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ADMINISTRATIVE BODIES

World Intellectual Property Organization

I. General Assembly

First Ordinary Session

(Geneva, September 21 to 28, 1970)

Note *

Introduction. The General Assembly of WIPO (hereinafter called "the General Assembly") held its first ordinary session at Geneva from September 21 to 28, 1970.

The following States, members of the General Assembly at the opening of the session, were represented: Belgium, Brazil, Bulgaria, Canada, Cuba, Czechoslovakia, Denmark, Finland, France, Germany (Federal Republic), Greece, Holy See, Hungary, Ireland, Israel, Italy, Ivory Coast, Japan, Luxembourg, Malta, Morocco, Netherlands, Norway, Poland, Portugal, Romania, South Africa, Soviet Union, Spain, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, United Kingdom, United States of America, Upper Volta, Yugoslavia (38).

The other States and organizations mentioned in the list of participants (see page 366, below) were represented in an observer capacity.

The Delegations of Bulgaria, Cuba, Czechoslovakia, Hungary, Poland, Romania and the Soviet Union protested against the fact that the German Democratic Republic had not been invited to the General Assembly and the Conference of WIPO and the Assemblies of the Paris, Berne and Nice Unions.

After adopting its rules of procedure, the General Assembly elected Mr. E. Armitage (United Kingdom) as Chairman and Mr. E. M. Brademan (United States of America) and Mr. K. Coulibaly (Senegal) as Vice-Chairmen.

Director General. The WIPO Coordination Committee unanimously nominated and the General Assembly unanimously appointed Professor G. H. C. Bodenhausen as first Director General of WIPO.

Budget. The General Assembly adopted the budget of expenses common to the Unions. This budget and the budgets of expenses proper to each Union amount, together, to slightly over ten million Swiss francs for the year 1971.

Financial Regulations; Auditors. The General Assembly adopted the financial regulations of WIPO and designated Switzerland to audit the accounts of WIPO.

Administration of Certain International Agreements. The General Assembly approved the participation of WIPO in the administration of the International (Rome) Convention for

the Protection of Performers, Producers of Phonograms and Broadcasting Organizations (the so-called "Neighboring Rights Convention") and of the Convention for the Protection of New Varieties of Plants ("UPOV").

Relations with the United Nations. As far as the question of establishing closer relations with the United Nations is concerned, the following Resolution was unanimously adopted:

"The General Assembly and the Conference of the World Intellectual Property Organization (WIPO):

"*Considering* that the objectives of the World Intellectual Property Organization include responsibility for an important sector of international cooperation in the economic and cultural fields, with particular reference to the needs of developing countries,

"*Considering* that the effective fulfillment of that responsibility, particularly in respect of developing countries, requires appropriate cooperation and coordination between the World Intellectual Property Organization on the one hand and the United Nations and the organizations of the United Nations system on the other hand, and

"*Considering* that such cooperation and coordination would assist developing countries in the planning and formulation of technical assistance projects under the WIPO legal-technical assistance program or in the context of Chapter IV of the Patent Cooperation Treaty, and in ensuring that such projects are financed and executed,

"*Invite* the Director General of the World Intellectual Property Organization to examine, with the possible assistance of consultants, working groups of experts or such other advice as he may deem desirable, the means of securing the most appropriate cooperation and coordination between the World Intellectual Property Organization on the one hand and the United Nations and the organizations of the United Nations system on the other hand, including the possibility and desirability of entering into an agreement under Articles 57 and 63 of the Charter of the United Nations, and to report to the next ordinary sessions of the General Assembly and the Conference of the World Intellectual Property Organization."

United Nations Development Program. In connection with the mandate of the International Bureau flowing from Chapter IV of the Patent Cooperation Treaty and the Resolution of the Washington Diplomatic Conference adopting that Treaty, the following Resolution was unanimously adopted:

"The General Assembly and the Conference of the World Intellectual Property Organization (WIPO),

"*Noting* that the Assembly, the Conference of Representatives and the Executive Committee of the International (Paris) Union for the Protection of Industrial Property have established an Interim Committee for Technical Assistance in accordance with the Resolution of the Washington Diplomatic Conference on the Patent Cooperation Treaty, 1970,

"*Emphasizing* the need to continue and strengthen the work undertaken by the United International Bureaux for the Protection of Intellectual Property (BIRPI) under its Technical Assistance Program,

"*Instruct* the Director General of the World Intellectual Property Organization to inform the Administrator of the

* This Note was prepared by the International Bureau on the basis of the documents of the session.

United Nations Development Program of the willingness of the World Intellectual Property Organization to act as an executing agency or as a subcontractor in technical assistance projects within the field of the promotion of the protection of intellectual property, with particular reference to facilitating the transfer of technology to developing countries;

“*Authorize* the Director General of the World Intellectual Property Organization, with the advice of the Interim Committee for Technical Assistance, to negotiate with the Administrator of the United Nations Development Program and with other appropriate intergovernmental organizations such general agreements as may be desirable to facilitate the financing and execution of technical assistance projects requested by Governments within the context of the Patent Cooperation Treaty and of the Convention Establishing the World Intellectual Property Organization;

“*Recommend* that the Interim Committee for Technical Assistance give early consideration to pilot technical assistance projects requested by individual Governments or by groups of Governments within the context of the Patent Cooperation Treaty with a view to their commencement before the formal entry into force of the Treaty.”

Working Languages. The General Assembly determined the working languages of the International Bureau in relation to the documents of the Secretariat, interpretation in meetings, and the correspondence and internal work of the Secretariat. It was decided that studies would be conducted on the feasibility of a wider use of the German and Russian languages. The working languages already include English, French and, to a limited extent, Spanish.

Observers. The General Assembly fixed the principles that will govern the selection of those intergovernmental and non-governmental organizations which will be invited to certain meetings as observers.

Headquarters Building. The General Assembly endorsed the decisions of the WIPO Coordination Committee on this matter (see page 361, below).

II. Conference

First Ordinary Session

(Geneva, September 21 to 28, 1970)

Note *

Introduction. The Conference of WIPO (hereinafter called “the Conference”) held its first ordinary session at Geneva from September 21 to 28, 1970.

The following States, members of the Conference at the opening of the session, were represented: Belgium, Brazil, Bulgaria, Byelorussia, Canada, Cuba, Czechoslovakia, Denmark, Finland, France, Germany (Federal Republic), Greece, Holy See, Hungary, Ireland, Israel, Italy, Ivory Coast, Japan,

Luxembourg, Malta, Morocco, Netherlands, Norway, Poland, Portugal, Romania, South Africa, Soviet Union, Spain, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, United Kingdom, United States of America, Upper Volta, Yugoslavia (39).

The other States and organizations mentioned in the list of participants (see page 366, below) were represented in an observer capacity.

After adopting its rules of procedure, the Conference elected Mr. P. Cabral de Mello (Brazil) as Chairman and Mr. I. Ivanov (Bulgaria) and Mr. W. Stamm (Switzerland) as Vice-Chairmen.

Program and Budget. The Conference adopted its triennial budget (1971 to 1973) and established its triennial program of legal-technical assistance.

The following are the main features of that program.

Traineeships will be granted in the field of the administration of the laws of industrial property and of copyright. Experts will be sent, on request, to developing countries to assist them in improving their industrial property and copyright legislation and in administering their laws in these fields. Regional seminars on the same subject will be organized by WIPO.

A *model law* for developing countries on the protection of appellations of origin will be established.

The *directories of licensing opportunities and of universities offering courses in industrial property and copyright law* will be regularly brought up to date and new editions will be published.

Cooperation with the *United Nations bodies* concerned with technical assistance will continue. This applies in particular to the regional economic commissions, to the United Nations Conference on Trade and Development and the United Nations Industrial Development Organization.

Among the activities of the *Paris and Berne Unions* there are several which are of special interest to developing countries. They are mentioned in the Notes concerning the Assemblies of these two Unions.

The Conference fixed the amounts of the *contributions* of States party to the WIPO Convention not members of any of the Unions. The other, larger source of revenues from which the technical assistance activities are covered consists of the contributions of the Unions.

Relations with the United Nations. See the Resolution jointly adopted by the Conference and the General Assembly, reproduced on page 359, above.

United Nations Development Program. See the Resolution jointly adopted by the Conference and the General Assembly, reproduced on page 359, above.

Observers. The Conference fixed the principles that will govern the selection of those intergovernmental and non-governmental organizations which will be invited to certain of its meetings as observers.

Headquarters Building. The Conference endorsed the decisions of the WIPO Coordination Committee on this matter (see page 361, below).

* This Note was prepared by the International Bureau on the basis of the documents of the session.

III. Coordination Committee

First Ordinary Session

(Geneva, September 21 to 28, 1970)

Note *

Composition. The Coordination Committee of WIPO (hereinafter called "the Coordination Committee") held its first ordinary session at Geneva from September 21 to 28, 1970.

Twenty-five of the 27 States members of the Coordination Committee were represented: *Ordinary Members:* Brazil, Canada, France, Germany (Federal Republic), Hungary, Italy, Japan, Romania, Soviet Union, Spain, Sweden, Switzerland, Tunisia, United Kingdom, United States of America (15); *Associate Members:* Argentina, Australia, Cameroon, Ceylon, Congo (Democratic Republic), India, Kenya, Mexico, Philippines, Poland (10). Pakistan and Senegal, two ordinary members, were not represented.

The other States and organizations mentioned in the list of participants (see page 366, below) were represented in an observer capacity.

After adopting its rules of procedure, the Coordination Committee elected Mr. G. R. Borggård (Sweden) as Chairman, and Mr. R. Said (Tunisia) and Mr. K. B. Petersson (Australia) as Vice-Chairmen.

Deputy Directors General. The Coordination Committee approved the proposal of the Director General to appoint Dr. Arpad Bogsch as First Deputy Director General of WIPO and Mr. Joseph Voyame as Second Deputy Director General of WIPO.

The Delegation of the Soviet Union proposed that one of its citizens be appointed as an additional Deputy Director General. Several Delegations supported the proposal and others suggested that the national of a developing country be appointed, or also appointed, as an additional Deputy Director General. Finally, it was agreed that the Director General would submit to the 1971 session of the Coordination Committee the results of a study of the various aspects of the question whether there should be more than two Deputy Directors General and, if so, how the new posts should be filled.

Staff Matters. The Coordination Committee approved the Staff Regulations and the Staff Rules of the International Bureau. They include the introduction of an internal tax on salaries.

The Coordination Committee noted with approval the proposal of the Director General to promote Mr. B. A. Armstrong, Head, Administrative Division, to the rank of Senior Counsellor.

Headquarters Agreement. The Coordination Committee examined the draft of a headquarters agreement to be concluded between WIPO and the Government of the Swiss Confederation. It gave the required authorization to the Director General to conclude such an agreement. The agreement will re-

place the rules which, since 1960, have governed the status of BIRPI in Switzerland.

Agreements with Intergovernmental Organizations. The Coordination Committee authorized the Director General to conclude a new working agreement with the United Nations. The text of this Agreement is published on page 368 of this issue.

Furthermore, the Coordination Committee authorized the Director General to apply, *mutatis mutandis*, the working agreements concluded by BIRPI. Such agreements are in force with the following Organizations: International Labour Office, Unesco, World Health Organization, General Agreement on Tariffs and Trade, Latin American Free Trade Association, Council of Europe, Industrial Development Centre for Arab States, International Olive Oil Council, International Patent Institute, International Wine Office, Organization of American States.

Arrangements with Non-Governmental Organizations. The Coordination Committee authorized consultation and cooperation with some fifty non-governmental organizations, designated by name. Such consultations and cooperation will take place in appropriate cases and within appropriate limits, in accordance with the practice established by BIRPI. Most of the organizations in question are international. Some of them are national.

Headquarters Building. The present headquarters building, situated at 32 chemin des Colombettes, Geneva, contains offices for 100 employees and one conference room for approximately 70 delegates. Completed in 1960, the building has now become too small. The Coordination Committee approved the plans for a second building, to be constructed next to the existing one, with more office space and two conference rooms, one for 200 and one for 50 delegates. The actual building will be started only after approval by the Coordination Committee of the definitive plan for financing the construction.

