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INTER GOVERNMENTAL CONFERENCE
FOR THE SETTING UP OF A EUROPEAN
SYSTEM FOR THE GRANT OF PATENTS

Brussels, 16 November 1971
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- Secretariat -

COVERING NOTE

Subject : Study by the International Patent Institute (IIB)
in The Hague of the future work of the International
Patent Institute and its Member States on the one
hand and the European Patent Office and its Member
States on the other.

Source : International Patent Institute (IIB)
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(Unrevised translation)

STUDY OF FUTURE RELATIONS
BETWEEN THE IIB AND
ITS MEMBER STATES ON THE ONE HAND AND THE EPO
AND ITS MEMBER STATES ON THE OTHER

INTRODUCTION

At its session of 11 - 22 October 1971, Working Party I of the Intergovernmental Conference asked the International Patent Institute to submit a study of the following two problems:

1. Given that the preliminary draft of the Convention Setting Up a European System for the Grant of Patents assigns an important role to the IIB, despite the fact that it is not a party to the Convention, what, pending an agreement between the IIB and the future European Patent Office, are the legal means of ensuring that the former in fact carries out the tasks assigned to it?
2. What institutional, administrative and financial relations will obtain between the IIB and its Member States on the one hand and the EPO and its Member States on the other?

In dealing with these two questions, due account has been taken of the terms of the Revised Hague Agreement of 16 February 1961, since that Agreement is to enter into force in the very near future.⁽¹⁾

(1) According to the terms of Article 19(1) of that Agreement, it shall "enter into force one month after the deposit of all the instruments of ratification of the signatory States which are parties to the agreement of 6 June 1947". Ratification of the Revised Agreement by Turkey, the last of the States referred to, took place on 19 June 1971, although the instrument of ratification has not yet been deposited.

It should be noted, however, that one State acceded to the Hague Agreement of 6 June 1947 after the signing but prior to the entry into force of the Revised Agreement of 16 February 1961. This study does not broach the special problems arising from the fact that the State in question has not ratified the Revised Agreement.

A. Acceptance by the IIB of the tasks assigned to it under the terms of the Convention Setting Up a European System for the Grant of Patents (hereinafter called the "First Convention")

1. A final undertaking by the IIB to perform the tasks assigned to it under the European Convention, together with a definition of the institutional, administrative and financial relations between the IIB and the future European Patent Office, must necessarily result from an agreement concluded between the two organisations. Indeed, since both organisations have legal personality and are represented by their own bodies, they cannot be bound directly by any contractual connection between States.
2. The question has been raised, however, as to the legal means of providing the States which are parties to the Intergovernmental Conference and the States which are signatories of the First Convention with adequate guarantees as to the IIB's commitment, pending establishment of the European office.

As regards the stage consisting of the drafting of the First Convention, it should be borne in mind that all the present Member States of the IIB are represented at the Intergovernmental Conference and that their attitude at that Conference cannot be divorced from the fact that they are States responsible for IIB general policy. A similar argument holds for the stage following the signing of the First Convention, since a very large majority of the IIB Member States may be expected to sign.

Nevertheless, since the Hague Agreement is open to accession by any Member State of the Union of Paris, it may be thought necessary for the IIB itself to enter into commitments,

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as a legal person distinct from its Member States, with respect to its future role. Indeed, the validity of its commitments in this matter should not be called into question by the accession of new States to the IIB.

As far as formal requirements are concerned, this objective could be achieved by means of a declaration by the appropriate body of the IIB⁽¹⁾ to the diplomatic Conference. Having taken note of that declaration, the diplomatic Conference could decide to make it the subject of a protocol annexed to the First Convention.

As to the content of the declaration, it would appear, however, that in order to be specific, it would have to include the draft of an agreement between the IIB and the future European Patent Office defining the institutional, administrative and financial relations between the two organisations.

The agreement would have to cover the following main points:

- (a) Specification of the nature and scope of the work to be carried out by the IIB in accordance with the provisions of the First Convention and the Implementing Regulations thereto.
- (b) Administrative provisions covering the execution of the work entrusted to the IIB and the exchange, processing and storage of documents; the details of these provisions could be left for a working agreement made in implementation of the main agreement.
- (c) Determination of the process of remuneration for these services, within the framework of the financial arrangements set out in the Revised Hague Agreement.
- (d) Determination of the arrangements for the representation of each of the organisations on the Board of Administration of the other, in implementation of the Hague Agreement and the First Convention respectively.
- (e) Creation and status of each organisation's liaison agencies accredited to the other organisation.

(1) According to Article 11(2) and (7) of the Revised Hague Agreement, a declaration of this kind can be made by the Director of the Institute acting on a decision by the Board of Administration.

- (f) Where appropriate, determination of the terms governing the exchange of personnel between the two organisations (mutual recognition of seniority, transfer of pension rights, etc.)
- (g) Final provisions.

Detailed elaboration of the provisions relating to the above mentioned matters will, however, only be possible in terms of certain options on which the States concerned must decide in advance. An attempt has been made, later in this study, to provide the factors necessary for a decision on those options.

B. Institutional and financial relations between the IIB and its Member States on the one hand and the EPO and its Member States on the other

I. Legal basis laid down in the Revised Hague Agreement

According to Article 2 of the Hague Agreement:

"Any international intergovernmental organisation responsible for granting patents of invention which places in the hands of the International Patents Institute the formulation of expert opinions on the novelty of inventions, as provided for in Article 1, paragraphs 1 or 2, may become a member of the Institute through an agreement with the Institute as provided for in Article 9, paragraph 1, with the rights and obligations set out in Articles 5, 6, 8, 9, 12, 13, 14 and 17 of the present Agreement and in Article 1 of the Protocol."

On the other hand, Article 15(1) of the Agreement provides that:

"The Institute may participate in the preparation or execution of international agreements on the protection of industrial property in so far as these agreements are connected with its activity."

The first question which arises is whether Article 2, quoted above, constitutes for the IIB the compulsory basis for its relations with the EPO or whether, on the contrary, accession by the EPO is only one possibility, there being other options open on the basis of Article 15(1).

The object of Article 2 of the Revised Hague Agreement is to allow the intergovernmental organisations referred to to acquire a status analagous to the status of the Member States of the IIB. An express provision to this effect was rendered necessary by the fact that the possibility of one intergovernmental organisation becoming by right a member of another intergovernmental organisation composed of different States constitutes an exception to the generally accepted rules relating to the constitution of international organisations.

