



PCT/TAS/I/6

ORIGINAL: English

DATE: February 25, 1971

WORLD INTELLECTUAL PROPERTY ORGANIZATION UNITED INTERNATIONAL BUREAUX FOR THE PROTECTION OF INTELLECTUAL PROPERTY

PATENT COOPERATION TREATY

INTERIM COMMITTEE FOR TECHNICAL ASSISTANCE

First Session: Geneva, February 9 to 11, 1971

REPORT

Prepared by the International Bureau

INTRODUCTION

- 1. The "Interim Committee for Technical Assistance" set up by the Assembly and the Executive Committee of the International Union for the Protection of Industrial Property (hereinafter referred to as "the Paris Union") in September 1970, pursuant to a resolution of the Washington Diplomatic Conference of May/June 1970 which adopted the Patent Cooperation Treaty (hereinafter referred to as "the PCT"), was convened by the Director General of the World Intellectual Property Organization (WIPO) and held its first session in Geneva from February 9 to 11, 1971. In this document, the said Committee is referred to as "the Interim Committee."
- 2. The 35 States which have signed the PCT are the members of the Interim Committee. The following 27 were represented: Algeria, Argentina, Austria, Brazil, Canada, Denmark, Finland, France, Germany (Federal Republic), Hungary, Ireland, Israel, Italy, Japan, Monaco, Netherlands, Norway, Romania, Soviet Union, Sweden, Switzerland, Syria, Togo, United Arab Republic, United Kingdom, United States of America, Yugoslavia. The following eight were not represented: Belgium, Holy See, Iran, Ivory Coast, Luxembourg, Madagascar, Philippines, Senegal.
- 3. Of the nine intergovernmental organizations invited, the following seven were represented by observers: United Nations (UN), United Nations Conference on Trade and Development (UNCTAD), United Nations Development Programme (UNDP), United Nations Industrial Development Organization (UNIDO), Industrial Development Centre for

Arab States (IDCAS), International Patent Institute (IIB), African and Malagasy Industrial Property Office (OAMPI). The International Bank for Reconstruction and Development (IBRD) and the Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents (EPC) were not represented.

- 4. Of the 12 international non-governmental organizations invited, the following 11 were represented by observers: Asian Patent Attorneys Association (APAA), Committee of National Institutes of Patent Agents (CNIPA), Council of European Industrial Federations (CEIF), European Industrial Research Management Association (EIRMA), International Association for the Protection of Industrial Property (AIPPI), International Chamber of Commerce (ICC), International Federation of Inventors Associations (IFIA), International Federation of Patent Agents (FICFI), Pacific Industrial Property Association (PIPA), Union of European Patent Agents, Union of Industries of the European Community (UNICE). The Inter-American Association of Industrial Property (ASIPI) was not represented.
- 5. The number of participants was nearly one hundred. The list of participants is annexed to this Report.
- 6. The Interim Committee unanimously elected Mr. P. Cabral de Mello (Brazil) as Chairman and Mr. W. Stamm (Switzerland) and Mr. E. Tasnádi (Hungary) as Vice-Chairmen.
- 7. Dr. Arpad Bogsch, First Deputy Director General of WIPO, acted as Secretary of the Interim Committee.

RULES OF PROCEDURE

8. The Interim Committee suggests that its rules of procedure be those applicable to "ad hoc Committees of Experts" which are provided for in the General Rules of Procedure of WIPO, subject to the understanding that the members would be States and would be represented by government appointed delegations.

DISCUSSION

- 9. Discussions were based on documents PCT/TAS/I/2, 3 and 4.
- 10. <u>Pilot Technical Assistance Program</u>. The Secretary outlined the procedures for obtaining assistance from the United Nations Development Programme (UNDP). The request for assistance is to be presented by the interested State or States which, themselves, have to invest substantially in the project that they have asked UNDP to subsidize. Assistance given by UNDP to any State will be charged against the total aid ("quota") assigned by UNDP to that State. The International Bureau is at the disposal of interested States for two purposes: to assist them in drawing up plans for presentation to UNDP, and to act as an executing agency of any UNDP project.

