

# Industrial Property

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# LEGISLATION

## BULGARIA

### Law on Trademarks and Industrial Designs

(No. 95 of December 5, 1967) \*

#### Article 1

This Law governs the establishment, use, assignment, termination and protection of rights in trademarks, service marks, industrial designs and appellations of origin.

#### I. Trademarks and Service Marks

##### *General Provisions*

#### Article 2

Trademarks and service marks are the signs by which enterprises, organizations and persons designate the goods they manufacture or supply or the services they perform, so as to distinguish them from goods or services of the same kind offered by other enterprises, organizations or persons.

A trademark may also designate goods intended to be incorporated as an integral part, element or detail of another finished product, irrespective of the fact that there is a separate trademark for such product as a whole.

#### Article 3

Trademarks and service marks may consist in words or images, may be graphic, in relief, sonorous or combined.

#### Article 4

No registration or use as a trademark may be made of signs which:

- (a) are already in common use to designate goods of a certain type;
- (b) have no distinguishing characteristics or are of a descriptive nature;
- (c) do not differ substantially from marks already registered in the country by other enterprises or organizations in respect of identical or similar goods;
- (d) are already known in the country as marks of world-wide fame;
- (e) consist exclusively or partially in armorial bearings, flags, signs or emblems of State, or in those of international intergovernmental organizations or in their abbreviations without the consent of the organizations concerned;
- (f) consist in official signs indicating control and warranty or signs of quality, or resemble such signs;
- (g) are identical with or similar to international signs of quality;

\* BIRPI translation.

- (h) reproduce wholly or in part the effigy or the name of a head of State;
- (i) contain untrue information;
- (j) are contrary to public interest and socialist morality.

#### Article 5

Enterprises, organizations or persons, both Bulgarian and foreign, may register one mark for all of their goods or services or different marks for separate kinds of goods or services.

#### Article 6

Two or more enterprises manufacturing goods of the same type may jointly register and possess in common a trademark applied to such goods.

#### Article 7

State economic trusts and cooperative unions may register their own trademarks.

#### Article 8

Commercial enterprises, organizations and companies may register their own trademarks and apply them to the goods of their trade in place of the mark of the producing enterprises, or alongside the mark of the producing enterprises, with the agreement of the latter.

#### Article 9

Enterprises, organizations or persons using a non-registered mark to designate the goods they manufacture or sell ("prior users") may object to an application for the registration of a mark by a third party if this mark does not differ substantially from their own. In such cases, the "prior user" shall be given three months in which to file an application for the registration of the mark he employs. If he does not meet this time limit, action shall be taken, in accordance with the prescribed procedure, on the application filed by the third party for the registration of a mark.

The "prior user" may request cancellation of any mark not substantially different from his own if such mark was registered after he started using it. If his request for cancellation is granted, the "prior user" shall be obliged to apply for the registration of his own mark within three months of the decision pronouncing cancellation. If he does not meet this time limit, the cancellation of the second mark shall be null and void, and ownership in the mark shall revert to the enterprise, organization or person having registered the mark.

#### Article 10

A mark not substantially different from a mark in which rights have expired may be registered only after three years have elapsed from the date of such expiry.

#### *Registration and Priority*

#### Article 11

Trademarks and service marks shall be recorded in a special register at the Institute of Inventions and Rationalizations.

For each registration of a mark, an application shall be filed by the interested party or by his attorney.

### Article 12

The application shall contain:

- (a) the name and address of the enterprise, organization or person applying for the registration of the trademark. Bulgarian enterprises also being obliged to specify the higher organization on which they are dependent;
- (b) information relating to the activity of the enterprise, organization or firm applying for the registration;
- (c) a full list of the goods or services to which the mark is to be applied, with an indication of their class according to the Classification of Goods and Services for the Purposes of the Registration of Marks;
- (d) the wording of the mark and its description, together with a graphic representation thereof.

The application shall be accompanied by documents attesting to the payment of the State registration fee and the fee for publication of the registration.

Foreign applicants shall also be obliged to join to their applications a document attesting to the legal existence of the enterprise and stating its activity.

### Article 13

An application for the registration of a mark containing the information prescribed in the first paragraph of Article 12 shall entitle the applicant to a right of priority with regard to applications filed subsequently and pertaining to a mark not substantially different.

### Article 14

Applicants from countries members of the Union for the Protection of Industrial Property, and applicants from countries outside the Union but who have real and effective commercial or industrial enterprises in the territory of one of the countries of the Union shall enjoy a right of priority on the basis of the application made in the respective country of the Union in accordance with its domestic law.

The applicant may avail himself of the right of priority for a period of six months from the date of filing of the first application.

An applicant who wishes to avail himself of the right of priority shall file a request to that effect with the Institute of Inventions and Rationalizations, indicating the date of his first application and the country where such application was filed.

