# PATENTS AND INDUSTRIAL DEVELOPMENT

## A CASE STUDY OF ZAMBIA

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Abakin .

A THESIS SUBMITTED TO THE UNIVERSITY OF ZAMBIA IN FULFILMENT OF THE REQUIREMENTS OF THE DEGREE OF MASTER OF LAWS

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## **DECLARATION**

I MARJORIE GRACE MWENDA nee JOHNSON do solemnly declare that this thesis represents my own work which has not previously been submitted for a degree at this or any other University

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#### ABSTRACT

This research concentrates on Zambia, as the title suggests. It endeavours to ascertain whether patents are playing an important role in the industrial progress of Zambia and if not why and whether patents owned by foreign patentees are used as a means of transfer of technology to Zambia from the developed countries and if not why. Further, why there are so few local patents.

The international union for the Protection of Industrial Property, of which Zambia is a member, is examined in particular its effect on third world countries.

Zambia's Patent Act and its origin is discussed. The relevant sections dealing with applications, duration of patents and licensing are looked at. Its conformity to the Paris Union is shown.

The Paper also discusses the Industrial Property
Organisation for English Speaking Africa of which
Zambia is a member.

The International Patent system and the various arguments for and against the present patent system are also discussed. These arguments are related to the Zambian situation in order to determine which may hold good.

The background and reasons for the proposed revision of the Paris Convention are discussed. The proposed amendments are looked at and their possible effect on the Third world countries.

Multinational Corporations, being the major holders of patents worldwide and thus the major controller of patented technology play a very important role in research and development. Their policies are highlighted regarding research in Third world countries and working of patents, and the relationship between the parent companies and their subsidiaries. Zambian industries are used as examples.

The Draft Code of Conduct on the Transfer of Technology, seeks, among others, to prevent the including of the restrictive business practices in "transfer of technology" transactions with the Third World. The draft code is examined in detail and examples of such restrictive practices taken from Zambian industries

Zambia's policies and incentives in the area of research are looked at.

The problems facing third world countries,

Zambia in particular, in the area of research and
development are highlighted. Suggestions are made
on what ought to be done to at least begin to solve
some of these problem.

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This work is dedicated to my two daugthers

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QUESTI ONAL RE

#### INTRODUCTION

#### 1. Background

There is debate internationally about the advantages and disadvantages of the present patent system. There have been suggestions made by the Third World to amend the International Convention for the protection of Industrial Property (Paris Convention) so that the Convention can facilitate the transfer of technology from the industrialised countries to the third world. The less developed countries need preferential treatment under this convention as they are economically weak and cannot compete with the former. This contention is a valid one and should not be ignored, but amending the Paris Convention without more will not serve any useful purpose. The root cause of the problem lies in the various third world countries and the multinational corporation' policies and not only with the patent system prevailing in the world.

## 2. Scope of study

This research will concentrate on Zambia as the Title suggests, which like other undeveloped countries is desperate to achieve economic progress.

It will be shown in this paper that industrial research is the basis of industrial progress. Unfortunately, in Zambia, such research is not given the importance it deserves.

This paper will endeavour to ascertain whether patents are playing an important role in the industrial progress of Zambia and if not why; whether patents owned by foreign patentees resident in developed countries are used as a means of transfer of technology to Zambia from the developed countries and if not why. Finally, why there are so few local patents and there is little initiative by local industries to make use of patents for which the term have expired and are open to public use.

The main aim of this research is to highlight the problems surrounding patents in undeveloped
countries and Zambia in particular and make suggestions
on how to overcome these problems so as to enable these
countries to move forward industrially.

Ursula Wassermann writes in the Journal of world Trade Law, "Zambia - due to its dependency on copper exports was by 1984 bankrupt-de facto if not de jure. Imports have been cut by two thirds over the past 10 years. Zambia in July 1984 rescheduled

her \$2.5 billion external debt in term of capital repayment and interest due in 1984"  $^{\rm l}$ 

Zambia is going through a very difficult time and assistance, advise, suggestions on ways of improving the economy should be welcome and urgent.

The definitions of Patents, Trade Marks and Technology and Multinational Corporations and their organisation world wide are looked at in Chapter 2.

Chapter 3 discusses the history of international Patent Law. It also traces the History of
the Paris Convention and its membership in particular
membership from the third world. The provisions of
the Paris Convention dealing with Patents, Articles
1 through to 5, which are relevant to this paper are
highlighted. The effect of the Paris Convention on
Third world countries is discussed in particular
patent abuse in third world countries for which the
Paris Convention provides few remedial measures.

<sup>1</sup> Wassermann, U. "The Economic situation in Africa", <u>Journal of World Trade Law</u>, Vol. 18: No.6, Nov.-Dec. 1984, P.556

Chapter 4 deals with the origins of Zambia's The Patent Act is examined for the Patent Act. purpose of showing the persons who are entitled to make an application for a patent; the form of application; the contents of the specification and claims; the examination of the application by the Registrar and publication of the Acceptance Notice of the Patent for opposition purposes; whether there are any case laws relating to Patent in Zambia and listing local patent applications lodged for a given period. Chapter further looks at the effect of Patents as laid down by the Act: the term of Patents; when patents are due for renewal; the provisions in the Act providing for "licenses of right" and compulsory licence; revocation of patents, Assignments and licensing of patents.

Industrial Property Organisation for English speaking Africa, hereinafter referred to as **ESARIPO**, is examined briefly and the Harare Protocol and its establishment and membership, and possible future membership and its operation.

Chapter 5 discusses the international Patent system and looks at the various arguments for and against the present patent system.

These arguments are related to the Zambian situation to see whether Patents do play a role in the industrial development of Zambia through the transfer of technology to Zambia, or inducement of foreign investment in the country or other development of local technology. It further discusses the background and reasons for the proposed revision of the Paris Convention. In addition it looks at the proposed amendments which would have an effect on patents and the third world countries. It discusses these WIPO proposals and their possible effect on the Third World countries, both positive and negative.

Chapter 6 looks at Multinational Corporations and their reasons for not carrying out research
or working patents in Third World countries, and the
relationship between the parent Company and its
subsidiary in the area of technology and marketing.
Reference is made to Zambia and examples taken from
Zambian industries.

In Chapter 7 the Draft Code of Conduct on the transfer of technology is discussed, the back-ground to the Code and the reason for formulating it.

The section of the Code that is important to this paper is restrictive business practices. These practices are listed and it is shown that they exist

in Agreements entered into between Zambian companies and foreign companies.

The arguments put forward by both the developed and the Third World countries relating to this code and the possible future and chances of successes of the Code are discussed.

Chapter 8 looks at Zambia's Policies and incentives in the area of research. The Third National Development Plan and the National Council for Scientifice Research are examined. The Income Tax argument is looked at, and the relevant sections of the Constitution regarding the ownership of property are also examined.

The incentives for research in Zambia are contained in the Industrial Development Act. The extent to which the incentives are effective and the role the Industrial Development Act is playing in the industrial progress of Zambia is discussed in detail. Last but not least the Land (Conversion of Titles) Act is discussed and its relevance to investment in Zambia shown.

Chapter 9 brings out the problems, in Zambia, relating to research, which are the reasons why there is little or no research carried out within the country both by subsidiaries of multinantional corporations, privately owned local companies and parastatal companies,

Suggestions are then made on what ought to be done to at least begin to solve some of the problems relating to research and development.

## 3. METHODOLOGY

Numerous statutes, books, articles, reports, papers and other documents were examined during the course of this research. These were obtained from various libraries within Lusaka, Zambia, and Nottingham, England, and also from the WIPO and UNCTAD offices in Geneva Switzerland and the Industrial Property Organisation for English-speaking Africa office in Harare, Zimbabwe.

A questionaire was prepared and sent to numerous industries within Zambia - subsidiaries of multinational corporations, parastatals and privately owned industries. The responses were fairy reasonable. Interviews were carried out at the National Council for Scientific Research, the Patent Office and the Ministry of Commerce and Industry. At the Patent Office official records were also looked at.

#### **DEFINITIONS**

#### 1. Patent

It is important that the term Patent is properly defined from the outset as the paper is centered around patents. Zambia's Patent Act defines Patent as "letters Patent for an invention granted for Zambia....". An invention is defined as "any new useful art, process, machine, manufacturer or composition of matter which is not obvious, or any new and useful improvement thereof which is not obvious, capable of being used or applied in trade or industry and includes an alleged invention".

Terrell on the Law of Patents says that a Letters Patents for an invention may be regarded as an open document sealed with the seal of the Patent office and containing a grant by the state of monopoly priveleges in respect of an invention."

<sup>2.</sup> Chapter 692 of the Laws of Zambia, Part I Section 2(i)

<sup>3.</sup> Aldous, G, Falconer, D. Aldous, W. Terrell on the Law of Patents, eleventh edition, London, Sweet & Maxwell, 1965, P.I

David J. Henry goes on further to say that "the patent is a mode of transfer, a legal framework, for transfering other important know-how or financing interest"

An invention for which a monopoly privelege or exclusive right is granted by the state, in which it is registered for a certain length of time is a Patent. The Legal term used is "Letters Patent". Like Trade Marks and Designs, mentioned below, it is considered to be an industrial property or intellectual property.

L.W. Melville says intellectual property is peculiarly international largely because it is concerned with ideas springing from human intellect. These are of an abstract nature and of universal appliation. One may therefore define a patent as an exclusive right granted by the state in which it is registered over an invention for a certain length of time.

An invention in order to be patented has to be novel and it has to be capable of being applied in industry or trade.

<sup>4.</sup> Henry, D.J. "Protection against non-commercial risks in Patent Licensing," Journal of World Trade Law, Vol. 10. No. 5 Sept-Oct. 1976, P.422

<sup>5.</sup> Melville, L.W. Precedents on Intellectual Property and International Licensing, (Second edition), London, Sweet & Maxwell 1972, P.A.

Patents, the world over, tend to become interrelated with trade marks as the patented invention
more often than not are given trade marks which
becomes identified with them even after the patent
term has expired

### 2. Trade Marks

A trade mark according to the Zambian Trade

Marks Act means ".... a mark used or proposed to be

used in relation to goods for the purpose of indicating

or so as to indicate a connection in the course of

trade between the goods and some person having the right

either as proprietor or as a registered user to use the

mark....". A mark can be a device, brand, heading,

label, ticket, name, signature, word, letter, numeral

or any combination thereof.

A mark once registered against particular products gives the registered proprietor the exclusive use of the mark within the countries registered, for those products. Trade Marks are meant to protect the goodwill of the Trade Mark proprietor, enhance industrial development and safeguard the interest of the consumer. A trade mark is therefore used to identify goods in the course of trade of the Registered Proprietor or its registered user. Once a Patent becomes

<sup>6.</sup> Chapter 693 of the Laws of Zambia, Part I Section 2(1)

- TT -

identified with a particular trade mark these goods will still have a degree of protection through its trade mark even after the patent term has expired.

## 3. Technology

The question of what is technology is a topic that is widely debated. 7 For the purposes of this research a general definition will be sufficient rather than a technical one

Steven Langdon <sup>8</sup> contends that Technology in its broadest sense may be considered to be specialised knowledge related to production. Knowledge is an economic commodity over which patent systems establishes property rights. Technology may be in various forms i.e. Technic skills (know-how); machinery and equipment; patented inventions; etc. These can be transfered and/or sold. Technology can be applied widely but this research is mainly concerned with technology relating to Patents.

It should be noted from the outset that most of the valuable, useful and transferable technology

<sup>7</sup>a Wad, A. "Science Technology and industrialisation in Africa Third World Quarterly, April 1984, Vol. 6 No. 2 published by the Third World Foundation For Social and Economical Studies, London, pp.327-350

<sup>76.</sup> United Nations Institute for Training and Research UNITAR/DS/6 10th October 1983.

<sup>8.</sup> Langdon, S. "Technology transfer by Multinational Corporations in Africa: Effects on the Economy", <u>Africa Development</u> Vol. 11 No.2, April-June 1977 edited by A.S. Biyra

in the world lies in the hands of the industrialised countries. Furthermore, almost all of this technology is owned by private companies which are called Multinational Corporations. There is therefore a link between the Multinational Corporations, technology, production, wealth and power. 90% of the world multinational Corporations are incorporated and headquarters in the U.S.A. 10

The Multinational Corporations therefore have a monopoly over technology worldwide, technology, which is one of the keys to development, and they lease and sell it at their will and their price.

Technological progress is a necessary condition for economic development, because it enables a more productive use of the factors of production, provides the fruits of such progress in modern consumption goods and is condusive to more progressive or dynamic attitudes or socio-economic patterns in society:

<sup>9.</sup> Conboy, K. The Group of 77 Draft Provisions concerning supplier Guarantees for the proposed international code of Conduct on the Transfer of Technology, G.A.J.Int'L & Comp. L (Vol. 9):1979, P.73

<sup>10.</sup> ibid, P.74

<sup>11.</sup> Lall, S. "The Patent system and the transfer of technology to less developed countries Journal of World Trade Law, Vol.10 No. 1: Jan: Feb. 1976, P.2.

# 4. Multinational or Transanational Corporation

without a discussion on multinational corporations as it is these corporations that control a large percentage of patents and technology worldwide.

These multinational corporations operate across soverign boundaries in several countries through affiliates or subsidiaries. These subsidiaries are seperate legal entities but have a powerful central control. Isiah Frank states that the Company's control may be exercised in a number of ways such as controlling pricing policies, choice of technology, appointment of key personnel and determination of market. 12

Table 1 shows that in 1967 187 U.S. enterprises had nearly 8,000 foreign subsidiaries in operation worldwide.  $^{13}$ 

<sup>12.</sup> Frank, I. "Foreign Enterprises in developing countries," (a supplemental paper of the Committee for Economic Development). The Johns Hopkins University Press Baltimore and London, 1980, P.8.

<sup>13.</sup> Vermon, R. Soverignty at Bay, Basic Books, Inc New York/London 1971, P. 121.

TABLE 1

Number of Foreign Subsidiaries of 187 U.S. Controlled Multinational Enterprises in Specified Areas, Classfied by Principal Activity, 1967

#### BY PRINCIPAL ACTIVITY

AREAS	MANUFAC - TURI NG	SALES	EXTRAC - TI ON	OTHER	UNKNOWN	TOTAL SUBSIDI – ARLES
All Foreign areas	3,646	1,358	172	1,247	1,504	7,927
Canada	443	128	36	185	256	1,048
Latin America	950	233	56	338	34 7	1,924
Mexico	255	31	14	56	56	412
Argentina	108	20	4	23	32	187
Brazil	149	25	2	42	49	<b>1</b> 267
Europe & United Kingdom	1,438	722	15	529	697	3,401
European Community	759	327	7	245	337	1,675
France	223	81	3	95	91	493
Germany	211	91	1	53	100	456
Italy	161	44	1	29	75	310
Efta	4 94	336	6	250	320	1,405
United Kingdom	356	112	5	131	196	800
Other Europe	185	59	3	324	40	321
Southern dominions	361	101	26	78	82	648
Asia and other Afri	ica 454	174	39	117	122	906
Japan	144	40	0	24	25	233
India	62	8	0	4	12	86
Black Africa	43	37	20	36	30	166

a The date deals with subsidiaries; branches are not included. This ommission is particularly important in extraction industries, in which branches represent a fairly important form of foreign operations.

## 5. Organisation of Multinational Corporations

U.S. parent companies tend to restrict their foreign subsidiaries in numerous ways such as confining thier legal right to do business to specified geographical arears. However, as long as the parent company feels its control is secure it will use its subsidiaries for whatever purpose, regardless of the restrictions, provided that it is in the interest of the system as a whole. 14

The transfer of goods and services among affiliates are usually done at prices that are at variance with what independent buyers and sellers would reach. However, this does not prove that there is a bias in assigning the largest profit to the parent, but it may be used to transfer resources from one subsidiary to another.

Many host governments encourage multinational corporations to go into joint ventures with local enterprises. that means sharing the ownership of their local subsidiaries but U.S. parent companies prefer to own their own subsidiaries. In this way world trade flows of movements within and among multinational enterprises. Each corporation is provided with an opportunity to own or control marketing of and distribution channels for its own products as well as for those of other enterprises for which it holds franchise or franchises. This may be seen from Table 2.16

<sup>14.</sup> Ibid, P.135

<sup>15.</sup> Ibid, P.139

<sup>16.</sup> Ibid P.143

TABLE 2

Number of Foreign Subsidiaries of 187 U.S. controlled Multinational Enterprises, Classified by Degree of System Ownership, 1967

BY DEGREE OF SYSTEM OWNERSHIP<sup>a</sup>

AREAS	WHOLLY OWNED	MAJOR - ITY OWNED	MI NOR - I TY OWNED	UNKNOWN	TOTAL SUBSIDI – ARIES
All Foreign areas	5,143	1,457	660	667	7,927
Canada	817	101	44	86	1,048
Latin America	1,195	365	197	167	1,924
Mexico	230	79	61	42	412
Argentina	115	36	20	16	187
Brazil	173	48	16	30	267
Europe and United Kingdom	2,221	651	227	302	3,401
European Community	1,025	351	137	162	1,675
France	256	133	62	42	493
Germany	293	84	26	53	456
I taly	188	70	19	33	310
Efta	1,037	196	53	119	1,405
United Kingdom	554	129	38	79	800
Other Europe	159	104	37	21	321
Southern Dominion	460	113	37	38	648
Asia and other Africa	4 50	227	155	74	906
Japan	72	71	65	25	233
India	29	23	28	6	86
Black Africa	112	28	20	6	168

a 'Wholly owned' means that the subsidiary's parents in the system hold 95 per cent or more of the voting stock; 'majority owned' 50-94 per cent; 'minority owned' 5-49 per cent.

Source: see footnote 16.

Leading studies in the subject indicate that although wholly owned subsidiaries are more tightly controlled from the parent, than joint ventures, they tend to get special benefits according to the needs of the system. 17

A very useful and simple explanation of what a multinational Corporation is all about is given by Pierre Bergeron in his Guide. He states that, "In its nature, the multinational enterprise attempts to direct a corporate family of diverse nationalities under its control towards supernational, or global goals. The parent and each member of the family have a nationality, each having been granted its corporate existence by the authority of a specific soverign national. But through bonds of common ownership and common strategy that cut across national boundaries, the family group operates as a transnational system that rationalizes its business operations and maximize its business goals

<sup>17.</sup> ibid. P.143

on a global basis. Such goals may be in harmony or in conflict with the goals of one or more nation states.  $^{18}$ 

Transnational Corporations are very powerful and wealthy organisations worldwide. They have the resources at their disposal to carry out research leading to inventions which can be patented. However, the multinational corporations carry out research in only certain areas of the world. Statistics show that most research is carried out in the developed countries.

<sup>18.</sup> Bergeron, P. Antitrust Guide, Copyright 1982 by Centre for Education in trade and Development, Washingston D.C., P.19.

#### ORIGINS OF PATENTS AND THE PARIS CONVENTION

#### 1. Origins of Patent Law

The first Patent statute which could be considered to be the recognisable ancestor of contemporary patent law was enacted by the City state of Venice in 1974. This Act expressed the underlying rationale of the contemporary patent system. It cited four motivations underlying the patent system.

- (1) utility to society
- (2) encouragement of inventive activity
- (3) refund of costs incured by the inventor, and
- (4) the inventor's right to the fruits of his mind. Promotion of social interest was a key function emphasised by the Venetian Law. $^{20}$

Despite this national patent laws only became widespread with the advent of the industrial revolution. In the U.S.A. the first patent law was enacted in 1790 and in France in 1791.<sup>21</sup>

<sup>19</sup> UNCTAD, Geneva, The Role of the Patent system in the transfer of technology to Developing Countries, U.N., New York 1975, P.32.

<sup>20.</sup> Haar, P.S. "Revision of the Paris Convention: A realignment of the private and public interest in the international Patent system" 8 Brooklyn Journal of International Law 77-108 Wint. 1982 79

<sup>21.</sup> UNCTAD, the Role of the Patent system in the transfer of technology to developing countries, U.N. New York, 1975, P.32

By the end of the 19th century there were patent laws in nearly all the developed market economies, the socialist and the Southern European countries. In the developing countries patent laws increased from 10 countries in 1873 to 84 in 1973. The statistics in table 3 and 4 shown below show this increase.

This rise in number can be explained by the fact that these are former territories and colonial dependences either had legal codes which included some form of patent system during their dependence or which applied the colonial power patent laws, came to be shown later as independent countries with national legal codes. In the case of Zambia the Patent Act, Chapter 692 is a replica of the United Kingdom Patents Act of 1949 as amended in 1957, Chapter 205 of the 1957 edition of the Laws which was applied in Zambia prior to its gaining independence. Chapter 4 of the Laws of Zambia 24 gives authoirty for the application of the U.K. Patent statute in Zambia. This Act states that subject to the provisions of the Zambia Independence Order, 1964 and to any other written law; the common law; the doctrines of equity and the statutes which were in force in England on the 17th August, 1911 and any statutes of later date in force in England then applied to Zambia or which shall be applied to Zambia by any Act or otherwise shall be in force in Zambia

<sup>22.</sup> Ibid, P.33

<sup>23.</sup> Ibid, pp. 33 and 34

<sup>24.</sup> Chapter 4 Laws of Zambia, English Law (Extent of Application).

TABLE 3

The spread of national patent legislation, 1873 to 1973: number of countries having patent laws in given years

Groups of countries	1873	1884	1900	1911	1925	1934	1958	1967	1973
Developed market- economy countries	9	11	16	17	19	20	20	20	20
Socialist countries of Eastern Europe	1	2	3	4	7	7	8	8	8
Southern European countries	2	3	3	3	4	4	4	4	4
Developing countries of which:	10	13	23	28	42	44	60	83	85
Africa	1	2	4	4	10	11	16	35	37
Asia	1	1	2	3	7	8	16	19	<b>,</b> 19
Latin America	. 8	9	15	19	22	22	24	25	25
Others	0	1	2	2	3	3	4	4	4
Other States <sup>b</sup>	0	0	0	1	1	2	3	3	3
TOTAL WORLD	22	29	45	53	73	77	95	118	120

a Data given for years relating to the evolution of the Paris Convention: 1873, the Vienna exhibition; 1884, entry into force of the Convention; 1900, 1911, 1925, 1958, 1967, revisions of the Convention; 1973, present status.

b. Holly see, Liechtenstein, Monaco, san Marino and South Africa. Source see footnote 23

TABLE 4

Increase of Paris Union membership by groups of countries: number of members in given years  $\overline{\mbox{\it a}}$ 

Groups of countries	1884	1900	1911	1925	1934	1958	1967	1973	
Developed market- economy countries	6	11	13	18	19	19	20	20	
Socialist countries of Eastern Europe	••••	2	6	6	6	7	7		
Southern European									
countries	2	2	2	4	4	4	4	4	
Developing countries of which:	5	3	5	9	9	15	42	44	
Africa	1	1	1	2	2	3	23	23	
Asia				2	2	6	8	9*	
Latin America	4 <sup>b</sup>	2	4	4	4	5	8	9	
Others				1	1	1	3	3	
Other States					1	3	5	5	
TOTAL WORLD	13	16	22	37	39	47	78	80	-

Source: see footnote 23

a. Data given for years relating to the evolution of the Paris Convention: 1884, entry in force of the Convention; 1900, 1911, 1925, 1934, 1958, 1967, revisions of the Convention; 1973, present status.

c Holly see, Liechtenstein, Monaco, San Marino and South Africa

With the acceptance of patent law on such a wide scale in both Europe and North America there became a need for the establishment of international rules to be observed by different countries.

### 2. The Paris Convention

In 1883<sup>25</sup> the International Union for the Protection of Industrial Property was established by an intergovernmental convention. This Convention is popularly called the Paris Convention. There are 91 members as of the 1st January 1982<sup>26</sup>

The only country from the third world which has been in the Paris Convention from the beginning is Brazil. Almost two thirds of the developing countries membership is of a very recent origin. These countries have acceded or succeeded to the Convention only after the Convention's main principles were firmly established. The role of the third world countries in shaping the Paris Convention has therefore been limited if not nil. This is one of the problems of the Paris Convention. Third world interest were not taken into account when the Paris Convention was formed.

<sup>25</sup> UNCIAD, Geneva, The role of the Patent System in the transfer of technology to Developing countries, U.N. New York 1975, P.34.

<sup>26.</sup> International Convention for the Protection of Industrial Property - Annexure.

<sup>27.</sup> UNCTAD, Geneva, The Role of the Patent System in the transfer of technology to Developing countries, U.N. New York 1975, P.34.

<sup>28.</sup> Ibid. P. 35

## 3. Provisions of the Paris Convention

Since the Paris Convention is such an important Convention it is necessary to look at it. The Convention covers patents, utility models, industrial designs, trade marks, service marks, trade names, indication of source or appellations or original and the repression of unfair competition.

It is stated in Article 2 that Nationals of any country of the Union shall enjoy in all the other countries of the Union the advantages granted by their respective laws to nationals. It thus follows that they shall have the same protection and the same legal remedies against infringement of their right as enjoyed by nationals.

In Article 3 it is provided that if a person is a national of a country that is not a member of the Union he shall be treated as a national of the countries of the Union so long as he is domiciled in or have an industrial or commercial establishment in one of the member countries.

It is stated in Article 4 that any person who files an application for a patent etc. in any one of the countries of the Union shall have a right of priority of 12 months for patents from the date

of filing the application for the purpose of filing in other countries of the Union Patents applied for in each country of the Union are independent of patents obtained for the similar invention in other countries according to the provision of Article 4 bis.

One of the main articles which is being questioned by the third world countries is Article It fails to discourage non-working of patents. It provides that a patent shall not be forfeited if the patentee imports into the country, in which the patent has been granted, manufactured goods which were manufactured in any countries of the Union. Subsection (2) states that each country of the Union shall have the right to legislate for the granting of compulsory licence to prevent abuses by patentees as a result of the exclusive right conferred by patents such as failure to work the patent. However, subsection (3) and (4) lays down certain conditions which the countries have to observe when legislating in accordance with subsection (2). Forfeiture of a patent can only be provided for if the grant of compulsory licenses is not sufficent to prevent the abuses such as failure to work. No proceedings for forfeiture or revocation can be instituted until after 2 years from the grant of the first compulsory licence and one cannot apply for a compulsory licence on the ground of failure to work or insufficient working before the expiration of 4 years from the date of filing of the application or 3 years from the date of granting of the patent, whichever expires last. If the patentee justifies his inaction then the application shall be refused. Such a licence shall be non-exclusive and non-transferable except the goodwill of the enterprise which exploits the licence.

Provision is made in Article 5 bis for a period of grace for the payment of renewal fees and the restoration of lapsed patents.

The cases when a patent in any country of the union shall not be considered to be infringed is laid down in Article 5 ter. These are instances when e.g. a vessel temporarily enters the waters of a country and there is on board that vessel a device, which is used and needed on the vessel which is patented by another party in that country.

