

Industrial Property

Monthly Review of the
WORLD INTELLECTUAL PROPERTY
ORGANIZATION (WIPO)

and the United International Bureaux for the
Protection of Intellectual Property (BIRPI)

10th year - No. 5
MAY 1971

Contents

WORLD INTELLECTUAL PROPERTY ORGANIZATION

- Convention establishing WIPO
- Ratification. Morocco 118
- Application of the Transitional Provisions (Five-Year Privilege). Thailand . . . 118

INTERNATIONAL UNIONS

- Paris Convention
- Ratification of the Stockholm Act. Morocco 119
- Ratification of the Stockholm Act. Application to the Faroe Islands. Denmark . . 119
- Nice Agreement
- Accession to the Stockholm Act. Soviet Union 119
- Locarno Agreement
- Signatory Countries 119
- State of Signatures, Accessions and Ratifications on April 27, 1971 120

WIPO / BIRPI MEETINGS

- Committee of Experts for the Protection of Type Faces 121

LEGISLATION

- Belgium. Extract concerning Seizure in Infringement Cases (1967) 122
- France. I. Order - Applications for Patents and for Patents of Addition Involving
 a Documentary Report, 1970 123
- II. Order - Applications for Patents or for Certificates of Utility in a Foreign
 Language, 1970 124
- Iraq. Patents and Industrial Designs Law (No. 65 of 1970) 124
- Italy. Decrees Concerning Temporary Protection at Exhibitions 128

JUDICIAL DECISIONS

- Republic of Viet-Nam. International Registration of Marks 129

GENERAL STUDIES

- Comments on the Uniform Benelux Trademark Law (L. J. M. van Bauwel) . . . 130
- Agricultural Plant Varieties in Romania (Dezideriu Torje) 131

LETTERS FROM CORRESPONDENTS

- Letter from India - Addendum (S. B. Shah) 136

NEWS FROM PATENT OFFICES

- Hungary 138
- India 139

BOOK REVIEWS 141

CALENDAR 143

© WIPO 1971

Any reproduction of articles and translations of laws, published in this periodical, is authorized only with the prior consent of WIPO

WORLD INTELLECTUAL PROPERTY ORGANIZATION

Convention establishing WIPO**Ratification****MOROCCO**

The Director General of the World Intellectual Property Organization has notified the Governments of the countries invited to the Stockholm Conference that the Government of the Kingdom of Morocco deposited, on April 27, 1971, its instrument of ratification dated October 8, 1970, of the Convention Establishing the World Intellectual Property Organization (WIPO).

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

Pursuant to Article 15(2), the Convention Establishing the World Intellectual Property Organization (WIPO) will enter into force, with respect to the Kingdom of Morocco, three months after the date of the deposit of the instrument of ratification, that is, on July 27, 1971.

WIPO Notification No. 32, dated May 6, 1971.

**Application of the Transitional Provisions
(Five-Year Privilege)****THAILAND**

The Director General of the World Intellectual Property Organization has notified the Governments of the countries invited to the Stockholm Conference of the notification deposited by the Government of the Kingdom of Thailand in which that Government indicates its desire to avail itself of the provisions of Article 21(2) of the Convention.

This notification entered into force on the date of its receipt, that is, December 29, 1970.

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

WIPO Notification No. 31, dated April 26, 1971.

INTERNATIONAL UNIONS

Paris Convention

Ratification of the Stockholm Act

MOROCCO

The Director General of the World Intellectual Property Organization has notified the Governments of the member countries of the Paris Union that the Government of the Kingdom of Morocco deposited, on April 27, 1971, its instrument of ratification, dated October 8, 1970, of the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Stockholm on July 14, 1967.

Pursuant to the provisions of Article 20(2)(c) and (3), the Stockholm Act of the said Convention will enter into force, with respect to the Kingdom of Morocco, three months after the date of this notification, that is, on August 6, 1971.

Paris Notification No. 30, dated May 6, 1971.

Ratification of the Stockholm Act Application to the Faroe Islands

DENMARK

The Director General of the World Intellectual Property Organization, referring to his notification dated February 4, 1970¹, concerning the ratification by the Kingdom of Denmark of the Paris Convention of March 20, 1883, as revised at Stockholm on July 14, 1967, has notified the Governments of the member countries of the Paris Union of the declaration deposited by the Government of the Kingdom of Denmark to the effect that the said ratification applies also to the Faroe Islands.

Pursuant to the provisions of Article 24(3)(a), this application takes effect three months after the date of this notification, that is, on August 6, 1971.

Paris Notification No. 31, dated May 6, 1971.

¹ See *Industrial Property*, March 1970, p. 77.

Nice Agreement

Accession to the Stockholm Act

SOVIET UNION

The Director General of the World Intellectual Property Organization has notified the Governments of the member

countries of the Paris Union that the Government of the Union of Soviet Socialist Republics deposited, on April 8, 1971, its instrument of accession, dated March 15, 1971, to the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks of June 15, 1957, as revised at Stockholm on July 14, 1967, with the following declaration:

“While acceding to the Nice Agreement the Union of Soviet Socialist Republics considers it necessary to declare that the provisions of Article 14 of the Agreement providing for a possibility of its application to colonies and dependent territories is in contradiction with Resolution 1514 (XV) of December 14, 1960, of the General Assembly of the United Nations.” (*Translation*)

Pursuant to the provisions of Article 9(4)(b), the Stockholm Act of the said Agreement will enter into force, with respect to the Union of Soviet Socialist Republics, three months after the date of this notification, that is, on July 26, 1971.

Nice Notification No. 17, dated April 26, 1971.

Locarno Agreement

Signatory Countries

Following the earlier notifications relating to the Locarno Agreement Establishing an International Classification for Industrial Designs of October 8, 1968, the Director General of the World Intellectual Property Organization has notified the Governments of the member countries of the Paris Union that, at the expiration of the period of time reserved for that purpose (that is, by June 30, 1969), the following countries had affixed their signatures:

Algeria, Austria, Belgium, Czechoslovakia, Denmark, Finland, France, Germany (Federal Republic), Holy See, Hungary, Iran, Italy, Kenya, Liechtenstein, Luxembourg, Monaco, Netherlands, Norway, Portugal, Soviet Union, Spain, Sweden, Switzerland, United States of America, Yugoslavia (twenty-five countries).

The Director General of WIPO called attention to the fact that all of the signatures had been affixed *subject to ratification*.

Locarno Notification No. 9, dated April 26, 1971.

Locarno Agreement

State of Signatures, Accessions and Ratifications on April 27, 1971*

Following the entry into force of the Locarno Agreement Establishing an International Classification for Industrial Designs, on April 27, 1971¹, a table is given below showing

the state of signatures, accessions and ratifications on that date.

Signatory Countries (including signatures made after October 8, 1968)	Countries having ratified or acceded to the Agreement	Date of deposit of instrument of rati- fication or accession	Date on which rati- fication or accession took effect
Algeria	—		
Austria	—		
Belgium	—		
Czechoslovakia	Czechoslovakia	August 4, 1970	April 27, 1971
Denmark	Denmark	January 27, 1971	April 27, 1971
Finland	—		
France	—		
—	German Democratic Republic ²	October 13, 1969	April 27, 1971
Germany (Federal Republic)	—		
Holy See	—		
Hungary	—		
Iran	—		
—	Ireland	July 9, 1970	April 27, 1971
Italy	—		
Kenya	—		
Liechtenstein	—		
Luxembourg	—		
Monaco	—		
Netherlands	—		
Norway	Norway	January 27, 1971	April 27, 1971
Portugal	—		
Soviet Union	—		
Spain	—		
Sweden	Sweden	July 7, 1970	April 27, 1971
Switzerland	Switzerland	January 27, 1971	April 27, 1971
United States of America	—		
Yugoslavia	—		
(Total: 25 countries)	(Total: 7 or 6 countries) ³		

* This list includes all the entities to which the Agreement has been declared applicable. It does not imply any expression of opinion as to the legal status of any country or territory or of its authorities.

¹ See *Industrial Property*, March 1971, p. 63.

² The validity of the instrument deposited by the German Democratic Republic is contested by a number of contracting countries.

³ Depending upon whether or not the instrument deposited by the German Democratic Republic is considered valid. There is disagreement on this question.

