

Industrial Property

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INTERNATIONAL UNIONS

Bureaux for the Protection of Intellectual Property and by the Executive Secretary of the Permanent Executive Committee of the Latin American Free Trade Association.

(7) Either Party may denounce this Agreement by giving six months' notice to the other Party.

(Signed) G. H. C. BODENHAUSEN
Director of the United International
Bureaux for the Protection of
Intellectual Property

(Signed) Alberto SOLA
Executive Secretary of ALALC

April 25, 1966

April 1, 1966

Working Agreement between the United International Bureaux for the Protection of Intellectual Property (BIRPI) and the Latin-American Free Trade Association (ALALC)

(Translation from Spanish)

Cooperation and Consultation

(1) To facilitate the accomplishment of their respective tasks as defined, on the one hand, by the Paris Convention for the Protection of Industrial Property of March 20, 1883, as last revised at Lisbon on October 31, 1958, and the Berne Convention for the Protection of Literary and Artistic Works of September 9, 1886, as last revised at Brussels on June 26, 1948, and, on the other hand, by the Treaty establishing the Latin American Free Trade Association of February 18, 1960, the United International Bureaux for the Protection of Intellectual Property and the Latin American Free Trade Association have agreed to act in collaboration and to consult each other regularly on all matters of common interest.

Reciprocal Representation

(2) When questions which might interest the Latin American Free Trade Association are included in the agenda of meetings and of conferences of the United International Bureaux for the Protection of Intellectual Property, the latter will invite the Association to appoint observers to represent it.

(3) When questions which are likely to be of interest to the United International Bureaux for the Protection of Intellectual Property are included in the agenda of meetings and of conferences of the Latin American Free Trade Association, the latter will invite the United International Bureaux to appoint observers to represent it.

Exchange of Information and Documents

(4) The United International Bureaux for the Protection of Intellectual Property and the Latin American Free Trade Association each agree to keep the other fully informed on all projects and programs of work which may be of mutual interest to the two Organizations.

(5) The United International Bureaux for the Protection of Intellectual Property and the Latin American Free Trade Association will proceed to a prompt exchange of documents which may be of mutual interest to the two Organizations, subject to such arrangements as may be necessary for safeguarding the confidential nature of certain documents.

Entry into Force and Denunciation

(6) This Agreement shall come into force as soon as it has been signed by the Director of the United International

Second Meeting of the Committee of Experts on the International Classification of Industrial Designs

(Geneva, May 2 to 5, 1966)

Report

I

The Committee of Experts on the International Classification of Industrial Designs held its second meeting in Geneva, at the Headquarters of BIRPI, from May 2 to 5, 1966.

Experts from the following Member States of the Paris Union for the Protection of Industrial Property participated in the meeting: Algeria, Austria, Belgium, Czechoslovakia, Denmark, Dominican Republic, France, Germany (Federal Republic), Italy, Mexico, Netherlands, Norway, Poland, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland and United States of America (19).

Observers from the International Literary and Artistic Association (ALAI) and the International Federation of Patent Agents (FICPI) took part in the work of the Committee.

A list of the names of the participants is appended to this report (*Annex I*).

The Committee elected its officers in the persons of Mr. Enno van Weel (Netherlands), Chairman, Mr. Claës Uggla (Sweden), Vice-Chairman, and Mr. Thomas Lorenz (Austria), Rapporteur.

The proceedings were opened, on behalf of the Director of BIRPI, Professor G. H. C. Bodenhausen, by Mr. Ch.-L. Magnin, Deputy Director. Mr. Magnin welcomed the members of the Committee and informed them that he had the honour to represent Professor Bodenhausen, who was unable to attend the meetings of the Committee, because of his other duties.

II

In the course of its first meeting, from October 12 to 16, 1964, the Committee had drawn up a draft international classification of industrial designs (Draft DM/23/13 Rev. and Report DM/23/14 Rev.).

This draft was communicated by BIRPI to all the Member States of the Paris Union. Observations and proposals were submitted on the subject of the draft by the following States:

Austria, Denmark, Finland, Germany (Federal Republic), Italy, Netherlands, Norway, Poland, Sweden, Switzerland, United Kingdom, United States of America and Yugoslavia.

The main task of the Committee at this meeting was to revise the draft, in the light of the observations and proposals submitted by these States. The Committee was also required to give its views on the measures to be taken with a view to carrying out the international classification.

III

A. General Principles

The Committee first discussed a proposal by Austria not to draft a new classification specifically for designs but to use one of the existing international classifications, namely, the International Classification of Goods and Services for the purposes of trademarks.

The experts of all the other States represented and the representatives of the Director of BIRPI were of the opinion, however, that none of the existing international classifications for other forms of industrial property (patents, trademarks) could be applied to industrial designs.

In the view of the majority of the Committee, the purpose of the protection of a design is quite different from that of other industrial property rights; the classification of designs requires, therefore, the application of other criteria for the grouping of goods than the classification of trademarks or patents. The United Kingdom Delegation quoted in this connection the example of boxes and cases: protection covering the shape of these articles requires a special class, whereas in the International Classification for the purposes of trademarks this category is spread over a number of classes. Another example, mentioned by BIRPI, was that of dinner services and tea sets which, according to the material of which they are made — precious metals, porcelain or pottery — are classified under different classes with respect to trademarks.

The Committee therefore maintained the decision taken at its first meeting in October 1964, to draft a separate international classification for industrial designs.

B. Draft International Classification of Industrial Designs

The Committee then proceeded to study the draft international classification of industrial designs and arrived at the following results:

(1) List of Classes and Sub-classes

The Committee again studied in detail each class and sub-class of the draft, in the light of the written proposals as well as the remarks and suggestions presented in the course of the discussions.

The amended draft is reproduced in *Annex II* to this report.

The Committee noted the opinion of the Administration of the United States of America (Document DM/32/6) that countries could subdivide the sub-classes according to their needs.

(2) Alphabetical List of Goods

The Committee was unanimous in believing that it would be indispensable, for practical purposes, to draw up an alphabetical list of goods, to complete the classification, as in the case of the International Classification for the purposes of trademarks. An alphabetical list of goods, of this sort, followed by an indication of the corresponding classes and sub-classes, would, at the same time, solve certain questions of interpretation which arose during the Committee's discussions.

The Committee asked the representatives of BIRPI to undertake the task of preparing a preliminary draft of an alphabetical list. In this connection, the written proposal of the United States of America concerning the subdivision of the sub-classes in the draft provides useful suggestions for the drafting of such a list.

(3) Explanatory Notes

The Committee further observed that it would be desirable to add explanatory notes to the various classes and sub-classes to facilitate interpretation and a uniform application of the classification in the States adopting it. Here, too, the experience gained from the International Classification for the purposes of trademarks set the example.

The discussion on the amendment of the list of classes and sub-classes brought forth some practical suggestions for the drafting of these explanatory notes. These suggestions will be found in *Annex III* of this report. They are intended to enable BIRPI to draft detailed notes which will be submitted to the different experts; the final text will be established in the light of the comments made by the experts.

C. Frame to be Given to the International Classification of Industrial Designs

As regards the frame to be given to the international classification of industrial designs, the representative of the Director of BIRPI commented on Document DM/32/2 which deals with this question and sets out the reasons for which an international Agreement would seem advisable.

The Chairman questioned the members of the Committee on this point. They expressed their opinion as experts. However, the experts of Czechoslovakia added that their favourable opinion was also the view of their Administration.

The experts of the Federal Republic of Germany declared that their Government was not at present interested in a special agreement concerning the classification of designs.

The expert of Algeria stated that he wished to abstain.

The expert of Sweden expressed himself in favour of a simplified system involving meetings of a committee of experts, without the need to conclude a special Agreement. He underlined that such a formula would be more practicable if the proposed amendments regarding the structure of BIRPI were accepted by the Stockholm Conference and implemented.

The representative of the Director of BIRPI, on being asked by the Chairman to express his views on the Swedish expert's observations, stated that these observations deserved study. In any case, a separate Agreement could not be set up before the Stockholm Conference; in view, therefore, of the results of the Stockholm Conference, the question might

possibly be re-examined. He thanked the Swedish expert for having declared that, in spite of his observations, he was prepared to participate in the work of the Committee regarding a new Agreement.

The other experts declared themselves in favour of a special Agreement, the United Kingdom expert observing that the value of an international classification might however be doubtful so long as the laws for the protection of industrial designs had not been made uniform.

The arguments put forward during the discussions in support of an Agreement were essentially the following:

The International Classification of Patents for Invention and the International Classification for the purposes of trademarks were originally the subject of recommendations resulting from technical meetings (committees of experts). The propagation of these Classifications only started from the moment they were presented in the form of an international convention.

Experience in the field of trademarks has shown the need to set up a permanent body to adapt the classification jointly and uniformly, to the development of technology and industry. The lack of such a body obliges States to modify or complete the classification of their own accord, and, for want of agreement, in different ways, which is detrimental to the international character of the classification. The only possible basis for conferring competence upon a Committee to make decisions in a manner binding upon all States would be an international Agreement.

The expert of the United States of America announced that some of the present U. S. design patents have been tentatively reclassified using some classes of the proposed draft, as a test.

The Chairman of the Committee then called upon the observers to express their opinions.

The observer of ALAI expressed reservations with respect to the system of restricted Unions, especially in the matter of industrial designs which also came within the framework of the Berne Union.

The observer of FICPI declared his organization's interest in the drafting of an Agreement establishing an international classification of industrial designs.

A majority of the Committee therefore recommended BIRPI to propose to Member States of the Paris Union that an international Agreement should be drawn up.

D. Course to be Followed with a View to the Establishment of an International Agreement

At the close of the debates, a majority of the Committee expressed the opinion, in answer to a question posed in Document DM/32/2, that it would be desirable for the Director of BIRPI to propose to the Executive Committee of the Conference of Representatives of the Paris Union that it should envisage the preparation of a Diplomatic Conference whose task would be to establish an Agreement and a special Union with a view to providing the international classification with a framework in which to become a reality.

As a result of this opinion, two important declarations were made: the representative of the Director of BIRPI in-

formed the Committee that the Director was prepared to facilitate the organization of such a Conference by making available the conference room and the secretariat of BIRPI. The expert of Switzerland stated, for his part, that while his country did not feel the need for a classification of industrial designs, on the other hand, if it emerged from the discussion that a majority of the countries were in favour of an Agreement, Switzerland was willing to lend its good offices and to act as inviting Power in the event of a Diplomatic Conference, which could then be held on Swiss territory. The representative of the Director of BIRPI thanked the expert of Switzerland for his declaration.

