.* It was agreed that Form No. 1 should contain an additional box providing for the furnishing of a certificate of the registration of the mark in the country of origin for the case where Article 6quinquies of the Paris Convention was invoked. The International Bureau was invited to examine whether such additional box should be included in item 13 or should be placed somewhere else in the Form.

Model International Form No. 2: Request for the Renewal of a Registration

193. *Item 5. Goods and/or Services.* It was agreed that the footnote should be amended to read "Check only one of boxes 5.1, 5.2 or 5.3."

Model International Form No. 5: Request for the Recordal of a Change in Ownership

194. *Item 3. Goods and/or Services Affected by the Change.* It was agreed to delete sub-item 3.2.1, so that Contracting Parties would be allowed to require that only the goods and/or services which were the subject of the change in ownership be indicated, and to amend items 3.2 and 3.3 accordingly.

Model International Form No. 6: Certificate of Transfer

195. *Item 3. Goods and/or Services Affected by the Transfer.* It was agreed that the changes made in respect of item 3 in Form No. 5 should be made in item 3 of Form No. 6 (see the preceding paragraph).

Model International Form No. 7: Transfer Document

196. *Item 3. Goods and/or Services Affected by the Transfer.* It was agreed that the changes made in respect of item 3 in Form No. 5 should be made in item 3 of Form No. 7 and in the Annex to Form No. 7 (see paragraph 194, above).

197. *Item 6. Additional Indications.* It was agreed that the square brackets should be removed and that the sentence appearing under the title should be reworded along the following lines: "(the furnishing of any of those indications is optional for the purposes of the recordal of the change in ownership)." It was also agreed that the explanatory Note 7.02 would make it clear that the recordal of a change in ownership by a Contracting Party in its register of marks should not be understood as a recognition of the validity of the transfer itself, since such validity could always be challenged before the Court, but that the furnishing of the indications relating to the transfer of goodwill or business was recommended, in view of possible court proceedings, with respect to those Contracting Parties which required such transfer as a condition of validity of the transfer of the mark itself.

198. *Item 7. Signatures or Seals.* It was agreed that, in sub-item 7.1.4, second line, the expression "has not been transferred" should be replaced by "is not transferred" and that, in the third line, the words "has consented" should be replaced by "consents."

199. *Annex to Form No. 7.* It was agreed that the square brackets at the beginning and the end of this annex should be deleted.

Model International Form No. 8: Power of Attorney

200. In view of the discussions which took place in respect of Article 4 on representation, the Secretariat prepared and submitted to the Committee of Experts, in addition to a new text of Article 4 and Rule 4, a new form (numbered 8 and entitled "Power of Attorney") in document HM/CE/VI/4 Rev. which replaced the two Forms contained in document HM/CE/VI/3 (Form No. 8: Power of Attorney and Form No. 9: General Power of Attorney). The present report relates only to the Form No. 8 as included in document HM/CE/VI/4 Rev.

201. *Item 2. Identification of the Representative.* It was agreed that an explanatory Note explain that a Contracting Party was entitled to refuse the appointment of a representative if such representative was not admitted to practice before its Office.

202. *Item 3. Application(s) and/or Registration(s) to Which the Power of Attorney Relates.* The Interna-

tional Bureau was invited to reconsider the wording of the first footnote with a view to the possible omission of the words "the application(s) is(are) signed by the representative and."

203. *Item 4. Scope of the Power of Attorney.* It was agreed that the first part should be amended along the following lines:

- ☐ Check this box if the representative has the right to act as representative for all purposes, including, where the signatory or the person whose seal is used is an applicant or a holder, the following purposes:
 - ☐ withdrawal of the application(s)
 - ☐ surrender of the registration(s)."

204. The explanatory Notes would make it clear that, in the Individualized International Form a Contracting Party may prepare, an additional box could be provided in respect of the appointment of a subrepresentative where the law of that Contracting Party required that the possibility for a representative to appoint subrepresentatives be expressly mentioned in the power of attorney.

205. It was agreed that in the French text accompanying the first box, the words "est illimité" should be replaced by "s'étend à tous les actes de la procédure."

Draft Article 16: Establishment of a Union

206. This provision was approved as proposed.

Draft Article 17: Assembly

207. *Paragraph (1).* This provision was approved as proposed.

208. *Paragraph (2)(a)(i).* This provision was approved as proposed.

209. *Paragraph (2)(a)(ii).* This provision was approved as proposed, subject to reservations expressed by the Delegation of Chile.

210. *Paragraph (2)(a)(iii) to (viii).* These provisions were approved as proposed.

211. *Paragraph (2)(b).* This provision was approved as proposed.

212. *Paragraph (3).* This provision was approved as proposed.

213. *Paragraph (4)(a) and (b).* The Delegation of the European Communities suggested amending this paragraph by adding, in subparagraph (a), after the word "State," the following words: "and any regional organization referred to in Article 22(1)(ii) that is a Contracting Party, provided that the member States of that organization also maintain Offices in which marks may be registered with effect in their territory," and by adding, in subparagraph (b), after the reference to "Article 22(1)(ii)," the words "other than those referred to in subparagraph (a)." The Delegation stated that, according to international practice, the European Communities could exercise, in the fields which were within their competence, the right to vote of their member States, under the condition that none of those member States either participated in the vote or expressly abstained. This practice could be justified by the fact that the Communities replaced the member States in exercising the transferred competences. The situation in the present Treaty was different because, in the case of the Community trademark, the competence of the European Communities would not replace the competences of their member States. The Community trademark system would not replace the national trademark systems of the member States of the European Communities but would be an additional and independent system with a separate trademark Office, which would apply its own procedural rules and would be entirely independent from the trademark Offices of the said member States. Such a situation was unique in the world and could even not be compared with that of OAPI. Under the Treaty, the European Communities would have to apply, with regard to the Community trademark system and the Community Trade Mark Office, the same obligations that their member States would have to apply with regard to their own national systems and Offices. Community harmonization in respect of national marks only related to substantive law and not to procedural matters. The Community trademark would be subject to specific rules enacted at the Community level. Consequently, due to the Community trademark and its independent office, the European Communities would have to participate independently and with full rights, including the right to vote, in the decision-making process under the Treaty. Furthermore, this suggestion was determined by a pragmatic concern. The accession of the European Communities to the Treaty was, after all, in the interest of all trademark owners, in particular of those from non-member States of the European Communities, who would be able to file applications for Community trademark registrations without having to comply with additional formalities. The Delegation underlined the exceptional character of its suggestion, which did not constitute a precedent for other treaties. Accession by all the member States of the European Communities to the Treaty would have

effect on the national marks and Offices but not on the Community trademark and Office. Only the accession of the European Communities to the Treaty could ensure compliance of the procedural rules governing Community trademarks with the Treaty.

214. The Delegation of the United States of America said that it continued to oppose any proposal to the effect that the European Communities would receive a right to vote distinct from that of its member States. It asked for the deletion of the second and third sentences in Note 17.02. It explained that, in its view, the request of the European Communities was not justified because the Communities were not a territory different from the territories of their member States. It referred to the situation in its own country where, for each state, a trademark Office existed so that, if the arguments put forward by the Delegation of the European Communities were founded, the United States of America could require having 51 votes.

215. It was pointed out that the situation in the European Communities and in the United States of America was not the same since none of the states of the United States of America was a party to the Paris Convention.

216. The Delegation of Belgium, currently exercising the Presidency of the European Communities, supported in the name of all the member States of the European Communities the statement made by the Delegation of the European Communities.

217. The Delegation of Chile said that, although it considered that the proposal of the Delegation of the European Communities contained new elements, it maintained its position that the European Communities should not have a separate right to vote.

218. The Delegation of Japan expressed the opposition of its country to the suggestion made by the Delegation of the European Communities.

219. The Delegation of Mexico expressed reservations as to the suggestion made by the Delegation of the European Communities.

220. The Delegation of Sweden supported the suggestion made by the Delegation of the European Communities.

221. The Delegation of Slovenia supported the suggestion made by the Delegation of the European Communities.

222. The Delegation of Austria supported the suggestion made by the Delegation of the European Communities.

223. The Delegation of Finland supported the suggestion made by the Delegation of the European Communities.

224. The Delegation of Romania supported the suggestion made by the Delegation of the European Communities.

225. The Delegation of Canada expressed its support for the original text, although the Delegation of the European Communities had presented new elements which deserved to be reflected upon.

226. The Delegation of Switzerland, while supporting the position of the European Communities in principle, reserved its final position as to their suggestion.

227. The Delegation of Senegal, while supporting the position of the European Communities in principle, reserved its position as to their suggestion until the Diplomatic Conference.

228. The Delegation of Uruguay expressed reservations as to the suggestion made by the Delegation of the European Communities.

229. The Delegation of Norway supported the suggestion made by the Delegation of the European Communities.

230. The Delegation of the Czech Republic supported the suggestion made by the Delegation of the European Communities.

231. The Delegation of Brazil expressed reservations as to the suggestion made by the Delegation of the European Communities.

232. The Director General said that, in the Basic Proposal for the Diplomatic Conference, subparagraphs (a) and (b) of Article 17(4) of the Treaty could appear in two alternatives. Alternative A would contain subparagraphs (a) and (b) as appearing in document HM/CE/VI/2. Alternative B would contain the text suggested by the Delegation of the European Communities. In all respects, both alternatives would be treated equally in the Diplomatic Conference.

233. The Delegation of the European Communities said that it could accept the solution suggested by the Director General if he was of the view that it was the only practicable way.

234. The Delegation of Mexico expressed reservations as to the solution suggested by the Director General.

235. The Delegation of United States of America opposed the inclusion in the Basic Proposal of any text giving a separate right to vote to the European Communities.

236. The solution suggested by the Director General was supported by the Delegations of the former Yugoslav Republic of Macedonia, Hungary, the Russian Federation, Lesotho, Australia, the Czech Republic, Morocco, Kenya, Trinidad and Tobago, Swaziland, Bulgaria, Malta, Slovenia, Sri Lanka, Indonesia, China, Ghana and the Democratic People's Republic of Korea.

237. The Delegations of Argentina, Japan and the Philippines said that they could accept the solution suggested by the Director General.

238. The Delegation of Chile said that, as a compromise solution and in order to get out of a deadlock, it could accept the solution suggested by the Director General. It added that the system of alternatives should also be used in other provisions.

239. The Delegation of Argentina expressed its preference for the text of Article 17(4)(a) and (b) as proposed in document HM/CE/VI/2.

240. The Delegation of Malawi expressed its preference for the text of Article 17(4)(a) and (b) as proposed in document HM/CE/VI/2.

241. The Delegation of Cuba expressed its preference for the text of Article 17(4)(a) and (b) as proposed in document HM/CE/VI/2.

242. The Delegation of New Zealand expressed its preference for the text of Article 17(4)(a) and (b) as proposed in document HM/CE/VI/2.

243. The Delegation of Lesotho expressed its preference for the text of Article 17(4)(a) and (b) as proposed in document HM/CE/VI/2.

244. The Delegation of the Philippines stated that it had yet not come to any conclusion as to which alternative it would prefer.

245. The Delegation of Australia expressed its preference for the text of Article 17(4)(a) and (b) as proposed in document HM/CE/VI/2.

246. The Delegation of Morocco expressed reservations with regard to the suggestion made by the Delegation of the European Communities.

247. The Delegation of Kenya expressed its preference for the text of Article 17(4)(a) and (b) as proposed in document HM/CE/VI/2.

248. The Delegation of Trinidad and Tobago expressed its preference for the text of Article 17(4)(a) and (b) as proposed in document HM/CE/VI/2.

249. The Delegation of Swaziland expressed its preference for the text of Article 17(4)(a) and (b) as proposed in document HM/CE/VI/2.

250. The Delegation of Malta supported the suggestion made by the Delegation of the European Communities.

251. The Delegation of Indonesia expressed its preference for the text of Article 17(4)(a) and (b) as proposed in document HM/CE/VI/2.

252. The Delegation of Ghana stated that, at the present stage, it did not have a preference for any of the alternatives.

253. The Delegation of the Democratic People's Republic of Korea expressed its preference for the text of Article 17(4)(a) and (b) as proposed in document HM/CE/VI/2.

254. In conclusion, the Chairman stated that the Basic Proposal would contain two alternatives, as suggested by the Director General.

255. *Paragraph (4)(c).* It was agreed that this subparagraph should be deleted.

256. *Paragraph (5)(a).* It was agreed that, in consequence of the decision to delete paragraph (4)(c), the part of paragraph (5)(a) starting with "provided that" should also be deleted.

