

Industrial Property

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

General Index

Fifth Volume — 1966

ORGANISATION MONDIALE DE
LA PROPRIÉTÉ INTELLECTUELLE

OMPI

BIBLIOTHÈQUE



GENEVA

32, chemin des Colombettes
(Place des Nations)

GENERAL INDEX

1966

FIFTH VOLUME

Book Reviews	Pages		Pages
	17, 73, 95, 125, 178, 200, 222, 246, 264, 293	<i>Czechoslovakia. Communication</i>	54
		Withdrawal of the reservation made in respect of Article 3 ^{bis} of the Nice Act	270
Congresses and Meetings		<i>Italy. Invocation of Article 3^{bis} of the Nice Act</i>	270
International League against Unfair Competition (Con- gress of Namur. May 23 to 26, 1965)	15	<i>Rumania. Invocation of Article 3^{bis} of the Nice Act</i>	270
Inter-American Association of Industrial Property (ASIPI). First Congress (Buenos Aires, November 6 to 11, 1965)	16	<i>San Marino. Adhesion to the Nice Act</i>	130
XXVI th Congress of the International Association for the Protection of Industrial Property (Tokyo, April 11 to 16, 1966)	150	<i>United Arab Republic. Invocation of Article 3^{bis} of the Nice Act</i>	206
International Chamber of Commerce (ICC) (Paris, No- vember 15 and 16, 1966). Resolutions adopted	292	<i>Yugoslavia. Ratification of the Nice Act</i>	251
		Entry into Force of the Nice Act	271
Correspondence		MADRID AGREEMENT (Indications of Source)	
Letter from Great Britain (Frederick Honig)	121	State of adhesions in 1965	4
Letter from Canada (Christopher Robinson, Q.C.)	145	Member States as on January 1, 1966	8
Letter from the Federal Republic of Germany (Fried- rich-Karl Beier)	169	NICE UNION (International Classification)	
International Unions		State of the Union in 1965	5
The Proposed Administrative and Structural Reforms of BIRPI	183	Member States as on January 1, 1966	10
PARIS UNION		<i>Ireland. Adhesion to the Nice Union</i>	251
State of the Union in 1965	3	<i>Morocco. Adhesion to the Nice Union</i>	206
Member States as on January 1, 1966	6	<i>Yugoslavia. Adhesion to the Nice Union</i>	159
<i>Austria. Change of Class</i>	183	THE HAGUE UNION	
<i>Bulgaria (People's Republic of). Adhesion to The Hague, London and Lisbon Acts</i>	54	State of the Union in 1965	5
<i>Dahomey. Adhesion to the Paris Convention, Lisbon Act</i>	270	Member States as on January 1, 1966	9
<i>Israel. Adhesion to the Lisbon Act</i>	130	<i>Liechtenstein. Ratification of The Hague Act of 1960</i>	130
<i>Uganda. Selection of Class</i>	11	Ratification of the Additional Act of Monaco	130
MADRID UNION (International Registration of Trademarks)		LISBON UNION	
State of the Union in 1965	5	State of the Union in 1965	5
Member States as on January 1, 1966	9	Member States as on January 1, 1966	11
		<i>Portugal. Ratification of the Lisbon Agreement and Entry into force of the Lisbon Act</i>	183
		BIRPI MEETINGS	
		Madrid Union. Ad Hoc Conference of Directors of the National Industrial Property Offices of Coun- tries Parties to the Madrid Agreement (Trade- marks) (Geneva, December 13 to 16, 1965)	23

