

# Industrial Property

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

7<sup>th</sup> Year

No. 3

March 1968

---

## Contents

	Pages
<b>LEGISLATION</b>	
France. I. Law to Promote Inventive Activity and Revise the Patent System (No. 68-1 of January 2, 1968) . . . . .	67
II. Order of the Minister for Industry of March 6, 1967 . . . . .	75
Italy. Decrees Concerning the Temporary Protection of Industrial Property Rights at Thirteen Exhibitions (of January 18 and 22, and of February 2 and 5, 1968) . . . . .	76
<b>GENERAL STUDIES</b>	
On the French Law No. 68-1 of January 2, 1968, to Promote Inventive Activity and Revise the Patent System (François Savignon) . . . . .	76
<b>NEWS CONCERNING INTERNATIONAL ORGANIZATIONS OTHER THAN BIRPI</b>	
International League Against Unfair Competition. Congress of Nice (April 30 to May 4, 1967). Note . . . . .	79
<b>NEWS ITEMS</b>	
Poland. Appointment of a New President of the Polish Patent Office . . . . .	80
<b>BOOK REVIEWS</b> . . . . .	80
<b>CALENDAR OF MEETINGS</b>	
BIRPI Meetings . . . . .	81
Meetings of Other International Organizations Concerned with Intellectual Property . . . . .	83
Vacancies for Posts in BIRPI . . . . .	84

---

© BIRPI 1968

Any reproduction of articles and translations of laws, published in this periodical, is authorized only with the prior consent of BIRPI

---



# LEGISLATION

## FRANCE

### I

#### Law

#### to Promote Inventive Activity and Revise the Patent System (No. 68-1 of January 2, 1968)<sup>1)</sup>

The National Assembly and the Senate have adopted,  
The President of the Republic hereby enacts the Law  
worded as follows:

#### CHAPTER I

#### General Provisions

##### Article 1

Subject to the conditions and within the limits prescribed by this Law, the Director of the National Institute of Industrial Property (*Institut national de la propriété industrielle*) may grant for every invention an industrial property right (*titre de propriété industrielle*), which shall confer on the holder or his successors in title the exclusive right of working the said invention.

This right shall be vested in the first applicant, whether a natural person or a legal entity.

##### Article 2

Where an application for the grant of an industrial property right has been made either for an invention unlawfully taken from an inventor or his successors in title, or in violation of a legal or contractual obligation, the injured party may claim ownership of the application or of the document incorporating the grant.

##### Article 3

Industrial property rights shall be granted either for a term of twenty years or, except where they relate to a medicine (*médicament*), for a term of six years, from the filing date of the application.

The said rights shall be known as "patents" (*brevets d'invention*) in the former case and "certificates of utility" (*certificats d'utilité*) in the latter.

The provisions of this Patent Law shall apply to certificates of utility, with the exception of those set forth in Articles 19, 20, 21 (first paragraph), 55 (second and third paragraphs), 73 (second and third paragraphs).

##### Article 4

The inventor has the right to be mentioned as such in the patent; he may also object to such mention.

##### Article 5

Without prejudice to the provisions of the Paris Convention for the Protection of Industrial Property, aliens who are

domiciled or have an establishment outside the territory where this Law is applicable shall enjoy the benefits of the said Law, provided that French nationals are granted reciprocal protection in those countries of which the aforesaid aliens are nationals.

##### Article 6

Any invention relating in particular to a product, a process, an application or a combination of means, shall be patentable.

The said invention must be of an industrial character (*caractère industriel*), must be new, and must involve an inventive step (*impliquer une activité inventive*).

##### Article 7

Any invention shall be considered industrial if, by reason of its subject matter, its field of application and the result it produces, whether carried out by the hand of man or through the use of machinery, it contributes to the making of goods or to the attainment of technical results.

The following, in particular, shall not be considered industrial inventions:

- (1) principles, discoveries and theoretical or purely scientific concepts;
- (2) creations of an exclusively ornamental nature;
- (3) financial or accounting methods, rules of games and all other systems of an abstract nature, in particular, programs or sets of instructions covering the operations of a computer.

##### Article 8

An invention shall be considered new if it does not form part of the state of the art.

The state of the art shall be held to comprise everything made available to the public by means of a written or oral description, by use, or in any other way, before the date of the filing of the patent application or of a foreign application the priority of which is validly claimed.

Notwithstanding the provisions of this Article, the disclosure of an invention within the period of six months preceding the filing of the application for a patent shall not be deemed to prejudice the novelty of the said invention, if such disclosure was due to, or in consequence of:

- (1) an evident abuse in relation to the applicant or his predecessor in title, or
- (2) the fact that the applicant or his predecessor in title has displayed the invention at official or officially recognized international exhibitions falling within the terms of the Convention on International Exhibitions signed at Paris on November 22, 1928, and amended on May 10, 1948.

##### Article 9

An invention shall be considered to involve an inventive step if it is not obvious having regard to the state of the art.

##### Article 10

A patent cannot be validly granted in respect of an invention relating to a medicine unless its subject matter is a product, a substance or a compound disclosed for the first time

<sup>1)</sup> See *Journal officiel* of the French Republic, January 3, 1968, p. 13. — BIRPI translation.

as being a medicine within the meaning of Article L.511 of the Public Health Code.

#### Article 11

No patents shall be granted in respect of inventions the publication or exploitation of which would be contrary to public order or morality, provided that the exploitation shall not be deemed to be so contrary merely because it is prohibited by a law or regulation.

#### Article 12

No invention shall be validly claimed in a patent application, in so far as it has been claimed in any claim contained in a French patent of earlier priority date which has not yet been published on the filing date of the said application. If both applications have the same filing and priority date, the chronological order of the filing of the applications shall serve to determine the implementation of this Article.

### CHAPTER II

#### *Grant of Patents*

#### Article 13

An application for a patent shall be made in the form and in accordance with the requirements prescribed in this Law and set forth in detail in the decrees referred to in Article 73.

Such application shall include in particular: the description of the invention completed, where necessary, by drawings; claims defining the scope of the protection applied for.

#### Article 14

A patent shall be granted in respect of only one invention or a group of inventions so linked as to form a unity.

Every application which does not comply with the provisions of the foregoing paragraph shall be divided into divisional applications within the prescribed time limit; the date of filing and, as the case may be, the priority date of divisional applications shall be the date or dates of the initial application.

#### Article 15

The right of priority based on an earlier foreign application shall only be validly claimed within two months of the filing date of the later application.

On pain of loss of the priority right, the documentary evidence substantiating the said priority right shall be submitted within four months of the filing date of the later application.

The right of the applicant to have displayed the invention, as set forth in Article 8 (2), shall be claimed and substantiated at the time of the filing of the patent application, on pain of loss of the said right.

