

# Industrial Property

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## WORLD INTELLECTUAL PROPERTY ORGANIZATION

SWEDEN

### 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 Kingdom of Sweden deposited on August 12, 1969, its instrument of ratification dated June 27, 1969, of the Convention Establishing the World Intellectual Property Organization (WIPO).

The Kingdom of Sweden has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently ratifying

- the Stockholm Act of the Paris Convention with the limitation provided for in Article 20(1)(b)(i) of the said Act to the effect that the ratification shall not apply to Articles 1 to 12,
- and the Stockholm Act of the Berne Convention with the exception of Articles 1 to 20 and with a declaration admitting the application of the Protocol Regarding Developing Countries to works of which it is the country of origin.

A separate notification will be made of the entry into force of the Convention Establishing the World Intellectual Property Organization (WIPO), when the required number of ratifications or accessions is reached.

Geneva, September 8, 1969.

WIPO Notification No. 13

## INTERNATIONAL UNIONS

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

SWEDEN

*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 Kingdom of Sweden deposited, on August 12, 1969, its instrument of ratification, dated June 27, 1969, of the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm on July 14, 1967, with a declaration to the effect that its ratification shall not apply to Articles 1 to 12.

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.

September 8, 1969.

Paris Notification No. 10

### Ratification of the Additional Act of Stockholm to the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods

SWEDEN

*Notification of the Director of BIRPI to the Governments  
of the contracting 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 Kingdom of Sweden deposited, on August 12, 1969, its instrument of ratification, dated June 27, 1969, of the Additional Act of Stockholm, of July 14, 1967, to the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods.

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

September 8, 1969.

Madrid (Indications of Source) Notification No. 6

### Ratification of the Stockholm Act of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks

SWEDEN

*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 Kingdom of Sweden deposited, on August 12, 1969, its instrument of ratification, dated June 27, 1969, of the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967.

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

September 8, 1969.

Nice Notification No. 6

## ICIREPAT Plenary Committee

### First Session

(Geneva, September 18 and 19, 1969)

#### Note <sup>1</sup>

The first session of the Plenary Committee (hereinafter referred to as "the Committee") of the Paris Union Committee for International Cooperation in Information Retrieval among Patent Offices (ICIREPAT) was held in Geneva on September 18 and 19, 1969.

The list of participants appears at the end of this Note.

The Committee unanimously elected Mr. W. E. Schuyler, Jr., Commissioner of Patents, US Patent Office, as its Chairman, and Mr. E. Armitage, Assistant Comptroller, UK Patent Office, as its Vice-Chairman, for the three-year term provided for in the Organizational Rules of ICIREPAT.

The Secretariat informed the Committee that ICIREPAT now comprises 20 participating countries<sup>2</sup>.

#### 1. Rules of Procedure of the Committee

The Committee adopted its Rules of Procedure.

#### 2. Assessment of Past ICIREPAT Activities

The Committee reviewed the decisions made by the Enlarged Transitional Steering Committee of ICIREPAT in connection with the assessment of the shared systems program of ICIREPAT. In addition, the Committee examined a document prepared by BIRPI listing all ICIREPAT activities — other than the shared systems — in respect of which substantial work had been done in the past in the fields of Standardization, Microform, and System Design, Implementation and Testing. The Committee noted the decision made by the Technical Coordination Committee in its first session concerning the reconfirmation of all recommendations on matters disposed of by the former ICIREPAT, and the maintaining of matters pending on the program and their reassignment to

Technical Committees. The Committee decided to conclude the assessment of past (disposed of or still pending) ICIREPAT activities by approving the decisions made in this connection by the Enlarged Transitional Steering Committee and the Technical Coordination Committee (subject to the exclusion from reconfirmation of the recommendation on the standardization of microform referred back by the Technical Coordination Committee to Technical Committee IV for further study).

#### 3. ICIREPAT Program

There was a general debate on the program of ICIREPAT which showed a general desire to arrive at clear commitments for each major participating Office. Without such commitments, real cooperation could not be achieved.

#### 4. Preparation of Program

The Committee decided to continue to meet each year in September and agreed on the following sequence for the preparation of the program: the April meeting of the Technical Coordination Committee should prepare a proposal for a draft program for the subsequent year — based on any views expressed by the previous September meeting of the Committee — on the basis of which the Director of BIRPI should establish a provisional draft program of ICIREPAT; that provisional draft program should be submitted to the subsequent session of the Executive Committee of the Paris Union (to be held just after the September meetings of the Committee and the Technical Coordination Committee).

### List of Participants

#### I. Member States

##### *Australia*

Mr. J. P. Harkins, Senior Assistant Secretary, Attorney General's Department, Canberra

##### *Austria*

Dr. K. Springer, Ratssekretär, Patent Office, Vienna

##### *Canada*

Mr. F. W. Simons, Assistant Commissioner of Patents, Department of Consumer and Corporate Affairs, Ottawa  
Mr. J. Corbeil, Second Secretary and Consul, Permanent Mission of Canada, Geneva

##### *Czechoslovakia*

Mr. J. Jirásek, Head of Examination Section, Patent Office, Prague  
Mrs. M. Fořtová, Head of Mechanization Department, Patent Office, Prague

##### *Denmark*

Mr. E. Tuxen, Director, Patent Office, Copenhagen  
Mr. A. Morsing, Chief Engineer, Patent Office, Copenhagen

##### *Finland*

Mr. B. Norring, Chief of Section, Patent Office, Helsinki

##### *France*

\* Mr. P. Rouliot, National Institute of Industrial Property, Bureau of Classification, Paris

\* The asterisk before the names of some delegates indicates that they attended both the Plenary Committee and Technical Coordination Committee sessions.

<sup>1</sup> This Note has been prepared by BIRPI on the basis of the official documents of the session.

<sup>2</sup> See list reproduced at the end of this Note.

**Germany (Federal Republic)**

- \* Mr. R. Singer, Leitender Regierungsdirektor, Patent Office, Munich
- \* Mr. W. E. A. Axhausen, Regierungsdirektor, Patent Office, Munich
- \* Mr. A. Wittmann, Regierungsdirektor, Patent Office, Munich

**Ireland**

Mr. P. Slavin, Chief Examiner, Patents Office, Dublin

**Israel**

Mr. Ze'ev Sher, Deputy Attorney-General, Ministry of Justice, Jerusalem

**Japan**

- \* Mr. M. Kuroda, First Secretary of the Permanent Delegation of Japan, Geneva

**Netherlands**

- \* Mr. G. J. Koelewijn, Head of Documentation Department, Patent Office, The Hague

**Soviet Union**

- \* Mr. Y. Maksarev, Chairman, Committee for Inventions and Discoveries, Council of Ministers of the USSR, Moscow
- \* Mr. V. Ilyin, Deputy Chief, External Relations Department, Committee for Inventions and Discoveries, Council of Ministers of the USSR, Moscow
- \* Mr. N. G. Sarkisov, Deputy Director, Central Institute of Patent Information, Committee for Inventions and Discoveries, Council of Ministers of the USSR, Moscow

