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# Industrial Property and Copyright

Monthly Review of the  
World Intellectual Property Organization

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**WIPO 1995**

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(INSERT)**

Editor's Note

**SOUTH AFRICA**

Copyright Act (No. 98 of 1978, as amended by the respective Copyright Amendment Acts No. 56 of 1980, No. 66 of 1983, No. 52 of 1984, No. 39 of 1986, No. 13 of 1988, No. 61 of 1989 and No. 125 of 1992) .....	Text 1-01
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## Notifications Concerning Treaties Administered by WIPO

### WIPO Convention

#### Accessions

##### BAHRAIN

The Government of Bahrain deposited, on March 22, 1995, its instrument of accession to the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967.

The said Convention will enter into force, with respect to Bahrain, on June 22, 1995.

*WIPO Notification No. 181, of March 22, 1995.*

##### CAMBODIA

The Government of Cambodia deposited, on April 25, 1995, its instrument of accession to the Convention Establishing the World Intellectual Property Organization, signed at Stockholm on July 14, 1967.

The said Convention will enter into force, with respect to Cambodia, on July 25, 1995.

*WIPO Notification No. 182, of April 25, 1995.*

### Madrid Agreement (Marks)

#### Madrid Protocol (1989)

#### Ratification

##### UNITED KINGDOM

The Government of the United Kingdom deposited, on April 6, 1995, its instrument of ratification of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid on June 27, 1989

("Madrid Protocol (1989)"), in respect of the United Kingdom of Great Britain and Northern Ireland and the Isle of Man.

The date of entry into force of the said Protocol will be notified when the required number of ratifications, acceptances, approvals, or accessions is reached in accordance with Article 14(4) of the said Protocol.

*Madrid (Marks) Notification No. 66, of April 6, 1995.*

### Budapest Treaty

#### I. Accession

##### CHINA

The Government of China deposited, on April 1, 1995, its instrument of accession to the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, done at Budapest on April 28, 1977, and amended on September 26, 1980.

The said Treaty will enter into force, with respect to China, on July 1, 1995.

*Budapest Notification No. 136, of April 3, 1995.*

#### II. Change in Fees Under Rule 12.2 of the Regulations Under the Budapest Treaty

NATIONAL COLLECTIONS OF INDUSTRIAL  
AND MARINE BACTERIA LTD. (NCIMB)

(United Kingdom)

The Director General of WIPO was informed by a notification received on March 27, 1995, and dated March 23, 1995, from the Government of the United Kingdom of a change in the fees charged by the National Collections of Industrial and Marine Bacteria Ltd. (NCIMB), an international depository authority under the Budapest Treaty, as follows:

	GBP
Storage of the microorganism	450
Issuance of a viability statement where a fee may be charged	60
Furnishing of a sample in accordance with Rule 11.2 or 11.3 (plus actual cost of carriage)	45

Where applicable, the fees are subject to Value Added Tax at the current rate.

[End of text of the notification of the Government of the United Kingdom]

The fees set forth in the said notification of the Government of the United Kingdom will apply as from the thirtieth day following the date (May 31, 1995) of the publication of the said fees in the present issue of *Industrial Property and Copyright*, that is, as from June 30, 1995 (see Rule 12.2(c) of the Regulations under the Budapest Treaty), and will replace the fees published in the February 1991 issue of *Industrial Property*.

*Budapest Notification No. 95 (this notification is the subject of Budapest Notification No. 137, of April 12, 1995).*

### III. New Schedule of Fees; Kinds of Microorganisms and Material Accepted

#### AMERICAN TYPE CULTURE COLLECTION (ATCC)

(United States of America)

The Director General of WIPO was informed by notifications received on March 21 and on April 7, 1995, dated March 10 and 28, 1995, respectively, from the Government of the United States of America, of a new schedule of fees and of the kinds of microorganisms and material accepted by the American Type Culture Collection (ATCC), an international depositary authority under the Budapest Treaty, as follows:

#### *Fees to Distribute Cultures*

	Per Item	USD
<i>ATCC Algae, Seeds, Protozoa, and Plant Tissues</i>		
U.S. Non-Profit Institutions	76	
Foreign Non-Profit Institutions	76 <sup>2</sup>	
Other U.S. and Foreign Institutions	120	
<i>ATCC Bacteria, Bacteriophage, Fungi and Yeasts<sup>1</sup></i>		
U.S. Non-Profit Institutions	76	97
Foreign Non-Profit Institutions	76 <sup>2</sup>	97 <sup>3</sup>
Other U.S. and Foreign Institutions	120	132

#### *ATCC Cell Lines and Biomedical Material*

U.S. Non-Profit Institutions	92
Foreign Non-Profit Institutions	92 <sup>4</sup>
Other U.S. and Foreign Institutions	145

#### *ATCC Plasmids, Vectors and All Other rDNA Material<sup>1</sup>*

U.S. Non-Profit Institutions	76	92
Foreign Non-Profit Institutions	76 <sup>2</sup>	92 <sup>4</sup>
Other U.S. and Foreign Institutions	120	145

#### *Fees for the Issue of Viability Statements*

Microorganisms, cells, hybridomas and seeds	100
Fungi and yeasts	100
Plant tissue cultures	100 <sup>5</sup>
Plasmid and phage DNA	150 <sup>5</sup>
Animal embryos and algae	200
Protozoa	
(standard)	200
(cultivation in animals)	Quoted price <sup>6</sup>
Animal viruses	
(depositor supplies test cells)	300
(ATCC supplies test cells)	400
(animals or special equipment needed)	Quoted price <sup>6</sup>
Plant viruses	
(depositor supplies antibodies)	Quoted price <sup>6</sup>
(ATCC supplies antibodies)	Quoted price <sup>6</sup>

<sup>1</sup> The two price levels indicated reflect the difference in difficulty of producing certain cultures due to complicated media and growth requirements.

<sup>2</sup> There is an additional USD34 handling and processing charge per culture.

<sup>3</sup> There is an additional USD35 handling and processing charge per culture.

<sup>4</sup> There is an additional USD53 handling and processing charge per culture.

<sup>5</sup> In some cases the cost to perform a viability test may be higher than the stated price due to the need for special equipment or other additional expenses. In such cases, the depositor will be requested to authorize the performance of the viability test at a quoted price.

<sup>6</sup> Due to the unpredictability of the costs involved to conduct viability tests in these cases, no standard price can be established. The depositor will be quoted a price and requested to authorize the performance of the viability test.

[End of text of the notification of the Government of the United States of America]

The fees set forth in the said notification of the Government of the United States of America will apply as from the thirtieth day following the date (May 31, 1995) of the publication of the said fees in the present issue of *Industrial Property and Copyright*, that is, as from June 30, 1995 (see Rule 12.2(c) of the Regulations under the Budapest Treaty), and will replace the fees published in the February 1992 issue of *Industrial Property*.

*Budapest Notification No. 96 (this notification is the subject of Budapest Notification No. 138, of April 28, 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)

#### Introduction

1. The present document contains a revised draft of the proposed Regulations under the proposed Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property. (The draft of the proposed Treaty is contained in document SD/CE/VII/2.<sup>1</sup>) The present—the third—draft of the proposed Regulations takes into account the comments of the Committee of Experts on the Settlement of Intellectual Property Disputes Between States that were made on the second draft of the proposed Regulations presented at its sixth session in February 1994 (see document SD/CE/VI/6, paragraphs 146 to 155).<sup>2</sup>

2. The draft of the proposed Treaty and the draft of the proposed Regulations would both be submitted to the Diplomatic Conference which would adopt the Treaty and the Regulations under the Treaty. Those Regulations could subsequently be reviewed by a Preparatory Committee, which could meet just before the entry into force of the Treaty and recommend changes to those Regulations for adoption by the Assembly at its first session. That session could be convened shortly after the Treaty entered into force.

