

Industrial Property

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

6th Year

No. 5

May 1967

Contents

	Pages
INTERNATIONAL UNIONS	
Paris Union. Accession to the Lisbon Act. Ireland	102
Madrid Agreement (Indications of Source). Accession to the Lisbon Act. Ireland	102
Madrid Union (Trademarks). Ratification of the Nice Act. Liechtenstein	102
Declaration under Article 3 ^{bis} . German Democratic Republic	102
Nice Union. Adhesion. Liechtenstein	103
Adhesion. Tunisia	103
Communication. Spain	103
LEGISLATION	
Union of Soviet Socialist Republics. I. Statute on Industrial Designs	104
II. Instructions concerning Applications for Industrial Designs	107
CORRESPONDENCE	
Letter from the Netherlands (L. Wichers Hoeth) <i>First Part</i>	108
GENERAL STUDIES	
Problems of Convention Priority for Patent Applications (Gerhard Schricker)	113
CALENDAR	
BIRPI Meetings	122
Meetings of Other International Organizations concerned with Intellectual Property	123

INTERNATIONAL UNIONS

Paris Union

Accession to the Lisbon Act

IRELAND

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 May 9, 1967, the Swiss Embassy has the honor to inform the Ministry of Foreign Affairs that the Embassy of Ireland in Berne deposited on April 17, 1967, with the said Department, the instrument(s) of accession of Ireland to the following act(s) of the Paris Union for the Protection of Industrial Property:

— 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 of the Paris Convention for the Protection of Industrial Property . . . , this accession will take effect on June 9, 1967."

* * *

The effect of this notification is that Ireland now becomes bound by the Lisbon Act in addition to the earlier Acts.

Madrid Agreement (Indications of Source) Accession to the Lisbon Act

IRELAND

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 May 9, 1967, the Swiss Embassy has the honor to inform the Ministry of Foreign Affairs that the Embassy of Ireland in Berne deposited on April 17, 1967, with the said Department, the instrument(s) of accession of Ireland to the following act(s) of the Paris Union for the Protection of Industrial Property:

—

— 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 June 9, 1967."

* * *

The effect of this notification is that Ireland now becomes bound by the Lisbon Act in addition to the earlier Acts.

Madrid Union (Trademarks) Ratification of the Nice Act

I

LIECHTENSTEIN

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 29, 1967, the Swiss Embassy has the honor to inform the Ministry of Foreign Affairs of the following:

—

Liechtenstein deposited on February 17, 1967, with the French Ministry of Foreign Affairs in Paris, an instrument of ratification by this State to the Madrid Agreement for the International Registration of Trademarks of April 14, 1891, as last revised at Nice on June 15, 1957.

In conformity with Article 16 of the Paris Convention for the Protection of Industrial Property . . . , to which Article 12 (3) of the Madrid Agreement refers, the above-mentioned ratification will take effect on May 29, 1967."

II

Declaration under Article 3^{bis}

GERMAN DEMOCRATIC REPUBLIC

(Translation)

On April 25, 1967, the Swiss Government notified to the Governments of the member countries of the Paris Union the translation of a declaration, the text of which was transmitted to the Federal Political Department through the intermediary of the Embassy of the Czechoslovak Socialist Republic in Berne. The essential part of this declaration reads as follows:

"The German Democratic Republic invokes the right provided for under Article 3^{bis} of the Madrid Agreement concerning the International Registration of Trademarks, Nice Act of June 15, 1957. Consequently, the protection resulting from the international registration will only extend to the German Democratic Republic if the proprietor of the mark expressly requests it."

Nice Union

(International Classification of Goods and Services to which Trademarks are Applied)

Adhesions

LIECHTENSTEIN

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 29, 1967, the Swiss Embassy has the honor to inform the Ministry of Foreign Affairs of the following:

On January 24, 1967, the Principality of Liechtenstein deposited with the Swiss Government an instrument of accession to the Nice Agreement for the International Classification of Goods and Services to which Trademarks are Applied, of June 15, 1957.

In conformity with Article 16 of the Paris Convention for the Protection of Industrial Property, to which Article 6 (3) of the Nice Agreement refers . . . , the above-mentioned accession . . . will take effect on May 29, 1967."

