ALPHABET SOUP: WIPO, UNCTAD, UNIDO, ETC.

HOMER O. BLAIR
INTERNATIONAL BUSINESS CENTER OF NEW ENGLAND
MARCH 31, 1982

I. DEFINITIONS

A. NORTH-SOUTH

B. GROUP OF 77

1. DEVELOPING COUNTRIES

C. GROUP B

1. DEVELOPED COUNTRIES

D. GROUP D

II. THE UN AGENCIES WHICH APPEAR TO HAVE ACTIVITIES RELATING TO PATENTS, TRADEMARKS AND/OR TECHNOLOGY TRANSFER:

A. WIPO - GENEVA

1. PARIS CONVENTION
2. MADRID ARRANGEMENT
3. BERNE CONVENTION
4. PCT

5. TRT
6. MODEL LAW FOR DEVELOPING COUNTRIES ON INVENTIONS
7. GUIDE FOR INDUSTRIAL PROPERTY ACTIVITIES FOR ENTERPRISES IN DEVELOPING COUNTRIES
8. INDUSTRIAL PROPERTY ASPECTS OF CONSUMER PROTECTION
9. COMPUTER SOFTWARE PAPER
10. WIPO CHARACTERISTICS
    - A. LEGAL EXPERTISE
    - B. UNDERSTANDS DEVELOPED COUNTRIES' POSITION, BUT MUST BE "IMPARTIAL"
    - C. MUST SHOW LDC'S WHAT IT CAN DO FOR THEM TO COUNTERACT UNCTAD'S INFLUENCE

B. UNIDO - VIENNA

1. MODEL PETROCHEMICAL LICENSE
2. UNIDO CHARACTERISTICS
    - A. EDUCATIONAL AND TECHNICAL ASSISTANCE TO DEVELOPING COUNTRIES
    - B. EXPERTS TO HELP DRAFT PATENT LEGISLATION
    - C. HOLD MEETINGS AND SEMINARS
    - D. HAVE CO-SPONSORED MEETINGS WITH LES

C. UNCTAD - GENEVA

1. INTERNATIONAL CODE OF CONDUCT FOR TRANSFER OF TECHNOLOGY
2. UNCTAD MEETING - GENEVA - SEPTEMBER 1975, "ROLE OF THE PATENT SYSTEM IN THE TRANSFER OF TECHNOLOGY"
3. SECOND MEETING - GENEVA - SEPTEMBER 1977
4. RESTRICTIVE BUSINESS PRACTICES CODE
5. UNCTAD CHARACTERISTICS
    - A. MORE THEORETICAL, MORE POLITICAL, THAN WIPO OR UNIDO
    - B. "ECONOMIC, COMMERCIAL AND DEVELOPMENTAL ASPECTS" OF PATENTS, TRADEMARKS, AND TRANSFER OF TECHNOLOGY

D. OTHER

1. U.N. CONFERENCE ON SCIENCE AND TECHNOLOGY FOR DEVELOPMENT
2. LAW OF THE SEA

II. PARIS CONVENTION (WIPO)

A. THE MAJOR TREATY COVERING PATENTS AND TRADEMARKS

1. 1 YEAR PRIORITY PERIOD
2. EVERYONE TREATED EQUALLY

B. CURRENT STATUS

1. ORIGINALLY SIGNED IN 1883
2. LAST REVISION WAS IN STOCKHOLM IN 1967
3. NUMBER OF MEETINGS IN RECENT YEARS WORKING TOWARD REVISION
4. 14 POINTS DESIRED BY DEVELOPING NATIONS IN REVISION
5. DIPLOMATIC CONVENTION FEB.- MARCH 1980 IN GENEVA
6. PREPARATORY CONFERENCE WAS HELD IN GENEVA MARCH 9-30, 1981
7. RESUMED DIPLOMATIC CONFERENCE IN NAIROBI SEPT. 28-SEPT. 28-OCT. 24, 1981
8. DIPLOMATIC CONFERENCE WILL BE CONTINUED IN GENEVA - 4 WEEKS IN OCTOBER-NOVEMBER 1982

C. 3 ISSUES

1. DIPLOMATIC CONVENTION FEB.-MARCH 1980 IN GENEVA
   a. UNANIMITY
      i. IN PAST PARIS CONVENTION AMENDED ONLY BY UNANIMITY
      ii. CUSTOM, NOT SPECIFIED IN CONVENTION ITSELF

III. MOST U.N. AGENCIES OPERATE ON 2/3 VOTE

IV. PRESIDENT OF CONFERENCE RULED, WITHOUT VOTE, THAT PARIS CONVENTION SHOULD BE REVISED

(A) BY CONSENSUS, IF POSSIBLE. IF NOT

(B) BY TWO-THIRDS OF THOSE VOTING

(1) IF NO MORE THAN 12 OPPOSE

V. U.S. WAS ONLY COUNTRY OPPOSING

VI. EEC SITUATION

2. UNIVERSAL TEXT VS. SPECIAL MEASURES FOR DEVELOPING COUNTRIES

A. U.S. POSITION SUPPORTS UNIVERSAL TEXT

B. IF IS TO BE SPECIAL TEXT FOR DEVELOPING COUNTRIES, "DEVELOPING COUNTRIES" SHOULD BE DEFINED WITH PERIODIC REVIEWS OF A COUNTRY'S STATUS

3. ARTICLE 5A

A. PERMITS NATIONAL LEGISLATION TO PROVIDE FOR NON-VOLUNTARY (COMPULSORY) LICENSE UNDER PATENTS IF NOT "WORKED" (IMPORTS DON'T COUNT) WITHIN:

I. 4 YEARS FROM FILING DATE OR

II. 3 YEARS FROM GRANT OF PATENT

WHICHEVER IS LAST

B. PATENTEE CAN JUSTIFY HIS NON-WORKING

C. COMPULSORY LICENSE CAN BE FOR (SIX) (THREE) YEARS

D. CAN BE FORFEITED OR REVOKED FOR NON-WORKING

I. BUT NOT FOR (ONE) (TWO) YEARS AFTER EXPIRATION OF EXCLUSIVE LICENSE

E. U.S. POSITION SUPPORTS NON-EXCLUSIVE COMPULSORY LICENSE

F. OTHERS SUPPORT "SOLE" LICENSE

G. OTHERS SUPPORT "SUSPENSION" OF PATENTS

H. POSSIBLE LESSER PERIOD FOR DEVELOPING COUNTRIES

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4. ARTICLE 6 TER

   A. PROTECTION OF OFFICIAL NAMES OF COUNTRIES

      I. COULD NOT GET REGISTRATION OF OFFICIAL NAMES OF STATES AND THEIR UNAUTHORIZED USE WOULD BE PROHIBITED

   B. U.S. POSITION: IF NECESSARY, OFFICIAL NAME <u>ONLY</u> (NOT UNOFFICIAL NAMES -HOLLAND-, OR ADJECTIVES -ENGLISH) <u>WITH</u> GRANDFATHER CLAUSE MAY BE ACCEPTABLE.

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