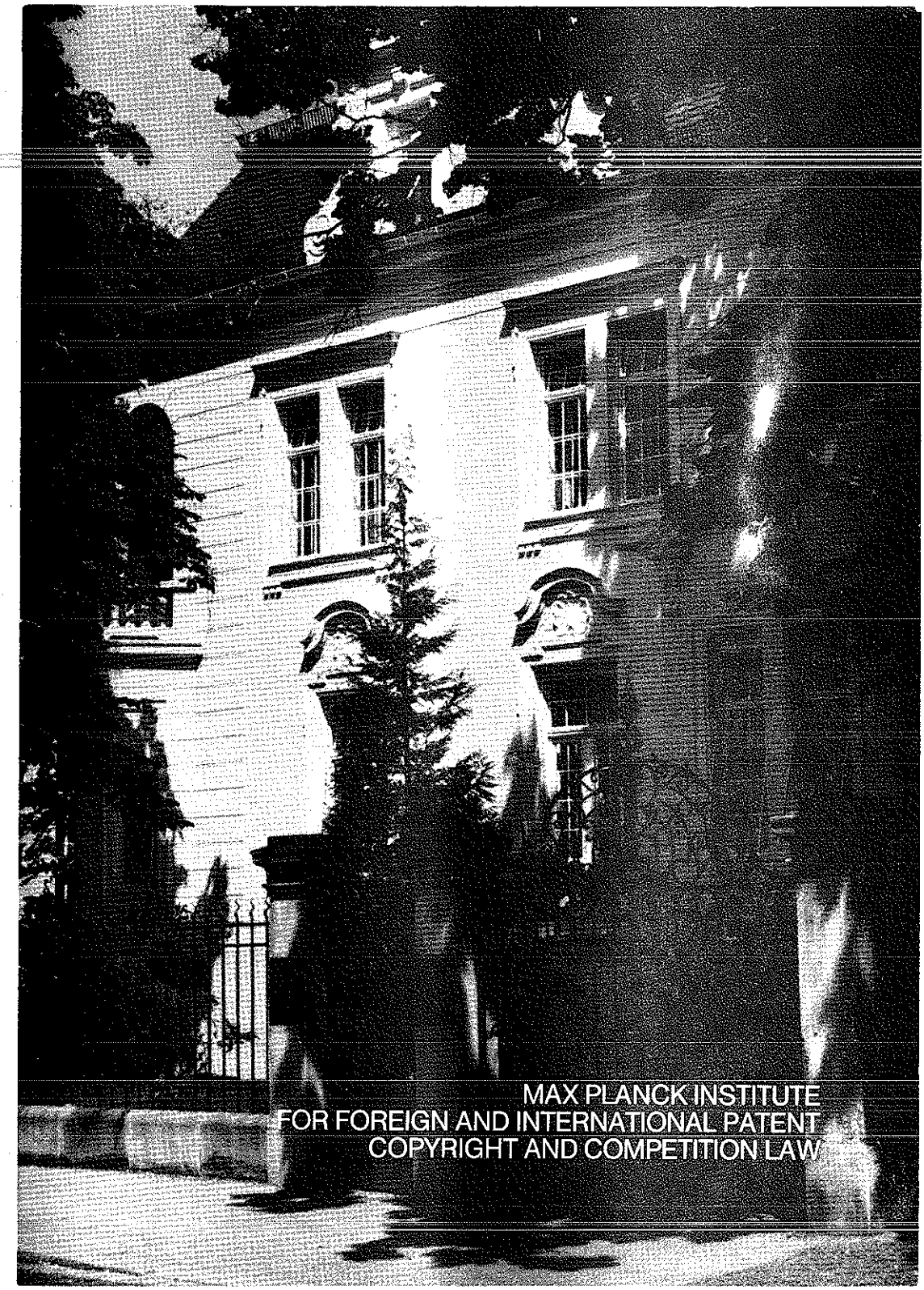
MAX-PLANCK-INSTITUTE FOR FOREIGN AND INTERNATIONAL PATENT, COPYRIGHT AND COMPETITION LAW

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SUMMARY

The attached pamphlet provides information on the Max-Planck-Institute, as a model of research institute in the field of intellectual property.


MAX PLANCK INSTITUTE
FOR FOREIGN AND INTERNATIONAL PATENT
COPYRIGHT AND COMPETITION LAW

Cover photo: Main Building at Siebertstr. 3

Max Planck Institute for Foreign and International Patent, Copyright, and Competition Law, Munich

The Institute was established in 1966 by the Max Planck Association for the Advancement of Sciences, and has been under the joint direction of Professor Dr. *Friedrich-Karl Beier* and Professor Dr. *Gerhard Schricker* since 1973. Professor Beier is the managing director.

