

Industrial Property

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Contents

	Pages
INTERNATIONAL UNIONS	
The Industrial Property Unions in 1965	3
Member States of the Unions for the Protection of Industrial Property as on January 1, 1966	6
Paris Union. Selection of Class. Uganda	11
LEGISLATION	
France. Decree relating to Patent Agents (No. 65-921, of October 29, 1965) . . .	11
GENERAL STUDIES	
The Argentine System of Industrial Designs (Ernesto D. Aracama Zorraquín) . . .	12
CONGRESSES AND MEETINGS	
International League against Unfair Competition (Congress of Namur, May 23 to 26, 1965)	15
Inter-American Association of Industrial Property (ASIPI). First Congress (Buenos Aires, November 6 to 11, 1965)	16
BOOK REVIEWS	
Books Received	17
Sui marchi d'impresa (Remo Franceschelli)	18
Einführung in die Praxis des Warenzeichen- und Ausstattungsrechtes (Hans Knoblauch)	18
Das Markenrecht als subjektives Recht (Walter E. Schlupe)	19
Die mehrseitigen völkerrechtlichen Verträge im internationalen gewerblichen Rechtsschutz und Urheberrecht (Alois Troller)	19
Der zweigleisige Vertrieb von Markenwaren im deutschen und amerikanischen Recht (Karl Jacob-Steinorth)	19
Immaterialretspositioner (Mogens Koktvedgaard)	19
CALENDAR	
Calendar of BIRPI Meetings	20
Meetings of Other International Organizations concerned with Intellectual Property	20

INTERNATIONAL UNIONS

The Industrial Property Unions in 1965

The Union for the Protection of Industrial Property (Paris Union)

State of the Union

New Members. During the year 1965, the following countries became members of the Paris Union and are bound by the Lisbon Act of the Paris Convention with effect from the dates appearing after their names:

Kenya	June 14, 1965 (p. 98) ¹⁾
Malawi	July 6, 1964 (p. 239) ²⁾
Mauritania	April 11, 1965 (p. 43)
Philippines	September 27, 1965 (p. 186)
Rhodesia	April 6, 1965 (p. 43)
Uganda	June 14, 1965 (p. 98)
Union of Soviet Socialist Republics	July 1, 1965 (p. 74)
Zambia	April 6, 1965 (p. 43)

These new adhesions brought to a total of 72³⁾ the membership of the Union as at December 31, 1965. The adhesions of Cyprus (p. 270) and of Algeria (p. 239) will become effective in 1966 (on January 17, and March 1, respectively).

Adhesions to the Lisbon Act. During 1965, the following States adhered to the Lisbon Act of the Paris Convention from the effective dates in brackets after their names: Belgium (August 21, 1965) (p. 166); Japan (August 21, 1965) (p. 166); South Africa (April 17, 1965) (p. 74); Yugoslavia (April 11, 1965) (p. 74).

As to the German Democratic Republic or East Germany, see *Industrial Property*, 1964, p. 254.

Acts in Force at the End of 1965. Of the 72 Member States of the Paris Union as at December 31, 1965, 39 are bound by the 1958 Lisbon Act, 29 by the 1934 London Act, 3 by the 1925 Hague Act, and one by the 1911 Washington Act (see list of Member States at page 6 below).

BIRPI Meetings

Executive Committee of the Conference of Representatives of the Paris Union. The first session of the Executive Committee of the Conference of Representatives of the Paris Union was held at Geneva from September 29 to October 1, 1965. In the course of the session, the Union of Soviet Socialist Republics was co-opted as member of the Executive Committee. At this first session, the Committee established and adopted its own Rules of Procedure. The Committee unanimously adopted a resolution requesting the Swiss Government, as Supervisory Authority, to urge all Member States of

¹⁾ Unless otherwise indicated, all page numbers in brackets in the present report refer to the pages of *Industrial Property*, 1965.

²⁾ Declaration of continued adherence.

³⁾ Or 73, if East Germany or the German Democratic Republic is also considered as a party. States disagree on this question.

the Paris Union which were not yet contributing on the basis of the 900,000 Swiss francs yearly ceiling since the beginning of 1963, to do so. Finally, the Committee noted with approval the program and budget proposals for 1966 of the Director of BIRPI (p. 242).

Interunion Coordination Committee. The third ordinary session of the Interunion Coordination Committee met at Geneva from September 28 to October 1, 1965. In the course of the session, the Union of Soviet Socialist Republics, having become a member of the Executive Committee of the Paris Union, became the twenty-third member of the Interunion Coordination Committee.

The Committee heard and noted its approval of the Director's report on the activities of BIRPI since the last session of the Committee. A financial report for the year 1964, constituting a supplement to the 1964 Management Report, was also approved. Regarding staff matters, the Committee examined and expressed a favourable opinion on several changes effected and proposed in the BIRPI staff rules and regulations. The Committee noted with approval the program proposals and budget of BIRPI for 1966. Finally, the Committee decided to ask the Swiss Government, as Supervisory Authority, to invite the Member States of the Paris and Berne Unions, which had not yet agreed to pay their contributions on the basis of the latest ceilings, to do so (p. 239).

Committee of Experts on the Administrative Structure of International Cooperation in the Field of Intellectual Property. The Committee of Experts on the Administrative Structure of International Cooperation in the Field of Intellectual Property met in Geneva from March 22 to April 2, 1965, on the invitation of the Director of BIRPI. Of the Member States of the Paris and Berne Unions, 37 were represented. Four intergovernmental and six non-governmental organizations were represented by observers. The Committee of Experts had before it the text of a draft convention entitled "Convention on the World Intellectual Property Organization" drawn up in May 1964 by a Working Group consisting of ten States Members of the Paris and Berne Unions (see *Industrial Property*, 1964, p. 139).

The Committee of Experts made a number of important changes in the 1964 draft. The new drafts will be further discussed in a second Committee of Experts in the course of 1966 (p. 98).

Committee of Experts on Inventors' Certificates. This Committee, in which 27 Member States of the Paris Union participated met in Geneva from March 15 to 19, 1965, in order to further examine the desirability of, and possible solutions for, amending the Paris Convention so that the text of the Convention will contain express provisions on inventors' certificates. The Committee had before it a working paper prepared by BIRPI and Experts appointed by the Government of Sweden, as host of the Diplomatic Conference scheduled for 1967. The Committee adopted a draft for a new Section J in Article 4 of the Paris Convention which would provide that under certain circumstances inventors' certificates would be treated in the same manner and have

the same effects, for the purpose of the right of priority under Article 4 of the Convention, as applications for patents (p. 75).

International Committee of Novelty-Examining Patent Offices - Advisory Group. The Committee of Novelty-Examining Patent Offices in its meeting of October 1964, decided to leave the further study of two questions — statistics and an index of corresponding patents — to advisory groups.

A first advisory group met in Geneva on March 11 and 12, 1965. It examined the form and wording of the new statistical questionnaires on industrial property and discussed further steps in connection with the study of the so-called World Patent Index. The new statistical questionnaires were distributed in the course of 1965. They relate to statistics concerning 1964. The replies will be published with the February 1966 issue of *Industrial Property* (p. 78).

A second advisory group met in Geneva on December 9 and 10, 1965. It examined the report of BIRPI on the feasibility of establishing the World Patent Index Service and approved the text of a brochure describing the proposed service. The brochure will also serve to survey the demand for such a service. The brochure will be a joint publication of BIRPI and the International Patent Institute. (A more detailed note on this meeting will be published in one of the next issues of *Industrial Property*.)

Industrial Property Lecture Course

For the first time in its history, BIRPI organized an Industrial Property Lecture Course in Geneva, from September 20 to 24, 1965. Some three hundred participants from 27 countries attended. The course was held mainly for the benefit of Governmental officials and private practitioners whose professional activities bring them into contact with questions of the law of industrial property (p. 211).

United Nations

During 1965 BIRPI continued and extended its cooperation in industrial property matters with the United Nations and its subsidiary bodies in accordance with the working agreement between BIRPI and the United Nations established in 1964 (1964, p. 207).

The majority of the United Nations meetings mentioned above at which BIRPI was represented by observers expressly endorsed BIRPI's role in the industrial property field. In particular, the Board of the United Nations Conference on Trade and Development nominated BIRPI as one of the inter-governmental organizations to be permanently associated with the work of the Board; the Economic and Social Council (ECOSOC) adopted a resolution requesting the Secretary-General in cooperation with competent international bodies including BIRPI to explore the question of the transfer of technology to developing countries; and the Asian Conference on Industrialization adopted a recommendation recognizing the work now being done in the industrial property field by United Nations bodies and BIRPI, in particular the Asian Seminar on Industrial Property organised by the latter to take place in Colombo in February 1966.