TUNISIA

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 29, 1967, the Swiss Embassy has the honor to inform the Ministry of Foreign Affairs that on February 24, 1967, Tunisia deposited with the Swiss Government an instrument of accession of this State to the Nice Agreement for the International Classification of Goods and Services to which Trademarks are Applied of June 15, 1957.

In conformity with Article 16 of the Paris Convention for the Protection of Industrial Property, to which Article 6 (3) of the Nice Agreement refers, this accession will take effect on May 29, 1967."

* * *

The adhesions of Liechtenstein and of Tunisia bring the membership of the Nice Union to 24 countries¹).

III

Communication

SPAIN

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)

"The Swiss Embassy has the honor to inform the Ministry of Foreign Affairs that the Embassy of Spain in Paris, in a note dated February 6, 1967, notified the French Ministry of Foreign Affairs of the following declaration relating to the ratification by Spain of the Nice Agreement for the International Classification of Goods and Services to which Trademarks are Applied of June 15, 1957:

'The instrument of ratification by Spain relating to the Nice Agreement of June 15, 1957, for the International Classification of Goods and Services to which Trademarks are Applied, declared that Spain, in accordance with the provisions conferred by Article 2 (2) of the said Agreement, reserved the right to apply the above-mentioned classification as a subsidiary system.

However, as from December 15, 1966, Spain has no longer made use of this right which it had reserved, because, in conformity with the Ordinance of the Spanish Ministry of Industry dated November 26, 1966, the International Classification will be applied in Spain, as a principal system, in respect of all national trademarks for which an application is made as from that date.

The Embassy of Spain requests the Ministry of Foreign Affairs to bring the above declaration to the attention of the signatory countries of the Agreement, it being understood that this communication does not imply any amendment to the terms of the Spanish instrument of ratification of October 10, 1958.'"

¹) Or 25 if East Germany or the German Democratic Republic is also considered as a party (see *Industrial Property*, 1964, p. 254). States disagree on this question.

LEGISLATION

UNION OF SOVIET SOCIALIST REPUBLICS *)

I

Statute on Industrial Designs

Approved in accordance with Decree No. 535 of the Council of Ministers of the USSR, of July 9, 1965, by the State Committee of the Council of Ministers of the USSR for Science and Technology (Order No. 232, of August 5, 1965) and by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR (Order No. 49, of August 3, 1965)

1. — By "industrial design" ¹⁾ [industrial design ²⁾, model ³⁾] is understood a new artistic solution of an article, suitable for production by industrial means, in which a unity of technical and aesthetic qualities is achieved.

Industrial designs of industrial articles, other than haberdashery, sewn and knitted goods, fabrics (with the exception of decorative fabrics), footwear, and headwear, are subject to State registration and legal protection.

2. — The author of an industrial design may, at his discretion, request either mere recognition of his authorship, or recognition of his authorship and also of the grant to him of the exclusive right in the industrial design. In the first case, a certificate of authorship shall be issued for the industrial design; in the second case, a patent.

The form of the certificate and of the patent shall be prescribed by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

If the industrial design is created in connection with the author's work in, or upon the instructions of, a State, cooperative or public enterprise (organization) in the USSR, or if the author of the design has been granted pecuniary or other material assistance by a State, cooperative or public enterprise (organization), a patent may not be issued in respect of such design, but rather a certificate.

3. — No certificate or patent in respect of an industrial design may be issued if an identical or similar design:

- (a) has been filed or registered in the USSR as an industrial design;
- (b) has been described in the public press in the USSR, or is known, at the time of filing the application, from foreign publications available in the USSR, except in cases where publication took place during the six months preceding the date of filing the application;

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

¹⁾ Промышленный образец.

²⁾ Промышленный рисунок.

³⁾ Модель.

(c) has been openly used or displayed at exhibitions on the territory of the USSR prior to the filing of the application, unless such use or display occurred during the six months preceding the date of application.

No certificate or patent shall be issued in respect of an industrial design contrary to the requirements of Socialist morality.

4. — A certificate or patent in respect of an industrial design shall be issued on the basis of an application drawn up in due form and filed with the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

The procedure for drafting and filing applications for the issue of a certificate or a patent for an industrial design shall be established by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

5. — Authors of industrial designs working in enterprises and in scientific research and other organizations in the USSR shall normally file applications for the issue of certificates for designs through the intermediary of the enterprise (organization) in which they work. Enterprises (organizations) must assist authors in drafting such applications.

