

CDCC/7/CRP.10

20 January 1983

ORIGINAL: ENGLISH

ECONOMIC COMMISSION FOR LATIN AMERICA  
Subregional Office for the Caribbean

CARIBBEAN DEVELOPMENT AND CO-OPERATION COMMITTEE

Seventh Session

Port of Spain, Trinidad and Tobago

19-25 January 1983



UNDP/WIPO PROJECT DOCUMENT ON  
MODERNIZATION AND STRENGTHENING OF  
INDUSTRIAL PROPERTY SYSTEMS



UNITED NATIONS DEVELOPMENT PROGRAMME  
Regional Bureau for Latin America  
Regional Project

## PROJECT DOCUMENT

Project Title: Modernization and Strengthening of Industrial Property Systems

Project No.: RLA/82/018

Duration: three years  
and seven months

Primary Function: Strengthening and establishment of national and regional institutions

Secondary Function: Development and training of human resources

Sector: UNDP Classification and Code:  
16 - Science and Technology

Sub-Sector: UNDP Classification and Code:  
1620 - Development and Transfer  
of Technology

Government  
Implementing Agency\*:

Executing Agency: World Intellectual Property Organization (WIPO)

Estimated Starting  
Date: June 1983

<u>Estimated Government Input (in cash):</u>	<u>Estimated UNDP Input:</u>
US\$ _____	US\$ <u>732,600</u>

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
on behalf of the World Intellectual  
Property Organization (WIPO)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
on behalf of the United Nations  
Development Programme (UNDP)

\* See Part II, Section K (Institutional Framework)

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## PART I LEGAL CONTEXT

This Project Document will be the instrument referred to in Article I, paragraph 1, of the Assistance Agreement between the United Nations Development Programme and the governments of the Latin American signatory countries. Alternatively, for those countries of the region that did not sign the above Agreement, this Project Document will be the instrument mentioned as the Plan of Operation in Article 1, paragraph 2, of the Assistance Agreement under the Special Fund arrangements of the United Nations Development Programme, signed by UNDP and the signatory governments.

## PART II THE PROJECT

### A. Development Objectives

The development objectives of the project are:

- (a) to contribute to the strengthening of the basis for technological development in the countries of Latin America, by means of the formulation and gradual application of an industrial property policy that permits them to make use of the industrial property system as a dynamic factor in the process of national and regional development;
- (b) to stimulate interchange and the sharing of experience between the governments of the region, in order that they may offer the productive sector and research and development institutions all the support services that may result from efficient use of the industrial property system;
- (c) to facilitate and promote the acquisition of suitable foreign technology, and its adaptation to the development needs of the countries of the region, at the same time promoting the machinery that enables full use to be made of local creative activity;
- (d) to install efficient cooperative machinery or common services for groups of countries where circumstances so require, so that participating governments may make optimum use of scarce human and financial resources, by providing access, among other things, to sources of technological information at world level.

More specifically, the project is directed towards increasing national negotiating and management potential with a view to reducing technological dependence, by laying more emphasis on the process of selection in technology transfer and at the same time promoting the use and exploitation within Latin America and in other developing countries of technology generated in the region.

### B. Immediate Objectives

The immediate objectives of the project are:

- (a) to contribute to the establishment of the minimum structure required by an industrial property office in order that it may perform the tasks and functions provided for in national legislation and, where appropriate, in sub-regional decisions concerning industrial property, by supplying governments that so request with the necessary elements for the gradual modernization of the structure and operations of their industrial property administrations;
- (b) to contribute to the basic and advanced professional training of administrative and technical staff in national and, where appropriate, sub-regional offices, notably by improving their ability to examine applications for the grant of patents as well as trademark and industrial design registrations, to classify inventions according to the International Patent Classification (IPC) and to manage patent search files, including the means of access to those files;

- (c) to support national offices that so request in the application of administrative procedures, in the accomplishment of basic technical tasks and in the design of new methods and harmonized systems for the simplification of certain of the most relevant administrative functions and for the improvement of coordination between offices in different countries within the region;
- (d) to support the implementation in industrial property offices of such measures as may contribute towards putting information exchange mechanisms into operation in the various areas of industrial property (patents, know-how, trademarks, etc.);
- (e) to contribute towards improving, in the countries of the region, the means of access to the technological information contained in patent documents, and the ability to provide services whereby that information may be used, adapted and disseminated in an appropriate and efficient way among intermediate or final users;
- (f) to assist, where common patent documentation and information services are introduced for a group of countries, in the identification of national focal points in each of the participating countries; those focal points will serve, on the one hand, as efficient intermediaries between the users of the information and the documentation center, and as a link between the participating countries and the center on the other.

#### C. Special Considerations

This project forms part of a program of technical cooperation among developing countries, which will operate in two complementary ways. On the one hand the project will serve, for the countries of the region, as an incentive for closer mutual cooperation, by facilitating their integration in the industrial and technological field, and especially groups of them such as the Andean and the English-speaking Caribbean countries. On the other hand, the pooling of effort and resources between the countries in each group will make it possible to improve the efficiency of the services thus integrated, in such a way that it becomes feasible, at some future stage, to provide technical assistance to other developing countries outside each sub-region. This could be done, on the one hand, through staff training and, on the other hand, by means of exchanging the experience gained during the process of study and application of the modern administrative procedures to be introduced through the specific activities to be undertaken in each group of countries.

The project will moreover encourage and channel the transfer to other developing countries of experience acquired by certain countries of the region in the modernization of their industrial property systems.

Finally, in the specific field of technological information from patents, the project will promote cooperation among the countries of the region, on the one hand in the establishment of standardized systems for the receipt and supply of information in each of the offices involved, which would enable them to participate in the exchange systems to be introduced, and on the other hand through the dissemination and publication of data on technological information and technological support provided or requested by national enterprises or by research and development institutions in Latin America.

#### D. Background and Justification

The immediate background to and justification for this project is to be found in the requirements formulated by the Meeting of Senior Government Experts to advise the preparation of the Regional Program for Latin America 1982-1986\*. On that occasion it was considered appropriate to consolidate the various proposals for development cooperation in the field of industrial property in a single project document, which would then provide the appropriate framework for the activities to be undertaken by WIPO during the current UNDP programming cycle (1982-1986).

For the above reason, this Section will give a brief account of the background and criteria that afford overall justification to the regional program for Latin America in the field of industrial property as well as the most relevant and specific facts and aspects for each of the groups of countries most directly involved. There are two aspects that should be given special consideration in this context.

The role that can be played by the industrial property system in promoting the achievement of the development objectives of developing countries has being fully acknowledged. The function of industrial property in developing countries which for a long time was confined to the mere registration of industrial property rights, is gradually changing into a more dynamic function which stresses effective utilization of the industrial property system for the achievement of national development objectives. It is becoming more and more widely recognized that there is a need for adequate industrial property legislation, institutions and machinery which can contribute to the encouragement and promotion of national innovative activity and the use of patent documentation as a source of technological information. Adequate promotion of the results of innovative activity, including its protection, favors the investment of financial resources and effort in research and development, and also the necessary investments for the industrial application of technological creations.

The importance of technological innovation to developing countries has been emphasized at a number of intergovernmental meetings at the sub-regional, regional and international levels. An effective industrial property system, including measures for the promotion of technological innovation, is an essential factor in the development of local technology, in the adaptation of imported technology and thereby the strengthening of the scientific and technological basis of developing countries, which both contribute to the achievement of national and collective autonomy. It is therefore an important element in the process of economic and social development of developing countries.

The competent sectors of the governments of the region have recognized the growing importance of effective protection for the constituent elements of industrial property in the above process, and also the need to rely at the national level on administration and services in this area that operate efficiently and fulfill their specific needs in the industrial, commercial and technological sectors.

Consequently, the governments of the countries of the region have stressed the need for measures to modernize or strengthen the industrial property systems currently existing in those countries at various levels, in order to adapt them better to the country's particular problems.

By means of this project an attempt is being made to create the best conditions for the support of government efforts at the regional level, due account being taken of the following circumstances in particular:

- the needs, problems encountered and levels of industrial property development attained are relatively uniform in countries belonging to specific subregions. This is true of the Andean countries, the countries of Central America and the English-speaking countries of the Caribbean. Certain individual countries are in turn at a relatively more advanced stage of development in this field, which equips them to play the dual role of participants in and contributors to the basic process of modernization of the system within the region;
- project activities will for the most part be adapted and directed towards contributing to the processes peculiar to each group of countries according to specific needs and interests identified by themselves, and to a lesser degree to the region in its entirety;
- as the funds available for this project are relatively limited, the activities contemplated are the minimum essential for the achievement of the results expected. Consequently WIPO will make every possible effort to complement the activities and undertake them rationally so as to increase their efficiency and ensure maximum involvement of the countries themselves. In this connection, missions of experts will be so organized that the services of the same expert benefit a maximum of countries in each case. Attempts will also be made to combine seminars and courses dealing with the same subject matter within the framework of a national project so that they may benefit two or more groups of countries. In addition, WIPO will take pains to obtain funds from outside sources to finance complementary activities.

