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World Intellectual Property Organization

Contents

NOTIFICATIONS CONCERNING TREATIES ADMINISTERED BY WIPO

Convention Establishing the World Intellectual Property Organization and Certain Other Treaties Administered by WIPO. Declaration: Turkmenistan	167
Paris Convention. Accession: Saint Lucia	167
Eurasian Patent Convention. Accession: Turkmenistan	167

NORMATIVE ACTIVITIES OF WIPO

Committee of Experts on the Settlement of Intellectual Property Disputes Between States. Draft Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property—Document prepared for the Seventh Session (Geneva, May 29 to June 2, 1995)	168
Protection Against Unfair Competition	179

REGISTRATION SYSTEMS ADMINISTERED BY WIPO

Madrid Union	180
------------------------	-----

WIPO ARBITRATION CENTER	180
-----------------------------------	-----

ACTIVITIES OF WIPO SPECIALLY DESIGNED FOR DEVELOPING COUNTRIES

Africa	181
Arab Countries	182
Asia and the Pacific	182
Latin America and the Caribbean	184
Development Cooperation (in General)	185

ACTIVITIES OF WIPO SPECIALLY DESIGNED FOR COUNTRIES IN TRANSITION TO MARKET ECONOMY

185

OTHER CONTACTS OF THE INTERNATIONAL BUREAU OF WIPO WITH GOVERNMENTS AND INTERNATIONAL ORGANIZATIONS

186

[Continued overleaf]

WIPO 1995

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ISSN 1020-2196

MISCELLANEOUS NEWS	187
ACTIVITIES OF UPOV	
Annual Report of the Secretary-General for 1994 (Twenty-Sixth Year)	187
CALENDAR OF MEETINGS	197
ANNEX	
Industrial Property Statistics for 1993 (Publication A)	

INDUSTRIAL PROPERTY LAWS AND TREATIES
(INSERT)

Editor's Note

UNITED KINGDOM

The Patents Rules 1990 (No. 2384, as last amended by the Patents (Amendment) Rules 1993 (No. 2423) of October 4, 1993) (<i>This text replaces the one previously published under the same code number.</i>)	Text 2-002
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COPYRIGHT AND NEIGHBORING RIGHTS LAWS AND TREATIES
(INSERT)

Editor's Note

JORDAN

Law on the Protection of Copyright 1992 (No. 22 of 1992)	Text 1-01
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RUSSIAN FEDERATION

Law on Copyright and Neighboring Rights (No. 5351-I of July 9, 1993) (<i>Replacement sheet</i>)	Text 3-01
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Notifications Concerning Treaties Administered by WIPO

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

Declaration

TURKMENISTAN

The Government of Turkmenistan deposited, on March 1, 1995, the following declaration:

“The Government of Turkmenistan, wishing to contribute to the protection of intellectual property, hereby declares that

- the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967, and amended on September 28, 1979,
- the Paris Convention for the Protection of Industrial Property, of March 20, 1883, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979,
- the Patent Cooperation Treaty (PCT), of June 19, 1970, as amended on September 28, 1979, and modified on February 3, 1984,

continue to be applicable in respect of Turkmenistan.

The Government of Turkmenistan also declares that, for the purpose of determining the amount of its contribution, under the unitary contribution system, to the budget of the World Intellectual Property Organization, Turkmenistan wishes to belong to Class IX.” (*Translation*)

WIPO Notification No. 180, Paris Notification No. 163, PCT Notification No. 101, of March 1, 1995.

Paris Convention

Accession

SAINT LUCIA

The Government of Saint Lucia deposited, on March 9, 1995, 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.

Furthermore, the said instrument of accession contains the following declaration: “Pursuant to Article 28(2) of the said Convention, the Government of Saint Lucia declares that Saint Lucia does not consider itself bound by the provisions of paragraph (1) of Article 28 of the said Convention.”

Saint Lucia 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 Saint Lucia, on June 9, 1995. On that date, Saint Lucia will become a member of the Paris Union.

Paris Notification No. 164, of March 9, 1995.

Eurasian Patent Convention

Accession

TURKMENISTAN

The Government of Turkmenistan deposited on March 1, 1995, its instrument of accession to the Eurasian Patent Convention.

The date of entry into force of the said Convention will be notified when the required number of ratifications or accessions is reached in accordance with Article 26(4) of the said Convention.

EAPC Notification No. 2, of March 1, 1995.

Normative Activities of WIPO

Committee of Experts on the Settlement of Intellectual Property Disputes Between States

Seventh Session
(Geneva, May 29 to June 2, 1995)

1. *Background.* The Committee of Experts on the Settlement of Intellectual Property Disputes between States (hereinafter referred to as "the Committee") has so far held six sessions, the first in February 1990, the second in October 1990, the third in September 1991, the fourth in July 1992, the fifth in May 1993, and the sixth in February 1994.¹

2. The first session considered a memorandum which, pursuant to the World Intellectual Property Organization's (WIPO) program for the 1990-91 biennium, contained issues to be solved in a possible treaty on the settlement of intellectual property disputes between States (see documents SD/CE/I/2 and 3).

3. The second session considered a memorandum containing principles for a draft treaty for the settlement of disputes between States in the field of intellectual property as well as a memorandum containing a list of treaties in the field of intellectual property and giving information on dispute settlement provisions in those treaties (see documents SD/CE/II/2, 3 and 4).

4. The third session examined a memorandum containing provisions of a draft treaty for the settlement of disputes between States in the field of intellectual property (see documents SD/CE/III/2 and 3).

5. The fourth and fifth sessions were convened pursuant to WIPO's program for the 1992-93 biennium (see document AB/XXII/2, item 03(1) and document AB/XXII/22, paragraph 197). The fourth session considered a memorandum entitled "Draft Treaty for the Settlement of Disputes Between States in the Field of Intellectual Property" but only insofar as Articles 1 to 8 of that draft were concerned (see documents SD/CE/IV/2 and 3). The fifth session

considered a revised version of those Articles and also examined Articles 9 to 18 of that draft Treaty as well as proposals submitted by the Delegation of the Netherlands and the Delegation of the Commission of the European Communities (see documents SD/CE/V/2, 4, 5 and 6). The fifth session also considered a memorandum containing draft Regulations under such a draft Treaty (see document SD/CE/V/3).²

6. The sixth session was convened pursuant to WIPO's program for the 1994-95 biennium (see document AB/XXIV/2, item 03(1) and document AB/XXIV/18, paragraph 267). At its sixth session, the Committee considered a revised text of the draft Treaty,³ together with revised explanations ("Notes") (see document SD/CE/VI/2), as well as a revised text of the draft Regulations⁴ (see document SD/CE/VI/3), which took into account the discussions during the fifth session (see document SD/CE/V/6). At its sixth session, the Committee also examined proposals submitted by the Delegation of the European Communities (see document SD/CE/V/4) and by the Delegation of the Netherlands (see document SD/CE/VI/5). The Committee at its sixth session was of the view that a further session of the Committee should be convened by the Director General and that the International Bureau should prepare a new draft of the proposed Treaty and of the proposed Regulations, taking into account the question of the relationship between the dispute settlement system to be established by the proposed Treaty and other dispute settlement systems, including the dispute settlement system to be established as a result of the Uruguay Round of GATT and taking into account the conclusions of the sixth session of the Committee (see document SD/CE/VI/6, paragraph 156).

¹ For a note on the sixth session, see *Industrial Property*, 1994, p. 122.

² See *Industrial Property*, 1993, pp. 217 *et seq.*

³ *Ibid.*, 1994, pp. 123 *et seq.*

⁴ *Ibid.*, 1994, pp. 168 *et seq.*

7. At its session in September-October 1994, the WIPO General Assembly approved the proposals of the Director General that the Committee meet again in 1995, before the September 1995 ordinary session of the WIPO General Assembly, and that that Assembly in that session decide any further steps in the matter, including the question of whether to hold a Diplomatic Conference for the Conclusion of a Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property and, if so, when (see documents WO/GA/XV/1, paragraph 5, and WO/GA/XV/3, paragraph 20).

8. The present document sets forth the new draft of the proposed Treaty, consisting of 18 Articles, preceded by a preamble, together with revised explanations ("Notes"),⁵ which take into account the question of the relationship of the dispute settlement system to be established under the proposed Treaty and other dispute settlement systems, referred to by the Committee at its sixth session, as well as the conclusions of that Committee at that session (see document SD/CE/VI/6).

9. The new draft of the proposed Regulations, which takes into account the discussions during the sixth session of the Committee, is contained in a separate document (see document SD/CE/VII/3).⁶

10. Pursuant to the suggestions made by the Committee at earlier sessions, the International Bureau prepared and issued two other documents (SD/CE/II/3 and SD/CE/VI/4), each of which subsequently has been updated and reissued: one lists the treaties in the field of intellectual property and also gives information on dispute settlement provisions in those treaties and in certain other treaties (see document SD/CE/VII/4); the other document contains provisions on the status of intergovernmental organizations set forth in treaties (and draft treaties) in the field of intellectual property administered by WIPO and in rules of procedure (and proposed rules of procedure) of diplomatic conferences convened (or to be convened) by WIPO (see document SD/CE/VII/5). In addition, the International Bureau has prepared a document which sets forth provisions, in treaties dealing with the settlement of disputes between States, that bear on the question of the relationship between the dispute settlement system established under a given treaty and other dispute settlement systems (see document SD/CE/VII/6).

11. *Objectives of the Proposed Treaty.* The objective of the proposed Treaty is to promote the protection

of intellectual property by furthering the enforcement of international obligations in the field of intellectual property and by securing the uniform interpretation and application of international rules concerning such obligations. To achieve that objective, the proposed Treaty would establish, within the framework of WIPO, procedures for the settlement of intellectual property disputes between States or between States and intergovernmental organizations.

12. In addition to promoting, as such, the protection of intellectual property, the proposed Treaty would be a further step in promoting the progressive development of international law.

13. The procedures set forth in the provisions of the proposed Treaty would not be applicable to disputes between private parties. Such disputes are subject to the jurisdiction of the competent domestic tribunals of the States or to such other procedure permitted by national law for the settlement of disputes as, for example, arbitration.

14. The terms "this Treaty" or "the Treaty," which appear in the provisions of the draft Treaty, and the terms "the proposed Treaty" or "the Treaty," which appear in the Notes, refer to the new text of the draft Treaty which is set forth hereinafter.

DRAFT TREATY ON THE SETTLEMENT OF DISPUTES BETWEEN STATES IN THE FIELD OF INTELLECTUAL PROPERTY

CONTENTS

Preamble

[Substantive Provisions]

Article 1: Use of Terms and Abbreviated Expressions

Article 2: Sphere of Application

Article 3: Consultations

Article 4: Good Offices, Conciliation, Mediation

Article 5: Panel Procedure

Article 6: Reporting on the Compliance With the Recommendations of the Panel

Article 7: Arbitration

[Administrative Provisions]

Article 8: Establishment of a Union

Article 9: Assembly

Article 10: International Bureau

Article 11: Regulations

Article 12: Revision of the Treaty by Conferences of Revision

Article 13: Amendment of Certain Provisions of the Treaty by the Assembly

⁵ Not reproduced here.

⁶ The draft Regulations will be published in the May issue of this review.

[Final Clauses]

- Article 14: Becoming Party to the Treaty
 Article 15: Entry Into Force of the Treaty
 Article 16: Denunciation of the Treaty
 Article 17: Languages of the Treaty; Signature
 Article 18: Depositary

Preamble

The Contracting Parties

Desiring to promote the protection of intellectual property by furthering the enforcement of international obligations and securing the uniform interpretation and application of international rules in the field of intellectual property,

Bearing in mind that disputes between States or between States and intergovernmental organizations may arise out of the enforcement of such international obligations and the interpretation or application of such international rules,

Recognizing the need for such disputes to be resolved through appropriate multilateral institutional arrangements,

Convinced that a treaty, administered by the World Intellectual Property Organization, establishing procedures for the amicable settlement of such disputes would promote the protection of intellectual property,

Have agreed as follows:

Article 1

Use of Terms and Abbreviated Expressions

For the purposes of this Treaty, unless expressly stated otherwise:

- (i) “Contracting Party” means a State or an intergovernmental organization that is party to this Treaty;
- (ii) “Union” means the Union referred to in Article 8;
- (iii) “Assembly” means the Assembly referred to in Article 9;
- (iv) “Organization” means the World Intellectual Property Organization;
- (v) “International Bureau” means the International Bureau of the Organization;
- (vi) “Director General” means the Director General of the Organization;
- (vii) “Regulations” means the Regulations under this Treaty that are referred to in Article 11;
- (viii) “prescribed” means prescribed in the Regulations;

(ix) “dispute” means a disagreement between parties as to the existence or breach of an obligation that relates to a matter or to matters of intellectual property;

(x) “party” in the expression “party to a dispute” means a State or an intergovernmental organization;

(xi) the expression “a party to a dispute” shall be construed as including also cases where there are several parties;

(xii) “source treaty” means the treaty containing the provision or provisions concerning intellectual property, the interpretation or application of which provision or provisions is in issue in the dispute;

(xiii) a reference to an “instrument of ratification” shall be construed as also including an instrument of acceptance and an instrument of approval;

(xiv) “national” or “nationals” of a party to a dispute or of a Contracting Party means, where the party to the dispute or the Contracting Party is a State, a national or the nationals of that State and, where the party to the dispute or the Contracting Party is an intergovernmental organization, a national or the nationals of a State member of that organization.

