



The objective of Intellectual Property discipline, is the promotion of economic, social and cultural progress of society, through the development and monitoring of global rules and treaties of intellectual property rights which motivate innovation and knowledge creation.

Talal Abu-Ghazaleh

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Seminar on Contemporary Issues on Intellectual Property



Organized by



*Arab Society of Intellectual Property
and
The University of Jordan*

Date: Saturday 26/2/2005 and Sunday 27/2/2005

Venue: Faculty of Educational Sciences, Khaleel Al-Salem Building, UJ

Language: Arabic (for the first day), and Arabic and English for the second day (interpreting services are available)

Registration Fees: JD 50 for the first day, JD 75 for the second day, JD 100 for the two days

Method of Payment: in cash at UJ Centre for Consultation, Technical Services and Studies

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ASIP's news

Round Table Dialogue on Article (9) of the Jordanian Law of Unfair Competition and Trade Secrets

ASIP on January 29, 2005 held the monthly Round Table Dialogue on article (9) of the Jordanian Law of Unfair Competition and Trade Secrets. Attending the event were ASIP executive manager Jameel Al-Shalabi and a number of IP specialists and experts.

The dialogue was chaired by Justice Hazem Al-Simadi, the Judge of Amman's Court of First Instance.





ASIP member and the legal consultant for Abu-Ghazaleh Intellectual Property (AGIP), Lana Al-Nimri, presented a paper on article 40 of TRIPS since Article 9 of the law for unfair competition and trade secrets is an application of TRIPS article No. 40 which pertains to contractual licenses and competition.

Ms. Nimri said that IP and competition bring about some kind of conflict of interest by which the climate of competition is affected thus calling for more efforts to keep a balance between the two interests since IP is essential for motivating creation and inventing.

Article 40, Ms Nimri points out, tackles licensing agreements and their impacts on trade and technological transfer, explaining that there is a conflict of interest between the developed countries and the developing ones. This would mean that licensing agreements are used to exploit the developing countries because only the developed countries have IP laws.



Another paper was presented by Dr. Tareq Al-Hamouri touching in depth on Article 9 of the Jordanian law of unfair competition and trade secrets.

"When Jordan acceded to WTO, it had to commit itself to the application of TRIPS provisions most of which are on intellectual property, article 40 in particular," said Dr. Al-Hamouri.

"Article 40 is what weekend TRIPS conventions as it falls short of binding the contracting states by giving them the freedom to comply or not comply with the provisions of TRIPS, while it is for the good of the developing counties that both the provisions and their amendments are adhered to."

"The problem with article 9," says Dr. Al-Hamroui, "is the impact of ineffectiveness arising in many cases because of the provisions of this article. Most disturbing in the article is paragraph 3, which stipulates 'binding the licensee to accept a number of licenses' while it would have been more convenient to tackle in this article separate licenses, interrelated or not, despite the fact that the protection of the Jordanian tradesman is the raison de etre of this article. This may lead licensors, in the long run, to reconsider all licenses granted to Jordanian tradesmen for not knowing when licensing is binding or not."

Dr. Al-Hamouri also added that the transfer of technology can be impeded by the provisions of Article 9 of the Jordanian Law of unfair competition and trade secrets invalidate any contracting terms in the license contract, a key obstacle to the transfer of technology.



He also criticized Paragraph 3 of the same article saying that it might, when invalidating some licensing procedures, lead to legal and practical problematic consequences due to overgeneralization and lack of clear definitions in the said paragraph. It does not observe the difference between invalidating a contract provision binding the licensee to accept the licensing of a group of interrelated interdependent rights on the one hand and invalidating unrelated and independent rights on the other one. It is the latter case that should be included in paragraph 3 of Article 9.

Dr. Al-Hamouri also said that since the article is meant to protect the local recipients of technology, it would have been worthier to take into account the harmful effects Paragraph 3 has on the long run in destabilising transactions or in questioning how binding contractual licenses are.

The seminar was concluded with a recommendation by participants to look more carefully into the provisions of Article 9 of the law of unfair competition and trade secrets in compliance with the legislators' intention to redefine the licensor's authority in stipulating terms in the contractual licenses regarding the retransfer and dissemination of technology and the invalidation of such contracts.

The participants also called for the necessity of differentiating between licensing a group of interrelated rights or non-related ones in paragraph 3 of the article.

ASIP's executive manager highly valued the need of holding such seminars and profound talks. Mr. Shalabi also thanked the participants for their efforts, which, he stressed, should be translated in the submission of appropriate recommendations to the competent authorities for the public good, urging a follow up on such recommendations to realize the desired goals.





Article 9 of the Jordanian Law of Unfair Competition and Trade Secrets No. 15 for the Year 2000

A Paper submitted by Lana Al-Nimri Legal Consultant at Abu-Ghazeleh Intellectual Property (AGIP)

The protection of intellectual property rights is of vital importance for companies in contemporary economies, which are dependent on technological advancement and merits of competition. Ensuring a healthy market economy by (among other things) removing the obstacles facing trade and securing the transfer of technology is a very important issue for policy makers both in the developed and the developing countries alike. This is because economic progress is attained through trading with and 'borrowing' ideas from others. Greater challenges seem to stand in front of the developing countries in view of low standards of living in these countries that are still in the early phases of industrial metamorphosis with their weak labor markets.