Article 2 thus creates a preferential regime in favour of a certain type of intergovernmental organisation. On the other hand, Article 2 does not preclude the establishment of relations with such organisations on another basis. To interpret the article in this way would in fact be in contradiction with the idea of preferential treatment which it contains. It is with this in mind that Article 15(1), while not precluding the cases referred to in Article 2, provides that the IIB may participate in the preparation or execution of international agreements on the protection of industrial property in so far as these agreements are connected with its activity - an activity which consists primarily in the institution of research into the state of the art.

The IIB may therefore participate in the preparation or execution of the First Convention without the EPO becoming a member of the IIB. Relations between the two organisations would then be defined solely by the terms of the agreement concluded between them.

This construction is confirmed by the acts of the Conference on the Revision of the Hague Agreement. The general report submitted to the Conference in fact describes the arrangements referred to in Article 2 as an "option" open to international organisations. By the same token, the General Committee of the Conference, during the final discussions on Article 2, unanimously approved a note to the effect that, instead of accession by an international organisation, each of its Member States could accede individually to the IIB (minutes of the proceedings of the General Committee, 7 February 1961).

II. Consequences of the application of Article 2 of the Hague Agreement

(1) General rights and obligations

Should the EPO become a member of the IIB by means of the agreement to be concluded between them, then, by virtue of Article 2, the former's rights and obligations would be those set out in Articles 5, 6, 8, 9, 12, 13, 14 and 17 of the Hague Agreement and in Article 1 of the Protocol thereto.

The articles missing from this list are the following:

- (i) Article 1 which deals with the tasks assigned to the IIB;
- (ii) Article 3 which deals with the nature of the documentary opinions;
- (iii) Article 4 which deals with certain obligations upon the Member States only;
- (iv) Article 7 which lists the powers of the Board of Administration. The fact that this article is missing from the list appearing in Article 2 does not however mean that organisations which are members of the IIB shall not participate in the decisions referred to in Article 7. It follows, in fact, from Article 8(1) that organisations which are members shall participate in every decision which requires a vote. Similarly, Article 6 provides that the Board of Administration be composed of representatives of States or organisations which are members, there being one representative from each State or organisation.

- (v) Article 10 on the powers of the Director of the IIB.
- (vi) Article 11 on the legal capacity of the IIB.
- (vii) Article 15, previously mentioned.
- (viii) Article 16 on location of the IIB.
- (ix) Articles 18-22 (final provisions)

From this survey of the articles missing from the list in Article 2, it may be concluded that the intergovernmental organisations referred to will find themselves on the same footing as States, as regards their membership of the IIB. On the other hand, such organisations could not be parties to the Hague Agreement and do not enjoy the prerogatives exercised by States in that capacity, particularly with respect to subsequent revisions of the Hague Agreement and the Protocol.

(2) Financial arrangements

2.1. Initial contribution

The initial contribution provided for in Article 12 of the Hague Agreement is payable once only, i.e. subsequent to the accession of a new State or organisation. In respect of States, the amount of this contribution is determined "by the number of units of the class in which they are placed in application of the provisions set out in Article 13, paragraphs 8 and 9 of the Convention of Union, the amount of a unit being equal to the exchange value of two kilograms of pure gold ..." (Article 12(2)). In contrast, the initial contribution of organisations referred to in Article 2 shall be determined, in accordance with Article 12(3), by the agreement relating to the accession of such organisations.

It would seem premature to put forward parameters at this stage for the determination of such an initial contribution

2.2 Annual contribution

The amount of the annual contributions of the States and organisations which are members of the IIB is determined by Articles 13 and 14 of the Revised Agreement. These Articles lay down the following principles:

- 2.2.1.1. The total amount of the annual contributions of Member States and organisations covers the annual expenses of the IIB, after deducting:
- (i) payment received for services rendered by the IIB to third parties (Articles 13(3) and 1(3));
 - (ii) all other receipts, in particular revenues derived from the property of the IIB.

Article 13(6), moreover, specifies that the amount of the payment to be made for the services rendered by the IIB to third parties (private individuals, non-member States and organisations) may not be less than the sum of the running costs and examination expenses made necessary by the provision of such services.

- 2.2.1.2 The expenses to be met by the annual contributions are divided into running expenses and examination expenses. Article 13(2), second sub-paragraph, specifies the distribution of expenses shall be made in accordance with a budget drawn up by the Board of Administration on the basis of a report submitted by chartered accountants.

Since the Revised Hague Agreement has not yet entered into force, the distribution referred to in this provision has not yet been decided. Taking the various ways in which the expression "running expenses" can be interpreted, it would seem that they will account for

between 1 and 11% of the total amount to be met by the annual contributions, the latter figure being the percentage adopted for the 1971 financial year.

2.2.1.3 The part of the annual contribution covering the running expenses is divided among the Member States and organisations proportionately to coefficients which correspond substantially to the number of patent applications filed in each Member State or with each member organisation (Article 13(3), second subparagraph).

2.2.1.4 The part of the annual contribution covering the examination expenses is divided proportionately to the number of opinions requested (Article 13(3), third subparagraph). The Board of Administration may, however, lay down adjusted coefficients proportionate to the amount of work required in drawing up those opinions. Finally, Article 14 defines the expert opinions to be taken into account in determining the number of opinions on which calculation of the annual contribution is based.

2.2.1.5 The main consequences of these financial arrangements are as follows:

- ((i) The amount of the work carried out by the IIB on behalf of third parties (non-member States and organisations, private individuals) has no repercussions on the amount of the annual contributions of the Member States and organisations when such work is paid for at cost price, it being pointed out that Article 13(6) prohibits the fixing of a payment lower than the cost price.
- (ii) For each of the Member States or organisations using the IIB's services, the cost per unit of research resulting from division, by the number of opinions requested, of the amount of the overall

annual contribution, covering the running and examination expenses varies according to the ratio between the number of applications filed with the national patent office or organisation and the number of opinions requested from the IIB by that office or organisation. This cost is lower than, equal to or greater than the cost price according to whether the abovementioned ratio is lower than, equal to or greater than the ratio between the total number of applications filed with the national offices of the Member States or with the member organisations and the total number of opinions requested by those offices and organisations. This finding does not however take account of the rounding up of the coefficient referred to in Article 13 (3), second subparagraph of the Revised Agreement.

