

# Industrial Property

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for the Protection of Intellectual Property (BIRPI)  
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## Contents

	Pages	
WORLD INTELLECTUAL PROPERTY ORGANIZATION		
<i>Ratifications and Accessions</i>		
Convention Establishing the World Intellectual Property Organization.		
Rumania. Ratification . . . . .	62	
Ukrainian Soviet Socialist Republic. Ratification . . . . .	62	
United Kingdom. Ratification . . . . .	62	
INTERNATIONAL UNIONS		
<i>Ratifications and Accessions</i>		
Paris Union. Ratification of the Stockholm Act of the Paris Convention for the Protection of Industrial Property.		
Rumania . . . . .	62	
United Kingdom . . . . .	63	
LEGISLATION		
Treaty Between the Swiss Confederation and the Federal Republic of Germany on the Protection of Indications of Source and Other Geographical Denominations (of March 7, 1967) . . . . .		63
Italy. Decrees Concerning the Temporary Protection of Industrial Property Rights at Sixteen Exhibitions (of January 2, 9, 13, 14 and 15, 1969) . . . . .		66
NEWS CONCERNING INTERNATIONAL ORGANIZATIONS OTHER THAN BIRPI		
Cooperation Between the United Nations and BIRPI in 1968 . . . . .		67
GENERAL STUDIES		
Legal Protection of Scientific Discoveries in the USSR (Y. E. Maksarev) . . . . .		69
LETTERS FROM CORRESPONDENTS		
Letter from Greece (Michel Moumouris) . . . . .		72
BOOK REVIEWS . . . . .		75
CALENDAR OF MEETINGS		
BIRPI Meetings . . . . .		76
Meetings of Other International Organizations Concerned with Intellectual Property		76

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## WORLD INTELLECTUAL PROPERTY ORGANIZATION

### RATIFICATIONS AND ACCESSIONS

#### RUMANIA

#### Ratification of the WIPO Convention

*Notification of the Director of BIRPI to the Governments  
of the countries invited to the Stockholm Conference*

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) presents his compliments to the Minister for Foreign Affairs of . . . . and, in accordance with the provisions of the above Convention, has the honor to notify him that the Government of the Socialist Republic of Rumania deposited, on February 28, 1969, its instrument of ratification dated December 28, 1968, of the Convention Establishing the World Intellectual Property Organization (WIPO), with the following declaration:

“The provisions of Articles 5 and 14(1) of the Convention Establishing the World Intellectual Property Organization signed at Stockholm on July 14, 1967, are not in accordance with the principle of universality of treaties, by which all States have the right to become parties to multilateral treaties regulating questions of general interest.” (*Translation*)

The Socialist Republic of Rumania has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently ratifying the Stockholm Act of the Paris Convention in its entirety.

A separate notification will be made of the entry into force of the said Convention, when the required number of ratifications or accessions is reached.

Geneva, March 10, 1969.

WIPO Notification No. 9

#### UKRAINIAN SOVIET SOCIALIST REPUBLIC

#### Ratification of the WIPO Convention

*Notification of the Director of BIRPI to the Governments  
of the countries invited to the Stockholm Conference*

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) presents his compliments to the Minister for Foreign Affairs of . . . . and, in accordance with the provisions of the above Convention, has the honor to notify him that the Government of the Ukrainian Soviet Socialist Republic deposited on February 12, 1969, its instrument of ratification dated September 30, 1968, of the Convention Establishing the World Intellectual Property Organization (WIPO), with the following declaration:

“The Ukrainian Soviet Socialist Republic declares that the Convention Establishing the World Intellectual Property Organization regulates questions concerning the interests of all countries; and that is why it must be open to participation

of all States, in accordance with the principle of their sovereign equality.” (*Translation*)

The deposit of this instrument of ratification is in conformity with the provisions of Article 14(1)(ii) and of Article 5(2)(i) of the said Convention.

Geneva, February 24, 1969.

WIPO Notification No. 7

#### UNITED KINGDOM

#### Ratification of the WIPO Convention

*Notification of the Director of BIRPI to the Governments  
of the countries invited to the Stockholm Conference*

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) presents his compliments to the Minister for Foreign Affairs of . . . . and, in accordance with the provisions of the above Convention, has the honor to notify him that the Government of the United Kingdom of Great Britain and Northern Ireland deposited on February 26, 1969, its instruments of ratification dated November 18, 1968, of the Convention Establishing the World Intellectual Property Organization (WIPO).

