

Industrial Property

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WORLD INTELLECTUAL PROPERTY ORGANIZATION

Application of the Transitional Provisions (Five-Year Privilege) of the WIPO Convention

CZECHOSLOVAKIA — IVORY COAST — YUGOSLAVIA

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) has notified the Governments of the countries invited to the Stockholm Conference of the notifications deposited by the Governments of the Czechoslovak Socialist Republic, the Republic of Ivory Coast and the Socialist Federal Republic of Yugoslavia in which those Governments indicate their desire to avail themselves of the provisions of Article 21(2) of the Convention.

Those notifications entered into force on the dates of their receipt, that is, on August 4, 1970 for the Czechoslovak Socialist Republic and on August 6, 1970 for the Republic of Ivory Coast and the Socialist Federal Republic of Yugoslavia.

Pursuant to the provisions of the said Article the Czechoslovak Socialist Republic, the Republic of Ivory Coast and the Socialist Federal Republic of Yugoslavia, which are members of the Paris Union and of the Berne Union but which have not yet become party to the WIPO Convention, may, for five years from April 26, 1970, the date of entry into force of the said Convention, exercise the same rights as if they had become party.

Geneva, August 10, 1970.

WIPO Notification No. 28

NORWAY

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) has notified the Governments of the countries invited to the Stockholm Conference of the notification deposited by the Government of the Kingdom of Norway in which that Government indicates its desire to avail itself of the provisions of Article 21(2) of the Convention.

This notification entered into force on the date of its receipt, that is, on July 22, 1970.

Pursuant to the said Article, the Kingdom of Norway, which is a member of the Paris Union and of the Berne Union but has not yet become party to the WIPO Convention, may, for five years from April 26, 1970, the date of entry into force of the said Convention, exercise the same rights as if it had become party.

Geneva, July 31, 1970.

WIPO Notification No. 27

INTERNATIONAL UNIONS

Paris Union for the Protection of Industrial Property Application of the Transitional Provisions (Five-Year Privilege) of the Stockholm Act

BRAZIL — CZECHOSLOVAKIA

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) has notified the Governments of the union countries of the notifications deposited by the Governments of Brazil and the Czechoslovak Socialist Republic in which those Governments indicate their desire to avail themselves of the provisions of Article 30(2) of the Stockholm Act of the Paris Convention.

These notifications entered into force on the date of their receipt, that is, on August 3, 1970, for Brazil and on August 4, 1970, for the Czechoslovak Socialist Republic.

Pursuant to the provisions of the said Article, Brazil and the Czechoslovak Socialist Republic, which are members of the Paris Union, may, for five years from April 26, 1970, the date of entry into force of the Convention Establishing the World Intellectual Property Organization (WIPO), exercise the rights provided under Articles 13 to 17 of the Stockholm Act of the Paris Convention, as if they were bound by those Articles.

Geneva, August 10, 1970.

Paris Notification No. 27

NORWAY

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) has notified the Governments of the union countries of the notification deposited by the Government of the Kingdom of Norway in which that Government indicates its desire to avail itself of the provisions of Article 30(2) of the Stockholm Act of the Paris Convention.

This notification entered into force on the date of its receipt, that is, on July 22, 1970.

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

Geneva, July 31, 1970.

Paris Notification No. 26

Declaration Relating to Articles 1 to 12 of the Stockholm Act of the Paris Convention

SWEDEN

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) has notified the Governments of the union countries that the Government of the Kingdom of Sweden deposited, on July 7, 1970, a declaration, dated June 29, 1970, by which, referring to the deposit, made on August 12, 1969, and notified on September 8, 1969 (Paris Notification No. 10), of its instrument of ratification of the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm on July 14, 1967, it extends, in accordance with the provisions of Article 20(1)(c), the effects of its ratification to Articles 1 to 12 of the Stockholm Act of the said Convention.

Pursuant to the provisions of Article 20(2)(c) of the said Act, Articles 1 to 12 will enter into force, with respect to the Kingdom of Sweden, three months after the date of this notification, that is, on October 9, 1970.

In the declaration referred to above, the Government of the Kingdom of Sweden added the following statement: "As regards any country of the Union which is not party to the Stockholm Act, Sweden will apply the provisions of the most recent Act of the Paris Convention to which that country is party." (*Translation*)

Geneva, July 9, 1970.

Paris Notification No. 25

Madrid Union

Concerning the International Registration of Marks Entry into Force of the Stockholm Act

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) has recalled to the Governments of the union countries that instruments of ratification or accession, relating to the Madrid Agreement Concerning the International Registration of Marks of April 14, 1891, as revised at Stockholm on July 14, 1967, were deposited:

- on June 20, 1968, by the German Democratic Republic,
- on February 28, 1969, by the Socialist Republic of Romania,
- on December 18, 1969, by the Hungarian People's Republic,
- on January 26, 1970, by the Swiss Confederation,
- on June 19, 1970, by the Federal Republic of Germany.

The Director of BIRPI has recalled also that the notification of the deposit of the first of these instruments gave rise to communications from some Governments disputing its validity, which have been transmitted to the States party to the Madrid Agreement.

In accordance with Article 14(4)(a), the said Act will enter into force three months after the deposit of the fifth instrument of ratification or accession, that is:

- either on September 19, 1970 (three months after the date of deposit by the Federal Republic of Germany),
- or at some later date (three months after the date of deposit of the next instrument),

depending on whether the validity of the first of the above-mentioned instruments is accepted or not.

Geneva, July 9, 1970.

Madrid (Marks) Notification No. 9

Nice Union

Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks

Application of the Transitional Provisions (Five-Year Privilege) of the Stockholm Act

CZECHOSLOVAKIA

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) has notified the Governments of the union countries of the notification deposited by the Government of the Czechoslovak Socialist Republic in which that Government indicates its desire to avail itself of the provisions of Article 16(2) of the Stockholm Act of the Nice Agreement.

That notification entered into force on the date of its receipt, that is, on August 4, 1970.

Pursuant to the provisions of the said Article, the Czechoslovak Socialist Republic, which is a member of the Nice Special Union, may, for five years from April 26, 1970, the date of entry into force of the Convention Establishing the World Intellectual Property Organization (WIPO), exercise the rights provided under Articles 5 to 8 of the Stockholm Act of the Nice Agreement, as if it were bound by those Articles.

Geneva, August 10, 1970.

Nice Notification No. 14

NORWAY

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) has notified the Governments of the union countries of the notification deposited by the Government of the Kingdom of Norway in which that Government indicates its desire to avail itself of the provisions of Article 16(2) of the Stockholm Act of the Nice Agreement.

This notification entered into force on the date of its receipt, that is, on July 22, 1970.

Pursuant to the said Article, the Kingdom of Norway, which is a member of the Nice Special Union, may, for five years from April 26, 1970, the date of entry into force of the Convention Establishing the World Intellectual Property Organization (WIPO), exercise the rights provided under Articles 5 to 8 of the Stockholm Act of the said Agreement, as if it were bound by those Articles.