- (iii) Any increase in the volume of work carried out by the IIB for Member States or organisations will result in an increase in the amount to be borne by the non-user Member States resulting from their contributions to the running expenses.
- (iv) The impact of the effects referred to above depends, however, on the coefficient applied for the division of the annual expenses into running and examination expenses. Depending on the coefficient, the effects will be considerable or insignificant.

2.1.6. Article 13 (4), which concerns treasury questions only, in no wise modifies the financial arrangements described above. In particular, the fact that the Board of Administration shall fix a "contractual fee" for expert opinions has no influence on the amount of the contributions actually due.

2.2. Application of the financial arrangements laid down in the Revised Hague Treaty within the framework of the First Convention and the PCT

Article 13 of the Revised Agreement uses two concepts as parameters for calculating the annual

contributions, to wit "the number of patent applications received by the government of each State or each organisation" and the "number of opinions mentioned in Article 14".

The question arises as to whether and under what conditions these parameters may be applied within the framework of the arrangements established under the First Convention and the PCT. If necessary, the procedure for applying these parameters will have to be settled in the agreement on the accession of the EPO to the IIB.

2.2.2.1. Patent applications received

2.2.2.1.1. Applications for European patents may be considered as received, within the meaning of Article 13 of the Revised Agreement, only by the European Patent Office.

The mention of a State in a European application cannot be considered to be equivalent to an application to the government of that State for a national patent, since European applications will not be subject to any national granting procedure. Moreover, the fact that a European application may be filed with the national office of a contracting State, in accordance with Article 64 (1b) of the First Convention, does not prevent its being attributed to the EPO. On this point, Article 1 (1), subparagraph 2 of the Revised Agreement states that:

"For the present agreement, applications lodged with the national government of a Member State solely for transmission to the government of another State or to an international intergovernmental organisation are not considered as patent applications received by that government."

2.2.2.1.2. The question is whether the abovementioned provision also applies to the filing of international applications with the appropriate receiving office. In contrast to the case referred to in Article 64 of the First Convention,

the receiving office, as defined in the PCT, does not restrict itself merely to transmitting the application, but accords a filing date (Art. 11 PCT) and checks the form of the application (Art. 14 PCT).

Since Article 1 (1), second sub-paragraph, is not applicable to the letter, it should be established which interpretation corresponds most faithfully to the spirit of the financial system provided for in the revised Hague Agreement. The purpose of this system is to provide Member States and Organisations with a financial incentive to subject all the patent applications in their hands to a documentary search to be carried out by the IIB. As far as international applications are concerned, the IIB is the only receiving office to specify, in accordance with Article 16 (2) of the PCT, which is the competent international searching authority. Of course, the legal basis on which international searches are to be requested of the IIB is not the Hague Agreement but the agreement to be concluded under Article 16 (3b) of the PCT between the IIB and the International Bureau. This does not however in any way rule out international search reports dealing with "inventions forming the subject of patent applications received" by Member States or organisations which are members of the IIB.

Finally, it is the receiving office that levies search fees (PCT, Rule 16.1b). International applications filed with the national industrial property office of an IIB Member State or with a member Organisation must therefore be considered, within the meaning of Article 13 of the Hague Agreement, as applications received by that office or organisation. This interpretation will make it possible to apply the same system of remuneration to all searches requested by Member States or Organisations, whether the search in question relates to a national, a European or an international application.

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There seems, on the other hand to be no possibility of assimilating the designations made in an international application to patent applications "received by the Government of each State or by each Organisation" within the meaning of Article 13 of the revised Hague Convention.

These designations do, of course, give rise to national grant proceedings, yet such proceedings do not as a rule involve any documentary search. Consequently, the assimilation of designations made in an international application to patent applications received by designated offices would alter the breakdown of the gross annual contribution for running expenses, mainly to the detriment of those Member States not using IIB services. This last effect would be further aggravated by the fact that the filing of an international application will in most cases be preceded by the filing of a national application.

In weighing up these interpretations, account should be taken of the fact that the financial system under the revised Hague Agreement was laid down at a time when the PCT and the First Convention had not yet taken shape. An authentic interpretation can thus be obtained only when Member States of the IIB have discussed the matter and, in the case of the EPO, when that organisation has concluded an agreement with the IIB.

2.2.2.2. Opinions, referred to in Article 14 of the revised Hague Agreement

Under Article 14 of the revised Hague Agreement, only certain categories of work carried out by the IIB on behalf of Member States and Organisations must be taken into consideration for the purpose of determining the sharing of the annual contributions covering examination expenses.

Services not falling within one of these categories must be paid for on the same terms as services provided on behalf of third parties (Art. 1(3), Art. 13(6)).

Article 14(2) of the revised Agreement states that :

"with regard to Member Organisations, only the expert opinions as envisaged in Article 1, paragraphs 1 and 2, demanded by those Organisations, shall be taken into account".

- 2.2.2.1. The report on the state of the art, referred to in Article 79 of the First Convention is a report "on the novelty of inventions forming the subject of patent applications received ... by any organisation which is a Member of the Institute" (Article 1(1)). The drawing up of these opinions ought therefore to be paid for out of the annual contributions.
- 2.2.2.2. The question then is whether the same applies to the international search reports drawn up on international applications transmitted to the IIB by the administration of a Member State or by a Member Organisation. The answer must be in the affirmative if one bears in mind - as was envisaged above - that the receiving office, according to the IIB definition, must be assimilated to the national administration or to the organisation with which applications have been lodged, within the meaning of Articles 1 and 13 of the revised Hague Agreement.
- 2.2.2.3. It will be particularly difficult to settle the problem of the heading under which remunerations are to be effected in respect of the drawing up of supplementary reports on the state of the art in the cases referred to in Articles 137 and 160a of the First Convention..

If it is considered that the designation of an office appearing in an international application must not be treated in the same way, within the meaning of Article 1, (1) of the Hague Agreement, as the filing of a patent application with this office, a (supplementary) opinion drawn up following such a designation may no longer be treated in the same way as the opinions referred to in Article 14. The relevant payment should, therefore, be made in accordance with Article 1, (3) and Article 13, (6) of the Hague Agreement and, hence, should meet both the running costs and the examination expenses. On the other hand, it may appear strange for identical documentary opinions requested by the same IIB Member Organisation (or State) to be paid for according to different criteria. Since the text of the revised Hague Agreement does not supply a coherent solution, it will fall to the IIB Member States and the agreement to be concluded between the IIB and the EPO to decide the suitable payment procedures.

