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LEGISLATION

YUGOSLAVIA

I

Law

modifying and completing the Law on Patents and Technical Improvements

(Of 19th July, 1962)

Article One

Figure 2 of the first paragraph of Article 19 of the Law on Patents and Technical Improvements (*Official Bulletin* of the People's Federative Republic of Yugoslavia, No. 44/60) has been repealed; the former figure 3 thus becomes figure 2.

The third paragraph has been repealed and the former paragraph 4 thus becomes paragraph 3.

Article 2

The following two new paragraphs have been added to Article 64:

"Publication of the registered patent includes the publication of the extract from the Register of patents granted and the publication of the patent specification (description of the invention, drawings and the claims allowed)."

"The details relating to the publication of patents registered shall be established by the Secretariat for Industry of the Federal Executive Council."

Article 3

After paragraph 3 of Article 66, a new paragraph 4 has been added:

"Where the patent has been completely cancelled, that patent shall be considered as never having existed and where it has been partially cancelled that part of the patent cancelled shall be considered as never having existed."

Article 4

The following two new paragraphs have been added to Article 73:

"If the Secretariat of State for National Defence has already granted a patent for an invention relating to national defence and where it subsequently establishes that the invention should no longer be considered secret, it shall take a decision regarding the invention and shall communicate to the Patent Office a decision on the grant of the patent and the patent file so that the patent may be entered in the Register of patents granted (Art. 63)."

"The obligation to pay the fees and costs of publishing and maintaining the patent (see Art. 77), shall commence as from the date when the invention was no longer considered secret. The full amount of the fees prescribed shall be payable for the respective year of the duration of the patent."

Article 5

After Article 75, the following new Article 75 A has been added:

"The decision regarding a claim in respect of the grant of a patent for secret inventions which is accepted in whole or in part only or refused, shall not be published. No appeal against such decision may be made (see Art. 60)."

Article 6

The first paragraph of Article 76 has been amended as follows:

"The right to a single equitable indemnity shall belong to the inventor for secret inventions protected by the patent without consideration of the use and extent of use of the invention by the Secretariat of State for National Defence, the federal body on whose request the invention was declared secret or, respectively, the person to whom these bodies granted the right (Art. 76 A)."

Article 7

After Article 76, the following new Article 76 A has been added:

"The right to use secret inventions and the right to their protection in foreign countries belongs exclusively to the Secretariat of State for National Defence or to the federal body on whose request the invention was declared secret.

The bodies mentioned in paragraph one of this article may grant such rights to third parties."

Article 8

In Article 77, the words "on publication of the patent" have been inserted before the words "on the granting of the patent".

The following new paragraph 2 has been added to this same Article 77:

"The Secretariat for Industry of the Federal Executive Council, in agreement with the Secretariat of State for Finance, may take such measures as are necessary for recovering the fees mentioned in paragraph one of this article."

Article 9

The following new paragraph 2 has been added to Article 95:

"The regulations referred to in paragraph one of the present article, relating to technical improvements examined and applied in the People's Yugoslav Army shall be established by the Secretariat of State for National Defence."

Article 10

The following new paragraph 3 has been added after paragraph two of Article 105:

"Where the Secretariat of State for National Defence, in regard to an application for conversion of a certificate of authorship for an invention relating to national defence decides that the invention should no longer be considered secret, it will communicate the decision to the Patent Office to follow the normal procedure."

The former paragraph 3 now becomes paragraph 4.

Article 11

The present Law shall come into force eight days after its publication in the *Official Journal* of the People's Federative Republic of Yugoslavia¹).

II

Decree

on the publication of patent specifications and the recovery of fees for the publication of patents and specifications

(Of 27th September, 1961)

Article One

Immediately after a patent of invention has been entered in the Register of patents, the Patent Office shall publish the specification of the patent granted.

In the specification of the invention, the following shall be published: the description of the invention, the drawings if annexed, the number of the patent, the name, designation or trade name of the patent owner, the name of the inventor, the date of the deposit of the patent application, the date of publication, the date of granting the patent, the date from which the right of priority runs and the class.

Article 2

The Patent Office shall, on request, make the specification of inventions available to organisations of an economic nature and to other legal and physical persons.

The Patent Office may also make available to foreign patent offices specifications relating to patents.

