

Industrial Property

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CONVENTIONS AND TREATIES

European Convention relating to the Formalities required for Patent Applications

Ratification by Iceland

We have been informed by the Secretary-General of the Council of Europe that Iceland deposited, on March 24, 1966, its instrument of ratification of the European Convention relating to the Formalities required for Patent Applications. This ratification took effect on April 1, 1966.

This Convention, which came into force on June 1, 1955, has now been ratified by all the signatory Governments: Belgium, Denmark, France, Federal Republic of Germany, Greece, Iceland, Ireland, Italy, Luxembourg, Netherlands, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland; South Africa and Switzerland have adhered to it.

LEGISLATION

ITALY

Decrees

concerning the Temporary Protection of Industrial Property Rights at Nine Exhibitions

(Of January 29, February 19 and 23, 1966)¹⁾

Single Article

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

III^o Salone internazionale delle arti domestiche (Turin, March 18-31, 1966);

XLIV^a Fiera di Milano — Campionaria internazionale (Milan, April 14-25, 1966);

La Mostra di floricoltura e ortofrutticoltura (Genoa, April 30-May 8, 1966);

XIV^a Fiera di Roma — Campionaria nazionale (Rome, May 28-June 12, 1966);

XVIII^a Fiera di Trieste — Campionaria internazionale (Triest, June 21-July 5, 1966);

XX^a Fiera campionaria nazionale del Friuli-Venezia Giulia (Pordeone, Udine, August 25-September 8, 1966);

XXX^a Fiera del Levante — Campionaria internazionale (Bari, September 7-20, 1966);

¹⁾ Official communication from the Italian Administration.

V^a Biennale italiana della macchina utensile (Milan, October 2-9, 1966);

2^o Salone internazionale dell'industrializzazione edilizia (Bologna, October 8-16, 1966)

shall enjoy the temporary protection provided by Laws No. 1127 of June 29, 1939¹⁾, No. 1411 of August 25, 1940²⁾, No. 929 of June 21, 1942³⁾, and No. 514 of July 1, 1959⁴⁾.

¹⁾ See *Prop. ind.*, 1939, p. 124; 1940, p. 84.

²⁾ *Ibid.*, 1940, p. 196.

³⁾ *Ibid.*, 1942, p. 168.

⁴⁾ *Ibid.*, 1960, p. 23.

UNION OF SOVIET SOCIALIST REPUBLICS

I

Regulations

of the State Committee for Inventions and Discoveries Attached to the Council of Ministers of the USSR Approved by Order No. 766 of the Council of Ministers of the USSR, of July 22, 1960

(Translation)

1. — The State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR¹⁾ is an all-Union body responsible for general direction of the development of inventive activity and rationalization in the USSR.

2. — The principal functions of the State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall be:

- (a) to control the introduction of inventions into the national economy;
- (b) to protect State interests with regard to inventions and discoveries belonging to the USSR;
- (c) to provide technical information concerning inventions with a view to their wide use in the national economy;
- (d) to assist authors of inventions and discoveries and protect their rights of authorship;
- (e) to organize the examination of materials relating to inventions and discoveries and to issue certificates of authorship²⁾ or patents³⁾ for inventions and diplomas⁴⁾ for discoveries.

The State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall be assisted in its work in the field of invention by economic councils, ministries, central offices, project and design organizations, scientific research institutes, and other organizations, enterprises and cooperative centers.

Work concerning the development of mass inventive activity and rationalization shall be conducted by the State Com-

¹⁾ Государственный комитет по делам изобретений и открытий при Совете Министров СССР.

²⁾ Авторское свидетельство.

³⁾ Патент.

⁴⁾ Диплом.

mittee for Inventions and Discoveries attached to the Council of Ministers of the USSR, in cooperation with the All-Union Society of Authors of Inventions and Rationalization Proposals⁵⁾ and with scientific and technical societies.

3. — In accordance with its appointed functions, the State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall:

(a) draft, and submit to the Council of Ministers of the USSR, proposals for:

the improvement of inventive activity and rationalization in all branches of the national economy, and of work in connection with the examination and introduction of inventions and rationalization proposals in economic councils, ministries, and central offices;

the necessary amendments and additions to existing legislation concerning discoveries, inventions, and rationalization proposals;

the protection of State interests with regard to inventions and discoveries belonging to the USSR, and the rights of authors of inventions abroad;

the patenting abroad of Soviet inventions of special importance; the sale abroad of licenses in respect of inventions and other scientific and technical achievements of special importance, as well as the purchase of licenses;

(b) be responsible, together with the State Committee for Science and Technology of the Council of Ministers of the USSR, for selecting inventions already accepted and for preparing the necessary proposals with a view to the inclusion, in plans for the development of the national economy of the USSR and of the various Republics of the Union, as well as in plans of economic councils, ministries and central offices of the USSR, and cooperative centers, of tasks connected with the introduction of such inventions into the national economy, in the prescribed manner and in accordance with their importance;

(c) check, with the agreement of the Councils of Ministers of the various Republics of the Union and the heads of ministries and central offices of the USSR, the performance by economic councils, enterprises, and organizations, of the tasks prescribed in the plans relating to the introduction of inventions into the national economy;

(d) organize the systematic notification to economic councils, ministries, central offices, executive committees of local soviets of workers' deputies, and cooperative centers, of new inventions and discoveries, both domestic and foreign, and supply economic councils, ministries, central offices, enterprises, scientific research institutes, and project and design organizations, with patent materials, at their request;

(e) accept applications concerning inventions and discoveries, organize the investigation and examination of such applications, decide on the issue of certificates of authorship or patents for inventions and of diplomas for discoveries, and complete the formalities for the issue of certi-

ficates of authorship or patents to authors of inventions and diplomas to authors of discoveries;

(f) maintain the State registers of inventions and discoveries;

(g) register, upon submission by economic councils, ministries, central offices, academies of science, and other bodies, scientific research, project and design work, and experimental work, of importance to the national economy, carried out by scientific research, project and design organizations, educational institutions, laboratories, and enterprises, subject to their authority, with a view to protecting the State's and the author's priority rights in scientific, research and experimental design work;

(h) lay down the procedure for the registration of trademarks in the USSR, effect State registration of trademarks for all domestic industrial and commercial enterprises and organizations, and for foreign firms, issue certificates granting the right to the exclusive use of trademarks, and investigate complaints relating to the registration of trademarks. Any decision on this matter by the Chairman of the Committee or his Deputy shall be final;

(i) organize the exchange of patent materials with other countries, acquire descriptions of foreign patents and foreign literature on inventive activity; ensure that Soviet project designing organizations and suppliers of equipment to foreign countries are fully acquainted with the patent materials of such countries and the practice of their use;

(j) conserve and systematically replenish the stocks of the All-Union Technical Patent Library of the USSR⁶⁾, and ensure cooperation with a view to promoting the effective use of the stock of patents by ministries, central offices, economic councils, and other organizations;

(k) organize and conduct consultations on matters concerning the law of inventions;

(l) participate in thematic and other exhibitions organized by the Exhibition of achievements of the national economy of the USSR;

(m) issue, on questions coming within the competence of the Committee, instructions and explanations binding upon economic councils, ministries, central offices, enterprises, and organizations. Instructions and explanations on questions concerning the expenditure of funds in connection with invention and rationalization, as well as the payment of remuneration for discoveries, inventions, and rationalization proposals, shall be issued by the Committee in agreement with the Ministry of Finance of the USSR;

(n) perform the necessary operations for the patenting abroad of inventions made within the territory of the USSR, and of inventions made abroad by Soviet citizens; consider and settle, in agreement with the State Committee for Science and Technology of the Council of Ministers of the USSR, any questions relating to patents in connection with the making of projects and construction of works abroad with the assistance of the USSR, the supply of

⁵⁾ Всесоюзное общество изобретателей и рационализаторов.

⁶⁾ Всесоюзная патентно-техническая библиотека СССР.

machinery and equipment for this purpose, and the transmission of technical documentation.

Take decisions, in accordance with established procedure, regarding the patenting abroad of Soviet inventions and the sale of licenses (except where such decisions relate to inventions and other scientific and technical achievements of special importance);

- (o) control measures to ensure the patent purity⁷⁾ of machinery, apparatus, equipment, and technological processes, devised (produced) for export by enterprises or scientific research institutes and project and design organizations, and control the safeguard of USSR patent interests at exhibitions and fairs organized in the USSR or abroad;
- (p) organize control over the use of licenses acquired for the production of machinery, apparatus, equipment, and materials, as well as for technological processes.