The enterprise (organization) shall, within one month, transmit the application for issue of a certificate to the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, together with its views concerning the suitability of the design for production by industrial means.

In cases where the work is carried out under a task assignment, the director of the enterprise (organization) shall be obliged to file the application for issue of a certificate, on behalf of the enterprise (organization), indicating the name of the author of the design.

Authors of industrial designs not working in an enterprise (organization) shall normally file their applications for issue of a certificate through the All-Union Society of Inventors and Authors of Rationalization Proposals, which shall give the authors all the necessary assistance concerning the drafting of their applications and send all the relevant materials within one month to the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

Authors of industrial designs or their heirs may also file their applications direct with the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

6. — The Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall, within ten days, inform the applicant of its acceptance for examination of the application for a certificate or patent, and shall issue an attestation to that effect, indicating the surname, first name, and patronymic, of the author (authors), the date of receipt of the application, the designation of the industrial design, and the title of the enterprise (organization), if application has been made in the name of an enterprise (organization).

The date of priority of an industrial design shall be established as the date of receipt of the application for issue of

a certificate or patent by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, and, in the event of dispute, as the date of mailing the application, or the date of filing the application with the enterprise (organization).

7. — Examination of applications for the issue of certificates or patents for industrial designs received by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall be made by the All-Union Scientific Research Institute for Technical Aesthetics (VNIITE) of the State Committee of the Council of Ministers of the USSR for Science and Technology⁴).

Where necessary, and if requested by the All-Union Scientific Research Institute for Technical Aesthetics, State, cooperative and public enterprises (organizations) shall, within one month, present, free of charge, their conclusions with regard to the suitability for production by industrial means of designs submitted to them for consideration.

The All-Union Scientific Research Institute for Technical Aesthetics shall, within four months of receipt of an application concerning an industrial design, inform the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR of its findings with regard to the novelty, aesthetic qualities, and suitability for production by industrial means, of the design.

8. — The Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR may, whenever necessary, invite the author of the industrial design to participate in the examination of his application for the issue of a certificate. In such cases, 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.

9. — After examining the expert findings and other materials relating to the application, the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall decide whether or not to issue a certificate or a patent for the industrial design. The Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall record industrial designs for which a certificate or patent has been issued in the State Register of Industrial Designs of the USSR, shall publish a notice to that effect in the *Official Bulletin*, and shall issue the certificate or patent to the applicant.

10. — The Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall inform authors of its decision to issue or refuse a certificate or patent for an industrial design within six months from the date of acceptance of the application for examination.

11. — A patent for an industrial design shall be issued for a period of five years from the date of receipt of an application drawn up in due form by the Committee for In-

ventions and Discoveries attached to the Council of Ministers of the USSR; the author's rights shall be protected from that date.

The validity of the patent may be extended, but only for the succeeding five-year period.

12. — No fee shall be payable to the State for filing an application for a certificate in respect of an industrial design.

Where the issue of patents for industrial designs or the maintenance of patents already issued are concerned, State fees shall be charged in accordance with the rates and time-limits established for patents in respect of inventions. A fee of 10 roubles shall be payable for extension of the period of validity of a patent. Failure to pay within the appointed time the fee for renewing a patent already issued shall render the patent invalid.

13. — If the applicant does not agree with the grounds for refusal to issue a certificate or patent in respect of an industrial design, he may, within one month from the date of receipt of the decision, lodge with the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR an objection⁵) with the grounds therefor, which must be examined within two months. The decision taken in this matter by the Chairman of the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, or his Deputy, shall be final.

14. — State, cooperative and public enterprises, organizations, and institutions, as well as private persons, may, within one year from the date of publication of the issue of the certificate, contest the validity of such issue by proving that the industrial design is not new or that another person is the true author thereof.

A patent for an industrial design may, at any time during its validity, be contested and annulled if it is proved that its issue violated the provisions of this Statute.

In examining objections to a refusal to issue a patent or a certificate, as well as disputes concerning the novelty of an industrial design, the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR may, if necessary, call for further expert advice.

15. — Disputes with regard to the novelty of industrial designs for which a certificate or a patent has been issued shall be decided by the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

16. — Disputes with regard to the authorship of industrial designs shall be decided by the courts, in accordance with the procedure established by law.

17. — The right to use industrial designs for which a certificate has been issued shall belong to the State. Such designs shall be used through the intermediary of State enterprises and organizations.

