

# Industrial Property

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# INTERNATIONAL UNION

According to a communication received from the Swiss Federal Political Department, the three following notes were addressed on December 15, 1964, by the Embassies of the Swiss Confederation in the countries of the Paris Union to the Ministries of Foreign Affairs of those countries:

## FEDERAL REPUBLIC OF GERMANY

### Ratification

of the Madrid Agreement for the International Registration of Trademarks (Nice Text)

*(Translation from French)*

"In execution of the instructions given to it by the Federal Political Department on December 15, 1964 (date of notification), the Embassy of Switzerland has the honor to inform the Ministry of Foreign Affairs that the Federal Republic of Germany deposited on October 8, 1964, in Paris in the French Ministry of Foreign Affairs, an instrument ratifying, by the said State, the Madrid Agreement for the International Registration of Trademarks, of April 14, 1891, last revised at Nice on June 15, 1957.

"In depositing this instrument of ratification, the Embassy of the Federal Republic of Germany in Paris made the following declaration:

*"In depositing the German instrument of ratification, the Embassy has the honor to declare that the Madrid Agreement for the International Registration of Trademarks, revised at Nice on June 15, 1957, shall be equally applicable to the Land of Berlin, unless the Government of the Federal Republic forwards to the Government of the French Republic a contrary declaration within a period of three months from the date of entry into force of the said Agreement in the territory of the Federal Republic of Germany."*

## GERMAN DEMOCRATIC REPUBLIC

### Note

of the Swiss Government with Annex

*(Translation from French)*

"In execution of the instructions which have been given to it by the Federal Political Department on December 15, 1964 (date of notification), the Embassy of Switzerland has the honor to transmit to the Ministry of Foreign Affairs the enclosed unofficial translation of a declaration which reached it on September 23, 1964, through the intermediary of the Embassy of the Czechoslovak Socialist Republic at Berne.

"The Embassy wishes to emphasize that, in the opinion of the Swiss Government, the fact of notification of such a declaration, or its reception, does not imply recognition of the author of the declaration.

## ANNEX

*"The Council of State of the German Democratic Republic has examined and approved the following treaties:*

1. *the Paris Convention for the Protection of Industrial Property, of March 20, 1883, revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, and at Lisbon on October 31, 1958;*
2. *the Madrid Agreement for the Prevention of False or Misleading Indications of Source, of April 14, 1891, revised at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, and at Lisbon on October 31, 1958;*
3. *the Madrid Agreement for the International Registration of Trademarks, of April 14, 1891, revised at Brussels on December 14, 1900, at Washington on June 2, 1911, at The Hague on November 6, 1925, at London on June 2, 1934, and at Nice on June 15, 1957;*
4. *the Nice Agreement for the International Classification of Goods and Services to which Trademarks are Applied, of June 15, 1957.*

*"I have the honor to inform you of the accession of the German Democratic Republic to the above-mentioned treaties and let you know that the German Democratic Republic requests that, so far as the contributions relative to the Paris Convention for the Protection of Industrial Property are concerned, it be placed in Class 1.*

*"In the name of the German Democratic Republic, I solemnly declare hereby that the German Democratic Republic is ready to cooperate, within the framework of the above-mentioned treaties, with all Member States, and that it will strictly comply with all the obligations resulting from its accession to such treaties.*

*"Signed Walter Ulbricht*

*"Berlin, July 10, 1964."*

## MADRID AGREEMENT FOR THE INTERNATIONAL REGISTRATION OF TRADEMARKS (NICE TEXT)

### Entry into Force

*(Translation from French)*

"In execution of the instructions which it received from the Federal Political Department on December 15, 1964 (date of notification), the Embassy of Switzerland has the honor to inform the Ministry of Foreign Affairs as follows:

"According to the provisions of Article 12, paragraph (2), of the Madrid Agreement for the International Registration of Trademarks, of April 14, 1891, last revised at Nice on June 15, 1957, twelve ratifications or accessions at least are

required for the entry into force of the said Agreement. The conditions of this Article having been fulfilled, the Madrid Agreement for the International Registration of Trademarks, of April 14, 1891, last revised at Nice on June 15, 1957, will enter into force on December 15, 1966."

## First Meeting of the Committee of Experts for the International Classification of Industrial Designs

(Geneva, October 12-16, 1964)

Report by Mr. Th. Lorenz

1. A Committee of Experts for the international classification of industrial designs met, at the invitation of the Director of BIRPI, at Geneva, in the Conference Hall of BIRPI, from October 12 to 16, 1964.

This Committee was composed of experts designated by the Administrations of the following States: Austria, Czechoslovakia, Denmark, France, Italy, Netherlands, Norway, Poland, Spain, Sweden, Switzerland, United Kingdom and United States of America.

Observers from the following intergovernmental or international private organizations also took part in the work of the Committee: UNESCO (United Nations Educational, Scientific and Cultural Organization), IAPIP (International Association for the Protection of Industrial Property), ICC (International Chamber of Commerce), ALAI (International Literary and Artistic Association), and FICPI (International Federation of Patent Agents).

2. The Committee's session was opened by the Director of BIRPI, Professor G. H. C. Bodenhausen, who recalled the reasons for convening the Committee in his opening address. The classification employed by BIRPI for the international registration of industrial designs is no longer sufficient to meet new requirements, bearing in mind the growing importance of designs to the general economy. The replies of several States members of the Paris Union to a circular on the subject addressed to them by BIRPI had shown their desire to have a more complete classification than at present.

For these reasons, the Director of BIRPI thought it advisable to convene this Committee and to ask all the States members of the Paris Union to participate. Furthermore, the draft of a new classification satisfied the wishes of the States attending the Diplomatic Conference of The Hague in 1960, when they recommended that a draft international classification of designs should be studied.

Professor Bodenhausen apologised for being unable to take part in the work of the Committee, as he was obliged to leave Geneva to attend other conferences. He instructed Mr. Magnin, Deputy Director, to take his place.

3. The Committee approved the agenda proposed by BIRPI (Document DM/23/5) with the addition of item 6 (Miscellaneous) which was intended to enable questions that might be raised during the discussion to be studied.

4. In accordance with item 3 of the agenda, the Committee proceeded to elect its officers in the persons of: Mr. Enno van Weel (Netherlands), Chairman, Mr. Claës Uggla (Sweden), Vice-Chairman, and Mr. Thomas Lorenz (Austria), Rapporteur.

5. The Committee started with a general survey of the question of the classification of industrial designs. The opinions expressed in this introductory discussion can be summed up as follows:

(a) The draft of an international classification for industrial designs is considered to be useful because of the fact that the classification of deposits is necessary at least for administrative requirements or for search purposes.

(b) The existing classifications for patents or trademarks both at the national and at the international levels are not adapted to the particular requirements of deposits of industrial designs. It is therefore necessary to have a special design classification which will meet the specific needs of this category of industrial property rights.

It emerges from the working papers of the Committee of Experts that a great many States have a national design classification. It is also apparent that these States are not satisfied with their own national classification.

The BIRPI classification, as published in Volume I, No 12, of the *Bulletin des dessins ou modèles internationaux* (May, 1931), is also inadequate. There would therefore be no point in using any of the existing design classifications. It would be preferable to draft an entirely new classification. The existence of a classification common to a number of States would facilitate the tendency towards standardisation of industrial property rights.

(c) The protection of a design deals solely with the appearance of an article. Deposits should therefore be classified according to the purpose for which the products are destined and not according to the material from which they are made, the main criterion for an international classification being the destination of the product and not the material from which it is made. An international classification would serve in most countries to facilitate searches and other purely administrative tasks. This requires a fairly full and detailed classification. The discussions showed that according to the domestic laws of certain countries, the deposit or registration of designs by classes would involve financial or even legal repercussions in certain cases. In the interests of depositors, it would be advisable not to have too many classes.

The solution best suited to take account of these different views would be an outline classification composed of a fairly small number of classes. Searches would be facilitated by a sufficiently detailed subdivision of the classes.

6. After reaching these conclusions, the Committee studied the BIRPI draft international classification of industrial designs (Document DM/23/4). This draft provides for classes numbered in Roman figures, which are then divided into sub-classes numbered in Arabic figures. Following a proposal to do away with the Roman figures, which are not very easy to use and give rise to errors, it was decided to adopt the system of numbering both the class and sub-classes in Arabic figures.

Each sub-class is preceded by a number composed of two figures, rising from 01 to 99. Sub-class 99 in each class is entitled "Miscellaneous". It is intended for all the products in a class which cannot be placed in any of the preceding sub-classes. In the view of the Committee of Experts, the international classification ought to be completed by the addition of other sub-classes whenever the frequent appearance of the same product in the sub-class "Miscellaneous" justifies the introduction of a new sub-class.

The Committee re-modelled the BIRPI draft to take account of the principles outlined above and the experts' proposals. The new draft, which is the result of careful study requiring several working parties to solve some of the extremely difficult problems, is attached to this report. A detailed explanation of the draft would be outside the scope of this report. It will be prepared by the Secretariat for inclusion in a document to be communicated later to all the experts<sup>1)</sup>.

7. Finally, a discussion took place concerning the continuation of the work in connection with the international classification of designs. The Committee expressed the view that BIRPI should bring the draft prepared at this session to the notice of all the States members of the Paris Union and should invite them to express their opinions on it. A further meeting of the Committee would discuss, if necessary, the proposals for amendment from Union countries, as well as the appropriate steps for carrying out an international classification of industrial designs.

#### ANNEX

The Committee took note of the method adopted by BIRPI for the preparation of the Draft International Classification. In drawing up the classes of the designs, account was taken of a number of existing national classifications which had been communicated to BIRPI by the Industrial Property Administrations of the countries that have adopted these classifications.

International deposits effected at BIRPI over a period of three months were examined with a view to determining the number and type of objects deposited for the purposes of the Agreement of The Hague concerning the International Deposit of Industrial Designs, of November 6, 1925, as revised at London on June 2, 1934, currently in force.

The Committee agreed to lay down a small number of classes, covering all products in general on the basis of their economic and social destination. The Committee also agreed to lay down sub-classes.

The title of *Class 1: Foodstuffs* was augmented to include *dietetic foods*, there being no need to create a special class for the latter in view of their common destination: food in the broadest sense. Additional sub-classes were included at the request of some of the experts: one on *butcher meat and pork products* and another on *animal foodstuffs*. The Chairman proposed adding *ices* to chocolates and confectionery in sub-class 02.

*Class 2: Articles of clothing* was supplemented by the addition of a sub-class on *neckties, scarves and neckerchiefs*, at the unanimous request of the Committee.