- 11. The Secretary also mentioned the requests for technical assistance received from the Government of Brazil and the Industrial Development Centre for Arab States (hereinafter referred to as "IDCAS"). He stated that WIPO was ready to assist Brazil and IDCAS in drawing up more detailed plans for presentation to UNDP and to act as an executing agency if UNDP adopted the projects. He said that WIPO had no budgetary provision of its own from which it could finance technical assistance of the kind and the dimensions in question.
- 12. The Representative of the African and Malagasy Industrial Property Office said that his Office, too, had asked for technical assistance. The Secretary informed the Interim Committee that the request was of a different kind from the requests presented by Brazil and IDCAS since it did not involve UNDP.
- 13. The Representative of UNDP called the attention of the Interim Committee to the following three points, namely, that:
 - (i) the objective of any UNDP project must be development, and might consist of or include the creation of new institutions and the carrying out of research;
 - (ii) the executing agencies generally were existing UN agencies but exceptionally might be other intergovernmental organizations (like WIPO) or non-governmental organizations,
 - (iii) that UNDP would soon give indicative country figures, that is, would specify for the next 4 or 5 years the amount of the aid likely to be available for each developing country in order to permit planning for more than one year.
- 14. The Delegation of Brazil informed the Interim Committee of its Government's recent decisions to modernize Brazil's patent system and patent administration, in order to contribute to the development of Brazilian industry. The manpower and funds necessary were and would be available but for certain aspects assistance from abroad would be necessary. On the invitation of the Brazilian Government, representatives of the International Bureau had had preliminary discussions with the competent services of the Brazilian Government in Rio de Janeiro in January 1971. For further details, the Delegation of Brazil referred to its communication contained in document PCT/TAS/I/3.
- 15. The Representative of IDCAS presented his organization's request for technical assistance described in document PCT/TAS/I/4. IDCAS represented the 14 Arab states. The request in question was for the carrying out of a study whose results should facilitate decisions which the Arab States would have to make as to the modernization of their patent systems and the creation of a documentation center. Both would serve the industrial development of the States in question. The Delegations of the United Arab Republic, Syria and Algeria supported the IDCAS request.
- 16. The Delegations of the United States of America, Germany (Federal Republic), France, Italy, Sweden, Yugoslavia, Switzerland and Japan, as well as the Representative of the International Patent Institute, said that they were in favor of technical assistance programs of the kind under discussion. The Delegation of Germany (Federal Republic) also said that its Patent Office was prepared to accept trainees, send experts and furnish patent documents, all this also on a bilateral basis. Its Office intended in particular to give such help to the Brazilian Office. The Delegation of the United States specifically approved of WIPO's endeavors to seek UNDP funds for technical assistance projects. The Delegation of the Soviet Union said it could not take any position at present with respect to the projects referred to in the preceding paragraph, as they had only been submitted at the beginning of the session. It

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was, however, generally in favor of multilateral and bilateral technical assistance projects of the kind under discussion and was ready to furnish its own contribution to them whenever possible. The Delegation of Austria associated itself with this statement.

- 17. The Delegations of Germany (Federal Republic), France and Israel asked whether the competence of the Interim Committee should not also extend to the information service activities provided for in Article 50 of the PCT. It was agreed that such competence existed if the service was of special benefit to developing countries. Otherwise it was under the jurisdiction of the Interim Committee for Technical Cooperation.
- 18. The Delegation of Israel, underlining the need to train specialists for the carrying out of pilot projects, stressed in this context the importance of an effective continuation of WIPO's general program for the training of specialists.
- 19. The Delegation of the United Arab Republic also said that licensing problems should be among the tasks to be covered by technical assistance projects.
- 20. The Delegation of Italy also said that, in the field in question, centralized multilateral aid, given through intergovernmental agencies, seemed to be more efficient than direct aid given by individual countries.
- 21. The Delegation of Yugoslavia further emphasized the need for patent offices to play two roles: granting patents or inventors' certificates, and channeling all information to industry and research institutions which was considered to be useful to the development of the patent system.
- 22. The Delegation of the United Kingdom expressed its country's preference for making its contribution to aid through recognized channels and therefore welcomed cooperation between WIPO and UNDP.
- 23. The Delegation of the United Arab Republic proposed the formation of a subcommittee to advise WIPO in supervising and organizing technical assistance offered in pursuance of the PCT provisions. The Delegation of Algeria proposed that this subcommittee be formed mainly of representatives of developing countries. The Delegations of Syria and OAMPI also said that they were in favor of the establishment of the said subcommittee. However, in view of the opinion expressed to the effect that the same functions could just as well be carried out by the Interim Committee itself, the proposal was not insisted upon.
- 24. The Representative of the United Nations Industrial Development Organization (UNIDO) said that his Organization was interested in the improvement of patent systems and patent offices since they contributed to a favorable investment climate which was so important for industrialization. His Organization was also interested in the use of patent documents for the transfer of technical information indispensable for industrialization. His Organization had a role to play in all this, which it was willing to play, and it would be ready to cooperate with WIPO wherever appropriate. For example, the possibility was being examined that, in the next of a series of UNIDO meetings for the promotion of investment projects, patent licensing needs and opportunities would be included with the cooperation of WIPO. Finally, he recalled that UNIDO was in a position to furnish equipment—as one of the forms of technical assistance—to developing countries from its own funds without calling on UNDP funds.

