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INTERNATIONAL UNIONS

Madrid Union

Committee of Directors of National Industrial Property Offices of the Madrid Union

(Geneva, June 24, 1968)

Note *)

The Committee of Directors of National Industrial Property Offices of the Madrid Union met in extraordinary session on June 24, 1968, at the Headquarters of BIRPI, in Geneva.

The following countries, members of the Madrid Union, were represented: Belgium, Czechoslovakia, France, Germany (Federal Republic), Hungary, Italy, Luxembourg, Monaco, Morocco, Netherlands, Portugal, Spain and Switzerland.

The list of participants is annexed to this Note.

The Committee decided to raise the amounts of the "basic fee" (Article 8(2)(a) of the Nice Act) as follows: for 20 years, 250 Swiss francs; if the fee is paid in two instalments: for the first 10 years, 175 Swiss francs, and for the second 10 years, 125 Swiss francs. When several marks are filed at the same time, the corresponding amounts, for the second and subsequent marks, are 240, 165, and 115 Swiss francs, respectively.

The new fees will come into force as from November 1, 1968.

List of Participants

I. States Members of the Madrid Union

Belgium

Mr. A. Schurmans, Director of the Industrial Property Service, Brussels.

Czechoslovakia

Mr. Miloslav Špunda, Head of Department, Office of Patents and Inventions, Prague.

France

Mr. François Savignon, Director of the National Institute of Industrial Property, Paris.

Germany (Fed. Rep.)

Mr. Romuald Singer, Leitender Regierungsdirektor, German Patent Office, Munich.

Hungary

Mr. Emil Tasuádi, President, National Office of Inventions, Budapest.
Mr. G. Pálos, Legal Advisor, National Office of Inventions, Budapest.

Italy

Mr. Aldo Pelizza, Inspector-General, Head of the Trademarks Service, Rome.

Luxembourg

Mr. Jean-Pierre Hoffmann, Head of the Industrial Property Service, Luxembourg.

Monaco

Mr. Jean-Marie Notari, Director of the Industrial Property Service, Monaco.

Morocco

Mr. Abdeljalil Bahhaj, Head of the Service for Industry, Casablanca.

Netherlands

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

Portugal

Mr. J. Van Zeller Garin, Assistant to the Department of Trade, Industrial Property Office, Lisbon.

Spain

Mr. Antonio Fernandez Mazarambroz y Martín-Rahadán, Director of the Industrial Property Registration Office, Madrid.

Switzerland

Mr. Joseph Voyame, Director of the Federal Office of Intellectual Property, Berne.

II. BIRPI

Professor G. H. C. Bodenhausen, Director.

Dr. Arpad Bogsch, Deputy Director.

Mr. Ch.-L. Magnin, Deputy Director.

Mr. B. A. Armstrong, Counsellor.

Mr. L. Egger, Counsellor.

III. Officers

Chairman: Mr. François Savignon (France)

Secretary: Mr. Ch.-L. Magnin (BIRPI)

LEGISLATION

RUMANIA

Decree

Concerning Inventions, Innovations and Rationalizations

(No. 884, of September 8, 1967)

TITLE I

General Provisions

Article 1

Activity concerning inventions [*invenții*], innovations [*inovări*], and rationalizations [*raționalizări*] shall be supported, guided and stimulated by the State.

Article 2

Rights in inventions, innovations, and rationalizations shall be acknowledged and protected in accordance with the provisions of this Decree.

Article 3

Foreign citizens, stateless persons residing abroad, as well as legal entities whose headquarters are abroad, shall enjoy the benefits of provisions of this Decree on the basis of

*) This Note has been prepared by BIRPI on the basis of the official documents of the session.

international conventions to which the Socialist Republic of Rumania is party or, lacking these, on the basis of reciprocity.

TITLE II Inventions

CHAPTER I

Definition of Invention. Protection of Inventions. Subject and Object of Protection

Article 4

Any solution to a technical problem in any branch of economy, science, culture, social welfare or national defense, showing novelty [*noutate*] and progress [*progres*] as compared to the known state of the art in the world [*stadiul cunoscut al tehnicii mondiale*] shall be considered an invention.

Article 5

The person who has created the invention shall be deemed the author of the invention.

If the invention is the result of joint activity, all persons who have made a creative contribution thereto shall be considered co-authors.

Persons who have merely given technical assistance, contributing to the material execution of the invention, shall not be considered co-authors.

Article 6

The author of an invention or his successor in title shall have the right either to request that a patent [*brevet de invenție*] be granted to him or that the rights in the invention be transferred to an enterprise, in which case the patent shall be granted to that enterprise, while the author shall be granted an inventor's certificate [*certificat de inventator*] with all rights deriving therefrom.

Article 7

Exceptions to the provisions of the preceding Article are that a patent shall be granted:

- (a) to enterprises, for inventions resulting from work carried on at their request or commissioned by them, as well as for inventions made with material assistance supplied by them, if such assistance represents at least two-thirds of the total expenses incurred in the making of the inventions;
- (b) to State enterprises, for inventions relating to substances obtained by means of nuclear technical methods or processes, to chemical products, to medical products, to disinfectants, to food and spices, as well as to new varieties of plants or new breeds of animals the productivity and quality of which is superior to existing varieties or breeds.

In all of these cases, the inventor shall be granted an inventor's certificate, with all rights deriving therefrom.

Article 8

In respect of the inventions mentioned in Article 7(b) and of inventions concerning which enterprises have refused the offer of transfer made by the inventor or his successor

in title, the General Directorate for Metrology, Standards and Inventions [*Direcția Generală pentru Metrologie, Standarde și Invenții*] shall designate, with the agreement of the ministry in whose field of activity the invention can be applied, the enterprise which is to be granted the patent.

Article 9

For any invention which is the result of collective experience or work and concerning which it is impossible to assign authorship, the patent shall be granted to the enterprise within which the invention was made.

Article 10

A patent shall be granted for any invention which is capable of application in industry or in any branch of economy, science, culture, social welfare or national defense, with the exception of those contrary to law, public order or rules of socialist society [*convingătoare socialistă*].

Article 11

An additional invention [*invenția complementară*] shall improve or complete another principal invention [*invenție principală*] for which a patent is in force and without which it cannot be used. Patents of addition [*brevete de invenții complementare*] shall be granted for additional inventions, in the same conditions as for principal inventions.

CHAPTER II

Regular Filing of the Patent Application. Priority Rights

Article 12

The regular filing [*depozitul reglementar*] of a patent application shall be established by the filing of the application, in accordance with the law, at the General Directorate for Metrology, Standards and Inventions; this shall ensure, for the inventor or his successor in title, a priority right, starting from the date on which the application was regularly filed, in regard to any other further filing made for the same invention.

Article 13

Citizens of States party to conventions concerning inventions to which the Socialist Republic of Rumania is also party, legal entities whose headquarters are located on the territory of such States, as well as foreign persons or legal entities assimilated to citizens of States party to such conventions, who have regularly filed a patent application in one of those States shall enjoy a priority right of 12 months starting from the date of the first filing if they apply, within that period of time, for the grant of a patent for the same invention in the Socialist Republic of Rumania.

Article 14

An exhibition priority of six months starting from the date of the introduction of the products at the exhibition shall be recognized in respect of inventions applied to products introduced at an official or officially recognized national or international exhibition organized on the territory of the

Socialist Republic of Rumania or in States with which it has concluded conventions to that effect, or in States ensuring such a right by reciprocity.

