PRESENTATIONS SUBMITTED BY THE PARTICIPANTS
Presentations Submitted by the Invited Professors and Researchers from Outside the Asia and the Pacific Region
SUMMARY

This document contains the draft of a model curriculum for the teaching of industrial property law and related rights. The draft was initially prepared for meetings of the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), held in Munich and Geneva, in 1983 and 1984, respectively.
General Part

Fundamental notions.

Administrative and fiscal regime of Industrial Property Law.

The International Regime of Industrial Property.

Special Part

A. Theory of Industrial Property Rights

I) Industrial creations

a) Of Utilitarian character

Industrial Inventions
Utility models
New varieties of Plants
Entrepreneurial Secrets
Know How
Inventor's certificates
Transfer of Technology Patents
Innovations. Rationalization Proposals
Tecnovations

b) Of ornamental character
Industrial Designs

II) Distinctive signs

Trademarks
Tradenames and Trade Styles
The "Estilo Commercial" and the Slogans
Collective Marks
Geographic Denominations

B. The Theory of Unfair Competition

Industrial Property and Consumer Protection
Industrial Property and Transfer of Technology
GENERAL PART

I

Fundamental notions

1. Industrial Property and Industrial Property Law. 2. Terminology.

II

Administrative and Fiscal

Regime of Industrial Property Law

a)

Administrative regime


b)

Fiscal regime

5. The fiscal regime of industrial property law: a) at national level; b) at international level. Applicable Rules. Legal fees and taxes.
III

The International Regime of Industrial Property


SPECIAL PART

A

Theory of Industrial Property rights

I. Industrial creations of utilitarian character

IV

Industrial Inventions


V

The patent for invention and the substantive conditions of protection

1. The protection of the invention and the patent for inventions. 2. Definition of patent for invention. 3. Its characteristics. 3. Different classes of patents: a) in national law; b) in comparative law. 4. Patentable inventions. 5. Substantive conditions of patentability. 6. Exceptions to Patentability. 7. The question of inventive step. 8. Applicability of International Conventions. 9. Rights of foreigners. 10. Right of the true inventor to be mentioned as such.

VI

Acquisition and loss of the right to the patent


VII

Rights conferred by a Patent

VIII

Maintenance and transfer of Patents


IX

License of patents


X

Legal protections of the patent


XI

Utility models

1. Definition. 2. Terminology. 3. Historical evolution. 4. Importance of utility models, particularly for Developing Countries. Its critics. 4. Relationship between utility models, patents for inventors, industrial design and "certificats d'utilité". 5. Substantive conditions for the protection of utility models; a) in domestic Law; b) in comparative law. 6. Acquisition of rights on a utility model. Procedure and contents of the right. 8. Transfer and assignments of utility models. 9. Licensing. 10. Maintenance and loss of the rights on a utility model. 11. Civil and penal protection of utility models. Procedure.
XII

New Varieties of Plants


XIII

Entrepreneurial Secrets


XIV

Know-how


XV

Inventor's certificates

Transfer of Technology Patents


Innovations

Rationalization Proposals

Technorations

1. Definition of each one of these institutions. Similarities and differences. 2. Economical Importance. 3. Right to a certificate of any one of them. Procedure. 4. Use of the institutions. Remuneration. 5. Controversies.

B

Industrial creations

with ornamental character

Industrial Designs

Distinctive Signs

XIX

Trademarks


XX

Acquisition, maintenance and loss of the right to a mark


XXI

Licensing and transfer of trademarks rights

XXII

Trademark protection


XXIII

Tradenames or Trade styles


XXIV

The "Estilo comercial" and the slogans

a) "Estilo comercial"

1. Definition and characters. 2. The provisions of the Cuban Law of 1936. 3. Elements which may make part of the "Estilo comercial". 4. Functions of the "Estilo Commercial" a) as a distinctive sign; b) as an advertising means. 5. The "Estilo comercial" and the other distinctive signs. 6. Protection of the "Estilo comercial". a) in domestic law, b) in comparative law.

b) The slogans

1. Definition and terminology. 2. Elements and characteristics. 3. Historic evolution. 4. Double function of the slogans a) as a distinctive sign; b) as an advertising means. 5. The slogan and the other distinctive signs. 6. Civil and penal protection of slogans: a) application of trademark law; b) copyright law; c) unfair competition law. 7. The question in a) domestic law, b) in comparative law.
XXV

Collective Marks


XXVI

Geographic denominations


XXVII

Unfair competition

XXVIII

Industrial Property

and consumer protection


XXIX

Industrial Property

and

Transfer of Technology

1. General notions and importance of Technology, particularly for developing countries. 2. Definitions. 3. Creation acquisition and adaptation of technology. 4. The problematic of the acquisition by developing countries of Technology: a) economical, b) technical, c) juridical, d) cultural and e) political aspects of the transfer of technology to developing countries. 5. Methods for the transfer of technology to developing countries. 6. Transfer of Technology Agreements. Juridical nature. Characteristics. a) Licensing of patents for inventions, trademarks and other Industrial Property Rights. Various aspects. Rights and obligations of Licensor and Licensee. Other questions. 7. Transfer of information or technical know-how agreements. Technical services and assistance agreements. Various aspects. Rights and obligations of grantor and recipient. Other questions. 8. The problem of agreements which require payments abroad. 9. Specific nature of such Agreement. Its problematic. 10 Governmental intervention and different systems related to it. 11. Permitted and forbidden clauses in transfer of technology agreements. 12. Transfer of Technology Agreements in national law and in comparative law. 13. Applicable Law.