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INTERNATIONAL UNION

United International Bureaux for the Protection of Industrial, Literary and Artistic Property

Change in the Post of Director

By a decision of the Swiss Federal Council, of the 7th December, 1962, Mr. G. H. C. Bodenhausen, Professor of the University of Utrecht and Advocate at The Hague, has been appointed Director of the United International Bureaux.

Professor Bodenhausen will take up his appointment on the 16th January, 1963.

Professor Jacques Secretan, the present Director, having reached the age limit, will retire on the 15th January, 1963.

We shall later publish a note on the career of Professor Secretan.

CONVENTIONS AND TREATIES

Convention of Paris for the Protection of New Varieties of Plants

Signature by Denmark, Great Britain and Switzerland

The following communication, dated 1st December, 1962, has been received from the French Ministry of Foreign Affairs:

(Translation)

" I have the honour to inform you that the International Convention for the Protection of New Varieties of Plants (of 2nd December, 1961) was signed in Paris on 26th November, 1962, by the Plenipotentiaries of Denmark and the United Kingdom of Great Britain and Northern Ireland and, on 30th November, 1962 [1]), by the Plenipotentiary of Switzerland.

The signature of the Danish Plenipotentiary was preceded by the following declaration: 'On signing the present Convention, I declare that my signature does not bind Greenland or the Faroe Islands'. "

[1]) The Convention was open for signature until 2nd December, 1962, by States represented at the Paris Conference (Art. 31 [1] of the Convention). Only the three above mentioned States have taken advantage of this power. *(Ed.)*

LEGISLATION

POLAND

(Translation)

Inventions Act

(of 31st May, 1962)

PART I

General Regulations

SECTION I

Introductory Provisions

Article 1

(1) The Inventions Act shall coordinate the conditions governing inventions, registered designs and proposals for higher efficiency.

(2) The term " Inventor's claims " employed in the subsequent provisions of the present Act shall signify inventions, registered designs and proposals for higher efficiency.

Article 2

The provisions of the present Act shall not apply to:

1. scientific principles and scientific discoveries;
2. new botanical and zoological varieties and species;
3. methods of curing diseases in the field of medicine and veterinary science and in plant protection;
4. improvements in the sphere of administrative organisation.

Article 3

The provisions of the present Act shall not contravene the regulations contained in the international agreements.

Article 4

Subjects of foreign States shall enjoy the rights relating to inventions based on international agreements to which the People's Republic of Poland is a signatory, or on a basis of reciprocity.

SECTION II

Organisation of matters affecting inventions

Article 5

(1) As an expression of creative work and as an essential element in technical progress and in the development of the national economy inventions shall enjoy the special support of the State.

(2) State agencies shall afford help to nationals in their work concerning inventors' claims within the field determined by the acts. Assistance shall also be given by co-operative, auto-administrative and other social organisations in the economic sphere.

(3) Trade federations, technical associations, clubs for the promotion of technique and higher efficiency and other social organisations whose activities include assistance in regard to inventions shall furnish help to authors of inventors' claims in accordance with their statutes and regulations and with the provisions of the present Act.

Article 6

(1) The task of organizing and co-ordinating matters affecting inventions and of directing such matters according to their competence shall be the responsibility of: the Technical Affairs Committee and other main organs of the national administration, the Patent Office of the People's Republic of Poland and other central offices, provincial bodies and other agencies of national organisation, State enterprises and the agencies controlling them and co-operative, vocational and other social organisations.

(2) In consultation with the Central Council of Trade Federations, and after obtaining the opinion of the Technical Head Organisation and of other competent technical organisations, the Council of Ministers shall determine the principles on which to organize, direct and co-ordinate matters affecting inventions by means of State organizing agencies and their co-operation in that field with trade federations, technical associations and other social organisations.

Article 7

(1) Where good reason exists, agencies of the national economy may entrust the solution of particular problems affecting inventions to efficiency teams or to individuals.

(2) In consultation with the Central Council of Trade Federations, and after obtaining the opinion of the Technical Head Organisation and of other competent technical organisations, the Council of Ministers shall determine the principles on which to set up efficiency teams through State agencies, their activity and methods of entrusting to them tasks concerned with inventions.

(3) In consultation with the Central Council of Trade Federations, and after obtaining the opinion of the Technical Head Organisation and of other competent technical organisations, the Council of Ministers shall determine the principles on which the conclude agreements with individuals in regard to activities affecting inventions.

Article 8

In consultation with the Central Council of Trade Federations, and after obtaining the opinion of the Technical Head Organisation and of other competent technical organisations, the Council of Ministers shall determine the principles and methods by which to finance the development and putting into effect of inventions in the national economy.

SECTION III

Duties and Rights of Authors of Inventors' Claims

Article 9

The author of an inventor's claim shall have the right and, where necessary, also the duty, to take part in work connected with the assessing of the value of his claim, testing it and applying it to the particular section of the national economy.

Article 10

If the author of the inventor's claim is not occupied in the section of the national economy which is applying the claim, he shall have the right to ask to conclude with the section an agreement for participation in the work referred to in Article 9. Further, he shall be entitled to unpaid leave of absence from his place of work for the duration of this agreement and shall continue to enjoy all additional concessions to which he is entitled at his place of work. The period of unpaid leave shall count against his period of service at his regular place of employment in respect of rights which are conditional on the number of years of service or on the uninterrupted continuance of the employment in the particular vocation or service, or on any special conditions on which the obtaining of such rights may depend. The author shall also retain continuance of his employment as regards entitlement to leave and to family insurance benefits in the section applying the inventor's claim.