(a) Andean Countries

As a result of the technical cooperation agreement signed in Lima on November 14, 1979, between WIPO and the Junta of the Cartagena Agreement (JUNAC), both institutions undertook a joint mission to the five Andean countries in April and May 1980. The information collected during that mission yielded the following general conclusions:

(i) the five Andean countries have offices responsible for industrial property at their disposal which at present perform the traditional functions entrusted to this type of administration, greater emphasis being given to some or other of those functions depending on the possibilities offered by their individual circumstances: number and professional training of staff, premises and equipment available, assistance obtained from other bodies, etc.;

(ii) although some of the offices regularly produce considerable revenue for the National Treasury, none of them has an organic structure that enables it to administer that revenue;

(iii) the constant growth in the volume of work (for instance on account of the growing number of patent or trademark applications) is not reflected directly in a parallel increase in the financial or human resources of the offices, despite the fact that the volume of work does cause more complex problems of administration and management of the day to day activities of the departments concerned.

(iv) some of the five countries have considerable experience of a number of areas of industrial property, which could be shared and could thereby benefit the other offices of the sub-region;

Since the mission referred to, an inter-secretariat work meeting between JUNAC and WIPO has taken place in Lima, namely from June 10 to 20, 1980, its main purpose being to define the basic principles governing the ideal structure for an Andean industrial property office, to draw up the WIPO/JUNAC cooperation program for the gradual reorganization of the existing departments responsible for industrial property in the five countries, to prepare the training of the appropriate staff and to draft the documents necessary for the securing of finance for the program. The functions that the offices should ideally perform are written into the national laws and sub-regional decisions on industrial property, which attribute to the administrations concerned a vital, positive role in the economic and social development of the countries.

In July 1982 another inter-secretariat meeting between WIPO and JUNAC was held and a joint project document agreed upon for the strengthening of Andean industrial property offices, together with a memorandum of understanding that determines the functions of the two institutions during the implementation of the project. The essential elements of the joint project thus agreed upon with JUNAC have been incorporated in this project.

Efficient performance of the new functions defined by JUNAC and WIPO is also an essential requirement in the exchange of information on industrial property and technology, inasmuch as they have to be performed by the offices with a view to full operation of the Program for the Progressive Establishment of the Andean Technological Information System (SAIT), contained in Decision No. 154 of the Commission of the Cartagena Agreement.

Finally, the project is an important adjunct to the national programs of the Andean countries for the modernization of their industrial property systems that some of them already possess, in which the UNDP and WIPO are involved, the latter as Executing Agency.

(b) Countries of the Central American Isthmus

During the last five years contacts between the countries of the Central American Isthmus (Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama) and WIPO have been intensifying in a number of ways. On the one hand, a considerable number of governmental officials from the countries concerned have taken part in various training courses under the WIPO



general training program and in regional seminars organized by WIPO in Latin America. On the other hand, the Permanent Representatives of the governments of the countries of the Central American Isthmus in Geneva have been engaged in regular consultations with WIPO. In addition, the Governments of Panama and El Salvador sought the cooperation of WIPO in 1980 and 1981 respectively for the start of the process of modernization of their national industrial property systems..

On the basis of the information collected in the course of these contacts, WIPO has established that the patent laws of the six countries of the Central American Isthmus, and also the trademark laws of some of them, date back to the beginning of the present century. These laws, which determine the operation of their industrial property administrations, are clearly no longer equal to the present economic, industrial and technological development needs of those countries.

In February 1981 a special meeting was held in Geneva between WIPO and the Permanent Representatives of the countries of the Central American Isthmus, during which the latter repeated their concern over the need to modernize their industrial property laws and administrative structures, and a tentative program of action with those objectives in mind was mapped out.

WIPO initiated a series of preparatory tasks and activities according to the requirements formulated, which culminated in two consecutive meetings, one of heads of industrial property offices and the other of the Vice-Ministers under whose authority the offices operate. Both meetings were held in Tegucigalpa in December 1981 at the invitation of the Government of Honduras. At the conclusion of those meetings, the Vice-Ministers of the six countries decided to address a series of specific requirements to WIPO regarding the preparation of industrial property legislation and the drawing up of a program of technical cooperation for the sub-region.

The modernizing or updating of industrial property legislation in the Central American Isthmus is a task that has already been undertaken by WIPO. As a parallel exercise, there is a need to start the process of modernizing the administrations in each country that will be responsible for applying the legal provisions and for providing services in keeping with the development needs of each of them.

In the patent field, it is becoming necessary to reorganize offices and to muster human resources capable of carrying out substantive examination of patent applications, classifying the technical documentation contained in those applications so that they may later be rapidly and systematically retrieved, and establishing, on the basis of that retrievable documentation, technical information and exchange services for the benefit of the countries concerned.

In the field of distinctive signs, and especially trademarks, it is becoming imperative to rely on offices that have the ability to examine applications for registration and to identify conflicting applications, in order to give legal security to its decisions to grant or deny registration. This legal security is of prime importance to the transparency of the market and the proper development of commercial and industrial activities, both domestic and export.

Moreover, in the specific area of industrial designs, the protection to be afforded by the system thus brought up to date will make it possible, among other things, to maintain and ensure the legal protection, for the direct benefit of the countries concerned, of the cultural heritage represented by the craft and artistic designs of the area.

As a consequence of the requirements formulated by the meeting of Vice-Ministers in Tegucigalpa, WIPO has undertaken definite tasks in the legislative area, and organized another meeting in Panama at the end of September and beginning of October 1982, attended by officials responsible for industrial property. Its purpose was inter alia to consider and approve the draft version of the project for technical cooperation in the starting of the modernization of offices, to consider the new draft model law drawn up by WIPO

on inventions, industrial designs and transfer of technology contracts and to lay down general guidelines for future trademark legislation. At the same time as this intergovernmental meeting, WIPO organized, with the support of other contributors, the first patent training course and a first expert mission to visit three of the countries and initiate the reorganization of their offices, determining their needs in greater detail and starting the on-the-job training of technical staff.

As regards the draft project document submitted by WIPO and the participants took note of the need to undertake the appropriate steps at the national level in order to endorse the project document for the Regional Project once it will be submitted by the UNDP and WIPO (see paragraph 12 of the Report). The full text of the reports of the Meeting of Vice-Ministers in Tegucigalpa and of the Second Meeting of Officials Responsible for Industrial Property in Panama are attached to this Project Document as Annex I.

In 1983, and thereafter annually throughout the implementation of the project, provision has been made for meetings of Vice-Ministers and the Heads of industrial property offices in order that they may exchange experience, take decisions and evaluate the various activities currently being undertaken. These meetings will also serve in the future as a suitable forum for the conclusion of agreements under which certain internal procedures of the offices may be harmonized. Each meeting will further decide on the venue for the next meeting, and take all decisions on the programming of action under the technical cooperation project.

For the countries of the Central American Isthmus this regional project is an important adjunct to their national programs for the modernization of their industrial property systems; in some of which the UNDP and WIPO are involved, the latter as Executing Agency.

(c) English-Speaking Countries of the Caribbean

In 1979 preliminary discussions took place between the ECLA Office for the Caribbean (Port of Spain) and WIPO on the part to be played and the contribution to be made by the specialized agencies of the United Nations in the work program of the Caribbean Development Cooperation Committee (CDCC). As a result of those discussions, WIPO declared its willingness to support ECLA in the establishment of a Patent Documentation and Information Unit within the Caribbean Documentation Center (CDC), and also to organize a regional industrial property seminar to study in greater detail the position of English-speaking Caribbean countries with special reference to their legal and administrative systems in the field concerned. WIPO also offered to support the member States of the CDCC in the establishment or strengthening of their national administrations with a view to stimulating, among other things, the organization and dissemination of the technological information contained in patent documents and the transfer of appropriate technology related to industrial property.

In June 1980, during its fifth session, held in Kingston, Jamaica, the CDCC endorsed the proposal of the ECLA Secretariat regarding WIPO's contribution especially to the strengthening and modernization of industrial property offices and to the establishment of the Unit in the Caribbean Documentation Center. For the purpose of discussing the proposals in detail, and in order to make a direct assessment of the situation on the spot, WIPO, the ECLA Office and the CARICOM Secretariat, with the financial assistance of the Canadian International Development Agency (CIDA), organized a preparatory mission at the end of 1980 and beginning of 1981. The mission visited the Bahamas, Barbados, Dominica, Grenada, Guyana, Jamaica, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago. The regional seminar was held in Barbados in May 1981, and the participating experts expressed their opinions on the forms and procedures for the solution of the problems facing their countries in the industrial property field. In particular they recommended that: "... at the national level governments should strengthen their industrial property systems in order better to encourage, protect, promote and develop their national inventive and innovative capabilities..." "... Governments should adopt policies for the coordination of industrial property activities with other relevant activities--including research and development activities--so as not only to achieve working links

among them but also to integrate industrial property activities in the process of their national economic development plans..." At the regional level, "... Governments should take necessary measures to establish or strengthen, as the case may be, institutional arrangements in the field of industrial property administration as well as in the field of patent documentation and information services which, by the pooling of efforts, human and other resources existing in the region, would: (i) avoid duplication of efforts in the carrying out of tasks related to administration of industrial property; (ii) facilitate the access to technological information contained in patent documents to industrial and research and development institutions by the collection and dissemination of such information through a regional patent documentation and information mechanism; (iii) contribute to the improvement of the terms and conditions and ultimately minimize the cost of transfer of technology related to industrial property..."