Article 2

Sphere of Application

(1) [*Disputes Between Contracting Parties Under Multilateral Treaties*] This Treaty applies only to the issue or issues the resolution of which in a dispute between Contracting Parties requires the interpretation or application of one or more provisions in a multilateral treaty

Alternative A: [no further words].

Alternative B: in the field of intellectual property.

Alternative C: that is administered by the Organization alone or that is administered by the Organization in association with one or more intergovernmental organizations.

Alternative D: that is administered by the Organization alone.

(2) [*Other Disputes*] Where a dispute does not fall within the scope of paragraph (1), the provisions of this Treaty shall nevertheless be applicable to that dispute but only in respect of the issue of the dispute that relates or to the issues of the dispute that relate to a matter or to matters of intellectual property, if the dispute

- (i) arises under a source treaty
 - the provisions of which require, or
 - the parties to which decide, or
 - the provisions of which permit the parties to the dispute to agree, and they so agree,

that the dispute shall be submitted to one or more of the procedures for the settlement of disputes established by this Treaty, or

(ii) concerns an obligation the source of which is other than a treaty and the parties to the dispute agree to submit their dispute to one or more of the procedures for the settlement of disputes established by this Treaty, provided that, in the cases provided for in item (i) or in the case provided for in item (ii), above,

Alternative A: all the parties to the dispute are Contracting Parties.

Alternative B: at least one of the parties to the dispute is a Contracting Party.

(3) [*Non-Applicability of the Treaty to Certain Disputes*] Notwithstanding paragraphs (1) and (2), this Treaty, or any procedure established therein, shall not apply

(i) where the parties to a dispute agree that, for the purposes of that dispute, this Treaty, or a specified procedure established therein, shall not apply; or

(ii) where the dispute arises under a source treaty that does not permit the parties to the dispute to resort to dispute settlement procedures other than those provided for in that treaty.

(4) [*Applicability of Procedures Established by This Treaty Where Other Means Are Also Applicable*] (a) Where means for the settlement of a dispute other than the procedures established by this Treaty are also applicable to a dispute and the parties to the dispute cannot agree whether those means or those procedures shall be resorted to, then the procedures established by this Treaty shall be applicable to the dispute and shall be used to the exclusion of any other means.

(b) Once any means other than any of the procedures established by this Treaty are resorted to for the settlement of a dispute, each party to the dispute shall refrain from invoking during, or after the completion of, any such means, any procedure established by this Treaty, unless

(i) the rules governing those other means do not preclude any party to the dispute from subsequently invoking a procedure established by this Treaty, or

(ii) the parties to the dispute agree that one or more of the procedures established by this Treaty may be invoked by any party to the dispute or may be invoked only with the consent of all the parties to the dispute.

(5) [*Exhaustion of Local Remedies*] (a) A party to a dispute may not invoke any procedure for the settlement of a dispute established by this Treaty where the dispute concerns the alleged existence or breach by the other party to the dispute of an obligation concerning the treatment to be accorded by that other party to a national or to the nationals of the

party invoking the procedure unless that national has or those nationals have exhausted local remedies in accordance with rules of international law.

(b) The rule stated in paragraph (a) shall not be applicable where the obligation requires the other party to the dispute to enact a law on a matter affecting the status or rights of a national or the nationals of the party invoking the procedure and the other party to the dispute has not enacted that law or has enacted a law on the matter but the law is not in conformity with that obligation.

Article 3 Consultations

(1) [*Invitation to Enter Into Consultations*] Before making a request for a procedure before a panel pursuant to Article 5, a party to a dispute shall, subject to Articles 2(3)(i), 4(1) and 5(1)(ii), invite the other party to the dispute to enter into consultations with it in respect of that dispute. The invitation shall indicate that the invitation is made with a view to initiating consultations pursuant to this Treaty, set forth the obligation or obligations the alleged existence or breach of which has given rise to the dispute and state the facts and the legal grounds on which the allegation against the other party to the dispute is based.

(2) [*Reply to the Invitation*] Unless the parties to the dispute otherwise agree, the party to the dispute to which the invitation to enter into consultations is addressed shall reply to the invitation within two months from the date of the receipt of the invitation and shall, subject to Article 4(1), for a date within three months from the date of the receipt of the invitation, offer to the other party an adequate opportunity for the consultations.

(3) [*Consultations*] A party to a dispute shall proceed in good faith with a view to settling the dispute through agreement not only when extending to the other party to the dispute an invitation to enter into consultations or when replying to an invitation to enter into consultations but also in the course of the consultations with the other party to the dispute.

(4) [*Notification of the Invitation*] The party to the dispute that extends the invitation to enter into consultations shall send a copy of the invitation to the Director General. The Director General shall, if the parties to the dispute so agree, notify the members of the Assembly and, if there is a source treaty, the parties to that treaty, of the fact that an invitation to enter into consultations has been made and, if the parties to the dispute so agree, of the names of the parties to the dispute. The Director General shall, if the parties to the dispute so agree, transmit, on request, to any member of the Assembly

or party to the source treaty, a copy of the said invitation.

(5) [*Notification of the Results of the Consultations*] Each of the parties to the dispute shall inform the Director General whether the result of their consultations is the settlement of their dispute or not, and, if they have settled their dispute, what the outcome is. The Director General shall, if the parties to the dispute so agree, notify the members of the Assembly and, if there is a source treaty, the parties to that treaty, the information received from the parties to the dispute concerning the results of their consultations.

(6) [*Privileged Nature of the Conduct and Contents of Consultations*] Subject to paragraphs (4) and (5), and unless the parties to the dispute otherwise agree, no party to the dispute shall divulge the way in which the consultations are or have been conducted or divulge any other statement made or any information furnished in the course of the consultations, by any party to the dispute, except such information that, prior to the consultations, has been disclosed by a party to the dispute or that is generally known or that is in the public domain. When a party to the dispute furnishes such information, it may nevertheless declare that the fact that it has furnished that information or that its content shall be kept confidential. In addition, in any procedure other than the said consultations, including the procedures provided for in Articles 4, 5 and 7 of this Treaty, any such divulgence shall be without prejudice to the rights of any party to the dispute.

Article 4

Good Offices, Conciliation, Mediation

(1) [*Recourse to Good Offices, Conciliation or Mediation*] (a) The parties to a dispute may, by common agreement, made at any time, that is, before, during or after the consultations provided for in Article 3, and even during the panel procedure established under Article 5, submit their dispute to the procedure of good offices, conciliation or mediation of an intermediary jointly designated by them.

(b) Where a party to a dispute is a Contracting Party that is regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations, it may request the good offices, conciliation or mediation of the Director General

Alternative A: prior to the making by either party to the dispute of a request for a procedure before a panel:

(i) if within the time limit specified in, or otherwise agreed to by virtue of, Article 3(2), an invitation to enter into consultations made by the

said Contracting Party to the other party is not replied to by the other party, or the opportunity for consultations is not offered by the other party, or the parties to the dispute are unable to agree that their consultations shall commence; or

(ii) if all parties to the dispute agree that the consultations provided for under Article 3 shall be dispensed with; or

(iii) if the consultations under Article 3 do not result in the settlement of the dispute within six months from the date of the receipt of the invitation referred to in Article 3(1) or within any other shorter or longer period agreed upon by the parties.

Alternative B: at any time during or after the consultations have taken place or after they should have occurred, as provided for in Article 3, or at any time during the procedure before a panel under Article 5.

(c) The Director General shall transmit a copy of the request referred to in paragraph (b) to the other party to the dispute and shall transmit a copy of the response of that party to that request to the party making the request.

(2) [*Cooperation With the Intermediary*] The parties to the dispute shall cooperate in good faith with the intermediary in order to enable the latter to carry out the functions necessary to bring about the settlement of the dispute through agreement.

(3) [*Notification of Submission to Good Offices, Conciliation or Mediation*] Each of the parties to a dispute that is submitted under paragraph (1)(a) to the procedure of good offices, conciliation or mediation shall inform the Director General of that submission. The Director General shall, if the parties to the dispute so agree, notify the members of the Assembly and, if there is a source treaty, the parties to that treaty, of the fact that a submission has been made under paragraph (1)(a) or that a request has been made under paragraph (1)(b) and, if the parties to the dispute so agree, of the names of the parties to the dispute and the name of the intermediary.

(4) [*Notification of the Results of Good Offices, Conciliation or Mediation*] Each of the parties to a dispute that has been submitted to good offices, conciliation or mediation under paragraph (1)(a) shall inform the Director General whether the result of those means is the settlement of their dispute or not, and, if they have settled their dispute, what the outcome is. The Director General shall, if the parties to the dispute so agree, notify the members of the Assembly and, if there is a source treaty, the parties to that treaty, the information received from the parties to the dispute concerning the results of the good offices, conciliation or mediation carried out under paragraph (1)(b).

(5) [*Privileged Nature of the Conduct and Contents of the Procedure*] Subject to paragraphs (3) and (4), Article 3(6) shall apply, *mutatis mutandis*, to both the parties to the dispute and the intermediary also in respect of the procedure of good offices, conciliation or mediation.

Article 5 Panel Procedure

(1) [*Recourse to a Panel*] Any party to a dispute may request a procedure before a panel:

(i) if, within the time limit specified in, or otherwise agreed to by virtue of, Article 3(2), an invitation to enter into consultations made by that party to the other party is not replied to by the other party, or the opportunity for consultations is not offered by the other party, or the parties to the dispute are unable to agree that their consultations shall commence; or

(ii) if all parties to the dispute agree that the consultations provided for under Article 3 shall be dispensed with; or

(iii) if the consultations under Article 3, or the good offices, conciliation or mediation, if any, referred to in Article 4, do not result in the settlement of the dispute within six months from the date of the receipt of the invitation referred to in Article 3(1) or from the date of the conclusion of the common agreement referred to in Article 4(1)(a) or from the date of the request for good offices, conciliation or mediation referred to in Article 4(1)(b), respectively, or within any other shorter or longer period agreed upon by the parties.

(2) [*The Request*] (a) The request for a procedure before a panel shall be addressed to the Director General.

(b) The said request shall

(i) set forth the terms of the invitation to enter into consultations made under Article 3(1), unless the parties to the dispute have agreed to dispense with the said consultations, in which event the request shall set forth the obligation the alleged existence and breach of which has given rise to the dispute and state the facts and the legal grounds on which that allegation is based,

(ii) state the relevant facts concerning the attempted settlement of the dispute through the consultations, if any, provided for under Article 3 or through any procedure provided for under Article 4,

(iii) be accompanied by a summary of the dispute, drawn up in the prescribed manner and with the prescribed content.

(c) The Director General shall, within fourteen days of its receipt, send a copy of the said request and of the summary of the dispute to the other party

to the dispute. Within the said period, the Director General shall also send to all parties to the dispute a copy of the roster of potential members of panels that is established in the prescribed manner and shall offer to the said parties the possibility of his drawing up from the said roster a list of persons with particular expertise appropriate to the subject matter of the dispute.

(3) [*The Answer*] (a) Within two months of the sending by the Director General of the copy of the request for a procedure before a panel referred to in paragraph (2)(a), the other party to the dispute

Alternative A: shall

Alternative B: may

send to the Director General an answer stating which of the facts and legal grounds in the request the said party admits or denies and, in respect of the latter, on what basis. The answer may contain other facts and legal grounds upon which that other party to the dispute relies.

(b) Within seven days of the receipt of the answer, the Director General shall send a copy of that answer to the party to the dispute that made the request.

(c) The failure of a party to a dispute to submit an answer shall not be considered as an admission or denial of the allegations or of the facts or legal grounds set forth in the request for a procedure before a panel and shall not be regarded as in any way prejudicing the position of that party.

(4) [*Transmission of Summary of Dispute, the Request and the Answer to the Members of the Assembly and Parties to the Source Treaty*] The Director General shall, within fourteen days of the receipt of the request for a procedure before a panel, transmit to the members of the Assembly as well as, if there is a source treaty under which the dispute has arisen, to the parties to that treaty a copy of the summary of the dispute. Within fourteen days of the receipt of an answer to that request, the Director General shall inform the members of the Assembly and, if there is such a source treaty, the parties to that treaty of the receipt of that answer. The Director General shall, on request, also transmit to any member of the Assembly and to any party to such a source treaty a copy of the request for a procedure before a panel and of the answer thereto.

(5) [*Designation and Convocation of the Panel*] (a) Within two months from the date of the sending by the Director General of the copy of the request referred to in paragraph (2)(c), or within such other time limit as may be agreed to by the parties to the dispute, the parties to the dispute shall agree on the total number of members of the panel, which number shall be either three or five, as well as on the number of members of the panel to be designated by

each. Within the said time limit, the parties to the dispute shall also designate the member or members of the panel agreed upon between them as the member or members of the panel to be designated by each. Unless the parties to the dispute otherwise agree, the member or members so designated must be persons whose name or names appear on the roster, established by the Assembly, of potential members of panels. If the parties to the dispute fail to agree on the total number of the members of the panel, the number shall be three. If any party to the dispute fails to designate as a member or members of the panel the member that was or the members that were agreed by the parties to the dispute to be designated by that party or, if the parties fail to designate the member that was or the members that were agreed by the parties to the dispute to be designated by them jointly, then, at the request of either party to the dispute, the Director General shall, after having consulted the parties to the dispute, designate, within one month, the said member or members of the panel.