4. — The State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall be empowered:

- (a) to inspect, by agreement with the Councils of Ministers of the various Republics of the Union or with the heads of ministries and central offices of the USSR, the work of economic councils, enterprises, and organizations, in the field of invention and rationalization;
- (b) to hear, at meetings of the Committee, in agreement with the Councils of Ministers of the various Republics of the Union or with the heads of ministries and central offices of the USSR, the representatives of economic councils, ministries, central offices, enterprises, and organizations, on questions within the competence of the Committee;
- (c) to instruct economic councils, ministries, central offices, enterprises, institutes, and other State or cooperative organizations, to present conclusions concerning the usefulness of alleged inventions, their industrial novelty, and the expediency of their use;
- (d) where necessary, to appoint experts from among the leading specialists of economic councils, ministries, central offices, project and design organizations, scientific research institutes, and other organizations and enterprises, with their agreement, to examine inventions and discoveries and, in special cases, to investigate inventors' complaints;
- (e) to obtain from enterprises and organizations the documentation and other data necessary for carrying out the measures for the patent expertise of machinery, equipment, and technical documentation, supplied abroad;
- (f) to participate, in accordance with the established procedure, in the work of international organizations, meetings, and conferences, on questions concerning invention and rationalization;
- (g) to publish a *Bulletin of Inventions*, a *Bulletin of Trademarks*, information on questions concerning invention, brochures containing descriptions of inventions, indexes and compilations of domestic inventions, and other literature on questions concerning invention.

⁷⁾ Патентная чистота.

5. — The State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall receive:

- (a) from economic councils, ministries, and central offices:
 - copies of annual plans for the introduction of inventions into production;
 - statistical data concerning the situation with regard to invention and rationalization, the planning and introduction into industry of inventions, and other materials relating to questions concerning invention;
 - reports of completed scientific research, project and design work, and experimental work, of importance to the national economy, with a view to the registration of such work in accordance with the established procedure (the materials relating to the work thus registered shall be conserved by the organizations submitting such materials);
 - materials needed for preparation of measures for the promotion of invention and rationalization in the USSR;
- (b) from the Central Statistical Board⁸⁾ of the USSR, data on invention and rationalization in the USSR (in accordance with the established reporting procedure).

6. — The State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall consist of a Chairman, Deputy Chairmen, and members, appointed by the Council of Ministers of the USSR.

7. — The Chairman of the State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall direct the work of the Committee, issue within the limits of his competence orders and instructions based on and in implementation of the legislation in force, as well as decrees and directives of the Government of the USSR, verify the application thereof, and approve regulations relating to the structural subdivisions of the Committee.

8. — An Expert Council⁹⁾ shall be set up under the State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, to investigate specially important inventions and discoveries, to examine questions of methodology and practice with regard to invention, and, in special cases, to consider questions connected with complaints by authors of inventions.

9. — The structure of the central administration of the State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall be approved by the Council of Ministers of the USSR.

10. — The State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR shall possess a seal bearing a reproduction of the State arms of the USSR and the title of the Committee.

⁸⁾ Центральное Статистическое Управление (ЦСУ).

⁹⁾ Экспертный совет.

II

Regulations**of the Expert Council of the State Committee for Inventions and Discoveries Attached to the Council of Ministers of the USSR****Approved by Order of the State Committee for Inventions and Discoveries Attached to the Council of Ministers of the USSR, of March 4, 1960**

1. — The Expert Council¹⁾ is an advisory organ of the State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR. Its functions shall include the following:

- (a) to provide expert evaluation of discoveries and the most important inventions;
- (b) to draft recommendations for exploiting the most important inventions;
- (c) to examine particularly complex complaints;
- (d) to examine questions of law in the field of invention;
- (e) to study methodological aspects of the examination of applications in respect of inventions, and to draft proposals for the improvement of expert evaluation.

2. — The members of the Expert Council shall be appointed by order of the Chairman of the State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR from among progressive scientists, engineers, and production innovators, in the leading branches of the national economy.

3. — The work of the Expert Council shall be directed by the Chairman of the Council, who shall be appointed by order of the State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR.

4. — Questions shall be submitted for examination by the Expert Council upon instructions from the Chairman of the State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR or his Deputy.

5. — In order to ensure thorough examination of the relevant questions, the following sections shall be set up within the Expert Council:

- law and economics;
- engineering, transport and power;
- electrical engineering;
- mining and metallurgy;
- building and building materials;
- instrument and automated equipment construction;
- radio engineering and communications;
- agriculture and agricultural machinery;
- chemicals, fuel and oil refining;
- light industry, textile and food industries.

6. — The heads of the various sections shall be appointed by the Chairman of the Expert Council from among the members of the Council.

7. — Questions shall be assigned for examination to the heads of sections or to outside experts engaged upon their instructions.

8. — After proper preparation and thorough study, questions shall be discussed at meetings of sections or section groups (upon instructions by the Chairman of the Council or his Deputy).

9. — Draft decisions adopted at section meetings shall be examined by the Chairman of the Expert Council, with the assistance of his Deputy, the head of the section and the member of the Council serving as reporter, and thereafter shall be finalized as decisions of the Council.

10. — Particularly important questions or questions whose study is connected with decisions of principle shall be submitted to the Expert Council for consideration, upon the instructions of the Chairman of the Council.

11. — Decisions by the Expert Council shall become effective after approval by the Chairman of the State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR or his first Deputy.

12. — The various sections of the Expert Council shall remain in close contact with the corresponding departments of the Committee and shall assist them by means of consultations.

13. — In sections containing only one or two members of the Expert Council, the heads of sections shall engage as permanent experts three or four outstanding specialists, who shall be paid per item of service to study relevant questions systematically, and participate in the discussion of such questions at section meetings. Appointment of such experts shall be approved by the Chairman of the Council.

14. — The heads of sections containing more than two members of the Expert Council may also, subject to authorization by the Chairman of the Expert Council, engage specialists with outstanding qualifications to participate on a permanent basis in the work of the section concerned or in the preliminary study of questions, such persons being paid per item of service.

15. — Section meetings shall be held as materials are received from experts, but not less than three times per month.

16. — The law and economics section shall invite a few patent specialists to participate systematically in its work, and, apart from its function of examining individual questions, shall organize a roster of patent specialists who shall be available for consultation by members of the Committee's departments on matters relating to the drawing up of forms in respect of inventions and on various aspects of patent procedure.

17. — Application files submitted for examination to the Expert Council shall be transmitted to the Council by the

¹⁾ Экспертный совет.

departments of the State Committee for Inventions and Discoveries attached to the Council of Ministers of the USSR, and, after examination, shall be returned to the departments which transmitted them to the Council, together with the Council's decision.

UNITED STATES OF AMERICA

Trademark Act of 1946, as Amended

Public Law 489, 79th Congress, Chapter 540, approved July 5, 1946; 60 Stat. 427; as amended *)

Section 1 (15 U. S. C. 1051). Requirements for registering trademarks on the principal register

The owner of a trademark used in commerce may register his trademark under this Act on the principal register hereby established:

(a) By filing in the Patent Office —

- (1) a written application, in such form as may be prescribed by the Commissioner, verified by the applicant, or by a member of the firm or an officer of the corporation or association applying, specifying applicant's domicile and citizenship, the date of applicant's first use of the mark, the date of applicant's first use of the mark in commerce, the goods in connection with which the mark is used and the mode or manner in which the mark is used in connection with such goods, and including a statement to the effect that the person making the verification believes himself, or the firm, corporation, or association in whose behalf he makes the verification, to be the owner of the mark sought to be registered, that the mark is in use in commerce, and that no other person, firm, corporation, or association, to the best of his knowledge and belief, has the right to use such mark in commerce either in the identical form thereof or in such near resemblance thereto as to be likely, when applied to the goods of such other person, to cause confusion, or to cause mistake, or to deceive: *Provided*, That in the case of every application claiming concurrent use the applicant shall state exceptions to his claim of exclusive use, in which he shall specify, to the extent of his knowledge, any concurrent use by others, the goods in connection with which and the areas in which each concurrent use exists, the

periods of each use, and the goods and area for which the applicant desires registration;

- (2) a drawing of the mark; and
 - (3) such number of specimens or facsimiles of the mark as actually used as may be required by the Commissioner.
- (b) By paying in the Patent Office the filing fee.
- (c) By complying with such rules or regulations, not inconsistent with law, as may be prescribed by the Commissioner.
- (d) If the applicant is not domiciled in the United States he shall designate by a written document filed in the Patent Office the name and address of some person resident in the United States on whom may be served notices or process in proceedings affecting the mark. Such notices or process may be served upon the person so designated by leaving with him or mailing to him a copy thereof at the address specified in the last designation so filed. If the person so designated cannot be found at the address given in the last designation, such notice or process may be served upon the Commissioner (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 2 (15 U. S. C. 1052).