2.2.2.2.4. According to Article 79, (2) of the 1st Convention, the IIB decides the definitive contents of the abstract. This service may be considered as forming an integral part of the drawing up of the documentary opinion or as a service covered by an independent payment constituting for the IIB an "extra contributory" receipt within the meaning of Article 13, (1c). This question will have to be resolved in the agreement to be concluded with the EPO.

2.2.2.2.5. The fact that the Hague Agreement employs in Article 14 the term "expert opinion" neither excludes the documentary opinions referred to in Article 79 of the 1st Convention nor the search reports within the terms of the PCT. In fact, Article 3 of the agreement defines the expert opinion as being "documentary in form and based on a search, the nature and extent of which are laid down in Article 1, paragraphs 1, 2 and 3 of the Protocol". Now,

the provisions of the Protocol correspond, or it will be possible for them to correspond to the form of both the documentary opinion laid down in Article 79 of the 1st Convention and the international search reports instituted by the PCT.

2.2.3. Coefficients

Article 13, (5) of the revised Hague Agreement provides that :

"With regard to the fixing of the annual contributions referred to above, the Board shall lay down, for the opinions provided for in Article 1, (2) of the present Agreement, and in Article 1, paragraphs 2 and 3 of the Protocol, co-efficients proportional to the amount of work needed to draw up such opinions, in relation to the work required by opinions founded on the search as defined in Article 1, paragraph 1 of the Protocol".

Since the documentary opinions provided for in Article 79 of the 1st Convention and the international search reports provided for in Article 15 of the PCT must be considered as "opinions founded on the search as defined in Article 1, (1) of the Protocol" (standard opinion), co-efficients will have to be laid down which apply to payment for the supplementary or limited searches referred to in Articles 137 and 160a of the 1st Convention, in Article 10 of the regulation on charges adopted pursuant to the 1st Convention and in Regulations 16.3 and 41 of the PCT Implementing Regulations.

- 2.2.3.1. With regard to the different cases referred to in Article 137 of the 1st Convention, the question arises as to whether a payment for the supplementary opinion will have to be provided for only in those cases where, according to this Article, the applicant bears the costs. It should be pointed out that in such a case,

by virtue of the allocation system laid down by the Hague Agreement, the charges corresponding to the supplementary search work would be partially borne by the IIB Member States.

A second question is whether it will be possible to apply a single co-efficient in all the cases referred to in the afore-mentioned Article, when it can be envisaged that the amount of work will be variable.

- 2.2.3.2. In the cases referred to in Article 150a of the 1st Convention the co-efficient applicable to the documentary opinion must be laid down in the light of the decisions taken by the Board of Administration referred to in paragraph 3 of this Article. As long as such a decision has not been taken, the co-efficient will be equal to 1.
- 2.2.3.3. Article 10 of the regulation on charges adopted pursuant to the 1st Convention and Regulations 16.3 and 41 of the PCT lay down the payment of part of the search charge in the event of a first search having been carried out in respect of an application for which priority is claimed.

On the other hand, Article 1, (2), sub-paragraph 1 of the Protocol annexed to the Hague Agreement provides that the right to demand a limited search

"may not be exercised in regard to patent applications
"or patents which, by virtue of a claim for priority
"right, relate to the same invention as a different
"patent application or a different patent that has been
"the subject of a previous opinion based on a search as
"defined in paragraph 1 of this Article".

If it is thought that the contradiction existing between the above mentioned provisions must be removed, the IIB Board of Administration will have to

decide unanimously to suspend application of this Article, which freedom it is allowed by the above-mentioned Article of the Protocol.

3. Institutional consequences

- 3.1. As mentioned in II, 1, the EPO will be represented on the IIB Board of Administration and will participate in the decisions made by this body under the same conditions as the Member States.

However, the question has been raised of gauging what the real position and influence of the EPO representative will be within the IIB Board of Administration.

An answer to this question can scarcely be found in a comparison with the operation of other European or international organisations, since these bodies are specifically characterised by the monopoly of the States' right to vote within any body on which both representatives of the States and representatives of the international organisations are sitting.

On the other hand, it can be envisaged that the positions adopted by the EPO representative on the IIB Board of Administration will often be arrived at in terms of previous discussions held within the EPO Board of Administration, on which the vast majority of the IIB Member States will also be represented. It seems most unlikely that these States might dissociate the positions which they would adopt in both institutions. The presence of the EPO representative on the IIB Board of Administration seems to represent an added guarantee, particularly in cases where conflicting interests would bring the IIB Member States which are Contracting States to the 1st Convention into opposition with the Member States which are not Contracting States to the 1st Convention.

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3.2. According to Article 8 of the revised Agreement, any question of financial bearing with regard to the Member States and Organisations may be put to a ballot in which the votes are weighted. It must be stressed that this procedure is applied not only in the case of decisions directly concerning the annual contributions, but to any decision having a bearing even indirectly, on these contributions, i.e. to any major decision, whether it relates to the extent of the documentary search, the remuneration of IIB staff or any other aspect.

The weighting of the votes, which is made in terms of the annual contributions of the Member States and Organisations, will strengthen the EPO's position which, over the long term, will be paying larger contributions than most of the IIB Member States.

The number of votes allocated to a Member State or Organisation may not, however, according to Article 8 (2), sub-paragraph 2 of the revised Agreement, exceed five times the total number of votes possessed by the Member State with the least votes.

Examples for calculating the allocation of the votes are given in the Annex.

III Relationships between the IIB and its Member States on the one hand and the EPO and its Member States on the other hand, should the EPO not become a Member of the IIB

1. Financial arrangements

1.1. According to Article 13 (6) of the revised Hague Agreement, the amount of the payment for work carried out by the IIB for third parties (non-Member States or Organisations, in particular) "may not be less than the sum of the running costs

and examination expenses made necessary by the provision of such services".

On this basis, it will be possible to agree freely payment details and the procedures for establishing the amounts relating to each type of service.

The cost of the services carried out for the EPO is likely to vary continually depending upon a whole series of monetary and social factors. One of the main problems will be to ensure that the payments to be made by the EPO follow the pattern of expenditure incurred by the IIB, without there being the need for instituting quasi-permanent negotiations. Consequently, it will be advisable to establish, in the agreement to be concluded between the two organisations, an automatic implementation system, whereby the expenses borne by the EPO will be only those referred to in Article 13 (6) of the Hague Agreement. Thus, the IIB's activities on behalf of the EPO will remain financially neutral as regards the IIB Member States.