**Spain**

Mr. A. Fernandez Mazarambroz, Director, Industrial Property Registration Office, Madrid  
 Mr. H. Guillamón Reyes, Industrial Engineer, Member of the Spanish Permanent Delegation, Paris  
 Mr. A. Miret, Engineer, Ministry of Industry, Industrial Property Registration Office, Madrid

**Sweden**

- \* Mr. T. Gustafson, Deputy Director General, National Patent and Registration Office, Stockholm

**Switzerland**

Mr. J.-L. Comte, Head of Section Ia, Federal Bureau of Intellectual Property, Berne  
 Mr. M. Leuthold, Head of Section II, Federal Bureau of Intellectual Property, Berne

**United Kingdom**

- \* Mr. E. Armitage, Assistant Comptroller, Patent Office, London
- \* Mr. D. G. Gay, Superintending Examiner, Patent Office, London

**United States of America**

- \* Mr. W. E. Schuyler, Jr, Commissioner of Patents, Patent Office, Washington
- \* Mr. H. J. Winter, Assistant Chief, Business Practices Division, Commercial Affairs and Business Activities, Bureau of Economic Affairs, Department of State, Washington
- \* Mr. R. A. Spencer, Director, Office of Research, Development and Analysis, Patent Office, Washington
- \* Mr. J. Brennan, Acting Director, Office of International Patent & Trademark Affairs, Patent Office, Washington
- \* Mr. E. Hurd, Director, Organization and Systems Analysis Division, Patent Office, Washington
- \* Miss P. M. McDonnell, Patent Research Specialist, Office of Documentation, Patent Office, Washington

**II. Observer Country****Yugoslavia**

- \* Mr. N. Janković, Legal Counsellor, Patent Office, Belgrade

**III. Intergovernmental Organization****International Patent Institute**

- \* Mr. G. Finniss, Director General, The Hague
- \* Mr. P. Van Waasbergen, Technical Director, The Hague
- \* Mr. L. F. W. Knight, Consultant in Information Retrieval, The Hague
- \* Mr. R. Weber, Head of Division, The Hague

**IV. Officers of Technical Committees and ABCS**

- \* Miss I. L. Schmidt, Chairman of TC.I, Danish Patent Office, Copenhagen
- \* Mr. A. Wittmann, Chairman of TC.II, German Patent Office, Munich
- \* Mr. L. F. W. Knight, Chairman of TC.III, IIB, The Hague
- \* Mr. E. Hurd, Chairman of TC.IV, US Patent Office, Washington
- \* Mr. J. J. Hillen, Vice-Chairman of TC.V, Netherlands Patent Office, The Hague
- \* Mr. D. G. Gay, Chairman of TC.VI, UK Patent Office, London
- \* Mr. J. Dekker, Chairman of ABCS, Netherlands Patent Office, The Hague

**V. Officers of the Session of the Plenary Committee**

Chairman: Mr. W. E. Schuyler, Jr. (United States)  
 Vice-Chairman: Mr. E. Armitage (United Kingdom)  
 Secretary: Dr. Arpad Bogsch (BIRPI)

**VI. Officers of the Session of the Technical Coordination Committee**

Chairman: Mr. G. Finniss (International Patent Institute)  
 Vice-Chairman: Mr. T. Gustafson (Sweden)  
 Secretary: Mr. K. Pfanner (BIRPI)

**VII. United International Bureaux for the Protection of Intellectual Property (BIRPI)**

- \* Professor G. H. C. Bodenhausen, Director
- \* Dr. Arpad Bogsch, First Deputy Director
- \* Mr. Klaus Pfanner, Counsellor, Head of the Industrial Property Division
- Mr. I. Morozov, Counsellor, Industrial Property Division
- \* Mr. W. Weiss (German Patent Office)
- \* Mr. H. D. Hoinkes (US Patent Office)
- \* Mr. P. H. Claus, Technical Assistant
- \* Mr. S. Hayashi (Japanese Patent Office)

**ICIREPAT****Technical Coordination Committee****Second Session**

(Geneva, September 17 to 19, 1969)

**Note <sup>1</sup>**

The second session of the Technical Coordination Committee of the Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) was held in Geneva from September 17 to 19, 1969.

The list of participants appears on page 271.

<sup>1</sup> This Note has been prepared by BIRPI on the basis of the official documents of the session.

The Secretariat informed the Technical Coordination Committee that the following 20 countries were now participating countries of ICIREPAT: Australia, Austria, Canada, Czechoslovakia, Denmark, Finland, France, Germany (Federal Republic), Hungary, Ireland, Israel, Japan, Netherlands, Norway, Soviet Union, Spain, Sweden, Switzerland, United Kingdom, United States of America.

Yugoslavia has expressed interest in the work of ICIREPAT but has not yet made the required pledge.

The following are among the more important decisions made by the first session of the Technical Coordination Committee:

#### 1. ICIREPAT Program for 1970

The Technical Coordination Committee prepared a proposal for the ICIREPAT program for 1970 whose essentials are the following:

The work on shared systems should be continued and should take first priority. Assuming that the indexing for the first group of five shared systems (Lubricants, AD Converters, Lasers and Masers, Layered Products, and Alloys) agreed upon by the Enlarged Transitional Steering Committee of the former ICIREPAT in June 1968 can be completed by the end of 1969, the "package" of the following six shared systems — Steroids, Organometallics, Electrolysis, Taps and Valves, Insulated Cables and Lines, and Color TV — agreed upon by the Enlarged Transitional Steering Committee in December 1968 should be fully indexed in 1970. In addition, the four Offices now participating in the shared systems program (Federal Republic of Germany, United Kingdom, United States of America and the International Patent Institute) will each complete, as originating Office, one additional system.

Another first priority item designated by the Technical Coordination Committee was the definition of standards for the 8-up aperture card, which is the standard microform accepted for international exchange within ICIREPAT. The competent Technical Committee (TC. IV) of ICIREPAT should attempt to finish its work on this subject as early as possible in 1970.

A further first priority item concerns the study of problems related to computer compatibility and convertibility of exchanged information for use on various computers.

Besides the first priority items mentioned above, the Technical Committees of ICIREPAT should work on the following high priority tasks in accordance with their mandates outlined by the Technical Coordination Committee in April 1969:

Technical Committee I should study requirements for systems and indexing performance. Technical Committee II should continue its study of fields of technology which are considered desirable for shared systems and should compile further "packages" of fields for system development and system implementation. Technical Committee III should study the state of the art in advanced computer techniques and should attempt to coordinate the work of those Offices able to work in this field. Technical Committee V should deal with the unification of the layout of patent documents and should investigate computer type setting and photo setting processes. Technical Committee VI should produce a new recommenda-

tion on the procedure for the sharing of the workload of updating indexing and deal with standardization of input format for bibliographic data for information carriers other than machine punched cards applicable to both patent and non-patent literature.

The Advisory Board for Cooperative Systems (ABCS) will continue its work within the framework of the shared systems program and will give priority to systems forming part of the packages agreed upon by the Enlarged Transitional Steering Committee and the Technical Coordination Committee.

#### 2. Place and Convening of Meetings of Technical Committees

The Technical Coordination Committee agreed in general that, as a rule, all meetings of all Technical Committees, the Advisory Board for Cooperative Systems and other working groups of ICIREPAT should be held in Geneva at the headquarters of BIRPI.