This priority shall not extend the period of priority provided in Article 13.

Article 15

The priorities provided in Articles 13 and 14 shall be recognized if they are claimed together with the filing of the patent application and if, within three months from the date of the filing of the application, they are confirmed by documents of priority.

CHAPTER III

Examination of the Patent Application. Grant of the Patent. Duration of Protection of the Invention

Article 16

The patent application, after it has been filed, shall be examined by the General Directorate for Metrology, Standards and Inventions as to compliance with the requirements for regular filing, as to the legality of the protection requested for the subject matter of the invention and as to compliance with the requirements for the existence of invention at the date on which the application was filed or at the date of the recognized priority.

An application which satisfies the requirements for regular filing and for the legality of the protection requested shall be recorded in the register of filed inventions [*registru* *invențiilor depuse*]; an application which does not satisfy these requirements or which is not completed within the time limit appointed by the General Directorate for Metrology, Standards and Inventions shall be rejected.

Where, as a result of the examination, it is found that the requirements for the existence of a patentable invention are satisfied, a patent shall be granted, in accordance with the law, by the General Directorate for Metrology, Standards and Inventions, to the inventor, his successor in title, or to the enterprise entitled to the grant of the patent, as the case may be.

Where it is found that the requirements for the existence of a patentable invention are not satisfied, the General Directorate for Metrology, Standards and Inventions shall reject the application for the grant of a patent, giving the reasons for the rejection.

Article 17

The period of protection of an invention for which a patent has been granted shall be 15 years and shall start from the date on which the patent application was regularly filed.

The period of protection of an additional invention shall be limited to the period of protection of the principal invention and shall be no less than 10 years.

An additional invention shall become principal when the period of protection of the principal invention expires before the period of protection of the additional invention.

CHAPTER IV

Rights and Obligations Deriving from the Patent and from the Inventor's Certificate. Transfer of Rights

Article 18

The grant of a patent shall confer upon the inventor or his successor in title the right to the exclusive use of the invention on the territory of the Socialist Republic of Rumania. The grant of an inventor's certificate shall confer recognition of the inventor's capacity as author of the invention with all rights deriving from that capacity.

Article 19

Inventions in respect of which patents have been granted to enterprises of the Socialist Republic of Rumania may be used without any further previous formality by any other enterprise of the Socialist Republic of Rumania, provided that the latter enterprise shall be obliged to inform the enterprise owning the patent and the General Directorate for Metrology, Standards and Inventions of the use of the invention, within one month of the date on which such use was introduced.

Article 20

In respect of inventions worked in this country or exploited abroad, inventors who have been granted inventor's certificates or their successors in title shall have the right to pecuniary reward in lei or in foreign currency.

The reward shall be fixed by the enterprises owning the patents on the basis of the economic and social advantages resulting from the exploitation of the invention in this country or abroad.

Remuneration in foreign currency payable to inventors for the exploitation of inventions abroad shall be made available to them in an open account with the National Bank of the Socialist Republic of Rumania [*Banca Națională a Republicii Socialiste România*].

Article 21

Patentees shall be obliged to take the necessary steps to work the inventions on the territory of the Socialist Republic of Rumania, and the enterprises notified shall be obliged to examine the requests received.

Enterprises owning patents shall be obliged, in accordance with the utility presented by the inventions, to work them on the territory of the Socialist Republic of Rumania, to patent them and to exploit them abroad.

Article 22

Rights under the patent, as well as pecuniary rights deriving from the patent, shall be transferable.

Pecuniary rights deriving from an inventor's certificate shall also be transferable.

Article 23

The transfer of rights relating to the exploitation of an invention shall become effective with regard to third parties

only from the date on which it is recorded at the General Directorate for Metrology, Standards and Inventions.

CHAPTER V

Restrictions of the Rights to Exclusive Use of the Invention

Article 24

At the request of the interested person, the General Directorate for Metrology, Standards and Inventions may grant compulsory licenses in respect of patented inventions in the following conditions:

- (a) for inventions in the public interest or in connection with national defense, if it has not been possible to come to an agreement on their use with the patentees;
- (b) for the other inventions, if, due to lack of action on the part of the patentee, they have not been worked or have been insufficiently worked on the territory of the Socialist Republic of Rumania for four years from the date of the regular filing of the patent application or for three years from the date of issue of the patent, whichever period last expires.

The compulsory licenses provided for in (b) cannot be granted in cases where patentees justify the causes of their lack of action.

The compulsory licenses granted shall not give rise to any right to exclusive use of the inventions to which they refer and cannot be transferred as sublicenses unless accompanied by a fraction of the beneficiary enterprise's patrimony.

The decision concerning the grant or refusal of a license shall be communicated in writing to the interested persons, with the reasons, within five days after it has been taken.

Article 25

For the compulsory license granted, the beneficiary shall owe the patentee royalties [*indemnizație*] to be established by agreement between the patentee and the beneficiary.

Where the parties are unable to reach an agreement, the patentee may call upon the courts of law to establish the amount of royalties.

Article 26

The following shall not constitute an infringement of the exclusive rights conferred to patentees:

- (a) use of patented inventions in the construction or operation of ground, naval or air vehicles, or in devices for the operation of such vehicles, belonging to States party to conventions concerning inventions to which the Socialist Republic of Rumania is party, when these vehicles pass accidentally over the territory of the Socialist Republic of Rumania, provided that such use is exclusively for the needs of those vehicles.
- (b) use of the invention by the person who has obtained a compulsory license;
- (c) use of the invention by the person who, in good faith, worked the invention or who took all measures with a view to working it, independently of the patentee, before the patent application was regularly filed or before the

date on which the recognized period of priority began. In such cases, the invention may be further used by the person concerned and may be transferred without his patrimony or a fraction of his patrimony.

CHAPTER VI

Cessation of Rights Deriving from a Patent and from an Inventor's Certificate. Lapse (Decăderi). Revocation (Anulări)

Article 27

The exclusive rights conferred by the patent shall cease to exist:

- (a) upon the expiration of the period of protection of the invention;
- (b) upon the patentees renunciation.

Renunciation shall produce its effects as from the date on which the request for renunciation is registered at the General Directorate for Metrology, Standards and Inventions. Enterprises of the Socialist Republic of Rumania may not renounce rights deriving from the capacity of patentee.

Article 28

The rights conferred to patentees by their patents shall lapse if such patentees do not pay the annual fees and increases in fees within the legal time limits.

Article 29

The patent shall be revoked at the request of any interested person or ex officio by the Commission for the Settlement of Objections Concerning Inventions [*Comisia pentru soluționarea contestațiilor privind invențiile*] functioning within the General Directorate for Metrology, Standards and Inventions, in cases where it is found that:

- (a) the subject of the invention is not patentable according to the provisions of Article 10;
- (b) the legal requirements for the existence of a patentable invention are not satisfied.

Where the patent is revoked for the reasons mentioned in (b), the subject of the patent shall be examined, and a decision shall be made according to provisions on innovations and rationalizations.

Article 30

The patent shall be revoked by the General Directorate for Metrology, Standards and Inventions if, by a court decision which has become final, it is established that a person other than the one mentioned in the patent as the inventor or successor in title of the latter has the right to claim the patent.

Article 31

A request for revocation of the patent may be made at any time during the period of protection of the invention.