A lengthy discussion was held at the proposal of the experts of the Scandinavian countries and the United Kingdom regarding the question whether it was advisable to include ornaments in this class. The Austrian expert observed that it would be contrary to the principles of a design classification according to the destination of the articles incorporating such designs, if a class were to be provided for ornamental motifs. In countries which permit the deposit of ornamental motifs without obliging the depositor to specify the products for which they are intended, it would be advisable to include such deposits in all the classes at the same time. The Czechoslovak expert observed that the motif could always be protected by the copyright law. The Committee then decided to place ornaments in a special class, without however accepting the deposit of a design for the general purpose of decoration on any article whatsoever, i. e. separately from the article in which it is incorporated. Ornaments were therefore placed in a special class of their own: Class 11 (Adornment).

The Committee decided to remove the sub-class "*haberdashery*" from the Draft Classification as being too vague or containing articles capable of being included in the sub-classes of other classes.

It was also decided to create two new classes (*Classes 3 and 4*) for *travel goods and brushware*, removing those articles from the class for clothing, on account of their importance from the aesthetic point of view and the fact that they do not form an integral part of clothing as such.

The Committee therefore decided to include *travel goods* and *personal belongings* in a new *Class 3* and made provision for four sub-classes under this heading.

In the new *Class 4: Brushware*, the Committee included all kinds of brushes: for *clothes, toilet, cleaning* in the broad sense of the term — for the household and in shops, for example — as well as *brooms* and *paint brushes*.

The Committee discussed what title should be given to *Class 5 (Class 4: Textiles in the Draft)* so that it would include not only textiles proper but all the other products intended to cover or to be the raw materials for clothes, and all other products in which textiles may be used. The Committee also thought it advisable to incorporate in this class *spun articles* which are often deposited as designs at the national level. Several experts observed that some knitted or plastic materials, such as nylon, linoleum and leather, had the same practical purpose as woven fabric.

After hearing the opinions of all the experts, the Committee decided that in view of the complexity of the subject a working party should be set up to draft a text for this class, whose title and the number and type of whose sub-classes would cover all the articles whose common purpose is to be used in a similar manner to textiles. The working party, which was presided over by the Swiss expert, was composed of the experts of Denmark, Italy, the United Kingdom and the United States.

It dealt first with the question of the title of *Class 5*, with a view to including under the same heading all textiles,

<sup>1)</sup> This document follows as an Annex to this Report. (Ed.)

natural or artificial, and all covering materials in the form of sheets. The following title was therefore proposed: *Textile Articles and Sheeting of similar Use*.

*Lace and embroideries*, as well as *ribbons, braids and other trimmings*, which were placed in Class 3 (*Adornment*) of the Draft Classification, were included in the sub-classes of Class 5, because they come under the general heading of textiles.

The class was given as wide a range as possible, in order to avoid any doubt as to the scope of the heading. For this reason, fabrics that are woven, knitted, or manufactured in any other way, were listed together with textile fabrics. Special mention has also been made of *felt, leather, and substitutes* whose general purpose is to cover in the form of sheets.

Also included in this class are *bedspreads, household linen and napery* which appeared in other classes of the Draft Classification. The Committee unanimously accepted the title and the sub-classes proposed for this class by the working party, after a brief discussion.

*Class 6: Furnishing* was remodelled by placing all furniture in the same sub-class without distinction as to the material of which it is made. A proposal to include certain textiles here was rejected by the Committee.

The Committee did not consider it advisable to include domestic washing machines in *Class 7: Household Goods*, because it is difficult to make any distinction, for the purposes of the protection of shape or form, between machines for domestic or industrial use. It therefore decided to group both *industrial and household machines* in the same class. It made a distinction, however, between machines proper, i. e. all apparatus that is power driven, and utensils, i. e. tools used for household purposes. For this reason, the Committee included in the class for household goods *flat-irons and laundering, cleaning and drying equipment*, reserving for a more general heading (Class 15) the growing number of modern household machines designed for increasingly different purposes.

The Committee widened the scope of the sub-class "tools for agriculture and forestry" in *Class 8: Tools and Hardware*, by adding the word "*Horticulture*".

It also added another sub-class for *nails, screws, nuts and bolts*, which are the subject of a number of national and international deposits.

*Class 9: Packing* gave rise to a lengthy discussion dealing first with the term "packing" itself, to which the Committee gave a very wide definition covering the vast range of packages used at present in industry and commerce, whose shape is protected as a design. The Committee decided to keep this general term, which covers not only packages proper but also containers and anything destined to hold or contain goods and not simply to wrap them up. The Committee also decided to place *pots* in the same sub-class as *bottles, flasks, carboys and demijohns*, pointing out that this meant only pots for containing goods such as marmalade, cream, etc.

The Committee decided to include all chronometrical instruments in *Class 10: Clocks, Watches and Precision Instruments* and to widen the scope of the title as follows: *Clocks and Watches, Optical and Precision Instruments*.

As for calculating machines, it was considered more precise to include them in the same class as typewriters, in view of the fact (which was pointed out by the Austrian expert) that there were combined machines that could be used both as typewriters and calculating machines.

*Classes 11 and 12* of the Draft concerning *Pottery and Chinaware and Crystal and Glassware* were deleted, because in the Committee's view, they had been drafted more in the light of the material of which the articles in question were made than of their destination.

*Jewelry and gold and silverware* have been included in *Class 11* under the heading *Adornment*. This class includes *jewels* as well as *trinkets*, without any distinction as to their composition or use, and has been completed by the addition of *decoration for Christmas trees*.

In *Class 12: Vehicles*, the Committee introduced subclasses for *telpher carriers and chairlifts, space vehicles, trailers, perambulators and invalid chairs*.

The Committee also felt it necessary to create a special sub-class for *pneumatic tyres and inner tubes*, in view of the fact that even if they were considered as car accessories, they were accessories of special importance.

A working party, under the chairmanship of the Swiss expert, assisted by the experts of Denmark, the United Kingdom and the United States of America, was set up to draft two classes on electrical energy and the machines which use this energy. Several experts stressed the importance of including electronic machinery in these classes.

The conclusions of the working party were adopted by the Committee of Experts, and two classes were created: *Class 13*, dealing exclusively with *electrical energy*, that is to say, all the devices for producing and distributing electrical energy as well as all equipment for the purpose; and *Class 14*, grouping *electrical and electronic equipment*, i. e. the mechanical appliances which use electrical and electronic energy, such as *telegraphs, telephones, etc.*, not forgetting any of the modern apparatus.

*Class 15* includes all *industrial and household machines*, whether electrically powered or not.

*Class 16: Photography and Cinematography* was completed by the addition of *exposure meters*.

*Class 17: Musical Instruments* was approved as it stands in the Draft, sub-class 06) becoming 99) Miscellaneous.

*Class 18: Printing* was approved by the Committee after it had removed from sub-class 01) *electronic machines* which are now grouped in Class 14.

*Class 19: Stationery* was altered by removing *playing cards and paper games* which the Committee placed in Class 21 below. *Paint brushes* were excluded from sub-class 06) as they are already included in Class 4 under the heading *Brushware*.

The Committee felt it advisable to add a new *Class 20* for *advertising materials and automatic vending machines*. This class has been taken from the Draft International Classification of the Patent Office of the United States of America where it is entitled: *Display and Identification*.

*Class 21: Games, Toys and Sports Goods*, was altered by removing all the items between brackets, and adding *caravans* to sub-class 05) in view of their sporting context.

*Class 22: Arms* had its title changed to *Arms and Tackle for Hunting and Fishing*. Fire-arms were changed to projectile weapons in order to include all weapons, whether spring-driven or pneumatic, and whether for use in sports or as instruments of offensive combat (warfare).

The Committee set up a working party, under the chairmanship of the Swiss expert, assisted by the experts of Denmark, Italy, the United Kingdom and the United States, to work out the draft of one or two classes covering the vast field of medicine. It was proposed that equipment, fittings and apparatus of this type should be divided into two different classes:

*Class 23: Sanitary Equipment.*

*Class 24: Medical and Laboratory Equipment.*

These two classes are distinguished, in particular, by the use for which the equipment is destined. In order to bring out clearly the particular destination, articles are mentioned in brackets which are intended for dwelling houses as well as all other buildings, while *Class 24* contains only *equipment for hospitals and scientific laboratories*. The Committee of Experts accepted the working party's conclusions.

*Class 25: Building Units and Construction Elements* includes all the materials used for construction and, at the request of the United States expert, *the buildings themselves*, even though they are neither pre-fabricated nor temporary. After a discussion, the Committee adopted the idea of including in French the words "*de bâtiments*" after "*matériel de construction*" in the sub-class 01) (in English "building material").

The Committee expressed the view that this class should contain all building materials, whether bricks or entire pre-fabricated elements, such as doors or the integral parts of construction common in modern building techniques.

*Class 26: Lighting Apparatus* was supplemented to include all appliances for lighting, whether electrical or non-electrical. The United States expert advocated introducing a special sub-class for public lighting fixtures.

*Class 27* concerning heating was given the title: *Heating and Cooking Equipment*. This general term covers all apparatus intended for *heating* and for *cooking*, whether worked by electricity or fuel.

*Class 28: Tobacco and Smoker's Supplies* includes not only smoker's articles but also *tobacco*, at the request of the American expert. For this reason, the title of the corresponding class of the Draft, which had only covered smoker's articles, was modified.

The Committee also included *tobacco jars and pouches* in this class.

The title of *Class 29* was changed to *Pharmaceutical, Cosmetic and Toilet Articles and Products*.

At the request of a number of experts, it was decided to introduce a new *Class 30: Safety Equipment and Human Protection*, and a new *Class 31: Articles for the Care and Treatment of Animals*.

*Class 32: Miscellaneous* was retained in order to include in it all the designs that cannot be placed in the sub-class 99) *Miscellaneous*, which is provided at the end of each class.

## Draft International Classification of Industrial Designs

### Class 1 — *Foodstuffs and Dietetic Foods*

- Sub-Class: 01) Baker's products, biscuits, macaroni, etc.
- 02) Chocolates, confectionery, ices
- 03) Cheeses
- 04) Butchers's meat (including pork products)
- 05) Animal foodstuffs
- 99) Miscellaneous

### Class 2 — *Articles of Clothing*

- Sub-Class: 01) Garments, dresses and coats
- 02) Lingerie, corsets, brassières
- 03) Hats, ladies' headwear
- 04) Footwear, gloves (including boots, shoes and slippers)
- 05) Neckties, scarves and neckerchiefs
- 99) Miscellaneous

### Class 3 — *Travel Goods and Personal Belongings*

- Sub-Class: 01) Trunks, suitcases and brief-cases
- 02) Bags, pocket-books and purses
- 03) Umbrellas, walking-sticks
- 04) Fans
- 99) Miscellaneous

### Class 4 — *Brushware*

- Sub-Class: 01) Brushes for cleaning
- 02) Toilet brushes
- 03) Clothes brushes
- 04) Brooms
- 05) Paint-brushes
- 99) Miscellaneous

### Class 5 — *Textile Articles and Sheeting of Similar Use<sup>1)</sup>*

- Sub-Class: 01) Spun articles
- 02) Textile fabrics (woven, knitted, etc.)
- 03) Non-textile artificial sheets for a similar use
- 04) Felt
- 05) Covering sheets (wallpaper, linoleum, etc.)
- 06) Lace
- 07) Embroideries
- 08) Ribbons, braids and other trimmings
- 09) Bedspreads
- 10) Household linen and napery
- 11) Leather and substitutes
- 99) Miscellaneous

### Class 6 — *Furnishing*

- Sub-Class: 01) Furniture
- 02) Mattresses and cushions
- 03) Curtains
- 04) Carpets
- 05) Mirrors
- 06) Frames

<sup>1)</sup> These terms cover all textile articles, natural or artificial and all covering materials in the form of sheets.