Article 11

(1) Under the terms of the present Act, the author of the inventor's claim shall be entitled to receive a patent and certificates of protection, authorship or higher efficiency; he shall also have the right to claim remuneration.

(2) The author of the inventor's claim shall be entitled to have his name mentioned in the descriptions, registers and other documents and publications as the author of the claim.

Article 12

In consultation with the Central Council of Trade Federations, and after obtaining the opinion of the Technical Head Organisation and of other competent technical organisations, the Council of Ministers shall issue regulations concerning duties and rights of authors of inventor's claims, the giving of assistance to clubs for promotion of technique and higher efficiency and regarding the exercise of the regulations covered by Articles 9-11.

PART II

Inventions

SECTION I

Patent, Certificate of Authorship

Article 13

The term "invention" shall be held to include any new solution to a technical problem which is suitable for application to the national economy or in the field of national defence, or which may be suitable for application when the appropriate conditions have been created.

Article 14

(1) Authorship of an invention shall belong by right to its author or its joint authors.

(2) The term "joint author" shall not be deemed to include a person who merely assists in the execution of the invention without changing the basic nature of the inventor's claim.

(3) Authorship of an invention shall be attested by the issue to the author or joint authors of a certificate of authorship.

(4) If the invention has previously been patented or registered abroad, the certificate of authorship shall be issued only at the request of the notifier.

Article 15

The ownership of the invention and the exclusive right to its use shall be attested by the grant of the patent.

Article 16

(1) The competent authority for the issue of certificates of authorship and deeds of patent shall be the Patent Office of the People's Republic of Poland, hereinafter referred to as the "Patent Office".

(2) Patents and certificates of authorship for inventions shall be entered in the Patent Register.

Article 17

(1) The patent and the certificate of authorship may validly be obtained only for a new invention.

(2) An invention shall not be deemed to be new if it has been made common knowledge in Poland or a foreign country before the date according to which priority for obtaining the patent is specified, or if it has been officially used in Poland or put on public exhibition in a way which would disclose to an expert sufficient details to enable this invention to be applied.

(3) The regulation covered by paragraph (2) shall not apply if the disclosure of the invention took place within a period of six months prior to its notification to the Patent Office, following a notification of this invention to an agency of the national economy.

Article 18

(1) Patents shall not be granted and certificates of authorship shall not be issued for:

1. inventions the application of which would be contrary to existing law or to the Social Code;
2. foodstuffs, pharmaceutical products and products obtained by a chemical process.

(2) The regulation under item 2 of paragraph (1) shall not limit the possibility of the grant of a patent or the issue of a certificate of authorship for processes of manufacturing foodstuffs and pharmaceutical products or products obtained by a chemical process. A mixture of known ingredients shall not be deemed to be such a process for manufacturing foodstuffs and pharmaceutical products.

Article 19

(1) The obtaining of a patent shall secure the right to the exclusive use of the invention for gainful or vocational purposes.

(2) The right to the exclusive use of the invention shall cover the entire territory of the State and shall extend for 15 years from the date on which the invention was registered at the Patent Office.

(3) The exclusivity deriving from a patent for an invention which concerns a manufacturing process shall also comprise the products and benefits obtained directly from this process.

(4) The exclusive right deriving from the patenting shall not include means of transport, or parts or equipment thereof, which are temporarily in the territory of the State or objects which are in transit through this territory.

Article 20

(1) Any person possessing a patent for an invention may obtain a supplementary patent for improving or perfecting such an invention, if such improvements or additions have the characteristics of an invention and cannot be used independently. A supplementary patent may also be obtained for an existing supplementary patent.

(2) The supplementary patent shall lapse together with the main patent. If, however, the main patent lapses for a reason which does not affect the invention covered by the supplementary patent, the first supplementary patent shall then become independent and retain validity for the period for which the main patent was granted.

(3) The provisions of paragraphs (1) and (2) shall similarly apply to certificates of authorship.

Article 21

(1) An invention the application of which would encroach on the exclusive rights deriving from a patent granted with earlier priority (older patent) may be the subject of a dependent patent.

(2) The dependent patent shall become independent if the earlier patent expires.

(3) The provisions of paragraphs (1) and (2) shall apply similarly to a patent for an invention the exercise of which would encroach on the exclusive rights deriving from the registration of a registered design with earlier priority.

Article 22

Any person who has a legal interest in the matter may ask the Patent Office to establish that a specified manufacture is not covered by a particular patent.

SECTION II

Right to obtain a patent and a certificate of authorship

Article 23

(1) An invention which has been made as a result of an order or with the help of a section of the national economy or by an employee of such a section in its sphere of activity and in connection with his occupation in that section shall be an employee's invention, which shall be the property of the State, irrespective of whether the employee is the author or a joint author of the invention.

(2) The right to obtain for the benefit of the State a patent for an employee's invention shall be open to the competent Minister or to the section of the national economy in which the invention was registered, or whichever is to be the first to use the invention.

(3) For the purpose of reserving prior right to the obtaining of a patent, the organs mentioned in paragraph (2) shall be responsible for notifying to the Patent Office claims which have the characteristics of an invention.

Article 24

(1) If the Minister of the section of the national economy has not notified an employee's invention to the Patent Office, in order to reserve prior right or to obtain a patent in favour of the State, and the author considers that the claim shows the characteristics of an invention, he may notify the invention to the Patent Office.