The President expressed the opinion, therefore, that it would scarcely be advisable for the Committee to start to study the draft Agreement contained in Document DM/32/4, a document which, according to the representative of BIRPI, had been drafted and submitted to the Committee for information, so that the members would be able to form an idea of what this very simple, technical instrument could be. The Committee concurred with this opinion.

Th. LORENZ

ANNEX I

List of Participants

I. Members of the Committee

Algeria

Miss Farida Bouzid, Head of the Designs Section, Industrial Property Office, Algiers.

Mr. Salah Bouzidi, Head of the Trademark Section, Industrial Property Office, Algiers.

Austria

Mr. Thomas Lorenz, Ratssekretär, Patent Office, Vienna.

Belgium

Mr. Enno van Weel, Member of the Patent Council, The Hague.

Czechoslovakia (Socialist Republic of)

Mr. Miloslav Špunda, Head of Department, Office of Patents and Inventions, Prague.

Mr. Vladimír Sulc, Head of Section, Office of Patents and Inventions, Prague.

Denmark

Miss Julie Olsen, Head of Division, Patent Office, Copenhagen.

Mrs. Rigmor Carlsen, Assistant Head of Division, Patent Office, Copenhagen.

Dominican Republic

Mr. Felipe Pastoriza Neret, First Secretary, Permanent Delegation, Geneva.

France

Mr. Maurice Bierry, Civil Administrator to the Ministry of Industry, Paris.

Germany (Fed. Rep.)

Mr. von der Bey, Head of the Patent Division, Cellulose Factory Waldhof, Mannheim.

Mr. Heiseke, Bundesverband der Deutschen Industrie, Cologne.

Mr. Peter Schönfeld, First Secretary, Permanent Delegation of the Federal Republic of Germany, Geneva.

Italy

Mrs. Girolama Pizzini, Head of the Designs Division, Central Patent Office, Rome.

Mexico

Mr. Enrique Bravo Caro, Minister, Permanent Delegation, Geneva.

Netherlands

Mr. Enno van Weel, Member of the Patent Council, The Hague.

Norway

Mr. Roald Røed, Head of Section, Industrial Property Office, Oslo.

Poland

Mr. Jerzy Królewski, Counsellor, Patent Office, Warsaw.

Spain

Mr. Julio Escudero Durán, Head of the Designs Section, Industrial Property Registry, Madrid.

Mr. Maximino Parada Machado, Engineer to the Technical Section, Industrial Property Registry, Madrid.

Sweden

Mr. Claës Ugglå, Legal Adviser, Appeals Court of the Patent Office, Stockholm.

Mr. Bengt Lundberg, Head of Division, Patent Office, Stockholm.

Switzerland

Mr. Theodor Streit, Deputy to the Technical Section, Federal Office of Intellectual Property, Berne.

Union of Sovietic Socialist Republics

Mr. L. A. Inozemtsev, Member of the Committee for Inventions and Discoveries attached to the Council of Ministers, Moscow.

Mr. E. P. Gavrilov, Senior Scientific Employee, Institute of Patent Information, Moscow.

United Kingdom of Great Britain and Northern Ireland

Miss Isabelle Russell, Designs Registry, Patent Office, London.

United States of America

Mrs. Adeline B. Hannah, Chief, Industrial Design Division, Patent Office, Washington.

II. Observers**International Literary and Artistic Association (ALAI)**

Mr. Duchemin, General Secretary of SPADEM, Paris.

International Federation of Patent Agents (FICPI)

Mr. Bernard Pochon, Lawyer, Cahinet Lavoix, Paris, representing Mr. Jourdain, unable to attend.

III. Bureau of the Committee

Chairman: Mr. Enno van Weel (Netherlands).

Vice-Chairman: Mr. Claës Ugglå (Sweden).

Rapporteur: Mr. Thomas Lorenz (Austria).

IV. BIRPI

Mr. Ch.-L. Magnin, Deputy Director.

Mr. G. Béguin, Counsellor.

Mr. G. R. Wipf, Counsellor.

ANNEX II**Revised Draft of International Classification****Class 1 — Foodstuffs, including Dietetic Foods**

Sub-Class: 01) Bakers' products, biscuits, pastry, macaroni, etc.

02) Chocolates, confectionery, ices

03) Cheeses, butter and other dairy produce and substitutes

04) Butchers' meat (including pork products)

05) Animal foodstuffs

99) Miscellaneous

Class 2 — Articles of Clothing, including Footwear

Sub-Class: 01) Garments

02) Undergarments, lingerie, corsets, brassières

03) Headwear

04) Footwear (including boots, shoes and slippers)

05) Socks and stockings

06) Neckties, scarves and neckerchiefs

07) Gloves

08) Haberdashery

99) Miscellaneous

Class 3 — Travel Goods and Personal Belongings, not Elsewhere specified

Sub-Class: 01) Trunks, suitcases and brief-cases

02) Hand bags, wallets, pocket-books, purses, boxes

03) Umbrellas, walking-sticks

04) Fans

99) Miscellaneous

Class 4 — Brushware

Sub-Class: 01) Brushes for cleaning and brooms

02) Toilet and clothes brushes

03) Brushes for industry

04) Paint-brushes

99) Miscellaneous

Class 5 — Textile Piecegood Articles and Other Sheet Material

Sub-Class: 01) Spun articles

02) Textile fabrics (woven, knitted, etc.)

03) Sheet material

04) Felt

05) Covering-sheets (wallpaper, linoleum, etc.)

06) Lace

07) Embroideries

08) Ribbons, braids and other trimmings

09) Leather and substitutes

99) Miscellaneous

Class 6 — Furnishing

Sub-Class: 01) Furniture

02) Mattresses and cushions

03) Curtains (ready made)

04) Carpets

05) Mats and floor rugs

06) Mirrors and frames

07) Garment hangers

08) Bedspreads

09) Household linen and napery

99) Miscellaneous

Class 7 — Household Goods, not Elsewhere Specified

Sub-Class: 01) China, glassware, dishes and other articles of similar nature

02) Cooking utensils and containers

- 03) Knives, forks and spoons
- 04) Cooking-stoves, toasters, etc.
- 05) Chopping, mincing, grinding and mixing machines
- 06) Flat-irons and laundering, cleaning and drying equipment
- 99) Miscellaneous

Class 8 — *Tools and Hardware*

- Sub-Class: 01) Tools and implements for agriculture, forestry and horticulture
- 02) Other tools and implements
 - 03) Locks and other hardware fittings
 - 04) Nails, screws, nuts, bolts, etc.
 - 99) Miscellaneous

Class 9 — *Packages and Containers*

- Sub-Class: 01) Bottles, flasks, carboys, demijohns and pots
- 02) Closing means
 - 03) Drums and casks
 - 04) Boxes and cases
 - 05) Hampers, crates and baskets
 - 06) Bags, wrappers, tubes and capsules
 - 07) Cans
 - 08) Ropes and hooping materials
 - 99) Miscellaneous

Class 10 — *Clocks and Watches, and Measuring Instruments*

- Sub-Class: 01) House clocks
- 02) Watches and wrist-watches
 - 03) Alarms
 - 04) Other clocks
 - 05) All other chronometrical instruments
 - 06) Dials, hands and all other parts of watches, clocks, and of other chronometrical instruments
 - 07) Geodetic, nautical, acoustic and meteorological articles
 - 08) Instruments for measuring physical sizes, like length, pressure, etc.
 - 09) Instruments for measuring temperature
 - 10) Instruments for measuring electric sizes (voltmeters, etc.)
 - 11) Testing instruments
 - 99) Miscellaneous

Class 11 — *Articles of Adornment*

- Sub-Class: 01) Jewelry
- 02) Trinkets, table, mantel and wall ornaments, including flower-vases
 - 03) Medals and badges
 - 04) Artificial flowers, fruits and plants
 - 05) Festive decorations
 - 99) Miscellaneous

Class 12 — *Vehicles*

- Sub-Class: 01) Vehicles drawn by animals
- 02) Trolley, trucks and barrows, hand-drawn
 - 03) Locomotives and rolling-stock for railways and all other rail vehicles
 - 04) Telepher carriers and chairlifts
 - 05) Elevators and hoists

- 06) Ships and boats
- 07) Aircraft and space vehicles
- 08) Motor-cars and buses
- 09) Lorries and tractors
- 10) Trailers, including camping or house trailers
- 11) Motorcycles, scooters, bicycles and tricycles
- 12) Perambulators and invalid chairs
- 13) Special vehicles
- 14) Pneumatic tyres, inner tubes and all other equipment or accessories, not elsewhere specified
- 99) Miscellaneous

Class 13 — *Equipment for Production, Distribution and Transformation of Electricity*

- Sub-Class: 01) Generators and motors
- 02) Power transformers, rectifiers, batteries and accumulators
 - 03) Equipment for distribution and control of electric power (conductors, switch-gear, etc.)
 - 99) Miscellaneous

Class 14 — *Electrical and Electronic Equipment*

- Sub-Class: 01) Equipment for the recording and reproduction of sounds or pictures
- 02) Equipment for the recording, reproduction and retrieval of information
 - 03) Communications equipment (telegraph, telephone, teletype, television and radio)
 - 04) Amplifiers
 - 99) Miscellaneous

Class 15 — *Industrial and Household Machines*

- Sub-Class: 01) Engines (not electrical)
- 02) Pumps and compressors
 - 03) Agricultural machinery
 - 04) Construction machinery
 - 05) Industrial machines, not elsewhere specified
 - 06) Industrial laundry and cleaning machines
 - 07) Household laundry and cleaning machines
 - 08) Industrial textile sewing, knitting and embroidering machines
 - 09) Household textile sewing, knitting and embroidering machines
 - 10) Industrial refrigeration apparatus
 - 11) Household refrigeration apparatus
 - 12) Food preparation machines
 - 99) Miscellaneous

Class 16 — *Photographic, Cinematographic and Optical Apparatus*

- Sub-Class: 01) Photographic cameras
- 02) Film cameras
 - 03) Projectors (for slides)
 - 04) Projectors (for films)
 - 05) Photocopying apparatus and enlargers
 - 06) Developing apparatus
 - 07) Accessories
 - 08) Optical articles, such as spectacles, microscopes, etc.
 - 99) Miscellaneous