Within three months of the filing of his request, the applicant shall be obliged to prove his right of priority by producing a copy of the first application, duly certified by the competent authority of the country member of the Union for the Protection of Industrial Property.

### Article 15

The applicant shall have a right of priority when exhibiting the mark at an official or officially recognized international exhibition in the country or in a country of the Union. The right of priority shall be deemed to exist as from the date of the exhibition of the mark and shall be recognized if, within one month from the end of the exhibition, an ap-

plication for the registration of the mark is filed, together with a document attesting to the participation in the exhibition.

### Article 16

Where the required documents are not attached to the application for the registration of the mark, the Institute of Inventions and Rationalizations shall accept the application but shall notify the applicant that he must produce the missing documents within three months of receipt of the notification.

If the applicant fails to comply with these provisions, the application shall be rejected.

### Article 17

Where two or more applications are filed for the registration of marks not substantially different from one another and applied to identical or similar goods, the registration shall be effected in the name of the applicant who first began uninterrupted use of his mark. In case of controversy, the date of first use shall be established by a court judgment or by arbitration.

If none of the applicants claim prior use of the mark, registration shall be effected in respect of the mark first applied for.

### Article 18

If the application is in order, the Institute of Inventions and Rationalizations shall register the mark, within three months of the date of filing of the application, in the name of the applicant and shall enter the mark in the Register of Trademarks or in the Register of Service Marks.

A separate certificate shall be issued for each registration of a mark.

### Article 19

Registration of a trademark or service mark shall confer the right to the exclusive use thereof as from the date of filing of the application with the Institute of Inventions and Rationalizations. This right shall be granted for a term of ten years.

The term provided for in the preceding paragraph may be extended for subsequent periods of ten years each.

### Article 20

The request for extension of the term of protection of the mark shall be filed during the last year of validity of the term, or not later than six months after its expiry. In the latter case, the amount of the fee payable shall be increased.

The extended term of protection of the mark shall run from the date on which the previous term expires.

The extended term of protection of the mark shall be recorded in the Register.

### Article 21

A mark may be assigned in the event that one enterprise is taken over by another or when enterprises merge together.

In the event that an enterprise is divided or transfers part of its activity to another enterprise, questions concerning the use of the mark shall be settled by the document establishing the division or transfer of activity.

The right to use a mark may be transferred or assigned, by a special license agreement, to another enterprise, organization or person. The licensee shall be required, in using the mark, to ensure the same quality of goods manufactured or services performed.

### *Termination and Cancellation*

#### Article 22

The right to protection of the mark shall terminate:

- (a) at the expiry of the term provided for in Article 19;
- (b) upon final liquidation of the enterprise, and
- (c) upon renunciation by the owner.

#### Article 23

The registration of the mark shall be canceled at the request of an interested party or ex officio by the Institute of Inventions and Rationalizations, if:

- (a) it becomes evident that the registration was effected in violation of the law;
- (b) the mark has not been used, or has not been offered for use through advertisements in the press, for a period of five years.

## II. Industrial Designs

### *Nature*

#### Article 24

An industrial design may be any new external rendering of a product, consisting in the particularity of the form, design, ornaments, combination of colors, and the like, that can be achieved through industrial processes.

A slight change in the particularities mentioned in the preceding paragraph, or any other insignificant change not obvious at first sight, shall not be considered a new industrial design.

### *Applications and Priority*

#### Article 25

Applications for the registration of industrial designs shall be filed with the Institute of Inventions and Rationalizations in the name of the enterprise, organization or person wishing to introduce the design.

The application shall contain:

- (a) the name and address of the applicant;
- (b) the denomination of the industrial design;
- (c) a description of the design;
- (d) the author of the design — physical person, collective body or legal entity;
- (e) drawings, photographs, or other illustrative material, suitable for reproduction by stereotype.

The application shall be accompanied by a document attesting to the payment of the State registration fee and the fee for publication of the registration.

A single application may not contain more than 50 varieties of the industrial design concerned.

#### Article 26

The application shall contain an estimation of the usefulness and industrial applicability of the industrial design, as well as information as to whether or not it was created in connection with the official activity of the author.

#### Article 27

Where the application for the registration of an industrial design does not satisfy the requirements prescribed in Article 25, the Institute of Inventions and Rationalizations shall accept the application but notify the applicant that he must remove the defects within three months of receipt of the notification.

If the applicant fails to do so within the prescribed period of time the application shall be rejected.

#### Article 28

Industrial designs shall be registered following examination as to their novelty in the country.

No industrial design shall be registered which

- (a) does not differ substantially from other industrial designs already registered in the country;
- (b) has already been used in the country;
- (c) is known in the country through publications;
- (d) was displayed at exhibitions prior to the filing of the application and the provisions of Article 15 of this Law were not complied with.

#### Article 29

If the application is in order, the Institute of Inventions and Rationalizations shall register the design within three months in the Register of Industrial Designs.