#### Article 16

Any patent application shall be rejected:

- (1) if it does not comply with the requirements laid down in Article 13;
- (2) if it has not been divided pursuant to Article 14;

- (3) if it is a divisional application the subject matter of which enlarges upon the matter contained in the description of the initial application;
- (4) if its subject matter relates to an invention which is not patentable under Article 11;
- (5) if its subject matter is obviously not of an industrial character within the meaning of Article 7 and within the limits of paragraphs (2) and (3) of the said Article;
- (6) if the description precludes the implementation of the provisions of Article 19.

#### Article 17

The documents of the patent application shall be made available to the public at the end of a period of eighteen months either from the filing date of the said application or from the priority date, if a priority right has been claimed; however, the documents of the application may be made available to the public upon the request of the applicant at any time prior to the end of such period.

#### Article 18

As from the date of the publication of the patent application pursuant to Article 17 and until the expiration of the time limit prescribed in Article 20 (2), second paragraph, any third party may file in writing, with the National Institute of Industrial Property, comments on the patentability, within the meaning of Articles 8 and 9, of the invention in respect of which a patent has been applied for. These comments shall be communicated to the owner of the application.

#### Article 19

When the patent application is found to be in accordance with the requirements of Article 16, a documentary report (*avis documentaire*) on the invention shall be drawn up forthwith.

The said report, drawn up on the basis of the claims, shall cite those items of the state of the art which may, pursuant to Articles 8 and 9, have a bearing on the patentability of the invention.

Every applicant, except where the application relates to a medicine, may request that the drawing up of the documentary report be deferred for two years; he may expressly waive the said request at any time; he shall do so before bringing an action for infringement. As from the date of publication provided for in Article 17, any third party may request that the documentary report be drawn up.

Within the period referred to in the foregoing paragraph, the applicant may also convert his patent application into an application for a certificate of utility; if, at the end of the said period, the applicant has not requested the drawing up of the documentary report, the said conversion shall, by order, be effected *ex officio*.

#### Article 20

The documentary report referred to in Article 19 shall be drawn up in accordance with the following procedure, the time limits of which shall be fixed by decree:

- (1) A first provisional documentary report shall be drawn up and forthwith notified to the owner of the application.

The said owner may, within the prescribed time limit, submit his observations and file redrafted claims.

If the applicant avails himself of one or the other of these options or, failing this, at the expiration of the above-mentioned time limit, the draft of a second provisional documentary report shall be notified to the said applicant, which shall confirm or amend the conclusions of the first provisional documentary report.

Within the prescribed time limit, the owner of the application may submit observations on the second provisional documentary report and file redrafted claims.

(2) The documents of the application shall then be made available to the public if such has not already been done pursuant to Article 17.

Within the prescribed time limit, any third party may submit observations on the second provisional documentary report.

The said observations shall be notified to the applicant, who, within the prescribed time limit, may, in turn, submit observations and file redrafted claims.

(3) The documentary report shall then be drawn up in its final form.

#### Article 21

After completion of the procedure provided for in Article 20, the patent is granted.

All documents incorporating grants shall include the description, drawings if any, claims, and, in the case of a patent, the final documentary report.

#### Article 22

Notices concerning the grant of patents shall be published in the *Bulletin officiel de la propriété industrielle*.

#### Article 23

The exclusive right referred to in Article 1 shall take effect from the filing date of the application.

#### Article 24

The Minister responsible for National Defense is empowered to take cognizance, on a strictly confidential basis, of patent applications at the National Institute of Industrial Property.

#### Article 25

Inventions which are the subject of patent applications shall not be disclosed or freely worked unless and until an authorization to that effect has been granted.

Until such time, patent applications shall not be made available to the public, no true copy of the patent applications shall be issued, except where authorized, and the proceedings provided for in Articles 17, 19 and 20 shall not be instituted.

Subject to the provisions of Article 26, the authorization provided for in the first paragraph of this Article may be granted at any time. It is deemed to be vested *ipso jure* at the expiration of a period of five months from the filing date of the patent application.

The authorizations provided for in the first and second paragraphs of this Article are granted by the Minister respon-

sible for Industrial Property upon the advice of the Minister responsible for National Defense.

#### Article 26

Prior to the expiration of the period referred to in the penultimate paragraph of Article 25, the prohibitions laid down in the first paragraph of that Article may, upon requisition of the Minister responsible for National Defense, be retained in effect for a period of one year, which may be renewed for additional periods of the same duration. The prohibitions so retained in effect may be lifted at any time under the same procedure.

Where such prohibitions have been retained in effect under an order pursuant to this Article, the owner of a patent application shall have a right to compensation in proportion to the loss suffered. In the absence of agreement between the parties (*accord amiable*), the amount of the compensation shall be determined by the *tribunal de grande instance*<sup>2)</sup>. At all levels of jurisdiction, proceedings shall take place at sittings of courts in chambers.

#### Article 27

A petition for revision of the amount of compensation provided for in Article 26 may be made by the owner of the patent upon the expiration of a period of one year from the date of the final judgment determining the said amount.

The owner of the patent shall submit evidence showing that the loss suffered by him is in excess of the assessment of the court.

### CHAPTER III

#### *Rights and Obligations Deriving from Patents*

#### Article 28

The scope of the protection conferred by the patent shall be determined by the claims. The description and the drawings shall be used to interpret the terms of the claims.

The subject matter of the claims shall not enlarge on the matter disclosed in the description completed, where necessary, by the drawings.

#### Article 29

The exclusive right conferred by the patent shall include the right to prohibit any third party from working the patented invention and in particular:

- (1) from manufacturing the product which is the subject matter of the patented invention;
- (2) from using within and importing into the territory where this Law shall apply, selling, offering for sale or putting on the market (*mettre dans le commerce*) under any other form, the patented product, as well as stocking the said product for the purposes of using it or putting it on the market;
- (3) from using or applying, selling or offering for sale, the process or the methods which are the subject matter of the patented invention;
- (4) from performing the acts referred to in (2) above in respect of a product obtained directly by means of a patented process.

<sup>2)</sup> A higher first instance court dealing with certain major civil cases.

The exclusive right conferred by the patent shall also include the right to prohibit any third party from delivering or offering to deliver to anyone who does not hold a license means of executing a patented invention.

Acts performed for personal or domestic purposes or with a view to testing the subject matter of the patented invention shall not be deemed to infringe the rights of the patentee.

#### Article 30

The rights deriving from a patent whose subject matter is a product, where the said patent does not describe the therapeutic application of such product, do not include the right to use it for the manufacture of a medicine or to perform the other acts provided for in Article 29 (2) in respect of such medicine.

The provisions of this Article do not affect the rights deriving from patents concerning processes for the manufacture of the relevant product.

