

Industrial Property

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for the Protection of Intellectual Property (BIRPI)
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INTERNATIONAL UNIONS

Interunion Coordination Committee

Seventh Session

(Geneva, September 22 to 25, 1969)

Note *

Composition

The Seventh Ordinary Session of the Interunion Coordination Committee (hereinafter referred to as "the Committee") was held at Geneva from September 22 to 25, 1969.

The 27 members of the Committee were represented: Argentina, Australia, Austria, Belgium, Brazil, Cameroon, Denmark, France, Germany (Federal Republic), Hungary, India, Iran, Italy, Japan, Kenya, Mexico, Morocco, Netherlands, Poland, Portugal, Rumania, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America.

The following ten States were represented by observers: Algeria, Canada, Cuba, Czechoslovakia, Finland, Holy See, Ireland, Israel, Norway, Yugoslavia.

The list of participants follows the present Note.

Mr. A. Fernandez Mazarambroz (Spain) was elected Chairman; Mr. M. Couto (Brazil) and Mr. T. Jarno (Poland) were elected Vice-Chairmen. Dr. Arpad Bogsch, First Deputy Director, BIRPI, acted as Secretary of the Committee.

BIRPI Activities

The Committee noted with approval the reports concerning the activities of BIRPI since the last ordinary session (September 1968) of the Committee.

Finances of 1968

The Committee noted with approval the reports concerning the finances of BIRPI in the year 1968.

UPOV

The Committee was informed of the imminent conclusion of arrangements tending to establish close technical and administrative cooperation between BIRPI and the International Union for the Protection of New Varieties of Plants, henceforth to be designated as UPOV (this designation is derived from the first letters of the words constituting the name of that Union in French: "*Union pour la protection des obtentions végétales*"). Under these arrangements, the Director of BIRPI and the Secretary General of the Bureau of UPOV must be the same person, the Bureau of UPOV will be located in the same building as the headquarters of BIRPI, and BIRPI will provide — against reimbursement — most of the administrative services needed by the Bureau of UPOV.

* This Note was prepared by BIRPI on the basis of the documents of the session.

However, all activities concerning substantive aspects of the protection of new varieties of plants will be carried out by a separate Department, exclusively under the jurisdiction of UPOV, and directed by the Vice-Secretary General of the Bureau of UPOV.

BIRPI Headquarters Building

The Committee was informed that the Genevese authorities are ready to grant a long lease to BIRPI of a piece of land adjacent to that on which the present headquarters building stands, for the purpose of erecting an extension or an annex to the present building.

The Committee established what is to be known under the name of the *Headquarters Building Subcommittee* to advise the Director of BIRPI on evaluating the needs of BIRPI and WIPO for the next ten to fifteen years as far as office, conference and related premises and facilities are concerned, on the best methods of meeting those needs by construction on the piece of land referred to above, and on the financing of such construction.

Staff Matters

The Committee noted with approval several changes or proposed changes in the Staff Regulations and Rules and a proposal by the Director of BIRPI to promote Mr. K. Pfanner, Head, Industrial Property Division, to the rank of Senior Counsellor.

Decoration Conferred on the Director by Sweden

The Committee decided to suggest to the Supervisory Authority that Professor G. H. C. Bodenhausen, Director of BIRPI, be authorized to accept the decoration of Grand Officer of the Royal (Swedish) Order of the Polar Star.

Retention in Active Service of Professor Bodenhausen

The Committee decided to recommend to the Supervisory Authority that, waiving the age-limit that otherwise would be applicable, it retain Professor Bodenhausen in active service until the end of 1972, it being understood that this recommendation implied no opinion on what should be done beyond that date.

Program and Budget for 1970

The Committee noted with approval the draft program and budget for 1970 as presented to it.

The outstanding features of the program for 1970 are the following:

as far as the Paris Union is concerned: continuation of technical-legal assistance to developing countries (traineeships, publication of the model law on industrial designs for developing countries, cooperation with various organs of the United Nations particularly in so far as transfer of technology to developing countries is concerned); plans for holding a diplomatic conference for the adoption of the proposed Patent Cooperation Treaty and another diplomatic conference for the revision of the European Convention on the International Classification of Patents for Invention; further work on the establishment of an international classification of the figura-

tive elements of marks and of an international agreement for the protection of type faces; increase in the role of BIRPI in the activities of ICIREPAT;

as far as the Madrid Union is concerned: continuation of the preparatory work for the possible revision of the Madrid Agreement or the establishment of a second agreement on the international registration of marks;

as far as the Berne Union is concerned: holding in 1970, or preparations for holding in 1971, a diplomatic conference for the revision of the Berne Convention at the same time as the revision of the Universal Copyright Convention; continuation of the work in the field of copyright problems concerning communication satellites and computers;

as far as all Unions are concerned: publication of the documents of the Stockholm Conference of 1967.

List of Participants

Member States of the Committee *

* Argentina

Mr. L. M. Laurelli, Secretary of Embassy, Permanent Mission of the Argentine Republic, Geneva

* Australia

Mr. J. P. Harkins, Senior Assistant Secretary, Attorney-General's Department, Canberra

* Austria

Mr. T. Lorenz, Counsellor, Austrian Patent Office, Vienna

Belgium

Mr. Gérald-L. de San, Director-General and Legal Counsellor, Ministry of National Education and Culture, Brussels
Mr. Jacques Degavre, Industrial Property Department, Brussels

Brazil

Mr. Mauro Couto, First Secretary, Permanent Mission of Brazil, Geneva

* Cameroon

Mr. J. Eked-Samnik, Embassy of Cameroon, Bonn

Denmark

Mr. Torben Lund, Professor, University of Aarhus

* France

Mr. François Savignon, Director, National Institute of Industrial Property, Paris
Mr. Roger Labry, Counsellor of Embassy, Ministry of Foreign Affairs, Paris
Mr. Charles Rohmer, Head, Copyright Office, Ministry of Cultural Affairs, Paris
Mr. Pierre-Georges Fressonnet, Deputy Director, National Institute of Industrial Property, Paris

* Germany (Fed. Rep.)

Mr. Albrecht Krieger, Ministerialdirigent, Federal Ministry of Justice, Bonn
Mr. Heribert Mast, Ministerialrat, Federal Ministry of Justice, Bonn
Mr. Romuald Singer, Leitender Regierungsdirektor, German Patent Office, Munich
Miss Gisela Rheker, Counsellor of Embassy, Permanent Delegation of Germany, Geneva

* Member States of the Executive Committee of the Paris Union are designated by an asterisk.

* Hungary

Mr. Emil Tasnádi, President, Hungarian Office of Inventions, Budapest
Mr. Jenő Bobrovsky, Chief Advisor, Hungarian Office of Inventions, Budapest

India

Mr. G. S. Balakrishnan, Attaché, Permanent Mission of India, Geneva

* Iran

Mr. Ebrahim Djahannema, Second Secretary, Permanent Delegation of Iran, Geneva

Italy

Mr. Aldo Pelizza, Inspector-General, Ministry of Industry, Patent Office, Rome
Miss Marta Vitali, V: Inspector, Ministry of Foreign Affairs, Rome
Mr. Maurizio Meloni, Counsellor (First Class), Presidency of the Council of Ministers, Rome
Mr. Roberto Messerotti-Benvenuti, Attorney-at-Law, Montecatini Edison S. p. A., Milan

* Japan

Mr. Kojiro Takano, Third Secretary, Permanent Delegation of Japan, Geneva

* Kenya

Mr. David J. Coward, Registrar General, Nairobi

* Mexico

Mr. Raul Valenzuela, Minister-Counsellor, Permanent Delegation of Mexico, Geneva
Miss Maria de los Angeles Lopez-Ortega, Second Secretary, Permanent Delegation of Mexico, Geneva

* Morocco

Mr. Abderrahim H'ssaine, Director-General, Copyright Office, Rabat

* Netherlands

Mr. Willem M. J. C. Pbf, Legal Counsellor, Ministry of Economic Affairs, The Hague
Mr. Enno Van Weel, Patent Office, The Hague
Mr. H. J. A. M. Vrouwenvelder, Ministry of Economic Affairs, The Hague

* Poland

Mr. Tadeusz Jarno, National Office of Patents, Warsaw
Mr. Andrzej Piotr Strzelecki, National Office of Patents, Warsaw
Mr. Tadeusz Niedziatka, Director, Department of Inventions, National Office of Inventions, Warsaw

Portugal

Mr. Ruy Serrão, Director, Industrial Property Office, Lisbon

Rumania

Mr. Costel Mitran, Second Secretary, Permanent Mission of Rumania, Geneva

* Spain

Mr. A. Fernandez Mazarambroz, Director, Industrial Property Registration Office, Madrid
Mr. Enrique Valera, First Secretary of Embassy, Permanent Delegation of Spain, Geneva
Mrs. Isabel Fonseca Ruiz, Director, Research Department, General Directorate of Archives and Libraries, Madrid

* Sweden

Mr. G. R. Borggård, Director General, Patent Office, Stockholm
Mr. Claës Ugglå, Counsellor, Patent Office, Stockholm

*** Switzerland**

Mr. Walter Stamm, Director, Federal Bureau of Intellectual Property, Berne
 Mr. Paul Ruedin, Consular Officer, Federal Political Department, Berne
 Mr. Paul Braendli, Head of Section, Federal Bureau of Intellectual Property, Berne

*** Union of Soviet Socialist Republics**

Mr. Y. Maksarev, Chairman, Committee for Inventions and Discoveries, Council of Ministers of the USSR, Moscow
 Mr. V. Iliyn, Deputy Chief, External Relations Department, Committee for Inventions and Discoveries, Council of Ministers of the USSR, Moscow
 Mr. N. Sarkisov, Deputy Director, Central Institute of Patent Information, Committee for Inventions and Discoveries, Council of Ministers of the USSR, Moscow
 Mr. Y. Gyrdymov, Chief of Department, All-Union Institute of Patent Examination, Committee for Inventions and Discoveries, Council of Ministers of the USSR, Moscow
 Mr. V. Kalinin, Second Secretary, Permanent Delegation of the USSR, Geneva

*** United Kingdom**

Mr. Edward Armitage, Assistant Comptroller, Patent Office, London
 Mr. Ivor J. G. Davis, Principal Examiner, Patent Office, London

*** United States of America**

Mr. William E. Schuyler, Jr., Commissioner of Patents, Patent Office, Washington, D. C.
 Mr. Harvey J. Winter, Assistant Chief, Business Practices Division, Department of State, Washington, D. C.
 Mr. James W. Brennan, Acting Director, Office of International Patent and Trademark Affairs, Patent Office, Washington, D. C.

Observers**States****Algeria**

Mr. S. Bouzidi, Head of Division, National Industrial Property Office, Algiers
 Mr. A. Abdelouahab, Head of Service, National Industrial Property Office, Algiers

Canada

Mr. Finlay Simons, Assistant Commissioner of Patents, Patent Office, Ottawa
 Mr. Jacques Corbeil, Second Secretary and Consul, Permanent Mission of Canada, Geneva

Cuba

Mr. Frank Ortiz, First Secretary, Permanent Mission of Cuba, Geneva

Czechoslovakia

Mr. Miloš Všecká, Head, Legal and International Department, Patents and Inventions Office, Prague
 Mr. Oldřich Fabián, Second Secretary, Ministry of Foreign Affairs, Prague

Finland

Mr. Bengt Norring, Chief of Section, Patent and Registration Office, Helsinki

Holy See

Rev. Father Henri-M. de Riedmatten, Permanent Observer of the Holy See to the International Organizations at Geneva, Geneva

Ireland

Mr. M. J. Quinn, Controller of Patents, Designs and Trade Marks, Dublin

Israel

Mr. Ze'ev Sher, Deputy Attorney-General, Ministry of Justice, Jerusalem

Norway

Mr. Sten H. Røer, Office Manager, Patent Office, Oslo

Yugoslavia

Mr. S. Pretnar, Director, Yugoslav Federal Patent Office, Belgrade
 Mr. Nenad Janković, Legal Advisor, Yugoslav Federal Patent Office, Belgrade

Officers of the Interunion Coordination Committee

Chairman: Mr. A. Fernandez Mazarambroz (Spain)
 Vice-Chairmen: Mr. T. Jarno (Poland)
 Mr. M. Couto (Brazil)
 Secretary: Dr. Arpad Bogsch (BIRPI)

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

Professor G. H. C. Bodenhausen, Director
 Dr. Arpad Bogsch, First Deputy Director
 Mr. J. Voyame, Second Deputy Director
 Mr. C. Masouyé, Senior Counsellor
 Mr. B. A. Armstrong, Counsellor
 Mr. L. Egger, Counsellor
 Mr. K. Pfanner, Counsellor
 Mr. V. Strnad, Counsellor

**International (Paris) Union
 for the Protection of Industrial Property
 Executive Committee**

Fifth Session

(Geneva, September 22 to 25, 1969)

Note ¹**Composition**

The Fifth Ordinary Session of the Executive Committee of the Conference of Representatives of the International (Paris) Union for the Protection of Industrial Property (hereinafter designated as "the Committee") was held at Geneva from September 22 to 25, 1969.

The 20 States members of the Committee were represented: Argentina, Australia, Austria, Cameroon, France, Germany (Federal Republic), Hungary, Iran, Japan, Kenya, Mexico, Morocco, Netherlands, Poland, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America.

