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D00735

UNIDO

Distr.  
LIMITED

ID/WG.42/2/Rev.1  
6 June 1969

United Nations Industrial Development Organization

ORIGINAL: ENGLISH

Expert Group Meeting on the Organization and  
Administration of Industrial Property Offices<sup>1</sup>  
Vienna, 6 - 10 October 1969

Provisional Agenda and Work Schedule

Monday, 6 October

1. Opening address
2. Election of officers
3. Adoption of the agenda
4. Management of industrial property offices

Tuesday, 7 October

5. Administration of industrial property offices  
as an element of the investment climate
6. Working of protected inventions in the country  
as an instrument of industrial development

Wednesday, 8 October

7. Modern office systems in the administration  
of industrial property offices
8. Novelty examination of inventions

Thursday, 9 October

9. Experience of the regional industrial property  
office at Yaoundé (OAMPI)<sup>2</sup>
10. Administration and organization of industrial  
property offices in centrally planned economies
11. Technical assistance as a means of improving the  
administration of industrial property offices

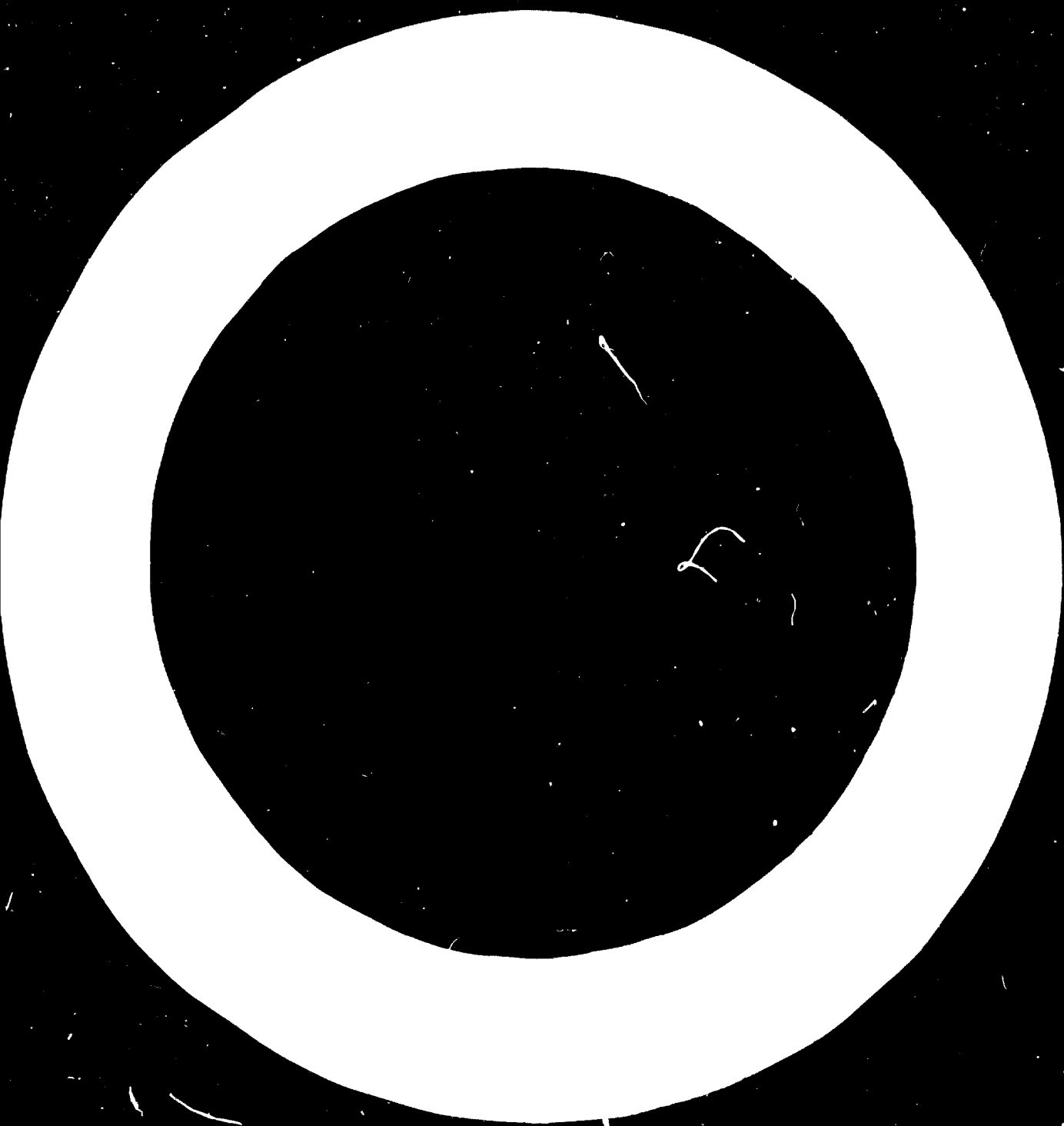
Friday, 10 October

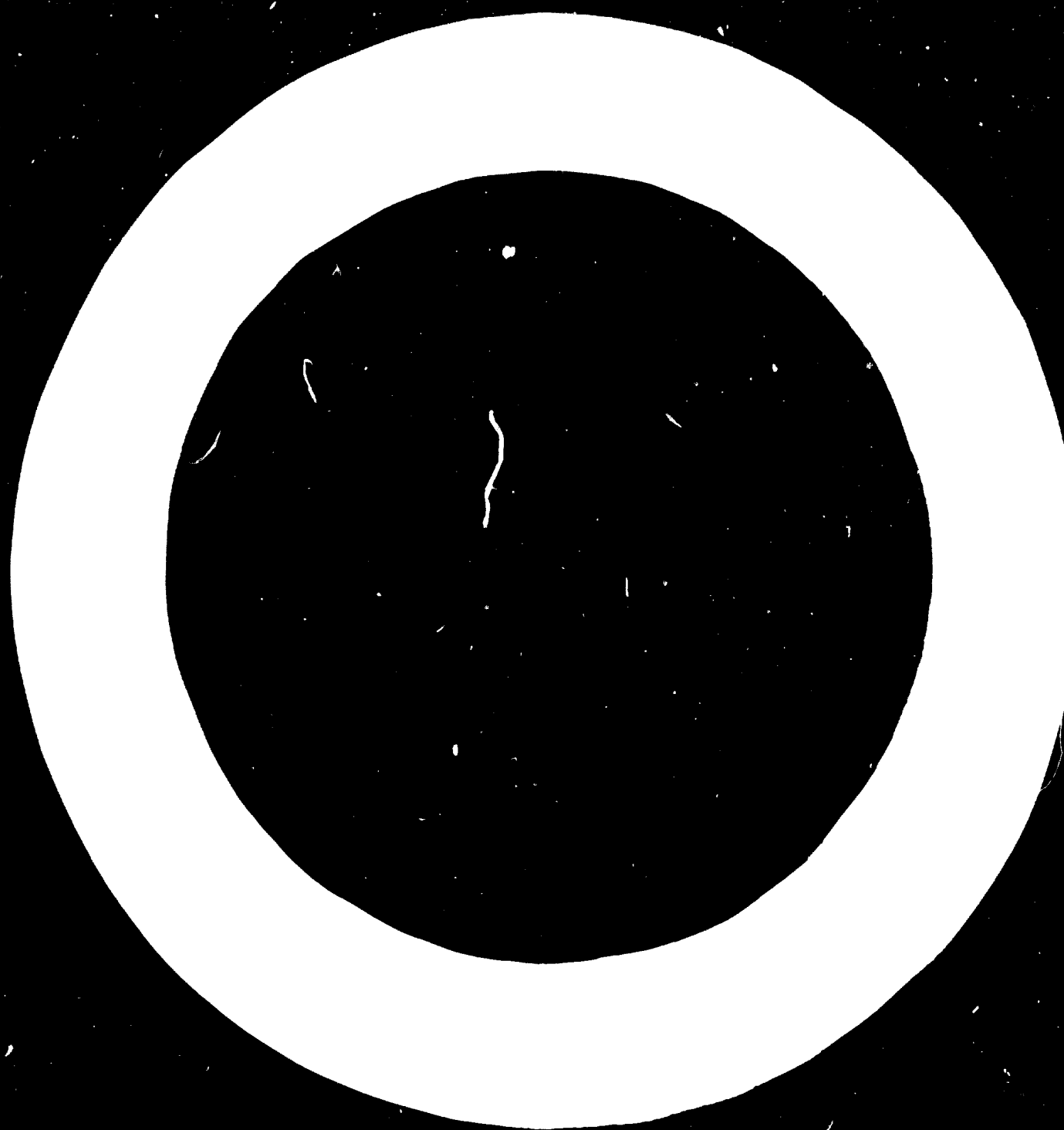
12. Discussion of conclusions and recommendations
13. Discussion of draft report

The attached annex contains a more detailed description of the items to be discussed. Each subject will be introduced by an expert consultant; papers prepared by the experts will be circulated before the meeting.

<sup>1/</sup> Organized jointly by UNIDO and BIRPI (United International Bureaux for the Protection of Intellectual Property, Geneva)

<sup>2/</sup> Office Africain et Malgache de la Propriété Industrielle





Annotations to Discussion Items  
on the Provisional Agenda

Agenda item 4: Management of industrial property offices

The improvement of industrial property offices can be assisted by information on the organization of similar offices in other countries and on the exchange of experience and views on how to solve problems related to the establishment and operation of such offices.

Most industrial property offices in developing countries are small. In some cases the service is divided between two offices - the Patent Office and a separate Trade Mark Office. In some countries the industrial property office is a part of a broader industrial services office. Examples of the experiences of the participating countries will be examined during the discussion.

Agenda item 5: Administration of industrial property offices as an element of the investment climate

The acceleration of industrial development may be accomplished by various means. In granting protection to an industrial right - in particular to a foreign applicant - a suitable governmental fee policy will contribute to a favourable climate in respect of foreign investment in the country.

