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- ** THE EUROPEAN PATENT could come into force at the beginning of 1973, and the COMMUNITY PATENT immediately afterwards. The Governmental Conference on European Patents (attended by 19 European countries) is making good progress, and the final texts of the two conventions may be drawn up by June 1972. A short summary of the history of the relevant proceedings will be found in ANNEX 1.

- ** Between 65 and 70 million kg/SWU will have to be provided by non-American sources of URANIUM ENRICHMENT during the period 1979-85; these are the estimates of experts of the Commission of the European Communities who are making an in-depth study of the conditions with regard to the creation of European uranium enrichment facilities (see "Industry, Research and Technology" Nos. 18 and 80). A short note on this subject will be found in ANNEX 2.

- ** After the recent negotiations at Luxembourg, agreement on the ACCESSION OF GREAT BRITAIN TO THE EUROPEAN COAL AND STEEL COMMUNITY (ECSC) appears certain. The last remaining issues have been settled, and the British have accepted the Community proposal fixing the British contribution to the ECSC reserve fund.

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The information and articles published in this Bulletin concern European scientific cooperation and industrial development in Europe. Hence they are not simply confined to reports on the decisions or views of the Commission of the European Communities; but cover the whole field of questions discussed in the different circles concerned.

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** Replying to a written question from Mr Vredeling, a Dutch member of the European Parliament, concerning the RISES IN THE PRICES OF PETROLEUM and its derivatives, the Commission of the European Communities states that to the best of its knowledge the agreements concluded between the big oil companies and the oil-producing countries merely fix the posted prices, which serve as a basis for calculating the royalties paid to the producer states; they do not prescribe any quota as between the signatory companies. It is therefore impossible to say that these agreements in themselves restrict competition and prejudice trade between the Community Member States.

The Commission does not at present have any reason to contend that these agreements with the producer countries show that the oil companies have engaged in concerted practices or have abused a dominant position in regard to the sale prices of petroleum products within the Community. Such practices would come within the scope of Articles 85 and 86 of the Treaty, irrespective of the action taken by the public authorities with regard to prices.

The Commission will watch the trend of oil-product prices closely, and might decide to take action if it felt that there had been infractions of the above articles.

** In reply to a written question from Mr Spedale, an Italian member of the European Parliament, concerning the organization of TRADE UNION BRANCHES IN MULTINATIONAL COMPANIES within the Community, the Commission of the European Communities has stated that the work on European company law has led the Commission to propose a regulation concerning the statute of European limited liability companies. This proposal was submitted to the Council on 30 June 1970 and is at present being examined by the European Parliament and the Economic and Social Committee.

Section V of the Commission's proposal is devoted to workers' representation in European limited liability companies. It provides for workers' representation in the company through the institution of the European Industrial Committee and through their participation in the supervising board. In addition, the draft regulation expressly provides for the conclusion of collective agreements between European companies and the trade unions represented in the company itself, and thus provides the legal basis for the conclusion of these agreements.

** The Council has just passed two resolutions relating to cooperation in the field of SCIENTIFIC AND TECHNICAL INFORMATION AND DOCUMENTATION.

Under the first resolution; the Council will create the machines for coordinating action by Member States with a view to the gradual establishment of a European network of documentation and information. The preparation of the projects for the coordination of this work throughout the Community will be entrusted to the Commission of the European Communities and the Scientific and Technical Research Policy Committee (Aigrain Group). A Committee of Scientific and Technical Information and Documentation (CIDST) will be created, to be composed of the persons responsible for formulating policy on scientific and technical information and documentation in each Member State, together with representatives of the Commission.

In its second resolution the Council approves the creation of a decentralized system of metallurgical documentation and information, to link the specialist national centres with the departments of the Commission of the European Communities, which will be responsible for the computer processing and the central storage of the information.

** In a reply to a written question from Mr Glinne, a Belgian member of the European Parliament, concerning the ECONOMIC PENETRATION OF THE UNITED STATES INTO EUROPE, the Commission of the European

Communities recalls that certain member governments and the Commission have several times in the past and again recently emphasized the need for regroupings in order to reinforce the technological and industrial viability of companies in the Community's electrical industry which are still below the threshold of competitiveness and efficiency. In the Commission's opinion such regroupings should be carried out on a Community-wide basis.