Revocation of the patent shall result in the revocation of an inventor's certificate issued in respect of the same invention.

TITLE III

Innovations and Rationalizations

CHAPTER I

Definition of Innovation and Rationalization. Protection of Innovations and Rationalizations, Subject and Object of Protection

Article 32

An innovation shall consist in any resolving of a technical problem, in any branch of the national economy, which, by providing up-to-date solutions, brings economic advantages or improves the quality of the products or the working conditions and the object of which is to create new machines, assemblies, equipment, installations, products, technological processes, automatization systems, devices, entire building structures, or construction elements.

Likewise considered an innovation is any constructional or operational improvement made to machines, assemblies, equipment, installations, products, automation systems, devices, entire building structures or construction elements, as well as the improvement of technological processes, the execution of devices or mechanization work in any branch of the national economy, provided that they present novelty and progress as compared to the technical development of the enterprise where they are applied and provided that, according to estimates, they should bring economic advantages of at least 20,000 lei in the first year of application or that they improve the quality of the products and working conditions.

Article 33

Rationalization shall consist in any solution to problems of production organization, in any branch of the national economy, which presents novelty in the enterprise where it is applied and contributes to the better employment of operational means or of raw materials and other materials and has a calculable economic effectiveness.

Likewise considered a rationalization is the solution to the technical problems mentioned in Article 32, second paragraph, bringing, according to estimates, economic advantages of under 20,000 lei in the first year of application.

Article 34

Where it is discovered, on the basis of subsequent calculation, that the economic advantages brought about in the year of the introduction of a rationalization determined according to Article 33, second paragraph, are greater than 20,000 lei, the rationalization shall be considered an innovation; and where the economic advantages brought about in the year of the introduction of an innovation determined according to Article 32, second paragraph are under 20,000 lei, the innovation shall be considered a rationalization.

Article 35

The person who created the innovation or rationalization and first registered it at the enterprise where it is to be used shall be deemed the author of the innovation or rationalization.

If the innovation or rationalization is the result of joint activity, all persons who have made a creative contribution thereto shall be considered co-authors.

Persons who have merely given technical assistance to the realization of the innovation or rationalization shall not be considered to have the capacity of co-author.

Proposals made by authors holding the functions to be fixed by the decision of the Council of Ministers for the implementation of this Decree, shall constitute innovations or rationalizations if they also satisfy the requirements prescribed in that decision.

Article 36

The innovation or rationalization proposal shall be resolved by the enterprise in which it is registered or by the general directorate under whose order the enterprise has acted, according to the case, in the conditions fixed by the decision of the Council of Ministers for the implementation of the present Decree.

CHAPTER II

Rights and Obligations of Authors of Innovations and Rationalizations

Article 37

The author of an innovation shall have the right to an innovator's certificate [*certificat de inovator*] with all rights deriving therefrom.

The author of a rationalization shall have the right to a rationalizer's certificate [*certificat de raționalizator*] with all rights deriving therefrom.

Article 38

For innovations and rationalizations which are exploited, the authors thereof or their successors in title shall be entitled to pecuniary reward.

The reward shall be fixed on basis of the economic or social advantages resulting from the application of innovations and rationalizations.

Pecuniary rights deriving from the innovator's certificate and rationalization certificate shall be transferable.

TITLE IV

Settlement of Disputes Concerning Inventions, Innovations and Rationalizations. Suspension and Annulment of Decisions. Extension of Time Limits

CHAPTER I

Settlement of Disputes Concerning Inventions, Innovations and Rationalizations

Article 39

Interested persons may oppose decisions taken with regard to inventions by the General Directorate for Metrology, Standards and Inventions, by the enterprises entitled to the grant of patents, or by patentees, as well as decisions in which enterprises or general directorates in ministries resolve innovation and rationalization proposals.

Objections must be presented within three months of the announcement of the decision in the case of inventions and within one month of the announcement of the decision in the case of innovations and rationalizations, and shall be settled, according to the case, by the Commission for the Settlement of Objections Concerning Inventions which functions within the General Directorate for Metrology, Standards and Inventions, by commissions for the settlement of objections concerning inventions, innovations and rationalizations attached to the ministries, by general directorates of ministries, or by courts of law.

Article 40

The Commission for the Settlement of Objections Concerning Inventions which functions within the General Directorate for Metrology, Standards and Inventions shall settle, within two months of their introduction, objections presented against:

- (a) decisions taken by the General Directorate for Metrology, Standards and Inventions concerning:
 - refusal to record patent applications in the register of filed inventions or to remove applications from that register and refusal to send descriptions and explanatory drawings of inventions with a view to examining the utility and advisability of patenting the inventions abroad;
 - admission or rejection of patent applications;
 - granting of compulsory licenses and forfeiture of rights conferred by patents;
- (b) decisions taken, within their competence, by enterprises or general directorates of ministries on matters concerning innovation and rationalization proposals, where the objections concern decisions taken by the enterprises or general directorates of different ministries and the disputes refer to proposals accepted for introduction or already introduced.

Article 41

The commissions for the settlement of objections concerning inventions, innovations and rationalizations within the general directorates of ministries shall settle, within two months of their registration, objections presented against decisions taken by enterprises concerning:

- (a) the utility of inventions, innovations or rationalizations and the advisability of patenting the inventions in other countries;
- (b) the admission or rejection of experimentation with inventions, innovations and rationalizations;
- (c) the acceptance or rejection of the introduction or generalization of inventions, innovations or rationalizations.

Article 42

The commissions for the settlement of objections concerning inventions, innovations and rationalizations within the ministries, shall settle, within two months of their registration, objections presented against decisions taken by the general directorates in the cases mentioned in items (a) to (c) of the previous Article.

Article 43

People's Courts [*Tribunalele populare*] shall rule on:

- (a) disputes concerning the capacity of author of an invention or of successor in title to the rights conferred by the patent, the capacity of author of an innovation or rationalization, the sharing out of remuneration or of other pecuniary rights among co-authors as well as any other disputes concerning rights deriving from patents, assignments and licenses;
- (b) objections to decisions taken by enterprises owning patents, by enterprises or general directorates in ministries concerning the fixing and payment of remuneration and other pecuniary rights due to authors of inventions, innovations and rationalizations or to their successors in title for inventions, innovations and rationalizations accepted for introduction or introduced.

The decisions of the People's Courts in the cases mentioned in item (a) may be appealed in accordance with the law. In the cases mentioned in item (b), the decisions shall be final.

Article 44

Interested persons may appeal to the Court of the Capital of the Socialist Republic of Rumania [*Tribunalul Capitalei Republicii Socialiste România*] against decisions made by the Commission for the Settlement of Objections Concerning Inventions within the General Direction for Metrology, Standards and Inventions, within two months from the announcement of the decision.

The appeal shall be judged according to the provisions of the Code of Civil Procedure Concerning Appeals.

Article 45

Those decisions of the Commission for the Settlement of Objections Concerning Inventions within the General Directorate for Metrology, Standards and Inventions which have not been appealed within the period of time provided in Article 44, as well as the decisions of commissions functioning within the ministries and general directorates for the settlement of objections concerning inventions, innovations and rationalizations, shall be final and enforceable.

Article 46

The Commission for the Settlement of Objections Concerning Inventions within the General Directorate for Metrology, Standards and Inventions which examines objections shall be composed of five members and shall take decisions by a majority vote.

