

Industrial Property

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

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Convention Establishing WIPO

Ratification

LIECHTENSTEIN

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 Principality of Liechtenstein deposited, on February 21, 1972, its instrument of ratification dated January 28, 1972, of the Convention Establishing the World Intellectual Property Organization (WIPO).

The Principality of Liechtenstein has fulfilled the conditions set forth in Article 14(2) of the Convention by concur-

rently 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, in respect to the Principality of Liechtenstein, three months after the date of the deposit of the instrument of ratification, that is, on May 21, 1972.

WIPO Notification N° 36, of February 25, 1972.



INTERNATIONAL UNIONS



Paris Convention

Ratification of the Stockholm Act

LIECHTENSTEIN

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 Liechtenstein deposited, on February 21, 1972, its instrument of ratification, dated January 28, 1972, 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 Liechtenstein, three months after the date of the notification, that is, on May 25, 1972.

Paris Notification No. 36, of February 25, 1972.

Madrid Agreement (Indications of Source)

I. Accession to the Lisbon Act

LIECHTENSTEIN

The Swiss Federal Political Department addressed the following notification to the Governments of the member countries of the Paris Union:

“An instrument of accession of the Principality of Liechtenstein to the Madrid Agreement for the Repression of False or Deceptive Indications of Source of April 14, 1891, as revised at Lisbon on October 31, 1958, was deposited with the Federal Political Department on February 17, 1972.

“In accordance with Article 16, paragraph (3), of the Paris Convention for the Protection of Industrial Property, to which Article 6, paragraph (2) of the Madrid Agreement refers, this accession will take effect on April 10, 1972; it is notified in conformity with Article 16, paragraph (2) of the said Paris Convention.

Berne, March 10, 1972.”

II. Ratification of the Additional Act of Stockholm

LIECHTENSTEIN

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 Liechtenstein deposited, on February 21, 1972, its instrument of ratification dated January 28, 1972, of the Additional Act of Stockholm, of July 14, 1967, to the Madrid Agreement for the Repression of False or Deceptive Indications of Source on Goods of April 14, 1891.

Pursuant to the provisions of Article 5(2), the Additional Act of Stockholm to the said Agreement will enter into force, with respect to Liechtenstein, three months after the date of the notification, that is, on May 25, 1972.

Madrid (Indications of Source) Notification No. 12, of February 25, 1972.

Madrid Agreement (Marks)

Ratification of the Stockholm Act

LIECHTENSTEIN

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 Liechtenstein deposited, on February 21, 1972, its instrument of ratification, dated January 28, 1972, of the Madrid Agreement Concerning the International Registration of Marks of April 14, 1891, as revised at Stockholm on July 14, 1967.

Pursuant to the provisions of Article 14(4)(b), the Stockholm Act of the said Agreement will enter into force, with respect to Liechtenstein, three months after the date of the notification, that is, on May 25, 1972.

Madrid (Marks) Notification No. 13, of February 25, 1972.

Hague Agreement

Ratification of the Complementary Act of Stockholm

LIECHTENSTEIN

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 Liechtenstein deposited, on February 21, 1972, its instrument of ratification dated January 28, 1972, of the Complementary Act of Stockholm, of July 14, 1967, to the Hague Agreement Concerning the International Deposit of Industrial Designs of November 6, 1925.

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

Hague Notification No. 4, of February 25, 1972.

Nice Agreement

I. Accession to the Agreement

UNITED STATES OF AMERICA

The Swiss Federal Political Department addressed the following notification to the Governments of the member countries of the Paris Union:

"An instrument of accession of the United States of America to the Nice Agreement concerning the International Classification of Goods and Services to which Trade Marks apply, of June 15, 1957, was deposited with the Federal Political Department on February 29, 1972.

"In accordance with Article 16, paragraph (3), of the Paris Convention for the Protection of Industrial Property, to which Article 6, paragraph (2) of the Nice Agreement refers, and at the express request of the American Government, this accession will take effect on May 25, 1972; it is notified in conformity with Article 16, paragraph (2) of the said Paris Convention.

Berne, March 24, 1972."

II. Accessions to the Stockholm Act

LIECHTENSTEIN

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 Liechtenstein deposited, on February 21, 1972, its instrument of accession, dated January 28, 1972, 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.

