

# Industrial Property

Monthly Review of the International Bureau  
for the Protection of Industrial Property  
Geneva

2<sup>nd</sup> Year

No. 9

September 1963

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# INTERNATIONAL UNION

## African Seminar on Industrial Property

(Brazzaville, 12 - 14 August, 1963)

### Report

#### I. Introduction

Implementing a Resolution adopted by the Permanent Bureau of the Consultative Committee of the International Union for the Protection of Industrial Property at its Meeting in Geneva in October, 1962, an African Seminar on Industrial Property was convened by the United International Bureaux for the Protection of Intellectual Property (BIRPI) and met, thanks to the generous hospitality of the Government of the Republic of Congo (Brazzaville) in the capital of that country on 12<sup>th</sup> August, 1963.

Its purpose was to assist the African States in defining the general principles applicable in their Territories to the protection of industrial property, especially with regard to patents for inventions, trade marks, appellations of origin, industrial designs or models and unfair competition.

In response to the invitations sent to them by the Director of BIRPI, 19 African countries appointed representatives to participate in the Meeting. Five non-African States, three Intergovernmental and four non-Governmental Organisations were represented by observers. A full list of participants follows the present Report. The assistance of two experts of international standing, Professor Stojan Pretnar, of the University of Ljubljana, Yugoslavia, and Mr. James Monkoko, Director of the African and Malgasy Industrial Property Office (Cameroun), was available to the Meeting, the Secretariat of which was provided by BIRPI.

The Seminar was opened on the 12<sup>th</sup> August by Mr. Victor Sathoud, Minister of Planning and Equipment, who welcomed the Delegates. The Opening Session was also addressed by Professor G. H. C. Bodenhausen, Director of BIRPI, and Mr. Moukoko.

Mr. Paul Foundou (Congo - Brazzaville) was appointed President and Mr. Joseph Dodoo (Ghana) and Mr. Fodé Touré (Guinea) were appointed Vice-Presidents. Mr. Donald Macaulay (Sierra Leone) was appointed Rapporteur.

#### II. The Work of the Seminar

The Seminar had before it the following working papers:

1. What is Industrial Property?
2. Economic Aspects of Industrial Property.
3. Inventions.
4. Trade Marks and Service Marks.

5. Unfair competition; Indications of Source and Appellations of Origin; Trade Name.
6. Industrial Designs and Models.
7. International Relations.
8. African States and the Protection of Industrial Property.

In addition, the Delegates received a paper on a proposed scheme for trainees under which scheme trainees from less developed States could work for some time in a well-organised industrial property office of another State.

The method of working adopted was to be that each subject should be briefly introduced by either Professor Bodenhausen, Professor Pretnar or Mr. Ross Woodley, Head of the Industrial Property Division (BIRPI). Each introduction was then to be developed by an open discussion in which most participants took an active part.

This method of working proved very satisfactory and the quality of the discussion was at a high level. It will be appreciated that in this type of debate it is impossible to reproduce the detailed discussions which ranged over a very wide field and brought to light many of the problems which were concerning the developing countries in Africa.

Unfortunately, by the end of the first day of the Seminar it was known that a general strike would take place in Brazzaville on the second day and it was not possible to hold any meetings on that day. As events proved, this strike developed into a violent operation which eventually led to a complete change of Government. It was accompanied by rioting and bloodshed and a full curfew during the whole of the third and last day of the Seminar.

However, largely owing to the diligence of the Delegates who had clearly devoted much time to the documents it was possible to arrange for personal conversations with many of the Delegates, which served to make up for some of the time that was lost. The impression remains that much has been gained by the International Bureau having put itself in personal contact with the Delegates of the countries represented and that those Delegates will reap every advantage from the personal contacts they have made with each other.

It would be wrong to conclude this short Report without noting the atmosphere of cooperation and intelligent enquiry which pervaded this Seminar. It seems sure that even a discussion so short as this will have done much to clarify the ideas of the States represented in their attitude towards the protection of industrial property, and to direct the attention of African States to the importance of an industrial property system for the encouragement of their future industrial and commercial progress.

The hope is expressed that many Governments among the African States will wish to avail themselves of the offer of technical assistance extended by BIRPI on legislative or administrative matters relating to industrial property.

## List of participants

### I. African Participants

#### Algeria

Mr. Brahim Bendris, Head of Mission, Ministry of Industrialisation and Energy.