Class 17 — Musical Instruments

- Sub-Class: 01) Keyboard instruments (including electronic and other organs)
 02) Wind instruments (including piano-accordions)
 03) Stringed instruments
 04) Percussion instruments
 05) Mechanical instruments
 99) Miscellaneous

Class 18 — Printing and Office Machinery

- Sub-Class: 01) Typewriters and calculating machines, with the exception of electronic machines
 02) Typographical machinery
 03) Machinery for printing by processes other than typography (excluding photocopying machinery)
 04) Characters and type faces
 05) Massicots
 99) Miscellaneous

Class 19 — Stationers Goods, Desk Equipment, Artists' and Teaching Materials

- Sub-Class: 01) Writing paper and envelopes
 02) Desk equipment
 03) Calendars
 04) Bindings
 05) Illustrated cards and other printed matter
 06) Materials and instruments for writing by hand
 07) Materials and instruments for painting (excluding brushes), for sculpture, artistic techniques for engraving and for other
 08) Teaching materials
 99) Miscellaneous

Class 20 — Sales and Advertising Equipment

- Sub-Class: 01) Automatic vending machines
 02) Display and sales equipment
 03) Signboards and advertising materials
 99) Miscellaneous

Class 21 — Games, Toys and Sports Goods

- Sub-Class: 01) Games
 02) Toys
 03) Gymnastics and sports apparatus and equipment
 04) Amusement and entertainment articles
 05) Tents
 99) Miscellaneous

Class 22 — Arms and Tackle for Hunting, Fishing and Vermin Trapping

- Sub-Class: 01) Side-arms
 02) Projectile weapons
 03) Ammunition, fuses and projectiles
 04) Hunting equipment (excluding weapons)
 05) Fishing rods
 06) Reels for fishing rods
 07) Baits
 08) Other pieces of fishing tackle

- 09) Traps and articles for vermin destruction
 99) Miscellaneous

Class 23 — Sanitary, Heating, Ventilation and Air-Conditioning Equipment

- Sub-Class: 01) Fluid and gaz-distribution equipment (including pipes and pipe fittings)
 02) Sanitary fittings and equipment (baths, showers, washbasins, lavatories, sanitary units, etc.)
 03) Heating Equipment
 04) Ventilation and air-conditioning
 05) Solid fuel
 99) Miscellaneous

Class 24 — Medical and Laboratory Equipment

- Sub-Class: 01) Equipment for transport and accommodation for patients
 02) Hospital and laboratory equipment (for diagnostic, texts, operations, treatment, eye-testing)
 03) Medical, surgical, dental instruments
 04) Prosthetic articles
 05) Material for dressing and nursing
 99) Miscellaneous

Class 25 — Building Units and Construction Elements

- Sub-Class: 01) Building material and elements, such as beams, tiles, slates, pannels, etc.
 02) Windows, doors, blinds, etc.
 03) Sections, angles and channels
 04) Houses, garages, and all other buildings
 05) Civil engineering elements
 99) Miscellaneous

Class 26 — Lighting Apparatus

- Sub-Class: 01) Luminous sources, electrical or not, such as incandescent bulbs, luminous tubes and plates
 02) Lamps, standard lamps, chandeliers, wall and ceiling fixtures
 03) Public lighting fixtures (outside lamps, stage-lighting, floodlights)
 04) Torches and hand lamps and lanterns
 05) Candles, candlesticks
 06) Lamp-shades
 99) Miscellaneous

Class 27 — Tobacco and Smokers' Supplies

- Sub-Class: 01) Tobacco, cigars and cigarettes
 02) Pipes, cigar and cigarette holders
 03) Ash-trays
 04) Matches
 05) Lighters
 06) Cigar cases, cigarette cases, tobacco jars and pouches
 99) Miscellaneous

Class 28 — Pharmaceutical and Cosmetic Articles and Products, Toilet Articles and Apparatus

- Sub-Class: 01) Pharmaceutical articles and products
 02) Cosmetic articles and products

- 03) Toilet articles and beauty parlor equipment
- 99) Miscellaneous

Class 29 — Safety and Protective Devices and Equipment for Human Beings

- Sub-Class:
- 01) Devices and equipment against fire-hazards
 - 02) Devices and equipment for water rescue
 - 03) Devices and equipment for mountain rescue
 - 99) Devices and equipment against other hazards (roads, mines, industries, etc.)

Class 30 — Care and Handling of Animals

- Sub-Class:
- 01) Shelters and Pens
 - 02) Feeders and waterers
 - 03) Saddlery
 - 04) Safety and protective devices and equipment for animals
 - 99) Other articles

Class 31 — Miscellaneous

All the products not included in the preceding classes.

ANNEX III

Explanatory Notes

Class 1:

The title covers foodstuffs for human beings and animals. Class 1 does not include packages of canned food (cl. 9).

Class 2:

- 01) "Garments" include all sorts of garments — i. e. bathing costumes, sports suits — with the exception of undergarments (02), protective and life-saving garments (cl. 29) and garments for animals (cl. 30-04).
- 03) "Headwear" includes all kinds of headwear for men and women.
- 08) "Haberdashery" includes buttons, clasps, laces, etc.

Class 3:

- 01) Includes any article for transporting luggage, such as sailors' bags, but not articles for transporting merchandise (cl. 9).
- 02) "Boxes" includes all instrument boxes and comb covers, etc.

Class 4:

- 02) By "toilet brushes" is meant brushes for corporal use (i. e. hair, nails, teeth, etc.).

Class 5:

This class covers all textile articles, natural or artificial, sold by the meter and not tailored. Tailored articles are included in other classes (i. e. 2 and 6).

- 02) Includes also tarpaulins.
- 04) Includes also loden.

Class 6:

Non-tailored textile articles are included in class 5.

Class 7:

In principle, hand-operated household articles are included in class 7; machine operated household articles are included in class 15.

- 04) "Cooking stoves" include stoves which serve to heat and supply water.

Class 8:

In principle, hand operated tools are included in class 8 even if the energy is not muscular (for example electric saws); tools not operated by hand (for example refrigerators) are included in class 15.

- 02) "Other tools and implements" include can-openers.
- 03) "Locks and metal fittings" include locks and metal fitting in any material whatsoever (e. g. plastic); these also include bag locks, etc.

Class 9:

This class covers packages and containers for the transport and handling of merchandise, but not to serve for the transport of luggage (cl. 3).

- 06) "Capsules" include capsules used for medicaments, pills, etc.

Class 10:

This class includes chronometrical instruments and other articles electrically driven.

Class 11:

- 01) "Jewelry" includes imitation jewelry.

Class 12:

- This class includes all vehicles: land, sea, air, spatial, etc.
- 05) "Elevators and hoists" include lifts, luggage-lifts and cranes.
 - 13) "Special vehicles" include street cleaning vehicles, fire engines, ambulances, dumpers, etc., but not agricultural machines of a mixed nature (see class 15-03).

Class 13:

This class covers apparatus, which produces, distributes and transforms electricity and not electrically-driven apparatus (e. g. electric clocks: class 10).

Class 14:

- 02) "Apparatus for the retrieval of information" includes computers.

Class 15:

- 04) "Construction machinery" includes machinery used for civil engineering (construction elements for civil engineering: class 25-05).
- 03) "Agricultural machinery" includes complex machinery, i. e. machinery and vehicles (e. g. harvester-threshers). Boilers and furnaces for ships and locomotives are included in class 12.

Class 16:

- 07) "Accessories" include filters for photographic cameras, exposure-meters, tripods, etc.

Class 17:

This class does not include recording instruments and articles for the reproduction of sound (class 14-01). Cases for musical instruments are included in class 3-02.

Class 19:

- 08) "Teaching material" includes spherical globes and planetariums.

Class 20:

- 03) "Signboards and advertising materials" include luminous publicity.

Class 21:

- 04) "Amusement and entertainment articles" include roundabouts, etc.
Camping equipment is included in different other classes according to its nature, e. g. plates: class 7; tables and chairs: class 6.
"Caravans" are not included in this class, but in class 12, as they are not only used for camping purposes.

Class 24:

This classe includes medical and laboratory equipment for animals.

Class 25:

- 02) "Windows, doors, blinds, etc." include all similar articles.
05) For machines used in civil engineering, see class 15-04.

Class 28:

- 01) Includes all pharmaceutical products and articles for animals.
03) Includes razors, machines for massaging, hair-removing, hair-dressing, etc.

Class 30:

- This class does not include foodstuffs for animals (cl. 1-05).
01) "Shelters" do not include buildings (class 25).
03) "Saddlery" includes dog collars, etc.
04) "Other articles" include garments for animals.

- XLIV^a Fiera di Padova — Campionaria internazionale* (Padova, May 31-June 13, 1966);
2^o Salone internazionale dell'aeronautica e delle attrezzature aeroportuali (Turin, June 4-12, 1966);
XIII^a Rassegna internazionale elettronica, nucleare e teleradiocinematografica (Rome, June 15-26, 1966);
III^a Esposizione europea elettrodomestici (Milan, September 3-11, 1966)

shall enjoy the temporary protection provided by Laws No. 1127 of June 29, 1939¹⁾, No. 1411 of August 25, 1940²⁾, No. 929 of June 21, 1942³⁾, and No. 514 of July 1, 1959⁴⁾.

¹⁾ See *Prop. ind.*, 1939, p. 124; 1940, p. 84.

²⁾ *Ibid.*, 1940, p. 196.

³⁾ *Ibid.*, 1942, p. 168.

⁴⁾ *Ibid.*, 1960, p. 23.

UNION OF SOVIET SOCIALIST REPUBLICS

I

Instructions

concerning Exchange of a Patent for a Certificate of Authorship¹⁾

Approved by Order No. 94 of the Chairman of the State Committee for Inventions and Discoveries Attached to the Council of Ministers of the USSR, of May 30, 1961

(Translation)

1. — Authors of inventions or their successors at law (whether private persons or legal entities), including foreign authors of inventions and their successors at law, may at any time during the period of validity of a patent submit a request for the patent to be exchanged for a certificate of authorship.