- 07) Mats
- 99) Miscellaneous

Class 7 — *Household Goods*

- Sub-Class: 01) China and crockery
- 02) Cooking utensils and containers
- 03) Knives, forks and spoons
- 04) Chopping, mincing, grinding and mixing machines
- 05) Flat-irons and laundering, cleaning and drying equipment
- 99) Miscellaneous

Class 8 — *Tools and Hardware*

- Sub-Class: 01) Tools for agriculture, forestry and horticulture
- 02) Other tools
- 03) Locks and metal fittings
- 04) Nails, screws, nuts, bolts, etc.
- 99) Miscellaneous

Class 9 — *Packing*

- Sub-Class: 01) Bottles, flasks, carboys, demijohns and pots
- 02) Drums and casks
- 03) Boxes and cases
- 04) Hampers, crates and baskets
- 05) Bags, wrappers and tubes
- 06) Ropes and hooping materials
- 99) Miscellaneous

Class 10 — *Clocks and Watches, Optical and Precision Instruments*

- Sub-Class: 01) Watches
- 02) Alarms
- 03) Clocks
- 04) Dials and all other clock parts
- 05) All other chronometrical instruments
- 06) Nautical, geodetic and optical instruments and articles
- 07) Scales
- 08) Testing instruments
- 99) Miscellaneous

Class 11 — *Adornment*

- Sub-Class: 01) Jewels
- 02) Trinkets, dishes, flower-vases
- 03) Medals
- 04) Artificial flowers
- 05) Decorations for Christmas trees
- 99) Miscellaneous

Class 12 — *Vehicles*

- Sub-Class: 01) Vehicles drawn by animals
- 02) Locomotives and rolling-stock for railways and any other vehicles on rails
- 03) Telfer carriers and chair-lifts
- 04) Ships and boats
- 05) Aircraft and space vehicles
- 06) Motor cars

- 07) Buses, lorries and tractors
- 08) Trailers
- 09) Motorcycles and bicycles
- 10) Perambulators and invalid chairs
- 11) Pneumatic tyres and inner tubes
- 99) Miscellaneous

Class 13 — *Electrical Energy*

- Sub-Class: 01) Generators and motors
- 02) Power transformers, rectifiers, batteries and accumulators
- 03) Equipment for distribution and control of electric power (conductors, switch-gear, etc.)
- 99) Miscellaneous

Class 14 — *Electrical and Electronic Equipment*

- Sub-Class: 01) Recorders and equipment for retrieval of information
- 02) Communications equipment (telegraph, telephone, teletype, television and radio)
- 03) Amplifiers
- 99) Miscellaneous

Class 15 — *Industrial and Household Machines*

- Sub-Class: 01) Prime movers
- 02) Pumps and compressors
- 03) Agricultural machinery
- 04) Construction machinery
- 05) Machinery for engineering
- 06) Laundry and cleaning machines
- 07) Textile sewing and knitting machines
- 08) Refrigeration apparatus
- 99) Miscellaneous

Class 16 — *Photography and Cinematography*

- Sub-Class: 01) Photographic and movie cameras, exposure meters
- 02) Projection equipment
- 03) Apparatus for photo-copying documents or for reproducing photographs
- 99) Miscellaneous

Class 17 — *Musical Instruments*

- Sub-Class: 01) Keyboard instruments
- 02) Wind instruments
- 03) Stringed instruments
- 04) Percussion instruments
- 05) Mechanical instruments
- 99) Miscellaneous

Class 18 — *Printing*

- Sub-Class: 01) Typewriters and calculating machines with the exception of electronic machines
- 02) Typographical machinery
- 03) Machinery for printing by processes other than typography (excluding photo-copying machinery)
- 04) Characters and type faces
- 99) Miscellaneous

Class 19 — *Stationery*

- Sub-Class: 01) Writing paper and envelopes  
 02) Office equipment  
 03) Calendars  
 04) Bindings  
 05) Illustrated cards  
 06) Materials for writing by hand, for painting (excluding brushes), for sculpture and for engraving  
 07) Teaching materials  
 99) Miscellaneous

Class 20 — *Sales Equipment and Advertising*

- Sub-Class: 01) Automatic vending machines  
 02) Display and sales equipment  
 03) Signboards and advertising materials  
 99) Miscellaneous

Class 21 — *Games, Toys and Sports Goods*

- Sub-Class: 01) Games  
 02) Toys  
 03) Gymnastics apparatus and equipment  
 04) Sport apparatus and equipment  
 05) Tents and caravans  
 99) Miscellaneous

Class 22 — *Arms and Tackle for Hunting and Fishing*

- Sub-Class: 01) Side-arms  
 02) Projectile weapons  
 03) Ammunition and fuses  
 04) Hunting equipment  
 05) Fishing tackle  
 99) Miscellaneous

Class 23 — *Sanitary Equipment*

- Sub-Class: 01) Water distribution equipment including pipes and pipe fittings  
 02) Sanitary fittings and equipment (bath, showers, washbasins, lavatories, sanitary units, etc.)  
 99) Miscellaneous

Class 24 — *Medical and Laboratory Equipment*

- Sub-Class: 01) Equipment for transport and accommodation for patients  
 02) Hospital and laboratory equipment (for diagnostic, tests, operations, treatment)  
 03) Medical, surgical, dental instruments  
 04) Prostheses  
 05) Material for dressing and nursing  
 99) Miscellaneous

Class 25 — *Building Units and Construction Elements*

- Sub-Class: 01) Building material (bricks, beams, tiles, slates, etc.)  
 02) Houses, garages, etc.  
 03) Civil engineering elements  
 99) Miscellaneous

Class 26 — *Lighting Apparatus*

- Sub-Class: 01) Lamps, standard lamps, chandeliers, wall and ceiling fixtures  
 02) Public lighting fixtures (outside lamps, stage-lighting, floodlights)  
 03) Candles, candlesticks  
 04) Luminous appliances, tubes and plates  
 05) Lamp-shades  
 99) Miscellaneous

Class 27 — *Heating and Cooking Equipment*

- Sub-Class: 01) Heating equipment  
 02) Cooking equipment  
 03) Solid fuel  
 99) Miscellaneous

Class 28 — *Tobacco and Smoker's Supplies*

- Sub-Class: 01) Tobacco, cigars and cigarettes  
 02) Pipes, cigar and cigarette holders  
 03) Ash-trays  
 04) Matches  
 05) Lighters  
 06) Cigar cases, cigarette cases, tobacco jars and pouches  
 99) Miscellaneous

Class 29 — *Pharmaceutical, Cosmetic and Toilet Articles and Products*

- Sub-Class: 01) Pharmaceutical articles and products  
 02) Cosmetic and toilet articles and products  
 99) Miscellaneous

Class 30 — *Safety Equipment and Human Protection*Class 31 — *Articles for the Care and Treatment of Animals*Class 32 — *Miscellaneous*

All the products not included in the preceding classes.

## List of Participants

## I. Members of the Committee

*Austria*

Mr. Thomas Lorenz, Ratssekretär, Patent Office, Vienna.

*Czechoslovakia*

Mr. Miloilav Spunda, Head of Section, Office of Patents and Inventions, Prague.

*Denmark*

Mr. Julie Olsen, Assistant Comptroller, Patent Office, Copenhagen.

Mr. Rigmor Carlsen, Junior Assistant Comptroller, Patent Office, Copenhagen.

*France*

Mr. Maurice Bierry, Civil Administrator to the Ministry of Industry, Paris.

*Italy*

Mr. Paul Marchetti, Central Patent Office, Rome.

*Netherlands*

Mr. Enno van Weel, Member of the Patent Council, The Hague.

*Norway*

Mr. Roald Røed, Assistant Comptroller, Industrial Property Office, Oslo.

*Poland*

Mr. Krolewski, Counsellor, Patent Office, Warsaw.

*Spain*

Mr. Julio Escudero Duran, Lawyer, Head of the Designs Section of the Industrial Property Registry, Madrid.

*Sweden*

Mr. Claës Ugglä, Counsellor, National Patent Office, Stockholm.

Mr. G. Sterner, Judge of the Stockholm City Court, Stockholm.

*Switzerland*

Mr. Théodore Streit, Deputy to the Technical Section, Federal Office of Intellectual Property, Berne.

*United Kingdom of Great Britain and Northern Ireland*

Mr. W.-G. Arthur, Designs Registry, Patent Office and Industrial Property Department, Board of Trade, London.

*United States of America*

Mrs. Adeline B. Hannah, Chief, Industrial Design Division, U. S. Patent Office, Washington D. C.

Mr. George A. Tesoro, Counsellor, United States Mission to International Organizations, Geneva.

*UNESCO**II. Observers*

Miss Marie-Claude Dock, Programme Specialist, Department of Cultural Activities (Copyright Section), Paris.

*International Association for the Protection of Industrial Property (IAPIP) and the International Chamber of Commerce (ICC)*

Mr. Pierre-Jean Pointet, Professor, University of Neuchâtel, Zurich.

*International Literary and Artistic Association (ALAI)*

Mr. Duchemin, Secretary-General of "La Société pour la protection des auteurs dramatiques et des éditeurs de musique" (SPADEM), Paris.

Mr. Dusolier, Director of the "Union des Fabricants", Paris.

*International Federation of Patent Agents (FICPI)*

Mr. René Jourdain, Patent Agent, Paris.

Mr. Anthony John Wolstenholme, Chartered Patent Agent, London.

*III. Bureau of the Committee*

Chairman: Mr. Enno van Weel (Netherlands).

Vice-Chairman: Mr. Claës Ugglä (Sweden).

Rapporteur: Mr. Thomas Lorenz (Austria).

*IV. BIRPI*

Professor G. H. C. Bodenhausen, Director.

Mr. Charles-L. Magnin, Deputy Director.

Mr. Giulio Ronga, Counsellor.