Geneva, July 31, 1970.

Nice Notification No. 13

Locarno Union
Concerning the International Classification
of Industrial Designs
Ratifications and Accessions

CZECHOSLOVAKIA

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) has notified the Governments of the union countries that the Government of the Czechoslovak Socialist Republic deposited, on August 4, 1970, its instrument of ratification, dated June 30, 1970, of the Locarno Agreement Establishing an International Classification for Industrial Designs, signed at Locarno on October 8, 1968.

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.

Geneva, August 10, 1970.

Locarno Notification No. 4

GERMAN DEMOCRATIC REPUBLIC

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) has notified the Governments of the union countries that the Government of the German Democratic Republic, referring to Article 9(1), deposited, on October 13, 1969, an instrument of accession dated August 26, 1969, to the Locarno Agreement Establishing an International Classification for Industrial Designs, signed at Locarno on October 8, 1968.

This notification does not mean that the Director of BIRPI has adopted any position on the question of whether the German Democratic Republic is or is not a party to the Paris Convention for the Protection of Industrial Property (Article 9(1) of the said Agreement). The Governments of the countries party to the said Convention are in disagreement on this question.

Geneva, October 28, 1969.

Locarno Notification No. 1

IRELAND

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) has notified the Governments of the union countries that the Government of Ireland deposited, on July 9, 1970, its instrument of accession, dated June 21, 1970, to the Locarno Agreement Establishing an International Classification for Industrial Designs, signed at Locarno on October 8, 1968.

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.

Geneva, July 9, 1970.

Locarno Notification No. 3

SWEDEN

The Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI) has notified the Governments of the union countries that the Government of the Kingdom of Sweden deposited, on July 7, 1970, its instrument of ratification, dated June 29, 1970, of the Locarno Agreement Establishing an International Classification for Industrial Designs, signed at Locarno on October 8, 1968.

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.

Geneva, July 9, 1970.

Locarno Notification No. 2

LEGISLATION

HUNGARY

I

Law on the Protection of Inventions by Patents

(No. II of 1969)

CORRIGENDUM

On page 116 of the April 1970 issue of this review, Article 34, paragraph (2) of the above-mentioned Law should read as follows:

(2) The National Office of Inventions may not retract or modify its decisions on patent matters taken on merits. Its decisions may not be invalidated or changed by a supervisory authority; they shall be without appeal.

II

Decree

on the Execution of Law No. II of 1969 on the Protection of Inventions by Patents¹

(No. 4/1969. (XII.28.) OMFB - IM) *

Article 1 (re Article 2 of the Law)

A solution is regarded as being made available to the public when it is accessible to everybody (for example by printed publication or by public use).

Article 2 (re Article 4 of the Law)

Processes of mensuration, analysis, plant breeding and animal breeding are to be regarded as of a technical nature.

Article 3 (re Article 6(3) of the Law)

(1) Products obtained by alloying or by physical processes to which chemical reactions are not essential shall not be regarded as produced chemically.

(2) A patent having an earlier date of priority (Article 6(3)(c) of the Law) means a patent granted in Hungary; complete or partial identity shall be established by collating the claims.

Article 4 (re Articles 7 and 8 of the Law)

(1) In the absence of any indication to the contrary, the shares of authorship or of patent claims shall be regarded as equal in cases where there are two or more inventors or persons entitled to claim.

(2) So long as a final court judgment does not rule to the contrary, the shares of authorship shall be accepted as they were submitted to the National Office of Inventions in the application with the earliest date of priority, or as defined under paragraph (1).

(3) Article 7(4) of the Law shall not affect other provisions concerning the obligation to seek permission for the publication of an invention.

Article 5 (re Article 9(2) of the Law)

(1) Article 9(2) of the Law shall also apply after a patent has been granted.

(2) If the employer agrees that the inventor or his successor in title should dispose of the invention, the claim to the patent or the right to the same shall be transferred by the declaration of acceptance of the latter.

Article 6 (re Article 11(2) of the Law)

In the case of a patent granted for a process where there is a dispute concerning the method of production of a product, this product shall be regarded as having been obtained by the patented method until proved otherwise, except where another method of production is already known.

Article 7 (re Article 14(1) of the Law)

Any prior user shall be considered as in good faith until it is proved that the prior use is based on the inventor's activity creating the invention protected by a patent.

Article 8 (re Article 16(5) of the Law)

(1) Where one of the patentees acts independently to maintain and protect patent rights, his legal acts — waiver of rights excepted — are binding on any other joint patentee who has failed to observe a time limit or to perform a required act, provided that he has not subsequently remedied his omission.

(2) Where the actions of the joint patentees in the proceedings differ, the National Office of Inventions shall make a decision in this respect taking into account all other relevant material in the case.

(3) The same provisions shall apply *mutatis mutandis* to joint applicants.

Article 9 (re Article 21 of the Law)

By enterprise is meant any organization or person having the right to exercise commercial activity (such as a State enterprise, economic organization, co-operative or craftsman).

Article 10 (re Article 24 of the Law)

The owner of a compulsorily exploited invention shall be the Minister of National Defense or an organization designated by him.

Article 11 (re Article 31 of the Law)

(1) Retraction of the surrender of patent rights shall have no legal effect.

(2) The inventor's consent is not necessary for the surrender of the patent rights in an employee invention. The employee shall be obliged to notify the inventor of his intention to surrender the patent rights, but the inventor may only acquire these rights in the manner set out in Article 9(2) of the Law.

Article 12 (re Article 34 of the Law)²

(1) The National Office of Inventions shall deliberate in sittings in chambers:

- (a) in opposition proceedings;
- (b) in revocation proceedings;
- (c) in proceedings for a decision on non-infringement;
- (d) for the interpretation of a patent description.

(2) The chamber shall consist of a president and two members chosen from the employees of the National Office of Inventions. The decisions of the chamber shall be taken by majority vote.

(3) Decisions of the National Office of Inventions are final when they are delivered.

(4) Decisions of the kind listed in Article 57(1) of the Law shall be considered decisions taken on merits.

¹ See *Industrial Property*, 1970, pp. 112 to 121.

* BIRPI translation.

² See *Corrigendum* on page 313 above.

(5) Documents issued abroad are conclusive evidence — in the absence of an international agreement or of reciprocity — only if they have been validated by the Hungarian diplomatic mission competent for the country of issue.

Article 13 (re Article 34 of the Law)²

(1) The applicant may withdraw his application before publication. The National Office of Inventions shall take note of the withdrawal by a decision.

(2) The fees of witnesses and experts shall be decided in accordance with the provisions governing witnesses and experts in court proceedings.

(3) In the case of the decease of a party (or the dissolution of a legal entity) the proceedings shall be suspended until the person of the successor in title is registered and his claim justified.

(4) At the request of the adverse party, the National Office of Inventions shall appoint a trustee for the unknown heirs.

Article 14 (re Article 36 of the Law)

A power of attorney shall be drawn up in a public instrument or in a private agreement constituting conclusive evidence. A power of attorney given to a patent attorney or an attorney-at-law shall be valid if signed by the principal.