Cooperative and public enterprises and organizations shall use industrial designs pertaining to their field of activities on equal terms with State enterprises and organizations.

⁴) Всесоюзный Научно-Исследовательский Институт Технической Эстетики (ВНИИТЭ) Государственного комитета Совета Министров СССР по науке и технике.

⁵) Возражение.

Enterprises and organizations using industrial designs for which certificates have been issued shall inform the author and the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR accordingly.

18. — An industrial design for which a patent has been issued may not be used without the consent of the owner of the patent.

The patent owner is entitled either to grant permission (a license) to use an industrial design or to assign the patent outright. The issue of a license or the total assignment of a patent shall be registered with the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR. In such cases, a fee is payable in accordance with the rate established for the grant of a license or the assignment of a patent in respect of an invention.

Authors of industrial designs for which patents have been issued shall receive remuneration from the enterprise (organization) in accordance with licensing agreements.

Where the industrial design is of special importance to the State and no agreement is reached between the ministry, central office, economic council, or executive committee of the soviet of workers' deputies, and the owner of the patent, concerning the assignment of the patent or the grant of a license, the body concerned shall request the Council of Ministers of the USSR to authorize use of the design and to fix the amount of remuneration payable to the owner of the patent, or to order compulsory purchase of the patent.

19. — Authors of industrial designs for which certificates have been issued shall be entitled to remuneration if the industrial design is used in industry or if it is marketed abroad. Remuneration to authors of industrial designs shall be payable by the enterprises or organizations using the designs, in accordance with the Regulations concerning remuneration for industrial designs. Remuneration in respect of the introduction of designs shall not exceed 5,000 roubles for a single design and 2,000 roubles for a single person.

20. — In the event of the sale abroad of licenses concerning industrial designs for which certificates have been issued, the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall pay the authors of such designs remuneration in Soviet currency to the value of up to 3% of the sums obtained from the sale of such licenses. The total remuneration payable to the author (authors), including the amount payable for introduction of the design in the USSR, shall not exceed 10,000 roubles.

The Ministry of Foreign Trade shall transfer to the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR the amount corresponding to the sums obtained from the proceeds of the sale of licenses for industrial designs, with a view to payment of the remuneration in Soviet currency.

21. — Complaints by authors with regard to the amount, method of calculation, and dates of payment, of remuneration for the use of industrial designs shall be examined by the management of the enterprise (organization) in conjunc-

tion with the factory, works, or local trade union committee. An author who disagrees with the decision of the management of the enterprise (organization) and the factory, works, or local trade union committee, with regard to his complaint, may appeal to the head of the higher level organization, who shall examine the complaint within one month. If the author considers the decision of the head of the higher level organization to be incorrect, he may refer the matter to court, in accordance with the procedure established by law.

22. — The author of an industrial design for which a certificate has been issued shall enjoy the following privileges:

- (a) if the author is transferred temporarily for work in another enterprise (organization) in connection with the introduction of his design, his service record shall be considered as uninterrupted. The duration of such temporary work shall be included in his total period of service, qualifying 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 design is introduced;
- (b) a note of all industrial designs introduced and of remuneration paid for such designs shall be entered in the author's labor book;
- (c) remuneration for industrial designs not exceeding 1,000 roubles shall be exempt from income tax. In cases where the remuneration exceeds 1,000 roubles, tax shall be assessed upon the entire amount of remuneration, after deduction of 1,000 roubles, separately for each design;
- (d) authors of industrial designs who have provided the State with proposals of outstanding value shall be entitled to additional living space, on equal terms with scientific workers.

23. — Nationals of foreign countries who are the authors of industrial designs, or their successors at law, as well as foreign legal entities, shall, subject to reciprocity, enjoy the rights provided under this Statute on equal terms with citizens and legal entities of the USSR.

The issue of certificates or patents for industrial designs, in respect of nationals of foreign countries and foreign legal entities, shall be effected through the All-Union Chamber of Commerce.

24. — In the case of nationals of foreign countries and foreign legal entities, the priority of an industrial design, in conformity with the International Convention to which the USSR is a party, shall be established as the date of priority 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 six 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 in which the industrial design 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 after the date of filing of the application in the USSR.