- 25. The Representative of the United Nations Conference for Trade and Development, recalling the pertinent resolutions of the United Nations General Assembly, particularly No. 2726 (XXV), said that the Conference was very much interested in all questions relating to the transfer of technology, which was a matter of paramount importance for the favorable growth of trade in developing countries.
- 26. The Representative of the International Chamber of Commerce said that any training program should also consider the possible assistance to be given for the training of persons who would be in charge in the developing countries of channeling the information contained in patent documents to industry and research institutions.
- 27. The Director General of WIPO said that there was no provision in the WIPO budget for pilot projects. Nevertheless, the International Bureau was ready to assist the Government of Brazil and IDCAS in the further formulation of their plans for presentation to UNDP although the fact that more than half of the IDCAS countries were not members of the Paris Union might cause some difficulties. Provided the funding came from UNDP, WIPO was also willing to serve as executing agency for the two pilot projects. He also gave assurances that the International Bureau would continue to propose to the competent bodies of the Member States that the kind of technical assistance formerly given by BIRPI be also given by WIPO, and that all duplication of efforts would be avoided as between WIPO and other intergovernmental organizations.
- 28. In conclusion, the Interim Committee expressed the view that the projects concerning Brazil and IDCAS were of great potential usefulness for the industrial and scientific development of Brazil and the Arab States, respectively. It also expressed the hope that UNDP would accord adequate assistance, and encouraged the International Bureau of WIPO to give all possible assistance in the detailed elaboration of the projects and to serve as executing agency for these two projects.

Fields of Possible Technical Assistance

- 29. The Interim Committee noted with approval the list of fields of possible technical assistance for developing countries as appearing in document PCT/TAS/I/2, paragraph 24, and as developed in paragraphs 25 to 30 of the same document. The list comprises the following activities:
 - (i) Survey of the patent system of any developing country requesting such a survey with a view to giving advice on the necessary *legislative and administrative measures* to be adopted to make its patent system more effective and more responsive to the needs of its developing economy.
 - (ii) Assistance in *adapting* the developing country's patent legislation *to the PCT*, including the drafting of the implementing legislation necessary for accession to the PCT.
 - (iii) Assistance in establishing new *centers* (*collections*) *of patent documentation*, in completing the collection of documents of existing centers, and in administering such centers, all of which would also be a first step towards the development of the patent information services provided for in Article 50 of the PCT.

- (iv) Study of the feasibility of a project to create a *periodical* technical publication issued by WIPO which would contain classified abstracts *of certain inventions or of know-how offered for licensing* and would identify parties interested in offering or requesting licenses.
- 30. In the course of the discussion, the Secretary said that the International Bureau would need direct assistance, including the loaning of staff by patent offices of developed countries, to carry out the tasks in question more rapidly. The Delegation of Germany (Federal Republic) said that its Government might be able to loan a staff member of the German Patent Office to the International Bureau for such a purpose. The Interim Committee noted this declaration with appreciation.
- During the discussion of the study of the feasibility of a publication referred to in paragraph 29(iv), above, the Delegation of the Netherlands asked that the study ascertain the extent to which such a publication would be useful, look into the question whether an early confrontation (such as the publication would provide) of potential licensors and licensees was helpful or harmful, and whether, instead of the overall service proposed, a more restricted service limited to certain technical fields of direct interest to developing countries would not be more economical and profitable. The Delegations of Yugoslavia, the Soviet Union, and the United Arab Republic expressed confidence in the usefulness of such a publication, whereas the Delegations of the Netherlands and the United Kingdom expressed some doubts and reserved their opinion until the carrying out of the study. The Representative of the Union of Industries of the European Community reserved his opinion since the question had so far not been studied by his Union. At the same time, he thanked WIPO for having been given the opportunity to participate in the work within the framework of the PCT, and underlined the interest which industry took in this work and its readiness to accept continued cooperation. The Delegation of Brazil supported the carrying out of the study. Finally, it was agreed by the Interim Committee that all that the International Bureau should do for the moment was to make a feasibility study and report on its results to the next session of the Interim Committee.