#### Burundi

Mr. Jean-Baptiste Ntahokaja, Secretary-General for Catholic Education, President of the Burundi Academy.

#### Central African Republic

Mr. Philippe Kette, Chef de Cabinet and Secretary of the National Commission for Unesco.

#### Chad

Mr. Djimet Bernard Konombaye, Schoolteacher.

#### Congo (Brazzaville)

Mr. Paul Foundou, Secretary-General of the National Commission for Unesco.

Mr. Abel Samba, Pedagogical Documentation.

Mr. Prosper Samba, Director of Industrial Production.

#### Congo (Leopoldville)

Mr. Tharcisse Lombe, Agronomist, Departmental Head.

#### Ghana

Mr. Joseph Amoo Dodoo, Civil Servant.

#### Guinea

Mr. Fodé Lamine Touré, Director of Primary Education.

#### Liberia

Mr. Augustine D. Jallah, Director of Archives, Patents and Copyrights.

#### Malgasy Republic

Mr. Charles Alexis Rakotoarison, Attaché de Cabinet at the Ministry of Information.

#### Mali

Mr. Bakary Kamian, Lycée Director.

#### Mauritius

Mr. Auguste Toussaint, Director of Archives.

#### Morocco

Mr. Mahdi Bekkari, Regional Inspector of National Education.

#### Nigeria

Mr. Chukwuemeka Ezeji-Okoyé, Senior Industrial Officer, Federal Ministry of Commerce and Industry.

#### Sierra Leone

Mr. Donald Marius Allinson Macaulay, Barrister-at-Law, Senior Crown Counsel.

#### Somalia

Mr. Mohamed Ibrahim Scerif, Officer, Ministry of Commerce and Industry.

#### Sudan

Mr. Mohamed Mekki Kanani, Commercial Registrar, Ministry of Commerce, Industry and Supply.

#### Tanganyika

Mr. Desmond Dymond Phiri, Commercial Officer, Ministry of Commerce and Industry.

#### Togo

Mr. Lucien Olympio, Magistrate.

### II. International Intergovernmental Organisation Acting as Sponsor

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

Professor G. H. C. Bodenbausen, Director.

Mr. Ross Woodley, Counsellor, Head of the Industrial Property Division.

Mr. Claude Masouyé, Counsellor, Head of the Copyright Division.

### III. Experts

Mr. Stojan Pretnar, Professor of the University of Ljubljana (Yugoslavia).

Mr. James Moukoko, Director of the African and Malgasy Industrial Property Office (Cameroun).

### IV. Observers

#### (i) International Intergovernmental Organisations

#### United Nations Educational, Scientific and Cultural Organisation (UNESCO)

Mr. Thomas Ilosvay, Programme Specialist, Copyright Division.

#### World Health Organisation (WHO)

Mr. Gino Levi, Press Attaché, Information Division.

Miss Yolande Loesch, Assistant Administrator.

#### International Patent Institute

Mr. Alfred Van Aubel, Vice-Director.

#### (ii) Non-African States

#### Czechoslovakia

Mr. Vojtech Strnad, Doctor of Law.

#### Italy

Mr. Pio Alberto Favero, Official, Ministry of Foreign Affairs.

#### Japan

Mr. Akira Kadowaki, First Secretary, Embassy of Japan at Leopoldville.

Mr. Hiroshi Enatsu, Second Secretary, Embassy of Japan at Lagos.

*Sweden*

Mr. Torwald Hesser, Judge at the Court of Appeal, Stockholm.

*United States of America*

Mr. Harvey J. Winter, Assistant Chief, International Business Practices Division.

(iii) **International Non-Governmental Organisations***International Association for the Protection of Industrial Property (IAPIP)*

Mr. Jean Monnet, Director of Trade Marks and Patents, "Rhône-Poulenc" (Paris).

*International Chamber of Commerce (ICC)*

Mr. L. A. Ellwood, President, Trade Marks, Patents and Designs Federation (London).

Mr. Jean Monnet, Director of Trade Marks and Patents, "Rhône-Poulenc" (Paris).

*International Federation of Patent Agents*

Mr. A. Vander Haeghen, Professor, University of Brussels.

*European Union of Patent Agents*

Mr. A. Vander Haeghen, Professor, University of Brussels.

