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INTERNATIONAL UNIONS

Paris Union

Denunciation of the Paris Convention for the Protection of Industrial Property

LAOS

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)

"By a Note from the Ministry of Foreign Affairs of Laos, dated October 26, 1967, which was received by the Swiss Embassy in Djakarta on November 30, 1967, the Royal Government of Laos declared its decision to withdraw from the 'Paris Convention for the Protection of Trademarks.'

Having been informed of the declaration, the International Bureau for the Protection of Industrial Property requested the Ministry of Foreign Affairs of Laos to specify whether the above-mentioned Note should be interpreted as signifying that Laos intended to withdraw from the 'general' industrial property Convention, that is, the Paris Convention for the Protection of Industrial Property of October 31, 1958, to which it had acceded in 1963.

On January 3, 1969, the Royal Embassy of Laos in Paris confirmed to the International Bureau the denunciation of the Paris Convention for the Protection of Industrial Property. The denunciation took effect, pursuant to Article 17^{bis} of the said Convention, on November 30, 1968."

LEGISLATION

FRANCE

I

Decree

Concerning Applications for, and the Issuance and Maintenance in Force of, Patents and Certificates of Utility

(No. 68-1100 of December 5, 1968)

CHAPTER I

Patent Applications

Article 1

Patent applications shall be filed either with the National Institute of Industrial Property in Paris or with a *Préfecture* other than that of Paris.

Filing with the National Institute of Industrial Property may also be effected by sending the application, together with a request for advice of receipt, by registered mail from a French or foreign post office.

Article 2

Applications may be filed personally by the party soliciting the grant or by an agent having his domicile, registered offices or an establishment in France.

Natural persons or legal entities not having their domicile or registered offices in France and not possessing an industrial or commercial establishment in that country shall, within a period of two months of the date of receipt of the notification inviting them to do so, appoint an agent having his domicile, registered offices or an establishment in France.

Unless otherwise provided, the power-of-attorney of an agent appointed in accordance with the provisions of the foregoing paragraphs shall extend to all acts and to the receipt of all notifications provided for in this Decree, with the exception of those mentioned in Articles 25 and 58.

Powers-of-attorney shall not require authentication.

Article 3

A patent application shall include:

- (a) a petition for the grant of a patent;
- (b) a description of the invention and claims which define the scope of protection sought;
- (c) where applicable, the drawings or samples to which the description refers;
- (d) an abstract of the technical features of the invention;
- (e) proof of payment of the fees due at the time of filing the application;
- (f) where applicable, the power-of-attorney of the agent.

Article 4

The benefits of the filing date of the patent application shall be secured if, at the time of filing, the application is accompanied by at least one copy of the papers prescribed in Article 3(a), (b) and (c) of this Decree, regardless of whether the form of such papers is regular, as well as by proof of payment of the fees referred to in Article 3(e).

If the patent application does not include at least one copy of these papers and, without prejudice to the provisions of Article 5, third paragraph, of this Decree, proof of payment of the said fees, it shall be declared inadmissible; the application shall be returned to the applicant and any fees paid shall be refunded.

Article 5

An acknowledgment stating the date and hour of filing of the patent application shall be issued to the applicant.

Where filing is effected with a *Préfecture*, the papers constituting the patent application, together with a duplicate of the acknowledgment of filing, shall be transmitted, within five days of the filing date, to the National Institute of Industrial Property, which shall give the *Préfecture* an acknowledgment of receipt.

Where the application is filed by mail, the date and hour of filing shall be those of the receipt of the envelope containing the application by the National Institute of Industrial Property. In cases where the fees due at the time of filing are only paid subsequently, the date of filing of an application sent in by mail shall be that of such payment, and the hour of filing shall be that of the closing, on that day, of the offices of the National Institute of Industrial Property. The application shall be declared inadmissible if such payment is not made within the two months that follow receipt of the application by the National Institute of Industrial Property.

Article 6

Within the fortnight that follows filing, the National Institute of Industrial Property shall assign a national registration number to the patent application and shall notify it forthwith to the applicant. This number shall be the number under which the notifications provided for in this Decree shall be issued to the applicant.

Article 7

The description shall indicate:

- (a) the title of the invention;
- (b) at least one branch of technology to which the invention relates, such branch being as precise as possible;
- (c) the state of the art in the branch considered;
- (d) at least one result which the invention is intended to achieve;
- (e) the means employed in order to arrive at that result, new elements being distinguished from known elements to the greatest possible extent and the said means being clarified, where required, by examples;
- (f) the possibilities of industrial application of the invention.

The elements of the description shall follow the order of arrangement set out above, unless another arrangement is justified by the subject matter of the invention.

The information referred to in (a), (b), (d) and (e) is compulsory; that referred to in (c) and (f) is optional.

Where the invention relates to a medicine, the description shall give:

- (1) in connection with the information prescribed in (d) of the first paragraph above, an indication of the pharmacological properties and of at least one therapeutic, dietetic or diagnostic application of the medicine described;
- (2) in connection with (e), the formula of the medicine and possibly that of its constituents, the physical, chemical or biological characteristics by which it can be identified, and at least one process for the preparation thereof from known elements. If it cannot be identified by a formula or by physical, chemical or biological characteristics, the medicine may be defined by a process for the preparation thereof. Where known active principles are regrouped in a new way, the properties of the regrouping shall be compared with the sum of the activities of the constituents, taken separately;
- (3) in connection with (f), an example of the therapeutic application indicated in connection with (d), to the extent that this is possible.

Article 8

The claims shall, in the form of a statement of the technical features, define the invention for which protection is sought.

The claims shall not contain, as regards the technical features, a general reference to the description and drawings. However, where necessary, they may refer to a drawing or formula.

Each claim shall contain, in principle:

- (1) a preamble, which indicates the subject matter of the invention and its known features, if any;
- (2) a technical characterization which sets out the special, new elements and which, together with the preamble, defines the limits of the protection claimed.

The preamble of any claim may refer to one or more preceding claims and thereafter indicate additional features. General expressions such as "in combination or separately" are prohibited.

Article 9

A single patent application may, within the meaning of Article 14 of the Law of January 2, 1968, include claims relating to a product, an application of that product, a process for the manufacture of the said product, and means especially designed to put that process into practice.

Article 10

An abstract of the technical subject matter of the invention in respect of which the patent application is applied for shall be drawn up for documentary purposes. It shall not constitute part of the patent and shall not be taken into account in defining the rights deriving from the patent.

The applicant may be invited to amend the abstract he has filed with a view to improving the documentary content thereof. If, within a period of one month from the date of the notification issued to him for that purpose, the applicant has not filed amendments in the sense of the indications given, the abstract may be amended *ex officio*.

The abstract shall be published in the *Bulletin officiel de la propriété industrielle* after publication in that *Bulletin* of the notice prescribed in Article 26 of this Decree.

Article 11

Any patent application the description or claims of which are not drafted in the French language shall be declared inadmissible.

However, an application which is filed by a foreign natural person or legal entity and the description or claims of which are drafted in a foreign language shall be declared admissible provided that the country of such person or entity grants equivalent treatment to French nationals and that a translation of the papers originally filed is supplied by the applicant within a period of two months from the filing of the patent application.

Natural persons or legal entities to whom an application filed abroad, or a right of priority in respect of such an application, has been transferred may also file applications containing descriptions and claims drafted in a foreign lan-

guage, provided that the country in which the original application was filed grants, to French nationals, the equivalent treatment mentioned in the foregoing paragraph and that a translation of the papers filed is supplied within the time limit prescribed in the said paragraph.

A list of the countries regarded as granting equivalent treatment, as well as the language in which nationals of such countries may file applications, shall be established by order of the Minister for Foreign Affairs and the Minister responsible for Industrial Property.

Article 12

Proof of the right of exhibition defined in Article 8(2) of the Law of January 2, 1968, shall be submitted in the form of an attestation issued during the course of the exhibition by the authority responsible for ensuring the protection of industrial property at that exhibition and stating that the invention was in fact exhibited. The attestation shall be accompanied by a description of the invention, the authenticity of which shall be certified by the authority referred to above.

Article 13

Any claim to a right of priority deriving from an earlier filing shall be submitted in a written document which shall mention the date of the earlier filing and its references, the country in which it was effected, and the name of the beneficiary of the rights deriving from the filing; the document shall be accompanied by proof of payment of the fee due. If these papers are not filed within the time limit prescribed in the first paragraph of Article 15 of the Law of January 2, 1968, the claim to priority right shall be declared inadmissible.

If a certified copy of the description, drawings and claims of the earlier application, accompanied, where applicable, by an authorization to claim the priority, given in writing by the owner of the earlier application, is not filed within the time limit prescribed in the second paragraph of Article 15 of the Law of January 2, 1968, no mention of the claim to priority right shall appear in the publications provided for in this Decree or in the document incorporating the grant.

Any applicant who, in respect of a single application, wishes to take advantage of two or more priority rights must observe, in respect of each such right, the requirements laid down in the foregoing paragraphs.

CHAPTER II

Applications of Importance to National Defense

Article 14

Specially empowered delegates of the Minister responsible for National Defense, whose names and qualifications have been brought to the knowledge of the Minister responsible for Industrial Property by the Minister responsible for National Defense, shall, on the premises of the National Institute of Industrial Property, take cognizance of the patent applications filed.

These applications shall be submitted to them within a period of two weeks from the date of receipt thereof by the National Institute of Industrial Property.

Article 15

Requests for authorization to disclose and freely work inventions, which are the subject of patent applications, prior to the expiration of the period prescribed in Article 25 of the Law of January 2, 1968, shall be addressed to the National Institute of Industrial Property; this may be done as from the filing of the patent application. Such authorization shall be notified to the applicant by the Minister responsible for Industrial Property.

In the absence of such authorization, the owner of the patent application may, at any time, petition the Minister responsible for National Defense direct, with a view to obtaining special authorization to perform specific acts of exploitation. The conditions to which such acts of exploitation are subject shall be specified by the said Minister, if he grants the authorization requested.

Where the special authorization relates to the assignment of a patent application or the grant of a license of exploitation, the Minister responsible for National Defense shall issue a copy of his decision to the Minister responsible for Industrial Property.

Article 16

A requisition addressed to the Minister responsible for Industrial Property by the Minister responsible for National Defense for the purpose of retaining in effect prohibitions on the disclosure and free working of an invention in respect of which a patent has been applied for must be received by the National Institute of Industrial Property not less than a fortnight prior to the expiration of the period of five months prescribed in Article 25, third paragraph, of the Law of January 2, 1968.