Article 3

Patent owners shall pay to the Patent Office compensation in respect of the publication costs of the patent and patent specification, namely:

- (1) the publication costs in the official patent bulletin *Patentni glasnik*, of the decision by which the claim in respect of a patent grant is allowed in whole or in part — the sum to be calculated according to the space occupied by the decision and drawings and the effective printing costs of the *Patentni glasnik*;
- (2) the effective printing costs of 150 copies of the specification of the invention, 10 of which will be made available by the Patent Office to the patent owner on request.

Employees, retired persons, invalids, persons attending secondary schools, students attending universities and high schools and soldiers doing their military service of Yugoslav nationality shall pay only 50 percent of the fees provided for by paragraph one of this article, if they are not exempted from payment of fees by virtue of Article 120 of the Law on general administrative procedure.

Article 4

Patent owners shall pay compensation for the costs mentioned in Article 3 above of this Decree towards the special account of the Patent Office, within the required time limits which the Patent Office shall fix in the request for such costs; the time limits for payment will be of a minimum of one month and of a maximum of three months, from the delivery to the patent owner of the request to pay.

The funds of the special account mentioned in paragraph one of the present article shall be utilised by the Patent Office exclusively for covering the costs of publication of patents and the printing of specifications of inventions.

The necessary funds for covering the deficit of the special account will be allowed for in the Patent Office budget.

The surplus funds of the special account which shall not have been used in the current year shall be carried over to the following year and used for the same purpose.

Article 5

Within the meaning of Article 1 of this Decree, the Patent Office shall also be responsible for publishing specifications of inventions for patents granted before the entry into force of the present Decree, but after the entry into force of the Law on Patents and Technical Improvements.

Article 6

This Decree shall enter into force on the day of its publication in the *Official Journal* of the People's Federative Republic of Yugoslavia¹).

¹) The present Decree was published in the *Official Journal* of the People's Federative Republic of Yugoslavia, No. 38, of 27th September, 1961.

¹) The present Law was published in the *Official Journal* of the People's Federative Republic of Yugoslavia, No. 28, of 11th July, 1962.

GENERAL STUDIES

Would Non-accessibility of the Benefits of the European Patent Convention to Nationals of Third Party Countries be contrary to Article 2 of the Paris Convention of 1883 ?

By Albert COLAS, Paris

**The Availability of European Patents
and the Paris Convention**

By Professor Eugen ULMER, Munich

CORRESPONDENCE

Letter from Greece

By Pierre MAMOPOULOS, Advocate of the Supreme Court

OBITUARY

Alessandro Conte

1893-1962

For the United International Bureaux for the Protection of Industrial, Literary and Artistic Property, the end of the year 1962 was darkened by the death in Zermatt, on the 23rd November, of the former Vice-Director, M. Alessandro Conte, Doctor of Law and advocate of Turin.

M. Conte had retired on 1st May, 1953, and an article which was published at that time in *La Propriété industrielle* and in *Le Droit d'Auteur* gives a full account of his professional activities.

As editor of *La Propriété industrielle*, M. Conte specialised in translations; owing to his exceptional knowledge of languages, he rendered great service to the United International Bureaux. He established a vast and exhaustive documentation in order to supply up-to-date information to interested parties in the field of industrial property, knowing well that in this complex domain, a thorough knowledge of the problems can only be acquired by a meticulous study of the basic sources.

With the return of peace in 1945, M. Conte devoted himself with zeal to renewing the threads which had been broken during hostilities and to preparing the restoration of industrial property rights which had suffered as a result of the 1939-1945 War. The success of the Conference of Neuchâtel, in 1947, was, to a large extent, due to his talent for organisation.

Now, at the moment of parting, the human qualities of M. Conte seem even more important than his professional qualities.

Traditionally a liberal, by nature and education a patrician, M. Conte was gifted with deep compassion for those less favoured by fate and his numerous friends will remember his many acts of kindness.

On retiring, M. Conte built a chalet at Zermatt with the social insurances set aside for him. The chalet thus became the property of the United International Bureaux while M. Conte only reserved for himself the right to live there during his lifetime. In his Will, M. Conte expressed the wish that after his death, the officials of the Bureaux who did not belong to the senior staff should be allowed to use the chalet during their holidays.

This last wish of M. Conte is both generous and reasonable and truly reflects his high principles. We take this opportunity of paying respectful homage to one who served the United International Bureaux faithfully for many years.