WIPO/BIRPI MEETINGS

Committee of Experts for the Protection of Type Faces

Fifth Meeting

(Geneva, February 22 to 26, 1971)

Note *

On the invitation of the Director General of WIPO, a Committee of Experts for the Protection of Type Faces met in Geneva at the headquarters of WIPO, from February 22 to 26, 1971.

All the member countries of the Paris Union had been invited as members of the Committee. Intergovernmental and international non-governmental organizations directly interested had been invited as observers. The invitation was accepted by fifteen countries, one intergovernmental organization and six non-governmental organizations. A list of participants appears at the end of this Note.

The Committee was chaired by Professor E. Ulmer (Germany (Federal Republic)). Mrs. M. Bognár (Hungary) and Miss B. A. Ringer (United States of America) were Vice-Chairmen. Mr. J. Voyame (Second Deputy Director General, WIPO) acted as Secretary of the Committee.

The discussions of the Committee were based on a preliminary draft for a Special Agreement for the Protection of Type Faces and their International Deposit and on a preliminary draft for the Regulations. These preliminary drafts, which were the result of the work of four earlier Committees of Experts, were submitted by the International Bureau of WIPO with a number of amendments, primarily concerning the administrative and final provisions, and an extensive commentary.

In his opening address, the Director General of WIPO referred to the activities of the four earlier committees of experts and explained why the drafts resulting from their work were being re-examined: he pointed out that for the most part these drafts dated back to 1963 and might consequently have become a little out of date, especially since new countries were now taking an interest in the international protection envisaged. Following the work of the present Committee, the International Bureau would draft new texts which would take account of the Committee's proposals. Those texts would probably be considered by a sixth and last committee of experts, before they were submitted to the Diplomatic Conference to be held at Vienna in 1973.

The following were the principal proposals of the Committee:

1. The new treaty would be a Special Agreement within the framework of Article 19 of the Paris Convention (Article 1 of the preliminary draft).

2. However, the principle would be that countries party to the new Agreement would protect type faces either by instituting a special national deposit, or by adapting the deposit provided for industrial designs, or by copyright provisions, or by a combination of these means of protection (Article 3 of the preliminary draft).

3. In order to ensure the adequacy of the level of protection afforded by countries which would protect type faces solely by means of copyright, only those countries which were party to the Berne Convention for the Protection of Literary and Artistic Works or to the Universal Copyright Convention would be able to become parties to the new Agreement. Moreover those countries would be under an obligation to afford the same protection as that granted to their own nationals to all beneficiaries of the Agreement, even if such persons were unable to invoke the copyright conventions (Article 3).

4. The minimum term of protection would be fixed at twenty-five years (Article 6), although countries in which protection would be based on industrial property could break this term up into several periods, as is generally the case with industrial designs. The question of the starting point for the term of protection in countries protecting type faces solely by copyright would preferably be left to national legislation.

5. For the purposes of the right of priority (Article 8), the deposit of type faces would be considered as a deposit of an industrial design. Such a provision would of course bind only the parties to the new Agreement, but it would hopefully influence the interpretation given in other Paris Union countries to Article 4 of the Paris Convention, so that the deposit of an "industrial design" referred to in Article 4 would be considered as including the special deposit introduced for type faces.

6. The international deposit (Article 9) could not of course have the effect of a national deposit in countries protecting type faces solely by copyright provisions, where the only formality required would be, at the most, the placing of the symbol © provided for under the Universal Copyright Convention.

7. The countries protecting type faces by a deposit would not be permitted to require any formalities other than those contained in the Agreement and its Regulations for the international deposit (Article 9).

8. The international deposit would be effected directly with the International Bureau, and not through the Administration of the country of origin (Article 9).

9. The international deposit could not be made under sealed cover (Article 11).

10. The international deposit would simply have the effect of a national deposit, countries being free to accept it as a national registration without further procedure or to have it followed by a national registration, with or without a third-

* This Note has been prepared by the International Bureau of WIPO on the basis of the documents of the meeting.

party opposition procedure (Article 12). The Agreement should therefore speak of an international "deposit" and all references to an international "registration" should be deleted.

11. The introduction of a system of renewal would be preferable in order, inter alia, to induce depositors to consider periodically the necessity of maintaining their deposits, and thus to clear the Register of deposits which were no longer useful to maintain (Article 14).

12. It would be desirable to allow the partial renunciation of an international deposit in relation to one or more countries, but not in relation to part only of the type faces deposited (Article 15).

13. The same consideration would apply to partial assignment (Article 16).

14. The international publication of type faces deposited would replace the national publication (Article 18). While countries might always proceed to a further publication, they could do so by means of a reference to the international publication and should in no case require an additional fee from the depositor.

List of Participants

I. Countries

Austria: E. Dudeschek. Cameroon: J. Eked-Samnik. Canada: A. A. Keyes; R. Auger. France: R. Labry; M. Bierry. Germany (Federal Republic):

E. Ulmer; G. Kelhel; E. Born. Hungary: M. Bognár (Mrs.). Italy: G. Pizzini (Mrs.); C. Ferro-Luzzi; G. Repetti. Luxembourg: P. Victor. Netherlands: W. M. J. C. Phaf; E. van Weel; G. W. Ovink; M. Enschedé. Portugal: J. Garin. Spain: J. Escudero Durán. Sweden: C. Ugglä. Switzerland: J.-L. Marro; F. Curchod; A. Hoffmann. United Kingdom: I. J. G. Davis. United States of America: B. A. Ringer (Miss).

II. International Organizations

Council of Europe: P. von Holstein. International Association for the Protection of Industrial Property (IAPIP): E. Martin-Achard. International Chamber of Commerce (ICC): D. A. Was; Y. Saint-Gal; Ch.-L. Magnin. International Federation of Patent Agents (FICPI): B. Pochon. International League Against Unfair Competition (LICCD): E. Martin-Achard; Y. Saint-Gal. International Literary and Artistic Association (ALAI): T. Limperg. International Typographic Association (A.TYP.I.): J. Dreyfus; C. Peignot; W. P. Keegan; M. Parker.

III. WIPO

G. H. C. Bodenhausen (*Director General*); J. Voyame (*Second Deputy Director General*); K. Pfanner (*Senior Counsellor, Head of the Industrial Property Division*); G. R. Wipf (*Counsellor, Head of the General and Periodicals Section, Industrial Property Division*); H. Warnier (*Legal Assistant, General and Periodicals Section, Industrial Property Division*).

IV. Officers

Chairman: E. Ulmer (Germany (Fed. Rep.)); *Vice-Chairmen*: M. Bognár (Mrs.) (Hungary), B. A. Ringer (Miss) (United States of America); *Secretary*: J. Voyame (WIPO).

LEGISLATION

BELGIUM

Extract from the Law of October 10, 1967, containing the Civil Procedure Code¹

Chapter VIII — Seizure in Infringement Cases²

1481. — Patentees or persons claiming under them and owners of copyright may, with the judge's authorization, obtained on application, cause a description to be made, by one or more experts appointed by the judge, of the apparatus, machines, works and all other articles and processes alleged to constitute infringement, together with any plans, documents, calculations or writing which may prove the infringement alleged, and any instruments which have served directly in the manufacture proceeded against.

¹ Code judiciaire.

² Pursuant to Section 5 of the Law of October 10, 1967, containing the Civil Procedure Code (*Code judiciaire*), Chapter VIII entered into force on November 1, 1970.

The competent judge may, by the same order, prohibit the disposal of the infringing articles by the persons in possession thereof, authorize the custody of the articles, place the articles under seal and, in the case of acts giving rise to financial gains, authorize the seizure for safekeeping of the money.

The order shall be notified before the operations are begun.

1482. — The application shall elect as a domicile one of the communes in which the description is to be made. The patent and, where appropriate, documentary evidence shall accompany the application.

1483. — The judge may require the applicant to deposit security. In such case the judge's order shall be issued only on proof of such deposit.

1484. — The parties may be present or represented at the description, with the special authorization of the competent judge.

1485. — If the doors are locked, or in case of refusal to open, the bailiff shall proceed as provided under Section 1504.

1486. — The expert shall take an oath placed at the foot of the description, in the following words: "I swear that I have fulfilled the task assigned to me, in honor and conscience, and with exactness and integrity; so help me God."