Any requisition to renew a period in which prohibitions have been retained in effect must be received in the same way not less than a fortnight prior to the expiration of the current period of one year.

The retaining of prohibitions in effect shall be pronounced by order of the Minister responsible for Industrial Property and shall be notified to the applicant prior to the expiration of the current period of prohibition.

The order may contain special provisions authorizing, subject to certain conditions, the filing of applications for protection of the invention abroad. In such cases, a request to that effect must have been made by the owner of the patent application to the Minister responsible for National Defense who shall inform the Minister responsible for Industrial Property of his decision.

Special authorizations to perform specific acts of exploitation may be granted in accordance with the provisions of the second and third paragraphs of Article 15 of this Decree.

The Minister responsible for National Defense may at any time inform the Minister responsible for Industrial Property that prohibitions retained in effect under Article 26 of the Law of January 2, 1968, have been lifted. This measure shall be the subject of an order of the Minister responsible for Industrial Property, notified to the owner of the patent application.

Article 17

Any petition by the owner of the patent application for compensation for loss suffered by reason of the fact that prohibitions on disclosure and free working have been retained in effect shall be made by registered mail, with a request for advice of receipt, to the Minister responsible for National Defense. The petition shall specify the various items of loss claimed, giving the figures for each item.

The *Tribunal de grande instance* shall not hear cases involving settlement of the amount of compensation prior to the end of a period of four months from the date of receipt of the petition, unless an express decision has been made during the course of that period.

Article 18

Judgments, both final and interlocutory, of the court to which a case is referred pursuant to Article 26 or 27 of the Law of January 2, 1968, shall not include any analysis of the invention likely to entail disclosure thereof.

Such judgments shall be delivered in sittings of courts in chambers. Only the State Attorney and the parties or their agents may obtain copies thereof.

If expert testimony is ordered, it may be given only by persons who have received the approval of the Minister responsible for National Defense.

Article 19

Where the prohibitions on disclosure and free working prescribed in Article 25 of the Law of January 2, 1968, terminate more than one year after the filing date of the patent application, the said application may be made available to the public in accordance with the provisions of Article 26 of this Decree only after the expiration of a period of six months from the time that the measures taken to implement the prohibitions are discontinued, unless within that period the applicant has submitted the requisition provided for in the said Article 26.

Where the aforesaid prohibitions terminate more than eighteen months after the filing date of the patent application, the applicant shall have a period of six months, reckoned from the time that measures taken to implement the prohibitions are discontinued, in which to request the drawing up of a documentary report or the conversion of his patent application into an application for a certificate of utility.

Article 20

The provisions of Article 17 of this Decree shall apply to the petition for revision of the amount of compensation provided for in Article 27 of the Law of January 2, 1968.

CHAPTER III

Division of the Application

Article 21

If the patent application does not comply with the provisions of Article 14 of the Law of January 2, 1968, the National Institute of Industrial Property shall issue a notifica-

tion to the applicant inviting him to have the said application divided in accordance with instructions given to him by that Institute.

The applicant shall have a period of three months, reckoned from the date of receipt of the notification, in which to file divisional applications. At the request of the applicant, this period may be renewed once for an additional period of the same duration.

Article 22

Up to the date of grant of the patent, the applicant may, on his own initiative, file applications that are divided from his original patent application.

Article 23

In the event that a patent application is divided in accordance with Articles 21 and 22, above, the applicant must comply with the formalities prescribed in Article 3 of this Decree.

The documents of the first divisional application shall be composed of the original documents after deletion of all parts foreign to the sole subject matter it should contain; there shall be no further amendments or additions other than those deriving from the limitation itself or necessitated by style.

The description, drawings and claims of each other divisional application shall contain, in addition to the texts, figures and claims taken from the description, drawings and claims of the original application, only such connecting and explanatory sentences as are required for clarity of expression.

CHAPTER IV

Correction, Withdrawal and Publication of the Application

Article 24

Until the time that the patent is granted, the applicant may, upon making a justified request, ask that clerical errors discovered in the papers filed be corrected.

The request must be submitted in writing and include the text of the amendments proposed by the applicant; it shall be admissible only if accompanied by proof of payment of the fee due.

If the corrections are refused by the Director of the National Institute of Industrial Property, the papers filed shall remain unaltered.

Article 25

Prior to the date of grant of the patent, the patent application may at any time be withdrawn by written declaration.

Such declaration may refer to one application only. It shall be made by the owner of the application or by an agent. In the latter case, a special power-of-attorney for withdrawal must be attached to the declaration.

Where the patent application has been filed in the names of two or more persons or entities, withdrawal thereof may only be effected if it is requested by both or all such persons or entities.

Where real property rights, liens or license rights have been recorded in the National Register of Patents, the declaration of withdrawal shall be admissible only if the written consent of the beneficiaries of such rights is attached thereto.

If the application is withdrawn after publication in the *Bulletin officiel de la propriété industrielle* of the notice prescribed in Article 26 of this Decree, the withdrawal shall be automatically recorded in the National Register of Patents.

In all cases of withdrawal of an application, a copy of the latter shall be kept by the National Institute of Industrial Property.

Article 26

At the end of the period prescribed in Article 17 of the Law of January 2, 1968, and provided that the patent application has not been withdrawn, or at any time prior to the expiration of such period, upon the written requisition of the applicant, a notice shall be published in the *Bulletin officiel de la propriété industrielle* announcing that the patent application is made available to the public. Such notice shall give the indications required for identification of the patent application.

As from the date of the publication provided for in the foregoing paragraphs, any person may take cognizance, free of charge, at the National Institute of Industrial Property of the description, drawings and claims of the patent application and of any corrections that may have been made in the documents of the application; he may obtain, at his own expense, reproductions of these papers as well as of the documents, prescribed in Article 13 of this Decree, concerning priority right.

Article 27

As from the date of the publication provided for in Article 26, above, and until the expiration of the period provided for in the first paragraph of Article 40 of this Decree, any person may file, with the National Institute of Industrial Property, comments on the patentability of the invention to which the patent application relates, subject to the conditions and in the manner prescribed in Article 40.

The applicant shall be notified forthwith of the content of such comments. No observations filed in response to the comments notified shall be admissible so long as the procedure for drawing up the documentary report has not been commenced.

Article 28

Without prejudice to the implementation of the provisions of Articles 15 and 16 of this Decree, the applicant may at any time obtain, at his own expense, an official copy of the documents of his patent application.

CHAPTER V

Rejection of Applications

Article 29

If, apart from cases where the application is declared inadmissible under the provisions of this Decree, the patent application is irregular as to form with regard to the provisions of this Decree or to provisions laid down for the implementation thereof pursuant to Article 106, or in the event that fees other than those due at the time of filing have not been paid or that payment thereof has been insufficient, a notification stating the reasons shall be issued to the

applicant who shall have a period of one month from the date of receipt of such notification in which to regularize the application or pay the fees due. This period may be extended, upon justified request, but shall not exceed three months.

If the application is not regularized or the fees are not paid within the time limit prescribed in the foregoing paragraph, the patent application shall be rejected by a reasoned decision of the Director of the National Institute of Industrial Property notified to the applicant.

Article 30

If a divisional application filed under Article 21 or Article 22 of this Decree enlarges on the subject matter of the description contained in the original application, the applicant shall be invited by notification to amend the divisional application in the sense of indications given to him by the National Institute of Industrial Property.

The applicant shall have a period of three months from the date of receipt of the notification in which to amend the divisional application. This period may be renewed once, at the request of the applicant, for an additional period of the same duration.

Article 31

Within the time limit prescribed in Articles 21 and 30 of this Decree, the applicant may submit observations in writing in which he refutes the indications given by the National Institute of Industrial Property for the division of his original application or the amendment of the divisional application.

If, within the time limit prescribed in Articles 21 and 30, the applicant has not submitted observations and if the patent application has not been divided or the divisional application has not been amended in the sense of the indications given, the said application shall be rejected by a reasoned decision of the Director of the National Institute of Industrial Property notified to the applicant.

If the observations submitted by the applicant are rejected, he shall be so notified. In cases where the original application is not divided or the divisional application not amended within a period of two months from the date of receipt of the notification, the said application shall be rejected by a reasoned decision of the Director of the National Institute of Industrial Property notified to the applicant.

Article 32

If the patent application is subject to rejection because it represents one of the cases barred under Article 16(4), (5) and (6) of the Law of January 2, 1968, a notification, stating the reasons, shall be sent to the applicant who shall have a period of three months from the date of receipt of such notification in which to submit his observations. This period may be renewed once, at the request of the applicant, for an additional period of the same duration.

If the applicant has not submitted observations within the time limit prescribed in the foregoing paragraph or if his observations are rejected, the patent application shall be rejected by a reasoned decision of the Director of the National Institute of Industrial Property notified to the applicant.

CHAPTER VI
The Documentary Report

Article 33

The provisional documentary reports and the final documentary report prescribed in Article 19 of the Law of January 2, 1968, shall be composed of a list of the items of the state of the art which may have a bearing on the patentability of the invention in respect of which an application for a patent has been applied for, without an indication of whether such elements are cited under Article 8 or under Article 9 of the aforesaid Law.

Each citation of a document shall include references permitting identification thereof as well as a reference to the most pertinent passages, a brief analysis of each such passage, and an indication of the claim which they concern. The date on which the documentary search was made shall be given.

If the said search has not uncovered any documents which might have a bearing on the patentability of the invention, this shall be mentioned in the provisional report or in the final report.

Article 34

The procedure for drawing up the documentary report may be deferred in accordance with the provisions of Article 19 of the Law of January 2, 1968, if the request is submitted at the time of filing of the application.

Waiver of this request shall be made in writing; it shall be admissible only if accompanied by proof of payment of the fee prescribed in Article 80 of this Decree.

Article 35

Requests by any third party that the procedure for drawing up the documentary report be commenced shall be made in writing. They shall be admissible only if accompanied by proof of payment of the fee prescribed in Article 80 of this Decree.

When the request is received, it shall be notified forthwith to the applicant. If, within a period of two months from the date of receipt of such notification, the applicant requests that his patent application be withdrawn or that it be converted into an application for a certificate of utility in accordance with the provisions of Article 36 of this Decree, the procedure for drawing up the documentary report shall not be commenced and the fee prescribed in Article 80 shall be refunded to the person who presented the request referred to in the first paragraph.

At the expiration of the time limit prescribed in the foregoing paragraph, the procedure for drawing up the documentary report shall be undertaken. Such procedure shall be discontinued in the event that the patent application is withdrawn or converted into an application for a certificate of utility.