	Pages		Pages
International Committee of Novelty-Examining Patent Offices. Advisory Group (Geneva, December 9 and 10, 1965)	58	Italy	37, 61, 78, 110, 144, 168, 189, 215, 255
Asian Seminar on Industrial Property (Colombo, Ceylon, February 7 to 10, 1966)	54	Union of Soviet Socialist Republics	61, 66, 78, 81, 110, 112
Second Meeting of the Committee of Experts on the International Classification of Industrial Designs (Geneva, May 2 to 5, 1966)	103	United States of America	82, 113, 120
Ad Hoc Conference of the Directors of the National Industrial Property Offices of Countries Parties to the Madrid Agreement (Trademarks) (Geneva, May 6 and 7, 1966)	131	General Studies	
Second Committee of Governmental Experts on Administration and Structure (Geneva, May 16 to 25, 1966)	159	The Argentine System of Industrial Designs (Ernesto D. Aracama Zorraquin)	12
Interunion Coordination Committee. Fourth Session (Geneva, September 26 to 29, 1966)	226	A New International Organization for Intellectual Property? Efforts to Modify the Structure of the Paris and Berne Unions (Albrecht Krieger)	37
Executive Committee of the Conference of Representatives of the International Union for the Protection of Industrial Property. Second Session (Geneva, September 26 to 29, 1966)	228	The International Patent Policy of the United States Government (Harvey J. Winter)	70
Council of the Lisbon Union for the Protection of Appellations of Origin and their International Protection. First Session (Geneva, September 29, 1966)	231	The Impact of Research Policy Upon Economic Expansion and the Standard of Living (Guillaume Finnis)	88
BIRPI East-West Industrial Property Symposium (Budapest, 1966)	271	Results of the Cooperation Among the Countries of COMECON in Respect of Inventions (Mihály Krasznay)	92
Committee of Experts on a Model Law for Developing Countries on Marks, Trade Names, Indications of Source, and Unfair Competition (Geneva, November 7 to 11, 1966)	274	Certain Aspects of the Economics of Patents for Inventions (Jean-Michel Wagret)	190
Conventions and Treaties other than those administered by BIRPI		Report of the Netherlands Patent Office for the Year 1965. Excerpts from the Introduction	197
Convention on the Unification of Certain Points of Substantive Law on Patents for Invention. Signature by Luxembourg	61	A World Patent System (David Sarnoff)	217
European Convention relating to the Formalities required for Patent Applications.		The African and Malagasy Industrial Property Office (Denis Ekani)	220
Ratification by Iceland	78	Achievements in the Cooperation of COMECON Countries in the Field of Trademarks and Industrial Designs (Mrs. István Bognár)	244
Adhesion by Israel	141	The Swedish Names Act of 1963 (Claës Ugglå)	255
Legislation		Corrigendum	292
African and Malagasy Industrial Property Office (OAMPI)	162, 186, 206, 212	The Problem of Conventional Relations between Countries according to the different Texts of the Paris Convention (Luboš Lacina)	257
Algeria	232, 240, 251, 254, 276	The Protection of Industrial Property in Africa and Madagascar (Denis Ekani)	288
Australia	276	United Nations	
Bulgaria	213	Cooperation between the United Nations and BIRPI on Patents in 1965	67
France	11	Working Agreement	
Ireland	141	Working Agreement between the United International Bureaux for the Protection of Intellectual Property (BIRPI) and the Latin-American Free Trade Association (ALALC)	103
Israel	141	Obituary	
		Henry Puget	294
		News Items	
		<i>Changes in the Heads of Patent Offices</i>	
		Belgium	200
		Chile	200

	Pages	Statistics	Pages
Czechoslovakia	125	Industrial Property Statistics for the Year 1964 (See Annex to the February 1966 issue) First Supplement (See Annex to the July 1966 issue) Second Supplement (See Annex to the August 1966 issue)	
Denmark	98		
Italy	222, 265		
Peru	200		
Rumania	246	Industrial Property Statistics for the Year 1965 (See Annex to the December 1966 issue)	
<i>African and Malagasy Industrial Property Office (OAMPI)</i>		Calendar	
Publication of the First Issue of the <i>Bulletin officiel</i>	154	Meetings of BIRPI	20, 49, 75, 98, 126, 155, 179, 201, 223, 247, 266, 295
<i>New address of an Industrial Property Office</i>		Meetings of Other International Organizations concerned with Intellectual Property	20, 50, 76, 99, 127, 155, 180, 202, 224, 248, 267, 296
Belgium	265		
Personnel Changes in BIRPI	265	Notices regarding Vacancies for Posts at BIRPI	
<i>Max Planck Institute for Foreign and International Law of Patents, Copyright and Competition, Munich</i>			51, 76, 100, 156, 203, 248
	295		

Table of Jurisprudence

A. Plan

I. Patents

1. Basis of rights.

- (a) Persons entitled to apply for a patent, employees' inventions, moral rights.
- (b) Patentable and non-patentable inventions (novelty, technical progress, inventive step, chemical, pharmaceutical, horticultural products, etc.).

2. Acquisition of rights.

- (a) Formalities, examination, amendments in the course of the procedure of grant, communication of files, etc.
- (b) Fees for application; legal representatives.
- (c) Protection at exhibitions.

3. Scope and maintenance of rights.

- (a) Interpretation of patents.
- (b) Obligation to work.
- (c) Annual fees.
- (d) Extension.
- (e) Restoration.
- (f) Personal ownership rights.

4. Change of ownership.

- (a) Transfer.
- (b) Licenses.

5. Termination of rights.

Cancellation, expiry, etc.