257. *Paragraph (5)(b) and Rule 11.* It was agreed that the contents of Rule 11 should be transferred from the Regulations to the Treaty.

258. *Paragraphs (6) to (8).* These provisions were approved as proposed.

Draft Article 18: International Bureau

259. This provision was approved as proposed.

260. One delegation suggested considering the possible establishment of an executive committee under the Treaty. In response to that suggestion, it was pointed out that executive committees did not exist, and were not considered to be necessary, in the framework of most special Unions under the Paris Union, in particular, in the case of Unions which, like the Union that would be created under Article 16, did not have a budget.

Draft Article 19: Regulations

261. *Paragraph (1)(a)*. One delegation suggested the inclusion of a provision that would allow more flexibility as regards required changes in the Forms, for example, by leaving the decision to *ad hoc* committees. In response to this suggestion, it was pointed out that item (vi) of Article 17(2)(a) provided for the possibility of setting up a committee or working group which could elaborate required changes in the Forms so that adoption of a change by the Assembly would be facilitated. In conclusion, paragraph (1)(a) of Article 19 was approved as proposed.

262. *Paragraph (1)(b)*. It was agreed to improve the drafting of this provision in order to clarify that the forms referred to in this paragraph were the Model International Forms.

263. *Paragraphs (2) to (4)*. These provisions were approved as proposed.

Draft Article 20: Revision and Modification

264. *Paragraph (1)*. This provision was approved as proposed.

265. *Paragraph (2)*. One delegation asked whether Articles 2 and 15 should not be subject to a possible modification by the Assembly since, for example, it might be felt desirable in the future to include collective and/or certification marks in the scope of the Treaty.

266. Three delegations expressed strong reservations with respect to paragraph (2). They said that it should be deleted in their view but that one could try to find alternative solutions allowing for some flexibility in amending the Treaty. For example, it could be decided that a Contracting Party having opposed a modification in the Assembly would not be bound by that modification, or that any modification adopted by the Assembly could be subjected to ratification by any Contracting Party.

267. Two delegations drew attention to the fact that they might be obliged to vote against a proposed modification in the Assembly, even though they might favor the substance of the modification, since the adoption of corresponding legislation might be impossible because of lack of parliamentary time.

268. It was concluded that Article 20(2) should be maintained in the draft Treaty. Furthermore, it was agreed that a provision should be included in Article 20(2) or in Article 17 according to which the date of the entry into force of any modification should be decided by the Assembly at the same time as the modification was adopted.

269. *Paragraph (3)*. It was agreed that this paragraph should be deleted.

Draft Article 21: Protocols

270. One delegation expressed its opposition with respect to Article 21.

271. *Paragraph (1)*. In view of the deletion of Article 20(3) (see paragraph 269, above), it was agreed that the part of Article 21(1) starting with "provided that" should be deleted.

272. *Paragraph (2)*. This provision was approved as proposed.

Draft Article 22: Becoming Party to the Treaty

273. *Paragraph (1)(i)*. This provision was approved as proposed.

274. *Paragraph (1)(ii)*. The Delegation of the European Communities explained that the term "regional economic integration organization" was used for its organization in other international treaties, for example, the Rio Convention on Biodiversity. It indicated that, without prejudging its position for the future, it could accept the deletion of that term in the present Treaty in view of the latter's scope and objectives. However, it was important to retain the word "regional," which was needed in order to distinguish organizations such as the European Community from any organization which had a worldwide character.

275. It was agreed that the term "regional intergovernmental organization" should be used throughout the Treaty and that Article 22(1)(ii) would be redrafted as follows: "any regional intergovernmental organization which maintains a regional Office in which marks may be registered with effect in all its member States, provided that all those States are party to the Paris Convention." One delegation reserved its position on the use of the word "regional."

276. *Paragraph (1)(iii) to (v)*. These provisions were approved as proposed.

277. *Paragraphs (2) and (3)*. These provisions were approved as proposed.

Draft Article 23: Effective Date of Ratifications and Accessions

278. This provision was approved as proposed.

Draft Article 24: Reservations

279. After a thorough discussion on the matter of reservations as contained in document HM/CE/VI/2, the Secretariat prepared and submitted to the Committee of Experts an amended text of Article 24 (document HM/CE/VI/5) which was approved as proposed.

Draft Article 25: Denunciation of the Treaty

280. *Paragraph (1)*. This provision was approved as proposed.

281. *Paragraph (2)*. The Delegation of Mexico drew attention to the fact that, under this provision, Contracting Parties would be obliged to maintain two different registration systems for a very long time. It was agreed that the effect of this provision concerning existing registrations should be limited to the current term of a registration until the next renewal.

Draft Article 26: Languages of the Treaty; Signature

282. *Paragraph (1)(a)*. The Delegation of Portugal proposed that the Portuguese language be added in paragraph (1)(a). This proposal was supported by the Delegation of Brazil. The Delegation of Portugal also stated that, if the Portuguese language could not be added in that paragraph, it would reserve its position as to the inclusion of languages other than English and French. This proposal was supported by the Delegation of Senegal.

283. The Delegation of Germany proposed that the German language be added in paragraph (1)(a). This proposal was supported by the Delegations of Austria and Senegal.

284. Six delegations expressed their reservations as to the proposal of the Delegation of Portugal and the proposal of the Delegation of Germany.

285. It was concluded that, because there was not sufficient support for the proposal of the Delegation of Portugal and the proposal of the Delegation of Germany, paragraph (1)(a) should be maintained in its present wording.

286. *Paragraph (1)(b)*. This provision was approved as proposed. The Delegation of Germany stated that, in view of the fact that German was not amongst the languages in paragraph (1)(a), it reserved the right to propose that the German language be added in paragraph (1)(b).

287. *Paragraph (2)*. This provision was approved as proposed.

Draft Article 27: Depositary

288. In response to a delegation which asked for an express inclusion in this provision of all the duties of the depositary, it was pointed out that this provision contained an implied reference to all the duties which were connected with the function of depositary and that this was preferable to a detailed list which might inadvertently not be exhaustive. In conclusion, Article 27 was approved as proposed.

Title of the Draft Treaty

289. Several delegations raised the question as to whether the title of the draft Treaty should not be changed in the basic proposal for the Diplomatic Conference. In conclusion, it was agreed to retain the title "Trademark Law Treaty."

* * *

290. At the end of the discussions, the Committee of Experts noted that its task had been accomplished and that no further session would be held before the Diplomatic Conference scheduled for October 10 to 28, 1994.

291. This report was unanimously adopted by the Committee of Experts on December 10, 1993.

II. Preparatory Meeting for the Diplomatic Conference for the Conclusion of the Trademark Law Treaty

(Geneva, December 7 to 10, 1993)

Introduction

1. Convened by the Director General of the World Intellectual Property Organization (WIPO), a

Preparatory Meeting for the Diplomatic Conference for the Conclusion of the Trademark Law Treaty (hereinafter referred to as "the Preparatory Meeting") was held in Geneva from December 7 to 10, 1993.

2. The following 54 States members of the Paris Union were represented at the Preparatory Meeting: Argentina, Australia, Austria, Belarus, Belgium, Bolivia, Brazil, Canada, Chile, China, Croatia, Cuba, Czech Republic, Democratic People's Republic of Korea, Denmark, Finland, France, Germany, Ghana, Hungary, Indonesia, Italy, Japan, Kenya, Latvia, Lesotho, Libya, Malawi, Malta, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Philippines, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, Slovenia, Spain, Sri Lanka, Swaziland, Sweden, Switzerland, Trinidad and Tobago, Tunisia, Turkey, Ukraine, United Kingdom, United States of America, Uruguay.

3. The following three States not members of the Paris Union but members of WIPO were represented at the Preparatory Meeting in an observer capacity: Ecuador, Nicaragua, Pakistan.

4. The African Intellectual Property Organization (OAPI) and the European Communities (EC) were represented at the Preparatory Meeting in an observer capacity.

5. The names of the representatives of those States and organizations appear in the list of participants set forth in Annex I to this report.⁵

Opening of the Meeting

6. Dr. Arpad Bogsch, Director General of WIPO, opened the Preparatory Meeting and welcomed the participants.

Election of Officers

7. The Preparatory Meeting unanimously elected Mr. Alexander von Mülhendahl (Germany) as Chairman and Messrs. Pablo Romero (Chile) and Noel M. McCardle (New Zealand) as Vice-Chairmen. Mr. Ludwig Baeumer (WIPO) acted as Secretary of the Preparatory Meeting.

Adoption of the Agenda

8. The Preparatory Meeting adopted as its agenda the draft agenda prepared by the Director General (document HM/PM/1).

Preparations for the Diplomatic Conference

9. Discussions were based on document HM/PM/2.

10. The Secretariat noted the interventions made and recorded them on tape. This report summarizes the discussions without reflecting all the observations made.

Date and Venue of the Diplomatic Conference

11. The Director General informed the Preparatory Meeting that the program and budget for the 1994-95 biennium, as adopted by the Governing Bodies at their September 1993 session, provided that the International Bureau would convene and service a Diplomatic Conference during the 1994-95 biennium (see document AB/XXIV/2, Part I, Item 03(2), and document AB/XXIV/18, paragraph 267).

12. The Preparatory Meeting adopted the proposal, presented in paragraph 4 of document HM/PM/2, that the Diplomatic Conference take place in Geneva from October 10 to 28, 1994.

Substantive Documents to be Submitted to the Diplomatic Conference

13. The Director General informed the Preparatory Meeting that the Committee of Experts on the Harmonization of Laws for the Protection of Marks, in its sixth session which started on November 29, 1993, had discussed a draft of the Articles of the proposed Treaty and a draft of the Regulations under the proposed Treaty (including Model International Forms), and had requested the International Bureau to prepare, on the basis of its conclusions, a new draft of the proposed Treaty and of the proposed Regulations for submission to the Diplomatic Conference.

14. The Preparatory Meeting adopted the suggestion, made in the first sentence of paragraph 5 of document HM/PM/2, that the only substantive documents to be submitted to the Diplomatic Conference be the documents that would contain the drafts of the proposed Treaty and the proposed Regulations accompanying the Treaty. The Director General said that the said documents would be mailed about six months prior to the Diplomatic Conference.

Languages of the Preparatory Documents

15. The Preparatory Meeting adopted the suggestion made in paragraph 6 of document HM/PM/2.

Languages of Interpretation

16. The Preparatory Meeting adopted the suggestion made in paragraph 7 of document HM/PM/2.

⁵ A full list of participants may be obtained on request from the International Bureau.

Proposed Agenda

17. The Preparatory Meeting established the proposed agenda of the Diplomatic Conference as set forth in Annex II to document HM/PM/2.

Proposed Rules of Procedure of the Diplomatic Conference

18. The Preparatory Meeting established the proposed Rules of Procedure of the Diplomatic Conference on the basis of Annex I to document HM/PM/2. The following decisions were taken.

19. *Draft Rule 1* was approved as proposed.

20. *Draft Rule 2* was approved as proposed, subject to amending item (iii) of paragraph (1) to read "delegations of any organization described in Article 22(1)(ii) of the basic proposal."

21. *Draft Rules 3 to 21* were approved as proposed (see, however, as far as draft Rule 15 is concerned, paragraph 36, below).

22. *Draft Rule 22* was approved as proposed. In reply to a question, it was pointed out that in that Rule as well as in all other Rules of the Rules of Procedure the expression "Member Delegations" had to be understood, subject to the exceptions provided for in Rule 46, as also covering the Special Delegations.

23. *Draft Rules 23 to 28* were approved as proposed.

24. *Draft Rule 29*. The Delegation of Chile, speaking on behalf of the Latin American countries participating in the Preparatory Meeting, proposed that either the Committee of Experts or the Preparatory Meeting be reconvened for one day before the Diplomatic Conference so that the basic proposal could be received and sent on to the Diplomatic Conference. The Director General replied that such a meeting would not only be contrary to established practice but would not be practical since one day would obviously be insufficient. In any case, the basic proposal would exactly follow the conclusions of the sixth session of the Committee of Experts, conclusions which were reflected in all their details in the report of that session. Consequently, the proposed one-day meeting would be also superfluous.

25. *Draft Rule 29* was approved as proposed.

26. *Draft Rules 30 to 33* were approved as proposed.

27. *Draft Rule 34*. One delegation proposed the deletion of item (i) of paragraph (1) so that the adoption of the Rules of Procedure by the Diplomatic Conference would be by a simple majority. The proposal was supported by one delegation, but opposed by the majority of delegations. In conclusion, draft Rule 34 was approved as proposed.

28. *Draft Rules 35 to 40* were approved as proposed.