#### DRAFT OF THE PROPOSED REGULATIONS UNDER THE TREATY

##### LIST OF RULES

##### PART A: Introductory Rules

- Rule 1: Use of Terms and Abbreviated Expressions
- Rule 2: Interpretation of Certain Words

##### PART B: Rules Concerning Several Articles of the Treaty

- Rule 3: Languages of Communications
- Rule 4: Expressing Dates
- Rule 5: Calculation of Time Limits
- Rule 6: Irregularities in the Postal or Delivery Service
- Rule 7: Expenses to be Paid by a Party to a Dispute

##### PART C: Rule Concerning Article 2 of the Treaty

- Rule 8: Notification of Submission of Dispute under Article 2(2)(i) or (ii)

##### PART D: Rules Concerning Article 3 of the Treaty

- Rule 9: Content of the Invitation
- Rule 10: Content of the Reply
- Rule 11: Channel and Mode of Communication of the Invitation and of the Reply
- Rule 12: Place of the Consultations
- Rule 13: Languages of the Consultations

##### PART E: Rule Concerning Article 4 of the Treaty

- Rule 14: Good Offices, Conciliation or Mediation of the Director General

##### PART F: Rules Concerning Article 5 of the Treaty

- Rule 15: Roster of Potential Members of Panels
- Rule 16: Number of Persons from Developing Countries as Members of Panel
- Rule 17: Summary of the Dispute
- Rule 18: Meetings of the Panel
- Rule 19: Place of Panel Proceedings
- Rule 20: Languages in Panel Proceedings
- Rule 21: Written Submissions, Comments, Statements and Documents in Panel Proceedings
- Rule 22: Hearings Before the Panel
- Rule 23: Content of the Panel Report

##### PART G: Rule Concerning Article 6 of the Treaty

- Rule 24: Reports to the Assembly

<sup>1</sup> For the text of the draft Treaty, see *Industrial Property and Copyright*, 1995, pp. 168 *et seq.*

<sup>2</sup> See *Industrial Property*, 1994, pp. 168 *et seq.*

- PART H: Rules Concerning Article 7 of the Treaty
- Rule 25: Request for an Arbitration Tribunal
- Rule 26: Roster of Potential Arbitrators
- Rule 27: Composition of the Arbitration Tribunal
- Rule 28: Time and Place of Arbitration Proceedings
- Rule 29: Languages in Arbitration Proceedings
- Rule 30: Conduct of Arbitration Proceedings
- Rule 31: Expenses of Arbitration Proceedings
- PART I: Rules Concerning Articles 9 to 18 of the Treaty
- Rule 32: Facilities of the International Bureau
- Rule 33: Requirement of Unanimity for Amending Certain Rules

## PART A INTRODUCTORY RULES

### Rule 1 Use of Terms and Abbreviated Expressions

(1) [*“Treaty”*; *“Article”*; *“Regulations”*; *“Rule”*; *“Paragraph”*; *“Guidelines”*] In these Regulations, the word

(i) *“Treaty”* means the Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property;

(ii) *“Article”* refers to the specified Article of the Treaty;

(iii) *“Regulations”* means the Regulations under the Treaty;

(iv) *“Rule”* refers to the specified Rule of the Regulations;

(v) *“Paragraph”* refers to the specified paragraph of the Rule in which the paragraph containing the reference is located unless another rule is specified in that paragraph;

(vi) *“Guidelines”* means the guidelines adopted by the Assembly.

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

### Rule 2 Interpretation of Certain Words

(1) [*“Sender”*; *“Addressee”*] Whenever the word *“sender”* or *“addressee”* is used in these Regulations, it shall be construed as meaning a Contracting Party, a party to the dispute, an intervening party, the Director General or the International Bureau that sends a communication or to whom a communication is addressed, unless the contrary clearly follows from

the wording or the nature of the provision, or the context in which the word is used.

(2) [*“Communication”*] Whenever the word *“communication”* is used in these Regulations, it shall be construed as meaning the invitation to enter into consultations, referred to in Article 3(1), the reply to that invitation, referred to in Article 3(2), the notifications under Article 3(4) and (5), Article 4(3) and (4) and Article 7(4) and (5), the request for the good offices, conciliation or mediation of the Director General, referred to in Article 4(1)(b), the response to that request, referred to in Article 4(1)(c), the request for a procedure before a panel, referred to in Article 5(2), the summary accompanying that request, referred to in Article 5(2)(b)(iii), the answer to that request, referred to in Article 5(3), the notification by an intervening party, referred to in Article 5(8)(a), the comments on the report of the panel, referred to in Article 5(10)(b), the request for the establishment of an arbitration tribunal, referred to in Article 7(2)(i), and the reply to that request, referred to in Article 7(2)(ii), unless the contrary clearly follows from the wording or the nature of the provision, or the context in which the word is used.

## PART B RULES CONCERNING SEVERAL ARTICLES OF THE TREATY

### Rule 3 Languages of Communications

(1) [*Communications to a Party to a Dispute*]  
(a) Any communication addressed by a party to a dispute to another party to that dispute may be in any language chosen by the sender, provided that, if that language is not a language that is an official language of the addressee, the communication shall be accompanied by a translation in an official language of the addressee, prepared by the sender, unless the addressee agrees to accept that communication in a language other than its official language.

(b) Any communication addressed by the Director General or the International Bureau to a party to a dispute or to an intervening party shall be, at the option of the Director General or the International Bureau, in English or French; however, where that communication is in response to a communication addressed by such party to the Director General or the International Bureau in English or in French, the former communication shall be in the language of the latter communication.

(2) [*Communications to the Director General or the International Bureau*] Any communication addressed to the Director General or the International Bureau by a party to a dispute or by an intervening party may be in such language as that party chooses.

provided that, if that language is other than English or French, the communication is accompanied by a translation in English or French, prepared by that party.

(3) [*Communications to the Assembly or to Parties to a Source Treaty*] (a) Any communication addressed by the Director General or the International Bureau to the members of the Assembly or, if there is a source treaty, to the parties to that treaty, transmitting to those members or to those parties any information referred to in Article 3(4) and (5), Article 4(3) and (4) and Article 7(4) and (5), or the request referred to in Article 5(2), or the summary of the dispute, the request and the answer referred to in Article 5(4), the report, comments and information referred to in Article 5(10)(a), (b) and (c), or the reports referred to in Article 6, shall be, at the option of the Director General, in English or French.

(b) The transmittal of the information referred to in Article 3(4) and (5), Article 4(3) and (4) and Article 7(4) and (5), the summary of the dispute, the request and the answer referred to in Article 5(4), the comments and information referred to in Article 5(10)(b) and (c) and the reports referred to in Article 6, shall be in the language of that information, those comments and information or those reports, as received from a party to the dispute, but it shall be accompanied by a translation, prepared by that party, in English, if the said language is French or, in French, if the said language is English, or in English and in French, if the said language is neither English nor French.

(c) The report of the panel referred to in Article 5(10)(a) and (c) shall be transmitted by the Director General to the Assembly and, if there is a source treaty, to the parties to that treaty, in the language or languages in which it is to be prepared in accordance with Rule 20(2), and, if that language is not English or French, it shall be accompanied by a translation in English and in French, prepared by the International Bureau.

#### **Rule 4** **Expressing Dates**

A sender or an addressee shall, for the purposes of the Treaty and the Regulations, express any date in terms of the Christian era and the Gregorian calendar, or, if it uses another era and calendar, it shall also express any date in terms of the Christian era and the Gregorian calendar.

#### **Rule 5** **Calculation of Time Limits**

(1) [*Periods Expressed in Months*] Any period expressed as one month or a certain number of

months shall expire in the relevant subsequent month, on the day which has the same number as the day of the event from which the period starts to run, except that if the relevant subsequent month has no day with the same number, the period shall expire on the last day of the month.

(2) [*Periods Expressed in Days*] The calculation of any period expressed in days shall start with the day following the day on which the relevant event occurred and shall expire on the day on which the last day of the count has been reached.

(3) [*Periods Expressed in Weeks*] Any period expressed as a week or a certain number of weeks shall start on the day following the day on which the relevant event occurred, and the period shall expire in the relevant subsequent week, on the day which is the seventh day counting from that following day.

(4) [*Local Dates*] (a) The date which is taken into consideration as the starting date of the computation of any period shall be the date which prevails in the locality at the time when the relevant event occurred.

(b) The date on which any period expires shall be the date which prevails in the locality at which the required communication must be received.

(5) [*Expiration on a Non-Working Day*] If a period expires on a day on which the addressee is not open for official business, the period shall expire on the first subsequent day on which the addressee is open for official business.

(6) [*End of Working Day*] (a) A period expiring on a given day shall expire at the moment the addressee closes for official business on that day.

