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Contents

EDITOR'S NOTE

Announcement : Merger of WIPO Reviews, *Industrial Property* and *Copyright* 275

NOTIFICATIONS CONCERNING TREATIES ADMINISTERED BY WIPO IN THE FIELD OF INDUSTRIAL PROPERTY

Paris Convention. New Member of the Paris Union: Liberia 276

Patent Cooperation Treaty (PCT). New Members of the PCT Union: Liberia, Swaziland 276

Budapest Treaty. Change of Name and Address and New Schedule of Fees: Russian National Collection of Industrial Microorganisms (VKPM), GNII Genetika (Russian Federation) 276

NOTIFICATIONS CONCERNING THE UPOV CONVENTION

International Convention for the Protection of New Varieties of Plants (UPOV). New Member of UPOV: Austria 277

NORMATIVE ACTIVITIES OF WIPO IN THE FIELD OF INDUSTRIAL PROPERTY

Paris Union. Diplomatic Conference for the Conclusion of the Trademark Law Treaty (Geneva, October 10 to 28, 1994). Draft Regulations Under the Trademark Law Treaty—Document prepared for the Diplomatic Conference 278

Nice Union. Preparatory Working Group of the Committee of Experts of the Nice Union. Fourteenth Session (Geneva, April 11 to 15, 1994) 281

Permanent Committee on Industrial Property Information (PCIPI)

PCIPI Working Group on General Information (PCIPI/GI). Twelfth Session (Geneva, April 18 to 22, 1994) 281

PCIPI Executive Coordination Committee (PCIPI/EXEC). Fourteenth Session (Geneva, May 16 to 20, 1994) 282

PCIPI Ad hoc Working Group on the Application of the Criteria for the Selection of IPC (International Patent Classification) Revision Projects (PCIPI/IPC/SEL) (Geneva, May 13 to 17, 1994) 283

PCIPI Ad hoc Working Group on the Management of Industrial Property Information (PCIPI/MI). Thirteenth Session (Geneva, May 16 to 20, 1994) 283

PCIPI Working Group on Search Information (PCIPI/SI). Thirteenth Session (Geneva, May 30 to June 10, 1994) 283

WIPO Arbitration Center. Group of Experts (Geneva, April 12 and 13 and May 26 and 27, 1994) 284

[Continued overleaf]

WIPO 1994

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ISSN 0019-8625

REGISTRATION SYSTEMS ADMINISTERED BY WIPO

Patent Cooperation Treaty (PCT)	
Application of Rule 32 of the PCT Regulations (Successor States) in Uzbekistan	285
Training and Promotion Meetings With PCT Users	285
Computerization Activities	286
Madrid Union	
Working Group on the Application of the Madrid Protocol of 1989. Sixth Session (Geneva, May 2 to 6, 1994)	286
Advisory Meeting of Users of the Madrid System (Geneva, May 6, 1994)	295
Training and Promotion Meetings With Users of the Madrid System	296
Computerization Activities	296
Hague Union	
Computerization Activities	296

**ACTIVITIES OF WIPO IN THE FIELD OF INDUSTRIAL PROPERTY SPECIALLY
DESIGNED FOR DEVELOPING COUNTRIES**

Africa	297
Arab Countries	301
Asia and the Pacific	301
Latin America and the Caribbean	303
Development Cooperation (in General)	305
WIPO Medals	306

**ACTIVITIES OF WIPO IN THE FIELD OF INDUSTRIAL PROPERTY SPECIALLY
DESIGNED FOR COUNTRIES IN TRANSITION TO MARKET ECONOMY 306****OTHER CONTACTS OF THE INTERNATIONAL BUREAU OF WIPO WITH
GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS IN THE FIELD OF
INDUSTRIAL PROPERTY 307****MISCELLANEOUS NEWS 310****EXHIBITIONS**

Romania	311
-------------------	-----

CALENDAR OF MEETINGS 311**INDUSTRIAL PROPERTY LAWS AND TREATIES
(INSERT)**

Editor's Note

ARMENIA

Announcement on the Protection of Industrial Property in Armenia (of July 6, 1994) (This text replaces the one previously published under the same code number)	Text 1-001
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BULGARIA

Patent Law (of March 18, 1993)	Text 2-001
--	------------

ESTONIA

Announcement on the Protection of Industrial Property in Estonia (of June 22, 1994) . . .	Text 1-001
---	------------

MULTILATERAL TREATIES

North American Free Trade Agreement Between the Government of Canada, the Government of the United Mexican States and the Government of the United States of America (of December 8, 1993) [Excerpts]	Text 1-013
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Editor's Note

ANNOUNCEMENT

Merger of WIPO Reviews, *Industrial Property* and *Copyright*

As of January 1, 1995, the monthly reviews of the World Intellectual Property Organization (WIPO), *Industrial Property* and *Copyright*, will be merged into a single monthly review under the title *Industrial Property and Copyright*.

Current subscribers to one or both of the existing two reviews will receive the new merged review provided they send to WIPO by December 31, 1994, the completed subscription form inserted in this issue.

The annual subscription rate for the merged review will be 210 Swiss francs for Europe and outside Europe by surface mail, and 300 Swiss francs outside Europe by airmail. All subscribers will then be receiving the equivalent of two reviews instead of one as from the beginning of 1995.

As far as the legislative texts inserted in the existing reviews are concerned, all subscribers to the merged review will receive both sets of industrial property and copyright and neighboring rights laws. It will no longer be possible to subscribe separately to the legislative texts only; the merged review and the legislative inserts relating to the two fields will only be available as a single subscription.

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

Paris Convention

New Member of the Paris Union

LIBERIA

The Government of Liberia deposited, on May 27, 1994, its instrument of accession to the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979.

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

The Paris Convention as revised will enter into force, with respect to Liberia, on August 27, 1994. On that date, Liberia will become a member of the Paris Union.

Liberia belongs to Class *Ster* for the purpose of establishing its contribution to the World Intellectual Property Organization (WIPO).

Paris Notification No. 155, of May 27, 1994.

Patent Cooperation Treaty (PCT)

New Members of the PCT Union

LIBERIA

The Government of Liberia deposited, on May 27, 1994, its instrument of accession to the Patent Cooperation Treaty (PCT), done at Washington on June 19, 1970.

The said Treaty will enter into force, with respect to Liberia, on August 27, 1994.

PCT Notification No. 95, of May 27, 1994.

SWAZILAND

The Government of Swaziland deposited, on June 20, 1994, its instrument of accession to the Patent Cooperation Treaty (PCT).

The said Treaty will enter into force, with respect to Swaziland, on September 20, 1994.

PCT Notification No. 96, of June 20, 1994.

Budapest Treaty

Change of Name and Address and New Schedule of Fees

RUSSIAN NATIONAL COLLECTION OF
INDUSTRIAL MICROORGANISMS (VKPM),
GNII GENETIKA

(Russian Federation)

(formerly known as the "All Union Institute
of Genetics and Industrial Cultivation of
Microorganisms of the Corporation
Pharmindustry (VKPM)")

The Government of the Russian Federation has informed the Director General of WIPO by notifications of June 29 and July 14, 1994, respectively, of the new name and address of and the new schedule of fees charged by the All Union Institute of Genetics and Industrial Cultivation of Microorganisms of the Corporation Pharmindustry (VKPM), an international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

The new name and address of the said international depositary authority are:

Russian National Collection of Industrial Microor-
ganisms (VKPM), GNII Genetika
Dorozhny proezd, 1
Moscow 113545
Russian Federation.

The new schedule of fees charged by the said international depositary authority is:

	USD
– Storage	300
– Issuance of viability statements	50
– Furnishing of samples	50

The list of the kinds of microorganisms accepted for deposit by the above-mentioned international depositary authority remains unchanged.

The new schedule of fees set forth in the said notifications will apply as from the thirtieth day following the date (August 31, 1994) of publication of the said fees in the July/August 1994 issue of

Industrial Property, that is, as from September 30, 1994 (see Rule 12.2(a) and (c) of the Regulations under the Budapest Treaty). The said fees will replace the fees as published in the July/August 1987 issue of *Industrial Property* (see Budapest Notification No. 63, of July 28, 1987).¹

Budapest Notification No. 91 (this notification is the subject of Budapest Notification No. 129, of July 18, 1994).

¹ See *Industrial Property*, 1987, p. 248 *et seq.*

Notifications Concerning the UPOV Convention

International Convention for the Protection of New Varieties of Plants (UPOV)

New Member of UPOV

AUSTRIA

The Government of Austria deposited, on June 14, 1994, its instrument of accession to the International Convention for the Protection of New Varieties of

Plants of December 2, 1961, as revised at Geneva on November 10, 1972, and on October 23, 1978.

Austria has not heretofore been a member of the International Union for the Protection of New Varieties of Plants, founded by the said International Convention.

The said International Convention will enter into force, with respect to Austria, on July 14, 1994. On that date, Austria will become a member of UPOV.

For the purpose of determining its share in the total amount of the annual contributions to the budget of UPOV, one and a half (1.5) contribution units is applicable to Austria.

UPOV Notification No. 44, of June 17, 1994.

Normative Activities of WIPO in the Field of Industrial Property

Paris Union

Diplomatic Conference for the Conclusion of the Trademark Law Treaty

(Geneva, October 10 to 28, 1994)

The draft Regulations under the Trademark Law Treaty which appear below, together with the draft Treaty itself (see *Industrial Property*, 1994, pp. 249 *et seq.*), will be submitted to the Diplomatic Conference for the Conclusion of the Trademark Law Treaty which will take place in Geneva from October 10 to 28, 1994.

DRAFT REGULATIONS UNDER THE TRADEMARK LAW TREATY

LIST OF RULES

- Rule 1: Abbreviated Expressions
- Rule 2: Manner of Indicating Names and Addresses
- Rule 3: Details Concerning the Application
- Rule 4: Details Concerning Electronic Communications
- Rule 5: Details Concerning Representation
- Rule 6: Details Concerning the Filing Date
- Rule 7: Signature and Other Means of Self-Identification
- Rule 8: Manner of Identification of an Application Without Its Application Number
- Rule 9: Details Concerning Duration and Renewal

List of Model International Forms¹

- Form No. 1 Application for the Registration of a Mark
- Form No. 2 Power of Attorney
- Form No. 3 Request for the Recordal of Change(s) in Name(s) and/or Address(es)
- Form No. 4 Request for the Recordal of a Change in Ownership in Respect of Registration(s) and/or Application(s) for Registration of Marks

- Form No. 5 Certificate of Transfer in Respect of Registration(s) and/or Application(s) for Registration of Marks
- Form No. 6 Transfer Document in Respect of Registration(s) and/or Application(s) for Registration of Marks
- Form No. 7 Request for the Correction of Mistake(s) in Registration(s) or Application(s) for Registration of Marks
- Form No. 8 Request for the Renewal of a Registration

Rule 1 Abbreviated Expressions

(1) [*Treaty*; *Article*] (a) In these Regulations, the word “Treaty” means the Trademark Law Treaty.

(b) In these Regulations, the word “Article” refers to the specified Article of the Treaty.

(2) [*Abbreviated Expressions Defined in the Treaty*] The abbreviated expressions defined in Article 1 for the purposes of the Treaty shall have the same meaning for the purposes of the Regulations.

Rule 2 Manner of Indicating Names and Addresses

(1) [*Names*] (a) Where the name of a person is to be indicated, any Contracting Party may require,

(i) where the person is a natural person, that the name to be indicated be the family or principal name and the given or secondary name or names of that person or that the name to be indicated be, at that person’s option, the name or names customarily used by the said person;

(ii) where the person is a legal entity, that the name to be indicated be the full official designation of the legal entity.

(b) Where the name of a representative which is a firm or partnership is to be indicated, any Contracting Party shall accept as indication of the name the indication that the firm or partnership customarily uses.

(2) [*Addresses*] (a) Where the address of a person is to be indicated, any Contracting Party may

¹ The Model International Forms are not reproduced here.

require that the address be indicated in such a way as to satisfy the customary requirements for prompt postal delivery at the indicated address and, in any case, consist of all the relevant administrative units up to, and including, the house or building number, if any.

(b) Where a communication to the Office of a Contracting Party is in the name of two or more persons with different addresses, that Contracting Party may require that such communication indicate a single address as the address for correspondence.

(c) The indication of an address may contain a telephone number and a telefacsimile number and, for the purposes of correspondence, an address different from the address indicated under subparagraph (a).

(d) Subparagraphs (a) and (c) shall apply, *mutatis mutandis*, to addresses for service.

(3) [*Script to Be Used*] Any Contracting Party may require that any indication referred to in paragraphs (1) and (2) be in the script used by its Office.

Rule 3

Details Concerning the Application

(1) [*Standard Characters*] Where, pursuant to Article 3(1)(a)(ix), 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 the Contracting Party, the Office shall register and publish that mark in such standard characters.

(2) [*Number of Reproductions*] (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

(i) five reproductions of the mark in black and white where the application may not, under the law of that Contracting Party, or does not contain a statement to the effect that the applicant wishes the mark to be registered and published in the standard characters used by the Office of the said Contracting Party;

(ii) one reproduction of the mark in black and white where the application contains a statement to the effect that the applicant wishes the mark to 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.

(3) [*Reproduction of a Three-Dimensional Mark*] (a) Where, pursuant to Article 3(1)(a)(xi), the application contains a statement to the effect that the mark is a three-dimensional mark, the reproduction of the mark shall consist of a two-dimensional graphic or photographic reproduction.

(b) The reproduction furnished under subparagraph (a) may, at the option of the applicant, consist of one single view of the mark or of several different views of the mark.

(c) Where the Office considers that the reproduction of the mark furnished by the applicant under subparagraph (a) does not sufficiently show the particulars of the three-dimensional mark, it may invite the applicant to furnish, within a reasonable time limit fixed in the invitation, up to six different views of the mark and/or a description by words of that mark.

(d) Where the Office considers that the different views and/or the description of the mark referred to in subparagraph (c) still do not sufficiently show the particulars of the three-dimensional mark, it may invite the applicant to furnish, within a reasonable time limit fixed in the invitation, a specimen of the mark.

(e) Paragraph (2)(a)(i) and (b) shall apply *mutatis mutandis*.

(4) [*Transliteration of the Mark*] For the purposes of Article 3(1)(a)(xiii), where the mark consists of or contains matter in script other than the script used by the Office or numbers expressed in numerals other than numerals used by the Office, a transliteration of such matter in the script and numerals used by the Office may be required.

(5) [*Translation of the Mark*] For the purposes of Article 3(1)(a)(xiv), where the mark consists of or contains a word or words in a language other than the language, or one of the languages, admitted by the Office, a translation of that word or those words into that language or one of those languages may be required.