1487. — The report shall be deposited at the registrar's office. Copies shall immediately be sent by the experts, by registered mail, to the party requesting seizure, to the defendant, and to the person in whose possession the articles are.

1488. — If, within a month of the date on which the copies were sent, as appearing on the postmark, or the date of the seizure for safekeeping of the gains, the description is not followed by an action on the merits brought before the court [of first instance]³ within whose jurisdiction the description was made, the order issued by the judge under Section 1481 shall automatically cease to have effect, and the applicant may neither rely on its contents nor make it public, without prejudice to any damages which may be claimed.

³ Law of July 15, 1970, Section 40: "In Section 1488 of the said Code, the words 'of first instance' shall be deleted."

FRANCE

I

Order

Evaluation of Applications for Patents and for Patents of Addition Involving a Documentary Report

(Paris, September 25, 1970)

.....

Section 1

In addition to those provided for in the Orders of December 5, 1968¹, and September 8, 1969², referred to above, patent applications and applications for patents of addition related to patent applications or to patents which are principally classified in the technical branches of the International Classification of Patents for Invention listed below, shall be subject to the provisions of Chapter VI of Decree No. 68-1100 of December 5, 1968³.

Classification symbols (IPC)	Technical branches
A 41 g	Artificial flowers; wigs; masks; feathers.
A 41 h	Dress-making.
A 44 b	Hairedashery, huckles, slide fasteners, etc.
A 61 n	Apparatus for electrotherapy and electrosurgery; radiation therapy.
B 01 k	Electrochemical processes and apparatus; electrophoresis.
B 21 b	Rolling of metal.

¹ See *Industrial Property*, May 1969, p. 129.

² See *Industrial Property*, April 1970, p. 126.

³ See *Industrial Property*, May 1969, p. 115.

Classification symbols (IPC)	Technical branches
B 21 f	Mechanical working of wire; processing of wire.
B 23 q	Component parts of machine tools; machine tools for general use.
B 29 c	Shaping or joining of plastics.
B 29 d 1/00 to 7/00 and 11/00 to 31/00	Manufacture of articles in plastics other than rubber, excluding laminated plastics.
B 60 c	Vehicle tyres, excluding aircraft tyres.
B 60 g	Vehicle suspensions.
B 65 b 29/00 to 33/00	Packaging articles or materials presenting special problems.
B 65 d 3/00 to 15/00 and 19/00 to 25/00	Rigid transportable containers other than those formed in one piece by casting, moulding or drawing; component parts of rigid transportable containers.
C 01 b 15/00	Peroxides; peracids; salts thereof.
C 03 c 1/00 to 11/00, 15/00 to 19/00, 23/00, 27/00 and 29/00	Chemical compositions of glasses, glazes or vitreous enamels; surface treatments for glass, other than with fibres; joining glass to glass or to other mineral materials.
C 07 d 33/00 to 41/00	Heterocyclic compounds having nitrogen alone as the hetero atom or atoms, and at least five carbon atoms.
C 08 g 5/00 to 15/00, 20/00 to 37/00 and 41/00 to 53/00	Polycondensation and polyaddition products other than polyesters; their preparation processes; compositions containing them and their additives.
C 22 b	Production and refining of non-ferrous metals.
C 23 c	Covering surfaces with metal by non-electrolytic processes; covering metals by surface diffusion or by thermal decomposition of gases.
C 23 f	Chemical treatment of metal surfaces by processes other than electrolysis or enamelling; inhibition of corrosion and incrustation.
D 03 d	Woven fabrics, methods of weaving, looms.
E 04 b 2/00, 5/00 and 7/00	Walls, floors, ceilings and roofs of buildings.
F 02 c	Gas turbine plants.
F 15 b	Fluid-pressure actuators.
F 15 d	Fluid dynamics.
G 01 g	Weighing instruments.
G 01 j	Instruments for measuring light.
G 01 r	Instruments for measuring electric or magnetic variables.
G 05 f	Regulation of electric or magnetic variables.
G 05 g	Mechanical controls.
G 08 b	Signalling, calling, alarm.
G 08 g	Traffic control.
H 01 h 45/00 to 67/00	Relays; electrically-operated selectors.
H 01 l 1/00 and 13/00 to 17/00	Details of semiconductor devices; semiconductor devices with four or more electrodes; devices sensitive to radiation; energy converters or amplifiers.
H 01 m 29/00 to 47/00	Chemical cells or batteries other than fuel cells or batteries; accumulators.
H 02 b	Switchgear for distribution of electric power.
H 02 g	Installation of electric cables or lines.
H 04 b	Transmission of information-carrying signals.
H 04 l	Telegraphic communication.

Section 2

The classification symbols which are assigned by the National Institute of Industrial Property to applications for patents and for patents of addition, and they alone, shall be decisive as regards applying the provisions of Chapter VI of Decree No. 68-1100 of December 5, 1968, subject to the conditions laid down in Section 101 of that Decree.

Section 3

The Director of the National Institute of Industrial Property is entrusted with the enforcement of this Order, which shall be published in the *Journal Officiel* of the French Republic, to take effect as from January 1, 1971.

II

Order

Applications for Patents or for Certificates of Utility
in a Foreign Language

(Paris, December 8, 1970)

.....

Section 1

The Union of Soviet Socialist Republics shall be regarded as granting the equivalent treatment provided for in Section 11¹, referred to above, of Decree No. 68-1100 of December 5, 1968². Applications for patents or for certificates of utility may be filed in the Russian language by nationals of that State or their successors in title, under the conditions specified in the said Section.

Section 2

The Director of the National Institute of Industrial Property is entrusted with the enforcement of this Order, which shall be published in the *Journal officiel* of the French Republic.

¹ The fourth paragraph of Section 11 reads as follows: "A list of the countries regarded as granting equivalent treatment, as well as the language in which nationals of such countries may file applications, shall be established by order of the Minister for Foreign Affairs and the Minister responsible for Industrial Property."

² See *Industrial Property*, May 1969, p. 115.

IRAQ

Patents and Industrial Designs Law

(No. 65 of 1970) *

1. — The following expressions shall have the meanings stated against them:

- (i) *Minister*: Minister of Economics;
- (ii) *Registrar*: Registrar of Patents and Industrial Designs;
- (iii) *Directorate*: Directorate General of Registration and Supervision of Companies;
- (iv) *invention*: anything which is new and capable of industrial exploitation, whether pertaining to new industrial products or to novel methods and techniques, or to both;
- (v) *inventor*: any person arriving at an invention;
- (vi) *patentee*: the actual holder of the patent, whether he is the inventor or his successor in title;

* Translation kindly provided by the Directorate General of Registration and Supervision of Companies.

- (vii) *industrial design*: any new arrangement of lines and shapes, colored or uncolored, used in industrial production;
- (viii) *patent*: a certificate denoting registration of the invention;
- (ix) *Court*: the competent court of first instance;
- (x) *Bulletin*: the bulletin in which inventions and industrial designs are published at the Directorate General of Registration and Supervision of Companies;
- (xi) *application*: an application for registration of an invention or an industrial design;
- (xii) *applicant*: the applicant for registration of an invention or an industrial design;
- (xiii) *date of application*: date of receipt of the application by the Directorate;
- (xiv) *Register*: the register kept at the Directorate General of Registration and Supervision of Companies for registration of patents or industrial designs;
- (xv) *fees*: amounts to be charged under the two schedules of this Law.

Chapter One — Patents

2. — A patent shall be granted in pursuance of the provisions of this Law.

3. — A patent shall not be granted in the following cases:

- (i) for inventions whose exploitation is prejudicial to public morals or public order; for inventions which are contrary to the public interest;
- (ii) for medical and pharmaceutical preparations;
- (iii) for methods or techniques used in financial, banking or accounting matters;
- (iv) for layouts of buildings and solid drawings related thereto.

4. — An invention shall not be deemed new in the two following cases:

- (i) if, within the fifty years preceding the date of the relevant application, the invention is germane to a patent already used publicly in Iraq or abroad; or if the specification or drawing of that invention was published in bulletins issued in Iraq or abroad in such an obvious manner that it may be executed by experts;
- (ii) if, within the fifty years preceding the date of the relevant patent application, a patent has already been issued in respect of the invention or in respect of part thereof to a person other than the inventor or his successor in title or if a third party has already applied for a patent for the invention itself or for part thereof within the said period.