Article 36

Requests for the conversion of a patent application into an application for a certificate of utility shall be made in writing. So long as the patent has not been granted, such a request may be submitted at any time during the period prescribed in the last paragraph of Article 19 of the Law of January 2,

1968, even if the applicant has not availed himself of the possibility provided for in Article 34, first paragraph, of this Decree or if a third party has requested implementation of Article 35 of the said Decree.

Article 37

The applicant shall be notified of the *ex-officio* conversion provided for in the last paragraph of Article 19 of the Law of January 2, 1968, and shall have a period of two months from the date of receipt of the notification in which to submit observations. If no comments are submitted within that time limit or if comments submitted are rejected, the *ex-officio* conversion shall be maintained or confirmed; in the latter case, a new notification, stating the reasons, shall be issued to the applicant.

Article 38

The applicant shall have a period of two months from the date of receipt of the notification of the first provisional documentary report in which to file, in writing, observations and redrafted claims. This period may be renewed once, at the request of the applicant, for an additional period of the same duration.

The purpose of such observations shall be:

- (1) to discuss the pertinence of the prior art cited in the provisional report;
- (2) to bring out the technical features, either in the original claims or in redrafted claims, in respect of which he considers the prior art cited not to be pertinent.

The provisions of the foregoing paragraphs shall again apply after notification of the second provisional documentary report which, at the expiration of the time limit prescribed in the first paragraph, shall be made available to the public in accordance with the provisions of Article 39, below.

Article 39

A notice shall be published in the *Bulletin officiel de la propriété industrielle* announcing that the second provisional documentary report on the invention which is the subject of the patent application is made available to the public.

If the provisions of Article 26 of this Decree have not already been implemented, they shall be executed forthwith.

As from the date of the publication provided for in the first paragraph above, any person may take cognizance, free of charge, at the National Institute of Industrial Property of provisional documentary reports and of observations and redrafted claims submitted by the applicant; such person may obtain reproductions of these papers at his own expense.

Article 40

Within a period of three months from the date of the publication provided for in Article 39, above, any person may submit comments in writing on the second documentary report.

Such comments shall be submitted in the form of a list of items of the state of the art which may have a bearing on the patentability of the invention, within the meaning of Articles 8 and 9 of the Law of January 2, 1968, drawn up in accord-

ance with the provisions of the second paragraph of Article 33 of this Decree.

On pain of inadmissibility, such comments shall be accompanied by the documents cited or reproductions thereof and by any information or proof required. This provision shall not apply to documents consisting of patents, whether French or foreign; however, at the express request of the National Institute of Industrial Property, foreign patents must be furnished within a period of two months from the date of receipt of the said request.

Article 41

Comments filed by third parties under Article 40, above, shall be notified to the applicant by the National Institute of Industrial Property. The applicant shall have a period of two months, reckoned from the date of receipt of such notification, in which to file in writing his observations in reply and redrafted claims. This period may be renewed once, at the request of the applicant, for an additional period of the same duration.

Article 42

At the expiration of the time limit prescribed in Article 40 of this Decree, if no comments have been submitted by third parties, the final documentary report shall be established and shall have the same content as the second documentary report.

At the expiration of the time limit prescribed in Article 41 of this Decree, if third parties have submitted comments, the final documentary report shall be established; either it shall have the same content as the second documentary report or it shall further include all or part of the prior art cited by the third parties, after such prior art has been confronted with the observations, if any, of the applicant.

Article 43

If, owing to the filing of redrafted claims after notification of the second documentary report, the final report does not pertain to the final claims, mention of this shall be made in the report which, in such cases, shall indicate the earlier claims to which it refers.

Article 44

Notwithstanding the fact that real property rights, liens or license rights are recorded in the National Register of Patents in respect of a patent application, the applicant may amend the claims of his application without the consent of the beneficiaries of such rights.

Article 45

If the owner of a patent application considers that one or more items of the state of the art cited in the documentary report do not have a bearing on the patentability of the invention which is the subject of the said application because disclosure of such items was the consequence of an evident abuse in relation to him within the meaning of Article 8(1) of the Law of January 2, 1968, he may so state in his comments and briefly give the reasons therefor. Such a statement shall not alter the content of the documentary report.

Any final judicial decision on the applicability of the provisions of Article 8(1) of the Law of January 2, 1968, shall be recorded in the National Register of Patents at the request of the owner of the patent application or patent.

Such recording shall entail a correlative amendment of the documentary report.

If this record is entered after publication of the patent, the copies of the patent available at the National Institute of Industrial Property for consultation by the public and for sale shall be marked to show the amendment made to the documentary report.

CHAPTER VII

Grant and Publication of Patents

Article 46

Grant of the patent shall be withheld until the expiration of a period of eighteen months from the filing of the patent application, if a written request to that effect was submitted at the time of filing of the said application. An applicant who has requested that he be granted the benefits of this provision may forgo such benefits at any time by a written declaration.

If a priority has been claimed in accordance with Article 13 of this Decree, the period prescribed in the foregoing paragraph shall be reckoned as from the date on which the right of priority came into existence.

Implementation of the provisions of the foregoing paragraphs shall entail waiving implementation of Article 39 of this Decree until the expiration of the period provided for in the said paragraphs.

Article 47

The patent shall be granted in the name of the applicant by a decision of the Director of the National Institute of Industrial Property stating that the application complies with the requirements laid down in the Law of January 2, 1968, in this Decree, and in the order prescribed in Article 106 of this Decree. The applicant shall be notified of such decision.

In the event that the application has been assigned, the patent shall be granted in the name of the assignee at the latter's request accompanied by the consent of the assignor. At the request of both parties, the name of the assignor shall also be mentioned in the patent.

The final documentary report, of which the full content as defined in Articles 42 or 43 of this Decree is included in the patent, shall, where applicable, make mention of the fact that the original claims were amended or that observations were submitted by the applicant or by third parties during the procedure for drawing up the final documentary report.

The patent shall, in particular, indicate the filing date of the application, the publication date of the application, the date of the decision to grant the patent, and the date of publication of the grant of the patent in the *Bulletin officiel de la propriété industrielle*; where applicable, it shall further mention the priorities claimed, the existence of a division of the original application, and the fact that, at the time of filing, the description or the claims were drafted in a foreign language in accordance with the provisions of the second and third paragraphs of Article 11 of this Decree.

Article 48

In the event that forfeiture of the rights deriving from the patent application has been published in conformity with Article 61 of this Decree, the procedure for grant of the patent shall be discontinued.

Article 49

A notice announcing the grant of the patent shall be published in the *Bulletin officiel de la propriété industrielle* within a period of one month from the date of the notification of grant issued to the applicant in conformity with the second paragraph of Article 47 of this Decree.

This notice shall, where appropriate, mention the issue number of the *Bulletin officiel de la propriété industrielle* in which the patent application was made available to the public, as well as the existence of any amendments made to the original claims.

Following this publication, a certified copy of the patent shall be issued to the applicant.

If the patent application was not published, the abstract provided for in Article 10 of this Decree shall be published underneath the notice announcing the grant of the patent.

As from the date of the publication provided for in the foregoing paragraphs, any person may take cognizance of the patent free of charge at the National Institute of Industrial Property or obtain a reproduction thereof at his own expense.

Article 50

The full texts of patents shall be published and kept on file at the National Institute of Industrial Property.

Documents pertaining to patent applications shall be kept on file at the National Institute of Industrial Property until a period of ten years has elapsed from the expiration of the rights deriving from the patents.

During that period, any person may take cognizance, free of charge, of the papers relating to the filing of the application, the procedure for grant, and the procedure for drawing up the documentary report, or may obtain a reproduction of such papers at his own expense.

After the expiration of the period prescribed in the second paragraph of this Article, the National Institute of Industrial Property may destroy documents pertaining to patent applications. Notwithstanding the provisions of Article 4 of the Decree of July 21, 1936, such destruction shall not require endorsement by the directorate of the *Archives de France*.

However, the originals of descriptions and drawings pertaining to patents not printed prior to the implementation of the Law of April 7, 1902, shall remain on file at the National Institute of Industrial Property.

Article 51

Collections of patents and the *Bulletin officiel de la propriété industrielle* shall be kept on file for consultation by the public free of charge at the headquarters of the National Institute of Industrial Property in Paris and at the Documentation Centers of that public institution in Lyons and Marseilles.

They shall also be kept on file for the same purposes in the towns listed by order of the Minister responsible for Industrial Property and the Minister responsible for Cultural Affairs, either in the Record Office of the *Département* or at the Chamber of Commerce and Industry, or else in a public library or any other establishment designated by the *Préfet*¹.

The *Bulletin officiel de la propriété industrielle* shall be kept on file in the Record Offices of the *Départements* and at the Chambers of Commerce and Industry not appearing in the list prescribed in the foregoing paragraph.

CHAPTER VIII

Naming of Inventor and Claim of Ownership

Article 52

Only the owner of the patent application or patent may name the inventor. This may be done at any time, even after the expiration of the patent.

The naming of any inventor may be deleted at the written request of the person named.

Designations of inventors are not controlled by the National Institute of Industrial Property.

Article 53

Any final judicial decision ruling on the naming of an inventor shall be recorded free of charge in the National Register of Patents on the *ex-officio* requisition of the court clerk or at the request of one of the parties to the suit.

Article 54

If the inventor is named or if such designation is altered after publication of the patent, the copies of the patent available at the National Institute of Industrial Property for consultation by the public and for sale shall be marked with the designation of the inventor or the alteration of such designation.

Article 55

Actions claiming ownership of a patent application or patent shall be recorded in the National Register of Patents at the request of the person who entered the action.

Any final judicial decision delivered on an action claiming ownership of a patent application or patent shall be recorded free of charge in the National Register of Patents on the requisition of the court clerk or at the request of one of the parties to the suit.

If the judicial decision delivered is favorable to the person who instituted the proceedings, the copies of the patent application or patent available at the National Institute of Industrial Property for consultation by the public and for sale shall be marked with an indication showing the change of ownership of the patent.

Article 56

The procedure for patent grant shall be suspended at the written request of any person who submits evidence that he has instituted court proceedings concerning a claim to ownership of the patent application.

¹ The administrative head of a *Département*.

Suspension of the procedure shall take effect as from the date on which the evidence is submitted and shall apply, in particular, to the period of two years provided for in the third paragraph of Article 19 of the Law of January 2, 1968; however, it shall not hinder implementation of Article 26 of this Decree.