Trademarks registrable on the principal register

No trademark by which the goods of the applicant may be distinguished from the goods of others shall be refused registration on the principal register on account of its nature unless it —

- (a) consists of or comprises immoral, deceptive, or scandalous matter; or matter which may disparage or falsely suggest a connection with persons, living or dead, institutions, beliefs, or national symbols, or bring them into contempt, or disrepute;
- (b) consists of or comprises the flag or coat of arms or other insignia of the United States, or of any State or municipality, or of any foreign nation, or any simulation thereof;
- (c) consists of or comprises a name, portrait, or signature identifying a particular living individual except by his written consent, or the name, signature, or portrait of a deceased President of the United States during the life of his widow, if any, except by the written consent of the widow;
- (d) consists of or comprises a mark which so resembles a mark registered in the Patent Office or a mark or trade name previously used in the United States by another and not abandoned, as to be likely, when applied to the goods of the applicant, to cause confusion, or to cause mistake, or to deceive: *Provided*, That when the Commissioner determines that confusion, mistake, or deception is not likely to result from the continued use by more than one person of the same or similar marks under conditions and limitations as to the mode or place of use of the marks or the goods in connection with which such marks are used, concurrent registrations may be issued to such persons when they have become entitled to use such marks as a result of their concurrent lawful use in

*) The headings used for sections and subsections or paragraphs in the following reprint of the Act are not part of the Act but have been added for convenience in use. Prior trademark statutes may be found in Title 15, Chapter 3, of the U. S. Code and in the Statutes at Large. The present Act forms Chapter 22 of Title 15 of the U. S. Code and the U. S. Code citations have been added at the end of each section and subsection. Amendments made to section 7 (a) by the Act of August 17, 1950, Public Law 710, 64 Stat. 459; to section 21 by the Act of July 19, 1952, Public Law 593, 66 Stat. 792; to sections 17, 20, 21, 24, 31 by the Act of August 8, 1958, Public Law 609, 72 Stat. 540; to section 44 (d) by the Act of October 3, 1961, Public Law 333, 75 Stat. 748; to sections 1 (a) (1), 2 (d), 6, 7 (a), 7 (d), 7 (e), 7 (f), 9, 10, 12 (a), 12 (c), 13, 14, 15, 16, 21, 23, 24, 29, 30, 32, 33, 35, 44 (b), 44 (e), and 45 by the Act of October 9, 1962, Public Law 772, 76 Stat. 769; and to section 31 by the Act of July 24, 1965, Public Law 89-83, 79 Stat. 260, are included.

commerce prior to (i) the earliest of the filing dates of the applications pending or of any registration issued under this Act; or (ii) July 5, 1947, in the case of registrations previously issued under the Act of March 3, 1881, or February 20, 1905, and continuing in full force and effect on that date; or (iii) July 5, 1947, in case of applications filed under the Act of February 20, 1905, and registered after July 5, 1947. Concurrent registrations may also be issued by the Commissioner when a court of competent jurisdiction has finally determined that more than one person is entitled to use the same or similar marks in commerce. In issuing concurrent registrations, the Commissioner shall prescribe conditions and limitations as to the mode or place of use of the mark or the goods in connection with which such mark is registered to the respective persons;

- (e) consists of a mark which, (1) when applied to the goods of the applicant is merely descriptive or deceptively misdescriptive of them, or (2) when applied to the goods of the applicant is primarily geographically descriptive or deceptively misdescriptive of them, except as indications of regional origin may be registrable under section 4 hereof, or (3) is primarily merely a surname;
- (f) except as expressly excluded in paragraphs (a), (b), (c), and (d) of this section, nothing herein shall prevent the registration of a mark used by the applicant which has become distinctive of the applicant's goods in commerce. The Commissioner may accept as prima facie evidence that the mark has become distinctive, as applied to the applicant's goods in commerce, proof of substantially exclusive and continuous use thereof as a mark by the applicant in commerce for the 5 years next preceding the date of the filing of the application for its registration (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 3 (15 U. S. C. 1053). Service marks registrable

Subject to the provisions relating to the registration of trademarks, so far as they are applicable, service marks used in commerce shall be registrable, in the same manner and with the same effect as are trademarks, and when registered they shall be entitled to the protection provided herein in the case of trademarks, except when used so as to represent falsely that the owner thereof makes or sells the goods on which such mark is used. The Commissioner may establish a separate register for such service marks. Applications and procedure under this section shall conform as nearly as practicable to those prescribed for the registration of trademarks.

Sec. 4 (15 U. S. C. 1054).

Collective and certification marks registrable

Subject to the provisions relating to the registration of trademarks, so far as they are applicable, collective and certification marks, including indications of regional origin used in commerce, shall be registrable under this Act, in the same manner and with the same effect as are trademarks, by persons, and nations, States, municipalities, and the like, exercising legitimate control over the use of the marks sought to be registered, even though not possessing an industrial or

commercial establishment, and when registered they shall be entitled to the protection provided herein in the case of trademarks, except when used so as to represent falsely that the owner or a user thereof makes or sells the goods or performs the services on or in connection with which such mark is used. The Commissioner may establish a separate register for such collective marks and certification marks. Applications and procedure under this section shall conform as nearly as practicable to those prescribed for the registration of trademarks.

Sec. 5 (15 U. S. C. 1055). Use by related companies

Where a registered mark or a mark sought to be registered is or may be used legitimately by related companies, such use shall inure to the benefit of the registrant or applicant for registration, and such use shall not affect the validity of such mark or of its registration, provided such mark is not used in such manner as to deceive the public.

Sec. 6 (15 U. S. C. 1056). Disclaimer of unregistrable matter

(a) The Commissioner may require the applicant to disclaim an unregistrable component of a mark otherwise registrable. An applicant may voluntarily disclaim a component of a mark sought to be registered.

(b) No disclaimer, including those made under paragraph (d) of section 7 of this Act, shall prejudice or affect the applicant's or registrant's rights then existing or thereafter arising in the disclaimed matter, or his right of registration on another application if the disclaimed matter be or shall have become distinctive of his goods or services (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 7 (a) (15 U. S. C. 1057a). Certificate of registration on the principal register. Issuance and form

Certificates of registration of marks registered upon the principal register shall be issued in the name of the United States of America, under the seal of the Patent Office, and shall be signed by the Commissioner or have his signature placed thereon, and a record thereof shall be kept in the Patent Office. The registration shall reproduce the mark, and state that the mark is registered on the principal register under this Act, the date of the first use of the mark, the date of the first use of the mark in commerce, the particular goods or services for which it is registered, the number and date of the registration, the term thereof, the date on which the application for registration was received in the Patent Office, and any conditions and limitations that may be imposed in the registration (Amended Aug. 17, 1950, 64 Stat. 459, and Oct. 9, 1962, 76 Stat. 769).

Sec. 7 (b) (15 U. S. C. 1057b). Same — Prima facie evidence

A certificate of registration of a mark upon the principal register provided by this Act shall be prima facie evidence of the validity of the registration, registrant's ownership of the mark, and of registrant's exclusive right to use the mark in commerce in connection with the goods or services specified in the certificate, subject to any conditions and limitations stated therein.

Sec. 7 (c) (15 U. S. C. 1057c).**Certificate of registration — Issuance to assignee**

A certificate of registration of a mark may be issued to the assignee of the applicant, but the assignment must first be recorded in the Patent Office. In case of change of ownership the Commissioner shall, at the request of the owner and upon a proper showing and the payment of the fee herein provided, issue to such assignee a new certificate of registration of the said mark in the name of such assignee, and for the unexpired part of the original period.