(2) For an employee's invention notified by the author, the patent shall be granted in favour of the State, unless the author enjoys the right to obtain a patent in his own favour (Art. 97).

Article 25

(1) An invention made under conditions other than those mentioned in Article 23, paragraph (1), shall be a non-employee invention, which shall be the property of the inventor or his legal successor.

(2) The right to obtain in his own favour a patent for a non-employee invention shall be open to the inventor or his legal successor, and if the invention has been made by several persons, this right shall be open to them jointly.

(3) If an undertaking which is not a section of the national economy has concluded an agreement in regard to inventions in its field of activity, it shall be open to such undertaking to obtain the patent for the invention made.

(4) If, in the cases mentioned in paragraph (3), the remuneration specified in the agreement is objectionably low in relation to the benefits acquired by the undertaking from the invention, the employee may claim a corresponding increase in the remuneration.

Article 26

Subject to the exceptions referred to in Articles 27 and 28, priority for the grant of a patent and of a certificate of authorship for an invention shall be determined according to the date on which it was notified to the Patent Office.

Article 27

The priority for the grant of the patent and certificate of authorship for an invention publicly exhibited in Poland or abroad shall be determined on the basis of principles to be decided by the President of the Council of Ministers by means of an ordinance, according to the date of the exhibition, provided the invention is notified to the Patent Office within six months of this date.

Article 28

Subjects of foreign States which are members of the International Union for the Protection of Industrial Property, and subjects of other States provided they are domiciled or conduct an actual and considerable industrial or commercial undertaking in one of the member States of the Union, shall, in accordance with the principles established in the international agreements, enjoy priority for the purpose of obtaining a patent in Poland according to the date of the first lawfully made patent notification lodged in one of these States, provided they lodge their notification with the Patent Office within 12 months of this date.

SECTION III

Notification of the invention to the Patent Office

Article 29

(1) An invention shall be notified for patenting purposes by submitting an application to the Patent Office.

(2) The notification shall be deemed to have been made at the time when the application was delivered to the Patent Office or was handed in at a Polish post or telegraph office.

(3) If an invention which had been notified together with another invention has, at the request of the Patent Office, subsequently been notified in a separate application within the time specified by that office, such notification shall be deemed to have been made on the date of the first notification, provided the basic nature of the invention has not been altered.

Article 30

(1) If the notifier of an invention is not its author, he must name the inventor in the application and state the basis of his right to notify the patent.

(2) The application shall be accompanied by a description of the invention, which must also contain a statement of the basic nature of the invention to which the notifier claims exclusive right.

(3) The President of the Patent Office shall determine by means of an ordinance to what special conditions the application covering the notification of the invention, the description of the invention and other enclosures must conform.

Article 31

In the application, or within two months of the notification, the notifier may make a declaration that he wishes to exercise the priority right deriving from a public exhibition or from a notification abroad (Art. 27 and 28).

Article 32

(1) During the examination of the application covering the patent notification the Patent Office may issue directions to the notifier to complete by a given date the technical description and other enclosures to the application, or to remove by a given date any defects or major deficiencies. Right of appeal exists against such directions. The lodging of an appeal shall delay the operation of the dates fixed in the directions.

(2) Failure to observe the directions mentioned in paragraph (1) by the specified date shall cause the application to be deemed non-existent.

Article 33

Up to time of publication of the notification of the invention (Art. 36) the notifier may make additions and improvements in the technical description and enclosures to the application, provided these do not alter the basic nature of the invention or give reason to change the priority for obtaining the patent.

Article 34

(1) In his application the notifier may request that his claim be examined as a registered design, if it should prove that it cannot be patented as an invention.

(2) During the process of examination, but before the annoucement of the decision, the notifier may alter the application and request that the claim be entered as a registered design.

SECTION IV

Procedure for dealing with notification

Article 35

During the procedure preceding the announcement regarding the notification of the invention (Art. 36), the papers or documents concerning the invention may not, without the notifier's consent, be disclosed or made available to unauthorized persons.

Article 36

(1) After preliminary examination of the application, the Patent Office shall establish that there are no objections to the granting of a patent and shall effect the announcement, stating the name and surname or the designation of the notifier and the inventor, giving a short description of the basic nature of the invention, and indicating that within three months of the date of the announcement any person may peruse the technical description and drawings of the invention, make copies thereof and lodge reservations or objections to the invention or to its patenting.

(2) Should the notifier of the invention have made no comment on the principal reservations and objections raised by the date fixed by the Patent Office, it shall be assumed that he has withdrawn the application.

Article 37

As from the date of announcement of its notification the invention shall for the time being enjoy the same protection as is enjoyed by patented inventions. Should, however, notification of the invention be withdrawn or should the grant of a patent be refused, the consequences of such protection shall be deemed not to have existed.

Article 38

(1) The grant of a patent shall be published in the Patent Office journal *Wiadomości Urzedu Patentowego*; on the other hand, the description of the invention together with the drawings (patent description) shall be issued in typescript.

(2) The notifier of the invention shall be responsible for payment of the cost of printing the patent description.

(3) The President of the Patent Office shall determine by what method and by what dates payment of the cost of printing the patent description shall be made.

Article 39

(1) The grant of a patent shall be confirmed by the issue of the patent certificate.

(2) With the exception of the cases mentioned in Article 14, paragraph (4), the certificate of authorship shall be issued at the same time as the patent certificate.

(3) The patent description shall form an integral part of the patent certificate and certificate of authorship.

Article 40

(1) The patent description may be corrected if it does not properly represent the basic nature of the patented invention.