The procedure for patent grant shall be resumed as soon as there is no appeal from the decision of the court; it may also be resumed at any time if the person who instituted the proceedings concerning a claim to ownership of the patent application gives his consent in writing; such consent shall be irrevocable.

Suspension and resumption of the procedure shall be automatically recorded in the National Register of Patents.

Article 57

As from the date on which a person submits evidence that he has instituted proceedings concerning a claim to ownership of a patent application or a patent, the owner of such application or such patent may not withdraw the said application or renounce the said patent either in full or in regard to one or more of the claims it comprises, except with the written consent of the person who instituted the proceedings concerning the claim to ownership.

CHAPTER IX

Renunciation and Forfeiture

Article 58

The patent or one or more of the claims therein may be renounced by written declaration.

This declaration shall pertain to one patent, only. It shall be made by the owner of the patent or by an agent. In the latter case, a special power-of-attorney for renunciation must be attached to the declaration.

If the patent belongs to two or more persons, renunciation may be effected only if requested by both or all such persons.

Where real property rights, liens or license rights have been recorded in the National Register of Patents, the declaration of renunciation shall only be admissible if accompanied by the consent of the beneficiaries of such rights.

Renunciation shall be automatically recorded in the National Register of Patents. It shall take effect on the date on which it is so recorded.

A notice of the recording shall be issued to the author of the renunciation.

Article 59¹

The period of six months provided for in the second paragraph of Article 41 of the Law of January 2, 1968, within which payments of annual fees made after the due date for such payments will be validated upon payment of a surcharge for late payment, shall be reckoned from the day on which the annual fee prescribed in the fourth paragraph of Article 79 of this Decree fell due.

Late payment of the annual fees mentioned in the foregoing paragraph, made in respect of a patent application

resulting either from the division of a patent application in conformity with Articles 21 and 22 of this Decree or from the conversion of an application for a patent of addition in conformity with Article 74 thereof, shall be deemed valid provided that such payments are made within a period of two months from the filing date of the divisional application or from the filing of the request for conversion of the patent of addition.

The periods provided for in the foregoing paragraphs shall be calculated in accordance with the provisions of Article 105 of this Decree. Moreover, if the day on which the annual fees fall due or the last day of the said periods is a Saturday, Sunday, holiday or a non-working day, or a day on which the offices of the National Institute of Industrial Property which are empowered to receive the payments are not open, such payments may be validly made on the next succeeding working day.

The provision of this Article shall apply to patent applications filed prior to the date of coming into operation of this Decree as well as to patents granted prior to that date, as regards annual fees falling due after that date.

Article 60

Where payment of an annual fee has not been made at the normal due date, the owner of the patent application or patent shall be issued a warning advising him that his rights will be subject to forfeiture if the said annual fee, together with the surcharge for late payment, is not paid before the expiration of the period provided for in the first paragraph of Article 59 of this Decree.

Absence of warning or any errors the warning might contain shall not involve the responsibility of the National Institute of Industrial Property and shall not constitute grounds for restoration of the rights of the patent owner.

Article 61

Within two months of the expiration of the period provided for in the first paragraph of Article 59 of this Decree, the Director of the National Institute of Industrial Property shall notify the owner of the patent application or the patent of the decision establishing forfeiture of his rights for non-payment, within the prescribed time limit, of the annual fee and the surcharge for late payment.

This notification shall indicate the date — after which forfeiture is made public by the automatic recording thereof in the National Register of Patents — of expiration of the period for appeal for restoration of rights provided for in the third paragraph of Article 48 of the Law of January 2, 1968.

If the owner of the patent application or patent has made an appeal from the decision establishing forfeiture, or if he has brought an action for the restoration of his rights before the Paris Court of Appeal, publication of the forfeiture shall be postponed until the court has delivered a decision; however, mention of the appeal or the action for restoration shall be automatically recorded in the National Register of Patents.

The decision of the Paris Court of Appeal shall be automatically recorded in the National Register of Patents. Where

¹ Including the correction which appeared in the *Journal officiel* of December 29, 1968, p. 12392.

applicable, it shall be accompanied by an indication of the fact that the owner of the patent application or patent has lodged an appeal with the Supreme Court [*Cour de cassation*]. The ruling of the Supreme Court shall be recorded in like manner in the National Register of Patents.

The provisions of this Article shall apply to patent applications filed prior to the date of coming into operation of this Decree and to patents granted prior to that date.

CHAPTER X

The National Register of Patents

Article 62

The National Register of Patents shall contain, in respect of each patent application or patent, in addition to the name of the applicant and the information required for identification of the application or patent, the dates of filing, publication, grant or rejection, as well as the records prescribed in this Decree.

Recording shall be effected by the insertion, in the Register, of instruments which can be invoked against third parties in the cases referred to in Articles 45, second paragraph, 53, 55, second paragraph, 58, fifth paragraph, 61, second and fourth paragraphs, 63, 65, 66 and 97 of this Decree or by entering information in the said Register in the cases referred to in Articles 55, first paragraph, 56, fourth paragraph, 61, third and fourth paragraphs, 67 and 68 of this Decree, as well as in the third paragraph of this Article.

The name of the applicant and the information required for identification of the patent application shall be automatically recorded in the National Register of Patents once the patent application has been made available to the public in accordance with the provisions of Article 26 of this Decree; no record shall be entered in the said Register prior to such publication.

Article 63

Applications for the recording, in the National Register of Patents, of transfers of property, assignments or licenses pertaining to a right of exploitation, the establishment or assignment of liens, as well as of any other deeds dealing with assignments of or changes in the rights deriving from a patent application or a patent, must be accompanied by an original of the deed if the latter is a simple contract, or by a copy if it is an authentic act, or by a document establishing transfer in the event of succession; in addition, proof of payment of the fees due must be submitted.

The original of a simple contract may be returned to the person who applied for recording thereof, provided that a reproduction of the agreement is made and authenticated, at his expense, by the National Institute of Industrial Property.

Recording may also be effected on the basis of an abstract of the deed. In such cases, where the signatures of the parties do not appear on the abstract, the person applying for the recording must submit the deed which shall be returned to him if he so requires after the conformity of the abstract with the deed has been controlled; no copy of the deed shall be kept by the National Institute of Industrial Property.

The applications for recording provided for in the foregoing paragraphs may be submitted only by the parties to the

deed or one such party, by their successors in title, heirs or legatees, or by their agent.

An application for the recording of a deed or of provisions taken from a deed shall be inadmissible if the parties have agreed in the said deed, or in any instrument submitted to the National Institute of Industrial Property, that the deed or the provisions of the deed are not to be published.

Article 64

In the absence of regularization in accordance with the requirements and within the time limits prescribed in Article 29 of this Decree, any application for the entry of records which does not comply with the provisions of Article 63, above, shall be rejected by a reasoned decision of the Director of the National Institute of Industrial Property notified to the person having applied for the recording, and the papers filed shall be returned to him.

Article 65

Any seizure of a patent shall be notified to the National Institute of Industrial Property by the party effecting seizure. The report on the public auction [*adjudication*] held in respect of the patent following the judgment validating seizure shall likewise be notified, by the first mover. These notifications shall be recorded in the National Register of Patents.

Article 66

Where there is no appeal from a decision ordering annulment of a patent, the decision shall be recorded in the National Register of Patents only if it pronounces the absolute nullity of the patent in accordance with the provisions of Article 50 of the Law of January 2, 1968. Such decisions shall be recorded free of charge on the requisition of the court clerk or at the request of one of the parties to the suit.

Article 67

Changes of name, style or address and corrections of clerical errors affecting records may be entered in the National Register of Patents. Changes of address, only, shall not require the filing of documents in proof.

Article 68

Records entered in the National Register of Patents in respect of liens on patents shall be cancelled upon the filing of either a final judicial decision or a written declaration in which the creditor or his assignee, substantiating his rights, consents to the cancellation.

Article 69

A notice of all records entered in the National Register of Patents shall appear in the *Bulletin officiel de la propriété industrielle*.

Article 70

Reproductions of records entered in the National Register of Patents or certificates attesting to the fact that there are no such records shall be issued to any person who so requests.

CHAPTER XI

Patents of Addition

Article 71

The provisions of this Decree which concern patents shall apply to applications for patents of addition, as well as to patents of addition, related to patent applications or patents, with the exception of Articles 37, 48, 59, first paragraph, 60, 61 and 79, third and fourth paragraphs, of this Decree.

No application for a patent of addition may be related to more than one patent application or more than one patent, or to one or more applications for a patent of addition or one or more patents of addition.

Article 72

Any application for a patent of addition shall be declared inadmissible if the applicant therefor is not the owner or one of the joint owners, recorded in the National Register of Patents, of the patent application or patent to which the application for the patent of addition is related, unless, within a period of two months from the date of receipt of the notification issued to him for that purpose, he has the document attesting to his capacity as owner or joint owner of the patent application or patent recorded in the said Register; however, if the patent application has not yet been made available to the public, the applicant for the patent of addition shall attest to his ownership or joint ownership of the patent application by any other means of proof.

Any application for a patent of addition which is related to a patent application or patent forfeiture of which has been published in accordance with Article 61 of this Decree shall also be declared inadmissible.

Article 73

Any application for a patent of addition related to a patent application or a patent and in respect of which a request for drawing up the documentary report is not submitted within the period prescribed in Article 19 of the Law of January 2, 1968, shall not undergo the procedure provided for in Articles 38 to 43 of this Decree and may no longer be converted into a patent application.

A patent of addition granted in accordance with the provisions of the foregoing paragraph shall expire no later than six years after the filing date of the application for the patent of addition; the limited term thereof shall be indicated in the document incorporating the grant.

The applicant shall be notified that the provisions of the foregoing paragraphs apply to his application for a patent of addition; he shall have a period of two months, reckoned from the date of receipt of the notification, in which to submit observations. If no observations are submitted within that period, or if the observations submitted are rejected, the notification shall be maintained or confirmed; in the latter case, a further notification, stating the reasons, shall be issued to the applicant.

Article 74

Any request for the conversion of an application for a patent of addition into an application for a patent shall be admissible only if submitted in writing before the date of receipt of the notification of grant of the patent of addition and if accompanied by proof of payment of the fee due.

Any application for a patent of addition related to a patent application or a patent may be converted, in accordance with the requirements prescribed in the foregoing paragraph, into an application for a certificate of utility.

Article 75

In the event that, after the filing of the application for a patent of addition, forfeiture of the patent application or patent to which such application for a patent of addition is related is published in accordance with Article 61 of this Decree, the procedure for the grant of the said patent of addition shall be discontinued, unless the applicant requests conversion of his application, in accordance with the requirements prescribed in the foregoing Article, within a period of two months from the date of receipt of the notification issued to him for that purpose.