**LEGISLATION****IRELAND****Patents Act, 1964**

An Act to make new provision in respect of patents and related matters in substitution for the provisions of the Industrial and Commercial Property (Protection) Act, 1927, relating to patents and of other enactments relating to patents, and to provide for other matters connected with the matters aforesaid

(Of June 24, 1964)

(Fourth and Last Part)<sup>1</sup>)

*Certificate of Controller and sealed copies of documents in Office to be evidence*

67. — (1) A certificate purporting to be under the hand of the Controller as to any entry, matter, or thing which he is authorised by this Act, or any general rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, or of the matter or thing having been done or left undone.

(2) Printed or written copies or extracts, purporting to be certified by the Controller or an officer of the Controller and sealed with the seal of the Controller, of or from patents, specifications, and other documents or books in the Office, and of or from registers kept there, shall be admitted in evidence in all courts and in all legal proceedings without further proof or production of the originals.

*Requests for information as to patent or patent application*

68. — The Controller shall, on request made to him in the prescribed manner by any person and on payment of the prescribed fee, furnish the person making the request with such information relating to any patent or application for a patent as may be specified in the request, being information in respect of any such matters as may be prescribed.

*Restriction upon publication of specifications, etc.*

69. — An application for a patent, and any specification filed in pursuance thereof, shall not, except with the consent of the applicant, be published by the Controller or be open to public inspection at any time before the date advertised in the Journal in pursuance of subsection (2) of section 18 of this Act:

Provided that the Minister may prescribe a time within which any complete specification filed at the Office in pursuance of an application for a patent shall be laid open to public inspection.

<sup>1</sup>) See *Industrial Property*, 1964, pp. 188, 211, 238.

*Loss or destruction of patents*

70. — If a patent is lost or destroyed, or its non-production is accounted for to the satisfaction of the Controller, the Controller may at any time seal a duplicate thereof.

## PART VII

## Proceedings before the Controller or the Court

*Exercise of discretionary power by Controller*

71. — Where any discretionary power is by or under this Act given to the Controller, he shall not exercise that power adversely to the applicant for a patent or for amendment of a specification or the registered proprietor of a patent without (if so required within the prescribed time by the applicant or registered proprietor) giving the applicant or registered proprietor an opportunity of being heard.

*Costs and security for costs*

72. — (1) The Controller may, in any proceedings before him under this Act, by order award to any party such costs as he may consider reasonable, and direct how and by what parties they are to be paid; and any such order may be made a rule of Court.

(2) If any party by whom notice of any opposition is given under this Act or by whom application is made to the Controller for the revocation of a patent or for the grant of a licence under a patent or for the determination of a dispute as to an invention under section 53 of this Act, or by whom notice of appeals is given from any decision of the Controller under this Act, neither resides nor carries on business in the State, the Controller, or in the case of appeal, the Court, may require him to give security for the costs of the proceedings or appeal, and in default of such security being given may treat the opposition, application or appeal as abandoned.

*Evidence before Controller*

73. — (1) In any proceeding under this or any other enactment before the Controller, the evidence shall be given by statutory declaration in the absence of directions to the contrary; but in any case in which the Controller thinks it right so to do, he may take evidence *viva voce* in lieu of or in addition to evidence by declaration.

(2) Any such statutory declaration may in the case of appeal be used in lieu of evidence by affidavit, but if so used shall have all the incidents and consequences of evidence by affidavit.

(3) The Controller may for the purposes of his functions do all or any of the following things:

- (a) summon witnesses to attend before him,
- (b) examine on oath (which he is hereby authorised to administer), or permit the examination on oath of, the witnesses attending before him,
- (c) require any such witness to produce to him any document in his power or control.

(4) A summons shall be signed by the Controller.

(5) A witness before the Controller shall be entitled to the same immunities and privileges as if he were a witness before the Court.

(6) If any person:

- (a) on being duly summoned as a witness before the Controller makes default in attending, or
- (b) being in attendance as a witness refuses to take an oath legally required by the Controller to be taken, or to produce any document in his power or control legally required by the Controller to be produced by him, or to answer any question to which the Controller may legally require an answer, or
- (c) does any other thing which would, if the Controller were a court of justice, having power to commit for contempt of court, be contempt of such court,

the Controller may certify the offence of that person under his official seal to the Court and the Court may, after such inquiry as it thinks proper to make, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the Court.

*Hearing by Court with assessor*

74. — (1) In an action or proceeding for infringement or revocation of a patent, or other proceeding under this Act, the Court may, if it thinks fit, and shall, on the request of all parties to the proceedings, call in the aid of an assessor specially qualified, and try the case wholly or partially with his assistance, in which event the action shall be tried without a jury unless the Court otherwise directs.

(2) The Supreme Court may, if it thinks fit, in any proceeding before them call in the aid of an assessor as aforesaid.

(3) The remuneration, if any, to be paid to an assessor under this section shall be determined by the Court or the Supreme Court, as the case may be, and be paid as part of the expenses of the execution of this Act.

*Appeals from decisions of Controller*

75. — (1) Any appeal from the Controller under this Act shall be to the Court and shall be heard by one judge of the Court and the President of the High Court shall from time to time make arrangements for securing that all appeals under this section shall, so far as practicable, be heard by the same judge.

(2) Any such appeal which concerns a patent specification which has not become open to public inspection shall be heard in private.

(3) In any such appeal the Controller shall be entitled to appear or be represented in support of his decision and shall appear if so directed by the Court.

(4) In any such appeal the Court may exercise any power which could have been exercised by the Controller in the proceedings from which the appeal is brought.

(5) Rules for the conduct of proceedings under this section may include provision for the appointment of scientific advisers to assist the Court, and for regulating the functions of such advisers. The remuneration of a scientific adviser appointed in accordance with such rules shall be defrayed out of moneys provided by the Oireachtas.

(6) Except by leave of the Court, no appeal from an order or decision of the Controller shall be entertained of which notice to the Court is not given within one month from the date of the order or decision appealed against or within such further period not exceeding three months as the Controller may allow (upon request received before the expiration of the said period of one month).

(7) An appeal to the Supreme Court on a specified question of law shall lie from the decision of the Court on an appeal to it under this Act (other than an appeal under section 11, 12, 13, 14, 19, 20, 21, 22, 28, 30 or 31 of this Act).

#### *Costs of Controller in Court proceedings*

76. — In all proceedings before the Court under this or any other enactment the Controller shall neither be awarded nor ordered to pay costs.

### PART VIII

#### The Office and the Controller

##### *Patents Office*

77. — (1) There shall continue to be, for the purposes of this Act and for such other purposes as have been or may, from time to time, be assigned to it by the Oireachtas, an office for the registration of patents, designs and trade marks which shall be known as the Patents Office and references in any enactment to the Industrial and Commercial Property Registration Office established under the Act of 1927 shall be construed as references to the Office.

(2) The Office shall be under the immediate control of the Controller who shall act under the general superintendence and direction of the Minister.

##### *Controller of Patents, Designs and Trade Marks*

78. — (1) The office of Controller of Industrial and Commercial Property shall continue in being as a corporation sole with perpetual succession and an official seal (impressions of which shall be judicially noticed and admitted in evidence) and shall be known as the Controller of Patents, Designs and Trade Marks and the Controller may sue and be sued in that name and references in any enactment to the Controller of Industrial and Commercial Property appointed under the Act of 1927 shall be construed as references to the Controller.

(2) (a) The Government shall appoint as occasion arises a fit person to the office of Controller who shall hold office for such time and on such terms as the Government shall appoint.

(b) The Person holding office immediately before the commencement of this Act as Controller of Industrial and Commercial Property shall be deemed for the purposes of this Act to have been appointed to the office of Controller under this section on the same terms and at the same remuneration as he held the first-mentioned office.

(3) Every person appointed to be Controller under this Act shall receive such remuneration as the Minister for Finance shall determine.

(4) Subject to his being in good health at the time of appointment and notwithstanding that he is appointed without a certificate from the Civil Service Commissioners, the Controller shall, if appointed permanently, be deemed to be employed in the permanent Civil Service of the State and there may be granted to him on retirement or to his legal personal representative on death such superannuation or other allowance or gratuity as might under the Superannuation Acts for the time being in force have been granted had he been in the permanent Civil Service of the State.

(5) Any act or thing directed to be done by or to the Controller may be done by or to any officer authorised by the Minister.

(6) Whenever the Controller is temporarily unable to attend to his duties, or his office is vacant, the Minister may appoint a fit person to perform the duties of the Controller during such inability or vacancy, and every person so appointed shall during his appointment have all the powers of the Controller under this Act and as otherwise determined by law and shall receive such remuneration, out of moneys provided by the Oireachtas, as the Minister shall, with the sanction of the Minister for Finance direct.

##### *Appointment of officers of Controller*

79. — (1) The officers of the Controller shall be appointed by the Minister and there shall be such number of officers as the Minister with the sanction of the Minister for Finance, may consider necessary for the purposes of this Act and for such other functions as the Controller may be charged with, and those persons shall hold office upon such terms and be remunerated at such rates and in such manner as the Minister for Finance may sanction.

(2) The salaries or remuneration of the Controller and his officers and such other expenses of carrying this Act into effect as may be sanctioned by the Minister for Finance shall be paid out of moneys provided by the Oireachtas.

(3) Persons holding office immediately before the commencement of this Act as officers of the Controller of Industrial and Commercial Property shall be deemed for the purposes of this Act to have been appointed officers of the Controller under this Act on the same terms and at the same remuneration as they held such first-mentioned offices.

##### *Fees*

80. — (1) There shall be charged by the Controller and paid in respect of matters relating to the grant of patents under this Act or other matters determined by law as coming within the duties of the Controller, such fees as may from time to time be prescribed by the Minister with the sanction of the Minister for Finance.

(2) All fees charged by the Controller under this section shall be collected and accounted for in such manner as shall be prescribed by the Minister with the sanction of the Minister for Finance.

(3) The Public Offices Fees Act, 1879, shall not apply in respect of any fees payable under this section.

*Official Journal*

81. — (1) The Controller shall issue periodically a journal (which is referred to in this Act as the Journal) in which he shall publish all matters which he is directed by this Act or otherwise by law to publish, and also such matters and information as appear to him to be useful or important in relation to patented inventions and other matters for which he is responsible under this Act or otherwise by law.

(2) The Controller may issue periodically either in or as a supplement to the Journal or as a separate publication reports of:

- (a) cases relating to patents, designs, trade marks or copyright decided in the State, and
- (b) such cases relating to patents, designs, trade marks, or copyright decided outside the State as the Controller may consider to be useful or important.

(3) The Controller may prepare and publish indexes, abridgments of specifications, catalogues and other works relating to inventions, patents, designs, and trade marks.

(4) The Controller shall make provision for the sale of copies of all documents which he is by this section, or otherwise by law, directed or authorised to issue or publish, and also of all complete specifications (together with any accompanying drawings) of patents in force under this Act.

*Reports to be privileged*

82. — Except as prescribed by the Minister, reports of examiners and other officers made under this Act or under any other Act for the administration of which the Controller is responsible shall not be published or be open to public inspection and shall not be liable to production or inspection in any legal proceeding unless the court or officer having power to order discovery in such legal proceeding certifies that such production or inspection is desirable in the interests of justice and ought to be allowed.