1.2.

Nevertheless, two factors are going to have a considerable influence on the amount of the annual contributions paid by these States. First, the operation of the PCT and the 1st Convention will result in a significant reduction in the number of national patent applications filed with the offices using the IIB. Second, it is foreseeable that some Member States, which at present only submit a proportion of the national applications to an IIB search will be making increased demands upon its services.

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Where possible, the examples for calculating the annual contributions appearing in the Annex make allowance for this twofold trend.

2. Institutional relationships

Since, on the present hypothesis, the EPO is not a member of the IIB, there is cause to investigate what means might be found to ensure co-ordination in the activities of the two Organisations other than by the accession of some States to the Hague Convention. In the first place, the Hague Agreement does not exclude the participation of observers in meetings of the IIB Board of Administration. The agreement to be concluded between the two Organisations will, therefore, be able to establish the details of such a representation for the EPO.

In the second place, the question should be examined of whether it is desirable for the said agreement to make provision for joint sessions of the two Organisations' Boards of Administration each time that major problems arise which are of mutual interest. Naturally, the conclusions adopted at such meetings could not take the place of the decisions made by each of these Organisations, but no doubt they would exercise a certain authority. The joint sessions might be initiated by one or other of the two institutions concerned.

IV. Accession of the new Member States. Revision of the Hague Agreement.

1. A strengthening of the ties which will exist between the IIB and the EPO might be obtained if the Member States of the two Organisations were partially or entirely identical.

1.1. There is no objection legally to the Contracting States to the 1st Convention acceding to the Hague Agreement. This Agreement is not only open

to accession by all Member States of the Union of Paris, but also the IIB Member States will in no way be obliged to make direct use of the services of the IIB. In fact, Article 4 of the revised Agreement provides that :

"the Member States undertake to make provision,
"either in their national legislation or through
"international agreements, for all or some of the
"applications for patents, or the patents,
"effective in their territory to be obligatorily
"the subject of an expert opinion as referred to
"in Article 1, (1)".

Since the European patents are effective in the territory of the Contracting States to the 1st Convention, these States will comply with the undertaking laid down in Article 4 simply by participating in the European system for the grant of patents.

- 1.2. Apart from the initial contribution (see Annex), the only financial charge incurred by the States Parties to the 1st Convention in acceding to the Hague Agreement would be towards sharing in the IIB running costs. It has been pointed out above that this share in the running costs may be considerable or, on the contrary, minor according to the percentage of running costs, which will be established by the IIB Board of Administration.

It should, nevertheless, be recalled that the non-user States' contribution towards the running costs will only be able to be to the profit of the EPO, if this latter becomes a Member of the IIB.

- 1.3. Although it is probable that most of the IIB Member States will participate in the European system for the grant of patents, it is not certain that all these States will avail themselves of this possibility.

Conversely, it seems scarcely possible to draw up a formal undertaking for the Contracting States to the 1st Convention to accede to the Hague Agreement. It would only be possible to think in terms of a recommendation to this effect.

- 1.4. A substantial reduction in the annual contribution paid by the Member States not availing themselves of the services of the IIB, might not only facilitate the accession of the States Parties to the 1st Convention, but also bring about the accession of other States. With regard to the IIB Member States' undertaking provided for in Article 4 of the revised Agreement, the States Parties to the PCT might comply with this undertaking by choosing the IIB as the competent administration for the international or quasi-international search relating to the applications filed with their national office. Moreover, the aforementioned Article 4, does not give rise to any formal impediment to the accession of States, which would in no way intend to make use of the services of the IIB. In fact, failure to comply with the undertaking referred to in this Article is not coupled with sanctions.

One can, nevertheless, consider that if the EPO becomes a Member of the IIB, the accession itself of a large number of States not Parties to the 1st Convention would not call into question the preponderance of European States within the IIB Board of Administration. In view of the decentralisation of international or quasi-international search as laid down by the PCT, the bulk of the work carried out by the IIB will be either for the EPO or for the EPO Member States. Thus it will be this Organisation and these States which, in terms of the annual contributions which they will be paying, will possess the majority of votes cast at the time of any weighted voting.

2. The present study has shown that the Hague Agreement revised in 1961 was conceived in such a way as to allow for the operation of the IIB to be redirected within the context of the creation of a European system for the grant of patents. On the other hand, it does not reflect the new international data established by the PCT. Thus, it would not seem excluded for the IIB Member States to undertake a new revision of the Hague Agreement with a view to adapting this text in line with the fact that the IIB will henceforth be serving three types of institutional users, i.e. user States under the PCT, the European Patent Office and States requesting the IIB to conduct documentary searches relating to the national applications filed with their patent offices.

However, the undertakings which the IIB and its Member States will have to commit themselves to upon signing the 1st Convention will not be able to be based on the anticipation of such a development. Even if it were possible to have a new revised text of the Hague Agreement signed as of now, there is no certainty that it could be ratified in good time.

Nevertheless, if the Member States wanted to preserve the possibility of a subsequent rapprochement between the IIB and the future European Patent Office, it would be possible to envisage a partial revision of the Hague Agreement in order to restrict the choice of accession just to those States, which will be Parties to the European system for the grant of patents.

A similar result might be achieved if any accession were made subordinate to the agreement of the official Member States.

The question should be studied, whether such a

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.../...

change in the Hague Agreement once it was signed, would not put the Government with which the instruments of accession have to deposit it in a position which permits it to announce that it will only be able to recognise the deposit of instruments of accession following upon the agreement of the Governments of the other IIB Member States.

V. More long term developments

The setting up of a European system for the grant of patents constitutes a major step towards the centralisation of patent rights in Europe. Paradoxically, the extent of co-operation undertaken with regard to patents in a wider context entails the risk that one of the principle factors in any procedure for the grant of patents, i.e. the documentary search, only shares to an incomplete extent in European centralisation. In fact, in addition to the International Patent Institute, other international administrations within the meaning of the PCT will probably be founded in Europe.

It may be thought that one of the reasons behind this situation is the fact that documentary search relating to applications for a European patent will be entrusted to an organisation independent of the European Patent Office and that this Organisation is composed of a group of States the composition of which will not necessarily correspond to that of the group which will be formed by the States Parties to the European system for patents.

It has already been pointed out above that if a rapprochement were desired between the IIB and the EPO, it could be realised by means of a suitable restriction of access to the Hague Agreement on the one hand and by means of accession to the IIB, by both the EPO and its Member States on the other hand.