The composition, organization and functioning of the Commission shall be determined by regulations approved by the Council of Ministers.

Commissions for the settlement of objections concerning inventions, innovations and rationalizations within the general directorates and ministries which examine objections shall be composed of three members and shall take decisions by a majority vote.

The composition, organization and functioning of the commissions provided for in the preceding paragraph shall be determined by the ministries, with the agreement of the General Directorate for Metrology, Standards and Inventions.

CHAPTER II

Suspension and Annulment of Decisions Concerning Inventions, Innovations and Rationalizations. Extension of Time Limits. Execution of Decisions

Article 47

Until objections have been settled, the payment of remuneration as well as of other amounts shall be suspended and the respective amounts shall be deposited with the Bank of Economy and Deposits [*Casa de Economii și Consemnațiuni*] by those enterprises under obligation to pay them.

Article 48

Final decisions concerning inventions taken by the General Directorate for Metrology, Standards and Inventions may be annulled, for insufficient grounds or illegality, by the Commission for the Settlement of Objections Concerning Inventions within the General Directorate.

Final decisions concerning inventions, innovations and rationalizations, taken by unities and organs directed by a ministry may be annulled for insufficient grounds or illegality by an order from the minister.

Annulment may be requested, within one year of the date on which the decision became final, by the author of the invention, innovation or rationalization or his successors in title, by the interested ministry or may be annulled *ex officio* within the same period of time.

In the case of decisions concerning innovations or rationalizations annulment may also be requested by the Central Council of the General Trade Unions of Rumania [*Consiliul Central al Uniunii Generale a Sindicatelor din România*].

Article 49

Decisions whereby objections are settled, as well as requests for annulment, shall be communicated to the interested persons within 25 days of their pronouncement.

Article 50

In the event that an inventor's certificate is canceled or the decision fixing the remuneration for an innovation or rationalization is annulled, the amounts collected as remuneration, in bad faith according to the findings of the courts of law shall be returned by the person who has collected them.

Article 51

The Commission for the Settlement of Objections Concerning Inventions within the General Directorate for Metrology, Standards and Inventions, commissions for the settlement of objections concerning inventions, innovations and rationalizations within ministries or within general directorates, or the courts of law, according to the case, may extend the time limits granted to the interested persons if it is found that the reasons for the non-observance of the time limits pertaining

to inventions, innovations or rationalizations are well founded. The time limit prescribed in Article 15 shall be extended only in cases of circumstances beyond control.

The request for an extension of a time limit shall be made within two months of the disappearance of the cause justifying the non-observance of the time limit, but not later than one year following the non-observed time limit.

Article 52

Physical persons or legal entities who, in good faith, have worked an invention or have taken all the measures with a view to working it in the interval between the end of the time limit and the granting of an extension shall be entitled to continue their use of the invention and may transfer it only together with their patrimony or with a fraction of their patrimony.

Article 53

The final decision concerning the payment of certain amounts of money in respect of an invention for which an inventor's certificate has been granted, as well as in respect of an innovation or rationalization, shall be enforceable.

The debtor enterprise shall pay the amounts which it is under obligation to pay within 15 days of the communication of the decision.

Where the provisions of the preceding paragraph are not complied with, the banking unit [*unitatea bancară*] shall, at the creditor's request, execute an attachment of the liquid assets of the debtor enterprise.

TITLE V

Fees, Reduction of Fees, Exemption of Fees and Stamp Duties Concerning Inventions, Innovations and Rationalizations

Article 54

The registration and examination of patent applications, the maintenance in force of patents, as well as any other acts or services performed by the General Directorate for Metrology, Standards and Inventions in connection with patents, shall be subject to fees in the conditions fixed by decision of the Council of Ministers for the implementation of this Decree.

Exempted from any fees are:

- (a) the registration and examination of patent applications where the patents are granted to enterprises;
- (b) declarations and deeds of assignment to the State regarding rights concerning inventions;
- (c) the maintenance in force of patents granted to enterprises;
- (d) actions and requests, including those in which appeal is lodged before courts of law and organs settling objections concerning patents granted to enterprises and inventor's certificates granted to inventors, as well as actions and requests concerning innovations and rationalizations.

The General Directorate for Metrology, Standards and Inventions shall grant to foreign citizens, stateless persons residing abroad, as well as to legal entities whose headquarters are abroad, reductions and exemptions of fees pertaining to in-

ventions, in conformity with conventions to which the Socialist Republic of Rumania is party or on the basis of reciprocity.

The General Directorate for Metrology, Standards and Inventions, with the agreement of the Ministry of Finance, may approve other exemptions and reductions of fees as well.

Article 55

The successorial rights subject to stamp duties shall not include the amounts payable to inventors or their successors in title in respect of inventions for which inventors' certificates have been granted, nor shall they include the amounts payable to the authors of innovations and rationalizations.

Article 56

Inventors who have been granted inventors' certificates and authors of innovations and rationalizations, or their successors in title, shall be exempt of tax on the remuneration payable to them for the use of inventions, innovations and rationalizations in the country, as well as for the exploitation of inventions abroad.

TITLE VI

Transitional and Final Provisions

Article 57

The provisions of this Decree relating to:

- (a) enterprises shall apply to State enterprises and to other economic organizations and State institutions, including institutes, as well as to cooperative organizations and other social organizations;
- (b) general directorates shall apply also to directorates and offices of a productive character in ministries and other central organs where they are not included in general directorates, to directorates and sections within the executive committees of the regional people's councils [*comitetelor executive ale sfaturilor populare regionale*] and of the towns of Bucharest and Constantza, as well to regional organs of cooperative organizations and to other social organizations;
- (c) ministries shall apply also to other central organs of State administration, to central organs of cooperative organizations and to other social organizations, to the executive committees of the regional people's councils and of the towns of Bucharest and Constantza, and to the Academy of the Socialist Republic of Rumania.

Article 58

Patents and certificates of authorship granted before the date of the entry into force of this Decree shall retain their validity and shall remain subject to the legal provisions existing at the time of their grant.

The provisions of Article 48 shall apply also to the decisions of organs for inventions, innovations and rationalizations which become final prior to the date of entry into force of this Decree, while the provisions of Articles 28-31 inclusive shall apply also to patents and certificates of authorship granted prior to the same date.

Article 59

Applications for patents and certificates of authorship which, at the entry into force of this Decree, had been regularly filed, examined, and deemed to relate to inventions, or which are in course of examination and concerning which acceptance for introduction has not been received or which have been rejected by enterprises, shall be decided upon in conformity with the provisions of this Decree.

For such applications, the periods of time provided for decisions shall begin as from the entry into force of this Decree.

Article 60

Innovation and rationalization proposals accepted for introduction prior to the entry into force of this Decree, shall remain subject to the legal provisions existing at the date of their acceptance.

Article 61

Trade unions shall organize, according to their attributions, social control with regard to activity concerning innovations and rationalizations.

Article 62

Non-compliance with the provisions concerning inventions, innovations and rationalizations shall involve disciplinary, administrative, civil or penal responsibility, in accordance with the law.

The provisions of Article 551/1 of the Penal Code shall apply also in cases of manufacture, use or putting into circulation of the subject of a patented invention.

Article 63

The implementation of the provisions of this Decree shall be determined by decisions of the Council of Ministers.

Article 64

This Decree shall enter into force three months from the date of its publication.