Provision is made in Article 5 quarter for the protection of patentees of imported products for which the process has been patented in that country.

The subsequent Articles deal with Trade Marks, Industrial Designs, the constitution of the

Union and its adminstration, finance etc. Article
19 allows countries of the Union to make special
agreements between themselves so long as they do
not contravene the provisions of the convention.

The establishment of the Paris Convention was meant to be for the benefit of all its members. However, it can be argued that in fact the Convention benefits those member states which participated in its drawing in that it does not take account of the third world countries. This has resulted in a call by the Third World members to amend the Paris Convention and also the enactment of a Code of Conduct on the transfer of technology. These will be discussed in later chapters.

# 4. Effect of the Paris Convention on Third World Countries

Multinational Corporations have acquired commanding control over most of the worlds patent and have exploited them to maximise corporate profits rather than to benefit the public interest. Thus, most of the technology desired and anticipated by the Less Developed Countries in the granting of patents is denied to them due to insufficient working or non-working of the patents. 29 Working of patents

<sup>29</sup> Haar, P.S. "Revision of the Paris Convention: A realignment of private and public interest in the International Patent System", PP.77-78

may be defined as making or selling the patented invention, or using the patented invention in the production of goods and services.

The Paris Convention, as its stands, provides few remedial measures to deal with potential patent abuses. Foreign owned patents in Less Developed Countries are almost totally unexploited. Once the Multinational Corporation acquire patent rights it can prevent the productions, sale, use or importation of identical non-patented products or precesses in the countries in which the patent is registered. If the multinational Corporation decides not to use or licence the patent the Less Developed Countries may be inhibited by its own patent law, which has to conform to the Paris Convention, from obtaining the technology from another foreign source or developing it locally. This means that the patent is registered merely to gain a monopoly of the market in the Less Developed Countries without the Patentee having to provide capital to commence production.

There is provision in the Paris Convention for the legislation in each country of compulsory licence or forfeiture or revocation of the patents. However, the general sentiments among the less Developed Countries is that the compulsory licensing

and forfeiture provisions in the Paris Convention are too burdensome and time consuming to rectify adequately the non-working problems. A number of reasons have been given for the shortcomings of the compulsory licensing mechanism. Firstly, compulsory licensing procedures may not even commence until some years after the initial application for the Patent grant. Secondly, the actual granting of a compulsory licence can in itself be an expensive and troublesome matter. Judicial procedure may be lengthy and costly. Thirdly, a compulsory licence will not be granted if the patent holder can present legitimate reasons for his inaction. Fourthly, where the voluntary cooperation of the patentee in sharing undisclosed know-how is necessary for the effective utilization of a patented invention, a compulsory licence has little value.<sup>30</sup> Statistics show this provision not to be very effective as shown in table 5 below. 31

The Paris Convention treats all its members equally despite the fact that in every aspect the less Developed countries are economically weaker than the developed countries. This can be explained by the fact that the Paris Convention came into force before these Less Developed Countries became members as independent countries, as explained earlier on.

<sup>30.</sup> Ibid, P.90

<sup>31.</sup> UNCTAD Geneva, The Role of the Patent system in the Transfer of Technology to developing countries, U.N. New York, 1975. P.50

TABLE 5

# Number of compulsory licences granted in selected countries

A CONTRACTOR OF THE PROPERTY O	Number of applications for compulsory licences				
Countries	Period	Filed <sup>a</sup>	Refused	Abondoned	Granted
Developed market-economy countries					
Australia	1958-1963	None	• • • •	• • • •	None
Canada	1935-1970	192	14	72	79
Denmark	b	7	• • • •		3
Ireland	b	1	• • • •	• • • •	None
Japan	1958 <i>-</i> 1963	None	• • • •	• • • •	None
Netherlands	1958-1963	None	• • • •	• • • •	None
New Zealand	1955-1963	None	• • • •	• • • •	None
Norway	1910-1963	27	<b>2</b> .	11	11
Switzerland	1952-1963	None	• • • •	• • • •	None
United Kingdom	1959 –1968	57	••••	••••	6
Developing Countries					
Cuba	1958-1963	None	•••	••••	None
India	р	4	••••	••••	1
Israel	b	3	• • • •	••••	None
Morocco	1958-1963	None	••••	••••	None
Philippines	b	8	• • • •	••••	None
Republic of Korea	þ	1	••••	••••	1
Socialist country					
Poland	b	7	••••	••••	None

a. Including applications pending at the end of the period covered.

Source: see footnote 31

b. Based on paragraph 17 of The Role of patents in the transfer of technology to developing countries where the precise period is not stated, but reference is made to "over a recent five-year period.

#### CHAPTER FOUR

#### ZAMBIA'S PATENT ACT

# 1. Origins of Zambia's Patent Act

Dambia has its own Patent Act which is based on the British Act of 1949 as amended in 1957. Zambia being a former colony of Britain adopted this Act from Britain on gaining its independence as pointed out in the previous Chapter. There have been amendments of this Act but not, one could argue, on a major scale. The Patents (Amendment) Act No. 18 of 1980 abolished the Patents Tribunal. All appeals from the decisions of the Registrar shall be made to the High Court. This is less time consuming and less costly for the appellant as instead of appealling to the Patent Tribunal and then to the High Court the appellant can now appeal directly to the High Court. An examination of this Act will be made as it stands today.

After the attainment of independence a Patent Office was established in Zambia with a Registrar responsible for its administration.

# 2. Persons entitled to make application for Patents

Who can apply for a patent in Zambia? Any of the following can: (a) a person claiming to be the inventor of the invention who owns the invention in respect of Zambia (b) an assignee (c) nationals

of any country of the union, or nationals of countries outside the Union who have commercial or industrial establishment in at least one of the countries of the Union, who have applied for protection for an invention in a convention country, or his legal representative or assignee. (d) the legal representative of any person who immediately before his death or disability was entitled to make such application.

#### 3. Form of application

An applicant has to fill in a prescribed form. The form has to be signed by the applicant or an authorised person, such as a Patent Agent. The application form must be accompanied by a specification and claims. A convention application must be accompanied by a complete specification while a non-convention application may be accompanied either by a provisional specification or a complete specification. If it is accompanied by a Provisional specification then a complete specification has to be lodged within 12 months of the lodging of the application. If the application is being made by an assignee or legal representative then such proof e.g. an Assignment of the invention, must be submitted to the Registrar.

### 4. Specification and Claims

A provisional specification shall fairly describe the invention while a complete specification shall fully describe the invention and the manner in which it is to be performed.

It shall also disclose the best method of performing the invention known to the applicant at the time when the specification is lodged and it should end with a claim or claims defining the subject matter for which protection is claimed. If required a specification shall be accompanied by drawings.

# 5. Examination of applicant by Registrar and Publication

The Registrar then examines the application and the specification and if he finds it in order accepts it and gives notice to the applicant by way of a form officially called "Notice of Acceptance" the original of which should be sent to the Government Printers for publication in the Patent Journal. After publication the specification and other documents lodged shall be open to public inspection. Three months after the date of the publication and if there has been no opposition to the grant of the patent then the applicant lodges another form and pays the sealing fee at the Patent office. The Letters Patent document is then granted to the Patentee.

Any person may within the opposition period of three months after publication of the application, oppose the grant of the patent on any of the grounds mentioned in Section 22(1) of the Act.

Statistics showing the number of Patent applications lodged in Zambia are listed in Chapter 5. There is no known case law relating to Patents in Zambia.

There are however, a number of objections to registration of Patents by the Registrar of Patents which have been dealt with administratively.

# 6. Patent applications lodged by Zambians/Residents

In 1976 the National Council for Scientific Research lodged 8 Patent application under numbers 79/76 to 86/76. These applications were for the following:

- a) Production of wines from the fruit parinani
   (Mpundu)
- b) A process for the preparation of a beverage (squash) from Parinani (Mpundu) fruit
- c) A process for the preparation of Mango jelly
- d) A process for the preparation of Mango jam
- e) Production of wines from the fruit of Uapaca (Masuku)
- f) Production of a carbonate beverage from Uapaca (masuku) fruit
- g) A process for the production of A-ready-to-drink Mango Beverage
- h) A process for the preparation of Mango candy

The Registrar objected to these applications on the grounds either that they were recipes for the

preparation of a product rather than an invention or under the provision of Section 18 of the Patent Act, which apply to beverages for which applied no less than to the solid substance. They were therefore not accepted and thus not registered. The Registrar's decision was legally justifiable under Section 18(c) of the Patent Act. He has a right to refuse applications under this section if the applications are not inventions "as defined in the Act. If an application does not conform to the requirements of the Act the Registrar may refuse the application.

There are patents registered in Zambia as shown in the next Chapter. Very few are local patents.

Other patent applications lodged and/or granted between 1975 and 1983 are for the following:

- a) "Soil enrichment by electrial discharge" (granted):
  Patentee Allan Charles Loxton
- b) "Linear Arrestors" (granted): Patentee -Selftrust Engineering Limited and Roan Consolidated Mines Limited
- c) "the Manufacture of sugar cane wine" (granted):
  Patentee-Hyman Earl Johnson (1)
- d) "Locking Device of a car" (application): applicant - Judah H. Chitanda
- e) Newplan Horizontal Draught Multi-fuel stove" (application): applicant - John Emile Van Schalkwyk

The Registrar of Patents consindered (a) (b) and (c) above to be inventions as defined by the Act. Thus, the applications were not refused by him. The other two applications (d) and (e) above were still being examined.

# 7. The effect of Patent

The effect of a Patent granted in Zambia is laid down in Section 28(4) of the Act which states: "the effect of a patent shall be to grant to the patentee, subject to the provisions of this Act and the conditions of the patent, full power, sole privilege and authority by himself, his agents and licenses during the term of the patent to make, use, exercise and vend the invention within Zambia in such a manner as he seems fit, so that he shall have and enjoy the whole project and advantage accruing by reason of the invention during the term of the patent." The patentee thus have a monopoly right over his patent to the exclusive of all others.

# 8. Term of Patent

The term of a patent in Zambia is 16 years from the date of lodging the application in Zambia. A patent term may be extended by the Registrar on the grounds mentioned in Section 30(1) of the Act. One of such ground being that he has not derived adequate renumeration from the patent. There are no guidelines as to what is adequate renumeration. The other ground being that by reason of hostilities between this Republic or any country of the Commonwealth and any foreign state, he has suffered loss or damage

## 9. Renewal of Patent

A patent is not renewable for the first 3 years of the term but from the 4th year it has to be renewed annually. If a patentee fails to pay the renewal fee in time there is provision for the patent to be renewed on the payment of a late fee. Or if the Patent lapses it can be restored.

The Patentee can obtain a patent of addition for an improvement in or modification of the invention.

# 10. <u>Licences of Right</u>

There is provision under Section 35 for the Patent to be endorsed with the words "licences of right" on appliation by the patentee to the Registrar after sealing. This means that any person can then be entitled to a licence of the said patent, as of right, subject to conditions laid down by the Patentee. If there is default of agreement then the Registrar can settle such default on application by either party.

# 11. Compulsory Licence

Section 37(1) of the Act provides for compulsory licence under this section if anyone can show that he has been unable to obtain a licence on reasonable terms he may, after a certain period of time, apply to the Registrar for a compulsory licence on the ground that the reasonable requirements of the public with respect to the invention have not been or will not be satisfied.

## 12. Revocation of Patent, Assignment and Licensee

There is also provision for revocation of a patent by any person interested in the Patent. Patents can also be assigned or a licence granted to another party, the licensee, for the use of the patent.

A search was carried out at the patent Registry for the period 1972 to 1983 and no records were found of there being any application for "compulsory licence" or "licences of right" or revocation of patents or application to remove a patent on grounds of "non-use" or application to assign or licence patents to local companies by foreign patentees. Why are these provisions not used? This question cannont be easily answered but the reason will become evident as this paper progresses.

# 13. Industrial Property Organisation for English Speaking Africa (ESARIPO)

It is appropriate to mention at this stage something about Industrial Property Organisation for English Speaking Africa, which is known as ESARIPO, of which Zambia is a member. As at 30th July 1985 ESARIPO had 12 member states namely, Botswana, Gambia Ghana, Kenya, Malawi, Sierra Leone, Somalia, Sudan, Uganda, United Republic of Tanzania, Zambia and Zimbabwe. The Head Quarters of ESARIPO was established by an agreement concluded in Lusaka, at a Diplomatic Conference held in December 1976, which was convened jointly by the Economic Commission for Africa of the U.N. (ECA) and W.I.P.O. It arose out of the conference on Industrial Property Laws of English-speaking Africa which had been convened jointly by the ECA and W.I.P.O in Addis Ababa in June 1974, and which had established a committee for patent matters and a Committee for Trade Mark and Industrial Design matters.32

WIFO/UNDP/IP/LO/85/2

<sup>32.</sup> High-level Policy planning meeting on Industrial Property in Africa. Lome (Togo July 30-August 2 1985. P.3.

with the assistance of WIPO a special agreement was concluded in Harare in December 1982, known as the Harare Protocol <sup>33</sup> empowering ESARIPO to grant patents to register industrial designs and to administer their renewals on behalf of the contracting states in accordance with the provisions of the Protocol. <sup>34</sup> Zambia has not as yet acceeded to this Protocol. The Registrar of Patents has indicated that it is expected to do so in the near future.

The Protocol establishes a system under which Patent and Industrial Design applications are processed and granted or registered on behalf of contracting states designated in the applications, by the office of ESARIPO. The scheme established by the Protocol enables the technical processing of patents and industrial design applications and the administration of granted patents and industrial design to be undertaken by a central authority thereby saving contracting states the financial and manpower burden of performing these tasks individually at the national level. This Agreement leave to each individual country the right to reject an application, but leaves all technical tasks to ESARIPO in Harare. 35

<sup>33.</sup> ESARIPO - Protocol on Patents and Industrial Designs (Adopted on December 10, 1982)

<sup>34.</sup> High-Level Policy Planning meeting on Industrial Property in Africa Lome (Togo), July 30-August2 1985, P.4

<sup>35.</sup> Ibid, P4.

The objectives of **ESARIPO** are the establishment of such common services or organs as may be necessary or desireable for the co-ordination, harmonization and development of the industrial property activities affecting its members. The Protocol recognises that there are advantages to be gained by the pooling of resources by its members in respect of industrial property administration.

The Member countries of this organisation will be able to adopt a common view and approach to industrial property matters and therefore should be in a more powerful position in shaping of decisions relating to industrial property at the international level.

If and when Zambia acedes to this Protocol the sections of the Patent Act dealing with applications and renewals would have to be amended accordingly to provide for **ESARIPO** applications.

# 14. Possible effect on Zambia's Patent system

There are still a lot of questions that remain to be answered regarding the implementation and working of this system. The writer has doubts whether this system will work because of communication problems between the various countries, administrative problems and economic problems, just to mention a few.

Communication between African countries is not as efficient as comminication between European Countries. Information relating to applications would be required to be transmitted speedily from one office in one country to another. Any break down in communication could delay the processing of applications. Trained personnel would be required to administer the scheme. Furthermore, if the Patent Offices are not sufficiently financed they will not be able to operate effectively.

There is a similar system in Europe called the European Patent Organisation which is working but those countries are developed and thus are not faced with the problems that less developed countries are faced with.

The idea is a good one as intellectual property is necessary for the development of any country but at this stage it is advisable to first educate industrialists in these countries on the important role patents play in the industrial development of any country.

#### CHAPTER FIVE

THE PARIS CONVENTION: ARGUMENTS FOR AND AGAINST THE PRESENT SYSTEM

## 1. The Patent System

Before proceeding further into discussions and arguments relating to the patent system one has to be clear as to what the "patent system" is. This is clearly explained in a U.N. Report which states that "international patent system" is in fact a system of accumulated practices rather than a set of fixed rules. It is the practice of international relations in the matter of the legal protection of inventions, resulting from and governed by both national legislation defining the treatment to be granted to foreigners and international treaties concerning such treatment."

Even though a country is not a party to any international treaty that country's laws relating to the treatment of foreigners will form a part of the international patent system as such laws form the basis upon which in practice inventions are protected in more than one country. Thus revision of the international patent system is not confined to international treaties but also to national industrial property affecting the inventions of foreigners.

<sup>36.</sup> UNCTAD, Geneva The role of the Patent System in the transfer of technology to Developing Countries, U.N. New York, 1975 P.14.

# 2. Arguments for and against the present patent system

Patents are important for the economic and (+ industrial development of any country. Firstly, it is supposed to encourage the transfer of technology and investment from the developed countries to the undeveloped countries by providing the legal basis for such a transfer. Secondly, Patent documents, that is the specifications and claims, contain a detailed description of the invention thus information can be obtained from these documents which should be able to assist the undeveloped countries in their choice of the most suitable technology for their countries. Thirdly, it is supposed to be an effective means of stimulating local inventions as it gives inventors exclusive right over their inventions and assures them of reward.

There are 4 main theories <sup>37</sup> that attempt to justify the granting of patents. The first one being the "natural law theory" which argues that man has an inherent natural right in his ideas therefore he should receive from the society, which is the beneficiary of the idea, protection against unauthorised use by having exclusive legal monopoly over its use. The second one being the "reward theory" <sup>38</sup> that argues

<sup>37.</sup> Mukubwe, T. "Patents and technology transfer to undeveloped countries", Zambia Law Journal, Vol. 7-9, 1975-1977, published by University of Zambia, Lusaka, Printed in Zambia by Zambia publishing Co. pp.2-3

<sup>38.</sup> Ibid, p.4

that it is justifiable for an inventor to be granted an exclusive monopoly over his invention as a reward for his services to society. These two theories are valid. The Inventors ought to benefit from their efforts. Thirdly, the "incentive theory" which contends that inventors and inventions are needed to ensure industrial development but investment is necessary to carry out research, thus the inventors and investors need guarantee in the form of patent that will induce them to risk their time and money and will be assured of any profits from such inventions.

The third theory is not altogether valid as from the writer's close study of inventions for which patents are granted in Zambia, it is observed that research is carried out mainly by employees of multinational corporations who assign the inventions to their employers. Thus, it is the investor who benefits mainly. The investor further benefits from tax rebates as discussed in chapter 8.

The fourth is the "Disclosure Theory".  $^{40}$ Here the inventor obtains protection of his invention but he has to disclose his invention to society. However, this may not be as advantageous as it seems as there is usually other unpatentable know-how that goes with the patent which is not disclosed to society.

<sup>39.</sup> Ibid, P.7

<sup>40.</sup> Ibid, PP. 10-11 see also Machlup F. "An economic Review of the Patent System"

All In the Geo. J.. Meyer Manufacturing Co., Mulwaukee in order to protect the Company's trade secrets and rights in unpatented know-how its technicians sales respresentatives, and other persons likely to make technical improvements or lean confidential information have to sign enforceable contracts to protect the secrecy of the employer's know-how which the employee acquires in the course of his employment. Furthermore most licence agreements provide for receprocal disclosure of improvements, coupled with a mutual obligation to hold these disclosures in strict confidence.

There are tables in the annexure which shows the follows:-

- a) Patent applications filed and patents granted from 1980 to 1983
- December 31, 1981, December 31, 1982

  December 31, 1983.
- c) Patent application filed by and patents granted to on-residents and residents from 1981 to 1983

<sup>41.</sup> Haight, J.T. "International Protections of Rights in Technology" P. 180.

The number of patent applications filed by Zambian residents is just a drop in the ocean. The number of patent applications filed in Zambia as compared to the number filed in the developed countries is negligible. Most of the patent owners in Zambia are in the U.S.A. and the U.K. with South Africa taking third place.

Patents do not induce foregin investment in Zambia as proved from the answers to a questionaire sent to various industries in Zambia. Thus it does not encourage transfer of technology to Zambia.

There are therefore other factors which have to be considered with patents which influence a company's decision to invest or not to invest in Zambia.

Despite this the patentee will insist on obtaining a patent to protect its market in Zambia. There is no evidence of any patent being worked in Zambia which are owned by foreign patentees. Patents are therefore registered in Zambia as a protective measure rather than for development purposes.

Research was carried out in developing countries and a number of conclusions were drawn from this research. The most important reason for taking patents in these countries were firstly to project their manufactured goods exported to these countries, secondly defensive, that is the intention

<sup>42.</sup> Grundman, H.E. Foreign Patent monopolies in developing countries: an Emperical analysis", 194, The Journal of Developmental Studies volume 12, January 1976, Number 2 published by Frank Coss & Co. Ltd. Gainsborough House, Gainsborough Road, London Ell IRS. PP. 191-192

to grant licence or produce in these countries. The reason revealed from questionaires sent to companies in a number of African countries for the lack of transfer of patented technology are (a) unfavourable economic conditions (b) inadequate market (c) insufficient industrialisation (d) no request (e) exchange restrictions (f) inadequate patent protection (g) polical stability (h) no real interest on the side of the Patentee. All these reasons can be summarised in two words - "economic underdevelopment". This is a cycle which has to be broken. Economic underdevelopment mainly prohibits the working of patents in undeveloped countries but these countries need these patents and other know-how to be worked in these countries to create economic progress.

This should not be taken to mean that there is no foreign investment in these countries. There is foreign investment in Zambia but not to any large extent for the purpose of working patents locally.

It is argued that changing the present system will be a step toward helping these countries to progress economically. If that is so this change has to go hand in hand with other national changes which would be responsive to investments.

The patent system in a revised form could be a convenient vehicle for the transfer of technology but the multinational corporations which own the majority of patents have modified the primary function of patent grant from a tool for encouraging inventive activity to a device for maximising profit. This is discussed in detail in Chapter 6.

### 3. Reform of the Paris Convention

The Paris Convention tends to be rigid and thorough in setting specific commitments upon the signatory parties. These are the arears it is argued, revision of the Convention should be proposed.

W.I.P.O. has prepared a model Law on invention which merely serves as a reference for national legislation in developing countries that lacks expertise to analyse their countries' needs in this area. This is consistent with the basic principles of the Paris Convention.

It has been suggested by C.V. vaitos  $^{44}$  that the following sections of the Paris Convention should be altered to make them more favourable to

<sup>43.</sup> Haar, P.S. "Revision of the Paris Convention: A realignment for private and public interest in the International Patent System". P.86

<sup>44.</sup> Vaitos, C.V. "The Revision of the International Patent Syste; Legal Consideration for a Third World Position", World Development Incorporating New Commonwealth, Vo. 4, No. 2 February 1976. Published by Pergamon Press Ltd., Oxford, New York, Paris, Frankfurt, PP. 98-99

the undeveloped countries: (a) Section A of Articles (b) Article 5 quarter (c) Article 2 and (d) Article 19.

He contends that the existing patent provisions do not tackle adequately the fundamental link between patent protection and imports of the corresponding products in developing countries. He suggests that protection of imports should be handled through the commercial policy of a country rather than through patents.

It should be noted that discussion for revision of the Paris Convention began formally in 1974 under the joint auspices of UNCTAD and WIPO. Since then WIPO has assumed the dominant coordinating role in the revision process. The proposed revised text is now before the number of countries of WIPO.

unctad is demanding that the Paris Convention should place emphasis on public interest and the right of states primarily less developed countries to grant and regulate patent priveleges rather than the emphasis being placed on private 46 under the Paris Convention.

<sup>45.</sup>Harr, P.S. "Revision of the Paris Convention: a realignment of private and public interest in the International Patent System. P. 92.

46. Ibid. P. 84

It was during the sixth session <sup>47</sup> of the Coordination Committee of the W.I.P.O held in June 1974 that the idea of possible revising of the Paris Convention was first put forward. <sup>48</sup> At its second session of the W.I.P.O. Ad Hoc Group of Governmental Experts on the Revision of the Paris Convention held in Geneva from December 15 to 22 1975 a declaration on the objectives of the Revision of the Paris Convention was adopted.

These objectives are firstly, to reduce inequalities between nations by contributing to a new economic order in the world. Secondly, Industrial Property, patents in particular, should be used as a means of the transfer of technology. Revision of the Paris Convention and any law should take into account (a) the need for economic development of countries. In doing so there should be a balance of such need with patent rights (b) the obligations and rights of owners of industrial property should be established and the working of patents should be promoted. (c) the need to facilitate technology innovation and development in developing countries and improve the conditions for transfer of technology in fair terms to them and also to encourage inventive activity in the developing countries (d) the need to increase the

<sup>47.</sup> WLPO - Diplomatic Conference on the revision of the Paris Convention, Geneva, February 4 to March 4 1980 PR/SM/3 Final Summary minutes of the First Session of the Diplomatic Conference, P. 6

<sup>48.</sup> Ibid. P.7

potential of developing countries such as by controlling licensing contracts and furthermore to contribute to the building of such institutional infrastructure such as Patent Office. (e) members should be able to take measures to present abusive practices and finally to ensure that industrial property facilitates development. Fourthly, the giving of preferential treatment to developing countries in certain instances. Fifthly, to strengthen WIPO's special services relating to technical assistance to developing countries. Sixthly, to consider equality of treatment and seventhly, to allow countries maximum liberty to legislate according to its needs.

There is a draft revision of the Paris

Convention as at February 4 to March 4 1980 which

has been approved or forwarded to the Diplomatic

Conference by the Preparatory intergovernmental

Committee. In the draft the following articles

have been amended; Articles 1, 5 5 quarter are to

be omitted, Article A and B and 12 bis and 12 ter

are to be included, and Article 13, 20, 21, 22, 23,

24, 26, 27, 28, and 30 are to be amended.

Not all these articles are of great importance to this research thus, only the relevant ones will be looked at.

#### 4. The Draft Text

# 1. Article 1 of the Draft Text

The draft text includes Inventors' Certificates in addition to Patent in its objectives.
There are 2 kinds of Inventors' Certificates
mentioned in 1 (2) (b) (i) and (ii). The first
states that they are titles by virtue of which
the holder has the right to compensation and rights
and priveleges subject to the law of the country
and the right to exploit the invention belongs to
the state or exploitation by other require the
authority of the state.

which allow the holder to retain the right to exploit the invention and receive remuneration from others for their use of it approved by the authority but the holder does not have a right to exclude others using it.

The main similarities and difference between Patents and the two kinds of Inventors Certificates are as follows:-

- 1. A patent gives the holder the right to prevent others from exploiting it and the exclusive, right to exlpoit it. The inventors' Certificate does not give these
- The right under a patent is for a limited period of time whereas this is not the case with inventors' certificates.

An attempt is made, by the introduction of this article, to compel Patentees to work their patents by denying the holder exclusive right to either exploit it or prevent others from exploiting it.

It is suggested that Article 1(4) is amended accordingly. There is inclusion of Article (1) (5) (a) to (e) which basically deals with the various state's obligations to protect inventions and matters arising from such obligations.

### 4.ii Article 5A of the Draft Text

This Article covers Patents and utility \*
models: Importation of Articles; abuses, failure
to work, exploitation in the Public Interest.