2. — A patent may be exchanged for a certificate of authorship in all cases, except when:

- (a) the validity of the patent has expired;
- (b) there is a delay of more than six months in the payment of the patent fee;
- (c) a license has been granted in respect of the patent or the patent has been assigned.

3. — Contracts or other documents concerning the assignment of a patent or the grant of a license, unless registered with the State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, shall be considered invalid and shall not be taken into account when the question of the exchange of a patent for a certificate of authorship is examined.

4. — Applications for the exchange of a patent for a certificate of authorship or for the issue of a certificate of authorship instead of the patent originally applied for shall be submitted to the State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

LEGISLATION

ITALY

Decrees

concerning the Temporary Protection of Industrial Property Rights at Five Exhibitions

(Of March 15, 24, and April 2, 6, 1966)¹⁾

Single Article

Industrial inventions, utility models, designs and trademarks relating to objects appearing at the following exhibitions:

2^o Salone della profumeria e dei cosmetici (Turin, April 29-May 10, 1966);

¹⁾ Official communication from the Italian Administration.

¹⁾ Обмен патента на авторское свидетельство.

In the case of persons living permanently abroad, matters relating to the exchange of a patent for a certificate of authorship shall be handled through the All-Union Chamber of Commerce.

5. — An application for exchange must state: the surname, first name, patronymic, and address, of the patent owner or his heir, and of the true author of the invention (in the case of foreigners, their nationality also), and, in the case of a legal entity, the full designation; the date of filing the original application, the number of the patent, and the designation of the invention, with an indication that the patent has not been assigned and that no license has been granted in respect of it. The patent issued and the relevant description must also be attached to the application.

6. — An application by the successors at law (but not the heirs) must contain a declaration of their renunciation of all rights in the patent, in order that a certificate of authorship may be issued in the name of the true author of the invention instead of a patent, as well as the consent of the true author of the invention (or his heir) to receiving a certificate of authorship.

If the successor at law does not renounce all rights in the patent and if the true author of the invention does not consent to receive a certificate of authorship instead of a patent, the successor at law cannot exchange the patent for a certificate of authorship.

7. — An application received by the Committee for the exchange of a patent for a certificate of authorship shall be transmitted to the Section for Preliminary Examination and State Registration of Inventions,²⁾ which shall ensure that the application is correctly formulated. After establishing that the documents are in due and proper form and that there are no obstacles to the exchange, such as are listed under Article 3 of these Instructions, the Section for Preliminary Examination and State Registration of Inventions shall transmit the application to the competent special Section³⁾ of the Committee with a view to examination of the substance of the application.

Any such application received during examination of the original application shall be transmitted to the competent Section of the Committee or of the Institute of State Patent Expertise which is examining the original application.

8. — The competent Section of the Committee shall examine the substance of applications received (and if necessary investigate their utility) and shall determine whether or not to exchange the patent for a certificate of authorship. The decision shall be signed by the head of the Section or his deputy and must contain the following details:

- (a) the date of filing the application;
- (b) the surname, first name, and patronymic, of the applicant and of the true author of the invention (and in the case of legal entities, the designation);

²⁾ This Section comes under the All-Union Scientific Research Institute of State Patent Expertise.

³⁾ Отраслевой отдел.

(c) the designation of the organization which took the decision concerning the issue of the patent, and the date and number of its decision;

(d) the conclusion as to whether or not to exchange the patent for a certificate of authorship.

If it is decided to refuse to exchange the patent for a certificate of authorship, the grounds for refusal must be stated. The decision in the case of an application for the issue of a certificate of authorship instead of a patent, received during examination of the original patent application, shall be stated by the competent Section of the Committee or of the Institute as part of its decision on the original application.

9. — If the applicant disagrees with the decision to refuse his application, he may, within two months of the date of receipt of the decision, file an objection together with the grounds therefor, which must be examined within two months.

The decision regarding such objection, signed by the Chairman of the Committee or his Deputy, shall be final.

10. — The competent Section shall transmit the decision concerning the exchange of the patent for a certificate of authorship to the Information and Publishing Section⁴⁾ with a view to publication in the *Bulletin of Inventions*.

11. — On the basis of the decision of the competent Section concerning the exchange of a patent for a certificate of authorship, the Section for Preliminary Examination and State Registration of Inventions shall amend the corresponding column of the State Register of Inventions of the USSR and, when issuing the certificate of authorship, shall stamp the description of the invention with the words: "Patent exchanged for a certificate of authorship."

12. — If it is decided to authorize the exchange of the patent for a certificate of authorship, the patent fee shall cease to be payable from the date of the filing of the application.

Under the legislation in force, the State fee paid at the time of filing the application shall not be returnable.

[(a), (b), (c), (d) and (e). Omitted.]

(f) Enterprises (organizations) which, independently of the author of the invention, have used a given invention within the confines of the USSR, prior to the filing of an application in respect of an invention, or have made all necessary preparations for such use, shall retain the right of further use of the invention without charge; disputes in this connection shall be settled by the courts;

(g) in cases where an invention is of special importance to the State but no agreement is reached between the ministry, central office, economic council, or executive committee of the soviet of workers' deputies, and the owner of the patent, concerning the transfer of the rights, permission to use the invention may be granted to the organ concerned only by the

⁴⁾ The Information and Publishing Section no longer exists. Decisions concerning the exchange of a patent for a certificate of authorship are transmitted to the Central Scientific Research Institute of Patent Information and Technical-Economic Studies (СНИПИ — ЦНИИПИ) with a view to publication in the *Bulletin of Inventions*.

Council of Ministers of the USSR, which shall determine the amount of remuneration due to the owner of the patent;

(h) the privileges referred to in these Instructions, which are granted to authors of inventions who have obtained certificates of authorship, shall not be extended to authors possessing certificates of authorship for some of their inventions and patents for others.

49.⁵⁾ — A certificate of authorship, and not a patent, shall be issued in the following cases:

- (a) if the invention is made in connection with the author's work in a State, cooperative or public enterprise (organization), or upon the instructions of any of these;
- (b) if the author of an invention has received financial or other material assistance from a State, cooperative or public enterprise (organization), for the purpose of developing his invention.

II

Patent Fees

Order of the Labour and Defense Committee¹⁾, of May 12, 1931
(Compilation of the Laws of the USSR, 1931,
No. 30, Article 234)

(Extracts)

1. — In respect of every patent application a single fee²⁾ of 26 roubles³⁾ shall be payable at the time of filing the application (Compilation of the Laws of the USSR, 1936, No. 37, Article 328).

2. — If the original application is divided into divisional applications, a fee shall be payable in respect of each such application. The fee paid in respect of the original application shall be credited towards the total of the application fees.

3. — The application fee shall not be returnable in the event of refusal to issue a patent or in any other circumstances, except where the invention is considered to be secret (Article 10).

4. — A fee of 13 roubles shall be payable in respect of an applicant's complaint with regard to a decision concerning the issue of a patent.

No fee shall be payable in respect of the complaints of persons who have filed protests against the issue of a patent (Compilation of the Laws of the USSR, 1936, No. 37, Article 328).

5. — From the date of publication of the decision to issue a patent, the patent owner shall be required to pay an annual patent fee according to the following scale of charges: for the first, second and third years, 22 roubles per year;

⁵⁾ This is Article 49 of the Law Concerning Discoveries, Inventions, and Rationalization Proposals, of April 24, 1959, published in *Industrial Property*, 1965, p. 220.

¹⁾ Совет Труда и Оборонны (СТО).

²⁾ Пошлина.

³⁾ The rates are quoted according to the new price levels.

from the fourth to the sixth year inclusive, 11 roubles more each year than in the preceding year; for each successive year, beginning with the seventh year, 22 roubles more than in the preceding year.

Note: Dependent patents⁴⁾ shall be subject to payment of a fee, like independent patents (Compilation of the Laws of the USSR, 1936, No. 30).

6. — A patent fee shall be payable in advance, during the first two months of the year to which it applies.

7. — In the event of delay in paying a patent fee, the patent owner shall be required to pay a fine⁵⁾ fixed in accordance with the rate applying to tax arrears. In the event of a delay of more than six months, the patent shall cease to be valid.

8. — For each entry in the Register of Inventions concerning assignment of the rights in a patent or the grant of a license, the following fees shall be payable:

- (a) assignment of patent rights, 26 roubles;
- (b) grant of license, 13 roubles

(Compilation of the Laws of the USSR, 1936, No. 37, Article 328).

9. — No fees shall be payable by enterprises and organizations in the socialized sector. Payment of fees in respect of patents assigned to enterprises or organizations in the socialized sector shall cease from the year in which such assignment takes place; but fees already paid shall not be returned.

10. — No fee shall be payable in respect of inventions considered to be secret and, in such cases, fees already paid shall be returned.

If an invention is no longer considered to be secret, an application fee and a patent fee shall become payable from the year in which it is declared no longer to be secret. That year shall be considered to be the first year of validity of the patent, with regard to the amount of the patent fee.

[11. Omitted.]

12. — Persons living abroad shall be required to pay the fees stated herein in foreign currency.

48.⁶⁾ — In cases where a patent is issued for an invention, the following rules shall apply:

- (a) the patent shall be issued in the name of the author of the invention or his successor at law, with an indication in the patent of the surname, first name, and patronymic, of the author;
- (b) failure to pay the fee for an issued patent within the appointed time shall render the patent invalid;
- (c) no person may use the invention without the consent of the patent owner; the patent owner may either grant a permit (license) for the use of his invention or com-

⁴⁾ Зависимые патенты.

⁵⁾ Пена.

⁶⁾ This is Article 48 of the Law Concerning Discoveries, Inventions, and Rationalization Proposals, of April 24, 1959, published in *Industrial Property*, 1965, p. 220.

pletely assign the patent; contracts or other documents concerning the assignment of a patent or the grant of a license shall be considered invalid unless registered with the State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR;

- (d) patents shall be issued for a period of fifteen years from the date of filing the application; the rights of the patent owner shall be protected from the same date. The patent may be contested and annulled at any time during the period of its validity, if it is established that it was issued in violation of this Law;
- (e) at any time during the period of validity of the patent, the author of the invention or his successors at law may submit a request for the patent to be exchanged for a certificate of authorship, provided that they have not assigned the patent or granted a license for it.