If, after a decision has been made concerning the issue of a certificate or patent for an industrial design, an application is filed for the same design 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 or patent, and shall notify accordingly the person whose application has given rise to such decision.

25. — The priority of industrial designs displayed in international exhibitions organized in the USSR shall be determined by the date on which the exhibit is put on display at the exhibition, provided that the application is filed no later than six months after that date.

26. — The use of an industrial design 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 issued in respect of such design, or of the right of the owner of the patent.

27. — State committees, ministries, and central offices, shall regularly submit to the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR proposals concerning the registration abroad of industrial designs and the sale of licenses for such designs.

Foreign registration of industrial designs created within the USSR or by Soviet citizens abroad shall be effected by decision of the Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

Decisions concerning the sale or purchase of licenses for industrial designs shall be made by the State Committee of the Council of Ministers of the USSR for Science and Technology, in accordance with the procedure laid down for the sale and purchase of licenses for inventions.

II

Instructions

Concerning Applications for Industrial Designs Approved by Order No. 49 of the Committee attached to the Council of Ministers of the USSR, of August 3, 1965, as amended up to March 31, 1967

General Provisions

1. — By "industrial design" (industrial design, model) is understood a new artistic solution of an article, suitable for production by industrial means, in which a unity of technical and aesthetic qualities is achieved.

2. — To permit proper evaluation of an industrial design on the basis of the materials in the application and to enable

it to be used industrially, the external form of the article must be so displayed and described in the application that State organizations and enterprises would be able to produce it industrially.

3. — A separate application shall be filed in respect of each industrial design. It shall consist of a declaration, three copies of a description, a set of photographs of the design and four copies of a drawing (in the case of simple articles) or of a sketch plan of the components (in the case of complex articles). If the application is filed in the name of an enterprise (organization) it shall be accompanied by a letter (form 1) *. The declaration shall be made on form 2 or form 3 *.

The set of photographs shall contain:

- (a) six copies of a photograph of a general view of the design for each author of the design;
- (b) four copies of each of the photographs of as many different views of the design as are required to show its distinctive features.

4. — Applications in respect of industrial designs shall be filed either in the name of the enterprise (organization) in which the designs have been created or in the name of the individual authors or group of authors who have created the designs outside their normal task assignments but file their applications through the enterprise (organization), or through the organs of the VOIR [All-Union Society of Inventors and Authors of Rationalization Proposals], or independently.

5. — If the applicant considers that the industrial design could usefully be registered abroad, a recommendation to that effect, indicating the countries where it is presumed that the design may be of interest, must be appended to the application. The recommendation shall also state whether it is desirable to sell licenses for the said design and to protect it at international exhibitions.

6. — Applications in respect of industrial designs shall be filed and examined separately from applications in respect of inventions, even if the constructional solution of the article has been recognized as an invention.

Declaration

7. — The declaration must state the author's surname and the title and address of the enterprise (organization) in whose name the design is to be registered.

If the application is filed in the name or through the intermediary of the enterprise (organization), the declaration shall be signed by the author of the design and by the director of the enterprise, whose signature shall be certified by means of an official stamp.

8. — A declaration filed in the name or through the intermediary of the enterprise must be accompanied by the conclusions concerning the suitability of the design for production by industrial means.

9. — In the case of applications for patents filed by foreign nationals or foreign legal entities, one copy of a duly legalized

* Omitted. (Ed.)

power of attorney to conduct the relevant proceedings shall be appended. If the foreign applicant claims priority in accordance with the International Convention, the application must be accompanied by a copy of the original application, duly certified by the competent body of the country in which that application was filed.

Description of the Industrial Design

10. — The description of the industrial design shall define the characteristic features of the external appearance of the article, and shall include variants executed in color if color is a characteristic feature of the design.

The description must clearly state the distinguishing features of the form (pattern) given to the article as compared with other articles already known or described, as well as the best method of adopting it for industrial use.

11. — The description shall comprise the following essential items:

- (a) the designation of the industrial design;
- (b) an introduction;
- (c) a detailed description of the characteristic features of the design.

The designation of the industrial design shall be precise, brief, and specific; it may not be generic or abstract in character. The introduction shall mention the best method of adopting the article for industrial use.

The detailed description shall state all the characteristic features of the design, both new features and known features used in conjunction with new features, what new ideas were used in creating the industrial design, and how the characteristics relating to form are combined with the engineering and technical nature of the article and the technological aspects of its production.

