

WIPO



PCT/TAS/III/7
ORIGINAL: English
DATE: October 9, 1972

E

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

PATENT COOPERATION TREATY

INTERIM COMMITTEE FOR TECHNICAL ASSISTANCE

Second Session: Geneva, October 5 to 9, 1972

REPORT

Prepared by the International Bureau

INTRODUCTION

1. The "PCT Interim Committee for Technical Assistance" (hereinafter referred to as "The Interim Committee") held its second session in Geneva from October 5 to 9, 1972.
2. The members of the Interim Committee are those States--37 in number--which have signed, or acceded to, the PCT, and, pursuant to a recent decision of the Executive Committee of the Paris Union, any other country which pledges a special contribution to the PCT budget. There is one State, Australia, which so far has qualified under the latter criterion. The following 28 States were represented: Algeria, Argentina, Australia, Austria, Belgium, Brazil, Canada, Denmark, Egypt, Finland, France, Germany (Federal Republic), Hungary, Iran, Ireland, Israel, Italy, Japan, Monaco, Netherlands, Norway, Romania, Senegal, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom, United States of America. The following 10 were not represented: Central African Republic, Holy See, Ivory Coast, Luxembourg, Madagascar, Malawi, Philippines, Syria, Togo, Yugoslavia.
3. The following three intergovernmental organizations were represented by observers: United-Nations Conference on Trade and Development (UNCTAD), Intergovernmental Conference for the Setting up of a European System for the Grant of Patents, International Patent Institute (IIB).
4. The following six non-governmental organizations were represented by observers: Council of European Industrial Federations (CEIF), *Fédération Européenne des Mandataires de l'Industrie en Propriété Industrielle* (FEMIP), International Association for the Protection of Industrial Property (IAPIP), International Chamber of Commerce (ICC), International Federation of Inventors Associations (IFIA), International Federation of Patent Agents (FICPI).

5. The number of participants was over 70. The list of participants is annexed to this report.
6. The Interim Committee unanimously elected Mr. S. Bouzidi (Algeria) as Chairman, and Mr. K. B. Petersson (Australia) and Mr. I. Camenita (Romania) as Vice-Chairmen.
7. Mr. Klaus Pfanner, Senior Counsellor, Head of the Industrial Property Division, WIPO, acted as Secretary of the Interim Committee.

AGENDA

8. The Interim Committee adopted its agenda as contained in document PCT/TAS/II/1.Rev.

DEVELOPMENTS DURING THE PERIOD MARCH 1971 TO SEPTEMBER 1972

9. Discussions were based on documents PCT/TAS/II/2 and 3.
10. The Delegation of Brazil expressed its satisfaction with the progress made with respect to the Brazilian project (see documents PCT/TAS/II/2, paragraphs 2 to 11, and PCT/TAS/II/3, paragraphs 2 to 5). It added that the National Institute of Industrial Property (INPI) of Brazil was at present making all necessary preparations which would permit the project to start as from April 1973. It expressed its appreciation for the assistance provided by the International Bureau during the preparation of the project and its hope that the present negotiations with the United Nations Development Programme (UNDP) would soon be successfully concluded. It furthermore expressed its gratitude to the German Patent Office for its assistance in this matter in making the services of Mr. Zimmer of that Office available to assist in the formulation of the details of the project.
11. The Delegation of Israel noted with satisfaction the work already performed by WIPO, particularly with respect to the Brazilian project which was an interesting new approach in using the patent system not only for the grant of patents but also as a source of technical information for industry. Work with this and other similar projects should continue with priority. It added that another item on the program of the Interim Committee, i.e. the assistance to be provided by the International Bureau in adapting the patent legislation of developing countries to the PCT, was of particular importance. One way to achieve this could be to prepare a model patent law, or to adopt the BIRPI Model Law on Inventions for Developing Countries, so that the national legislator could integrate the PCT into the national law.
12. The Secretariat said that the great differences among national patent laws and the probable desire of the countries to maintain their traditions would probably render of little practical value a model patent law for both developed and developing countries. As far as the BIRPI Model Law was concerned, the Secretariat said that it contained several alternative solutions which, if they were combined with the numerous options existing under the PCT, would render the Model Law too complex. It might be desirable first to select among the alternatives and the options. In any case, the International Bureau was at the disposal of any State or regional grouping of States to advice on the possibilities of taking advantage of the PCT in their national laws or regional treaties. It is in this spirit that the International Bureau was consulted by OAMPI and participated, as an observer, in the preparation of the European Patent Convention. In respect of the form and content of applications and their processing, the PCT Regulations contained an excellent model for national regulations and it was the intention of the International Bureau to use it wherever appropriate. It already did so in preparing draft regulations for the Patent Law of Sudan.