Meetings of other Organizations

Among those meetings dealing with industrial property at which BIRPI was represented in 1965 were the following:

United Nations (General Assembly, Economic and Social Council, Trade and Development Board, Asian Conference on Industrialization); Council of Europe (Committee of Experts on Patents); International Olive Oil Council (Congress); Inter-American Association for the Protection of Industrial Property (ASIPI, Buenos Aires); International League Against Unfair Competition (Congress); Committee for International Cooperation in Information Retrieval Among Examining Patent Offices (ICIREPAT); World Peace Through Law Conference; International Association for the Protection of Industrial Property (IAPIP, Conference of Presidents); International Chamber of Commerce (XXth Congress); 175th Anniversary Celebrations of the U. S. Patent System.

Other Activities

BIRPI Training Program. BIRPI has continued, during 1965, its technical assistance program with the assistance of various national industrial property offices by granting fellowships for the training of six Governmental officials of developing countries who are working or expect to work in the Industrial Property Office of their countries. Training periods average from two to three months.

Publications. BIRPI published its "Model Law for Developing Countries on Inventions" in three languages (English, French and Spanish). There is a separate edition for each language. The publication contains the text of the Model Law together with an extensive commentary.

A Supplement to the "Manual of Industrial Property Conventions" was published in English and French.

BIRPI Missions to South America and Asia. The Director of BIRPI made official visits to the competent Government authorities of Argentina, Chile and Uruguay. One of the Deputy Directors made similar visits in Venezuela.

The Director of BIRPI visited also Algerian, Indian, Iranian, Iraqi, Pakistani and, with one of the Deputy Directors, Soviet Russian Government authorities.

Madrid Agreement

for the Prevention of False or Misleading Indications of Source

State of adhesions. No new adhesion to this Agreement was effected in 1965.

Japan, which had previously been bound by the 1934 London Act, adhered to the 1958 Lisbon Act with effect from August 21, 1965 (p. 166).

As to the German Democratic Republic or East Germany, see *Industrial Property*, 1964, p. 254.

At the end of 1965, this Agreement grouped 29 countries⁴⁾ of which 8 are bound by the 1958 Lisbon Act, 18 by the 1934 London Act, and 3 by the 1925 Hague Act (see list of parties to the Agreement at page 8 below).

⁴⁾ Or 30, if East Germany or the German Democratic Republic is also considered as a party. States disagree on this question.

Madrid Union

for the International Registration of Trademarks

State of the Union. No new adhesion to the Madrid Union was effected in 1965.

The United Arab Republic deposited its instrument of adhesion to the Nice Act on August 4, 1965. This adhesion will take effect on December 15, 1966, date on which the Nice Act comes into force (p. 186).

At the end of 1965, of the 21 Member States⁵⁾ of the Madrid Union, 20 were bound by the 1934 London Act and one by the 1925 Hague Act (see list of Member States at page 9 below).

Ad hoc Conference of the Directors of National Industrial Property Offices. This Conference met in Geneva from December 13 to 17, 1965. It adopted draft transitional Regulations concerning the International Registration of Trademarks. The Regulations will go into effect on December 15, 1966. The Conference also examined certain questions concerning the interpretation of the Nice Act. A report on this meeting will be published in the February 1966 issue of *Industrial Property*.

Statistics. The International Trademark Registration Service registered the 300,000th international trademark at BIRPI on July 15, 1965 (p. 172).

During the year 1965, the number of international trademark registrations was 14,596, which is the highest figure thus far attained in any year.

The Hague Union

for the International Deposit of Industrial Designs

State of the Union. No new adhesion to the Hague Union was effected in 1965. No new ratifications of the Hague Act of 1960 or of the Monaco Additional Act of 1961 were effected during 1965.

At the end of 1965, all the 14⁵⁾ countries Members of the Union were bound by the 1934 London Act, while Belgium, France, the Federal Republic of Germany, Monaco, Netherlands and Switzerland were also bound by the 1961 Monaco Additional Act (see list of Member States at page 9 below).

Statistics. During the year 1965, the number of international deposits was 2,129 as against 2,113 in 1964. Open deposits numbered 1,121 and sealed deposits 1,008. A total of 31,313 objects were deposited, of which 1,181 were simple deposits and 30,132 were multiple deposits. Of the 31,313 objects deposited, 13,806 were two-dimensional designs (*dessins*) and 17,507 three-dimensional (*modèles*).

Nice Union

for the International Classification of Goods and Services to which Trademarks are Applied

State of the Union. No new adhesion to the Nice Union was effected in 1965.

The Nice Agreement which came into force on April 8, 1961, grouped 18⁵⁾ Member States at the close of 1965 (see list of Member States at page 10 below).

Committee of Experts for the International Classification of Goods and Services. This Committee held its third session at Geneva on May 5 and 6, 1965. The Committee adopted a number of modifications, additions and deletions in the International Classification of Goods and Services (p. 166). An English version of the "Classification" was published in December 1965 by BIRPI in cooperation with the United Kingdom Patent Office.

Lisbon Union

for the Protection of Appellations of Origin and their International Registration

State of the Union. No new ratification was effected in the course of 1965.

By the end of 1965, this Agreement had still been ratified by only 4 countries: France, Cuba, Czechoslovakia and Israel. Since, under Article 13, this Agreement comes into force only on ratification by five countries, it is not yet in force.

Table of Contracting States

The following table shows the situation of the Acts in force at the end of 1965 (see also "Member States of the Industrial Property Unions", at page 6 *et seq.* of this issue).

Instrument	Number of Contracting States					
	Total	Bound by the Act of				
		Lisbon 1958	Nice 1957	London 1934	The Hague 1925	Washington 1911
Paris Convention for the Protection of Industrial Property	72 *	39	NA	29	3	1
Madrid Agreement for the Prevention of False or Misleading Indications of Source	29 *	8	NA	18	3	0
Madrid Agreement for the International Registration of Trademarks . .	21 *	NA	**	20	1	0
The Hague Agreement for the International Deposit of Industrial Designs	14 *	NA	NA	14 ***	0	NA
Nice Agreement for the International Classification of Goods and Services to which Trademarks are Applied . .	18 *	NA	18	NA	NA	NA

* Or one more, if East Germany or the German Democratic Republic is also considered as a party. States disagree on this question.

** Not yet in force.

*** Additional Act of Monaco: 6.

NA: Not applicable.

⁵⁾ Or one more, if East Germany or the German Democratic Republic is also considered as a party. States disagree on this question.

Member States of the Unions for the Protection of Industrial Property as on January 1, 1966

International Union for the Protection of Industrial Property (Paris Union)

founded by the Paris Convention (1883), revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934)
and Lisbon (1958)

