

Industrial Property

Monthly Review of the United International Bureaux
for the Protection of Intellectual Property (BIRPI)
Geneva

6th Year

No. 4

April 1967

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INTERNATIONAL UNIONS

Paris Union

Accession to the Lisbon Act

MOROCCO

According to a communication received from the Swiss Federal Political Department, the following note was addressed by the Embassies of the Swiss Confederation in the countries of the Paris Union to the Ministries of Foreign Affairs of those countries:

(Translation)

"In compliance with the instructions of the Federal Political Department, dated April 15, 1967, the Swiss Embassy has the honour to inform the Ministry of Foreign Affairs that in a note dated February 21, 1967, the Embassy of Morocco in Berne has notified the Swiss Government of the accession of the Kingdom of Morocco to the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Lisbon on October 31, 1958.

In conformity with Article 16 (3) of the said Convention, this accession will take effect on May 15, 1967."

Madrid Agreement (Indications of Source)

Accession to the Lisbon Act

MOROCCO

According to a communication received from the Swiss Federal Political Department, the following note was addressed by the Embassies of the Swiss Confederation in the countries of the Paris Union to the Ministries of Foreign Affairs of those countries:

(Translation)

"In compliance with the instructions of the Federal Political Department, dated April 15, 1967, the Swiss Embassy has the honour to inform the Ministry of Foreign Affairs that in a note dated February 21, 1967, the Embassy of Morocco in Berne has notified the Swiss Government of the accession of the Kingdom of Morocco to the Madrid Agreement for the Repression of False or Deceptive Indications of Source of April 14, 1891, as revised at Lisbon on October 31, 1958.

In conformity with Article 16 of the Paris Convention for the Protection of Industrial Property, to which Article 6 (2) of the Madrid Agreement refers, this accession will take effect on May 15, 1967."

* * *

The effect of these notifications is that Morocco now becomes bound by the Lisbon Acts in addition to the earlier Acts.

GERMAN DEMOCRATIC REPUBLIC

Reference is made to a declaration which, through the intermediary of the Embassy of the Czechoslovak Socialist Republic at Berne, has reached the Federal Political Department of the Swiss Confederation on September 23, 1964, and which was communicated to the member States of the Paris Union.

The declaration was made by the German Democratic Republic and dealt with the Paris Convention, the two Madrid Agreements, and the Nice Agreement. The full text of the declaration was published in *Industrial Property*, 1964, p. 254.

A number of States have replied to the Swiss Authorities which, on March 1, 1967, have communicated the full texts of these replies to the member States of the Paris Union.

The following is a summary of the replies thus communicated:

The Governments of the following States have indicated that they did not recognize the "German Democratic Republic" as a State, or that they considered the Government of the Federal Republic of Germany as the only freely and legally constituted Government to make declarations in the name of Germany and the German People, and most of them have added that therefore they were unable to take cognizance of the declaration or that the declaration was of no (legal) effect or could not be received by them:

Australia, Belgium, Brazil, Canada, Denmark, Federal Republic of Germany, France, Greece, Haiti, Iceland, Ireland, Ivory Coast, Japan, Luxembourg, Madagascar, New Zealand, Norway, Portugal, South Africa, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam.

The Governments of the following States have indicated that the receipt or taking cognizance of the declaration did not imply recognition of the author of the declaration or the "German Democratic Republic":

Austria, Central African Republic, Holy See, Iran, Netherlands, Niger, San Marino, Sweden, Switzerland.

The Governments of the following States have indicated that, by virtue of the declaration, they considered the German Democratic Republic as a party to the treaties referred to in the declaration:

Hungary, Rumania.

LEGISLATION

ITALY

Decrees

concerning the Temporary Protection of Industrial Property Rights at Twelve Exhibitions

(Of January 12 and 23, February 9 and 18, March 10, 1967) ¹⁾

Single Article

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

Salone internazionale della ceramica (Vicenza, March 5 to 12, 1967);

Settimana della calzatura italiana — XXI^a Presentazione nazionale "Moda della Calzatura" (Bologna, March 11 to 15, 1967);

III^a Mostra internazionale supermercati (Parma, April 1 to 5, 1967);

IV^a Fiera internazionale del libro per l'infanzia e la gioventù (Bologna, April 5 to 9, 1967);

XLV^a Fiera di Milano — Campionaria internazionale (Milan, April 14 to 25, 1967);

III^o Salone della profumeria e dei cosmetici (Turin, April 29 to May 7, 1967);

IV^a Fiera del tempo libero (Messina, April 30 to May 9, 1967);

XXII^a Fiera del Mediterraneo — Campionaria internazionale (Palermo, May 27 to June 11, 1967);

XIV^a Mostra internazionale avicola (Varese, June 1 to 5, 1967);

XXVIII^a Fiera di Messina — Campionaria internazionale (Messina, August 6 to 20, 1967);

Mostra nazionale dell'oreficeria e argenteria (Vicenza, September 3 to 10, 1967);

III^a Fiera internazionale delle comunicazioni INTERCOM (Genoa, October 12 to 22, 1967)

shall enjoy the temporary protection provided by laws No. 1127 of 29th June, 1939 ²⁾, No. 1411 of 25th August, 1940 ³⁾, No. 929 of 21st June, 1942 ⁴⁾, and No. 514 of 1st July, 1959 ⁵⁾.

¹⁾ Official communication from the Italian Administration.

²⁾ See *La Propriété industrielle*, 1939, p. 124; 1940, p. 84.

³⁾ *Ibid.*, 1940, p. 196.

⁴⁾ *Ibid.*, 1942, p. 168.

⁵⁾ *Ibid.*, 1960, p. 23.

SPAIN

Ordinance

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

(Of November 26, 1966) *)

The Nice Agreement of June 15, 1957, relating to the International Classification of Goods and Services to which Trademarks are Applied, signed by Spain and subsequently ratified on October 10, 1958, came into force on April 8, 1961, as between those countries parties to the said Agreement, but our country has applied the international classification as a subsidiary system in accordance with an optional clause provided for in the Agreement. Consequently, Spain has continued to use, as a principal system of classification, both for national and international trademarks, the classification which is provided for in Article 341 of the Statute now in force and which stems from the former Industrial Property Law of May 16, 1902.

The entry into force on December 15, 1966, of another Agreement, also signed at Nice on June 15, 1957, which revised the Madrid Agreement of April 14, 1891, concerning the International Registration of Trademarks and which provides for the obligation to use the international classification in respect of international trademarks, makes the application of the international classification, as a principal and only system, compulsory in respect of national trademark applications, in order to avoid the serious inconveniences which would result from the simultaneous existence of two distinct classifications, not only in regard to the examination of possible incompatibilities — examination which must take into consideration the same data — but also in respect of the scope of protection of trademarks in relation to the goods to which they are applied.

Furthermore, the application in Spain of an international classification is provided for in paragraph 2 of Article 341 of the Statute on Industrial Property now in force, which stipulates that "as regards the classification of trademarks, the classification provided for by the law of 1902 will be applicable until the international classification has been established", without however the change in classification entailing any modification in the rules in force; since such an international classification has been established by the Nice Agreement for the International Classification of Goods and Services, it is only necessary to enact some additional provisions in order to solve the problems raised by the adaptation to the new classification of trademarks granted under the former classification and, more especially, in connection with service marks.

Consequently, this Ministry, on the proposal of the Industrial Property Registration Office orders as follows:

1. The International Classification of Goods and Services as established in accordance with the Nice Agreement signed on June 15, 1957, will be applied as the principal and only classification in respect of national trademark applications

*) BIRPI translation.

filed with the Industrial Property Registration Office as from December 15, 1966.

2. National trademark applications filed before December 15, 1966, will be dealt with in accordance with the national classification in force at the date of filing. Consequently, such marks, if registered, will refer to that classification, even though they have been registered after the above-mentioned date. Nevertheless, on the renewal of such marks, as in the case of marks registered prior to December 15, 1966, the Registry will apply the international classification, even if the applicants concerned omit to request expressly such application.