CHAPTER XII

Certificates of Utility

Article 76

The provisions of this Decree shall apply to applications for certificates of utility and to certificates of utility, with the exception of Articles 27, 33 to 45, and the third paragraph of Article 47 of this Decree.

The provisions of Chapter XI of this Decree shall apply to applications for certificates of addition and to certificates of addition related to applications for certificates of utility or to certificates of utility, with the exception of Article 73 of this Decree.

An application for a certificate of addition related to an application for a certificate of utility may not be converted into a patent application.

Article 77

As from the date of the publication, provided for in Article 26 of this Decree, of the application for a certificate of utility and up to the publication of the grant of such certificate, any person may submit comments on the patentability of the invention to the National Institute of Industrial Property, in the manner prescribed in the second and third paragraphs of Article 40 of this Decree.

The content of such comments shall be notified forthwith to the applicant. No observations in reply shall be admissible.

Article 78

Up to the date of receipt of notification of the grant of the certificate of utility, the applicant may, upon written request, file redrafted claims.

The request shall be admissible only if accompanied by proof of payment of the fee prescribed in Article 83 of this Decree.

CHAPTER XIII

Fees and Charges

Article 79

A fee, due at the time of filing, shall be payable in respect of all patent applications.

The first annuity is included in this fee.

An annual fee for maintaining the patent application or patent in force shall be payable for each year of the term of the patent.

Payment of this fee shall fall due each year on the last day of the month in which the patent application was filed.

Article 80

A fee shall be payable in respect of drawing up a documentary report; this fee shall be due at the time that the application is filed unless the applicant submits the request provided for in Article 34 of this Decree.

The order prescribed in Article 90 of this Decree shall specify the deferred payments that may be made by a natural person filing an application in his own name.

If the procedure for drawing up the documentary report has not yet been undertaken at the time that a patent application is withdrawn pursuant to Article 25 of this Decree or at the time that the procedure for grant of the patent is discontinued under Article 48 of the said Decree, or if prohibitions on disclosure and free working have been retained in effect in respect of the patent application pursuant to Article 16 of the said Decree, the fee prescribed in the foregoing paragraph shall, if already paid, be refunded.

Article 81

A fee shall be payable in respect of every right of priority claimed.

Article 82

Each patent application shall be subject to the payment of fees in respect of:

- (1) any page of description or any sheet of drawings in excess of the number fixed in the order prescribed in Article 90 of this Decree;
- (2) any claim in excess of the number fixed in the order prescribed in the said Article 90;
- (3) any correction of clerical errors which has been authorized in accordance with the provisions of Article 24 of this Decree.

Article 83

A fee shall be payable in respect of filing the redrafted claims provided for in Article 78 of this Decree.

Article 84

A fee shall be payable in respect of requests, provided for in Articles 21, 30, 32, 38 and 41 of this Decree, for the renewal of periods of time.

Such requests shall be admissible only if accompanied by proof of payment of the said fee.

Article 85

A fee shall be payable in respect of any request for the conversion of an application for a patent of addition into an application for a patent.

Article 86

A fee shall be payable in respect of the following:

- (1) any recording or cancellation made in the National Register of Patents pursuant to Articles 45, second paragraph, 55, first paragraph, 63, 65 and 68 of this Decree;
- (2) any recording made in the National Register of Patents pursuant to Article 67 of this Decree;
- (3) the issuance of reproductions of records in the National Register of Patents or of the certificates referred to in Article 70 of this Decree.

Article 87

A fee shall be payable in respect of drawing up the novelty report prescribed in Article 98 of this Decree.

Article 88

Fees or charges shall be collected in respect of the following services:

- (1) issuance of an official copy of a patent application;
- (2) issuance of an official copy of a patent;
- (3) issuance of a reproduction of documents concerning a priority right;
- (4) issuance of a duplicate copy of a document or of an attestation concerning a patent or a patent of addition;
- (5) authentication of a copy of a patent.
- (6) issuance of a statement of account regarding the payment of annual fees.

Article 89

It shall be deemed that payment of the fees and charges prescribed in this Decree is valid if it is made at the rate in force at the date of payment.

The annual fees prescribed in Article 59 of this Decree may, in respect of one patent, be paid in a single payment covering a number of years. In such cases, however, the said fees cannot be refunded, regardless of what the ultimate lot of the patent application or patent may be.

The dates on which, depending on the various terms of payment, the fees and charges prescribed in this Decree will be regarded as duly paid shall be set forth by joint order of the Minister responsible for Industrial Property, the Minister responsible for Finance and the Minister responsible for Posts and Telecommunications.

Article 90

The terms and conditions for collecting the fees and charges prescribed in this Decree and the amounts thereof, as well as the terms and conditions regarding sales of the various publications of the National Institute of Industrial Property and regarding the reproduction of documents relating to French and foreign patents kept on file by that public establishment, shall be laid down in an interministerial order issued pursuant to Article 46, as amended, of the Law of May 24, 1951.

CHAPTER XIV

Appeals from Decisions of the Director of the National Institute of Industrial Property

Article 91

The period during which appeals from decisions of the Director of the National Institute of Industrial Property may be brought before the Court of Appeal shall be one month.

If the appellant resides outside metropolitan France, this period shall be extended by:

- (1) one month if he resides in Europe;
- (2) two months if he resides in any other part of the world.

Article 92

The period for appeal provided for in the foregoing Article shall begin on the date of receipt of the notification, made to the appellant, of the decision of the Director of the National Institute of Industrial Property.

Article 93

The appeal shall be lodged in the form of a petition presented to the first president of the Paris Court of Appeal either by the appellant in person or by an attorney practising at the Court of Appeal or a lawyer called to the bar.

If the appellant does not appear in person, he may be represented or assisted in the manner indicated in the first paragraph of this Article.

Article 94

Where the appeal is lodged by a person other than the owner of the patent application or patent, the chief clerk of the Court of Appeal shall summon the said owner as a party to the suit, by registered letter with a request for advice of receipt.

Article 95

The Court of Appeal shall rule, upon hearing the State Attorney.

Article 96

The clerk of the Court of Appeal shall, within eight days of the lodging of an appeal from a decision of the Director of the National Institute of Industrial Property, give formal notice of such appeal to that Institute, by registered letter with a request for advice of receipt.

The clerk shall, in the same manner, notify the appellant and the National Institute of Industrial Property of the judgment on the appeal delivered by the Court of Appeal.

Article 97

The clerk shall send a copy of the above-mentioned judgment to the National Institute of Industrial Property; this judgment shall be automatically recorded in the National Register of Patents.

The judgment of the Court of Appeal shall be carried out within two months of notification thereof.

CHAPTER XV

Transitional Provisions

Article 98

The novelty report which must be submitted by any plaintiff in an action for infringement of a patent or a patent of addition applied for prior to the coming into operation of this Decree shall be drawn up at the request of the plaintiff, presented in writing to the National Institute of Industrial Property. It shall be admissible only if accompanied by proof of payment of the fee prescribed in Article 87 of this Decree.

In his request, the plaintiff shall specify those parts of the invention, concerned in the patent or patent of addition, which he alleges to be infringed and in respect of which the documentary search should be made.

The novelty report shall consist of a list of the items of the state of the art which may have a bearing on the novelty of the invention exclusively as regards the parts thereof indicated in the request.

In respect of each document cited in this report, references permitting identification thereof shall be given, and the part of the invention that the document concerns shall be indicated.

The novelty report shall be issued to the plaintiff and shall not be subject to the procedure prescribed in Articles 38 to 45 of this Decree.

Article 99

Applications for patents, for special medicine patents or for patents of addition filed prior to the date of coming into operation of this Decree shall be processed with a view to the issuance of the documents incorporating the grants in accordance with the provisions operative prior to the coming into operation of this Decree.

Article 100

The branches of technology, determined with reference to the International Classification of Patents for Invention set up under the Convention of December 19, 1954, within which the provisions of Chapter VI of this Decree will be progressively applied, shall be established by order of the Minister responsible for Industrial Property.

The first of these orders shall be published in the *Journal officiel* of the French Republic concurrently with this Decree and shall take effect on the same date. Subsequent orders shall be published prior to the first of October of each year and shall take effect on the following first of January.

Article 101

During the period in which the provisions of Chapter VI of this Decree are not applied in all branches of technology of the International Classification of Patents for Invention set up under the Convention of December 19, 1954, and notwithstanding Articles 34 and 80 of this Decree, notification shall, where necessary, be made to the applicant:

- either that his patent application is subject to the provisions of Chapter VI of this Decree; in this case, the applicant shall have a period of one month from the

date of receipt of the notification in which to pay the fee prescribed in Article 80 or to submit the request provided for in Article 34;

- or that his patent application is not subject to the provisions of Chapter VI of this Decree; in this case, the fee prescribed in Article 80 shall be refunded or it shall be declared that a request submitted in conformity with Article 34 is without object.

Article 102

The provisions of Articles 77 and 78 of this Decree shall apply to patent applications which are not subject to the provisions of the Articles of Chapter VI of this Decree.

Article 103

The documentary report to be submitted by any plaintiff in an action for infringement of a patent applied for after the date of coming into operation of this Decree and issued without having been subjected to the provisions of Chapter VI of this Decree shall be drawn up at the request of the plaintiff, presented in writing to the National Institute of Industrial Property. It shall be admissible only if accompanied by proof of payment of the fee prescribed in Article 80 of this Decree.

The documentary report shall be drawn up in the manner and subject to the conditions prescribed in Chapter VI of this Decree.

In the case provided for in the foregoing paragraphs, a notice announcing that a documentary report has been drawn up in respect of the granted patent shall be published in the *Bulletin officiel de la propriété industrielle*. As from the date of such publication, any person may take cognizance, free of charge, at the National Institute of Industrial Property, of the papers relating to the drawing up of the documentary report, or may, at his own expense, obtain reproductions of such papers.

Notwithstanding the filing of redrafted claims during the procedure for drawing up the documentary report, the granted patent shall not be amended.

CHAPTER XVI

Miscellaneous Provisions

Article 104

Any notification shall be deemed regular if made to the owner of the patent application last declared to the National Institute of Industrial Property or, after publication of the application, to the owner last recorded in the National Register of Patents.

If the owner is domiciled abroad, the notification shall be made to the agent he last appointed or the domicile he last elected for the purposes of the National Institute of Industrial Property.