The United Kingdom of Great Britain and Northern Ireland has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently ratifying the Stockholm Act of the Paris Convention in its entirety and by acceding to the Stockholm Act of the Berne Convention with the declaration provided for in Article 28(b)(i) of the said Act to the effect that the accession shall not apply to Articles 1 to 21 and to the Protocol Regarding Developing Countries.

A separate notification will be made of the entry into force of the said Convention, when the required number of ratifications or accessions is reached.

Geneva, March 10, 1969.

WIPO Notification No. 8

## INTERNATIONAL UNIONS

### RATIFICATIONS AND ACCESSIONS

#### Ratification of the Stockholm Act of the Paris Convention for the Protection of Industrial Property

#### RUMANIA

*Notification of the Director of BIRPI to the Governments  
of the Union Countries*

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) presents his com-

pliments to the Minister for Foreign Affairs of . . . . and, in accordance with the provisions of the above international instrument adopted at Stockholm, has the honor to notify him that the Government of the Socialist Republic of Rumania deposited, on February 28, 1969, its instrument of ratification dated December 28, 1968, of the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm on July 14, 1967.

The Socialist Republic of Rumania availed itself of the reservation provided for in Article 28(2) of the said Convention and made also the following declaration:

“The Council of State of the Socialist Republic of Rumania considers that the maintenance of the state of dependence of certain territories to which reference is made in Article 24 of the Paris Convention for the Protection of Industrial Property revised at Stockholm on July 14, 1967, is not in accordance with the declaration on the grant of independence to colonial countries and peoples, adopted by the General Assembly of the United Nations on December 14, 1960, by Resolution 1514 (XV), in which is stressed the need to bring an end rapidly and unconditionally to colonialism in all its forms and manifestations.” (*Translation*).

A separate notification will be made of the entry into force of the Stockholm Act of the said Convention, when the required number of ratifications or accessions is reached.

Geneva, March 10, 1969.

Paris Notification No. 8

## Ratification of the Stockholm Act of the Paris Convention for the Protection of Industrial Property

### UNITED KINGDOM

#### *Notification of the Director of BIRPI to the Governments of the Union Countries*

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) presents his compliments to the Minister for Foreign Affairs of . . . . and, in accordance with the provisions of the above international instrument adopted at Stockholm, has the honor to notify him that the Government of the United Kingdom of Great Britain and Northern Ireland deposited on February 26, 1969, its instrument of ratification dated November 18, 1968, of the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm on July 14, 1967.

A separate notification will be made of the entry into force of the Stockholm Act of the said Convention, when the required number of ratifications or accessions is reached.

Geneva, March 10, 1969.

Paris Notification No. 7

# LEGISLATION

## Treaty

**Between the Swiss Confederation and the Federal Republic of Germany on the Protection of Indications of Source and Other Geographical Denominations \***

(of March 7, 1967)

*The Swiss Federal Council and  
The President of the Federal Republic of Germany*

considering the interest of the two contracting States in ensuring effective protection against unfair competition for natural and manufactured products and in particular for indications of source, including appellations of origin, and likewise other geographical denominations used for certain specified products or merchandise,

have agreed to conclude a treaty for this purpose and have designated as their plenipotentiaries . . .

who, having exchanged their credentials found in good and due form, have agreed as follows:

### Article 1

Each of the contracting States undertakes to take all necessary measures to ensure effective protection for

1. natural and manufactured products originating in the territory of the other contracting State against unfair business competition,
2. the names, denominations and graphic representations mentioned in Articles 2, 3 and 5, paragraph 2, and likewise the denominations set forth in Annexes A and B to the present Treaty, in conformity with this Treaty and with the Protocol annexed thereto.

### Article 2

1. The name “Federal Republic of Germany” [*Bundesrepublik Deutschland*], the denomination “Germany” [*Deutschland*], the names of German *Länder* and likewise the denominations set forth in Annex A to this Treaty shall, except where otherwise provided in paragraphs 2 and 4 hereunder, be reserved exclusively, in the territory of the Swiss Confederation, for German products or merchandise and may be used therein only in accordance with the conditions laid down by the legislation of the Federal Republic of Germany. However, certain provisions of that legislation may be declared inapplicable by a protocol.

