

Industrial Property

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WORLD INTELLECTUAL PROPERTY ORGANIZATION

Paris Convention for the Protection of Industrial Property

of March 20, 1883

as revised

at BRUSSELS on December 14, 1900, at WASHINGTON on June 2, 1911,
at THE HAGUE on November 6, 1925, at LONDON on June 2, 1934,
at LISBON on October 31, 1958,
and at STOCKHOLM on July 14, 1967

Provisional and Partial English Translation *)

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Article 4

[Right of Priority]²⁾

.....³⁾

I. — (1) Applications for inventors' certificates filed in a country in which applicants have the right to apply at their own option either for a patent or for an inventor's certificate shall give rise to the right of priority provided for by this Article, under the same conditions and with the same effects as applications for patents.

(2) In a country in which applicants have the right to apply at their own option either for a patent or for an inventor's certificate, an applicant for an inventor's certificate shall, in accordance with the provisions of this Article relating to patent applications, enjoy a right of priority based on an application for a patent, a utility model, or an inventor's certificate.

.....⁴⁾

Article 13

[Assembly of the Union]

(1) (a) The Union shall have an Assembly consisting of those countries of the Union which are bound by Articles 13 to 17.

(b) The Government of each country shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(2) (a) The Assembly shall:

*) This is a provisional English translation of those provisions of the Paris Convention which have been added to, or changed in, the Lisbon Act as a result of the Stockholm Revision Conference.

The Stockholm Act provides that an official English text thereof must be established by the Director General of the World Intellectual Property Organization or, pending his appointment, the Director of BIRPI, after consultation with the interested Governments. Work on establishing the official English text of the entire Stockholm Act — which contains also Articles 1 to 4-H and 4^{bis} to 12, not reproduced here — has started and when completed the entire text of the English version will be published.

1) Articles 1, 2, and 3, are the same as in the Lisbon Act.

2) Articles have been given titles by the Editor to facilitate their identification. There are no titles in the signed, French text.

3) Sections A to H are the same as in the Lisbon Act.

4) Articles 4^{bis} to 12 are the same as in the Lisbon Act.

- (i) deal with all matters concerning the maintenance and development of the Union and the implementation of this Convention;
- (ii) give directions concerning the preparation for conferences of revision to the International Bureau of Intellectual Property (hereinafter designated as "the International Bureau") referred to in the Convention establishing the World Intellectual Property Organization (hereinafter designated as "the Organization"), due account being taken of any comments made by those countries of the Union which are not bound by Articles 13 to 17;
- (iii) review and approve the reports and activities of the Director General of the Organization concerning the Union, and give him all necessary instructions concerning matters within the competence of the Union;
- (iv) elect the members of the Executive Committee of the Assembly;
- (v) review and approve the reports and activities of its Executive Committee, and give instructions to such Committee;
- (vi) determine the program and adopt the triennial budget of the Union, and approve its final accounts;
- (vii) adopt the financial regulations of the Union;
- (viii) establish such committees of experts and working groups as it deems appropriate to achieve the objectives of the Union;
- (ix) determine which countries not members of the Union and which intergovernmental and international non-governmental organizations shall be admitted to its meetings as observers;
- (x) adopt amendments to Articles 13 to 17;
- (xi) take any other appropriate action designed to further the objectives of the Union;
- (xii) perform such other functions as are appropriate under this Convention;
- (xiii) subject to its acceptance, exercise such rights as are given to it in the Convention establishing the Organization.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Assembly shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(3) (a) Subject to the provisions of subparagraph (b), a delegate may represent one country only.

(b) Countries of the Union grouped under the terms of a special agreement in a common office possessing for each of them the character of a special national service of industrial property as referred to in Article 12 may be jointly represented during discussions by one of their number.

(4) (a) Each country member of the Assembly shall have one vote.

(b) One-half of the countries members of the Assembly shall constitute a quorum.

(c) Notwithstanding the provisions of subparagraph (b), if, in any session, the number of countries represented is less than one-half but equal to or more than one-third of the countries members of the Assembly, the Assembly may make decisions but, with the exception of decisions concerning its own

procedure, all such decisions shall take effect only if the conditions set forth hereinafter are fulfilled. The International Bureau shall communicate the said decisions to the countries members of the Assembly which were not represented and shall invite them to express in writing their vote or abstention within a period of three months from the date of the communication. If, at the expiration of this period, the number of countries having thus expressed their vote or abstention attains the number of countries which was lacking for attaining the quorum in the session itself, such decisions shall take effect provided that at the same time the required majority still obtains.

(d) Subject to the provisions of Article 17(2), the decisions of the Assembly shall require two-thirds of the votes cast.

(e) Abstentions shall not be considered as votes.

(5) (a) Subject to the provisions of subparagraph (b), a delegate may vote in the name of one country only.

(b) The countries of the Union referred to in paragraph (3)(b) shall, as a general rule, endeavor to send their own delegations to the sessions of the Assembly. If, however, for exceptional reasons, any such country cannot send its own delegation, it may give to the delegation of another such country the power to vote in its name, provided that each delegation may vote by proxy for one country only. Such power to vote shall be granted in a document signed by the Head of State or the competent Minister.

(6) Countries of the Union not members of the Assembly shall be admitted to the meetings of the latter as observers.

(7) (a) The Assembly shall meet once in every third calendar year in ordinary session upon convocation by the Director General and, in the absence of exceptional circumstances, during the same period and at the same place as the General Assembly of the Organization.

(b) The Assembly shall meet in extraordinary session upon convocation by the Director General, at the request of the Executive Committee or at the request of one-fourth of the countries members of the Assembly.

(8) The Assembly shall adopt its own rules of procedure.

Article 14

[Executive Committee]

(1) The Assembly shall have an Executive Committee.

(2) (a) The Executive Committee shall consist of countries elected by the Assembly from among countries members of the Assembly. Furthermore, the country on whose territory the Organization has its headquarters shall, subject to the provisions of Article 16(7)(b), have an ex officio seat on the Committee.

(b) The Government of each country member of the Executive Committee shall be represented by one delegate, who may be assisted by alternate delegates, advisors, and experts.

(c) The expenses of each delegation shall be borne by the Government which has appointed it.

(3) The number of countries members of the Executive Committee shall correspond to one-fourth of the number of countries members of the Assembly. In establishing the number of seats to be filled, remainders after division by four shall be disregarded.

(4) In electing the members of the Executive Committee, the Assembly shall have due regard to an equitable geographical distribution and to the need for countries party to the Special Agreements established in relation with the Union to be among the countries constituting the Executive Committee.

(5) (a) Each member of the Executive Committee shall serve from the close of the session of the Assembly which elected it to the close of the next ordinary session of the Assembly.

(b) Members of the Executive Committee may be re-elected, but only up to a maximum of two-thirds of such members.

(c) The Assembly shall establish the details of the rules governing the election and possible re-election of the members of the Executive Committee.

(6) (a) The Executive Committee shall:

- (i) prepare the draft agenda of the Assembly;
- (ii) submit proposals to the Assembly in respect of the draft program and triennial budget of the Union prepared by the Director General;
- (iii) approve, within the limits of the program and the triennial budget, the specific yearly budgets and programs prepared by the Director General;
- (iv) submit, with appropriate comments, to the Assembly the periodical reports of the Director General and the yearly audit reports on the accounts;
- (v) take all necessary measures to ensure the execution of the program of the Union by the Director General, in accordance with the decisions of the Assembly and having regard to circumstances arising between two ordinary sessions of the Assembly;
- (vi) perform such other functions as are allocated to it under this Convention.

(b) With respect to matters which are of interest also to other Unions administered by the Organization, the Executive Committee shall make its decisions after having heard the advice of the Coordination Committee of the Organization.

(7) (a) The Executive Committee shall meet once a year in ordinary session upon convocation by the Director General, preferably during the same period and at the same place as the Coordination Committee of the Organization.

(b) The Executive Committee shall meet in extraordinary session upon convocation by the Director General, either on his own initiative, or at the request of its Chairman or one-fourth of its members.

(8) (a) Each country member of the Executive Committee shall have one vote.

(b) One-half of the members of the Executive Committee shall constitute a quorum.

(c) Decisions shall be made by a simple majority of the votes cast.

(d) Abstentions shall not be considered as votes.

(e) A delegate may represent, and vote in the name of, one country only.

(9) Countries of the Union not members of the Executive Committee shall be admitted to its meetings as observers.

(10) The Executive Committee shall adopt its own rules of procedure.

Article 15

[International Bureau]

(1) (a) Administrative tasks concerning the Union shall be performed by the International Bureau, which is a continuation of the Bureau of the Union united with the Bureau of the Union established by the International Convention for the Protection of Literary and Artistic Works.

(b) In particular, the International Bureau shall provide the secretariat of the various organs of the Union.

(c) The Director General of the Organization shall be the chief executive of the Union and shall represent the Union.

(2) The International Bureau shall assemble and publish information concerning the protection of industrial property. Each country of the Union shall promptly communicate to the International Bureau all new laws and official texts concerning the protection of industrial property. Furthermore, it shall furnish the International Bureau with all the publications of its industrial property service of direct concern to the protection of industrial property which the International Bureau may find useful in its work.

(3) The International Bureau shall publish a monthly periodical.

(4) The International Bureau shall, on request, furnish any country of the Union with information on matters concerning the protection of industrial property.

(5) The International Bureau shall conduct studies, and shall provide services, designed to facilitate the protection of industrial property.

(6) The Director General and any staff member designated by him shall participate, without the right to vote, in all meetings of the Assembly, the Executive Committee, and any other committee of experts or working group. The Director General, or a staff member designated by him, shall be ex officio secretary of these bodies.

(7) (a) The International Bureau shall, in accordance with the directions of the Assembly and in cooperation with the Executive Committee, make the preparations for the conferences of revision of the provisions of the Convention other than Articles 13 to 17.

(b) The International Bureau may consult with inter-governmental and international non-governmental organizations concerning preparations for conferences of revision.

(c) The Director General and persons designated by him shall take part, without the right to vote, in the discussions at these conferences.

(8) The International Bureau shall carry out any other tasks assigned to it.

Article 16

[Finances]

(1) (a) The Union shall have a budget.

(b) The budget of the Union shall include the income and expenses proper to the Union, its contribution to the budget of expenses common to the Unions, and, where applicable, the sum made available to the budget of the Conference of the Organization.

