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WIPO 1995

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REGIONAL LAWS**European Communities**

- Council Decision of 22 December 1994 on the Extension of the Legal Protection of Topographies of Semiconductor Products to Persons from a Member of the World Trade Organization (94/824/EC) Text 4-01

Summary History of the Patent Cooperation Treaty (1966 - 1995)

**by Arpad Bogsch
Director General
World Intellectual Property Organization (WIPO)**

This book, published in 1995, is intended to celebrate the 25th anniversary of the conclusion of the Patent Cooperation Treaty.¹

It does that by telling the history of the Treaty: how it came into existence in 1970 after four years (1966 - 1970) of gestation, how it became operational in 1978 after eight years (1970 - 1978) of preparations, and how it developed during the 17 years (1978 - 1995) of operations, until it became 25 years old in 1995.

Of all this, I shall attempt to give a bird's-eye view in the present introduction.

But before that, I shall briefly describe what the PCT is and what purpose it serves.

Description of the PCT System and its Usefulness

The Patent Cooperation Treaty is a multilateral treaty among States ("the Contracting States"). It has established what is known as the PCT system.

The PCT system is a system that is used by inventors and other prospective right holders in inventions who wish to obtain patents for several countries and wish to obtain those patents in a simpler and cheaper way than by filing separate applications in each of the patent offices which serve those countries.

The filing of such separate patent applications is avoided through the applicant's filing of an "international" or "PCT" application.

The formal requirements of any international application are stated in the PCT and in what are called the "PCT Regulations." The PCT (consisting of 69 "Articles") contains the fundamental provisions; the PCT Regulations (consisting of some 100 "Rules") regulate the details.

The principal formal requirements are that the international application contain a "request," a description of the invention, one or more claims defining the matter for which patent protection is sought, any necessary drawings and an abstract that

is a summary of a few lines of the description of the invention and of the claims. Furthermore, the international application must be in a prescribed language, must comply with the prescribed physical requirements (size of the paper on which the international application is written, etc.), must not cover more than one invention or one group of inventions so linked as to form a single general inventive concept (the so-called "unity of invention" requirement) and is subject to the payment of the prescribed fees.

The "request" is a petition to the effect that the international application be processed according to the PCT. In addition, it must contain the identification of the applicant (name, address, residence, nationality) and, in certain cases, also of the inventor (if he is not the applicant). Finally, the request must indicate the Contracting States in which the applicant wishes his international application to have effect. These are called "designated" States.

To be entitled to file an international application, the applicant (or, if there are several applicants, at least one of them) must be a resident or national of a Contracting State.

Where can one file an international application?

Either in the International Bureau of the World Intellectual Property Organization (WIPO) or with a patent office which is the national patent office of, or acts for, a Contracting State of which the applicant is a resident or national.

Patent offices "acting for" a Contracting State may be a national office (for example, the Swiss Federal Intellectual Property Office acting for Liechtenstein) or a regional office, namely, the European Patent Office (EPO) in Munich (Germany) and the Office of the African Regional Industrial Property Organization (ARIPO) in Harare (Zimbabwe).

The office with which any international application was (correctly) filed is called the "receiving Office."

What is the legal effect of an international application?

The effect, in each designated State, is the same as if a national patent application had been filed with the national patent office of that State. However, where a

¹ Excerpt from the book entitled *"The First Twenty-Five Years of the Patent Cooperation Treaty (PCT) 1970-1995."* WIPO publication No. 884(E).

designated State is a member of the European Patent Organisation, the applicant may—and in the case of Belgium, France, Greece, Ireland, Italy, Monaco and the Netherlands, must—opt for the effect of a European rather than a national patent application.

Similar situations may arise in the case of States members of the African Intellectual Property Organization (OAPI) and ARIPO.

Now, what does the receiving Office do with the international application it received?

It checks it for compliance with the formal requirements and sends a copy (the “record copy”) to the International Bureau of WIPO and a copy (the “search copy”) to the competent International Searching Authority, and it keeps one copy (the “home copy”). The receiving Office also collects the fees and, with the exception of that part which belongs to it, transmits them to the International Bureau and the International Searching Authority.

International Searching Authorities do not exist under this name. They are certain patent offices that, when they make international searches, are called by that name. In 1995, such patent offices were the Patent Offices of Australia, Austria, China, Japan, the Russian Federation, Spain, Sweden and the United States of America and the European Patent Office. In other words, there were nine International Searching Authorities for some 80 Contracting States.

Perhaps I should have stated first that every international application is subjected, by the competent International Searching Authority, to what is called an “international search,” whose result is a report called the “international search report.” That report consists in the identification (“citation”) of those documents that the International Searching Authority considers to be relevant in respect of the patentability of the claimed invention. Most of the citations refer to patents and published patent applications of the countries issuing the most patents and some refer to published scientific articles and the like. A search report rarely contains no citations; some contain dozens; the average may be around five.

Which International Searching Authority is competent for any given international application?

This depends on arrangements among the International Bureau, the receiving Office and any such Authority. In many cases, the applicant might choose between two or more. The most used International Searching Authorities are the European Patent Office, the United States Patent and Trademark Office and the Japanese Patent Office which together, in 1994, prepared 92% of all international search reports.

What purpose does the international search report serve?

Its main importance is for the applicant. If it contains citations which seem to seriously imperil the patentability of his invention, he will normally with-

draw or abandon his application because pursuing further would mean significant additional cost to him without much hope of receiving patent protection. Otherwise, the applicant will normally further pursue his application and, if he does, the international search report will be important also for his competitors (who will have access to it since the report is published together with the application) and for those designated Offices that carry out substantive patentability examinations (since citations, or their absence, generally are of great relevance for such an examination).

As already signalled, if the international application is not withdrawn, it is, together with the international search report, published by the International Bureau and communicated to each designated Office, that is, the offices of, or acting for, the Contracting States designated in the international application.

The publication is done on paper (in pamphlets), with an average of 35 pages each, and on CD-ROM. Both are available to the public. Each designated Office may choose paper copies or CD-ROMs. In 1994, the number of international applications published was 30,003.

If, after having studied the international search report, the applicant decides to continue with the international application with a view to obtaining national or regional patents, he can wait until the end of the 20th month after the filing of the international application or, where that application claims the priority of an earlier application, until the end of the 20th month after the filing of that earlier application, before commencing the national procedure before each designated Office by furnishing a translation (where necessary) of the application into the official language of that Office and paying to it the usual fees. This 20-month period is extended by a further 10 months where the applicant chooses to ask for an “international preliminary examination report,” a report that is prepared by one of the major patent offices and gives a preliminary and non-binding opinion on the patentability of the claimed invention. The applicant is entitled to amend the international application during the international preliminary examination.

The procedure under the PCT has great advantages for the applicant and the patent offices.

Here is a very brief summary of those advantages.

Depending on whether or not he asks for a preliminary examination report, the applicant has at least 18 or eight months more than he has in a procedure outside the PCT to reflect on the desirability of seeking protection in foreign countries, for appointing local patent agents in each foreign country, for preparing the necessary translations and for paying the national fees. Furthermore, he is assured that, if his international application is in the form prescribed by the PCT, it cannot be rejected on formal grounds by any designated Office during the nation-

al phase of the processing of the application. Also, on the basis of the international search report, he can evaluate with reasonable probability the chances of his invention being patented; on the basis of the international preliminary examination report, that probability is even stronger. Finally, the applicant has the possibility during the international preliminary examination of amending the international application to put it in order before processing by the designated Offices.

As far as patent offices are concerned, the main advantage of the PCT is that their search and examination work is considerably reduced or virtually eliminated thanks to the international search report and, where applicable, the international preliminary examination report that accompany the international application that designates them.

The Origins of the PCT (1966 - 1970)

Having briefly described the PCT and its usefulness, I shall recount its origins.

They reach back to the mid-1960s. In those years, national patent offices were particularly worried about the rapidly increasing number of patent applications they had to deal with. The numbers were so high that examination backlogs grew alarmingly and pendencies were so long that by the time a decision was made by the patent office on whether or not to grant a patent, the applicant's economic interest in his invention may have faded. The whole patent system was in crisis.

Also, very long pendencies kept the public, particularly potential competitors, in the dark since during such pendency the applications were kept secret (e.g., in the United States of America) or, even if published, they were published without data which may have helped competitors in formulating opinions on the claimed invention's chances of obtaining patent protection.

Thus, those who advocated a system that became the PCT system thought that the interest of the public would, to a great extent, be served if the application were made public within a relatively short period of time after filing and if it were accompanied by a report which, without being conclusive, went far in allowing the assessment of the application's failure or success in obtaining a patent. The PCT achieved that, as I have already indicated above.

Another and at least equally important complaint in the 1960s was that when an invention sought protection in several countries, the applicant had to file several applications, with the patent offices effecting the same examination work. In other words, the same work was repeated several times, and no patent office had access to the work of the other patent offices.

A complete solution to this problem existed then, and continues to exist today, only in theory. It would consist of creating a patent valid in all countries. Although partial solutions have been found in the meantime, a complete solution was not possible then and, I believe, will not be possible in the foreseeable future. For two main reasons. One is that countries want patents valid in their territories to be in their own language. The other is that—subject to certain exceptions—a country usually does not trust the judgment on patentability of a patent office other than its own. This lack of trust is also partly connected with the problem created by the multiplicity of languages, since the examiners of—say—the German Patent Office are less likely to understand already granted patents (to be searched) in the Japanese language than those in the German language, and vice versa. I said that there were exceptions to this lack of confidence in the work of another office. The most outstanding example so far is the European Patent Office, which grants patents valid in many countries. But there, too, the other—the language—question remains since a European patent granted in one language must be translated (generally, within three months from the mention of the decision to grant a patent in the *EPO Bulletin*) into that country's language, failing which, the patent shall be deemed to be void *ab initio* in that country.