2. If any denomination set forth in Annex A to this Treaty, other than the names of the State and of *Länder* mentioned in paragraph 1, is used for products or merchandise other than those to which it is assigned in Annex A, paragraph 1 shall apply only:

1. where such use is likely adversely to affect, in the field of competition, enterprises that lawfully use the said denomination in respect of German merchandise or

\* BIRPI translation.

products mentioned in Annex A, unless a legitimate interest exists in using the said denomination in the territory of the Swiss Confederation in respect of products or merchandise that are not of German origin, or

2. where such use is likely to detract from the particular renown or attractiveness of the denomination.

3. If any denomination protected pursuant to paragraph 1 corresponds to the name of a region or a locality situated outside the territory of the Federal Republic of Germany, nothing in paragraph 1 shall preclude the denomination from being used in respect of products or merchandise manufactured in such region or in such locality. However, supplementary provisions may be made by a protocol.

4. Furthermore, the provisions of paragraph 1 shall not prevent any person from indicating his name or business name, to the extent that this comprises the name of a natural person, and his domicile or registered office, on products or merchandise, on their wrappers, on business documents or in advertising, in so far as such indications do not serve to distinguish the products or merchandise concerned. The use of the name and business name as a distinctive sign shall nevertheless be lawful if a legitimate interest so justifies.

5. The provisions of this Article shall be without prejudice to those of Article 5.

#### Article 3

1. The name "Swiss Confederation" [*Schweizerische Eidgenossenschaft*], the denominations "Switzerland" [*Schweiz*] and "Confederation" [*Eidgenossenschaft*], the names of the Swiss cantons and likewise the denominations set forth in Annex B to this Treaty shall, except where otherwise provided in paragraphs 2 to 4 hereunder, be reserved exclusively in the territory of the Federal Republic of Germany for Swiss products or merchandise and may be used therein only in accordance with the conditions laid down by the legislation of Switzerland. However, certain provisions of that legislation may be declared inapplicable by a protocol.

2. If any denomination set forth in Annex B to this Treaty is used for products or merchandise other than those to which it is assigned in Annex B, paragraph 1 shall apply only:

1. where such use is likely adversely to affect, in the field of competition, enterprises that lawfully use the said denomination in respect of Swiss products or merchandise mentioned in Annex B, unless a legitimate interest exists in using the said denomination in the territory of the Federal Republic of Germany in respect of products or merchandise that are not of Swiss origin, or

2. where such use is likely to detract from the particular renown or attractiveness of the denomination.

3. If any denomination protected pursuant to paragraph 1 corresponds to the name of a region or a locality situated outside the territory of the Swiss Confederation, nothing in paragraph 1 shall preclude the denomination from being used in respect of products or merchandise manufactured in such region or in such locality. However, supplementary provisions may be made by a protocol.

4. Furthermore, the provisions of paragraph 1 shall not prevent any person from indicating his name or business name, to the extent that this comprises the name of a natural person, and his domicile or registered office on products or merchandise, on their wrappers, on business documents or in advertising, in so far as such indications do not serve to distinguish the products or merchandise concerned. The use of the name and business name as a distinctive sign shall nevertheless be lawful if a legitimate interest so justifies.

5. The provisions of this Article shall be without prejudice to those of Article 5.

#### Article 4

1. If denominations protected pursuant to Articles 2 and 3 are used, in business dealings contrary to those provisions, for products or merchandise, or for their get-up or wrappers, or on invoices, carriage documents or other business documents or in advertising, such use shall be repressed by virtue of this Treaty by all judicial or administrative means, including confiscation, that, under the legislation of the contracting State in which protection is claimed, may be available for combating unfair competition or for repressing unlawful denominations in any other manner.

2. The provisions of this Article shall apply even in cases where such names or denominations are used in translation, or with an indication of the true source, or with the addition of words such as "kind," "type," "imitation" or the like. In particular, this Article shall not be rendered inapplicable by the fact that denominations protected pursuant to Articles 2 and 3 are used in a modified form, if a risk of confusion in the trade still remains despite the modification.

3. The provisions of this Article shall not apply to products or merchandise in transit.

#### Article 5

1. The provisions of Article 4 shall likewise apply in cases where, for products or merchandise, or for their get-up or wrappers, or on invoices, carriage documents or other business documents, or in advertising, use is made of distinctive signs, marks, names, inscriptions or graphic representations containing, whether directly or indirectly, any false or deceptive indications as to the source, origin, nature, variety or substantive qualities of the products or merchandise concerned.