SUGGESTED PROGRAM

32 The Interim Committee arrived at the following conclusions as to its program.

Assistance in the Field of Legislation, Administration and Documentation

- 33. The Interim Committee should advise and assist the International Bureau in its technical assistance activities carried out through financing from sources other than WIPO's budget for the benefit of developing countries, particularly in the following fields:
 - advice on legislative and administrative measures to make the developing country's patent system more effective and more responsive to the needs of its developing economy,
 - (ii) assistance in adapting the developing country's patent legislation to the Patent Cooperation Treaty,
 - (iii) assistance in establishing new centers (collections) of patent documentation, in completing the collection of documents in existing centers, and in administering such centers.

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Periodical on Licensing Opportunities

34. The International Bureau should carry out a feasibility study as to the possible creation of a periodical technical publication to be issued by WIPO and to contain classified abstracts of certain inventions or of know-how offered for licensing and identify parties interested in offering or requesting licenses (the abstracts to be prepared by the offering party), and should report to the Interim Committee.

Priorities

35. The Interim Committee agreed that the International Bureau should give first priority to the technical assistance projects as requested by the Government of Brazil and by IDCAS.

Future Meetings

36. The Interim Committee agreed that its next meeting should be held at Geneva in 1972 preferably immediately after or before another WIPO meeting in which most countries were likely to be represented by the same person who would represent them in the Interim Committee so as to allow for economy in travel expenses.

Executive Committee of the Paris Union

37. The Interim Committee noted that its suggested program would be reported to the Executive Committee of the Paris Union when it met in September 1971, that it was the Executive Committee which would establish the final program, and that the extent of the involvement of the International Bureau in the program would depend on the amount of the special PCT contributions of the member States of the Paris Union.

38. This Report was unanimously adopted by the Interim Committee in its closing meeting on February 11, 1971.

[Annex follows]

LISTE DES PARTICIPANTS LIST OF PARTICIPANTS

I. ÉTATS/STATES

ALGÉRIE/ALGERIA

- M. S. BOUZIDI, Chef de la Division de la Propriété Industrielle, Office National de la Propriété Industrielle, Alger
- M. A. BOUSSAÏD, Chargé de Mission, Ministère de l'Industrie et de l'Énergie, Alger
- M. K. LOKMANE, Secrétaire d'Ambassade, Mission permanente d'Algérie, Genève

ALLEMAGNE (RÉPUBLIQUE FÉDÉRALE)/GERMANY (FEDERAL REPUBLIC)

- Mr. R. SINGER, Abteilungspräsident, German Patent Office, Munich
- Mr. K. H. HOFMANN, Abteilungspräsident, German Patent Office, Munich
- Mr. D. BERNECKER, Oberregierungsrat, Federal Ministry of Justice, Bonn

ARGENTINE/ARGENTINA

M.L.M. LAURELLI, Secrétaire d'Ambassade, Mission permanente de la République d'Argentine, Genève

AUTRICHE/AUSTRIA

- Mr. T. LORENZ, Presiding Counsellor, Ministry of Commerce and Industry, Vienna
- M. G. GALL, Commissaire, Ministère du Commerce et de l'Industrie, Vienne
- Mr. P. KLEIN, Counsellor, Mission of Austria, Geneva

BRÉSIL/BRAZIL

- M. P. CABRAL DE MELLO, Représentant permanent adjoint Mission permanente du Brésil, Genève
- M. T. THEDIM LOBO, Président de l'Institut National de la Propriété Industrielle (INPI), Rio de Janeiro
- M. M. COUTO, Premier Secrétaire d'Ambassade Mission permanente du Brésil, Genève