The following 17 States were represented by observers: Algeria, Belgium, Brazil, Canada, Cuba, Czechoslovakia, Den-

¹ This Note has been prepared by BIRPI on the basis of the documents of the session.

mark, Finland, Holy See, India, Ireland, Israel, Italy, Norway, Portugal, Rumania, Yugoslavia.

The list of participants appears on page 296.

Mr. W. M. J. C. Phaf (Netherlands) was elected Chairman; Mr. J. P. Harkins (Australia) and Mr. J. Eked-Samnik (Cameroun) were elected Vice-Chairmen. Dr. Arpad Bogsch, First Deputy Director, BIRPI, acted as Secretary of the Committee.

BIRPI Activities

The Director introduced reports on the activities of BIRPI in the past year, emphasizing those activities in favor of developing countries, in particular traineeships offered to nationals of such countries, the preparation of a model law for developing countries on the protection of industrial designs, the publication of his "Guide" to the Paris Convention, the preparatory work for the Arab Seminar and the South American Seminar, and the assistance given to individual countries, for example, the Sudan, in the preparation of its industrial property legislation. He called the attention of the member States to the fact that in matters of technical legal assistance in the field of industrial property BIRPI had the greatest expertise and said that BIRPI's jurisdiction in these matters should be stressed in meetings of other international organizations.

Furthermore, the Director emphasized BIRPI's participation in meetings organized by other bodies, in particular the Moscow Jubilee Symposium of July 1969. He expressed the view that such meetings were especially useful in alerting public opinion to the importance of industrial property.

The Committee noted with approval the Director's reports.

Plan for a Patent Cooperation Treaty

The Delegate of the United States of America informed the Committee that his Government intended to invite the diplomatic conference for the adoption of the Patent Cooperation Treaty (PCT) to be held in Washington but that a final decision on the matter was not yet available.

The Committee noted the pledges of special contributions for the PCT work made by a great number of countries for the year 1970.

ICIREPAT

The Committee noted the pledges of special contributions for ICIREPAT made by the participating countries of ICIREPAT for the year 1970.

The Committee established the program of ICIREPAT for 1970 (see *Industrial Property*, 1969, p. 271).

World Patent Index Plan

The Committee noted BIRPI's progress report on this matter.

International Classification of Patents for Invention

The Committee took cognizance of the principles proposed for the revision of the European Convention on the International Classification of Patents for Invention and approved the plan to hold a diplomatic conference for such revision at

some time during the late autumn of 1970. Opinions were divided in the Committee on the question whether the cost of the administration of the proposed new agreement should be borne by the Paris Union or by the countries which will be party to the new agreement. A similar diversity of opinion existed in the Committee with respect to the financing of preparatory work for the Patent Cooperation Treaty plan and of the ICIREPAT work of the BIRPI Secretariat.

Protection of Type Faces

The Committee expressed the opinion that the conclusion of a special agreement for the protection of type faces should be placed on the agenda of the diplomatic conference of Vienna tentatively scheduled for 1972. The Delegate of Austria informed the Committee that his Government was ready to include in the agenda of the said conference both the establishment of an agreement for the protection of type faces and the revision of the Madrid Agreement on the International Registration of Marks.

Program and Budget for 1970

The Committee noted with approval BIRPI's proposals for the program and the budget of the Paris Union for the year 1970. The main features of that program are indicated on page 295, above.

Council of the Lisbon Union for the Protection of Appellations of Origin and their International Registration

Fourth Session

(Geneva, September 25, 1969)

Note ¹

Composition of the Council and Opening of the Session

The Council set up by the Lisbon Agreement (hereinafter referred to as "the Council") held its Fourth Ordinary Session² on September 25, 1969, at Geneva.

Of the nine countries which, at that date, were party to the Lisbon Agreement, eight were represented, namely: Cuba, Czechoslovakia, France, Hungary, Israel, Italy, Mexico and Portugal.

Haiti was not represented.

The following States, party to the Paris Convention for the Protection of Industrial Property but not to the Lisbon Agreement, were represented by observers: Finland, Germany (Fed. Rep.), Sweden and Yugoslavia.

The list of participants is attached to this note.

¹ This note has been prepared by BIRPI on the basis of the official documents of the session.

² The reports on the first, second and third sessions of the Council were published in *Industrial Property*, 1966, p. 231, 1968, pp. 51 and 319, respectively.

The Council unanimously elected the following new officers: Mr. Aldo Pelizza (Italy), Chairman, and Mr. Raul Valenzuela (Mexico), Vice-Chairman.

Activities of the Lisbon Union and Financial Questions

The Council noted with approval the report of the Director of BIRPI on the activities of the Lisbon Union, the accounts for 1968 and the budget proposed for 1970.

During the discussion, certain delegates pointed out, on the one hand, that the Lisbon Agreement is not always interpreted in the same way and, on the other, that it would be advisable that the national Offices, when notifying a refusal of protection, should provide precise information on the appeal procedure, in particular with regard to the time limit and the competent authority of appeal. It was decided that, following a preliminary inquiry to be made by BIRPI, the Council would take up the problems posed by the implementation of the Agreement at its next ordinary session and would then consider what solutions might be proposed. BIRPI will also gather information on the formalities of appeal provided for in the legislation of the various member States of the Special Union in the event of a refusal of protection.

Mindful of the importance, especially for the developing countries, of distinctive signs used in trade, and appellations of origin in particular, the Council approved the idea of drawing up a model law for developing countries on appellations of origin. BIRPI will prepare a draft.

The Delegate of Yugoslavia said that his country was contemplating acceding to the Lisbon Agreement as soon as provision had been made for the protection of appellations of origin in the national legislation.

List of Participants

I. Countries party to the Agreement

Cuba

- Mr. Mario García Inchánstegui, Ambassador, Permanent Delegation of Cuba, Geneva
 Mr. Frank Ortiz, First Secretary, Permanent Delegation of Cuba, Geneva

Czechoslovakia

- Mr. Miloslav Špunda, Chief, Department of Marks and Designs, Office of Patents and Inventions, Prague

France

- Mr. Roger Labry, Conseiller d'Ambassade, Ministère des Affaires étrangères, Direction des Affaires économiques et financières, Paris
 Mr. Pierre-Georges Fressonnet, Directeur-adjoint, Institut National de la Propriété Industrielle, Paris

Hungary

- Mr. Emil Tasnádi, President, Hungarian Office of Inventions, Budapest
 Mr. Jenő Bobrovsky, Chief Advisor, Hungarian Office of Inventions, Budapest

Israel

- Mr. Ze'ev Sher, Deputy Attorney-General, Ministry of Justice, Jerusalem

Italy

- Mr. Aldo Pelizza, Inspector-General, Ministry of Industry, Patent Office, Rome
 Miss Marta Vitali, V. Inspector, Ministry of Foreign Affairs, Rome
 Mr. Roberto Messerotti-Benvenuti, Lawyer, Montecatini Edison S. p. A., Milan
 Mr. Armando Jatosti, Italian Union of Chambers of Commerce, Rome

Mexico

- Mr. Raul Valenzuela, Minister-Counsellor, Permanent Delegation of Mexico, Geneva

Portugal

- Mr. Ruy Serrão, Director, Office of Industrial Property, Lisbon

II. Observer countries

Finland

- Mr. Bengt Norring, Chief of Section, Patent and Registration Office, Helsinki

Germany (Fed. Rep.)

- Mr. Heribert Mast, Ministerialrat, Federal Ministry of Justice, Bonn

Sweden

- Mr. Claës Uggla, Counsellor, Patent Office, Stockholm

Yugoslavia

- Mr. S. Pretnar, Director, Yugoslav Federal Patent Office, Belgrade
 Mr. Nenad Janković, Legal Advisor, Yugoslav Federal Patent Office, Belgrade

III. Officers of the Council

- Chairman: Mr. Aldo Pelizza (Italy)
 Vice-Chairman: Mr. Raul Valenzuela (Mexico)
 Secretary: Mr. J. Voyame (BIRPI)

IV. United International Bureaux for the Protection of Intellectual Property (BIRPI)

- Professor G. H. C. Bodenhausen, Director
 Mr. J. Voyame, Second Deputy Director
 Mr. B. A. Armstrong, Counsellor, Head, Administrative Division
 Mr. L. Egger, Counsellor, Head, International Registrations Division

International Classification of Patents for Invention

Use of the Classification by Member States of the Paris Union

Note *

A survey has been conducted by BIRPI as to the present and anticipated future use of the International Classification of Patents for Invention in each country.

Following this note are set out the results of the survey, given according to country in alphabetical order, in three parts:

* This note has been prepared by BIRPI on the basis of document CEP/V/12 submitted to the Fifth Session of the Executive Committee of the Paris Union.

- A. countries which use the Classification at present, indicating the extent to which they use it, as far as communicated to BIRPI.
- B. countries which intend to use the Classification in the future, indicating the date, where applicable.
- C. countries which have indicated they do not have any plans for using the Classification in the foreseeable future.

A. Countries Using the Classification

Algeria

Using International Classification from early 1969.

Australia

All sections to subclass level from May 1958. All sections to subgroup level starting in early 1970. Domestic patent documents only. Use of International Classification for foreign patent documents as far as classified according to the Classification by country of origin.

Austria

All sections to subclass level, from 1966. All sections to subgroup level, starting September 1969. Domestic patent documents only.

Belgium

All sections to subclass level, from January 1955. Domestic patents only.

Chile

Using International Classification from July 1969.

Cuba

Using International Classification from January 1969 as secondary classification.

Czechoslovakia

Domestic patent applications:

All sections to subgroup level from July 1, 1969.

Domestic patents:

All sections to subgroup level from January 1, 1970.

Reclassification of earlier granted domestic patents as soon as possible thereafter.

Use of International Classification for foreign patent documents as far as classified according to the Classification by country of origin.

Denmark

All sections to subclass level from May 1958.

To subgroup level:

Section A from July 1964

Section B from July 1967

Section C from October 1966

Section D from September 1967

Section E from March 1965

Section F from September 1967

Section G from July 1967

Section H from April 1966

Domestic patent documents only.

Finland

All sections to subclass level back to 1944.

To subgroup level:

Section A from 1964

Section B from 1966

Section C from 1965

Section D from 1967

Section E from 1964

Section F from 1967

Section G from 1966

Section H from 1965

Published patent applications from 1968.

In 1970, classifying of all other backdated patents to subgroup level. Domestic patent documents only.

France

All sections to subclass level from January 1955 and selected subclasses to group level from January 1968. Starting January 1969, all sections to group level. Domestic patent documents only.

Ghana

Registers granted United Kingdom (UK) patents; classification therefore same as applied by UK.

Germany (Federal Republic)

Selected classes to subgroup level from 1966. Complete conversion of all sections to subgroup level by 1972 for all domestic patent documents as well as patent documents from Austria, Belgium, France, Germany (Dem. Rep.), Switzerland, UK and USA.

Hungary

Selected classes from January 1915. During 1969, all sections to subgroup level. Domestic patent documents only. Foreign patents classified according to classification appearing thereon.

Ireland

All sections to subclass level back to 1929. From March 1969, all sections to subgroup level. By December 1969, all patents back to 1927, to group level. Domestic patent documents only.

Israel

All sections to subclass level from 1963. All sections to subgroup level starting January 1969. Domestic and foreign patent documents.

Japan

All sections to subclass level from July 1969. International Classification used as secondary classification on domestic patent documents only.

Kenya

Registers granted UK patents; classification therefore same as applied by UK.

Malawi

All sections, selected classes to subclass level from 1964. Domestic patent documents only.

Monaco

International Classification is used.

Netherlands

A substantial number of classes to subgroup level back to 1912.

Remaining classes to subgroup level as follows:

Section A from July 1965

Section E from August 1965

Section H from July 1966

Starting March 1969, all Dutch patent documents classified to subgroup level. Most classes to subgroup level of Belgian, French, German, Luxembourg, Swiss, UK and USA patent documents.

Nigeria

Registers granted UK patents; classification therefore same as applied by UK.

Norway

Sections A to H to subclass level from 1956.

To subgroup level:

Sections A, C and E from January 1966

Sections B, D, F, G and H from September 1968.

Reclassification of Danish, Finnish, German and Swedish patent documents according to lists received from these countries.

OAMPI

All sections to class level from 1966. OAMPI patent documents only.

Philippines

Adoption of International Classification, initially to class level. Continues to work toward full conversion.

Rumania

All sections to subclass level from July 1962. From January 1970, to subgroup level. Domestic patent documents only. At present International Classification used as secondary classification. Intention to institute International Classification as primary classification.

Singapore

Registers granted UK patents; classification therefore same as applied by UK.

South Africa

Use of International Classification from January 1968.

Spain

All sections to subclass level from January 1967. Domestic patent documents only.

Sweden

All sections to subclass level from January 1958 to 1967.

To subgroup level:

Sections A and E from December 1965

Section H from May 1966

Section C from October 1966

Sections B, D, F and G from 1967.

Published patent applications from April 1968. Domestic patent documents only.

Switzerland

All sections to subclass level from April 1965.

To subgroup level:

Sections B, D and H from March 1968

Section C from August 1968

Sections A, E, F, and G from December 1968

All patent documents classified to subgroup level from January 1969. Domestic patent documents only.

Turkey

All sections to subclass level from June 1956.

United Kingdom

All sections to subclass level from January 1957.