Article 65

On the date of the entry into force of this Decree, the following shall be repealed: The Patent Law, and subsequent amendments, published in the Official Monitor [*Monitorul Oficial*] No. 229 of January 17, 1906; the Rules for the Implementation of the Patent Law of January 27, 1906, published in the Official Monitor No. 16 of April 21, 1906, Articles 8 and 9 of Decree No. 120/1955, concerning the organization of the State Office for Standards and Inventions, published in the Official Bulletin [*Buletinul Oficial*] No. 8 of April 30, 1955, the Decree No. 324/1955 concerning the fixing of fees for patents and trademarks, published in the Official Bulletin No. 22 of August 2, 1955, and subsequent amendments with the exception of the provisions concerning trademarks in Article 1g, Article 1 — paragraph 2, Article 2 — paragraph 1, Article 3 — final paragraph, Article 4 — paragraph 2 and Article 5, as well as the provisions concerning inventions, innovations and rationalizations contained in Article 3d of Decree No. 199/1955 on stamp duties, published in the Official Bulletin No. 14 of June 4, 1955.

RUMANIA

Law
on Trademarks and Service Marks

(No. 28, of 1967)

CHAPTER I
General Provisions

Article 1

Rights in trademarks and service marks [*mărcile de fabrică, de comerț și de serviciu*] shall be acknowledged and protected in accordance with the provisions of this Law.

Enterprises of other States shall enjoy the benefits of the provisions of this Law on the basis of international conventions to which the Socialist Republic of Rumania is party or, lacking these, on the basis of reciprocity.

Article 2

Trademarks and service marks shall be used by enterprises as distinctive marks in order to distinguish their own goods, work, or services [*produsele, lucrările și serviciile*] from the identical or similar ones of other enterprises, as well as to stimulate a greater improvement of the quality of goods, work, and services.

Trademarks may consist of words, letters, figures, graphical representations — flat or in relief, combinations of any of these elements, one or more colors, the shape of the goods or its packaging, sound presentation, and the like.

Article 3

Marks shall be individual where they are used by a single enterprise or collective where they are used in common by a number of enterprises.

Collective marks may be used only by enterprises which satisfy the requirements prescribed in the regulations approved by ministries supervising such enterprises, or by the collective groups which represent the interests of such enterprises.

Article 4

Trademarks and service marks shall be applied only after registration thereof in accordance with the provisions of this Law. Marks may be applied only to the goods, work, or services for which they have been registered.

Article 5

Productive enterprises from the Socialist Republic of Rumania shall be obliged to register and to use trademarks for all of their goods intended for domestic use.

The registration of trademarks by wholesale enterprises and the registration of service marks by enterprises carrying out work or performing services, as well as the use of registered marks by such enterprises, shall be optional.

Article 6

The ministries supervising the productive enterprises, in agreement with the ministries supervising the wholesale enterprises, may, for well-founded reasons, stipulate that certain

goods may be provided only with a trademark. In such cases, the trademark shall become compulsory.

Article 7

Ministries supervising the productive enterprises, in agreement with the main beneficiary ministry and with the General Directorate for Metrology, Standards and Inventions [*Dirrecția Generală pentru Metrologie, Standarde și Invenții*] may, in cases where this is justified, specify goods intended for domestic use which may be exempted from compulsory trademarks.

Article 8

In respect of goods intended for export, the interested ministries, in agreement with the Foreign Trade Ministry [*Ministerul Comerțului Exterior*] shall specify the marks to be used, according to the characteristics of the goods and the specific market.

Article 9

The General Directorate for Metrology, Standards and Inventions shall have the following functions as regards trademarks and service marks:

- (a) it shall provide for the filing of the marks and for their registration in order to ensure their protection on the territory of the Socialist Republic of Rumania;
- (b) it shall coordinate, direct, and control the manner in which the provisions concerning marks are implemented and shall take whatever measures are appropriate according to law;
- (c) it shall exercise rights and carry out engagements taken on by the State on the basis of conventions concerning marks to which the Socialist Republic of Rumania is party and shall maintain relations with similar institutions from other States and with international intergovernmental organizations competent in matters of marks;
- (d) it shall verify marks registered internationally, accepting or rejecting recognition thereof in accordance with the provisions of the law;
- (e) it shall issue official publications concerning marks.

CHAPTER II

Regular Filing of Marks. Priority Rights

Article 10

The regular filing [*depozitul reglementar*] of trademarks and service marks shall be established by the filing of an application at the General Directorate for Metrology, Standards and Inventions; this shall ensure for the applicant, in accordance with the law, a priority right starting from the date of the application for registration, in regard to any other further filing made of the same mark for similar goods, work, or services.

Article 11

An enterprise may request the registration of one or more individual marks.

A collective mark may be filed for registration by the ministry or by the collective group representing the interests of an enterprise even if the ministry or the collective group

requesting the registration engages in no industrial or commercial activity.

The same mark may be registered for one or more goods, work, or services.

For the same product, work, or service, the same enterprise may also register two or more marks.

Article 12

Enterprises whose headquarters are in States party to conventions concerning trademarks and service marks to which the Socialist Republic of Rumania is also party and which have regularly filed a mark in one of those States shall enjoy a priority right of six months starting from the date of the first filing if they apply, within that period of time, for the registration of the same mark in the Socialist Republic of Rumania.

Article 13

An exhibition priority of six months starting from the date of the introduction of the goods at the exhibition shall be recognized in respect of trademarks and service marks applied or attached to goods introduced at an official or officially recognized national or international exhibition, organized on the territory of the Socialist Republic of Rumania or in States with which it has concluded an agreement to that effect, or in States ensuring such a right by reciprocity.

This priority shall not extend the period of priority provided in Article 12.

Article 14

The priorities provided in Articles 12 and 13 shall be recognized if they are claimed together with the filing of the application for the registration of the mark and if, within three months of the filing of the application, they are confirmed by documents of priority.

CHAPTER III

Examination of the Application for the Registration of a Mark. Registration of the Mark. Duration of Protection and Renewal of Protection. Restriction of the List of Goods, Work, or Services

Article 15

The application for the registration of a mark, after it has been filed, shall be examined by the General Directorate for Metrology, Standards and Inventions as to compliance with the requirements for regular filing and as to compliance with the requirements for the registration of filed marks in the register of registered trademarks and service marks [*registru*l mărcilor de fabrică, de comerț și de serviciu înregistrate].

Article 16

An application which satisfies the requirements for regular filing shall be recorded in the register of filed marks [*registru*l mărcilor depuse]; an application which does not satisfy these requirements or which is not completed within the time limit appointed by the General Directorate for Metrology, Standards and Inventions shall be rejected.

Where, as a result of the examination, it is found that the requirements for registration are satisfied and if, within three months of the publication in the official paper dealing with marks [*publicația oficială privind mărcile*], no objection has been filed or any objections filed have been rejected, the mark shall be registered in the register of registered trademarks and service marks and the applicant shall receive a certificate of registration.

Where it is found that the mark does not satisfy the requirements for registration, the General Directorate for Metrology, Standards and Inventions shall reject the application, giving the reasons for the rejection.