*Controller may consult Attorney General*

83. — The Controller may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Act or of any other Act for the administration of which he is responsible apply to the Attorney General for directions in the matter.

*Annual report*

84. — The Controller shall, before the 1<sup>st</sup> day of September in every year, cause a report respecting the execution by or under him of this Act and of any other Act for the administration of which he is responsible during the year ending on the previous 31<sup>st</sup> day of March to be laid before each House of the Oireachtas, and therein shall include for the year to which the report relates all general rules made in that year under or for the purposes of the said Acts and an account of all fees, salaries, and allowances, and other money received and paid under the said Acts.

*Hours of business and excluded days*

85. — (1) Rules made by the Minister under this Act may specify the hour at which the Office shall be deemed

to be closed on any day for purposes of the transaction by the public of business under this Act or such other business as may by law be made a function of the Controller or the Office or of any class of such business, and may specify days as excluded days for any such purposes.

(2) Any business done under this Act on any day after the hour specified as aforesaid or on a day which is an excluded day, in relation to business of that class, shall be deemed to have been done on the next following day not being an excluded day; and where the time for doing anything under this Act expires on an excluded day, that time shall be extended to the next following day not being an excluded day.

## PART IX

## Miscellaneous

*Patent agents*

86. — (1) Subject to such exceptions as may be prescribed or as, in any particular case, the Controller may direct, whenever under this Act any act has to be done by or to any person in connection with a patent or any procedure relating to a patent or the obtaining thereof, the act may under and in accordance with rules made under this section be done by or to an agent (in this Act referred to as a patent agent) of such person duly authorised in the prescribed manner.

(2) There shall continue to be kept at the Office a register called the register of patent agents and a person acting for gain shall not, either alone or in partnership with any other person, practise, describe himself or hold himself out as a patent agent, or permit himself to be so described or held out, unless he is registered as a patent agent in the register of patent agents or, as the case may be, unless he and all his partners are so registered; and a company acting for gain shall not practise, describe itself or hold itself out or permit itself to be described or held out as aforesaid unless every director of the company and, if the company has a manager who is not a director, that manager, is registered as aforesaid:

Provided that if in any circumstances he thinks it right so to do the Minister may authorise any person whom he considers suitable to act as a patent agent in a particular case or at a particular time:

Provided further that it shall not be an offence under this section if the legal personal representative of a deceased patent agent carries on the business or practice of that deceased patent agent for a period not exceeding three years from the death of the patent agent, or for such further period (if any) as the Court allows, and is himself registered as a patent agent or employs a registered patent agent or a person authorised under this section to act as a patent agent to manage the business or practice on his behalf.

(3) Any person who:

- (a) resides in the State,
- (b) has a place of business in the State,
- (c) possesses the prescribed educational and professional qualifications, and
- (d) complies with the prescribed conditions,

shall be eligible to be registered in the register of patent agents, and a partnership shall be so eligible if every partner of the firm is registered in accordance with the provisions of this section, and a person or firm so eligible shall on application in the prescribed form and manner and on payment of the prescribed fee be so registered.

(4) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding, in the case of a first offence, twenty pounds, and in the case of a second or subsequent offence, one hundred pounds.

(5) Notwithstanding subsection (4) of section 10 of the Petty Sessions (Ireland) Act, 1851, proceedings for an offence under this section may be begun at any time within twelve months from the date of the offence.

(6) Nothing in this section shall be construed as prohibiting solicitors from taking such part in proceedings under this Act as has heretofore been taken by solicitors in connection with a patent or any procedure relating to a patent or the obtaining thereof.

(7) A patent agent shall not be guilty of an offence under section 58 of the Solicitors Act, 1954 (which prohibits the preparation for reward of certain instruments by persons not legally qualified), by reason only of the preparation by him of a deed assigning the right to make an application for a patent, a deed assigning from the patent agent a patent granted to him or any other document (not being a deed) for use in proceedings under this Act before the Controller or the Court.

(8) A person (in this subsection referred to as an agent) duly authorised by any person under subsection (1) of this section to act as his agent may (subject to any provision to the contrary in any agreement between the agent and that person), on giving notice to the Controller and that person, cease to act as agent for that person.

(9) There shall continue to be kept at the Office a register called the register of clerks and the Minister may make rules for the management of the register and may by such rules prescribe the qualifications and conditions for eligibility for and the fees to be paid on registration in such register.

(10) Any person registered in the register of patent agents who:

(a) ceases to be eligible to be so registered, or

(b) applies to be removed from the register,

may be removed by the Controller from the register of patent agents, but no person shall be so removed (except on his own application) without being given an opportunity of being heard.

(11) (a) Where a person registered in the register of patent agents is found by the Controller, after due inquiry by the Controller (including the hearing by the Controller of representations, if any, by the person), to have been guilty of conduct disgraceful to that person in a professional respect, the Controller may, if he sees fit, decide that the name of that person should be erased from the register of patent agents.

(b) On making a decision under this subsection, the Controller shall forthwith send by post to the person to whom the decision relates, at his address as stated in the register of patent agents, a notice in writing stating the decision, the date thereof and the reason therefor.

(c) A person to whom a decision of the Controller under this subsection relates may, within the period of fourteen days beginning on the date of the decision, on giving notice to the Controller in the prescribed manner, apply to the Court for cancellation of the decision, and if he so applies:

(i) the Court, on the hearing of the application, may either:

(I) cancel the decision, or

(II) confirm the decision and direct the Controller to erase the name of such person from the register of patent agents,

(ii) if at any time the Controller satisfies the Court that such person has delayed unduly in proceeding with the application, the Court shall, unless it sees good reason to the contrary, confirm the decision and direct the Controller to erase the name of such person from the register,

(iii) the Court may, subject to section 76 of this Act, direct how the costs of the application are to be borne.

(d) Where a person to whom a decision of the Controller under this subsection relates does not, within the period of fourteen days beginning on the date of the decision, apply to the Court for cancellation of the decision, the Controller may apply *ex parte* to the Court for confirmation of the decision and, if the Controller so applies, the Court, on the hearing of the application, shall, unless it sees good reason to the contrary, confirm the decision and direct the Controller to erase the name of such person from the register of patent agents.

(e) The decision of the Court on an application under this subsection shall be final, save that, by leave of the Court, an appeal, by the Controller or the person concerned, from the decision shall lie to the Supreme Court on a specified question of law.

(f) On erasing the name of a person from the register of patent agents under this subsection, the Controller shall forthwith send by post to such person, at his address as stated in the register of patent agents, notice in writing of the erasure.

(g) A person whose name has been erased from the register of patent agents under this subsection may at any time be restored to the register by special direction of the Controller but not otherwise, and when a person is so restored to the register, the Controller may attach to the restoration such conditions (including the payment of a fee not exceeding the fee which would be payable by such person if he was then being registered for the first time) as the Controller thinks fit.

(12) The Minister may make rules for the management of the register of patent agents, and may by such rules prescribe any matter or thing referred to in this section as prescribed, and in particular may so prescribe the educational and professional qualifications and the conditions (including conditions relating to nationality or citizenship) for eligibility

for registration in that register, and the maximum fees which may be charged by any person registered in the register of patent agents for such services in connection with the obtaining of patents as may be specified in such rules.

(13) Rules under this section may authorise the Controller to refuse to recognise as agent in respect of any business under this Act any person whose name, having been entered in the register of patent agents under this Act, has been removed therefrom.

(14) Rules under this section may authorise the Controller to refuse to recognise as agent in respect of any business under this Act a company or firm of which any director or manager or any partner (as the case may be) is an individual whom the Controller could refuse to recognise as an agent.

*Falsification of register, etc.*

87. — If any person makes or causes to be made a false entry in any register kept under this Act, or a writing falsely purporting to be a copy of an entry in any such register, or produces or tenders or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds or, at the discretion of the court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment.

*Unauthorised claim of patent rights*

88. — If any person falsely represents that any article sold by him is patented, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds; and for the purposes of this provision a person who sells an article having stamped, engraved or impressed thereon or otherwise applied thereto the word "patent" or "patented", or any other word expressing or implying that the article is patented, shall be deemed to represent that the article is patented.

*False suggestion of official connection with the Office*

89. — If any person uses on his place of business, or on any document issued by him, or otherwise, any words suggesting that his place of business is officially connected with, or is, the Office, he shall be guilty of an offence and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

*Inventions relating to instruments or munitions of war*

90. — (1) The inventor of any improvement in instruments or munitions of war may (either for or without valuable consideration) assign to the Minister for Defence on behalf of the State all the benefit of the invention and of any patent obtained or to be obtained for the invention.

(2) The assignment shall effectually vest the benefit of the invention and patent in the Minister for Defence on behalf of the State, and all covenants and agreements therein contained for keeping the invention secret and otherwise shall be valid and effectual (notwithstanding any want of

valuable consideration), and may be enforced accordingly by the Minister for Defence.

(3) Where any such assignment as aforesaid has been made, the Minister for Defence may at any time before the publication of the complete specification certify to the Controller that, in the interest of the public service, the particulars of the invention and of the manner in which it is to be performed should be kept secret.

(4) If the Minister for Defence so certifies, the application and specifications, with the drawings (if any) and any amendment of the complete specification, and any copies of such documents and drawings shall, instead of being left in the ordinary manner at the Office, be delivered to the Controller in a packet sealed by authority of the Minister for Defence.

(5) The packet aforesaid shall, until the expiration of the term during which a patent for the invention may be in force, be kept sealed by the Controller and shall not be opened save under the authority of an order of the Minister for Defence or of the Attorney General.

(6) The sealed packet aforesaid shall be delivered at any time during the continuance of the patent to any person authorised by the Minister for Defence to receive it, and shall, if returned to the Controller, be again kept sealed by him.

(7) On the expiration of the term of the patent, the sealed packet shall be delivered to the Minister for Defence.

(8) Where the Minister for Defence certifies as aforesaid after an application for a patent has been left at the Office, but before the publication of the complete specification, the application and specifications, with the drawings (if any), shall be forthwith placed in a packet sealed by authority of the Controller, and the packet shall be subject to the foregoing provisions respecting a packet sealed by authority of the Minister for Defence.

(9) No proceeding by petition or otherwise shall lie for revocation of a patent granted for an invention in relation to which such a certificate as aforesaid has been given by the Minister for Defence.

(10) No copy of any specification or other document or drawings by this section required to be placed in a sealed packet shall in any manner whatever be published or opened to the inspection of the public, but, save as in this section is otherwise directed, the provisions of this Act shall apply in respect of any such invention and patent as aforesaid.

(11) The Minister for Defence may at any time waive the benefit of this section with respect to any particular invention, and thereupon the specifications, documents, and drawings relating to that invention shall thenceforth be kept and dealt with in the ordinary way.