It is provided in subsection (1) (a) that any country of the Union can by its national law require patents registered in that country to be worked within that country either by the owner or by someone else under the owner's authorisation.

In subsection (1) (b) it is stated that importation of patented articles does not constitute working of the patent. However, any country of the Union has the right to regard such importation as fulfilling the requirement of working.

In subsection 2(a) reference is made to "non-voluntary licence" which is licence to work a patented invention without the authorisation of the

patentee; also a licence by the Patentee to work a patented invention where he is obliged to do so under national law.

In subsection (2) (b) it is stated that any country of the Union has the right to adopt legislation to prevent the abuse of patent rights.

However, goods patented in that country and manufactured and imported from another country of the Union shall not in the absence of abuse of patent rights entail forfeiture of patent.

Under subsection (3) there shall be no provision for forfeiture of the patent except where the grant of non-voluntary licence is sufficient to prevent abuse. No proceedings for forfeiture or revocation of the Patent may be instituted before the expiration of 2 years from the grant of the first non-voluntary licence.

According to subsection (4) a non-voluntary licence may be applied for on the grounds of failure to work or insufficient working only after the expiration of 4 years from the filing of the patent application or three years from the grant of the Patent whichever expires last. If the Patentee legitimately justifies his inaction it shall be refused.

In subsection (5) it is stated that the national law of any country of the Union may by reason of public interest allow the exploitation of the invention patented in that country by the government of that country or third persons authorised by the Government.

In Subsection (6) it is stated that a non-voluntary licence shall be non-exclusive. However, in certain cases in order to ensure working of the Patent an exclusive licence may be granted for a specific period.

It is provided in subsection (7) that any decision relating to the grant of a non-voluntary licence or exploitation in the public interest or payment or revocation of forfeiture shall be subject to review at a higher level.

Finally, subsection 8 provide (1) for the granting of non-voluntary licence by developing countries in cases where the patented invention is not worked or there is insufficient working (2) also for the forfeiture and revocation of the invention for non-working or insufficient working. Only developing countries have the right to apply this provision. This provision only applies where the patented invention is not worked or is not sufficiently worked. The main reason behind this suggested item (8)(a) and (b) is to encourage working of patents.

#### 4.iii Article 5 quarter

There is a proposal for either the ommission of this article or its non-application to developing countries. This Article deals with protection of imported products.

#### 4.iv Article A

This article provides for preferential treatment for national of developing countries in respect of fees.

#### 4.v Article B

This article provides for preferential \*
treatment of nationals of developing countries in
respect of the term of Priority.

#### 4.vi Article 12 Bis

This article deals with the furnishing of information, to the authorities in which country an application is pending, concerning a corresponding application pending or patent granted in another country.

#### 4.vii Article 12 ter

This Articles deals with contribution by the Union to the development of developing countries.

These proposed amendments basically deal with the working of patented inventions in third world countries. They seek to give authorities more powers to ensure that registered patents

are worked in these countries and not registered to protect importation of the manufactured articles from another country.

The issue in this instance is not whether or not the amendments will improve the Paris Convention. It is whether or not it will have a positive impact on the Patent system in less developed countries.

The purpose of these proposed amendments is to prevent abuse of patents through non-working in Less Developed countries and enable the Paris Convention instead to play a role at the international level in the transfer of technology to Less Develôped Countries. However, looking at the problem practically these proposed amendments may not have the desired effects on Less Developed Countries as national policies have an important role to play in the transfer of technology.

No industry can exist on its own. It depends on other industries as well. A Multinational Company or an individual will not be willing to work a patent in Zambia if among others there will be difficulties obtaining the necessary materials to keep the factory running and finding a profitable market. This is where national policies play an important role.

It may be argued that national ligislation of each country should provide incentives for working of patents rather than possible punishment for non-working which the amendments seem to do. Here, Zambian legislation and institutions will be looked at later on to see if there are in fact incentives in Zambia for the working of Patents.

Inventions have to be put into productive operation if they are to be of any use to society. Further investment will then be needed to develop the invention for full scale production.

## 5. WIPO proposals and possible effect on Less Developed Countries

The main reason for the call by the less developed countries to amend the Paris Convention is to encourage or force Patentees to work their patents in these countries. Article 1 and 5A of the proposals have therefore been discussed in great detail in both the First Session 49 of the Diplomatic Conference on the revision of the Paris Convention and the meeting of the Committee I, 50 II and III 51 held during the second session of the Diplomatic Conference.

<sup>49.</sup> WIPO, Diplomatic Conference on the revision of the Paris Convention, Geneva, February 4 to March 4 1980 PR/SM/3. Final summary minutes of the First session of the Diplomatic Conference.

<sup>50.</sup> WI.PO, Diplomatic Conference on the revision of the Paris Convention. Second session, Nairobi, September 28th to October 24, 1981 PR/SM/6. Final summary munutes of the meetings of the Plenary and Main Committee I held during the second session of the Diplomatic Conference.

<sup>51.</sup> WIFO, Diplomatic Conference on the revision of the Paris Convention. Second session, Nairobi, September 28 to October 24, 1981 PR/SM/6 Add. Final surmary munites of the meetings of main committees II and III held during the second session of the Diplomatic Conference.

The representatives from the developed countries, Group B, are critical of these proposals.

They claim that one of the most important factors in the patent system is its objectives to promote research and inventive activity by giving a reward to the patentee and by giving to those enterprises which are orientated to research the possibility of recovering the sometimes enormous costs of research. Because of these patentee and industry are given an exclusive right to exploit the invention. However, the exclusive non-voluntary licence excludes the patentee from using the invention in that country, thus it changes the benefits given to the patentee into a burden. The patentee is thus worse off than those who produce unpatented goods as the latter can circulate freely.

There could be a negative effect on the transfer of technology and investment policies of enterprises. There is a tendency to invest in the country where there is market for the goods which is usually the group B countries. If third world countries' policies encourage investment in these countries then investment could be possible.

Especially if there are markets for the goods, produced in the less developed countries, in neighbouring and other countries.

However, if there is a possibility of giving a compulsory licence in a certain market area then it will be a risk for the enterprise which invests in another country since this market can be foreclosed. Thus, the provision will not encourage enterprises to invest in less developed countries.

The provisions relating to forfeiture or revocation, Group B countries claim, is not an incentive for foreign investment in less developed countries. There was a suggestion that instead the measure be one of suspension of the patent. In that way the patent remains valid and only the rights are suspended. Thus the patentee can still work the patent.

One point was raised which apparently may have been overlooked when the provision of non-voluntary licence was being drafted in the proposals. That is a non-voluntary licensee would not generally obtain the know-how of the owner of the patent and would therefore be placed in a difficult position to compete. 52 Furthermore, the goods would not be exportable to another country in which the invention was still protected. In addition if a patent is forfeited or revoked the chances of it being worked were nil.

<sup>52.</sup> WI.PO-Diplomatic Conference on the revision of the Paris Convention, Geneva, February 4 to March 4 1980 PR/SM/3, pp.89-92.

Looking further at the issue of working of patents it may not always be economically rational to work a patent in every country in which it is registered. This proposal therefore is not rational. There is always the posibility of regional working, that is, where the working requirements are fulfilled, if the patent is worked either in the territory of that state or in the torritory of one or more other states as exist in the European Community. Such an arrangement could be worked out in the Central - Southern African region especially amongst the member states of the Preferential Trade Areas Treaty countries.

The proposals seek to lessen the internatioal protection of inventions which may instead
of stimulating technology development, discourage
research activities. Thus technologically developed
countries would be favoured, which would be contrary
to the aims of the proposals.

The developed countries do not consider inventors' certificates to represent an attractive vehicle for the transfer of technology. They are not a worthwhile system for the protection of inventions. Patents grant an exclusive right to work to the patentee but inventors' certificates only grant a right to remuneration. It also does not allow the patentee to grant a licence and it is said that it is partly through the granting of licences that

transfer of technology is effected. Granting inventors' certificates only in certain fields of technology as proposed would impede the transfer of technology. The Group B countries contend that there shold be freedom of choice without exception but the Group D countries contend that there should be limited choice.

In the Socialist countries inventors' certificates are prevalent. It is contended that it ensures the most harmoneous relationship between the interests of society and the interests of the inventors. The legal relationship between the state and the inventor based on an inventors' certificate created favourable conditions for the development of the national economy and stimulate inventive activity on a mass scale. 53

One may argue that the Group B countries are the ones which have the means to invest in the less developed countries and not the Group D countries, therefore careful attention should be paid to their contentions as amending the Paris Convention to a form that is not acceptable to Group B countries could force them to change their investment policies to the less developed countries which could be disadvantageous to the economies of these countries. Too stringent laws to ensure that technology flows can

demotivate potential investors and reduce the number of patents in developing countries.

One could argue, on the other hand, that the Group B countries need the investment in the undeveloped countries. Thus, both group need each other. The interest of the Third World should therefore be taken into account so that both group benefits and not just the Group B countries.

#### CHAPTER SIX

#### MULTINATIONAL CORPORATION AND PATENTS

## 1. Multinational Corporation, Technology and Investment

Multinational Corporation being the major holders of Patents worldwide and thus the major controllers of patented technology cannot be ignored in any discussion on technology. It is argued that the Multinational Corporation use patents to protect their technology interests worldwide to the exclusion of all others and these patents although registered in third world countries, are not worked in these countries and thus technology transfer does not take place as patents only exist on paper. This has been proved, as a fact to be the case in Zambia. Why is this so? One has to look at the operation and business interest of the Multinational Corporations worldwide.

More than 90% of all technology transfers take place between industrialised countries. About two thirds of licencing arrangements are found in the industrialised countries of Europe, Cananda and Australia. In africa they are mainly in the Republic of South Africa. 54

<sup>54.</sup> Feld, W.J. Multinational Corporations and U.N. Politics The Quest for codes of Conduct, Pergamon Press Inc. 1980, second printing 1981, P.24

The willingness of Multinational

Corporation to allow undeveloped countries to use their technology is motivated by technological, commercial, economic and political considerations. The Multinational Corporations are not willing to disclose their trade secrets as the success of their business partly depends on keeping information relating to technology a secret.

Furthermore, an adequate legal framework within which the parties to the transaction can fix their respective rights and obligations and which permits an equitable balance to be struck between on the one hand the interests of these parties and on the other, the interests of the state or public. 55

It is argued that Multinational Corporations with their large financial and physical resources control the governments of many countries in which they operate. The Multinational Corporations contend that this is not so as at times their local subsidiaries are nationalised. For example, in Chile, the government first took a majority interest in its copper mining industry then nationalised the industry altogether. In Zambia, by 1969 the country had taken 51 percent position in erstwhile foreign-owned

<sup>55.</sup> WIFO. Licensing Guide for Developing Countries. A Guide on the legal aspects of the negotiation and preparation of industrial property licenses and technology transfer agreements appropriate to the needs of developing countries, WIFO Geneva 1977. pp. 18 & 21.

Copper Companies.<sup>56</sup> If the Multinational Corporation controlled these Governments it could prevent nationalisation. These examples may not reflect the true position. Multinational Corporations have been known to react against national-sation if their interest are threatened. The money which is used to operate them belongs to the owners and the purpose of the venture is to cause that investment to prosper. The multinational corporation will only invest in countries where it has reasons to believe its investment will prosper.

# 2. Methods of supplying technology to developing countries.

Multinational Corporations have various mechanisms for supplying technology to undeveloped countries. This may be by direct investment in a wholly owned or majority owned subsidiary; joint venture with a minority participation by the foreign firm; or management contract i.e. where the foreign firm provides most of the services provided by a direct investment but leaving out the equity capital, or licensing arrangement. 57

With the licensing arrangement the multinational corporation would be more attracted to countries with internal markets large enough to offer an attractive reward to them for providing skilled personnel to

<sup>56.</sup> Vermon, R Soverighty at Bay, P.41

<sup>57.</sup> The aquisition of Technology from multinational corporations by developing countries, U.N. New York 1974 UND/ST/ESA/12, P.23

transfer know-how. It should not be forgotten that licensing frequently serves as a vehicle for restrict-ive business practices by the supplier as well as for transfer pricing. That is the goods manufactured in the Less Developed Countries by the multinational corporation subsidiary may be overpriced in order to enable the company to remit a larger amount of money outside the country from the subsidiary to the parent company in the developed country. Thus the draft code of conduct on the transfer of technology.

It may be argued that in practice technology is not transfered through any of these mechanisms what actually happens is the less developed countries only get permission to use the technology. The technology and any improvements thereon is owned by the multinational corporation.

advancement and educational advancement and securing of more capital by local enterprenuers these countries may be able to take advantage of the licensing and technology contracts instead of having direct foreign investment. He is contending that for a courty to be able to rely on licensing its economy should not be underdeveloped but developing.

Direct foregin investment provides a more complete package of technical skills etc. than licensing

<sup>58.</sup> Salehizadeh, M.W.S. 'Multinational Companies and Developing Countries: a new relationship' Third World Quarterly, January 1983, Vol. 5 No. 1 P. 136.

which only calls for the supply of a limited part of the technology. He is correct as the undeveloped countries may not be able to benefit from an agreement that only supplies a limited part of the technology as they may not be able to provide the other part of the technology required. Here again we have come back to the cycle mentioned earlier. How is it to be broken? How does the third world countries in particular Zambia begin to develop? The multinational corporation have certain international practices which make it more difficult to break this cycle with their assistance. Incentives . could be provided through legislation to encourage the multinational corporations to pass on some of their technical know-how to the local people. could be done by ensuring that the patentee derives reasonable and adequate benefit in the form of reward for the use of their patent over a reasonable period.

## 3. Marketing of products by multinatiaon corporation

Pierre Bertgeron in his Antitrust Guide
actually discusses in detail how the multinational
Corporation operates internationally which benefits
the developed countries often at the expense of the
59
Third World countries. The Multinational Corporation

<sup>59.</sup> Bertgeron, P. Antitrust Guide, Capyright 1982 by Centre for Education in Trade and Development, Washington, D.C. pp. 19-24

practice is to extract raw materials in Third World countries at a low cost, establish processing facilities in the developed countries to process the raw material and then sell the finished product at a much higher price with little revenue returned to the Third World Countries. Subsidiaries of Multinational Corporations in third world countries which manufacture for local consumption are also used as import channel for other products of the corporation. These subsidiaries also control the export market of third world countries. Marketing is a very important area of the Multinational Corporation which have the skill and capital to carry it out. The Multinational Corporation use their subsidiaries in developing countries to sell products of the parent company in the local area.

Local firms often have difficulties in finding markets for their goods on the international market. They therefore seek the assistance of the Multinational Corporation which eventually control the distribution of these products. Thus, not only are the third world countries hindered by Multinational Corporations from acquiring imports of technology but they also depend on them for markets. An example of this is the shoe industry in Argentina and Brazil which is controlled by large U.S. marketing firms.

Less Developed Countries are dependent on a few large buyers in each product market without which they cannot sell their goods in distant markets. IN the shoe industry, representatives of large U.S. marketing firms go into Argentina and Brazil and buy very large volumes directly from local firms. These buyers indicate the design and styles they require, they fix the prices and delivery dates, they control the procutions process and quality of the product and organise the shipment and the marketing of the footwear exports.

developed areas partly because of their worry about losing access to large markets or being elbowed out of established small ones. <sup>60</sup> Despite the high costs and inefficiencies in Less Developed Countries many U.S. controlled multinationals have found it expedient to increasingly export some of their outputs from these areas. <sup>61</sup> Some of the resources offered to the local economy by the multinational corporation are capital, technology or market access that was scarce. <sup>62</sup>

These subsidiaries therefore have acces to local as well as foreign markets.

<sup>60.</sup> Vermon, R. Soverignty at Bay, P. 98

<sup>61.</sup> Ibid, P. 102

<sup>62.</sup> Ibid, P.106

# 4. Research and Development and non-working of patents

J.N. Behrman and W.A. Fischer arrived at the following maxims from various conversation held with Unilever officials on the creation of effective development laboratories in Less Developed Countries:

- 1. There has to be a large enough business locally in order to establish a research and development laboratory which would require some 30 scientists for a range of products
- 2. There should be in existence other research and Development labs. such as University institutes, Government institutes and other Research and Development labs. in other companies to support the local lab.
- 3. An adequate number of qualified scientists should be available.
- 4. There has to be an economic basis for setting up a research and development lab. and a commercial benefit to the company. The lab. cannot be set up for public relation purposes.
- 5. The management of the local business should have an understanding of Research and Development.

<sup>63.</sup> Behinnan, J.N. & Fischer, W.A. Science and Technology for Development Corporate and Government Policies and Practices, Celopeschlager, Gunn & Hain, Publishers, Inc. Cambridge, Massachusetts 1980. pp. 61-62

- 6. Other parts of the local business should be able to utilise Research and Development effectively.
- 7. Research problems should be peculiar to the country so that they can be tackled through the local lab.

This example shows under what conditions a multinational corporation will carry out Research and Development in any country. At the present moment Zambia certainly cannot comply with all these conditions. Even if such conditions exist in any undeveloped countries it does not follow that the Multinational Corporation will carry out Research and Development in that particular country because of the Multinational Corporation's structure and operations worldwide. It may be pointed out that research caried out in the developed countries by the parent company for its subsidiary in the less developed counries has to be paid for. This may be done through pricing. This research can also be used to transfer resources from the undeveloped countries to the developed ones.

Multinational Corporations in general are interested in making profits first and foremost. If they find it is not profitable to work patents in Zambia they will not do so. They would rather import the manufactured product from their parent company in the developed countries.

At the moment the Paris Convention to which Zambia is a signatory allow them to do this. Such imported goods are protected in Zambia. It may be argued that Zambia could as a means of forcing the Multinational Corporation to work patents in Zambia block the importation of such finished goods but Zambia is too weak economically to attempt to do this. Furthermore, incentives and conditions which are necessary for the working of patents in Zambia whether under licence or otherwise do not exist. Thus, this move would not be practical.

Either Zambia imports finished patented products or do without them. These products can only be manufactured locally under licence from the Patentee. If manufactured otherwise that would be an infringement of the Patentee's patent. Once the patent has expired local industries are free to produce these goods, if they know how or if they are willing to produce them.

Working of Patents in Zambia is not compulsory. Thus Multinational Corporations are not obliged to work their patents locally. Working of patents locally would not be profitable for them.

The Majority of industries in Zambia do not carry out research locally. The majority of Multi-national Corporations, have no intentions of carrying

out research in future, because their main research are carried out at their Company's research centres by the parent Company. Furthermore, highly skilled personnel to carry out sophisticated research is required which Zambia does not have. Zambia is also relatively isolated from the main current of technical advancement and the size of the market is small in camparison to the size of market in developed countries. In addition, there are no incentives for carrying out research locally, and foreign exchange restrictions further makes the situation worse. These conclusions were drawn from the replies by local industries to the questionaire.

All these replies are not altogether valid. Zambia does have highly skilled personnel to carry out sophisticated research but the availability of such personnel may not be adequate for the purposes of the Multinational Corporations. The size of the market in Zambia should not have an adverse effect on production as the goods may be exported to other countries. The other replies from which the other conclusions are drawn are valid.

It must not however, be assumed that innovation result only from massive research. A good example of a patent that did not result from massive research is the patent entitled "The manufacture of sugarcane wine" mentioned earlier in this paper.

Zambia's exchange control Regulations states that except with the permission of the minister, no person shall -

- (a) Transfer or remit or cause to be transfered or remitted from Zambia any moneys, funds, credits or assets for the payment of a dividend outside Zambia; or
- (b) pay or cause to be paid a dividend out of any moneys, funds, credits or other assets which are outside Zambia.  $^{64}$

Moneys cannot be transferred freely from Zambia unlike in the developed countries.

Due to the MultinationalCorporations' international set up they will not set up a research centre and/or factory in a country like Zambia for the sake of "national interest". They have their own international interest to safeguard and protect.

<sup>64.</sup> Chapter 593 of the Laws of Zambia, Exchange Control Act and Regulations.

#### CHAPTER SEVEN

# CODE OF CONDUCT ON THE TRANSFER OF TECHNOLOGY

#### 1. Background of the Code

It is mentioned in the previous chapter that multinational corporations normally impose ristrictive conditions in their "transfer of technology" transactions with the third world countries. This issue is such a major problem that UNCTAD has formulated a draft code of Conduct on the Transfer of Technology. This code has not been adopted as yet as certain parts of it are still under discussion.

The earliest formulation of a Code was done in April 1974 by a group of experts under the auspices of the Pugwash Conference on Science and World Affairs. 65 In July 1974 resolution 3(iii) of 66 the UNCTAD intergovernmental Group of Transfer of Technology was passed which requested the secretary - general of UNCTAD to convene an intergovernmental group of experts to prepare a draft outline to serve as a basis for a universally applicable code of conduct. The Intergovernmental Group of Experts on Transfer of Technology in 1975 concluded that such a Code might be feasable. Thus the group was invited to draft an outline.

<sup>65.</sup> Thompson, D. "The UNCIAD Code on transfer of Technology" <u>Journal of World Trade Law</u>, Volume 16: Number 4, July: August 1982, P. 312

<sup>66.</sup> TD/8/520, Annex 1 Official Record of the Trade and Development Board, Fourteenth Session, Annexes, Agenda item 8

The draft International Code of Conduct on the transfer of Technology as at the close of the fifth session of the Conference on 4th November 1983 is discussed below.

#### 2. The Code

In the preamable the Code recognises the role of science and technology in the social and economic development of all countries especially third world countries. It believes that technology is the key to progress of mankind and as such all people have the right to benefit from any advancement in science and technology. It further recognises the need to facilitate transfer of technology to third world countries and co-operate with them in this area as a step towards creating a new international economic order. It desires to promote international co-operation in the interest of peace, security and national independence and strives to promote an increase in the international transfer of technology. It also recognises the need for special treatment to be given to third world countries by developed countries in the transfer of technology and draws attention to the need to improve the flow of technological information and information on the availability of alternative technologies and selection of appropriate technologies suited for third world countries. In addition it is believed that the Code would assist the third world

countries in their selection acquisition and effective use of technologies in order to develop improved economic standards and living conditions and that it would help to create conditions conducive to the promotion of the international transfer of technology, under mutually agreed and advantageous terms to all parties.

#### Definition and scope of application

The term "Transfer of Technology" is defined as ".....the transfer of systematic knowledge, for the manufacture of a product, for the application of a process or for the rendering of a service and does not extend to the transactions involving the mere sale or mere lease of goods." Transfer of technology transactions are defined as:

- (a) the assignment, sale and licensing of all forms of industrial property, except for trade marks, service marks and trade names when they are not a part of transfer to technology transactions.
- (b) the provisions of know-how and technical expertise in the form of feasibility studies, plans, diagrams, models, instructions, guides, formulae, basic or detailed engineering designs, specifications and equipment for training, services involving

- technical advisory and managerial personnel, and personnel training:-
- (c) the provisions of technological knowledge necessary for the installation operation and functional of plant and equipment, and turnkey projects;
- (d) the provisions of technological knowledge necessary to acquire, install and use machinery, equipment, intermediate goods and/or raw materials which have been acquired by purchase, lease or other means;
- (e) the provisions of technological contents of industrial and technical co-operation arrangements.

## Objectives and Principles

Basically the objectives of the Code is
to establish general and equitable standards on
which to base the relationship amongst parties to
transfer of technology to developing countries; to
encourage, facilitate and increase the international
flow of transfer of technology transactions in
particular to developing countries under conditions
where the bargaining positions of the parties balanced
so as to avoid abuse by the stronger party; to
facilitate the international flow of technological

information in particular the availability of alternative technology, selection, adaption, development and use of technology in third world countries; to facilitate formulation; adoption and implementation of national policies, laws and regulations on the transfer of technology by setting forth international norms.

#### Restrictive Business Practices

Chapter 4/5 of the Code deals with restrictions which are normally included in transfer of technology transactions which usually affect the third world countries. It seeks to exclude these restrictive business practices. These are: grant back provisions relating to the improvement on the acquired technology; challenges which the .acquiring party may make relating to the validity of Patents etc.; restrictions on the freedom the acquiring party to enter into agreements with other parties in a similar area; restrictions on research by the acquiring party relating to the technology; restrictions on the use of personnel, that is the acquiring party being forced to use personnel provided by the supplying party; restrictions on the fixing of the prices of the goods produced by the acquiring party; restrictions on the acquiring party to adopt the imported technology to local conditions; restrictions on the sales of the products where exclusive right of sale or representation is given to the supplying parties; tying

arrangement requiring the acquiring party to accept additional technology, improvement etc. even though they are not wanted by the acquiring party or restricting the source of technology; export restriction by supplying party on the acquiring party of the products covered in the agreement; restrictions on territories, quantities, prices, customers or markets arising out of patent pool or cross licensing agreements; restrictions on the advertising or publicity by the acquiring party; requiring the acquiring party to continue paying or imposing other obligations for continuing the use of industrial property rights which have expired; restrictions after the expiration of agreement subject to agreement on treatment of know-how.

The terms and conditions which the parties to a transfer of technology transaction should follow when negotiating, concluding and performing an agreement is laid down in chapter 5.

Developed countries are requested in Chapter 6 to give special treatment to third world countries when the activities are to be carried out in these countries.

The need for international collaboration among governments, intergovernmental bodies and organs and agencies of the U.N. with a view to facilitating and expanding international flow of technology is recognised in chapter 7.

International institutional machinery is covered in chapter 8. States which have accepted the code should take appropriate steps at the national level to meet their commitment to the Code.

Applicable law and settlement of disputes is dealt with in chapter 9. This chapter is under consideration. There is some understanding that this chapter should cover choice of law, settlement of disputes amicably, recourse of arbitration and enforcement of arbitrial awards.

( These restrictive business practices greatly hinder the transfer of technology to developing countries as well as the development of appropriate technology within the third world countries. )

The majority of multinational corporations in Zambia have entered into technological agreements with foreign companies, their parent companies. All these agreements have restrictive practices incorporated in them. The majority entered into by parastals also have such restrictive practices.! This information was obtained from the replies to the questionaire distributed. Examples of such restrictions are firstly, that the companies only have the right to use the technology in certain arears of the world, secondly, there are restrictions concerning technical assitance and thirdly the Companies are

to grant back any improvement on any technology developed locally. Assurance were given to the various companies to which the questionaires were sent that their names would not be mentioned in this thesis thus it would be improper to mention the Companies' names. These restrictive business practices are to an extent limited in developed countries under antitrust legislation with does not exist in Zambia. The Industrial Development Act does attempt to prevent some restrictive business practices as will be seen in the following chapter but these provisions of the act are not effective.

## 3. The Code and oppositions raised

There are a number of disagreements between the Group B countries and the Group of 77 on the Code, a number of which are mentioned below.