(b) Any addressee may depart from the provisions of paragraph (a) up to midnight on the relevant day.

(7) [*Date of Communication*] (a) Where a period starts on the day of the date of a communication, its sender or addressee may prove that the said communication was mailed or electronically transmitted on a day later than the date it bears, in which case the date of actual mailing or transmission shall, for the purposes of calculating the period, be considered to be the date on which the period starts.

(b) Irrespective of the date on which the said communication is mailed or electronically transmitted, if the sender or addressee offers evidence to the Director General which satisfies the Director General that the communication was received more than seven days after the date it bears, the Director General shall treat the period starting from the date of the communication as expiring later by an additional number of days which is equal to the number of days which the communication was received later than seven days after the date it bears.

(8) [*Receipt of Communication*] (a) Any communication is deemed to have been received if it is physically delivered or electronically transmitted to the addressee or at its mailing address or at the place it conducts official business.

(b) The communication shall be deemed to have been received on the day it is so delivered or electronically transmitted.

(9) [*Indication of the Date of Expiration*] The Director General or the International Bureau shall in all cases in which he or it communicates a time limit, indicate the date of the expiration, according to paragraphs (1) to (8), of the said time limit.

### **Rule 6 Irregularities in the Postal or Delivery Service**

(1) [*Delay or Loss in the Postal or Delivery Service*] Failure by the sender to meet a time limit for a communication to be addressed to the addressee shall be excused if the sender submits evidence to the satisfaction of the addressee that

(i) at least five days preceding the day of expiration of the time limit, the sender mailed through a postal service or sent through a delivery service the communication which, because of delay in arrival, reached the addressee after the expiration of the time limit or, because of its loss by its service, was never received by the addressee,

(ii) the sender effected the mailing or sending within five days after the postal or delivery service was resumed or, in the case of loss, a communication which is identical with the communication lost is submitted to the addressee within one month after the sender noticed—or with due diligence should have noticed—the delay or loss, and in no case later than six months after the expiration of the time limit applicable in the given case,

(iii) that the mailing of the communication was registered, or that details of the mailing or the sending were recorded, by the postal or delivery service at the time of mailing or sending.

(2) [*Interruption in the Service*] Failure by the sender to meet a time limit for a communication to be addressed to the addressee shall be excused if the sender submits evidence to the satisfaction of the addressee that

(i) on any of the ten days preceding the day of expiration of the time limit the postal or delivery service was interrupted on account of war, revolution, civil disorder, strike, natural calamity, or other like reason,

(ii) the sender effected the mailing or the sending within five days after the postal or delivery service was resumed.

### **Rule 7 Expenses to be Paid by a Party to a Dispute**

(a) The International Bureau shall, subject to Rule 31, fix the amount to be paid by each party to a dispute and by each intervening party as its contribution to the expenses of the procedure or procedures to which the dispute is submitted.

(b) The expenses referred to in paragraph (a) shall include

(i) the travel and subsistence allowances for the intermediary in the procedure of good offices, conciliation or mediation, the members of the panel, the members of the arbitration tribunal, and for any witness requested or expert appointed by an intermediary, a panel or arbitration tribunal,

(ii) the remuneration of the members of the arbitration tribunal,

(iii) the costs of the preparation of the report of the panel and of the translation thereof in accordance with Rule 20(2),

(iv) the costs of the preparation of the award of the arbitration tribunal in accordance with Rule 29,

(v) the costs of the reproduction of any communication referred to in Rule 3(3)(a), any summary of a dispute, request, answer, information, comments and reports referred to in Rule 3(3)(b) and any request as well as any response to that request referred to in Rule 14(2) and Article 4(1)(c),

(vi) the costs of sound equipment, interpretation, clerical and secretarial services, meeting rooms and related facilities provided by the International Bureau.

(c) The method of fixing the amount of the expenses referred to in paragraph (b) and of their payment shall be indicated in the Guidelines.

## PART C RULE CONCERNING ARTICLE 2 OF THE TREATY

### **Rule 8 Notification of Submission of Dispute under Article 2(2)(i) or (ii)**

Where, pursuant to Article 2(2)(i) or (ii), a dispute is to be submitted by the parties to the dispute to one or more of the procedures for the settlement of disputes established by the Treaty, each such party shall inform the Director General that the said dispute is being so submitted and shall specify the procedure or procedures concerned.



PART D  
RULES CONCERNING ARTICLE 3 OF THE TREATY

**Rule 9**  
**Content of the Invitation**

The invitation to enter into consultations, referred to in Article 3(1), shall

(i) state the name of the State or intergovernmental organization that is extending the invitation,

(ii) state the name of the State or intergovernmental organization to which the invitation is extended,

(iii) state that the invitation is extended with a view to initiating consultations under Article 3 of the Treaty,

(iv) contain an allegation that an obligation relating to a matter or to matters of intellectual property exists and that the addressee of the invitation denies the existence of that obligation or that it has breached that obligation,

(v) indicate the source of the obligation by referring either to the provision or provisions of the source treaty, if any, or to a generally recognized principle of law concerning or applicable to intellectual property that is the basis of the obligation,

(vi) describe the matter or matters of intellectual property in respect of which the obligation relates,

(vii) specify the facts that demonstrate the denial or a breach of the obligation,

(viii) state any other legal grounds in support of the alleged existence or breach of the obligation,

(ix) identify the authority in the State or the unit in the intergovernmental organization, as the case may be, that is extending the invitation, which is competent to enter into the consultations,

(x) designate the official or officials of that authority or that unit, as the case may be, who is or are authorized to carry out the consultations,

(xi) set forth the postal address and, if any, the telecopier number and the telex number of the authority or unit to which the reply and other written communications are to be sent,

(xii) indicate whether the reply to the invitation may be made within a period other than the two-month period referred to in Article 3(2) and, if so, what that period is,

(xiii) indicate whether the date to be offered for the consultations may be within a period other than the three-month period referred to in Article 3(2) and, if so, what that period is.

**Rule 10**  
**Content of the Reply**

The reply to the invitation to enter into consultations, referred to in Article 3(2), shall

(i) state the name of the State or the intergovernmental organization that is the sender of the reply,

(ii) identify the invitation in respect of which the reply is being sent,

(iii) state which of the facts and legal grounds in the invitation are admitted or denied, and on what basis,

(iv) state what other facts and legal grounds are relied upon,

(v) specify a date on which the sender of the reply proposes that the consultations commence,

(vi) indicate the place where the sender of the reply proposes that the consultations be carried out,

(vii) identify the authority in the State or the unit in the intergovernmental organization, as the case may be, which is competent, on behalf of the sender of the reply, to enter into the consultations,

(viii) designate the official or officials of that authority or that unit, as the case may be, who is or are authorized to carry out the consultations,

(ix) set forth the postal address and, if any, the telecopier number and telex number of the authority or unit to which written communications are to be sent.

**Rule 11**  
**Channel and Mode of Communication**  
**of the Invitation and of the Reply**

(1) The invitation to enter into consultations, referred to in Article 3(1), and the reply to that invitation, referred to in Article 3(2), shall be

(i) addressed, in the case of a State party to the dispute, by or to the Minister for Foreign Affairs of that State and, in the case of an intergovernmental organization that is party to the dispute, by or to the executive head of that organization;

(ii) sent, through a postal or delivery service or electronically transmitted, to the addressee referred to in item (i), above; in respect of a reply to an invitation to enter into consultations, the reply shall be sent to the place indicated in that invitation; in respect of an invitation to enter into consultations, the invitation shall be sent to the place where, to the knowledge of the sender of the invitation, the addressee normally does its official business.

(2) The sender of the invitation to enter into consultations or of the reply to that invitation may send that invitation or that reply to the Director General for transmission to the addressee of that invitation or of that reply, as the case may be.

**Rule 12**  
**Place of the Consultations**

The consultations shall be carried out at the place proposed by the addressee to whom the invitation to

enter into consultations has been sent, unless the sender of that invitation objects to that place. In the event of such an objection, the consultations shall be carried out at such other place as may be agreed upon by the parties to the dispute. In the absence of such an agreement, the consultations shall be carried out at the headquarters of the Organization.

### **Rule 13** **Languages of the Consultations**

The consultations shall be carried out in the language or languages agreed upon by the parties to the dispute. In the absence of such an agreement, each party to the dispute may use the language it prefers, provided that it provides interpretation from that language into a language designated by the other party to the dispute, if the latter requests such interpretation. Any party to the dispute may provide interpretation into the language it prefers to use from the language used by the other party.