In the developing world, there is a greater need for governmental subsidy and for the enforcement of national developmental goals. Weak countries, nonetheless, can keep abreast with the development process if they could learn from the experiences and practices of the more advanced countries, which would give rise to a conflict of interest between the developed countries and the developing ones.

The success, nevertheless, of a given economy can be gauged against the performance of the leading companies and institutions existing in that economy. This depends, in turn, on the means by which technology has been acquired by these companies and institutions and then adjusted to successfully meet local conditions to enhance its competitiveness and viability in local and global markets. IP conventions are a key means to reach technology.

IP rights are monopolistic ones serving as incentives for creation and innovation. The proprietor is granted through IP the whole market price of the protected material. However, the utilization of IP rights could raise a question about potential anti-competitive acts, which seems to be contradictory to the necessity of creating a competitive policy that would protect the influential performance of intellectual property and manipulate potential conflicts that might arise between the order of competition and that of intellectual property.

The orders and rules of the competition policy have been designed to cater for the competition climate in national economy. In connection with the utilisation of IP rights, the following three cases can be defined where a conflict may arise between the order of competition and that of IP:

- abuse of IP rights (i.e. when IP rights are used in a way that

is inconsistent with the aims and conditions of their protection)

- the monopolistic authority granted by means of IP protection might be used to extend protection beyond their aims or further enforce the IP rights.
- Exclusive contracts and agreed practices: when agreements are made on the use or utilization of an IP right for the purpose of shackling trade that would damage the transfer or dissemination of technology or other pieces of knowledge

IP rights were once used to exploit the developing countries. Many agreements were incorporating provisions restricting the transfer of technology, which raised controversy between the developed countries and the developing ones. In the developed countries, where local IP rights and competition laws were strict, a fixed position was maintained making it optional to comply with any international legal order governing issues pertaining to the transfer of technology. The trend in the developing countries, however, was towards international rigid and compulsory practices and bills.

Article 40 of TRIPS mirrors the privileges of the developed countries by stipulating one provision that explicitly permits the removal of anti-competitive practices.

Section 8: Control Of Anti-Competitive Practices in Contractual Licenses

Article 40

1. Members agree that some licensing practices or conditions pertaining to intellectual property rights which restrain competition may have adverse effects on trade and may impede the transfer and dissemination of technology.

2. Nothing in this Agreement shall prevent Members from specifying in their legislation licensing practices or conditions that may in particular cases constitute an abuse of intellectual property rights having an adverse effect on competition in the relevant market. As provided above, a Member may adopt, consistently with the other provisions of this Agreement, appropriate measures to prevent or control such practices, which may include for example exclusive grant back conditions, conditions preventing challenges to validity and coercive package licensing, in the light of the relevant laws and regulations of that Member.



To a large extent, TRIPS defined the minimum scope of IP protection that should be observed by WTO members, noting its flexible phrasing and the fact that it is the first international convention that recognizes a need to control anti-competitive practices, giving at the same time a wide scope of means for members to treat any consequences ensuing from the protection of intellectual rights.

It is worth mentioning that Article 5 A(2) in Paris International Convention for the Protection of Industrial Rights is deliberately made broad to treat anti-competition practices. Article (10) as well deals with controlling unfair competition.

TRIPS Article 40 also conclusively stipulates the principle through which some licensing practices may have adverse effects on trade and the transfer and dissemination of technology. Moreover, it gives the right to states to define in each individual case alone what constitute such practices provided that these should first constitute an abuse of intellectual property rights and second have adverse effects on competition.

The same article also permits taking measures that are inconsistent with other provisions of TRIPS for the sake of controlling or preventing such anti-competition contracting practices.

The following are three examples of these practices that may fall under Article 40 and can be considered above all abusive and anti-competitive:

1. terms on renewing exclusiveness
2. terms prohibiting objection to validity
3. a set of compulsory licensing

Article 40 as well calls for holding deliberations and exchanging information. It explicitly stipulates that abiding by counseling will by no means mean deprivation of the freedom of any WTO member in dealing with an alleged breach. Abiding by cooperation, by the same token, will be restricted to the provision of specific non-confidential information or confidential information subject to local laws. This may not be understood as a real abidance to undertake tangible measures to curb an alleged non-abidance.

Article 9: Licensing Contracts and Intellectual Property Rights

A. It shall be deemed invalid any provision or term in the licensing contract on any intellectual property right that would suppress competition, have an adverse effect on trade or impede the transfer and dissemination of technology, particularly the following:

1. forcing the licensee to not transfer the improvements he/she affects on the technology incorporated in the licensing

contract except to the licensor (back transfer of improved technology)

2. denying the licensee access to administrative or judiciary disputing on matters pertaining to the licensed intellectual property

3. forcing the licensee to accept the license as a number of rights rather than an individual one.

B. The aforementioned intellectual properties in paragraph (A) shall particularly include the following:

- copyright and neighboring rights
- trademarks
- geographical indications
- industrial designs and utilities
- patents
- integrated circuit designs
- trade secrets
- new plant varieties

Article 9 in the Jordanian law is a national observance of the principle and rights of local legislation stipulated in TRIPS Article 40, the least significant one in that law.