13. The Delegation of Senegal, supported by the Delegation of Italy, suggested that, besides the making available of technical documentation for developing countries, a particular need existed for the training of experts from developing countries in the use of the technology contained in patent documents. Such training should enable the said experts to use the information content of patent documents more efficiently for the purpose of the developing of national economy. This needed a longer training than the three month courses presently available under the WIPO technical assistance program.

14. In reply to this suggestion, the Secretariat stated that the yearly number of traineeships granted to experts from developing countries was growing constantly. The budgetary means of WIPO were, however, limited and could not go beyond fellowships of relatively short duration. The funds for more extensive programs should, in conformity with the provisions of Chapter IV of the PCT and as in the case of the Brazilian project and the IDCAS project, be obtained through international financial institutions like UNDP. Moreover, the technical assistance program of WIPO, both in general and under the PCT, was limited to its sphere of competence, namely to assistance in the field of industrial property. While the organization of Patent Offices and documentation centers and the training of their professional staff was part of that program, the training of engineers and scientists in the use of patented technology was beyond the sphere of competence of WIPO and within the mandate of organizations like UNIDO.

15. The Delegation of the Soviet Union expressed its support for the PCT technical assistance program of WIPO and confirmed its willingness to cooperate in the implementation of that program. Desirous to assist developing countries, the Soviet Union was ready to provide assistance both on a bilateral and multilateral basis and was prepared to give each request received from developing countries careful consideration. In this context, it drew the attention of the Interim Committee to the existence of an Academy for the training of patent experts existing within the framework of the Soviet Patent Office.

16. The Delegation of Germany (Federal Republic), recalling the role the German Patent Office already plays in the Brazilian project, confirmed the readiness of its country to participate in the PCT technical assistance program of WIPO and to provide technical assistance for developing countries in the field of industrial property either through participation in the WIPO program or directly. Such assistance could in particular consist of the sending of qualified experts to developing countries or the receiving of experts from such countries for training in the German Patent Office. It recalled in this context that its Government was ready to put within a short time a qualified expert at the disposal of WIPO for a period of two years to assist the latter in the execution of its PCT technical assistance program. In order to provide more effective assistance, it was necessary to receive more precise indications about the needs of individual developing countries in this field. Precise requests and concrete proposals for developing programs were a necessary prerequisite for an effective technical assistance program.

17. The Delegation of Switzerland reiterated its readiness to provide for technical assistance to developing countries and expressed its support for the PCT technical assistance program of WIPO. In addition to the training courses for experts from developing countries in the patent field provided under the WIPO technical assistance program by the Swiss Federal Intellectual Property Office, that Office had already requested the necessary authorization from the competent authorities to be able to furnish copies of the collection of Swiss patent documents to all prospective PCT International Searching Authorities which needed them in order to comply with the requirements of PCT minimum documentation under Rule 34.

18. The Delegation of Egypt expressed its appreciation for the offers of technical assistance made by various Delegations. WIPO should give high priority to its technical assistance program, and in particular to the training program which should be intensified. It would be preferable if offers of and requests for training under the PCT were communicated through the International Bureau to enable the International Bureau to set up annual programs in this respect.