6. Civil and penal sanctions.

Infringement, procedure, power to sue, confiscation, seizure, etc.

7. International law in patent matters.

- (a) International common law. Independence of patents, etc.
- (b) International law under Conventions. Assimilation to nationals, right of priority, multiple priorities.
- (c) Bilateral treaties.
- (d) Special war measures.

8. Commercial or industrial secrets.

II. Utility Models

III. Industrial Designs

IV. Trademarks

1. Acquisition of rights.

- (a) Acquisition by use (unregistered marks).

- (b) Acquisition by deposit and registration (formalities, etc.):

Individual marks.
Collective marks.

- (c) Agents' marks; licenses to use.

2. Symbols which may or may not be used as marks.

- (a) Constitutive elements (lay-out, packaging, bottles, shapes of containers, shapes of products, colours, letters, figures, etc.).
- (b) Generic or qualitative descriptions.
- (c) Family and geographical names.
- (d) Emblems.
- (e) Free marks (Freizeichen).
- (f) Translations (of marks registered or in use).

2 A. Goods for which a mark may or may not be registered.

2 B. Well-known marks, famous marks.

3. Scope and maintenance of rights.

Effects of registration. Obligation to exploit. Renewal.

4. Change of ownership.

5. Termination of rights.

- (a) Conflicting marks, other than those classified under 2 B above.
- (b) Non-use or usucaption.
- (c) Renunciation and sufferance.

6. Civil and penal sanctions.

Infringement, procedure, power to sue, confiscation, seizure, etc.

7. International law in trademark matters.

- (a) International common law. Independence of marks, etc.
- (b) International law under Conventions. Union Convention of Paris (assimilation to nationals, right of priority, "telle quelle" protection). Madrid Agreement for the International Registration of Trade Marks.
- (c) Bilateral treaties.
- (d) Special war measures.

8. Protection of presentation (*Ausstattungsschutz*).

V. Commercial or Trade Name

VI. Indications of Source

VII. Unfair Competition

VIII. Legislation against monopolies

B. Decisions published in *Industrial Property* (1966) and classified according to the above plan

I. PATENTS	Pages		Pages
I. Basis of rights			
(a) Persons entitled to apply for a patent, employees' inventions, moral rights.		Patents. Novelty. Novelty of an invention is precluded not only by printed patent documents but also by unprinted patent application papers available to the public for information purposes. This new principle cannot be applied retroactively to application filed prior to the borderline date (Federal Supreme Court, June 19, 1962)	172
<i>Germany (Fed. Rep.)</i> . Patents. Employees' inventions. The determination of a remuneration to the inventor may be postponed until the Patent Office has settled the question of patentability. But, if the employer uses the service invention at an earlier date he cannot put off the inventor until such time as the patent procedure is concluded, and must within a reasonable period from the time when the invention was first used establish and pay at least a provisional remuneration, in return for the actual use and benefit from the invention (Federal Supreme Court, June 28, 1962)	171	Plant varieties. Provided the patent claims are accordingly drafted, protection afforded by a plant patent is not necessarily restricted to the product obtained through the breeding process but can also be extended to vegetative reproduction in later stages (Federal Supreme Court, July 6, 1962)	176
Patents. Employees' inventions. Employer's renunciation of right to the invention interpreted as limited acquisition according to Art. 10 of the Law. Neither Arbitration Board nor an ordinary court deciding the question of remuneration can settle the question of patentability and thereby reject the employee's claim to remuneration (Federal Supreme Court, January 9, 1964)	172	Patentability of medicaments. A preparation for the care of teeth and mouths that contains certain fluorine combinations is eligible for protection. Cosmetic products having a prophylactic effect are not to be treated as medicaments provided that they were intended exclusively for the treatment of the healthy exterior of the human body (Federal Patent Court, March 21, 1963)	174
(b) Patentable and non-patentable inventions (novelty, technical progress, inventive step, chemical, pharmaceutical, horticultural products, etc.).		Patents. Novelty. As prior art are regarded not only the filing documents for German patents and utility models but also those for foreign patents. These are assimilated to printed publications in so far as the public can learn of the existence of the relevant application and can study the contents either at the premises of the foreign patent office or by ordering a photocopy (Federal Supreme Court, May 25, 1963)	173
<i>Germany (Fed. Rep.)</i> . Plant varieties. Variety protection. The public law admission of a protected potato variety for importation does not affect the enforcement of variety protection under private law, whereby the owner of a variety has the exclusive right of producing, offering for sale and distributing the protected variety in Germany. Admission for importation under public law does not restrict the variety owner's right of prohibition (Federal Supreme Court, June 27, 1953)	176	Patentability of medicaments. A process consisting merely of mixing products, by means of which a combination of medicaments is obtained from known materials according to a specific proportion, without any particular technical effect being obtained as regards the process of mixing or the final product, cannot be eligible for patent protection even if the use of the mixture of medicaments thereby obtained results in an unexpected therapeutic effect (Federal Supreme Court, February 13, 1964)	174
Patents. Novelty. It is only relevant whether the prior use is such as to make the nature of the invention known, that is to say to incorporate the invention within the existing state of the art, and not whether the use constitutes infringement of one of the exclusive rights of the patentee (Federal Supreme Court, October 24, 1961)	173	Patentability of medicaments. Since pregnancy is not an abnormal condition and therefore does not constitute a disease, contraceptives are not intended to cure, relieve or prevent a disease and are therefore not medicaments (Federal Patent Court, December 11, 1964)	174
Patentability of medicaments. A diagnostic preparation, that is a means for the determination of diseases and the recognition of abnormal physical states, cannot be treated as a medicament, even where one or more bodily functions enter into play in order to bring about the diagnostic effect. Nor does it matter whether or not the diagnostic preparation changes its chemical composition when used as intended (Federal Patent Court, March 2, 1962)	173		
Patents. Novelty. The existence of prior use depends always on the circumstances in the individual instance. The Court confirmed the public nature of prior use (Federal Supreme Court, June 8, 1962)	173	3. Scope and maintenance of rights	
Patentability of medicaments. What matters is the purpose of the preparation and not whether it has any influence on physiological functions (Federal Patent Court, July 3, 1962)	173	(a) Interpretation of patents.	
		<i>Germany (Fed. Rep.)</i> . Interpretation of patents. Extent of protection. A vitiated form of execution infringes a patent only if it also fulfils, to a substantial degree, the essential function of the invention. In the case of an invention comprising a combination any debased form could not by definition constitute infringement unless it used all the elements of the original invention, even if in a less effective manner (Federal Supreme Court, May 29, 1962)	174
		Interpretation of patents. Extent of protection. Protection of equivalents can be extended only to those which fall within the scope of a "general inventive idea" for which all aspects of patent-	