29. *Draft Rule 41*. The Preparatory Meeting decided to delete the words in the last part of paragraph (1) beginning with "provided that ..." Subject to that decision, and to the inclusion of the word "Chinese" in the Russian text of paragraph (1), draft Rule 41 was approved as proposed. The Delegation of Portugal expressed a reservation with respect to draft Rule 41 since the Portuguese language was not included in that Rule.

30. *Draft Rule 42* was approved as proposed.

31. *Draft Rule 43* was approved as proposed, subject to the inclusion of the word "Chinese" in paragraphs (1) and (2) of the Russian text.

32. *Draft Rules 44 and 45* were approved as proposed.

33. *Draft Rule 46*. After a thorough discussion, the Preparatory Meeting decided to delete items (ii) and (iii) of the draft Rule, so that the draft Rule would read "Special Delegations have the same status as Member Delegations, except that Special Delegations shall not have the right (i) to vote, or (ii) to be elected member of the Credentials Committee." The Delegation of Mexico expressed a reservation with respect to that decision and suggested that item (iii) remain in the draft Rule. The Delegation of Chile expressed the same reservation and stated the hope that the Delegation of the European Communities at the Diplomatic Conference would not present candidates for election as officers.

34. *Draft Rules 46 and 47*. The Delegation of Chile, supported by the Delegation of Mexico, proposed that Observer Delegations also be given the right to make proposals and to second proposals, since some States that would qualify as Observer Delegations were in the process of acceding to the Paris Convention. This would establish a balance between the status of the Observer Delegations and the status of the Special Delegations.

35. *Draft Rules 47 to 49* were approved as proposed.

36. The above-mentioned decisions, as well as the consequential change in Rule 15(3) following therefrom, are reflected in Annex II to this report.⁶

States and Organizations to be Invited to the Diplomatic Conference

37. The list of States, intergovernmental organizations and international non-governmental organizations to be invited, set forth in Annex III to document HM/PM/2, was approved, with the understanding that the lists of States would be modified to reflect changes in membership occurring before the opening of the Diplomatic Conference and subject to the inclusion of the African Regional Industrial Property Organization (ARIPO) in list C.

38. The Delegation of Belgium, speaking on behalf of the European Communities and their member

States, declared that the decision to invite Yugoslavia (Serbia and Montenegro) to the Diplomatic Conference did not prejudice the position which the European Communities could take with respect to the participation of Yugoslavia (Serbia and Montenegro) in that Conference at the time of the session of the Governing Bodies in September 1994 or at the time of the Diplomatic Conference.

Invitations

39. The proposed wording of the invitations, set forth in Annex IV to document HM/PM/2, was approved, subject to the inclusion in each invitation of a statement to the effect that no more than a certain number of seats in the conference room could be guaranteed for each State or organization invited.

40. This report was unanimously adopted by the Preparatory Meeting on December 10, 1993.

WIPO Arbitration Center

Contacts With Other Arbitration Institutions and Users

Swiss Arbitration Association (ASA). In November 1993, a WIPO official made a presentation on ques-

tions of principle concerning the arbitrability of intellectual property disputes at a conference on objective arbitrability, antitrust disputes and intellectual property disputes organized by ASA in Zurich.

Permanent Committee on Industrial Property Information (PCIPI)

PCIPI Working Group on Search Information (PCIPI/SI)

Twelfth Session

(Geneva, November 29 to December 3, 1993)

The PCIPI Working Group on Search Information (PCIPI/SI) held its twelfth session in Geneva from November 29 to December 3, 1993.⁷

The following 17 members of the Working Group were represented at the session: Belgium, Croatia, Denmark, Finland, France, Germany, Ireland, Norway, Portugal, Romania, Russian Federation,

Spain, Sweden, Switzerland, United Kingdom, United States of America, European Patent Office (EPO).

At that session, the Working Group started its preparatory work for the seventh edition of the International Patent Classification (IPC), which will enter into force on January 1, 2000.

The Working Group discussed seven IPC revision projects in the electrical field on the program for the 1992-93 biennium. Amendments relating to four subclasses of the IPC were approved.

The Working Group considered the introduction of references in function-oriented places of the IPC and agreed on the procedure for the elaboration of this task.

Finally, it also discussed the selection of patent documents that could be used for training in classification work.

⁶ Annex II is not reproduced here.

⁷ For a note on the eleventh session, see *Industrial Property*, 1993, p. 319.

Registration Systems Administered by WIPO

Patent Cooperation Treaty (PCT)

The International Bureau of WIPO as Receiving Office Under the PCT

New Possibility of Direct Filing of International Applications Under the PCT With the International Bureau of WIPO as from January 1, 1994

As from January 1, 1994, it will be possible for any resident or national of a PCT Contracting State to file an international application direct with the International Bureau of WIPO as receiving Office, as an alternative to filing with the national Office of or acting for that State. This has been made possible by the adoption of amendments to the PCT Regulations (in particular to PCT Rule 19) by the Assembly of the PCT Contracting States in September 1993. The text of the amended Rules was published in *PCT Gazette* No. 26/1993, Section IV, on October 28, 1993.

1. *How can an international application be filed with the International Bureau as receiving Office?*

There are three ways in which international applications may be filed direct with the International Bureau as receiving Office: by mail (see address below), by hand-delivery at the WIPO headquarters building (see address below) or by facsimile machine on condition that the original of the facsimile transmission is furnished within 14 days from the date of that transmission (facsimile number: (41-22) 910 06 10).

A special form for the confirmation of receipt will be made available on which applicants may fill in details concerning the number and nature of pages filed. These indications will be compared with the pages actually received by the International Bureau. The International Bureau will return to the applicant a confirmation of receipt of the international application and will indicate, in particular in the case of a facsimile transmission, whether any pages are missing or illegible.

2. *What special features have to be taken into account when filing an international application*

direct with the International Bureau as receiving Office?

It will be the responsibility of the applicant or the applicant's agent to comply with any applicable national security provisions before filing an international application with the International Bureau as receiving Office.

In the case of facsimile transmission, where a difference exists between the time in the country from which the international application is transmitted and the time at the International Bureau, the operative date will be the date in Geneva at the time of receipt of the international application.

3. *What are the admitted languages for filing an international application with the international bureau as receiving Office?*

It will be possible to file an international application with the International Bureau in any of the seven publication languages under the PCT, namely, Chinese, English, French, German, Japanese, Russian or Spanish. In any particular case, however, the choice of language in which the international application may be filed will depend on the language(s) accepted by the International Searching Authority which is, or Authorities which are, competent for the searching of the international application (see paragraph 4, below). In any event, correspondence between the applicant and the International Bureau as receiving Office will be in English or French.

4. *Which are the competent International Searching Authorities and International Preliminary Examining Authorities for international applications filed with the International Bureau as receiving Office?*

The competent Authorities will be the same as would have been competent had the international application been filed with the national Office of, or acting for, a Contracting State of which the applicant is a resident or national. This may result in a wider choice of Authorities for international applications filed with the International Bureau as receiving Office if there are two or more applicants from different Contracting States. The choice of Interna-

tional Searching Authority must be indicated in the request and the choice of International Preliminary Examining Authority must be indicated in the demand. Information as to which International Searching and Preliminary Examining Authorities are competent for residents and nationals of the various Contracting States is published in the *PCT Gazette* and in the *PCT Applicant's Guide*, Volume I, Annex C.

5. Who can act as agent before the International Bureau as receiving Office?

Any person who has the right to practice before the national Office of, or acting for, a Contracting State of which the applicant, or, if there are two or more applicants, any of the applicants, is a resident or national will be entitled to practice in respect of the international application before the International Bureau in its capacity as receiving Office (see PCT Rule 83.1bis).

6. What fees are payable to the International Bureau as receiving Office?

Fees may be paid in Swiss francs or US dollars. The amounts payable are shown below:

	CHF	US\$
Transmittal fee	300	200
Basic fee	762	530
Supplement per sheet over 30	15	10
Designation fee	185	128
Search fee	See Annex D of the <i>PCT Applicant's Guide</i>	

7. What modes of payment of fees are available?

Fees may be paid in the following ways:

- by debit of a current account established with WIPO (Swiss francs only);
- by bank transfer to WIPO bank account No. 487080-81 at the Crédit Suisse, CP 2153, 1211 Geneva 2, Switzerland (Swiss francs or US dollars);
- by transfer to WIPO postal account No. 12-5000-8, Geneva, Switzerland (Swiss francs only);
- by check made payable to the World Intellectual Property Organization (Swiss francs or US dollars);
- in cash (only if payment is made in person) (Swiss francs only).

For further information, please contact:

World Intellectual Property Organization
34, chemin des Colombettes
1211 Geneva 20
Switzerland
Telephone: (41-22) 730 91 11
Facsimile: (41-22) 740 14 35.

For filing international applications with the International Bureau of WIPO, please use the following address:

World Intellectual Property Organization
Box PCT
34, chemin des Colombettes
1211 Geneva 20
Switzerland
Telephone: (41-22) 730 93 52
Facsimile: (41-22) 910 06 10.

**Training and Promotion Meetings
With PCT Users**

Germany. In November 1993, two WIPO officials spoke at a PCT seminar organized by a private enterprise in Frankfurt/Main for some 30 participants from enterprises in Germany.

Also in November 1993, two WIPO officials spoke at a PCT Seminar organized in Munich by Forum Institut für Management, an enterprise in Germany. Some 30 patent agents, legal assistants and representatives from industry participated in the Seminar.

Portugal. In November 1993, a WIPO official spoke on the PCT at a seminar on the European patent system organized in Lisbon by the National Institute of Industrial Property (INPI) and the European Patent Office (EPO).

Turkey. In November 1993, two government officials from the Industrial Property Department were briefed on the PCT by WIPO officials in Geneva.

Also in November 1993, the International Bureau prepared and sent to the government authorities, at their request, a set of minimum provisions required for the implementation of the PCT.

United States of America. In November 1993, a WIPO consultant from the United States of America made a presentation on the PCT to the staff of the United States Patent and Trademark Office (USPTO) in Washington, D.C.

Also in November 1993, a WIPO official had discussions in New York with a PCT user enterprise on the International Bureau's operations as a receiving Office under the PCT.

Computerization Activities

United States of America. In late November and early December 1993, a WIPO official had discussions with officials of the USPTO in charge of PCT matters on the International Bureau's future operations as a receiving Office under the PCT and on the EASY (Electronic Application SYstem) project.

International Patent Club. In November 1993, the same WIPO official made a presentation on the EASY software and on the future operations of the

International Bureau as a receiving Office under the PCT to some 40 members of the International Patent Club in New York.

Madrid Union

Training and Promotion Meetings With Users of the Madrid System

Latvia. In November 1993, a government official of the Patent Office had discussions with WIPO officials in Geneva on preparations for the country's accession to the Madrid Agreement Concerning the International Registration of Marks.

Computerization Activities

France. In November 1993, a WIPO official visited the National Institute of Industrial Property (INPI) in Paris to discuss the development, by INPI in cooperation with the International Bureau, of a CD-ROM for French national marks.

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

Africa

Training Courses, Seminars and Meetings

WIPO Seminar on Intellectual Property for Magistrates from French-Speaking Africa (Geneva and Paris). From November 10 to 12, 1993, WIPO organized a Seminar in Geneva and Paris in cooperation with the Government of France. The seven participants came from Benin, Cameroon, Congo, Côte d'Ivoire, Gabon, Senegal and Togo. In Geneva, three WIPO consultants from France and five WIPO officials presented papers on various aspects of intellectual property. Thereafter, the seven magistrates proceeded to Paris for two weeks' practical training at the Court of Appeal of Paris and at the National Institute of Industrial Property (INPI) of France.

WIPO Subregional Seminar on Industrial Property and Economic Development for Member States of the Central African Customs and Economic Union (UDEAC) (Libreville). From November 2 to 4, 1993,

WIPO organized the above-mentioned Seminar in Libreville. The Seminar was attended by 10 government officials in charge of industrial property matters in Cameroon, the Central African Republic, Chad, the Congo and Equatorial Guinea, and by over 30 participants from Gabon from government institutions and the private sector. Presentations were made by a government official from Gabon, two WIPO consultants from France and two WIPO officials.

WIPO African Regional Seminar on the Patent Cooperation Treaty (PCT) (Banjul). From November 15 to 19, 1993, WIPO organized a Seminar held in Banjul concurrently with the Administrative Council Session of the African Regional Industrial Property Organization (ARIPO). Some 30 government officials from the following ARIPO member and potential member States attended the Seminar: Botswana, Ethiopia, Gambia, Ghana, Kenya, Lesotho, Malawi, Mauritius, Namibia, Nigeria, Sierra

Leone, Somalia, Sudan, Swaziland, Uganda, United Republic of Tanzania, Zambia, Zimbabwe. Papers were presented by three WIPO consultants from Sweden and the European Patent Office (EPO) and three WIPO officials. The Seminar was organized with the financial assistance of the Governments of Germany and Sweden.