To subgroup level:

Section A from April 1965

Section B from August 1967

Section C from May 1966

Section D from November 1967

Section E from August 1965

Section F from November 1967

Section G from May 1967

Section H from November 1965

Domestic patent documents only.

USA

All sections to subgroup level, from January 1969. International Classification used as secondary classification. Domestic patents only.

USSR

Selected classes to subgroup level back to 1924.

Additional classes to be reclassified to subgroup level during 1969, using 1924 as starting date. Domestic patent documents only. Selected classes to subgroup level of US patents from January 1965 and German (Fed. Rep.) patent documents from January 1964.

Yugoslavia

All sections to subclass level from 1965. Domestic patent documents only.

Zambia

International Classification is used.

B. Countries Intending to Use the Classification*India*

From January 1970.

Iran

International Classification considered for future use.

C. Countries Not Intending to Use the Classification

Argentina ¹	Luxembourg
Burundi	Malta
Canada ²	Mexico
Cyprus	Morocco
Costa Rica	New Zealand
Guatemala	Sudan
Iraq	Syria
Jamaica	Tanzania
Jordan	Trinidad & Tobago
Korea	United Arab Republic
Libya	Venezuela

¹ Argentina noted that it was studying the feasibility of converting its domestic classification to the International Classification.

² Canada indicated that it was preparing a concordance between its domestic classification and the International Classification in order to assess the cost involved in placing International Classification symbols on its domestic patents.

LEGISLATION

NETHERLANDS

Act of the Kingdom for Regulating the Industrial Property Law (of September 26, 1968, S. 585)¹

SECTION II

(1) The patent law shall be regulated by an Act of the Kingdom.

(2) The Patents Act (S. 1910, 313) and the Acts of June 28, 1956 (S. 397), and of May 30, 1963 (S. 260), shall become Acts of the Kingdom².

(3) Orders in Council under the Patents Act shall become Orders in Council of the Kingdom, unless the Patents Act as amended by Section III provides for their modification by ordinary Order in Council.

SECTION III

The Patents Act referred to in Section II, subsection (2), shall be amended as follows:

1. — The words “this Act” shall, wherever they appear, be replaced by the words “this Act of the Kingdom.”

2. — Section 8, subsection (2), shall read:

“(2) Government recognition of exhibitions held within the European territory of the Kingdom shall be given by Our Minister of Economic Affairs and recognition of exhibitions held in Surinam or the Netherlands Antilles by the Government of the country concerned.”

3. — In section 12, subsection (3), section 21, section 22A, subsection (3), section 22D, subsection (1) (twice), section 22G, subsection (1), section 22H, subsection (1), section 22I, subsections (1) and (6), section 22J, subsection (1), section 25, subsection (1), section 31, section 33, subsection (2), section 34, subsections (2) and (6), section 35, subsections (1) and (3), section 36, subsection (1), and section 38, subsection (1), the words “Order in Council” shall be replaced by the words “Order in Council of the Kingdom.”

4. — In the heading of Chapter II the words “Patent Board” shall be deleted. The heading of Chapter II, Part I, shall read: “The Patent Office and the Industrial Property Office.”

5. — Section 14, subsection (1), shall read:

“(1) There is an Industrial Property Office in the Netherlands. This Office is an institution of the Netherlands. With regard to the patents, it serves for the Kingdom as a central registry, as referred to in Article 12 of the Union Convention for the Protection of Industrial Property (*Staatsblad* 1948, I, 539). The Patent Office forms part of the Industrial Property Office.”

6. — The beginning of section 14, subsection (2), shall read: “(2) The Patent Office is subdivided into:”

7. — To section 14 two new subsections shall be added, reading:

“(4) The President of the Patent Office is at the same time Director of the Industrial Property Office.

(5) Where in this Act of the Kingdom reference is made to the Industrial Property Office, this shall mean the Office established under subsection (1), unless the context otherwise indicates.”

8. — Section 15, subsection (2), shall be amended as follows:

(a) under (e) shall be deleted: “and the fees payable for registering such documents”;

(b) under (h) shall be deleted: “and the fees that may be charged for furnishing copies and extracts”;

(c) under (i) a full stop shall be written at the end of the sentence and the provisions under (j), (k) and (l) shall be deleted.

9. — To section 15 a new subsection shall be added, reading:

“(3) By Order in Council of the Kingdom the fees shall be fixed, due:

(a) for registering documents other than patent applications;

(b) for furnishing copies and extracts of the Patent Office registers;

(c) for the issue of a certificate of priority;

(d) for the extension of terms prescribed under this Act of the Kingdom;

(e) for the issue of copies as referred to in section 29, under (i).”

¹ Translation kindly provided by the Netherlands Patent Office.

² See *Industrial Property*, 1965, pp. 22 *et seq.*

10. — In section 18, subsection (1), the word “Netherlands” shall be inserted before the words “Civil Code [*Burgerlijk Wetboek*].”

11. — Section 22A shall be amended as follows:

- (a) in subsection (2) the words “in the Netherlands” shall be replaced by the words “in the Kingdom”;
- (b) in subsection (4) the words “does not reside in the Netherlands” shall be replaced by the words “does not reside in the Kingdom.”

12. — Section 22C, subsection (4), shall be deleted.

12a. — In section 22G, subsection (2), and in section 22I, subsection (2), the words “does not reside in the Netherlands” shall be replaced by the words “does not reside in the Kingdom.”

12b. — In section 25, subsection (4), the third sentence shall read: “If the opponent does not reside in the Kingdom, he shall elect his domicile in the Netherlands with an authorized representative.”

12c. — In section 28, subsection (3), the words “of the aforesaid Journal” shall be replaced by the words “of issue of the Journal referred to in subsection (2).”

13. — In section 29, under (i), the words “and the charge to be made for such copies” shall be deleted.

14. — The heading of Chapter II, Part III, and sections 29A to 29F (inclusive) shall read:

“Secrecy of the Contents of Patent Applications

Section 29A

(1) Where the Patent Office considers that the secrecy of the contents of an application for a patent may be in the interest of the defense of the Kingdom, it shall as soon as possible, but at the latest five months after the filing of the application, inform the applicant accordingly. Our Minister of Defense may give instructions to the Patent Office with regard to judging the question whether such interest might be present.

(2) Simultaneously, when the Patent Office informs the applicant, it shall send copies of that notice as well as of the specification and drawings pertaining to the application to Our aforesaid Minister.

(3) The laying open to public inspection and the publication of the application shall be adjourned if subsection (1) is applied.

Section 29B

(1) Within eight months after the filing of a patent application as referred to in section 29A, Our Minister of Defense shall notify the Patent Office whether the secrecy of the contents of the application should be maintained in the interest of the defense of the Kingdom.

(2) A notification in the affirmative under subsection (1) shall entail that the laying open to public inspection and the publication of the application remain adjourned until three

years after that notification. A notification in the negative shall entail that the adjournment comes to an end. Absence of any notification shall be equivalent to a notification in the negative.

(3) Our aforesaid Minister may extend the term of adjournment each time by three years within six months before its expiration by notifying the Patent Office that the secrecy of the contents of the application should be maintained in the interest of the defense of the Kingdom.

(4) At all times Our aforesaid Minister may notify the Patent Office that the secrecy of the contents of the application is not required any longer. Such notification shall entail that the adjournment comes to an end.

(5) The Patent Office shall immediately inform the applicant of a notification under subsection (1), (3) or (4). The Patent Office shall also inform him immediately if a notification as referred to in subsection (1) or (3) has failed to come.

(6) The Patent Office shall send to Our aforesaid Minister at his request copies of all relevant correspondence between that Office and the applicant as long as the adjournment has not come to an end.

(7) When the adjournment has come to an end, the laying open to public inspection and the publication of the application shall nevertheless not take place before three months have elapsed, unless the applicant requests otherwise.

Section 29C

(1) The State shall compensate the applicant to whose application section 29A has been applied, at his request, for the damages he has suffered in consequence of the application of sections 29A and 29B.

(2) The amount of the compensation shall be fixed after the adjournment has come to an end. However, if the term of adjournment has been extended under section 29B, subsection (3), the amount of the compensation shall be fixed at the request of the applicant in instalments, the first of which shall relate to the term before the beginning of the first extension, whereas the next one shall relate to the term between two consecutive extensions and the last one to the term from the beginning of the last extension till the end of the adjournment; the fixation shall take place each time after the expiration of the term concerned.

(3) If possible, the compensation shall be fixed by mutual arrangement between Our Minister of Defense and the applicant. Where no agreement is reached within six months after the end of the term for which compensation is due, section 34, subsection (8), shall apply accordingly with the exception of the provisions on the deposit of a security.

Section 29D

(1) Where an applicant requests the safeguarding of the secrecy of the contents of a patent application in the interest of the defense of another State or where the Government of another State makes such request, the Patent Office shall immediately send, provided that the applicant has waived in writing any claim to compensation for damages he might

suffer by the application of this section, copies of that request and of the specification and drawings pertaining to the application as well as of the waiver of claims to Our Minister of Defense. In that case, the laying open to public inspection and the publication of the application shall be adjourned. If a waiver of claims has not been produced, the Patent Office shall inform Our aforesaid Minister accordingly without delay.

(2) Our aforesaid Minister may notify the Patent Office within three months after the filing of the request that the secrecy of the contents of the application should be maintained in the interest of the State concerned, provided that it has been proved that secrecy has also been enjoined upon the applicant by that State and that the applicant has obtained permission from that State to file an application in secrecy.

(3) A notification under subsection (2) shall entail that the laying open to public inspection and the publication of the application remain adjourned until Our aforesaid Minister notifies the Patent Office that the secrecy of the contents of the application is not required any longer. If a notification as referred to in subsection (2) fails to come, it shall entail that the adjournment comes to an end.

(4) Section 29B, subsections (6) and (7), shall apply accordingly to an application as referred to in subsection (1).

Section 29E

(1) In the event of Our Minister of Defense being of the opinion that the interest of the defense of the Kingdom requires the use by or on behalf of the State of the subject matter for which patent protection has been sought in an application to which section 29A, 29B or 29D has been applied, the Minister may so proceed after relevant notification to the applicant. In this notification the acts that the State may perform or may cause to be performed shall be specified.

(2) The State shall pay to the applicant a compensation for the use pursuant to subsection (1).

(3) If possible, the amount of this compensation shall be fixed by mutual arrangement between Our Minister of Defense and the applicant. If no agreement is reached within six months after the notification referred to in subsection (1), section 34, subsection (8), shall apply accordingly, with the exception of the provisions on the deposit of a security.

Section 29F

If the State itself is the applicant and Our Minister of Defense notifies the Patent Office that the secrecy of the contents of the application should be maintained in the interest of the defense of the Kingdom, the laying open to public inspection and the publication of the application shall be adjourned until Our aforesaid Minister notifies the Patent Office that the secrecy of the contents of the application is not required any longer."

14a. — Section 32 shall be amended as follows:

(a) after subsection (1), a new subsection shall be inserted, reading: "(2) Subsection (1) applies accordingly to that part of the continental shelf bordering on the Netherlands, Surinam or the Netherlands Antilles to which the

Kingdom has sovereign rights, but solely with regard to acts aimed at and performed during exploration for or exploitation of minerals as referred to in section 44^{bis}";

- (b) the present subsections (2), (3) and (4) shall become subsections (3), (4) and (5) respectively;
- (c) in the last sentence of subsection (4) (new), the words "in the European Territory of the Kingdom" and "therein" shall be replaced by the words "in the Kingdom" and "in the Netherlands."

15. — Section 34 shall be amended as follows:

- (a) in subsection (1) the words "in the Realm or in the colonies or possessions" shall be replaced by the words "in the Kingdom";
- (b) after subsection (2) a new subsection shall be inserted, reading: "(3) Subsection (2) shall not apply if the patentee or another person by virtue of a license granted to him has an establishment of industry in operation in that part of the continental shelf bordering on the Netherlands, Surinam or the Netherlands Antilles to which the Kingdom has sovereign rights, wherein, in good faith and on a sufficient scale, the acts referred to in that subsection are performed, provided that these acts are aimed at and performed during exploration for or exploitation of minerals as referred to in section 44^{bis}";
- (c) the present subsections (3), (4), (5), (6) and (7) shall become subsections (4), (5), (6), (7) and (8) respectively;
- (d) in subsection (5) (new) the words "section 32, subsection (3), and section 27" shall be replaced by the words "section 32, subsection (4), and section 27";
- (e) in subsection (7) (new) the words "in subsection (4)" shall be replaced by the words "in subsection (5)";
- (f) in subsection (8) (new) the words "under subsection (5)" shall be replaced by the words "under subsection (6)."

16. — Section 34A shall be amended as follows:

- (a) in subsection (1) the words "to the defense of the Realm" shall be replaced by the words "to the interest of the defense of the Kingdom";
- (b) in subsection (2) the words "subsection (7) of section 34" shall be replaced by the words "subsection (8) of section 34."

17. — Section 34B shall be amended as follows:

- (a) in the first sentence of subsection (3) the words "Subsections (4) and (5) and the first, second and fourth sentences of subsection (6)" shall be replaced by the words "Subsections (5) and (6) and the first, second and fourth sentences of subsection (7)," and in the second sentence of the aforesaid subsection the words "by the third sentence of subsection (6) of section 34 and by the last sentence of subsection (7) thereof" shall be replaced by the words "by the third sentence of subsection (7) of section 34 and by the last sentence of subsection (8) thereof";
- (b) after subsection (3) a new subsection shall be inserted, reading: "(4) A license referred to in subsection (1) shall procure no rights in Surinam or the Netherlands Antilles."