The Group of 77 has long wanted the Code to be legally binding as Multinational Corporations would not observe its provisions if it was voluntary. Also the suppliers would be bound to supply technology at a reasonable price. This would involve some degree of compulsion which the multinational corporation would not support. In any case the multinational corporations are sometimes able to avoid national laws by shifting their actions

internationally. 67 Furthermore the developed countries would not be willing to exercise jurisdication over multinational corporations outside their jurisdication. The Less Developed Countries may therefore not be able to get the Developed Countries support in dealing with any acts done in breach of the Code.

The Group B countries (the developed countries) have all along insisted that the Code should be voluntary. They received consideration support from the Group D countries (Socialist countries). The Group B countries especially the U.S.A. would not have continued to negotiate on the basis of a compulsory Code. This has now been withdrawn by the Group of 77. There is no longer insistence on compulsion, at least not at the present time.

Group B countries have included the qualification "unreasonably" or "unjustifiably" to the provisions in the Code dealing with restrictions. They feel it is necessary to evaluate each case individually and make a value-judgement as to the effect of the restrictions. That is the restrictions mentioned in the Code. The Group of 77 objects to this as they feel that the word "unreasonable" will allow the supplying party to impose restrictions in an arbitrary manner in the face of the Code. 69

<sup>67.</sup> Thompson, D. "the UNCTAD Code on Transfer of Technology pp.317-318 68. Ibid, P. 318

Another issue that raises concern are instances where international transfer of technology take place between the parent and its subsidiary. The Group of 77 countries contend that restrictions existing between commonly owned enterprises should be looked at in the light of the Code restrictions but certain practices will not be considered contrary to the provisions of the Code if they do not adversely affect the transfer of technology. The Group B countries however contend that "restrictions for the purpose of rationalization or reasonable allocation of functions "between parent and subsidiary will normally be considered not contrary to the code unless e.g. it unreasonably restrain trade of a competing enterprise. 70

The Group of 77 considers that technology should be available to them on no less favourable terms as these given to other recipients. While the Group B countries argue that the terms should be the reasonable commercial terms. 71

## 4. The future and chances of success of the Code

The Group B countries will not agree on any provision in the Code that will substantially change the present international economic order. Changes desired by the Group of 77 will take time to be accepted and they may have to be pursued partly at other forums as well. The Less Developed

<sup>70.</sup> Ibid p. 327

<sup>71</sup> Thid - 200

Countries and the Developed Countries wil both have to be more compromising if the negotiations are to be concluded in the forseable future. At least it is a beginning for future negotiations. Agreement of the code is possible but not altogether in the form wanted by the undeveloped countries.

The Group B countries most probably will not give any more concessions. The U.S.A. is the largest net exporter of technology and if it is determined to preserve its monopoly position without regard to the interests of the rest of the world then it is possible the U.S.A. may not participate further. However, if the U.S.A. continues to recognise the right of all people to access to technology on fair and reasonable terms then there is a possibility that there could be general agreement. All groups have to participate for there to be any kind of co-orporation.

The Group of 77 may go ahead on their own but whatever agreement is made amongst them would have to have reasonable terms to attract suppliers. The Code may remain as a guideline with no mandatory measures which would please the Group B countries. In this case each country in the Less Developed world would enact national legislation laying down the conditions under which technology could be transfered. But without the participation of Developed countries this would be useless.

# 5. Multinational Corporation and the Code

Discussions on the Code take place between Government representatives. Multinanational Corporations views are not heard and it is the Multinational Corporations that control most patents and technology world wide. Their participation could become a sensitive issue as it may be concluded that they are being treated like and given the status of Governments which they should not.

The Multinational Corporation will be required to subscribe to this Code which will not be legally binding like the Paris Union but subscribers will be bound in principle to conform to the Code. As pointed out earlier on in this Chapter the Developed Countries are reluctant to accept a Compulsory Code.

The Code if strictly adhered to, it is believed, should go some way in assisting third world countries in deriving some benefits from transfer of technology agreements.

There is the question of enforcement of the Code that would be a difficult task as the Developed countries may not always be willing to side with the third world countries against their own Multinational Corporations in enforcing the Code.

#### CHAPTER EIGHT

# ZAMBIA'S POLICIES TOWARDS RESEARCH AND DEVELOPMENT AND INCENTIVES FOR RESEARCH

For Research and Development to be carried out whether by Multinational Corporations or indegenous people incentives have to be present which should have legal backing. Zambia has to a certain extent attempted to create such incentives but whether or not these "incentives" are effective remains to be seen. Such "incentives" and also research centres will be examined and conclusions made from findings.

## 1. Third National Development Plan

Tambia's policy towards Research and Development ment may be seen in the Third National Development Plan. Its objectives and strategy are "... the Third National Development Plan has been formulated as an instrument for attaining the objectives of self reliance and socialism within the national Philosophy of Humanism". Its objective appears to be biased on political considerations rather than economical considerations. Furthermore, its objectives does not show a clear policy towards Research and Development.

The rate of growth per annum in the output manufacturing industry averaged 14.9% between 1965 and 1970 and 4.5% between 1971 and 1976. This decrease in output in the manufacturing industry meant a heavy dependence on imported supplies.

<sup>72.</sup> Third National Development Plan 1979-83, Chapter II, P.21. 73. Ibid. P. 235

There was little progress, in fact a marginal contribution, by import substitution factories during the second National Development Plan

According to the Third National Development
Plan its objectives and strategies for scientific and
industrial research are

- 74(a) to strengthen and expand the scope of the National Council for Scientific Research to enable it to effectively carry out its advisory role to the Government.
- (b) to rationalize and increase the investment into research and experimental developmental activity.
- (c) to create an effective research co-ordination
  system that:
  - (i) an active dialogue and good working relations are maintained between the research organisation and industry and extention service.
- (d) to increase the number of indegenous scientists and engineers in public and private sector so as to effectively use science and technology in enhancing self reliance as a development strategy.
- (e) to establish scientific career structure, with attractive conditions of service to attract local scientists.

<sup>74.</sup> ibid. P.393

Industrial Development Act 1977 by
establishing within the National Council
for Scientific Research material testing
and product quality control lab. and a
technology assessment unit for assessing
foreign technology to be imported and
monitoring its performance and arears of
adoption.

These objectives sound very promising but to what extent have these objectives been fulfilled?

#### 2. Income Tax argument

The Income tax Act <sup>75</sup> provides for investment allowances and development allowances. <sup>76</sup> In the former instance an investment allowance is given to a person who incurs capital expenditure on the construction of addition to or alteration of any industrial building to be used by him for the purpose of his business as a manufacturer and where a person incurs capital expenditure on the purchase of any new or unused implement, machinery or plant, other than motor vehicles intended for use or capable of being used on roads, to be used by him in his business as a manufacturer. In the latter instance a development allowance is given where a person incurs expenditure on the growing of tea, coffee, or banana plant or citrus fruit trees, or other similar plants or trees.

<sup>75.</sup> Chapter 668 of the Laws of Zambia, Income Tax Act

<sup>76.</sup> Income Tax Amendment Act No. 10 of 1981

The Tax Act 77 provides for the deduction of tax from every payment of dividend by every company incorporated in Zambia other than a pioneer industry.

There is also the provision in the Industrial Development Act that no tax shall be charged on any expenditure made by enterprises in respect of research and development.

It could therefore be argued that with these tax rebates on research and investment it is partly the public's money that would be invested in these ventures which benefits the investor as well.

#### 3. The Constitution of Zambia

The Constitution <sup>78</sup> of Zambia provides that no property of any description or interest in or right over property be compulsorily taken posession of or compulsorily acquired except under the authority of an Act of Parliament which provides for payment of compensation for the property or interest or right to be taken possession of or acquired. The obejcts of this section is to provide for the protection of individuals from the deprivation of their property of whatever kind or nature except under an Act of parliament which should provide for compensation. This provision is necessary but unfortunately it does give powers for the enactment of Acts to

<sup>77.</sup> Income Tax (Amendment) Act No. 10 of 1979

<sup>78.</sup> The constitution of Zambia, Act No. 27 of 1973, Clause 18(1)

compulsorily acquire property which property may not be acquired justifiably by the Authorities concerned. This could lead to discouraging Patents which is an Industrial Property.

It may be contended that providing for compulsory acquisition of property in the public interest may not be wrong. What is wrong is that in Zambia determination of "public interest" is left to one person's or a few selected persons' descretion. Property is something compulsorily acquired in Zambia with little or no compensation.

There is no record in Zambia of any patents being compulsorily acquired or forfeited. There is no provision in Zambia's Patent Act for the compulsory acquiring or forfeiture of patents registered in Zambia. However, an investor in Zambia would look at the possible implications of this provision of the Constitution.

# 4. National Council for Scientific Research (NCSR)

The National Council for Scientific Research hereinafter referred to as NCSR, was established by an Act of parliament in 1967, chapter 236 of the Laws of Zambia. This act allows discoveries, inventions and improvements to be made available by the Council for use in the public interest subject to such conditions and the payment royalties. The Council has the power to apply for Letters Patent in respect of inventions. 79

<sup>79.</sup> Chapter 236 of the Laws of Zambia, National Council for Scientific Research Act, S.12 (2) & (3)

Section 13(1) of the Act states the function of the Council is to co-ordinate and promote scientific research in Zambia with a view to ensuring that the requirements of the country's development plans are properly supported by scientific research and that the maximum use is made of the results from such research in the carrying out of those development plans.

The Council therefore is considered to be the central institution for research throughout the country.

The writer carried out a personal interview at the Council in August 1984 and came up with some findings which are stated below. There were 67 Zambian Scientific officers at the Council with degree qualification and upwards, and 14 expatriates. This is a very large number.

The Council does recognise the fact that Patents do play an important role in the industrial development of any country/Zambia. However, the Council has no registered Patents but there are new ideas which under the Zambian Patent Act and the Paris Convention does not qualify to be registered as patents.

The functions of the Council are laid down in the Act. Three of the functions which would appeal to members of the public are the Council (a) shall promote and encourage such research as is required to meet Zambia's needs.

(b) shall collect and disseminate scientific information including the publication of scientific reports journals and other literature (c) shall advise on the best ways of arousing public interest in and appreciation of the value of scientific research. 80

The Council is not a profit making body.

It has to rely on the government for finance which is limited. If it was to become a profit making body it would generate a part of its own finance which could defray a part of its research costs. The Council, however, would have to work together with industries so that their research findings can be developed.

Researchers can put forward ideas, suggestions to the Research Committee but the final approval as to whether or not such research should be carried out comes from "the Council" which is the governing body of the NCSR.

The Council does not appear to be confident that it has all the facilities and personnel to carry out various projects thus it does not "advertise" itself especially to industries on a large scale. It does some analytical work for industries at a fee.

The Council does not make use of expired patents but it may use certain information from the Patent specifications.

<sup>80.</sup> ibid, S. 13 (d) (1) & (0)

Unfortunately, the Council has done little or nothing to educate industrialists on the importance of industrial research and also encourage research in industries.

The major problem facing the arears that affects its performance are lack of sufficient financial resources. The Council normally uses local raw materials. It avoids working on projects for which materials are not available locally.

Does the Council serve any useful purpose?

It does carry out some activities but considering its size it has the potential to do considerable more than it is doing. It is very disappointing that it has no patents in spite of the fact that it has so many scientists at its disposal.

Industrial Development goes together with Patents. This was proved to be a fact during the Industrial Revolution. The number of patents in any country show the country's economical strenth and progress. Compare the number of patents in Japan or the U.S.A. to Zambia and it will show just how far behind Zambia is in the field of Patents.

The NCSR has to do more in way of meaningful research leading to invention. Industries would be required to work with the Council and advise on their needs as the industries are the ones that would be working the patents.

Research is not carried out by privately owned local companies because as one company says it has no research department, no expert staff and they feel it is not required for the present stage of development. The parastatal companies have similar reasons. They make use of UNZA, NCSR etc. as they have established labs and researchers. Most of this research is for import substitution purposes as opposed to invention. It is recognised that a company has to research in order to innovate. Thus, such research for import substitution is a step forward. Foreign exchange restrictions have encouraged or forced these companies to carry out research.

It is not the purpose of this research to investigate the working of the Council and make suggestions on how it can better carry out its functions. It would be worthwhile however, for such research to be carried out.

## 5. The Industrial Development Act

The Industrial Development Act, No. 18 of 1977 is meant to provide incentives for private investors both within and outside the country to invest in industries in Zambia.

On the second reading of the Bill on the lith August 1977 in Parliament, the then Minister of Industry stated that the objects of the Bill are "to provide for the licensing and control of

manufacturing enterprises and to provide incentives for manufacturing enterprises which satisfy certain economic requirements; as well as to regulate the transfer of foreign technology to enterprises operating in Zambia; and also to provide for matters connected with or incidental to the foregoing."81

Part II of the Act provides for the application for manufacturing licences and other matters
connected therewith. No person is allowed to manufacture
anything for sale without a licence issued by the
minister.

It is argued on one hand that this control
by the authorities over the setting up of industries
will ensure that there is even distribution of
industry and deversification and to avoid duplication
of effort. On the other hand however it may be
argued that it can or does limit industrial activities.
Why should a manufacturer be restricted in his
industrial activities in Zambia which needs industries
desperately? The ministry or Government should
not have the authority to decide on what a manufacture
should manufacture. The manufacturer knows his capabilities best. The decision should be with him.
Restricting industrial activities in turn restricts
industrial research and development.

<sup>81.</sup> No. 45 official verbatin Report of the Paliamentary Debate of the 4th session (Resumed) of the Third National Assembly, 9th - 19th August 1977, P. 154.

Part III of the Act is important to this research as it deals with restrictive business practices. It states that every agreement for the transfer of technology or expertise shall be registered with the ministry of Commerce an Industry. Besides causing delays in the carrying out of agreements this provision may discourage transfer of technology as the transferor may not wish to "publicize" its agreement at the ministry. This particular provision has not worked in practice and the ministry is unable to enforce it. Such agreements are not registered at the ministry. The parties to these agreements are able to disregard the law because the Ministry has not got the manpower to ensure that this section of the Act is enforced.

The Act lays down conditions which should and should not be included in any technological and expertise agreement. It seeks to include restrictive business practices which the transferor normally imposes on the transferee. Its object is to protect the transferee but the multinationals have their own policies regarding the transfer of technology. They are powerful organisations and if they are not satisfied with what Zambia has to offer they are not obliged to invest here.

The other thing that appears to be done is to ignore that part of the Act i.e. enter into an agreement with a local company with the usual restrictive business

practices and not register it at the Ministry.

although the use of patents may be included in such agreement individual patent licence agreements may be entered into between a Licensor (Patentee) and licensee. Such an agreement would not fall under this Act but under the Patent Act.

Part IV of the Act deals with incentives for various categories of industries. There are incentives for priority enterprises, exporting enterprises, rural enterprises, enterprises providing training facilities for Zambian citizens, incentives for enterprises utilising foreign investment. Here there is no guarantee that the enterprises wont be nationalised. Last but not least tax rebate incentive for research and development. Section 25 of the Act states that no tax shall be charged on expenditure made by any enterprise in respect of research and development conducted by such enterprises or on behalf of such enterprises by a recognised research institution. This provision is not sufficient. There are many factors that have to be considered before an enterprise attempts to carry out research. If the enterprise will not benefit substantially from the research it will not invest in research despite the tax incentive. The replies to the questionaire proves this contention. This incentive has to go hand in hand with other industrial incentives.

Part III of the Act does cover some of the provisions of the Code of Conduct discussed in the previous Chapter. These provisions which precede the adoption of the International Code of Conduct tends to the brief. They need more clarification. For example section 15(a) provides that "any royal-ties or fees charged shall bear a reasonable relationship to the use of such technology or expertise" what is "reasonable and relationship?" Who is to decide what is "reasonable relationship?" The parties to the agreement would, under the circumstances, decide what is "reasonable" and "relationship."

This Act could have an effect on working of patents in Zambia as the Patentee or Licensee would be required to obtain a licence, which is not given automatically, before the patent can be worked in Zambia. In light of the amendments being sought to the Paris Convention this provision of the Act would create a contradiction. On one hand a Patentee/ Licensee is required by law to work a Patent in Zambia and on the other hand such a Patentee/Licence cannot work it because of the legal requirements that he would need a manufacturing licence which he may or may not get on application. In fact one privately owned local company pointed out the uncertainty relating to the obtaining of manufacturing licences in the responses to the questionaire.

At the time of writing this paper Parliament was considering a Bill called the Investment Act, 1986, N.A.B.7 1986 dated 28th February 1986, which should replace the Industrial Development Act. It is expected that this Bill will soon become an Act.

## 6. The Land (Conversion of Titles) Act No. 20 of 1975

It is necessary to look at Zambia's land law as an investor may be interested in purchasing land within Zambia for the purpose of carrying out his business of whatever nature.

The Land (Conversion of Titles) Act converts all freehold land into Statutory Leasehold land for a period of 100 years from the 1st July 1975.

Recently Act No. 15 of 1985, an amendment to the Land (Conversion of Titles) Act was passed which prevents non-Zambians from being granted alienated, transferred or leased land in Zambia. This amendment will serve to even more discourage investment in the country rather than encourage it. There is provision for an "investor" to purchase etc. land if he has been approved as an investor in accordance with the Industrial Development Act or any other law relating to the promotion of investment in Zambia. Thus, more "red tape" is created by the enactment of this Act.

The Land (Conversion of Titles) Act prevents any dealing in land without the consent of the state. The non-Zambian industrial investor has to:

- (a) be approved as an investor before he can apply to purchase land
- (b) apply to the state for consent to purchase the land
- (c) apply for a manufacturing licence.

These are just a few of the hurdles a non-Zambian investor, and a Zambian investor, in the case of (b) and (c) above have to overcome before he can commence his business. In each case there is uncertainty as his application may be refused by the Authorities or granted subject to unfavourable conditions on his part. These restrictions, therefore hinder rather than encourage industrial investment and research.

Although this Act affects land and not
Patents it could be argued that it does reflect the
government's policy on property ownerships and Patents
are industrial properties. Thus, after overcoming
all the hurdles mentioned above there would be that
possibility of laws being enacted that would deny
the Patentee ownership of his registered patent.
Furthermore, an investor looks at all the laws
relating to investment that would be likely to affect him.
Land law being one of them.

#### CHAPTER NINE

# SUMMARY OF THE PROBLEMS IN ZAMBIA REGARDING PATENTS, SUGGESTIONS AND CONCLUSION

# 1. Problems regarding Research and Development and Patents

for the lack of local research in Zambia and the working of Patents which are owned by foreign patentees the market for goods is inadequate, there is insufficient industrialisation, there are exchange restrictions. The population also needs to be educated about the fact that local goods are not necessarily inferior to imported goods.

The multinational corporation does not believe their investment in research locally would benefit their business, although it would benefit Zambia. They have not entered into licensing agreements with local companies. If such an agreement is entered into then the patent would be expected to be worked locally. This the Multinational Corporations say is not viable. They are not prepared only to give and get little or nothing in return commercially. Both sides should benefit. Licensing agreements have their own drawbacks such as the restrictive business practices which can hinder further local research and development.

In Zambia there are research institutions such as the NCSR, UNZA and Mount Makulu Research Centre. However, manufacturing companies within the country do not carry out any research because they have no facilities and manpower to do so.

Those that manage to do research do so on a small scale.

Furthermore, there needs to be incentives. The Industrial Development Act is meant to be an incentive but it is more of a disincentive than an incentive to the industrial sector. The so called "incentives" are not in fact incentives.

Part II of the Act restricts industrial activities in the country rather than encourage it.

Industrialists on obtaining a Manufacturing licence are told what they should manufacture. The authorities ought not to have the right to do this. Let the industrialist manufacture freely. In this way industries would multiply and there would be competition which would result in the improvement of standards of local goods and an increase in the number of jobs in industry, amongst others.

Part III of the Act has good intentions but it serves no purpose. Zambia should not try at this stage to dictate to the Multinational Corporation on restrictive business practices to such an extent.

The U.N. has already taken this matter up and so far the Code of Conduct on the Transfer of Technology is still a draft and under discussion. Why should the Multinational Corporation bother to enter into agreements with local companies under these conditions? they have the resources at their disposal. They can choose the country which will benefit them most. If Zambia tries to enforce this part they may by pass this country. In addition to these bottlenecks a private enterprise can be nationalised if the highest considerations of public interest so requires. is rather vague and does not provide very much security for the enterprise. There is a tax rebate on expenditure for research and development. is not enough. There should be more incentives for this. Such as allowing products invented locally to be sold tax free for a specific period of time.

Leaving the foreign companies aside there are our own local companies which should be encouraged to carry out research and development. Some of their problems are similar to the Multinational Corporation. A research lab. relies on other things to functions. It needs equipment and staff which the local private companies think is not worthwhile investing in at Zambia's present economic stage. This is where the business community needs to work together to make such research centres worthwhile. At the moment the local companies on a whole are first and foremost

concerned with seeking foreign exchange to import goods to keep their companies operating.

main incentives existing for carrying out research and development is that with the shortage of foreign exchange local companies are being forced to find substitutes for the imported goods. This can only be done through research. The research carried out however is for import substitution and not to lead to inventions.

How can the problems surrounding patents be solved?

Amending the various articles of the Paris
Convention mentioned in chapter 5 would give the
undeveloped countries a better deal theoretically
but it is better to create incentives, both internationally and locally, for working of patents
rather than provide punishment for the Patentee for
non-working. Amending the Paris Convention may
serve a useful purpose to an extent but there should
be amendments of local statutes in Zambia namely,
the Industrial Development Act, the Land Acquisition
Act - Chapter 296 of the Laws of Zambia -; the
Land (Conversion of Titles) Act No. 20 of 1975. The
investor need assurances backed by law that his
investment will be secured, that his property wont

be nationalised or acquired by the state. If it is in the national interest that his property be acquired, that he will be compensated adequately.

Zambia cannot only rely on multinational corporations and foreign investment to carry out Zambia has its own scientists, Zambians research. and residents who are capable of doing just as good as the foreign researchers if given the resources, encouragement and incentives. The National Council for Scientific Research should be made use of by industrialists. The Council ought to do more than it has been doing. The scientists are presumably there. They should be given the resources to enable them to assist industries more by carrying out more meaningful and indepth research using local raw material. The Council should be allowed to raise money for research from sources other than the Government for the sake of industrial progress.

Patents go hand in hand with industrial development. There is no escape from that.

#### CONCLUSION

The transfer of technology from the developed to the undeveloped countries has been an international topic at various international forums. We yet have to see the positive results of these discussions.

know by now that developed countries will not invest in a country if they will not derive any economic benefit from them. We have to compromise with them, and not appear to be dictating to them even if it means changing local laws, which in its present form could be detremental to the industrial sector of the country. The Less Developed Countries want what is best for them too but are not economically strong enough to bargain on their terms.

To summarise, the problem as mentioned earlier is the economic underdevelopment of Zambia. The cause of this are numerous some of which . Zambia has itself to blame. The problems which are relevant to this research are:

- a) A large percentage of industrialist and business within Zambia are indifferent towards research and development
- b) There aren't sufficient incentives available to make it worthwhile for investors to risk investing in research.
- c) Zambia's industrial base is not diverse and investors are reluctant to invest in research if the returns are uncertain.
- d) The Multinational Corporations have their own policies which they try to enforce internationally regardless of their host country's policies. They will not carry out research and development in Zambia if it is not their company's policy to do so.

- e) The Paris Convention is partly to blame as it does not discourage non-working of patented inventions. Zambia being a signatory to the Paris Convention has to abide by its provisions when formulating and enacting any laws relating to industrial property.
- f) Another problem is nationalisation. There is no guarantee under the Industrial Development Act against nationalisation of industries. It is more of a problem when there is nationalisation with little or no compensation.
- g) Due to Zambia's shortage of foreign exchange profits of foreign based companies cannot be remitted quickly out of the country.

How does the country get out of this situation. Local research, first and foremost have to be encouraged. There is only one local invention, as pointed out earlier in this paper, which has been patented both in Zambia and the U.K. There should be more of such patents. Such patents if worked overseas under licence can bring in royalties for Zambia. The following suggestions should go some way in assisting Zambia to begin to solve some of its problems relating to research and development.

First the business community have to be educated on the importance of research and development. The National Council for Scientific Research should be an appropriate vehicle for carrying out this task. Zambia should not always have to look outside for this

kind of assistance, that is research and development. Secondly, the Zambia Council for Scientific Research should be allowed to play a more important role in research and development. It should not be hindered because of lack of finance. Let it generate a part of its own finance. The Council, however, cannot work on its own. It needs the co-operation and assistance of the business community which at this stage, are not able to set up their own labs. Thirdly, the Industrial Development Act, and the Land (Conversion of Titles) Act and its amendments should be amended as they create insecurity. Incentives should be created for local research and development not only for residents but also for multinational corporations and other foreign investors. These investors need something in return for investing in the country. A climate of security should be created. Zambia, on the other hand, should benefit from such agreement. Thus, the multinational Corporations would have to be bargained with. Persons specialised in the field would be required to negotiate on behalf of Zambia.

At the present time neither local or foreign owned patents are playing positive roles in the industrial development of Zambia. On the part of the multinational corporation there is apathy because of their international set up and also they feel it would not be viable to have research centres in a country like Zambia which is far behind the

industrialised world. On the part of the parastatals, which makes up the majority of industries in the country they are not geared towards having research centres in their individual industries. They make use of other research institutions to modify, improve or find a subsitute for existing goods.

The number of Patents that any country has reflects the industrial progress of the country. It is true that Zambia cannot be compared with countries such as Japan and the U.S.A. They have the resources at their disposal, the manpower, financial support, incentives and what is more important an appreciation and understanding by its business community of the value and importance of inventions.

The business community in Zambia need to appreciate research and that can only come with education. Expensive and sophisticated machinery are not necessarily required to carry out research as stated earlier.

One needs support from industries when carrying out research as whatever is invented and patented has to be developed and worked.

Research and development plays a very important role in the industrial progress of developed countries. It should do the same in Zambia.