It shall be compulsory for the notifications provided for in Articles 16, third paragraph, 29 to 32, 37, 61, 64 and 73, third paragraph, of this Decree to be sent by registered letter with a request for advice of receipt.

Article 105

All periods of time stipulated in this Decree shall be clear. The day of the act or decision opening the period as well as the day on which it ends shall not count.

Any period which would normally expire on a Saturday, Sunday, holiday or non-working day shall be extended to the next succeeding working day.

Article 106

The regulations for the implementation of Chapters I and X of this Decree shall be laid down by order of the Minister responsible for Industrial Property.

Article 107

Any provisions contrary to those of the present Decree are hereby repealed.

Article 108

This Decree shall apply to the overseas territories of New Caledonia, French Polynesia, St. Pierre and Miquelon, Wallis and Futuna, and the French Austral and Antarctic territories.

Article 109

The State Minister responsible for Cultural Affairs, the State Minister responsible for Social Affairs, the Keeper of the Seals and Minister for Justice, the Minister for Foreign Affairs, the Minister for the Armed Forces, the Minister for Economics and Finance, the Minister for Industry, the Minister for Posts and Telecommunications, the State Secretary, under the Prime Minister, responsible for Overseas *Départements* and Territories, and the State Secretary for Economics and Finance are entrusted, each in respect of what concerns him, with the enforcement of this Decree, which shall be published in the *Journal officiel* of the French Republic to take effect as from the first of January, 1969.

II

Decree

Designating the "Tribunaux de grande instance" Called upon to Hear Civil Actions Brought under Law No. 68-1 of January 2, 1968, to Promote Inventive Activity and Revise the Patent System

(No. 68-1098 of December 5, 1968)*

Article 1

The *tribunaux de grande instance* designated in the table attached to this Decree shall be called upon to hear civil actions brought under the above-mentioned Law No. 68-1 of January 2, 1968, in the districts defined in the said table.

Moreover, the Paris *Tribunal de grande instance* shall have jurisdiction over these same civil actions for the overseas territories of New Caledonia, French Polynesia, St. Pierre and Miquelon, Wallis and Fortuna, and the French Austral and Antarctic territories.

* BIRPI translation.

Article 2

This Decree shall come into operation on the same date as the above-mentioned Law No. 68-1 of January 2, 1968.

Article 3

The Keeper of the Seals and Minister for Justice shall be entrusted with the enforcement of this Decree, which shall be published in the *Journal officiel* of the French Republic.

Tribunaux having jurisdiction over civil actions brought under Law No. 68-1 of January 2, 1968

Tribunaux de grande instance	Territorial competency extending to the <i>Départements</i> included within the jurisdiction of the Courts of Appeal of:
Aix Court of Appeal: Marseille	Aix-en-Provence, Bastia, Nîmes.
Bordeaux Court of Appeal: Bordeaux	Agen, Bordeaux, Poitiers.
Colmar Court of Appeal: Strasbourg	Colmar.
Douai Court of Appeal: Lille	Amiens, Douai.
Limoges Court of Appeal: Limoges	Bourges, Limoges, Riom.
Lyons Court of Appeal: Lyons	Chambéry, Lyons, Grenoble.
Nancy Court of Appeal: Nancy	Besançon, Dijon, Nancy.
Paris Court of Appeal: Paris	Orléans, Paris, Reims, Rouen, Basse-Terre, Fort-de-France, St. Denis (Réunion).
Rennes Court of Appeal: Rennes	Angers, Caen, Rennes.
Toulouse Court of Appeal: Toulouse	Pau, Montpellier, Toulouse.

III

Decree

Concerning Seizure Effected Prior to Initiating Patent Infringement Proceedings

(No. 69-190 of February 15, 1969)*

Article 1

The detailed description, with or without effective seizure, provided for in Article 56 of the Law of January 2, 1968 [to Promote Inventive Activity and Revise the Patent System], shall be ordered by the presiding judge of the *tribunal de grande instance* having jurisdiction in the place where the operation is to be carried out.

The order shall be given upon simple petition and production either of the patent, certificate of utility, patent or certificate of addition, or — in the case provided for in Article 55, first paragraph, second sentence, of the aforesaid Law — of a certified copy of the application for a patent,

* BIRPI translation.

certificate of utility, or patent or certificate of addition. In the latter case, the claimant must further submit proof that the conditions laid down in the said Article 55 have been complied with.

Where the petition is submitted by the grantee of an exclusive right of exploitation or by the holder of a license granted under Article 32 or Article 36 of the Law of January 2, 1968, the claimant must submit proof that the condition laid down in Article 53, second paragraph, of the said Law has been complied with.

Article 2

Where effective seizure is ordered, the judge may require the claimant to put up security which must be lodged before the seizure is undertaken.

On pain of nullity and damages awarded against the bailiff, the latter must, prior to undertaking seizure, turn over to the holders of the articles seized or described a copy of the order and, where applicable, a copy of the document recording the lodging of security. A copy of the seizure report shall be left with the same holders.

Article 3

The period provided for in Article 56, second paragraph, of the aforesaid Law of January 2, 1968, and granted to the claimant for the purpose of petitioning the court shall be 15 days, reckoned from the day on which seizure or description is effected.

Article 4

The provisions of Decree No. 68-1098 of December 5, 1968, issued under Article 68, third paragraph, of the aforesaid Law of January 2, 1968, shall not apply to the competency, provided for in Article 1 of this Decree, of the presiding judge of the *tribunal de grande instance*.

Article 5

The Keeper of the Seals and Minister for Justice and the Minister for Industry shall both be entrusted, each in respect of what concerns him, with the enforcement of this Decree which shall be published in the *Journal officiel* of the French Republic.

IV

Order

Concerning Applications for Patents and for Patents of Addition Involving a Documentary Report

(of December 5, 1968)*

Article 1

Those patent applications, and those applications for patents of addition related to patent applications or patents, which are principally classified in the technical branches of

* BIRPI translation.

the International Classification of Patents for Invention listed in the table appearing below shall be subject to the provisions of Chapter VI of . . . Decree No. 68-1100 of December 5, 1968 [Concerning Applications for, and the Issuance and Maintenance in Force of, Patents and Certificates of Utility].

Classification symbols	Technical branches
A 01 b	Soil working in agriculture or forestry.
A 23 c	Milk, milk products; milk substitutes; manufacturing, pasturizing, sterilizing and preserving same (non-mechanical part).
A 23 d	Butter substitutes; edible oils and fats.
A 23 f	Coffee; tea; their substitutes; manufacture, preparation, and infusion thereof.
A 61 k 9/00 to 27/00	Medicinal preparations.
A 61 l	Methods or apparatus for sterilizing materials other than foodstuffs; chemical purification of air; material for bandages, dressings, or suture materials; skin-protecting agents.
B 22 d 11/00	Continuous casting of metals.
B 29 d 9/00	Producing layered products consisting only of plastics other than rubber.
B 32 b	Layered products.
B 60 v	Air-cushion vehicles.
B 64 b	Lighter-than-air aircraft.
B 64 c	Aeroplanes; helicopters.
B 64 d	Equipment for fitting in or to aircraft; parachutes; arrangements or mounting of power plants or propulsion transmissions.
B 64 f	Ground or aircraft-carrier-deck installations.
B 64 g	Cosmonautics.
B 65 g	Transport or storage devices, e.g. conveyers for loading and tipping.
C 01 f	Compounds of the metals beryllium, magnesium, aluminium, calcium, strontium, barium, radium, thorium and of the rare earth metals.
C 01 g	Compounds of metals other than alkali metals and beryllium, magnesium, aluminium, calcium, strontium, barium, radium, thorium and the rare earth metals.
C 03 b 37/00	Manufacture or treatment of flakes, fibers, or filaments from softened glass, minerals, or slags.
C 03 c 13/00	Chemical composition of glass fibers or slag wool.
C 03 c 21/00	Treatment of glass by diffusing ions or metals in the surface.
C 03 c 25/00	Surface treatment of fibers or filaments from glass, minerals, or slags.
C 05 b	Phosphatic fertilizers.
C 05 c	Nitrogenous fertilizers.
C 05 d	Inorganic fertilizers other than phosphatic or nitrogenous fertilizers; fertilizers producing carbon dioxide.
C 05 f	Organic fertilizers other than phosphatic or nitrogenous fertilizers.
C 08 g 1/00	Polymeric products from saturated aldehydes.
C 08 g 3/00	Polycondensates from aldehydes with ketones.
C 09 b 1/00 to 5/00	Anthracene dyes.
C 09 b 27/00 to 45/00	Azo dyes.
C 10 g	Cracking hydrocarbon oils; production of liquid hydrocarbon mixtures from materials other than hydrocarbons; recovery of hydrocarbon oils from oil-shale, oil-sand, or gases; refining mixtures mainly consisting of hydrocarbons; reforming of naphta; mineral waxes.
C 10 m	Lubricating compositions; the use as lubricants of chemical substances either alone or as lubricating ingredients in a composition.
C 21 c	Processing of pig-iron; treatment in molten state of ferrous alloys.

Classification symbols	Technical branches
D 06 l	Bleaching, e.g. optical bleaching, dry-cleaning, or washing fibers, threads, yarns, fabrics, feathers, or made-up fibrous goods; bleaching leather or furs.
D 06 m	Treatment, other than bleaching, dyeing, printing or decorating, of fibers, threads yarns, fabrics, feathers, or fibrous goods made from such materials (non-mechanical part).
D 06 p	Dyeing or printing textiles; dyeing leather, furs, or solid macromolecular substances in any form.
D 06 q	Decorating textiles (chemical part).
E 04 c	Structural elements; building materials.
F 15 c	Fluid circuit elements predominantly used for computing or control purposes.
F 25 j	Liquefaction, solidification, or separation of gases or gaseous mixtures by pressure and cold treatment.
F 28 d	Heat-exchange apparatus in which the heat-exchange media do not come into direct contact.
F 28 f	Details of heat-exchange and heat-transfer apparatus, of general application.
G 01 t	Measurement of nuclear or X-ray radiation.
G 04 b	Mechanically driven clocks or watches; mechanical parts of clocks or watches in general; time-pieces using the position of the sun, moon or stars.
G 04 c	Electric clocks or watches.
G 04 d	Apparatus or tools specially designed for making or maintaining clocks or watches.
G 04 f	Short time-interval measuring, e.g. precision systems.
G 06 g	Analogue computers.
G 21 c	Nuclear reactors.
H 01 f 15/00 to 41/00	Inductances or transformers.
H 01 l 3/00 to 11/00	Semiconductor devices of a general type.
H 01 m 27/00	Fuel cells or batteries.
H 01 q	Aerials.
H 04 n	Pictorial communication; television.