The above recommendations by the experts were submitted to the CDCC at its sixth session (November 1981 and February 1982), for inclusion in its work program.

(d) Latin American Data Service on Patents and Technology Transfer

At present there are few industrial property offices in Latin America that are able to perform one of the main functions that such offices are called upon to perform today, namely that of serving as clearing houses for the technological information contained in patent documents, and consequently that of offering support services to potential users. Only some of the offices keep collections of published patent documents so ordered as to be accessible and useful to those potential users, which might be national industry, research and development institutions, government bodies responsible for technology transfer, etc. Only some of the offices publish an industrial property gazette, while some of them do not even manage to publish the patents they grant, with the result that the grant of the rights does not contribute to the realization of one of the essential purposes of their existence, namely that of offering the public suitable access to the technical information embodied in them.

Similarly, the possibility of exchanging information between the countries of the region is frustrated at present by the fact that different legislation is in force in each one of them (although this problem is partly attenuated by the efforts being made at the sub-regional level), and also by the diversity of existing rules, practices and administrative systems.

On the other hand, it is a fact that a certain number of industrial enterprises in the region have developed and are using relatively sophisticated technology, thus making themselves capable of producing goods in practically all branches of industry. Those enterprises would be ideally placed to supply technology at low cost and also technical assistance to other enterprises of equivalent size or level within the region. The lack of adequate information on the existence of technology in the region is to be regarded as one of the causes of the low level of economic and technical cooperation between the countries of Latin America.

This state of affairs has led those countries to propose, on a number of occasions, the introduction of a service for the gathering and dissemination of data on industrial property rights and technology transfer at the regional level. In particular, on the occasion of a Round Table organized by WIPO in Bogota (Colombia) in July 1977, which was attended by the countries of Latin America and various intergovernmental organizations such as ECLA, the IDB, SELA, JUNAC, SIECA and INTAL, it was recommended to WIPO that it should establish a Latin American Data Service on Industrial Property and Technology Transfer. The Service was to be established for an experimental period of three years, at the end of which the participating countries would decide whether or not to continue it.

Pursuant to the above recommendations, between January 1978 and December 1980 WIPO collected data and published a quarterly bulletin containing information on:

(i) patents and other rights in inventions granted in each of the participating countries, including abstracts of the inventions and the corresponding drawings;

(ii) trademarks registered in the participating countries;

(iii) announcements made by national enterprises in participating countries containing offers of and applications or requests for technology (patented and unpatented). Those announcements included a summary of the type of technology offered or sought, and the main conditions governing its acquisition.

During the experimental period from 1978 to 1980, the service was entirely financed by WIPO and 16 countries of the region participated in it\*.

The Government of Spain and WIPO took the initiative of convening, between November 8 to 12, 1982 in Madrid, the First Iberoamerican Meeting on Cooperation in Patent Documentation assembling 18 heads or officials responsible for industrial property administration in the countries of the region, for the purpose of discussing the basic principles of a possible agreement that might constitute an important amplification of the original Latin American Data Service on Industrial Property and Technology Transfer, by transforming its operation into a permanent, less costly and more far-reaching body, and by allowing participating Latin American countries to play the dual part of suppliers and recipients of technological information on equitable bases in relation to Spain.

The Industrial Property Registry of Spain created a computer data base that operates with a search file containing the bibliographic data of documents relating to patents and other industrial property rights published in Spain. This search file will gradually be completed with links and access to other, principally European search files and technological information networks. The file could in addition incorporate relevant information in Spanish from all the Latin American countries, and be made accessible to Latin American industrial property offices and other bodies and services that operate in the region on the basis of the technological information concerned. The information to be exchanged could contain, among other things, data relating to patents granted, technology developed locally and other information with a bearing on the technological development of the participating countries.

During the Madrid meeting, ten (10) Latin-American countries signed bilateral agreements with Spain by which the Industrial Property Registry of Spain will provide to each of the signatories the complete texts of Spanish patents in microfiche and a certain number of on-line searches, free of charge, in its data base. As their input the Latin-American Offices concerned will provide the Registry of Spain with the patent documents published in the country to incorporate them into the data base. The Spanish Registry will return these documents in the form of microfiches to the country of origin.

These bilateral agreements will serve as interim mechanisms to be replaced by a future Multilateral Cooperation Agreement on Patent Documentation which will include the establishment of an International Center of Patent Documents in Spanish. In this regard, WIPO and the authorities of Spain were requested by the Meeting to undertake a feasibility study to be submitted to the countries in the course of 1983.

This sub-project will make it possible to give support to Latin American countries in the establishment or strengthening of their infrastructures and in the training of the technical staff that will gradually take on the responsibility of the operation of the national focal centers, providing the data base with the relevant information and disseminating information received among users within the country, according to their individual needs. It should further be mentioned that the support from this project will form part of a wider range of activities, the financing of which will be provided by the Ibero-American Cooperation Institute.

\* Argentina, Bolivia, Colombia, Costa Rica, Chile, Dominican Republic, Ecuador, El Salvador, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela (16).

(e) Seminar on the Role of Industrial Property as an Incentive for Industrial, Technological and Commercial Development in Latin America: Realities and Future Prospects

In recent years those responsible for the competent sectors in Latin America have become increasingly aware of the growing importance of the protection and advertising of the components of industrial property as an incentive for industrial, technological and commercial development.

The interest of the State and its industry and trade in protecting the elements of industrial property corresponds to a general interest in having a national administration capable of ensuring the registration and protection of industrial property rights and also of collecting, selecting and distributing information on those rights, whereby the administration becomes a vital factor in the process of acquisition of suitable foreign technology, its adaptation to the requirements of the country, and in the promotion of indigenous technological innovation with a view to increasing the technological and economic self-sufficiency of the region.

The various countries of Latin America at present possess different industrial property systems, which prevents not only the regular exchange of experience and the introduction of common services, but also the establishment of sound machinery for cooperation with other developing countries and with industrialized countries.

The aspects of the technological information contained in patent documents include, among other things, its role in the promotion and stimulation of innovative activity and local research and development, through the organization of search files, access to those search files and the introduction of more advanced, permanent mechanisms for cooperation both between the countries of the region and also with other developing and industrialized countries.

By 1984, under this project, all the aspects mentioned will have been dealt with by experts who will be visiting the countries, and will have been the subject of individual and collective training courses for the technical staff of Latin American industrial property offices and other interested bodies, and finally the countries would have been provided from other sources with the essential elements of technical equipment for the implementation of the project.

In the face of this situation, it is considered that it would be important to organize a seminar in which the countries of the region would be given ample opportunity not only to exchange experience directly on the progress of cooperation schemes and modernization processes but also to work out new possibilities of amplifying this cooperation between themselves in the field of industrial property, particularly with respect to technological information from patents and the promotion of innovative activity.

The timing of the regional seminar (second half of 1984) has been chosen on account of three definite elements related to this project:

(i) the seminar would indeed constitute a unique opportunity for Latin American officials responsible of and experts in industrial property, in the promotion of inventive activity and in the negotiation of technology to present their experiences and voice their concerns and together to look for solutions and procedures whereby closer and more effective horizontal cooperation may be brought about;

(ii) all action in connection with the need to strengthen industrial property offices, and specific activities relating to the technological information contained in patents as a contribution to the cooperation schemes mentioned (see under (d) and (c) above), will to a large extent have been completed;

(iii) the seminar will be a suitable opportunity for the convening of a specific meeting for the purposes of evaluating the progress of the Development Cooperation Program undertaken by WIPO halfway through the present UNDP programming cycle (1982-1986).

## E. Outputs

The results of this project will be apparent at two levels:

(1) at the level of the modernization of existing industrial property offices, the output will be the introduction of a series of specific measures and the formation of a nucleus of technical officials in the offices in each of the participating countries, as a result of which it will be possible:

(a) to introduce, or where appropriate improve, the application of the International Patent Classification (IPC) to the classification of inventions;

(b) to introduce, or where appropriate improve, the application of the International Classification of Goods and Services with a view to systematizing the registration and references of trademarks and service marks;

(c) to introduce, or where appropriate improve, the application of the International Classification for Industrial Designs, with a view to systematizing the registration and references of industrial designs;

(d) to improve the publication of the official journals (industrial property gazettes or bulletins) of such offices as have them, so that their contents and layout correspond to the requirements of the law and international technical standards applicable, and also to consider the possibility of introducing this type of publication in the offices that do not yet have them;

(e) to introduce, or where appropriate extend, services for the provision of guidance to the users of industrial property offices, with respect to patent information and other elements of industrial property;

(f) to build up gradually, or where appropriate to enlarge, the search files of patents at each office, such files consisting of two parallel sources of reference: a search file organized by technical subject matter according to the International Patent Classification (IPC), and a numerical file in the order of patent or application numbers.