18. — In subsection (3) of section 41 and in subsection (4) of section 42 the word “Netherlands” shall be inserted before the words “Code of Civil Procedure [*Wetboek van Burgerlijke Rechtsvordering*].”

19. — In subsection (4) of section 42 and in subsection (9) of section 53 the word “Netherlands” shall be inserted before the words “Civil Code [*Burgerlijk Wetboek*].”

20. — Section 44A shall be deleted.

20a. — After section 44¹ a new section shall be inserted, reading:

“Section 44^{bis}

(1) The rights and obligations arising from sections 30 to 44 inclusive shall also be effective in, on or above that part of the continental shelf bordering on the Netherlands, Surinam or the Netherlands Antilles to which the Kingdom has sovereign rights, but solely with regard to acts aimed at and performed during exploration for and exploitation of minerals.

(2) In subsection (1) the term “minerals” means a natural concentration or sedimentary deposit in or on a continental shelf as referred to in that subsection of ores, minerals or substances of organic origin in solid, liquid or gaseous state with the exception of water.”

21. — In subsections (2) and (3) of section 46 the words “in the Netherlands” shall be replaced by the words “pursuant to this Act of the Kingdom” and in the latter subsection the words “the European Territory of” shall be deleted.

22. — Section 52 shall be deleted.

23. — Section 54 shall be amended as follows:

(a) in subsection (1) the words “section 34, subsection (7)” shall be replaced by the words “section 34, subsection (8)”;

(b) subsection (2) shall read: “In other respects, the ordinary provisions governing the administration of justice in the Netherlands shall apply.”

24. — Section 57, subsection (2), shall read:

“(2) Advice furnished by the Patent Office pursuant to the foregoing subsection shall have the same effect that the advice of experts as referred to in sections 222 to 236 inclusive of the Netherlands Code of Civil Procedure [*Nederlands Wetboek van Burgerlijke Rechtsvordering*] has in the Netherlands.”

25. — The heading of Chapter VI shall read: “Special Provisions for Surinam and the Netherlands Antilles.”

26. — Section 58 shall read:

“Section 58

Industrial Property Offices may be established in Surinam and the Netherlands Antilles. These Offices are institutions of the aforesaid countries.”

27. — Section 59, subsection (1), shall read:

“(1) Applications for a patent by residents of Surinam or the Netherlands Antilles may be filed with the Industrial Property Office established there.”

28. — In section 59, subsections (2) and (3), section 60, section 61, subsections (1) and (2), and section 62, subsection (1), the word “Sub-office” shall be replaced by the words “Office concerned.”

29. — Section 63 shall read:

“Section 63

(1) Residents of Surinam and the Netherlands Antilles may lodge the petitions, statements of opposition and statements of appeal referred to in this Act of the Kingdom with the Industrial Property Office established there.

(2) The Office shall immediately notify the Patent Office by telegraph of the filing of any petition, statement of opposition or statement of appeal and shall forward to the Patent Office the statement so filed.”

30. — Sections 64 to 67 inclusive and section 70 shall be deleted.

31. — Section 69 shall read:

“Section 69

(1) This Act of the Kingdom is binding in the whole of the Kingdom.

(2) It may be cited as the “Patents Act of the Kingdom.”

32. — Section 71 shall read:

“Section 71

In the Netherlands as well as in Surinam and the Netherlands Antilles, an act may state that the common provisions of this Act of the Kingdom should cease to exist. As from the third calendar year after the year of the promulgation of such act, this Act of the Kingdom becomes henceforth a national act in the Netherlands, in Surinam and in the Netherlands Antilles.”

BENELUX

I

Benelux Convention Concerning Trademarks¹

His Majesty the King of the Belgians,
Her Royal Highness the Grandduchess of Luxembourg,
Her Majesty the Queen of the Netherlands,

Inspired by the desire to review their legislation in respect of trademarks and to bring about unity in the trademark law of their countries;

Have resolved to enter into a Convention for the said purpose and have designated to that end as their Plenipotentiaries . . .

who, upon production of their full credentials found to be in due and proper form, have agreed upon the following provisions:

¹ Translation made by BIRPI with reference to a text kindly supplied by the International Trademark Agency van der Graaf Co. N. V., Amsterdam. — This Convention entered into force on July 1, 1969.

Article 1

The High Contracting Parties shall incorporate into their national legislation the Uniform Benelux Trademark Law, annexed to this Convention, in either one or both of the original texts, and shall establish an administrative office common to their countries under the name "Benelux Trademark Office" [*Benelux-Merkenbureau* or *Bureau Benelux des Marques*].

Article 2

Implementation of the Uniform Law shall be ensured by way of Executive Rules, laid down by mutual agreement by the High Contracting Parties, upon consultation of the Executive Board, provided for in Article 3, of the Benelux Trademark Office, and by way of Administrative Regulations laid down by the said Board.

The Rules and Regulations shall become binding in each country in conformity with the provisions of its domestic law.

The Rules and Regulations shall be published in the *Official Journal* of each of the High Contracting Parties.

Article 3

The Benelux Trademark Office shall be entrusted with the implementation of the Uniform Law and the Rules and Regulations.

The Office shall be administered by an Executive Board composed of members appointed by the High Contracting Parties, namely one administrator and one deputy administrator per country.

The Executive Board shall annually elect its Chairman.

Article 4

The Executive Board shall regulate all matters incidental to the general operation of the Benelux Trademark Office.

It shall establish the Rules of Practice and the Financial Regulations of the Office as well as the Administrative Regulations.

It shall advise on and make proposals for the Executive Rules.

It shall appoint the Director of the Office, who must be a subject of one of the High Contracting Parties, and shall determine his duties.

It shall annually adopt the budget of income and expenditure, as well as any modifications thereof or additions thereto, and it shall specify, in the Financial Regulations, the manner in which superintendence of the budgets and the execution thereof shall be exercised. It shall approve the accounts drawn up by the Director.

The Board shall take resolutions by a unanimous vote.

Article 5

Half of the cost of establishing the Benelux Trademark Office shall be borne by the Kingdom of the Netherlands and the other half shall be borne by the Belgian-Luxembourg Economic Union.

The Executive Board may request the High Contracting Parties to make a contribution to cover extraordinary ex-

penses; half of any such contribution shall be borne by the Kingdom of the Netherlands and the other half shall be borne by the Belgian-Luxembourg Economic Union.

Article 6

The operating expenses of the Office shall be defrayed out of its income, namely:

1. the fees collected under the Uniform Law;
2. the income accruing to the High Contracting Parties from application of the Madrid Agreement Concerning the International Registration of Trademarks, signed on April 14, 1891;
3. the charges for examinations made of prior registrations;
4. proceeds from the sale of publications and copies.

If necessary, the High Contracting Parties shall make a contribution to the Office; half of such contribution shall be borne by the Kingdom of the Netherlands and the other half shall be borne by the Belgian-Luxembourg Economic Union.

Article 7

A percentage of the fees collected in respect of operations performed through the intermediary of the national Offices shall be distributed to the said Offices to cover the costs which such operations entail; the said percentage shall be prescribed by the Rules.

No national fees in respect of such operations may be levied by national legislation.

The international fee in respect of applications for the international registration of marks shall be paid to the Benelux Trademark Office which shall take care of remittance to the International Bureau established by the Paris Convention for the Protection of Industrial Property, signed on March 20, 1883.

Article 8

The Benelux Trademark Office shall be placed under the protection of the Government of the Kingdom of the Netherlands; its seat shall be at The Hague.

Article 9

The authority of judicial decisions rendered in one of the three States pursuant to Article 14 or 27 of the Uniform Law shall be recognized in the two other States, and cancellation ordered by the competent courts of law shall, at the request of the first mover and under the responsibility of the Executive Board, be effected by the Office if:

1. the transcript of the decision submitted meets, according to the laws of the country where such decision was made, the prescribed requirements as to authenticity;
2. the decision is no longer open to opposition, appeal, or cassation proceedings.

Article 10

As soon as a Benelux Court of Justice has been established, it shall take cognizance of any questions of interpretation of the Uniform Law.

Article 11

Application of this Convention shall be confined to the territories of the High Contracting Parties in Europe.

Article 12

This Convention shall be subject to ratification. The instruments of ratification shall be deposited with the Government of the Kingdom of Belgium.

Article 13

This Convention shall enter into force on the first day of the month following the deposit of the third instrument of ratification.

The Uniform Law shall enter into force eighteen months after the entry into force of this Convention.

Article 14

This Convention is entered into for a period of fifty years. It shall remain in force thereafter for successive periods of ten years, unless one of the High Contracting Parties should, within one year prior to the expiration of a given period, notify the other Contracting Parties of its intention to terminate the said Convention.

Any proposals for revision made after the expiration of a period of ten years from the entry into force of this Convention and which have not secured the agreement of all of the High Contracting Parties shall be submitted to the Benelux Interparliamentary Advisory Council.

The right to denounce this Convention shall be conferred upon the High Contracting Party on whose proposals for revision the Benelux Interparliamentary Advisory Council has expressed a favorable opinion with which the two other Contracting Parties or one of them does not concur. Such right must be exercised within a reasonable period of time.

Denunciation shall not take effect until five years have elapsed from the date of the notice thereof given to the two other Contracting Parties.

In witness whereof the Plenipotentiaries have signed this Convention and affixed their seals thereto.

Done in Brussels this 19th day of March 1962 in triplicate in the Dutch and French languages, both texts being equally authentic.

II

Uniform Benelux Trademark Law¹

CHAPTER I

Individual Marks

Article 1

The following shall be considered individual marks: designations, designs, prints, seals, letters, numbers, shapes of goods or their get-up, and any other symbols which serve to distinguish the goods of an enterprise.

However, shapes determined by the very nature of the goods or which affect their actual value or produce industrial results cannot be considered marks.

Article 2

Without prejudice to the provisions of ordinary civil law, a surname may serve as a mark.

However, the proprietor of such a mark may on no account oppose the use which persons bearing the same name might make thereof merely for the purpose of identification and without giving it the appearance of a mark.

Article 3

Without prejudice to the rights of priority provided for in the Paris Convention for the Protection of Industrial Property or in the Madrid Agreement Concerning the International Registration of Trademarks, an exclusive right to a mark shall be acquired by the first filing made within the Benelux territory (Benelux filing) or resulting from a registration with the International Bureau for the Protection of Industrial Property (international filing).

In determining the order of priority of filings, account shall be taken of rights, existing at the time of filing and maintained at the time of the litigation, to:

- (a) like individual marks filed in respect of similar goods;
- (b) like collective marks regardless of the goods in respect of which they were filed.

Article 4

Within the limits set by Article 14, no right to a trademark shall be acquired by:

1. the filing of a mark that, regardless of the use being made thereof, is contrary to morality or public policy in one of the Benelux countries, or in respect of which Article 6^{ter} of the Paris Convention provides for refusal or invalidation;
2. a filing made for goods in respect of which use of the mark is likely to deceive the public;
3. the filing of a mark resembling a collective mark, regardless of the goods in respect of which it was filed, to which a right was attached which lapsed in the course of the three years preceding the filing;
4. the filing of a mark resembling an individual mark filed by a third party for similar goods and to which a right was attached which, on account of the expiration of the registration, lapsed in the course of the three years prior to the filing, unless the said third party gave his consent or there was non-use of the said mark as mentioned in Article 5, item 3;
5. the filing of a mark likely to cause confusion with a well-known mark, within the meaning of Article 6^{bis} of the Paris Convention, and owned by a third party who has not given his consent;
6. filing effected in bad faith, including, *inter alia*:
 - (a) filing effected by a person who knows or has no valid excuse for not knowing that within the preceding three years a third party has, in good faith and in the normal manner, used a like mark for similar goods in the Benelux territory, and the said third party has not given his consent;

¹ This Law will enter into force on January 1, 1971.

(b) filing effected by a person who, as a result of direct relations with a third party, knows that during the preceding three years the said third party has, in good faith and in the normal manner, used a like mark for similar goods outside the Benelux territory, unless the said third party has given his consent or such knowledge was obtained only after the person effecting the filing had started to use the mark within the Benelux territory.

Article 5

A right to a mark shall lapse:

1. by voluntary cancellation or by expiration of the registration of the Benelux filing;
2. by cancellation or expiration of the international registration, or by renunciation of protection within the Benelux territory, or, in accordance with the provisions of Article 6 of the Madrid Agreement, as a result of the fact that the mark no longer enjoys legal protection in the country of origin;
3. in so far as, either within the three years following filing or for an uninterrupted period of five years, the proprietor of the mark or a licensee has failed to make any normal use of the mark within the Benelux territory without a valid reason; in case of litigation, the court may place the burden of proof of user, either wholly or in part, upon the proprietor of the mark; however, non-use during a period which precedes the issue of the writ of summons by more than six years must be proved by the party relying on it;
4. in so far as a mark, after having been duly acquired, has, by the proprietor's own doing, become the usual designation of a product.

Article 6

A. Benelux filing of marks shall be effected either with the national Offices or with the Benelux Trademark Office in the manner and on payment of the fees prescribed by the Rules. The authorities entrusted with receiving the filing shall ascertain that the documents submitted meet the requirements as to form and shall draw up the instrument of filing which shall indicate the date on which filing was effected.