The detailed description shall be independent of the submission of photographs, drawings, or plans.

12. — The designation of individual details of form shall comply with standard terminology in the artistic and design fields, and the description shall also use the terminology generally accepted in these fields.

Units of measurement shall be given in accordance with the State All-Union Standards (GOST). It is preferable to use the designations laid down by the international system of units (State All-Union Standards 9867-61). It shall not be permissible to use in the description any form of abbreviation other than those generally accepted: "i. e.," "etc.," "et al.," "and the like."

The description shall be typewritten on one side only of a sheet of smooth white paper measuring 21×29 cm. A space of 0.5 to 0.7 cm. shall be left between lines. A margin of 4 to 6 cm. shall be left on the left-hand side. The pages of the description must be numbered from first to last inclusive.

The description shall not contain any corrections or alterations.

Photographs, Drawings, and Plans

13. — All the characteristics of the industrial design shall be clearly shown on the attached photographs, drawings (for

simple articles), or sketch plans of the components of the solution of the design (for complex articles).

14. — The photographs shall be clear and distinct and shall measure 18×24 cm.

Where necessary, the design may be presented in the form of a colored photograph, but at the time of registration publication shall be in black and white, with an indication of the color combinations.

15. — The first copy of the drawing or sketch plan of the components of the solution of the design shall be made in Indian ink or black ink on smooth white paper of good quality.

The other copies may be presented in the form of photocopies or tracings.

The size of the sheets of paper shall not exceed 18×24 cm. Figures shall be presented in such a way that they can be read when the sheets are held vertically.

16. — In the case of the filing of an application concerning decorative materials, a pattern of the design (motif) executed in the materials concerned shall be appended (in the dimensions of the "repeat" of the pattern).

17. — Models and samples of the article may be required in order to permit examination of the design. In such cases, each model and sample of the article must be supplied with a label indicating the application to which it refers.

Models and samples of the article shall not be returned to the applicant and shall not be kept, except in the case of models and samples in respect of which certificates have been issued. Such models and samples shall be kept for a period of one year in the appropriate exhibition hall of the VNIITE.

18. — Photographs, drawings, and plans, of industrial designs, shall be submitted unfolded and shall be so packed for dispatch as to avoid any possibility of damage.

19. — Additional materials altering the substance of an earlier application shall be filed under a separate application.

CORRESPONDENCE

Letter from the Netherlands

By L. WICHERS HOETH, Barrister-at-Law, Amsterdam
(First Part) *

GENERAL STUDIES

Problems of Convention Priority for Patent Applications *)

By Dr. Gerhard SCHRICKER, Munich

CALENDAR

Meetings of BIRPI

Date and Place	Title	Object	Invitations to Participate	Observers Invited
June 11 to July 14, 1967 Stockholm	Intellectual Property Conference of Stockholm, 1967	(a) General Revision of the Berne Convention (Copyright) (b) Revision of the Paris Convention (Industrial Property) on the question of inventors' certificates (c) Revision of the administrative and final clauses of the Berne and Paris Conventions and of the Special Agreements concluded under the latter (d) Establishment of a new Organization	For (a), (b) and (c): Member States of the various Unions For (d): States Members of the United Nations or any of the UN Specialized Agencies	States: States not members of the Unions [for (a), (b) and (c)] <i>Intergovernmental Organizations:</i> United Nations; International Labour 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 <i>Interested International Non-Governmental Organizations</i>
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	Countries in which over 5000 patent applications were filed in 1965: Argentina, Australia, Austria, Belgium, Brazil, Canada, Czechoslovakia, Denmark, Federal Republic of Germany, France, India, Italy, Japan, Mexico, Netherlands, Poland, South Africa, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America	<i>Intergovernmental Organizations:</i> United Nations; United Nations Industrial Development Organization; United Nations Conference on Trade and Development; International Patent Institute; Organization of American States; Council of Europe; African and Malagasy Industrial Property Office <i>International Non-Governmental Organizations:</i> Committee of National Institutes of Patent Agents; Inter-American Association of Industrial Property; International Association for the Protection of Industrial Property; International Chamber of Commerce; International Federation of Patent Agents; Union of European Patent Agents
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 inter-governmental 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	Interunion 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

Date and Place	Title	Object	Invitations to Participate	Observers Invited
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	—
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