**V. Bureau of the Meeting**

Chairman: Mr. Paul Foundou (Congo - Brazzaville).

Vice-Chairmen: Mr. Joseph Amoo Dodoo (Ghana);

Mr. Fodé Lamine Touré (Guinea).

Rapporteur: Mr. Donald Marius Allinson Macaulay (Sierra Leone).

**VI. Secretariat**

Mr. Ross Woodley (BIRPI);

Mr. Claude Masouyé (BIRPI);

Mrs. Bourgeois and Mrs. Flamen;

Miss Duval and Miss Nash.

**CORRESPONDENCE****Letter from Great Britain**

By Frederick HONIG, Barrister-at-Law, London

*The Law of Industrial Property in 1962<sup>1</sup>*



























## BOOK REVIEWS

**Algunos Aspectos de los Juicios de oposición y cancelación del Registro de Marcas** (Some aspects of the procedure for opposition and cancellation of Trade Marks in the Register), by M. Manuel Pachon Muñoz. S. I. P. A. Bogota, 1962. One volume 24 × 16 cm., 183 pages.

In his useful and exhaustive study, M. Manuel Pachon Muñoz sets out systematically all the provisions which regulate the procedure for opposition and cancellation of trade or merchandise marks. He also examines the legal problems which have arisen in practice and often refers to case law in Colombia.

With reference to the system of protection in force in Colombia (Laws No. 31 of 1925 and No. 94 of 1931 which repealed Law No. 110 of 1914), the author points out that the only way to acquire ownership of a trade mark is to register it. However, the attributive system of law (a term used by the author) has been moderated by the preferential law of registration for those persons who have used a well-known mark publicly during a period of 3 years; to assert this right, they may, on the basis of such use, oppose the registration of an identical or similar mark or file a request for the cancellation of that mark if it is already registered. The author is of the opinion that there should be a distinction made between right of ownership in respect of a sign and the right to oppose or file a request for cancellation of other marks.

G. R.

## CONGRESSES AND MEETINGS

### General Assembly of the European Alliance of Press Agencies

(St-Cergue, 6<sup>th</sup> July, 1963)

#### Resolution

The Assembly of the Alliance, which met in St-Cergue on 6<sup>th</sup> July, 1963,

- having examined the present state of procedure now in progress for the adoption of international legislation for the protection of news,
- having noted that Article 2 (b) of the 1959 Draft<sup>1)</sup> appears to be an obstacle to the adhesion of a number of States to this Draft Arrangement,

invites its members to urge their respective administrations to make a prompt adhesion to the general principle of the Draft, subject to the possible omission of the said paragraph.

<sup>1)</sup> See *La Propriété Industrielle*, 1959, p. 184, and *Le Droit d'Auteur*, 1961, p. 228.

\* \* \*

**Las Marcas en el Derecho comparado y en el Derecho Venezolano** (Trade Marks in comparative law and Venezuelan law), by C. E. Mascareñas. One volume 16 × 23 cm., 172 pages, Merida, 1963.

Professor C. E. Mascareñas, Dean of the Faculty of Law of Ponce (Puerto Rico), has made a new and valuable contribution to the study of industrial property law in Volume No. 10 in the collection "Justitia et Jus", published by the Faculty of Law of "Los Andes" University.

The study is both of a theoretical and practical nature and is destined for the use of jurists who are particularly interested in the protection of trade marks. It covers the system of protection in force in Venezuela and in the other countries.

The author, having defined the trade mark as being a sign used to distinguish, on the market, the goods and services of one enterprise from those of other enterprises, remarks that the different definitions given by various legislations are more formal than fundamental. He then surveys the state of national legislations with regard to device and word marks or a combination thereof, plastic or three-dimensional marks, colour marks, shapes of goods and wrappings, sound marks etc., which are registrable as trade marks. M. Mascareñas examines the legislation of Venezuela and of other countries in connection with the voluntary use and the obligatory use of a mark, the right to ownership of a mark, trade mark registration, territorial and temporal limits, fees, the rights and obligations of trade mark owners, expiration and nullity of trade mark registrations, collective marks and penal protection.

A detailed study of Unionist International Law, of American Law and the international trade mark registration system, as established by the Madrid Arrangement of 14<sup>th</sup> April, 1891, as last revised at Nice in 1957, completes this study of comparative law.