Registration of an industrial design shall confer the right to the exclusive use thereof as from the date of filing of the application with the Institute of Inventions and Rationalizations. This right shall be granted for a term of five years.

#### Article 30

The Institute of Inventions and Rationalizations shall issue a certificate, attesting to the exclusive right to use the industrial design, in the name of the enterprise, organization or person, and also including the name of the author.

#### Article 31

Authors of industrial designs may file their applications with the Institute of Inventions and Rationalizations direct, by observing the provisions of Article 25.

In such cases, the certificate permitting the use of the industrial design shall be issued in the name of the applicant.

#### Article 32

The depositor of an industrial design shall be entitled to the right of priority provided for in Articles 13, 14 and 15 of this Law, subject to compliance with the conditions prescribed therein.

If the subject matter of the application is altered, the priority shall be recognized as from the date of filing of the amended application.

### *Cessation of Rights in Industrial Designs*

#### Article 33

Enterprises, organizations and persons having obtained rights to the exclusive use of industrial designs, as well as foreign holders of certificates for industrial designs, may assign to other enterprises, for valuable consideration or gratuitously, their rights to the use of such industrial designs.

#### Article 34

If it is in the public interest that the industrial design should be put to use and the holder of the certificate does not consent to do so, the State Committee for Science and Technical Progress may, on the basis of a duly motivated request, authorize the grant of a compulsory license. Such a request must be accompanied by a document issued by the competent authority and attesting to the necessity of the license.

### *Remuneration*

#### Article 35

An author of an industrial design accepted for use shall be entitled to remuneration in the conditions and to the extent determined by the Council of Ministers, provided that the design was not created in fulfillment of his service obligations.

Should this remuneration not be paid within the time limit appointed, the author shall have the right to a forfeit at the rate of 0.05 % per day on the amount due to him.

### *Termination and Cancellation*

#### Article 36

Any registration of industrial designs may be terminated or canceled in accordance with the provisions of Articles 22 and 23.

#### Article 37

The registration of an industrial design may be canceled at the request of any person who establishes, through legal proceedings or by arbitration, that, prior to the filing of the application for registration, he was already using the industrial design independently of the depositor or had undertaken preparations with a view to making use of the design as a "prior user."

Such action may be brought within two years of the date of registration of the industrial design.

### *III. Appellations of Origin*

#### Article 38

An appellation of origin of a product is the geographical name of the country, region or locality which serves to designate a product originating therein, the characteristics or qualities of which are due exclusively or essentially to the geographical environment, including natural factors and the traditions of production of the place.

#### Article 39

For each registration of an appellation of origin, a separate application shall be filed with the Institute of Inventions and Rationalizations.

The application shall contain:

- (a) the name and address of the applicant;
- (b) information relating to the activity of the applicant;
- (c) a list of the products to which the appellation of origin is to be applied with an indication of their class according to the Classification of Goods and Services for the Purposes of the Registration of Marks;
- (d) the actual designation of the appellation of origin;
- (e) the country, region or locality where the products indicated are produced.

The application shall be accompanied by documents attesting to the payment of the State registration fee and the fee for publication of the registration.

Foreign enterprises and firms shall also join to their application a document attesting to the filing of the appellation of origin in the country of origin.

#### Article 40

Where the required documents are not attached to the application, the Institute of Inventions and Rationalizations shall accept the application but shall notify the applicant that he must remove the defects within three months of receipt of the notification.

If the applicant fails to do so within the period of time prescribed in the preceding paragraph, the application shall be rejected.

#### Article 41

If the application is in order, the Institute of Inventions and Rationalizations shall register the appellation of origin within three months in the special Register of Appellations of Origin.

A certificate permitting the use of the appellation of origin shall be issued to the applicant.

#### Article 42

Appellations of origin may be registered by any enterprise, organization or person engaged in an economic activity at a given place, provided that the qualitative characteristics of the products manufactured or sold correspond to the specific features characterizing the appellation of origin.

#### Article 43

An appellation of origin shall enjoy protection against any unlawful use or deceptive indication, even if the true origin of the product is indicated on the product itself or if the appellation is used in translated form or accompanied by terms such as "kind," "type," "make," and the like.

#### Article 44

Trademarks also comprising an appellation of origin may only be registered in cases where the right to the use of such appellation is justified.

#### Article 45

Registered Bulgarian appellations of origin shall be canceled if the business activity of all enterprises, organizations or persons using such appellations has been discontinued.

Registrations of foreign appellations of origin shall be canceled if they have been canceled in the country of origin.

## IV. General Provisions

## Article 46

All entries in the Registers of Trademarks, Service Marks, Industrial Designs and Appellations of Origin shall be published in the Official Gazette of the Institute of Inventions and Rationalizations.

Changes in ownership or in the use of marks or industrial designs shall be made known to the Institute of Inventions and Rationalizations within three months for purposes of entering such changes in the appropriate registers.