The rights deriving from patents do not extend to the manufacture or to the sale of a medicine in the form of a preparation compounded according to a physician's prescription for particular cases.

#### Article 31

Any person who, within the territory where this Law applies, at the filing date or priority date of a patent, was, in good faith, in possession of the invention which is the subject of the said patent shall, despite the existence of the patent, enjoy a personal right to exploit that invention.

The right granted under this Article is only transferable with the business to which it belongs.

#### Article 32

After the expiration of a period of three years from the grant of a patent or of four years from the filing date of the application, any natural person or any legal entity, whether public or private, may, subject to the conditions laid down in the following Articles, be granted a compulsory license under that patent, provided that, at the time of the application for such license and failing legitimate reasons, serious and effective exploitation of the patent has not been undertaken or has been discontinued for more than three years.

#### Article 33

The application for a compulsory license shall be made to the *tribunal de grande instance*; it must be accompanied by evidence establishing that the applicant has been unable to obtain a license from the owner of the patent and that he is in a position to exploit the invention so as to satisfy the requirements of the market.

A compulsory license shall be non-exclusive; it shall be granted upon fixed terms, particularly in respect of its duration, its field of application and the amount of the royalties which shall be paid in consideration thereof. Those terms may be amended by order of the court, on the request of the owner of the patent or of the licensee.

#### Article 34

The holder of a compulsory license or of a license of right referred to in Articles 38, 39 and 40 may take action for in-

fringement if, after being given formal notice, the owner of the patent fails to take such action.

Any assignment of rights deriving from a compulsory license shall, on pain of invalidity, be subject to the authorization of the court.

The right deriving from a compulsory license may not be assigned or transferred by inheritance.

#### Article 35

If the holder of a compulsory license fails to comply with the terms under which that license was granted, the owner of the patent and the other licensees, if any, may prevail upon the court to order the cancellation of the said license.

#### Article 36

The owner of a patent, the subject of which is an improvement on an invention already patented on behalf of a third party, shall not work his invention without the consent of the owner of the earlier patent; the latter shall not work the patented improvement without the consent of the owner of the patent of improvement.

After hearing the State attorney, the *tribunal de grande instance* may, in the public interest, grant to the owner of the patent of improvement, upon application by the said owner, which shall not be made before the expiration of the period specified in Article 32, a non-exclusive license in so far as such license is necessary for the working of the invention which is the subject of the patent of improvement and to the extent that the invention, the subject of the said patent, involves a substantial technical advance in relation to the earlier patent. The owner of the earlier patent, upon request submitted to the court, shall be granted a license under the patent of improvement.

The provisions of Articles 33 to 35 shall apply.

#### Article 37

Where the interest of public health so requires, the system governing the grant of licenses of right may, subject to the provisions of the following Article, be made applicable, by virtue of an order made by the Minister responsible for Industrial Property, upon the request of the Minister responsible for Public Health, to patents granted in respect of a medicine or processes for the production of such medicine, whenever the said medicine is made available to the public only in insufficient quantities or when deficient in quality or sold at exorbitant prices.

#### Article 38

As from the date of the publication of the order by virtue of which the system governing the grant of licenses of right shall be made applicable to such a patent, any qualified person may apply to the Minister responsible for Industrial Property for the grant of a license to exploit the patent. The license shall be granted by order of the said Minister under fixed terms, particularly in respect of its duration and its field of application, but excluding the amount of the royalties to be paid in consideration thereof. The said license shall take effect from the date of the notification of the order to the parties.

In the absence of agreement between the parties, which shall be subject to the approval of the Minister responsible for

Industrial Property and of the Minister responsible for Public Health, the amount of the royalties shall be fixed by the *tribunal de grande instance*.

#### Article 39

Owners of patents, other than those the subject matter of which is a medicine, may be given formal notice by the Minister responsible for Industrial Property to undertake the exploitation of such patents so as to satisfy the requirements of the national economy.

If, within a period of one year, no action has been taken to comply with such notice and if the failure to exploit the patented invention or the insufficiency in quality or quantity of the exploitation of the said invention are highly prejudicial to economic development and to public interest, the system governing the grant of licenses of right may be made applicable, by a decree issued upon the advice of the *Conseil d'Etat*, to patents in respect of which such formal notice has been given.

The period of one year specified above may be extended by the Minister responsible for Industrial Property if the patentee justifies himself by legitimate reasons consistent with the requirements of the national economy.

As from the date of the publication of the decree by virtue of which the system governing the grant of licenses of right is made applicable to the patent, any qualified person may apply to the Minister responsible for Industrial Property for the grant of a license to exploit the patent. Such license shall be non-exclusive; it shall be granted by order of the said Minister under fixed terms, particularly in respect of its duration and its field of application, but excluding the amount of the royalties to be paid in consideration thereof. The said license shall take effect from the date of the notification of the order to the parties.

In the absence of agreement between the parties, the amount of the royalties shall be fixed by the *tribunal de grande instance*.

#### Article 40

The competent authorities may, at any time, obtain as of right, under the authority of the State, in order to meet the requirements of national defense, a license to exploit an invention which is the subject of a patent application or of a patent, whether such exploitation is intended to be exercised by or for the State.

The license of right shall be granted upon the request of the Minister responsible for National Defense by order of the Minister responsible for Industrial Property. The terms under which the license is granted shall be fixed by that order, to the exclusion of those relating to the amount of the royalties to be paid in consideration thereof. The license shall take effect from the date of the request for the grant of the license of right.

In the absence of agreement between the parties, the amount of the royalties shall be fixed by the *tribunal de grande instance*. At all levels of jurisdiction, the proceedings shall take place at sittings of courts in chambers.

#### Article 41

Annual fees shall be paid in respect of every patent application and every patent; such payments shall be made not later than on the day specified in a decree issued upon the advice of the *Conseil d'Etat*.

Where payment of an annual fee has not been made at the time specified in the foregoing paragraph, the said fee may be validly paid within an additional period of six months, upon payment of a surcharge within the same period.

#### CHAPTER IV

#### *The Patent as the Subject of Ownership*

#### Article 42

I. Joint ownership of a patent application or of a patent shall be governed by the following provisions:

- (1) each joint owner may personally exploit the patented invention in proportion to his share in the patent and bring an action for infringement for his own benefit;
- (2) a joint owner may grant a license to a third party to exploit the patented invention only with the agreement of all the other joint owners or with the authorization of the courts;
- (3) each joint owner may, at any time, assign his share in the patent. Joint owners shall enjoy a right of pre-emption during a period of three months from the notification of the intended assignment. In the absence of an agreement as to price, such price shall be fixed by the court, unless the vendor withdraws his offer.

II. The provisions of this Article shall apply in the absence of any stipulation to the contrary. Joint owners may, at any time, depart from these provisions by setting up agreed rules in respect of joint ownership.

