

# WORLD TRADE ORGANIZATION

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**Council for Trade-Related Aspects  
of Intellectual Property Rights**

Original: French

## NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 63.2 OF THE AGREEMENT

### Luxembourg

By means of a communication, dated 10 January 1997, the delegation of Luxembourg has submitted the following supplementary notification under Article 63.2 of the Agreement.

Pursuant to Article 63.2 of the TRIPS Agreement, I am attaching herewith Luxembourg's legislation in the following areas:

- *Topographies of semiconductor products*: Law of 29 December 1988 on the legal protection of topographies of semiconductor products<sup>1</sup>;
- *unfair competition*: Law of 27 November 1986 regulating certain trade practices and penalizing unfair competition, as amended by the Law of 14 May 1992<sup>2</sup>;
- *patents*: as the relevant legislative reform will soon be concluded (probably in May 1997), the notification includes both the legislation currently in force and future legislation. The relation between the texts is explained in a note that is also attached.<sup>3</sup>

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<sup>1</sup>The text of this law can be found in document IP/N/1/LUX/L/1.

<sup>2</sup>The text of this law can be found in document IP/N/1/LUX/O/1.

<sup>3</sup>The texts of these laws and regulations can be found in documents IP/N/1/LUX/P/1-4.

ANNEX

Note by the Delegation of Luxembourg Concerning Patent Legislation

Luxembourg is currently undertaking an in-depth reform of its patent legislation. The changes will be made in two stages:

1. The Law currently in force (Law of 30 June 1880) will be replaced by the Law of 20 July 1992. This will enter into force three months after the executive rules, which will shortly be adopted, have been published in the *Journal officiel*;
2. The Law of 20 July 1992 will be amended in order to adapt it to the TRIPS Agreement. This change will enter into effect three days after the amendment law, which is currently being discussed in Parliament, has been published in the *Journal officiel*;

The reform process should be concluded in May 1997.

\*Legislation currently in force:

1. Basic legislation (Annex 1)

- (1.1) - Patent Law of 30 June 1880 as amended by the Law of 27 April 1922, the Grand-Ducal Decree of 13 October 1945 and the Law of 31 October 1978;
- (1.2) - Grand-Ducal Decree of 13 October 1945 amending and supplementing patent legislation;
- (1.3) - Ministerial Decree of 9 November 1945 on administrative procedure related to patents, enacted under the Law of 30 June 1880 and the Grand-Ducal Decree of 13 October 1945;
- (1.4) - Ministerial Decree of 7 November 1946 on administrative procedure related to patents, enacted under the Law of 30 June 1880 and the Grand-Ducal Decree of 13 October 1945;
- (1.5) - Grand-Ducal Decree of 21 June 1947 on extension of the time-limits and reinstatement of industrial property rights;
- (1.6) - Grand-Ducal Regulations of 16 December 1980 fixing a new scale for the various fees and additional fees set out in the Grand-Ducal Decree of 13 October 1945 amending and supplementing patent legislation;

as amended by:

- (1.7) - Grand-Ducal Regulations of 28 December 1989 amending the Grand-Ducal Regulations of 16 December 1980 fixing a new scale for the various fees and additional fees set out in the Grand-Ducal Decree of 13 October 1945 amending and supplementing patent legislation, and the Ministerial Decree of 9 November 1945 on administrative procedure related to patents, enacted under the Law of 30 June 1880 and the Grand-Ducal Decree of 13 October 1945.

2. Supplementary legislation

2.1 Inventions concerning defence (Annex 2.1)

- (2.1.1) - Law of 8 July 1967 on the disclosure and exploitation of inventions and trade secrets concerning territorial defence or State security;
- (2.1.2) - Grand-Ducal Regulations of 18 September 1969, enacted under Article 4, final paragraph, of the Law of 8 July 1967 on the disclosure and exploitation of inventions and trade secrets concerning territorial defence or State security.

2.2. Legislation establishing the executive rules for certain international agreements (Annex 2.2).

(a) Patent Cooperation Treaty (PCT)

- (2.2.1) - Law of 27 May 1977, (a) approving the Patent Cooperation Treaty; (b) amending the national legislation on patents;
- (2.2.2) - Grand-Ducal Regulations of 25 May 1978, enacted under the Law of 27 May 1977, (a) approving the Patent Cooperation Treaty; (b) amending the national legislation on patents.

(b) European Patent Convention

- (2.2.3) - Law of 27 May 1977, (a) approving the European Patent Convention; (b) amending the national legislation on patents;
- (2.2.4) - Grand-Ducal Regulations of 9 May 1978, enacted under the Law of 27 May 1977 (a) approving of the European Patent Convention; (b) amending the national legislation on patents.

\*Future legislation (Annex 3)

- (3.1) - Law of 20 July 1992 amending the patent regime;
- (3.2) - Grand-Ducal Regulations on procedure and administrative formalities related to patents and supplementary protection certificates for medicinal products;
- (3.3) - Grand-Ducal Regulation fixing the fees and remuneration for patents and supplementary protection certificates for medicinal products.

\*Legislation transposing the TRIPS Agreement (Annex 4)

- (4.1) - Draft Law amending the Law of 20 July 1992 amending the patent regime;
- (4.2) (=3.1 + 4.1) - Harmonized text of the Law of 20 July 1992 amending the patent regime as amended.

Once the legislative reform has been concluded, the following texts will be in force:

- (4.2) Basic patent law, adapted to the TRIPS Agreement
- (3.2) Executive rules
- (3.3) Regulations on fees

(2.2.1)\* Law on PCT patents

(2.2.2)\*\* Executive rules

(2.2.3)\* Law on European Patents

(2.2.4)\*\* Executive rules

(2.1.1) Law on inventions concerning defence

(2.1.2) Executive rules

\* These laws are amended in certain respects by the Law (4.1) (see Titles XIII and XIV thereof).

\*\* These rules are amended by the regulations (3.3) (see Article 55 thereof).

The texts (3.1)/(4.2), (3.2) and (3.3) are drafts that may be amended in the course of the current legislative procedure. The definitive texts and their exact date of entry into force will be notified as soon as they are known.