(2) The Patent Office shall decide whether and to what extent the patent description is to be reprinted, and whether and to what extent the patent owner is responsible for payment of the costs of reprinting the patent description.

Article 41

(1) If, after the grant of a patent for an invention, an identical invention with earlier priority is notified, the patent owner must, by the date fixed by the Patent Office, make a declaration regarding the validity of such notification.

(2) Should the patent owner complain that the notification is not valid, the matter shall be submitted for decision by a tribunal.

(3) Should the patent owner make no declaration regarding the validity of the notification, the decision to grant a patent shall be annulled.

Article 42

The grant of a patent for an invention and of a certificate of authorship, and also, if, during examination of the patent notification this has been published (Art. 36), the refusal of the patent grant, the withdrawal of notification of the invention, the annulment of the decision to grant a patent and references to any corrections and additions made to the patent description shall be published in the journal *Wiadomości Urzedu Patentowego*.

SECTION V

Rights and duties arising from the patent

Article 43

(1) It shall be the duty of the patent owner, within three years of obtaining the patent, to commence to exercise the use of the invention in Poland on a scale appropriate to the needs of the national economy, and to exercise the use of the invention thoroughly until the patent expires. Exercise of the use of the invention shall be deemed to include also the exercise of its use by other persons on a licensed basis. In the case of inventions the use of which can be exercised only after the creation of the necessary conditions, the three-year period shall run as from the coming into existence of such conditions. The existence of the latter shall be established by the Patent Office in consultation with the Technical Affairs Committee.

(2) The Patent Office may request both the patent owner and the licensee to prove whether, in what way and to what extent they exercise the use of the invention in Poland, and, if necessary, the reasons for the insufficient exercise of its use.

(3) The extent of and the method by which the tasks mentioned in paragraph (2) shall be fulfilled by the Patent Office shall be decided by the President of the Council of Ministers by means of an ordinance.

Article 44

(1) Any person who, at the date determining the priority for obtaining a permit, has used the invention in Poland in good faith may continue to use it in his business free of payment to the same extent to which he has used the invention up to then. This right shall also be open to a person who at the same date has already made all material arrangements necessary for the use of the invention.

(2) The right mentioned in paragraph (1) shall, at the request of the interested party, be subject to registration in the Patent Register.

Article 45

(1) The right to a non-employee invention and the rights arising from the patent for such an invention may become, in whole or in part, the subject of a sale or a legacy.

(2) The agreement on the transfer of rights shall require observance of the written form, with officially attested signatures.

(3) Transfer of patent rights shall be subject to registration in the Patent Register.

Article 46

Unless otherwise specified in the agreement on joint authorship of the rights arising from the patent, the joint owner of the invention may:

1. without the consent of the other joint owners himself use the invention and proceed against any person who is guilty of contravening the exclusive right arising from the patent;
2. with the consent of all the joint owners transfer his rights to the invention to another person or grant permission for the use of the invention, in whole or in part, by another person.

Article 47

(1) The patent owner may by an agreement authorize another person to exercise the use of his invention (licensing agreement).

(2) The licensing agreement must be concluded in writing, with officially attested signatures.

(3) The licence shall, at the request of the interested party, be subject to registration in the Patent Register.

(4) Unless otherwise stated in the licensing agreement, the grant of a licence shall not exclude the possibility of granting a further licence to exercise the use of the invention and the simultaneous exercise of its use by its owner.

(5) The licence shall authorize the use of the whole of the invention, unless the licensing agreement provides for only partial exercise of its use.

Article 48

(1) A person authorized under a licence to exercise the use of an invention may grant a sub-licence only with the consent of the owner of the invention. The granting of a further sub-licence is, however, not permissible.

(2) In the case of a sub-licence, the provisions of Article 47 shall apply similarly.

Article 49

(1) The Patent Office may grant permission (compulsory licence) to exercise the use of an invention which is the property of another person if:

1. the exercise of the use of the invention is necessary for the carrying out of the tasks included in the Economic Plans and the patent owner is not willing to conclude a licensing agreement (Art. 47);
2. it has been established that the use of the invention is not being thoroughly exercised (Art. 43);
3. the owner of a dependent patent requests a compulsory licence in his favour in order to exercise the use of an earlier patent (Art. 21).

(2) In the case mentioned in paragraph (1), item 2, the Patent Office shall decide that application may be made for a compulsory licence and shall publish this in the journal *Wiadomości Urzedu Patentowego*.

(3) The person exercising the use of the invention under a compulsory licence shall be responsible for making appropriate payments in favour of the beneficiary (royalties).

(4) The decision regarding grant of a compulsory licence shall indicate, in particular, the scope and duration of the licence, the detailed conditions for the exercise of its use, the amount of the royalty and the method of payment.

(5) Compulsory licences shall be subject to the provisions of Article 47, paragraph (5), and Article 48.

Article 50

In the cases mentioned in Article 49, paragraph (1), a compulsory licence may also be granted in respect of the

rights arising from the licence agreements (compulsory sub-licence).

Article 51

As regards the decision concerning the grant of a compulsory licence or sub-licence, the part of it which affects the contents of the licence or sub-licence, or the amount of the royalty (sub-licence) may be modified after two years, at the request of the interested party or by the Patent Office, if this should prove necessary for reasons of equity, owing to substantial changes in the circumstances.

Article 52

The compulsory licence may not confer on the person who has obtained the licence the exclusive right to exercise the use of the invention.