Sec. 7 (d) (15 U. S. C. 1057d). Certificate of registration — Surrender, cancellation, amendment or disclaimer by registrant

Upon application of the registrant the Commissioner may permit any registration to be surrendered for cancellation, and upon cancellation appropriate entry shall be made in the records of the Patent Office. Upon application of the registrant and payment of the prescribed fee, the Commissioner for good cause may permit any registration to be amended or to be disclaimed in part: *Provided*, That the amendment or disclaimer does not alter materially the character of the mark. Appropriate entry shall be made in the records of the Patent Office and upon the certificate of registration or, if said certificate is lost or destroyed, upon a certified copy thereof (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 7 (e) (15 U. S. C. 1057e).**Copies of Patent Office records as evidence**

Copies of any records, books, papers, or drawings belonging to the Patent Office relating to marks, and copies of registrations, when authenticated by the seal of the Patent Office and certified by the Commissioner, or in his name by an employee of the Office duly designated by the Commissioner, shall be evidence in all cases wherein the originals would be evidence; and any person making application therefor and paying the fee required by law shall have such copies (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 7 (f) (15 U. S. C. 1057f). Certificate of registration — Correction of Patent Office mistake

Whenever a material mistake in a registration, incurred through the fault of the Patent Office, is clearly disclosed by the records of the Office a certificate stating the fact and nature of such mistake shall be issued without charge and recorded and a printed copy thereof shall be attached to each printed copy of the registration and such corrected registration shall thereafter have the same effect as if the same had been originally issued in such corrected form, or in the discretion of the Commissioner a new certificate of registration may be issued without charge. All certificates of correction heretofore issued in accordance with the rules of the Patent Office and the registrations to which they are attached shall have the same force and effect as if such certificates and their issue had been specifically authorized by statute (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 7 (g) (15 U. S. C. 1057g). Certification of registration — Correction of applicant's mistake

Whenever a mistake has been made in a registration and a showing has been made that such mistake occurred in good faith through the fault of the applicant, the Commissioner is authorized to issue a certificate of correction or, in his discretion, a new certificate upon the payment of the required fee: *Provided*, That the correction does not involve such changes in the registration as to require republication of the mark.

Sec. 8 (a) (15 U. S. C. 1058a). Duration of registration — Cancellation at end of 6 years unless affidavit of use filed

Each certificate of registration shall remain in force for 20 years: *Provided*, That the registration of any mark under the provisions of this Act shall be canceled by the Commissioner at the end of 6 years following its date, unless within 1 year next preceding the expiration of such 6 years the registrant shall file in the Patent Office an affidavit showing that said mark is still in use or showing that its nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark. Special notice of the requirement for such affidavit shall be attached to each certificate of registration.

Sec. 8 (b) (15 U. S. C. 1058b). Cancellation of prior registrations published under sec. 12 (c) unless affidavit of use filed

Any registration published under the provisions of subsection (c) of section 12 of this Act shall be canceled by the Commissioner at the end of 6 years after the date of such publication unless within 1 year next preceding the expiration of such 6 years the registrant shall file in the Patent Office an affidavit showing that said mark is still in use or showing that its nonuse is due to special circumstances which excuse such nonuse and is not due to any intention to abandon the mark.

Sec. 8 (c) (15 U. S. C. 1058c).**Notification of filing affidavit of use**

The Commissioner shall notify any registrant who files either of the above-prescribed affidavits of his acceptance or refusal thereof and, if a refusal, the reasons therefor.

Sec. 9 (15 U. S. C. 1059). Renewal of registration

(a) Each registration may be renewed for periods of twenty years from the end of the expiring period upon payment of the prescribed fee and the filing of a verified application therefor, setting forth those goods or services recited in the registration on or in connection with which the mark is still in use in commerce and having attached thereto a specimen or facsimile showing current use of the mark, or showing that any nonuse is due to special circumstances which excuse such nonuse and it is not due to any intention to abandon the mark. Such application may be made at any time within six months before the expiration of the period for which the registration was issued or renewed, or it may be made within three months after such expiration on payment of the additional fee herein prescribed.

(b) If the Commissioner refuses to renew the registration, he shall notify the registrant of his refusal and the reasons therefor.

(c) An applicant for renewal not domiciled in the United States shall be subject to and comply with the provisions of section 1 (d) hereof (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 10 (15 U. S. C. 1060). Assignment

A registered mark or a mark for which application to register has been filed shall be assignable with the goodwill of the business in which the mark is used, or with that part of the goodwill of the business connected with the use of and symbolized by the mark, and in any such assignment it shall not be necessary to include the goodwill of the business connected with the use of and symbolized by any other mark used in the business or by the name or style under which the business is conducted. Assignments shall be by instruments in writing duly executed. Acknowledgment shall be prima facie evidence of the execution of an assignment and when recorded in the Patent Office the record shall be prima facie evidence of execution. An assignment shall be void as against any subsequent purchaser for a valuable consideration without notice, unless it is recorded in the Patent Office within 3 months after the date thereof or prior to such subsequent purchase. A separate record of assignments submitted for recording hereunder shall be maintained in the Patent Office.

An assignee not domiciled in the United States shall be subject to and comply with the provisions of section 1 (d) hereof (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 11 (15 U. S. C. 1061). Acknowledgments and verifications

Acknowledgments and verifications required hereunder may be made before any person within the United States authorized by law to administer oaths, or, when made in a foreign country, before any diplomatic or consular officer of the United States or before any official authorized to administer oaths in the foreign country concerned whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States, and shall be valid if they comply with the laws of the state or country where made¹).

Sec. 12 (a) (15 U. S. C. 1062a). Examination of application — Publication of mark when entitled to registration

Upon the filing of an application for registration and payment of the fee herein provided, the Commissioner shall refer the application to the examiner in charge of the registration of marks, who shall cause an examination to be made and, if on such examination it shall appear that the applicant is entitled to registration, the Commissioner shall cause the mark to be published in the Official Gazette of the Patent Office: *Provided*, That in the case of an applicant claiming concurrent use, or in the case of an application to be placed in an interference as provided for in section 16 of this Act, the mark, if otherwise registrable, may be published subject

to the determination of the rights of the parties to such proceedings (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 12 (b) (15 U. S. C. 1062b). Examination of application — Refusal of registration when not entitled

If the applicant is found not entitled to registration, the examiner shall advise the applicant thereof and of the reason therefor. The applicant shall have a period of 6 months in which to reply or amend his application, which shall then be reexamined. This procedure may be repeated until (1) the examiner finally refuses registration of the mark or (2) the applicant fails for a period of 6 months to reply or amend or appeal, whereupon the application shall be deemed to have been abandoned, unless it can be shown to the satisfaction of the Commissioner that the delay in responding was unavoidable, whereupon such time may be extended.

Sec. 12 (c) (15 U. S. C. 1062c). Affidavit claiming benefits of Act — Publication of marks registered under prior acts

A registrant of a mark registered under the provision of the Act of March 3, 1881, or the Act of February 20, 1905, may, at any time prior to the expiration of the registration thereof, upon the payment of the prescribed fee file with the Commissioner an affidavit setting forth those goods stated in the registration on which said mark is in use in commerce and that the registrant claims the benefits of this Act for said mark. The Commissioner shall publish notice thereof with a reproduction of said mark in the Official Gazette, and notify the registrant of such publication and of the requirement for the affidavit of use or nonuse as provided for in subsection (b) of section 8 of this Act. Marks published under this subsection shall not be subject to the provisions of section 13 of this Act (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 13 (15 U. S. C. 1063).