B. Admissibility of the filing of a mark may, by Rule, be made conditional upon performance of one of the following acts, at the option of the person effecting the filing:

1. either the production of a document attesting to the fact that an examination of prior registrations was carried out by the Benelux Office within the three months preceding the filing of the mark, in accordance with the provisions laid down in the Rules;
2. or the submission, at the time of filing and through the intermediary of the authorities entrusted with receiving the filing, of a request for examination.

In the latter case the instrument of filing shall be provisional. It shall have legal effect only in the event that the person effecting the filing or his agent, upon receipt of the results of the examination of prior registrations and within a time limit to be prescribed by the Rules, announces his wish to maintain

the filing. If and when the instrument of filing acquires legal force, it shall retain its original date.

C. The filing of a mark cannot give rise to any examination whatever as to substance the results of which might be invoked by the Benelux Office against the person having effected the filing.

D. Any claim to priority relied upon by virtue of Article 4 of the Paris Convention shall be made in the instrument of filing or by way of a special declaration to be submitted to the Benelux Office, in the month following that of the filing of the mark, in the manner and on payment of the fees prescribed by the Rules. The absence of such a claim shall cause forfeiture of the right of priority.

Article 7

A. International filing shall be effected in conformity with the provisions of the Madrid Agreement. The national fee provided for in Article 8(1) of the Madrid Agreement shall be prescribed by the Rules.

B. However, if any Rule should make the admissibility of Benelux filings subject to the conditions mentioned in Article 6B, then it may likewise provide that international filings shall be subjected *ex officio* to an examination for anticipation.

Article 8

The Benelux Office shall register, forthwith, instruments of Benelux filings for the goods indicated by the person having effected the filing and shall issue a certificate of registration to the proprietor; it shall also register, in respect of the goods indicated by the persons who effected the filings, notices of international registrations in regard to which such persons have requested that the effects shall extend to the Benelux territory.

The legal date of registration shall be that of the Benelux or of the international filing.

The registration shall indicate the date of and the grounds for the priority, if any, which has been claimed.

Article 9

At the request of persons filing marks or of third parties, the Benelux Office shall, for a consideration, undertake any examination of prior registrations of marks in the Benelux register.

If required, the Office shall likewise undertake the examinations provided for in Article 6B and Article 7B of prior registrations of marks in the Benelux register.

It shall transmit the results of the examination to the party having made the request without any statement of reasons or conclusions whatever.

With a view to examination thereof, registered marks shall be classified according to a system established by the Benelux Office.

Article 10

The registration of a Benelux filing shall be for a term of ten years, to be counted from the filing date.

The symbol constituting the mark may be modified neither during the term of the registration nor on the occasion of the renewal thereof.

The registration shall be renewed, upon request, for further periods of ten years in the manner and on payment of the fees prescribed by the Rules.

Renewal must be applied for within the period of six months prior to the expiration of the registration. It shall be operative as from the end of that period.

Six months prior to the expiration of the registration, the Benelux Office shall remind the proprietor of the mark in writing, as well as the agent, if any, mentioned in the instrument of filing, of the precise date of such expiration.

The Office shall dispatch the said reminders to the last known address of the parties concerned. Failure to dispatch or to receive such notices shall not exonerate the said parties from effecting the renewal within the prescribed time limits; no reliance can be placed on such failure either before the courts of law or before the Office.

The Office shall record the renewals.

Article 11

A. Independently of the transfer of the business or a part thereof, the exclusive right to a mark may be transferred, or may be the subject of a license, for all or part of the goods in respect of which the said mark was filed.

The following shall be null and void:

1. any assignments *inter vivos* or licenses not laid down in writing;
2. any assignments or other transfers not made for the entire Benelux territory.

B. No limitation of a license, other than a restriction as to its duration or to part of the goods in respect of which the mark was filed, shall have any effect regarding the application of this Law.

C. An assignment or other transfer or a license may be invoked against third parties only after an entry has been made in the register of an abstract of the instrument by which such transfer or such license is evidenced, or of a statement relating thereto and signed by the parties concerned, and such entry has been made in the manner and on payment of the fees prescribed by the Rules.

D. Provided that he acts jointly with the proprietor, the licensee shall be competent to claim compensation for all damage sustained by him as a result of the unlawful use of the mark by a third party.

Article 12

A. Regardless of the nature of the action instituted, no one may judicially claim protection for a symbol which is considered a mark within the meaning of Article 1 unless he has filed it in due form and, where applicable, has had the registration renewed.

Inadmissibility may be pronounced *ex officio* by the court. It shall be removed by a filing or renewal effected during the proceedings.

Damages can on no account be awarded for facts which occurred prior to filing.

B. The provisions of this Law shall be without prejudice to the right of users of a symbol not regarded as a mark within the meaning of Article 1 to rely on the provisions of ordinary civil law in so far as the latter provisions allow opposition to be made to the unlawful use of such symbol.

Article 13

A. Without prejudice to the possible application of ordinary civil law in matters of civil liability, the proprietor of a mark may, by virtue of his exclusive right, oppose:

1. any use made of the mark or of a like symbol for the goods in respect of which the mark is registered, or for similar goods;
2. any other use, in economic intercourse, of the mark or of a like symbol made without a valid reason under circumstances likely to be prejudicial to the proprietor of the mark.

Subject to the same conditions, the proprietor may, by virtue of the said right, claim indemnification for any damage sustained by him as a result of such use.

The exclusive right to the mark shall not, however, include the right to oppose the use of the mark for goods brought into circulation under the said mark by the proprietor or his licensee, provided, however, that the condition of the goods has not been altered.

B. In judging the similarity of goods, the administrative classification adopted for the registration of marks shall not be used as a criterion.

C. The exclusive right to a mark worded in one of the national or regional languages of the Benelux territory shall extend as of right to its translation into any other of the said languages.

Judgment of resemblance resulting from translations involving one or more languages foreign to the said territory shall be vested in the court.

Article 14

A. Any interested party, including the Public Prosecutor, may invoke the nullity:

1. (a) of the filing of a symbol which, pursuant to Article 1, is not considered a mark, in particular where it is devoid of any distinctive character within the meaning of Article 6^{quinquies} B(2) of the Paris Convention;
- (b) of a filing which, in the order of priority, ranks after that of a like collective mark according to the provisions of Article 3, second paragraph, of this Law;
- (c) of a filing under which, pursuant to Article 4, items 1 and 2, of this Law, no trademark right is acquired;
2. of a filing under which, pursuant to Article 4, item 3, no trademark right is acquired, subject to the condition that nullity must be invoked within a period of five years from the filing date.

Where the action for nullity is instituted by the Public Prosecutor, the Courts of Brussels, The Hague and Luxembourg shall have exclusive jurisdiction in the cases mentioned hereinabove. The institution of action by the Public Prosecutor shall stay any other suit instituted on the same grounds.

B. Provided that the proprietor of the prior registration or the third party referred to in Article 4, items 4, 5 and 6, is a party to the proceedings, any interested party may invoke the nullity:

1. of a registration which, in the order of priority, ranks after that of a like individual mark according to the provisions of Article 3, second paragraph;
2. of a registration in respect of a filing under which, pursuant to Article 4, items 4, 5 and 6, no trademark right is acquired; nullity under the provisions of the said item 4 must be invoked within a period of three years from the expiration of the prior registration, whereas nullity under the provisions of the said items 5 and 6 must be invoked within a period of five years from the filing date.

C. Any interested party may invoke the lapse of a right to a mark in the cases provided for in Article 5, items 3 and 4.

D. The courts shall have exclusive competence to give judgment in proceedings based on this Law; they shall ex officio order the cancellation of registrations of filings declared null and void, as well as of filings that have given rise to rights declared to have lapsed.

Article 15

A. The proprietor of a registration effected in respect of a Benelux filing may at any time request the cancellation of his registration. However, if a license is on record, then cancellation of the registration of the mark or the license can only be requested jointly by the proprietor of the registration and the licensee.

B. The cancellation shall be effective throughout the Benelux territory.

C. A renunciation — limited to part of the Benelux territory — of the protection resulting from an international filing shall be effective throughout the said territory, notwithstanding any statement to the contrary made by the proprietor.

Article 16

A declaration of nullity of a filing, a declaration that a right to a mark has lapsed, and a voluntary cancellation of a registration must relate to the entire symbol constituting the mark.

A declaration of nullity or of lapsing of rights must be limited to a given number of the goods in respect of which the mark is registered, in the event that the grounds for the nullity or lapsing of rights only relate to part of such goods.

Voluntary cancellation may be restricted to a given number of the goods in respect of which the mark is registered.

Article 17

A. Over and above the duties conferred on it by the provisions of the preceding articles, the Benelux Office shall be entrusted with:

1. introducing modifications in registrations, either at the request of the proprietor, or as a result of notifications from the International Bureau for the Protection of Industrial Property or of court decisions, as well as, where appropriate, notifying the International Bureau thereof;

2. issuing a monthly publication in the Dutch and French languages in which registrations of Benelux filings shall appear and which shall contain all other indications prescribed by the Rules;

3. providing copies of registrations at the request of any interested party.

B. The amount of the fees to be collected for the operations referred to in paragraph A of this Article, as well as the prices of the monthly publication and of the copies, shall be fixed by Rule.

Article 18

By virtue of this Law, nationals of the Benelux countries, as well as nationals of countries outside the Union established by the Paris Convention who have their domicile or a real and effective industrial or commercial activity in the Benelux territory, may claim the benefits, throughout the said territory, of the provisions of the said Convention and of the Madrid Agreement.

CHAPTER II

Collective Marks

Article 19

Collective marks shall be considered to be all symbols designated as such at the time of filing and which serve to distinguish one or more common features of goods originating from different enterprises that affix the mark under the control of the proprietor.

The proprietor shall not be allowed to make use of the mark for goods originating from his own enterprise or from enterprises in the management or superintendence of which he participates either directly or indirectly.

Article 20

Unless otherwise provided, individual and collective marks shall be subject to the same rules.

Article 21

An exclusive right to a collective mark shall be acquired only if the mark is accompanied, when filed, by regulations for use and control thereof.

However, where international filing is concerned, the applicant may still file such regulations during a period of six months from the notification of the international registration provided for in Article 3(4) of the Madrid Agreement.

Article 22

The regulations for use and control of a collective mark must state the common features of the goods which the mark is intended to guarantee.

They must also set forth the manner in which proper and efficient control of such features is to be exercised, together with the adequate sanctions incidental thereto.

Article 23

Article 4, item 3, shall not apply to the filing of a collective mark by the former proprietor of the registration of a like collective mark or by his successor in title.

Article 24

Without prejudice to the application of Article 6, the Benelux Office shall not be allowed to register the Benelux filing of a collective mark if the regulations for use and control of the said mark have not been filed in accordance with the provisions of Article 21.

Article 25

The proprietors of collective marks shall be obliged to notify one of the three national Offices or the Benelux Office of any modification of the regulations for use and control of the mark. Such notification shall be recorded by the Benelux Office.

The modification shall not become operative prior to the notification prescribed in the preceding paragraph.

Article 26

The right to institute legal proceedings for the protection of a collective mark shall exclusively accrue to the proprietor of such mark.

Without prejudice to the provisions of Article 13, the proprietor of a collective mark may, by virtue of his exclusive right, oppose any use whatever being made of the mark or of a like symbol, regardless of the goods in respect of which such use is made, save use by a person who can rely on a prior right to a like individual mark.

The proprietor of the mark may, subject to the same conditions, claim indemnification for any damages sustained by him as a result of such use.

The regulations for use and control may, however, confer on persons to whom the use of the mark has been granted the right to bring a claim jointly with the proprietor or to become party to any action or to intervene in any proceedings instituted by or against the latter.

Likewise, the regulations for use and control may also provide that the proprietor, acting alone, may assert the individual interests of the users of the mark and may incorporate in his claim for indemnification particular damages sustained by one or more of them.

Article 27

A. Without prejudice to the provisions of Article 14, any interested party, including the Public Prosecutor, may invoke the lapse of a right to a collective mark in the event that the proprietor uses the mark in the circumstances referred to in Article 19, second paragraph, or agrees to a use in violation of the provisions of the regulations for use and control, or tolerates such use.

Where the action for forfeiture is instituted by the Public Prosecutor, the Courts of Brussels, The Hague and Luxembourg shall have exclusive jurisdiction.

The institution of action by the Public Prosecutor shall stay any other suit instituted on the same grounds.

B. The Public Prosecutor may invoke the nullity of the filing of a collective mark whenever the regulations for use and control are contrary to public policy or are not in accordance with the provisions of Article 22. The Public Prose-

utor may also invoke the nullity of modifications of the regulations for use and control if they conflict with public policy or the provisions of Article 22, or if they would result in impairing the guarantees given to the public by the said regulations.

The Courts of Brussels, The Hague and Luxembourg shall have exclusive jurisdiction in such proceedings; they shall ex officio order the cancellation of registrations of filings or modifications declared null and void.

Article 28

Collective marks which have lapsed, have been declared null and void or have been cancelled, as well as those in respect of which no renewal has taken place and no restoration as provided for in Article 23 has been made, shall, during the three years following the date of the recording of the lapse, nullification or cancellation, or the expiration of the non-renewed registration, on no account be used save by a person who can rely on a prior right to a like individual mark.