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- (b) Second Session Nairobi, September 28 to October 24, 1981 PR/SM/6 Final Summary minutes of the meetings of the Plenary and of main Committee I held during the second session of the Diplomatic Conference
- (c) Second Session Nairobi, September 28 to October 24, 1981 PR/SM/6 Add Final summary minutes of the meetings of main Committee II and III held during the second session of the Diplomatic Conference

#### CONVENTI ON

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#### PROTOCOL

Industrial Property Organisation for English-speaking
Africa Protocol on Patents and Industrial Designs

(adopted on December 10, 1982)

#### INTERNATIONAL CODE

Draft International Code of Conduct on the transfer of Technology

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APPENDIX

#### PARIS CONVENTION

List of Member States as on January 1, 1982, of the International Union for the Protection of Industrial Property (Paris Union)

founded by the Paris Convention for the protection of Industrial Property (1883), revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934) Lisbon (1958), and Stockholm (1967)

#### State

Algeria

Argentina

Australia

Austria

Bahamas

Belgium

Benin

Brazil

Bulgaria

Burundi

Cameroon

Canada

Central African Republic

Chad

Congo

Cuba

Cyprus

Czechoslovakia

Democratic People's Republic of Korea

Denmark

Dominican Republic

Egy pt

Finland

France

Gabon

German Democratic Republic

Germany, Federal Republic

Ghana

Greece

Guinea

Haiti

Holy Sea

Hungary

Iceland

Indonesia

Iran

Iraq

Ireland

Israel

Italy

Ivory Coast

Japan

Jordan

Keny a

Lebanon

Liby a

Liechtenstein

Luxembourg

Madagascar

Malawi

Malta

Mauritania

Mauritius

Mexico

Monaco

Morocco

Netherlands

New Zealand

Niger

Nigeria

Norway

Philippines

Poland

Portugal

Republic of Korea

Romania

San Marino

Senegal

South Africa

Soviet Union

Spain

Sri Lanka

Suriname

Sweden

Switzerland

Syria

Tanzania

Togo

Trinidad and Tobago

Tunisia

Turkey

Uganda

United Kingdom

United States of America

Upper Volta

Uruguay

Viet Nam

Yugoslavia

Zaire

Zambia

Zimbabwe

(Total: 91 States)

Source: International Convention for the protection of Industrial Property, Encyclopedia of U.K. & European Patent Law, Service Information and release Bulletin, Sweet & Maxwell, W. Green & Son pp. 15024-15026



# TWO-LETTER CODE FOR COUNTRIES, ORGANIZATIONS AND THE LIKE

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٨٥	Andorra	GR	? Greece	10	A. Owner
1 AE		GT		01	1 Oman
AF		GH		i P	A Panama
) AG	Antigua and Barbuda	GY		P	
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CH	***************************************	HK	Hong Kong	PI	
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AR	• • • • • • • • • • • • • • • • • • • •	HT	Haiti	PL	. Poland.
AL	Austria	HU	3-7	P1	「, Portugal
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80	Bangladesh	ID		QA	l Qatar
BE	Relgium	IE	• • • • • • • • • • • • • • • • • • • •	- 1	
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BH	Babrain	IN		RW	l Rwanda
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EW	Brunet	IT	Italy	SC	
60	Bolivia	1 ,,,	To see I am	SD	
BR	Brazil	JM		SE	
05	Bahamas	JD	Jordan	SG	3
81	Bhutan	J JP	Japan	SL	
BU	Burma	vr	Vanua	SM	
BM	Botswana	KE	Kenya	SN	
82	Belize	KI	Democratic Kampuchea Kiribati	SO	
		KH		SR	
CA	Canada	KN	Saint Christopher and Nevis	ST	
CT	Central African Republic*	KP	Democratic People's	SU	
$\mathbb{C}\mathbf{G}$	Congo*	1	Republic of Korea	SY	
CH	Switzerland →	KR	Republic of Korea	SZ	
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( ) )	Cameroon*	LA	Laos	TG	Togo*
CN	Chiua	LB	Lebanon	TH	Thailand
CO CR	Colombia	rc	Saint Lucia	TN	Tunisia
CS	Costa Rica	LI	Liechtenstein	l to	Toriga
CU	Czechoslovakia Cuba	LK	Sri Lanka	TR	Turkey
CA	Cape Verde	LR	Liberia	TT	Trinidad and Tobago
Čř	Cyprus	LS	Lesotho	TV	Tuvalu
٠	cypi ds	LU	Luxembourg	TW	Taiwan, Province of China
DO	German Democratic Republic	LY	Libya	TZ	United Republic of Tanzania
DE.	Germany, Federal			1	
- •	Republic of	MA	Morocco	UG	Uganda
DJ	Djibouti	MC	Monaco	US	United States of America
OF;	Denmark	MG ML	Madagascar	UY	Uruguay
1111	Dominica	HN	Mali	!	
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		MU MT	Malta	1.	Grenadines
r.c	Ecuador	MV	Mauritius	VE	Venezuela
	Egypt	177	Maldives	VN	Viet Nam
	Spain	MX	Malawi Mextco	VU	Vanuatu
ΕT	Ethiopia		Malaysia .		
		MZ	Mozambique	WS	Samoa
FŢ	Finland	160			_
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ŧ Q	France		Nigeria	YE	Yemen
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	flaben*	NL	Netherlands	74	Coult ac :
11	United Kingdom		Norway	ZA	South Africa
	Grenada		Nepa1	ZM 70	Zambia
	Gh ma		Nauru	ZR	Zaire
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	Suinea				
(7)	Equatorial Guinea		·		
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<sup>\*</sup>Hember of OAPI

World Intellectual Property Organization (WIPO) European Patent Organisation (EPO)

OΑ

African Intellectual Property Organization (OAPI) Benelux Trademark Office and Benelux Designs Office



#### IP/STAT/1983/B

## **PATENTS/BREVETS**

PATENTS Chart la Patent applications filed and patents granted during 1983 Demandes et délivrances de brevets au cours de 1983

Tableau

V - COMPLETE	Demandes	at delivrances o	e brevets au c	Demandes et denyrances de prévers au cours de 1963													
COUNTRIES		cations for patents	·		Grants of patents to												
		1	Teas par cos		Evers do	es											
PAYS	Residents	Non-residents	Total	Residents	Non-residents	Total	Country coe										
	Résidants	Non-résidants		Résidants	Non-résidants	İ	Codo de espa										
Algeria, Algéria	15 15	278	293		_		DZ										
Argentina Argentine		1	15		- 1	45.44											
Australia/Australie	1102 6930	2443	3545	538	1372	1910	AH										
Austria/Autriche Z	2345	9529	16459	557	6690 -	7247	AU										
Bahrain/Bahrem		2322	4667	1116	2699	3815	A)										
Pangladesh Pangladesh	40	28	28	-	40	40	1311										
Belgium/Belgique 2	40	123	163	11	115	126	PD.										
Bolivia Bolivie	805	2261	3066	782	2249	3031	BE										
Brazil/Brésil	2202	70	81	4	30	34	100										
A 74	2302	4900	7202	776	5285	6061	BR										
Pulgaria/Bulgarie •	2 2000	338	340	1 1 1 1 1 1 1	164	165	ng *										
Purundi	3809	390	4199	1313	237	1550											
Canada 3	2017	23690	25707	1250	10640	20000	101										
Chile/Chili	2017 96	23690	25707 743	1359 54	19640	20999	CA										
Colombia/Colombie	82	527			608	662	CL										
Costa Rica	16		609	29	536	565	CO										
Cuba	166	74	90	7	12	19	CR										
Cyprus/Chypre	156	31	197	116	60	176	CU										
the state of the s	39	1039	48	2	47	49	CY										
Czechoslovakia/Tchécoslovaquie 3 •	8678	1038	1077	6	844 1	850	cs *										
Denmark/Danemark	1167	552	9230	6192	423	6615											
Dominican Rep /Republique dominicaine	25	4920	6087	180	975	1155	DK										
Ecuador/Equateur	25	66	91	23	116	139	DO										
Egypt/Egypte	88	112	136	4	82	86	EC										
El Salvador		727	815	6	315	321	EG										
Finland/Finlande	39	84	123	<u>8</u>	26	34	SV										
France 2	1719	3178	4897	639	1585	2224	fi										
German Dem. Rep./Rép. dém. allemande	11147	10029	21176	7323	17720	25043	FR										
A Maria De Mail Territoria	10515	1614	12129	5792	1988	7780	DD										
Germany (Fed. Rep.)/Allemagne (Rép. féd.)	31658	15445	47103	10709	10204	20913	DE										
Ghana		14	14		14	14	GH										
Strecc/Grèce 3	1251	1960	3211	1389	794	2183	GR										
Guyana Guyane	1	12	13	1	12	13	G7										
Parte Harti	1	15	16	1	15	16	H										
fonduras	16	24	40	9	27	36	HIN										
long Kong/Hong-Kong	21	871	892	19	721	740	HK										
łungary/Hongrie	2760	1530	4290	1199	1234	2433	110										
r cland/tslande	3.2	62	94	1	36	37	18										
orfonesia/Indonési <b>e</b>	40	682	722				<del>18</del>										
(A)	33	128	161	23	132	155	117										
of ad triada	567	2527	3094	23	7 997	1020											
no dstamic Rep ) dr <b>an (Bčp. isla</b> mique)	213	280	493	9	254	263	#										
and terupt	687	2295	2982	193	1197	1390											
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emarca: Igmaique	15	93	108		22	1049											
apan Japon - Z	227708	24977	252685	45578	9123		JIA ID										
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# PATENTS/BREVETS

MIET**HS** Dart la Patent applications filed and patents granted during 1983 Demandes et délivrances de brevets au cours de 1983 DREVETS Lableau la

COUNTRIES		itions for patents de brevets dépos		G Br			
PAYS	Residents Résidants	Non-residents Non-résidants	Total	Residents Résidants	Non-residents Non-résidants	Total	Country code Certe des pays
*		2	2				MN *
Mongolia: Mongolie	12.	30	42	12	30	42	
Morocco/Maroc	16	300	316	20	288	308	M۸
Netherlands/Pays-Bas	1889	2611	4500	632	7729	8361	N1
New Zealand/Nouvelle-Zélande	1110	2683	3793	285	1649	1934	NZ
Nicaragua		64	64		34	34	111
Norway/Norvège 5	<b>8</b> 25	4068	4893	227	1684	1911	ио.
CAPI 6	. 17	268	285	12	392	404	QA
Panama	16	134	150	14	201	215	FΛ
Paraguay	5	50	55		37	37	PΥ
Peru/Pérou	77	266	343	27	330	▲357	P£
Philippines	63	1613	1676	52	1228	1280	PH
Poland/Pologne	4741	783	5524	3606	796	4402	PL
Fortugal	91	1760	1851	20	1180	1200	P1
Hep. of Korea/Hép. de Corée	1599	4795	6394	245	2188	2433	KR
Homania/Roumanie	3108	487	3595	1617	991	2608	RO
Hwanda 3	_	3	3		, 3	3	RW
Saint Lucia/Sainte-Lucie	_	5	55_		5	5	LC
Coychellos	_	3_	3		3	3	SC
Singapore/Singapour	5	852	857	3	388	391	SG
Selemen Islands/fles Salomon		4	4		4	4	SB
South Africa/Afrique du Sud	4240	5479	9719			7381	ZA
Soviet Union/Union soviétique		2027	2027	3	1288	1291	su *
	149447	496	149943	72631	278	72909	
Spain/Espagne	1498	<b>8</b> 352	9850	1291	7515	8806	ES
Sri Lanka	16	85	101	11	71	82	LK
Sudan Soudan	7	67	74				SD
Swa,rtand/Souaziland					22	22	52
"woden Suede	4283	2958	7241	1330	7287	8617	SE
-witzerland Suisse	3817	3038	6855	2093	9675	11768	CH
Lanzania (United Rep.)/Tanzania (RépUnie)	1	57	58	1	57	50	17
Third and Thailande	48	515	563	7	13	20	111
Linosia Tunisie	19	197	216	20	189	2(1)	111
Hganda/Quganda		16	16		16	16	UG
United Kingdom/Royaume-Uni 2 7	19893	14798	34691	5655	22599	28254	GB
United States America/Etats-Unis Amérique	59391	44312	103703	32872	23990	56862	113
Proguay	40	174	214	20	52	72	117
Venezuela	625	1482	2107	220	1760	1980	vr
rug-slavin/Yougoslavie	1445	1087	2532	126	807	933	¥U
Zaun Zaire	6	66	72	6	64	70	ZR
Zambia (Zambie	1	91	92		64	64	ZM
Zimbabwe	40	237	277	16	246	262	7W



### IP/STAT/1983/B

# PATENTS/BREVETS

ATENTS nart II Patents in force on December 31, 1983 broken down according to the year of grant Brevets en vigueur au 31 décembre 1983 répartis selon l'année de délivrance BREVETS Tableau II

nart II			Brevets	eu viguen	r au 31 dé	cembre 1	aga repan	is seion i a	uuee ae a	BIIVI BIICE			Tableau I
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CODES	1983	1982	1981	1980	1979	1978	1977	1976	1975	1974	1973	BEFORE AVANT 1973	TOTAL
AR	1910	3291	3513	4559	3364	1743	f 3009	4088	3374	4464	3889	24728	61932
AU		195	738	2161	5805	6163	5745	5182	4302	4281	3846	12220	50638
AT 7	3734	3584	3869	4247	4015	3339	3160	2716	2485	2325	1772	7065	42311
BD - 5E-1	126	110	89	61	73	90	56	54	94	95	13	3	864
BG 1	3031	3281	3749	4308	5157	6443	6721	6021	5119	4735	4430	19357	72332
BI	3 2	886	1396	1507	1560	1453	1161	1112	1148	1030	913	2402	14571
CA 2	20999	23147	22696	10	.1	4	4	9	6	4	2	61	110
CL	662	676	632	23895 816	23546 435	21796	20793	21741	20544	21287	21246	168265	409955
CR	18	32	28	32	20	580 12	527 65	563 44	700 80	561 57	559 63	3221 274	9932 725
CU	176	150	64	156		22	29	38	6	33	20	505	1199
CY	49	44	27	66	52	42	59	52	59	59	39	66	614
UK		1			<del> </del>		<del>                                     </del>	<del> </del>	1	-	-  <del></del>	<del> </del>	10625
DO	139	116	90	113	77	152	100	85	77	84	103	383	1519
EC	86	70	34	77	110	120	160	12	23	40	106	159	997
fl 	2137	1803	1535	1242	967	797	449	369	319	295	154	112	10179
FR 7 3	20653	19807	19699	20324	21502	22421	20206	17927	15692	14187	13438	58700	264556
DE GH	21112	11822	11184	16156	16622	16360	12559	9274	6679	5932	5163	4357	137220
GY	14	18	19	17	37	. 39	75	45	52	50	48	414	828
HT	13 16	7 26	25 14	35	26	21	19	33	33	43	15	177	447
HN	36	50	66	17				<del></del>	ļ <u>-</u>	<u> </u>	<u> </u>		73
HU		30	- 00	60	64	48	81	95	<del> </del>	12	45	391	948
IS	37	25	29	27	23			ļ	ļ	1			15977
IQ.	155	110	51	30	60	5 3	93	14	8	18	5	25	230
IE	1012	963	992	868	723	572	585	108	107 385	67 428	50	66	900
11.					720	- 3/2	303	404	303	420	306	558	7856 12383
JM	22	64	42	23	63	48	65	38	38	74	41	220	738
JP 2	54701	50601	50904	40112	35944	33234	33879	22797	23223	19233	18410	36105	419143
KE	100	76	75	97	98	106	124	98	95	128	117	595	1709
MW	29	48	24	25	20	25	32	24	28	25	16	37	333
MI	24	6	16	9	6	4	, 9	4	3	3	1	3	88
MU	21	3	8	13	19	15	14	10	17	24	27	33	204
MX *	2247	2583	2210	2002	2027	1653	2044	2241	3638	3503	3388	11170	38706
MC	817	785	615	556	666	847	1230	190	_		-		5706
MN	35 42	53 25	29	38	27	17	14	13	12	12	9	60	319
MA	308		35	22	17	22	16	17	16	10	5		227
NL	8397	336 6189	312	351	372	381	401	321	286	229	221	3697	7215
H	34	60	4427	2606	2120	1763	1669	1315	1255	908	563	1191	32403
NO	1810	1603	68 1427	111	116	115	131	73	34	12	5		759
ř A	92	104	96	1444	1126	963	922	734	662	586	492	769	12538
FE	357	352	345	331	165 446	34	13	79	161	47	191	286	1331
ΡΉ	1274	558	783	897	844	1044	225	162	180	461	599		4502
FL	3915	3798	4699	3863	2627	868 1546	1037 1311	862 1131	749	795	729	2804	12200
LI Z	1200	1213	650				- 1311	1131	1115	402	62	210	246/9
KFI	2433	2608	1757	1277	1025	227	116	205	157	85	48		3063
RW LC	3	2	7	2	6	2	6	6	9	2	2	<del>22</del>	9960
SO -	5 3	1_	10	14	15	2	4	2	9	10	9		81
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se	391	519	741	549	735	548	468	684	498	576	432	2957	9008
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SIJ	1291	1346	1395	1161	15 10	9	4	19	16	8	2	114	2/3
LK	82	264	45		1548	1351	991	553	558	388	403	464	11449
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ar i	1	132	1406	11	4700	27	14	9	11	11	15	39	240
н	11450	8747	6806	4148 4521	4769	3657	3621	4538	4608	4482	4208	14847	59417
rii 🗀	20	4	- 0000	- NC1	4187	430	11328	4929	4573	3743	3401	13171	77285
in -  -	209	206	177	222	242								24
	, ,	1	1		242	211	114	212	201	387	135	1915	4231



# PATENTS/BREVETS

ATENTS thert II Patents in force on December 31, 1983 broken down according to the year of grant Brevets en vigueur au 31 décembre 1983 répartis selon l'année de délivrance BREVETS Tableau II

CODES	1983	1982	1981	1980	1979	1978	1977	1976	1975	1974	1973	BEFORE AVANT 1973	TOTAL
UG	16	17	55	38	18	31	33	54	56	56	41	1082	1497
GB	2/091	28901	28364	23647	20653	17956	16844	15381	12768	11208	9352	17384	229549
US	56862	57889	65770	61827	48853	66140	65269	70236	71994	76275	74139	478273	1193527
UŸ	72	108	180	267	108	153	176	156	264	_	-	-	1484
ZR	70	99	81	104	97	116	121	186	147	127	144	873	2165
ZM			2	10	-	_			_		_	-	, 12
ZW	262	274	279	187	120	140	104	145	117	113	90	367	2198



# **PATENTS**

PATENTS Chart lb Patent applications filed by and patents granted to non-residents in 1983, broken down according to the country of origin

	11011	-10310	101112	11 150	o, bit	JKen (	JOMII	acco	uirig	to the	Cou	iiiiy O	ung	11.1						
Country of origin →	AR	AU	AT	BS	BE	BR	BG	CA	cs	DK	FI	FR	DD	DE	GR	HU	IN	IE	IL.	iT
Reporting country															"		""	"	"	"
Algeria	_	3	-	=	8	=	=	=	=	1	1	95 _	1	34	=	6	<u> </u>		1	- 16
Argentina	_	16	7 15	_	11	15 7	2	11 12	5 -	4	8	195 121	-	325 181	-	13	=	1=		
Australia	2		68 32	_ 5	43 23	7	7 2	175 113	5 2	32 20	41	388 292	1 2	871	1	33 15	1 1	1	50	161
Austria <sup>1</sup>	1 _	7	-	. 3	15 24	1	5	4 5	30 5	16 20	46 18	87 140	70 21	848 1096	=	126 67	-	<u>                                     </u>		119
Bahrain	=	1		_	-	-	_	-	-	-	-	2 5		1	=	-	<del>                                     </del>	=	-	-
Bangladesh	_	1	-	_	2			1		-		12		3	=	=	-=	-	=	, ·
Belgium <sup>1</sup>	3	9	17		_	4	3	15	20	13	18	253	19	373		39	1	10	8	
Bolivia	$-\frac{3}{2}$	9	17			4	3	15 1	20 —	13	18 —	252 5	19	370 6		39	1	10	8	
Brazil	19	34	19	-=	32	-	_ 2	- 51	-	- 13	 29	4 366	1	858		2 	1		14	
	12	49	31 14		37 5	-	2	35	2	15 	41	537 14	- 2	1097 46		9 48			3	1
Bulgaria			3					<u>-</u>	 38		_	12	 133	28 1	_	23 1	1		-	7
Burundi	-			-	-=			-	26 	-	-		117		_	_		· -		
Canada 2	8	- 236	164	_   	- 185	 17	 11		_ 21	109		1 1206	3	1886	_ 6	- 73	2	 22	58	409
Chile	1 4	166 7	126	3	150	7	9	_ 6	13	70	- 1	1001	-	1777	2	71	5	9	30	305
	9	4 5	9	-	7	4		10		3	10	21 29		135	_	3			4	18 16 21
Colombia	3	1		_	_]	1		18	_	1	_	30		32			_		2	21 26
Costa Rica	-	-			_					_	_			7 2	_	_				
Cuba	_	_			_		_	1	1	1	_	5 6	3	3 2	_	4 2	-			5
Cyprus		_	1	_	3		_		-	2 2	_	4	-	3	-	-	=		1	_
Czechoslovakia 2 *		6	44 20	_	7	-	10 2	2 8	-	5 4	10 9	63 55	2 3	235 213	-	103 70			4	51 50
			16	_	2	_	36 3		_	3	3	- 1	249 175	39	-	4				- 11
Denmark		42	37 13	1	38 4	-	2	29	14	-	95 13	305 79	16	917 211		61	-	2	12	149
Cominican Republic	- 1	-	_	_	-	-		=	_		=	2 2	-	1 2	-				1	1
Ecuador	1	2	-		-	_	=	1	_		_	2 4	- -	11	-	-	=		2	10
Eaypt	-	10	4	-	7 5			1 2	=	5	- -	88	7	86	=	7	=	-	-6	32
El Salvador		=		-	-		=	-	=	= -	=	37	=	51 18	=	=	= -	=	2	16
Finland		19 7	51 17	1	23 20	-		41						5 510	=	61	= -	3	6	68
France 1	5	46	116	1 1	32	- 1	14		51	1	12		35 2	272 342	-	93	= -	4	38	26 722
German Democratic Republic		3	38	- -	72 5	- -	49	3	98	5		66	- ],:			49 21	2	14	34	820 44
Germany (Federal Republic of)	4 1	40 4	19	1	,		14 25			10   2 57   2			-   <sup>4</sup> 5			85 01	-	- 6	64	67 654
Shana		20 1				= -	5	74	45 !	92 !	50 8		91	- 2		76	1	1 -	1	278
1 to the second of the second							<u>-L</u>				<u>-                                       </u>	1		2	-	- [	_		_	_



Demandes de brevets déposées par des non-résidants et brevets délivrés à des non-résidants, en 1983 répartis selon leur pays d'origine

BREVETS Tableau lb

,						d	ėlivrės	s al de	s nor	ı-rési	dants	s, en 1	1983 r	épart	is sel	on leu	r pay	s d'o	rigine	Tableau II
JP	LI	ŧU	мх	NL	NZ	NO	PA	PL	RO	ZA	SU	ES	SE	СН	GB	US	YU	Others/Autres	ب	← Pays d'origine
																		+	TOTAL	Pays de délivrance
84 84	- 1	  7		- 67	- 3	1					1 		_	-	16	44		5	_	Algerie
56 1143	1 17	8 18	2 4 2	67 50	4	2	12 4		1	6	7	14	16	78	116 84	1146 566	2	16	1372	1 Argentine
1021 108	18 19	12	2	311 236 51	125 72 3	16 19 8	20 9 2	1	1	129 54	26 36			212	984 639	4182 2938	13	62 21	6690	<u> </u>
175	29	9		115	1	5	2	2	- -	1	39 36	14	63 73	226 261	57 77	324 389	4	4	2699	Autriche
1 3				- 1 - 3	_	1	_  9				_	1	3 2	2	7 8	6 18	_	3 4	40	I Hanrein
2 126	7	10	1	6 119		1 6	4						-	11 16	26 17	44 36	<u>-</u>	1	115	Bangladesh
126	11	10	1	118	4	6				3	14 14	20 20	26 26	147 145	94 94	685 680	2 2	20 20	2261 2249	Belgique <sup>1</sup>
1 299	- <del>-</del> 7	20	- 6	146	_ 9	10	1				1	3	1	10 3	5 1	16 10		1	30	Bolivie
381	_10	21	5	180	3	17	3	2 16		20 21	10 11	37 30	66 135	212 206	195 255	2147 1933	2 2	48 13	4900 5285	Brésil
9				2			_	1	6		- 010	2	5 —	6 11	38 10	106 54	1		338 164	Bulgarie *
							_	_=	_		213 94		_		1	_	_		390 237	
2358	7	37		509	48	81	_	- - 5	2	-			- -	-		1	-	_	2 2	Burundi
1913	8 2	24	17	472	21	42	12	9	1	86 61 10	48 137 	49 22 6	475 395 10	614 500 47	999	13042 11138	5 4	229 47	23690 19640	Canada 2
9		1	1	30 20	5	-	4	_		8		10	12	47 47 14	42 31 35	258 210 309		8 5 9	647 608 527	Chili
18			7	9				_			_	4	15	22	24	311		12	536	Colombie
			_	- 2		_		_	-	_				1	3	48 9	_	_	74 12	Costa Rica
3				3		_	-	_		_	1	2 5	2	14	7	3	_		31 60	Cuba
3 56		- 5		9			_	 		_	_		1	9	9	9 10		1	46 47	Chypre
50	1		_	14	_	1	_	18	1	1	1 262	2	22 19	64 65	98 39	201 176	7	1	1038 844	7 Tchécoslovaquie *
5 250	15			210	- 9	62	26	3	-		92	 	5 345	14	6	15		1	552 423	
62	3	2		31	2	22	2		_	-	5	_1	99	344 65 14	75 75	1442 212	2	15 3	4920 975	Danemark
1	-		-	6	_		-	_				1 3	2	25	4 8 9	38 60 53	_	3	117	République dominicaine
3 22	4		3	20			1 6		-		-	2	3	39	2 62	40	_	4 6 8	112 82 727	Equateur
11 2				5 8	_	_ -	2	_ -		_		5	2	15	19	132	1	3	315 84	Egypte
96	11	9		108	- 2	42	15	- 5	-	_ 9	_ 56	-	426	4	245	10 873	_ _ 2	3	26 3178	El Salvador
52 640	13 39	2 15	_1	47 253	- 8	46 24	9	_ 6	_	2	45	3	274	111	119	348 2575	1	5	1585	Finlande
40 40	60	44		769 30	8	37	16 10	17 25	4 7	30	383	93			970	4920 197	11 12		10029 17720	France 1
68 1991	145	6	4	54 323	- 16	2 55	6	28	2		120 564	9 86	28	147	60 62	308	7	6	1614 1988	Rép. démocratique allemande
3 98 2	4.7	20	i	434	6	21	10	22	5	7	347		- 1	818	498	3825 3141	29 8	35	15445 10204	Allemagne (Rép. fédérale d')
2											_]_			1	2 2	5		1	14	Ghana



Charles

Patent applications filed by and patents granted tonon-residents in 1983, broken down according to the country of origin