#### 3. Transfer of the Secretarial Tasks Concerning the ABCS

It was agreed that BIRPI would take over the secretarial tasks of the ABCS as from January 1, 1970.

#### 4. Chairmanship of the ABCS

Upon the proposal of the representative of the Netherlands, the Technical Coordination Committee unanimously elected Mr. D. C. Snow (United Kingdom Patent Office) as Chairman of the ABCS as from January 1, 1970.

#### 5. Suggestions and Requests of Technical Committees

Several suggestions and requests emanating from the Technical Committees were discussed and a number of decisions made concerning in particular the classification of the mandates of the Technical Committees.

As regards commitments for shared systems and long-range planning, the Technical Coordination Committee reinforced its urgent recommendation that all Offices which agreed to the shared systems "package" program should comply with the commitments as rapidly as possible and within the envisaged time schedule. The Technical Coordination Committee also recommended that implementation of the first five systems (see above) be completed at the earliest possible time. As to the necessity for having a long-range plan for the shared use systems program, a majority (4 for, 2 against, 2 abstentions) stressed the need to carry on with the shared systems program on a long-range basis. The Offices were invited to study their possibilities as to the manpower available and to indicate what commitments they could make in time to enable the meeting of the Technical Coordination Committee dealing with the program for 1971 to continue its study of a long-range program.

The Technical Coordination Committee adopted several recommendations by Technical Committee IV (Microform). Taking into account the warning of the Secretariat that the recommendation concerning image resolution and image density was rather vague and would not result in real standardization, the Technical Coordination Committee requested

Technical Committee IV to reconsider the problem with the aim of elaborating a more specific and detailed recommendation. That study and a reconsideration of the recommendation already adopted for microform standards should take place within a short period and should produce a new basis for decision by the Technical Coordination Committee in its next session.

#### 6. Next Meetings

The Technical Coordination Committee decided to hold its third session on December 12, 1969, in Geneva. The Secretariat will prepare a schedule of meetings for 1970 after consultation with the Chairmen of the respective bodies of ICIRE-PAT.

## LEGISLATION

### FINLAND

#### The Trademark Law

(of June 1, 1964) \*

#### CHAPTER I

#### General Provisions

##### Article 1

By registration in accordance with this Law, a trader may acquire the sole right to a trademark as a special symbol to distinguish goods which he offers for sale, or otherwise purveys in his business, from those of others.

A trademark may consist of a device, one or more words, letters or numerals, or of the distinctive get-up of the goods or their packaging.

The provisions of this Law in respect of goods shall apply equally to services offered by a trader or by one exercising a vocation or profession.

##### Article 2

A trader shall acquire sole rights to a trademark, even without registration, after it has become established.

By right of establishment, he may also acquire sole rights to a slogan for use as a special symbol in his business. Such a symbol may not be entered in the Register of Trademarks.

A trade symbol shall be regarded as established if it has become generally known in the appropriate business or consumer circles in Finland as a symbol specific to its proprietor's goods.

##### Article 3

Any person may use his surname or his firm's name, or an intrinsic part of such names in his business as a trade symbol for his goods unless its use is liable to cause confusion with

the protected trademark of another, or with a name or firm's name that another is already using lawfully in his business.

No one else's name or firm's name may be included in a trademark. The same applies to any intrinsic part of a firm's name, and to any trade name or abbreviation of a firm's name established in Finland by another, unless it can be considered that the said part of the firm's name lacks distinguishing power or that the branches of trade or types of goods in question are different.

#### Article 4

The right to a trade symbol as specified in Articles 1 to 3 of this Law means that no one other than the proprietor may use any symbol liable to be confused with it for his goods, whether on the goods or their packaging, in advertising or commercial documents, or in any other way, including orally. This applies equally regardless of whether the goods are offered for sale or intended to be offered for sale in Finland or abroad, or are imported for business purposes.

If spare parts, accessories, or the like, suitable for use with the goods of another, are offered for sale, it is illegal to allude, in the manner specified in the first paragraph of this Article, to the trade symbol of such other party in any way liable to create the impression that the goods offered for sale originate with the proprietor of the said trade symbol or that the proprietor has permitted the use of the trade symbol.

If goods are offered for sale using a particular trade symbol, and if thereafter someone other than the proprietor of the symbol substantially alters them by modifying or repairing them, or the like, the symbol may not be used when the goods are again offered for sale in Finland unless the change is clearly indicated or announced, or is otherwise plainly evident.

#### Article 5

The sole right to a trade symbol shall not apply to any part of the symbol that is intended mainly to render the goods or their packaging more suitable for their purpose, or else serves some purpose other than that of a trade symbol.

#### Article 6

Unless otherwise specified in the second paragraph of Article 3, trade symbols in accordance with this Law shall be regarded as leading to confusion only if they apply to the same or similar kinds of goods.

In exceptional cases, however, such symbols can also be regarded as confusing:

- (a) if a trade symbol is particularly well established and widely known to the public (*KODAK* marks) in Finland and the use of another symbol similar to it would entail unfair exploitation of the goodwill it enjoys;
- (b) in the case of an established trade symbol if, in view of the nature of the goods in question, the use of another symbol similar to it would clearly diminish its goodwill.

The provision of the second paragraph of this Article shall apply equally to any trade name, or part or abbreviation of a firm's name such as is referred to in the second paragraph of Article 3.

\* Text kindly provided by the Association of Finnish Patent Attorneys, with minor editorial changes by BIRPI.

### Article 7

If, by virtue of Article 1 or 2, several parties demand sole rights to trade symbols that would lead to confusion, preference shall be given to the party that can claim the earliest entitlement, unless otherwise specified in Article 8 or 9 below.

### Article 8

If a registered and widely used trademark is liable to be confused with an earlier established symbol that is not registered, the use of the later mark shall not be prohibited provided that the application for registration was made in good faith and that it was valid for five years from the date of registration before a suit was brought to annul it.

### Article 9

If an established trademark is liable to be confused with another earlier registered or established trademark, but the proprietor of the earlier trademark has not subsequently taken steps to prevent the use of the later trademark within a reasonable period of time, he shall no longer be entitled to prohibit the use of the later trademark.

### Article 10

In the cases referred to in Article 8 or 9, it may be decided, where reasonable, that one or both of the trade symbols may only be used in a specific manner — for example, shaped in a particular way, or with the addition of a place name or some other explanatory feature.

The first paragraph of this Article shall apply equally if there is danger of confusion in a case referred to in the first paragraph of Article 3.

### Article 11

At the request of the proprietor of a registered trademark, the author, editor or publisher of a dictionary, glossary, manual or similar publication shall ensure that the trademark is not reproduced without indicating that it is registered as such.

Anyone who fails to observe the above paragraph shall take steps to see that a correction is published in whatever manner and to whatever extent is considered reasonable, and shall bear the cost of publishing the said correction.

## CHAPTER II

### Registration of Trademarks

#### Article 12

A Register of Trademarks shall be kept by the Patent and Registration Office.

#### Article 13

To qualify for registration, a trademark must be such as to distinguish its proprietor's goods from those of others. A mark that, either solely or with only a few alterations or additions, indicates the type, quality, quantity, purpose, price, or place or time of manufacture shall not, as such, be regarded as distinctive. In assessing whether a trademark possesses distinguishing power, all the factual circumstances shall

be borne in mind, particularly the length of time and extent to which the mark has been used.