Article 53

(1) The acquisition by a foreigner of the right arising from a patent obtained in Poland shall be carried out through the intermediary of an undertaking so authorized by the Minister for Foreign Trade.

(2) The Council of Ministers shall, by means of an ordinance, indicate the conditions under which the principle adopted in paragraph (1) may be waived, and shall specify the terms and procedure to be adopted in the matters referred to in this paragraph.

Article 54

Should an invention be notified or a patent and certificate of authorship be obtained by an unauthorized person, the person who is the rightful owner of the invention may demand that the notification be refused or that the patent and certificate of authorship issued be declared invalid. He may also demand that the patent and certificate of authorship be granted to himself and that the patent already issued be transferred to him, against reimbursement of the cost of notification of the invention or the obtaining of the patent and certificate of authorship.

Article 55

It shall be the responsibility of any person who, without due authorization, has notified an invention or has obtained a patent and certificate of authorship, to surrender to the lawful beneficiary, on general principles, the unlawfully obtained profits and to make restitution for the injury caused. Further, at the request of the lawful beneficiary, he must make amends by publishing in the press an appropriate declaration or the legal judgment and, if he has acted wittingly, by paying a suitable sum for the moral injury caused.

Article 56

(1) A person whose right to the exclusive use of the invention has been injured may demand cessation of the injury, removal of its consequences, surrender of the profits obtained as well as compensation for damages.

(2) In addition, it shall be the responsibility of the person guilty of contravening the right of exclusivity to publish in the press a declaration to that effect or the text of the court judgment, and further, if he has acted wittingly, to give satisfaction for the moral injury by payment of an appropriate sum.

(3) If the patent covers a process for manufacturing a new product, it shall be assumed that the product which can be obtained by the use of the patented process was produced by that process.

(4) In awarding its decision on the question of contravention of exclusive right, at the request of the lawful beneficiary, the Court shall also give its opinion on the unlawfully produced articles and the means employed in their manufacture.

Article 57

Claims in respect of contravention of exclusive rights to an invention shall be subject to statutory limitation after 3 years. The limitation shall date from the time when each claim is due, for each contravention separately. The limitation shall be subject to suspension for the period between the notification to the Patent Office and the grant of the patent.

SECTION VI

Secret Inventions

Article 58

(1) An invention made by a Polish national shall be deemed to be a secret invention if it concerns national defence or if it demands secrecy in the interests of the State.

(2) The sphere of national defence shall include inventions concerning, in particular, new categories of weapons, army equipment, methods of combat or other strictly military problems.

(3) The Minister for National Defence may specify in detail what kinds of invention fall within the sphere of national defence.

(4) A secret invention shall constitute a State secret.

(5) Secrecy of inventions in the field of national defence shall be determined by the Minister of National Defence, and in other cases by the Minister competent for the subject covered by the invention.

Article 59

(1) Any work concerning a secret invention, its patent notification and the examination procedure may be undertaken only with due regard to secrecy.

(2) Responsibility for secrecy of an invention rests with the inventor and the persons employed on the invention, as well as with the head of the section of the national economy conducting the work on the secret invention.

Article 60

The author of an invention possessing characteristics of secrecy for national defence shall be responsible for immediately notifying the Minister of National Defence of the invention when reporting the invention to the Patent Office. As regards employee inventions, this responsibility shall rest with the heads of the competent sections of the national economy.

Article 61

(1) The Patent Office shall send to the Ministry of National Defence lists of the inventions notified to this office and, when so requested by the Ministry, descriptions and drawings of the inventions notified to the Office which fall within the field of national defence.

(2) The records of the notification of the secret invention, together with the description and drawings, may be made available by the competent Minister (Art. 58, para. 5) to authorized agencies for perusal.

Article 62

(1) The notification of a secret invention for patent purposes shall not be published.

(2) The competent Minister (Art. 58, para. 5) may demand postponement for a given period of publication of notification of the invention if the supposition exists that it shows characteristics of a secret invention.

Article 63

(1) The right to a patent for a secret invention which concerns matters in the sphere of national defence shall pass to the State.

(2) The principles and the procedure governing the determination of payment to the author of the secret invention mentioned in paragraph (1) shall be decided by the Council of Ministers by means of an ordinance.

Article 64

(1) The patent description of a secret invention shall not be published.

(2) Secret inventions shall be subject to inclusion in the secret part of the patent register.

(3) The disclosure of a secret invention or its notification for patent purposes abroad and the making available or sale to aliens of such an invention without the previous consent of the competent Minister (Art. 58, para. 5) shall not be permitted. The granting of approval for notification abroad or for the sale of the invention abroad shall require the agreement of the Minister for Foreign Trade.

Article 65

In accordance with the procedure specified in Article 58, paragraph (5), a secret invention may be deprived of the characteristics of a secret invention.

Article 66

The procedure in matters of claims for secret inventions shall be determined by the detailed regulations issued by the Minister for National Defence and the Minister for the Interior.

SECTION VII

Annulment and expiry of the Patent

Article 67

(1) The patent may be declared null and void in whole or in part, by application on the part of any person having a lawful interest therein, by the Patent Office:

1. if the necessary statutory conditions for the grant of a patent were lacking;
2. if for other reasons the patent has not been granted to a person not entitled to obtain a patent.

(2) In the public interest the Solicitor-General of the People's Republic of Poland may apply for the patent to be declared null and void or become a party to the action brought in this connection.

(3) The provision contained in paragraph (1) shall apply similarly to certificates of authorship.