Article 17

The following signs cannot be registered as marks:

- (a) those which are not sufficiently distinctive over other marks representing identical or similar goods, work, or services registered in the Socialist Republic of Rumania or protected under international conventions, except where registration is requested or authorized by the proprietors of such marks;
- (b) those which are copies, imitations, or translations of another foreign mark, well known in the Socialist Republic of Rumania for identical or similar goods, work, or services;
- (c) those which consist merely of denominations which are or have become customary, necessary, or generic for such goods, work, or service, or which refer exclusively to the manner, time, or place of manufacture, or to the nature, intended purpose, price, quality, quantity, or weight of the goods;
- (d) those which include, without the authorization of the organs having such right: names or portraits of Party or State leaders or of heroes of the working class; names of organizations or of administrative regions of the Socialist Republic of Rumania; reproductions or imitations of armorial bearings, flags, orders, medals, emblems, and badges; official signs for marking or verifying quality, control, or warranty;
- (e) those which include elements mentioned in (d) that belong to other States or international intergovernmental organizations, if their use is forbidden by conventions to which the Socialist Republic of Rumania is party;
- (f) those which include false or deceptive indications or are contrary to law, public order, or rules of socialist society [*convingere socialistă*].

Article 18

The registration of a mark shall confer upon the proprietor the exclusive right to apply the mark to the goods, work, or services in respect of which the mark was registered for a period of ten years starting from the date on which the application was regularly filed.

Article 19

The list of goods, work, or services in respect of which the mark is registered may be restricted by the General Directorate for Metrology, Standards and Inventions at the request

of the enterprise owning the mark. It can also be restricted at the request of interested parties or ex officio where this is justified by a final decision.

The addition of a new product, work, or service to the list, as well as the substitution of another for any one of them, shall be possible only through the filing of a new application.

Article 20

If the proprietor so requests during the last year of the period of protection, or within six months of the expiry of that period, the registration of the mark may be renewed at the end of each ten-year period of protection, provided that no essential change is made in the mark.

If the same mark has been registered successively by the same enterprise for different goods, work, or services, earlier registrations may be combined with the renewed registration at the time of the renewal.

The renewal of a registration shall affect the entire composite filing, and the new period of protection shall start from the date on which the protection of the oldest filing expires.

CHAPTER IV

Transfer and Cessation of Rights in a Mark. Cancellation of Registered Marks. Fees

Article 21

Rights in an individual registered or renewed mark may be wholly or partially transferred, in accordance with the law, either with a certain pecuniary obligation or free of charge.

The transfer of rights in a mark shall be recorded in the register of registered trademarks and service marks and shall be effective with regard to third parties only from the date of recording.

Rights in collective marks cannot be transferred by enterprises which have received approval to use them.

The beneficiary who obtains rights in a mark by transfer shall be obliged to maintain the quality of the goods, work, or services of such mark.

Article 22

Rights in marks shall cease to exist in the following cases:

- (a) where the proprietor of the mark expressly renounces his rights in writing;
- (b) where the enterprise owning the mark is liquidated before the rights in the mark are transferred to another enterprise;
- (c) where the period of protection of the mark expires and measures to renew it are not taken within the prescribed time limit;
- (d) where the mark is canceled.

Article 23

Where rights in a mark cease to exist, the registered mark shall be removed from the register.

Article 24

The General Directorate for Metrology, Standards and Inventions shall, by motivated decisions, decide — as regards

applications for regular filing, publication, and registration — renewals of registrations of marks, removals of marks, recordings of the transfer of marks, and restrictions of the list of goods, work, or services in respect of which the mark is registered.

Article 25

Applications for the registration or the renewal of the registration of marks, as well as any other acts or services concerning marks performed by the General Directorate for Metrology, Standards and Inventions, shall be subject to fees in the conditions fixed by a decision of the Council of Ministers for the implementation of this Law.

The General Directorate for Metrology, Standards and Inventions shall grant enterprises from other States reductions or exemptions of fees for trademarks or service marks in accordance with conventions to which the Socialist Republic of Rumania is party or on the basis of reciprocity.

The General Directorate for Metrology, Standards and Inventions, with the agreement of the Ministry of Finance, may also approve other fee reductions or exemptions.

CHAPTER V

Judicial Organs. Appeal Procedure. Extension of Time Limits

Article 26

Decisions of the General Directorate for Metrology, Standards and Inventions concerning the regular filing of applications, the publication and registration of marks, the renewal of registrations of marks, the removal of marks, the recording of transfers of marks, or the restriction of the list of goods, work, or services in respect of which the mark is registered, may be contested by:

- (a) the parties, within three months of the communication;
- (b) any other interested person within six months of publication in the official paper dealing with marks.

Article 27

Any interested person may request the cancellation of a registered mark:

- (a) within five years of registration if, according to the provisions of Article 17(b) the mark is not registrable;
- (b) at any time during the period of protection if the registration was made dishonestly or if, according to the provisions of Article 17(d) to (f) inclusive, the mark is not registrable.

Article 28

Objections and requests for cancellation shall be settled by the Commission for the Settlement of Disputes Concerning Marks [*Comisia pentru soluționarea litigiilor privind mărcile*] which functions within the General Directorate for Metrology, Standards and Inventions.

Article 29

Decisions of the Commission for the Settlement of Disputes Concerning Marks may be contested, within two months of their communication, by an appeal lodged with the Court of the Capital of the Socialist Republic of Rumania [*Tribunalul Capitalei Republicii Socialiste România*].

The appeal shall be judged according to the provisions of the Code of Civil Procedure Concerning Appeals.

Decisions delivered by the Court of the Capital of the Socialist Republic of Rumania shall be communicated to the General Directorate for Metrology, Standards and Inventions.

Article 30

Disputes concerning the ceasing of the existence of facts which affect rights in marks or concerning the damages caused by the unlawful use of marks shall be settled, according to the case, by the courts of law or by the organs of arbitration.

Article 31

The General Directorate for Metrology, Standards and Inventions or, according to the case, the Commission for the Settlement of Disputes Concerning Marks or the Court of the Capital of the Socialist Republic of Rumania may decide to extend time limits relating to marks, at the request of interested parties or ex officio, if it is found that the reasons for the non-observance of the time limits pertaining to marks are well founded.

The request for an extension of a time limit relating to a mark or an ex-officio extension may be made within two months of the disappearance of the cause justifying the non-observance of the time limit, but not later than one year following the non-observed time limit.

The time limit prescribed in Article 14, shall be extended only in cases of circumstances beyond control.

Article 32

The Commission for the Settlement of Disputes Concerning Marks within the General Directorate for Metrology, Standards and Inventions which examines objections shall be composed of three members and shall take decisions by a majority vote.

The composition, organization and functioning of the Commission shall be determined by regulations approved by the Council of Ministers.

Transitional and Final Provisions

Article 33

Marks registered or renewed before the date of the entry into force of this Law shall be deemed registered or renewed for the period of protection granted under the legal provisions in force at the date of the registration or renewal.

Unregistered marks that are nevertheless used in the Socialist Republic of Rumania up until the entry into force of this Law shall benefit from further protection under this Law if the application for the registration of the mark is filed in accordance with the law within six months of the entry into force of this Law.

Article 34

In order to maintain their rights, enterprises of the Socialist Republic of Rumania which have filed or renewed marks before the publication of this Law must present to the General Directorate for Metrology, Standards and Inventions, within six months of the publication of this Law:

- (a) the official record constituting the regular filing or renewal of the mark, established by the court of law;
- (b) a stereotype plate and 10 copies, where the mark consists of a characteristic graphic design, a color, or a combination of colors representing the characteristic element.