#### Article 43

The rights deriving from a patent application or from a patent shall be transferable in whole or in part.

The deeds involving transfer of the rights referred to in the foregoing paragraph shall be executed in writing, on pain of nullity.

#### Article 44

Seizure of a patent shall be effected by means of an extrajudicial instrument, which shall be served upon the owner of the patent, upon the National Institute of Industrial Property, and upon any other persons in whom rights under the patent are vested; any subsequent change in the rights deriving from the patent shall not, by reason of such seizure, be invoked against the creditor effecting seizure.

On pain of nullity of the seizure, the creditor effecting such seizure shall, within the prescribed time limit, petition the court for validation of the seizure and for the purposes of offering the patent for sale.

#### Article 45

Inventions which are the subject of patent applications or of patents may, at any time, under the authority of the State, be expropriated wholly or in part, in order to meet the requirements of national defense, by a decree based upon statements

of fact made by the Minister responsible for Industrial Property and the Minister responsible for National Defense.

In the absence of agreement between the parties, the amount of the compensation for the expropriation shall be determined by the *tribunal de grande instance*.

At all levels of jurisdiction, the proceedings shall take place at sittings of courts in chambers.

#### Article 46

Any deeds dealing with assignments of or changes in the rights deriving from a patent application or a patent shall, so as to be invoked against third parties, be entered in a register, known as the National Register of Patents, which shall be kept by the National Institute of Industrial Property.

### CHAPTER V

#### *Expiration and Nullity of Patent*

#### Article 47

The owner of a patent may, at any time, renounce (*renoncer*) either the patent as a whole or one or more claims of the patent.

Renunciation shall be effected in writing and filed with the National Institute of Industrial Property. It shall take effect from the date of its publication.

Where real property rights, derived from a mortgage or a license, have been recorded in the National Register of Patents, the renunciation shall be rejected unless the beneficiaries of such rights give their consent.

The provisions of the second and third paragraphs of this Article shall not apply to renunciation effected pursuant to the provisions of Article 20.

#### Article 48

The owner of a patent application or of a patent shall forfeit his rights if the annual fee provided for in Article 41 has not been paid within the period prescribed in the said Article.

Forfeiture shall take effect from the date on which the unpaid annual fee was due. It shall be recorded by the Director of the National Institute of Industrial Property, who shall notify the patentee thereof.

Without prejudice to the rights acquired by third parties, the patentee may, within six months from the expiration of the period provided for in Article 41, make an appeal for the restoration of his rights provided he justifies by legitimate reasons his failure to pay the annual fee. At the expiration of the period within which an appeal may be made or, as the case may be, after the appeal has been dismissed, the National Institute of Industrial Property shall proceed with the publication of the notice of forfeiture.

#### Article 49

Nullity of the patent shall be declared if the invention is not patentable pursuant to Articles 6 to 12 or if the description does not disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art.

Where nullity is declared in respect of only part of the patent, the declaration of nullity shall take the form of a limitation of the claims.

#### Article 50

Proceedings in respect of nullity of a patent may be instituted *ex officio* by the prosecuting State authority.

Nullity declared in respect of a patent upon the request of the prosecuting State authority shall be absolute. Where there is no appeal from the decision ordering the annulment of the patent, such decision shall be notified to the National Institute of Industrial Property, which shall publish the said decision.

### CHAPTER VI

#### *Infringement, Legal Proceedings and Penalties*

#### Article 51

Any violation of the rights of the owner of a patent, as set forth in Articles 29 to 31, shall be deemed to be an infringement of the patent, involving the liability of the offender.

However, the use, the sale or the putting on the market, the stocking for the purposes of using or putting on the market, of an infringing product, where such acts are committed by a person other than the manufacturer of the infringing product, or the delivery of the means needed for the exploitation of the patented invention, shall not constitute infringements of the patent unless they were committed with full knowledge of the facts.

#### Article 52

Any intentional infringement of the rights of the owner of the patent, as set forth in Articles 29 to 31, shall constitute an offense punishable by a fine of from 2,000 to 15,000 francs. In the event of recidivism, the offender may be sentenced to imprisonment of from two to six months. Recidivism shall be deemed to have occurred, within the meaning of this Article, when, within the five preceding years, the offender has been convicted of the same offense.

Prosecution by the prosecuting State authority to impose the penalties provided for in the first paragraph of this Article shall be allowed only upon the complaint of the injured party.

The *tribunal correctionnel*<sup>3)</sup> to which the matter has been referred shall reserve judgment until after a decision, from which there shall be no appeal, has been given by the civil court, establishing the reality of the infringement. Incidental pleas by the defendant, based on the nullity of the patent or on matters relating to the ownership of the patent, shall be allowed only before the civil court.

#### Article 53

Proceedings in respect of any infringement of the patent shall be instituted by the owner of the patent.

However, the beneficiary of an exclusive right of exploitation and, subject to the conditions set forth in Article 34, the holder of a compulsory license may, in the absence of any provision to the contrary in the license contract, institute proceedings in respect of an infringement of the patent, if, after

<sup>3)</sup> Criminal court for minor offenses.

having received formal notice, the owner of the patent fails to institute such proceedings.

The patentee shall be entitled to take part in the infringement proceedings instituted by the licensee in accordance with the foregoing paragraph.

In like manner, any licensee shall be entitled to take part in the infringement proceedings instituted by the patentee, in order to obtain compensation for the injury he has personally sustained.

#### Article 54

Actions for infringement of patents shall fall within the exclusive jurisdiction of the *tribunal de grande instance*.

Any actions in respect of infringement of a patent and any related issue involving unfair competition shall be heard exclusively by the *tribunal de grande instance*.

#### Article 55

Notwithstanding the provisions of Article 23, acts committed prior to the publication of the grant of the patent shall not be deemed to have infringed the rights deriving from the patent. However, acts committed after the date on which the patent application has been made available to the public by virtue of Article 17 or Article 20 (2), or after service (*notification*) to the alleged infringer of a certified copy of such application, may be recorded and their author may be prosecuted.

The owner of a patent application shall not institute proceedings in respect of infringement of the patent or cause the facts to be recorded as provided in the foregoing paragraph unless the documentary report as to novelty has been applied for in accordance with Article 20.

The court to which the matter has been referred shall reserve judgment until the patent has been granted.

#### Article 56

The owner of a patent application, subject to the conditions set forth in the second paragraph of Article 55, or the owner of an application for a certificate of utility, or the owner of a patent or a certificate of utility, shall be entitled, by order of the presiding judge of the *tribunal de grande instance*, to direct any bailiffs accompanied by experts of his own choice to proceed with a detailed description, with or without effective seizure, of the allegedly infringing articles. The same right shall be enjoyed by the grantee of an exclusive right of exploitation, under the condition laid down in Article 53, as well as by the holder of a compulsory license or the holder of a license granted by virtue of Article 36, under the condition laid down in Article 34.