A number of quotations are contained in this work which is characterised by a style both clear and precise.

G. R.

\* \* \*

**Recopilación de leyes y jurisprudencia en materia de propiedad industrial** (Collection of laws and jurisprudence in the field of industrial property), by *Mariano Uzcategui Urdaneta*. One volume 16 × 30 cm., 223 pages, Merida, 1963.

This is the second volume published in the collection "Justitia et Jus" by the Faculty of Law of "Los Andes" University and is divided into five parts. The first part covers the laws, regulations and treaties of Venezuela since 21<sup>st</sup> April, 1842. The second part contains a survey of Venezuelan case law, with particular reference to certain interesting patent and trade mark cases both from a scientific and practical point of view. The third part concerns administrative provisions and the fourth is an appendix containing the texts of the Convention of Paris for the Protection of Industrial Property of 1883, as revised at London in 1934, the Arrangement of Madrid for the Prevention of False Indications of Source on Goods of 14<sup>th</sup> April, 1891, as revised at London in 1934, the Arrangement of Madrid concerning the International Registration of Trade Marks of 14<sup>th</sup> April, 1891, and its Regulations, as revised at London in 1934, the Arrangement of The Hague concerning the International Deposit of Industrial Designs or Models, as revised at London in 1934; though it is pointed out in the preface, that this latter part is only of a purely academic interest, we would suggest that the next edition of this work of documentary value, should also contain the Lisbon texts of 1958 in addition to the London texts of 1934. The fifth part contains a list of terms which are considered generic by the World Health Organisation and, as such, are not registrable as trade marks in the sixth class of goods.

This volume, the consultation of which is facilitated by a detailed index, will prove to be a most useful instrument of work. G. R.

\* \* \*

**The Law of Trade and Merchandise Marks**, by Dr. S. Venkateswaran. One bound volume of CV-1042 pages, 24 × 17 cm. Published by the Eastern Law House Private Ltd., Calcutta. Price Rs. 50.—

Fully to appreciate the value of the recently published work of Dr. S. Venkateswaran, now Controller-General of Patents, Designs and Trade Marks in India, it should be mentioned here that the author first drew the attention of the Government authorities in India to the urgent necessity of enacting a statute for the registration of trade marks in 1935.

The suggestions made by the author in his book published in 1935 were accepted by the then Government authorities and eventually led to the enactment of the Trade Marks Act of 1940 (subsequently amended in 1941, 1943, 1946 and 1951). Then, following a Report submitted by a special Trade Marks Enquiry Committee and a Report by Shri Justice N. Rajagopala Ayyangar, the author, Dr. Venkateswaran, was given the task of drafting a new Trade and Merchandise Marks Bill, consolidating the provisions of the former Trade Marks Act (1940), the Indian Merchandise Marks Act of 1889, and provisions relating to trade marks in the Indian Penal Code, and implementing those recommendations contained in the above-mentioned Reports. The new Trade and Merchandise Act of 1958, came into force, with its Rules, on 25<sup>th</sup> November, 1959.

It is apparent therefore that it is largely owing to persistent work over a number of years by the author in this field, that India is now endowed with an up-to-date Trade Marks Law which, though inspired by British legislation, is fully adapted and tailored to meet the requirements of modern commercial India.

The new Act has in fact introduced a number of important changes in the trade mark registration procedure aimed at providing more effective protection and better facilities for registration at home and abroad. Such changes include, for instance, the establishment of a Part B in the Indian Registry (which greatly assists Indian traders in securing registration abroad), unified jurisdiction, administrative amalgamation of the Patent Office with the Trade Marks Registry, the establishment of local or zonal Registry Offices, etc. Thus Dr. Venkateswaran's book comes as a timely and welcome contribution as he has undertaken the considerable task of presenting and commenting on the provisions of the new Indian law relating to trade marks.

The first part of this work contains a table of cases and a number of well-known trade mark decisions. However, the greater part is devoted to a detailed study of each of the 136 Articles of the new Act. Following the text of each article, readers will find accurate details regarding corresponding enactments, clear indications as to the interpretation of definitions and explanations as to the true meaning of certain legal clauses. Such commentaries are further enriched by a host of practical examples and references to case-law in India, United Kingdom and elsewhere.

Trade mark owners, would-be applicants and practitioners will find invaluable information with regard to such notions as "distinctiveness", concurrent use, disclaimers etc., which are not always clear to the public.