Article 15 (re Article 37(1) of the Law)

In the list of published patent applications the following shall be stated:

- (a) the serial number of the published patent application;
- (b) the reference number;
- (c) the title and class of the invention;
- (d) the name (or trade name) of the applicant, his occupation and address (or office);
- (e) whether or not the invention is an invention of service;
- (f) the representative's name and address (or office address);
- (g) the inventor's name, occupation and address;
- (h) the date of filing of the application;
- (i) the priority of the application;
- (j) the date of publication;
- (k) in the case of a deferred examination, the date fixed for the subsequent hearing and the date of this latter publication;
- (l) the name of the adverse party and the date of the opposition proceedings;
- (m) where a patent is issued, the number of the registration;
- (n) the amount of the patent fee and the date of payment;
- (o) the expiration of the provisional protection afforded by the patent application, cause and date thereof;
- (p) on written request by the registered owner supported by public documents or private agreements constituting conclusive evidence, the succession to the title and contracts relating to the invention, as well as any fact or circumstance relevant to the provisional protection.

(2) Any person may have access to the list of published applications and on payment may request a copy of the contents.

Article 16 (re Article 37(1) of the Law)

- (1) The following shall be stated in the Patent Register:
- (a) the registered number of the patent;
 - (b) its reference number;
 - (c) the title and class of the patent;
 - (d) the name (or trade name), occupation and address (or office) of the patentee;
 - (e) whether or not the invention is an invention of service;
 - (f) the representative's name and address (or office address);
 - (g) the inventor's name, occupation and address;
 - (h) the date of filing of the application;
 - (i) the priority of the patent;
 - (j) the date of the decision granting a patent;
 - (k) the essential details of the decision limiting the protection of the patent (such as the right of prior use or compulsory license);
 - (l) the amount and the date of payment of the patent fee;
 - (m) the expiration of final patent protection, the cause and date thereof;
 - (n) on written request by the registered owner supported by public documents or private agreements constituting conclusive evidence, the succession to the title and contracts relating to the patent, as well as any fact or circumstance relevant to the patent protection.

(2) Any person may have access to the Patent Register and on payment may request a copy of the contents.

Article 17 (re Article 37(3) of the Law)

(1) On the basis of the decisions listed in Article 57(1), subparagraphs (a) to (c) of the Law, information may only be recorded in the list of published patent applications and in the Patent Register if the party has not submitted a request for review within the stipulated time, or if the court has made a definitive decision in the case.

(2) The recording of the rights and facts relating to patent protection, as well as all relevant information, shall be requested in writing from the National Office of Inventions. The public documents or private agreements constituting conclusive evidence shall be attached to such request.

(3) A request is inadmissible if it is based on an instrument which is invalid through a defect in form or which lacks the official authentication required by law, or if it is clear from the contents of the instrument that statements of a legal character contained in the instrument are invalid.

(4) Where the request or its attachments contain remediable insufficiencies, the applicant shall be invited to remedy the insufficiencies or to make a declaration.

Article 18 (re Article 37(5) of the Law)

The following shall be published in the *Official Gazette* of the National Office of Inventions:

- (a) the serial number of the published patent application, the reference number, the title and class of the invention, the name (or trade name) of the applicant, his occupation, address (or office), the representative's name and address, the inventor's name, occupation and address,

² See *Corrigendum* on page 313 above.

the date of application, and the deferred or complete examination of the application;

- (b) the registered number of the patent granted, the reference number, the title and class of the patent, the name (or trade name) of the patentee, his occupation and address (or office), the representative's name and address, the inventor's name, occupation and address, the date of the application, the priority of the patent and the date of the decision granting the patent;
- (c) the order for subsequent examination with reference to the published application;
- (d) the expiration of patent protection, the cause and date of expiration, the serial number of the published patent application, or the registered number of the patent and the title of the invention or patent;
- (e) the essential facts of the decision establishing limitation of patent protection;
- (f) any assignment and any contract recorded in the published patent application or in the Patent Register.

Article 19 (re Article 38 of the Law)

(1) In patent matters there shall be a time limit of at least 30 days, which may be extended on request before expiration of the period. A time limit of more than three months and more than three extensions of a time limit may be given only in special cases.

(2) In patent matters the default of duly called witnesses shall not prevent the hearing from being held and judgment given. If it is necessary to hear the party in default in order to clarify the facts of the case, the hearing shall be postponed.

(3) Restoration of rights may not be considered:

- (a) in the event of non-payment of annual fees due (Article 12(3) of the Law);
- (b) in the event of non-compliance with the time limit prescribed for the submission of a request initiating a subsequent examination (Article 47(3) of the Law);
- (c) in the event of non-compliance with the time limit for filing opposition (Article 51(1) of the Law);
- (d) in the event of non-compliance with the time limit prescribed for submitting the declaration of priority or the document justifying priority (Article 43(4) of the Law);
- (e) in the event of non-compliance with the time limit prescribed for a request for postponement of publication (Article 26(2) of this Decree).

(4) If the National Office of Inventions grants the request for restoration of rights, the acts of the party in default remedying the omissions shall be considered as if they had been performed within the original time limit; the hearing held on the date previously fixed shall be repeated as far as necessary. In accordance with the outcome of the new hearing, a decision shall be made as to whether the decision taken at the original hearing should stand or should be revoked in whole or in part.

Article 20 (re Article 39 of the Law)

The National Office of Inventions may, where necessary, request the authentication of the translation into Hungarian.

Article 21 (re Article 40(2) of the Law)

(1) A patent application relating to an invention based on the use of a species of microorganism shall be accompanied by a certificate concerning the deposit of the said species of microorganism. Such deposit shall precede the patent application. Where the species is deposited after the date of patent application, the date of deposit shall be regarded as the date of application.

(2) The species of microorganism shall be deposited with the National Microorganism Collection of the National Institute of Public Health, which shall examine the species; if it finds the species suitable for retention, it shall issue a certificate of deposit showing the exact date of delivery. The depositor shall give all information necessary for the examination.

(3) The National Institute of Public Health shall treat as secret all information concerning the deposited species until the publication of the patent application.

(4) After publication of the patent application, the National Institute of Public Health shall place the species at the disposal of any person wishing to examine it, on the normal payment charged in international transactions. The National Institute shall notify the depositor accordingly.

(5) The Minister of Health shall draw up the detailed rules for the deposit, the deposit fee and the required examinations.

(6) Deposit with a foreign organization may be taken into account only in the case of reciprocity. In matters of reciprocity the President of the National Office of Inventions shall be competent to give a ruling.

Article 22 (re Article 43(1)(c) of the Law)

(1) Priority by exhibition may be claimed only where the relevant priority declaration is submitted at the same time as the patent application within six months from the first day of the exhibition.