<p>ability must be examined. Non-evident equivalents are not part of the object of the invention, but of the general inventive idea (Federal Supreme Court, July 11, 1963)</p> <p>Interpretation of patents. Extent of protection. To prevent double patenting the total scope of protection of the prior patent not previously published must be taken into consideration, including its general inventive idea (Federal Supreme Court, March 17, 1964)</p> <p>(f) Personal ownership rights.</p> <p><i>Germany (Fed. Rep.)</i>. Right of prior use. Patents. Tests on animals continued after the main pharmaceutical properties of a medicament have been established, but with a view to clarifying the possibility of using it for human consumption do not constitute prior use (Federal Supreme Court, May 21, 1963)</p> <p>Right of prior use. Patents. An unwritten prerequisite for the granting of a right of prior use is the possession of the invention. The user is required to have acknowledged at the time of beginning utilization that he was achieving a specified technical means (Federal Supreme Court, April 30, 1964)</p> <p>Right of prior use. Patents. There can be no question of dishonesty unless the prior user unlawfully deprived the owner of his invention or had positive knowledge, or owing to gross negligence had no knowledge, of the fact that it was someone else's invention, which had been made available to him against the wishes of the inventor (Federal Supreme Court, June 31, 1964)</p> <p>Right of prior use. Patents. Prior use constitutes a legal restriction of patent protection. The prior user's consequent prerogative does not lapse automatically if he fails to make any further use of the invention or if he stops using the inventive idea after the application is filed or after the relevant priority date (Federal Supreme Court, January 7, 1965)</p>	<p>Pages</p> <p>175</p> <p>175</p> <p></p> <p>175</p> <p>175</p> <p>176</p> <p>176</p>	<p>Utility models. The subject of the application must relate to a design, arrangement or device intended to serve the purpose of operation or use of an apparatus or an article of use. Inventions that do not correspond to these absolute requirements because they have no specific shape are automatically to be excluded from registration as utility models (Federal Supreme Court, January 30, 1964)</p>	<p>Pages</p> <p>177</p>
<p>IV. TRADEMARKS</p>			
<p>1. Acquisition of rights</p>			
<p>(a) Acquisition by use (unregistered marks).</p>			
<p><i>Canada</i>. Use of trade mark in Canada. A company which had used a trade mark for many years in the United States but had done no more than to bring to Canada samples of its product bearing the trade mark to demonstrate these samples to a Canadian Company, had not used the trade mark in Canada (Exchequer Court, 1959)</p> <p>Use of trade mark in Canada. Appearance of a trade mark on invoices for goods constitutes use of the trade mark in association with them (Exchequer Court, 1964)</p> <p>Trade marks. Making known in Canada. Circulation of publications in the "ordinary course of commerce" is accomplished by putting the publications into the hands of members of the public either as subscribers or as persons purchasing from news-stands or other outlets that exist for getting such publications into the hands of the public (Exchequer Court, 1965)</p>	<p>145</p> <p>145</p> <p>146</p>		
<p>(c) Agents' marks; licenses to use.</p>			
<p><i>Canada</i>. Trade marks. Registered user (license). A breach by the registered user of the conditions specified in his registration as such brings about an immediate termination of the permitted use even though appropriate proceedings for cancellation of the registered user registration have not yet even been instituted (Supreme Court of Canada, 1966)</p>	<p>148</p>		
<p>2. Symbols which may or may not be used as marks</p>			
<p>(a) Constitutive elements (lay-out, packaging, bottles, shapes of containers, shapes of products, colours, letters, figures, etc.).</p>			
<p><i>Canada</i>. Distinctiveness of trade mark. A trade mark consisting of the silhouette of a human head in respect of hair preparations held not adapted to distinguish (Exchequer Court, 1962)</p> <p>Definition of trade mark. A series of registrations consisting of coloured gelatine sealing bands around the junction of two halves of a gelatine medical capsule should be expunged on the ground that the bands have a functional use or characteristic and cannot, therefore, be the subject of a trade mark (The Supreme Court of Canada, 1964)</p> <p>Definition of trade mark. A process believed by those in the trade to improve an article is just as functional for commercial purposes as one that creates improvements according to some absolute scientific test or standard and accordingly held invalid for registration of a trade mark consisting of certain appearance of axe handles which is the</p>	<p>145</p> <p>145</p>		
<p>II. UTILITY MODELS</p>			
<p><i>Germany (Fed. Rep.)</i>. Utility models. The owner of a utility model is liable to the enterprise sued for infringement for any damage incurred thereby, and in particular for the consequences of cessation of production, if it is subsequently established that the model was not suitable for protection and that the owner should have foreseen this (Federal Supreme Court, November 5, 1962)</p> <p>Utility models. Electric connections. Electric connections in which the characteristics essential to the invention are of a purely electric functional nature so that their external embodiment is only secondary are not eligible for protection as utility models. An electrical apparatus incorporating a connection can be admitted to protection if the innovation is directly due to specific feature of shape in regard to the mechanical construction and when the relevant part is also described in terms of these physical characteristics in the application (Federal Supreme Court, January 30, 1964)</p>	<p>176</p> <p>176</p>		