5. — The provisions of Section 4 shall not apply to any person who exploits the invention industrially or carries out the activities required for such exploitation in good faith prior to the filing of an application for the patent.

6. — A register entitled "Patents Register" shall be kept at the Directorate, wherein patents for inventions and all relevant information shall be recorded under the provisions of this Law.

7. — The following persons shall be entitled to apply for a patent:

- (i) Iraqis and Arab citizens;
- (ii) foreigners resident in Iraq and having a real place of business;
- (iii) foreigners who are nationals of countries according Iraq reciprocal treatment;
- (iv) public administrations;
- (v) companies, societies or organizations set up in Iraq or in countries according Iraq reciprocal treatment, where such bodies have legal personality; industrialists, producers, merchants or laborers, provided that the invention is primarily registered in the name of the inventor; if however the invention has already been registered outside Iraq, it may be registered in the name of the company, organization or society owning it.

8. — The rights in an invention shall belong to the actual holder of the patent or his successor in title. If the invention is the outcome of work carried out jointly by several persons, the right to the patent shall belong jointly to all of them unless they agree otherwise. Where however several persons have each independently arrived at the invention, the person who has filed his application first shall be entitled to the patent.

9. — An employer shall have all the rights resulting from the inventions devised in the execution of a contract or where there exists a work or employment relationship, provided that the invention is the subject of specific remuneration and falls within the framework of the contract or the work or employment relationship. In this case the invention may primarily be registered in the name of the employer or the person contracting with the inventor, provided that the inventor's name is stated in the patent. Where however no remuneration is accorded in consideration for the invention, the inventor shall be entitled to fair compensation from the employer.

10. — In cases other than those mentioned in Section 9, where the invention falls within the scope of the inventor's work, the employer may, at his option, exploit the invention or acquire it, in return for fair compensation paid to the inventor, provided that the employer informs the Registrar in writing, within three months of the issue of the patent, as to whether or not he wishes to acquire the invention.

11. — An application for a patent filed by the inventor within one year from the date of leaving the employment shall be deemed to have been filed during the execution of the contract or during the work or employment relationship. In such a case, the inventor and the employer shall each have all the rights laid down in Sections 9 and 10 of this Law, provided that the inventor's work with the employer had contributed to the production of the invention.

12. — The patent shall confer upon the patentee the exclusive right to exploit the invention in accordance with the law.

13. — The term of a patent shall be fifteen years from the date of the application for the patent or from the date when the documents were completed. The patent shall be renewed annually by payment of the fees prescribed by law. The term of a patent already issued outside Iraq shall be equal to the term of a patent granted in the foreign country, provided that the term of the patent in Iraq does not exceed fifteen years and that an authenticated copy of the patent is produced. Such patent shall be renewed in the manner provided for above.

14. — The fees shall be charged in accordance with Schedule No. 1 annexed to this Law.

15. — (1) Where the subject of an invention is the introduction of modifications, improvements or additions to an invention in respect of which a patent has already been granted, the patentee concerned may, in accordance with the provisions of Section 16 of this Law and upon payment of the prescribed fees, apply for a patent of addition, whose term shall expire at the same time as that of the principal patent. The patent of addition shall be revoked if the principal patent is revoked.

(2) Any person may apply for a patent in respect of an amendment, correction or complement to an invention upon payment of the prescribed fees.

(3) A person who has obtained a patent in respect of an amendment, correction or complement to an invention for which a patent has already been granted may not use the original invention without the consent of the principal patentee. Nor may the principal patentee use the amendment, correction or complement without the consent of the proprietor of the patent of amendment.

16. — (1) The application shall be made to the Registrar by the inventor or his successor in title, or by a registration agent authorized to do so in the cases allowed by the law and in accordance with such conditions as may be prescribed by special regulation. An application for registration may not be made in respect of more than one invention.

(2) The application shall be accompanied by a detailed specification of the invention and the method, capable of execution, of its exploitation. The specification shall clearly indicate the new elements for which the applicant desires protection. The application shall be accompanied, where necessary, by drawings of the invention. The details of such procedure shall be prescribed by the Rules.

17. — The applicant shall be entitled to exploit his invention only from the date of issue of the patent.

18. — The Directorate shall examine the application and its enclosures to ascertain the following:

- (i) that the application is made in accordance with the provisions of Section 16 of this Law;
- (ii) that the specification and drawings describe the invention sufficiently to allow its execution by industrialists;
- (iii) that the new elements for which the applicant desires protection are expressly and clearly indicated in the application.

19. — The Registrar may ask the applicant to make such amendments to the application as he may think fit, within six months from the date of such request. If the applicant fails to do so, he shall be deemed to have abandoned his application. The applicant may appeal to the Minister against the Registrar's decision concerning such amendments within thirty days from the date of the Registrar's decision. The Minister's decision in this respect shall be final.

20. — The Registrar shall advertise the application when the conditions laid down in Section 18 of this Law are fulfilled.

21. — The patent shall be granted to the person entitled by a decision of the Registrar; such decision shall be advertised in the manner prescribed by the Rules.

22. — If the Registrar is of the opinion that the invention pertains to defense matters or has a military value, he shall forthwith cause the Ministry of Defense to have access to the application and documents annexed thereto. The Minister of Defense may ask for the application not to be published if he thinks that it has a bearing on defense matters; he may for the same reason ask for the decision on the grant of a patent not to be published, within thirty days from the filing date of the application or from the date of the decision. The Minister of Defense may at any time object to the grant of a patent to the applicant if he undertakes to buy the invention from the applicant or reaches agreement with him as to its exploitation.

23. — A patentee may at any time, upon payment of the prescribed fees, file an application to amend the specification or the drawings of the invention for the purposes of correction or explanation, stating the nature of such amendment and reasons therefor, provided that the amendment does not affect the identity of the invention. In such a case, the procedure applicable to the original patent application shall be followed.

24. — (1) Any person may, upon payment of the prescribed fees, obtain copies of patents and documents which the Registrar sees no objection to disclosing, save in the case of the main specification where the inventor has requested protection and secrecy therefor.

(2) Organizations and official and semi-official departments shall be exempt from the fees mentioned in subsection (1).

25. — A patent may be the subject of all legal transactions; ownership of a patent and all rights arising therefrom shall be inheritable. Transactions relating to a patent shall not be binding on third parties unless they are recorded in the Register kept at the Directorate. Transactions, pledges and assignments relating to a patent shall be duly made public.

26. — A creditor may cause a patent belonging to his debtor to be the subject of attachment in pursuance of a decision issued by the competent courts, provided that the Directorate is notified of the attachment and of all other

legal actions taken to that effect. An attachment shall not be binding on third parties until it is recorded in the Register and duly made public.

27. — (1) The patentee shall notify the Registrar of the date of exploitation of the invention within thirty days from the beginning of such exploitation.

(2) Where an invention is not exploited in Iraq within three years from the date that the patent was granted, or where the exploitation is not commensurate with the country's need, or where exploitation of the invention is suspended for at least two years, the Registrar may grant to any person who applies therefor a compulsory license to exploit the invention. The grant of a compulsory license shall be conditional on the applicant's being capable of exploiting the invention seriously. The patentee shall be entitled to apply to the Registrar for fair compensation within ninety days from the date that the decision to grant the compulsory license was published; the Registrar's decision to that effect shall be subject to appeal to the Minister within thirty days from service of the decision on the patentee. The Minister's decision in this respect shall be final.

28. — Where exploitation of an invention is of great importance to industry and requires the use of another invention for which a patent has already been granted, the Registrar may grant the patentee a compulsory license to exploit the former invention if the proprietor thereof refuses to agree to such exploitation on reasonable terms determined by the Registrar. Alternatively, the proprietor of the former invention may be granted a compulsory license to exploit the subsequent invention if his invention is of greater importance. When such license is granted, due regard shall be had to the assessment of compensation payable by one party to the other in accordance with the terms and conditions referred to in Section 27 of this Law.

29. — Where an invention is not exploited within the two years following the grant of a compulsory license, the Registrar may revoke the patent granted for the invention and any interested person may apply to him for such revocation.