If however, the accession of all these States were not to take place, other means might be used to place these

States, following the creation of the EPO, on an equal footing with regard to the IIB.

Certain solutions have been put forward in this connection. Without enumerating them or studying them in exhaustive detail, it should be said that, in any case, the IIB should continue in its capacity as a working instrument. Should the IIB be put at the disposal of the States Parties to the European system, the commitments undertaken by it at an international level and the special interests of its user States should and would be able to be fully respected. Any further investigation of such an assumption will have to be made in the light of the position adopted by the States concerned.

CONCLUSIONS

This study, supplemented by the statistical estimates appearing in the Annex, endeavours to answer the survey which was addressed to the IIB delegation at Working Party's meeting from 14 to 22 October 1971.¹⁹⁷⁴ However, it has been found impossible to state explicitly at this stage the terms of the agreement which will have to be concluded between the future European Patent Office and the International Institute. In fact, the problem of establishing the future relationships between the two Organisations falls within overall ambit of the patent policy, which the European States intend pursuing at the international level. The fundamental question is to know whether the IIB must remain an instrument with not only a vocation but also a universal structure or if, on the contrary, it must constitute a component of the European patent system, this last solution not excluding a certain extension out towards the countries outside Europe.

It is principally the present IIB Member States which will have to settle this question, but they will only be able to take their decision in view of the position adopted by the other States represented at the Intergovernmental Conference for the setting up of a European system for the grant of patents.

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APPENDIX TO THE STUDY ABOUT THE FUTURE
RELATIONSHIP BETWEEN THE I.I.B. AND THE E.P.O.

Estimate of the annual contributions of member States and member organisations of the I.I.B., of the number of their votes in the Council of Administration in weighted votes and of the number of search units to be carried out by I.I.B.

These estimates are made relating to the following hypotheses :

- 1° The E.P.O. is a member of the I.I.B. but no new State accedes to The Hague Agreement ;
- 2° The E.P.O. is a member of the I.I.B. ; further the 19 States party to the Intergovernmental Conference are members of the E.P.O. as well as of the I.I.B. ;
- 3° The E.P.O. has not become a member of the I.I.B. No new State accedes to The Hague Agreement ;
- 4° The E.P.O. has not become a member of the I.I.B. ; however the member States of the E.E.C. (the four candidates included) which are not already members of the I.I.B. access to The Hague Agreement ;
- 5° The E.P.O. has not become a member of the I.I.B. ; the 19 States party to the Intergovernmental Conference are members of the E.P.O. as well as of the I.I.B.

The estimates are based upon :

- I.I.B. budget for the year 1972 ;
- WIPO statistics for the year 1969 (number of applications and extensions filed in each State) ;
- the E.P.O. receives 40.000 applications per year, 25.000 being designations in international applications. It is assumed that any applicant seeking pro-

tection in at least three European States will file an European application. If furthermore he seeks protection in three States not party to the European patent system, he will file application for an European patent by means of a designation made in an international application filed with the competent national office.

- It is assumed that the number of national and international applications to be filed with the offices of the States party to the European patent system will be equal to the number of applications claiming no priority filed in 1969 in these States, whether these applications originate from residents or non-residents. At this stage, it could be thought that this assumption is in contradiction with that mentioned in the preceeding paragraph. However, the resulting inaccuracy could be somewhat counterbalanced by the fact that some of the first filings, especially some of those coming from abroad are to be deducted from the number mentioned above. Anyway this lack of precision will be of minor effect on the final result.
- Concerning the number of international applications to be filed in each I.I.B. member State, it is assumed that any application filed in 1969 which was followed by at least three extensions to States not party to the Intergovernmental Conference will be filed as an international application.
- Under the financial system provided for by the revised Agreement of The Hague, the European and international applications are considered as being "received" respectively by the E.P.O. and the PCT receiving office. Designations made in those applications are not considered as the equivalent of applications "received" by the designated States or organisations.
- Under article 13, paragraph 2 of the revised Agreement of The Hague, the share of annual contributions covering the running expenses will be fixed :
 - variants A and A* : at 1 %
 - variants B and B* : at 11 %

- Concerning the variants A and B, it is assumed that : :
 - any European or international application claiming the priority of another application for which a search report has been drawn up by the I.I.B., will be subject to a limited search at the fourth of the full search fee. On the contrary, if the first search report has been drawn up by another authority than the I.I.B., the full fee will have to be paid ;
 - any other international application designating the E.P.O. will be subject to a complete search carried out by the I.I.B., the latter acting either as the competent International Searching Authority or under article 160a of the first Convention.
- Concerning the variants A* and B*, it is assumed on the contrary that :
 - any European or international application claiming the priority of another application for which a search report has been drawn up, whether by the I.I.B. or by the Austrian, the German or Swedish Patent Office, will be subject to a limited search at the fourth of the full search fee ;
 - no international application designating the E.P.O. which has been the subject of an international search report will lead to a supplementary search.
- The cases provided for in article 137 of the first Convention have not been taken into account ;
- The Austrian, German and Swedish Offices are International Searching Authorities and are competent for applications filed respectively in Austria, Germany and Sweden, the Swedish Patent Office being also competent for the applications filed in Denmark and Norway. The I.I.B. is the International Searching Authority competent for the other States party to the Intergovernmental Conference (with the exception of those States non-signatory to the PCT) and for the E.P.O.

A possible competence of the I.I.B. for other States has not been taken into account.

Besides the information given in the enclosed tables, it is indicated that the minimum fee per search report that should be paid in 1972 by non-member States or non-member organisations under article 13, paragraph 6 of the revised The Hague Agreement, is to be 925,- Dfl. This amount corresponds to the average contribution (running and examination expenses) to be paid per search unit by the member States (1972 budget).

Considering that most of the above-mentioned bases for calculation remain uncertain, the tables are to be regarded as an approximation. Besides, the variants A, A*, B and B* constitute combinations of extreme assumptions. None of these data are to be interpreted as an opinion expressed by the I.I.B.