A trademark formed solely of letters or numerals and which cannot be regarded as a device mark may only be registered if it has been shown to have become so established as to be distinctive.

A trade symbol may not be registered as a trademark if it consists solely of something that might seem to indicate the name of the applicant or his firm.

#### Article 14

A trademark shall not be registered:

1. if it is contrary to law and order, or to morality;
2. if it is liable to mislead the public;
3. if, without proper permission, it incorporates national armorial bearings, a national flag or other emblem, a sign or hallmark indicating control and warranty used by the State for goods of the same or a similar type as those for which the trademark is requested, the armorial bearings of a Finnish commune, or any device or emblem liable to be confused with the symbols or emblems referred to in this item;
4. if it contains anything that may give the impression of the firm's name, any part or abbreviation of such a name, or the trade name of another, as specified in the second paragraph of Article 3, or of the name or likeness of another person, unless such name or likeness plainly refers to someone who died a long time ago;
5. if it contains anything likely to give the impression of being the title of another's protected literary or artistic work, unless the said title is a commonplace expression, or if it infringes another's copyright in such a work or his right to a photographic illustration;
6. if it is liable to be confused with the name or firm's name of another, with any part or abbreviation of such a firm's name, with a trade name of the sort referred to in the second paragraph of Article 3, or with the trademark of another that has been registered on the grounds of an earlier application, or with the trade symbol of another party that is already established at the time when the application is made;
7. if it is liable to be confused with a trade symbol being used by another party for his goods at the time of the application, and if the applicant has cognizance of such use at the time of his application and had not used his own mark before the other trade symbol came into use.

In the cases referred to in items 4, 5, 6 and 7, registration may be granted if the proprietor of the right so consents, and provided that it does not contravene any of the other provisions stipulated in the first paragraph of this Article.

#### Article 15

Sole rights to a trademark acquired by registration do not apply to any part of the mark that cannot be registered as such.

If the trademark contains any such part and there is special reason to believe that its registration may cause uncertainty regarding the extent of the sole right granted, pro-

tection of the said part may be specifically disclaimed when the registration is made.

If a part of a trademark excluded from protection later becomes registrable, a fresh registration can be made to cover such part or to comprise the entire trademark without the exclusion of the said part from protection.

#### Article 16

A trademark shall be registered in one or more classes of goods. The classification of goods shall be established by the Patent and Registration Office.

#### Article 17

Anyone wishing to register a trademark shall apply in writing to the registering authority. The application shall indicate the name of the applicant or of his firm, and the nature of the business and kind or class of goods for which the mark is intended; in addition, a clear reproduction of the trademark shall be submitted.

#### Article 18

If a trademark which the applicant used for the first time with goods shown at an international exhibition is submitted for registration within six months of the date on which the goods were first exhibited, the application shall be regarded as having been made on the said date for the purpose of determining priority over other applications for trademarks or the use of other trade symbols.

#### Article 19

If the applicant fails to observe the regulations concerning the making of an application, or if the registering authority finds that the application cannot be approved for some other reason, the applicant shall submit a statement or rectify his application within a specified time; otherwise his application may be shelved.

If the registering authority considers the application unacceptable, even after the applicant has submitted a statement, it shall be rejected unless there is cause to issue a further official letter.

#### Article 20

When the application documents are complete, and if there is no cause to reject the application, the registering authority shall give public notice thereof.

Anyone, who then wishes to submit an objection to the application shall do so in writing to the registering authority within two months of the date of the public notice.

#### Article 21

At the end of the period of time specified in Article 20, the registering authority shall subject the application to further consideration.

If the application is approved, the trademark shall be registered as soon as the decision acquires legal effect, and public notice thereof shall be given.

If an application publicly announced in accordance with Article 20 is rejected or shelved, public notice of this shall be given as soon as it acquires legal effect.

#### Article 22

Registration shall take effect as from the date on which the application was made and shall remain in force for ten years from the date of registration.

Registration shall be renewable, upon application by the proprietor of the trademark, every ten years from the date of expiry of the previous registration.

Renewal shall be requested in writing from the registering authority not earlier than one year before and not later than six months after the registration expires. The application shall be handled, where applicable, in accordance with Article 19 above.

#### Article 23

If the proprietor of a registered trademark so requests, minor changes which do not alter the total impression of the trademark may be entered in the Register.

### CHAPTER III

#### Expiry of Legal Protection and Annulment of Registration

#### Article 24

If the proprietor of a registered trademark fails to apply for renewal of the registration, as specified in Article 22, the said trademark shall be struck from the Register.

A trademark shall also be struck from the Register, while the registration is valid, if the proprietor so requests. If, according to an entry in the Register, there is a lien on the trademark, the latter may not be struck from the Register without permission from the holder of the lien.

Upon application by the proprietor of the trademark, the list of goods or of classes of goods for which it has been registered may be reduced. The provision in the second paragraph concerning the consent of the holder of a lien shall apply in this case, too.

#### Article 25

If a trademark has been registered contrary to the provisions of this Law, the registration shall be declared null and void unless the provisions of Article 8 or 9 are applicable or some other change in circumstances affects the issue.

#### Article 26

A trademark shall be forfeited:

1. if it has plainly lost the power to distinguish its proprietor's goods from those of others since the time it was registered or became established;
2. if it has become misleading or contrary to law and order or to morality since the time it was registered or became established;
3. if it has not been used for the last five years and its proprietor is unable to give a valid reason for such non-use;
4. if its proprietor is no longer engaged in industry, commerce, or a trade or profession.

#### Article 27

A court of law shall decide on the annulment of a registration and forfeiture of a trademark when a suit to that effect is brought against its proprietor.

A suit of the kind referred to in the above paragraph may be brought by anyone who suffers inconvenience as a result of the registration. If the case is based on Article 13, on items 1 to 3 of the first paragraph of Article 14 or on Article 26, the suit may also be brought by the public prosecutor or by any organization watching over the interests of the industry, commerce, trade or profession concerned.

If the plaintiff so requests, an entry to the effect that the suit has been brought shall be made in the Register.

#### CHAPTER IV

### Special Provisions for the Protection of Foreign Trademarks

#### Article 28

If an applicant for a trademark does not carry on his business in Finland, his application must be accompanied by a certificate to the effect that he has had the same trademark registered for the same goods in the foreign country in which he carries on his business or is resident, or of which he is a national.

No certificate of the kind referred to in the above paragraph shall be demanded if the foreign country does not require a similar statement from a person who is a Finnish citizen, or who is resident or carries on his business in Finland.

#### Article 29

A trademark registered in a foreign country shall be registered in Finland in the form in which it is registered in the said foreign country, provided that reciprocal rights exist, that the registration does not contravene Article 14, or the first or second paragraphs of Article 13, and that the trademark has not lost its distinguishing power.

Irrespective of the above paragraph, minor changes may be made on the basis of reciprocity when registering a foreign trademark, provided that they do not alter the general impression of the trademark.