UNITED STATES OF AMERICA

I

Trademark Act of 1946, as Amended

Public Law 489, 79th Congress, Chapter 540, approved July 5, 1946; 60 Stat. 427; as amended

(Second and Last Part)*

Sec. 23 (15 U. S. C. 1091). The supplemental register

Marks registrable on. In addition to the principal register, the Commissioner shall keep a continuation of the register provided in paragraph (b) of section 1 of the Act of March 19, 1920, entitled "An Act to give effect to certain provisions of the convention for the protection of trademarks and commercial names, made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes," to be called the supplemental register. All marks capable of distinguishing applicant's goods or services and not registrable on the principal register herein provided, except those declared to be unregistrable under paragraphs (a), (b), (c), and (d) of section 2 of this Act, which have been in lawful use in commerce by the proprietor thereof, upon or in connection with any goods or services for the year preceding the filing of the application may be registered on the supplemental register upon the payment of the prescribed fee and compliance with the provisions of section 1 so far as they are applicable.

Examination of application. Upon the filing of an application for registration on the supplemental register and payment of the fee herein provided the Commissioner shall refer the application to the examiner in charge of the registration of marks, who shall cause an examination to be made and if on such examination it shall appear that the applicant is entitled to registration, the registration shall be granted. If the

applicant is found not entitled to registration the provisions of subsection (b) of section 12 of this Act shall apply.

Nature of mark. For the purposes of registration on the supplemental register, a mark may consist of any trademark, symbol, label, package, configuration of goods, name, word, slogan, phrase, surname, geographical name, numeral, or device or any combination of any of the foregoing, but such mark must be capable of distinguishing the applicant's goods or services.

Mark used in foreign commerce. Upon a proper showing by the applicant that he requires domestic registration as a basis for foreign protection of his mark, the Commissioner may waive the requirement of a full year's use and may grant registration forthwith (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 24. (15 U. S. C. 1092). Supplemental register — Marks not published for opposition — Cancellation

Marks for the supplemental register shall not be published for or be subject to opposition, but shall be published on registration in the *Official Gazette* of the Patent Office. Whenever any person believes that he is or will be damaged by the registration of a mark on this register he may at any time, upon payment of the prescribed fee and the filing of a verified petition stating the ground therefor, apply to the Commissioner to cancel such registration. The Commissioner shall refer such application to the Trademark Trial and Appeal Board which shall give notice thereof to the registrant. If it is found after a hearing before the Board that the registrant was not entitled to register the mark at the time of his application for registration thereof, or that the mark is not used by the registrant or has been abandoned, the registration shall be canceled by the Commissioner (Amended Aug. 8, 1958, 72 Stat. 540, and Oct. 9, 1962, 76 Stat. 769).

Sec. 25 (15 U. S. C. 1093).

Supplemental register — Certificates to differ

The certificates of registration for marks registered on the supplemental register shall be conspicuously different from certificates issued for marks registered on the principal register.

Sec. 26 (15 U. S. C. 1094).

Supplemental register — Provisions of Act applicable

The provisions of this Act shall govern so far as applicable applications for registration and registrations on the supplemental register as well as those on the principal register, but applications for and registrations on the supplemental register shall not be subject to or receive the advantages of sections 2 (e), 2 (f), 7 (b), 12 (a), 13 to 18, inclusive, 22, 33, and 42 of this Act.

Sec. 27 (15 U. S. C. 1095). Supplemental register — Registration on principal register not precluded

Registration of a mark on the supplemental register, or under the Act of March 19, 1920, shall not preclude registration by the registrant on the principal register established by this Act.

*) See *Industrial Property*, 1966, p. 82.

**Sec. 28 (15 U. S. C. 1096). Supplemental register —
Registration not used to stop importation**

Registration on the supplemental register or under the Act of March 19, 1920, shall not be filed in the Department of the Treasury or be used to stop importations.

Sec. 29 (15 U. S. C. 1111). Notice of registration

Notwithstanding the provisions of section 22 hereof, a registrant of a mark registered in the Patent Office, may give notice that his mark is registered by displaying with the mark as used the words "Registered in U. S. Patent Office" or "Reg. U. S. Pat. Off." or the letter R enclosed within a circle, thus (R); and in any suit for infringement under this Act by such a registrant failing to give such notice of registration, no profits and no damages shall be recovered under the provisions of this Act unless the defendant had actual notice of the registration (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 30 (15 U. S. C. 1112). Classification of goods and services — Registration in a plurality of classes

The Commissioner may establish a classification of goods and services, for convenience of Patent Office administration, but not to limit or extend the applicant's rights. The applicant may file an application to register a mark for any or all of the goods and services upon or in connection with which he is actually using the mark: *Provided*, That when such goods or services fall within a plurality of classes, a fee equaling the sum of the fees for filing an application in each class shall be paid, and the Commissioner may issue a single certificate of registration for such mark (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 31 (15 U. S. C. 1113). Fees and charges

(a) The following fees shall be paid to the Patent Office under this Act:

1. On filing each original application for registration of a mark in each class, \$ 35.
2. On filing each application for renewal in each class, \$ 25; and on filing each application for renewal in each class after expiration of the registration, an additional fee of \$ 5.
3. On filing an affidavit under section 8 (a) or section 8 (b) for each class, \$ 10.
4. On filing each petition for the revival of an abandoned application, \$ 15.
5. On filing opposition or application for cancellation for each class, \$ 25.
6. On appeal from the examiner in charge of the registration of marks to the Trademark Trial and Appeal Board for each class, \$ 25.
7. For issuance of a new certificate of registration following change of ownership of a mark or correction of a registrant's mistake, \$ 15.
8. For certificate of correction of registrant's mistake or amendment after registration, \$ 15.
9. For certifying in any case, \$ 1.

10. For filing each disclaimer after registration, \$ 15.
11. For printed copy of registered mark, 20 cents.
12. For recording every assignment, agreement, or other paper relating to the property in a registration or application, \$ 20; where, the document relates to more than one application or registration, \$ 3 for each additional item.
13. On filing notice of claim of benefits of this Act for a mark to be published under section 12 (c) hereof, \$ 10.

(b) The Commissioner may establish charges for copies of records, publications, or services furnished by the Patent Office, not specified above.

(c) The Commissioner may refund any sum paid by mistake or in excess.

Sec. 32 (1) (15 U. S. C. 1114[1]). Remedies — Infringement

Any person who shall, without the consent of the registrant —

- (a) use in commerce any reproduction, counterfeit, copy, or colorable imitation of a registered mark in connection with the sale, offering for sale, distribution, or advertising of any goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive; or
 - (b) reproduce, counterfeit, copy or colorably imitate a registered mark and apply such reproduction, counterfeit, copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles or advertisements intended to be used in commerce upon or in connection with the sale, offering for sale, distribution, or advertising of goods or services on or in connection with which such use is likely to cause confusion, or to cause mistake, or to deceive;
- shall be liable in a civil action by the registrant for the remedies hereinafter provided. Under subsection (b) hereof, the registrant shall not be entitled to recover profits or damages unless the acts have been committed with knowledge that such imitation is intended to be used to cause confusion, or to cause mistake, or to deceive (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 32 (2) (15 U. S. C. 1114[2]). Same — Innocent infringement by printers and publishers

Notwithstanding any other provision of this Act, the remedies given to the owner of the right infringed shall be limited as follows: (a) Where an infringer is engaged solely in the business of printing the mark for others and establishes that he was an innocent infringer the owner of the right infringed shall be entitled as against such infringer only to an injunction against future printing; (b) where the infringement complained of is contained in or is part of paid advertising matter in a newspaper, magazine, or other similar periodical the remedies of the owner of the right infringed as against the publisher or distributor of such newspaper, magazine, or other similar periodical shall be confined to an injunction against the presentation of such advertising matter in future issues of such newspapers, magazines, or other similar periodical: *Provided*, That these limitations shall apply only to innocent infringers; (c) injunction relief shall

not be available to the owner of the right infringed in respect of an issue of a newspaper, magazine, or other similar periodical containing infringing matter when restraining the dissemination of such infringing matter in any particular issue of such periodical would delay the delivery of such issue after the regular time therefor, and such delay would be due to the method by which publication and distribution of such periodical is customarily conducted in accordance with sound business practice, and not to any method or device adopted for the evasion of this section or to prevent or delay the issuance of an injunction or restraining order with respect to such infringing matter (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 33 (a) (15 U. S. C. 1115a). Remedies — Certificate of registration on principal register — Prima facie evidence of exclusive right to use mark

Any registration issued under the Act of March 3, 1881, or the Act of February 20, 1905, or of a mark registered on the principal register provided by this Act and owned by a party to an action shall be admissible in evidence and shall be prima facie evidence of registrant's exclusive right to use the registered mark in commerce on the goods or services specified in the registration subject to any conditions or limitations stated therein, but shall not preclude an opposing party from proving any legal or equitable defense or defect which might have been asserted if such mark had not been registered (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 33 (b) (15 U. S. C. 1115b). Same — When conclusive evidence of exclusive right to use mark

If the right to use the registered mark has become incontestable under section 15 hereof, the registration shall be conclusive evidence of the registrant's exclusive right to use the registered mark in commerce on or in connection with the goods or services specified in the affidavit filed under the provisions of said section 15 subject to any conditions or limitations stated therein except when one of the following defenses or defects is established:

- (1) That the registration or the incontestable right to use the mark was obtained fraudulently; or
- (2) that the mark has been abandoned by the registrant; or
- (3) that the registered mark is being used, by or with the permission of the registrant or a person in privity with the registrant, so as to misrepresent the source of the goods or services in connection with which the mark is used; or
- (4) that the use of the name, term, or device charged to be an infringement is a use, otherwise than as a trade or service mark, of the party's individual name in his own business, or of the individual name of anyone in privity with such party, or of a term or device which is descriptive of and used fairly and in good faith only to describe to users the goods or services of such party, or their geographic origin; or
- (5) that the mark whose use by a party is charged as an infringement was adopted without knowledge of the regis-

trant's prior use and has been continuously used by such party or those in privity with him from a date prior to registration of the mark under this Act or publication of the registered mark under subsection (c) of section 12 of this Act: *Provided, however,* That this defense or defect shall apply only for the area in which such continuous prior use is proved; or

- (6) that the mark whose use is charged as an infringement was registered and used prior to the registration under this Act or publication under subsection (c) of section 12 of this Act of the registered mark of the registrant, and not abandoned: *Provided, however,* That this defense or defect shall apply only for the area in which the mark was used prior to such registration or such publication of the registrant's mark; or
- (7) that the mark has been or is being used to violate the antitrust laws of the United States (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 34 (15 U. S. C. 1116). Remedies — Injunctions

The several courts vested with jurisdiction of civil actions arising under this Act shall have power to grant injunctions, according to the principles of equity and upon such terms as the court may deem reasonable, to prevent the violation of any right of the registrant of a mark registered in the Patent Office. Any such injunction may include a provision directing the defendant to file with the court and serve on the plaintiff within thirty days after the service on the defendant of such injunction, or such extended period as the court may direct, a report in writing under oath setting forth in detail the manner and form in which the defendant has complied with the injunction. Any such injunction granted upon hearing, after notice to the defendant, by any district court of the United States, may be served on the parties against whom such injunction is granted anywhere in the United States where they may be found, and shall be operative and may be enforced by proceedings to punish for contempt, or otherwise, by the court by which such injunction was granted, or by any other United States district court in whose jurisdiction the defendant may be found.