The creators of the PCT knew that they would not be able to completely solve those problems. But they tried—and, I believe, succeeded—in reducing the practical burdens caused by repetitive searches and examinations, and the multiplicity of the required translations. The first was solved—partially, I repeat—through the introduction of search reports and preliminary examination reports. Rules were established as to what patent documents—from which countries and for which periods—and what non-patent literature (scientific articles, etc.) must be taken into consideration by all International Searching and Preliminary Examining Authorities in respect of all and any international application. These documents—they total many millions and currently grow every year by at least a million—constitute the “PCT minimum documentation.” Each Authority must have at least 100 examiners. These requirements are steps towards arriving at comparable search and examination results.

The difficulties caused by the multiplicity of languages were also, if not solved, at least very substantially reduced by the creators of the PCT. This was done by providing that the international application is to be filed in one language and in most cases it is to be internationally searched, preliminarily examined and published in that same language. Thus, the international application has the effect of a national or regional application, in many countries having different languages, without any translation. Translations are necessary only 20 or 30 months af-

ter the priority date when the international application enters into what is called the "national phase."

As can be seen, the creators of the PCT system were satisfied with a compromise: a midway between a single procedure for the whole world (a utopia) and as many procedures as there are countries (the situation in 1970).

I am convinced that the compromise was indispensable for the success of the PCT. It is, indeed, the explanation of its success.

In the second half of the 1960s (when the plans for a PCT were under discussion) and in 1970 (when the PCT was adopted and signed), this compromise was the maximum of simplification that could be agreed upon. It still seems to be the maximum 25 years later. But I do not believe that it will remain the maximum also in the 21st century. On the contrary, I believe that further streamlining the procedures and a higher degree of relying on the results of the international search and examination can and will be realized. They should remain on the agenda of WIPO and should be vigorously pursued by the governments and the patent offices as well as by the International Bureau of WIPO.

The consultations that led to the conclusion of the PCT lasted a little less than four years and took place under the aegis of BIRPI ("Bureaux internationaux réunis pour la protection de la propriété intellectuelle") in Geneva. BIRPI was the predecessor of WIPO. It was headed then by Georg H.C. Bodenhausen. The author of these lines was his first deputy. WIPO started functioning five months after the conclusion of the diplomatic conference which adopted the PCT.

The success of the negotiations leading to the said diplomatic conference was due to several factors. One of the most important ones was the interest of the United States of America, then by far the leading country in the field of technology and patenting. The Patent Office of the United States supported the scheme, and I like to believe that the decisive step towards the solution was found in a conversation between the then Commissioner of Patents, Edward J. Brenner, and myself in the former's office, in the building of the United States Department of Commerce, near the White House, in Washington. The two of us stood before a blackboard on which we chalked the diagram of the proposed system on June 8, 1966. Not only the Government but also the interested private sectors in the United States of America were in favor of the plan, and the Government of the United States of America could not have given better evidence of its interest than by hosting the diplomatic conference, in Washington, for the adoption of the PCT.

Europe was also in favor of the scheme. The overburdening of the national patent offices was a real and great problem at that time. To solve it, work was necessary for concluding what has become the European Patent Convention. However, in the late

1960s, the scheme for creating the European Patent Convention was at a virtual standstill, and the PCT played a role in putting the scheme again into motion.

The Governments of Japan, the Soviet Union and a number of other countries important in the field of the protection of inventions, all exasperated by the lack of international simplifications, also backed the efforts.

Another reason for the success of the negotiations was that BIRPI invited to those negotiations not only all the potentially interested governments but also the interested professional, private organizations.

The first official statement made by a BIRPI body was made on September 29, 1966, by the Executive Committee of the Paris Union. It reads as follows:

"The Executive Committee of the International (Paris) Union for the Protection of Industrial Property,"

"Having noted:

that all countries issuing patents, and particularly the countries having a preliminary novelty examination system, have to deal with very substantial and constantly growing volumes of applications of increasing complexity,

that in any one country a considerable number of applications duplicate or substantially duplicate applications concerning the same inventions in other countries thereby increasing further the same volume of applications to be processed, and

that a resolution of the difficulties attendant upon duplications in filings and examination would result in more economical, quicker, and more effective protection for inventions throughout the world thus benefiting inventors, the general public and Governments,"

"Recommends:

that the Director of BIRPI undertake urgently a study on solutions tending to reduce the duplication of effort both for applicants and national patent offices in consultation with outside experts to be invited by him and giving due regard to the efforts of other international organizations and groups of States to solve similar problems, with a view to making specific recommendations for further action, including the conclusion of special agreements within the framework of the Paris Union."

The first substantive meeting organized by BIRPI met in February 1967 for three days. Only six States—France, Germany (the part which was then called "West Germany"), Japan, the Soviet Union, the United Kingdom and the United States of America—and the International Patent Institute (in The Hague) were invited and participated. The meeting already had before it the draft of a treaty (which was not yet called the PCT). The draft was prepared by the International Bureau—mostly personally by me—as were all the subsequent revisions of the draft, the draft regulations and the hundreds of pages of explanations.

I have just mentioned the International Patent Institute. A word of explanation concerning it may be interesting. That Institute was an inter-governmental organization formed by a few Western European countries, under the leadership of

France. It made patent searches for its member States. Its ambition was to become *the*—that is, the one and only—instance to carry out the searching and examination of all the proposed international applications. At the time of the preparations for the PCT, the International Patent Institute was already intended to be eventually merged into the, then merely planned, European Patent Office. (This happened in 1978.) The planners of the European Patent Convention wished the European Patent Organisation to have the same ambition. Throughout the preparation of the PCT, they advocated that the PCT system should have only one searching and preliminary examining authority, namely the International Patent Institute and, once established, the European Patent Office. In the end, the multiplicity of authorities was admitted only reluctantly by the countries planning the European Patent Convention and this reluctance is reflected by the text of the PCT itself. Its Article 16(2) says “*if, pending the establishment of a single International Searching Authority, there are several International Searching Authorities...*” [emphasis added]. Thus the hope—but nothing more—for a single Authority was officially recognized.

After this excursion, I revert to the meetings organized by BIRPI for working on a draft treaty. The first such meeting, as already indicated, took place in February 1967. It was called “BIRPI Meeting of Consultants on International Cooperation in the Granting of Protection of Inventions.” It did not contain the word “patent.” It was a politically cautious title, since there was a country—the Soviet Union—in which inventions were mainly protected by “inventors’ certificates,” rather than patents. This Meeting of Consultants was followed by 10 others during the period from January 1968 to June 1969. The speed of the operation—10 meetings in less than 18 months—was tremendous. No treaty, before or since the PCT, was prepared in such a short time. As from its second session, the title of the Meeting of Consultants included the word “patent” and the name of the PCT. It was called “BIRPI Meeting of Consultants on a Plan for a Patent Cooperation Treaty (PCT).” There were some additional preparatory meetings: two of them were called “Committees of Experts,” three others had other names.

Among the 23 preparatory meetings, the so-called “Meetings of Consultants” were particularly important. There were 11 of the latter kind. In five of them, only governments and the International Patent Institute participated. The five core governments were those of France, Germany, Japan, the United Kingdom and the United States of America. I wish to mention here the names of some of their delegates. If one can point to individuals whose role was decisive, they included in particular François Savignon and Pierre Fressonnet (France), Albrecht Krieger, Kurt Haertel and Romuald Singer (Germa-

ny), Bunroku Yoshino (Japan), Yevgeny Artemiev (Soviet Union), Edward Armitage, Ivor Davis, Gordon Grant and Alec Sugden (United Kingdom), Donald Banner, Edward Brenner, George Clark, Dieter Hoinkes, William E. Schuyler, Jr. and Harvey J. Winter (United States of America), and Guillaume Finniss (a Frenchman leading the International Patent Institute).

It is interesting to note that two of the usual delegates in the early meetings became staff members of BIRPI before the Diplomatic Conference, namely, Klaus Pfanner (Germany) and Joseph Voyame (Switzerland), both of whom used their talent in the preparations of the PCT.

The other six consultative meetings were attended by the representatives of four to eight international non-governmental organizations. There, too, I shall name a few among them who helped to create the PCT: Heinz Bardehle and Alberto Elzaburu (International Federation of Industrial Property Attorneys (FICPI)), Stephen P. Ladas (International Association for the Protection of Industrial Property (AIPPI)), Martin van Dam (Council of European Industrial Federations (CEIF)), François P. Panel (European Industrial Research Management Association (EIRMA)), Daniel A. Was (International Chamber of Commerce (ICC)), Takashi Aoki (Japan Patent Association (JPA)).

These meetings led to the Diplomatic Conference which took place from May 25 to June 19, 1970, in Washington. It consisted of 55 voting government delegations (with 199 delegates), 23 non-voting (observer) government delegations (with 32 representatives), 11 intergovernmental organizations and 11 international non-governmental organizations (with 19 and 35 representatives, respectively).

The meetings took place in the building of the Department of State (the ministry of external affairs) of the United States of America in Washington. The Conference and one of its two main Committees were chaired by two Americans: Eugene M. Braderman and William E. Schuyler, Jr., respectively. The other main Committee was chaired by Bob van Benthem (Netherlands), who later became the President of the European Patent Office. There were three Drafting Committees, chaired by Yevgeny Artemiev (Soviet Union), Edward Armitage (United Kingdom) and Jean Balmary (France), respectively. The International Bureau was represented by Georg H.C. Bodenhäusen, its Director. I was the Secretary of the Conference. (I was then First Deputy Director of BIRPI.) Joseph Voyame and Klaus Pfanner, both from BIRPI, were the Secretaries of the two main Committees.

