

# Industrial Property

Monthly Review of the United International Bureaux  
for the Protection of Intellectual Property (BIRPI)  
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**WORLD INTELLECTUAL PROPERTY  
ORGANIZATION****Press Release**

*The Director of BIRPI sent the following press release to press agencies, permanent missions to the United Nations in Geneva, industrial property and copyright offices of member States of the Paris and Berne Unions, and interested international organizations:*

“ On April 26, 1970, the Convention came into force establishing a new international organization at the intergovernmental level whose title and abbreviation are as follows:

World Intellectual Property Organization (WIPO).<sup>1</sup>

The new Organization will be a continuation of the United International Bureaux for the Protection of Intellectual Property (BIRPI), whose headquarters are in Geneva, near the Place des Nations.

The objectives of the Organization are:

- (i) to promote the protection of intellectual property throughout the world through cooperation among States.
- (ii) to ensure cooperation in the administration of international conventions and agreements for the protection of industrial property (patents, trademarks, industrial designs, appellations of origin) and literary and artistic property (copyright).

WIPO will gradually be substituted for BIRPI, until the 85 States at present party to these conventions and agreements have become members of WIPO.

The first meetings of the various bodies of WIPO will be held towards the end of September in Geneva.

Until the first Director General of WIPO is appointed and assumes office, his duties will be discharged by the Director of BIRPI.”

\* \* \*

*To celebrate the entry into force of WIPO, the Director of BIRPI gave a reception for members of the staff on April 24, 1970.*

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<sup>1</sup> See *Industrial Property*, 1970, p. 74.

## Accession to the WIPO Convention

### CANADA

#### *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 Canada deposited on March 26, 1970, its instruments of accession dated March 16, 1970, to the Convention Establishing the World Intellectual Property Organization (WIPO).

Canada has fulfilled the condition set forth in Article 14(2) of the Convention by concurrently acceding to

- 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 accession shall not apply to Articles 1 to 12, and
- the Stockholm Act of the Berne Convention with the declaration provided for in Article 28(1)(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.

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization (WIPO) will enter into force, in respect to Canada, three months after the date of the deposit of the instruments of accession, that is, on June 26, 1970.

Geneva, April 7, 1970.

WIPO Notification No. 20

Convention, may, for five years from April 26, 1970, date of entry into force of the said Convention, exercise the same rights as if it had become party.

Geneva, April 21, 1970.

WIPO Notification No. 21

### MALAWI

#### *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 Republic of Malawi deposited on March 11, 1970, its instrument of accession dated February 18, 1970, to the Convention Establishing the World Intellectual Property Organization (WIPO).

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

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization (WIPO) will enter into force, in respect to the Republic of Malawi, three months after the date of the deposit of the instrument of accession, that is, on June 11, 1970.

Geneva, March 25, 1970.

WIPO Notification No. 19

## Notification Concerning the Application of the Transitional Clauses of the WIPO Convention

### LUXEMBOURG

#### *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 international instrument, adopted at Stockholm, has the honor to notify him of the notification deposited by the Government of the Grand Duchy of Luxembourg in which that Government indicates its desire to avail itself of the provision of Article 21(2)(a) of the Convention.

This notification entered into force on the date of its receipt, that is, on March 20, 1970.

In pursuance of the said Article, the Grand Duchy of Luxembourg, which is a member of the Paris Union and of the Berne Union but has not yet become party to the WIPO

## INTERNATIONAL UNIONS

### Paris Union for the Protection of Industrial Property

#### CANADA

### Accession to the Stockholm Act of the Paris Convention for the Protection of Industrial Property

#### *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 Canada deposited, on March 26, 1970, its instruments of accession dated March 16, 1970, to 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 accession shall not apply to Articles 1 to 12.

Pursuant to the provisions of Article 20(2)(c) and (3), the Stockholm Act of the said Convention will enter into force, with respect to Canada, three months after the date of this notification, that is, on July 7, 1970.

Geneva, April 7, 1970.