normal result of a process having such a functional characteristic (Exchequer Court, 1965) . . .	Pages 145		
(b) Generic or qualitative descriptions.			
<i>Canada.</i> Distinctiveness of trade mark. A trade mark cannot be lost because it has become to mean the ware itself only when the owner has been careless in its use and has allowed extensive piracy of the mark by others (Exchequer Court, 1965) . . .	145		
3. Scope and maintenance of rights			
Effects of registration. Obligation to exploit. Renewal.			
<i>Canada.</i> Rights resulting from registration of a trade mark. The owner of a registered trade mark has a statutory right to use it and that neither he nor a registered user under it can be prevented from doing so even by the owner of a prior registration, so long as his registration has not been shown to be invalid (Exchequer Court, 1962) . . .	147		
Trade marks. Making known in Canada. Circulation of publications in the "ordinary course of commerce" is accomplished by putting the publications into the hands of members of the public either as subscribers or as persons purchasing from news-stands or other outlets that exist for getting such publications into the hands of the public (Exchequer Court, 1965) . . .	146		
Distinctiveness of trade mark. A trade mark cannot be lost because it has become to mean the ware itself only when the owner has been careless in its use and has allowed extensive piracy of the mark by others (Exchequer Court, 1965) . . .	145		
Abandonment of trade mark. In a case where a trade mark consisting of a woman's head registered many years earlier had never been used in Canada as registered though a somewhat similar silhouette had been used, the Court held the registration to be invalid on the ground of abandonment (Exchequer Court, 1965) . . .	146		
4. Change of ownership			
<i>Canada.</i> Trade marks. Assignment without goodwill. Action for trade mark infringement against the defendant who had purchased abroad goods of the foreign manufacturer and sold them in Canada under the trade mark. It has been conceded that the defendant could not continue this course in the future, but may sell under the trade mark goods which it had acquired before the date of the assignment (19 Fox P. C. 36, 1960) . . .	149		
Trade marks. Assignment without goodwill. Held that although the statutory provision allows the assignment of a trade mark without the goodwill of the business this section 47 of the Law 1953 does not apply to the transfer of trade names which can be only transferred together with the goodwill attached to them, the old common law still applying in such a case (Exchequer Court, 1965) . . .	148		
The Court upheld the refusal to expunge the registration on the ground that the defendant, who had assigned the trade mark in question to the plaintiff, could not, in the circumstances, be heard to attack its validity (Supreme Court of Canada, 1966) . . .	145		
		5. Termination of rights	
		(a) Conflicting marks, other than those classified under 2 B above.	
		<i>Canada.</i> Trade marks. Evidence of confusion. Surveys. Public opinion surveys tending to show that two trade marks are confusing. Evidence of such surveys is not admissible in the Courts on the ground that it is pure hearsay. Interviewers in going from door-to-door to submit their questions, cannot possibly create in the minds of those interviewed market conditions similar to those encountered by persons actually going to purchase the various wares in question (21 Fox P. C., 130, 137-9, 1962)	147
		Confusing trade marks. "Johnny Walker" and "Johnnie Walker" are confusing trade marks in spite of the difference in wares (29 Fox P. C., 64, 1965) . . .	147
		The use of trade mark "Bonus" in respect of canned dog food is likely to have the effect of depreciating the value of the goodwill attached to the trade mark "Bonus" registered for human foods (Exchequer Court, 1965) . . .	147
		(b) Non-use or usucaption.	
		<i>Canada.</i> Abandonment of trade mark. In a case where a trade mark consisting of a woman's head registered many years earlier had never been used in Canada as registered though a somewhat similar silhouette had been used, the Court held the registration to be invalid on the ground of abandonment (Exchequer Court, 1965) . . .	146
VII. UNFAIR COMPETITION			
		<i>Canada.</i> Unfair competition. The defendant's use of the confidential information and the means it had used to secure the production equipment constituted an act contrary to honest industrial or commercial usage in Canada (Court of First Instance of Ontario, 1962) . . .	149
		Unfair competition. Mere slavish imitation is not prohibited by the provisions of Section 7 of the Canadian Trade Marks Act 1932 (Ontario, Court of Appeal, 1966) . . .	149
VIII. LEGISLATION AGAINST MONOPOLIES			
		<i>Great Britain.</i> Restrictive trade practices. Price fixing resulting in standardisation. The Court accepted the contention that without an agreement that prices of non-standard product should exceed the minimum prices of standard product by 25 0/0, members would not have been prepared to standardise the product to the extent they have done (Restrictive Practices Court, January 17, 1964) .	124
		Restrictive trade practices. Price-fixing agreement resulting in stability of prices over long period of time. The Court upheld the agreement by contending that the benefit which would be denied to the public if the restriction were to be removed was the benefit of prices lower than those which would obtain in a free market (Restrictive Practices Court, January 27, 1964) . . .	123
		Restrictive trade practices. Fixing by publishers of net retail prices for sales of books to the public. The Court upheld an agreement between publishers who were not members of the Publishers'	