In the end, the PCT was unanimously adopted by the Diplomatic Conference. It was signed on the spot by 20 countries. Fifteen further countries had signed it by the end of 1970.

The Preparations for the PCT Becoming Operational (1970 - 1978)

Once adopted, the PCT existed. But it existed only on paper.

It took eight years before it came into force and before operations started, with the filing of the first international application on June 1, 1978.

What happened during those eight years?

Preparations were made for the operations under the PCT system. Such preparations were made by governments proposing modifications in their patent laws and asking their countries' legislative bodies to ratify or accede to the PCT. They were made by national or regional patent offices to make it possible for them to receive the filing of international applications (that is, to act as receiving Offices) and to grant or refuse the grant of patents on the basis of international applications (where they were "designated" or "elected"). Preparations were also made by certain national patent offices and the European Patent Office to act as International Searching or Preliminary Examining Authorities. And, last but not least, they were made by the International Bureau of WIPO (until 1973, BIRPI) to organize the work of everyone involved in the use of the PCT system, including in particular the tasks specifically entrusted to the International Bureau by the PCT.

This preparatory work was gigantic. It lasted eight years, that is, twice as long as the gestation period of the diplomatic conference. For the International Bureau, it meant the holding of 36 formal international meetings, that is, an average of one meeting every three months. The International Bureau prepared each meeting by making written proposals. The documents containing and explaining such proposals amounted, in one language, to some 3,000 pages.

The Diplomatic Conference recommended that the International Bureau set up three "Interim"—that is, between the Diplomatic Conference and the start of the operations of the PCT system—Committees: one for Technical Assistance (for developing countries), one for Technical Cooperation (mainly among the prospective International Searching and Preliminary Examining Authorities) and one for Administrative Questions (concerning the International Bureau and the patent offices of prospective member States of the PCT system, as well as the International Patent Institute or its then prospective successor, the European Patent Office). Each of these Interim Committees met for five days approximately once a year. This meant some 110 meeting days. Some subgroups were established to study special questions, in particular financial questions, forms and publications. Their meetings meant some additional 45 meeting days.

These meetings, like almost all other WIPO-organized meetings, were open to and attended by representatives of both the interested governments and the interested intergovernmental and non-governmental organizations. Thus, not only those public authorities

contributed to the finding of solutions to the problems which were expected in the administration of the PCT system but also those private or professional organizations whose members could best measure what was in the interests of inventors and industry.

Many hundreds of individuals were involved in those meetings. Among them, I shall name the chairmen of some of the more important meetings.

Alvaro G. de Alencar (Brazil) and Fawzi El Ibrashi (Egypt) come to my mind in the work concerning developing countries. One should recall, among the chairmen of the other Interim Committees, Göran Borggård (Sweden), Jean-Louis Cornte (Switzerland), Jacob Dekker (Netherlands), Heribert Mast (Germany), Kotaro Otani (Japan), Stojan Pretnar (Yugoslavia) and Erik Tuxen (Denmark).

Thanks to them and the other participants, the prospects for a smooth start to the PCT operations seemed to be assured. Facts proved that this was, indeed, the case.

As far as the International Bureau is concerned, it was during this period—more precisely, in 1973—that Georg H.C. Bodenhausen retired. His influence was very important for the acceptance of the idea of the PCT system by the interested private circles. Before becoming an international civil servant (in 1963), Bodenhausen was an attorney-at-law in The Hague in private practice and his speciality was intellectual property, including patent law. Thus he had a wide, practical experience and his person was well known all over the world by patent practitioners. His prestige as a private practitioner and law professor enhanced the credibility of the proposed PCT system.

It was in 1973 that I was elected Director General of WIPO, after having served, for the preceding 10 years, the International Bureau in the hierarchically second position, that is, as First Deputy Director of BIRPI and First Deputy Director General of WIPO. I spent a lot of time and energy on the PCT, preparing and participating in the WIPO meetings dealing with the PCT system and, equally importantly, in explaining its advantages to governments and the interested private circles during official missions to capitals and numerous congresses of interested non-governmental organizations, particularly in Europe, the United States of America and Japan.

A number of the staff of BIRPI/WIPO were engaged in preparing the Organization for the commencement of the operations of the PCT system. Among them, special mention is deserved by Klaus Pfanner, already mentioned, whom I appointed Deputy Director General of WIPO in 1974.

Deciding, for each government, to become party to the PCT was not a matter of course. National patent offices feared the new tasks that the PCT would mean to them. Patent agents feared that they would make less money. We tried to dispel these fears which, by the way, proved to be generally groundless once the PCT system became operational.

The First Seventeen Years of the Operational PCT System (1978 - 1995)

Having obtained the required ratifications or accessions, the PCT entered into force on January 28, 1978, but became operational only four months later.

This delay was decided in order to start the PCT operations on the same day as the European Patent Convention became operational.

That day was June 1, 1978.

That was the day on which, after being a plan for four years and having existed only on paper for an additional eight years, the PCT system became a living reality. The first international (or PCT) applications were filed on that day.

On that day, 18 States were party to the PCT. Seventeen years later, that is, on June 1, 1995, 78 States were party to the PCT.

The first 18 were Brazil, Cameroon, the Central African Republic, Chad, the Congo, France, Gabon, Germany (Federal Republic of), Luxembourg, Madagascar, Malawi, Senegal, the Soviet Union, Sweden, Switzerland, Togo, the United Kingdom and the United States of America.

The additional 60 were Armenia, Australia, Austria, Barbados, Belarus, Belgium, Benin, Bulgaria, Burkina Faso, Canada, China, Côte d'Ivoire, the Czech Republic, the Democratic People's Republic of Korea, Denmark, Estonia, Finland, Georgia, Greece, Guinea, Hungary, Iceland, Ireland, Italy, Japan, Kazakstan, Kenya, Kyrgyzstan, Latvia, Liberia, Liechtenstein, Lithuania, Mali, Mauritania, Mexico, Monaco, Mongolia, the Netherlands, New Zealand, Niger, Norway, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Singapore, Slovakia, Slovenia, Spain, Sri Lanka, Sudan, Swaziland, Tajikistan, Trinidad and Tobago, Turkmenistan, Uganda, Ukraine, Uzbekistan and Viet Nam.

The number of international applications filed during the 17 years (between June 1, 1978, and May 31, 1995) was, in round figures, 220,000.

Taking into account only full calendar years, the increase was always above 10% per year, except for two years (1982 and 1983) when it was 1.5% and 6.3%, respectively.

During the 13 full years when the increase was over 10%, the lowest was 10.3% (in 1993) and the highest was 35% (in 1980).

Naturally, one of the most interesting pieces of information one looks for is the number of national or regional applications that would have had to be filed if the said 220,000 international applications—in the absence of a PCT—had not been filed. In other words, what is the number of national and regional patent applications that have been replaced by the 220,000 international applications?

Unfortunately, precise statistics do not exist but the average number of designations for each year is known.

For each international application, that number started with five in 1978, grew to 10 by 1984, reached 20 in 1990 and was almost 40 in 1994. Taking a yearly average of 25, the number of the "replaced" national and regional applications is around 5,500,000.

Where did the international applications come from?

In 1994 (in round figures), 43% came from the United States of America, 13% from Germany, 9% from the United Kingdom, 7% from Japan and 5% from France. The other 23% came from 38 other countries.

In what languages were international applications filed?

In 1994 (in round figures), 68% in English, 14% in German, 6% in Japanese, 5% in French, and the remaining 7% in one of the Nordic languages, in Russian, Dutch, Spanish and Chinese. It is to be noted that the language must be one which can be handled by at least one of the International Searching Authorities.

In 1994, there were nine such authorities.

Fifty-five percent of the international applications were searched by the European Patent Office, 26% by the United States Patent and Trademark Office, 8% by the Swedish Patent and Registration Office, and 6% by the Japanese Patent Office. The remaining 5% were searched by the Australian, Austrian, Chinese and Russian Patent Offices. The Spanish Patent and Trademark Office had not yet started actual searching.

Applicants have to pay for the filing, searching and preliminary examination of their international applications. The fees for filing are paid to the International Bureau and their amount varies according to their volume and the number of the States designated in them. The fees paid to the International Bureau cover all the costs of that Bureau connected with the processing of the international application, including the cost of the translation into English or French of the abstract and the cost of the publication of the full text of the application in an individual brochure (the "pamphlet") and the publication of an entry concerning it in the *PCT Gazette* in English and French. Although the amount of these fees has more than doubled in 17 years, that amount is still low, and plays no or very little role in deciding whether or not to file an international application.

With these factual statements as a background, I shall try to analyze the reasons for which the use of the PCT system has grown the way it has during the first 17 years since its use began.

I shall mention what I consider the three most important reasons for such a rapid growth.

The *first* and foremost reason undoubtedly is that the PCT system is a good system. It is user-friendly: it is reasonably costed and its use is legally safe, because its use is relatively simple and its procedural deadlines are realistic.

The PCT system was a good system at the outset, in 1978. But it is an even better system 17 years later, in 1995. This is so because it has been constantly improved. For example, the time limit for entering the national phase (pay the national fees and make the translations) has, where an international preliminary examination report was asked for, been extended by five months. Another example of improvement is that safeguards were introduced which make certain frequent errors or mistakes (filing the international application in the wrong place; not paying all the fees that should be paid) without any harmful legal consequence. Still another example is that a missing translation of amendments needed for entry into the national phase may now be supplied later, in most cases, without loss of rights.

