

# Industrial Property

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for the Protection of Industrial Property  
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2<sup>nd</sup> Year

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# INTERNATIONAL UNION

## VACANCY FOR TWO POSTS IN BIRPI

BIRPI announces vacancies for the two following posts:

### *I. Legal Adviser for Industrial Property*

*Qualifications required:* University degree in law or equivalent professional education; sound knowledge of industrial property law, particularly in the international field; perfect knowledge of one of the official working languages, namely English or French, and a sufficient knowledge of the other to be able to read and understand it.

### *II. Head of the Financial and Personnel Services*

*(Carrying out also the Duties of Financial Controller)*

*Qualifications required:* University degree or equivalent education or experience; knowledge of financial and personnel administration, preferably with experience of the administrative system and working methods of international organisations having the "common system" of the United Nations and its Specialised Agencies; perfect knowledge of one of the official working languages, namely English or French, and a sufficient knowledge of the other to be able to read and understand it.

### *III. General Conditions applicable to both these Posts*

*Nationality:* The candidate must be a national of one of the Member States of the Paris or Berne Unions. Preference will be given to candidates, nationals of countries of which, at the present time, no national is a member of the Secretariat.

*Conditions of employment:* Probationary period of two years; after satisfactory completion of this probationary period, permanent appointment; salary: 32,227 Swiss francs per year, subject to a deduction of 7% contribution to the pension fund; post adjustment: 1,935 Swiss francs per year for officials without family or 2,903 Swiss francs per year for officials with family; family allowances, if applicable; compulsory medical examination.

*Procedure:* Candidates should write, before 31<sup>st</sup> January, 1964, to the Head of Personnel, BIRPI, 32, Chemin des Colombettes, Geneva, for an application form.

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# LEGISLATION

## REPUBLIC OF SOUTH AFRICA

### Act

To consolidate and amend the law relating to trade marks

(English text signed by the State President)

(Assented to 21<sup>st</sup> June, 1963)

(First Part)

Be it enacted by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows.

### Introductory

#### Division of Act into Parts

1. — This Act is divided into 18 Parts which relate to the following matters respectively:

- Part I Administration (sections 5 to 9).
- Part II Registrable Trade Marks (sections 10 to 19).
- Part III Application for Registration (sections 20 to 25).
- Part IV Opposition (sections 26 to 30).
- Part V The Register of Trade Marks (sections 31 to 36).
- Part VI Registration and its Effects (sections 37 to 42).
- Part VII Infringement (sections 43 to 46).
- Part VIII Duration and Renewal of Registration (section 47).
- Part IX Registered Users (section 48).
- Part X Assignment (sections 49 to 51).
- Part XI Certification Marks (section 52).
- Part XII Defensive Trade Marks (section 53).
- Part XIII Powers and Duties of Registrar (sections 54 to 58).
- Part XIV Evidence (sections 59 to 62).
- Part XV Appeals to and Powers of the Court (sections 63 to 69).
- Part XVI Offences (sections 70 to 72).
- Part XVII International Arrangements (section 73).
- Part XVIII Miscellaneous (sections 74 to 83).

### Definitions

2. — (1) In this Act, unless the context otherwise indicates:

- “assignment” means assignment by act of the parties concerned; and “assign” or “assignable” has a corresponding meaning;
- “certification mark” means a mark registered or deemed to have been registered under section 52 of this Act;
- “convention country” in relation to any provision of this Act, means a country, including any colony, protectorate

or territory subject to the authority or under the suzerainty of any other country, or any territory over which a mandate or trusteeship is exercised, which the State President has, with a view to the fulfilment of any treaty, convention, arrangement or engagement to which the Republic is a party, by proclamation in the *Gazette* declared to be a convention country for purposes of such provision;

“court”, in relation to any matter, means the division of the Supreme Court of South Africa having jurisdiction in respect of that matter;

“device” means any visual representation or illustration capable of being reproduced upon a surface, whether by printing, embossing, or by any other means;

“legal practitioner” means an attorney of the Supreme Court of South Africa or an advocate of such Court duly instructed by an attorney or patent agent to appear before the registrar or his deputy;

“limitations” means any limitations of the exclusive right to the use of a trade mark given by the registration of a person as proprietor thereof, including limitations of that right as to the mode of use, as to use in relation to goods to be sold, or otherwise traded in, in any place within the Republic, or as to use in relation to goods to be exported to any market outside the Republic;

“mark” includes a device, brand, heading, label, ticket, name, signature, word, letter, numeral or any combination thereof or a distinctive container for goods;

“Minister” means the Minister of Economic Affairs;

“patent agent” means a patent agent registered under the Patents Act, 1952 (Act No. 37 of 1952);

“permitted use” means the permitted use referred to in subsection (1) of section 48 of this Act;

“prescribed” means prescribed by or under this Act;

“register” means the register of trade marks kept under this Act;

“registered trade mark” means a trade mark registered or deemed to be registered under this Act;

“registered user” means a person who is for the time being registered as such under section 48 of this Act;

“registrar” means the registrar of trade marks appointed under this Act;

“regulation” means any regulation made and in force under this Act;

“repealed law” means those provisions of the Designs, Trade Marks and Copyright Act, 1916 (Act No. 9 of 1916), which relate to trade marks and which are repealed by this Act;

“Republic” means the Republic of South Africa;

“this Act” includes the regulations;

“trade mark” means (except in relation to a certification mark) a mark used or proposed to be used upon or in relation to goods for the purpose of:

- (a) indicating a connection in the course of trade between the goods and some person having the right either as proprietor or as a registered user to use the

mark, whether with or without any indication of the identity of that person; and

- (b) distinguishing the goods upon which or in relation to which the mark is used, from the same kind of goods manufactured, produced, selected, dealt with or offered for sale by any other person;

“trade mark agent” means any person who, in terms of this Act, is entitled to represent any other person;

“transmission” means transfer by operation of law, devolution on the executor of a deceased person and any other mode of transfer not being assignment; and “transmit” or “transmissible” has a corresponding meaning.

(2) References in this Act to the use of a mark shall be construed as references to the use of a printed or other visual representation of the mark, and in addition, in the case of a container, use of such container, and references therein to the use of a mark in relation to goods shall be construed as references to the use thereof upon, or in physical or other relation to, goods.

*Application of this Act to trade marks registered under the repealed law*

3. — (1) Subject to the provisions of section 81, this Act shall apply to trade marks registered or deemed to be registered under the repealed law and such trade marks shall be deemed to be registered in part A of the register.

(2) Subject to the provisions of sub-section (1), all applications and proceedings commenced under the repealed law shall be dealt with in accordance with the provisions of that law: Provided that in the case of an application for the registration of a trade mark, the registrar may, upon a request by the applicant, treat the application as an application for registration in part B of the register.

*This Act binds the State*

4. — This Act shall bind the State.

PART I

*Administration*

*Establishment of trade marks office*

5. — (1) There shall be established in Pretoria an office to be called the trade marks office.

