



TOGETHER
for a sustainable future

OCCASION

This publication has been made available to the public on the occasion of the 50th anniversary of the United Nations Industrial Development Organisation.



TOGETHER
for a sustainable future

DISCLAIMER

This document has been produced without formal United Nations editing. The designations employed and the presentation of the material in this document do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations Industrial Development Organization (UNIDO) concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries, or its economic system or degree of development. Designations such as “developed”, “industrialized” and “developing” are intended for statistical convenience and do not necessarily express a judgment about the stage reached by a particular country or area in the development process. Mention of firm names or commercial products does not constitute an endorsement by UNIDO.

FAIR USE POLICY

Any part of this publication may be quoted and referenced for educational and research purposes without additional permission from UNIDO. However, those who make use of quoting and referencing this publication are requested to follow the Fair Use Policy of giving due credit to UNIDO.

CONTACT

Please contact publications@unido.org for further information concerning UNIDO publications.

For more information about UNIDO, please visit us at www.unido.org



D00737

ID

Distr.
LIMITED

ID/WG.12/4
31 July 1969

ENGLISH
ORIGINAL: FRENCH

United Nations Industrial Development Organization

Expert Group Meeting on the Organization and
Administration of Industrial Property Offices¹

Vienna, 6 - 10 October 1969

THE INTERNATIONAL PATENT INSTITUTE AND THE DEVELOPING COUNTRIES²

G. Finniss
Director General
International Patent Institute
The Hague

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

²/ The views and opinions expressed in this paper are those of the author and do not necessarily reflect the views of the secretariat of UNIDO.



THE INTERNATIONAL PATENT INSTITUTE AND THE DEVELOPING COUNTRIES

1. PATENTS AND THE PROCEDURES GOVERNING THEIR ISSUE

The procedure without preliminary examination for novelty and patentability

Each application for a patent is registered and leads automatically to a patent without any inquiry into its inventive merit. Advantages and disadvantages.

The procedure with preliminary examination

Each application for a patent is examined for patentability from the technical and legal points of view; the examination is directed particularly to a study of the literature published prior to the filing of the application in order to ascertain the novelty and inventive character of the technical content of the application. Advantages and disadvantages.

The procedure with an objective novelty opinion

Each patent application is the subject of an investigation as to novelty terminating in the delivery of a novelty opinion giving an objective description, with references to sources of information, on the "state of the art" prior to the filing of the application. The patent is issued without further formalities and published simultaneously with the novelty opinion. Advantages and disadvantages.

2. DEVELOPING COUNTRIES AND THE DIFFERENT ISSUING PROCEDURES

United Nations reports on the economics of developing countries have shown that the economy of any developing country can derive very great benefit from the application of an effective system of patents for the protection of industrial property. It has also been emphasized that to obtain maximum benefit the procedure for the issue of patents should include preliminary technical examination in some form or other.

It would seem that the most efficient and economical way of achieving this objective is through co-operation by the countries concerned with a specialized intergovernmental organization such as the International Patent Institute at

The Hague, which for twenty years has been carrying out work of this kind for member countries under article 1 of the Agreement of 6 June 1947 under which the International Patents Bureau was established:

"An International Patents Bureau is established to provide the Governments of the States Parties to this Agreement with reasoned opinions regarding the novelty of inventions in respect of which applications for patents have been filed with the respective national industrial property services. The International Patents Bureau may also provide these services with opinions regarding the novelty of inventions in respect of which applications for patents have not been filed."

3. ROLE AND FUNCTIONS OF THE INTERNATIONAL PATENT INSTITUTE, THE HAGUE

The Institute is an intergovernmental organization and its status, from the point of view of immunities and privileges and representation of States (in a board of administration), is comparable with that of other intergovernmental organizations. The organization's services are placed under the authority of a Director General.

Any State member of the Paris Union may join the Institute by way of notification through diplomatic channels.

Membership involves certain financial obligations: an initial contribution and annual contributions.

Membership confers on signatory States the right of access to all the services provided by the Institute, in particular the "novelty opinion" service.

The services offered by the Institute are:

- Novelty opinions; for a set fee, available only to States members of the Institute;
- Special services available to all States members of the Paris Union for a charge based on the amount of work involved;
- Participation in information-processing work.

To carry out its tasks, the Institute has at its disposal a vast quantity of systematic documentation and a highly qualified technical staff.

4. THE INSTITUTE'S POSSIBLE ROLE IN THE SERVICE OF DEVELOPING COUNTRIES

Under BIRPI's PAT plan, the country concerned joins the Institute or concludes a working agreement with it for the purpose of having it carry out investigations as to novelty for patent applications submitted by nationals or residents of this country.

The United Nations Secretariat has considered the possibility of setting up regional centres for co-operation relating to patents. Among the functions of such centres might be the granting of patents on behalf of several member countries. In this connexion, an agreement might be sought between the Institute and the centre under which it could join the Institute on behalf of its members States, on the terms laid down in the 1961 revision of the 1947 Agreement, to the effect that, when the preparation of opinions requested by a member State or organization involves documentary research in any language other than English, French, Dutch or German, the Institute may set up decentralized services to perform this task, any supplementary financial costs involved being borne by the State or organization concerned.

Whatever the circumstances the Institute is ready to consider the most flexible arrangements possible to meet the needs to which attention may be drawn, in particular for the training of technical staff and assistance in setting up research systems.

The Institute is ready to engage in discussions with UNIDO with a view to the carrying out of such co-operative projects.





7.

7.

72