Member States *)	Date on which adhesion to the Union took effect	Latest Act by which the State is bound and date on which the ratification of or accession to such Act became effective
<i>Australia</i> ^{1) 2)}	<i>October 10, 1925</i>	<i>London: June 2, 1958</i>
<i>Austria</i>	<i>January 1, 1909</i>	<i>London: August 19, 1947</i>
<i>Belgium</i>	<i>July 7, 1884</i>	<i>Lisbon: August 21, 1965</i>
<i>Brazil</i>	<i>July 7, 1884</i>	<i>The Hague: October 26, 1929</i>
<i>Bulgaria</i>	<i>June 13, 1921</i>	<i>Washington: June 13, 1921</i>
<i>Cameroon</i> ¹⁾	<i>May 10, 1964</i>	<i>Lisbon: May 10, 1964</i>
<i>Canada</i> ¹⁾	<i>June 12, 1925</i>	<i>London: July 30, 1951</i>
<i>Central African Republic</i> ¹⁾	<i>November 19, 1963</i>	<i>Lisbon: November 19, 1963</i>
<i>Ceylon</i> ¹⁾	<i>December 29, 1952</i>	<i>London: December 29, 1952</i>
<i>Chad</i> ¹⁾	<i>November 19, 1963</i>	<i>Lisbon: November 19, 1963</i>
<i>Congo (Brazzaville)</i> ¹⁾	<i>September 2, 1963</i>	<i>Lisbon: September 2, 1963</i>
<i>Cuba</i>	<i>November 17, 1964</i>	<i>Lisbon: February 17, 1963</i>
<i>Czechoslovakia</i>	<i>October 5, 1919</i>	<i>Lisbon: January 4, 1962</i>
<i>Denmark</i> ³⁾	<i>October 1, 1894</i>	<i>London: August 1, 1938</i>
<i>Dominican Republic</i>	<i>July 11, 1890</i>	<i>The Hague: April 6, 1951</i>
<i>Finland</i>	<i>September 20, 1921</i>	<i>London: May 30, 1953</i>
<i>France</i> ⁴⁾	<i>July 7, 1884</i>	<i>Lisbon: January 4, 1962</i>
<i>Gabon</i> ¹⁾	<i>February 29, 1964</i>	<i>Lisbon: February 29, 1964</i>
<i>Germany (Federal Republic of)</i>	<i>May 1, 1953</i>	<i>Lisbon: January 4, 1962</i> ⁵⁾
<i>Greece</i>	<i>October 2, 1924</i>	<i>London: November 27, 1953</i>
<i>Haiti</i>	<i>July 1, 1958</i>	<i>Lisbon: January 4, 1962</i>
<i>Holy See</i>	<i>September 29, 1960</i>	<i>London: September 29, 1960</i>
<i>Hungary</i>	<i>January 1, 1909</i>	<i>London: July 14, 1962</i>
<i>Iceland</i>	<i>May 5, 1962</i>	<i>London: May 5, 1962</i>
<i>Indonesia</i> ¹⁾	<i>December 24, 1950</i>	<i>London: December 24, 1950</i>
<i>Iran</i>	<i>December 16, 1959</i>	<i>Lisbon: January 4, 1962</i>
<i>Ireland</i>	<i>December 4, 1925</i>	<i>London: May 14, 1958</i>
<i>Israel</i> ¹⁾	<i>March 24, 1950</i>	<i>London: March 24, 1950</i>
<i>Italy</i>	<i>July 7, 1884</i>	<i>London: July 15, 1955</i>
<i>Ivory Coast</i> ¹⁾	<i>October 23, 1963</i>	<i>Lisbon: October 23, 1963</i>
<i>Japan</i>	<i>July 15, 1899</i>	<i>Lisbon: August 21, 1965</i>
<i>Kenya</i>	<i>June 14, 1965</i>	<i>Lisbon: June 14, 1965</i>
<i>Laos</i> ¹⁾	<i>November 19, 1963</i>	<i>Lisbon: November 19, 1963</i>
<i>Lebanon</i>	<i>September 1, 1924</i>	<i>London: September 30, 1947</i>
<i>Liechtenstein</i>	<i>July 14, 1933</i>	<i>London: January 28, 1951</i>
<i>Luxembourg</i>	<i>June 30, 1922</i>	<i>London: December 30, 1945</i>
<i>Madagascar</i> ¹⁾	<i>December 21, 1963</i>	<i>Lisbon: December 21, 1963</i>
<i>Malawi</i> ⁶⁾	<i>July 6, 1964</i>	<i>Lisbon: July 6, 1964</i>
<i>Mauritania</i>	<i>April 11, 1965</i>	<i>Lisbon: April 11, 1965</i>
<i>Mexico</i>	<i>September 7, 1903</i>	<i>Lisbon: May 10, 1964</i>
<i>Monaco</i>	<i>April 29, 1956</i>	<i>Lisbon: January 4, 1962</i>
<i>Morocco</i>	<i>July 30, 1917</i>	<i>London: January 21, 1941</i>
<i>Netherlands</i> ⁷⁾	<i>July 7, 1884</i>	<i>London: August 5, 1948</i>
<i>New Zealand</i> ¹⁾	<i>July 29, 1931</i>	<i>London: July 14, 1946</i>

Member States *)	Date on which adhesion to the Union took effect	Latest Act by which the State is bound and date on which the ratification of or accession to such Act became effective
Niger ¹⁾	July 5, 1964	Lisbon: July 5, 1964
Nigeria	September 2, 1963	Lisbon: September 2, 1963
Norway	July 1, 1885	Lisbon: May 10, 1964
Philippines	September 27, 1965	Lisbon: September 27, 1965
Poland	November 10, 1919	The Hague: November 22, 1931
Portugal ⁸⁾	July 7, 1884	London: November 7, 1949
Rhodesia ⁶⁾	April 6, 1965	Lisbon: April 6, 1965
Rumania	October 6, 1920	Lisbon: November 19, 1963
San Marino	March 4, 1960	London: March 4, 1960
Senegal ¹⁾	December 21, 1963	Lisbon: December 21, 1963
South Africa	December 1, 1947	Lisbon: April 17, 1965
Spain	July 7, 1884	London: March 2, 1956
Sweden	July 1, 1885	London: July 1, 1953
Switzerland	July 7, 1884	Lisbon: February 17, 1963
Syrian Arab Republic	September 1, 1924	London: September 30, 1947
Tanzania ¹⁾	June 16, 1963	Lisbon: June 16, 1963
Trinidad and Tobago ¹⁾	August 1, 1964	Lisbon: August 1, 1964
Tunisia	July 7, 1884	London: October 4, 1942
Turkey	October 10, 1925	London: June 27, 1957
Uganda	June 14, 1965	Lisbon: June 14, 1965
Union of Soviet Socialist Republics	July 1, 1965	Lisbon: July 1, 1965
United Arab Republic	July 1, 1951	London: July 1, 1951
United Kingdom of Great Britain and Northern Ireland	July 7, 1884	Lisbon: January 4, 1962
United States of America ⁸⁾	May 30, 1887	Lisbon: January 4, 1962
Upper Volta ¹⁾	November 19, 1963	Lisbon: November 19, 1963
Viet Nam ¹⁾	December 8, 1956	London: December 8, 1956
Yugoslavia	February 26, 1921	Lisbon: April 11, 1965
Zambia	April 6, 1965	Lisbon: April 6, 1965
(Total: 72 States)		

*) Explanation of type:

Heavy type: States bound by the Lisbon Act (1958).

Italics: States bound by the London Act (1934).

Ordinary type: States bound by the Hague Act (1925).

Bulgaria only is bound by the Washington Act (1911).

1) The Convention has been applied, by virtue of Article 16^{bis} of the Convention, on the territories of the following States before their accession to full independence as from the dates indicated: Australia (August 5, 1907), Canada (September 1, 1923), Ceylon (June 10, 1905), Indonesia (October 1, 1888), Israel (Palestine, except Transjordan, September 12, 1933 to May 15, 1948), New Zealand (September 7, 1891), Tanzania (except Zanzibar, January 1, 1938), Trinidad and Tobago (May 14, 1908). The Convention was applied by France, under Article 16^{bis}, to the following States from various dates: Cameroon, Central African Republic, Chad, Congo (Brazzaville), Gabon, Ivory Coast, Laos, Madagascar, Niger, Senegal, Upper Volta, Viet Nam.

2) The Convention has been applied to Papua and New Guinea since February 12, 1933, and to Norfolk Island, since July 29, 1936 (the London Act has applied since February 5, 1960); the Hague Act has been applied to Nauru since July 29, 1936.

3) Including the Faroe Islands.

4) Including the Departments of Guadeloupe, Guiana, Martinique and Reunion; also applied to Overseas Territories.

5) With regard to East Germany or the German Democratic Republic, see *Industrial Property*, 1964, p. 254.

6) The Convention had applied to Malawi and Rhodesia (as component parts of the former Federation of Rhodesia and Nyasaland) since April 1, 1958.

7) The Convention has been applied to Curaçao and Surinam since July 1, 1890 (the London Act has applied since August 5, 1948).

8) Including the Azores and Madeira.

9) The Lisbon Act has been applied to Puerto Rico, Virgin, Islands, Samoa and Guam since July 7, 1963.

Separate Agreement for the Prevention of False or Misleading Indications of Source (Madrid Agreement)

founded by the Madrid Agreement (1891), revised at Washington (1911), The Hague (1925), London (1934) and Lisbon (1958)