2. The names or graphic representations of localities, buildings, monuments, rivers, mountains, etc. which, for a major proportion of the business circles concerned in the contracting State in which protection is claimed, evoke the other contracting State or a particular locality or region of that State shall be deemed to be false or deceptive indications of source within the meaning of paragraph 1, if they are used for products or merchandise not originating in that State, except where, in the particular circumstances of the case, nothing but a descriptive or imaginative meaning can reasonably be attached to such name or graphic representation.

## Article 6

Actions alleging violation of this Treaty may be brought before the courts of the contracting States not only by the persons and companies which, in accordance with the legislation of the contracting States, are entitled to institute them, but also by associations or groupings that represent the producers, manufacturers, traders or consumers concerned and have their registered office in one of the contracting States, in so far as the legislation of the State in which that office is situated empowers them to act in civil proceedings. Subject to the same conditions, they may claim rights and adduce grounds for claims in penal proceedings, to the extent provided by the legislation of the State in which the proceedings take place.

## Article 7

1. Products and merchandise, wrappers, invoices, carriage documents and other business documents and likewise advertising material which, at the time of entry into force of this Treaty, are in the territory of one of the contracting States and have lawfully been marked with indications the use of which is prohibited under this Treaty may still be disposed of or used for a period of two years following the entry into force of this Treaty.

2. Furthermore, persons who or companies which, at the time of signature of this Treaty, have already lawfully used any of the denominations protected pursuant to Articles 2 and 3 shall be entitled to continue such use for a period of six years following the entry into force of this Treaty. This right may not be transferred by provisions following death or *res inter vivos acta* except with the enterprise or the part thereof to which the denomination belongs.

3. Where any denomination protected pursuant to Articles 2 and 3 constitutes an element of a business style already in lawful use at the time of signature of this Treaty, the provisions of Article 2, paragraph 4, first sentence, and of Article 3, paragraph 4, first sentence, shall apply even if the said business style does not comprise the name of a natural person. Paragraph 2, second sentence, shall apply by analogy.

4. The provisions of this Article shall be without prejudice to those of Article 5.

## Article 8

1. The lists in Annexes A and B to this Treaty may be amended or extended by an exchange of notes. However, each contracting State may reduce the list of denominations relating to products or merchandise originating in its territory without the consent of the other contracting State.

2. The provisions of Article 7 shall apply in cases of amendment to or extension of the list of denominations relating to products or merchandise originating in the territory of one of the contracting States, provided that the effective date shall be the date of publication of the said amendment or extension by the other contracting State, instead of the time of signature and of entry into force of the Treaty.

## Article 9

The provisions of this Treaty shall be without prejudice to more extensive protection which is or may be granted in

one of the contracting States, pursuant to domestic legislation or to other international conventions, to denominations and graphic representations of the other contracting State that are protected pursuant to Articles 2, 3 and 5, paragraph 2.

## Article 10

1. A joint commission composed of representatives of the Governments of each contracting State shall be established to facilitate the implementation of this Treaty.

2. The joint commission shall be responsible for examining any proposals for amending or extending the lists in Annexes A and B to this Treaty and for which the consent of the contracting States is required, and likewise for discussing all questions relating to the implementation of this Treaty.

3. A meeting of the joint commission shall be convened if either contracting State so requests.

## Article 11

This Treaty shall also apply to the *Land* Berlin, unless the Government of the Federal Republic of Germany transmits a declaration to the contrary to the Government of the Swiss Confederation within three months following the date of entry into force of this Treaty.

## Article 12

1. This Treaty shall be subject to ratification; the instruments of ratification shall be exchanged at Berne as soon as possible.

2. This Treaty shall enter into force three months after the exchange of the instruments of ratification and shall remain in force without any limitation of duration.

3. Either contracting State may at any time denounce the present Treaty by giving one year's prior notice to that effect.