30. — Inventions may, by a decision of the Minister, be expropriated if the public interest of the country so requires or for reasons of national defense. Expropriation shall relate to all rights arising from the patent and from the patent application. It may also be restricted to the right of exploitation of the invention for the needs of the State. In such cases, the proprietor of the invention shall be entitled to fair compensation through a decision made by the Minister. He may appeal against the Minister's decision to the President of the Republic within thirty days from service of the decision on him. The decision of the President of the Republic shall be final.

31. — Patent rights shall cease to have effect in the following cases:

- (i) where the term of protection expires pursuant to Section 13 of this Law;
- (ii) where a final judgment invalidating the patent is delivered;

- (iii) where, without reasonable cause, fees that have become due are not paid;
- (iv) where a patent is annulled under this Law.

32. — Expiry, assignment, annulment, expropriation, the grant of a compulsory license, and renewal of a patent, as well as all relevant matters, shall be published in the Bulletin.

33. — The Registrar may, on the application of any interested person or ex officio, annul a patent issued contrary to the provisions of this Law or change any statement in the Register which does not conform to the truth or which was wrongfully entered in the Register. The Registrar's decision shall be subject to appeal to the Minister within thirty days from the date on which it was issued. The Minister's decision in this respect shall be final.

34. — There shall be no derogation from the rights of the patentee by the utilization of an invention in a vehicle of transport by land, sea or air, belonging to one of the countries according Iraq reciprocal treatment, when such means of transport are temporarily or accidentally in Iraq.

35. — The provisions of this Law shall apply to inventions at present enjoying legal protection, provided that an application for a patent is made within two years from the entry into force of this Law. The former term of protection shall be included in the subsequent term of protection.

Chapter Two — Industrial Designs

36. — (1) An application for registration of an industrial design shall, on compliance with the conditions set out in the Rules, be made to the Registrar.

(2) Every industrial design shall be the subject of a separate application.

37. — (1) Any application not fulfilling the conditions set out in the Rules shall be rejected.

(2) An applicant may appeal to the Minister against the decision of the Registrar within thirty days from the date on which it was served. The Minister's decision in this respect shall be final.

38. — The Directorate shall issue the necessary certificate of registration of the industrial design. Such certificate shall contain the information set out in the Rules.

39. — Any interested person may apply for copies of the certificates and decisions relating to the registration of an industrial design, upon payment of the prescribed fees.

40. — Assignment of an industrial design shall not be binding on third parties until it is entered in the Register.

41. — The term of protection of an industrial design shall be seven years from the issue of the certificate, provided that annual payment of the renewal fees prescribed is made.

42. — The fees relating to registration, assignment and amendment of the industrial design shall be charged in accordance with the Fees Schedule No. 2 of this Law.

43. — The Registrar shall publish a notice in the Bulletin of the industrial designs accepted, registered and revoked and of any assignment or alteration relating thereto.

Chapter Three — General Provisions

44. — The following shall be liable to imprisonment for a term not exceeding two years or to a fine not exceeding one thousand dinars, or to both:

- (i) any person who imitates an invention patented under this Law;
- (ii) any person who imitates an industrial design for which a certificate has been issued under this Law;
- (iii) any person who knowingly sells, offers for sale or distribution, imports from abroad or possesses with intent to trade imitated goods, or articles which include an imitated invention or an imitated industrial design, where such invention or design is registered in Iraq;
- (iv) any person who, without any right, affixes to products, advertisements, trademarks or other media a statement inducing the belief that he has obtained a patent or registered an invention, or who uses a registered industrial design contrary to the provisions of this Law;
- (v) any person who, without any right, possesses a patent or a certificate of an industrial design already registered in Iraq or abroad.

45. — (1) During the hearing of a civil or criminal action, a patentee or registered owner of an industrial design may — upon an application supported by an official certificate of registration relating to the patent or industrial design and accompanied by a financial guarantee proportionate to the products' value as estimated by the court — obtain an order from the court for the provisional attachment of the imitated products or goods, of any implements and tools used for such purpose, and of imitated goods imported from abroad.

(2) A patentee or registered owner of an industrial design may obtain an attachment order in pursuance of subsection (1) prior to the institution of a civil or criminal action, provided that the action is brought or the complaint is laid within eight days from the date of the provisional attachment, failing which the attachment order shall be revoked by decision of the competent judicial authority.

(3) The order for provisional attachment may, where necessary, provide for the assistance of one or more experts in the execution of the order.

46. — The Court may, in any civil or criminal action, order the confiscation of the articles attached, or to be attached, so as to deduct their value from the fines or compensation, or dispose of the articles in any other way that the Court thinks fit. The Court may also order the destruction of such articles where necessary or order other suitable measures. The Court may publish the judgment in the Bulletin and in one or more newspapers at the expense of the person convicted.

47. — The temporary protection of inventions and industrial designs displayed at national or international exhibitions held in Iraq or in a country according Iraq reciprocal treatment shall be guaranteed throughout their display in such exhibitions. The patentee or registered owner of an industrial design shall, upon payment of the prescribed fees, notify the Registrar of the particulars of the invention or the industrial design within the seven days preceding the date of exhibition.

48. — Officials of the Directorate General of Registration and Supervision of Companies may not file applications, personally or through a third party, for patents or for registration of industrial designs until the elapse of at least five years from the date of leaving the civil service.

49. — (1) The Minister may, with the consent of the President of the Republic, upon the recommendation of the Ministry of Industry and confirmation of the Ministry of Finance, reward citizens who produce inventions or submit industrial designs of service to the country.

(2) The Registrar may, with the consent of the Minister and after confirmation by the Ministry of Finance, exempt citizens who have scientific aptitudes and abilities from the fees payable under this Law.

50. — Patents and industrial designs shall be classified in the manner specified in the Rules.

51. — Regulations may be issued to facilitate the implementation of this Law.

52. — Patents Law No. 61 of 1935, together with its amendments and the Rules issued thereunder, shall be repealed.

53. — This Law shall come into force on the date of publication in the Official Gazette.

54. — The Ministers shall be charged with the execution of this Law.

ITALY

Decrees Concerning the Temporary Protection of Industrial Property Rights at Exhibitions

(of January 28, February 10 and 11 and March 1 and 4, 1971) *

Sole Section

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

XVIII^a *Rassegna internazionale elettronica nucleare e tele-radiocinematografica* (Rome, March 24 to April 4, 1971);
Salone delle nuove tecniche d'apprendimento (Bologna, April 3 to 6, 1971);

IL^a *Fiera di Milano - Campionaria internazionale* (Milan, April 14 to 25, 1971);

II^a *Esposizione internazionale del fiore e della pianta ornamentale - EUROFLORA 71* (Genoa, April 17 to 25, 1971);

XXXV^a *Mostra Internazionale dell'Artigianato* (Florence, April 24 to May 9, 1971);

XVII^o *Salone nazionale della calzatura, macchine, pelletterie, materie prime ed accessori* (Padua, April 25 to 27, 1971);

EXPO-SPORT LEVANTE - *Fiera internazionale dello sport e del tempo libero* (Bari, May 1 to 9, 1971);

XXIX^o *Mercato Internazionale del tessile per l'abbigliamento-arredamento MITAM* (Milan, May 8 to 11, 1971);

XXXV^a *Fiera Campionaria internazionale di Bologna* (Bologna, May 16 to 31, 1971);

VI^o *Salone-mercato nazionale dell'alimentazione e della gastronomia AL-COM 71* (Turin, May 22 to 30, 1971);

XXVI^a *Fiera del Mediterraneo - Campionaria internazionale* (Palermo, May 22 to June 6, 1971);

IPACK-IMA - *Mostra internazionale Imballaggio e Confezionamento - Trasporti industriali interni - Macchine per l'Industria Alimentare* (Milan, May 24 to 30, 1971);

XLIX^a *Fiera di Padova - Campionaria internazionale* (Padua, May 27 to June 7, 1971);

XVIII^a *Mostra internazionale avicola* (Varese, May 29 to June 2, 1971);

III^a *MOBIL-LEVANTE - Fiera internazionale del mobile e dell'arredamento* (Bari, May 29 to June 3, 1971);

XIX^a *Fiera di Roma - Campionaria nazionale* (Rome, May 29 to June 13, 1971);

XXIII^a *Fiera di Trieste - Campionaria internazionale* (Trieste, June 17 to 29, 1971);

XXXII^a *Fiera di Messina - Campionaria internazionale* (Messina, August 6 to 22, 1971);

Mostra nazionale dell'oreficeria, gioielleria ed argenteria (Vicenza, September 5 to 12, 1971);

XIV^o *Salone internazionale dell'alimentazione S. I. A.* (Bologna, September 22 to 26, 1971);

XXI^o *Salone internazionale della tecnica* and VIII^o *Salone internazionale della montagna* (Turin, September 25 to October 4, 1971);

XII^a *EEMU - Esposizione europea della macchina utensile* (Milan, October 2 to 10, 1971);

VII^o *SAIE - Salone internazionale dell'industrializzazione edilizia* (Bologna, October 16 to 24, 1971)

shall enjoy the temporary protection provided by Laws No. 1127 of June 29, 1939¹, No. 1411 of August 25, 1940², No. 929 of June 21, 1942³, and No. 514 of July 1, 1959⁴.