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Country of origin →	AR	AU	АТ	BS	BE	BR	BG	CA	cs	DK	FI	FR	DD	DE	GR	ни	IN	ΙE	IL.	
Reporting country ↓																				
Greece 2		14		1	45 14	1	6 2	1	_ 2	10 1				332 149			- [		- 1	5 2
Guyana		_	-	_	_	_	_	_	_	_	_	1	_		_	_	-			
Harti	-	=		_	_	_	-	  -	=	=	<del>-</del>	1	=		=	=	-	-	1	
Honduras	_	2		=	_	_	-	1	_	=	_	_	=	3		T =	-		-	
Hong Kong		10 7	1	-	1 2	-		2	-	4 2	2	32 28	<u> </u>		=	=	=	=		2
Hungary	-	7 2	53 38	1	3	-	23 11	8	· 37	2	7 9	94 76	156 98	5 329 305	_	<u> </u>	-	_	7	
Iceland		-	-	-	_	-	-	3		1		5		8	-	-	=	-		+
Indonesia	_	12		_	5	-		2	_	3	1	64	_	30 -	-	3	1	=	-	1
Iraq		6	2	-	2	=		2	=	2	-	22 29	3	11 -7	-	4	1	-	-	
treland	-	22	11 2		15 10		-	18		30 11	17	201 130		252 131	1	·47	=	=	3	1
Iran (Islamic Republic of)	3	1 2	1 3	=	_ 2	2	<del></del>	1		1 2	-	30	<del>-</del>	39 42	_ 1	5		=	=	
srael	-	22 7	10	- 1	3	=		8 2	_	7	3	141 70	_	350 201	2	27 17		_	=	1 2
taly	_	5	 7	-	- 12	2	- 2		_ 2	9	- 6	- 81		196	_	- 3		=	-	-
tamaica	-	-	-	1	_	1		1	_		_	3		4 2		1 2	-	=	<u>-</u>	
lapan 6	3	128 45	205 66	3	140 54	9	25 3	323 97	45 25	101 50	94	1682 539	84 8	5285 1692	7	106	5	9	73	61
Сепуа	-	-	2 2	_	5 5	=				3	-	_	_	6		1	1	_	1	
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Aarritius .	1	2	-	-							_	1	_	-	_	_	 1		-	-
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fonaco	3	1	2	2	5 3 -	_		9 1 -	-	-	1	88 10 13	-	66 - -	<u>- </u>	11	_		<u>-</u>	2
fongolia *		=	-		-		-	-	-	-	=	=	- - 2		_	2 - 2			1000- 1000- 1000- 1000- 1000- 1000-	
Ιστουρο		- 2 1	4	_	9 2	-	1 -	1 2	=	_ 2 1	- 1	_ 110 111	2	34 36	=	2 4				- 8
etherlands	2	10 31	22 114	3	55 113	1	4 2	12 38	10	28 33		156	15	474 2336	1	33		- 6	15	132
Pw Zealand	_	248 146	12		9	1	1	38	=	10		127	=	190 106	=	9 13	-;	6	7 2	138 46 37
снадна		-	-				=	-		-				10 7	=	-	-			
visav 🥈		32 5	36 23	- 2	20 19	1	3	61 15	2	84	154	278 161	- 1	568 261	=	27			8	88 65
API	2	1	- -	= -	1	_	=	4		2		151		9	=	11	-	=	-2	-00



Demandes de brevets déposées par des non-résidants et brevets délivrés à des non-résidants, en 1983 répartis selon leur pays d'origine

BREVETS Tableau Ib

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JP	U	LU	мх	NL	NZ	ИО	PA	PL	RO	ZA	SU	ES	SE	СН	GB	us	YU	Others/Autres		← Pays d'origine
																		Others	TOTAL	↓Pays de délivrance
52 8	6 3	_ 4	Į.	70 22	1	1	1 -			3 3	2 1	9 10			26	264		8	794	1 Grece
	-		_				-	_	_		-		_	2		5	-	=	12	
		-					_					_		_	1	12 12	_	1	1	I Haiti
101			1	2			_	-	_	_				4	1	16	•	1 -	24 27	I Hondurae
132	5			37	5	1	2		-	- - 1		_	13 10	62 55	115	288 246	_	16 10	871 721	Hong-Kong
54	5	2		45 51	3	4	8	17 22	4		28 47	1	17 15	110 99	105 61	324 258	7 5	2 1	1530 1234	Hongrie
2		2		- - 22		11	_	_	_				11	6 3	4 2	9 13	1	_ 2	62 36	Islande
141					4	5	_			5		4	7	12 	36 	277 	-	32 -	682 —	Indonésie
14	1	4	1	2			2	2	_	_	2	4	9 11	6 5	26 15	10 —	2	1	128 132	Iraq
2"	1	6	2	41	12	10 3	1		-	3	2	3 5	41 24	153 62	451 158	1003 333	_	6 4	2527 997	Irlande
11 54			-	10		-	_	_	_		1	1	17 14	20 3	32 34	79 70	2 1	4 2	280 254	Iran (Rép. islamique)
24	4	1		15	3	-=		_		15 7	_	11 2	21 8	134 73	228 89	1157 628	_	2 3	2295 1197	Israël
54	1	3		43		5		1	_1	4	3	2	22	- 48	81	292	_	- 1	892	Italie
2	35	33		1023	<u>-</u>	34	40	- 8	 	48	-		2	19 2	17 7	41 3	_	2	93 22	Jamaïque
- 2	14	9	5	404	5	21	6	6		í	185 186	67 9	428 218	429	505	10851 4413	4	442 67	24977 9123	Japon 6
2	2			1				_	_		_	_	_	13 13	34 34	24 24	_	1	100 100	Kenya
			_	_	_	- -		_	_	6 3	_	_	2	3	10 8	4 6	_	2	37 29	Malaŵi
		-			_	_	_	_ _	_	_	_	_	1	1 2	9 5	3	_	2	16 22	Malte
94	3	8	-		_	_ _	_	-	_	3	-			1	2	10	_	1	14 20	Maurice
101 27	5	7		34 41	2	6 7	16 6	4	2	2	14 7	48 33	51 40	86 64	69	2289 1222	-	18 17	3396 2085	
92	-	_	_ _	17 26	_	1	2 12	_	_	3	3	2 7	3 4	29 59	33 38	220 332	=	1 7	465 794	Mexique *
2			_	_	_	-	_ _	_	_	_	-	2	-	16 9	6 8	2	=		46 38	Monaco
		_	_ _	_	_ _	_ _	-	-	_		_	_	_	-	_	_	=	_	2	Mongolie *
3	-	_	_ _	- 6	= -	-	_ _	_	_	_ _	25 25	_				_	_		30	Mongolie *
3 83	1 7	- 5	- -	5	4	- 8	_ _	_ _		2		7	2	14 24	14 13	72 59	1	4 3	300 288	Maroc
- 1	,	22		67		24	4	7	<u> </u>	8 :	33	8 1	44 4	146	586 1	820 860	1	22	1129	Pays-Bas
64	4	2	_		_	7	_ _	-	_ 1	12	3	4	28	75 2	266	094 643		- 1	1049	Nouvelle-Zélande
21	7	- 10 -	-   -	- 59	6	_	_ _		_	-	-1.	34 18	-	9 5	3		_	1	34	Nicaragua
	11	2		58	1 -	_ _	_	2 .	_ _:		14	5 2	13 1	09 1	25		1		1004	Norvège 7
Ú.		1	- 1	11		3				3		2	2 8		19 33	56 87	1	4 9	267 392	DAPI
																	***************************************			



#### **PATENTS**

ATENTS

Patent applications filed by and patents granted to non-residents in 1983, broken down according to the country of origin

	HOI	i-resi	dents	n 198	3, bro	oken d	own	acco	rding	to th	e con	intry c	it orig	gin						
Country of origin →	AR	AU	AT	BS	BE	BR	BG	CA	cs	DK	FI	FR	DD	DE	GR	HU	IN	ΙE	ال	ır
Reporting country	] /"			0.5	De	DIN.	ВС		63					100	Jun	Ind	1114	16	14.	"
Fanama	-	1 -	1	28	4 3	_	=	=	1		1 =			ı	=	<del>-</del>	T	=	<u> </u>	2
Paraguay	1	3 -	=	_	-	5 2		_	=	-	1=			6	+		<del> </del>	-	2	-
Poni		2 4	1	_	- 2	3 7	=	3 7	-	<del>  -</del>	7 5	20	<u> </u>	19	1 .	5	[		7	10
Unlippings	-	- 48	3	=	40	_ 		25 12	1	18	4	72	-	251 106		9	13		3	16
Listand	-	2	32	<u>_</u>	12	1	10		15	5	6	53	16	127	=	68			1 3	41 20
Pertugal		6	17	_	21	7		9	13	12	5	266	22	262	-	18 18	-	1	5	90 90
Hepublic of Korea		28	12		17	1	_	34	_	21	12	237		155 315	=	18	-	$-\frac{1}{6}$	- 3 - 9	64 68
Romania	-	2	17		10	-	11	8	11	3	5	25	46	119	=	38	=		2.	18
Rwanda 2	=	-	13	- 3	6 	<u> </u>	11	-		-	3	110	57 —	218	<u> </u>	51 -	<u>-</u>		2	28
Saud Lucia	=	<del>  -</del>	-		1				<u> </u>	=	=	<del>  -</del>	=	=	=	<del>  =</del>	4-	=		=
Seychelles	=	=	-		1	-		-			<u> </u>	=		-	-	=	=	_	-	
Singapore	=	16		-:-	4	-	_	4		7	1	29		62	<u> </u>	2	1	=	- 6	9
Solomon Islands	=	-	=		- 1	=			1	2		30	_	-	24	=	-			7
Couth Africa	3	137	66	-:-	11	7		33		20	30	329	_	929	-	19		7	 48	108
		8 2	47 26	1	12	=	-	15	_	21	115	174	2	408	1	158	-		3	83
Soviet Union *		-	-		16	=	49	12	101	<u>11</u>	31	119 3	324	303		68 3				63
Spain	5	44	76		108	6	7	64	47 12	42			209	1408	+ +	56	1	2	- 16	420
Sritanka	5	29 3	51 	5	71	9	15 —	- 44	- 8 -	41	36	1044	1	1474 10	- 5	60 	1	5	19 2	436
Sudan		1				=		=				3 17		8	_ 15	3	3		2	15
Swaziland		-			-		_	=	=						_			_	-	
<sup>C</sup> woden	-	 14	42		 15	=	- 7	 27	 23	- 86	- 263	110	44	506		_ 49	_	_	- 8	125
Switzerland	2	25 5	145 133	3	82 16	3 2	3	46 5	8 52	84 22	88 14	889 214		2057 1044		31 51		4	5	138
Tanzania (United Republic)		48 —	240	- 5	104	-1	10	34	22	<b>4</b> 6		1049		3545 4	2	80	1	10	12	327
Thailand	-=	 10			2	-	-	<u>-</u>	-	- 3	3	2 16	2	4	-	-	1			2
l'imisia	-=	-	1		- 6	=	_	-	=	-	-	84		1 31		1 2	_	-		- 6
Jganda		-		_	6	-	_	-	-	-	_	85	1	21	1	1	-	_	_	16
Inited Kingdom 1	_ 2	186	119	-	132	13		272	_		_	481		2039		-	1	-	-	2
	3 35	183 603	146 421	_7	123	11 57		249	89	139	145	1222	146	3903	2	104 164	5 10	49 39	40 8	576 819
huter States of America	21	237	267	4	205	19	19 1	1	38	125	116		54		7	210 106	15 14		ı	411 625
Енсінаў	4	9			3	2		_		1	_	3 2		28 4	_	2	-	-	-	6 3
enezuela	9	6	6	3	20 9	6 20		30 14		8 6		102 117	- 13	217 89	-	8	-	3		06 63
																				المتحصية



#### **BREVETS**

Demandes de brevets déposées par des non-résidants et brevets délivrés à des non-résidants, en 1983 répartis selon leur pays d'origine

BREVE

								délivr	mande és à d	15 (18 8 <b>5</b> (10	preve n-rés	its dėj Idants	posé s, en 1	es pa 1983	r des répai	s nor rtis s	n-ré selo:	sidar n leu	nts ei ir pay	t brev s d'a	vets origine	BREVI Tableau
	1						T					T	T	1	T	Т			Γ.	,	T	← Pays d'origine
्रमः	l u	L	U	MX	NL	NZ	NC	PA	PL	RO	ZA	su	ES	SE	СН	G	в	US	YU	Others/Autres	F	
$-\frac{1}{3}$		-	_			<u> </u>	+-	<u> </u>	<del>  _</del>	<u> </u>		ļ		_	<del>                                     </del>	_				_	TOTAL	↓Pays de délivrance
		- 1	_1					1 -	_	_	5		16			1	5 10	88 108	<u> </u>	19	1	I Panama
·	-				5 3	ļ.			_				2	_		2	1	20 18	_	2	1	I Paraduay
) 8				2	3 11			2 6	_		2	3	8	1		5	12	138		6	26	6 Pérou
179 199					7	4	1	i -	-		6	2	2	34			20 78	161 543	1	14 28		0
14		2	4	2	16 25	1		2 12			1	 5	2	20 16	1		56 70	556 214	 5	7	1	
18 49		1	5 [1]	_1	22 76		-			1	9	13 6		18	42	2 4	18	202	2		79	6 Pologne
40		4	1	1	47	1	3	3 3	'	1	4		41 41	40 18	,	1	- 1	469 330	2	9	1760 1180	I Portugal
1844			-	2	100 59	7	3	1	_		3	_	9	57 15	143 65		98	1586 657	4	39 6	4795 2188	I Bonublique de Casta
17 22	3	1	4	1	8 23		3	1	14 27		-	16	1	6	13	3	12	151	2		487	Roumanie
		-			-			-	-		-=	44	2	5	47		1	241	4		991	2
2		-		= -				-	-=		-=	-=	_		<u>-</u>		1	2	_		3	1 manua
2					_			_=					_		1	L	1	_		_	5	Sainte-Lucie
192	4		- -	-	_						_	_	_	_	1	<u> </u>	1	1	_	_	3 3	I Sevenolice
82	2		-	_ _	49 24	7	1	2			_	_		19 9	56 41	11 4(	- 1	259 110	_	13 6	852 388	I Singanour
200		19	-	_	92						_	_	_	_	1 1	_	-1_	2	_	-	4	lles Salomon
131				-		19	5				_		12	76 	229 	1024	-	024	1	10	5458	Afrique du Sud
133	2 5	2		2	51 39	2	10 3	14	25 16	7 3	_1	_	5	77 54	106 100	130 53	,	396 215	6 2	5	2027 1288	
2	-		j		2		-		-		-	=	=	-	1		<del>  </del>	8	7	2	496	Union soviétique *
495 434	16	27		- 2	88	5	21	6	4		16	5	=	151	503	682	26	54	6	33	278 8352	
7	13	20	-		4	4	21	3	2		10	2	-	117	420	561 25		98 20	8	30	7515 85	Espagne
3			-		2					_ _	= -	- -	1	6	_	13		22	_ _	3	71	Sri Lanka
-   -				-		- -	_		-		- -	_ _		_		_		20	_	_	67 	Soudan
				-		_				_	15	_	-	_	_	7		-  -	_	=	22	Souaziland
161	11 29	3 15		1 3	51	3	61 42	3	2	_		99 95	14			146 515	82			12	2958	Suède
1	65 61	4 18	-	2 '	40	2	7	4	4	1	3	37	28	38	-	99	173 52	25	9	15 21	7287 3038	Suisse
ž					-	-	22	8	12	3 -	14		26 2 -	22	13	561 11	190		8	17	90/5	
18				3	34	_ -	-	- -	_		2	_ _	2	1 12		. 11 34	1	- 1		- -	57	Tanzanie (République-Unie)
1					-		_ _	_			_ _	_	_ _	-	1	_		9 -	_	10	13	Thailande
3	-].			_	4	_ _	3	1			- 1	- - -	6	2 6	13 20	9 5	2			2 2	197 189	Tunisie
3					-   .		_			-	_  .	- -			3	5 5	- 1	2 - 2 -	-	=	16	Ouganda
2 7	54 74	20 32	8 18	70	2 4	11	45 57	16 11	- 1		17 10 35 28		7 2 6 5	4	03	-	4626 7179	6	6 52	28 1	4798	Royaume-Uni 1
i	17 12	49 27	73 32	108	7 10	)1 1	08 66	2	21	7 20 2 6	7 19	15	7 111	31 17	16 4	138	-	- 2	0 8	15 4	4312	Etats-Unis d'Amérique
. 1	1	1							-  -	-   -		- -	0 62 7	1	22	931 13	62	2 -	9 15	7 2: 2	174	The state of the s
	2	12	2	1	4	2		16	= -:	1	2	1 -	8 2		14 72	96	465			1 2	1426	Uruguay
.1 1	11	5	12	5	1	3	6	6	1 -			4 9				89	786			- 1	1584	Venezuela



©ATEMIS Chart lb Patent applications filed by and patents granted to non-residents in 1983, broken down according to the country of origin

Country of origin →	AR	ΑU	AT	BS	BE	BR	BG	CA	cs	DK	FI	FR	DD	DE	C.D.	1111				
Reporting country	```		``		D.C.	B11	BG	C.	03	DK	F,	Fh	DO	UE	GR	HU	IN	IE	IL.	IT
Yugoslavia	-	1	45		11	-	12	2	12	1	10	111	45	159	_	70		1	2	86
		2	15		7		2	4	3	4	3	71	9	249	-	48		_	1 - 1	94
Zaue	-	3	, - J	-	6	_	-	1	-	_	1	12		1	_	_	-			1
		3			6	-	-	1			1	- 11	-	1		_	_			1 1
Zambia	-	3		-	3	-1		5	-1		3	5		4					-	6
		2			3	1 -1	_	2		- 1	1	_	_	2	- 1	_	_			5
Zimbabwe	-	14			2		_	8		1	2	4		10	_	_				<u> </u>
· · · · · · · · · · · · · · · · · · ·	<u> </u>	9			1			7		1	2	5		19				_	]	6



Demandes de brevets déposées par des non-résidants et brevets délivrés à des non-résidants, en 1983 répartis selon leur pays d'origine

BREVETS Tableau Ib

11	เบ	MX	NL.	NZ	NO	PA	PL	RO	ZA	SU	ES	SE	СН	GB	US	ΥU	Others/Autres		← Pays d'origine
																	Others	TOTAL	Pays de délivrance
2	1	-	17	1	3	13	11	-	-	24	5	37	55	67	260	_	3	1087	Vaugaalasia
11	!		11		7	1	11		3	15	4	14	52	16	141	_	1	807	Yougoslavie
1		-	1	1			-			<b>-</b>			5	15	17	_		66	Zaïre
1			1	1								!	5	15	16		-	64	Zaire
-	-	-			2	, -I		-	11	-		3	1	22	21	_	2	91	Zambie
11					1				14			1	2	6	20	-	3	64	Zambie
		-	-		2	1	-		38		-1	11	20	73	55	-	-	237	Zimbabwe
	[]				2	2			46			1	15	66	60		3	246	Zimbabwe

SOURCE:

Industrial Property Statistics
1983 in the form of Summary
Tables. W.I.P.O, Geneva, 1984
IP/STAT/1983/B PP. 6-9, 18-19,
10-17.



#### IP/STAT/1982/B

#### **PATENTS/BREVETS**

PATENTS Chart la Patent applications filed and patents granted during 1982 Demandes et délivrances de brevets au cours de 1982 BREV Tables

Chart la	Demandes e	et délivrances de	e brevets au c	cours de 1982			Table
COUNTRIES	1	ations for patents de brevets dépos			irants of patents t		
PAYS	Residents Résidants	Non-residents Non-résidants	Total	Residents Résidants	Non-residents Non-résidants	Total	Country c
Al	7	320	327			-	DZ
Algeria/Algérie	7		7	_			
Argentina/Argentine	951	2793	3744	740	2552	3292	AFI
Australia/Australie	6503	9572	16175	550	5248	5798	AU
Austria/Autriche	2233	2620	4853	1158	2903	4061	AT
Pahamas	3	50	53	2	43	45	BS
Pahrain/Bahrein		41	41	13	105	21 118	BH BD
Bangladesh Balgium/Belgique	914	104 2944	144 3858	896	2930	3826	BE
Bolivia/Bolivie	18	89	107	3	113	116	BO
Botswana	10	29	29	<del> </del>	29	29	BW
Brazil/Brésil	2116	5562	7678	1308	8766	10074	BR
The state of the s		340	340	<del> </del>	169	169	1
Rulgaria/Bulgarie *	3628	377	4005	1424	126	1550	BG
Burundi		2	. 2		2	2	BI
Canada	1936	23357	25293	1527	21620	23147	CA
Chile/Chili	96	665	761	37	639	676	CL
Costa Rica	38	61	99	7	26	33	CR
Cuba	183	39	222	94	56	150	CU
Cyprus Chypre		38	38	-	44	1250	CY
Czechoslovakia/Tchécoslovaquie *	59 8334	1208	1267 8883	6112	1349 287	1350 6399	cs
Denmark/Danemark	1095	4706	5801	224	1306	1530	DK
Dominican Rep /Republique dominicaine		4700		22	94	116	DO
Ecuador/Equateur	22	122	144	15	55	70	EC
Egypt Egypte	53	713	766	3	279	282	EG
El Salvador	22	61	83	6	59	65	SV
Lin/and/Finlande	1633	2907	4545	523	1534	2057	FI
France	10681	11561	22242	7764	16180	23944	FR
Gambia/Gambie		5	5	_			GM
Corman Dem, Rep./Rép. dèm, allemande	8584	1554	10138	4125	1179	5304	DD
Cornony (Fed. Rep.)/Allemagne (Rép. féd.)	30668	17158	47826	8279	8027	16306	DE
Charia		18	18		18	18	GH
Gremin Grèce	1291	1969	3260	1182	1054	2236	GR
Cuatemala	17	168	185	6	61	67	GT
Grivana Guyane	1	12	13	1	12	13	GY
Harti, Harti Hondyras	2	24	26	2	24	26	HŤ
Hong Kong Hong-Kong	17	36	53	16	50	66	HN
Hungary/Hongrie	15   2344	696	711	9 /	549	558	HK
celand Islande	18	1559 62	3903 80	1090	1039	2129	HU
ran	202	273	475	23	24 215	25	IS IN
rag tras	47	129	176	17	96	113	
reland Irlande	434	2676	3110	19	1064	1083	IE.
disel [cist]	707	2207	2914	283	1509	1792	iL.
aran Japon	210897	24427	235324	42223	8378	50601	JP.
Chya		76	· 76	_	76	76	KE
nount curg	92	618	710	77	497.	574	LU
labawa	3	43,	46		53	53	MW
1.d.		2	2				ML
Surders Magneto	3	15	18	2	4	6	MT
ginda's Ashin b		8	8		3	3	MU
dexico/Mexique	526	4280	4806	197	2386	2583	MX *
	24	483	507	17	768	785	leiri



NIS Ta Patent applications filed and patents granted during 1982 Demandes et délivrances de brevets au cours de 1982 BREVETS Tableau la

COUNTRIES	1	tions for patents de brevets dépos			rants of patents i		
PAYS	Residents Résidants	Non-residents Non-résidants	Total	Residents Résidants	Non-residents Non-résidants	Total	Country code
194.0	9	_ 37	46	13	56	69	MC
errollin (Nilsen errollin		2	2		2	2	•
rgolia/Mongolie	56	29	85	16	9	25	MN *
ecco/Maroc	47	284	331	44	292	336	MA
al/Népal	·	3	3		1	1	NP
herlands/Pays-Bas	1873	3212	5085	618	6035	6653	NL
v Zealand/Nouvelle-Zélande	986	2547	3533	185	1192	1377	NZ
magua	3	72	75		60	60	NI NI
way/Norvège	693	3733	4426	208	1641	1849	NO
1	9	290	299	2	171	173	OA
ama	9	87	96	. 9	87	96	. PA
aguay	5	40	45	3	61	64	PY
u-Pérou	56	294	350	20	332	352	PĒ
ppines	134	1514	1648	35	525	560	PH
nd Pologne	4482	990	5472	3607	856	4463	PL
luçal	92	1734	1826	9	1204	1213	PT
of Korea-Rép. de Corée	1556	4368	5924	274	2335	2609	KR
nania/Roumanie	2724	638	3362	1581	920	2501	RO
nda		2	2		2	2	RW
ralinone	<b>*</b>				18	18	SL
papore/Singapour	4	644	648	3	516	519	SG
th Africa Afrique du Sud	3017	6585	9602	_		6781	ZA
et Union/Union soviétique		2418	2418		1414	1414	su *
	156972	568	157540	89304	378	89682	30
o Espagne	1646	8555	10201	1714	7996	9710	ES
anka	12	76	88	23	241	264	LK
den Suede	4087	3442	7529	1634	6230	7864	SE
zerland/Suisse	3845	3637	7482	1915	7712	9627	СН
a Syrie	3	82	85	3	82	85	SY
and:Thailande	40	332	372	1	3	4	TH
ey-Turquie	126	385	511	42	304	346	TR
nda Ouganda		17	17		17	. 17	UG
ed Kingdom/Royaume-Uni	20530	16563	37093	4686	24904	29590	GB
ed States America/Etats-Unis Amerique	63316	46309	109625	33896	23993	57889	US
Juay	49	157	206	23	90	113	UY
5.06 <sub>9</sub>	196	1028	1224	214	1569	1783	VE
eslavia: Yougoslavie	1428	1556	2984	55	215	270	YU
?-Zaire	6	93	99	6	93	99	ZR
bia Zambie	1	91	92	2	120	122	ZM
pabwe	41	230	271	19	255	274	ZW