Mali. In November 1993, a WIPO official and a WIPO consultant from France presented papers at a National Seminar on Distinctive Signs organized by the Government of Mali in Bamako. Some 50 participants from government circles and private enterprises attended this event.

Niger. In November 1993, a WIPO official presented a paper at a National Seminar on Industrial Property organized by the Government of Niger in Niamey. Some 50 participants from government circles and private enterprises attended. The Seminar adopted recommendations to the Government concerning improved use of industrial property by users in industry.

Nigeria. In November 1993, a WIPO official participated in a program advisory committee meeting organized in Abuja by the United Nations Development Programme (UNDP) in respect of the Program on External Trade and Tourism Promotion, which will have an industrial property component to be implemented by WIPO.

African Regional Industrial Property Organization (ARIPO). In November 1993, three WIPO officials attended the 17th session of the Administrative Council of ARIPO which was held in Banjul. During the session, the ARIPO Council agreed to establish links between the Protocol on Patents and Industrial Designs Within the Framework of the African Regional Industrial Property Organization (Harare Protocol) and the PCT, subject to the amendments to the Harare Protocol and the Implementing Regulations to be considered at the Council's next session.

Assistance With Training, Legislation and Modernization of Administration

Burkina Faso. In November 1993, a WIPO official undertook a mission to Ouagadougou to give further practical training to the staff of the Directorate of Industrial Development in the use of the CD-ROM workstation provided by WIPO to that

Directorate and, more specifically, in the various searching methods in the field of patent documentation.

Côte d'Ivoire. In November 1993, a WIPO official held discussions with government officials in Abidjan on the computerization of the Directorate of Industrial Technology.

Equatorial Guinea. In November 1993, two WIPO officials held discussions, in Libreville (Gabon), with government officials of Equatorial Guinea on ways and means to strengthen bilateral cooperation.

Gabon. In November 1993, two WIPO officials held discussions in Libreville with government officials on cooperation between Gabon and WIPO.

Guinea. In November 1993, a government official undertook a study visit organized by WIPO to the Benelux Trademark Office (BBM) in The Hague.

Kenya. In November 1993, the UNDP Resident Representative in Kenya had discussions with WIPO officials in Geneva on WIPO's activities in favor of Kenya.

Madagascar. In late November and early December 1993, a WIPO consultant from France undertook a mission to Antananarivo to train officials of the recently established industrial property office and to advise on work procedures.

Nigeria. In November 1993, a WIPO official undertook a mission to Abuja and Lagos to discuss with government officials the strengthening of cooperation between Nigeria and WIPO.

Also in November 1993, the UNDP Resident Representative in Nigeria had discussions with WIPO officials in Geneva on joint UNDP/WIPO activities in favor of industrial property in Nigeria.

Uganda. In late October and early November 1993, a WIPO consultant from Germany undertook a mission to Kampala to advise the Government on the establishment of a patent documentation and information center within the Registrar General's Department.

Zambia. In November 1993, the UNDP Resident Representative in Zambia held discussions with WIPO officials in Geneva on possible joint UNDP/WIPO activities in favor of Zambia.

Arab Countries

Assistance With Training, Legislation and Modernization of Administration

Morocco. In November 1993, the UNDP Resident Representative in Morocco had discussions with WIPO officials in Geneva on the ongoing UNDP-financed country project for the strengthening of industrial property in Morocco.

Syria. In November 1993, three members of the Syrian Committee entrusted with the revision of the Industrial Property Law undertook a study visit to

Geneva to discuss with WIPO officials the draft industrial property law prepared by WIPO for that country. Future cooperation between Syria and WIPO was also discussed.

League of Arab States (LAS)/Egypt. In November 1993, the Vice-President of the Academy of Scientific Research and Technology (ASRT) (Cairo) had discussions with the Director General and other WIPO officials in Geneva on cooperation between Egypt and WIPO and the industrial property situation in the Arab region.

Asia and the Pacific

Training, Courses, Seminars and Meetings

WIPO Asian Regional Seminar on Industrial Property Licensing and Technology Transfer (Daeduk, Taejon City, Republic of Korea). From November 15 to 17, 1993, WIPO organized the above-mentioned Seminar in Daeduk, Taejon City, in cooperation with the Korean Industrial Property Office (KIPO) and the International Intellectual Property Training Institute (IIPTI) of that country. Twenty-eight government officials and legal practitioners from Bangladesh, China, Fiji, India, Indonesia, Iran (Islamic Republic of), Malaysia, Mongolia, Pakistan, the Philippines, Singapore, Sri Lanka, Thailand and Viet Nam, and 30 participants from government circles, university and research centers and enterprises from the Republic of Korea attended the Seminar. Papers were presented by four WIPO consultants from Australia, Germany, the United Kingdom and the United States of America, a speaker from the Republic of Korea and a WIPO official. The Seminar was organized under the UNDP-financed regional project for the modernization of intellectual property systems in Asia and the Pacific.

WIPO Asian Subregional Symposium on Industrial Property and Trade and Technological Development (Hanoi). From November 8 to 10, 1993, WIPO organized the aforesaid Symposium in Hanoi in cooperation with the National Office of Industrial Property (NOIP). Fifteen government officials came from Bangladesh, China, the Democratic People's Republic of Korea, India, Laos, Mongolia, Nepal, Sri Lanka and Thailand; some 30 participants from Viet Nam, from government circles, university and research centers and the private sector also attended. Five WIPO consultants from Australia, Bangladesh,

India, Malaysia and the United Kingdom, two speakers from China and Viet Nam and two WIPO officials presented papers. The Seminar was organized under the UNDP-financed regional project for Asia and the Pacific.

China. In November 1993, a WIPO official presented a paper at the International Symposium on the Strengthening of Economic and Trade Relations between the People's Republic of China and the European Community (EC) Member States on the Basis of an Enhanced Industrial Property System, organized in Beijing by the EPO, the Chinese Patent Office (CPO), the Spanish Patent and Trademark Office and the State Administration of Industry and Commerce of the People's Republic of China (SAIC).

WIPO National Seminar on the Use of Industrial Property Information by Enterprises (Pyongyang). From November 26 to 29, 1993, WIPO organized a Seminar in Pyongyang in cooperation with the Invention Office of the Democratic People's Republic of Korea. Some 100 participants from government circles, research institutions and enterprises attended the Seminar. Papers were presented by a WIPO official and a WIPO consultant from Sweden, who also gave a demonstration of the use of CD-ROMs. The Seminar was financed under the UNDP regional project for Asia and the Pacific.

Indonesia. In November 1993, two WIPO consultants from Japan undertook a mission to the Directorate General of Copyrights, Patents and Trademarks in Jakarta to give advice and conduct a two-week training course on the International Patent Classification (IPC) and search and examination based on the IPC.

Inter-Agency Coordination Meeting (Kuala Lumpur). In November 1993, a WIPO official attended an Inter-Agency Cooperation Meeting, organized by UNDP in Kuala Lumpur. The Meeting reviewed the 1993 and 1994 work plans of various international organizations, including WIPO, under a UNDP-financed program for Asian and the Pacific.

Programme Advisory Group Meeting for Malaysia (Kuala Lumpur). In November 1993, a WIPO official attended, in Kuala Lumpur, a Meeting organized by UNDP and attended by government officials and private sector representatives from countries in the Asian and Pacific region. The Meeting gave advice on the program mentioned in the preceding paragraph.

Assistance With Training, Legislation and Modernization of Administration

Bangladesh. In November 1993, the International Bureau prepared and sent to the government authorities, at their request, comments on the draft Patents Bill.

Also in November 1993, two WIPO consultants from Japan undertook a mission to the Department of Patents, Designs and Trade Marks in Dhaka, to provide training to the staff members concerned on the use of English abstracts of Japanese patents on microfilm provided by the Japanese Patent Office (JPO).

China. In November 1993, a WIPO official had discussions with officials of the Chinese Patent Office (CPO) in Beijing on China's possible accession to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

Democratic People's Republic of Korea. In November 1993, a WIPO official held discussions with officials of the Invention Office in Pyongyang on the draft work plan for the UNDP-financed country project to be executed by WIPO from 1994 to 1996.

Also in November 1993, the UNDP Resident Representative in the Democratic People's Republic of Korea held discussions with WIPO officials in Geneva on joint UNDP-WIPO activities in favor of that country.

Also in November 1993, 15 researchers, teachers and trade specialists from the Democratic People's Republic of Korea visited WIPO and were briefed by WIPO officials on the Organization's activities.

India. In November 1993, a WIPO official undertook a mission to Bombay to assist the Government, under the UNDP-financed country project, on the

establishment of an upgraded trademark computerized system.

Indonesia. In November 1993, a WIPO consultant from the United Kingdom undertook a mission to Jakarta under the UNDP-financed country project for the strengthening of the intellectual property system in Indonesia. The consultant gave advice on the computerization of the patent and trademark administration in the Directorate General of Copyrights, Patents and Trademarks.

Also in November 1993, another WIPO consultant from the United Kingdom undertook, under the same UNDP-financed country project, an expert mission to the same Directorate General in Jakarta to provide advice and training in patent administration and documentation.

Also in November 1993, a WIPO official visited Jakarta to discuss with government officials the implementation of activities under a project for member States of the Association of South East Asian Nations (ASEAN) which is financed by the Commission of the European Communities (CEC) and partly executed by WIPO.

Malaysia. In November 1993, a WIPO official held discussions in Kuala Lumpur with government and UNDP officials to review the progress of the implementation of the UNDP-financed country project for the strengthening of the industrial property system of Malaysia as well as other matters of cooperation in the field of industrial property.

Also in November 1993, another WIPO official undertook a mission to Kuala Lumpur under the UNDP-financed country project to advise the Intellectual Property Division on the introduction of an upgraded computerized system for the processing of patent and trademark applications.

Also in November 1993, a WIPO consultant from Australia started a three-month mission to the Intellectual Property Division in Kuala Lumpur to revise and update the Regulations in accordance with the revised (1993) Patents Act and to revise the related Administrative and Examination Manuals. The consultant is also providing training and assistance to the examiners in classification, examination and search procedures, in particular in the field of mechanical engineering. The mission is funded by the UNDP-financed country project.

Also in November 1993, a WIPO official visited Kuala Lumpur to discuss with government officials the implementation of activities under a project for member States of ASEAN which is financed by the CEC and partly executed by WIPO.

Also in November 1993, the International Bureau provided the Intellectual Property Division, at its request, with information on industrial design registration procedures.

Philippines. In November 1993, two WIPO consultants from Japan undertook a two-week mission to the Bureau of Patents, Trademarks and Technology Transfer (BPTTT) in Manila to provide advice and training on the IPC in the field of chemistry and on the processing of foreign patent applications in the fields of electronics and biotechnology, as well as on the effective use of English abstracts of Japanese patents in both paper and CD-ROM form.

Republic of Korea. In November 1993, a WIPO official had discussions with officials of the Korean Industrial Property Office (KIPO) in Seoul on a proposed evaluation of the ongoing computerization program of KIPO and possible assistance from WIPO in this regard.

Thailand. In November 1993, a WIPO official and a WIPO consultant from the EPO undertook a

fact-finding mission to Bangkok on the computerization of industrial property rights granting procedures in Thailand under a project for ASEAN countries financed by the CEC.

Also in November 1993, a WIPO consultant from the German Patent Office undertook a mission to Bangkok to provide assistance on patent classification and management of patent documents and to provide training to the staff of the Department of Intellectual Property on the same subject.

European Communities/Association of South East Asian Nations (EC-ASEAN). In November 1993, a WIPO official attended a meeting organized in Brussels by the CEC and reviewed the conditions for coordination between WIPO and the EPO for activities to be implemented under the CEC-financed project for member States of ASEAN.

Latin America and the Caribbean

Training Courses, Seminars and Meetings

WIPO Regional Seminar on Industrial Property and Entrepreneurial Competitiveness (Buenos Aires). From November 8 to 10, 1993, WIPO organized a Seminar in Buenos Aires in cooperation with the Government of Argentina and with the assistance of the Government of France. Some 140 participants from Argentina, Bolivia, Brazil, Chile and Paraguay, from government circles, university and research centers, private industry and the legal profession, attended the Seminar. Papers were presented by two WIPO consultants from France, seven speakers from Argentina and two WIPO officials. The purpose of the Seminar was to provide information on industrial property management and the importance of industrial property assets for enterprises seeking to achieve commercial success in international markets.