¹ See *La Propriété industrielle*, August 1939, p. 124; May 1940, p. 84.

² *Ibid.*, November 1940, p. 196.

³ *Ibid.*, October 1942, p. 168.

⁴ *Ibid.*, February 1960, p. 23.

JUDICIAL DECISIONS

REPUBLIC OF VIET-NAM

International registration of marks. Art. 4, Madrid Agreement (Marks), has full effect in contracting country — such effect not dependent on fulfilment of domestic formalities

(Supreme Court. Decision of July 10, 1970. Affaire correctionnelle,
No. 4/68-TCPV) *

.....

The civil party/principal prosecutor, the firm of Maggi, whose head offices are in Switzerland, acting through the manager of the firm of Nidex in Saigon, who had a regular power of attorney, notified the Registrar of the Court of Appeal of Saigon on October 23, 1967, that it was applying for an order to quash a decision of the *Chambre des appels correctionnels* of October 20, 1967. The formalities and time limits having been observed, this application is regular in respect of form.

In the decision proceeded against, the *Chambre des appels correctionnels* held the civil party's appeal admissible in respect of form, but dismissed that of the public prosecutor as having been made out of time. Consequently, the judgment related only to civil law interests. The *Chambre* held that the appellant firm had not complied with all the requirements for obtaining a right of priority in the mark *Maggi*, and that it could therefore not constitute itself as the civil party in the prosecution of Tran to Lan for the crime of fraudulent imitation of the mark filed.

The *Chambre* took notice of the fact that Switzerland and the Republic of Viet-Nam are parties to the Paris Convention of March 20, 1883, and to the subsequent conventions for the protection of industrial property, but stated that Article 4 of the Madrid Agreement of April 14, 1891, must be read together with Article 2 of the Paris Convention, which provides that the nationals of a country party to the Convention enjoy in all the other contracting countries the same protection as that granted to their own nationals, provided that the conditions and formalities which the respective national law imposes on nationals are complied with.

The *Chambre* stated further that, while the civil party, the firm of Maggi, could be considered to have filed its trademark in the Republic of Viet-Nam in accordance with Article 4 of the Madrid Agreement, it had not fulfilled the other compulsory formalities, such as the production of documents and the payment of registration fees as provided under Law No. 13/57 of August 1, 1957; it had thus not fulfilled all the requirements for obtaining the right of priority in the trademark.

The applicant firm of Maggi maintains that the *Chambre's* decision violated Article 4 of the Madrid Agreement Concerning the International Registration of Marks, since it must be seen as depriving the international registration of marks of all effect, contrary to both the letter and spirit of Article 4.

* Translation.

In the first place, Law No. 13/57 of August 1, 1957, makes a clear distinction between the filing of a trademark on the one hand, and the desire to benefit from a right of priority based on an earlier filing, on the other. In the latter case, the owner of a mark already filed intends to benefit from a period of priority in order to file the mark in another country.

In the present dispute, it will be sufficient to examine whether the civil party can be considered to have effected a regular filing of its trademark in the Republic of Viet-Nam.

The Paris Convention of March 20, 1883, is binding on 79 countries for the protection, inter alia, of trademarks; as between these countries, Article 2 of the Convention is applicable, under which the nationals of a country party to the Convention enjoy in the other contracting countries the same protection as that granted to their own nationals, provided that the conditions and formalities which the respective national law imposes on nationals are complied with.

Within the framework of the aforesaid general Convention, 21 countries are bound by an agreement with a more limited scope, the Madrid Agreement of April 14, 1891. Article 4 of that Agreement should not therefore be read with Article 2 of the Paris Convention, since the two articles have different effects and a different field of application.

As between the countries which are party to the Madrid Agreement, among which are Switzerland and the Republic of Viet-Nam, Article 4 of the Agreement should retain its full effect: namely, that an international registration should be protected in the other contracting countries, just as if the trademark had been filed in each country.

However, on receiving notification of the international registration of a mark, any of those countries may refuse to give it effect if it finds that the mark has already been filed or that it is contrary to public order in that country; there was no such refusal by the Republic of Viet-Nam in the present case.

The firm of Maggi has proved the international registration of its mark and, in the decision proceeded against, it was also accepted that the firm could be considered to have effected a regular filing of its mark in the Republic of Viet-Nam. Consequently, the effect of such registration must be understood in terms of Article 4 of the Madrid Agreement — in other words, the civil party must be considered to have fulfilled the conditions and formalities in the national law governing filing.

By requiring the civil party, the firm of Maggi, whose country is, with the Republic of Viet-Nam, party to the Madrid Agreement, to submit the documents and pay the fees provided for in Article 3 of Law No. 13/57, in order to have a right of priority and to be able to act as a civil party, the decision proceeded against incorrectly applied Article 4 of the said Agreement.

A recognized international convention must be considered as being domestic law.

For these reasons, the Court:

As to form

Holds admissible the application by the civil party, the firm of Maggi, for an order to quash the decision of the *Chambre des appels correctionnels* of the Court of Appeal of Saigon, delivered on October 20, 1967;

As to the merits

Allows the application. Quashes and annuls the aforesaid decision. Sends the case back to the said Court to be reheard with a different bench in accordance with law. Orders restoration of the security of 200 \$ for the application. Orders the costs to be borne by the Treasury.

GENERAL STUDIES

Comments on the Uniform Benelux Trademark Law

Effects for Owners of International Registrations

By L. J. M. van BAUWEL
Director of the Benelux Trademark Office *

Agricultural Plant Varieties in Romania

**Some Problems concerning their Registration and Protection
by Patents**

By Dezideriu TORJE *

*LETTERS FROM CORRESPONDENTS***Letter from India ***

By S. B. SHAH

NEWS FROM PATENT OFFICES

HUNGARY

Report on the Activities of the National Office for Inventions

Introduction

The development of the socio-economic system of the Hungarian People's Republic has created a need for improvement of the technical level of production. The speeding up of technological progress is one of the essential purposes of the reform of economic machinery. Moreover, it is in the immediate interest of Hungary's socialist society to promote the development and exploitation of inventions with the means at its disposal.

The radical change in the Hungarian legal system after the Liberation was only partly of direct concern in the field of patent law in the traditional sense, and caused only the more conspicuous lacunae to be filled. In order that our Office might fully satisfy, in the field of industrial property, the requirements of the governmental decision of 1967, and in order to adjust the Hungarian industrial property law to the new system of economic administration, reform of the law, which was incomplete and partly out-of-date, became necessary.

Over the years, our Office has played an important part in connection with the entry into force of the new Hungarian patent and trademark laws.

In the preparation of these laws, account had above all to be taken of the new socio-economic situation and of the fact that Hungary is a party to the Paris Convention and its Special Agreements. The success of this preparation is emphasized by Parliament's adoption in 1969 of:

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

Law No. IX of 1969 on Trademarks².

Apart from the regular technical work, the recording and analysis of problems in need of legal regulation at a lower level also made appropriate legislative adjustments necessary. The following decrees and orders were accordingly brought into force:

Collective Decree No. 4/1969 (XII.28) OMFB-IM, on the Execution of Law No. II of 1969 on the Protection of Inventions by Patents³;

Governmental Decree No. 45/1969 (XII.29) Concerning Fees to be Paid for Employee Inventions, and Concerning Certain Other Measures connected with Inventions⁴;

Decree No. 9/1969 (XII.28) IM, Concerning Court Proceedings in Patent Matters⁵;

Decree No. 41/1969 (XII.31) PM, on the Amendment of Certain Provisions Concerning Industrial Property Rights; Order No. I-OTH-1969, Concerning Formalities on the Deposit of Inventions;

Order No. II-OTH-1969, Concerning the Ordering of Complete Examination of Certain Applications in the Field of Inventions.