In Appendix I, there will be found the complete text of the Trade Mark and Merchandise Rules of 1959, the schedule of fees applicable and the different forms (for application, opposition, restoration, etc.), now in use. Other useful appendices include a comparative table showing corresponding sections of the Indian, United Kingdom, Australian, and Canadian trade mark acts. An exhaustive Index of 60 pages is to be found at the end.

Dr. Venkateswaran's work is a legal text book of high quality and the long experience of the author in this particular field of law is revealed in his grasp of the subject matter. This is no ordinary work of compilation and should be regarded as a most valuable and unique contribution to the collection of text books on industrial property both for the benefit of Indians and other interested nationals. J. L.

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**A védjegy és az ipari termékek értékesítése** (The trade mark and the selling of industrial products), by Dr. Sándor Vida. Economic and Legal Publishing House, Budapest, 1962, 260 p. Price: 12,50 Ft.

The role and importance of trade marks are not limited to the market-economy: they retain their impact in a socialist economic order as well. Planners and administrators of socialist economies of the Soviet type are now using trade marks on a growing scale to indicate the origin of products, as quality marks and as means of advertising; i. e. for the same purposes as their opposite numbers in market-economies. A better understanding of the psychological, economic and legal implications of trade marks is therefore an essential prerequisite for up-to-date economic management. This is the thesis upon which the useful handbook of Dr. Vida, author of the "Letters from Hungary" in *Industrial Property* is based. Published in the series of pocketbooks for business management it is aimed to provide trade mark departments and administrators of industrial enterprises and cooperatives with a concise guide on trade marks. Written in a readable popular style, the handbook meets this end well.

Its scope is not limited to the existing domestic and international legal rules on trade marks. Indeed, the legal aspects are interwoven with the general presentation of trade marks as they are used in everyday business life.

A brief historical survey introduces the examination of trade marks in a "capitalist" and "socialist" economic system. The result of the comparison is indicated above already. Trade marks can help the fulfilling of both production plans and of export plans. There exists a certain limited amount of competition even in the socialist national economy, trade marks are an incentive to such competition. In the world market, moreover, competition can only be faced with the help of well designed and well established trade marks. The author gives detailed and practical advice, drawing from achievements of the psychology of trade marks as how to design trade marks to make them attractive, how to register them to obtain protection both home and abroad. There are well chosen examples, including colour pictures to illustrate the author's arguments. The handbook itself is a good example of the useful services which a specialist can render in his field by an accurate presentation of his topic in terms that the average reader can understand.

J. TÓTH, Geneva

### Review of Soviet Literature

The book review on Soviet literature in the August 1962 issue of *Industrial Property* indicated a growing literary activity on the part of Soviet authors in the field of the law of inventions. The following three works are further evidence of this trend.

*Patentnoe zakonodatelstvo kapitalisticheskikh stran* (Patent Legislation of Capitalist States). E. A. Fleishits Ed. Publishing House for Foreign Literature, Moscow, 1959, 340 pages. Price: 1 rouble 22 kopeks.

*Izobretatelstvo i ratsionalisatsia v SSSR* (Inventions and technical improvements in the USSR). A. F. Garmashev Ed. Trade Union Publishing House, Moscow, 1962, 336 pages. Price: 78 kopeks.

RYASENTSEV, V. A.: *Sovetskoe izobretatelskoe pravo* (Soviet Law of Inventions). All-Union Institute for Legal Education, Moscow, 1961, 223 pages. Price: 87 kopeks.

The collection of foreign legislation on patents published under the editorship of Professor Ekaterina Fleishits indicate an awakening interest in foreign patent law. The introductory chapter by the editor gives a brief outline of recent developments in the Paris Union and in some national legislation. Attention is given to the fact that patent legislation has been reshaped after World War II in most industrialized countries. The following patent laws and rules were translated for this collection: the Patent Law of Belgium (1854, 1939), of Great Britain (1949), of the United States of America (1952), of the Federal Republic of Germany (1936 with amendments until 1953), of France (1844 with decrees from 1903, 1953, 1955), of Switzerland (1954). The aims of the new laws were, according to the editor, to improve international protection and to strengthen the position of the big corporations, of patent pools and of cartels.