Opposition to registration of marks on the principal register

Any person who believes that he would be damaged by the registration of a mark upon the principal register may, upon payment of the required fee, file a verified opposition in the Patent Office, stating the grounds therefor, within thirty days after the publication under subsection (a) of section 12 of this Act of the mark sought to be registered. For good cause shown, the time for filing opposition may be extended by the Commissioner, who shall notify the applicant. An unverified opposition may be filed by a duly authorized attorney, but such opposition shall be null and void unless verified by the opposer within a reasonable time after such filing to be fixed by the Commissioner. An opposition may be amended under such conditions as may be prescribed by the Commissioner (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 14 (15 U. S. C. 1064). Cancellation of registrations

A verified petition to cancel a registration of a mark, stating the grounds relied upon, may, upon payment of the prescribed fee, be filed by any person who believes that he is or will be damaged by the registration of a mark on the principal

¹ See, however, the Act of March 26, 1964 (78 Stat. 171) on written declarations in lieu of oaths. The text of the Act will be reprinted at the end of the present Act.

register established by this Act, or under the Act of March 3, 1881, or the Act of February 20, 1905 —

- (a) within five years from the date of the registration of the mark under this Act; or
- (b) within five years from the date of publication under section 12 (c) hereof of a mark registered under the Act of March 3, 1881, or the Act of February 20, 1905; or
- (c) at any time if the registered mark becomes the common descriptive name of an article or substance, or has been abandoned, or its registration was obtained fraudulently or contrary to the provisions of section 4 or of subsections (a), (b), or (c) of section 2 of this Act for a registration hereunder, or contrary to similar prohibitory provisions of said prior Acts for a registration thereunder, or if the registered mark is being used by, or with the permission of, the registrant so as to misrepresent the source of the goods or services in connection with which the mark is used; or
- (d) at any time if the mark is registered under the Act of March 3, 1881, or the Act of February 20, 1905, and has not been published under the provisions of subsection (c) of section 12 of this Act; or
- (e) at any time in the case of a certification mark on the ground that the registrant (1) does not control, or is not able legitimately to exercise control over, the use of such mark, or (2) engages in the production or marketing of any goods or services to which the certification mark is applied, or (3) permits the use of the certification mark for purposes other than to certify, or (4) discriminately refuses to certify or to continue to certify the goods or services of any person who maintains the standards or conditions which such mark certifies:

Provided, That the Federal Trade Commission may apply to cancel on the grounds specified in subsections (c) and (e) of this section any mark registered on the principal register established by this Act, and the prescribed fee shall not be required (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 15 (15 U. S. C. 1065).

Incontestability under certain conditions of right to use mark

Except on a ground for which application to cancel may be filed at any time under subsections (c) and (e) of section 14 of this Act, and except to the extent, if any, to which the use of a mark registered on the principal register infringes a valid right acquired under the law of any State or Territory by use of a mark or trade name continuing from a date prior to the date of the publication under this Act of such registered mark, the right of the registrant to use such registered mark in commerce for the goods or services on or in connection with which such registered mark has been in continuous use for 5 consecutive years subsequent to the date of such registration and is still in use in commerce, shall be incontestable: *Provided*, That—

- (1) there has been no final decision adverse to registrant's claim of ownership of such mark for such goods or services, or to registrant's right to register the same or to keep the same on the register; and

- (2) there is no proceeding involving said rights pending in the Patent Office or in a court and not finally disposed of; and
- (3) an affidavit is filed with the Commissioner within 1 year after the expiration of any such 5-year period setting forth those goods or services stated in the registration on or in connection with which such mark has been in continuous use for such 5 consecutive years and is still in use in commerce, and the other matters specified in subsections (1) and (2) hereof; and
- (4) no incontestable right shall be acquired in a mark which is the common descriptive name of any article or substance, patented or otherwise.

Subject to the conditions above specified in this section, the incontestable right with reference to a mark registered under this Act shall apply to a mark registered under the Act of March 3, 1881, or the Act of February 20, 1905, upon the filing of the required affidavit with the Commissioner within 1 year after the expiration of any period of 5 consecutive years after the date of publication of a mark under the provisions of subsection (c) of section 12 of this Act.

The Commissioner shall notify any registrant who files the above-prescribed affidavit of the filing thereof (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 16 (15 U. S. C. 1066). Interference

Whenever application is made for the registration of a mark which so resembles a mark previously registered by another, or for the registration of which another has previously made application, as to be likely when applied to the goods or when used in connection with the services of the applicant to cause confusion or mistake or to deceive, the Commissioner may declare that an interference exists. No interference shall be declared between an application and the registration of a mark the right to use of which has become incontestable (Amended Oct. 9, 1962, 76 Stat. 769).

Sec. 17 (15 U. S. C. 1067). Interference, opposition, concurrent use application, cancellation — Procedure

In every case of interference, opposition to registration, application to register as a lawful concurrent user, or application to cancel the registration of a mark, the Commissioner shall give notice to all parties and shall direct a Trademark Trial and Appeal Board to determine and decide the respective rights of registration. The Trademark Trial and Appeal Board shall include the Commissioner, the Assistant Commissioners, and such Patent Office employees designated by the Commissioner and whose qualifications have been approved by the Civil Service Commission as being adequate for appointment to the position of examiner in charge of interferences. Each case shall be heard by at least three members of the Board, the members hearing such case to be designated by the Commissioner (Amended Aug. 8, 1958, 72 Stat. 540).

Sec. 18 (15 U. S. C. 1068). Same — Action of Commissioner

In such proceedings the Commissioner may refuse to register the opposed mark, may cancel or restrict the registra-

tion of a registered mark, or may refuse to register any or all of several interfering marks, or may register the mark or marks for the person or persons entitled thereto, as the rights of the parties hereunder may be established in the proceedings: *Provided*, That in the case of the registration of any mark based on concurrent use, the Commissioner shall determine and fix the conditions and limitations provided for in subsection (d) of section 2 of this Act.

Sec. 19 (15 U. S. C. 1069).

Same — Application of equitable principles

In all inter partes proceedings equitable principles of laches, estoppel, and acquiescence, where applicable, may be considered and applied. The provisions of this section shall also govern proceedings heretofore begun in the Patent Office and not finally determined.

Sec. 20 (15 U. S. C. 1070).

Appeal to Trademark Trial and Appeal Board

An appeal may be taken to the Trademark Trial and Appeal Board from any final decision of the examiner in charge of the registration of marks upon the payment of the prescribed fee (Amended Aug. 8, 1958, 72 Stat. 540).

Sec. 21 (15 U. S. C. 1071).

Appeal to court and review by civil action

(a) (1) An applicant for registration of a mark, party to an interference proceeding, party to an opposition proceeding, party to an application to register as a lawful concurrent user, party to a cancellation proceeding, a registrant who has filed an affidavit as provided in section 8, or an applicant for renewal, who is dissatisfied with the decision of the Commissioner or Trademark Trial and Appeal Board, may appeal to the United States Court of Customs and Patent Appeals thereby waiving his right to proceed under section 21 (b) hereof: *Provided*, That such appeal shall be dismissed if any adverse party to the proceeding, other than the Commissioner, shall, within twenty days after the appellant has filed notice of appeal according to section 21 (a) (2) hereof, files notice with the Commissioner that he elects to have all further proceedings conducted as provided in section 21 (b) hereof. Thereupon the appellant shall have thirty days thereafter within which to file a civil action under said section 21 (b), in default of which the decision appealed from shall govern the further proceedings in the case.

(2) When an appeal is taken to the United States Court of Customs and Patent Appeals, the appellant shall give notice thereof to the Commissioner, and shall file in the Patent Office his reasons of appeal, specifically set forth in writing, within such time after the date of the decision appealed from, not less than sixty days, as the Commissioner appoints.

(3) The court shall, before hearing such appeal, give notice of the time and place of the hearing to the Commissioner and the parties thereto. The Commissioner shall transmit to the court certified copies of all the necessary original papers and evidence in the case specified by the appellant and any addi-

tional papers and evidence specified by the appellee, and in an ex parte case the Commission shall furnish the court with the grounds of the decision of the Patent Office, in writing, touching all the points involved by the reasons of appeal.

(4) The court shall hear and determine such appeal on the evidence produced before the Patent Office, and the decision shall be confined to the points set forth in the reasons of appeal. Upon its determination, the court shall return to the Commissioner a certificate of its proceedings and decision, which shall be entered of record in the Patent Office and govern the further proceedings in the case.

(b) (1) Whenever a person authorized by section 21 (a) hereof to appeal to the United States Court of Customs and Patent Appeals is dissatisfied with the decision of the Commissioner or Trademark Trial and Appeal Board, said person may, unless appeal has been taken to said Court of Customs and Patent Appeals, have remedy by a civil action if commenced within such time after such decision, not less than sixty days, as the Commissioner appoints or as provided in section 21 (a). The court may adjudge that an applicant is entitled to a registration upon the application involved, that a registration involved should be canceled, or such other matter as the issues in the proceeding require, as the facts in the case may appear. Such adjudication shall authorize the Commissioner to take any necessary action, upon compliance with the requirements of law.

(2) The Commissioner shall not be made a party to an inter partes proceeding under this subsection, but he shall be notified of the filing of the complaint by the clerk of the court in which it is filed and shall have the right to intervene in the action.

(3) In all cases where there is no adverse party, a copy of the complaint shall be served on the Commissioner; and all the expenses of the proceedings shall be paid by the party bringing them, whether the final decision is in his favor or not. In suits brought hereunder, the record in the Patent Office shall be admitted on motion of any party, upon such terms and conditions as to costs, expenses, and the further cross-examination of the witnesses as the court imposes, without prejudice to the right of any party to take further testimony. The testimony and exhibits of the record in the Patent Office, when admitted, shall have the same effect as if originally taken and produced in the suit.