Member States *)	Original date on which the State became bound by the Agreement	Latest Act by which the State is bound and date on which the ratification of or accession to such Act became effective
Brazil	October 3, 1896	The Hague: October 26, 1929
Ceylon ¹⁾	<i>December 29, 1952</i>	<i>London: December 29, 1952</i>
Cuba	January 1, 1905	Lisbon: October 11, 1964
Czechoslovakia	September 30, 1921	Lisbon: June 1, 1963
Dominican Republic	April 6, 1951	The Hague: April 6, 1951
France ²⁾	July 15, 1892	Lisbon: June 1, 1963
Germany (Federal Republic of)	June 12, 1925	Lisbon: June 1, 1963 ³⁾
Hungary	<i>June 5, 1934</i>	<i>London: July 14, 1962</i>
Ireland	<i>December 4, 1925</i>	<i>London: May 14, 1958</i>
Israel ¹⁾	<i>March 24, 1950</i>	<i>London: March 24, 1950</i>
Italy	<i>March 5, 1951</i>	<i>London: March 5, 1951</i>
Japan	July 8, 1953	Lisbon: August 21, 1965
Lebanon	<i>September 1, 1924</i>	<i>London: September 30, 1947</i>
Liechtenstein	<i>July 14, 1933</i>	<i>London: January 28, 1951</i>
Monaco	April 29, 1956	Lisbon: June 1, 1963
Morocco	<i>July 30, 1917</i>	<i>London: January 21, 1941</i>
New Zealand ¹⁾	<i>July 29, 1931</i>	<i>London: May 17, 1947</i>
Poland	December 10, 1928	The Hague: December 10, 1928
Portugal ⁴⁾	<i>October 31, 1893</i>	<i>London: November 7, 1949</i>
San Marino	<i>September 25, 1960</i>	<i>London: September 25, 1960</i>
Spain	<i>July 15, 1892</i>	<i>London: March 2, 1956</i>
Sweden	<i>January 1, 1934</i>	<i>London: July 1, 1953</i>
Switzerland	July 15, 1892	Lisbon: June 1, 1963
Syrian Arab Republic	<i>September 1, 1924</i>	<i>London: September 30, 1947</i>
Tunisia	<i>July 15, 1892</i>	<i>London: October 4, 1942</i>
Turkey	<i>August 21, 1930</i>	<i>London: June 27, 1957</i>
United Arab Republic	<i>July 1, 1952</i>	<i>London: July 1, 1952</i>
United Kingdom of Great Britain and Northern Ireland	July 15, 1892	Lisbon: June 1, 1963
Viet Nam ¹⁾	<i>December 8, 1956</i>	<i>London: December 8, 1956</i>
(Total: 29 States)		

*) Explanation of type:

Heavy type: States bound by the Lisbon Act (1958).

Italics: States bound by the London Act (1934).

Ordinary type: States bound by the Hague Act (1925).

1) The Agreement has been applied, by virtue of Article 5 of the Agreement, on the territories of the following States before their accession to full independence as from the dates indicated: Ceylon (September 1, 1913), Israel (Palestine, except Transjordan, September 12, 1933, to May 15, 1948), New Zealand (June 20, 1913), Viet Nam (date under verification).

2) Including the Departments of Guadeloupe, Guiana, Martinique and Reunion; also applied to Overseas Territories.

3) With regard to East Germany or the German Democratic Republic, see *Industrial Property*, 1964, p. 254.

4) Including the Azores and Madeira.

Separate Union for the International Registration of Trademarks (Madrid Union)

founded by the Madrid Agreement (1891), revised at Brussels (1900), Washington (1911), The Hague (1925), London (1934) and Nice (1957)

Member States *)	Date on which adhesion to the Union took effect	Latest Act by which the State is bound and date on which the ratification of or accession to such Act became effective **)
Austria	January 1, 1909	London: August 19, 1947
Belgium	July 15, 1892	London: November 24, 1939
Czechoslovakia	October 5, 1919	<i>The Hague</i> : March 3, 1933
France ¹⁾	July 15, 1892	London: June 25, 1939
Germany (Federal Republic of)	December 1, 1922	London: June 13, 1939 ²⁾
Hungary	January 1, 1909	London: July 14, 1962
Italy	October 15, 1894	London: July 15, 1955
Liechtenstein	July 14, 1933	London: January 28, 1951
Luxembourg	September 1, 1924	London: March 1, 1946
Monaco ³⁾	April 29, 1956	London: April 29, 1956
Morocco	July 30, 1917	London: January 21, 1941
Netherlands	March 1, 1893	London: August 5, 1948
Portugal ⁴⁾	October 31, 1893	London: November 7, 1949
Rumania	October 6, 1920	London: November 19, 1963
San Marino	September 25, 1960	London: September 25, 1960
Spain	July 15, 1892	London: March 2, 1956
Switzerland	July 15, 1892	London: November 24, 1939
Tunisia	July 15, 1892	London: October 4, 1942
United Arab Republic ³⁾	July 1, 1952	London: July 1, 1952
Viet Nam ⁵⁾	December 8, 1956	London: December 8, 1956
Yugoslavia	February 26, 1921	London: June 7, 1965
(Total: 21 States) ⁶⁾		

*) Explanation of type:

Heavy type: States bound by the London Act (1934).

Italics: States bound by the Hague Act (1925).

***) The Nice Act (1957) will come into force on December 15, 1966, among those countries which have ratified or adhered to it before that date.

1) Including the Departments of Guadeloupe, Guiana, Martinique and Reunion; also applied to Overseas Territories.

2) With regard to East Germany or the German Democratic Republic, see *Industrial Property*, 1964, p. 254.

3) Monaco and the United Arab Republic only recognise trademarks registered under the Agreement after the date of their accession to the Union.

4) Including the Azores and Madeira.

5) This Agreement has been applied, by virtue of Article 11 of the Agreement, on the territory of Viet Nam before its accession to full independence since July 15, 1892 (date under verification).

6) Turkey withdrew from the Union with effect from September 10, 1956. International registrations in effect on that date continue to be recognised by Turkey until they expire.

Separate Union for the International Deposit of Industrial Designs (The Hague Union)

founded by the Agreement of The Hague (1925), revised at London (1934) and The Hague (1960) ¹⁾ and supplemented by the Additional Act of Monaco (1961)

Member States *)	Date of Adhesion to the Union	Date on which the State became bound by the London Act of the Agreement	Date on which the State became bound by the Additional Act of Monaco
Belgium	July 27, 1929	November 24, 1939	November 13, 1964
France ²⁾	October 20, 1930	June 25, 1939	December 1, 1962
Germany (Federal Republic of)	June 1, 1928	June 13, 1939	December 1, 1962 ³⁾
Holy See	September 29, 1960	September 29, 1960	—
Indonesia ⁴⁾	December 24, 1950	December 24, 1950	—
Liechtenstein	July 14, 1933	January 28, 1951	—

Member States *)	Date of Adhesion to the Union	Date on which the State became bound by the London Act of the Agreement	Date on which the State became bound by the Additional Act of Monaco
Monaco	April 29, 1956	April 29, 1956	September 14, 1963
Morocco	October 20, 1930	January 21, 1941	—
Netherlands ⁵⁾	June 1, 1928	August 5, 1948	September 14, 1963
Spain	June 1, 1928	March 2, 1956	—
Switzerland	June 1, 1928	November 24, 1939	December 21, 1962
Tunisia	October 20, 1930	October 4, 1942	—
United Arab Republic	July 1, 1952	July 1, 1952	—
Viet Nam ⁴⁾	December 8, 1956	December 8, 1956	—
(Total: 14 States)			

*) Explanation of type:

Heavy type: States bound by the London Act (1931) and the Additional Act of Monaco (1961).

Italics: States bound by the London Act (1931).

¹⁾ The Act revised at The Hague on November 28, 1960, has been signed by Belgium, France, Federal Republic of Germany, Holy See, Italy, Liechtenstein, Luxembourg, Monaco, Netherlands, Switzerland and Yugoslavia. *This Act is not yet in force.*

²⁾ Including the Departments of Guadeloupe, Guiana, Martinique and Reunion; also applied to Overseas Territories.

³⁾ With regard to East Germany or the German Democratic Republic, see *La Propriété industrielle*, 1956, p. 21.

⁴⁾ The Agreement has been applied, by virtue of Article 22 of the Agreement, on the territories of Indonesia and Viet Nam before their accession to full independence since June 1, 1928.

⁵⁾ Including Curaçao and Surinam.

Separate Union for the International Classification of Goods and Services to which Trademarks are Applied

founded by the Nice Agreement (1957)

Member States	Date on which adherence to the Union took effect
Australia	April 8, 1961
Belgium	June 6, 1962
Czechoslovakia	April 8, 1961
Denmark	November 30, 1961
France ¹⁾	April 8, 1961
Germany (Federal Republic of)	January 29, 1962 ²⁾
Israel	April 8, 1961
Italy	April 8, 1961
Lebanon	April 8, 1961
Monaco	April 8, 1961
Netherlands	August 20, 1962
Norway	July 28, 1961
Poland	April 8, 1961
Portugal	April 8, 1961
Spain	April 8, 1961
Sweden	July 28, 1961
Switzerland	August 20, 1962
United Kingdom of Great Britain and Northern Ireland	April 15, 1963
(Total: 18 States)	

¹⁾ Including the Departments of Guadeloupe, Guiana, Martinique and Reunion; also applied to Overseas Territories.

²⁾ With regard to East Germany or the German Democratic Republic, see *Industrial Property*, 1964, p. 254.