With regard to the 1969 Trademark Law, which entered into force on July 1, 1970, draft implementing regulations and other program decrees were drawn up.

The activities of the Office in 1969 were characterized by the following concrete results:

Patents

As a result of the rapid evolution of Hungary's socio-economic system, the role of patents has grown. This is evidenced by the considerable increase each year in applications in Hungary. The proportion of foreign applications is growing particularly rapidly.

The table below shows the numbers of applications filed, patents granted and applications pending at the end of the year.

Year	Applications Filed	Patents Granted	Applications Pending
1967	2,831	927	3,583
1968	3,218	1,224	4,346
1969	3,440	1,446	5,279

The increase in foreign applicants is particularly marked (55.9 %).

Applications from 28 countries were filed in the course of the year. The greatest number came from the German Democratic Republic (414), Germany (Federal Republic) (375) and Switzerland (261). If one considers these applications in order of quantity, the first six places have not changed since 1967. However, the actual number of patents applied for has grown considerably.

The number of patents granted has approximately doubled in the space of five years; the number of patents granted to nationals was six times as high in 1969 (645) as it had been five years previously, while that of patents granted to foreigners had approximately doubled (801 in 1969, representing 55.4 % of all patents issued).

The 801 patents granted to foreigners were issued to persons and firms in 23 countries. In 1969, 178 patents were granted to nationals of Germany (Federal Republic) (22.2 % of all foreign patents); patentees from the German Democratic Republic were in second place with 160 patents (this figure was 126 the previous year), and patentees from Switzerland took third place with 127 new patents (16 % of the total).

The majority of the patents granted (478, or 32 % of the total) came into class 12 (chemical processes, apparatus); then came class 21 (electronics), with 184 patents granted, representing 12.3 % of the total number of patents granted.

¹ See *Industrial Property*, April 1970, p. 112. A corrigendum of Article 34(2) was published in *Industrial Property*, September 1970, p. 313.

² See *Industrial Property*, June 1970, p. 181.

³ See *Industrial Property*, September 1970, p. 314.

⁴ See *Industrial Property*, September 1970, p. 320.

⁵ See *Industrial Property*, September 1970, p. 319.

It is evident from these figures that the number of patents granted increases considerably every year. However, the number of applications filed grows more rapidly than the amount of business actually concluded, which explains why the number of applications pending and the time spent in processing those applications had both increased slightly, and will continue to do so in the future.

Increased activity in the patent field is also seen in the fact that the total number of patents in force is constantly growing. This total was 8,503 on December 31, 1969. Of the 8,503 patents in force, 5,359 were owned by nationals and 3,144 by foreigners. The foreigners were for the most part nationals of Germany (Federal Republic) (594), the German Democratic Republic (519) and Switzerland (512). The foreign patentees as a whole came from a total of 34 countries.

Marks

Growing interest is also apparent in the field of marks, due to the increase in the number of applications.

(a) National Marks

1966: 276 1967: 457 1968: 763 1969: 1,314

The number of national marks in force rose from 6,804 in 1968 to 7,218.

(b) International Marks

The Office received 24,749 new marks from the International Bureau, and evaluated 21,985 of these. At the end of the year the number of international marks in force totalled 205,387, as against 197,046 in 1968.

(c) International Filing and Registration of Hungarian Marks

In 1968 the Office filed 152 Hungarian marks with the International Bureau; this figure rose to 193 in 1969. The number of Hungarian international marks in force rose from 865 in 1968 to 891.

Miscellaneous

The Office carried out its task on the basis of the governmental decision setting out its functions and powers and the related legal provisions. In this context, it devoted intense effort to central administration and to the work of innovators and inventors, assisted firms in their industrial property activities and continued the development of its own organization of documentation, information and other services.

The organization and direction of various higher educational courses is another of the Office's tasks. In 1969 four courses were held, two in Budapest and two in the provinces. At the end of these four courses, 108 persons passed the examination and 50 became patent agents.

The National Office for Inventions of the Hungarian People's Republic completed another fruitful year in 1969. The introduction of new industrial property laws, their proper implementation and the creation of a satisfactory procedural structure entails new and considerable tasks for the staff of the Office. It will at the same time enable the Hungarian industrial property authority to function more smoothly and effectively in the future.

INDIA *

.....

Applications for Registration

There was a slight increase in the filing of applications for registration of trade marks this year. As against 7,556 applications filed in the previous year, this year 7,692 applications were received. Out of these, 7,541 applications were for registration in Part A of the Register and 151 applications were for registration in Part B.

Trend of Applications

Out of the 7,692 applications, 6,209 (81%) were from Indian applicants and only 1,483 (19%) were from foreign applicants. It is, however, noteworthy that there was an increase in the number of foreign applications this year over the previous year's figure of 915. 4,569 applications were for registration of word marks, 2,874 for device marks, 56 for letter marks, 137 for numeral marks and 56 applications were for marks consisting of a combination of letters and numerals.

As in the previous year, the largest number of applications for registration of trade marks was received in Class 5 (pharmaceutical, veterinary, and sanitary substances) (14%). Next in order came Classes 3 (soaps, perfumery, cosmetics, etc.) (10%) and 7 (machines and machine tools, motors (except for vehicles) etc.) (8%). The proportion of foreign applications was largest in Class 5, where 40% of the applications were from foreign applicants...

Requests for Search

During the year under report, there was a slight decrease in the requests for search under Rule 24(1) of the Trade and Merchandise Marks Rules, 1959. As compared with the previous year's figure of 4,106, during the year under report only 4,056 requests were received. In respect of 1,054 requests, no conflicting marks were reported and, in respect of 2,982 requests, conflicting marks were reported.

Preliminary Advice of the Registrar as to Distinctiveness

Applications for preliminary advice of the Registrar, under Section 103(1) of the Trade and Merchandise Marks Act, 1958, and Rule 23 of the Rules, registered a slight increase this year. While in the previous year 482 such applications were filed, this year 508 applications were filed.

Advertisement of Applications

During the year 4,074 applications were advertised in the *Trade Marks Journal*, out of which 1,662 required printing blocks...

Opposition and Rectification Proceedings

Four hundred and fourteen notices of opposition to applications for registration of trade marks and 73 applications for rectification of the Register were filed during the year. Of these, 151 oppositions and 35 applications for rectification of the Register were filed at the Head Office of the Registry at Bombay and the rest at the Offices of the Registry at Calcutta, Madras and New Delhi.

* Extract from the Annual Report of the Indian Controller-General of Patents, Designs and Trade Marks for the year ending March 31, 1970.

Hearings

During the year, 648 hearings were posted in respect of oppositions, rectifications and interlocutory petitions and 3,554 hearings were posted in respect of applications for registration of trade marks. Out of these, 262 oppositions and rectifications and 1,530 applications were finally disposed of.

.....

Appeals

During the period under report, 52 appeals were preferred in the various High Courts of India from the decisions and orders of the Registry. In the appeals decided, in four cases Registry's decisions were upheld; in seven cases Registry's decisions were reversed, and in one case the Supreme Court upheld the decision of the High Court at Madras.

Complaints under Section 81 of the Act

There was a fall in the number of complaints under Section 81 of the Trade and Merchandise Marks Act. As compared with 26 in the previous year, only 16 complaints were received during the year and of these eight were disposed of and the rest are under correspondence.

Registration

During the year 3,219 trade marks were registered — 2,617 in Part A and 602 in Part B of the Register . . .

Renewal of Registration

Registration of 5,778 marks was renewed during the period under report. 2,579 marks were removed from the Register on account of non-payment of renewal fees and 153 marks were subsequently restored to the Register.

Assignment and Transmission of Registered Trade Marks

1,392 assignments of trade marks were recorded in the Register. Out of these, 1,359 included the goodwill of the business and 33 did not include the goodwill. Other entries, such as alterations of names, business addresses etc., made in the Register totalled 2,385. The number of assignments and other alterations notified in the *Trade Marks Journal* was 2,959.

Registration of Registered Users

Four hundred and thirty-five applications for registration as registered users, involving 574 trade marks, were received and in the case of 224 trade marks registered users were registered, during the year.