Paris Notification No. 18

## MALAWI

### Accession to the Stockholm Act of the Paris Convention for the Protection of Industrial Property

*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 Republic of Malawi deposited, on March 11, 1970, its instrument of accession dated February 18, 1970, of the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm on July 14, 1967.

Pursuant to the provisions of Article 20(2)(c) and (3), the Stockholm Act of the said Convention will enter into force, with respect to the Republic of Malawi, three months after the date of this notification, that is, on June 25, 1970.

Geneva, March 25, 1970.

Paris Notification No. 17

## LUXEMBOURG

### Notification Concerning the Application of the Provisional Clauses of the Stockholm Act of the Paris Convention for the Protection of Industrial Property

*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 inter-

national instrument adopted at Stockholm, has the honor to notify him of the notification deposited by the Government of the Grand Duchy of Luxembourg in which that Government indicates its desire to avail itself of the provisions of Article 30(2) of the Paris Convention.

This notification entered into force on the date of its receipt, that is, on March 20, 1970.

In pursuance of the said Article, the Grand Duchy of Luxembourg, which is a member of the Paris Union, may, for five years from April 26, 1970, date of entry into force of the Convention Establishing the World Intellectual Property Organization (WIPO), exercise the rights provided for in Articles 13 to 17 of the Stockholm Act of the Paris Convention, as if it were bound by those Articles.

Geneva, April 21, 1970.

Paris Notification No. 19

## Madrid Union (Marks)

## HUNGARY

### Declaration under Article 3<sup>bis</sup> of the Nice Act

According to a communication received from the Swiss Federal Political Department the following note was addressed by the Embassies of the Swiss Confederation in the countries of the Paris Union to the Ministries of Foreign Affairs of those countries:

“By a note dated March 31, 1970, the Embassy of the Hungarian People's Republic at Berne informed the Federal Political Department of a declaration according to which the Hungarian People's Republic invokes the benefits of Article 3<sup>bis</sup>, paragraph (1), of the Madrid Agreement for the International Registration of Trade Marks of April 14, 1891, as revised at Nice on June 15, 1957.

In conformity with Article 3<sup>bis</sup>, paragraph (2), of the said Agreement, the declaration of Hungary will take effect on October 30, 1970.”

## LUXEMBOURG

### Notification Concerning the Application of the Provisional Clauses of the Stockholm Act of the Madrid Agreement Concerning the International Registration of Marks

*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 of the notification deposited by the Government of the Grand Duchy of Luxembourg in which the Government indicates its desire to avail itself of the provisions of Article 18(2) of the said Agreement.

This notification entered into force on the date of its receipt, that is, on March 20, 1970.

In pursuance of the said Article, the Grand Duchy of Luxembourg, which is a member of the Madrid Special Union

may, for five years from April 26, 1970, date of entry into force of the Convention Establishing the World Intellectual Property Organization (WIPO), exercise the rights provided under Articles 10 to 13 of the Stockholm Act of the said Agreement, as if it were bound by those Articles.

Geneva, April 21, 1970.

Madrid (Marks) Notification No. 6

## LEGISLATION

### ITALY

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

(of February 19, March 7 and 14, 1970)<sup>1</sup>

##### Single Article

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

- VII<sup>a</sup> Fiera internazionale del libro per l'infanzia e la gioventù — IV<sup>a</sup> Mostra internazionale degli illustratori* (Bologna, April 1 to 15, 1970);
- XLVIII<sup>a</sup> Fiera di Milano - Campionaria internazionale* (Milan, April 14 to 25, 1970);
- Salone-mercato dell'abbigliamento MODASELEZIONE* (Turin, April 16 to 19, 1970);
- XXXIV<sup>a</sup> Mostra-mercato internazionale dell'artigianato* (Florence, April 24 to May 7, 1970);
- XVI<sup>o</sup> Salone nazionale della calzatura, macchine, pelletterie, materie prime e accessori* (Padova, April 25 to 28, 1970);
- III<sup>o</sup> Salone internazionale della profumeria e cosmesi* (Bologna, April 28 to May 3, 1970);
- VI<sup>a</sup> Mostra internazionale supermercati (tecniche - prodotti - attrezzature)* (Parma, April 29 to May 3, 1970);
- MITAM - Mercato internazionale del tessile per l'abbigliamento-arredamento* (Milan, May 5 to 8, 1970);
- Salone nazionale ferramenta, utensileria e casalinghi* (Naples, May 5 to 10, 1970);
- I<sup>a</sup> FIMEVA - Fiera internazionale della meccanica varia ed affine* (Bari, May 9 to 19, 1970);
- VI<sup>a</sup> Settimana della vita collettiva* (Rome, May 11 to 17, 1970);
- EURODOMUS 3<sup>a</sup> - Mostra pilota della casa moderna* (Milan, May 14 to 24, 1970);