## Protocol

*The High Contracting Parties*

Desirous of providing in greater detail for the implementation of certain provisions of the Treaty of this date on the protection of indications of source and other geographical denominations,

Have agreed on the following provisions which shall form an integral part of the Treaty:

1. Articles 2 and 3 of this Treaty shall not oblige the contracting States to apply, at the time when products or merchandise covered by denominations protected pursuant to Articles 2 and 3 of the Treaty enter into trade in their territory, the legislation and administrative provisions of the other contracting State in regard to administrative supervision, in particular those relating to the maintenance of entry and exit records and the movement of the said products or merchandise.

2. Articles 2 and 3 of the Treaty shall not apply to denominations of animal breeds.

They shall likewise not apply to denominations which, in accordance with the International Convention for the

Protection of New Varieties of Plants, of December 2, 1961, must be used to designate varieties, provided that the said Convention has entered into force in the relations between the contracting States.

3. This Treaty shall not affect the provisions governing imports of products and merchandise into each of the contracting States.
4. The following homonymous denominations of wine, which are included in Annexes A and B to the Treaty, may be used in the other contracting State only with an indication of the country of origin or with the additional notation shown hereunder:

<i>German denominations in the Swiss Confederation (Article 3, paragraph 3, of the Treaty)</i>	<i>Swiss denominations in the Federal Republic of Germany (Article 2, paragraph 3, of the Treaty)</i>
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Weinhauehiet Baden	Baden (Aargau)
Dottingen (Baden)	Döttingen (Aargau)
Erlenbach (Franken)	Erlenbach (Zürich)
Erlenbach (Württemberg)	
Forst (Rheinpfalz)	Forst (St. Gallen)
Johannisherg (Rheingau)	Johannisherg (Wallis)
Winkel (Rheingau)	Winkel (Zürich)

The list of these denominations may be amended or extended according to the procedure provided for in Article 8 of the Treaty.

5. The following denominations included in Annex B to the Treaty may be used in the Federal Republic of Germany only when accompanied by the name "Switzerland" or the name of the canton in which the locality or region indicated by the denomination is situated:

*Wines:*

Auvernier	Pully
Chahlais	Satigny
Coteaux du Jura	Saint-Auhin
Fully	Vully
Lully	

*Spirits:*

Schwarzbuhen Kirsch

6. The inclusion of the denomination "Clevner" in Annex B to the Treaty shall not preclude its use in the Federal Republic of Germany to designate a vine variety in addition to a geographical denomination.
7. The inclusion in Annex B to the Treaty of the denomination "Emmentaler Käse" shall not preclude its use in the Federal Republic of Germany for cheeses that are not of Swiss origin, provided that it is accompanied by an indication of the country of manufacture in letters that are identical in type, dimension and color with those of the denomination. Furthermore, the term "Emmentaler" may be used for German cheeses, provided that the term "Allgäu" ("Allgäuer") is added in the same manner; in such cases the word "Deutschland" or "deutsch" must be added in clearly visible and legible letters, except on invoices, carriage documents and other

business documents, the use of one of these denominations in the business style or address of the enterprise being sufficient.

8. The corresponding Latin terms shall be deemed to be translations of the denominations protected pursuant to Articles 2 and 3 of the Treaty (Article 4, paragraph 2, of the Treaty); likewise, the term "romand" shall be deemed to correspond to the denomination "westschweizerisch." The protection afforded by Article 4, paragraph 2, of the Treaty to adjectives derived from protected denominations shall also extend to the abbreviation "Bündner" in the case of the canton name "Grauhünden."
9. The time limit provided for in Article 7, paragraph 2, of the Treaty shall be extended to 20 years in respect of persons and companies in cases where, at the time of signature of the Treaty, they or their rightful predecessors had, for more than fifty years, been lawfully using any denomination protected pursuant to Articles 2 or 3 of the Treaty.
10. The time limit provided for in Article 7, paragraph 2, of the Treaty shall be extended to 12 years in respect of persons and companies in cases where, at the time of signature of the Treaty, they or their rightful predecessors were lawfully using the denomination "Steinhäger" in the territory of the Swiss Confederation.