(c) Expenses not attributable exclusively to the Union but also to one or more other Unions administered by the Organization shall be considered as expenses common to the Unions. The share of the Union in such common expenses shall be in proportion to the interest the Union has in them.

(2) The budget of the Union shall be established with due regard to the requirements of coordination with the budgets of the other Unions administered by the Organization.

(3) The budget of the Union shall be financed from the following sources:

- (i) contributions of the countries of the Union;
- (ii) fees and charges due for services rendered by the International Bureau in relation to the Union;
- (iii) sale of, or royalties on, the publications of the International Bureau concerning the Union;
- (iv) gifts, bequests, and subventions;
- (v) rents, interests, and other miscellaneous income.

(4) (a) For the purpose of establishing its contribution towards the budget, each country of the Union shall belong to a class, and shall pay its annual contributions on the basis of a number of units fixed as follows:

| | |
|---------------------|----|
| Class I | 25 |
| Class II | 20 |
| Class III | 15 |
| Class IV | 10 |
| Class V | 5 |
| Class VI | 3 |
| Class VII | 1 |

(b) Unless it has already done so, each country shall indicate, concurrently with depositing its instrument of ratification or accession, the class to which it wishes to belong. Any country may change class. If it chooses a lower class, the country must announce such change to the Assembly at one of its ordinary sessions. Any such change shall take effect at the beginning of the calendar year following the said session.

(c) The annual contribution of each country shall be an amount in the same proportion to the total sum to be contributed to the budget of the Union by all countries as the number of its units is to the total of the units of all contributing countries.

(d) Contributions shall become due on the first of January of each year.

(e) A country which is in arrears in the payment of its contributions may not exercise its right to vote in any of the organs of the Union of which it is a member if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. However, any organ of the Union may allow such a country to continue to exercise its right to vote in that organ if, and as long as, it is satisfied that the delay in payment is due to exceptional and unavoidable circumstances.

(f) If the budget is not adopted before the beginning of a new financial period, it shall be at the same level as the budget of the previous year, as provided in the financial regulations.

(5) The amount of the fees and charges due for services rendered by the International Bureau in relation to the Union

shall be established, and shall be reported to the Assembly and the Executive Committee, by the Director General.

(6) (a) The Union shall have a working capital fund which shall be constituted by a single payment made by each country of the Union. If the fund becomes insufficient, the Assembly shall decide to increase it.

(b) The amount of the initial payment of each country to the said fund or of its participation in the increase thereof shall be a proportion of the contribution of that country for the year in which the fund is established or the decision to increase it is made.

(c) The proportion and the terms of payment shall be fixed by the Assembly on the proposal of the Director General and after it has heard the advice of the Coordination Committee of the Organization.

(7) (a) In the headquarters agreement concluded with the country on the territory of which the Organization has its headquarters, it shall be provided that, whenever the working capital fund is insufficient, such country shall grant advances. The amount of these advances and the conditions on which they are granted shall be the subject of separate agreements, in each case, between such country and the Organization. As long as it remains under the obligation to grant advances, such country shall have an *ex officio* seat on the Executive Committee.

(b) The country referred to in subparagraph (a) and the Organization shall each have the right to denounce the obligation to grant advances, by written notification. Denunciation shall take effect three years after the end of the year in which it has been notified.

(8) The auditing of the accounts shall be effected by one or more of the countries of the Union or by external auditors, as provided in the financial regulations. They shall be designated, with their agreement, by the Assembly.

Article 17

[Amendment of Articles 13 to 17]

(1) Proposals for the amendment of Articles 13, 14, 15, 16, and the present Article, may be initiated by any country member of the Assembly, by the Executive Committee, or by the Director General. Such proposals shall be communicated by the Director General to the member countries of the Assembly at least six months in advance of their consideration by the Assembly.

(2) Amendments to the Articles referred to in paragraph (1) shall be adopted by the Assembly. Adoption shall require three-fourths of the votes cast, provided that any amendment to Article 13, and to the present paragraph, shall require four-fifths of the votes cast.

(3) Any amendment to the Articles referred to in paragraph (1) shall enter into force one month after written notifications of acceptance, effected in accordance with their respective constitutional processes, have been received by the Director General from three-fourths of the countries members of the Assembly at the time it adopted the amendment. Any amendment to the said Articles thus accepted shall bind all the countries which are members of the Assembly at the time

the amendment enters into force, or which become members thereof at a subsequent date, provided that any amendment increasing the financial obligations of countries of the Union shall bind only those countries which have notified their acceptance of such amendment.

Article 18

[Revision of Articles 1 to 12 and 18 to 30]

(1) This Convention shall be submitted to revision with a view to the introduction of amendments designed to improve the system of the Union.

(2) For that purpose, conferences shall be held successively in one of the countries of the Union among the delegates of the said countries.

(3) Amendments to Articles 13 to 17 are governed by the provisions of Article 17.

Article 19

[Special Agreements]

It is understood that the countries of the Union reserve the right to make separately between themselves special agreements for the protection of industrial property, in so far as these agreements do not contravene the provisions of this Convention.

Article 20

[Ratification or Accession by Countries of the Union; Entry Into Force]

(1) (a) Any country of the Union which has signed this Act may ratify it, and, if it has not signed it, may accede to it. Instruments of ratification and accession shall be deposited with the Director General.

(b) Any country of the Union may declare in its instrument of ratification or accession that its ratification or accession shall not apply:

- (i) to Articles 1 to 12, or
- (ii) to Articles 13 to 17.

(c) Any country of the Union which, in accordance with subparagraph (b), has excluded from the effects of its ratification or accession one of the two groups of Articles referred to in that subparagraph may at any later time declare that it extends the effects of its ratification or accession to that group of Articles. Such declaration shall be deposited with the Director General.

(2) (a) Articles 1 to 12 shall enter into force, with respect to the first ten countries of the Union which have deposited instruments of ratification or accession without making the declaration permitted under paragraph (1)(b)(i), three months after the deposit of the tenth such instrument of ratification or accession.

(b) Articles 13 to 17 shall enter into force, with respect to the first ten countries of the Union which have deposited instruments of ratification or accession without making the declaration permitted under paragraph (1)(b)(ii), three months after the deposit of the tenth such instrument of ratification or accession.

(c) Subject to the initial entry into force, pursuant to the provisions of subparagraphs (a) and (b), of each of the two groups of Articles referred to in paragraph (1)(b)(i) and (ii),

and subject to the provisions of paragraph (1)(b), Articles 1 to 17 shall, with respect to any country of the Union, other than those referred to in subparagraphs (a) and (b), which deposits an instrument of ratification or accession or any country of the Union which deposits a declaration pursuant to paragraph (1)(c), enter into force three months after the date of notification by the Director General of such deposit, unless a subsequent date has been indicated in the instrument or declaration deposited. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

(3) With respect to any country of the Union which deposits an instrument of ratification or accession, Articles 18 to 30 shall enter into force on the earlier of the dates on which any of the groups of Articles referred to in paragraph (1)(b) enters into force with respect to that country pursuant to paragraph (2)(a), (b), or (c).

Article 21

[Accession by Countries Outside the Union; Entry Into Force]

(1) Any country outside the Union may accede to this Act and thereby become a member of the Union. Instruments of accession shall be deposited with the Director General.

(2) (a) With respect to any country outside the Union which deposits its instrument of accession one month or more before the date of entry into force of any provisions of the present Act, this Act shall enter into force, unless a subsequent date has been indicated in the instrument of accession, on the date upon which provisions first enter into force pursuant to Article 20(2) (a) or (b); provided that:

- (i) if Articles 1 to 12 do not enter into force on that date, such country shall, during the interim period before the entry into force of such provisions, and in substitution therefor, be bound by Articles 1 to 12 of the Lisbon Act,
- (ii) if Articles 13 to 17 do not enter into force on that date, such country shall, during the interim period before the entry into force of such provisions, and in substitution therefor, be bound by Articles 13 and 14(3), (4), and (5), of the Lisbon Act.

If a country indicates a subsequent date in its instrument of accession, this Act shall enter into force with respect to that country on the date thus indicated.

(b) With respect to any country outside the Union which deposits its instrument of accession on a date which is subsequent to, or precedes by less than one month, the entry into force of one group of Articles of the present Act, this Act shall, subject to the proviso of subparagraph (a), enter into force three months after the date on which its accession has been notified by the Director General, unless a subsequent date has been indicated in the instrument of accession. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

(3) With respect to any country outside the Union which deposits its instrument of accession after the date of entry into force of the present Act in its entirety, or less than one month before such date, this Act shall enter into force three months after the date on which its accession has been notified by the Director General, unless a subsequent date has been indicated

in the instrument of accession. In the latter case, this Act shall enter into force with respect to that country on the date thus indicated.

Article 22

[Consequences of Ratification or Accession]

Subject to the possibilities of exceptions provided for in Articles 20(1)(b) and 28(2), ratification or accession shall automatically entail acceptance of all the clauses and admission to all the advantages of this Act.

Article 23

[Accession to Earlier Acts]

After the entry into force of this Act in its entirety, a country may not accede to earlier Acts of this Convention.

Article 24

[Territories]

(1) Any country may declare in its instrument of ratification or accession, or may inform the Director General by written notification any time thereafter, that this Convention shall be applicable to all or part of those territories, designated in the declaration or notification, for the external relations of which it is responsible.

(2) Any country which has made such a declaration or given such a notification may, at any time, notify the Director General that this Convention shall cease to be applicable to all or part of such territories.

(3) (a) Any declaration made under paragraph (1) shall take effect on the same date as the ratification or accession in the instrument of which it was included, and any notification given under such paragraph shall take effect three months after its notification by the Director General.

(b) Any notification given under paragraph (2) shall take effect twelve months after its receipt by the Director General.

Article 25

[Implementation of the Convention on the Domestic Level]

(1) Any country party to this Convention undertakes to adopt, in accordance with its constitution, the measures necessary to ensure the application of this Convention.

(2) It is understood that, at the time a country deposits its instrument of ratification or accession, it will be in a position under its domestic law to give effect to the provisions of this Convention.

Article 26

[Denunciation]

(1) This Convention shall remain in force without limitation as to time.

(2) Any country may denounce this Act by notification addressed to the Director General. Such denunciation shall constitute also denunciation of all earlier Acts and shall affect only the country making it, the Convention remaining in full force and effect as regards the other countries of the Union.