*XXXIV<sup>a</sup> Fiera campionaria internazionale* (Bologna, May 16 to 31, 1970);

*XXV<sup>a</sup> Fiera del Mediterraneo* (Palermo, May 23 to June 7, 1970);

*XLVIII<sup>a</sup> Fiera di Padova - Campionaria internazionale* (Padua, May 27 to June 7, 1970);

*III<sup>o</sup> SIR - Salone internazionale del regalo* (Naples, May 28 to June 2, 1970);

*XVII<sup>a</sup> Mostra internazionale avicola* (Varese, May 30 to June 2, 1970);

*XVIII<sup>a</sup> Fiera di Roma - Campionaria nazionale* (Rome, May 30 to June 14, 1970);

*II<sup>o</sup> MOBILEVANTE - Fiera internazionale del mobile e dell'arredamento* (Bari, May 31 to June 7, 1970);

*IV<sup>o</sup> Salone internazionale dell'aeronautica e dello spazio* (Turin, June 5 to 14, 1970);

*XXII<sup>a</sup> Fiera di Trieste - Campionaria internazionale* (Trieste, June 14 to 28, 1970);

*XXXI<sup>a</sup> Fiera di Messina - Campionaria internazionale* (Messina, August 2 to 16, 1970);

*XXIV<sup>a</sup> Fiera campionaria nazionale Friuli - Venezia Giulia* (Pordenone, August 30 to September 13, 1970);

*XIII<sup>o</sup> Salone internazionale dell'alimentazione* (Bologna, September 12 to 20, 1970)

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

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

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

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

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

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

# GENERAL STUDIES

## **A Discussion of Some Provisions of the Patent Law of the United States from the Viewpoint of the Foreign Applicant**

By John H. SCHNEIDER, Assistant US Patent Commissioner





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**The International Patent Application According  
to the PCT Plan as a Prior Art Document\***

By Romuald SINGER









# LETTERS FROM CORRESPONDENTS

## Letter from India

By S. B. SHAH











## NEWS ITEMS

### NEW ZEALAND

#### *Appointment of a New Commissioner of Patents, Designs and Trade Marks*

We have been informed that Mr. C. W. Wadham has been appointed Commissioner of Patents, Designs and Trade Marks of New Zealand with effect from February 3, 1970.

We take this opportunity of congratulating Mr. C. W. Wadham on his appointment.

### POLAND

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

We have been informed that Dr. Jacek Szomanski has been appointed President of the Patent Office of the Polish People's Republic with effect from March 7, 1970.

We take this opportunity of congratulating Dr. Jacek Szomanski on his appointment.

### SPAIN

#### *Change of Address of "Registro de la Propiedad Industrial"*

We have been informed of the change of address of the Spanish "Registro de la Propiedad Industrial." All correspondence with this Office should henceforth be addressed as follows:

Registro de la Propiedad Industrial  
Calle de Pradillo No. 66  
MADRID 2

## BOOK REVIEWS

### Selection of New Publications

- BERGIER (Jacques). *Espionnage (L') industriel*. Paris, Hachette, 1969. - 256 p.
- FERNANDEZ NOVOA (Carlos). *Protección (La) internacional de las denominaciones geográficas de los productos*. Madrid, Ed. Tecnos, 1970. - 228 p.
- HULSMAN (H. N.). *Bibliografie van in Nederland verschenen dissertaties inzake het recht van de industriële en intellectuele eigendom*. Amsterdam, 1968. - 13 p.