## ITALY

### Decrees

#### Concerning the Temporary Protection of Industrial Property Rights at Sixteen Exhibitions

(of January 2, 9, 13, 14 and 15, 1969)<sup>1</sup>

#### Single Article

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

*III° Salone nazionale delle vacanze e del turismo* (Turin, February 22 to March 2, 1969);

*Salone internazionale della ceramica* (Vicenza, March 2 to 9, 1969);

*LXXI<sup>a</sup> Fiera internazionale della agricoltura e della zootecnica — XXII° Salone della macchina agricola* (Verona, March 2 to 17, 1969);

*VI° Salone internazionale delle arti domestiche* (Turin, March 13 to 16, 1969);

*MOBILSUD — III° Salone del mobile per il mezzogiorno e l'oltremare* (Naples, March 16 to 23, 1969);

*Mostra nazionale delle sementi certificate* (Lonigo, March 22 to 25, 1969);

*XLVII<sup>a</sup> Fiera campionaria internazionale di Milano* (Milan, April 14 to 25, 1969);

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

- VI<sup>a</sup> Fiera internazionale del libro per l'infanzia e la gioventù e III<sup>a</sup> Mostra internazionale degli illustratori (Bologna, April 19 to 23, 1969);
- IV<sup>a</sup> Fiera nazionale del tempo libero (Messina, April 27 to May 6, 1969);
- V<sup>a</sup> Mostra internazionale supermercati (Parma, April 30 to May 4, 1969);
- BIMBOSUD — II<sup>o</sup> Salone internazionale del giocattolo - arredamento - abbigliamento - alimentazione per il fanciullo (Naples, May 11 to 18, 1969);
- XXXIII<sup>a</sup> Fiera campionaria di Bologna — Salone della profumeria e della cosmesi (Bologna, May 14 to 25, 1969);
- XXIV<sup>a</sup> Fiera del Mediterraneo — Campionaria internazionale (Palermo, May 24 to June 8, 1969);
- S. I. R. — II<sup>o</sup> Salone internazionale del regalo (Naples, May 31 to June 5, 1969);
- II<sup>a</sup> Mostra nazionale dell'oreficeria - argenteria - gioielleria (Vicenza, September 7 to 14, 1969);
- XIX<sup>o</sup> Salone internazionale della tecnica e VI<sup>o</sup> Salone internazionale della montagna (Turin, September 25 to October 6, 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.

## NEWS CONCERNING INTERNATIONAL ORGANIZATIONS OTHER THAN BIRPI

### Cooperation Between the United Nations and BIRPI in 1968

During 1968, BIRPI continued and extended its cooperation in industrial property matters with the United Nations and its subsidiary bodies, in accordance with the working agreement between BIRPI and the United Nations, established in 1964.

#### United Nations Commission on International Trade Law (UNCITRAL)

The first session of UNCITRAL was held in New York from January 29 to February 26, 1968. BIRPI was represented throughout almost the entire session; the Director of BIRPI participated personally in a few meetings and made a statement to the Commission on February 9, 1968.

UNCITRAL drew up a list of the subjects it intends to deal with and selected four which are to be given priority. "Intellectual Property" is among the subjects to be taken up but not among the four to be given priority. It can thus be expected that UNCITRAL will not deal actively with intellectual property in the immediate future.

#### United Nations Conference on the Law of Treaties

BIRPI was represented by observers at the first session of this Conference, held in Vienna from March 26 to May 24, 1968. It was convened in accordance with a decision taken by the General Assembly on the recommendation of the International Law Commission to study the draft articles on the law of treaties submitted by that Commission and to conclude an international convention. BIRPI had submitted in advance a written statement on the practices adopted within the Unions in relation to treaty obligations between countries that are members of the same Union but party to different Acts. The draft articles relating to this question, and to that of majority voting at international conferences, remain to be considered at the second session which will be held in 1969. An article has already been provisionally approved which should make it clear that the application of the Convention to any treaty which is the constituent instrument of an international organization, or to any treaty adopted within an international organization, will be without prejudice to any relevant rules of the organization.

#### International Law Commission

At its twentieth session, held in Geneva from May 27 to August 2, 1968, this Commission began consideration of the question of the succession of States to multilateral treaties; the working documents included studies of the relevant practices of the Unions administered by BIRPI. BIRPI was represented by observers.

#### United Nations Industrial Development Organization (UNIDO): International Symposium on Industrial Development

BIRPI was represented at this Symposium which was organized by UNIDO and held in Athens from November 29 to December 19, 1967. There were 78 countries represented at the Symposium, 53 of which were members of the Paris Union and 41 of which were members of the Berne Union. BIRPI and UNIDO formed a joint secretariat during the consideration of an item of the agenda pertaining to administrative machinery for industrial development, namely, special arrangements for industrial property.