EINTRITTSBEITRAG
INITIAL CONTRIBUTION
COTISATION INITIALE

<div> <div> Wert des Kg. Feingold Exchange value of one kg. pure gold Valeur d'un kg. d'or fin </div> <div> </div> <div> Fl. 4.600 </div> <div> Mittlerer Kurs Amsterdamer Börse des 5.11.'71 Average exchange rate of Amsterdam the 5th of Nov.'71 Cours moyen de la bourse d'Amsterdam le 5.11.'71 </div> </div>			
STATEN STATES ETATS	KLASSE CLASS CLASSE	ZAHLE DER EINHEITEN NUMBER OF UNITS NOMBRE D'UNITES	EINTRITTSBEITRAG INITIAL CONTRIBUTION COTISATION INITIALE
DT	I	25	230.000
IT	I	25	230.000
SW	III	15	138.000
OE	IV	10	92.000
DK	IV	10	92.000
ES	IV	10	92.000
NO	IV	10	92.000
EL	IV	10	92.000
PO	IV	10	92.000
GR	V	5	46.000
YU	IV	10	92.000

Bemerkung : Der Eintrittsbeitrag des E.P.A. wird, laut Art. 12.3. des am 16.2.1961 revidierten Abkommens vom Haag, in dem mit dem I.I.B. abgeschlossenen, in Art. 2 des genannten Abkommens zitierten Vertrag bestimmt.

Note : According to art. 12.3. of the Agreement revised at The Hague on 16 th February 1961, the initial contribution of the E.P.O. is fixed in the special agreement with the I.I.B. as provided for in art. 2 of said Agreement.

Remarque : La cotisation initiale de l'O.E.B. est, selon l'art. 12.3. de l'Accord de La Haye révisé le 16 février 1961, déterminé par l'Accord conclu avec l'I.I.B. visé à l'art. 2 du même accord.

	HYPOTHESE 1 VARIANTE A HYPOTHESIS 1 VARIANT A HYPOTHESE 1 VARIANTE A			HYPOTHESE 1 VARIANTE A*			HYPOTHESE 2 VARIANTE A			HYPOTHESE 2 VARIANTE A*		
STATEN STATES ETATS	Jahresbeiträge Annual contribu- tions Contributions annuelles	Stimmwägung Weighted votes Voix pondérées	Recherchen- einheiten Research units Unités de recherche	Jahresbeiträge Annual contri- butions Contributions annuelles	Stimmwägung Weighted votes Voix pondérées	Recherchen- einheiten Research units Unités de recherche	Jahresbeiträge Annual contri- butions Contributions annuelles	Stimmwägung Weighted votes Voix pondérées	Recherchen- einheiten Research units Unités de recherche	Jahresbeiträge Annual contri- butions Contributions annuelles	Stimmwägung Weighted votes Voix pondérées	Recherchen- einheiten Research units Unités de recherche
O.E.B.	28.838.000	55	31.371	7.000.000	30	7.572	28.783.000	55	31.371	6.949.000	52	7.552
DT							160.000	11		97.000	11	
GB	3.495.000	16	3.584	3.410.000	20	3.584	3.388.000	23	3.584	3.346.000	31	3.584
FR	16.907.000	38	18.335	16.860.000	55	18.335	16.848.000	55	18.335	16.825.000	55	18.335
CH	1.622.000	13	1.719	1.603.000	15	1.719	1.581.000	16	1.700	1.589.000	20	1.719
NL	3.399.000	16	3.682	3.387.000	20	3.681	3.385.000	23	3.681	3.379.000	31	3.681
IT							407.000	12	407	393.000	13	407
SW							17.000	11		10.000	11	
BE	193.000	11	196	188.000	11	196	186.000	11	196	184.000	12	196
OE							21.000	11		12.000	11	
DK							3.000	11		2.000	11	
ES							17.000	11		10.000	11	
NO							7.000	11		4.000	11	
EI							13.000	11	10	11.000	11	10
LU	17.000	11	11	14.000	11	11	13.000	11	11	12.000	11	11
PO							3.000	11		2.000	11	
GR							7.000	11		4.000	11	
IR	465.000	11	500	462.000	12	500	461.000	12	500	460.000	13	500
MO	9.000	11	2	6.000	11	2	5.000	11	2	4.000	11	2
YU							10.000	11	3	7.000	11	3
Summen Totals Totaux	54.945.000	182	59.400	32.930.000	185	35.600	55.315.000	339	59.800	33.300.000	359	36.000

	HYPOTHESE 3 VARIANTE A HYPOTHESIS 3 VARIANT HYPOTHESE 3 VARIANTE A			HYPOTHESE 4 VARIANTE A HYPOTHESIS 4 VARIANT HYPOTHESE 4 VARIANTE A			HYPOTHESE 5 VARIANTE A HYPOTHESIS 5 VARIANT HYPOTHESE 5 VARIANTE A			HYPOTHESE VARIANTE HYPOTHESIS VARIANT HYPOTHESE VARIANTE		
STATEN	Jahresbeiträge	Stimmwägung	Recherchen- einheiten	Jahresbeiträge	Stimmwägung	Recherchen- einheiten	Jahresbeiträge	Stimmwägung	Recherchen- einheiten	Jahresbeiträge	Stimmwägung	Recherchen- einheiten
STATES	Annual contri- butions	Weighted votes	Research units	Annual contri- butions	Weighted votes	Research units	Annual contri- butions	Weighted votes	Research units	Annual contri- butions	Weighted votes	Research units
ETATS	Contributions annuelles	Voix pondérées	Unités de recherche	Contributions annuelles	Voix pondérées	Unités de recherche	Contributions annuelles	Voix pondérées	Unités de recherche	Contributions annuelles	Voix pondérées	Unités de recherche
O.E.B.												
DT				99.000	11		85.000	11				
GB	3.407.000	21	3.584	3.347.500	32	3.584	3.338.000	35	3.584			
FR	16.833.000	55	18.307	16.877.000	55	18.390	16.868.000	55	18.387			
CH	1.603.000	15	1.719	1.589.000	21	1.719	1.587.000	22	1.719			
NL	3.387.000	21	3.681	3.379.000	33	3.681	3.378.000	35	3.681			
IT				394.000	13	407	391.000	13	407			
SW							9.000	11				
BE	188.000	11	196	184.000	12	196	183.000	12	196			
DE							11.000	11				
DK				2.000	11		2.000	11				
ES							9.000	11				
NO				4.000	11		3.500	11				
EI				11.000	11	10	11.000	11	10			
LU	14.000	11	11	12.000	11	11	12.000	11	11			
PD							2.000	11				
GR							3.500	11				
TR	462.000	12	500	460.000	13	500	459.500	14	500			
MO	6.000	11	2	4.000	11	2	4.000	11	2			
YU							6.000	11	3			
Summen Totals Totaux	25.900.000	157	28.000	26.362.500	245	28.500	26.362.500	318	28.500			