(2) The trade marks office established under paragraph (c) of section 4 of the repealed law shall be deemed to have been established under this section.

*Registrar of trade marks*

6. — (1) There shall be an officer for the Republic styled the registrar or trade marks, who shall be appointed subject to the laws governing the public service and who shall, subject to the directions of the Minister, have the chief control of the trade marks office.

(2) There may similarly be appointed a deputy registrar of trade marks and an assistant registrar who shall, subject to the control of the registrar, have all the powers conferred by this Act on the registrar, and who shall whenever the

registrar is for any reason unable to fulfil his duties, act temporarily in his stead.

(3) The registrar of designs, trade marks and copyright appointed under sub-section (1) of section 5 of the repealed law shall be deemed to have been appointed registrar of trade marks under this Act.

*Seal of trade marks office*

7. — There shall be a seal of the trade marks office and the impression of the seal shall be judicially noticed.

*Unauthorized persons not to act in trade mark matters*

8. — (1) The registrar shall permit an agent to do on behalf of the person for whom he is agent, any act in connection with registration under this Act or any proceedings relating thereto: Provided that no person other than a legal practitioner or patent agent shall be permitted so to act or, for gain, to furnish advice in relation thereto unless he can satisfy the registrar that for a continuous period of not less than two years immediately preceding the first day of January, 1964, he has practised for his own account, or has been employed, as a trade mark agent in the Republic.

(2) There shall be kept at the trade marks office a register wherein shall be entered the full names and addresses of all persons, other than legal practitioners and patent agents, who have established their right to practise in terms of sub-section (1), and a person, other than a legal practitioner or patent agent, whose name has not been so entered, shall not be entitled so to practise.

(3) Any person who contravenes the provisions of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

*Unqualified persons not to describe themselves as trade mark agents*

9. — (1) No person shall describe himself as a trade mark agent or hold himself out or permit himself to be described or held out as entitled to undertake the work of a trade mark agent unless he is a legal practitioner or a patent agent or a person whose name has been entered in the register referred to in sub-section (2) of section 8.

(2) Any person who contravenes the provisions of this section, shall be guilty of an offence and liable on conviction to a fine not exceeding two hundred rand.

PART II

*Registrable Trade Marks*

*Essential particulars of trade marks registrable in part A of the register*

10. — (1) In order to be registrable in part A of the register, a trade mark (other than a certification mark) shall contain or consist of at least one of the following essential particulars:

- (a) The name of a company, individual or firm represented in a special or particular manner;
- (b) the signature of the applicant for registration or of some predecessor in his business;

- (c) an invented word or invented words;
- (d) a word or words not reasonably required for use in the trade and not being in its ordinary signification a surname;
- (e) any other distinctive mark;

but a surname, name, signature, word or words, other than such as fall within the descriptions in paragraphs (a), (b), (c) and (d), and a container for goods, shall not be registrable under the provisions of this sub-section unless the registrar is satisfied that the mark is distinctive within the meaning of section 12.

(2) No registration of a container in terms of sub-section (1) shall prevent the *bona fide* use by others of any utilitarian or functional feature embodied in such container.

(3) The registration of a container in terms of sub-section (1) may, upon application to the court, or at the option of the applicant and subject to the provisions of section 69, to the registrar by any person interested, be expunged by the court or the registrar, as the case may be, if it is established that the registration is or has become likely to limit the development of any art or industry.

#### *Requisites for registration of a trade mark in part B of the register*

11. — (1) In order to be registrable in part B of the register, a trade mark shall, in relation to the goods in respect of which it is registered or proposed to be registered, be capable of becoming distinctive within the meaning of section 12.

(2) A trade mark may be registered in part B of the register notwithstanding the registration in part A of the register in the name of the same proprietor of the same trade mark or any part or parts thereof.

#### *Meaning of "distinctive"*

12. — (1) For purposes of sections 10 and 11 "distinctive" means adapted, in relation to the goods in respect of which a trade mark is registered or proposed to be registered, to distinguish goods with which the proprietor of the trade mark is or may be connected in the course of trade from goods in the case of which no such connection subsists, either generally or, where the trade mark is registered or proposed to be registered subject to limitations, in relation to use within those limitations.

(2) In determining whether a trade mark is distinctive as aforesaid, regard may be had to the extent to which:

- (a) the trade mark is inherently adapted to distinguish; and
- (b) by reason of the use of the trade mark or of any other circumstance the trade mark is or has become adapted to distinguish.

#### *Registration to be in respect of particular goods or classes of goods*

13. — (1) A trade mark shall be registered in respect of a particular class or classes of goods or in respect of goods

falling in such class or classes in accordance with the prescribed classification.

(2) Where a trade mark has, either before or after the commencement of this Act, been registered in accordance with the requirements of sub-section (1) and, during the subsistence of such registration, the prescribed classification in accordance with which the trade mark was registered as aforesaid is revised or substituted by a new classification, the proprietor of the trade mark shall, upon the renewal of the registration thereof in terms of section 47, apply in the prescribed manner for revision of the class or classes in which the trade mark is registered so as to bring it in accord with the revised or substituted classification.

(3) If the revised or substituted classification referred to in sub-section (2) results in two or more identical trade marks owned by the same proprietor which were under the previous registration registered in separate classes, falling within a single class, such marks shall, if they have the same registration date, be consolidated as one registration in the revised or substituted class, or if as a result of the revised or substituted classification a trade mark is required to be recorded in more than one class, such mark shall be deemed to be separately registered in each class in which the mark is so recorded and shall be treated as a separate trade mark for the purposes of renewal thereof in each class.

#### *What a registrable trade mark may not contain*

14. — The registrar may refuse to register a trade mark which contains any of the following:

- (a) The arms, seal or national flag of the Republic; or
- (b) any word, letter or device indicating Government patronage; or
- (c) any mark specified in the regulations as being for purposes of this section a prohibited mark.

#### *Name or representation of a person*

15. — Where application is made for registration of a trade mark which consists of or includes the name or representation of a person, the registrar may require the applicant to furnish him with the consent of that person or where such person is deceased, of his or her legal representative, to the name or representation appearing in the trade mark.

#### *Prohibition of registration of deceptive matter, etc.*

16. — (1) It shall not be lawful to register as a trade mark or part of a trade mark any matter the use of which would be likely to deceive or cause confusion or would be contrary to law or morality or would be likely to give offence or cause annoyance to any person or class of persons or would otherwise be disentitled to protection in a court of law.

(2) Where, in the opinion of the registrar, a trade mark will, in use, be likely to deceive as to the character or quality of some, but not all, of the goods included in the specification, the registrar may, notwithstanding the provisions of sub-section (1) and of section 36, upon receipt of an undertaking by the proprietor of the trade mark that he will limit

the use of the trade mark to goods in relation to which such use will, in the opinion of the registrar, not be likely to deceive, register the trade mark in respect of all the goods included in the specification.