- KOCH (Wolfgang) & ALBAT (Hans). *Sozialistisches Patentrecht, politische, ökonomische und rechtliche Probleme beim Abschluss von Lizenzverträgen zwischen Partnern aus der DDR und dem kapitalistischen Wirtschaftsgebiet*. 1963. - 97 p. Amt für Erfindung- und Patentwesen der DDR. Fernstudium. 4. Lehrgang.
- MESTRAL (Laurent de). *Obtention (L') et le maintien du brevet, condition de fond, exclusions et causes de nullité*. Lausanne, R. Thonney-Dupraz, 1969. - 311 p.
- WOLFERING (Herbert). *Patentwirtsordnung mit Nebenvorschriften und Gebührenordnungen, Textausgabe*. Cologne, C. Heymann, 1969. - 180 p.

## CALENDAR OF MEETINGS

### BIRPI Meetings

#### May 19 to 21, 1970 (Geneva) — Ad Hoc Preparatory Committee for the Revision of the Berne Convention

*Object:* To prepare a draft text of the proposals for revision of the Berne Convention — *Invitations:* France, Germany (Fed. Rep.), India, Italy, Mexico, Tunisia, United Kingdom, Yugoslavia — *Observers:* Kenya, United States of America — *Non-participating Observers:* All other States members of the Berne Union or party to the Universal Copyright Convention; representatives from international non-governmental organizations appointed

#### May 25 to June 19, 1970 (Washington) — Diplomatic Conference for the Adoption of the Patent Cooperation Treaty (PCT)

*Object:* Negotiations and Conclusion of the Patent Cooperation Treaty — *Invited with the right to vote:* The member countries of the Paris Union — *Observer States:* Member States of the United Nations and the U. N. Specialized Agencies, not member countries of the Paris Union — *Observer Intergovernmental Organizations:* United Nations, International Labour Organization, United Nations Educational, Scientific and Cultural Organization, United Nations Conference on Trade and Development, United Nations Industrial Development Organization, International Institute for the Unification of Private Law, International Patent Institute, African and Malagasy Industrial Property Office, Commission of the European Communities, Council of Europe, European Free Trade Association, Industrial Development Centre for Arab States, Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents, Latin American Free Trade Association, Organization of American States, Permanent Secretariat of the General Treaty for Central American Economic Integration — *Observer International Non-Governmental Organizations:* Asian Patent Attorneys' Association, Committee of National Institutes of Patent Agents, Council of European Industrial Federations, European Industrial Research Management Association, Inter-American Association of Industrial Property, International Association for the Protection of Industrial Property, International Chamber of Commerce, International Federation of Inventors' Associations, International Federation of Patent Agents, Pacific Association for Industrial Property, Union of European Patent Agents, Union of Industries of the European Community

#### June 15, 1970 (Washington) — Patent Cooperation Treaty (PCT) Financing Working Group

*Object:* To study the financial repercussions of the "lead period" of the Patent Cooperation Treaty — *Invitations:* Germany (Fed. Rep.), Japan, Netherlands, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America

#### June 29 and 30, 1970 (Geneva) — Sub-Committee of the Committee of Experts for the International Classification of Goods and Services (Marks)

*Object:* Consideration of proposals for amendments and additions to the International Classification — *Invitations:* Members of the Sub-Committee

#### June 29 to July 3, 1970 (London) — Joint ad hoc Committee on the International Classification of Patents — Working Group V (2<sup>nd</sup> Session)

*Object:* Supervision of the uniform application of the Classification — *Invitations:* Germany (Fed. Rep.), Netherlands, Soviet Union, United Kingdom, United States of America — *Note:* Meeting convened jointly with the Council of Europe

#### July 1 to 10, 1970 (Geneva) — Committee of Experts for the International Classification of Goods and Services (Marks)