Pursuant to the provisions of Article 9(4)(b), the Stockholm Act of the said Agreement will enter into force, with respect to Liechtenstein, three months after the date of the notification, that is, on May 25, 1972.

Nice Notification No. 19, of February 25, 1972.

UNITED STATES OF AMERICA

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 United States of America deposited, on February 23, 1972, its instrument of accession, dated January 26, 1972, to the Nice Agreement of June 15, 1957, as revised at Stockholm on July 14, 1967.

Pursuant to the provisions of Article 9(4)(b), the Stockholm Act of the said Agreement will enter into force, with respect to the United States of America, three months after the date of the notification, that is, on May 25, 1972.

Nice Notification No. 20, of February 25, 1972.

Locarno Agreement

Ratifications

FINLAND

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 Finland deposited, on February 15, 1972, its instrument of ratification, dated January 21, 1972, of the Locarno Agreement Establishing an International Classification for Industrial Designs, signed at Locarno on October 8, 1968.

Pursuant to the provisions of Article 9(3)(b), the said Agreement will enter into force, with respect to Finland, three months after the date of the notification, that is, on May 16, 1972.

Locarno Notification No. 10, of February 16, 1972.

UNITED STATES OF AMERICA

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 United States of America deposited, on February 23, 1972, its instrument of ratification, dated January 26, 1972, of the Locarno Agreement, signed on October 8, 1968.

Pursuant to the provisions of Article 9(3)(b), the said Agreement will enter into force, with respect to the United States of America, three months after the date of the notification, that is, on May 25, 1972.

Locarno Notification No. 11, of February 25, 1972.

Patent Cooperation Treaty (PCT)

Ratification

SENEGAL

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 Senegal deposited on March 8, 1972, its instrument of ratification, dated February 24, 1972, of the PCT.

A separate notification will be made of the date of the entry into force of the PCT, when the required number of ratifications or accessions, in accordance with Article 63, is reached.

PCT Notification No. 2, of March 13, 1972.

WIPO MEETINGS

WIPO — IDCAS

Seminar on Treaties Concerning Industrial Property

(Cairo, February 5 to 10, 1972)

Note*

The Seminar on Treaties Concerning Industrial Property was organized jointly by the World Intellectual Property Organization and the Industrial Development Centre for Arab States (IDCAS).

All Member States of the League of Arab States had been invited. The following thirteen States sent participants: Algeria, Bahrain, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libyan Arab Republic, People's Democratic Republic of Yemen,

Sudan, Syrian Arab Republic, Tunisia and Yemen. In addition, a number of intergovernmental and international non-governmental organizations, national associations and private observers took part in the work of the Seminar. A list of participants appears at the end of this Note.

The meetings were presided over by H. E. Ambassador Hussein Khallaf, Permanent Representative of Egypt at the European Office of the United Nations and at the international organizations in Geneva, who gave an address on the transfer of technology as a means for economic development¹.

The participants first proceeded to an exchange of information and views on industrial property in Arab countries — covering legislation, the organization of the competent Administrations, coordination and cooperation and the means of promoting more awareness of the importance of industrial property.

* This Note has been prepared by the International Bureau of WIPO.

¹ For a translation of the address, see page 79 below.

This was followed by a review of the principal treaties, conventions and agreements administered by WIPO. Each of these was briefly outlined by a representative of WIPO and then discussed in detail. The discussion was concentrated primarily on the value of the international instrument concerned for developing countries like the Arab countries.

Finally the participants discussed the WIPO program of legal-technical assistance to developing countries, the project currently undergoing examination of a convention to facilitate patent licensing, and the setting up in an Arab country of an inter-Arab documentation center for the centralization of patent documents.

At the end of the deliberations the participants unanimously adopted a series of recommendations. In particular, they recommended that Arab countries adopt modern legislation suited to their economic requirements, on the basis of the Model Laws prepared by WIPO and IDCAS, that they accede if possible to the Convention establishing WIPO, the Paris Convention, and the other treaties and agreements adopted within the framework of the Paris Convention, insofar as they have not already done so, and that they promote the teaching of industrial property and disseminate information on the subject. In addition, noting with satisfaction that WIPO was taking the interests of developing countries into consideration, they recommended especially that WIPO implement the technical assistance measures provided for in Chapter IV of the Patent Cooperation Treaty, that it complete the studies on the drafting of an international convention on patent licenses, and that it contribute to the training of industrial property specialists for IDCAS and the Arab countries by organizing training courses. Finally, the participants adopted a recommendation on the preliminary measures to be taken with a view to the creation of a documentation center for Arab countries in which patent documents would be centralized.