CHAPTER III

Transitional Provisions

Article 29

Subject to the conditions laid down in Article 30, the exclusive rights to individual and collective marks acquired under national law in any one of the Benelux countries prior to the date of the entry into force of this Law, and which have not expired at that date, shall be maintained. As from the said date, this Law shall apply to such rights.

An exclusive right shall also be deemed to have been acquired by the first use of a symbol which serves to distinguish the goods of an enterprise and which would have constituted a mark if Articles 1 and 2 of this Law had been applicable. An exclusive right thus deemed to have been acquired shall, however, not be capable of being invoked against any person who used the said symbol prior to the date of the entry into force of this Law, unless the use relied upon was followed by non-use for an uninterrupted period of five years.

Article 30

A right acquired to a mark shall terminate with retroactive effect to the date of the entry into force of this Law if, at the expiration of a period of one year from that date, no Benelux filing of the mark has been effected claiming the existence of the right acquired and indicating, for purposes of information, the nature and date of the facts which caused it to come into existence, and, where applicable, the filings and registrations made in respect of such mark. This filing shall take the place of filings made of the mark in one or more of the Benelux countries, without prejudice to rights acquired as a result of such filings. However, if the person effecting the filing should claim any acquired right when he knows or has no valid excuse for not knowing that such a right does not exist, the filing shall be deemed to have been made in bad faith.

Where, on the date of the entry into force of this Law, a right to a mark results from an international filing based on

a registration of origin outside the Benelux territory, maintenance of such right shall be independent of the conditions prescribed in the preceding paragraph.

A right acquired to a collective mark shall, moreover, terminate with retroactive effect to the date of the entry into force of this Law if no regulations for use and control are submitted with the Benelux filing referred to in the first paragraph hereinabove. Articles 22, 24 and 27B shall apply in such cases.

Where a right to a collective mark results from an international filing based on a registration of origin outside the Benelux territory, such right shall terminate with retroactive effect to the date of the entry into force of this Law if, at the expiration of a period of one year from the said date, the proprietor of the collective mark has not filed regulations for use and control. Articles 22 and 27B shall apply in such cases.

Article 31

Notwithstanding the provisions of Article 10, the first registration of the Benelux filings referred to in Article 30 shall have a term of from one to ten years. The said term shall expire, in the month and on the day of the Benelux filing, in the year which comprises the same final digit as that of the year in which the right acquired and relied upon originated.

The first renewal of such registrations may be requested at the time of filing for the duration provided for in Article 10.

Article 32

An exclusive right to a mark maintained under Articles 29 and 30 shall extend to the entire Benelux territory as from the date of the entry into force of this Law.

This right shall not, however, extend to the territory of those Benelux countries:

- (a) where it would constitute an infringement of a right acquired by a third party and maintained under Articles 29 and 30;
- (b) where it emerges that there is a ground for nullity as referred to in Article 14A 1 (a) and (c) and 2, in Article 14B 2, and in Article 27B.

Where two persons possess respective rights that have been acquired in the same mark in two of the Benelux countries, extension to the third country shall be effected for the benefit of the person who, prior to the entry into force of this Law, first used the mark in a normal manner in the said country. In case of non-use of the mark in the said country at the time of the entry into force of this Law, extension shall be effected for the benefit of the person whose acquired right is older.

Article 33

Where any mark belongs, by virtue of Article 32, to different proprietors in two or three of the Benelux countries, the proprietor of the mark in any one of those countries may not oppose importation of goods bearing the same mark and originating from another Benelux country, or claim damages for such importation, if the mark was affixed in the other

country by the proprietor of the mark or with his authorization and relations of an economic nature exist between the two proprietors in respect of the exploitation of the goods concerned.

Article 34

A. As from the day following the date of the entry into force of this Law, the Benelux register shall be open for the filing of marks.

As from the date of the said entry into force, national filings of marks shall no longer be admissible.

B. The Benelux filings referred to in Article 30 shall be exempt from the payment of any fees and shall be effected in the manner prescribed by the Rules.

The registration of the said filings shall mention the claim to the acquired right and the indications relevant thereto.

C. International filings based on a registration of origin outside the Benelux territory and existing on the date of the entry into force of this Law shall be entered ex officio into the Benelux register free of charge, unless the proprietors have renounced the protection resulting therefrom for all Benelux countries.

Article 35

The Benelux filings referred to in Article 30, regardless of their actual date, and the international filings entered in the Benelux register as provided for in Article 34C, shall, for the determination of their order of priority with respect to Benelux filings effected without a claim to an acquired right, be deemed to have been made on the date of the entry into force of this Law.

The order of priority of the rights acquired in a Benelux country within the meaning of Article 29 shall be determined in that country in accordance with the national law obtaining prior to the entry into force of this Law.

CHAPTER IV

General Provisions

Article 36

In this Law, the expression "Benelux territory" refers to the joint territories of the Kingdom of Belgium, the Grand-duchy of Luxembourg and the Kingdom of the Netherlands within Europe.

Article 37

A. Unless otherwise expressly stipulated by contract, jurisdiction in respect of trademark cases shall be determined by the domicile of the defendant or by the place where the undertaking giving rise to the litigation originated or was or is to be performed. The place where a mark was filed or registered can on no account serve in itself as a basis for the determination of jurisdiction.

If the criteria laid down hereinabove should be insufficient for the determination of jurisdiction, then the plaintiff may file the action before the court of his domicile or residence, or, if he has no domicile or residence within the Benelux territory, before the Courts of Brussels, The Hague or Luxembourg, at his option.

B. The courts shall apply the rules of paragraph A *ex officio* and shall explicitly establish and record their competency.

C. The court before which the principal claim referred to in paragraph A is pending shall take cognizance of requests that the plaintiff put up security, requests for intervention, incidental claims and counterclaims, unless it should be incompetent on the ground of *ratione materiae*.

D. The courts of any one of the three countries shall, at the request of one of the parties, transfer disputes brought before them to the courts of one of the other two countries if such disputes are already pending before the latter courts or are fundamentally related to other disputes submitted to the said latter courts. Such transfer may only be requested if the causes are pending in first instance. It shall be made to the court before which the case was first brought by a declaration instituting action, unless another court has given an earlier judgment in the matter concerned — and such judgment does not merely relate to internal procedure — in which case the transfer shall be made to such other court.

Article 38

The provisions of this Law shall be without prejudice to the application of the Paris Convention, the Madrid Agreement, and Belgian, Luxembourg or Netherlands legal provisions which might entail a prohibition to use a given mark.

LETTERS FROM CORRESPONDENTS

Letter from Switzerland *

By Edouard PETITPIERRE, Lawyer, Lausanne

NEWS CONCERNING NATIONAL PATENT OFFICES

ITALY

Report on the Activities of the Italian Patent Office in 1968

To bring out the importance and complexity of the problems of a legislative and administrative character that are within the purview of the Patent Office, it may be noted that the patenting of new inventions constitutes a significant indication of the trend in a country's industrial evolution and of its position in the field of scientific and technological research.

In Italy, too, industrial development is underlined by the increase in the number of patent applications filed each year; from that increase one can form a positive judgment concerning our industrial situation, as well as concerning the interest that foreign entrepreneurs are showing in the Italian market by applying for patents in respect of their most significant inventions in Italy also.

The increase in applications for patents can be seen from the following statistics:

<i>Patent applications filed in:</i>	1938	1953	1968
for industrial inventions	12,093	17,095	31,754
for industrial designs	1,425	4,715	8,668
for trademarks	2,216	5,505	11,962
	<u>15,734</u>	<u>27,315</u>	<u>52,384</u>

So far as legislative activity is concerned, it should be noted that, except for some amendments introduced between 1939 and 1942, the industrial property legislation dates back to the old Sardinian laws of 1855 to 1859.

Accordingly, this is old legislation that, in practice, is increasingly proving to be inadequate for the requirements resulting from the rapid advance of technology and industry, particularly in recent times.

A number of study committees have addressed themselves to the preparation of a fundamental and rational reform of

the legislation, but, owing to a variety of circumstances and reasons, the various drafts have never been carried through.

The problem of reforming the patent legislation has, on the other hand, become urgent because of the fact that many of its provisions are not in conformity with those of international conventions that Italy has signed and, in some cases, ratified, and also because the outdated character of the legislation is affecting the efficiency of the administrative services concerned.

For these reasons, under a ministerial decree dated January 12, 1968, a new committee of experts was set up, under the chairmanship of a prominent jurist, to study and work out proposals for rearranging and bringing up to date the existing legislation.

One of the problems that, from the legal point of view, has always been of great concern to the Office relates to patentability in the pharmaceuticals sector.

Basic criteria for regulating the patentability of these products are set forth in the national economic program covering the five-year period 1966 to 1970, which was approved under Law No. 685 of July 27, 1967, and also in the draft national economic program for the five-year period 1971 to 1975. On the basis of these criteria, the Office has already begun to prepare draft legislation which, after concordance with the other government departments concerned, will be submitted to the Council of Ministers for approval and presentation to Parliament.

Mention should also be made of an important measure — Presidential Decree No. 849 of February 26, 1968 — which solved a long-standing problem by introducing compulsory licensing into Italy's patent system.

*

In the field of international relations, one should note the resumption of efforts to harmonize the national legislation of the largest possible number of countries or to establish entitlements to protection valid in more countries.

The resumption of these efforts should be viewed in the context of the need to deal with the tremendous number of new inventions that, as a result of rapid scientific and technological progress, are being submitted for patents, particularly in the industrially more advanced countries, by internationalizing and consequently simplifying and speeding up the procedure for filing applications and granting patents.

In this connection, attention should be called to the initiative of BIRPI in promoting a Patent Cooperation Treaty for facilitating the filing and examination of applications for the protection of the same invention in a number of countries.

Mention might also be made of the move by the EEC authorities to introduce a European patent valid in certain countries of the Council of Europe and, in that context, a community patent.

*

Meanwhile, with a view to the organizational arrangements that are essential to enable the Office to carry out the new tasks that will accrue to it as a result of the extension of patentability to the pharmaceuticals sector, and of the international measures referred to above, discussions have taken place with the International Patent Institute in The Hague

with a view to our country's possible accession to the 1947 Agreement establishing that Institute.

The discussions have met the expectations of Italian entrepreneurs who have unanimously declared themselves in favor of such accession, and accordingly the outlines of a draft law to that effect are now being elaborated.

*

The Office is still suffering from a shortage of the human and material resources that it needs in order to meet the various requirements arising from its activities which, as may be seen from the brief description above and from the statistics given, are very complex and continually increasing.

Its work has increased since 1953 both because of the fact that more patent applications are being filed, and as a consequence of the multiplication of international relations and related activities.

On the other hand, the staff available to the Office has declined in both quantity and quality.

Because of the shortage of personnel, financial resources, and modern and adequate equipment, a substantial backlog had accumulated by June 1966, with consequent delays in the grant of patents and in the publication and dissemination of patent documentation. The backlog was also partly attributable to the fact that patent applications were formerly examined according to more rigid criteria.

In this connection, it should be observed that, although some people may consider that the responsibility of the Patent Office should be limited to simple registration of patent applications filed and hence to the immediate grant of patents, the situation is in practice very different and more complex, as experts in this field well know.

In actual fact, although the Patent Office does not carry out any examination — either immediate or deferred — as to the novelty of inventions submitted for patenting, or verify the existence of earlier patents, nevertheless it does not merely register patent applications but makes a preliminary examination in order to verify that the inventions concerned in the patent applications are in conformity with the restrictive provisions of Articles 12, 14 and 33 of the Law in force.

This verification often involves, *inter alia*, obtaining the opinion of the health authorities or other departments, as a compulsory or optional formality, depending on the case.

As a consequence of various measures introduced between the end of 1966 and 1968 (decentralization of services, simplification of procedures, modernization of certain equipment), the backlog has been entirely eliminated in respect of the examination of patent applications and the grant of patents. Whereas until the end of 1966 applicants had to wait four years or more for the grant of a patent, at the present time the Office is in a position to grant patents from 8 months to one year after the date of filing of the application, if the latter does not require approval by the health authorities.

So far as verification and certification of the status of patents is concerned, the situation cannot yet be regarded as having been restored to normal in that, because of a shortage of skilled personnel to operate punch-card equipment and verify typewritten tables, it has not been possible to attain the objective of making a general recapitulation of the situ-

ation at the end of each year with respect to individual patents, so that, at the request of interested persons, the validity of patents can be checked rapidly. By careful consultation of several typewritten tables, however, the Office is now in a position to verify the status of patents for which certificates are requested.

It has not been possible, on the other hand, to achieve any positive results so far as official publications are concerned. The problem has, however, been the subject of continuing and careful consideration and studies, and there is reason to hope that publication and dissemination of the Patent Bulletin and of descriptions of patents will soon be brought up to date.

Having regard to the efforts, referred to above, taken with a view to modernizing the legislation in force, simplifying administrative and examination procedures and rationalizing the services concerned, there is every prospect that, once the above-mentioned measures of an international character have also been carried out, the Office will be in a position adequately to meet the requirements of progress.

SWITZERLAND

The Activities of the Swiss Federal Bureau of Intellectual Property

On the national level, the basic task of the Federal Bureau is to prepare and implement Swiss legislation on patents, industrial designs, trademarks, indications of geographical source, and copyright.