Enforcement by other courts. The said courts shall have jurisdiction to enforce said injunction, as herein provided, as fully as if the injunction had been granted by the district court in which it is sought to be enforced. The clerk of the court or judge granting the injunction shall, when required to do so by the court before which application to enforce said injunction is made, transfer without delay to said court a certified copy of all papers on file in his office upon which said injunction was granted.

Notice of suit to Commissioner. It shall be the duty of the clerks of such courts within one month after the filing of any action, suit, or proceeding arising under the provisions of this Act to give notice thereof in writing to the Commissioner setting forth in order so far as known the names and addresses of the litigants and the designating number or numbers of the registration or registrations upon which the action, suit, or proceeding has been brought, and in the event any other

registration be subsequently included in the action, suit, or proceeding by amendment, answer, or other pleading, the clerk shall give like notice thereof to the Commissioner, and within one month after the decision is rendered, appeal taken or a decree issued the clerk of the court shall give notice thereof to the Commissioner, and it shall be the duty of the Commissioner on receipt of such notice forthwith to endorse the same upon the file wrapper of the said registration or registrations and to incorporate the same as a part of the contents of said file wrapper.

Sec. 35 (15 U. S. C. 1117).

Remedies — Recovery for violation of rights

When a violation of any right of the registrant of a mark registered in the Patent Office shall have been established in any civil action arising under this Act, the plaintiff shall be entitled, subject to the provisions of sections 29 and 32 and subject to the principles of equity, to recover (1) defendant's profits, (2) any damages sustained by the plaintiff, and (3) the costs of the action. The court shall assess such profits and damages or cause the same to be assessed under its direction. In assessing profits the plaintiff shall be required to prove defendant's sales only; defendant must prove all elements of cost or deduction claimed. In assessing damages the court may enter judgment, according to the circumstances of the case, for any sum above the amount found as actual damages, not exceeding three times such amount. If the court shall find that the amount of the recovery based on profits is either inadequate or excessive the court may in its discretion enter judgment for such sum as the court shall find to be just, according to the circumstances of the case. Such sum in either of the above circumstances shall constitute compensation and not a penalty (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 36 (15 U. S. C. 1118).

Remedies — Destruction of infringing labels and the like

In any action arising under this Act, in which a violation of any right of the registrant of a mark registered in the Patent Office shall have been established, the court may order that all labels, signs, prints, packages, wrappers, receptacles, and advertisements in the possession of the defendant, bearing the registered mark or any reproduction, counterfeit, copy, or colorable imitation thereof, and all plates, molds, matrices, and other means of making the same, shall be delivered up and destroyed.

Sec. 37 (15 U. S. C. 1119).

Remedies — Power of court over registrations

In any action involving a registered mark the court may determine the right to registration, order the cancelation of registrations, in whole or in part, restore canceled registrations, and otherwise rectify the register with respect to the registrations of any party to the action. Decrees and orders shall be certified by the court to the Commissioner, who shall make appropriate entry upon the records of the Patent Office, and shall be controlled thereby.

Sec. 38 (15 U. S. C. 1120).

Remedies — Civil liability for false or fraudulent registration

Any person who shall procure registration in the Patent Office of a mark by a false or fraudulent declaration or representation, oral or in writing, or by any false means, shall be liable in a civil action by any person injured thereby for any damages sustained in consequence thereof.

Sec. 39 (15 U. S. C. 1121). Remedies — Jurisdiction of courts

The district and territorial courts of the United States shall have original jurisdiction, the circuit courts of appeal of the United States and the United States Court of Appeals for the District of Columbia shall have appellate jurisdiction, of all actions arising under this Act, without regard to the amount in controversy or to diversity or lack of diversity of the citizenship of the parties.

Sec. 40 (15 U. S. C. 1122).

Remedies — Review by Supreme Court

Writs of certiorari may be granted by the Supreme Court of the United States for the review of cases arising under this Act in the same manner as provided for in cases under the patent laws.

Sec. 41 (15 U. S. C. 1123). Commissioner to make rules for proceedings in the Patent Office

The Commissioner shall make rules and regulations, not inconsistent with law, for the conduct of proceedings in the Patent Office under this Act.

Sec. 42 (15 U. S. C. 1124). Importation of goods bearing infringing marks or names forbidden

That no article of imported merchandise which shall copy or simulate the name of any domestic manufacture, or manufacturer, or trader, or of any manufacturer or trader located in any foreign country which, by treaty, convention, or law affords similar privileges to citizens of the United States, or which shall copy or simulate a trademark registered in accordance with the provisions of this Act or shall bear a name or mark calculated to induce the public to believe that the article is manufactured in the United States, or that it is manufactured in any foreign country or locality other than the country or locality in which it is in fact manufactured, shall be admitted to entry at any customhouse of the United States; and, in order to aid the officers of the customs in enforcing this prohibition, any domestic manufacturer or trader, and any foreign manufacturer or trader, who is entitled under the provisions of a treaty, convention, declaration, or agreement between the United States and any foreign country to the advantages afforded by law to citizens of the United States in respect to trademarks and commercial names, may require his name and residence, and the name of the locality in which his goods are manufactured, and a copy of the certificate of registration of his trademark, issued in accordance with the provisions of this Act, to be recorded in books which shall be kept for this purpose in the Department of the Treasury,

under such regulations as the Secretary of the Treasury shall prescribe, and may furnish to the Department facsimiles of his name, the name of the locality in which his goods are manufactured, or of his registered trademark, and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of customs.

Sec. 43 (a) (15 U. S. C. 1125a). False designations of origin and false descriptions forbidden

Any person who shall affix, apply, or annex, or use in connection with any goods or services, or any container or containers for goods, a false designation of origin, or any false description or representation, including words or other symbols tending falsely to describe or represent the same, and shall cause such goods or services to enter into commerce, and any person who shall with knowledge of the falsity of such designation of origin or description or representation cause or procure the same to be transported or used in commerce or deliver the same to any carrier to be transported or used, shall be liable to a civil action by any person doing business in the locality falsely indicated as that of origin or the region in which said locality is situated, or by any person who believes that he is or is likely to be damaged by the use of any such false description or representation.

Sec. 43 (b) (15 U. S. C. 1125b). Same — Importation forbidden

Any goods marked or labeled in contravention of the provisions of this section shall not be imported into the United States or admitted to entry at any customhouse of the United States. The owner, importer, or consignee of goods refused entry at any customhouse under this section may have any recourse by protest or appeal that is given under the customs revenue laws or may have the remedy given by this Act in cases involving goods refused entry or seized.

Sec. 44 (a) (15 U. S. C. 1126a).

Register of marks communicated by international bureaus

The Commissioner shall keep a register of all marks communicated to him by the international bureaus provided for by the conventions for the protection of industrial property, trademarks, trade and commercial names, and the repression of unfair competition to which the United States is or may become a party and upon the payment of the fees required by such conventions and the fees herein prescribed may place the marks so communicated upon such register. This register shall show a facsimile of the mark or trade or commercial name; the name, citizenship, and address of the registrant; the number, date, and place of the first registration of the mark, including the dates on which application for such registration was filed and granted and the term of such registration; a list of goods or services to which the mark is applied as shown by the registration in the country of origin, and such other data as may be useful concerning the mark. This register shall be a continuation of the register provided in section 1 (a) of the Act of March 19, 1920.

Sec. 44 (b) (15 U. S. C. 1126b). Nationals of foreign countries which have treaties with the United States — Applicability of Act to

Any person whose country of origin is a party to any convention or treaty relating to trademarks, trade or commercial names, or the repression of unfair competition, to which the United States is also a party, or extends reciprocal rights to nationals of the United States by law, shall be entitled to the benefits of this section under the conditions expressed herein to the extent necessary to give effect to any provision of such convention, treaty or reciprocal law, in addition to the rights to which any owner of a mark is otherwise entitled by this Act (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 44 (c) (15 U. S. C. 1126c). Same — Prior registration of mark in country of origin, when required

No registration of a mark in the United States by a person described in paragraph (b) of this section shall be granted until such mark has been registered in the country of origin of the applicant, unless the applicant alleges use in commerce.

Country of origin defined. For the purposes of this section, the country of origin of the applicant is the country in which he has a bona fide and effective industrial or commercial establishment, or if he has not such an establishment the country in which he is domiciled, or if he has not a domicile in any of the countries described in paragraph (b) of this section, the country of which he is a national.

Sec. 44 (d) (15 U. S. C. 1126d). Same — Right of priority

An application for registration of a mark under sections 1, 2, 3, 4, or 23 of this Act filed by a person described in paragraph (b) of this section who has previously duly filed an application for registration of the same mark in one of the countries described in paragraph (b) shall be accorded the same force and effect as would be accorded to the same application if filed in the United States on the same date on which the application was first filed in such foreign country: *Provided, That —*

- (1) the application in the United States is filed within 6 months from the date on which the application was first filed in the foreign country;
- (2) the application conforms as nearly as practicable to the requirements of this Act, but use in commerce need not be alleged;
- (3) the rights acquired by third parties before the date of the filing of the first application in the foreign country shall in no way be affected by a registration obtained on an application filed under this subsection (d);
- (4) nothing in this subsection (d) shall entitle the owner of a registration granted under this section to sue for acts committed prior to the date on which his mark was registered in this country unless the registration is based on use in commerce.