For marks registered or renewed between the publication of this Law and its entry into force, the documents and material prescribed in paragraph 1(a) and (b) must be submitted by the enterprises of the Socialist Republic of Rumania within six months of the date of the official record constituting the regular filing or renewal of the mark by the court of law.

Marks for which the documents and material mentioned in the preceding paragraph have not been submitted within the time limits prescribed in the same paragraph shall be considered abandoned.

Applications filed in accordance with paragraphs 1 and 2 shall be exempt of fees.

Article 35

Rights regarding trademarks which have been transferred to the Rumanian State prior to the date of publication of this Law shall be acquired and shall remain so regardless of the title by which the transfer was made.

The use of such marks on the territory of the Socialist Republic of Rumania by foreign persons or legal entities prior to the publication of this Law cannot affect the rights of the Rumanian State.

Any registration of such marks made by foreign persons or legal entities prior to the publication of this Law shall be legally null as from the date on which it is effected. Nullity must be ascertained by the General Directorate for Metrology, Standards and Inventions.

Article 36

Disputes concerning prior rights deriving from registered or used marks under the Trademark Law of 1879 shall be settled by the People's Court [*Tribunalul popular*] of the Nicolae Bălcescu Region, Bucharest, which shall apply the Code of Civil Procedure.

Where, as a result of the filing of the documents and material prescribed in Article 34, it appears that there are two or more marks registered by different enterprises for identical or similar goods, the General Directorate for Metrology, Standards and Inventions shall inform the proprietor enterprises which shall have the obligation to settle the dispute, by agreement, in accordance with the preceding paragraph.

Article 37

Until the entry into force of this Law, Rumanian marks shall continue to be registered by the competent People's Courts according the domicile of the respective enterprises, whereas foreign marks shall be registered by the People's Court of Nicolae Bălcescu Region, Bucharest.

Article 38

Within one month of the publication of this Law, the People's Court of the Nicolae Bălcescu Region, Bucharest,

shall turn over to the General Directorate for Metrology, Standards and Inventions the records, files, and documents concerning foreign marks registered in the Socialist Republic of Rumania, continuing the registration of such marks in another register created for that purpose.

Within one month of the entry into force of this Law, the People's Court of the Nicolae Bălcescu Region, Bucharest, shall turn over to the General Directorate for Metrology, Standards and Inventions the register created under the preceding paragraph as well as the files and documents concerning foreign marks registered during the period between the publication and the entry into force of this Law.

Within one year of the entry into force of this Law, the People's Court shall turn over, for permanent keeping, to the Ministry of Internal Affairs — General Directorate of the State Archives [*Ministerului Afacerilor Interne — Direcția generală a arhivelor statului*] the records, files, and documents concerning marks registered by enterprises of the Socialist Republic of Rumania.

Article 39

At the end of a period of six months from the entry into force of this Law, goods manufactured by Rumanian enterprises shall be put into circulation only when they are provided with the compulsory mark, apart from the exceptions mentioned in Articles 7 and 8.

In cases where this is justified, the time limit may be extended to 12 months by the ministry supervising the enterprise, with the agreement of the main beneficiary ministry and the General Directorate for Metrology, Standards and Inventions.

Article 40

The provisions of this Law relating to:

- (a) enterprises shall apply to State enterprises and to the other economic organizations and State institutions, cooperative organizations, and other social organizations, as well as to other persons or legal entities producing or dealing with goods, work, or services;
- (b) ministries shall apply also to other central organs of State administration, to the Academy of the Socialist Republic of Rumania, to central organs of the cooperative organizations, and to other social organizations, as well as to the executive committees of the regional people's councils and of the towns of Bucharest and Constantza;
- (c) collective groups shall apply to the general directorates, directorates and offices having legal status within the ministries, regional organizations, and branches of the cooperative organizations, as well as to other social organizations, federations, unions, and trade unions from other States.

Article 41

Non-compliance with the provisions concerning trademarks and service marks shall involve disciplinary, administrative, civil, or penal responsibility, in accordance with the law.

The copying, imitation, or unlawful use of a trademark or service mark with intent to deceive as regards the quality of the goods, work, or services or to obtain certain advantages shall be punishable by imprisonment of from one month to one year or by fines of from 300 lei to 1,000 lei.

The legal instances shall be obliged to notify the General Directorate for Metrology, Standards and Inventions of the decisions whereby such a mark is annulled.

Article 42

The implementation of the provisions of this Law shall be determined by decisions of the Council of Ministers.

Article 43

This Law shall enter into force six months from the date of its publication, with the exception of Article 35 which shall enter into force on the date of the publication of this Law.

Prior to the entry into force of this Law, regulations shall be established regarding the structure, organization, and work of the Commission for the Settlement of Disputes Concerning Marks functioning within the General Directorate for Metrology, Standards and Inventions.

Article 44

On the date of the entry into force of this Law, the following shall be repealed: the Trademark Law published in the Official Monitor [*Monitorul Oficial*], No. 86, of April 15, 1879; the Trademarks Rules of May 30, 1879; the provisions concerning trademarks, laid down in Decree No. 324, fixing the fees in respect of patents for inventions and trademarks, as published in the Official Bulletin [*Buletinul Oficial*], No. 22, of August 2, 1955, with its subsequent amendments; as well as any contrary provisions.

NEW PLANT VARIETIES

International Convention for the Protection of New Varieties of Plants Ratification by the Federal Republic of Germany and Entry into Force

The Government of the Federal Republic of Germany has ratified the International Convention for the Protection of New Varieties of Plants, signed in Paris on December 2, 1961¹⁾. The instrument of ratification was deposited with the French Government on July 11, 1968.

Three instruments of ratification having been deposited in respect of the said Convention, this Convention came into force, in conformity with its Article 31, paragraph 3, in respect of those States which had ratified it²⁾, on August 10, 1968.

¹⁾ See *Industrial Property*, 1962, pp. 6 et seq.

²⁾ Federal Republic of Germany, Netherlands, United Kingdom of Great Britain and Northern Ireland.

GENERAL STUDIES

New Legal Régime for Marks in Rumania

A Few Characteristic Features of the New Rumanian Legislation

By Em. HOLBAN, Bucharest

NEWS CONCERNING NATIONAL PATENT OFFICES**The Activities of the USSR Committee
for Inventions and Discoveries in the Year 1967**

(Summary of an article by Y. E. MAKSAREV, Chairman of the Committee, published in No. 4 of the review "Problems of Inventions," Moscow)

Filing and Examining Operations

During the year under review, 112,300 applications for inventors' certificates and patents were filed with the Committee as compared with 108,400 in 1966, and the number of applications filed on behalf of enterprises or organizations as distinct from individual inventors increased from 55,400 to 66,600.

At the stage of the preliminary check 18,300 applications were refused and returned to the applicants because of formal defects, among them 6,800 to enterprises; the corresponding numbers in 1966 were 22,600 and 7,100.

The number of applications allowed (i. e., recognized as inventions) was 25,500 or 31 % of the total number of the cases examined¹); the corresponding numbers in 1966 were 19,000 and 25 %.

The number of inventions entered in the State Register (i. e., grants) was 24,700 as compared with 16,600 in 1966.

Foreigners filed 3,427 applications last year, mainly for patents, compared with 2,470 the previous year. The number of grants to foreign applicants was 560 compared with 171 the previous year.