Two recommendations relating to BIRPI's work were adopted by the Symposium. One called upon UNIDO, in collaboration with other national and international organizations, to study present industrial property arrangements, having regard to the special situations and problems of the developing countries. The other advised developing countries, in their own interests, to enact patent laws or to modernize existing laws so as to be in a better position to benefit from discoveries made in other countries.

#### Industrial Development Board

The second session of this Board took place from April 17 to May 14, 1968, in Vienna, and BIRPI was represented. UNIDO's program of work for 1968 and 1969 was approved by the Board; this program includes "assistance to developing countries in the field of patents" with the "cooperation

and participation of the United Nations Department of Economic and Social Affairs, of BIRPI, and of other interested agencies." Great interest was shown in the possibility of joint publication by BIRPI and UNIDO of an authoritative compilation of industrial legislation, including patent laws, on a world-wide basis.

Discussions have continued between BIRPI and the UNIDO Secretariat on this matter; in addition, practical cooperation with UNIDO has been discussed in relation to traineeships and a proposed joint seminar or symposium on patent office administration.

### Second United Nations Conference on Trade and Development (UNCTAD)

This Conference, held in New Delhi from February 1 to March 29, 1968, and at which BIRPI was represented, had on its agenda an item relating to the transfer of technology, including know-how and patents. The United Nations Under Secretary-General for Economic and Social Affairs, in a statement to the Conference in plenary session, spoke of the role of patents in this context and emphasized the need for international arrangements. He stressed the potential importance to developing countries of ICIREPAT and of the BIRPI Plan for a Patent Cooperation Treaty. The working group to which this item on the transfer of technology has been assigned did not have time to consider a draft resolution, submitted by a group of States, recommending that the Trade and Development Board, after taking the views of the Economic and Social Council, should consider establishing a committee to examine the question of transfer of technology to developing countries, including the effects of existing international regulations for the protection of industrial property upon the economic development of developing countries. This draft resolution was therefore referred to the Conference, which decided, after some amendments had been made, to transmit it to the Trade and Development Board for consideration at its seventh session in September 1968.

The Conference adopted a draft resolution calling for a study of restrictive business practices adopted in developed countries, with particular reference to the harmful effects they have on the exports of developing countries. Since the text of the resolution drew attention to the large extent to which the developing countries rely on the transfer of patents and know-how, the Secretary-General of UNCTAD asked for the assistance of BIRPI in preparing his study; a paper outlining BIRPI's relevant activities was submitted, and issued as a background document for consideration of this item by the Committee on Manufactures.

### Economic and Social Council

BIRPI was represented at the forty-fifth session of ECOSOC, which took place in Geneva from July 8 to August 2, 1968, and was resumed in New York in November. BIRPI's main interest was in the consideration of the draft resolution from UNCTAD II relating to new intergovernmental machinery for problems of the transfer of technology to developing countries. BIRPI was specifically invited to sit with the

United Nations Administrative Committee on Coordination which was preparing a background paper for this item. The Council gave considerable attention to this item and the BIRPI representative intervened to explain BIRPI's program in the field of the transfer of technology. The proposed draft resolution met with considerable opposition, mainly on the ground of duplication of the work of existing bodies, and in the result the Council adopted a compromise resolution calling on the Secretary-General of the United Nations in consultation with the Secretary-General of UNCTAD, the appropriate organizations in the United Nations system, and other appropriate international organizations, to submit a further report to the Council at its forty-sixth session outlining the means by which the scope of present and contemplated activities in the field of transfer of science and technology could be more clearly defined, strengthened and coordinated. It further decided that the summary records of the relevant debates of the Council should be transmitted to the Trade and Development Board and requested that the Board should defer any final action until it had considered this further report.

### UNCTAD: Trade and Development Board

BIRPI was represented at the seventh session of the Board which took place in Geneva from September 2 to 23, 1968. Again, its main interest lay in the draft resolution of UNCTAD II referred to above. A lively and lengthy debate took place on two draft resolutions, one sponsored by the Group B (Western) countries and the second by the Group of 31 (developing countries, members of the Board). There were many points of agreement between the two drafts but differences arose as to whether any machinery, if established, should necessarily be within UNCTAD. Finally, on a roll-call vote, the draft of the Group of 31 was adopted on September 21, 1968, by 24 votes to 17 with 7 abstentions.