Before discussing Article 9, I feel it is appropriate to mention the following remarks:

- It is not correct to incorporate the provision under the Jordanian law of unfair competition and trade secrets since the article concerns cases of competition rather than "unfair competition", two different and separate issues.
- The provision is said to have been necessary for Jordan to accede to WTO, under the pretext that enacting the provision is urgent, that we do not have available Arab expertise or experts. This pretext, though draws our attention, is somehow erroneous because Article 40 of TRIPS does not hold positive commitment nor does it impose restrictions on local laws, but rather calls for convenient competitive policies to be laid down.
- Up till now, no lawsuit has been raised in Jordanian courts demanding the implementation of the provision despite the expectation that any pertinent lawsuit would challenging in terms of interpreting and then implementing the said provision.
- Article 9(a) names three specific models of terms similar to those stipulated in article 40 of TRIPS, but when using the phrase "particularly the following", the legislation efficiently



and irrevocably assumes that in such cases where the licensing contract exhibits any of the mentioned examples, the provision shall be construed as anti-competitive and therefore invalid. Yet, the pretext is that the legal system in Jordan always observes the right of the other party in submitting evidence and requesting a repeal of the pretext despite weak formulation of the article that is of no help to the other party. The reason is that the law of competition itself requires not the rise of actual adverse effect but rather the possibility of having one.

- The third example, which stipulates that "the licensee shall accept the license along with a set of rights rather than an individual one" was suppressed without giving any justification for that in view of the fact that it should be coercive by nature and must "have an adverse effect on trade and preclude the transfer and dissemination of technology". The incorporation of the coercive term along with the irrevocable assumption could possibly lead to abusing the article by contractors to escape from what would otherwise be considered legal contracting commitment.
- The article applies on local and international transactions

alike

- Last but not least, paragraph (A) stipulates "any intellectual property rights" while paragraph (b) provides for a comprehensive list of the intended intellectual properties.

Conclusion:

Article 9 should be reexamined, modified or even incorporated in the newly enacted Jordanian Law of Unfair Competition No. 33 for the year 2004, whose provisions apply to all practices including those pertaining to intellectual property rights.

This article among other ones is vital to prevent abusing intellectual property rights and to realize the comprehensive developmental plans in Jordan, which need access to knowledge to learn, adapt and be integrated more efficiently with the global economic order although it is not possible to maintain a balance between this need and the urgent desire to reward inventors and innovators to guarantee sustainable knowledge for next generations.

Seven new members join ASIP

ASIP welcomes the following new members for January 2005 having fulfilled the membership requirements:

From the Hashemite Kingdom of Jordan:

- **Rasha Lasoy**
- **Azzam Zaloum**
- **Mohammed Abu-Hazem**
- **Dr. Qays Mahafzah**
- **Dr. Samer Dalal'a**
- **Nada Al-Wer**

From the Kingdom of Bahrain:

- **Prof. Zenat Al-Mansouri**



ASIP Presents a Paper in AOIDM Assembly



ASIP presented a paper in the sixth assembly of the Coordinating Committee of the Centre of Industrial Research in the Arab Countries affiliated with the Arab Organisation for Industrial Development and Mining (AOIDM). The assembly was held in Damascus during 7-9 December 2004.

The paper, which was presented by ASIP representative, Dr. Mohammed Dina, was under the title "The Effect of Industrial Property Rights on the Promotion of Creativity and Innovation". The following is a part of the paper:

The rise of WTO has changed the features of global economy through the connection of interlaced international relations and interests. With the emergence of this organization that embraces 148 member states, the institutions of global economic order has become fully fledged.

The organization's developing countries members seek to benefit from world liberation of trade and capital flow. The hard negotiations preceding WTO formation showed the differences existing between the great industrial states that sought markets for their goods and services and the developing countries that thrived to protect local economies from acute competition and fund their budgets with tax and custom revenues imposed in imported goods. WTO can therefore be seen as a new channel to let pass the policies of the great hegemonies in the world.

The globalization of economy has recently gained momentum among economic and political thinkers all over the globe in view of the rapidly successive economic changes of our modern world that gave rise to a new economic order that reshuffled the economic priorities and ideologies of countries and a set of interwoven economic relations and interests that contributed to the emergence of a global economic order which has become more complicated thanks to the creation of WTO.

It is for this reason that some countries in the developing world consider WTO as an organization that aims to further strengthen the hegemony of the powers and lobbies of the Western world. They say it is a replacement of imperialism of old days whose aim now is to impose policies and have sway over the globe; that WTO conventions preclude their developmental drives through the cancellation or reduction of customs tariffs, a source of revenue for which they are desperately in need; that their economies cannot withhold the grave position resulting from their economies opening to inequitable competition rendering these

economies unprotected.

With regards to Arab countries, the majority of these acceded or is assuming the 'observer' position. An observer member has to start membership negotiations within five years, which we in the Arab world must know how to deal with.

Effective protection and use of intellectual property, however, and the creation of appropriate sustaining climate would be instrumental for the progress of national creative activities.

In order to touch deeper on the issue, I will restrict the present discussion on the protection of patents, for which WTO has put minimum limits to be observed by all countries.

The protection of patents is a unique system that aims to create a balance between the proprietor and social interests as a whole. A key feature of patents is that it encourages the patentee to disclose the technical contents of the patent for the public good in return of a monopolistic right given to him or her by the government for a restricted period of time (often twenty years as of the filing date).