(3) Denunciation shall take effect one year after the day on which the Director General has received the notification.

(4) The right of denunciation provided by this Article shall not be exercised by any country before the expiration of five years from the date upon which it becomes a member of the Union.

Article 27

[Application of Earlier Acts]

(1) The present Act shall, as regards the relations between the countries to which it applies, and to the extent that it applies, replace the Convention of Paris of March 20, 1883, and the subsequent Acts of revision.

(2) (a) As regards the countries to which the present Act does not apply, or does not apply in its entirety, but to which the Lisbon Act of October 31, 1958, applies, the latter shall remain in force in its entirety or to the extent that the present Act does not replace it by virtue of paragraph (1).

(b) Similarly, as regards the countries to which neither the present Act, nor portions thereof, nor the Lisbon Act applies, the London Act of June 2, 1934, shall remain in force in its entirety or to the extent that the present Act does not replace it by virtue of paragraph (1).

(c) Similarly, as regards the countries to which neither the present Act, nor portions thereof, nor the Lisbon Act, nor the London Act applies, the Hague Act of November 6, 1925, shall remain in force in its entirety or to the extent that the present Act does not replace it by virtue of paragraph (1).

(3) Countries outside the Union which become party to this Act shall apply it with respect to any country of the Union not party to this Act or which, although party to this Act, has made a declaration pursuant to Article 20(1)(b)(i). Such countries recognize that the said country of the Union may apply, in its relations with them, the provisions of the most recent Act to which it is party.

Article 28

[Disputes]

(1) Any dispute between two or more countries of the Union concerning the interpretation or application of this Convention, not settled by negotiation, may, by any one of the countries concerned, be brought before the International Court of Justice by application in conformity with the Statute of the Court, unless the countries concerned agree on some other method of settlement. The country bringing the dispute before the Court shall inform the International Bureau; the International Bureau shall bring the matter to the attention of the other countries of the Union.

(2) Each country may, at the time it signs this Act or deposits its instrument of ratification or accession, declare that it does not consider itself bound by the provisions of paragraph (1). With regard to any dispute between such country and any other country of the Union, the provisions of paragraph (1) shall not apply.

(3) Any country having made a declaration in accordance with the provisions of paragraph (2) may, at any time, withdraw its declaration by notification addressed to the Director General.

Article 29

[Signature, Languages, Depositary Functions]

(1) (a) This Act shall be signed in a single copy in the French language and shall be deposited with the Government of Sweden.

(b) Official texts shall be established by the Director General, after consultation with the interested Governments, in the English, German, Italian, Portuguese, Russian and Spanish languages, and such other languages as the Assembly may designate.

(c) In case of differences of opinion on the interpretation of the various texts, the French text shall prevail.

(2) This Act shall remain open for signature at Stockholm until January 13, 1968.

(3) The Director General shall transmit two copies, certified by the Government of Sweden, of the signed text of this Act to the Governments of all countries of the Union and, on request, to the Government of any other country.

(4) The Director General shall register this Act with the Secretariat of the United Nations.

(5) The Director General shall notify the Governments of all countries of the Union of signatures, deposits of instruments of ratification or accession and any declarations included in such instruments or made pursuant to Article 20(1)(c), entry into force of any provisions of this Act, notifications of denunciation, and notifications pursuant to Article 24.

Article 30

[Transitional Provisions]

(1) Until the first Director General assumes office, references in this Act to the International Bureau of the Organization or to the Director General shall be deemed to be references to the Bureau of the Union or its Director, respectively.

(2) Countries of the Union not bound by Articles 13 to 17 may, until five years after the entry into force of the Convention establishing the Organization, exercise, if they so desire, the rights provided under Articles 13 to 17 of this Act as if they were bound by those Articles. Any country desiring to exercise such rights shall give written notification to that effect to the Director General; such notification shall be effective from the date of its receipt. Such countries shall be deemed to be members of the Assembly until the expiration of the said period.

(3) As long as all the countries of the Union have not become Members of the Organization, the International Bureau of the Organization shall also function as the Bureau of the Union, and the Director General as the Director of the said Bureau.

(4) Once all the countries of the Union have become Members of the Organization, the rights, obligations, and property, of the Bureau of the Union shall devolve on the International Bureau of the Organization.

Report

on the Work of Main Committee III (Paris Convention: Right of Priority [Inventors' Certificates]) of the Intellectual Property Conference of Stockholm, 1967

by

Alfred C. KING, Rapporteur
(Member of the Delegation of Australia)

1. On Monday, June 12, 1967, the Plenary of the Paris Union established under the Paris Convention for the Protection of Industrial Property on March 20, 1883 (delegates of 55 member countries*) being in attendance), under the Presidency of Mr. J. E. Maksarev, head of the Delegation of the Union of Soviet Socialist Republics, accepted without objection the proposals of the Government of Sweden that a member of the Rumanian Delegation be Chairman of Main Committee III, that a member of the Netherlands Delegation be Vice-Chairman of that Committee, and that I be Rapporteur. This Committee began work on Tuesday, June 13, under the chairmanship of Mr. Lucian Marinete, the Vice-Chairman being Mr. van Benthem. Observers were present on behalf of the United Nations, the International Association for the Protection of Industrial Property (IAPIP), the International Chamber of Commerce (ICC), the International Federation of Patent Agents (FICPI), and the Union of European Patent Agents.

2. The function of this Committee was to consider the revision of the Paris Convention, as revised at Lisbon on October 31, 1958, so as to put applicants for inventors' certificates in those countries of the Union the laws of which make provision for the grant of such certificates as an alternative to the grant of patents in the same position in respect of priority rights under Article 4 of the Convention as if they were applicants for patents.

3. The basic proposals for discussion before the Committee were contained in a paper prepared by the Government of Sweden with the assistance of BIRPI, marked S/2 and bearing the date of April 15, 1966. Copies of this paper had been previously distributed to Union members. In addition to an explanation of the need for the above-mentioned revision of the Convention and a history of the work already done on such revision (which require no repetition here), this paper proposed that to Article 4 there be added a new Section, the English version of which was as follows:

"I. — (1) Applications for inventors' certificates, filed in a country in which applicants have a right to apply, at their own discretion, either for a patent or for an inventor's certificate, shall be treated in the same manner and have the same effects, for the purpose of the right of priority under this Article, as applications for patents.

(2) In a country in which applicants have the above option, the right of priority provided for under this Article shall be recognized also where the applicant seeks an inventor's certificate irrespective of whether the first application (Section A, paragraph (2)) was an application for a patent or a utility model, or for an inventor's certificate."

The French version of the above Section was as follows:

"(1) Les demandes de certificats d'auteur d'invention déposées dans un pays où les déposants ont le droit de demander, à leur choix, soit un brevet, soit un certificat d'auteur d'invention, seront traitées de la même façon et auront les mêmes effets que les demandes de brevets aux fins du droit de priorité prévu par le présent article.

(2) Dans un pays où les déposants peuvent exercer ce choix, le droit de priorité prévu par le présent article sera reconnu également dans le cas où le déposant demande un certificat d'auteur d'invention, indépendamment du fait que le premier dépôt (section A, alinéa 2) était une demande de brevet, de modèle d'utilité ou de certificat d'auteur d'invention."

4. Unqualified approval of the principle that applications for inventors' certificates in countries where applicants could if they wished apply either for patents or for inventors' certificates should give rise to the right of priority provided for by Article 4 of the Convention, and that the same priority right should attach to such applications for inventors' certificates, was expressed by the Delegations of the United States of America, the Federal Republic of Germany, France, the Netherlands, the United Kingdom of Great Britain and Northern Ireland, Spain, Italy, Hungary, Yugoslavia, Switzerland, Bulgaria, Czechoslovakia, the Union of Soviet Socialist Republics, Austria, Poland, Sweden, Ireland, Belgium, Portugal, Rumania, Japan and Australia. The representatives of Ecuador, the United Nations and the IAPIP were also heard in its favor. No delegation objected to the incorporation of the above principle in the Convention.

5. During the course of the meeting references were made to proposals by the Delegations of France and Italy for amendment of the proposed new Section referred to in paragraph 3, above. The French proposal was to add several words to the first paragraph thereof so that it would take the following form:

"Applications for inventors' certificates, filed in a country in which applicants have a right to apply, at their own discretion, either for a patent or for an inventor's certificate, shall be *admitted on the same conditions*, treated in the same manner and have the same effects, for the purpose of the right of priority under this Article, as applications for patents."

The Italian proposal was to amend the whole of the proposed Section to the following form:

"I. — (1) The right of priority under this Article may also be based on applications for inventors' certificates filed in a country in which applicants have a right to apply, at their own discretion, either for a patent or for an inventor's certificate.

*) Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Central African Republic, Congo (Brazzaville), Cuba, Czechoslovakia, Denmark, Dominican Republic, Finland, France, Federal Republic of Germany, Gabon, Greece, Holy See, Hungary, Iceland, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Kenya, Liechtenstein, Luxembourg, Madagascar, Mexico, Monaco, Morocco, Netherlands, Niger, Norway, Poland, Portugal, Rumania, Senegal, South Africa, Spain, Sweden, Switzerland, Tunisia, Turkey, USSR, United Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia.

(2) In countries in which applicants have the option between applying for a patent and applying for an inventor's certificate, the right of priority provided for under this Article shall be recognized also where the applicant seeks an inventor's certificate, irrespective of whether the first application (Section A, paragraph (2)) was an application for a patent or a utility model, or for an inventor's certificate."

The Netherlands Delegation referred to a draft Section which the Congress of the IAPIP held in Tokyo in 1966 wished to be substituted for the proposed new Section, namely:

"Applications for inventors' certificates filed in a country in which applicants have the right to apply, at their own option and on the same substantive conditions either for a patent or for an inventor's certificate, shall engender the right of priority provided for by this article, under the same conditions and with the same effects as an application for a patent.

Conversely, in the countries in which applicants have the above option between a patent and an inventor's certificate, it shall be provided that an inventor's certificate can be applied for by claiming, pursuant to the present article, a priority founded on an application for a patent, utility model, or an inventor's certificate."

The representative of the IAPIP also referred to this proposal. As all these proposals differed from that of the Swedish Government and BIRPI only in form, the Committee agreed with the Chairman's view that they should be referred to the drafting committee which was to be set up.