WIPO Seminar on Industrial Property in University and Research Centers and Industry (Granado, Rio Grande do Sul, Brazil). From November 17 to 19, 1993, WIPO organized a Seminar in Granado (Rio Grande do Sul, Brazil), in cooperation with the Federal University of Rio Grande do Sul. It was attended by some 60 participants from government circles, university and research centers, law firms and enterprises from Argentina, Brazil, Chile, Colombia, Costa Rica, Mexico, Paraguay, Peru, Uruguay and Venezuela. Papers were presented by four WIPO consultants from Argentina, Mexico and the United States of America, two speakers from Brazil and a WIPO official.

WIPO Regional Training Workshop for Government Officials of Latin America on the Classification of Figurative Elements of Marks (Montevideo). From November 15 to 19, 1993, WIPO organized a Workshop in Montevideo in cooperation with the National Directorate of Industrial Property. Twenty-one government officials from Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, Peru and Uruguay attended. Papers were presented by a WIPO consultant from Spain and a WIPO official.

WIPO National Seminar on Trademarks for the Entrepreneurial Sector (Montevideo). From November 11 to 12, 1993, WIPO organized a Seminar in Montevideo in cooperation with the National Directorate of Industrial Property, financed by the WIPO/Uruguay/Inter-American Development Bank (IDB) country project. It was attended by 60 participants from the private sector (enterprises, industrial associations, industrial property attorneys and representatives from the Chamber of Industry and Commerce). Papers were presented by two WIPO consultants from Chile and Spain, three speakers from Uruguay and by a WIPO official.

Assistance With Training, Legislation and Modernization of Administration

Argentina. In November 1993, a WIPO consultant from Chile undertook a mission to the Directorate of Technology, Quality and Industrial Property in Buenos Aires to provide advice on computerization

systems for trademark and patent operations. This mission was financed under the UNDP-financed regional project for Latin America and the Caribbean. On the occasion of this mission, the WIPO consultant also had consultations with government officials on possible cooperation between member countries of the Common Market of the Southern Cone (MERCOSUR) in the exchange of industrial property information.

Brazil. In November 1993, a WIPO consultant from Chile visited the National Institute of Industrial Property (INPI) in Rio de Janeiro to advise on its computerization. This mission was financed under the UNDP-financed regional project for Latin America and the Caribbean. On the occasion of this mission, the WIPO consultant also had consultations with government officials on possible cooperation between MERCOSUR countries on the exchange of industrial property information.

Also in November 1993, a WIPO official undertook a mission to INPI in Rio de Janeiro to provide advice on the compatibility of the national classifications of trademarks and service marks and of figurative elements of trademarks with the Classifications under the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks and the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks. The country's possible accession to those Agreements was also discussed.

Chile. In late October and early November 1993, a WIPO consultant from the EPO visited the Industrial Property Department in Santiago to provide advice on the use of the IPC and state-of-the-art searches. This mission was financed by the EPO.

Colombia. In late October and early November 1993, a WIPO consultant from Chile visited the Directorate General of Industry and Commerce in Santa Fe de Bogota to give advice on the development and implementation of computerized systems under the UNDP-financed country project.

Paraguay. In November 1993, a government official held discussions with the Director General in Geneva on the possible accession of Paraguay to the

Paris Convention for the Protection of Industrial Property.

Also in November 1993, a WIPO consultant from Chile visited the Directorate of Industrial Property to advise on the patent information needs of the Directorate. This mission was funded by the UNDP-financed regional project. On the occasion of this mission, the WIPO consultant also had consultations with government officials on possible cooperation between MERCOSUR countries in the exchange of industrial property information.

Trinidad and Tobago. In November 1993, a government official held discussions with WIPO officials in Geneva on patent and trademark legislation and on the country's envisaged accession to the PCT.

Uruguay. In November 1993, a WIPO consultant from Chile undertook a mission to Montevideo to provide advice on the further computerization of the National Directorate of Industrial Property in Montevideo. This mission was funded by the UNDP-financed regional project for Latin America and the Caribbean. On the occasion of the mission, the WIPO consultant also had consultations with government officials on possible cooperation between countries of MERCOSUR in the exchange of industrial property information.

Also in November 1993, a WIPO official and a WIPO consultant from Spain undertook a mission to Montevideo to advise and give training to officials of the above-mentioned Directorate on the coding of the national figurative marks.

Also in November 1993, missions were undertaken to the said Directorate, under the WIPO/Uruguay/IDB country project, by three WIPO consultants from Spain, Chile and the EPO, to advise on the examination of trademark applications, the creation of a technological information service and the establishment of a national patent document collection.

Also in November 1993, a WIPO consultant from France undertook a mission to Montevideo to assist the same Directorate in the organization of technological information services based on patent documents. This mission was financed by the Government of France.

Development Cooperation (in General)

WIPO Academy of Intellectual Property (Spanish Session). In November 1993, WIPO organized the first Spanish session of the WIPO Academy of Intellectual Property at its headquarters. The session

lasted two weeks and comprised a program of lectures, discussions and field trips specially designed for the participants, who were middle- and senior-level government officials of developing

countries instrumental, in the field of intellectual property, in the policy-making process of their countries. The aim of the program was to inform the participants of the main elements and current issues relating to intellectual property, present those elements and issues in such a way as to highlight the policy considerations behind them and thereby to enable the participants, after their return to their respective countries, to strengthen their role in the formulation of government policies on intellectual property questions, particularly the impact of those questions on cultural, social, technological and economic development.

The nine government officials who attended the Spanish session of the Academy came from Brazil, Chile, Colombia, Costa Rica, Cuba, Mexico, Paraguay, Peru and Uruguay. Papers were presented

by 10 WIPO consultants from Germany, Mexico, Portugal, Spain, Switzerland, Venezuela, the EPO and the Inter-American Copyright Institute (IIDA) as well as by WIPO officials. The session coordinator was Mr. Alberto Bercovitz, professor at the Universidad Nacional de Educación a Distancia of Spain. Visits were organized to the research center of a Swiss multinational firm in Lausanne, the Swiss Society for Authors' Rights in Musical Works (SUISA) in Zurich and to the Swiss Federal Intellectual Property Office in Berne.

Consultative Committee on Program and Operational Questions (CCPOQ) Task Force on Support Costs. In November 1993, a WIPO official attended the meeting of the CCPOQ Task Force on Support Costs held in Geneva.

WIPO Medals

In November 1993, a WIPO medal was awarded to the inventor of the best invention presented at the National Excellent Inventions Exhibition held in Seoul.

Also in November 1993, two WIPO medals were awarded to the inventor of an invention most appropriate to the conditions of developing countries for the needs of their development and to a woman inventor, during the International Exhibition "Brussels Eureka '93" held in Brussels.

Also in November 1993, two WIPO medals were awarded on the occasion of the Golden International Inventions Expo '93 (GIINE '93) organized in Manila for the celebration of the 50th (Golden) Anniversary of the Filipino Inventors' Society (FIS), one for the best invention presented and one to an outstanding inventor.

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

National Activities

Albania. In November 1993, two WIPO officials undertook a mission to Tirana to discuss with government and United Nations Development Programme (UNDP) officials the formulation of a UNDP-financed assistance project for the Patents and

Trademarks Office. The draft industrial property laws and the country's possible accession to certain WIPO-administered treaties were also discussed.

Lithuania. In November 1993, a government official had discussions with WIPO officials in Geneva on, among other things, the international classifications of marks and their figurative elements as well

as on the Madrid Agreement Concerning the International Registration of Marks and the Protocol Relating to the Madrid Agreement.

Russian Federation. In November 1993, two members of the Employees' Trade Union of the Russian Academy of Sciences had discussions with WIPO officials in Geneva on WIPO's activities in general and on the legal regime applicable to employee inventors, mainly in Central and Eastern European countries, in particular.

Slovenia. In November 1993, a WIPO official gave training on the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification), the International Classification for Industrial Designs (Locarno Classi-

fication) and the International Classification of the Figurative Elements of Marks (Vienna Classification) to eight government officials of the Industrial Property Protection Office in Ljubljana.

Ukraine. On November 4 and 5, 1993, the State Patent Office organized in Kiev, in cooperation with WIPO, a National Training Course for Ukrainian Industrial Property Attorneys. The Course was attended by some 150 participants who were government officials, provisionally registered patent attorneys and heads of patent departments of industry. Presentations were made by an official from Ukraine, three WIPO consultants from France, the United Kingdom and the United States of America and a WIPO official.

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

National Contacts

Germany. In November 1993, Mrs. Sabine Leutheusser-Schnarrenberger, Federal Minister of Justice, accompanied by three other government officials, visited WIPO and was received by the Director General and other WIPO officials. They discussed matters of common interest. The Minister was given a briefing on the Patent Cooperation Treaty (PCT) procedures and demonstrations of the computerized systems used for the international registration of marks under the Madrid Agreement Concerning the International Registration of Marks.

Also in November 1993, a WIPO official discussed with officials of the German Patent Office in Munich the use of the International Patent Classification (IPC):CLASS CD-ROM for the purposes of searching patent documents.

Israel. In November 1993, the International Bureau prepared and sent to the government authorities, at their request, comments on draft amendments to the Patents Law and Patents Regulations.

Japan. In November 1993, a group of eight officials from the Japanese Patent Office (JPO) were briefed by WIPO officials in Geneva on the Organization's activities, in particular on the PCT and its recent developments.

Turkey. In November 1993, Mr. Ugür G. Yalçiner, President of the Industrial Property Department, and four other government officials had discussions with WIPO officials in Geneva on the international trademark registration system under the Madrid Agreement. A number of activities under the United Nations Development Programme (UNDP)-financed country project and the possible holding of a national industrial property seminar in Turkey in 1994 were also discussed.

United Nations

International Day of Solidarity with the Palestinian People. In November 1993, a WIPO official attended the celebration of that Day held in Geneva.

Fiftieth Anniversary of the United Nations. In November 1993, a WIPO official attended the second meeting of the Geneva-based Working Group on Preparations for the Fiftieth Anniversary Commemoration of the United Nations.

Intergovernmental Organizations

International Organization for Standardization (ISO). In November 1993, a WIPO official attended, in Geneva, meetings of two ISO technical committees.

International Union for the Protection of New Plant Varieties (UPOV). In November 1993, a WIPO official had discussions with UPOV officials on the possible preparation by WIPO of a CD-ROM for information on plant varieties.

Other Organizations

Canadian Intellectual Property Institute (CIPI). In November 1993, a WIPO official spoke, in Ottawa, on the treaties administered by WIPO, in particular the Madrid Agreement and the Protocol Relating to the Madrid Agreement, at a Seminar on WIPO Treaty Developments in Industrial Property Law, organized by CIPI.

Centre for Trade Policy and Law/University of Ottawa, Faculties of Law and Administration/Canadian Exporters' Association. In November 1993, a WIPO official spoke at the Seventh Annual Conference on Doing Business Abroad organized by the above-mentioned organizations in Ottawa.

Dean Dinwoodey Center for Intellectual Property Studies of the George Washington University. In November 1993, a WIPO official spoke on WIPO's activities in the field of industrial property at that Center in Washington, D.C.

Hungarian Trademark Association (HTA). In November 1993, a WIPO official attended the Central and Eastern European Trademarks Conference 1993 organized by HTA in Budapest.

Institute of Intellectual Property of Japan (IIP). In November 1993, a member of IIP had discussions with WIPO officials in Geneva on the protection of famous and well-known marks with a view to advising the Government of Japan on possible legislative amendments.

Also in November 1993, two members of IIP had discussions with WIPO officials in Geneva on the protection of animal patents with a view to making recommendations to the Government of Japan.

International Chamber of Commerce (ICC). In November 1993, a WIPO official attended a meeting of ICC's Commission on Intellectual and Industrial Property in Paris.

International Federation of Industrial Property Attorneys (FICPI). In November 1993, three WIPO officials attended the first FICPI Forum, held in Rome.

International Trademark Association (INTA). In November 1993, a WIPO official attended, as a panelist, INTA's Mid-Year Meeting and its Madrid Protocol Committee's Meeting in Naples (Florida, United States of America).

Japan Institute of Invention and Innovation (JIII). In November 1993, 10 members of JIII were briefed by WIPO officials in Geneva on the Organization's industrial property activities in general and on its development cooperation activities in particular.

Les Rencontres d'affaires. In November 1993, a WIPO official spoke on WIPO's current activities in the field of trademarks at a seminar organized by this organization in Paris.