Thus, when a given inventor wishes to protect his/her patent, s/he should apply for a patent at the competent authority (Patent Office). The application must give a full and detailed description of the patented invention so that it can be readily implemented by interested specialists without the need to ask for more information.

As a practice in some patent offices, the technical content of the patent is made available for any interested party to copy. Patents can also be disclosed worldwide by big patent offices within eighteen months of first application.

So huge is the bulk of patents' technical content. Practically, it constitutes a high rate of human contribution to scientific knowledge since the latter part of the nineteenth century and if used appropriately, it will be an invaluable source of information.

The contents of patents have become available and relatively easy to access thanks to IPC accurate system (International Patent Classification). This source of technical information, however, is not well exploited especially when it comes to those details pertaining to the date of applications, previous related applications, illustrations, abstracts, and names and addresses of applicants should there be an interest to contact the patentee for a license.



The patent's documents, which fall in a sub-category, include a concentrated gathering of advanced technical literature in the scientific field this sub-category represents.

The number of patent applications worldwide in 1996 was 1018139 that rose to 1053743, 1109167, 1135094 to 1257846 in the years 1997, 1998, 1999 and 2000 respectively. When taking these figures into consideration along with the facts that the number of patents of Egypt in any given year did not exceed 1000 applications, and that the amount of patents including Paris, PCT, non-priority and utility applications will not exceed 1000 ones, we will understand that the full technical contents

of more than a million applications of unpatented inventions are published every year in Arab countries and thus can be used without paying to applicants and in a legal context.

In addition, these patents are classified according to the IPC system, which provides easy access to the fields of specialty. This is an enormous bulk (more than a million a year) of very up-to-date technical information (18 months from the application date), and my feeling is that we in the Arab world do not adequately appreciate its significance and potential although it is a major feature of patenting.

Encouraging Foreign Investments and Transfer of Technology:

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Encouraging Foreign Investments and Transfer of Technology:
A strong protection of intellectual property, particularly pat-

ents, has important bearings on direct foreign investments and transfer of technology. According to Lee and Mansfield (Lee J, Mansfield E. 1996. "Intellectual protection and U.S foreign direct investment". p.p. 186-181, No. 78. Review of Economics and Statistics, Vol.2), weak protection of intellectual property gravely affects US investment in foreign countries.

Another study (Maskus, K. E, J. Blyde and Penubarti patents, trade and foreign direct investment University of Colorado. 1997. manuscript) reveals multinational corporations tend to choose to export, raise sales, increase investments or transfer technology in countries where patents are highly protected.

The transfer of technology, needless to say, has many advantages. It raises technical awareness in the recipient country; it makes available for scientists and experts to get acquainted with and use up-to-date knowledge; and, it also allows the recipient country to make use of advanced methods of project management to answer scarcity in pertinent fields of expertise.

There remains however one question: are the advantages stemming from IP protection adequate alone for the creation of an impressive scientific progress that would encourage creativity, innovation and development? The answer is "no". Creative and innovative activities in fact may affect or be affected by a lot of factors.



International News

US Congress Approves to Raise TM Fees

It is likely that US congress will endorse in this week assembly a comprehensive measure of allocations for federal government funding. The outlay package includes a decree that would raise trademark written registration fees and reduce electronic registration ones for the fiscal year 2005 up to the fiscal year 2006 (i.e. 30 September 2006). The allocation measure is still waiting for endorsement by US president after which a notice will be filed in the federal registry through the US Patent and Trade Mark Office (USPTO).

Fees for written filing will rise from US\$335 to US\$375 per class while electronic filing fees will fall to US\$325 having been US\$ 335 per class.

The decree will give USPTO the authority to further decrease the filing fees to US\$ 275 per class under certain conditions imposed by USPTO director though certain mechanic systems have to be completed before endorsing the latter fees.



China Cracks Down on Pirated CDs



The Chinese government said it launched a massive crackdown on piracy as it destroyed in a single day 63,35 million pirated video and audio compact disks.

The move came in line with Chinese-US high-level negotiations on the protection of intellectual property.

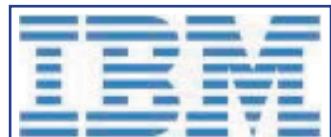
The protection of IP rights is a thorny issue that has disturbed the United States and China has pledged to spend more efforts to stamp out infringement acts on intellectual property.

IBM Frees 500 Patents

IBM vice president and Intellectual Property announced in an interview IBM's intention to release 500 patents to be used by software developers without paying for a license, which will affect a great change in IP strategies of big computer manufacturers.

"The aim is to encourage other firms to release their patent portfolios to promote technological innovations", said Mr. Staling.

The released patents fall in a number of fields like: stock management, multi-synchronized treatment, image manipulation, database management, networks and e-commerce.





Apple Sues a University Student on Trade Secrets

A Harvard University student has been sued by Apple Macintosh for illegally soliciting on his website (www.ThinkSecret.com) information alleged to contain Apple trade secrets.

The 19-year-old student, Think Secret editor Nicolas Kerelley, said he hoped

to get free or low cost legal assistance arguing that he deserves protection by virtue of the first amendment as he inappropriately used means to collect news about Mac Mini computer and other information on Apple.