Since the take-over of the Ateliers de Construction Electrique de Charleroi by Westinghouse, however, there have been no further concentrations within the Community's electrical industry. Some cooperation is, however, springing up in the field of high temperature reactors.

- ** On 28 June the Council of Ministers of the Community is to approve the terms of a brief to be assigned to the Commission of the European Communities to negotiate with the United States concerning improved conditions FOR THE SUPPLY OF ENRICHED URANIUM TO THE COMMUNITY.
- ** Replying to a written question from Mr Oele, a Dutch member of the European Parliament, concerning the CONFERENCE ON INDUSTRY AND SOCIETY WITHIN THE COMMUNITY, due to take place in 1972, the Commission of the European Communities states that it is at present preparing the agenda of the conference in consultation with the two sides of industry concerned. The choice of participants will depend on the agenda, and will also be made in consultation with the two sides involved.
- ** On 25 June the Euratom Supply Agency and the West German Government, acting on behalf of the consortium Urangesellschaft mbH & Co., Uranerzbergbau GmbH & Co. and Nukem, signed a contract with the United States Atomic Energy Commission (USAEC) for the TOLL ENRICHMENT OF URANIUM to a total value of DM 195 million between 1979 and 1981.

- ** The guidelines of a Community policy for the TEXTILES INDUSTRIES were discussed during a meeting with trade union and employers' representatives arranged by the Commission of the European Communities on 18 June.
- ** A three-day seminar on PROBLEMS OF THE ENVIRONMENT AND THE QUALITY OF LIFE will be organized by the departments of the Commission of the European Communities at Luxembourg on 1-3 July for the benefit of trade union organizations affiliated to the European Confederation of Free Trade Unions and the European Organization of the World Labour Confederation. The meeting will be attended by about 70 representatives of management and labour from the six Community countries.

A European Patent in Sight

The expansion of industrial markets beyond national frontiers and the resultant intensification of technological competition have revealed the inadequacy of the traditional system of national patents, whereby conferment procedures and the degree of protection vary from country to country. Under this system the inventor must file a patent with numerous national patent offices; these are encumbered by an ever-increasing influx of applications, and can only discharge their task (examination of patentability, publication of descriptions, etc.) with a considerable time-lag.

A system for the international classification of patents has already been devised by the member countries of the Council of Europe with the aim of simplifying documentation. It became operational in 1968 and is at present used by some fifty countries.

In addition, on the initiative of the United States, a treaty setting up a procedure for the international filing of patents (the Patent Cooperation Treaty, or PCT) was signed in 1970 by the majority of industrialized countries, and in particular by the Member States of the European Community. These also arranged for the insertion in the Treaty of a clause making it possible to base an application for a national patent submitted through PCT machinery on a regional patent, namely, the Community patent (which is awarded after a stricter examination than for certain national patents).

The creation of a European patent, which would remove the impediments to trade relating to industrial property, is in line with the development of Community policy. As early as 1962, the Member States set up a Working Party to prepare a draft European patent. The project was put into cold storage owing to political difficulties, but revived in 1969.

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In its new version the proposed European patent comprises two stages - a first convention open to all European countries and relating to the issuing procedure, and a second convention giving the European patent the status of a unitary patent for the Member States of the Community (the national patent being retained alongside the Community patent).

In devising the procedure for the issuing of the European patent, the experts concerned have applied the lesson of the convergent trend of existing procedures in this field. The countries which formerly were content simply to record patents have now come to accept certain terms giving more weight to their patents, while the countries which granted patents only after a searching examination of the patentability of the invention have been compelled by the growing number of applications to adopt a speedier and less costly procedure. The procedure chosen for the granting of the European patent is therefore devised so as to avoid administrative bottlenecks and excessive costs.