#### Article 30

If registration is applied for in Finland for a trademark for which a similar application has been made previously in a foreign country, and if reciprocal rights exist, the application shall be regarded, for the purpose of determining priority, as having been made at the same time as the foreign application was submitted, provided that the application in Finland is made within six months of the date of the application in the other country, and the applicant requests such priority right from the Finnish registering authority before public notice of the application is given. After a request for priority right has been submitted and fully documented grounds for the request have been presented, no third party may subsequently assume the right to use a trade symbol that is similar to a foreign trademark registered in Finland on the ground of events that occurred between the date of the priority right and that of registration.

#### Article 31

An applicant for or proprietor of a registered trademark not resident in Finland shall appoint an agent resident there

to represent him in all matters concerning the trademark. The name of the agent shall be noted in the Register.

If no duly empowered agent is noted in the Register, the registering authority shall send the proprietor of the trademark a note, directed to his last known address, enjoining him to remedy the situation within the period of time stipulated therein, upon pain of the said mark's being struck from the Register.

#### CHAPTER V

### Assignment and Licenses

#### Article 32

A trademark may be transferred to another party; such assignment may cover either all or some of the goods for which it was registered or became established.

When a firm holding a trademark changes hands, the trademark shall accompany the property unless the condition has been made that it shall remain with the previous owner, or that both the previous and the new owner of the firm may use it for different kinds of goods.

#### Article 33

Upon request, the assignment of a registered trademark shall be noted in the Register. If the registering authority finds that the use of a trademark subsequent to such assignment is clearly liable to mislead the public, permission to enter the assignment in the Register shall be withheld unless the fault is eliminated by making a change in or addition to the trademark.

An assignment not noted in the Register shall not affect a third party who, in good faith, has obtained the right to the trademark.

If it is desired to place a lien on the right to a trademark, a written agreement shall be made and entered in the Register. No right to a lien shall exist until such an entry has been made.

#### Article 34

The proprietor of a registered trademark may authorize another to use it in his business without relinquishing his right as such to the trademark. Upon request, such a license shall be entered in the Register. The registering authority may, however, refuse to make this entry if the use of the trademark as a result of granting the license is plainly liable to mislead the public. When the said license is proved to have expired, the entry shall be struck from the Register.

A license not entered in the Register shall not affect a third party who in good faith has obtained the right to the trademark.

Unless otherwise agreed, the licensee may not transfer his right to a third party.

#### Article 35

The right to a trademark shall not be seized for debt unless a lien has been established on it.

If the property of the proprietor of a trademark is relinquished at bankruptcy, the right to the trademark shall be included in the bankrupt's estate.

## CHAPTER VI

## Prohibition of the Use of Misleading Trade Symbols

## Article 36

If a trade symbol that has been assigned or for which a license has been issued becomes misleading in the form in which it is used by its new proprietor or licensee, a court of law may, as it sees fit, forbid the new proprietor or licensee to use it.

Its use may also be prohibited in any case, if the trade symbol is misleading or if its proprietor or anyone else with his permission uses it in a manner misleading to the public.

A suit in connection with this Article may be brought by the public prosecutor, by anyone who suffers inconvenience as a result of the use of the trade symbol, or by an organization set up to protect the interests of the traders or professionals involved.

## Article 37

If the right to use a trade symbol is denied by virtue of Article 36, the court may, where reasonable, order that a trade symbol that has been placed on goods, their packaging, brochures, leaflets, commercial documents, or the like, contrary to a prohibition specified in Article 36, shall be erased or altered so as not to be misleading. If this can be done in no other way, the court shall order that the property so marked be destroyed or changed in a specified manner.

Property referred to in the above paragraph may be sequestered pending the said order; in this case, the general regulations on sequestration in criminal cases shall be applied.

## CHAPTER VII

## Consequences of Infringement of Trademark Rights

## Article 38

Whoever infringes the right of the proprietor of a trade symbol protected by this Law can be prohibited by a court order from continuing or repeating such misdeed unless there are special reasons to the contrary.

If the infringement has been deliberate or due to negligence, the aggrieved party shall be entitled to compensation from the defendant for all the damage he has suffered. If the negligence has only been slight, the court may modify the compensation awarded to whatever extent it sees fit.

Even if the defendant is not found guilty of negligence, the court may, where deemed reasonable in view of his financial and other circumstances, rule that he shall hand over to the aggrieved party the profits he has gained from such infringement for up to but not more than the three preceding years.

## Article 39

Anyone who deliberately infringes the right to a trade symbol protected by this Law shall be fined or sentenced to a maximum of six months' imprisonment.

Prosecution for infringement according to the above paragraph shall not be brought by the public prosecutor except at the instance of the aggrieved party.

In the case of a registered trademark, no penalty may be imposed unless the infringement occurred after the date of registration.

## Article 40

A suit for damages according to Article 38 must be brought within three years of the time when the plaintiff learned of the infringement and ascertained the identity of the infringer, and in any case not later than ten years from the time when the infringement occurred.

In the case of a registered trademark, a suit may be brought for infringement before the date of registration irrespective of the above paragraph, provided that it is brought within a year of that date.

## Article 41

On the request of one whose right to a trade symbol has been infringed, the court may rule, if it sees fit, that a symbol that has been placed without authorization on goods, their packaging, leaflets, commercial documents, or the like, shall be erased or altered in such a way as to ensure that it will no longer be misused. If this can be effected in no other way, the court shall order that the property so marked be destroyed or changed in a specific manner. The court may also, upon request, order that the property be handed over to the plaintiff against payment.

Regardless of whether the infringement is deliberate or not, the public prosecutor or the court may order that the property here referred to be sequestered if the plaintiff so requests and, where considered necessary, gives acceptable surety for any damages the defendant may suffer as a result of the sequestration and for the costs occasioned by said sequestration; otherwise, in this case the general regulations on sequestration in criminal cases shall be applied.

## CHAPTER VIII

## Litigation Concerning Trademarks

## Article 42

In matters concerning trademarks, the general legislation concerning the proper court of law in each case shall be observed.

A suit brought against the proprietor of a trademark not resident in Finland shall be heard in the Municipal Court of Helsinki.

## Article 43

A plea for injunction according to Article 38 may be heard at the same time as prosecution brought in accordance with Article 39.

## Article 44

If the defendant in a case concerning the infringement of the right to a trademark based on registration claims that the registration is null and void and the truth of the matter is not immediately clear, the court shall grant him a period of time in which to bring a suit at a separate court hearing in order to have the registration declared null and void; no decision on the original case may be handed down until the

validity of the registration has been finally settled for or against. If the secondary suit is not brought within the time limit granted, the court shall make its decision on the case regardless of the counterclaim.

The above paragraph shall apply equally if the defendant claims that the trademark has been forfeited.

#### Article 45

If someone has been granted the sole right to use a registered trademark in Finland and an entry regarding such license has been made in the Register, the plaintiffs in any case concerning an infringement of the right to the trademark can be either its proprietor or the licensee, or both.

If the licensee referred to in the above paragraph wishes to bring a suit for infringement, he shall notify the proprietor of the trademark; if he fails to do so, his suit shall not be heard.

This Article shall apply equally if the proprietor has reserved rights to parallel use for himself upon granting another an exclusive license.

#### Article 46

A suit brought to establish whether or not a right to a trade symbol exists, or whether a specific act infringes such right, can be heard in cases where uncertainty exists and is harmful to the plaintiff.