Miscellaneous News

New WIPO Premises

The construction of a building at the Centre administratif des Morillons (CAM) in Geneva by the Geneva Cantonal authorities, with WIPO's financial help, was completed in 1993.

The building, leased by WIPO, was occupied by several administrative units of the International Bureau, including the International Trademark and Industrial Design Registries, in October 1993.

The new building was inaugurated at a ceremony organized in November 1993 by the *Fondation du Centre international de Genève (FCIG)*, the *Département des travaux publics* of the Canton of Geneva and WIPO, in the presence of the President of the *Conseil d'Etat* of Geneva, the Director General of WIPO and Mr. Jean-Pierre Stefani, the architect, who all made speeches.

Regional News

Cartagena Agreement. Decision No. 344, of October 21, 1993, of the Commission of the Cartagena Agreement on the Common Industrial Property System (replacing Decision No. 313 of February 13, 1992) was published in Official Gazette of the Cartagena Agreement No. 142 of October 29, 1993.

National News

China. The Law Against Unfair Competition of the People's Republic of China, adopted on September 2, 1993, at the Third Session of the Standing Committee of the Eighth National People's Congress, entered into force on December 1, 1993.

El Salvador. The Law on Promotion and Protection of Intellectual Property of July 15, 1993, which was published in Official Journal No. 150, Volume No. 320, of August 16, 1993, entered into force 60 days after that publication.

Poland. The Law on Inventive Activity of October 19, 1972, as last amended by the Law of April 16, 1993, entered into force on April 16, 1993, except for its Section 12 (exclusions from patentability), which entered into force on January 15, 1993.

The Law on the Protection of Topographies of Integrated Circuits of October 30, 1992, entered into force on January 26, 1993.

The Law on Combatting Unfair Competition, of April 16, 1993, entered into force six months after its proclamation.

Activities of UPOV

Annual Report of the Secretary-General for 1993

(Twenty-Fifth Year)

Composition of the Union

On January 12, 1993, the Czech Republic and Slovakia deposited with the Secretary-General declarations to the effect that the 1978 Act of the Interna-

tional Convention for the Protection of New Varieties of Plants—to which the former Czechoslovakia had acceded—would continue to apply with respect to those countries.

On March 16, Finland deposited its instrument of accession to the 1978 Act of the Convention. That Act entered into force with respect to Finland on April 16.

On August 13, Norway deposited its instrument of accession to the 1978 Act of the Convention. That Act entered into force with respect to Norway on September 13.

As of that date, the Union comprises 24 member States: Australia, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Norway, Poland, Slovakia, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America. All are party to the 1978 Act, with the exception of Belgium and Spain, which are party to the 1961 Act as amended by the Additional Act of 1972.

Sessions of the Council and its Subsidiary Bodies

Council

Under Article 32(3) of the 1978 Act, "Any State which is not a member of the Union and which has not signed this Act shall, before depositing its instrument of accession, ask the Council to advise it in respect of the conformity of its laws with the provisions of this Act." Norway requested such advice in a Note verbale of March 29. The Council was convened in extraordinary session (its tenth) on April 23 to deal with the request; it met under the chairmanship of Mr. R. López de Haro y Wood (Spain) and took a positive decision.

The Council held its twenty-seventh ordinary session on October 29 under the chairmanship of Mr. R. López de Haro y Wood (Spain). The session was attended by observers from 15 non-member States¹ and 12 international organizations.²

At that session, the Council took the following main decisions:

(i) It approved the report of the Secretary-General on the activities of the Union in 1992 and the first nine months of 1993.

(ii) It approved the program and the budget of the Union for the 1994-95 biennium.

(iii) It noted the plan for the medium-term 1996-99.

(iv) It renewed the designation of Switzerland as auditor of the accounts of UPOV up to and including the year 1997.

(v) On the basis of recommendations of the Consultative Committee, it

(a) decided that official texts of the 1978 and 1991 Acts of the Convention would be established in the Chinese language, and

(b) approved the preparation of a prototype CD-ROM in the framework of the possible establishment of a UPOV central computerized data base on plant variety protection and related matters, and the use of monies from the reserve fund to cover the cost of preparation.

(vi) It approved the progress reports on the work of its various subsidiary bodies and either drew up or approved their work plans for the coming year and, in that connection, it

(a) adopted a revised version of the Declaration on the Conditions for the Examination of a Variety Based Upon Trials Carried Out By or On Behalf of the Breeder,

(b) adopted a revised version of the UPOV Model Administrative Agreement for International Cooperation in the Testing of Varieties,

(c) endorsed an agreed interpretation of Article 11 of the 1991 Act (right of priority) under which that right means that an application comprising a priority claim has to be examined as if it had been filed on the priority date and that the examination of the application might be deferred for two years under the conditions set out in paragraph (3) of that Article,

(d) noted with approval the suggestion that the documents of the Technical Committee should become available to any interested person.

(vii) It elected, in each case for a term of three years ending with the thirtieth ordinary session of the Council, in 1996:

(a) Mr. Huib Ghijsen (Netherlands) Chairman of the Technical Working Party for Agricultural Crops;

(b) Mr. Sylvain Grégoire (France) Chairman of the Technical Working Party on Automation and Computer Programs;

(c) Mrs. Elise Buitendag (South Africa) Chairman of the Technical Working Party for Fruit Crops;

¹ Argentina, Austria, Bolivia, Brazil, Chile, Colombia, Croatia, Ecuador, Ghana, Morocco, Portugal, Republic of Korea, Romania, Slovenia, Thailand.

² General Agreement on Tariffs and Trade (GATT), European Communities (EC), Organisation for Economic Co-operation and Development (OECD), Association of Plant Breeders of the European Economic Community (COMASSO), International Association for the Protection of Industrial Property (AIPPI), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Chamber of Commerce (ICC), International Community of Breeders of Asexually Reproduced Ornamental and Fruit-Tree Varieties (CIOFORA), International Federation of the Seed Trade (FIS), International Seed Testing Association (ISTA), Union of Industrial and Employers' Confederation of Europe (UNICE), Union of European Practitioners in Industrial Property (UEPIP).

- (d) Mrs. Ulrike Löscher (Germany) Chairman of the Technical Working Party for Ornamental Plants and Forest Trees;
- (e) Mrs. Elisabeth Kristof (Hungary) Chairman of the Technical Working Party for Vegetables;
- (f) Mr. Joël Guiard (France) Chairman of the Working Group on Biochemical and Molecular Techniques, and DNA-profiling in Particular.

Consultative Committee

The Consultative Committee held its forty-sixth session on April 23 and its forty-seventh session on October 28, both under the chairmanship of Mr. R. López de Haro y Wood (Spain).

At those sessions, the Committee essentially supervised the execution of certain activities of the Union and prepared the decisions of the Council. At the forty-sixth session, the representatives of the member States gave encouraging reports on developments with regard to implementation of the 1991 Act at national and regional levels (similar reports were given at the ordinary session of the Council). At the forty-seventh session, the Committee further decided to open the sessions of the Technical Committee to observers from seven international organizations.

Administrative and Legal Committee

The Administrative and Legal Committee held its thirty-second session on April 21 and 22 under the chairmanship of Mr. H. Kunhardt (Germany). A large part of its work was carried out at a joint meeting with the Technical Committee, of which it was the twenty-ninth session. The session was attended by observers from nine non-member States,³ from the World Intellectual Property Organization (WIPO) and from the European Communities (EC). The Committee held its thirty-third session on October 27, also under the chairmanship of Mr. H. Kunhardt, with observers from eight non-member States⁴ and from the aforesaid organizations attending.

The April session was mainly devoted to the following items:

- (i) proposed central computerized data base on plant variety protection and related matters;
- (ii) declaration on the conditions for the examination of a variety based upon trials carried out by the breeder;

³ Austria, Colombia, Croatia, Greece, Morocco, Mexico, Norway, Romania, Slovenia.

⁴ Colombia, Croatia, Morocco, Portugal, Republic of Korea, Romania, Slovenia, Turkey.

- (iii) UPOV Model Administrative Agreement for International Cooperation in the Testing of Varieties;
- (iv) guidelines relating to essentially derived varieties;
- (v) legal questions related to the 1991 Act.

The first three items subsequently gave rise to decisions of the Council. The Committees held that the entry into force of the provisions concerned should be awaited, as should initial practical experience, before beginning with the drafting of guidelines relating to essentially derived varieties and following up the Resolution on Article 14(5) adopted by the 1991 Diplomatic Conference.

Among the legal questions related to the 1991 Act were the following: the relations between Articles 1(vi), 7 and 14(5)(b) of the said Act, i.e., in great part the relations between genotype and phenotype, and the concept of characteristic in connection with the concept of variety; the question whether provisions should be included in national legislation to specify that certain transactions would not affect the novelty of a variety, or whether it should be left to the courts to define the exceptions in point; the effects of the right of priority; the transitional application of the provisions on essentially derived varieties.

At its thirty-third session, the Committee completed its work on the Model Agreement, considered the differences between the 1978 and 1991 Acts with respect to the novelty condition, discussed the scope of Article 40 of the 1991 Act (preservation of existing rights) and, in that connection, continued the exchange of views on the transitional application of the provisions on essentially derived varieties.

Technical Committee

The Technical Committee held its twenty-ninth session on April 21 and 22 in the form of a joint meeting with the Administrative and Legal Committee (see above). It held its thirtieth session on October 25 and 26 under the chairmanship of Ms. Jutta Rasmussen (Denmark). Observers from Romania and from the EC attended the session.

The Committee adopted Test Guidelines for the following five taxa on the basis of the preparatory work done by the Technical Working Parties: chickpea; cucumber, gherkin (revised edition); evening primrose; lettuce (revised edition); watermelon.

The Committee considered the progress reports on the work of the Technical Working Parties and broadly defined the future work of those working parties. It also considered questions raised by the working parties in the light of experience gained by member States in the conduct of distinctness, uniformity and stability tests on new plant varieties.

Technical Working Parties

The Technical Working Parties held the following sessions outside Geneva:

(i) The *Technical Working Party on Automation and Computer Programs (TWC)* held its eleventh session from June 2 to 4 in Cambridge (United Kingdom), under the chairmanship of Mr. K. Kristensen (Denmark).

(ii) The *Technical Working Party for Vegetables (TWV)* held its twenty-seventh session from July 6 to 9 in Menstrup Kro (Denmark), under the chairmanship of Mr. N.P.A. van Marrewijk (Netherlands).

(iii) The *Technical Working Party for Fruit Crops (TWF)* held its twenty-fourth session from September 21 to 24 in Wurzen (Germany), under the chairmanship of Mr. B. Spellerberg (Germany).

(iv) The *Technical Working Party for Ornamental Plants and Forest Trees (TWO)* held its twenty-sixth session from October 4 to 8 in Antibes (France), under the chairmanship of Mrs. E. Buitendag (South Africa).

(v) The *Technical Working Party for Agricultural Crops (TWA)* held its twenty-second session from November 23 to 27 in Lincoln (New Zealand), under the chairmanship of Mr. M.S. Camlin (United Kingdom); in connection with this session, visits were made in Australia from November 29 to December 1.

The basic task of four of those working parties is to draw up Test Guidelines. In addition to the drafts submitted to the Technical Committee for adoption, they drew up further drafts for the following taxa, to be submitted to the professional organizations for comments: barley (revised edition); fodder beet; oats (revised edition); wheat (revised edition) (TWA); Japanese pear (TWF); African violet (revised edition); Gentiana; Nerine; Pyracantha, Firethorn; Weigela (TWO).

The Technical Working Party on Automation and Computer Programs continued its work on the establishment of various documents relating to the statistical processing of data collected in the course of the examination of varieties for distinctness and homogeneity. In particular, it established draft amendments to the General Introduction to the Test Guidelines with respect to the rule on off-types tolerated in the case of mainly self-pollinated varieties in order to give that rule a statistically sounder basis.

Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular

This Working Group, which was set up by the Council in October 1992, held its first session on April 19 and 20 in Geneva, under the chairmanship of Ms. Jutta Rasmussen (Denmark). Observers from

Greece, Mexico, Norway and Romania, and experts from the International Association for the Protection of Plant Varieties (ASSINSEL) and the Association of Plant Breeders of the European Economic Community (COMASSO) attended the session.

The Working Group decided to entrust four groups—from Australia, France, the Netherlands and the United States of America—with gathering technical information on the available techniques and their potential, and with establishing a working document for the second session, for citrus, maize, soybean and tomato, respectively.