It is often argued that industrial property protection is expensive. No statistical data are available, however, on the relation between the fee rates payable for such protection and the number of applications for patents, trademarks etc. in the various countries.

The problem has to be examined, therefore, not only from a national office point of view, but also - and particularly - from the point of view of international trade. The policy of large companies with respect to industrial property protection of inventions and trademarks today is to apply for protection of an industrial right in more than one country. With the expansion of international trade and technical assistance, the number of countries where such protection is sought is constantly increasing. It is clear that the cost of multinational protection has to be considered as an important factor in determining the protection strategy of an industrial enterprise.

**Agenda item 6: Working of protected inventions in the country as an instrument of industrial development**

One of the arguments for the introduction of the legal protection of industrial property in a given country is that such protection creates a suitable investment climate, in particular for foreign investors.

Whether it is obligatory to work a protected invention in the country which has granted protection is one of the controversial questions. The provisions on the working of a right vary considerably.

Most of the newly independent developing countries have taken over the old colonial legislation on industrial property. In some countries non-working may entail - under certain conditions - the loss of the right; in others there is no obligation to work the protected invention.

What should be the proper approach to this problem in developing countries? Should the approach be uniform or should it vary according to the specific situation of a country? What are the administrative problems arising from a legal obligation to work the protected invention in the country? These are the major questions to which the participants will try to find an answer.

**Agenda item 7: Modern office systems in the administration of industrial property offices**

The efficient running of an industrial property office through the improvement of its administrative machinery is an important problem even for small offices of limited operations. Administrative machinery naturally varies from one office to another. On the other hand, there are a number of organizational and administrative problems common to all which can be discussed on a comparative basis.

It is appreciated that the application of modern systems in the administration of industrial property offices cannot alone solve all the problems confronting these offices. Alternative courses will be indicated in the discussion, and it is hoped that through exchange of experiences the participants may find measures appropriate for the respective local conditions.

Agenda item 8: Novelty examination of inventions

In examining applications for the grant of industrial rights, most of the developing countries are not equipped to examine the novelty of the subject-matter, the existence of conflicting rights, or - in the case of patents - the industrial usefulness of the invention. One reason for this is the lack of trained personnel. The countries may rely on the examination of applications carried out in their former metropolitan countries, or they may continue to apply the system of non-examination established before their independence. It is generally accepted that a better arrangement for the developing countries would be a system of protection where applications are examined as to their substance. Examinations of substance would perhaps, prevent the granting of protection when it should be refused because of non-existence of the invention.

Some developed and developing countries are signatories to the Agreement under which the International Patent Institute was established at The Hague in 1947. The Institute performs for its signatories the function of examining the novelty of inventions. Signatory states to the Paris Union Convention on the Protection of Industrial Property may adhere to the Agreement. Experience of the Institute will be examined and possible solutions of the problem indicated.

Agenda item 9: Experience of the Regional Industrial Property Office at Yaoundé (OAMPI)

Only one regional industrial property office exists at present: the OAMPI, the African and Malagasy Industrial Property Office,<sup>1/</sup> at Yaoundé, Cameroon. The convention establishing the OAMPI established also a uniform industrial property legislation for thirteen countries party to the convention, which was concluded at Libreville, Gabon in 1962. Any African State, member of the Paris Union Convention for the Protection of Industrial Property, may adhere to the Libreville Convention. An application lodged in one of the member states has the effect of an application filed in each member state.

A representative of OAMPI has been invited to speak to the expert group meeting on the functions and experience of the regional office.

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<sup>1/</sup> Office Africain et Malgache de la Propriété Industrielle

Agenda item 10: Administration and Organization of Industrial Property Offices in Centrally Planned Economies

Some East European countries have introduced into their legal systems a new political concept in the protection of industrial property. In most of these countries the classical patent protection of inventions has been maintained and co-exists with the new forms of protection which vary in detail from country to country.

What is the impact of such an approach to the protection of inventions on the organization and administration of the respective industrial property office?

Experience of such offices will be examined in the meeting.

Agenda item 11: Technical Assistance as a Means of Improving the Administration of Industrial Property Offices

Many industrial property offices in developing countries are limited in the services they can give because of staffing problems. They cannot offer the salaries necessary to attract qualified personnel. Training of personnel would, therefore, afford one solution to the problem of staffing.

The possibilities of training and of fellowships abroad will be discussed in the meeting as well as the possibility of securing expert assistance in organization and administration from experienced consultants.

Several international organizations are trying to improve the position of industrial property as an adjunct to the promotion of industries, and efforts have been made to establish effective international co-operation in this field of activity. The purpose of this item is to identify the role of such efforts in the development of industries in developing countries.

Agenda item 12: Conclusions and Recommendations

At the conclusion of the discussion, it is hoped that consensus can be reached by participating experts in support of certain proposals for future action by BIRPI and UNIDO. It is hoped that their recommendations will point the way to:

- (a) Activities which UNIDO or BIRPI or both should expand or initiate; and
- (b) The ways and means for such activities to be organized.

Agenda item 13: Discussion of draft report







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