Where the claimant has not petitioned the court within the prescribed period, the description or the seizure shall be void *ipso jure*, without prejudice to the damages which may be claimed, depending on the circumstances.

#### Article 57

Confiscation of the articles which have been acknowledged as infringing or, as the case may be, of the tools or implements especially intended for the manufacturing of such articles may,

upon the petition of the injured party, be ordered by the civil court.

#### Article 58

The statute of limitations shall be applicable to the civil or penal actions referred to in this Law for any infringement of a patent committed more than three years prior to the filing of the complaint for infringement.

The period of limitation of penal action shall be interrupted when civil action has been instituted.

#### Article 59

Where an invention which is the subject of a patent application or of a patent is worked, in order to meet the requirements of national defense, by the State or by its contractors, sub-contractors and sub-contract holders, without a license from the owner thereof, the civil action shall be brought before the *tribunal de grande instance* sitting in chambers. The said *tribunal* shall have no authority to order either the discontinuance or the interruption of the working of the invention, or the confiscation provided for in Article 57.

If an official appraisal or a description with or without effective seizure, as provided in Article 56, is ordered by the presiding judge of the *tribunal*, the appointed law official shall refrain from proceeding with the seizure, the description and any investigation into the archives and data of the business, if the contract for research or manufacture is classified under the category of defense security.

The same rule shall apply where research or manufacture is carried out in a military establishment.

The presiding judge of the *tribunal de grande instance* may, if so requested by the interested party, order an official appraisal, which shall be carried out only by persons approved by the Minister responsible for National Defense and in the presence of his representatives.

The provisions of Article 55 shall not apply to patent applications the subject matter of which is being worked under the conditions set forth in this Article as long as such applications are subject to the prohibitions laid down in Articles 25 and 26. The persons engaged in such working shall incur as of right the liability referred to in this Article.

#### Article 60

Any person who claims under false pretense to be the owner of a patent or of a patent application shall be punishable by a fine of from 2,000 francs to 5,000 francs. In the event of recidivism, the fine may be doubled. Recidivism shall be deemed to have occurred, within the meaning of this Article, when, in the course of the five preceding years, the offender has been convicted of the same offense.

#### Article 61

Without prejudice, where the situation so requires, to the heavier penalties provided for in respect of actions jeopardizing the security of the State, any person who has knowingly transgressed one of the prohibitions laid down in Articles 25 and 26 shall be punishable by a fine of from 3,000 to 30,000 francs, and, where the violation has caused damage to national defense, may also be sentenced to imprisonment of from one to five years.

## CHAPTER VII

*Patents of Addition*

## Article 62

The owner of a patent may, throughout the whole term of that patent, apply for patents of addition in respect of inventions the subject matter of which shall be related to at least one claim of the main patent.

The patent of addition shall take effect from the filing date of the application and expire with the main patent to which it is related.

Any application for a patent of addition may, upon the request of the applicant, be converted into an application for an independent patent. The change shall take effect from the filing date of the application for the patent of addition and the granted patent shall bear the date of that filing.

## Article 63

The provisions of this Law shall apply to the patent of addition; however, the invention which is the subject matter of a patent of addition shall be exempt from the requirement, as provided in Article 9, that it shall involve an inventive step in relation to the subject matter of the main patent; furthermore, the payment of fees required under Article 41 shall not apply in the case of a patent of addition.

## Article 64

The holder of a license granted pursuant to the provisions of Articles 32 and 36 may, in the manner and subject to the conditions laid down in the said Articles, obtain a license to exploit the patent of addition related to the main patent, whatever the filing date of the application for or the grant of the patent of addition may be, and even if the said patent of addition is being exploited or has been assigned.

## Article 65

A patent of addition the subject matter of which fails to be acknowledged as being related to the main patent within the terms of the first paragraph of Article 62 may be declared null and void on the ground of lack of inventive step in relation to the subject matter of the main patent.

## Article 66

Nullity of the main patent does not entail as of right the nullity of the patents of addition related thereto; the said patents of addition shall remain in force until the expiration of the normal term of the main patent. However, if the nullity of the main patent has been declared absolute pursuant to the provisions of Article 50, the patents of addition shall only remain in force subject to continued payment of the annual fees which would have been due, had not the main patent been declared null and void.

## CHAPTER VIII

*Miscellaneous Provisions*

## Article 67

The Director of the National Institute of Industrial Property shall examine patent applications as to their compliance

with the provisions under the laws and regulations referred to in Article 16.

He shall grant the patent or, by a reasoned decision, shall reject the application. Such decision shall be notified to the applicant under conditions and within a time limit which shall be determined by decree.

In the performance of this duty, he shall not be subject to the supervision of the controlling authority.

## Article 68

Any litigation arising under this Law shall fall within the jurisdiction of the *tribunaux de grande instance* and of the relevant courts of appeal, with the exception of appeals from decrees and orders of the Minister responsible for Industrial Property, which shall fall within the jurisdiction of the administrative courts.

Appeals from decisions of the Director of the National Institute of Industrial Property made under this Law shall be dealt with directly by the Paris Court of Appeal.

A decree issued by the Keeper of the Seals, Minister of Justice, shall designate the *tribunaux de grande instance* called upon to hear civil actions. The number of such courts shall not be less than ten.

The said decree shall also determine the jurisdiction within which the afore-mentioned courts shall perform the functions thus entrusted to them.

## Article 69

Actions for the assessment of compensation instituted pursuant to the provisions of Articles 26, 38, 40 and 45 shall be brought before the *Tribunal de grande instance* of the Seine.

## Article 70

The fees to be paid to the National Institute of Industrial Property shall be prescribed by decree, in accordance with the conditions laid down in Article 5 of Ordinance No. 59-2 of January 2, 1959, establishing the basic law in respect of appropriation bills.

## Article 71

This Law shall apply to patents applied for as from the date of its coming into operation, without prejudice to rights acquired under the Law of April 13, 1908, on the temporary protection of industrial property at exhibitions.

Patents applied for prior to the date of coming into operation of this Law shall continue to be governed by the rules in force at the date of filing of the relevant applications.

However, the provisions of this Law shall, as from the date of its coming into operation, apply to the exercise of the rights deriving from the said patents, without prejudice to acquired rights which shall not be affected.

In infringement proceedings instituted on the basis of a patent applied for prior to the date of coming into operation of this Law, the plaintiff shall submit a "novelty report" (*avis de nouveauté*) in regard to those claims in his patent in respect of which infringement is alleged, wherein the items of the state of the art which may affect the novelty thereof shall be cited.