Ad Hoc Working Group on the Proposed Central Computerized Data Base on Plant Variety Protection and Related Matters

The Group met on July 13 to examine the matters that various member States had raised following the forty-sixth session of the Consultative Committee, in accordance with a procedure agreed to by that Committee. The following seven member States were represented: France, Germany, Israel, Netherlands, Spain, Switzerland, United Kingdom; the Commission of the European Communities (CEC) was also represented and WIPO provided assistance. The Group also agreed on a work schedule.

A smaller group met on November 9 and 10 to finalize the format (the presentation) of the data that would be supplied by the various offices for the preparation of the prototype and, at a later stage, the data base. The group comprised experts from France, Germany, Spain, the United Kingdom, the United States of America and the CEC; WIPO provided assistance.

Seminars

Regional Seminar in Nairobi

A Regional Seminar on the Nature of and Rationale for the Protection of Plant Varieties Under the UPOV Convention was held in Nairobi (Kenya) on May 28 and 29 (following the World Congress of ASSINSEL) for the English-speaking States of East Africa. It was organized by UPOV in cooperation with the Kenya Agricultural Research Institute and was opened by the Attorney General of Kenya, the Hon. S. Amos Wako, EBS, MP, who, in the course of his address, declared that his country was reviewing its legal provisions concerning breeders' rights with a view to their implementation. Some 150 persons attended the Seminar.

The Seminar dealt with the following main topics in the nine lectures that were presented: general aspects of plant variety protection; implementation of a protection system by the administration; technical

criteria for protection; the viewpoint of a breeder and the administration of rights by the breeders; public and private breeding and protection; the seed industry in Africa and plant variety protection.

Regional Seminar in Rabat

A Regional Seminar on the Nature of and Rationale for the Protection of Plant Varieties Under the UPOV Convention was held in Rabat (Morocco) from June 15 to 17 for the States of North Africa. It was organized by UPOV in cooperation with the Ministry of Agriculture and Land Reform of Morocco, particularly the Directorate for Plant Protection, Technical Inspection and Repression of Fraud. The Seminar was opened by the Minister for Agriculture and Land Reform, His Excellency Mr. Abdelaziz Meziane, who stated that a system of plant variety protection would be introduced in Morocco. Some 70 persons attended the Seminar.

The Seminar dealt with the following main topics in the 14 lectures that were presented: plant variety protection in the political and economic context; legal aspects of plant variety protection; the concept of variety and its technical criteria; examination practice and UPOV's role in that field; administrative organization of plant variety protection; the seed industry intersectoral organization in France and plant variety protection; the administration of breeders' rights by a collective breeders' society; the point of view of the Moroccan private sector and of the authorities; the situation of plant breeding and seed production in Algeria and Tunisia; the advantages of accession to UPOV. The morning of June 17 was devoted to a visit to the facilities and laboratories of the Directorate for Plant Protection, Technical Inspection and Repression of Fraud and of the *in vitro* potato multiplication laboratory of the Société générale des travaux agricoles (SO.GE.TA).

Regional Seminar in Beijing

A Regional Seminar on the Nature of and Rationale for the Protection of Plant Varieties Under the UPOV Convention was held in Beijing (China) from September 15 to 17, for the following countries of the Asian and Pacific region: Bangladesh, China, India, Indonesia, Malaysia, Pakistan, Philippines, Republic of Korea, Singapore, Thailand. It was organized by UPOV in cooperation with the State Commission for Science and Technology of China (SSTCC) and with the financial support of the Ministry of Agriculture, Forestry and Fisheries of Japan. Some 130 persons attended the Seminar which was opened by the Secretary-General of UPOV. In an address of welcome, Mr. Hui Yongzheng, the Vice-Chairman of the SSTCC, declared that China would conform with the interna-

tional practice of intellectual property protection by protecting plant varieties.

The Seminar dealt with the following main subjects in eight lectures and reports presented by the participants appointed by their governments: introduction to plant variety protection; technical criteria for protection; protection of plant varieties in Canada and the Netherlands; examination of ornamental varieties; plant variety protection and the flower market; situation of plant breeding and the seed industry in the countries of the region, their legislation in this field and their policy on protection. One day was devoted to visiting the following institutions of the Academy of Agricultural Science of China: the Germplasm Bank, the Biotechnology Center, the Vegetable and Flower Research Institute, the Crop Breeding and Cultivation Institute.

Relations With States and Organizations

On January 12, Mr. Zdenek Venera, Chargé d'affaires, a.i., of the Permanent Mission of the Czech Republic in Geneva, and Mr. Jan Kubis, Ambassador, Permanent Representative of Slovakia in Geneva, called on the Secretary-General to deposit declarations to the effect that the UPOV Convention would continue to apply in respect of the Czech Republic and of Slovakia.

From January 26 to 28, the Vice Secretary-General participated, as an invited speaker, in a Workshop on Intellectual Property Rights and the Protection of Plant Materials, sponsored by the Crop Science Society of America, the American Society for Horticultural Science, the American Society of Agronomy and the Soil Science Society of America. He took advantage of his presence in Washington, D.C. (United States of America) to visit the World Bank and meet officials concerned with seed industry projects.

On February 18, the Vice Secretary-General participated in Sante Fe de Bogota (Colombia) in a Seminar on Intellectual Property in the Fields of Plant Varieties, Biotechnology and Microorganisms, organized by the Colombian Institute of Agriculture (ICA) and the Ministry of External Trade. The Vice Secretary-General spoke on the subject of essentially derived varieties under the 1991 Act of the Convention.

On February 19, the Vice Secretary-General participated in Sante Fe de Bogota (Colombia) in a meeting of the Committee of Experts on Plant Variety Protection, convened by the Commission of the Cartagena Agreement, on the subject of essentially derived varieties.

On February 25, an official of the Office of the Union attended a round table on environmental information and documentation in the greater Geneva

area, organized by the World Conservation Union (IUCN) in Gland (Switzerland).

On March 15, the Vice Secretary-General participated, as an observer, in a meeting of the Intellectual Property Group of ASSINSEL in Bruges (Belgium).

On March 16, Mr. Antti Hynninen, Ambassador, Permanent Representative of Finland in Geneva, called on the Secretary-General to deposit the instrument of accession of Finland to the 1978 Act of the Convention.

On March 19, Mr. Jorge Amigo, Director General of the Directorate General of Technological Development of Mexico, and Messrs. Juan A. Toledo and Manuel Márquez, Directors of the Patent and Trade-mark Divisions, respectively, of that Directorate, visited the Office of the Union to discuss plant variety protection in the light of the provisions of the North American Free Trade Agreement (NAFTA) on that subject.

On April 1, the Secretary-General received a Note verbale dated March 29 in which the Government of Norway requested the opinion of the Council on conformity of the Norwegian Act Relating to Plant Breeders' Rights with the provisions of the 1978 Act.

On April 20, Mr. Ilko Eskenazi, a member of Parliament in Bulgaria, who had been chairman of a committee concerned with the preparation of a new patent law and is a former Deputy Prime Minister, visited the Office of the Union to discuss the prospects of legislating on the subject of plant variety protection in the course of 1993.

On the occasion of the meetings that took place in Geneva during the week from April 19 to 23, the Vice Secretary-General had talks with representatives of Austria, Mexico, Morocco and Romania.

On May 10, the Secretary-General wrote to the Federal Ministry of Agriculture and Forestry of Austria to inform it of the opinion of the Office of the Union that the amendments introduced into the Plant Variety Protection Law during the parliamentary procedure did not make it necessary to consult the Council again.

On May 12, the Vice Secretary-General received the visit of Mr. Isaac Edwin Omolo-Okeru, Chairman of the Intellectual Property Tribunal of Kenya.

On May 14, the Secretary-General wrote to Mr. Valery L. Petrov, Chairman of the State Patent Office of Ukraine, which is responsible for the administrative part of the plant variety protection law, to inform him of the procedure for acceding to the Convention.

From May 24 to 26, the Vice Secretary-General participated in Nairobi (Kenya) in the World Congress of the International Federation of the Seed Trade (FIS).

During the same Congress, the Vice Secretary-General received from Mr. José Amauri Dimarzio,

Vice-President of the Brazilian Seed Trade Association, the latest version of the draft plant variety protection law of Brazil.

On May 26, the Office of the Union received the visit of Mr. Nadirbek R. Yousoubbekov, Chairman of the State Committee for Science and Technology of Uzbekistan, and Mr. Akil A. Azimov, Director of the Patent Office of the same country.

On May 27 and 28, the Vice Secretary-General participated in Nairobi (Kenya) in the World Congress of ASSINSEL.

On June 3, the Vice Secretary-General met Mr. Sergiu E. Chertan, Minister for the Economy of the Republic of Moldova, and Mr. Eugen M. Stashkov, Director General of the State Agency on Industrial Property Protection. They explained that a draft plant variety protection law was to be submitted to Parliament in the near future.

On June 7, the Vice Secretary-General participated in Paris (France) in the annual meeting of representatives of the designated authorities responsible for implementing the Organisation for Economic Co-operation and Development's (OECD) seed inspection systems.

On June 10, the Secretary-General wrote to Mr. Z. Aumeisters, Director of the Patent Office of Latvia, following the announcement of the adoption of a plant variety protection law, to inform him of the procedure for acceding to UPOV.

On June 17, an official of the Office of the Union and Mr. José Maria Elena Rosselló, Head of the Register of Varieties, National Institute of Seeds and Nursery Plants of Spain, discussed with government officials in Rabat the draft plant variety protection law of Morocco.

On June 18, the Vice Secretary-General received the visit of Mr. Valery L. Petrov, Chairman of the State Patent Office of Ukraine.

On June 30, the Vice Secretary-General received the visit of Mr. Med Salah Bouzeriba, Director General of the Algerian Institute for Standardization and Industrial Property (INAPI), who informed him of the Institute's wish to introduce a plant variety protection system in compliance with the Convention and of its intention to hold a national seminar on such protection.

On July 1 and 2, an official of the Office of the Union participated, in Hannover (Germany) in an EC meeting on comparative trials of lettuce.

At the seventh meeting of government experts on industrial property, convened by the Commission of the Cartagena Agreement, in Lima (Peru) from July 12 to 14, a WIPO official presented the comments and proposals of the Office of the Union on the draft decision establishing a common system of plant variety protection.

On July 21, the Secretary-General wrote to Mr. Vitali Alexashov, Chairman of the All-Russian State Commission for Agricultural Crop Variety Testing of

the Russian Federation, to inform him of the procedure for acceding to the Convention.

On July 27, the Vice Secretary-General received a courtesy visit from Mr. Hidenori Murakami, who was in Geneva for the General Agreement on Tariffs and Trade (GATT) negotiations and who had just learned of his appointment as Director of the Seed and Seedlings Division of the Ministry of Agriculture, Forestry and Fisheries of Japan.

On August 13, Mr. Bjorn Blokhus, Counsellor, Chargé d'affaires a.i. of the Permanent Mission of Norway in Geneva, and Mr. Knut Langeland, Second Secretary, deposited with the Office of the Union the instrument of accession of Norway to the 1978 Act of the Convention.

On August 18, the Secretary-General wrote to Mr. Valery L. Petrov, Chairman of the State Patent Office of Ukraine, on the conformity of the Ukrainian Plant Variety Protection Law with the Convention and on the procedure for accession to the Convention.

On August 20, the Vice Secretary-General paid a visit to Mr. Ernesto Tironi, Ambassador, Permanent Representative of Chile in Geneva, to discuss with him the interest of his country in an eventual accession to UPOV.

On September 6, the Office of the Union wrote to Mrs. Mioara Rădulescu, Director General of the State Office for Inventions and Trademarks of Romania, concerning the conformity of the law of Romania with the UPOV Convention.

On September 9, the Vice Secretary-General met in Lima (Peru) with Dr. Octavio Chirinos and Dr. Victor Kong, Advisers to the Minister of Agriculture of Peru, and with the Committee which is preparing a revised seed law, which will include provisions concerning the protection of new plant varieties.

Later on the same day and on September 10, the Vice Secretary-General addressed a Seminar organized by the National Institute for the Defense of Competition and Intellectual Property Protection of Peru (INDECOPI), which Institute incorporates, *inter alia*, the Patent Office and the Trademarks Registry, on the protection of plant varieties under the UPOV Convention and the relationship between the conservation of biodiversity and the protection of plant varieties. At the request of the International Bureau of WIPO, he also spoke on the main aspects of the protection of biotechnological inventions.

On September 15, the Secretary-General was received by Mr. Jiang Zemin (President of the Republic and General Secretary of the Central Committee of the Communist Party of China) in the Great Hall of the People, Beijing (China). The Vice Secretary-General and an official of the Office of the Union were also present together with officials of the International Bureau of WIPO.

On September 17, the Office of the Union received the visit of Mr. Arry A. Sigit, Head of the

Subdirector of Patent Applications and Classification of Indonesia.