(12) Rules may be made under this section by the Minister, after consultation with the Minister for Defence, for the purpose of ensuring secrecy with respect to patents to which this section applies, and those rules may modify any of the provisions of this Act in their application to such patents as aforesaid so far as may appear necessary for the purpose aforesaid.

*Assignment of invention or patent to a Minister of State*

91. — (1) Without prejudice to the provisions of the last foregoing section, any inventor or patentee may (either for or without valuable consideration) make to a Minister of State on behalf of the State, and such Minister may take on such behalf, an assignment of the whole of or any share or interest in the benefit of an invention and of any patent obtained or to be obtained for such invention, and where a Minister of State has taken any such assignment, such Minister may (as the case may be) do or join in doing on behalf of the State all or any of the following things, that is to say:

- (a) develop and perfect such invention,
- (b) form or promote an incorporated company or an unincorporated association of persons to develop and perfect such invention,
- (c) take an assignment of any patent or of a share or interest in any patent theretofore or thereafter obtained for such invention,
- (d) sell or lease any such patent or grant licences under any such patent on such terms as he shall, with the sanction of the Minister for Finance, think proper,
- (e) form or promote an incorporated company or an unincorporated association of persons to work commercially any such patent,
- (f) do all such things as may be necessary for the maintenance or preservation of any such patent or be otherwise incidental to the ownership thereof.

(2) Every Minister of State shall, before the 1<sup>st</sup> day of April in every year, lay before each House of the Oireachtas a report of every (if any) exercise by him in the next preceding year of the several powers conferred by paragraphs (d) and (e) of subsection (1) of this section and also, if and so far as he considers it expedient in the public interest, of the several powers conferred by paragraphs (a), (b), (c) and (f) of the said subsection.

(3) All expenses incurred by a Minister of State under this section shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

*Use of patented inventions for the service of the State*

92. — (1) A patent shall have to all intents the like effect as against the State as it has against a citizen:

Provided that any Minister of State may, by himself or by such of his agents, contractors, or others as may be authorised in writing by him at any time after the application for a patent, make, use, exercise or vend the invention for the service of the State on such terms as may, either before or after the use thereof, be agreed on with the approval of the Minister for Finance by such Minister and the applicant or proprietor, or, in default of agreement, as may be settled in the manner hereinafter provided, and the terms of any agreement or licence concluded between the applicant or proprietor and any person other than a Minister of State shall be inoperative to prevent or regulate the making, use, exercise or vending of the invention for the service of the State:

Provided further that, where an invention which is the subject of any patent or application for a patent has, before the priority date of the relevant claim of the complete specification, been duly recorded in a document by, or been tried by or on behalf of any such Minister (such invention not having been communicated directly or indirectly by the applicant or the proprietor), any Minister of State or such of his agents, contractors, or others as may be authorised in writing by him, may make, use, exercise or vend the invention so recorded or tried for the service of the State free of any royalty or other payment to the applicant or proprietor, notwithstanding the existence of the application or patent, and if in the opinion of such Minister the disclosure to the applicant or the proprietor, as the case may be, of the document recording the invention or the evidence of the trial thereof would be detrimental to the public interest, such disclosure may be made confidentially to counsel on behalf of the applicant or proprietor or to any independent expert mutually agreed upon.

(2) Where any use of an invention is made by or with the authority of a Minister of State under this section, then, unless it appears to such Minister that it would be contrary to the public interest so to do, the Minister shall notify the applicant or proprietor as soon as practicable after the use is begun, and furnish him with such information as to the extent of the use as he may from time to time require.

(3) In case of any dispute as to or in connection with the making, use, exercise or vending of an invention, under this section, or the terms therefor, or as to the existence or scope of any record or trial as aforesaid, the matter shall be referred to the Court for decision, and the Court shall have the power to refer the whole matter or any question or issue of fact arising thereon to be tried before an arbitrator upon such conditions as it may direct. The Court or arbitrator in settling the terms as aforesaid shall be entitled to take into consideration any benefit or compensation which the applicant or proprietor or any other person interested in the application or patent may have received directly or indirectly from the State or from any Minister or any Government Department in respect of such application or patent.

(4) In any proceedings under this section to which a Minister of State is a party, such Minister may:

- (a) if the patentee is a party to the proceedings, apply for revocation of the patent upon any ground upon which a patent may be revoked under section 34 of this Act;
- (b) in any case, put in issue the validity of the patent without applying for its revocation.

(5) The right to use an invention for the service of the State under the provisions of this section shall include the power to sell any articles made in pursuance of such right which are no longer required for the service of the State.

(6) The purchaser of any articles sold in the exercise of powers conferred by this section, and any person claiming through him, shall have power to deal with them in the same manner as if they were made pursuant to a patent held on behalf of the State.

(7) During any period when an order under paragraph (a) of subsection (8) of this section is in force the power exercisable in relation to an invention by a Minister of State, or a person authorised by a Minister of State under subsection (1) of this section, shall include power to make, use, exercise and vend the invention for any purpose which appears to such Minister necessary or expedient:

- (a) for the maintenance of supplies and services essential to the life of the community;
- (b) for securing a sufficiency of supplies and services essential to the well-being of the community;
- (c) for promoting the productivity of industry, commerce and agriculture;
- (d) for fostering and directing exports and reducing imports, or imports of any classes, from all or any countries and for redressing the balance of trade;
- (e) generally for ensuring that the whole resources of the community are available for use, and are used, in a manner best calculated to serve the interests of the community;
- (f) for assisting the relief of suffering and the restoration and distribution of essential supplies and services in any foreign countries that are in grave distress as the result of war; or
- (g) for ensuring the public safety and the preservation of the State;

and any reference in this section to the services of the State shall be construed as including a reference to the purposes aforesaid.

(8) (a) Whenever the Government are of opinion that, in the interests of the community, owing to the existence of exceptional circumstances, it is desirable that the powers conferred by subsection (7) of this section should be available, they may by order declare that the powers aforesaid shall be available.

(b) Whenever an order under paragraph (a) of this subsection is in force and the Government are of opinion that the exceptional circumstances referred to in the said paragraph (a) no longer exist, they shall by order revoke the order under the said paragraph (a).

(9) In this section "service of the State" means a service financed out of moneys charged on or advanced out of the Central Fund or moneys provided by the Oireachtas or by a local authority.

#### *Government orders as to convention countries*

93. — (1) The Government may, with a view to the fulfilment of any treaty, convention, arrangement or engagement with the Government of a foreign country concerning the protection of inventions, by order declare that any country specified in the order is a convention country for the purposes of this Act, and that country shall be a convention country for the purposes of this Act while the order remains in force with respect to that country:

Provided that a declaration may be made as aforesaid for the purposes either of all or of some only of the provisions of this Act, and a country in the case of which a declaration

made for the purposes of some only of the provisions of this Act is in force shall be deemed to be a convention country for the purposes of those provisions only.

(2) Without prejudice to the provisions of section 96 of this Act the Minister may, for the purposes of convention applications, make rules:

- (a) prescribing particular time limits for doing anything required by this Act to be done in connection with such applications;
- (b) for regulating the procedures to be observed in connection with making and prosecuting such applications.

(3) The Government may, by order, revoke or amend an order under this section including an order under this subsection.

(4) In this section "foreign country" includes any territory for the foreign relations of which any state (being a state which is a party to any international agreement for the mutual protection of inventions to which the State is a party) considers itself responsible.

#### *Supplementary provisions as to convention applications*

94. — (1) Where a person has applied for protection for an invention by an application which:

- (a) in accordance with the terms of a treaty subsisting between any two or more convention countries, is equivalent to an application duly made in any one of those convention countries, or
- (b) in accordance with the law of any convention country, is equivalent to an application duly made in that convention country,

he shall be deemed for the purposes of this Act to have applied in that convention country.

(2) For the purpose of this Act, matter shall be deemed to have been disclosed in an application for protection in a convention country if it was claimed or disclosed (otherwise than by way of disclaimer or acknowledgement of prior art) in that application or in documents submitted by the applicant for protection in support of and at the same time as that application; but no account shall be taken of any disclosure effected by any such document unless a copy of the document is filed at the Office with the convention application or within such period as may be prescribed after the filing of that application.

#### *Special provisions as to vessels, aircraft and land vehicles*

95. — (1) Where a vessel or aircraft registered in a foreign state or a land vehicle owned by a person ordinarily resident in a foreign state comes into the State temporarily or accidentally only, the rights conferred by a patent for an invention shall not be deemed to be infringed by the use of the invention:

- (a) in the body of the vessel or in the machinery, tackle, apparatus or other accessories thereof, so far as the invention is used on board the vessel and for its actual needs only; or
- (b) in the construction or working of the aircraft or land vehicle or of the accessories thereof, as the case may be.

(2) This section shall not extend to vessels, aircraft or land vehicles of any foreign state of which the laws do not confer corresponding rights with respect to the use of inventions in vessels, aircraft and land vehicles of the State while in that foreign state.

*Power of Minister to make rules*

96. — The Minister may make such general rules (except in relation to any matter appropriate to be provided for by rules of court) and do such things as he thinks expedient, subject to the provisions of this Act:

- (a) for prescribing the form of applications for patents and of any specifications, drawings or other documents which may be filed at the Office, and for requiring copies to be furnished of any such documents;
- (b) for regulating the procedure to be followed in connection with any application or request to the Controller or in connection with any proceeding before the Controller and for authorising the rectification of irregularities of procedure;
- (c) for regulating the publication and sale of patent specifications, of indexes to and abridgements of patent specifications, and of the Journal and other documents which the Controller is by this Act required or authorised to publish, and for regulating the contents of the said Journal and other documents;
- (d) for regulating the presentation of copies of publications made under this Act to patentees and to public authorities, bodies, and institutions at home and abroad;
- (e) for regulating the keeping of the register of patents to be kept pursuant to this Act;
- (f) for prescribing any matter or thing referred to in this Act as prescribed or to be prescribed;
- (g) for doing anything which is by this Act authorised or required to be done, or is in this Act referred to as being or to be done, by general rules made under this Act;
- (h) generally for regulating the business of the Office, and all things by this Act placed under the direction or control of the Controller, or of the Minister.

*Power of Minister to delegate his duties under this Act*

97. — All things required or authorised under this Act to be done by, to, or before the Minister may be done by, to, or before the Secretary of the Department of Industry and Commerce or any person authorised in that behalf by the Minister.

*Service of notices, etc., by post*

98. — Any notice required or authorised to be given by or under this Act, and any application or other documents so required or authorised to be made or filed, may be given, made or filed by post.

*Saving for articles forfeited under laws relating to the customs or excise*

99. — Nothing in this Act shall affect the right of the State, or of any person deriving title directly or indirectly from the State, to sell or use any articles forfeited under the laws relating to the customs or excise.