Observers. The Coordination Committee fixed the principles that will govern the selection of those intergovernmental and non-governmental organizations which will be invited to certain meetings as observers.

Paris Union

I. Assembly

First Ordinary Session

(Geneva, September 21 to 28, 1970)

Note *

Introduction. The Assembly of the Paris Union for the Protection of Industrial Property (hereinafter called "the Assembly") held its first ordinary session at Geneva from September 21 to 28, 1970.

* This Note was prepared by the International Bureau on the basis of the documents of the session.

* This Note was prepared by the International Bureau on the basis of the documents of the session.

The following States, members of the Assembly at the opening of the session, were represented: Belgium, Brazil, Bulgaria, Canada, Cuba, Czechoslovakia, Denmark, Finland, France, Germany (Federal Republic), Greece, Holy See, Hungary, Ireland, Israel, Italy, Ivory Coast, Japan, Luxembourg, Malta, Morocco, Netherlands, Norway, Poland, Portugal, Romania, South Africa, Soviet Union, Spain, Sweden, Switzerland, Syrian Arab Republic, Tunisia, Turkey, United Kingdom, United States of America, Upper Volta, Yugoslavia (38).

The other States and organizations mentioned in the list of participants (see page 366, below) were represented in an observer capacity.

After adopting its rules of procedure, the Assembly elected Mr. F. Savignon (France) as Chairman and Mr. E. Tasnádi (Hungary) and Mr. G. Trotta (Italy) as Vice-Chairmen.

Executive Committee of the Paris Union. The Assembly elected the ordinary members of the Executive Committee of the Paris Union. The number of members of the Assembly at the opening of the session being 41, the number of seats to be filled was ten. The following States were elected in the capacity of ordinary members: Brazil, France, Germany (Federal Republic), Hungary, Japan, Senegal, Soviet Union, Sweden, United Kingdom, United States of America. In accordance with Article 14(2)(a) of the Stockholm Act of the Paris Convention, Switzerland is an ordinary member *ex officio*.

Reports on Past Activities. The Assembly examined the reports of the Director General on the activities of the International Bureau since the last session of the Conference of Representatives of the Paris Union (December 1967) in so far as matters of interest to the Paris Union were concerned.

Among the activities and events of the said period, the following were particularly noted:

The Convention Establishing the *World Intellectual Property Organization* and the *Stockholm Acts* of the Paris Convention, the Madrid Agreement (Indications of Source) and the Nice Agreement, as well as the administrative provisions of the Stockholm Act of the Berne Convention, have entered into force.

Cooperation with the *United Nations*, particularly the Economic and Social Council, the Advisory Committee on the Application of Science and Technology to Development, the Economic Commission for Europe, the International Law Commission, the United Nations Conference on Trade and Development, the United Nations Industrial Development Organization and the United Nations Commission on International Trade Law, has become closer and has been generally satisfactory. The International Bureau participated in the UN Conference on the Law of Treaties and the UN Committee on the Peaceful Uses of Outer Space.

A *Guide to the Application of the Paris Convention*, written by Professor Bodenhausen, Director of BIRPI, was published in English, French and Spanish.

A third model law was established — the *Model Law for Developing Countries on Industrial Designs*.

Two *Regional Seminars* for developing countries were organized by the International Bureau: the Arab Seminar on Industrial Property (Cairo, 1969) and the South American Seminar on the Paris Convention (Buenos Aires, 1969).

Some 30 government employees of developing countries received *training* in industrial property offices of industrially developed countries.

The *Patent Cooperation Treaty* was prepared in some twenty meetings with representatives of governments, industry and the patent profession. It underwent four major and a dozen smaller redraftings. It was finally negotiated and adopted at the Diplomatic Conference of Washington, 1970. It was opened for signature on June 19, 1970, and was signed by 20 States. It remains open for signature until the end of 1970.

The *Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices* (ICIREPAT), set up in December 1967, became organized, and held dozens of meetings, counting also those of its subsidiary bodies. One of their major achievements is an almost complete agreement on the standardization of microforms for preserving, storing and exchanging patent documents.

Preparatory work for the revision of the *European Convention on the International Patent Classification* made great progress.

A study was made on the feasibility of introducing *priority fees* but prospects for introducing them seemed remote¹.

The Assembly approved the reports of the Director General.

Program and Budget. The main features of the program for the period 1971 to 1973 adopted by the Assembly are the following:

Preparations for the entry into force of the *Patent Cooperation Treaty* will continue. The three Interim Committees whose establishment was recommended by the Washington Diplomatic Conference of 1970 have been set up and will start functioning in 1971. They are: the Interim Committee for Technical Assistance, the Interim Committee for Technical Cooperation, and the Interim Advisory Committee for Administrative Questions. Special contributions to cover the expenses of the International Bureau were pledged by 40 Member States.

The diplomatic conference for the revision of the Convention on the *International Classification of Patents* is scheduled to take place in Strasbourg in 1971. As is known, that Convention is at present a European Convention. According to the planned revision, it should become universal and its administration will be taken over by WIPO from the General Secretariat of the Council of Europe. Until the entry into force of the revised Convention, the administrative tasks will be jointly performed by the said two Organizations.

¹ It was nevertheless decided by the Assembly that member States of the Paris Union would be invited to make proposals for opening new sources of revenue for the Paris Union, that a committee of experts would be convened to study such proposals, and that a further study of the viability of a system of priority fees would not be excluded from the mandate of the committee of experts.

Preparations for the conclusion of a treaty on the *protection of type faces* will continue. It is planned that a diplomatic conference, scheduled to take place in Vienna in 1973, will adopt the treaty.

The Assembly has confirmed the establishment of the *Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices* (ICIREPAT). Its activities will continue. The objective of ICIREPAT is to promote international cooperation in the field of storage and retrieval of technical information needed in connection with the searching and examination of applications for patents. To achieve this objective, participating Offices agree on the standardization of carriers of information (printed documents, microcards, computer tapes, etc.) and the indexing — by sharing the labor among them — of the documents pertaining to certain fields of technology ("shared use systems").

In order to provide an opportunity for informing the general public of recent developments in the field of industrial property and copyright, a *lecture course on intellectual property* will be held in 1971 in Montreux, Switzerland. More than twenty speakers, from among the leading specialists in these fields, will give the lectures.

The United States of America made a proposal to the effect that the efforts for an *agreement on the international registration of marks* be pursued in a context broader than the revision of the existing Madrid Agreement, that is, in the context of all the Paris Union members. After a thorough discussion of the proposal, the Assembly decided that the aim was to achieve an agreement on the international registration of marks which should be acceptable to a much wider circle of countries than the present Madrid Agreement; that such an agreement should be achieved through an appropriate revision of the Madrid Agreement; and that only if the preparatory work clearly showed that the said goal could not be obtained through revision of the Madrid Agreement should the possibilities of concluding a treaty independently of the Madrid Agreement be envisaged. It also decided that the diplomatic conference for revising the Madrid Agreement or concluding a new treaty, tentatively scheduled for the summer of 1973 in Vienna, should be preceded by sessions of committees of experts to which all member countries of the Paris Union would be invited and in which these countries would have an equal standing. Finally, it was decided that these sessions would be prepared by the International Bureau in collaboration with a small group of government consultants and in consultation with representatives of interested circles, that is, trade, industry and associations of trademark agents and attorneys.

A proposal concerning *developing countries and patent licensing*, made by Sweden, was greeted with interest by a great number of the Delegations. The proposal will be the subject of a questionnaire to be addressed by the International Bureau to the member countries of the Paris Union and of further study by that Bureau, in the light of the answers received, leading possibly to the conclusion of a multilateral treaty.

The Assembly adopted the budget of the Paris Union, including the special budgets of activities relating to the

Patent Cooperation Treaty and ICIREPAT, corresponding to the program as approved.

Financial Regulations; Auditors. The Assembly adopted the financial regulations of the Paris Union and designated Switzerland to audit the accounts of the Union.

Observers. The Assembly fixed the principles that will govern the selection of those intergovernmental and non-governmental organizations which will be invited to certain meetings as observers.

Headquarters Building. The Assembly endorsed the decisions of the WIPO Coordination Committee on this matter (see page 361, above).

II. Conference of Representatives

Third Ordinary Session

(Geneva, September 21 to 28, 1970)

Note*

Introduction. The Conference of Representatives of the Paris Union (hereinafter called "the Conference") held its third ordinary session at Geneva from September 21 to 28, 1970.

The following States, members of the Conference at the opening of the session, were represented: Algeria, Argentina, Australia, Austria, Cameroon, Ceylon, Dominican Republic, Gabon, Iran, Kenya, Lebanon, Mexico, Monaco, Nigeria, Togo, Philippines, United Arab Republic (17).

The other States and organizations mentioned in the list of participants (see page 366, below) were represented in an observer capacity.

After adopting its rules of procedure, the Conference elected Mr. L. M. Laurelli (Argentina) as Chairman, and Mr. T. Lorenz (Austria) and Mr. D. J. Coward (Kenya) as Vice-Chairmen.

Executive Committee of the Paris Union. The Conference elected the associate members of the Executive Committee of the Paris Union. The number of members of the Conference at the opening of the session being 37, and the number represented at the session being less than 20, the number of seats to be filled was five. The following States were elected in the capacity of associate members: Argentina, Australia, Cameroon, Ceylon, Kenya.

Reports on Past Activities. The Conference examined the reports of the Director General on the activities of the International Bureau since its last session (December 1967) in so far as matters of interest to the Paris Union were concerned.

The most important of these matters are described on page 362, above.

The Conference expressed a favorable opinion on those past activities.

* This Note was prepared by the International Bureau on the basis of the documents of the session.

Program and Contributions. The Conference expressed a favorable opinion on the program of the Paris Union adopted by the Assembly of that Union for the years 1971 to 1973. The main features of the program are described above (see page 362).

The Conference fixed the ceiling of the contributions by the following Decision:

"The countries members of the International Union for the Protection of Industrial Property (Paris Union) not bound by the decisions of the Assembly of the Union and meeting as a Conference of Plenipotentiaries at Geneva from September 21 to 28, 1970,

"*Noting* that the Assembly of the Paris Union has unanimously adopted a budget according to which the mandatory contributions of the countries members of the Paris Union shall be calculated on the basis of 2,000,000 Swiss francs for 1971, 2,200,000 Swiss francs for 1972, and 2,400,000 Swiss francs for 1973,

"*Decide* unanimously that the maximum annual amount of the mandatory contributions of the countries members of the Paris Union not bound by the decisions of the Assembly of the said Union shall, for the said years, be calculated on the basis of the same amounts, and that the amount fixed for 1973 shall apply also for the years after 1973 pending a new decision for the said years."

Observers. The Conference fixed the principles that will govern the selection of those intergovernmental and non-governmental organizations which will be invited to certain meetings as observers.

Headquarters Building. The Conference endorsed the decisions of the WIPO Coordination Committee on this matter (see page 361, above).

III. Executive Committee

Sixth Ordinary Session

(Geneva, September 21 to 28, 1970)

Note*

Introduction. The Executive Committee of the Paris Union (hereinafter called "the Committee") held its sixth ordinary session at Geneva from September 21 to 28, 1970.

Fifteen of the 16 States members of the Committee were represented: *Ordinary Members:* Brazil, France, Germany (Federal Republic), Hungary, Japan, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America (10); *Associate Members:* Argentina, Australia, Cameroon, Ceylon, Kenya (5). Senegal, an ordinary member, was not represented.

The other States and organizations mentioned in the list of participants (see page 366, below) were represented in an observer capacity.

* This Note was prepared by the International Bureau on the basis of the documents of the session.

After adopting its rules of procedure, the Committee elected Mr. Y. Maksarev (Soviet Union) as Chairman, and Mr. S. Tokuhisa (Japan) and Mr. A. Pathmarajah (Ceylon) as Vice-Chairmen.

ICIREPAT. The Committee confirmed the Organizational Rules of the Paris Union Committee for International Cooperation in Information Retrieval Among Patent Offices (ICIREPAT), established its program for 1971, and noted the pledges made by the 21 participating countries of ICIREPAT in respect of their contributions for 1971. It invited the Director General to study the possibility of covering from the budget of the Paris Union (rather than from voluntary contributions) those expenses which related to activities of interest to all Paris Union member States, such as the ICIREPAT efforts in the field of standardization of patent documents and microforms.