List of Participants*

I. States

Algeria: S. Bouzidi. Bahrain: A. A. A. El Mola. Egypt: H. Khallaf; A. Kabesh; M. Khalil; A. A. F. El Shalakani; A. M. Sobeh; A. M. Boulboul; M. A. M. Rizk; A. A. Tamraz; H. Y. Kandil; L. H. El Bakri (Mrs.); M. S.

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

El-D. Abdel-Maguid. Iraq: K. A.-K. El Atiya. Jordan: A. Marzouk. Kuwait: H. A. K. Abou-El-Malh. Lebanon: S. El-D. Nejm. Libyan Arab Republic: K. El Zantani (Miss). People's Democratic Republic of Yemen: M. S. Abdallah. Sudan: Y. M. El Kindi. Syrian Arab Republic: B. I. M. D. El Ghaferi. Tunisia: H. Benkhelifa. Yemen: A. M. El Heissami.

II. International and Inter-Arab Organizations

United Nations Development Programme (UNDP): T. Sabry. Arab Organization for Standardization and Metrology (ASMO): M. Salama; A. G. El Atroussi. League of Arab States: I. I. El Khalaf; I. Hassanein; M. A. El Din Ibrahim. Arab Unesco: A. A. A. Salama.

III. International and Inter-Arab Non-Governmental Organizations

Afro-Asian Organization for Economic Cooperation (AFRASEC): N. Hebeisha (Mrs.). International Association for the Protection of Industrial Property (IAPIP): F. S. Saba. Union of Arab Engineers: M. Sakr.

IV. Arab National Associations

Egyptian Association of Engineers: H. El Kadah. Egyptian Federation of Industries: G. El Sabban.

V. Private Observers

M. H. Abbas (Cairo); C. H. Chehata (Cairo); M. El Bakir (Cairo); S. El Egeizi (Cairo); S. El Sergani (Mrs.) (Cairo); T. Gamil (Baghdad); A. A. Ismail (Cairo); M. W. Moussa (Cairo); R. Ramzy (Cairo); O. Tewfik (Cairo).

VI. WIPO

G. H. C. Bodenhausen (*Director General*); A. Bogsch (*First Deputy Director General*); J. Voyame (*Second Deputy Director General*); I. Morozov (*Counsellor, Head, PCT Section, Industrial Property Division*); F. Moussa (*External Relations Officer*).

VII. IDCAS

H. Tarabishi (*Director General*); A. K. Helmi (*Director, Department of Industry*); R. A. Soweilam (*Director, Economic Department*); A. S. Mansour (*Expert*); K. Abdel-Nour (*Head, Conferences Section*); M. El Dali (*Head, International Cooperation Section*); A. Abdel Hak (*Head, Industrial Legislation Section*).

VIII. Officers

Chairman: S. E. H. Khallaf (Egypt); *Rapporteur*: B. I. M. D. El Ghaferi (Syrian Arab Republic).

LEGISLATION

SWITZERLAND

Federal Law

**complementing the Law on the Protection of Trademarks,
Indications of Source and the Mention of Industrial Awards
(of March 18, 1971)**

I. — The following Section shall be added to Chapter II (Indications of Source) of the Federal Law on the Protection of Trademarks, Indications of Source and the Mention of Industrial Awards of September 26, 1890¹:

Section 18^{bis} (new)

(1) Where the general interest of the Swiss economy so justifies, the Federal Council may specify the conditions which the characteristics of a product must fulfill if the use of an indication of Swiss source is to be lawful.

(2) Such conditions may be based on:

- (a) the Swiss source of the basic materials or separate parts;
- (b) the work carried out in Switzerland;
- (c) other essential properties, in particular the quality that the public expects from products bearing an indication of Swiss source.

II. — This Law shall enter into force on January 1, 1972.

III. — The Federal Council is entrusted with the publication of this Law in accordance with the Federal Law concerning Popular Voting on Federal Laws and Decrees of June 17, 1874.

¹ *La Propriété industrielle*, 1890, p. 123.