(b) Where at least one of the parties to the dispute is a Contracting Party that is regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations, the Director General shall, at the request of any such party to the dispute that is so regarded, designate, within one month, one or more persons from one or more countries regarded as developing countries as member or members of the panel, the number of them being fixed in the Regulations.

(c) The members of the panel designated by the Director General pursuant to paragraph (a) or (b) shall be persons whose names appear on the roster, established by the Assembly, of potential members of panels. The member or members of the panel designated by the Director General shall be a national of a Contracting Party, whether it be a party or not to the source treaty, if any, but may not be a national of any party to the dispute. The member or members so designated shall have an expertise in the field of intellectual property.

(d) The Director General shall convene the panel not later than two months from its designation.

(6) [Task of the Panel] (a) The panel shall examine the dispute.

(b) The panel shall express an opinion in a written report on the question whether an obligation relating to a matter or to matters of intellectual property exists and was breached and, if so, to what extent. The report shall contain a finding of the facts and a statement of the law on which the opinion is based, and a summary of the panel's proceedings and of the submissions of the parties to the dispute. The report shall be adopted by a majority of the members of the panel.

(c) In the event that the panel is of the opinion that a party to the dispute has breached an obligation relating to a matter or matters of intellectual property, the panel shall make a recommendation, in the said report, that the said party comply with the obligation it has breached; however, the panel shall not make any recommendation as to how a party to the dispute should enact or amend its legislation or change its practice, unless that party requests the panel to make such a recommendation.

(d) The panel shall conclude its proceedings, adopt its report and transmit its report to the Director General within six months from the date of its first meeting or within such longer period not to exceed twelve months from that date, as the panel, after consultation with the parties to the dispute, may decide.

(e) Whenever a party to the dispute is a Contracting Party that is regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations,

Alternative A: the panel shall take into account, in making its findings of fact and statement of the law, in expressing its opinion and in making its recommendations, the relevant provisions of the source treaty, if any, that contain special measures for developing countries, and the special circumstances and needs of the developing country party to the dispute that relate to those provisions

Alternative A(1): , as well as the impact of the recommendations on the economy and trade of that developing country.

Alternative A(2): [no further words].

Alternative B: the report of the panel shall set forth the relevant provisions of the source treaty, if any, that contain special measures for developing countries, and the special circumstances and needs of the developing country party to the dispute that relate to those provisions

Alternative B(1): , as well as the impact of the recommendations on the economy and trade of that developing country.

Alternative B(2): and indicate the extent to which those provisions, special circumstances and needs and that impact were taken into account by the panel in making its findings of fact and statement of the law, in expressing its opinion and in making its recommendations.

Alternative B(3): [no further words].

Alternative C: [no such provision].

(7) [Procedural Rights of the Parties to the Dispute] (a) In the course of the examination of the dispute by the panel, each party to the dispute shall have the right

(i) to be heard by the panel and be present when the other party or any intervening party is being heard,

(ii) to submit to the panel arguments in writing, including any written rebuttals of such arguments,

(iii) to receive copies of the submissions of arguments and rebuttals of the other party to the dispute,

(iv) to receive copies of the submissions expressing the views of an intervening party on the matter in dispute,

(v) to comment in writing on the draft of the report that the panel intends to make.

(b) If all the parties to the dispute so request, the panel shall stop its proceedings.

(8) [*Intervention by Parties to a Source Treaty*]

(a) Any party to a source treaty that is not a party to the dispute under that treaty, provided it is a Contracting Party and has a substantial interest in the dispute, may intervene, in the prescribed manner, in the proceedings before the panel in order to express its views on the matter in dispute. Any such party wishing to intervene shall so notify the Director General within one month from the sending of the information referred to in paragraph (4) and shall state in its notification the nature of its interest in the dispute.

(b) The intervening party shall have the opportunity to present written submissions to, and be heard by, the panel. If the parties to the dispute so agree, the intervening party may be present when the parties to the dispute are heard by the panel and may receive copies of the submission of arguments and rebuttals of the parties to the dispute.

(9) [*Privileged Nature of the Conduct and Contents of the Procedure*] Subject to the necessity to include or to refer in the findings of fact and in the summary of the submissions of the parties to the dispute to information furnished or statements made in the course of the panel procedure, Article 3(6) shall apply *mutatis mutandis*, to both the parties to the dispute and to any intervening party also in respect of the procedure before a panel.

(10) [*Communication and Consideration of the Report of the Panel*] (a) The Director General shall transmit copies of the report of the panel to the parties to the dispute.

(b) Each of the parties to the dispute shall inform the Director General within one month from the date of the transmittal referred to in paragraph (a), or within such other period, not exceeding three months, as may be agreed upon by the parties to the dispute, of any comments it may have on the report and what action, if any, it has taken or plans to take in respect of the recommendations in the said report.

(c) The Director General shall within one month from the expiration of the time limit referred to in paragraph (b), or within such other period, not

exceeding three months, as may be agreed upon by the parties to the dispute, transmit copies of the said report and of their comments, if any, on the report, together with the information received from them on the action taken or to be taken in respect of the said recommendations, to the members of the Assembly and, if there is a source treaty, to the parties to that treaty.

(d) The Assembly may have an exchange of views on the report of the panel and on the information thereon received from the parties to the dispute. The Assembly shall not impose or authorize sanctions for non-compliance with the recommendations contained in the report of the panel.

Article 6

Reporting on the Compliance With the Recommendations of the Panel

Each party to a dispute shall submit reports to the Assembly, in the prescribed form and manner, and with the content and within the period or periods, to be decided by the Assembly, on the implementation of the recommendation or recommendations made by the panel. Such reports shall be submitted by a party to the dispute even in the case where it disagrees with the recommendation or recommendations made by the panel.

Article 7

Arbitration

(1) [*Arbitration Agreement*] The parties to a dispute may agree, at any time, that their dispute shall be settled by arbitration in accordance with the provisions of this Article. If they agree to so settle their dispute, no other procedure for the settlement of that dispute under this Treaty may be invoked or pursued by any of the parties to the dispute.

(2) [*Arbitration Procedure*] Unless the parties to an arbitration agreement agree otherwise, the arbitration procedure shall be as follows:

(i) any party to an agreement referred to in paragraph (1) may request, in the prescribed manner, the other party to the dispute to proceed with the establishment of an arbitration tribunal. A copy of the request shall be addressed to the Director General;

(ii) the party to the dispute to which the request for the establishment of an arbitration tribunal is sent shall reply, in the prescribed manner, to the request within one month of the receipt of the request;

(iii) the arbitration tribunal shall be composed of three arbitrators: subject to item (iv), each party to the dispute shall appoint one arbitrator, and the third arbitrator shall be appointed by agreement of the

parties to the dispute. No arbitrator shall be a national of, or have his domicile or habitual residence in, any State party to the dispute or any State member of an intergovernmental organization that is party to the dispute;

(iv) if, within two months from the date of receipt by the Director General of the copy of the request referred to in paragraph (2)(i), any member of the arbitration tribunal has not been appointed by the parties to the dispute as provided in (iii), above, then the Director General shall, at the request of any of the parties to the dispute, appoint, as prescribed and within one month of the request, such arbitrator or arbitrators;

(v) the arbitration tribunal shall be the judge of its own competence;

(vi) the arbitration proceedings shall be conducted in the prescribed manner and within the prescribed time limits;

(vii) the arbitration tribunal shall decide its award on the basis of the treaty or other source of international law establishing the obligation the alleged existence or breach of which has given rise to the dispute;

(viii) the adoption of the arbitration award shall require that the majority of the arbitrators vote for it.

(3) The arbitration award shall be final and binding.

(4) [*Notification of Submission to Arbitration*] Each of the parties to a dispute that agree to submit their dispute to arbitration under paragraph (1) shall inform the Director General of that submission. The Director General shall, if the parties to the dispute so agree, notify the members of the Assembly and, if there is a source treaty, the parties to that treaty, of the fact that a submission has been made under paragraph (1) and, if the parties so agree, of the names of the parties to the dispute and the names of the arbitrators.

(5) [*Notification of the Results of Arbitration*] Each of the parties to the dispute that has been submitted to arbitration under paragraph (1) shall inform the Director General what the outcome of the arbitration is. The Director General shall, if the parties to the dispute so agree, notify the members of the Assembly and, if there is a source treaty, the parties to that treaty, the information received from the parties to the dispute concerning the outcome of the arbitration.

(6) [*Privileged Nature of the Conduct and Contents of the Arbitration*] Subject to paragraphs (4) and (5), Article 3(6) shall apply, *mutatis mutandis*, to both the parties to the dispute and the arbitrators also in respect of the arbitration procedure.

Article 8 Establishment of a Union

The Contracting Parties to this Treaty constitute a Union for the purposes of this Treaty.

Article 9 Assembly

(1) [*Composition*] (a) The Union shall have an Assembly consisting of the Contracting Parties.

(b) Each Contracting Party shall be represented by one delegate, who may be assisted by alternate delegates, advisors and experts.

(c) Subject to subparagraph (d), the Union shall not bear the expenses of the participation of any delegation in any session of the Assembly.

(d) The Assembly may ask the Organization to grant financial assistance

(i) to facilitate the participation in sessions of the Assembly of delegations of Contracting Parties that are regarded as developing countries in conformity with the established practice of the General Assembly of the United Nations or

(ii) to cover the cost of any qualified legal expert referred to in Article 10(1)(v).

(2) [*Tasks*] (a) The Assembly shall:

(i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Treaty;

(ii) amend certain provisions of the Treaty in accordance with the provisions of Article 13;

(iii) amend the Regulations in accordance with the provisions of Article 11;

(iv) adopt, where it considers it desirable, guidelines of an administrative character for the implementation of provisions of this Treaty or the Regulations;

(v) establish the roster of potential panelists referred to in Article 5(5);

(vi) exercise such rights and perform such tasks as are specifically conferred upon it or assigned to it under this Treaty;

(vii) give directions to the Director General concerning the preparations for any conference of revision referred to in Article 12 and decide the convocation of any such conference;

(viii) review and approve the reports and activities of the Director General concerning the Union, and give him all necessary instructions concerning matters within the competence of the Union;

(ix) establish such committees and working groups as it deems appropriate to achieve the objectives of the Union;

(x) determine which States and intergovernmental organizations, other than Contracting Parties [, and which non-governmental organizations] shall be admitted to its meetings as observers;

(xi) take any other appropriate action designed to further the objectives of the Union and perform such other functions as are appropriate under this Treaty.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) [*Representation*] A delegate may represent one Contracting Party only.

(4) [*Voting*] (a) Each Contracting Party that is a State shall have one vote and shall vote only in its own name.

(b) Provided that all its member States that are Contracting Parties have notified the Director General that their right to vote may be exercised by it, any intergovernmental organization that is a Contracting Party may so exercise the right to vote of its member States that are Contracting Parties and are present at the time of voting. The intergovernmental organization may not, in a given vote, exercise the right to vote if any of its member States participates in the vote or expressly abstains.

(c) The right to vote of a State that is a Contracting Party may not, in a given vote, be exercised by more than one intergovernmental organization.

(5) [*Quorum*] One half of the Contracting Parties that have the right to vote shall constitute a quorum.

(6) [*Majorities*] (a) Subject to paragraph (9)(b) of this Article, to Article 11(2)(b) and (3) and to Article 13(3)(b), the decisions of the Assembly shall require a majority of the votes cast.

(b) Abstentions shall not be considered as votes.

(7) [*Sessions*] (a) The Assembly shall meet once in every second calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, either at the request of one-fourth of the Contracting Parties or on the Director General's own initiative. The Assembly shall also meet in extraordinary session, upon the convocation of the Director General, for the purpose of having the exchange of views provided for in Article 5(10)(d), or for the purpose of considering the reports called for under Article 6, if requested to do so for that purpose by any Contracting Party that is party to the dispute

which is to be the subject of that exchange of views or of the said reports.

(8) [*Rules of Procedure*] The Assembly shall adopt its own rules of procedure.

(9) [*Guidelines*] (a) In the case of conflict between the guidelines referred to in paragraph (2)(a)(iv) and the provisions of this Treaty or the Regulations, the latter shall prevail.

(b) The adoption or amendment by the Assembly of the said guidelines shall require three-fourths of the votes cast.

Article 10 International Bureau

(1) [*Tasks*] The International Bureau shall

(i) perform the administrative tasks concerning the Union, as well as any tasks specifically assigned to it by the Assembly;

(ii) provide the secretariat of the conferences of revision referred to in Article 12, of the Assembly, of the committees and working groups established by the Assembly, and of any other meeting convened by the Director General under the aegis of the Union;

(iii) perform, in the prescribed manner, the administrative tasks that may be required by any of the procedures for dispute settlement established by this Treaty;

(iv) provide to any Contracting Party, at its request, information in respect of the dispute settlement procedures available under this Treaty and on their operation;

(v) where a Contracting Party is regarded as a developing country in conformity with the established practice of the General Assembly of the United Nations and funds of the Organization have been authorized to be used for such a purpose, make available to that developing country, at its request, a qualified legal expert to assist the said country in respect of any procedure established by this Treaty for the settlement of any dispute to which it is a party, it being understood that the International Bureau shall act in a manner ensuring its continued impartiality.