A European patent office will be set up, comprising two sections - a patent filing office and a claims department. It will formally examine the applications as soon as they arrive, and will ask the International Patent Institute at The Hague for a supplementary report on the state of the art so as to enable it to assess the novelty of the invention. The patent application accompanied by the report concerning its novelty will be made available to the public within a period of 18 months from the first application, and the patent will then enjoy provisional protection.

The examination relating to patentability - novelty, inventive activity, and industrial applicability - could be deferred and conducted after a period of two years from the date of filing the application, i.e., six months after its publication. (The

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applicant or a third party could, however, have the examination conducted when filing the application, if he wished.) The applicant would thus have a period of reflection in which to decide whether or not to maintain his application, perhaps on the basis of the Institute's report on its novelty.

The first convention instituting a European system for the granting of patents, open in principle to all the European states (19 countries are at present participating in the work), will make it possible to grant a set of national patents by means of a unitary procedure. The applicant for a patent will be able to seek protection in all or some of the signatory states. The Member States of the Community, however, can only be designated jointly, since they wish to establish a single patent valid throughout Community territory.

This convention was originally limited to the provision of a unitary patent-granting procedure (the European patent having the effect of a national patent for the contracting parties, and the national laws continuing to lay down the methods of application), but it became evident that it must include a definition of the revocation clauses, in order to prevent a European patent being revoked in pursuance of the various national regulations.

The European patent could also be accessible to nationals of states not signatory to the convention, on condition that these states accord the same protection to the nationals of the signatory states to the convention as to their own nationals.

The second convention relating to the European patent for the Common Market establishes a unitary patent enjoying uniform protection throughout the Member States of the Community. This convention thus involves a difficult task as regards definition of the rights attaching this unitary patent.

The first convention could be signed towards the end of 1972 or the beginning of 1973, and the European Patent Office could, on the most reliable estimates, begin to function in 1976. The Community patent could be adopted immediately after the institution of the European patent.

Steps Towards the Creation of a European
Uranium Enrichment Capacity

Estimated Requirements

According to the estimates of the staff of the European Communities, 65-70 million kg/SWU will have to be provided by non-American sources in the period 1979-85.

The growing world requirements for enriched uranium will necessitate a great increase in isotope separation work in the next few years. According to the departments of the Commission of the European Communities, the annual capacities of non-American sources will total 17-20 million kg/SWU by 1985.

In spite of these considerable non-American sources, the US will need capacities exceeding 50 million kg/SWU by 1985 in order to cover their own requirements and supply a major share of the world market (about 15 million kg/SWU in 1985). This implies doubling present capacities, even after the increase planned in existing programmes.

Japan alone supplies over half of the requirements of the "other countries". According to the press, certain circles in that country feel that by 1985 Japan should aim to have an annual capacity of about 5 million kg/SWU.

The table below summarizes expert estimates concerning requirements and separative work output in 1975-85:

Separative Work
(millions of kg/SWU)

| | 1975 | | 1978 | | 1981 | | 1985 | |
|--|--------|--------|--------|--------|--------|--------|--------|--------|
| | Annual | Cumul. | Annual | Cumul. | Annual | Cumul. | Annual | Cumul. |
| Requirements: | | | | | | | | |
| United States | 11.- | 42.- | 15.7 | 83.7 | 23.4 | 145.5 | 38.5 | 275.2 |
| Western Europe ¹ | 4.5 | 12.5 | 7.7 | 32.- | 13.- | 65.3 | 23.- | 141.1 |
| Other countries of the "Free World" | 2.- | 5.5 | 3.5 | 14.2 | 5.9 | 29.2 | 11.- | 65.1 |
| Output: | | | | | | | | |
| United States | 16.7 | 57.7 | 24.4 | 122.3 | 35.8 | 217.6 | 53.8 | 405.5 |
| Other sources | 0.8 | 2.3 | 2.5 | 7.6 | 6.5 | 22.4 | 18.7 | 75.9 |
| | 17.5 | 60.- | 26.9 | 129.9 | 42.3 | 240.- | 72.5 | 481.4 |

¹The Community share is about 60% of the figure for Western Europe.