In the specific field of patents, the training of the nucleus of technical staff will be directed towards enabling them to perform the functions associated with the carrying out of examinations, namely the examination of patent applications, the classification of inventions, the technical examination of contentious patent matters, and the handling of patent search files organized according to the International Patent Classification (IPC). In the case of trademarks, other distinctive signs and industrial designs, the training will be directed towards enabling the technical officials concerned to perform the functions related to the examination of anticipations in connection with applications for registration, and to the handling of data bases of trademarks and other industrial property rights registered and in force in each country, so ordered that the information contained in them may be retrieved.

(2) At the level of schemes for cooperation or common services in the industrial property field, such as those outlined in the project, the project results will be reflected:

(a) with respect to the Latin American Data Service on Patents and Technology Transfer:

(i) in the formation of a nucleus of technical officials, subject to their availability, who will be specifically trained for the receipt and supply of data to be communicated under the cooperation scheme, and also in the management and promotion of services to be offered to the productive sector and to national research and development institutions;

(ii) in the gradual standardization of administrative procedures and methods for the handling of patent documentation, with a view to facilitating the tasks to be performed under the cooperation scheme;

(iii) in the drafting of a model study on the services offering technical information from patents to the productive sector and to national research and development institutions, and also on possible links to be made at the national and international levels in order to broaden access to and the dissemination of the technological information contained in patent documents;

(b) with respect to the Patent Documentation and Information Unit within the Caribbean Documentation Center (CDC):

(i) in the design and consequent establishment of the appropriate institutional structure for the introduction of the services to be offered to the industrial property offices and the productive and research and development sectors of countries members of the CDC;

(ii) in the formation of an initial nucleus of technical officials, provided that they are available at the Center, trained in the handling of search files and in the retrieval and dissemination of the technological and legal information contained in those files;

(iii) in the drawing up of lists and of a plan for the acquisition of collections of patents and related literature essential to the establishment of the required minimum search files;

(c) with respect to the process of preparation for the introduction of sub-regional cooperation schemes in the field of industrial property administration, especially for the English speaking countries of the Caribbean:

(i) in the preparation of basic documents on the possible harmonization of certain aspects of their legislation and in the establishment of common institutions, for the purpose of the bilateral consultations or inter-governmental meetings of the countries concerned;

(ii) the writing of draft agreements or arrangements for the regulation of such sub-regional cooperation;

(iii) in the holding of a meeting of high-level officials, possibly at ministerial level, to examine the documentation mentioned under (i) and (ii) above, and to define accordingly the procedure for the implementation of the multinational cooperation scheme referred to.

#### F. Activities

In accordance with the requirements formulated by specific groups of countries or by intergovernmental institutions in the region, WIPO will organize and carry out in 1982 and in the first half of 1983, with the support of other contributors, certain preparatory activities not provided for in this project.

The most important set of activities will be undertaken between 1984 and 1985, in the framework of the four sub-projects differing from each by reason of the subject matter and the specific needs of the particular groups of countries covered by each of them.

Only one overall activity is specifically provided for under this project for the benefit of all the countries, and it consists of a Seminar on the Role of Industrial Property as an Incentive for Industrial, Technological and Commercial Development in Latin America, to be held in the second half of 1984. It is felt that the occasion of the seminar could also be used for the holding of a meeting to evaluate and program the development cooperation activities undertaken or to be undertaken by WIPO in the region. In that way, the meeting would be able to redirect the progress of the project and define with greater precision the activities in 1985 and 1986, and also additional tasks that are expected to be undertaken during the fourth UNDP programming cycle (1987-1991).

Notwithstanding the above, the remaining activities in each sub-project, while designed at the outset to contribute to the solution of problems facing specific groups of countries, are open to the remainder of the countries of the region that may be interested in them either in their entirety or in

part. To those ends WIPO proposes to keep all developing countries permanently informed of the activities concerned. In this sense, the project provides for the holding of:

(a) Collective training courses for the technical staff of the offices concerned. The courses will deal with various specific patent and trademark subjects related to the functions of the office, and in particular will cover those matters of common interest and application to the countries of each sub-region whose handling may be more successfully achieved and benefited from by means of these multinational courses;

(b) Individual training: a selected number of technical officials will receive basic and/or advanced training in industrial property offices and agencies abroad and, WIPO will make every effort to offer a specific number of fellowships every year under its General Training Program;

(c) Missions of experts and on-the-job-training. These missions will be composed of experts and consultants\* who will work in the industrial property offices directly with the authorities and officials, in order that the appropriate recommendations may be made and the officials trained directly, with the provision of adequate assistance for the implementation of their recommendations. The missions will also be responsible for holding on-the-job training sessions to train the staff of the offices in the exercise of their traditional functions and also in the new tasks that they will have to perform under the legislation applicable and in line with the new services to be introduced for their users.

The tasks described above will cover the following main areas:

- rationalization of office functions and procedures; establishment and maintenance of patent, trademark and industrial design data bases;
- classification and substantive examination of inventions;
- classification, searching and examination of trademarks;
- classification and examination of industrial designs;
- establishment and maintenance of a patent search file, and use, dissemination and exchange of technological information on patents.

These subjects will also be covered by the courses. Wherever possible, the lecturers will impart the specialized teaching in the collective courses mentioned under (a) above.

(d) Missions: As the project does not provide for a project manager or coordinator, and as the various activities to be undertaken also entail intergovernmental meetings at sub-regional level, it has been considered essential to include WIPO missions each year in connection with each specific group of activities, with a view to ensuring their adequate monitoring, and appropriate consultation with the countries involved in each case;

(e) Intergovernmental meetings: During the implementation of the project, meetings of the various groups of countries will be held, their frequency depending on the character of the forum dealing with the industrial property subjects in general, and especially on the advancement of the process for the modernization of offices or of the multinational cooperation schemes.

In addition, as mentioned above, an intergovernmental evaluation and programming meeting will be organized in 1984, to coincide with the Regional Seminar, in which all the countries involved will take part.

\* In all the sub-projects included in this regional project, preference will be given to Latin American experts and consultants, subject to their availability.



(1) Andean Countries

In this connection, the specific activities for the Andean countries, planned jointly with JUNAC, are the following:

- Missions of patent experts
- Collective courses on patents
- Missions of experts in organization and administration
- Missions of trademark experts
- Collective courses on trademarks

WIPO will draw up, in agreement with JUNAC, the general workplan for these activities, and in particular the specific program for the courses envisaged under the project, and also profiles of the participants as provided in the already mentioned memorandum of understanding (see Section D, a) above).

(2) Countries of the Central American Isthmus

The following specific activities are planned for these countries:

- Missions of patent experts
- Collective courses on patents
- Missions of trademark experts
- Collective courses on trademarks

(3) English-Speaking Countries of the Caribbean X

For these countries the activities will consist of the following:

(a) with regard to the industrial property system in general, initial steps towards the establishment of possible multinational cooperation schemes, including:

(i) consultations with the ECLA's Office for the Caribbean, with the CARICOM Secretariat and with the competent governmental authorities;

(ii) preparation of recommendations on the legal and institutional framework within which the cooperation machinery or the common services may be operated;

(iii) organization of intergovernmental consultations to formulate a program of activities for the gradual introduction of common tasks in the administration of industrial property, including the appropriate agreements and plans for the recruitment and training of technical staff, harmonization of legislation, etc.;

(b) with regard to the establishment of the Patent Documentation and Information Unit within the Caribbean Documentation Center (CDC):

(i) consultations with the ECLA Office and with the CDC to determine the specific procedure to be observed in the implementation of the program for the establishment of the Unit;

(ii) an information services expert for three months, to organize the Unit and provide on-the-job training for the technical staff made available by the CDC;

(iii) advanced training abroad in patent documentation and information for two officials of the Unit.

(4) With regard to the Latin American Data Service on Patents and Technology Transfer and the Regional Seminar, the activities will consist in:

- missions of experts in the organization and administration of services supplying, receiving and disseminating technical information;

- the Regional Seminar on the Role of Industrial Property as an Incentive for Industrial, Technological and Commercial Development in Latin America.

G. Input: UNDP, WIPO, governments and intergovernmental bodies

General Description

The UNDP has agreed to contribute to the payment of the costs corresponding to the expert missions, the travel of the lecturers and officials who take part in the training courses, and other costs directly related to the implementation of the project. In the case of the sub-projects in the Andean countries and in Central America, the costs will be shared by the UNDP and JUNAC on the one hand and by the UNDP and the governments concerned on the other.

The governments will in addition contribute the project input falling directly to them according to Part (2) of this Section G.

WIPO has agreed to provide technical support in the implementation, coordination and monitoring of the project, taking upon itself in addition to make every possible arrangement and effort to strengthen and intensify the project activities with the aid of additional contributions from other sources. WIPO will moreover provide technical support in the preparation of draft legal provisions at the national level or draft multinational agreements to be adopted by the countries involved as factors conducive to the achievement of the objectives of this project.