3. As far as the new classification is concerned, the renewal of marks referred to in the preceding paragraph will be effected by maintaining the protection in respect of all the goods for which the marks had been registered without modifying the wording of the list of such goods, but with an indication of the corresponding new classes of each product for the purposes of the administrative search for anticipations; this reclassification of goods will not however entail any division or accumulation in the lists registered.

4. National marks filed as from December 15, 1966, in respect of services shall refer to the corresponding classes of the international classification.

Owners of trademarks benefiting from the exception to the prohibition contained in paragraph 14 of Article 124 of the Statute and belonging, at the time of renewal, to class 52 of the present national classification, shall, when renewing their registration, indicate the corresponding class or classes for services according to the international classification.

Where trademarks referred to in the preceding paragraph have been granted in class 52 and do not however designate activities corresponding to the service classes of the international classification, the renewal will be effected by including such marks in the appropriate classes of goods of the said classification.

5. The Industrial Property Registration Office is authorized to adopt such measures as may be necessary for the solution of material problems such as the adaptation of card-indexes, the printing of forms, and other such measures necessary for the application of the international classification.

UNION OF SOVIET SOCIALIST REPUBLICS *)

I

Fundamentals

of the Civil Legislation of the USSR and the Union Republics,
as adopted by the Supreme Soviet of the USSR
on December 8, 1961

(Excerpts)

SECTION V

Rights in a Discovery

Article 107

Rights of the Author of a Discovery

The author of a discovery shall have the right to claim recognition of his authorship and priority in the discovery, which shall be certified by a diploma issued in the cases and according to the procedure laid down in the Statute on Discoveries, Inventions, and Rationalization Proposals, enacted by the Council of Ministers of the USSR.

The author of a discovery shall be entitled to remuneration payable to him on receipt of the diploma, and also to the privileges provided for in the Statute on Discoveries, Inventions, and Rationalization Proposals.

Article 108

Descent by Inheritance of the Rights of the Author of a Discovery

The right to obtain the diploma of a deceased author of a discovery, and also the remuneration payable for the discovery, shall descend by inheritance, according to the general rules of law.

Article 109

Disputes concerning the Authorship of a Discovery

Disputes concerning the authorship (co-authorship) of a discovery shall be settled by the courts.

SECTION VI

Invention Law

Article 110

The Certificate of Authorship and the Patent

The author of an invention may, at his discretion, request either mere recognition of his authorship, or recognition of his authorship and also the grant to him of the exclusive right in the invention. In the first case, a certificate of authorship is issued for the invention; in the second case, a patent. Certificates of authorship and patents shall be issued subject to the conditions and in accordance with the procedure laid down in the Statute on Discoveries, Inventions, and Rationalization Proposals.

*) BIRPI translation. Revised version of texts published in 1965 and 1966, incorporating changes partly in the legislation and partly in the translation.

The patenting abroad of inventions made on the territory of the USSR, and of inventions made abroad by Soviet citizens, and likewise any transfer of Soviet inventions abroad, shall be permitted only in accordance with the procedure laid down by the Council of Ministers of the USSR.

Article 111

Use of an Invention for which a Certificate of Authorship has been Issued

Where a certificate of authorship has been issued in respect of an invention, the right to use the invention shall be vested in the State, which assumes the responsibility for exploiting the invention, having regard to the expediency of its introduction.

Cooperative and public organizations may use inventions relating to their sphere of activity on equal terms with State organizations.

The author of an invention to whom a certificate of authorship has been issued shall be entitled, in the event of his invention being accepted for introduction, to receive remuneration commensurate with the savings or other beneficial effect resulting from its introduction, together with the privileges granted under the Statute on Discoveries, Inventions, and Rationalization Proposals.

Article 112

Rights of the Patent Owner

Patents shall be issued for a period of fifteen years from the date of filing of the application; and the rights of the applicant shall be protected from that date. No person shall make use of an invention without the consent of the person to whom the patent belongs (patent owner). The patent owner may grant permission (a license) to use his invention, or he may assign the patent outright.

Where an organization has put into practice a particular invention on the territory of the USSR, independently of the author of the invention and prior to the filing of an application in respect of the invention, or has taken all the necessary steps with regard to the preparations for putting it into practice, the said organization shall retain the right to further use of the invention, free of charge. Disputes arising herefrom shall be settled by the courts.

Where an invention is of special importance to the State and no agreement is reached with the patent owner regarding assignment of the patent or the grant of a license, the Council of Ministers of the USSR may decide that such patent shall be compulsorily purchased by the State, or that an appropriate organization shall be authorized to use the invention, and shall fix the amount of remuneration payable to the patent owner.

Article 113

Rights of the Author of a Rationalization Proposal

The author of a rationalization proposal accepted for introduction shall receive an attestation confirming his authorship. He shall be entitled to remuneration commensurate with the savings or other beneficial effect resulting from the intro-

duction of the rationalization proposal, together with the privileges granted under the Statute on Discoveries, Inventions, and Rationalization Proposals.

Article 114

Participation of Authors of Inventions and of Rationalization Proposals in the Introduction of their Proposals

Authors of inventions and of rationalization proposals must cooperate actively in the introduction and further development of their proposals, and shall have the right to participate in the carrying out of the relevant work, in accordance with the procedure laid down in the Statute on Discoveries, Inventions, and Rationalization Proposals.

Article 115

Descent by Inheritance of the Rights of Authors of Inventions and of Rationalization Proposals

The right to obtain a certificate of authorship or a patent in respect of an invention, an attestation in respect of a rationalization proposal, and the remuneration payable for an invention or a rationalization proposal, as well as the exclusive right in an invention based on a patent, shall descend by inheritance, according to the general rules of law.

Article 116

Disputes concerning Authorship and Payment of Remuneration

Disputes concerning authorship (co-authorship) of inventions shall be settled by the courts, as shall disputes concerning the priority in rationalization proposals, if such disputes are not decided in the organization at the place where the proposals have been introduced.

Disputes concerning the amount, method of calculation, and dates of payment, of remuneration for inventions and rationalization proposals shall be settled in accordance with the procedure laid down in the Statute on Discoveries, Inventions, and Rationalization Proposals; but the author of an invention or of a rationalization proposal may appeal to a court of law, if he considers the decision to be incorrect.

II

Decree

of the Council of Ministers of the USSR enacting the Statute on Discoveries, Inventions, and Rationalization Proposals, and the Regulations on Remuneration for Discoveries, Inventions, and Rationalization Proposals

(No. 435, of April 24, 1959)

(Extract)

The Council of Ministers decides:

1. — To enact the attached Statute on Discoveries, Inventions, and Rationalization Proposals¹⁾, and the Regulations

¹⁾ Положение об открытиях, изобретениях и рационализаторских предложениях.

on Remuneration for Discoveries, Inventions, and Rationalization Proposals²⁾, with effect from May 1, 1959.

To authorize the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR³⁾ to give binding instructions and directions to ministries, central offices⁴⁾, economic councils⁵⁾, executive committees of soviets of workers' deputies, enterprises, and organizations, regarding the application of the Statute on Discoveries, Inventions, and Rationalization Proposals, and the Regulations on Remuneration for Discoveries, Inventions, and Rationalization Proposals.

The instructions and directions to be given in connection with the use of funds for inventive activity and rationalization, and with the payment of remuneration for discoveries, inventions, and rationalization proposals, shall be issued by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, in agreement with the Ministry of Finance of the USSR.

[2. to 6. — *Omitted.*]

²⁾ Инструкция о вознаграждении за открытия, изобретения и рационализаторские предложения.

³⁾ Комитет по делам изобретений и открытий при Совете Министров СССР.

⁴⁾ Ведомства.

⁵⁾ The economic council, as an administrative unit, has been abolished (*Compilation of Laws of the USSR*, Nos. 19-20, page 152).

III

Statute

on Discoveries, Inventions, and Rationalization Proposals

enacted by Decree of the Council of Ministers of the USSR of April 24, 1959, as amended by the following Decrees of the Council of Ministers of the USSR: No. 352, of April 22, 1961; No. 86, of June 30, 1962; No. 1018, of October 2, 1962; No. 1290, of December 27, 1962; No. 170, of March 17, 1965; and No. 768, of October 12, 1965

I. General Provisions

1. — In the USSR the right to authorship of a discovery¹⁾, invention²⁾, or rationalization proposal³⁾, shall be protected by law and certified through the issue, according to an established procedure, of a diploma⁴⁾ in the case of a discovery, a certificate of authorship⁵⁾ or a patent in the case of an invention, and an attestation⁶⁾ in the case of a rationalization proposal.