## Article 72

The Law of July 5, 1844, together with any subsequently enacted texts completing and amending such Law, the Decree of October 30, 1935, relating to patents of importance to national defense, the Decree of November 29, 1939, relating to inventions of importance to national defense, Articles L. 603 and L. 604 of the Code of Public Health, Decree No. 53-971 of September 30, 1953, instituting licenses under patents in respect of the manufacture of pharmaceutical products or medicines, as well as any and all provisions which are contrary to this Law, are hereby repealed.

## Article 73

This Law shall come into operation not later than on the first day of the twelfth month following its publication in the *Journal officiel*. Decrees issued upon the advice of the *Conseil d'Etat* shall establish the regulations for the implementation thereof.

The provisions of Articles 19 and 20 shall be applied progressively within the various branches of technology and by reference to the International Patent Classification set up under the Convention of December 19, 1954.

However, the owners of patents granted in pursuance of applications filed after the coming into operation of this Law and to which, by virtue of the foregoing paragraph, the provisions of Articles 19 and 20 will not so far apply, shall not be entitled to bring an action for infringement until after they have asked for a novelty report which shall have been drawn up in accordance with the procedure laid down in Article 20.

## Article 74

This Law shall apply to the overseas territories of New Caledonia, French Polynesia, St. Pierre and Miquelon, Wallis and Futuna, and the French Austral and Antarctic territories.

This Law shall be carried out as a Law of the State.

## II

## Order

**Terms for the Application of Decree No. 67-82 of January 27, 1967, Concerning Agreements Contracted Abroad Dealing with the Assignment or Granting of Industrial Property Rights and Any Intellectual Elements of Scientific and Technical Assistance \*)**

(March 6, 1968)

The Minister for Industry,  
Considering Decree No. 67-82 of January 27, 1967, and Article 5 thereof in particular,

Orders:

## Article 1

The provisions of the above-mentioned Decree of January 27, 1967, shall apply to agreements or additional clauses relating to the assignment or granting, whether subject to payment or not or in the form of an exchange, of

- (1) any industrial property rights such as patents, marks, designs, or licenses;
- (2) any intellectual elements within the sphere of scientific and technical assistance, in particular: technical assistance, technical studies, engineering, tests and research, know-how, scientific and technical information.

## Article 2

The French contracting party or his representative shall deposit with the Ministry of Industry (Industrial Property Service), 26<sup>bis</sup> Rue de Leningrad, Paris (VIII), a file containing:

- (1) a letter in six copies, dimensions 21 x 27 cm, conforming to the specimen attached to this Order;
- (2) two copies of the agreement (or additional clause) drawn up between the parties and, where applicable, two copies of a translation of such document in the event that it is written in a foreign language;
- (3) a card, similar to the enclosed specimen, to be used as an acknowledgement;
- (4) any documents or justification required for an examination of the case.

## Article 3

The examination of the case, as prescribed in Article 2 of the above-mentioned Decree of January 27, 1967, shall be undertaken by the official(s) or service(s) competent to do so by reason of the subject matter of the agreement or additional clauses and shall take possible defense imperatives into account. The observations resulting from their study shall be marked on a copy of the declaration which the Industrial Property Service shall dispatch to the depositor within the period of forty days provided for in the said Article.

This document shall bear a registration number which must be referred to when any subsequent transactions are made concerning the said agreement.

## Article 4

Where the file handed over to the Administration is incomplete, the period of time provided for in Article 2 of the above-mentioned Decree of January 27, 1967, shall commence only from the date on which it is duly completed.

## Article 5

Changes made in an agreement because of observations formulated as a result of the technical examination shall be brought to the attention of the Administration without it being necessary to redeposit the file in the manner prescribed in Article 2.

## Article 6

In accordance with Article 2 of the above-mentioned Decree of January 27, 1967, the opinion of the Minister for Industry shall be communicated to the General Directorate of Taxes and the General Directorate of Customs and Indirect Rights of the Ministry of Economy and Finance, as well as to the General Delegation for Technical and Scientific Research of the Ministry responsible for scientific research and matters concerned with atomic energy and outer-space, and to the General Secretariat of National Defense.

\*) See *Industrial Property*, December 1967, p. 344. — BIRPI translation.

## Article 7

Agreements deposited for endorsement at the Bank of France prior to the publication date of this Order and the examination of which has not been completed shall be regarded as having been deposited on that date and shall be examined in conformity with the provisions of this Order.

## Article 8

The annual statements of expenditure and receipts concerning the execution of the agreements referred to in Article 3 of the above-mentioned Decree of January 27, 1967, shall be sent to the Ministry of Industry (Industrial Property Service), 26<sup>bis</sup> Rue de Leningrad, Paris (VIII), within the quarter following the expiry of each calendar year.

They shall refer, wherever applicable, to the registration number, as regards agreements deposited in accordance with the above-mentioned Decree, or to the consent granted by the Exchange Office or the Bank of France, as regards agreements endorsed before January 27, 1967.

They shall, in all instances, mention the nature of the transaction, using the terminology set out in Article 1 of this Order.

The expiry, cancellation, suspension, or resumption of execution shall likewise be indicated with the effective dates thereof.

## Article 9

This Order shall be published in the *Journal Officiel* of the French Republic.

## ITALY

## Decrees

Concerning the Temporary Protection of Industrial Property Rights at Thirteen Exhibitions

(Of January 18 and 22 and of February 2 and 5, 1968)<sup>1)</sup>

## Single Article

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

*IX<sup>a</sup> Mostra-convegno internazionale riscaldamento condizionamento refrigerazione idrosanitaria* (Milan, March 1 to 7, 1968);

*II<sup>o</sup> Salone nazionale delle vacanze — XIX<sup>a</sup> Mostra mercato del campeggio e del Caravanning* (Turin, March 2 to 10, 1968);

*Salone internazionale della ceramica e Mostra nazionale dell'oreficeria, gioielleria e argenteria* (Vicenza, March 3 to 10, and September 8 to 15, 1968);

*XX<sup>a</sup> Fiera Campionaria della Sardegna* (Cagliari, March 9 to 24, 1968);

*Settimana della calzatura italiana e XXII<sup>a</sup> Presentazione nazionale "moda della calzatura"* (Bologna, March 9 to 13, 1968);

*MOBILSUD - 2<sup>o</sup> Salone del mobile per il mezzogiorno e l'oltremare* (Naples, March 10 to 17, 1968);

*I<sup>o</sup> INTERBIMALL internazionale biennale delle macchine per la lavorazione del legno* (Milan, March 16 to 24, 1968);

*V<sup>o</sup> Salone internazionale delle arti domestiche - Eurodomus - Mostra pilota della casa moderna* (Turin, March 22 to April 4, 1968);

*Rassegna internazionale elettronica nucleare teleradiocinematografica* (Rome, March 27 to April 7, 1968);

*IV<sup>a</sup> Mostra internazionale supermercati* (Parma, April 3 to 7, 1968);

*XLVI<sup>a</sup> Fiera di Milano - Campionaria Internazionale* (Milan, April 14 to 25, 1968);

*IV<sup>o</sup> Salone internazionale della profumeria e dei cosmetici* (Turin, April 27 to May 5, 1968);

*XXIX<sup>a</sup> Fiera di Messina - Campionaria internazionale* (Messina, August 4 to 19, 1968)

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

<sup>1)</sup> Official communications from the Italian Administration.