19. The Interim Committee noted with appreciation the progress accomplished by the International Bureau in connection with the PCT technical assistance program as reflected in documents PCT/TAS/II/2 and 3 and expressed itself in favor of a continuation of that program.

INPADOC

20. Discussions were based on paragraphs 21 and 22 of document PCT/TAS/II/2, on paragraph 11 of document PCT/TAS/II/3 and on document PCT/TCO/II/3.

21. After having heard a report by the Secretariat on further developments with respect to the International Patent Documentation Center (INPADOC) during the last session of the Standing Subcommittee of the PCT Interim Committee for Technical Cooperation, the Interim Committee noted with appreciation the progress accomplished in connection with the setting up of INPADOC and urged active continuation of that project.

PLAN FOR A PERIODICAL ON LICENSING OPPORTUNITIES

22. Discussions were based on document PCT/TAS/II/2, paragraphs 16 to 20, and document PCT/TAS/II/4.

23. Replying to a question by the Delegation of Switzerland, the Secretariat stated that the questionnaire to prospective subscribers to the proposed periodical on licensing opportunities had, in the case of some of the highly industrialized countries, been sent direct to individual industrial firms and industrial associations rather than to the national Offices. The International Bureau would, however, now send copies of the questionnaire also to such Offices in order to keep them informed.

24. The Delegation of the United Kingdom raised the question of the relationship between the proposed periodical on licensing opportunities and the envisaged Patent Licensing Convention and underlined that the continuation of both projects should not lead to two publications in the same field. The Secretariat replied that the two projects were basically different. The proposed periodical on licensing opportunities had a limited aim, was intended to be self-supporting since it would only become operational once the necessary number of subscribers could be found, and could and should be implemented in the near future by not creating budgetary implications, it could be implemented without waiting for special measures ensuring its financing, such as the conclusion and ratification of an international instrument. On the other hand, the draft Patent Licensing Convention had a much more far-reaching scope. It would probably provide a more effective machinery for the facilitating of a transfer of technology to developing countries by way of licensing, but it necessitated the conclusion of an international instrument and its ratification by a sufficiently large number of countries. It was therefore highly probable that the envisaged periodical would constitute, despite its modest concept, a more immediate assistance to developing countries. Under these circumstances, it was necessary to continue, at least initially, both projects. It went without saying that, if both projects would make sufficient progress in order to allow their implementation, the necessary coordination with a view to avoiding any duplication of effort would take place.

25. The Delegations of Algeria, Brazil, Egypt and Israel and the observer of the International Chamber of Commerce supported the active continuation of the study and urged that national Offices and industrial associations should again be approached in order to accelerate the completion of the survey.

26. The Interim Committee approved the continuation of the feasibility study concerning a periodical on licensing opportunities.

FUTURE PROGRAM

27. The Delegation of Egypt proposed establishing a Working Group to prepare a draft of regulations under Chapter IV of the PCT. The proposed regulations should contain implementing rules with respect to the patent information services provided for in Article 50 of the PCT and the technical assistance provided for in Article 51 of the PCT. The preparation of such regulations would be of considerable importance for developing countries. Their existence would encourage such countries to adhere to the PCT.

28. Taking into consideration the difficulties in respect of establishing a Working Group, the Interim Committee decided to ask the International Bureau to prepare a first draft of regulations under Chapter IV of the PCT and to submit that draft to the next session of the Interim Committee.

29. The Interim Committee decided that the International Bureau should continue its PCT technical assistance program as defined in paragraphs 33 and 34 of the report of its first session (document PCT/TAS/I/6). The following projects should receive high priority:

- (i) Brazilian project,
- (ii) IDCAS Project for Patent Documentation Center,
- (iii) Feasibility Study for Periodical on Licensing Opportunities,
- (iv) Utilization of the Services of INPADOC for Assistance to Developing Countries in the Field of Patent Documentation,
- (v) Elaboration of Draft Regulations under Chapter IV of the PCT.

30. The Interim Committee, noting with appreciation the invitation extended by the Japanese Government, agreed that its next session should be held from October 22 to 27, 1973, in Tokyo.