(1) UNDP Input

International Staff

For the implementation of project activities provision is made for the participation of experts for periods of short duration to provide on-the-job advice, assistance and training for officials. These experts will work on the subject matter mentioned in Section F above.

(a) For the Andean Countries

With regard to these countries, the experts who will be required for the missions are the following:

(i) Experts in industrial property organization and administration

in 1983: one expert for one month

in 1984: one expert for two months

in 1984: one expert for one month

(ii) Experts in patent operations

in 1984: two experts for one month each

in 1985: one expert for two months

(iii) Experts in trademark operations

in 1983: one expert for two months

in 1985: one expert for one month

(iv) Experts in industrial design operations

in 1984: one expert for a month and a half

A summary description of the qualifications expected of the above experts is given in Annex II to this document.

The exact dates of the missions will be determined by the availability of the experts on each occasion, and also by the progress of the project and its necessary synchronization with planned collective courses.

(b) For the Countries of the Central American Isthmus

With regard to these countries, the experts required for the missions will be the following:

(i) Experts in patent operations

in 1984: two experts for two months each

in 1985: one expert for two months

in 1986: one expert for two months

(ii) Experts in trademark operations

in 1983: two experts for one month each

in 1985: one expert for two months

A summary description of the qualifications expected of the above experts is given in Annex II to this document.

The exact dates of the missions will be determined by the availability of the experts on each occasion, and also by the progress of the project and its necessary synchronization with planned collective courses.

(c) For the English-Speaking Countries of the Caribbean

With regard to these countries, the UNDP will specifically contribute, with a view to the possible establishment of a multinational industrial property cooperation scheme, as follows:

in 1984: one mission of a patent organization expert (one month) to a selected group of countries

in 1985: three missions of experts, one in industrial property organization (two months), the second in patents (one month) and the third in trademarks (one month) to a selected group of countries

in 1984: two missions of experts in patents (two months) and in trademarks (two months) to a select group of countries

(d) For the Latin American Data Service on Patents and Technology Transfer

Apart from the considerations set forth in the general part of this Section, the UNDP will make the following specific contribution to this sub-project:

- missions of experts in the organization of services for the supply, reception and distribution of technological information

in 1984: one expert for three months

in 1985: one expert for three months

in 1986: one expert for three months

Individual Training Abroad

In the case of the establishment of the Patent-Documentation and Information Unit within the Caribbean Documentation Center, it will be necessary to organize advanced training for two officials of the Unit at industrial property offices or similar centers abroad, with a view to specializing them in the operation of documentation and information services. Such

training will consist in a two month study tour for one official in 1984 and in a similar tour in 1985 for the second official of the Unit.

#### Collective Training Courses

In the case of the Andean countries, provision has been made for two-week courses on patents, one each in 1983, 1984 and 1985 with two lecturers for each of them. In addition, trademark courses lasting two weeks each will be held in 1984 and 1985, with the participation of two lecturers in each of them.

In the case of the countries of the Central American Isthmus, provision has been made for a trademark course in 1983, a patent course in 1984, a trademark course in 1985 and a patent course in 1986.

In addition, specifically for the English-speaking countries of the Caribbean, a training course is planned in 1985 in which one official from each interested country in the area will take part for two weeks. The UNDP contribution in this case will cover the travel and subsistence expenses of the participants and lecturers.

In the second half of 1984 the Regional Seminar described in Section F will be held. It is planned that the UNDP will finance the travel and subsistence expenses of 30 participants for two weeks and also the expenses corresponding to the five experts who will be giving the lectures.

A summary description of the qualifications required of the lecturers is included in Annex II to this document.

#### Intergovernmental Meetings

In the case of the English-speaking countries of the Caribbean, it has been provided that the UNDP will contribute to the establishment of a multinational cooperation scheme between them, through the financing of the travel and subsistence expenses of one high-level official from each participating country for a week, for the holding in the region of annual meetings on industrial property in the course of 1984, 1985 and 1986.

#### Missions

Provision has been made in each project for WIPO missions of short duration, considered essential for the reasons set forth above (see Section F(d)).

In particular, in the case of the English-speaking countries of the Caribbean, it should be mentioned that in 1983 a WIPO mission will be organized jointly with the CARICOM Secretariat for the holding of the consultations and work meetings described in Section F(3)(a) at the ECLA's Office for the Caribbean\*. In 1984, 1985 and 1986 the missions of experts provided for will be coordinated with the WIPO missions for consultations with the governments concerned.

### (2) Government Input

#### (a) In the Case of the Andean Countries

JUNAC will contribute to the project by financing the actual organization of the meetings and courses held at its headquarters in Lima, and the financing of its staff at those of the courses that are organized away from the headquarters.

\* The WIPO missions will in all cases include discussions and activities relating to the establishment of the Patent Documentation and Information Unit within the CDC.

JUNAC will for its part designate one official responsible for the project and will give him whatever technical and administrative support he needs in order to ensure the effective participation of the Andean countries throughout the period of implementation of the project. For their part, the governments of the Andean countries will contribute with the necessary human and material resources for the activities provided for in Part F of this document. In particular it will contribute with the following:

(i) the staff who will be receiving the on-the-job training and attending the collective courses mentioned in Part F of this document. They will have the necessary basic grounding or experience to allow them to benefit adequately from and assimilate the training given;

(ii) the necessary premises for the theoretical and practical training courses entrusted to the appointed lecturers, when the countries concerned host the courses;

(iii) the necessary office equipment (furniture, typewriters, etc.) to facilitate the work of the national and international staff and the implementation of the project;

(iv) the equipment necessary for the performance of project activities and securing of results. That equipment could consist, among other things, of filing cabinets, shelving, drawers and similar materials for the arrangement and use of patent and trademark registers and documentation.

To the same end, the governments will facilitate their own officials' participation in the various meetings and courses provided for under this project, and will finance that participation when the number of officials exceeds the two provided for for each course.

(b) In the Case of the Countries of the Central American Isthmus

The governments will contribute to the implementation of the project by providing the human and material resources necessary for the activities to be carried out as provided for in Part F of this document.

In particular, the governments undertake to provide the following:

(i) the cost of the participation of one official each of the various countries in the annual seminars which will coincide with the meetings of heads of industrial property offices provided for as a project activity;

(ii) the officials that are to receive the on-the-job training and attend the collective courses mentioned in Part F of this document; they will have the necessary background or experience to allow them to benefit adequately from and assimilate the training given;

(iii) the necessary premises for the sessions of theoretical and practical training entrusted to the appointed experts;

(iv) the necessary office equipment (furniture, typewriters, etc.) to facilitate the work of the national and international staff and the implementation of the project;

(v) the expenses associated with telecommunications, including telex, telephone, mail and other forms;

(vi) the equipment necessary for the performance of project activities and securing of results. That equipment could consist, among other things, of filing cabinets, shelving, drawers and similar material for the arrangement and use of patent and trademark registers and documentation.

(c) In the Case of the English-Speaking Countries of the Caribbean

(i) with regard to a possible plan for multinational cooperation in industrial property, the participating governments will pay the costs incurred in the performance of activities in their own countries (for instance costs that may arise from the provision of conference rooms, in the case of courses or meetings). The participating countries will provide the usual

means of local transport and, in accordance with their laws, will facilitate the participation of the nationals of other countries in the seminars, reunions, etc. organized under this project;

(ii) with regard to the establishment of the Patent Documentation and Information Unit, the same obligations as in the previous paragraph will apply. In addition, the participating countries will provide the Unit with copies of all industrial property titles published that are available to the public, and/or a copy of the official journal in which such titles are published;

(iii) The ECLA contribution will consist in the payment of costs, in particular the salaries, social security contributions, etc., of the officials provided from the permanent staff of the CDC or its patent documentation and information sector, and also the equipment and documentation necessary for the operation of the Unit;

(iv) The WIPO contribution will consist in particular in the preparation of texts on industrial property law for the participating countries, and WIPO will do its utmost to provide the patent documentation and information sector with the largest possible quantity of collections of patent documents supplied by donor countries or institutions.

(d) In the case of the Latin American Data Service on Patents and Technology Transfer, the governments of the participating countries will contribute, under a cost-sharing scheme, towards the payment of the cost of their representatives at the annual meetings to be held throughout the duration of the project.

In addition, they will contribute the national staff necessary for the operation of the information machinery, and also the office space and equipment required for the implementation of the project. The host country of any of the annual meetings will take responsibility of the provision of the necessary facilities and the corresponding equipment and local staff.

As from 1985, the participating governments will gradually assume a growing share of the operating costs of the information service, so as to ensure complete absorption of the project's operating costs by the time it is completed.

#### H. Preparation of Workplan

The detailed workplan for the implementation of the project will be drawn up by WIPO in consultation with the governments and government agencies involved in each specific sub-project. The plan will be drawn up on the starting of the project, and will be periodically brought up to date as needed. The workplan agreed upon will be appended to the project document as Annex III and will be considered an integral part of it. Detailed information on the activities provided for under the project are given in Parts F and G above.