<sup>2)</sup> See *La Propriété industrielle*, 1939, p. 124; 1940, p. 84.

<sup>3)</sup> *Ibid.*, 1940, p. 196.

<sup>4)</sup> *Ibid.*, 1942, p. 168.

<sup>5)</sup> *Ibid.*, 1960, p. 23.

## GENERAL STUDIES

**On the French Law No. 68-1 of January 2, 1968,  
to Promote Inventive Activity and Revise  
the Patent System \*)**

By François SAVIGNON, Director  
of the French National Institute for Industrial Property





- Relationship between the regulation of competition and unfair or unlawful competition;
- Credit cards;
- Free competition and recommended usage (using goods recommended by designers);
- Use of indexes, information or facts permitting a comparison to be made of the features of goods or the activities of competitors, seen from the standpoint of unfair competition.

The Congress adopted motions on three questions: conflicting legislation in matters of unfair competition, the responsibility of undertakings and information media on account of advertisements concerning goods and services, and dumping as a means of restricting competition on the international level. The motions adopted are the following:

1. The Congress,

Having heard the international report of Dr. Mosing,

Considering that, in the interest of undertakings and in the general interest, it would be desirable that the same criterion should serve for the determination of the legislation applicable to an act of unfair competition involving two or more States,

- (1) expresses the wish that the national courts, when ruling on the civil aspects of an act of unfair competition involving two or more States, will apply *lex loci delicti commissi* and, when determining the *locus delicti commissi*, will take into account the peculiarities of the rules repressing unfair competition and the interests protected by such rules,
- (2) considers, therefore, that the *locus delicti commissi* is the place where the collision of interests occurs.

2. The Congress,

Having heard the international report of Professor Sor-delli,

Considering that the responsibility of undertakings and information media on account of advertisements concerning goods and services is regulated very differently in the various countries and that it consequently appears difficult, at the present time, to achieve harmonization of legislations,

Expresses the wish that the following principles will be respected by the various parties concerned in advertising (announcers, advertising firms, information media):

- (a) advertising must always be presented as such, so that the public will be able to distinguish items of information from advertisements,
- (b) advertising must always reflect principles of fairness,
- (c) freedom of criticism and of information must not become a means of discrediting other goods, services or undertakings,

Hopes that the adoption and application of the Codes of Professional Deontology, drawn up on the basis of the Code of Standards of Advertising Practice of the International Chamber of Commerce, will become generalized in the various countries.

3. The Congress,

Having heard the international report of Professor Ri-bolzi,

**NEWS CONCERNING INTERNATIONAL ORGANIZATIONS  
OTHER THAN BIRPI**

**International League  
Against Unfair Competition  
(International Association  
for the Study of Competition)**

(Nice Congress, April 30 to May 4, 1967)

Note

The International League Against Unfair Competition (International Association for the Study of Competition) held its last Congress at Nice from April 30 to May 4, 1967, under the presidency of Professor Henri Desbois.

BIRPI was represented at the Congress by Mr. Ch.-L. Magnin, Deputy Director.

The Congress decided to keep a number of questions on the League's agenda and to continue the studies being undertaken on them. The questions concerned are the following:

- Evolution of regulations on restrictive practices from the economic and legal point of view;

Considering that dumping, as defined in GATT Article VI constitutes, in principle, a means of unfair competition,

Affirms the necessity of a rapprochement of anti-dumping legislations and the advisability of drawing up an international code on the matter;

Expresses the wish that the national legislations will provide, in cases of unfair damage resulting from dumping practices, for reparation of the injury suffered;

Decides to follow the developments of the problem.

## NEWS ITEMS

### POLAND

#### *Appointment of a New President of the Polish Patent Office*

We have recently been informed that Mr. Zdzislaw Nowakowski has been appointed President of the Polish Patent Office. He succeeds Mr. Ignacy Czerwiński who has retired.

We take this opportunity of wishing Mr. Czerwiński a happy retirement and congratulating Mr. Nowakowski on his appointment.

## BOOK REVIEWS

*Die Verletzung des Markenrechts durch unerwünschte Importe von Originalwaren (Infringement of Trademark Rights by the Undesirable Importation of Original Goods)*, by *Hans Peter Kunz*. A brochure of 109 pages. Munich 1966. (In German)

The author of this doctoral thesis has dealt with a very timely subject which has become increasingly important during the past few years. It is the question of determining in which circumstances "black" imports ("schwarze Importe" or "Parallel-Importe") encroach upon rights in a mark already protected in the country into which the goods are imported. In other words, how can undesirable importation be stopped under trademark law in the event that goods manufactured and put up for sale by the trademark proprietor or his successor in title are subsequently imported into a country where there is already an identical mark?

The author begins with a detailed study of the legal situation and case law concerning this matter in the Federal Republic of Germany. He then analyzes the situation as it exists in a few industrialized countries of Europe and in the United States. Special emphasis should be given to the usefulness of the exhaustive information supplied by the author as regards the scientific literature that has been published in the countries discussed.

Basing himself on a thorough examination of the situation as it appears at present, the author comes to the conclusion that legal action taken by a trademark proprietor in the Federal Republic of Germany for the purpose of preventing imports of this kind should be successful to the extent that such imports do infringe the proprietor's exclusive right to the use of the mark in that country or endanger the "goodwill" connected with the goods he sells under the litigious mark. R. W.