ITALY

Decrees Concerning the Temporary Protection of Industrial Property Rights at Exhibitions

(of January and February, 1972) *

Sole Section

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

- IX^a MACEF (Mostra-mercato internazionale articoli casalinghi cristallerie, ceramiche, argenteria, articoli da regalo, feramenta e utensileria)* (Milan, February 18 to 22, 1972);
- MODAMAGLIA — Salone della maglieria italiana* (Bologna, February 19 to 21, 1972);

Salone internazionale della ceramica (Vicenza, February 20 to 27, 1972);

VI^o Salone internazionale delle vacanze e del turismo — Vacanze '72 (Turin, February 24 to March 5, 1972);

13^a Mostra Convegno Internazionale — Riscaldamento Condizionamento Refrigerazione Idrosanitaria (Milan, March 1 to 7, 1972);

XXXI^o MITAM — Tessuti per l'abbigliamento (Milan, March 4 to 7, 1972);

26^a Presentazione internazionale moda della calzatura (Bologna, March 11 to 15, 1972);

VI^o MOBILSUD — Salone internazionale del mobile per il Mezzogiorno e l'oltremare (Naples, March 14 to 19, 1972);

XXIV^a Fiera Campionaria della Sardegna (Cagliari, March 14 to 26, 1972);

IX^o Salone internazionale delle arti domestiche — Casa '72 (Turin, March 23 to April 4, 1972);

Mostra nazionale delle sementi certificate (Lonigo (Vincenza), March 24 to 27, 1972);

(1) *III^a Mostra del regalo-novità*, (2) *III^a Rassegna dei viaggi e delle vacanze*, (3) *XII^o Salone internazionale rimorchio e campeggio* (Genoa, March 25 to April 3, 1972);

IX^a Fiera internazionale del libro per ragazzi per l'infanzia e la gioventù and VI^a Mostra internazionale degli illustratori (Bologna, April 8 to 11, 1972);

IV^o SUDPEL — Salone italiano della pelletteria e del guanto (Naples, April 8 to 11, 1972);

Rassegna delle nuove tecniche d'apprendimento (Bologna, April 8 to 12, 1972);

50^a Fiera campionaria internazionale di Milano (Milan, April 14 to 25, 1972);

XXXVI^a Mostra mercato internazionale dell'artigianato (Florence, April 22 to May 7, 1972);

V^o COSMOPROF — Salone internazionale della profumeria e cosmesi (Bologna, April 28 to May 2, 1972);

EXPO-SPORT LEVANTE — Fiera internazionale dello sport e del tempo libero (Bari, April 30 to May 8, 1972);

"EURODOMUS 4" (Turin, May 18 to 28, 1972);

III^o INTERBIMALL — Salone internazionale delle macchine per la lavorazione del legno (Milan, May 20 to 28, 1972)

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.

* Official communications from the Italian Administration.

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

² *Ibid.*, 1940, p. 196.

³ *Ibid.*, 1942, p. 168.

⁴ *Ibid.*, 1960, p. 23.



GENERAL STUDIES

**Transfer of Technology as a Means
for Economic Development**

By Dr. Hussein KHALLAF *

LETTERS FROM CORRESPONDENTS

Letter from Canada

By Christopher ROBINSON, Q. C.



Letter from Turkey

By Etem D. DERIS, Attorney-at-Law, Istanbul

consider intellectual property matters. At the September 1970 meeting of WIPO in Geneva, Canada was selected as a member of the Executive Committee of the Berne Union on copyright and the Canadian representative chosen as chairman of the Assembly. A Canadian representative was also chairman of the Geneva meeting on computer programs.

Personnel

In August 1971, Mr. J. W. T. Michel, former Commissioner of Patents, died in Ottawa. Mr. Michel retired as Commissioner in 1968. He had represented Canada at several international patent conferences, including the Lisbon revision of the Paris Union in 1958, the British Commonwealth Conference on Patents and Trade Marks held in Australia in 1955, and the first ICIREPAT meeting in Washington. He will be missed by his many friends in Canada and abroad.

During the past year the number of employees in the Canadian Patent and Copyright Office decreased from 406 to 401, while the number of patent examiners rose slightly from 197 to 198.

Decisions of the Courts

Several legal decisions bearing on Patent Office practice have been handed down since the last report.