The central purpose of the Institute's activities is to conduct systematic research in the fields of intellectual property, unfair competition and selected areas of economic law. These areas of law, which serve to promote and protect technical inventions, models and designs, works of literature, art and science, trade marks and trade names, as well as fair competition, are becoming increasingly important and can no longer be adequately developed in a purely national context. The Institute's work is therefore oriented toward foreign, international and comparative law, in conformance with the international character of intellectual property rights and modern trade.

The Institute is one of the research institutes of the Max Planck Association for the Advancement of Science. The Association, originally established in 1911 as the "Kaiser Wilhelm Gesellschaft", was reconstituted after World War II under its present name, and is the largest independent research organization in the Federal Republic of Germany. It is a non-profit association under private law, and operates 55 research institutes in which almost 8,500 people, some 2,000 of them scholars, are employed on a full-time basis. The Association's budget for the year 1982 was approximately DM 900 million, funded primarily (90 %) from public sources; the institutes receive their funds directly from the Association. Although the large majority of the institutes conduct research in the field of natural sciences, a number of institutes are devoted to social and legal science, including six which are engaged in different areas of legal research, all of them dealing not only with national, but also and primarily with foreign and international law developments.

History of the Institute

The Munich Institute was originally founded in 1952 by Professor Dr. *Eduard Reimer,* then President of the German Patent Office, as an institute of the University of Munich (Institute for Foreign and International Patent, Trademark, and Copyright Law). Reimer was convinced that industrial property and copyright law could be developed fruitfully only within an international framework and only by combining legal theory with practical experience. This goal called for a research institute which was oriented toward comparative law, and necessitated close contacts with institutions and individuals practicing industrial property law. Following Professor Reimer's untimely death in 1957, the direction of the University Institute was taken over by Professor *Eugen Ulmer,* who was joined by Professor Friedrich-Karl Beier in 1965. In 1966, the University Institute's research activities in the field of foreign and international law were transferred to the newly-founded Max Planck Institute, with Professor Ulmer as its first director. The University Institute continues to function alongside the Max Planck Institute, currently under the direction of Professors *Beier, Schricker, Fikentscher* and *Pfaff;* it is concerned primarily with the research and teaching of the German law on industrial property and copyrights. The Institutes are closely connected and share the same research facilities.



Professor Friedrich-Karl Beier (left) and Professor Eugen Ulmer in a Meeting

Fields of Research

The activities of the Max Planck Institute are focused in various areas:

On the *international level,* the emphasis is on the analysis of relevant international treaties and their development, especially the Paris Convention for the Protection of Industrial Property, the Berne Convention for the Protection of Literary and Artistic Works, and the Universal Copyright Convention. The development of these international conventions depends in turn on developments in national legislation, case law and legal theory, and is determined more and more by conflicts in interest between industrial, developing, and socialist countries, and by the necessities of technological change. The process of revising and amending these conventions requires preliminary scholarly work and consultation. For years, the Institute has maintained an entire department devoted to these questions in relation to problems of developing countries and convention law.

With respect to *European law,* special emphasis is placed on the Institute's collaboration in the harmonization of laws in Europe, a goal pursued within the framework of the Council of Europe and, in particular, the European Economic Community. The Institute's role in this field began with a comparative study carried out at the request of the EEC Commission, which set forth and analyzed in detail the laws of unfair competition of the EEC Member States. This study was published in German in seven volumes. French, Dutch and Italian versions were subsequently produced from the German edition. The study is being further expanded, and has led to ongoing advisory projects in the European integration movement. Since its founding, the Institute has similarly been involved in the unification of patent law in Europe, and has now begun work on a systematic treatment of the European Patent Convention in a comprehensive commentary. Moreover, the Institute has participated in the creation of a Community Trademark for the Common Market by advising the EEC Commission, and continues to support the progress of this work with its own research. Finally, the Institute has conducted, and continues to conduct preliminary comparative studies to be used in the gradual harmonization of copyright and media law within the EEC.