In like manner and subject to the same conditions and requirements, the right provided in this section may be based upon a subsequent regularly filed application in the same

foreign country, instead of the first filed foreign application: *Provided*, That any foreign application filed prior to such subsequent application has been withdrawn, abandoned, or otherwise disposed of, without having been laid open to public inspection and without leaving any rights outstanding, and has not served, nor thereafter shall serve, as a basis for claiming a right of priority (Amended Oct. 3, 1961, 75 Stat. 748).

Sec. 44 (e) (15 U. S. C. 1126e). Same — Registration of mark duly registered in country of origin

A mark duly registered in the country of origin of the foreign applicant may be registered on the principal register if eligible, otherwise on the supplemental register herein provided. The application therefor shall be accompanied by a certification or a certified copy of the registration in the country of origin of the applicant (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 44 (f) (15 U. S. C. 1126f). Same — Registration independent of registration in country of origin

The registration of a mark under the provisions of paragraphs (c), (d) and (e) of this section by a person described in paragraph (b) shall be independent of the registration in the country of origin and the duration, validity, or transfer in the United States of such registration shall be governed by the provisions of this Act.

Sec. 44 (g) (15 U. S. C. 1126g).

Same — Trade names or commercial names protected

Trade names or commercial names of persons described in paragraph (b) of this section shall be protected without the obligation of filing or registration whether or not they form parts of marks.

Sec. 44 (h) (15 U. S. C. 1126h).

Same — Protection against unfair competition

Any person designated in paragraph (b) of this section as entitled to the benefits and subject to the provisions of this Act shall be entitled to effective protection against unfair competition, and the remedies provided herein for infringement of marks shall be available so far as they may be appropriate in repressing acts of unfair competition.

Sec. 44 (i) (15 U. S. C. 1126i). Same — Citizens or residents of United States to have same rights

Citizens or residents of the United States shall have the same benefits as are granted by this section to persons described in paragraph (b) hereof.

Sec. 45 (15 U. S. C. 1127). Construction and definitions

In the construction of this Act, unless the contrary is plainly apparent from the context:

United States. The United States includes and embraces all territory which is under its jurisdiction and control.

Commerce. The word "commerce" means all commerce which may lawfully be regulated by Congress.

Principal Register, Supplemental Register. The term "principal register" refers to the register provided for by sections 1 through 22 hereof, and the term "supplemental register" refers to the register provided for by sections 23 through 28 hereof.

Person, juristic person. The term "person" and any other word or term used to designate the applicant or other entitled to a benefit or privilege or rendered liable under the provisions of this Act includes a juristic person as well as a natural person. The term "juristic person" includes a firm, corporation, union, association, or other organization capable of suing and being sued in a court of law.

Applicant, registrant. The terms "applicant" and "registrant" embrace the legal representatives, predecessors, successors and assigns of such applicant or registrant.

Commissioner. The term "Commissioner" means the Commissioner of Patents.

Related company. The term "related company" means any person who legitimately controls or is controlled by the registrant or applicant for registration in respect to the nature and quality of the goods or services in connection with which the mark is used.

Trade name, commercial name. The terms "trade name" and "commercial name" include individual names and surnames, firm names and trade names used by manufacturers, industrialists, merchants, agriculturists, and others to identify their businesses, vocations, or occupations; the names or titles lawfully adopted and used by persons, firms, associations, corporations, companies, unions, and any manufacturing, industrial, commercial, agricultural, or other organizations engaged in trade or commerce and capable of suing and being sued in a court of law.

Trademark. The term "trademark" includes any word, name, symbol, or device or any combination thereof adopted and used by a manufacturer or merchant to identify his goods and distinguish them from those manufactured or sold by others.

Service mark. The term "service mark" means a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others. Titles, character names and other distinctive features of radio or television programs may be registered as service marks notwithstanding that they, or the programs, may advertise the goods of the sponsor.

Certification mark. The term "certification mark" means a mark used upon or in connection with the products or services of one or more persons other than the owner of the mark to certify regional or other origin, material, mode of manufacture, quality, accuracy or other characteristics of such goods or services or that the work or labor on the goods or services was performed by members of a union or other organization.

Collective mark. The term "collective mark" means a trademark or service mark used by the members of a cooperative, an association or other collective group or organization and includes marks used to indicate membership in a union, an association or other organization.

Mark. The term "mark" includes any trademark, service mark, collective mark, or certification mark entitled to registration under this Act whether registered or not.

Use in commerce. For the purposes of this Act a mark shall be deemed to be used in commerce (a) on goods when it is placed in any manner on the goods or their containers or the displays associated therewith or on the tags or labels affixed thereto and the goods are sold or transported in commerce and (b) on services when it is used or displayed in the sale or advertising of services and the services are rendered in commerce, or the services are rendered in more than one State or in this and a foreign country and the person rendering the services is engaged in commerce in connection therewith.

Abandonment of mark. A mark shall be deemed to be "abandoned"—

- (a) when its use has been discontinued with intent not to resume. Intent not to resume may be inferred from circumstances. Non-use for two consecutive years shall be prima facie abandonment;
- (b) when any course of conduct of the registrant, including acts of omission as well as commission, causes the mark to lose its significance as an indication of origin.

Colorable imitation. The term "colorable imitation" includes any mark which so resembles a registered mark as to be likely to cause confusion or mistake or to deceive.

Registered mark. The term "registered mark" means a mark registered in the United States Patent Office under this Act or under the Act of March 3, 1881, or the Act of February 20, 1905, or the Act of March 19, 1920. The phrase "marks registered in the Patent Office" means registered marks.

Prior acts. The term "Act of March 3, 1881", "Act of February 20, 1905", or "Act of March 19, 1920", means the respective Act as amended.

Counterfeit. A "counterfeit" is a spurious mark which is identical with, or substantially indistinguishable from, a registered mark.

Singular and plural. Words used in the singular include the plural and vice versa.

Intent of Act. The intent of this Act is to regulate commerce within the control of Congress by making actionable the deceptive and misleading use of marks in such commerce; to protect registered marks used in such commerce from interference by State, or territorial legislation; to protect persons engaged in such commerce against unfair competition; to prevent fraud and deception in such commerce by the use of reproductions, copies, counterfeits, or colorable imitations of registered marks; and to provide rights and remedies stipulated by treaties and conventions respecting trademarks, trade names, and unfair competition entered into between the United States and foreign nations (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 46 (a). Time of taking effect—Repeal of prior acts

This Act shall be in force and take effect one year from its enactment, but except as otherwise herein specifically

provided shall not affect any suit, proceeding, or appeal then pending. All Acts and parts of Acts inconsistent herewith are hereby repealed effective one year from the enactment hereof, including the following Acts insofar as they are inconsistent herewith: The Act of Congress approved March 3, 1881, entitled "An Act to authorize the registration of trademarks and protect the same"; the Act approved August 5, 1882, entitled "An Act relating to the registration of trademarks"; the Act of February 20, 1905 (U. S. C., title 15, secs. 81 to 109, inclusive), entitled "An Act to authorize the registration of trademarks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," and the amendments thereto by the Acts of May 4, 1906 (U. S. C., title 15, secs. 131 and 132; 34 Stat. 169), March 2, 1907 (34 Stat. 1251, 1252), February 18, 1909 (35 Stat. 627, 628), February 18, 1911 (36 Stat. 918), January 8, 1913 (37 Stat. 649), June 7, 1924 (43 Stat. 647), March 4, 1925 (43 Stat. 1268, 1269), April 11, 1930 (46 Stat. 155), June 10, 1938 (Public, Numbered 586, Seventy-fifth Congress, ch. 332, third session); the Act of March 19, 1920 (U. S. C., title 15, secs. 121 to 128, inclusive), entitled "An Act to give effect to certain provisions of the convention for the protection of trademarks and commercial names made and signed in the city of Buenos Aires, in the Argentine Republic, August 20, 1910, and for other purposes," and the amendments thereto, including the Act of June 10, 1938 (Public, Numbered 586, Seventy-fifth Congress, ch. 332, third session): *Provided*, That this repeal shall not affect the validity of registrations granted or applied for under any of said Acts prior to the effective date of this Act, or rights or remedies thereunder except as provided in sections 8, 12, 14, 15, and 47 of this Act; but nothing contained in this Act shall be construed as limiting, restricting, modifying, or repealing any statute in force on the effective date of this Act which does not relate to trademarks, or as restricting or increasing the authority of any Federal departments or regulatory agency except as may be specifically provided in this Act (15 U. S. C. 1051 note).

Sec. 46 (b). Existing registrations under prior acts

Acts of 1881 and 1905. Registrations now existing under the Act of March 3, 1881, or the Act of February 20, 1905, shall continue in full force and effect for the unexpired terms thereof and may be renewed under the provisions of section 9 of this Act. Such registrations and the renewals thereof shall be subject to and shall be entitled to the benefits of the provisions of this Act to the same extent and with the same force and effect as though registered on the principal register established by this Act except as limited in sections 8, 12, 14, and 15 of this Act. Marks registered under the "10-year proviso" of section 5 of the Act of February 20, 1905, as amended, shall be deemed to have become distinctive of the registrant's goods in commerce under paragraph (f) of section 2 of this Act and may be renewed under section 9 hereof as marks coming within said paragraph.

Act of 1920. Registrations now existing under the Act of March 19, 1920, shall expire 6 months after the effective date of this Act, or twenty years from the dates of their registra-

tions, whichever date is later. Such registrations shall be subject to and entitled to the benefits of the provisions of this Act relating to marks registered on the supplemental register established by this Act, and may not be renewed unless renewal is required to support foreign registrations. In that event renewal may be effected on the supplemental register under the provisions of section 9 of this Act.

Subject to registration under this Act. Marks registered under previous Acts may, if eligible, also be registered under this Act (15 U. S. C. 1051 note).

Sec. 47 (a). Applications pending on effective date of Act

All applications for registration pending in the Patent Office at the effective date of this Act may be amended, if practicable, to bring them under the provisions of this Act. The prosecution of such applications so amended and the grant of registrations thereon shall be proceeded with in accordance with the provisions of this Act. If such amendments are not made, the prosecution of said applications shall be proceeded with and registrations thereon granted in accordance with the Acts under which said applications were filed, and said Acts are hereby continued in force to this extent and for this purpose only, notwithstanding the foregoing general repeal thereof (15 U. S. C. 1051 note).