31. *This Report was unanimously adopted by the Interim Committee in its closing meeting on October 9, 1972.*

[Annex follows]

LISTE DES PARTICIPANTS/ LIST OF PARTICIPANTS

I. ÉTATS MEMBRES/MEMBER STATES

ALGÉRIE/ALGERIA

M. S. BOUZIDI, Directeur a.i. de l'Office national de la propriété industrielle, Alger
M. A. BOUSSAÏD, Chargé de mission, Ministère de l'Industrie et de l'Énergie, Alger
Mme. G. SELLALI, Secrétaire d'Ambassade, Mission permanente de l'Algérie, Genève

ALLEMAGNE (RÉPUBLIQUE FÉDÉRALE)/GERMANY (FEDERAL REPUBLIC)

Mr. H. MAST, Ministerialrat, Ministry of Justice, Bonn
Mr. K.-H. HOFMANN, Abteilungspräsident, German Patent Office (Berlin Branch), Berlin
Mrs. R. VON SCHLEUSSNER, Regierungsdirektorin, German Patent Office, Munich
Mr. U.C. HALLMANN, Regierungsdirektor, German Patent Office, Munich
Mr. W. MASSALSKI, Regierungsrat, German Patent Office (Berlin Branch), Berlin

ARGENTINE/ARGENTINA

M. R.A. RAMAYON, Premier Secrétaire, Mission permanente de la République Argentine, Genève

AUSTRALIE/AUSTRALIA

Mr. K.B. PETERSSON, Commissioner of Patents, Patents, Trade Marks and Designs Offices, Canberra

AUTRICHE/AUSTRIA

Mr. G. GALL, Oberkommissär, Ministry of Commerce, Trade and Industry, Industrial Property Section, Vienna

BELGIQUE/BELGIUM

M. J. VERLINDEN, Secrétaire d'administration, Ministère des Affaires économiques, Administration du commerce, Service de la propriété industrielle et commerciale, Bruxelles

BRÉSIL/BRAZIL

Mr. G.R. COARACY, Assistant to the President, National Institute of Industrial Property, Brasilia
Mr. R.I. CANTIELLO, Assistant to the President, National Institute of Industrial Property, Brasilia
Mr. F. M. PERRI, Secretary of Embassy, Permanent Mission of Brazil, Geneva

CANADA

Mr. F.W. SIMONS, Senior Representative of Commissioner of Patents, Patent and Copyright Office, Ottawa
Mr. Jacques CORBEIL, Conseiller, Bureau des Brevets, Ottawa

DANEMARK/DENMARK

Mr. E. TUXEN, Director, Danish Patent Office, Copenhagen
Mrs. D. SIMONSEN, Head of Division, Danish Patent Office, Copenhagen

Mr. E. MØLGAARD, Head of Section, Ministry of Commerce, Copenhagen

ÉGYPTE/EGYPT

Mr. A.M. EL-DEK, The General Organization for Industrialization, Cairo

Mr. S.A. ABOU-ALI, Second Secretary, Permanent Mission of Egypt, Geneva

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

Mr. R.A. WAHL, Assistant Commissioner of Patents, U.S. Patent Office, Washington, D.C.

Mr. M. K. KIRK, Director, Office of Legislation and International Affairs, U.S. Patent Office, Washington, D.C.

Mr. H. D. HOINKES, Legislative and International Patent Specialist, U.S. Patent Office, Washington, D.C.