Article 2

The classification symbols which are assigned by the National Institute of Industrial Property to applications for patents and for patents of addition, and they alone, shall be decisive as regards applying the provisions of Chapter VI of Decree No. 68-1100 of December 5, 1968, subject to the conditions laid down in Article 101 of that Decree.

Article 3

The Director of the National Institute of Industrial Property is entrusted with the enforcement of this Order, which shall be published in the *Journal officiel* of the French Republic to take effect as from the first of January, 1969.

V

Order**Laying Down Regulations Concerning the Filing of Applications for Patents, for Certificates of Utility and for the Entry of Records in the National Register of Patents**

(of December 5, 1968)*

Article 1

(1) The petition provided for in Article 3 (a) of the . . . Decree of December 5, 1968 [Concerning Applications for, and the Issuance and Maintenance in Force of, Patents and Certificates of Utility] shall be drawn up on paper 29 cm to 34 cm long and 20 cm to 22 cm wide and shall indicate:

(a) the nature of the grant sought: patent, certificate of utility, patent or certificate of addition, divisional patent or certificate of utility;

(b) the surname and given names or the business style, the nationality, and the domicile or registered office of the applicant or applicants and the address, if necessary, to which official communications should be sent;

(c) the name and address of the agent, if any;

(d) the title of the invention, composed of a short and precise designation of the latter, to the exclusion of any fancy appellation, name of a person, or trademark or service mark;

(e) the name of the inventor, where applicable.

(2) The petition shall further indicate whether the applicant wishes to avail himself of the provisions of the Decree of December 5, 1968, in respect of:

(a) withholding patent grant under Article 46 thereof;

(b) deferring the drawing up of the documentary report under Article 34 thereof;

(c) deferred payments, provided for in the second paragraph of Article 80 thereof, of the fee for drawing up the documentary report.

(3) The petition shall be signed by the applicant or applicants or by the agent.

(4) Petition forms shall be furnished free of charge by the National Institute of Industrial Property and may be obtained either from the headquarters of that establishment or from the *Préfectures*.

Article 2

The description and claims provided for in Articles 3, 7 and 8 of the Decree of December 5, 1968, shall be filed in triplicate. The text shall be presented legibly in dark, permanent characters on one side of strong, white paper 29 cm to 34 cm long and 20 cm to 22 cm wide. All pages shall be numbered consecutively in Arabic numerals.

The heading of the description shall give the surname and given names or the business style of each applicant and shall repeat the title of the invention.

The text of the claims shall, under the title "claims," begin at the top of the page following the last page of the description. If there are two or more claims, they shall be numbered consecutively in Arabic numerals.

The description and claims shall contain no drawing figures with the exception of graphic chemical or mathematical formulae, nor shall they contain fancy appellations, names of persons, or trademarks or service marks, unless such indications are required for identification of an article, product or document.

Units of weights and measures shall be in accordance with the metric system. For common units not belonging to the metric system and for setting out chemical or mathematical formulae, the internationally agreed rules shall be observed and internationally recognized notations employed. If more recent units are cited, they shall be accompanied by a definition or by bibliographical references.

One of the three copies of the description and claims shall be signed, after the claims, by the applicant or applicants or by the agent.

Article 3

The drawings provided for in Article 3(c) of the Decree of December 5, 1968, shall be filed in triplicate. They shall be executed in dark, permanent markings, without washes or colors, on smooth, white, non-shiny paper 29 cm to 34 cm long and 21 cm, or exceptionally 42 cm, wide, the surface used being no more than 25.7 cm by 17 cm or 25.7 cm by 35.5 cm. Each sheet shall be numbered in the middle of the upper margin. All of the various figures shall be numbered consecutively in Arabic numerals.

Drawings shall contain no descriptive matter, with the exception of such terms as "water," "steam," "section on AB," "open," "shut," and explanatory matter required for the understanding of certain diagrams or plans involving intricate circuits, graphs or flow sheets. Authorized terms and explanatory matter shall be given in the French language, without prejudice to the provisions of Article 11 of the Decree of December 5, 1968.

The scale shall be such that all details can be seen without difficulty. Where it is shown on the drawing, the scale shall be drawn and not indicated in writing.

One copy of each sheet shall be signed by the applicant or applicants or by the agent.

Drawings shall be filed in such a way as to be free from creases or cracks.

Article 4

Fees due in respect of filing the application, supplementary pages of description, supplementary sheets of drawings, and correcting clerical errors shall be payable at a reduced rate fixed by the ministerial order provided for in Article 90 of the Decree of December 5, 1968, if, notwithstanding Articles 2 and 3 above, the descriptions, claims, drawings and corrections of clerical errors to which they pertain are filed in accordance with the provisions of Articles 5, 6 and 7 below, the purpose of which is to permit reproduction thereof by offset.

* BIRPI translation.

Article 5

At least one of the three copies of the description and claims shall be typed or printed on paper 21 cm wide and 29.7 cm long (size A4).

The surface used for the text shall be delimited by a left-hand margin of 3 cm, a right-hand margin of 1 cm and margins of 2 cm at the top and bottom. The type or print shall be black and shall form a single column covering the entire surface to be used, with the exception of the last page of description and the last page of claims. Subject to the same exception, and without prejudice to Article 7 below, there shall be approximately 40 lines per page.

Drawings may be inserted in the description. They shall be numbered consecutively, together with those appearing on the drawing sheets.

In the left-hand margin, about 0.5 cm from the text, every fifth line shall be numbered (5, 10, 15, etc.), the numbering beginning again at five opposite the fifth line of each successive page. All pages shall be numbered in the middle of the upper margin.

In the copy provided for in this Article, the description shall have no heading and there shall be no signatures.

Article 6

At least one of the three copies of the drawings shall be presented on sheets 21 cm wide and 29.7 cm long (size A4).

The surface used for the execution of the drawings shall be delimited by a left-hand margin of 3 cm, a right-hand margin of 1 cm and margins of 2 cm at the top and bottom.

The copy provided for in this Article shall not be signed.

Article 7

If, under Article 24 of the Decree of December 5, 1968, corrections are made either in the original text of the description or claims or in the drawings, the page involving corrections shall be replaced in the copy provided for in Articles 5 and 6 above; in such cases, there may be more than 40 lines of text. It shall not be necessary to file a new page, however, if the correction does not affect the presentation of the text.

Article 8

To facilitate presentation of descriptions and claims in accordance with the provisions of Articles 5, 6 and 7 above and to permit reproduction by offset, the National Institute of Industrial Property shall furnish, free of charge, paper on which a frame is marked in inactiv ink; such paper may be obtained either from the headquarters of that establishment or from one of the *Préfectures*.

Article 9

(1) The abstract, provided for in Article 10 of the Decree of December 5, 1968, of the technical content of the invention shall be drawn up in duplicate in accordance with the general requirements as to form prescribed in Articles 2 and 3 of this Order. It shall indicate the title of the invention, the name of the applicant, and the claim to priority, if any.

(2) The text of the abstract shall be comprised of three paragraphs; the purpose of the respective paragraphs shall be:

(a) to situate the invention as precisely as possible in the branch of technology to which it belongs;

(b) to describe the principal technical features of the invention in its preferred embodiment with, where applicable, references to the drawing provided for in the third paragraph of this Article;

(c) to list the principal applications indicated in the description.

(3) Where the patent application includes drawings, the text of the abstract shall further include a sheet bearing a drawing which may be in the form of a figurative or schematic sketch, a diagram, a chemical formula or a wiring diagram. The drawing shall be limited to a single figure, except in the case of chemical formulae; it shall show the references mentioned in the text of the abstract. The indication "drawing for the abstract" shall appear in the upper margin at the right-hand side.

(4) In the abstract, the indications and text provided for in the first and second paragraphs of this Article shall total no more than 18 lines, or no more than 30 lines, of 50 letters or symbols depending on whether or not the abstract includes a drawing.

Article 10

The samples provided for in Article 3(c) of the Decree of December 5, 1968, shall be wrapped when filed. Filing thereof shall be noted in the acknowledgment of filing. Costs incurred in sending the parcel from the *Préfecture* to the National Institute of Industrial Property shall be borne by the applicant. The *Préfecture* or the National Institute may refuse bulky samples or models, or commodities or products that are either dangerous or perishable.

Article 11

The agent's power-of-attorney provided for in Articles 2 and 3(f) of the Decree of December 5, 1968, shall indicate the surname and given names or the business style and the domicile or registered office of the applicant and of the agent. It shall be dated and signed by the applicant.

Article 12

The copies of the description, claims, and abstract, as well as of the drawings and priority documents, if any, shall be filed in a sealed envelope bearing the name of the party soliciting the grant, the title of the invention, a list of the papers contained in the envelope and the number of such papers. Other papers pertaining to the patent application shall be filed outside the envelope.

Article 13

The authorization to claim priority, in the case provided for in Article 13, second paragraph, of the Decree of December 5, 1968, shall be accompanied by a translation if it is in a foreign language other than English or German. The authorization shall not require authentication.

Where the certified copy provided for in Article 13, second paragraph, of the Decree of December 5, 1968, is in a foreign language, the National Institute of Industrial Property may require a translation of that part of such copy which contains the references prescribed in the first paragraph of the same Article.

Article 14*

The applications provided for in Article 63 of the Decree of December 5, 1968, for the entry of records in the National Register of Patents shall be submitted in quadruplicate and shall contain:

(1) if the patent application was filed before January 1, 1969, the date and place of filing, the number of the filing certificate in the case of an application or the number of the grant in the case of a patent, and the name of the applicant for the patent;

(2) if the patent application was filed on or after January 1, 1969, the date of filing, the national registration number provided for in Article 6 of the Decree of December 5, 1968, and the name of the applicant for the patent;

(3) the surnames and given names or the business styles, as well as the addresses, of the parties to the deed, the heirs or legatees;

(4) the nature and extent of the right transferred, assigned or established;

(5) the nature and date of the deed, abstract or document submitted;

(6) the date of the application for entry of a record and the signature of the party applying therefor or of the agent.

One of the copies, bearing a notice of the recording, shall be returned to the party who applied for the entry.

Article 15

The applications provided for in Article 67 of the Decree of December 5, 1968, for the entry of records in the National Register of Patents shall be submitted in quadruplicate and shall contain:

(1) the indications prescribed in Article 14(1) and (2) above;

(2) the surname and given names or the business style, as well as the address, of the last owner of the patent application or patent, as they were recorded in the National Register of Patents before the application for the entry;

(3) the new name, style or address, or the wording of the correction of clerical errors affecting records;

(4) where applicable, the nature and date of the document in proof submitted;

(5) the date of the application for the entry and the signature of the party applying therefor or of the agent.