Most of the improvements were effected through amendments in the PCT Regulations. For the most part, the amendments were proposed by the International Bureau, discussed in the meetings of one of two standing committees and decided by the Assembly of the PCT Union. The two standing committees are the PCT Committee for Administrative and Legal Matters (CAL) and the PCT Committee for Technical Cooperation (CTC).

All three bodies were busy during the 17 years in question. The Assembly met 22 times, the CTC 17 times and the CAL seven times. Hundreds of government delegates considered, discussed, improved (with few exceptions) and decided upon the International Bureau's proposals for amending the Regulations, the Administrative Instructions, the forms and the procedures in general. Representatives of the users of the system participated, through non-governmental organizations, in every session of the Assembly and the Committees. This added a few hundred more to the number of thinkers, critics and proponents.

The *second* reason that I see for the rapid increase in the use of the PCT system is that the awareness of its usefulness for potential applicants has been constantly increasing as has the skill of patent counsels, patent agents and patent lawyers in handling international applications. Initial misgivings that the use of the PCT system was complicated have disappeared in the light of experience.

The International Bureau has done a lot to promote that awareness and that skill. It organized, between 1978 and 1994, some 500 seminars, workshops and other information meetings in which the presentations were almost exclusively made by WIPO staff and whose audience totalled some 20,000.

Furthermore, the International Bureau has written and published hundreds of individualized papers—addressed to a given government, groups of

governments, meetings of non-governmental organizations, or the general public—on the use and usefulness of the PCT system.

Then there is the *PCT Applicant's Guide*, updated twice a year, and containing over 1,000 pages in four loose-leaf binders. It contains information and practical advice on the procedure in the "international phase" (from the filing of the international application to the receipt of the international search report or international preliminary examination report) and on the "national phase," that is, the procedure before the individual national or regional office serving the States in which the granting of patents is desired.

The *third* reason for the success of the PCT system is, I believe, that so many talented individuals, believing in the system's usefulness and having the right mixture of bold inspiration and down-to-earth realism, have devoted their intelligence, stamina and dynamism to finding the best methods of using, and the best ways for constantly improving, the system.

There have been, and are, hundreds of such individuals, both among the delegates of the member States and the representatives of non-governmental organizations. Also, the two Presidents of the European Patent Office, Bob van Benthem (1978 - 1985) and Paul Braendli (since 1985) have great merit in that the European and the PCT systems can be smoothly combined for the benefit of applicants.

And, last but not least, much of the merit goes to my past and present colleagues, the staff of the International Bureau and, among them, in particular to

– the Deputy Directors General who, at different times, supervised all or part of the PCT operations: Klaus Pfanner (1974 - 1986), Alfons Schäfers (1987 - 1990) and François Curchod (since 1991);

– to the directors and other senior officials who were or are directly in charge of the PCT operations: Jordan Franklin (1978 - 1985), E. Murray Haddrick (1978 - 1981), François Curchod (1981 - 1987), Daniel Bouchez (1987 - 1995), Busso Bartels (since 1979), Gary L. Smith (since 1995), Philip Thomas (since 1990), Wang Zhengfa (since 1993) and Vitaly Trousov (since 1978);

– to the other high officials in the field of computerization, technical documentation and finance, a major part of whose duties concerned or concern the PCT: Gust Ledakis, Paul Claus, Thomas J. Keefer and Philip Higham.

I think that there is no more appropriate ending to this short story of the PCT system than to express in it my thanks and congratulations to all of them, in the name of WIPO.

Governing Bodies of WIPO

Governing Bodies of WIPO

Twenty-Sixth Series of Meetings

(Geneva, September 25 to October 3, 1995)

From September 25 to October 3, 1995, the Governing Bodies of WIPO held their twenty-sixth series of meetings in Geneva. Delegations from 136 States, 17 intergovernmental organizations and 13 international non-governmental organizations participated in the meetings.¹

The following 21 Governing Bodies met:

WIPO General Assembly;
 WIPO Conference;
 WIPO Coordination Committee;
 Paris Union Assembly;
 Paris Union Conference of Representatives;
 Paris Union Executive Committee;
 Berne Union Assembly;
 Berne Union Conference of Representatives;
 Berne Union Executive Committee;
 Madrid Union Assembly;
 Hague Union Assembly;
 Hague Union Conference of Representatives;
 Nice Union Assembly;
 Nice Union Conference of Representatives;
 Lisbon Union Assembly;
 Lisbon Union Council;
 Locarno Union Assembly;
 IPC [International Patent Classification] Union Assembly;
 PCT [Patent Cooperation Treaty] Union Assembly;
 Budapest Union Assembly;
 Vienna Union Assembly.

The main subjects considered by the Governing Bodies and the main decisions that they adopted are summarized below.

Activities of WIPO from July 1, 1993, to June 30, 1995. All the delegations which spoke on this subject expressed satisfaction with the range and depth of the activities that had been carried out and the efficiency with which they were accom-

plished. Tribute was paid to the quantity and quality of the work done. In the view of those delegations, the objectives of the activities were attained, thanks to the professionalism and dedication of the International Bureau, under the guidance of the Director General.

Without exception, the development cooperation activities for the benefit of developing countries were given special mention. All the delegations of the recipient developing countries underlined the benefits that the Organization's development cooperation had brought, given the increasing role that intellectual property was universally recognized as playing in social, cultural and economic development. Such a role had recently been enhanced by the central position assigned to intellectual property rights in international trade and technology transfer. The wish was expressed that WIPO's development cooperation program be intensified and expanded so that developing countries could develop intellectual property systems compatible with regional and world trends, particularly with the obligations embodied in the Agreement on the Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). A number of delegations of industrialized and developing countries reiterated their intention to continue supporting WIPO's development cooperation program with funds and in kind.

Regarded as particularly useful among development cooperation activities were those dealing with training (both general and specialized), assistance in the preparation of legislation, advice on ensuring that such legislation complied with treaty obligations, better management and administration of national intellectual property offices, computerization of those offices, patent information services to the public using CD-ROM technology, more effective enforcement of intellectual property rights and the teaching of intellectual property at university level. A number of delegations welcomed the higher allocation of resources from WIPO's regular budget for development cooperation activities in view of the expanded program of work envisaged for the biennium 1996-97.

¹ A full list of the participants may be obtained on request from the International Bureau.

Many delegations emphasized the importance that they attached to WIPO's work in both norm-setting and international registration activities. Selected for special commendation, together with expressions of support for the continuation of such work, were the preparations for a possible protocol to the Berne Convention and a possible new instrument for the protection of the rights of performers and producers of phonograms, a proposed treaty for the settlement of intellectual property disputes between States, as well as the WIPO Arbitration Center. Several delegations encouraged the continuation of work on the Patent Law Treaty, judging that such work should best, for the time being, focus on the new approach recommended by the Consultative Meeting in May 1995, without, however, losing sight of the original basic proposals. A few delegations mentioned the importance of advancing the work on a possible new Act of the Hague Agreement Concerning the International Deposit of Industrial Designs. A number of delegations found the activities in the international registration Unions especially satisfactory, and remarked on the high rate of growth in the use of the PCT.

Program and Budget for the 1996-97 Biennium. The Governing Bodies approved the draft program and budget for the 1996-97 biennium, with an income and expenditure of about 300 million Swiss francs. Many of the activities of the 1994-95 biennium will be continued in the new biennium. At the same time, the development cooperation activities will be significantly increased. In the 1996-97 biennium, the proportion of the income of contribution-financed Unions to that of fee-financed Unions is expected to be about 15% to 85%, a similar proportion is also applicable to the expenditures.

Draft Treaty on the Settlement of Disputes Between States in the Field of Intellectual Property. It was agreed that the Committee of Experts would meet again in the first part of 1996, and that its results reported to the WIPO General Assembly or Coordination Committee in 1996 for a decision on whether a diplomatic conference for the conclusion of the said draft Treaty should be convened, and, if so, when.

Possible Protocol to the Berne Convention and Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms. The 1996-97 biennium will see the continuation of work on a possible protocol to the Berne Convention and on a possible instrument for the Protection of the Rights of Performers and Producers of Phonograms. It was agreed that if the Committees of Experts dealing with the two said draft treaties held the view, after their joint meeting in February 1996, that work is sufficiently advanced, the WIPO General Assembly would be convened in

extraordinary sessions to decide on the convocation of one or two diplomatic conferences.

Patent Law Treaty. The Governing Bodies agreed to take a new approach in promoting the harmonization of patent laws. The subjects to be dealt with under the new approach would be matters concerning the formalities in respect of national and regional patent applications, such as signatures, changes in names and addresses, correction of mistakes, standardized forms. Two or more sessions of a Committee of Experts on this issue would be organized during the 1996-97 biennium. Decisions on the question of a diplomatic conference, such as the agenda and timing, would be made by the WIPO General Assembly once the Committee of Experts has concluded its work.

Treaty on the International Registration of Industrial Designs or Revision of the Hague Agreement on the Same Subject. The Governing Bodies decided that a session of the Committee of Experts on the preparation of a new treaty would meet in 1996. The new treaty might take the form of a revision of the existing Hague Agreement. The WIPO General Assembly and the Hague Union Assembly would decide whether or not a diplomatic conference for the adoption of that treaty would take place in 1997.