2. — By "discovery" is understood the establishment of hitherto unknown objective laws, properties, or phenomena, of the material world.

¹⁾ Открытие.

²⁾ Изобретение.

³⁾ Рационализаторское предложение.

⁴⁾ Диплом.

⁵⁾ Авторское свидетельство.

⁶⁾ Удостоверение.

Diplomas shall not be issued for geographical, archeological, and paleontological discoveries, discoveries of useful mineral deposits, and discoveries in the field of social sciences.

3. — By "invention" is understood any essentially new solution of a technical problem in the fields of national economy, culture, health, or national defense, whereby a positive result is achieved.

4. — The author of the invention may, at his discretion, request either mere recognition of his authorship, or recognition of his authorship and also of his exclusive right in the invention. In the first case, a certificate of authorship is issued for the invention; in the second case, a patent.

No certificates of authorship or patents shall be issued for substances chemically obtained; these may be issued only for new methods of producing such substances.

For medical, flavoring and food substances, obtained by non-chemical processes, only certificates of authorship shall be issued. Patents may be issued only for methods of producing such substances.

For duly approved new methods of treating diseases, only certificates of authorship may be issued.

5. — For new and improved breeds of farm animals and poultry, species of silkworms, feeding either on mulberry or on oak, or varieties of agricultural crops, any of which have been obtained through selection, certificates of authorship and attestations of improvement of species (or varieties) are issued to selectors, selection stations, and breeding stations.

Such certificates shall be issued through the Ministry of Agriculture of the USSR, but certificates of authorship shall only be issued after they have been registered with the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

The Ministry of Agriculture of the USSR shall determine the novelty and usefulness of the above results, and examine the objections and complaints concerning the issue of certificates for the said results, the use thereof, and the payment of remuneration therefor.

6. — The right to use an invention for which a certificate of authorship has been issued shall be vested in the State, which shall provide for the introduction of the invention, having regard to its expediency. The introduction of the invention shall be carried out through State enterprises and organizations.

Cooperative and public enterprises and organizations may use inventions relating to their sphere of activity on equal terms with State enterprises and organizations.

7. — Rationalization proposals shall comprise improvements of equipment in use (machines, instruments, appliances, tools, apparatus, assemblies, and the like), improvements of products, improvements in the technology of production, in the methods of control, observation and research, in safety technique and protection of labor, or proposals aimed at an increase in labor productivity and more efficient use of power, equipment, and materials.

Rationalization proposals accepted for introduction (in an enterprise) are used in the same manner as inventions.

This Statute shall not apply to proposals regarding the improved organization of work and economic administration (regulation of staff and organizational structure, simplification or improvement of inventories and accounts, documentation, supply, marketing, and the like), nor to proposals (other than inventions) of technical-engineering workers in scientific research institutes and in project and design organizations, concerned with the preparation of projects, designs, and technological processes.

8. — Attestations for rationalization proposals shall be issued by the enterprises or organizations which were the first to accept such proposals for introduction.

9. — If a discovery, invention, or rationalization proposal, has been made by two or more persons, each of these persons shall be entitled to a diploma in the case of a discovery, a certificate of authorship or a patent in the case of an invention, or an attestation in the case of a rationalization proposal, mentioning the first name, patronymic, and surname, of each of the co-authors.

Persons who have provided the author of a discovery, invention, or rationalization proposal, with technical assistance (by making drawings and models, calculations, etc.) shall not be considered as co-authors.

10. — When a discovery or invention is the result of combined creative effort and it is impossible to assign authorship to individual persons, the diploma or certificate of authorship shall be issued in the name of the enterprise (organization) in which the discovery or invention was made.

In the case of inventions made under a task assignment (according to plans for scientific research work, for development, and for the introduction of new techniques, etc.), certificates of authorship shall be issued, in the name of the enterprise (organization) in which the invention was made, indicating the name of the author of the invention.

11. — If so requested by the author of a discovery or an invention, prior to the issue of a diploma or certificate of authorship, the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR may give the name of the author to the discovery or invention, or any special designation. In such cases, the name of the author or special designation adopted shall be specified in the diploma or certificate of authorship, and also in the technical documents concerning the given invention, and on the finished article or its container.

12. — It is the duty of authors of inventions and of rationalization proposals to cooperate actively in the introduction and further development of their proposals. In particular, they are obliged to supply the enterprises (organizations) introducing their proposals with all the material they have available, and also to provide explanations and advice.

13. — Authors of inventions and of rationalization proposals have the right to participate in the work involved in

putting their proposals into practice (preparation of technical documentation concerning the invention or rationalization proposal, making and testing of experimental models, and organizing of the production).

If the proposal is introduced in the enterprise (organization) where the author of the invention or of the rationalization proposal is employed, he may be relieved of his normal duties, in order to assist in putting his proposal into practice, while retaining his regular salary estimated at his average earnings, or a labor contract may be concluded with him, providing for the work to be carried out in his time off.

If the proposal is introduced in another enterprise (organization), the author of the invention or of the rationalization proposal shall be paid for his work during the period he is employed by that enterprise (organization) on the basis of an agreement between him and the enterprise (organization) executing the work. The amount paid must not be less than his average earnings at his place of permanent employment. According to regulations, the author of the invention or of the rationalization proposal shall also be compensated for his travelling (both ways) and living expenses at the new place [of work]. During the time the services of the author of the invention or of the rationalization proposal are being used in connection with the introduction of his proposal, the position which he holds at his place of permanent employment must be reserved for him.

If the author of the invention or of the rationalization proposal has no permanent employment, the amount of remuneration for his cooperation in the introduction of his proposal shall be established by agreement between the author and the enterprise (organization) introducing the proposal.

In all cases the enterprise (organization) is obliged to notify the author of the invention or of the rationalization proposal of the commencement of the introduction of his proposal.

14. — Nationals of foreign countries who are the authors of discoveries, inventions, or rationalization proposals, may, subject to reciprocity, enjoy the same rights as those provided in this Statute for citizens of the USSR.

15. — Authors of discoveries, inventions, or rationalization proposals, who have received the corresponding diplomas, certificates of authorship, or attestations, shall have the right to the remuneration and privileges provided for in Part X of this Statute.

16. — The right to obtain a diploma for a discovery, a certificate of authorship or a patent for an invention, or an attestation for a rationalization proposal, and likewise the right to remuneration for a discovery, invention, or rationalization proposal, shall descend by inheritance, according to the general rules of law.

17. — Usurpation of authorship, obtainment of co-authorship through coercion, and inclusion of persons in co-authorship who have taken no part in the creative work on the discovery, invention, or rationalization proposal, disclosure of the essence of a discovery, invention, or rationalization pro-

posals, prior to filing and without the consent of the author, shall entail responsibility under the law as determined in the Union Republics.

18. — Any official guilty of the exercise of bureaucratic methods and red tape in the examination and introduction of inventions and rationalization proposals, failure to notify the author of the invention or of the rationalization proposal of the use of his invention or rationalization proposal, deliberate distortion of savings estimates, deliberately incorrect assessment of remuneration, or delay in payment of remuneration, shall be held responsible under the law as determined in the Union Republics.

19. — Complaints by authors of inventions or of rationalization proposals concerning the amount, method of calculation, and terms of payment, of remuneration for inventions and rationalization proposals shall be examined by the management of the enterprise (organization), in conjunction with the factory, works or local trade union committee. If the author of the invention or of the rationalization proposal is not in agreement with the decision adopted by the management of the enterprise (organization) and the factory, works or local trade union committee, with regard to his complaint, he may appeal to the head of the higher level organization, who must examine his complaint within one month.

The author of an invention or of a rationalization proposal who considers the decision of the head of the higher level organization concerning the amount, method of calculation, and terms of payment, of remuneration to be incorrect may refer the matter to court, in accordance with procedures determined by the laws of the Union Republics.