In such cases, Article 45 shall apply correspondingly.

#### Article 47

A suit to have a trademark registration declared null and void can be continued against the original defendant in the event of the trademark's being assigned to another after legal proceedings have been commenced, and, if the court finds for the plaintiff, its decision shall be equally binding upon the party to whom the trademark has been assigned. This shall apply equally in the case of a suit brought to declare a trademark forfeited.

#### Article 48

When a suit is brought to obtain an injunction in accordance with this Law, the court may, on the request of the plaintiff, issue an injunction against the defendant during the proceedings or in its decision, to be in force until the principal case has been settled with legal effect, or until the same or another court decides otherwise. Before such an injunction is issued, the plaintiff may be ordered to give acceptable surety for the damage the defendant may suffer from the said injunction.

A separate appeal may be made against a court decision handed down during proceedings concerning an injunction or cancellation thereof.

#### Article 49

A copy of any court decision in a case concerning the infringement of trade symbols, or in one such as is referred to in Articles 10, 25, 26, 36 and 46, shall be sent by the court to the Patent and Registration Office.

### CHAPTER IX

#### Public Notice and Appeals

##### Article 50

Except in the cases referred to in Articles 20 and 21, public notice shall be given when a registration is renewed according to Article 22, when a registered trademark is modified in accordance with Article 23, when registration is cancelled in accordance with Articles 24 to 26 or 31, or when an assignment by virtue of Article 33 or a license granted under Article 34 is noted in the Register.

##### Article 51

An appeal against a final decision of the Patent and Registration Office on a case concerning a trademark may be made to the Supreme Administrative Court within sixty days of the date of the decision.

After a trademark is registered in a case in which an objection has been raised in accordance with Article 20, the objector may not appeal against the final decision of the registering authority in the manner prescribed in the above paragraph, but shall bring a suit against the proprietor of the trademark in a court of law.

### CHAPTER X

#### Collective Trademarks

##### Article 52

Any association, cooperative or other body that has been set up to watch over the interests of those exercising a trade or profession, and is competent before the law, shall be permitted, by registering, to obtain the sole right to a trademark to be used by its members in their business or profession. Such a mark is termed a "collective trademark."

The above paragraph shall apply equally to public or official institutes and institutions.

##### Article 53

An application for the registration of a collective trademark shall be accompanied by an appropriate extract from the Register of Associations or the Commercial Register, the statutes of the association, and the association's regulations specifying the conditions under which members are entitled to use the trademark. If the said regulations are later modified, the registering authority must be notified.

##### Article 54

A collective trademark may only be transferred to, or registered upon expiry of protection in the name of, another association which functions in the same field and which intends to use it as its symbol.

##### Article 55

The right to a collective trademark shall be forfeited if the association that has registered it ceases to function, if it permits the trademark to be used in a manner contrary to its regulations, as recorded by the registering authority, or if the provisions of items 1, 2 or 3 of Article 26 are applicable.

## Article 56

In the event of infringement of the right to a registered collective trademark, only the association shall be regarded as the plaintiff. It may also bring a suit for damages on behalf of its members.

## Article 57

Unless specified otherwise in Articles 52 to 56, the provisions concerning trademarks in this Law shall apply correspondingly to collective trademarks.

## CHAPTER XI

## Enforcement and Implementation of the Law

## Article 58

Further instructions on the procedure to be followed by applicants for registration, the giving of public notice, and other procedures in such connection, and on the maintenance of the Register of Trademarks, including changes to be made in the Register, and other orders necessary for the implementation of this Law shall be given by decree.

## Article 59

This Law shall come into force on the first day of June, 1964. The following shall thereby be rescinded:

The Decree on the Protection of Trademarks of February 11, 1889;

Chapter XXXVI, Article 13, of the Criminal Code;

Article 2 of the Decree of December 21, 1885, granting greater freedom to the iron industry.

## Article 60

The validity of trademarks registered before the entry into force of this Law shall be determined in accordance with the earlier regulations.

The right to a trademark can be declared forfeited in accordance with Article 26 even though it was granted or became established before the entry into force of this Law.

Pending applications for registration shall be subject to the new Law.

## Article 61

In the case of trademarks registered earlier, the five years provided for in Article 8 shall be counted as beginning from the date of the entry into force of this Law.

## Article 62

The provisions of Article 40 regarding the period of time within which damages shall be claimed shall apply equally if the deed for which compensation is payable was committed before the present Law takes effect; if, however, the three years referred to in the said Article began before the date of the entry into force of this Law, they shall be counted as having begun on the said date.

## Article 63

When the registration of an earlier registered trademark is renewed for the first time after the entry into force of this

Law, the registration period based on the said renewal of registration shall be regarded as ending on the date corresponding to the original date of registration, even if a registration period according to an earlier renewal was calculated otherwise.

Upon renewal of registration, the classes of goods listed shall be modified to conform to any changes that have been made in the classification.

## Article 64

A trademark registration that was renewable without application under the former regulations (one granted before 1889) shall be renewed from now on in accordance with the provisions on renewal contained in the present Law. Unless application for renewal is made within one year of the date on which this Law takes effect, the trademark shall be struck from the Register.

## ITALY

## Decrees

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

(of July 28 and 30, August 4, and September 15, 1969)<sup>1</sup>

## Single Article

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

*II° Salone internazionale del mobile e IX° Salone del mobile italiano* (Milan, September 21 to 28, 1969)

*VII<sup>a</sup> Mostra internazionale dei trasporti interni e del magazzino-manutenzione degli impianti — container — «TRAMAG»* (Padua, October 8 to 12, 1969)

*XIII° Salone internazionale campeggio sport «SINCAS»* (Milan, October 25 to 27, 1969)

*MITAM — Mercato internazionale del tessile per l'abbigliamento arredamento* (Milan, November 11 to 14, 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>1</sup> Official communications from the Italian Administration.

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

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

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

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

# LETTERS FROM CORRESPONDENTS

## Letter from Scandinavia

By Professor Berndt GODENHIELM, Helsinki







**GENERAL STUDIES**

**The Role of Employees' Inventions<sup>1</sup>  
in the USSR \***

Y. E. MAKSAREV

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





1968, and which in several respects involves changes in the existing organization and procedure. The Law has given rise to a prosecution routine which in many ways is more complicated than the previous one and has introduced a new organization, since the former Patent Board — composed of two legal experts and 16 technical experts and having the power to decide in each individual case whether a patent should be granted or not — has been abolished, and the grant of patents is decided in the first instance by the Patent Office under the responsibility of its Director. This change does, of course, make heavier demands on the examiners.

The new Law comprises an arrangement for Nordic administrative cooperation according to which a patent application filed in Denmark, Finland, Norway, or Sweden may cover not only the country in which it is filed but also the other countries mentioned, so that each of these countries may grant a patent for all four countries on the basis of one application. This arrangement was expected to result in a very substantial reduction in the work of the individual Nordic Patent Offices. The arrangement has, however, not yet come into operation since there have been certain political difficulties, and the question of its coming into operation has now been incorporated into a more comprehensive Nordic scheme, which is at present under discussion in Nordic political circles.