Other Normative and Related Activities for the Improvement of the Legal Protection of Intellectual Property. Besides the norm-making activities described above, WIPO would study various questions of special or topical interest, including the protection of well-known and famous marks, business identifiers, the recording and indicating of trademark licenses, the legal effects of certain electronic communications in procedures before industrial property offices, the protection of inventions and creations made or used in outer space, enforcement of intellectual property rights, biotechnological inventions and trade secrets. WIPO would organize two or three global symposiums on topical subjects of intellectual property. Furthermore, the Governing Bodies agreed to create the WIPO Standing Advisory Committee on the Intellectual Property Aspects of the Global Information Infrastructure, which would meet once a year to consider the intellectual property aspects of the operation of the global information infrastructure (interactive digital networks, digital superhighways, etc.).

Cooperation with the World Trade Organization (WTO). The WIPO General Assembly decided that informal consultations between WIPO and WTO should continue and be conducted by the Chairman of the WIPO Coordination Committee, assisted by the International Bureau. In this process, the said Chairman would seek the guidance of the

Member States of WIPO at informal meetings. Any provisional agreements thus reached on cooperation between the two Organizations should be approved by the Coordination Committee and reviewed by the General Assembly. It was agreed that the said Coordination Committee and the General Assembly would meet in 1995 to take any necessary action relating to notifications under the TRIPS Agreement required by January 1, 1996, and otherwise for the entire scope of cooperation between the two Organizations by March 9, 1996.

Registration Systems. The fees of the PCT, Madrid and Hague systems were modified. In the case of the PCT system, the maximum number of designations for which fees are payable was increased from 10 to 11. To help alleviate the situation of applicants from certain States facing economic difficulties, the Governing Bodies approved a 75% reduction in PCT fees for any applicant who is a natural person and is a national of and resident in a State whose per capita national income is below US\$3,000. In the case of the Madrid and Hague systems, the fees were increased by 3%.

Implementation of the Madrid Protocol. Consequent upon the ratification of the Madrid Protocol by four countries, the Madrid Protocol will enter into force on December 1, 1995. For the Protocol to enter into operation, it is necessary that, once the

Protocol is in force, the Assembly of the Madrid Union adopt new Regulations (including fees), and fix the date of entry into force of those Regulations. The Governing Bodies decided that that Assembly would meet in January 1996, with a view to starting operations under the Protocol in April 1996.

Extension of the BIRPI Building. The Governing Bodies approved the proposal to construct a temporary extension of the BIRPI building. The latter building is located immediately adjacent to the WIPO headquarters building. The new extension would provide about 120 working places and is expected to be ready by September 1996.

Director General. The WIPO General Assembly appointed Dr. Arpad Bogsch unanimously and by acclamation Director General of WIPO for an additional period of two years. Those two years will expire on December 1, 1997.

Staff Matters. The WIPO Coordination Committee approved the extension of the appointment of Mr. François Curchod as Deputy Director General for a term of six years, that is, until November 30, 2001. The Governing Bodies also approved the Director General's intention to promote (with effect on October 1, 1995) to grade D.1 (Director grade) Mr. Philippe Favatier, Mr. Gary Smith and Mr. Philip Thomas.

Notifications Concerning Treaties Administered by WIPO

WIPO Convention

Accession

AZERBAIJAN

The Government of Azerbaijan deposited, on September 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 Azerbaijan, on December 25, 1995.

WIPO Notification No. 185, of September 25, 1995.

Paris Convention

Accession

AZERBAIJAN

The Government of Azerbaijan deposited, on September 25, 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.

Azerbaijan 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 Azerbaijan, on December 25, 1995. On that date, Azerbaijan will become a member of the Paris Union.

Paris Notification No. 169, of September 25, 1995.

Berne Convention

I. Accession

HAITI

The Government of Haiti deposited, on October 11, 1995, its instrument of accession to the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as revised at Paris on July 24, 1971, and amended on September 28, 1979.

The Berne Convention as revised will enter into force, with respect to Haiti, on January 11, 1996. On that date, Haiti will also become a member of the International Union for the Protection of Literary and Artistic Works ("Berne Union"), founded by the Berne Convention.

Berne Notification No. 172, of October 11, 1995.

II. Accession to the Paris Act (1971)

TURKEY

The Government of Turkey deposited, on October 1, 1995, its instrument of accession to the Berne Convention for the Protection of Literary and Artis-

tic Works of September 9, 1886, as revised at Paris on July 24, 1971.

The Paris Act (1971), as amended on September 28, 1979, of the said Convention will enter into force, with respect to Turkey, on January 1, 1996.

Berne Notification No. 171, of October 1, 1995.

Madrid Agreement (Marks)

I. Accession

AZERBAIJAN

The Government of Azerbaijan deposited, on September 25, 1995, its instrument of accession to the Madrid Agreement Concerning the International Registration of Marks of April 14, 1891, as revised at Stockholm on July 14, 1967, and amended on September 28, 1979.

Pursuant to Article 3bis(1) of the Madrid Agreement, protection resulting from international registration shall extend to Azerbaijan only at the express request of the proprietor of the mark.

The Madrid Agreement, as revised, will enter into force, with respect to Azerbaijan, on December 25, 1995.

Madrid (Marks) Notification No. 72, of September 25, 1995.

II. Madrid Protocol (1989)

Accession

CUBA

The Government of Cuba deposited, on September 26, 1995, its instrument of accession to the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks, adopted at Madrid on June 27, 1989 ("Madrid Protocol (1989)").

The Madrid Protocol (1989) will enter into force, with respect to Cuba, on December 26, 1995.

The date on which the said Protocol will become operational will be notified in due course.

Madrid (Marks) Notification No. 73, of September 26, 1995.

Nice Agreement

Accessions

CUBA

The Government of Cuba deposited, on September 26, 1995, its instrument of accession to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977, and as amended on September 28, 1979.

The instrument of accession contains the following declaration:

“The Government of the Republic of Cuba deplores that, even after the adoption by the General Assembly of the United Nations of Resolution 1514 (XV) setting forth the Declaration on the granting of independence to colonial countries and peoples, a text of the nature such as that referred to in Article 13 of the said Nice Agreement, namely Article 24 of the Stockholm Act (1967) of the Paris Convention for the Protection of Industrial Property, had been adopted.”
(Translation)

The Nice Agreement as revised and amended, will enter into force, with respect to Cuba, on December 26, 1995.

Nice Notification No. 84, of September 26, 1995.

TURKEY

The Government of Turkey deposited, on October 1, 1995, its instrument of accession to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, and at Geneva on May 13, 1977, and as amended on September 28, 1979.

The Nice Agreement as revised and amended, will enter into force, with respect to Turkey, on January 1, 1996.

Nice Notification No. 85, of October 1, 1995.

Patent Cooperation Treaty (PCT)

Accessions

AZERBAIJAN

The Government of Azerbaijan deposited, on September 25, 1995, its instrument of accession

to the Patent Cooperation Treaty (PCT), done at Washington on June 19, 1970.

The said Treaty will enter into force, with respect to Azerbaijan, on December 25, 1995.

PCT Notification No. 107, of September 25, 1995.

TURKEY

The Government of Turkey deposited, on October 1, 1995, its instrument of accession to the Patent Cooperation Treaty (PCT), done at Washington on June 19, 1970.

The said Treaty will enter into force, with respect to Turkey, on January 1, 1996.

PCT Notification No. 108, of October 1, 1995.

Strasbourg Agreement

Accession

TURKEY

The Government of Turkey deposited, on October 1, 1995, its instrument of accession to the Strasbourg Agreement Concerning the International Patent Classification of March 24, 1971, as amended on September 28, 1979.

The said Agreement will enter into force, with respect to Turkey, on October 1, 1996.

Strasbourg Notification No. 42, of October 1, 1995.

Vienna Agreement (International Classification of Figurative Elements of Marks)

Accession

TURKEY

The Government of Turkey deposited, on October 1, 1995, its instrument of accession to the Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks, done at Vienna on June 12, 1973, as amended on October 1, 1985.

The said Agreement will enter into force, with respect to Turkey, on January 1, 1996.

Vienna (Classification) Notification No. 8, of October 1, 1995.

Budapest Treaty

Change of Name, Extension of the List of Kinds of Microorganisms and Changes in the Existing Schedule of Fees

EUROPEAN COLLECTION OF CELL STRUCTURES (ECACC)

(United Kingdom)

(formerly known as "European Collection of Animal Cell Cultures (ECACC)")

The Government of the United Kingdom has informed the Director General of WIPO by notification of October 3, 1995, of the new name, the extension of the kinds of microorganisms accepted for deposit, with relevant fees, and changes in the existing schedule of fees charged by the European Collection of Animal Cell Cultures (ECACC), an international depositary authority under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.

The new name of the said international depositary authority is, with immediate effect, the European Collection of Cell Structures (ECACC).

The extension of the list of kinds of microorganisms accepted for deposit, with relevant fees, and changes in the existing schedule of fees are:

1. Extension of the List of Kinds of Microorganisms Accepted for Deposit

- (a) Bacteria
- (b) Pathogenic yeast and fungi
- (c) Pathogenic protozoa
- (d) The type of viruses accepted has been expanded to include ACDP Category 4 deposits.

Notwithstanding the foregoing, the ECACC reserves the right to refuse to accept any material for deposit which in the opinion of the Curator presents an unacceptable risk or is technically unsuitable to handle. The ECACC will accept organisms which do not significantly change after long-term liquid nitrogen freezing or freeze drying. A statement regarding potential pathogenicity and storage conditions is required when a deposit is made.

2. Schedule of Fees for the New Kinds of Microorganisms

	GBP
For storage for the 30-year period:	
Pathogenic yeast and fungi	750
Pathogenic protozoa	750
Bacteria	500

Additional charges may be incurred for samples requiring unusual testing systems.