Association which, in an earlier case, had been made a representative respondent (Restrictive Practices Court, February 14, 1964)	Pages 124	ment, including any arrangement, whether or not intended to be enforceable by legal proceedings, has been disclosed to the Court (Court of Appeal, December 17, 1964)	Pages 122
Restrictive trade practices. Recommendation to members of manufacturers' association to treat maximum prices as appropriate selling prices. The removal of the price restriction would not result in a situation where the (steel) industry would be unable to meet the probable future needs of the public as purchasers, consumers or users (Restrictive Practices Court, June 22, 1964)	123	Restrictive trade practices, declaration that the agreement is not liable to registration. In an application by a party to an agreement for a declaration that the agreement is not subject to registration, there is implied the contention that the whole of the agreement has been disclosed to the Court. The Court ordered discovery of the document relating to the circumstances in which the written contract between the parties was entered into (Court of Appeal, December 17, 1964)	123
Restrictive trade practices. Minimum retail selling price. Enforcement where retailer gives gift vouchers in the form of trading stamps (Chancery Division, October 9, 1964)	124	Restrictive trade practices. Restrictions to enable parties to agreement to negotiate fair terms with buyer controlling preponderant part of trade or business in relevant goods. Meaning of "goods" and "trade or business" (Restrictive Court Practices, December 21, 1964)	124
Restrictive trade practices. In an application by a party to an agreement, for a declaration that the agreement is not subject to registration, there is implied the contention that the whole of the agree-			