*Prohibition of registration of identical trade marks*

17. — (1) Subject to the provisions of sub-section (2), no trade mark shall be registered in respect of any goods or description of goods that is identical with a trade mark belonging to a different proprietor and already on the register in respect of the same goods or description of goods, or that so nearly resembles such a trade mark as to be likely to deceive or cause confusion.

(2) In case of honest concurrent use or of other special circumstances which may make it proper to do so, the registrar may, on application in the prescribed manner, permit the registration of trade marks that are identical or nearly resemble each other, in respect of the same goods or description of goods by more than one proprietor subject to such conditions and limitations, if any, as the registrar may think it right to impose.

(3) Where separate applications are made by different persons to be registered as proprietors respectively of trade marks that are identical or nearly resemble each other, in respect of the same goods or description of goods, the registrar may refuse to register any of them until their rights have, upon application in the prescribed manner, been determined by him, or have been settled by agreement in a manner approved by him.

*Registration subject to disclaimer*

18. — If a trade mark:

- (a) contains any part not separately registered by the proprietor as a trade mark; or
- (b) contains matter common to the trade or otherwise of a non-distinctive character,

the registrar or the court, in deciding whether the trade mark shall be entered or shall remain on the register, may require, as a condition of its being entered or remaining on the register:

- (i) that the proprietor shall disclaim any right to the exclusive use of any such part of the trade mark, or to the exclusive use of all or any portion of any such matter as aforesaid, to the exclusive use of which the registrar or the court holds him not to be entitled; or
- (ii) that the proprietor shall make such other disclaimer or memorandum as the registrar or the court may consider necessary for the purpose of defining his rights under the registration.

Provided that no disclaimer or memorandum on the register shall affect any rights of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made.

*Requirements in regard to blank spaces*

19. — If a trade mark contains any blank space or spaces apparently intended for added matter, the registrar may, in

deciding whether the trade mark shall be entered on the register, require, as a condition of its being entered on the register, that the blank space or spaces shall, in use, be occupied only by matter of a wholly descriptive or non-distinctive character or by a trade mark registered in the name of the same proprietor in respect of the same goods or by a trade mark of which he is a registered user in respect of the same goods with the consent of the proprietor of such trade mark, provided that, in both cases, use of such trade mark is not likely to cause deception or confusion.

PART III

Application for Registration

*Application for registration*

20. — (1) Any person claiming to be the proprietor of a trade mark used or proposed to be used by him and who is desirous of registering it, shall apply to the registrar in the prescribed manner for registration and the application shall be accompanied by the fee prescribed.

(2) Where the same trade mark, or a nearly identical trade mark, is already registered by another proprietor in any province of the Republic in respect to the same goods or description of goods, the trade mark may be registered, but any such province may be excepted from the registration.

(3) Where the trade mark, or a nearly identical trade mark, is common to the trade in any province, the registration under this Part shall confer no exclusive rights in that province on the registered proprietor and that province may be excepted from the registration under this Part.

(4) Subject to the provisions of this Act, the registrar may refuse the application or may accept it absolutely or subject to such amendments, modifications, conditions or limitations, if any, as he may deem fit.

(5) In the case of an application for registration of a trade mark (other than a certification mark) in part A of the register, the registrar may, if the applicant agrees, instead of refusing the application, treat it as an application for registration in part B of the register and deal with the application accordingly.

(6) In the case of a refusal or conditional acceptance of the application, the registrar shall, on application by the applicant in the prescribed manner and on payment of the prescribed fee, state in writing the grounds of his decision and the data used by him in arriving thereat, and the decision shall be subject to appeal to the court.

(7) The provisions of section 63 shall, *mutatis mutandis*, apply to an appeal under this section, and on the appeal the court shall, if so required, hear the applicant and the registrar, and shall make an order determining whether and, if so, subject to what amendments, modifications, conditions or limitations, if any, the application is to be accepted.

(8) Appeals under this section shall be heard on the data so stated by the registrar, and such further data as may have been laid before him by the applicant, and no further grounds of objection to the acceptance of the application shall be allowed to be taken by the registrar, other than those

so stated by him, except by leave of the court hearing the appeal, and where any further grounds of objection are so taken, the applicant shall be entitled, on giving notice as prescribed, to withdraw his appeal without payment of costs.

(9) The registrar or the court, as the case may be, may at any time, whether before or after acceptance of the application, correct any error in or in connection with the application, or may permit the applicant to amend his application upon such terms as the registrar or the court, as the case may be, may think fit.

#### *Advertisement of accepted application*

21. — When an application for registration of a trade mark has been accepted, whether absolutely or subject to conditions or limitations, the applicant shall, as soon as may be after acceptance, cause the application as accepted to be advertised in the prescribed manner, and the advertisement shall set forth all conditions and limitations subject to which the application has been accepted: Provided that the registrar may require an application to be advertised in the prescribed manner before acceptance if it is made under paragraph (e) of sub-section (1) of section 10, or in any other case where it appears to him that it is expedient by reason of any exceptional circumstances so to do, and where an application has been so advertised, the registrar may, if he thinks fit, require it to be advertised again when it has been accepted.

#### *Registration of parts of trade marks*

22. — (1) Where the proprietor of a trade mark claims to be entitled to the exclusive use of any part thereof separately, he may apply to register the whole and any such part as separate trade marks.

(2) Each such separate trade mark must satisfy all the conditions of an independent trade mark and shall be subject to the provisions of sub-section (4) of section 38 and sub-section (2) of section 39, have all the incidents of an independent trade mark.

#### *Registration in name of holding company*

23. — (1) Where a holding company or its nominee owns all the issued shares in one or more subsidiary companies, use of a trade mark by one or more of the subsidiary companies shall for the purposes of this Part be deemed to be use also by the holding company and the holding company may apply for registration of the trade mark in its own name.

(2) Where pursuant to the provisions of sub-section (1) a holding company applies for registration of a trade mark, it shall, at the time of application, notify the registrar in the prescribed manner of the name or names of the subsidiary company or companies by which the trade mark is used or proposed to be used and such name or names shall be recorded in the register. If thereafter there is any change involving either user by an additional subsidiary company or termination of user by any subsidiary company by reason of its ceasing to be subsidiary or otherwise, such change shall forthwith be notified to the registrar in the prescribed manner.

(3) The provisions of this section shall for the purposes of paragraph (b) of sub-section (2) of section 12 be deemed to have had effect in relation to any use of a trade mark before the commencement of this Act as it has effect in relation to any use of a trade mark after the commencement of this Act, without prejudice, however, to the validity of any registration effected before the commencement of this Act.

#### *Proposed use of trade mark by body corporate to be constituted, etc.*

24. — (1) No application for the registration of a trade mark in respect of any goods shall be refused, nor shall permission for such registration be withheld, on the ground only that it appears that the applicant does not use or propose to use the trade mark:

- (a) if the registrar is satisfied that a body corporate is about to be constituted, and that the applicant intends to assign the trade mark to the body corporate with a view to the use thereof in relation to those goods by the body corporate: Provided that the trade mark shall not be registered unless and until the registrar has been placed in a position to register the assignment in terms of section 51 simultaneously with registration of the trade mark; or
- (b) if the application is accompanied by an application for the registration of a person as a registered user of the trade mark, and the registrar is satisfied that the proprietor intends it to be used by that person in relation to those goods and the registrar is also satisfied that that person will be registered as a registered user thereof immediately after the registration of the trade mark; or
- (c) if the application is by a holding company as contemplated in section 23.