Patent Cooperation Treaty. The Committee adopted a resolution concerning the amounts of special contributions to cover the expenses of the International Bureau in connection with its activities in the field of the Patent Cooperation Treaty (PCT), and, together with the Assembly and the Conference of Representatives of the Paris Union, noted the pledges made by 40 Delegations. Furthermore, the Committee decided to maintain the "Patent Cooperation Treaty Financing Working Group" consisting of 11 countries. Finally, the Committee, together with the Assembly and the Conference of Representatives of the Paris Union, set up the three Interim Committees whose establishment was recommended by the Washington Diplomatic Conference of May/June 1970 (see page 362, above).

Program and Budget. The Committee approved the program and budget of the Paris Union for the year 1971. For details, see page 362, above.

Observers. The Committee fixed the principles that will govern the selection of those intergovernmental and non-governmental organizations which will be invited to certain meetings as observers.

Nice Union

I. Assembly

First Ordinary Session

(Geneva, September 21 to 28, 1970)

Note*

Introduction. The Assembly of the Nice Union for the International Classification of Goods and Services for the Purposes of the Registration of Marks (hereinafter called "the Assembly") held its first ordinary session at Geneva from September 21 to 28, 1970.

* This Note was prepared by the International Bureau on the basis of the documents of the session.

The following States, members of the Assembly at the opening of the session, were represented: Belgium, Czechoslovakia, Denmark, France, Germany (Federal Republic), Hungary, Ireland, Israel, Italy, Morocco, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, United Kingdom, Yugoslavia (18).

The other States and organizations mentioned in the list of participants (see page 366, below) were represented in an observer capacity.

After adopting its rules of procedure, the Assembly elected Mr. S. Pretnar (Yugoslavia) as Chairman, and Mr. M. J. Quinn (Ireland) and Mr. E. van Weel (Netherlands) as Vice-Chairmen.

Program and Budget. The Assembly adopted the program and the budget of the Nice Union for the years 1971 to 1973.

The program has three main items.

First, the International Bureau will proceed with the publication in French of the "Classification" (particularly the alphabetical list of goods and services, comprising almost 20,000 entries) as revised in 1970 by the Nice Union Committee of Experts.

Secondly, the said Committee of Experts will meet again in 1973 in order further to revise the "Classification."

Thirdly, the Nice Union, together with the Madrid Union, will continue to sponsor the preparatory work which should lead to the establishment of an international classification of the figurative elements of marks (trademarks and service marks).

Financial Regulations; Auditors. The Assembly adopted the financial regulations of the Nice Union and designated Switzerland to audit the accounts of the Union.

Observers. The Assembly fixed the principles that will govern the selection of those intergovernmental and non-governmental organizations which will be invited to certain meetings as observers.

II. Conference of Representatives

First Ordinary Session

(Geneva, September 21 to 28, 1970)

Note*

Establishment of a Conference of Representatives of the Nice Union. It was the Stockholm Act of the Nice Agreement that instituted the Assembly of the Nice Union. Countries which have not yet accepted at least the administrative provisions of the Stockholm Act are therefore not members of the Assembly. In order to create an organ in which such countries may express their opinions and make certain decisions, the said countries decided to establish a Conference of Representatives and modelled it on the Conference of Representatives of the

International (Paris) Union for the Protection of Industrial Property. That Conference was set up by the Lisbon Act (1958) of the Paris Convention.

The Conference of Representatives of the Nice Union was established in accordance with the terms of the following Resolution:

"1. The countries members of the International Union Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Union) which are not members of the Assembly of the said Union,

"2. *Meeting* in Geneva from September 21 to 28, 1970,

"3. *Resolve* to establish a Conference of Representatives of the Nice Union;

"4. *Decide* that the members of this Conference shall be those member countries of the Nice Union which are not members of the Assembly of the Nice Union, and that any member country of the Nice Union which, in the future, shall become a member of the Assembly of the Nice Union shall automatically cease to be a member of the Conference of Representatives;

"5. *Decide* that the Conference of Representatives shall meet every three years in ordinary session in order to draw up, for each three-year period to come, a report on the foreseeable expenditure of the International Bureau as far as the Nice Union is concerned, and to consider questions relating to the protection and the development of the said Union;

"6. *Resolve* that the Conference of Representatives may modify, by unanimous decision, the maximum annual amount of the expenditure of the International Bureau as far as the countries members of the Conference of Representatives are concerned, provided that it meets as a Conference of Plenipotentiaries upon convocation by the Government of the Swiss Confederation;

"7. *Resolve* that the Conference of Representatives shall establish its own rules of procedure."

Composition of the First Session. The countries in question, having adopted the Resolution quoted above, on September 21, 1970, decided to hold forthwith the first ordinary session of the Conference of Representatives of the Nice Union (hereinafter called "the Conference"). The session took place at Geneva and lasted from September 21 to 28, 1970.

The following States, members of the Conference at the opening of the session, were represented: Australia, Austria, Lebanon, Monaco, Poland, Tunisia (6).

The other States and organizations mentioned in the list of participants (see page 366, below) were represented in an observer capacity.

After having adopted its rules of procedure, the Conference elected Mr. J. Szomański (Poland) as Chairman, and Mrs. R. Homsy (Lebanon) and Mr. J. M. Notari (Monaco) as Vice-Chairmen.

Program and Contributions. The Conference expressed a favorable opinion on the program of the Nice Union adopted by the Assembly of that Union for the years 1971 to 1973.

* This Note was prepared by the International Bureau on the basis of the documents of the session.

The main features of the program are described above (see page 365).

The Conference fixed the ceiling of the contributions by the following Decision:

"The countries members of the International Union for the International Classification of Goods and Services for the Purposes of the Registration of Marks (Nice Union) not bound by the decisions of the Assembly of the Union and meeting as a Conference of Plenipotentiaries at Geneva from September 21 to 28, 1970,

"Noting that the Assembly of the Nice Union has unanimously adopted a budget according to which the mandatory contributions of the countries members of the Nice Union shall be calculated on the basis of 100,000 Swiss francs for 1971, 110,000 Swiss francs for 1972, and 120,000 Swiss francs for 1973,

"Decide unanimously that the maximum annual amount of the mandatory contributions of the countries members of the Nice Union not bound by the decisions of the Assembly of the said Union shall, for the said years, be calculated on the basis of the same amounts, and that the amount fixed for 1973 shall apply also for the years after 1973 pending a new decision for the said years."

Observers. The Conference fixed the principles that will govern the selection of those intergovernmental and non-governmental organizations which will be invited to certain meetings as observers.

Headquarters Building. The Conference endorsed the decisions of the WIPO Coordination Committee on this matter (see page 361, above).

* * *

List of Participants in the Meetings of WIPO and of the Paris and Nice Unions *

I. States

Algeria: G. Sellali (Mrs.); S. Bouzidi; D. Boussaid; K. Lokmane. Argentina: L. M. Laurelli. Australia: K. B. Petersson; A. Brown. Austria: R. Dittrich; T. Lorenz; P. Klein. Belgium: J. P. van Bellinghen; G.-L. De San; J. Degavre; C. Kirschen (Miss). Byelorussia: V. I. Peshkov. Brazil: P. Cahral de Mello; T. Thedim Lobo; J. de Carvalho; M. S. Couto; A. G. Bahadian; T. Oniga. Bulgaria: I. Ivanov; V. Dimitrov; I. Daskalov. Cameroon: J. Ekedí Samnik. Canada: A. M. Laidlaw; F. W. Simons; A. A. Keyes; R. Auger; P. Lapointe. Ceylon: A. Pathmarajah. Chile: L. Larrain. Congo (Democratic Republic): J.-B. Emany; S. Ayits; A. Kankonde. Cuba: F. Ortiz Rodriguez; R. Pérez-Acosta. Czechoslovakia: V. Vaniš; J. Kordač; O. Fabian; J. Conk; J. Stahl; J. Prošek. Denmark: E. Tuxen; E. Moelgaard; J. Nørup-Nielsen; D. Simonsen (Mrs.); R. Carlsen (Mrs.). Dominican Republic: F. Herrera-Roa. Finland: E. Tuuli; R. Meinander. France: P. Charpentier; J. Fernand-Laurent; F. G. H. Savignon; R. Labry; M. Bierry; A. Kerever; R. Leclerc. Gabon: J.-B. Essonghé. Germany (Federal Republic): S. Schnippenkoetter; A. Krieger; E. Ulmer; H. Mast; R. Singer; W. Tilmann; G. Rheker (Miss). Greece: G. Pilavachi. Holy See: H. de Riedmatten. Hungary: E. Tasnádi; G. Pusztai; J. Zakár; J. Bobrovsky; J. Gál. India: P. M. S. Malik; G. S. Balakrishnan. Iran: M. Mohseni; E. Djahannema. Ireland: M. J. Quinn. Israel: M. Melamed. Italy: P. Archi; G. Trotta; G. Galtieri; A. Pelizza; C. Ferro-Luzzi; R. Messerotti-Benvenuti. Ivory Coast: A.-E. Thiemele.

* A list containing the titles and functions of the participants may be obtained from the International Bureau upon request.

Japan: S. Tokuhisa; M. Kuroda; K. Takano; M. Kato. Kenya: D. J. Coward. Lebanon: R. Homsy (Mrs.). Luxembourg: J. P. Hoffmann; E. Emringer. Malta: E. Saliba; A. A. Zarb. Mexico: R. Valenzuela; M. A. Lopez-Ortega (Miss). Monaco: J.-M. Notari. Morocco: A. H'Ssaine. Netherlands: W. M. J. C. Pbaif; J. B. van Benthem; H. J. A. M. Vrouwenvelder. Nigeria: M. O. Onafalujo. Norway: S. H. Røer. Philippines: M. S. Aguillon. Poland: J. Szomański; K. Matlaszek (Miss); B. Janicki. Portugal: J. de Oliveira Ascensão; M. T. Pereira de Castro Ascensão (Mrs.); L. Pazos Alonso; J. Mota Maia; J. Pereira da Cruz. Romania: P. Teoreanu; M. Costin (Mrs.); F. Dinu. South Africa: J. J. Becker; O. J. Kok; H. Heese. Soviet Union: Y. Maksarev; V. Chatrov; V. Roslov; V. Kalinine. Spain: A. F. Mazarambroz; I. Fonseca Rniz (Miss); E. Valera. Sweden: G. R. Borggård; L. Kellberg; C. Ugglä; L. Jonson; I. Stjernberg. Switzerland: W. Stamm; F.-C. Pictet; R. Kämpf; P. Ruedin. Syrian Arab Republic: M. Wehbeh. Togo: C. B. Johnson. Tunisia: M. Sayah; R. Said; A. Amri; H. Abbas; H. Ben Achour. Turkey: O. Kulin. United Arab Republic: H. Khallaf; Y. Rizk. United Kingdom: E. Armitage; W. Wallace; H. W. Savage; T. A. Evans; D. J. Johnson. United States of America: E. M. Braderman¹; W. E. Schuyler, Jr.²; A. L. Kaminstein; H. J. Winter; R. D. Tegtmeyer; R. Hadl; H. D. Hoinkes. Upper Volta: H. Ouedraogo. Yugoslavia: S. Pretnar; N. Janković.

II. Organizations

United Nations Organization: C. Doblin (Mrs.); H. Cornil. United Nations Conference on Trade and Development (UNCTAD): S. J. Patel. United Nations Educational, Scientific and Cultural Organization (Unesco): M.-C. Dock (Miss). International Patent Institute (IIB): G. M. Finniss; P. Van Waasbergen; L. F. W. Knight. African and Malagasy Industrial Property Office (OAMPI): D. Ekani. Benelux Trademark Office: L. J. M. Van Bauwel.

III. WIPO

G. H. C. Bodenhausen (Director General); A. Bogsch (First Deputy Director General); J. Voyame (Second Deputy Director General); C. Masouyé (Senior Counsellor, Head, External and Public Relations Division); K. Pfanner (Senior Counsellor, Head, Industrial Property Division); H. Skov (Vice Secretary General of UPOV); B. A. Armstrong (Senior Counsellor, Head, Administrative Division); L. Egger (Counsellor, Head, International Registrations Division); V. Strnad (Counsellor, Head, Copyright Division).