## PART E RULE CONCERNING ARTICLE 4 OF THE TREATY

### **Rule 14** **Good Offices, Conciliation or Mediation of the Director General**

(1) [*The Request*] The request for the good offices, conciliation or mediation of the Director General, referred to in Article 4(1)(b), shall

- (i) be addressed to the Director General,
- (ii) state the name of the State making the request,
- (iii) state the name of the other party to the dispute,
- (iv) state that the request is being made with a view to initiating the good offices, conciliation or mediation of the Director General pursuant to Article 4(1)(b) of the Treaty,
- (v) contain an allegation that an obligation relating to a matter of intellectual property exists and that the other party to the dispute denies the existence of that obligation or that it has breached that obligation,

(vi) indicate the source of the obligation by referring either to the provision or provisions of the source treaty, if any, or to a generally recognized principle of law concerning or applicable to intellectual property that is the basis of the obligation,

(vii) describe the matter or matters of intellectual property in respect of which the obligation relates,

(viii) specify the facts that demonstrate the denial or the breach of the obligation,

(ix) state any other legal grounds in support of the alleged existence or breach of the obligation,

(x) identify the authority in the State making the request which is competent to take part in the procedure of good offices, conciliation or mediation.

(xi) designate the official or officials of that authority who is or are authorized to be contacted in the course of that procedure,

(xii) set forth the postal address and, if any, the telecopier number and telex number of the authority to which written communications are to be sent.

(2) [*Transmittal of Copy of the Request to the Other Party to the Dispute*] The Director General shall send to the other party to the dispute a copy of the request referred to in paragraph (1) and invite the said party to respond to that request.

(3) [*The Response*] The response of the other party to the dispute to the request referred to in paragraph (1) shall

(i) state the name of the State or intergovernmental organization that is the sender of the response,

(ii) identify the request in respect of which the response is being sent,

(iii) state which of the facts and legal grounds in the request are admitted or denied, and, on what basis,

(iv) state what other facts and legal grounds are relied upon,

(v) identify the authority in the State or the unit in the intergovernmental organization, as the case may be, which is competent, on behalf of the sender of the response, to take part in the procedure of good offices, conciliation or mediation,

(vi) designate the official or officials of that authority or that unit, as the case may be, who is or are authorized to be contacted in the course of that procedure,

(vii) set forth the postal address and, if any, the telecopier number and telex number of the authority or unit to which written communications are to be sent.

(4) [*Date, Place and Languages of the Procedure*] The date when, and the place where, as well as the language or languages in which, the procedure of good offices, conciliation or mediation is to be conducted shall be fixed by the Director General in agreement with the parties to the dispute.

## PART F RULES CONCERNING ARTICLE 5 OF THE TREATY

### **Rule 15** **Roster of Potential Members of Panels**

(1) [*Invitation to Nominate Persons*] At least two months before the first session of the Assembly, and,

thereafter, before each ordinary session of the Assembly, the Director General shall address a communication to the Contracting Parties inviting each Contracting Party to nominate for inclusion in the roster of potential members of panels, to be established by the Assembly, four persons, each of whom may be a national of that Contracting Party.

(2) [*Preparation and Submission of List*] (a) The Director General shall prepare a list in alphabetical order of all the persons thus nominated as well as twelve persons nominated by him. The list shall be accompanied by a brief description of each person, indicating his nationality, education, service in government, position in industry or status in a profession and expertise in a given branch of intellectual property.

(b) The Director General shall submit the list and the information on each person to the Assembly.

(3) [*Establishment of Roster*] The Assembly, at its first session, and, similarly, at each ordinary session, shall, on the basis of the list submitted to it, establish the roster of potential members of panels. In establishing that roster, the Assembly may delete from the list submitted to it the name of any person appearing thereon.

### **Rule 16** **Number of Persons from Developing Countries as Members of Panel**

Pursuant to Article 5(5)(b), the Director General shall designate as members of the panel the following number of persons from developing countries:

(i) one, in the event that the designation of one member of the panel, or

(ii) two, in the event that the designation of at least two members of the panel,

has not been agreed to or has not taken place in accordance with Article 5(5)(a).

### **Rule 17** **Summary of the Dispute**

(1) The summary of the dispute, referred to in Article 5(2)(b)(iii) shall

(i) state the name of the State or intergovernmental organization that has drawn up the request for a procedure before a panel and the name of the other party to the dispute,

(ii) set forth the obligation alleged to exist or alleged to be breached that has given rise to the dispute,

(iii) indicate the source of the obligation by referring to the provision or provisions of the source

treaty, if any, or a generally recognized principle of law concerning or applicable to intellectual property,

(iv) specify the facts on which the alleged denial or breach of the obligation is based.

(2) The summary of the dispute shall be drawn up in accordance with the format indicated in the Guidelines or, in the absence of Guidelines, as recommended by the International Bureau.

### **Rule 18** **Meetings of the Panel**

(1) The panel shall fix the date, time and place of its meetings.

(2) At its meetings, the panel shall, subject to these Rules, designate its chairman, determine the place, languages and procedure to be followed during its proceedings, prepare its draft report, consider the comments on that draft report, made by the parties to the dispute, and adopt its report.

(3) All meetings of the panel shall be in private.

### **Rule 19** **Place of Panel Proceedings**

The place of the proceedings before the panel shall be at the headquarters of the Organization, unless the panel determines, in view of all the circumstances of the matter, that another place is more appropriate.

### **Rule 20** **Languages in Panel Proceedings**

(1) Subject to any agreement of the parties to the dispute, and to paragraph (2), the panel shall promptly after its convocation determine the language or languages to be used in the proceedings. This determination shall apply to, and the language or languages may differ in respect of, written submissions, any other written statements and documents, the draft report of the panel, the comments of the parties to the dispute on that draft report, the report and, if oral hearings take place, the language or languages to be used in such hearings.

(2) The report of the panel referred to in Article 5(10)(a) shall be prepared by the International Bureau in the language or languages determined by the panel, unless the panel decides, in agreement with the parties to the dispute, that the report shall be prepared in another language or other languages but, in either case, if that language is, or those languages are, other than English or French, the International Bureau shall prepare a translation in English and in French.

### **Rule 21**

#### **Written Submissions, Comments, Statements and Documents in Panel Proceedings**

(1) The panel shall determine the periods of time within which each party to the dispute shall present its written submission and comments on the draft report and within which an intervening party shall present its written submissions.

(2) The panel shall decide which further written statement or statements, in addition to the written submissions, shall be required from any party to the dispute or any intervening party, or may be presented by such a party, and shall fix the period of time for communicating such statement or statements.

(3) The period of time fixed by the panel for any written submission or of any further written statement shall not exceed forty-five (45) days. However, the panel may extend the time limit on such terms as it may deem appropriate.

(4) All written submissions or any further statement or statements shall be accompanied by copies (or, if they are especially voluminous, lists) of all essential documents on which the party concerned relies and which have not previously been submitted by any party.

(5) As soon as practicable following the completion of the written submissions and any further written statement or statements, the panel may hold hearings and otherwise proceed pursuant to its authority under Article 5 and these Rules.

(6) If any party to the dispute or intervening party fails, within the period of time fixed by the panel, to present written submissions or any further written statement or statements, or, if at any point any party fails to avail itself of the opportunity to present its case in the manner directed by the panel, the panel may nevertheless proceed, conclude its proceedings, prepare its draft report, invite comments thereon, and adopt its report.

### **Rule 22**

#### **Hearings Before the Panel**

(1) The panel may decide to hold hearings for the presentation of oral argument by a party to the dispute or by an intervening party and, upon the initiative of the panel or at the request of a party to the dispute, for the presentation of evidence by witnesses, including expert witnesses.

(2) The panel shall fix the date, time and place of hearings before the panel and shall give the parties to the dispute and any intervening party reasonable notice thereof.

(3) The panel may in advance of hearings submit to any party to the dispute or to any intervening party a list of questions which the panel wishes that party to treat with special attention.

(4) All hearings before the panel shall be in private unless the panel decides otherwise.

(5) The panel may declare the hearings closed if no party to the dispute or any intervening party has any further written submissions to make or oral arguments to present or proof to offer.