(2) The provisions of section 36 shall have effect, in relation to a trade mark registered under the power conferred by sub-section (1) of this section as if for the reference in paragraph (a) of sub-section (1) of that section to an intention on the part of an applicant for registration that a trade mark should be used by him there were substituted a reference to an intention on his part that it should be used by the body corporate or registered user concerned.

(3) The registrar may, as a condition of the exercise of the power conferred by sub-section (1) in favour of an applicant who relies on an intention to assign to a body corporate as aforesaid, require him to give security for the costs of any proceedings relative to any opposition or appeal by him, and, in default of such security being duly given, may treat the application as abandoned.

#### *Non-completed applications*

25. — (1) If, by reason of default on the part of the applicant, after acceptance of the application, the registration of a trade mark has not been completed within six months from the date of such acceptance, the registrar shall give notice of the non-completion to the applicant, and if, at the expiration of thirty days from that notice or of such



further time as the registrar may allow, the registration is not completed, the application shall be deemed to have been abandoned.

(2) If the application is not accepted and the applicant, having been advised of the registrar's objections to the application, fails to take any action within three months of the date of such advice, the application shall be deemed to have been abandoned.

#### PART IV

#### Opposition

##### *Opposition to registration*

26. — (1) Any person (hereinafter referred to as the objector) may, within two months from the date of the advertisement of the application in terms of section 21 or within such further time as the registrar may allow, serve on the applicant at his address for service and lodge at the trade marks office a notice of opposition to the registration of the trade mark, setting out the grounds on which he relies to support his notice, and proof of service to the satisfaction of the registrar shall be furnished.

(2) Every notice of opposition shall state an address in the Republic as an address for service.

##### *Lodging of counterstatement by applicant*

27. — (1) Within one month after the lodging of notice of opposition or within such further time as the registrar may allow, the applicant may serve on the objector at his address for service and lodge at the trade marks office a counterstatement setting out the grounds on which he relies in support of his application, and proof of service to the satisfaction of the registrar shall be furnished.

(2) If the applicant fails so to lodge a counterstatement, he shall be deemed to have abandoned his application.

##### *Informal proceedings before registrar*

28. — (1) The registrar shall, with the consent of both parties, and on payment of the fee prescribed, consider the notice of opposition and the counterstatement thereto, and shall reconsider the application and the acceptance thereof, and shall then with or without hearing the parties, as they may agree, decide:

- (a) to reject the application; or
- (b) to register the trade mark; or
- (c) that he is prepared to register the trade mark subject to such amendments, modifications, conditions or limitations as he may deem fit; or
- (d) to direct that the normal opposition procedure as hereinafter prescribed be followed.

(2) If the registrar decides in terms of paragraph (c) of sub-section (1) that he is prepared to register the trade mark subject to such amendments, modifications, conditions or limitations as he may deem fit, and the applicant does not accept such amendments, modifications, conditions or limitations within such period as the registrar may determine, the applicant shall be deemed to have abandoned his application.

(3) The registrar shall be entitled to take into consideration such admissions as either or both of the parties may be prepared to make, even if such admissions are not included in the notice of opposition or counterstatement.

(4) No order shall be made in respect of the costs of the proceedings under this section.

(5) No appeal shall lie against a decision of the registrar given under this section.

##### *Formal hearing of opposed applications*

29. — (1) In the event of the proceedings not being determined in accordance with the provisions of section 28, or in the event of the registrar directing that the normal opposition procedure be followed, evidence may be adduced by the parties in the prescribed manner.

(2) The registrar shall fix a day for the hearing of the application and shall give notice thereof to the applicant and the objector at their respective addresses for service.

(3) On the day so fixed, or on any other day to which the hearing is adjourned, the registrar shall, on payment of the fee prescribed, hear the applicant and the objector and their respective witnesses, if any, unless the evidence has been submitted in affidavit form and the registrar does not require or permit evidence to be given *viva voce*, and shall decide whether the application is to be refused or whether it is to be granted either with or without modifications or conditions.

(4) The registrar may make such order as to costs of the proceedings as may seem just and his order shall be enforceable in all respects as if it were a judgment of a single judge of the Supreme Court.

(5) The decision of the registrar shall be subject to appeal to the court and the provisions of section 63 shall, *mutatis mutandis*, apply.

##### *Appeal against registrar's decision*

30. — (1) On appeal the court shall hear the parties and the registrar, if he desires to be heard, and shall make an order determining whether and subject to what conditions, if any, registration is to be permitted.

(2) On the hearing of an appeal under this section any party may, by special leave of the court, bring forward further evidence for the consideration of the court.

(3) (a) On an appeal under this section no further grounds of objection to the registration of a trade mark shall be allowed to be taken by the objector or the registrar, other than those so stated as aforesaid by the objector, nor shall the applicant be entitled to raise any further grounds in support of his application, except by special leave of the court.

(b) If any party, by special leave of the court, introduces any further grounds and the other party decides in the light thereof not to pursue the proceedings, the court shall make such order as to costs as it may deem fit.

(4) If the appellant neither resides nor carries on business in the Republic, the court may require him to give

security for the costs of the proceedings relative to the appeal and in default of such security being given treat the appeal as abandoned.

(5) In the case of proceedings under this Part, the registrar may require either or both parties, if they neither reside nor carry on business in the Republic, to give security for the costs of the proceedings and, in default of such security being given, may treat the opposition or application as abandoned.

#### PART V

### The Register of Trade Marks

#### *The register*

31. — (1) There shall be kept at the trade marks office a register of trade marks wherein shall be entered particulars of:

- (a) all applications to register trade marks and all registrations of trade marks with the names and addresses of their proprietors and of all registered users thereof, including notifications in terms of sub-section (2) of section 23, together with the date of registration and the date of expiration of the registration;
- (b) notifications of assignments and transmissions, and disclaimers; and
- (c) any other matters relating to registered trade marks which are prescribed.

(2) The register shall be comprised of two parts called respectively part A and part B.

(3) The register kept under the repealed law and existing at the commencement of this Act shall be incorporated with and form part of part A of the register kept under this Act.

(4) The register shall comprise all trade marks which are registered or are deemed to be registered under this Act and shall indicate whether they be registered in Part A or Part B of the register.

(5) The register shall, on payment of the prescribed fees, and subject to the provisions of this Act, be open at all convenient times during office hours to inspection by the public.

(6) A certified copy of an entry in any register kept under this Act, shall, subject to any special provisions to the contrary contained in this Act, be given to any person who applies for such a copy and pays the prescribed fee.