(4) Where there is an adverse party, such suit may be instituted against the party in interest as shown by the records of the Patent Office at the time of the decision complained of, but any party in interest may become a party to the action. If there be adverse parties residing in a plurality of districts not embraced within the same State, or an adverse party residing in a foreign country, the United States District Court for the District of Columbia shall have jurisdiction and may issue summons against the adverse parties directed to the marshal of any district in which any adverse party resides. Summons against adverse parties residing in foreign countries may be served by publication or otherwise as the court directs (Amended July 19, 1952, 66 Stat. 792; Aug. 8, 1958, 72 Stat. 540; and Oct. 9, 1962, 76 Stat. 769).

Sec. 22 (15 U. S. C. 1072).**Registration on principal register notice of claim of ownership**

Registration of a mark on the principal register provided by this Act or under the Act of March 3, 1881, or the Act of February 20, 1905, shall be constructive notice of the registrant's claim of ownership thereof.

(To be continued)

U. S. Commissioner of Patents, the author of the Report which was the basis of the changes in structure proposed for BIRPI and which already embodied the proposals which were substantially those subsequently submitted to the Interunion Co-ordination Committee (Industrial Property, June 1962, p. 143).

* * *

(Translation)

GENERAL STUDIES

The Impact of a Research Policy upon Economic Expansion and the Standard of Living¹⁾

Mr. Guillaume FINNISS

**Results of the Cooperation Among the Countries
of COMECON in Respect of Inventions**

By Dr. Mihály KRASZNAY, Budapest

BOOK REVIEWS

Recent Publications in the USSR

Thanks to arrangements of exchange of publications made by BIRPI in 1961 with the Academy of Sciences of the Union of Soviet Socialist Republics (USSR), the State Committee for Inventions and Discoveries of the USSR, the State Public Library in Leningrad, etc., BIRPI has now a representative selection of books and booklets concerned with the protection of industrial property in the USSR.

The publications in this collection cover a period which has been marked by increased Soviet interest in the problems of industrial property protection. The topics treated in the publications indicate some of problems which are of interest to Soviet industry and foreign trade in this field.

Most of the books and booklets mentioned in the present survey have previously been reviewed in *Industrial Property* or *La Propriété industrielle* as shown in the relevant footnotes. All the publications mentioned herein are in Russian.

It should also be recalled that *Industrial Property* has published an article by J. Tóth, one chapter of which reviews Soviet publications in the field of industrial property between 1956 and 1960¹⁾.

The term "industrial property" in the USSR has a broader meaning than it has in Western countries, as it includes also scientific discoveries and rationalization proposals. On the other hand, there is no legislation in the USSR concerning the suppression of unfair competition.

In comparison with the volume of publication during the last 5 years, Soviet literature discussing theoretical legal problems of the protection of industrial property, and especially its international protection, was relatively small before the war²⁾.

The greater part of Soviet literature between 1945-1960 attempted to explain the basic principles of the protection of inventions and rationalization proposals; to give information, how to proceed with the inventors, how to formulate applications etc., to workers and officials in factories and offices; and to solve various administrative and technical problems in connection with the introduction into production of new technical ideas. This practical attitude on the part of lawyers can be explained by the structure of Soviet economy. A relative lack of interest in the international aspects of the protection follows from the fact that Soviet exports in the past were composed mainly of raw materials and products which did not need industrial protection.

¹⁾ *Industrial Property*, 1963, p. 16.

²⁾ A survey of Soviet literature for the years 1920-1961 concerned with the international problems of the protection of industrial property may be found in: Boguslavskii (M.M.), *Patentnye Voprosy v Mezhdunarodnykh Otnosheniyakh* [Patent Problems in International Relations], Moscow, Academy of Sciences, 1962, 344 p., 14 × 20 cm. Also in German: "Internationale Rechtsprobleme des Erfindungswesens", Berlin, State publishing House, 1963, 296 p., 18 × 24 cm.

I. General Information Booklets

The publication of booklets containing general information designed for a wide circle of readers continues. Usually they appear as cheap editions, dealing with single items. Sometimes, they are published in collections which are made for the benefit of a given group of interested workers and bear titles such as: "To help the Workers in Inventive and Rationalization Activities," or "Questions and Answers." To this group of booklets belong:

- BAKSHAYEV (S. V.): *Sbornik Zakonodatelnykh Aktov i Postanovlenii po Izobretatelstvu i Ratsionalizatsii* [Collection of Legislative Acts and Regulations on Inventive and Rationalization Activities], Moscow, Central Office of Technical Information, 1961, 144 p. 14 × 21 cm.
- BLINOV (A. A.) and VASILEV (I. V.): *Poriadok Patentovania Sovietskikh Izobretanii za Granitsei* [Patenting of Soviet Inventions Abroad], Moscow, Central Office of Technical Information, 1961, 44 p. 14 × 21 cm.³⁾
- BOGUSLAVSKII (M. M.): *Burzhuaznoe Patentnoe Pravo i Sovietskoe Izobretatelskoe Pravo* [The Bourgeois Patent Law and Soviet Inventions Law], Moscow, Central Office of Technical Information, 1960, 56 p. 14 × 21 cm.⁴⁾
- DORKIN (A. I.) and TKACH (Z. A.): *Prava i Obiazanosti Izobretatelei i Ratsionalizatorov* [Rights and Obligations of Inventors and Rationalizers], Moscow, State Publishing House of Legal Literature, 1961, 150 p. 14 × 21 cm.⁵⁾
- KULIKOVA (E. M.): *Metodika Podscheta Ekonomii ot Vnedrenia Izobretanii i Ratsionalizatorskikh Predlozhenii na Promyshlennykh Predpriatiakh* [Methods for Calculating Economies Obtained by the Exploitation of Inventions and Rationalization Proposals in Industrial Enterprises], Moscow, Central Office of Technical Information, 1961, 60 p. 14 × 21 cm.⁶⁾
- LEPESKHIN (D. D.): *Organizatsia Izobretatelskoi i Ratsionalizatorskoi Raboty na Promyshlennom Predpriatii* [Organization of the Inventive and Rationalization Activity in an Industrial Enterprise], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 1962, 86 p. 14 × 21 cm.⁷⁾
- VADIMOVNA (A. T.): *Nasledovanie v Avtorskom i Izobretatelskom Prave* [Succession in Copyright and Invention Right], Moscow, Publishing House of Legal Literature, 1963, 14 × 21 cm.⁸⁾
- KURSAKOV (S. F.): *Organizatsia i Planirovanie Izobretatelskoi i Ratsionalizatorskoi Raboty na Predpriatiakh* [Organization of Inventive and Rationalization Activities in Enterprises], Moscow, Gosplanizdat, 1960, 96 p. 14 × 21 cm.⁹⁾
- SUKHAREVA (E. K.): *Tovarnyi Znak* [Trademark], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 1962, 66 p. 14 × 21 cm.
- TORKANOVSKII (E. P.): *Sovietskoe Zakonodatelstvo ob Izobretatelstve i Ratsionalizatsii* [Soviet Legislation on Inventions and Rationalization], Kuybyshev, Kuybyshev Books Publishing House, 1964, 228 p. 14 × 21 cm.¹⁰⁾

II. Textbooks

A wide variety of questions are discussed in an interesting collection published by the State Committee for Inventions and

Discoveries of the USSR as textbooks for the Central Courses for the Improvement of the Qualifications of Workers in the Field of Patents, Inventions, and Trademarks. This collection consists of the following volumes:

- BAKASTOV (V. N.): *Patentosposobnost, Novizna i Poleznost Izobreteniia* [Patentability, Novelty, and Utility of Inventions], Moscow, Central Institute of Patent Information and Technical Economic Research, 1964, 10 p. 14 × 21 cm.¹¹⁾
- *Prototip Izobreteniia* [Prototype of an Invention], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 1964, 10 p. 14 × 21 cm.¹²⁾
- BOGUSLAVSKII (M. M.): *Mezhdunarodnye Soglasenia v Oblasti Izobretanii i Tovarnykh Znakov* [International Conventions in the Field of Inventions and Trademarks], Moscow, Research and Development Central Institute of Patent Information and Technical Economic Research, 1964, 60 p. 14 × 21 cm.¹³⁾
- FEIGELSON (V. M.): *Patentnyi Formuliar* [Patent Form], Moscow, Research and Development Central Institute of Patent Information and Technical Economic Research, 1964, 72 p. 14 × 21 cm.
- *Ekspertiza Obiektov Tekhniki na Patentnuiu Chistotu* [Expert Examination of Technical Objects on Patent Clearance], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 1964, 30 p. 14 × 21 cm.
- KULIKOVA (E. M.): *Podschet Ekonomii ot Vnedrenia Izobretanii i Ratsionalizatorskikh Predlozhenii na Promyshlennykh Predpriatiakh* [A Calculation of Economy of Inventions and Rationalization Proposals Introduced into Production in Industrial Enterprises], Moscow, Central Institute of Patent Information and Technical Economic Research, 1964, 32 p. 14 × 21 cm.¹⁴⁾
- MARGUDIS (Yu. Ya.): *Financirovanie Izobretatelskoi i Ratsionalizatorskoi Raboty* [Financing of the Inventive and Rationalization Work], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 1964, 34 p. 14 × 21 cm.¹⁵⁾
- NEIMIROVSKII (A. L.): *Patentnaia Literatura* [Patent Literature], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 1964, 28 p. 14 × 21 cm.¹⁶⁾
- SUBBOTIN (V. E.) and FEIGELSON (V. M.): *Ekspertiza Obiektov Tekhniki na Patentnuyu Chistotu* [Expert Examination of Technical Objects on Patent Clearance], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 1964, 68 p. 14 × 21 cm.
- CHEPELEVETSKII (A. M.): *Litsenziionnaia Rabota Organizatsii i Predpriatii* [Licence Agenda in Organizations and Enterprises], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 1964, 32 p. 14 × 21 cm.
- TRAKHTENGERTS (L. A.) and DOZORTSEV (V. A.): *Osnovnye Polozhenia Sotsialisticheskogo Izobretatelskogo Prava* [Basic Principles of the Socialist Law on Inventions], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 1964, 72 p. 14 × 21 cm.¹⁷⁾
- DORKIN (A. I.): *Osnovnye Poniatia Sovietskogo Izobretatelskogo Prava* [Basic Principles of the Soviet Law on Inventions], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 1965, 34 p. 14 × 21 cm.¹⁸⁾

3) *Industrial Property*, 1962, p. 208.

4) *Ibid.*, 1962, p. 208.

5) *Ibid.*, 1962, p. 208.

6) *Ibid.*, 1962, p. 208.

7) *Ibid.*, 1965, p. 136.

8) *Ibid.*, 1964, p. 203.

9) *Ibid.*, 1963, p. 136.

10) *Ibid.*, 1963, p. 70.

11) *Ibid.*, 1965, p. 206.

12) *Ibid.*, 1965, p. 136.

13) *Ibid.*, 1965, p. 206.

14) *Ibid.*, 1965, p. 136.

15) *Ibid.*, 1965, p. 136.

16) *Ibid.*, 1965, p. 136.

17) *Ibid.*, 1965, p. 206.

18) *Ibid.*, 1965, p. 136.

III. Treatises

The adoption of new laws in the late nineteen fifties and the accession of the Soviet Union to the Paris Convention has been accompanied by literature which discusses more complex problems of the theory of industrial property protection and its place in the system of Socialist Law. In this new group of publications, may be included certain general legal textbooks, containing chapters on inventions and discoveries, and treatises on the law on inventions:

ANTIMONOV (B. S.) and FLEISHITS (E. A.): *Izobretatel'skoe Pravo* [Law on Inventions], Moscow, State Publishing House of Legal Literature, 1960, 228 p. 14 × 21 cm.¹⁹⁾

GALPERIN (G. I.): *Osnovy Izobretatel'skogo i Avtorskogo Prava SSSR* [Fundamentals of Invention Rights and Copyright in the USSR], Moscow, Allunion Institute for Correspondence Courses in Financing and Economics, 1960, 30 p. 14 × 21 cm.²⁰⁾

RIASANTSEV (V. A.): *Sovietskoe Izobretatel'skoe Pravo* [Soviet Law on Inventions], Moscow, Allunion Institute for Correspondence Courses in Law, 1961, 224 p. 14 × 21 cm.²¹⁾

GARMASHEV (A. F.): *Izobretatel'stvo i Rotsionolizatsia v SSSR* [Inventions and Technical Improvements in the USSR], Moscow, VCPs Profizdat, 1962, 336 p. 14 × 21 cm.²²⁾

YURCHENKO (A. K.): *Problemy Sovetskogo Izobretatel'skogo Prava* [Problems of Soviet Law on Inventions], Leningrad, Publishing House of the Leningrad University, 1963, 180 p. 14 × 21 cm.

YOFFE (O. S.): *Sovietskoe Grazhdanskoe Pravo* [Soviet Civil Law], Leningrad, Publishing House of the Leningrad University, 1965, 346 p. 14 × 21 cm.

IV. Publications of the State Committee for Inventions and Discoveries

The State Committee for Inventions and Discoveries of the USSR has published the following books and legislative texts, mainly as a consequence of the new legislation on inventions and trademarks:

Instruktsio po Podschetu Ekonomii ot Vnedrenia Izobretenii i Ratsionalizatorskikh Predlozhenii [Instructions relating to the Calculation of Economy of Inventions and Rationalization Proposals introduced into Production], Moscow, State Committee for Inventions and Discoveries of the USSR, Information Publishing Department, 1960, 64 p. 12 × 16 cm.

Instruktsia po Ekspertize Zaiavok na Izobreteniia [Instructions concerning the Examination of Applications on Inventions], Moscow, State Committee for Inventions and Discoveries of the USSR, Information Publishing Department, 1962, 110 p. 14 × 21 cm.

O Registratsii Tovarnykh Znakov [Registration of Trademarks], Moscow, Central Office of Technical Information, 32 p. 14 × 21 cm.

Ukazonia po Sostavleniu Zoiavky na Izobretenie [Ordinance on the Formulation of Applications], Moscow, State Committee for Inventions and Discoveries of the USSR, 1963, 32 p. 10 × 14 cm.

Sbornik Zakonodatel'stva ob Izobretatel'stve i Rotsionalizatsii [Collection of Laws and Regulations concerning Inventions and Rationalization Proposals], Moscow, 1963, 316 p. 14 × 21 cm.

Polozhenie ob Otkritiakh, Izobreteniakh i Ratsionalizatorskikh Predlozheniakh [Ordinance concerning Discoveries, Inventions and Rationalization Proposals].

Instruktsio o Voznagrazhdeniakh za Otkritia, Izobreteniia i Ratsionalizatorskie Predlozhenia [Instructions concerning Remuneration for Discoveries, Inventions and Rationalization Proposals], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 1963, 32 p. 14 × 21 cm.

Polozhenie o Promyshlennykh Obraztsakh [Ordinance concerning Industrial Designs].

Instruktsia po Sostavleniu Zaiavky na Promyshlennyi Obrazets [Instructions concerning the Preparation of an Application for Industrial Design], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 1965, 20 p. 14 × 21 cm.

SVYADOSTS (Yu. J.): *Osnovnye Polozhenia Patentnogo Prava Frantsii* [Basic Principles of the Patent Law in France], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 1965, 80 p. 14 × 21 cm.

FINKEL (N. K.): *Osnovnye Polozhenia Patentnogo Prava FRG* [Basic Principles of the Patent Law in the German Federal Republic], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 1965, 76 p. 14 × 21 cm.

TRAKHTENGERTS (L. A.): *Osnovnye Polozhenia Patentnogo Prava Velikobritanii* [Basic Principles of the Patent Law in Great Britain], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 1965, 54 p. 14 × 21 cm.