(6) [*Time Limit for Furnishing Evidence of Actual Use of the Mark*] The time limit referred to in Article 3(6) shall not be shorter than six months counted from the date of allowance of the application by the Office of the Contracting Party where that application was filed. That time limit shall be extendable, subject to the conditions provided for by the law of that Contracting Party, by periods of at least six months each, up to a total extension of at least two years and a half.

Rule 4

Details Concerning Electronic Communications

[Reserved]

Rule 5
Details Concerning Representation

The time limit referred to in Article 4(3)(d) shall be counted from the date of receipt of the communication referred to in that Article by the Office of the Contracting Party concerned and shall not be less than one month where the address of the person on whose behalf the communication is made is on the territory of that Contracting Party and not less than two months where such an address is outside the territory of that Contracting Party.

Rule 6
Details Concerning the Filing Date

(1) [*Procedure in Case of Non-Compliance With Requirements*] If the application does not, at the time of its receipt by the Office, comply with any of the applicable requirements of Article 5(1)(a) or (2)(a), the Office shall promptly invite the applicant to comply with such requirements within a time limit indicated in the invitation, which time limit shall be at least one month from the date of the invitation where the applicant's address is on the territory of the Contracting Party concerned and at least two months where the applicant's address is outside the territory of the Contracting Party concerned. Compliance with the invitation may be subject to the payment of a special fee. Even if the Office fails to send the said invitation, the said requirements remain unaffected.

(2) [*Filing Date in Case of Correction*] If, within the time limit indicated in the invitation, the applicant complies with the invitation referred to in paragraph (1) and pays any required special fee, the filing date shall be the date on which all the required indications and elements referred to in Article 5(1)(a) have been received by the Office and, where applicable, the required fee referred to in Article 5(2)(a) has been paid to the Office. Otherwise, the application shall be treated as if it had not been filed.

(3) [*Date of Receipt*] Each Contracting Party shall be free to determine the circumstances in which the receipt of a document or the payment of a fee shall be deemed to constitute receipt by or payment to its Office in cases in which the document was actually received by or payment was actually made to

- (i) a branch or sub-office of that Office,
- (ii) a national Office on behalf of the Office of the Contracting Party, where the Contracting Party is a regional intergovernmental organization referred to in Article 22(1)(ii),
- (iii) an official postal service,
- (iv) a delivery service, other than an official postal service, specified by the Contracting Party.

(4) [*Use of Telefacsimile*] Where a Contracting Party allows the filing of an application by telefacsimile and the application is filed by telefacsimile, the date of receipt of the telefacsimile by the Office of that Contracting Party shall constitute the date of receipt of the application, provided that the said Contracting Party may require that the original of such application reach the Office within a time limit which shall be at least one month from the day on which the telefacsimile was received by the said Office.

Rule 7
Signature and Other Means of Self-Identification

(1) [*Legal Entities*] Where a communication is signed on behalf of a legal entity, any Contracting Party may require that the signature, or the seal, of the natural person who signs or whose seal is used be accompanied by an indication in letters of the family or principal name and the given or secondary name or names of that person or, at the option of that person, of the name customarily used by the said person.

(2) [*Communication by Telefacsimile*] The period referred to in Article 8(2)(b) shall not be less than one month from the date of the receipt of a transmittal by telefacsimile.

(3) [*Date*] A signature or seal may be accompanied by an indication of the date on which the signing or sealing was effected.

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

(1) [*Manner of Identification*] Where it is required that an application be identified by its application number but where such a number has not yet been issued or is not known to the applicant or his representative, that application shall be considered identified if the following is supplied:

- (i) the provisional application number, if any, given by the Office, or
- (ii) a copy of the application, or
- (iii) a reproduction of the mark, accompanied by an indication of the date on which, to the best knowledge of the applicant or the representative, the application was received by the Office and an identification number given to the application by the applicant or the representative.

(2) [*Prohibition of Other Requirements*] No Contracting Party may demand that requirements other than those referred to in paragraph (1) be

complied with in order for an application to be identified where its application number has not yet been issued or is not known to the applicant or his representative.

Rule 9
Details Concerning Duration
and Renewal

For the purposes of Article 13(1)(c), the period during which the request for renewal may be

presented and the renewal fee may be paid shall start at least six months before the date on which the renewal is due and shall end at the earliest six months after that date. If the request for renewal is presented and the renewal fees are paid after the date on which the renewal is due, any Contracting Party may subject the renewal to the payment of a surcharge.

Nice Union

Preparatory Working Group of the
Committee of Experts of the Nice Union

Fourteenth Session
(Geneva, April 11 to 15, 1994)

The Preparatory Working Group of the Committee of Experts of the Nice Union held its fourteenth session in Geneva from April 11 to 15, 1994.¹

The following 12 States members of the Working Group were represented at the session: Austria, Denmark, France, Germany, Japan, Netherlands, Norway, Portugal, Spain, United Kingdom, United States of America, Sweden. China, Italy and Romania were represented by observers. The Benelux Trademark Office (BBM) also attended.

The Working Group agreed to consider the Russian Federation as a member of the Working Group and Algeria, Brazil, Croatia, the Czech Republic, Slovenia and Switzerland as observers, according to the wish expressed by those countries at the session.

The Working Group agreed to submit for adoption to the Committee of Experts of the Nice Union a number of changes to the Nice Classification, including proposals for adding to the Classification explanatory notes relating to "retail store services."

The Working Group studied the results of the survey on the possible restructuring of the Nice Classification and agreed that it would be possible, under a future revision, to transfer products (or services) or groups of products (or services) from one class to another if it was considered useful.

The Working Group also agreed that class 42 should be subdivided and that one or more subdivisions should be transferred to new classes whose numbers would follow class 42.

¹ For the note on the previous session, see *Industrial Property*, 1993, pp. 236 *et seq.*.

Permanent Committee on Industrial Property Information (PCIPI)

PCIPI Working Group on
General Information (PCIPI/GI)

Twelfth Session
(Geneva, April 18 to 22, 1994)

The PCIPI/GI held its twelfth session in Geneva from April 18 to 22, 1994.²

The following 26 members of the Working Group were represented at the session: Belarus, Bulgaria,

Canada, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Japan, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovenia, Spain, Sweden, Switzerland, United Kingdom, United States of America, BBM, European Patent Office (EPO). The Patent Documentation Group (PDG) was represented by observers.

The Working Group completed the revision of WIPO Standards ST.3 (Recommended Standard Two-Letter Code for the Representation of States, Other Entities and Intergovernmental Organizations), ST.9 (Recommendation Concerning Bibliographic Data on and Relating to Patent Documents),

² *Ibid.*, 1994, p. 48.

ST.60 (Recommendation Concerning Bibliographic Data Relating to Marks), ST.80 (Recommendation Concerning Bibliographic Data Relating to Industrial Designs and Models) and ST.14 (Recommendation for the Inclusion of References Cited in Patent Documents) and agreed to recommend their adoption to the PCIPI Executive Coordination Committee (PCIPI/EXEC).

A "Survey of the Grant and Publication of Supplementary Protection Certificates for Medicinal Products or Equivalent Industrial Property Rights (SPCs)" was also approved and recommended for adoption to the PCIPI/EXEC.

On the basis of an analysis concerning data carriers used by industrial property offices for the exchange of patent documents, the Working Group agreed to recommend to the PCIPI/EXEC the elaboration of a new WIPO standard which should give guidance to offices on data carriers to be used for the bilateral exchange of patent documents. It also agreed on new entries and amendments to the "Glossary of Terms Concerning Industrial Property Information and Documentation."

Finally, the Working Group continued discussions on the consequences of the year 2000 on questions of industrial property information and documentation, on a survey of filing requirements, examination methods and publication procedures relating to industrial designs, on guidelines for issuing corrections, alterations and supplements relating to patent information and on the feasibility of monitoring the accuracy of the representation of International Patent Classification (IPC) indexing codes on patent documents.

PCIPI Executive Coordination Committee (PCIPI/EXEC)

Fourteenth Session
(Geneva, May 16 to 20, 1994)

The PCIPI/EXEC held its fourteenth session in Geneva from May 16 to 20, 1994.³

The following 30 States and one intergovernmental organization members of the Committee were represented at the session: Australia, Austria, Brazil, Bulgaria, Canada, Croatia, Denmark, Egypt, Finland, France, Germany, Hungary, Ireland, Japan, Netherlands, Norway, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America,

European Patent Office (EPO). Jordan, Peru, the PDG and the publishers of the journal *World Patent Information (WPI)* were represented by observers.

The Committee adopted the revised version of WIPO Standard ST.14 (Recommendation for the Inclusion of References Cited in Patent Documents) and further agreed to instruct the PCIPI/GI to elaborate a proposal to bring the said Standard into compliance with International Standard ISO 690:1987. Finally, the Committee took note of the intention of the International Bureau to make a proposal to modify Section 503 of the Administrative Instructions under the Patent Cooperation Treaty (PCT) as to the order of elements identifying a patent document in a citation at the next Meeting of the International Authorities under the PCT (PCT/MIA), to be held from June 27 to July 1, 1994.

The Committee also adopted the "Survey of the Grant and Publication of Supplementary Protection Certificates for Medicinal Products or Equivalent Industrial Property Rights (SPCs)" and further agreed to create a new task for revising WIPO Standard ST.9 to allow for the use of existing and/or the elaboration of additional INID (*Internationally Agreed Numbers for the Identification of Data*) codes to identify the data elements relating to SPCs for medicinal products or equivalent industrial property rights.

The Committee considered the results of an investigation carried out by the PCIPI/GI concerning data carriers currently used and intended to be used for the exchange, between industrial property offices, of patent documents. The Committee noted the growing concern expressed by a great number of offices that the use of CD-ROMs as data carriers would result in a shifting of burdens to the offices receiving the documents and emphasized the importance of continuing the exchange of patent documents between offices in paper form. Consequently, the Committee decided to establish a new task to elaborate a WIPO Standard which would provide guidance to industrial property offices concerning data carriers for the exchange of patent documents.

The Committee adopted the amended wordings of WIPO Standards ST.9, ST.60 and ST.80 concerning the use of INID codes for unique identification of bibliographic data in relation to applications, grants or registrations of patents, marks and industrial designs, which data had initially been announced by the industrial property offices of the former Soviet Union and Yugoslavia.

The Committee also agreed to include the codes "BY" and "MD" for Belarus and the Republic of Moldova, respectively, in revised Standard ST.3.

The Committee further considered most of the IPC revision requests proposed by various offices in the light of the selection criteria and the rules on their application. Those rules were discussed by the Ad hoc Working Group on the Application of the

³ *Ibid.*, 1994, p. 139.

Criteria for the Selection of IPC Revision Projects at its session in May and adopted by the Committee.

Finally, the Committee reviewed the working program in the light of the discussions and conclusions reached at this session and adopted the revised working program for the 1994-95 biennium.

PCIPI Ad hoc Working Group on the Application of the Criteria for the Selection of IPC (International Patent Classification) Revision Projects (PCIPI/IPC/SEL)

(Geneva, May 13 to 17, 1994)

The PCIPI/IPC/SEL met in Geneva from May 13 to 17, 1994.

Nineteen States and one intergovernmental organization members of the Working Group (Australia, Canada, Denmark, Finland, France, Germany, Ireland, Japan, Netherlands, Norway, Portugal, Republic of Korea, Russian Federation, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America, EPO) were represented at the session. The publishers of the journal *WPI* were represented by an observer.

Recognizing the necessity of criteria for the selection of IPC revision projects and of guidelines for the application of those criteria in order to enable the PCIPI/EXEC to manage and control the IPC revision work and the resources available for that work, so as to ensure that revision activities are directed to those areas that are most in need of revision, the Working Group adopted a text relating to the submission of IPC revision requests, to the criteria for the selection of IPC revision projects and to the application of those criteria, and agreed to recommend its adoption by the PCIPI/EXEC as the basis for future selection of IPC revision projects.

The Working Group considered a number of IPC revision requests in the light of the new selection criteria and the decisions made by the Working Group in respect of those criteria and agreed to recommend to the PCIPI/EXEC the introduction of 13 of those requests into the IPC revision program for 1995.

PCIPI Ad hoc Working Group on the Management of Industrial Property Information (PCIPI/MI)

Thirteenth Session
(Geneva, May 16 to 20, 1994)

The PCIPI/MI held its thirteenth session from May 16 to 20, 1994, in Geneva.⁴

The following 30 States and one intergovernmental organization members of the Working Group were represented at the session: Australia, Austria, Brazil, Bulgaria, Canada, Croatia, Denmark, Egypt, Finland, France, Germany, Hungary, Ireland, Japan, Netherlands, Norway, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America, EPO. Jordan, Peru, the PDG and the publishers of the journal *WPI* were represented by observers.

The Delegation of the EPO informed the participants of the progress of the EASY (*Electronic Application SYstem*) project and that it had reached the last phase of acceptance testing. The Delegation also reported on the current status of the *Mixed-Mode SOfware Application (MIMOSA)* project, whose acceptance testing was progressing.

The Working Group considered the summary of replies received from offices and their associated libraries concerning the downloadability of CD-ROMs containing facsimile images of patent information for "internal use," which had been approved by the WIPO Permanent Committee on Industrial Property Information (PCIPI) in September 1991. Discussions focused on a possible, carrier-dependent, definition of the expression "internal use."

The Working Group agreed on the direction of a working paper prepared by the International Bureau which proposed that "internal use" be defined as consisting of official use by industrial property offices and some use at their associated libraries, provided that such use meets certain criteria. The Working Group agreed to discuss a revised draft to finalize the definition at its next session in November 1994.

PCIPI Working Group on Search Information (PCIPI/SI)

Thirteenth Session
(Geneva, May 30 to June 10, 1994)

The PCIPI/SI held its thirteenth session from May 30 to June 10, 1994, in Geneva.⁵

The following 19 States and one intergovernmental organization members of the Working Group were represented at the session: Belgium, Canada, Croatia, Denmark, Finland, France, Germany, Ireland, Japan, Norway, Portugal, Romania, Russian Federation, Slovenia, Spain, Sweden, Switzerland, United Kingdom, United States of America, EPO.

The Working Group continued its preparatory work for the seventh edition of the IPC, which will enter into force on January 1, 2000.

⁴ *Ibid.*, 1994, pp. 139 *et seq.*

⁵ *Ibid.*, 1994, p. 92.

The Working Group also dealt with 51 IPC revision projects (23 belonging to the mechanical field, six to the chemical field and 22 to the electrical field) on the revision program for the 1994-95 biennium, and eight revision projects were completed.

Finally, the Working Group considered the introduction of references in function-oriented places of the IPC, in particular in class G 05, discussed patent documents which could be used for training in classifying and approved informative observations relating to five training examples.