**Separate Union
for the Protection of Appellations of Origin
and their International Registration**

founded by the Lisbon Agreement (1958)

This Agreement was signed by Czechoslovakia, Cuba, France, Greece, Hungary, Israel, Italy, Morocco, Portugal, Rumania, Spain, Turkey. Thus far instruments of ratification have been deposited by Czechoslovakia, Cuba, France and Israel. Five ratifications are needed for entry into force. *Consequently, this Agreement is not yet in force.*

**Paris Union
Selection of Class**

UGANDA

With reference to the accession of Uganda¹⁾ to the Paris Convention for the Protection of Industrial Property of March 20, 1883, we have been informed by the Swiss Federal Political Department that, with regard to its contribution to the expenses of the Bureau of the International Union, this State is placed, at its request, in the Third Class for the purposes of Article 13 (8) and (9) of the Paris Convention as revised at Lisbon.

LEGISLATION

FRANCE

Decree

relating to Patent Agents

(No. 65-921, of October 29, 1965)

Article 1

(Translation)

Any person included in a national list drawn up by the Minister responsible for industrial property according to the conditions set out below may claim the title of patent agent, provided that, to the exclusion of any industrial, commercial or financial activity or operation, he normally offers his services to the public in order to advise, assist or represent those requesting such services in dealings with the National Institute of Industrial Property with a view to the issue of patents, or in order to offer assistance in France with a view to the grant of patents in other countries.

The establishment of the list referred to above shall not affect the functions of judicial assistants or the right of inventors to file applications for patents, either themselves or through an agent of their choice.

Article 2

Persons entered in the national list provided for under Article 1 shall be required to fulfil the following conditions:

- (1) to be of French nationality, subject to application of international treaties;
- (2) to be domiciled in metropolitan France or in an overseas department or territory;
- (3) to have complied with the requirements of the law concerning military service;
- (4) not to have been sentenced by a court of law in respect of any act contrary to honour, honesty or morality; not to have been declared bankrupt nor prevented by judicial order from conducting his affairs nor entered into a deed or arrangement, nor to have been a former public or ministerial office-holder removed from such functions, nor to be a disbarred barrister, nor to have been removed from the list of agents, nor to have been struck off the list of accountants, or the list of trustees in bankruptcy, nor to be a former official dismissed for disciplinary reasons, nor to have been struck off the list referred to under Article 1;
- (5) to be a patent licentiate subject to the conditions stated under Article 3.

The applicant's name shall be entered in the list subject to the findings of the Committee provided for under Article 4.

Article 3

The title of patent licentiate shall be granted to any person fulfilling the following conditions:

- (1) to hold a certificate in industrial property law issued by one of the faculties of law and economics empowered by the Minister of National Education subject to recommendation by the Board of Advanced Education, or the diploma issued by the Centre for International Studies in Industrial Property of the University of Strasbourg;
- (2) to have been articulated to a patent agent for not less than five years or to have served for the same period in a department, establishment or enterprise, whether public or private, in functions concerned with the deposit, maintenance or administration of patents.

The duration of such qualifying period shall be reduced to three years in the case of persons having certain advanced education diplomas or for former pupils of the *grandes écoles*; the list of such diplomas and schools shall be drawn up by the Minister of National Education or the Minister under whose authority such schools are placed, and by the Minister responsible for industrial property.

The qualifying period shall be reduced to two years in the case of persons holding the diploma issued by the Centre for International Studies in Industrial Property of the University of Strasbourg;

- (3) to have passed an examination following completion of the qualifying period. The procedure and composition of the examining panel shall be fixed by Decree subject to the report of the Minister responsible for industrial property, the Minister of Justice, the Minister of National

¹⁾ See *Industrial Property*, 1965, p. 98.

Education, and the Secretary of State attached to the Prime Minister's Office in charge of scientific research and atomic and space questions.

Article 4

If a patent agent fails to practise his profession in accordance with the conditions stated under Article 1 or no longer fulfils the conditions stated under Article 2 (1) to (4), he shall be struck off the list by order of the Minister responsible for industrial property subject to the findings of a committee composed of the following:

- a member of the Council of State, as Chairman;
- a representative of the Minister of Justice;
- the Director of the National Institute of Industrial Property;
- the President of the Supreme Council for Industrial Property;
- three representatives of patent agents elected by their colleagues subject to the conditions laid down by order of the Minister responsible for industrial property.

The National Institute of Industrial Property shall provide the secretariat for this committee.

Proceedings before the committee shall be instituted by the Minister. The person in respect of whom such proceedings are instituted shall be allowed to study the documents relating to the charges made against him and shall be enabled to present any evidence he may desire; he may ask to be heard by the committee and may, if he so desires, be assisted by counsel selected from among either barristers or his colleagues.

Article 5

Only persons entered in the list referred to under Article 1 may use the style of patent agent in connection with that list.

Any person using the title of patent agent or any other title having a similar appearance or otherwise likely to cause confusion without being duly entered in the list referred to under Article 1 shall be liable to a fine of 400 to 1,000 francs. In the case of a further offence the fine shall be from 1,000 to 2,000 francs, and that person may also be sentenced to a term of imprisonment of ten days to two months. In all such instances the court may require its decision to be displayed in easily legible characters in such places as it may order and at the expense of the party thus sentenced.

Article 6

As a transitional measure, and for a period of two years following publication of this Decree, any person fulfilling the conditions stated under Article 2 (1) to (4) and Article 3 (2) may be entered:

- either in the list established in accordance with Article 1;
- or, if that person does not wish to exercise the profession described under Article 1 before the expiry of the two-year period stated above, in a special list of persons having the required qualifications. If Article 2 is applied subsequently, such registration shall supersede the condition stated under Article 2 (5).

Registration shall be made, upon the request of the applicant, by the Minister responsible for industrial property, subject to the findings of a committee composed of the following:

- a member of the Council of State, as Chairman;
- a counsellor at the Paris Appeals Court;
- a professor in a faculty of law and economics;
- a professor in a faculty of science;
- the President of the Paris Chamber of Commerce, or his representative.

The National Institute of Industrial Property shall provide the secretariat for this committee.

Article 7

The Minister of Industry, Minister of Justice, the Minister of National Education, and the Secretary of State attached to the Prime Minister's Office in charge of scientific research and atomic and space questions shall be responsible, each within his appointed sphere, for the application of this Decree, which shall be published in the *Bulletin officiel* of the French Republic.

GENERAL STUDIES

The Argentine System of Industrial Designs

By Ernesto D. ARACAMA ZORRAQUÍN, Buenos Aires

(Translation)

CONGRESSES AND MEETINGS

International League against Unfair Competition

(Congress of Namur, May 23 to 26, 1965)

(Translation)

At the close of its Congress held in Namur from May 23 to 26, 1965, the International League against Unfair Competition adopted the following motions on the different questions submitted for its consideration:

QUESTION No. 1

From free competition to controlled competition

Motion

The Congress,

Having heard and discussed the reports of Messrs. Sermon, Niemants, Ligi and Robert;

Considering that the concept and principles of competition are necessarily developing according to the general trends of contemporary economy,

Is of the opinion that the elaboration of a doctrine on competition, applicable to present-day society, should take into consideration the trends of this development;

Expresses the hope that the policy governing competition will encourage research, technical progress and modern methods of production and distribution;

Considering that the application of treaties and that of national rights cannot ignore this development;

Considering that to strengthen the control of competition by the concerted action of enterprises or the intervention of the authorities, particularly in the interest of consumption, helps, apart from known cases of unfair action, to give to infringements a character more objective than individual,

Decides to pursue the study of the problem of competition in the light of the development noted and of the facts of economic law.

QUESTION No. 2

Validity and scope of exclusive contracts in different countries

Motion

The Congress,

Having heard the international report by Mr. Beneventani and the statements of different participants,

Considers that the experience of recent years has confirmed the interest shown by economic circles in the exclusive contract as a means of distributing goods and services;

Considering the developments in both national and international legislation and jurisprudence which have taken place since the Congress of Stresa,

- (1) decides to suspend its work on this contract until further notice;
- (2) is of the opinion

- that recourse to this contract is often necessary to initiate the regular distribution of goods and services;
- that the contract should be considered as valid and that it is therefore consistent with its function that it should be invocable vis-à-vis third parties;

(3) as regards more particularly the EEC, expresses the hope that this contract will be the subject, under rules adopted in application of the Rome Treaty, of a derogation by category, having the character of invocability, and that national legislation will ratify with this same invocability.

QUESTION No. 3

The control of sales within the framework of the EEC and in various other countries

Motion

The Congress,

Having heard the international report of Dr. K. Greifelt;

Considering that divergent opinions are expressed in the interested circles for and against the establishment of sales with a premium and that consequently the time is not suitable for a common legislation,

Nevertheless expresses the wish, purely as a possibility, that if such legislation were to be envisaged in the future, sales with a premium should be subject to a control with a view to rendering them inoffensive, in the interest of consumers and fair competition.