IV. Officers and Secretariat

World Intellectual Property Organization (WIPO)

General Assembly: *chairman* E. Armitage (United Kingdom); *vice-chairmen*: E. M. Braderman (United States); K. Coulibaly (Senegal); *secretary* C. Masonyé (WIPO);

Conference of Representatives: *chairman* P. Cabral de Mello (Brazil); *vice-chairmen*: I. Ivanov (Bulgaria); W. Stamm (Switzerland); *secretary* C. Masonyé (WIPO);

Coordination Committee: *chairman* G. R. Borggård (Sweden); *first vice-chairman* R. Said (Tunisia); *second vice-chairman* K. B. Petersson (Australia); *secretary* C. Masouyé (WIPO).

Paris Union

Assembly: *chairman* F. G. H. Savignon (France); *vice-chairmen*: E. Tasnádi (Hungary); G. Trotta (Italy); *secretary* K. Pfanner (WIPO);

Conference of Representatives: *chairman* L. M. Laurelli (Argentina); *vice-chairmen*: T. Lorenz (Austria); D. J. Coward (Kenya); *secretary* K. Pfanner (WIPO);

Executive Committee: *chairman* Y. Maksarev (USSR); *vice-chairmen*: S. Tokuhisa (Japan); A. Pathmarajah (Ceylon); *secretary* K. Pfanner (WIPO).

Nice Union

Assembly: *chairman* S. Pretnar (Yugoslavia); *vice-chairmen*: M. J. Quinn (Ireland); E. Van Weel (Netherlands); *secretary* L. Egger (WIPO).

Conference of Representatives: *chairman* J. Szomański (Poland); *vice-chairmen*: R. Homsy (Mrs.) (Lebanon); K. M. Notari (Monaco); *secretary* L. Egger (WIPO).

¹ Head of Delegation for the WIPO meetings.

² Head of Delegation for the Paris Union meetings.

Lisbon Union

Council

Fifth Ordinary Session

(Geneva, September 26, 1970)

Note*

Introduction. The Council established by the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration (hereinafter referred to as "the Council") held its fifth ordinary session at Geneva on September 26, 1970.

Of the nine States which, to date, were party to the Lisbon Agreement, seven were represented, namely: Cuba, Czechoslovakia, France, Hungary, Italy, Mexico and Portugal. Haiti and Israel were not represented.

The following States party to the Paris Convention for the Protection of Industrial Property, but not to the Lisbon Agreement, were represented by observers: Germany (Federal Republic), Norway, Sweden and Yugoslavia.

The Council elected Mr. François Savignon (France) Chairman, and Mr. José Mota Maia (Portugal) Vice-Chairman.

The list of participants follows this Note.

Activities of the Union and Financial Questions. The Council noted with unanimous approval the report of the Director General of WIPO on the activities of the Union and on financial questions; in particular, it expressed a favorable opinion on the 1969 accounts and the budget for 1971.

Formalities for Appeal against Decisions Rendered by National Administrations. The Council instructed the Secretariat to complete its inquiry among the Administrations of member countries of the Union in order to collect information on the formalities for appeal against decisions in the field of appellations of origin. The replies received will be collated and recorded in a summary report which will be communicated to the countries of the Union.

Practical Application of the Lisbon Agreement. In the light of the results of the inquiry undertaken by the Secretariat, at the Council's request, among the Administrations of member countries of the Union, in order to obtain information on problems arising from the practical application of the Agreement, and on proposed solutions to such problems, the Council expressed its views on the following four points:

(a) *Interpretation of the concept of the appellation of origin.* The Council was unanimous in the view that Article 2(1) of the Agreement did not exclude the possibility of geographical names being accompanied by the name of the product in question or a qualifying word relating to that product, on the clear understanding that the protection resulting from registration did not extend either to the name of the product itself or to the qualifying word itself.

The Council was unanimous in the view that it was not contrary to the spirit of the Agreement to interpret Article 2(1) in such a way as to permit the registration and protection of names which, while not, properly speaking, "geographical" names, correspond to specific geographical areas and fulfil all the other conditions laid down by the Agreement. In order to avoid refusals, it would be advisable for the Administration of the country of origin to indicate the special nature of the name in question, and this would be noted in the international register.

(b) *Designation of the owners of the right to the appellation of origin.* It was unanimously agreed that there was no necessity to indicate the names of those persons, but that it was sufficient, according to the practice already adopted by several Administrations, to define clearly the circle of owners of the right.

(c) *Enlargement of the circle of owners of the right to the appellation of origin.* The Council considered that it would be advisable, in such cases, to make a new registration. The Administrations of contracting countries would then be in a position to examine whether they could accept the change.

(d) *Appellations of origin common to several countries.* The Council considered that it was the responsibility of the States concerned to agree among themselves. In the event of agreement, there should be nothing to prevent one and the same appellation of origin from having two valid registrations, applied for by two different national Administrations. In any event, it would be desirable, in order to avoid refusals, that such appellations be accompanied by an indication making it possible to distinguish between products originating from one or the other country.

Geographical Extension of the Union. In accordance with the Council's wishes, the Secretariat will study the possibility of making the Lisbon Agreement better known to member countries of the Paris Union, with a view to encouraging new accessions.

List of Participants

Member Countries

Cuba: F. Ortiz Rodriguez. Czechoslovakia: J. Prošek. France: F. G. H. Savignon; R. Labry; M. Bierry. Hungary: E. Tasnádi; J. Bobrovsky; G. Pusztai. Italy: A. Pelizza; G. Trotta. Mexico: R. Valenzuela; M. A. Lopez-Ortega (Miss). Portugal: J. Mota Maia; J. Pereira da Cruz.

Observers

Germany (Federal Republic): H. Mast. Norway: S. H. Røer. Sweden: C. Uggla. Yugoslavia: S. Pretnar.

WIPO

J. Voyame; B. A. Armstrong; L. Egger; A. Jaccard; P. Maugué.

Officers

Chairman F. G. H. Savignon (France); vice-chairman J. Mota Maia (Portugal); secretary J. Voyame (WIPO).

* This Note was prepared by the International Bureau on the basis of the documents of the session.

WORLD INTELLECTUAL PROPERTY ORGANIZATION

Working Agreement between WIPO and the United Nations

On the basis of authorization given to the Director General of WIPO by the Coordination Committee at its first session held in September 1970, a working agreement has been concluded between WIPO and the United Nations. The terms of this agreement are contained in a letter sent by the Secretary-General of the United Nations to the Director General of WIPO on September 22, 1970, and the reply of the latter of October 12, 1970. The text of these two letters is as follows:

I

Dear Mr. Bodenhause,

I have the honour to refer to the entry into force of the Convention establishing the World Intellectual Property Organization (WIPO) on April 26, 1970, of which I have recently been officially informed. In this connexion, I should like to recall the exchange of letters, dated September 23 and October 2, 1964, between the United Nations and the United International Bureaux for the Protection of Intellectual Property, of which the International Bureau of WIPO is a continuation. I should also inform you that on 30 July 1970 the Economic and Social Council of the United Nations was informed by its President of my intention to suggest that the United Nations should have similar relations with WIPO as it had with BIRPI.

No objection having been raised by members of the Council to this suggestion, I should like to propose that our future collaboration be based on the following practical arrangements:

1. The Secretariat of the United Nations and the International Bureau of the World Intellectual Property Organization (WIPO) shall exchange, as appropriate, information and documentation relevant to matters of mutual interest.

2. In matters of mutual interest, representatives of the Secretariat of the United Nations shall be invited to attend in an observer capacity the negotiating conferences organized by WIPO, the conferences or other meetings of all WIPO bodies, and such expert committees, working groups and seminars as may be organized by WIPO.

3. Representatives of WIPO shall be invited to attend in an observer capacity meetings of the General Assembly, the Economic and Social Council and other United Nations bodies, when such meetings deal with questions of intellectual property as defined in the Convention establishing WIPO.

In addition to these formal arrangements, I shall look forward to a continuation and extension with WIPO of the collaboration which has been established since 1964 with BIRPI through an informal exchange of publications and appropriate consultation, on an *ad hoc* basis, relating to questions of co-ordination with organizations of the United Na-

tions system in respect of programme activities and administrative matters. Such consultations are without prejudice to any special arrangement that may be concluded between WIPO and organizations of the United Nations system to co-ordinate their activities.

Yours sincerely,
U THANT

II

Dear Mr Secretary General,

I have the honor to acknowledge receipt of your letter of September 22, 1970, addressed to me in my capacity as Director of the United International Bureaux for the Protection of Intellectual Property (BIRPI), in which capacity, by virtue of Article 21(1) of the Convention Establishing the World Intellectual Property Organization (WIPO), I exercised the functions of Director General of WIPO until the assumption of office of the first Director General.

At its first session held from September 21 to 28, 1970, the General Assembly of WIPO appointed me Director General of WIPO and I am replying to your letter in that capacity.

In your letter you proposed that collaboration between the United Nations and WIPO be based on the following practical arrangements:

1. The Secretariat of the United Nations and the International Bureau of the World Intellectual Property Organization (WIPO) shall exchange, as appropriate, information and documentation relevant to matters of mutual interest.

2. In matters of mutual interest, representatives of the Secretariat of the United Nations shall be invited to attend in an observer capacity the negotiating conferences organized by WIPO, the conferences or other meetings of all WIPO bodies, and such expert committees, working groups and seminars as may be organized by WIPO.

3. Representatives of WIPO shall be invited to attend in an observer capacity meetings of the General Assembly, the Economic and Social Council and other United Nations bodies, when such meetings deal with questions of intellectual property as defined in the Convention establishing WIPO.

On the basis of authorization given by the Coordination Committee of WIPO at its first session held from September 21 to 28, 1970, I accept with pleasure your proposal for the establishment of working relations as specified above.

With reference to the last paragraph of your letter, may I add that, in addition to the above mentioned formal arrangements, I too shall look forward to the continuation and extension for WIPO of the collaboration which has been established since 1964 between the United Nations and BIRPI, particularly in relation to appropriate consultation on an *ad hoc* basis relating to questions of coordination with organizations of the United Nations system in respect of program activities and administrative matters. Such consultations will be without prejudice to any special arrangement that may be concluded between WIPO and organizations of the United Nations system to coordinate their activities.

Yours sincerely,
G. H. C. BODENHAUSEN

LEGISLATION

BENELUX

PROTOCOL

concluded between Belgium, Luxembourg and the Netherlands
in execution of Article 2(1) of the Benelux Convention
Concerning Trademarks¹
(Brussels, July 31, 1970)

Article 1

The Rules annexed to the present Protocol shall determine the procedure for the implementation of Articles 6, 7, 10, 11, 17 and 34 of the Uniform Benelux Trademark Law².

Article 2

Pursuant to Article 1(2) of the Treaty Concerning the Establishment and Statute of a Benelux Court of Justice, the provisions of this Protocol, the Rules annexed thereto and the Administrative Regulations, to be established by the Executive Board of the Benelux Trademark Office, are, for the application of Chapters III and IV of the said Treaty, designated as common rules of law.

Article 3

1. This Protocol shall enter into force on the day of its signature.

2. The Rules annexed to this Protocol shall enter into force in accordance with Article 35 thereof.

3. The Protocol and the Rules shall terminate at the same time as the Benelux Convention Concerning Trademarks of March 19, 1962.

.....

Executive Rules of the Uniform Benelux Trademark Law

CHAPTER I

Benelux Filing

Article 1

1. The Benelux filing of a mark shall be effected in French or Dutch by the production of a document containing:

- (a) the applicant's name and address;
- (b) a reproduction of the mark;
- (c) mention of the color or colors of the mark where the applicant claims such color or colors as a distinctive feature of the mark;

- (d) mention, where applicable, that the mark represents, in whole or in part, the shape of the article or of its packaging;
- (e) the list of goods to which the mark is intended to relate;
- (f) mention, where applicable, that the mark is a collective mark;
- (g) the signature of the applicant or his agent.

2. The applicant shall use a form, the pattern and number of copies of which shall be determined by the Administrative Regulations.