WIPO Arbitration Center

Group of Experts

(Geneva, April 12 and 13 and
May 26 and 27, 1994)

On April 12 and 13 and again on May 26 and 27, 1994, a Group of Experts met at WIPO in order to review and revise the draft WIPO Arbitration, Expedited Arbitration and Mediation Rules, as well as the draft model contract clauses for referring disputes to the WIPO Arbitration Center.

The Group of Experts comprised the following four persons: Dr. Marc Blessing, President, Swiss Arbitration Association (ASA); Mr. Gerold Herrmann, Secretary, United Nations Commission on International Trade Law (UNCITRAL), Vienna; Mr. Jan Paulsson, Vice-President, London Court of International Arbitration (LCIA); Professor Albert Jan Van Den Berg, Vice-President, Netherlands Arbitration Institute (NAI).

The discussions of the Group of Experts were based on drafts of the WIPO Arbitration, Expedited Arbitration and Mediation Rules (documents ARB/DR/1, 2 and 3) which had been established in October 1993 on the basis of the last meeting of the Working Group of Non-Governmental Organizations on Arbitration and Other Extra-Judicial Mechanisms for the Resolution of Intellectual Property Disputes Between Private Parties, held in June 1993. Those drafts had been circulated to non-governmental organizations, enterprises and practitioners in the areas of arbitration or intellectual property for observations. The Group of Experts reviewed the drafts on the basis of the observations that had been received from

those parties, as well as on the basis of rules of other arbitration institutions and developments in international commercial arbitration.

Following the second of the meetings of the Group of Experts, held on May 26 and 27, revised drafts of the WIPO Arbitration and Expedited Arbitration Rules were established (documents ARB/DR/2 Rev. and 3 Rev.). Those revised drafts were circulated in July 1994 to non-governmental organizations, enterprises and individuals interested in the areas of intellectual property or arbitration for final observations.

In addition to the revision of the draft rules, revised draft model contract clauses for WIPO arbitration and expedited arbitration (document ARB/DR/4) were established following the second meeting of the Group of Experts. The revised draft contract model clauses were also circulated in July 1994 to the same interested parties for observations.

A final meeting of the Group of Experts will be convened at WIPO in Geneva in August 1994 to finalize the draft WIPO Arbitration and Expedited Arbitration Rules and the draft model contract clauses, taking into account any observations received from interested parties. At the same time, the Group of Experts will finalize the draft WIPO Mediation Rules, and the associated draft model contract clauses.

The drafts of the rules and model contract clauses, thus finalized, will be submitted to the WIPO Arbitration Council for its advice in September 1994. Thereafter, it is expected that the rules will enter into force in October 1994, when it is expected that the WIPO Arbitration Center will commence operations.

Registration Systems Administered by WIPO

Patent Cooperation Treaty (PCT)

Application of Rule 32 of the PCT Regulations (Successor States) in Uzbekistan

In April 1994, notifications were sent to applicants (or agents of applicants) of 11,255 international applications under the PCT—having filing dates after December 25, 1991, and before October 18, 1993—informing them of the possibility of requesting, within three months from the date of mailing of the said notifications, the extension of the effects of such applications to Uzbekistan.

Training and Promotion Meetings With PCT Users

Bulgaria. In May 1994, three WIPO officials spoke at a PCT seminar organized by WIPO and the government authorities in Sofia. The seminar was attended by 66 participants, government officials and representatives from the private sector from the following countries: Belarus, Bulgaria, Croatia, Czech Republic, Hungary, Lithuania, Republic of Moldova, Romania, The former Yugoslav Republic of Macedonia.

Denmark. In April 1994, two government officials received training in the administrative procedures under the PCT at the headquarters of WIPO.

Eastern and Central European Countries. In April 1994, 10 government officials (two from Kyrgyzstan, two from Lithuania, two from the Republic of Moldova, two from Tajikistan and two from Uzbekistan) attended a one-week training course on the administrative procedures under the PCT, including its computerized systems, at the headquarters of WIPO.

Germany. In May 1994, a WIPO official gave a presentation on the PCT to 25 patent attorneys, and another WIPO official conducted a PCT seminar for 35 legal assistants, at two seminars organized in Cologne by a private law firm.

Mexico. In May 1994, a government official had discussions with WIPO officials in Geneva on questions relating to the PCT.

Slovenia. In May 1994, a government official had discussions with WIPO officials in Geneva on PCT matters.

Sweden. In May 1994, two WIPO officials spoke on the PCT at a seminar entitled "The International Patent Systems: The Patent Cooperation Treaty and the European Patent Convention," organized by the government authorities in Stockholm. The seminar was attended by 24 patent agents and attorneys from Sweden, Finland and Norway.

European Patent Office (EPO). In May 1994, a WIPO official had discussions with EPO officials in Munich on various PCT matters.

Also in May 1994, a WIPO official spoke at a PCT seminar organized in Munich by Forum Institut für Management for 16 patent administrators from the EPO.

American Intellectual Property Law Association (AIPLA). In April 1994, a WIPO official and a WIPO consultant from the United States of America gave a presentation on the PCT at the Spring Stated Meeting of AIPLA held in Cleveland (Ohio) for some 300 patent attorneys.

Argentina Inventors' Association. In April 1994, two members of the Association were given a presentation on the PCT by WIPO officials at the headquarters of WIPO.

Patent Resources Group. In April 1994, two WIPO officials and a WIPO consultant from the United States of America spoke at a seminar on the PCT organized by the Patent Resources Group in Naples (Florida) for some 100 participants from industry and law firms.

Also in April 1994, one of the above-mentioned WIPO officials participated in a joint European practice seminar also organized in Naples by the Patent Resources Group.

Computerization Activities

Electronic Application SYstem (EASY) Project. In May 1994, two WIPO officials and a WIPO consul-

tant from the United States of America attended a meeting convened at the United States Patent and Trademark Office (USPTO) in Washington, D.C., to discuss further progress of the EASY project.

Madrid Union

Working Group on the Application of the Madrid Protocol of 1989

Sixth Session
(Geneva, May 2 to 6, 1994)

I. INTRODUCTION .

1. Convened by the Director General of the World Intellectual Property Organization (WIPO) in conformity with a decision taken by the Assembly of the Madrid Union at its session held from September 20 to 29, 1993 (see document AB/XXIV/2, item 12(4), page 42), the Working Group on the Application of the Madrid Protocol of 1989 (hereinafter referred to as "the Working Group") held its sixth session in Geneva from May 2 to 6, 1994.¹

2. The following States members of the Working Group were represented: Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, China, Cuba, Croatia, Czech Republic, Democratic People's Republic of Korea, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Kazakhstan, Kyrgyzstan, Luxembourg, Mongolia, Netherlands, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Senegal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, Viet Nam (39). The European Communities (EC), also a member of the Working Group, were also represented.

3. The following States, with observer status, were represented: Australia, Canada, Japan, Mexico, Norway, Republic of Korea, United States of America (7).

4. A Representative of the Benelux Trademark Office (BBM) also participated in the session as an observer.

5. Representatives of the following non-governmental organizations participated in the session as observers: Chartered Institute of Patent Agents (CIPA), Committee of National Institutes of Patent Agents (CNIPA), Common Law Institute of Intellectual Property (CLIP), Danish Patent Agent's Association (DPAA), European Association of Industries of Branded Products (AIM), European Communities Trade Mark Association (ECTA), Federal Chamber of Patent Attorneys (FCPA), Federation of German Industry (BDI), French Association of Practitioners in Trade Mark and Design Law (APRAM), International Association for the Protection of Industrial Property (AIPPI), International Chamber of Commerce (ICC), International Federation of Industrial Property Attorneys (FICPI), International League for Competition Law (LIDC), Japan Patent Association (JPA), Japanese Patent Attorneys Association (JPAA), Japan Trademark Association (JTA), Union of European Practitioners in Industrial Property (UEPIP), Union of Manufacturers for the International Protection of Industrial and Artistic Property (UNIFAB) (18).

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

7. Dr. Arpad Bogsch, Director General of WIPO, opened the session and welcomed the participants.

8. The Working Group unanimously elected Mr. Malcolm Todd (United Kingdom) as Chairman and Mr. Rund Furstner (Netherlands) and Mr. Tran Viet Hung (Viet Nam) as Vice-Chairmen. Mr. Pierre Mangué acted as Secretary of the Working Group.

9. Discussions of the Working Group were based on the following documents prepared by the International Bureau of WIPO: "Draft Regulations Under the Madrid Agreement and the Madrid Protocol" (document GT/PM/VI/2);³ "Comments on Some of the Rules of the Draft Regulations Under the Madrid Agreement and the Madrid Protocol" (document GT/PM/VI/3); "Draft Official Forms for Inter-

¹ For the note on the previous session, see *Industrial Property*, 1993, pp. 40 *et seq.*

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

³ See *Industrial Property*, 1994, pp. 206 *et seq.*

national Applications Governed Exclusively by the Madrid Protocol, Exclusively by the Madrid Agreement or by Both the Madrid Agreement and the Madrid Protocol" (document GT/PM/VI/4); "Draft Rule 9(5)(a) and (6)(a)" (document GT/PM/VI/5). In the present report, all references to the Agreement are to the Stockholm Act of the Madrid Agreement Concerning the International Registration of Marks (1967), and all references to the Protocol are to the Madrid Protocol (1989) relating to that Agreement, whereas all references to the draft Regulations or to draft Rules are to the *draft* Regulations or draft Rules contained in document GT/PM/VI/2, and all references to the *present* Regulations are to the Regulations under the Agreement (as in force since April 1, 1994).

10. The Secretariat noted the interventions and recorded them on tape. This report summarizes the discussions without covering all the comments that were made. Delegations and representatives of inter-governmental and non-governmental organizations are only referred to by name where necessary.

II. DECLARATIONS

11. The Delegation of the European Communities indicated that the Regulation establishing the Community trade mark had been adopted on December 20, 1993, and that the European Communities intended to become party to the Madrid Protocol.

12. The Delegation of Sweden announced that its government was in the process of preparing legislation for accession to the Madrid Protocol, and that it expected to submit its instrument of ratification by January 1, 1995.

13. The Delegation of the United Kingdom announced that, as a result of new legislation shortly to be passed, the United Kingdom hoped to be in a position to deposit its instrument of ratification early in 1995.

III. PROVISIONS OF THE DRAFT REGULATIONS

Draft Rule 1: Abbreviated Expressions

14. This Rule was approved as proposed.

Draft Rule 2: Communications With the International Bureau; Signature

15. *Paragraph (1), title.* It was decided to delete the words "Use of Official Form" appearing in the title of this paragraph.

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

17. *Paragraph (1)(b).* This provision was approved, subject to the replacement, in the first line, of the word "shall" by the word "should," since the omission of the list identifying the documents would not be treated as an irregularity.

18. *Paragraph (2).* This paragraph was approved as proposed. It was explained that, in the case where a signature was replaced by the affixing of a seal, an indication in letters of the name of the natural person whose seal was used was not needed.

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

20. *Paragraph (3)(b).* It was decided to redraft this provision so that it would no longer apply to subsequent designations and that, as regards the international application itself, the only element which would have to be sent to the International Bureau and would have to reach it within a period of one month from the day on which the communication by telefacsimile was received was the reproduction of the mark where that reproduction was in color (see also paragraph 124, below).

21. *Paragraph (4).* This paragraph was approved, subject to the replacement, in the last line, of the word "made" by the word "received."

22. *Paragraphs (5) and (6).* These paragraphs were approved as proposed.

23. *Paragraph (7).* It was agreed to delete this paragraph. The Delegation of the United States of America stated that the United States Patent and Trademark Office did not require that the declaration of intention to use the mark be filed in the original.

24. It was noted that the International Bureau would in principle send communications to the Offices in paper form. However, such communications could be sent by electronic transmission or by telefacsimile if so agreed by the International Bureau and an interested Office.

Draft Rule 3: Representation Before the International Bureau

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

26. *Paragraphs (2) and (3).* It was decided to amend the provisions relating to the appointment of a representative before the International Bureau

along the following lines: (i) The naming of a representative in the international application, or in a subsequent designation or any request referred to in Rule 25 if such designation or request is made through an Office, would constitute a valid appointment of that representative even where the application, designation or request is not signed by the applicant, the holder or an already appointed representative (since the Office concerned would guarantee, by its signing the international application, subsequent designation or request, that the representative had been duly appointed). (ii) The appointment of the representative could also be made in a separate communication (“power of attorney”) signed by the applicant or the holder. If so made, the power of attorney could be addressed by the applicant, the holder or the representative direct to the International Bureau, and could be sent by telefacsimile. (iii) Where a subsequent designation or any request referred to in Rule 25 was addressed direct to the International Bureau and referred to a representative, it would need either to have attached to it a power of attorney appointing the representative, or to indicate that the appointment had been made in the relevant international application, or to indicate that a power of attorney appointing the representative was already in the possession of the International Bureau.

27. *Paragraphs (4) and (5)*. These paragraphs were approved as proposed, subject to any amendment which might have to be made as a consequence of the new wording of paragraphs (2) and (3).

28. *Paragraph (6)*. This paragraph was approved as proposed.

29. *Paragraph (7)(a)*. This provision was approved as proposed.

30. *Paragraph (7)(b)*. This provision was approved as proposed. It was agreed that the explanatory notes would specify that, during the two-month period referred to in paragraph (7)(b)(ii), the representative could act on behalf of the applicant or the holder but would not be obliged to do so.

31. *Paragraph (7)(c)*. It was agreed that this provision would be amended to provide that the International Bureau would effect two notifications: firstly, the International Bureau would notify the request for cancellation immediately upon its receipt; secondly, the International Bureau would, once the effective date of the cancellation was known, notify the cancellation and that date. It was also agreed to specify that, where the appointment of the representative had been made through an Office, such Office would be notified of the cancellation of that appointment.

32. *Paragraph (8)*. This paragraph was approved as proposed.

Draft Rule 4: Calculation of Time Limits

33. This Rule was approved as proposed.

Draft Rule 5: Irregularities in Postal and Delivery Services

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

35. *Paragraph (2)*. It was decided that item (i), dealing with the interruption of a delivery service, should list the same reasons for interruption as paragraph (1)(i), dealing with the interruption of a postal service.

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

37. *Paragraph (4)*. This paragraph was approved as proposed. It was explained that the International Bureau would not acknowledge receipt of an international application addressed by mail to the International Bureau. In most cases, the International Bureau would, within a few days from receipt of the international application, effect the international registration and thereafter notify the Office of origin accordingly. If the latter noted that the two-month period had not been taken into account, it could inform the International Bureau that the international application had been sent within those two months and request that Rule 5 be applied to the late receipt of that international application by the International Bureau.