(2) A certificate from the authority responsible for the exhibition shall be attached to the request for application, certifying the existence of the exhibition and its date and containing a description of the exhibited invention and, where appropriate, a drawing of the exhibited invention on which the authority responsible certifies its identity with the exhibited invention. The certificate of exhibition and the certificate of identity may only be issued during the period of exhibition and only so long as the object of the invention or its description or presentation may be seen at the exhibition.

Article 23 (re Articles 46 and 47 of the Law)

(1) Where the applicant does not at the time of application request a complete examination, a deferred examination shall be carried out. Withdrawal of a request for complete examination or for subsequent examination shall have no legal effect.

(2) A person requesting a subsequent examination who is not himself the applicant or who does not file opposition may only be regarded as party to the proceedings ordering a subsequent examination.

Article 24 (re Article 48 of the Law)

(1) The patent application may only be refused on the ground of insufficiencies where the applicant has been invited to remedy them or to make a declaration.

(2) Until the decision on merit has been taken, the National Office of Inventions may hold a further examination in respect of any condition for patentability and decide in the light of its results whether a patent can be granted.

Article 25 (re Article 49 of the Law)

Only changes in the contents of the description and drawings that are within the framework of the original description and drawings may be regarded as amendments.

Article 26 (re Article 50 of the Law)

(1) The first day of publication shall be the day on which the number of the *Official Gazette* of the National Office of Inventions appears containing the announcement of publication of the patent application. Until it is otherwise proved, such day shall be the day of publication shown on the *Official Gazette*.

(2) Publication may be postponed for more than one year from the time of the order only in exceptional cases. The first request for postponement may be submitted within thirty days of receipt of the decision ordering publication and further requests may be submitted until the time limit previously granted has expired.

(3) The President of the National Office of Inventions may order the printing or duplicating of descriptions and drawings of inventions or their essential features published in patent applications submitted in deferred examination procedure. The applicant shall furnish a copy for printing or duplicating.

Article 27 (re Article 51 of the Law)

(1) The opposition shall contain a reasoned request. It shall state the legal basis for opposition and the facts and evidence on which it is based. The number of copies of the opposition and the attached documentary evidence submitted shall be one more than the number of applicants.

(2) Where the opposition is not submitted within the time limit prescribed in Article 51(1) of the Law, it shall be dismissed. Where the opposition does not comply with the requirements of paragraph (1), the opponent shall be called upon to remedy the insufficiency. If he fails to do so, the opposition shall be dismissed. The observations and declarations contained in a dismissed opposition or those which fail to qualify as an opposition may nevertheless be taken into consideration in accordance with Article 24(2).

(3) A regular opposition and its attachments shall be made available to the applicant in order to enable him to make a declaration. Following written preparatory proceedings a decision on the granting of the patent shall be taken at an oral hearing.

(4) Several oppositions directed against one patent application shall be heard together. If, in the course of the opposition procedure, the National Office of Inventions ex officio

becomes aware of a fact precluding the issue of a patent, this fact and the opposition shall be decided together.

(5) The date of opposition shall be regarded as the day on which the National Office of Inventions received the opposition.

(6) Where provisional patent protection has expired, the proceedings shall be stopped and, where appropriate, a decision shall be made as to the apportionment of costs.

Article 28 (re Article 52 of the Law)

The decision granting the patent shall contain the following items:

- (a) the reference number;
- (b) the title and class of the patent;
- (c) the name (or trade name) and address (or office) of the patentee;
- (d) the date of the application;
- (e) the particulars of the priority;
- (f) information on the amount of the patent fee, date and manner or payment;
- (g) the date of the grant of the patent;
- (h) the signature and seal of the National Office of Inventions.

(2) The patent document shall be transmitted to the patentee and to the inventor of an employee invention. It shall contain the following:

- (a) the number of registration and the reference number of the patent;
- (b) the title of the patent;
- (c) the name (or trade name) and address (or office) of the patentee;
- (d) the inventor's name, occupation and address;
- (e) the date of application;
- (f) particulars of the priority;
- (g) the signature of the President of the National Office of Inventions or his deputy;
- (h) the seal of the National Office of Inventions.

Article 29 (re Article 54 of the Law)

(1) Where the application for revocation does not comply with the requirements prescribed, the applicant requesting revocation shall be invited to remedy the insufficiencies. If the applicant fails to do so, the application shall be dismissed.

(2) Several applications requesting annulment of the same patent shall be dealt with together.

(3) Where by a decision taken on merits an application for revocation is finally dismissed, revocation proceedings may not be taken out against the same patent on the same grounds.

(4) Where, due to the surrender of a patent, the patent protection expires with retroactive effect to its origin, the proceedings shall be closed; where necessary, a decision shall be taken as to the apportionment of costs.

Article 30 (re Article 55 of the Law)

(1) A request for a decision on non-infringement and its attachments including a description of the relevant patent,

shall be submitted to the National Office of Inventions in a number of copies one more than the number of patentees. Where the request does not comply with the requirements prescribed, the applicant shall be invited to remedy its insufficiencies. If he fails to do so, the request shall be dismissed.

(2) A request for a decision on non-infringement may be submitted only in respect of one patent.

(3) The National Office of Inventions shall forward the request and its attachments to the patentee to enable him to make a declaration. After written preparatory proceedings, a decision on non-infringement shall be taken at a hearing.

Article 31 (re Article 67 of the Law)

(1) A plant variety is new if it differs from known breeds in at least one essential characteristic morphologically, physiologically or in other respects.

(2) A plant variety is homogeneous if the essential characteristics of its members — having regard to its sexual or asexual propagatory properties — are identical.

(3) A plant variety is relatively stable if in the course of propagation by natural or artificial means or in course of a propagatory cycle its essential characteristics agree with those in the description.

Article 32 (re Article 68 of the Law)

(1) The whole plant, its seed, or any other part of the plant which can be used for propagation, shall be regarded as propagatory material.

(2) Patent protection does not cover the use of the propagatory material for scientific purposes or as starting material for the creation of newer varieties.

Article 33 (re Article 69 of the Law)

(1) The National Office of Inventions shall establish the patentability of a plant variety by experimental breeding.

(2) The National Office of Inventions shall order the experimental breeding within the national territory. Such breeding shall be carried out by a body designated by the Ministry of Food and Agriculture.

(3) At the request of the designated body, the applicant shall place the propagatory material originating from the required period of vegetation at the disposal of the said body at the appointed time and place and in the necessary quantity.

(4) Where the applicant has treated the new plant variety or its propagatory material by chemical means, by radiation or by any other means, this fact shall be reported to the National Office of Inventions.

(5) The applicant may request a period of at least four years from the date of filing for submitting the evidence concerning the patentability of the propagating material and the plant variety.

(6) The results of the experimental breeding may be inspected by the applicant. The body carrying out the breeding may also invite him to do so.

(7) The expenses of the experimental breeding shall be paid by the applicant.

Article 34 (re Article 70 of the Law)

(1) In one patent application protection may be requested for one plant variety only.

(2) The description shall contain at least the exact description of the deposited plant variety enabling recognition of the differentiating morphological and physiological characteristics.