20. — Diplomas for discoveries, certificates of authorship and patents for inventions, and attestations for rationalization proposals, shall be issued only in the form prescribed by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

21. — In cases involving the issue of diplomas for discoveries, certificates of authorship for inventions, or attestations for rationalization proposals, no State fees shall be charged.

II. Direction of the Development of Inventive Activity and Rationalization

22. — General direction of the development of inventive activity and rationalization in the USSR is carried out by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

All work concerning the development of mass inventive activity and rationalization is conducted by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, in cooperation with the All-Union Society of Inventors and Authors of Rationalization Proposals⁷⁾.

23. — Direction of the development of inventive activity and rationalization in individual branches of the national eco-

nomy, in the fields of culture, health and national defense, as well as in economic administrative districts, and the control of the introduction of inventions and rationalization proposals, shall be the responsibility of the appropriate ministries, central offices, economic councils, executive committees of soviets of workers' deputies, and cooperative centers.

Direction of inventive activity and rationalization in enterprises (organizations) shall be the responsibility of the directors of the enterprises (organizations).

Within the workshops and various sections of enterprises, inventive activity and rationalization shall be under the direction of the head of the shop or section. Where necessary, the head of the shop or section may assign a worker, from among the staff allocated to the shop or section, specifically to perform work in the field of invention and rationalization.

Work concerning the development of inventive activity and rationalization in agriculture shall be carried out according to instructions given by the Ministry of Agriculture of the USSR, in agreement with the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR and the All-Union Central Council of Trade Unions⁸⁾.

24. — Ministries, central offices, economic councils, executive committees of soviets of workers' deputies, cooperative centers, and enterprises (organizations), shall be obliged:

- to develop, jointly with trade union organs, prospective and current subject-matter plans for invention and rationalization, in order to direct the creative initiative of workers towards the successful solution of the problems of technical progress;
- to increase by every means the number of inventors and authors of rationalization proposals; to explain the importance of inventive activity and rationalization for the further expansion of productivity;
- to organize competitions on certain subjects and displays of work in the field of invention and rationalization;
- to arrange, in accordance with established procedure, meetings and conferences of inventors and authors of rationalization proposals;
- to publish reports on the proposals introduced, with indications of their effectiveness; and to publish information concerning inventive activity and rationalization;
- to broadcast the achievements of distinguished inventors and authors of rationalization proposals, and their working methods, through the press, radio, the cinema, television, and the like;
- to organize work with a view to raising the qualifications of workers in the field of invention and rationalization;
- to help inventors and authors of rationalization proposals in the development of their work and the formulation of their proposals, and to secure the timely investigation, introduction, and registration, thereof.

To that end, sections or bureaux for invention and rationalization shall be created in ministries, central offices, economic councils, enterprises, and organizations. The number of

⁷⁾ Всесоюзное общество изобретателей и рационализаторов (ВОИР).

⁸⁾ ВЦПС (Всесоюзный Центральный Совет Профессиональных Союзов).

staff in the sections (bureaux) for invention is decided within the limits of the allocation (numerical strength) approved for the central secretariat of the ministry, central office, economic council, or enterprise (organization).

25. — Whenever necessary, ministries, central offices, economic councils, executive committees of soviets of workers' deputies, enterprises, and organizations, shall be obliged to set up experimental bases for carrying out the work connected with invention and rationalization, and shall provide them with the necessary funds, materials, and instruments.

26. — The trade union organizations will cooperate extensively in the direction of the development of inventive activity and rationalization, in the examination of the usefulness of the proposals, in providing all kinds of assistance to inventors and authors of rationalization proposals, and in ensuring the introduction of inventions and rationalization proposals in production and construction.

III. Procedure with a View to Obtaining Recognition of Authorship of a Discovery

27. — An application for the issue of a diploma in the case of a discovery shall be filed with the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, by the author himself, or by his heirs, or by the enterprise (organization) authorized by the author for that purpose.

The application must cover a single discovery only, and shall include: a request for the issue of a diploma for the discovery, a description of the alleged discovery, with drawings if necessary. The application must state the surname, first name, and patronymic, of the author (authors) of the alleged discovery, his address, his place of work (if an alien, his nationality), and the title of the alleged discovery. The description must include the definition of the discovery, that is, a concise, clear, and complete statement of the essence of the hitherto unknown objective laws, properties, or phenomena, of the material world, established by the applicant, and also theoretical or experimental proofs of the accuracy of the statements made in the application, and information as to when and where they were first made public.

In order to determine the date on which the discovery shall be deemed to have been registered (date of priority), the author of the alleged discovery shall submit with his application documentary evidence certified by a State organization, showing when the facts, claimed to constitute the discovery, were first formulated.

The Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR may prescribe additional requirements for the registration of an application in the case of a discovery.

If the application does not fulfil the specified requirements, the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall send to the applicant, within ten days, a letter inviting him to complete the application with the missing particulars, for which purpose a period of one month shall be allowed. The provisions

of Sections 31 and 32 of this Statute shall also apply to applications in the case of a discovery.

28. — For the purpose of establishing the existence of a discovery, applications in respect of a discovery, accepted for examination, are referred, depending on the nature of the alleged discovery, to one or other of the following: the Academy of Sciences of the USSR, the Academies of Sciences of the Union Republics, the Academy of Medical Science of the USSR, the V. I. Lenin All-Union Academy of Agricultural Sciences, the Academy of Building and Architecture of the USSR, and leading scientific research institutes. Within a period of three months, the above institutions shall submit to the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR a report setting out the findings concerning the existence of a discovery (together with the recommended definition of the discovery), or the absence of a discovery (specifying the reasons and quoting references in support of their findings).

On obtaining a satisfactory report, the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, in agreement with the author, shall confirm the final definition of the discovery, settle the date of priority, register the discovery, and publish a notice concerning it in the *Official Bulletin*⁹⁾, and in the appropriate journal of the Academy of Sciences of the USSR.

An objection may be lodged against the registration of the discovery, according to the provisions and within the time-limits laid down in Sections 44 to 46 of this Statute.

If no objection is lodged against the registration of the discovery within the specified time-limit, the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall issue a diploma for the discovery.

29. — Objections against the decision to refuse a diploma for a discovery shall be filed and examined according to the provisions and within the time-limits laid down in Section 41 of this Statute.

IV. Procedure with a View to Obtaining Protection of Rights in an Invention

1. Certificates of Authorship

30. — An application for the issue of a certificate of authorship shall be filed with the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

Authors of inventions working in enterprises and in scientific research and other organizations shall normally file their applications through the intermediary of the enterprise or organization where they work, which shall assist them with the drafting of their applications.

In cases where the work is carried out under a task assignment (according to plans for scientific research work, for development, for the introduction of new techniques, and the like), the director of the enterprise (organization) shall be

⁹⁾ *Official Bulletin* of the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, entitled "Inventions, Designs, Trademarks."

obliged to formulate the application for the issue of the certificate of authorship, on behalf of the enterprise (organization), indicating the name of the author of the invention.

The enterprise or organization shall send, within one month, the application for the issue of a certificate of authorship, together with a report on the usefulness of the invention and the prospects of its introduction, to the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

Authors of inventions not employed in enterprises (organizations) shall file their applications through the intermediary of the local organs of the All-Union Society of Inventors and Authors of Rationalization Proposals, which shall give the authors all the necessary assistance with the drafting of their applications, and send all the materials within ten days to the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

Authors or their heirs shall also have the right to file their applications independently, direct with the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

The application must concern one invention only, and shall include: a request for the issue of a certificate of authorship, a description of the alleged invention, and drawings if necessary. The application must indicate the surname, first name, and patronymic, of the author (authors), his address, his place of work (if an alien, his nationality), and the title of the alleged invention. It must also include a declaration that the person (persons) for whom the certificate of authorship is being requested is the true author of the alleged invention.

Applications for the issue of certificates of authorship on behalf of an enterprise (organization) shall also include the name of the enterprise (organization). The substance of the alleged invention must be disclosed in the description and in the drawings with such precision, clarity, and completeness, as to show the novelty of the invention and to make it possible to carry out the invention on the basis of the materials submitted with the application.