Draft Rule 6: Languages

38. This Rule was approved as proposed. It was indicated that the explanatory notes relating to paragraph (3) would specify that, in the Gazette, the International Bureau would indicate in which language a given international application had been filed, it being understood that this indication would have no binding effect on designated Contracting Parties as regards the determination of the language governing the international registration.

39. The Delegation of Spain reiterated the reservations that it had expressed at the first, second, fourth and fifth sessions of the Working Group on the subject of the solutions proposed in Rule 6.

Draft Rule 7: Notification of Certain Special Requirements

40. This Rule was approved as proposed.

Draft Rule 8: Several Applicants

41. This Rule was approved as proposed.

Draft Rule 9: Requirements Concerning the International Application

42. Paragraphs (1) to (3). These paragraphs were approved as proposed.

43. Paragraph (4)(a), introductory sentence. This sentence was approved as proposed.

44. Paragraph (4)(a)(i). This item was approved subject to the replacement, in the penultimate line, of the word "replaced" by the word "accompanied."

45. Paragraph (4)(a)(ii) to (xiv). These items were approved as proposed subject to any amendment which would have to be made to items (v) and (vi) as a consequence of the decisions taken in connection with Rule 32(1)(b) (see paragraph 124, below).

46. A delegation expressed the wish that the possibility be maintained for an applicant to indicate in the international application that the mark was a hologram mark (which had been provided for in Rule 9(4)(ix) in document GT/PM/V/7).

47. Paragraph (4)(b). After a discussion on whether or not to maintain that provision, in particular item (iv), it was decided that, since the purpose of this provision was to allow applicants to avoid refusals by the Offices of certain designated Contracting Parties, it should be maintained as proposed.

48. Paragraph (5)(a). The discussion was based on an amended text of this provision as contained in document GT/PM/VI/5. This amended text was approved as proposed.

49. Paragraph (5)(b) and (c). These provisions were approved as proposed subject to any amendment which might have to be made to paragraph (5)(b)(iii) as a consequence of the decisions taken in connection with Rule 32(1)(b) (see paragraph 124, below).

50. Paragraph (6)(a). The discussion was based on an amended text of this subparagraph as contained in document GT/PM/VI/5. This amended text was approved as proposed.

51. Paragraph (6)(b) to (d). These provisions were approved as proposed subject to any amendment which might have to be made to paragraph (6)(b)(iii) as a consequence of the decisions taken in connection with Rule 32(1)(b) (see paragraph 124, below). It was noted that the Office of origin should not present the international application to the International Bureau until it was in a position to give the certification referred to in paragraph (6)(b).

52. Paragraph (7). This paragraph was approved as proposed.

Draft Rule 10: Fees Concerning the International Application

53. This Rule was approved as proposed.

Draft Rule 11: Irregularities Other Than Those Concerning the Classification of Goods and Services or Their Indication

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

55. Paragraph (2)(a). This provision was approved subject to the replacement, in the third line, of the words "paragraphs (4) and (6)" by the words "paragraphs (3), (4) and (6)."

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

57. Paragraphs (3) to (6). These paragraphs were approved as proposed.

Draft Rule 12: Irregularities With Respect to the Classification of Goods and Services

58. Paragraphs (1) to (6). These paragraphs were approved as proposed.

59. Paragraph (7)(a). This provision was approved as proposed.

60. Paragraph (7)(b). It was decided to revise this provision in order to make it clear that, where the International Bureau had withdrawn its proposal in accordance with paragraph (4), no classification fee was due.

61. Paragraph (8). This paragraph was approved as proposed. It was explained that any amount exceeding the amount which was due in respect of an international application would be reimbursed by the International Bureau, in particular, any supplementary fee which might have been paid as a result of the reclassification.

Draft Rule 13: Irregularities With Respect to the Indication of Goods and Services

62. This Rule was approved as proposed.

Draft Rule 14: Registration of the Mark in the International Register

63. This Rule was approved as proposed.

Draft Rule 15: Date of the International Registration in Special Cases

64. *Paragraph (1)(a)*. This provision was approved, it being understood that the references contained therein would, where appropriate, be amended following the approval of the new wording of draft Rule 9(5)(a) and (6)(a) as contained in document GT/PM/VI/5 (see paragraphs 48 and 50, above).

65. *Paragraph (1)(b)*. This provision was approved subject to the deletion of the words “, subject to subparagraph (a),” in the penultimate line.

66. *Paragraph (2)*. This paragraph was approved as proposed.

Draft Rule 16: Time Limit for Refusal in Case of Oppositions

67. *Paragraph (1)(a) and (b)*. These provisions were approved as proposed.

68. *Paragraph (1)(c)*. This provision was approved, it being understood that the reference to the words “within the month preceding the expiry of the 18-month time limit” meant within 30 days. The International Bureau was invited to examine whether this provision needed to be clarified.

69. *Paragraph (2)*. This paragraph was approved as proposed.

Draft Rule 17: Notification of Refusal

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

71. *Paragraph (2), introductory sentence*. This sentence was approved as proposed.

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

73. *Item (v)*. Following a discussion on the desirability that the notification of refusal should always contain the complete list of goods and services of the

application or registration of the former mark with which the mark which was the subject of the international registration appeared to be in conflict, it was agreed that the Office notifying a refusal should have the choice between communicating the complete list or a list of only those goods and services which were relevant. Consequently, item (v) was approved subject to the replacement, in the fifth and sixth lines, of the words “the list of goods and services” by the words “the list of all or the relevant goods and services.”

74. *Items (vi) to (viii)*. These items were approved as proposed.

75. *Paragraph (3)*. It was decided to amend this paragraph in order to provide that the notification of a refusal based on an opposition should, where the opposition was based on an earlier application or registration, contain the list of the goods and services on which the opposition was based and could also, if the Office communicating the refusal so wished, contain the complete list of goods and services of the application or registration on which the opposition was based. It was noted that, in any case, no list would be published in the Gazette.

76. *Paragraph (4)(a)*. This provision was approved as proposed subject to the insertion, in the French text of this provision, of the word “envoyée” at the beginning of the fifth line before the words “au Bureau international.”

77. *Paragraph (4)(b), introductory sentence*. This sentence was approved as proposed.

78. *Paragraph (4)(b)(i)*. After a discussion on the desirability of obliging the Office of a Contracting Party to inform the International Bureau of the fact that a request for review or an appeal had been lodged, or that the applicable time limit had expired without a request for review or an appeal having been lodged, where the said Office was aware of that fact, it was decided to maintain that obligation in view of the interest of third parties in being informed of the said fact. If such information were not communicated to the International Bureau, third parties would not know whether a decision of refusal had become final or was still pending following a request for review or an appeal. However, in order to facilitate the task of the Offices, it was decided to add, at the end of item (i), words such as “in a way to be agreed upon with the International Bureau.”

79. *Paragraphs (4)(b)(ii) and (iii)*. These provisions were approved as proposed.

80. *Paragraph (4)(c)*. This provision was approved as proposed.

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

Draft Rule 18: Irregular Refusals

82. *Paragraph (1)(a) and (b)*. These provisions were approved as proposed.

83. *Paragraph (1)(c), introductory sentence and items (i) to (vi)*. This sentence and these items were approved as proposed.

84. *Paragraph (1)(c), last 13 lines*. This part of the provision was approved, subject to the replacement of the words "one month" by the words "two months." It was explained that paragraph (1)(c) applied to the notification of refusal that conveyed the first objection raised by the Office concerned and did not apply to any procedure following such notification of refusal, that procedure being governed by the applicable national or regional law. It was further explained that, where the notification of refusal contained any of the irregularities mentioned under items (i) to (vi), the Office concerned should take into account the delay resulting from the time needed to rectify the notification, failing that the time limit for lodging a request for review or an appeal might not be reasonable under the circumstances.

85. *Paragraph (2)*. This paragraph was approved as proposed.

Draft Rule 19: Invalidations in Designated Contracting Parties

86. This Rule was approved as proposed.

Draft Rule 20: Restriction of the Holder's Right of Disposal

87. This Rule was approved as proposed subject to adding, in the French text of the title of this Rule, the words "de l'enregistrement international."

Draft Rule 21: Replacement of a National or Regional Registration by an International Registration

88. This Rule was approved as proposed. It was explained that, although Article 4bis(1) of the Agreement and Article 4bis(1) of the Protocol were self-executing, Rule 21 was intended to make it clear that the request referred to in the second paragraph of those articles should be made direct with the Office concerned and not through the International Bureau.

Draft Rule 22: Ceasing of Effect of the Basic Application, of the Registration Resulting Therefrom, or of the Basic Registration

89. This Rule was approved subject to the replacement, in the last line of paragraph (2), of the words "one month" by the words "two months."

Draft Rule 23: Division of the Basic Application, of the Registration Resulting Therefrom, or of the Basic Registration

90. This Rule was approved as proposed. It was explained that this Rule was needed for the implementation of Article 6(4) of the Agreement or Article 6(4) of the Protocol, in view of the fact that the division of the basic application, of the registration resulting therefrom or of the basic registration, did not entail a division of the international registration. The indications which had to be notified, in the case of a division of the basic application, of the registration resulting therefrom or of the basic registration, were needed in order to identify that part of the international registration which was affected by a notification of facts and decisions (referred to in Article 6(4) of the Agreement or Article 6(4) of the Protocol) affecting one or more (but not all) of the applications or registrations resulting from the division.

Draft Rule 24: Designation Subsequent to the International Registration

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

92. *Paragraph (2)*. This paragraph was approved as proposed.

93. *Paragraph (3)*. This paragraph was approved as proposed subject to the addition of the indication, where the subsequent designation was presented by an Office, of the date on which the subsequent designation had been received by it.

94. *Paragraph (4)*. This paragraph was approved subject to the addition, in the second line, of the words "or referred to" after the word "specified."

95. *Paragraph (5)(a)*. This provision was approved subject to the deletion, in the first line, of the words "Subject to subparagraph (c)."

96. *Paragraph (5)(b) and (c)*. These provisions were approved as proposed.

97. *Paragraphs (6) to (8)*. These paragraphs were approved as proposed.

Draft Rule 25: Request for Recordal of a Change; Request for Recordal of a Cancellation

98. *Paragraph (1)*. This paragraph was approved as proposed. With respect to subparagraph (b), it was explained that the new owner was not allowed to present a request for the recordal of a change in ownership since the International Bureau was not in a position to decide whether the purported new owner is indeed the owner.

99. *Paragraph (2)*. This paragraph was approved as proposed.

100. *Paragraph (3)*. It was agreed to review the wording of this paragraph.

Draft Rule 26: Irregularities in Requests for Recordal of a Change and for Recordal of a Cancellation

101. This Rule was approved as proposed.

Draft Rule 27: Recordal and Notification of a Change or of a Cancellation; Refusal of the Effect of a Change in Ownership

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

103. *Paragraph (1)(b)*. This provision was approved subject to the deletion, in the first line, of the words "subject to Rule 26(2)."

104. *Paragraph (2)*. This paragraph was approved as proposed.

105. *Paragraph (3)*. It was recalled that this paragraph only applied to the merger of separate international registrations resulting from a partial change in ownership of a single international registration. Consequently, the merger under paragraph (3) could not relate to international registrations bearing different dates. The International Bureau was invited to reflect on the problem of the numbering of the international registration resulting from the merger and to supplement paragraph (3) accordingly.

106. *Paragraph (4)*. It was agreed that the concept of "refusal" was not appropriate in the case referred to in this paragraph and that this paragraph should be amended in order to provide that the Office of a designated Contracting Party could declare that a change in ownership had no effect in the said Contracting Party.

Draft Rule 28: Corrections in the International Register

107. This Rule was approved as proposed.

Draft Rule 29: Unofficial Notice of Expiry

108. This Rule was approved as proposed.

Draft Rule 30: Details Concerning Renewal

109. *Paragraph (1)*. This paragraph was approved subject to the addition after the word "specified," in the first line of the part following item (iii), of the words "or referred to."

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

111. *Paragraph (2)(b)*. This provision was approved subject to the deletion, in the third line, of the words "or invalidation," since, under Rule 19, the recordal of an invalidation in the International Register could only relate to an invalidation which was no longer subject to appeal. On the other hand, the renewal of an international registration which had been the subject of a refusal in a designated Contracting Party should be allowed in order to preserve the rights of the holder where the refusal was the subject of an appeal and no final decision had been taken by the date on which renewal was due. It was agreed that the publication of the renewal in the Gazette would mention any refusal recorded in the International Register with respect to the international registration concerned. It was pointed out that, to the extent that the international registration no longer enjoyed any protection in a designated Contracting Party, renewal of that international registration in respect of that designated Contracting Party would have no effect in the said Contracting Party.

112. *Paragraph (2)(c) and (d)*. These provisions were approved as proposed.

113. *Paragraphs (3) and (4)*. These paragraphs were approved as proposed.

Draft Rule 31: Recordal of the Renewal; Notification and Certificate

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

115. *Paragraphs (3) and (4)*. The contents of these paragraphs were approved as proposed. It was agreed that the order of paragraphs (3) and (4) should be reversed.

Draft Rule 32: Gazette

116. *Paragraph (1)(a), introductory sentence.* This sentence was approved as proposed.

117. *Paragraph (1)(a)(i) to (iii).* These provisions were approved as proposed.

118. *Paragraph (1)(a)(iv).* Following a discussion on the content of the Gazette in respect of renewals of international registrations, it was agreed that, in the interest of the users of the Madrid system, the publication in the Gazette should contain more information than indicated under item (iv). It was decided that the publication of renewals in the Gazette would include the same data as were currently published in *Les Marques internationales* in respect of renewals under the Madrid Agreement and that item (iv) would be redrafted accordingly (see also paragraph 111, above).

119. *Paragraph (1)(a)(v).* It was agreed that the publication of a subsequent designation would contain an indication of the class or classes of the International Classification covered by that subsequent designation.

120. *Paragraph (1)(a)(vi) to (xii).* These provisions were approved as proposed, it being noted that subparagraph (a) would have to be completed in order to take into account the observations made with respect to Rule 39(3) (see paragraph 139, below).

121. *Paragraph (1)(b) and (c).* It was agreed that these provisions should be amended to the effect that the International Bureau would publish any mark which was the subject of an international application as it appeared in the international application and that, where, in respect of his mark, the applicant makes a declaration in the international application to the effect that the mark is to be considered to be a mark in standard characters, the publication would indicate such declaration.

122. It was noted that the fact that, in the case where the international application was based on an application, the reproduction of the mark would not necessarily be exactly the same in the basic application and in the registration resulting therefrom should not constitute an obstacle since it was agreed that a mark could, between application and registration, undergo slight changes without ceasing to be regarded as the same mark (see document GT/PM/VI/3, paragraph 101).