#### *Amendment of register*

32. — (1) The registrar may correct any error in the register made by an official of his office.

(2) The registrar may, on request made in the prescribed manner by the registered proprietor of a trade mark, and on payment of the fee prescribed, amend or alter the register by:

- (a) correcting any error in the name or address of the registered proprietor of the trade mark; or
- (b) altering the name or address or address for service of the registered proprietor who has changed his name or address or address for service; or
- (c) cancelling the registration of the trade mark; or

- (d) striking out any goods or classes of goods from those in respect of which the trade mark is registered; or
- (e) entering a disclaimer or memorandum relating to the trade mark which does not in any way extend the rights given by the registration of the trade mark.

(3) The registrar may, on request made in the prescribed manner by a registered user of a trade mark or by a subsidiary company recorded in the register as a user of the trade mark in terms of section 23, and on payment of the fees prescribed, correct any error in the register or enter therein any change in the name or address of such registered user or of such subsidiary company, as the case may be.

(4) Any decision of the registrar under this section shall be subject to appeal to the court.

#### *General power to rectify entries in register*

33. — (1) Any person aggrieved by the non-insertion in or omission from the register of any entry, or by any entry made in the register without sufficient cause or by any entry wrongly remaining on the register, or by any error or defect in any entry in the register, may apply to the court, or, at the option of the applicant and subject to the provisions of section 69, on payment of the fees prescribed in the prescribed manner, to the registrar, for the desired relief and thereupon the court or the registrar, as the case may be, may make such order for making, expunging or varying the entry as to it or him may seem fit.

(2) The court or the registrar, as the case may be, may in any proceedings under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of the register.

(3) In the event of the registrar being satisfied that any entry relating to the registration, assignment or transmission of a trade mark has been secured by fraud or misrepresentation or that any such entry was made without sufficient cause or wrongly remains on the register, he shall also have *locus standi* to apply to the court under the provisions of this section.

(4) Any order of the court rectifying the register shall direct that notice of the rectification shall be served on the registrar, and the registrar shall on receipt of the notice together with an application on the form prescribed, rectify the register accordingly.

(5) The power to rectify the register conferred by this section shall include power to alter a registration in part A of the register to a registration in part B of the register.

#### *Alteration of registered trade mark*

34. — (1) The registered proprietor of a trade mark may, on payment of the fee prescribed, apply in the prescribed manner to the registrar for leave to add to or alter the trade mark in any manner not substantially affecting the identity thereof, and the registrar may refuse leave or may grant it on such terms and subject to such limitations as he may think fit.

(2) (a) The registrar shall require the applicant to advertise the application in the prescribed manner and if within

the prescribed time from the date of the advertisement any person lodges a notice of opposition to the application in the prescribed manner with the registrar, the registrar shall, after hearing the parties, if they wish to be heard, decide the matter.

(b) The provisions of sections 26 to 30, inclusive, shall *mutatis mutandis* apply to any proceedings under this section.

*Power to expunge or vary registration for breach  
of condition*

35. — If the registered proprietor or user of a trade mark contravenes or fails to observe any condition entered in the register in relation thereto, the court or the registrar, as the case may be, may, on application to the court, or, at the option of the applicant and subject to the provisions of section 69, to the registrar by any person aggrieved, or on application to the court by the registrar, make such order for expunging or varying the registration of the trade mark as to it or him may seem fit.

*(To be continued)*

**IRELAND**

**Notice**

**concerning the temporary protection of inventions and designs  
at an exhibition**

(5<sup>th</sup> November, 1963)

We are informed by the Controller of the Industrial and Commercial Registration Office, that pursuant to a Certificate signed by the Minister for Industry and Commerce on 5<sup>th</sup> November, 1963, inventions and designs published at the "Irish Export Fashion Fair" to be held in Dublin on 20<sup>th</sup> to 24<sup>th</sup> April, 1964, will enjoy the temporary protection provided by Section 60 and Section 76 of the Industrial and Commercial Property (Protection) Act, 1927.

**GENERAL STUDIES**

**The Universal Declaration  
of Human Rights (of the 10<sup>th</sup> December, 1948)  
and the Protection of Intellectual Property**







G. BÉGUIN, Lawyer  
Counsellor in BIRPI

## CONGRESSES AND MEETINGS

### **Third Meeting of Organisations concerned with the Unification of Law**

(Rome, 2<sup>nd</sup>-4<sup>th</sup> October, 1963)

This third meeting was organised with a view to implementing the motion adopted at the end of the second meeting held in Rome in 1959.

The opening session was held under the auspices and on the invitation of the International Institute for the Unification of Private Law (UNIDROIT), in the "Villa Aldobrandini", Headquarters of the Institute.

H. E. Professor Giacinto Bosco, Minister of Justice (Italy), after having thanked H. E. Ernesto Eula, President of the International Institute for the Unification of Private Law, welcomed the participants and emphasised the fact that the subjects chosen reflected current events and he paid tribute to the spirit of cooperation which prevailed among lawyers.

The Organisations which took part in the debates were represented by the following delegates:

#### **I. Intergovernmental Organisations**

##### **(a) Specialised Agencies of the United Nations**

*International Labour Organisation (ILO)*: M. Nicolas Valticos, Head of the International Labour Standards Division of the International Labour Office; the *United Nations Organisation for Food and Agriculture (FAO)*: M. J. Carroz, Head of Section, Sub-Division of Legal Research, M. A. Roche, Legal Research Specialist, Department of Public Relations and Legal Questions; *United Nations Educational, Scientific and Cultural Organisation (UNESCO)*: M. Hanna Saba, Legal Counsellor;

*World Health Organisation (WHO)*: M. Claude-Henri Vignes, Member of the Legal Service; *World Meteorological Organisation (WMO)*: M. R. L. Munteanu, External Relations Officer.

#### (b) Other Intergovernmental Organisations

##### *Universal Organisations*

*United International Bureaux for the Protection of Intellectual Property (BIRPI)*: M. G. H. C. Bodenhausen, Director; *The Hague Conference on Private International Law*: M. Matthijs H. van Hoogstraten, Secretary-General; *International Institute for the Unification of Private Law (UNIDROIT)*, represented by its President, M. Ernesto Eula, former First President of the Supreme Court of Appeal, and by several Members of the Governing Council; *Central Office for International Railway Transport*: M. Joseph Haenni, Director; *Organisation for Economic Cooperation and Development*: M. Pieder Konz, Head of the Legal Section.

##### *Regional Organisations*

*Council of Europe*, Legal Commission of the Consultative Assembly: M. van Meeuwen, M. de Grailly; Secretary-General: M. P. J. de Kanter, Director of Legal Affairs, M. Willems Vis, Secretary of the Legal Commission; *Commission of the European Economic Community*: M. Alfred Hauschild, M. Foïs; *Benelux*: M. Jean A. J. Limpens, Professor of the Universities of Ghent and Brussels, Director of the Inter-University Centre of Comparative Law, Member of the Benelux Commission for the Unification of Law; *Council of European Communities*: M. Ernst Wohlfarth, Legal Adviser to the Council of Ministers of the European Communities, Director General; *European Conference of Ministers of Transport (ECMT)*: M. Giuseppe Cutrona, Lawyer, Senior Inspector; *Nordic Council*: M. B. E. Gustav Petré, Doctor of Law, Secretary to the Swedish Delegation of the Nordic Council, Judge of the Court of Appeal, Stockholm; *League of Arab States*: M. Abou Seif Radi, Deputy Head of the Bureau of the Arab League, in Rome.