(3) A name shall be given to the new plant variety, which shall at the same time be regarded as the generic name of the variety. The National Office of Inventions may — with due cause — require the applicant to change the name, especially if the name may lead to confusion.

(4) The patentee shall furnish the necessary number of photographs, for attachment to the patent description to be published, on request by the National Office of Inventions.

Article 35 (re Article 70 of the Law)

In addition to the cases set out in Article 32 of the Law, a patent granted for a plant variety, shall also be declared null and void — with retroactive effect to the occurrence of the cause for revocation — where the plant variety has lost its relative stability. Homogeneity and relative stability shall be proved by the patentee.

Article 36 (re Article 71 of the Law)

The provisions of Articles 31 to 35 shall apply *mutatis mutandis* to animal breeds.

Article 37 (re Article 72 of the Law)

(1) This Decree shall enter into force on January 1, 1970. In respect of proceedings already pending and of patents already granted — with the exceptions set out in paragraphs (2) to (5) — the provisions of the Law and of this Decree shall apply from January 1, 1970.

(2) Where, before January 1, 1970, a patent application has been published but no final decision on the granting of the patent has been made, the provisions of the former Law shall be applied in proceedings before the National Office of Inventions.

(3) Where an application for a patent of addition has not been published before January 1, 1970, the applicant shall be invited to convert such application into an independent patent application.

(4) The protection of patents of addition shall cease — together with the protection of the principal patent — where the protection of the principal patent ceases on account of its expiration or on account of non-payment of patent fees. A patent of addition shall become an independent patent, if the principal patent expires through surrender or revocation. The period of protection of the patents of addition which have become independent shall be effective from the date of application of the principal patent.

(5) Where in the course of proceedings before the National Office of Inventions a party has not received the decision dismissing the patent application or the decision ordering publication by January 1, 1970, he may — until March 31, 1970 — state, without payment of fees, whether he wishes to

have a complete or a deferred examination of his application. If the party does not request a complete examination during this time, the National Office of Inventions shall hold a deferred examination. If the time limit has not been observed, no restoration of rights shall be allowed.

III

Decree

Concerning Court Proceedings in Patent Matters

(No. 9/1969. (XII.28.) IM) *

Article 1

(re Article 57 of the Law on the Protection of Inventions by Patents) ¹

(1) The requirements for a request to review a decision of the National Office of Inventions (hereinafter called NOI) are the same as for an initial application.

(2) Where a party files his application to the NOI out of time, the court shall decide whether to consider the same (Article 62 of the Law).

Article 2

(1) The applicant shall be a party in the court proceedings. The public prosecutor instituting proceedings shall be entitled to all the rights to which the party is entitled. But he may make no agreement and he may neither waive rights nor admit rights.

(2) Where the adverse party has taken part in the proceedings before the NOI, the court proceedings shall be brought against him.

Article 3

(1) Where a joint patentee acts independently to maintain and protect patent rights (Article 16(5) of the Law) or where the proceedings have been brought against one only of the joint patentees, the court shall notify the other joint patentees that they may be joined in the proceedings with the joint patentee.

(2) Save with regard to agreement or to admission or waiver of rights, in cases provided for in paragraph (1) the legal acts of a joint patentee party to the proceedings are binding on any other joint patentee who is not a party in the proceedings or who has failed to observe a time limit or to perform a required act, provided that he has not subsequently remedied his omission.

(3) In cases provided for in paragraph (1), where the acts and declarations of the joint patentees parties in the proceedings differ, the court shall make a decision in this respect taking into account all other relevant material in the case.

Article 4 (re Article 59 of the Law)

(1) Two members of the bench of the Metropolitan Court of Budapest may be taken from professional judges possessing

a degree from a technical university or from a scientific university in biology, physics, chemistry or pharmacy.

(2) The Minister of Justice may accept other professional qualifications as equivalent.

Article 5 (re Article 60 of the Law)

(1) The court may, on request of a party, exclude the public from the hearing or from the delivery of the verdict, notwithstanding that the formal requirements prescribed in Article 7 of the Code of Civil Procedure are not fulfilled.

(2) Should the court try the case without a hearing but find during the proceedings that such hearing is necessary (for example, in order to hear a party or to take evidence) it may at any time order such hearing. But where the court tries a case with a hearing, or has ordered a hearing, it may not revoke this decision and pass judgment without a hearing.

(3) The Court of Appeal shall examine evidence at a hearing.

Article 6

(1) Any person having a legal interest in the outcome of a patent case may take part in the proceedings and — until such time as final judgment is given — may be joined with the party whose interests he shares.

(2) Save with respect to agreement or to admission or waiver of rights, a person so intervening in the proceedings may take any action which the party he supports is entitled to take; but his acts shall have effect only where the party concerned has failed to perform such acts or where his acts do not conflict with those of the party concerned.

(3) Any legal dispute between the person intervening and the party concerned may not be decided in the course of the proceedings.

(4) Decisions and documents disclosed to the party concerned shall also be made known to the person intervening.

Article 7

(1) Where neither the applicant nor any of the parties appear at the hearing, or where none of the parties appear before the court within a given time when invited to do so, the court shall try the application on the basis of the material at its disposal.

(2) Conciliation may not be reached in the court proceedings if such conciliation was not possible in the proceedings before the NOI.

Article 8

(1) Should a party wish during the court proceedings to extend his rights under the patent, the court shall stop the proceedings and refer the case back to the NOI for new proceedings.

(2) A request to have the rights under the patent extended may also be filed with the NOI during the proceedings. The NOI shall notify the court of this fact. In this case the court shall proceed as laid down in paragraph (1).

(3) Where a party requests a court decision on a question which was not raised in the proceedings before the NOI, the court shall refer this request to the NOI.

* BIRPI translation.

¹ Hereinafter referred to as "the Law."

Article 9 (re Article 63 of the Law)

The rules for patent attorneys as representatives are the same as for representatives in civil procedure cases, with the further provision that they may charge expenses and fees for their work.

Article 10 (re Article 64 of the Law)

(1) The court shall decide on the merits, as well as on other questions, and adopt a judgment.

(2) Where, after the filing of an application, the NOI revokes or annuls a decision upon which the application was based, the court shall stop the proceedings. If the NOI has changed its decision, the court proceedings may only continue in respect of questions still pending.

(3) Where an adverse party takes part in the court proceedings, the question of the preliminary deposit and the payment of costs shall be dealt with according to the provisions governing litigation costs. In the absence of an adverse party, the applicant shall advance a sum to cover the costs.

Article 11

(1) The court's judgment on the merits shall be communicated in writing.

(2) The judgment of the court of first instance not appealed against becomes final on the fifteenth day commencing from the last day of the period during which appeal was possible.

Article 12 (re Article 66 of the Law)

The provisions of Article 9 shall apply to patent attorneys acting in litigation referred to in Article 66(1) of the Law. The provisions for exclusion of the public set out in Article 5(1) shall apply to litigation referred to in Article 66 of the Law.