123. It was further explained that the publication, in all cases, of the mark as it appeared in the international application would not affect the possibilities of

searching in the electronic data base of the International Bureau. Any mark which consisted of, or contained, words, letters or numbers, would irrespective of the fact that the applicant had requested that it be considered to be a mark in standard characters, be entered into the electronic data base in such a way (by coding and indexing) that it could be searched electronically.

124. It was finally noted that the decisions taken in respect of Rule 32(1)(b) and (c) would entail amendments to other Rules (for example, to those dealt with in paragraphs 20, 45, 49 and 51, above).

125. *Paragraph (2).* This paragraph was approved as proposed, it being noted that additional items might need to be added in order to take into account the decision made with respect to Rule 34(1) (see paragraph 129, below).

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

127. *Paragraph (4).* This paragraph was approved as proposed. It was noted that any Office having, under subparagraph (a), the right to receive more than one copy of the Gazette could choose, under subparagraph (b), to receive, for example, one copy in one form and the others in another form.

Draft Rule 33: Electronic Data Base

128. This Rule was approved as proposed.

Draft Rule 34: Payment of Fees

129. *Paragraph (1).* It was agreed that any Contracting Party whose Office would accept the payment of fees required under the Regulations through its intermediary should notify that fact to the International Bureau and that this information would be published in the Gazette.

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

131. *Paragraph (4)(a).* One delegation wondered whether paragraph (1), which enabled the payment of fees through an Office, was consistent with paragraph (4)(a) as regards the date on which a payment was considered to have been made. It was explained that, whoever effected the payment of a fee, the relevant date was the one on which the International Bureau received the required amount.

Draft Rule 35: Currency of Payments

132. This Rule was approved as proposed.

Draft Rule 36: Exemption From Fees

133. *Items (i) to (vi)*. These items were approved as proposed.

134. *Item (vii)*. This item was approved subject to the addition of the words “, or the registration resulting therefrom,” after the words “basic application,” in the second line.

Draft Rule 37: Distribution of Supplementary Fees and Complementary Fees

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

136. *Paragraph (2)*. One delegation, supported by two other delegations, proposed to delete the final words “with an indication of the most significant prior rights.” It was agreed that the discussion of such a proposal should be reserved for the Assembly of the Madrid Union.

Draft Rule 38: Crediting of Individual Fees to the Accounts of the Contracting Parties Concerned

137. One delegation expressed the wish that the manner of crediting the individual fees be agreed upon between the International Bureau and each Contracting Party concerned. It was explained that Rule 38 did not deal with the transfer of money, that the account referred to in this Rule was not a bank account but an entry in the books of the International Bureau and that any amount credited to such “account” of a Contracting Party would be transferred to the entity indicated by the competent authority of that Contracting Party (in the case of a State, the Ministry for Foreign Affairs). In conclusion, this provision was approved as proposed.

Draft Rule 39: Continuation of Effects of International Registrations in Certain Successor States

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

139. *Paragraph (3)*. This paragraph was approved. It was agreed that the publication in the Gazette with respect to the continuation of the effects of an international registration in a successor State should be mentioned in Rule 32(1)(a), which might entail an amendment in Rule 39(3).

140. *Paragraphs (4) and (5)*. These paragraphs were approved as proposed.

Draft Rule 40: Transitional Provisions in Respect of International Registrations Effected Before the Entry Into Force of the Protocol

141. This Rule was approved as proposed.

Draft Rule 41: Entry Into Force

142. It was suggested to replace the term “Regulations” by “Regulations common to the Agreement and the Protocol.” After an exchange of views, the International Bureau was invited to examine that suggestion and a possible amendment, along the same lines, of the title of the Regulations.

143. As regards the date of entry into force of the Regulations, which would be the date as from which it would be possible to file an international application under the new Regulations, it was indicated that it would not necessarily correspond to the date of entry into force of the Protocol but might be later and that it would be fixed by the Assembly of the Madrid Union in the light of the circumstances prevailing at the time of the session of the Assembly.

Schedule of Fees

144. After having recalled that the amounts of the fees were only indicative, the International Bureau, in response to several questions, specified the following: (i) as regards the basic fee with respect to a publication in color, its amount, as the other amounts, was purely indicative, and it was hoped that, because of technological progress, it could be lowered or such publication in color could even be made without the payment of any surcharge; (ii) as regards the complementary and supplementary fees, the relationship between their amounts, which were presently the same, as well the relationship between them and the basic fee, would be reviewed before the amounts of all the fees were fixed by the Assembly of the Madrid Union; (iii) in respect of the fees to be paid in case of irregularities in the classification of goods and services, it was not envisaged to waive such fees but a minimum amount of Sfr 150 had been included in item 4 of the Schedule of Fees, since the collecting of lower amounts could cause expenses exceeding the amount due.

IV. DRAFT FORMS⁴

145. *General*. The International Bureau indicated that, since document GT/PM/VI/4 had been

⁴ The draft forms have not been reproduced in *Industrial Property*.

distributed only at the beginning of this session of the Working Group, it would be possible for delegations and representatives of organizations to send written comments to the International Bureau on the draft official forms and the accompanying notes.

146. It was agreed that, since the contents of the draft official forms were based on draft Rule 9 (Requirements Concerning the International Application), any changes to that Rule resulting from decisions taken during the present session would be reflected in the next version of the forms.

147. In reply to a question from one delegation, it was explained that the forms were not as such an integral part of the Regulations and that, consequently, their content could be changed by the International Bureau, it being understood that any change which was of a certain importance would be preceded by consultations with the Contracting Parties, either in a meeting or in writing. In any case, the Assembly of the Madrid Union was entitled to give instructions to the International Bureau on the contents of the forms.

148. Following a question relating to the possibility for users of the Madrid system to generate their own international application forms from their computers, the following indications were given, in respect of such forms: (i) they should be in A4 format; (ii) they should contain the numbers of the items and the preprinted text relevant to each item as contained in the forms established by the International Bureau, the order of presentation of these items being the same; (iii) for scanning purposes, the dimensions of the square used for the purposes of the reproduction of the mark should be the same as in the forms established by the International Bureau; (iv) the space used in respect of each item (apart from the square used for the purposes of reproduction of the mark) could be different (for example, where any optional indication referred to in an item were not given); (v) the use of recto-verso was not mandatory.

Draft Form for Applications Under the Protocol (Annex I.A to document GT/PM/VI/4)

149. *Item 3.* It was agreed that, in the English text of item 3(b)(i), the words "in case" should be replaced by the words "in the case where."

150. *Item 9.* In reply to a question by one delegation, it was indicated that an applicant could check several of the boxes contained in item 9(c) (for example, both the box relating to three-dimensional marks and the box relating to collective marks).

151. *Item 11.* In reply to a question by one delegation, it was indicated that a form generated by a user

could contain only the names and codes of the Contracting Parties which were actually designated.

152. No other remarks were made on the draft form for applications under the Protocol.

Draft Form for Applications Under the Agreement (Annex II.A to document GT/PM/VI/4); Draft Form for Applications Under the Agreement and Protocol (Annex III.A to document GT/PM/VI/4)

153. No remarks were made in respect of those draft forms.

V. FUTURE WORK

154. The International Bureau stated that it would prepare, taking into account the results of the present session of the Working Group, a new version of the draft Regulations, which would be circulated for comments. Following the receipt of those comments, a final draft of the Regulations would be prepared for submission to the Assembly of the Madrid Union.

155. Once the required number of instruments of ratification or accession for the entry into force of the Protocol had been deposited with the Director General, an extraordinary session of the Assembly of the Madrid Union would be convened in order to adopt the Regulations.

Advisory Meeting of Users of the Madrid System

(Geneva, May 6, 1994)

On May 6, 1994, the above meeting was organized by WIPO at its headquarters. It was attended by 54 participants, 36 officials from national and regional industrial property offices (from Australia, Austria, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Czech Republic, Denmark, Finland, Hungary, Kazakhstan, Kyrgyzstan, Norway, Portugal, Republic of Moldova, Romania, Russian Federation, Senegal, Slovakia, Slovenia, Spain, Switzerland, Tajikistan, The former Yugoslav Republic of Macedonia, Ukraine, United Kingdom, Viet Nam and Benelux Trademark Office (BBM), five applicants for and owners of international trademark registrations, nine industrial property agents and five interested non-governmental organizations (European Communities Trade Mark Association (ECTA), International Chamber of Commerce (ICC), Japan Patent Association (JPA), Japanese Patent Attorneys Association (JPAA), Japan Trademark Association (JTA)).

The meeting was mainly devoted to the ROMARIN (Read-Only Memory of Madrid Actualized Registry *IN*formation) system and the coding of figurative marks under the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks.

Discussions focused on additions and improvements to the ROMARIN CD-ROM.

Regarding the expansion of the codification by the International Bureau of figurative elements of marks down to the (main and auxiliary) section level, it was felt that it would be mainly welcomed by offices carrying out searches of figurative marks.

Further suggestions included that of approaching the countries that have made use of Article 14(2)(f) of the Madrid Agreement (concerning the limitation of the application of the Stockholm (1967) Act of the Agreement for marks registered from the date on which accession became effective) to the effect that they consider withdrawing their declaration made under that Article.

Training and Promotion Meetings With Users of the Madrid System

Canada. In April 1994, a WIPO official had discussions with government officials in Ottawa on the Madrid Protocol.

Denmark. In May 1994, a government official had discussions with WIPO officials in Geneva on the implementation of the Madrid Agreement, in particular, the procedure for refusal of protection.

Eastern and Central European Countries. In April 1994, eight government officials (one from Belarus, two from Kyrgyzstan, two from the Republic of Moldova, one from Tajikistan and two from Uzbekistan) attended a one-week training course on the administrative procedures under the Madrid Agreement, including its computerized systems, at the headquarters of WIPO.

Computerization Activities

Germany. In April 1994, a WIPO official had discussions with government officials in Munich on the final layout of a CD-ROM for German marks developed by WIPO.

Switzerland. In April 1994, a WIPO official gave training to 10 trademark examiners of the Swiss Federal Intellectual Property Office in Berne in the use of the ROMARIN CD-ROM for marks.

Hague Union

Computerization Activities

Benelux Designs Office (BBDM). In April 1994, a BBDM official had discussions with WIPO officials

in Geneva on BBDM's plans for the possible establishment of an image data base of industrial designs protected in the Benelux countries, including international designs, and on possible cooperation with WIPO in this respect.

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

Africa

Training Courses, Seminars and Meetings

WIPO National Seminar on Industrial Property, Transfer of Technology and Economic Development (Cameroon). From April 12 to 14, 1994, WIPO organized that Seminar in cooperation with the Government of Cameroon in Yaoundé. The Seminar was attended by over 80 participants from government circles, public and private corporations, the Chamber of Commerce, academia, the legal profession, inventors' associations, the media, as well as individual inventors. Presentations were made by two WIPO consultants from France and a WIPO official.

WIPO National Seminar on Industrial Property (Equatorial Guinea). From May 3 to 5, 1994, WIPO organized that Seminar in Malabo, in cooperation with the Government of Equatorial Guinea. The Seminar was attended by some 30 participants from government ministries, public and private corporations, the Council for Scientific and Technical Research (CICTE) and the inventors' community. Presentations were made by two WIPO officials and a WIPO consultant from France.

Guinea. In May 1994, a WIPO official made a presentation at a national seminar on the role of trademarks and economic development organized by the Government of Guinea in Conakry, which was attended by 70 participants from government circles and the public and private sectors.

Organization of African Unity (OAU). In May 1994, a WIPO official visited Addis Ababa and held discussions with the Secretary General and other OAU officials concerning the forthcoming visit of the Director General to Tunis to attend the 60th ordinary session of the Council of Ministers of the OAU in June 1994.

In June 1994, the Director General, who was accompanied by three other WIPO officials, addressed the 60th ordinary session of the Council of Ministers of the OAU, which was chaired by the Secretary General of the OAU and by the Minister for Foreign Affairs and Cooperation of the Congo and was held in Tunis. The Director General's address is reproduced hereafter:

"It is a great honor for the World Intellectual Property Organization to be heard by this august assembly.

I am truly grateful to the honorable Secretary General, Mr. Salim, for having invited me to address the Council of Ministers of the Organization of African Unity. The relations between the OAU and WIPO are old, friendly and tested relations. They are almost 20 years old if we count their beginning from the date of the conclusion of a cooperation agreement which formalized our relations.

But it is useful, I believe, if from time to time you give an occasion to the head of the Secretariat of WIPO to address directly and collectively the assembly at ministerial level. It seems to be useful to report to you, the Ministers, and to bring you up to date on a matter whose importance in your countries' international economic and cultural relations has rapidly grown in the recent past.

One could almost say that intellectual property has become a very fashionable subject which has received much public attention because of the rapid development of the activities of WIPO and the role that intellectual property—the so-called TRIPS—has played in the Uruguay Round of GATT.

This address, which is scheduled to last less than 10 minutes, will emphasize and mainly dwell upon the role of intellectual property in Africa, and WIPO's relations with the countries of Africa and their most important organization, the OAU.

But first, let me say a few words on WIPO. WIPO was established in 1970 and became a specialized agency in the United Nations system of organizations in 1974. Its origins, however, go back to 1883 and 1886 when the Paris Convention for the Protection of Industrial Property and the Berne Convention for the Protection of Literary and Artistic Works, respectively, were adopted. Both treaties provided for the establishment of a secretariat. The two secretariats were united in 1893 and evolved over the years to eventually become WIPO.

Today, 147 States are members of WIPO. Forty-two of them are African States.

The objective of WIPO is to promote the protection of intellectual property throughout the world through cooperation among States.

This cooperation is based on multilateral treaties. These treaties establish certain standards of protection. For example, the Berne Convention on copyright says that copyright protection of a work must last during the life of the author of the work and 50 years after the author's death. They also provide that each country party to the treaty must protect the intellectual property of nationals of foreign countries (provided they are party to the same treaty) and that such protection must be of the same nature and extent as the country provides for its own nationals.

There are a dozen multilateral treaties in the field of intellectual property that have been concluded under the auspices of WIPO. They are administered by the Secretariat of WIPO in Geneva. I already mentioned the 111-year old Paris Convention and the 108-year old Berne Convention which are the general treaties on industrial property and copyright, respectively. Others regulate certain details or establish international so-called registration systems. One of them, the Patent Cooperation Treaty, makes it possible to file one, so-called international, application for patents, and that single application has the same effect as a national application in each of the member States. Similar systems exist for the international registration of trademarks and the international deposit of industrial designs. These systems are administered by WIPO. The international registrations and deposits must be effected with WIPO's Secretariat in Geneva.