#### I. Framework for of National and Project Staff Participation

The action required to produce the results and attain the immediate objectives of the project will be taken jointly by the staff of the industrial property offices of the countries, the staff made available by the inter-governmental agencies involved and the international staff who will be designated for those purposes.

#### J. Coordination

WIPO, the intergovernmental agencies and organizations involved in each case and the authorities responsible for industrial in the countries will remain in permanent contact and keep each other informed, and will introduce such coordination as is necessary with public and private bodies for all purposes related to the implementation of this regional project.

K. Institutional Framework

The governments of the countries of the region will participate directly in this project through their competent ministries, and more specifically through their national industrial property administrations.

In the case of the set of sub-regional activities that will directly involve the countries of the Central American Isthmus, as mentioned in Part B of this document, meetings of high level officials responsible for industrial property administration in each of the six countries will be held annually, on certain occasions at ministerial level, with a view to assessing achievements and issuing guidelines on future activities under the project.

In addition, two of the sub-projects directly involve intergovernmental agencies, namely the Junta of the Cartagena Agreement (JUNAC) in one case and ECLA's Office for the Caribbean and the CARICOM Secretariat on the other.

In the case of the Andean countries, JUNAC, being the executive agency of the functions laid down in the Andean Sub-Regional Integration Agreement, will coordinate and ensure the effective participation of the Andean countries in the activities defined within the sub-project, in accordance with the memorandum of understanding with WIPO, mentioned earlier.

In the case of the Caribbean countries, especially the English-speaking ones, the ECLA's Office for the Caribbean and the Secretariat of CARICOM will participate in accordance with the agreements reached with them by WIPO for the implementation of the two sub-projects that directly concern that group of countries.

L. Future UNDP Assistance

Although this project is not expected to extend beyond 1986, the possibility of further assistance from the UNDP through the multinational program will be kept under review. Areas in which such assistance could be considered are the strengthening the industrial property infrastructures of the countries of the region that are less advanced in that respect, by means of technical cooperation agreements among developing countries, group training of more advanced character for other countries, and other means for the promotion or strengthening of cooperation machinery among the countries of the region.

### PART III SCHEDULE OF MONITORING, EVALUATION AND REPORTS

#### A. Supervision

The Resident Representatives of the UNDP in each of the areas of activity will be responsible for supervising this project and will ensure coordination with the UNDP Resident Representatives in the other countries of the region.

They will make regular periodical evaluations during the implementation of the project, with a view to determining the rate of progress achieved and monitoring the progress of implementation of the program of activities.

#### B. Evaluation

The project will be subject to evaluation according to the criteria and procedures laid down by the UNDP. The structure, terms of reference and time of the evaluations will be determined in consultations between WIPO, the UNDP and, where applicable, the intergovernmental agencies involved in each activity.

#### C. Progress Reports and Final Report

Semi-annual reports on the progress of the project and the final report will be drawn up by WIPO for submission to the UNDP for such purposes as may be appropriate.



## PART IV A.

PROJECT BUDGET COVERING UNDP CONTRIBUTION  
(in US dollars)

Country: Regional

Project Title: Modernization and strengthening of industrial property systems

Project No.: RLA/82/018

		<u>Total</u>		<u>1983</u>		<u>1984</u>		<u>1985</u>		<u>1986</u>
	w/m		w/m		w/m		w/m		w/m	
10.	<u>PROJECT PERSONNEL</u>									
11.	Experts	42.5 338.400	5	40.200	13.5	105.700	15	120.000	9	72.500
16.	Missions	92.000		11.000		30.000		32.000		19.000
19.	Component total	42.5 430.400	5	51.200	13.5	135.700	15	152.000	9	91.500
30.	<u>TRAINING</u>									
31.	Individual	12.500		-		6.000		6.500		-
32.	Group	211.000		20.000		109.000		72.000		10.000
39.	Component total	223.500		20.000		115.000		78.500		10.000
50.	<u>MISCELLANEOUS</u>									
52.	Reports	11.500		1.000		4.000		4.000		2.500
53.	Sundry	19.500		1.000		7.500		7.500		3.500
55.	Meetings	40.700		-		13.000		13.500		14.200
56.	Publications	7.000		-		3.000		3.000		1.000
59.	Component total	78.700		2.000		27.500		28.000		21.200
99.	<u>GRAND TOTAL</u>	732.600		73.200		278.200		258.500		122.700
		=====		=====		=====		=====		=====

PART IV B. JUNAC SUB-PROJECTTENTATIVE BUDGET  
(IN US dollars)

	<u>Total</u>		<u>1983</u>		<u>1984</u>		<u>1985</u>
w/m		w/m		w/m		w/m	
10. <u>Project PERSONNEL</u>							
11. Experts	12.5 109.600	3	25.200	5.5	48.400	4	36.000
16. Missions	17.500		2.000		7.500		8.000
19. Component Total	12.5 127.100	3	27.200	5.5	55.900	4	44.000
30. <u>TRAINING</u>							
32. Group	56.000		10.000		22.000		24.000
39. Component Total	56.000		10.000		22.000		24.000
50. <u>MISCELLANEOUS</u>							
52. Reports	2.500		500		1.000		1.000
53. Sundry	4.500		500		2.000		2.000
59. Component Total	7.000		1.000		3.000		3.000
99. <u>GRAND TOTAL</u>	190.100		38.200		80.900		71.000
=====							

PART IV C. CENTRAL AMERICA SUB-PROJECTTENTATIVE BUDGET  
(In US dollars)

		<u>Total</u>		<u>1983</u>		<u>1984</u>		<u>1985</u>		<u>1986</u>
	w/m		w/m		w/m		w/m		w/m	
10. <u>PROJECT PERSONNEL</u>										
11. Experts	12	86.500	2	15.000	4	27.000	4	28.500	2	16.000
16. Missions		19.500		2.000		7.500		8.000		2.000
19. Component Total	12	106.000		17.000	4	34.500	4	36.500	2	18.000
30. <u>TRAINING</u>										
32. Group		66.000		10.000		22.000		24.000		10.000
39. Component Total		66.000		10.000		22.000		24.000		10.000
50. <u>MISCELLANEOUS</u>										
52. Reports		3.000		500		1.000		1.000		500
53. Sundry		4.000		500		1.500		1.500		500
59. Component Total		7.000		1.000		2.500		2.500		1.000
99. <u>GRAND TOTAL</u>		179.000		28.000		59.000		63.000		29.000

PART IV D. CARIBBEAN SUB-PROJECT

TENTATIVE BUDGET  
(in US dollars)

	<u>w/m</u>	<u>Total</u>	<u>w/m</u>	<u>1983</u>	<u>w/m</u>	<u>1984</u>	<u>w/m</u>	<u>1985</u>	<u>w/m</u>	<u>1986</u>
10. <u>PROJECT PERSONNEL</u>										
11. Experts	9	74.800	-		1	8.800	4	33.000	4	33.000
16. Missions		31.000	7.000			7.500		8.000		8.500
19. Component Total	9	105.800	7.000		1	16.300	4	41.000	4	41.500
30. <u>TRAINING</u>										
31. Individual		12.500	-			6.000		6.500		-
32. Group		24.000	-			-		24.000		-
39. Component Total		36.500	-			6.000		30.500		-
50. <u>MISCELLANEOUS</u>										
52. Reports		3.000	-			1.000		1.000		1.000
53. Sundry		6.000	-			2.000		2.000		2.000
55. Meetings		40.700	-			13.000		13.500		14.200
59. Component Total		49.700	-			16.000		16.500		17.200
99. <u>GRAND TOTAL</u>		192.000	7.000			38.300		88.000		58.700

PART IV E. DATA SERVICE AND REGIONAL SEMINAR SUB-PROJECTS

TENTATIVE BUDGET  
(In US dollars)

	<u>Total</u>	1984	1985	1986
w/m		w/m	w/m	w/m
10. <u>PROJECT PERSONNEL</u>				
11. Experts	9 67.500	3 21.500	3 22.500	3 23.500
16. Missions	24.000	7.500	8.000	8.500
19. Component Total	9 91.500	3 29.000	3 30.500	32.000
30. <u>TRAINING</u>				
32. Regional Seminar	65.000	65.000	-	-
39. Component Total	65.000	65.000	-	-
50. <u>MISCELLANEOUS</u>				
52. Reports	3.000	1.000	1.000	1.000
53. Sundry	5.000	2.000	2.000	1.000
56. Publications	7.000	3.000	3.000	1.000
59. Component Total	15.000	6.000	6.000	3.000
99. <u>GRAND TOTAL</u>	171.500	100.000	36.500	35.000

[Annexes I and II to follow]

ANNEX I

PI/TEG/CA/II/3  
ORIGINAL: Spanish  
DATE: December 1981

INDUSTRIAL PROPERTY IN THE COUNTRIES  
OF CENTRAL AMERICA

Meeting of Vice-Ministers  
Tegucigalpa, December 18, 1981

REPORT

INDUSTRIAL PROPERTY IN THE COUNTRIES  
OF CENTRAL AMERICA

Meeting of Vice-Ministers

REPORT

Opening of the Meeting

1. On December 17 and 18, 1981, the meeting of the Vice-Ministers of the countries of Central America who have authority over their national industrial property administrations was held in Tegucigalpa, Honduras, having been convened jointly by the Government of the Republic of Honduras and the World Intellectual Property Organization (WIPO).
2. The following countries were represented: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama. The Dominican Republic was present by special invitation, and the meeting was also attended by representatives of the following regional organizations: UNDP, OAS, SIECA.
3. The full list of the participants in the meeting appears in Annex I to this report.
4. The meeting was officially opened by the Minister of Economic Affairs of Honduras, Mr. Rubén Mondragon, representing the President of Honduras, Division General D. Policarpo Paz Garcia, and by the Deputy Director General of WIPO, Mr. Marino Porzio, representing Dr. Arpad Bogisch, Director General of WIPO, at a formal session which was also attended by many members of the public.