# CALENDAR OF MEETINGS

## BIRPI Meetings

Date and Place	Title	Object	Invitations to Participate	Observers Invited
<b>1968</b>				
March 25 to 29 Geneva	Working Group — Patent Cooperation Treaty (PCT)	Questions concerning Searching, etc.	<i>Countries in which over 5000 patent applications were filed in a year according to latest statistics: 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>	<i>Intergovernmental Organizations: 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> <i>Non-Governmental Organizations: 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; Japan Patent Association; National Association of Manufacturers (U. S. A.); Union of European Patent Agents; Union des industries de la Communauté européenne</i>
March 30 Geneva	Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT) - Enlarged Transitional Steering Committee	Structural questions	Germany (Fed. Rep.), Japan, Netherlands, Soviet Union, Sweden, United Kingdom, United States of America	International Patent Institute
April 1 to 7 Moscow	Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT) - Standing Committee III		This meeting is not organized by BIRPI	
April 22 to 26 Munich	Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT) - Advisory Board for Cooperative Systems - Standing Committees I and II		These meetings are not organized by BIRPI	
May 3 and 4 Geneva	Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT) - Enlarged Transitional Steering Committee	Questions of technical cooperation	Germany (Fed. Rep.), Japan, Netherlands, Soviet Union, Sweden, United Kingdom, United States of America	International Patent Institute
July 1 to 5 *) Geneva	Working Group — Patent Cooperation Treaty (PCT)	Questions concerning Formalities, etc.	States invited to the March 1968 meeting	Observers invited to the March 1968 meeting

\*) Changed from June 17 to 21

Date and Place	Title	Object	Invitations to Participate	Observers Invited
July 1 to 5 Paris (Unesco Headquarters)	Committee of Experts on the Photographic Reproduction of Works Protected by Copyright, convened jointly with Unesco	To examine the copyright problems raised by the reproduction of protected works by photographic or analogous processes and to formulate appropriate recommendations with a view to possible solutions	Argentina, Bulgaria, Congo (Kinshasa), Czechoslovakia, France, India, Iran, Japan, Lebanon, Mexico, Nigeria, Netherlands, Spain, Sweden, United States of America. Consultants from Germany (Fed. Rep.) and the United Kingdom	<i>Intergovernmental Organizations:</i> United Nations and Specialized Agencies <i>Non-Governmental Organizations:</i> International Confederation of Societies of Authors and Composers (CISAC); International Congress on Reprography; International Council on Archives; International Federation for Documentation; International Federation of Library Associations; Internationale Gesellschaft für Urheberrecht; International Law Association; International Literary and Artistic Association; International Publishers Association
September 24 to 27 Geneva	Interunion Coordination Committee (6 <sup>th</sup> Session)	Program and Budget of BIRPI for 1969	Argentina, Australia, Austria, Belgium, Brazil, Cameroon, Denmark, France, Germany (Fed. Rep.), Hungary, India, Iran, Italy, Japan, Kenya, Morocco, Mexico, Netherlands, Poland, Portugal, Rumania, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America	—
September 24 to 27 Geneva	Executive Committee of the Conference of Representatives of the Paris Union (4 <sup>th</sup> Session)	Program and Budget (Paris Union) for 1969	Argentina, Australia, Austria, Cameroon, France, Germany (Fed. Rep.), Hungary, Iran, Japan, Kenya, Morocco, Mexico, Netherlands, Poland, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America	All the other Member States of the Paris Union; United Nations; International Patent Institute; Council of Europe
October 2 to 8 Locarno	Diplomatic Conference	Adoption of a Special Agreement Concerning the International Classification of Industrial Designs	All Member States of the Paris Union	<i>Intergovernmental Organizations:</i> United Nations; Unesco; Council of Europe <i>Non-Governmental Organizations:</i> Committee of National Institutes of Patent Agents; Inter-American Association of Industrial Property; International Association for the Protection of Industrial Property; International Chamber of Commerce; International Federation of Patent Agents; International League Against Unfair Competition; International Literary and Artistic Association; Union of European Patent Agents
October 21 to November 1 Tokyo	Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT) - Meeting	Particulars to be announced later		
November 4 to 12 Geneva	Committee of Experts — Patent Cooperation Treaty (PCT)	New Draft Treaty	All Member States of the Paris Union	Observers invited to the March 1968 meeting
November 25 to 29 Geneva	BIRPI Symposium on Practical Aspects of Copyright (held with the cooperation of CISAC)	To offer to participants information on practical aspects of copyright protection (collection and distribution of royalties, organization and working of authors' societies or other bodies, etc.)	Personalities from developing countries. Individual participants against payment of a registration fee	—

## Meetings of Other International Organizations Concerned with Intellectual Property

Place	Date	Organization	Title
<b>1968</b>			
Buenos Aires	April 15 to 19	International Association for the Protection of Industrial Property (IAPIP)	Presidents' Conference
Paris	April 29 and 30	International Patent Institute (IIB)	96 <sup>th</sup> Session of the Administrative Council
Prague	May 1 to 5	International League Against Unfair Competition (LICCD)	Symposium
Strasbourg	June 17 to 21	Council of Europe	Working Party of the Committee of Experts on Patents
Amsterdam	June 9 to 15	International Publishers Association (IPA)	Congress
Vienna	June 24 to 29	International Confederation of Societies of Authors and Composers (CISAC)	Congress
Lima	December 2 to 6	Inter-American Association of Industrial Property (ASIPI)	Congress

## VACANCIES FOR POSTS IN BIRPI

Applications are invited for the following posts:

*Competition No. 55*

*Senior Assistant in the Industrial Property Division*

*Category and grade:*

P3/P4, according to qualifications and experience.

*Principal duties:*

In general, to assist in the implementation of BIRPI's program in the patent field with special emphasis on the preparatory work for the proposed Patent Cooperation Treaty.

The particular duties will include:

- (a) legal studies on problems related to the Patent Cooperation Treaty;
- (b) study of patent office practice in several countries with a view to proposing adequate solutions for the practical implementation of PCT;
- (c) other surveys in the patent field;
- (d) drafting, and assistance in drafting, of working papers for and reports on international meetings, especially in connection with the Patent Cooperation Treaty;
- (e) participation in meetings of other international organizations.

*Qualifications:*

- (a) university degree in law or qualification equivalent to such degree;
- (b) good knowledge in the field of patent law (including its international aspects and the practice of major examining patent offices);
- (c) excellent knowledge of one of the official languages (English and French) and at least a good knowledge of the other.

Preference will be given to candidates who, in addition to the above-mentioned law degree, also hold a university or equivalent degree in a given field of technology and have practical experience in the processing of patent applications, especially as a patent examiner.

*Competition No. 56*

*Assistant in the Industrial Property Division*

*Category and grade:*

P1/P2, according to qualifications and experience.

*Principal duties:*

In general, to assist in the implementation of BIRPI's industrial property program.

Under the direction and supervision of a senior staff member, the particular duties will include:

- (a) legal studies on industrial property questions, especially in the field of marks and unfair competition;
- (b) drafting, and assistance in drafting, of working papers for and reports on international meetings;
- (c) participation in meetings of other international organizations;
- (d) collecting the material for, and preparing the publication of, a complete collection of industrial property legislation of all countries.

*Qualifications:*

- (a) university degree in law or qualification equivalent to such degree;
- (b) at least some familiarity with industrial property, especially in the field of marks and unfair competition (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.

*For the two posts above-mentioned:**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 nationals are on the staff of BIRPI.

*Age limits:*

The candidates designated must be less than 50 years of age at date of appointment. (As regards Vacancy No. 56, desirable age: 30/35 years.)

*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 May 31, 1968.*