The some dozen treaties require updating. This is done by diplomatic revision conferences convened by WIPO. But updating existing treaties is not always the most practical method of solving new problems. It is sometimes more practical to conclude new treaties. At the present time, five new treaties are under preparation by governmental committees of experts serviced by the Secretariat of WIPO.

Treaty-making is one of the two main activities of WIPO. The other one is cooperation with developing countries. I mention the latter in the second place not as if it were less important but merely because it is more recent. Treaty-making started more than a century ago. Development cooperation started 30 years ago.

Development cooperation is, financially, the more important activity. The amount spent from WIPO's regular budget for development cooperation equals some 60% of the contributions that member States pay.

In the Secretariat of WIPO, there are five special units that deal exclusively with development cooperation. Four deal with industrial prop-

erty, one deals with copyright. The four dealing with industrial property deal with the African, the Arab, the Asian and the Latin American countries, respectively. Activities in Arab countries in Africa or Asia are usually within the jurisdiction of the Arab unit.

The Secretariat of WIPO consists of some 450 staff, all but one located in Geneva. The one outside Geneva is located in the United Nations in New York. The 450 staff come from more than 50 countries. One of the two Deputy Director General posts is reserved for a national of a developing country. For filling that post, Africa, Asia and Latin America follow a system of rotation. At the present moment, the post is vacant, and it is Africa's turn. I hope that in the weeks to come the vacancy will be filled. As far as the regional bureaux directors are concerned, the incumbent directors are, for the African Bureau, Mr. Ibrahima Thiam from Senegal, and, for the Arab Bureau, Mr. Kamil Idris from Sudan. We have two more high officials with the rank of director from Africa: Mr. James Quashie-Idun from Ghana and Mr. Khamis Suedi from the United Republic of Tanzania.

It is perhaps somewhat unusual to mention individuals in a speech like this speech. But there is certainly no more important occasion for paying tribute to my African colleagues, participating in the direction of the Secretariat, than a speech in the OAU. I pay tribute to the excellence of their work. They are absolutely indispensable to WIPO in general, and myself in particular, to understand the wishes and needs of our African member States and for carrying out our program in Africa.

This leads me to speak about intellectual property in Africa.

May I, first of all, say—and I do it with particular pleasure and satisfaction—that the African continent as a whole is a great respector and promoter of the rights and protection of intellectual creativity, both of the domestic and the foreign creator.

It is therefore particularly rewarding for WIPO to cooperate with the member States of the Organization of African Unity and with the Secretariat of that Organization. The Governments of those States recognize the contribution to society of the intellectual creator, know the value of his or her creations and desire to give them effective protection. Without exception, such is the official policy of the Governments of African countries which WIPO has the privilege of working with. It renders tasks much easier and, to that extent, leads to more immediate and tangible results.

Not only does WIPO work closely with all the 42 African countries members of WIPO. We also have relations, often just as close, with the other

11 African countries that are not yet members of WIPO.

The main development cooperation activities conducted by WIPO for the benefit of all African countries are,

first, training of government officials and members of the private sector, in groups or individually, on the job or overseas, in general or specialized subjects;

second, assistance in the drafting of new intellectual property laws or the revision of existing laws;

third, organization of seminars to provide Africans with occasions for an exchange of information and experiences;

fourth, promotion of domestic creative activities and the transfer of suitable foreign technology on suitable terms;

fifth, advice on modern management methods for industrial property offices and copyright collective administration societies;

sixth, provision of industrial property information in the form of compact discs, better known as CD-ROMs, as well as computer software and equipment.

Each and every member State of the Organization of African Unity has benefited from the activities that I have just outlined. In the majority of cases, the counterpart organizations with which WIPO cooperates are part of the Ministry of Trade and Industry, where patents and trademarks are concerned, and the Ministry of Culture, where copyright is concerned. Today is, thus, a fitting occasion for me to say how their participation has been, in most instances and over the years, enthusiastic, at once open-minded and open-hearted.

As for one of the newest members of the OAU, Eritrea, WIPO is already in communication with the Government, and we hope in the very near future to send the first WIPO mission to Asmara to discuss future cooperation.

The same is true for South Africa which is, I was pleased to learn, the newest member of the OAU.

It goes without saying that WIPO's cooperation with African countries is not predicated upon membership of the Organization or adherence to one or more of the treaties administered by WIPO. Notwithstanding this, I respectfully suggest to the Honorable Ministers of the few countries which are not members of WIPO to consider recommending to their respective Governments membership of WIPO and adherence to the treaties administered by WIPO.

In its cooperation with Africa, WIPO gives equal weight to its relations with the pertinent African intergovernmental organizations.

In the world intellectual property community, two intergovernmental organizations stand out,

not only for the excellent work they do, but also for being outstanding examples of how cooperation between governments of countries can work to further their common goals of providing an efficient, relatively inexpensive way of protecting inventions and trademarks.

I refer to the African Intellectual Property Organization, usually known by its French acronym 'OAPI,' based in Yaoundé, which groups 14 African countries in a regional system for the granting of regional patents and the regional registration of trademarks. The member States of OAPI are: Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Gabon, Guinea, Mali, Mauritania, Niger, Senegal and Togo.

And I refer to the African Regional Industrial Property Organization, commonly known by its English acronym 'ARIPO,' based in Harare, which groups another 14 African countries in a regional system for granting regional patents for inventions and that will soon also provide for the regional registration of trademarks. The member States of ARIPO are: Botswana, Gambia, Ghana, Kenya, Lesotho, Malawi, Sierra Leone, Somalia, Sudan, Swaziland, United Republic of Tanzania, Uganda, Zambia and Zimbabwe.

Those two Organizations embody the collective vision of 28 African countries, a vision which was concretized years before similar intergovernmental institutions were established elsewhere in the world. With both of them, WIPO has been intimately bound since their foundation. Their development over time into their present robust status with bright prospects for the future is worthy of admiration and congratulations.

I should like to assure the member States of OAPI and ARIPO that WIPO's cooperation will remain unflagging.

WIPO cooperates also with the United Nations Economic Commission for Africa (ECA), the African Regional Centre for Technology (ARCT), the Economic Community of the Great Lakes Countries (CEPGL) and the Southern African Development Community (SADC).

Furthermore, WIPO looks forward to establishing fruitful contacts with the newly-created African Economic Community. Earlier, WIPO had given its comments, during the preparatory phase, on the then draft treaty as well as the draft Protocols on Science and Technology and on Industry.

Foremost is WIPO's cooperation with the Organization of African Unity which is enshrined in a formal cooperation agreement signed on May 24, 1977. Since then, exchanges between the two Organizations have become gratifyingly close, inspired in a large measure by the personal interest which the distinguished and dynamic

current Secretary General has demonstrated on many occasions. It is no exaggeration to say that it is entirely due to him that WIPO has had the signal honor of awarding its Gold Medal to outstanding African inventors in the august presence of African Heads of State and Government during the OAU Summits of 1991 and 1993.

Mr. Secretary General, this recognition of WIPO's work in Africa is most precious, and I take this occasion to express, in the name of WIPO, our profound gratitude. Naturally, WIPO will remain at the constant disposal of the Organization of African Unity and of you, Sir, in furthering the excellent relations which exist.

Standing as we do on the threshold of a new millenium, at a time when intellectual property issues are assuming ever-increasing importance in national development strategy and in world trade, I take this opportunity to renew and reaffirm WIPO's commitment to cooperating with African States and with their national, subregional and regional organizations in devising appropriate laws, structures and expertise for the optimal use of intellectual property for the common good of the creators, the economy and society as a whole."

On the occasion of his presence in Tunis, the Director General held talks with Mr. Salim A. Salim, Secretary General of the OAU, on intellectual property matters of common interest.

Assistance With Training, Legislation and Modernization of Administration

Botswana. In April 1994, two WIPO officials had discussions with government officials in Kasane on the country's possible accession to the Patent Cooperation Treaty (PCT).

Cameroon. In April 1994, a CD-ROM workstation was delivered by WIPO to the Service of Promotional Matters and Industrial Property of the Directorate of Industry in Yaoundé to facilitate access to patent documentation and information in the country.

Equatorial Guinea. In May 1994, two WIPO officials held discussions, in Malabo, with government officials and the United Nations Development Programme (UNDP) Resident Representative on the strengthening of cooperation between Equatorial Guinea and WIPO, in particular in the field of intellectual property legislation and institution-building.

Guinea. In May 1994, a WIPO official installed a CD-ROM reader donated by WIPO at the Service of Industrial Property in Conakry and gave preliminary

training to government officials on the use of the reader and on the various methods of searching and retrieving patent information contained in CD-ROMs also donated by WIPO.

Kenya. In May 1994, two WIPO officials visited Nairobi and discussed with government officials matters relating to the modernization of Kenya's industrial property legislation as well as the future organization of training in the field of patents.

Nigeria. In April 1994, a WIPO consultant from Canada and a WIPO official undertook a mission to Abuja to assess the equipment and training requirements of the Registry of Trade Marks, Patents and Designs with a view to designing a program for its modernization. The WIPO official also held discussions with government officials regarding the strengthening of cooperation between Nigeria and WIPO.

Togo. In May 1994, a WIPO official visited Lomé and held discussions with government officials on the reinforcement of cooperation between Togo and WIPO and, in particular, the technical assistance that WIPO could provide to the Government regarding the creation of a National Center for Technology and Industrial Property.

African Intellectual Property Organization (OAPI). In April 1994, a WIPO official attended the 34th session of the OAPI Board held in Abidjan. The OAPI Board highlighted, *inter alia*, the cooperation between the two Organizations.

African Regional Industrial Property Organization (ARIPO). In April 1994, two WIPO officials attended the second extraordinary session of the ARIPO Administrative Council and the fourth ordinary session of the ARIPO Council of Ministers, held in Kasane (Botswana). The Administrative Council adopted the Banjul Protocol on Marks, which was signed by six countries, namely, the Gambia, Kenya, Malawi, Sudan, Swaziland and Zimbabwe. The Protocol will remain open for signature in Harare for the next six months. The Administrative Council also amended the Protocol on Patents and Industrial Designs Within the Framework of the African Regional Industrial Property Organization (ARIPO) (Harare Protocol) and the Regulations for Implementing the Harare Protocol in order to establish a link to the PCT, with effect on July 1, 1994. This will make it possible for PCT Contracting States which are party to the Harare Protocol to be designated for an ARIPO patent as from the said date. The full session of the Council of Ministers was attended by representatives of Botswana, the Gambia, Kenya, Lesotho, Malawi, Sudan, Swaziland, Zambia and Zimbabwe, and the following observer

countries: Ethiopia, Namibia, Nigeria. The good cooperation which exists between WIPO and ARIPO was, *inter alia*, highlighted at that meeting.

Economic Commission for Africa (ECA). In May 1994, an official from the United Nations Economic

Commission for Africa in Addis Ababa had discussions with WIPO officials in Geneva on information regarding technology protected by patents and technology in the public domain, which might be of interest to small- and medium-scale industries in Africa.

Arab Countries

Training Courses, Seminars and Meetings

WIPO Arab Regional Workshop on Intellectual Property Law Teaching (Egypt). On April 26 and 27, 1994, WIPO organized that Workshop in Cairo, in cooperation with the Government of Egypt. Eleven government officials and university professors from Jordan, Kuwait, Lebanon, Sudan, Syria, Tunisia and the United Arab Emirates attended the Workshop, as well as some 70 local participants from government, university and legal circles. Presentations were made by three WIPO consultants from Egypt and the United States of America and a WIPO official.

WIPO National Seminar on Industrial Property (Syria). From April 12 to 14, 1994, WIPO organized that Seminar in Damascus, in cooperation with the Government of Syria. Some 30 participants attended the Seminar, including government officials, university professors, researchers, individual inventors and representatives of research and development institutes. Two WIPO consultants from Egypt and Switzerland and two WIPO officials, as well as two Syrian experts, made presentations.

Assistance With Training, Legislation and Modernization of Administration

Bahrain. In May 1994, two WIPO officials undertook a mission to Bahrain to discuss Bahrain's possible accession to the WIPO Convention and future cooperation between Bahrain and WIPO,

including the possible organization of a national intellectual property seminar in Manama in 1995.

Egypt. In April 1994, two government officials from the Agency for Development of Innovations and Inventions (ADII) undertook a study visit, organized by WIPO, to the National Research Development Agency of France (ANVAR) and the National Institute of Industrial Property of France (INPI) in Paris, and to WIPO in Geneva.

Jordan. In May 1994, Mr. Mohammad A.A.R. Khreisat, Director of Trade Registration and Industrial Property Protection, was received by the Director General in Geneva. They reviewed matters of common interest.

Tunisia. In May 1994, a government official visited WIPO and had discussions with WIPO officials on a proposed country project to be financed by UNDP.

United Arab Emirates. In May 1994, two WIPO officials undertook a mission to Abu Dhabi to discuss the possible accession of the United Arab Emirates to the Paris Convention and the possible organization, in Abu Dhabi in 1995, of a national seminar on intellectual property. During their visit, the two WIPO officials also attended a seminar, organized by the authorities of the United Arab Emirates, on intellectual property as a means of acquisition of technology and promotion of economic development.

Asia and the Pacific

Training Courses, Seminars and Meetings

WIPO National Workshop on the Selection, Creation, Protection and Administration of Laws (Indonesia). On April 7 and 8, 1994, WIPO organized that Workshop in Jakarta in cooperation with the Government of Indonesia and with the assistance

of the European Commission. It was attended by some 80 participants from government circles, universities, private companies and associations as well as lawyers. Papers were presented by two WIPO consultants from Germany and the United Kingdom, three experts from Indonesia and a WIPO official.

Assistance With Training, Legislation and Modernization of Administration

China. In April 1994, two government officials held discussions with WIPO officials in Geneva on cooperation in the field of trademarks, in particular matters concerning China's accession to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks.

In May 1994, three government officials had discussions with WIPO officials in Geneva on China's possible accession to the Nice Agreement and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) and on other matters relating to cooperation between China and WIPO in the field of trademarks.

Also in May 1994, two WIPO officials had discussions with government officials of the China International Economic and Trade Arbitration Commission (CIETAC) in Beijing on a proposed national arbitration law.

India. In late April and early May 1994, a WIPO consultant from Australia undertook a mission to Bombay to advise on the computerization of the Trade Mark Registry under the UNDP-financed country project for the modernization of the administration and the more effective use of trademarks.

Also in April 1994, two WIPO consultants from the United Kingdom undertook a mission to New Delhi and Bombay for the development of public information materials, including audiovisual presentations, under the UNDP-financed country project for the modernization of the patent information system.