PATENTS

Patents in force on December 31, 1982 broken down according to the year of grant Brevets en vigueur au 31 décembre 1982 répartis selon l'année de délivrance BRI

hart II					<del></del>		····					
CODES	1982	1981	1980	<b>19</b> 79	1978	1977	1976	1975	1974	1973	1972	BEFORE AVANT 1972
Ar.	3297	3513	4562	3358	1744	3009	4092	3376	4481	4226	4677	25688
AU	1	102	591	2333	5482	6096	5821	4644	4652	4178	3621	11321
AT TA	3914	4340	4836	4687	3935	3660	3172	2984	2771	2161	2143	7100
BE	3826	4129	4860	5877	7283	7797	6931	6032	5621	5224	4455	19269
BW	29	34	19	35	23	16	13	12	9	21	19	
BG	1550	1560	1373	1453	1377	1725	832	875	1018	836	750	4533
	L	1000	10/3	14.33	13/7	- 1/2	7	6	4	2	4	58
BI	2			23546	2179€	20793	21741	20544	21287	21246	28295	164653
CA	23147	2269€	23895			528	567	703	565	572	856	3623
CL	676	632	816	439	588				33	20	21	484
CU	150	64	156		22	29	38	6				
CY	4.4	27	66	52	42	59	52	59	59	46	44	48
EC	70	34	77	110	120	212	47	23	40	106	159	486
FI	2026	1762	1489	1127	967	559	450	403	344	221	182	116
FR	21688	21904	22527	23899	25573	24749	20620	18138	16632	15904	13746	60468
DD												
DE	13751	12981	19535	19498	19201	14750	10914	7876	6995	6082	3202	1938
GH	18	12301	17	37	39	75	45	52	50	48	61	461
	7						34	33	45	15	26	151
GY:	l	25	35	26	21	20			13	58	81	1640
HN	66	82	74	80	68	126	170		13	56	01	1040
HU												
IS	25	29	27	23	14	. 14	16	8	18	: 9	4.4	24
IC	113	57	33	6.3	3	93	108	107	76	50	68	
ΙE	107€	1191	1070	799	690	678	512	439	486	342	290	492
IL							,				!	
JF	50601	50904	46106	36370	35702	36823	25334	27079	21307	21396	18512	31159
KE	7€	75	97	98	106	124	98	95	126	117	131	464
LU	701	745	822	990	1316	1376	1184	1012	779	623	558	2286
MW	50	32	22	24	24	26	25	26	25	.15	17	29
MT	6		10	12	4	11	5	5	6	2	4	11
	3	20								27	20	19
MU	1	8	13	19	15	14	10	17	24			
MX *	2583 1	2210	2002	2027	1653	2044	2441	3638	3503	3386	2806	8364
	785	615	556	<b>6</b> 66	847	1230	190	-				
MC	58	3€	43	32	23	22	16	13	16	14	7	62
*	2					-	_	-	-	-	_	_
MN *	25	35	22	17	22	16	17	16	10	5	10	62
MA	336	312	351	37.2	381	401	321	286	229	221	210	752
NL	6674	4989	2952	2450	2053	1966	1588	1473	1070	864	611	1343
	<del> </del>										<del> </del>	782
NO	1785	1641	1627	1305	1145	1109	873	795	745	624	493	<del></del>
AO	173	425	568	573	357	260	10	126	294	288	361	3758
PA	87	24	43	153	34	12	79	160	47	191	286	-
PE	352	345	331	465	1036	235	170	57	468	644	573	871
PH	558	786	898	849	872	1041	864	749	796	729	778	2977
PL	3935	5255	6029	327	1851	1941	1603	1507	581	98	274	161
FT	1213	650	_		_			_	_			
KR	2609	1776	1610	126-4	251	137	243	193	107	67	59	30
RW	2	7	2	5	2	6	6	9	2	2	2	41
SC SC	_	<del></del> 7	3	5	1	4	2	3	3	1	3	12
SG SG	519	741	549	735					576	432	360	2597
SU	1407	1558			548	468	684	498			<del> </del>	
	<del> </del>		1326	1778	1546	1156	673	692	498	529	401	479
LK	264	77	412		-	_		<b></b>			-	
SE	1	123	1538	3456	2892	3210	4238	4967	5111	4895	4118	14254
CH	9436	7645	5165	4828	498	13215	5789	5466	4422	4050	3586	13301
SY	85	64	38	90	69	55	66	40	<b>3</b> 3	28	22	62
TH	4		_									<u> </u>
TR	346	280	484	458	398				246	311	449	2232
UG	17	55	38			556	623	462				
	1/	30	38	18-	31	33	54	56	56	41	<b>5</b> 5	1027
G <b>P</b>						,						
	57880	66770	61827	48350	66140	65269	70236	71994	76275	74139	74813	466321
Ŋς	1 2 6 1											
US ZR	90	81	1(14	9;	116	121	186	147	127	144	144	1182

### **PATENTS**

PATENTS

Patent applications filed by and patents granted to non-residents in 1982, broken down according to the country of orig

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Country of origin →	AR	AU	AT	BS	BE	BR	BG	CA	cs	DK	FI	FR	DD	DE	GR	HU	IN	ΙE	11.	
Reporting country																				
Algeria	-	- 3	2		7	1	2	2	_	1	1	115		3′	3 -		5 -		-   -	
Argentina	-	- 16 - 23		2	1	28 21	1	19	-	1		215 207	1	372		- 1		- 1	·	4 8
Australia		2		6 2	46	9	1	156 62	4	42		370 222	-		1 2	5	3	1 1	2 3	
Austria				2	25	1	2	8	21	20	40	91	88	955	-	14	-	-	2	6
Baharnas		-	-=	-	=	1	-	-	-	-	-	1		2	-	-		-	-   -	-
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## **BREVETS**

Demandes de brevets déposées par des non-résidants et brevets délivrés à des non-résidants, en 1982 répartis selon leur pays d'origine

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#### **PATENTS**

PATENTS
Chart lb

Patent applications filed by and patents granted to non-residents in 1982, broken down according to the country of origin

Chart lb	non	-resid	ents ir	n 198	2, brc	oken r	nwot	accor	ding	to the	cour	ntry of	f orig	in					
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#### **BREVETS**

Demandes de brevets déposées par des non-résidants et brevets délivrés à des non-résidants, en 1982 répartis selon leur pays d'origine

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Uganda.

Uruguay

Venezuela

Yugoslavia

Zambia

Zimbabwe

United Kingdom

United States of America



## **PATENTS**

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1   22   28   1   24   2   5   37   13   72   228   150   56   611   4   63		1 1	- 1	-	-	_	-	- 1	1	= -		1			11					
ria	veden	1 1	22 2	1	1			!		13	72			- 56		-				
1 34 158 3 80 1 3 18 19 36 27 894 19 3056 1 54 1 3 18 19 36 27 894 19 3056 1 54 1 3														21	1756		41		- 1	
		1 1		8	3 1	80	- 1	- 1	i J	- 1			- 1		1	- 1			- 1	1
	118	-	- 11	-	_   :		- -	-	1	-	!	-	17							

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CHARTID		non	-resid	lents	in 198	82, br	oken d	down	ассо	rdina	to th	e col	ıntrv	of ori	ain					
Country of origin →		AR	AU	AT	BS									T	$\top$	T	$\top$	<del>-</del>	<del>-</del>	
Reporting country		, ,, ,			B3	BE	BR	BG	CA	CS	DK	FI	FR	DE	DE	GI	R H	11 L	1   11	E
Panama			-	-	-	1	-	-	-	1	<del>  -</del>	-		-	<u>-</u>	<del>,</del> -	_	1	_	
Рагадиау			-	1	-	5	3		1	1 -	=	-	4		-   - ;		_ _	1	= -	
Porg		1	2	2		5 3	8		<u>-</u>		2	- 4	12		- 27			2 -	_   _	_
Philippines		2	38	7		3 11	8 4		23	3	_	7 5		_	21	-	-	5 -		
Poland			13 5	3 16		7	1	 	10 9	18	<u> </u>	1 8	23 57		53		_1	- [	1 .	-
Portugal		_	1 8	29 6	1	9 32	- 3	3	7	12	10	6	57	16	228	_	55	5	-   -	1
The second		-	5	6 5		29	-1		7		13 7	6 6	253 156	_	249 185	-	1	i	-	2 3
Republic of Korea			8	3		21 8	3	_	30 7	_	11	13	203 98	=	300 225	1	3		.   .	2
Remania		_	5 2	20 13	2	7	_	8	4 2	14 8	5 1	2	39 90	57 55	77 172	1	78 50		-	-
Rwanda		_						_	-	_	-	-	-	-	-	-	=	-		
Sierra Leone		_	_		-	_	-		_		_	-	_	-	-	-	-		-	-
Singapore		_	20 15	1	3	8		=	2	1	1	1	28	_	57		=		-	
South Africa		2	132	37	6	58	9	-	70	=	37	43	968	_	46 1103	2	22	-	7	
Soviet Union		- -	12	33 28	2	14	6	1	21	2	23	109	189	3	500	1	217	3		-
	j ·					2		45	- 1	113	10	<u>26</u>	159	386	360		82 7		=	-
Spain	- 1	8 7		67 82	2 4	81	13	- 1	57	9	51	- 47 1	155	256 2	1603	<u>-</u> 5	5 80	-	10	
Sritanka		-	1 3			77	7	3	53	6	28	29 1	119	1	1555	6	63 1	1	8	-
Sweden		1 -	22	28	- 1	24	2	5	2 37	- 13	 72   2	1 228	150	- 56	30 611	- 4	63	6	2	_
Switzerland	- 1	1	6 1	01   22	- -	65 23	1	7 ! 13					638 297	21	1756 1202	- 2	41		1	
Syria		! -:	34 15	58 1		80	1	3	18	- 1		- 1	17	- 1	3056	1	54	1	3 3	1
hailand	- -		1 14 -		1	2	2 -	-	1 .	_	1 3	_ _	17	1	5	_	1			-
uikey		-	6	2 -	-	5		-   -		- -		1	9	_	23	_	1	_	-1	
			1	- 1	1	5			4 -	-  -	-	2	31	-[	77	1	6	-1		

142 2429

107 10002



#### **BREVETS**

Demandes de brevets déposées par des non-résidants et brevets délivrés à des non-résidants, en 1982 répartis selon leur pays d'origine

BREVETS Tableau It

		r	7	T	<del></del>					<del>,</del>		·		<u>, </u>	<del></del>	1011101				rabicau
ıt,	t i	19	МХ	NL.	NZ	NO	PA	PL	RO	ZA	SU	ES	SE	СН	GB	US	YU	/Autres		← Pays d'origine
																		Others/Autres	TOTAL	↓Pays de délivrance
3							9		-	-	-	1	3 -	1	4 -	- 54	ł	-  :	2 8	l Panama
				8						1		-	2 -	ļ.,	3 3				3 4 3 6	I Paraguay
r 7			5 6	14	_	1	3 3	_		2 2	1	10	9 10		3 19 2 14	1	1			
175 134	1		1	20 5	3	2 1	2	_		4	_	2	2 1	24	27	268	1	1	3 151 - 52	I Philippines
26 25	3	1	2	19 22	_	1 5	5 2		1	1	5 38	2	11				1		99	I Pologne
53 27	5	3 6		60 40	1	7 10	8 2	1	1	5 6	1 2		1	137 74	1	4	1		1	I Portugal
60 88	2	7	2	98 35	2	13 9	5 7	-	-	4	-	11		129		1	1	29 12		
14 17	3	1	1	8 20	_	3 5	4	6 28	_		14 36	4	9	21 47	1	1	1 3	1	63	Roumania
-		-		_	-			_	-	_	-	-	_	1		1	=	=		Rwanda
_					_	-					_		-	11	2	3	_		11	Sierra Leone
15 90	- 1	-		41 31	2	3			_		-	_	5 3	63 43	84	189	_ _	8 12		1 Singapour
15	16	17	1	70	22 	9	4		-	-		7	106	334	958 —	2104	1	41	6585	Afrique du Sud
28	4	10 9	6 4	50 32	1	6 5	12 7	17 21	14	1	-	5 3	74 53	117 91	132 60	456 220	6	16 5	2418	
5 3				1			-	-		-	-		-	_	2 2	4	_	-	568 378	Union soviétique
6	27 20	22	5 7	316 316	4 2	25 22	5	3 6	2	10 17	2 20	-	148 143	510 485	676 598	2500 2278	7 5	41 33	8555 7996	I Espadna
8	-	-	-	13	2	-	1	_	-	-	-		_	7 47	12 28	24 76	-	9	76 241	
4	28 20	7 15	3	54 279	3	61 53	1 4	5 2	1	9	158 122	17 10	_	175 426	159 451	1002 1489	7	13	3442 6230	Suède
8	68 59	7 20	1	47 293	-	11 19	2	2 8	-	3	44 62	31 23	52 183		119 437	675 1397	10 2	16 17	3637 7712	Suisse
5	1	-		4			-		_	_	-	-		4	14	11	-	1	82 82	Syrie
	-	-	1	20	1	1	-		-	-	1	-	9	18	25	123		9	332	Thaïlande
1		-	1	25 4	-	2	3	_		3	4	 2	3	31 22	29 13	102 82	_	2	385 304	Turquie
		-		1	-		_	_	-	-				5	4	2 2	-		17 17	Ouganda
3	96 36	30 41	5	493 990	52 46	69 84	7 7	11	- 1		152 191	85 70		715	-	5223 7831	15	450 104	16563 24904	Royaume-Uni
R	10 19	45 26	ı	077 619		152 65	1	25 26	8 1	199	331 209		1144	820	4351 2135		24	817	46309 23993	Etats-Unis d'Amérique
	-	-		4 3	_	1	3	-		_	1	2	- 1	17 23	11 2	40	-	2	157	Uruguay
	11	5	9 12	57 51	2	2	18	-		1	5	31	25	66	96	230 770		12	90 1028	Venezuela
	14		1	22 3	_	6	12	5		2	30	93	16 36	68 82	96 96	779 372	4	21	1570 1556	Yougoslavie
	-			2			= -	-		-			2	6	13	36 36	=	1	215 93	Zaire
		-	2		-		_	= -	- 1	18		_	2	6	13 22	36 25	=	1 2	93 91	Zambie
	-	-		1	-			_		22 45		=	2	14	41 63	23 56	-	2	120 230	And the second s
1		Ч.,		3		3		_1_	-1	42			9	20	54	62		1	255	Zimbabwe

SOURCE:

Industrial Property Statistics
1982 in the form of Summary
Tables. W.I.P.O., Geneva, 1983
IP/STAT/1982/B
pp. 8-9, 16, 10-15



Patent applications filed and patents granted during 1981

BRE

TENTS art la	Patent applica Demandes e	tions filed and p t délivrances de	brevets au co	urs de 1981			Ta I
COUNTRIES	:	tions for patents f de brevets déposé			rants of patents t		
PAY <b>S</b>	Residents Résidents	Non-residents Non-résidents	Total	Residents Résidants	Non-residents Non-résidants	Total	Coun
		340	340		_		
Mgoria/Algérie	14		14	200	2694	3514	
Argentina/Argentine	954	3321	4275	820	5929	6434	
Australia/Australie	6341	9807	16148	505 1120	4360	5480	
Austria/Autriche	2390	3428	5818	1120	51	51	-
lahamas	2	51	53	1	29	30	┪
Pahrain/Bahrein	1	28	29	17	85	102	-{
Bangladesh	39	133	172		22	22	
Parbados/Barbade		38	38	788	3902	4690	-
Belgium/Belgique 1	806	3918	4724	6	145	151	+
Bolivia/Bolivie	12	120	132 8284	844	9448	10292	1-
Brazil/Brésil	2171	6113	365	1	239	4 240	-
Rulgaria/Bulgarie *	4	361	4179	1416	144	1560	-
	3669	510	41/9	1410	5	5	+
Burundi		5	25498	1369	21327	22696	-
lanada 2	1951	23547 744	25496 836	67	568	635	1-
Chile/Chili	92		643	4	202	206	- -
Colombia/Colornbie	39	604	132	8	20	28	-
Costa Rica	41		180	32	32	64	-†
Duba	122	58	34	<del></del>	, 27	27	1
Cyprus/Chypre	69	1282	1351	<del> </del>	1349	1350	1
Czechoslovakia/Tchécoslovaquie 2 *	7967	737	8704	5446	211	5657	
	1085	4745	5830	163	1276	1439	_
Denmark/Danemark	14	180	194	3	31	34	
Foundor/Equateur	59	738	797	8	249	257	1-
Egypt/Egypte	17	107	124	<u>-</u>			+-
Ét Salvador	<del></del>	14	14		5	5	-
Figi/Fidji	1423	2809	4232	491	1559	2050	
Finland/Finlande			24668	6855	14622	21477	
France 1	10945	13/23 2177	9597	5713	1734	7447	
German Dem, Rep /Rép. dém, allemande Germany (Fed. Rep.)/Allemagne (Rép. féd.)	7420 29841	16738	46579	6537	6892	13429	
, and the second	29041	19	19		19	19	
Ghana Greece/Gr <b>éce</b>	1273	1881	3154	1368	1164	2532	
Haiti/Haiti	12/3	1001	8	- 1000	14	14	
Hong Kong/Hong-Kong	22		659	22		654	-
Hungary/Hongrie	2124		3652	764	840	1604	
rongaryzriongrie IcelandzIslande	14		93	1		29	
India/Inde	1067		2901	419		1289	
Iraq/Irak	26		133	13		58	
Ireland/Irlande	461	_1	3110	25		1340	1
Israel/Israel	727	_	2859	294		1535	1
Italy/Italie			14843		-	6500	1
Japan/Japon <b>3</b>	191621		216307	42080	8824	50904	
Jordan/Jordanie	1	91	91				
Kenya		75	75		75	75	1
Luxembourg 1	109		817	73	745	818	1
Malawi	7		48	2		34	
Mali			8	-	-		- -
Malta Malte	-		23	2	19	21	-1-
Mauritius/Maurice	°		21	<del> </del>	8	8	
	704		5328	188		2210	
Mexico/Mexique *	61		669	22		615	
		56	76	9		68	



ATENTS hart la Patent applications filed and patents granted during 1981 Demandes et délivrances de brevets au cours de 1981 BREVET Tableau i

	Applica	ations for patents t	filed by	G	irants of patents to	.0	
COUNTRIES	Demandes	de brevets dépos	ées par des	Bro	evets délivrés à d	es	
PAYS	Residents Résidants	Non-residents	Total	Residents Résidants	Non-residents	Total	Country code
			<u> </u>		991	1	\
Могессо/Магос	36	299	335	31	281	312 3058	MA NL
Netherlands/Pays Bas 1	1897	4228	6125	397	1435	1634	NZ NZ
New Zealand: Neuvelle-Zélande	1033	2424	3457	199		<u> </u>	
Norvège	714	3785	4499	179	1668	1847	NO
MAPI 4	77	278	285				OA
Focama	8	90	98	2	22	24	PA
Paraguay	22	85	107	2	49	51	PY
Peru Pérou	50	375	425	32	313	345	PE
Philippines	91	1514	1605	69	718	787	PH
Poland/Pologne	4370	1188	5558	4693	1409	6102	PL.
Portugal	90	1843	1933	48	1540	1588	PI
Rep. of Korea/Rép. de Corée	1319	3984	5303	232	1576	1808	KR
Remania/Roumanie	2481	. 681	3162	1228	1276	2504	RO
Rwanda 2		7	, 7		7	7	RW
Saint Lucia/Sainte-Lucie		10	10		10	10	LC
Samoa	2	_	2	<u> </u>			WS
Seychelles		7	7	<u> </u>	7	7	sc
Sierraleone				-	23	23	SL
Somalia/Somalie	<del> </del>	1		2	143	145	SO
South Africa/Afrique du Sud	3340	5694	9034	<del>  -</del>	-	6005	ZA
A TO THE RESERVE AND A SECOND COMMENTS OF THE PARTY OF TH	5	2590	2595	1	1715	1716	SU *
Soviet Union/Union soviétique	146223	682	146905	96536	227	96763	
Spain Espagne	1718	8509	10227	1115	6140	7255	ES
Sulanka	6	102	108	19	58	77	LK
Swaziland Sonaziland					25	25	SZ
Swerlen/Suede 1	3914	3968	7882	1321	3561	4882	SE
Switzerland/Suisse	3712	4430	8142	1908	6381	8289	CH
Syria/Syrie	7	76	83				SY
Thailand/Thailande	26	304	330			f	TH
Tunisia/Tunisie	28	183	211	25	152	177	TN
Tunisia/Tunisie Turkey/Turquie		183	525	25	254	280	TR
The second secon	157		525		55	55	UG
Pointed Fingdom/Royaume-Uni 7 5	20000	55		6076	16848	22924	GB
The second secon	20808	18406	39214	6076	26545	65770	US
United States America/Etats-Unis Amérique	62404	44009	106413	39225			
Uruguay	71	227	298	21	158	179	. UY
Venezuela	176	1980	2156	58	755	813	VE
Dem Yemen/Yémen dém.		3	3	<u> </u>	<u> </u>	1	YD
rugoslavia/Yougoslavie	1422	1734	3156	94	741	835	YU
Zaire/Zaire	8	74	82	8	73	81	ZR
Zambia/Zambie	1	107	108		68	68	ZM
Zimbabwe	35	274	309	5	274	279	ZW



PATENTS

Patents in force on December 31, 1981 broken down according to the year of grant Brevets en vigueur au 31 décembre 1981 répartis selon l'année de délivrance

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	T	7	7 .	T	Ţ	1	T	1	1 .		T		_
CODES	1981	1980	1979	1978	1977	1976	1975	1974	1973	1972	1971	BEFORE AVANT 1971	-
AR Att	3514	4562	3368	1744	3008	4102	3384	4485	4223	5052	5277	25403	-
A1 1 2	4708	5358	5333	4554	4263	3679	3486	3279	2570	2553	2080	6943	
BB	17	44	33	24	9	12	15	6	4	7	9	14	
RET	4690	5311	6465	8142	8854	7929	7038	6518	6046	5229	4600	19276	
RIG *	240	363	404	281	131	142	155	88	108	34	55	118	
	1560	1373	1453	1377	1726	832	875	1018	836	750	694	3839	
स	5	10	11	4	6	77	6	4	2	4	5	53	
(AB	22696	23895	23546	21796	20793	21741	20544	21287	21246	28295	29593	158835	
(1 (0	635 206	816 403	440	588	533	567	703	566	580	869 50	1091	3873	
CR	28	32	844	45 12	100	14	5	16 59	63	37	697 42	740	
	64	156		22	66 29	42 38	82 6	33	20	21	47	437	. ,
CY	27	66		42			L	59	46	44	49	87	
FG 3	41		52	177	59 395	52	59 579	584	425	426	333	616	
f J	5	9	<u>-</u>	<u></u>	395	483	5/9	504	425		- 333	010	
11	1939	1680	1298	1054	675	548	514	409	262	254	230	186	
in 14		24849	26915	29396	27590	24927	20502	18958	18187	16023	14253	59725	
ĠĦ	19	17	37	39	75	45	52	50	48	61	96	439	
HU			1				<del>-</del> -	<del> </del>	<u> </u>	t	† <u></u> -	1	
iš	29	27	23	19	27	36	8	19	11	6	45	19	
IN	1289	1470	1100	1049	1257	936	701	866	401	421	865	1637	~~
iQ	58	33	64	3	95	115	157	136	84	132	27		
IE.	1316	1271	937	802	782	573	500	528	375	336	319	360	
11.	1	1	l			-	<u> </u>	1			<b> </b>	1	-
JP 3	50904	46106	44104	39179	40665	27536	30093	24845	23704	21514	17422	41561	-1
KĒ	75	97	98	106	124	98	95	126	117	131	120	406	-
1074	817	831	992	1307	1379	1208	1068	844	685	607	481	2130	
MW	34	31	28	26	29	26	27	25	16	26	6	47	
MI	21	12	12	4	11	5	5	6	2	4	9	9	
MU	8	13	19	15	14	10	17	24	27	20	3	22	
MX *	2210	2002	2027	1653	2044	2441	3638	3503	3388	2806	2136	6228	
	615	556	666	847	1230	190							
MC Lit	53	48	38	29	21	17	15	16	15	8	4	60	
MA .	312	351	372	381	401	321	286	229	221	210	145	1002	
NL 1	3004	2997	2794	2367	2302	1856	1683	1266	1049	836	596	2101	
NO	1779	1788	1508	1311	1268	1030	941	868	730	593	518	721	
OA Di	24	568	573	357	269	10	126	294	288	361	470	2288	_
PA PÉ	24	43	153	34	12	79	160	47	191	286			_
PH -	345	331	466	1036	235	170	57	468	644	573	871	ļ	_
Pl	787 5282	902	853	878	1047	869	750	802	730	780	611	2950	[
KB	1576	6694 1632	4949	2454	2429	2490	2149	843	156	412	183	274	_
10 <b>7</b>	2296	2265	1419 2597	1453	274	479	442	322	199	218	229	266	4
่ สพ่	7	220.3	2397	1453	2049	1291	918	1377	814	564	671	1260	-
id	10	14	15	2	4	$\frac{6}{2}$	9	10	9	<u>2</u> 5	6 7	35	-
ws :		i	3			1	1	10	2	3		15	+
SC	7	3	5	<u>-</u>	4	- 2	3	3	1	3	4	14	+
ŠL.	23	34	25	13	9	18	21	26	20	22	22	<del> </del>	+
SU	1692	1473	2043	1772	1349	787	837	600	675	515	419	420	+
LK.	77	620			1	-		_		- 515	713	420	+
\$2	25	11	27	27	14	9	11	11	15	24	9		+
ξ. 1. T		94	654	1286	2291	3616	4953	5644	5632	4814	4008	14455	t
H	8202	5789	5490	556	15303	6780	6409	5192	4795	4284	3910	13259	t
in .	177	222	242	211	114	212	201	380	137	385	89	2063	t
111	280	484	458	398	656	623	462	246	311	449	400	1832	1
le)	55	38	18	31	33	54	56	56	41	55	83	944	t
153	65770	61827	48853	66140	65269	70236	71994	76275	74139	74813	78316	388005	+
	. 1	757	650	1748	740	1004	1110				The same of the sa		. <b>.</b>
or On	81			1740	740	1934	1418	1647	1482	2310	1620		Ĺ



HMIS WIII Patents in force on December 31, 1981 broken down according to the year of grant Brevets en vigueur au 31 décembre 1981 répartis selon l'année de délivrance BREVETS Tableau II

ODES	1981	1980	1979	1978	1977	1976	1975	1974	1973	1972	1971	BEFORE AVANT 1971	TOTAL
						72	90	61	57	36	30	111	585
ZM	1	3	2	57	64	/3				108	37	576	2327
ŽŴ	276	212	189	160	153	204	137	123	152	100		5,0	



+ ATENTS Chart lb Patent applications filed by and patents granted to .