	HYPOTHESE 1 VARIANTE B HYPOTHESIS 1 VARIANT B HYPOTHESE 1 VARIANTE B			HYPOTHESE 1 VARIANTE B HYPOTHESIS 1 VARIANT B HYPOTHESE 1 VARIANTE B			HYPOTHESE 2 VARIANTE B HYPOTHESIS 2 VARIANT B HYPOTHESE 2 VARIANTE B			HYPOTHESE 2 VARIANTE B HYPOTHESIS 2 VARIANT B HYPOTHESE 2 VARIANTE B		
STATEN STATES ETATS	Jahresbeiträge Annual contri- butions Contributions annuelles	Stimmwägung Weighted votes Voix pondérées	Recherchen- einheiten Research units Unités de recherche	Jahresbeiträge Annual contri- butions Contributions annuelles	Stimmwägung Weighted votes Voix pondérées	Recherchen- einheiten Research units Unités de recherche	Jahresbeiträge Annual contri- butions Contributions annuelles	Stimmwägung Weighted votes Voix pondérées	Recherchen- einheiten Research units Unités de recherche	Jahresbeiträge Annual contri- butions Contributions annuelles	Stimmwägung Weighted votes Voix pondérées	Recherchen- einheiten Research units Unités de recherche
O.E.B.	27.035.000	55	31.371	6.958.000	30	7.572	26.427.000	55	31.371	6.579.000	50	7.552
DT							1.765.000	17		1.063.000	17	
GB	5.293.000	19	3.584	4.354.000	22	3.584	4.115.000	25	3.584	3.651.000	32	3.584
FR	16.379.000	37	18.335	15.864.000	54	18.335	15.733.000	55	18.335	15.479.000	55	18.335
CH	1.944.000	14	1.719	1.732.000	15	1.719	1.662.000	17	1.700	1.573.000	20	1.719
NL	3.333.000	16	3.682	3.212.000	19	3.681	3.181.000	22	3.681	3.121.000	29	3.681
IT							711.000	13	407	561.000	14	407
SW							188.000	11		113.000	11	
BE	312.000	11	196	252.000	11	196	237.000	11	196	206.000	12	196
OE							225.000	11		136.000	11	
DK							36.000	11		23.000	11	
ES							188.000	11		113.000	11	
NO							75.000	11		45.000	11	
EL							46.000	11	10	31.000	11	10
LU	85.000	11	11	54.000	11	11	47.000	11	11	32.000	11	11
PO							38.000	11		23.000	11	
GR							75.000	11		45.000	11	
IR	487.000	11	500	457.000	12	500	449.000	12	500	434.000	13	500
MO	77.000	11	2	47.000	11	2	39.000	11	2	24.000	11	2
YU							78.000	11	3	48.000	11	3
Summen Totals Totaux	54.945.000	185	59.400	32.930.000	185	35.600	55.315.000	348	59.800	33.300.000	363	36.000

	HYPOTHESE 3 VARIANTE B HYPOTHESIS 3 VARIANT B HYPOTHESE 3 VARIANTE B			HYPOTHESE 4 VARIANTE B HYPOTHESIS 4 VARIANT B HYPOTHESE 4 VARIANTE B			HYPOTHESE 5 VARIANTE B HYPOTHESIS 5 VARIANT B HYPOTHESE 5 VARIANTE B			HYPOTHESE VARIANTE F HYPOTHESIS VARIANT F HYPOTHESE VARIANTE F		
STATEN STATES ETATS	Jahresbeiträge Annual contribu- tions Contributions annuelles	Stimmwägung Weighted votes Voix pondérées	Recherchen- einheiten Research units Unités de recherche	Jahresbeiträge Annual contribu- tions Contributions annuelles	Stimmwägung Weighted votes Voix pondérées	Recherchen- einheiten Research units Unités de recherche	Jahresbeiträge Annual contribu- tions Contributions annuelles	Stimmwägung Weighted votes Voix pondérées	Recherchen- einheiten Research units Unités de recherche	Jahresbeiträge Annual contribu- tions Contributions annuelles	Stimmwägung Weighted votes Voix pondérées	Recherchen- einheiten Research units Unités de recherche
D.F.B.												
DE				1.090.000	18		933.500	17				
GB	4.331.000	24	3.584	3.670.000	34	3.584	3.566.000	36	3.584			
FR	15.828.000	55	18.307	15.534.000	55	18.390	15.475.000	55	18.387			
CH	1.727.000	16	1.719	1.578.000	21	1.719	1.554.000	22	1.719			
NL	3.208.000	20	3.681	3.123.000	31	3.681	3.110.000	33	3.681			
IT				567.000	14	407	534.000	14	407			
SW							99.000	11				
BE	250.000	11	196	208.000	12	196	201.000	12	196			
OE							119.000	11				
DK				23.000	11		20.000	11				
ES							99.000	11				
NO				46.000	11		40.000	11				
EL				31.500	11	10	28.000	11	10			
LU	54.000	11	11	32.000	11	11	29.000	11	11			
PO							20.000	11				
GR							40.000	11				
IR	456.000	12	500	435.000	13	500	431.500	14	500			
MO	46.000	11	2	25.000	11	2	21.500	11	2			
YU							42.000	11	3			
Summen Totals Totaux	25.900.000	160	28.000	26.362.500	253	28.500	26.362.500	324	28.500			

GESAMTZAHL DER RECHERCHENEINHEITEN

TOTAL NUMBER OF SEARCH UNITS

NOMBRE TOTAL D'UNITES DE RECHERCHE

	: : :	Varianten Variants Variantes	} A et B	: : :	Varianten Variants Variantes	} A* et B
HYP. 1	: : :	59.400		: : :	35.600	
HYP. 2	: : :	59.900		: : :	36.000	
HYP. 3	: : :	59.400		: : :	35.600	
HYP. 4	: : :	59.900		: : :	36.000	
HYP. 5	: : :	59.900		: : :	36.000	

(für das E.P.A., das nach den betreffenden Hyp. nicht Mit-
) glied des I.I.B. ist.
) dont 31.400 (for the E.P.O., which is not a member of the I.I.B. in the
) dont 7.600) considered hypotheses.
(pour le compte de l'O.E.B. qui, dans les hypothèses
) considérées n'est pas membre de l'I.I.B.