## Article 47

A fee, the amount of which shall be established in the Administrative Tariff in accordance with the Law on State Fees, shall be payable in advance for the registration of trademarks, service marks, industrial designs and appellations of origin, for the extension of the term of protection, for assignments or the granting of licenses, for appeals, cancellations, changes of name and address of the owner, restrictions of the list of goods in respect of which a trademark is registered, for the issuance of certificates for the use of industrial designs, for the issuance of copies, and for any publications in the Official Gazette of the Institute of Inventions and Rationalizations.

Should the registration of the mark, industrial design or appellation of origin be refused, the State fees paid shall not be refunded to the applicant.

## Article 48

Foreign applicants shall file their applications for the registration of marks, industrial designs or appellations of origin through the Bulgarian Chamber of Commerce.

## Article 49

Marks, industrial designs and appellations of origin may be registered abroad at the request of enterprises, organizations or persons who have registered them in this country in accordance with the prescribed procedure.

## Article 50

Decisions of the Institute of Inventions and Rationalizations refusing the registration and issuance of a certificate for the use of a trade mark, service mark, industrial design or appellation of origin, or pronouncing cancellation under Article 23, may be appealed before the Municipal Court of Sofia within three months of receipt of notification of the decision taken.

Prior use shall be established by a court decision or by arbitration.

## Article 51

Disputes concerning the ownership, use, assignment or termination of trademarks, service marks, industrial designs and appellations of origin, as well as the remuneration due for the use of industrial designs or the exercise of compulsory licenses, shall be referred to the Regional Courts or settled by State arbitration.

## Article 52

Goods imported or produced in the People's Republic of Bulgaria and unlawfully bearing a trademark of a third party, or manufactured according to an industrial design of a third party, registered in this country, or products bearing false appellations of origin, shall be subject to seizure on behalf of the State.

The offenses described in the preceding paragraph shall be established in an official document drawn up by the organs of control of the Institute of Inventions and Rationalizations. Seizure shall be effected by virtue of a penal order issued by the Director of that Institute.

The official documents shall be drawn up and the orders issued and appealed from in accordance with the provisions of Section XXVIII of the Penal Code.

## V. Transitional Provisions

## Article 53

Applications for the registration of trademarks still pending at the time this Law comes into force shall be decided upon in accordance with the provisions of the said Law.

## Article 54

Where the term of protection of a trademark registered under the provisions of the Decree on Trademarks of 1952 is not established or exceeds 10 years, the term of the protection shall be 10 years from the date of the entry into force of this Law.

## Article 55

The State Committee for Science and Technical Progress shall issue instructions for the implementation of this Law.

## Article 56

The Decree on Trademarks, published in *Izvestija* No. 13/1952, amended and supplemented by *Izvestija* Nos. 73/1954 and 31/1958 are hereby repealed.

This Law shall enter into force on January 1, 1968.

The President of the State Committee for Science and Technical Progress shall be entrusted with the implementation of this Law.

## IRAN

### Law on Food Products, Beverages, and Cosmetic and Sanitary Products \*

(enacted by the Senate on 19 Tir 1346 [July 10, 1967] and by the Chamber of Deputies on 22 Tir 1346 [July 13, 1967])

## Article 1

Any person who has perpetrated one of the following acts in respect of food products, beverages, or cosmetic or sanitary products shall be liable to the penalties provided for in this Law:

\* BIRPI translation

1. offering or selling one product in place of another;
2. mixing a foreign substance with a product with intent to derive unlawful profit thereby;
3. failing to comply with the standards or registered formulae in cases where the establishment of a standard or a formula and compliance therewith are mandatory;
4. offering or selling a spoiled product or selling or offering for sale a product after the time limit set for its consumption has expired;
5. using unauthorized coloring materials, essences or other additives in food products, beverages, cosmetic or sanitary products, as well as in children's toys.

#### Article 2

Any person who has perpetrated one of the acts described in Article 1 shall be liable to the following penalties, depending on the consequences and effects of such act:

1. In cases where the act has resulted in the illness of a consumer or has had a harmful effect on him, medical treatment of which is not necessary for more than one month, the penalty shall be imprisonment for a period of six months to two years. If medical treatment exceeds one month, the penalty shall be imprisonment for a period of one to three years.
2. In cases where the act has caused the disablement of a consumer's limb, the penalty shall be imprisonment with hard labor for a period of three to ten years, depending on the extent of the disability.
3. In cases where cosmetic or sanitary products have caused a blemish to the beauty, or the disfigurement, of the consumer, the penalty shall be imprisonment for a period of one to three years, depending on the extent of the blemish or disfigurement.
4. In cases where the act has caused the death of a consumer, the perpetrator thereof shall be liable to imprisonment with hard labor for a period of three to 15 years.

An attempt at an offense punishable under items 1, 2 and 3 of this Article shall be punishable by the minimum penalties prescribed in those items.