6. The Delegation of the United Kingdom of Great Britain and Northern Ireland proposed that the Convention be further revised by inserting in Article 1(2), after the word "patents," the words "inventors' certificates." It was explained that this was not intended to be a far-reaching amendment, but that it was aimed at making the definition of "industrial property" consistent with Article 4 as proposed to be revised. The proposers thought that its only practical effect would be on the references to "industrial property" in Article 2. No delegation disapproved of this suggestion, and a number indicated their interest in it. However, all other delegations of member countries were opposed to the consideration of it in Stockholm for the reasons that it required further study and that they had come prepared to consider only the proposed revision of Article 4. Several delegations recommended that this problem be dealt with by the next revision conference after preparatory studies under the guidance of BIRPI, which BIRPI promised to undertake. The United Kingdom Delegation then withdrew its proposal.

7. A drafting committee was appointed, to consist of a member of each of the delegations: France, Italy, the Netherlands, the Union of Soviet Socialist Republics, the United States of America, Spain, the Federal Republic of Germany, Czechoslovakia, the United Kingdom of Great Britain and Northern Ireland, Sweden and Switzerland. It sat in the afternoon of Tuesday, June 13, and the morning of Wednesday, June 14, under the chairmanship of Mr. E. Brenner (United States of America). In the morning of Thursday, June 15, its proposed addition to the Convention was put before the Main

Committee together with the information that the representatives of France and Sweden on the drafting committee had been appointed to the General Drafting Committee.

8. The drafting committee's recommended English text of the new Article 4(I) was as follows:

"I. — (1) Applications for inventors' certificates filed in a country in which applicants have the right to apply at their own option either for a patent or for an inventor's certificate shall give rise to the right of priority provided for by this Article, under the same conditions and with the same effects as applications for patents.

(2) In a country in which applicants have the right to apply at their own option either for a patent or for an inventor's certificate, an applicant for an inventor's certificate shall, in accordance with the provisions of this Article relating to patent applications, enjoy a right of priority based on an application for a patent, a utility model, or an inventor's certificate."

The recommended French text was as follows:

"I. — (1) Les demandes de certificats d'auteur d'invention, déposées dans un pays où les déposants ont le droit de demander à leur choix soit un brevet, soit un certificat d'auteur d'invention, donneront naissance au droit de priorité institué par le présent article dans les mêmes conditions et avec les mêmes effets que les demandes de brevets d'invention.

(2) Dans un pays où les déposants ont le droit de demander à leur choix soit un brevet, soit un certificat d'auteur d'invention, le demandeur d'un certificat d'auteur d'invention bénéficiera, dans les termes du présent article applicables aux demandes de brevets, du droit de priorité basé sur le dépôt d'une demande de brevet d'invention, de modèle d'utilité ou de certificat d'auteur d'invention."

9. Approval of the above texts was expressed by the Delegations of Czechoslovakia, Union of Soviet Socialist Republics, Australia, Canada, Federal Republic of Germany, Austria, Yugoslavia, Sweden, Bulgaria, United Kingdom of Great Britain and Northern Ireland, Ireland, Italy, Denmark, United States of America, Switzerland, Portugal, the Netherlands, France, Spain, Norway, Brazil, Japan, Belgium, Finland, Iran, South Africa and Rumania, and no objections to them were raised.

10. The Secretary of the Committee (M. Magnin) proposed that in the second paragraph of the French version the words "selon les dispositions" be substituted for the words "dans les termes," and this drafting amendment was accepted without objection.

11. The Chairman announced that the texts proposed by the drafting committee, amended in the manner referred to in paragraph 10 above, were approved unanimously. He expressed the Committee's appreciation of the work done by the drafting committee and its Chairman, thanked the members of the Main Committee and announced that the Main Committee would meet again on the afternoon of Friday, June 16, to consider this Report.

[This Report was unanimously adopted by Main Committee III in its third meeting on June 16, 1967.]

Report

on the Work of Main Committee IV (Administrative Provisions and Final Clauses of the Paris and Berne Conventions and the Special Agreements) of the Intellectual Property Conference of Stockholm, 1967

by

Mr. Valerio DE SANCTIS, Rapporteur
(Member of the Delegation of Italy)

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1. The tasks assigned to Main Committee IV by the program and rules of procedure of the Conference were of a rather complex nature.

— It was not simply a matter of examining and discussing the proposals for revising the administrative and structural provisions of the Paris Convention for the Protection of Industrial Property (Document S/3), the Berne Convention for the Protection of Literary and Artistic Works (Document S/9), and the Special Agreements concerning industrial property: the Madrid Agreements (international registration of marks; repression of false or deceptive indications of source on goods), the Hague Agreement (international deposit of industrial designs), the Nice Agreement (international classification of goods and services for the purposes of the registration of marks), the Lisbon Agreement (protection of appellations of origin and their international registration), but also of examining the final clauses of the various Conventions and Agreements and the provisions relating to the adoption of possible transitional measures, as well as the decisions to be made with regard to the ceiling of contributions from the member countries of the Paris and Berne Unions.

— While the structural and administrative provisions concerning the Unions are tied in with the proposed new Intellectual Property Organization, the final clauses and transitional measures appear to be related to matters that are of

interest also to other Main Committees of the Conference; therefore, constant coordination — particularly through the holding of joint meetings — was established with those Committees during the course of our work.

2. The Plenary Assembly of the Conference, which met at the time of the opening of the Conference, accepted the proposals of the Swedish Government to the effect that the chairmanship of Main Committee IV should be entrusted to France and the duties of Rapporteur to the writer of this Report.

3. The Committee began its work on June 13 under the chairmanship of Mr. François Savignon (Vice-Chairman: Mr. G. S. Lule, Uganda) and terminated it on July 10. During its meetings, the Committee set up a drafting committee composed of delegates from the following countries: Brazil, France, Germany (Federal Republic), Netherlands, South Africa, Soviet Union, Spain, Sweden, Tunisia, United Kingdom, United States of America. Mr. Roger Labry (France) was named Chairman of this committee and Miss Silvia Nilsen (United States), Vice-Chairman.

— As the work of the Main Committee progressed, working groups were set up to make a preliminary study of certain matters.

4. During the general discussion of the structural and administrative reform, opened by the Chairman at the first meeting of the Committee, all delegations indicated their willingness to adopt, in principle, the suggested proposals which were the result of a long preparatory work, particularly in governmental Committees of Experts.

— The creation, for each Union, of new permanent organs representing the common will of the member countries and the autonomy of each Union, especially as regards its own budget, constituted the foundation of the new administrative structure elaborated by the Committee and proposed to the Conference.

— The Head of the Swiss Delegation made a statement in which he reminded the delegates that the Federal Council considered it an honor to be entrusted with the mandate of supervisory authority but was ready to accept its transfer to the Member States if they so desired; he added that the Swiss Government would, of course, continue to exercise its mandate on behalf of the States as long as they were not yet Members of the new Intellectual Property Organization. This statement was greatly appreciated by all delegations.

5. Also during the general discussion, it was agreed that the references to the new Organization appearing in the texts to be adopted by the Committee could be regarded as approved, subject to the decisions made by Main Committee V. Inasmuch as the program (Document S/3, Article 16; Document S/9, Article 25) reserved to the States the right to choose between several possibilities when ratifying or acceding to the Stockholm Acts (this idea was later accepted by the Committee, notwithstanding certain proposals intended to restrict the possibilities of choice), some delegations recommended that the references in question be limited to what was absolutely necessary; this suggestion was taken into account in the drafting of the new texts.

6. The examination of the provisions in the program concerning the composition and functions of each Union's Assembly and Executive Committee gave rise to many suggestions by several delegations. Even in cases where they were accepted by the Committee, however, these suggestions did not alter the structure of the new organs as they were proposed in the program. It should simply be noted that, here too, an effort was made to strengthen the existing parallelism among the different Unions but to avoid unduly complicating the organization of certain industrial property Agreements.

7. The Assembly thus remains the sovereign organ of each Union, due to the fact that it is composed of all Union countries, and the Committee endeavored to strengthen its powers. As in the program, the Executive Committee consists of countries elected by the Assembly from among countries members of the Assembly.

— The constitution of the Assembly is the essential feature of the administrative reform of the Unions, and this was the principle on which the Committee based its work. The Assembly permits the member countries of each Union, even though grouped in a Union, to exercise their sovereign powers. Furthermore, from the standpoint of the development of international cooperation in the field of intellectual property, it offers the possibility of an uninterrupted exchange of views, whereas the present organization of the Unions — especially that of the Berne Union — provides for meetings only at intervals sometimes more than twenty years apart, at a time when culture and technology are advancing at a pace never before attained.

8. As regards the composition and functions of each Union's new organs, I should merely like to call attention to a matter concerning the representation of the member countries within the Assembly, a matter that was raised, in connection with a specific case, by a proposal made by the Delegations of Madagascar and Senegal. Because of the very strong fears of certain delegations that the proposal might weaken a basic general principle — namely that each delegation to the Assembly may represent, and vote in the name of, one country only — a compromise solution was adopted, following long debates within both the Committee and an *ad hoc* working group. The solution restricts the provision to the Paris Convention and limits it to the benefit of certain Paris Union countries, namely those which, under an agreement, are grouped in a common office possessing for each of them the character of a special national service of industrial property (referred to in another provision of the same Convention) and all of which, in discussions in the Assembly, may be represented by one of them. It is also understood that, in such a case, a delegation may vote by proxy only for one country and only for exceptional reasons.

— A proposal put forward during the debates by the Delegations of Argentina, Brazil and Uruguay (Document S/189), supported by the Delegation of Spain, provided that the possibility of voting in the name of a second country would not be limited to countries having a common office but would be made general. However, this proposal was rejected by the majority of the members of the Committee, who were of the

opinion that what was involved was an exception and, consequently, should not be generalized so as not to upset, as regards voting, the structure of the Assembly and of any other collegial organ of the Unions.

9. The question of the quorum of each Union's Assembly was examined by a working group, set up for that purpose by the Committee, which felt that the quorum of one-third provided in a paragraph of the draft was too low. The provisions adopted by the Committee in regard to this matter brought the quorum up to one-half, on the understanding, however, that the Assembly could make decisions even if the number of countries represented at a session was less than one-half, as long as it was equal to or more than one-half of the member countries. Decisions adopted in such cases would, however, not take effect until after having been communicated to the countries not represented in the Assembly, with a view to reaching the quorum by correspondence. The provision drawn up to this effect might appear to be somewhat complicated, but certain delegations pointed out that nothing prevented the application of the provision being clarified and simplified in the clauses of the Assembly's rules of procedure.