(6) The panel may, upon its own initiative or at the request of any party to the dispute, but before the panel adopts its report, reopen the hearings.

### **Rule 23**

#### **Content of the Panel Report**

The report of the panel shall contain

- (i) the date on which it was drawn up,
- (ii) the names of the members of the panel and of its chairman,
- (iii) the names of the parties to the dispute,
- (iv) the names of the representatives of each of the parties to the dispute,
- (v) a summary of the proceedings,
- (vi) a finding of the facts,
- (vii) a statement of the arguments of each party to the dispute,
- (viii) the opinion of the panel, or the opinion of the majority of the panel and the views of the other member or members of the panel, as to whether an obligation relating to a matter or to matters of intellectual property exists and whether the facts found disclose a breach of that obligation by the party to the dispute concerned,
- (ix) the reasons on which the opinion is based,
- (x) the recommendations of the panel.

### **PART G**

#### **RULE CONCERNING ARTICLE 6 OF THE TREATY**

### **Rule 24**

#### **Reports to the Assembly**

The report or reports on the implementation of the recommendation or recommendations of the panel, referred to in Article 6, shall be submitted by each party to the dispute in such form and manner as indicated in the Guidelines or as decided by the Assembly after its exchange of views on the report of the panel has taken place in accordance with Article 5(10)(d).

PART H  
RULES CONCERNING ARTICLE 7 OF THE TREATY

**Rule 25**  
**Request for an Arbitration Tribunal**

(1) [*The Request*] The request for the establishment of an arbitration tribunal, referred to in Article 7(2)(i), shall

(i) refer to the agreement between the parties to the dispute to settle their dispute by arbitration,

(ii) set forth the obligation the alleged existence or breach of which has given rise to the dispute,

(iii) state the facts and legal grounds on which the allegation of the existence or breach of the obligation is based,

(iv) state any other legal grounds in support of the alleged existence or breach of the obligation,

(v) indicate the name of the arbitrator appointed by the party requesting the establishment of the arbitration tribunal and propose the name of the third arbitrator to be appointed by agreement of the parties to the dispute,

(vi) ask the other party to the dispute to proceed with the establishment of the arbitration tribunal,

(vii) identify the authority in the State or the unit in the intergovernmental organization which is competent to take part in the arbitration procedure,

(viii) designate the official or officials of that authority or that unit who is or are authorized to be contacted in respect of that procedure,

(ix) set forth the postal address and, if any, the telecopier number and telex number of the authority or that unit to which written communications are to be sent.

(2) [*The Reply to the Request*] (a) The reply of the other party to the dispute shall

(i) state which of the facts and legal grounds in the request are admitted or denied, and, on what basis,

(ii) state what other facts and legal grounds are relied upon,

(iii) indicate the name of the arbitrator appointed by that party and indicate whether it agrees to the third arbitrator proposed by the other party or propose the name of the third arbitrator to be appointed by agreement of the parties to the dispute.

(b) The reply shall contain also the information indicated in items (vi), (vii) and (viii) of paragraph (1).

(3) [*Channel and Mode of Communication of the Request and the Reply*] (a) When sending the request for the establishment of an arbitration tribunal to the other party to the dispute, the sender shall also transmit a copy of the request to the Director General.

(b) Rule 11 shall apply, *mutatis mutandis*, to the request for the establishment of an arbitration tribunal and to the reply to that request.

**Rule 26**  
**Roster of Potential Arbitrators**

Rule 15 shall apply, *mutatis mutandis*, to the invitation to nominate persons for inclusion in the roster of potential arbitrators, the preparation of the list of persons thus nominated and its submission to the Assembly, as well as to the establishment by the Assembly of the roster of potential arbitrators.

**Rule 27**  
**Composition of the Arbitration Tribunal**

(1) [*Arbitrators appointed by the Director General*] When requested by a party to the dispute, the Director General shall appoint the arbitrator or arbitrators, in consultation with the parties, from among the persons on the roster of potential arbitrators referred to in Rule 26.

(2) [*Presiding Arbitrator*] The third arbitrator, appointed by agreement of the parties or, in the absence of such agreement, by the Director General, shall be the presiding arbitrator.

**Rule 28**  
**Time and Place of Arbitration Proceedings**

Except if the parties to the dispute agree otherwise, the arbitration proceedings shall

(i) commence at such time as the presiding arbitrator shall decide,

(ii) take place at the headquarters of the Organization or, in view of the circumstances, elsewhere if the arbitration tribunal so decides.

**Rule 29**  
**Languages in Arbitration Proceedings**

Subject to any agreement of the parties to the dispute, the arbitration tribunal shall promptly after its convocation determine the language or languages to be used in its proceedings. This determination shall apply to, and the language or languages may differ in respect of, written submissions of arguments, and any other written statements or documents, the award of the arbitration tribunal and, if oral hearings take place, to those hearings.

**Rule 30**  
**Conduct of Arbitration Proceedings**

(1) [*Procedure before the Tribunal*] Unless the parties to the dispute agree otherwise, the arbitration tribunal shall determine its procedure, assuring to each party a full opportunity to be heard and to present its case. In particular, the arbitration tribunal shall determine

(i) the periods of time within which each of the parties to the dispute shall submit its written arguments and rebuttals,

(ii) whether further written statements, documents or other information should be submitted by any of the parties and, if so, fix the period of time for communicating such statement or statements,

(iii) whether, in view of the circumstances, any period of time may be extended,

(iv) whether oral hearings shall take place and, if so, their date and place.

(2) [*Experts*] The arbitration tribunal may appoint one or more experts to report on specific issues determined by the arbitration tribunal.

(3) [*The Award*] The award shall be made in writing and shall state the reasons upon which it is based.

(4) [*Transmission of the Award*] The arbitration tribunal shall transmit the award to the parties to the dispute.

**Rule 31**  
**Expenses of Arbitration Proceedings**

The expenses of the arbitration proceedings, including the remuneration of the members of the arbitration tribunal, shall be borne by the parties to

the dispute in equal shares unless the arbitration tribunal decides otherwise in view of the circumstances of the case.

PART I  
RULES CONCERNING ARTICLES 9  
TO 18 OF THE TREATY

**Rule 32**  
**Facilities of the International Bureau**

The International Bureau shall, at the request of any party to a dispute that is the subject of consultations, good offices, mediation or conciliation, or at the request of the panel before which a procedure has been requested, or at the request of the arbitration tribunal to which a dispute has been submitted, make available, or arrange for, such facilities for the conduct of the consultations, good offices, conciliation or mediation, or the procedure before the panel, or the arbitration proceedings, as may be required, including suitable accommodation therefor, and interpretation, clerical and secretarial services.

**Rule 33**  
**Requirement of Unanimity for**  
**Amending Certain Rules**  
**(ad Article 11(3))**

Amendment of the present Rule of these Regulations or of any Rule that specifies that it may be amended only by unanimous consent shall require that no Contracting Party having the right to vote in the Assembly vote against the proposed amendment.

MEETING OF NON-GOVERNMENTAL ORGANIZATIONS  
CONCERNING THE PATENT LAW TREATY (PLT)

(Geneva, February 9, 1995)

The above-mentioned Meeting was held at the headquarters of WIPO on February 9, 1995, on the initiative of the International Federation of Industrial Property Attorneys (FICPI). The Meeting was intended to provide non-governmental organizations that had participated in the first part of the Diplomatic Conference in 1991 with the opportunity to discuss their views regarding further preparations for the second part of the said Conference.

Eight non-governmental organizations were represented at the Meeting, namely, the Asian Patent Attorneys Association (APAA), the Institute of Professional Representatives Before the European Patent Office (EPI), the International Association for the Protection of Industrial Property (AIPPI), the International Chamber of Commerce (ICC), the International Federation of Industrial Property Attorneys (FICPI), the Japan Intellectual Property Associ-

ation (JIPA), the Japanese Patent Attorneys Association (JPAA) and the Union of Industrial and Employers' Confederations of Europe (UNICE).

The representatives of the non-governmental organizations which were present at the Meeting agreed to a common recommendation confirming their support for the PLT, and underlining the importance and need to continue the discussions and keep up the

momentum of this work. They considered that the basis for continued discussions on the PLT should be the basic proposal as it stood, without any further deletions, after the conclusion of the first part of the Diplomatic Conference held in The Hague in June 1991 and the decision of the Paris Union Assembly in September 1992 to recommend to the Diplomatic Conference the deletion of certain articles.