FIRST SCHEDULE  
Enactments Repealed

Section 5

Number and Year	Short Title	Extent of Repeal
No. 16 of 1927.	Industrial and Commercial Property (Protection) Act, 1927.	Section 3 (in so far as it relates to patents); sections 5 to 63; sections 124 and 125 (in so far as they relate to patents); section 126; sections 127 to 135 (in so far as they relate to patents); section 136; sections 137 and 138 (in so far as they relate to patents); sections 139 and 140; section 141 (in so far as it relates to patents); section 142; section 143 (in so far as it relates to patents); section 144; sections 145 to 150 (in so far as they relate to patents); section 151; sections 152 and 153 (in so far as they relate to patents).
No. 13 of 1929.	Industrial and Commercial Property (Protection) (Amendment) Act, 1929.	Sections 2 to 7.
No. 13 of 1957.	Industrial and Commercial Property (Protection) (Amendment) Act, 1957.	Sections 2 to 4; section 7 (in so far as it relates to patents).
No. 21 of 1958.	Industrial and Commercial Property (Protection) (Amendment) Act, 1958.	Section 4 (in so far as it relates to patents).

SECOND SCHEDULE

Transitional Provisions

Section 5

1. Subject to the provisions of this Schedule, any order, regulation, rule, patent, requirement, certificate, notice, decision, direction, authorisation, consent, application, request or thing made, granted, issued, given or done under any enactment repealed by this Act shall, if in force at the commencement of this Act, and so far as it could have been made, granted, issued, given or done under this Act, continue in force and have effect as if made, granted, issued, given or done under the corresponding enactment of this Act.

2. Section 10 of this Act shall apply in relation to a complete specification filed before the commencement of this Act as it applies to a complete specification filed after the commencement of this Act.

3. Notwithstanding anything in subsection (2) of section 8 of this Act, a complete specification shall not be filed in pursuance of an application which, by virtue of section 16 of the Act of 1927, was deemed to be abandoned at any time before the commencement of this Act.

4. Where a complete specification (other than a specification relating to an invention referred to in section 55 of the Act of 1927) has been filed before the commencement of this Act but has not been accepted, then, in relation to matters arising before the acceptance or refusal of acceptance of the complete specification, the provisions of this Act shall not apply, but the provisions of the Act of 1927 shall continue to apply notwithstanding the repeal of those provisions of that Act:

Provided that the provisions of this Act shall apply in any such case in which evidence under section 19 of the said Act of 1927 is not furnished within three months after the date of the commencement of this Act.

5. The provisions of sections 19, 34 and 35 of this Act relating to the grounds on which the grant of a patent may be opposed or on which a patent may be revoked shall not apply in any case where the complete specification was accepted before the commencement of this Act, but the provisions of the Act of 1927 relating to those matters shall continue to apply in any such case notwithstanding the repeal of those provisions of that Act.

6. Where a specification filed before the commencement of this Act has become open to public inspection it shall continue to be open to public inspection notwithstanding anything in section 69 of this Act.

7. Where two or more persons are registered as grantee or proprietor in respect of a patent which was granted or for which application was made before the commencement of this Act, the right of each of those persons to assign the whole or part of his interest in the patent shall not be restricted by reason only of the provisions of section 51 of this Act.

8. Subsections (1) and (3) of section 26 of this Act shall not apply to any patent granted before the commencement of this Act.

9. Section 29 of this Act shall have effect, in relation to a patent which has ceased to have effect before the commencement of this Act, as if for the reference to section 26 of this Act there were substituted a reference to section 33 of the Act of 1927.

10. Where the time allowed under section 25 of the Act of 1927 for the sealing of a patent has expired before the commencement of this Act and the patent has not been sealed, section 30 of this Act shall have effect in relation to the application for the patent as if for the reference to section 23 of this Act there were substituted a reference to section 25 of the Act of 1927.

11. In relation to any proceedings pending at the commencement of this Act the provisions of sections 32 and 58 of this Act shall not apply but the provisions of sections 38 and 50 of the Act of 1927, shall continue to apply notwithstanding the repeal of those sections of that Act.

12. Any document referring to any enactment repealed by this Act shall be construed as referring to the corresponding enactment of this Act.

13. The provisions of section 75 of this Act shall not apply to any appeal from a decision of the Controller under

any provision of the Act of 1927, which is pending at the commencement of this Act but the provision of the Act of 1927 shall continue to apply to the appeal notwithstanding the repeal of that provision of that Act.

## CORRESPONDENCE

### Letter from France

By Paul MATHÉLY  
Barrister at the Court of Paris

(*Second and Last Part*)<sup>1</sup>











GENERAL STATISTICS OF INDUSTRIAL PROPERTY OF THE MEMBER STATES OF THE PARIS UNION  
FOR THE YEAR 1963

I. Patents of Invention

Countries	Applications for Grant			Grants Issued		
	by Nationals	by Foreigners	Total	to Nationals	to Foreigners	Total
Australia . . . . .	3,978	9,470	13,448	(*)	(*)	5,361
Austria . . . . .	2,586	7,945	10,531	1,122	5,197	6,319
Belgium . . . . .	(*)	(*)	15,271	(*)	(*)	15,174
Bulgaria . . . . .	788	131	919	154	195	349
Canada . . . . .	1,715	25,342	27,057	1,763	21,467	23,230
Ceylon . . . . .	33	121	154	12	126	138
Cuba . . . . .	8	92	100	37	394	431
Czechoslovakia . . . . .	6,318	904	7,222	3,062	538	3,600
Denmark . . . . .	1,214	4,902	6,116	339	2,246	2,585
Dominican Republic . . . . .	15	70	85	13	69	82
Finland . . . . .	686	1,910	2,596	162	694	856
France . . . . .	15,825	26,624	42,449	13,230	24,915	38,145
Germany (Fed. Rep.) . . . . .	36,108	24,923	61,031	9,767	5,775	15,542
Haiti . . . . .	1	19	20	1	19	20
Holy See . . . . .	0	0	0	0	0	0
Hungary . . . . .	1,556	473	2,029	449	331	780
Iceland . . . . .	8	53	61	1	25	26
Indonesia . . . . .	3	155	158	(*)	(*)	(*)
Iran . . . . .	80	276	356	70	275	345
Ireland . . . . .	99	1,182	1,281	13	398	411
Israel . . . . .	451	1,608	2,059	330	935	1,265
Italy . . . . .	6,918	18,895	25,813	5,359	13,922	19,281
Ivory Coast . . . . .	0	0	0	0	0	0
Japan . . . . .	53,876	17,914	71,790	14,937	8,366	23,303
Lebanon . . . . .	52	135	187	52	135	187
Liechtenstein <sup>1)</sup> . . . . .	—	—	—	—	—	—
Luxemburg . . . . .	56	2,130	2,186	52	2,037	2,089
Mexico . . . . .	750	4,111	4,861	327	1,788	2,115
Monaco . . . . .	23	38	61	29	24	53
Morocco . . . . .	11	338	349	16	311	327
Netherlands . . . . .	2,491	13,225	15,716	674	2,888	3,562
New Zealand <sup>2)</sup> . . . . .	862	2,330	3,192	418	1,203	1,621
Norway . . . . .	992	3,459	4,451	277	1,742	2,019
Poland . . . . .	2,355	580	2,935	802	498	1,300
Portugal . . . . .	179	1,347	1,526	130	1,085	1,215
Rhodesia and Nyasaland . . . . .	117	623	740	44	501	545
Rumania . . . . .	1,138	237	1,375	163	175	338
South Africa . . . . .	1,654	4,292	5,946	1,013	2,642	3,655
Spain . . . . .	(*)	(*)	11,139	(*)	(*)	11,157
Sweden . . . . .	4,293	10,340	14,633	1,563	4,942	6,505
Switzerland <sup>3)</sup> . . . . .	5,108	11,009	16,117	2,646	5,205	7,851
Syrian Arab Republic . . . . .	4	126	130	4	126	130
Tanganyika . . . . .	0	58	58	0	58	58
Tunisia . . . . .	6	202	208	6	198	204
Turkey . . . . .	55	484	539	19	372	391
United Kingdom of Great Britain and Northern Ireland . . . . .	24,300	27,168	51,468	(*)	(*)	30,148
Trinidad and Tobago . . . . .	3	113	116	3	113	116
United States of America . . . . .	66,715	19,154	85,869	37,291	8,517	45,808
Viet Nam . . . . .	(*)	(*)	220	(*)	(*)	220
Yugoslavia . . . . .	726	952	1,678	255	478	733
<b>Totals</b>			<b>516,246</b>			<b>279,590</b>

General remark. — Up to December 17, 1964, no returns for any form of industrial property have been received from the following countries: Brazil, Greece, San Marino, United Arab Republic.

(\*) No data furnished.

<sup>1)</sup> See Switzerland.

<sup>2)</sup> The returns for New Zealand are for the period March 31, 1963, to April, 1964.

<sup>3)</sup> These figures include applications and grants relating to Liechtenstein.

## II. Utility Models

Countries	Applications for Registration			Registrations Effected		
	by Nationals	by Foreigners	Total	to Nationals	to Foreigners	Total
Germany (Fed. Rep.) . . . . .	40,027	7,988	48,015	18,603	1,849	20,452
Italy . . . . .	3,604	678	4,282	867	67	934
Japan . . . . .	98,203	1,424	99,627	26,011	544	26,555
Liechtenstein . . . . .	3	0	3	3	0	3
Poland . . . . .	1,022	25	1,047	732	7	739
Portugal . . . . .	194	21	215	105	8	113
Spain . . . . .	(*)	(*)	6,435	(*)	(*)	5,364
<b>Totals</b>			159 624			54 160

(\*) No data furnished.