QUESTION No. 4

An abnormal drop in prices as a means of unfair competition

Motion

The Congress,

Having heard the international report of Dr. K. Greifelt,

Again notes that the free fixing of prices is an integral part of free competition which best serves economic progress;

Reaffirms the principle that any industrialist or businessman has the right to fix his prices in complete freedom and in accordance with his interests;

Notes however, that such freedom includes certain limitations which are due to the necessity of taking into consideration the general interest,

and that, in particular, such liberty should not be abused:

- for suppressing competition,
- for destroying a competitor or unfairly impeding his activity,
- for misleading consumers or for committing any other act contrary to honest practices in commerce or industry;

Decides to pursue the study of the question,

And furthermore proposes to add to the Agenda of the next Congress the new question of dumping as a means of restricting competition on the international level.

* * *

The Governing Board of the International League Against Unfair Competition appointed Professor Henri Desbois, Professor at the Faculty of Law and Economic Sciences of Paris, President of the League as from May 27, 1965. BIRPI takes this opportunity of congratulating Professor Henri Desbois on his new appointment.

Inter-American Association of Industrial Property (ASIPI)

First Congress

(Buenos Aires, November 6 to 11, 1965)

The first Congress of the Inter-American Association of Industrial Property (ASIPI), founded in 1964 (see *Industrial Property*, 1964, p. 146), was held in Buenos Aires from November 6 to 11, 1965.

Some 200 persons were in attendance, mostly attorneys and agents specialized in patent and trademark law. They came from Argentina, Brazil, Canada, Colombia, Chile, Guatemala, Haiti, Mexico, Nicaragua, Paraguay, Peru, United States of America, Uruguay, and Venezuela. Representatives of the Industrial Property Offices of several American countries were also participating.

BIRPI was represented by its Director, Professor G. H. C. Bodenhausen, and by Dr. Arpad Bogsch, Deputy Director.

The Conference was opened by Dr. Alfredo Concepción, the Argentine Minister of Industry, who, in his opening speech, referred to the plans of his Government to adhere to the Paris Union.

On the subject of the Paris Union, the Congress unanimously adopted a "fundamental declaration" worded as follows:

"The First Congress of the Inter-American Association for Industrial Property convened at the city of Buenos Aires from the sixth to the eleventh of November 1965,

"Whereas the adherence of the countries to the Paris Union for the Protection of Industrial Property forms a valuable contribution to development and protection of industrial property, conceived as expression of the highest values of the human mind which accrue to the benefit of each and every member country of the Union, and

"Whereas the adherence of the Nations of America which are not yet members of the Paris Convention constitutes an essential and unavoidable necessity for the economic integration and for the programs of industrial development in which these Nations are involved,

"Resolved as the fundamental Declaration:

"That it be recommended to the Governments of the Nations of America which are not yet members of the Paris Union for the Protection of Industrial Property that they adhere thereto promptly."

Of direct interest to BIRPI are two further resolutions adopted by the Congress.

One of them "recommends to the American countries that they adopt the International Classification of Goods and Services of 1957 [i. e. the trademark classification established by the Nice Agreement] leaving to each of them the liberty to give to the Classification the legal effects which it considers opportune to give to such classification."

The other resolution "recommends to the American countries which have not yet incorporated in their legislation provisions for the protection of know-how to adopt laws to this effect. In this respect, it is also recommended that the ideas and concepts of BIRPI, as expressed in the Model Law on

Inventions for Developing Countries, be taken as starting point."

The Congress also discussed questions and adopted resolutions concerning the teaching of industrial property law, the simplification of the form of powers of attorney, the patentability of chemical and pharmaceutical products, and the protection of well-known marks.

The Congress, brilliantly organized and in every respect worthy of the renowned hospitality of the Argentine people, elected as its new President, Dr. Ernesto D. Aracama Zorraquín (Argentina). The other officers elected at the Congress — all for a three year term — were: Dr. Peter Dirk Siemsen (Brazil) and Dr. Alfredo Cordero (Chile) as Vice-Presidents, Dr. Ramiro Castro Duque (Colombia) as Secretary, and Dr. Jeremiah D. McAuliffe (USA) as Treasurer. The outgoing President, Dr. José Barrera Moller (Peru) will serve as President of the Administrative Council, whereas Dr. Ernesto R. Viteri (Guatemala) continues as Secretary-General.

BOOK REVIEWS

Books Received

BASS (Joseph). *Union soviétique adhère à la Convention internationale de la propriété industrielle (L')*. Paris, Usine nouvelle, 1965. - 3 p. Excerpt from: Usine nouvelle, May 1965, pp. 145-148.

BOCKSTAEL (M. F. J.). *Brevet européen (Le)*. Antwerp, Bockstael, n. d. - 62 p.

— *Droits de propriété industrielle comme apports dans les sociétés commerciales (Des). Marques de fabrique et de commerce, brevets d'invention, modèles et dessins industriels*. Antwerp, Bockstael, n. d. - 37 p.

— *Europese Octrooi (Het)*. Antwerp, Bockstael, n. d. - 73 p.

BOUJU (André). *Fondements et incertitudes de la protection des dessins et modèles*. Paris, Usine nouvelle, 1965. - 14 p. Excerpt from: Usine nouvelle, March 1965, pp. 23-28; May 1965, pp. 45-52.

EBB (Lawrence F.). *Regulation and Protection of International Business. Cases, Comments and Materials*. St. Paul, West Publishing Co., 1964. - 885 p. American Casebook Series.

UNITED STATES. PATENT OFFICE. *175th Anniversary U. S. Patent System (1790-1965)*. Washington, Patent Office, 1965.

UNITED KINGDOM. PATENT OFFICE. *Periodical Publications in the Patent Office Library*. London, H. M. S. O., 1965. - 436 p.

HAMATA (Miroslav), PUŽMAN (Josef), ŠPUNDA (Miloslav) and TUŠEK Jaroslav). *Tovaruye Znucki Promyslennye Obratzsyi, Ukazanie Proiskhozheniia i Nedobrosovestnaia Konkurentsiia - Die Begriffe auf dem Gebiet der Warenzeichen, der gewerblichen Muster, der Herkunftsbezeichnungen und des unlauteren Wettbewerbs*. Prague, Úrad pro Patenty a Vynálezy, 1965. - 615 p.

JACOB-STEINORTH (Karl). *Zweigleisige Vertrieb von Markenwaren im deutschen und amerikanischen Recht (Der)*. Karlsruhe, C. F. Müller, 1964. - 151 p. Berkeley-Kölner Rechtsstudien, Volume 5.

JANJIĆ (Miodrag). *Pravni režim pronalazaka stvorenih u radnom odnosu*. Belgrade, Novinsko izdavačko preduzeće FORUM, 1965. - 175 p. Preface by Zivomir Dordević. Institut za uporedno pravo, Monografije 18.

LIEDL (Gerhard). *Loi allemande sur les brevets, les modèles d'utilité et les marques (Texte du 9 mai 1961)*. Cologne/Berlin, C. Heymann, 1965. - 122 p.

MARTIN-ACHARD (Edmond). *Procès en matière de propriété intellectuelle (Le)*. Geneva, Faculty of Law, 1964. - 42 p. Excerpt from: Mémoires publiées par la Faculté de droit de Genève, n° 19, pp. 39-80. Troisième Journée juridique, October 12, 1963.

INTERNATIONAL VINE AND WINE OFFICE. *XI^e Congrès international de la vigne et du vin (Lisbonne, 7-16 septembre 1965). Comptes rendus des séances plénières, des travaux des sections, résolutions*. Paris, O. I. V., 1965. - 33 p.

PELLA (Ramón), PEDEMONTE (Jorge) and ROMANÍ (José-Luis). *Jurisprudencia de Propiedad Industrial, toda la jurisprudencia del tribunal supremo, civil, penal y contencioso-administrativa (1902-1962)*. Barcelona, Bosch, 1963. - 1575 p.

PÉROT-MOREL (M.-A.). *Incidence, sur le droit français, de la Convention de Strasbourg unifiant certaines règles des brevets d'invention (L')*. Paris, Editions techniques, 1965. - 13 p. Excerpt from: Juris-Classeur périodique - La Semaine juridique, No. 16, April 29, 1965, Doctrine No. 1905.

POINTET (Pierre-Jean). *Protection internationale des droits de propriété industrielle (La)*. Zurich, Polygraphischer Verlag, 1965. - 10 p. Excerpt from: Denkschrift Hummler / Hommage à F.-W. Hummler: Ostschweiz - Westschweiz - Eidgenossenschaft / Suisse orientale - Suisse romande - Confédération.

Propriété industrielle et Marché commun. Travaux du Colloque tenu les 6 et 7 décembre 1963 à Grenoble par le Centre de préparation à la gestion des entreprises de l'Université de Grenoble. Paris/The Hague, Mouton, 1964. - 232 p.