CANADA

Mr. G.A. ASHER, Director, Planning and Special Duties Division, Patent and Copyright Office, Ottawa

DANEMARK/DENMARK

- Mr. E. TUXEN, Director, Danish Patent Office, Copenhagen
- Mrs. D. SIMONSEN, Head of Department, Danish Patent Office, Copenhagen
- Mr. E. MØLGAARD, Head of Division, Ministry of Commerce, Copenhagen

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

- Mr. R. D. TEGTMEYER, Acting Assistant Commissioner for Appeals, Legislation and Trademarks, U.S. Patent Office, Washington, D.C.
- Mr. H. J. WINTER, Chief, Business Practices Division, Department of State, Washington, D.C.
- Mr. R. A. SPENCER, Acting Assistant Commissioner for Research and Development, U.S. Patent Office, Washington, D.C.
- Mr. H. D. HOINKES, International Patent Specialist, Office of Legislation and International Affairs, U.S. Patent Office, Washington, D.C.

FINLANDE/FINLAND

- Mr. P. SALMI, Chief of Section, Central Board of Patents and Registration, Helsinki
- Mr. B. NORRING, Chief of Section, Central Board of Patents and Registration, Helsinki

FRANCE

- M. R. LABRY, Conseiller d'Ambassade au Ministère des Affaires étrangères, Direction des Affaires économiques et financières, Paris
- M. P. GUÉRIN, Attaché de Direction, Institut National de la Propriété Industrielle, Paris

HONGRIE/HUNGARY

- Mr. E. TASNÁDI, President, National Office for Inventions, Budapest
- Mr. J. BOBROVSZKY, Legal Adviser, National Office for Inventions, Budapest

IRLANDE/IRELAND

Mr. M. J. QUINN, Controller of Patents, Designs and Trade Marks, Patent Office, Dublin

ISRAËL/ISRAEL

Mr. M. GABAY, Commissioner of Patents, Designs and Trade Marks, Ministry of Justice, Jerusalem

ITALIE/ITALY

- M. G. TROTTA, Magistrat, Ministère des Affaires étrangères, Rome
- M. A. ANNUNZIATA, Expert, SNAM/Progetti S.p.A., Milan

JAPON/JAPAN

- Mr. I. SHAMOTO, Chief Examiner, Fourth Examination Division, Patent Office, Tokyo
- Mr. M. KURODA, First Secretary, Permanent Delegation of Japan, Geneva

MONACO

M. J.M. NOTARI, Directeur du Service de la Propriété Industrielle, Monaco

NORVÈGE/NORWAY

Mr. L. NORDSTRAND, Director, Norwegian Patent Office, Oslo

Mr. T. ALFSEN, Legal Counsellor, Ministry of Industry, Oslo

PAYS-BAS/NETHERLANDS

Mr. J. DEKKER, Vice President, Netherlands Patent Office, The Hague

Mr. M. VAN DAM, Patent Consultant, Eindhoven

RÉPUBLIQUE ARABE SYRIENNE/SYRIAN ARAB REPUBLIC

M. M. WEHBEH, Attaché, Mission permanente de la République Arabe Syrienne, Genève

RÉPUBLIQUE ARABE UNIE/UNITED ARAB REPUBLIC

Mr. A. ELSHALAKANY, Director, International Agreements, Ministry of Industry, Cairo

Mr. Y. RIZK, First Secretary, Permanent Mission of the United Arab Republic, Geneva

ROUMANIE/ROMANIA

M. I. CAMENITA, Conseiller juridique, Office d'État pour les Inventions et les Marques, Bucarest

Mme F. DINU, Troisième Secrétaire, Mission permanente de la République Socialiste de Roumanie, Genève

ROYAUME-UNI/UNITED KINGDOM

Mr. D.G. GAY, Superintending Examiner, Patent Office, London

Mr. I.J.G. DAVIS, Principal Examiner, Patent Office, London

SUÈDE/SWEDEN

Mr. G. BORGGÅRD, Director General, Royal Patent and Registration Office, Stockholm

Mr. S. LEWIN, Head of Division, Royal Patent and Registration Office, Stockholm

Mr. B. HANSSON, Primary Examiner, Royal Patent and Registration Office, Stockholm