*Note:* In the cases described in this Article, the court shall, in addition to pronouncing a sentence of imprisonment, inflict a fine of 5,000 to 100,000 rials on the perpetrator and enjoin him from engaging in his trade or profession in respect of food products, beverages, or cosmetic or sanitary products for a period of one to three years.

#### Article 3

Any person who has fraudulently produced food products, beverages, or cosmetic or sanitary products which have caused the death of a consumer shall receive the death penalty.

#### Article 4

In cases where poisonous substances have been introduced in unauthorized proportions into food products, beverages, or cosmetic or sanitary products, the court shall inflict on the perpetrator the maximum penalties prescribed in Article 2, in accordance with the circumstances of the case.

#### Article 5

Any person engaging in competition in respect of the products mentioned in this Law shall be liable to punishment under the provisions of Article 244(a) of the Penal Code.

#### Article 6

If food products, beverages, or cosmetic or sanitary products have been transformed negligently, carelessly or unskillfully by the producer, vendor, supplier, or one of their agents, and this has resulted in the illness of a consumer or has had a harmful effect on him, treatment of which is not necessary for more than one month, the said person shall be liable to imprisonment for a period of two to six months depending on the case. If treatment exceeds one month, the perpetrator shall receive the maximum penalty of imprisonment prescribed in this Article and shall receive a fine of 5,000 to 50,000 rials.

#### Article 7

As from the date of approval of this Law, a permit issued by the Ministry of Health shall be required for the setting up of any factory or workshop for the production of food products, beverages, or cosmetic or sanitary products; in the case of a factory, a permit shall also be required from the Ministry of Economy. The conditions to be met for the issuance of such permits and the functioning, exploitation and management of such enterprises shall be governed by regulations to be established by the Ministry of Health.

*Note:* Responsibility for technical matters in factories producing food products, beverages, or cosmetic or sanitary products shall be entrusted to persons holding a university degree, or higher qualification, in medicine, pharmacy, veterinary medicine, food science, chemistry or experimental sciences. The degree of specialization and the experience required in these fields for the assumption of such responsibility shall be set forth in regulations to be drawn up by the Ministry of Health and taking into account the particular industry concerned (food products, beverages, or cosmetic or sanitary products).

#### Article 8

The Ministry of Health shall collect a fee of 5,000 rials for the issuance of a production license for each product made in a factory and of 500 rials per license for the production of any product made in workshops affected by the provisions of this Law. These sums shall be used exclusively for the establishment, development and improvement of laboratories for food products.

*Note 1:* Workshops which offer their products for sale in a commercial form with a distinctive mark and in a distinctive wrapper shall be affected by the provisions of this Law.

*Note 2:* Each of the competent laboratories dependent on the Ministry of Health shall be authorized to collect a fee from individuals or legal entities requesting analyses of substances or products. This fee shall be in conformity with a rate schedule to be proposed by the Ministry of Health and approved by the Finance Commissions of the two Chambers.

Income derived from the fees established in this Article shall be centralized in an account in the General Treasury and shall be used for the development and improvement of each institution.

*Note 3:* The list of factories and workshops affected by the provisions of this Law shall be drawn up by the Ministry of Health and published upon approval by the Health Commissions of the two Chambers.

#### Article 9

Those suppliers, producers and importers of food products, beverages, or cosmetic or sanitary products whose type of enterprise is mentioned in the communication of the Ministry of Health and who are in business on the date of approval of this Law and of its implementing regulations shall be obliged to apply for a health permit from the Ministry of Health within six months of the date of publication of that communication. The applications shall be examined by a technical commission composed of three competent members appointed by the Ministry of Health. This commission shall, within six months, take a decision either to accept such applications or to reject them.

If an application for a permit is not made within the prescribed period of time or if it is rejected by the commission, the enterprise concerned shall be temporarily closed down by order of the public prosecutor.

The party concerned may contest this order before the court of first instance within ten days of the notification thereof. The court shall examine this complaint outside its cause list and shall render a final judgment.

*Note:* The implementing regulations to Articles 8 and 9 shall be drawn up by the Ministry of Health and shall enter into force upon being approved by the Health Commissions of the two Chambers.

#### Article 10

Rejection of an application for a permit shall not prevent the proprietors of an enterprise from renewing their application for a health and production permit in accordance with the provisions of Article 7.

#### Article 11

The proprietors of Iranian enterprises of the type specified, and included in the list published, by the Ministry of Health shall be obliged, in conformity with the instructions of that Ministry, to indicate, in legible Persian letters on the wrapper or container of the product, the necessary specifications concerning each of their products. If a manufacturer requests that a formula relating to a process or compound be kept secret, he must first submit such formula to the Ministry of Health and then indicate the number of his permit on the wrapper. Any person who fails to observe the provisions of this Article shall be liable to a fine of 5,000 to 20,000 rials.