The collective work of 5 co-authors under the editorship of A. G. Garmashev has been written both for specialist and for the general reader. It is intended for use as a short encyclopedia for inventors and rationalizers in the Soviet Union. This purpose has been achieved to a

great extent. "The maximal speeding up of scientific and technological progress" proclaimed in the new Party Programme of the 22<sup>nd</sup> Congress of the CPSU requires as an inevitable condition a thorough knowledge and understanding by the general populace not only of the rules of protection of inventions, but also of the working of the system of legal protection as a whole. For this purpose the book puts the problem of protection of inventions in its historical, economic, technical and administrative setting. The importance of inventions is outlined therefore from the first Venetian legislation until the current 20 year economic plan of the Soviet Union; the administrative organs dealing with inventions are dealt with; so are the basic features of the right of authors of inventions, discoveries and suggestions of rationalization. The procedure of application and registration of inventions is explained in detail to help those who desire to file an application or who have to decide on the correct form and content of such applications. The working of inventions, their application, their use in practice and the financial rewards granted for inventors receive a careful and lucid treatment, so does recourse to administrative organs or tribunals in settling disputes. The tasks of planning and financing in promoting the creative activity of inventors are outlined in the last chapters together with other organizational devices aimed at the furthering of creative activity. Relevant legislative texts and an alphabetical index complete the well-balanced and useful book.

V. A. Ryasentsev wrote a concise and didactic treatise on the Soviet Law of Inventions for use in popular legal courses. In his arguments the author makes good use of recent Soviet literature. The Soviet legal protection of discoveries, inventions and suggestions for rationalization are dealt with in 7 chapters and 175 pages. The 40 pages of Chapter 8 are devoted to describe what is called the "nature of patent law in the period of monopol-capitalism". This chapter dealing with some features of the patent laws of industrialized states, suffers from its polemical outlook. Soviet sources cited in support of the often distorted views of the book date mainly from an era hostile to everything foreign, now repudiated in the Soviet Union. Non-Soviet authors are quoted only as rare exceptions.

J. TÓTH, Geneva

## OBITUARY

### Plinio Bolla (Translation)

A few weeks ago, in his country home at Morcote, looking out under the cloudless Tessin sky over the deep waters of Lake Lugano on to a countryside compounded, like his own nature, of radiance and harmony, there passed away one of those rare beings capable of winning the esteem of their peers and the respectful affection of all who come into contact with them in the many spheres in which they are equally at ease: Plinio Bolla.

He had the gifts of humanity and intuitive subtlety that mark the true magistrate — he adorned his country's Bench —, and the noble mission of the Judge called upon to interpret the Law and to promote the rule of harmony in social life through his impartial judgments was one which he discharged with the utmost confidence, applying, as he was wont to say, Virgil's maxim: *Foederis aequas dicamus leges*.

He was not yet thirty years old, though already occupying a Chair at the University of Pavia, when the Federal Chambers expressed their opinion of him by appointing him to the Federal Supreme Court at Lausanne, the highest Swiss tribunal, of which he was later to become President. There he delivered remarkable judgments in which subtlety of analysis was crowned by power of synthesis, in which the soundest of legal sense was matched by a Praetorian concern to mitigate the inflexibility of legal provisions and adapt them to the changing and varied situations to which they had to be applied. How can one refrain from mentioning in this Journal devoted to intellectual property the famous judgment based on his report, delivered by the Supreme Court on 29<sup>th</sup> November, 1949, in which the validity of trade marks and trade names registered in the name of Holding Societies was for the first time recognized — a validity which until that time had always been challenged because Swiss law requires the mark to be used by its owner? But, and credit is due to the Supreme Court as a whole which had the wisdom to make its Rapporteur's findings its own, the importance of the infinitely difficult role assigned to the Judge by modern society lies precisely in the fact that it is his task to make up the lag between legal provisions and the ever increasing tempo of economic development. It was this that appealed to the mind, at once cool and balanced and innovating, of Plinio Bolla, who, basing himself on the golden rule, always succeeded in striking a true balance between caution and boldness, that precious balance we call wisdom.

Neither is it at all surprising that The Hague Tribunal should have numbered him among its members, or that he should have been called upon to serve on many conciliation commissions. Among other appointments of the kind, he was President of the Franco-Italian Conciliation Commission for the Application of the Peace Treaty, and, in a number of disputes, of the corresponding Italo-American and Italo-British Commissions. As a member of the international courts

of arbitration between Italy and Ethiopia, in the matter of the frontier of Somalia, and between France and Spain concerning the source of the Garonne, he delivered memorable judgments. And the unanimous recognition of the impartiality of his awards is the best proof of the authority and ascendancy of the President who made them.