One of the copies, bearing a notice of the recording, shall be returned to the party who applied for the entry.

Article 16

The deed referred to in Article 63, first paragraph, of the Decree of December 5, 1968, shall be accompanied by a

reproduction thereof; the latter shall be kept on file by the National Institute of Industrial Property.

This provision shall also apply to the abstract provided for in Article 63, third paragraph, of the said Decree.

Article 17

The provisions of this Order shall apply to certificates of utility and to certificates of addition. However, as regards certificates of utility and certificates of addition related thereto, the descriptions, claims and drawings shall only be submitted in duplicate.

Article 18

The Director of the National Institute of Industrial Property is entrusted with the enforcement of this Order, which shall be published in the *Journal officiel* of the French Republic to take effect as from January 1, 1969.

ITALY

Decrees

Concerning the Temporary Protection of Industrial Property Rights at Six Exhibitions

(of February 20, 25, 27 and 28, 1969)¹

Single Article

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

MODA SELEZIONE (Turin, April 18 to 21, 1969);

Rassegna suinicola internazionale (Reggio Emilia, May 1 to 4, 1969);

III^a Rassegna internazionale della chimica e giornate della chimica (Milan, May 17 to 25, 1969);

XIX^a Fiera di Ancona — Mostra mercato internazionale della pesca, degli sports nautici e attività affini (Ancona, June 26 to July 6, 1969);

VI^o Salone internazionale componenti, strumenti di misura elettronici ed accessori — XXXIV^a Mostra nazionale radio televisione — VI^a Esposizione europea elettrodomestici (Milan, September 6 to 11, 1969);

XLI^a Esposizione internazionale del ciclo e del motociclo (Milan, November 22 to 30, 1969)

shall enjoy the temporary protection provided by Laws No. 1127 of June 29, 1939², No. 1411 of August 25, 1940³, No. 929 of June 21, 1942⁴, and No. 514 of July 1, 1959⁵.

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.

* Including the correction which appeared in the *Journal officiel* of December 29, 1968, p. 12393.

GENERAL STUDIES

The Provisions for the Implementation of the New French Patent Law

By Roger GAJAC
Legal Counsellor, Head of Division
National Institute of Industrial Property (Paris) *

**Principles and Practice
in the Application of Industrial Property Law
in Cases of Parallel Importation**

By J. WOLTERBEEK

I. Introduction *

One thing which the various industrial property rights have in common is their absolute and exclusive nature. There are, however, essential differences.

**A New Intellectual Property Union is Born :
The International Union for the Protection
of New Plant Varieties**

By B. LACLAVIÈRE *

NEWS ITEMS

UNITED STATES OF AMERICA

Appointment of a New Commissioner of Patents

We have recently been informed that Mr. William E. Schuyler has been appointed Commissioner of Patents of the U.S. Patent Office, with effect from May 1, 1969. Mr. Schuyler succeeds Mr. Edward J. Brenner who has resigned.

We take this opportunity to congratulate Mr. Schuyler on his appointment, and to express our best wishes to Mr. Brenner for the future.

BOOK REVIEWS

World Patent Law and Practice, by J. W. Baxter. 363 pages. Sweet and Maxwell, London. Matthew Bender and Co. Inc., New York, 1968.

This book, written by a practitioner specializing in industrial property questions, is intended as a work of general reference for those dealing in day-to-day patent practice and the international aspects of patent law.

The study takes up in succession the main problems confronting the practitioner and sets forth, for each case, the particular provisions in force in the various countries. Lastly, a final chapter gives a rapid analysis of the new legislation in Germany, France, Israel and the Nordic countries.

So as to make it easy to find all information on an individual country, there is, at the end of the book, a separate index of 25 countries in which there is considerable patent activity.

The author, who has thus made a worth-while contribution to the study of international patent practice, plans to keep his work up to date by publishing annual supplements, thereby adding to its value to specialists.

Brevets et marques au regard du droit de la concurrence en Europe et aux Etats-Unis [Patents and Trademarks in the Face of Competition Law in Europe and the United States]. Free University of Brussels. Institute of European Studies. Legal Theses and Works, 2. 225 pages. Presses Universitaires de Bruxelles, 1968.

Under this title, the Institute of European Studies has published the statements made at the Colloquy held on the following subjects on November 15 and 16, 1966:

- Patents, Trademarks and Free Competition under National Law;
- Trademarks and Free Competition under Community Law;
- Patents and Free Competition under Community Law;
- Patents, Trademarks and Free Competition in Atlantic Relations.

This Colloquy was attended by European and American industrial property specialists, and a comparison of their views will enable the reader to realize just how complicated the problems are that confront industrial property law owing to the rapid development of commercial exchanges between the various States.

The Patent Acts 1949-1961, with a commentary by the Chartered Institute of Patent Agents. Second Edition. Sweet and Maxwell 1968. London. 377 pages.

CALENDAR OF MEETINGS

BIRPI Meetings

June 9 to 12, 1969 (Abidjan) — African Committee of Experts

Object: To draft model statutes for societies of authors in African States — *Invitations:* Congo (Kinshasa), Ghana, Ivory Coast, Kenya, Malawi, Nigeria, Senegal, Tunisia — *Observers:* Intergovernmental and non-governmental organizations concerned — *Note:* Meeting convened jointly with Unesco

June 20 and 21, 1969 (Geneva) — Permanent Committee of the Berne Union (Extraordinary Session)

Object: Consideration of various questions concerning copyright — *Invitations:* Belgium, Brazil, Denmark, France, Germany (Fed. Rep.), India, Italy, Portugal, Rumania, Spain, Switzerland, United Kingdom — *Observers:* All other member States of the Berne Union; Unesco

August 29, 1969 (Geneva) — Information Meeting of International Non-Governmental Organizations

Object: To appoint observers to the International Copyright Joint Study Group — *Invitations:* Interested Organizations — *Note:* Meeting convened jointly with Unesco

September 17, 1969 (Geneva) — Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) — Technical Coordination Committee (2nd Session)

September 18 and 19, 1969 (Geneva) — Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) — First Annual Meeting

September 22 to 26, 1969 (Geneva) — Interunion Coordination Committee (7th Session)

Object: Program and Budget of BIRPI for 1970 — *Invitations:* Argentina, Australia, Austria, Belgium, Brazil, Cameroon, Denmark, France, Germany (Fed. Rep.), Hungary, India, Iran, Italy, Japan, Kenya, Morocco, Mexico, Netherlands, Poland, Portugal, Rumania, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America

September 22 to 26, 1969 (Geneva) — Executive Committee of the Conference of Representatives of the Paris Union (5th Session)

Object: Program and Budget (Paris Union) for 1970 — *Invitations:* Argentina, Australia, Austria, Cameroon, France, Germany (Fed. Rep.), Hungary, Iran, Japan, Kenya, Morocco, Mexico, Netherlands, Poland, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America — *Observers:* All the other member States of the Paris Union; United Nations; International Patent Institute

September 22 to 26, 1969 (Geneva) — Council of the Lisbon Union for the Protection of Appellations of Origin and their International Registration (4th Session)

Object: Annual Meeting — *Invitations:* All member States of the Lisbon Union — *Observers:* All other member States of the Paris Union

September 29 to October 3, 1969 (Washington) — International Copyright Joint Study Group

Object: To examine all questions concerning international copyright relations — *Invitations:* Argentina, Australia, Brazil, Canada, Ceylon, Czechoslovakia, France, Germany (Fed. Rep.), India, Italy, Ivory Coast, Japan, Kenya, Mexico, Netherlands, Nigeria, Peru, Philippines, Rumania, Senegal, Spain, Sweden, Tunisia, United Kingdom, United States of America, Yugoslavia — *Observers:* Organizations to be designated — *Note:* Meeting convened jointly with Unesco

September 30 to October 2, 1969 (Geneva) — Committee of Experts on the Establishment of a "Priority Fee" (Paris Convention)

Object: Implementation of the Recommendation adopted by the Stockholm Conference — *Invitations:* Algeria, Argentina, Austria, France, Germany (Fed. Rep.), Iran, Italy, Japan, Kenya, Netherlands, Rumania, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America, Yugoslavia — *Observers:* Interested intergovernmental and non-governmental organizations

October 21 to 24, 1969 (Munich) — Joint Ad Hoc Committee on the International Classification of Patents (2nd Session)

Object: Practical application of the classification and revision of the European Convention — *Invitations:* Czechoslovakia, France, Germany (Fed. Rep.), Japan, Netherlands, Soviet Union, Spain, Switzerland, United Kingdom, United States of America — *Observers:* International Patent Institute — *Note:* Meeting convened jointly with the Council of Europe

October 27 to 31, 1969 (Geneva) — Committee of Experts on a Model Law for Developing Countries on Industrial Designs

Object: To study a Draft Model Law — *Invitations:* Developing countries members of the United Nations — *Observers:* Interested intergovernmental and non-governmental organizations

November 3 to 8, 1969 (Cairo) — Arab Seminar on Industrial Property

December 10 to 12, 1969 (Paris) — Intergovernmental Committee Rome Convention (Neighboring Rights), convened jointly by BIRPI, ILO and Unesco (2nd Session)

December 15 to 19, 1969 (Paris) — Permanent Committee of the Berne Union (14th Ordinary Session)

Meetings of Other International Organizations Concerned with Intellectual Property

May 19 to 22, 1969 (Prague) — International Federation of Musicians — Executive Committee

May 25 to 29, 1969 (Vienna) — International League Against Unfair Competition (LICCD) — 21st Congress

May 31 to June 7, 1969 (Istanbul) — International Chamber of Commerce (ICC) — XXIInd Congress

June 9 to 14, 1969 (Venice) — International Association for the Protection of Industrial Property (IAPIP) — XXVIIth International Congress

June 23 to 27, 1969 (Paris) — Unesco — Subcommittee of the Intergovernmental Copyright Committee

June 24 to 26, 1969 (The Hague) — International Patent Institute (IPI) — 101st Session of the Administrative Council

July 1 to 5, 1969 (Moscow) — Moscow Jubilee Symposium 1969 (Industrial Property)

July 2 to 7, 1969 (Moscow) — International Writers Guild (IWG) — 2nd Congress

September 8 to 12, 1969 (Nuremberg) — International Federation of Musicians — 7th Ordinary Congress