#### Article 12

The Ministry of Health shall publish a list of the coloring materials, essences and other materials which may be added to food products, beverages, and cosmetic and sanitary prod-

ucts, as well as a list of the kind of products which may be used for containers employed in the food and beverage industries and a list of the paints or dyes which may be used in the manufacture of children's toys.

Without the authorization of the Ministry of Health; the addition, to food products, beverages, cosmetic or sanitary products, or children's toys, of substances not included in those lists, as well as the use of poison in an unauthorized form or in unauthorized amounts in the plating, cleaning, coloring or polishing of containers for food products, for the covering or the wrapping of food products, beverages, or cosmetic or sanitary products, shall be prohibited. Producers of the substances referred to in this Article shall be liable to imprisonment for a period of three months to one year, unless the act is punishable by a more severe penalty.

#### Article 13

Rules laying down the health regulations shall be issued by the Ministry of Health and published for public information by suitable means. Any violation of these rules shall involve the penalties to be provided for in regulations approved by the Ministries of Justice and Health.

Officials appointed by the Ministry of Health or by other institutions responsible for the inspection of food products, beverages and sanitary products shall report violations of the health regulations to the persons responsible in the area and shall specify the nature of the violation.

Once the report of the health inspector has been approved, the local health officer shall prosecute the guilty party before the Justice of the Peace and shall notify the director of the establishment concerned, in writing, that the defects in the observance of the health regulations must be remedied within a time limit established by regulation.

If, at the expiration of this time limit, the said defects have not been remedied, the health inspector shall again notify the local health officer, who, after examining and approving the report made by the health inspector, shall temporarily close down, by written order, the establishment concerned. This establishment shall only be authorized to resume its activity if the proprietor or director thereof assures the local health officer that the health regulations will be respected.

#### Article 14

Adulterated or spoiled products, as well as those in respect of which the time limit for consumption has expired, shall be seized immediately upon discovery. If the Ministry of Health or other responsible institution certifies that the products discovered can be used for certain human, animal or industrial purposes and that these products are perishable, the prosecutor of the court of first instance shall order them to be sold in the presence of a representative of the public prosecutor's office and upon notifying the proprietor. The proceeds from this sale shall be deposited in a "justice fund" until the proceedings have been terminated and the final judgment rendered. The prosecutor shall order the immediate destruction of any products discovered that are found to be of no use for human, animal or industrial purposes. In all of the above cases, and in the case of instruments, tools or

other articles used in committing the violation, the court shall decide, in accordance with Article 5 of the Penal Code, what is to be done with them. If they have been sold previously, a decision shall also be taken.

All sums derived from the application of this Article shall be used for the establishment, development and improvement of research and testing laboratories for food products.

#### Article 15

Purchasers of the products referred to in Article 14 shall be obliged to use such products exclusively for the purposes indicated by the Ministry of Health or other responsible institution. If they do not do so, they shall be liable to the penalties prescribed in this Law.

#### Article 16

Beginning with the date of approval of this Law, an import license from the Ministry of Health shall be required in conformity with the general provisions of the Law, in order to clear through customs food, cosmetic and sanitary products intended for commercial or advertising purposes, regardless of the form or condition in which they are presented. A certificate of fitness for consumption, from the country of origin of the products, shall also be required. The importer shall submit to the Ministry of Health the formulae of the said products and of any preservatives added thereto.

#### Article 17

All violations of this Law shall be considered public offenses.

#### Article 18

The Government shall be responsible for the implementation of this Law.

### ITALY

#### Decrees

Concerning the Temporary Protection of Industrial Property Rights at Twelve Exhibitions

(of December 12, 24 and 30, 1968, and January 2, 1969)<sup>1</sup>

#### Single Article

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

*II<sup>a</sup> Mostra internazionale materiali per protesi dentaria ed attrezzature per odontotecnici — EXPO Tecno Dental* (Genoa, January 3 to 6, 1969);

*SIVEL — Salone internazionale dei vini e dei liquori* (Naples, February 1 to 9, 1969);

*EXPOSUDHOTEL — Salone delle attrezzature alberghiere e turistiche e di pubblico esercizio per il mezzogiorno e l'oltremare* (Naples, February 1 to 9, 1969);

*VIII<sup>o</sup> Salone nautica internazionale e IX<sup>o</sup> Salone internazionale rimorchio campeggio* (Genoa, February 1 to 10, 1969);

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

*I<sup>a</sup> Mostra nazionale dell'oreficeria - gioielleria - argenteria* (Vicenza, February 2 to 9, 1969);

*VI<sup>o</sup> Salone internazionale macchine per movimenti di terra, da cantiere e per l'edilizia — SAMO.TER.* (Verona, February 5 to 10, 1969);

*II<sup>o</sup> AGROSUD — Salone per lo sviluppo della flororticoltura e della frutticoltura delle meccanizzazione e delle industrie agricole nel mezzogiorno e nell'oltremare* (Naples, February 16 to 23, 1969)