"Think Secret" is the third IP one recently

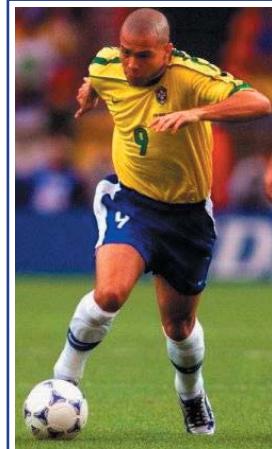
filed by Apple against two men alleged to have distributed pre-release versions of Mac OS X. It also filed another lawsuit on leaking details about forthcoming music product.



Soccer Star Renaldo Wins Lawsuit on Online Piracy

Soccer world star Renaldo of FC Barcelona won a lawsuit on online piracy against a US website operator in a ruling by the Argentinean international arbitrator Miguel Ovrel who confirmed that Renaldo is the right proprietor of a trademark holding his professional name "Renaldo Gaucho" by virtue of the common law.

The ruling was announced by the World Intellectual Property Organization (WIPO) and the name was registered last July by the US-based Goldmark CD Web, whose domain name hosts a webpage



offering paid commercial links to other websites under such listings as Ronaldo Gaucho's videos and Barcelona.

According to the ruling, Goldmark has no rights or legitimate interests in the disputed domain name, which it used to attract internet users for commercial gains by creating "a likely confusion on the minds of the users".

A number of other soccer stars from Italy, Germany, England and US had already won cases on domain names at WIPO.

The Computer Language will soon be a Living One

According to a recently published book, the computer language will one day become among the UN recognized living languages of the world.

"Information Community and E-Government" by Dr. Omar bin Yunes, the Arab Legislation Encyclopedia advisor is the first Arabic book of its kind which talks about the difficulties hampering the definition of information communities and the political role that should be assumed by all countries vis-à-vis the information community move and e-government.

The most serious issue the writer raises in the book is the tangling nature of the information community and its connection with the languages eligible for humans. What the author predicts is the emergence of a computer language that would be classified as a "living language" that would use the digital method.

Saudi Arabia Endorses a System for Patents, Designs, Plant Varieties and Industrial Utilities

Dr Saleh Abdulrahman Al-Athel, the President of King Abdul Aziz City for Sciences and Technology (KACST) decided to endorse the regulations of the patents, designs, botanic classification and industrial utilities system by virtue of the authorities given to him and in pursuance of the provisions of article 63 of the bylaw of patents, designs, Plant Varieties and industrial utilities enacted by the Royal Decree No. 271M dated 29/5/1425 Hijri.





WIPO NEWS

NEW PARTIES TO WIPO-ADMINISTERED TREATIES IN 2004

Growing recognition of the importance of intellectual property rights in an era in which economic growth is increasingly driven by knowledge and information, was reflected in the number of countries that signed up to treaties administered by the World Intellectual Property Organization (WIPO) in 2004. During 2004, 61 instruments of accession to or ratification of treaties administered by WIPO were deposited with the Director General of WIPO, Dr. Kamil Idris. In 2003, 52 such instruments were deposited with the Director General.

Last year also marked a significant development in the membership of the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks ("Madrid Protocol") with the deposit by the Council of the European Union, on July 1, 2004, of the instrument of accession of the European Community to that treaty.

NEW MEMBERS OF WIPO-ADMINISTERED TREATIES IN THE FIELD OF INDUSTRIAL PROPERTY

WIPO Convention

The Convention Establishing the World Intellectual Property Organization was signed at Stockholm on July 14, 1967, and entered into force in 1970. WIPO is responsible for the promotion of the protection of intellectual property throughout the world through cooperation among states, and for the administration of various multilateral treaties dealing with the legal and administrative aspects of intellectual property.

In 2004, Maldives and the Syrian Arab Republic (2) adhered to the WIPO Convention.

The total number of states on December 31, 2004, was 181.

Paris Convention

The Paris Convention for the Protection of Industrial Property was concluded in 1883 and is one of the pillars of the international intellectual property system. It applies to industrial property in the widest sense, including inventions, marks, industrial designs, utility models (a kind of "small patent" provided for by the laws of some countries), trade names (designations under which an industrial or commercial activity is carried on), geographical indications (indications of source and appellations of origin) and the repression of unfair competition.

In 2004, Andorra and Pakistan (2) adhered to the Paris Convention.

The total number of states on December 31, 2004, was 168.

Patent Cooperation Treaty (PCT)

The Patent Cooperation Treaty (PCT), concluded in 1970, makes it possible to seek patent protection for an invention simultaneously in each of a large number of countries by filing an "international" patent application. Such an application may be filed by anyone who is a national or resident of a contracting state. The treaty regulates the formal requirements with which any international application must comply.

In 2004, San Marino (1) adhered to the PCT.

The total number of states on December 31, 2004, was 124.

Madrid Agreement and Madrid Protocol

The Madrid system for the International Registration of Marks (the Madrid system) is governed by two treaties: the Madrid Agreement Concerning the International Registration of Marks (Madrid Agreement) and the Protocol Relating to the Madrid Agreement Concerning the International Registration of Marks (Madrid Protocol).

The Madrid Agreement was concluded in 1891, and the Madrid Protocol was concluded in 1989 in order to introduce certain new features into the Madrid system. These features address the difficulties that prevent certain countries from adhering to the Madrid Agreement by rendering the system more flexible and more compatible with the domestic legislation of these countries.

In 2004, Namibia and the Syrian Arab Republic (2) adhered to the Madrid Agreement.