## II. Non-Governmental Organisations

*International Association of Legal Science (IALS)*: M. Stefan Rozmaryn, Professor, President, and several Members of the Association; *International Social Security Association (ISSA)*: M. Guido Maria Baldi, Professor, Counsellor to the Italian Institute of Social Medicine; *International Chamber of Commerce (ICC)*: M. Gunnar Lagergren, Vice-President of the Arbitration Commission on goods, rights and interests in Germany, President of the International Commercial Practices Commission of the ICC, Counsellor to the Court of Appeal, Stockholm; *Danube Commission*: M. Nae Androne, Director of the Secretariat and of the Services of the Commission; *International Law Association (ILA)*: M. Roberto Sandiford, Honorary President of the Council of State (Italy); *International Road Transport Union (IRU)*: M. Alain Glavany, Legal Counsellor to the National Federation of Road Transport, and several Members of the Union.

## III. Inter-Federal Organisations

*National Conference of Commissioners on Uniform State Laws*: M. Joe C. Barrett, Past President, M. James C. Dezen-

dorf, Past President, Member of the Oregon Commission on Uniform State Laws.

## IV. National Organisations

*American Foreign Law Association*: M. Angelo Piero Sereni, Professor of Bologna University; *Argentine Association of Comparative Law*: M. Pedro H. Fries, Ambassador of the Argentine Republic in Brussels, M. Ambrosio L. Gioja, Professor, M. José Manuel Saravia, Professor; *Inter-University Centre of Comparative Law*: M. Jean A. J. Limpens, Professor at the Universities of Ghent and Brussels, Director of the Inter-University Centre of Comparative Law, Member of the Benelux Commission for the Unification of Law; *Belgian Committee of Unidroit*: Madame M.-R. Hennebicq-Simon, Advocate at the Court of Appeal in Brussels and Secretary of the Committee; *Institute of Comparative Law at the University of Upsala*: M. Ako Malmström, Director; *Hellenic Institute of International and Foreign Law*: M. Pan J. Zepos, Director, Professor of the Faculty of Law at the University of Athens; *Institute of Advanced Legal Studies*: M. Ronald H. Graveson, Professor of Law, Dean of the Faculty of Law of London University, King's College.

Seventeen other participants were present in a personal capacity.

The first day was devoted to an examination of the report on "The procedures relating to a conciliation and a solution to the divergences of interpretation of uniform law"; the rapporteurs were: M. Tjalling Justus Dorhout Mees, Professor of Utrecht University, Member of the Governing Council of the Institute, and M. Jean Georges Sauveplanne, Professor of Utrecht University, former Assistant Secretary-General of the International Institute for the Unification of Private Law.

The following day, the participants examined a report submitted by M. Jean Limpens, Professor of the Universities of Ghent and Brussels, Director of the Inter-University Centre of Comparative Law, on the "Relations between unification on the regional level and unification on a universal level".

The debates on these reports continued until the closing session. The participants approved the following final motion:

"The Third Meeting of Organisations working in the field of the unification of law heard with interest the reports prepared on the two subjects on the agenda.

On the first subject, the Meeting first noted that the divergences in the interpretation of rules of uniform law by national judges are not, at present, of a nature to prejudice seriously the success of unification, as national judges are more and more guided by decisions given by foreign judges. In order to stimulate this trend, the *Recueil de jurisprudence de droit uniforme*, published by Unidroit since 1959, could be extremely important, provided it attains an adequate circulation. With regard to the most appropriate means to lessen the divergences which may appear, certain delegates declared themselves in favour of establishing either a single jurisdictional body or *ad hoc* bodies in respect of each branch of unification; others declared themselves in favour of making use of existing jurisdictions. In both cases, the prevailing opinion was that the multiplication of jurisdictional bodies should be



avoided so far as possible. It was also generally held that it should not be possible for the jurisdictional body to have power to reverse decisions given by national judges and that the only conceivable solution lay in an action for an injunction, similar to that provided for by the European Communities or by the project for the Benelux Court.

The Meeting took note of the declarations made by the representatives of certain International Organisations emphasizing the effectiveness of systems of conciliation practised by such Organisations which avoided contentious proceedings but which nevertheless followed jurisdictional methods; these systems had in fact led to the solution of most disputes without it being necessary to bring them before a judicial body.

Reciprocal information in the field of legal interpretation was considered by all participants as an indispensable means of prevention.

With regard to the second subject — the relations between unification on a regional level and unification on a universal level — it was unanimously recognised that it was advisable to ensure a certain degree of coordination between the efforts undertaken at different levels by organisations or by groups of States in order to avoid, as far as possible, any overlapping

or duplication of effort. In this respect, the Meeting discussed the question: to what extent the coordination, or even the direction of work undertaken at different levels, could be entrusted to a single body. The Meeting took note of the steps already taken in this direction within the framework of the Council of Europe. Generally speaking, the Meeting considered it preferable to avoid any solution which would involve a body vested with authoritative powers. It preferred a solution allowing for a complete and regular exchange of information regarding the current work undertaken by the different international organisations and groups of States. The Meeting also took note of the suggestion made for creating a future Committee of Legal Cooperation within the framework of the United Nations Organisation, which might profit from the experience already gained by the Council of Europe on a regional level.

The participants at the Third Meeting warmly thanked UNIDROIT for having pursued so successfully its efforts in the field of questions which are of interest to both organisations and lawyers concerned with the unification of law and expressed the opinion that the initiative of convening such meetings should be pursued in the future."