As to other measures which might facilitate the situation of the Patent Office, it should especially be noted that the new Law makes it possible to utilize examinations carried out by other patent offices: under the provisions of the Law, in all cases where priority is claimed from another examining country we now request information about the results of the examination regarding the patentability of the invention in the priority country. Moreover, we have the opportunity to accept the results of novelty searches made in respect of corresponding applications by other patent offices or by international institutions.

As regards the trend during the years 1961 to 1968, the following statistics may be given:

	Applications filed	Patents issued	Applications disposed of
1961	5,265	2,235	4,302
1962	5,692	2,541	4,670
1963	6,116	2,517	4,651
1964	6,453	2,999	5,173
1965	6,713	2,692	4,864
1966	6,798	2,671	5,127
1967	6,722	2,290	5,151
1968	6,415	1,945	4,517

At the end of 1968, a total of 28,480 applications were pending; this corresponds to the number of applications filed in the course of about four years. The number of examiners is at present 81.

The fluctuation in the number of filed patent applications, which, as will be seen, reached a peak in 1966, may have some connection with the fact that in 1965 an increase was made in the annual fees and that on April 1, 1967, a substantial increase was made in the filing fee, *viz* from Dkr. 250 to Dkr. 400. These increases may have contributed to a decline in

## NEWS CONCERNING NATIONAL PATENT OFFICES

### The Activities of the Danish Patent Office in 1968

By E. P. TUXEN

The problems of the Danish Patent Office are — as is the case with patent offices in most other countries where patents are granted after a novelty search and subsequent prosecution — the steadily increasing number and the evergrowing complexity of incoming patent applications.

The year 1968 was marked by the advent of the new Danish Patent Law, which came into force on January 1,

the number of filings. The proportion between the number of applications filed in 1967 and the number of applications filed in 1968 probably reflects the desire of many applicants to have their applications filed under the previous Law. Thus in December 1967 we received 692 applications.

The relatively limited number of patents issued in 1968 is a consequence of the new Law. While previously patents were not printed until a decision had been taken as to their issue, now the accepted application is printed and the applicant is given a respite of two months in which to pay the printing fee. The fact that the transitional rules of the new Law prescribe that applications which had not been laid open to public inspection before January 1, 1968, are to be prosecuted in accordance with the provisions of the new Law has caused a delay of up to two months, in comparison with previous years, in the laying open of such applications for public inspection. Furthermore, since the time allowed for opposition has been extended from two to three months, this means an additional delay in the issue of patents. These two facts together have thus led to the result that, for a period of almost three months, only a very small number of patents were issued.

In addition, some of the rules embodied in the new Law have caused an increase in the examiners' work; this is especially true of the rule whereby the total contents of a previously filed application which is published later on must be considered an obstacle to novelty. This rule requires a far more exhaustive examination of the applications pending in the Patent Office and having better priority rights than was the case previously when examinations concerned only the claims of the applications.

Another very important factor which, in 1968 and presumably also in the current year, has acted and will continue to act as a brake on the activities of the Danish Patent Office is the Nordic cooperation, which means that whenever fundamental problems arise the Patent Offices of Finland, Norway, and Sweden must be contacted in order to arrive at a uniform solution. This has had the effect that several cases have not been disposed of because discussions — which are often protracted and difficult — with the other Nordic patent authorities have not led to any definitive results. Questions concerning the detailed prosecution of applications and decisions on cases involving fundamental problems arose, of course, especially in 1968, but it is to be expected that problems will always arise to some extent when four countries coordinate their prosecution procedure.

A further factor which puts a strain on the examiners is the new rule according to which any application the filing or priority date of which dates back more than 18 months is available to the public. Due to this rule, the examiners have to allow applications on which they are working to be removed for presentation to the public, an incident that has happened very frequently. Thus, in the last half of 1968 (this rule did not take effect until July 1, 1968), about 10,000 pending applications were required by third parties for viewing and perhaps for the purpose of ordering copies of the application documents or other documents belonging to the case. In this connection, it should be noted that the inconvenience referred

to is linked up with the very great interest taken by the public in having access to the documents of the applications; consequently, in this respect, the rule appears to be of great value.

As will be seen from the above, 1968 has been quite an extraordinary year for the Danish Patent Office. It has, however, been one of temporary phenomena, which is shown by the figures for the first half of this year during which we received 3,547 applications, that is, an increase of 10 to 11 per cent, and issued 1,571 patents, a figure which surpasses the number of patents that have ever been issued during a similar period. Hence, there is reason to believe that the situation is now under control to a certain extent. Nevertheless, an arrangement to relieve the workload in the Danish Patent Office, either in the form of a Nordic arrangement, through the Patent Cooperation Treaty, or in some other way, will still be a necessity.

## Summary of the 1968 Annual Report of the Swedish Patent Office

By Torsten GUSTAFSON

### New Patent Law

A new Patent Law came into force on January 1, 1968. It is based on a report made in collaboration with the other Nordic countries which have also introduced essentially the same patent legislation. This Law involves a number of new departures in the treatment of patent applications. Among these are: the opportunity now afforded for patents to be granted for chemical compounds with the exception, for the time being, of those involving foodstuffs and pharmaceuticals; the disclosure of patent applications still pending after a lapse of 18 months from the date of priority; the opportunity to request the results of the examination from another country undertaking an examination as to novelty; the widening of the novelty rule; the adjustment of running days; and new rules for patents of addition. The changes in the working routines that have resulted have had a considerable effect on the work of the Patent Office during the year.

### Patent Examining Operations

From 1957 onwards the number of patent applications increased year by year and by 1967 reached 18,148. Last year, however, there was a slight decline to a total of 18,080. Of these 4,742 came from Swedish applicants, a figure which is 567 or nearly 11 per cent below the 1967 level. The number of applications from abroad, on the other hand, increased by 499 — or 4 per cent — to 13,338.

The United States of America is still the country from which most foreign applications come, and last year it accounted for 3,985 or 22 per cent of all new applications. However, this number represents a decrease of 4 per cent in relation to 1967. On the other hand, the number of applications from the Federal Republic of Germany rose by 11 per cent to 3,009, or nearly 17 per cent of the total. Next in order

came the United Kingdom with 1,564, followed by Switzerland with 931, France with 727, and the Netherlands with 704. All these countries recorded increases over 1967. The number of applications disposed of rose by 2 per cent to 17,607. The backlog of complete patent applications still pending is 61,329.

The increase in the number of Swedish applications filed abroad has continued. In 1967 these totalled 8,745, which exceeded the 1966 figure by 279 or 3 per cent. The corresponding figures for Swedish applicants filing in Sweden during 1967 were 5,309, 452 and 9 per cent.

#### Trademark and Design Examining Operations

The number of applications for the registration of trademarks has increased slightly in recent years and reached 5,600 during 1968. However, the proportion of applications from Swedish applicants continued to decrease and comprised no more than 40 per cent of the total as compared with an average of 45 per cent during the years 1963 to 1967. Of the applications from abroad, increases were noted in the number received from Denmark, Germany, Japan, the Netherlands, the United Kingdom and the U. S. A.

1968 was also a record year in respect of the number of trademarks registered. Slightly more than 3,800 trademarks were registered as compared with about 3,600 in each of the years 1966 and 1967.