In September 1971, the Federal Court of Canada in *Dairy Foods Incorporated v. Cooperative Agricole de Granby* concluded that a process for preparing spray dried milk powder by heating with steam was a chemical process within the meaning of Section 41 of the Patent Act since certain chemical changes in the milk powder took place. The plaintiff had argued that the process was purely physical, and that though some chemical change took place, the process as a whole could not be considered as chemical. Under Section 41, products intended for food or medicine cannot be claimed if made by chemical processes except when prepared by the particular process described and claimed. The patent had been allowed with claims to the product not restricted in the manner required by Section 41.

The scope of what subject matter may be covered by a patent in Canada was treated in *Lawson v. Commissioner of Patents* (Exchequer Court of Canada, April 17, 1970) and in *Tennessee Eastman v. Commissioner of Patents*. In both decisions rejection by the Commissioner was sustained. In the first case the applicant had wished to claim land subdivided in a particular way so as to provide better layout of housing lots. The court held that:

"Professional skills are not the subject matter of a patent. If a surgeon were to devise a method of performing a certain type of operation he cannot obtain an exclusive property or privilege therein. Neither can a harrister who has devised a particular method of cross-examination or advocacy obtain a monopoly thereof so as to require imitators or followers of his methods to obtain a licence from him. It seems to me that a method of describing and laying out parcels of land in a plan of subdivision of a greater tract of land is the skill of a solicitor and conveyancer and that of a planning consultant and surveyor. It is an art which belongs to the professional field and is not a manual art or skill."

In the second decision (the *Tennessee Eastman* case), which is under appeal to the Supreme Court, the Exchequer Court confirmed the official rejection of a surgical method for joining tissues, as being unpatentable.

In *Gilbert v. Sandoz* (Exchequer Court, September 24, 1970), several important principles relating to disclosures and claims were stated. Claims made to a broad class of substances predicated upon the discovery and utility of a few members of that class, were held invalid. To quote:

"One may even be disposed to wonder why such blatant assertions of the usefulness of large classes of substances, most of which obviously have never been made, should appear in patent specifications or why applications for patents based on such wild assertions are not rejected out of hand as being palpably false."

Furthermore the Court held that when claims to a new compound are patentable, claims to mere mixtures of that compound with a carrier are not patentable. Claims must be restricted to what is invented, and not extend to encompass ancillary non-inventive subject matter. In considering functional claims in which the monopoly was defined by reference to a result, the Court considered that it would be an erroneous approach to assume that the test adopted by a British Court in *No Fume v. Pitchford* (52 R. P. C. 231) is applicable in Canada, where the legislation is different.

Conflict (interference) practice within the Patent Office was reviewed by the President of the Exchequer Court in *Dow v. Commissioner of Patents* (November 16, 1970). The Act was interpreted as permitting the Commissioner to determine that none of the parties to a conflict is entitled to a patent, and he is not restricted solely to a determination as to which of the parties is the prior inventor.

Challenges to compulsory licences authorizing importations of drugs granted by the Commissioner of Patents under Section 41 of the Patent Act were decided in several appeals taken to the courts, including *Hoffmann-La Roche v. Horner* (November 30, 1970), *Micro v. Hoffmann-La Roche* (November 30, 1970), *Merck v. S & U Chemicals* (January 12, 1971), *Merck v. Sherman & Ulster* (June 26, 1971), *Pfizer v. Novopharm* (December 4, 1970), and *Norwich v. P. V. U. Inc.* (June 23, 1971). All but the last two of these decisions are under appeal to the Supreme Court of Canada. These decisions confirmed the licences granted by the Commissioner, and rejected numerous reasons for attacks made by patentees.

SWITZERLAND

Activities of the Federal Intellectual Property Office from 1969 to 1971

The Federal Office's activities in 1968 were described in the November 1969 issue of this review¹. The purpose of this report is to give a concise account of the Office's activities during 1969, 1970 and 1971.

Statistical Data

The number of *patent applications*, which in previous years had shown a tendency to increase, has now leveled out: 19,524 applications were filed in 1969, 19,406 in 1970 and

¹ *Industrial Property*, 1969, p. 319.

19,269 in 1971. Approximately 70% of those applications came from abroad. Just over 8% of the applications underwent preliminary examination, which is limited to the fields of chronometry and the processing of textile fibers. The number of *patents issued* was 16,775 in 1969, 17,575 in 1970 and 16,079 in 1971. The number of applications processed was 19,662 in 1969, 20,427 in 1970 and 19,107 in 1971. The number of applications pending was 37,562 at the end of 1969, 36,541 at the end of 1970 and 36,703 at the end of 1971. This means that about two years elapse between the filing of the application and the issue of the patent, which is quite normal.