On September 20, the Secretary-General forwarded to the Senate's Agriculture Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation of the United States of America a statement to support the Bill to amend the Plant Variety Protection Act.

On September 20, the Office of the Union sent documentation on UPOV and plant variety protection to the Ministry of Agriculture of Estonia and to the Estonian Seed and Variety Inspection.

On September 20, the Vice Secretary-General and an official of the Office of the Union addressed a group of senior officials from the Ministries of Agriculture, Commerce and Industry and from the Department of Biotechnology of the Government of India in New Delhi and answered questions. The meeting was chaired by Dr. C.R. Bhatia, Secretary of the Department of Biotechnology. On the same day, the Vice Secretary-General and an official of the Office of the Union addressed a meeting and answered questions at the Ministry of Agriculture of India; the meeting was presided over by Professor V.L. Chopra, Director General of the Indian Council for Agricultural Research. They subsequently met the Secretary of Agriculture, Dr. M.S. Gill. The Vice Secretary-General also met the Chairman of the Seed Association of India, Dr. B.R. Barwale, and members of his Association.

On September 21, the Vice Secretary-General and an official of the Office of the Union visited the National Bureau of Plant Genetic Resources of India in New Delhi and met its Director, Dr. R.S. Rana, and officials of the Bureau.

On September 22, the Vice Secretary-General and an official of the Office of the Union visited Islamabad (Pakistan). They met Professor Mohammed Hanif Quazi, Member (Crop Sciences) of the Pakistan Agricultural Research Council, Dr. Imtiaz Jusain, Consultant in the Agribusiness Cell of the Ministry of Food, Agriculture and Co-operatives, and Mr. Sulman Farooqui, Secretary General of the said Ministry, who urged prompt action to implement and to bring the draft law for the protection of plant varieties, prepared by officials of his Ministry, into conformity with the UPOV Convention. They subsequently visited the Federal Seed Certification Department (Dr. Syed Irfan Ahmed, Director General) and the National Seed Registration Department (Dr. Akhlaq Husain, Director).

On September 24, the Vice Secretary-General received the visit of a group of high officials of India who were visiting Europe in the framework of a seed project financed by the World Bank to study the legal and regulatory basis of the seed sector, including plant variety protection. The group comprised Ms. Santha Sheela Nair, Joint Secretary (Seeds), Dr. Mangala Rai, Assistant Director General

(Seeds), Indian Council of Agricultural Research, and four Directors of State seed certification agencies (Messrs. P.B. Dhar, G.C. Dash, Naga Subba Reddy Redyam and G. Prakash). The visit was organized by the Food and Agriculture Organization of the United Nations (FAO). The group spent the whole day at the Office of the Union.

On September 27, the Vice Secretary-General received the visit of Mr. Akil A. Azimov, Director of the State Patent Office of Uzbekistan.

On September 27, the Vice Secretary-General received the visit of Mr. Eugen M. Stashkov, Director General of the State Agency on Industrial Property Protection of the Republic of Moldova.

On September 29, the Office of the Union sent documentation to the Ministry of Agriculture of Pakistan making suggestions on the changes that were necessary to bring its draft law into conformity with the UPOV Convention.

On September 30, the Vice Secretary-General received the visit of Mr. Valery I. Kudashov, Head of the Belarus Patent Office.

On September 30, the Vice Secretary-General received the visit of Dr. Tolesh E. Kaudyrov, Chairman of the National Patent Office of Kazakhstan.

On October 4, the Vice Secretary-General received the visit of Ms. María Cristina Tosonotti, Third Secretary at the Permanent Mission of Argentina in Geneva, who informed him on the situation with respect to Argentina's accession to UPOV.

On October 8 and 21, the Secretary-General wrote to Mr. Valery I. Kudashov, Head of the Belarus Patent Office, on the procedure for accession to UPOV.

On October 8, the Secretary-General wrote to Dr. Tolesh E. Kaudyrov, Chairman of the National Patent Office of Kazakhstan, on the procedure for accession to UPOV.

On October 8, the Secretary-General wrote to Mr. Akil A. Azimov, Director of the State Patent Office of Uzbekistan, on the procedure for accession to UPOV.

From October 11 to 15, the Vice Secretary-General followed, in Geneva, the meetings of the Intergovernmental Committee on the Convention on Biodiversity. Working Group II had intellectual property on its agenda, but did not consider that item.

On October 12, the Vice Secretary-General received the visit of Professor Norah K. Olemba, Director of the Kenya Industrial Property Office, who informed him of progress made in the drafting of the implementing regulations to the Seeds and Plant Varieties Act, 1972.

On October 21, the Vice Secretary-General met with Mr. Valentin Dobrev, Ambassador and Permanent Representative of Bulgaria in Geneva, and

discussed with him the possibilities for Bulgaria to adhere to UPOV in the light of the provisions of the 1991 Act of the Convention.

On October 22, the Vice Secretary-General received the visit of Mr. Kubanichbek M. Jumaliev, Head of the State Committee on Science and New Technologies of the Kyrgyz Republic, and Mr. Roman Omorov, Head of the Patent Department of that Committee. On November 26, the Secretary-General wrote to Mr. Jumaliev on the procedure for acceding to UPOV.

On October 27, the delegation of Poland to the session of the Administrative and Legal Committee had discussions with the Office of the Union on the draft revised Polish law on the seeds industry.

From November 1 to 4, the Vice Secretary-General visited Romania, where he met with the State Secretary for Agriculture, Mr. Dan Serbu, Mrs. Mioara Rădulescu, Director General of the State Office for Inventions and Trademarks, senior officials of that Office and the directors of several institutes under the Ministry of Agriculture, in particular the Commission for Plant Variety Tests and Approval.

On November 11, the Office of the Union transmitted to Mr. Roman Suchy, Ministry of Agriculture of Slovakia, a document on the advantages for that country of acceding to the 1991 Act of the Convention.

On November 17, the Vice Secretary-General received the visit of Mr. Sid-Ali Branci, Secretary at the Permanent Mission of Algeria in Geneva, and gave him information on UPOV.

On November 23 and 24, the Vice Secretary-General received the visit of Mr. Ilie Untila, Member of the Academy of Sciences of the Republic of Moldova and Director General of the agrofirma Selectia, and Mr. Eugeniu I. Revenco, Director General of the Scientific Department of the Ministry of Agriculture and Food of that country. The purpose of their visit was to learn about UPOV and the procedure for accession to the Union, and to deliver a copy of a draft law on the protection of new plant varieties.

On November 24, the Secretary-General wrote to Mr. Gao Lulin, Director General of the Chinese Patent Office, on the general policy with respect to the protection of plant varieties.

On November 26 and 27, an official of the Office of the Union participated as an invited speaker in Nice (France) in a colloquium on the protection of new plant varieties and on trademarks in horticulture organized in the framework of the *Rencontres méditerranéennes Horti-Azur*.

On November 29, the Office of the Union received the draft law of Belarus on the protection of new plant varieties.

On December 2, the Vice Secretary-General received the visit of Mr. Bernard Le Buanec, Secretary General of ASSINSEL and FIS.

On December 10, the Secretary-General wrote to the Ministry for Foreign Trade of Colombia on the implementation, at the national level, of Decision No. 345 of the Commission of the Cartagena Agreement creating a common regime [for Bolivia, Colombia, Ecuador, Peru and Venezuela] of protection of the rights of breeders of plant varieties, and on the accession of Colombia to UPOV.

On December 17, the Vice Secretary-General sent to Mr. Valery I. Kudashov, Head of the Belarus Patent Office, comments on the draft law on the protection of new plant varieties.

On December 21, the Vice Secretary-General sent general information on UPOV and plant variety protection to Mr. Pedro O. Bolívar Cisneros, Director General of the Industrial Property Registry of Panama.

On December 21, an official of the Office of the Union met in Moscow (Russian Federation) with Mr. Vitali Alexashov, Chairman of the All-Russian State Commission for Agricultural Crop Variety Testing, and high officials of that Commission.

During the period under review, the Office of the Union provided assistance to the government authorities of the following States in drafting or amending their plant variety laws or in the procedure for acceding to the Convention: Australia, Austria, Belarus, Chile, China, Colombia, Kazakhstan, Kenya, Kyrgyz Republic, Morocco, Norway, Pakistan, Peru, Poland, Republic of Moldova,

Romania, Russian Federation, Slovakia, South Africa, Ukraine, United States of America, Uzbekistan, Zimbabwe.

Publications

The Office of the Union published:

- (i) the 1991 Act of the UPOV Convention in Italian;
- (ii) a new edition (1993 edition) of the general information brochure in English, French, German and Spanish;
- (iii) a new edition of the folder on UPOV and plant variety protection in English, Arabic, Chinese, French, German, Russian and Spanish;
- (iv) three issues of the periodical *Plant Variety Protection*;
- (v) the Spanish version of Part I of the *Collection of Important Texts and Documents*; one supplement to Part I in English, French and German, and another one in four languages; one trilingual supplement to Part II (Test Guidelines);
- (vi) one supplement to the *Collection of Laws and Treaties*;
- (vii) the records of the Seminar on the Nature of and Rationale for the Protection of Plant Varieties Under the UPOV Convention held in Suwon (Republic of Korea) from November 17 to 19, 1992.

Calendar of Meetings

WIPO Meetings

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

1994

March 3 and 4 (Geneva)

Worldwide Forum on the Arbitration of Intellectual Property Disputes (jointly organized with the American Arbitration Association (AAA))

The Forum will, with particular reference to intellectual property disputes, give an overview of the various extra-judicial procedures for dispute resolution, examine the main elements of the arbitration process, and consider the nature and use of mediation as a form of dispute resolution.

Invitations: Governments, selected non-governmental organizations and any member of the public (against payment of a registration fee).

- May 2 to 6 (Geneva)**
- Working Group on the Application of the Madrid Protocol of 1989 (Sixth 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.
- May 23 to 27 (Geneva)**
- WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights (Eleventh 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 (November 1992) 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.
- June 6 to 10 (Geneva)**
- Committee of Experts on a Possible Protocol to the Berne Convention (Fourth 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 13 to 17 (Geneva)**
- Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms (Third Session)**
- The Committee will continue to 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.
- June 20 to 23 (Geneva)**
- WIPO Permanent Committee for Development Cooperation Related to Industrial Property (Sixteenth 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 (November 1992) 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.
- September 26 to October 4 (Geneva)**
- Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Fifth Series of Meetings)**
- Some of the Governing Bodies will meet in ordinary session, others in extraordinary session.
- Invitations:* As members or observers (depending on the body), States members of WIPO or the Unions and, as observers, other States and certain organizations.
- October 10 to 28 (Geneva)**
- Diplomatic Conference for the Conclusion of the Trademark Law Treaty**
- The Diplomatic Conference is expected to adopt a treaty which will harmonize certain procedural and other aspects of national and regional trademark laws.
- Invitations:* States members of the Paris Union and, as observers or with a special status, States members of WIPO not members of the Paris Union and certain organizations.

UPOV Meetings

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

1994

November 2 to 4 (Geneva)

Technical Committee

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

November 7 and 8 (Geneva)

Administrative and Legal Committee

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

November 9 (a.m.) (Geneva)

Consultative Committee (Forty-Eighth Session)

Invitations: Member States of UPOV.

November 9 (p.m.) (Geneva)

Council (Twenty-Eighth Ordinary Session)

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

Other Meetings

1994

May 4 to 9 (Beijing)

Licensing Executives Society International (LESI): International Conference

May 8 to 11 (Seattle)

International Trademark Association (INTA): 116th Annual Meeting

May 23 to 25 (Turin)

International Publishers Association (IPA): Symposium on the theme "Publishers and New Technology"

May 24 to 26 (Rio de Janeiro)

International Confederation of Societies of Authors and Composers (CISAC): Legal and Legislation Committee

May 25 to 28 (Luxembourg)

European Communities Trade Mark Association (ECTA): Annual General Meeting and Conference

May 28 to June 5 (Ostend)

International Federation of the Seed Trade (FIS)/International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL): World Congress

June 12 to 18 (Copenhagen)

International Association for the Protection of Industrial Property (AIPPI): Executive Committee

June 19 to 24 (Vienna)

International Federation of Industrial Property Attorneys (FICPI): Congress

June 27 and 28 (Geneva)

International Literary and Artistic Association (ALAI): Study Days

July 11 to 13 (Ljubljana)

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

September 18 to 22 (Washington, D.C.)

International Confederation of Societies of Authors and Composers (CISAC): Congress

September 22 to 24 (Berlin)

International League of Competition Law (LIDC): Congress