Propriété industrielle et gestion de l'entreprise; Brevets d'invention et Marché commun; Le projet de convention sur le brevet européen; Dessins et modèles et Marché commun; Marques de fabrique et Marché commun; Droits de propriété industrielle et article 85 du traité de Rome; Concurrence déloyale et Marché commun. University of Grenoble. Publication of the Faculty of Law and Economic Sciences, Volume No. 1.

SCHRAMM (Carl) and HENNER (Gerhard). *Patentverletzungsprozess (Der). Patent- und Prozessrecht*. Cologne, C. Heymann, 1965. - 344 p.

RANGEL MEDINA (David). *Current Movements to Harmonize the Industrial Property Laws of Latin American Countries*. Washington, World Conference on World Peace through Law, 1965. - 14 p. Washington World Conference on World Peace through Law, September 12-18, 1965.

SPAIĆ (Vojislav). *Pravni režim intelektualnih produkata stvorenih u radnom odnosu*. Trebinje, Kultura, 1963. - 23 p. Excerpt from: Godišnjak Pravnog fakulteta, 1963, No. XI, pp. 31-53.

WEINSTEIN (Z.). *Réforme en France du droit des marques de fabrique, de commerce et de service (La). Avantages et inconvénients de la loi du 31 décembre 1964. Texte intégral de la loi du 31 décembre 1964, modifiée par la loi du 23 juin 1965. Texte intégral du décret d'application, du 27 juillet 1965*. Bordeaux, Delmas, 1965. - 63 p.

INTERNATIONAL LABOUR OFFICE. LIBRARY. *Bibliographie des sources de documentation sur le travail - Bibliography of research sources on labour questions*. Geneva, ILO, 1965. - 129 p. Contributions bibliographiques, No. 24. Preface by Joseph Wilson Haden.

KASER (Michael). *COMECON. Integration Problems of the Planned Economies*. London, Oxford University Press, 1965. - 215 p.

SENEN DE LA FUENTE (G.), BERCOVITZ (A.), GARRIGUES (L.) and JIMENEZ DE PARGA (R.). *Protección de la libre competencia (Lu). Tratados internacionales anteriores al Tratado de Roma y leyes especiales de los países miembros del Mercado Común*. Madrid, Revista de Derecho Mercantil, 1965. - 35 p. Excerpt from: Revista de Derecho Mercantil, No. 95, pp. 153-186.

Sui marchi d'impresa [Trademarks], by Professor Remo Franceschelli. One volume of 207 pages. Published by A. Giuffrè, Milan, 1964. (In Italian)

For the title of his book, Professor Franceschelli has adopted the terminology of the Italian Trademark Law — No. 929 of June 21, 1942¹⁾ — which differs only in form from that of the Paris Convention or the Italian Civil Code²⁾. As the author observes, the etymological factor itself brings out that the mark is a sign which serves to individualize, distinguish and select products, merchandise or services. Having regard to the general scope of industrial property rights, pursuant to article 1, paragraph (2), of the Paris Convention, the author also includes animals in the category of products.

He outlines the historical origin of the mark and its various categories — it may be corporate, compulsory, collective or a mark of responsibility. Its evolution has followed that of labour, from handicrafts to the factory. It has a commercial or competitive function in that it can express the quality of superiority of a product in order to attract consumer demand, as a consequence of the choice made possible by the market situation. It is also used for advertising purposes.

So far as collective marks are concerned (Chapter VII), the author finds that there has been a reversion to the old concept of marking; the distinguishing function has not ceased to exist, but it covers a group of products which, while remaining part of the same genus, are furnished by different suppliers. The latter have in common the fact that they sell or produce merchandise and goods, distinguished by the mark in question, in a specified geographical region (marks of origin) or State (national marking). Such marks are subject to verification by public or private authorities which are nevertheless third parties in relation to those who use the mark, as in the case of the quality mark. Sometimes these marks indicate that the products are manufactured from a particular raw material (raw material mark) or that they are used by firms belonging to one group or central body ("holding" or "konzern" marks) or to a professional, industrial or commercial organization which manufactures products according to the procedures recommended by the organization itself (professional marks). In this type of mark, the registered proprietor is a body which does not use it directly.

After expounding the provisions of the various legislations on collective marks, the author arrives at the conclusion that collective marks can be national, foreign, conventional — i. e. having priority (Article 4 of the Paris Convention) — and also international. The contrary opinion of certain jurists as regards the latter is not justified, states Professor Franceschelli, for if one recognizes national registration of a collective mark, then international registration in Geneva with the BIRPI (United International Bureaux for the Protection of Intellectual Property) is perfectly legitimate on the basis of existing international rules.

The author acknowledges that unregistered marks have the same function and the same qualifications as registered marks. He considers, however, that the legislator has recognized a difference between the two kinds of marks, not only as regards the onus of proof, but also by laying down different rules in regard to them. In Italy, Article 17 (2) of the 1942 Act establishes that if an unregistered mark has come to be generally known, any mark incompatible with it cannot be registered, not on account of equivalence of the two marks, but because the general and familiar character of the first cancels out the novelty and distinctive quality of the second.

The proprietor's exclusive right to use the mark is guaranteed with respect to the articles for which it has been registered (Article 2569 of the Italian Civil Code); this is consistent with logic, history and comparative law. Absolute right cannot be conceded without a publicity procedure to bring it to the knowledge of third parties.

In Chapters XVI to XVII, the author does not concur in the opinion expressed by other jurists who consider that the mark is intangible property. It is indeed based on an idea, but the latter exists at the centre of legal relationships because it identifies itself with the documentation which supports or accompanies the constitution procedure or — in the case of unregistered marks — with the names and signs used in practice in a public and generally known manner.

He interprets the Italian legislation as meaning that the proprietor of an unregistered mark can only be an "entrepreneur"; on the other hand, the proprietor need no longer be so once the mark is registered with a view to use. The link between the mark and the enterprise — be the latter industrial, commercial or agricultural — must exist at the moment when the mark is to be used.

He opposes any opinion which departs from the principle that the mark distinguishes a product, merchandise or service, and disagrees with jurists who maintain that the mark distinguishes a commercial firm, enterprise or production source.

The fact that they are of an exclusive and absolute character is no justification for including marking rights among intangible property rights. The *jus prohibendi* which is typical of the proprietor of a mark, covers not only the right to prohibit anything which might hamper or disturb the proprietor in exploiting his rights, but also the right to forbid others to use whatever sign constitutes the mark.

In the author's opinion, this situation is covered by monopoly rights rather than by property rights.

The author points out a divergency between Article 2573 of the Italian Civil Code and Article 15 of the Trademark Law in regard to the transfer of a mark. Under Article 2573, a mark may be transferred only together with the enterprise or a branch of it; whereas Article 15 lays down the further condition that the transfer of a mark must be intended for the exclusive use of the enterprise.

He considers that the requirement of transferring the enterprise or a branch thereof in order to legalize the transfer of a mark exists only in the case of complete transfer, but not for the establishment of minor rights (licences). The transfer, which can concern only registered marks, must not have the effect of misleading the public.

Joint ownership of a mark is possible provided it existed at the time when the mark was first registered; in actual fact, however, it constitutes only complete transfer, *pro quota*, in any case where several proprietors take over from a single proprietor. In such a case, maintains the author, a branch of the enterprise should also be transferred.

A mark falls into the public domain (Chapter XXVI) if it is "vulgarized", taking account of the attitude of its proprietor, not subjectively, according to Italian jurisprudence but in an objective manner. Once a mark becomes a new word, by coming into the everyday vocabulary to indicate a genus of products, it loses its distinctive quality.

Lastly, in Chapter XXVII, the author sketches the history of the export mark which differs from the collective mark in that it is issued pursuant to special legislation, the most recent at present in force being Act No. 2213 of December 20, 1937, and various ministerial decrees. The proprietor of the export mark is the Istituto Nazionale per il Commercio Estero (National Institute for Foreign Trade) which controls the use of this mark — originally optional and now compulsory for a number of products.

Professor Franceschelli's study is intended for his students of industrial law, but it is extremely useful for all jurists seeking a practical solution and the legal basis for any important problem connected with manufacturers' marks or trademarks.

G. R.

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Einführung in die Praxis des Warenzeichen- und Ausstattungsrechtes [Introduction to the legal practice on trademarks and presentation], by Hans Knoblauch. One volume of 148 pages. Published by Verlag Chemie GmbH, Weinheim/Bergstrasse, 1964. Price: DM. 12.—. (In German)

This is the second edition, completely revised, of the *Warenzeichenbibel* (Guide to Trademarks) of Hermann Wendt. The qualities of this work were first reviewed in *La Propriété industrielle*, February 1954, page 60.