*Object:* Decisions concerning the proposals for amendments and additions to the International Classification — *Invitations:* All member States of the Nice Union — *Observers:* All member States of the Paris Union

#### July 13 to 17, 1970 (Geneva) — Joint ad hoc Committee on the International Classification of Patents — Bureau (3<sup>rd</sup> Session)

*Object:* Supervision and coordination of the activities of the Working Groups — *Invitations:* Czechoslovakia, Germany (Fed. Rep.), Netherlands, Soviet Union, United Kingdom, United States of America — *Observers:* International Patent Institute — *Note:* Meeting convened jointly with the Council of Europe

#### September 14 and 15, 1970 (Geneva) — BIRPI Headquarters Building Subcommittee (a Subcommittee of the Interunion Coordination Committee) (2<sup>nd</sup> Session)

*Object:* Plans for the extension of the Headquarters Building of BIRPI — *Invitations:* Argentina, Cameroon, France, Germany (Fed. Rep.), Italy, Japan, Netherlands, Soviet Union, Switzerland, United States of America

- September 16 to 18, 1970 (Geneva) — Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT) — Plenary Committee (2<sup>nd</sup> Session)
- September 21 to 29, 1970 (Geneva) — Administrative Bodies of WIPO and of the Paris, Berne, Nice and Lisbon Unions (Bodies to be specified later)  
*Object:* Constitution of the new organs on the basis of the entry into force of some of the Stockholm (1967) texts; elections; budget and program; other administrative questions — *Invitations:* Member States of WIPO and the Paris, Berne, Nice and Lisbon Unions — *Observers:* To be announced later
- October 6 to 9, 1970 (Madrid) — Joint ad hoc Committee on the International Classification of Patents — (4<sup>th</sup> Session)  
*Object:* Supervision and coordination of the activities of the Working Groups — *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.
- November 2 to 6, 1970 (Geneva) — Committee of Experts for an Agreement on the Protection of Type Faces
- November 23 to 27, 1970 (Geneva) — Joint ad hoc Committee on the International Classification of Patents — Working Group V (3<sup>rd</sup> Session)  
*Object:* Supervision of the uniform application of the Classification — *Invitations:* Germany (Fed. Rep.), Netherlands, Soviet Union, United Kingdom, United States of America — *Note:* Meeting convened jointly with the Council of Europe
- December 7 and 8, 1970 (Geneva) — ICIREPAT — Technical Coordination Committee (4<sup>th</sup> Session)
- December 14 to 18, 1970 (The Hague) — Joint ad hoc Committee on the International Classification of Patents — Temporary Working Group VI  
*Object:* Harmonization of French and English texts — *Note:* Meeting convened jointly with the Council of Europe

## Meetings of Other International Organizations Concerned with Intellectual Property

- May 11 to 16, 1970 (Paris) — United Nations Educational, Scientific and Cultural Organization (Unesco) — Ad Hoc Preparatory Committee for the Revision of the Universal Copyright Convention
- June 22 to 27, 1970 (Las Palmas) — International Confederation of Societies of Authors and Composers (CISAC) — 27<sup>th</sup> Congress
- June 30 to July 2, 1970 (The Hague) — International Patent Institute (IIB) — Administrative Council (103<sup>rd</sup> Session)
- July 7 to 9, 1970 (Luxembourg) — Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents — Working Group IV (2<sup>nd</sup> Session)
- September 2 to 5, 1970 (Luxembourg) — Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents — Working Group II (2<sup>nd</sup> Session)
- September 9 to 11, 1970 (Luxembourg) — Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents — Working Group I (5<sup>th</sup> Session)
- September 21 to 25, 1970 (Amsterdam) — International Federation of Actors (IFA) — 8<sup>th</sup> Congress
- October 6 to 8, 1970 (Luxembourg) — Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents — Working Group II (3<sup>rd</sup> Session)
- October 19 to 24, 1970 (Madrid) — International Association for the Protection of Industrial Property (IAPIP) — Executive Committee
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