A single copy of the application form and three copies of the description and drawings shall be provided, which must be signed by the author (authors) or his heirs, or by a representative of the author.

The Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR may prescribe additional requirements for the registration of applications concerning inventions.

If the application does not comply with the prescribed requirements, the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall send to the applicant, within ten days, a letter inviting him to complete the application with the missing particulars, for which purpose a period of one month shall be allowed.

31. — In the case of persons living permanently abroad, matters regarding the issue of certificates of authorship shall be handled through the All-Union Chamber of Commerce ¹⁰⁾.

32. — Upon accepting an application for examination, the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall issue to the applicant, within ten days, an acknowledgment of the acceptance of the application for examination. The acknowledgment must indicate the surname, first name, and patronymic, of the author (authors), the date of receipt of the application, and the title of the alleged invention.

33. — The date of priority of an invention shall be the date on which the application is received by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, and, in the case of dispute, the date of mailing the application, or, in the cases provided for in Sections 30 and 58 to 60 of the present Statute, the date when the application is filed with the enterprise (organization) or office.

In the case of nationals of foreign countries and foreign legal entities, the priority of an invention, in conformity with the International Convention to which the USSR is a party, shall be established as the date of the first lawfully valid application filed in a country which is also a party to the said Convention, provided that the application is filed in the USSR within a period of twelve months after that date.

Any person who wishes to avail himself of the priority established in accordance with the International Convention shall immediately, upon filing the application, make a statement to that effect, and shall indicate the date of priority and the country where the invention was first filed. A duly certified copy of the foreign application and all other materials necessary for establishing the date of priority may be furnished subsequently, but not later than three months from the date of filing of the application in the USSR.

34. — Within one month of the acceptance of the application for examination by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, the applicant shall be entitled to supplement and correct the submitted description and drawings, without however changing the substance of the application.

Any additional material shall be filed in three copies.

If the additional material changes the substance of the original application, it must be filed by the author as an independent application. In such case, the date of priority of application shall be considered to be the date when the additional material is received by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

35. — Applications accepted for examination by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall be examined for the purpose of ascertaining the presence of substantial novelty and usefulness of the alleged invention. In this connection, the usefulness of the invention shall be determined not only in the light of the expediency of its immediate utilization in the national economy, but also as regards the possibility of using it in the future, after the necessary conditions have been created.

¹⁰⁾ Всесоюзная торговая палата.

The examination for novelty shall be based on previously issued certificates of authorship, Soviet, pre-Soviet and foreign patents, previously filed applications, Soviet and foreign literature, as well as reports published by scientific research institutes and project and design establishments, material accepted for competitions, theses, and data concerning the use of inventions.

36. — No certificate of authorship shall be issued if the substance of the alleged invention, prior to the filing of the application, has been disclosed either in sources such as are indicated in Section 35 of this Statute, or in any other way that would make it possible to carry out the invention, except in cases where the author of the alleged invention has filed his application not later than four months from the date of signing the document or report concerning the commencement of the introduction of his invention, or from the date of confirmation of the document or report concerning the scientific research, project and design or experimental work of the author, containing data on the invention, or from the date of publication of the said invention in official documents for internal use.

37. — At the request of the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, a ministry, central office, economic council, institute, enterprise, or other State, cooperative or public organization, must furnish within two months a report on the usefulness of the alleged invention which is submitted to it for inspection, its novelty from the industrial point of view, its prospects, and the way in which it could be used.

These reports must be sent, free of charge, to the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

The Councils of Ministers of the Union Republics, economic councils, ministries, and central offices, shall have the right to encourage individual workers to prepare reports on particularly important and outstanding alleged inventions, under the budget allocations provided for inventive activity and rationalization.

The Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall submit alleged inventions for a decision, only after a preliminary investigation has been carried out on these inventions, in respect to novelty, by the All-Union Scientific Research Institute of State Patent Examination ¹¹⁾.

38. — The Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR may, whenever necessary, invite the author to participate in the examination of his application, in which case the author shall be paid the average wage received by him at his place of work, and shall be authorized by the enterprise (organization) in which he works to leave on mission, in accordance with established procedure, at the expense of the funds allocated for inventive activity and rationalization.

39. — The decision of the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, by which the certificate of authorship is issued or refused, must be communicated to the author not later than three months from the date of acceptance for examination of an application sent by an enterprise (organization), together with a report on the usefulness and prospects of introduction of the alleged invention, and not later than six months from the date of acceptance for examination of an application sent through the intermediary of the local organs of the All-Union Society of Inventors and Authors of Rationalization Proposals, or sent direct by the author.

The decision of the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR to issue a certificate of authorship shall contain the invention formula (allowed claims), and the decision to refuse a certificate of authorship shall state the reasons for refusal.

If, after a decision has been made concerning the issue of a certificate of authorship, an application is filed for the same invention by a national of a foreign country or a foreign legal entity enjoying an earlier priority in accordance with the International Convention, the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall cancel or amend its previous decision concerning the issue of a certificate of authorship, and shall notify accordingly the person whose application has given rise to such decision.

40. — The applicant shall have the right to examine all the materials upon which was based the decision of the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, and the conclusions of the expert examination (with the exception of secret material and material which the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR considers should not be made public); he may also request that a copy of the patent materials adverse to his application be sent to him free of charge.

41. — If the applicant does not agree with the grounds for refusal to issue a certificate of authorship, or with the invention formula, he may, within one month from the date of receipt of the decision or of the copy of the materials adverse to his application, submit to the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR his reasons for objection, which must be examined within two months. The decision in this matter of the Chairman of the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, or of his Deputy, shall be final.

42. — When the invention formula has been finalized, the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall enter the invention in the State Register of Inventions of the USSR, publish a notification of the issue of the certificate of authorship in the *Official Bulletin*, publish the description of the invention, and issue the certificate of authorship to the author of the invention.

¹¹⁾ Всесоюзный научно-исследовательский институт государственной патентной экспертизы.

The Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR may, with a view to safeguarding the interests of the State, either postpone the publication of individual inventions or not publish them at all.

[43. — *Repealed.*]

44. — State, cooperative and public enterprises, organizations, and institutions, as well as private persons, may contest the validity of the issue of the certificate of authorship, within one year from the date of publication of the issue of the certificate of authorship (and in cases where there is no publication, within one year from the date of entry of the invention in the State Register of Inventions of the USSR), by proving that the invention is not new or that another person is the true author thereof. The date of publication shall be considered the date when the *Official Bulletin* announcing the issue of the certificate of authorship is approved for printing.

45. — Disputes concerning lack of novelty in an invention for which a certificate of authorship has been issued shall be finally decided by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

If it is established that the subject of an invention for which a certificate of authorship has been issued is already known, either in whole or in part, the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall either annul the improperly issued certificate of authorship or issue in its place another certificate in which the invention formula is amended.

The annulment of certificates of authorship and their replacement by other certificates in which the invention formula is amended shall be announced in the *Official Bulletin*.

46. — Disputes concerning authorship (co-authorship) of inventions shall be decided by the courts, according to established procedure. If the action in a dispute over authorship (co-authorship) is filed before a certificate of authorship is issued, the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall proceed to take all steps necessary for the issue of a certificate of authorship, but the actual issue shall not take place until the dispute is settled by the court.

The court's decision concerning the invalidity of a certificate of authorship or the issue of a certificate of authorship to the true author of the invention shall be published in the *Official Bulletin*.

2. Patents

47. — The procedure laid down in Sections 30 to 35, 36 (with the exception of subsections (a) and (b)), 39 to 42, 45 and 46, of this Statute, shall also apply to applications for the grant of patents, with the following amendments:

(a) The application for the issue of a patent may be filed by the author himself, or by his successor at law, with the name of the true author indicated in the application.

(b) The Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall, at the request of the applicant, send him at his own expense a copy of the

patent materials upon which the decision concerning the application has been based.

(c) Where matters relating to the issue of patents are concerned, and also in the case of patents already issued, fees shall be charged according to established procedure.

48. — 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 fees for maintenance of an issued patent within the appointed time shall render the patent invalid.