3. Where applicable, the form shall bear the postal address required by Article 18(3).

4. The reproduction of the mark shall fulfill the requirements laid down in the Administrative Regulations.

5. The goods shall be designated in precise terms and, as far as possible, in the terms of the alphabetical list of the international classification of goods provided for in the Nice Agreement of June 15, 1957; the goods shall, in all cases, be grouped according to the classes and the order of the classes of the said international classification.

Article 2

The application shall be accompanied by the following documents:

- (a) a request for an examination for anticipation, or alternatively a certificate from the Benelux Trademark Office attesting to the fact that an examination for anticipation was carried out or requested within the three months preceding the filing of the mark;
- (b) in the case of a collective mark, the regulations for use and control;
- (c) a power of attorney, where the filing is effected through an agent;
- (d) proof of payment of the fees or charges provided for in Article 28(1)(a), (b) or (c);
- (e) a number, to be determined by the Administrative Regulations, of reproductions in color of the mark where the applicant claims color or colors as a distinctive feature of the mark.

Article 3

1. The date of filing shall be the date of receipt, either by the Benelux Office or by the relevant national Office, of the complete file, provided that the requirements of Articles 1, 2, 17 and 18 have been fulfilled.

2. Where the requirements have not been fulfilled at the time of filing, the authority receiving the file shall notify the person concerned without delay and prescribe a period for him to fulfill the requirements or to submit any observations or to limit the list of goods. Such period may be extended, on request or ex officio, but it shall not exceed four months from the date on which the first notification was sent. This provision shall apply also to requests for authentication, provided for in Article 17(3).

3. Where the Articles referred to in paragraph (1) above have not been complied with within the prescribed period, the file received shall be shelved and the fees and charges paid, reduced by 350 francs or 25 florins, shall be refunded,

¹ The text of the Convention is published in *Industrial Property*, 1969, pp. 305 to 307.

² The text of the Uniform Law is published in *Industrial Property*, 1969, pp. 307 to 313.

with the exception of those provided for in Article 28(1)(c), where the examination for anticipation has begun.

4. In the case provided for in paragraph (2) above, the date of filing shall be that of the receipt of the documents referred to in Article 1(1), and in Article 2(a), (b) and (d) in the case of basic fees or charges provided, however, that the other provisions of Articles 1, 2, 17 and 18 have been complied with within the prescribed period.

Article 4

1. Where, at the time of filing, a right of priority under Article 4 of the Paris Convention for the Protection of Industrial Property is claimed, mention shall be made of the country, date, serial number and the owner of the basic application.

Where the person filing the mark in the country of the basic application is not the same as the person effecting the Benelux filing, the latter shall attach to his application a document showing his title.

2. The special declaration of a claim to priority, referred to in Article 6(D) of the Uniform Law shall contain the applicant's name and address, his signature, or that of his agent, where applicable the postal address referred to in Article 18(3), an indication of the mark, and the information mentioned in paragraph (1) above. Proof of payment of the fee mentioned in Article 28(1)(d) shall be attached to the declaration.

3. Where paragraphs (1) or (2) above and Articles 17 and 18 have not been complied with, the competent authority shall notify the person concerned without delay and prescribe a period for him to remedy the situation. Such period may be extended but shall not exceed four months from the date on which the notification was sent. This provision shall apply also to requests for authentication, provided for in Article 17(3).

4. If, within the prescribed period, the provisions of paragraphs (1) or (2) above and those of Articles 17 and 18, have not been complied with, the right of priority shall be forfeited.

5. The competent authority shall be empowered to require an applicant claiming priority to supply a certified copy of the documents attesting to such priority.

Article 5

In the instrument of filing, the competent authority shall mention:

- (a) the information referred to in Article 1 and, where applicable, the claim to priority, as well as the information referred to in Article 4(1);
- (b) the production of the documents referred to in Article 2;
- (c) the amount of fees and charges;
- (d) where applicable, the fact that the instrument of filing is provisional in terms of Article 6(B)(2) of the Uniform Law;
- (e) the date and serial number of the application;
- (f) the decision, within the period prescribed in Article 7(1), as to the maintenance or non-maintenance of the filing;
- (g) where applicable, the limitation of the list of goods, as provided for in Article 6.

Article 6

On receipt of the results of the examination for anticipation and so long as the instrument of filing is provisional, the applicant may request the limitation of the list of goods free of charge.

The request shall be submitted to the Benelux Office in writing.

Article 7

1. The period, referred to in Article 6(B)(2) of the Uniform Law, during which the applicant may confirm his wish to maintain the filing, shall be four months from the date on which the results of the examination for anticipation are sent. Such confirmation shall be notified to the Benelux Office in writing.

2. If no confirmation of the maintenance of the filing is received within this period, the fees paid under Article 28(1)(a) or (b) shall be refunded after deduction of 350 francs or 25 florins.

CHAPTER II

Registration

Article 8

1. As soon as the instrument of filing is final, the Benelux Office shall register the instrument, mentioning:

- (a) the registration number;
- (b) the date and serial number of the application;
- (c) the particulars referred to in Article 1 and, where applicable, the claim to priority referred to in Article 4(1);
- (d) the date on which registration expires.

2. Where priority has been claimed in accordance with Article 4(2), the Benelux Office shall register the claim, mentioning the country, date, serial number and the owner of the basic application.

Article 9

The Benelux Office shall send to the applicant without delay a certificate of registration containing the information referred to in Article 8.

Article 10

1. Changes affecting the mark shall be registered, at the request of the proprietor, after the registration of the instrument of filing. However, in the case provided for in Article 15(A) of the Uniform Law, the proprietor and the licensee may only act jointly.

2. All applications for amendment of entries in the Benelux Register shall be addressed to the Benelux Office containing the registration number, the name and address of the proprietor of the mark, his signature or that of his agent and, where applicable, the address referred to in Article 18(3).

3. The abstract of the instrument evidencing assignment or other transfer or a license, referred to in Article 11(C) of the Uniform Law, shall be duly certified, where applicable by the contracting parties.

4. The cancellation of registration following a judicial decision amounting to *res judicata* shall be effected either ex officio or at the request of the most diligent party.

5. The date of registration by the Benelux Office of notifications regarding changes in the regulations for use and control of collective marks, referred to in Article 25 of the Uniform Law, shall be that of their receipt, either by the Benelux Office or by a national Office.

CHAPTER III

Renewal

Article 11

1. An application for renewal of the registration of a Benelux filing shall be effected by the presentation to the Benelux Office of a form, signed by the applicant or his agent, giving the following particulars:

- (a) the name of the proprietor of the mark;
- (b) his address and, where applicable, the address referred to in Article 18(3);
- (c) a reproduction of the mark; such reproduction shall fulfill the requirements of the Administrative Regulations;
- (d) mention of the color or colors claimed by the proprietor as a distinctive feature of the mark;
- (e) mention, where applicable, of the fact that the mark represents, in whole or in part, the shape of the article or of its packaging;
- (f) the list of goods, worded in precise terms and, as far as possible, in the terms of the alphabetical list of the international classification of goods provided for in the Nice Agreement of June 15, 1957; the goods shall, in all cases, be grouped according to the classes and the order of classes of the said international classification;
- (g) mention, where applicable, that the mark is a collective mark;
- (h) the most recent registration number;
- (i) the date of the Benelux filing and, where a right of priority is invoked by virtue of Article 4, the date of the basic application;
- (j) in the case of a filing, referred to in Article 30 of the Uniform Law, the information required by Article 32(1) (a) and (b), of these Rules.

2. The pattern and number of copies of the form prepared under paragraph (1) above shall be determined by the Administrative Regulations.

3. The application shall be accompanied by the following documents:

- (a) proof of payment of the fees provided for in Article 28(1)(a) or (b);
- (b) a power of attorney, where the application for renewal is made through an agent;
- (c) a number, to be determined by the Administrative Regulations of reproductions in color of the mark, where the proprietor has claimed color or colors as a distinctive feature of the mark.

Article 12

1. Where Articles 11, 17 and 18 have not been complied with at the time of application for renewal, the Benelux Office shall notify the applicant thereof without delay and give him

an opportunity to remedy the situation within not more than six months from the expiry of the registration. This provision shall apply also to requests for authentication, provided for in Article 17(3). However, where payment is effected wholly or partly after the expiry of the registration, the additional fee provided for in Article 28(4) shall be payable.

2. Where the application for renewal is not put in order within the period mentioned above, the applicant shall be informed that the registration will not be renewed, and the fees paid shall be refunded to him after deduction of 350 francs or 25 florins.

Article 13

1. The Benelux Office shall register renewals, mentioning the information required by Article 11, as well as the serial number and date of renewal, and the date on which registration expires.

2. The Benelux Office shall send to the proprietor without delay a certificate of renewal of registration, containing the information entered in the Register.

CHAPTER IV

International Filing

Article 14

1. In the case of an international filing where the applicants have asked for the effects of such filing to extend to Benelux territory, the Benelux Office shall register notifications from the International Bureau for the Protection of Industrial Property, referred to in Articles 8 and 17 of the Uniform Law.

2. In so far as they concern Benelux territory, decisions as to annulment and lapse of registrations and licenses shall also be recorded in the Register.

3. Where the international filing of a collective mark is not accompanied by regulations for use and control, the Benelux Office shall notify the applicant without delay of his obligation to produce such regulations within the period prescribed in Article 21(2) of the Uniform Law.

4. In the case of collective marks, the fact that the regulations for use and control have or have not been produced and any amendment to the regulations shall be mentioned in the Register.

Article 15

International filings in respect of which the applicants have asked for the effects to extend to Benelux territory shall ex officio be subject to an examination for anticipation. The results of such examination shall be communicated to the proprietor of the mark in question.

CHAPTER V

Request for International Registration

Article 16

1. Any person fulfilling the conditions provided for in the Madrid Agreement Concerning the International Registration of Marks who wishes to obtain protection for his mark in other countries party to the Agreement shall submit to

the Benelux Office a request for international registration, renewal of international registration or territorial extension of protection.

2. The request shall be made by the production of a form, the pattern and number of copies of which shall be determined by the Administrative Regulations. The form shall contain all the information required by the Regulations of the Madrid Agreement, and shall be accompanied, where applicable, by samples, reproductions and a printing block of the mark, as prescribed by the said Regulations.

3. Articles 17 and 18 of these Rules shall apply to such applications and to applications for the amendment of an international registration.

4. Requests and applications shall be accompanied by proof of payment of the fees prescribed by the Madrid Agreement, in so far as those fees have not been paid directly to the International Bureau for the Protection of Industrial Property, and by proof of payment of the fee provided for in Article 28(3)(e) in cases where such fee is payable.

5. The date of requests fulfilling the requirements of this Article shall be that of their receipt by the Benelux Office. Where a request does not wholly fulfill those requirements, the applicant shall nevertheless benefit from the same date if he puts his request in order within a period to be determined by the Benelux Office in accordance with Article 21. In no event may the date of the request precede that of the Benelux filing of the respective mark.

6. The Benelux Office shall immediately transmit to the International Bureau any request or application made in accordance with this Rule and complying with its provisions.

CHAPTER VI

Administrative Provisions

Article 17

1. All documents transmitted to the Benelux Office or to national Offices shall be legible and be written in French or Dutch. However, documents attesting to a change of name, abstracts of instruments evidencing assignment or other transfer or a license, or declarations relating thereto, and regulations for use and control, or amendments thereto, shall be accepted in another language if they are accompanied by a translation into French or Dutch made by a recognized translator. The Benelux Office may however waive the obligation to provide such a translation where the documents referred to above are submitted in English or German or are accompanied by a translation into one of those languages.

2. When a document, produced for registration in the Benelux Register or in the International Register of the International Bureau for the Protection of Industrial Property, is signed in the name of a legal entity, the person signing shall specify his capacity.

3. Authentication of the signature on documents submitted for registration shall not be required unless the Benelux Office or a national Office considers this necessary.

Article 18

1. Any transaction at the Benelux Office or a national Office may be carried out through an agent. Such agent shall have his domicile or an office on Benelux territory and shall produce a power of attorney. A general power of attorney may be deposited with the Benelux Office or any national Office.

2. In cases where an agent has been appointed, all communications provided for by these Rules shall be addressed to him.

3. Persons who have neither a domicile nor an office on Benelux territory shall give a postal address on Benelux territory in the cases provided for in these Rules.