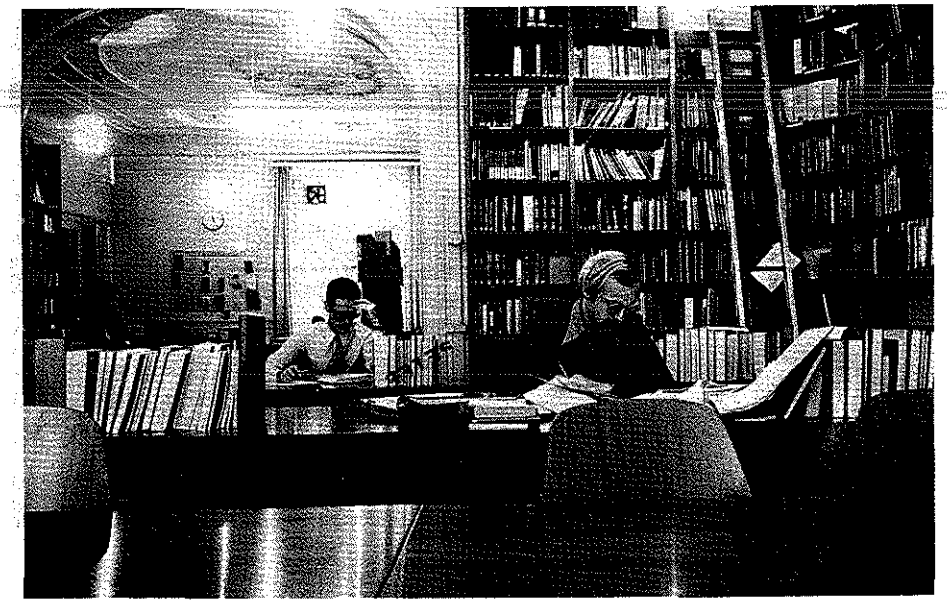
The Institute is also active in the efforts towards *reform of national laws.* Through its special studies and participation in expert panels and committees, the Institute makes its expertise available to ministries and various other specialized organizations. The Institute is also frequently called upon to provide advisory services to foreign governments and international organizations.

The Institute's work, however, is not limited to such concrete reform proposals, but is also generally concerned with the *description and analysis of foreign legal systems,* including comprehensive reporting of legal developments both within Germany and

abroad. In this connection, the Institute's efforts are concentrated on several broad areas: Western Europe and the countries of the Anglo-American legal systems; legal developments in the socialist countries; and finally research concerning the state of industrial property and copyright law in the developing countries of Latin America, the Middle East and Southeast Asia.

Principal Areas of Research

The Institute is independent in its selection of research topics. One *area of emphasis* is the accommodation of new types of technology within the existing systems of industrial property and copyright. Examples here would include biotechnology, electronic data processing and modern communication techniques (satellite, cable antennas, telecopy, teletext, videogram). New problems are also presented by the increasing role of technology and science in industrial production and in the service sector. Another research topic of continual interest for the Institute is the relationship between industrial property law and economic policy. This includes resolution not only of the conflicts arising from the exclusive character of industrial property rights as against the principle of free competition, but also conflicts between the market economy functions of the industrial property laws and the public interest in promoting and directing technical and cultural progress. Finally, the Institute keeps abreast of current social trends, such as consumer protection, which affect its areas of interest, *viz.* competition and trademark law. The Institute has accordingly broadened its comparative law methodological approach to include economic and, above all, socio-empirical research methods.



Reading Room in the Library

Publications

The results of the Institute's work are made available to the public in a number of *publications,* particularly its monthly journal "Gewerblicher Rechtsschutz und Urheberrecht, Internationaler Teil" (GRUR Int.) and since 1970, the "International Review of Industrial Property and Copyright Law" (IIC), which appears in English bimonthly. Both journals provide articles, reports, texts of significant court decisions, and book reviews in the areas of comparative and foreign law. Each has a special section covering current news on legal developments in Germany and abroad, as well as continuously updated bibliographical documentation. The Institute also publishes larger scale studies within its four publication series: the "Schriftenreihe zum gewerblichen Rechtsschutz" (Publications on Industrial Property Law), comprising some 60 volumes as of 1982, the "Urheberrechtliche Abhandlungen" (Copyright Monographs), amounting to some 20 volumes as of 1982, the shorter "GRUR-Abhandlungen" (GRUR Monographs), and finally the English language "IIC Studies". Individual books are also published from time to time.



Room for Periodicals and Public Catalogues

Research Planning

The Institute's research projects are based on a long-term *research program*. The Directors are responsible for the content and execution of the program, and in this respect are assisted by an advisory board which is comprised of four foreign scholars and a representative of the German Ministry of Justice. The advisory board is part of a larger body, the Institute's Curatorium consisting of 20 representatives from the government, international organizations, and scholarly and economic sectors in Germany and abroad.

Organization

The Institute is *organized* into 12 geographical departments and 13 subject-matter departments, which are managed by full-time research staff members and assistants under the supervision of the Directors. The geographical departments are responsible primarily for the documentation work. Assignment to a specific subject-matter department will depend upon specific research interests, expertise and the needs of the Institute. To the extent that the Institute's research projects are not carried out by working teams, they are mostly undertaken by individual staff members in the context of doctoral or post-doctoral work. These projects often constitute a part of the Institute's fellowship program for young German lawyers which also allow Institute members to work on their research projects abroad.