Discussions

5. The discussions took place during the day of December 18.
6. The session started with the election of the officers. Mr. Orlando Funes Cruz, Vice-Minister of Economic Affairs of Honduras, was unanimously elected Chairman. Mr. Andrés Davila (WIPO) acted as Secretary of the Meeting.
7. Thereafter the agenda, which is reproduced in Annex II to this report, was adopted.
8. The discussions were on the report of the Meeting of Officials Responsible for Industrial Property in the Countries of Central America (document PI/TEG/CA/I/5, which appears in Annex III to this report), adopted by that Meeting, which was held on December 16 and 17, 1981.
9. In the course of their interventions the Vice-Ministers expressed their satisfaction at the holding of the present Meeting, laying stress on the value that it had in connection with regional efforts towards development cooperation and the harmonization of activities in the industrial property field.
10. The Vice-Ministers participating in the meeting unanimously adopted the following resolution:

RESOLUTION

The Vice-Ministers of the countries of Central America participating in the Meeting on Industrial Property, held in Tegucigalpa, Honduras, on December 17 and 18, 1981,

Having discussed the situation regarding industrial property in the countries of Central America,

Being aware of the shortcomings of both legislation on and the administration of industrial property in all of the countries represented at the Meeting,

Convinced of the pressing need to improve the above situation, in order to enable industrial property to play a vital role in the industrial, technological and commercial development of their countries,

Having considered in detail the report of the Meeting of Officials Responsible for Industrial Property in the Countries of Central America, held at Tegucigalpa on December 16 and 17, 1981, which report is contained in document PI/TEG/CA/I/5,

Have decided:

- to approve and endorse in its entirety the report of the Meeting of Industrial Property Officials;
- to promote, within the limits of their competence, the measures proposed in that report;
- to reactivate, in countries that are not yet members of WIPO, the necessary action to bring about their accession to the Convention Establishing the World Intellectual Property Organization (WIPO) as rapidly as possible;
- to apply formally to WIPO by way of this resolution:
  - (i) for the drawing up of a Draft Law on Patents and Industrial Designs, as a first step towards the realization of the process of updating and harmonizing industrial property legislation, as proposed by them;
  - (ii) for the drawing up of a Draft Law on Trademarks which will form the basis for a revision of the Central American Convention on Marks and should enable all the countries concerned to have uniform legislation on the subject;
  - (iii) for the drawing up, once the above Drafts have been completed, of a Draft Industrial Property Code to regulate all the elements of industrial property in a single text, which could constitute uniform legislation for all the countries of Central America;
- to request WIPO to calculate the cost, and submit to the participating countries the proposals necessary for the implementation, of the Technical Cooperation Program referred to in document PI/TEG/CA/I/2;
- to institute within their governments all the necessary measures of financial and administrative character that will enable the Program mentioned in the preceding paragraph to be implemented;
- to thank the Government of Honduras and WIPO for having invited them to the present Meeting in Tegucigalpa and for all the efforts made to ensure the smooth organization and successful outcome thereof.

Tegucigalpa, D.C., December 18, 1981



PI/PAN/CA/I/6  
Original: Spanish  
Date: October 1982

MEETING OF HEADS OF INDUSTRIAL PROPERTY OFFICES  
OF THE COUNTRIES OF THE CENTRAL AMERICAN ISTHMUS

Panama, September 27 to October 1, 1982

REPORT

Opening of the Meeting

1. The second meeting of Heads of Industrial Property Offices of the countries of the Central American Isthmus was held from September 27 to October 1, 1982, in Panama City, Panama, at the joint invitation of the Government of the Republic of Panama and the World Intellectual Property Organization (WIPO).
2. The following countries were represented: Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama. The Permanent Secretariat of the General Treaty on Central American Economic Integration (SIECA) was also represented.
3. The full list of representatives at the meeting is given at Annex I to this report.
4. The meeting was opened in the morning of September 27, in the presence of His Excellency Ricardo M. Real B., Vice-Minister for Trade and Industry, representing the Government of Panama, and of Mr. Andres Davila, Senior Official of the External Relations Division of WIPO, representing the Director General of the World Intellectual Property Organization (WIPO), with a formal session attended also by a number of representatives from the public and private sectors of Panama.

Discussions

5. Discussions began in the afternoon of September 27.
6. The Delegation of Panama was unanimously elected to the chair of the meeting in the person of Mr. Abdiel E. Jimenez O., Director General of the Industrial Property Registry. It was agreed that the practice instituted at the Meeting of Officials Responsible for Industrial Property at Tegucigalpa in 1981 would be continued and that the chair would be continuously held by the Delegation of Panama; consequently Ms. Mayela Espino de Diaz was elected Deputy Chairman of the meeting. Mr. Andres Davila (WIPO), assisted by Mr. Octavio Espinosa (WIPO), acted as Secretary to the meeting.
7. The agenda was then adopted as given in Annex II to this report.
8. Discussions on the various agenda items were based on the documents produced by the World Intellectual Property Organization (WIPO), referred to in Annex III to this report.
9. Under Item 4 of the agenda, "Industrial property policy of the countries of the Central American Isthmus, WIPO program of activities in the region of the Central American Isthmus," the meeting considered two documents: PI/PAN/CA/I/3, "WIPO program of activities in the region of the Central American Isthmus," and PI/PAN/CA/I/4, "Possible meeting of Vice-Ministers of the region responsible for industrial property."

10. The representatives of the countries reviewed the situation, the activities and the interests of their respective Offices, making special reference to obstacles of a practical and structural nature encountered in fulfilling their tasks. The representatives also confirmed the concern and the interest of their countries as regards the modernization of industrial property legislation at national and regional level and of the respective national Industrial Property Offices; they gave their support and approval to the efforts made by WIPO in an endeavor to assist in achieving the objectives set out in the Resolution adopted by the meeting of Vice-Ministers held in Tegucigalpa, Honduras, in 1981.

11. In their interventions, the representatives expressed their satisfaction as to the form in which WIPO had been implementing the Resolution adopted by that Meeting of Vice-Ministers. They likewise discussed and approved the program of future activities which WIPO proposed to carry out in implementation of that Resolution, as set out in the above-mentioned document PI/PAN/CA/I/3.

12. The representatives expressed their particular satisfaction and offered their support to the efforts being made by WIPO in the implementation of the technical cooperation program adopted at Tegucigalpa. They especially endorsed the measures to set up a regional project and national projects funded by the United Nations Development Programme (UNDP) and took note of the need for their respective countries to give their endorsement to the WIPO/UNDP document on the regional technical cooperation project entitled "Modernization and Strengthening of the Industrial Property System in Latin America." (endorsement to be given by a communication addressed by the responsible national authority to the UNDP Resident Representative in each country.)

13. As regards the institutionalization of the annual meetings of Heads of Industrial Property Offices, the representatives confirmed that the necessary efforts had been made to ensure that participation in those meetings would be included in the budgets of the Offices. The representatives suggested to WIPO that, whilst that objective was being attained, a formula should be sought to permit funding of the participation of the Heads of the Industrial Property Offices at those meetings.

14. Some of the representatives expressed their concern at the lack of importance attached to the Industrial Property Offices in their respective countries. They stressed the usefulness of an institutional restructuring that would give the Industrial Property Offices increased independence and suggested that WIPO should take their concerns into account when implementing the technical cooperation program for the region.

15. The representatives referred to the budgetary difficulties they had to face in the running of their Offices and confirmed that in all their countries the revenue produced by the Industrial Property Offices towards national income was higher than the funds allotted to the Offices in the national budgets. In this context, the representatives declared that the Industrial Property Offices of the region should recommend to their governments that they be afforded greater budgetary independence, to be financed by the revenue which they themselves produced. They likewise emphasized the importance of instituting adequate fees in the Offices of the region and of standardizing them, wherever possible.