Chronological Table of Decisions

1953	Pages	1964	Pages
Karlsruhe, Federal Supreme Court, June 27	176	Karlsruhe, Federal Supreme Court, May 25	173
		Karlsruhe, Federal Supreme Court, July 11	175
1959			
Canada, Exchequer Court	145		
1960			
Canada, Fox, P. C.	149		
1961			
Karlsruhe, Federal Supreme Court, October 24	173		
1962			
Ontario, Court of First Instance	149	Canada, Supreme Court	145
Canada, Exchequer Court	145, 147	Canada, Exchequer Court	145
Canada, Fox, P. C.	147	Karlsruhe, Federal Supreme Court, January 9	172
Munich, Federal Patent Court, March 2	173	London, Restrictive Practices Court, January 17	124
Karlsruhe, Federal Supreme Court, May 29	174	London, Restrictive Practices Court, January 27	123
Karlsruhe, Federal Supreme Court, June 8	173	Karlsruhe, Federal Supreme Court, January 30	176, 177
Karlsruhe, Federal Supreme Court, June 19	172	Karlsruhe, Federal Supreme Court, February 13	174
Karlsruhe, Federal Supreme Court, June 28	171	London, Restrictive Practices Court, February 14	124
Munich, Federal Patent Court, July 3	173	Karlsruhe, Federal Supreme Court, March 17	175
Karlsruhe, Federal Supreme Court, July 6	176	Karlsruhe, Federal Supreme Court, April 30	175
Karlsruhe, Federal Supreme Court, November 5	176	London, Restrictive Practices Court, June 22	123
		Karlsruhe, Federal Supreme Court, June 31	176
		London, Chancery Division, October 9	124
		Munich, Federal Patent Court, December 11	174
		London, Court of Appeal, December 17	122, 123
		London, Restrictive Practices Court, December 21	124
		1965	
		Canada, Exchequer Court	145, 146, 147, 148
		Canada, Fox, P. C.	146
		Karlsruhe, Federal Supreme Court, January 7	176
		1966	
1963		Canada, Supreme Court	145, 148
Munich, Federal Patent Court, March 21	174	Ontario, Court of Appeal	149
Karlsruhe, Federal Supreme Court, May 21	175		

Index of Parties

	Pages		Pages
Ace Office Equipment	149	Locked Coil Ropemakers' Association	124
American Druggist Syndicate	145	Mady	146
Automatic Telephone and Electric Co., Ltd.	123	McEachern	145
Baer	145	Munn	145
Bonus	147	National Federation of Scrap Iron	123
B. P. Canada	147	National Rubber	145
Breeze	149	Parke Davis	145
British Heavy Steel Makers	123	Prodon	145, 146
Building Products	147	Reliable	149
Cheerio	145, 147, 148	Schweppes, Ltd.	122
De Jur-Amsco	149	Silhouette	145, 146
Dubiner	145, 147, 148	Siscoe	145
Elgin	145, 149	Steel and Metal Merchants	123
Empire	145	Steinman	147
Essex	147	Supersafe Supermarkets Ltd.	124
Gallaher Ltd.	124	The Mining Rope Association	124
Glazed and Floor Tile Home Trade Association	124	The Wire Rope Manufacturers' Association	124
Hamilton	149	Welland	145
Iron and Steel Federation	123	Wian	146
John Walker	147		

Index of Book Reviews

	Pages		Pages
BIRPI. <i>Lecture Course on Industrial Property</i>	264	Penev, Penko. <i>Izobretatelstvoto i Racionalizatorstvoto v Bulgarii</i>	125
Franceschelli, Remo, Professor. <i>Sui marchi d'impresa</i>	18	Saint-Gal, Yves. <i>Protection et défense des marques de fabrique, de commerce ou de service</i>	264
Heine, Hans-Günter; Moser von Filseck, Richard. <i>Patentschutz und Entwicklungsländer, Dokumente und Materialien</i>	264	Schluapp, Walter E. <i>Das Markenrecht als subjektives Recht</i>	19
Henner, Gerhard; Schramm, Carl. <i>Der Patentverletzungsprozess</i>	222	Schramm, Carl; Henner, Gerhard. <i>Der Patentverletzungsprozess</i>	222
Jacob-Steinhorth, Karl. <i>Der zweigleisige Vertrieb von Markenwaren im deutschen und amerikanischen Recht</i>	19	Statens Offentliga Utredningar. <i>Mönsterskydd</i>	74
Knoblauch, Hans. <i>Einführung in die Praxis des Warenzeichen- und Ausstattungsrechtes</i>	18	Troller, Alois. <i>Die mehrseitigen völkerrechtlichen Verträge im internationalen gewerblichen Rechtsschutz und Urheberrecht</i>	19
Koktvedgaard, Mogens. <i>Immaterialretspositioner</i>	19	USSR. Recent publications	95
Liedl, Gerhard. <i>Loi allemande sur les brevets, les modèles d'utilité et les marques</i>	222	Vonarburg, Joseph. <i>Die Lehre von der patentbegründenden Wirkung des technischen Effekts und deren Anwendung auf das schweizerische Recht</i>	264
Magnin, François. <i>Contribution à l'étude du Know-How</i>	265	Wichers Hoeth, L. <i>Etude comparative de quelques aspects de l'usage de la marque</i>	179
Moser von Filseck, Richard; Heine, Hans-Günter. <i>Patentschutz und Entwicklungsländer, Dokumente und Materialien</i>	264		