With regard to *industrial designs*, the number of deposits recorded at the Office dropped in 1969 (640) and 1970 (535), and rose again slightly in 1971 (583). These fluctuations are not easy to explain, but it should be borne in mind when considering the figures that Swiss law counts international deposits with the International Bureau of WIPO as national deposits.

In the field of *trademarks*, the number of national marks filed was on the decrease: from 7,530 in 1969 it dropped to 7,011 in 1970 and 6,482 in 1971. The number of national marks registered followed the same downward path: from 7,300 in 1969 (including 1,815 renewals) it fell to 6,647 in 1970 (including 1,876 renewals) and 6,110 in 1971 (including 1,760 renewals). In our opinion the decrease is largely due to the prevailing tendency in Swiss industry for firms to amalgamate. The same phenomenon may be observed in connection with marks of Swiss origin on the International Register: registrations in 1969, 1970 and 1971 numbered 2,074, 1,969 and 1,740 respectively.

Legislative Developments

When interested circles were consulted in 1968 and 1969 they were found to be on the whole in favor of the new *draft Trademark Law*². However the work of revising the draft in the light of the various opinions expressed has been considerably delayed owing to the fact that the Office has been very busy in the international field.

On January 1, 1972, new legislation on watches entered into force. These included a Federal Decree on Official Quality Control in the Swiss Watch Industry and a Federal Law complementing the Law on the Protection of Trademarks, Indications of Source and the Mention of Industrial Awards³. The Decree makes quality control mandatory for all watches which fulfill the conditions required for the use of indications of Swiss source. A new Section 18^{bis} has been added to Chapter II of the Trademark Law, the part dealing with indications of source (Sections 18 to 20); the new Section empowers the Federal Council to legislate by ordinance in the field of indications of source. We shall return to this subject later.

Indications of Source

In view of the growing importance of indications of source in economic life, the Federal Office, with the support

² For a commentary on the draft, see Petitpierre: "Revision of the Swiss Law on Trademarks," *Industrial Property*, 1971, p. 47.

³ See page 78 above.

of the Federal Political Department in particular, has intensified its efforts to combat, both in Switzerland and abroad, the abuse of Swiss armorial bearings, denominations, expressions or graphic representations embodying a direct or indirect reference to this country.

Thus it is that Switzerland, wishing to afford more extensive protection abroad to its own indications of source, concluded a treaty in 1967 with Germany (Federal Republic) on the protection of indications of source and other geographical denominations⁴; the treaty entered into force on August 30, 1969. A similar treaty between Switzerland and France was initialed in 1971. In both the Germano-Swiss and the Franco-Swiss treaties, the parties agreed, on a reciprocal basis, to prevent the use in one of the countries of designations referring to the other country as the country of origin where the goods so designated did not originate in the country referred to. Thus, under this bilateral system, the names "Swiss Confederation," "Confederation," "Switzerland" and those of the Swiss cantons in particular are reserved exclusively, on the territory of the other Contracting State, for Swiss products or goods, and may only be used in that State under the conditions laid down in Swiss law.

In addition, the ordinance regulating the use of the name Switzerland on watches entered into force on January 1, 1972. This ordinance, which is based on the powers conferred on the Federal Council by the new Section 18^{bis} of the Trademark Law (see above), contains the definition of a Swiss watch and lays down the requirements which must be met by a watch where an indication of Swiss source is to be used on it. The ordinance will contribute to the protection of the good name of the Swiss watch industry and its product, and also to the protection of Swiss and foreign purchasers against any deception regarding the genuineness of watches bearing designations such as "Swiss," "Swiss made" or "Swiss quality".

International Cooperation

The Federal Office was represented at the Washington Diplomatic Conference, which adopted the Patent Cooperation Treaty in 1970. In 1971 it was also represented at three other diplomatic conferences: the Strasbourg Conference, which adopted the Agreement Concerning the International Patent Classification; the Paris Conference, at which the Berne Convention for the Protection of Literary and Artistic Works and the Universal Copyright Convention were revised; and the Geneva Conference, which established the Convention for the Protection of Producers of Phonograms. All four instruments were signed by the Swiss Delegations at the respective Conferences.