3. Changes in the Existing Schedule of Fees

Issue of a viability statement (Rule 10.2) for all categories of deposit except viruses 60

Cost of furnishing a sample in accordance with Rule 11.2 or 11.3 (for all categories of deposit except viruses) (plus cost of carriage) 80

Fees paid for other deposits remain unaltered and should be made payable to the Centre for Applied Microbiology and Research.

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

The extension of the list of the kinds of microorganisms and the relevant fees will apply as from January 1, 1996, the date specified for that purpose in the said notification. The change in the existing schedule of fees will apply as from the thirtieth day following the date of publication of the said fees in the November 1995 issue of *Industrial Property and Copyright*, that is, as from December 30, 1995 (see Rule 12.2(a) and (c) of the Regulations under the Budapest Treaty). The said fees will replace the fees as published in the May 1985 and in the October 1990 issues of *Industrial Property* (see Budapest Notifications Nos. 43 and 92 of April 26, 1985, and October 19, 1990, respectively).¹

Budapest Notification No. 99 (this notification is the subject of Notification No. 141 of November 8, 1995).

¹ See *Industrial Property*, 1985, p. 163, and 1990, p. 373.

Eurasian Patent Convention

Ratifications

AZERBAIJAN

The Government of Azerbaijan deposited, on September 25, 1995, its instrument of ratification of the Eurasian Patent Convention.

The said Convention will enter into force, with respect to Azerbaijan, on December 25, 1995.

As indicated in EAPC Notification No. 5,² the starting date of operations under the said Convention will be notified in due course.

EAPC Notification No. 8, of September 25, 1995.

² See *Industrial Property and Copyright*, 1995, p. 238.

KYRGYZSTAN

The Government of Kyrgyzstan deposited, on October 13, 1995, its instrument of ratification of the Eurasian Patent Convention.

The said Convention will enter into force, with respect to Kyrgyzstan, on January 13, 1996.

As indicated in EAPC Notification No. 5,² the starting date of operations under the said Convention will be notified in due course.

EAPC Notification No. 9, of October 13, 1995.

Notifications Concerning the UPOV Convention

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

Accession

UKRAINE

The Government of Ukraine deposited, on August 30, 1995, its instrument of accession to the International Convention for the Protection of New Varieties of Plants of December 2, 1961, as revised at Geneva on November 10, 1972, and on October 23, 1978. The Government of Ukraine deposited, subsequently, on October 3, 1995, a declaration

indicating the number of contribution units applicable to Ukraine and a communication notifying the list of genera and species to which Ukraine will apply the said Convention.

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

The said International Convention will enter into force, with respect to Ukraine, on November 3, 1995. On that date, Ukraine will become a member of UPOV.

For the purpose of determining its share in the total amount of the annual contributions to the budget of UPOV, one-half of one contribution unit is applicable to Ukraine.

UPOV Notification No. 48, of October 3, 1995.

Normative Activities of WIPO

Committee of Experts on a Possible Protocol to the Berne Convention

Fifth Session

Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms

Fourth Session

(Geneva, September 4 to 8 and 12, 1995)

The above-mentioned two Committees, meeting in joint session (herein jointly referred to as the "Committee"), met at WIPO's headquarters in Geneva from September 4 to 8 and 12, 1995. Experts from the following 67 States and one intergovernmental organization, members of the Committee, attended the meeting: Albania, Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Bulgaria, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Egypt, Finland, France, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Ireland, Israel, Italy, Japan, Malta, Morocco, Mexico, Netherlands, Nicaragua, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saint Lucia, Senegal, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, The former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia, Turkey, United Kingdom, United States of America, Uruguay, Venezuela, European Commission (EC).

Representatives of the following four intergovernmental organizations attended the meeting in an observer capacity: Arab States Broadcasting Union (ASBU), International Labour Organization (ILO), United Nations Educational, Scientific and Cultural Organization (UNESCO), World Trade Organization (WTO).

Representatives of 67 non-governmental organizations also attended the meeting in an observer capacity.

Mr. Jukka Liedes (Finland) was unanimously elected Chairman and Mrs. Hilda Retondo (Argenti-

na) and Mr. Moses Ekpo (Nigeria) were elected Vice-Chairmen of the Committee.

In March 1995, the Director General of WIPO had invited the governments to submit proposals to the International Bureau, in writing, containing wherever possible actual treaty language, on the subjects before the Committee, such proposals to be received by June 20, 1995. The European Community and its Member States and the Governments of the United States of America and Australia submitted proposals; those proposals were reproduced and distributed by the International Bureau along with a comparative table presenting the various proposals and comments divided and grouped according to the issues involved.

To facilitate the Committee's work, the Chairman created a *Work Program* (WIPO document BCP/CE/V- INR/CE/IV/INF.2) dividing the issues before the Committee into the following groupings: Berne Protocol issues, New Instrument issues, common/parallel issues. Under these three groupings, the following questions were discussed.

Berne Protocol issues: computer programs and databases; non-voluntary licenses for the sound recording of musical works; non-voluntary licenses for primary broadcasting and satellite communication; duration of the protection of photographic works; communication to the public by satellite.

New Instrument issues: moral rights of performers; economic rights of performers in their live performances; economic rights of performers in their fixed performances, and of producers of phonograms; term of protection; formalities.

Common/parallel issues: *distribution right, importation right and rental right; the "digital agenda" (reproduction by transmission, transmission right, digital transmission "on-demand"); possible "sui generis" rights for non-original databases; enforcement of rights and national treatment.*

The Committees adopted the following decisions concerning their future work:

"(1) The Director General should invite the government members of the Committees and the European Commission to send to the International Bureau by November 20, 1995, proposals in treaty language on subjects under consideration, oth-

er than protection of computer programs and original databases, to be circulated by the International Bureau as working documents for consideration at the next meetings of the Committees.

(2) The next meetings of both Committees should take place from February 1 to 9, 1996.

(3) The competent Governing Body of WIPO should be convened after the meetings of the two Committees in February 1996, should the work be sufficiently advanced, to decide on the convocation and date of one or more Diplomatic Conferences for the conclusion of the appropriate treaties."

Registration Systems Administered by WIPO

Patent Cooperation Treaty (PCT)

Training and Promotion Meetings With PCT Users

Singapore. In August 1995, a WIPO official had discussions on the PCT with officials from the Registry of Trade Marks and Patents in Singapore, and gave training in receiving Office procedures under the PCT to officials at the said Registry.

South Africa. In August 1995, a WIPO official gave advice and participated, in Johannesburg, in the work of an ad hoc committee, appointed by the

South African Government's Advisory Committee on Patents, Trade Marks, Designs and Copyright, in drafting legislative changes for implementing the PCT in South Africa, in view of the country's envisaged accession to that Treaty.

United States of America. In August 1995, a WIPO consultant from the United States of America gave a presentation on the PCT, in Minneapolis (Minnesota), to the intellectual property department of a private company. There were some 120 participants, mostly attorneys and legal assistants.

Madrid Union

Training and Promotion Meetings With Users of the Madrid System

China. In August 1995, Mr. Wang Zhongfu, Director General of the State Administration for Indus-

try and Commerce of China (SAIC), and two other government officials undertook a WIPO-organized study visit to the United Kingdom Patent Office in Newport and to WIPO in Geneva. In Newport, accompanied by a WIPO official, they were given pre-

sentations on the work procedures and organization of the Office, on the processing of international applications as Office of origin under the Madrid Protocol system, and on the United Kingdom trademark system in general. In Geneva, they held discussions

with the Director General and other WIPO officials on matters of mutual cooperation, including additional training under the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks.

Activities of WIPO Specially Designed for Developing Countries

Africa

Training Courses, Seminars and Meetings

WIPO Regional General Introductory Course on Industrial Property (Congo). From August 16 to 25, 1995, WIPO organized that Course in Brazzaville, in cooperation with the Government of the Congo. The Course was attended by 14 government officials from Algeria, Burkina Faso, Cameroon, the Central African Republic, Chad, Comoros, Djibouti, Gabon, Guinea-Bissau, Mauritania, Niger, Senegal, Togo and Zaire, and some 30 local participants. Presentations were made by three WIPO consultants from France and the Africal Intellectual Property Organization (OAPI) and a government official from the Congo.

WIPO National Seminar on Geographical Indications (Côte d'Ivoire). From August 9 to 11, 1995, WIPO organized that Seminar in Abidjan, in cooperation with the Government of Côte d'Ivoire. The Seminar was attended by some 30 government officials, inventors and businessmen. Presentations were made by two WIPO consultants from Côte d'Ivoire and France and a WIPO official.

WIPO National Seminar on Copyright and Neighboring Rights (Zambia). On August 29 and 30, 1995, WIPO organized the said Seminar in Kitwe in cooperation with the Government of Zambia. The Seminar was attended by 50 participants, mostly musicians and writers. Presentations were made by a

government official from Malawi, a WIPO consultant from Switzerland, two government officials from Zambia and a WIPO official.

Assistance With Training, Legislation and Modernization of Administration

Botswana. In August 1995, a WIPO official undertook a mission to Gaborone to discuss with government and United Nations Development Programme (UNDP) officials the status of industrial property legislation, Botswana's possible accession to the WIPO Convention and various WIPO-administered treaties and a possible UNDP-financed country project to strengthen the country's industrial property system.

Burundi. In August 1995, the International Bureau prepared and sent to the government authorities, at their request, comments on the draft law on copyright and neighboring rights.

Congo. In August 1995, three WIPO officials discussed with government officials in Brazzaville future cooperation between their country and WIPO.