Plinio Bolla placed his brilliant talents unstintingly at the disposal of those international organizations which, like the United International Bureaux and Unesco, are working to promote and defend intellectual rights.

A member from 1947 of the Swiss delegation to the Diplomatic Conference of Neuchâtel, convened to adopt an arrangement on the conservation or restoration of industrial property rights affected by the Second World War, he was elected by acclamation President of these international meetings, where his feeling for diplomacy and his profound knowledge of men, like his outstanding ability, were much in evidence, enabling him to surmount in masterly fashion all the problems of a difficult process of negotiation, the success of which was largely due to him.

From that time on, there was not a single conference, not a single meeting, on intellectual rights from which his slightly stooping figure, crowned with his long, prematurely white hair, and his enlightened face with its understanding smile were missing.

In 1948, the Diplomatic Conference of Brussels met to revise the Berne Convention for the Protection of Literary and Artistic Works. Plinio Bolla, leader of the Swiss delegation and Vice-President of the Conference, found himself entrusted with the chairmanship of one of the sub-committees, set up to deal with the most sensitive issues: the sub-committee on broadcasting and mechanical reproduction; the light he was able to shed on these highly complex matters earned him a public tribute from the General Rapporteur, the lamented Marcel Plaisant (*Actes de Bruxelles*, p. 101).

A member from its inception of the Permanent Committee of the International Union for the Protection of Literary and Artistic Works set up by the Brussels Conference, he was one of its prime movers, serving as chairman of its executive committee for several years. Busy, up to the very moment when illness removed him from the scene, with all the Committee's meetings, several of which were held under his chairmanship, he was one of those who imparted to this body the impetus which made it a vital instrument of the International Union, and this at a time when he was taking an active part in the work of other committees which, under Unesco's auspices, were engaged in drafting the new Universal Copyright Convention. Without sharing the misgivings which some entertained about the possible effects on the Berne Convention of the new international treaty — and he liked in this connexion to quote Dante's line *È l'uno all'altro raggio non ongombra* (one ray of light does not obstruct the other) —, he found a special pleasure in perfecting the famous "saving clauses" of the Berne Convention, which were ultimately approved by the Geneva Diplomatic Conference when, after three weeks of frequently stormy discussions, it adopted, under Plinio Bolla's Presidency, the Universal Copyright Convention in 1952.

It was then, more than, perhaps, at any other conference, that Plinio Bolla revealed his astounding mastery of the art of chairmanship, forged from a profound knowledge of the substantive points at issue, inexhaustible patience, ever-wakeful attention, a courteous endeavour to understand every opinion, and above everything from a stubborn quest for agreed formulas with his sights fixed on future progress. No one can recall unmoved the ovation accorded to him when the Universal Convention was signed at the final night session of the Conference, or the words then addressed to him, on behalf of the Director-General of Unesco, by Professor Jean Thomas. After having expressed his deep appreciation of the work done by the anonymous body of delegates, Professor Thomas, turning to the Assembly, added:

"But there is one name that you would all surely have me mention. That name, Mr. President, is yours. I have had to attend many international gatherings. I cannot remember ever having seen the difficult functions of president discharged with greater competence, greater authority or greater impartiality. The new Geneva Convention will owe its life to you; and on the day, which we hope will not be far off, when the requisite number of ratifications, acceptances and accessions have given the Convention strength and vigour, we shall all remember that it was you who bore it in your arms" (Records of the Intergovernmental Copyright Conference, Geneva, 18<sup>th</sup> August-6<sup>th</sup> September, 1952, p. 270).

As soon as the Universal Convention came into force, Plinio Bolla was elected to the Intergovernmental Copyright Committee, set up in pursuance of the Convention, a body which replaced the Interim Committee on which he had also served. The views he expressed there were always heeded.