In 1970 Switzerland ratified the majority of the instruments adopted by the Stockholm Diplomatic Conference in 1967. In 1971 it ratified the Locarno Agreement Establishing an International Classification for Industrial Designs.

Between 1969 and 1971 the Office was represented at most of the international meetings convened for the preparation, revision or implementation of multilateral conventions concerning intellectual property, thereby demonstrating its in-

⁴ *Industrial Property*, 1969, p. 63.

tense interest in the development of international cooperation in this field. Not wishing to go into a tedious enumeration, we shall mention only the Office's participation in the work on the conclusion of a Convention Establishing a European System for the Grant of Patents.

In addition, the Office continues to receive the trainees from abroad who are frequently proposed to it by WIPO. The training courses are of particular interest for three reasons.

First, the small size of the Office in comparison with most of its foreign counterparts means that a comprehensive visit may be made in a relatively short time. Also, French is one of the working languages of the Office, which is greatly appreciated by African trainees, for example. In addition, the Office carries out both the preliminary and the traditional examination of patent applications, which gives visitors the opportunity of seeing the advantages and drawbacks of each system.

CALENDAR

WIPO Meetings

- April 6 and 7, 1972 (Geneva) — Patent Cooperation Treaty (PCT) — Standing Subcommittee of the Interim Committee for Technical Cooperation**
Members: Austria, Germany (Fed. Rep.), Japan, Netherlands, Soviet Union, Sweden, United Kingdom, United States of America, International Patent Institute — *Observer:* Brazil
- April 10 to 14, 1972 (Geneva) — ICIREPAT — Technical Committee for Standardization**
- April 17 to 21, 1972 (Geneva) — ICIREPAT — Technical Committee for Shared Systems**
- April 17 to 21, 1972 (Geneva) — ICIREPAT — Advisory Board for Cooperative Systems**
- April 24 to 26, 1972 (Geneva) — ICIREPAT — Subcommittee on Organic Chemistry**
- May 2 to 8, 1972 (Geneva) — Committee of Experts on the International Registration of Marks**
Object: Preparation of draft texts for the Vienna Diplomatic Conference in 1973 (see below) — *Invitations:* Member countries of the Paris Union; organizations concerned
- May 9 to 17, 1972 (Paris) — Committee of Governmental Experts on Problems in the Field of Copyright and of the Protection of Performers, Producers of Phonograms and Broadcasting Organizations Raised by Transmission Via Space Satellites**
Object: Study of the problems — *Invitations:* Member countries of the Berne Union, Member countries of the Paris Union and Member States of the United Nations or of a Specialized Agency — *Observers:* Intergovernmental and non-governmental organizations concerned — *Note:* Meeting convened jointly with Unesco
- May 16 to 18, 1972 (Geneva) — Mechanization of Trademark Anticipation Searches — Working Group**
Invitations: Australia, Austria, Belgium, Colombia, France, Germany (Fed. Rep.), Ireland, Japan, Luxembourg, Netherlands, Soviet Union, Spain, Sweden, United Kingdom, United States of America
- May 29 to June 2, 1972 (The Hague) — International Patent Classification (IPC) — Bureau of the Joint ad hoc Committee**
- June 5 to 9, 1972 (The Hague) — International Patent Classification (IPC) — Joint ad hoc Committee**
- June 26 to July 7, 1972 (The Hague) — International Patent Classification (IPC) — Working Group I of the Joint ad hoc Committee**
- July 5 to 7, 1972 (Geneva) — ICIREPAT — Technical Coordination Committee**
- July 10 to 14, 1972 (The Hague) — International Patent Classification (IPC) — Working Group III of the Joint ad hoc Committee**
- September 4 to 8, 1972 (London) — International Patent Classification (IPC) — Working Group II of the Joint ad hoc Committee**
- September 11 to 15, 1972 (London) — International Patent Classification (IPC) — Working Group V of the Joint ad hoc Committee**
- September 20 to 22, 1972 (Geneva) — ICIREPAT — Plenary Committee**
- September 25 to 29, 1972 (Berne) — International Patent Classification (IPC) — Working Group IV of the Joint ad hoc Committee**
- September 25 to 30, 1972 (Geneva) — Coordination Committee of WIPO, Executive Committees of the Paris and Berne Unions, Assemblies of the Madrid, Lisbon and Locarno Unions**
- October 2 to 6, 1972 (Geneva) — Patent Cooperation Treaty (PCT) — Interim Committees and Standing Subcommittee of the Interim Committee for Technical Cooperation**
Members of the Interim Committees: Signatory States of the PCT — *Observers:* Intergovernmental organizations and international non-governmental organizations concerned; *Members of the Standing Subcommittee:* Austria, Germany (Fed. Rep.), Japan, Netherlands, Soviet Union, Sweden, United Kingdom, United States of America, International Patent Institute — *Observer:* Brazil