In May 1994, a government official had discussions with WIPO officials in Geneva on industrial property in general and on the protection of utility models and novelty requirements, in particular.

Also in May 1994, four government officials undertook a study visit to the United Kingdom Patent Office in London and Newport, the Science Reference and Information Service of the British Library in London and to WIPO in Geneva on the subject of patent information services. The study visit was organized under the UNDP-financed country project for the modernization of the patent information system.

Indonesia. In April 1994, a WIPO official held discussions with UNDP and government officials in Jakarta on the implementation of the UNDP-financed country project.

Also in April 1994, a WIPO official participated in a coordination meeting held in Jakarta with government and European Patent Office (EPO) offi-

cial on the activities planned in Indonesia under the joint Commission of the European Communities/WIPO/European Patent Organisation (CEC/WIPO/EPO) industrial property project for South East Asian Nations (ASEAN) which is financed by the CEC.

In May 1994, a WIPO official visited Jakarta to provide the staff of the Directorate General of Copyrights, Patents and Trademarks with training in the use, including the search systems, of WIPO's IPC:CLASS CD-ROM relating to the International Patent Classification.

Laos. In May 1994, the International Bureau prepared and sent to the government authorities, at their request, an updated draft industrial property law with commentary, to assist in the introduction of national legislation for the protection of industrial property rights in that country.

Malaysia. In April 1994, Dato Haji Abu Hassan Omar, Minister of Domestic Trade and Consumer Affairs, accompanied by a delegation of four government officials and the President of the Malaysian Intellectual Property Association, had discussions with the Director General and other WIPO officials in Geneva on the strengthening of cooperation between Malaysia and WIPO. They reviewed the ongoing UNDP-financed country project for the strengthening of the industrial property system, Malaysia's possible accession to WIPO-administered treaties, the Government's plan to establish an intellectual property training institute, WIPO's forthcoming assistance in modernizing the industrial design legislation and cooperation with the Malaysian Invention and Design Society, the Malaysian Intellectual Property Association and other organizations concerned with the promotion of the protection of intellectual property rights in the country.

Also in April 1994, a WIPO official visited Kuala Lumpur to provide the staff of the Intellectual Property Division of the Ministry of Domestic Trade and Consumer Affairs with training in the use, including the search systems, of WIPO's IPC:CLASS CD-ROM relating to the International Patent Classification.

In late May and early June 1994, a WIPO consultant from the United States of America undertook a mission to the Intellectual Property Division in Kuala Lumpur to provide guidance and assistance to the trademark examiners in classification, examination and searching procedures. He also proposed measures to facilitate and speed up the processing of applications and related procedures. This activity was undertaken under the UNDP-financed country project.

Mongolia. In May 1994, a government official held discussions with WIPO officials in Geneva on a proposed UNDP-financed and WIPO-executed country project, the revised English version of the Mongolian Patent Law and the comments prepared by the International Bureau on the draft trademark law.

Also in May 1994, following the above-mentioned visit, the International Bureau sent the said comments on the draft trademark law to the government authorities.

Philippines. In May 1994, a WIPO official visited Manila to provide the staff of the Bureau of Patents, Trademarks and Technology Transfer (BPTTT) with training in the use, including the search systems, of WIPO's IPC:CLASS CD-ROM relating to the International Patent Classification.

Also in May 1994, a WIPO official attended a coordination meeting organized by BPTTT in Manila with officials of the EPO, UNDP and the Japanese Patent Office (JPO) on the computerization program of BPTTT. The participation of the WIPO official was financed under the European Communities-Association of South East Asian Nations (EC-ASEAN) Patents and Trademarks Program.

In late May and early June 1994, a WIPO official undertook a mission to Manila on the trademark computerization of BPTTT and discussed the feasibility of the development of a trademark CD-ROM

prototype for the Philippines. He also met with government and UNDP officials and discussed a proposed UNDP-financed country project for the modernization of the intellectual property system in the Philippines.

Republic of Korea. In April 1994, two WIPO consultants from Japan undertook a mission to the Korean Industrial Property Office (KIPO) in Seoul to review and advise on KIPO's computerization plan.

Singapore. In April 1994, a WIPO official visited Singapore to provide the staff of the Registry of Trade Marks and Patents with training in the use, including the search systems, of WIPO's IPC:CLASS CD-ROM relating to the International Patent Classification.

Also in April 1994, the International Bureau prepared and sent to the government authorities, at their request, further comments on the draft Patents Bill.

In May 1994, the International Bureau prepared and sent to the government authorities, at their request, further comments on the draft Patents Bill.

Thailand. In April 1994, a WIPO official visited Bangkok to provide the staff of the Department of Intellectual Property with training in the use, including the search systems, of WIPO's IPC:CLASS CD-ROM relating to the International Patent Classification.

Latin America and the Caribbean

Training Courses, Seminars and Meetings

WIPO National Seminar on Industrial Property and Entrepreneurial Competitiveness (Colombia). On April 14 and 15, 1994, WIPO organized that Seminar in Santa Fe de Bogotá in cooperation with the Government of Colombia. It was attended by 380 participants from government circles, universities, law firms and the judiciary. Presentations were made by three WIPO consultants from Ecuador, Spain and the United States of America, two experts from Colombia and Mexico and a WIPO official.

WIPO National Seminar on Industrial Property and Entrepreneurial Competitiveness (Ecuador). On April 18 and 19, 1994, WIPO organized that Seminar in Quito in cooperation with the Government of Ecuador. It was attended by 80 participants from government circles, universities, law firms and the judiciary. Presentations were made by four WIPO consultants from Colombia, Ecuador, Spain

and the United States of America, an expert from Mexico and a WIPO official.

WIPO National Awareness Seminar on Patent Law and the Patent Cooperation Treaty (PCT) (Trinidad and Tobago). On April 14 and 15, 1994, WIPO jointly organized that Seminar in cooperation with the Government of Trinidad and Tobago in Port of Spain. There were about 60 local participants from government departments, legal firms and trade and industry. Papers were presented by three WIPO officials.

WIPO National Seminar on Industrial Property and Entrepreneurial Competitiveness (Venezuela). On April 11 and 12, 1994, WIPO organized that Seminar in Caracas in cooperation with the Government of Venezuela. It was attended by some 200 participants from government circles, universities, law firms and the judiciary. Presentations were made by four WIPO consultants from Colombia, Ecuador,

Spain, the United States of America, two experts from Mexico and Venezuela and a WIPO official.

Peru. In April 1994, a WIPO official participated in the First National Congress on Industrial Property organized by the government authorities in Lima, where he presented a paper on the main treaties administered by WIPO in the field of industrial property. It was attended by some 550 local participants.

Latin American Economic System (SELA). In April 1994, a WIPO official participated as a speaker in the fourth meeting of the Latin American and Caribbean Forum on Intellectual Property Policies convened by the Permanent Secretariat of SELA in Caracas. He made two presentations on recent trends and changes in the protection of industrial property rights at the regional and international levels and on possible areas of regional cooperation on patent documentation and technological development. The meeting was attended by 31 government officials from 21 countries of Latin America and the Caribbean. The participants in the meeting expressed the wish that cooperation between their countries and WIPO and between WIPO and SELA be pursued and strengthened.

Permanent Secretariat of the General Treaty on Central American Economic Integration (SIECA). In April 1994, a WIPO official participated in the first SIECA technical meeting on industrial property organized by the Permanent Secretariat and held at its headquarters in Guatemala City. The meeting was attended by the heads of the industrial property offices and other government officials from the countries party to the Central American Agreement for the Protection of Industrial Property (Marks, Trade Names and Advertising Slogans and Signs), namely, Costa Rica, El Salvador, Guatemala and Nicaragua. The purpose of the meeting was to discuss the proposed revision of the said Agreement. The delegations of the four countries requested WIPO to prepare for SIECA draft proposals for the revision of the Agreement for consideration at the second technical meeting to be held in late June 1994 in Managua.

Assistance With Training, Legislation and Modernization of Administration

Argentina. In May 1994, Senator José Genoud, President of the Commission for Industry of the National Senate held discussions with the Director General in Geneva on the draft patent law currently before the Senate and on the protection of appellations of origin in Argentina.

Cuba. In April 1994, a WIPO official visited Havana to review and advise the National Office of Inventions, Technical Information and Marks (ONIITEM) on its patent and trademark computerization plan.

El Salvador. In April 1994, the International Bureau prepared and sent to the government authorities, at their request, comments on and proposals for draft implementing regulations under the Law on Intellectual Property.

Mexico. In May 1994, a WIPO consultant from Chile undertook a mission to the Mexican Institute of Industrial Property (IMPI) in Mexico City to provide advice on the further development of computerized systems in the Institute. This mission was undertaken under the UNDP-financed regional project.

Also in May 1994, three government officials from the same Institute undertook a study visit organized by WIPO to the EPO in The Hague and Munich, the Spanish Offices responsible for industrial property and plant varieties in Madrid and WIPO in Geneva, to acquaint themselves with recent international developments and practical procedures in the protection of biotechnological inventions and plant varieties. At WIPO, they had discussions with WIPO officials on the system of deposit of microorganisms under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

Paraguay. In May 1994, at the request of the government, a WIPO official visited Asunción to discuss with government officials a possible WIPO country project for the modernization of Paraguay's intellectual property system that would be funded through a loan to the Government by the Inter-American Development Bank (IDB). The project would aim to modernize the legislation concerned, strengthen the intellectual property administration, promote the teaching of intellectual property in universities and spread the use of intellectual property by interested circles. The WIPO official also had a meeting with IDB and UNDP officials. Following that mission, WIPO sent a draft project document for consideration by the Government.

Trinidad and Tobago. In April 1994, three WIPO officials had discussions with government officials in Port of Spain on the functions of a receiving Office under the PCT, the draft Patents Bill, the protection of integrated circuits, appellations of origin and plant varieties as well as on training and the acquisition of office equipment.

In May 1994, the International Bureau prepared and sent to the government authorities, at their

request, comments on the revised draft Patents Bill, 1994.

Venezuela. In May 1994, a WIPO consultant from Chile undertook a mission to the Industrial Property Registry in Caracas to provide advice on the further development of computerized systems for trademark operations. This activity was organized under the UNDP-financed regional project.

Permanent Secretariat of the General Treaty on Central American Economic Integration (SIECA). In May 1994, the International Bureau prepared, at the request of the SIECA member States, and sent to the SIECA Permanent Secretariat a draft protocol amending the Central American Convention for the Protection of Industrial Property (Marks, Trade Names and Advertising Slogans and Signs).

Development Cooperation (in General)

Training Courses, Seminars and Meetings

WIPO Academy—Session for Latin America and Caribbean Countries. From May 9 to 20, 1994, WIPO organized a session of the WIPO Academy specially designed for Latin American and Caribbean countries, in Geneva. 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. Eighteen government officials from Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, Guatemala, Honduras, Mexico, Nicaragua, Paraguay, Peru, Uruguay and Venezuela attended the session. The coordinator of the session was Professor Alberto Bercovitz, from Spain, and presentations were made by 11 WIPO consultants from Argentina, Germany, Spain, Switzerland and Venezuela, as well as by WIPO officials.

The 18 government officials used the occasion of their presence in Geneva to have discussions with numerous WIPO officials on various aspects of cooperation between their countries and WIPO.

WIPO Training Seminar on the Substantive Examination of Patent Applications (Geneva, Munich, Stockholm). In late April and early May 1994, WIPO organized that Training Seminar in cooperation with the EPO and the Patent and Registration Office of Sweden in Stockholm, Munich and Geneva. Sixteen government officials from Argentina, Bangladesh, Brazil, Cuba, Egypt, India, Indonesia, Kenya, Mexico, the Philippines, Thailand

and Viet Nam attended. The travel and subsistence costs of 12 of them were funded by the EPO.

Assistance With Training, Legislation and Modernization of Administration

Islamic Educational, Scientific and Cultural Organization (ISESCO). In May 1994, a WIPO official held discussions with an ISESCO official in Geneva on the strengthening of cooperation between WIPO and ISESCO.

Islamic Foundation for Science, Technology and Development (IFSTAD). In May 1994, two IFSTAD officials held discussions in Geneva with WIPO officials on future cooperation between WIPO and IFSTAD.

Organization of the Islamic Conference (OIC). In May 1994, a WIPO official attended the United Nations/OIC General Meeting in Geneva which discussed cooperation between the United Nations and its system of organizations and the OIC.

United Nations Development Programme (UNDP). In April 1994, Mr. James Gustave Speth, the UNDP Administrator, and another UNDP official visited WIPO and had discussions with the Director General on cooperation between WIPO and UNDP, in particular UNDP funding for regional projects.

WIPO/European Patent Organisation (EPO) Cooperation. In May 1994, five WIPO officials held discussions with EPO officials in Munich to better coordinate the two Organization's respective and joint assistance to developing countries, particularly in the production of CD-ROMs containing industrial property information, training, computerization of industrial property administration and the revision of legislation.

WIPO Medals

Geneva International Exhibition of Inventions, New Techniques and Products. In April 1994, the Director General attended, in Geneva, the inaugural ceremony of the Exhibition at which he awarded a WIPO gold medal to Mr. Jean-Luc Vincent, President of the Exhibition since its foundation in 1972, in recognition of his contribution in promoting inventive activity and international cooperation among inventors. During the Exhibition, two WIPO medals were awarded, one to an inventor from the

Republic of Korea for the best invention from a developing country, and the other to a woman inventor from Malaysia for the best invention by a woman inventor.

Also in April 1994, three WIPO medals were awarded to inventors at the 3rd Exhibition of Syrian Inventions and Innovations in Damascus, one to the best inventor, another for the best invention, and the third to the best woman inventor.

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

Regional Activities

Eurasian Patent Convention/Community of Independent States (CIS). In May 1994, Mr. Ivan M. Korotchenia, Executive Secretary of CIS, two other officials of CIS, Mr. Valery L. Petrov, Chairman of the State Patent Office of Ukraine, and a government official from Kyrgyzstan had discussions with the Director General and other WIPO officials in Geneva concerning the planned Eurasian Patent Convention.

National Activities

Belarus. In April 1994, two government officials had discussions with WIPO officials in Geneva on the functions of a patent office in the protection of plant varieties and on the Patent Cooperation Treaty (PCT).

Bosnia and Herzegovina. In May 1994, Mr. Krešimir Puškarić, Head of the Office of Patents, Designs and Trademarks, had discussions with the Director General and other WIPO officials in Geneva on the organization of the national industrial property office and the training of its staff, as well as on the application of the Protocol Relating to the Madrid Agree-

ment Concerning the International Registration of Marks (Madrid Protocol).

Also in May 1994, a government official had discussions with WIPO officials in Geneva on Bosnia and Herzegovina's membership in certain WIPO-administered treaties.