Article 68

(1) A person who has in good faith obtained or acquired a patent, which has subsequently been declared null and void for the reason mentioned in Article 67, paragraph (1), item 2, or has obtained the licence arising from such a patent and has used the invention for at least a year prior to the commencement of the action concerning the patent's being declared null and void, or during this period has prepared all the necessary material arrangements may exercise the use of this invention in his undertaking to the same extent to which he used it up to the time of the beginning of the action, subject to the obligation on his part to make a corresponding payment to the patent owner. In the absence of any agreement, the amount of the payment shall be determined by recourse to court procedure.

(2) The rights to exercise the use of the invention mentioned in paragraph (1) shall be subject to registration in the Patent Register at the request of the interested party. These rights may be transferred to another person only together with the undertaking.

Article 69

In the cases mentioned in Article 49 the Patent Office shall make the decision regarding expiry of the patent if:

1. after a lapse of two years from the grant of the first temporary licence the invention was no longer properly exercised;
2. the compulsory licence has not been granted within a year of notification of the possibility of applying for the licence.

Article 70

(1) The Patent Office shall make the decision regarding expiry of the patent if:

1. the beneficiary, with the consent of persons who enjoy material rights to the patent, renounces the patent by notification to the Patent Office;
2. if the royalty (Art. 127) is more than 6 months in arrears.

(2) The Patent Office shall rescind the decision announcing the expiry of the patent for the reason mentioned in paragraph (1), item 2, if the date for payment of the unpaid royalty has been re-established.

Article 71

The decision whether to declare the patent null and void and regarding its expiry shall be officially recorded in the

Patent Register and published in the journal *Wiadomości Urzedu Patentowego.*

Article 72

Any person who has begun to apply the invention or made the necessary preparations to apply the invention the patent for which, owing to non-payment of the royalty (Art. 70, para. 1, item 2) has expired, shall be entitled to exercise the use of the invention even if the decision regarding the expiry of the patent has been rescinded (Art. 70, para. 2), with the proviso that he pay the patent owner an appropriate indemnity as from the date of the rescinding. Such matters shall be decided by the Patent Office by recourse to court procedure.

Article 73

(1) The rights arising from a patent in respect of an invention which does not constitute property of the State may, in appropriate cases, be expropriated in favour of the State for the purpose of national defence or in order to fulfil tasks specified in the economic plans.

(2) Expropriation of rights arising from a patent shall be subject to payment of compensation.

(3) The person expropriated may request that the expropriation shall also cover his rights arising from supplementary patents.

(4) By means of an ordinance the Council of Ministers shall specify the principles governing the expropriation of rights arising from the patent, the fixing of the amount payable and the payment of compensation and state which are the competent agencies and what is the procedure in these matters.

SECTION VIII

Exercise abroad of rights arising from a patent

Article 74

An invention may be notified for patenting abroad only after it has been notified to the Patent Office.

Article 75

(1) The notification for patenting abroad, as also the conclusion of an agreement for the exercise of the rights arising from the patent obtained abroad, shall be effected through the intermediary of an undertaking so authorized by the Minister for Foreign Trade.

(2) The Council of Ministers shall, by way of an ordinance, specify the conditions under which the principle adopted in paragraph (1) may be waived and shall determine the conditions and the procedure to be adopted in the matters referred to in paragraph (1).

GENERAL STUDIES

Contemporary Problems of the Rights of the Authors of Scientific Discoveries

By Professor Dr. Stojan PRETNAR, Ljubljana

(Part Two) *) *(Translation)*

CONGRESSES AND MEETINGS

Third Meeting of the Committee of Experts on the International Protection of Type Faces

(Geneva, 19th to 23rd November, 1962)

The Committee of Experts appointed to examine a draft Arrangement for the international protection of type faces and a draft Additional Protocol to the Arrangement of The Hague concerning the International Deposit of Designs or Models of 6th November, 1925, as revised at The Hague on 28th November, 1960, held its third meeting from the 19th to 23rd November, 1962, under the Chairmanship of M. J.-N. de Bavinchove (France) in the Conference Hall of the United International Bureaux for the Protection of Industrial, Literary and Artistic Property.

This meeting continued the studies of the second meeting of the Committee of Experts which met in Geneva from 26th February to 2nd March, 1962 [1]).

Experts and observers appointed by the following countries attended the meeting: Austria, France, Germany (Fed. Rep.), Greece, Italy, Luxemburg, Mexico, Netherlands, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland and United States of America, as well as observers from several International Organisations.

We shall consider the possibility of publishing at a later date the texts adopted by the Committee of Experts and their Report.

OBITUARY

Dr Herbert Kühnemann †

We announce with great regret the sudden death at Munich on the 12th December, 1962, of Dr. Herbert Kühnemann, President of the Patent Office of the Federal Republic of Germany. An obituary of this eminent lawyer will be published later.