Article 19

1. The request for an examination for anticipation submitted separately from the filing shall include:

- (a) the applicant's name and address;
- (b) a reproduction of the mark and where applicable, mention of the color or colors thereof and of the fact that the mark represents, in whole or in part, the shape of the article or of its packaging;
- (c) a precise list of goods;
- (d) where applicable, mention that the mark is a collective mark.

2. A request concerning a registered mark shall include the name and address of the applicant and the registration number.

Article 20

The results of examinations for anticipation, whether compulsory or optional, shall not be available to the general public.

Article 21

1. Where the provisions of these Rules have not been complied with in respect of an application for amendment of an entry in the Benelux Register, a request for examination referred to in Article 19, or requests and applications referred to in Article 16, or where the prescribed fees and charges have not been paid, or paid only in part, the Benelux Office shall notify the person concerned without delay and prescribe a period for him to remedy the situation.

2. Where the requirements of paragraph (1) above have not been fulfilled, within the prescribed period, the documents received shall be shelved and the fees and charges paid shall be refunded.

Article 22

1. The competent authority shall acknowledge receipt of all documents, whether delivered by hand or by post, which are intended for registration in the Benelux Register or in the International Register of the International Bureau for the Protection of Industrial Property.

2. On receipt by the competent authority, every document shall be stamped with the hour, day, month and year of receipt.

3. Unless proved otherwise, documents which arrive after the service has closed shall be deemed to have arrived at midnight on the same day and shall be stamped accordingly.

Article 23

1. Where the service of the competent authority is closed on the last day of a period prescribed by the Uniform Law or these Rules, such period shall be extended to the end of the first day on which the service re-opens.

2. As far as transactions affecting the date of Benelux filing are concerned, the Benelux Office and the services of the national Offices shall be open on the same days and at the same hours.

Article 24

1. The Benelux Office shall supply interested parties with any information or copies from the Benelux Register, subject to payment of the charges specified in Article 28.

2. The priority documents referred to in Article 4(D)(3) of the Paris Convention shall be delivered to interested parties by the Benelux Office or, where applicable, by the national Offices, subject to payment of the charge specified in Article 28(3)(d). Such documents may be delivered only where the filing complies with Article 1(1) and Article 2(a), (b) and (d) in respect of basic fees and charges.

Article 25

The Benelux Office and the national Offices shall place the forms referred to in these Rules at the disposal of interested parties.

Article 26

1. The Benelux Register shall be in two parts:

- (a) the register of Benelux filings;
- (b) the register of international filings.

2. The Benelux Register and the documents substantiating the entries therein may be consulted free of charge at the Benelux Office.

3. Copies of the Benelux Register may be consulted free of charge at the Belgian and Luxembourg national Offices.

Article 27

1. The publication provided for in Article 17 of the Uniform Benelux Law shall be entitled *Recueil des Marques Benelux - Benelux Merkenblad*.

2. The publication shall contain, in the language of registration only:

- (a) all the particulars relating to Benelux filings required by Articles 8 and 10;
- (b) all the particulars relating to international filings required by Article 14(2) and (4).

CHAPTER VII

Fees and Charges

Article 28

1. The fees and charges for Benelux filings shall be calculated on the basis of the various transactions mentioned below:

- (a) filing of an individual mark or renewal of the registration of such filing:
 - (i) basic fee 1,540 francs or 110 florins;

- (ii) additional fee 280 francs or 20 florins for each class of goods in excess of the third class of the international classification in which the goods are classified;

(b) filing of a collective mark or renewal of the registration of such filing:

- (i) basic fee 2,800 francs or 200 florins;
- (ii) additional fee 700 francs or 50 florins for each class of goods in excess of the third class of the international classification in which the goods are classified;

(c) examination provided for by Article 6(B) or Article 9(1) of the Uniform Law:

- (i) basic fee 700 francs or 50 florins;
- (ii) additional fee 70 francs or 5 florins for each class of goods in excess of the third class of the international classification in which the goods are classified;
- (iii) additional fee 140 francs or 10 florins for a collective mark;

(d) registration of the special declaration relating to priority referred to in Article 6(D) of the Uniform Law: 140 francs or 10 florins per mark;

(e) registration of assignment or transfer:

- 280 francs or 20 florins;
- where the registration concerns several marks: 140 francs or 10 florins for each additional mark;

(f) registration or cancellation of a license:

- 280 francs or 20 florins;
- where the registration or cancellation concerns several marks in respect of which the license is granted to one and the same person: 140 francs or 10 florins for each additional mark;

(g) registration of change of name or address:

- 140 francs or 10 florins;
- where the registration concerns several marks belonging to the same proprietor: 70 francs or 5 florins for each additional mark;

(h) registration of a limitation of the list of goods except in the case of renewal of registration: 280 francs or 20 florins.

2. The fees for international filings shall be calculated on the basis of the various transactions mentioned below:

- registration or cancellation of a license: 280 francs or 20 florins;
- where the registration or cancellation concerns several marks in respect of which the license is granted to one and the same person: 140 francs or 10 florins for each additional mark.

3. The transactions mentioned below shall be subject to payment of fees or charges, to be determined as follows:

- (a) information referred to in Article 24(1): 210 francs or 15 florins, rising by 350 francs or 25 florins per hour when the time spent on search and collation of data exceeds one hour;
- (b) copies referred to in Article 24(1): 14 francs or 1 florin per page;

- (c) certified copies referred to in Article 24(1):
140 francs or 10 florins;
- (d) priority documents referred to in Article 24(2):
140 francs or 10 florins;
- (e) requests for international registration or renewal of international registration:
490 francs or 35 florins.

4. The additional fee payable under Article 12(1) shall be 140 francs or 10 florins.

5. Payment shall be effected according to the procedure established by the Administrative Regulations.

Article 29

The price of the *Recueil des Marques Benelux* shall be 140 francs or 10 florins per issue.

Annual subscription shall be 1,400 francs or 100 florins.

The aforementioned prices shall be increased by 14 francs or 1 florin per issue and 140 francs or 10 florins per annual subscription for deliveries outside Benelux territory.

Methods of payment shall be determined by the Administrative Regulations.

Article 30

Pursuant to Article 7 of the Benelux Convention Concerning Trademarks, the Benelux Office shall pay to the national Offices twenty percent of the amount of fees charged for transactions effected through them.

Article 31

1. The Executive Board may adapt the rates established by these Rules in proportion to increases in the operating costs of the Benelux Office. Such adaptation may not be carried out more than once annually nor ever exceed ten percent of the former rates.

2. If the official exchange rates of the Belgian franc, the Luxembourg franc or the florin are modified in relation to one another, the Executive Board shall adapt the rates established by these Rules in the light of such modification. Such decision may be taken under an emergency procedure provided for in the rules of the Executive Board.

3. New rates shall be published in the Official Gazette of each Benelux country and in the *Recueil des Marques Benelux*; they shall enter into force on the date set by the Executive Board, and not sooner than the date of the most recent publication.

CHAPTER VIII

Transitional and Final Provisions

Article 32

1. Benelux filing, as referred to in Article 30 of the Uniform Law, shall be effected in accordance with Articles 1 and 2(b), (c) and (e). In addition, the Benelux country or countries in which an acquired right exists shall be indicated. Where the list of goods is not identical for the country in which acquired rights are claimed, the applicant shall provide separate lists.

The following particulars shall be given in addition:

- (a) the nature and time of the facts which gave rise to the acquired right;

- (b) where earlier filings or registrations have been effected: their dates and serial numbers;
- (c) the date and serial number of the filing on which was based an international registration still in force on January 1, 1971, as well as the date and serial number of the registration.

Where, in accordance with subparagraphs (a) and (b) of this paragraph, several years are mentioned, the earliest of these shall be used to determine the expiry date of the registration of the Benelux filing.

2. The filing shall be admissible only where the Benelux Office or the national Office has received, before expiry of the period prescribed by Article 30 of the Uniform Law:

- (a) the document referred to in Article 1(1), together with:
 - (i) mention of the country or countries in which an acquired right exists;
 - (ii) separate lists of goods, where applicable;
 - (iii) mention of the nature and time of the facts which gave rise to the acquired right;
- (b) where applicable, the regulations referred to in Article 2(b);

provided that the other provisions of paragraph (1) above and those of Articles 17 and 18 have been complied with within the period specified in paragraph (3) below.

3. Where, at the time of filing, the provisions of paragraph (1) and those of Articles 17 and 18 have not been complied with, the authority receiving the file shall notify the person concerned without delay and prescribe a period for him to remedy the situation. A further period of not more than four months may be granted on request or ex officio.

4. Where the requirements of this Article have not been fulfilled within the period prescribed under paragraph (3) above, all documents received shall be shelved and the party concerned shall be informed accordingly.

5. The provisions of Articles 5 and 8(1) shall apply, it being understood, however, that the instrument of filing and the corresponding registration mention the particulars required by paragraph (1)(a), (b) and (c) of this Article, and the date on which the registration expires.

6. Filings subject to this Article shall be published, in the language or languages of their registration, in the *Recueil des Marques Benelux*.

The publication shall contain, for each mark, the information referred to in paragraph (5) above.

7. Persons having effected filings subject to this Article may correct or amend the particulars referred to in paragraph (1)(a) and (b), and add evidentiary material where necessary. These data shall on no account affect the date, already set, on which the registration expires.

Article 33

Where, at the time of claiming an acquired right, the applicant simultaneously requests the first renewal of the registration in accordance with Article 31 of the Uniform Law, he shall mention this fact at the time of filing, and attach proof of payment of the fees provided for in Article 28(1)(a)

or (b). The provisions of Article 32(3), (4), (5) and (6) shall apply.

Article 34

1. The Benelux Office shall, as far as possible, notify the proprietor of a collective mark, referred to in Article 30(4) of the Uniform Law, of his obligation to produce regulations for use and control.

2. The Benelux Office shall mention whether or not such regulations have been produced in the Benelux register of international filings. Such information shall be published in the *Recueil des Marques Benelux*.

Article 35

1. These Rules, with the exception of Articles 2(a) and 15, shall enter into force on the date of entry into force of the Uniform Law³.

2. The Executive Board of the Benelux Office shall determine the date of entry into force of Articles 2(a) and 15.

Such date may be no later than five years, in the case of Article 2(a), and ten years, in the case of Article 15, from the date of entry into force of these Rules.

³ That is, January 1, 1971. (*Editor's Note.*)

SINGAPORE

Patents (Compulsory Licensing) Act

(No. 12 of 1968)

Short title and commencement

1. — This Act may be cited as the Patents (Compulsory Licensing) Act, 1968, and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

Interpretation

2. — In this Act, unless the context otherwise requires —
“patentee” means the person for the time being entered on the Register of Patents as the grantee or proprietor of the patent;

“person interested” includes the Government and any person engaged in, or engaged in promoting research in, the same field as that to which the invention relates;

“Register of Patents” means the Register of Patents kept and maintained under section 13 of the Registration of United Kingdom Patents Ordinance;

“Registrar” means the Registrar of Patents appointed under section 2 of the Registration of United Kingdom Patents Ordinance.

Power to grant compulsory licences in respect of specified classes of patented invention. Schedule

3. — (1) At any time after the expiration of three years from the date of the sealing of any patent in the United Kingdom belonging to a class of inventions specified in the

Schedule to this Act and where such patent has been registered in Singapore and remains in force, any person interested may apply to the Registrar upon any one or more of the grounds set out in subsection (2) of this section for a licence under the patent.

(2) The grounds upon which applications may be made for an order under this section are as follows:

- (a) that the patented invention, being capable of being commercially worked in Singapore, is not being commercially worked therein or is not being so worked to the fullest extent that is reasonably practicable;
- (b) that a demand for the patented article in Singapore is not being met on reasonable terms or is being met to a substantial extent by importation;
- (c) that the commercial working of the invention in Singapore is being prevented or hindered by the importation of the patented article;
- (d) that by reason of the refusal of the patentee to grant a licence or licences on reasonable terms —
 - (i) a market for the export of the patented article manufactured in Singapore is not being supplied;
 - (ii) the working or efficient working in Singapore of any other patented invention which makes a substantial contribution to the art is prevented or hindered; or
 - (iii) the establishment or development of commercial or industrial activities in Singapore is unfairly prejudiced; and
- (e) that by reason of conditions imposed by the patentee upon the grant of licences under the patent, or upon the purchase, hire or use of the patented article or process, the manufacture, use or sale of materials not protected by the patent, or the establishment or development of commercial or industrial activities in Singapore is unfairly prejudiced.