Foreign Relations

The Institute seeks to promote and make possible the *international exchange of information and scholars* at all levels. The exchange is manifested not only by permanent contacts with foreign and international authorities, organizations, scholars and practicing specialists in the fields of industrial property and copyright law, but also and primarily by the large number of foreign teachers and researchers who work at the Institute for longer or shorter periods, usually as recipients of Max Planck Association scholarships.

Library and Documentation

The most important working facilities which the Institute provides are its *library* and documentation system. The library, which presently consists of some 50,000 volumes, possesses together with the University Institute over 70,000 volumes. As a specialized collection in German, foreign and international industrial property and copyright law, the Institute's library is unique, and makes a significant contribution to a function of great importance for the Institute, namely the education of young scholars in the area of intellectual property, especially those from countries where no comparable research facilities exist.

The work of the Institute is greatly facilitated by the Institute's comprehensive documentation. In a unique indexing system, over 100,000 abstracts of national and foreign legislation, case law and legal literature have been compiled. A further 5,000 to 6,000 entries are added annually to this collection.



Visitor at the Photocopying Machine

Personnel

The Institute ist under the joint supervision of its Directors, Professors Beier and Schricker, who also teach as law professors at the University of Munich. In addition, University professors Dr. *Wolfgang Fikentscher* and Dr. *Rudolf Kraßer,* as External Members, and Professor Eugen Ulmer, as Emeritus, belong to the Institute. At present, the Institute also has 13 research positions for *Referenten* (Senior Research Scholars), three of which are filled by scholars of professorial status or the equivalent. In addition, each year the Institute provides scholarships for doctoral work and research to 25 – 30 young German jurists who have completed their law studies, and to over 30 guest scholars from abroad. The administrative department and the library are staffed by an additional 22 permanent employees.

Budget

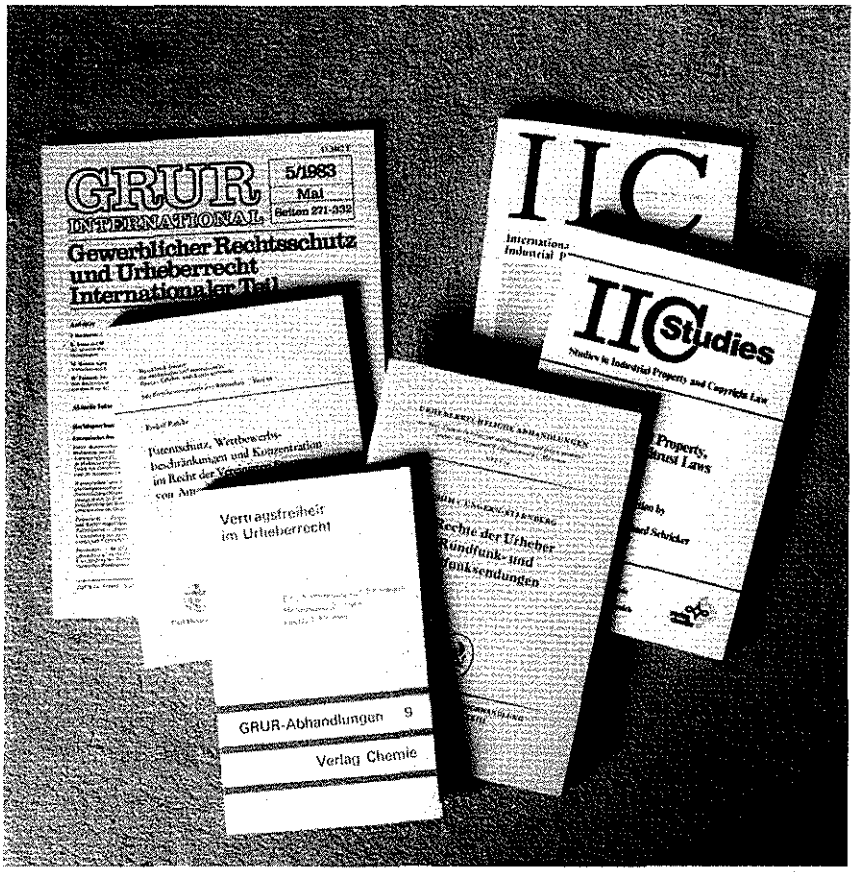
The Institute's budget, which is annually funded by the Max Planck Association, was approximately DM 4 million for the year 1982, and that of the University Institute was approximately DM 350,000. The Institute is housed in three attractive town houses dating from the turn of the century which are located in close proximity to one another in a quiet area of Munich near the Isar River.

The Institute's address is:

Max-Planck-Institut für ausländisches und internationales Patent-, Urheber- und Wettbewerbsrecht

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Publications of the Institute