The resolution stressed the need to establish within the framework of UNCTAD appropriate intergovernmental machinery to study the general question of transfer of patented and unpatented technology likely to promote the economic development of the developing countries, but decided to postpone final action until the session of the Board following the forty-sixth session of ECOSOC.

### Economic Commission for Europe

The Executive Secretary of the ECE asked BIRPI to assist in the preparation of studies called for by resolutions of the Commission at the twenty-third session, held in May 1968. The first required an account of BIRPI's activities relevant to the promotion of technological cooperation (for the benefit not only of the countries of the Commission's region but also of those of other geographical regions), for consideration by a special meeting of governmental experts to be held in January 1969. The second related to practices followed for trade in patents and licenses, with a view to finding means to promote the development of such trade, for consideration by the Committee on the Development of Trade in October 1969.



# GENERAL STUDIES

## Legal Protection of Scientific Discoveries in the USSR \*

Y. E. MAKSAREV

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





## LETTERS FROM CORRESPONDENTS

### **Letter from Greece \***

By Michel MOUMOURIS, Doctor of Laws,  
Lawyer at the Court of Athens

**Review of Court Decisions in Matters  
of Industrial Property Law from 1963 to 1966**





## BOOK REVIEWS

**Das neue Verfahren in Patent- und Warenzeichensachen** [The New Procedure for Patent and Trademark Applications]. The effects of the Law for the Amendment of the Patent Law, Trademark Law and Other Laws. By *Ortwin Schulze* and *Herbert Wesener*. Published by Carl Heymanns Verlag KG, Cologne, 1968. Price DM 32. (In German)

This book contains a commentary on the new provisions of the German Patent and Trademark Laws which were introduced by the Law of September 4, 1967 (see Krieger: "The New German Patent and Trademark Law," *Industrial Property*, 1968, p. 155).

As the authors participated in the preparatory work for the amendment of the Patent Law, they were especially qualified to comment on the modifications which mainly concern Patent Office procedure (introduction of the deferred examination and unrestricted publication 18 months after the priority date). The instructive commentary is supplemented by charts, which represent an excellent — and universally understood — medium for explaining the complicated provisions on procedure.

L. B.

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**Warenzeichengesetz** [Trademark Law]. Commentary by *Wilhelm Hartgen*. Published by Carl Heymanns Verlag KG, Cologne, 1968. Price DM 65. (In German)

This commentary on the German Trademark Law is intended — as the author points out in his preface — for the use of practitioners, especially those who deal with the filing of trademark applications. It contains a concise and clear introduction to the Trademark Law, taking into account the amendment by the Law of September 4, 1967 (See Krieger: "The New German Patent and Trademark Law," *Industrial Property*, 1968, p. 155), an exhaustive commentary on the provisions of the Law and a comprehensive appendix of regulations concerning formalities relating to the application, fees, and other questions likely to interest the applicant.

Thus, the book fulfills its purpose well in giving full information to all who have to deal with the practical aspects of the German Trademark Law.

L. B.

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# CALENDAR OF MEETINGS

## BIRPI Meetings

- April 14 to 16, 1969 (Berne) — **Joint Ad Hoc Committee on the International Classification of Patents**  
*Object:* Practical application of the classification and revision of the European Convention — *Invitations:* Czechoslovakia, France, Germany (Fed. Rep.), Japan, Netherlands, Soviet Union, Spain, Switzerland, United Kingdom, United States of America — *Observers:* International Patent Institute — *Note:* Meeting convened jointly with the Council of Europe
- 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 9 to 12, 1969 (Abidjan) — **African Committee of Experts**  
*Object:* To draft model statutes for societies of authors in African States — *Invitations:* Congo (Kinsbasa), Ghana, Ivory Coast, Kenya, Malawi, Nigeria, Senegal, Tunisia — *Observers:* Intergovernmental and non-governmental organizations concerned — *Note:* Meeting convened jointly with Unesco
- 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
- August 29, 1969 (Geneva) — **Information Meeting of International Non-Governmental Organizations**  
*Object:* To appoint observers to the International Copyright Joint Study Group — *Invitations:* Interested Organizations — *Note:* Meeting convened jointly with Unesco
- 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

- May 19 to 22, 1969 (Prague) — **International Federation of Musicians — Executive Committee**
- May 25 to 29, 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 2 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**