The total number of states party to the Madrid Agreement on December 31, 2004, was 56.

In 2004, the European Community, Kyrgyzstan, Namibia and the Syrian Arab Republic (4) adhered to the Madrid Protocol. The total number of parties to the Madrid Protocol on December 31, 2004, was 66.



Madrid Agreement (Indications of Source)

The Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods was concluded in 1891. Under the Agreement, all goods bearing a false or deceptive indication of source, by which one of the contracting states, or a place situated therein, is directly or indirectly indicated as being the country or place of origin, must be seized on importation, or such importation must be prohibited, or other actions and sanctions must be applied in connection with such importation.

In 2004, the Islamic Republic of Iran (1) adhered to the Madrid Agreement (Source on Goods).

The total number of states on December 31, 2004 was 34.

Trademark Law Treaty (TLT)

The Trademark Law Treaty, concluded in 1994, aims to make national and regional trademark registration systems more user-friendly through the simplification and harmonization of procedures.

In 2004, Belgium, Germany and Turkey (3) adhered to the TLT. The total number of states on December 31, 2004, was 33.

Nice Agreement

The Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks was concluded in 1957 and establishes a classification of goods and services for the purposes of registering trademarks and service marks. The Classification consists of a list of classes (based on types of products and services) of which there are 34 for goods and 11 for services and an alphabetical list of the goods and services.

In 2004, Armenia and the Syrian Arab Republic (2) adhered to the Nice Agreement.

The total number of states on December 31, 2004, was 74.

Vienna Agreement

The Vienna Agreement Establishing an International Classification of the Figurative Elements of Marks was concluded in 1973. The Vienna Agreement establishes a classification system for marks which consist of or contain figurative elements. The classification comprises 29 categories, 144 divisions and some 1,887 sections in which the figurative elements of marks are classified.

In 2004, Armenia (1) adhered to the Vienna Agreement. The total number of states on December 31, 2004, was 20.

Locarno Agreement

The Locarno Agreement Establishing an International Classification for Industrial Designs was concluded in 1968. It establishes a classification for industrial designs which consists of 32 classes and 223 subclasses based on different types of products. It also comprises an alphabetical list of goods with an indication of the classes and subclasses into which these goods fall. The list contains some 6,600 indications of different kinds of goods.

In 2004, Belgium (1) adhered to the Locarno Agreement. The total number of states on December 31, 2004, was 44.

Strasbourg Agreement (IPC)

The Strasbourg Agreement Concerning the International Patent Classification was concluded in 1971. The Strasbourg Agreement establishes the International Patent Classification (IPC), which divides technology into 8 sections with approximately 69,000 subdivisions. Each of these subdivisions has a symbol which is allotted by the national or regional industrial property office that publishes the patent document.

In 2004, Armenia (1) adhered to the Strasbourg Agreement. The total number of states on December 31, 2004, was 55.

Budapest Treaty

The Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure was concluded in 1977. The main feature of the Budapest Treaty is that a contracting state which allows or requires the deposit of microorganisms for the purposes of patent procedure must recognize, for such purposes, the deposit of a microorganism with any "international depositary authority," irrespective of whether such authority is on or outside the territory of the said state. This eliminates the need to deposit in each country in which protection is sought.

In 2004, Armenia and Tunisia (2) adhered to the Budapest Treaty. The total number of states on December 31, 2004, was 60.

Nairobi Treaty

The Nairobi treaty on the Protection of the Olympic symbol was concluded in 1981. All contracting states are obliged to protect the Olympic symbol (the five interlaced rings) against use for commercial purposes (in advertisements, on goods, as a mark, etc.) without the authorization of the International Olympic committee.

In 2004, Croatia and Kyrgyzstan (2) adhered to the Nairobi Treaty.



The total number of states on December 31, 2004, was 43.

Lisbon Agreement

The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration was concluded in 1958. It aims to provide for the protection of appellations of origin, that is, the "geographical name of a country, region, or locality, which serves to designate a product originating therein, the quality and characteristics of which are due exclusively or essentially to the geographic environment, including natural and human factors".

In 2004, the Democratic People's Republic of Korea and Georgia (2) adhered to the Lisbon Agreement.

The total number of states on December 31, 2004, was 22.

The Hague Agreement

The system of international deposit of industrial designs is governed by the Hague Agreement Concerning the International Deposit of Industrial Designs which dates from 1925 and has been revised at various times, in particular in London (1934 Act) and the Hague (1960 Act). A new Act of the Hague Agreement was adopted in Geneva on July 2, 1999.

In 2004, Croatia and Niger (2) adhered to the Hague Act and the Complementary Act of Stockholm.

The total number of states (Hague Act) on December 31, 2004, was 31.

The Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs was concluded in 1999 and seeks to make the system more responsive to the needs of users and facilitating adherence by countries whose industrial designs systems do not permit them to accede to the 1960 Hague Act.

In 2004, Croatia, Egypt, Hungary, Namibia and Turkey (5) adhered to the Geneva Act of the Hague Agreement. The total number of states on December 31, 2004, was 16.

Patent Law Treaty (PLT)

The Patent Law Treaty was concluded in 2000. The purpose of the PLT is to harmonize and streamline formal procedures in respect of national and regional patent applications and patents. With a significant exception for the filing date requirements, the PLT provides maximum sets of requirements which the office of a contracting party may apply: the office may not lay down any other formal requirements in respect of matters dealt with by this Treaty.