(2) [*Director General*] The Director General shall be the chief executive of the Union and shall represent the Union.

(3) [*Assembly and Other Meetings*] The Director General shall convene the Assembly and any committee and working group established by the Assembly and all other meetings organized dealing with matters of concern to the Union.

(4) [*Role of the International Bureau in Meetings*] (a) The Director General and any staff member designated by him shall participate, without the right

to vote, in all the meetings of the Assembly, the committees and working groups established by the Assembly, and any other meetings convened by the Director General under the aegis of the Union.

(b) The Director General or a staff member designated by him shall be *ex officio* secretary in all the meetings of the Assembly, and of the committees, working groups and other meetings referred to in subparagraph (a).

(5) [*Conferences of Revision*] (a) The Director General shall, in accordance with the directions of the Assembly, make the preparations for conferences of revision referred to in Article 12 and convene such conferences.

(b) The Director General may consult with inter-governmental and international and national non-governmental organizations concerning the said preparations.

(c) The Director General and staff members designated by him shall take part, without the right to vote, in the discussions at any conference of revision referred to in subparagraph (a).

(d) The Director General or a staff member designated by him shall be *ex officio* secretary of any conference of revision referred to in subparagraph (a).

Article 11 Regulations

(1) [*Content*] The Regulations annexed to this Treaty provide rules concerning

(i) matters which this Treaty expressly provides are to be “prescribed”;

(ii) any details useful in the implementation of the provisions of this Treaty.

(2) [*Entry Into Force and Majorities*] (a) The Assembly shall determine the conditions for the entry into force of each amendment to the Regulations.

(b) Subject to the provisions of paragraph (3), the adoption of any amendment to the Regulations and the determination of the conditions for its entry into force shall require three-fourths of the votes cast.

(3) [*Requirement of Unanimity*] (a) The Regulations may specify rules which may be amended only by unanimous consent.

(b) Exclusion, for the future, of any rules designated as requiring unanimous consent for amendment from such requirement shall require unanimous consent.

(c) Inclusion, for the future, of the requirement of unanimous consent for the amendment of any rule shall require unanimous consent.

(4) [*Conflict Between the Treaty and the Regulations*] In the case of conflict between the provisions

of this Treaty and those of the Regulations, the former shall prevail.

Article 12 Revision of the Treaty by Conferences of Revision

(1) [*Revision Conferences*] This Treaty may be revised by the Contracting Parties in conferences of revision.

(2) [*Provisions That Can Be Amended Also by the Assembly*] The provisions referred to in Article 13(1) may be amended either by a conference of revision or according to Article 13.

Article 13 Amendment of Certain Provisions of the Treaty by the Assembly

(1) [*Amending of Certain Provisions by the Assembly*] The Assembly may amend the provisions in Articles 3(2), 4(1)(b) (Alternative A, item (iii)), 5(1)(iii), 5(2)(c), 5(3)(a) and (b), 5(4), 5(5)(a), (b) and (d), 5(6)(e), 5(8)(a) and 5(10)(b) and (c), as well as 7(2)(iv), as far as the time limits mentioned in them are concerned, provided that a time limit may not be extended for a duration that exceeds the period stated in that time limit. The Assembly may also amend the provisions in Article 9(1)(c) and (d) and 9(7).

(2) [*Initiation and Notice of Proposals for Amendment*] (a) Proposals for amendments under paragraph (1) may be made by any Contracting Party or by the Director General.

(b) Such proposals shall be communicated by the Director General to the Contracting Parties at least six months in advance of their consideration by the Assembly.

(3) [*Adoption and Required Majority*] (a) Amendments under paragraph (1) shall be adopted by the Assembly.

(b) Adoption by the Assembly of any amendment under this Article shall require three-fourths of the votes cast, provided that any amendment to Article 9(1)(c) and (d) and (7) shall require four-fifths of the votes cast.

(4) [*Entry Into Force*] (a) Any amendment adopted under paragraph (3) shall enter into force one month after written notifications of acceptance have been received by the Director General from three-fourths of the Contracting Parties members of the Assembly at the time the Assembly adopted the amendment.

(b) Any amendment to the said provisions thus accepted shall bind all States and intergovernmental

organizations that were Contracting Parties at the time the amendment was adopted by the Assembly or that become Contracting Parties thereafter, except Contracting Parties which have notified their denunciation of this Treaty in accordance with Article 16 before the entry into force of the amendment.

Article 14 **Becoming Party to the Treaty**

(1) [*Eligibility*] The following may become party to this Treaty:

(i) any State that is a member of the Organization and any other State member of the United Nations or of any other specialized agency brought into relationship with the United Nations;

(ii) any intergovernmental organization that is a party to a multilateral treaty in the field of intellectual property or that, without being party to it, has accepted an obligation or obligations under such a treaty.

(2) [*Signature; Deposit of Instrument*] To become party to this Treaty, the State or the intergovernmental organization referred to in paragraph (1) shall:

- (i) sign this Treaty and deposit an instrument of ratification, or
- (ii) deposit an instrument of accession.

Article 15 **Entry Into Force of the Treaty**

(1) [*Entry Into Force*] This Treaty shall enter into force three months after five States or intergovernmental organizations have deposited their instruments of ratification or accession.

(2) [*Ratifications and Accessions Subsequent to the Entry Into Force of the Treaty*] Any State or intergovernmental organization not covered by paragraph (1) shall become bound by this Treaty three months after the date on which it has deposited its instrument of ratification or accession, unless a later date has been indicated in the said instrument. In the

latter case, the said State or intergovernmental organization shall become bound by this Treaty on the date thus indicated.

Article 16 **Denunciation of the Treaty**

(1) [*Notification*] Any Contracting Party may denounce this Treaty by notification addressed to the Director General.

(2) [*Effective Date*] (a) Denunciation shall take effect one year from the date on which the Director General has received the notification of denunciation.

(b) The denunciation shall not affect the application of this Treaty to any dispute to which the Contracting Party making the denunciation is a party and in respect of which a dispute settlement procedure established under this Treaty has been initiated or is in progress before or at the time of the expiration of the one-year period referred to in subparagraph (a).

Article 17 **Languages of the Treaty; Signature**

(1) [*Original Texts; Official Texts*] (a) This Treaty shall be signed in a single original in the English, Arabic, Chinese, French, Russian and Spanish languages, all texts being equally authentic.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in such other languages as the Assembly may designate.

(2) [*Time Limit for Signature*] This Treaty shall remain open for signature at the headquarters of the Organization for one year after its adoption.

Article 18 **Depositary**

The Director General shall be the depositary of this Treaty.

Protection Against Unfair Competition

From January 17 to 19, 1995, WIPO convened a meeting of four consultants from Japan, the Netherlands, Switzerland and the United States of America

to discuss draft model provisions on protection against unfair competition prepared by WIPO.

Registration Systems Administered by WIPO

Madrid Union

Training and Promotion Meetings With Users of the Madrid System

Latvia. In January 1995, two government officials were given training at the headquarters of WIPO in the administrative procedures under the Madrid

Agreement Concerning the International Registration of Marks and the Hague Agreement Concerning the International Deposit of Industrial Designs.

Also in January 1995, a WIPO official visited Riga to advise and train the staff of the Patent Office in trademark administration, following Latvia's accession to the Madrid Agreement.

WIPO Arbitration Center

Centre for Dispute-Resolution (CEDR) (London). In January 1995, a WIPO official had discussions on arbitration matters with the Director of CEDR in London.

European Study Conferences Ltd. (London). In January 1995, a WIPO official attended the First

Annual Intellectual Property Dispute Symposium, organized in London by the said enterprise.

Masaryk University (Veven, Czech Republic). In January 1995, a member of the said University visited WIPO to gather information on arbitration matters.

Activities of WIPO Specially Designed for Developing Countries

Africa

Training Courses, Seminars and Meetings

WIPO Regional Intellectual Property Colloquium for Judges of African countries (Ghana). From January 26 to 28, 1995, WIPO organized the above Colloquium in Accra, in cooperation with the Government of Ghana. The Colloquium was attended by 20 judges from the Gambia, Kenya, Lesotho, Malawi, Mauritius, Nigeria, Swaziland, Uganda, the United Republic of Tanzania, Zambia and Zimbabwe. In addition, 25 judges from Ghana and about 60 local participants from the legal sector also attended. Presentations were made by three WIPO consultants from Sweden, Switzerland and the United Kingdom as well as by a representative of the International Federation of the Phonographic Industry (IFPI), two experts from Ghana and two WIPO officials. Another WIPO official also attended the Colloquium.

WIPO National Workshop on Copyright Fees (Niger). From January 17 to 20, 1995, WIPO organized the above Workshop in cooperation with the Government of Niger in Niamey. About 20 participants from copyright users' circles attended. A presentation was made by a WIPO consultant from Switzerland.

WIPO National Seminar on Copyright and Broadcasting (Nigeria). On January 23 and 24, 1995, WIPO organized the said Seminar in Lagos, in cooperation with the Government of Nigeria. Six hundred participants attended the Seminar, among them 50 Nigerian judges, governmental and international copyright experts, including executives of broadcast media, authors, lawyers, law enforcement agents and representatives of entertainment organizations. The Seminar examined the implications of the Nigerian Copyright Law for the broadcasting industry and the relationship between right owners and the broadcast media. The Seminar also reviewed the existing international conventions. Presentations were made by two WIPO consultants from Sweden and Switzerland, a representative of IFPI, two government officials and a WIPO official. Another WIPO official also attended the Seminar.

Organization of African Unity (OAU). In January 1995, a WIPO official attended the 61st session of

the Council of Ministers of OAU, held in Addis Ababa, which discussed, *inter alia*, the establishment of the African Economic Community. In that connection, WIPO had already been represented in several meetings and cooperated in the drafting of the Protocol on Science and Technology to that Treaty. During the meeting, the WIPO official also reviewed with the Secretary General of OAU preparations for the WIPO/OAU medal award ceremony, which is scheduled to take place in Addis Ababa in June 1995, during the Assembly of African Heads of State of OAU.

Assistance With Training, Legislation and Modernization of Administration

Burkina Faso. In January 1995, a WIPO consultant from Switzerland undertook a mission to Ouagadougou to evaluate the needs of the Copyright Office of Burkina Faso (BBDA).

Also in January 1995, the same WIPO consultant from Switzerland trained government officials in the practical aspects of the collective administration of copyright.

Ethiopia. In January 1995, a WIPO official visited Addis Ababa and had discussions with government officials on the industrial property law scheduled to be approved by the Council of Representatives, on a possible country project in the field of industrial property to be financed by the United Nations Development Programme (UNDP), and on prospects for Ethiopia's accession to the Paris Convention for the Protection of Industrial Property.

Also in January 1995, a WIPO official attended an interagency meeting organized by UNDP in Geneva on cooperation between the UN system of organizations and Ethiopia.

Liberia. In January 1995, the International Bureau prepared and sent to the government authorities, at their request, comments on a draft copyright law.

Niger. In January 1995, two government officials were trained in the practical aspects of the collective administration of copyright by the above-mentioned WIPO consultant from Switzerland, at the Copyright Office of Burkina Faso in Ouagadougou.

Arab Countries

Training Courses, Seminars and Meetings

WIPO National Seminar on Intellectual Property (United Arab Emirates). From January 15 to 17, 1995, WIPO organized the above Seminar in Abu Dhabi in cooperation with the Ministry of Information and Culture of the United Arab Emirates. The Seminar was attended by about 80 participants from the government and private sectors, industry, scientific institutions and national associations. Presentations were made by a WIPO consultant from Egypt, a government official from the United Arab Emirates and three WIPO officials.

WIPO National Seminar on Intellectual Property (Bahrain). From January 22 to 24, 1995, WIPO organized the above Seminar in Manama in cooperation with the Government of Bahrain. The Seminar was attended by 80 participants from the government and private sectors. Presentations were made by a WIPO consultant from Egypt, a government official from Bahrain and three WIPO officials.

Assistance With Training, Legislation and Modernization of Administration

Bahrain. In January 1995, on the occasion of their participation in the WIPO National Seminar on

Intellectual Property held in Abu Dhabi, three WIPO officials held discussions with the Minister for Information on Bahrain's possible accession to the WIPO Convention, the Paris Convention and the Berne Convention for the Protection of Literary and Artistic Works.

Libya. In 1995, WIPO will commence executing a UNDP-financed country project. The project aims at upgrading the work of the Information and Industrial Property Section of the Industrial Research Center, particularly in implementing the new industrial property law which is expected to be enacted shortly.

Morocco. In 1995, WIPO continues to implement the UNDP-financed country project. The project aims at increasing the capacity of the Moroccan Industrial Property Office in implementing the industrial property legislation and in discharging its tasks and functions.

Qatar. In January 1995, at the request of the government authorities, three WIPO officials undertook an advisory mission to Doha. They had discussions with the Minister for Information and Culture and other government officials on the draft laws on copyright and industrial property as well as on Qatar's possible accession to the Berne and Paris Conventions.