SUISSE/SWITZERLAND

M. W. STAMM, Directeur, Bureau fédéral de la propriété intellectuelle, Berne

M. F. CURCHOD, Juriste de la Section juridique des brevets, Bureau fédéral de la propriété intellectuelle, Berne

TOGO

M. M.EKLO, Premier Conseiller à l'Ambassade du Togo à Paris, Paris

UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES/UNION OF SOVIET SOCIALIST REPUBLICS

Mr. Y. MAKSAREV, Chairman of the Committee for Inventions and Discoveries attached to the Council of Ministers of the U.S.S.R., Moscow

Mr. V. KALININ, Second Secretary, Permanent Mission of the U.S.S.R., Geneva

YOUGOSLAVIE/YUGOSLAVIA

M. S. PRETNAR, Directeur de l'Office Fédéral de Brevets de la R.S.F. de Yougoslavie, Belgrade

II. ORGANISATIONS INTERGOUVERNEMENTALES/ INTERGOVERNMENTAL ORGANIZATIONS

ORGANISATION DES NATIONS UNIES (ONU)/UNITED NATIONS (UN)

Mr. H. CORNIL, Trade and Technology Division, Economic Commission for Europe, Geneva

CONFÉRENCE DES NATIONS UNIES SUR LE COMMERCE ET LE DÉVELOPPEMENT (CNUCED) /UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD)

Mr. R. KRISHNAMURTI, Acting Director, Manufactures Division, Geneva

Mr. R.E. SMITH, Chief, Restrictive Business Practices Section, Manufactures Division, Geneva

ORGANISATION DES NATIONS UNIES POUR LE DÉVELOPPEMENT INDUSTRIEL (ONUDI)/UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION (UNIDO)

Mr. L. KATKHOUDA, Acting Chief, Industrial Institutions Section, Vienna

PROGRAMME DES NATIONS UNIES POUR LE DÉVELOPPEMENT (PNUD) UNITED NATIONS DEVELOPMENT PROGRAMME (UNDP)

Mr. M. MIR KHAN, Consultant to the Administrator, Geneva

CENTRE DE DÉVELOPPEMENT INDUSTRIEL POUR LES ÉTATS ARABES/INDUSTRIAL DEVELOPMENT CENTRE FOR ARAB STATES (IDCAS)

Mr. Ali ABDEL HAK, Head, Industrial Property Section, Department of Productivity Studies, Cairo

INSTITUT INTERNATIONAL DES BREVETS (IIB)/INTERNATIONAL PATENT INSTITUTE

Mr. P. VAN WAASBERGEN, Technical Director, The Hague

Mr. L.F.W. KNIGHT, Conseiller à l'Informatique, The Hague

OFFICE AFRICAIN ET MALGACHE DE LA PROPRIÉTÉ INDUSTRIELLE (OAMPI) AFRICAN AND MALAGASY INDUSTRIAL PROPERTY OFFICE

Mr. J. F. ANGUILE-OUSMANE, Directeur général adjoint, Yaoundé

III. ORGANISATIONS NON GOUVERNEMENTALES/ NON-GOVERNMENTAL ORGANIZATIONS

ASIAN PATENT ATTORNEYS ASSOCIATION (APAA)

Mr. A. SUGIMURA, Patent Attorney, Sugimura International Patent and Trademark Agency, Tokyo

Mr. F. OHTSUKA, Patent Attorney, Nakamatsu Patent and Law Office, Tokyo

Mr. Kim CHUN BONG, Patent Attorney, Kim Chun Bong's Law Office, Seoul

Mr. S. IMAI, Patent Attorney, Yuasa, Sakamoto, Kawai & Ikenaga, Tokyo

ASSOCIATION EUROPÉENNE POUR L'ADMINISTRATION DE LA RECHERCHE/ EUROPEAN INDUSTRIAL RESEARCH MANAGEMENT ASSOCIATION (EIRMA)

Mr. R. MESSEROTTI-BENVENUTI, Montecatini-Edison S.p.A., Milan

Mr. A. VAN DER AUWERAER, Chef du Département Brevets, Gevaert-Agfa, Mortsel-Antwerpen

ASSOCIATION INTERNATIONALE POUR LA PROTECTION DE LA PROPRIÉTÉ INDUSTRIELLE (AIPPI)/INTERNATIONAL ASSOCIATION FOR THE PROTECTION OF INDUSTRIAL PROPERTY (IAPIP)