10. There is a certain interdependence between the matter of the quorum in the Assembly and that of the majority required in the Assembly to amend the administrative clauses of the two Conventions. In fact, only amendments to the administrative clauses are within the competence of the Assembly. Revision of the substantive provisions is, on the other hand, entrusted to conferences of the Union countries. Under the terms of the text adopted by the Committee, the majority required to amend the administrative clauses is three-fourths of the votes cast, except as regards the articles concerning the composition and functions of the Assembly, amendments of which require a four-fifths majority of the votes cast.

— The debates on these matters were rather lively, especially as concerns the conferences of revision of the substantive clauses. The requirement of unanimity was reaffirmed in respect of the Berne Convention, including the Protocol, which is an integral part of it. A proposal to substitute a qualified majority for unanimity was rejected by a vote of 24 to 11, with 9 abstentions. As to the substantive clauses of the Paris Convention, the existing situation has been maintained.

— A proposal to provide that the conferences of revision would always be held at the headquarters of the Organization was not adopted, but it was understood that the matter would be re-examined at the Conference of Revision of the Paris Union, scheduled to be held at Vienna in a few years' time.

11. The administrative tasks with respect to each Union will, on the basis of the new structural organization of the Unions, be performed by the International Bureau. The latter is a continuation of the Bureau of the Paris Union and the Bureau of the Berne Union, united in 1892 pursuant to a Swiss Federal Council decree. The Committee made no important substantive amendments to the proposals contained in the program. The replacement of the wording (French text) appearing in the program by the expression "*Les tâches adminis-*

tratives incombant à l'Union sont assumées par le Bureau international qui succède au Bureau de l'Union" does not alter the basic idea. What is concerned is, in fact, a continuation in the same functions, and, as a transitional measure, the new wording confirms that the International Bureau of the Organization will also act as the Bureau of each Union so long as all countries of the Unions have not become Members of the Organization.

— The International Bureau will provide the secretariat of the various organs of each Union.

— This combination of functions within a single organ, this two-faced Janus, is not only a characteristic of the new structural organization of the Unions as set up at Stockholm in regard to the International Bureau; it is also to be found in the person of the Director General. He is, in fact, the chief executive of the new Organization and, at the same time, the chief executive of each Union; in addition, he represents all of these different international bodies, which, by the way, have their own autonomy.

12. In the matter of finances, the text adopted by the Committee provides that each Union shall have its own budget. This provision also reflects the concept that each Union is autonomous, as is brought out in the Unions' new structural organization.

— On the basis of a joint proposal by France, Germany (Federal Republic), Italy, and the United States of America, the original text (Documents S/3 and S/9) was amended as concerns the financing of the Unions. The Committee reached agreement on a text which provides that the budget of the Union shall include the expenses proper to the Union, its contribution to the budget of expenses common to the Unions, and, where applicable, the sum made available to the budget of the Conference of the Organization. Other draft provisions were altered accordingly. In connection with this provision, the Delegations of France, Germany (Federal Republic), Hungary, Italy, the Soviet Union, the United Kingdom, and the United States of America, put forth proposals to Main Committee V so as to have the words "...adopt the budget of expenses common to the Unions" (Documents S/62 and S/93) inserted in the list of powers belonging to the General Assembly of the Organization.

— Again on the subject of finances, the Delegation of Spain suggested (Document S/82) including among the sources of income of the Paris Union a fee that would be collected on behalf of the International Bureau in respect of all applications relating to patents, marks, etc., for which claim — under the Paris Convention — is made to the right of priority. Another proposal (Document S/163) would merely have referred to the possibility of such a fee. Considering, however, that the proposal raised important practical and legal questions, the Committee preferred to adopt a draft resolution addressed to the Plenary of the Paris Union and requesting it to invite the International Bureau to make a study of the matter and submit the results of its work to the forthcoming Vienna Conference of Revision.

13. Still in connection with finances, the Committee adopted draft decisions concerning the maximum annual

amount of ordinary contributions from the countries members of the Paris Union and of the Berne Union (ceiling of contributions) for the years 1968, 1969, and 1970. In regard to this matter, the Delegation of Argentina, supported by the Delegation of Brazil, observed that the ceiling-of-contributions system was no longer appropriate. It should be noted that the new Stockholm texts have abandoned this system.

14. At this point in my Report, I see that, if I were to attempt to deal in detail with each matter taken up by the Committee, this paper would become unnecessarily long, not only because of the existence of minutes and other Committee documents, but also and above all because of the fact that no really complex problems came up in connection with the administrative organization of the Unions. As a matter of fact, after carefully considering each matter, the Committee almost fully accepted the proposals, on these points, appearing in the draft texts contained in the program of the Conference. The work consisted primarily in resolving questions of a technical and editorial nature. In this respect, I should like to call attention to the really impressive accomplishments of the drafting committee which, in particular, undertook to draft the texts of the Special Agreements concerning industrial property that are in relationship with the Paris Convention, taking into account the parallelism that had to be achieved as far as possible in these different instruments.

I shall thus restrict myself to one or two matters concerning the final and transitional clauses.

15. In regard to the final provisions of the Paris Convention and Berne Convention, the Committee devoted special attention to the proposals of the program relating to the application of the earlier Acts of the Conventions of the Unions (Paris, Article 18; Berne, Article 27), which refer to the relations among countries of the Union that have acceded to different earlier Acts, and above all to the relations between a country that has acceded solely to the Stockholm Act and the other Union countries that have not acceded to it.

— Since corrigenda (Documents S/3/Corr. 1 and S/9/Corr. 1) to the proposals regarding this matter contained in the original program had affected other provisions somewhat related to it (in particular, Article 25^{quater} (Berne), originally proposed concerning the anticipated application of the Protocol Regarding Developing Countries), these problems were also examined at joint meetings of Main Committees II and IV, where other problems too were examined, especially those raised by Article 20^{bis} (Berne) concerning the Protocol Regarding Developing Countries. The joint meeting of the two Committees, under the chairmanship of Mr. Joseph Voyame (Switzerland), referred these matters to a working group, likewise chaired by Mr. Voyame, for preliminary examination; after a thorough debate, the working group presented its conclusions to the Committee. Moreover, once these conclusions had been approved, the subject — particularly as concerns Article 27(3) (Berne) — was again taken up by the Committee, at the proposal of the Delegation of Switzerland, after it had been decided to re-open discussion on this point.

16. The solution to the problems concerning the application of earlier Acts within the framework of a Union Cou-

vention may look different depending on the view held, as regards international public law, on the effects of international treaties on the reciprocal obligations of States deriving from successive Acts of a Union Convention. The debates on this reflected the various schools of legal thought that exist on the subject, and there were naturally differences of opinion as to how the question might be settled. Furthermore, the matter is also tied in with the basic principles of Article 2 of the Paris Convention and Article 4 of the Berne Convention, relating to the concept of equality of treatment (assimilation clause) and to the obligations of the States regarding the rights specially provided for by the Convention (minimum rights), as well as to the principle that the enjoyment and exercise of rights is independent of the existence of protection in the country of origin of the work. These problems of a general nature, which in the past had been the subject of a number of scholarly discussions, were once again raised in the Committee, particularly in the statements made by the Delegations of Australia, France, and the United Kingdom. Out of rather divergent views — one considering that the obligations among Union countries are governed by the most recent common Act, the other that the obligations of a Union country are governed by the provisions of the most recent Act to which it has acceded with regard to all other Union countries and, therefore, even Union countries not parties to that Act — the view that emerged in the Committee, but only in respect to countries outside the Union which become parties to the Stockholm Act, is one which, in reciprocal relations, takes account of certain interests of any country that has not acceded to the Stockholm Act.

17. The solution envisaged by the Committee takes its inspiration from the following general principle: as this matter is not one of different treaties but of successive Acts of a Union of countries (see Article 1 of the Berne and Paris Conventions: "The countries . . . constitute a Union . . ."), all of the Union countries must always have some links with one another, even if they are not bound by a common Act. Moreover, the successive Acts of a Union Convention always contain more or less parallel provisions, so that, from a practical point of view, the question arises only with respect to provisions that differ from one another, especially when the more recent Act to which a Union country has not acceded contains provisions regarding minimum rights that are far removed from the level of protection guaranteed by the previous Act. Only in such a case did it seem reasonable and legally correct for the countries outside the Union but parties to the Stockholm Act, in conformity with the above-mentioned Swiss proposal, to apply that Act in their relations with all of the Union countries, even those that have not acceded to the Stockholm Act, while the latter countries, in their relations with the former, apply the provisions of the last Act to which they are party, with the possibility, however, of adapting its level of protection to the level guaranteed by the Stockholm Act. Texts based on these principles were adopted by the Committee.

— Consequently, as regards the relations between countries that accede only to the Stockholm Act and countries of the Union that do not accede to it, or that do so only later, both the Berne Convention and the Paris Convention provide that

the former shall apply the Stockholm Act and that the latter shall apply the most recent Act to which they have acceded.

— Furthermore, I repeat, the Stockholm Act of the Berne Convention also provides that the countries of the second group mentioned above have the possibility of adjusting the level of protection they grant, on the basis of the most recent Act, to the level provided by the Stockholm Act. The Committee felt that this provision was justified because, in certain respects, the level of protection guaranteed by the Stockholm Act is not as high as that guaranteed by earlier Acts.

— Based on analogous principles, but having a different structure and content, is the provision, proposed during the joint meetings of Main Committees II and IV, according to which countries having, upon becoming parties to the Stockholm Act, made reservations permitted under the Protocol Regarding Developing Countries may apply such reservations in their relations with other countries of the Union not parties to the Stockholm Act, provided that the latter countries have accepted such application. A precedent for the legal institution of such acceptance is found in the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations.

— The Committee did not feel it was necessary for the Paris Convention to include a provision similar to the one inserted in the Berne Convention, since the Stockholm Act of the Paris Convention in no way alters the level of protection afforded under the previous Act of that Convention. Consequently, there seemed to be no need to provide for the possibility of the kind of material reciprocity which is the basis of the new provision of the Berne Convention, and which, by the way, already existed in earlier Acts of that Convention — although in a less general form — in particular in regard to the term of protection and works of applied art.