A few years later, Plinio Bolla again played a distinguished part in the work of the Diplomatic Conference of Lisbon, which met in 1958 to revise the Paris Convention for the Protection of Industrial Property. A member of the General Drafting Committee, he also took the chair at meetings of the Third Committee, whose task, extremely difficult but

brilliantly carried out, it was to harmonise the proposals put forward by various delegations with a view to reshaping the international statute of the trade mark and the trade name. This, in the words of the General Rapporteur of the closing plenary meeting, was one of the Conference's "capital" achievements. It was the skill of the chairman of the Third Committee that made this achievement possible.

Although the restrictions which the state of his health had already begun to impose made it impossible for him to attend the Rome Conference, at which, in October 1961, the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organisations was adopted, the name of Plinio Bolla none the less deserves to be recalled in connexion with this new international agreement, so great and in many respects decisive was his contribution to the preparatory work for the Convention, which was for long the subject of discussion at a number of meetings devoted to so-called "neighbouring" rights, many of which took place under his chairmanship.

This man, who occupied so eminent a place on his country's Bench, in courts of arbitration and at international meetings, was also a jurist whose opinion was greatly sought after, a man of science who, by the lectures he delivered, especially at the Academy of International Law, and by his writings, all of which bear the imprint of the same constructive mind, stands out as a model of lucid and penetrating thought.

But above all, this man who had known so many high honours remained to the end of his days unpretentious, true to his friends and to his little Fatherland, the Tessin, where he sleeps today. In a world subject to the grim law of efficiency, let us be grateful to one who leaves behind him the memory of a great-hearted man.

Ch.-L. M.

# NEWS ITEMS

## Calendar of BIRPI Meetings\*

Place	Date	Title	Object	Invitations to participate	Observers
Geneva	7-10 October 1963	Committee of Experts (Type Faces)	Preparation of a draft international agreement on the protection of Type Faces	Governmental experts nominated by Member States of the Paris Union	Interested international intergovernmental and non-governmental organisations
Geneva	21-23 October 1963	Committee of Experts (Industrially less developed countries and the protection of industrial property)	To study the problems of industrially less developed countries in the field of industrial property	Experts from: Algeria, Brazil, Ceylon, Colombia, Czechoslovakia, Guinea, Iran, Japan, Liberia, Nigeria, Sweden, Tanganyika, Thailand, United Arab Republic, United States of America and Venezuela	None
Geneva	12-14 November 1963	Committee of Experts. Nice Arrangement (Classification)	Examination and approval of texts to be published in <i>Classification internationale des produits et des services auxquels s'appliquent les marques de fabrique ou de commerce</i>	Representatives of Member countries of the Nice Arrangement (Classification)	Other signatory countries of the Arrangement, Members of the provisional Committee of Experts
Geneva	18-23 November 1963	Committee of Experts (Copyright)	Discussion of proposals for amendment of the Berne Convention	Governmental experts from: Belgium, Brazil, Canada, Czechoslovakia, France, Germany, India, Italy, Japan, Poland, Sweden, Switzerland and United Kingdom	Non-Member countries which participated in the Study Group on the International Protection of Cinematographic Works and interested international intergovernmental and non-governmental organisations
Geneva	25-29 November 1963	Conference of the Directors of National Industrial Property Offices of the Member States of the Madrid Union	Consideration of certain matters concerning the Madrid Union for the International Registration of Trade Marks	Directors of Industrial Property Offices of the countries members of the Madrid Union	Other Member States of the Paris Union
Geneva	25-26 November 1963	Conference of the Member States of the Hague Union	Consideration of financial questions concerning the Union for the International Registration of Industrial Designs	States Members of the Hague Union	Other Member States of the Paris Union
Geneva	27-29 November 1963	Interunion Coordinating Committee	Consideration of the programme and the budget of BIRPI	States Members of the Permanent Committee of the Berne Union and of the Permanent Bureau of the Paris Union	Other Member States of the Berne Union and Paris Union
New Delhi	2-7 December 1963	Eleventh Ordinary Session of the Permanent Committee of the Berne Union	Consideration of various questions concerning Copyright	The States Members of the Permanent Committee	States not Members of the Permanent Committee Interested international intergovernmental and non-governmental organisations
Geneva	27-30 January 1964	Study Group on Certificates of Authorship	Study of the problem of certificates of authorship in relation to the Paris Convention	Bulgaria, Czechoslovakia, Hungary, Israel, Netherlands, Poland, Roumania, United-Kingdom, United States of America, Yugoslavia	USSR

\* Meetings for which dates have been definitely arranged