## Nice Union

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

Fifteenth Session  
(Geneva, March 6 to 10, 1995)

The following 13 States members were represented at the fifteenth session of the Working Group: Austria, Denmark, France, Germany, Japan, Netherlands, Norway, Portugal, Russian Federation, Spain, Sweden, United Kingdom, United States of America. The Benelux Trademark Office (BBM) was also represented. Brazil, Croatia, Latvia, Mexico,

Romania, Slovenia and South Africa were represented by observers.

The Working Group agreed to consider Switzerland as a member of the Working Group, in accordance with the desire expressed by that country during the session.

The Working Group agreed that some of the services covered by Class 42 of the Nice International Classification of Goods and Services for the Purposes of the Registration of Marks should be transferred to three new classes, which would follow Class 42. The Group approved the headings of the modified Class and the three new classes, which will be submitted to the Committee of Experts of the Nice Union for adoption.

## Registration Systems Administered by WIPO

### Madrid Union

#### Training and Promotion Meetings With Users of the Madrid System

*Germany.* In February 1995, two government officials had discussions with the Director General and

other WIPO officials in Geneva on different aspects of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol) and progress towards its entry into force. They also visited the International Trademark Registry.

## Hague Union

### Computerization Activities

*France/Benelux Designs Office (BBDM).* In February 1995, a WIPO official attended a meeting, held at the headquarters of the National Institute of

Industrial Property (INPI) in Paris, to explore possibilities for cooperation between WIPO, INPI and BBDM in the joint development of a CD-ROM prototype containing the bibliographic data of industrial design registrations.

## WIPO Arbitration Center

*Czech Republic.* In February 1995, Dr. Svetozar Hanák, President of the Arbitration Court of the Czech Republic, visited WIPO where he was given a briefing on the WIPO Arbitration Center.

*Institute of Intellectual Property of Japan (IIP).* In February 1995, a representative of IIP and three other persons were given a briefing on the WIPO Arbitration Center by WIPO officials in Geneva. The

possible promotion of the services of the Center in Japan and the organization of information meetings in this respect were also discussed.

*Pharmaceutical Manufacturers and Research Association (PhRMA) (Washington, D.C.).* In February 1995, a representative of PhRMA visited WIPO to gather information on the services of the WIPO Arbitration Center.



## Activities of WIPO Specially Designed for Developing Countries

### Africa

#### Training Courses, Seminars and Meetings

*WIPO/CFC Regional Colloquium on the Collective Administration of the Rights of Authors, Composers and Performers in the French-Speaking Countries of Africa (Cameroon).* From February 20 to 24, 1995, WIPO organized the said Colloquium in Yaoundé jointly with the Government of Cameroon, in cooperation with the Conseil francophone de la chanson (CFC) and with the assistance of the Société civile pour l'administration des droits des artistes musiciens et interprètes (ADAMI) and the Agency for Cultural and Technical Cooperation (ACCT). The Colloquium was attended by 23 government officials and representatives of artists' associations from Benin, Burkina Faso, Burundi, the Central African Republic, Chad, the Congo, Côte d'Ivoire, Gabon, Guinea, Mali, Mauritania, Morocco, Niger, Senegal, Togo and Zaire. In addition, 150 local participants from both the public and private sectors attended. Presentations were made by a WIPO consultant from Switzerland and experts from Burkina Faso, Cameroon, Côte d'Ivoire, Guinea and Mali, representatives of the International Confederation of Societies of Authors and Composers (CISAC), CFC and ADAMI and two WIPO officials. Another WIPO official was also present.

*Mali.* In February 1995, a WIPO official participated as a speaker in the National Seminar on Research, Invention and Innovation, held in Bamako under the auspices of the Ministry of Industry, Handicraft and Tourism. This Seminar was attended by some 50 participants from the government and private sectors as well as by individual inventors.

#### Assistance With Training, Legislation and Modernization of Administration

*Cameroon.* In February 1995, Mr. Pierre Eloundou-Mani, Minister for Industrial and Commercial Development, and another government official held discussions with the Director General in Geneva on future cooperation between Cameroon and WIPO.

*Ethiopia.* In February 1995, the International Bureau prepared and sent to the government authori-

ties, at their request, a note on the advantages for Ethiopia of acceding to the WIPO Convention.

*Ghana.* In February 1995, a professor from the University of Ghana had discussions in Geneva with two WIPO officials on issues relating to the granting of patents.

*Mali.* In February 1995, a WIPO official held discussions with government officials and inventors in Bamako on cooperation between Mali and WIPO and the promotion of inventive activity.

*Mauritania.* In February 1995, a WIPO official visited Nouakchott and reviewed with government officials cooperation between Mauritania and WIPO, and, in particular, the needs of the Directorate of Industry in the field of patent information, documentation and training. The possible organization of a national seminar on industrial property was also discussed.

*Namibia.* In February 1995, a WIPO official undertook a mission to Windhoek to renew contacts with government officials and to discuss further cooperation between Namibia and WIPO, including Namibia's accession to the Paris Convention for the Protection of Industrial Property and the modernization of the country's legislation in the field of industrial property. He also visited the Registry of Companies, Trade Marks, Patents and Designs to further examine the needs of the Registry, in particular in the field of trademarks, and held discussions with United Nations Development Programme (UNDP) officials regarding a possible UNDP-financed country project.

*Organization of African Unity (OAU).* In February 1995, Mr. Mohamed Ennaceur, Ambassador, Permanent Representative of Tunisia and Chairman of the African Group in Geneva, held discussions with the Director General and other WIPO officials in Geneva on general assistance from WIPO to African countries, especially in connection with their obligations under the Agreement on the Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement).

## Arab Countries

### Training Courses, Seminars and Meetings

*Organization of the Islamic Conference (OIC).* In February 1995, a WIPO official made a presentation at the Technical Cooperation Meeting of Patent Authorities in the Arab Member States of the Organization of the Islamic Conference which took place in Cairo. The Meeting was organized by the Islamic Foundation for Science, Technology and Development (IFSTAD) and the Islamic Development Bank (IDB) in cooperation with the Academy of Scientific Research and Technology (ASRT) of Egypt and was

attended by 56 government officials from Arab countries. It adopted several recommendations including, *inter alia*, a call to all Arab governments which had not yet done so to become members of WIPO and to accede to treaties administered by WIPO, a request to WIPO to conduct a study on the present situation of the protection of industrial property rights in the Arab region and to make recommendations on the necessary measures to be adopted with a view to improving that situation, and a request to the Arab regional organizations to strengthen their cooperation with WIPO.

## Asia and the Pacific

### Training Courses, Seminars and Meetings

*WIPO Regional Training at the Japanese Patent Office (JPO).* In February 1995, WIPO and the JPO jointly organized training in various areas of industrial property at the JPO in Tokyo. Nineteen government officials from China, Indonesia, Malaysia, Mongolia, the Philippines, Thailand and Viet Nam attended; their participation was covered by funds made available to WIPO by the Government of Japan under a funds-in-trust arrangement.

*WIPO National Seminar on the Patent Cooperation Treaty (PCT) (Singapore).* On February 16 and 17, 1995, WIPO organized that Seminar in Singapore, in cooperation with the Registry of Trade Marks and Patents. It was attended by some 150 participants, mostly legal practitioners but also government officials and representatives from industry and research centers. Two WIPO consultants from Australia and Germany and two WIPO officials presented papers.

*Singapore.* In February 1995, a WIPO official gave on-the-job training on the role of a PCT national receiving Office to officials of the Registry of Trade Marks and Patents.

### Assistance With Training, Legislation and Modernization of Administration

*India.* In February 1995, Mr. Inder Kumar Gujral, former Minister for External Affairs of India, called on the Director General in Geneva and discussed matters of mutual interest.

Also in February 1995, a WIPO consultant from the United Kingdom undertook a mission to the

Office of the Controller-General of Patents, Designs and Trade Marks in Bombay and to the office of the Patent Information System (PIS) in Nagpur, to advise on the steps to be taken to further improve the quality of the patent information services. That WIPO consultant was debriefed by WIPO officials afterwards in Geneva.