(3) Subject as hereinafter provided, the Registrar may, if satisfied that any of the grounds aforesaid are established, make an order in accordance with the application; and the order may require the licence to be granted upon such terms as the Registrar thinks fit:

Provided that —

- (a) where the application is made on the ground that the patented invention is not being commercially worked in Singapore or is not being worked to the fullest extent that is reasonably practicable, and it appears to the Registrar that the time which has elapsed since the sealing of the patent has for any reason been insufficient to enable it to be so worked, he may by order adjourn the application for such period as will in his opinion give sufficient time for the invention to be so worked;
- (b) no order shall be made under this section in respect of a patent on the ground that the working or efficient working in Singapore of another patented invention is prevented or hindered unless the Registrar is satisfied that the patentee in respect of that other invention is able and willing to grant to the patentee and his licensees a licence in respect of that other invention on reasonable terms.

(4) An application under this section may be made by any person notwithstanding that he is already the holder of a licence under the patent; and no person shall be estopped from alleging any of the matters specified in subsection (2) of this section by reason of any admission made by him, whether in such a licence or otherwise, or by reason of his having accepted such a licence.

(5) In this section the expression "patented article" includes any article made by a patented process.

Exercise of powers on application under section 3

4. — (1) The powers of the Registrar upon an application under section 3 of this Act shall be exercised with a view to securing the following general purposes, that is to say:

- (a) that inventions which can be worked on a commercial scale in Singapore and which should in the public interest be so worked shall be worked therein without undue delay and to the fullest extent that is reasonably practicable;
- (b) that the inventor or other person beneficially entitled to a patent shall receive reasonable remuneration having regard to the nature of the invention;
- (c) that the interests of any person for the time being working or developing an invention in Singapore under the protection of a patent shall not be unfairly prejudiced.

(2) Subject to subsection (1) of this section, the Registrar shall, in determining whether to make an order in pursuance of any such application, take account of the following matters, that is to say:

- (a) the nature of the invention, the time which has elapsed since the sealing of the patent and the measures already taken by the patentee or any licensee to make full use of the invention;
- (b) the ability of any person to whom a licence would be granted under the order to work the invention to the public advantage; and
- (c) the risks to be undertaken by that person in providing capital and working the invention if the application is granted,

but shall not be required to take account of matters subsequent to the making of the application.

Power to grant compulsory licences for patented inventions concerning food or medicine or a surgical or curative device

5. — (1) At any time after the date of sealing of a patent in the United Kingdom in respect of —

- (a) a substance capable of being used as food or medicine or in the production of food or medicine;
- (b) a process for producing any such substance as aforesaid; or
- (c) any invention capable of being used as or as part of a surgical or curative device,

and where such patent has been registered in Singapore and remains in force, the Registrar may, on application made to him by any person interested, order the grant to the applicant of a licence under the patent on such terms as he thinks fit, unless it appears to him that there are good reasons for refusing the application.

(2) The Registrar shall not order the grant of a licence under subsection (1) of this section if the patentee satisfies him that he has already established an industry in Singapore for the making of the food, medicine or surgical or curative device to which the patent relates or that he is likely to do so in the near future.

(3) In settling the terms of licences under this section the Registrar shall endeavor to secure that food, medicine and surgical and curative devices shall be available to the public at the lowest prices consistent with the patentee's deriving a reasonable advantage from his patent rights.

(4) A licence granted under this section shall entitle the licensee to make, use, exercise and vend the invention as a food or medicine, or for the purposes of the production of food or medicine or as part of a surgical or curative device, but for no other purposes.

(5) An application under this section may be made notwithstanding that the applicant is already the holder of a licence under the patent.

Provisions as to licences under section 3 or 5

6. — (1) Where the Registrar is satisfied, on application made under section 3 or 5 of this Act that the manufacture, use or sale of materials not protected by the patent is unfairly prejudiced by reason of conditions imposed by the patentee upon the grant of licences under the patent, or upon the purchase, hire or use of the patented article or process, he may, subject to the provisions of those sections, order the grant of licences under the patent to such customers of the applicant as he thinks fit as well as to the applicant.

(2) Where an application under section 3 or 5 of this Act is made by a person being the holder of a licence under the patent, the Registrar may, if he makes an order for the grant of a licence to the applicant, order the existing licence to be cancelled, or may, if he thinks fit, instead of making an order for the grant of a licence to the applicant, order the existing licence to be amended.

(3) Where on an application under section 3 or 5 of this Act the Registrar orders the grant of a licence, he may direct that the licence shall operate —

- (a) to deprive the patentee of any right which he may have as patentee to make, use, exercise or vend the invention or to grant licences under the patent; and
- (b) to revoke all existing licences in respect of the invention.

(4) The licensee under any licence granted in pursuance of an order under section 3 or 5 of this Act shall (unless in the case of a licence the terms of which are settled by agreement, the licence otherwise expressly provides) be entitled by notice in writing to call upon the patentee to take proceedings to prevent any infringement of the patent; and if the patentee refuses or neglects to do so within two months after being so called upon, the licensee may institute proceedings for the infringement in his own name as if he were patentee, making the patentee a defendant:

Provided that a patentee so added as defendant shall not be liable for any costs unless he enters an appearance and takes part in the proceedings.

Revocation of patent

7. — (1) Where an order for the grant of a licence under a patent has been made in pursuance of an application under section 3 of this Act, any person interested may, at any time after the expiration of two years from the date of that order, apply to the Registrar for the revocation of the patent upon any of the grounds specified in subsection (2) of the said section 3; and if upon any such application the Registrar is satisfied —

- (a) that any of the said grounds are established; and
- (b) that the purposes for which an order may be made in pursuance of an application under the said section 3 could not be achieved by the making of any such order as is authorised to be made in pursuance of such an application,

he may order the patent to be revoked.

(2) An order for the revocation of a patent under this section may be made so as to take effect either unconditionally or in the event of failure to comply, within such reasonable period as may be specified in the order, with such conditions as may be imposed by the order with a view to achieving the purposes aforesaid; and the Registrar may, on reasonable cause shown in any case, by subsequent order extend any period so specified.

Procedure on application under section 3, 5 or 7

8. — (1) Every application under section 3, 5 or 7 of this Act shall specify the nature of the order sought by the applicant and shall contain a statement (to be verified in such manner as may be prescribed) setting out the nature of the applicant's interest and the facts upon which the application is based.

(2) Where the Registrar is satisfied, upon consideration of any such application, that a *prima facie* case has been made out for the making of an order, he shall direct the applicant to serve copies of the application upon the patentee and any other person appearing from the Register of Patents to be interested in the patent in respect of which the application is made, and shall advertise the application in the *Gazette*.

(3) If the applicant and the patentee have agreed upon the terms and conditions of a licence to be granted under the patent, the Registrar may order the grant of a licence to the applicant on such terms and conditions.

(4) In any case where the applicant and the patentee are in substantial agreement as to the terms and conditions for the grant of a licence under the patent but have not agreed as to the amount of royalty or compensation payable to the patentee, the Registrar may, if he thinks fit, order the grant of a licence to have effect pending any agreement between the parties or the decision of the Registrar on the royalty or compensation payable.

(5) The patentee or any other person desiring to oppose the application may, within such time as may be prescribed or within such further time as the Registrar may on application (made either before or after the expiration of the prescribed time) allow, give to the Registrar notice of opposition.

(6) Any such notice of opposition shall contain a statement (to be verified in such manner as may be prescribed) setting out the grounds on which the application is opposed.

(7) Where any such notice of opposition is duly given, the Registrar shall notify the applicant, and shall, subject to the provisions of section 9 of this Act, give to the applicant and the opponent an opportunity to be heard before deciding the case.

Reference to authority appointed by the Minister

9. — (1) Where any such application is opposed in accordance with section 8 of this Act, and either —

- (a) the parties consent; or
- (b) the proceedings require a prolonged examination of documents or any scientific or local investigation which cannot in the opinion of the Registrar conveniently be made before him,

the Registrar may at any time order the whole proceedings, or any question or issue of fact arising therein, to be referred to an authority appointed by the Minister.

(2) The appointed authority to whom any reference is made by the Registrar under subsection (1) of this section shall report to the Registrar the findings of the authority.

(3) The expenses of and incidental to a reference to an authority under subsection (1) of this section shall, in default of agreement between the parties, be borne equally by the parties to the reference.

Royalty or compensation payable

10. — Where a licence has been granted under section 3 or 5 of this Act and the patentee and the licensee are unable to agree within a reasonable time on the amount of royalty or compensation to be reserved to the patentee under the licence, the Registrar shall determine the royalty or compensation payable, but in no case shall the Registrar fix a royalty or compensation payable to the patentee under the licence exceeding ten percent of the net ex-factory sale price in bulk of the patented article, to be determined in such manner as may be prescribed.

Amendment and cancellation of licence granted under section 5

11. — On the application of the patentee or of the licensee or of any person interested the licence granted under section 5 of this Act may be amended or cancelled by the Registrar on such terms and conditions as he may think fit, but before cancelling a licence the Registrar shall give a reasonable time to the licensee to cease working the invention if it appears to him that an immediate stoppage would cause serious damage to the licensee.

Effect of order granting compulsory licence

12. — Any order made under this Act for the grant of a licence shall, without prejudice to any other method of enforcement, have effect as if it were a deed, executed by the patentee and all other necessary parties, granting a licence in accordance with the order.

Rights conferred by patent not deemed to be infringed by the making, importation and obtaining by Government of patented medicine or drug for Government hospitals

13. — (1) Notwithstanding anything contained in this Act or in any other written law, the rights conferred by a patent shall not be deemed to be infringed by the making, importation or obtaining by or on behalf of the Government of any patented medicine or drug for distribution and use in any dispensary, hospital or other medical institution maintained by or on behalf of the Government or in any dispensary, hospital or medical institution which may be specified by the Minister by notification in the *Gazette*.

(2) When any patented medicine or drug is made, imported or obtained in the circumstances set out in subsection (1) of this section, the Minister shall cause a notice in such form and containing such particulars as he thinks fit to be published in the *Gazette* notifying the patentee as soon as practicable of such making, importation or obtaining.

(3) The Government shall furnish the patentee with such information as to the extent of the making, importation or obtaining as he may from time to time require.

(4) Any making, importation or obtaining of a patented medicine or drug for the purposes aforesaid, shall be made upon such terms as may be agreed upon, either before or after such making, importation or obtaining between the Government and the patentee, or, in default of agreement, as may be determined by the Registrar on a reference to him.

(5) On a reference made to him under subsection (4) of this section, the Registrar may determine the royalty or compensation payable to the patentee in respect of the making, importation or obtaining by or on behalf of the Government of the patented medicine or drug but such royalty or compensation shall in no case exceed five percent of the net ex-factory sale price in bulk of the patented article to be determined in such manner as may be prescribed.

Appeal from Registrar

14. — (1) The Chief Justice may nominate a Judge of the High Court to constitute the Appeal Tribunal under this section.

(2) An appeal shall lie to the Appeal Tribunal from any order made by the Registrar and the decision of the Appeal Tribunal shall be final.

(3) On any appeal under this section the Attorney-General or such other counsel as he may appoint shall be entitled to appear and be heard.

(4) The Appeal Tribunal may examine witnesses on oath and administer oaths for that purpose.

(5) Upon any appeal under this section the Appeal Tribunal may by order award to any party such costs as the Appeal Tribunal may consider reasonable and direct how and by what parties the costs are to be paid.

(6) Upon any appeal under this section the Appeal Tribunal may exercise any power which could have been exercised by the Registrar in the proceeding from which the appeal is brought.

(7) An appeal to the Appeal Tribunal under this section shall not be deemed to be a proceeding in the High Court.

Power to vary etc. Schedule

15. — The Minister may from time to time by order amend, vary, delete or add to the Schedule to this Act.