Asia and the Pacific

Training Courses, Seminars and Meetings

WIPO Asian Regional Round Table on the Links Between the Industrial Property System and Its Users (Indonesia). From January 18 to 20, 1995, WIPO organized the above Round Table, in Jakarta, in cooperation with the Government of Indonesia and with the assistance of the Government of Japan. The Round Table was attended by 33 participants from the government and private sectors of Bangladesh, Bhutan, Brunei Darussalam, China, Fiji, India, Indonesia, Iran (Islamic Republic of), Laos, Malaysia, Mongolia, Pakistan, Papua New Guinea, the Philippines, the Republic of Korea, Sri Lanka, Thailand, Viet Nam, four observers from Australia, Japan and the European Patent Office (EPO), and some 30 local participants from government circles, industry, the legal profession, university and research centers. Papers were presented by nine WIPO

consultants from Australia, Canada, China, Indonesia, Japan, the Republic of Korea, the United Kingdom and the United States of America. Two WIPO officials were present throughout the Round Table.

Assistance With Training, Legislation and Modernization of Administration

Regional Activities. In 1995, WIPO continues to implement the UNDP-financed regional project for Asia and the Pacific, entitled "Modernization of Intellectual Property Systems." The project is to assist the developing countries in the region in modernizing their intellectual property systems and intensifying linkages between those systems, and in better economic and trade management.

Also in 1995, WIPO continues to execute activities in the Asia and Pacific region under two funds-in-trust arrangements concluded between the Government of Japan and WIPO, one relating to industrial property and the other to copyright and neighboring rights.

Association of South East Asian Nations (ASEAN). In 1995, WIPO continues to implement the European Communities-ASEAN (EC-ASEAN) Patents and Trademarks Program which is financed by the EC and executed by WIPO and the EPO. The Program aims at promoting the use and modernizing the administration of the industrial property system in the six ASEAN member countries. The WIPO component of the Program concerns the modernization of trademarks' administration and legal, developmental and promotional aspects of industrial property.

In January 1995, a WIPO official had discussions in Jakarta with the Secretary General and other ASEAN Secretariat officials on matters of cooperation between WIPO and ASEAN.

Democratic People's Republic of Korea. In 1995, WIPO continues to implement a UNDP-financed country project which aims at modernizing the country's industrial property system.

In January 1995, a WIPO consultant from Australia had discussions with WIPO officials in Geneva on the implementation of the above-mentioned country project.

India. In 1995, WIPO continues to implement two UNDP-financed country projects in the fields of patent information and trademarks. The projects aim at modernizing the patent information system (PIS) in Nagpur and the trademark administration in India.

In January 1995, WIPO organized, under the UNDP-financed country project in the field of trademarks, a study visit for two government officials to the United States Patent and Trademark Office (USPTO) in Washington, D.C., and to the United Kingdom Patent Office in London and Newport, to study the overall management of the operations of the trademark registries in a computerized environment.

Also in January 1995, a WIPO consultant from Australia undertook a mission, under the same country project, to the Trade Marks Registry in Bombay and to WIPO in Geneva to review trademark computerization issues.

Also in January 1995, a WIPO official participated, in Bombay, in a meeting which reviewed the progress of the computerization work under the said project.

Also in January 1995, a government official visited WIPO in Geneva where he had discussions with WIPO officials on matters of mutual cooperation.

Indonesia. In 1995, WIPO continues to implement a UNDP-financed country project, which aims at strengthening the national intellectual property system for economic and technological development.

In January 1995, two WIPO officials had discussions with UNDP and government officials in Jakarta on the implementation of the said country project.

Iran (Islamic Republic of). In 1995, WIPO continues to implement a UNDP-financed country project which aims at modernizing the industrial property administration.

In January 1995, two government officials had discussions with WIPO officials in Geneva on copyright matters and the possibility of holding a national seminar on intellectual property in the country.

Malaysia. In 1995, WIPO continues to implement a UNDP-financed country project which aims at strengthening the industrial property administration in the country.

In January 1995, a WIPO official undertook a mission to Kuala Lumpur, under that project, to assist the Intellectual Property Division in the evaluation of tenders for a computerized system for its operations.

Philippines. In January 1995, two WIPO consultants from the Japanese Patent Office (JPO) undertook a mission to the Bureau of Patents, Trademarks and Technology Transfer (BPTTT) in Manila to give training and advice in patent classification and patent and industrial design examination.

Singapore. In 1995, WIPO continues to implement activities under a funds-in-trust arrangement, financed by the Government of Singapore, which aims at preparing the Registry of Trade Marks and Patents to implement the new Patents Act which will come into force in February 1995.

European Patent Office (EPO). In January 1995, two EPO officials visited WIPO and had discussions with WIPO officials on the plans for the modernization of the industrial property administrations of Indonesia and Thailand, prepared by WIPO and the EPO as part of the EC-ASEAN Patents and Trademarks Program. These discussions were in preparation for the National Program Advisory Committee (PAC) meetings to be held in Jakarta and Bangkok, respectively, in February 1995.

Latin America and the Caribbean

Training Courses, Seminars and Meetings

Honduras. In January 1995, a WIPO consultant from Chile participated as a speaker in a national copyright seminar organized by the Copyright Office in Tegucigalpa.

Assistance With Training, Legislation and Modernization of Administration

Regional Activities. In 1995, WIPO continues to implement the UNDP-financed regional project, entitled "Industrial Property Systems for Technological Innovation and Competitiveness." The project's objectives are to create conditions for the modernization of productive patterns and a more effective integration of the region into the global economy, fostering technological innovation and competitiveness through an intensive and effective mobilization and use of industrial property. The project will assist in strengthening the infrastructural environment, bringing about a new approach to industrial property management and instilling a new permanent industrial property culture in the user community through the widespread dissemination of knowledge and the creation of a core of regional experts and practitioners.

Colombia. In January 1995, a WIPO consultant from Chile undertook a mission to Santa Fe de Bogotá to discuss with government officials and representatives of the Authors Society of Colombia (SAYCO) a program for strengthening the collective administration of copyright in Colombia.

Costa Rica. During the first three months of 1995, WIPO continues to execute a UNDP-financed country project which aims at modernizing the Intellectual Property Registry's technical infrastructure, the computerization of patent and trademark operations and the training of local staff.

In January 1995, the International Bureau prepared and sent to the government authorities, at their request, comments on the application in Costa Rica of provisions contained in the Agreement on Trade-Related Aspects of Intellectual Property Rights, including Trade in Counterfeit Goods (TRIPS Agreement).

Cuba. In late January and February 1995, a WIPO consultant from the EPO undertook a mission to Havana to assist the National Office of Inventions, Technical Information and Marks (ONIITEM) in the installation of a CD-ROM "print-on-demand" workstation.

Ecuador. In January 1995, a WIPO consultant from Venezuela undertook a mission to Quito to discuss with government officials the organization of the Regional Training Course on Copyright and Neighboring Rights to be held in Quito in July 1995, and of the XIth International Congress on Copyright and Neighboring Rights, which is to take place in Quito immediately after the said Course.

Honduras. In 1995, WIPO continues to implement a UNDP-financed country project which aims at modernizing the Industrial Property Registry, particularly in the computerization of its trademark operations and the training of local staff.

In January 1995, at the request of the government authorities, a WIPO consultant from Chile undertook a mission to Tegucigalpa to evaluate the situation of copyright protection in Honduras.

Mexico. In January 1995, WIPO began implementation of a technical assistance project which aims at modernizing the Mexican Institute of Industrial Property, especially the overall computerization of its operations. The project is financed by a loan from the World Bank to the Government.

Trinidad and Tobago. In January 1995, WIPO began implementation of a technical cooperation agreement aimed at modernizing and strengthening the Intellectual Property Registry in the context of a sectoral investment program financed by a loan from the Inter-American Development Bank (IDB) to the Government of Trinidad and Tobago.

Uruguay. In 1995, WIPO continues to implement two technical cooperation projects between the Government of Uruguay and WIPO, one in the field of industrial property and the other in the field of copyright, both financed by a loan from the IDB to the Government of Uruguay, in the context of a Sectoral Investment Program. The industrial property project aims at modernizing the National Directorate of Industrial Property, particularly in the setting up of computerized systems and the establishment of patent documentation on CD-ROM, as well as training local staff. The copyright project aims at improving the legal and technical aspects of the protection of copyright and neighboring rights in Uruguay.

European Patent Office (EPO). In January 1995, two EPO officials visited WIPO in Geneva to review and coordinate WIPO's and the EPO's development cooperation activities in favor of Latin American and Caribbean countries in 1995.

Development Cooperation (in General)

France. In January 1995, two WIPO officials discussed with government officials in Paris WIPO's development cooperation activities in the field of industrial property in 1995 to be financed by a

special contribution from the Government of France under an annual funds-in-trust arrangement between the said Government and WIPO.

Activities of WIPO Specially Designed for Countries in Transition to Market Economy

Regional Activities

Central and Eastern European Countries. In January 1995, a WIPO official attended, in Prague, the Vth Coordination Meeting of the European Union's PHARE Regional Industrial Property Programme (PHARE-RIPP) for Central and Eastern Europe which is being implemented by WIPO and the European Patent Office (EPO).

National Activities

Albania. In 1995, WIPO continues to implement a United Nations Development Programme (UNDP)-financed country project aimed at strengthening the functions of the Albanian Patents and Trademarks Office.

In January 1995, two WIPO consultants from Austria and Germany undertook a mission to Tirana

to advise government officials on trademark classification in the framework of the said project.

Bulgaria. In 1995, WIPO continues to implement a UNDP-financed country project aimed at modernizing the industrial property system of Bulgaria (trademarks and services to industry).

In January 1995, a WIPO official participated in a coordination committee meeting with government and UNDP officials in Sofia on the implementation of that project.

Also in January 1995, the UNDP Resident Representative in Sofia visited WIPO to discuss with WIPO officials the implementation of the said project.

Hungary. In January 1995, a government official had discussions with WIPO officials in Geneva on the draft new patent law.

Other Contacts of the International Bureau of WIPO with Governments and International Organizations

National Contacts

Andorra. In January 1995, an advisor to the Government on intellectual property matters, accompanied by two computer experts, had discussions with WIPO officials in Geneva on the draft new trademark law and the computerization of the trademark office.

Italy. In January 1995, a government official had discussions with WIPO officials in Geneva on the possible organization of an international copyright symposium in Italy.

Turkey. In 1995, WIPO continues to implement a United Nations Development Programme (UNDP)-financed country project aimed at strengthening Turkey's industrial property system.

United Nations

Consultative Committee on Programme and Operational Questions (CCPOQ). In January 1995, a WIPO official attended the fifth regular session of CCPOQ, held in Geneva.

Intergovernmental Organizations

World Customs Organization (WCO). In January 1995, a WIPO official attended the fourteenth session of WCO's Enforcement Committee, held in Brussels.

Other Organizations

Agency for the Protection of Programs (APP). In January 1995, the President of APP had discussions with WIPO officials in Geneva on issues concerning digital technology and copyright.

Forum du droit des affaires. In January 1995, a WIPO official made a presentation at a seminar on

the protection and use of trademarks, organized in Paris by Société nouvelle du droit et des affaires.

German Association for Industrial Property and Copyright. In January 1995, a representative of that Association had discussions with WIPO officials in Geneva on WIPO's and the Association's current and possible future activities.

Graduate Institute of International Studies (Geneva). In January 1995, 14 Swiss and foreign diplomats enrolled in the Diplomatic Studies Program (1995) of that Institute visited WIPO and were briefed by WIPO officials on WIPO's activities and intellectual property in general.

International Federation of Reproduction Rights Organizations (IFRRO). In January 1995, a WIPO official attended IFRRO's Annual General Meeting held in Sydney (Australia). He also participated as a speaker in a conference on "Copyright in the Asia-Pacific Region: Reprography and Digital Copyright," organized by IFRRO and the Copyright Agency Limited (CAL), also in Sydney.

International Literary and Artistic Association (ALAI). In January 1995, a WIPO official attended, as a speaker, a meeting of ALAI's Executive Committee, held in Paris.

International Trademark Association (INTA). In January 1995, three representatives of INTA's Task Force on Protection Against Counterfeiting visited WIPO to gather information on WIPO's activities in that field. Discussions were also held on the computerization of trademark information relevant, in particular, to customs authorities.

Licensing Executives Society International (LESI). In January 1995, the President and three other representatives of LESI had discussions with the Director General and other WIPO officials in Geneva on matters of mutual interest including, in particular, the proposed Patent Law Treaty.

Miscellaneous News

National News

Japan. The Law Containing Amendments to the Patent, Utility Model, Trademark and Patent Attorney Laws, No. 116 of December 14, 1994, will enter into force on July 1, 1995, except the provisions amending the Patent Attorney Law, which

entered into force on January 1, 1995, and the provisions concerning post-grant opposition, which will enter into force on January 1, 1996.

Slovakia. The Law on the Measures Concerning Discoveries of July 8, 1994, entered into force on August 1, 1994.

Activities of UPOV

Annual Report of the Secretary-General for 1994

(Twenty-Sixth Year)

Composition of the Union

1. In 1994, three States deposited with the Secretary-General their instruments of accession to the 1978 Act of the International Convention for the Protection of New Plant Varieties:

- (i) Austria, on June 14, 1994;
- (ii) Uruguay, on October 13, 1994;
- (iii) Argentina, on November 25, 1994.