Article 13 (re Article 72 of the Law)

(1) Patent cases, provided for in Article 57(1) of the Law, and patent litigation, provided for in Article 66(1) of the Law, commencing before January 1, 1970, shall be governed by the previous Law, with the sole difference that patent attorneys may act as representatives. The provisions of Article 59 of the Law shall apply to the composition of the Metropolitan Court of Budapest and that of the Supreme Court.

(2) Where, in patent litigation provided for in Article 66(1) of the Law and started before January 1, 1970, the court annuls a decision, Article 66 of the Law shall apply. The same Article shall apply to all requests to reopen proceedings in litigation started before January 1, 1970.

Article 14

The present Decree shall enter into force on January 1, 1970. By the same token, Article 1 of Decree No. 1/1958. (II. 16.) IM shall be repealed.

IV

Decree

Concerning Fees to be Paid for Employee Inventions and Concerning Certain Other Measures connected with Inventions

(No. 45/1969. (XII.29)) *

Article 1

Obligation to Pay Fees

(1) A fee shall be paid by the employer or person entitled by other legal relations (hereinafter referred to as "the employer") to the inventor of an employee invention (Article 9(1) of the Law¹) in accordance with the provisions of this Decree.

(2) The following are entitled to an inventor's fee:

- (a) the inventor of an employee invention protected by a valid patent;
- (b) the inventor of an employee invention if the patent protection of his invention has ceased as a result of surrender of the patent or non-payment of fees by the employer;
- (c) the inventor of an employee invention if the employer, in the interest of his enterprise, does not wish to obtain patent protection; in this case it shall be presumed that the solution is capable of satisfying the requirements of a patentable invention.

(3) The employer shall be exempt from the obligation contained in this Decree to pay fees, if in accordance with Article 9(2) of the Law he agrees that the inventor (or his successor in title) may dispose of the invention, or if he proves that the invention does not satisfy the requirements of Article 1 of the Law.

(4) The invention fee may be claimed from the employer. However, under the agreement concerning its exploitation, the successor in title to the invention may take over the obligation to pay the fee. In this latter case he shall conclude the agreement with the inventor in regard to fees.

Article 2

The Fee to be Paid for the Invention

(1) The fee for an invention is due in the event of exploitation. Exploitation shall be taken to mean the following:

- (a) the regular manufacture, working and distribution of the object of the invention within the framework of the economic activity (working, see Article 11(1) of the Law);
- (b) the licensing of a third party to work the invention as under paragraph (a) (Article 11(1) of the Law);
- (c) the assignment of the invention or of the patent (Article 15(1) of the Law).

(2) In cases under subparagraphs (b) and (c) of the preceding paragraph, the fee shall also be due where the license of exploitation or the assignment is made without consideration.

* BIRPI translation.

¹ Law on the Protection of Inventions by Patents.

(3) The employer, if it is in his economic interest, may pay the fee before exploitation.

Article 3

The Amount of the Fee

(1) The amount of the fee due for the invention, the date and the mode of payment shall be agreed between the employer — or the successor in title to the invention under Article 1(4) — and the inventor.

(2) The inventor's fee is due on the basis of such exploitation which — in the case provided for by Article 1(2)(a) — has taken place during the period of protection; in the case of subparagraph (b) within 20 years of the beginning of the protection, and finally in the case of subparagraph (c) within 20 years from the date of the written declaration refusing consent under Article 9(2) of the Law.

(3) Where the inventor is an employee of management status appointed or elected by the supervisory organization, the agreement on fees shall be made between the inventor and a person designated by the said supervisory organization. In such a case the approval of the supervisory organization shall be necessary for the agreement to be valid.

(4) In the absence of agreement, the fee due to the inventor shall be fixed in proportion to the profitable results of exploitation by the enterprise.

(5) If the profitable results of the enterprise cannot be assessed in monetary terms, or in cases falling under Article 2(2), remuneration shall be fixed taking into account all the circumstances.

Article 4

Accounting of Fees

In cases covered by Article 1(2), subparagraphs (a) and (b), the fee due to the inventor of an employee invention shall be accounted by debiting expenditures. In cases covered by subparagraph (c), it shall be accounted in accordance with the rules governing fees for innovations.

Article 5

Refund of Expenses

The inventor's claim for expenses incurred in connection with exploitation of the invention and his remuneration shall be governed by the agreement between the employer and the inventor. In the absence of such agreement the inventor may claim reimbursement only where:

- (a) the employer lays claim to the result produced by the inventor (such as a usable experimental object or a drawing suitable for execution);
- (b) reimbursement is more economical for the employer than if he had had to execute the work himself;
- (c) the inventor executed the work outside his obligations of employment.

Article 6

Litigation

All decisions in litigation connected with payment of fees for employee inventions shall be made by court procedure.

Article 7

Exemption from Duty

Any civil action brought by the inventor in connection with the invention and any agreement made by him in connection with the invention shall be exempt from duty.

Article 8

Moral Recognition of the Inventor

The Minister, the President of the National Office of Inventions and the National Council of Trade Unions may jointly award the decoration of "Eminent Inventor" to any Hungarian inventor of an invention of great consequence. This decoration may also be awarded in recognition of regular activity as an inventor.

Article 9

Authorization

All questions connected with the execution of this Decree shall be dealt with by the relevant Minister in agreement with the President of the National Office of Inventions — in keeping with the requirements of the various branches of industry.

Article 10

Provisions Concerning Entry into Force

(1) This Decree shall enter into force on January 1, 1970; its provisions shall also apply to all proceedings already in progress. However, where exploitation has already taken place prior to the date of entry into force, or where the agreement has been made by that date, the Decree in force at the time of exploitation or of agreement shall be applied.

(2) With the entry into force of this Decree, Decree No. 58/1967. (XII.19.) Korm. providing for certain transitional provisions concerning inventions shall be repealed.

ITALY

Decrees Concerning the Temporary Protection of Industrial Property Rights at Ten Exhibitions

(of April 30, May 6, June 8, 10 and 17, and July 20, 1970) ¹

Single Article

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

INTERBIMALL - Salone internazionale delle macchine per la lavorazione del legno (Milan, May 23 to 31, 1970);

VIII^a Mostra internazionale del marmo e delle macchine per l'industria marmifera (S. Ambrogio Valpolicella (Verona), September 5 to 13, 1970);

Salone mercato internazionale dell'abbigliamento - "SAMIA" (Turin, September 11 to 14, 1970);

¹ Official communications from the Italian Administration.

- XXIII^a Fiera di Bolzano - *Campionaria internazionale* (Bolzano, September 11 to 21, 1970);
- X^o Salone del mobile italiano (Milan, September 20 to 27, 1970);
- II^o Salone internazionale delle attività zootecniche - *Eurocarne* (Verona, October 7 to 11, 1970);
- Salone mercato dell'abbigliamento "Moda Selezione" (Turin, October 22 to 25, 1970);
- Mercato internazionale del tessile per l'abbigliamento - *arredamento - MITAM* (Milan, November 7 to 10, 1970);
- Esposizione internazionale delle industrie di macchine per l'agricoltura - *EIMA* (Bologna, November 11 to 15, 1970);
- I^o NAUTIC SUD - *Salone nazionale per lo sviluppo della nautica nel Mezzogiorno d'Italia e dell'oltremare* (Naples, November 28 to December 8, 1970)

shall enjoy the temporary protection provided by Laws No. 1127 of June 29, 1939², No. 1411 of August 25, 1940³, No. 929 of June 21, 1942⁴, and No. 514 of July 1, 1959⁵.