Mr. C.M.R. DAVIDSON, The Hague

CHAMBRE DE COMMERCE INTERNATIONALE (CCI)/INTERNATIONAL CHAMBER OF COMMERCE (ICC)

Mr. D.A. WAS, Group Industrial Property Adviser, Royal Dutch/Shell Group, The Hague

Mr. D.O. LEWIS, Patent Department, Babcock & Wilcox Ltd., London

Mr. H. VANDERBORGHT, Chef du Département des Brevets, UCB, Drogenbos

COMITÉ DES INSTITUTS NATIONAUX DES AGENTS DE BREVETS (CINAB)/ COMMITTEE OF NATIONAL INSTITUTES OF PATENT AGENTS (CNIPA)

Mr. C.H.J. VAN SOEST, Nederlandsch Octrooibureau, The Hague

CONSEIL DES FÉDÉRATIONS INDUSTRIELLES D'EUROPE/COUNCIL OF EUROPEAN INDUSTRIAL FEDERATIONS (CEIF)

Mr. M. MEUNIER, Chef du Service des Brevets, Ateliers de Constructions Électriques (ACEC), Charleroi

Mr. J. WILLEMS, Krefeld

FÉDÉRATION INTERNATIONALE DES ASSOCIATIONS D'INVENTEURS/ INTERNATIONAL FEDERATION OF INVENTORS ASSOCIATIONS (IFIA)

Mr. H. ROMANUS, Vice-Président, Stockholm

Mr. A.L. COTTERELL, Secretary, London

FÉDÉRATION INTERNATIONALE DES INGÉNIEURS-CONSEILS EN PROPRIÉTÉ INDUSTRIELLE (FICPI)/INTERNATIONAL/FEDERATION OF PATENT AGENTS

Mr. H. BARDEHLE, Patent Agent, Munich

M. J. CORRE, Conseil en Brevets, Paris

M. P.O. LANGBALLE, Président d'honneur, Copenhague

PACIFIC INDUSTRIAL PROPERTY ASSOCIATION (PIPA)

Mr. E.W. ADAMS, Jr., Bell Telephone Laboratories, Holmdel, New Jersey

Mr. A.L. SNOW, Vice-President, Chevron Research Co., San Francisco

<u>UNION DES AGENTS DE BREVETS EUROPÉENS/UNION OF EUROPEAN PATENT</u> AGENTS

Mr. G.H. EDMUNDS, Chartered Patent Agent, Standard Telephones and Cables Ltd., Footscray, Kent

UNION DES INDUSTRIES DE LA COMMUNAUTÉ EUROPÉENNE (UNICE)/UNION OF INDUSTRIES OF THE EUROPEAN COMMUNITY

M. I.P.L. HAZELZET, Président du Groupe de travail "Brevets" de l'UNICE, Eindhoven Mr. C. PAYRAUDEAU, Secrétaire général des services de la Propriété industrielle, Compagnie générale d'Electricité, Paris

IV. ORGANISATION MONDIALE DE LA PROPRIÉTÉ INTELLECTUELLE (OMPI)/ WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Professor G.H.C. BODENHAUSEN, Directeur général/Director General

Dr. Arpad BOGSCH, Premier Vice-directeur général/First Deputy Director General

Mr. K. PFANNER, Conseiller supérieur/Senior Counsellor, Chef de la Division de la propriété industrielle/Head of the Industrial Property Division

Mr. I. MOROZOV, Conseiller/Counsellor, Division de la Propriété industrielle/Industrial Property Division

Mr. P. CLAUS, Conseiller technique/Technical Counsellor, Division de la propriété industrielle/ Industrial Property Division

V. BUREAU DU COMITÉ INTÉRIMAIRE/OFFICERS OF THE INTERIM COMMITTEE

PRÉSIDENT/CHAIRMAN: Mr. P. CABRAL DE MELLO (Brésil/Brazil)

<u>VICE-PRÉSIDENTS/ VICE-CHAIRMEN</u>: Mr. W. STAMM (Suisse/Switzerland), Mr. E. TASNÁDI (Hongrie/Hungary)

SECRÉTAIRE/ SECRETARY: Dr. A. BOGSCH (OMPI/WIPO)

[Fin de l'annexe et du document] [End of Annex and of Document]