List of Legislative Texts

	Pages		Pages
African and Malagasy Industrial Property Office (OAMPI). — Regulations concerning Patents for Inventions	162	Decrees concerning the Temporary Protection of Industrial Property Rights at Three Exhibitions (of April 16, 1966)	144
Regulations concerning Trademarks	186	Decrees concerning the Temporary Protection of Industrial Property Rights at Three Exhibitions (of May 18, 1966)	168
Regulations concerning Industrial Designs	206	Decrees concerning the Temporary Protection of Industrial Property Rights at Two Exhibitions (of July 1 and 15, 1966)	189
Regulations relating to the Organization of the High Commission of Appeals provided for in Article 10 of the Accord of Libreville of September 13, 1962	212	Decrees concerning the Temporary Protection of Industrial Property Rights at Five Exhibitions (of July 15 and 21, and August 28, 1966)	215
Algeria. — Ordinance Relating to Inventors' Certificates and Patents of Inventions (No. 66-54, of March 3, 1966)	232	Decrees concerning the Temporary Protection of Industrial Property Rights at One Exhibition (of September 16, 1966)	255
Ordinance Relating to Trademarks (No. 66-57, of March 19, 1966)	240	Union of Soviet Socialist Republics. — Guide to the Patenting of Foreign Inventions in the USSR published by the Patent Department of the All-Union Chamber of Commerce (Moscow, 1965)	61
Ordinance Relating to Designs (No. 66-86, of April 28, 1966)	251	Statute of the All-Union Export and Import Enterprise "Licencintorg"	66
Ordinance Amending Ordinance No. 66-57, of March 19, 1966, Relating to Trademarks (No. 66-308, of October 14, 1966)	254	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	78
Circular relating to the Legislation on Designs	276	Regulations of the Expert Council of the State Committee for Inventions and Discoveries Attached to the Council of Ministers of the USSR, of March 4, 1960	81
Australia. — Trade Marks Act 1955-1958 (First part)	276	Instructions concerning Exchange of a Patent for a Certificate of Authorship, Approved by Order No. 94 of the Chairman of the State Committee for Inventions and Discoveries Attached to the Council of Ministers of the USSR, of May 30, 1961	110
Bulgaria. — Act on Discoveries, Inventions and Rationalization Proposals (No. 10, February 3, 1961)	213	Patent Fees. Order of the Labour and Defense Committee, of May 12, 1931 (Compilation of the Laws of the USSR, 1931, No. 30, Article 234). <i>Extracts</i>	112
France. — Decree relating to Patent Agents (No. 65-921, of October 29, 1965)	11	United States of America. — Trademark Act of 1946, as Amended	82, 113
Ireland. — Entry into Force of the Patents Act 1964	141	Act of March 26, 1964 (78 Stat. 171) to Amend Title 35 of the United States Code relative to patents to permit a written declaration to be accepted in lieu of an oath, and for other purposes	120
Israel. — Appellations of Origin (Protection) Law, 5725-1965	141		
Italy. — Decrees concerning the Temporary Protection of Industrial Rights at Five Exhibitions (of December 2, 9 and 22, 1966)	37		
Decrees concerning the Temporary Protection of Industrial Property Rights at Eleven Exhibitions (of January 15 and 27, February 8, 1966)	61		
Decrees concerning the Temporary Protection of Industrial Property Rights at Nine Exhibitions (of January 29, February 19 and 23, 1966)	78		
Decrees concerning the Temporary Protection of Industrial Property Rights at Five Exhibitions (of March 15, 24 and April 2, 6, 1966)	110		