- October 9 to 13, 1972 (Geneva) — Committee of Experts on a Model Law for Developing Countries on Appellations of Origin
Object: To study a Draft Model Law — *Invitations:* Developing countries members of the United Nations — *Observers:* Intergovernmental and international non-governmental organizations concerned
- October 9 to 13, 1972 (Geneva) — ICIREPAT — Technical Committee for Standardization
- October 16 to 20, 1972 (Nairobi) — African Seminar on Intellectual Property
- October 16 to 20, 1972 (Geneva) — ICIREPAT — Technical Committee for Computerization
- October 23 to 27, 1972 (Geneva) — ICIREPAT — Technical Committee for Shared Systems
- October 23 to 27, 1972 (Geneva) — ICIREPAT — Advisory Board for Cooperative Systems
- October 30 to November 3, 1972 (Geneva) — Committee of Experts on a Patent Licensing Convention
- November 20 to 24, 1972 (Geneva) — International Patent Classification (IPC) — Bureau of the Joint ad hoc Committee
- November 27 to December 1, 1972 (Geneva) — International Patent Classification (IPC) — Joint ad hoc Committee
- December 13 to 15, 1972 (Geneva) — ICIREPAT — Technical Coordination Committee
- May 7 to June 2, 1973 (Vienna) — Diplomatic Conference on: (a) the International Registration of Marks, (b) the International Classification of the Figurative Elements of Marks, (c) the Protection of Type Faces
- September 24 to October 2, 1973 (Geneva) — Administrative Bodies of WIPO (General Assembly, Conference, Coordination Committee) and of the Paris, Berne, Nice and Lisbon Unions (Assemblies, Conferences of Representatives, Executive Committees)

UPOV Meetings

- April 13 and 14, 1972 (Geneva) — Consultative Working Committees
- May 23 and 24, 1972 (Cambridge) — Technical Working Party for Cross-fertilized Agricultural Crops
- May 25 and 26, 1972 (Antibes) — Technical Working Party for Ornamental Plants
- September 13 and 14, 1972 (Geneva) — Working Group for Variety Denominations
- November 7 and 10, 1972 (Geneva) — Diplomatic Conference
Object: Amendment of the Convention
- November 8 and 9, 1972 (Geneva) — Council
- July 2 to 6, 1973 (London/Cambridge) — Symposium on Plant Breeders' Rights

Meetings of Other International Organizations concerned with Intellectual Property

- April 24 to 28, 1972 (Cannes) — International Association for the Protection of Industrial Property — Council of Presidents
- April 26 to 28, 1972 (Helsinki) — International Writers Guild — Executive Council
- May 2 to 5, 1972 (New York) — UNIDO/Licensing Executives Society — Symposium on Licensing in Developing Countries
- May 15 to 19, 1972 (Paris) — International Publishers Association — Congress
- May 21 to 25, 1972 (Geneva) — International League Against Unfair Competition — Congress
- July 3 to 7, 1972 (Paris) — International Literary and Artistic Association — Working Session
- July 4 to 6, 1972 (The Hague) — International Patent Institute — Administrative Council
- October 16 to 21, 1972 (Mexico) — International Confederation of Societies of Authors and Composers — Congress
- October 23 to 26, 1972 (The Hague) — International Patent Institute — Administrative Council
- November 12 to 18, 1972 (Mexico) — International Association for the Protection of Industrial Property — Congress
- December 11 to 15, 1972 (The Hague) — International Patent Institute — Administrative Council
- May 20 to 26, 1973 (Rio de Janeiro) — International Chamber of Commerce — Congress
- Intergovernmental Conference for the Setting Up of a European System for the Grant of Patents (Luxembourg):**
- April 24 to 28, 1972 — Working Party II
- April 24 to 28, 1972 — Working Party III
- May 15 to 19, 1972 — Coordination Committee
- June 19 to 30, 1972 — Intergovernmental Conference