In 1967 the Committee received 792 applications for the registration of alleged discoveries. 768 applications were examined by the Committee and the Academy of Sciences of the USSR. Four were recognized as discoveries. Among them was the discovery of an internal heat current in the moon.

Applications for the registration of trademarks numbered 2,621, registrations 2,507 and renewals 346.

Last year the Committee also dealt with applications for the registration of industrial designs. It was found possible to register 270 industrial designs.

Patent Services

The Committee carried out extensive work to supply enterprises and organizations with patent materials. In 1967, its Institute for Patent Information published 24 issues of the Official Bulletin, containing abridgements of 16,665 inventions; it also published information on 127,993 foreign inventions.

The Institute elaborated recommendations on the organization, completion, and maintaining, of the collections of patents, and distributed it to the respective ministries and central offices.

¹) Examination is understood to mean examination as to substantive requirements and not the check as to compliance with formalities.

The installation of the computer "Razdan-3" was completed last year at the Institute. It is used for the development of programs of automatic translation and information retrieval.

In order to supply copies of patent specifications for industries' collections, the enterprise "Patent" recorded 400 million pages on microfilm and made 52.2 million printed copies. On January 1, 1968, the enterprise had eleven affiliates (including two recently organized in Riga and Novosibirsk). It received orders from 47 ministries and central offices for copies of patent specifications to complete 600 industries' collections in the respective leading institutes or organizations. The enterprise "Patent" is also engaged in completing fifteen full collections in the centers of various regions or territories of the USSR.

Last year the Committee's Patent and Technical Library received 1,876,000 copies of patent and technical literature and, in the course of exchange, 2,528,000 copies of foreign patent specifications.

More than 600,000 people made use of the Library's services.

Central courses for raising competence in invention and patent work were attended (either in person or by correspondence) by more than 5,500 engineers and leading administrators of enterprises.

Recommendations to Industries

The Committee continued to prepare recommendations to industries in respect of inventions to be introduced into practice on the basis of State plans.

In 1967, 10,177 recommendations concerning 16,300 inventions were accepted by the respective ministries and central offices, as compared with 5,206 recommendations in 1966.

The number of inventions introduced into industries was recorded as 17,400, out of which 5,900 inventions were used for the first time.

The Committee, together with the competent ministries, selected a few more inventions than in the previous year for filing patent applications abroad. The number of foreign patents obtained, however, increased two and a half times as compared with the previous year.

On the recommendations of the Committee, a decision was taken to allow the licensing of some 139 Soviet inventions. On January 1, 1968, there were licenses in force for 168 Soviet inventions granted to foreign companies.

The Committee organized a number of regional meetings of inventors, rationalizers and administrators of patent services to discuss the Government's "Decree concerning the improvement of work in the field of patents and licenses."

External Relations

The Committee's external activities were centered on the cooperation with other Patent Offices on a multilateral basis (within the framework of the Council for Mutual Economic Assistance and BIRPI) as well as on a bilateral basis (Soviet-French and Soviet-Italian committees of experts, etc.).

OBITUARY

Mr. Vladimir Savić

It is with deep regret that we announce the death of Mr. Vladimir Savić, Director of the Federal Patent Office of Yugoslavia, on August 8, 1968, at Teslić.

Our sympathy is extended to Mr. Savić's family and colleagues.

NEWS ITEMS

CANADA

Appointment of a New Commissioner of Patents of the Canadian Patent and Copyright Office

Further to the notice published in *Industrial Property*, 1968, p. 238, we have now been informed that Mr. Archibald Malloch Laidlaw, Q.C., has been appointed Commissioner of Patents of the Canadian Patent and Copyright Office.

We take this opportunity to congratulate Mr. Laidlaw on his appointment.

CALENDAR OF MEETINGS

BIRPI Meetings

September 24 to 27, 1968 (Geneva) — Interunion Coordination Committee (6th Session)

Object: Program and Budget of BIRPI for 1969 — *Invitations:* 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, 1968 (Geneva) — Executive Committee of the Conference of Representatives of the Paris Union (4th Session)

Object: Program and Budget (Paris Union) for 1969 — *Invitations:* 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 — *Observers:* All the other member States of the Paris Union; United Nations

September 24 to 27, 1968 (Geneva) — Committee for International Cooperation in Information Retrieval Among Examining Patent Offices (ICIREPAT) — Enlarged Transitional Steering Committee (3rd Session)

Object: Implementation of the decisions of the 4th Session of the Executive Committee of the Conference of Representatives of the Paris Union — *Invitations:* Germany (Fed. Rep.), Japan, Netherlands, Soviet Union, Sweden, United Kingdom, United States of America — *Observers:* International Patent Institute

September 26 and 27, 1968 (Geneva) — Council of the Lisbon Union for the Protection of Appellations of Origin and their International Registration (3rd Session)

Object: Annual Meeting — *Invitations:* All member States of the Lisbon Union — *Observers:* All other member States of the Paris Union

October 2 to 8, 1968 (Locarno) — Diplomatic Conference

Object: Adoption of a Special Agreement Concerning the International Classification of Industrial Designs — *Invitations:* All member States of the Paris Union — *Observers:* States not members of the Paris Union. Intergovernmental Organizations: United Nations; Unesco; Council of Europe. Non-Governmental Organizations: 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 7 and 8, 1968 (Geneva) — Committee for International Cooperation in Information Retrieval Among Examining Patent Offices (ICIREPAT) — Standing Committee II

Object: Questions concerning microform — *Invitations:* All member States of ICIREPAT — *Observers:* International Patent Institute

October 14 to 16, 1968 (Geneva) — Working Group on Copyright Problems of Satellite Communications

Object: Exchange of views on the copyright and neighboring rights problems which might arise from broadcast transmissions by communications satellites — *Invitations:* Experts invited individually and the international and national Organizations concerned

October 21 to November 1, 1968 (Tokyo) — Committee for International Cooperation in Information Retrieval among Examining Patent Offices (ICIREPAT) — Technical Meetings

Object: Questions of technical cooperation in information retrieval — *Invitations:* All member States of ICIREPAT — *Observers:* International Patent Institute; Council of Europe; European Atomic Energy Community; Fédération internationale de documentation

November 25 to 29, 1968 (Geneva) — BIRPI Symposium on Practical Aspects of Copyright (held with the cooperation of the International Confederation of Societies of Authors and Composers — CISAC)

Object: 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.) — *Invitations:* Personalities from developing countries. Members and officers of authors' societies. Individual participants against payment of a registration fee — *Observers:* International Labour Office; Unesco; Council of Europe

December 2 to 10, 1968 (Geneva) — Committee of Experts — Patent Cooperation Treaty (PCT)

Object: New Draft Treaty — *Invitations:* All member States of the Paris Union — *Observers:* State not member of the Paris Union: India. 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. 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 Inventors' Associations (IFIA); 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

Meetings of Other International Organizations Concerned with Intellectual Property

October 31, 1968 (Paris) — International Chamber of Commerce (ICC) — Committee for International Protection of Industrial Property

November 6 and 7, 1968 (The Hague) — International Patent Institute (IIB) — 98th Session of the Administrative Council

December 2 to 6 (Lima) — Inter-American Association of Industrial Property (ASIPI) — Congress

January 16 to 18, 1969 (London) — International Writers Guild (IWG) — Executive Committee

June 9 to 14, 1969 (Venice) — International Association for the Protection of Industrial Property (IAPIP) — XXVII International Congress