(c) No one may use the invention without the consent of the owner of the patent; the patent owner may either grant permission (a license) to use his invention, or assign his patent outright. Contracts or other documents concerning the assignment of the patent or the grant of licenses shall be considered invalid unless registered with the 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 Statute.

(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 to anyone and have not granted a license for it.

(f) Enterprises (organizations) which have used a given invention within the boundaries of the USSR, prior to the filing of an application for a patent and independently of the author of the invention, or made all necessary preparation for such use, shall have the right to continue to use the invention without charge; disputes in this connection shall be settled in court.

(g) Where an invention is of special importance to the State, and no agreement is reached between the ministry, central office, economic council, or executive committee of soviets of workers' deputies, and the owner of the patent, concerning the transfer of the rights in the invention, permission to use the invention may be granted to the organ concerned only by the Council of Ministers of the USSR, which shall also fix the amount of remuneration payable to the owner of the patent.

(h) Privileges granted under this Statute to inventors who have obtained certificates of authorship shall not be extended to inventors possessing certificates of authorship for some of their inventions and patents for others.

49. — 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 work of the inventor in a State, cooperative or public enterprise (organization), or on the instigation of any of these;
- (b) if the inventor has received pecuniary or other material aid from a State, cooperative or public enterprise (organization), for the purpose of developing his invention.

V. Additional Inventions

50. — An invention shall be considered additional if it is an improvement of another (basic) invention for which a certificate of authorship or patent has been issued earlier, and if it cannot be utilized without the use of the basic invention.

51. — If a certificate of authorship has been issued for the basic invention, a dependent certificate of authorship shall be issued for an additional invention, provided that not more than fifteen years have elapsed since the date on which the basic certificate of authorship was entered in the State Register of Inventions of the USSR¹²). After a period of fifteen years, the additional invention shall be considered independent and an independent certificate of authorship shall be issued for it.

An application in respect of an additional invention, filed by the author of the basic invention within six months of the date on which the *Official Bulletin* containing the notification of the basic invention was approved for printing, shall enjoy priority over any application filed by any other person within the same period for the same invention.

52. — If a patent has been issued for the basic invention, then either a dependent patent or a dependent certificate of authorship shall be issued for the additional invention, according to the choice of the applicant. Use of the additional invention shall be permissible only by agreement with the owner of the patent for the basic invention, except in cases where the matter shall be settled according to the provisions of subsection (g) of Section 48 of this Statute. In the latter case, the remuneration of a person who has received a dependent certificate of authorship shall be paid according to the general rules, but not before the right to utilize the basic invention has been transferred to the State. A dependent patent shall be issued for the period of validity of the basic patent.

53. — If, for reasons not affecting the additional invention, the validity of the basic certificate of authorship (or basic patent) has lapsed, the dependent certificate of authorship (or dependent patent) shall be considered equivalent to an independent one. In such cases, the dependent patent shall remain valid only for the period of time for which the basic patent was issued.

VI. Procedure Applicable in Respect of Rationalization Proposals

54. — A rationalization proposal shall be submitted direct to the enterprise (organization) to whose activity the pro-

posal applies. If a proposal can also be used by other enterprises (organizations), then the applicant may offer it to a ministry, central office, economic council, or executive committee of a soviet of workers' deputies.

The rationalization proposal shall be submitted in the form of an application, with a concise description of the substance of the proposal, and, if necessary, drawings, designs, and diagrams.

An enterprise (organization) which has received a rationalization proposal shall issue or send to the applicant, at his request, an acknowledgment of the proposal, within five days of its receipt.

Rationalization proposals shall be examined by enterprises (organizations) within a period of fifteen days, and by ministries, central offices, economic councils, and executive committees of soviets of workers' deputies, within one and a half months from the date of their receipt.

The results of the examination of the proposal must be communicated to the applicant within the periods stated, and in the event of refusal the reasons for the refusal must also be stated.

55. — The decision concerning the introduction or refusal of the rationalization proposal shall be made by the director of the enterprise (organization).

Complaints of authors of rationalization proposals concerning the refusal of their proposals shall be investigated by the director of the enterprise (organization), together with the factory, works or local committee of the trade union. At such investigation, the complaints of authors of rationalization proposals working in the enterprise (organization) concerned must be examined in their presence.

The decision concerning the introduction or refusal of a rationalization proposal having branch or inter-branch significance shall be made by the head of the ministry or central office, or his deputy, or by the economic council, or the executive committee of the soviet of workers' deputies.

56. — When one and the same rationalization proposal is submitted to one and the same enterprise (organization) at different times by different persons, priority shall be granted to the person who was the first to submit the proposal. This rule shall also apply in cases where the proposal originally submitted was rejected, and the action of the director of the enterprise (organization) in refusing to introduce the proposal was not appealed against by the applicant in time.

Cases where disputes that have arisen over the priority of a rationalization proposal are not solved by the enterprise (organization) introducing the proposal shall be settled in court according to the established procedure.

57. — Complaints concerning the decisions of directors of enterprises (organizations) on the question of acceptance for introduction of rationalization proposals shall be settled by the ministries, central offices, economic councils, executive committees of regional (territorial) soviets of workers' deputies, or cooperative centers, within one month of the date of receiving the complaint. The decision of the minister (head

¹²) Государственный реестр изобретений СССР.

of the central office), or his deputy, and also of the economic council, executive committee of the regional (territorial) soviet of workers' deputies, or of the director of the co-operative center, shall be final.

VII. Secret Discoveries, Inventions, and Rationalization Proposals

58. — Discoveries, inventions, and rationalization proposals, concerning the defense of the country, shall be considered secret.

Other discoveries, inventions, and rationalization proposals, which in the interest of the State should not be disclosed, shall also be considered secret.

The Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR or any other organ to which the application for a discovery, invention, or rationalization proposal, is submitted, must determine, in each individual case, whether or not the alleged discovery, invention, or rationalization proposal, is secret.

The decision declaring the discovery, invention, or rationalization proposal, to be secret shall be communicated without delay to the author (applicant) and to the interested organs.

Whenever the author (applicant) thinks that the discovery, invention, or rationalization proposal, may have a secret character, he is obliged to take all possible precautions to protect his proposal from being disclosed, and to communicate it to a State enterprise (organization) for submission to the interested organs.

For the development of secret inventions or rationalization proposals accepted for introduction, an interested enterprise (organization) must provide special accommodation, all work at home on such proposals being prohibited.

Persons guilty of divulging information concerning secret discoveries, inventions, and rationalization proposals, shall be criminally prosecuted according to the procedure established by law.

59. — Applications in respect of secret and top secret discoveries and inventions, with the exception of top secret inventions and discoveries concerning new means of armament, fighting technique, and their tactical use, shall be filed with and examined by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

60. — Applications in respect of top secret inventions concerning new means of armament, fighting technique, and their tactical use, shall be filed with and examined by the Ministry of Defense of the USSR, which shall also be responsible for investigating complaints of inventors concerning the issue of certificates of authorship for the said inventions, the use of such inventions, and the payment of remuneration therefor.

Registration of these inventions and issue of certificates of authorship shall be effected by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, on the basis of the appropriate notification from the Ministry of Defense of the USSR, without presentation of the materials and of the description of the invention submitted by the author.

61. — Applications in respect of secret rationalization proposals shall be accepted and examined in accordance with Part VI of this Statute.

VIII. Introduction of Inventions and Rationalization Proposals

62. — Every quarter, the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall send the lists of inventions (with appropriate documents) to the Councils of Ministers of the Union Republics, ministries, central offices, economic councils, executive committees of regional (territorial) soviets of workers' deputies, and co-operative centers, in order that the work in connection with the introduction of such inventions may be included in the plans of enterprises and organizations.

As regards the use of the most important inventions, the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall submit the necessary proposals to the Council of Ministers of the USSR.

63. — Councils of Ministers of the Union Republics, ministries, central offices, economic councils, executive committees of regional (territorial) soviets of workers' deputies, and co-operative centers, upon receipt of the lists of inventions from the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, shall examine them and make the appropriate decisions concerning the use of such inventions.