*Settimana della calzatura italiana — XXIII<sup>a</sup> Presentazione nazionale moda della calzatura* (Bologna, March 1 to 5, 1969);

*X<sup>a</sup> Mostra convegno internazionale riscaldamento - condizionamento - refrigerazione idrosanitaria* (Milan, March 1 to 7, 1969);

*XXI<sup>a</sup> Fiera campionaria della Sardegna* (Cagliari, March 12 to 23, 1969);

*Salone internazionale dell'automobile* (Geneva, March 13 to 23, 1969);

*XII<sup>o</sup> Salone internazionale dell'alimentazione* (Bologna, March 22 to 30, 1969);

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>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

### The Parke Davis Judgment and Industrial Property Rights

(Court of Justice of the European Communities,  
February 29, 1968, Case 24/67) \*

By R. PLAISANT, Professor at the Faculty of Law  
and Economics, Caen















**The International Preliminary Examination  
from the Viewpoint of the Applicant**

By D. A. WAS





## NEWS ITEMS

### SWITZERLAND

#### *Appointment of a New Director of the Federal Bureau of Intellectual Property*

We have recently been informed that Mr. Walter Stamm has been appointed Director of the Federal Bureau of Intellectual Property in Berne. He succeeds Mr. J. Voyame.

We take this opportunity of congratulating Mr. Stamm on his appointment.

## BOOK REVIEWS

### Selection of New Publications

DALEWSKI (Jan) and WALEWSKI (Waclaw). *Ustawodawstwo wynalazcze PRL*. (Legislation of the Polish People's Republic on Inventions). Warsaw, *Studium organizacji wynalazczości*, 1967/68. - 175 p.

BOGUSLAVSKIJ (M.) and ČERVIAKOV (I). *Gewerbliche (Der) Rechtsschutz in der UdSSR*. Ilmenau, Selbstverlag der Technischen Hochschule, 1967. - 92 p. Dokumentation/Information, Heft 8.

COMMISSION DES COMMUNAUTÉS EUROPÉENNES. DIRECTION GÉNÉRALE DU MARCHÉ INTÉRIEUR ET DU RAPPROCHEMENT DES LÉGISLATIONS. *Répression (La) de la concurrence déloyale dans les Etats membres de la Communauté économique européenne - Recht (Das) des unlauteren Wettbewerbs in den Mitgliedstaaten der europäischen Wirtschaftsgemeinschaft - Repressione (La) della concorrenza sleale negli Stati membri della Comunità economica europea - Recht (Het) inzake ontoelaatbare mededeging in de Lid-Statcn van de Europese economische Gemeenschap*. Bruxelles, Communautés européennes, 1968. - 4 vol. (40+37+40+40 p.)

RONDON DE SANJO (Hildegard). — *Manual teórico-práctico de propiedad industrial*. Caracas, Prensas venezolanas de editorial arte, 1968. - 160 p. 2nd Ed.

SORDELLI (Luigi). *Problemi giuridici della pubblicità commerciale*. Milan, A. Giuffrè, 1968. - VII-279 p.

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*Gewerblicher Rechtsschutz [Industrial Property Laws]*. Texts with notes and references. Edited by Kurt Haertel and Albrecht Krieger. Second Edition. Publisher: Carl Heymanns Verlag KG, Cologne 1968. Price: DM 29. (In German)

This manual contains all the industrial property legislation of the Federal Republic of Germany, including the law on employees' inventions, the law against unfair competition, the antitrust law, and the International Conventions.

The second edition brings together all these laws in their most recent versions and thus takes account of the recent changes in the Patent and Trademark Law (see Krieger: «The New German Patent and Trademark Law», *Industrial Property*, 1968, p. 155).

The editors have supplied the texts with useful references to other laws.