The registration of a trademark is valid for ten years and can thereafter be renewed for an unlimited number of ten-year periods. About 70 per cent of registrations that are due for renewal are in fact renewed. In 1968 about 3,400 renewal applications were received.

According to the present Law for the Protection of Designs, registration is restricted to decorative designs in the metalworking industry. Interest in design protection is for that reason low. During 1968 the number of applications for designs was 417.

A proposal for a new Design Law has not yet passed.

#### Appeals

The Board of Appeals received 814 patent appeals and 182 trademark appeals in 1968. This means that the number of patent appeals has increased considerably. The number exceeds by no less than 78 per cent that of 1967 which, in turn, represented a great increase in comparison with previous

years. Trademark appeals have increased by about 45 per cent in the past year.

#### Nordic and International Cooperation

Since the uniform Swedish, Danish, Finnish and Norwegian Patent Laws came into force on January 1, 1968, representatives of the various Patent Offices have met on a number of occasions in order to superintend matters relating to practice as regards the implementation of these Laws.

The question of the coming into operation of the Nordic patent system, together with the related question of the setting up of a joint Nordic court of appeal, has been linked with the joint Nordic discussions concerning increased economic cooperation in general (Nordek).

An edition of the Nordic Patent Law translated into English and French was published by BIRPI in 1968\*, and a German translation was published in *GRUR, Heft 10*, 1968.

By virtue of an authorization given by the Swedish Government, informal agreements have been made with the Federal Republic of Germany and the USA concerning an exchange of results of examinations of applications with priority from each of these countries, on a reciprocal basis. Cooperation based on these agreements has now commenced.

Sweden has played an active part in the working group within the Committee of Experts on Patents of the Council of Europe and in the work within BIRPI concerning ICIREPAT and the Patent Cooperation Treaty (PCT). Working groups have been appointed in all the Nordic countries to study the effect of PCT on the Nordic Patent Offices.

#### Financing

Income from patents and trademarks during the fiscal year 1967/68 was about 24,000,000 and the expenditure was about 22,000,000 Swedish Crowns.

The Patent Office has not only financed its activities but has furthermore made a total net profit of approximately 4,600,000 Swedish Crowns in the past five fiscal years.

#### Personnel

The personnel of the Patent Office numbered 590 at December 31, 1968, and comprised 215 engineers, 56 lawyers, 6 librarians and 313 others.

\* See *Industrial Property*, 1968, page 172.

# CALENDAR OF MEETINGS

## BIRPI Meetings

- October 21 to 24, 1969 (Munich) — Joint ad hoc Committee on the International Classification of Patents (2<sup>nd</sup> Session)**  
*Object:* Practical application of the Classification — *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
- October 27 to 31, 1969 (Geneva) — Committee of Experts on a Model Law for Developing Countries on Industrial Designs**  
*Object:* To study a Draft Model Law — *Invitations:* Developing countries members of the United Nations — *Observers:* Intergovernmental and international non-governmental Organizations concerned
- October 27 to 29, 1969 (Munich) — Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) — Technical Committee II (Technical Fields: Forward Planning) (2<sup>nd</sup> Session)**
- October 30 and 31, 1969 (Munich) — ICIREPAT — Technical Committee III (Advanced Computer Techniques) (2<sup>nd</sup> Session)**
- November 3 to 8, 1969 (Cairo) — Arab Seminar on Industrial Property**  
*Object:* Exchange of views on industrial property questions and on their importance for developing countries — *Invitations:* Algeria, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Republic of Yemen, Saudi Arabia, South Yemen People's Republic, Sudan, Syria, Tunisia, United Arab Republic; Sheikdoms of Abn Dajbia, Bahrain, Dubai, Qatar, and Sharya — *Observers:* Intergovernmental and international non-governmental Organizations concerned
- November 3 and 4, 1969 (Geneva) — ICIREPAT — Technical Committee I (Retrieval Systems, Design and Testing) (2<sup>nd</sup> Session)**
- November 5 and 6, 1969 (Geneva) — ICIREPAT — Technical Committee VI (Systems Implementation) (2<sup>nd</sup> Session)**
- November 10 to 12, 1969 (Geneva) — ICIREPAT — Technical Committee IV (Microform) (2<sup>nd</sup> Session)**
- November 13 and 14, 1969 (Geneva) — ICIREPAT — Technical Committee V (Patent Format and Printing) (2<sup>nd</sup> Session)**
- November 11 to 13, 1969 (Buenos Aires) — South American Seminar on Industrial Property**  
*Object:* Exchange of views on the application of the Paris Convention for the Protection of Industrial Property — *Invitations:* Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, Venezuela — *Observers:* Intergovernmental and international non-governmental Organizations concerned
- December 10 to 12, 1969 (Paris) — Intergovernmental Committee Rome Convention (Neighboring Rights) (2<sup>nd</sup> Session)**  
*Object:* Consideration of various questions concerning neighboring rights — *Invitations:* Congo (Brazzaville), Czechoslovakia, Ecuador, Mexico, Sweden, United Kingdom — *Observers:* Brazil, Denmark, Germany (Fed. Rep.), Niger; Intergovernmental and international non-governmental Organizations concerned — *Note:* Meeting convened jointly by ILO, Unesco and BIRPI
- December 15 to 19, 1969 (Paris) — Permanent Committee of the Berne Union (14<sup>th</sup> Ordinary 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; Intergovernmental and international non-governmental Organizations concerned
- January 19 to 23, 1970 (Geneva) — Committee of Directors of National Industrial Property Offices of the Madrid Union (Marks)**  
*Object:* Administrative questions — *Invitations:* All member States of the Madrid Agreement (Marks)
- March 9 to 20, 1970 (Geneva) — Preparatory Study Group on PCT Regulations**  
*Object:* Study of Draft PCT Regulations — *Invitations:* All member States of the Paris Union — *Observers:* Intergovernmental and international non-governmental Organizations concerned
- April 13 to 17, 1970 (Geneva) — Committee of Experts for the Revision of the Madrid Agreement (Marks)**  
*Object:* Study of the revision of the Agreement — *Invitations:* All member States of the Madrid Agreement (Marks); Denmark, Finland, Japan, Norway, Soviet Union, Sweden, United Kingdom, United States of America — *Observers:* Intergovernmental and international non-governmental Organizations concerned
- May 25 to June 19, 1970 — Diplomatic Conference for the adoption of the Patent Cooperation Treaty (PCT)**  
*Invitations:* All member States of the Paris Union — *Observers:* Other States; Intergovernmental and international non-governmental Organizations concerned — *Note:* The exact place of the Conference will be announced later

## Meetings of Other International Organizations Concerned with Intellectual Property

November 12 to 14, 1969 (Strasbourg) — Committee of Experts on Patents of the Council of Europe

November 18 to 20, 1969 (The Hague) — International Patent Institute (IIB) — 102<sup>nd</sup> Session of the Administrative Council

November 25 to 28, 1969 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Working Group

December 8 to 11, 1969 (The Hague) — International Association for the Protection of Industrial Property (IAPIP) — Council of Presidents

January 12 to 16, 1970 (Luxembourg) — Intergovernmental Conference for the setting up of a European system for the grant of patents — Committee of Experts

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