These decisions must indicate the enterprises (organizations) responsible for the introduction of the inventions (preparation of technical documentation, making and testing of experimental models, and organization of production), the title of the invention, the name of the author (authors), and the dates of beginning and completing the introduction. Decisions shall be communicated to the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

The suspension or discontinuation of the introduction of the invention shall be allowed only on the authorization of the organ which made the decision to introduce the invention, and a notification thereof must be sent both to the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR and to the author.

64. — The enterprise (organization) which has accepted for introduction a rationalization proposal requiring experimental testing shall fix a schedule of experimental work and indicate the time allotted and persons responsible.

65. — The enterprise (organization) which has accepted for introduction a rationalization proposal of branch or inter-branch value must, within a period of three months, publish or communicate to the higher level organization information on the results of the use of this proposal, with a view to its introduction in other organizations (enterprises).

Ministries, central offices, economic councils, and executive committees of regional (territorial) soviets of workers' deputies, shall be obliged to take measures ensuring the fullest use of these proposals.

66. — The expenditure of ministries, central offices, economic councils, State, cooperative and public enterprises and organizations, in connection with inventive activity and rationalization, must be estimated and included in the financial plans of the appropriate ministries, central offices, economic councils, and enterprises (organizations).

These estimates must provide for the following:

- (a) expenditure on the payment of remuneration to authors of inventions and rationalization proposals;
- (b) expenditure on the making and testing of models and samples in connection with inventions and rationalization proposals, as well as on the establishment and maintenance of experimental centers;
- (c) expenditure connected with the participation of authors, consultants, constructors, designers, and technologists, in the preparation of technical documentation and testing of models and samples; expenditure for expert examination work, organization of consultations, exhibitions, displays, and competitions, in the field of invention; expenditure on the publication of technical reviews for exchange of experience, awards for competitions and displays, rewards for cooperation in carrying out of inventions and rationalization proposals, and the costs of mass organization measures in connection with inventive activity and rationalization.

67. — Expenses of ministries, central offices, and economic councils, for inventions and rationalization proposals of national economic or branch importance shall be met from the budget appropriations, allocated according to the special estimates of the respective ministry, central office, or economic council.

Enterprises and organizations subordinate to the local executive committees of soviets of workers' deputies, and operating on the local budget, shall meet expenditure on inventive activity and rationalization from the local budget.

Cooperative and public organizations shall budget for and meet expenditure on inventions and rationalization proposals from their own funds.

68. — Expenses of enterprises and organizations, operating on a self-supporting basis, for inventions and rationalization proposals which are of importance to their production shall be budgeted for by enterprises in their production estimates, and by organizations in their general estimates.

This expenditure shall be borne direct by the enterprise or organization.

Organizations and establishments financed by funds from the State budget shall meet expenditure for inventions and rationalization proposals of importance to them from special allocations, based on the estimates of these organizations and establishments.

IX. Patenting and Exploitation of Inventions Abroad

69. — Inventions made within the boundaries of the USSR, as well as inventions made abroad by Soviet citizens, shall be patented abroad in accordance with the decision of the Committee for Inventions and Discoveries attached to the

Council of Ministers of the USSR, in agreement with the State Committee of the Council of Ministers of the USSR for Science and Technology¹³), and, in the case of inventions of special importance, in accordance with the decision of the Council of Ministers of the USSR, on the proposal of the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

70. — The exploitation of Soviet inventions abroad, as well as the acquisition of licenses for foreign inventions or foreign patents, shall be effected through the Ministry of Foreign Trade.

Proposals for the purchase and sale of licenses shall be systematically prepared and submitted by the Councils of Ministers of the Union Republics, economic councils, ministries, and central offices, of the USSR, to the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR. These proposals shall be examined by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, jointly with the State Planning Committee (Gosplan)¹⁴) of the USSR, the State Committee of the Council of Ministers of the USSR for Science and Technology, the Ministry of Foreign Trade¹⁵), and other interested organizations.

Decisions concerning the sale of licenses shall be made by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, in agreement with the State Planning Committee of the USSR, the State Committee of the Council of Ministers of the USSR for Science and Technology, and the Ministry of Foreign Trade. Decisions concerning the sale abroad of licenses for inventions and other scientific achievements of special importance shall be made by the Council of Ministers of the USSR, on the proposal of the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

Decisions concerning the purchase of licenses shall be made by the Council of Ministers of the USSR, on the proposal of the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

Economic councils, ministries, and central offices, shall be obliged to submit to the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, at its request, all technical documentation necessary for the preparation of proposals to sell or purchase licenses, and for their use.

71. — With regard to the protection of the rights of the inventor abroad, a certificate of authorship shall be considered equivalent to a patent.

X. Remuneration and Privileges of Authors of Discoveries, Inventions, and Rationalization Proposals

72. — Authors of discoveries who have received diplomas, authors of inventions who have received certificates of authorship, and authors of rationalization proposals who have been

¹³) Государственный комитет Совета Министров СССР по науке и технике.

¹⁴) Государственный плановый комитет СССР.

¹⁵) Министерство внешней торговли.

issued with attestations, shall be entitled to remuneration in accordance with the Regulations on Remuneration for Discoveries, Inventions, and Rationalization Proposals.

73. — A note of the discoveries for which diplomas have been issued, as well as of all inventions and rationalization proposals which have been introduced, and the remuneration paid for them, shall be entered in the labor book of the author (authors).

74. — If an inventor or an author of a rationalization proposal is transferred temporarily for work in another enterprise (organization) in connection with the introduction of his invention or rationalization proposal, his service record shall be considered as uninterrupted. The duration of such temporary work shall be included in his total period of service, qualifying him for the leave, privileges, and advantages, provided at his permanent place of work. If this temporary work lasts for eleven months or more, paid leave shall be granted to him by the enterprise (organization) in which the invention or rationalization proposal is introduced.

75. — Remuneration for a discovery, invention, or rationalization proposal, not exceeding one thousand roubles, shall be exempt from income tax, in accordance with the laws in force.

In cases where the remuneration exceeds one thousand roubles, tax shall be assessed upon the entire amount of remuneration, after deduction of one thousand roubles, separately for each discovery, invention, or rationalization proposal.

76. — Authors of discoveries and inventions shall have preference rights, all other conditions being equal, to occupy posts as scientific research workers in the appropriate research establishments and experimental enterprises.

77. — Authors of discoveries, inventions, and rationalization proposals, who have provided the State with valuable proposals, shall be entitled to additional living space, on equal terms with scientific workers.

XI. Special Regulations

78. — The use of an invention on means of transport temporarily in the territory of the USSR shall not be regarded as an infringement of the right vested in the State by virtue of the certificate of authorship, or of the right of the owner of the patent.

79. — The priority of an invention used in exhibits displayed in international exhibitions organized in the USSR shall be determined by the date on which the exhibit is put on display in the exhibition, provided that the application is filed not later than six months after that date.

CORRESPONDENCE

Letter from Switzerland *)

By Edouard PETITPIERRE, Lawyer, Lausanne

REPORTS OF INTERNATIONAL ORGANISATIONS

International Patent Institute

(Ninety-first Session of the Administrative Council)

In the BIRPI plan for facilitating the filing and examination of applications for the protection of the same invention in a number of countries — briefly described in the last issue of this periodical (p. 58) — the International Patent Institute would have an important role to play.

Consequently, and by virtue of a working agreement concluded between BIRPI and the International Patent Institute in 1955, the Director General of the Institute has invited BIRPI to meet and discuss with the members of the Administrative Council of the Institute the BIRPI plan. The invitation was accepted with pleasure, and the exchange of views took place on March 9, 1967, during the 91st Session of the Administrative Council, held at The Hague.

BIRPI hopes that the close contacts existing between the two Organizations will be further intensified in connection with the Patent Cooperation Treaty (PCT) plan.

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Protection of Industrial Property in the USSR, by Mr. Boguslavski and Mr. J. Chervakov. One booklet of 70 pages. Published by Novosti Press Agency Publishing House, Moscow, 1966.

The authors have undertaken a short analysis of industrial property protection in the USSR.

The brochure is divided into five chapters:

- industrial property and the rights of foreigners;
- legal protection of inventions;
- legal protection of industrial designs;
- legal protection of trademarks;
- protection of foreigners' rights to industrial property.