Eritrea. In August 1995, a government official held discussions with WIPO officials in Geneva on matters of mutual cooperation.

Ethiopia. In August 1995, the International Bureau prepared and sent to the government authorities, at their request, comments on the draft regulations implementing the Proclamation Concerning Inventions, Minor Inventions and Industrial Designs.

Mauritania. In August 1995, the International Bureau prepared and sent to the government author-

ities, at their request, a draft law on copyright and neighboring rights.

United Republic of Tanzania. In August 1995, a WIPO official visited Dar es Salaam and Zanzibar to discuss with government officials the modernization of the industrial property system and the possible accession of the country to further WIPO-administered treaties, including the Patent Cooperation Treaty (PCT).

Arab Countries

Assistance With Training, Legislation and Modernization of Administration

Djibouti. In August 1995, a government official held discussions with WIPO officials in Geneva on Djibouti's possible accession to the WIPO Convention, the preparation of intellectual property legislation for Djibouti, the organization of a national seminar on industrial property in 1996, and the possibility of sending a WIPO expert to provide training in the field of trademarks.

Jordan. In August 1995, a government official visited WIPO in Geneva to discuss with WIPO officials the revision of Jordan's industrial property legislation and the advantages of Jordan's accession to the PCT and the Madrid Agreement Concerning the International Registration of Marks.

Also in August 1995, another government official discussed with WIPO officials in Geneva the revision of Jordan's intellectual property legislation.

Libya. In August 1995, a government official discussed with WIPO officials in Geneva ongoing activities under the UNDP-financed country project and the organization of a national seminar on industrial property, in Tripoli, in December 1995.

Morocco. In August 1995, a government official discussed with WIPO officials in Geneva the revision of Morocco's industrial property legislation and the organization of study visits for government officials.

Qatar. In August 1995, a government official discussed with WIPO officials in Geneva the possibility of sending a WIPO expert to Doha to discuss the draft industrial property law prepared by WIPO.

Tunisia. In August 1995, a government official discussed with WIPO officials in Geneva the possibility of sending a WIPO expert to Tunis to assist the Government in the computerization of trademark registration procedures.

Asia and the Pacific

Training Courses, Seminars and Meetings

Thailand. On August 17, 1995, two WIPO officials made presentations at the Seminar on the Paris Convention for the Protection of Industrial Property and the PCT organized by the Government of Thailand in Bangkok and attended by some 60 participants from government circles and the private sector.

Assistance With Training, Legislation and Modernization of Administration

Association of South East Asian Nations (ASEAN). In August 1995, a WIPO official partici-

pated, in Singapore, in the ASEAN Round Table, jointly organized by the ASEAN Secretariat and the Institute of South East Asian Studies (ISEAS). Some 60 participants from government and academic circles as well as the private sector attended.

Also in August 1995, two WIPO officials held discussions in Paris with the contractor of a feasibility study on the development of a computerized system for the storage, search and retrieval of the figurative elements of marks for the trademark offices of ASEAN member countries. The mission was undertaken under the European Commission (EC)-ASEAN Patents and Trademarks Program.

Bangladesh. In August 1995, Mr. Altaf Hossain, Controller of Patents and Designs, discussed with

WIPO officials in Geneva matters of mutual cooperation.

India. In August 1995, a government official held discussions with WIPO officials in Geneva on current activities under the UNDP-financed country project in the field of patent information.

Indonesia. In August and September 1995, a WIPO consultant from Australia undertook a mission to Jakarta, under the EC-ASEAN Patents and Trademarks Program, to advise on and review the computerization of the Directorate General of Copyrights, Patents and Trademarks.

Also in August and September 1995, two WIPO consultants from the Netherlands and the United States of America undertook, under the UNDP-financed country project, two separate missions on intellectual property teaching at the University of Indonesia in Jakarta.

Laos. In August 1995, Mr. Nheune Sisavad, Director of the Department of Industrial Property, and another government official had discussions with WIPO officials in Geneva on preparations for a national seminar on intellectual property to be held later in the year, as well as on the proposed UNDP-

financed country project to strengthen the industrial property system of the country.

Malaysia. In August 1995, the International Bureau prepared and sent to the government authorities, at their request, draft laws on the protection of layout-designs (topographies) of integrated circuits and the protection of geographical indications, with a commentary.

Pakistan. In August 1995, Mr. Abdul Ghaffar Qureshi, Registrar of Trade Marks, and a government official from the Ministry of Science and Technology, held discussions with WIPO officials on the modernization of the Trade Marks Registry and the revision of the trademark legislation.

Thailand. In August 1995, two WIPO officials held discussions with government officials in Bangkok on industrial property legislative questions and the possible accession of Thailand to the Paris Convention and the PCT.

Viet Nam. In August 1995, the International Bureau prepared and sent to the government authorities, at their request, a draft law on the protection of geographical indications.

Latin America and the Caribbean

Training Courses, Seminars and Meetings

WIPO National Seminar on Trade-Related Aspects of Intellectual Property (Uruguay). From August 16 to 18, 1995, WIPO organized that Seminar in Montevideo, together with the Government of Uruguay and in cooperation with the Latin American Economic System (SELA). The Seminar was attended by about 60 participants from government departments, universities, the judiciary, authors' and broadcasting organizations, industrial enterprises and industrial property agents. Presentations were made by six government officials from Uruguay, a WIPO consultant from Chile and two WIPO officials.

Argentina. In August 1995, a WIPO official gave a lecture at the Faculty of Law of the University of Buenos Aires.

Assistance With Training, Legislation and Modernization of Administration

Argentina. In August 1995, a WIPO official undertook a mission to Buenos Aires to discuss with

the President and other officials of the Judges' Association the organization of seminars on copyright and neighboring rights at national and regional levels in cooperation with that Association. The same WIPO official also had discussions, in Buenos Aires, with several officials of the Directorate General of Copyright on copyright and neighboring rights matters in Argentina.

Also in August 1995, a WIPO official visited the European Patent Office (EPO) in Munich to discuss the modernization of Argentina's industrial property system.

Barbados. In late August and early September 1995, a WIPO official and a WIPO consultant from Chile undertook a mission to Bridgetown to discuss with government officials cooperation between Barbados and WIPO.

Costa Rica. In August 1995, a WIPO official and a WIPO consultant from Chile undertook a mission to San José to discuss with government officials cooperation and, in particular, the implementation of the Government-financed country project for the modernization of the Intellectual Property Registry.

Ecuador. In August 1995, a WIPO consultant from Venezuela undertook a mission to Quito to discuss with government officials the organization of the WIPO/General Authors' Society of Spain (SGAE) Regional Training Course on Copyright and Neighboring Rights and the Xth International Congress on Copyright and Neighboring Rights, to take place in Quito from November 20 to 28, 1995, and from November 29 to December 2, 1995, respectively.

El Salvador. In August 1995, a WIPO official undertook a mission to San Salvador to discuss with government officials technical cooperation in the field of industrial property between El Salvador and WIPO.

Jamaica. In August 1995, a WIPO official and a WIPO consultant from Chile undertook a mission to discuss with government officials cooperation between Jamaica and WIPO.

Peru. In August 1995, a WIPO consultant from Venezuela undertook a mission to Lima to discuss with government officials a draft new copyright law for Peru.

Trinidad and Tobago. In August 1995, a WIPO official undertook a mission to Port of Spain to advise the Government on the drafting of laws on the protection of the layout-designs of integrated circuits, industrial designs and geographical indications.

Uruguay. In August 1995, two WIPO officials had discussions with government leaders and officials as well as officials from the Inter-American Development Bank (IDB), on cooperation activities between Uruguay and WIPO in the fields of industrial property and copyright and neighboring rights, and, in particular, on the implementation of the IDB-financed country projects dealing with the said two fields.

Venezuela. In August 1995, an official of the Universidad de Los Andes, Mérida, visited WIPO in Geneva and discussed with the Director General and other WIPO officials possible further cooperation between WIPO and that University. On that occasion, the Director General was awarded by the said University the distinction "Distinción Bicentenario" as a testimony of the assistance received by that University in the development of its intellectual property courses.

Development Cooperation (in General)

Training Courses, Seminars and Meetings

WIPO Introductory Seminar on Industrial Property (Geneva). From August 30 to September 1, 1995, WIPO organized that Seminar in Geneva, in Arabic, English, French and Spanish. It was the fifteenth such Seminar. It was attended by 107 participants from Algeria, Argentina, Bangladesh, Benin, Bhutan, Bolivia, Brazil, Burkina Faso, Cambodia, Chile, China, Colombia, the Congo, Costa Rica, Cuba, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, the Gambia, Ghana, Guatemala, Honduras, India, Indonesia, Jordan, Kenya, Laos, Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Qatar, the Republic of Korea, Senegal, Sierra Leone, South Africa, Sudan, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, the United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Zambia, Zimbabwe, Hong Kong, the Secretariat of ASEAN and of the Central African Customs and Economic Union (UDEAC); in addi-

tion, 51 officials from 43 Permanent Missions to the United Nations Office and other international organizations in Geneva attended the Seminar. Lectures were given by two WIPO consultants from Switzerland and a number of WIPO officials.

WIPO/Sweden Training Course on Copyright and Neighboring Rights (Stockholm). From August 14 to 24, 1995, WIPO organized that Course in Stockholm, in cooperation with the Government of Sweden and with the assistance of the Swedish International Development Authority (SIDA). Fourteen government officials from China, Eritrea, Ghana, India, Kenya, Malawi, Namibia, Nigeria, Pakistan, Sudan, Thailand and the United Republic of Tanzania attended the Course. Papers were presented by various government officials, five Swedish experts from various non-governmental organizations and two WIPO officials. At the end of the Course, the participants visited the headquarters of WIPO in Geneva and met with WIPO officials.