.....

Certification Trade Marks

Only one application for registration of a certification trade mark was received during the year under report.

.....

General

During the year under report, Dr. S. Vedaraman, Controller-General of Patents, Designs and Trade Marks, was deputed to attend the Scientific Symposium on "Inventive Activity, Scientific and Technical Progress and Problems of Patent Information Retrieval," held in Moscow from 1st to 5th July 1969, at the invitation of the Soviet Government.

Dr. S. Vedaraman was also deputed as an expert to attend the Expert Group Meeting on the Organisation and Administration of Industrial Property Offices, held in Vienna in October 1969 under the auspices of UNIDO and BIRPI. Two papers were presented at the conference by the Indian Delegate. Dr. S. Vedaraman also attended the meeting of the Committee of Experts on a Model Law for Developing Countries on Industrial Designs, held in Geneva during October 1969.

Mr. V. P. Shatrov, Chief of the External Relations Department of the Committee on Inventions and Discoveries, Council of Ministers of the USSR, visited India at the invitation of the Government in December 1969. During his visit he held discussions with the Minister of State, Secretary to the Government of India in the Ministry of Industrial Development, Internal Trade and Company Affairs, and with the Controller-General of Patents, Designs and Trade Marks. In Bombay, besides visiting the Trade Marks Registry, Mr. Shatrov also met the members of the Indian Merchants Chamber and All India Manufacturers Organisation and held discussions with them on matters of mutual interest.

Dr. S. Vedaraman was deputed to attend the meeting of the Preparatory Study Group on the Draft Patent Cooperation Treaty (PCT) Regulations, held in Geneva in March 1970.

❖ ❖ ❖

❄ ❄ ❄

❖ ❖ ❖

❄ ❄ ❄

Selection of New Publications

- WORLD INTELLECTUAL PROPERTY ORGANIZATION. *Model Law for Developing Countries on Industrial Designs*. Geneva, WIPO, 1970. - 87 p.
- DEVANT (P.), PLASSERAUD (R.), GUTMANN (R.), JACQUELIN (H.) & LEMOINE (M.). *Les brevets d'invention*. Paris, Ed. Dalloz, 1971. - 591 p.
- DIJK (W. van). *Trademark Protection under Benelux Law. The Text of the Statutes, with Annotations*. Amsterdam, Van der Graaf, 1970. - 50 p.
- GUINCHARD (Serge). *La publicité mensongère en droit français et en droit fédéral suisse (Etude comparative de l'autonomie au civil et au pénal d'un délit économique)*. Lyon, S. Guinchard, 1970. - 388 p.
- HUNGARIAN NATIONAL OFFICE FOR INVENTIONS. *Közigasdasági és Jogi Könyvkiadó*. Budapest, 1970. - 116 p.
- KOMEN (A.) & VERKADE (D. W. F.). *Het Nieuwe Merkenrecht*. Deventer, Kluwer, 1970. - 214 p.
- LATIN AMERICAN FREE TRADE ASSOCIATION. *El regimen de la propiedad industrial y la integración económica en la ALALC*. Montevideo, LAFTA, 1969. - 140 p.
- PAPESCHI (Mario). *Il contratto di inserzione pubblicitaria*. Milan, Pirola, 1970. - 144 p.
- PRETNAR (Stojan). *Das Patent als wirtschaftliche Kategorie*. Basle, Sandoz, 1969. - 32 p.
- SCHIFF (E.). *Industrialization Without National Patents*. Princeton, Princeton University Press, 1971. - 137 p.
- TETZNER (Volkmar). *Leitfaden des deutschen Patentrechts und Gebrauchsmusterrechts*. Berne, Stämpfli, 1970. - 234 p.
-

CALENDAR

WIPO Meetings

June 14 to 16, 1971 (Geneva) — ICIREPAT — Technical Coordination Committee

June 22 to 25, 1971 (Montreux) — WIPO Lecture Series: "Current Trends in the Field of Intellectual Property"

Participation open to all interested persons subject to payment of a registration fee

July 5 to 9, 1971 (Munich) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee *

July 5 to 24, 1971 (Paris) — Diplomatic Conference for the Revision of the Berne Convention

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

September 6 to 10, 1971 (London) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee *

September 6 to 18, 1971 (Geneva) — Committee of Experts for the International Classification of Industrial Designs

Invitations: Member countries of the Locarno Union — *Observers:* Member countries of the Paris Union

September 13 to 17, 1971 (The Hague) — International Patent Classification (IPC) — Working Group I of the Joint ad hoc 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 22 to 24, 1971 (Geneva) — ICIREPAT — Plenary Committee

September 27 to October 1, 1971 (Berne) — International Patent Classification (IPC) — Working Group of the Joint ad hoc Committee *

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 Industrial Property Offices of the Madrid Union, Council of the Lisbon Union, Assembly of the Locarno Union

October 4 to 9, 1971 (Geneva) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee *

October 4 to 11, 1971 (Geneva) — Committee of Experts on the International Registration of Marks

Object: Preparation of the Revision of the Madrid Agreement or of the Conclusion of a New Treaty — *Invitations:* Member countries of the Paris Union and organizations concerned

October 11 to 15, 1971 (Geneva) — ICIREPAT — Technical Committee for Computerization

October 13 to 15, 1971 (Geneva) — ICIREPAT — Advisory Board for Cooperative Systems

October 18 to 22, 1971 (Geneva) — ICIREPAT — Technical Committee for Shared Systems

October 18 to 29, 1971 (Geneva) — International Conference of States (Diplomatic Conference) on the Protection of Phonograms

Note: Meeting convened jointly with Unesco

October 25 to 29, 1971 (Geneva) — ICIREPAT — Technical Committee for Standardization

November 1 and 2, 1971 (Geneva) — Intergovernmental Committee Established by the Rome Convention (Neighboring Rights)

Note: Meeting convened jointly with the International Labour Office and Unesco

November 3 to 6, 1971 (Geneva) — Executive Committee of the Berne Union — Extraordinary Session

November 9 to 12, 1971 (Geneva) — International Patent Classification (IPC) — Bureau of the Joint ad hoc Committee *

November 15 to 18, 1971 (Geneva) — International Patent Classification (IPC) — Joint ad hoc Committee *

November 22 to 26, 1971 (Geneva) — Committee of Experts for the International Classification of the Figurative Elements of Marks

Invitations: Member countries of the Nice Union — *Observers:* Member countries of the Paris Union and international organizations concerned

December 6 to 8, 1971 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Advisory Committee for Administrative Questions

Members: Signatory States of the PCT

December 8 to 10, 1971 (Geneva) — Patent Cooperation Treaty (PCT) — Standing Subcommittee of the Interim Committee for Technical Cooperation

Members: Austria, Germany (Fed. Rep.), Japan, Soviet Union, Sweden, United Kingdom, United States of America, International Patent Institute — *Observer:* Brazil

December 13 to 15, 1971 (Geneva) — ICIREPAT — Technical Coordination Committee

December 13 to 18, 1971 (Cairo) — Arab Seminar on Treaties Concerning Industrial Property

Object: Discussion on the principal multilateral treaties on industrial property and the WIPO Convention — *Invitations:* States members of the Arab League — *Observers:* Intergovernmental and international non-governmental organizations concerned — *Note:* Meeting convened jointly with the Industrial Development Centre for Arab States (IDCAS)

* Meeting convened jointly with the Council of Europe.

** Dates to be confirmed later.

Meetings of Other International Organizations Concerned with Intellectual Property

June 28 to 30, 1971 (Berne) — International Patent Institute — Administrative Council

July 5 to 24, 1971 (Paris) — Unesco — Diplomatic Conference for the Revision of the Universal Copyright Convention

September 9 and 10, 1971 (West Berlin) — International League Against Unfair Competition — Study Mission on German Restrictive Trade Practices Law

September 14 to 17, 1971 (Nice) — Union of European Patent Agents — General Assembly

November 3 to 6, 1971 (Geneva) — Unesco — Intergovernmental Copyright Committee

International Conference for the Setting Up of a European System for the Grant of Patents (Luxembourg):

September 13 to 17, 1971 — Working Party I

October 11 to 22, 1971 — Working Party I

November 15 to 19, 1971 — Working Party I

November 29 to December 3, 1971 — Working Party II