*Indonesia.* In February 1995, a WIPO official participated, in Jakarta, in a meeting of the European Communities-Association of South East Asian Nations (EC-ASEAN) Patents and Trademarks Program's National Program Advisory Committee, which considered and finalized the modernization plan for 1995.

Also in February 1995, two WIPO consultants from Japan undertook a mission to Jakarta to advise the Directorate General of Copyrights, Patents and Trademarks on patent examination in the fields of organic chemistry and electronics as well as on the PCT and certain computerized office procedures.

*Malaysia.* In February 1995, the International Bureau prepared and sent to the government authorities, at their request, comments on a proposal regarding the substantive examination of patent applications.

*Philippines.* In February 1995, the International Bureau prepared and sent to the government authorities, at their request, comments on a draft law on copyright and neighboring rights.

*Singapore.* In February 1995, a WIPO consultant from Australia undertook a mission to Singapore to assist the Registry of Trade Marks and Patents in implementing the new Patents Act.

*Thailand.* In February 1995, a WIPO official participated, in Bangkok, in a meeting of the EC-ASEAN Patents and Trademarks Program's National Program Advisory Committee, which considered and finalized the modernization plan for 1995.

Also in February 1995, two WIPO consultants from Japan undertook a mission to Bangkok to advise the Department of Intellectual Property on industrial design examination and mechanical engineering examination, respectively.

*Vanuatu.* In February 1995, Mr. Serge Vohor, Minister of Economic Affairs, accompanied by three government officials, held discussions with WIPO officials in Geneva on the advantages for Vanuatu of acceding to the WIPO Convention, the revision of the country's intellectual property legislation and other matters of mutual cooperation.

*Viet Nam.* In February 1995, a government official had discussions with WIPO officials in Geneva on the possible organization of a roving seminar on copyright and neighboring rights in Hanoi and Ho Chi Minh City in June 1995.

*Association of South East Asian Nations (ASEAN).* In February 1995, at the request of the Secretary General of ASEAN, a WIPO official visited the ASEAN Secretariat in Jakarta to advise on cooperation among ASEAN countries in the area of intellectual property, in particular, on the implications of intellectual property on the ASEAN Free Trade Agreement and the feasibility of establishing an ASEAN intellectual property training institute.

*European Commission (EC).* In February 1995, an official from the EC had discussions with WIPO officials in Geneva on present and future cooperation between WIPO and the Commission in the fields of industrial property and copyright in the Asian-Pacific region.

*United Kingdom.* In February 1995, a government official had discussions with WIPO officials in Geneva on cooperation between the United Kingdom Patent Office and WIPO for the benefit of countries in the Asian-Pacific region in 1995.

## Latin America and the Caribbean

### Assistance With Training, Legislation and Modernization of Administration

*Costa Rica.* From February to April 1995, a WIPO national consultant undertook computerization work in the Intellectual Property Registry in San José.

*Ecuador.* In February 1995, a WIPO consultant from Venezuela undertook a mission to Quito to participate in a meeting of the organizing committee in charge of the preparation of the WIPO/General Authors' Society of Spain (SGAE) Course and the XIth International Congress on Copyright and Neighboring Rights, to be held in Quito in November 1995.

*El Salvador.* In late February and early March 1995, a WIPO consultant from Chile undertook a mission to San Salvador to assist the Registry of Industrial, Artistic and Literary Property in the

further development of the already existing computerized system for patent and trademark operations.

*Honduras.* In February 1995, a WIPO consultant from Chile undertook a mission to Tegucigalpa to assist the Industrial Property Registry in the creation and development of an automated system for trademark operations.

*Uruguay.* In February 1995, a government official undertook a study visit, organized by WIPO, to the Spanish Patent and Trademark Office in Madrid, the Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM) in Alicante, the French National Institute of Industrial Property (INPI) in Paris and to WIPO. In Geneva, he had discussions with the Director General and other WIPO officials on activities to be undertaken under the WIPO technical cooperation project for Uruguay in 1995, and on Uruguay's possible accession to the PCT.

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

### Regional Activities

*WIPO Seminar on the Industrial Property System and Use of Patent Information for Technological Development (Bulgaria).* On February 8 and 9, 1995, WIPO organized the said Seminar in Sofia, in cooperation with the Patent Office of the Republic of Bulgaria and with the financial assistance of the United Nations Development Programme (UNDP). The Seminar was attended by nine government officials from Belarus, Hungary, Romania and The former Yugoslav Republic of Macedonia, as well as some 30 government officials and 80 patent agents and managers of enterprises from Bulgaria. Presentations were made by two WIPO consultants from the United Kingdom and a WIPO official.

*United Nations Economic Commission for Europe (ECE).* In February 1995, a WIPO official attended an interagency meeting convened by the ECE in Geneva to review the economic trends in Central and Eastern European countries.

### National Activities

*Belarus.* In February 1995, a WIPO official visited the Belarus Patent Office in Minsk to advise

on the use of the CD-ROM workstations provided by WIPO under the Patent Cooperation Treaty (PCT) and Madrid (Madrid Agreement Concerning the International Registration of Marks) Unions.

*Bulgaria.* In February 1995, a WIPO official had discussions with government officials in Sofia on technical and financial requirements for the modernization of the Patent Library and the establishment of an ongoing program to increase awareness and use of the industrial property system. He also reviewed the progress of the UNDP-financed country project with UNDP officials.

*Georgia.* In February 1995, two government officials had discussions with WIPO officials in Geneva on future cooperation between Georgia and WIPO, and on a possible WIPO advisory mission to Georgia to assist in the drafting of legislation for the implementation of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement).

*Uzbekistan.* In February 1995, a WIPO official visited the State Patent Office in Tashkent to advise on the plan for printing facilities in the State Patent Office, particularly as regards the equipment needed.

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

### National Contacts

*Andorra.* In February 1995, an adviser to the Government on intellectual property affairs had discussions with WIPO officials in Geneva on Andorra's computerization plans for trademark operations and the country's possible accession to WIPO-administered treaties.

*Australia.* In February 1995, three government officials had discussions with the Director General and other WIPO officials in Geneva on questions of mutual interest.

*Austria.* In February 1995, a government official had discussions with WIPO officials in Geneva on questions relating to the protection of rights in audiovisual works.

*Switzerland.* In February 1995, the Director General participated as a panel member in a meeting of the "Place des Nations Planning Committee" which was held at the Public Works and Energy Department of the Government of the Republic and Canton of Geneva.

### United Nations

*Administrative Committee on Co-ordination (Organizational Committee)(ACC(OC)).* In February 1995, a WIPO official attended a meeting of the ACC(OC), held in Vienna.

*Administrative Committee on Co-ordination (ACC).* In February 1995, the Director General and two other WIPO officials attended the first regular session of the ACC in 1995, held in Vienna.

*Consultative Committee on Administrative Questions (Financial and Budgetary Questions (CCAQ)(FB)).* In February 1995, a WIPO official attended the 82nd session of the Committee, which took place in London.

*Information Systems Co-ordination Committee Task Force on Library Cooperation Standards and Management (ISCC(TF/LIB)).* In February 1995, two WIPO officials attended the first meeting of the ISCC(TF/LIB), which took place in Geneva.

### Intergovernmental Organizations

*Ad hoc WIPO Working Group on Cooperation Between WIPO and the World Trade Organization (WTO).* The ad hoc WIPO Working Group on Cooperation Between WIPO and WTO held its first meeting in Geneva on February 8, 1995. It had been convened by the Director General of WIPO on the basis of the decision of the General Assembly of WIPO of October 4, 1994.

The following 79 States were represented at the meeting: Algeria, Argentina, Armenia, Australia, Austria, Bangladesh, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Cameroon, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Czech Republic, Democratic People's Republic of Korea, Ecuador, Egypt, El Salvador, Finland, France, Germany, Ghana, Greece, Honduras, India, Indonesia, Iraq, Italy, Japan, Kenya, Libya, Liechtenstein, Madagascar, Malaysia, Malta, Mauritius, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, San Marino, Senegal, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sudan, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Tunisia, Turkey, United Kingdom, United Republic of Tanzania, United States of America, Uruguay, Venezuela, Viet Nam, Zimbabwe.

The following three intergovernmental organizations were represented at the meeting: European Communities (EC), Organization of African Unity (OAU), WTO.