18. Somewhat tied in with the views on the general question of the application of earlier Acts was the decision made by the Committee regarding the accession of a country outside the Union which accedes to the Stockholm Act and, by the same fact, to the earlier Acts. This decision extended to the Paris Convention the provision already found in Article 28(3) of the Berne Convention (Brussels Act). Consequently, after the entry into force of the Stockholm Act in its entirety, a country may not accede to earlier Acts of the Paris Convention. It was only after long debates that the Committee came to an agreement on this extension of the principle found in the text of the Berne Convention. As a matter of fact, as was pointed out in the Committee, a distinction must be made between *accession* to earlier Acts and *application* of such Acts. A country may not accede to earlier Acts of a Union Convention since they are replaced by the last Act; however, because of the relations existing between countries outside the Union that accede to the last Act and countries already belonging to the Union that do not accede to it, there do exist relations between these two categories of countries, which relations result also from the very contents of the earlier Acts. Besides, nothing prevents a country acceding for the first time to the Unions, in particular the Paris Union, from making an express declaration on the application of the earlier Acts.

— The new wording adopted by the Committee introduces a further element of parallelism between the texts of the two Conventions.

19. There was still another matter concerning the relations among Union countries within the framework of the unitary system of the Unions, and that was the provision of Article 25^{quater} (Document S/9) in the original text of the program which deals with the anticipated, voluntary application of the reservations made under the Protocol Regarding Developing Countries at any time after the date of signature of the Stockholm Act, by any Union country not yet bound by the substantive articles of that Act, including the Protocol which is an integral part of it. A provision debated at length in a working group and corresponding to Article 25^{quater} was included in an article of the Protocol proposed to Main Committee II by its drafting committee.

20. Ratification of or accession to the Stockholm Act (Paris and Berne Conventions) entails acceptance of all the clauses and admission to all the advantages of that Act; however, as mentioned above (paragraph 5), there is the possibility of excluding from the effects of ratification or accession one of the two groups of Convention provisions (substantive and administrative).

— The general question of reservations (other than the reservations provided for in the Protocol Regarding Developing Countries), regarding certain provisions of the Berne Convention, that may be confirmed or formulated at the time of ratification of or accession to the Stockholm Act had been included in the program of the Conference (Article 25^{ter} of Document S/9), and it was therefore within the province of the Committee to examine this matter. However, Main Committee I had examined, as to substance, the question posed by the reservation concerning the right of translation, and had been in favor of maintaining, in the Stockholm Act, the provision contained in Article 25(3) of the Brussels Act, namely that notifications of accession to the new Stockholm Act by countries outside the Union could specify that such countries wished to substitute, provisionally at least, the provisions of Article 5 of the Union Convention revised at Paris in 1896 for those relating to the exclusive right of translation.

— In this connection, a proposal was subsequently put to Main Committee I by the Delegation of Italy in order to combine the possible maintenance of the right of reservation in favor of countries outside the Union which accede to the Stockholm Act with the right of countries making no reservations to apply, in this matter, the principle of material reciprocity in their relations with countries wishing to benefit from such a right of reservation. The matter was again taken up at a joint meeting of Main Committees I and IV held under the chairmanship of Professor Ulmer (Federal Republic of Germany), the compromise proposal was accepted, and a provision to the said effect was added to Article 25^{ter} of the program. On the other hand, as concerns Union countries which have already made reservations (Article 27(2) of the Brussels Act of the Berne Convention and Article 25^{ter}(2)(a) of the program) and which, when ratifying the Stockholm Act, wish to retain the benefit of such previously formulated reserva-

tions, the situation on reservations made in regard to the right of translation remains what it was before.

21. At the Brussels Conference of Revision of the Berne Convention, a clause on the settlement of disputes was inserted into the text of the Convention (Article 27^{bis}) providing for the compulsory jurisdiction of the International Court of Justice in matters of disputes between two or more countries of the Union, concerning the interpretation or application of the Convention, not settled by negotiation. There was no similar clause, however, in the Paris Convention.

— It should be noted that, since the entry into force of the Brussels Act, no petition on such an issue has been made to the International Court by Union countries.

— The Committee examined this matter several times on the basis of the proposal of the program, reproducing the existing provision of the Berne Convention together with several variants. Certain delegations feared that this proposal — restricted, by the way, to the Berne Convention — might, in changing the existing provision, weaken the Convention as regards the compulsory jurisdictional protection obtained with such great effort at the Brussels Conference. Other delegations, on the other hand, expressed concern since, in their view, such a clause constituted an obstacle for several countries of the Union to the ratification even of the Brussels Act. Lastly, the Committee constantly endeavored to maintain a certain parallelism between the administrative clauses of the Berne and Paris Conventions, that is, between those clauses not touching upon the substantive provisions of the two Conventions. A compromise proposal, presented by the Delegations of the Netherlands and of Switzerland, whereby the same provision concerning the settlement of disputes could be inserted in both Conventions, was finally accepted by the Committee. This compromise provides for the insertion of the said jurisdictional clause in the texts of both Union Conventions, but each Union country would have the right, when signing or ratifying the Stockholm Act, to consider itself not bound by that clause, the principle of reciprocity applying for any Union country that has not availed itself of that right.

22. The provisions of the program relating to the denunciation of the Paris and Berne Conventions have not been altered.

— In regard to the interpretation of paragraph (4) relating to the minimum of five years from the date upon which a country becomes a member of the Union that must elapse before such a country may exercise the right of denunciation, the drafting committee recommended that the Report of Main Committee IV should specify that denunciation may not be notified until after the expiration of the period concerned; it would thus go into effect six years, at the earliest, after the date mentioned in the said paragraph (4).

23. Draft resolutions on certain transitional measures regarding the proposed administrative reforms (Document S/11) — the first pertaining to the Paris Union, the second to the Berne Union, and the third to the General Assembly and the Coordination Committee of the proposed new Intellectual Property Organization as well as to related matters — were withdrawn by BIRPI. Mr. E. Braderman (United

States of America), Chairman of Main Committee V, announced this at a joint meeting of that Committee and Main Committee IV that he had been called upon to chair. As no delegation brought up these proposals again, our Committee did not have an opportunity to pursue the debates on them. It is therefore understood that, until such time as the different Stockholm texts enter into force, the administrative situation of the Unions will — as it is at present — be governed by the Acts now in force and by the application of these Acts in practice. Once the new structural rules of the Union have entered into force, certain existing institutions of the Unions will cease to function — such as, for the Paris Convention, the Conferences of Representatives established by Article 14(5) of the Lisbon Act, and, for the Berne Convention, the Permanent Committee of the Union, set up by a resolution of the Brussels Conference of Revision.

24. As we have already indicated in this Report, the Swiss Government will continue to exercise its mandate of supervisory authority, not only until the entry into force of the various texts signed at Stockholm, but beyond that date in regard to Union countries that have not yet become Members of the new Intellectual Property Organization and the Assemblies of the Unions. In this connection, at the joint meeting, tribute was once again paid to Switzerland, which, for nearly a century, has carried out with dignity functions permitting the Unions to be administered wisely, and which, today, agrees to carry on — even though on a somewhat reduced scale — this function.

[This Report was unanimously adopted by Main Committee IV in its meeting on July 10, 1967.]

INTERNATIONAL UNIONS

Paris Union

I

Adhesion

MALTA

According to a communication received from the Swiss Federal Political Department, the following note was addressed by the Embassies of the Swiss Confederation in the countries of the Paris Union to the Ministries of Foreign Affairs of those countries:

(Translation by the Swiss Federal Political Department)

“In compliance with the instructions of the Federal Political Department dated September 20, 1967, the Swiss Embassy has the honor to inform the Ministry of Foreign Affairs that the Ministry of Commonwealth and Foreign Affairs of Malta

deposited, with the Swiss Government, a declaration of adhesion of Malta to the International Convention for the Protection of Industrial Property of March 20, 1883, as revised at The Hague on November 6, 1925, at London on June 2, 1934, and at Lisbon on October 31, 1958.

In conformity with Article 16(3) of the Convention, this adhesion will take effect on **October 20, 1967**.

With regard to its contribution to the expenses of the International Bureau of the Union, this State is placed, at its request, in the Sixth Class for the purposes of Article 13(8) and (9) of the Paris Convention as revised at Lisbon.”

* * *

This adhesion will bring the Membership of the Paris Union to 79¹⁾.

II

Application to the Territory of the Bahamas

According to a communication received from the Swiss Federal Political Department, the following note was addressed by the Embassies of the Swiss Confederation in the countries of the Paris Union to the Ministries of Foreign Affairs of those countries:

(Translation by the Swiss Federal Political Department)

“In compliance with the instructions of the Federal Political Department, dated September 20, 1967, the Swiss Embassy has the honor to inform the Ministry of Foreign Affairs of the following communication:

In a note dated August 16, 1967, the Embassy of Her Britannic Majesty in Switzerland notified the Swiss Government that the Paris Convention for the Protection of Industrial Property, as revised at Lisbon on October 31, 1958, is applicable to the Bahamas. This declaration is made pursuant to Article 16^{bis}, paragraph (1) of the Convention.

In accordance with the provisions of the above-mentioned article, this declaration will take effect on **October 20, 1967**.

This notification is made in application of Article 16^{bis}, paragraph (3) of the Convention.”

1) Or 80 if East Germany or the German Democratic Republic is also considered as a party (see *Industrial Property*, 1964, p. 254). States disagree on this question.

LEGISLATION

ITALY

Decrees

concerning the Temporary Protection of Industrial Property
Rights at Two Exhibitions

(Of July 16, 1967) ¹⁾

Single Article

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

V^a Mostra internazionale dei trasporti interni e del magazzino — Manutenzione degli impianti — Strumenti di misura e pesatura per magazzini — Imballaggi per magazzini — TRAMAG (Padova, October 5 to 10, 1967);

Salone internazionale macchine per l'enologia e l'imbottigliamento (Milan, November 11 to 19, 1967)

shall enjoy the temporary protection provided by laws No. 1127 of June 29, 1939 ²⁾, No. 1411 of August 25, 1940 ³⁾, No. 929 of June 21, 1942 ⁴⁾, and No. 514 of July 1, 1959 ⁵⁾.

¹⁾ Official communication from the Italian Administration.

²⁾ See *La Propriété industrielle*, 1939, p. 124; 1940, p. 84.