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1) See *Industrial Property*, 1962, pp. 80 *et seq.*

GENERAL STATISTICS OF INDUSTRIAL PROPERTY FOR THE YEAR 1961

I. Patents of Invention and Utility Models

Countries	Patents applied for			Patents granted		
	Principal	Additional	Total	Principal	Additional	Total
Australia	12,642	256	12,898	—	—	4,940
Austria	—	—	9,892	5,966	214	6,180
Belgium	12,954	489	13,443	12,869	489	13,358
Brazil [1], patents	—	—	—	—	—	—
utility models	—	—	—	—	—	—
Bulgaria	545	2	547	214	2	216
Canada	—	—	25,447	—	—	21,659
Ceylon	153	1	154	76	—	76
Cuba [1]	—	—	—	—	—	—
Czechoslovakia	—	—	7,742	—	—	3,809
Denmark	5,198	97	5,295	2,235	40	2,275
Dominican Repuhlic	45	7	52	45	7	52
Finland	2,254	58	2,312	697	9	706
France	35,202	2,233	37,435	30,600	2,550	33,150
Special patents for medicines	—	—	875	—	—	976
Germany (Dem. Rep.), patents	—	—	6,091	—	—	1,916
» » utility models	—	—	3,607	—	—	2,076
Germany (Fed. Rep.), patents	—	—	58,188	19,154	1,396	20,550
» » utility models	—	—	44,145	—	—	19,972
Great Britain and Northern Ireland	45,639	1,172	46,811	27,999	872	28,871
Tanganyika	70	3	73	68	2	70
Trinidad and Tohago	—	—	117	—	—	114
Greece [1]	—	—	—	—	—	—
Haiti [1]	—	—	—	—	—	—
Hungary	2,440	72	2,512	1,181	44	1,225
Iceland [1]	—	—	—	—	—	—
Indonesia	—	—	173	—	—	—
Iran	374	16	390	345	20	365
Ireland	1,040	15	1,055	373	10	383
Israel (State of —)	1,663	33	1,696	972	11	983
Italy, patents	—	—	23,606	—	—	16,800
» ntility models	—	—	6,295	—	—	3,500
Japan [1], patents	—	—	—	—	—	—
» ntility models	—	—	—	—	—	—
Lebanon	—	—	133	—	—	133
Liechtenstein (Princip.), patents [3]	—	—	0	—	—	0
» » utility models	—	—	1	—	—	1
Luxemburg	1,374	52	1,426	1,267	46	1,313
Mexico	—	—	4,477	—	—	591
Monaco, patents	79	13	92	75	6	81
» utility models	—	—	0	—	—	0
Morocco	353	19	372	376	19	395
Tangiers (Amalat) [1]	—	—	—	—	—	—
Netherlands	13,104	357	13,461	3,478	79	3,557
Surinam [2]	—	—	—	—	—	—
Netherlands Antilles [1]	—	—	—	—	—	—
Dutch New Guinea [1]	—	—	—	—	—	—
New Zealand	2,828	65	2,893	1,534	40	1,574
Western Samoa [1]	—	—	—	—	—	—
Norway	3,981	68	4,049	1,916	44	1,960
Poland, patents	2,524	—	2,524	1,235	36	1,271
» utility models	—	—	1,168	—	—	751
Portugal, patents	1,180	34	1,214	1,017	26	1,043
» ntility models	—	—	146	—	—	70
Rhodesia and Nyasaland (Federation of -)	638	14	652	593	12	605
Ronmania	931	30	961	189	6	195
San Marino [1]	—	—	—	—	—	—
South Africa (Republic of —)	5,205	107	5,312	4,394	110	4,504
Spain, patents	9,052	600	9,652	7,550	540	8,090
» utility models	—	—	5,703	—	—	4,230
Sweden	—	—	13,186	3,778	107	3,885
Switzerland	14,259	916	15,175	7,808	371	8,173
Syrian Arab Repnblic	153	5	158	153	5	158
Tnnisia [1]	—	—	—	—	—	—
Turkey [1]	—	—	—	—	—	—
United Arab Repnblic	1,365	18	1,383	241	4	245
United States of America	—	—	83,396	—	—	48,530
Vatican [4]	—	—	—	—	—	—
Viet Nam	135	6	141	135	6	141
Yugoslavia	1,825	9	1,834	601	16	617

Grand total of patents applied for . . . . 419,283 of patents registered 245,647
» » » utility models applied for . . 61,077 of utility models registered . . 30,688

General remarks. — We puhlish here general statistics for the year 1961. Those conntries which have not yet supplied the information requested are left in blank.

[1]) Figures for this country have not yet been supplied. (Cuha does not establish statistics for industrial property.)

[2]) Patents granted in the Netherlands are valid here.

[3]) Swiss patents are valid in the Principality.

[4]) Italian laws for the protection of industrial property are applicable in this State.

GENERAL STATISTICS FOR 1961 (continued)