An annex contains a list of legislation on industrial property in force in the USSR.

It is not an object of the study to discuss current legal problems in detail. The aim of this publication is rather to give some basic information on the protection of industrial property in the USSR. In this context, the publication will be especially useful to anybody who wishes to have a clear and concise picture of the situation in the field of industrial property in the USSR.

V. D.

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The Art of Drafting Patent Claims, edited by *Joseph Gray Jackson* assisted by *G. Michael Morris*. One volume of 412 pages. Published by the Practising Law Institute, New York, 1966.

The Practising Law Institute, a non-profit educational institution, conducts an extensive program of post-admission legal education. Included in the program are specialized courses and forums for experienced lawyers and transition courses for young lawyers.

One such forum, held in 1962, brought together 29 skilled patent counsel to instruct over 300 of their colleagues in the techniques of the art of drafting patent claims. This book grew out of that forum. The first chapter is devoted to the general principles concerning the drafting process and the effectiveness of claims for all inventions. Subsequent chapters apply these general and more particular principles to several classes of claims: mechanical, chemical, electrical, metallurgical and pharmaceutical.

Appendices contain cases submitted by participants prior to the forum, as well as cases selected from patents and litigation.

While concentrating on the fundamentals of claim drafting, the first chapter on the general principles of patent claim drafting ranges far the simple to the sophisticated. It should serve the apprentice draftsman beyond to illustrate and illuminate a variety of drafting problems — from as a sure guide to fundamentals. The experienced practitioner will find beneficial insights and new ideas. The following chapters consistently underscore the importance of the principles developed in Chapter I as they relate to the particular field considered; they constitute a substantive development of Chapter I and should be read in conjunction therewith.

G. D.

La Propriété industrielle dans les filières nucléaires. Données statistiques [Industrial Property in Nuclear Reactor Systems. Statistics]. One volume of 65 pages. Published by the Brevatome Company, Paris, November 1966. In French.

This document is a statistical analysis of the most important patents published throughout the world in the field of nuclear power reactors. The aim of the analysis is to enable promoters or constructors of nuclear power plants to assess fairly rapidly the extent of those basic monopolies which might be cited against them in the principal industrial countries.

This analysis, which was compiled from the patents of 16 of the most important of the developed countries, covers patents applied for between 1946 and 1966; it is a study of the monopolies existing with regard to ten types of nuclear reactors. As the study is particularly designed for promoters or constructors of nuclear power plants, only reactors which have stood the test of time and service have been included, to the exclusion, *a priori*, of reactors which have not yet reached the industrial stage, or which have not passed the experimental stage, or which are not designed for the generation of electricity.

As regards each reactor system, the patents have been classified under four main headings: general concept patents; fuel element patents; technology and equipment patents; patents relating to special devices.

The results of the examination of these patents are presented in two forms: first, an analysis by reactor system, in the form of geographical maps showing the essential systems, and secondly a statistical analysis by country, which brings out the relative extent of industrial protection given to the systems considered.

This study should prove to be a valuable contribution to the existing documentation in this special and important field of technical innovation as it is the first published study of its kind.

The information contained in it will undoubtedly assist all parties concerned in the design, construction and operation of nuclear power reactors by enabling them to determine the extent of their dependence on prior rights and to discover the existence of unprotected fields which remain open to technological research and to free development. In addition, this review could well give rise to an increasing awareness of the need to take a new and closer look at the importance of industrial property in marketing economy.

G. D.

NEWS ITEMS

JAPAN

Appointment of a new Director General of the Japanese Patent Office

We have recently been informed that Mr. Chihaya Kawade has been appointed Director General of the Japanese Patent Office with effect from April 25, 1966.

We take this opportunity of congratulating the new Director General on his appointment.

CALENDAR

Meetings of BIRPI

Date and Place	Title	Object	Invitations to Participate	Observers Invited
April 18 to 21, 1967 Geneva	Committee of Experts for the Classification of Goods and Services	To bring up to date the international classification	All Member States of the Nice Union	—
June 12 to July 14, 1967 Stockholm	Intellectual Property Conference of Stockholm, 1967	<p>(a) General Revision of the Berne Convention (Copyright)</p> <p>(b) Revision of the Paris Convention (Industrial Property) on the question of inventors' certificates</p> <p>(c) Revision of the administrative and final clauses of the Berne and Paris Conventions and of the Special Agreements concluded under the latter</p> <p>(d) Establishment of a new Organization</p>	<p>For (a), (b) and (c): Member States of the various Unions</p> <p>For (d): States Members of the United Nations or any of the UN Specialized Agencies</p>	<p>States: States not members of the Unions [for (a), (b) and (c)]</p> <p><i>Intergovernmental Organizations:</i> United Nations; International Labor Organization; World Health Organization; United Nations Educational, Scientific and Cultural Organization; General Agreement on Tariffs and Trade; United Nations Conference on Trade and Development; United Nations Industrial Development Organization; International Institute for the Unification of Private Law; International Patent Institute; International Vine and Wine Office; International Olive Oil Council; Organization of American States; Council of Europe; European Economic Community; European Free Trade Association; Latin-American Free Trade Association; African and Malagasy Industrial Property Office</p> <p><i>Interested International Non-Governmental Organizations</i></p>
October 2 to 10, 1967 Geneva	Committee of Experts on a Patent Cooperation Treaty (PCT)	Examination of the proposed BIRPI plan for facilitating the filing and examination of applications for the protection of the same invention in a number of countries	To be announced later	To be announced later
December 12 to 15, 1967 Geneva	Permanent Committee of the Berne Union (13 th Session)	Consideration of various questions concerning copyright	Belgium, Brazil, Denmark, France, Germany (Fed. Rep.), India, Italy, Portugal, Rumania, Spain, Switzerland, United Kingdom of Great Britain and Northern Ireland	All other Member States of the Berne Union; interested international intergovernmental and non-governmental organizations
December 18-19 1967 Geneva (Headquarters of ILO)	Intergovernmental Committee (Neighbouring Rights). Meeting convened jointly by BIRPI, ILO and UNESCO (First Session)	Adoption of the rules of procedure; election of officers; various questions	Congo (Brazzaville), Czechoslovakia, Ecuador, Mexico, Sweden, United Kingdom of Great Britain and Northern Ireland	All other States parties to the Rome Convention (1961)
December 18 to 21, 1967 Geneva	Internion Coordination Committee (5 th Session)	Program and Budget of BIRPI	Belgium, Brazil, Ceylon, Czechoslovakia, Denmark, France, Germany (Fed. Rep.), Hungary, India, Italy, Japan, Mexico, Morocco, Netherlands, Nigeria, Portugal, Rumania, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia	All other Member States of the Paris Union or of the Berne Union
December 18 to 21, 1967 Geneva	Conference of Representatives of the International Union for the Protection of Industrial Property (2 nd Session)	Program and Budget for the next three-year period	All Member States of the Paris Union	—

Date and Place	Title	Object	Invitations to Participate	Observers Invited
December 18 to 21, 1967 Geneva	Executive Committee of the Conference of Representatives of the Paris Union (3 rd Session)	Program and Budget (Paris Union)	Ceylon, Czechoslovakia, France, Germany (Fed. Rep.), Hungary, Italy, Japan, Mexico, Morocco, Netherlands, Nigeria, Portugal, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia	All other Member States of the Paris Union
December 18 to 21, 1967 Geneva	Council of the Lishon Union for the Protection of Appellations of Origin and their International Registration (2 nd Session)	Annual Meeting	All Member States of the Lishon Union	All other Member States of the Paris Union

Meetings of Other International Organizations concerned with Intellectual Property

Place	Date	Organization	Title
Montreal	May 13 to 20, 1967	International Chamber of Commerce (ICC)	21 st Congress
Guatemala	May 25 to 28, 1967	Inter-American Association of Industrial Property (ASIPI)	Executive Committee
Stockholm	July 12 and 13, 1967	International Patent Institute (IPI)	92 nd Session of the Administrative Council
Helsinki	August 28 to September 1, 1967	International Association for the Protection of Industrial Property (IAPIP)	Executive Committee
Stockholm	September 18 to 29, 1967	Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT)	7 th Annual Meeting