Bulgaria. In May 1994, two WIPO officials had discussions with Members of Parliament and government officials in Sofia on the country's intellectual property system and, in particular, on piracy of audiovisual works, industrial property legislation, Bulgaria's possible adherence to further WIPO-administered treaties, and the protection of plant and animal varieties.

Later in May 1994, one of the above-mentioned WIPO officials was joined by another WIPO official for discussions with government and UNDP officials in Sofia on cooperation between Bulgaria and WIPO, including implementation of the United Nations Development Programme (UNDP)-financed country project on the computerization of the Bulgarian Patent Office.

Croatia. In April 1994, a WIPO official had discussions with government officials in Zagreb on the computerization of the State Patent Office's patent, trademark and industrial design operations.

In May 1994, a WIPO official gave a training course on the International Patent Classification (IPC) to eight patent examiners of the State Patent Office in Zagreb.

Also in May 1994, a government official was briefed by WIPO officials in Geneva on, *inter alia*, WIPO's publishing and trademark registration activities.

Czech Republic. In April 1994, Mr. Ladislav Jakl, President of the Industrial Property Office, had discussions with WIPO officials in Geneva on the situation of industrial property in the country and on preparations for the celebration of the 75th anniversary of the Industrial Property Office of the Czech Republic which will be celebrated together with the 75th anniversary of the Patent Office of Poland in July 1994 in Cracow (Poland).

Estonia. In May 1994, a WIPO official made a presentation on the importance of the protection of industrial property for economic development at a conference organized in Tallinn by the Estonian Patent Office on the occasion of its 75th anniversary.

Hungary. In May 1994, a government official had discussions with WIPO officials in Geneva on cooperation between Hungary and WIPO for the benefit of Central and Eastern European countries, on prepa-

rations undertaken in Hungary for the adoption of a new patent law and on the training of the staff of the National Office of Inventions in trademark registration procedures.

Republic of Moldova. In May 1994, Mr. Eugen M. Stashkov, Director General of the State Agency on Industrial Property Protection, had discussions with WIPO officials in Geneva on the protection of geographical indications.

Romania. In May 1994, a government official had discussions with WIPO officials in Geneva on the State Office for Inventions and Trademarks' current and planned activities.

Tajikistan. In May 1994, a government official had discussions with WIPO officials in Geneva on the draft provisional regulations on inventions, utility models and industrial designs.

Ukraine. In April 1994, two government officials had discussions with WIPO officials in Geneva on the Eurasian Patent Convention and on the PCT.

In May 1994, Mr. Valery L. Petrov, Chairman of the State Patent Office, had discussions with the Director General and other WIPO officials in Geneva on WIPO's possible assistance in the computerization of that Office.

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

National Contacts

Germany. In April 1994, a WIPO official spoke on recent international developments in the field of industrial property at an Industrial Property Colloquium for German Judges organized by the Ministry of Justice in Wustrau.

In May 1994, the Director General and another WIPO official attended, in Munich, the ceremony celebrating the centenary of the trademark registration services of the German Patent Office. Speeches

were made by the Minister of Justice, the Director General of WIPO, other government officials and representatives of the Federal Chamber of Patent Attorneys and of the German Trademark Association.

Also in May 1994, a WIPO official participated, as a speaker, in a training seminar organized by the German Patent Office in Munich for some 35 officials.

Greece. In April 1994, a WIPO official had discussions with government officials in Athens on

matters concerning the Patent Cooperation Treaty (PCT).

Japan. In May 1994, three government officials had discussions with the Director General in Geneva on questions relating to the draft Patent Law Treaty and other industrial property matters of mutual interest.

Also in May 1994, a government official had discussions with WIPO officials in Geneva on the WIPO Arbitration Center.

Spain. In May 1994, the Director General, accompanied by another WIPO official attended a Seminar on the Community Trade Mark and the Community Industrial Design convened by the government authorities in Alicante. The Director General made a speech at the inauguration ceremony.

United States of America. In May 1994, Mr. Lawrence Goffney, Assistant Commissioner for Patents, United States Patent and Trademark Office (USPTO), was received by the Director General in Geneva. They and other WIPO officials discussed various matters of common interest, including the PCT.

United Nations

Advisory Committee on Post Adjustment Questions (ACPAQ). In May 1994, a WIPO official attended a meeting of ACPAQ held in Vienna.

United Nations Administrative Committee on Coordination (UN(ACC)). In April 1994, the Director General and another WIPO official attended the meetings of the first regular ACC session for 1994, held in Geneva.

Also in April 1994, a WIPO official attended, in Geneva, the meetings on the preparations for the second regular session of ACC to be held in September 1994 in New York.

United Nations Development Programme (UNDP)/United Nations Conference on Trade and Development (UNCTAD). In May 1994, two officials, one from each organization, had discussions with WIPO officials in Geneva on possible cooperation with WIPO for the benefit of Central and Eastern European and Central Asian countries in the field of industrial property.

International Computing Centre (ICC). In April 1994, two WIPO officials had discussions with ICC officials in Geneva on the support provided by ICC to WIPO's computerized systems.

Also in April 1994, the same WIPO officials participated in the 53rd session of the ICC Management Committee held in Paris.

Intergovernmental Organizations

Benelux Trademark Office (BBM)/Benelux Designs Office (BBDM). In May 1994, Mr. Pierre J.V. Rome, Director of BBM/BBDM, had discussions with WIPO officials in Geneva on plans for the establishment, possibly in cooperation with WIPO, of a bibliographic data base and image data base of industrial designs protected in the Benelux countries, including the international designs deposited under the Hague Agreement Concerning the International Deposit of Industrial Designs.

Commission of the European Communities (CEC). In April 1994, two WIPO officials presented papers at the International Conference on Intellectual and Industrial Property "Objectives and Strategies," organized by the CEC in Athens in cooperation with the Government of Greece.

Customs Co-operation Council (CCC). In May 1994, a WIPO official attended, as an observer, a meeting of the Customs/Business Sub-Group on Intellectual Property Rights organized by the CCC and held in London.

European Patent Organisation/Office (EPO). In April 1994, Mr. Paul Braendli, President, and Mrs. Renate Remandas, Vice-President of the EPO, had discussions with the Director General in Geneva on various issues of mutual interest.

Also in April 1994, a WIPO official attended, in an observer capacity, the 8th meeting of the BACON Sub-Group of the EPO's Working Party on Technical Information and the 35th meeting of the EPO's Working Party on Technical Information, both held in Athens.

In May 1994, two WIPO officials attended, as speakers, the PATLIB '94 Symposium organized by the EPO in cooperation with the Italian Patent and Trademark Office and the Chamber of Commerce of Florence in Florence (Italy).

General Agreement on Tariffs and Trade (GATT). In April 1994, two WIPO officials represented WIPO in an observer capacity at the meeting of the GATT Uruguay Round Trade Negotiations Committee at the Ministerial Level, held in Marrakesh (Morocco), which adopted the Final Act embodying the Uruguay Round of GATT, the Agreement Establishing the World Trade Organization (WTO) (Marrakesh Agreement) and four multilateral agreements. The WIPO officials presented a written statement on behalf of the Director General of WIPO, which affirmed WIPO's interest in cooperating with GATT and the proposed (WTO).

International Union for the Protection of New Varieties of Plants (UPOV). In April 1994, a WIPO official accompanied a UPOV official to the Committee for the Protection of Plant Varieties in Paris to observe the data bases used for the operations of that Committee, in the framework of a project for the development, by WIPO, of a CD-ROM for plant varieties for the benefit of UPOV.

Other Organizations

American Arbitration Association (AAA). In April 1994, a WIPO official attended the AAA's Annual Meetings in New York and presented WIPO's Arbitration Center to several members of the AAA.

American Bar Association (ABA). In April 1994, a WIPO official attended a meeting of the Patent, Trademarks and Copyright Continuing Legal Education Program on Litigation and Corporate Practice of the ABA's Section of Intellectual Property, held in Washington, D.C.

In May 1994, a delegation of members of the Section of International Law and Practice of the ABA visited WIPO and was briefed by WIPO officials on the Organization's activities.

American Intellectual Property Law Association (AIPLA). In April 1994, a WIPO official attended the 1994 Spring Stated Meeting of AIPLA, held in Cleveland (Ohio).

Association of Hungarian Inventors. In April 1994, the Secretary General of that Association had discussions with WIPO officials in Geneva on WIPO's and the Association's activities in the field of industrial property.

Canadian Intellectual Property Institute (CIPI). In April 1994, a WIPO official made a presentation on WIPO's activities in the field of industrial property and, in particular, on the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol), at a meeting of CIPI held in Ottawa.

Centre for International Industrial Property Studies (CEIPI). In April 1994, a WIPO official attended the second Industrial Property Days organized by the Association of Former Students of CEIPI on the occasion of the Center's 30th anniversary in Strasbourg (France).

In May 1994, the Director General attended a meeting of the Administrative Council of CEIPI held in Paris.

Confederation of British Industry (CBI). In May 1994, a WIPO consultant from the United Kingdom

made a presentation on the Madrid Protocol at a meeting of the CBI, held in London.

European Communities Trade Mark Association (ECTA). In May 1994, a WIPO official and a WIPO consultant from the United Kingdom attended a trademark conference organized by ECTA in Luxembourg.

Fordham University. In April 1994, two WIPO officials made presentations on WIPO's activities in the field of industrial property and, in particular, the Madrid Protocol, at the Second Annual Conference on International Intellectual Property Law and Policy organized by Fordham University Law School in New York.

Institute for International Research. In May 1994, a WIPO official chaired a session of a seminar on electronic document management systems organized in Paris by that Institute and presented WIPO's MINOS (*M*arks *I*Nformation *O*ptically *S*tored) system.

International Chamber of Commerce (ICC). In April 1994, a WIPO official attended meetings of ICC's Commission on Intellectual and Industrial Property and its Standing Group on Trademarks, held in Paris.

International Federation of Industrial Property Attorneys (FICPI). In April 1994, a WIPO official made a presentation of the international registration system under the Madrid Agreement and Madrid Protocol at the Seminar on Current Trends in the Intellectual Property Scene, organized by the Israeli Group of FICPI in Tel Aviv.

International Federation of Inventors' Associations (IFIA). From April 11 to 14, 1994, the sixth International Symposium on Inventors, Inventions and Information was organized by WIPO in cooperation with IFIA and with the assistance of the EPO in Vienna. Its aim was to examine the role of patent information services in support of inventors in invention and innovation activities. The Symposium was attended by some 100 participants, government officials and representatives of inventors' associations, universities, innovation centers, individual inventors, patent agents and industry from the following 35 countries, one intergovernmental organization and one non-governmental organization: Argentina, Austria, Bolivia, Bulgaria, China, Croatia, Finland, France, Georgia, Germany, Ghana, Hungary, Italy, Japan, Kuwait, Lithuania, Malawi, Malaysia, Netherlands, Norway, Poland, Qatar, Romania, Senegal, Singapore, Slovakia, Spain, Sweden, Switzerland,

Syria, Tunisia, Ukraine, United Kingdom, United States of America, Viet Nam, EPO, International Confederation of Societies of Inventors and Rationalizers (ICSIR). Papers were presented by four WIPO consultants from Argentina, Bulgaria, Singapore and Sweden, two WIPO officials and two EPO officials.

Also in April 1994, a WIPO official attended the General Assembly of IFIA which was held in Vienna.

International Studies Center (Barcelona, Spain). In April 1994, 20 Spanish diplomats, trainees from that Center, visited WIPO and were briefed by WIPO officials on WIPO's activities and intellectual property in general.

International Trademark Association (INTA). In May 1994, a WIPO official and a WIPO consultant from the United Kingdom attended the 116th Annual Meeting of INTA, held in Seattle (Washington, United States of America).

Japan Patent Association (JPA)/Japanese Patent Attorneys Association (JPAA)/Japan Trademark Association (JTA). In May 1994, three representa-

tives, one from each of those Associations, had discussions with the Director General and other WIPO officials in Geneva on matters of common interest.

Licensing Executives Society International (LESI). In May 1994, two WIPO officials chaired a workshop on the international protection of industrial property and participated in several other sessions of the 1994 LES International Conference, held in Beijing. The Conference was attended by some 70 local participants and some 270 foreign participants.

Polytechnical School of Kielce (Poland). In April 1994, a group of 35 patent agents on a study tour organized by that School was given a presentation on WIPO's activities in general and the PCT in particular at the headquarters of WIPO.

Union of European Practitioners in Industrial Property (UEPIP). In May 1994, a WIPO official participated in the Executive Committee Meeting of UEPIP held in Athens. He also made a presentation on the WIPO Arbitration Center before some 50 persons.

Miscellaneous News

National News

Estonia. The Patent Law and the Utility Model Law, both of March 16, 1994, entered into force on May 23, 1994.

Japan. The new Utility Model Law of April 23, 1993, entered into force on January 1, 1994.

Lithuania. The Patent Law (No. I-372) of January 18, 1994, entered into force on February 1, 1994.

Mongolia. The Patent Law of June 25, 1993, entered into force on September 1, 1993.

Ukraine. The Law on Inventions, the Law on Utility Models, the Law on Trademarks and the Law on Industrial Designs, adopted on December 15, 1993, entered into force on July 1, 1994.

Uzbekistan. The Trademark Law of May 7, 1993, entered into force on June 2, 1993.

Exhibitions

ROMANIA

Communication

Concerning the Temporary Protection of Inventions, Industrial Designs and Trademarks Exhibited at International Exhibitions

The International Fair BIFE-TIMB '94 for furniture, glass objects, pottery, packaging and tools will be held from September 3 to 9, 1994.

The International Exhibition ROMHOTEL '94 for hotel and restaurant furniture will be held from September 5 to 10, 1994.

The Bucharest International Fair TIB '94 (second jubilee), the largest international technical exhibition organized each year in Bucharest, will be held from October 10 to 16, 1994.

Inventions, industrial designs and trademarks exhibited at the above-mentioned international exhibitions shall enjoy the temporary protection provided by Law No. 64/1991 on inventions, Law No. 129/1992 on industrial designs and Law No. 29/1967 on trademarks.

Calendar of Meetings

WIPO Meetings

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

1994

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.

December 5 to 9 (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.

- December 12 to 16 (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.

1995

- April 5 and 6 (Melbourne, Australia)** **Symposium on the International Protection of Geographical Indications** (organized by WIPO in cooperation with the Government of Australia)
- The Symposium will deal with the protection of geographical indications (appellations of origin and other geographical indications) both on the national and multilateral level and, in particular, with the coexistence of geographical indications and trademarks.
Invitations: Governments, selected intergovernmental and non-governmental organizations and any member of the public (against payment of the registration fee).

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

- 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