WIPO Medals

In August 1995, two WIPO medals were awarded on the occasion of the Annual Invention and Design Exhibition, MINDEX/INNOTEX '95, organized by

the Malaysian Inventions and Designs Society (MINDS) in Kuala Lumpur.

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

Regional Activities

WIPO Regional Seminar on Industrial Property Protection (Kyrgyzstan). On August 2 and 3, 1995, the Patent Department of the Ministry of Science and Education of Kyrgyzstan organized that Seminar, in cooperation with WIPO, in Cholpon-Ata, near Bishkek. It was attended by 60 participants from Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan. They came mainly from national industrial property offices. Three WIPO officials made presentations on the Madrid Agreement Concerning the International Registration of Marks and the Protocol thereunder, the Hague Agreement Concerning the International Deposit of Industrial Designs, the Patent Cooperation Treaty (PCT) and the Trademark Law Treaty (TLT). Two government officials from Kazakhstan and one each from Kyrgyzstan and Uzbekistan spoke on the situation of industrial property in the respective countries.

National Activities

Azerbaijan. In August 1995, Mr. Kiamran Imanov, Chairman of the Agency on Copyright, and another government official had discussions with the Director General and other WIPO officials in

Geneva on the preparation, with WIPO's assistance, of a draft copyright law and on Azerbaijan's possible accession to certain WIPO-administered treaties in the fields of industrial property and copyright.

Hungary. In August 1995, Mr. András Vedres, General Secretary of the Association of Hungarian Inventors, and a government official met with the Director General and other WIPO officials in Geneva to discuss WIPO's possible cooperation in the celebration of the centenary of the Hungarian patent system, in 1996, in Budapest.

Kazakhstan. In August 1995, three WIPO officials had discussions with government officials in Almaty on cooperation between Kazakhstan and WIPO in connection with the implementation of the Eurasian Patent Convention (which Kazakhstan had recently ratified), as well as on the training of computer experts.

Republic of Moldova. In August 1995, Mr. Mikhail Tchush, Director General of the State Copyright Agency, and another government official had discussions with the Director General and other WIPO officials in Geneva concerning future cooperation between the Republic of Moldova and WIPO in the field of copyright and neighboring rights.

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

National Contacts

Germany. In August 1995, a WIPO official represented WIPO in Munich at a ceremony to welcome the new President of the German Patent Office, Mr. Norbert Haugg.

United Nations

United Nations Consultative Committee on Administrative Questions (Financial and Budgetary Questions) (CCAQ (FB)). In late August and early September 1995, a WIPO official attended the 83rd session of this Committee, which took place in New York.

Intergovernmental Organizations

European Patent Office (EPO). In August 1995, two EPO officials had discussions with WIPO officials in Geneva on the promotion of the systems established under the Patent Cooperation Treaty (PCT) and the European Patent Convention and on envisaged cooperation between the two organizations in that respect.

Other Organizations

International Association of Young Lawyers (AIJA). In August 1995, a WIPO official participated in the annual congress of AIJA, held in Washington, D.C., and made a presentation on the WIPO Arbitration Center.

Miscellaneous News

Bilateral News

China/Thailand. The Memorandum of Understanding Between China and Thailand on Cooperation in the Field of Trademarks was signed and entered into force on April 6, 1995.

The Memorandum of Understanding Between China and Thailand on Cooperation in the Field of

Patents was signed and entered into force on April 7, 1995.

National News

Romania. Law No. 16 of March 6, 1995, on the Protection of Topographies of Integrated Circuits entered into force on June 9, 1995.

Selected WIPO Publications

The following new publications¹ were issued by WIPO from August 1 to 31, 1995:

¹ WIPO publications may be obtained from the Publications Sales and Distribution Unit, WIPO, 34, chemin des Colombettes, CH-1211 Geneva 20, Switzerland (telex: 412 912 OMPI CH, fax: (41-22) 733 5428, telephone: (41-22) 730 9111).

Orders should indicate: (a) the number or letter code of the publication desired, the language (E for English, F for French, J for Japanese), the number of copies, (b) the full address for mailing, (c) the mail mode (surface or air). Prices cover surface mail.

Bank transfers should be made to WIPO account No. 487080-81, at the Swiss Credit Bank, 1211 Geneva 20, Switzerland.

Catalogue of Publications 1995 (in French), Cat-F, free.

Conference on Rules for Institutional Arbitration and Mediation, Geneva, January 20, 1995, No. 741(E), 30 Swiss francs.

Records of the Diplomatic Conference for the Conclusion of the Trademark Law Treaty (in French), No. 347(F), 20 Swiss francs.

Symposium on the International Protection of Geographical Indications, Melbourne, April 5 and 6, 1995, No. 739(E), 30 Swiss francs.

WIPO 1995 General Information (in Japanese), No. 400(J), free.

Calendar of Meetings

WIPO Meetings

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

1995

December 11 to 15 (Geneva)

Committee of Experts on the Patent Law Treaty

The Committee of Experts will examine a draft Patent Law Treaty with draft Regulations and draft Model International Forms. These texts deal with the following aspects of patent procedure: application; representation; signature; request for recordal of change in name or address; request for recordal of change in ownership; request for correction of a mistake; opportunity to make observations, amendments and corrections in case of intended refusal. The aim of the draft Treaty is to achieve a simplification of formalities which may be required in patent procedures.

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

- December 15 (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.
- December 19 to 21 (Geneva)** **Governing Bodies of WIPO and the Unions Administered by WIPO (Twenty-Seventh Series of Meetings)**
- The WIPO General Assembly, the WIPO Coordination Committee and the Assemblies of the Paris and Berne Unions will meet in extraordinary sessions to consider a working agreement between the World Trade Organization and WIPO.
Invitations: States members of WIPO, the Paris Union or the Berne Union and, as observers, other States members of the United Nations and certain organizations.
- 1996**
- January 15 to 18 (Geneva)** **Extraordinary Session of the Assembly of the Madrid Union**
- The Assembly is convened to adopt common regulations under the Madrid Agreement and the Madrid Protocol and fix the date of entry into force of those Regulations, the latter date being also the date on which the Protocol will become operational. The Madrid Protocol enters into force on December 1, 1995, and April 1, 1996, is the tentative date for the starting of the operations of the Madrid Protocol and entry into force of the new (common) Regulations.
Invitations: Members of the Madrid Union and, as observers, other States members of the Paris Union and certain organizations.
- February 1 to 9 (Geneva)** **Committee of Experts on a Possible Protocol to the Berne Convention (Sixth Session)**
Committee of Experts on a Possible Instrument for the Protection of the Rights of Performers and Producers of Phonograms (Fifth Session)
- The first Committee will continue to examine questions concerning the preparation of a possible protocol to the Berne Convention for the Protection of Literary and Artistic Works. The second Committee will continue to examine questions concerning the preparation of a possible new instrument (treaty) on the protection of the rights of performers and producers of phonograms. The sessions of the two Committees will be held jointly.
Invitations: For the first Committee, States members of the Berne Union, the European Commission and, as observers, other States members of WIPO and certain organizations; and, for the second Committee, States members of WIPO, the European Commission and, as observers, certain organizations.
- March 29 (Geneva)** **Conference on Mediation**
- The Conference will examine mediation as a dispute-settlement procedure for intellectual property disputes, and the advantages of such a procedure. The Conference will be divided into three parts. In the first part, the procedure of mediation and its suitability for intellectual property disputes will be discussed; in the second part, the role of the mediator will be examined; in the final part, the role of counsel and client will be explained.
Invitations: Any interested person, against payment of a registration fee.
- May 21 to 24 (Geneva)** **WIPO Permanent Committee for Development Cooperation Related to Copyright and Neighboring Rights (Twelfth Session)**
- The Committee will review and evaluate the activities carried out under the WIPO Permanent Program for Development Cooperation Related to Copyright and Neighboring Rights since the Committee's last session (May 1994) and make recommendations on the future orientation of the said Program.
Invitations: States members of the Committee and, as observers, other States members of the United Nations and certain organizations.
- June 10 to 14 (Geneva)** **Committee of Experts on the Settlement of Intellectual Property Disputes Between States**
- The Committee will continue the preparations for a possible treaty on the settlement of intellectual property disputes between States. In particular, the Committee 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 established within the framework of the World Trade Organization (WTO).
The WIPO Governing Bodies, at their 1996 sessions, will decide whether a Diplomatic Conference for the conclusion of a Treaty should be convened and, if so, when.

Invitations: States members of WIPO and States party to treaties administered by WIPO not members of WIPO and, as observers, certain organizations.

June 24 to 27 (Geneva)

WIPO Permanent Committee for Development Cooperation Related to Industrial Property (Seventeenth Session)

The Committee will review and evaluate the activities carried out under the WIPO Permanent Program for Development Cooperation Related to Industrial Property since the Committee's last session (June 1994) and make recommendations on the future orientation of the said Program.

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

UPOV Meetings

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

1996

April 15 and 16 (Geneva)

Administrative and Legal Committee

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

April 17 (Geneva)

Consultative Committee (Fifty-First Session)

Invitations: Member States of UPOV.

October 16 to 18 (Geneva)

Technical Committee

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

October 21 and 22 (Geneva)

Administrative and Legal Committee

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

October 23 (Geneva)

Consultative Committee (Fifty-Second Session)

Invitations: Member States of UPOV.

October 24 (Geneva)

Council (Thirtieth Ordinary Session)

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