In 2004, Croatia and Denmark (2) adhered to the PLT.

The total number of contracting states on December 31, 2004, was 9.

The PLT will enter into force three months after ten instruments of ratification or accession by states have been deposited with the Director General.

NEW MEMBERS OF WIPO-ADMINISTERED TREATIES IN THE FIELD OF COPYRIGHT AND RELATED RIGHTS

Berne Convention

The Berne Convention for the Protection of Literary and Artistic Works was concluded in 1886. It sets out and defines minimum standards of protection of the economic and moral rights of authors of literary and artistic works.

In 2004, Andorra, Bhutan, Ireland, Syrian Arab Republic, United Arab Emirates and Viet Nam (6) adhered to the Berne Convention.

The total number of states on December 31, 2004, was 157.

Rome Convention

The Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, concluded in 1961, secures protection of performers on their performances, phonograms of producers of phonograms and broadcasts of broadcasting organizations.

In 2004, Andorra, Turkey and United Arab Emirates (3) adhered to the Rome Convention, bringing the total number of states to 79.

WIPO Copyright Treaty (WCT)

The WIPO Copyright Treaty was concluded in 1996. It extends copyright protection to two additional subject matters: (i) computer programs and (ii) compilations of data or other material ("databases") in any form, which by reason of the selection or arrangement of their contents constitute intellectual creations.

In 2004, Armenia, Botswana, Jordan, Kazakhstan, Republic of Korea and United Arab Emirates (6) adhered to the WCT.

The total number of states on December 31, 2004, was 50.

WIPO Performances and Phonograms Treaty (WPPT)

The WIPO Performances and Phonograms Treaty was concluded in 1996. The treaty deals with intellectual property rights of



two kinds of beneficiaries: (i) performers (actors, singers, musicians, etc.), and (ii) producers of phonograms (the persons or legal entities who or which take the initiative and have the responsibility for the fixation of the sounds). They are dealt with in the same instrument because most of the rights granted by the treaty to performers are rights connected with their fixed, purely aural performances (which are the subject matter of phonograms).

In 2004, Armenia, Botswana, Indonesia, Jordan, Kazakhstan and The former Yugoslav Republic of Macedonia (6) adhered to the WPPT.

The total number of states on December 31, 2004, was 48.

CONTRACTING PARTIES TO THE INTERNATIONAL CONVENTION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS.

UPOV Convention (plant varieties)

The International Convention for the Protection of New Varieties of Plants (the UPOV Convention) was concluded in 1961. The objective of the Convention is the protection of new varieties of plants by an intellectual property right.

In 2004, Austria, Azerbaijan, Jordan, Singapore and Uzbekistan (5) adhered to the 1991 Act of the UPOV Convention.

The total number of states on December 31, 2004, was 58.

Region	Tel.	Fax	E-mail
Cairo	+ 202 3462951	+ 202 3445729	tagco.cairo@tagi.com
Amman	+ 962 6 5681585	+ 962 6 5100902	info@aspip.org
Beirut	+ 961 1 353859	+ 961 1 350548	agip.lebanon@tagi.com
Gaza	+ 970 8 2827947	+ 970 8 2824156	agip.gaza@tagi.com
Ramallah	+ 970 2 2989401	+ 970 2 2988150	agip.westbank@tagi.com
Kuwait	+ 965 2433004	+ 965 2440111	agip.kuwait@tagi.com
Jeddah	+ 966 2 6685458	+ 966 2 6685415	tagco.jeddah@tagi.com
Riyadh	+ 966 1 4642936	+ 966 1 4652713	agip.ksa@tagi.com
Al-Khobar	+ 966 3 8820940	+ 966 3 8821032	tagco.khobar@tagi.com
Abu-Dhabi	+ 971 2 6724425	+ 971 2 6723526	tagco.abudhabi@tagi.com
Ras Al- Khaimah	+ 971 7 2288427	+ 971 7 2285929	tagco.rak@tagi.com
Dubai	+ 971 4 2663368	+ 971 4 2665132	tagco.dubai@tagi.com
Al-Sharjah	+ 971 6 5563484	+ 971 6 5562947	tagco.sharjah@tagi.com
Oman	+ 968 562467	+ 968 563249	agip.oman@tagi.com
Qatar	+ 974 4424023	+ 974 4355175	tagco.qatar@tagi.com
Bahrain	+ 973 215464	+ 973 216322	agip.bahrain@tagi.com
Sana'a	+ 967 1 240899	+ 967 1 263053	agip.yemen@tagi.com
Algeria	+ 213 21 748989	+ 213 21 749292	agip.algeria@tagi.com
Morocco	+ 212 2 2451946	+ 212 2 2448394	agip.morocco@tagi.com
Syria	+ 963 11 2316052	+ 963 11 2312870	agip.Syria@tagi.com
Turkey	+ 90 312 4686356	+ 90 312 4686358	agip.turkey@tagi.com
Tunisia	+ 216 71848499	+ 216 71849665	agip.tunisia@tagi.com
Iraq	+ 9641 7470527	+ 964 1 7726367	agip.iraq@tagi.com
Libya			agip.libya@tagi.com
Sudan	+ 249 1 765771	+ 249 1 765772	agip.sudan@tagi.com
Pakistan	+ 92 21 4388113	+ 92 21 4388115	agip.pakistan@tagi.com
China	+ 8621 68762682	+ 8621 58355336	agip.china@tagi.com