³⁾ *Ibid.*, 1940, p. 196.

⁴⁾ *Ibid.*, 1942, p. 168.

⁵⁾ *Ibid.*, 1960, p. 23.

CORRESPONDENCE

Letter from the Soviet Union *)

By E. ARTEMIEV

Deputy Chairman of the Committee for Inventions and Discoveries
attached to the Council of Ministers of the USSR

GENERAL STUDIES

The Argentine System of Industrial Property *)

Professor Ernesto D. ARACAMA-ZORRAQUÍN, Lawyer
Buenos Aires

*(Second Part)*¹⁾

CONGRESSES AND MEETINGS

International Association for the Protection of Industrial Property (IAPIP)

Meeting of the Executive Committee in Helsinki

(August 28 to September 1, 1967)

The Executive Committee of the International Association for the Protection of Industrial Property (IAPIP) met in Helsinki, Finland, from August 28 to September 1, 1967.

The meeting was presided over by Mr. Mario G. E. Luzzati (Italy), First Vice-President of IAPIP, who represented Mr. Giovanni Agnelli (Italy), President of IAPIP. The Bureau of IAPIP was represented by Mr. Paul Mathély (France) as Rapporteur General, Mr. Rudolf E. Blum (Switzerland) as Secretary General and Mr. Stephen P. Ladas (U. S. A.) as Treasurer General. The Organizing Committee of the meeting was presided over by Mr. Berndt Godenhielm (President, Finnish Group IAPIP).

BIRPI was represented by Professor G. H. C. Bodenhausen, Director, and Mr. K. Pfanner, Head of the Industrial Property Division.

The Rapporteur General, Mr. Paul Mathély, reported on the results of the Stockholm Conference. He underlined that the new texts adopted in Stockholm entirely respected the autonomy of the Unions and that the observations of IAPIP had been given careful consideration by the Conference.

Seven Sub-committees considered the following questions:

1. The Sub-committee for question 23 B, presided over by Professor P. J. Pointet (Switzerland), discussed, within the general study on unification of trademarks law undertaken by IAPIP, the problem of the incontestability of registration.
2. The Sub-committee for question 40 B, presided over by Professor B. Godenhielm (Finland), dealt with the question of inventions made by employees.
3. The Sub-committee for question 41 B, presided over by Mr. R. Moser von Filseck (Germany), studied the problem of the protection of the trade name.
4. The Sub-committee for question 42 B, presided over by Mr. J. E. O'Farrell (Argentina), examined the question of the incorporation of inventors' certificates in articles of the Paris Convention other than Article 4.
5. The Sub-committee for question 47 B, presided over by Mr. M. Besarović (Yugoslavia), dealt with the effects of the territoriality of trademark rights in case of unauthorized importation of products.
6. The Sub-committee for question 48 B, presided over by Mr. F. C. Browne (USA), studied the question of the application of Articles 2 and 15 of the Paris Convention with respect to accessibility to special agreements for nationals of all Union countries.

7. The Sub-committee for question 49 B, presided over by Mr. C. M. R. Davidson (Netherlands), concentrated, within its general mandate to study means for improvement of patent examination, on a discussion of the BIRPI Plan for a Patent Cooperation Treaty (PCT).

The reports of each of these Sub-committees were submitted to the plenary meetings of the Executive Committee, which then formulated the official views of the Executive Committee on the various questions referred to above.

The PCT-Plan received the particular attention of the Executive Committee both in the competent sub-committee and the plenary session. The resolution adopted by the Executive Committee states that the draft treaty prepared by BIRPI has considerable merit and includes aspects which make it highly desirable to proceed actively with a study of it. The resolution approves, as regards the international search system, the principle of the study made by BIRPI. As regards international filing and the certificate of patentability, the Executive Committee considered that it was impossible at this stage to take a decision on these parts of the plan, partly because their form and manner of functioning may depend on the solution adopted for the search problem. The Executive Committee decided to continue the study.

A meeting of the Conference of Presidents (i. e., the chairmen of the national groups of IAPIP) discussed problems of reorganization of IAPIP.

An invitation by the Argentine group of IAPIP was accepted to hold the next Conference of Presidents from April 16 to 19, 1968, in Buenos Aires.

A group of "OMPI countries" (corresponding to the African States members of the Convention of Libreville instituting a common administration of industrial property (*Office Africain et Malgache pour la Propriété Industrielle — OAMPI*)) was accepted as a new regional group within IAPIP.

The next Congress of IAPIP in Venice, in 1969, will essentially deal with the questions discussed in Helsinki with special emphasis on international cooperation in the patent field, and with the problem of reorganization of IAPIP.

The meeting was organized in an admirably effective manner by the Finnish group of IAPIP, under its President, Professor Berndt Godenhielm. Moreover, the Finnish Group — and in particular the extremely efficient and untiring Organizing and Ladies' Committees — received the participants with outstanding hospitality and offered them a remarkable program of social events including several receptions, a most enjoyable ballet performance at the Opera, a very interesting and pleasant excursion and a magnificent closing banquet.

BOOK REVIEWS

Books Received

- ADAMS and ADAMS. *Patents and designs in the Republic of South Africa*. Pretoria, Minerva, 1962. - Loose leaf.
- ADAMS and ADAMS. *Trademark practice in the Republic of South Africa. Incorporating the full text of the Trade Marks Act No. 62 of 1963 and the Regulations, with Schedules, thereunder with Index*. Pretoria, Adams & Adams, 1964. - 158 p.
- ARRIGUCCI (Mario). *Marchio (Il) nei principali paesi del mondo, Guida per l'imprenditore*. Rome, CCI, 1967. - 247 p. Camera di commercio internazionale, sezione italiana.
- BAKER (Benton). *Outline of Patent Office interference practice*. Chicago, United States Law Printing Co., 1966. - 137 p.
- BRAZIL. DEPARTAMENTO NACIONAL DA PROPRIEDADE INDUSTRIAL. *Normas gerais sobre classificaçao de artigos e produtos*. Rio de Janeiro, Ministerio da Industria e do Comercio, 1966. - 160 p.
- CONSEIL DE COOPÉRATION DOUANIÈRE. *Nomenclature pour la classification des marchandises dans les tarifs douaniers - Nomenclature for the classification of goods in customs tariffs*. Brussels, CCD, 1965. - Loose leaf. Documents divers concernant des propositions et recommandations relatives à un droit européen de brevet, 1963-1964.
- FERNANDEZ-NOVOA (Carlos). *Nacimiento (El) del derecho sobre la marca*. Madrid, 1966. - 54 p. Extr. Revista de derecho mercantil, No. 102, October-December, pp. 187-241.
- FOSTER (Richard) and ONO (Masao). *Patent (The) and trademark law of Japan*. Tokyo, Asahi Evening News, 1966. - 103 p.
- GAVRILOV (E. P.). *Osnovnye polozenia pntentnogo prava SSHA*. Moscow, Komitet po delam, 1966 - 72 p.
- GERMANY. DEUTSCHES PATENTAMT. *Index to the patent classification of the German Federal Republic. An alphabetical index, by key-words, of subject matter pertaining to useful arts with the relevant patent classes, [subclasses], groups and subgroups. Translated from German and re-arranged in accordance with the English alphabet. [Translation of «Stichwörterverzeichnis,» 5th ed., A. Nauck, Munich, etc., 1951. -] Jerusalem, Israel Program for Scientific Translations, 1966. - 453 p.*
- IVANOV (D.). *Patentnaia sistema sovremennogo kapitalisma*. Moscow, Komitet po delam izobretanii, 1966. - 222 p.
- IVANOV (I. D.) and SERGEEV (U. A.). *Patenti i litsenzii v mezhdunarodnykh otnosheniakh*. Moscow, Mezhdunarodnye otnosheniia 1966. - 160 p.
- JAPANESE GROUP OF THE AIPPI. *Some statistics of the Japanese Patent Office*. - 12 p. Extr. Journal of the Japanese Group AIPPI, Vol. 4, Nos. 5/6, 1959.
- KUNZ (Hans Peter). *Verletzung (Die) des Markenrechts durch unerwünschte Importe von Originalwaren*. Munich, G. Bauknecht, 1966. - 109 p. Thesis.
- LEBEDEVA (E. B.). *Tekhniko-ekonomicheskaii struktura patentovaniia vo Frantsii*. Moscow, Komitet po delam, 1966. - 25 p.
- MACHLUP (Fritz). *Wettbewerb im Verkauf. Modellanalyse des Anbieterverhaltens*. Göttingen, Wandenhoeck & Ruprecht, 1966. - 568 p.
- MARKOVA (N. A.). *Tekhniko-ekonomicheskaii struktura patentovaniia v Velikobritanii*. Moscow, Komitet po delam, 1966. - 40 p.
- NATIONAL ASSOCIATION OF MANUFACTURERS. *Report of the President's Commission on the patent system (Conference, New York, January 19, 1967)*. New York, NAM, 1967. - 23 p.
- NAVIN (William J.). *Patents*. Practising Law Institute, 1966. - 244 p. Revised edition.
- PEREIRA (António Maria). *Anulação oficiosa de registos ilegais de marcas*. Lisbon, A. T. dos Anjos, 1956. - 15 p. Temas de propriedade industrial. Extr. Revista da Ordem dos advogados.
- *Espécies processuais no código da propriedade industrial*. Lisbon, A. T. dos Anjos, 1957. - 21 p. Temas de propriedade industrial. Extr. Revista da Ordem dos advogados.
- PLAISANT (R.), FRANCESCHELLI (R.) and LASSIER (J.). *Droit européen de la concurrence. Articles 85 à 89 du Traité CEE*. Paris, Delmas, 1966. - 452 p.
- *Propriété (La) industrielle et le Marché commun. Aspects économiques. Colloque Université—Industrie, 19-20 novembre 1965, Lyon*. Paris, Dunod, 1966. - 192 p.
- RUSSEL (Robert W.). *Patents and trademarks in Japan. Questions and answers*. Tokyo, Asahi Evening News, 1966. - 177 p. 2nd edition.
- SWEDEN. JUSTITIEDEPARTEMENTET. *Firmaskidd Betänkande med Förslag till Firmalag M.M avgivet av Firmautredningen*. Stockholm, Esselte AB, 1967. - 479 p. Statens Offentliga Utredningar 1967 : 35.
- UNITED STATES. PATENT OFFICE SOCIETY. *Celebration of the 175th anniversary U. S. patent system 1790-1965*. Washington, Patent Office Society, 1966. - 2 vol., 1204 p.
- VERLOREN VAN THEMAAT (Pieter), COING (Helmut), FUGATE (Wilbur), etc. *Antitrust and the Common Market - a symposium*. New York, New York University Law Review, 1963. - 185 p. New York University Law Review, Vol. 38, No. 3, May 1963, pp. 435-620.
- VSESOIUZNAIA PATENTNO-TEKHNICHESKAIA BIBLIOTEKA. *Fondy putentnoi literatury vsesoiuznoi patentno-tekhnikheskoi biblioteki*. Moscow, Institut patentnoi informatsii, 1965. - 160 p.