Sec. 47 (b). Appeals pending on effective date of Act

In any case in which an appeal is pending before the United States Court of Customs and Patent Appeals or any United States Circuit Court of Appeals or the United States Court of Appeals for the District of Columbia or the United States Supreme Court at the effective date of this Act, the court, if it be of the opinion that the provisions of this Act are applicable to the subject matter of the appeal, may apply such provision or may remand the case to the Commissioner or to the district court for the taking of additional evidence or a new trial or for reconsideration of the decision on the record as made, as the appellate court may deem proper (15 U. S. C. 1051 note).

Sec. 48. Prior acts not repealed

Section 4 of the Act of January 5, 1905 (U. S. C., title 36, sec. 4), as amended, entitled "An Act to incorporate the National Red Cross," and section 7 of the Act of June 15, 1916 (U. S. C., title 36, sec. 27), entitled "An Act to incorporate the Boy Scouts of America, and for other purposes," and the Act of June 20, 1936 (U. S. C., title 22, sec. 248), entitled "An Act to prohibit the commercial use of the coat of arms of the Swiss Confederation," are not repealed or affected by this Act (15 U. S. C. 1051 note).

Sec. 49. Preservation of existing rights

Nothing herein shall adversely affect the rights or the enforcement of rights in marks acquired in good faith prior to the effective date of this Act (15 U. S. C. 1051 note).

Sec. 50. Severability

If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of the Act shall not be affected thereby (15 U. S. C. 1051 note).

II

Act of March 26, 1964

(78 Stat. 171)

To amend Title 35 of the United States Code relative to patents to permit a written declaration to be accepted in lieu of an oath, and for other purposes

Title 35, United States Code, is amended by adding the following new sections after section 24:

" § 25

Declaration in lieu of oath

(a) The Commissioner may by rule prescribe¹) that any document to be filed in the Patent Office and which is required by any law, rule, or other regulation to be under oath may be subscribed to by a written declaration in such form as the Commissioner may prescribe, such declaration to be in lieu of the oath otherwise required.

(b) Whenever such written declaration is used, the document must warn the declarant that willful false statements and the like are punishable by fine or imprisonment, or both (18 U. S. C. 1001).

§ 26

Effect of defective execution

Any document to be filed in the Patent Office and which is required by any law, rule, or other regulation to be executed in a specified manner may be provisionally accepted by the Commissioner despite a defective execution, provided a properly executed document is submitted within such time as may be prescribed."

Sec. 2. — The analysis of chapter 2 of Title 35, United States Code, immediately preceding section 21, is amended to read as follows:

" Sec.

21. Day for taking action falling on Saturday, Sunday, or holiday.
22. Printing of papers filed.
23. Testimony in Patent Office cases.
24. Subpoenas, witnesses.
25. Declaration in lieu of oath.
26. Effect of defective execution."

¹) According to information received from the U. S. Patent Office the Commissioner has exercised this authority and accepts signed declarations also in *trademark matters*. (Ed.)

CORRESPONDENCE

Letter from Great Britain

By Frederick HONIG, Barrister-at-Law, London

*The Law of Industrial Property and Restrictive Practices
in 1964*

C. H. Beck/C. Heymanns, 1965. - Volume I: Friedrich-Karl Beier and Eugen Ulmer, Vergleichende Darstellung mit Vorschlägen zur Rechtsangleichung.

UNITED TRADEMARK ASSOCIATION. *Manejo (El) de las marcas comerciales, una guía para el hombre de negocios*. Bogotá, Brigard & Urrutia, 1965. - 139 p. Translation by Brigard and Urrutia; Preface by John L. Esterhai and Sherwood E. Silliman.

VIVEZ (Jacques). *Législation et réglementation du vin*. Paris, J. Delmas, 1964. - 165 p. "Ce qu'il vous faut savoir". Regularly brought up to date.

WITTE (Jürgen). *Praktikum für Patent- und Gebrauchsmusteranmelder*. Cologne. C. Heymanns, 1965. - 296 p.

* * *

Izobretatelstvoto i Racionalizatorstvoto v Bulgarii [Inventive and Rationalization Activities in Bulgaria], by *Penko Penev*. One volume of 210 pages. Sofia, 1965.

The author, who is the Director of the Bulgarian Office for the Protection of Inventions, has undertaken the task of publishing a detailed study of the legislation in Bulgaria in the field of inventions and rationalization activity.

The role of inventions in the development of industry, the importance of discoveries, and also of rationalization proposals, are discussed, with detailed instructions as to how to proceed with applications for protection in Bulgaria.

A chapter deals with the Paris Convention for the Protection of Industrial Property, and collaboration between the countries of COMECON in this field.

A considerable part of the book is devoted to the economic evaluation of inventions and rationalization proposals, their introduction into production, and the remuneration of inventors and authors of rationalization proposals.

In the Annex, there is a Bulgarian translation of the Paris Convention, as revised at Lisbon in 1958.
V. D.

BOOK REVIEWS

Books Received

ALLENDE and BREA. *Industrial Property Law in the Argentine Republic*. Buenos Aires, Allende & Brea, s. d. - Loose leaf.

AMOR FERNANDEZ (Antonio). *Propiedad industrial (La) en el derecho internacional*. Barcelonc, Ediciones Nauta, 1965. - 399 p.

DESBOIS (Henri). *Cours de propriété littéraire, artistique et industrielle*. Paris, Cours de droit, 1965. - 575 p.

GREFFE (Pierre) and GREFFE (François). *Publicité (La) et la loi*. Paris, Librairies techniques, 1965. - 136 p. Preface by Jean-Paul Alcaÿ.

HARTHERZ (Th.) and TALBOT-THOMAS (Anna). *Unlauterer Wettbewerb*. Francfort, Vg. Kommentator, 1965. - 130 p. Der Wirtschafts-Kommentator.

ISTITUTO PER LA PROTEZIONE E LA DIFESA DELLA PROPRIETÀ INDUSTRIALE. *Italian (The) patent laws*. Milan, Patents Agents. - 32 p.

KRIEGER (Albrecht). *Neue Internationale Organisation für geistiges Eigentum? Die Bestrebungen zur strukturellen Umgestaltung der Pariser und der Berner Union*. Weinheim, Verlag Chemie, 1965. - 14 p. Extr. GRUR, Ausland, 1965, Nos. 8/9, pp. 393-406.

KUHNHOLTZ-LORDAT (Georges). *Genèse (La) des appellations d'origine des vins*. Mâcon, Buguet-Comptour, 1963. - 163 p. Preface by Baron P. Le Roy.

PHILIPPINES PATENT OFFICE. *Annual report*. Quezon City, Philippines Patent Office, 1964.

ULMER (Eugen). *Recht (Das) des unlauteren Wettbewerbs in den Mitgliedsstaaten der Europäischen Wirtschaftsgemeinschaft*. Munich/Cologne,

NEWS ITEMS

CZECHOSLOVAK SOCIALIST REPUBLIC

Appointment of New President of the Czechoslovak Office for Patents and Inventions

We have been informed that Professor Ing. František Křístek has been appointed President of the Czechoslovak Office for Patents and Inventions. Mr. Jaroslav Němeček has been appointed Vice-President of the same Office.

We take this opportunity of congratulating Professor Křístek and Mr. Němeček on their appointment.

CALENDAR

Meetings of BIRPI

Date and Place	Title	Object	Invitations to Participate	Observers Invited
September 26 to 29, 1966 Geneva	Internnion Coordination Committee	Program and Bndget of BIRPI	Belgium, Brazil, Ceylon, Czechoslovakia, Denmark, France, Germany (Fed. Rep.), Hungary, India, Italy, Japan, Morocco, Netherlands, Nigeria, Portngal, 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 (2 nd Session)	Program and Bndget (Paris Union)	Ceylon, Czechoslovakia, France, Germany (Fed. Rep.), Hungary, Italy, Japan, Morocco, Netherlands, Nigeria, Portngal, Spain, Sweden, Switzerland, Union of Soviet Socialist Repnblics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia	All other Member States of the Paris Union; United Nations
October 30 to November 4, 1966 Budapest	East/West Industrial Property Symposim	Discnssion of practical questions of industrial property		Open. Registration required
November 7 to 11, 1966 Geneva	Committee of Experts on a model law for developing countries concerning trademarks, trade names, indications of source, and unfair competition	To draft a Model Law on Trademarks for developing countries	<i>Africa:</i> Algeria, Burundi, Congo (Leopoldville), Ethiopia, Gambia, Ghana, Guinea, Kenya, Liberia, Libya, Malawi, Mali, Morocco, Nigeria, Rwanda, Sierra Leone, Somalia, Sudan, Tanzania, Togo, Tunisia, United Arab Republic, Uganda, Zambia <i>America:</i> Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cnba, Dominican Republic, Ecuador, El Salvador, Guatemala, Gniana, Haiti, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, Urnguary, Venezuela <i>Asia:</i> Afghanistan, Burma, Cambodia, Ceylon, China (Taiwan), India, Indonesia, Iraq, Iran, Jordan, Korea, Kuwait, Laos, Lebanon, Malaysia, Maldive Islands, Mongolia, Nepal, Pakistan, Philip-pines, Saudi Arabia, Singapore, Syrian Arab Republic, Thailand, Viet Nam, Yemen <i>Others:</i> Cyprus, Malta, Western Samoa	United Nations; Council of Europe; European Economic Community; Latin American Free Trade Association; African and Malagasy Industrial Property Office; International Association for the Protection of Industrial Property; International Chamber of Commerce; Inter-American Association of Industrial Property; International Federation of Patent Agents
December 13 to 16, 1966 Geneva	<i>Ad hoc</i> Conference of the Directors of National Industrial Property Offices and Committee of Directors of the Madrid Union	Adoption of the Transitional Regulations of the Madrid Agreement (Trade-marks)	All Member States of the Madrid Agreement (Trade-marks)	All other Member States of the Paris Union

Meetings of Other International Organizations concerned with Intellectual Property

Place	Date	Organization	Title
Prague	June 9 to 18, 1966	International Confederation of Societies of Authors and Composers (CISAC)	Congress
London	June 27 and 28, 1966	International Patent Institute	Session of the Administrative Council
The Hague	October 10 to 21, 1966	Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT)	6 th Annual Meeting
Hollywood	October 11 to 17, 1966	International Writers Guild (IWG)	1 st Congress