V. Publications of the Academy of Sciences

The Academy of Sciences of the USSR has begun to publish scientific and theoretical books concerned not only with internal industrial property legislation, but also with its international problems relating to industrial property. The following are among these publications:

BOGUSLAVSKII (M. M.): *Osnovnye Voprosy Izobretatel'stva v Mezhdunarodnom Chastnom Prave* [Basic Problems of Inventions in the International Private Law], Moscow, Publishing House of the Academy of Sciences of the USSR, 1960, 284 p. 14 × 21 cm.²³⁾

SEREBROVSKII (V. I.): *Pravovaia Okhrana Nouchnykh Otkritii v SSSR* [Legal Protection in the USSR], Moscow, Publishing House of the Academy of Sciences of the USSR, 1960, 72 p. 14 × 21 cm.²⁴⁾

YAICHIKOV (K. K.): *Izobretenie i ego Pravovaia Okhrana v SSSR* [The Invention and its Legal Protection in the USSR], Moscow, Publishing House of the Academy of Sciences of the USSR, 1961, 222 p. 14 × 21 cm.²⁵⁾

BOGUSLAVSKII (M. M.): *Patentnye Voprosy v Mezhdunarodnykh Otnosheniakh* [Problems of Patents in International Relations], Moscow, Publishing House of the Academy of Sciences of the USSR, 1962, 344 p. 14 × 21 cm.²⁶⁾

The following are books concerned with foreign patent laws:

FLEISHITS (E. A.): *Patentnoe Zakonodatel'stvo Zarubezhnykh Stran* [Patent Law of Foreign Countries], Moscow, Publishing House "Progress", 1964, 2 volumes, 1406 p. 14 × 21 cm.²⁷⁾

FINKEL (N. K.): *Izobretatel'skoe i Patentnoe Pravo Stran Mira* [Law on Patents and Inventions in the World], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 1965 (Tables), 90 p. 26 × 20 cm.

²³⁾ *La Propriété industrielle*, 1961, p. 228.

²⁴⁾ *Ibid.*, 1961, pp. 96 and 227.

²⁵⁾ *Industrial Property*, 1962, p. 208.

²⁶⁾ *Ibid.*, 1963, p. 138; 1964, p. 203. Also in German: *Internationale Rechtsprobleme des Erfindungswesens*, Berlin, 1963.

²⁷⁾ *Industrial Property*, 1965, p. 70.

¹⁹⁾ *La Propriété industrielle*, 1961, p. 276.

²⁰⁾ *Industrial Property*, 1964, p. 203.

²¹⁾ *Ibid.*, 1963, p. 209.

²²⁾ *Ibid.*, 1963, p. 209.

IVANOV (I. D.): *Tendentsii Razvitiia Vnutrennego i Zarubezhnogo Patentovaniia v Kapitalisticheskikh Stranakh* [Tendencies of Development in Capitalist Countries concerning the Patenting of Inventions at Home and Abroad], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 1965, 78 p. 14 × 21 cm.

VI. Periodicals

The review of Soviet literature in recent years may be completed by mentioning two periodicals:

Voprosy Izobretatelstva [Problems of Inventorship], Moscow, Central Research and Development Institute of Patent Information and Technical Economic Research, 21 × 26 cm., a monthly, devoted to theoretical articles relating to problems of industrial property (with English Summary).

Izobretatel i Ratsionalizator [Inventor and Rationalizer], Moscow, also a monthly, which is a popular magazine with a large circulation containing articles destined to propagate inventions and rationalization proposals. V. D.

NEWS ITEMS

DENMARK

Appointment of New Director of the Danish Patent and Trademark Office

We have been informed that Mr. F. Neergaard-Petersen has retired as Director of the Danish Patent and Trademark Office and has been succeeded by Mr. Erik Tuxen, Chief of Section of the Ministry of Trade. Mr. Neergaard-Petersen, however, retains his functions as President of the Board of Appeal for patent applications.

We take this opportunity of wishing Mr. Neergaard-Petersen a happy retirement and congratulating Mr. Tuxen on his appointment.

CALENDAR

Meetings of BIRPI

Date and Place	Title	Object	Invitations to Participate	Observers Invited
May 2 to 5, 1966 Geneva	Committee of Experts Designs Classification	to establish a Draft Agreement	All Member States of the Paris Union	Unesco; Council of Europe; International Association for the Protection of Industrial Property; International Chamber of Commerce; International Literary and Artistic Association; International Federation of Patent Agents; Inter-American Association of Industrial Property
May 6 and 7, 1966 Geneva	<i>Ad hoc</i> Conference of the Directors of National Industrial Property Offices of the countries members of the Madrid Union	Adaptation of the Regulations of the Madrid Agreement, Nice Act (Trademarks)	All Member States of the Madrid Agreement (Trademarks)	Same observers as at the meeting in December, 1965
May 16 to 27, 1966 Geneva	Second Committee of Governmental Experts on Administration and Structure	To study drafts in view of the Stockholm Conference of 1967	All Member States of the Paris and Berne Unions	United Nations; World Health Organization; International Labour Organization; Unesco; International Patent Institute; Council of Europe; Organization of American States; European Economic Community; European Free Trade Association; Latine American Free Trade Association; International Association for the Protection of Industrial Property; International Chamber of Commerce; Inter-American Association of Industrial Property; International Federation of Patent Agents; International Literary and Artistic Association; International Bureau for Mechanical Reproduction; International Confederation of Societies of Authors and Composers; International Writers Guild
May 30 to June 6, 1966 Madrid	Hispano-American Meeting on Copyright: Session on Legal Studies, convened by the Institute of Hispanic Culture, under the auspices and in collaboration with BIRPI	The study of legal and administrative problems for the protection of copyright in Hispano-American countries	Experts invited in their personal capacity from the following countries: Argentina, Brazil, Chile, Colombia, Ecuador, Mexico, Peru, Spain, Venezuela	Unesco; International Confederation of Societies of Authors and Composers; Inter-American Institute of International Legal Studies

Date and Place	Title	Object	Invitations to Participate	Observers Invited
September 26 to 29, 1966 Geneva	Interunion Coordination Committee	Program and Budget of BIRPI	Belgium, Brazil, Ceylon, Czechoslovakia, Denmark, France, Germany (Fed. Rep.), Hungary, India, Italy, Japan, Morocco, Netherlands, Nigeria, Portugal, Rumania, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia	All other Member States of the Paris Union or of the Berne Union; United Nations
September 26 to 29, 1966 Geneva	Executive Committee of the Conference of Representatives of the Paris Union (2nd Session)	Program and Budget (Paris Union)	Ceylon, Czechoslovakia, France, Germany (Fed. Rep.), Hungary, Italy, Japan, Morocco, Netherlands, Nigeria, Portugal, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Yugoslavia	All other Member States of the Paris Union; United Nations
October 30 to November 4, 1966 Budapest	East/West Industrial Property Symposium	Discussion of practical questions of industrial property		Open. Registration required
November 7 to 11, 1966 Geneva	Committee of Experts on a model law for developing countries concerning trademarks, trade names, indications of source, and unfair competition	To draft a Model Law on Trademarks for developing countries	List to be announced later	List to be announced later
December 13 to 16, 1966 Geneva	<i>Ad hoc</i> Conference of the Directors of National Industrial Property Offices and Committee of Directors of the Madrid Union	Adoption of the Transitional Regulations of the Madrid Agreement (Trademarks)	All Member States of the Madrid Agreement (Trademarks)	All other Member States of the Paris Union

Meetings of Other International Organizations concerned with Intellectual Property

Place	Date	Organization	Title
Stresa	May 3 to 7, 1966	International Federation of Musicians (FIM)	6 th Ordinary Congress
Prague	June 9 to 18, 1966	International Confederation of Societies of Authors and Composers (CISAC)	Congress
The Hague	October 10 to 21, 1966	Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT)	6 th Annual Meeting

VACANCY FOR A POST IN BIRPI

Applications are invited for the post of Head of Division of Registrations in BIRPI which will become vacant towards the end of 1966.

The person appointed will be responsible for

- (a) the work of the Trademark Registration Service established under the Madrid Agreement;
- (b) the work of the Design Registration Service established under The Hague Agreement;
- (c) the registrations to be effected under Article 6^{ter} of the Paris Convention and under the Lisbon Agreement;
- (d) the tasks deriving from the Nice Agreement concerning the International Classification of Goods and Services for the purposes of trademark registration;
- (e) the preparations for an international classification of goods for the purposes of industrial design registration.

Candidates should have a university degree in law (or comparable legal education) and wide experience in the registration of trademarks. They should have an excellent knowledge of French. A knowledge of English and German would be an advantage.

Candidates must be nationals of one of the member States of the Paris Union or of the Berne Union. Preference will be given to candidates who are nationals of States of which no national is on the staff of BIRPI. An age limit of 50 will apply.

Application forms and full information regarding the conditions of employment may be obtained from the Head of Personnel, BIRPI, 32, chemin des Colomhettes, Geneva, Switzerland. Application forms duly completed should reach BIRPI not later than June 30, 1966.