Rules

16. — (1) The Minister may make such rules as may be necessary or expedient to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power the Minister may make rules —

- (a) to regulate the procedure to be followed in connection with any proceeding before the Registrar;
- (b) to regulate the procedure to be followed in connection with any proceeding before the Appeal Tribunal;
- (c) to provide for the appointment of scientific advisers to assist the Appeal Tribunal and for their remuneration;
- (d) to prescribe the manner in which royalty or compensation payable to the patentee shall be determined;
- (e) to prescribe the fees which may be payable under this Act; and
- (f) to prescribe any other matter which has to be or may be prescribed.

THE SCHEDULE

(Section 3)

Classes of Patents

1. Sheet metal; metal tubes; wire.
2. Glass; mineral and slag; wool.
3. Textiles and paper.

Textiles

Natural and artificial threads and fibres.

Spinning.

Weaving.

Braiding; lace-making; machine knitting; trimmings; non-woven fabrics.

Sewing; embroidery.

Bleaching; washing; dyeing; finishing and printing of textiles; dyeing and bleaching of leather; bed feathers; wallpaper; floor coverings.

Ropes; cables (non-electric).

Paper

Paper making; production of cellulose.

4. Fixed construction.

Building

Locks; keys; window and door fittings; safes.

FINLAND

The Trademark Law, 1964*Amendment to Article 14(1)(3)*

According to a communication from the Finnish National Patent and Register Board, the Finnish Parliament, on August 21, 1970, approved the following amendment to Article 14(1)(3) of the above Law¹ which entered into force on June 1, 1964.

Article 14

A trademark shall not be registered:

.....

3. if, without proper permission, it incorporates national armorial bearings, a national flag or other emblem, a sign or hallmark indicating control and warranty used by the State for goods of the same or a similar type as those for which the trademark is requested, the armorial bearings of a Finnish commune, *or the flag, armorial bearings or other emblem, name or abbreviation of the name of an international organization* or any device or emblem, *name or abbreviation of a name* liable to be confused with the symbols or emblems, *marks, names or abbreviations* referred to in this item;

¹ See *Industrial Property*, 1969, p. 274.

ITALY

**Decrees Concerning the Temporary Protection
of Industrial Property Rights at Two Exhibitions**

(of October 6, 1970)¹

Single Article

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

- VII^a Mostra internazionale delle attrezzature alberghiere e turistiche* **TECNHOTEL** (Genoa, November 14 to 24, 1970);
III^a Mostra delle forniture per ospedali, case di cura e comunità - **TECNHOSPITAL** (Genoa, November 20 to 24, 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.

¹ Official communications from the Italian Administration.

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.

GENERAL STUDIES

**The New Italian Law
on Compulsory Licenses - II ***

By Raffaele NOBILI

United States, 844; Great Britain, 701; Germany, 288; Australia, 267; Switzerland, 201; Japan, 86; The Netherlands, 79; and the balance of 274 from 20 other countries.

The technical content fell into the following categories: chemistry, 1,129; mechanical engineering, 902; electrical engineering, 614; home science, 493; building, 355; primary industries, 208.

.....

During the year 3,155 cases proceeded to acceptance after search and examination, and letters patent were sealed on 2,312 applications.

Trade Marks

The 3,320 applications for the registration of trade marks during the period were made by applicants from the following countries: New Zealand, 964; United States, 834; Great Britain, 510; Australia, 285; Germany, 201; Japan, 123; Switzerland, 113; and the balance of 290 from 19 other countries.

Applications for 3,326 trade marks were accepted after search and examination, 2,528 were registered, and 2,434 existing registrations were renewed.

General

It appears that the efficient administration of the Patents, Designs, and Trade Marks Acts in New Zealand continues to be dependent only upon the availability of staff of good calibre and their retention. The office now has sufficient scientific patent examination staff to keep pace with the inflow of patent applications but further recruitment is essential if we are to reduce the substantial accumulation of work so that applications can receive attention within a reasonable time.

Commerce continues to take an increasing interest in trade marks and current registrations exceed 40,000 but applicants are waiting an excessive time for a decision. Remedial measures have been recommended to the appropriate authority.

The efficient performance of the specialised work of the Patent Office is heavily dependent upon experience, and good service to the public requires mature administrative officers who approach their work with a long-term rather than a transitory outlook. If an experienced staff is to be developed and retained, salary opportunity within the Patent Office more comparable with the promotional prospects available in larger departments must be devised.

A feasibility study by State Services Commission and departmental officers of the possible application of electronic data processing techniques to the work of the Patent Office has been commenced.

Eight candidates sat for the Patent Attorneys Examination held in December, 5 passed in two or more subjects and 3 failed in one or more subjects. Three persons completed the examination and 2 of these who possessed the prescribed experience qualification were entered on the register of those entitled to practise as patent attorneys, bringing the total to 22.

NEWS CONCERNING NATIONAL PATENT OFFICES

NEW ZEALAND

Report on the Activities of the Patents Division *

Applications and Fees Received

A total of 7,322 applications were received during the year. The following table provides a comparison of the figures for patents, designs, and trade marks, together with the total fees for each category, over the last 3 years —

	1967-68 Ended 31 March 1968		1968-69 Ended 31 March 1969		1969-70 Ended 31 March 1970	
	Appli- cations	Fees	Appli- cations	Fees	Appli- cations	Fees
Patents	3,698	\$ 147,028	3,953	\$ 158,124	3,701	\$ 159,793
Designs	423	2,900	405	3,255	301	2,804
Trade marks	2,901	79,081	3,195	79,454	3,320	82,129
	7,022	229,009	7,553	240,833	7,322	244,726

The expenditure for the year was \$ 213,215, of which salaries totalled \$ 181,481.

Patents

The 3,701 applications for the grant of letters patent originated in the following countries: New Zealand, 961;

* The report of the New Zealand Commissioner of Patents for the period of April 1, 1969, to March 31, 1970, which was included in the Report of the Department of Justice of New Zealand.

NEWS ITEMS

GUATEMALA

New Director of the Trademark and Patent Office

We have been informed that Mr. Orlando Marsicovetere Durán has been appointed Director of the Trademark and Patent Office of Guatemala.

We congratulate Mr. Marsicovetere Durán on his appointment.

PAKISTAN

Change of Address of the Patent Office

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

The Patent Office
Kiani S. J. Shaheed Road
Depot Lines
KARACHI - 3

WIPO Meetings

WIPO Meetings

Object: Revision of the Stockholm Act — **Invitations:** Member States of the Berne Union — **Observers:** Other States, members of the United Nations or of a Specialized Agency; Intergovernmental and non-governmental organizations concerned

* Meeting convened jointly with the Council of Europe.

- September 6 to 10, 1971 (Place to be fixed) — Joint ad hoc Committee on the International Classification of Patents — Working Group IV *
- September 13 to 17, 1971 (The Hague) — Joint ad hoc Committee on the International Classification of Patents — Working Group I *
- September 20 and 21, 1971 (Geneva) — ICIREPAT — Technical Coordination Committee
- September 22 to 24, 1971 (Geneva) — ICIREPAT — Plenary Committee
- September 21 and 22, 1971 (Geneva) ** — WIPO Headquarters Building Subcommittee
Members: Argentina, Cameroon, France, Germany (Fed. Rep.), Italy, Japan, Netherlands, Soviet Union, Switzerland, United States of America
- September 27 to October 1, 1971 (Berne) — Joint ad hoc Committee on the International Classification of Patents — Working Group II *
- September 27 to October 2, 1971 (Geneva) — WIPO Coordination Committee, Executive Committees of the Paris and Berne Unions, Assembly and Committee of Directors of the National Property Offices of the Madrid Union, Council of the Lisbon Union
- October 4 to 8, 1971 (Geneva) — Committee of Experts on International Registration of Marks
Object: Preparation of the Revision of the Madrid Agreement or of the Conclusion of a New Treaty — *Invitations:* Member States of the Paris Union and organizations concerned
- October 4 to 9, 1971 (Geneva) — Joint ad hoc Committee on the International Classification of Patents — Working Group V *
- October 11 to 13, 1971 (Geneva) — ICIREPAT — Technical Committee I (Retrieval Systems, Design and Testing)
- October 13 to 15, 1971 (Geneva) — ICIREPAT — Technical Committee VI (Systems Implementation)
- October 14 and 15, 1971 (Geneva) — ICIREPAT — Advisory Board for Cooperative Systems
- October 18 to 20, 1971 (Geneva) — ICIREPAT — Technical Committee II (Technical Fields: Forward Planning)
- October 21 and 22, 1971 (Geneva) — ICIREPAT — Technical Committee III (Advanced Computer Techniques)
- October 25 to 27, 1971 (Geneva) — ICIREPAT — Technical Committee V (Patent Format and Printing)
- October 28 and 29, 1971 (Geneva) — ICIREPAT — Technical Committee IV (Microform)
- November 9 to 12, 1971 (Geneva) — Joint ad hoc Committee on the International Classification of Patents — Meeting of the Bureau *
- November 15 to 18, 1971 (Geneva) — Joint ad hoc Committee on the International Classification of Patents — Plenary Committee *
- November 18 to 20, 1971 (Geneva) — Intergovernmental Committee Established by the Rome Convention (Neighboring Rights)
Note: Meeting convened jointly with the International Labour Office and Unesco
- November 22 to 27, 1971 (Geneva) — Executive Committee of the Berne Union
- December 6 to 11, 1971 (Geneva) ** — Patent Cooperation Treaty (PCT) — Financing Working Group and Interim Committees
Members: (i) Financing Working Group: Canada, France, Germany (Fed. Rep.), Italy, Japan, Netherlands, Soviet Union, Sweden, Switzerland, United Kingdom, United States of America; (ii) Interim Committees: Signatory States of the PCT
- December 13 to 15, 1971 (Geneva) — ICIREPAT — Technical Coordination Committee

* Meeting convened jointly with the Council of Europe.

** Dates to be confirmed later.

Meetings of Other International Organizations Concerned with Intellectual Property

- December 15 to 17, 1970 (The Hague) — International Patent Institute — Administrative Council (104th Session)
- April 17 to 24, 1971 (Vienna) — International Chamber of Commerce — Congress
- May 18 to 22, 1971 (Stockholm) — International Federation of Patent Agents — General Assembly
- July 5 to 24, 1971 (Paris) — Unesco — Diplomatic Conference for the Revision of the Universal Copyright Convention
- July 26 to August 3, 1971 (Montreal) — International Writers Guild — 3rd Congress
- International Conference for the Setting Up of a European System for the Grant of Patents (Luxembourg):
- November 24 to 27, 1970 — Working Party I — “Implementing Regulations” Subcommittee
 - November 30 to December 1, 1970 — Working Party I
 - December 2 to 4, 1970 — Coordination Committee
 - December 8 to 11, 1970 — Working Party I — “Regulations on Fees” Subcommittee
 - January 12 to 15, 1971 — Working Party I
 - April 20 to 30, 1971 — Conference

VACANCY IN WIPO

Applications are invited for the following post:

Competition No. 129

Translator

(Languages Section)

Category and grade: P.3

Principal duties:

- (a) Translation into French of legal, administrative and technical texts in English.
- (b) Revision of French working documents and other French texts in order to improve their linguistic level.
- (c) Participation in translation or editorial work during conferences.
- (d) As far as necessary, translation into French of correspondence and legal texts in Spanish or Russian or German (according to the language of which the incumbent has adequate knowledge).

The duties above mentioned are subject to supervision by the Head of Languages Section.

Qualifications required:

- (a) University degree in a relevant field. Wide general culture.
- (b) Excellent knowledge of French (mother tongue) and thorough knowledge of English. Good working knowledge of one of the following languages: Spanish, Russian or German.
- (c) Considerable experience in translation work. Elegance of style, clarity and accuracy in translating. Ability to correct quickly texts drafted in French.

Nationality:

Candidates must be nationals of one of the member States of the Paris or Berne Union. Qualifications being equal, preference will be given to candidates who are nationals of States of which no national is on the staff of WIPO.

Age limit:

Candidates must be less than 50 years of age at date of appointment.

Date of entry on duty:

As soon as possible.

Applications:

Application forms and full information regarding the *conditions of employment* may be obtained from the Head of the Administrative Division, WIPO, 32, chemin des Colombettes, 1211 Geneva, Switzerland. Please refer to the number of the Competition.

Closing date: December 14, 1970.