L. B.

# CALENDAR OF MEETINGS

## BIRPI Meetings

- April 17 and 18, 1969 (Geneva) — Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) — Technical Coordination Committee (1<sup>st</sup> Session)
- June 20 and 21, 1969 (Geneva) — Permanent Committee of the Berne Union (Extraordinary Session)  
*Object:* Consideration of various questions concerning copyright — *Invitations:* Belgium, Brazil, Denmark, France, Germany (Fed. Rep.), India, Italy, Portugal, Rumania, Spain, Switzerland, United Kingdom — *Observers:* All other member States of the Berne Union; interested international intergovernmental and non-governmental organizations
- September 17, 1969 (Geneva) — Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) — Technical Coordination Committee (2<sup>nd</sup> Session)
- September 18 and 19, 1969 (Geneva) — Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) — First Annual Meeting
- September 22 to 26, 1969 (Geneva) — Interunion Coordination Committee (7<sup>th</sup> Session)  
*Object:* Program and Budget of BIRPI for 1970 — *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 22 to 26, 1969 (Geneva) — Executive Committee of the Conference of Representatives of the Paris Union (5<sup>th</sup> Session)  
*Object:* Program and Budget (Paris Union) for 1970 — *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; International Patent Institute
- September 22 to 26, 1969 (Geneva) — Council of the Lisbon Union for the Protection of Appellations of Origin and their International Registration (4<sup>th</sup> Session)  
*Object:* Annual Meeting — *Invitations:* All member States of the Lisbon Union — *Observers:* All other member States of the Paris Union
- September 29 to October 3, 1969 (Washington) — International Copyright Joint Study Group  
*Object:* To examine all questions concerning international copyright relations — *Invitations:* Argentina, Australia, Brazil, Canada, Ceylon, Czechoslovakia, France, Germany (Fed. Rep.), India, Italy, Ivory Coast, Japan, Kenya, Mexico, Netherlands, Nigeria, Peru, Philippines, Rumania, Senegal, Spain, Sweden, Tunisia, United Kingdom, United States of America, Yugoslavia — *Observers:* Organizations to be designated — *Note:* Meeting convened jointly with Unesco
- December 10 to 12, 1969 (Paris) — Intergovernmental Committee Rome Convention (Neighboring Rights), convened jointly by BIRPI, ILO and Unesco (2<sup>nd</sup> Session)
- December 15 to 19, 1969 (Paris) — Permanent Committee of the Berne Union (14<sup>th</sup> Ordinary Session)

## Meetings of Other International Organizations Concerned with Intellectual Property

- March 24 to 27, 1969 (Cairo) — Afro-Asian Organization for Economic Cooperation (AFRASEC) — Afro-Asian Conference on the Development of Small Industries
- March 25 and 26, 1969 (The Hague) — International Patent Institute (IIB) — 100<sup>th</sup> Session of the Administrative Council
- May 19 to 22, 1969 (Prague) — International Federation of Musicians — Executive Committee
- May 26 to 30, 1969 (Vienna) — International League Against Unfair Competition (LICCD) — 21<sup>st</sup> Congress
- May 31 to June 7, 1969 (Istanbul) — International Chamber of Commerce (ICC) — XXII<sup>nd</sup> Congress
- June 9 to 14, 1969 (Venice) — International Association for the Protection of Industrial Property (IAPIP) — XXVII<sup>th</sup> International Congress
- June 23 to 27, 1969 (Paris) — Unesco — Subcommittee of the Intergovernmental Copyright Committee
- July 1 to 5, 1969 (Moscow) — Moscow Jubilee Symposium 1969 (Industrial Property)
- July 3 to 7, 1969 (Moscow) — International Writers Guild (IWG) — 2<sup>nd</sup> Congress
- September 8 to 12, 1969 (Nuremberg) — International Federation of Musicians — 7<sup>th</sup> Ordinary Congress

## ANNOUNCEMENT OF A VACANCY FOR A POST IN BIRPI

COMPETITION No. 79

### Technical Counsellor (ICIREPAT)

*Category and Grade:* P. 4/P. 5, according to qualifications and experience.

*Principal duties:*

The incumbent will be responsible, subject to general directives, for the implementation of BIRPI's program in the field of information retrieval in the patent field, particularly within the framework of the program of the "Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices" (ICIREPAT). The particular duties will include:

- (a) preparation of long range and short range draft programs for ICIREPAT;
- (b) preparation of documents for ICIREPAT meetings, and of reports on the work performed and plans of ICIREPAT;
- (c) preparation of, and secretarial assistance to, meetings of ICIREPAT and its Technical Coordination Committee;
- (d) coordination of the work of, and secretarial assistance to, the Technical Committees and special working groups of ICIREPAT;
- (e) execution of those parts of the ICIREPAT program which are within the competence of the International Bureau;
- (f) assistance in coordinating the work of the Offices of the participating countries and the International Patent Institute in execution of the ICIREPAT program;
- (g) contacts with industry and private organizations to ensure harmonization of efforts in information retrieval in the patent field;
- (h) participation in meetings of other international organizations dealing with technical information retrieval.

*Qualifications:*

- (a) University degree in a relevant field of science or technology or qualifications equivalent to such degree.
- (b) Good knowledge and experience in the field of information retrieval.
- (c) Excellent knowledge of English and at least a good knowledge of French.

Practical experience in the processing of patent applications, especially as a patent examiner, and in dealing with documentation problems in the patent field, would be an advantage.

*Nationality:*

Candidates must be nationals of one of the member States of the Paris or Berne Unions.

*Age limit:*

At the P. 5 level: less than 55 years of age at date of appointment.  
At the P. 4 level: less than 50 years of age at date of appointment.

*Date of entry on duty:*

As mutually agreed.

*Application forms and full details regarding the conditions of employment may be obtained from the Head of Personnel, BIRPI, 32, chemin des Colomhettes, 1211 Geneva, Switzerland.*

*Application forms, duly completed, should reach BIRPI not later than March 31, 1969.*