## III. Industrial Designs

Countries	Applications for Registration			Registrations Effected		
	by Nationals	by Foreigners	Total	to Nationals	to Foreigners	Total
Australia . . . . .	(*)	(*)	1,425	(*)	(*)	1,251
Austria . . . . .	5,081	2,271	7,352	5,081	2,271	7,352
Belgium . . . . .	2,123	168	2,291	2,123	168	2,291
Canada . . . . .	(*)	(*)	881	(*)	(*)	814
Ceylon . . . . .	4	4	8	4	4	8
Cnha . . . . .	9	0	9	21	0	21
Czechoslovakia . . . . .	350	11	361	220	14	234
Denmark . . . . .	(*)	(*)	852	(*)	(*)	753
France . . . . .	7,365	924	8,289	(*)	(*)	(*)
Germany (Fed. Rep.) . . . . .	(*)	(*)	(*)	56,341	404	56,745
Holy See . . . . .	0	0	0	0	0	0
Hungary . . . . .	431	2	433	419	2	421
Ireland . . . . .	7	98	105	15	45	60
Israel . . . . .	219	48	267	190	40	230
Italy . . . . .	1,694	355	2,049	397	118	515
Ivory Coast . . . . .	0	1	1	0	1	1
Japan . . . . .	33,534	337	33,871	14,230	197	14,427
Lebanon . . . . .	211	124	335	211	124	335
Liechtenstein . . . . .	5	0	5	5	0	5
Mexico . . . . .	167	106	273	16	12	28
Monaco . . . . .	13	0	13	(*)	(*)	(*)
Morocco . . . . .	33	9	42	33	9	42
New Zealand <sup>1)</sup> . . . . .	177	189	366	160	171	331
Norway . . . . .	751	193	944	(*)	(*)	884
Poland . . . . .	69	3	72	100	4	104
Portugal . . . . .	364	69	433	249	80	329
Rhodesia and Nyasaland . . . . .	8	30	38	7	30	37
South Africa . . . . .	926	230	1,156	813	196	1,009
Spain . . . . .	(*)	(*)	3,248	(*)	(*)	2,534
Sweden . . . . .	166	109	275	113	83	196
Switzerland . . . . .	818	145	963	758	136	894
Syrian Arab Republic . . . . .	96	1	97	96	1	97
Tunisia . . . . .	23	0	23	(*)	(*)	(*)
United Kingdom of Great Britain and Northern Ireland . . . . .	5,758	2,157	7,915	(*)	(*)	6,722
Trinidad and Tobago . . . . .	3	9	12	3	9	12
United States of America <sup>2)</sup> . . . . .	4,632	336	4,968	2,746	219	2,965
Viet Nam . . . . .	(*)	(*)	3	(*)	(*)	3
Yugoslavia . . . . .	141	27	168	130	13	143
<b>Totals</b>			79 543			101 793

General remark. — Figures include two- and three-dimensional designs.

(\*) No data furnished.

<sup>1)</sup> The returns for New Zealand are for the period March 31, 1963, to April 1, 1964.

<sup>2)</sup> Patents are granted in the United States for industrial designs.

## IV. Trademarks

Countries	Applications for Registration			Registrations Effected		
	by Nationals	by Foreigners	Total	to Nationals	to Foreigners	Total
Australia . . . . .	(a)	(a)	6,411	(a)	(a)	4,224
Austria <sup>1)</sup> . . . . .	1,935	1,052	2,987	1,382	864	2,246
Belgium <sup>1)</sup> . . . . .	1,771	1,395	3,166	1,771	1,395	3,166
Bulgaria . . . . .	45	182	227	42	160	202
Canada . . . . .	3,761	2,694	6,455	2,493	2,376	4,869
Ceylon . . . . .	580	474	1,054	181	393	574
Cuba . . . . .	45	519	564	336	1,600	1,936
Czechoslovakia <sup>1)</sup> . . . . .	737	217	954	713	211	924
Denmark . . . . .	2,290	2,321	4,611	1,340	1,878	3,218
Dominican Republic . . . . .	128	624	752	119	573	692
Finland . . . . .	927	1,579	2,506	851	1,711	2,562
France <sup>1)</sup> . . . . .	17,666	2,709	20,375	17,583	2,695	20,278
Germany (Fed. Rep.) <sup>1)</sup> . . . . .	(a)	(a)	24,478	10,580	1,433	12,013
Haiti . . . . .	3	520	523	3	472	475
Holy See . . . . .	0	0	0	0	0	0
Hungary <sup>1)</sup> . . . . .	183	159	342	179	149	328
Iceland . . . . .	(a)	(a)	(a)	31	181	212
Indonesia . . . . .	3,138	485	3,623	1,813	430	2,243
Iran . . . . .	1,145	850	1,995	783	1,158	1,941
Ireland . . . . .	352	1,399	1,751	163	900	1,063
Israel . . . . .	363	844	1,207	184	526	710
Italy <sup>1)</sup> . . . . .	7,255	1,864	7,119	2,697	526	3,223
Ivory Coast . . . . .	3	56	59	3	56	59
Japan . . . . .	52,835	3,941	56,776	28,915	2,959	31,874
Lebanon . . . . .	299	997	1,296	299	997	1,296
Liechtenstein <sup>1)</sup> . . . . .	179	46	225	177	46	223
Luxemburg <sup>1)</sup> . . . . .	106	1,025	1,131	106	1,024	1,130
Mexico . . . . .	3,332	2,820	6,152	2,241	1,898	4,139
Monaco <sup>1)</sup> . . . . .	45	81	126	45	81	126
Morocco <sup>1)</sup> . . . . .	273	276	549	273	276	549
Netherlands <sup>1)</sup> . . . . .	3,673	2,138	5,811	2,517	1,505	4,022
Surinam . . . . .	25	253	278	25	253	278
Netherlands Antilles . . . . .	23	266	289	24	275	299
New Zealand <sup>2)</sup> . . . . .	1,674	897	2,571	652	1,220	1,872
Norway . . . . .	881	2,146	3,027	600	1,676	2,276
Poland . . . . .	312	288	600	248	298	546
Portugal <sup>1)</sup> . . . . .	1,797	796	2,593	1,374	789	2,163
Rhodesia and Nyasaland . . . . .	395	1,071	1,466	277	1,051	1,328
Rumania . . . . .	(a)	(a)	(a)	(a)	(a)	(a)
South Africa . . . . .	3,550	887	4,437	1,761	441	2,202
Spain <sup>1)</sup> . . . . .	20,043	3,536	23,579	9,996	1,763	11,759
Sweden . . . . .	2,211	2,635	4,846	1,456	2,032	3,488
Switzerland <sup>1)</sup> . . . . .	5,826	564	6,390	4,608	1,359	5,967
Syrian Arab Republic . . . . .	184	869	1,053	184	869	1,053
Tanganyika . . . . .	52	474	526	50	470	520
Tunisia <sup>1)</sup> . . . . .	52	284	336	(a)	(a)	(a)
Turkey . . . . .	360	792	1,152	474	882	1,356
United Kingdom of Great Britain and Northern Ireland . . . . .	9,754	5,270	15,024	(a)	(a)	10,121
Trinidad and Tobago . . . . .	23	444	467	24	499	523
United States of America <sup>1)</sup> . . . . .	(a)	(a)	24,391	(a)	(a)	19,890
Viet Nam <sup>1)</sup> . . . . .	573	289	862	573	289	862
Yugoslavia <sup>1)</sup> . . . . .	204	158	362	171	162	333
<b>Totals</b>			<b>257,474</b>			<b>177,353</b>

(a) No data furnished.

<sup>1)</sup> The figures indicated for this country do not include those foreign marks protected as a result of international registration, 14,193 of which were registered in 1963.

<sup>2)</sup> The returns for New Zealand are for the period March 31, 1963, to April 1, 1964.

# CALENDAR

## Meetings of BIRPI

Place	Date	Title	Object	Invitations to participate	Observers
Geneva	March 11 and 12, 1965	Advisory Group of the International Committee of Novelty-Examining Patent Offices	Industrial property statistics; index of parallel patents	Austria, France, Germany (Fed. Rep.), Japan, Poland, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America	International Patent Institute, Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT)
Geneva	March 15 to 19, 1965	Committee of Experts on inventors' certificates	To study the problem of inventors' certificates in relation to the Paris Convention	All Member States of the Paris Union	Union of Soviet Socialist Republics, United Nations, Council of Europe, International Patent Institute, Organization of American States, Inter-American Association of Industrial Property, International Association for the Protection of Industrial Property, International Chamber of Commerce, International Federation of Patent Agents
Geneva	March 22 to April 2, 1965	Committee of Experts on the administrative structure of international cooperation in the field of intellectual property	To study a draft Convention on administrative structure	All Member States of the Paris and Berne Unions	United Nations, International Labour Organization, United Nations Educational, Social and Cultural Organization, World Health Organization, Council of Europe, International Patent Institute, Organization of American States, Inter-American Association of Industrial Property, International Association for the Protection of Industrial Property, International Bureau for Mechanical Reproduction, International Chamber of Commerce, International Confederation of Societies of Authors and Composers, International Federation of Patent Agents, International Literary and Artistic Association
Geneva	July 5 to 14, 1965	Committee of Governmental Experts preparatory to the Revision Conference of Stockholm (copyright)	Examination of the amendments proposed by the Swedish/BIRPI Study Group for the revision of the Berne Convention	All Member States of the Berne Union	Interested international intergovernmental and non-governmental organizations

## Meetings of other International Organizations concerned with Intellectual Property

Place	Date	Organization	Title
Tel Aviv	January 31 to February 2, 1965	International Association for the Protection of Industrial Property (IAPIP)	Conference of Presidents
New Delhi	February 6 to 12, 1965	International Chamber of Commerce (ICC)	Congress
Paris	February 19, 1965	International Literary and Artistic Association (ALAI)	Executive Committee and Annual General Assembly
Paris	March 1 to 6, 1965	International Confederation of Societies of Authors and Composers (CISAC)	Federal Bureaux, Legislative Committee and Confederal Council
Namur	May 23 to 27, 1965	International League Against Unfair Competition	Congress
Stockholm	August 23 to 28, 1965	International Literary and Artistic Association (ALAI)	Congress

## Invitation for Applications for Three Posts in BIRPI

BIRPI announces vacancies for the following three posts:

*I. Legal Advisor for Industrial Property  
(especially trademarks)*

*II. Legal Assistant*

*III. Legal and Administrative Assistant*

*Qualifications required:*

*For all three posts:* University degree in law or equivalent professional education; perfect knowledge of one of the official languages (English and French) and at least a good knowledge of the other.

*For post I:* wide knowledge and several years of experience in international industrial property law, particularly trademark law; knowledge of German would be an advantage.

*For post II:* experience in industrial property law; knowledge of Spanish would be an advantage.

*For post III:* administrative experience; knowledge of Spanish would be an advantage.

*Nationality:*

Candidates must be nationals of one of the Member States of the Paris or Berne Unions. Preference will be given to candidates who are nationals of States of which no national is on the staff of BIRPI.

*Conditions of employment:*

Probationary period of two years; after satisfactory completion of the probationary period, permanent appointment; starting salaries per annum:

*In post I:* 32,227 (P. 3) or 38,578 (P. 4) Swiss francs depending on experience, plus post adjustment allowance.

*In post II:* 26,482 (P. 2) or 32,227 (P. 3) Swiss francs depending on experience, plus post adjustment allowance.

*In post III:* 20,736 (P. 1) or 26,482 (P. 2) Swiss francs depending on experience, plus post adjustment allowance.

All salaries subject to deduction of approximately 8.5% for contributions to pension fund. Conditions also include annual salary increases, home leave, family allowance, pension and medical benefit scheme. All salaries and allowances are tax free.

An upper age limit of 50 years will apply.

Compulsory medical examination.

*Applications:*

Candidates should write, before February 15, 1965, to the Head of Personnel, BIRPI, 32, chemin des Colomhettes, Geneva, Switzerland, for application forms.