² See *La Propriété industrielle*, 1939, p. 124; 1940, p. 84.

³ *Ibid.*, 1940, p. 196.

⁴ *Ibid.*, 1942, p. 168.

⁵ *Ibid.*, 1960, p. 23.

ROMANIA

Communication

Concerning the Temporary Protection of Inventions, Trademarks and Service Marks Exhibited at the International Fair - Bucharest, October 13 to 24, 1970 *

Inventions, trademarks and service marks exhibited at the International Fair - Bucharest 1970 shall enjoy the temporary protection provided by Decree No. 884/1967 on Inventions and Law No. 28/1967 on Trademarks and Service Marks.

The Administration of the International Fair - Bucharest 1970 will issue certificates of guarantee, upon request, until the closing date of the exhibition.

* BIRPI translation of text supplied in French by the Romanian State Office for Inventions and Marks.

GENERAL STUDIES

Industrial Property in Venezuelan Law

Rights Conferred by Law - Subjects of the Rights - The State's Recognition of the Rights - Transfer of Rights *

By Mariano UZCATEGUI URDANETA

LETTERS FROM CORRESPONDENTS

Letter from Argentina *

By Ernesto D. ARACAMA-ZORRAQUÍN

NORWAY

Change of Address of the Patent Office

We have been informed of the change of address of the Norwegian Patent Office. All correspondence with this Office should henceforth be addressed as follows:

Styret for det industrielle rettsvern
Postboks 8160 Oslo-Dep.
OSLO 1

UNITED ARAB REPUBLIC

Appointment of a Director of the Patent Office

We have already announced¹ the appointment of Mr. Ali Mahmoud Khalil as Director General of the Commercial Registration Administration (Ministry of Supply and Home Trade), which is responsible for registrations other than patents.

We are now able to complete this information by announcing the appointment of a Director of the Patent Office (Ministry of Scientific Research). He is Dr. A. Kabesh.

We congratulate Dr. Kabesh on his appointment.

¹ In *Industrial Property*, 1970, p. 198.

NEWS ITEMS

BENELUX

Appointment of a Director of the Benelux Trademark Office

We have been informed that Mr. Ludo van Bauwel, a Belgian national, has been appointed Director of the Benelux Trademark Office.

The Office — which is the common trademark office of the three countries forming Benelux (Belgium, Luxembourg and the Netherlands) — is located at 149/151, Bankastraet, The Hague.

We congratulate Mr. van Bauwel on his appointment.

JAPAN

Appointment of a New Director General of the Patent Office

We have been informed that Mr. Manahu Sasaki has been appointed Director General of the Japanese Patent Office. Mr. Sasaki assumed his office on July 1, 1970. He succeeds Mr. Yoshito Aratama.

We congratulate Mr. Sasaki on his appointment, and express our best wishes to Mr. Aratama for the future.

BOOK REVIEWS

La fijación de precios u otras condiciones contractuales en el Tratado de Roma y en la Ley española sobre prácticas restrictivas de la competencia [The Fixing of Prices or Other Contractual Terms in the Treaty of Rome and in the Spanish Restrictive Trade Practices Law]. Seminario de Derecho Mercantil (under the direction of Alberto Bercovitz Rodriguez-Cano), Sociedad de Estudios y Publicaciones. Published by Moneda y Credito S. A., Madrid, 1970. 98 pages.

In its examination of economic integration, the Seminario de Derecho Mercantil has given detailed thought to one particular — but very important — aspect of restrictive practices law: price fixing. The question is approached from the point of view of the Treaty of Rome and from that of the Spanish Law of July 20, 1963, on restrictive practices.

This study provides a detailed comparison of the two systems — which the authors have found to be very similar — and should be invaluable to anyone interested in efforts towards economic integration in Western Europe.

G. R. W.

* * *

La protección internacional de las denominaciones geográficas de los productos [The International Protection of Geographical Names for Products], by Carlos Fernandez Novoa. Published by Tecnos, Madrid, 1970. 228 pages.

Already known outside Spain for his studies on individual aspects of the law on industrial and commercial enterprises — marks, publicity, unfair competition, etc. —, Professor Fernandez Novoa here applies himself to the subject of geographical names — indications of source and appellations of origin — with special emphasis on the problem of their protection at an international level, taking into account the specific interests of Spanish producers.

The author devotes the first three chapters of his work to determining the fundamental concepts and criteria applied in leading European countries: Chapter I contains general considerations on geographical names for products and their economic and legal significance, with special reference to the current situation in France, Germany (Federal Republic) and Spain; Chapter II describes the various types of geographical names, and Chapter III discusses the latest court decisions in European countries — with particular emphasis, of course, on the recent British rulings on “Spanish Champagne” and “Sherry.”

The remaining four chapters deal with the international law governing geographical names: Chapter IV describes their protection under the Paris Convention (Articles 9 and 10); Chapter V explains the system established by the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods, and Chapter VI that of the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration; Chapter VII deals with international protection through bilateral treaties, with special reference to the Franco-German treaty of March 8, 1960.

An annex to this work contains Spanish translations of Articles 9 and 10 of the Paris Convention, the Madrid and Lisbon Agreements and the Franco-German treaty of March 8, 1960, mentioned above.

It is interesting to note that, while Professor Fernandez Novoa seems to consider that, for practical reasons — especially the fact that Spain's clients are not bound by the Lisbon Agreement — Spanish interests would be better protected by means of bilateral agreements, he nevertheless feels that the Lisbon Agreement offers more effective protection of geographical names than do the Paris Convention and the Madrid Agreement, and that Spain's accession to the Lisbon Agreement would not encounter any obstacles in Spanish law, since the system in force is perfectly compatible with that of the Lisbon Agreement.

One of the many merits of this work is that it gives a very clear description of the subject for the benefit of Spanish-speaking jurists.

G. R. W.

* * *

Memento de l'OIV. 1970 edition. Obtainable from *Office international de la vigne et du vin* (11, rue Roquépine, 75 - Paris 8^e). Price: 60 French francs. 1211 pages. (In French)

The International Vine and Wine Office has just brought out a new edition of the *Memento de l'O. I. V.*, bringing the 1965 edition up to date and supplementing it with new legislative and statistical information.

The value of this work is well known to all those who are interested in the vine and its products. The considerable amount of documentation which the new edition entailed was obtained in almost every case from governmental sources and is presented in an exceptionally straightforward and simple manner.