FINLANDE/FINLAND

M. P. SALMI, Chef de Section, Office des brevets et du registre, Helsinki

FRANCE

M. R. LABRY, Conseiller d'Ambassade, 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

IRAN

M. G. RAISSIAN, Sous-Secrétaire d'État, Ministère de la Justice, Téhéran

M. M. NARAGHI, Directeur, Office d'enregistrement des sociétés et de la propriété industrielle, Téhéran

IRLANDE/IRELAND

Mr. M. J. QUINN, Controller of Patents, Patents Office, Dublin

ISRAËL/ISRAEL

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

ITALIE/ITALY

M. R. MESSEROTTI-BENVENUTI, Avocat, Montecatini Edison, Milan

JAPON/JAPAN

Mr. K. OTANI, Director General, Second Examination Department, Japanese Patent Office, Tokyo

MONACO

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

NORVÈGE/NORWAY

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

Mr. A.G. MODAL, Head of Division, 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

ROUMANIE/ROMANIA

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

ROYAUME-UNI/UNITED KINGDOM

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

Mr. A.F.C. MILLER, Principal Examiner, Patent Office, London

SÉNÉGAL

M. B. NIANG, Professeur technique, Ministère du Développement Industriel, Dakar

SUÈDE/SWEDEN

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

Mr. M. JACOBSSON, Legal Advisor, Ministry of Justice, Stockholm

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

SUISSE/SWITZERLAND

M. J.-L. COMTE, Président de la Section de recours en matière d'examen préalable, Bureau fédéral de la propriété intellectuelle, Berne

M. M. LEUTHOLD, Chef de Section, Bureau fédéral de la propriété intellectuelle, Berne

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

UNION DES RÉPUBLIQUES SOCIALISTES SOVIÉTIQUES/UNION OF SOVIET SOCIALIST REPUBLICS

Mr. E. I. ARTEMIEV, First Deputy Chairman, Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, Moscow

Mr. L. E. KOMAROV, Director, All Union Scientific Research Institute of State Patent Examination, Moscow

Mr. V.N. EVGENIEV, Head of Section, Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, Moscow

II. ORGANISATIONS INTERGOUVERNEMENTALES/INTERGOVERNMENTAL ORGANIZATIONS

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

Mr. T. GANIATSOS, Associate Economic Affairs Officer, Transfer of Technology Branch, Division for Invisibles, Geneva

CONFÉRENCE INTERGOUVERNEMENTALE POUR L'INSTITUTION D'UN SYSTÈME EUROPÉEN DE DÉLIVRANCE DE BREVETS/INTERGOVERNMENTAL CONFERENCE FOR THE SETTING UP OF A EUROPEAN SYSTEM FOR THE GRANT OF PATENTS

Mr. D. THOMPSON, Legal Adviser, EFTA, Geneva

INSTITUT INTERNATIONAL DES BREVETS (IIB)/INTERNATIONAL PATENT INSTITUTE

M. L. F. W. KNIGHT, Conseiller a l'Informatique, La Haye

M. A. VANDECASTEELE, Conseiller au Service technique, La Haye

III. ORGANISATIONS NON-GOUVERNEMENTALES/NON-GOVERNMENTAL ORGANIZATIONS

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

M. H. MEYER, Vice-directeur et Chef de la Section des brevets, F. Hoffmann-La Roche & Co. AG, Bâle

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, Chartered Patent Agent, Babcock & Wilcox Ltd., London

Mr. H. C. F. VANDERBORGHT, Chef du Département "Documentation technique et brevets", UCB S.A., Drogenbos/Belgique

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

Mr. C. SORDET, Avocat, Vevey

Mr. J. WILLEMS, Patentanwalt, Krefeld

FÉDÉRATION EUROPÉENNE DES MANDATAIRES DE L'INDUSTRIE EN PROPRIÉTÉ INDUSTRIELLE (FEMPI)

M. M. G. E. MEUNIER, Président, Charleroi

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

Mr. H. ROMANUS, President, Stockholm

Mr. K.E. SUNDSTRÖM, Geneva

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

M. G. DERIAZ, Conseil en brevets, Genève

M. K. HALVORSEN, Conseil en brevets, Oslo

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

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

Mr. Paul CLAUS, Conseiller technique/Technical Counsellor, Chef de la Section ICIREPAT/Head of the ICIREPAT Section

Mr. Y. GROMOV, Section PCT/PCT Section, Division de la propriété industrielle/Industrial Property Division

[Fin du document/End of document]