## NEWS ITEMS

### Calendar of BIRPI Meetings\*

Scheduled for January 1964

Place	Date	Title	Object	Invitations to participate	Observers
Geneva	27-30 January 1964	Study Group on Certificates of Authorship	Study of the problem of certificates of authorship in relation to the Paris Convention	Bulgaria, Czechoslovakia, Hungary, Israel, Netherlands, Poland, Roumania, United-Kingdom, United States of America, Yugoslavia	USSR

\* Meetings for which dates have been definitely arranged

## GENERAL STATISTICS OF INDUSTRIAL PROPERTY FOR THE YEAR 1962

## I. Patents of Invention and Utility Models

Countries	Patents applied for			Patents granted		
	Principal	Additional	Total	Principal	Additional	Total
Australia . . . . .	—	—	10,496	—	—	3,866
Austria . . . . .	—	—	10,174	5,832	221	6,053
Belgium . . . . .	14 091	492	14 583	14 015	486	14 501
Brazil <sup>1)</sup> . . . . .	—	—	—	—	—	—
Bulgaria . . . . .	727	—	727	171	2	173
Canada . . . . .	26,409	—	26,409	21,225	—	21,225
Ceylon . . . . .	142	5	147	99	5	104
Cuba <sup>1)</sup> . . . . .	—	—	—	—	—	—
Czechoslovakia . . . . .	—	—	7,376	—	—	3,860
Denmark . . . . .	5,571	121	5,692	2,541	44	2,585
Dominican Republic <sup>1)</sup> . . . . .	—	—	—	—	—	—
Finland . . . . .	2,300	44	2,344	723	17	740
France . . . . .	37,883	2,180	40,063	34,003	2,617	36,620
Germany (Fed. Rep.), patents . . . . .	—	—	59,783	17,216	1,292	18,508
» » utility models . . . . .	—	—	46,098	—	—	20,351
Great Britain and Northern Ireland . . . . .	47,970	1,217	49,187	26,837	884	27,721
Trinidad and Tobago <sup>1)</sup> . . . . .	—	—	—	—	—	—
Greece . . . . .	1,551	80	1,631	1,339	77	1,416
Haiti <sup>1)</sup> . . . . .	—	—	—	—	—	—
Holy See <sup>4)</sup> . . . . .	—	—	—	—	—	—
Hungary <sup>1)</sup> . . . . .	—	—	—	—	—	—
Iceland <sup>1)</sup> . . . . .	—	—	—	—	—	—
Indonesia . . . . .	—	—	179	—	—	—
Iran . . . . .	390	7	397	308	4	312
Ireland <sup>1)</sup> . . . . .	—	—	—	—	—	—
Israel (State of —) . . . . .	1,893	34	1,927	1,067	18	1,085
Italy, patents . . . . .	—	—	25,763	—	—	19,270
» utility models . . . . .	—	—	6,335	—	—	1,450
Japan, patents . . . . .	59,591	536	60,127	15,507	196	15,703
» utility models . . . . .	—	—	81,858	—	—	29,016
Lebanon . . . . .	116	—	116	116	—	116
Liechtenstein (Princip.), patents <sup>3)</sup> . . . . .	—	—	0	—	—	0
» » utility models . . . . .	—	—	0	—	—	0
Luxemburg . . . . .	1,882	44	1,926	1,755	40	1,795
Mexico . . . . .	4,775	—	4,775	765	—	765
Monaco, patents . . . . .	48	9	57	66	12	78
» utility models . . . . .	—	—	0	—	—	0
Morocco . . . . .	327	19	346	346	17	363
Tangiers (Amalat) <sup>1)</sup> . . . . .	—	—	—	—	—	—
Netherlands . . . . .	13,870	379	14,249	3,325	53	3,378
Surinam <sup>2)</sup> . . . . .	—	—	—	—	—	—
Netherlands Antilles <sup>1)</sup> . . . . .	—	—	—	—	—	—
New Zealand . . . . .	2,746	74	2,820	1,494	44	1,538
Western Samoa <sup>1)</sup> . . . . .	—	—	—	—	—	—
Norway . . . . .	4,198	79	4,277	1,855	46	1,901
Poland, patents . . . . .	—	—	2,455	—	—	1,129
» utility models . . . . .	—	—	1,320	—	—	669
Portugal, patents . . . . .	1,289	45	1,334	950	30	980
» utility models . . . . .	—	—	152	—	—	59
Rhodesia and Nyasaland (Federation of -) . . . . .	617	20	637	565	17	582
Roumania . . . . .	874	22	896	409	7	416
San Marino <sup>1)</sup> . . . . .	—	—	—	—	—	—
South Africa, patents . . . . .	5,458	12	5,470	4,509	11	4,520
» » utility models . . . . .	—	—	928	—	—	926
Spain, patents . . . . .	10,073	436	10,509	9,066	420	9,486
» utility models . . . . .	—	—	6,172	—	—	3,703
Sweden . . . . .	—	—	14,179	4,478	153	4,631
Switzerland . . . . .	14,440	870	15,310	6,782	302	7,084
Syrian Arab Republic . . . . .	128	2	130	128	2	130
Tanganyika . . . . .	58	—	58	58	—	58
Tunisia <sup>1)</sup> . . . . .	—	—	—	—	—	—
Turkey <sup>1)</sup> . . . . .	—	—	—	—	—	—
United Arab Republic . . . . .	597	5	602	493	15	508
United States of America . . . . .	—	—	85,180	—	—	55,782
Viet Nam <sup>1)</sup> . . . . .	—	—	—	—	—	—
Yugoslavia . . . . .	1,720	—	1,720	592	2	594
Grand total of patents applied for . . . . .			484 051	of patents registered . . . . .		269 576
» » » utility models applied for . . . . .			142,863	of utility models registered . . . . .		56,174

General remarks. — We publish here general statistics for the year 1962. Those countries which have not yet supplied the information requested are left in blank.

<sup>1)</sup> Figures for this country have not yet been supplied. (Cuba does not establish statistics for industrial property.)

<sup>2)</sup> Patents granted in the Netherlands are valid here.

<sup>3)</sup> Swiss patents are valid in the Principality.

<sup>4)</sup> Italian laws for the protection of industrial property are applicable in this State.

## GENERAL STATISTICS FOR 1962 (continued)

## II. Industrial Designs and Models

Countries	Designs or Models					
	Deposited			Registered		
	Designs	Models	Total	Designs	Models	Total
Australia . . . . .	—	—	1,357	—	—	1,064
Austria . . . . .	—	—	7,466	—	—	7,466
Belgium . . . . .	448	1,403	1,851	448	1,403	1,851
Brazil <sup>1)</sup> . . . . .	—	—	—	—	—	—
Bulgaria . . . . .	—	—	0	—	—	0
Canada . . . . .	892	—	892	788	—	788
Ceylon . . . . .	5	—	5	13	—	13
Cuba <sup>1)</sup> . . . . .	—	—	—	—	—	—
Czechoslovakia . . . . .	—	—	345	—	—	226
Denmark . . . . .	—	—	753	—	—	699
Dominican Republic <sup>1)</sup> . . . . .	—	—	—	—	—	—
Finland . . . . .	—	—	0	—	—	0
France . . . . .	—	—	8,306	—	—	8,306
Germany (Fed. Rep.) . . . . .	—	—	—	—	—	55,489
Great Britain and Northern Ireland . . . . .	—	—	7,780	—	—	7,431
Trinidad and Tobago <sup>1)</sup> . . . . .	—	—	—	—	—	—
Holy See <sup>1)</sup> . . . . .	—	—	—	—	—	—
Hungary <sup>1)</sup> . . . . .	—	—	—	—	—	—
Indonesia . . . . .	—	—	—	—	—	—
Iran . . . . .	—	—	0	—	—	0
Ireland <sup>1)</sup> . . . . .	—	—	—	—	—	—
Israel (State of —) . . . . .	233	—	233	160	—	160
Italy . . . . .	—	—	—	—	—	—
Japan . . . . .	—	—	28,283	—	—	17,346
Lebanon . . . . .	—	—	88	—	—	88
Liechtenstein (Principality of —) . . . . .	2	—	2	—	—	0
Luxemburg . . . . .	—	—	0	—	—	0
Mexico . . . . .	—	265	265	—	11	11
Monaco . . . . .	—	—	24	—	—	18
Morocco . . . . .	—	—	37	—	—	37
Tangiers (Amalat) <sup>1)</sup> . . . . .	—	—	—	—	—	—
New Zealand . . . . .	308	—	308	226	—	226
Norway . . . . .	—	—	967	—	—	908
Poland . . . . .	—	—	126	—	—	110
Portugal . . . . .	148	230	378	79	129	208
Rhodesia and Nyasaland (Federation of -) . . . . .	31	—	31	28	—	28
San Marino <sup>1)</sup> . . . . .	—	—	—	—	—	—
South Africa . . . . .	—	—	—	—	—	—
Spain . . . . .	432	2,280	2,712	280	1,482	1,762
Sweden . . . . .	238	—	238	146	—	146
Switzerland . . . . .	—	—	941	—	—	891
Syrian Arab Republic . . . . .	7	9	16	7	9	16
Tunisia <sup>1)</sup> . . . . .	—	—	—	—	—	—
United Arab Republic . . . . .	369	184	553	214	171	385
United States of America <sup>2)</sup> . . . . .	—	—	4,910	—	—	2,300
Viet Nam <sup>1)</sup> . . . . .	—	—	—	—	—	—
Yugoslavia . . . . .	9	122	131	—	81	81
Grand total			68,998			108,054