The information thus assembled is divided into five chapters:

Legislation (890 pages). Legislation relating to vine-growing and wine production in 40 different countries (wine codes, basic legal texts, new wine laws, etc.). Legislation of the European Economic Community (Common Market) concerning the vine and its products.

Statistics (190 pages). Cultivated areas and production, import, export and consumption of all products of the vine (wine, grapes, raisins, grape-juice) in about 70 countries. Current and past figures.

Appellations of Origin (55 pages). List of wines with appellations of origin, or, failing this, the main vineyards, of more than 20 wine-producing countries.

Publications on Wines and the Vine (10 pages). List indicating the addresses and frequency of publication of 140 periodicals in 27 countries.

National Vine and Wine Authorities of about 40 countries (35 pages).

* * *

Sui marchi d'impresa [On Trademarks], by *Remo Franceschelli*. Second edition. Published by Dr. A. Giuffrè, Milan, 1969. 211 pages.

Professor Franceschelli brought out a first edition of this work in 1964, and we took the opportunity of emphasizing its merits in a summary account published at the time¹.

A new edition of this interesting study was clearly necessary. This second edition is not, however, a mere reproduction of the first: although, as the author himself points out, the structure and the arguments of the first edition, and the development of those arguments, have not undergone any change, the new version reflects the most recent legislative developments and legal decisions in various countries and the latest trends in legal thought.

Like its predecessor, this work is a comprehensive manual of trademark laws in the principal legal systems: it describes clearly the fundamental principles of this area of law, examines and discusses a large number of the problems which arise in the world of marks, and also contains a highly detailed bibliography. Without enlarging on the author's theories and arguments, which are the same as in 1966, we should like to confirm what we said at that time: This is a work which will be invaluable not only to students of industrial property law, but also to all jurists seeking the legal basis for any important problem connected with trademarks.

G. R. W.

¹ *Industrial Property*, 1966. p. 18.

* * *

Selection of New Publications

BIRPI. *Teaching of the Law of Industrial Property and Copyright at Universities and Other Institutions*. Geneva, BIRPI, 1970. - 38 p.

CORREA ARRATIA (Antonio). *Nulidad de las marcas y el procedimiento para decretarla*. Mexico City, 1964. - 91 p.

COUNCIL OF EUROPE. *Patents* (the Council of Europe's international system for the classification of patents). Strasbourg, C. E., 1968. - 5 p.

DARIO VERA (Luis). *Proyecto de creación del Instituto Latinoamericano de informaciones de patentes de invención*. Buenos Aires, 1966. - 8 p.

DEMAIN (Bernard). *Législation comparée en matière de marques de commerce*. Ottawa, Ed. de l'Université d'Ottawa, 1970. - 163 p.

DERENBERG (Walter J.) & OLIN (Spencer C.). *Intangible Property-Rights and Liabilities*. New York, Practising Law Institute, 1969. - 312 p.

ERASMUS (Herbert). *Patente. Gebrauchsmuster und Verbesserungsvorschläge. Hinweise für ihre Anmeldung*. Berlin, VEB, 1956. - 144 p.

FLORES CANO (J. Alberto). *Las invenciones de empleados*. Mexico City, 1969. - 164 p.

GAST (Wolfgang). *Der Schutz der besonderen Geschäftsbezeichnung und des Geschäftszeichens*. Erlangen-Nürnberg, 1968. - 250 p.

GONZALEZ MENDEZ (Pastor). *La naturaleza y la tutela del nombre comercial*. Mexico City, 1954. - 75 p.

MARINETE (L.), CAMENITA (I.) & IANCU (V.). *Inventii inovatii rationalizări, comentariu tehnic, juridic, economic-teoretic și practic*. Bucharest, Institutul Central de Documentare Tehnică, 1970. - 2 Vol., 476 p.

VIÑAMATA PASCHKES (Carlos). *Protección internacional de bandera y emblema olímpicos*. Mexico City, 1968. - 64 p.

CALENDAR OF MEETINGS

WIPO/BIRPI Meetings

- September 21 to 29, 1970 (Geneva) — Administrative Bodies of WIPO and of the Paris, Berne, Nice and Lisbon Unions
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 — (4th 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 — *Observer:* International Patent Institute — *Note:* Meeting convened jointly with the Council of Europe.
- October 12 to 14, 1970 (Geneva) — ICIREPAT — Technical Committee I (Retrieval Systems, Design and Testing) (4th Session)
- October 14 to 16, 1970 (Geneva) — ICIREPAT — Technical Committee VI (Systems Implementation) (4th Session)
- October 15 and 16, 1970 (Geneva) — ICIREPAT — Advisory Board for Cooperative Systems (ABCS) (13th Session)
- October 19 and 20, 1970 (Geneva) — ICIREPAT — Technical Committee II (Technical Fields: Forward Planning) (4th Session)
- October 21 to 23, 1970 (Geneva) — ICIREPAT — Technical Committee III (Advanced Computer Techniques) (3rd Session)
- October 26 to 28, 1970 (Geneva) — ICIREPAT — Technical Committee V (Patent Format and Printing) (4th Session)
- October 29 and 30, 1970 (Geneva) — ICIREPAT — Technical Committee IV (Microform) (4th Session)
- November 23 to 27, 1970 (Geneva) — Joint ad hoc Committee on the International Classification of Patents — Working Group V (3rd 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
- November 30 to December 4, 1970 (Geneva) — Provisional Committee of Experts for the International Classification of Industrial Designs
Invitations: Signatory States of the Locarno Agreement — *Observers:* Member States of the Paris Union
- December 7 and 8, 1970 (Geneva) — ICIREPAT — Technical Coordination Committee (5th 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
- February 22 to 26, 1971 (Geneva) — Committee of Experts for an Agreement on the Protection of Type Faces
- March 15 to 24, 1971 (Strasbourg) — Diplomatic Conference for the Adoption of the Agreement Concerning the International Patent Classification
Note: Conference convened jointly with the Council of Europe

Meetings of Other International Organizations Concerned with Intellectual Property

- September 21 to 25, 1970 (Amsterdam) — International Federation of Actors (IFA) — 8th Congress
- October 18 to 23, 1970 (Madrid) — International Association for the Protection of Industrial Property (IAPIP) — Executive Committee
- December 15 to 17, 1970 (The Hague) — International Patent Institute (IIB) — 104th Session of the Administrative Council
- May 18 to 22, 1971 (Stockholm) — International Federation of Patent Agents (FICPI) — General Assembly
- Luxembourg — Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents:
- October 6 to 8, 1970 — Working Party II (3rd Meeting)
 - October 13 to 15, 1970 — Working Party IV (3rd Meeting)
 - October 20 to 23, 1970 — Working Party I — “Implementing Regulations” Subcommittee (3rd Meeting)
 - November 24 to 27, 1970 — Working Party I — “Implementing Regulations” Subcommittee (4th Meeting)
 - November 30 to December 4, 1970 — Working Party I (6th Meeting)
 - December 8 to 11, 1970 — Working Party I — “Regulations on Fees” Subcommittee