Chart Ib	non-	resid	ents i	n 198	1, bro	ken d	nwol	accor	ding	to the	cour	itry of	origi	n		т	· · · · ·	<del>,</del> -	<del></del>	
Country of origin →	AR	AU	AT	BS	BE	BR	BG	CA	CS	DK	FI	FR	DD	DE	GR	ни	IN	IE	IL	l u
Reporting country												70		- 00						
V[deri8	_ _	- -	3	_	11	2	_	2		_		76 —	2	33	_	5			-	22
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Austria	1	9 12	-	2 1	17 30	3 3	6 4	6 17	30 20	18 22	24 36	129 278		1282 1930		147 61	_	2	8	10
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Relgium <sup>1</sup>	3	26 26	27 27	-	_	2 2	2 2	21 21	15 15	31 31	31 31	466 459	11 11	631 631	1	66 66	4	4	6	2:
Bolivia	4 7	2	-		- 6	1 4	-	2	- 1	2	=	6 5		13 12	=	1	2	-		
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Canada 2	15 5	269 159	163 135	3	175 164	17	12	=	14 20	110 85	142 99	1163 1061	2	2192 1845	5 2	93 41	5 5	33 15	44 30	3
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Colombia	2	2	2	_	2	4	_	6	-	_ 2	=	32 12	-	33 16	-	1	-	1		
Costa Rica	-	_			=	_	_	-	_	_	=	1		7	=	_				
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Cyprus	_	1	-	_	_	_	_	_	_	1	_	2 2	-	1	1	-	-	-		
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Czechoslovakia *	-		 1	_		-	34	-		_	_	-	314 107	- 1	1	2 7			-	
Denmark	2	29 3	45 7		30 13	1	4	21	7	-	74 13	329 104		1070 318	1	61 16	-	16	5 2	1
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German Democratic Republic	3	60 3	148 47	2	135 7	5 1	24 46	92 3	31 125	101 5	61 20	- 77	60 —	3610 441	5	62 131	1	8	24	76
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## **BREVETS**

Demandes de brevets déposées par des non-résidants et brevets délivrés à des non-résidants, en 1981 répartis selon leur pays d'origine BREVET: Tableau I

							дé	livrés	à de	s non	-résic	lants.	en 19	81 ré	partis	s selo	n leu	r pays	d'ori	gine	1 apieau 1
			i	Γ	Τ	<u> </u>												VI.1	* * Autres		← Pays d'origine
JIP.	U	LU	МХ	NL	N	NZ	NO	PA	PL	RO	ZA	SU	ES	SE	СН	GB	US	YU	* * Others/Autres	TOTAL	Pays de délivrance
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97 1163	6 16	- 2 32	3	31	1	2 164	5 25	13 5	2		13 141	50	18	147	334 241	1177 577	4119 2636	3	56 21	9807 5929	Australie
0.46 5140	<u>3</u> 3	14	3	I .	7	58	18	8	<u>4</u>	3	47	28 46	11	156 95	368	97 157	502 568	11	7	3428 4360	Autriche
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# **PATENTS**

Chart Ib

Patent applications filed by and patents granted to non-residents in 1981, broken down according to the country of origin

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Country of origin →	AR	ΑU	ΑT	BS	BE	BR	BG	CA	cs	DK	FI	FR	DD	DE	GR	нυ	IN	IE	IL	ıT
Reporting country								110	121	125		877	609		_	185		12	58	75
Germany (fiederal Republic of)	12	72 19	450 131		89 40		- -	119 56	31	54		629	47		_	52		4	3	17
Ghana	_	_	-	_	_	-	-		_	1	-		- 5	2	<u>-</u>	47		1	5	11
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Hungary	_	1	27 43	_ _	11 6		21 4	6 2	25 18	3 2	11 6	105 53	175 63	5 <sup>389</sup> 213		_				3
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India	1	32	1	- 1	16 7	-	5 2	22 11	1	16 2	9	122 59	_	236 149	2	24 18		4	1	
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Israel	1	<b>+</b>	5	-	17	2		16	1	7 5	1	113 72	-	380 247	2	36 18	t	1	-	
Japan 6	11		218	4	1	11	29	270	46		100	1624 473	122	5797 1460		1	6	1	50 5	1
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Demandes de brevets déposées par des non-résidants et brevets délivrés à des non-résidants, en 1981 répartis selon leur pays d'origine BREVET Tableau i

						dé	elivrés	s à de	s non	-résid	dants	, en 1	981 ré	parti	s selc	n leui	pays	d'ori	Girie	rapieau i
				4.14		NO		n.	00	7,4	CII	50	CE.	CH	GB	us	ΥU	* * Autres		← Pays d'origine
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4945 1541	89 30	34 14	-	471 343		45 17	-	 		35 10	349 239	96 17	486 187	1256 534	712 372	4374 2229	_	358 114	16738 6892	Allemagne (Rép. fédérale d')
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20 20 25	5 8	- 1	3	75 39	1	5	1	4	 1	6 12	4	18 17	29 12	116 66	180 73	618 326	2	6 10	1881 1164	'Grèce
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125 120				17 15	2	1	2	_	_	3		1	4	42 38	101	231 247	-	5 5	637 632	Hong-Kong
ρ <sub>0</sub> 30	5	1 2		39 16	1	2	3	20 14	2		43 40	3	21 27	117 68	62 55	302 117	4	1	1528 840	Hongrie
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2 20 21	1	3	3	62	4	12 3	3	5 3		1 7 1	57 33	14	27 17	68 . 43	234	610 285	1	24	1834 870	Inde .
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115	8 11	3	-	102 48	- 1 6 4	13	3			3	6	13 2	54 31	150 73	498 203	978 370	1	14	2649 1315	Irlande
17 37 16	15	6		67 15	1	4	3	-		17 9	-	16	12	196 83	130 128	961 569		7 2	2132 1241	Israël
	41	45	14	883 390	32 5	37 15	24 7	15 15	2 4	49 7	249 233	53 14			1556 492	10290 4371	13	360 80	24686 8824	Japon 6
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4 431911	20	18	3	9	3	21	<u>-</u>	-	 1	- 6	 21	14 27	3 117	12 184	12 186	64 1357		5 15	281 4228	Pays-Bas 1
328 86	13	3	1	76	2	12 15	3	7		3 19	32	6 5	58 52	162 144	142 444	868 940	_ 2	1 19	2661 2424	Nouvelle-Zélande
107	2	7	2	143	3	1	5	3		6	2 13	22	24 435	113 202	266 340	513 1116	<u>-</u>	9 23	1435 3785	Norvège
67 C	10 1	2	1	73 3		2	4	2		2	<u>11</u> 	5 4	239 6	94	121 18	404 59		1	1668 278	OAPI
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**PATENTS** 

Chart lb

Patent applications filed by and patents granted to non-residents in 1981, broken down according to the country of origin

Country of origin →	AR	AU	AT	BS	BE	BR	BG	CA	cs	DK	FI	FR	DD	DE	GR	ни	IN	ΙE	II.	ır
Reporting country ↓	1		'''																	
Philippines	2	40	i l	1	17	1 1	-	18 10	=	2 4	3	62 43	_	152 66	<u> </u>	9	4	-	4	4
Poland		5	29	1	16	1		10	14 18	8	15	63 86	42 37	232 307	_	109 84		1		4
Pertugal	1	7 8	13 10	-	34 25	1 4	_	8	1 -	11 11	9	226 245	_	276 247	1	27 22		3 1	3	11
Republic of Korea	1	29 4	6 2	4	+	2	1	25 6	_	12 1	4	167 68	_	275 137	1	_	_	3		3
Remania		2 3	1 1		8	1	11 10	4 13	14 15	2 8	1	60 95	63 93	109 282	-	43 50	1	1	1	2 5
Bwanda 2	_		-	-    -	-	_	- -	-	<u> </u>	_	<u>-</u>	3	-	_	=					
Saint Lucia		-	-	-	-	_	-	-	_	1	_	-		2 2	-		_			]
Saychelles	-	_		-	-	_	-	- -	-	Ē	<u>-</u>		-	2 2	=	-	_	-	-	
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South Africa	4	145						81	<u>-</u>	30	22	300	_	970	2	16	* - -	2	51	12
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Spain	9	<b>43</b> <b>3</b> 0	74 61	5 1	80 45	5 2	7	46 38	7 6	37 25	33 22	1184 902	_	1678 1244	7	64 65	1	7 8	29 9	490 354
Sri Lanka	_	- 3			- 1	-	-	-	-	-	-	1 2	<u>-</u>	14 10	:	4	6	2	-	3
Sweden 1		23 25	40 48	3	23 18	7	5	51 40	19 21	78 61	180 73	161 292	58 21	762 782	_	72 26		2	13	160 79
Switzerland	4	15 19	182 118	- 1	23 64	5	6	18	38	25 39	12 13	311 703	96	1481 2598	_	90	2	1 2	10	251 227
Syria	-			=	_	_	_			- -	- -	11	4	7	7=	4				17
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Trinisia	-	4	1	- 5	8	-	-	1	_		=	72 61		14	-	1 3	_		=	18
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Uganda			-		1	-		-		-		4 4		3	-	1	=			3
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United States of America	55 25	597	449 279	4	391 262	66 23	30 2	1/5 2202 1135	82	243 130		3237	96	3597 9924 6250	22 5	212	22	53 63	317 1	476 1384
Uruguay	15 16	1	1	-	3 2	5 4			-	1 3	-	8 8	-1	18 14		98	6	<u> 17</u>	1	883 29
Venezuela	8 2	7	5	1	9.	. 4	1	33 11	-	4	3	98 58	-	142	1	15	1	3	1	112 51
Democratic Yemen	-				-	-		-		-	1	-		2			-	-=		51
tugoslavia		13	32	1	15		7	8	11	3		121	69 7	369	1	96			1	101
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## BREVETS

Demandes de brevets déposées par des non-résidants et brevets délivrés à des non-résidants, en 1981 répartis selon leur pays d'origine

BREVE1S Tableau It

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			T	<del>,</del>	·	<u> </u>	ellyl e	SHUE	s nor	1-1851	gants	, en 1	981 r	epart	is sel	on ieu	rpay	<b>5</b> 0 0	rigine	l ableau It
it,	·(,1	ŧυ	мх	NI.	NZ	NO	PA	PL	RO	ZA	SU	ES	SE	СН	GB	us	YU	* * Others/Autres		← Pays d'origine
																			TOTAL	Pays de délivrance
16. 30 54	1		2	25 18	1	4	10	-		3 2 1	-	3	2	71 62	50	709 316	-	25	718	Philippines
31 11	7 5	8 8 7	1	31 43 71		14	3 7 6	-	2	1  6	13 40	2	47	73 99	82	336 362	1	1	1409	Pologne
V 529	7 4	$-\frac{7}{2}$	2	63 88	2	12 2	10	3 1	2	4	2	76 51	36 17	128 150	117	520 392	4	9	1540	Portugal
71K		2	2	20		5  4	8 6			6		6 2	49 8	115 60	61	1378 438		43	1576	I Pápublique de Corés
10	9	1	-	12 16		1	4	9 38		1	9 52	8	5 11	24 45	26 37	211 331	2 4	1	1276	<del></del>
		1		V-0.			_	-		_			-	_		1	_	2	7	Rwanda
1										_			-	_	.1 1	5 5	_	_	10	1 Sainte-Lucie
2						***************************************	_			-		_	-	_	1	2	_	_	7	Seychelles
1						_	_		_	-		_	-	- 4	 6	- 6	:	2	23	Sierra Leone
1 191	16	32	1 4	123	- 19		- 6				_ <u>:</u>	1	-	4	- 6	40	<u>-</u>	1		Somalie
130	6	13	3	$-\frac{123}{65}$		15  15						16 	75 -	347	933	2051	2	9		Afrique du Sud
142	7	11		32	1	7	9 12	31 18	3	1		12 2	90 81	163 138	123 98	562 349	8 8	16 3	1715	Union soviétique
136	22	19	5	345	- 2	26	8	1 5	- 4		-		1	-	_	10 2	2	1	227	
999 2	12	12	11	262	5	17	8	5	3	19 10	17 14		155 89	494 405	646 413	2457 1724	6 4	37 23	8509 6140	Espagne
5 30	20	13	- 2	2	 	62		3		11	155	- - 32	-	21 6	10	29 12	1	1	102 58	Sri Lanka
01 24	22 112	12	2	175 96	2	28	2	7		6	85 49	9	_	199 236	186 210	1151 1059	7	13 6	3968 3561	Suède <sup>1</sup>
72	76	19	1	236		14	8	5	6	9	71	31 18	101 160	- - 7	156 303	818 1171	13 6	12 7	4430 6381	Suisse.
57			- 2	- 6			_	_			_		_		9	12	1	1	76 	Syrie
				5			_				_	_	3	21	28 	121	_	8 	304 —	Thailande
1 4	2		3	7		3	1				- - 7	5	5	16 12	10 5	25 13		1	183 152	Tunisie
12	3			7			1		_!			1	5	24 18	27 23	123 63	_	_	368 254	Turquie
1	56	36	15	- 592	<u>-</u>	74	9	17	6	87	171	103	415	7 7 819	17 17	16 16 5962	_	2	55 55	Ouganda
)/\ /\	52 18	38 51	8	727	38	63 133	6	17 49	8	48	110	46	431	873 828 4	-	6234	15 5 28	424 129	18406 16848	Royaume-Uni 1
i)	20	27	1	641	47	93		38			373		766 1	239 2		73		651 206	44009 26545	Etats-Unis d'Amérique
7.			- 9	2 38	1 4	1 9	1 6			2	7	6 71	31	17 102	9	48 1082	_	2	227 158	Uruguay
7	2	4	1	_13	-	-1	1	1		2		56	13	42	40	363	_	28 4	1980 755	Venezuela
۵	c.	3	- 3	37	-	5		_			- 62	-		-	- 70	-	_	_	3	Yémen démocratique
Я	ė	1		14		3	1 -	4	2		21	1	23	170 58	79 27	441 116	_	4	1734 741	Yougoslavie
						-  -		- -		20	_ _	- -	_	3	9	34 33	_	1	74	Zaire
1				_1		1				9			2 2	1	24 12	28 19		1	107 68	Zambie
i																				



## **PATENTS**

PATEMIS Chart Ib

Patent applications filed by and patents granted to non-residents in 1981, broken down according to the country of origin

																			,		
	Country of origin	AR	AU	AT	BS	BE	BR	BG	CA	cs	DK	FI	FR	DD	DE	GR	HU	IN	ΙE	IL.	r
	Neporting country ↓	1	8	1	2	2	1	-	3	-	=	4	14	=	18 20	ł	2	-		1	
١	Zimbahwe	-	4	1	-		1		4		l	<u></u>	1	L	L	J	L	L	L		

## **BREVETS**

Demandes de brevets déposées par des non-résidants et brevets délivrés à des non-résidants, en 1981 répartis selon leur pays d'origine BREVET Tableau I

	delivies a desirior resistant.																			
																		* × v		← Pays d'origine
lts	IJ	LU	мх	NL	NZ	NO	PA	PL	RO	ZA	SU	ES	SE	СН	GB	US	YU	Others/A	TOTAL	↓Pays de délivrance
			]	1		1		ļ									<del></del>		074	
			1			3	1			413			9	26	54	60	1	3	274	Zimbabwe
- 1		- 2	_	4	-,	_				59	l	_	4	14	76	57	_	3	274	

SOURCE:

Industrial Property Statistics
1981 in the form of Summary
Tables. W.I.P.O., Geneva, 1983
IP/STAT/1981/B
PP. 8-9, 18-19, 10-17



PATENTS Chart la Patent applications filed and patents granted during 1980 Demandes et délivrances de brevets au cours de 1980 BRE! Table

art la	Demandes e	t délivrances de	e brevets au c	ours de 1980			ia
COUNTRIES		tions for patents de brevets dépos	-		rants of patents evets délivrés à c		:
PAYS	Residents Résidants	Non-residents Non-résidants	Total	Residents Résidants	Non-residents Non-résidants	Total	Code
*		349	349		_		
Migeua/Algérie <sup>™</sup>	5		5	_	_		1
Argentina/Argentine	1259	3063	4332	1590	2980	4570	
Australia Australie	5582	9354	15936	620	7805	8425	
Nestra/Autriche i	232 7	4166	6493	2 1227	4745	5972	
Pahamas		34	34		34	34	
3ahrain/Bahrein		47	47		52	52	1
Ungladesh	34	102	136	7	94	101	ļ
Relgium/Belgique	865	5104	5969	2 837	5081	5918	<u> </u>
Belivia/Bolivie	8	117	125	9	126	135	
Botswana	_	18	18		18	18	
BrazilfBrésil 1	2149	6228	8377	349	3494	3843	
Outrovia/Dutumia *	1	452	453		425	425	
Rulgaria/Bulgarie	3296	352	3648	1271	102	1373	
Burundi		· 10	10		10	10	
Janada	1785	23189	24974	1503	22392	23895	ļ
Chile/Chili	140	685	825	71	746	817	·
Colombia/Colombie	43	335	378	12	391	403	ļ
Costa Rica	30	85	115	13	19	32	ļ
Çuba	129	70	199	84	72	156	
Cypros/Chypre	1	65	66	1	65	66	
Czechoslovakia/Tchécoslovaquie *	57	1495	1552	4	1546	1550	
	7549	541	8090	6763	307	7070	.
Denmark Danemark 1	964	4605	5569	192	1453	1645	<u> </u>
Ecuador/Equateur	35	152	187	1	76	77	.
Egypt/Egypte	76	731	807	10	317	327	
E1 Salvador	12	79	91	5	50	55	. <b> </b>
Fiji/Fidji	2	11	13	2	7	9	<u>  </u>
Finland/Finlande 1	1356	2734	4090	439	1467	1906	
France 1	11000	16989	27989	2 8438	19622	28060	
German Dem. Rep./Rép. dém. allemande	6599	1891	8490	4455	1371	5826	<u> </u>
Germany (Fed. Rep.)/Allemagne (Rép. féd.) 1	3 28683	19900	48583	2 9826	10362	20188	<u> </u>
Ghana		17	17		17	17	
Greece/Grèce	1308	1590	2898	1114	942	2056	1
Grenada/Grenade		2	2	_	2	2	
Haiti/Haiti	4	13	17	4	10	14	
Honduras	6	40	46	2	67	69	1
Hong Kong/Hong-Kong	10	723	733	10	708	718	
Hungary/Hongrie 1	1601	1571	3172	760	1018	1778	
celand/Islande	19	58	77	_	27	27	
India, Inde	1207	1817	3024	349	1152	1501	
ndonesia/Indonésie	5	475	480		_		
lran	169	493	662	35	366	401	
raq/Irak	19	126	145	14	24	38	
reland/Irlande	394	2355	2749	24	1407	1431	
srael/Israël	669	2104	2773	305	1419	1724	
Italy/Italie	6369	9971	16340	2 1810	6190	8000	
Japan/Japon 1	4 165730	25290	191020	38032	8074	46106	
Kenya		96	96	-	97	97	1
Livon-bourg (	97	897	994	2 73	1025	1098	1
Luxembourg 1	<del> </del>	7					
Malawi i	2	51	53	2	34	36	
	2 - 7	51 7 17	53 7 24	2	34  11	36	



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#### PATENTS/BREVETS

Patent applications filed and patents granted during 1980 Demandes et délivrances de brevets au cours de 1980 BREVETS Tableau la



PATENTS Chart II Patents in force on December 31, 1980 broken down according to the year of grant Brevets en vigueur au 31 décembre 1980 répartis selon l'année de délivrance BREVE Tablea

Chart II			Brevets	en vigueui	rau 31 déc	embre 19	80 répartis	s selon l'ar	nnée de dé	livrance	·	<del>,</del>	Tablea
CODES	1980	1979	1978	1977	1976	1975	1974	1973	1972	1971	1970	BEFORE AVANT 1970	101/
AR	4570	3375	1749	3017	4107	3395	4514	4265	5087	5830	6742	31927	785
ĀU													614
ĀΪ	5590	5708	4891	4663	3968	3800	3529	2757	2698	2212	1873	6046	477
ВH	52	38	24	43	38	27	34	20	16	, 19	23		3
BÜ	101	103	107	95	114	319	195	28	9			10000	10
UL	5918	7061	9078	9938	9146	8108	7653	7109	6220	5377	4653	19355	996
BG	427	404	286	148	168	200	95	115	39	42	80	113 49	
81	10	1	4	6	7	6	4	2	4	5 29593	28741	153824	4153
OA	23895	23546	21796	20793	21741	20544	21287	21246	28295 50	697	20/41	133024	21
CO _	403	844	45	100 66	14	5 83	16 59	63	38	44	34	311	
CR cit	32 156	20	12 22	29	38	6	33	20	21	47	20	532	
GY	66	52	42	59	52	59	59	46	44	49	39	48	1-6
CS	00	J.C.						<del> </del>					444
bk.							<b> </b>	l	<del> </del>			-	133
EG			50	285	400	880	572	422	373	281	210	582	40
GV	45	39	69	61	53	62	36		_		_		1 . :
FI	1762	1378	1489	805	601	642	449	312	304	320	170	146	83
FR 1	27168	29020	31073	30468	27920	25003	21576	20744	18524	16652	14191	53912	3222
bi	7	553	3319	6642	9594	11543	12571	13097	13253	13333	12543	41584	1380
GH	17	37	39	75	45	52	50	48	61	96	70		-
GĎ	2	12	3	4	2	5	5	2	4	10	. 8	66	
HT	14	24	7	25	10	15	. 17	14	6	13	31		
HIN	69	73	66	126	172		14	1	59	65	29	247	9
Щ													13
is	27	23	19	27	36	8	19	11	6	5	10	13	1
IN .	1492	1157	1171	1297	966	720	1161	420	428	955	915	1945	120
10	38	82	4	124	163	181	138	97	384	77	16		10
IE	1411	1125	972	891	641	554	585	433	375	353	260	283	78
IL									ļ				118
JP	46106	44104	45504	45295	31165	31915	25519	26540	23214	18916	14904	39548	3927
KE	97	98	106	124	98	95	126	117	131	120	103	431	16
LU	970	1224	1667	1758	1591	1378	1085	890	790	645	536	2208	147
MW	34	34	28	34	27	30	31	25	35	10	58	178	.
M1	12	12	5	11	6	5	6	2	4	13	3	11	
MU	13	19	15	14	10	17	24	27	20	3	6	19	179
MX	1996	2026	1660	2064	2590	1220	926	831	1572	972 6	982	1081	1-1/3
MC i	53 <u>.</u> 351	372	35 381	24 401	23 321	16 286	20 229	15 221	210	145	98	904	39
NE.	3284	3154	2701	2634	2126	1921	1480	1255	969	702	577	2238	230
NO -	2039	1702	1503	1486	1185	1087	1048	882	728	654	439	721	134
140 140	£ W.) 7	1102	1303	1700	1103	1007	1040	1002	120	<del> </del>	+ + 13		1 21
FK								<del> </del>	<del>                                     </del>	<del> </del>	<del> </del>	<del> </del>	80
ĨĀ.	32	117	36	8	81	741	180	216	420	1300	228		33
I E	331	466	1036	235	170	57	468	644	573	871			48
FH	904	855	878	1050	872	750	802	730	781	984	616	3317	125
řξ	6907	5730	3812	2772	2623	2815	1105	204	574	268	192	290	272
KR	1632	1419	427	274	479	442	322	199	218	229	266	3165	90
RO	2250	2404	2036	1867	1442	1426	1389	1139	564	107	101	2494	172
RW	2	6	2	6	6	9	2	2	2	6	_	35	1
WS	1	3	1	3	1	1	1	2	-	_			
50	3	5	1	4	2	3	3	1	6	3	3	27	
\$G	549	735	548	532	684	498	576	432	360	335	289	1973	75
su *	1551	2258	2029	1577	935	977	707	816	652	524	385	295	127
l													7805
ίκ	620		-	3	12	4	-			18			6
ŞF		97	810	1682	2901	4587	5858	6221	5496	4650	4045	14483	508
CH	5901	6154	626	17373	7769	7430	6033	5564	5009	4590	4152	12731	833
17	87	42	59	71	56	. 63	65	70	92	99	77	1298	20
111	222	242	211	114	212	201	380	137	385	89	171	2099	44



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Patents in force on December 31, 1980 broken down according to the year of grant Brevets en vigueur au 31 décembre 1980 répartis selon l'année de délivrance BREVE Tableau

CODES	1980	1979	1978	1977	1976	1975	1974	1973	1972	1971	1970	BEFORE AVANT 1970	TOTAL
TR	484	458	398	656	623	462	246	311	449	400	200	1980	6667
(IG	38	18	31	33	54	56	56	41	55	83	70	874	1409
GB													210961
US .	61827	48853	66140	65269	70236	71994	76275	74139	74813	78316	64427	370954	1123243
VE	**	660	1769	846	1958	1438	1668	1493	2315	1836	4873	763	19619
ŹŘ	104	97	116	121	186	147	127	144	144	132	. 117	1383	2818
žМ	66	53	98	160	127	180	200	121	104	93	57	192	1451
ŻW	212	181	212	218	149	227	161	122	164	137	142	847	2772

SOURCE:

Industrial Property Statistics
1980 in the form of Summary
Tables. W.I.P.O., Geneva, 1982
IP/STAT/1980/B
PP. 8-9, 18-19

## QUESTIONAIRE

- A. 1. Name of Company
  2. Is the Company a subsidiery of a foreign Company?
  - 3. Is the Company a privately owned local Company?
  - 4. Was the Company established as a result of a joint venture with a foreign company/ organisation?
  - 5. Is the Company a Parastatal Company?
  - 6. Is the Company a public Company?
  - 7. Is the Company Government owned?
  - B 1. Does the Company carry out any industrial research locally that may result in an invention?

Yes/No

Reasons:

2. Does the Company request any institution to carry out research on its behalf?

Yes/No

Reasons:

- 3. Is this research mentioned in 8 1 and 8 2 above solely for improvement of existing goods or for other inventions as well?
- 4.(a)

  if the Company does not carry out any research or instructs other institution(s) to do so does it have any intentions of carry out research in future?
  - (b) What are the future prospects of carrying out such research?
  - 5. What is the nature of activity carried out by the Company?
  - C.1 (a) Has the Company entered into any agreements/ contract with any foreign company for the use, manufacture etc. of the foreign company's noods/process etc. under Patent or otherwise?

If yes when was the agreement/contract entered into?

- (b) What kind of Agreement?
  - (i) Licencing Agreement for the use of Patents, which are owned by foreign residents but registered in Zambia?
  - (ii) Transfer of technology Agreement?
  - (iii) Any other Agreement?

(iv) Does the Agreement include Patents registered in Zambia for which the terms have expired?

# D.1 Contents of Agreements:

(i) Has the Company got the right to sub-licence or allow other parties to use the technology?

Yes/No

(ii) Has the Company got the right only to use the technology in certain areas of the world?

Yes/No

(iii) Are there any restrictions concerning technical assistance?

Yes/No

What are the restrictions?

(iv) Is the Company bound to grant back any improvement on any technology developed locally?

Yes/No

(v) Does the Agreement prohibit the Company from entering into any other Agreement with or obtaining licence from another party in the same field?

Ves/No

If yes why?

(vi) Is the Company allowed to contest the validity of Patents held by the licensor in Zambia?

Yes/No

Reasons:

(vii) Is there a minimum payment royalty condition in the Agreement which has to be paid whether the Company attains that level of sales or not?

Yes/No

E.1 Has the Company made any inventions locally?

Yes/No

(i) If yes, what kind of inventions?

(ii)(a) Have the inventions been patented in Zambia?

Yes/No

- (b) If no, why?
- (iii) What are the reasons for carrying out research leading to the inventions?

(iv) What are the Patents usefulness in local industry?

(v) What are the advantages over foreign owned Patents?

- (vi) What are the hindrances/disadvantages/ drawbacks, if any, in carrying out research locally?
- (vii) What are the hindrances, if any, in patenting the local inventions?
- 2. (i) Are there any incentives for carrying out research locally?
  Yes/No
  - (ii) If yes, what are these incentives?
- 3. Does the Company make use of expired patents?
  Yes/No

If yes, why?