Membership Enrollment Form

طلب انتساب للعضوية

Applicant

مقدم الطلب

Membership Category:

نوع الاشتراك:

Individual

Company

مؤسسة

فرد

Academic Qualifications (Individual) / Form of Company

المؤهلات العلمية (للفرد) / نوع الشركة

Profession /Primary Business or Service

المهنة / مجال العمل الرئيسي

Experience and/or interests in IP issues

مجال الخبرة وأو الاهتمام في موضوعات الملكية الفكرية

Nationality / Head Office

الجنسية / المقر

Postal Address

العنوان البريدي

Tel. Fax فاكس

الهاتف

E-mail and Webpage (if applicable) البريد الإلكتروني والموقع الإلكتروني (إن وجد)

Are you or have you ever been, a member of another organization with similar goals and activities, please name.

هل أنت - أو سبق أن كنت - عضواً في منظمة أخرى لها غايات وأعمال مماثلة. الرجاء تسميتها.

References:

المعروف:

1. _____

1. _____

2. _____

2. _____

I have read the ASIP Articles of Association (published on the website). And wish to join in order to benefit from and participate in ASIP's work, events and activities.

لقد أطاعت على النظام الأساسي للمجمع (المنشور على الموقع الإلكتروني). وأرغب بالانضمام للاستفادة من والمشاركة بالأعمال والفعاليات والنشاطات التي يقوم بها.

Date

Signature

التوقيع

التاريخ

Return To: **Arab Society For Intellectual Property**

P.O. Box 921100 Amman - Jordan

Tel.: 00962 6 5100 900 / Fax: 00962 6 5100 902

Or by e-mail to: info@aspip.org

The annual Membership fees are in US Dollars: 100 for Companies and 50 for Individuals. The fees are due in January of every year, and can be paid either in cash at ASIP's Liasion Office or by Check payable to **ARAB SOCEITY FOR INTELLECTUAL PROPERTY**.

يرسل الطلب إلى : المجمع العربي للملكية الفكرية

ص.ب ٩٢١١٠٠ عمان - الأردن

هاتف: ٠٠٩٦٢ ٦ ٥١٠٠ ٩٠٣ فاكس: ٠٠٩٦٢ ٦ ٥١٠٠ ٩٠٢

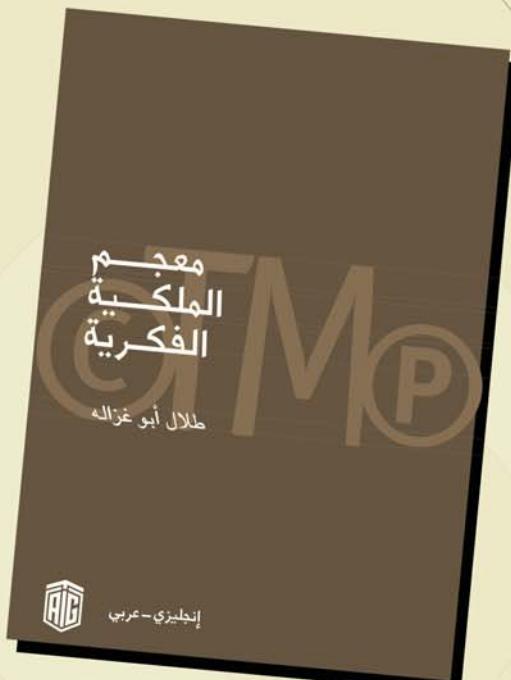
بالبريد الإلكتروني إلى info@aspip.org

رسوم العضوية سنوية وهي بالدولار الأمريكي : ١٠٠ للمؤسسات ٥٠ للأفراد. تستحق الرسوم في بداية شهر كانون الثاني (يناير) من كل سنة. ويمكن الدفع نقداً لدى مكتب الاتصال أو بموجب شيك باسم المجمع العربي للملكية الفكرية.

إصدار ٢٠٠١

سعر المعجم لأعضاء المجمع
١٠ \$ فقط

معجم أبوغزاله الملكية الفكرية



ستة آلاف كلمة و مصطلح
يغطي مصطلحات الملكية الفكرية

(العلامات التجارية، براءات الاختراعات،
حقوق المؤلف، الرسوم والنماذج الصناعية
تقنية المعلومات و الاتصالات الأساسية
و التجارة الإلكترونية، نظام التجارة الدولية،
نظام العولمة ، المعاهدات و الإتفاقيات الدولية)

لطلب القاموس يرجى تعبئة النموذج وإرساله مع شيك بالقيمة المطلوبة على العنوان التالي أو على أي من مكاتب تمثيل المجمع في الوطن العربي:

الإسم _____

الشركة _____

العنوان _____

بريد إلكتروني _____

هاتف _____ فاكس _____

لزيادة المعلومات يرجى الإتصال بإدارة المجمع العربي للملكية الفكرية:

هاتف: ٩٠٢ ٩٦٣٦٥١٠٠٩٠٠ | فاكس: ٩٠٢ ٩٦٣٦٥١٠٠ | بريد إلكتروني: info@aspip.org | موقع إلكتروني: www.aspip.org

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 - بناء القدرات الحكومية في التجارة الدولية.
 - التأهيل المهني والمعلوماتي.
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