<sup>1)</sup> Figures for this country have not yet been supplied. (Cuba does not establish statistics for industrial property.)

<sup>2)</sup> Included as designs; the word model is not used in the United States of America.

## GENERAL STATISTICS FOR 1962 (end). — III. Trade Marks

Countries	Trade Marks					
	Deposited			Registered		
	National	Foreign	Total	National	Foreign	Total
Australia . . . . .	—	—	5,828	—	—	3,559
Austria <sup>1)</sup> . . . . .	1,788	1,061	2,849	1,430	885	2,315
Belgium . . . . .	2,507	1,631	4,138	2,507	1,631	4,138
Brazil <sup>2)</sup> . . . . .	—	—	—	—	—	—
Bulgaria . . . . .	38	157	195	38	157	195
Canada . . . . .	3,667	2,728	6,395	2,424	2,283	4,707
Ceylon . . . . .	506	589	1,095	139	422	561
Cuba <sup>2)</sup> . . . . .	—	—	—	—	—	—
Czechoslovakia <sup>1)</sup> . . . . .	832	274	1,106	772	235	1,007
Denmark . . . . .	2,213	2,167	4,380	1,088	1,428	2,516
Dominican Republic <sup>2)</sup> . . . . .	—	—	—	—	—	—
Finland . . . . .	1,027	1,555	2,582	836	1,342	2,178
France <sup>1)</sup> . . . . .	18,892	3,060	21,952	18,360	2,953	21,313
Germany (Fed. Rep.) <sup>1)</sup> . . . . .	20,424	2,918	23,342	10,069	1,213	11,282
Great Britain and Northern Ireland . . . . .	—	—	14,210	—	—	9,754
Trinidad and Tobago <sup>2)</sup> . . . . .	—	—	—	—	—	—
Greece . . . . .	1,370	1,429	2,799	1,124	1,398	2,522
Haiti <sup>2)</sup> . . . . .	—	—	—	—	—	—
Holy See <sup>2)</sup> . . . . .	—	—	—	—	—	—
Hungary <sup>2)</sup> . . . . .	—	—	—	—	—	—
Iceland <sup>2)</sup> . . . . .	—	—	—	—	—	—
Indonesia . . . . .	2,056	451	2,507	1,392	353	1,745
Iran . . . . .	786	1,348	2,134	327	1,222	1,549
Ireland <sup>2)</sup> . . . . .	—	—	—	—	—	—
Israel (State of —) . . . . .	355	811	1,166	110	444	554
Italy <sup>1)</sup> . . . . .	—	—	9,150	—	—	3,228
Japan . . . . .	40,343	3,642	43,985	21,758	2,005	23,763
Lebanon . . . . .	153	992	1,145	153	992	1,145
Liechtenstein (Principality of —) . . . . .	—	—	—	97	54	151
Luxemburg <sup>1)</sup> . . . . .	106	1,040	1,146	105	1,040	1,145
Mexico . . . . .	3,989	1,520	5,509	3,275	2,161	5,436
Monaco <sup>1)</sup> . . . . .	54	116	170	54	109	163
Morocco . . . . .	—	—	483	—	—	483
Tangiers (Amalat) <sup>2)</sup> . . . . .	—	—	—	—	—	—
Netherlands <sup>1)</sup> . . . . .	3,423	2,307	5,730	—	—	3,525
Surinam . . . . .	—	—	—	12	232	244
Netherlands Antilles . . . . .	29	468	497	27	424	451
New Zealand . . . . .	825	1,479	2,304	724	1,358	2,082
Norway . . . . .	1,055	2,043	3,098	757	1,638	2,395
Poland . . . . .	285	317	602	245	336	581
Portugal <sup>1)</sup> . . . . .	1,828	840	2,668	1,306	799	2,105
Rhodesia and Nyasaland (Federation of -) . . . . .	239	1,099	1,338	203	932	1,135
Roumania <sup>2)</sup> . . . . .	—	—	—	—	—	—
San Marino <sup>2)</sup> . . . . .	—	—	—	—	—	—
South Africa . . . . .	2,173	2,365	4,538	1,972	2,115	4,087
Spain <sup>1)</sup> . . . . .	17,710	3,125	20,835	10,937	1,919	12,866
Sweden . . . . .	2,183	2,494	4,677	1,362	1,628	2,990
Switzerland <sup>1)</sup> . . . . .	—	—	6,390	—	—	5,990
Syrian Arab Republic . . . . .	191	874	1,065	191	874	1,065
Tanganyika . . . . .	43	624	667	12	540	552
Tunisia <sup>2)</sup> . . . . .	—	—	—	—	—	—
Turkey <sup>2)</sup> . . . . .	—	—	—	—	—	—
United Arab Republic <sup>1)</sup> . . . . .	399	518	917	225	545	770
United States of America <sup>3)</sup> . . . . .	—	—	25,130	—	—	17,024
Viet Nam <sup>2)</sup> . . . . .	—	—	—	—	—	—
Yugoslavia <sup>1)</sup> . . . . .	198	188	386	233	222	455
Grand total			239,108			163,726

<sup>1)</sup> The figures indicated for this country do not include those foreign marks protected as a result of international registration; 12,872 of which were registered in 1962.

<sup>2)</sup> The figures for this country have not yet been received. (Cuba does not establish statistics for industrial property.)

<sup>3)</sup> Not including renewals.