16. As regards the possibility of a future meeting of the Vice-Ministers of the region responsible for industrial property (document PI/PAN/CA/I/4), the participants welcomed the suggestion made by the Permanent Representatives of the countries of the Central American Isthmus, and agreed that such a meeting should be held on the pattern of the meeting in December 1981 in Tegucigalpa. The new meeting would therefore be preceded by the annual meeting of Heads of Industrial Property Offices. As the most convenient date for the following meeting of Heads of Industrial Property Offices, and for the meeting of Vice-Ministers, they agreed on the last fortnight of August 1983, and mentioned that Costa Rica could tentatively be envisaged as a venue for those meetings.

17. The observer from SIECA mentioned the efforts made by the Secretariat as regards industrial property legislation.

18. The representatives of those countries that were not yet members of the World Intellectual Property Organization (WIPO) informed the meeting on the measures that had been taken or that were envisaged in the immediate future in order to accede to the Organization. They agreed on the usefulness of discussing at the meeting a model statement of reasons which those countries could use to speed up their accession to WIPO. The Chairman was entrusted with preparing a draft statement of reasons, the result of which is given at Annex IV to this report.

19. With regard to Item 4(ii) of the agenda, concerning the draft law on inventions, industrial designs and examination of contracts, the meeting analyzed document BIG/236 concerning the draft law drawn up by WIPO as had been requested by the meeting of Vice-Ministers held in Tegucigalpa.

20. The meeting examined the draft article by article and in each case made the necessary comments, observations and suggestions, which the Secretariat duly noted. One of the comments made on the draft law, in respect of Part III concerning examination of contracts, was that WIPO should expand that part in order to include all the other rights and elements relating to industrial property which could also be the subject matter of technology transfer contracts.

21. It was agreed to request WIPO to draw up a revised draft law containing all the comments and suggestions made during the meeting on which there had been consensus for submittal without delay to the countries of the Central American Isthmus for its adaptation as regards procedural and jurisdictional details and for its subsequent processing before the national legislative instances of each country. The revised draft law would be supplemented and sent by WIPO to the countries in the course of the first half of 1983.

22. As regards Item 4(iii) of the agenda, referring to the topic of marks and possible reform of the current arrangements for distinctive signs in the countries of the Central American Isthmus, discussions were based on document PI/PAN/CA/I/4 drawn up by WIPO, containing considerations on the modernization of the legislation relating to distinctive signs in the region.

23. The meeting examined and analyzed the various proposals contained in the document as regards the items, topics and questions to be discussed and resolved with a view to their inclusion in a draft law on distinctive signs with an aim to harmonize the legislation of the various countries of the region. The Secretariat took due note of all the suggestions for the wording of the draft which would be sent to the countries during the first six months of 1983.

24. The meeting agreed to request WIPO to pursue preparation of the draft law on distinctive signs and to include in that project all the elements suggested in document PI/PAN/CA/I/5 together with the amendments which the countries would send to WIPO in writing and which they had mentioned during the meeting, which the Secretariat duly noted. It was stated in particular that the draft laws prepared by WIPO should contain provisions requiring adoption of the International Patent Classification (IPC), the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Classification) and the International Classification for Industrial Designs (Locarno Classification) corresponding in each case to the respective parts of the draft laws.

25. With respect to the Central American Convention for the Protection of Industrial Property, the meeting noted that two of the three member countries of the Convention, that is to say Costa Rica and Guatemala, had sent to WIPO their comments as regards possible amendment of the Convention.

26. The meeting agreed to request WIPO to prepare, on the basis of the comments and observations submitted by the member countries of the Convention, a series of practical proposals for amending the articles of the Convention concerned by those comments, which could serve as a basis for carrying out the appropriate measures with a view to implementing such amendments.

27. In respect of Item 5 of the agenda, concerning other business, reference was made to the meetings of Heads of Industrial Property Offices of the countries of Latin America held in Madrid, Spain, and Geneva, Switzerland, in November 1982. The background to those meetings was explained and reference was made in particular to the Latin American Data Service to which the countries of Latin America had subscribed. The aims of the Madrid meeting, organized jointly by the Industrial Property Registry of Spain and WIPO, were to establish a joint data base in Spanish and the standing multilateral exchange of technological and legal information on patent documents issued both in the countries of the Latin American region and in Spain. The Geneva meeting constituted a continuation of the Madrid meeting with the purpose of examining the various programs of WIPO in the Latin American region in general and in each individual country of that region.

28. In that respect, the meeting adopted a Resolution supporting those meetings, reproduced at Annex V.

29. The participants expressed their gratitude to WIPO for its cooperation with their respective countries over a period of many years and, in particular, for its efforts in organizing the current meeting.

30. The representatives expressed their congratulations and gratitude to the Government of the Republic of Panama, and in particular to the General Directorate of the Industrial Property Registry and to its Director, for the excellent organization and chairmanship of the meeting that had led to the successful results obtained, and which would prove of benefit for the development of the industrial property institutions of all the countries of the Central American Isthmus. The full wording of the vote of thanks is given in Annex V.

31. The meeting considered the present report and its annexes which, after some discussion, were unanimously adopted by all the representatives present.

[Annex II follows]

ANNEX II

SUMMARY DESCRIPTION OF THE RESPONSIBILITIES OF EXPERTS AND LECTURERS

(to be completed in each case by WIPO)

1. Experts in Trademark Operations

These will have legal and administrative training and professional experience in the processing and classification of marks and in the methods of anticipation searching and substantive examination with respect to trademarks.

These experts will take the responsibility for the courses and will assist and instruct the staff of the industrial property offices, particularly in the use of the International Classification of Goods and Services for the Purposes of the Registration of Marks, and where possible also that of the International Classification of the Figurative Elements of Marks, and in the searching for anticipations on the basis of these two Classifications. They will also give instruction in the examination of trademarks filed for registration, the causes of the refusal of registration, conflicts with prior marks and the preparation of reports for contentious cases. The experts will likewise assist and instruct the staff in the constitution and use of a trademark data base, making recommendations with respect to formatting and the constitution of the various files.

2. Experts in Patent Operations

These will be professionally trained in any of the specialized chemical or engineering (mechanical or electronic) fields, and will have perfect knowledge and experience of the use of the International Patent Classification (IPC) in the fields concerned.

These experts will take the responsibility for the courses and will assist and instruct patent examiners in the technical, substantive examination of patent applications filed, and in the use of patent and other technical documentation to carry out that examination. They will also advise the examiners on the drafting of technical reports on the patentability of inventions and on the use of that type of report drafted by the industrial property offices of other countries or by international bodies.

They will likewise have the task of instructing and assisting the patent examiners of industrial property offices in the classification of inventions according to the International Patent Classification, and in the use of that Classification to make anticipation searches and to retrieve classified technical information and documentation.

3. Experts in Patent Information and Documentation

These will have professional training in specialized chemical or engineering (mechanical or electronic) fields, perfect knowledge and experience in the use of the International Patent Classification (IPC) in the fields concerned and in the creation and use of patent documentation files and technical libraries in industrial property offices, and also in the provision of technical information services using primary and secondary sources of patent information.

These experts will mainly have the task of giving the appropriate courses, and instructing and assisting the officials of industrial property offices in the creation, maintenance and use of a patent documentation file and technical reference documentation (sources of patent information), and also collections of other technical documentation for the purposes of the examination of patent applications. They will likewise make recommendations and instruct local staff in the use of patent, trademark and industrial design data bases.

In addition they will perform the function of issuing recommendations to and instructing local staff in the procedures for the introduction and maintenance of a technical information service for the public based on the information contained in the patent search files. They will propose and define the various information services that the offices could provide, and make recommendations on the means of linking the services with other services and information networks within the countries concerned and outside, particularly at the regional level. They will also make recommendations on the possible use of microformats and on the equipment necessary for such use, taking due account of the services that the offices will provide.

#### 4. Experts in Industrial Design Operations

These will have legal and administrative training and experience in the classification and examination of applications for the registration of industrial designs and in the use of manual data bases pertaining to industrial design rights.

These experts will have the task of assisting and instructing the officials of industrial property offices in the use and application of the International Classification for Industrial Designs, and in the examination of applications for the registration of industrial design deposits. They will likewise issue, where appropriate, recommendations on the creation of manual data bases for industrial designs, and on the format of cards and the making of the appropriate card files.

#### 5. Experts in Industrial Property Organization and Administration (Patents and Trademarks)

These will have legal and administrative training and experience in the processing of applications for patents, industrial design deposits and trademark registrations, and knowledge of the various modern methods of maintaining the appropriate registers. They will be aware of the ideal methods of mechanizing the administrative work, including microfilming, and of rationalizing human and material resources in industrial property offices, including the use of special equipment for such tasks.

Among other tasks, these experts will have that of collaborating with local staff in the working out of internal administrative and procedural systems in industrial property offices, where appropriate drawingup flowcharts for the various procedures corresponding to each type of industrial property right, and any forms that may be useful. They will also instruct local officials in the establishment and rational use of data bases (search files, etc.) that are kept at the national industrial property office. They will also make recommendations for improvement of the above and for the selection of the equipment to be used, including microfilming and word processing apparatus.

[End of document]