

# Contents

<i>Preface</i>	vii
<b>Chapter 1—Intellectual Property and 1992</b>	<b>1</b>
A. How it all Began	1
B. Applying the Treaty to Intellectual Property	5
<b>Chapter 2—Patents</b>	<b>16</b>
A. Introduction	16
B. A Harmonised Patent System	17
C. The European Patent Convention	19
D. Community Patent Convention	36
E. Draft Directive on Biotechnology Patents	42
F. Extension of Patent Term for Pharmaceutical Inventions	44
G. Plant Variety Rights	45
<b>Chapter 3—Trade Marks and 1992</b>	<b>46</b>
A. Introduction	46
B. The Madrid Agreement	47
C. The Directive	54
D. EC Trade Marks Regulation	75
E. Conclusion	79
<b>Chapter 4—Copyright and Neighbouring Rights</b>	<b>80</b>
A. Introduction	80
B. "Copyright and the Challenge of Technology"	81
C. Computer Software	82
D. Databases	88
E. The Berne and Rome Conventions	92
F. Term of Protection	95
G. Piracy	96
H. Home Copying	100
I. Rental Right	101
J. Broadcasting and Cable Retransmission	103
K. Further Initiatives	107
<b>Chapter 5—Designs</b>	<b>108</b>
A. Introduction	108
B. The Legal Protection of Designs	109
C. Design Protection in the Member States	111



D. The Directive	128
E. The Next Step	130
<b>Chapter 6—Chips</b>	<b>131</b>
A. Introduction	131
B. US Law	131
C. The Directive	132
<b>Appendix 1—Convention for the European Patent for the Common Market (OJ 1989 No L 401/10)</b>	<b>137</b>
<b>Appendix 2—Protocol on the Settlement of Litigation Concerning the Infringement and Validity of Community Patents (OJ 1989 No L 401/34)</b>	<b>155</b>
<b>Appendix 3—Proposal for a Council Directive on the Legal Protection of Biotechnological Inventions (OJ 1989 No C 10/3)</b>	<b>166</b>
<b>Appendix 4—First Council Directive of 21 December 1988 to Approximate the Laws of Member States Relating to Trade Marks (OJ 1989 No L 40/1)</b>	<b>172</b>
<b>Appendix 5—Amended Proposal for a Council Regulation on the Community Trade Mark (OJ 1984 No C230/1)</b>	<b>179</b>
<b>Appendix 6—Council Directive of 14 May 1991 on the Legal Protection of Computer Programs (OJ 1991 No L 122/42)</b>	<b>234</b>
<b>Appendix 7—Proposal for a Council Directive Harmonizing the Term of Protection of Copyright and Certain Related Rights (OJ 1992 No C 92/6)</b>	<b>239</b>
<b>Appendix 8—Proposal for a Council Directive on the Legal Protection of Databases (OJ 1992 No C 156/4)</b>	<b>243</b>
<b>Appendix 9—Council Resolution of 14 May 1992 on Increased Protection for Copyright and Neighbouring Rights (OJ 1992 No C 138/1)</b>	<b>250</b>
<b>Appendix 10—Council Directive of 16 December 1986 on the Legal Protection of Topographies of Semiconductor Products (OJ 1987 No L 24/36)</b>	<b>251</b>
<b>Appendix 11—List of Contracting States to the Patent Co-operation Treaty</b>	<b>256</b>
<b>Appendix 12—List of Members of the Hague Agreement 1990</b>	<b>257</b>
<b>Appendix 13—List of Members of the Madrid Agreement</b>	<b>258</b>
<b>Appendix 14—List of Signatories to the Protocol to the Madrid Agreement</b>	<b>260</b>
<i>Index</i>	261