



CABINET OFFICE

Central Policy Review Staff

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W.0793

20 December 1982

Mr P A R Brown
Department of Trade
Sanctuary Buildings
20 Great Smith Street
London SW1P 3DB

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21/12

Dear Brown,

REVISION OF THE PARIS CONVENTION ON INDUSTRIAL PROPERTY

Many thanks for your letter of 9 December. I do of course accept the content of the second paragraph of your letter but I believe that in the discussion with the Prime Minister she was indicating that even the Stockholm Act could not be regarded as satisfactory from the point of the view of the industrialised countries, although the way it operated in practice did not give many problems.

I note from your comments on the conclusion of the Third Session that there will be an opportunity to review this whole matter again on a rather more relaxed basis. Naturally this is a matter for your Department, but if you feel that CPRS can make a contribution at any point, you will no doubt let us know.

Yours sincerely
Robt Nichol

ROBIN B NICHOLSON
Chief Scientist

cc: Mr Sparrow
Dr Davies
Mr Elliott
Mr Mackenzie
PS/S/S Trade
✓ Mr Flesher, No 10

Trade

Copy: PS/Secretary of State
Mr I J G Davis Pats
Mr V Tarnofsky Pats

Mr T Flesher PS/Prime Minister—

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9 December 1982

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REVISION OF THE PARIS CONVENTION ON INDUSTRIAL PROPERTY

In your note to me of 22 November (ref W.0722), you commented on the revocation provision in the draft text of the Convention being discussed at the Third Session of the Conference.

This provision should be viewed against the current Stockholm Act (1967) which already allows a country to revoke a patent in certain circumstances [Article 5A (3)]; indeed the provision was not even new to the Stockholm Act. In practical terms there is little distinction between the current provision and the draft text in this respect. The only concern expressed by industry centred on the 5 year term in the draft text. They would have preferred a longer period before a patent could be revoked. However, the CBI and others all said that they could go along with the proposal on condition that the exclusive compulsory licence was dropped.

In the event the extended Third Session ended without any agreement on Article 5A and the matter of special measures for the developing countries will be taken up again at the next session. I understand that this is likely to be in about 12 months' time. We will need to consider how best to prepare the ground before the next session and we will be discussing this with the FCO and the CPRS once we have had time to reflect on the outcome of the Third Session.

P A R BROWN

Dr R B Nicholson
Cabinet Office
Central Policy Review Staff
70 Whitehall
London SW1A 2AS

Trade

DT
23/11

W.0722

22 November 1982

TO: MR BROWN, DoT

cc: Mr Sparrow

Mr Bailey

Dr Davies

Mr Elliott

Mr Mackenzie

PS/S/S Trade

Mr Flesher, No 10 ✓

FROM: DR NICHOLSON

REVISION OF THE PARIS CONVENTION ON INDUSTRIAL PROPERTY

I have seen the account by IPCD dated 5 November on the subject of the outcome of the Third Session of the Diplomatic Conference for the revision of the Paris Convention on Industrial Property.

- will request of revised

2. It is encouraging that we have been able to get back into line with the United States on this issue. However I must comment that to the extent that even the revised text allows developing countries to unilaterally revoke the protection offered through a patent granted in their country, the text still falls a long way short of the position which the Prime Minister felt we should aim for following the discussion she had with your Secretary of State and Sir Austin Bide.

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PRIME MINISTER

Meeting with Sir Austin Bide

Your meeting today concentrated largely on the immediate tactical issue of the handling of the draft Convention and we touched only briefly on the longer term questions of intellectual property raised by Robin Nicholson's minute to you of 11 October. Do you agree that Robin Nicholson should now be asked to discuss the draft remit for a CPRS study with Trade and other interested Departments with a view to putting proposals to you for such a study as soon as possible?

Yes mt



12 October 1982