The author of the second edition reviews, clearly and concisely, both from a legal and practical point of view, various questions in connection with trademarks, the conditions required for obtaining a right to a trademark, the procedure for registration, the absolute and relative grounds for refusal of protection, the legal effects of registration and the expiration of marks.

1) See *La Propriété industrielle*, 1942, p. 168.

2) *Ibid.*, 1943, p. 30.

A careful study is devoted to the nature and aims of presentation ("get-up") and to the relations between the law of presentation and rules governing trademarks and competition. The concept of presentation is illustrated by practical examples.

International law is also briefly covered, particularly in connection with the Madrid Agreement for the International Registration of Trademarks.

As the author himself points out, this study is primarily designed for the use of industrialists and traders who are not specialists in the field of industrial property protection but who are, nevertheless, called upon to deal with questions relating to trademarks and "get-up" in the course of their business. R. W.

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Das Markenrecht als subjektives Recht [The right to a trademark as a subjective right], by *Walter E. Schluep*. One volume of 379 pages. Publisher: Verlag für Recht und Gesellschaft AG, Basle, 1964. Price: 85 Swiss francs. (In German)

In this work the author has undertaken a broad analysis of the legal character of subjective right to a trademark. He does not restrict his study to the basic problems arising in the field of trademark law; he also gives a thorough and comprehensive survey covering general questions relating to private law, the role played by trademarks in the economy, and problems dealing with the philosophy of law. This is a most valuable contribution to the study of the basic elements of substantive law in the field of trademarks.

The author begins with a careful analysis of the concepts affecting the nature of marks in general and trademarks in particular, and then goes on to the legal concept of the mark.

After a brief historical outline dealing with marks and the law of marks, the author examines the various traditional theories concerning the functions of trademarks.

There is a detailed discussion of the interests which have to be protected, with special reference to the rules of interpretation to be observed in trademark law.

When he discusses the sources of international right the author refers to Articles 9, 10, 10^{bis}, 10^{ter}, 11 and 12 of the Paris Convention and their vital role in the development of national legislation. He points out that the provisions of the Convention do not merely govern legal relationships at the international level but are also based on the principle of "national treatment". However, the application of this principle cannot be regarded as meaningful unless there is some degree of harmony between the national legislative systems in the different countries of the Union.

A further chapter deals with the characteristics of rights conferred under trademark law. The author also discusses the concept of the subjective right and that of "protected goods" (*Rechtsgut*), as well as their application in trademark law.

The book finishes with a short summary in which the author restates the basic ideas set forth in this exhaustive study. R. W.

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Die mehrseitigen völkerrechtlichen Verträge im internationalen gewerblichen Rechtsschutz und Urheberrecht [Multilateral conventions for the international protection of industrial property and copyright], by *Alois Troller*. One volume of 226 pages. Publisher: Verlag für Recht und Gesellschaft AG, Basle, 1965. Price: 48 Swiss francs. (In German)

This is apparently the first time that a specialist has undertaken a comprehensive and systematic study of multilateral conventions in the field of industrial property and copyright protection. Professor Troller, who is a recognized authority on the subject, details the various international conventions and the States that participate in their working. He then gives a systematic account of the contents of the conventions and the forms of organizations to which they have given rise.

This work was conceived as a complement to the author's book published in 1962 under the title of "*Das internationale Privat- und Zivilprozessrecht im gewerblichen Rechtsschutz und Urheberrecht*" [Private

international law and civil procedure for the protection of industrial property and copyright].

After a chapter dealing with the various subjects coming within the scope of immaterial property law, the author devotes the first main part of the book to a survey, under the title "sources of law", of European and extra-European conventions in this connection, describing at the same time the circumstances in which they were drawn up.

The second and most important part of the book deals with the system of legal protection set up under multilateral conventions. The author discusses the principles incorporated in these various instruments.

The third part discusses international protection of industrial property and copyright with regard to organization. The author's comments on the juridical situation of BIRPI are of particular interest. They contain ideas which could be borne in mind when the structure of BIRPI is reviewed.

The author refers briefly to the great importance of collaboration by private international organizations for the development of international conventions.

Professor Troller has performed a most praiseworthy task in compiling materials which are often far from accessible, and in presenting them so clearly. His work will be of great value to all who deal with international protection of industrial property and copyright. R. W.

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Der zweigleisige Vertrieb von Markenwaren im deutschen und amerikanischen Recht [Parallel sales of branded goods in German and American law], by *Karl Jacob-Steinorth*. One volume of 151 pages. Publisher: Verlag C. F. Müller, Karlsruhe, 1964. Price: 28 DM. (In German)

By parallel sales of branded goods is understood the system whereby the same goods are offered for sale at a certain price under mark A and at a lower price under mark B or without any mark at all. In German the expression "*gespaltene Preise*" (differential prices) is also used to describe this process.

Branded goods are frequently covered by rigid price agreements aimed at combatting price competition. Naturally enough, producers who are interested in upholding these agreements are concerned at the way in which such parallel sales are becoming more common.

The author has studied this problem on the basis of legal provisions applying in the United States and in Germany. His conclusion is that this practice is to be encouraged for the benefit of the economy as a whole, and he believes that German authorities are wrong to condemn it. R. W.

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Immaterialretspositioner [Problems concerning "immaterial rights"], by *Mogens Koftvedgaard*. Published by Juristforbundets Forlag, Copenhagen, 1965. (In Danish)

This study deals with immaterial rights, their structure, fundamental problems and relations to other parts of the legal system, especially to the law of unfair competition. The object of the analyses and discussions is Scandinavian law, primarily Danish law, but this object is treated against an international background, as the work includes much information on American, English and German law. This comparative approach is a necessity partly because the immaterial rights are international in their scope, partly because this branch of the law, its doctrine and theory are based on a common European tradition. The study outlines the considerable similarity between the laws relating to immaterial rights in the Scandinavian countries, as the modern statutes of copyright and trademarks enacted in the last five years are almost identical.

This very informative book also supplies information on the new inter-Scandinavian statutes covering patents, industrial designs and unfair competition which are now being currently prepared. R. W.

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CALENDAR

Meetings of BIRPI

Date and Place	Title	Object	Invitations to Participate	Observers Invited
February 7 to 11, 1966 Colombo	Asian Seminar on Industrial Property	Discussion of industrial property questions of special interest to Asian countries	All Asian States Members of the United Nations or a United Nations Specialized Agency	All non-Asian Member States of the Paris Union; United Nations; International Patent Institute; Inter-American Association of Industrial Property (ASIPI); International Association for the Protection of Industrial Property; International Chamber of Commerce; International Federation of Patent Agents
May 2 to 5, 1966 Geneva	Committee of Experts Designs Classification	To establish a Draft new Agreement	All Member States of the Paris Union	List to be announced later
May 16 to 27, 1966 Geneva	Second Committee of Governmental Experts on Administration and Structure	To study drafts in view of the Stockholm Conference of 1967	All Member States of the Paris and Berne Unions	List to be published later
September 26 to 29, 1966 Geneva	Interunion Coordination Committee	Program and Budget of BIRPI	Belgium, Brazil, Ceylon, Czechoslovakia, Denmark, France, Germany (Fed. Rep.), Hungary, India, Italy, Japan, Morocco, Netherlands, Nigeria, Portugal, Rumania, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia	All other Member States of the Paris Union or of the Berne Union; United Nations
September 26 to 29, 1966 Geneva	Executive Committee of the Conference of Representatives of the Paris Union (2nd Session)	Program and Budget (Paris Union)	Ceylon, Czechoslovakia, France, Germany (Fed. Rep.), Hungary, Italy, Japan, Morocco, Netherlands, Nigeria, Portugal, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia	All other Member States of the Paris Union; United Nations
October 3 to 7, 1966 Budapest	East/West Industrial Property Symposium	Discussion of practical questions of industrial property	To be announced later	To be announced later
November 7 to 11, 1966 Geneva	Committee of Experts on a Model Law for Trademarks	To draft a Model Law on Trademarks for developing countries	List to be announced later	List to be announced later

Meetings of Other International Organizations concerned with Intellectual Property

Place	Date	Organization	Title
Paris	March 28 to April 2, 1966	International Confederation of Societies of Authors and Composers (CISAC)	Legislative Committee, Confederal Council, Federal Bureaux
Tokyo	April 11 to 16, 1966	International Association for the Protection of Industrial Property (IAPIP)	Congress
Prague	June 9 to 18, 1966	International Confederation of Societies of Authors and Composers (CISAC)	Congress
The Hague	October 10 to 21, 1966	Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT)	6th Annual Meeting