Vacancies for Posts in BIRPI

Applications are invited for the following posts:

I. Counsellor in the Copyright Division

Category and Grade: P 4.

Principal duties:

In general to assist in the implementation of BIRPI's copyright and neighboring rights program.

The particular duties will include:

- a) legal studies on questions concerning copyright and neighboring rights;
- b) drafting of working papers for, and reports on, international meetings;
- c) participation in meetings of other international organizations;
- d) maintaining up to date a complete collection of copyright and neighboring rights legislation of all countries.

Qualifications required:

- a) university degree in law or equivalent professional qualifications;
- b) wide experience in the field of copyright and neighboring rights (preferably including its international aspects);
- c) excellent knowledge of one of the official languages (English and French) and at least a good knowledge of the other.

Date of entry on duty:

January 1968 or later as mutually arranged.

II. Counsellor (Relations with International Organizations)

Category and Grade: P 4.

Principal Duties:

In general, to assist in the work of maintaining BIRPI's relations with other international organizations and, as far as BIRPI's depository functions are concerned, with Governments.

The duties will include:

- a) representation of BIRPI in meetings of other international organizations, especially those of the United Nations and its subsidiary bodies;
- b) responsibilities in connection with the notification of instruments of ratification of and accession to treaties of which BIRPI is the depository.

The incumbent will be under the general supervision of the Senior Counsellor for Relations with International Organizations.

Qualifications required:

- a) university degree in law, political science, economics, or equivalent qualifications in a relevant field;
- b) familiarity with the activities and procedure of the United Nations, its organs and its specialized agencies; knowledge in the field of intellectual property, especially in its international aspects, would be an advantage;
- c) excellent knowledge of one of the official languages of BIRPI (English and French) and at least a good knowledge of the other; additional languages (particularly Spanish or Russian) would be an advantage.

Date of entry on duty:

January 1968 or later as mutually arranged.

III. Translator/Editorial Assistant (French)

Category and Grade: P 2 or P 3, according to the qualifications and the experience of the candidate selected.

Principal Duties:

- a) translation of legal texts from English into French;
- b) editing of French texts;
- c) correction of printed proofs in French.

Qualifications required:

- a) perfect knowledge of French (mother tongue) and excellent knowledge of English;
- b) university degree or equivalent qualifications;
- c) experience as a translator, preferably in the legal field.

Date of entry on duty:

January 1968 or later as mutually arranged.

IV. Administrative Assistant in the Finance Section

Category and Grade: P I.

Principal Duties:

As one of the two assistants to the Head of the Finance Section the appointee will participate in part of the following duties:

- 1) preparation of data for the annual Management Report, budget and annual and periodic financial reports; supervision of budget control accounts;
- 2) examination and payment of accounts; responsibility for allocation to subheads of expenditure and necessary accounting;
- 3) supervision of payments of staff salaries, allowances, pensions, pension fund contributions;
- 4) preparation of annual account of Pension Fund;
- 5) financial aspects of staff missions; conferences and delegates travel, overtime;
- 6) cash disbursement and accounting therefor.

The foregoing duties will be placed broadly into two categories:

- i) those directly related to the budget (items 1) and 2)) and ii) those relating to staff salaries etc. (items 3), 4), 5), and 6)). The appointee may be assigned one or other of these categories of duties.

Qualifications required:

- 1) a) either a university degree or commercial qualifications at equivalent level;
b) or a full secondary school certificate and at least eight years experience of work comparable with the duties mentioned above;
- 2) perfect knowledge of one of the official languages of BIRPI (English and French) and at least a good knowledge of the other, in order to be able to perform the duties in both languages;
- 3) some administrative practice in international organizations would be an advantage.

Date of entry on duty:

To be mutually arranged.

V. Administrative Assistant in the Division of Finance, Personnel and General Administration

Category and Grade: P 1.

Principal Duties:

To assist the Head of Division in the following matters:

- a) general management of BIRPI building, office and storage accommodation; determination of requirements and procurement of supplies and equipment; supervision of inventories;
- b) BIRPI meetings: arrangements regarding conference rooms, interpretation and the reception of delegates;

- c) application of Staff Rules concerning allowances for travel, removal and installation;
- d) participation in the administration of the BIRPI Technical assistance program.

Qualifications required:

- 1) a) Either a university degree or equivalent qualifications in a relevant field;
b) or a full secondary school certificate and at least eight years experience of work comparable with the duties mentioned above.
- 2) Perfect knowledge of one of the official languages of BIRPI (English and French) and at least a good knowledge of the other in order to be able to perform the duties in both languages.
- 3) Some administrative practice in international organizations would be an advantage.

Date of entry on duty:

To be mutually arranged.

For the five posts mentioned above:

Nationality:

Candidates must be nationals of one of the member States of the Paris or Berne Unions. Qualifications being equal, preference will be given to candidates who are nationals of States of which no national is on the staff of BIRPI.

Age limit:

Candidates must be less than 50 years of age at date of appointment.

Application forms and full information regarding the conditions of employment may be obtained from the Head of Personnel, BIRPI, 32, chemin des Colombettes, 1211 Geneva, Switzerland. Application forms duly completed should reach BIRPI not later than December 1, 1967, as regards posts I, II and III and not later than December 15, 1967, as regards posts IV and V.

CALENDAR

Meetings of BIRPI

| Date and Place | Title | Object | Invitations to Participate | Observers Invited |
|--|--|--|---|---|
| October 2 to 10, 1967 Geneva | Committee of Experts on a Patent Cooperation Treaty (PCT) | Examination of the proposed BIRPI plan for facilitating the filing and examination of applications for the protection of the same invention in a number of countries | <i>Countries in which over 5000 patent applications were filed in a year according to latest statistics:</i> Argentina, Australia, Austria, Belgium, Brazil, Canada, Czechoslovakia, Denmark, France, Germany (Fed. Rep.), India, Italy, Japan, Mexico, Netherlands, Norway, Poland, South Africa, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America | <i>Intergovernmental Organizations:</i> United Nations; United Nations Industrial Development Organization; United Nations Conference on Trade and Development; International Patent Institute; Organization of American States; Permanent Secretariat of the General Treaty for Central American Economic Integration; Latin-American Free Trade Association; Council of Europe; European Atomic Energy Community; European Economic Community; European Free Trade Association; African and Malagasy Industrial Property Office <i>Non-Governmental Organizations:</i> Committee of National Institutes of Patent Agents; Council of European Industrial Federations; European Industrial Research Management Association; Inter-American Association of Industrial Property; International Association for the Protection of Industrial Property; International Chamber of Commerce; International Federation of Patent Agents; National Association of Manufacturers (U. S. A.); Union of European Patent Agents; Union des Industries de la Communauté européenne |
| December 12 to 15, 1967 Geneva | Permanent Committee of the Berne Union (13 th Session) | Consideration of various questions concerning copyright | Belgium, Brazil, Denmark, France, Germany (Fed. Rep.), India, Italy, Portugal, Rumania, Spain, Switzerland, United Kingdom | All other Member States of the Berne Union; interested international inter-governmental and non-governmental organizations |
| December 18 and 19, 1967 Geneva (Headquarters of ILO) | Intergovernmental Committee (Neighbouring Rights). Meeting convened jointly by BIRPI, ILO and UNESCO (1 st Session) | Adoption of the rules of procedure; election of officers; various questions | Congo(Brazzaville),Czechoslovakia, Ecuador, Mexico, Sweden, United Kingdom | All other States parties to the Rome Convention (1961) |
| December 18 to 21, 1967 Geneva | Interunion Coordination Committee (5 th Session) | Program and Budget of BIRPI | Belgium, Brazil, Ceylon, Czechoslovakia, Denmark, France, Germany (Fed. Rep.),Hungary,India, Italy, Japan, Mexico, Morocco, Netherlands, Nigeria, Portugal, Rumania, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom, United States of America, Yugoslavia | All other Member States of the Paris Union or of the Berne Union |
| December 18 to 21, 1967 Geneva | Conference of Representatives of the International Union for the Protection of Industrial Property (2 nd Session) | Program and Budget (Paris Union) | All Member States of the Paris Union | United Nations; International Patent Institute |

| Date and Place | Title | Object | Invitations to Participate | Observers Invited |
|------------------------------------|---|---|--|--|
| December 18 to 21, 1967 Geneva | Executive Committee of the Conference of Representatives of the Paris Union (3rd Session) | Program and Budget (Paris Union) | Ceylon, Czechoslovakia, France, Germany (Fed. Rep.), Hungary, Italy, Japan, Mexico, Morocco, Netherlands, Nigeria, Portugal, Spain, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom, United States of America, Yugoslavia | All other Member States of the Paris Union |
| December 20 and 21, 1967 Geneva | Council of the Lisbon Union for the Protection of Appellations of Origin and their International Registration (2nd Session) | Annual Meeting | All Member States of the Lisbon Union | All other Member States of the Paris Union |
| 1968 | | | | |
| October 2 to 8, 1968 Locarno | Diplomatic Conference | Adoption of a Special Agreement concerning the International Classification of Industrial Designs | All Member States of the Paris Union | To be announced later |

Meetings of Other International Organizations Concerned with Intellectual Property

| Place | Date | Organization | Title |
|------------|--------------------------|--|--|
| Stockholm | September 18 to 29, 1967 | Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT) | 7th Annual Meeting |
| Cannes | September 26 to 29, 1967 | International Federation of Patent Agents (FICPI) | Congress |
| Strasbourg | October 12 to 14, 1967 | Centre d'études internationales de la propriété industrielle | Colloquium on the protection of research results |
| Paris | November 20 and 21, 1967 | International Patent Institute (IIB) | 94th Session of the Administrative Council |