Patents

The number of patent applications filed continued to increase and rose from 18,408 in 1967 to 19,537 in 1968. Of this number, 13,609 came from abroad (approximately 70 per cent).

Under the procedure of processing applications without examining them for novelty, a procedure which applies to about 94 per cent of all inventions, 20,162 applications were disposed of; 17,044 of these applications proceeded to patent grant, and 3,118 had to be rejected or else were withdrawn.

Under the novelty examination procedure, which applies to inventions in the fields of time measurement and textiles, 706 applications were disposed of; patents were granted in respect of 406 of these applications, and the remaining applications were either rejected or withdrawn.

Over the years, the number of patent applications has grown at a considerable rate on account of the development of technology and the multiplication of international exchanges. It has nevertheless been possible, owing to measures adopted in 1964, to eliminate progressively the backlog of patent applications awaiting examination that had accumulated up until that time; whereas at the beginning of 1964 there were approximately 62,000 applications awaiting examination, there were only about 37,000 such applications at the end of 1968, a figure which must be considered normal. The measures taken can be summed up as follows:

- (a) a limitation of the technical examination of patent applications *not* subject to novelty examination to what is absolutely essential to ensure compliance with the relevant provisions of the Patent Law and the Regulations

for its implementation and achievement of the aims assigned by federal legislation to examination of applications;

- (b) a rationalization of the examination procedure, for example, by making use of forms for official letters;
- (c) the removal of all administrative work from the duties of the experts;
- (d) a reorganization of the division entrusted with the technical examination of applications so as to ensure that the measures adopted would be carried out properly and that examination procedure would be uniform.

Industrial Designs

According to the provisions of the Swiss Law on Industrial Designs, international deposits effected with BIRPI by Swiss nationals count as national deposits. As a result, the number of deposits effected with the Federal Bureau has always been relatively low. A slight increase was noted in 1968, however. From 1967 to 1968, the number of such deposits rose from 787 to 832. Of these, 795 were accepted (742 in 1967) and 33 (46 in 1967) were rejected or withdrawn.

Trademarks

Trademarks are still being filed in great numbers. In 1968, there were 7,612 marks filed (7,505 in 1967); of this number, 420 were rejected or withdrawn (366 in 1967) and 7,152 were registered (6,907 in 1967). 1,733 of these marks were renewals of earlier registrations (1,866 in 1967). 1,230 marks were transferred during the course of the year (1,062 in 1967). 2,716 marks were cancelled (2,976 in 1967), 2,395 of them for non-renewal of the registration (2,606 in 1967).

Of the 12,561 trademarks (10,192 in 1967) which were recorded in the international register in 1968, 1,970 (1,562 in 1967) were of Swiss origin. The more rigid examination made by the Federal Bureau resulted in total or partial refusal of protection in Switzerland for 1,664 international marks.

Over the years, there has been a considerable increase in the number of Swiss and international marks registered by the Federal Bureau. There are now more than 270,000 marks in the register. Confronted with such vast numbers of marks, industrial and trade circles are having more and more difficulty finding new symbols that are sufficiently different from those already registered not to conflict with them. For these reasons, the Federal Bureau's old card index, which had been built up on the basis of simple data and which was still arranged according to the Swiss trademark classification, has been abandoned and replaced by a new, extremely complete documentation system employing the international classification. The new system, comprising several principal or special indexes, is based essentially on phonetics and figurative elements, which makes it easy to determine with certainty whether a new mark conflicts with already registered marks. The index selected for word marks is composed of mobile cardboard folders, each of which contains a hundred or so cards spread out in such a way that the data can be read immediately. For device marks, the Federal Bureau has adopted a system of perforated cards, like the one used by BIRPI, to which a number of improvements have been made. In view of all of the conceivable possibilities of conflict between marks and so as to facilitate handling of the cards, a

search key has been devised which enables searchers to find out the exact sequence of operations to be performed in each individual case. The search results are communicated to the client by means of reproductions of the marks found. A complete picture of all registrations, including the most recent ones, which bear a relationship to a given mark is thus obtained.

Since the time that the new documentation system was put into operation (June 1, 1968), results have proved satisfactory, as can be seen from the ever-growing number of requests that are being filed for searches.

Not long ago, prominent economic and industrial circles proposed a complete revision of the Federal Law of September 26, 1890, Concerning the Protection of Trademarks. The present Law can be considered antiquated. Admittedly, minor adjustments have been made over the years, but in a great many respects the Law no longer answers to present-day needs. This is why a few years ago the Federal Bureau began preparatory work on an overall revision of this Law. With the collaboration of a small commission, it prepared a draft Bill which was submitted to the interested sectors of the Swiss economy in July 1968. The principal innovations of this draft Bill are as follows:

- (a) an extension of the trademark concept: subject to certain conditions, three-dimensional signs, such as sufficiently distinctive shapes of bottles, would also be accepted as marks; there would likewise be protection for marks used as distinctive symbols for banks, insurance companies, transport companies and other establishments providing services (the so-called "service" marks);
- (b) the introduction of the principle of registration, which would make entry in the register — rather than first use as has been the case hitherto — creative of rights in the mark. According to this regulation, the person who first files the mark with the Federal Bureau of Intellectual Property would, in principle, have the right to the mark;
- (c) recognition of the mark as an exclusive right restricted to the territory of Switzerland, thus enabling the proprietor of the mark to institute either civil or penal action against any third party who, without having the right to do so, uses the same mark, or a mark liable to be confused with it, in Switzerland for identical or similar goods or services;
- (d) the protection of widely known marks from any weakening of their particularly strong distinguishing power;
- (e) acknowledgment that marks may be freely assigned or licensed, without there being any obligation for the proprietor to transfer his business to the assignee or licensee of the mark;
- (f) entirely new regulations for collective marks, intended in particular to protect consumers from being misled regarding the quality, source or other characteristics of the goods;
- (g) a reduction of the term of protection from 20 to 10 years so as to clear the trademark register of unused marks;
- (h) a simplification of the administrative procedure for renewing a mark, whether the renewal involves an extension of the term of protection or a modification of the mark;

(i) additional and improved judicial protection, especially as concerns recognition of the exclusive licensee's right to bring suit, restriction of the group of persons who may benefit from action for invalidation in cases where a mark infringes prior rights, as well as the setting of time limits for instituting such action.

Protection of Swiss Indications of Source

As in the past, the Federal Bureau, after consultation with the Political Department and other federal administrative services, dealt with a large number of cases of abusive use — both in Switzerland and abroad — of indications of source relating to Switzerland, as well as of Swiss armorial bearings.

Copyright

The Federal Bureau of Intellectual Property has a service that handles copyrights. Since in Switzerland, as well as in the other countries of the Berne Union, compliance with formalities is not a prerequisite of copyright protection, this service does not, strictly speaking, have any administrative duties. The Bureau is, however, entrusted with the preparation of laws and regulations concerning copyright protection; it therefore continued to collaborate this year, along with the commission of experts appointed by the Federal Department of Justice and Police, in the work of preparing a full revision of the Law of December 7, 1922, Concerning Copyright in Literary and Artistic Works.

It also has the task of cooperating in the work of drawing up and revising international conventions, to the extent that such conventions concern Switzerland.

Another of its activities is to provide both authorities and private persons with information on any copyright questions.

The Bureau is further entrusted with executing the Law of September 25, 1940, Concerning the Collection of Authors' Fees and, in particular, with supervising Suisa which, under the authorization of the Federal Department of Justice and Police, administers the right of public performance of musical works. Such supervision consists primarily in ascertaining that collection and distribution are effected in accordance with the prescribed rules and not arbitrarily (Article 6(2) of the Regulations of February 7, 1941, Implementing the Law Concerning the Collection of Authors' Fees).

NEWS CONCERNING INTERNATIONAL ORGANIZATIONS OTHER THAN BIRPI

The Activities of the International Patent Institute in 1968

The expansion of the International Patent Institute (IIB) continued in 1968, although it did not reach the rate that was to be experienced as from the beginning of 1969¹. It was

¹ This increased rate of expansion resulted primarily from the application, which began in 1969, of the Working Agreement concluded with France for the implementation of the new French Patent Law and from the increasing number of requests for novelty reports forwarded by the Octrooiraad.

revealed, inter alia, in the growing number of requests (for novelty reports or for special searches) received and answered, the reorganization of the Documentation Department, the setting up of an Information Retrieval Department, and the decision to construct a functional, 24-storey building on the outskirts of The Hague. This new building, which will have 50,000 square meters of floor space capable of providing offices for a thousand engineers, will be the new headquarters of both the International Patent Institute and the Octrooiraad.

The premises now occupied by these two organizations would not, in fact, have permitted the Institute to cope in the next few years with the new assignments that will fall to it as a result, in particular, of the working agreements concluded with France and the Netherlands, under which those States will progressively turn over to the Institute the task of undertaking novelty searches in implementation of their national laws.

The activities of the IIB involve both the establishment of novelty reports and the carrying out of special searches in the field of documentation and information retrieval.

In addition, the IIB participates actively in meetings organized on the national level in the countries which make use of its services and in conferences organized by international organizations specialized in industrial property or concerned with the field of patents considered either as an element of economic activity or as a major factor of the developing countries' social progress.

In this connection, attention should be drawn to the Working Agreement made with BIRPI according to which each of the two organizations conferred on the other organization the right to attend all conferences and meetings likely to be of interest to it, whether they are concerned with ICI-REPAT, PCT, or other matters of a similar nature. The IIB also participates in meetings of the Council of Europe, the International Chamber of Commerce, and so forth.

I. Novelty Reports and Special Searches

A. Requests Received by the International Patent Institute

In 1968, the International Patent Institute received 13,425 requests, an increase of 11 per cent over 1967.

These requests were divided into two groups, depending on their nature:

1. *Official Requests.* — These are requests coming from the Governments party to the Hague Agreement of June 6, 1947, establishing the International Patent Institute.

Of the nine countries members of the IIB, four have concluded working agreements with the Institute, namely: France, the Netherlands, Switzerland, and Turkey.

In 1968, there were 5,655 official requests received, representing 42 per cent of the total number of requests.

2. *Special Requests.* — These are either requests for novelty reports coming from nationals of the member States of the International Patent Institute, or requests for special searches submitted by nationals of those same States or nationals of any other State so long as such nationals are domiciled in a member country of the 1883 Paris Convention for the Protection of Industrial Property.

The International Patent Institute received 7,770 special requests in 1968, representing 58 per cent of the total num-

ber of requests. The distribution of these requests according to origin is as follows:

Member States of the IIB	4,186
Other States	3,584

The increase over 1967 primarily concerned the following countries, in decreasing order: Switzerland, the Federal Republic of Germany, Japan, and Great Britain.

B. Searches Undertaken

A total of 13,120 searches were undertaken, with a view both to establishing a novelty report and to replying to requests for special searches.

Staff hours devoted to the carrying out of these searches amounted to 161 "collaborator years."

NB: It is estimated that 15,500 requests will be received in 1969 and that an equal number of searches will be performed, as the number of searches and the number of requests are balanced.

Estimates for 1970 are 22,500 requests and an equal number of searches carried out.

These increases are largely the result of the growing number of official requests coming from the French National Institute of Industrial Property and from the Octrooiraad.

II. The Documentation Department

This Department, which forms an integral part of the Technical Department deals, on the one hand, with systematic classification of technical literature and, on the other, with mechanized search systems.

Regarding the first of these matters, the principal tasks of the Department are the classification of new patents, the reorganization of existing technical literature, and the conversion of patents from the Netherlands classification system into the system of the International Patent Classification.

The second part of the Department's activity consists in putting mechanized search systems into operation at the Institute, whether such systems originate from ICIREPAT or whether they have been devised by the Information Retrieval Department of the International Patent Institute.

The various documentary tasks carried out by the staff of the International Patent Institute took up 37,600 staff hours, of which 29,000 were devoted to systematic classification of technical literature and 7,700 to mechanized search systems.

III. Information Retrieval Department

This Department was set up during the course of 1968. It is entrusted with:

- studying methods and means employed in connection with documentation;
- proposing modifications thereof;
- preparing the rules for their implementation by the International Patent Institute;
- dealing with problems concerning information retrieval and documentation on the international level (ICIREPAT, IPC, etc.).

In 1968, the Information Retrieval Department represented the International Patent Institute at numerous international meetings and, in particular, at those convened in respect of ICIREPAT, the latter's Enlarged Transitional

Steering Committee, the World Patent Index, UNISIST, and the International Patent Classification.

In addition, it assisted the Documentation Department in various working committees which met with the Octrooiraad to study such common problems as those raised by administrative classification of patent families, microforms, and the like.

As concerns ICIREPAT, the Department collaborated in the development of mechanized systems by drawing up commentaries for lists of terms and manuals.

Lastly, it made a thorough study of the ways in which the International Patent Institute could make use of a computer.

IV. Staff

At December 31, 1968, the total number of staff members was 245 as against 217 on December 31, 1967.

Staff was broken down as follows:

Directorial staff	4	} Technical Department
Heads of divisions	2	
Group heads and instructors	20	
Examiners	144	
Documentation staff	11	
Information retrieval staff	3	
Administrative staff	61	

NB: On the basis of the figures for the first seven months of 1969 and on recruitments already made but that will only become effective in the next few months, estimates concerning the number of staff members at December 31, 1969, are as follows:

Directorial staff	5
Technical staff	229
Administrative staff	82
Or a total of	316 staff members

According to estimates based on the Institute's growing volume of work, the number of staff members at December 31, 1970, will be as follows:

Directorial staff	5
Technical staff	323
Administrative staff	130
Or a total of	458 staff members

The Institute's development program has been established up to and including 1975.