2. The above-mentioned Act entered into force with respect to those States one month after deposit of their instruments of accession, that is, on July 14, 1994, for Austria, November 13, 1994, for Uruguay and December 25, 1994, for Argentina.

3. As of the last-mentioned date, the Union comprises 27 member States: Argentina, Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Finland, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Norway, Poland, Slovakia, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America, Uruguay. All are party to the 1978 Act, with the exception of Belgium and Spain, which are party to the 1961 Act as amended by the Additional Act of 1972.

4. Under Article 32(3) of the 1978 Act, "Any State which is not a member of the Union and which has not signed this Act shall, before depositing its instrument of accession, ask the Council to advise it in

respect of the conformity of its laws with the provisions of this Act.” A similar provision is contained in Article 34(3) of the 1991 Act.

5. In 1994, four requests were deposited on the basis of the 1978 Act:

- (i) by Ukraine, by letter dated February 21, 1994;
- (ii) by the Russian Federation, by letter dated March 3, 1994;
- (iii) by Portugal, by letter dated March 11, 1994;
- (iv) by Colombia, by letter dated April 4, 1994.

6. The request deposited by the Russian Federation was also based on the 1991 Act.

7. At its eleventh extraordinary session, held on April 22, the Council took positive decisions in respect of all the aforementioned requests for advice.

8. Under its Article 37(1), the 1991 Act enters into force “one month after five States have deposited their instruments of ratification, acceptance, approval or accession, as the case may be, provided that at least three of the said instruments have been deposited by States party to the Act of 1961/1972 or the Act of 1978.” According to Article 30(2), each State or intergovernmental organization must be in a position, under its laws, to give effect to the provisions of the 1991 Act at the time of depositing its instrument. In 1994, Australia and the United States of America amended their legislation in order to give effect to the above-mentioned provisions. The Council of the European Union adopted a Regulation on Community plant variety rights based on the 1991 Act; it should be emphasized that of the 15 members of the European Union, 12 are members of the Union.

9. The table given in the annex to this report summarizes the position of the various States in relation to the various Acts of the Convention as at December 31, 1994.¹

Sessions of the Council and its Subsidiary Bodies

Council

10. The Council held its eleventh extraordinary session on April 22 under the chairmanship of Mr. R. López de Haro y Wood (Spain) as a result of the request for advice submitted by Colombia, Portugal, the Russian Federation and Ukraine under Article 32(3) of the 1978 Act and, additionally, in

the case of the Russian Federation, under Article 34(3) of the 1991 Act (see paragraphs 5 and 6, above).

11. The Council held its twenty-eighth ordinary session on November 9 under the chairmanship of Mr. López de Haro y Wood. The session was attended by observers from 12 non-member States² and nine international organizations.³

12. At that session, the Council:

(i) approved the report of the Secretary-General of the activities of the Union in 1993 and the first 10 months of 1994;

(ii) approved the report of the Secretary-General on his management during the 1992-93 biennium and on the financial situation of the Union as at December 31, 1993, and noted the report of the auditors for that biennium;

(iii) approved the progress reports on the work of its various subsidiary bodies and either drew up or approved their work plans for the coming year;

(iv) unanimously elected Mr. Bill Whitmore (New Zealand) and Mr. Ryusuke Yoshimura (Japan) as President and Vice-President, respectively, of the Council for a term of three years that will expire at the end of the thirty-first ordinary session of the Council, in 1997.

Consultative Committee

13. The Consultative Committee held its forty-eighth session on November 9, under the chairmanship of Mr. R. López de Haro y Wood.

14. At that session:

(i) it noted the progress of work on the project for a central CD-ROM data base on plant variety protection and related matters and approved the continuation of the work;

(ii) it held an initial exchange of views on relations between the Agreement on Trade-Related Aspects of Intellectual Property Rights [“TRIPS Agreement” constituting Annex 1C to the Agreement establishing the World Trade Organization (WTO)] and plant variety protection;

² Brazil, Colombia, Croatia, India, Indonesia, Mexico, Morocco, Panama, Republic of Korea, Romania, Slovenia, Thailand.

³ World Intellectual Property Organization (WIPO), European Community (EC), Association of Plant Breeders of the European Economic Community (COMASO), International Association for the Protection of Industrial Property (AIPPI), International Association of Plant Breeders for the Protection of Plant Varieties (ASSINSEL), International Community of Breeders of Asexually Reproduced Ornamental and Fruit Tree Varieties (CIOFORA), International Federation of Industrial Property Attorneys (FICPA), International Federation of the Seed Trade (FIS), Seed Committee of the Common Market (COSEMCO).

¹ Annex not reproduced here.

(iii) it briefly examined the matter of biodiversity, phylogenetic resources and plant variety protection.

Administrative and Legal Committee

15. The Administrative and Legal Committee held its thirty-fourth session on November 7 and 8 under the chairmanship of Mr. H. Kunhardt (Germany). The session was attended by observers from eight non-member States⁴ and from the European Community (EC).

16. At that session, the Committee examined a draft model law on plant variety protection based on the 1991 Act of the Convention, the questions referred to in paragraph 14(i) and (ii), above, in preparation for the session of the Consultative Committee, and the question of the need or opportuneness of revising the list of classes for variety denomination purposes (Annex I to the UPOV recommendations on variety denominations).

Technical Committee

17. The Technical Committee held its thirty-first session from November 2 to 4 under the chairmanship of Mrs. J. Rasmussen (Denmark). The session was attended by observers from Argentina, India and Portugal and from the EC, the Organisation for Economic Co-operation and Development (OECD), ASSINSEL and COMASSO.

18. The Committee adopted test guidelines for the following 14 taxa on the basis of the preparatory work done by the Technical Working Parties: oats (revision), fodder beet, wheat (revision), pyracantha, gentiana, French bean (revision), maize (revision), nerine, barley (revision), sweet pepper (hot pepper) (revision), Japanese pear, peas (revision), African violet (revision), weigela. It also adopted a technical questionnaire for Kalanchoe.

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

20. At the session, the Committee took important decisions on the testing of distinctness, which will have repercussions on the concept of variety:

(i) Electrophoresis was an analytical method which, when applied to well-defined material using an exact protocol enabled varieties to be identified; it was used, for example, routinely for the identification of wheat supplied for milling or barley used in brewing. Its use was possible in testing varieties for protection (or for entry in catalogs of varieties approved for marketing), but its power of discrimination was such that inconsiderate use was likely to deprive the concept of variety of its practical significance, both for the breeder and for the user. The Committee decided to include electrophoretic characteristics in an annex to the test guidelines for wheat, barley and maize. That signified that the characteristics could not normally be used to establish distinctness, but only to confirm or support distinctness that was probable as a result of the differences found in "traditional" morphological and physiological characteristics.

(ii) The behavior of varieties with respect to parasites and diseases in fact resulted from the interaction of two organisms. The testing of such behavior was therefore complicated. That meant, together with other practical considerations, that resistance characteristics had always been included in the test guidelines without an asterisk, thus with no obligation to examine and describe each variety with respect to those characteristics. The Committee decided for the first time to place an asterisk against such characteristics.

21. The Committee also dealt with the matter of testing genetically modified varieties. It noted that testing could be subject to new constraints resulting, for example, from legislation on biosafety. Technically, it considered that as a general rule such varieties should not be subject to simplified testing since their modification was not necessarily limited to the characteristics that had been wittingly manipulated.

22. Finally, the Committee noted the information provided on the contribution that breeders could make to the testing of varieties in the various member States and the form that such a contribution could assume, depending on circumstances.

Technical Working Parties

23. The Technical Working Parties held sessions outside Geneva as follows:

(i) the *Technical Working Party for Agricultural Crops (TWA)* held its twenty-third session from May 17 to 19 in Seville (Spain), under the chairmanship of Mr. H. Ghijsen (Netherlands);

(ii) the *Technical Working Party on Automation and Computer Programs (TWC)* held its twelfth session from April 12 to 14 in Tel Aviv (Israel), under the chairmanship of Mr. S. Grégoire (France);

⁴ Argentina, Colombia, India, Mexico, Morocco, Republic of Korea, Romania, Slovenia.

(iii) the *Technical Working Party for Fruit Crops (TWF)* held its twenty-fifth session from September 19 to 24 at Napier and Rotorua (New Zealand), under the chairmanship of Mrs. E. Buitendag (South Africa);

(iv) the *Technical Working Party for Ornamental Plants and Forest Trees (TWO)* held its twenty-seventh session from September 26 to October 1 in Sydney (Australia), under the chairmanship of Mrs. U. Löscher (Germany);

(v) the *Technical Working Party for Vegetables (TWV)* held its twenty-eighth session from September 5 to 9 in Edinburgh (United Kingdom), under the chairmanship of Mrs. E. Kristof (Hungary).

24. The basic task of four of these working parties is to draw up test guidelines. In addition to the drafts submitted to the Technical Committee for adoption, they drew up further drafts for the following taxa, to be submitted to the professional organizations for comments: cherry (revision), strawberry (revision), (TWF); anthurium (revision), Norway spruce, rhododendron (revision) (TWO); chamomile, broccoli, cauliflower (revision) (TWV).

25. A subgroup of the Technical Working Party for Agricultural Crops met twice, on February 22 and 23 in Budapest (Hungary), and on May 16 in Seville (Spain), to examine the test guidelines for maize.

26. The Technical Working Party for Fruit Crops decided that it would in future draw up test guidelines that would include only those key characteristics that were truly useful for testing distinctness and which were actually used in given countries. In the case of rootstock varieties, the test guidelines would contain only the vegetative and physiological characteristics; where distinctness was to be established in a particular case on the basis of the characteristics of the flower, fruit or seed, reference would be made to the corresponding fruit variety guidelines where they were applicable.

27. The Technical Working Party on Automation and Computer Programs proceeded with finalizing the various documents relating to the statistical processing of data collected in the course of the examination of varieties for distinctness and homogeneity. It may be noted in particular that experts from the United Kingdom have prepared a diskette containing a series of statistical tools used in variety testing. The diskette is available to the member States.

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

28. The Working Group on Biochemical and Molecular Techniques, and DNA Profiling in Particular

held its second session from March 21 to 23 in Versailles (France), under the chairmanship of Mr. J. Guiard (France). The session was attended by observers from Portugal and from the EC, OECD and ASSINSEL.

29. This Working Group is active in a new field and, consequently, was still at the stocktaking stage. Methods for determining the DNA profiles were presented for six species (citrus, oilseed rape, maize, barley, soyabean, tomato) and a document had been presented on the calculation of genetic distances. The group will continue studying the above-mentioned methods both from a general point of view and from that of their practical application to a given species; the study will cover a larger number of species (13 are on the work plan). It was unanimously considered that the juncture was too early to take a decision on the use of such methods in testing for the purposes of protection.

Seminars

30. In 1994, UPOV firstly organized, together with FONAIAP (National Fund for Agricultural Research), an institute reporting to the Venezuelan Ministry of Agriculture, and SARPI (Autonomous Industrial Property Registration Service), two national seminars on the nature of and rationale for the protection of plant varieties under the Convention and the common arrangements under the Andean Pact in Venezuela. The seminars were held in Maracay on June 27 and in Caracas on June 28.

31. UPOV also organized, in cooperation with the Department of Agriculture of Thailand and with the assistance of the Ministry for Trade of New Zealand, a seminar in Bangkok (Thailand) on July 28.

32. UPOV likewise organized, in cooperation on each occasion with the local authorities and with the assistance of the Ministry of Agriculture, Forestry and Fisheries of Japan, the following national seminars on the nature of and rationale for the protection of plant varieties under the Convention:

(i) a roving seminar in China at Harbin (Heilongjian province) on September 15, at Xi'an (Shaanxi province) on September 19 and at Nanjing (Jiangsu province) on September 22;

(ii) a seminar at Islamabad (Pakistan), on November 29;

(iii) a seminar at Kuala Lumpur (Malaysia), on December 1;

(iv) a seminar at Jakarta (Indonesia), on December 5;

(v) a seminar at Manila (Philippines), on December 8.

33. At each seminar, the visiting speakers gave lectures on the general aspects of plant variety protection, the administration and the technical criteria for protection, the 1991 Act of the Convention and plant variety protection in given member States. The local speakers gave lectures on the national situation with respect to varieties and seed and to the current situation of plant variety protection and the encouraging prospects for the near future.

34. In each case, the presence of outside speakers was taken as an opportunity for high-level discussions with the authorities responsible for plant variety protection.

Relations With Member States⁵

35. On March 7 and 8, the Vice Secretary-General, together with an official of the Union and a consultant from WIPO, visited the Federal Plant Variety Office in Hannover (Germany), to discuss the draft format for the UPOV data base on variety denominations.

36. On March 9, the Vice Secretary-General, an official of the Union and a consultant from WIPO visited the Board for Plant Breeders' Rights in Wageningen (Netherlands), where they met officials concerned with the projected UPOV data base on variety denominations and other projects of relevance to UPOV. They also met the Chairman and the Secretary of the Board.