After detailed discussions, the Working Group adopted the following conclusions:

"The Working Group invites the Director General of WIPO to submit to its next meeting suggestions on matters for possible cooperation between WIPO and WTO and concerning the question of the establishment of the ad hoc informal WIPO/WTO Consultation Group mentioned in the October 1994 decision of the General Assembly of WIPO.

It is understood that the establishment, if any, of the said Consultation Group can be decided only by the competent governing bodies of WIPO and WTO."

*General Agreement on Tariffs and Trade (GATT)/World Trade Organization (WTO).* In February 1995, WIPO was represented in an observer capacity by a WIPO official at the 50th session of the Contracting Parties of GATT 1947, held in Geneva.

*World Trade Organization (WTO).* In February 1995, a group of 24 government officials enrolled in a WTO Trade Policy Course visited WIPO and were briefed by WIPO officials on WIPO's activities and intellectual property in general.

*European Commission (EC).* In February 1995, a WIPO official attended a meeting at the United Kingdom Patent Office in Newport to discuss a proposed project for the electronic trading of industrial property information under the EC's so-called European Nervous System (ENS) or Telematics Applications program 1995-98.

*Office for Harmonization in the Internal Market (Trade Marks and Designs) (OHIM).* In February 1995, two WIPO officials attended a session of the Administrative Board of OHIM in Alicante (Spain) in which, *inter alia*, a possible technical cooperation agreement to be concluded between WIPO and OHIM was discussed.

Also in February 1995, two OHIM officials, accompanied by two consultants, had discussions with WIPO officials in Geneva on the exchange of electronic data between WIPO and its Member States under the Madrid Agreement Concerning the International Registration of Marks and the Madrid Protocol thereunder.

### Other Organizations

*American Intellectual Property Law Association (AIPLA).* In February 1995, two WIPO consultants from the United States of America attended the AIPLA Winter Meeting and a meeting of the AIPLA PCT Committee, both of which were held in Boca Raton (Florida).

*Association of International Librarians and Information Specialists (AILIS).* In February 1995, a WIPO official attended a meeting of the Executive Committee of AILIS which was held in Geneva.

*International Association for the Protection of Industrial Property (AIPPI).* In February 1995, the Secretary General and three other representatives of AIPPI had discussions with the Director General and other WIPO officials in Geneva on questions of mutual interest, in particular enforcement of industrial property rights, protection of trade secrets and biotechnological inventions, and the arbitrability of intellectual property disputes.

*International Confederation of Societies of Authors and Composers (CISAC) and Performing Rights Society (PRS).* In February 1995, CISAC and PRS officials, together with a government official from the United Kingdom, had discussions with the Director General and other WIPO officials in Geneva on questions of mutual interest.

*International Federation of Industrial Property Attorneys (FICPI).* In February 1995, a WIPO official made a presentation on the Trademark Law Treaty (TLT) and the Madrid Protocol at a meeting of the Executive Committee of FICPI, held in Pebble Beach (California). Afterwards, the same WIPO official attended a workshop and participated as a speaker in a seminar, both also organized by FICPI in Pebble Beach.

*Japan Patent Association (JPA)/Japanese Patent Attorneys Association (JPAA).* In February 1995, two representatives of JPA and JPAA had discussions with WIPO officials in Geneva on the Japanese Patent Law.

*University of Lund (Sweden).* In February 1995, a WIPO official briefed a visiting group of 25 international lawyers and students of that University on WIPO and its activities.

## Miscellaneous News

### Regional News

*Central American Countries.* The Protocol for Amendment of the Central American Agreement for the Protection of Industrial Property (Marks, Trade Names and Advertising Slogans or Signs) was signed by the plenipotentiaries of Costa Rica, El Salvador, Guatemala and Nicaragua on November 30, 1994.

*European Communities (EC).* Council Regulation (EC) No. 2100/94 of July 27, 1994, on Community Plant Variety Rights entered into force on September 1, 1994.

Council Regulation (EC) No. 3295/94 of December 22, 1994, Laying Down Measures to Prohibit the Release for Free Circulation, Export, Re-Export or Entry for a Suspensive Procedure of Counterfeit and Pirated Goods will enter into force on July 1, 1995.

### Bilateral News

*Brazil/Venezuela.* Agreement No. 27 on Economic Cooperation Between Brazil and Venezuela was signed in Montevideo on July 15, 1994.

*Hungary/United States of America.* The Agreement on Intellectual Property Between the Government of the Republic of Hungary and the Government of the United States of America, done at Washington, D.C., on September 24, 1993, entered into force on the same date.

*Japan/United States of America.* An Exchange of Letters Between the Government of the United States of America and the Government of Japan Relating to Common Measures in the Field of Patents was signed on August 16, 1994.

### National News

*Austria.* Federal Law No. 635, Concerning Supplementary Protection Certificates (Law on

Protection Certificates) of August 19, 1994, entered into force on the same date.

*France.* Decree No. 94-836 of September 27, 1994, Relating to the Holding of Counterfeit Goods by the Customs Administration entered into force on October 3, 1994.

Law No. 95-4 of January 3, 1995, Complementing the Intellectual Property Code and Relating to the Collective Administration of the Right of Reproduction by Reprography entered into force on January 4, 1995.

*Italy.* The Law on Patents for Inventions (Royal Decree No. 1127 of June 29, 1939), as last amended by Law No. 349 of October 19, 1991, was further amended by Decree of the President of the Republic No. 360 of April 18, 1994 (Regulations Concerning the Simplification of the Procedure for the Granting of Compulsory Licenses for the Non-Exclusive Use of a Patent for Invention). This Decree, which repeals Sections 54*quater* and 54*quinquies* of the Patent Law, entered into force on December 10, 1994.

*Peru.* Legislative Resolution No. 26375 of October 25, 1994, approving the Paris Convention for the Protection of Industrial Property, entered into force on October 28, 1994.

*Republic of Moldova.* Law No. 293-XIII of November 23, 1994, on Copyright and Neighboring Rights entered into force on March 2, 1995.

*Singapore.* The Patents Act (No. 21 of 1994) entered into force on February 23, 1995, except its Part XIX which will enter into force at a later date to be established.

*United Kingdom.* The Trade Marks and Service Marks (Amendment) Rules 1994 (No. 2549) entered into force on October 28, 1994.

The Trade Marks Rules 1994 (No. 2583 of 1994) entered into force on October 31, 1994.

## Calendar of Meetings

### WIPO Meetings

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

#### 1995

**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.



- October 18 to 20 (Naples, Italy)**      **WIPO World Forum on the Protection of Intellectual Property in the Information Society**  
 The World Forum—to be organized in cooperation with the Italian Government and to be held in the *Palazzo Reale* in Naples—will take place at a decisive stage in the preparation of new norms for the protection of copyright and neighboring rights, and the introduction of new techniques for the management of such rights, in response to the challenges of digital technology. It will mostly deal with the concrete, practical aspects of these norms and with the delicate questions arising from the conflicts between the transborder nature of global digital networks and the territoriality of copyright.  
*Invitations:* Governments, selected intergovernmental and non-governmental organizations and—against payment of a registration fee—any members of the public.
- November 6 to 10 (Geneva)**      **Committee of Experts on the Nice Union for the International Classification of Goods and Services for the Purposes of the Registration of Marks (Seventeenth Session)**  
 The Committee will examine and consider the proposals concerning the amendments or changes to the International Classification of Goods and Services for the Purposes of the Registration of Marks.  
*Invitations:* States members of the Nice Union and, as observers, States members of the Paris Union or of WIPO not members of the Nice Union, and certain organizations.
- November 13 to 16 (Geneva)**      **Committee of Experts on Well-known Marks**  
 The Committee will study questions concerning the application of Article *6bis* of the Paris Convention (e.g., whether that Article applies also where the well-known mark is not actually used in the country in which its protection is claimed) and the conditions, as well as scope of protection, in particular, in respect of famous or well-known marks, against dilution and/or undue exploitation of the goodwill acquired by such marks. Moreover, it will study the feasibility of setting up, under the aegis of WIPO, a voluntary international information network for the exchange of information among countries concerning marks that may be considered to be well known or famous.  
*Invitations:* States members of the Paris Union and, as observers, States members of WIPO not members of the Paris Union 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 intergovernmental 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 intergovernmental 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 intergovernmental organizations.