According to estimates that take the facts into account, the Institute will continue to expand for some years after 1970 at a rate comparable to that of 1969 and estimates for 1970.

BOOK REVIEWS

Les principes de protection des dessins et modèles dans les pays du Marché Commun [The Principles Governing the Protection of Industrial Designs in the Common Market Countries]. By *Marie-Angèle Pérot-Morel*. Editions Mouton, Paris, 1968. Price: 55 francs.

The protection of industrial designs is one of the most controversial subjects in the field of intellectual property. This is due largely to the fact that industrial designs are of an ambivalent nature, tending sometimes to

belong to the sphere of industrial property and sometimes to that of copyright. The result is that there is a considerable degree of divergence among the national laws, and it appears difficult to bring them closer together (in this context, reference is made to the work of IAPIP which led to the passing of a resolution at the Tokyo Congress).

And yet harmonization is highly desirable, both from the point of view of protecting industrial designs internationally and from that of establishing uniform legislation for groups of States such as the European Economic Community. It is from this latter point of view that M^{me} Pérot-Morel considers the problem in her work, which deals with the subject of industrial design law in the six Common Market countries. Her book is the first in a series of works on industrial property law that is being published by the *Centre de Recherche juridique* [Law Research Center] of the Faculty of Law and Economic Sciences of the University of Grenoble. It is prefaced by Professor Desbois.

In the first part of her book (pages 31 to 171), the author looks into sources of industrial design protection in the Common Market countries. In addition to special legislation on industrial designs, the possibility of obtaining protection under the law of copyright must be examined, in so far as industrial designs are regarded as works of applied art. Here, opposite solutions have been adopted, namely: the system of dual protection which has evolved under French law through application of the unity-of-art principle; the system, under German law, of partially overlapping protection, depending on the artistic level of the creation; and the system, adopted under Italian law, whereby any overlapping is barred because of the utilitarian purpose of industrial designs. To complete this account, the author briefly discusses a few aspects of the systems for protecting industrial designs in the United States and in the United Kingdom. Regarding the latter country, however, the system of non-overlapping protection has undergone important changes in the meantime as a result of the Design Copyright Act of October 25, 1968 (see *Copyright*, 1968, page 234), which permits industrial designs to benefit from the protection conferred under the law of copyright (see also the article by Mr. W. Wallace in *Copyright*, 1968, page 235). Finally, the various international conventions applying to industrial designs (the Paris Convention and the Hague Agreement, on the one hand, and the Berne Convention and the Universal Copyright Convention, on the other) are considered.

The second part of the book (pages 173 to 298) takes up a few special aspects of industrial design law, such as the definition of an industrial design, the distinction between industrial designs and technical inventions, the concepts of novelty and originality, and the nature of deposits and the various procedures for effecting them. M^{me} Pérot-Morel carefully traces the development of case law and doctrinal interpretation in the various countries, giving a clear, objective picture of the situation in each Common Market country. She demonstrates that in certain respects, the systems adopted in the various countries are somewhat similar (for example, as regards the distinction drawn between industrial designs and technical inventions) but that, in a great many other respects, there are important differences (in particular — besides the question of overlapping with copyright protection — as regards the requirements of novelty and originality, the nature of the deposit, that is, whether it is creative of rights or simply declarative, the sealed deposit, and the term of protection).

Following an appendix pertaining to the most important work that has been undertaken on the international level to provide better protection for industrial designs, M^{me} Pérot-Morel concludes her study by examining the possibilities of bringing about greater harmony among the legislative texts of the Common Market countries and of establishing a uniform law of industrial designs within the Community. She does not conceal the difficulties that must be overcome if such a task is to be accomplished and makes it clear that the two opposed principles of unity of art and the exclusion of industrial designs from copyright protection — both of which are being strongly defended — represent a serious obstacle to harmonization. Nevertheless, the author does give some indication of courses that might be taken in working out compromise solutions, and her book provides a solid, and very valuable, basis for continuing the efforts to achieve synthesis.

M^{me} Pérot-Morel's book, which includes a wealth of references plus a collection of legislative texts, is therefore of great worth, not merely

for the work that is going on within the framework of the Common Market, but also for the reforming of national laws and for the improvement of international protection of industrial designs.

L. B.

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Selection of New Publications

ARACAMA-ZORRAQUIN (Ernesto D.). *Know-how (El) tecnico. Tentativa de sistematica juridica*. Buenos Aires, 1969. - 245 p. Thesis.

ASOCIACIÓN INTERNACIONAL PARA LA PROTECCIÓN DE LA PROPIEDAD INDUSTRIAL. GRUPO ESPAÑOL. *Cursillo (I) sobre propiedad industrial. Ciclo de ocho conferencias pronunciadas en octubre-diciembre de 1966, en el Salón de conferencias de la Sociedad de estudios y publicaciones, Madrid, por J. Banús, H. Baylos, M. Diaz Velasco, etc.* Barcelona, Imprenta Altés, 1969. - 112 p.

ASOCIACIÓN LATINOAMERICANO DE LIBRE COMERCIO. ASSOCIAÇÃO LATINO-AMERICANA DE LIVRE COMÉRCIO. *Regimen (El) de la propiedad industrial y la integración económica en la ALALC*. Montevideo, ALALC, 1969. - 140 p.

BUNNEN (Louis van). *Aspects actuels du droit des marques dans le Marché commun*. Brussels, C. I. D. C., 1967. - 691 p. Pref. Jean G. Renauld. Centre interuniversitaire de droit comparé. Interuniversitair centrum voor rechtsvergelijking. Collection du Centre, Vol. 12.

COMMERCE CLEARING HOUSE, INC. *Tax angles in patents, trademarks, copyrights*. New York, Commerce Clearing House, Inc., 1968. - 103 p. CCH Tax analysis series.

DEMIN (Paul). *Contrat (Le) de know-how. Etude de sa nature juridique et du régime fiscal des redevances dans les pays du Marché commun*. Brussels, E. Bruylant, 1968. - 112 p. Pref. G. van Hecke. Bibliothèque de l'École supérieure des sciences fiscales III.

HORION (Paul). *Notions de droit industriel belge*. Liège and The Hague, Faculté de droit et M. Nijhoff, 1967. - 279 p. Faculté de droit de l'Université de Liège.

Intégration (L') du droit des brevets et la Convention de Paris. Documents du 2^e Colloque international sur le droit des brevets organisé par l'Institut des droits d'invention et d'auteur de la Faculté de droit, Université Humboldt de Berlin, 20 au 25 novembre 1967. Berlin, Amt für Erfindungs- und Patentwesen der DDR, 1967. - 160 p.

MELLO (X. de). *Territorialité des droits de marque et réglementation européenne de la concurrence*. Paris, Gazette du Palais, 1969. - [7] p. Extr. Gazette du Palais, 89th Year, Nos. 137-147, May 1969.

PFAB (Rudolf). *Prüfung und Beurteilung der Patentierbarkeit von Erfindungen*. Stuttgart, A. W. Gentner, 1968. - 101 p.

SCHEER. *Deutsche (Das) (West u. Ost) Patent-, Gebrauchsmuster-, Geschmacksmuster-, Warenzeichen-, Wettbewerbs-, Arbeitnehmererfindungsrecht. Kommentar und Wortlaute nebst einbezogenen Gerichtsurteilen*. Cologne, Scheer, 1968. - 502 p. Der komplette Kommentar zu den neuen Gesetzen vom 2. Januar 1968. 19th ed.

UNION DES FABRICANTS. *Treizièmes journées d'études, Bellagio-Milan, 15-19 septembre 1968*. Paris, Union des fabricants, 1968. - [180] p.

ZEUNERT (Gerhard). *Beiträge zur Frage der Offenbarung der beanspruchten Erfindung*. Düsseldorf, VDI-Verlag, 1968. - 201 p.

— *Offenbarung des beanspruchten Erfindungsgedankens und Schutzzumfang des Patents*. Düsseldorf, VDI-Verlag. - 205 p. Fig. 2nd ed.

ZWICKY (Fritz). *Entdecken, erfinden, forschen im morphologischen Weltbild. Mit 34 Abbildungen und Diagrammen*. Munich and Zürich, D. Knauer, 1966. - 268 p.

CALENDAR OF MEETINGS

BIRPI Meetings

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

Object: Exchange of views on industrial property questions and on their importance for developing countries — *Invitations:* Algeria, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Republic of Yemen, Saudi Arabia, South Yemen People's Republic, Sudan, Syria, Tunisia, United Arab Republic; Sheikdoms of Abu Dhabi, Bahrain, Dubai, Qatar, and Sharjah — *Observers:* Intergovernmental and international non-governmental Organizations concerned

November 3 and 4, 1969 (Geneva) — Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) — Technical Committee I (Retrieval Systems, Design and Testing) (2nd Session)

November 5 and 6, 1969 (Geneva) — ICIREPAT — Technical Committee VI (Systems Implementation) (2nd Session)

November 10 to 12, 1969 (Geneva) — ICIREPAT — Technical Committee IV (Microform) (2nd Session)

November 13 and 14, 1969 (Geneva) — ICIREPAT — Technical Committee V (Patent Format and Printing) (2nd Session)

November 11 to 13, 1969 (Buenos Aires) — South American Seminar on Industrial Property

Object: Exchange of views on the application of the Paris Convention for the Protection of Industrial Property — *Invitations:* Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, Venezuela — *Observers:* Intergovernmental and international non-governmental Organizations concerned

December 10 to 12, 1969 (Paris) — Intergovernmental Committee Rome Convention (Neighboring Rights) (2nd Session)

Object: Consideration of various questions concerning neighboring rights — *Invitations:* Congo (Brazzaville), Czechoslovakia, Ecuador, Mexico, Sweden, United Kingdom — *Observers:* Brazil, Denmark, Germany (Fed. Rep.), Niger; Intergovernmental and international non-governmental Organizations concerned — *Note:* Meeting convened jointly by ILO, Unesco and BIRPI

December 11 and 12, 1969 (Geneva) — BIRPI Headquarters Building Subcommittee (a Subcommittee of the Interunion Coordination Committee)

Object: Plans for the extension of the Headquarters Building of BIRPI — *Invitations:* Argentina, Cameroon, France, Germany (Fed. Rep.), Italy, Japan, Netherlands, Soviet Union, Switzerland, United States of America

December 12, 1969 (Geneva) — ICIREPAT — Technical Coordination Committee (3rd Session)

December 15 to 19, 1969 (Paris) — Permanent Committee of the Berne Union (14th Ordinary 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; Intergovernmental and international non-governmental Organizations concerned

January 19 to 23, 1970 (Geneva) — Committee of Directors of National Industrial Property Offices of the Madrid Union (Marks)

Object: Administrative questions — *Invitations:* All member States of the Madrid Agreement (Marks)

March 9 to 20, 1970 (Geneva) — Preparatory Study Group on PCT Regulations

Object: Study of Draft PCT Regulations — *Invitations:* All member States of the Paris Union — *Observers:* State not member of the Paris Union: India. Intergovernmental Organizations: United Nations; United Nations Industrial Development Organization; United Nations Conference on Trade and Development; International Patent Institute; Organization of American States; Permanent Secretariat of the General Treaty for Central American Economic Integration; Latin-American Free Trade Association; Council of Europe; European Atomic Energy Community; European Economic Community; European Free Trade Association; African and Malagasy Industrial Property Office. Non-Governmental Organizations: Committee of National Institutes of Patent Agents; Council of European Industrial Federations; European Industrial Research Management Association; Inter-American Association of Industrial Property; International Association for the Protection of Industrial Property; International Chamber of Commerce; International Federation of Inventors' Associations (IFIA); International Federation of Patent Agents; Japan Patent Association; National Association of Manufacturers (USA); Union of European Patent Agents; Union des industries de la Communauté européenne

April 13 to 17, 1970 (Geneva) — Committee of Experts for the Revision of the Madrid Agreement (Marks)

Object: Study of the revision of the Agreement — *Invitations:* All member States of the Madrid Agreement (Marks); Denmark, Finland, Japan, Norway, Soviet Union, Sweden, United Kingdom, United States of America — *Observers:* Intergovernmental and international non-governmental Organizations concerned

May 25 to June 19, 1970 — Diplomatic Conference for the adoption of the Patent Cooperation Treaty (PCT)

Invitations: All member States of the Paris Union — *Observers:* Other States; Intergovernmental and international non-governmental Organizations concerned — *Note:* The exact place of the Conference will be announced later

Meetings of Other International Organizations Concerned with Intellectual Property

November 12 to 14, 1969 (Strasbourg) — Committee of Experts on Patents of the Council of Europe

November 18 to 20, 1969 (The Hague) — International Patent Institute (IPI) — 102nd Session of the Administrative Council

November 24 to 28, 1969 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group

December 8 to 10, 1969 (The Hague) — International Association for the Protection of Industrial Property (IAPIP) — Council of Presidents

January 12 to 16, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Committee of Experts

June 22 to 27, 1970 (Las Palmas) — International Confederation of Societies of Authors and Composers (CISAC) — 27th Congress