37. On March 10 and 11, the Vice Secretary-General, an official of the Union and a consultant from WIPO visited the Plant Variety Rights Office and the National Institute of Agricultural Botany in Cambridge (United Kingdom), where they met officials interested in UPOV matters, particularly the projected UPOV data base on variety denominations.

38. On March 24, the Vice Secretary-General and an official of the Union visited the offices of the Committee for the Protection of New Plant Varieties (CPOV) in Paris (France), to discuss the proposed format to be used in connection with the UPOV data base on variety denominations.

39. On April 7, the Secretary-General and the Vice Secretary-General visited Budapest (Hungary), where they met Mr. János Szabó, Minister of Agriculture, Dr. Sándor Manninger, Deputy State Secretary in the

Ministry of Agriculture, Dr. László Balla, President of the Hungarian Plant Breeders Association, Dr. Károly Neszmélyi, Director General of the National Institute for Agricultural Quality Control, Dr. Ernő Szarka, President of the National Office of Inventions, and other officials.

40. On April 8, the Secretary-General and the Vice Secretary-General addressed the members of the Hungarian Plant Breeders Association at the annual meeting of the Association held in Budapest, and subsequently visited the Martonvásár Institute, a plant breeding research institute of the Hungarian Academy of Science.

41. On May 5, the Vice Secretary-General wrote to the Vice-Director of the Department of Agricultural Production of the Ministry of Agriculture in Warsaw (Poland), with the comments of the Office of the Union on draft provisions bringing the Polish law into conformity with the 1991 Act of the UPOV Convention.

42. On June 9 and 10, the Vice Secretary-General and an official of the Union participated in part of a seed industry seminar in Paris (France), organized by the Industrial and Economic Technical Cooperation Agency (ACTIM) of the French Ministry of Finance, for representatives of the World Bank involved in seed industry projects.

43. On June 14, Austria deposited with the Secretary-General its instrument of accession to the 1978 Act of the UPOV Convention.

44. On October 14, the Secretary-General received the visit of Mr. Miguel J. Berthet, Ambassador and Permanent Representative of Uruguay at Geneva, who deposited the instrument of accession of his country to the 1978 Act of the UPOV Convention.

45. On November 25, the Secretary-General received the visit of Mr. Manuel Benítez, Minister at the Permanent Mission of Argentina at Geneva, and Mrs. María Cristina Tosonotti, Second Secretary, who deposited the instrument of accession of their country to the 1978 Act of the Convention.

Relations With Non-Member States

States of Africa

46. On April 27, the Office of the Union received from the Ministry of Agriculture, Food and Fisheries of Zambia a draft law for the protection of new plant varieties with a request for the comments of the Office on its conformity with the Convention.

⁵ See also paragraphs 47 (Germany), 64 (New Zealand), 65 to 69 (Germany and Japan), 70 (Switzerland), 71 to 75 (Japan and New Zealand), 103 (Switzerland), 109 (France), 110 (Canada), 113 (United States of America), 114 (Japan).

47. On July 1, the Office of the Union received the visit of Mr. Walter Häge, a German national, who was to visit Egypt within the framework of the German Society for Technical Cooperation (GTZ).

48. On July 19, the Vice Secretary-General received the visit of Mr. J. Bundhoo, information scientist with the Mauritius Sugar Authority and Secretary of the Food and Agriculture Research Council of Mauritius, which had expressed interest in plant variety protection.

States of Latin America and the Caribbean⁶

49. On February 22, the Vice Secretary-General received the visit of Mrs. Luz Celeste R. de Davis, Director General of the Industrial Property Registry of Panama, who invited officials of the Union to visit her country.

50. On March 15, the Vice Secretary-General received the visit of Mr. Juan Carlos Espinosa, First Secretary at the Permanent Mission of Colombia at Geneva, and discussed the arrangements that were being made by the Colombian Government to implement Decision No. 345 of the Commission of the Cartagena Agreement.

51. On April 19, the Secretary-General received a request from the Permanent Mission of Colombia for the advice of the Council of UPOV on the conformity of the Colombian law with the 1978 Act of the Convention.

52. On August 10, the Vice Secretary-General wrote to Dr. Diego Montalvo Escobar, National Director of Industrial Property, Quito (Ecuador), with comments on a draft decree containing implementing regulations for Decision No. 345 of the Commission of the Cartagena Agreement.

53. On the same day, he also wrote to Mr. Eduardo Lores La Rosa, Head of the Office of New Technology of the National Institute for the Defense of Competition and Intellectual Property Protection (INDECOPI) in Peru, commenting on draft implementing regulations for the above-mentioned Decision No. 345 in Peru.

54. On August 18, the Office of the Union received the visit of Miss Mazina Kadir of the Registrar General's Department, Port of Spain (Trinidad and Tobago), who informed the Office that the Government of Trinidad and Tobago had decided to introduce a new plant variety protection law and to join UPOV.

55. On October 20, the Vice Secretary-General received the visit of Mr. Pablo Romero, Counsellor and Head of the Department of Specialized Agencies in the Ministry of Foreign Affairs of Chile, and Mr. Alejandro Rogers, Counsellor at the Permanent Mission of Chile at Geneva, and discussed with them the steps to be taken by Chile with a view to its accession to the 1978 Act of the UPOV Convention.

56. On November 7, the Vice Secretary-General received the visit of Mrs. Mónica Blanco Valverde, Deputy Minister of Justice of Costa Rica, and Mrs. Liliana Alfaro Rojas, Director of the Intellectual Property Registry.

57. On November 8, the Vice Secretary-General received the visit of Mr. Eduardo Benítez Paulin, Director of the National Seed Inspection and Certification Service of the Secretariat for Agriculture and Hydraulic Resources of Mexico, and Mr. Agustín Lopez-Herrera, Counsellor in the Phytotechnical Department of that Secretariat. He was handed a draft plant variety protection law.

58. On November 11, the Vice Secretary-General received the visit of Mr. Antonio Ricarte, Second Secretary at the Permanent Mission of Brazil at Geneva, who informed him of the Brazilian Government's intention to proceed in the matter of plant variety protection.

59. On November 25, the Vice Secretary-General communicated observations on the draft plant variety protection law of Mexico to Mr. Eduardo Benítez Paulin.

States of Asia and the Pacific⁷

60. On May 4, the Secretary-General and officials of the Office of the Union received the visit of Mr. Wang Shaoqi, Director General of the Department of International Cooperation of the State Science and Technology Commission of China, who discussed preparations for the roving seminar which was to be held in China in September.

61. On June 17, the Vice Secretary-General met Mr. Peter P.T. Cheung, Deputy Representative to GATT of the Hong Kong Economic and Trade Office in Geneva, who was interested in the steps Hong Kong might need to take to comply with its obligations to protect plant varieties under Article 27 of the TRIPS Agreement.

62. On June 22, the Vice Secretary-General received the visit of Mr. Sun Mengxin, Program Officer at the

⁶ See also paragraph 97 (Cartagena Agreement).

⁷ See also paragraphs 96 and 107 (Asia and Pacific Seed Association), 111 (India).

Department of International Cooperation of the State Science and Technology Commission of China, and Dr. Zhang Zhiqin, member of the Permanent Mission of China at Geneva, who discussed outstanding details of the roving seminar organized jointly by the Office of the Union and the above-mentioned Commission, to be held in China in September 1994.

63. On July 27, in connection with the National Seminar in Thailand mentioned in paragraph 31, the Vice Secretary-General called upon Mr. Vichitr Benjasil, Deputy Director General of the Department of Agriculture of the Ministry of Agriculture and Cooperatives of Thailand, and met other officials of that Department.

64. On July 29, the Vice Secretary-General and the Commissioner of Plant Variety Rights of New Zealand participated in a working group, convened by the Department of Agriculture, which was concerned with the introduction of plant variety protection in Thailand. On the same day, they visited the offices of the Department of Intellectual Property, within the Ministry of Commerce of Thailand, where they met Mr. Yonyong Phuangrach, Deputy Director General of the Department, which has an interest in the introduction of plant variety protection in Thailand.

65. On September 12, in connection with the National Seminar in China referred to in paragraph 32, the Vice Secretary-General, Mr. Henning Kunhardt, Deputy Commissioner, German Federal Plant Variety Office, Mr. Hiroki Tanaka, Deputy Director, Seeds and Seedlings Division, Ministry of Agriculture, Forestry and Fisheries of Japan, and an official of the Union visited the Ministry of Agriculture of China in Beijing, where they met Vice-Minister Hong Fuzeng and officials of the Ministry interested in plant variety protection.

66. On September 13, the Vice Secretary-General and the aforementioned persons met Dr. Wang Shaoqi, Director General of the Department of International Cooperation of the State Science and Technology Commission of China, and visited the Patent Office of the People's Republic of China, where they were received by Mr. Gao Lulin, Director General of that Office, and by officials of the Office. They subsequently visited the Ministry of Forestry, where they met Mr. He Shuyun, Director of the Department of Science and Technology.

67. On September 16, the Vice Secretary-General and the aforementioned persons visited the Department of Agriculture, Animal Husbandry and Fisheries of Heilongjian province in Harbin, where they were received by its Deputy Director, Mr. Li Hay, and Mr. Yu Hongbin, Director of the Committee for

Agricultural Crop Varieties and Vice Director of the Seeds Management Bureau of Heilongjian province. They subsequently visited the North East Agricultural University, the North East Forestry University and the Heilongjian Academy of Agricultural Science.

68. On September 20, the Vice Secretary-General and the aforementioned persons visited the Department of Agriculture of Shaanxi province, where they were received by Mr. Zhicheng, Deputy Director of the Department. They subsequently visited the Department of Forestry of Shaanxi province in Xi'an.

69. On September 23, the Vice Secretary-General and the aforementioned persons visited officials of the Science and Technology Commission of Jiangsu province, the Academy of Agricultural Science of Jiangsu province and of the Department of Agriculture of Jiangsu province and answered questions on plant variety protection.

70. On November 21, the Vice Secretary-General received the visit of Mr. Ian Hunter of the Department of Agriculture and Fisheries of Hong Kong, which has been instructed to draw up a draft plant variety protection law. The following day, Mr. Hunter, accompanied by an official of the Office of the Union, visited the Swiss Plant Variety Protection Office in Berne.

71. On November 28, in connection with the National Seminar in Pakistan referred to in paragraph 32, the Vice Secretary-General, Mr. Hiroki Tanaka (Japan), Mr. Bill Whitmore (New Zealand) and an official of the Office of the Union met a group of senior officials responsible for varieties and seed, particularly Mr. Syed Irfad Ahmad, Director of the Federal Department of Seed Certification, and Mr. Akhlaq Hussain, Director of the National Department of Seed Registration. They also visited the Institute for Phytogenetic Resources of the National Research Centre.

72. On November 30, in connection with the National Seminar in Malaysia referred to in paragraph 32, the Vice Secretary-General and the aforementioned persons met a group of senior officials led by Mr. Y. Bhg. Dato' Abdul Jamil Mohd. Ali, Director General of Agriculture.

73. On December 2, the Vice Secretary-General and the aforementioned persons visited Mr. Hamzah Chin, Deputy Director General (Production Development) in the Department of Agriculture and Chairman of the Organizing Committee of the Seminar, and Mr. Ramli Modiran, Director of Production Development.

74. On December 6, in connection with the National Seminar in Indonesia referred to in paragraph 32, the Vice Secretary-General and the aforementioned persons met Mr. Achmid Saubari Prasodjo, Secretary of the Directorate General of Food Plants and Horticulture, and other senior officials of that Directorate. They also met Mr. H.A. Soedarsan, Chairman of the Indonesian Committee for Phylogenetic Resources and also of P.T. Aneka Pionirperkasa Perkebunan, a body that coordinates research activities in plantation species.

75. On December 9, in connection with the National Seminar in the Philippines referred to in paragraph 32, the Vice Secretary-General and the aforementioned persons met Mr. Manuel Lantin, Under Secretary at the Department of Agriculture, a group of senior officials and the legal assistant of a senator.

States of Central Europe and Asia⁸

Countries in Transition to Market Economy

76. On January 27, the Secretary-General wrote to Dr. David Gabunia, Chairman of the Georgian Patent Office at Tbilisi, concerning the procedure for accession to the UPOV Convention.

77. On February 14, the Office of UPOV sent to the Director General of the State Agency on Industrial Property Protection (AGEPI) its comments on a draft law for the protection of new plant varieties in the Republic of Moldova.

78. On February 18, Dr. Tolesh E. Kaudyrov, Chairman of the National Patent Office of Kazakhstan, visited the Office of the Union and was given the comments of the Office on a draft law for the protection of plant varieties in Kazakhstan.

79. On the same day, the Office of the Union received a draft law for the protection of new plant varieties of Uzbekistan.

80. On February 21, the Vice Secretary-General received the visit of Mr. Valery I. Kudashov, Head of the Belarus Patent Office.

81. On February 25, the Office of the Union received a letter dated February 21 from the Government of Ukraine requesting the advice of the Council of UPOV on the conformity of the law on plant variety protection of Ukraine with the 1978 Act of the Convention.

82. On March 2, in the afternoon, the Vice Secretary-General met the Chairman of the All-Russia State Commission for Agricultural Crop Variety Testing at the Ministry of Agriculture and met senior officials of the Commission. He was handed a letter signed by Mr. A.G. Efremov, Vice-Minister of Agriculture, requesting the advice of the Council of UPOV on the conformity of the laws of the Russian Federation with both the 1978 and the 1991 Acts of the Convention.