II. Industrial Designs and Models

Countries	Designs or Models					
	Deposited			Registered		
	Designs	Models	Total	Designs	Models	Total
Australia	—	—	1,413	—	—	1,522
Austria	—	—	6,619	—	—	6,619
Belgium	343	1,561	1,904	343	1,561	1,904
Brazil [1]	—	—	—	—	—	—
Bulgaria	—	—	0	—	—	0
Canada	—	—	750	—	—	684
Ceylon	22	—	22	5	—	5
Cuba [1]	—	—	—	—	—	—
Czechoslovakia	—	—	123	—	—	171
Denmark	—	—	688	—	—	639
Dominican Republic	—	—	0	—	—	0
Finland	—	—	0	—	—	0
France	—	—	7,955	—	—	—
Germany (Dem. Rep.)	—	—	390	—	—	390
Great Britain and Northern Ireland	—	—	—	—	—	54,907
Germany (Fed. Rep.)	—	—	9,427	—	—	8,361
Trinidad and Tobago	18	—	18	18	—	18
Hungary	248	—	248	239	—	239
Indonesia	—	—	0	—	—	0
Iran	—	—	0	—	—	0
Ireland	90	—	90	—	—	95
Israel (State of —)	—	—	319	—	—	339
Italy	—	—	6,295	—	—	3,500
Japan [1]	—	—	—	—	—	—
Lebanon	—	—	42	—	—	42
Liechtenstein (Principality of —)	—	—	0	—	—	0
Luxemburg	—	—	0	—	—	0
Mexico	—	331	331	—	19	19
Monaco	—	—	0	—	—	26
Morocco	—	—	42	—	—	42
Tangiers (Amalat) [1]	—	—	—	—	—	—
New Zealand	346	—	346	253	—	253
Norway	—	—	964	—	—	893
Poland	110	—	110	75	—	75
Portugal	67	201	268	62	104	166
Rhodesia and Nyasaland (Federation of -)	56	—	56	51	—	51
San Marino [1]	—	—	—	—	—	—
South Africa (Republic of —)	—	—	0	—	—	0
Spain	365	3,584	3,949	265	2,150	2,415
Sweden	245	—	245	162	—	162
Switzerland	12,614	2,459	15,073	12,608	2,377	14,985
Syrian Arab Republic	155	17	172	155	17	172
Tunisia [1]	—	—	—	—	—	—
United Arab Republic	29	148	177	26	146	172
United States of America [2]	4,714	—	4,714	2,487	—	2,487
Viet Nam	—	5	5	—	5	5
Yugoslavia	2	116	118	—	64	64
		Grand total	62,873		Grand total	101,422

[1] Figures for this country have not yet been supplied. (Cuba does not establish statistics for industrial property.)

[2] There are no models in the United States of America.

GENERAL STATISTICS FOR 1961 (end). — III. Trade Marks

Countries	Trade Marks					
	Deposited			Registered		
	National	Foreign	Total	National	Foreign	Total
Australia	—	—	6,209	—	—	4,592
Austria [1]	1,855	997	2,852	1,472	829	2,301
Belgium	2,178	1,320	3,498	2,178	1,320	3,498
Brazil [2]	—	—	—	—	—	—
Bulgaria	51	267	318	50	260	310
Canada	3,514	2,767	6,281	2,112	2,192	4,304
Ceylon	510	582	1,092	113	244	357
Cuba [2]	—	—	—	—	—	—
Czechoslovakia [1]	824	390	1,214	782	335	1,117
Denmark	—	—	4,196	988	1,153	2,141
Dominican Republic	63	313	376	61	310	371
Finland	998	1,452	2,450	514	1,020	1,534
France [1]	18,042	2,726	20,768	17,616	2,646	20,262
Germany (Dem. Rep.) [1]	889	426	1,315	1,010	450	1,460
Germany (Fed. Rep.) [1]	20,386	2,563	22,949	10,596	1,157	11,753
Great Britain and Northern Ireland	—	—	13,997	—	—	10,841
Tanganyika	35	431	466	—	33	33
Trinidad and Tobago	28	373	401	14	236	240
Greece [2]	—	—	—	—	—	—
Haiti [2]	—	—	—	—	—	—
Hungary [1]	188	208	396	178	191	369
Iceland [2]	—	—	—	—	—	—
Indonesia	3,683	656	4,339	2,343	591	2,934
Iran	905	949	1,854	433	965	1,398
Ireland	316	1,145	1,461	137	540	677
Israel (State of —)	446	680	1,126	113	525	638
Italy [1]	—	—	8,803	—	—	4,697
Japan [2]	—	—	—	—	—	—
Lebanon	138	897	1,035	138	897	1,035
Liechtenstein (Principality of —) [1]	—	—	—	118	28	146
Luxemburg [1]	147	704	851	147	702	849
Mexico	2,964	2,499	5,463	1,937	1,801	3,738
Monaco [1]	—	—	—	74	57	131
Morocco [1]	—	—	536	—	—	536
Tangiers (Amalat) [2]	—	—	—	—	—	—
Netherlands [1]	3,446	1,859	5,305	—	—	3,273
Surinam [2]	—	—	—	—	—	—
Netherlands Antilles [2]	—	—	—	—	—	—
Dutch New Guinea [2]	—	—	—	—	—	—
New Zealand	747	1,611	2,358	591	1,282	1,873
Norway	1,258	2,018	3,276	504	1,218	1,722
Poland	267	388	655	175	348	523
Portugal [1]	1,740	728	2,468	1,739	730	2,469
Rhodesia and Nyasaland (Federation of -)	524	1,233	1,757	462	1,301	1,763
Roumania [2]	—	—	—	—	—	—
San Marino [2]	—	—	—	—	—	—
South Africa (Republic of —)	2,475	1,651	4,126	2,281	1,547	3,828
Spain [1]	18,244	1,950	20,194	11,225	1,150	12,375
Sweden	2,338	2,454	4,792	926	882	1,808
Switzerland [1]	4,091	1,567	5,658	3,931	1,459	5,390
Syrian Arab Republic	114	819	933	114	819	933
Tunisia [2]	—	—	—	—	—	—
Turkey [2]	—	—	—	—	—	—
United Arab Republic [1]	527	575	1,102	299	572	871
United States of America [3]	—	—	23,782	—	—	16,599
Viet Nam	965	190	1,155	965	190	1,155
Yugoslavia [1]	160	228	388	193	164	357
		Grand total	192,168		Grand total	137,201

[1] The figures indicated for this country do not include those foreign marks protected as a result of international registration; 12,079 of which were registered in 1961.

[2] The figures for this conntry have not yet been received. (Cuba does not establish statistics for industrial property.)

[3] Not including renewals.