83. On April 11 and 12, the Vice Secretary-General received the visit of Dr. Stanislav I. Grib, Vice Director, Scientific Research Institute of Arable Farming and Fodder, Minsk (Belarus), and Mrs. Natalia A. Barkoun, Deputy Head of Division at the Belarus Patent Office, who discussed with him the draft law of Belarus for the protection of plant varieties.

84. On April 18, the Office of the Union received a letter from Mr. Roland Nymann, Director of the Estonian Seed and Variety Testing Inspection in Tallinn, enclosing a copy of a law for the protection of plant varieties and asking for the advice of the Office of the Union on its conformity with the Convention.

85. On May 18, the Secretary-General wrote to Mr. Rimvydas Naujokas, Director of the State Patent Bureau of Lithuania, concerning the preparation of a law on plant variety protection in his country.

86. On September 29, the Vice Secretary-General received the visit of Mr. Roman Omorov, Head of the Patent Department of the State Committee on Science and New Technologies of Kyrgyzstan, who handed to him a draft of the proposed plant variety protection law of his country.

87. On October 12, the Vice Secretary-General met Mr. Georgy Poliakov, Deputy Director of the Patent Office of the Republic of Latvia, and discussed the plant variety protection situation in his country.

88. On October 13, the Vice Secretary-General received the visit of Mr. Alexandru Cristian Strenc, Deputy Director General of the State Office for Inventions and Trademarks of Romania, and Dr. Kristo Iliev, President of the Patent Office of the Republic of Bulgaria, and discussed with them the plant variety protection situation in their countries.

89. On October 24, the Vice Secretary-General received the visit of Mr. Pyotr V. Zeleny, Vice President of the Belarus Patent Office, who informed him of the progress of the draft plant variety protection law.

⁸ See also paragraphs 99 (European Community), 103 (Belarus), 108 (Russian Federation and CIS countries).

90. On October 27, the Vice Secretary-General received the visit of Mr. Rimvydas Naujokas, Director of the State Patent Bureau of Lithuania, who informed him of the adoption by Parliament of a plant variety protection law. That protection was the responsibility of the Ministry of Agriculture.

91. Also on October 27, the Vice Secretary-General received the visit of Mr. Eugen M. Stashkov, Director General of the State Agency on Industrial Property Protection (AGEPI) of the Republic of Moldova and discussed with him possible technical assistance by one of the member States.

92. On October 28, the Vice Secretary-General sent to Mr. Akil A. Azimov, Director of the State Patent Office of Uzbekistan, comments on the draft plant variety protection law.

93. On November 8, the Vice Secretary-General received the visit of Mrs. Adriana Paraschiv, Head of Division at the State Office for Inventions and Trademarks of Romania, and discussed with her the measures to be taken to further the draft plant variety protection law.

Other States

94. On October 20, the Office of the Union sent a letter to the Industrial Property Organization of Greece concerning the conditions for acceding to the Union.

Relations With Organizations

Intergovernmental Organizations⁹

95. On May 17, the Vice Secretary-General gave a lecture on plant variety protection and the UPOV Convention to participants at the WIPO Academy for Spanish speakers.

96. On June 16, the Vice Secretary-General gave a lecture on plant variety protection and biotechnology to participants at the WIPO Academy for English speakers of the Asian and Pacific region.

97. On June 30 and July 1, the Vice Secretary-General participated in the first meeting of the Subregional Committee for the Protection of Plant Varieties established under Article 38 of Decision No. 345 of the Commission of the Cartagena Agreement, in Lima (Peru). The Office of the Union was given adviser status by the Committee.

98. On October 12, the Secretary-General received the visit of Mr. Ismail Serageldin, Vice President of the World Bank, responsible for environmentally sustainable development, and Chairman of the Consultative Group for International Agricultural Research (CGIAR), and discussed intellectual property questions related to plant varieties and CGIAR's policies on the subject.

99. On November 8, the Vice Secretary-General received the visit of Mr. Dieter Obst, Deputy Head of Unit, Directorate General for Agriculture of the Commission of the European Communities, and Mr. Jürgen A. Tiedje, administrator in that Unit, and discussed with them several matters of joint interest.

100. From November 7 to 11, an official of the Union participated in the first extraordinary session of the Phylogenetic Resources Committee of the United Nations Food and Agriculture Organization (FAO) in Rome (Italy).

101. On November 28, an official of the Office participated in the 26th session of the Wine Breeding Expert Group of the International Vine and Wine Office (OIV), in Paris (France), before which he gave a brief presentation.

102. On December 19, the Vice Secretary-General wrote to Mr. Ismail Serageldin, Vice President of the World Bank and Chairman of CGIAR, to inform him that UPOV was prepared to discuss with CGIAR the terms of a possible program of cooperation for the benefit of developing countries.

Non-governmental Organizations

103. On April 13, an official of the Union visited Mr. Bernard Le Buanec, Secretary General of FIS and of ASSINSEL, in Nyon (Switzerland), and also visited the Federal Agricultural Research Station at Changins (near Nyon), together with the delegation of Belarus.

104. On May 11, the Vice Secretary-General received the visit of Mr. Bernard Le Buanec, Secretary General of FIS and ASSINSEL.

105. From May 30 to June 3, the Vice Secretary-General participated in the World Congresses of FIS and ASSINSEL, which were held in Ostend (Belgium).

106. From September 5 to 7, the Vice Secretary-General participated in a symposium on the prospects of cereal breeding in Europe organized on behalf of the European Association for Research in Plant Breeding (EUCARPIA) at Landquart (Switzer-

⁹ See also paragraphs 42 (World Bank), 113 (Provisional Secretariat of the Convention on Biological Diversity).

land), by the Swiss Federal Agricultural Research Station and gave a presentation on developments in protection under the UPOV Convention.

107. On September 27, the Vice Secretary-General was a guest participant in "Asian Seed 1994," a conference held in Chiangmai (Thailand), on current markets and technical developments in the Asian and Pacific region, which incorporated the foundation meeting of the Asia and Pacific Seed Association.

Other External Relations

108. From March 1 to 3, the Vice Secretary-General participated in an International Seminar on the Eurasian Patent Convention and the Legal Protection of Industrial Property in the Countries of the Community of Independent States (CIS) in Moscow (Russian Federation), and gave a paper on the subject of the UPOV Convention.

109. On March 23, the Vice Secretary-General and an official of the Union attended a reception in Paris (France), to mark the presentation of the Cross of Knight of the Legion of Honor to Mr. Roland Petit-Pigeard, Director General of the Plant License Management Fund.

110. On March 31, the Vice Secretary-General received the visit of Professor R.M.A. Loyns, Professor of Marketing in the Department of Agricultural Economics of the University of Manitoba at Winnipeg (Canada), and Mr. Maurice Kraut, President of the Agricultural Consulting Company Limited of Winnipeg, and Mrs. Karla Funk, of the same firm, who were working on a consultancy project for the Canadian Government.

111. On June 2, the Office of the Union received the visit of Professor Anil K. Gupta of the Centre for Management in Agriculture of the Indian Institute of Management.

112. On June 20, the Vice Secretary-General participated in a session of the Fourth International Congress of Plant Molecular Biology in Amsterdam (Netherlands), organized by the International Society

for Plant Molecular Biology, at which he gave a lecture on the 1991 Act of the Convention.

113. On November 17, the Vice Secretary-General received the visit of Mr. Lyle Glowka, a lawyer from the United States of America, who was working with the provisional secretariat of the Convention on Biological Diversity.

114. On December 14, the Japanese television organization NHK recorded at the Office of the Union part of a special program on recent developments in molecular biology; the program also concerned varieties obtained by genetic engineering and plant variety protection.

Publications

115. The Office of the Union published:

(i) the 1978 and 1991 Acts of the UPOV Convention in Chinese and the 1991 Act in Dutch;
 (ii) a new 1994 edition of the information leaflet on UPOV and plant variety protection in Arabic, English, French, German, Russian and Spanish;

(iii) three issues of the periodical *Plant Variety Protection*;

(iv) one supplement to Part I of the *Collection of Important Texts and Documents* in English, French, German and Spanish and one trilingual supplement to Part II (test guidelines);

(v) one supplement and an index to the *Collection of Laws and Treaties*;

(vi) the records, in English and Spanish, of the Seminar on the Nature of and Rationale for the Protection of Plant Varieties under the UPOV Convention held in Buenos Aires (Argentina), on November 26 and 27, 1991;

(vii) the records, in English, of the Seminar on the Nature of and Rationale for the Protection of Plant Varieties under the UPOV Convention held in Nairobi (Kenya), on May 28 and 29, 1993;

(viii) the records, in Chinese and English, of the Seminar on the Nature of and Rationale for the Protection of Plant Varieties under the UPOV Convention held in Beijing (China), from September 15 to 17, 1993.

Calendar of Meetings

WIPO Meetings

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

1995

- May 8 to 12 (Geneva)** **Consultative Meeting for the Further Preparation of the Diplomatic Conference for the Conclusion of the Patent Law Treaty**
- The meeting will discuss the preparation of the second part of the said Diplomatic Conference.
Invitations: States members of WIPO or the Paris Union and, as observers, certain organizations.
- May 22 to 24 (Mexico City)** **WIPO Worldwide Symposium on the Protection and Management of Copyright in the Global Information Infrastructure**
- This Symposium will continue to explore in depth the current problems concerning the protection, exercise and enforcement of copyright and neighboring rights, in the light of digital technology.
Invitations: Governments, selected intergovernmental and non-governmental organizations and any member of the public (against payment of a registration fee).
- May 29 to June 2 (Geneva)** **Committee of Experts on the Settlement of Intellectual Property Disputes Between States (Seventh Session)**
- The Committee of Experts will continue the preparations for a possible treaty on the settlement of intellectual property disputes between States. In particular, the Committee of Experts will consider the question of the relationship between the dispute settlement system to be established by the proposed Treaty and other dispute settlement systems, including the dispute settlement system to be established as a result of the Uruguay Round of GATT.
Invitations: States members of WIPO or party to treaties administered by WIPO not members of WIPO and, as observers, certain organizations.
- June 13 to 16 (Geneva)** **Committee of Experts on the Development of the Hague Agreement (Fifth Session)**
- The Committee will consider a revised draft new Act of the Hague Agreement Concerning the International Deposit of Industrial Designs intended to introduce into the Hague system provisions designed to encourage States not yet party to the Agreement to participate in the system and to facilitate greater use of the system by applicants.
Invitations: States members of the Hague Union, and, as observers, States members of the Paris Union or of WIPO not members of the Hague Union and certain organizations.
- September 4 to 8 and 12 (Geneva)** **Committee of Experts on a Possible Protocol to the Berne Convention (Fifth 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. This session will be held jointly with the fourth session of the Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms.
Invitations: States members of the Berne Union, the European Commission and, as observers, States members of WIPO not members of the Berne Union and certain organizations.
- September 4 to 8 and 12 (Geneva)** **Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms (Fourth 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. This session will be held jointly with the fifth session of the Committee of Experts on a Possible Protocol to the Berne Convention.
Invitations: States members of WIPO, the European Commission and, as observers, certain organizations.

- September 21 and 22 (Geneva)** **Symposium on CD-ROMs for Patent Information**
- The Symposium will discuss the experiences of industrial property offices, as well as those of other producers and users, in the production and use of CD-ROMs which have recently emerged as a major data carrier for the exchange of patent information. The Symposium will attempt to find new ways of making the best use of CD-ROMs and to provide useful information to industrial property offices intending to start to produce or use CD-ROMs. Practical demonstrations of selected CD-ROMs will follow the discussions.
- Invitations:* States members of WIPO and selected producers and users of CD-ROMs.
- September 25 to October 3 (Geneva)** **Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Sixth Series of Meetings)**
- All the Governing Bodies of WIPO and the Unions administered by WIPO meet in ordinary sessions every two years in odd-numbered years.
- In the sessions in 1995, the Governing Bodies will, *inter alia*, review and evaluate WIPO's activities undertaken since July 1994, and decide the program and budget of the International Bureau for the 1996-97 biennium.
- Invitations:* States members of WIPO and the Paris and Berne Unions and, as observers, other States members of the United Nations and certain organizations.
- December 8 (a.m.) (Geneva)** **Information Meeting for Non-Governmental Organizations on Intellectual Property**
- Participants in this informal meeting will be informed about the recent activities and future plans of WIPO in the fields of industrial property and copyright and their comments on the same will be invited and heard.
- Invitations:* International non-governmental organizations having observer status with WIPO.

UPOV Meetings

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

1995

- October 11 to 13 (Geneva)** **Technical Committee**
- Invitations:* Member States of UPOV and, as observers, certain non-member States and inter-governmental and non-governmental organizations.
- October 16 and 17 (Geneva)** **Administrative and Legal Committee**
- Invitations:* Member States of UPOV and, as observers, certain non-member States and inter-governmental organizations.
- October 18 (Geneva)** **Consultative Committee (Fiftieth Session)**
- Invitations:* Member States of UPOV.
- October 19 (Geneva)** **Council (Twenty-Ninth Ordinary Session)**
- Invitations:* Member States of UPOV and, as observers, certain non-member States and inter-governmental organizations.